



## GOVERNMENT OF KERALA

### Abstract

Home Department-Prisons-Premature release to the eligible prisoners who have completed 14 years of imprisonment and whose proposal of premature release was rejected by the Jail Advisory Committees concerned on various occasions-Sanctioned-Orders issued.

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### HOME(B)DEPARTMENT

G.O.(Ms)No.116/2022/HOME Dated,Thiruvananthapuram, 14-06-2022

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- Read
- 1.G.O.(Rt) No. 2001/2020/Home dated:16.09.2020
  - 2.Minutes of the meeting held by Hon'ble Chief Minister on 28.09.2021
  - 3.Letter No.WP1- 12407/2020/PrHQ Dated:17.11.2021 of the Director General of Prisons and Correctional Services
  - 4.Report dated:23.12.2021 of the Sub Committee headed by Additional Law Secretary
  - 5.Minutes of the meeting of the Committee headed by the Additional Chief Secretary,(Home&Vigilance) Department held on 12.01.2022
  - 6.Order dated:19-05-2022 of the Hon'ble Supreme Court in WP(Crl) No.495/2021 filed by Smt.Usha Chandran.

### ORDER

In 2020 , the Government proposed to grant premature release to those prisoners who had completed 14 years of imprisonment and whose proposal of premature release was rejected by the Jail Advisory Committees concerned on various occasions. Subsequently a committee consisting of Additional Chief Secretary (Home & Vigilance)Department as Chairman, Law Secretary and Director General of Prisons and Correctional Services as Members was constituted as per Government Order read as 1<sup>st</sup> paper above, to examine the case of premature release of prisoners individually and to submit recommendation to Government for premature release of the eligible prisoners.The Committee decided to formulate general guidelines for determining the eligibility of prisoners and to call for list of prisoners from the Director General of Prisons and Correctional Services.

2. In the high level meeting held on 28.09.2021 to discuss premature release of eligible prisoners who have completed actual sentence of 14 years, it was decided, inter alia, that the release of the eligible prisoners who have completed actual imprisonment of 14 years may be effected as part of 'Azadi ka Amrut Mahotsav', the 75th Anniversary Celebrations of the India's Independence.

3. The Committee headed by the Additional Chief Secretary (Home & Vigilance) Department entrusted the scrutiny of the cases of prisoners who have completed actual sentence of 14 years as on 31.10.2021 to a Sub Committee comprising the Additional Law Secretary (Chairman), the Joint Secretary, Home Department (Convener) and the Deputy Inspector General of Prisons (Head Quarters), (Member), on the basis of the jail wise list of prisoners to be furnished by the Director General of Prisons and Correctional Services. Accordingly, the Director General of Prisons and Correctional Services furnished a list of 184 prisoners as per letter read as 3rd paper above. On the basis of the report of the Sub Committee, read as 4th paper above, submitted after having considered the cases of 184 prisoners whose premature release were not recommended by the Jail Advisory Committees after consideration on one or more than one occasions, the Committee headed by the Additional Chief Secretary (Home & Vigilance) Department approved a revised criteria for determining the eligibility of prisoners, according to which the prisoners were classified into 4 categories as mentioned below:-

I. Category of prisoners who are not be eligible for premature release.

1. Persons who are sentenced for life imprisonment for offences against the security of the State.

2. Person who are sentenced for life for murder along with rape of a child below 16 years of age charged with or without POCSO Act 2012.

3. Persons convicted under Narcotic Drugs and Psychotropic Substances Act.

4. Persons involved in cases in which the Court expressly declares that the prisoner shall not be granted special remission or amnesty.

5. Persons convicted and sentenced by the courts of other States or UTs.

II. Category of prisoners eligible only after completing 25 years of sentence including all kinds of remission.

1. Convicts who have been imprisoned for life for murder with rape, murder with dacoity, murder involving an offence under the protection of civil rights act 1955, murder for dowry, murder of a child below 14 years of age, multiple murder, murder committed after conviction while inside jail, murder during parole, murder in a terrorist incident, murder in smuggling operation. murder of a public servant on duty, murder with robbery and rape of a child below 14 years of age.

2. Gangsters, contract killers, smugglers, drug traffickers awarded life

imprisonment for murders.

3. Convicts whose death sentence has been commuted to life imprisonment by the Hon'ble President of India or by the Hon'ble Governor.

The prisoners with the following age group and completed sentence and favorable reports from the Probation Officers are eligible under this category:-

(a) Prisoners who have attained the age of 55 and completed sentence of 25 years including remission ; OR

(b) Prisoners who have completed 23 years of actual sentence.

### III. Category of prisoners eligible after 20 years of sentence including remission

All prisoners who do not come under category I and II shall be eligible for premature release after 20 years of sentence including remission irrespective of their age, but on the following conditions.

1. The overall conduct inside the prison should indicate that the prisoner has lost his potential for committing crimes in future. (To be reported by the Superintendent of Prison concerned)

2. There should have a possibility of reclaiming the convict as useful member of the society.(should be evident from the report of the Probation Officer)

3. Socio economic condition of the family should be sound enough to accommodate the prisoner. (should be evident from the report of the Probation Officer)

The prisoners with the following age group and completed sentence and favorable reports from the Probation Officers are eligible under this category:-

(a) Prisoners who have attained the age of 50 and completed sentence of 20 years including remission; OR

(b) Prisoners who have completed actual sentence of 20 years

### IV. Category of prisoners eligible after 14 years of actual sentence excluding remission

All prisoners who have completed the age of 75 but do not come under the Category I shall be eligible for premature release completing 14 years after of actual sentence.

4. The Committee headed by the Additional Chief Secretary(Home&Vigilance) Department also decided to recommend all the co-accused in a case, if one or more persons involved in the same crime are found eligible for premature release. After having examined meticulously the recommendations of the Sub Committee along with all individual details of the prisoners contained in the respective case files, the Committee submitted the proposal for premature release of the 67 prisoners found eligible by the Committee before the Government.

5. In the mean time, the Hon'ble Supreme Court considered the matter of release of Chandran@Manichan (C No. 2643), Open Prison and Correctional Home Nettukaltheri in WP(Crl) No.495/2021 filed by Smt.Usha Chandran. Subsequently, as per order dated:19.05.2022, read as 6th paper above, the Hon'ble Supreme Court disposed of the Writ Petition with direction to all concerned dealing with the proposal to take a final decision within four weeks. Since Sri. Chandran @ Manichan was also included in the list of prisoners found eligible for premature release by the Committee headed by ACS(H&V), final orders have to be issued in the matter in compliance with the Supreme Court direction.

6. Accordingly, the Government have examined in detail the recommendations of the Committee headed by the Additional Chief Secretary(Home&Vigilance) Department vide minutes read as 5th paper above and decided to approve the proposal, excluding the following category of prisoners :-

1. Persons involved in most cruel murder.
2. Persons who committed murder of women and children, persons who committed murder with rape
3. Among the prisoners who are undergoing treatment for mental illness, the prisoners whose relatives are reluctant to receive them.

7. In the circumstances, Government are pleased to order that premature release be granted to the 33 prisoners mentioned below (with name of Prisons), who have completed 14 years of sentence without remission, after remitting their remaining period of sentence, in exercise of powers conferred under Article 161 of the Constitution of India and subject to the condition laid down in rule 470 of the Kerala Prisons and Correctional Services (Management) Rules, 2014, as part of the celebration of the 75<sup>th</sup> year of Indian Independence ('Azadi Ka Amrut Mahotsav').

**Central Prison & Correctional Home, Viyyur**

1. C.No.4562 Sajan S/o Thankappan
2. C.No.8408 Jose S/o Thomas

**Central Prison & Correctional Home, Thiruvananthapuram**

3. C.No.492 Sahadevan S/o Kunju Panicker
4. C.No.3931 Shaji S/o Divakaran
5. C.No.4101 Shivaji S/o Kumaran
6. C.No.4387 Pappachan S/o Pathrose

**Central Prison & Correctional Home, Kannur**

7. C.No.3575 Mani S/o Mathai
8. C.No. 103/21 Sugunan S/o Kumaran

**Open Prison and Correctional Home, Cheemeni**

9. C.No.63 Kozhuka Jayachandran S/o Balan
10. C.No.64 Kunhikannan S/o Kunhikutty
11. C.No.88 Purushothaman S/o Kunhiraman
12. C.No.107 Pattarvayal Kanakan S/o Nanu
13. C.No.154 Appakunhi S/o Mukundan
14. C.No.172 Paingoli Shaji S/o Sukumaran
15. C.No.174 Vayalambbron Sudhakaran S/o Gopalan
16. C.No. 182 Sathyan S/o Anandan
17. C.No.183 Puthenpurayil Balan S/o Kannan
18. C.No.184 Kunhikannan S/o Koran
19. C.No.187 Rajan Perumboyilan S/o Anandan
20. C.No.188 Shaji S/o Govindan
21. C.No.192 Kaithayulla parambath Preman S/o Kunhikannan
22. C.No.200 Arayakkandi Sukumaran S/o Pokkan
23. C.No.253 Chacko S/o Joseph
24. C.No.269 Abdul Salam S/o Moideenkutty
25. C.No.270 Aboobacker Sidhique S/o Moideenkutty
26. C.No. 587 Paradesy S/o Ambhunhi
27. C.No.600 Thomas S/o John

**Open Prison and Correctional Home, Nettukaltheri**

28. C.No.2458 Remanan S/o Chellappan
29. C.No.2506 Sasikumar S/o Narayanan
30. C.No.2643 Chandran S/o Sivadasan
31. C.No.3235 Thampi S/o Raghavan
32. C.No.3316 Rajan S/o Kunjukochu
33. C.No.3275 Abdul Rasheed S/o Abdul Kareem

(By order of the Governor)  
T K JOSE

ADDITIONAL CHIEF SECRETARY

Advocate General, Ernakulam (with C/L)

Principal Secretary to Hon'ble Governor, Raj Bhavan, Thiruvananthapuram  
(with C/L)

Principal Accountant General(Audit/A&E) Kerala , Thiruvananthapuram

The State Police Chief, Thiruvananthapuram

The Director General of Prisons and Correctional Services, Thiruvananthapuram

Superintendents of Prisons concerned (Through Director General of Prisons and  
Correctional Services)

General Administration (SC) Department (vide item No. 627 dated:20.04.2022)

The Information Officer, Web & New Media Wing, I& PRD

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