

"ഭരണഭാഷ-മാതൃഭാഷ"



**കേരള പ്രിസൺസ് &
കറക്ഷണൽ സർവീസസ്**

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ഇണ്ടാസ് നം: WP1-13175/2022/PrHQ ; തീയതി : 06-12-2022

25/11/2022 തീയതിയിലെ G.O (Ms) No.244/2022/Home എന്ന സർക്കാർ ഉത്തരവ് അറിവിനും തുടർ നടപടിക്കുമായി ഇതോടൊപ്പം ഉള്ളടക്കം ചെയ്ത് അയക്കുന്നു

വിനോദ് കുമാർ എം കെ
ഡയറക്ടർ ജനറൽ ഓഫ് പ്രിസൺസ് & കറക്ഷണൽ സർവീസസ് വേണ്ടി

സ്വീകർത്താവ്: ബന്ധപ്പെട്ട ജയിൽ സൂപ്രണ്ടുമാർക്ക്
പകർപ്പ് : ജയിൽ വെബ്സൈറ്റ്



WP1-13175/2022/PrHQ



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GOVERNMENT OF KERALA

Abstract

Home Department - Prisons - Guidelines for grant of special remission to eligible prisoners of various prisons in connection with special occasions like Independence Day, Republic Day, State Re-Organisation Day etc. - Revised - Orders issued.

HOME (B) DEPARTMENT

G.O.(Ms)No.244/2022/HOME Dated, Thiruvananthapuram, 25-11-2022

Read 1) G.O.(MS)No.268/2012/Home dated 29/10/2012.
2) G.O.(P)No.73/2018/Home dated 23/11/2018.

ORDER

As per Government Order read as 2nd paper above, guidelines were issued for selection of prisoners for granting remission of sentence on special occasions like Independence Day, Republic Day, State Re-organisation Day etc. The Government have reviewed the guidelines in connection with the proposed grant of special remission to eligible prisoners as part of the 'Azadi Ka Amrut Mahotsav, the 75th Anniversary Celebrations of India's Independence' and are pleased to order that the following criteria/guidelines shall be adopted for the selection of prisoners to be granted remission of sentence in special occasions like Independence day, Republic Day, State Re-organisation Day etc., in exercise of powers conferred under Article 161 of the Constitution of India by the Hon'ble Governor, in supersession of the Government Order read as 2nd paper above.

(i) Effect of Remission :- The remission granted to prisoners will be treated as actual sentence, subject to the provisions of 433 A Cr.PC.

(ii) Scale of Remission :- The remission shall be granted as per the scale given below:-

Sl.No.	Period of sentence	Scale of remission
1	Up to 3 months	15 days
2	Above 3 months and up to 6 months	1 month

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3	Above 6 months and up to one year	2 months
4	Above one year and up to 2 years	3 months
5	Above 2 years and up to 5 years	4 months
6	Above 5 years and up to 10 years	5 months
7	Lifers	1 year

(iii) Eligibility Criteria : The following prisoners will be eligible for special remission

1. Prisoners undergoing actual imprisonment on the particular special occasion alone are eligible for the benefit of the special remission.
2. Prisoners on authorised leave on the particular special occasion shall be considered as prisoners undergoing actual imprisonment.

(iv) The following categories of prisoners shall be ineligible for special remission:

- i. Persons involved in the murder of women, children and those involved in the murder of persons aged more than 65 years.
- ii. Persons involved in sexual assault in any form against women and children resulting in death.
- iii. Persons who committed murder for religious, communal or caste reasons and those who are sentenced for life imprisonment for offences against the security of the State.
- iv. Persons who committed murder while involved in smuggling operations or murder of public servants on duty including prison staff and prison visitors.
- v. Professional or hired murderers.
- vi. Persons convicted under the Narcotic Drugs and Psychotropic Substances Act, 1985.

- vii. Persons who are convicted and sentenced by Courts of other States.
- viii. Persons who are foreigners.
- ix. Those cases in which the Court expressly declares that the prisoner shall not be granted special remission or amnesty.
- x. Persons convicted in offences relating to POCSO cases.
- xi. Persons involved in heinous crimes, such as:-
 1. Murder with rape.
 2. Murder with dacoity.
 3. Murder involving an offence under the protection of Civil Rights Acts 1955.
 4. Murder for dowry.
 5. Multiple murder.
 6. Murder committed after conviction while inside the jail.
 7. Murder during parole.
 8. Murder in a terrorist incident.
 9. Murder in smuggling operation.
 10. Offences for which death is one of the punishments under the Abkari Act.
 11. Offences under section 326A and B of Indian Penal Code (voluntarily causing grievous hurt by use of acids, throwing or attempting to throw acids).

(v) The following conditions shall also be scrupulously followed while granting special remission in exercise of powers conferred under Article 161 of the Constitution of India :-

a) Uniform standards may not be followed/adopted while exercising the power of remission.

b) Each case has to be examined and relevant materials have to be examined without extraneous consideration.

c) The conduct record of the prisoner while in jail and socio-economic conditions of the convict's family etc. shall be considered. All convicts eligible for premature release as per rules shall be considered.

d) In cases where the investigation is conducted by the CBI or any such other Central Investigating Agency, concurrence of the Central Government shall be obtained.

(vi) The following procedure shall be scrupulously followed in the cases of prisoners where granting of special remission leads to pre mature release :-

a) The nature of the crime-whether the punishment given to each convict is for a crime, which is heinous crime or crime against women or children or crime against society etc. to be verified and exclusively stated in the proposal.

b) The probability of harm to the society,whether it gives a wrong message to the society or to the social psyche etc.. have to be assessed and stated.

c) The social advantage in releasing the convict or the compelling circumstances to release him; like suffering of family members due to illness, treatment to family members, to look after the ailing and aged parents etc. shall be specifically mentioned.

d) Behaviour and conduct of the convict during the imprisonment, as certified by the competent authorities during the period of imprisonment may be stated explicitly.

e) It shall also be specified whether there is any compelling diseases or illness and whether the convict suffering from terminal illness or critical illness and warrants continuous treatment / palliative care and continued support of his family members.

2) The Director General, Prisons and Correctional Services shall prepare and submit the list of eligible prisoners ensuring that the criteria mentioned above are followed and complied with strictly. It is made clear that the provisions in 78(2) of the Kerala Prisons and Correctional Services (Management) Act, 2010 (9 of 2010) will not stand in the way of granting special remission by invoking powers conferred under Article 161 of the Constitution of India.

(By order of the Governor)
DR VENU V I A S
ADDITIONAL CHIEF SECRETARY

The Advocate General of Kerala, Ernakulam (with C/L)

The Director General of Police, Thiruvananthapuram.

The Director General, Prisons and Correctional Services,

Thiruvananthapuram.

The Director, Social Justice Department, Thiruvananthapuram.

The Principal Secretary to Governor, Thiruvananthapuram (with C/L)

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

Thiruvananthapuram.

Law Department (Vide 63/LS/2022/Law dated 10.05.2022)

General Administration(S.C)Department (Vide item No.1196 dated

23.11.2022)

The Information & Public Relations (Web and New Media) Department

(for publishing in the official website)

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Forwarded /By order

Signed by Jijimon.r

Date: 27-11-2022 16:46:31

Section Officer

Copy to:1.Private Secretary to Hon'ble Chief Minister

2.PA to Secretary, Law Department.

3.PA to Additional Chief Secretary (Home and Vigilance)