



**GOVERNMENT OF KERALA**

**Abstract**

Home Department - Prisons - Outbreak of Covid 19 pandemic - Controlling of overcrowding - Directives of the Hon'ble Supreme Court - Implemented - Orders Issued.

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**HOME (B) DEPARTMENT**

**G.O.(Rt)No.970/2020/HOME** Dated,Thiruvananthapuram,  
25/03/2020

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- Read 1 Order of the Hon'ble Supreme Court in Suo motu Writ Petition ( C ) No. 1/2020 dtd.23/03/2020
- 2 Letter No. WP2-7212/2020/Pr. HQ dtd. 23-03-2020 of the Director General of Prisons and Correctional Services.

**ORDER**

As per the order read as 1st paper above the Hon'ble Supreme Court of India ordered all State Governments and UTs to take urgent measures to reduce overcrowding in Prisons across the Country to control the outbreak of pandemic Covid 19. The Director General of Prisons and Correctional Services also vide letter read as 2nd paper above requested Government to implement certain measures for reducing overcrowding in Prisons.

Government have examined the matter in detail and are pleased to order as follows.

1) A High Powered Committee comprising of (i) Chairman of the State Legal Services Committee, (ii) the Additional Chief Secretary ( Home & Vig ) (iii) Director General of Prison(s), is hereby constituted, to determine which class of prisoners can be released on parole or on interim bail.

a) The committee shall consider and recommend to Govt. the release of prisoners who have been convicted or are under-trial for offences for which prescribed punishment is up to 7 years or less, with or without fine and the prisoner has been convicted for a lesser number of years than the maximum.

b) High Powered Committee shall determine the category of prisoners who should be released as aforesaid, depending upon the nature of offence, the number of years to which he or she has been sentenced or the severity of the offence with which he/she is charged with and is facing trial or any other relevant factor, which the Committee may consider appropriate and forward such recommendation to Govt.

2) Physical presence of all the undertrial prisoners before the Courts shall be stopped forthwith and recourse to video conferencing for all purposes.

- 3) The transfer of prisoners from one prison to another for routine reasons must not be resorted except for decongestion to ensure social distancing and medical assistance to an ill prisoner. Also, there should not be any delay in shifting sick person to a Nodal Medical Institution in case of any possibility of infection is seen.
- 3) The Director General of Prisons & Correctional Services shall develop Prison specific readiness and response plans in consultation with medical experts. "Interim guidance on Scaling-up COVID-19 Outbreak in Readiness and Response Operations in camps and camp like settings" jointly developed by the International Federation of Red Cross and Red Crescent (IFRC), International Organisation for Migration (IOM), United Nations High Commissioner for Refugees (UNHCR) and World Health Organisation (WHO), published by Inter-Agency Standing Committee of United Nations on 17 March, 2020 may be taken into consideration for similar circumstances.
- 4) A monitoring team consist of Deputy Inspector General in the respective Zone, Superintendents of Prisons in the respective Prisons and Medical officer in the respective Prison is constituted to ensure that the directives issued in item (3) with regard to prison and remand homes are being complied with scrupulously.
- 5) The Under- trial Review Committee contemplated by the Apex Court *In re Inhuman Conditions in 1382 Prisons*, (2016) 3 SCC 700, shall meet every week and take such decision in consultation with the concerned authority as per the said judgment.
- 6) The Director General of Prisons and Correctional Services is empowered to grant Ordinary leave to eligible prisoners in a single spell of 60 days , subject to all other conditions of leaves, in relaxation to rule 397 (b) of Kerala Prisons and Correctional Services ( Management ) Rules 2014 to reduce the number of prisoners in prisons .
- 7) Due to the lack of public transport system as the prisoners cannot report back in prison after the expiry of their period of leave in time, such overstaya period upto April 15 shall be considered as bail ( shall not be considered as sentence undergone) , provided that such prisoners shall report to the police station nearby and the Station House Officer shall report the position to prison authorities concerned.

The Director General of Prisons and Correctional Services shall implement item ( 6), of this order with immediate effect.

(By order of the Governor)  
**DR. VISHWAS MEHTA**  
**ADDITIONAL CHIEF SECRETARY**

To:

The Director General of Prisons and Correctional Services,  
Thiruvananthapuram

The State Police Chief, Thiruvananthapuram

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

The Registrar of Supreme Court of India ( with C/L )

Registrar High Court of Kerala (with C/L )

The Resident Commissioner, Kerala House, New Delhi

The Information Officer ( Web & New Media )

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Reason: Approved

Section Officer