

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V
&
THE HONOURABLE MR. JUSTICE G.GIRISH

Monday, the 30th day of September 2024 / 8th Aswina, 1946
WP(CRL.) NO. 867 OF 2024(S)

SUO MOTU

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT, THIRUVANANTHAPURAM, PIN - 695 001.
2. THE ADDITIONAL CHIEF SECRETARY, HOME(C) DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001.
3. THE STATE POLICE CHIEF, STATE POLICE HEAD QUARTERS, VELLAYAMBALAM, THIRUVANANTHAPURAM, PIN - 695 010.
4. THE DIRECTOR GENERAL OF PRISONS, PRISONS HEAD QUARTERS, POOJAPPURA, THIRUVANANTHAPURAM, PIN - 695 012.
5. THE MEMBER SECRETARY, NATIONAL LEGAL SERVICES AUTHORITY, B BLOCK, GROUND FLOOR, ADDITIONAL BUILDING COMPLEX, SUPREME COURT OF INDIA, NEW DELHI, PIN - 110 001.
6. THE MEMBER SECRETARY, KERALA LEGAL SERVICES AUTHORITY, NIYAMA SAHAYA BHAVAN, HIGH COURT COMPOUND, ERNAKULAM, PIN - 682 031.
ADDITIONAL R7 IMPEADED
7. THE NIC, KERALA STATE CENTRE, CDAC BUILDING, VELLAYAMBALAM, THIRUVANANTHAPURAM - 695033, REPRESENTED BY ITS STATE INFORMATION OFFICER.
ADDL.R7 IS SUO MOTU IMPEADED AS PER ORDER DATED 04/09/2024 IN WP(CRL.) 867/2024.

ADDITIONAL R8 IMPEADED*

8.UNION OF INDIA,

REPRESENTED BY THE SECRETARY TO GOVERNMENT OF INDIA,
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY,
ELECTRONICS NIKETAN, 6, CGO COMPLEX,
LODHI ROAD, NEW DELHI - 110003

*ADDL.R8 IS SUO MOTU IMPEADED AS PER ORDER DATED 30/09/2024 IN WP(CRL.) 867/2024.

P.T.O

This Suo motu writ petition coming again on for orders upon perusing the petition and the affidavit filed in support of WP(Crl.), this Court's order dated 13/09/2024 and upon hearing the arguments of SRI.T.A.SHAJI, DIRECTOR GENERAL OF PROSECUTION, SRI.P.NARAYANAN, ADDITIONAL PUBLIC PROSECUTOR & SRI.SAJJU.S, SENIOR PUBLIC PROSECUTOR for R1 to R4, SRI.LEO LUKOSE, Advocate for R5 & R6 and of DSGI-in-Charge, for Addl.R7 & Addl.R8, the court passed the following:

P.T.0



RAJA VIJAYARAGHAVAN V & G. GIRISH, JJ.

W.P(Crl.) No. 867 of 2024

Dated this the 30th day of September 2024

ORDER

Raja Vijayaraghavan, J.


This order shall be read in continuation to the order dated 13.09.2024.

2. In terms of the directions issued by us, a report has been filed before this Court by the Project Coordinator, Victim Rights Centre, KeLSA highlighting certain issues. Some of the women inmates have been enlarged on bail but not released. Some of the inmates have been undergoing sentence without remission for more than 14 years.

3. The Member Secretary, KeLSA, has also filed a statement, wherein, it has been mentioned that directions have been issued to all DLSAs to take immediate steps to procure and provide a designated mobile phone for the Secretaries of the DLSAs. A copy of the communication has been produced as Ext.R6(a). Separate reports have been filed as Ext.R6(b) to R6(o), detailing the pending applications relating to prisoners who have not been released even after seven days of the grant of bail and those

applications pending in respect of remission, premature release, furlough, and paroles of prisoners and the steps taken by the respective DLSAs. It is stated that the non-release of prisoners is being scrutinized and necessary measures shall be taken.

4. Having regard to the report filed by the Project Coordinator as well as the statement filed by the 6th respondent, we issue the following directions, which shall be promptly considered and appropriate action taken by the concerned respondents:

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- a) The learned Public Prosecutor shall obtain a report from respondents 1 to 4 as regards the current status of the Zero Balance Subsidiary Account opened under the "Support to Poor Prisoners' Scheme", including the amount presently available in the said account. A report shall also be submitted before this Court as regards the status of pending applications before them, concerning remission, premature release, furlough, and parole, along with the time frame within which those applications are disposed of.
- b) The learned DSGI shall obtain a report from the additional 7th respondent as regards the present status of the API transfer to

the Kerala High Court in tune with the order dated 13.09.2024 passed by us.

- c) There will be a direction to the 6th respondent to follow up and ascertain whether steps have been taken in compliance with Ext.R6(a) with regard to the purchase of mobile phones.
- d) The Secretaries of the DLSAs are also directed to obtain the assistance of the Probation Officers/Para-Legal Volunteers to assess the economic conditions and prepare a socio-economic report of the individuals who have been granted bail, but who remain in custody due to non-compliance with bail and surety conditions, as referred to in Exts.R(b) to R6(o) produced before this Court and also taking note of the report filed by the Project Coordinator of the Victim Rights Centre. The socio-economic reports shall be submitted before the respective courts, within two weeks, along with a request to consider the relaxation of the conditions of bail or the insistence of sureties. The report as regards the compliance shall be submitted before this Court, within a period of four weeks.

5. Having regard to the issues involved and for the effective adjudication of the matters, we are of the view that the Secretary to the Government of India, Ministry of Electronics and Information Technology is also a necessary party to the proceeding.

6. In that view of the matter, Union of India, represented by the Secretary to Government of India, Ministry of Electronics and Information Technology, Electronics Niketan, 6, CGO Complex, Lodhi Road, New Delhi - 110003 is suo motu impleaded as additional respondent.

The learned DSGI shall take notice.

Post on 16.10.2024.



Sd/-

**RAJA VIJAYARAGHAVAN V,
JUDGE**

**Sd/-
G.GIRISH,
JUDGE**

APPENDIX OF WP(CRL.) 867/2024

- Ext R6(a) - True copy of the guidelines issued by the 6th Respondent
- Ext R6(b) - True copy of the report filed by DLSA, Thiruvananthapuram.
- Ext R6(c) - True copy of the report filed by DLSA, Kollam.
- Ext R6(d) - True copy of the report filed by DLSA, Alappuzha.
- Ext R6(e) - True copy of the report filed by DLSA, Pathanamthitta.
- Ext R6(f) - True copy of the report filed by DLSA, Kottayam.
- Ext R6(g) - True copy of the report filed by DLSA, Thodupuzha.
- Ext R6(h) - True copy of the report filed by DLSA, Ernakulam.
- Ext R6(i) - True copy of the report filed by DLSA, Thrissur.
- Ext R6(j) - True copy of the report filed by DLSA, Palakkad.
- Ext R6(k) - True copy of the report filed by DLSA, Malappuram.
- Ext R6(l) - True copy of the report filed by DLSA, Kozhikode.
- Ext R6(m) - True copy of the report filed by DLSA, Wayanad.
- Ext R6(n) - True copy of the report filed by DLSA, Kannur.
- Ext R6(o) - True copy of the report filed by DLSA, Kasaragod.

