IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

TUESDAY, THE 22ND DAY OF DECEMBER 2020 / 1ST POUSHA, 1942

WP(C).No.23595 OF 2020(Y)

PETITIONER/S:

MUJEEB RAHMAN K
AGED 38 YEARS
S/O.MOIDEENKUTTY, EDAVANNA P.O., MALAPPURAM DISTRICT.

BY ADVS.
SRI.K.RAKESH
SRI.P.VIJAYA BHANU (SR.)

RESPONDENT/S:

1 **THE STATE OF KERALA**
REPRESENTED BY THE SECRETARY TO GOVERNMENT, DEPARTMENT OF HOME, GOVERNMENT SECRETARIAT, TRIVANDRUM, PIN-695001.

2 **THE DIRECTOR GENERAL OF PRISON AND CORRECTIONAL SERVICES,POOJAPURA, TRIVANDRUM, PIN-695012.**

R1-2 BY SRI.SUMAN CHAKRAVARTHY, SENIOR GOVT.PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21-12-2020, ALONG WITH WP(C).24089/2020(I) & CON.CASES, THE COURT ON 22-12-2020 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

TUESDAY, THE 22ND DAY OF DECEMBER 2020 / 1ST POUSHA, 1942

WP(C).No.24089 OF 2020(I)

PETITIONER/S:

1 HABEEB C.V
AGED 38 YEARS
S/O.UMMER, CHULLI DARAMBIL HOUSE, KAIPAMANGALAM P O, THRISSUR DISTRICT, (CONVICTED PERSON/UNDERGOING SENTENCE IN VIYOOR CENTRAL PRISON/C.NO.2228)

2 FAROOK
AGED 51 YEARS
S/O. AZOOR, PUTHUVAL PUTHEN VEEDU, TC 35/474, VALLIKADAVU PO . THIRUVANANTHAPURAM, (CONVICTED PERSON/UNDERGOING SENTENCE IN VIYOOR CENTRAL PRISON/C.NO.C.NO.1146)

3 RIJO JOSE
AGED 40 YEARS
S/O. JOSE, MADASSERY HOUSE, MANJAPRA P O, KALADY, ERNAKULAM DISTRICT, (CONVICTED PERSON/UNDERGOING SENTENCE IN VIYOOR CENTRAL PRISON/C.NO.4028)

BY ADVS.
SRI.P.K.VARGHESE
SRI.P.S.ANISHAD

RESPONDENT/S:

1 STATE OF KERALA
REPRESENTED BY THE SECRETARY, DEPARTMENT OF HOME, SECRETARIAT, THIRUVANANTHAPURAM - 695001,

2 KERALA PRISON AND CORRECTIONAL SERVICES
REPRESENTED BY THE DIRECTOR GENERAL OF PRISON AND CORRECTIONAL SERVICES, DEPARTMENT OF PRISON, POOJAPURA, THIRUVANANTHAPURAM - 695012.

3 SUPERINTENDENT
CENTRAL PRISON AND CORRECTION HOME, VIYYUR,

THRISSUR - 680010.

R1-3 BY SRI.SUMAN CHAKRAVARTHY, SENIOR GOVT.PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21-12-2020, ALONG WITH WP(C).23595/2020(Y)& CON.CASES, THE COURT ON 22-12-2020 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

TUESDAY, THE 22ND DAY OF DECEMBER 2020 / 1ST POUSHA, 1942

WP(C).No.24108 OF 2020(K)

PETITIONER/S:

SUBAIR P.K.
AGED 44 YEARS, S/O.KHADER, PARAPURATHU HOUSE, KAIPAMANGALAM P O, THRISSUR DISTRICT - 680681, (CONVICT NO.2222, CENTRAL PRISON, VIYYUR, THRISSUR)
BY ADVS.
SRI.VIPIN NARAYAN
SMT.POOJA PANKAJ
SRUTHY N. BHAT
SHRI.ABEL TOM BENNY
SMT.KIRAN ANTONY

RESPONDENT/S:

1. **STATE OF KERALA, REPRESENTED BY SECRETARY, DEPARTMENT OF HOME, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695001.**

2. **DIRECTOR GENERAL**
PRISONS AND CORRECTIONAL SERVICES, PRISONS HEADQUARTERS, KERALA, POOJAPPURA, THIRUVANANTHAPURAM - 695012.

3. **DISTRICT COLLECTOR, THRISSUR, COLLECTORATE, AYYANTHOLE, THRISSUR - 680003.**

4. **DISTRICT MEDICAL OFFICER, THRISSUR, KEERANKULANGARA, THRISSUR - 680005.**

5. **SUPERINTENDENT**
CENTRAL PRISON, VIYYUR, VIYYUR, THRISSUR - 680010.

R1-5 BY SRI.SUMAN CHAKRAVARTHY, SENIOR GOVT.PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21-12-2020, ALONG WITH WP(C).23595/2020(Y)& CON.CASES, THE COURT ON 22-12-2020 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

TUESDAY, THE 22ND DAY OF DECEMBER 2020 / 1ST POUSHA, 1942

WP(C).No.24224 OF 2020(C)

PETITIONER/S:

1 JOSEMON
AGED 44 YEARS
S/O.P.J. VARGHESE, PAYYAPALLY HOUSE, KALAMASERY
P.O. ERNAKULAM RESTRICT 682 033.
(C.N. 3109, OPEN PRISON, NETTUKALTHERI,
THIRUVANANTHAPURAM).

2 NITHIN G.,
AGED 35 YEARS
S/O. G. GOPALAKRISHNAN, NITHIN NILAYAM, NEW
JUNCTION ROAD, ELOOR P.O. ERNAKULAM 683 504,
(C.N. 3104, OPEN PRISON, NETTUKALTHERI,
THIRUVANANTHAPURAM).

3 NISHAD,
AGED 33 YEARS
S/O. NOUSHAD VELLIMPARAMBIL HOUSE, KALLATTU WARD,
AVALOOKUNNU P.O. ALAPPUZHA 688 06.
(C.N. 3556, OPEN PRISON, NETTUKALTHERI,
THIRUVANANTHAPURAM).

4 SIMON V. JACK,
AGED 35 YEARS
S/O. VIJAYAKUMAR, PUTHANPURAKKAL, KALLATTU WARD,
AVALOOKUNNU P.O. ALAPPUZHA 688 006,
(C.N. 1241, CENTRAL PRISON, POOJAPPURA,
THIRUVANANTHAPURAM).

5 SAJITH,
AGED 43 YEARS
S/O. SUDHAKARAN, NECHIKKATTU HOUSE CHERAI.P.O.
ERNAKULAM 683 514,
(C.N. 160, CENTRAL PRISON, VIYYUR)

BY ADVS.
SRI.B.RAMAN PILLAI (SR.)

SRI.R.ANIL
SRI.M.SUNILKUMAR
SRI.SUJESH MENON V.B.
SRI.T.ANIL KUMAR
SRI.THOMAS ABRAHAM (NILACKAPPILLIL)
SHRI.MAHESH BHANU S.
SMT.S.LAKSHMI SANKAR
SHRI.RESSIL LONAN

RESPONDENT/S:

1 **STATE OF KERALA**
RE. BY THE HOME SECRETARY TO THE GOVT. OF KERALA
HOME DEPARTMENT SECRETARIAT, THIRUVANANTHAPURAM 695 001.

2 **DIRECTOR GENERAL,**
PRISONS AND CORRECTIONAL SERVICES, PRISONS HEADQUARTERS, POOJAPPURA, THIRUVANANTHAPURAM 695 012.

3 **SUPERINTENDENT,**
CENTRAL PRISON, POOJAPPURA, THIRUVANANTHAPURAM 695 012.

4 **SUPERINTENDENT**
OPEN PRISON, NETTUKALTHERI, THIRUVANANTHAPURAM 695 573.

5 **SUPERINTENDENT,**
CENTRAL PRISON, VIYYUR, THRISSUR DISTRICT 680 010.

R1-5 BY SRI.SUMAN CHAKRAVARTHY, SENIOR GOVT.PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21-12-2020, ALONG WITH WP(C).23595/2020(Y)& CON.CASES, THE COURT ON 22-12-2020 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

TUESDAY, THE 22ND DAY OF DECEMBER 2020 / 1ST POUSHA, 1942

WP(C).No.24602 OF 2020(A)

PETITIONER/S:

SAIDALAVI @ BAVA
AGED 47 YEARS, S/O.LATE MUHAMMED, PUTHENPEEDIECKAL HOUSE, KARINGANADU, VILAYUR P.O., PATTAMBI, PALAKKAD-679 309, (CONVICT NO.3507 OF NETTUKALTHERIN OPEN JAIL).
BY ADVS.
SRI.SOORAJ T.ELENJICKAL
SRI.P.A.MOHAMMED SHAH
SRI.K.ARJUN VENUGOPAL
SHRI.ASWIN KUMAR M J
SMT.HELEN P.A.
SRI.SHAHIR SHOWKATH ALI

RESPONDENT/S:

1 **STATE OF KERALA**
REPRESENTED BY THE SECRETARY TO GOVERNMENT, DEPARTMENT OF HOME AFFAIRS, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.

2 **DIRECTOR GENERAL FOR PRISONS AND DIRECTIONAL SERVICES,**
STATE PRISONS HEAD QUARTERS, POOJAPPURAM, THIRUVANANTHAPURAM-695 012.

3 **SUPERINTENDENT OF JAIL,**
NETTUKALTHERI OPEN JAIL, THIRUVANANTHAPURAM DISTRICT-695 543.

4 **DISTRICT COLLECTOR AND CHAIRMAN OF DISASTER MANAGEMENT AUTHORITY,**
THIRUVANANTHAPURAM, COLLECTORATE, THIRUVANANTHAPURAM-695 -35.

R1-4 BY SRI.SUMAN CHAKRAVARTHY, SENIOR GOVT.PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21-12-2020, ALONG WITH WP(C).23595/2020(Y)& CON.CASES, THE COURT ON 22-12-2020 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

TUESDAY, THE 22ND DAY OF DECEMBER 2020 / 1ST POUSHA, 1942

WP(C).No.26504 OF 2020(K)

PETITIONER/S:

MUHAMMED YOUSAF @ SAJID
AGED 57 YEARS
S/O SAIDALAVI, NAMBRATH HOUSE, 34/1988,FLOWER ENCLAVE, BTS-MANGALAM, CROSS RAOD, ELAMAKKARA, ERNAKULAM -682 026.

BY ADVS.
SRI.RENJITH B.MARAR
ARUN POOMULLI
SURABHI SANTHOSH
BIJU VIGNESWAR
MEERA M

RESPONDENT/S:

1 **STATE OF KERALA**
REPRESENTED BY THE SECRETARY TO GOVERNMENT, KERALA PRISONS AND CORRECTIONAL SERVICES DEPARTMENT, GOVERNMENT SECRETARIAT, TRIVANDRUM-695 001.

2 **DIRECTOR GENERAL OF PRISONS AND CORRECTIONAL SERVICES,**
PRISONS HEADQUARTERS , POOJAPPURA, THIRUVANANTHAPURAM-695 012.

3 **THE SUPERINTENDENT,**
CENTRAL PRISON, KANNUR, PIN-670004.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21-12-2020, ALONG WITH WP(C).23595/2020(Y)& CON.CASES, THE COURT ON 22-12-2020 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

TUESDAY, THE 22ND DAY OF DECEMBER 2020 / 1ST POUSHA, 1942

WP(C).No.26695 OF 2020(J)

PETITIONER/S:

P.K.REGHU NATHAN
AGED 66 YEARS
S/O.KRISHNAN, AMBADE HOUSE, PAWANGAD MADACHAL
VAYAL DESOM, ELAVATHUR VILLAGE, KOZHIKODE

BY ADVS.
SRI.R.ANIL
SRI.M.SUNILKUMAR
SRI.SUJESH MENON V.B.
SRI.T.ANIL KUMAR
SRI.THOMAS ABRAHAM (NILACKAPPILLIL)
SHRI.MAHESH BHANU S.
SMT.S.LAKSHMI SANKAR
SHRI.RESSIL LONAN

RESPONDENT/S:

1 **STATE OF KERALA**
REP.BY THE HOME SECRETARY TO THE GOVT. OF KERALA,
HOME DEPARTMENT SECRETARIAT, THIRUVANANTHAPURAM
695 001

2 **DIRECTOR GENERAL**
PRISONS AND CORRECTIONAL SERVICES, PRISONS
HEADQUARTERS, POOJAPPURA, THIRUVANANTHAPURAM PIN-
695 012

3 **SUPERINTENDENT**
CENTRAL PRISON, VIYYUR, THRISSUR DISTRICT. PIN 680
010

R1-3 BY SRI.SUMAN CHAKRAVARTHY, SENIOR
GOVT.PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21-12-2020, ALONG WITH WP(C).23595/2020(Y) & CON.CASES, THE COURT ON 22-12-2020 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

TUESDAY, THE 22ND DAY OF DECEMBER 2020 / 1ST POUSHA, 1942

WP(C).No.27550 OF 2020(P)

PETITIONER/S:

ABDUL SALAM
AGED 70 YEARS
S/O ADAMKUNHI, AKKARAPPALLA HOUSE, ALAMPADY,
KASARGOD DISTRICT.

BY ADVS.
SRI.M.SASINDRAN
SRI.P.K.SUBHASH

RESPONDENT/S:

1 **STATE OF KERALA**
REPRESENTED BY SECRETARY, HOME DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.

2 **THE DIRECTOR GENERAL**
PRISONS AND CORRECTION SERVICES, PRISONS HEAD QUARTERS KERALA, POOJAPPURA, THIRUVANANTHAPURAM-695012.

3 **THE DISTRICT COLLECTOR**
KASARGOD-671121.

4 **THE SUPERINTENDENT**
CENTRAL PRISON AND CORRECTIONAL FORM KANNUR, PIN-670001.
R1-4 BY SRI.SUMAN CHAKRAVARTHY, SENIOR GOVT.PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21-12-2020, ALONG WITH WP(C).23595/2020(Y)& CON.CASES, THE COURT ON 22-12-2020 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

TUESDAY, THE 22ND DAY OF DECEMBER 2020 / 1ST POUSHA, 1942

WP(C).No.28459 OF 2020(F)

PETITIONER/S:

JERIN MATHEW @ JOBI
AGED 39 YEARS
VARAYANATTU VEEDU, CHAKKITTAPPARA P.O.,
PILLAPERUVANNA AMSOM, KOZHIKODE DISTRICT.

BY ADV. SMT.T.V.NEEMA

RESPONDENT/S:

1 **STATE OF KERALA,**
REPRESENTED BY ITS SECRETARY TO GOVERNMENT, KERALA
PRISONS AND CORRECTIONAL SERVICES DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.

2 **THE DIRECTOR GENERAL OF PRISONS AND CORRECTIONAL SERVICES,**
PRISONS HEADQUARTERS, POOJAPPURA,
THIRUVANANTHAPURAM-695012.

3 **THE SUPERINTENDENT,**
CENTRAL PRISON, KANNUR-670004.
R1-3 BY SRI.SUMAN CHAKRAVARTHY, SENIOR GOVT.PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21-12-2020, ALONG WITH WP(C).23595/2020(Y) & CON.CASES, THE COURT ON 22-12-2020 DELIVERED THE FOLLOWING:

V.G.ARUN, J.

==========

W.P.(C) Nos. 23595, 24089, 24108, 24224, 24602, 26504, 26695, 27550 & 28459 of 2020

Dated this the 22nd day of December, 2020

JUDGMENT

The petitioners are convicted prisoners undergoing sentences at various prisons in the State, presently on parole. They are aggrieved by the orders issued by the Government requiring them to report back. The short facts, necessary for adjudication of the issue involved, are as follows:

In the wake of Covid 19 pandemic and its spread within prisons, the Honourable Supreme Court initiated *suo motu* proceedings as WPC No.1 of 2020 (in re:Contagion of Covid 19 Virus in Prisons). After calling for responses from the States and Union Territories regarding the measures taken for protection of health and

welfare of the prisoners, the Apex Court issued specific directions for ensuring that the spread of coronavirus within prisons is controlled. The relevant portion of the direction is extracted hereunder:-

> ***"We direct that each State/Union Territory shall constitute a High Powered Committee comprising of (1) Chairman of the State Legal Services Committee, (ii) the Principal Secretary (Home/Prison) by whatever designation is known as, (ii) Director General of Prison(s), to determine which class of prisoners can be released on parole or an interim bail for such period as may be thought appropriate. For instance, the State/Union Territory could consider the release of prisoners who have been convicted or are undertrial 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. It is made clear that we leave it open for the High Powered Committee to 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."***

2. In terms of the direction issued by the

Apex Court, the Government constituted a High Powered Committee as per G.O(Rt) No.970/2020/Home dated 25.3.2020. The Government also ordered to release well behaved prisoners eligible for ordinary leave as per the Kerala Prisons and Correctional Services (Management) Act and the Rules ("the Act and the Rules" for short) in a single spell of 60 days, to reduce the number of prison inmates. Subsequently, the period for reporting back was extended considering the rapid spread of the pandemic and lack of public transport system. Other categories of prisoners, like those who had completed 2/3rd of their period of imprisonment and those above 65 years, were also released in relaxation of the Rules. The said orders were not issued in consultation with the High Powered Committee, which had evaluated and recommended the case of only 690 undertrial/remand prisoners. While so, the

Director General of Prisons and Correctional Services informed the Government that some of the prisoners released on parole are getting involved in crimes and causing problems to the general public and therefore, they are to be sent back to prisons. After examining the matter, the Government issued G.O.(Rt)No.2170/2020/Home dated 01.10.2020 requiring the 265 prisoners granted emergency leave in the 1st phase before the lockdown, to re-enter the prisons within 3 days of 31.10.2020. That, 585 prisoners from the Open and Women's jails released in the 2nd phase, should re-enter within three days of 15.11.2020. Another 192 prisoners released in the 3rd phase was given 3 days from 30.11.2020 for re-entry. The Government later issued G.O.(Rt) No.2552/2020/Home dated 01.11.2020, extending the period for re-entry of all categories of prisoners above 65 years by one month from the

dates stipulated in the previous Government order and directing all other prisoners to report back as per the stipulation in the order dated 01.10.2020. The writ petitions are filed challenging the aforementioned Government orders.

3. After hearing the learned Counsel for the petitioners and the learned Senior Public Prosecutor, this Court, by interim order dated 16.11.2020, sought clarification on the following aspects:

> ***"(i) The prison specific readiness and response plans formulated in consultation with medical experts.***
>
> ***(ii) Total capacity of the prisons in the State and the number of inmates as on date.***
>
> ***(iii) The number of inmates who have tested positive for corona virus and are in quarantine/under treatment at present.***
>
> ***(iv) The facilities arranged for quarantine of the inmates and for providing them with medical aid.***
>
> ***(v) Number of fatalities among the inmates who had tested positive for corona virus.***
>
> ***(vi) The statistics with respect to the number of jail staff who tested positive."***

4. Accordingly, a statement was filed on behalf of the first respondent answering the queries in the following manner:

> **"(i) The prison specific readiness and response plans formulated in consultation with medical experts.**
>
> ***The prison specific readiness and response plans are formulated in consultation with medical experts. As per the directions of Health Department a three tier system have been formulated in every jail institutions to check the spread of Covid-19 pandemic.***
> ***Newly admitted prisoners are kept in CFLTC centres and the prisoners returning from parole are kept in quarantine jails for 14 days till their Covid test result becomes negative.***
> ***They are issued separate utensils and dress and beddings.***
> ***Their cells are cleaned every day and disinfected with lotion.***
> ***Adequate cleaning materials are issued regularly.***
> ***Soaps and water are kept in front of cells to encourage frequent washing***
> ***Handheld Thermal Detector is used in jails.***
> ***Separate nutritious foods are given to prisoners to increase immunity.***
> ***Mask, santizers and soap materials are issued to the inmates and staff for free of cost.***
> ***Visitors are banned entering into jails except Health Department staff.***
> ***Periodical antigen tests are conducted to inmates who are suspected to infect Covid-19.***
> ***In case the test result becomes positive, they are treated in quarantine jails itself***

and periodical tests are conduct till the result becomes negative. Quarantine Jails, nine in numbers, are separate from main stream jails.

(ii) Total capacity of the prisons in the State and the number of inmates as on date.

The total capacity of the prisoners in the State is 7317. The number of inmates detained in jails as on 16.11.2020 is 6747.

(iii) The number of inmates who have tested positive for corona virus and are in quarantine/under treatment at present.

There are 1041 inmates who have tested positive for corona virus in different periods so far, out of which 545 inmates are in quarantine and 67 inmates are under treatment.

(vi) The facilities arranged for quarantine of the inmates and for providing them with medical aid.

Inmates who are in quarantine are provided with adequate beds in Govt. Medical College. Blocks are sanitized at regular intervals with the help of Fire Force and Health Department. Tell-medicine facilities are also provided to quarantined inmates.

(v) Number of fatalities among the inmates who had tested positive for corona virus.

One inmate detained in Central Prison, Thiruvananthapuram died of Covid 19, earlier on 16.08.2020 while undergoing treatment at MCH Thiruvananthapuram. No other fatal cases are reported so far, since much care and precaution is taken.

> **(vi) The statistics with respect to the number of jail staff who tested positive.**
>
> ***There are 130 Prison Staffs who were infected with Covid 19 during different period. As on this date only one or two jail staff are Covid positive."***

It was specifically stated that the Government orders were not issued in consultation with the High Powered Committee as mandated in the Apex Court order. Therefore, by interim order dated 25.11.2020, the Government was called upon to act in terms of the directions of the Honourable Supreme Court in the matter of release of prisoners on parole and interim bail. Accordingly, the issue regarding grant/extension of parole was placed before the High Powered Committee on 05.12.2020. The deliberations and the decision taken by the High Powered Committee was furnished through a statement dated 15.12.2020. Relevant portion of the statement is extracted hereunder:-

"It may be noted that in the meeting of the High Powered Committee held on 5-12-2020, the Director General of Prisons and Correctional Services informed that Covid pandemic situation in the State has improved and every arrangements/preparations have been made in all the jails as per the Covid protocol. So far 237 prisoners out of 1057 have returned to jail and the balance 820 are yet to return, because of the interim direction issued by this Hon'ble Court in the instant Writ Petition and connected cases. Total inmates of Jail in Kerala is about 7500. Medical Centres have been arranged in all the jails. The Director General of Prisons also informed the Committee that now there is no Covid case in any jail and that there are instances of the released prisoners involving in crimes and also participating in election process, which they are not supposed to do, during parole. There are 60 to 70 fresh admissions to jail daily and the Department has already arranged 14 Covid First Line Treatment Centres (CFLTCs) exclusively for these new entrants and they will be taken to jail only when they are found Covid negative, after the quarantine period. Special arrangements were made in jails to keep those prisoners who are aged more than 65 years. The Director General of Prisons has assured that they will be taken care of. The Committee reasoned that there cannot be a differential treatment for those who have already returned and those who are yet to return. It was in view of the aforesaid facts and position, the High Powered Committee decided that all the prisoners who have been released on parole/interim bail have to return to jail, forthwith.

5. According to the learned Counsel appearing for the petitioners, the decision of the High Powered Committee, as discernible from the statement, does not reflect any consideration of relevant aspects like the prison specific readiness and response plans. It was submitted that even going by the total capacity of the prisons and the present number of inmates, re-entry of the petitioners and similarly situated persons would result in overcrowding and consequential issues. It is contended that, other than ratification of the Government orders, nothing further has been done by the High Powered Committee.

6. The learned Senior Public Prosecutor submitted that the Government having extended a concession to the petitioners and others in view of the prevailing situation, the petitioners have no right to challenge the Government orders

requiring them to report back. It is submitted that Covid First Line Treatment Centres and other special arrangements have been made for ensuring the health and well being of the prisoners and that the new entrants will be taken in only after the quarantine period. Attention is drawn to the following order dated 13.04.2020 of the Honourable Supreme Court in Suo Motu Writ Petition No.1 of 2020.

> ***"We make it clear that we have not directed the States/Union Territories to compulsorily release the prisoners from their respective prisons. The purpose of our aforesaid order was to ensure the State/Union Territories to assess the situation in their prisons having regard to the outbreak of the present pandemic in the country and to release certain prisoners and for that purpose to determine the category of prisoners to be released."***

7. I find substance in the submissions of the learned Senior Government Pleader. Under normal circumstances, the grant of parole and leave to prisoners can only be in accordance with the Act and the Rules. The petitioners and

others were granted parole and leave in relaxation of the Act and Rules and in terms of the directions of the Honourable Supreme Court. As per the Apex Court order, the Government constituted a High Powered Committee and the Committee has unanimously resolved that all prisoners released on parole or on interim bail should return to jail forthwith. The High Powered Committee being the authority empowered by the Honourable Supreme Court to take decision regarding release and re-entry of prisoners, this Court cannot decide on the legality or otherwise of the Committee's decision. It is for the Government and the Prison authorities to work out the modalities for re-entry of the petitioners and other prisoners released on the basis of the decision of the Honourable Supreme Court and to give intimation regarding the time within which they should report back. In cases

where medical or other personal reasons have been cited as a ground for extending the period of parole/leave, the petitioners can make their submissions before the appropriate authority under the Kerala Prisons and Correctional Services (Management) Act and Rules.

In the light of the decision of the High powered committee, which is not under challenge in these writ petitions, nothing survives for consideration and accordingly, the writ petitions are dismissed.

Sd/-
V.G.ARUN
JUDGE

Scl/22.12.2020

APPENDIX OF WP(C) 23595/2020

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	**TRUE COPY OF THE GOVERNMENT ORDER (GEN.)NO.2170/2020/HOME DATED 1.10.2020.**
EXHIBIT P2	**TRUE COPY OF THE GOVERNMENT ORDER WITH NO.GO(RT)NO.2552/2020/HOME DATED 1.11.2020.**
EXHIBIT P3	**TRUE COPY OF THE ORDER OF THE DELHI HIGH COURT DATED 20.10.20 IN WP(C) NO.3037/20.**
EXHIBIT P4	**TRUE COPY OF THE ORDER OF THE APEX COURT DATED 29.10.2020 IN SLP(CIVIL) DIARY NO.23367/2020.**

APPENDIX OF WP(C) 24089/2020

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	**TRUE COPY OF THE ORDER DATED 23.03.2020 ISSUED BY THE HON'BLE SUPREME COURT IN SUO MOTU WRIT PETITION (C) NO.1/2020**
EXHIBIT P2	**TRUE COPY OF THE ORDER IN G.O(RT) NO.970/2020/HOME DATED 25.03.2020 ISSUED BY THE 1ST RESPONDENT**
EXHIBIT P3	**TRUE COPY OF THE ORDER OF EXTENSION OF PAROLE, ORDER NO.2170/2020 DATED 01.10.2020**
EXHIBIT P4	**TRUE COPY OF THE G.O(RT) NO.2552/2020/HOME DATED 1/11/2020**
EXHIBIT P5	**TRUE COPY OF THE ORDER DATED 20/10/2020 IN WPC NO.3037/2020 ISSUED BY THE HON'BLE DELHI HIGH COURT**
EXHIBIT P6	**TRUE COPY OF THE ORDER DATED 29.10.2020 IN SLP (CIVIL) NO.23367/2020**
EXHIBIT P7	**TRUE COPY OF THE MEDICAL CERTIFICATE ISSUED FROM THE GOVT. MEDICAL COLLEGE HOSPITAL , THRISSUR DATED 04.02.2019**

APPENDIX OF WP(C) 24108/2020

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	**TRUE COPY OF THE GO(RT) NO.970/2020 HOME DATED 25.03.2020 ISSUED BY DEPARTMENT OF HOME.**
EXHIBIT P2	**TRUE COPY OF THE ORDER DATED 01.10.2020 ISSUED BY THE UNDER SECRETARY, DEPARTMENT OF HOME.**
EXHIBIT P3	**TRUE COPY OF THE GO(RT) NO.2552/2020/HOME DATED 01.11.2020.**
EXHIBIT P4	**TRUE COPY OF THE ORDER DATED 23.03.2020 IN SUO MOTU WRIT PETITION (C) NO.1/2020 OF THE SUPREME COURT.**
EXHIBIT P5	**TRUE COPY OF THE ORDER DATED 20.10.2020 IN WP(C) NO.3037/2020 AND CM APPL.23830/2020 OF THE HIGH COURT OF DELHI.**
EXHIBIT P6	**TRUE COPY OF THE ORDER DATED 29.10.2020 IN SLP(CIVIL), DIARY NO.23367/2020 OF THE HON'BLE SUPREME COURT OF INDIA.**
EXHIBIT P7	**TRUE COPY OF THE ORDER NO.1809/2020/HOME DATED 17.08.2020 ISSUED BY THE UNDER SECRETARY, DEPARTMENT OF HOME.**

APPENDIX OF WP(C) 24224/2020

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	**THE TRUE COPY OF THE ORDER OF THE 1ST RESPONDENT NO. G.O. (RT) NO. 970/2020 HOME DATED 25.3.2020.**
EXHIBIT P2	**THE TRUE COPY OF THE CIRCULAR NO. 75 OF THE SECOND RESPONDENT DATED 11.9.2020.**
EXHIBIT P3	**THE TRUE COPY OF THE ORDER NO. 2170/2020/HOME OF THE 1ST RESPONDENT DATED 1.10.2020.**
EXHIBIT P4	**THE TRUE COPY OF THE REPRESENTATION TO THE HIGH POWER COMMITTEE DATED 1.11.2020.**

APPENDIX OF WP(C) 24602/2020

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	**TRUE COPY OF THE ORDER DATED 23.03.2020 PASSED BY THE SUPREME COURT IN SUO MOTU WRIT PETITION (C) NO.1/2020.**
EXHIBIT P2	**TRUE COPY OF THE GO(RT) NO.970/2020/HOME DATED 25.03.2020 ISSUED BY THE 1ST RESPONDENT.**
EXHIBIT P3	**TRUE COPY OF THE ORDER NO.OP2-05/2018/3507 DATED 28.03.2020 ISSUED BY THE 3RD RESPONDENT.**
EXHIBIT P4	**TRUE COPY OF THE GO NO.2170/2020/HOME DATED 01.10.2020 ISSUED BY THE 1ST RESPONDENT.**

APPENDIX OF WP(C) 26504/2020

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	**TRUE COPY OF THE RELEASE MEMO DATED 27.3.2020 ISSUED BY THE SUPERINTENDENT OFFICE, CENTRAL PRISON, KANNUR**
EXHIBIT P2	**TRUE COPY OF THE MEDICAL RECORDS OF THE PETITIONER ISSUED BY THE GOVERNMENT MEDICAL COLLEGE CALICUT.**
EXHIBIT P3	**TRUE COPY OF THE MEDICAL RECORDS OF THE PETITIONER ISSUED BY THE RENAI MEDI CITY IN 2017**
EXHIBIT P4	**TRUE COPY OF THE MEDICAL RECORDS OF THE PETITIONER FOR THE CHECKUP CONDUCTED IN THE YEAR 2020**

APPENDIX OF WP(C) 26695/2020

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	**TRUE COPY OF THE MEDICAL REPORT DTD. 6.2.2007 ISSUED FROM AI QASSIMI HOSPTIAL SHARJAH**
EXHIBIT P2	**TRUE COPY OF THE ADMISSION CARD ISSUED FROM AI QASSIMI HOSPITAL SHARJAH**
EXHIBIT P3	**TRUE COPY OF THE CERTIFICATE DATED 15.3.2017 ISSUED BY THE CONSULTANT PHYSICIAN AND DIALECTOLOGIST OF COOPERATIVE HOSPITAL, CALICUT**
EXHIBIT P4	**THE TRUE COPY OF THE ORDER OF THE 1ST RESPONDENT NO.G.O.(RT) NO.970/2020 HOME DATED 25.3.2020**

APPENDIX OF WP(C) 27550/2020

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	**TRUE COPY OF THE ORDER NO CPKR 114/2020 DATED 18.08.2020 ISSUED BY THE SUPERINTENDENT, CENTRAL PRISON, KANNUR.**
EXHIBIT P2	**TRUE COPY OF THE ORDER DATED 23.03.2020 OM SUO MOTO WRIT PETITION (C) NO. 1 OF 2020.**
EXHIBIT P3	**TRUE COPY OF THE GOVERNMENT ORDER DATED 01.10.2020.**
EXHIBIT P4	**TRUE COPY OF THE GOVERNMENT ORDER NO(Rt) NO.2552/2020/HOME DATED 01.11.2020.**
EXHIBIT P5	**TRUE COPY OF THE ORDER DATED 20.10.2020 IN WPC NO.3037/2020 AND CM APPL NO.23830/2020 OF THE HIGH COURT OF DELHI.**
EXHIBIT P6	**TRUE COPY OF THE ORDER DATED 29.10.2020 IN SLP (CIVIL) DIARY NO.23367/2020 OF THE HON'BLE SUPREME COURT OF INDIA.**
EXHIBIT P7	**TRUE COPY OF THE MEDICAL CERTIFICATE ISSUED BY THE CIVIL SURGEON, GOVERNMENT HOSPITAL DATED 07.09.2020.**

APPENDIX OF WP(C) 28459/2020

PETITIONER'S EXHIBITS

EXHIBIT P1	**TRUE COPY OF THE DEATH CERTIFICATE DATED 04/12/2020 ISSUED BY THE CHAKKITTAPRA GRAMA PANCHAYAT.**
EXHIBIT P2	**TRUE COPY OF THE ORDER NO. CPK/R (122/20)74/18, DATED 27/03/2020 ISSUED BY THE SUPERINTENDENT, CENTRAL PRISON, KANNUR.**