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ICA Newsletter

INSTITUTE OF CORRECTIONAL ADMINISTRATION, CHANDIGARH

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Editorial

The prison system in India continues to be overcrowded. The Prison Statistics India 2021, report published by the National Crimes Record Bureau, reveals that there were 5,54,034 inmates . The prison occupancy increased from 118% in 2020 to 130% in 2021.While the number of prisons increased from 1306 to 1319 the additional capacity gain was nullified by the unprecedented increase . With three out of four prisoners being undertrials, the problem of overcrowding of prisons is essentially an undertrial issue. Bail has been granted to 95% of undertrials who were released , so while bail system is liberal, the numbers continue to remain high. Some undertrials who are granted bail, are also not able to provide sureties or pay the bail bond and may languish inside the prisons. The state and district legal aid authorities are now monitoring this aspect . There is a need to re look at the whole criminal justice system and involve all stakeholders in reducing prison overcrowding .Both front end and back end solutions are required.

The Hon'ble President Draupadi Murmu on the occasion of Constitution Day celebrations, gave an emotional and empathetic call to the government and the judiciary to address the issue of overcrowding of prisons. “I hear these days that we will have to make new prisons because prisons are overcrowded. If we are moving towards progress as a society, then why do we need new jails. We should be closing down existing ones.” This is a very significant question, as no matter how many new prisons are constructed, they soon get filled up. Crime prevention and use of alternatives to imprisonment, review of laws are aspects that require more attention.

While the Prime Minister Shri Narendra Modi has given the mantra of Fit India, the jail administration is also determined to realize the mantra of Fit India and held the Prison Duty meet. The Union Home Minister Shri Amit Shah inaugurated the 6th 'All India Prison Duty Meet-2022' held in Gujarat from 4-6 th September at Ahmedabad. He emphasised on the issue of prison reforms and rehabilitation of prisoners. 1031 prison officers-employees from 19 states and union territories participated in 18 different competitions. Such events help in improving the morale and fitness of prison staff.

On this occasion, 50 prison training manuals and prison coffee table books were also released by Shri. Amit Shah. I am happy in having contributed to preparing of seven of these training manuals that will help in bringing not only uniformity in training ,but will also serve as valuable trainer and course guides for prison staff training.

It was a great honour to be invited by the UNODC to speak to the Maldives Corrections officers and address them on issues of drug and substance abuse. The problems of dealing with substance able disorders is growing in the prison systems and requires a health centred approach.

Dr. Upneet Lalli

Courses/Workshops organised by the Institute of Correctional Administration, Chandigarh for the period from 01.07.2022 to 30.11.2022

Sr. No.	Theme of the programmes	Course for	Dates	No. of Officers
	July, 2022			
1.	Three days Out-Reach Training Programme on 'Prisoners Reintegration' In collaboration with HPNLU, at Shimla	Prison officers	04th to 06th, July 2022	20
2.	Training Programme on 'Nelson Mandela Day' in collaboration with the UNODC	Prison officers	18th July, 2022	76
3.	Workshop on 'Nelson Mandela Day: A Step towards Inmates Reformation' at Model Jail, Chd.	Prison officers & inmates	18th July, 2022	20
	August, 2022			
4.	Training Programme on 'Drug Abuse Prevention' in collaboration with NISD, New Delhi	Prison officers	1st August, 2022	64
5.	One Day Workshop on 'Awareness against Sexual Harassment of Women at Workplace' at Model Jail Chandigarh.	Prison officers	30t August, 2022	76
6.	One day online webinar on 'Disaster Risk Reduction in Jails'	Prison Officers	31st August, 2022	65
	September, 2022			
7.	One day Programme on 'Provisions of Transgender Persons (Protection and Rights), Act 2019' in collaboration with NISD, New Delhi	Prison Officers	8th September, 2022	68
8.	One day Webinar on 'The Inter-operable Criminal Justice System (ICJS) and Special Remission Module in E-Prisons' in Collaboration with National Informatics Centre (NIC), New Delhi	Prison Officers	13th September, 2022	69
9.	Workshop on 'Awareness Against Sexual Harassment of Women at Workplace'	Prison Staff	20th September, 2022	29
	October, 2022			
10.	Workshop on 'Disaster Risk Reduction in Prison' at Model Jail, Chandigarh	Prison Staff	11th October, 2022	33
11.	Workshop on 'Awareness Against Sexual Harassment of Women at Workplace'	Prison Staff	18th October, 2022	40
	November, 2022			
12.	Three Days Training Programme 'Mental Health Issues in Prisons'	Prison Staff	15th to 17 November, 2022	11

Total Number Courses and Prisons Officers/Others Trained in the Training Programmes from 01.07.2022 to 30.11.2022

Total Training Programme conducted	:	12
Total Prison Officers Trained	:	571
Total Number of Model Jails Inmates who participated in the workshop	:	135
Total Interns at ICA in 2022	:	18

State-wise participation of Prison Officers from 01.07.2022 to 30.11.2022

Sr. No.	State/U.T.	Supdtt.	Dy. Supdtt.	Asstt. Supdtt.	Head Wardner Warder	Other Prison Officers	Total
1.	Delhi	05	24	30	1	01	60
2.	Punjab	38	38	28	0	03	107
3.	Haryana	15	27	35	0	0	77
4.	Himachal Pradesh	5	9	15	1	0	30
5.	Rajasthan	19	7	0	0	0	26
6.	J & K	3	0	0	0	0	3
7.	Uttarakhand	16	6	0	0	0	22
8.	Chandigarh	2	6	8	174	20	210
9.	Assam	2	5	3	0	0	10
10.	Uttar Pradesh	3	8	0	0	0	11
11.	Maharashtra	0	10	0	0	0	10
12.	Karnataka	5	0	0	0	0	5
	Total	**113**	**140**	**119**	**175**	**24**	**571**

UNODC ROSA organized a two days training workshop (17th -18th August 2022) in Maldives to sensitize the relevant stakeholders including Maldives Correctional Service, Judiciary, National Drug Agency, Prosecutor General's Office, Attorney General's Office, Department of Juvenile Justice on the implementation of non-custodial measures. Dr Upneet Lalli was invited as one of the experts by the UNODC for a workshop on implementation of Non -Custodial measures in Maldives for various stakeholders to speak in this training workshop.



The Maldives Correctional Offices alongwith Dr. M.R. Ahmed, Dr. Upneet Lalli & the UNODC team at the workshop organised by UNODC Rosa, Maldivas.

Activities in the Institute from July to November, 2022

Three - Days outreach Training Programme on 'Mandela Day: Prisoner Reintegration, 4th - 6th July, 2022



Prof. Nishtha Jaswal, VC, HPNLU;Sh. Somesh Goyal, IPS, H.P ; Sh.Sanjay Kundu, IPS, H.P. ; Dr. K.P. Singh, IPS, Haryana; Dr.Upneet Lalli, ICA & HPNLU Faculty and Prison Officers

An outreach training progarmme was organized in collaboration with Himachal Pradesh National Law University (HPNLU), Shimla at the beautiful University Campus. 20 Prison officers from 6 northern states/U.Ts (Punjab-4, Haryana- 2, Delhi- 7, Himachal Pradesh- 4, Uttarakhand- 2, Chandigarh-1) participated in this training programme. The aim of the training programme was to focus on reintegration process, work programmes, and premature release, remission, parole, furlough, and sentence commutation of the convicts. Sh. Somesh Goyal, IPS Former D.G. Prisons, Himachal Pradesh; Sh.Sanjay Kundu, IPS, Director General of Police (DGP), Himachal Pradesh; Dr. K.P. Singh, IPS, Former D.G. Prisons, Haryana; and Dr. Upneet Lalli, Head Coordinator, Training and Research, ICA, Chandigarh discussed various related themes, along with a field visit to the Mode Jail at Kanda. Participants found the training programme extremely practical and informative.



Sh. Sanjeev Kumar, Deputy Superintendent Kanda Jail, H.P. and Trainees during the Field Visit: Kanda Jail, H.P.

One-day Online Workshop on 'Nelson Mandela Day #Dignity Unlocked' in Collaboration with United Nations Office on Drugs and Crime (UNODC), 18th July, 2022

The Institute of Correctional Administration, Chandigarh in collaboration with UNODC organised a workshop on 'Mandela Day' July 18, 2022. The theme of this year was **#dignity unlocked.** In light of the UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), this day was celebrated to promote humane prison conditions, to remind ourselves that prisoners remain a part of our societies, and to value the work of prison staff. 31 Superintendents, 32



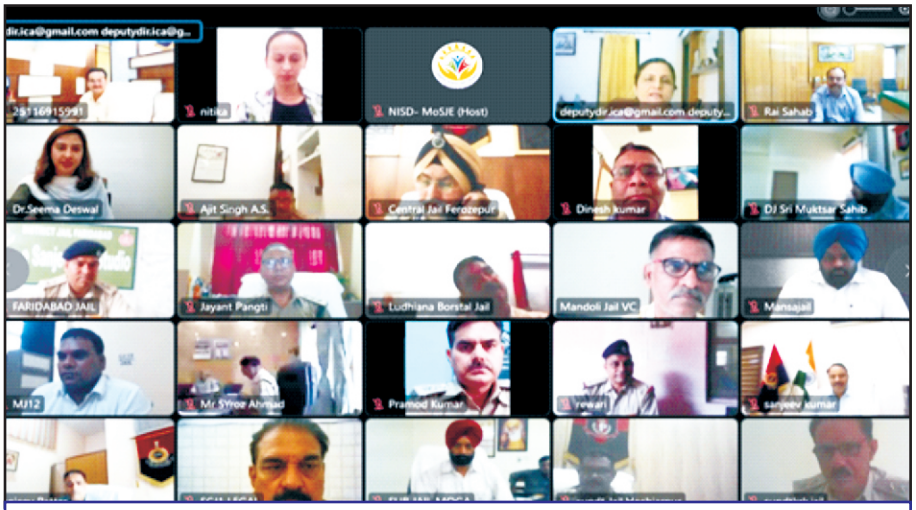
Ms.Seema Joshi Arya of UNODC and Prison Officers of Various States of India attending the Webinar on Mandela Day

Deputy Superintendents, 12 Assistant Superintendents, and 01 Vice Principal participated in the workshop. An interactive session on 'reflections from the field' which was chaired by Ms.Barnali Sharma, IG Prisons, Assam and Ms. Seema Joshi Arya was the moderator.

'Nelson Mandela Day: A Step towards Inmates Reformation' organized Competitive Activities like Singing, Poetry, Poster Making At Model Jail Chandigarh, 18th July 2022

In Honour of Nelson Mandela Day various recreational activities were organized for the inmates of Model Jail, Chandigarh. Total 135 inmates, including female inmates were encouraged to participated in various activities. Winners of all the activities-singing, poetry, poster making, nail art, and push-up were given certificates.

Webinar on 'Drug Abuse Prevention' organised by Institute of Correctional Administration (ICA), Chandigarh in Collaboration with National Institute of Social Defence (NISD), Delhi, 1st August, 2022



Prison Officers attending the Webinar on 'Drug Abuse Prevention'



Sh.Nitin Kumar Yadav, IAS, Home Secretary Chandigarh Administration- Cum- Director, ICA, addressing the Prison Inmates of Model Jail, Chandigarh on Mandela Day

Institute of Correctional Administration (ICA), Chandigarh in Collaboration with National Institute of Social Defence (NISD), Delhi organised a webinar on 'Drug Abuse Prevention' under the banner of 'Nasha Mukt Bharat Abhiyaan (NMBA)' for Prison Officers of northern states. More than 50 prison officers of the rank of Assistant Superintendent of Prison (ASP) to Superintendent of

Prison (SP) from the states of Punjab, Haryana, Delhi, Himachal Pradesh, Uttarakhand, Jammu and Kashmir, Rajasthan, and Chandigarh participate in the webinar. Ms. Nitika, NISD faculty gave a detailed presentation on drug use, abuse, and addiction. It was emphasized that drug addiction is an illness which needs treatment. The drug use management strategies begin with demand reduction, supply reduction and harm reduction.

Institute of Correctional Administration, Chandigarh Organized an One-day Workshop on 'Awareness against Sexual Harassment of Women at Workplace' at Model Jail Chandigarh, 30th August, 2022.

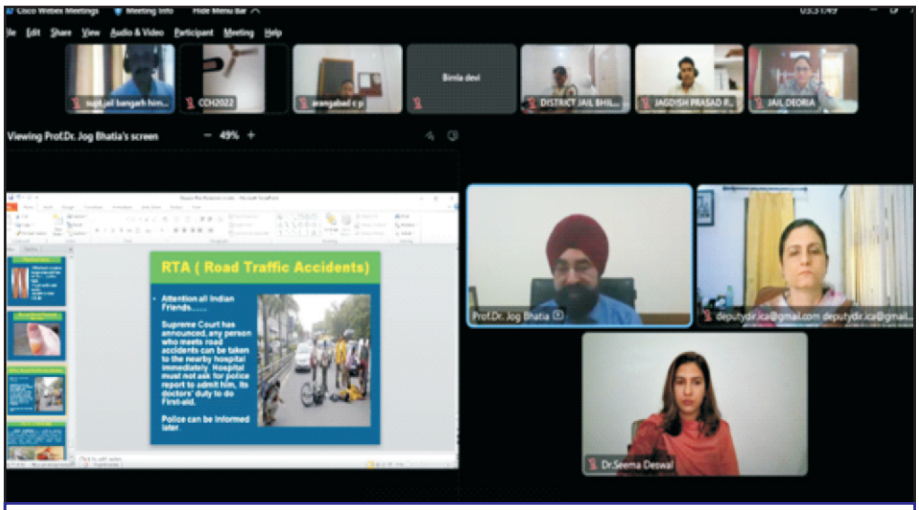
A workshop was organized for the prison staff of Model Jail, Chandigarh. Training the staff and the Internal Committees' members is mandatory under the law. 76 prison staff of various ranks, including members of the Internal Committee participated in the workshop. Dr. Upneet Lalli discussed the law on Sexual Harassment of Women at Workplace Act, 2013. Dr. Deipa Singh, Advocate &Former Additional Advocate General, Punjab & Haryana High Court discussed the Procedure and mechanisms to deal with the cases of Sexual Harassment. The queries of the participants were answered.



Dr. Pallika Arora, Joint IG Model Jail Chandigarh; Dr. Deipa Singh; Dr. Upneet Lalli, ICA ; Sh. Praveen Kumar DSP and Staff of Model Jail Chandigarh

Online Training Programme on 'Disaster Risk Reduction in Jails' 31st August , 2022

An online training programme on the theme of 'Disaster Risk Reduction in Jails' for the prison officers of various northern states was organized by the Institute. Prof (Dr). Jog Bhatia, Senior Consultant, Disaster Management Department, Mahatma State Institute of Public Administration (MGSIPA), Chandigarh was the resource person. A total of 65



Prof (Dr). Jog Bhatia addressing the Prison Officers Online on 'Disaster Risk Reduction'.

prison officers from 10 states participated in this training programme. 16 officers from Punjab Prisons, 15 from Haryana Prisons, 05 from each Delhi, Himachal Pradesh, Uttarakhand, Rajasthan, Uttar Pradesh and Maharashtra Prisons, 01 from Chandigarh Prison, and 03 from Assam Prisons participated in this extremly useful training programme.



Sr. Advocate Swati Bidhan Baruah, Guwahati High Court and Supreme Court of India, Assam addressing the Prison Officers on 'Issues of Transgender Persons'

Online Training programme On 'Provisions of Transgender Persons (Protection and Rights), Act 2019' In collaboration with National Institute of Social Defense (NISD), New Delhi, 8th September, 2022.

The ICA in collaboration with National Institute of Social Defense (NISD), New Delhi, organised an online workshop on the theme of issues of transgender. Dr. R. Giriraj, Director, NISD opened the session and gave a brief introduction of the topic and need to understand the issues of transgender and provisions provided in the legislation Dr. Upneet Lalli welcomed the participants and the resource persons of the workshop. The key speaker of the workshop was Sr. Advocate Swati Bidhan Baruah, Guwahati High Court and Supreme Court of India, Assam. A total of 68 prison officers from various states participated in this online programme.

The Inter-Operable Criminal Justice System (ICJS) and Special Remission Module in E-Prisons' in Collaboration with National Informatics Centre (NIC), New Delhi, 13th September, 2022

The Institute in collaboration with NIC, New Delhi organized an online training workshop on special Remission module in E-Prisons. Sh. Sandeep Kumar, Consultant, E-Prisons, NIC, New Delhi gave a brief presentation on 'Special Remission Module.' Shri. Shashi Kant Sharma, Senior Technical Director & HOD, ICJS and e-Prisons Project, NIC-Head Quarters, New Delhi addressed queries of the participants on technical issues module. Sh. L.D Thakur, Technical Director, National Informatics Centre, UT Chandigarh was also present throughout the workshop and answered some of the concerns.



Shri. Shashi Kant Sharma, Senior Technical Director & HOD, ICJS and e-Prisons Project, NIC-Head Quarters, New Delhi addressing the Participants

Series of One-day Workshops on 'Awareness against Sexual Harassment of Women at Workplace' at ICA, for Model Jail Chandigarh Staff, 20th September, 2022

The right to life and work encompasses the right to work in a safe environment that is free from sexual harassment. While there is law on Prevention of Sexual Harassment at the workplace, it is essential to make the staff aware of the law, its provisions and consequences of sexual harassment of women if done by anyone at the workplace. The



Members of Internal Committee of Model Jail Chandigarh and Model Jail Staff

One-day Workshop on 'Disaster Risk Reduction in Prison' At Model Jail, Chandigarh, 11 October, 2022.

Institute conducted a one day awareness training programme for Model Jail staff. 29 warder rank staff including 6 female staff participated in the training workshop. Sh.Praveen Kumar, DSP, Model Jail, Chandigarh and Mrs. Annu Swami Members of Internal Committee of Model Jail were also present during the workshop. Dr Upneet Lalli addressed the trainees. A total of 145 Model Jail Chandigarh prison staff have been sensitized on this theme in the three workshops conducted by the Institute.



Prof. Jog Bhatia giving a Practical Demonstration of CPR Process to the Model Jail Chandigarh Staff



Participants and ICA Faculty at Field Visit to SPYM a Drug De-Addiction Centre, Chandigarh

Institute of Correctional Administration, Chandigarh organized a one day training workshop on the theme of 'Disaster Risk Reduction in Prison' for the prison staff of Model Jail, Chandigarh. In case of a disaster or emergency, before any specialized government machinery and support reaches or outside help gets galvanized, it is the Jail staff and inmates, who have to respond immediately. Prof (Dr). Jog Bhatia, Senior Consultant, Disaster Management Department, Mahatma State Institute of Public Administration (MGSIPA), Chandigarh was the key resource person on disaster risk reduction. A total of 33 prison staff participated in this practically useful training workshop.

Three Days Training Programme on 'Mental Health Issues in Prisons' 15th to 17th November, 2022.



Dr. Reetinder Kohli, former Principal and Psychologist , taking a Session in the Three Days Training Programme on 'Mental Health Issues in Prisons'

To promote well being of prison staff and the inmates, a three day training programme on the theme of 'Mental Health Issues in Prisons' was organised by the Institute of Correctional Administration, Chandigarh. The various sessions on mental health were taken by well-known Doctors, Psychologists, Psychiatrists, and Swami ji from Rama Krishan Mission Chandigarh took a session on spiritual well being. Yoga and meditation sessions were also organised for the trainees.

Internship in ICA, Chandigarh

18 interns from the following Universities / Institutes did their internship in the Institute of Correctional Administration under the guidance and supervision of Dr. Upneet Lalli, Head (Training and Research), ICA, Chandigarh. The details are given as under :-



Sh. Haneef Qureshi IPS, Commissioner of Police, Police Commissioner, Panchkula, Dr. Upneet Lalli and the Interns from NLU, Delhi

Jindal Global Law School, Sonepat-07, National Law University, Delhi-04, National Forensic Sciences University, Gandhinagar, Gujarat-04, Kristu Jayanti College, Bengaluru-01, Rashtriya Raksha University, Lavad, Gujarat-01, Punjab University-01 & Total 18.

The Interns got a practical exposure with the field visits to the police stations, and interactions with the Senior police prisons officers.

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Prison Statistics Brief 2021

As per Prison Statistics 2021, the All India Prison Population was 5,54,034 against the authorized capacity of 4,25,609 in 1,319 Prisons and the occupancy rate stood at 130.2% as on 31 December 2021.

Gender Wise Distribution of Prison Population as on 31 December 2021 (NCRB Data)

Category	Male	Female	Transgender	Total	%age
Convicts	1,17,846	4,990	16	1,22,852	22.2%
Under-trails	4,09,346	17,745	74	4,27,165	77.1%
Detenues	3,381	88	1	3,470	0.6%
Others	452	95	0	547	0.1%
Total	5,31,025 (95.8%)	22,918 (4.1%)	91 (0.016%)	5,54,034	100.0%

BEST PRISON PRACTICES

International

Netherlands Prison- Innovation lab a step towards Rehabilitation and Reintegration of Prisoners

In the year 2018, Veenhuizen Prison, Netherlands in collaboration with the Hanze University of Applied Sciences in Groningen started a unique practice/project which is known as "Innovation Lab" wherein students, prison staff, prisoners, and researchers meet. The purpose of this lab is to "engage in a co-creation process to implement the family approach programme, which aimed at supporting families experiencing paternal imprisonment. Through this collaboration, Veenhuizen prison innovates in terms of prison culture and child-focused prison practice". Presently three projects are ongoing in the lab namely a) examine fathers' experiences of fathering from prison,



and compare fathers who participate in the family approach programme in Veenhuizen prisons to fathers who do not participate in the programme; b) interviewing mothers/caregivers of families and children experiencing paternal imprisonment; c) conducting interviews with prison staff who are involved in the family approach in Veenhuizen prison. Together, these studies provide an improved understanding of families' experiences of parental imprisonment, and provide relevant insights for promoting child-focused prison practice across the Netherlands and Europe. Besides, members of innovation lab are also working on information dissemination regarding child-focused best practices work in Dutch prisons for which they have developed a website. This "Innovation Lab" was awarded the 'EuroPris Prison Achievement Award 2022.'

Source of Information:

https://www.europris.org/news/update-on-the-prison-achievement-award-winners-veenhuizen-prison-in-netherlands-2022/

National

Yamunanagar District Jail Products Exhibition:

Yamunanagar District Jail officials have taken various initiatives to reform and rehabilitate inmates by engaging them in making work programmes like making Ayurvedic items like Amla Candy, Aloe Vera Juice, Digestive Tablets, and also carpentry work producing items like tables, stools, Amirah, racks, beds, hospital beds etc. Around 22 ayurvedic products are being made inside the prison. Around 60 prisoners are employed in making various wooden products. At the 36th Surajkund International Craft Fair, 29 items worth rupees six lakh were displayed as a part of showcasing prison reforms. Earlier also products made by District Jail Yamunanagar have been displayed at Geeta Jayanti, Kurukshetra, in December 2022.



Jhanki Displaying Yamunanagar Prison Products at the Republic Day 2023 event.

Madhya Pradesh Solar Power Electric Fencing:

Prison security has remained the most significant part of the prison setting. With technological advancement diverse security devices are being used these days like Access control, IP Cameras, Thermal Cameras, Infrared, welded mesh panels etc. All these systems are very good at detection with precision. However, an Electric fence is the only system which not only detects but also denies intrusion. This feature of denial of intrusion perfectly fits into the protection of various sites like Jails, Airports, Defense Establishments etc. An electric fence system can be installed on any surface like a Wall top, On the Ground, On Patio etc. It provides a completely highly reliable and Non-lethal Electric fence security system. It operates as a psychological and physical barrier with a supervised detection system. The Voltage on the Fence can be maintained at above 9 KV and it gives adequate shock to the intruder.

Any intrusion or tampering of the Fence is sensed by Energizer and an audio alarm, by way of a Siren, is generated which can be heard from a distance of more than 250 meters. In addition to Siren, an SMS will also be sent to preloaded Mobile numbers including information on the Zone name/number, Time and Date of the intrusion. The main purpose of Electric fence is to protect the premises from all types of tress passing and it can only be achieved by working with USER as well as CROWN as a team. However, training the concerned Staff in the Jail is essential. Madhya Pradesh Prison Department has installed this new security technology in all the Central Prisons (11), and 3 District Jails of the State and the installation of this fencing is in progress in another 27 prisons of the State.

News Source Courtesy: Sh.Somya Pushp Kamthan, Asstt. Superintendent Jail, RJMRI, Bhopal, M.P. Prisons.



Solar Power Electric Fencing at Central Jail, Bhopal, Madhya Pradesh

Supreme Court of India Judgment

IN THE SUPREME COURT OF INDIA
CRIMINAL APPEAL NO. 1974 OF 2022
(ARISING OUT OF SLP (CRIMINAL) NO. 7536 OF 2022)
R.P. RAVICHANDRAN
..... APPELLANT (S)
VERSUS
STATE OF TAMIL NADHU
.....
RESPONDENT BY ITS CHIEF SECRETARY AND OTHERS
(Justice B.R. Gavaii & J., B.V. Nagarathna; J.

Applicable Law:

Constitution of India, 1950; Article 161 - Grant of Remission - Governor, in the matter of remission of an appellant convicted under Section 302, and was bound by the advice of the State Cabinet

Issues :

- The appellants/applicants were convicted for offences under the Indian Penal Code, 1860, the Arms Act, 1951, the Explosive Substances Act, 1908, the Passport Act, 1967, the Foreigners Act, 1946, the Indian Wireless Telegraphy Act, 1933 and the Terrorist and Disruptive Activities (Prevention) Act, 1987 for the assassination of Shri Rajiv Gandhi, the Former Prime Minister of India and others, on 21.05.1991. This Court, vide judgment dated 11.05.1999, upheld the conviction and sentence imposed on the appellants/applicants.
- Out of the six, death sentence was confirmed in the case of accused S. Nalini, Suthendraraja @ Santhan and Sriharan @ Murugan, which was subsequently converted to life imprisonment on account of inordinate delay in deciding their mercy petition, vide judgment and order dated 18.02.2014.
- The rest of the appellants/ applicants are concerned, they have been convicted and sentenced to life imprisonment.
- The Cabinet of the State of Tamil Nadu had passed a Resolution on 09.09.2018recommending the release of all the appellants/ applicants, including the original convict A.G. Perarivalan. There were certain other developments after the State Cabinet had passed a resolution. Consequently, the issue that fell for consideration was, as to whether the Hon'ble Governor was bound by the decision of the State Cabinet or, as to whether, he could refer the matter to the Union of India for its opinion.

Held:

(a) The law laid down by a catena of judgments of Supreme Court is well-settled that the advice of the State Cabinet is binding on the Governor in the exercise of his powers under Article 161 of the Constitution.

(b) Non-exercise of the power under Article 161 or inexplicable delay in exercise of such power not attributable to the prisoner is subject to judicial review by this Court, especially when the State Cabinet has taken a decision to release the prisoner and made recommendations to the Governor to this effect.

(c) The reference of the recommendation of the Tamil Nadu Cabinet by the Governor to the President of India two and a half years after such recommendation had been made is without any constitutional backing and is inimical to the scheme of our Constitution, where by "the Governor is but a shorthand expression for the State Government" as observed by this Court.

(d) The judgment of this Court in M.P. Special Police Establishment (supra) has no applicability to the facts of this case and neither has any attempt been made to make out a case of apparent bias of the State Cabinet or the State Cabinet having based its decision on irrelevant fulcrum of the said judgment.

(e) The understanding sought to be attributed to the judgment of this Court in Sriharan (Supra) with respect to the Union Government having the power to remit/commute sentences imposed under Section 302, IPC is incorrect, as no express executive power has been conferred on the Centre either under the Constitution or law made by the Parliament in relation to Section 302. In the absence of such specific conferment, it is the executive power of the State that extends with respect to Section 302, assuming that the subject-matter of Section 302 is covered by Entry 1 of List III.

(f) Taking into account the Appellant's prolonged period of incarceration, his satisfactory conduct in jail as well as during parole, chronic ailments for his medical records, his educational qualifications acquired during incarceration and the pendency of his petition under Article 161 for two and half years after the recommendation of the State Cabinet, we do not consider it fit to remand the matter for the Governor's consideration. In exercise of our power under Article 142 of the Constitution, we direct that the Appellant is deemed to have served the sentence in connection with Crime No. 329 of 1991. The Appellant, who is already on bail, is set at liberty forthwith. His bail bonds are cancelled."

Orders:

All the appellants/applicants be deemed to have served their respective sentences in connection with Crime No. 329 of 1991. The appellants/applicants are, therefore, directed to be set at liberty forthwith, if not required in any other case. The Court held that the Hon'ble Governor, in the matter of remission of an appellant convicted under Section 302, was bound by the advice of the State Cabinet. Indisputably, in the present case also, the State Cabinet had resolved to grant remission to all the appellants/applicants. ★★★

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