

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

SUO MOTO WRIT PETITION(CRIMINAL) No(s). 4/2021

IN RE POLICY STRATEGY FOR GRANT OF BAIL

(IA No. 203408/2022 - APPROPRIATE ORDERS/DIRECTIONS  
IA No. 28005/2024 - APPROPRIATE ORDERS/DIRECTIONS  
IA No. 132106/2022 - EXEMPTION FROM FILING O.T.  
IA No. 63329/2025 - EXEMPTION FROM FILING O.T.  
IA No. 164210/2024 - EXEMPTION FROM FILING O.T.  
IA No. 203407/2022 - INTERVENTION APPLICATION  
IA No. 269110/2024 - INTERVENTION/IMPLEADMENT  
IA No. 27999/2024 - INTERVENTION/IMPLEADMENT)

WITH SLP(Crl) No. 529/2021

(IA No. 125258/2024 - ANTICIPATORY BAIL  
IA No. 125257/2024 - CLARIFICATION/DIRECTION  
IA No. 21807/2024 - EXEMPTION FROM FILING O.T.  
IA No. 119551/2024 - INTERVENTION/IMPLEADMENT  
IA No. 279441/2024 - INTERVENTION/IMPLEADMENT  
IA No. 173609/2024 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES  
IA No. 21806/2024 - PERMISSION TO FILE APPLICATION FOR DIRECTION)

Date : 25-04-2025 These matters were called on for hearing today.

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By Courts Motion

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UPON hearing the counsel the Court made the following  
O R D E R

1. Today, we are dealing with the directions issued by this Court under the judgment and order dated 18<sup>th</sup> February, 2025 as regards the grant of premature release under Section 432 of the Code of Criminal Procedure, 1973 and Section 473 of the Bhartiya Nagarik Suraksha Sanhita, 2023.

2. As per the compilation filed by the learned senior counsel appointed as Amicus Curiae, she has received responses of only three States i.e. Nagaland, Andhra Pradesh and Punjab. As far as the State of Uttar Pradesh is concerned, an application has been made for extension of time.

**3. The learned senior counsel has placed on record a chart under the heading “Details of Compliances to be done by State”. The chart reads thus:**

**“DETAILS OF COMPLIANCES TO BE DONE BY STATE**

1. Compliance with Paras 10 r/w 21(a) and (b): The answering State [already has / has developed] an exhaustive policy in terms of Section 432 of the CrPC [Section 473 of the BNSS]. It is affirmed that cases of all convicts for grant of premature release is considered as and when they become eligible for consideration in terms of the policy. It is not necessary for the convict or his relatives to make a specific application for grant of permanent remission. Relevant provisions of the [Policy / Rules / OM / Order / Guideline / Notification / Circular] to the said effect are as under:  
[ ... ]
2. Compliance with Para 21(c) - Prior to imposing the conditions for grant of remission, several factors, including the ones mentioned in Paragraph 13 of the judgment dated 18.02.2025 are considered. These conditions are aimed at ensuring that the criminal tendencies, if any, of the convict remain in check and that the convict rehabilitates themselves in the society. The conditions imposed are neither oppressive nor so stringent that it would prevent a convict from being able to take advantage of the order granting permanent remission. The conditions imposed are not vague, and they are capable of being performed. Relevant provisions of the [Policy / Rules / OM / Order / Guideline / Notification / Circular] to the said effect are as under:  
[ ... ]
3. Compliance with Para 21(d) – The Order granting or refusing the relief of permanent remission contains brief reasons in the State of \_\_\_\_\_. The ordee court of indiar containing reasons is also immediately communicated to the convict through the concerned officer in the concerned prison. The copies of the said order are also forwarded to the Secretaries of the concerned District Legal Services Authorities to take necessary action. In terms of the Policy dated \_\_\_\_\_, the prison authorities timely inform the convict about their right to challenge the order of rejection of the prayer for the grant of remission. Relevant provisions of the [Policy / Rules / OM / Order / Guideline / Notification / Circular] to the said effect are as under:  
[ ... ]
4. Compliance with Para 21(e) – In terms of Clause \_\_\_\_ of the Policy dated \_\_\_\_\_, an order granting permanent remission cannot be withdrawn / cancelled without giving an opportunity of being heard to the convict. An order of cancellation of permanent remission will also contain brief reasons. Relevant provisions of the [Policy / Rules / OM / Order / Guideline / Notification / Circular] to the said effect are as under:

[ ... ]

5. The data in respect of the number of convicts whose cases are pending/ being considered at the stages given below are as under:
  - a. No. of prisoners eligible for Premature Release : [ ... ]
  - b. No of cases at the stage of collection of documents/ preparation of Premature Release Application : [ ... ]
  - c. Status of the Recommendations by the Advisory Boards/ Sentence Review Boards : [ ... ]
  - d. Orders by the State Government : [ ... ]”

**4. We direct all the State Governments to report compliance with the judgment and order dated 18<sup>th</sup> February, 2025 within a period of two months from today. The aforesaid details in that sequence shall be incorporated in the compliance affidavits/reports within a period of two months. The compliance affidavit/report shall be filed on record and shall also be forwarded to the office of the learned Amicus Curiae.**

**5. We have carefully perused the note submitted by the National Legal Services Authority (NALSA). Several steps taken on the basis of the order of this Court in the context of the NALSA Standard Operating Procedures on the process of premature release, parole and furlough of Prisoners have been set out in the report.**

**6. Our attention is invited by the learned counsel appearing for the NALSA to the NALSA’s Standard Operating Procedure for Under Trial Review Committee (UTR(s) and, in particular, Clause 2.2.6. As suggested in the report, we recommend to the NALSA to substitute Clause 2.2.6 by**

the following:

"2.2.6 : Convicts who have undergone their sentence, or are entitled to be considered for pre mature release, or are entitled to release pursuant to remission already granted to them."

7. After substitution of Clause 2.2.6, further modification will be required in paragraph 1.2 of Step 1 in Part-I. The following category will have to be added:

"The prisoners who are entitled to be considered for grant of premature release."

8. This can be category No.15. We request the NALSA to make the aforesaid modifications at the earliest.

9. We make it clear that even if the States have initiated the process of making compliance with the order dated 18<sup>th</sup> February, 2025, pending the completion of process, the cases of those who are entitled to be considered for premature release shall be processed in accordance with the existing regime and the fact that compliance is being made with the directions issued by this Court will be no ground to delay the procedure in these cases.

10. List for considering the compliance of the States on 25<sup>th</sup> July, 2025.

(ANITA MALHOTRA)  
AR-CUM-PS

(AVGV RAMU)  
COURT MASTER