* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Reserved on: 14th May, 2025
Pronounced on: 1st July, 2025

\+ **W.P.(CRL) 1431/2023**

SANTOSH KUMAR SINGH ….Petitioner

Through: Mr. Mohit Mathur, Senior Advocate with Mr. Amitabh Narendra, Mr. Amod Singh and Mr. Vignesh, Advocates.

versus

STATE (GOVT. OF THE NCT) OF DELHI …Respondent

Through: Mr. Sanjeev Bhandari, ASC with Mr. Arjit Sharma and Mr. Nikunj Bindal, Advocates.
Inspector Ram Phool, P.S. Vasant Kunj (N).

\+ **W.P.(CRL) 3785/2023**

RAJEEV@DIWANJI ….Petitioner

Through: Mr. Ajay Verma and Ms. Bhoomika Uppal, Advocates.

versus

STATE (GOVT. OF THE NCT) OF DELHI …Respondent

Through: Mr. Amol Sinha, ASC (Crl.) with Mr. Kshitiz Garg, Mr. Ashvini Kumar, Mr. Nitish Dhawan and Ms. Sanskriti Nimbekar, Advocates.
SI Vikas, P.S. Paharganj.

\+ **W.P.(CRL) 323/2025**

CHANDER PRAKASH ….Petitioner

Through: Mr. Jaiveer and Mr. Irshad, Advocates.

versus

STATE (GOVT. OF THE NCT) OF DELHI …Respondent

Through: Mr. Amol Sinha, ASC (Crl.) with Mr. Kshitiz Garg, Mr. Ashvini

Kumar, Mr. Nitish Dhawan and Ms. Sanskriti Nimbekar, Advocates.

\+ **W.P.(CRL) 668/2025 & CRL.M.A. 6265/2025**

HARISH KUMAR ….Petitioner

Through: Mr. Samar Bansal, Ms. Yamina Rizvi, Ms. Shrutika Pandey, Ms. Ragini Nagpal, Mr. Vedant Kapur and Mr. Kaustabh Chaturvedi, Advocates.

versus

STATE (GOVT. OF THE NCT) OF DELHI …Respondent

Through: Mr. Amol Sinha, ASC (Crl.) with Mr. Kshitiz Garg, Mr. Ashvini Kumar, Mr. Nitish Dhawan and Ms. Sanskriti Nimbekar, Advocates.
SI Vinod Bhati, P.S. Mehrauli.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

JUDGMENT

1. The present petitions under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023[1], raise fundamental questions relating to functioning of the Sentence Review Board, GNCTD[2] the executive body tasked with deciding whether convicts serving life sentences merit premature release. The Petitioners, all life convicts, assail the rejection of their claims for premature release by the SRB, contending that the impugned decisions as well as its approval by the Lt. Governor, Delhi are unreasoned, mechanical, and insensitive to their

[1] "BNSS"
[2] "SRB"/ "Board"

post-conviction conduct. Consequently, the Petitioners seek directions to the prison authorities for their premature release.

2. Since each petition raises a common challenge to the legality and validity of the SRB's decision, particularly whether it meets the constitutional standards of fairness and non-arbitrariness, they have been heard together and are being disposed of by this common judgment. Wherever factual distinctions arise, they are addressed separately.

Factual Background (In Brief)

3. In order to facilitate a comprehensive understanding of each Petitioner's unique circumstances and the specific reasons for the SRB's rejection of their premature release, the following table provides a consolidated snapshot of each case:

Table 1: Factual background of each Petition

Writ Petition	**W.P.(Crl)1431/2023 Santosh Kumar Singh v. State (Govt. of NCT) of Delhi**	**W.P.(Crl) 3785/2023 Rajeev @ Diwanji v. State (Govt. NCT) of Delhi**	**W.P.(Crl) 323/2025 Chander Prakash v. State of NCT of Delhi**	**W.P.(Crl) 668/2025 Harish Kumar v. State of NCT of Delhi**
Impugned minutes of SRB meeting	30.08.2024 & 18.09.2024	10.12.2024	10.12.2024	30.08.2024 & 18.09.2024
Details of FIR and Offences involved	FIR No. 50/1996 u/s 302 later re-entered as RC(1)(S)/96 -	FIR No. 542/2003, PS Paharganj, Delhi u/s 302, 364 IPC	FIR 859/2004, PS Sangam Vihar, Delhi u/s 302/201/34 of IPC,	FIR No. 702/1999, PS Mehrauli u/s 302/376/436/ 201of IPC

	SIU.V/SIC.II/CBI/SPE		25/27 of Arms Act	
Criminal act	Rape and murder of a girl.	Abduction and murder; shot in public	Intoxicated and murdered a person; wrapped the body in plastic wrap and dumped it	Rape and murder of a 12-year-old girl; burning the room with the body as an attempt to erase the evidence
Date of conviction	03.12.1999 (acquittal) 17.10.2006 (reversal and conviction)	25.08.2012	16.04.2008	26.04.2003
Conviction	**Sections:** 302/376 IPC	**Sections:** 302/364 IPC	**Sections:** 302/301/34 IPC 25/27 Arms Act	**Sections:** 302/376/436/ 201 IPC
Sentence served. (with and without remission) As per Nominal Roll	**Total**: 29 Years, 11 Months (as on 21.03.2025) **Actual:** 22 Years, 02 Months & 3 Days (as on 21.03.2025)	**Total:** 20 Years, 7 Months & 15 Days (as on 24.03.2025) **Actual:** 17 Years, 10 Months & 01 Day (as on 24.03.2025)	**Total**: 20 Years, 2 months & 20 days (as on 11.03.2025) **Actual:** 18 Years, 4 Months & 17 days (as on 11.03.2025)	**Total:** 33 Years (as on 08.04.2025) **Actual:** 25 years, 05 Months & 12 Days (as on 08.04.2025)
Current jail classification	Open Jail; working as a legal consultant with a real estate company	Closed Prison	Closed Prison	Semi-Open jail (was order to be transferred to Open; could not furnish surety)

Parole & furlough history	• 18 Paroles • (2 covid) 22 Furloughs	• 7 Paroles, • 1 Parole jumped 9 Furloughs	• 7 Paroles, • 3 Paroles jumped	• 3 Paroles • 8 Furloughs 5 special remissions
Imparting of curriculum conduct activities/skill/education/ vocational training Learnt/work performed in Jail (As per Jail Superintendent's Report)	Yoga, vipasayana & Lodgment as Jail legal cell sahayak	-	BPP, Computer course & graduation (BA)	Lunger Sahayak, Electrician, Carpentry, Plumber & Sahayak at Soj
Applicable Policy	16.07.2004 – Lt. Governor Order	16.07.2004 – Lt. Governor Order	16.07.2004 – Lt. Governor Order	16.07.2004 – Lt. Governor Order
Grounds for rejection of Pre-release application	Circumstances/perversity of the crime; Police and Addl. Commr. of Delhi Police opposed; Social Welfare Dept. recommended but Special Secretary cum Director, Social Welfare Department,	Gravity of the crime; Jumped parole; Re-arrest in another case; Jail Punishments; Propensity to commit crime	Gravity/perversity of the crime; Jail punishments (16 approx); Jumped parole twice, then booked in other cases; criminal history; other pending cases; possibility of committing crime	Gravity/perversity of the crime; Objection of police; Age; Possibility of committing crime again; 'etc.'

	Delhi opposed			
Misconduct/ Offences during incarceration	None	a. Jumped 1 month parole and re-arrested in another case u/s 224 IPC b. Quarrel/foul/ abusive language c. Trying to break complaint box Recovery of loose tobacco pouch from his pocket (punishment already undergone – cannot come in the way as per order of Hon'ble DHC)	a. hunger strike b. attempt to suicide c. physical assault with inmate d. smoking; changing the directions CCTV camera e. refused to go outside OPD f. recovery of surgical blades g. used unparliamentary language h. refused frisking; attacked frisking team i. recovery of prohibited article (twice) j. abusive language; misbehaved with jail staff (thrice) k. disobeyed jail rules l. recovery of pen drive	None

			m. late surrender	

Impugned Minutes of Meeting of the SRB

4. It must be noted that during the pendency of present proceedings, the cases of the Petitioners' in W.P.(CRL.) 1431/2023, W.P.(CRL.) 3785/2023, and W.P.(CRL.) 323/2025, were again considered by the SRB in its subsequent meetings, but were ultimately rejected on those occasions as well.

5. In particular, the Petitioner in **W.P.(CRL.) 1431/2023** had originally impugned the Minutes of the SRB dated 21st October, 2021. Later, on 21st December, 2023, the petition was amended to challenge the later rejection dated 30th June, 2023. The record further reflects that his case was yet again considered by the SRB in its meetings held on 30th August, 2024 and 18th September, 2024, but was not recommended for release.

6. Similarly, the Petitioner in **W.P.(CRL.) 3785/2023** initially impugned the minutes dated 30th June, 2023, however, his case too was placed before the SRB for reconsideration in the meetings held on 30th August, 2024 and 18th September, 2024. During the pendency of the writ petition, the Court was informed that the Petitioner's case was also due for review in the SRB meeting scheduled for 10th December, 2024. In light of this development, the Court deemed it appropriate to defer further hearing to await the outcome of the said meeting, however his request was denied yet again.

7. As for the Petitioner in **W.P.(CRL.) 323/2025**, the SRB was directed to consider his case pursuant to the orders of the Supreme Court in SLP (CRL.) Nos. 1985–1987/2024. In compliance with these directions,

the SRB considered the Petitioner's application for premature release in its meeting held on 10th December, 2024.

8. Notwithstanding the absence of a specific challenge to the most recent decisions in some of the petitions, the grounds raised herein apply with equal force to those decisions as well. Accordingly, this Court undertakes judicial scrutiny of all the recent decisions of the SRB in respect of all the petitions which are extracted hereinbelow:

Impugned Minutes in W.P.(CRL.) 1431/2023

"Minutes of SRB Meetings held on 30th Aug, 2024 & 18th Sep, 2024

REJECTED CASE OF PREVIOUS SRB MEETING
(INVESTIGATED BY C.B.I)
ITEM No. 172

SANTOSH KUMAR SINGH S/O LATE SH, J. P. SINGH - AGE-52 YRS

*Santosh Kumar Singh S/o Late Sh. J. P. Singh is undergoing ife imprisonment in case FIR NO. 50/19%, U/S 302/376 IPC, P.S. Vasant Kunj, Delhi (**case transferred to CBI and re-registered RC 1(S)/96-1U/V/SIC-I1/CBI/ SPE/New Delhi**) for committing rape and murder of a Law student. Accused Santosh Kumar Singh was acquitted by Ld. Trial Court. But Death sentence was awarded by Hon'ble High Court of Delhi which was commuted to life imprisonment by the Hon'ble Apex Court of India.*

Eligibility for consideration of the case:

Only after undergoing imprisonment for 20 years Including remission.

The convict has undergone:

Imprisonment of 21 years, 02 months & 12 days in actual and 28 years, 06 months & 27 days with remission. He has availed Parole 18 times and Furlough 19 times.

This case has been considered under the policy/order dated 16.07.2004 issued by the Govt. of NCT of Delhi I.e. policy that was existing on the date of conviction.

Conclusion:

The Board considered the reports received from Police and Social Welfare Departments and took into account all the facts and circumstances of the case. The convict had committed a brutal crime Le, rape and murder of a law student.

Considering the gravity, cruelty, perversity and the manner of the crime so committed, strong objection by the Police/C.B.I etc., the Board felt

that it may not be in the interest of the society at large to release such a convict and if the convict is released it will send a wrong signal to the public & society. The conduct of the convict in the jail is not necessarily a barometer of what he may do if outside the Prison. Thus, the Board unanimously REJECTS premature release of convict Santosh Kumar Singh S/o Late Sh. J. P. Singh at this stage."

Impugned Minutes in W.P.(CRL.) 3785/2023

(36)- Item No. 36; The case of Rajeev @ Diwanji S/o Sh. Tulsi Dass-(Age-43 Yrs.)

(i) Background:

This case has been put in compliance to the order dated 30.09.2024 in Writ Petition (Criminal) 3785/2023 passed by the Hon'ble High Court of Delhi in the matter of Rajeev @ Diwanji Vs. State (Govt. of NCT of Delhi), wherein it was submitted by the learned ASC (Crl.) for the State that the Petitioner's case shall be considered in the next meeting of the National Capital Territory of Delhi Sentence Reviewing Board. Re-notify on 28.01.2025.

Minutes of SRB Meeting held on 10th Dec, 2024

(ii) Eligibility conditions;

14 years of actual imprisonment i.e, without remission. This case has been considered under the policy/order dated 16.07.2004 issued by the Govt. of NCT of Delhi i.e. policy that was existing on the date of conviction.

(iii) Sentence details:

Rajeev @ Diwanji S/o Sh. Tulsi Dass is undergoing life imprisonment in case FIR No. 542/2003, U/S 302/364 IPC, P.S. Pahar Ganj, Delhi for murder of a person during his abduction. As on 25.11.2024, the convict has undergone imprisonment of 17 years, 09 months & 25 days in actual and 20 years, 07 months & 09 days with remission. He has availed Parole 07 times and Furlough 10 times. He jumped parole in 2013 and was re-arrested in another case on 15.06.2014.

(iv) Recommendations:

The Board considered the reports received from Police and Social Welfare Departments and took into account all the facts and circumstances of the case. The convict had committed murder of a person during his abduction in public view. Considering the facts of jump parole and re-arrest in another case, unsatisfactory jail

conduct with multiple jail punishments, shown non-reformative attitude etc, The Board after due deliberations unanimously recommended REJECTION of premature release of convict Rajeev Diwanji S/o Sh. Tulsi Dass at this stage."

Impugned Minutes in W.P.(CRL.) 323/2025

(05) Item No.-5; The case of Chander Prakash S/o Sh. Durian Singh = (Age-41 Yrs.)

(i) Background:

This case has been put up in compliance to the order dated 18.11.2024 in SLP (Crl) Nos. 1985-1987/2024 passed by the Hon'ble. Supreme Court of India connected with the main matter in WP (s) (Crl.) No (s). 397/2023 titled Chetan & others Vs. State the case of the petitioner/convict is titled as Subhash Chander & Ors. Vs. State (Govt. of NCT of Delhi), wherein it was directed "....We direct the respondent to consider the cases of only those petitioners who have surrendered in terms of this Court's order dated 1st October, 2024 and take appropriate decision within a period of Six weeks from today. The decision shall be placed before the Court on 3rd January, 2025 ....."

(ii) Eligibility conditions:

14 years of actual imprisonment i.e. without remission. This case has been considered under the policy/order dated 16.07.2004 issued by the Govt. of NCT of Delhi i.e. policy that was existing on the date of conviction.

(iii) Sentence details:

Chander Prakash S/o Sh. Durjan Singh is undergoing life imprisonment in case FIR No. 859/2004, U/S 302/201/34 IPC & 25/54/59 Arms Act, P.S. Sangam Vihar, Delhi for murder of a 22 years old man after intoxicating him. As on 25.11.2024, the convict has undergone imprisonment of 18 years. 02 months & 10 days in actual and years, 10 months and 28 days with remission. He has availed Interim bail 02 times and Parole 06 times. He jumped parole twice (i) w.e.f. 03.05.2012 and re-arrested in another case on 23.06.2012 & (ii) w.e.f. 14.08.2016 and re-arrested in another case on 14.10.2016.

(iv) Recommendations:

The Board considered the reports received from Police and Social Welfare Departments and took into account all the facts and circumstances of the case. The convict had committed murder of a 22 years old man after intoxicating him and dumped the dead body in the bushes near Hodal, Haryana. Considering the un-satisfactory conduct

in view of multiple jail punishments (approx 16), history of jumped parole twice and booked in other cases during such period, criminal history/other pending criminal cases, gravity and perversity of the crime, non reformative attitude, possibility of committing crime again etc., The Board held that it may not be in the interest of the society at large to release such a convict. Further, it has also been observed that the Hon'ble Supreme Court of India vide order dated 01.10.2024 vacated the interim relief i.e. exemption from surrender granted to the convict & thereby he had to surrender on 01.10.2024, whereas the convict surrendered on 07.10.2024. The Board after due deliberations unanimously recommended REJECTION of premature release of convict Chander Prakash S/o Sh. Durjan Singh at this stage."

Impugned Minutes in W.P.(CRL.) 668/2025

"Minutes of Meeting held on 30th Aug, 2024 & 18th Sep, 2024

ITEM NO. 138

HARISH S/O.SH. RAJA.RAM - AGE-43 YRS.

Harish S/o Sh. Raja Ram Is undergoing life Imprisonment in case FIR No. 702/1999, U/S 302/376/201 IPC, P.S. Mehrauli, Delhi for committing rape & murder of a 12 years minor girl.

Eligibility for consideration of the case:

Only after undergoing imprisonment for 20 years including remission.

The convict has undergone:

Imprisonment of 24 years, 02 months & 04 days in actual and 31 years, 10 months & 07 days with remission. He has availed Parole 03 times and Furlough 08 times.

This case has been considered under the policy/order dated 16.07.2004 issued by the Govt. of NCT of Delhi i.e. policy that was existing on the date of conviction.

Conclusion:

The Board considered the reports received from Police and Social Welfare Departments and took into account all the facts and circumstances of the case under which the brutal crime was committed. The convict had committed rape and murder of a 12 years minor girl. Considering the gravity and perversity of the crime, strong objection by police, age of the convict and possibility of committing crime again etc., the Board is of the view that the conduct of the convict in the jail is not

*necessarily a barometer of what he may do if outside the Prison. In the given backdrop of the entire facts placed, the Board after discussion at length unanimously **REJECTS** premature release of convict Harish S/o Sh. Raja Ram at this stage."*

Submissions on behalf of the Petitioners

9. The Petitioners assail the decisions of the SRB primarily on the ground that the rejections are arbitrary, procedurally flawed, and contrary to the settled principles governing premature release. They contend that the SRB has deviated from its statutory and policy-bound duty to undertake a holistic, case-by-case evaluation; the impugned orders fail to demonstrate any deliberative process, nor do they show due regard to the relevant materials that ought to have informed the decision. The legal submissions are summarised thus:

9.1. *Lack of Reasoned Decision-Making and Non-Application of Mind:* The impugned decisions suffer from a complete absence of case-specific reasoning. The record reveals that the SRB, in a single sitting, proceeded to consider an overwhelmingly large number of applications – an approach that renders any meaningful, individualised evaluation of each case highly implausible. Consequently, the orders issued are formulaic and non-speaking, devoid of any rational nexus with the convict's personal conduct, reformative progress, or relevant documentary material. Such mechanical rejection, without due application of mind, undermines the statutory purpose of the SRB and fails to meet the constitutional requirement of procedural fairness.

9.2. *Disproportionate Emphasis on the Nature of the Crime and Opposition by the Police*: While the nature and gravity of the offence is a relevant consideration, the SRB has treated it as the sole determinative

factor. The nature of the offence, though serious, cannot be used as a perpetual bar to release, especially when the convict has undergone substantial incarceration and shown demonstrable signs of rehabilitation. The singular focus on the brutality or perversity of the crime, to the exclusion of all other considerations, violates the object of the policy since all cases for remission invariably involve heinous crimes. In this regard, reliance has been placed upon the judgement in ***Satish @ Sabbe v. State of UP***.[3] Moreover, the SRB has erroneously relied upon the opposition by the Police to deny the Petitioners premature release, while ignoring Rule 1257(c) of the Delhi Prison Rules, 2018 which expressly stipulates that "Board shall not ordinarily decline a premature release of a prisoner merely on the ground that the police have not recommended his release."

9.3. *Failure to Consider Reformative Conduct and Length of Incarceration:* The SRB has failed to take into account the Petitioners' conduct during incarceration, including their participation in educational, vocational, and spiritual programmes, absence of major infractions, and positive assessments by jail authorities. The Petitioners have served lengthy sentences, in some cases exceeding two decades, yet no meaningful reference to their conduct or reformation potential is found in the impugned decisions.

9.4. *Disregard for Binding Policy Framework and Eligibility Criteria:* The Petitioners satisfy the eligibility thresholds prescribed under the Government of NCT of Delhi's policy dated 16th July, 2004, which was the prevailing policy at the time of their conviction. The SRB is bound to act within the contours of this policy and the Delhi Prison Rules, 2018, both

[3] (2021) 14 SCC 580

of which mandate a balanced, multi-factor-based assessment. However, the impugned rejections do not reflect any such evaluative exercise.

9.5. *Omission of Material Records and Reports:* Despite the availability of favourable recommendations by the Jail Superintendent or Social Welfare Department in several cases, the impugned minutes are silent on their consideration. This omission is not merely a procedural lapse, but strikes at the core of the decision-making process, rendering the outcomes procedurally untenable.

9.6. *Reformative Purpose of Incarceration Under the Policy Framework:* The underlying philosophy of the applicable remission and premature release policies is not retributive justice, but reformative and rehabilitative correction. The test is whether the convict has lost the propensity to commit crime and is capable of reintegration into civil society. It is urged that the Petitioners' conduct, including their reformative efforts and absence of recent infractions, demonstrates this transformation. The SRB, however, has failed to consider this while rejecting their applications, thereby frustrating the very objective of the policy.

9.7. *Discriminatory Application of Policy and Violation of Article 14:* The SRB has adopted arbitrary yardsticks in adjudicating the Petitioners' applications. Despite being similarly situated to other convicts who have been granted premature release under the same policy framework, the Petitioners have been denied relief without any justifiable distinction. This selective treatment, it is urged, violates the principle of equality before the law enshrined in Article 14 of the Constitution of India. Reliance in this regard has been placed on the judgment in ***Rajkumar v. State of U.P.***[4]

[4] (2024) 9 SCC 598

9.8. *Mechanical Rejection in Successive Reviews and Procedural Unfairness:* The Petitioners also highlight the practice of routinely forwarding their names for consideration before the SRB, only to have their applications rejected year after year, on identical grounds. This displays lack of genuine re-evaluation or case-specific appraisal of each convict's reformative progress. Moreover, the Petitioners were not even intimated about the fact that their cases had been placed before the SRB or that they had been rejected. This absence of communication deprives them of the opportunity to respond or challenge any adverse material that may have been considered. Such procedural opacity, is contrary to the prevailing policy as well as the principles of natural justice and undermines the fairness of the entire process.

10. **Individualised Submissions on Reform and Conduct**

In addition to the broader legal challenges raised against the impugned SRB decisions, certain Petitioners have also placed on record facts specific to their individual circumstances, highlighting their reformative progress and conduct during incarceration. These submissions are summarised below:

10.1. W.P. (Crl.) 1431/2023 – Santosh Kumar Singh

Mr. Mohit Mathur, Senior Advocate, submits that the Petitioner has consistently maintained good conduct during incarceration and has not been awarded any jail punishment throughout his sentence. Owing to his meritorious conduct and reformative progress, the Petitioner has been classified as eligible for Open Prison, and is currently permitted to exit the prison complex daily between 8:00 AM and 8:00 PM for gainful employment as a legal consultant with a real estate firm. It is urged that such placement reflects a high degree of institutional confidence and

reinforces the Petitioner's rehabilitation. However, despite these factors, his applications for premature release have been routinely rejected on the sole ground of the gravity of the crime. Further it has been submitted that the SRB had in fact recommended the Petitioner's premature release in a previous meeting held on 6th September, 2017. However, the Lt. Governor of Delhi directed the SRB to revisit the matter in a subsequent meeting, upon which the SRB summarily rejected the Petitioner's application without assigning any additional reasoning or acknowledging the earlier favourable recommendation. What exacerbates the issue, is that this initial recommendation in the Petitioner's favour was never communicated to him at the time and only came to light later. This demonstrates that the entire process is vitiated by arbitrariness, absence of transparency, and non-application of mind.

10.2. <u>W.P. (Crl.) 668/2025 – Harish Kumar</u>

Mr. Samar Bansal, Advocate, points out that the Petitioner is currently placed in a Semi-Open Prison and has actively contributed to various prison welfare programmes. In recognition of his trustworthy conduct, the Petitioner was granted permission for transfer to an Open Prison. However, due to financial hardship, he was unable to furnish the requisite surety to avail the benefit. It has been argued that even though this demonstrates Petitioner's rehabilitation, the same has been disregarded and his application has been rejected repeatedly and mechanically, on grounds that have not been treated as disqualifying in cases of other similarly placed convicts.

10.3. <u>W.P. (Crl.) 323/2025 – Chander Prakash</u>

Mr. Jaiveer, Advocate, highlights that during the COVID-19 pandemic, the Petitioner voluntarily served as a *sevadar* in the Central Jail Hospital,

assisting medical staff in tending to fellow inmates. He was awarded a "Corona Warrior Certificate" in recognition of his selfless service. The Petitioner has also completed various educational milestones during incarceration, including matriculation, higher secondary, and is presently pursuing a law degree. Counsel submits that although the Petitioner has past instances of parole violations and certain jail punishments, these incidents occurred several years ago and should not be allowed to permanently disqualify him for remission. It is argued that the SRB has ignored his subsequent conduct and constructive contributions, thereby failing to make an individualised and progressive assessment.

10.4 W.P. (Crl.) 3785/2023 – Rajeev @ Diwanji

Mr. Ajay Verma, Advocate for the Petitioner, contends that while the Petitioner had previously violated parole conditions and incurred a few jail punishments, these incidents have been unduly magnified in the SRB's consideration. He urges that the Petitioner has since improved his conduct and participated in prison activities, but the SRB has rejected his application year after year on the same grounds, without acknowledging any evolution in his behaviour. Such blanket rejection, it is submitted, fails to function in accordance with the policy mandate of having a case-specific evaluation.

10.5 Challenge to Misapplication of Remission Policy (W.P. (Crl.) 3785/2023)

In **W.P. (Crl.) 3785/2023**, the Petitioner raises a specific legal challenge to the policy framework applied by the SRB while considering his application for premature release. It is contended that the Petitioner, having been convicted on 25th August, 2012, ought to have been considered under the remission policy dated 16th July, 2004 issued by the GNCTD, which was

in force at the time of his conviction. However, the SRB erroneously evaluated his case under the Delhi Prison Rules, 2018, resulting in an adverse outcome. To support this contention, reliance is placed on the judgments of the Supreme Court in ***State of Haryana v. Jagdish***[5] and ***Joseph v. State of Kerala***.[6]

11. **SRB's Mandate and Scope of Judicial Review**: Tying the above submissions together, counsel for the Petitioners assert that while the SRB is empowered to exercise discretion in recommending premature release, such discretion is not unbounded and must be exercised in accordance with the remission policies formulated by the State, and constitutional principles of fairness and non-arbitrariness. Decisions that indicate mechanical reasoning, disregard material records, or adopt inconsistent yardsticks fall foul of this mandate. Consequently, the impugned SRB decisions are liable to be set aside under Article 226 of the Constitution. In support of this proposition, reliance is placed on ***Sushil Sharma v. State***[7], which affirms the settled principle that administrative or executive actions are amenable to judicial review when they breach policy, law, or fundamental rights.

12. **Prayer for Premature Release**: In addition to seeking the quashing of the impugned SRB decisions, counsel for the Petitioners submit that this Court is fully empowered to grant consequential relief by issuing directions for the Petitioners' premature release. They submit that where the SRB's decision is found to be arbitrary, mechanical, or *ultra vires* the applicable remission policy, this Court may not only set aside such decisions, but also proceed to direct the release of the convicts in appropriate cases. They contend that remanding the matter to the SRB would serve no meaningful

[5] (2010) 4 SCC 216
[6] 2023 SCC OnLine SC 1211
[7] 2018 SCC OnLine Del 13277

purpose, as it is likely to result in a reiteration of earlier rejections, devoid of real consideration or relief. Placing reliance on precedents such as ***Vijay Kumar Shukla v. State (NCT of Delhi)***[8] and ***Wahid Ahmed v. State of NCT of Delhi & Ors.***[9], ***Sushil Sharma v. State***[10]**,** it is contended that the High Court, in the exercise of its writ jurisdiction, has previously directed the release of convicts whose applications were unjustly rejected. Hence, this Court too may exercise its jurisdiction under Article 226 of the Constitution to grant final relief.

Submissions on behalf of the State

13. Mr. Sanjeev Bhandari and Mr. Amol Sinha, Additional Standing Counsels (Crl.), appearing for the State, oppose the maintainability as well as the merits of the present batch of writ petitions. Their opposition is two-fold: first, a general challenge to the legal propositions advanced by the Petitioners; and second, a factual response to the individual claims raised in each case. The State's submissions are summarised as follows:

13.1 *No Inherent Right to Premature Release:* The Petitioners, all convicts undergoing life imprisonment, have no vested or indefeasible right to seek premature release merely upon completion of the prescribed period under the applicable remission policies. A sentence of life imprisonment, as settled by judicial precedent, signifies incarceration for the remainder of the convict's natural life unless duly remitted by the competent authority. At best, the remission policies confer a limited legal right to be considered for premature release and not a right to be released

[8] 2024 SCC OnLine Del 7805
[9] 2022 DHC 3690
[10] Supra note 8

unconditionally. Reliance is placed on the decisions in ***Union of India v. V. Sriharan***,[11] and ***State of Haryana v. Mahender Singh***.[12]

13.2 *Role of the SRB and Boundaries of Judicial Review:* The adjudication of applications for premature release is a policy-based determination which falls squarely within the executive domain. Consequently, the Court, in exercising its jurisdiction under Article 226, may assess whether the impugned decisions are arbitrary or perverse, but cannot substitute its own views or direct premature release. Any such direction would amount to an exercise of remission, which is an executive function beyond the Court's powers. Even if the Court finds merit in the challenge to the impugned SRB decisions, it may, at most, remit the matter back for fresh consideration in accordance with law. However, the Petitioners' prayer for direct release, it is urged, is legally untenable and unsupported by any binding precedent. In this regard, reliance is placed on ***State of Haryana & Ors. v. Daya Nand***[13], ***Ram Chander v. State of Chhattisgarh***[14], ***State of Haryana v. Jagdish***[15], ***Rajan v. State of Tamil Nadu***[16], and ***Shashi Shekhar @ Neeraj v. State (NCT of Delhi)***[17].

13.3 *SRB Consideration was in accordance with law:* The cases of each of the Petitioners were considered for premature release as and when they became eligible. The rejections were made after due application of mind, and the SRB's decisions are supported by material placed before it. Factors considered include the nature of the original offence, potential for reformation, possibility of reintegration into society, and the convict's

[11] (2016) 7 SCC 1
[12] (2007) 13 SCC 606
[13] 2022:PHHC:015073
[14] (2022) 12 SCC 52
[15] Supra 5
[16] 2019 INSC 574
[17] 2016 SCC OnLine Del 6284

conduct during incarceration. Where there were adverse reports, such as jail punishments, parole violations, or police objections, these were also duly taken into account.

13.4 *Limited Evidentiary Weight of Departmental Recommendations:* The favourable recommendations from jail authorities or the Social Welfare Department, while relevant, are not binding on the SRB. The final decision requires a cumulative assessment of all relevant inputs. Reliance is placed on the decision in ***Nazir Khan v. State***[18], where the Court upheld the SRB's rejection of a premature release application despite a favourable recommendation from the Social Welfare Department.

Submissions on Individual Petitions

14. In addition to the broader legal arguments advanced with respect to the nature and scope of premature release, the State has specifically addressed factual averments raised in W.P. (Crl.) 3785/2023 and W.P. (Crl.) 323/2025. The submissions are summarised as follows:

14.1 W.P.(Crl.) 3785/2023 – Rajeev @ Diwanji

14.1.1 The Petitioner's grievance regarding the alleged application of an incorrect remission policy is without merit. In the SRB meetings held on 30th August, 2024, 18th September, 2024, and 10th December, 2024, the Petitioner's case was duly considered under the applicable policy dated 16th July, 2004, issued by the Government of NCT of Delhi. Accordingly, the contention raised in this regard has been rendered infructuous.

14.1.2. The Petitioner's jail conduct has been consistently unsatisfactory, with multiple recorded infractions, including possession of prohibited articles, destruction of jail property, and defiance of prison rules,

[18] 2022 SCC OnLine Del 4458

all of which resulted in disciplinary punishments. Additionally, it must be noted that the Petitioner jumped parole and was subsequently re-arrested for involvement in another criminal case.

14.1.3. The police report opposing his premature release flagged the risk of harm to complainants or witnesses, while the report of the Social Welfare Department expressed the opinion that the Petitioner had not lost the propensity to commit offences. Relying on these inputs, the SRB concluded that the Petitioner did not exhibit the requisite signs of reformation and that his release posed a continuing risk.

14.2. W.P.(Crl.) 323/2025 – Chander Prakash

14.2.1 The Petitioner's prison record is replete with instances of indiscipline. He has been awarded 17 jail punishments for various infractions, including possession of contraband items, engaging in physical and verbal altercations with inmates and jail staff, hunger strikes, and an attempted suicide. In addition, the Petitioner has violated parole conditions on two occasions and was reportedly involved in other criminal activities during such periods of parole, leading to his re-arrest.

14.2.2. The report submitted by the Additional Deputy Commissioner of Police describes the Petitioner as a habitual offender, with nine other FIRs registered against him. The report also notes that the Petitioner's brother is a repeat offender with four criminal convictions.

14.2.3 Having regard to these factors, including the Petitioner's poor conduct in custody, multiple disciplinary actions, parole violations, criminal antecedents, and the severity of the underlying offence, the SRB rightly concluded that the Petitioner had not lost his propensity to commit crime. Accordingly, the application for premature release was declined on cogent grounds and reasons.

ANALYSIS

15. To assess the validity of the decisions impugned in the present petitions, it is imperative to first delineate the legal framework governing premature release of convicts undergoing life imprisonment. This includes the relevant statutory scheme, applicable remission policies and prison rules, as well as the principles enunciated by constitutional courts. This legal framework would constitute the touchstone against which the decisions of the SRB must be tested for legality, procedural fairness, and adherence to constitutional values.

Legal Framework Governing Premature Release: Tracing the Source

16. 'Premature release' refers to the early release of a convict prior to the completion of the full sentence imposed by a court of law. This concept is rooted in the principle of reformation and rehabilitation, and flows from powers vested under Articles 72 and 161 of the Constitution of India, whereby the President and the Governor of a State, respectively, are empowered to grant pardon, reprieve, respite, or remission of punishment in appropriate cases. While these provisions vest clemency powers on constitutional authorities, however, no corresponding right accrues in favour of the convicts. Rather, it remains an aspect of executive discretion, exercised by the highest constitutional authorities in accordance with settled policies and principles of fairness. Its underlying rationale nonetheless lies in the broader objectives of reformation and rehabilitation.

17. The statutory framework supplementing this constitutional power is laid down under the Code of Criminal Procedure, 1973[19] (now replaced by

[19] "Cr.P.C."

the Bharatiya Nagarik Suraksha Sanhita, 2023[20]). Sections 432 and 433 of the Cr.P.C. (now Sections 473 and 474 BNSS, respectively) permit the appropriate Government to suspend, remit, or commute the sentence of a convict. These provisions reflect the legislative endorsement of a reformative approach, enabling the conditional grant of liberty based on demonstrated repentance, reformation, and rehabilitation.

18. The legislature has imposed express limitations on this discretion in certain categories of cases. Section 433A of the Cr.P.C. (now Section 475 of the BNSS) mandates that a convict sentenced to life imprisonment for an offence punishable with death, or where the death sentence has been commuted to life imprisonment, shall not be considered for release unless they have served at least fourteen years of actual imprisonment. This provision, enacted to ensure a minimum threshold of punishment in grave cases, acts as a statutory curb on the eligibility for premature release.

19. Recognising the evolving dynamics of prison management and the need to standardise best practices in this regard, the Ministry of Home Affairs, Government of India, introduced the '*Model Prison Manual for the Superintendence and Management of Prisons in India, 2003*'. This manual aimed to harmonise various State-level rules and procedures governing prison administration, prisoner classification, and release mechanisms, including the criteria and process for premature release.

20. In the same year, the National Human Rights Commission[21] also called upon all States and Union Territories to undertake a review of their existing policies and procedures governing the premature release of life convicts. This request was made with the intent of aligning the existing

[20] "BNSS"
[21] "NHRC"

frameworks with guidelines issued by the NHRC in 1999, which emphasised the need for greater transparency, uniformity, and procedural fairness.

21. In furtherance of the NHRC's recommendations, the Lieutenant Governor of the National Capital Territory of Delhi issued a comprehensive notification bearing No. F. 18/5/94/Home(Genl) dated 16th July, 2004[22], constituting the **'National Capital Territory of Delhi Sentence Reviewing Board'[23]**. By this notification, the 'Sentence Review Board' (SRB) was formally constituted for the NCT of Delhi and entrusted with the responsibility of periodically reviewing the sentences of convicts undergoing life imprisonment, and to make appropriate recommendations for their premature release. The said notification laid down the constitution of the Board, the frequency of its meetings, the eligibility criteria for consideration, and the detailed procedural framework to guide its deliberations and recommendations to the Lt. Governor.

22. Clause 3.1 the 2004 policy, defines the eligibility criteria for premature release of life convicts. The relevant portion is extracted below:

> *"**Eligibility for premature release***
>
> *3.1 Every convicted prisoner whether male or female undergoing sentence of life imprisonment and covered by the provisions of Section 433A Cr.P.C. shall be eligible to be considered for premature release from the prison immediately after serving out the sentence of 14 years of actual imprisonment i.e. without the remissions. It is however, clarified that completion of 14 years in prison by itself would not entitle a convict to automatic release from the prison and **the Sentence Review Board shall have the discretion to release a convict, at an appropriate time in all cases considering the circumstances in which the crime was committed and other relevant factors like: -***

[22] "2004 Policy"
[23] "SRB"

a) Whether the convict has lost his potential for committing crime considering his overall conduct in jail during the 14-year incarceration.
b) The possibility of reclaiming the convict as a useful member of the society; and
c) Socio-economic condition of the convict's family.

Such convict as stand convicted of a capital offence are prescribed the total period of imprisonment to be undergone including remission, subject to a minimum of 14 years of actual imprisonment before the convict prisoner is released. Total period 'of incarceration including remission in such cases should ordinarily not exceed 20 years.

Certain categories of convicted prisoners undergoing life sentence would be entitled to be considered for premature release only after undergoing imprisonment for 20 years including remissions. <u>The period of incarceration inclusive of remissions even in such cases should not exceed 25 years.</u> *Following categories are mentioned in this connection.*

a) Convicts who have been imprisoned for life for murder in heinous crimes such as murder with rape, murder with dacoity, murder involving an offence under the Protection of Civil Rights Act 1955, murder for dowry murder of a child below 14 years of age, multiple murder, murder committed after conviction while inside the jail; murder during parole, murder in a terrorist incident, murder in smuggling operation, murder of a public servant on duty.

b) Gangsters, contract killers smugglers, drug traffickers, racketeers awarded life imprisonment for committing murders as also the perpetrators of murder committed with pre-mediation and with exceptional violence of perversity.

c) Convicts whose death sentence has been commuted to life imprisonment."

[Emphasis Supplied]

23. As noted above, the 2004 Policy prescribes a baseline requirement of 14 years of actual imprisonment, exclusive of remissions, for convicts falling within the ambit of Section 433A of Cr.P.C. However, for certain

categories of prisoners convicted of heinous or aggravated offences, the policy stipulates a higher threshold of 20 years of incarceration, inclusive of remissions. Even in such cases, the total period of imprisonment, including remissions, is not to ordinarily exceed 25 years. The Petitioners assert that since the 2004 Policy was the operative remission policy at the time of their convictions, their eligibility for premature release must be adjudged with reference to the said policy. This position, they submit, is reinforced by settled judicial precedents recognising that either the remission policy applicable at the time of conviction, or a more liberal policy in force at the time of consideration, must govern the decision-making process.

24. In 2018, the Government of the NCT of Delhi undertook a systemic overhaul of its prison governance regime by notifying the **Delhi Prison Rules, 2018**[24], which came into effect on 1st October, 2018. These Rules constitute a comprehensive codification of the principles, procedures, and institutional structure governing prison administration in Delhi. In addition to codifying the organisational structure and conduct protocols within prisons, the DPR also incorporates provisions concerning the functioning of the SRB and the mechanism for premature release of convicts. The substantive framework relating to premature release is encapsulated in Chapter XX of the DPR, encompassing Rules 1244 to 1259.

25. Rules 1247 to 1250 of the DPR delineate the constitution, quorum requirements, and periodicity of SRB meetings. Under Rule 1249, the SRB is mandated to convene at least once every three months. However, Rule 1250 vests the Chairman of the Board with the discretion to call additional meetings at a shorter notice, whenever exigencies so demand. These

[24] "DPR"

provisions seek to ensure both regularity and responsiveness in the SRB's functioning, thereby avoiding undue delays in the consideration of eligible cases.

26. Correlating with Clause 3.1 of the 2004 Policy, the DPR reiterate the core eligibility benchmarks for premature release in Rules 1251 and 1252. These provisions largely mirror the earlier framework but introduce certain changes. Rules 1251–1252 of the DPR read as follows:

> *"1251. Every convicted prisoner whether male or female undergoing sentence of life imprisonment and covered by the provisions of Section 433A Cr.P.C shall be eligible to be considered for premature release from the prison immediately* ***after serving out the sentence of 14 years of actual imprisonment i.e. without the remissions.*** *It is, however, clarified that completion of 14 years in prison by itself would not entitle a convict to automatic release from the prison and the Sentence Review Board shall have the discretion to recommend to release a convict, at an appropriate time in all cases considering the circumstances in which the crime was committed and other relevant factors like:-*
>
> *a) Whether the convict has lost his potential for committing crime considering his overall conduct in Jail during the 14 year incarceration.*
> *b) The possibility of reclaiming the convict as a useful member of the society and*
> *c) Socio-Economic condition of the Convict's family.*
>
> *1252. Certain categories of convicted prisoners undergoing life sentence would be entitled to be considered for premature release only* ***after undergoing imprisonment for 20 years including remissions but not less than 14 years of actual imprisonment.*** *The following categories are mentioned in this connection:-*
>
> *a) Convicts who have been imprisoned for life for murder in heinous crimes such as murder with rape, murder with dacoity, murder involving an offence under the Protection of Civil Rights Act 1955, murder for dowry, murder of a child below 14 years of age, multiple murder, murder committed after conviction while inside the Jail, murder during parole or furlough, murder in a terrorist incident, murder in smuggling operation, murder of a public servant on duty.*

b) *Gangsters contract killers smugglers, drug traffickers, racketeers awarded life imprisonment for committing murders as also the perpetrators of murder committed with pre-meditation and with exceptional violence or perversity.*
c) *Convicts whose death sentence has been commuted to life imprisonment."*

[Emphasis Supplied]

27. As is evident from the above, the DPR introduces a dual threshold: a convict falling within the "heinous crimes" category must have served a minimum of 20 years (inclusive of remissions), while also having completed not less than 14 years of actual imprisonment. Unlike the 2004 Policy, however, the DPR omits any express outer limit on incarceration, such as the 25-year ceiling prescribed in the earlier policy. This departure becomes particularly relevant in cases where convicts, despite surpassing both thresholds, continue to be denied release without any individualised assessment of reformation.

28. A critical provision for the present adjudication is Rule 1244, which articulates that the overarching intent of premature release is reform, rehabilitation, and social reintegration of offenders, subject to the larger interest of public safety. The Rule makes it abundantly clear that the touchstone for eligibility is not merely the passage of time, but a demonstrable change in character, behaviour, and suitability for a law-abiding life. This Rule thus embeds the doctrine of reformation at the heart of the premature release mechanism and requires the SRB to assess whether the convict has become harmless and can be assimilated in society.

29. In furtherance of these goals, Rule 1256 prescribes a multi-tiered, participatory process for the consideration of eligible cases. The Rule lays down detailed obligations on various stakeholders, prison authorities, police officials, and the Chief Probation Officer, to ensure that the SRB's decision is based on a comprehensive, reasoned, and evidence-based

assessment. Pertinently, the Rule incorporates safeguards against mechanical opposition or blind endorsement, requiring all functionaries to provide their recommendations with justifiable reasoning. This mechanism is intended to prevent arbitrary decision-making and ensure that the due process of law is followed. The relevant portion is extracted below:

> ***"1256. The Procedure to be followed for eventual consideration by the SRB under the rules for every life convict eligible shall be as follows:-***
>
> ***i.*** *Every Superintendent in charge of a prison shall initiate the case of a prisoner at least three months in advance of his/her becoming eligible for consideration for premature release as per the criteria laid down for eligibility of premature release of life convicts.*
>
> ***ii.*** *The Superintendent prison shall* ***prepare a comprehensive note for each prisoner, giving his family and societal background as per the record of the case, the offence for which he was convicted and sentenced and the circumstances under which the offence was committed. The Superintendent shall also reflect fully on the conduct and behavior of the prisoner in the prison during the period of his incarceration, and during his/release on probation/leave, change in his/behavioral pattern, and prison offences, if any, committed by him/and punishment awarded to him for such offences. A report shall also be made about his physical and mental health or any serious ailment with which the prisoner is suffering, entitling him for premature release as a special case. The note shall contain recommendation of the Superintendent i.e., whether he favors the premature release of the prisoner or not. In either case such recommendation shall be supported by adequate reasons.***
>
> ***iii****. The Superintendent of the jail shall make a reference to the Deputy Commissioner of Police/ Superintendent of Police of the district, where the prisoner was ordinarily residing at the time of the commission of the offence for which he was convicted and sentenced or where he is likely to resettle after his release from the Jail. However, in case the place where the prisoner was ordinarily residing at the time of commission of the offence is different from the place where he committed the offence, a reference shall also be made to the Deputy Commissioner of Police/ Superintendent of Police of the district in which the offence was committed in either case, he shall forward a copy of the note prepared by him to enable the Deputy Commissioner of Police/ Superintendent of Police to express his views in*

regard to the desirability of the premature release of the prisoner.

iv. *On receipt of the reference, the concerned Deputy Commissioner of Police/ Superintendent of Police shall cause an inquiry to be made in the matter through a senior police officer of appropriate rank and based on his own assessment shall make his recommendations. While making the recommendations the Deputy Commissioner of Police/Superintendent of Police* ***shall not act mechanically*** *and oppose the premature release of the* ***prisoner on untenable and hypothetical grounds/ apprehensions****. In case the concerned Deputy Commissioner of Police/ Superintendent of Police is not in favor of the premature release of the prisoner,* ***he shall justify the same with cogent reasons and material.*** *He shall return the reference to the Superintendent of the concerned Jail not later than 30 days from the receipt of the reference.*

v. *The Superintendent of Jail shall also make a reference to the Chief Probation Officer and shall forward a copy of his note. On receipt of the reference, the* ***Chief Probation Officer shall either hold or cause to be held an inquiry through a Probation Officer in regard to the desirability of premature release of the prisoner having regard to his family and social background, his acceptability by his family members and the society, prospects of the prisoner for rehabilitation and leading a meaningful life as a good citizen. He will not act mechanically and recommend each and every case for premature release. In either case he should justify his recommendation by reasoned material.*** *The Chief Probation Officer shall furnish his report with recommendations to the Superintendent of the Jail not later than 30 days from the receipt of the reference.*

vi. *On receipt of the report/ recommendations of the Deputy Commissioner of Police/ Superintendent of Police and Chief Probation Officer, the Superintendent of Jail shall put up the case to the Inspector General of Prisons at least one month in advance of the proposed meeting of the Sentence Review Board. The Inspector General of Prisons shall examine the case, bearing in mind the report/ recommendations of the Superintendent of Jail. Deputy Commissioner of Police/ Superintendent of Police and Chief Probation Officer shall make his own recommendations with regard to the premature release of the prisoner or otherwise* ***keeping in view the general or special guidelines laid down by the Government for the Sentence Review Board. Regard shall also be had to various norms laid down and guidelines given by the Apex Court and various High Courts in the matter of premature release of prisoners."***

[Emphasis Supplied]

30. Under the framework laid down in Rule 1256 of the DPR, the fulcrum of the SRB's decision-making is the *comprehensive note* prepared by the Superintendent of Jail. This note is not intended to be a mere formality, but a detailed evaluative document that must reflect the prisoner's overall conduct and behaviour during incarceration, including any infractions or punishments awarded. In addition, it is mandated to include the convict's family and societal background, and the circumstances surrounding the commission of the offence. The objective is to present a comprehensive and balanced picture of the prisoner's disposition and reformation trajectory.

31. In aid of this assessment, the Jail Superintendent is required to obtain an independent report from the concerned Deputy Commissioner of Police (DCP) or Superintendent of Police of the district where the offence was committed or where the prisoner is likely to re-settle after his release. This report is to be based on a ground-level inquiry conducted by a senior police officer, evaluating whether the prisoner's release would pose any threat to society, witnesses, or law and order in the concerned area. The DPR expressly mandates that such recommendations must be reasoned and not founded on speculative or presumptive apprehensions.

32. Further, in order to assess the convict's rehabilitative and social reintegration potential, the Jail Superintendent must also refer the matter to the Chief Probation Officer. An inquiry is then conducted, either directly or through a Probation Officer, which assesses the prisoner's social and familial acceptability, the likelihood of successful reintegration into society, and their readiness to lead a law-abiding life. These inputs are intended to serve as vital indicators of whether the prisoner has truly

undergone the reformative transformation envisaged under the premature release policy. Such reports by the Superintendent of Police, and Chief Probation Officer, constitute the foundational material before the SRB and are meant to inform its deliberations in a structured, holistic, and fair manner.

33. Given the significant responsibility reposed in the SRB, Rule 1257 of the DPR lays down a detailed and mandatory procedure for the constitution, conduct, and decision-making protocol of the Board, including the quorum, role and voting rights of individual members, standards for arriving at consensus or recording dissent, and the weight to be accorded to recommendations from police or prison authorities. Pertinently, Rule 1257 mandates that all rejections must be accompanied by a reasoned and *speaking order* and affirms that a prior rejection does not preclude future reconsideration. The rule underscores that the welfare of both the prisoner and society is to guide the Board's decision. The relevant provision is extracted below:

> ***"1257. The Board shall follow the following Procedure and Guidelines while reviewing the cases and making its recommendations to the competent authority.***
> ***a)*** *The Inspector General of Prisons with the prior approval of chairman shall convene a meeting of the Sentence Review Board on a date and time advance notice of which shall be given to the Chairman and Members of the Board at least ten days before the scheduled meeting and it shall accompany the complete agenda papers i.e. the note of the Superintendent of Jail recommendations of the Deputy Commissioner of Police/ Superintendent of Police, Chief Probation Officer and Inspector General of Prisons along with the copies of documents, if any.*
> ***b)*** *A meeting shall ordinarily be chaired by the Chairman and if for some reasons he is unable to be present in the meeting, it shall be chaired by the Principal Secretary (Home). The Member Secretary (Inspector General of Prisons) shall present the case of each prisoner under consideration before the Sentence Review Board. The board shall consider the case and take a view. As far as practicable, the Sentence Review Board*

shall endeavor to make unanimous recommendation. However, in case of a dissent, the majority view shall prevail and will be deemed to be decision of the Board. If equal numbers of members are of opposing views, the decision of the chairman will be final. However, the views of the opposing members should be recorded.

c) *While considering the case of premature release of a particular prisoner, the Board shall keep in view the general* ***principles of amnesty/ remission*** *of the sentence as laid down by the Government or by Courts as also the earlier precedents in the matter. The paramount consideration before the Sentence Review Board being the* ***welfare of the prisoner and the society at large****. The Board shall not ordinarily decline a premature release of a prisoner merely on the ground that* ***the police have not recommended his release****. The Board shall take into account the circumstance in which the offence was committed by the prisoner and whether he has the propensity and is likely to commit similar or other offence again.*

d) *Rejection of the case of a prisoner for premature release on one or more occasions by the Sentence Review Board will not be a bar for reconsideration of his case. However, the reconsideration of the case of a convict already rejected shall be after the expiry of a period of Six months from the date of last consideration of his case. It is prescribed that decision of the case of a convict of premature release should be* ***through speaking order in writing****.*

e) *The recommendation of the Sentence Review Board shall be placed before the competent authority without delay for consideration. The competent authority may either accept the recommendations of the Sentence Review Board or reject the same on grounds to be stated or may ask the SRB to reconsider a particular case. The decision of the competent authority shall be communicated to the concerned prisoner and in case the competent authority has ordered grant of remission and ordered his premature release, the prisoner shall be released forthwith with or without conditions."*

[Emphasis Supplied]

34. Sub-rule (c) of Rule 1257 of the DPR provides broad guidance on the exercise of discretion by the SRB. It mandates that, while evaluating the suitability of a prisoner for premature release, the Board must prioritise the welfare of both the prisoner and society at large. The rule cautions that premature release ought not to be denied solely on the basis of an adverse

police recommendation; instead, a holistic consideration of all relevant materials and circumstances is required. Rule 1257(e) further requires that the Government's final decision, whether to accept, reject, or remit the matter for reconsideration, must be communicated to the prisoner without undue delay.

35. It is thus evident that the SRB discharges a critical public function, requiring it to exercise its discretion with circumspection, fairness, and attention to the statutory mandate and in a non-arbitrary manner. The core question before the Board is whether the prisoner has genuinely undergone reformation, such that they no longer pose a threat to society and can be safely reintegrated, thus, striking a balance between the right of a convict and the welfare of the society.

36. In support of their claims, the Petitioners in W.P.(Crl.) 1431/2023 and W.P.(Crl.) 668/2025 draw attention to their placement in semi-open or open prison, and urge that such classification, by its very nature, reflects an institutional assessment of their good conduct and diminished risk profile. Indeed, Rule 1321 of the DPR prescribes the detailed eligibility criteria for transfer of prisoners to semi-open prisons, proportionate to the severity of sentence and the actual period of incarceration served (excluding remission). The said classification is not granted lightly; it is premised on sustained good behaviour, diligence, and absence of disciplinary infractions over a significant period. In this context, placement in such facilities can serve as a compelling indicator of their reformative progress, and is a relevant factor for assessing their eligibility for release.

37. To provide emphasis, the provisions related to Semi-open prison as specified in the DPR, along with the relevant criteria, is reproduced below:

> ***"49) SEMI-OPEN PRISON*** *means any place within the prison complex so declared by the Government for temporary or*

permanent use for the detention of prisoners in which the prisoners are trusted to serve their sentences with minimal supervision and perimeter security and are not locked up in prison cells and do the work within the area demarcated by the Inspector General inside the prison complex as assigned to them from time to time while serving their sentence.

…

1321. Criteria for selection

(i) The following convicted prisoners may be selected for confinement in semi open prison who –

a) are sentenced for 3 years and have served minimum 1 year of actual sentence as convict from the date of his conviction excluding remission in closed prison or

b) are sentenced to term exceeding 3 years up to 5 years and have undergone minimum two (02) years of actual sentence as convict from the date of his conviction excluding remission in closed prison or

c) are sentenced for exceeding 5 years and up to 10 years and have undergone three (03) years of actual sentence from the date of his conviction excluding remission in closed prison or

d) are sentenced for exceeding 10 years and up to 14 years or life sentence, where as per the chapter of premature release or Sentence Review Board the case is referred after fourteen years of actual imprisonment and the convict have undergone five (05) years of actual sentence as convict from the date of his conviction, excluding remission in closed prison or

e) are sentenced for a term more than 14 years or life sentence, where as per the chapter of premature release the case is referred after twenty years including remission, and the convict have undergone 7 (Seven) years of the actual as convict from the date of his conviction excluding remission in closed prison. Provided that all the above categories of convict must have served, including under trial period, at least 2/3rd of his total punishment awarded including remission.

*(ii) Have maintained **excellent conduct** inside the prison during the period of his sentence and has **performed labour if allotted to him with due devotion and diligence** there **should not be any punishment for any offence against such convict** at least for last three years from the date of eligibility.*

*(ii) **Nothing adverse should have been noticed during his temporary release from the prison on parole/furlough**, if eligible/availed and*

*(iv) Have **no appeal/other pending cases against him in any court** either in Delhi or in India."*

[Emphasis Supplied]

38. Further, Rule 1325 of the DPR lays down the framework for progression from semi-open to open prisons, which offer a higher degree of liberty and reflect institutional endorsement of a prisoner's reformative progress. Placement in an Open Prison is contingent upon completion of a minimum period in Semi-open confinement, along with a proven record of excellent conduct, self-discipline, and personal responsibility. The concept and selection criteria are extracted below:

> *"**36) OPEN PRISON** means any place within the prison complex so declared by the Government for temporary or permanent use for the detention of prisoners in which the prisoners are trusted to serve their sentences with minimal supervision and perimeter security and are not locked up in prison cells. Prisoners may be permitted to take up employment outside the prison complex while serving their sentence.*
> **…**
> ***1325. Criteria for selection***
> *I. The following convicted prisoners may be selected for confinement in Open prison who –*
> *a) are found to be **of good behavior** and are physically and mentally fit.*
> *b) have maintained **excellent conduct** inside the semi-open prison and have performed labour allotted to them with due **devotion and diligence** and*
> *i. the convict who have been sentenced for more than 3 years and upto 5 years and have completed six months in Semi- open Jail.*
> *ii. the convict who have been sentenced for more than 5 years and have completed one year in Semi-open Jail.*
> *Provided that the convict must have served, including under trial period, at least 3/4TH of his total punishment awarded including remission.*
> *(c) Having **good character** and maintaining **self-discipline**.*
> *(d) Have **strong group adjustability** and sense of **responsibility**."*
>
> [Emphasis Supplied]

39. In sum, the power to grant remission or premature release is an executive function derived from sovereign powers under Articles 72 and 161 of the Constitution, vested respectively in the President and the

Governor of a State. Statutorily, this power is also recognised under Section 432 to 433A of the Cr.P.C. (now Sections 473 to 475 of BNSS), which empower the appropriate government to suspend, remit or commute sentences awarded by criminal courts. Thus, remission lies primarily within the domain of executive policy and sovereign discretion.

40. The scheme emerging from the 2004 Policy and the DPR 2018 underscores that the decision to grant or deny premature release must be anchored in a comprehensive and fair assessment of the prisoner's overall conduct, reformative milestones, institutional evaluations (including placement in Semi-open or Open Prisons), and the reports prepared by the Jail Superintendent, Police, and Probation Officer.

41. Additionally, constitutional courts have consistently elucidated legal principles to define the permissible limits of the SRB's discretionary power and the scope of judicial review over its decisions. These precedents, discussed hereinafter, are crucial for evaluating whether the Impugned Minutes in these cases align with legal and constitutional standards.

Judicial Precedents

42. Where the convicts allege that the rejection of their cases violates their rights under the existing remission policy, the inquiry by the Court is ordinarily not into the merits of the decision *per se*, but whether the decision-making process suffered from arbitrariness, non-application of mind, or procedural unfairness.

43. This position has been expounded in the case of ***Union of India v. V. Sriharan***[25], wherein the Supreme Court clarified that the power of a constitutional court to review executive action exists independently of the

[25] (2016) 7 SCC 1

executive's authority under the statute, and may be invoked where there is arbitrariness, non-application of mind, or legal infirmity in the exercise of such discretion. The relevant paragraphs of the judgement are as follows:

> *110. ... In this context, when we refer to the power of commutation/remission as provided under the Criminal Procedure Code, namely, Sections 432, 433, 433-A, 434 and 435, it is quite apparent that the* ***exercise of power under Article 32 of the Constitution by this Court is independent of the Executive Power of the State under the statute****. As rightly pointed out by Mr Dwivedi, learned Senior Counsel in his submissions made earlier, such exercise of power was in the context of breach of Article 21 of the Constitution. In the present case, it was so exercised to commute the sentence of death into one of life imprisonment. It may also arise while considering wrongful exercise or perverted exercise of power of remission by the statutory or constitutional authority. Certainly there would have been no scope for this Court to consider a case of claim for remission to be ordered under Article 32 of the Constitution.* ***In other words, it has been consistently held by this Court that when it comes to the question of reviewing an order of remission passed which is patently illegal or fraught with stark illegality on constitutional violation or rejection of a claim for remission, without any justification or colourful exercise of power, in either case by the executive authority of the State, there may be scope for reviewing such orders passed by adducing adequate reasons. Barring such exceptional circumstances, this Court has noted in numerous occasions, the power of remission always vests with the State executive and this Court at best can only give a direction to consider any claim for remission and cannot grant any remission and provide for premature release. It was time and again reiterated that the power of commutation exclusively rests with the appropriate Government."***
>
> [Emphasis Supplied]

44. The legal position was succinctly crystallised by the Supreme Court in ***Epuru Sudhakar v. Government of A.P.***[26], where it was held that the exercise of clemency powers under Articles 72 and 161 of the Constitution

[26] (2006) 8 SCC 161

is subject to judicial review on limited but well-defined grounds. These grounds include:

> *"34. The Position, therefore, is undeniable that judicial review of the order of the President or the Governor under Article 72 or Article 161, as the case may be, is available and their orders can be impugned on the following grounds:*
>
> *(a) that the order has been passed without application of mind;*
>
> *(b) that the order is mala fide;*
>
> *(c) that the order has been passed on extraneous or wholly irrelevant considerations;*
>
> (d) *that relevant materials have bene kept out of consideration;*
>
> (e) *that the order suffers from arbitrariness"*

45. In ***Ram Chander v. State of Chhattisgarh***[27], the Supreme Court clarified that while the judiciary cannot itself grant remission, it is within the power of constitutional courts to review such a decision on the grounds of arbitrariness or legal infirmities. In cases where a review is warranted, the Court is empowered to direct the authority to reconsider the matter in accordance with the law[28]. The relevant portion of the said judgment is reproduced below:

> *12.* ***<u>While a discretion vests with the government to suspend or remit the sentence, the executive power cannot be exercised arbitrarily. The prerogative of the executive is subject to the rule of law and fairness in state action embodied in Article 14 of the Constitution.</u>*** *In Mohinder Singh (supra), this Court has held that the power of remission cannot be exercised arbitrarily. The decision to grant remission should be informed, fair and reasonable. The Court held thus:*
>
> > *"9. The circular granting remission is authorized under the law. It prescribes limitations both as regards the prisoners who are eligible and those who have been excluded. Conditions for remission of sentence to the prisoners who are eligible are also prescribed by the circular. Prisoners have no absolute right for remission of their sentence unless except what is prescribed by law and the circular issued thereunder. That special*

[27] (2022) 12 SCC 52

[28] See also: ***Rajan v. Home Secretary, Home Department of Tamil Nadu & Ors***. (2019) 14 SCC 114

> *remission shall not apply to a prisoner convicted of a particular offence can certainly be a relevant consideration for the State Government not to exercise power of remission in that case.* ***Power of remission, however, cannot be exercised arbitrarily. Decision to grant remission has to be well informed, reasonable and fair to all concerned."***
>
> *13. In Sangeet (supra), this Court reiterated the principle that the power of remission cannot be exercised arbitrarily by relying on the decision in Mohinder (supra).*
>
> ***14. While the court can review the decision of the government to determine whether it was arbitrary, it cannot usurp the power of the government and grant remission itself. Where the exercise of power by the executive is found to be arbitrary, the authorities may be directed to consider the case of the convict afresh."***
>
> [Emphasis Supplied]

46. In this regard, it is also important to take note of the decision of the Supreme Court in ***State of Haryana v. Mahender Singh***[29], wherein the Supreme Court clarified that while remission is not a fundamental right, a convict is entitled to have their case considered on its individual merits, in accordance with applicable legal and policy frameworks. Although general guidelines may be issued to ensure consistency and avoid arbitrariness, these cannot displace the obligation to conduct a fair and reasoned evaluation of each case. These principles were reiterated in ***Mohinder Singh v. State of Punjab***[30], where the Court underscored that remission cannot be granted arbitrarily and that the enabling power under Section 432(1) Cr.P.C. must be exercised only after complying with the statutory safeguards, including a fair inquiry into the convict's eligibility and conduct. These decisions underline that although remission itself is not a vested right, the convict has a legal right to be meaningfully considered under the prevailing policy. A failure to consider a case fairly, or in

[29] (2007) 13 SCC 606 ¶191
[30] (2013) 3 SCC 294

violation of statutory procedure, gives rise to grounds for judicial review. The role of the Court, therefore, is to ensure that the executive exercises its discretion lawfully, reasonably, and in accordance with settled principles.

47. Recently, in ***Bilkis Yakub Rasool v. Union of India***[31]**,** the Supreme Court again clarified the contours of judicial review holding that even though discretion is conferred on the executive, it must be exercised within the boundaries of law, having regard to relevant considerations, and free from arbitrariness or perversity.

48. Therefore, it is now well-settled that the constitutional and statutory power to grant remission is vested exclusively in the executive, and this Court must not assume the role of the authority by substituting its own view for that of the SRB or the Government. However, where the decision of the SRB is challenged on grounds of procedural unfairness, arbitrariness, or non-application of mind, the Court is not powerless. Judicial review, though limited in scope, must be exercised where the discretion by the SRB or the appropriate Government is found to be is patently illegal, vititated by constitutional violations, or rejection of a claim for remission, without reasonable justification.

Reasoned Order

49. Another crucial issue which arises from the impugned decisions is the lack of adequate reasoning. That all administrative and quasi-judicial decisions must disclose the rationale underlying them is an essential element of 'principles of natural justice' which needs no reiteration. This requirement ensures transparency, accountability and effective judicial review. On this aspect, it is apposite to refer to the decision of a Co-ordinate

[31] (2024) 5 SCC 481

Bench of this Court in ***Nazir Khan v. State of NCT of Delhi***, where the Court reiterated that with the expanding horizon of judicial review, the duty to record reasons has become an indispensable part of judicial review. The relevant extract of the judgment is as follows:

> *"17. It is suitably established in India that an adjudicatory authority is required to give reasons for its decision. The Supreme Court in Siemens Engineer and Manufacturing Co. v. Union of India, (1976) 2 SCC 981 : AIR 1976 SC 1785 reiterated the principle with an emphasis that the rule requiring reasons to be given in support of an order is a basic principle of natural justice which must inform the quasi-judicial process. It should be observed in its proper spirit and "mere pretence of compliance with it would not satisfy the requirement of law". It was observed in Maneka Gandhi v. Union of India, (1990) 4 SCC 594 : AIR 1990 SC 1984 that giving of reasons is a healthy check against abuse or misuse of power. The requirement of duty to give reasons was further crystallized in S.N. Mukherjee v. Union of India, (1990) 4 SCC 594 : AIR 1990 SC 1984 and reasons due to which a reasoned decision must be passed were discussed. It was observed that reasoned decision : (i) guarantee consideration by the authority; (ii) introduce clarity in decisions; and (iii) minimize chances of arbitrariness in decision-making thereby ensuring fairness in the process. It was observed as under:*
>
> > ***In our opinion, therefore, the requirement that reason must be recorded must be recorded should govern the decisions of govern the an administrative authority exercising quasi-judicial functions irrespective of fact whether the decision is subject to appeal, revision or judicial review.*** *It may, however, be added that it is not required that the reasons should be as elaborate as in the decision of a court of law. The extent and nature of the reasons would depend on particular facts and circumstances.* ***What is necessary is that the reasons are clean and explicit so as to indicate that the authority has given due consideration to the points in controversy.***
>
> *18. The Supreme Court in Rani Lakshmi Bai Kshetriya Gramin Bank v. Jagdish Sharan Varshney, (2009) 4 SCC 240 held that the purpose of disclosure of reasons is that*

people should have confidence in judicial and quasi-judicial authorities and minimize chances of arbitrariness. It was held as under:—

> ***The purpose of disclosure of reasons, as held by a Constitution Bench of this Court in the case of S.N. Mukherjee v. Union of India reported in (1990) 4 SCC 594, is that people must have confidence in the judicial or quasi-judicial authorities. Unless reasons are disclosed, how can a person know whether the authority has applied its mind or not? Also, giving of reasons minimizes chances of arbitrariness. Hence, it is an essential requirement of the rule of law that some reasons, at least in brief, must be disclosed in a judicial or quasi-judicial order, even if it is an order of affirmation.***

19. The Supreme Court in the case of Namit Sharma v. Union of India, (2013) 1 SCC 745 regarding duty to give reasons held as under:—

> ***It is not only appropriate but is a solemn duty of every adjudicatory body, including the tribunals, to state the reasons in support of its decisions. Reasoning is the soul of a judgment and embodies one of the three pillars on which the very foundation of natural justice jurisprudence rests. It is informative to the claimant of the basis for rejection of his claim, as well as provides the grounds for challenging the order before the higher authority/constitutional court. The reasons, therefore, enable the authorities, before whom an order is challenged, to test the veracity and correctness of the impugned order. In the present times, since the fine line of distinction between the functioning of the administrative and quasi-judicial bodies is gradually becoming faint, even the administrative bodies are required to pass reasoned orders.*** *In this regard, reference can be made to the judgments of this Court in the cases of Siemens Engineering & Manufacturing Co. of India Ltd. v. Union of India [(1976) 2 SCC 981]; and Assistant Commissioner, Commercial Tax Department Works Contract and Leasing, Kota v. Shukla & Brothers [(2010) 4 SCC 785].”*
>
> [Emphasis Supplied]

50. The Supreme Court has also consistently emphasised that reasons are an essential facet of natural justice. In ***Siemens Engineering and Manufacturing Co. v. Union of India***[32], the Court emphasised that the rule requiring reasons is not a mere formality but a safeguard against arbitrary decision-making. It was observed that the requirement must be observed in its true spirit, and "mere pretence of compliance" would not suffice. This principle was further reinforced in ***Maneka Gandhi v. Union of India***[33], where it was held that giving reasons serves as a check against abuse of power.[34]

51. In a recent Constitution Bench decision in ***In Re: Policy Strategy for grant of Bail***[35]**,** the Supreme Court held that once a remission policy is in place, the State has an affirmative duty to proactively consider eligible convicts for premature release, even in the absence of a formal application. Recognising that such decisions directly impact the personal liberty of the convict under Article 21 of the Constitution, the Court also observed that the reasons for grant or refusal of remission should be 'clearly delineated' and the final decision should be communicated to the convict. The Court held that the requirement of providing reasons, whether for allowing or rejecting remission, must be read into the framework of Section 432 of Cr.P.C. (corresponding to Section 473 of BNSS). The relevant excerpt reads:

> *"REQUIREMENT OF RECORDING REASONS*
> ***17. The power to grant premature release must be exercised in a fair and reasonable manner. It affects the convict's liberty guaranteed under Article 21 of the Constitution. Therefore, the requirement of recording reasons either for granting or rejecting the prayer for permanent remission will have to be read into the provisions of***

[32] (1976) 2 SCC 981
[33] (1990) 4 SCC 594
[34] See also: ***Ram Chander v. State of Chhattisgarh*** (2022) 12 SCC 52
[35] Suo Moto Writ Petition (Crl.) No. 04 of 2021, 2025 SCC OnLine SC 349

> ***Section 432 of the CrPC and Section 473 of the BNSS. Principles of natural justice must be read into the provisions of Section 432 of the CrPC. In any case, in the case of Bilkis Yakub Rasool v. Union of India in paragraph 222.8, this Court held that the reasons for grant or refusal of remission should be clearly delineated in the order. Therefore, the requirement to record reasons exists. Brief reasons must be recorded, which are sufficient to enable the convict to understand why his prayer for remission has been rejected. This enables him to challenge the order of rejection.***
>
> ***18. Furthermore, it follows that the order passed by the appropriate Government of either granting or rejecting the prayer for remission must be communicated to the convict. If the prayer is refused, while providing a copy of the order to the convict, he must be informed that he has a right to challenge the order.*** *A copy of the order rejecting the prayer must be immediately provided to the Secretary of the District Legal Services Authority so that legal aid can be offered to the prisoner to challenge the order."*
>
> [Emphasis Supplied]

52. It is also well settled that where an executive decision results in civil consequences, including interference with personal liberty, the distinction between administrative and quasi-judicial functions loses significance. In such cases, adherence to the principles of natural justice is mandatory.[36]

53. Additionally, a co-ordinate bench of this Court in ***Vijay Kumar Shukla v State (NCT of Delhi)***[37] held that the SRB needs to provide a reasoned and speaking order, i.e., it must clearly state the grounds on which it is based. The relevant portion of the judgement is as follows:

> *"31. The underlying theme, fulcrum and raison d'être of premature release are fortunately well articulated in Rule 1244 Chapter XX of DPR (which is extracted in paragraph 17 above). Premature release is achieving a balance in ensuring 'reformation, rehabilitation, and integration into society of an offender on one hand and protection of society on the other'. For the purposes of this assessment, as stated by the Rule, is the conduct behaviour and performance of prisoners while in prison. The SRB is undoubtedly a recommendary body as per Rule 1247 (as extracted in paragraph 17 above). The body is constituted by Members of the Executive, District Judiciary,*

[37] Supra

Police and Prison Authorities. The SRB, in achieving this recommendation, exercises 'discretion'.
32. However, the exercise of this discretion is to be based on relevant factors, which inter alia are whether the convict has lost his propensity for committing crime considering his overall conduct, possibility of reclaiming the convict as a useful member of society; and socio-economic condition of the convict's family.
…
36. Latin maxim Nemo debet esse judex in propria causa (no one should be a judge in their own cause) and Audi alteram partem (hear the other side) are foundational principles of natural justice. A "speaking order" or "reasoned order" is regarded as the third pillar of natural justice. An order is termed "reasoned" when it contains the rationale supporting it. *The adjudicating body's duty to provide reasons ensures that such a decision qualifies as a "reasoned order". The Supreme Court has consistently held that a "speaking order" must clearly state the grounds on which it is based. In Siemens Engineering & Manufacturing Co. of India Ltd. v. Union of India (1976) 2 SCC 981, the Supreme Court underscored that providing reasons for an order is not merely a formality but a fundamental principle of natural justice, ensuring that quasi-judicial bodies demonstrate transparency and fairness in their decision-making process….*
…
37. Even if one were to ignore the brevity of articulation by the SRB, as merely for administrative convenience, there's complete opacity in whether the cautionary elements of Rule 1257(c) which ought to stare in the face of SRB, previous rejections, lack of police recommendation and welfare of the prisoner were considered and used as reasons ultimately leading to a negative recommendation."

[Emphasis Supplied]

54. In view of the above discussion, it is clear that the requirement to record clear reasons in decisions on premature release is a procedural safeguard which must be strictly adhered to. Since such decisions directly affect the personal liberty of a convict, they must reflect proper application of mind, show that relevant factors have been duly considered, and disclose the basis for the conclusion reached. The SRB, while performing its functions must ensure that its decisions are reasoned and not arbitrary. The

reasoning must be sufficient to allow the convict to understand the basis of the decision and, where necessary, seek appropriate legal remedies.

Applicable Policy

55. Before proceeding further, we must also identify the applicable remission policy governing the assessment of their entitlement to premature release. This determination is foundational, for application of the requisite yardsticks and addressing the Petitioners' argument that the policy applicable to them should be the 2004 policy notified by the GNCTD.

56. The Supreme Court in ***State of Haryana v. Jagdish***[38]**,** affirmed that the remission policy applicable to a convict would ordinarily be the one in force at the time of conviction. However, the Court clarified that if a more liberal policy is introduced and is in force at the time of consideration of the case, the convict must be afforded the benefit of such a favourable change. The relevant extract from the judgment reads as follows:

> ***"54. The State authority is under an obligation to at least exercise its discretion in relation to an honest expectation perceived by the convict, at the time of his conviction that his case for premature release would be considered after serving the sentence, prescribed in the short-sentencing policy existing on that date. The State has to exercise its power of remission also keeping in view any such benefit to be construed liberally in favour of a convict which may depend upon case to case and for that purpose, in our opinion, it should relate to a policy which, in the instant case, was in favour of the respondent. In case a liberal policy prevails on the date of consideration of the case of a "lifer" for premature release, he should be given benefit thereof."***
>
> [Emphasis Supplied]

[38] Supra note 5

57. Similar observations have been made by the Supreme Court in ***Joseph v State of Kerala***[39] and ***Rajkumar v. State of U.P.***[40] In the latter case, not only was it reiterated that each case for premature release must be decided as per the legal position on the date of the conviction, subject to a more beneficial policy, but also that the provisions of law must be applied equally to all persons. The relevant extract of the decision of the Supreme Court in ***Rajkumar*** is as follows:

> ***"13 The State having formulated Rules and a Standing Policy for deciding cases of premature release, it is bound by its own formulations of law. Since there are legal provisions which hold the field, it is not open to the State to adopt an arbitrary yardstick for picking up cases for premature release. It must strictly abide by the terms of its policies bearing in mind the fundamental principle of law that each case for premature release has to be decided on the basis of the legal position as it stands on the date of the conviction subject to a more beneficial regime being provided in terms of a subsequent policy determination. The provisions of the law must be applied equally to all persons. Moreover, those provisions have to be applied efficiently and transparently so as to obviate the grievance that the policy is being applied unevenly to similarly circumstanced persons. An arbitrary method adopted by the State is liable to grave abuse and is liable to lead to a situation where persons lacking resources, education and awareness suffer the most"***
>
> [Emphasis Supplied]

58. Therefore, it is a settled position that the policy applicable to a convict's case for premature release is ordinarily the one in force at the time of conviction, unless a more liberal policy exists at the time of consideration, in which case the latter must be applied to ensure that the benefit of reform is not arbitrarily withheld. This principle of liberal construction in favour of the convict where a more beneficial regime is

[39] Supra note 6
[40] Supra note 4

subsequently introduced, is now well entrenched. Any deviation from this principle would amount to a denial of equal treatment under Article 14 and an unjust curtailment of the convict's right to fair consideration for release under law.

Judicially Recognised Factors for Consideration by the SRB

59. In addition to the above principles, Constitutional Courts have consistently articulated the guiding factors that must inform the decision-making process of the SRB. In ***Laxman Naskar v. Union of India***[41], the Supreme Court delineated a non-exhaustive set of factors to be considered by authorities while assessing a prisoner's eligibility for premature release. These include:

i. whether the offence affects the society at large;
ii. the probability of the crime being repeated;
iii. the potential of the convict to commit crimes in future;
iv. if any fruitful purpose is being served by keeping the convict in prison; and
v. the socio-economic condition of the convict's family.

60. Reinforcing these parameters, the Supreme Court in ***Zahid Hussein v. State of W.B.***[42]**,** held that the conduct of the convict while being incarcerated is a critical factor in determining whether such a convict has lost his potentiality to commit crime. The Court held as under:

> *"…*
> ***14. We may state here that the jail authority recommended premature release of the writ petitioners. In our opinion, the conduct of the petitioners while in jail is an important factor to be considered as to whether they have lost their potentiality in committing crime due to long period of detention. The views of the witnesses who were examined during trial and the***

[41] (2000) 2 SCC 595
[42] (2001) 3 SCC 750

> ***people of the locality cannot determine whether the petitioners would be a danger to the locality, if released prematurely. This has to be considered keeping in view the conduct of the petitioners during the period they were undergoing sentence. Age alone cannot be a factor while considering whether the petitioners still have potentiality of committing crime or not as it will depend on changes in mental attitude during incarceration.***
> *…"*
>
> [Emphasis Supplied]

61. The emphasis on a holistic and reformative assessment was further elaborated in the case of ***Rajo v. State of Bihar***[43], where the Supreme Court held that while the nature of the offence and its societal impact are relevant considerations for the SRB, the same cannot be the sole basis for continued incarceration. The Court also suggested the use of psychological assessments and cautioned against stereotypical or mechanical denials of release. The relevant portion of the judgment is extracted below:

> *"**24. Apart from the other considerations (on the nature of the crime, whether it affected the society at large, the chance of its recurrence, etc.), the appropriate government should while considering the potential of the convict to commit crimes in the future, whether there remains any fruitful purpose of continued incarceration, and the socio-economic conditions, review : the convict's age, state of heath, familial relationships and possibility of reintegration, extent of earned remission, and the post-conviction conduct including, but not limited to - whether the convict has attained any educational qualification whilst in custody, volunteer services offered, job/work done, jail conduct, whether they were engaged in any socially aimed or productive activity, and the overall development as a human being. The Board thus should not entirely rely either on the presiding judge, or the report prepared by the police. In this court's considered view, it would also serve the ends of justice if the appropriate government had the benefit of a report contemporaneously prepared by a qualified psychologist** after interacting/interviewing the convict that has applied for premature release.*
> *…"*
>
> [Emphasis Supplied]

[43] 2023 SCC OnLine SC 1068

62. This legal position has also been reaffirmed in ***Satish @ Sabbe v. State of UP***[44], where the Supreme Court cautioned against reducing the assessment of premature release to a mechanical reiteration of the gravity of the original offence or the length of sentence served. It was emphasised that the convict's "propensity to commit crime" must be evaluated on the basis of factual antecedents and prison conduct, not on abstract factors such as age or residual lifespan. The Court observed:

> *"17. It is no doubt trite law that no convict can claim remission as a matter of right. [Swamy Shraddananda (2) v. State of Karnataka, (2008) 13 SCC 767 : (2009) 3 SCC (Cri) 113] However, in the present case, the circumstances are different. What had been sought and directed by this Court through repeated orders was not premature release itself, but due application of mind and a reasoned decision by executive authorities in terms of existing provisions regarding premature release. Clearly, once a law has been made by the appropriate legislature, then it is not open for the executive authorities to surreptitiously subvert its mandate. Where the authorities are found to have failed to discharge their statutory obligations despite judicial directions, it would then not be inappropriate for a constitutional court while exercising its powers of judicial review to assume such task onto itself and direct compliance through a writ of mandamus.*
>
> *18. A perusal of the government orders displays that the statutory mandate on premature release has been completely overlooked. The three-factor evaluation of : (i) antecedents, (ii) conduct during incarceration, and (iii) likelihood to abstain from crime, under Section 2 of the U.P. Prisoners Release on Probation Act, 1938, have been given a complete go-by. These refusals are not based on facts or evidence, and are vague, cursory, and merely unsubstantiated opinions of the State authorities.*
>
> ***19. It would be gainsaid that length of the sentence or the gravity of the original crime cannot be the sole basis for refusing premature release. Any assessment regarding predilection to commit crime upon release must be based on antecedents as well as conduct of the prisoner while in jail, and not merely on his age or apprehensions of the victims and***

[44] Supra note 3

> ***witnesses***. *[Zahid Hussein v. State of W.B., (2001) 3 SCC 750 : 2001 SCC (Cri) 631] As per the State's own affidavit, the conduct of both the petitioners has been more than satisfactory. They have no material criminal antecedents, and have served almost 16 years in jail (22 years including remission). Although being about 54 and 43 years old, they still have substantial years of life remaining, but that does not prove that they retain a propensity for committing offences. The respondent State's repeated and circuitous reliance on age does nothing but defeat the purpose of remission and probation, despite the petitioners having met all statutory requirements for premature release."*
>
> [Emphasis Supplied]

63. In ***Vijay Kumar Shukla v State (NCT of Delhi)***[45], it was held that the convict's placement in semi-open or open prisons constitutes a strong institutional acknowledgment of their reformation and carries significant evidentiary value in favour of premature release and would be a 'supremely critical' factor that ought to imbue any assessment for premature release. The Court observed as follows:

> *" **32. However, the exercise of this discretion is to be based on relevant factors, which inter alia are whether the convict has lost his propensity for committing crime considering his overall conduct, possibility of reclaiming the convict as a useful member of society; and socio-economic condition of the convict's family.***
>
> ****
>
> ***45. As rightly pointed out, the petitioner's counsel's "propensity for crime" cannot be a random subjective assessment but has to be based on objective factors. The objective factors are quite well ensconced in the eligibility conditions, of a convict being in a semi-open prison and even more stringent requirements to qualify for an open prison. If those factors are met in this case, the committing to a semi-open/open prison is done, and the 'report card' of the convict continues to be good, in the opinion of the Court would be supremely critical factors that ought to imbue any assessment for premature release."***
>
> [Emphasis Supplied]

[45] 2024 SCC OnLine Del 7805

64. That said, it is important to sound a note of caution and recognise that although the nature of the original offence or its societal impact cannot, by themselves, justify denial of premature release, they remain relevant considerations in the overall assessment. The Supreme Court has consistently underscored that the power of executive clemency is not exercised solely for the benefit of the convict, but must also account for the larger public interest and societal consequences of early release. In ***Bilkis Yakub Rasool v. Union of India***[46], relying on ***Swamy Shraddananda (2) v. State of Karnataka***[47], the Court highlighted that such decisions must not be taken mechanically or in abstraction, but through objective assessment of all facts, including the likely impact on the family of victims and the social fabric, and the precedent it may set for the future. The Court observed:

> *"179. Further, in Swamy Shraddananda (2), it was observed that judicial notice has to be taken of the fact that remission, if allowed to life convicts in a mechanical manner without any sociological or psychiatric appraisal of the convict and without any proper assessment as to the effect of early release of a particular convict on the society.* ***It was further observed that, the power of executive clemency is not only for the benefit of the convict but what has to be borne in mind is the effect of the decision on the family of the victims, society as a whole and the precedent which it sets for the future. Thus, the exercise of power depends upon the facts and circumstances of each case and has to be judged from case to case. Therefore, one cannot draw the guidelines for regulating exercise of power. Further, the exercise or non-exercise of power of pardon or remission is subject to judicial review and a pardon obtained by fraud or granted by mistake or granted for improper reasons would invite judicial review and the vindication of the rule of law being the main object of judicial review, the mechanism for giving effect to that justification varies. Thus, rule of law should be the overarching conditional justification for judicial review."***
>
> [Emphasis Supplied]

[46] (2023) 10 SCC 494
[47] (2008) 13 SCC 767

Conclusion

65. The SRB performs a vital function of deciding whether a convict serving life sentence is entitled to be released prematurely. The decision so made by the SRB has a profound impact on the future of individuals serving life sentences. Such a decision has a direct bearing on the fundamental right to life and personal liberty of a convict. This imposes an obligation upon the SRB to act fairly, reasonably, and in strict accordance with both the applicable policy and transparent reasoning. An executive decision that affects liberty of a person cannot be insulated from judicial scrutiny merely by invoking its policy character.

66. The convicts do not have an enforceable right to be released prematurely. They only have a right to be considered in accordance with the governing policy and legal framework; however, this consideration cannot be reduced merely to a mechanical refusal. Unless every application is 'meaningfully considered' and decided through speaking orders, the mechanical decision of the SRB, without referring to relevant factors of determination, would be violative of the principles of natural justice. As held in the case of ***Vijay Kumar Shukla,*** administrative convenience cannot be attained at the cost of the right of the prisoners to have their cases meaningfully reviewed as per law. Therefore, the SRB must give cogent reasons in support of their decisions. Although, the law does not require elaborate reasoning but some degree of application of mind must be evident from the order. At the very least, the decision must reflect how inputs, reports and relevant factors were considered by the Board.

67. The role of the judiciary is not to undertake a *de novo* evaluation of every SRB decision, but to ensure that the exercise of discretion is neither arbitrary nor discriminatory, and is premised on a discernible material

foundation. As a constitutional court entrusted with safeguarding fundamental rights, this Court is obligated to intervene where such decisions reflect mechanical reasoning, misapplication of policy, or a lack of objective and case-specific analysis.

68. In view of the legal position delineated above, this Court shall now proceed to independently examine the impugned rejection orders passed in each of the present batch of petitions.

Assessment of the decisions of the SRB in the present cases

69. The Impugned Minutes of the SRB dated 30th August, 2024 and 18th September, 2024, under challenge, begin with a prefatory statement outlining the guiding framework purportedly adopted by the SRB for the decision-making process. It states that the Board examined each case for premature release on the benchmark of maintaining a harmonious balance between reformative and retributive justice, in order to safeguard public order and preserve society's confidence in the penal system. In doing so, the SRB identifies several broad considerations as having informed its decisions – namely, the conduct of the convict during incarceration, the circumstances and gravity of the offence, its perceived impact on public safety, the brutality of the crime, past criminal antecedents, the convict's age, parole or furlough behaviour, and objections raised by police and probation officers.

70. While this articulation of factors in abstract terms might reflect a comprehensive framework, the test lies in the actual application of these parameters to the facts of each case. A closer scrutiny of the specific reasons recorded in the Impugned Minutes of the SRB, which have already been extracted in the preceding paragraphs, reveals a striking departure from the procedural and substantive expectations laid down by judicial

precedents. Notwithstanding the elaborate preface of the Impugned Minutes, the rejection in each of the present matters appears to hinge on a recurring conclusion: that the convict has "not lost the propensity to commit crime". This finding, however, is left unsubstantiated by any cogent reasoning or case-specific analysis.

71. Critically, there is no material on record to show that the SRB undertook any contemporaneous or independent psychological or behavioural assessment to substantiate this sweeping conclusion. Instead, the premise of sustained criminal propensity appears to be inferred predominantly from the nature and gravity of the original offence and the opposition by the police. Such an approach is constitutionally untenable and jurisprudentially flawed. In ***Satish @ Sabbe v. State of UP***, the Supreme Court has categorically held that the *"gravity of the original crime cannot be the sole basis for refusing premature release."* The Court further clarified that the assessment of a convict's potential for recidivism must rest on antecedents and conduct during incarceration, not on speculative apprehensions or police oppositions.

72. The SRB must evaluate each case holistically, drawing from relevant records, jail conduct reports, rehabilitation indicators, and where feasible, psychological assessments, in order to arrive at a well-reasoned and informed conclusion. Regrettably, the rejection orders in these cases, save one, fall short of demonstrating such thorough and discerning scrutiny.

73. As highlighted in ***Zahid Hussein v. State of W.B.*** **and** ***Rajo v. State of Bihar***, the assessment of a convict's eligibility for release must include a forward-looking evaluation of whether any fruitful purpose is served by continued incarceration, particularly when the convict has demonstrated prolonged good conduct, availed parole/furlough without any untoward

incident, and shows signs of reformation. The decisions impugned in the present case do not reveal any such inquiry, and instead reflect a backward-looking, offence-centric approach, which has been consistently deprecated by the Supreme Court.

74. The rejection of the Petitioners' cases rests on generic, repetitive conclusions unsupported by relevant data or reasoned application of mind. Such a process cannot be sustained in law, as it offends the settled principles of fairness, transparency, and reasoned decision-making that are indispensable to any judicial, quasi-judicial or executive exercise affecting personal liberty.

75. It must also be noted that in at least two of the rejection orders under consideration, the SRB has made the striking observation that "*the conduct of the convict in jail is not necessarily a barometer of what he may do if outside the prison*". This broad proposition is not only inconsistent with the Board's own declared mandate in the preface, but also contradicts both the governing statutory framework and settled judicial doctrine. Rule 1244 of the DPR expressly identifies post-conviction conduct as the principal indicator of reformation and eligibility for premature release. Likewise, multiple judicial pronouncements, such as ***Zahid Hussein*** and ***Satish @ Sabbe***, have held that in the absence of contemporary evidence to the contrary, sustained good conduct during incarceration must be given substantial weight. Thus, the Board's holding that the conduct of the convict in jail is not an indicator of what they may do outside, not only effectively nullifies the probative value of the convict's post-conviction conduct and reformative efforts, but also reflects a patently erroneous and arbitrary approach that undermines the very purpose of the remission policies.

76. Moreover, it is observed that in W.P. (Crl.) 1431/2023, W.P. (Crl.) 323/2025, and W.P. (Crl.) 668/2025, the rejection orders, while noting the factors considered by the them, the SRB concluded the same with a vague and indeterminate '*etcetera*'. In the case of ***Vijay Kumar Shukla***, this Court has already observed that the use of such language is, in itself, indicative of non-application of mind.

77. The Supreme Court's decision in ***Rajo v. State of Bihar*** offers clear guidance on the relevant considerations to be evaluated when determining whether a convict has lost their propensity to commit crime. These include the convict's age, health condition, family ties, possibility of reintegration, the quantum and quality of earned remissions, educational qualifications acquired while in custody, voluntary and socially useful services rendered, and the convict's broader development as a human being. The failure of the SRB to consider any of these factors, particularly in the face of tangible evidence of participation in structured rehabilitation programmes, placement in semi-open or open prisons, and favourable reports from jail authorities, not only disregards the effort made by the Petitioners towards reform but also disincentivises convicts to undertake rehabilitative endeavours in the future. The rejection orders, therefore, betray a lack of application of mind to relevant considerations and are thus liable to be interfered with on that ground alone.

78. While the Impugned Minutes of Meeting in each of the present cases recite that the SRB considered the reports received from the Police and the Social Welfare Departments, as well as the facts and circumstances of the respective cases, the record reveals a mere perfunctory reference to these materials. In the prefatory remarks of the impugned decisions, it is stated that the Director General (Prisons) placed before the Board a compiled

agenda containing case-specific materials, including police reports, probation officer assessments, medical records, offence details, and institutional conduct reports. However, a bare assertion of having "considered" these documents cannot substitute for the judicially mandated duty of meaningful and individualised evaluation.

79. The exercise of discretion, especially in matters involving deprivation of liberty, cannot be reduced to a box-ticking exercise. The Supreme Court in ***Ram Chander v. State of Chhattisgarh*** underscored that mere reproduction of statutory language in the final decision does not meet the constitutional standard of fairness and reasonableness. The SRB's obligation is not discharged by a blanket claim of due consideration; what must be evident is a reasoned application of mind to the materials placed before it and a rational correlation between those materials and the conclusions drawn.

80. In the present batch of cases, despite a *prima facie* reformative conduct and intent exhibited by the convicts, correlation to such material considerations is conspicuously absent. Several Petitioners have demonstrable indicators of reformation, be it sustained placement in open or semi-open prisons, commendations earned during incarceration, voluntary participation in social and vocational initiatives, or positive assessments from prison authorities. Yet, the impugned rejections do not consider these factors in a substantive manner. They reflect no case-specific deliberation and instead fall back on standardised language that is virtually indistinguishable across cases. This mechanical repetition, disconnected from the individual record, is antithetical to the discretion contemplated under the 2004 Policy as well as the DPR, and renders the SRB's decisions constitutionally unsustainable.

Article 14 and Comparative Treatment of Similarly Convicted Prisoners

81. Although this Court broadly concurs with most of the Petitioners' submissions, their invocation of Article 14 of the Constitution cannot be sustained. The Petitioners have urged that the refusal to grant them premature release, despite the comparable gravity of their offences and their claimed prison conduct and reformation efforts mirroring those of convicts who have been released, constitutes discriminatory treatment in breach of Article 14. At first glance, this argument might appear compelling. However, such a superficial comparison cannot satisfy the rigorous threshold of Article 14. The constitutional guarantee under Article 14 proscribes arbitrary or irrational classification but does not mandate uniformity of outcome where the decision is based on multifactorial and case-specific assessments.

82. The very framework of premature release is predicated not on the nature of the offence alone, grave or otherwise, but on a holistic evaluation of multiple dynamic factors. These include the convict's conduct in prison, likelihood of reformation, risk of recidivism, psychological profile, victim or societal response, and whether the release would serve any meaningful rehabilitative purpose. Merely pointing to the release of other convicts with similar convictions does not, *ipso facto*, establish discrimination. Accepting parity solely on perceived similar conduct would undermine the very concept of individualized assessment and judicial discretion, transforming a nuanced qualitative evaluation into a mechanical entitlement. Such an approach would run counter to the ethos of the premature release policy, which is anchored in calibrated, case-specific consideration rather than a

one-size-fits-all formula. Accordingly, this Court finds no violation of Article 14.

83. In light of the foregoing, the Court shall now individually analyse the decision of the SRB in each case in the present batch.

W.P. (Crl) 1431/2023 – Impugned minutes of SRB meeting dated 30th August, 2024 and 18th September, 2024.

84. The Petitioner in this case was convicted for the rape and murder of a 25-year-old law student and was awarded the death penalty by the High Court, however, this was later reduced to a sentence of life imprisonment by the Supreme Court in Appeal. Therefore, the case of the Petitioner falls under the special category of convicts provided for in the second part of Clause 3.1 of the 2004 policy. As such, he became eligible for premature release after undergoing imprisonment for 20 years including remission.

85. In the impugned minutes of the SRB meetings dated 30th August, 2024 and 18th September, 2024, the Board correctly acknowledged that the 2004 Policy was applicable, as it was in force on the date of the Petitioner's conviction. The minutes further recorded that the Petitioner had undergone 21 years, 2 months, and 12 days of actual incarceration, and 28 years, 6 months, and 27 days with remission which surpasses the eligibility threshold.

86. The Board, however, rejected the Petitioner's application, placing principal reliance on the gravity, cruelty, and perversity of the crime, and the objections raised by the Police and CBI "etc.". It concluded that release of the Petitioner at this stage would not be in the interest of society and would send a negative message to the public. Not only did the SRB use an indeterminate "etc." while noting the aspects which were given importance, but crucially, the SRB also observed that "*the conduct of the*

convict in jail is not necessarily a barometer of what he may do if outside the prison."

87. This reasoning, in the opinion of this Court, is deeply problematic. While the heinousness of the offence and the views of investigating agencies are undoubtedly relevant, they cannot operate to the exclusion of other equally material considerations such as post-conviction conduct, demonstrated reform, educational and vocational achievements, and institutional assessment through placement in Open Prisons. The Supreme Court in ***Satish @ Sabbe*** has categorically held that the nature of the original crime cannot, by itself, be the sole ground for denying premature release.

88. Further, while the SRB minutes briefly noted a positive recommendation by the Social Welfare Department, the same was neither discussed nor reconciled with the contrary police report in the impugned decision. No effort was made to evaluate the Petitioner's demonstrable reformative progress, including advanced educational qualifications, documented good conduct and participation in rehabilitation programmes. These critical factors, mandated under Rule 1244 of the DPR and judicially recognised in cases such as ***Rajo*** and ***Zahid Hussein***, were completely overlooked.

89. Furthermore, it is also significant to note that the Petitioner is presently lodged in Open prison which entitles him to exit the prison complex daily between 8:00 AM and 8:00 PM for gainful employment. As noted above, the placement in such a prison category is a reflection of the positive reformative conduct of the convict. This is a critical indicator of reform which the SRB has failed to even acknowledge, let alone evaluate.

90. Thus, in the opinion of this Court, the impugned decision of the SRB cannot be sustained. The rejection order neither discloses a meaningful application of mind nor does it reflect a reasoned analysis of the reformative efforts made by the Petitioner. The Board's reliance on the generic assertion that jail conduct is not a reliable indicator of post-release behaviour is misplaced and directly contrary to the statutory mandate under Rule 1244 of the DPR and binding judicial precedents in ***Laxman Naskar***, ***Rajo v. State of Bihar***, and ***Satish @ Sabbe***.

91. Consequently, this Court is of the view that the SRB's decision in W.P. (Crl.) 1431/2023 suffers from manifest procedural irregularity and does not disclose sufficient reasons for the rejection. The impugned minutes, accordingly, are hereby quashed, with a direction to the SRB to reconsider the Petitioner's case afresh, in accordance with law as well as the observations made in this judgment.

W.P. (Crl) 3785/2023 – Impugned minutes of SRB meeting dated 10th December, 2024

92. The Petitioner in this case was convicted of murder and the abduction of the victim and was sentenced to life imprisonment by the competent court. As the offence falls within the category of cases covered by the first part of Clause 3.1 of the 2004 Policy, the Petitioner became eligible for consideration for premature release upon completion of 14 years of actual incarceration, excluding remission.

93. As recorded in the impugned minutes, the SRB noted that as on 25th November, 2024, the Petitioner had completed 17 years, 9 months, and 25 days of incarceration without remission, and 20 years, 7 months, and 9 days with remission. It was also recorded that he had availed parole on seven

occasions and furlough on ten occasions. However, in 2013, the Petitioner absconded while on parole and was subsequently re-arrested on 15th June, 2014, in connection with FIR No. 24/2014 under Section 25 of the Arms Act, 1959 and Section 224 of the IPC.

94. On these grounds, the SRB concluded that the Petitioner was undeserving of release, citing the serious nature of the original offence committed in public view, his previous abscondence, a pending case at the time of re-arrest, and what was described as an "unsatisfactory jail record" characterised by multiple jail punishments and a non-reformative disposition. This decision was based on the reports furnished by the police and Social Welfare Department, along with other documents placed before the Board.

95. However, upon scrutiny of the record, this Court finds that the rejection order suffers from material infirmities. While it is true that the Petitioner jumped parole and was re-arrested in 2014, the records indicate that only two punishment tickets have been issued to him throughout his incarceration. More significantly, the last recorded infraction dates back to 2016, over eight years prior to the SRB's impugned consideration of the case. As observed by a co-ordinate bench of this Court in a recent case of ***Vikram Yadav v. State (NCT of Delhi)***[48], over time, the after effects of such misconduct must taper down. Therefore, the Board's repeated observation regarding "multiple punishments" appears to overlook the Petitioner's conduct over a sustained period of time, which is especially relevant under the policy and the guiding judicial standards that place emphasise on the reformative progress of convicts over the years.

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96. Moreover, the SRB's analysis reflects an excessive reliance on the gravity of the original offence and police opposition, with no meaningful reference to the Petitioner's subsequent conduct, rehabilitation efforts, or current psychological profile. There is no indication that the Board considered any of the parameters laid down by the Supreme Court in ***Laxman Naskar***, ***Rajo***, or ***Zahid Hussein***, including the Petitioner's jail conduct in recent years, potential for reintegration, socio-economic circumstances of his family, or any other evidence of transformation during incarceration.

97. Although the Petitioner's earlier misconduct, including abscondence and re-arrest, may justifiably raise concerns, the rejection of his application without a reasoned, balanced, and contemporary assessment of all relevant statutory and judicially recognised factors vitiates the order. The impugned minutes, therefore, cannot be sustained and are hereby set aside, with a direction to the SRB to reconsider the Petitioner's case afresh in accordance with law as well as the observations made in this judgment.

W.P. (Crl.) 323/2025 – Impugned Minutes of SRB Meeting dated 10th December, 2024

98. The Petitioner in this case was convicted for the murder of a 22-year-old man, whom he is alleged to have intoxicated before committing the offence. He was sentenced to undergo life imprisonment. The case falls under the first part of Clause 3.1 of the 2004 Policy, making the Petitioner eligible for premature release upon completion of 14 years of incarceration, excluding remission.

99. As recorded in the impugned minutes, as on 25th November, 2024, the Petitioner had completed 18 years, 2 months, and 10 days of incarceration without remission, and 19 years, 10 months, and 28 days with

remission. During his custody, he was granted interim bail on two occasions and parole on six occasions. However, the Petitioner jumped parole twice, once in 2012 and again in 2016. On both occasions, he was re-arrested in connection with new criminal cases.

100. Unlike the other cases forming part of this batch, the present matter involves a significantly adverse custodial and post-release history. The SRB noted that the Petitioner's repeated violations of parole conditions, his implication in subsequent offences, and his poor custodial conduct cumulatively indicated a continuing non-reformative disposition and a strong likelihood of re-offending. Based on these considerations, the Board concluded that his release would not serve the larger interest of society.

101. Upon examining the material placed on record, this Court finds that the conclusion drawn by the SRB cannot be faulted. The nominal roll of the Petitioner discloses as many as seventeen infractions, including possession of prohibited items, involvement in physical and verbal altercations, and unauthorised possession of devices. Not only did the Petitioner jump parole twice and misuse the liberty granted to him, but he was also implicated in multiple fresh criminal cases during these periods. It has been brought to the Court's attention by the Additional Standing Counsel for the State, that the Petitioner is alleged to be a habitual offender, reportedly involved in nine other FIRs. It has also been noted that his immediate family members, including his brother, have been convicted in multiple other criminal proceedings.

102. Although the rejection order could have provided a more detailed analysis of the Petitioner's reformative efforts (if any), nevertheless the reasons that have been furnished by the Board, based on his cumulative custodial and criminal record, are sufficiently specific and grounded in the

material on record. The rejection, therefore, cannot be said to be arbitrary or unsupported by relevant considerations. Accordingly, this Court does not find any ground to interfere with the decision of the SRB in the present case.

103. Nonetheless, as acknowledged by the State in its reply, the Petitioner's case may be reconsidered periodically, as per the policies and in accordance with law.

W.P. (Crl) 668/2025 – Impugned minutes of SRB meeting dated 30th August, 2024 and 18th September, 2024.

104. The Petitioner in the present case was convicted for the rape and murder of a 12-year-old minor girl and was sentenced to life imprisonment by the competent Court. His case falls under the special category envisaged in the second part of Clause 3.1 of the 2004 Policy, making him eligible for consideration for premature release upon completing 20 years of incarceration, including remission.

105. As recorded in the impugned minutes, the Petitioner has undergone 24 years, 2 months, and 4 days of incarceration without remission and 31 years, 10 months, and 7 days with remission. During this period, he was granted parole on three occasions and furlough on eight occasions.

106. However, mirroring the approach adopted in *W.P. (Crl.) 1431/2023*, the SRB has disregarded the Petitioner's custodial conduct and potential for reformation. Instead, the rejection is primarily anchored on the gravity and brutality of the original offence and strong opposition from the police authorities. The Board also used the vague term "etc." as the other relevant factors on the basis of which premature release was denied to the Petitioner. Moreover, without elaboration, the Board stated that "the conduct of the

convict in jail is not necessarily a barometer of what he may do if outside the prison." The Petitioner's age was also cited as a factor, but no explanation was provided as to how it bears upon his risk of re-offending.

107. In the opinion of this Court, such reasoning discloses a misplaced emphasis on the nature of the original crime and the opinion of the police, both of which, as clarified in ***Satish @ Sabbe v. State of U.P.***, cannot by themselves form a legitimate basis to deny premature release. The Board's order is conspicuously silent on any evaluation of the Petitioner's reformative efforts or conduct during his prolonged incarceration.

108. It is also significant to note that the Petitioner is presently lodged in a semi-open prison and is reportedly eligible for transfer to an open prison. As already discussed above, the placement of a convict in such a category is governed by eligibility norms that take into account sustained good behaviour, rehabilitation potential, and institutional assessments of the convict's conduct. Despite this being a *prima facie* indication of reformation, the SRB has not factored this crucial indicator into their evaluation. Moreover, the sweeping observation that jail conduct is not a "barometer" of future behaviour directly undermines the statutory scheme and the reformatory ethos that lies at the foundation of the premature release framework.

109. While the SRB has, in its minutes, claimed to have considered reports from the Police and Social Welfare Departments and the broader facts and circumstances of the case, this Court finds that such a claim, in the absence of any reasoned reflection or substantive engagement with the Petitioner's individual record, amounts to a mere formality. The SRB's decision does not disclose any real application of mind to the reformative

criteria articulated in ***Laxman Naskar v. Union of India***, ***Rajo v. State of Bihar***, and other binding authorities.

110. Accordingly, in the absence of a reasoned evaluation of the Petitioner's individual conduct, custodial progress, and eligibility for release under the applicable policy, the impugned rejection order is procedurally infirm and unsustainable. It is, therefore, set aside with a direction that the Petitioner's case be reconsidered afresh in accordance with law, keeping in view the relevant statutory and judicially recognised parameters and observations made in this judgment.

Directions for Release – Prayer (c)

111. In addition to seeking quashing of the impugned decisions the Petitioners have also urged this Court to direct their immediate release from custody. In support of this prayer, they have placed reliance on the Supreme Court's decision in ***Sushil Sharma v. State***, to argue that the High Court, while exercising its writ jurisdiction, is empowered to issue such directions where the executive fails to discharge its constitutional or statutory obligations.

112. As discussed above, the power of judicial review extends to scrutinising the legality, rationality, and procedural fairness of the executive's exercise of discretion in deciding matters of remission, however, the scope of such review is narrow. The scope of judicial review is essentially to examine whether the executive decision is arbitrary, *mala fide*, procedurally unfair, or otherwise in violation of the statutory or constitutional framework. This Court cannot substitute its own satisfaction for that of the competent authority, nor can it ordinarily direct release merely because it finds the rejection order unsustainable. In ***Ram Chander v. State of Chhattisgarh***, the Supreme Court categorically reiterated that in

such situations, the appropriate course is to direct reconsideration, not to step into the shoes of the SRB.

113. The Petitioners have placed reliance on the decision in ***Satish @ Sabbe v. State of U.P.***, wherein the Supreme Court not only quashed the impugned orders but directed release of the convicts. However, the said decision was delivered based on the peculiar facts of the case where the State authorities had repeatedly and wilfully disobeyed binding judicial directions and mechanically denied release in the face of clear statutory mandate. In contrast, the present batch of cases, while suffering from deficiencies in reasoning and non-application of mind in some instances, does not disclose such level of executive intransigence or wilful disregard of judicial directions. Thus, the factual matrix does not justify invocation of that extraordinary jurisdiction.

114. Similarly, in ***Satish @ Sabbe***, the court had previously on two occasions directed the reconsideration of the case of the Petitioner with due application of mind. However, when the release was rejected once again in a cryptic manner, the court delved into the merits of the decision and in the peculiar facts of the case directed the release of the Petitioner. The relevant observations from the judgement are as follows:

> ***"17****. ……Clearly, once a law has been made by the appropriate legislature, then it is not open for executive authorities to surreptitiously subvert its mandate.* ***Where the authorities are found to have failed to discharge their statutory obligations despite judicial directions, it would then not be inappropriate for a Constitutional Court while exercising its powers of judicial review to assume such task onto itself and direct compliance through a writ of mandamus."***
>
> [Emphasis supplied]

115. Evidently, as can be inferred from the above observations, the court had directed release of the Petitioner in light of the complete disregard of

judicial directions by the executive and failure to discharge their statutory obligations.

116. In ***Joseph v. State of Kerala***, the Supreme Court was dealing with a case where the advisory board had already recommended the convict's premature release but the State Government rejected the recommendation, citing a general policy that excluded from consideration all prisoners convicted under the Protection of Children from Sexual Offences Act, 2012 or for offences against women. In that context, the Court held that such a blanket exclusion, which failed to account for individual circumstances or reformative progress, was arbitrary and violative of constitutional principles. Thus, the Court directed release of the petitioner. However, in the present case, while the impugned minutes in the present case are found to be procedurally deficient, they cannot be equated with the policy-based denial that was struck down in *Joseph's* case. Accordingly, the same relief cannot be extended on parity.

117. The power to grant premature release is not a continuation of the judicial sentencing process, but a distinct, post-conviction executive function grounded in the philosophy of reformation. While sentencing is a judicial function based on the facts and legal findings of the offence committed, the question of release involves a different enquiry altogether, one that balances the convict's transformation with public interest and societal impact. This balance is best drawn not by the Court, but by the SRB, which is constituted precisely for this purpose. The SRB comprises representatives from the judiciary, prison administration, social welfare, and law enforcement – each contributing a unique institutional perspective to the overall evaluation. This diversity of viewpoints is critical because the assessment of a convict's readiness for reintegration into society cannot rest

on a singular, siloed perspective. Such a determination involves complex considerations: whether the individual has undergone genuine reformation, whether they retain criminal propensity, how their release might affect public confidence in the justice system, and what rehabilitative support systems are available.

118. While this Court is empowered to ensure that such decisions are not arbitrary or procedurally flawed, it must resist the temptation to sit in judgment over the merits of individual release applications unless a clear and egregious miscarriage of justice is made out. The institutional design of the SRB is a deliberate one. It exists to bring coherence to a process that is neither entirely judicial nor entirely administrative, but straddles the boundaries of both. Particularly in cases involving heinous offences, where the punishment of life imprisonment has been upheld on the judicial side, the decision to grant premature release must be subjected to heightened scrutiny, not only in terms of the convict's prison conduct but also from the lens of societal acceptance, deterrence, and victim impact. Such a complex assessment lies squarely within the domain of the SRB.

119. It is reiterated that the process of allowing premature release is not a matter of right or entitlement, but an exercise of executive discretion. The SRB is specifically entrusted with this responsibility under a defined statutory and policy framework, and its role cannot be supplanted by the Court except in rare cases where there is an egregious failure of process or manifest arbitrariness. Thus, while this Court has identified structural and procedural lapses in the functioning of the SRB, and has issued guidelines to remedy such gaps, it does not find the present cases to be fit for a direct order of release. Having regard to the nature of the function, the institutional competence of the SRB, and the balancing of public interest with individual

reform, the proper course is to remand the deserving matters for fresh consideration in accordance with law.

Suggestions and Final Directions

120. The Court notes that the SRB's decisions are to be based on reports furnished by the Director General (Prisons), including assessments from the police, probation officers of the Social Welfare Department, medical status reports, case briefs, and jail conduct summaries; However, there is little indication that such authorities undertook any nuanced or individualised assessment of the Petitioners' present psychological stability and emotional rehabilitation, behavioural disposition, institutional conduct, or potential for reintegration. The apparent lack of depth in these foundational reports undermines the deliberative exercise that the SRB is expected to undertake.

121. The current framework does not require or contemplate a formal psychological evaluation conducted by a qualified mental health professional. This shortcoming is significant. In the absence of such clinical inputs, it may become difficult for the SRB to make an informed assessment as to whether a particular convict has genuinely lost the propensity to commit crime, a factor that lies at the heart of the policy rationale for premature release.

122. As per Rule 1256 of the DPR, the Jail Superintendent is required to include, as part of the consideration note, a report on the convict's physical and mental health, particularly where the same may form a basis for special consideration. Rule 1246A further mandates a medical board's involvement for certifying incapacitation in cases involving infirm or elderly prisoners. However, apart from these specific contexts, i.e., where infirmity, illness,

or mental health concerns are already known, there exists no explicit provision requiring a psychological appraisal of all eligible convicts.

123. In the Court's considered view, this is a critical omission in the present framework. A convict's transformation into a potentially reformed individual cannot be meaningfully evaluated without examining the underlying psychological trajectory. Unfortunately, in none of the cases under consideration has the Jail Superintendent furnished any detailed comments on the prisoner's mental or emotional development. This creates significant gaps in assessing whether the convict has lost the propensity to commit crime, especially when such conclusions are cited in rejection orders without supporting material. The absence of such assessments not only detracts from the procedural rigour expected of the SRB's exercise but also leaves a gaping void.

124. Particularly, another area of concern that emerges from the institutional design of the prevalent framework is the limited scope and lack of technical inputs in the reports submitted by the Chief Probation Officer. As per the governing policies, including Rule 1256 of the DPR, the 2004 GNCTD policy, and the Probation of Offenders Act, 1958, the Chief Probation Officer is entrusted with conducting a detailed inquiry into the "desirability of the prisoner's premature release." This inquiry includes an assessment of the prisoner's "family and social background," their "acceptability by family members and the wider community," and their "prospects for rehabilitation and ability to lead a meaningful life as a good citizen." While this responsibility inherently calls for an evaluation of the prisoner's character, behavioural reform, and reintegration potential, there is no stipulation in the policy requiring Probation Officers to possess training in psychology or behavioural sciences, nor are they mandated to

consult clinical psychologists to support their conclusions. Although the minimum qualifications and training requirements are prescribed, the lack of expert psychological input risks rendering these assessments superficial and lacking the clinical rigour required to evaluate whether a prisoner has genuinely undergone reformation or lost their propensity to reoffend.

125. The determination of whether a convict has lost the propensity to commit crime imbibes the broader concerns of public safety. In the considered opinion of this Court, such a determination ought to be rooted in objective, scientific evaluation, particularly where liberty is at stake. Yet, the present statutory composition of the SRB, as reflected in both the 2004 Policy and the DPR, does not include any member with specialised expertise in criminology, forensic psychology, or behavioural science. In the absence of members with such expertise, or of any formalised consultation with professionals in these domains, the SRB's conclusions regarding a convict's propensity for recidivism are vulnerable to becoming conjectural or routine. This structural deficiency contributes directly to perfunctory rejections that do not rest on cogent or clinically informed grounds.

126. The Court must point out a further deficiency in the current framework as to the near-total exclusion of victim perspectives in the process of premature release. Despite judicial pronouncements consistently highlighting the importance of considering the impact of early release on victim's families and the societal implications thereof, no consistent statutory or procedural mechanism mandates the SRB to actively seek or consider victim input. While the Social Welfare Department's pro forma includes a column titled "victim response," in most cases it remains blank or contains only a cursory note stating that information has been sought

from the concerned police station and is awaited. The absence of a structured role for victims dilutes the balance that must be maintained between the interests of the convict and the legitimate expectations of justice from the victim's standpoint. A convict-centric approach deprives the entire process of a crucial perspective and results in decisions being made without any inputs from those who were most directly affected by the offence.

127. In the considered view of the Court, this shortcoming significantly undermines the procedural fairness and credibility of the SRB's decision-making framework. Victim perspectives, though not determinative, are essential for a comprehensive appraisal of the societal impact of early release, particularly in cases involving heinous crimes. Their exclusion from the process skews the balance towards the convict, to the detriment of the broader principles of restorative and retributive justice. A premature release regime that systematically sidelines the voice of the victim risks not only eroding public confidence in the justice system but also failing to meet the standards of a holistic and empathetic review process. This, in the opinion of the Court, is a gap that requires urgent attention through appropriate policy revision and structural reform.

128. Before issuing further directions, we must note that this Court is not alone in raising concerns about the limitations of the existing framework governing premature release. A co-ordinate Bench of this Court in ***Vikram Yadav v. State (NCT of Delhi)***, recently examined the procedural functioning of the SRB and flagged the practical difficulties faced by its members in undertaking meaningful and case-sensitive scrutiny, especially given their official commitments and the volume of cases presented in each meeting. Recognising that the process of sentence review involves nuanced

assessments of human conduct, rehabilitation, and risk, the Court suggested that the composition and operational structure of the SRB ought to be reconsidered so as to make it more aligned with the principles of reformation and individualized evaluation. This Court finds itself echoing similar concerns in the present batch of cases. The suggestions made in *Vijay Kumar Shukla* merit consideration by the appropriate authorities to ensure that the SRB functions not merely as a statutory checkpoint but as a meaningful forum for assessing the readiness eligibility of convicts for re-entry into society.

General Guidelines/ Recommendations

129. In order to ensure that the reconsideration by SRB is aligned with the objectives of the premature release Policy, and is conducted in accordance with the constitutional imperatives of fairness, non-arbitrariness and reasoned decision-making, it is essential that the process of decision making be informed by a comprehensive and individualised assessment of each convict's record. In the considered view of this Court, structural reform is necessary to guarantee that future SRB determinations are not only procedurally compliant but also substantively fair and just. Accordingly, the following directions are issued:

(a) It is recommended that the Government of NCT of Delhi and the Department of Prisons take expeditious steps to institutionalise the involvement of mental health professionals in the premature release process. A system for psychological assessment of eligible convicts carried out, by qualified clinical psychologists or psychiatrists, should be introduced, either by amending the existing framework under the DPR or by issuing appropriate administrative guidelines. Such assessments must examine the convict's emotional stability, insight into the offence, impulse

control, and capacity for reintegration, thereby providing an objective foundation for evaluating the risk of recidivism.

(b) The role of the Probation Officer, while integral, must be supplemented by such expert input. In appropriate cases, the SRB may also consider calling for independent psychological evaluations, especially where the decision hinges on the convict's likelihood to reoffend. A mere reliance on jail conduct or anecdotal impressions from prison staff does not adequately capture the psychological dimensions of reform and risk.

(c) The Court further recommends that the GNCTD evolve a structured protocol for incorporating victim perspectives in the premature release process. While the Social Welfare Department's pro forma includes a field for "victim response", its current implementation is haphazard and inconsistent. A clear procedure should be established to locate, contact, and document the views of victims or their families in a sensitive and time-bound manner, ensuring their voices are heard without causing re-traumatisation. Where such input cannot be obtained despite reasonable efforts, the Social Welfare Officer must provide a reasoned report indicating the steps taken and the reasons for non-availability.

(d) The SRB should also maintain a written record of whether victim input was received or solicited, and how such input was weighed in the final decision. This would enhance transparency, fortify public confidence in the process, and promote a restorative understanding of justice that respects both the rights of convicts and the dignity of victims.

Directions specific to the present batch of petitions

130. Save for W.P. (Crl.) 323/2025, this Court finds that the impugned decisions in the present set of petitions suffer from material procedural and legal infirmities. In several instances, the SRB appears to have applied a

uniform template of rejection without individualised scrutiny, disregarding relevant reformative indicators, and placing excessive reliance on the gravity of the original offence or perfunctory police opposition. These failings, when viewed in the backdrop of the applicable policy and the binding judicial principles discussed hereinabove, render the impugned decisions unsustainable in law.

131. Accordingly, the impugned minutes of meeting passed by the SRB in W.P. (Crl.) 1431/2023, W.P. (Crl.) 3785/2023, and W.P. (Crl.) 668/2025 are hereby set aside and the cases of the Petitioners are remanded to the SRB for fresh consideration, in accordance with law and in light of the findings and observations rendered in this judgment. In doing so, the SRB shall ensure due application of mind to each case and make a reasoned decision within a period of four months from the date of this judgment. As regards W.P. (Crl.) 323/2025, the Court is satisfied that no case for interference is made out.

132. Furthermore, the following directions are issued for the cases which are being remanded back pursuant to this judgment. These directions are intended to remedy systemic deficiencies observed during the present proceedings and to reinforce procedural integrity going forward:

132.1. All documentation prescribed under Rule 1256 of the DPR, which forms the core of the SRB's decision-making process, shall be prepared afresh and placed before the Board in a time-bound manner, as follows:

(a) The Superintendent of the prison housing the convict shall prepare a revised note under Rule 1256(ii), within four weeks from the date of this judgment. This note must include a clear recommendation, and reflect the Superintendent's considered opinion regarding the prisoner's conduct,

mental and physical health, participation in reformative activities, and overall suitability for premature release.

(b) The inquiry report of the senior police officer of appropriate rank, as envisaged under Rule 1256(iv), shall be updated and submitted within four weeks from the date of this judgment. This report must not be a routine opposition, but must assess the convict's conduct, antecedents, present risk profile, and community impact in a balanced and evidence-based manner.

(c) The report of the Deputy Commissioner of Police/Superintendent of Police, also required under Rule 1256(iv), shall be filed within four weeks from the date of the judgment. Where any objection to premature release is raised, it must be supported by cogent reasons, including any credible threat perception or risk of recidivism. Mere reiteration of the gravity of the original offence shall not suffice.

(d) The report of the District Probation Officer under Rule 1256(v) shall also be submitted afresh within four weeks from the date of this judgment. It must be a detailed and individualized inquiry into the desirability of the prisoner's release, addressing, on the basis of relevant material, the convict's family and social background, reintegration prospects, community acceptance, and any demonstrated reformation of character or attitude. These conclusions must be substantiated by clear reasoning and supporting documentation, as required under the Delhi Probation of Offenders Rules, 1960.

(e) Based on the above, the Inspector General of Prisons shall formulate a fresh recommendation under Rule 1256(vi), to be submitted within eight weeks from the date of this judgment. The I.G. (Prisons) shall ensure that this recommendation reflects due appreciation of all material reports and does not merely reproduce their contents in summary form.

132.2 In light of the foregoing directions, the SRB is directed to convene its next meeting within three months from the date of this judgment. The Petitioners' cases shall be placed for reconsideration at this meeting, based on a fresh evaluation of all material and reports as outlined hereinabove and render a fresh decision within a period four months, as specified hereinabove.

132.3 To ensure adequate deliberation and proper application of mind in each case, it is directed that the SRB shall take up only as many cases as can be reasonably decided in one meeting, keeping in mind the principles of natural justice reiterated in the present judgment.

132.4 While evaluating the pending applications, the SRB shall make use of the structured checklist approved by this Court in ***Vijay Kumar Shukla v. State of NCT of Delhi & Anr.*** to guide its determination and ensure that all relevant reformative and risk-based criteria are addressed in a reasoned and objective manner.

133. With the above directions, the present petitions are disposed of along with pending application(s).

SANJEEV NARULA, J

JULY 01, 2025
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