

Minutes of the Meeting of the High Powered Committee held on 13th May, 2021 at 11:00 AM through Video Conferencing.

1. Hon'ble Mr. Justice Ravi Malimath, Chairperson
Judge, High Court of Himachal Pradesh and
Executive Chairman, HP State Legal Services
Authority
2. Hon'ble Mr. Justice Tarlok Singh Chauhan, Special Invitee
Judge, High Court of Himachal Pradesh
3. Shri Manoj Kumar, ACS (Home), Member
Govt. of Himachal Pradesh
4. Shri N Venu Gopal, Member
Director General, Prisons,
Himachal Pradesh
5. Shri Prem Pal Ranta, Presenting Officer
Member Secretary, Himachal Pradesh State
Legal Services Authority

Agenda: Implementation of the directions passed by the Hon'ble Supreme Court of India, in Suo Motu Writ Petition (Civil) No.1/2020 - In Re: Contagion of COVID-19 Virus in Prisons vide orders, dated 07.05.2021.

91
Pursuant to the directions issued by the Hon'ble Supreme Court of India, in Suo Motu Writ Petition (Civil) No. 1/2020, In Re: Contagion of COVID-19 virus in Prisons, and considering the present COVID-19 situation, the High Powered Committee, after discussions and deliberations, have unanimously resolved to issue the following directions:

1. Those convicts who are at present on parole, should be granted parole for an additional period of 90 days.
2. Those convicts who have previously availed special parole,

as per decision of the High Powered Committee, dated 27th March, 2020 and who have surrendered on time, should be granted a special parole for a further period of 90 days, on the same set of sureties or otherwise as per rules.


3. Those convicts who have not availed parole or special parole till date, but have now applied for the same, their applications may be considered liberally and sympathetically by the Competent Authorities, keeping in mind the existing COVID-19 situation.
4. The convicts/prisoners who are foreign nationals will not be considered for grant of special parole.
5. The previous directions issued by this Committee in its meeting, dated 27th March, 2020, shall continue to apply for the fresh release of Under Trial Prisoners in terms of the procedure recommended. However, as a matter of abundant precaution, the guidelines/recommendations of the Committee may not be taken as an easy way only to come out of prison. The rapid proliferation of the virus amongst the inmates of the congested prisons may be a relevant consideration. Those Under Trial Prisoners, who were granted interim bail on the basis of the criterion suggested by the Committee last year and are now in custody for an offence committed by them during the interim bail and those who have failed to surrender in terms of the surrender order and now are in custody, shall not be considered favorably.

[The copy of the minutes of the last meeting held on 27th March, 2020 are enclosed as Annexure-'A'.]

6. As a precautionary measure, new entrants to the jail including the those surrendering after expiry of the period

of interim bail/parole/furlough, may be initially kept for a period of about seven days in "Isolation Cells" created/to be created in the jail or in any other premises declared as "Temporary Jail" and thereafter be sent to the concerned jail after appropriate medical check-up and clearance, in order to prevent their intermingling with inmates, who are already in jail.

7. The Under Trial Review Committees (UTRCs) will follow the recommendations/guidelines issued by this Committee from time to time along with NALSA's Standard Operating Procedure (SOP) in their weekly meetings.
8. In Order to tide over the pandemic, the Competent Authorities shall not unduly delay the consideration of release of the inmates, under section 432 of the Code of Criminal Procedure, 1973.
9. The DLSAs in coordination with the Jail Authorities shall assist in identifying those prisoners who may be eligible for pre-mature release, but who were unable to do so for one reason or the other by providing necessary legal assistance, and the Jail Authorities shall forward their cases to the Competent Authorities on urgent basis for consideration.
10. The prison occupancy of each jail be updated on the website of the Jail Authorities.

 The Director General, Prisons, Himachal Pradesh has assured compliance by Monday i.e., 17th May, 2021 and thereafter on the 1st. of every month.

11. The inmates as well as jail staff are entitled to proper medical facilities and COVID-19 safety equipments such as masks, sanitizers, PPE Kits (whenever required) etc. as

per the existing protocol issued by the Health Department. In this regard, the ACS (Home), Govt. of Himachal Pradesh has stated that on receiving the proposal from the Director General, Prisons, the matter will be taken for allocation of adequate funds under the Disaster Relief head to meet the requirements.

12. The Jail Superintendents shall maintain appropriate levels of hygiene and sanitation in the jails and suitable precautions be taken to prevent the transmission of diseases among the inmates of the prison.

The Director General, Prisons, has stated that a report about the existing arrangements regarding hygiene, sanitation and precautions to prevent the transmission of COVID-19 amongst the inmates in the Jails will be submitted by Monday i.e. 17th May, 2021.

13. The District Magistrates and Superintendents of Police shall make necessary arrangements for transmission of prisoners on their release from jail to their respective places by following the policies and guidelines of the government regarding curfew and lockdown in various cities and States.

14. The Chief Medical Officer of the concerned District shall conduct proper health check-up of such prisoners/under trials before their release on parole or interim bail before they are taken from the jail to their respective places and also on their return to jail.

15. The Director General of Police, Himachal Pradesh shall issue necessary guidelines to all the Superintendents of Police in the State to ensure compliance of the decision passed by Hon'ble Supreme Court in the case of "Arnesh

9

Kumar Vs. State of Bihar” reported in (2014) 8 SCC 273.

16. The DLSAs shall conduct sensitization programs of Police Officers/IOs through the digital mode within their jurisdictions, to follow/comply with the directions and guidelines as laid down by the Hon’ble Supreme Court in the case of Arnesh Kumar Vs. State of Bihar.
17. The decisions of the High Powered Committee be published in the websites of the Himachal Pradesh State Legal Service Authority/State Government and the High Court of Himachal Pradesh in order to enable effective dissemination of information to all.
18. The Compliance report of the decisions taken in the last meeting held on 27th March, 2020 be sent to the Member Secretary, HP State Legal Services Authority by Monday i.e., 17th May, 2021 for placing the same before the High Powered Committee.
19. The Compliance report of the decisions taken in this meeting be sent to the Member Secretary, HP State Legal Services Authority, on or before 24th May, 2021 for placing the same before the next meeting of the High Powered Committee scheduled to be held on 31-5-2021.

The meeting concluded with a vote of thanks to the Chair.

Minutes of the Meeting authenticated by Member Secretary, HP State Legal Services Authority.


(Prem Pal Ranta)
Member Secretary, HPSLSA