

**HIMACHAL PRADESH STATE LEGAL SERVICES**  
**AUTHORITY, SHIMLA**

**MINUTES OF MEETING OF HON'BLE HIGH POWERED**  
**COMMITTEE HELD ON 27.3.2020 AT 11.00 A.M.**

In compliance to the directions of Hon'ble Supreme Court of India passed in **Suo Moto Writ Petition (C) No. 1/2020, In Re: Contagion of COVID 19 Virus in Prisons**, the meeting of High Powered Committee was held by way of Video Conferencing on 27.3.2020 at 11.00 A.M.

- |   |   |   |          |
|---|---|---|----------|
| 1 | Hon'ble Mr. Justice Tarlok Singh Chauhan, Executive Chairman, Himachal Pradesh State Legal Services Authority | : | Chairman |
| 2 | Shri Manoj Kumar, Additional Chief Secretary (Home)   | : | Member   |
| 3 | Shri Somesh Goyal, Director General of Prison   | : | Member   |

**In Attendance:**

Prem Pal Ranta, Member Secretary	:	Presenting Officer
----------------------------------	---	--------------------

The following decisions were taken:-

**Item No.1. The criteria for release of Under Trial Prisoners**

Resolved to approve the criteria for release of Under Trial Prisoners as follows:-

- (i) First time offenders;
- (ii) Have been arrested or are facing trial for an offence punishable up to 7 years or less;
- (iii) The case is triable by Magistrate; and
- (iv) They are in custody for last three months or more.
- (v) The Under Trial Prisoners should be the residents of Himachal Pradesh.
- (vi) The release of convicts/under trial from outside State/Foreigners not considered in view of National Lockdown.

*9*

**Item No. 2: Release of prisoners convicted with imprisonment upto 7 years**

The Committee has unanimously resolved that the Competent Authority will expedite the applications of eligible convicts to maximize release on parole/furlough or grant of emergency furlough as per rules and procedure.

**Item No.3: Offences to be excluded:**

Resolved to exclude the convicts/under trials involved in the following offences/cases:

- (i) The cases relating to Protection of Children from Sexual Offences Act;
- (ii) The crimes relating to sexual offences committed against the women;
- (iii) The offences relating to rioting and waging war against the State;
- (iv) The crimes relating to counterfeit currency;
- (v) Crimes against children relating to kidnapping;
- (vi) Crimes relating to anti corruption matters;
- (vii) The Crimes relating to commercial and economic offences;
- (viii) The crimes relating to Gangsters Act; and
- (ix) The crimes under NDPS Act relating to the recovery of commercial quantity and less than commercial quantity but more than small quantity.

**Item No. 4 Release of convicts under section 432 of the Code of Criminal Procedure, 1973**

It was also unanimously resolved that keeping in view the emergent and urgent situation which has resulted in arisen to the health crisis due to outbreak of novel corona virus

(COVID-19), the Competent Authorities will expedite and prioritize the matters of the convicts under their consideration as per rules and procedure.

**Item No. 5 Procedure to be adopted.**

Resolved to adopt the following procedure:-

- i. The concerned Superintendent of Jail will securitize the eligible convicts/under trials as per the above mentioned criteria.
- ii. Applications of convicts for parole/furlough etc. be expedited by adopting digital modes/online procedure.
- iii. The interim bail applications may be moved through jail authorities with the help of District Legal Services Authorities to the Courts concerned. The applications may be filed online to prevent the gathering in masses in Courts or Government Offices and to comply with the social distancing policy of the Central Government.
- iv. The Secretary, District Legal Services Authority will depute Bail and Remand Counsel for assisting the concerned Court in hearing of such applications.
- v. The under trial prisoners will be released for a maximum period of three months on interim bail on furnishing a personal bond, without surety, to implement the social distancing policy of the State Government that too the satisfaction of the concerned Jail Superintendent.
- vi. The concerned District Magistrate will ensure that the travel pass is provided to the released prisoners.
- vii. The prisoners be released from prisons, after proper medical checkup by Medical Officer(s).

9

- viii. District Magistrates and Superintendents of Police may make the arrangements for transmission of such prisoners on their release from jails to their respective places. The District Magistrates and Superintendents of Police may also be directed to ensure that policies and guidelines of the Government regarding complete lockdown shall not be violated during the process of transmission and the policy of social distancing be implemented in letter and spirit.

It was informed to the Chair by the two Members of the Committee that the jail authorities are taking every precaution to prevent the spread of corona virus (COVID-19) in Jails and health authorities have visited jails in Districts and have advised the prisons authorities regarding hygiene and SOP to be observed.

Video conferencing ended with vote of thanks to the chair.

Submitted, please.

**(Justice Tarlok Singh Chauhan)**

**(Shri Manoj Kumar)**

**(Shri Somesh Goyal)**

Minutes authenticated by Member Secretary,  
H.P. State Legal Services Authority

  
**(Prem Pal Ranta)**  
27.3.2020