

**MINUTES OF THE MEETING OF HIGH POWERED COMMITTEE HELD ON 11.05.2021 AT 12:00 NOON UNDER THE CHAIRMANSHIP OF HON'BLE MR. JUSTICE RAJAN GUPTA, JUDGE, PUNJAB AND HARYANA HIGH COURT, CHANDIGARH AND EXECUTIVE CHAIRMAN, HARYANA STATE LEGAL SERVICES AUTHORITY, PANCHKULA**

The meeting was attended by the following officers:

1. Shri Baldev Raj Mahajan, Advocate General, Haryana (Special invitee).
2. Shri Rajeev Arora, IAS, Additional Chief Secretary to Government, Haryana, Home Department.
3. Shri Shatrueet Kapur, IPS, Director General of Prisons, Haryana.
4. Shri Parmod Goyal, Member Secretary, HALSA.



**Agenda: Effective implementation of the directions issued by Hon'ble Supreme Court of India on 23.03.2020 in Suo Motu Writ Petition (Civil) No.1 / 2020 - In RE: Contagion of Covid-19 in Prisons**

This meeting of High Powered Committee was convened in pursuance of directions passed by Hon'ble Supreme Court vide its order dated 07.05.2021. Prisons Department, Haryana has informed that against **20,041** (100%) authorized capacity, **21,804** (108%) prisoners are lodged presently in 19 jails situated in the State of Haryana. Out of total inmates, **5,517** are convicts and **16,287** are undertrials. At present, jail capacity utilization is at **108%**. In pursuance of various meetings held by this Committee since 24.03.2020, **2,580** convicts sentenced for more than 07 years imprisonment have been released on special parole under the orders of this Committee. Similarly, **656** convicts have been granted special parole who have been sentenced to undergo imprisonment for 07 years or less than 07 years. **1,438** undertrials have been granted interim bail under the orders of High Powered Committee who were concerned with offences where imprisonment of 07 years or less is prescribed. In all, **3,236** convicts and **1,438** undertrials were released.



2. Subsequently, with decrease in COVID cases, High Powered Committee had directed return of convicts released on parole in cases where they were undergoing imprisonment for more than 07 years in 09 phases. Till date **2,170** convicts have surrendered, **23** convicts expired during parole period, **42** convicts had of their own surrendered or arrested in some cases or released, parole of **18** convicts was extended by High Court and **42** convicts have absconded. 9<sup>th</sup> phase consisting of **280** convicts is to start from 14.05.2021. The Director General, Prisons, Haryana has informed that about **1,828** (71% ) jail inmates aged 45 years above, out of **2,560** and **2,685** (82.2%) jail staff have since been vaccinated. He, however, states that efforts are being made to vaccinate convicts/undertrials on voluntary basis.

3. Keeping in view the directions issued by Hon'ble Supreme Court of India on **07.05.2021** in Suo Motu Writ Petition (Civil) No.1 / 2020 - In RE : Contagion of Covid-19 in Prisons and considering the emergent situation in & around due to sudden spike in COVID, all the convicts sentenced to imprisonment for more than 07 years who were released earlier on special parole under the categories prescribed by this Committee be released by competent authorities again on special parole till **31.08.2021** on the same set of sureties, if the sureties so consent for the same and without holding fresh inquiry. Further in case of new sureties are required where old sureties refuse to give their consent, fresh sureties be accepted to the satisfaction of competent authority without holding fresh inquiry in order to ensure expeditious release. Special parole granted to convicts who were to surrender in 9<sup>th</sup> phase starting from 14.05.2021 shall also stand extended till 31.08.2021. However, convicts who have failed to surrender on date fixed or are absconding or against whom new case/cases were registered while on special parole shall not be entitled to special parole.

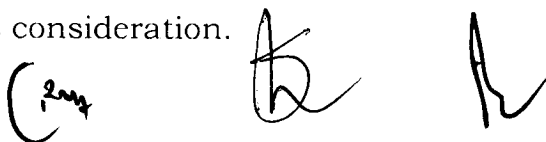
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4. Competent Authorities shall also consider cases of all the inmates again for special parole who are covered under the categories prescribed by High Powered Committee from time to time, the benefit of special parole be extended to those inmates also. However, no special parole shall be applicable to those who are not covered by the categories approved by High Powered Committee in its previous meetings. Some of the prisoners may not be willing for release in view of their social background and the fear of becoming victim of deadly virus. The competent authorities shall be considerate to the concern of such inmates and may allow to stay in jail after taking a written declaration from said prisoners.

5. In view of directions passed by Hon'ble Apex Court on 07.05.2021, the Committee has decided to extend the parole / interim bail of **2017** convicts / undertrials who are sentenced up to 07 years / facing trial for offences which stipulate maximum imprisonment up to 07 years, till **31.08.2021**. Cases of all such convicts / undertrials presently lodged in jail be also considered and if any other convict / undertrial is found covered by categories prescribed by this committee the benefit of parole / interim bail shall be extended to such persons till 31.08.2021 by concerned courts / competent authority as per directions of High Powered Committee.

6. Cases of convicts who are confirmed or are suspected case of COVID or have been kept under observation for COVID or likely to cause infection if released, shall be deferred for consideration by the jail authorities and shall consider their cases for the benefit of special parole on the basis of their medical records once they are free from COVID infection.

7. State & Prison department shall review all categories of prisoners and in case, they feel that any other category of prisoners can be allowed parole / interim bail which was not covered by the decisions of Committee previously, the proposal regarding the same be placed before High Powered Committee for its consideration.



8. To ensure transparent administration, State shall update prisons' occupancy on its website. The Member Secretary, Haryana State Legal Services Authority is also directed to publish all the decisions of High Powered Committee on the website of Haryana State Legal Services Authority. State is also directed to upload the HPC proceedings on its official website.

9. District Legal Services Authorities in association with Jail authorities shall educate and create awareness amongst the inmates regarding appropriate COVID behaviour, mask etiquettes, provide for ample testing facilities, proper medical facilities for treatment and maximum possible vaccination of jail inmates as well as jail staff.

10. Ld. District & Sessions Judge-cum-Chairpersons, District Legal Services Authorities who are ex-officio Chairpersons of Undertrial Review Committees shall ensure regular meetings of Undertrial Review Committees for release of undertrial prisoners as per Standard Operating Procedure detailed by National Legal Services Authority.

**RESTRICTION ON PHYSICAL HEARING OF PRISONERS IN COURTS**

11. Physical appearance of undertrials in courts be stopped for the time being. Accused be produced by way of video conferencing. Court proceedings be held keeping in view the directions of Hon'ble Supreme Court in *Suo Moto Writ Petition (Civil) No.5 of 2020 in re: guidelines for court functioning through video conferencing during covid-19 pandemic, 2020* 6 SCC 686. It will be open to conduct the video conferencing with any software as directed by the concerned Ld. District & Sessions Judge.

**IMPLEMENTATION OF GUIDELINES ISSUED BY HON'BLE SUPREME COURT IN "ARNESH KUMAR VS. STATE OF BIHAR (SUPRA) DURING PANDEMIC**

12. The guidelines issued by Hon'ble Apex Court in *Armesh Kumar Vs. State of Bihar (supra)* be immediately brought again to the notice of Courts and Police Department, Haryana for necessary compliance to avoid

overcrowding in jails as well as to curtail the risk of infection amongst prisoners.

**RESTRICTION ON INTERVIEW OF INMATES WITH THEIR FAMILY MEMBERS**

13. Keeping in view the increase in number of COVID infected cases inside the prisons, jail authorities are directed to stop the interviews of inmates with their family members to minimize the risk of COVID infection amongst the prisoners and jail staff. Jail authorities may allow interviews through video conferencing or other electronic modes in a transparent and structured manner.

**SHIFTING OF FEMALE PRISONERS**

14. As requested by jail authorities, female prisoners of District Jail, Yamuna Nagar be shifted from Central Jail, Ambala to District Jail, Yamuna Nagar.

**100% COVID VACCINATION OF STAFF MEMEBRS AND PRISONRES**

15. Awareness camps be launched by Legal Services Authorities regarding covid appropriate behaviour & importance and benefits of COVID vaccine in association with Prison & Health departments, Haryana. Vaccination of prisoners be done on voluntary basis. State is asked to consider issuance of necessary instructions making vaccination mandatory for all government employees in the State. Rule 24 of Haryana Service Rules (General), 2016 makes it mandatory for all State government employees to get vaccinated when so directed by the government by general or special order. Efforts should be made for 100% vaccination of staff members and prisoners by persuasion.

**WITHDRAWAL OF DIRECTIONS REGARDING ESTABLISHMENT OF SPECIAL JAIL AT KARNAL AND FARIDABAD AND COVID CARE CENTRE AT REWARI**

16. Request by jail authorities for withdrawal of directions issued by this Committee for establishment of Special Jail at Karnal and Faridabad and COVID Care Centre at Rewari is hereby accepted in view of security

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reasons. DG Prisons in consultation with Home Department may make appropriate arrangement keeping in view covid protocols, testing & proper treatment.

**REPRESENTATIONS RECEIVED FROM UNDERTRIALS / CONVICTS FOR INTERIM BAIL / PAROLE**

17. After perusal of all the representations received from various applicants for release of convicts/undertrials on parole/interim bail and in view of directions issued by Hon'ble Apex Court, the Committee has decided accordingly:

- Representations for grant of interim bail/parole to Sh. Parveen Kumar (lodged in District Jail, Karnal), Convict Amit (lodged in District jail, Jhajjar) and Convict Satbir Singh (lodged in District Jail, Kurukshetra) be considered as per HPC resolutions as they claim their cases are covered by directions of HPC. They be released on interim bail/parole if found entitled in view of directions issued by this Committee.
- Representation of Convict Jainam Rathod, lodged in District Jail, Gurugram whose earlier representation was rejected as he was not covered under any categories prescribed by this committee, is deferred. It be placed again after reconsideration of categories.

  
(Shri Baldev Raj Mahajan)

Advocate General,  
Haryana

  
(Justice Rajan Gupta)

Judge,  
Executive Chairman,  
HALSA

  
(Shri Shatrughan Kapur, IPS)

Director General of Prisons,  
Haryana

  
(Shri Rajeev Arora, IAS)

Additional Chief Secretary  
to Government, Haryana,  
Home Department