

**MINUTES OF THE MEETING HELD ON 24.03.2020 AT 6:30
PM THROUGH VIDEO CONFERENCING UNDER THE
CHAIRMANSHIP OF HON'BLE MR. JUSTICE RAJIV SHARMA,
JUDGE, PUNJAB AND HARYANA HIGH COURT,
CHANDIGARH AND EXECUTIVE CHAIRMAN, HARYANA
STATE LEGAL SERVICES AUTHORITY, PANCHKULA**

The video conferencing was attended by the following officers / members of High powered committee :

1. Shri Vijai Vardhan, IAS, Additional Chief Secretary to Government of Haryana, Home Department, Haryana.
2. Shri K. Selvaraj, IPS, Director General of Prisons, Haryana.
3. 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

After considering criteria based on nature of offence, number of years to which sentenced or the severity of the offence for which facing trial or other factors, proposal made at Sr. No. 3 (with amendments), 4, 5, 6 and 7 of agenda and necessary steps for Prevention, Screening and Identification, Treatment & Mitigation and Transfer of Prisoners as mentioned in Annexure "C" attached to agenda are approved. Approved steps are noted as under for reference: -



"FOR RELEASE OF CONVICT PRISONERS :

- A. Convicts who are already on Parole or furlough, their special Parole may be extended for four weeks.
- B. Convicts who have already availed One Parole or One Furlough peacefully and surrendered in time at Jail Gate may be granted fresh one time six weeks Special Parole on the same set of sureties if sureties give their consent for fresh parole.
- C. All the convicts above the age of 65 years (except those involved in multiple cases or convicted for intermediate or large quantity recovery under NDPS Act or convicted for offence u/s 379-B IPC or convicted under POCSO Act or convicted for offence of rape or convicted for offence of acid attack or foreign nationals) may be granted six weeks special parole.
- D. *The following class of convict prisoners may be considered for expeditious parole for a period of 6 weeks, extendable to 8 weeks if the circumstances so demand, -*

- (i) *All convict prisoners having no pending under-trial cases and sentenced for 7 years or less, with or without fine.*
- (ii) *All convict prisoners sentenced in one case for 7 years or less, with or without fine, and having one or more under-trial cases. In such cases the prisoner should have availed last one parole peacefully and should be on bail in under-trial case(s).*

Note :

Following category of prisoners, even if falling in the above criteria, may not be considered—

(a) All prisoners convicted for intermediate or large quantity recovery under NDPS Act or those convicted u/s 379-B IPC or those convicted under POCSO Act or convicted for offence of rape or convicted for offence of acid attack.

(b) All convict prisoners who are foreign nationals.

E. In all others cases pending as well as new, Divisional Commissioners / District Magistrates be directed to process all (pending & new) cases of parole liberally and sympathetically on the urgent basis within three days of receipt of these directions and latest within 6 days.

FOR UNDER-TRIAL PRISONERS :

In case of under-trial prisoners, it is proposed that the following category of under-trial prisoners may be considered for **45 day interim bail**, extendable to 60 days in case the circumstances so demand, preferably on personal bond -

- (i) All Under-trial prisoners with only 1 (one) under-trial case pending, in which maximum prescribed sentence is 7 years or less.
- (ii) All Under-trial prisoners with 2 under-trial cases pending, in which maximum prescribed punishment in both cases is 7 years or less.

Note :

Following category of prisoners, even if falling in the above criteria, **may not be considered**—

- (a) All inmates undergoing trial for intermediate or large quantity recovery under NDPS Act or u/s 379-B IPC or under POCSO Act or for offence of rape or for offence of acid attack.

The block contains two handwritten marks. On the left is a signature, appearing to be 'D' with a flourish. On the right are the initials 'G12'.

(b) *All undertrials who are foreign nationals.*

The grant of Interim Bail may be done either by the visiting judges of the jails (DSJ/ADJ/CJM) on the bail applications at the jails itself; or alternatively by devising a mechanism of routing the bail applications through DSLA to the courts convened especially for this purpose.

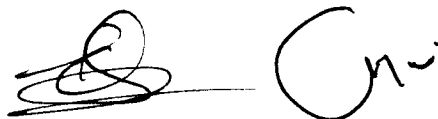
To expedite the process, the one-time relaxation that application for parole may be processed within the first year after the conviction of the prisoner need to be notified, or executive/govt. orders need to be issued and be issued by State expeditiously :

4. REMISSION AT SUPDT. / JAIL & HOD LEVEL :

In addition to above, Head-of-department and Superintendent of Jail who have power to grant additional remission of 2 months and remission of 1 month respectively may exercise their power for eligible prisoners and release them accordingly.

5. MAINTAINING ORDER IN PRISONS :

- 1. Jail authorities are directed to maintain order in prisons by undertaking counseling and by informing jail inmates steps being taken to prevent infectious disease due to corona virus. It is further proposed that prisoners be allowed to talk to their family members through VC or jail telephone after taking health precautions.*
- 2. Chairperson, DSLA and the concerned District & Sessions Judge be advised to visit the jails every alternate day, and interact with the prisoners (of course after taking all precautions), so that the pent-up frustrations get a vent and order can be maintained. Communications by the judicial officers*

Handwritten signature and initials, possibly 'Cm'.

in person (even over the PA system) will have a salutary impact on the psychological state of the prisoners.

6. *Prevention, Screening and Identification, Treatment & Mitigation and Transfer of Prisoners*

State of Haryana & Jail authorities are directed to comply with directions of Hon'ble Supreme Court and to take steps for Prevention, Screening and Identification, Treatment & Mitigation and Transfer of Prisoners as mentioned in Annexure "C".

7. *Monitoring teams*

Monitoring teams at District level and State Level consisting of following members are constituted :

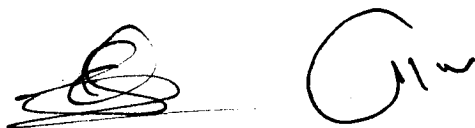
District Level (for each District)

- 1. Chairman, DLSA & D&SJ*
- 2. Deputy Commissioner*
- 3. Sect. DLSA*
- 4. Superintendent Jail*

State Level

- 1. DG Prisons,*
- 2. Member Secretary, HALSA &*
- 3. Special Secretary Home / Prisons*

State and DG prisons shall issue necessary guidelines to the Divisional Commissioners, Deputy Commissioners, Jail authorities and others to implement decision taken by this High-Powered Committee.

Two handwritten signatures are present at the bottom of the page. The signature on the left is a stylized, cursive 'E' with a horizontal line underneath. The signature on the right is a cursive 'G' followed by a tilde-like flourish.

The State & District Monitoring Committees shall submit their respective reports within 2 days (District) and 3 days (State) on receipt of these directions.

District monitoring committees shall submit list and number of all cases granted / entitled to parole / interim bail falling in each category mentioned above. List & number of cases which may be falling in different categories other than mentioned above but in view of monitoring committee entitled to benefit of parole / interim bail be also be submitted for consideration of High-Powered Committee.

The next meeting for further consideration shall be held after receipt of the reports of State and District level monitoring committees.



Shri K. Selvaraj, IPS,
Director General of
Prisons, Haryana.



Vijai Vardhan, IAS,
Additional Chief
Secretary to
Government, Haryana,
Home Department



(Justice Rajiv Sharma)
Judge,
Executive Chairman,
HALSA

**MINUTES OF THE MEETING HELD ON 30.03.2020 AT 3.40 PM
THROUGH VIDEO CONFERENCING UNDER THE CHAIRMANSHIP OF
HON'BLE MR. JUSTICE RAJIV SHARMA, JUDGE, PUNJAB AND
HARYANA HIGH COURT, CHANDIGARH AND EXECUTIVE CHAIRMAN,
HARYANA STATE LEGAL SERVICES AUTHORITY, PANCHKULA**

The video conferencing was attended by the following officers:

1. Shri Vijai Vardhan, IAS, Additional Chief Secretary to Government of Haryana, Home Department, Haryana.
2. Shri K. Selvaraj, IPS, Director General of Prisons, Haryana.
3. 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*

A meeting was held today for considering the reports submitted by the District level Monitoring Committees of Haryana (**Annexure-B**) which were constituted to monitor the decisions of High Powered Committee issued on 24.03.2020.

That apart, the Prisons Department, Haryana has also submitted the information in response to directions issued by the High Powered Committee for release of prisoners and taking necessary measures for Prevention, Screening and Identification, Treatment & Mitigation and Transfer of Prisoners (**Annexure-A & C**) in the wake of COVID-19.



After considering criteria based on nature of offence, number of years to which sentenced or the severity of the offence for which facing trial or other factors, following proposals are approved : -

- A. Convict prisoners of simple offences or prisoners falling under the category of hard-core prisoners (except those involved in multiple cases or convicted for intermediate or large quantity recovery under NDPS Act or convicted for offence u/s 379-B IPC or convicted under POCSO Act or convicted for rape or convicted for offence of acid attack or foreign nationals or convicted for Terror related Cases, cases under Anti-National Activities and Unlawful Activities (Prevention) Act etc.) for single offence whose 1st Parole/furlough case was sanctioned by the sanctioning authority after completing the requisite conditions as per Parole Amendment Act, 2012, 2013, 2014 & 2015 and their Parole/Furlough has been granted by the competent authority i.e. Commissioner but they could not furnish the surety/security to the District Magistrate concerned in the prescribed time as mentioned in the Temporary Release Warrant and could not avail Parole/furlough may be granted parole for 45 days which may be extended upto 60 days.
- B. Civil Prisoners / Simple Imprisonment Prisoners including those who are detained in the prison in family court matters wherein person is in custody for non-payment of maintenance under 125 Cr.P.C. either in pending case or in execution be released on interim bail / parole for six weeks / 45 days which may be extended upto eight week / 60 days.
- C. All convicts who have undergone their substantive sentences and undergoing sentence for non-payment of fine and are not involved in any other case may be released on parole for six weeks which may be extended upto eight week on execution of personal bond to the extent of fine due.
- D. Convict prisoners whose sentence is up to seven years (except those involved in pending multiple cases or convicted for intermediate or large





quantity recovery under NDPS Act or convicted for offence u/s 379-B IPC or convicted under POCSO Act or convicted for rape or convicted for offence of acid attack or foreign nationals or convicted for Terror related Cases, cases under Anti-National Activities and Unlawful Activities (Prevention) Act etc.) but they are also convicted in multiple cases. However, already undergone/acquitted or sentenced for fine only, in all other matters and undergoing sentence in last case with no other under trial case may be released on parole for 45 days which may be extended upto 60 days.


- E. The persons who are in judicial custody awaiting filing of challan and have been booked for any offence punishable for imprisonment up to 07 years (except those involved in multiple cases or convicted for intermediate or large quantity recovery under NDPS Act or convicted for offence u/s 379-B IPC or convicted under POCSO Act or convicted for rape or convicted for offence of acid attack or foreign nationals or convicted for Terror related Cases, cases under Anti-National Activities and Unlawful Activities (Prevention) Act etc.) by the concerned local Police Stations and not concerned in any other case may be released on interim bail for six weeks which may be extended upto eight week.
- F. Investigating officer may be advised to avoid arresting first offenders booked for any offence punishable for imprisonment up to 07 years unless it is of utmost necessary for purpose of investigation. CP's / District SP's be asked to monitor such cases.
- G. Directions given in **Arnesh Kumar V. State of Bihar**, (2014) 8 SCC 273 be complied with in letter and spirit. Copy of Minutes be also sent to Director General of Police, Haryana.
- H. Consent of sureties in cases where convict has successfully availed regular parole may be taken on WhatsApp or through SMS or through mobile. Confirmation shall be recorded in writing by the Executive Magistrate. In addition, a personal bond shall be executed by the convict.

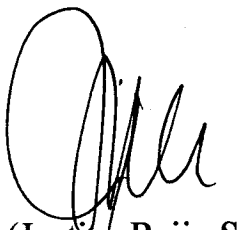



- I. Since District Magistrates and Divisional Commissioners are involved in other important administrative work therefore once parole has been granted to a convict the DMs and Divisional Commissioners shall appoint empowered Executive Magistrate in each district to accept personal bonds and sureties (through VC or at Jail gate). In case sureties are from outside District such sureties shall appear before Executive Magistrate appointed for such district (where surety is resident) and surety bonds be accepted through VC between two Executive Magistrates. The executive Magistrate shall take liberal approach while keeping sufficient safeguards.
- J. Needless to add that under-trial Review Committee of each district shall meet every week (instead of every quarter at present) and take such decisions in consultation with the concerned authority as per the said judgement.

After perusal of Annexure C, we request Director General of Prisons to look into shortcomings.


Shri K. Selvaraj, IPS,
Director General of
Prisons, Haryana.


Shri Vijai Vardhan, IAS,
Additional Chief
Secretary to
Government, Haryana,
Home Department


(Justice Rajiv Sharma)
Judge,
Executive Chairman,
HALSA

MINUTES OF THE MEETING HELD ON 13.04.2020 AT 12:45 PM THROUGH VIDEO CONFERENCING UNDER THE CHAIRMANSHIP OF HON'BLE MR. JUSTICE RAJIV SHARMA, JUDGE, PUNJAB AND HARYANA HIGH COURT, CHANDIGARH AND EXECUTIVE CHAIRMAN, HARYANA STATE LEGAL SERVICES AUTHORITY, PANCHKULA

The video conferencing was attended by the following officers:

- Shri Vijai Vardhan, IAS, Additional Chief Secretary, Government of Haryana, Home Department.
- Shri K. Selvaraj, IPS, Director General of Prisons, Haryana.
- 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 pursuance of meeting of this High Powered Committee held on 24.03.2020 and 30.03.2020, categories of under-trials/convicts specified therein were recommended for release on interim bail/parole for a period of 06 weeks extendable up to 08 weeks in view of directions issued by Hon'ble Supreme Court of India on 23.03.2020.

In pursuance of these directions, as informed by the Director General of Prisons, Haryana, total **4,481** under-trials/convicts have been released from jails up to **11.04.2020**.

Total Prisoners in jails of Haryana as on **24.03.2020 -20,546**

Total Prisoners in jails of Haryana as on **11.04.2020 -17,097**

Total authorized capacity of prisoners - **19,306**

Prisoners released as on **11.04.2020** - **4,481**

Total 5,394 prisoners were granted bail / parole out of which 4,481 have been released and case of remaining 949 under-trials / convicts is under process.




Sh. Saksham Harivyasi S/o Sh. Vivek Harivyasi has filed a representation before this Authority for release of his father Vivek Harivyasi - convict, who is lodged in the District Jail, Gurugram under Sections 447, 448, 74 (3) Companies Act, 2013, 58-A / 211 (7) r/w Section 628 of Companies Act, 1956 and 120-B r/w 406, 417, 420, 477-A IPC on complaint lodged by Serious Fraud Investigation Office. Under-trial had approached the Hon'ble Supreme Court of India for interim bail and the following order was passed by the Hon'ble Supreme Court :

XXXXXXX

"After some arguments, leave is sought to withdraw the writ petition to enable submission of a fresh detailed representation before the Committee constituted by the State in pursuance to the directions of this Court.

If the petitioner files such a representation, we expect the Committee to consider the same expeditiously without being prejudiced by the present order."

XXXXXXX

In the meantime, 13 other representations were received which are attached as **Annexure-E** with agenda. One representation was received after circulation of Agenda Note. However, we shall consider this application along with other 14 other representations. One of the representations for release of Sh. Bimal Ratusaria has become infructuous as he has already been released.

One of the representation has been made on behalf of Child-convict Vikas Rana who was convicted in FIR No. 403, dated 21.08.2015, P.S. Sadar, Thanesar, District Kurukshetra, under section 302, 394, 201, 411 IPC and 3(ii)(v) of SCT/ST Act. Let the same be sent to the Hon'ble Juvenile Justice Monitoring Committee, Punjab and Haryana High Court, Chandigarh for its kind consideration.

Following pleas have been broadly raised by the applicants in their representations (**Annexure C**):

1.	Seeking parity with convicts & preference - 07 years term prescribed for consideration of case of under-trial is not proper as 07 years conviction for a convict has been ground for parole. Since innocence of under-trial is presumed, therefore,
----	--




	they be given concession of 50 per cent determining upper ceiling of seven years.
2.	Had earlier taken benefit of interim bail therefore they be given benefit of interim bail
3.	Medical grounds - applicants have also requested for release on medical grounds specified in their respective representations.

The applicants charged for offences as mentioned against their names along with nature of involvement and have sought release on interim bail & parole are as under:

Sr. No. as per Ann. E Name of the Convict / Undertrial	FIR No., Police Station & under section	Case Details	Grounds mentioned in the representation
1. Sh. Vivek Harivyasi 2. Sh. Jainam Rathod	<ul style="list-style-type: none"> Case No. COMA 05/2019 U/s 447, 448, 74(3) Companies Act, 2013, 58-A/211(7) r/w Section 628 of Companies Act, 1956 and 120-B r/w 406, 417, 420, 477-A IPC 	<ul style="list-style-type: none"> The accused are involved in commission of serious offence of fraud whereby fraudulently secured illegal funding/loans from Adarsh Credit Cooperative Society Ltd. (ACCSL). The said society had collected Rs.9,253 crores of deposit from its members/general public 	<ul style="list-style-type: none"> Parity with convicts & preference being undertrial Earlier taken benefit of interim bail therefore they be given benefit of interim bail Medical grounds
4. Sh. Saurabh Kapoor	<ul style="list-style-type: none"> FIR No.916, dated 26.11.2015 Police Station Civil Lines, Gurgaon. U/s 376 IPC 	<ul style="list-style-type: none"> He has been convicted for 10 years RI with fine of Rs.10,000/- I/D 01 Year RI 	<ul style="list-style-type: none"> Medical ground
5. Sh. Ramesh Pandey 6. Sh. Rakesh Kumar Verma 7. Sh. Pawan Kumar Verma 8. Sh. Dalip Kumar Verma 9. Sh. Vijay Kumar	<ul style="list-style-type: none"> FIR No.485, dated 27.08.2014 P.S. City Thanesar U/s 406, 420, 506 and 120B IPC 	<ul style="list-style-type: none"> The accused are facing trial in 50, 103, 106, 113 & 107 cases respectively. Bail granted by various courts in 10, 71, 73, 76 & 73 cases respectively, but bail bond not furnished Undergone- 01 (Sh. Ramesh Pandey), 08 cases each Acquitted - 17, 18, 19 & 19 cases 	<ul style="list-style-type: none"> Medical grounds




		respectively <ul style="list-style-type: none"> • Conviction – 0 (Sh. Ramesh Pandey), & 02 cases each • Pending – 37, 05, 05, 08 & 08 cases respectively. 	
10. Mr. Manoj & Mrs. Santro Devi	<ul style="list-style-type: none"> • FIR No.558, dated 26.11.2019 P.S. Sadar Thanesar • Under Section 306/34 IPC 	<ul style="list-style-type: none"> • Accused is facing trial for offence for which prescribed sentence is 10 years 	<ul style="list-style-type: none"> • Has sought bail on merits i.e. both the accused are innocent
11. Sh. Lakshmi Narayan Parashar 12. Sh. Om Parkash Sharma	<ul style="list-style-type: none"> • F.I.R no. 155/2006 P.S Central Faridabad • Under section 307 & 506 I.P.C 	<ul style="list-style-type: none"> • They were sentenced to six years imprisonment vide order dated 13.3.2020. • Sh. Lakshmi Narayan Parashar is also facing trial in FIR No. 33 of 2001 pertaining to P.S. Central Faridabad under section 3(1)(x) of SCST Act read with section 34. • Sh. Om Parkash Sharma is facing 3 other cases 	<ul style="list-style-type: none"> • Medical grounds
13. Sh. Jitender	<ul style="list-style-type: none"> • FIR No. 432 dated 7/11/2017 Police Station Civil Line Sonapat • U/S- 379 B IPC and 25 of Arms Act 	<ul style="list-style-type: none"> • Accused is facing trial for offence for which prescribed sentence is more than 7 years 	<ul style="list-style-type: none"> • Medical grounds
15. Sh. Ashwani	<ul style="list-style-type: none"> • FIR No.107, dated 20.10.2007, P.S. Dhand, Kaithal • U/s 364-A IPC 	<ul style="list-style-type: none"> • Undergoing Life imprisonment • Falls in category of Hardcore prisoner • Involved in another case i.e. FIR No. 477, dated 28.09.2018, U/s 42 of Prisons Act, P.S. Ballabgarh, Faridabad. • Had not surrendered in time therefore was debarred from temporary release in 	<ul style="list-style-type: none"> • Covered by direction of HPC as was earlier released on parole

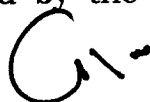



		terms of section 2 of the Haryana Good Prisoners (Temporary Release) Amendment Act, 2015	
--	--	--	--

Response from State and Prisons Department, Haryana was sought. Response (**Annexure D**) from Prisons department has been duly noted in above table.

Another response i.e. letter dated 08.04.2020 (**Annexure G**) has been received from Deputy Director, State Fraud Investigation Office, Govt. of India, which has been addressed to the Home Secretary, Haryana and DG Prisons, Haryana. Prayer for interim bail made by Sh. Vivek Harivyasi has been opposed. It is submitted that Accused Vivek Harivyasi is an undertrial prisoner for various offences including offences punishable with imprisonment of life (S.467 of IPC) and punishment up to 10 years for offence punishable u/s 447 of the Companies Act, 2013. The accused is involved in commission of serious offence of fraud whereby the accused Vivek Harivyasi, being the manager/controller of various companies fraudulently secured illegal funding/loans from Adarsh Credit Cooperative Society Ltd. (ACCSL). The said society had collected **Rs. 9,253 crores of deposit from its members/general public**. The accused had earlier filed application before Ld. Special Court seeking relief of regular bail **which was dismissed by Ld special Court vide its order dated 22.07.2019**. Further, the accused approached Hon'ble Punjab and Haryana High Court. Keeping in view the gravity of fraud committed by the accused, Hon'ble High Court dismissed the bail application vide its order dated 13.11.2019.

On consideration of grounds raised by the applicants, No. of cases against each applicants, nature of offences against them stated in letter by DG, Prisons, Haryana (**Annexure D**) and letter dated 08.04.2020 (**Annexure G**) received from Deputy Director, State Fraud Investigation Office, Govt. of India, we are of the opinion that no further addition in the categories prescribed by this Committee on 24.03.2020 & 30.03.2020 at this stage is required to be made. There cannot be any comparison between the convict and under-trial. The reasons for grant of parole or bail are totally different. These are two different categories and cannot be equated. Therefore, the submissions raised by the applicant regarding

the parity between under-trial and convict or any preference to under-trial over convict cannot be accepted.

However, it is reiterated that in all cases, which are not covered by our recommendations for release on interim bail / parole, and in which under-trial / convict raises medical grounds, Jail Authorities shall get the same assessed from Jail Medical Officer attested by SMO or CMO and take all necessary recommended steps for safety and wellbeing of such under-trials / convicts. The list of such cases shall be submitted by the Jail Superintendents to the Director General of Prisons, Haryana who shall monitor the same.

None of the representations mentioned in above table, falls in the categories specified by Hon'ble Supreme Court of India or by this High Powered Committee on 24.03.2020 or on 30.03.2020. Accordingly, all the representations mentioned above are hereby rejected.



(Shri K. Selvaraj, IPS)
Director General of
Prisons, Haryana



(Shri Vijai Vardhan, IAS)
Additional Chief Secretary
to Government, Haryana,
Home Department



(Justice Rajiv Sharma)
Judge,
Executive Chairman,
HALSA

MINUTES OF THE MEETING HELD ON 20.04.2020 AT 1.00 PM THROUGH VIDEO CONFERENCING UNDER THE CHAIRMANSHIP OF HON'BLE MR. JUSTICE RAJIV SHARMA, JUDGE, PUNJAB AND HARYANA HIGH COURT, CHANDIGARH AND EXECUTIVE CHAIRMAN, HARYANA STATE LEGAL SERVICES AUTHORITY, PANCHKULA

The video conferencing was attended by the following officers:

1. Shri Vijai Vardhan, IAS, Additional Chief Secretary to Government Haryana, Home Department.
2. Shri K. Selvaraj, IPS, Director General of Prisons, Haryana.
3. 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*

Three more representations were received from applicants for their release on parole / interim bail. Grounds mentioned and comments by jail authorities are being noticed as under :

Sr. No.	FIR Details and Sections	Grounds mentioned in representations	Submissions made by jail authorities
Name of the convict/ Undertrial			
1. Vicky	FIR No.502 dated 05.11.2019 U/s 379, 413, 483, 411, 120-B IPC P.S. Civil lines, Kaithal.	Claims to be covered by directions dated 24.03.2020	Applicant is facing two trials. One arising out of FIR No. 502, dated 05.11.2019 and another arising out of FIR No. 528, dated 20.11.2019 U/s 379 / 411 / 413 / 483 / 120-B IPC P.S. Civil Lines Kaithal.




			Maximum sentence prescribed under Section 413 IPC is 10 years. He is not entitled for release on bail.
2. Parikshit Anand	FIR No. 995/2018, PS: Karnal Civil Lines (EOW CELL), U/S : 406 / 420 / 467 / 468 / 471 / 506 IPC	Medical ground	UTP Parikshit Anand is facing trial in more than 09 cases U/s 406/ 420 / 467 / 468 / 471 / 506 IPC and 174-A IPC and 138 of NIA Act. He is not entitled for release.
3. Rajiv Chugh	FIR No. 88 dated 21.03.2018 u/s 420/406 IPC, P.S. Taraori District Karnal	Claims to be covered by directions dated 24.03.2020	UTP Rajiv Chugh is facing trial in more than 40 cases under Sections 406 / 419 / 420 / 120-B IPC and 174-A IPC and 138 of NI Act. He is not entitled for release on bail.

On consideration of grounds raised by the applicants, No. of cases against each applicants, nature of offences against them, we find none of the representations, falls in the categories specified by Hon'ble Supreme Court of India or by this High Powered Committee on 24.03.2020 or on 30.03.2020. Accordingly, all the representations mentioned above are hereby rejected.

All representations received in future, be forwarded to the concerned District Level Monitoring Committee and these committees shall send their recommendations to the High Powered Committee.

Further, this High Powered Committee has perused the **Annexure-B** received from the Commissioner, Faridabad Division, Faridabad wherein it was requested to provide necessary guidelines with regard to extension of parole of convicts who have been released from jails and will surrender in jails between 12.04.2020 to 30.04.2020.




Purpose of orders of Hon'ble Supreme Court is to avoid overcrowding in jails in the wake of COVID-19. In the current prevailing situation, it would be appropriate to extend the parole beyond lock down period. Accordingly, parole period of all convicts whose date of surrender before jail authorities falls within lock down period be extended by three weeks from the date of their surrender for avoiding rush for surrender. This will apply to convicts who have surrendered during lockdown period after availing parole or furlough. All these persons shall be kept in quarantine for minimum period of 14 days from the day of their surrender.

Districts Faridabad, Palwal, Nuh, Gurugram, Ambala and Karnal are COVID-19 hotspots in Haryana. It is, therefore, directed to completely restrict the movements of jail staff working in & prisoners lodged in these jails situated in aforementioned districts subject to any medical emergency or any other emergent grounds.

Further, the Jail Authorities of Haryana are also requested to fully sanitize their jails as well as to ensure that any item/goods which is supplied/entered in jails, be also sanitized properly keeping in view the safety and protection of prisons' staff and prisoners lodged therein. All necessary measures be taken for promoting self-hygiene, self-protection and social distancing norms amongst the prisoners.



(Shri K. Selvaraj, IPS)

Director General of
Prisons, Haryana



(Shri Vijai Vardhan, IAS)

Additional Chief Secretary to
Government, Haryana,
Home Department



(Justice Rajiv Sharma)

Judge,
Executive Chairman,
HALSA

**MINUTES OF THE MEETING HELD ON 05.05.2020 AT 4:00 PM
THROUGH VIDEO CONFERENCING UNDER THE
CHAIRMANSHIP OF HON'BLE MR. JUSTICE RAJIV SHARMA,
JUDGE, PUNJAB AND HARYANA HIGH COURT, CHANDIGARH
AND EXECUTIVE CHAIRMAN, HARYANA STATE LEGAL
SERVICES AUTHORITY, PANCHKULA**

The video conferencing was attended by the following officers:

1. Shri Vijai Vardhan, IAS, Additional Chief Secretary to Government, Haryana, Home Department.
2. Shri K. Selvaraj, IPS, Director General of Prisons, Haryana.
3. 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

Today's meeting has been convened for considering the recommendations sent by the District Monitoring Committees (DMCs), Jind, Ambala and Kurukshetra for release of convicts / undertrials on parole / interim bail which are placed at **Annexure - B, C & D** of agenda respectively in view of directions issued by the High Powered Committee in its previous meeting dated 20.04.2020.



Recommendations made by the District Monitoring Committees, Jind, Ambala and Kurukshetra for grant / denial of parole/interim bail to the convicts / undertrials perused. It is accordingly resolved that:

- in view recommendations of District Monitoring Committee and the extreme & exceptional health status of undertrial namely Poonam W/o Sh. Banti, who is 08 months pregnant, *presently detained in District Jail, Jind*, the representation filed by Sh. Banti for release of his wife Poonam is hereby allowed. Undertrial Poonam be granted interim bail for 12 weeks.
- applications of convicts mentioned at *Sr. No. 1 to 12* forwarded by DMC, Ambala (**Annexure-D**) for release on parole / furlough as their cases are pending with other States, be forwarded to the concerned State Legal Services Authorities for appropriate action in accordance with law. Any application received in future pertaining to other States, be immediately forwarded to the concerned SLSA.
- applications mentioned at *Sr. No. 13, 14, 15 & 16* of undertrials namely Kamal Saini, Raju, Narender Pal and Punit Kumar for grant of interim bail are hereby declined on the ground that none of the applications fall under the directions issued by High Powered Committee on 24.03.2020 and 30.03.2020.
- all the Divisional Commissioners and District Magistrates of Haryana are hereby directed to dispose of the parole applications pending with them




expeditiously.

Further, in view of directions dated 23.03.2020 of Hon'ble Supreme Court of India in *Suo Motu Writ Petition (Civil) No. 1/2020 – In RE: Contagion of COVID-19 in Prisons*, extraordinary prevailing circumstances in view of world-wide pandemic, reported increase in number of COVID infected persons across the country and the objectives of directions given by Hon'ble Supreme Court, readmitting around 4000 prisoners released on parole / interim bail back into the jails at this stage is huge risk. Re-admitting of such large number of inmates at this point is likely to increase risk of COVID infections to the existing inmates and will defeat the whole objective of releasing inmates on parole / interim bail. In this background, it would be appropriate to extend the parole period of the convicts for another 06 weeks from the date of their first surrender. This decision shall be applicable to all convicts whose parole was extended by 3 weeks in meeting dated 20.04.2020 and their parole shall be extended accordingly, instead of three weeks.

Similarly, under-trials who have already been released on interim bail as per directions of HPC, duration of their interim bail be extended for further 06 weeks from the date of their surrender.

In view the prevailing situation, it is decided that the



COVID test and 14 days quarantine for prisoners returning from interim bail / parole / furlough or otherwise (remanded from police to judicial custody) will be mandatory. The Director General of Prisons, Haryana is hereby requested to take necessary steps in this regard.

The COVID test for prison staff returning to jails after availing leave on emergent grounds, will also be mandatory. Such prison staff be allowed to join back his / her regular duties only on receipt of negative COVID test report and fitness report from the Medical Officer of the jail. The Director General of Prisons, Haryana is hereby requested to take necessary steps in this regard.



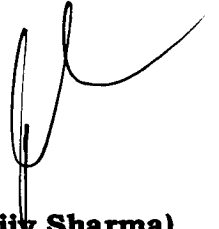
(Shri K. Selvaraj, IPS)

Director General of
Prisons, Haryana



(Shri Vijai Vardhan, IAS)

Additional Chief Secretary
to Government, Haryana,
Home Department



(Justice Rajiv Sharma)

Judge,
Executive Chairman,
HALSA

MINUTES OF THE MEETING HELD ON 22.05.2020 AT 4:00 PM THROUGH VIDEO CONFERENCING UNDER THE CHAIRMANSHIP OF HON'BLE MR. JUSTICE RAJIV SHARMA, JUDGE, PUNJAB AND HARYANA HIGH COURT, CHANDIGARH AND EXECUTIVE CHAIRMAN, HARYANA STATE LEGAL SERVICES AUTHORITY, PANCHKULA

The video conferencing was attended by the following officers:

1. Shri Vijai Vardhan, IAS, Additional Chief Secretary to Government, Haryana, Home Department.
2. Shri K. Selvaraj, IPS, Director General of Prisons, Haryana.
3. 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

A meeting of High Powered Committee was called today for considering the recommendations received from the District Monitoring Committees, Jhajjar, Hisar, Ambala and Palwal for release of convicts/under-trials on parole/interim bail which are placed at **Annexure-A, B, C & D** respectively and other matters stated in Agenda.

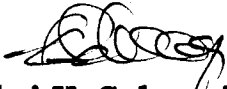
The Committee has perused all the recommendations received from the District Monitoring Committees for grant / denial of parole / interim bail to the convicts / under-trials as well as considered all other issues related to safety of inmates. Accordingly, the following is hereby resolved:



1. The representations of convicts/under-trials namely Ramehar Singh, Radhey Shyam and Jeewan Kumar Raut for grant of parole/interim bail are hereby declined on the ground that none of the representations fall under the categories prescribed by this High Powered Committee on 24.03.2020 and 30.03.2020 and rejection is recommended by District Monitoring Committees.
2. In view of recommendations of District Monitoring Committees and the extreme & exceptional health status of convict / under-trial Nancy and Kavita, who are pregnant, their representations are hereby allowed. Both be granted interim bail/parole for 16 weeks.
3. It is clarified that first date of surrender referred in minutes of HPC dated 05.05.2020 shall be date of surrender after grant of special parole under the minutes of the HPC meeting dated 24.03.2020. In case, persons who were already on parole before 24.03.2020 and were granted 04 weeks extension by virtue of decision taken in the minutes dated 24.03.2020 of HPC, the first date of surrender would be the date till their parole was extended. Extended date shall be date of first surrender.
4. The HPC has further considered the present COVID-19 situation and resolve to extend parole / furlough / interim bail of all those whose surrender date fall between 16.05.2020 to 31.05.2020 by 05 weeks, the persons whose surrender date fall between 01.06.2020 to 15.06.2020 by 04 weeks and persons whose surrender date fall between 16.06.2020 to 30.06.2020 by 03 weeks.
5. To avoid the infection of COVID-19 amongst the prisoners, State of Haryana is asked to designate temporary jails to lodge all persons (males only) taken in custody and whose Covid-19 test report is awaited by exercising its powers under para 3 (J) and 6 of Punjab Jail Manual (Haryana).



6. Further, the health authorities are requested to fast track COVID-19 test reports of person taken in custody in order to avoid the risk of COVID-19 infection within the four walls of prisons. Necessary steps be taken in this regard by concerned authorities.
7. Earlier, this Committee in its meeting dated 30.03.2020 directed the Investigating officer to avoid arrest of first offenders booked for any offence punishable for imprisonment up to 07 years unless it is of utmost necessity for purpose of investigation. The Police Department, Haryana are again directed to take necessary steps in this regard.

**(Shri K. Selvaraj, IPS)**

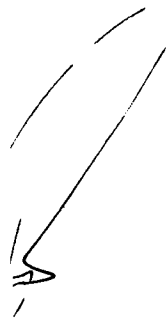
Director General of
Prisons, Haryana

**(Shri Vijai Vardhan, IAS)**

Additional Chief Secretary
to Government, Haryana,
Home Department

**(Justice Rajiv Sharma)**

Judge,
Executive Chairman,
HALSA



**MINUTES OF THE MEETING HELD ON 15.06.2020 AT 2:00 PM
THROUGH VIDEO CONFERENCING UNDER THE CHAIRMANSHIP OF
HON'BLE MR. JUSTICE RAJIV SHARMA, JUDGE, PUNJAB AND
HARYANA HIGH COURT, CHANDIGARH AND EXECUTIVE CHAIRMAN,
HARYANA STATE LEGAL SERVICES AUTHORITY, PANCHKULA**

The meeting through video conferencing was attended by the following officers :

1. Shri Vijai Vardhan, IAS, Additional Chief Secretary to Government, Haryana, Home Department.
2. Shri K. Selvaraj, IPS, Director General of Prisons, Haryana.
3. 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*

A meeting of High Powered Committee was called today for considering the recommendations received from the District Monitoring Committees, Kurukshetra and Karnal for considering the cases of convicts / undertrials on parole / interim bail which are placed at **Annexure-A** & **Annexure-B** respectively and other matters stated in Agenda.

The Committee has perused the aforesaid recommendations received from the District Monitoring Committees for grant / denial of parole/interim bail to the convicts / undertrials. Accordingly, the following is hereby resolved:

1. The representations of convicts / undertrials namely Abdul Salim, Gulabdin and Gulab for grant of parole / interim bail are hereby declined on the ground that none of the representations fall under the categories prescribed by this High Powered Committee on



24.03.2020 and 30.03.2020 and rejection is recommended by District Monitoring Committees.

2. A large number of inmates admitted in jails from 01.05.2020 to 06.06.2020 are first time offender having only one case and are lodged for offences punishable for imprisonment up to 07 years and constitute 38% of total prisoners admitted during the aforesaid period. Perusal of District-wise details in this regard shows that while Gurugram (11%) and Nuh (13%) have low percentages, Sirsa (55%), Hisar (55%), Ambala (54%), Rohtak (53%) and Yamunanagar (52%) have high percentages of such arrests. Hence the Superintendents of Police and District & Sessions Judges concerned should look into the matter and ensure the needful in view of the directions passed by the Hon'ble Supreme Court in Arnesh Kumar Vs State of Bihar, 2014 (8) SCC 273 and the High Powered Committee in the meeting dated 30.03.2020. The High Powered Committee in its meeting dated 22.05.2020 had also directed the investigating officers to avoid arrest of first offenders booked for any offence punishable for imprisonment up to 07 years unless it is of utmost necessity for purpose of investigation. The Police Department, Haryana is again directed to take necessary steps in this regard and circulate these directions to all the Police Stations for necessary compliance.
3. It has been informed that 1,503 undertrials have been arrested and lodged in jails from 01.05.02020 to 06.06.2020 who are concerned only in one case punishable for 7 or less years. Let a list of such offenders who have been arrested after 01.05.2020 and are concerned in offences punishable for a period of 07 years or less than 7 years, be furnished for their categorization. Let the State Level Monitoring Committee go through the list and submit its recommendations for placing the same before HPC.
4. In view of current prevailing situation of COVID-19, the Committee has decided to further extend the parole / furlough /interim bail of



all those whose surrender date fall between 21.06.2020 to 07.07.2020 by 10 weeks, the persons whose surrender date fall between 08.07.2020 to 21.07.2020 by 08 weeks, the persons whose surrender date fall between 22.07.2020 to 07.08.2020 by 06 weeks, persons whose surrender date fall between 08.08.2020 to 21.08.2020 by 05 weeks and persons whose surrender date fall between 22.08.2020 to 07.09.2020 by 04 weeks.

5. It is also resolved that all prisoners who fall in vulnerable groups such as women including children accompanying women, senior citizens or other such prisoners who have been held to be vulnerable by Jail Medical Officer, be given healthy, nutritious and diet enriched with vitamin-C to increase their immunity. The State Government may also take a decision to provide such diet to all the prisoners in order to enhance their immunity against COVID-19 infection.
6. Considering the issue with regard to limited space in jails and difficulties being faced by the jail authorities due to insufficient infrastructure for effective quarantine / isolation, the jail authorities are directed to shift the female prisoners of District Jails, Panipat, Kaithal, Sonapat, Kurukshetra and Yamunanagar to District Jail, Karnal; female prisoners of District Jails, Bhiwani and Sirsa to Central Jail, Hisar-2 and female prisoners of District Jail, Narnaul to District Jail, Jhajjar so that the female wards of these Jails can be used as quarantine/isolation Wards.
7. Request be made to the State Government to fill-up the vacant posts of all the Medical Officers and paramedical staff in the jails of Haryana. However, it is made clear that the Medical Officers or other paramedical staff who are deputed on permanent or temporary duties be allowed to function in jails only after COVID-19 test negative report from government institutions only.



8. Following steps be also taken by the concerned authorities to ensure prevention of COVID-19 infection. These directions are in addition to the directions already issued by the Committee:

1. Prisoner Wards on the pattern of Civil Hospitals should be established in the Covid-19 dedicated Hospitals and every Covid positive prisoner should be admitted and treated in these wards.
2. The sampling for Covid-19 tests of such prisoners/staff who were in contact with any Covid positive prisoner/staff should be done promptly at Jail itself by the mobile Covid-19 testing teams of Civil Hospitals concerned.
3. **Establishment of Special Jails-** All new male prisoners (except criminal gang leaders, prisoners on whom an award had been announced or repeated offenders who are booked for an offence which stipulates maximum imprisonment for more than 07 years) remanded to judicial custody in Haryana may be initially confined in the following Special Jails till the receipt of Covid-19 report.

S.No.	Special Jail	For prisoners of Districts (where FIR is lodged)
1.	Open Air Camp, on the premises of District Jail, Faridabad	Faridabad, Palwal, Gurugram, Nuh, Sonipat
2.	Open Air Camp, on the premises of District Jail, Karnal	Karnal, Panipat, Kurukshetra, Kaithal, Yamunanagar, Ambala, Panchkula
3.	COVID-19 Block, on the premises of Central Jail-2, Hisar	Hisar, Sirsa, Fatehabad, Bhiwani, Jind
4.	Block No. 1 in the under construction new District Jail, Rewari	Rewari, Jhajjar, Narnaul, Rohtak, Charkhi Dadri



9. The functions of authorities concerned with respect to Special Jails shall be as under:-

A. Director General of Police, Haryana:

- (i) To provide proper security so as to avoid any escape from these Special Jails or during transportation from and to the Special Jails and ensure smooth communication with these Special Jails through wireless sets connected to the local Police Control Room.
- (ii) To provide proper escort/security for every prisoner who tests positive for Covid-19 for immediate shifting to the General Hospital/Covid-19 dedicated hospitals for further management.
- (iii) To provide proper escort/security for prisoners during their transportation from Special Jails to their Jails concerned after negative Covid-19 test report.

B. Director General of Prisons, Haryana:

- i. To depute a Deputy Superintendent Jail along with necessary staff for internal management and maintenance of records of the Special Jails as per rules.
- ii. To provide bedding, utensils, food and other basic necessities for the prisoners confined in Special Jails.
- iii. To provide necessary articles / equipments required for screening of staff and prisoners for symptoms of Covid-19.



- iv. To provide PPE Kits, masks, sanitizers, aprons, gloves, soap etc. to protect the staff/prisoners from Covid-19.
- v. To depute suitable number of sweepers at each of the Special Jails for cleanliness, hygiene and sanitization.

C. Director General Health Services, Haryana

- i. To depute one Medical Officer each and other para medical staff for examination and treatment of prisoners at Special Jails, Karnal, Hisar and Rewari. It may be ensured that the Medical Officers/para medical staff are tested for Covid-19 and negative reports obtained before deputation at these Special Jails.
- ii. Testing of prisoners for Covid-19 and submission of reports may be done on priority basis. Tests of prisoners may be conducted using RT-PCR instead of Rapid test kit. The samples collected may be tested at Government Institutes only.
- iii. To establish Prisoner Wards in the Covid-19 dedicated Hospitals and every Covid positive prisoner may be admitted and treated in these Wards.
- iv. Sampling for Covid-19 tests of such prisoners/staff who had been in contact with any Covid positive prisoner/staff may be done promptly at the Jail itself through mobile team of Civil Hospital concerned.

D. Deputy Commissioners, Faridabad, Karnal, Hisar and Rewari:-



- i. To ensure supply of potable water for the prisoners lodged in these Special Jails.
 - ii. To ensure uninterrupted electricity supply at Special Jail, Rewari.
 - iii. To provide two vehicles (one ambulance for carrying ill prisoners to the Hospitals in case of any emergency and one Jeep for transportation of food and other necessities) at the Special Jail, Rewari.
10. Suitable places may be identified in and around the Central/District Jails by the Deputy Commissioners in consultation with the Commissioner of Police/Superintendent of Police and Superintendent Jail, which can be used as temporary Jails in case there is a Covid-19 outbreak in jails.
11. The District Magistrates and Divisional Commissioners of Haryana are again requested to deal with the parole applications of convicts expeditiously.



(Shri K. Selvaraj, IPS)

Director General of
Prisons, Haryana



(Shri Vijai Vardhan, IAS)

Additional Chief Secretary
to Government, Haryana,
Home Department



(Justice Rajiv Sharma)

Judge,
Executive Chairman,
HALSA

MINUTES OF THE MEETING HELD ON 31.08.2020 AT 11:00 AM THROUGH VIDEO CONFERENCING UNDER THE CHAIRMANSHIP OF HON'BLE MR. JUSTICE RAJIV SHARMA, JUDGE, PUNJAB AND HARYANA HIGH COURT, CHANDIGARH AND EXECUTIVE CHAIRMAN, HARYANA STATE LEGAL SERVICES AUTHORITY, PANCHKULA

The meeting through video conferencing was attended by the following officers:

1. Shri Vijai Vardhan, IAS, Additional Chief Secretary to Government, Haryana, Home Department.
2. Shri K. Selvaraj, IPS, Director General of Prisons, Haryana.
3. 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*

1. We have discussed the various issues with regard to release of undertrials/convicts on bail/parole as well as implementation of various steps required for the protection and safety of jail inmates from COVID-19. Accordingly, the following is hereby resolved :

- a) On perusal of report received from the Prisons Department, Haryana, it has been found that total **4,863** convicts / undertrials were released on parole / bail under the orders of HPC till 10.8.2020. Accordingly, it was decided to extend period of parole/ bail granted from time to time till 16.11.2020, except for the persons convicted for heinous offences i.e. murder, rape, dacoity, offences under POCSO Act, offences under NDPS, Economic offences etc. punishable with more than 7 years imprisonment,



whose parole is extended till 01.10.2020 and who are required to surrender in a phased manner after 01.10.2020. This process shall be completed by 31.10.2020 as per details given in para 2.

- b) It is further clarified that no further Parole or interim bail (except for extension under the orders of HPC) as the case may be, under the earlier issued directions of HPC shall be granted to convicts and undertrials. However, undertrials and convicts may seek regular bail from courts and parole from the competent authorities, if entitled to as per law.
- c) In view of recommendations of District Monitoring Committee, Jhajjar and the extreme & exceptional health status of undertrial namely Asma, who is 24 weeks pregnant, her representation is hereby allowed. She be granted interim bail for 12 weeks.
- d) The representations of convicts / undertrials namely **Mubarik, Aatma Singh, Ramu, Ashwani** and **Sanjeev Kumar** for grant / extension of parole / interim bail are hereby declined.
- e) Convicts released on parole under the directions of Hon'ble Courts may seek extension of parole only from courts.

2. Interim bail and Parole are temporary measures and Jail authorities would be required to take back undertrials and convicts. Jail authorities are, therefore, directed to devise some mechanism for staggered entry of prisoners back to the jails after availing of their parole / interim bail as ordered by HPC. At first, plan for re-entry of all convicts released on parole and undergoing imprisonment for more than 7 years as per seriousness of offence committed be prepared. The said mechanism be prepared within 15 days and be shared with the Haryana State Legal Services Authority for placing the same before HPC. All the precautionary measures will be put in place in proposal by the jail




authorities for the re-admission of prisoners for the purpose of safety of other prisoners and jail staff working therein. The mechanism be prepared in a manner to avoid rush in jails at the time of re-admission of prisoners as well as to avoid difficulties for the jail authorities and medical staff in tackling the situation in terms of infrastructure, manpower, resources etc.

3. That apart, the following steps be also taken by the concerned authorities (Jail, Health & Administration) to ensure prevention of COVID-19 infection in the jails :

- a) The female prisoners earlier shifted from District Jail, Bhiwani to Central Jail-2, Hisar be not shifted as shifting will result in risk of infection. Rather new inmates of Districts Bhiwani and Charkhi Dadri be lodged in District Jail, Rohtak.
- b) Rapid Antigen test for Covid-19 of all arrested persons be conducted before their production in the Court. Health Authorities be directed to report result of tests on priority and prisoners with negative report be sent to jails and all Covid-19 positive prisoners will be admitted for treatment in the Prisoners' Ward of COVID Dedicated/General Hospital concerned.
- c) COVID-19 negative male prisoners booked for offences which stipulate maximum imprisonment of 7 years shall be initially confined in Special Jails concerned. After 05 days, they will be tested for COVID-19 using RT-PCR at these jails by the mobile team of the Civil Hospital concerned. On receipt of negative report they shall be shifted to the regular Jails concerned where they will be kept in quarantine for 05 days. After 05 days, they will be again tested for COVID-19 using RT-PCR by the mobile team of the Civil Hospital concerned. On receipt of negative report they will be



shifted to general barracks after examination by the Medical Officer of the Jail.

- d) COVID-19 negative male prisoners booked for offences which stipulate maximum imprisonment for more than 07 years shall be confined in regular Jails concerned. Such prisoners will be kept in isolation/quarantine for 07 days in the Jails after which they will be tested for COVID-19 using RT-PCR at these jails by the mobile team of the Civil Hospital concerned. On receipt of negative report they shall be shifted to general barracks after examination by the Medical Officer of the Jail.
- e) Rapid Antigen test for Covid-19 of all Prison staff who report after availing leave will be conducted. Those who test negative for COVID-19 will be kept in quarantine for 05 days and then they be tested using RT-PCR.



(Shri K. Selvaraj, IPS)

Director General of
Prisons, Haryana



(Shri Vijai Vardhan, IAS)

Additional Chief Secretary
to Government, Haryana,
Home Department



(Justice Rajiv Sharma)

Judge,
Executive Chairman,
HALSA

**MINUTES OF THE MEETING HELD ON 26.09.2020 AT 4:00 PM
THROUGH VIDEO CONFERENCING UNDER THE CHAIRMANSHIP OF
HON'BLE MR. JUSTICE RAJIV SHARMA, JUDGE, PUNJAB AND
HARYANA HIGH COURT, CHANDIGARH AND EXECUTIVE
CHAIRMAN, HARYANA STATE LEGAL SERVICES AUTHORITY,
PANCHKULA**

The meeting through video conferencing was attended by the following officers:

1. Shri Vijai Vardhan, IAS, Additional Chief Secretary to Government, Haryana, Home Department.
2. Shri K. Selvaraj, IPS, Director General of Prisons, Haryana.
3. 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

The Committee has perused both the surrender plans submitted by jail authorities for readmission of **2,399** convicts who were released earlier under the directions of HPC. The jail authorities have suggested surrender of these convicts under different phases as per Plan-I and Plan-II taking into account different parameters and categories of convicts as specified therein.


2. This Committee is of the view that the release of convicts by HPC was a temporary measure to reduce the risk of infection within the jails and secure the lives of prisoners and staff working therein from this



deadly virus. This short-term relief was given by Hon'ble Supreme Court of India keeping in view the vulnerable conditions of jails across the country such as overcrowding in prisons, poor infrastructure, shortage of medical staff etc. All these factors came together to decide for the release of specific categories of prisoners during this pandemic.

3. However, with release of large number of undertrials/convicts who are concerned with offences punishable for seven or less than seven years imprisonment on interim/regular bail/parole, jails are in better position to fight covid 19 infection. Jail authorities have sufficient space in prisons to accommodate **2,399** convicts who are concerned in serious offences punishable with more than seven years imprisonment. Accordingly, the Committee is of the view that it would be appropriate to restore these prisoners (concerned in serious offences) slowly to their respective jails by taking all precautionary measures and safeguards to protect them and others in jails from COVID infection.

4. To make surrender of convicts on parole undergoing imprisonment for more than seven years, smooth and avoid any risk it is ordered that these convicts as detailed in plan submitted by Prison department be asked to surrender from 17.11.2020 instead of 02.10.2020. Special Parole is accordingly extended by six weeks upto 16.11.2020. They shall surrender in 9 staggered stages. All the convicts be intimated their date of surrender. Date of surrender be fixed on the



basis of term of imprisonment. Convicts with longer term will surrender first.

5. In this regard, the jail authorities and health authorities are directed to coordinate with each other and take all necessary steps for testing of 2,399 convicts for their readmission in jails. Effective steps be taken by jail authorities for surrender of these convicts by following due procedure.

6. That apart, the following steps be also taken by the concerned authorities (Jail, Health & Administration) to ensure prevention of COVID-19 infection in the jails :

- The District Jail, Rewari be declared as Special Jail for initial confinement of new prisoners (who have tested negative for Covid-19) of Districts Rewari, Jhajjar, Narnaul, Rohtak and Charkhi Dadri who are booked for offences which stipulate maximum imprisonment of 7 years. These prisoners (except of District Rewari) be sent to their respective Jails as per procedure laid down in the minutes of HPC meeting dated 31.08.2020. That prisoners of District Rewari be sent to District Jail, Gurugram. Also, Covid-19 negative male prisoners of District Rewari who are booked for offences which stipulate maximum imprisonment of more than 7 years be confined in District Jail Gurugram. Prisoners presently confined in District Jail, Rewari be also shifted to District Jail, Gurugram.
- The suitable places identified in and around the Central/District Jails by the Deputy Commissioners in consultation with the Commissioner of Police/Superintendent of Police and Superintendent Jail, be used by the State Government as



temporary Jails or Covid Care Centers for asymptomatic prisoners, as per requirement, in case there is a Covid-19 outbreak in jails.

- If the situation warrants, the State Government may shift the prisoners of existing jail/s to nearby jails and declare them as Special Jails or Covid Care Centers for asymptomatic prisoners. All necessary health protocols shall be followed while shifting prisoners. Detailed orders in this regard may be issued by the State Government as and when required.



(Shri K. Selvaraj, IPS)

Director General of
Prisons, Haryana



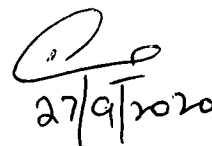
(Shri Vijai Vardhan, IAS)

Additional Chief Secretary
to Government, Haryana,
Home Department



(Justice Rajiv Sharma)

Judge,
Executive Chairman,
HALSA



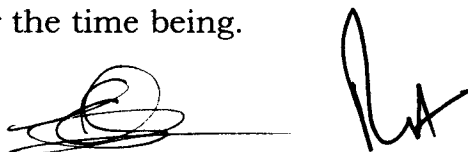
MINUTES OF THE MEETING HELD ON 12.11.2020 AT 11.00 AM THROUGH VIDEO CONFERENCING UNDER THE CHAIRPERSONSHIP OF HON'BLE MRS. JUSTICE DAYA CHAUDHARY, JUDGE, PUNJAB AND HARYANA HIGH COURT, CHANDIGARH AND EXECUTIVE CHAIRPERSON, HARYANA STATE LEGAL SERVICES AUTHORITY, PANCHKULA

The meeting through video conferencing was attended by the following officers :

1. Shri Rajeev Arora, IAS, Additional Chief Secretary to Government, Haryana, Home Department.
2. Shri K. Selvaraj, IPS, Director General of Prisons, Haryana.
3. 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

The pandemic burst across the country is on decline, with few exceptions where second wave of infection is much stronger than earlier wave. Therefore, it is essential to be more alert and careful as well as to keep precautionary approach towards the current prevailing situation of COVID-19. Keeping in view prevalent covid-19 situation in Haryana, the risk of COVID-19 infections cannot be ignored especially inside the jails where there is insufficient infrastructure, facilities, medical staff etc. to cope up with the situation. Necessary efforts and safeguard measures which are already in place need to be continued further for the time being.



2. Thus, the Committee has decided to extend the parole/interim bail of all the convicts/inmates granted parole / bail under the directions of HPC up to 31.12.2020. However, authorities shall be free to cancel parole / interim bail as the case may be in case any complaint regarding misuse of parole / interim is received against convict / under-trial. Jail Authorities are accordingly directed to take necessary steps.

3. Jail Authorities are also directed to submit a detailed plan qua the surrender of convicts involved in heinous offences having imprisonment of more than 07 years by 10.12.2020. It be ensured that the surrender plan is prepared in a phased manner to minimize rush at the time of readmission in jails. Date of surrender be fixed on the basis of term of imprisonment. Convicts with longer term will surrender first. Appropriate steps be taken in association with health authorities for testing of convicts for their readmission in jails.

4. No specific directions for not counting period of special parole towards sentence are required to be made in view of Statutory provisions. Authorities are directed to decide this issue in accordance with statutory provisions.

5. That apart, the following steps be also taken by the concerned authorities (Jail, Health & Administration) to ensure prevention of COVID-19 infection in the jails :

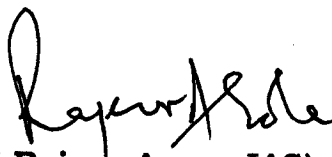
Two handwritten signatures are present at the bottom of the page. The signature on the left is a cursive, stylized name, possibly 'S. S. S.', written in black ink. The signature on the right is a more fluid, cursive name, possibly 'R. R.', also in black ink.

- Prisons Department has reported that despite directions issued vide minutes of the HPC meeting dated 31.08.2020, in some Districts, RT-PCR tests instead of Rapid Antigen tests for Covid-19 are being conducted of the arrested persons before their production in the Ld. Courts. The Director General, Health Services is directed to ensure that Rapid Antigen tests for Covid-19 of all the arrested persons are conducted before their production in the Ld. Courts, and that the procedure in this regard laid down in the minutes of the HPC meeting dated 31.08.2020, be followed.
- In compliance of orders of the High Powered Committee, female prisoners of District Jails, Bhiwani and Sirsa were shifted to Central Jail-2, Hisar and the female wards of these Jails are being used as quarantine/isolation wards. Now, as the Prisons Department has reported that there is overcrowding in the female ward of Central Jail-2, Hisar, 18 female prisoners of District Jail, Bhiwani who are confined in Central Jail-2, Hisar be shifted to District Jail, Rohtak, where 55 female prisoners are confined at present as against the authorized capacity of 114.



(Shri K. Selvaraj, IPS)

Director General of
Prisons, Haryana



(Shri Rajeew Arora, IAS)

Additional Chief Secretary
to Government, Haryana,
Home Department



(Justice Daya Chaudhary)

Judge,
Executive Chairperson,
HALSA

**MINUTES OF THE MEETING HELD ON 24.12.2020 AT 11:30 AM
THROUGH VIDEO CONFERENCING UNDER THE CHAIRPERSONSHIP
OF HON'BLE MRS. JUSTICE DAYA CHAUDHARY, JUDGE, PUNJAB
AND HARYANA HIGH COURT, CHANDIGARH AND EXECUTIVE
CHAIRPERSON, HARYANA STATE LEGAL SERVICES AUTHORITY,
PANCHKULA**

The meeting through video conferencing was attended by the following officers:

1. Shri Rajeev Arora, IAS, Additional Chief Secretary to Government, Haryana, Home Department.
2. Shri K. Selvaraj, IPS, Director General of Prisons, Haryana.
3. 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*

We have perused the surrender plan submitted by the jail authorities for readmission of **2,471** convicts who were earlier released under the directions of HPC. It has been proposed that convicts shall surrender in 09 phases in accordance with the categories of convicts and parameters stated therein.

2. We have also considered the current prevailing situation of COVID-19 and number of active cases in the State of Haryana. As on today, total **5,230** COVID-19 active cases exist in State of Haryana. Today, 759 persons have been reported to be COVID positive. Ld. Home Secretary, Haryana, who is Member of this Committee, has also informed



that COVID vaccination is likely to start in January, 2021 and in first stage frontline workers such as doctors, nurses, police, prison staff etc. shall be vaccinated.

3. Taking in view the overall COVID situation and also fact that in the month of January, 2021, jail authorities shall be busy in vaccination programme, we deem it proper to extend parole/interim bail of all the convicts/undertrials who are concerned in serious offences having imprisonment of more than 07 years, for a further period of one and half months i.e. up to **15.02.2021**. Jail authorities shall place fresh surrender plan as per guidelines issued earlier, in the first week of February, 2021 for consideration by HPC.


4. Further, the parole/interim bail of the convicts/undertrials who are sentenced up to 07 years/facing trial for offences which stipulate maximum imprisonment up to 07 years, is extended till **31.03.2021**.

5. In compliance of orders of the High Powered Committee, female prisoners of District Jails, Kurukshetra and Yamunanagar were shifted to District Jail, Karnal and the female wards of these Jails are being used as quarantine/isolation wards. Prisons Department has reported that a number of prisoners have been tested positive at District Jail, Faridabad. Prisons Department has proposed that 50 female prisoners of District Jails, Kurukshetra and Yamunanagar may be shifted to Central Jail, Ambala, where 39 female prisoners are confined




at present as against the authorized capacity of 106. 48 female prisoners (facing trial at Faridabad Session Division) of District Jail, Faridabad are proposed to be shifted to District Jail, Karnal where 134 female prisoners (excluding female prisoners of District Jails, Kurukshetra and Yamunanagar) are confined at present as against the authorized capacity of 242, and 15 female prisoners (facing trial at Palwal Session Division) of District Jail, Faridabad are proposed to be shifted to District Jail, Rohtak where 75 female prisoners are confined at present as against the authorized capacity of 114, so that the female ward of District Jail, Faridabad can be used as quarantine/isolation ward. Above noted proposals of Prisons Department is approved.

6. The State Government may undertake transfer of prisoners from one jail to another in order to manage jails in an effective manner keeping in view the Covid-19 scenario.



(Shri K. Selvaraj, IPS)

Director General of
Prisons, Haryana




(Shri Rajeev Arora, IAS)

Additional Chief Secretary
to Government, Haryana,
Home Department



(Justice Daya Chaudhary)

Judge,
Executive Chairperson,
HALSA



29/12/2020



**MINUTES OF THE MEETING OF HIGH POWERED COMMITTEE
HELD ON 11.02.2021 AT 1:15 PM 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:

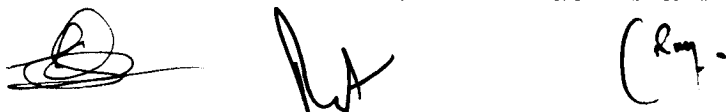
1. Shri Rajeev Arora, IAS, Additional Chief Secretary to Government, Haryana, Home Department.
2. Shri K. Selvaraj, IPS (Retd.), Director General of Prisons, Haryana.
3. Shri Parmod Goyal, Member Secretary, HALSA.

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*

**RE-ADMISSION OF PRISONERS WHO WERE GRANTED PAROLE
UNDER THE ORDERS OF HIGH POWERED COMMITTEE**

We have perused the proposed plan (**Annexure-A**) for re-admission of **2,580** convicts submitted by the jail authorities in pursuance to the directions issued by this Committee on 24.12.2020. Jail authorities have proposed re-admission in 09 phases on the basis of categories of convicts based upon seriousness of crime and date of release.

2. The Committee has been granting/extending the parole/bail to the convicts/undertrials after duly taking into consideration the COVID-19 situation in order to avoid risk of infection inside the jails.



Safeguards were advised and adopted for the safety and protection of prisoners & staff working in the jails.

3. We have considered the present COVID situation prevalent in the State of Haryana. Both the government and non-governmental sectors are presently fully functional though with required precautions. Only **77** active cases have been reported in Haryana on 10.02.2021. Total number of active cases as on today is **824**. Immunization of frontline health workers and other frontline COVID warriors is in progress. Day to day life is near normal.

4. However, even though COVID-19 infection is waning but we cannot lower our guards especially keeping in view infectious nature of COVID-19 disease. Cautious approach with all safety precautions needs to be adopted. We accordingly approve 'Annexure-A' for re-admission of convicts released on parole under the recommendations of High Powered Committee in 09 phases as suggested by the jail authorities. Jail authorities shall ensure re-admission as per principles laid by High Powered Committee for readmitting the convicts and strictly ensure that convicts are readmitted on the basis of term of their imprisonment from **23.02.2021** instead of 16.02.2021. The entire schedule for readmission shall accordingly stand advanced by one week.

5. Strict testing and quarantine protocol as proposed in Annexure-A shall be followed by the Prisons & Health Departments. In this regard, the jail authorities and health authorities are directed to



coordinate with each other and take all necessary steps for testing of **2,580** convicts for their readmission in jails. Effective steps be taken by jail authorities for re-admission of these convicts by following due procedure.

SURRENDER PROTOCOL OF PRISONERS WHO WILL BE RELEASED ON PAROLE/FURLOUGH FROM 01.02.2021 ONWARDS

6. It is further resolved that prisoners who were released on parole/furlough from 01.02.2021 onwards, shall surrender on expiry of period of parole/furlough granted to them by the competent authorities.

SURRENDER OF FEMALE PRISONERS IN RESPECTIVE JAILS

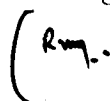
7. It is also resolved that female prisoners of District Jails, Kurukshetra and Yamunanagar shall surrender at Central Jail, Ambala, female prisoners of District Jails, Gurugram and Narnaul shall surrender at District Jail, Jhajjar, female prisoners of District Jail, Sirsa shall surrender at Central Jail, Hisar-2, female prisoners of District Jails, Faridabad (convicted by the Courts of Session Division, Faridabad), Kaithal and Sonapat shall surrender at District Jail, Karnal and female prisoners of District Jails, Faridabad (convicted by the Courts of Session Division, Palwal) and Bhiwani shall surrender at District Jail, Rohtak. The Superintendent Jails concerned shall intimate these female prisoners and send the original record of these female prisoners to respective Jails where they will surrender.



RESUMPTION OF INTERVIEWS OF CONVICTS/ UNDERTRIALS

8. The Prisons Department, Haryana has sought resumption of interviews which were stopped in view of COVID-19 pandemic. The Prisons Department has proposed start of interview facility for undertrial prisoners twice in a month and for convicts once in a month. Interviews may be re-started by Prisons Department in all the jails. However, interview be conducted keeping in view the following safeguards:

- (i) Interviews may be restarted from Monday to Friday in a week for family members and on Saturday for lawyers of undertrials/convicts.
- (ii) Family members of undertrial and convict be allowed to meet them twice in a month and once in a month respectively.
- (iii) Total number of visitors in a day shall be restricted maximum to 80 and these visitors shall be divided in three sessions i.e. from 8:00 AM to 11:00 AM, 11:00 AM to 2:00 PM and 2:00 PM to 4:00 PM.
- (iv) The lawyer of undertrial/convict may be permitted to meet inmate a week prior to date fixed for the trial/appeal/revision etc. in the court. Such meetings be held only on Saturday.
- (v) Visitors shall be informed in advance regarding time slot for which their visit is proposed to avoid rush and they be advised only to come 15 minutes prior to time allotted to them. The Director General of Prisons may issue detailed instructions/guidelines in this regard.



- (vi) All due precautions to avoid infection i.e. wearing of mask, sanitization of hands, social distancing etc. shall be enforced by the Prisons Department for conducting interview.


Above arrangement shall continue till next meeting of High Powered Committee. The Prisons Department shall place a compliance report highlighting issues, if any, faced in this regard.

TRANSFERS OF PRISONERS ON SECURITY GROUNDS

9. Transfer of prisoners from one jail to another jail be made only on security grounds or in view of COVID-19 issues. While ordering transfer on security grounds due precautions as well as COVID-19 situation shall be kept in mind. No other transfer be ordered except for security reasons or to manage and control the COVID situation for containment of transmission amongst the prisoners.


(Shri K. Selvaraj, IPS
(Retd.))

Director General of
Prisons, Haryana


(Shri Rajeev Arora, IAS)

Additional Chief Secretary
to Government, Haryana,
Home Department


(Justice Rajan Gupta)

Judge,
Executive Chairman,
HALSA

**MINUTES OF THE MEETING OF HIGH POWERED COMMITTEE
HELD ON 26.03.2021 AT 1:00 PM 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 K. Selvaraj, IPS (Retd.), 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*

A meeting of High Powered Committee was convened today to consider various issues/difficulties being faced by jail authorities for smooth functioning of jails as well as to ensure protection and safety of prisoners and staff members working in prisons during COVID-19 pandemic.

We have perused reports sent by the jail authorities/ District Legal Services Authorities regarding surrender by convicts under Phase-I, II and III. The said reports show that out of total number of 879 convicts, 851 have surrendered out of 02 convicts were found COVID positive, 08 convicts have been given extended parole by

(Ry)

the High Court, 01 convict was released prematurely by the Government, 11 convicts have died, 08 convicts have absconded.

We direct the jail authorities as well as State to take appropriate steps for verification of death reports as well as for ensuring arrest of convicts who have jumped their parole.

EXTENSION OF PAROLE/INTERIM BAIL OF THE CONVICTS / UNDER-TRIAL PRISONERS WHO ARE SENTENCED UP TO 07 YEARS

1. Readmission of 2,580 convicts was initiated by the Prisons Department from 23.02.2021 onwards in 09 staggered phases under the directions of this Committee dated 11.02.2021. The process of re-admission will be completed by 23.05.2021. Accordingly, it would not be convenient for the jail authorities to take back the convicts/undertrials who are sentenced up to 07 years / facing trial for offences which stipulate maximum imprisonment up to 07 years, keeping in view the current strength of inmates in jails, surge in COVID-19 and ongoing readmission of 2,580 convicts.

2. It is, accordingly, 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 **31.05.2021**. Convicts shall be made to surrender at first instance and thereafter, undertrials on interim bail shall be asked to surrender back. The date of surrender be fixed on the basis of date of release. Convicts/undertrials released earlier shall be first to

(Raj)

surrender. The surrender plan be submitted by **10.05.2021** by jail authorities for perusal of the Committee.

3. That apart, undertrials shall be free to seek regular bail in accordance with law, if they are so advised. If such application is made, trial court shall consider their regular bail as per law.

COVID VACCINATION OF PRISONERS ON VOLUNTARY BASIS AS PER CRITERIA FIXED BY CENTRAL GOVERNMENT

4. COVID Vaccination to all inmates who shall fall within the criteria fixed by the Central Government for vaccination may be inoculated after attesting of their consent by Medical Officer, Deputy Superintendent Jail and Legal Aid Counsel, as regards to voluntariness.

INTERVIEW OF INMATES WITH THEIR FAMILY MEMBERS

5. Interviews of inmates with family members be allowed as proposed by Prisons Department. Maximum number of 80, 120, 150 and 180 visitors per day, per jail, may be allowed on all working days up to 4:00 PM in jails having capacity up to 1000, 1001 to 1500, 1501 to 2000 and 2001 or more respectively. Counsels for inmates be also allowed to meet prisoners between 4:00 PM to 5:00 PM on all working days.

FRESH PAROLE/FURLOUGH CASES OF CONVICTS SURRENDERED FROM SPECIAL PAROLE


6. The Member Secretary, Haryana State Legal Service Authority to seek information from other State Authorities as to the decision taken by them in this respect.

(Rm -

In the meanwhile, if any application is made by any of the inmates for parole, the matter be dealt with under the provisions of the Haryana Good Conduct Prisoners [HGCP] (Temporary Release) Act, 1988.

**VISITS BY THE DISTRICT & SESSIONS JUDGE-CUM-CHAIRPERSON,
DISTRICT LEGAL SERVICES AUTHORITY CONCERNED**

7. The District & Sessions Judges-cum-Chairpersons, District Legal Services Authorities itself or may authorize the Chief Judicial Magistrate-cum-Secretary, District Legal Services Authority to visit jail once in a week to ensure that all COVID measures are in place.


(Shri Baldev Raj Mahajan)

Advocate General,
Haryana


(Justice Rajan Gupta)

Judge,
Executive Chairman,
HALSA


(Shri K. Selvaraj, IPS
(Retd.))

Director General of Prisons,
Haryana


(Shri Rajeev Arora, IAS)

Additional Chief Secretary
to Government, Haryana,
Home Department

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 Shatrujeet 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. 9th 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 9th 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.

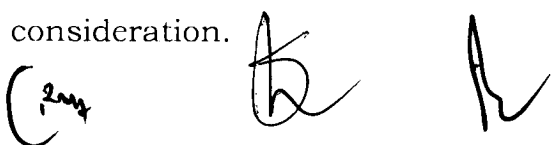
(24)  

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 *Arnesh 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

(24) K L

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

**MINUTES OF THE MEETING OF HIGH POWERED COMMITTEE
THROUGH CIRCULATION 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**

Following are the members of High Powered Committee:

1. Shri Rajeev Arora, IAS, Additional Chief Secretary to Government, Haryana, Home Department.
2. Shri Shatrujeet Kapur, IPS, Director General of Prisons, Haryana.

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*

Keeping in view the current prevailing situation and request made by jail authorities, the Committee directs as under:

**ITEM NO.1: REVIEW OF THE RESTRICTION ON INTERVIEWS OF
INMATES WITH THEIR FAMILY MEMBERS**

The request for interviews on occasion of *Raksha Bandhan* as made by jail authorities is hereby allowed subject to the strict compliance of COVID protocols during meeting of inmates with their family members. This relaxation is given only for "*Raksha Bandhan*" festival i.e. 22.08.2021 (Sunday) and preference be given to undertrials, convicts and family members who are vaccinated. The meeting through video conferencing on the occasion of *Raksha Bandhan* be also allowed liberally. The matter regarding allowing interview of inmates with their




family members physically on regular basis shall be taken up in the next meeting of High Powered Committee.

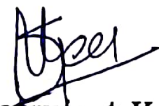
ITEM NO.2: SHIFTING OF FEMALE PRISONERS BACK TO THE JAILS FROM WHERE THEY WERE TRANSFERRED DUE TO COVID-19 PANDEMIC

The request made by Prisons Department, Haryana is accepted with regard to shifting of female prisoners to their respective jails who were shifted to another jails due to COVID pandemic. Jail authorities are directed to undertake shifting of female prisoners by following strict COVID protocols to avoid any kind of risk of infection inside the prisons.


(Justice Rajan Gupta)

Judge,
Executive Chairman,
HALSA


(Shri Rajeev Arora, IAS)
ACS, Home Haryana


(Shri Shatrughat Kapur,
IPS)

DG Prisons, Haryana

MINUTES OF THE MEETING OF HIGH POWERED COMMITTEE HELD ON 02.09.2021 AT 1:15 PM 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 Prashanta Kumar Agarwal, IPS, Director General of Police, Haryana (Special invitee)
4. Shri Shatrujeet Kapur, IPS, Director General of Prisons, Haryana
5. Dr. Kavita Kamboj, Joint Member Secretary, HALSA on behalf of 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*

In pursuance of directions issued by Hon'ble Supreme Court of India on 07.05.2021, this Committee in its last meeting dated 11.05.2021 directed for extension/release of undertrials/convicts on interim bail/ parole, till 31.08.2021. Accordingly, interim bail of **1,923** undertrials was extended and **3,133** convicts were released on special parole in view of second wave of COVID-19.

1. REPRESENTATIONS RECEIVED FROM CONVICTS/ UNDERTRIALS FOR RELEASING THEM ON PAROLE/INTERIM BAIL

Total 17 representations have been received for grant of parole/interim bail to the convicts/undertrials in view of directions issued by this Committee from time to time. The Committee has perused all these representations and decided that:

- i. Applications at **Sr. No.1 to 10** be filed being not covered under any of the HPC recommendations.

(2m) 

- ii. Regarding applications at **Sr. No.11 to 13**, jail authorities may consider the cases of prisoners on sympathetic ground whose medical conditions are vulnerable to COVID-19 (*except those involved in multiple cases or convicted/undergoing trial for intermediate or large quantity recovery under NDPS Act or u/s 379-B IPC or under POCSO Act or for offence of rape or for offence of acid attack or foreign nationals*).
- iii. Applications at **Sr. No.14 to 17** be filed as per remarks given against them in Agenda.
- iv. Points raised in both the applications received from Ms. Medha Patkar, Narmada Bachao Andolan, Madhya Pradesh and Dr. Sunita Sheel Bandewar, General Secretary, Forum for Medical Ethics Society & Dr. Sulakshana Nandi, National Joint Convener, Jan Swasthya Abhiyan have been considered and it is clear that due provisions are already there for release of elderly prisoners and patients suffering from medical issues.

2. EXTENSION OR WITHDRAWAL OF PAROLE/INTERIM BAIL OF CONVICTS/UNDERTRIALS

Hon'ble Apex Court vide its order dated 16.07.2021 in *Suo Motu Writ Petition (Civil) no. 1/2020 – In RE: Contagion of COVID-19 in Prisons* has directed as under:

“so far as those prisoners who have already been released on bail from the prison by virtue of orders passed by this Court from time to time and on the basis of recommendations of High Powered Committees constituted for the purpose are concerned, they shall not to asked to surrender to the prison, until further orders.”

On perusal of aforesaid orders of Hon'ble Apex Court, it is found that the restriction for not taking the prisoners back in jails applies only on those prisoners who have been released on bail. However, there is no mention about the convicts who were released on special parole by the orders of Committee from time to time.

(*12m*) 

Hence, considering the current prevailing situation, the Committee has decided to initiate the return of all the convicts to their respective jails who were released on special parole in view of second wave of COVID-19. The re-admission process will take place from **19.09.2021** onwards in 04 staggered phases. Under first 03 phases i.e. on 19.09.2021, 26.09.2021 & 03.10.2021 (on every Sunday), convicts who are involved in offences having imprisonment of more than 07 years shall make their surrender at jail and convicts having imprisonment of up to 07 years shall surrender in jail in last 4th phase which will take place on 10.10.2021. In this background, special parole of the convicts is extended accordingly. The jail authorities are directed to prepare a surrender plan of such convicts and submit before this Committee within a week positively. Jail Authorities in association with Health Department, Haryana shall take all precautionary measures and shall follow all the COVID protocols at the time of re-admission of convicts in jails.

Further, interim bail of **1,923** undertrials who are involved in offences having imprisonment of 07 years or less than 07 years is extended till further orders of Hon'ble Supreme Court of India.

3. **RESUMPTION OF INTERVIEWS OF INMATES WITH THEIR FAMILY MEMBERS**

Considering the request made by the Prisons Department, Haryana and present COVID situation, the interviews of inmates with their family members be resumed in a cautious manner with following conditions:

- i. Only one interview per month per prisoner shall be allowed to the convicts/undertrials.
- ii. Maximum of two persons can meet the prisoner per mulakaat/interview.



- iii. Interview shall be allowed only if the prisoners and their family members both are fully vaccinated at least 15 days prior to the interview or have RT-PCR negative report (within 72 hours of mulakaat).
- iv. Jail Authorities shall strictly follow all the COVID health protocols at the time of interviews.
- v. The interview of prisoners with their Legal Aid Counsels will be conducted from 04:00 PM to 05:00 PM on all working days.

4. RESUMPTION OF PHYSICAL HEARING OF PRISONERS IN COURTS

As informed by jail authorities, around 805 prisoners through video conferencing and 820 prisoners physically were produced in courts in a day i.e. on 01.09.2021. It clearly shows that prisoners are being produced before courts physically or through VC in the ratio of 50:50. With the resumption of physical working of courts, the practice of producing prisoners physically before the courts has also been started in view of local prevailing situation. Accordingly, it is directed to continue physical presence in courts besides video conferencing as suggested by the concerned courts subject to the condition that all the precautionary safeguards will be taken by jail authorities at the time of physical hearing in court to avoid any kind of risk inside the prisons as well as at courts.

5. COVID VACCINATION OF PRISONERS

As per jail data, about 92% prisoners lodged in different jails of Haryana got vaccinated with first dose and 30% prisoners are fully vaccinated. Jail Authorities are directed to undertake regular vaccination camps in jails for remaining prisoners at the earliest so that all the jail inmates are vaccinated as soon as possible. In this regard, Jail Authorities, Health Authorities and District Legal Services Authorities shall coordinate and make joint efforts to vaccinate maximum number of inmates and jail staff on voluntary basis by organizing regular vaccination


camps at jails not only for inmates but also for their family members who shall come to visit them.

6. **POLICE AUTHORITIES TO TAKE STEPS FOR ARRESTING THE ABSCONDERS**


It has been brought to the notice of the Committee by police authorities that many convicts have not reported back to jails during their parole period. In this regard, police authorities are directed to take all necessary steps for arrest of such absconders. The Director General of Police, Haryana has assured that they will devise a structured mechanism for taking absconders back in jails and will undertake a special campaign for their arrest as was initiated by them earlier which remained successful.


(Shri Baldev Raj Mahajan)

Advocate General,
Haryana


(Shri Prashanta Kumar
Agarwal, IPS)

Director General of Police,
Haryana


(Justice Rajan Gupta)

Judge,
Executive Chairman,
HALSA


(Shri Rajeev Arora, IAS)

Additional Chief Secretary
to Government, Haryana,
Home Department


(Shri Shatrughan Kapur,
IPS)

Director General of Prisons,
Haryana