

**MINUTES OF THE MEETING OF THE HIGH POWER  
COMMITTEE HELD ON 05-07-2021 AT 05.00 P.M.  
THROUGH VIDEO CONFERENCING**

At the outset, Hon'ble the Executive Chairman MPSLSA and Chairman of the High Power Committee extended a warm welcome to the Members of the Committee and to the Director General Police who was invited as a special participant pursuant to the court order passed in W.P. 9320/2021 with W.P. 08391/2020 dated 23.06.2021. (in brief the "Court Order")

Thereafter Members of the Committee deliberated on the agenda items:

**ITEM NO. 1 STATUS OF UNIVERSAL VACCINATION OF ALL JAIL INMATES.**

The Members of the Committee were pleased to peruse the data forwarded by the Director General (Prisons) which reflects that out of 42,711 prisoners 41,147 have been vaccinated with the first dose.

The DG Prisons apprised that covid guidelines are being followed and covid tests are conducted at regularly intervals and presently only two inmates are covid positive. Regarding the gap in vaccination of existing prisoners with the target of 100% vaccination, DG Prisons brought to kind notice that the gap persists on account of the fact that the current medical guideline mandates three to four months waiting period between the doses and the prescribed vaccination schedule in the event that any prisoner is tested positive.

ACS (Home) apprised that the ICMR guidelines are being followed in Jails, data pertaining to inmates is updated on regular basis and Covid Guidelines are being followed during transit of prisoners. He also ensured that all entitled prisoners shall be vaccinated within due time. He also apprised that the appointment of Medical Practitioner on contractual basis is under process.

The Members of the Committee accordingly **resolved**:

The State Government shall ensure 100% vaccination of all jail inmates in accordance with medical guidelines.

**ITEM NO. 2 STATUS OF RELEASE OF PRISONERS ON PAROLE WHO HAVE SUCCESSFULLY COMPLETED TWO YEARS OF GOOD BEHAVIOR.**

DG Prisons apprised that 238 prisoners who have served 1/3<sup>rd</sup> of the maximum punishment and the 3,113 prisoners who have served 07 years of

incarceration have been released on parole. It was also informed that 1,617 prisoners on other grounds have been released. Accordingly, total 4,968 prisoners have been released on parole or under the provisions of Madhya Pradesh Bandi Chutti Niyam 1989. He also expressed that the speed of disposal of parole matter pending at the level of District Magistrate is still low.

The ACS Home assured that he shall communicate with the DMs to cut short the existing process for release of prisoners on parole so that the process could be expedited within three to five days.

The Members of the committee **resolved:**

- The ACS Home and DG Prisons shall take requisite action to ensure that parole matters of prisoners are expedited.

### **ITEM NO. 3 STATUS OF MEASURES TAKEN FOR FORWARDING INTERIM BAIL APPLICATIONS AND APPLICATIONS FOR GRANT OF EMERGENT PAROLE.**

The DG Prisons apprised that total 10,826 interim bail applications of prisoners have been forwarded to the trial courts for hearing. He also apprised that all prisoners who had been granted parole have been granted emergency parole and accordingly 4,968 prisoners in all are on parole.

The Members of the Committee unanimously **resolved:**

- a. Duty holders shall take necessary steps to facilitate filing of applications for parole or interim bail as the case may be on behalf of the prisoners.
- b. The Jail Administration shall take requisite measures for forwarding the said applications with necessary support extended by Legal Services Institutions.

### **ITEM NO.4 CONSIDERATION OF MEASURES TAKEN BY HOME DEPARTMENT AND DG POLICE FOR DUE COMPLIANCE IN ACCORDANCE WITH GUIDELINES PASSED BY HON'BLE THE SUPREME COURT IN *ARNESH KUMAR*.**

Hon'ble Chairman of the High Power Committee drew attention of the Members to the grave concern reflected in the court order wherein it has been observed that as per the data available online in district Bhopal alone for the period 03.05.2021 to 16.06.2021, 1225 arrests were made out of which 1060 accused were those who were arrested for offences punishable upto 7 years of imprisonment which constitutes 86.53% of the total number of arrest made for that period. The court has also been pleased to observe that 88.78% of the arrests for

the same period in Jabalpur district are of those persons arrested for offences punishable for upto 7 years of imprisonment. Accordingly, the court has held that the directions of the Supreme Court in the case of *Arnesh Kumar Vs. State of Bihar & Another (2014) 8 SCC 273* and subsequent order dated 07.05.2021 passed by the Supreme Court in *Re: Contagion of Covid-19 Virus in Prisons Suo Motu Writ Petition (Civil) No. 1/2020* are not being followed in the State. Accordingly, the DG Police and ACS Home were called upon to reflect as to what steps had been taken for due compliance of the directions mentioned in the court order.

The D.G. Police apprised that directions have been issued to all the duty holders to strictly adhere to the guidelines passed by Hon'ble Supreme Court in *Arnesh Kumar V/s State of Bihar & ors.* Further, he informed that several training programmes are being conducted on a regular basis to sensitize the police officials at all levels from Head Constable to Dy. S.P. The training has become a regular feature so that before any new incumbent joins duty or after serving in a different assignment, he assumes charge of any sensitive post, a refresher programme is again conducted so that the duty holders remain duly alert and aware of their duties. Further, an intense training programme has been conducted in coordination with the State Judicial Academy for the police officials and refresher courses are in the pipeline. He assured that the guidelines in *Arnesh Kumar* shall be followed in letter and spirit and checklists have been prepared to facilitate due compliance.

The attention of the High Power Committee was also invited to the statistics of persons arrested for offences upto seven years pertaining to District Bhopal from which it emerged that out of FIRs filed in 3737 matters in the period 15.05.2021 to 20.06.2021, 5245 persons have been named as accused and 3900 persons were noticed. In these matters, 500 persons have been released on bail/bond by the concerned police station while 257 were produced before court out of which 211 persons have been sent to jail and 46 persons were granted bail by the court. Accordingly, it was expressed that the arrest percentage had been limited to 16.26% in the period under consideration.

The Members of the Committee unanimously **resolved:**

- a) The guidelines issued by Hon'ble the Supreme Court in *Arnesh Kumar* be strictly complied by the Police Administration in letter and spirit.
- b) Trainings and refresher programmes be made a regular feature of the annual calendar to sensitize police personnel on the guidelines laid down in the *Arnesh Kumar*.

#### ITEM NO. 5 TO 6

- ♦ **CONSIDERATION OF MEASURES TAKEN FOR SIMPLIFICATION AND RELAXATION OF EXISTING PROVISIONS IN THE JAIL MANUAL AND LEAVE RULES.**
- ♦ **CONSIDERATION OF MEASURES TAKEN TO REVISIT THE EXISTING PROVISIONS IN THE JAIL MANUAL AND THE MP BANDI CHHUTTI NIYAM, 1989 IN VIEW OF THE GLOBAL PANDEMIC & THE CURRENT NEED FOR DE-CONGESTION.**

ACS (Home) informed that in pursuance of earlier High Power Committee meeting, necessary steps have been taken to simplify and relaxing the existing provisions of the Jail Manual and Rules. He also apprised that the amended Rules shall be published within a month so that parole applications could be expedited.

Secretary (Law) brought to kind notice that around 3000 applications of parole are pending before concerned District Magistrates for consideration and the procedure prescribed is very lengthy. He proposed that a temporary Regulation may be notified for de-congestion of jails during pandemic period in accordance with Section 2 of The Epidemic Diseases Act 1897.

The matter was discussed.

Accordingly, the Members of the Committee **resolved:**

The Home Department and the Department of Law & Legislative Affairs shall coordinately take suitable steps for simplification and relaxation of the existing provisions of the Jail Manual and the MP Bandi Chhutti Niyam, 1989 for release of prisoners in view of the global pandemic & the current need for de congestion of jails

#### ITEM NO. 7

- a) **EXAMINATION OF THE STATISTICS REGARDING THE NUMBER OF CASES IN WHICH APPLICATIONS OF TEMPORARY BAIL WERE REJECTED PRIOR TO CLARIFICATORY ORDER DATED 31.05.2021 OF THE COURT.**
- b) **CONSIDERATION OF ADVISABILITY OF FILING FRESH APPLICATIONS SUCH CASES.**

Hon'ble the Chairman of the High Power Committee drew attention of the Members to the court order wherein it has been observed: *most of the applications (for grant of interim bail) might have been rejected in view of the earlier resolution of the High Power Committee observing that the applications shall be*

*considered by the concerned court on case to case basis which gave rise to necessity of issuing clarification by this Court in its order dated 31.05.2021.*

Accordingly, this High Power Committee was to find out in how many cases the application of temporary bail have been rejected prior to clarificatory order passed by the Court on 31.05.2021. Further, the High Power Committee was to examine the advisability of filing fresh applications in such cases.

The Members of the Committee perused the data pertaining to cases in which applications of temporary bail were rejected prior to clarificatory order dated 31.05.2021 of the Court. It was observed that 5,776 applications were filed for temporary bail before clarificatory order out of which 2,612 applications had been allowed and 3,100 applications were rejected while 64 applications are pending for consideration.

The matter was discussed. Keeping in view the above statistics, the Members of the Committee were pleased to observe that all accused persons whose applications for temporary bail were rejected prior to the clarificatory order should be given an opportunity to file fresh applications in such cases and accordingly they may be so advised.

After due deliberations it was unanimously **resolved**:

- a) Jail Administration shall facilitate the filing of fresh applications for temporary bail in those cases where temporary bail had been rejected prior to the clarificatory order dated 31.05.2021.
- b) The Legal Services Institutions shall extend all necessary support for filing of fresh applications in such matters.

#### **ITEM NO. 08 STATUS OF RELEASE OF CHILDREN IN OBSERVATION HOMES AND APPLICATIONS FILED.**

Director WCD apprised that in the period between 1<sup>st</sup> June to 30<sup>th</sup> June, 226 children have been released on bail while applications for bail were being taken up and processed. However, on account of daily admission of children in Homes, presently there are 178 children lodged in the Homes and bail applications are being facilitated on a regular basis.

The Members of the Committee were pleased to **resolve**:

WCD Department shall facilitate the filing of bail applications for all children in the Homes while the Legal Services Institutions shall render all possible assistance.

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