

Minutes of Meeting dated 30th August, 2020 at 12:00 Noon through Video Conferencing (Cisco Webex) under the Chairpersonship of Hon'ble Ms. Justice Hima Kohli, Judge, High Court of Delhi & Executive Chairperson, Delhi State Legal Services Authority

The Meeting was attended by following Officers /Members of High Powered Committee through Video Conferencing:

1. Shri B.S. Bhalla, Principal Secretary (Home), Govt. of NCT of Delhi
..... Member
2. Shri Sandeep Goel, Director General (Prisons), Delhi
..... Member
3. Shri Kanwal Jeet Arora, Member Secretary, Delhi State Legal Services Authority (DSLISA).

Agenda: Effective implementation of the directions issued by Hon'ble Supreme Court of India in Suo Motu Petition (Civil) No.1/2020 - In Re: Contagion of COVID-19 vide its orders dated 23.03.2020 and 13.04.2020

ITEM NO.1:- FOLLOW UP OF RESOLUTION ADOPTED EARLIER WITH RESPECT TO PREVENTION, SCREENING, IDENTIFICATION & TREATMENT OF PRISONERS AND JAIL STAFF

At the outset, **Sh. Sandeep Goel, D.G. (Prisons)** informed the Committee that last week has seen **substantial rise** of **COVID - 19 (Novel Corona Virus)** positive cases, in the country in general and Delhi in particular. He informed the Chair that concerted efforts of officers and officials of Jail Administration by following and complying with the **guidelines, instructions and resolutions** passed by this Committee in its earlier meetings, however have brought down the active cases of **COVID - 19 (Novel Corona Virus)** inside the jail premises.

D.G. (Prisons) informed the committee that as on **28.08.2020**, cumulative figure of **COVID -19** Positive cases in jail is as under:

<i>Prison Inmates</i>	:	65 (61 recovered, 02 expired, 02 Active cases)
<i>Prison Staff</i>	:	175 (168 recovered, 07 active cases)

On being asked, D.G. (Prisons) has informed that both the jail inmates who are **COVID-19** positive, are '**asymptomatic**'. He informed that one of them is separately quarantined in jail premises itself, whereas the other is recuperating in G.T.B. Hospital.

D.G. (Prisons) informed the Committee that in terms of the resolution adopted vide meeting dated **20.06.2020**, Jail Administration is taking extra precautions with respect to inmates who are more than 55 years of age, so that they are not '**immuno-compromised**'. D.G. (Prisons) has further assured the Committee that they shall continue doing the needful.

The Members of the Committee deliberated upon the possible steps which can further be taken to prevent the spread of **COVID-19 (Novel Corona Virus)** in jail premises. It is considered that **COVID-19 (Novel Corona Virus)** can enter the jail premises only through:

- (a) New entrants
- (b) Jail Staff, Paramilitary Staff, Medical Staff
- (c) other persons entering the Jail premises for delivery of ration and other essential items.

Precautionary Measures for Jail Staff etc.

D.G. (Prisons) had informed that in view of resolutions passed by this Committee in the last meeting, they are **carrying out 'Rapid Tests'** of jail staff, para military staff and others, as per ICMR guidelines. He further informed that '**thermal screening**' of the jail staff is also being conducted before letting them enter the jail premises. He informed that jail staff are cautioned to wear **Personal Protective Equipment Kit, Mask** and to **maintain social distance**, while interacting with each other as well as with inmates. Chair has suggested D.G. (Prisons) that staff should use two layer protection. Apart from using Mask, they should also start using visor. D.G. (Prisons) has assured the Chair to comply with this suggestion.

He informed that till date **175 Jail Staff** were found **COVID-19** Positive, out of which **168** have already recovered. He apprised the Chair that at present there are only **07** active cases of jail staff who are home quarantined.

DG (Prisons) further informed that as and when any jail staff is tested **COVID-19 Positive**, he/she is relieved from their respective duties and is asked to remain home quarantined. D.G.(Prisons) further informed that contact tracing is being done in such cases and all those who had come in contact with these Jail Staff, are being medically screened and tested. DG (Prisons) further informed that they have minimized the contact of jail staff, para military staff and others with the inmates, so as to prevent spread of **COVID-19** inside the jail premises.

Precautionary Measures qua New Entrants

Members of the Committee after deliberations reiterated that in terms of the resolution adopted in the earlier meeting, **new entrants** should be kept in "**Isolation Cells**" so as to prevent their **intermingling** with other inmates who are already inside the jail.

In the earlier meetings of this Committee, it was resolved to create "**Isolation Cells**" in Jail No.1, Jail No.2, Jail No.4, Jail No.7, and Jail No.8/9 at Tihar and Jail No.15 at Mandoli which had **248** individual cells (with attached toilets) for the new male entrants who are above 21 years of age and in Jail No.5 at Tihar for fresh inmates who are between 18-21 years of age. Whereas separate "**Isolation Cells**" were resolved to be created in Jail No.6 at Tihar for fresh women inmates.

Considering the fact that "**Isolation Cells**" so carved out became fully occupied, therefore, it was resolved in the earlier meeting that requisition be made to Govt. of NCT of Delhi for allocation of Police Quarters, Mandoli situated adjacent to Mandoli Jail. For converting the said flats into a "**Temporary Jail**", so that the same can be put to use for creation "**Isolation Cells**" to keep the **new entrants** who are above 21 years of age, for initial period of 14 days.

Temporary Jail

Principal Secretary (Home) as well as D.G. (Prisons) informed the Chair that they had made **concerted efforts** for getting allocation of **12 towers**, each having **30 flats** from the Govt. of NCT of Delhi. Principal Secretary

(Home) informed the Committee that Govt. of NCT of Delhi vide Notification bearing **No.9/70/2020/HG/2427-2441 dated 31.07.2020** has been pleased to declare Police quarters in the Police Housing Complex adjoining Mandoli Jail, Delhi as **"Temporary Jail"**, till further order, in view of **COVID-19** pandemic.

Chair has been apprised that Police Housing Complex, Mandoli consists of **12 Towers**, each having **30 flats**. DG (Prisons) has informed that right now Two Towers i.e. **D-Block** and **E-Block** have already been put to use as **"Temporary Jail"** whereas in rest of the Towers certain civil work is going on so that the same can be used as **"Temporary Jail"**. D.G. (Prisons) has further informed that as on 28.08.2020, they have housed **70 inmates** in these two towers of **"Temporary Jail"** and once all the Towers are made fully functional this **"Temporary Jail"** can house about **2000 inmates**. DG (Prisons) informed the Chair that this **"Temporary Jail"** shall be used for housing **new entrants** including those who shall surrender after expiry of the period of their interim bail/parole, for a period of 14 days, so that they should not come in contact with other inmates who are already in jail.

DG (Prisons) further informed the Committee that Delhi Police has provided **75 police personnel** and **one Armed Company of Tripura Reserve Police** for security of this **"Temporary Jail"**.

The Committee after getting this information from D.G. (Prisons) is of the view that the problem of creation of **"Isolation Cells"** for the **new entrants** in jails would be solved to a considerable extent.

It is made clear that fresh male inmates who are between 18 to 21 years of age and fresh women inmates shall continue to be kept in separate **"Isolation Cells"** at Jail No.5 and 6 respectively at Tihar, in terms of the earlier resolution.

Jail Hospital

Chairperson made enquiries regarding usage of **"Oxygen Concentration Machines"** in Jail Hospital as well as regarding **"Rapid Antigen Test Facility"** for the inmates. D.G. (Prisons) has informed that they had procured **04 "Oxygen Concentration Machines"** whereafter Delhi Health Department had supplied them **15 "Oxygen Concentration Machines"**. Thus,

sufficient number of “**Oxygen Concentration Machines**” are available in the Jail Hospital at Tihar, Mandoli and Rohini Jail Complex. D.G. (Prisons) had informed that inmates are being tested as per the ICMR guidelines with ‘**Rapid Antigen Test**’. D.G. (Prisons) has further informed that they have **sufficient availability** and regular supply of **essential medicines** and **equipments** including **oximeters** and **oxygen cylinders** in the Jail Hospitals.

Other Precautionary Measures

D.G. (Prisons) further informed the Chair about the measures being taken by the Jail Staff, prisoners and other persons working in Jail so as to prevent the outbreak of **COVID-19 (Novel Corona Virus)**. He apprised the Chair that the principle of ‘**social distancing**’ is being followed **scrupulously**. It has further been informed that common areas which are frequented by the inmates like Bathing area, Kitchen Area and Jail Telephone Area are being regularly cleaned and sanitized using appropriate disinfectant. D.G. (Prisons) further informed that necessary precautions i.e. Do’s and Don’ts are being told to the inmates through “**Public Address System**” installed in Jails.

D.G. (Prisons) has informed that regular medical checkup of Jail Staff and inmates is being done through Jail doctors who have been advised to immediately inform the Jail Superintendent if they find or suspect any symptoms of **COVID-19 (Novel Corona Virus)** in any inmate so that necessary steps in terms of the advisory/guidelines issued by ICMR and Ministry of Health, Government of India, can be taken. He further informed the Chair regarding necessary steps being taken to practice, promote and demonstrate positive hygiene behaviour in Jails.

D.G. (Prisons) has submitted that besides the above, they have adopted a multi-pronged approach to tackle the threat of **COVID-19 (Novel Corona Virus)**, i.e. :

- a. **Discontinuation of all visit** of outside agencies, including NGOs.
- b. **Restriction of movements** of inmates outside the wards in Jails.
- c. **Sanitization and disinfection** of the lodgment areas of the inmates and residential complexes of staff, on **regular basis**.

- d. **All new inmates are pre-screened** at CPRO before lodging them in jail.
- e. **Procurement and distribution** of Personal Protective Equipment (PPE) Kit, Mask, Gloves, Alcohol-based hand rubs and Soaps.
- f. **Formation of Special Task Force (STF)** for Contact Tracing of suspected **COVID-19 (Novel Corona Virus)** cases in all Jails.
- g. **Psychological screening** of newly admitted inmates to properly manage their mental health issues.
- h. **Emphasis on Kitchen hygiene** and proper handling of vegetables and other essentials by personnel in kitchen/canteen.

D.G. (Prisons) has **assured** that the jail administration shall continue following these precautions and resolutions, so as to prevent the spread of **COVID-19 (Novel Corona Virus)** in the jail premises.

Committee is **satisfied** with the above steps being taken by D.G. (Prisons) and directed him to continue doing the same.

ITEM NO.2:- STEPS TAKEN TOWARDS SCREENING OF JAIL STAFF, PARA-MILITARY AND MEDICAL STAFF

Considering the possibility of **COVID-19 (Novel Corona Virus)** entering the jail premises through Jail Staff, para-military staff and medical staff, besides others and its outbreak amongst the inmates, deliberations were made by the Committee about the additional measures to be taken.

On being asked by the Chair regarding implementation of resolutions adopted in the previous meeting, D.G. (Prisons) has informed that all the officers and officials of Jail Administration are strictly abiding by those directions and have adopted multi-pronged strategies to tackle the spread of **COVID-19 (Novel Corona Virus)** through Jail Staff and others, to inmates.

D.G. (Prisons) has further informed the Chair that in terms of directions given by this Committee for conducting **“Rapid Test”** of **above referred jail staff** according to ICMR guidelines, they have started getting this test conducted of the jail staff, as per need.

D.G. (Prisons) has further informed that **wearing of Mask** by the jail staff has been made **mandatory** and they have been cautioned to **maintain social distancing** while interacting with the inmates.

Committee is **satisfied** with the above steps being taken by D.G. (Prisons) and directed them to continue following the same. It is **resolved** accordingly.

ITEM NO.3:- TAKING STOCK OF THE EFFECT OF CRITERION EARLIER ADOPTED TOWARDS DECONGESTION OF JAIL

Number of inmates released pursuant to the criteria adopted earlier in terms of the orders passed by the Division Bench of High Court of Delhi dated **23.03.2020** headed by Hon'ble Chairperson as well as on the basis of criteria adopted by High Powered Committee vide **meetings dated 28.03.2020, 07.04.2020, 18.04.2020, 05.05.2020, 18.05.2020, 20.06.2020 and 31.07.2020** is put up before the Committee. Besides the number of inmates released pursuant to criteria adopted earlier, Committee has further perused the number of UTPs released on **Personal Bond**, on the basis of orders passed by Hon'ble High Court in **W.P. (Criminal) No.779/2020**.

The same was perused by the Committee which is as under:-

UTPs released on interim bail till 28.08.2020	2942
UTPs released pursuant to modification of bail orders by Hon'ble High Court in W.P.(Criminal) No.779/2020	310
Convicts released on Emergency Parole	1170
Convicts released on remission of sentence	85
TOTAL UTPs/ CONVICTS RELEASED ON INTERIM BAIL/ PAROLE/ REMISSION OF SENTENCE TILL 28.08.2020	4507

INTERIM BAIL:

Members of the Committee taking into account all the relevant circumstances including the Office Order **No.418/RG/DHC/2020** dated **27.08.2020** of Hon'ble High Court regarding *resumption of partial functioning* of Courts subordinate to Delhi High Court physically and functioning of

remaining courts though Video Conferencing have decided **not to further relax** the criteria for the purposes of recommending grant of interim bail to UTPs.

It is, however, clarified that all the UTPs falling in any of the criteria adopted by this Committee in its earlier meetings are at liberty till **30th September, 2020** to move appropriate applications seeking interim bail for the period of 45 days either through **their private counsels** or through the **panel lawyers of Delhi State Legal Services Authority**. The applications for interim bail of such UTPs for being considered, should be accompanied with a **certificate of good conduct** during their respective custody period **from Jail Superintendent**.

Chairperson of the Committee has directed Kanwal Jeet Arora, Member Secretary, Delhi State Legal Services Authority (DSLISA) to request District Judges to apprise all the Judicial Officers that in the event of Court **being satisfied** that such Under Trial Prisoners falling in criteria adopted in the earlier meetings, are to be released on bail, they may be released on **'Personal Bond'**, to the satisfaction of Jail Superintendent so as to implement the **social distancing policy** of the Government.

It is further clarified that the criteria adopted by this Committee for release of prisoners on **"Interim Bail"** in its meetings dated 28.03.2020, 07.04.2020, 18.04.2020, 05.05.2020, 18.05.2020, 20.06.2020 and 31.07.2020 shall in **no way** affect the rights of other UTPs, who **do not** stand covered under these categories, from invoking the jurisdiction of concerned courts for grant of regular/interim bail. The concerned courts on filing of applications by such UTPs may consider the same on merits, in accordance with law.

REMISSION:

On inquiry by Chairperson, it is informed by D.G. (Prisons) that **'remission to the eligible convicts'** was granted by Hon'ble Lieutenant Governor of Delhi in terms of recommendations of High Powered Committee dated **28.03.2020** vide **order No.F.9/63/2020 dated 07.04.2020**. He further informed that as per the said Office Order, benefit was initially extended to **72 convicts**, who were released on remission of sentence.

D.G. (Prisons) further informed the Committee that Hon'ble LG vide order No.F.9/63/2020/HG/2184 dated 21.07.2020 has directed to extend the **benefit of remission to the convicts** who would become eligible for the same upto **30th September, 2020**. It is brought to the notice of the Committee that on the basis of fresh Office Order till date **13 convicts** have been released on remission on sentence. Thus, till date benefit of **remission** has been extended to **85 convicts**.

D.G. (Prisons) informed that on the basis of this fresh order about **20 more convicts** would become the beneficiaries by **30th September, 2020** and can be released.

Chairperson **appreciated** the efforts put in towards the implementation of resolution adopted in earlier meetings, by Govt. of NCT of Delhi, Jail Administration and DSLSA.

ITEM NO.4:- FEEDBACK REGARDING EXTENSION OF INTERIM BAIL GRANTED TO UTPs IN TERMS OF RESOLUTION ADOPTED IN THE MEETING DATED 31.07.2020

Kanwal Jeet Arora, Member Secretary, DSLSA has informed the Committee that a **letter dated 01.08.2020** was written by him to the Ld.Registrar General, High Court of Delhi in terms of directions given in the meeting dated **31.07.2020**.

On the basis of said letter, **Hon'ble Special Bench in Writ Petition (Civil) Number 3080/2020**, titled "**Court on its own Motion Vs. Govt. of NCT of Delhi & Anr.**" vide its order dated **04.08.2020** had **extended the 'interim bail'** so granted to the **2901 UTPs** for a **further period of 45 days** from the date their earlier interim bail is expiring.

D.G (Prisons) has informed the Committee that the period of **extended interim bail** as well as the period of interim bail granted to UTPs on the basis of criteria laid down by this Committee on 31.07.2020 (which constitute **2942 UTPs**) is going to expire w.e.f. **21st September, 2020** onwards.

D.G. (Prisons) informed the Committee that situation of pandemic is still the same, as it was, when this High Powered Committee was constituted on directions of Hon'ble Supreme Court of India, therefore, it would be a **dangerous proposition**, if these **2942 UTPs** who were granted "**interim bail**" for **45 days** are

taken back after their surrender.

D.G. (Prisons) proposed that in view thereof the "**Interim Bail**" of these **2942 UTPs** needs to be extended. A letter dated 28.08.2020 written by D.G. (Prisons) to this effect is also brought to the notice of Committee.

Kanwal Jeet Arora, Member Secretary, DSLSA further apprised the Committee that **Special Bench** so constituted by Hon'ble the Chief Justice, which had earlier extended the interim bail vide order dated **04.08.2020** has **listed** the said matter on **14.09.2020**.

The Committee deliberated upon the request so made and also considered the partial resumption of physical hearing in Courts subordinate to Delhi High Court. The Committee has also taken into consideration sudden spurt of fresh **COVID-19** positive cases in Delhi in past six days which are as under:

Data of COVID -19 in Delhi		
S.No.	Date	No. of Fresh Positive Cases
1.	22.08.2020	1412
2.	23.08.2020	1450
3.	24.08.2020	1061
4.	25.08.2020	1544
5.	26.08.2020	1693
6.	27.08.2020	1840

In view of the current situation, Committee is of the opinion that there is no certainty when the threat of pandemic shall be over and requirement of "**social distancing**" no longer necessary. At present, it is also not clear as to when normal functioning of the Courts shall resume. Thus, the Committee is of the opinion that the "interim bail" so granted to these **2942 UTPs** needs to be extended for a further period of **45 days** from the date their respective interim bail is expiring.

The Committee is of the opinion that in this regard, a judicial order would be required from Hon'ble High Court of Delhi and **recommends** accordingly. It is **clarified** that these **2942 UTPs** for whom recommendation is being made, are the ones who fall in any one of the criteria laid down by this Committee in its previous meetings, irrespective of the fact as to whether the

application for interim bail on their behalf, was filed by **any private counsel** or by **panel lawyer of DSLSA**.

Member Secretary, DSLSA is directed to place these **recommendations** of the Committee by forwarding a copy of these minutes to Ld. Registrar General High Court of Delhi, for necessary action in this regard.

In the event of passing of any such order by Hon'ble High Court of Delhi on the basis of recommendations of this Committee, it is made clear that jail administration **shall inform** such UTPs about extension of their "**interim bail**" for a further period of 45 days from the date, the earlier period of interim bail is expiring, telephonically. D.G. (Prisons) **assures** that jail administration shall do the needful and shall inform such UTPs about the exact date of their surrender.

ITEM NO.5:- FEEDBACK REGARDING EXTENSION OF "EMERGENCY PAROLE" GRANTED TO THE CONVICTS BY GOVT. OF NCT OF DELHI FOR A FURTHER PERIOD OF 8 WEEKS

D.G. (Prisons) has informed that on the basis of recommendation made by this Committee, Govt. of NCT of Delhi "**Emergency Parole**" had granted to the convicts for a period of 8 weeks, which was subsequently extended from time to time by orders of Department of Home, Govt. of NCT of Delhi. He further informed that on the basis of orders so passed, **1168 convicts** were released on "**Emergency Parole**" and their period of "**Emergency Parole**" is going to expire on or before 30.09.2020.

In compliance of the resolutions adopted by this Committee in its earlier meetings and also considering the present situation of pandemic in Delhi, D.G. (Prisons) was directed to send a requisite requisition to Govt. of NCT of Delhi for extension of "**Emergency Parole**" already granted to the convicts, who were released on "**Emergency Parole**" and whose period is going to expire **on or before 30th September, 2020**. D.G. (Prisons) was directed to seek extension of "**Emergency Parole**" so granted to the convicts for a further period of **4 weeks**.

DG (Prisons) has submitted that to prevent the spread of disease and maintain social distancing in Delhi Prisons, he on the basis of directions given by this Committee has sent a letter bearing **No.10(003598848/CJ/Legal/PHQ/2020/43027** dated **24.08.2020** to the Special Secretary (Home), Govt. of NCT

of Delhi seeking **extension of "Emergency Parole"** so granted to the convicts for a further period of **4 weeks**.

Shri B.S, Bhalla, Principal Secretary (Home), Govt. of NCT of Delhi brought to the notice of the Committee orders bearing **F.No.18/191/2015-HG/2673-79 dated 26.08.2020** whereby on the basis of letter of DG (Prisons) and the recommendations made by this Committee, **"Emergency Parole"** of all the convicts whose period of **"Emergency Parole"** is going to expire **on or before 30th September, 2020** is **extended** for a further period of **4 weeks**.

The Committee is **satisfied** with this **outcome**.

ITEM NO.6:- CONSIDERATION OF THE REPRESENTATIONS RECEIVED :

- (A) REPRESENTATION DATED 17.08.2020 OF DR. UMA CHAKRAVARTI, & ORS. FOR TREATING ALL WOMEN, CHILDREN AND TRANSPERSONS AS A CLASS FOR BEING RELEASED ON INTERIM BAIL IRRESPECTIVE OF THE OFFENCE FOR WHICH THEY ARE ACCUSED OF**

Member Secretary, DSLSA brought to the notice of the Committee, a representation **dated 17.08.2020 of Dr. Uma Chakravarti & Ors.**

Members of the Committee perused the **representation** and have gone through the same as well as the prayer made to this Committee. It is suggested by the applicants that all women and transperson owing to their social status, resources and access should be considered as a class for being released on **interim bail**. Besides this, prayers were made to the effect that fresh admission of women and transperson in prison be not allowed during the pandemic.

For effective disposal of this representation, Members of the Committee have perused order dated **23.03.2020** passed by Hon'ble Supreme Court in **Suo Motu Petition (Civil) No. 1/2020 - In Re: Contagion of COVID-19**, vide which the High Powered Committee was constituted. The same reads as under:

"We direct that each State/Union Territory shall constitute a High Powered Committee comprising of (i) Chairman of the State Legal Services Committee, (ii) the Principal Secretary (Home/Prison) by whatever designation is known

as, (ii) Director General of Prison(s), to determine which class of prisoners can be released on parole or an interim bail for such period as may be thought appropriate. For instance, the State/ Union Territory could consider the release of prisoners who have been convicted or are under trial for offences for which prescribed punishment is up to 7 years or less, with or without fine and the prisoner has been convicted for a lesser number of years than the maximum.

It is made clear that we leave it open for the High Powered Committee to determine the category or prisoners who should be released as aforesaid, depending upon the nature of offence, the number of years to which he or she has been sentenced or the severity of the offence with which he/she is charged with and is facing trial or any other relevant factor, which the Committee may consider appropriate."

(emphasis supplied)

On bare perusal of the observations/directions given by the Hon'ble Supreme Court vide its order dated **23.03.2020**, it is apparent that the High Powered Committee so constituted was given **an absolute discretion to determine which class/category of the prisoners can be released on interim bail or parole** depending not only upon the severity of the offence, but also the **nature of offence** or any other **relevant factor**. It is further apparent on perusal of the subsequent order dated **13.04.2020** of Hon'ble Supreme Court whereby it was clarified that it has not directed the States/Union Territories to **compulsorily release** the prisoners from their respective prisons.

Thus, no prisoner in whatsoever **category/class** he/she falls and for whatever nature of offence he/she is facing trial, can seek or claim to be released from prison, as a matter of **right** and/or **inclusion of** his/her/their category in the recommendations so made.

This Committee while arriving at its decision in earlier meetings as well as in laying down the criteria today for release of the categories of prisoners on interim bail hereinabove, had taken into account the overall holding capacity of Delhi Prisons, existing strength on the dates of the Meetings and also the nature of offences for which the prisoners were lodged in jails. The Committee deliberated upon the **categories/class** of prisoners

depending upon the nature of offence for which they were in jail for considering them for grant of interim bail/parole as the case may be. The committee had also considered to **exclude** certain nature of cases under the Special Acts like POCSO, MCOCA, PC Act, NDPS, PMLA, UAPA, Terror related Cases, Riot Cases, Rape Cases under Section 376 IPC besides those which have been investigated by CBI/ED/NIA/Special Cell of Delhi Police, Crime Branch, SFIO, **to be excluded** from consideration zone for being released on "**interim bail**". The Committee further on the basis of deliberations made had excluded the category of '**foreign Nationals**' from the consideration zone. The said decision was taken only after considering the **relevant factors** and on the basis of **objective satisfaction** arrived at by the Committee. The criteria was adopted taking into consideration **class/category** of offences in mind and not having *prisoner-centric approach*.

Further, this Committee while adopting various criterias in its earlier meetings had taken into consideration women as separate class and accordingly relaxed some of the condition with respect to them vis a vis the male prisoners.

The object was only to release some of the prisoners and not all the prisoners on a reasonable classification arrived at on the basis of orders passed by Hon'ble Supreme Court, intending to implement the same **in letter and spirit**.

In view thereof, this Committee is of the opinion that the representation is **unmerited** and the same is accordingly **rejected**.

It is, however, made clear that this Committee for release of prisoners on "**interim Bail**" vide criterion adopted in the meetings dated 28.03.2020, 07.04.2020, 18.04.2020, 05.05.2020, 18.05.2020, 20.06.2020 and 31.07.2020, shall in **no way** affect the rights of other UTPs, **who do not** stand covered under these categories, from invoking the jurisdiction of concerned courts for grant of regular/interim bail. The concerned Courts on filing of applications by such UTPs may consider the same on merits, in accordance with law.

The applicants are at liberty to file bail application for such UTP before the concerned Courts, which as and when filed, may be considered on merits, in accordance with law.

(B) REPRESENTATION DATED 17.08.2020 OF MR.SARTHAK MAGOON, ADVOCATE RECEIVED VIA EMAIL ON 26.08.2020 WHEREBY APPLICANT HAS REQUESTED FOR STARTING E-MULAKAT OF INMATES WITH THEIR COUNSELS AND THEIR FAMILIES THROUGH ALL POSSIBLE MODES.

Member Secretary, DSLSA brought to the notice of the Committee a **representation dated 17.08.2020 received via email dated 26.08.2020** of **Mr. Sarthak Magoon**, Advocate. The applicant has requested this Committee to direct the Jail Authorities for **e-mulakat** of inmates with their counsels and their families through all possible modes.

Members of the Committee have perused the **representation** filed by the applicant. During pre-pandemic period, inmates used to have physical meeting with their advocates and families. Owing to the pandemic of **COVID-19** and in order to prevent its spread inside the jail premises, physical meetings were stopped.

However, during earlier meetings of this Committee, D.G. (Prisons) was directed to explore the possibilities of having **E-Mulakat** of the inmates with their advocates and family.

D.G. (Prisons) has informed that Video Conferencing Facility is available in all the three Jail Complexes and meeting of inmate through video conferencing with **panel lawyers of Delhi High Court Legal Services Committee** was started on **22.06.2020** and with **private lawyers** with effect from **06.07.2020**.

This **legal mulakat** through video conferencing can be availed by an inmate **twice a week** each spanning **30 minutes duration**.

E-Mulakat of the inmate with their family through **Jitsi online VC link** has been also started from Jail Nos.1, 2, 4, 5, 6, 7, 8/9, 11 and 14.

Finding **merits** in the representation of the applicant, D.G. (Prisons) is directed **to extend** this facility in the remaining jails at the earliest so that the inmate can interact with their family members.

Considering the fact that **mobile phones/smart phones** are **prohibited** inside the jail premises, therefore, the suggestion of the applicant for **E-Mulakat** of inmates with their families through video call **cannot be acceded to**.

Chair however, taking note of **onset of Unlock-4 w.e.f.01.09.2020**, deliberated on the aspect of **resumption of physical Mulakat** of inmate with their respective families. Considering the fact that life is on track of returning to normalcy, deliberations were made for exploring this possibility in a **phased/graded manner**.

Chair directed D.G. (Prisons) to take all the necessary precautions before **resumption of physical mulakat**. D.G. (Prisons) has been directed to prepare **Standard Operating Procedure (SOP)** in this regard. It is further decided that the mulakat area should have **touch free microphones** with **glass shields**. D.G. (Prisons) has assured that they shall fix a definite number of mulakats per day, so that all norms of social distancing can be adhered to. He further assured the Committee that the mulakat area would not be **over crowded** and shall be **sanitized, after every hour**. D.G. (Prisons) assured the Committee that all necessary aspects to prevent transmission/spread of virus from the visitors to inmates/jail staff shall not only be mentioned in **SOP** but shall also be adhered to, before **resuming physical mulakat**, which he assured to start soon.

In view of the above, the representation of the applicant is **disposed of** accordingly as no further directions are called for.

(C) REPRESENTATION DATED 17.08.2020 OF MR.SARTHAK MAGOON, ADVOCATE RECEIVED VIA EMAIL ON 27.08.2020 SETTING UP OF NORMS/ INFRASTRUCTURE FOR PRESENTING OF SURETY THROUGH VIDEO CONFERENCING TO AVOID TRAVEL TO THE COURTS.

Member Secretary, DSLSA brought to the notice of the Committee a **representation dated 17.08.2020 received via email dated 27.08.2020** of **Mr. Sarthak Magoon**, Advocate. The applicant has requested for setting up of norms/infrastructure for presenting of surety through video conferencing to avoid travel to the Courts.

Members of the Committee have perused the **representation**. The present Committee was constituted by Hon'ble Supreme Court for decongestion of jails.

In order to achieve the object for which it was constituted, this Committee in its meeting **dated 07.04.2020** had observed that some of the inmates despite having bail orders passed in their favour during **pre-pandemic period** by different Courts, could not be released for their failure to furnish the '**surety bond**' as functioning of Courts at that time were restricted.

In the said meeting, this Committee had recommended for **review/modification** of such bail orders by a single order of Hon'ble High Court. On the basis of recommendations of this Committee in the meeting dated **07.04.2020**, Division Bench of Hon'ble High Court vide **orders dated 09.04.2020** in *Writ Petition (Crl.) 779/2020*, titled "*Court on its own Motion Vs. State*" had modified all such orders. Relevant portion of the orders passed by Hon'ble High Court is as under:

"Thus all bail orders, passed by this Court or by the Courts subordinate to it, on or before 7th April, 2020, in pursuance whereof the under-trial prisoners have not been released on bail owing to failure to satisfy the condition of furnishing surety bond, are modified and be read as granting bail without the condition of furnishing surety bond and instead allowing such under-trial prisoners to be released on their furnishing personal bond to the satisfaction of Superintendent of Jail."

Thus, this Committee had done what was expected of it, in order to achieve the object for which it was so constituted.

The prayer made by the applicant in the present representation pertains to the **mode** and **manner** of production of surety before the Court and satisfaction of the Court with respect to the **genuineness** of the **surety** and his **documents**. The same is **beyond the scope and purview** of this Committee, therefore, it cannot be entertained. The representation stands **disposed of** accordingly.

The applicant is at liberty to approach the concerned authority i.e. Hon'ble High Court of Delhi on judicial/administrative side.

Committee directs Kanwal Jeet Arora, Member Secretary, Delhi State Legal Services Authority (DSLISA) to inform all the applicants who made the above representations with respect to the *outcome thereof*.

ITEM NO.7:- ANY OTHER ISSUE WITH PERMISSION OF THE CHAIR :

MEETING OF SENTENCE REVIEW BOARD:

Chair enquired from D.G. (Prisons) and Principal Secretary (Home) regarding meeting of “**Sentence Review Board**” in terms of directions given in the last meeting dated 31.07.2020.

Principal Secretary (Home) Govt. of NCT of Delhi as well as D.G. (Prisons) apprised the Chair that meeting of “**Sentence Review Board**” was held on **5th and 6th of August, 2020**. It was further informed by D.G. (Prisons) that cases of **184 convicts** were considered by the “**Sentence Review Board**” during these two days. He further informed the Chair that **47 convicts** have been recommended by the “**Sentence Review Board**” for their **pre mature** release.

Principal Secretary (Home), Govt. of NCT of Delhi informed that the file of these **47 convicts**, as on date is pending consideration with Govt. of NCT of Delhi.

Chair directed Principal Secretary (Home), Govt. of NCT of Delhi for expeditious disposal of the same, as if approved, it would lead to further decongestion of the jails. Principal Secretary (Home), Govt. of NCT of Delhi **assured** that he shall do the needful at the earliest..

Minutes of this Meeting **be implemented** by all concerned, in anticipation of the signatures of Members and Chairperson of the Committee.

Meeting ended with *Vote of Thanks* to the Chair.

Sandeep Goel
D.G (Prisons)

B.S.Bhalla,
Principal Secretary
(Home), GNCTD

Kanwal Jeet Arora
Member Secretary,
DSLISA

Hon’ble Ms. Justice Hima Kohli
Executive Chairperson DSLISA