Minutes of Meeting dated 18th May, 2020 At 06:00 PM 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 Azimul Haq, Special Secretary (Home) for Sh. Satya Gopal, Principal Secretary (Home)/Additional Chief Secretary, Govt. of NCT of Delhi ……. **Member**
2. Sh. Sandeep Goel, Director General (Prisons), Delhi …... **Member**
3. Sh. Kanwal Jeet Arora, Member Secretary, Delhi State Legal Services Authority (DSLSA).

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, Chair on the basis of **news reports and letter dated 16.05.2020 of DG (Prisons) regarding 16 inmates** and **one jail staff** of Rohini Jail, found to be **COVID-19 (Novel Corona Virus) positive** had enquired from DG (Prisons) about immediate steps taken by the Jail Administration to tackle the situation, before the same turns exacerbated for the prisoners.

Sh. Sandeep Goel, DG (Prisons) informed the Chair that the jail administration has been following and complying with the **guidelines, instructions and resolutions** passed by this Committee vide its earlier meetings, as a result of which they were in a position to **prevent the eruption/spread** of **COVID-19 (Novel Corona Virus)** inside the jail premises till **13.05.2020**.

He further informed that owing to the spread of this virus in the society and despite their best efforts and multifaceted approach to prevent the eruption of **COVID-19 (Novel Corona Virus)** inside the jail

premises, the same had taken place when one inmate "**K**" was found **Positive**. He informed that Jail administration immediately took requisite steps and got the necessary **COVID-19 (Novel Corona Virus)** test conducted of 19 inmates who were sharing the barrack with **"K"** besides 5 Jail Staff members. He reported that out of them, 15 inmates and 1 Jail Staff were found Corona Positive. He informed the Chair that said inmate **"K"** who had undergone a surgery in DDU Hospital on 11.05.2020, after being found Positive, was shifted to dedicated Covid-19 Hospital i.e. LNJP Hospital where he is recuperating.

DG Prisons informed **that** they have created Isolation Wards in each Jail for such like cases. DG (Prisons) further informed that Special Task Force (STF) has been formed for ***"Contact Tracing"*** of suspected **COVID-19 (Novel Corona Virus)** cases in all the jails including Rohini Jail. He informed that in the present case, all the other 15 inmates have been separately quarantined and are being provided with requisite medication. The Jail staff found positive have been home quarantined. Contact Tracing of these 15 inmates with other inmates of Rohini Jail is under process and they shall get the necessary **COVID-19 (Novel Corona Virus)** test conducted, if necessary, for other inmates as well, who may have come in contact with these **COVID-19 (Novel Corona Virus) positive** cases, in the recent past. It however, has been reported by DG (Prisons) that all these 15 inmates as well as the Jail Staff are **asymptomatic**.

The Members of the Committee deliberated upon the possible steps which can 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 the new entrants or through Jail Staff, Paramilitary Staff, Medical Staff and other persons entering the Jail premises for delivery of ration and other essential items. It is, therefore, necessary that new entrants in terms of the resolution adopted in the earlier meeting should be kept in **Isolation Wards/Cells** so as to prevent their **intermingling** with other inmates who are already inside the jail. Requisite steps are also required to be take so as to ensure that necessary precautions be taken by Jail Staff, Medical Staff, Maintenance Staff and other persons entering the premises for delivery of essentials so that they may not come in direct contact with the inmates inside the Jail premises.

In the earlier meeting it was informed to the Committee by DG (Prisons) regarding creation of **Isolation Wards** in Jail No.2 at Tihar and Jail No.13 at Mandoli 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 Wards** were created in Jail No.6 at Tihar for fresh women inmates.

Feeling concerned about this issue, Chair asked DG (Prisons) regarding availability of **individual cells** in any prison which can be converted into **Isolation Cells,** for keeping the new entrants atleast for an initial period of 14 days so that they may not intermingle with other inmates. DG (Prisons) informed that Jail No.15 Mandoli which has an **overall capacity of 280 prisoners,** does have **248 individual Cells (with attached toilets).** He further informed that presently this Jail has **178 inmates (UTPs-139, Convicts-38, Detenue-1).**

On being asked by the Chair, whether these can be shifted to other jails, so that Jail No.15 having Individual Cells, can be made available for keeping the new entrants in **Separate Cells** in **Isolation.** DG (Prisons) informed that all these inmates are **High Risk Prisoners** but they can easily be shifted to different Jails in Tihar as those Jails do have **High Risk Wards** to accommodate them.

Members of the Committee deliberated on this issue and after getting the feedback from DG (Prisons), it is **resolved** that out of **178 inmates**, who are presently lodged in Jail No.15, **18** who are working as '**Sahayak/Convict**' will remain in this Jail itself, whereas remaining **160 inmates** shall be **shifted to different Jails in Tihar** as under:

Central Jail No.1 Tihar	31 inmates
Central Jail No.3, Tihar	45 inmates
Central Jail No.4, Tihar	39 inmates
Central Jail No.8/9, Tihar	45 inmates
Total	***160 inmates***

Chair directed DG (Prisons) that while transporting them, the Jail administration shall ensure that no transportation in excess of **half or ¼ capacity** of the bus shall be carried out, so as to ensure that prisoners maintain a considerable distance from each other during these transits.

After transferring the existing inmates of Jail No.15, the same shall be available for keeping the new entrants in **Isolation Cells/Rooms**. This shall take care of all the new male entrants who are above 21 years of age.

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 Wards** at Jail No.5 and 6 respectively at Tihar, in terms of the earlier resolution. It is **resolved** that these new inmates shall be permitted to intermingle with other inmates only after keeping them in **Isolation Wards for 14 days** and before lodging them, they should be **thermally screened** and **medically examined** and in case of any medical necessity, their **CT-PCR test** be conducted.

On being asked by the Chair regarding the procedure adopted by the jail administration at the time of surrender of UTPs who visit the jail premises after expiry of interim bail granted to them, DG (Prisons) informed that such UTPs after completion of the period of their interim bail, at the time of their surrender and admission are treated as **new prisoners** and before lodging them, they shall be medically examined and kept in **Isolation Wards**.

DG (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. DG (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.

DG (Prisons) has further informed that in terms of the resolutions adopted in the previous meeting, out of the in-house manufacturing of soap cakes, liquid soaps, phenyl, masks, and sanitizers, adequate number of these materials have been sent to JJBs/ Observation Homes, as per the requirement received from them, besides the same being put to use in all the Jails.

DG (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 the necessary steps being taken to practice, promote and demonstrate positive hygiene behaviour in Jails.

DG (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.

DG (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 through them, its outbreak amongst the inmates, is considered and deliberated upon by the Committee.

On being asked by the Chair regarding measures taken and adopted by jail administration, D.G. (Prisons) has informed that they have adopted a multi-pronged strategies to tackle the threat of the spread of **COVID-19 (Novel Corona Virus)** through jail staff and others to inmates. He informed that besides the above mentioned precautions, they are also:

a. **Conducting thermal screening and medical test** of the jail staff, para-military staff and medical staff before letting them enter the jail premises.
b. **Minimizing the contact** of inmates with outsiders by restricting movement of inmates outside the jails, as well as restricting movement of outsiders into the jails.
c. **Creating Medical Isolation Facility** for jail staff, security staff, Doctors and Technical Staff, showing symptoms of any disease.
d. **Spreading Continuous awareness** and briefing the staff as well, on basic hygiene and do's and don'ts to prevent the spread of the disease.
e. **Having Quarantine Facility** for jail staff, para-military, medical staff after their return from out station leave.

f. A **specific checklist** has been designed by the medical staff for COVID -19 screening of all the entrants including jail staff, maintenance staff, security, medical staff and others entering the Jails for delivery of any essentials.

g. **Wearing of the mask** has been made **mandatory** for all the jail staff, para-military staff, medical staff, maintenance staff and others entering the Jails for delivery of any essentials.

h. Maintenance staff as well as Jail staff have been **provided with Personal Protective Equipment (PPE) kit** and they have been directed to wear the same during their respective duties.

i. All the staff has been cautioned to **maintain social distancing** while interacting with each other as well as with inmates.

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

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

Number of inmates released pursuant to the criteria earlier adopted 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 meeting dated 28.03.2020, 07.04.2020, 18.04.2020 and 05.05.2020 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 18.05.2020	**2258**
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 till 18.05.2020	**1069**
Convicts released on remission of sentence	**41**
TOTAL UTPs/CONVICTS RELEASED ON INTERIM BAIL/ PAROLE/ REMISSION OF SENTENCE TILL 18.05.2020	**3678**

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 05.05.2020**

Kanwal Jeet Arora, Member Secretary, DSLSA has informed the Committee that pursuant to the directions given to him in the meeting dated 05.05.2020, a **letter dated 06.05.2020** was written by him to the Ld. Registrar General, High Court of Delhi. He has further informed that vide that letter, recommendation made by this Committee, were conveyed to Ld. Registrar General stating that the **'interim bail'** granted to about **2200 UTPs,** on the basis of criteria adopted by High Powered Committee in its earlier resolution, needs to be extended, as the threat of spread of **COVID-19 (Novel Corona Virus) s**till looms large. Further, the facility of getting the rapid test conducted on the persons surrendering after expiry of interim bail before letting them inside the Jail, being still not available.

On the basis of said letter, **Hon'ble the Chief Justice, High Court of Delhi** had **constituted a Special Bench** and the said 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 **09.05.2020** had **extended** the **'interim bail'** so granted to the UTPs for a **further period of 45 days** from the date their earlier interim bail is expiring.

The Committee is **satisfied** with this **outcome,** on the basis of its resolution dated 05.05.2020.

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**

Kanwal Jeet Arora, Member Secretary, DSLSA has informed that on directions of Hon'ble Executive Chairperson, DSLSA, he had written a letter dated **08.05.2020** to the D.G. (Prisons) requesting him to send a letter/ representation to the Govt. of NCT of Delhi seeking amendment/ modification in the **Notification bearing No.F.18/191/2015/HG/1379/1392 dated 23.03.2020** vide which the provision of **"Emergency Parole"** was incorporated in **Rule 1212A,** so that the **"Emergency Parole"** of 8 weeks granted earlier can be further extended, which is the need of the hour.

DG (Prisons) informed the Committee that in terms of the said letter, so received from Member Secretary, DSLSA, they had written to the Govt. of NCT of Delhi vide letter dated **11.05.2020,** for doing the needful.

It is reported by Shri Azimul Haq, Special Secretary (Home), Govt. of NCT of Delhi that the necessary *modification in the Notification shall be made by Govt. of NCT of Delhi within two days* and the **"Emergency Parole"** granted to the convicts earlier shall be **further extended for 8 weeks** from the date their earlier **"Emergency Parole"** is expiring.

The Chair has **directed** Special Secretary (Home), Govt. of NCT of Delhi to make sure that the needful is done **at the earliest** and the copy of revised Rules/Notification be sent to DG (Prisons) and Member Secretary, DSLSA.

ITEM NO.6:- **DETERMINING FRESH CATEGORY OF PRISONERS WHO CAN BE RELEASED ON INTERIM BAIL**

Members of the Committee have taken into consideration that on the basis of the criteria adopted earlier, as on date **3678** inmates/ convicts/UTPs have been released on **parole/interim bail**.

Kanwal Jeet Arora, Member Secretary, DSLSA has informed the Committee about the letter/representation dated 16.05.2020 wherein DG (Prisons) submitted that **first case of COVID-19 (Novel Corona Virus) positive** has been **detected in Delhi Prisons (Rohini Jail).** He has informed that one inmate was admitted in DDU Hospital on 10.05.2020 for intestinal problem where he was operated. After operation, he was also tested for **COVID-19 (Novel Corona Virus)** on **11.05.2020** and was found **positive on 13.05.2020.** It is also submitted by DG (Prisons) that before being admitted to DDU Hospital, this inmate, namely **"K"** was **sharing barrack** with **19 other inmates**, all of whom along with five jail staff were tested for **COVID-19 (Novel Corona Virus).** He informed that as per the report received, **15 inmates** and **one staff have** been found to be **COVID-19 positive**.

In view of this situation vide his letter dated 16.05.2020, DG (Prisons) has requested that the criteria adopted earlier **needs to be relaxed** so as to further decongest the jails as still the present occupancy of the Jail exceeds the optimum capacity of the Jail.

In view of the prevailing situation and to prevent the spread of **COVID-19 (Novel Corona Virus)** and to ensure social distancing amongst prisoners, the Committee is of the opinion that the criteria needs to be **further relaxed** to give effect to directions of Hon'ble Supreme Court of India. On directions of Hon'ble Chairpersons, DG (Prisons) was requested to furnish the information, for the **impact analysis** *qua* the proposed relaxed criteria of UTPs. The same is accordingly submitted.

The Members of the Committee discussed the report submitted by DG (Prisons) vide his letter dated 16.05.2020 and **resolved** that prisoners falling in following criteria may now be considered for grant of interim bail for **45 days** in view of the circumstances in which we are in, preferably on **'Personal Bond'** :

(i) *Under trial prisoners (UTPs) facing trial for a case under **Section 302 IPC** and are **in jail for more than two years** with no involvement in **any other case**;*

(ii) *Under trial prisoners (UTPs) facing trial for offence **under Section 304 IPC** and are **in jail for more than one year** with no involvement in **any other case**;*

(iii) *Under trial prisoners (UTPs) facing trial in a case **under Section 307 or 308 IPC** and are **in jail for more than six months** with no involvement in **any other case**;*

(iv) *Under trial prisoners (UTPs) facing trial/remand prisoners in **Theft cases** and are **in jail for more than 15 days**;*

(v) ***Male Under trial prisoners (above 65 years of age)** facing trial in a case except the ones excluded hereunder and are **in jail for more than six months** with no involvement in **any other case**;*

(vi) ***Female Under trial prisoners (above 60 years of age)** facing trial in a case except the ones excluded hereunder and are **in jail for more than six months** with no involvement in **any other case**;*

It has further been **resolved** that following category of UTPs, even if falling in the above criterion or the criteria adopted in the earlier Meetings, **should not be** considered :-

(i) *Those inmates who are undergoing trial for intermediary/ large quantity recovery under NDPS Act ;*

(ii) *Those under trial prisoners who are facing trial under Section 4 & 6 of POCSO Act;*

(iii) *Those under trial prisoners who are facing trial for offences under section 376, 376A, 376B, 376C, 376D and 376E and Acid Attack;*

(iv) *Those UTPs who are foreign nationals ;*

(v) *Those under trial prisoners who are facing trial under Prevention of Corruption Act (PC Act) / PMLA, MCOCA ;*

and

(vi) *Cases investigated by CBI/ED/NIA/Special Cell of Delhi Police, Crime Branch, SFIO, Terror related Cases, Riot cases, cases under Anti-National Activities and Unlawful Activities (Prevention) Act etc.*

DG (Prisons) has informed that on the basis of this new criterion, approximately **1500 - 1700 UTPs** would be benefited and their release would further **ease out** the Jail Population.

Chairperson has directed Member Secretary, DSLSA to take

steps for having the applications of UTPs falling in the above relaxed criterion, be moved through the Panel Lawyers of DSLSA, annexing the copy of custody warrants with the applications.

The applications for interim bail of UTPs falling in abovementioned categories for being considered, should have **a certificate of good conduct** during their respective custody period **from Jail Superintendent** for him to qualify in the abovementioned category.

Chairperson of the Committee has directed Kanwal Jeet Arora, Member Secretary, Delhi State Legal Services Authority (DSLSA) to request District Judges to depute a **Designated Court/Special Additional Sessions Judge,** *if feasible* for hearing the applications for interim bail preferred by the panel lawyers of DSLSA on the basis of criteria laid down by this Committee, so as to have expeditious disposal of the applications. In the event of Court **being satisfied** that the under trial prisoners falling in the above mentioned criteria as well as the criteria adopted earlier, are to be released on interim 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 clarified that the decision taken by this Committee for release of prisoners on "**interim bail**" vide criterion adopted in the meeting dated 28.03.2020, 07.04.2020, 18.04.2020, 05.05.2020 and the one adopted hereinabove today, 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.

ITEM NO.7:- **CONSIDERATION OF THE REPRESENTATION RECEIVED :**

SEEKING RELIEF FOR UTPs HELD FOR ALL NON-HEINOUS CRIMES INCLUDING FRAUD, CHEATING AND OTHER ECONOMIC OFFENCES IN LIGHT OF COVID-19 GLOBAL PANDEMIC

Member Secretary, DSLSA brought to the notice of the

Committee a **representation dated 16.05.2020** sent by **Ms. Neeha Nagpal and Mr. Vishvendra Tomar, Advocates** addressed to the Chairperson of this Committee *seeking relief for UTPs held for all non-heinous crimes including fraud, cheating and other economic offences in light of COVID-19 global pandemic.*

Members of the Committee perused the representation which has been filed by the applicants relying upon the Minutes of Meeting dated 11.05.2020 of High Powered Committee constituted by State of Maharashtra. Vide this representation, the applicants has alleged discrimination against a set of UTPs, who are facing trial for offences relating to fraud, cheating, cases under Prevention of Corruption Act and under PMLA.

For considering the representation, it is pertinent to refer to order dated 23.03.2020 of 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 read 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 undertrial 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)*

Hon'ble Supreme Court while disposing of the above mentioned petition vide its subsequent order dated 13.04.2020 clarified its earlier order as under:

> *"**We make it clear that we have not directed the States/Union Territories to compulsorily release the prisoners from their respective prisons**. The purpose of our aforesaid order was to ensure that States/Union Territories to assess the situation in their prisons having regard to the outbreak of the present pandemic in the country and release certain prisoners and for that purpose **to determine the category of prisoners** to be released.*

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 falls and whatever nature of offence he is facing trial, can seek or claim to be released from prison **as a matter of right**.

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 herein above, 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, Rape Cases under Section 376 IPC besides those which have been investigated by CBI/ED/NIA/Special Cell of Delhi Police, Crime

Branch, SFIO, from consideration zone for being released on "**interim bail**". 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 a particular *prisoner-centric approach*. 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 for release of prisoners on "**interim bail**" vide criterion adopted by this Committee in the meetings dated 28.03.2020, 07.04.2020, 18.04.2020, 05.05.2020 and the one adopted hereinabove today, 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.

Consequently, the applicants are at liberty to file bail applications for their clients before the concerned Courts, which as and when filed, may be considered on merits, in accordance with law.

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

It is **resolved** accordingly.

ITEM NO.8:- ANY OTHER ISSUE WITH PERMISSION OF THE CHAIR :

(a) MEETING OF SENTENCE REVIEW BOARD

With permission of the Chair, DG (Prisons) has brought to the notice of the Committee, the orders dated 11.05.2020 passed by Hon'ble High Court in ***Writ Petition (Civil) No.3095/2020, titled "Amit Sahni Vs. The State (Govt. of NCT of Delhi) & Anr."***.

The Chairperson of the Committee has perused the orders passed by Hon'ble High Court dated **11.05.2020** and inquired from DG (Prisons) and Special Secretary (Home), Govt. of NCT of Delhi as to when the Meeting of **Sentence Review Board** was last conducted.

DG (Prisons) and Special Secretary (Home), Govt. of NCT of Delhi informed the Chair that two meetings of **Sentence Review Board** were held this year , first of which was held on **28.02.2020** whereafter another meeting was conducted on **11.05.2020** wherein cases of some of the convicts were recommended for remission/sentence review. It has been informed to the Committee by Special Secretary (Home), Govt. of NCT of Delhi that they shall receive the file from the office of Hon'ble Lieutenant Governor, Govt. of NCT of Delhi soon. Special Secretary (Home), Govt. of NCT of Delhi also apprised the Chair that they shall conduct **the next meeting of Sentence Review Board** tentatively in **first week of June, 2020**.

Chair directed DG (Prisons) as well as Special Secretary (Home), Govt. of NCT of Delhi to do the needful in this regard so that the cases of eligible convicts can be considered at the earliest and if approved they can be released, so as to decongest the jail.

(b) SAFE TRANSIT OF THE RELEASED UTPs/CONVICTS TO THEIR RESPECTIVE HOMES

The Chairperson of the Committee while reminding the participants of the observations made by Hon'ble Supreme Court in its order dated 13.04.2020 directed that :

i. No prisoner shall be released if he/she has suffered from corona virus disease in communicable form hereafter. For

this purpose, appropriate tests be carried out.

ii. Transportation shall be done in full compliance of the Rules and Norms of social distancing. For instance, no transportation shall be allowed in excess of half or one fourth capacity of the bus as may be found appropriate to ensure that the passengers who have been found to be free of corona virus disease are at a distance from each other.

Hon'ble Chairperson inquired as to whether UTPs/Convicts who have been released on **"interim bail"/ parole**, belonging to other states, have or have not been provided adequate transportation so as to facilitate them to reach their native places in terms of the resolution adopted in the last meeting.

To this, DG (Prisons) has informed that out of list of **155 such prisoners** given by jail administration to **DAP III Battalion of Delhi Police** and **Govt. of NCT of Delhi** for their safe transit to their native places, **65 prisoners** had been provided transportation and had **reached** their respective places by **05.05.2020**. Thereafter, in terms of the last resolution, and pursuant to the **trains provided by the Ministry of Railways**, on request of Govt. of NCT of Delhi, for transportation of migrant laborers, **02 inmates had left for Madhya Pradesh, 33 for Bihar and 15 for Uttar Pradesh in those trains**. It is informed by DG (Prison) that these inmates were transported from Jail to Railway Stations by **DAP III Battalion of Delhi Police** following the norms of **social distancing**.

It is further stated by DG (Prisons) that on the basis of request already sent by him to Govt. of NCT of Delhi and respective Resident Commissioners, 0**8 inmates belonging to West Bengal** are expected **to board the train in coming week**.

DG (Prisons) as well as Special Secretary (Home) Govt. of NCT of Delhi assured that during the course of transportation the **Norms of social distancing** shall be complied with, besides complying with the directions of Hon'ble Supreme Court of India vide its order dated 13.04.2020.

It is **resolved** accordingly.

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)**	**Azimul Haq** **Special Secretary** **(Home), GNCTD**	**Kanwal Jeet Arora** **Member Secretary,** **DSLSA**

Hon'ble Ms. Justice Hima Kohli
Executive Chairperson DSLSA