Minutes of Meeting dated 31st July, 2020 at 5:00 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 B.S. Bhalla, Principal Secretary (Home), 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

Chair feeling concerned after having learnt about the latest position of COVID-19 Positive Cases of Jail inmates and Jail Staff from the letter dated 28.07.2020 of D.G.(Prisons), had asked about the steps taken by D.G. (Prisons) and Jail Administration to tackle the situation and arrest the infection from escalating in the Jail premises.

Sh. Sandeep Goel, D.G. (Prisons) informed the Chair that the jail administration has been scrupulously following and complying with the **guidelines, instructions and resolutions** passed by this Committee in its earlier meetings, as a result of which they have been in a position to bring down the active cases of **COVID – 19 (Novel Corona Virus)** inside the jail premises.

D.G. (Prisons) apprised the Chair that despite several precautionary measures **COVID-19** (**Novel Corona Virus)** did enter the jail

premises but Jail Administration is putting their best efforts and have adopted a multi-pronged approach to fight it and to prevent its spread in Jail Premises. D.G. (Prisons) informed the committee that as on **30.07.2020**, cumulative figure of COVID -19 Positive cases in jail is as under:

Prison **Inmates**	**:**	**61** (**55** recovered, 02 expired, 03 Active cases **, 01** released on bail **who is presently in Home Quarantine)**
Prison **Staff**	**:**	**165** (**143** recovered, **22** active cases)

On being asked, D.G. (Prisons) has informed that out of above stated **03** active cases of jail inmates, **02** are **'asymptomatic'** and are separately quarantined in jail premises itself whereas **01** is admitted in LNJP Hospital where he is recuperating.

D.G. (Prisons) further informed that one jail inmate "M" aged 70 years being convict was serving his sentence in Jail No.14, Mandoli. D.G. (Prisons) informed that on the basis of contact tracing, the said inmate was tested for COVID-19 and was found positive on 26.06.2020. On same date, the said inmate developed uneasiness due to heart related symptoms and was referred to DDU Hospital wherefrom he was sent to LNJP Hospital. D.G. (Prisons) further informed that on the request of family of jail inmate, he was sent to Akash Health Care Hospital, Dwarka (in custody) where he expired on **04.07.2020.**

D.G. (Prisons) informed that contact tracing of all inmates who had been in casual or direct contact with said "M" has been done and necessary action has been taken as per the medical protocol.

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 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.

D.G.(Prisons) had further 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. He informed that till date 165 Jail Staff have been found Covid Positive. He further informed that immediately on getting their reports, they were relieved from their respective duties and were asked to remain home-quarantined, as most of them were **'asymptomatic'**. D.G.(Prisons) further informed that contact tracing was done and all those who had come in contact with these Jail Staff were medically screened and tested.

D.G.(Prisons) further informed that out of the **165** Jail Staff who were found Positive, **143** have already been recovered. He apprised the Chair that at present there are only **22** active cases, who are mostly home quarantined.

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 Wards/Cells"** so as to prevent their **intermingling** with other inmates who are already inside the jail. Requisite steps are also required to be taken so as to ensure that Jail Staff, Medical Staff, Maintenance Staff and other persons entering the premises for delivery of essentials, may not come in direct contact with the inmates inside the Jail premises.

In the earlier meetings of this Committee, it was resolved to create **Isolation Wards** in Jail No.2 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 Wards** were resolved to be created in Jail No.6 at Tihar for fresh women inmates.

Considering the fact that individual cells in Jail No. 15 are fully occupied, D.G. (Prisons) had informed that in terms of the suggestions given

to him in the last meeting, some "**Isolation Cells"** were carved out by Jail Administration from the vacated wards of Jail No.7. Besides that, some **"Isolation Cells"** were also created in Jail No. 1, Jail No. 4, and Jail No. 8/9 for housing new inmates who are above 21 years of age, where they can be housed for initial period of 14 days**.**

Chair had inquired about the progress made in allocation of Police Quarters, Mandoli situated adjacent to Mandoli Jail for being converted into a **'Temporary Jail'** in terms of directions given in meeting dated 20.06.2020.

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.

D.G. (Prisons) informed that these flats shall be used by them for creating '**isolation facility'** for new entrants. D.G. (Prisons) informed that this notification issued by Govt. of NCT of Delhi has resolved their problem of keeping the new entrants separately, for an initial period of 14 days, to a large 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 Wards'** at Jail No.5 and 6 respectively at Tihar, in terms of the earlier resolution.

Chairperson made enquiries regarding procurement of **"Oxygen Concentration Machines"** in terms of the suggestion made in the last meeting. D.G. (Prisons) has informed that they have procured 04 **"Oxygen Concentration Machines"** out of which two have been installed in the Jail Hospital at Tihar and one each at Mandoli and Rohini Jail Complex. D.G. (Prisons) in terms of the resolution adopted in the last meeting, has also informed the Chair that they have started '**Rapid Antigen Test'** facility at

Tihar Jail Hospital and Mandoli Jail Hospital where the inmates are being tested as per the ICMR guidelines. It is further informed that till date, 56 inmates have been tested inside the Jail premises at these two Hospitals. D.G. (Prisons) **assured** that they shall ensure to have sufficient availability and regular supply of essential medicines and equipments including oximeters and oxygen cylinders in the Jail Hospitals and shall continue to make use of '**Rapid Antigen Test'** facility at the jail hospitals for testing the inmates as per ICMR guidelines.

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.

D.G. (Prisons) has 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.

On being asked by the Chair regarding implementation of resolutions adopted in the previous meeting, D.G. (Prisons) has informed that they 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. 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 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** and **20.06.2020** 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 28.07.2020	**2901**
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	**1165**
Convicts released on remission of sentence	**63**
TOTAL UTPs/CONVICTSRELEASED ON INTERIM BAIL/ PAROLE/ REMISSION OF SENTENCE TILL 28.07.2020	**4439**

INTERIM BAIL:

Members of the Committee taking into account all the relevant circumstances including the Office Order No.26/DHC/2020 dated 30.07.2020 of Hon'ble High Court regarding resumption of functioning of the Courts subordinate to Delhi High Court though through 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 31st

August, 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 (DSLSA) 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 and 20.06.2020, 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 LG 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, till date has been extended to **63 convicts** who have been 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**. D.G. (Prisons) informed that on the basis of this fresh order about **32 convicts** would become the beneficiaries 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 20.06.2020

Kanwal Jeet Arora, Member Secretary, DSLSA has informed the Committee that pursuant to the directions given to him in the meeting dated 20.06.2020, a **letter dated 21.06.2020** 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 **2651 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)** still looms large and 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 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 **22.06.2020** 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.

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 20.06.2020 (which constitute **2901 UTPs**) is going to expire w.e.f. 07th August, 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 **2901 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 **2901 UTPs** needs to be extended. A letter dated **28.07.2020** 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 **22.06.2020** has **listed** the said matter on **04.08.2020**.

The Committee deliberated and further considered that it may not be possible at this juncture to predict definite cutoff date for resumption of normal functioning of the Court system. In view of the fact that, there is no certainty when the threat of pandemic shall be over and requirement of **"social distancing"** no longer necessary, the Committee is of the opinion that the "interim bail" so granted to these **2901 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 **2901 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**

It is reported by Shri B.S, Bhalla, Principal Secretary (Home), Govt. of NCT of Delhi that in compliance of the resolutions adopted by this Committee in its earlier meetings regarding extension of **Emergency Parole** to eligible convicts, Govt. of NCT of Delhi has passed following orders:

a. Vide Office Order **No. F.18/191/2015-HG/2094-2100** dated **07.07.2020** regarding extension of **Emergency Parole** to the eligible convicts, ***Hon'ble Minister (Home) Govt. of NCT of Delhi directed to extend the emergency parole for a further period of eight weeks*** to all such convicts who were earlier released on emergency parole which is going to expire on or before **31.07.2020**.

b. Vide Office Order **No. F.18/191/2015-HG/2366-2372** dated **30.07.2020** regarding extension of **Emergency Parole** to the eligible convicts, ***Hon'ble Minister (Home) Govt. of NCT of Delhi directed to extend the emergency parole for a further period of eight weeks*** to all such convicts who were earlier released on emergency parole which is going to expire on or before **31.08.2020**.

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

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

(A) REPRESENTATION DATED 22.05.2020 OF DEEPAK KHERWAL, INMATE LODGED IN JAIL NO.3, TIHAR SEEKING HIS RELEASE ON INTERIM BAIL AS PER RESOLUTION OF COMMITTEE DATED 18.05.2020

Member Secretary, DSLSA brought to the notice of the Committee, a representation **though dated 22.05.2020 but received through post** only in the **second week of July, 2020**.

Members of the Committee perused the **representation** and have gone through the Minutes of Meeting dated **18.05.2020** relied upon by the applicant. It is apparent that the applicant Deepak Kherwal is an Under Trial Prisoner, lodged in Jail No.3, Tihar for **8 years** being accused in FIR No.8/2012 U/s 302/397 IPC, P.S. Swaroop Nagar.

It is pertinent to mention here that this Committee in its meeting dated **18.05.2020** had recommended release of, *"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",*** for grant of interim bail for a period of 45 days. It is apparent that the applicant in the present FIR is facing trial for an additional offence U/s 397 IPC besides offence U/s 302 IPC. Members of the Committee while laying down the criteria on 18.05.2020 had intentionally omitted such like offences i.e. dacoity, robbery, kidnapping for ransome etc., The said class/category of cases and sections of IPC, therefore, were not mentioned in the minutes while laying down criteria in meeting dated 18.05.2020.

Thus, the case of present applicant is '**not covered'** under the criteria laid down by the High Powered Committee in its Meeting dated **18.05.2020**. Further, the applicant has made a prayer seeking his release on interim bail before this Committee which apparently is '**not maintainable'** as this Committee is not "**Court"** as prescribed under the Code of Criminal Procedure.

In view thereof, this Committee is of the opinion that the representation **is unmerited and the same is accordingly rejected**. However, the applicant is at liberty to file bail application before the concerned Court, which as and when filed, may be considered on merits, in accordance with law.

(B) REPRESENTATION DATED NIL OF FOREIGN INMATES LODGED IN JAIL NO.4, TIHAR SEEKING INCLUSION OF MATTERS UNDER NDPS ACT RELATING TO FOREIGN NATIONALS IN THE CRITERIA FOR GRANT OF INTERIM BAIL.

Member Secretary, DSLSA brought to the notice of the Committee a **representation dated NIL** sent by Foreign inmates lodged in Jail No.4, Tihar seeking inclusion of matters under NDPS ACT relating to foreign Nationals in the criteria for being released on interim bail. Although, the said representation is neither dated nor signed, however, Members of the Committee still perused the same, for its disposal on merits.

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),* ***todetermine which class of prisoners*** *can be released on parole or an interim bail for such period as may be thoughtappropriate. 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."*
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> *(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 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*.

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 and 20.06.2020, 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.

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

(C) REPRESENTATION DATED 02.07.2020 OF SHRI SARTHAK MAGOON, ADVOCATE REQUESTING TO PROVIDE COPIES OF MINUTES OF MEETING OF THE HIGH POWERED COMMITTEE TO PRISON INMATES AND CONVICTS IN 'HINDI' LANGUAGE

Member Secretary, DSLSA brought to the notice of the Committee **representation dated 02.07.2020** of **Shri Sarthak Magoon, Advocate.**

Members of the Committee have perused the representation. Kanwal Jeet Arora, Member Secretary apprised the Committee that jail inmates were being informed in **Hindi** about the criteria laid down by this Committee from time to time through PLVs and Jail Visiting Panel lawyers. D.G. (Prisons) was also requested to direct Jail Superintendents to provide a copy of Hindi translation of the criteria as and when demanded by any jail inmate.

Members of the Committee finding merits in the representation made by Sh. Sarthak Magoon, Advocate have resolved that '**Hindi'**

Translation of all Minutes of Meeting of this Committee including the minutes of today's meeting be uploaded on the website of DSLSA.

The representation is **disposed off** accordingly.

(D) APPLICATION DATED 10.07.2020 FILED BY THE APPLICANT DEEPAK KUMAR @ BHUPINDER KUMAR @ DEEPU YADAV, S/O AYODHYA PRASAD YADAV FOR GRANT OF PAROLE

Member Secretary, DSLSA brought to the notice of the Committee **application dated 10.07.2020** filed by the applicant Deepak Kumar @ Bhupinder Kumar @ Deepu Yadav through Rajbir (Maternal Uncle/Mausa & Pairokar).

Members of the Committee have perused the application whereby the applicant, who is a convict in **FIR No.59/2009**, under Section **363/376/302/201 IPC**, P.S. Khayla, seeks parole for a period of 60 days. In the application, it is stated that the applicant is undergoing his sentence of life imprisonment and has completed 10 years of incarceration with clean antecedents.

On inquiry made by the Chair for disposal of this representation, D.G. (Prisons) informed the Committee that Hon'ble High Court while dismissing Criminal Appeal No.**1200/2012** filed by the present applicant had directed that the applicant shall not be considered for any remission till he undergoes actual incarceration of 25 years. In view of the orders passed by Hon'ble High Court, the applicant is not entitled for being considered for **'Emergency Parole'.**

D.G. (Prisons) has further informed that applicant has already applied for regular parole before Govt. of NCT of Delhi for disposal of which report has been sought from them.

Consequently, the present application is **dismissed/disposed of** with directions to D.G. (Prisons) to submit the report sought by Govt. of NCT of Delhi with them **within three days** and the application for regular parole may be considered by Govt. of NCT of Delhi thereafter **at the earliest**.

(E) REPRESENTATION DATED 11.07.2020 OF SHRI RAKESH KUMAR SHARMA, ADVOCATE SEEKING INCLUSION OF SECTION 467 IPC IN THE CRITERIA FOR RELEASE OF INTERIM BAIL

Member Secretary, DSLSA brought to the notice of the Committee **representation** dated 11.07.2020 of **Shri Rakesh Kumar Sharma, Advocate** sent through email vide which the applicant seeks inclusion of another category of offence in the criteria to be adopted by this Committee.

Members of the Committee have perused the present representation and for disposal of the same have gone through the observations/directions given by the Hon'ble Supreme Court vide its order dated **23.03.2020**.

From bare perusal of the observations made by Hon'ble Supreme Court, 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 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 whatever nature of offence he/she 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, 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 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 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 and 20.06.2020, 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.

In view thereof, the applicant is at liberty to file bail application for his clients before the concerned Courts, which as and when filed, may be considered on merits, in accordance with law.

(F) REPRESENTATION DATED 29.07.2020 OF SHRI HARSHIT VASHISHT, ADVOCATE SEEKING CLARIFICATION OF DIRECTIONS ISSUED EARLIER VIDE RESOLUTIONS ADOPTED IN MEETING DATED 18.05.2020.

Member Secretary, DSLSA brought to the notice of the Committee a **representation** of **Shri Harshit Vashisht, Advocate** dated 29.07.2020 vide which the applicant seeks clarification of directions issued

earlier vide resolutions adopted in meeting dated 18.05.2020.

Members of the Committee have gone through the criteria adopted while recommending grant of interim bail in the meeting dated 18.05.2020. It is apparent on bare perusal of the said criteria so laid down that recommendations were made only for those UTPs facing trial for a case U/s 302 IPC and who are in jail for more than two years with **"No involvement in any other case".**

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 had observed 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),* ***todetermine which class of prisoners*** *can be released on parole or an interim bail for such period as may be thoughtappropriate. 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)*

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 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*. 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**.

The Committee as stated earlier, was not formed to look into merits or demerits of an individual case for being released on interim bail, rather it was formed to lay down a criteria taking into consideration a particular **class/category** and not any particular prisoner or inmate. It is further clarified that the criteria adopted by this Committee were for only making the recommendation for grant of interim bail. The ultimate discretion to grant or reject the application for bail lies with the '**Court'.**

In the present case, it is apparent from the representation that the applicant is facing trial not only for offence U/s 302 IPC but also for additional offences U/s 307 IPC and U/s 27 of Arms Act in FIR No.181/2018, P.S. Mehrauli.

Involvement of the applicant in other cases as well as their severity is to be seen and considered by the Court dealing with the bail application as going into the **merits/demerits** and facts of each case is beyond the **scope and purview** of this Committee.

It is also made clear that the criteria adopted by this Committee for recommending the 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 and 20.06.2020, 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.

In view thereof, the present representation is **disposed of**. Applicant is at liberty to file bail application before the concerned Court, which as and when filed, may be considered on merits, in accordance with law.

(G) REPRESENTATION DATED 29.07.2020 OF SHRI DHANANJAI, ADVOCATE SEEKING CLARIFICATION OF DIRECTIONS ISSUED EARLIER VIDE RESOLUTIONS ADOPTED IN MEETING DATED 07.04.2020.

Member Secretary, DSLSA brought to the notice of the Committee a **representation** of **Shri Dhananjai, Advocate** dated 29.07.2020 vide which the applicant seeks clarification of directions issued earlier vide resolutions adopted in meeting dated 07.04.2020.

Members of the Committee have perused the said representation and have also gone through the criteria laid down in the meeting dated 07.04.2020 regarding

> *"Under trial prisoners (UTPs)/Remand Prisoners (with respect to whom, charge sheets are yet to be filed), who are in custody for 15 days or more, facing trial in a case which prescribes a maximum sentence of 7 years or less…….*

In this regard, it is **clarified** that all the criteria including the one adopted in the meeting dated 07.04.2020 mentioned hereinabove still **holds valid** and any jail inmate falling in any one of the criteria so adopted, is eligible to move application seeking interim bail either through his **private counsel** or **panel lawyer of DSLSA**. The representation is **disposed of** accordingly.

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

It is **resolved** accordingly.

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

(A) 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 20.06.2020.

Principal Secretary (Home) Govt. of NCT of Delhi apprised the

Chair that meeting of "**Sentence Review Board**" which was earlier scheduled for **16.06.2020** could not take place as Hon'ble Minister who had to chair the meeting was hospitalized.

Principal Secretary (Home) Govt. of NCT of Delhi further apprised that Hon'ble Minister after recuperating had scheduled this meeting for 03.08.2020. However, owing to the festival of Raksha Bandhan on 03.08.2020, the said meeting of "**Sentence Review Board"** has now been rescheduled for **05.08.2020.**

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

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,** **DSLSA**

Hon'ble Ms. Justice Hima Kohli
Executive Chairperson DSLSA

Interim Bail Criterion laid by Honorable High Court of Delhi

23.03.2020 **W.P.(C) 2945/2020** **Shobha Gupta and ors Vs UOI** **Hon'ble Ms. Justice Hima Kohli Hon'ble Mr. Justice Subramonium Prasad**	Provision for Interim Bail for 45 days be implemented for UTPs: • who are booked in only 1 case • in which the maximum sentence is 7 years or less • who have completed minimum 3 months in jail • preferably on a personal bond.
28.03.2020 **Minutes of Meeting dated 28th March 2020 At 3 PM through Video Conferencing Under The Chairpersonship of Hon'ble Ms. Justice Hima Kohli, Judge, High Court of Delhi And Executive**	Proposed category of prisoners may now be considered for grant of interim bail for **45 days**, preferably on '**Personal Bond**': (i) Under trial prisoners (UTPs) who are facing trial in a case which prescribes a maximum sentence of **7 years** or less ; or (ii) Even If, the UTP **has more than one case and in all other cases, he is "on bail"**, except the one for which he is being considered and the same prescribes punishment for 7 years or less ; and if (iii) UTP is in custody for a period of one month or more ; (iv) In case of Women UTP, if she is in custody for a period of 15 days or more; (v) Inmates who are undergoing Civil Imprisonment can also be considered for 'interim bail' of **45 days**. It has further been **resolved** that following category of UTPs, even if falling in the above criterion, **should not be** considered:- (i) All inmates who are undergoing trial for intermediary/ large quantity recovery under NDPS

Chairperson, Delhi State Legal Services Authority	(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 ; and (v) Those under trial prisoners who are facing trial under Prevention of Corruption Act (PC Act) / PMLA ; and (vi) Cases investigated by CBI/ED/NIA/Special Cell Police and Terror related Cases, cases under Anti-National Activities and Unlawful Activities (Prevention) Act etc.
07.04.2020 **Minutes of Meeting dated 7th April, 2020 At 5:30 PM through Video Conferencing Under The Chairpersonship of Hon'ble Ms.**	Following categories of prisoners may now be considered for grant of interim bail for **45 days**, preferably on **'Personal Bond':** (i) Under trial prisoners (UTPs), who are senior citizens more than 60 years of age and are in custody for **six months or more**, facing trial in a case which prescribes a maximum sentence of **10 years** or less; (ii) Under trial prisoners (UTPs), who are less than 60 years of age and are in custody for **one year or more**, facing trial in a case which prescribes a maximum sentence of **10 years** or less ; (iii) Under trial prisoners (UTPs)/Remand Prisoners (with respect to whom, **Charge sheets are yet to be filed**), who are in **custody for 15 days or more**, facing trial in a case which prescribes a maximum sentence of **7 years** or less ; It has further been **resolved** that following category of UTPs, even if falling in the above criterion, **should not be** considered:

Justice Hima Kohli, Judge, High Court of Delhi And Executive Chairperson, Delhi State Legal Services Authority	(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 ; and (vi) Cases investigated by CBI/ED/NIA/Special Cell of Delhi Police, Crime Branch, SFIO, Terror related Cases, cases under Anti-National Activities and Unlawful Activities (Prevention) Act etc.
18.04.2020 **Minutes of Meeting dated 18th April, 2020 At 3:00 PM through Video Conferencing (Cisco Webex) Under The Chairpersonship of Hon'ble Ms. Justice Hima Kohli, Judge, High Court of Delhi And Executive**	UTPs suffering from HIV, Cancer, Chronic Kidney Dysfunction (UTPs requiring Dialysis), Hepatitis B or C, Asthma, and TB, may now be considered for grant of interim bail for 45 days, preferably on 'Personal Bond': (i) Under trial prisoners (UTPs), who are suffering from above mentioned illness(es) and are in custody for three months or more, facing trial in a case which prescribes a maximum sentence of 7 years or less; (ii) Under trial prisoners (UTPs), who are suffering from above mentioned illness(es) and are in custody for a period of six months or more, facing trial in a case which prescribes a maximum sentence of 10 years or less ; (iii) UTPs who are suffering from above mentioned illness(es) and are in custody for a period of six

Chairperson, Delhi State Legal Services Authority	months or more and facing trial in a case which prescribes punishment of 10 years upto life imprisonment and **are not involved in multiple cases.** It has further been resolved that following category of UTPs, Even if falling in the above criterion, **should not be considered :-** • All inmates who are undergoing trial for intermediary/ large quantity recovery under NDPS Act ; • Those under trial prisoners who are facing trial under Section 4 & 6 of POCSO Act; • Those under trial prisoners who are facing trial for offences under section 376, 376A, 376B, 376C, 376D and 376E and Acid Attack; • Those UTPs who are foreign nationals ; and • Those under trial prisoners who are facing trial under Prevention of Corruption Act (PC Act) / PMLA ; and • Cases investigated by CBI/ED/NIA/Special Cell Police and Terror related Cases, cases under Anti-National Activities and Unlawful Activities (Prevention) Act etc. **Applications for interim bail of UTPs failing in abovementioned categories should have a certificate of good conduct during their respective custody period from Jail Superintendent and a certificate from Jail Doctor certifying the illness, with which UTP is suffering.**
05.05.2020 **Minutes of Meeting dated 5th May, 2020 At 5:00 PM through Video Conferencing (Cisco Webex) Under The Chairpersonship of Hon'ble**	• No Change in criterion for Interim Bail • Based on suggestion of HPC on 05.05.2020, 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

Ms. Justice Hima Kohli, Judge, High Court of Delhi And Executive Chairperson, Delhi State Legal Services Authority	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.
18.05.2020 **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**	Prisoners falling in following criteria may now be considered for grant of interim bail for **45 days,** 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 :- (vii) All inmates who are undergoing trial for intermediary/ large quantity recovery under NDPS Act ; (viii) Those under trial prisoners who are facing trial under Section 4 & 6 of POCSO Act; (ix) Those under trial prisoners who are facing trial for offences under section 376, 376A, 376B, 376C, 376D and 376E and Acid Attack; (x) Those UTPs who are foreign nationals ; and (xi) Those under trial prisoners who are facing trial under Prevention of Corruption Act (PC Act) / PMLA ; and (xii) Cases investigated by CBI/ED/NIA/Special Cell Police and Terror related Cases, cases under Anti-National Activities and Unlawful Activities (Prevention) Act etc. The applications for interim bail of UTPs falling in abovementioned categories, should have **a certificate of good conduct** during their respective custody period **from Jail Superintendent** for hi to qualify in the abovementioned category. A **Designated Court/Special Additional Sessions Judge to be deputed to** for hearing the applications for interim bail on the basis of the above criteria
20.06.2020 **Minutes of Meeting**	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'** :

dated 20.06.2020 At 12:30 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	*(i) Under trial prisoners (UTPs) (who are related as spouse of the deceased) facing trial for a case under* ***Section 498A and 304B IPC*** *and are* ***in jail for more than two years*** *with no involvement in* ***any other case****;* *(ii) Under trial prisoners (UTPs) (who are related as father-in-law, mother-in-law, brothers-in-law, sisters-in-law of the deceased) facing trial for offence* ***under Section 498A and 304B IPC*** *and are* ***in jail for more than one year*** *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, 376AB, 376B, 376C, 376D, 376DA, 376DB, 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. ***(vii) Those Under Trial Prisoners who are now in custody for an offence committed by him during the period of interim bail granted to him on the basis of criteria adopted by High Powered Committee in its earlier meetings;*** The UTPs falling in above relaxed criteria or the criteria adopted earlier may move their application for bail either through **their private counsel** or through **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.

OFFICE OF THE DISTRICT & SESSIONS JUDGE-CUM-SPECIAL JUDGE (PC ACT)(CBI)
ROUSE AVENUE DISTRICT COURT: NEW DELHI

No.Stat.Inst./RADC/Gaz./2020/E-8011-8050 Dated 1st August, 2020

As per the directions of the Hon'ble Chairperson of the High Powered Committee, all the Ld. Judicial Officers posted at Rouse Avenue District Court, New Delhi are apprised of the directions given by the said Committee whereby it has been directed that all the UTPs falling in any of the Criteria adopted by the said Committee in its earlier meetings **(The interim bail criteria decided by High Powered Committee in tabular form be seen at page 01-08 at the end of Minutes of the Meeting of HPC)** are at liberty till 31st August, 2020 to move appropriate applications seeking interim bail for the period of 45 days either through private Counsels or through panel lawyers of DSLSAs.

These applications, however, should be accompanied with a certificate of good conduct during their respective custody period from Jail Superintendent.

Such applicants may be released on personal bond if they fall in the criteria adopted in the earlier meetings in the Committee to the satisfaction of Jail Superintendent to implement the social distancing policy.

The Hon'ble Committee has further clarified that the Criteria adopted by the Committee 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.

Copy for information and necessary action to:-

1. The Registrar General, Hon'ble High Court of Delhi, New Delhi.
2. All the Ld. Judicial Officers, Rouse Avenue District Court, New Delhi.
3. The Officer-in-charge, Bail and Filing Section, RADC, New Delhi.
4. The Branch In-charge, Computer Branch, RADC, New Delhi for uploading on the official website.
5. The P.S. to the Ld. District & Sessions Judge-cum-Spl. Judge (PC Act)(CBI), RADC, New Delhi.

This is computer generated copy and does not require signature.

Sd/-
(Sujata Kohli)
District & Sessions Judge-
cum- Special Judge (PC Act)(CBI)
Rouse Avenue District Court,
New Delhi.