Minutes of Meeting dated 24thOctober, 2020 at 11:00 a.m. through Video Conferencing (Cisco Webex) under the Chairpersonship of Hon'ble Ms. Justice Hima Kohli, Judge, High Court of Delhi & Executive Chairperson, Delhi State Legal Services Authority

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

1. Shri B.S. Bhalla, Principal Secretary (Home), Govt. of NCT of Delhi ……**Member**
2. Shri Sandeep Goel, Director General (Prisons), Delhi ……**Member**
3. Shri Kanwal Jeet Arora, Member Secretary, Delhi State Legal Services Authority (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, **Sh. Sandeep Goel, D.G. (Prisons)** informed the Chair about concerted efforts of officers and officials of Jail Administration being made in following and complying with the **guidelines, instructions and resolutions** passed by this Committee in its earlier meetings. He further informed that by scrupulously complying with the resolutions adopted earlier they have been successful in bringing down the active cases of **COVID – 19 (Novel Corona Virus)** inside the jail premises.

D.G. (Prisons) informed the committee through his letter **No.PS/ DG(P)/2020/1925-1926 dated 21.10.2020** that as on **20.10.2020**, cumulative figure of **COVID -19** Positive cases in Delhi Prisons is as under:

*Prison **Inmates***	**:**	**89** (**84** recovered, **02** expired, **03** Active cases**)**
*Prison **Staff***	**:**	**219** (**209** recovered, **10** active cases)

On being asked about the **three active cases** of **COVID-19** of jail inmates, D.G. (Prisons) has informed that one of the jail inmate is admitted in LNJP Hospital; whereas the other is recuperating in DDU Hospital. He further informed that third jail inmate, in terms of order passed by the Court, is admitted in Maharaja Agarsen Hospital.

D.G. (Prisons)also 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 also deliberated upon the possible ways through which **COVID-19 (Novel Corona Virus)** can enter the jail premises. Deliberations were made for taking possible steps to prevent the spread of **COVID-19 (Novel Corona Virus)** through:

(a) New entrants including the one's coming back to surrender after expiry of period of interim bail/emergency parole/furlough

(b) Jail Staff, Paramilitary Staff, Medical Staff

(c) Other persons entering the Jail premises for delivery of ration and other essential items.

Precautionary Measures for Jail Staff etc.

D.G. (Prisons) had informed that in view of resolutions passed by this Committee in the last meeting, they are **carrying out 'Rapid Tests'** of jail staff, para military staff and others, as per ICMR guidelines. He further informed that '**thermal screening**' of the jail staff is also being conducted before letting them enter the jail premises. He informed that jail staff are cautioned to wear **Personal Protective Equipment Kit, Mask** and to also **maintain social distance,** while interacting with each other as well as with inmates. DG (Prisons) has further informed that as suggested by the Chair, the jail staff is taking **two layer protection**, i.e. in addition to using face Mask they have also been provided with visor's, which they are using regularly.

He also informed that till 20.10.2020, **219 Jail Staff** were found **COVID-19** Positive, out of which **209** have already recovered. He apprised the Chair that at present there are only **10** active cases of jail staff, who are home quarantined.

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

Precautionary Measures qua New Entrants including the one's coming back to surrender after expiry of period of interim bail/emergency parole/furlough

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

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

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

Temporary Jail : Additional accommodation in Jail

Principal Secretary (Home) as well as D.G. (Prisons) informed the Chair that, for the creation of **"Temporary Jail"**, to be used as **"Isolation Cells"**, they have 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.

DG (Prisons) has also informed the Chair that Police Housing Complex, Mandoli consists of **12 Towers**, each having **30 flats**. He has submitted that 4 towers out of 12 towers viz. B, C, D & E are **fully functional**. It is also submitted that they have already housed **248 inmates** in these towers, which have been converted into **"Temporary Jail"**. He has also submitted that Towers G, H, I, J, K & L are also ready for housing the inmates and two towers i.e. A & F have been kept reserved for accommodating outside security forces.

Upon being apprised about the fact that **248 inmates** have already been housed in the "Temporary Jail", and others are likely to be housed on their surrender, the Chair enquired about the **security measures** put in place by the Prison Authorities, in the said "Temporary Jail" for ensuring safety and security of the inmates; and for also ensuring that no untoward incident takes place while the inmates are housed in "Temporary Jail".

In response to the Chair's **curiosity** for the safety and security of the inmates housed in the "Temporary Jail", D.G. (Prisons) apprised the Chair about adequate measures undertaken for '*safety*' and '*security*' of the inmates housed in the "Temporary Jail".

He assured that all necessary precautions as per the **Standard Operating Procedures (S.O.P.)** and other protocols to be followed at the Jails, for the safety and security of the inmates, have been put in place in the "Temporary Jail". He also informed that requisite support has been taken by the Prison Administration from P.W.D to **seal** the portions of the "Temporary Jail", so as to check the unnecessary movement of the inmates inside the

"Temporary Jail", especially restricting their accessibility to the Balconies of the Flats/Apartments which have been converted into "Temporary Jail". As such, the chances of escape of inmates from the Temporary Jails have also been checked and necessary precautions have been taken.

D.G. (Prisons) has further informed that once all Towers are made fully functional, then this **"Temporary Jail"** can house about **2000 inmates**. The Committee after getting this information from D.G. (Prisons) is of the view that the problem of creation of **"Isolation Cells"** for the **new entrants** in jails stand solved to a considerable extent.

The Committee had also taken into consideration orders dated **20.10.2020** passed by Full Bench of Hon'ble High Court in "***Writ Petition (Civil) No. 3037/2020, Court on its own Motion - In Re : Extension of Interim Orders"***, whereby Hon'ble Full Bench had directed UTPs/Convicts *(who were granted interim bail/parole/furlough* ***outside*** *the criteria laid down by this Committee)* to surrender in **staggered manner from 02.11.2020 till 13.11.2020**.

The Chair suggested that all those UTPs/Convicts who shall surrender pursuant to orders passed **Full Bench of Hon'ble High Court** may be **housed** initially for a period of 14 days in the **Temporary Jail** before sending them in the concerned Jail. D.G. (Prisons) assured the Chair to comply with this suggestion.

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

Jail Hospital

Chairperson made enquiries regarding usage of **"Oxygen Concentration Machines"** in Jail Hospital as well as regarding **"Rapid Antigen Test Facility"** for the inmates. D.G. (Prisons) has informed that they have procured **04"Oxygen Concentration Machines"** whereafter Delhi Health Department has also supplied them **15"Oxygen Concentration Machines".** Thus, sufficient number of **"Oxygen Concentration Machines"** are available in the Jail Hospital at Tihar, Mandoli and Rohini Jail Complex. D.G. (Prisons) has

further informed that inmates are being tested as per the ICMR guidelines with '**Rapid Antigen Test'** .D.G. (Prisons) has further informed that they have **sufficient availability** and regular supply of **essential medicines** and **equipments** including **oximeters** and **oxygen cylinders** in the Jail Hospitals.

Other Precautionary Measures

D.G. (Prisons) further informed the Chair about the other 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 the necessary steps that are 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.

ITEMNO.2:- STEPS TAKEN TOWARDS SCREENING OF JAIL STAFF, PARA-MILITARY AND MEDICAL STAFF

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

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

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

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

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

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

Number of inmates released pursuant to the criteria adopted earlier in terms of the orders passed by the Division Bench of High Court of Delhi dated **23.03.2020** headed by Hon'ble Chairperson; as well as on the basis of criteria adopted by High Powered Committee vide **meetings dated 28.03.2020, 07.04.2020, 18.04.2020, 05.05.2020, 18.05.2020, 20.06.2020, 31.07.2020 and 30.08.2020** 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 20.10.2020	**3337**
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	**1182**
Convicts released on remission of sentence	**105**
TOTAL UTPs/ CONVICTS RELEASED ON INTERIM BAIL/PAROLE/ REMISSION OF SENTENCE TILL 20.10.2020	**4934**

INTERIM BAIL:

Members of the Committee, reminded themselves of the object for which it was formed by **Hon'ble Supreme Court of India** in "***Suo Motu Petition (Civil) No.1/2020 – In Re: Contagion of COVID-19"*** i.e. for determining **class/category** of prisoners who can be released on **interim bail/parole** depending not only upon severity of offence, but also the nature of offence and/or any other relevant factor.

This Committee was constituted by Hon'ble Supreme Court owing to the unprecedented circumstances of pandemic, resultant lockdown and restricted functioning of the Courts, for decongesting the jails so that **principle of social distancing** can be followed and spread of **COVID -19** can be prevented. Members of the Committee also reminded themselves of the subsequent order dated **13.04.2020** of Hon'ble Supreme Court, whereby Hon'ble Supreme Court has clarified that it has not directed the States to **compulsorily** release the prisoners.

Members of the Committee have observed on the basis of directions of Hon'ble Supreme Court, that this Committee was formed for the stated object, only for the purposes of finding a solution to help decongestion and **to avoid** the spread of virus and while doing so, it was to be kept in mind that the benefit of interim bail granted in such circumstances, cannot be to the detriment of social order.

Members of the Committee are of the opinion that this arrangement is only made on **temporary basis** and was never meant to supplement the otherwise recognized 'principles of grant/refusal' of bail. Further, these measures were taken when owing to the lockdown and prevailing circumstances there was restricted functioning of the Courts. The situation however has changed considerably now, therefore, this temporary measures **cannot be extended** till perpetuity.

Keeping in mind the orders **No.40-3/2020-DM-I(A) dated 30.09.2020** passed by Govt. of India regarding **Unlock-5** effective from **15.10.2020** and taking into consideration consequent change in circumstances including the Office Order **No.538/RG/DHC/2020 dated 19.10.2020** of Hon'ble

High Court whereby all the Courts including High Court of Delhi and Courts subordinate thereto have **resumed functioning** through physical mode/Video Conferencing mode, this Committee has decided **not to further relax** the criteria for the purposes of recommending grant of interim bail to the UTPs. It is also made clear that benefit of the criteria adopted by this Committee in its earlier meeting, which as per the last meeting were to continue till **30.09.2020**, is **not being extended** any further.

Members of the Committee are of the considered opinion that as all the Courts i.e. Hon'ble High Court as well as subordinate thereto are **fully functional**, therefore, all such UTPs are at **liberty** to approach the concerned Court for regular bail. Needless to say that such applications as and when filed shall be **considered** on the basis of **legal principles** in accordance with law by the concerned Courts.

It was **though clarified** earlier but the same is **reiterated** that the criteria adopted by this Committee for release of prisoners on "**Interim Bail**" in its meetings dated **28.03.2020, 07.04.2020, 18.04.2020, 05.05.2020, 18.05.2020, 20.06.2020, 31.07.2020** and **30.08.2020** shall in **no way** affect the rights of other UTPs, who **do not** stand covered under these categories, from invoking the jurisdiction of concerned courts for grant of regular/interim bail. The concerned courts on filing of applications by such UTPs may **consider** the same **on merits**, in accordance with law.

REMISSION:

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

D.G. (Prisons) further informed the Committee that Hon'ble L.G. vide order No.F.9/63/2020/HG/2184 dated 21.07.2020 has directed to extend the **benefit of remission to the convicts** who would become eligible for the

same upto **30th September, 2020**. It is brought to the notice of the Committee that on the basis of fresh Office Order till date **33 more convicts** have been released on remission on sentence. Thus, till date benefit of **remission** has been extended to **105 convicts.**

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 30.08.2020**

Kanwal Jeet Arora, Member Secretary, DSLSA has informed the Committee that a **letter dated 01.09.2020** was written by him to the Ld.Registrar General, High Court of Delhi in terms of directions given in the meeting dated **30.08.2020.**

On the basis of said letter, **Hon'ble Special Bench** in ***"Writ Petition (Civil) 3080/2020"***, titled ***"Court on its own Motion Vs. Govt. of NCT of Delhi & Anr."*** vide its order dated **18.09.2020** had **extended** the **'interim bail'** so granted to the **2942** 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 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 30.08.2020 (which constitute **3337 UTPs**) is going to expire w.e.f. **05.11.2020** onwards**.**

D.G. (Prisons) informed the Committee that some of the UTPs/ convicts (who did not fall under the criteria laid down by this Committee) were granted **interim bail/parole** by **Hon'ble High Court** as well as Courts subordinate to it. He contended that the said interim bail/parole granted to such UTPs/ convicts were extended from time to time by **Full Bench of Hon'ble High Court** in ***"Writ Petition (Civil) 3037/2020"***, **titled** ***"Court on its own Motion Vs. State"*** and lastly vide ***order dated 24.08.2020***, the said interim orders were extended till 31.10.2020. He also apprised the Committee that **Full Bench of Hon'ble High Court, vide its order dated 20.10.2020** has now **withdrawn** the said

order granting further **extension of interim bail/parole** and has directed such UTPs/convicts to **surrender** in a phased manner **from 02.11.2020 to 13.11.2020**.

D.G. (Prisons) informed that at present the total **population** of inmates inside Delhi Prisons is approximately **15,900 (15887 to be precised as on today i.e. 24.10.2020).** He informed the Committee that owing to the above-referred order dated **20.10.2020** passed by Full Bench of Hon'ble High Court about **2300** UTPs/convicts shall **surrender** in a **phased manner** from **02.11.2020 to 13.11.2020**, raising the population of inmates significantly. He further brought to the notice of the Committee that if **3337 UTPs** and **1182 convicts** who have been granted '*interim bail/emergency parole*' under different criteria laid down by this Committee, are asked to surrender during the same duration as their '*interim bail/emergency parole*' is expiring in a phased manner from 05.11.2020 onwards, then the total population of Delhi Prison is likely to **reach 22000,** which would be **unprecedented** and may become **unmanageable** owing to the present situation and circumstances.

He also informed that till date only on one occasion the maximum population of Delhi Prisons has touched **18,000**.

D.G. (Prisons) thus contended that considering to the present prison population and taking into account surrender of UTPs/convicts by virtue of orders dated **20.10.2020** of **Full Bench of Hon'ble High Court**, it would be appropriate, if '*interim bail/emergency parole*' granted to **3337 UTPs** and **1182 convicts** under HPC criteria may be **extended** for a further period of **30 days**.

A letter dated **23.10.2020** written by D.G. (Prisons) to this effect is also brought to the notice of Committee.

Members of the Committee have gone through the letter dated **23.10.2020** written by D.G. (Prisons) and deliberated on the contentions raised by D.G (Prisons). Members of the Committee have also taken into consideration that the total capacity of Delhi Prison, which is as under:

S.No.	Jail Complex	No. of inmates
(a)	Tihar	5200
(b)	Rohini	1050
(c)	Mandoli	3776
Total		10026

Members of the Committee have considered that as on date against this capacity, there already are **15887 inmates**. Even if the additional accommodation of **1800 inmates** in the newly created 'temporary jail' is taken into consideration, it would be highly **inconvenient** for the jail authorities to accommodate UTPs/convicts released on '*interim bail/emergency parole*' under the criteria laid down by this Committee, alongside those who would be surrendering in terms of orders dated **20.10.2020** passed by Full Bench of Hon'ble Delhi High Court.

Considering the fact that UTPs/convicts who would be surrendering as per orders passed by Full Bench of Hon'ble High Court are required to be **kept** in **Isolation Cells** for a period of 14 days from their respective dates of surrender, Members of the Committee, therefore, found the contention raised by D.G. (Prisons) to be reasonable.

Members of the Committee are of the opinion that it would be appropriate to prevent any **chaos** or **inconvenience** to the jail authorities, if the UTPs/convicts granted '*interim bail/emergency parole*' on the basis of criteria laid down by this Committee are asked to **surrender** from **December, 2020**. As by that time the **quarantined/Isolation** period of UTPs/convicts surrendering as per orders dated **20.10.2020** of Full Bench of Hon'ble High Court, **would be over**.

Taking into account the cumulative effect of all these relevant factors, i.e. :

(a) *Actual holding capacity of Delhi Prison,*
(b) *Present occupancy,*
(c) *No. of UTPs/convicts surrendering from 02.11.2020 till 13.11.2020, as per orders dated 20.10.2020 of Full Bench of Hon'ble High Court and*
(d) *Period of 14 days for keeping them in Isolation Cells before sending them to regular jail.*

Members of the Committee are of the opinion that **interim bail** granted to **3337 UTPs** under HPC criteria needs to be **extended** for a further period of **30 days**.

Member Secretary, DSLSA has further apprised the Committee that **Special Bench** so constituted by Hon'ble the Chief Justice, which had earlier extended interim bail vide order dated **18.09.2020** has listed the said matter on **03.11.2020**.

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 **3337 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 **30 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 all such UTPs about the exact date of their surrender.

It is though apparent but is still being **clarified** that interim bail was granted to UTPs under the criteria laid down by this Committee by different Courts on **different dates for a period of 45 days.** This period of interim bail was extended on recommendations made by this Committee by **Division Bench of Hon'ble High Court** in ***"W.P.(C) 3080/2020,*** titled ***"Court on its own Motion Vs. State"***, initially vide orders dated **09.05.2020** for a further period of **45 days** from the date their respective interim bail were expiring and the same **were extended** from time to time on **22.06.2020, 04.08.2020** and lastly on **18.09.2020** for a further period of **45 days**. Considering that these **3337 UTPs** were granted interim bail on **different dates**, thus their interim bail shall expire in a phased manner, therefore, **no separate dates are required** to be given for their **surrender**.

Needless to add that **no further extension of interim bail** shall be made by this Committee. All such UTPs are at **liberty** to move their respective Courts seeking **regular bail** through their **private counsel** or by **panel lawyer of DSLSA**, as the case may be, and all such Courts shall consider the bail application so filed **on merits**, ***de hors*** the criteria laid down by this Committee.

ITEM NO.5:- **FEEDBACK REGARDING EXTENSION OF "EMERGENCY PAROLE" GRANTED TO THE CONVICTS BY GOVT. OF N.C.T. OF DELHI FOR A FURTHER PERIOD OF 4 WEEKS**

D.G. (Prisons) has informed that on the basis of recommendation made by this Committee, Govt. of NCT of Delhi had granted**" Emergency Parole"** to the convicts for a period of 8 weeks, which was subsequently extended from time to time by orders of Department of Home, Govt. of NCT of Delhi.

In compliance of the resolutions adopted by this Committee in its earlier meetings and also considering the situation of pandemic in Delhi at that time, D.G. (Prisons) was directed to send a requisite requisition to Govt. of NCT of Delhi for extension of **"Emergency Parole"** already granted to the convicts. In the last meeting dated **30.08.2020**, Shri B.S. Bhalla, Principal Secretary (Home), Govt. of NCT of Delhi brought to the notice of the Committee orders bearing **F.No.18/191/2015-HG/2673-79 dated 26.08.2020** whereby on the basis of letter of DG (Prisons) and the recommendations made by this Committee, **"Emergency Parole"** of all the convicts whose period of **"Emergency Parole"** is going to expire **on or before 30th September, 2020** is **extended** for a further period of **4 weeks**.

The Principal Secretary (Home), Govt. of NCT of Delhi further brought to the notice of the Committee order **No. 18/191/2015-HG/3263-68 dated 06.10.2020** whereby this period of emergency parole of all convicts which is going to expire on or before 31.10.2020 is **extended** for a further period of **4 weeks.**

Considering the deliberations made by Members of the Committee in Item No.4 hereinabove and taking into account the present prison population, orders dated 20.10.2020 of Full Bench of Hon'ble High Court, the Committee is of the view that emergency parole of **1182 convicts** which is going to **expire on or before 30.11.2020** may be **extended one last time** for a further period of **4 week**.

D.G. (Prisons) may send a letter to that effect, to Govt. of NCT of Delhi. Principal Secretary (Home) stated that he would get necessary orders/directions issued thereon from Govt. of NCT of Delhi at the earliest.

ITEM NO.6:- **TO ASSESS THE REQUIREMENT OF VIDEO CONFERENCING EQUIPMENT IN THE JAILS**

Member Secretary, DSLSA had brought to the notice of Chair a **letter dated 02.09.2020, received via email,** of **Mr.Atul Kurhekar, Member (Processes) eCommittee, Supreme Court of India**.

Chair had directed D.G. (Prisons) to assess additional requirement of the equipments for Video Conferencing in Delhi Prisons.

On the basis of directions issued by Chairperson, D.G. (Prisons) after assessing the existing video conferencing facility and taking into consideration the additional requirement, submitted a letter bearing No.**F.21(117)/Comp/PHQ/NPIP/2017/CD-003471288/479 dated 21.10.2020.**

Members of the Committee have taken into consideration the change in circumstances and enhanced use of virtual mode being made in not only the '*Court appearances*' but also in '*legal and personal mulakat*' of the inmates with their lawyers and family members.

Members of the Committee have also gone through the additional requirement mentioned by D.G. (Prisons) in his letter and have sought necessary clarifications from D.G. (Prisons), in that regard.

Members of the Committee on the basis of the letter dated **21.10.2020** of D.G. (Prisons) are satisfied that there is additional requirement of **Sixteen** (**16)- I.P. based V.C. system for 16 jails** situated at Tihar, Mandoli and Rohini. In addition to that there is requirement of **Sixteen** (**16)- 138 cm Full**

H.D. LED and **Sixteen** (**16)- 1.0 KVA online UPS system**. Members of the Committee are also of the opinion that existing LAN available in Tihar is to be **upgraded** from **1 GBPS** to **10 GBPS** and existing **lease line** connectivity from **34 MBPS to 100 MBPS** on **(main line)** and **MTNL Circuit** from **2 MBPS to 50 MBPS (support line).**

In view of the deliberations made, it is **resolved** that this additional requirement so submitted by D.G. (Prison) vide letter bearing No.**F.21(117)/Comp/PHQ/NPIP/2017/CD-003471288/479 dated 21.10.2020** be forwarded to Ld.Registrar General, High Court of Delhi for sending the same to **eCommittee**, Supreme Court of India for the needful.

ITEMNO.7:- **CONSIDERATION OF THE REPRESENTATIONS RECEIVED:**

(A) REPRESENTATION DATED 13.09.2020 OF MR.SARTHAK MAGOON, ADVOCATE RECEIVED VIA EMAIL DATED 23.09.2020 SEEKING APPROPRIATE DIRECTIONS FOR EARLY CONSIDERATION OF WRIT PETITIONS CHALLENGING THE MINUTES OF MEETING OF SENTENCE REVIEW BOARD OF GOVT. OF NCT OF DELHI

Member Secretary, DSLSA brought to the notice of the Committee a **representation dated 13.09.2020, received via email dated 23.09.2020** of **Mr.Sarthak Magoon,** Advocate.

Members of the Committee have perused the representation whereby the applicant has requested for issuance of directions to Hon'ble High Court for considering the writ petitions, whereby minutes of the meeting of Sentence Review Board of Govt. of NCT of Delhi have been challenged by the applicant.

It is pertinent to mention here that as per directions given by the Hon'ble Supreme Court vide its order dated **23.03.2020**, this High Powered Committee was constituted **to determine class/category of the prisoners who can be released on interim bail or parole** depending not only upon the severity of the offence, but also upon the **nature of offence,** or upon any other **relevant factor**. The purpose for which this Committee was constituted by the Hon'ble Supreme Court of India was decongestion of jails so that the **principle of social distancing** can be observed inside the prisons.

Bare perusal of the present representation reveals that the same **does not** fall within the purpose and object for which this Committee was constituted. Member of the Committee are of unanimous opinion that the prayer/relief sought by the applicant is **beyond the scope and purview** of this Committee. Hence, this representation is **rejected**.

(B) REPRESENTATION DATED 23.09.2020 OF MS. IMRANA, SEEKING EXTENSION OF PAROLE GRANTED TO HER

Member Secretary, DSLSA brought to the notice of the Committee a **representation dated 23.09.2020, received via email dated 24.09.2020** of **Ms.Imrana, W/o Late Sh. Nasir** seeking extension of emergency parole.

Members of the Committee have gone through the representation filed by the applicant and have also gone through the **Order bearing No.F.No.18/191/2015-HG/3263-68 dated 06.10.2020** issued by Dy. Secretary, (Home), Govt. of NCT of Delhi whereby it is stated that Hon'ble Minister (Home) Govt. of NCT of Delhi has decided *to **extend Emergency Parole** by a period of **four weeks**, to all such convicts whose Emergency Parole is going to expire after **30.09.2020** and on or before **31.10.2020***.

In view of this order so passed by Govt. Of NCT of Delhi, the present representation has become **infructuous** and **disposed of** accordingly**.**

(C) REPRESENTATION DATED 29.09.2020 OF MR. AMIT SAHNI, ADVOCATE SEEKING EXTENSION OF PAROLE GRANTED TO THE PRISONERS/CONVICTS BY GOVT. OF NCT OF DELHI

Member Secretary, DSLSA brought to the notice of the Committee a **representation dated 29.09.2020** of **Mr.Amit Sahni, Advocate** addressed to Shri Satyender Jain, Hon'ble Minister for Jail, a copy of which was addressed to Chairperson of this Committee seeking extension of emergency parole.

Members of the Committee have gone through the representation filed by the applicant and have also gone through the **Order bearing No.F.No.18/191/2015-HG/3263-68 dated 06.10.2020** issued by Dy. Secretary, (Home), Govt. of NCT of Delhi whereby it is stated that Hon'ble Minister

(Home) Govt. of NCT of Delhi has decided *to **extend Emergency Parole** by a period of **four weeks**, to all such convicts whose Emergency Parole is going to expire after **30.09.2020** and on or before **31.10.2020***.

In view of this order so passed by Govt. Of NCT of Delhi, the present representation has become **infructuous** and **disposed of** accordingly**.**

(D) REPRESENTATION DATED 30.09.2020 OF MR. VINOD KUMAR GARG, SEEKING EXTENSION OF EMERGENCY PAROLE GRANTED TO HIM

Member Secretary, DSLSA brought to the notice of the Committee a **representation dated 30.09.2020** of **Mr.Vinod Kumar Garg, S/o Late Shri Ram Kishan Garg,** seeking extension of Emergency Parole.

Members of the Committee have gone through the representation filed by the applicant and have also gone through the **Order bearing No.F.No.18/191/2015-HG/3263-68 dated 06.10.2020** issued by Dy. Secretary, (Home), Govt. of NCT of Delhi whereby it is stated that Hon'ble Minister (Home) Govt. of NCT of Delhi has decided *to **extend Emergency Parole** by a period of **four weeks**, to all such convicts whose Emergency Parole is going to expire after **30.09.2020** and on or before **31.10.2020***.

In view of this order so passed by Govt. Of NCT of Delhi, the present representation has become **infructuous** and **disposed of** accordingly**.**

(E) REPRESENTATION OF MR. PRAVEER RANJAN, SPECIAL C.P. VIDE NO.306/P.SEC/SPL.C.P. CRIME & EOW DATED 18.06.2020 SEEKING MODIFICATION OF THE RECOMMENDATION MADE EARLIER BY THIS COMMITTEE

Member Secretary, DSLSA brought to the notice of the Committee **letter dated 18.06.2020** of **Mr.Praveer Ranjan, Special Commissioner of Police, Crime & EOW** forwarded to the Member Secretary, DSLSA by Hon'ble High Court vide letter **No.13717/E-11/Estt.II/DHC/2020 dated 14.10.2020** seeking modification of the recommendation made earlier by this Committee.

Members of the Committee have gone through the recommendation made by Special Commissioner of Police and have also gone through the minutes of its earlier meeting**.**

It is apparent that this Committee vide its meeting dated **20.06.2020** have already taken into consideration that all those UTPs who after having availed the benefit of the recommendation made by this committee and are released on bail, if **indulge in any illegal activity or commit any offence** while **on interim bail,** then the benefit **need not be extended** to such UTP. In this regard, it is pertinent to mention that this Committee vide minutes of meeting dated **20.06.2020** had **inserted an exclusion clause** for such UTPs so that benefit of the recommendation **may not be extended** to them.

The relevant extracts of the same are reproduced as under:

> *"..... Apart from the above six categories, Committee resolved to exclude those UTPs who after having availed the benefit of the criteria adopted hereinabove and the one adopted in the earlier meetings, had committed fresh crimes while on interim bail. Thus, the following seventh category is also included in the exclusion clause.*
>
> ***(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;"***

In view of the above, Members of the Committee are of this opinion that **no further direction are required** on this representation, the same stands **disposed of**.

(F) REPRESENTATION OF MR. DHAN MOHAN, ADVOCATE DATED 05.10.2020 REGARDING SUGGESTION FOR FRAMING GUIDELINES AT THE TIME OF SURRENDER OF CONVICTS/UTPS RELEASED BY THIS COMMITTEE AS WELL AS BY THE ORDERS OF HON'BLE HIGH COURT AND TRIAL COURTS

Member Secretary, DSLSA brought to the notice of the Committee **representation dated 05.10.2020** of **Mr.Dhan Mohan, Advocate** regarding suggestion for framing guidelines to be observed at the time of surrender of convicts/UTPs released on interim bail, upon the recommendations given by this Committee; as well as by the orders of Hon'ble High Court and Trial Courts.

Members of the Committee have gone through the representation containing suggestions given by the applicant, for framing of guidelines to be observed at the time of surrender of the Under Trial Prisoners/Convicts after expiry of period of **interim bail/parole/furlough**.

As per the applicant, it would be difficult for jail authorities to accept about **4500 UTPs/Convicts** on same date. Therefore, some **different dates** may be **notified** for different UTPs/Convicts of their respective surrender.

Members of the Committee have considered this suggestion of the applicant. In this regard, it is apparent that this Committee gave various recommendations categorizing different category of UTPs for grant of interim bail in its different meetings. It is apparent that on the basis of recommendations, UTPs were released on **interim bail** on different dates. Similarly, convicts were also released from jail on **emergency parole** in the phased manner.

Further, **interim bail** as well as **emergency parole** of UTPs and convicts **were extended** from time to time for a period of **45 days** and/or **eight weeks** from the date their earlier period of **interim bail** and **emergency parole**, respectively were expiring.

In view thereof, **interim bail** and **emergency parole** of UTPs and convicts would expire on different dates in a phased manner. Thus, all **4500 UTPs/convicts will** surrender on different dates as and when their respective **interim bail/emergency parole** would expire. Rather, giving a **particular** date for their surrender would not only create confusion but would also be **counterproductive**. Further, the UTPs/convicts who are on **interim bail/ emergency parole/furlough** are in constant touch through **telephone** with jail authorities and are aware of their respective **dates of surrender**. D.G. (Prisons) has further been directed not only by this Committee but also by Hon'ble High Court in "***Writ Petition (Civil) Number 3080/2020"***, titled ***"Court on its own Motion Vs. Govt. of NCT of Delhi & Anr."*** to inform UTPs/convicts of their respective dates of surrender.

Coming to next suggestion of the applicant regarding "**COVID-19 test" before surrender**. Members of the Committee have gone through this suggestion, it would be definitely be **advisable** in case a UTP/convict **at the time of his/her surrender** comes along with his/her **COVID-19 status report**. However, this cannot be enforced as a condition on any UTP/convict for his/her surrender. Even otherwise, it has already been resolved by this Committee that all the UTPs/Convicts shall at the time of their surrender be treated as **new entrants** to jail and shall be **kept** in **Isolation Cell** initially for a **period of 14 days**.

In view of above, **no further observations/directions** are **required** to be passed on the representation/suggestion made by the applicant. Hence, the same is **disposed of** accordingly.

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

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