

**Minutes-of-meeting held under the Chairmanship of Hon'ble Mr. Justice R.K. Jain, Judge, Punjab and Haryana High Court, Chandigarh and Executive Chairperson, Punjab State Legal Services Authority, SAS Nagar, at his residence on 25.03.2020 at 12:30 hrs.**

The meeting was attended by the following officers/members of the High Powered Committee:

1. Mr. R. Venkat Ratnam, IAS, Principal Secretary to Government of Punjab, Jail Department, Punjab.
2. Mr. Praveen K. Sinha, IPS, Additional Director General of Police, Prisons, Punjab.
3. Ms. Rupinderjit Chahal, Member Secretary, PULSA.

***Agenda: Implementation of the directions issued by Hon'ble Supreme Court of India on 23.03.2020 in SuoMotu Writ Petition (Civil) No.1/2020- In RE: Contagion of Covid-19.***

2. The Hon'ble Supreme Court of India in the SuoMotu Writ Petition(Civil) no. 1/2020 mentioned in subject in its Order dated 23-03-2020 has passed the following directions:

- #1 Physical presence of all under-trial prisoners before the courts must be stopped forthwith, and recourse to Video Conferencing must be taken for all purposes.
- #2 No routine transfers of prisoners from one prison to another except for de-congestion to ensure social distancing and medical assistance to an ill prisoner.
- #3 No delay in shifting sick person to a Nodal Medical Institution in case any possibility of infection is seen.
- #4 Prison specific readiness and response plans must be developed in consultation with medical experts. The Hon'ble Supreme Court has directed that"*Interim Guidance on Scaling-Up COVID-19 Outbreak Readiness and*

*Response Operations in Humanitarian Situations*” published by IASC of UN dated 17-03-2020 may be taken into consideration.

- #5 Monitoring team must be set up at the state level to ensure that the directives issued with regard to prison (and remand homes) are being complied with scrupulously.
- #6 Each State/UT to constitute a High Powered Committee to determine which class of prisoners can be released on parole, or on interim bail, for such period as may be thought appropriate. The Committee shall comprise of:
  - (a) Chairman of the State Legal Services Committee;
  - (b) The Principal Secretary (Home/Prisons)
  - (c) Director General of Prisons.
- #7 The Under-trial Review Committee of each district shall meet every week (instead of every quarter at present) and take such decisions in consultation with the concerned authority as per the said judgement.
- #8 The High Powered Committee shall take into account the directions contained in para no. 11 in *Arnesh Kumar v. State of Bihar*, (1914) 8 SCC 273.

#### **PROCEEDINGS OF THE HIGH POWERED COMMITTEE:**

3. The Committee deliberated upon the above directions of Hon’ble Supreme Court of India. Upon detailed discussions, the Committee approved the following steps/actions to be taken by different authorities for implementation of the directions of the Hon’ble Supreme Court of India and in light of the unprecedented circumstances that exist in the country in light of the COVID-19 out-break:

- (i) Committee was informed by ADGP, Prisons, Punjab that directions Nos. 1, 2 and 3 are being implemented by the Prison department, Punjab.
  - All *peshis*/Court hearings are being conducted through video conferencing whenever required.
  - Transfers of prisoners have been ordered only for de-congestion of overcrowded jails. ADGP, Prisons brought to the notice of the Committee that there may be certain extreme emergencies where some trouble makers may have to be shifted out a prison to

maintain order. The Committee decided that shifting of such prisoners should be resorted to in very rare cases only and on the specific orders of ADGP, Prisons. All due precautions of quarantine/isolation may be observed in such eventuality.

- Instructions have been issued to all Jail Superintendents to ensure shifting of sick persons to Nodal Medical Institution in case any possibility of infection is seen.

**(Action: ADGP, Prisons, Punjab)**

(ii) Regarding direction No. 4 above, Committee was informed by ADGP, Prisons, Punjab that detailed instructions have been issued to all Jail Superintendents for drafting of prison specific 'Readiness and Response Plans' immediately as per the guidelines referred to in the judgement. A 'COVID-19 Special Task Force' has also been set up at each prison to deal with any emergent situation. The Committee desired that the plans be prepared and rehearsed with all stake-holders.

**(Action: ADGP, Prisons, Punjab)**

(iii) Regarding direction No. 5, Principal Secretary (Jails), Govt. of Punjab shall notify a State Level Monitoring team, and additional monitoring teams at the district level if so desired, with the mandate as enshrined in the judgement.

**(Action: Principal Secretary, Jails)**

(iv) For implementation of direction No. 7, the Committee directed that all District and Sessions Judges shall convene meetings of Under-trial Review Committees every week, instead of the quarterly meetings held at present.

**(Action: Concerned District and Sessions Judge of the District)**

(v) Regarding implementation of direction no. 8 mentioned above, the Committee directed that Police Department shall ensure that directions contained in para. 11 in *Arnesh Kumar v. State of Bihar, (2014) 8 SCC 273* are complied with in letter and spirit.

**(Action: Director General of Police, Punjab)**

(vi) Atdirection No.6, the Hon'ble Supreme Court has directed the constitution of a High Powered Committee. The mandate of the Committee is to determine which class of prisoners can be released on parole, or on interim bail for such period as may be thought appropriate. The following suggestions have been put forth by the Hon'ble Supreme Court for consideration of release of prisoners:

*(a) Prisoners convicted, or under-trial, for offences with prescribed punishment upto 7 years or less, with or without fine; and convicts who have been convicted for a lesser number of years than the maximum prescribed punishment for that offence;*

*(b) The Committee may consider criteria based on nature of offence, number of years to which he or she has been sentenced, or the severity of the offence for which facing trial, or any other relevant factor.*

4. A detailed AGENDA NOTE was presented before the High Powered Committee by the ADGP, Prisons for consideration. Wide ranging deliberations were held by the Committee to decide on the procedure and criteria to be recommended. While the primary aim was to protect the health of prisoners and restrict transmission of COVID-19 by decongestion of the prisons, the overall good of society, and maintenance of order in society in these extraordinary times, was also kept in mind while making the recommendations.

#### **RECOMMENDATIONS FOR RELEASE OF CONVICT PRISONERS:**

5. To de-congest the prisons of Punjab, the Committee recommends that the following procedure and criteria be followed for immediate release of convict prisoners on parole **for a period of 6 weeks.**

#### **PROCEDURE FOR RELEASE OF CONVICT PRISONERS:**

6. The Committee deliberated upon the procedure to be followed for implementing the above recommendations. The Committee felt that the present situation being faced by the country is unprecedented in scale and severity, and that the prisons face a real and serious threat of spread of COVID-19 epidemic which has been declared as a pandemic by the World Health Organization. In the

present circumstances, the Committee felt that there is likelihood of serious damage to the life of prisoners due to threat of COVID-19 spreading in prisons as has happened in certain countries. Hence, extraordinary steps need to be taken immediately to de-congest the prisons. The following recommendations regarding the procedure to be followed for release of convict prisoners are made:

- (i) There are sufficient cause as explained above to consider the current situation to be fulfilling the definition of "sufficient cause" as laid out in section 3(1)(d) of the Punjab Good Conduct Prisoners' (Temporary Release) Act, 1962. Hence, till 31<sup>st</sup> August 2020, powers of granting parole in cases recommended above shall be delegated to the Superintendent of the concerned Jail under Section 3(1)(d) of the above Act, by a notification to be issued by the Department of Prisons, Punjab. The relevant provisions are reproduced below for reference.

**Sec 3 Temporary release of prisoners on certain grounds;**(1) *The State Government may, in consultation with the District Magistrate, and subject to such conditions and in such manner as may be prescribed, release temporarily for a period specified in sub-section (2) any prisoner if the state Government is satisfied that-*

*a) a member of the prisoner's family has died; or (Amendment Act, 2015)  
(aa) husband or wife or son or daughter or father or mother or brother or sister or grand-father or grand-mother or grandson or grand-daughter or father-in-law or mother-in-law of the prisoner is seriously ill; or"*  
**(Amendment Act, 2015)**

*b) the marriage of prisoner's son or daughter is to be celebrated or;*

*c) the temporary release of the prisoner is necessary for sloughing, sowing or harvesting or carrying on any other agricultural operation on his land and no friend of the prisoner or a member of prisoner's family is prepared to help him in this behalf in his absence; or*

*(cc) a lady prisoner is pregnant and is likely to deliver a child; or; and*  
**(Amendment Act, 2015)**

*d) It is desirable so to do for any other sufficient cause.*

*Explanation - The expression "sufficient cause" includes- (1) serious damage to life or property of the member of the family caused by any natural calamity; or (2) critical condition of any member of the family on account of accident; or (3) delivery of child by the wife of the prisoner.*  
**(Amendment Act, 2015)**

(2) \*\*\*

(3) \*\*\*

(4) *The State Government may by notification authorize any officer to exercise its power under this section in respect of all or any of the ground specified therein.*

**(Action: Principal Secretary, Jails)**

(ii) As a one-time measure, Sec. 2-A of the Punjab Good Conduct (Temporary Release) Act, 1962, shall be kept in abeyance, till 31<sup>st</sup> August 2020. Superintendent of concerned Jails shall be empowered to process cases for parole of prisoners, who have already availed parole for first two quarters, anytime in the current calendar year. The relevant provisions are reproduced below for reference.

*Sec. 2-A. The total period of temporary release of the prisoner, excluding the release availed of,-*

*(i) on the death of a family member of the prisoner; or*

*(ii) by a female prisoner on account of delivery of child, as the case may be, shall not exceed sixteen weeks, during a calendar year and shall be availed of on quarterly basis:*

*Provided that a prisoner, may avail such release for a continuous period of sixteen weeks, during the period falling between the 23<sup>rd</sup> day of November, 2018 to the 23<sup>rd</sup> day of November, 2019 as a onetime measure on pro-rata basis, however, subject to the other provisions of the Act:*

*Provided further that any prisoner, who is on temporary release for a specified period and wants to surrender before the expiry of his temporary release period, he shall be allowed to do so. (Amendment Act, 2018)*

**(Action: Concerned Jail Superintendent)**

(iii) Further, as another one-time measure, till 31<sup>st</sup> August 2020, the Superintendent of the concerned jail shall process the application for parole within the first 4 months after the conviction of the prisoner by keeping in abeyance the Proviso of Rule 3(2) of the Punjab Good Conduct Prisoners' (Temporary Release) Rules, 1963. The relevant provisions are reproduced below for reference:

***Rule 3, Procedure for temporary release. - (1) \*\*\*\****

*(2) The Superintendent of Jail shall forward the application along with his report to the District Magistrate, who after consulting the Superintendent of Police of his District, shall forward the case with his recommendations to the*

*Inspector General. The Inspector General will then record his views on the case whether the prisoner is to be released or not and submit the same to the Releasing Authority for orders. The Distt. Magistrate, before making any recommendation, shall verify the facts and grounds on which release has been requested and shall also give his opinion whether the temporary release on parole or furlough is opposed on grounds of prisoner's presence being dangerous to the security of State or prejudicial to the maintenance of public order.*

*“Provided that no such application shall be proceeded by the Superintendent of Jail, unless the prisoner had maintained good conduct after his conviction atleast for four months in Jail (First Amendment) Rules, 2003”*

(3) \*\*\*\*

**(Action: Concerned Jail Superintendent)**

(iv) Due to the curfew being imposed all over the state, the Committee felt that the purpose of the above recommendations will only be served if all the processes take place at the prison itself. As grant of parole requires execution of a Surety Bond, the following recommendations are made for facilitating the process of executing the Surety Bond:

1. The District Magistrate shall deputean empowered Executive Magistrate atall the jails falling in his jurisdiction. This Executive Magistrate shall be available every day till all such cases have been dealt with. The deputed Executive Magistrate shall process all the Surety Bonds at the jail premises itself.

**(Action: Concerned District Magistrate)**

2. For acceptance of Surety Bonds, the following recommendations are made:
  - (a) For convicts who have availed regular parole before, the Surety Bond submitted for the last parole shall be extended and accepted. The person who executed the Surety Bond in the last parole shall be asked on phone and confirmation recorded in writing by the Executive Magistrate. In addition, a personal bond shall be executed by the convict.

(b) For convicts availing parole for the first time, the following options shall be offered-

- (i) Surety comes to the jail and executes the Surety Bond, or
- (ii) Surety submits the Surety Bond electronically to the satisfaction of the Executive Magistrate, or
- (iii) The convict executes a personal Surety Bond.

(Note: The executive Magistrate shall keep in mind that the primary objective is to grant liberal parole as per criteria mentioned below while at same time keeping sufficient safeguards).

**(Action: Deputed Executive Magistrate)**

**CRITERIA FOR RELEASE OF CONVICT PRISONERS:**

7. The Committee recommends that the following criteria shall be followed for release of **all Convict prisoners presently in custody in the jails -**

- (i) Prisoners convicted for an offence under POCSO Act, section 376 IPC, 379-B IPC, acid attack cases, Unlawful Activities (Prevention) Act, Explosives Substances Act and convicts who are foreign nationals shall not be considered for release.
- (ii) For **convicts under NDPS Act**, all convicts who have been sentenced for 3 years or less shall be considered for released on parole.
- (iii) For **convicts under all other cases**, the following criteria is recommended:
  - (a) All convict prisoners having no pending under-trial cases and sentenced upto 7 years, with or without fine, shall be considered for release on parole.
  - (b) All convict prisoners sentenced in one case upto 7 years, with or without fine, and having upto two under-trial cases; and is on bail in under-trial case(s), and further should have availed last parole peacefully, he/she shall be considered for release on parole.
  - (c) For convicts suffering from chronic diseases or pre-existing conditions, the Committee recommends that convicts suffering

from the following diseases and sentenced upto 10 years may be released on parole:

- Chronic Diabetes
- HIV
- Serious neurological issues (not simple depression)
- Chronic lung disease
- Severe Asthma
- Serious Heart condition.
- Pregnant women may also be considered.

Whether the patient falls under the above said category or not, shall be as per the report of the Jail Medical Officer and further certified by an SMO or the CMO.

(d) For convict prisoners aged 65 years and above, the following criteria shall be considered for release on parole –

- Convicts prisoners aged 65 years and above having no pending under-trial cases and sentenced upto 10 years, with or without fine.
- Convict prisoners aged 65 years and above, sentenced in one case upto 10 years, with or without fine, and having upto two under-trial cases, and is on bail in the under-trial case(s), and further should have availed the last parole peacefully.

**(Action: Medical Officer of concerned Jail and SMO/CMO concerned)**

8. **For all convicts who are presently on parole**, the Committee felt that the convicts on parole at present should not return to the prison in the next few weeks to ensure isolation of the prisons with the outside. The Chairperson mentioned that one Rajat Sharma @ Rajat Kumar through his advocate Ankush Sharma has submitted an application for extension of existing parole due to curfew being imposed. Taking into account this and similar such cases, the Committee recommends that **extension of parole by 6 (Six) weeks be granted to prisoners presently on parole**. However, the convict has the option of returning to the prison early with the approval of the concerned Superintendent of jail,

who shall take into consideration the prevailing situation of COVID-19 then while granting the approval to return.

**(Action: Concerned Jail Supdts.)**

9. It was brought to the notice of the Committee that substantial numbers of applications for parole are pending with different District Magistrates. The Committee recommends that all such cases be processed within a period of two days by the concerned District Magistrate, without fail, or return these cases to the Jail Superintendent immediately.

**(Action: Concerned District Magistrate)**

**FOR RELEASE OF UNDER-TRIAL PRISONERS:**

10. To de-congest the prisons of Punjab, the Committee recommends that the following procedure and criteria may be followed for release of under-trial prisoners on interim bail for a period of 6 weeks.

**PROCEDURE FOR RELEASE OF UNDER-TRIAL PRISONERS:**

11. In light of the unprecedented challenges being faced by the prison administration at present, the Committee recommends the following procedure/steps for facilitate grant of interim bail, while at the same time ensuring sufficient safeguards.

(a) The Chairperson of District Legal Services Authority-cum-District and Session Judge of the district in which the jail is situated shall himself hold or depute as many ADJs and other judicial officers for each Jail in the district. The deputed judicial officers shall hold Camp Courts at the jail premises for as many days as is necessary to decide the bail applications.

**(Action: Concerned Chairperson, District Legal Services Authority)**

(b) Bail shall be granted either on execution of a Bail Bond or on the personal bond by the under-trial. Execution of Bail Bond through online/electronic means may also be considered by the Judicial Officer concerned. In case the under-trial submits a valid passport the same be taken on record.

**(Action: Deputed Judicial Officers)**

## **CRITERIA FOR RELEASE OF UNDER-TRIAL PRISONERS:**

12. The criteria to be followed for granting interim bail to under-trial prisoners shall be as described below:

- (i) No under-trial prisoner in custody for an offence under POCSO Act, under section 376 and 379-B IPC, acid attack cases, UAP Act, Explosives Substances Act and under-trial convicts who are foreign nationals shall be considered for interim bail.
- (ii) For under-trial prisoners in custody under NDPS Act, only those cases shall be considered where the contravention involves small quantity as defined under NDPS Act 1985.
- (iii) For **all other cases**, other than those described in (i) and (ii) above, the following criteria shall be followed:
  - (a) All under-trial prisoners in custody with upto two (2) under-trial cases pending, in which maximum prescribed punishment in both cases is 7 years or less
  - (b) For under-trial prisoners in custody of 65 years and above in age, all those having upto two (2) under-trial cases pending in which maximum prescribed punishment in both cases is 10 years or less, shall be considered.
  - (c) For under-trial prisoners in custody suffering from chronic diseases and pre-existing conditions, the Committee recommends that under-trial prisoners suffering from the following diseases, and where maximum prescribed sentence is upto 10 years may be released on interim bail:
    - Chronic Diabetes
    - HIV
    - Serious neurological issues (not simple depression)
    - Chronic lung disease
    - Severe Asthma
    - Serious Heart condition.
    - Pregnant women may also be considered.

Whether the under-trial prisoner falls under the above said category or not, shall be as per the report of the Jail Medical Officer and further certified by an SMO or the CMO.

**(Action: Medical Officer of concerned Jail and SMO/CMO concerned)**

(d) In addition to the above, the Committee recommends that the cases under the following heads of crime may also be examined for release on interim bail for 6 weeks by the concerned Judicial Magistrate:

- Section 379 IPC (except 379-B IPC)- All cases where either only Section 379 IPC has been imposed, or in case of other sections, such sections should have a maximum prescribed punishment upto 7 years.
- Section 324 and 325 IPC
- 498-A IPC
- 406 and 420 IPC
- Cases under Excise Act

(iv) All prisoners in custody under section 107/151 CrPC may be considered for release on bail by the concerned Executive Magistrate immediately.

**(Action: Concerned District Magistrate/ Commissioner of Police)**

#### **REMISSION AT JAIL SUPDT. and HOD LEVEL:**

13. The Committee was informed that in accordance with provisions contained in para 581 of Punjab Jail Manual 1996, remission of 1 month by Superintendent of Jail and additional remission of 2 months by Head-of-department has been granted to eligible prisoners. The Committee appreciated this step.

**(Action: ADGP, Prisons and Concerned Jail Superintendent)**

#### **MEASURES FOR MAINTAINING ORDER IN PRISONS:**

14. It was brought to the notice of the Committee by ADGP, Prisons that incidents of indiscipline by prisoners have taken place at few prisons in Punjab (viz. CJ Bathinda, CJ Gurdaspur and DJ Mansa). This was due to rising frustration amongst prisoners on account of closure of *mulaqaat*, no hearing of bail cases due to closure of courts, and low physical activities due to enforcement of social

distancing. It was further mentioned that a very serious riot had taken place at Central Jail Dum Dum, Kolkata, W.B, on 21-03-2020, also attributed to above reasons. Agreeing to the proposal of ADGP, Prisons, the Committee directs that the Chairperson, DLSA-cum-District & Sessions Judge may either personally visit the jails every alternate day or depute anADJ, to interact with the prisoners (while taking all precautions), so that the pent-up frustrations get a vent and order can be maintained. The Secretary, DLSA shall also regularly visit the prisoners and interact with the prisoners.

**(Action: Concerned Chairperson, District Legal Services Authority)**

15. ADGP, Prisons further informed that as physical *mulaqaat* has been suspended, prisoners were being educated towards using eMulakaat facility available on the ePrisons platform. However, it was informed that this is a cumbersome process and very few prisoners and their families have been able to use this facility so far. Hence, the Committee decided that jail authorities may make available the facility of '*video mulaqaat*' through **Whatsapp video call** with the registered visitors only. This shall be done under supervision and necessarily in the presence of a responsible jail official.

**(Action: Concerned Jail Superintendent)**

16. The Committee, as a final recommendation, calls upon the State Government and all officers concerned to ensure expeditious implementation of its recommendations in the spirit of the directions of the Hon'ble Supreme Court of India. It is a truism that the benefits of the recommendations shall only accrue if they are implemented in the shortest time possible.

The meeting ended with thanks to the Chair.

(Praveen K. Sinha), IPS  
Addl. Director General of Police,  
Prisons, Punjab, Chandigarh.

(R. Venkat Ratnam), IAS  
Principal Secretary,  
Jails, Punjab, Chandigarh.

(Mr. Justice R.K. Jain)  
Chairperson,  
Punjab State legal Services  
Authority, SAS Nagar, Pb.

**Minutes-of-the-meeting of review meeting of High Powered Committee held under the Chairmanship of Hon'ble Mr. Justice R.K. Jain, Judge, Punjab and Haryana High Court, Chandigarh and Executive Chairman, Punjab State Legal Services Authority, Chandigarh, at his residence on 02 May, 2020 at 10:30 hrs.**

A meeting of the High Powered Committee to review the actions taken pursuant to its recommendations circulated vide Principal Secretary, Department of Jails memo no. 12/16/2020-2H7/708-719, dated 26-03-2020 was held on 01 May, 2020.

The meeting was attended by the following officers/members of the High Powered Committee:

1. Mr. R. Venkat Ratnam, IAS, Principal Secretary to Government of Punjab, Jail Department, Punjab.
2. Mr. Praveen K. Sinha, IPS, Additional Director General of Police, Prisons, Punjab.
3. Ms. Rupinderjit Chahal, Member Secretary, PULSA.

**Action taken on Previous Recommendations:**

2. ADGP, Prisons briefed the Committee regarding the actions taken in compliance of decisions taken/recommendations made during its last meeting of the Committee held on 25-03-2020. Details of the Actions Taken and the observations of the Committee on each is placed at **Annexure-A**. Further actions on the observations of the Committee may be taken by the respective officers as noted against each.

**Additional Steps taken by Prison Department beyond the Directions/recommendations:**

3. ADGP (Prisons) informed the Committee that the following additional steps have been taken by the Prisons Department for safety of jails qua COVID-19 epidemic:

3.1. Four Special Jails have been notified by the Government, and all new admissions are being taken to these four jails situated at Bathinda, Barnala, Patti and Ludhiana. Women Jail Ludhiana has been earmarked exclusively for women arrested anywhere in the State. The women prisoners arrested prior to 16-02-2020 have been shifted to Sub-Jail Pathankot to reduce the risk to contagion.

- 3.2. A Standard Protocol has been notified and circulated to respond to any situation where a COVID-19 positive case is detected in any prison.
- 3.3. An Alternate Isolation Facility has been identified and notified for each prison in the State where prisoners from the respective jail can be isolated in case a COVID-19 positive case is detected in any prison.
- 3.4. The Committee observed that the steps taken are appreciable, and in future too, all required measures to keep the jails safe be taken by the Jail Department.

**New Agenda Points taken up by the Committee:**

4. The Committee deliberated upon the following issues of concern concerning the safety of prisons. Upon detailed deliberations, the Committee recommends that the following steps/actions be taken with immediate effect by the different authorities indicated below in light of the situation of spread of COVID-19 in India.

5. **Extension of interim bail granted to under-trial prisoners as per criteria fixed by HPC-** Under-trial prisoners released on interim bail for 6 weeks will be due for return to the jails shortly. In the prevailing COVID-19 situation in India, re-admitting around 3000 prisoners released on interim bail, back into the jails has enormous risks and will defeat the whole purpose of releasing them.

5.1. The Committee recommends that the concerned judicial officers shall extend the interim bail granted to them by another 6 weeks, and may be further extended till such time that the notification under the Epidemic Diseases Act, 1897 is in force. Also, the District & Sessions Judges may co-ordinate with the respective Addl. District and Sessions Judges/Judicial Magistrates and Jail Superintendents to ensure the return of the under-trials to the jails takes place in a staggered manner, with not more than 50-60 under-trials returning on any particular day to larger jails, and 15-20 to smaller jails to facilitate proper screening before re-admission into the prison.

[Action: All D&SJs in Punjab; All Jail Supdts.]

6. **Extension of 6-weeks' parole granted to convict prisoners as per criteria fixed by HPC-** Convict prisoners released on parole for 6 weeks will also be due for return to the jails shortly. In the prevailing COVID-19 situation in India, re-admitting around 3000 convict prisoners released on parole, back into the jails has enormous risks and will defeat the whole purpose of releasing them.

6.1. The Committee recommends the following in case of convicts presently on parole:

- (a) Jail Superintendents of the jails from where the prisoner proceeded on parole be delegated the power to extend the parole of prisoners on parole by 6-weeks, and may be further empowered to extend the parole, with approval of ADGP (Prisons), till such time that the notification under Epidemic Disease Act, 1897 is in force.

[Action: Principal Secretary, Jails]

- (b) To ensure that the re-admission of convicts released on parole back into the respective jails takes place in a staggered manner, Jail Superintendents may be further empowered to extend the parole of any convict upto 7 days. ADGP (Prisons) shall issue a Circular to ensure transparency and equity in the process to be followed.

[Action: Principal Secretary, Jails]

- (c) To enable release of convicts on parole for more than 16-weeks in a calendar year, the Committee recommends that Sub Section 2-A of Section 3 of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962, be suitably amended. The following proviso, proposed to be inserted in Sub Section 2-A of Section 3 of the Act by way of an Ordinance, was examined by the Committee and found to be in order:

*"Provided further that during disasters notified under the Disaster Management Act, 2005, or epidemics notified under the Epidemic Diseases Act, 1897, the Government may, by a special notification, allow parole beyond the maximum period of sixteen weeks during a calendar year, and may also waive the conditions of Parole being availed on quarterly basis."*

[Action: Principal Secretary, Jails]

- (d) In case the Amendment to Sub Section 2-A of Section 3 of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962, by way of an Ordinance takes time, and the return dates of the convicts released on parole draws near, Jail Superintendents may extend the parole of the convict for as many days as the convict is eligible in the current calendar year under the extant provisions. Once the Amendment is notified, the parole can be further extended for the remaining period. Total extension of parole shall be for 6-weeks until extended further by a general order.

[Action: All Jail Superintendents]

7. **Harm minimisation in the event of a COVID-19 positive prisoner detected in a Prison** - As per Standard Protocol, all prisoners in the Barrack/Block where the prisoner tested positive was residing, shall be shifted to an Alternate Isolation Facility. With a view to ensure safety of other prisoners in the jail, it would be desirable that those prisoners who have been taken to an Alternate Isolation Facility, are released on parole/bail as far as possible.

The Committee recommends that in such an eventuality, case for release of prisoners isolated in the Alternate Isolation facility shall be immediately processed/forwarded by the Jail Superintendent for release on bail or parole. Keeping in view the severity and gravity of the offence, release on bail/parole may be considered in such cases.

[Action: All D&SJs in Punjab; all Jail Supdts]

8. **Extended Criteria and Procedure for release of Under-trial Prisoners**- In addition the previous recommendations, the Committee recommends that the following under-trial prisoners be considered for release on 6-weeks' interim bail, and further extended till such time that the notification under the Epidemic Diseases Act 1897 is in force:

8.1 Cases u/s 326 IPC and 307 IPC which are not of serious nature – to be dealt on a case-to-case basis by the concerned Judicial Magistrate; with the additional condition that the accused should be in custody in only one case, i.e, he should be on bail in all other cases, if any.

8.2 All under-trial prisoners in custody suffering from the following chronic diseases or pre-existing conditions, and under treatment for the same for at least one year prior to the date of release:

- Chronic diabetes;
- HIV;
- Serious neurological issues (not simple depression);
- Chronic lungs disease;
- Severe asthma;
- Serious heart conditions;
- Pregnant women may also be considered.

Whether the under-trial falls under the above category or not shall be as per the report of the jail Medical Officer and further certified by an SMO or the CMO.

[Action: All D&SJs ; all CMOs]

8.3 **Release of Under-trial prisoners under NDPS Act:**

**Criteria:** Under-trial prisoners in NDPS Act cases arrested for intermediate quantity violations except where additional sections like 307 IPC, assault on public servants, intimidation to informers/witnesses have been imposed, may be released on interim bail of 6-weeks. In very

important cases, inputs from concerned police district/unit may be sought before deciding the case.

**Procedure:**

- (a) Under-trials under NDPS Act cases shall execute bond, in addition to other formalities, under section 107/110 CrPC 1973 to the effect that: he/she will not do any wrongful act/commit any offence and maintain good behaviour during the period of his/her interim bail; and that he/she will remain strictly confined to his/her home during the period of interim bail and under no circumstances, other than to obtain de-addiction treatment or attend to medical emergency, shall leave his/her house.
- (b) In the interim bail order, condition that the person shall be confined strictly to his/her home during the period of interim bail and under no circumstances other than to obtain de-addiction treatment/ medical emergency shall leave the place of residence shall be specified.
- (c) The Jail Superintendent shall inform concerned CP/SSP of the district regarding the details of all such persons released on interim-bail well in time.
- (d) The police station where the place of residence is situated, shall maintain personal files (and associated documents) for all such persons it under PPR 23.13. Whenever any such person is released, his/her latest photograph, permanent mobile number, description and address should also be provided to the concerned police station. Police stations shall maintain a regular check on these persons throughout the period of interim-bail. In case of any violation of bail conditions suitable action shall be initiated.
- (e) The Local police station shall inform the panchayats/councils in their jurisdiction about the release of such person on the grounds of preventing a health problem in jails, that such release is temporary, that the person shall be confined to the home and that a watch be kept to prevent any repeat offence/violation of conditions of interim bail and if such violation occurs the same should be reported to the police station for further action.
- (f) Persons who are residents in other States shall not be released.
- (g) The Superintendent of concerned Jail/Executive Magistrate deployed for taking surety bonds shall forward the bonds to the concerned Executive Magistrate/Sub-Divisional Magistrate and Police Station having jurisdiction over the place of residence of the person released on interim bail.

[Action: All D&SJs in Punjab; All CPs/SSPs; All Jail Supdts]

9. **Extended Criteria and Procedure for release of Convict Prisoners:**

9.1 All District Magistrates shall ensure that all cases for parole pending with them are decided immediately on priority. In future, all new cases of parole should be decided by them within four (4) days of receipt. For cases pending outside Punjab, a copy of these proceedings shall be forwarded by the Jail Superintendent to the concerned District Magistrate for ensuring early decision in pending cases as per time-lines mentioned above.

[Action: All District Magistrates in Punjab]

9.2 **Release of Convict prisoners under NDPS Act:** Convicts under NDPS Act cases may be released on 6-weeks' parole, and may be further extended till such time that the notification under The Epidemic Diseases Act 1897 is in force, as per the following criteria and procedure:

**Criteria:**

Convicts in NDPs cases who have been convicted for upto 5 years, with or without fine; should not have any other case pending against them; and must have completed at least 75% of the total sentence. In very important cases, inputs from the concerned police district/units may be taken before release on parole.

**Procedure:**

- (a) Convicts under NDPS Act cases shall execute bond under section 107/110 Cr.P.C. 1973 to the effect that:
  - (i) he/she will not do any wrongful act/commit any offence and maintain good behaviour during the period of his/her parole;
  - (ii) he/she will remain strictly confined to his/her home during the period of parole and under such circumstances, other than to obtain de-addiction treatment or attend to medical emergency, shall leave his/her house.
- (b) In the parole conditions, it shall be specified that the person shall be confined strictly to his/her home during the period of parole and under no circumstances other than to obtain de-addiction treatment/ medical emergency shall leave the place of residence.
- (c) The Jail Superintendent shall inform concerned CP/SSP of the district regarding the details of all such persons released on parole well in time.

- (d) The police station where the place of residence is situated, shall maintain personal files (and associated documents) for all such persons it under PPR 23.13. Whenever any such person is released, his/her latest photograph, permanent mobile number, description and address should also be provided to the concerned police station. Police stations shall maintain a regular check on these persons throughout the period of interim-bail. In case of any violation of bail conditions suitable action shall be initiated.
- (e) The Local police station shall inform the panchayats/councils in their jurisdiction about the release of such person on the grounds of preventing a health problem in jails, that such release is temporary, that the person shall be confined to the home and that a watch be kept to prevent any repeat offence/violation of conditions of parole and if such violation occurs the same should be reported to the police station for further action.
- (f) Persons who are residents in other States shall not be released.
- (g) The Superintendent of concerned Jail/Executive Magistrate deployed for taking surety bonds shall forward the bonds to the concerned Executive Magistrate/Sub-Divisional Magistrate and Police Station having jurisdiction over the place of residence of the person released on parole.

[Action: All Jail Superintendents]

9.3 All convicts in custody suffering from the following chronic diseases or pre-existing conditions, and under treatment for the same for at least 1 year prior to the date of release, may be released on 6 weeks' parole, and may be further extended till such time that the notification under The Epidemic Diseases Act 1897 is in force:

- Chronic Diabetes
- HIV
- Serious neurological issues (not simple depression)
- Chronic lung disease
- Severe Asthma
- Serious Heart condition.
- Pregnant women may also be considered.

Whether the patient falls under the above said category or not, shall be as per the report of the Jail Medical Officer and further certified by an SMO or the CMO.

[Action: All Jail Superintendents ; all CMOs]

10. The Committee, as a final recommendation, reiterates that all the above recommendations be implemented expeditiously to ensure the intended benefits accrue in the true spirit in which the recommendations have been put forth.

The meeting ended with thanks to the Chair.

(Praveen K. Sinha), IPS  
Addl. Director General of  
Police,  
Prisons, Punjab, Chandigarh.

(R. Venkat Ratnam), IAS  
Principal Secretary,  
Jails, Punjab, Chandigarh.

(Mr. Justice R.K. Jain)  
Chairperson,  
Punjab State legal Services  
Authority, SAS Nagar, Pb.

**Minutes-of-the-meeting of review meeting of High Powered Committee held under the Chairmanship of Hon'ble Mr. Justice R.K. Jain, Judge, Punjab and Haryana High Court and Executive Chairman, Punjab State Legal Services Authority at his residence on 31July 2020 at 11:00 hrs.**

A meeting of the High Powered Committee (HPC) was held under the Chairmanship of Hon'bleMr. Justice R.K. Jain, Judge, Punjab and Haryana High Court, Chandigarh and Executive Chairman, Punjab State Legal Services Authority, Chandigarh, at his residence on 31 July 2020 at 11:00 hrs.

2. The meeting was attended by the following members/officers of the High Powered Committee:

1. Mr. R. VenkatRatnam, IAS, Addl. Chief Secretary to Government of Punjab, Jail Department, Punjab.
2. Mr. Praveen K. Sinha, IPS, Additional Director General of Police, Prisons, Punjab.
3. Ms. Rupinderjit Chahal, Member Secretary, PULSA.

3. This meeting of the HPC was held in view of the emerging challenges arising out of increasing no. of cases of COVID in the State in general, and the prisons in particular. The actions taken on the recommendations of the HPC dated 26-03-2020 and 02-05-2020 were reviewed by the Committee. Also, new agenda points suggested by ADGP, Prisons were taken up.

**Actions taken on previous Recommendations**

4. ADGP, Prisons briefed the Committee regarding the actions taken in compliance of decisions taken/recommendations made during its last meetingof the Committee held on 02-05-2020. Details of the Actions Taken and the observations of the Committee on each issue isas below:

(a) **Extension of Interim bail to under-trials:** The Committee had recommended thatjudicial officers should extend the interim bail granted to prisoners by another 6 weeks, and to further extend till such time that the notification under the Epidemic Diseases Act, 1897 remains in force.

The Committee was briefed that the extended interim bail of some prisoners would be ending in the coming week, and it would be prudent on part of the Committee to reiterate the recommendations regarding further extension of

interim bail till such time that the notification under the Epidemic Diseases Act, 1897 remains in force.

The Committee observed that it would not be desirable to admit prisoners released on bail in the interest of safety of prisons, and for achieving the objective of decongestion. Hence, the Committee recommends that the concerned Judicial Officers/Magistrates shall ensure that the interim bail of all under trial prisoners released on interim bail be further extended as per the recommendations contained in para 5 & 5.1 of recommendations dated 02-05-2020.

**(Action: All District and Sessions Judges and concerned Judicial Officers)**

(b) **Extension of 6-weeks' parole:** As per para 6 & 6.1 of recommendations of Committee dated 02-05-2020, Jail Superintendent of the jails from where the prisoner had proceeded on parole, were delegated the power to extend the parole of prisoners by 6-weeks. It was further recommended that Jail Superintendents be empowered to extend the parole with approval of ADGP (Prisons) till such time that the notification under Epidemic Disease Act, 1897 is in force.

Subsequent to this decision, Ordinance was brought in by Govt. of Punjab to amend the Punjab Good Conduct Prisoners' (Temporary Release) Act, 1962 for granting parole beyond the fixed limit of 16 weeks, which can be availed at any time in the year. The extension of parole was granted twice by ADGP Prisons for 6 weeks, firstly on 09.06.2020 and second time on 27.07.2020.

It was brought to the notice of the Committee that in its recommendations dated 25.03.2020 [para 6(i)], the authority to grant parole was delegated to the Superintendents of Jails. This authority was delegated for a limited period till 31.08.2020. To ensure smooth release of convicts on parole, this authority needs to be extended further.

The Committee recommends that the prisoners released on parole should continue to remain on parole. ADGP, Prisons shall ensure that parole granted to prisoners be extended under the powers delegated to him by the Committee. It is further recommended that delegation of authority to the Superintendents of Jails for granting parole, as per para 6 & 6.1 of recommendations of Committee dated 02-05-2020 may be extended for another 3 months, i.e., till 30-11-2020 by the Govt.

**(Action: ADGP, Prisons and all Jail Superintendents)**

### Additional Steps taken by Prison Department

5. The Committee was informed about the following measures taken by the Dept. of Prisons and other depts. of Govt. of Punjab to ensure safety of prisons. These steps were in addition to the recommendations of the Committee, and were taken to respond to emerging situations:

- (i) The Govt. of Punjab notified on 07.05.2020 that all persons arrested by the police shall be got tested before admission to the Special Jails, and admitted only if confirmed negative.
- (ii) As the propensity of COVID positivity among newly arrested persons is high, a 3-level testing protocol was established to ensure that there is no out-break of the pandemic in the regular/larger jails. All arrested persons are at-least being put to 3-levels of testing which is as follows:

Level-1 : Before entering any of the Special Jails (SJ);

Level-2 : After completion of 14 days' quarantine period in a SJ, the prisoners are tested again and all those testing negative are shifted to the regular jails;

Level-3 : The prisoners shifted from the Special Jails to the regular jails are again quarantined for 14 days. After completion of 14 days' quarantine period at the regular jails, the prisoners are tested again as per need before being shifted to regular barracks.

- (iii) In addition to the 5 Special Jails for new admission prisoners created in April, Sub Jail Pathankot has also been declared as a Special Jail on 19.06.2020. Total no. of new admission prisoners received so far (16.04.2020 to 30.07.2020) at these Special Jails are as follows:

SJ Barnala	SJ Patti	SJ Bathinda	SJ Ludhiana	SJ (Women) Ludhiana	SJ Pathankot	Total
2511	1434	1877	2530	509	530	9391

- (iv) **Temporary Jails** (10.07.2020) have been notified in various buildings/police stations in each district for temporary custody of arrested persons whose police remand has expired but COVID test results are yet to be received.
- (v) Ludhiana being an epicentre for COVID, maximum no. of positive cases is being reported at Special Jail Ludhiana. Due to being exposed to COVID positive contact, prisoners are testing positive even during the 3<sup>rd</sup> test after being shifted to regular

jails. This was putting the regular jails at risk. Hence, to create another buffer, **District Jail Sangrur** was vacated on 11.07.2020, and prisoners from Special Jails are being quarantined for another 14 days here, before being re-tested again and sending those to regular jails.

- (vi) As the no. of COVID positive cases in the jails were increasing in the last few weeks, police and health authorities found it difficult to provide health infrastructure where prisoners could be securely admitted for treatment in large numbers without fear of escape. Hence, Sub Jail Malerkotla and Central Jail Gurdaspur have been vacated and notified as **Level-1 COVID Care Centres** by concerned Deputy Commissioners, on 25.07.2020 and 29.07.2020 respectively. All level-1 COVID positive prisoners shall be shifted to these two jails during treatment.
- (vii) **Response to COVID situation at CJ Amritsar:** Sub Jail Moga (capacity of 75) has been emptied, and kept vacant to deal with any emergency situation. Almost the entire staff, including Superintendent Jail, from Sub Jail Moga has been attached to Central Jail Amritsar to meet the temporary exigency.
- (viii) All jail officials right upto the last Warder have been instructed to install **COVA App** in mobile phones.
- (ix) Medical staff of all jails has been trained for collection of samples to facilitate testing of maximum number of prisoners and prison staff.
- (x) Instructions have been issued to all the prison officials to avoid going to places other than their own homes while on leave, and in case do visit other places, they have to inform the head of the jail, who shall decide on isolation/quarantine.
- (xi) Regular meetings on VC are being conducted by the ADGP (Prisons) to keep the staff alert and motivated.
- (xii) Policy of 'Chasing the Virus' in prisons is being followed by maximum testing:
  - (a) Testing of 85% of staff (all forces) has been completed. As on **30.07.2020**, around **3900 staff** members (out of around 4500) have been tested, out of which **47** have tested positive.
  - (b) Random sampling of prisoners is being done in all jails. As on **30.07.2020**, around **9000 prisoners** have been tested, out of which **130** have tested positive.

- (c) All tested prisoners are being treated either in local District COVID Centres or in COVID Care Centres declared at Sub Jail Malerkotla and Central Jail Gurdaspur.

#### **New Agenda Points taken up by the Committee**

6. The Committee deliberated upon the present situation of COVID in the State and various strategies available for ensuring prisons can be protected from an out-break of the pandemic.

7. Considering the extant situation, the **following recommendations** are being made by the Committee for immediate implementation by the authorities concerned:

#### **Extended Criteria for release of Under-trial prisoners**

8. The Committee was informed that experience over the last few months shows that 'decongestion' is one of the most effective means for mitigation of the pandemic. Hence, it is imperative that the prison population be brought down further. The ideal situation in present scenario would be if the prison population is not more than 50% of the authorized capacity (about 24000). To further reduce the prison population, ways and means for releasing under-trial prisoners will have to be explored, as only 20% prisoners are convicts and they are required for day-to-day administration of prisons.

8.1 After examining the various issues involved, the Committee felt that it is desirable to further reduce the prison population by around 4000-5000 prisoners. However, as explained by ADGP (Prisons), convict prisoners cannot be considered for further release as they are required for day-to-day prison administration. Hence, it was decided that, in addition to the criteria approved by HPC in previous meetings, the following category of prisoners shall be considered for release on interim-bail of 6 weeks at a time, extendable till such time as the notification under the Epidemic Diseases Act, 1897 is in force:

(a) **NDPS Act cases:** All under-trial prisoners other than those under custody in commercial quantity cases may be considered for release on interim bail, except the following:

- Under-trial has more than three (3) NDPS cases registered against him/her;
- Under-trial prisoner is also accused for offences under section 302 IPC, 307 IPC, Arms Act, kidnapping for ransom, assault on public servant or for intimidation of informers/witnesses in any of the cases registered against him.

- Under-trial is a foreign national.

**(Action: All District and Sessions Judges and concerned Judicial Officers)**

- (b) All cases under sections 354 IPC may be considered for release except those where the victim is below 15 years of age or any section of POCSO Act has been applied.

**(Action: All District and Sessions Judges and concerned Judicial Officers)**

- (c) All under trial prisoners in the following cases may be considered for release on interim bail on a case-to-case basis:

Sr. No.	Act/Section	Remarks
1.	<b>307 IPC 304 IPC</b>	Except in the following cases: <ul style="list-style-type: none"> <li>• where a fire-arm has been used by the accused.</li> <li>• involves attempt on life of a govt. servant while on duty.</li> <li>• cases associated with criminal gangs, extortion, terrorist or organized crime.</li> <li>• where the injured victim is still in hospital.</li> </ul>
2.	<b>379 IPC</b>	All cases
3.	<b>406, 420 IPC</b>	-do-
4.	<b>452 IPC</b>	-do-
5.	<b>323 or 324 IPC</b>	-do-
6.	<b>188 IPC</b>	-do-
7.	<b>336 IPC</b>	-do-
8.	<b>NI Act</b>	-do-
9.	<b>DM Act</b>	-do-
10.	<b>316 IPC</b>	-do-
11.	<b>279, 337, 338, 427 IPC</b>	-do-
12.	<b>170 IPC</b>	-do-
13.	<b>315 IPC</b>	-do-
14.	<b>498-A IPC</b>	-do-

**(Action: All District and Sessions Judges and concerned Judicial Officers)**

- (d) All cases under 457, 380 IPC may be considered on a case-to-case basis where the accused is not a habitual offender and the amount involved is not very high.

**(Action: All District and Sessions Judges and concerned Judicial Officers)**

- (e) Under-trials and convict prisoners whose cases have been registered under POCSO Act, 376 IPC, 379-B IPC, Acid attack, UAP Act, Explosives Substances Act, and who are foreign nationals, not to be considered for interim bail.

**(Action: All District and Sessions Judges and concerned Judicial Officers)**

- (f) Concerned Executive Magistrates shall immediately consider persons in custody under sections 107/151 CrPC or 110/151 CrPC for release at the earliest.

**(Action: Concerned Commissioner of Police/ District Magistrate)**

#### **Steps towards decreasing unrest in under-trial prisoners**

9. The Committee was informed that the last few months has seen numerous strikes in different prisons of Punjab. One of the reasons is that, since the lock-down, due to the closure of *mulaqaat*/interviews with family members and friends, and closing down of courts, the level of frustration due to pent up emotions amongst the prisoners, particularly the under-trial prisoners has increased many folds. These issues are only expected to increase in future, and require a response. Punjab has a history of riots in its prisons, especially in the last few years.

9.1 The HPC examined ways and means of responding to the issues being faced by the Prisons due to the lockdown and postponement/closure of many processes like *mulaqaat*, court processes, etc. It was decided that the following measures may be taken immediately in this regard:

- (a) Secretary, DLSA of the concerned district where the jail is situated should physically visit the jail every week (while taking all precautions), listen to the grievances of particularly the under-trial prisoners. Any matter of interest or any suggestion beforwarded to the Executive Chairman, Punjab State Legal Services Authority, Chandigarh and the District and Sessions Judge of the District concerned for appropriate action.

**(Action: Secretary, PULSA and concerned DLSA)**

- (b) District and Sessions Judge, instead of monthly visits/inspections of prisons may visit jails at-least twice a month, (personally or depute another ADJ level judicial officer for the same), to ensure that the prisoners get a vent to their grievances. The grievances may be listened to patiently and all steps/measures should be taken by the District and Sessions Judges to ameliorate these grievances, wherever possible.

**(Action: Concerned District and Sessions Judge)**

#### **Establishing VC facility in prisons for trial and other court processes**

10. The Committee observed that the present COVID situation in the country is volatile, uncertain, complex and dynamic. This may continue for a few more months. Alternate means of starting court processes may need to be explored. Some

states in India have installed Video Conferencing (VC) equipment in courts as well as at the jail-end, and are successfully conducting trials and other court processes through Video Conferencing. In Punjab, though VC equipment has been installed in the courts; at present, jails have limited equipment for VC for facilitation of seamless court processes. This will need to be ramped-up to meet the demand for trials and other processes to take place through VC.

10.1 The HPC, therefore, recommends to the Govt. of Punjab to urgently take measures towards creation of suitable and sufficient Video Conferencing facilities at the jail-end (including other required equipment, infrastructure and manpower) to ensure that jails are ready for trials and other court processes to take place through VC.

**(Action: Govt. of Punjab through Addl. Chief Secretary, Jails)**

#### **Provision of adequate health facility at Special COVID Care Centers in Jails**

11. The Committee was informed that with the increasing number of COVID cases in prisons, the police and jail administration are finding it difficult to provide adequate security at the regular COVID Care Centres established for the treatment of COVID patients by the Health Department. The biggest problem was providing security to the prisoners lodged in the COVID wards, as no security personnel can be posted inside these wards, and therefore the risk of escape was very high. To meet this challenge, and to ensure proper treatment of COVID positive prisoners in a secure environment, ADGP (Prisons) informed that two jails have been converted into Level-I COVID Care Facilities, viz., Sub-Jail Malerkotla and Central Jail Gurdaspur.

11.1 It was observed by the Committee that the Hon'ble Supreme Court of India in its Order dated 23-03-2020 had specifically directed that adequate medical facilities should be provided to all prisoners in light of the COVID-19 pandemic and that there should be no delay in shifting any sick prisoner to a Nodal Medical Institution in case of infection.

11.2 The Committee, hence, recommends that the Department of Health and Family Welfare, Govt. of Punjab, shall take all necessary steps to provide sufficient medical infrastructure (including provision of medical staff, medicines, etc.) to ensure proper treatment of prisoners at the COVID Care Facilities created at Central Jail Gurdaspur and Sub-Jail Malerkotla or any similar facility if established in future.

**(Action: Addl. Chief Secretary, Dept. of Health and Family Welfare, Pb.)**

## Consideration of cases for interim bail of COVID positive prisoners

12. It was brought to the notice of the Committee that difficulties were being faced by the prison department in management of COVID positive prisoners post treatment. As most of those testing positive are under-trial prisoners, there was a strong case for sympathetically considering release of COVID positive under-trial prisoners on interim bail after being duly treated.

12.1 The Committee, hence, recommends that the concerned Judicial Officers/Magistrates shall immediately take-up cases for grant of interim bail to prisoners in custody who have tested COVID positive and consider them sympathetically, while also taking the severity of the offence into consideration.

**(Action: All District and Sessions Judges in Punjab and concerned Judicial Magistrates)**

13. The Committee, as a final recommendation, reiterates that all the above recommendations be implemented expeditiously to ensure the intended benefits accrue in the true spirit in which the recommendations have been put forth.

The meeting ended with thanks to the Chair.

(Praveen K. Sinha), IPS  
Addl. Director General of Police,  
Prisons, Punjab, Chandigarh.

(R. VenkatRatnam), IAS  
Addl. Chief Secretary,  
Jails, Punjab, Chandigarh.

(Mr. Justice R.K. Jain)  
Chairperson,  
Punjab State Legal Services  
Authority, SAS Nagar, Punjab.

**Minutes-of-meeting of the 4<sup>th</sup> meeting of High Powered Committee held under the Chairmanship of Hon'ble Dr. Justice S. Muralidhar, Judge, Punjab and Haryana High Court, Chandigarh and Executive Chairman, Punjab State Legal Services Authority, Chandigarh, at 16:30 hrs on 18.11.2020.**

The meeting was attended by the following officers/members of the High Powered Committee:

1. Mr. R. Venkat Ratnam, IAS, Addl. Chief Secretary to Government of Punjab, Department of Jails, Punjab.
2. Mr. Praveen K. Sinha, IPS, Additional Director General of Police, Prisons, Punjab.
3. Mr. Arun Gupta, Member Secretary, PULSA.

2. ACS, Jails and ADGP, Prisons briefed the Chair regarding the actions taken in compliance of the recommendations of the High Powered Committee meeting held on 31.07.2020. An Action Taken Report (ATR) on the actions taken qua the recommendations of the Committee in its meeting dated 31.07.2020 was placed before the Committee by ADGP, Prisons. A copy of the ATR submitted by ADGP, Prisons before the Committee is placed at **Annexure-A**.

3. The Hon'ble Chair and Member Secretary, PULSA were also apprised regarding the various actions taken by the Prison Department since the directions of the Hon'ble Supreme Court of India in the Suo Motu Writ Petition(Civil) no. 1/2020 in its Order dated 23-03-2020.

**PROCEEDINGS OF THE HIGH POWERED COMMITTEE:**

4. The following agenda points were discussed and subsequent decisions were taken in the meeting:

5. **Return of convicts released on parole:** The issue regarding return of prisoners released on parole was discussed threadbare. ADGP, Prisons stated that at present, under-trials constitute approx. 85% of prison population with convicts making up the other 15%. The day-to-day functioning of the prisons has been negatively impacted due to low population of convicts. ADGP, Prisons further mentioned that at present, there are only around 2800 convicts lodged in jails, which is not sufficient for day-to-day management of 25 functional jails.

5.1. The matter was discussed in depth by the Committee. It was felt that bringing back all the convicts released on parole at once may not be an advisable move due to the ever-changing COVID situation and the perceived likelihood of a second COVID wave in the offing in Punjab. Hence, with a view to balance the need for return of convicts and taking a cautious approach, it was decided that to begin with the further extension of the parole of the convicts as indicated hereafter, released in the month of **January, 2020** be discontinued and they be directed to

report back to the designated prisons in a phased manner from **01.12.2020** onwards as may be decided by the authority. However, the parole of the following categories of convicts be continued for the time being:-

- Those aged with 60 years or above as on 30.11.2020;
- Prisoners continuing to suffer from chronic diseases or pre-existing conditions as indicated in previous recommendations of the Committee, and in the present one, subject to an appropriate certificate of a govt. medical officer, regarding the current medical status of the prisoners.

5.2. Regarding return of the remaining convicts who have been released on parole, in the month of February, 2020 and in subsequent months, the Committee decided to consider the issue at its next meeting to be held in the first week of December, 2020.

**(Action: Concerned District Magistrates and Jail Superintendents)**

6. **Essential transfer of prisoners from one jail to another:** The Committee was briefed by ADGP, Prisons that there is a requirement of shifting of prisoners from one jail to another. Also, with the partial resumption of physical hearing and other judicial processes in Courts, such transfers are necessitated at times.

6.1 The Committee deliberated upon the issue, and it was felt that only essential transfers of prisoners may be resorted to, and the grounds for the same need to be clearly made out. The Committee recommends that for the efficient administration of the jails and to meet the requirements of ever-changing COVID situation, the prison administration may transfer prisoners from one jail to another under the following conditions only:

- In case any Special Jail or COVID Care Centre Jail is to be re-converted into a regular jail, those under-trial prisoners who were in these jails till March, 2020 or those whose trials are to be held in the districts served by such jail, shall be considered for transfer;
- Under-trial prisoners whose physical hearings have resumed may be transferred to the jail serving the districts where trials are to be held;
- Those convict prisoners, particularly women prisoners, who had to be shifted away from the home districts because of conversion of jails into Special Jails and COVID Care Centre Jails, may be sent to jails closer to their homes so that their family members and relatives do not face inconvenience while trying to meet them for the scheduled *mulakaat*;
- On grounds of extreme compassion and for unforeseen reasons where it is absolutely essential - to be decided by the ADGP, Prisons on a case-to-case basis;
- Apart from above, any transfer required for maintenance of law and order within the jails, for treatment and/or security of prisoners may be done;

- All transfers under the quarantine and treatment protocol may continue.

6.2 The Committee felt that the COVID situation is still grim in the state and transfer of prisoners should be done with due care and caution.

**(Action: ADGP, Prisons; Concerned Jail Superintendent)**

7. **Resumption of physical *mulakaat*:** ADGP, Prisons briefed the Committee about the need for re-starting the facility of physical *mulakaat* / interview for the prisoners in view of the positive impact such *mulakaat* has on the mental state of prisoners. The Committee examined the proposal and felt that physical *mulakaat* is essential and needs to be re-started. However, due precautions need to be observed to ensure security of prisoners as well as visitors. Keeping in view the above, the Committee recommended the following regarding resumption of physical *mulakaat* / interview:

- Limited physical *mulakaat* / interview to re-start from **15.12.2020**.
- One *mulakaat* per fortnight for under-trials and one *mulakaat* every month for convicts. The frequency can be increased in future if the situation eases up further.
- Only two persons per *mulakaat* to be allowed. Each *mulakaat* to be for 30 minutes duration and the time limit shall be strictly enforced.
- *Mulakaat* only through prior appointment to be allowed. All *mulakaat* to be scheduled through an appropriate online system, and limited number of appointments to be given every day.
- Each visitor should possess a valid COVID negative report (RAT/RT-PCR). A valid COVID report means a report prepared/issued within 4 days of the scheduled date of *mulakaat*.
- The following protocols should be followed for the safety of visitors and prisoners:
  - Jails to install transparent polythene sheets (on both visitor and prisoner sides) over the wire mesh in the *mulakaat* halls.
  - Body temperature of visitors to be checked with contact-less thermometers.
  - Visitors, prisoners and all officials on duty to wear proper face-masks.
  - Hands of visitors and prisoners to be sanitised before entering the *mulakaat* hall; and that of prisoners to be sanitised upon exit from the *mulakaat* hall also.
  - Jail administration to ensure that the whole area of the *mulakaat* hall is disinfected and sanitised at least two (2) times a day.

**(Action: ADGP, Prisons ; Concerned Jail Superintendent)**

8. **Prisoners released on interim-bail:** The Committee deliberated upon the question whether prisoners released on interim-bail should also be brought back into the jails. It was felt that at present, jails are already filled at around 75% of their capacity, and the buffer of 25% is

useful in maintaining proper social distancing. Additionally, for proper administration of prisons, decision regarding return of convicts released on parole has been taken which will further reduce this buffer. In light of this situation, the Committee recommends that the concerned Judicial Officers / Judicial Magistrates may extend the interim-bail of prisoners released on bail till such time that the notification under the Epidemic Disease Act, 1897, is in force, or till such time when any other recommendation in this regard is made by the HPC, whichever is earlier.

**(Action: All DSJs and Concerned Judicial Magistrates)**

9. **Delegation of power to Superintendents of Jails to process cases for Parole of Prisoners:** As per decision taken in meeting of HPC dated 31<sup>st</sup> July 2020, the authorization to process cases of parole of prisoners had been delegated to Superintendents of Jails till 30<sup>th</sup> Nov 2020. It was brought to the notice of the Committee that no new cases for parole are to be processed under the criteria established by HPC. In light of present scenario, the Committee recommends that this authorization shall not be extended beyond 30<sup>th</sup> Nov 2020. All regular parole cases, henceforth, shall be processed as per the extant laws and rules governing temporary release of prisoners.

**(Action: ADGP, Prisons ; Concerned Jail Superintendent)**

10. **Forwarding the copy of the report of visit of Secretary, DLSA and that of District and Sessions Judge or other Judicial Officer deputed by the DSJ:** It was brought to the notice of the Committee by the Member Secretary, PULSA that the reports of the visits of Secretary of the concerned DLSA and that of District and Sessions Judges or any other ADJ level Judicial Officer deputed by the DSJs were not being received at the office of PULSA, and hence, they were not able to monitor and take necessary action with regard to compliance to para no. 9.1 of the Minutes-of-Meeting of HPC dt. 31.07.2020. It was recommended that a copy of the report of Secretary, DLSA and that of District and Sessions Judge or any other ADJ level Judicial Officers deputed by the District and Sessions Judge may henceforth be forwarded to Member Secretary, PULSA for information of the Executive Chairperson, PULSA.

**(Action: Secretaries, DLSA and all DSJs Punjab )**

11. **Case for grant of regular-bail to under-trial Nirmal Singh s/o Sh. Beant Singh:** The matter concerning Hon'ble Punjab and Haryana High Court directing the High Powered Committee to consider the case of UT prisoner Nirmaljit Singh @ Nimma for regular bail on medical grounds vide orders dated 09.11.2020 in CRM-M-20524-2020 was taken up by the HPC.

11.1 It was informed that UT Nirmaljit Singh is lodged at District Jail Ropar in case FIR No. 77 dated 07.09.2017, and is suffering from **Carcinoma (Cancer)**. Operative part of the directions of High Court is as follows:

*"The State High Powered Committee is directed to consider the case of the petitioner as per law/existing guidelines and decide the same within a period of ten days from the date of receiving a certified copy of this order."*

11.2 The background of the case is that as per recommendations of HPC dt. 02.05.2020, Superintendent District Jail Ropar forwarded the case of UT Nirmaljit Singh @ Nimma to Districts Courts, Mohali for consideration vide letter dt. 07.05.2020. His case was rejected on the following grounds by the Addl. District and Sessions Judge, SAS Nagar (Mohali):

*"as per the guidelines dated 02.05.2020 issued by High Powered Committee of the Hon'ble Punjab and Haryana High Court disease **Cancer is not mentioned** in para 8.2 of the guidelines."*

11.3 The case was examined by the Committee and it was decided to add the following conditions to the list of chronic diseases mentioned at paras 8.2 and 9.3 of the recommendations of HPC dt 02.05.2020;

- Cancer of any kind for which the patient is under treatment;
- Any other disease which is life threatening and requires immediate medical attention.

11.4 The process to be followed while considering the case for release of such convicts shall be as mentioned in the recommendations of HPC dt. 02.05.2020.

**(All Superintendents of Jails ; all CMOs)**

11.5 Thus, the Committee requests the matter be revived before Hon'ble High Court of Punjab for appropriate orders.

**The meeting ended with thanks to the Chair.**

(Praveen K. Sinha), IPS  
Addl. Director General of Police,  
Prisons, Punjab, Chandigarh.

(R. Venkat Ratnam), IAS  
Addl. Chief Secretary,  
Jails, Punjab, Chandigarh.

(Dr. Justice S. Muralidhar)  
Chairperson,  
State legal Services Authority

**Sub: Minutes of 5<sup>th</sup> meeting of High Powered Committee held under the Chairmanship of Hon'ble Dr. Justice S. Muralidhar, Judge, Punjab and Haryana High Court Chandigarh and Executive Chairman, Punjab State Legal Services Authority Chandigarh on 26.11.2020 at 16:00 hrs.**

The meeting was attended by the following officers/members of the High Powered Committee:

1. Mr. R. Venkat Ratnam, IAS, Addl. Chief Secretary to Government of Punjab, Department of Jails, Punjab.
2. Mr. Praveen K. Sinha, IPS, Additional Director General of Police, Prisons, Punjab.
3. Mr. Arun Gupta, Member Secretary, PULSA.

**PROCEEDINGS OF THE HIGH POWERED COMMITTEE:**

2. At the very outset, ACS, Jails and ADGP, Prisons briefed the Chair that this meeting was necessitated due to the rising cases of COVID-19 in the State of Punjab and the Punjab Government's decision to impose night curfew and certain other curbs across the State of Punjab from December 1, 2020. Given the present assessment of the Government and steps taken towards imposition of COVID related curbs, the Committee decided to re-consider following decisions mentioned at **paras (5) and (7)** of the Minutes of 4<sup>th</sup> meeting of HPC dt. 18.11.2020:

- (i) Return of convicts released on parole in phased manner from 01.12.2020 onwards.
- (ii) Resumption of limited physical *mulaqat* for convicts and under-trial prisoners from 15.12.2020.

**DECISIONS TAKEN:**

3. **Return of convicts released on parole and Resumption of limited physical mulaqat:** The ramifications of the decisions taken in 4<sup>th</sup> meeting of HPC qua the decision of the Punjab Govt. to impose fresh COVID-related curbs were deliberated upon in detail. It was decided that the decisions taken regarding 'return of convicts on parole' and 'resumption of limited mulaqat' contained at paras (5) and (7) of the minutes of 4<sup>th</sup> meeting of HPC dt. 18.11.2020 shall be **kept in abeyance** till further decision in this matter to be taken in the next meeting of HPC to be held in January, 2021.

4. **Return of convicts released on parole from Open Jail, Nabha**: ADGP, Prisons brought to the notice of the Committee that the functioning of Open Jail, Nabha has come to a stand-still as all the inmates have been released on parole. It was mentioned that there are certain contractual obligations, like supply of fodder to animal husbandry department in addition to the agricultural activities in the jail that are suffering due to this. Also, due to the open nature of this jail, proper social distancing and ventilation can be maintained even if a majority of the prison inmates return. After due deliberations, the Committee decided that in exception to para 3 above, extension of parole of convicts released in the months from January to April 2020 from Open Jail Nabha be discontinued and they be directed to report back to Open Jail Nabha in a phased manner from 05-12-2020 onwards as may be decided by the authority. However, the parole of the following categories of convicts be continued for the time being:

- Those aged with 60 years or above as on 30.11.2020;
- Prisoners continuing to suffer from chronic diseases or pre-existing conditions as indicated in previous recommendations of the Committee, subject to an appropriate certificate of a govt. medical officer, regarding the current medical status of the prisoners.

**(Action: Concerned District Magistrates; Superintendent Open Jail Nabha)**

**The meeting ended with thanks to the Chair.**

(Praveen K. Sinha), IPS  
Addl. Director General of Police,  
Prisons, Punjab, Chandigarh.

(R. Venkat Ratnam), IAS  
Addl. Chief Secretary,  
Jails, Punjab, Chandigarh.

(Dr. Justice S. Muralidhar)  
Chairperson,  
State legal Services Authority

**Minutes-of-meeting of the 6<sup>th</sup> meeting of High Powered Committee held under the Chairmanship of Hon'ble Justice Mr. Ajay Tewari, Judge, Punjab and Haryana High Court, Chandigarh and Executive Chairman, Punjab State Legal Services Authority, Chandigarh, at 1230 hrs on 05.02.2021.**

The meeting was attended by the following officers/members of the High Powered Committee:

1. Mr. D. K. Tiwari, IAS, Principal Secretary to Government of Punjab, Department of Jails, Punjab.
2. Mr. Praveen K. Sinha, IPS, Additional Director General of Police, Prisons, Punjab.
3. Mr. R. K. Arora, Inspector General of Prisons, Punjab.
4. Mr. Arun Gupta, Member Secretary, PULSA.

2. PS, Jails and ADGP, Prisons apprised the Chair regarding the actions taken in compliance of the recommendations of the High Powered Committee meetings held earlier, and also regarding the various actions taken by the Prison Department since the directions of the Hon'ble Supreme Court of India in the Suo Motu Writ Petition(Civil) no. 1/2020 in its Order dated 23-03-2020.

**PROCEEDINGS OF THE HIGH POWERED COMMITTEE:**

3. The issues discussed in the 6<sup>th</sup> meeting of the HPC and the decisions taken are detailed in the following para.

4. **Return of convicts released on parole:** ADGP, Prisons stated that at present, under-trials constitute approx. 85% of prison population with convicts making up the other 15%. The day-to-day functioning of the prisons has been negatively impacted due to low population of convicts.

4.1. The matter was discussed by the Committee and it was decided that further extension of the parole of the convicts released on parole in calendar year 2020 be discontinued and they be directed to report back to the designated prisons in a phased manner starting **17.02.2021** onwards as per schedule decided by ADGP, Prisons.

4.2. The return of prisoners released on parole in 2020 shall follow the following guidelines –

- (a) 'First out-first in' mechanism shall be followed - prisoners who have availed the longest period of parole would report back to the prisons first.
- (b) Prison Dept. should prepare a schedule for return of approx. 650-700 prisoners in one batch every 9-10 days, starting from the 17<sup>th</sup> of February 2021.
- (c) Prisoners as per above criteria shall be informed well in time to surrender at designated jails, where they shall be quarantined in the jail for 4 days (including the day of surrender), and COVID sample collected on 5<sup>th</sup> day.

- (d) All such prisoners shall be directed to report at the designated jail with a negative COVID test report (RT-PCR only) received within 3 days preceding the surrender. Those prisoners who surrender without a valid RT-PCR report shall not be returned back from jail, but shall be quarantined separately at the designated jail and tested on 5<sup>th</sup> day of quarantine.
- (e) Upon arrival of test result, prisoners who test negative shall be shifted to concerned regular jails. All COVID positive prisoners shall be shifted to Level-1 COVID Care Center at District Jail Ludhiana, or any other higher medical establishment, depending upon the severity of the case as per medical advice.
- (f) If any prisoner tests positive in the pre-admission test, s/he shall inform the Superintendent of the designated prison at the earliest possible. Such prisoners shall be asked to report on the 18<sup>th</sup> day from the date of result and in case of any prolonged medical treatment beyond this period, should carry a medical certificate from a govt. medical officer.
- (g) Parole of all the prisoners released on parole in 2020 and presently out on parole shall stand extended till the date on which they have been asked to surrender at the respective designated jails created for this purpose.
- (h) Prisoners above 60 years in age and those with chronic co-morbidities shall be taken back in the last batch of parole returnees, and shall also follow the aforementioned process of pre-admission negative report, quarantining and testing.

4.3 For prisoners released on parole in calendar year 2021, the following procedure shall be followed:

- (a) Prisoners released on parole in the year 2021 shall return to the respective Special Jails, as and when their parole period expires.
- (b) The parole availed by a prisoner in 1<sup>st</sup> & 2<sup>nd</sup> quarters of calendar year 2021 (even though released anytime in year 2020), shall be offset against the 8 weeks' eligibility for parole in 1<sup>st</sup> & 2<sup>nd</sup> quarters of 2021. If any prisoner returning as per schedule has availed less than 8 weeks' of parole in 1<sup>st</sup> & 2<sup>nd</sup> quarters of 2021, s/he shall be eligible for the remaining period within these quarters. However, if any prisoner has availed more than 8 weeks' parole in 1<sup>st</sup> & 2<sup>nd</sup> quarters of 2021, s/he shall be eligible for 8 weeks' parole in 3<sup>rd</sup> & 4<sup>th</sup> quarters.

4.4 Henceforth, all Superintendents of concerned jails shall process regular parole applications of prisoners in their custody only after successful completion of first 4 months after the conviction of those prisoners, in accordance with Proviso of Rule 3(2) of the Punjab Good Conduct Prisoners' (Temporary Release) Rules, 1963, which was kept in abeyance vide para 6(iii) of minutes of 1<sup>st</sup> meeting of HPC dated 25.03.2020.

4.5 All regular parole cases, henceforth, shall be processed as per the extant laws and rules governing temporary release of prisoners read with guidelines mentioned at para 4.3 (b) above.

**(Action: PS (Jails), ADGP (Prisons), Concerned District Magistrates and Jail Superintendents)**

4.6 **Prisoners released on interim-bail:** The Committee deliberated upon the question whether prisoners released on interim-bail should also be brought back into the jails. It was decided that first the convicts released on bail should be asked to surrender and based on the experience and situation of COVID in the community outside, further decision shall be taken in next HPC meeting. In light of aforesaid, the Committee recommends the following:

- (a) Interim bail of all under-trial prisoners released on interim bail as per the recommendations of HPC to be extended till next meeting of HPC. The matter shall be examined in the next HPC meeting and suitable recommendation issued as per the extant situation at that point in time.
- (b) None of the previous recommendations of HPC for grant of interim bail to under-trials shall apply to any fresh case for grant of interim bail taken up by any court. This shall come into force from 12.02.2021. All applications for grant of bail may be dealt, henceforth, on merit on a case-to-case basis by all concerned courts.

**(Action: All DSJs and Concerned Judicial Magistrates)**

4.7 **Resumption of physical *mulakaat*:** The Committee examined the matter regarding resumption of interview/physical *mulakaat* and recommended that same shall remain suspended till next meeting of HPC with a view to gradually relax the COVID protocols. However, online *mulakaat* through ePrisons portal and Whatsapp shall continue as per the protocol established during COVID, and prison authorities should ensure that this facility is available to all prisoners in an equitable manner.

**(Action: Concerned Jail Superintendent)**

**The meeting ended with thanks to the Chair.**

(Praveen K. Sinha), IPS  
Addl. Director General of Police,  
Prisons, Punjab, Chandigarh.

(D. K. Tiwari), IAS  
Principal Secretary,  
Jails, Punjab, Chandigarh.

(Justice Ajay Tewari)  
Chairperson,  
State legal Services Authority

**Minutes-of-meeting of the 7<sup>th</sup> meeting of High Powered Committee held under the Chairmanship of Hon'ble Justice Mr. Ajay Tewari, Judge, Punjab and Haryana High Court, Chandigarh and Executive Chairman, Punjab State Legal Services Authority, Chandigarh, at 1200 hrs. on 23.04.2021.**

The meeting was attended by the following officers/members of the High Powered Committee:

1. Mr. D. K. Tiwari, IAS, Principal Secretary to Government of Punjab, Department of Jails, Punjab.
  2. Mr. Praveen K. Sinha, IPS, Additional Director General of Police, Prisons, Punjab.
  3. Mr. R. K. Arora, Inspector General of Prisons, Punjab.
  4. Mr. Arun Gupta, Member Secretary, PULSA.
2. PS, Jails and ADGP, Prisons apprised the Chair regarding the action taken in compliance of the recommendations of the High Powered Committee's 6<sup>th</sup> meeting held earlier.

**PROCEEDINGS OF THE HIGH POWERED COMMITTEE:**

3. The issues discussed in the 7<sup>th</sup> meeting of the HPC and the decisions taken are detailed in the following para.
4. **Return of under-trial prisoners released on interim-bail:** ADGP, Prisons briefed the members about the current occupancy position of prisons and mentioned that prisons have around 95% occupancy. He mentioned that at present 75.50% prisoners are undertrials, and that it was around 87% at the time of last HPC meeting.

**Decision:** After due deliberations, the Committee recommends that the interim-bail of prisoners released on bail be extended till the next meeting of HPC or till the notification under the Epidemic Diseases Act, 1897 is in force, whichever is earlier.

**(Action: All DSJs and Concerned Judicial Magistrates)**

5. **Initiation of legal proceedings against parole absconders:** ADGP, Prisons stated that out of 3180 prisoners who were due to surrender at designated jails in first seven (7) batches (till 21.04.2021), 301 prisoners have so far absconded, and all concerned Police stations have been informed to take necessary legal action against such absconding prisoners.

**Decision:** It was decided that the concerned police authorities, viz., the DGP/Pb. and concerned CPs & SSPs shall ensure prompt criminal action against all the absconding parolees, and ensure their timely arrest. ADGP, Prisons may take up the matter with concerned police authorities for absconding prisoners belonging to other States.

**(Action: DGP, Punjab and Concerned CPs/SSPs)**

6. **Waiving off condition regarding availing of parole on quarterly basis:** ADGP, Prisons apprised the Chair that during the process of phase-wise surrendering of prisoners from parole, most of the prisoners have exhausted the 8 weeks of parole, for which they were eligible in the first six (6) months of 2021. Hence, it is likely that a large number of prisoners would be applying for availing parole in the months of July-August 2021, which may create logistical issues while releasing and taking back a huge number of prisoners together.

**Decision:** The following decisions were taken regarding release of prisoners on regular parole in 2021:

(a) Government may issue a notification for waiving off the condition of availing parole on quarterly basis as was done last year (2020).

**(Action: PS, Jails)**

(b) To ensure even spread of release of prisoners on parole over the remaining months of the current year, Jail Superintendents shall seek preferred dates for availing remaining parole from all prisoners by 10<sup>th</sup> of May 2021. Once the data is available, it shall be examined whether during any particular period, more than 30% of prisoners have sought parole. In case more than 30% prisoners seek parole during any period, preference shall be given to prisoners who have returned earlier from last parole. It shall be ensured by all Superintendents of Jails that not more than 30% convict prisoners be released on parole at particular any time, and the system of grant of parole should be absolutely transparent.

**(Action: All Superintendents of Jails)**

(c) In case prisoners have already availed parole for eight (8) or more weeks in first six months of 2021 before surrender, such prisoners shall be eligible only for 8 more weeks of parole in current year. In case a prisoner has availed less than 8 weeks' parole in current year before surrender, he shall be eligible to

avail the remaining period in the first six months of the current year and remaining 8 weeks in rest of the year.

**(Action: All Superintendents of Jails)**

7. **Return of prisoners from parole:** ADGP, Prisons apprised the Chair that the return plan of parolees had been divided into ten (10) rounds, out of which seven (7) rounds have been completed, and remaining three rounds are scheduled for 28.04.2021, 08.05.2021 and 18.05.2021. The last round which is scheduled for 18.05.2021, will constitute of those prisoners who are above 60 years of age and/or are suffering from co-morbidities.

**Decision:** It was decided that prisoners released on parole who are scheduled to surrender on 28-04-2021 and 08-05-2021 (8<sup>th</sup> and 9<sup>th</sup> batch) shall be admitted as per schedule. However, in view of prevailing conditions, parole of prisoners above 60 years of age and/or those suffering from co-morbidities shall be extended till next meeting of HPC or till notification under Epidemic Disaster Act, 1897 is in force, whichever being earlier.

**(Action: All Superintendents of Jails)**

8. **Regarding physical *peshi* (court hearings) of prisoners in Courts:** ADGP, Prisons apprised the Chair that many of the prisoners who have been found COVID positive in prisons seem to have contracted infection during court hearings. Hence, it would be desirable to keep physical *peshis* (court hearings) in abeyance till the situation normalizes and court hearings, if any, may be conducted through video conference.

**Decision:** It was decided that the Superintendents of Jails shall take up the matter with concerned District and Sessions Judges and apprise them of the risk of conducting physical appearances of prisoners. District and Sessions Judges may take suitable decisions at their level after examining the local prevailing conditions.

**(Action: All DSJs and all Superintendents of Jails)**

9. **Steps towards decreasing unrest in under-trial prisoners:** In the Minutes-of-Meeting of 3<sup>rd</sup> meeting of High Powered Committee held on 31-07-2020, at point no. 9 (Steps towards decreasing unrest in under-trial prisoners), sub-point 9.1 (a), DLSA of the concerned district where the jail is situated was asked to physically visit the jail every week and listen to the grievances of particularly the under-trial prisoners.

**Decision:**

- (i) Keeping in view high risk of members of DLSAs becoming vectors for COVID, it was decided that instead of weekly physical visit, the members of DLSAs may conduct physical visit every alternate week and may conduct meeting over VC in the interim week.
- (ii) Also, Secretary DLSAs may ensure that all members are vaccinated at the earliest.

**(Action: All DLSAs)**

10. **Vaccination of jail officials and prisoners:** The Committee felt that vaccination of 100% prisoners and prison officials is critical in keeping the prisoners and prison staff safe. The pace of vaccination needs to show more urgency and speed.

**Decision:** The Committee directed all superintendents of jails to ensure 100% vaccination of prison officers/officials and of prisoners in the shortest possible time. A system of vaccinating new admission prisoners also needs to be put in place.

**(Action: All Superintendents of Jails)**

**The meeting ended with thanks to the Chair.**

(Praveen K. Sinha), IPS  
Addl. Director General of Police,  
Prisons, Punjab, Chandigarh.

(D. K. Tiwari), IAS  
Principal Secretary,  
Jails, Punjab, Chandigarh.

(Justice Ajay Tewari)  
Chairperson,  
State legal Services Authority