

OFFICE OF STATE LEGAL SERVICES AUTHORITY, WEST BENGAL

High Powered Committee: Meeting dated 11.05.2021 held virtually and presided over by the Hon'ble Justice Rajesh Bindal, Hon'ble Acting Chief Justice, High Court at Calcutta and Hon'ble Patron-in-Chief & Executive Chairman, State Legal Services Authority, West Bengal.

Hon'ble Supreme Court vide order dated 23.03.2020 in **Suo Moto Writ Petition (C) No. 1/2020, In Re: Contagion of COVID 19 Virus in Prisons**, had constituted a High Powered Committee comprising of (i) Chairman of State Legal Services Authority; (ii) The Principal Secretary (Home/Prison); and (iii) Director General of Prison, to determine which class of inmates can be released on parole or on interim bail for such period as may be thought appropriate.

Hon'ble Supreme Court had directed that States/Union Territories could consider the release of the inmates: regarding under-trials the offences for which prescribed punishment is up to 7 years and regarding convicts where the convict has been convicted up to 7 years of imprisonment, though prescribed maximum punishment may be more. Hon'ble Supreme Court has also directed that while deciding the issue relating to release of the under-trials and convicts, the Committee would honour the parameters given in para no. 11 of the judgment in Criminal Appeal No. 1277 of 2014 (Arnesh Kumar vs. State of Bihar).

The Hon'ble Supreme Court of India by virtue of order dated 07.05.2021 in **Suo Motu Writ Petition(C) No.1/2020 IN RE: CONTAGION OF COVID 19 VIRUS IN PRISONS** has directed the High-Powered Committees constituted by the State Governments/Union Territories shall consider release of prisoners by adopting the guidelines followed by them last year, at the earliest.

Meeting is chaired by Hon'ble Justice Rajesh Bindal, Acting Chief Justice, High Court at Calcutta and Hon'ble Patron-in-Chief & Executive Chairman, State Legal Services Authority, West Bengal.

Mr. Ravi Inder Singh, Secretary, Department of Correctional Administration, Government of West Bengal and Mr. Peeyush Pandey, Additional Director General and Inspector General of Correctional Services, Government of West Bengal are present in the meeting.

Mr. Raju Mukherjee, Member Secretary, State Legal Services Authority is also present.

In compliance with the directions issued by the Hon'ble Supreme Court, the report regarding number of under-trials and convicts fit to be considered for release had been sought for from the Principal Secretary, Department of Correctional Services and ADG & IG of Correctional Services, West Bengal and they have provided the list to the State Legal Services Authority, West Bengal.

The ADG & IG of Correctional Services, Government of West Bengal by virtue of report No. 385/ADG-IG/21 dated 10.05.2021 has stated that 2292 Under Trial Prisoners were granted interim bail in 2020 as per recommendation of the High Powered Committee and **at present none of them are detained in the Correctional Home.** (Annexure A – Nil report)

A fresh list of 895 UTPs has been submitted by the ADG & IG of Correctional Services who may get benefit of interim bail subject to fulfilment of certain parameters as per resolution dated 27.03.2020 of the High Powered Committee taken in view of Order dated 23.03.2020 passed by the Hon'ble Supreme Court of India in Suo Motu Writ Petition (Civil) No. 1 of 2020 w.r.t. Contagion of Covid 19 Virus in Prisons. (Annexure B)

2770 convicts who were granted parole last year (2020) during pandemic Covid 19 in the de-congestion process of Correctional Homes. However, the cases of convicts who expired or who jumped parole and complaints received against whom while at large on parole are not recommended for release. During the meeting the ADG & IG of Correctional Services stated that 37 convicts who had jumped parole earlier may be kept out of purview of the recommendation. (Annexure C)

The Secretary, Department of Correctional Administration, Government of West Bengal and ADG & IG of Correctional Services, West Bengal submitted that the parameters set out by the High Powered Committee in its first meeting dated 27.03.2020 may be adhered to. The Hon'ble Chairman of the Committee and the other Members of the Committee agreed to the above proposal.

After due deliberation and on consideration of all parameters, the following recommendations are being made by the Committee:-

- A) 2733 convicts who were released on parole in the year 2020 and have not violated the terms of parole may be released on parole forthwith by imposing the same terms and conditions as per resolution dated 27.03.2020 of the High Powered Committee for a period of 3 months. (Annexure C).
- B) The Committee directs the Correctional Services Authorities to ensure proper medical facilities to all the prisoners who are imprisoned and to **expedite and ensure the process of vaccination of the inmates** at the earliest.
- C) Next meeting of the Committee to be held on 14th May, 2021.

Prepared under direction of the Hon'ble Executive Chairman, State Legal Services Authority, West Bengal.

Dated: 12th May, 2021

Sd./-
(Raju Mukherjee)
Member Secretary
State Legal Services Authority
West Bengal