

**Minutes of Meeting of High Power Committee**  
**held on May 17, 2021**

**Present:**

1. Hon'ble Mr. Justice Ali Mohammad Magrey, Chairman
2. Shri Shaleen Kabra, IAS, Principal Secretary to Government, Home Department, Govt. of UT of J&K. (Member)
3. Dr. B Srinivas, IPS, Director General of Police (Prisons) J&K. (Member)
4. Shri M K Sharma, HJS, Member Secretary, J&K Legal Services Authority.

S. No.	Agenda	Resolution
1	Effective implementation of the directions issued by Hon'ble Supreme Court of India in Suo Moto Petition (Civil) No.1/2020 - In Re: Contagion of COVID-19 vide its orders dated 23.03.2020 and 07.05.2021	<p>Spread of Corona Virus (Covid-19) across the globe and it being declared as pandemic by WHO, Hon'ble the Supreme Court of India took up the issue of overcrowding of prisons as a matter of serious concern and initiated Suo-Moto proceedings in a petition (Civil) No.1/2020- In Re: Contagion of Covid-19 and consequent upon the order dated 23.03.2020 all the States / Union Territories were directed to constitute High Power Committees, with the object of reducing population of overcrowded jails, comprising of the following:</p> <ol style="list-style-type: none"><li>1) Executive Chairperson of State Legal Services Authority,</li><li>2) Principal Secretary Home/Prisons</li><li>3) Director General of Prisons</li></ol> <p>The committee after thoughtful consideration of the matter, recommends release of all the undertrial</p>

		<p>prisoners / convicts who were released previously on the recommendation of High-Power Committee. for a period of 90 days. Member Secretary JKLSA shall send the recommendation to the Government of UT of Jammu &amp; Kashmir/ Director General of Police (Prisons) J&amp;K and all the courts in UT of Jammu and Kashmir for doing the needful in compliance with the directions of Hon'ble Supreme Court of India.</p>
2	<p>Follow up action of Resolution adopted with respect to prevention, screening, identification and treatment of prisoners and jail staff</p>	<p>Keeping in view the number of jail inmates being 4538 out of which 113 have tested positive for Covid - 19, besides 16 staff members, it is recommended that all the jail inmates / staff who have tested positive shall be treated in tune with the medical advice for ensuring their recovery / safety. It is also recommended that the jail inmates beyond the age of 55 years shall be ensured extra safety/precautions so that they are not 'immuno-compromised'.</p> <p>To stop spread of Covid-19 (Novel Corona Virus) in the Jail premises, the following steps are required to be taken:</p> <ol style="list-style-type: none"> <li>a) Discontinuation of all visits of outside agencies, including NGOs.</li> <li>b) Restriction of movements of inmates outside the wards in Jails.</li> <li>c) Sanitization and disinfection of the lodgement areas of the inmates and residential complexes of staff, on regular basis.</li> <li>d) All new inmates are pre-screened before lodging them in jail.</li> </ol>





c) Procurement and distribution of Personal Protective Equipment (PPE) Kit, Mask, Gloves, Alcohol-based hand rubs and Soaps.

f) Psychological screening of newly admitted inmates to properly manage their mental health issues.

g) Emphasis on Kitchen hygiene and proper handling of vegetables and other essentials by personnel in kitchen /canteen.

It is further decided and recommended that the thermo-screening of the Jail staff on their entering the Jail Premises is made mandatory and wearing of masks and maintaining the social distance while interacting each other as well as the inmates, is ensured. The staff shall also wear the PPE kit as per requirement.

It is further recommended that in view of the new Corona virus (covid -19) variant being more infectious, therefore, the Jail inmates be provided double masks i.e one surgical mask and one cloth mask. It is further decided that new entrants and those who report back after availing the benefit of bail/parole/special parole are quarantined for 14 days for ensuring safety of the other jail inmates/staff.

The committee recommends creating of additional accommodation within and adjacent to the jail premises for ensuring maintaining of longer distance.



		<p>The committee also recommends repeating of regular testing of the staff /inmates as also for vaccination of staff/jail inmates.</p>
3	Vaccination of Jail inmates and jail staff.	<p>D.G.P (Prisons) informed that majority of the jail staff has been vaccinated. He also apprised the committee that as on date 38 jail inmates in Central Jail Srinagar and 16 inmates at District Jail Rajouri have also been vaccinated with first dose.</p> <p>It is decided that Principal Secretary Home as well as DGP (Prisons) shall take up the issue with Health Department to accelerate the vaccination of the inmates as well as Jail staff as per Government guidelines in all the Jails of UT of Jammu and Kashmir.</p>
4	Taking stock of the current situation inside the jail and in UT of J&K for determining class/ category of persons who can be released on interim bail towards decongestion of jails.	<p>In order to achieve the object of constitution of the Committee, and while taking stock of the COVID-19 situation inside the jail premises as is mentioned in Agenda Item No.1, there is an emergent requirement of identifying class/category of prisoners who can be released on interim bail/ parole/special parole.</p> <p>The committee recommends that all the convicts / under trial prisoners who were released on the recommendations of High-Power Committee in the past, may be considered for grant of interim bail / parole/special parole. Further, the DG (Prisons) shall expeditiously examine and present before the HPC details of categories of Under-trials/ Convicts, with</p>





		<p>broad parameters like age, health status, severity and nature of offence, length of custody, etc. who could be recommended for consideration by the Trial Courts.</p> <p>Member Secretary of the JKLSA will send the recommendation to all the courts in the UT of Jammu &amp; Kashmir for considering the release as recommended by the High-Power Committee.</p> <p>The under-trial prisoners falling in above criteria may move their application for interim bail either through their Private Counsels or through Panel Lawyers of J&amp;K LSA, annexing the copy of custody warrants with the applications.</p> <p>It is clarified that the recommendations by this committee for release of prisoners on "interim bail" vide criterion adopted hereinabove, shall in no way affect the rights of other undertrial prisoners, who do not stand covered, from invoking the jurisdiction of concerned courts for grant of regular/interim bail. The concerned courts on filing of applications by such undertrial prisoners may consider the same on merits, in accordance with law.</p>
5	<p>Feedback regarding grant of "parole/special parole" to the convicts by</p>	<p>Mr. M. K. Sharma, Member Secretary, J&amp;K LSA has informed the Committee that Govt. of UT of J&amp;K vide various notifications granted special parole to the convicts as per the criteria adopted in the first HPC meeting dated 31.03.2020.</p> <p>All these convicts who were earlier granted</p>



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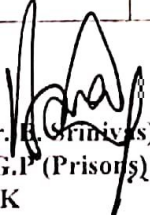




Govt. Of UT of J&K for a period of 8 weeks.


"Parole/special parole" and whose period is going to expire in near future may be considered for grant of fresh "Parole/Special parole" for a period of 90 days in view of second wave of COVID-19.

The committee further resolved that i) the Director General of Police may be directed to issue necessary guidelines to all SSPs of the Districts to ensure compliance of Hon'ble Supreme Court Judgement passed in **Arnesh Kumar's** case. Operative part of Judgment be circulated amongst senior officers afresh. ii) District Legal Services Authorities (DLSAs) may be directed to conduct sensitization programs of senior police officers online and iii) Directions on administrative side may be issued by Principal District and Sessions Judges to Magistrates to scrupulously ensure compliance of directions passed by Hon'ble Supreme Court.

The committee appreciates the endeavour and efforts of the Department of Prisons not only for managing the COVID-19 crisis but also for maintaining hygiene in the jails of J&K.

  
(Dr. H. Srinivas)  
D.G.P (Prisons)  
J&K

  
(Shaleen Kabra)  
Principal Secretary (Home)  
U.T of J&K

  
(Justice Ali Mohammad Magrey)  
Executive Chairman,  
J&K LSA