

PROCEEDINGS OF THE MEETING OF THE HIGH POWERED COMMITTEE HELD ON MONDAY, THE 10th DAY OF MAY, 2021 AT 11.30 A.M. THROUGH VIRTUAL MODE.

PRESIDED BY:

Hon'ble Shri. Justice Aravind Kumar, Judge, High Court of Karnataka & Executive Chairman, Karnataka State Legal Services Authority and chairman of High Powered Committee.

Members Present:

1. Shri. Alok Mohan, The Director General (Prisons & Correctional Services) Karnataka State.
2. Smt. Malini Krishnamurthy, Prl. Secretary (PCAS), Government of Karnataka.

Special Invitees:

1. The Registrar General, High Court of Karnataka, Bangalore.
2. Smt. Pallavi Akurathi, Director, ICPS.

The meeting commenced at 11.30a.m. Member Secretary, KSLSA formally welcomed Hon'ble Executive Chairman, Members of the High Powered Committee and the special invitees to the Virtual Meeting. The High Powered Committee was apprised of the directions dated: 07-05-2021 issued by Hon'ble Apex Court in Suo Motu Writ Petition (C) No. 1/2020 and further steps to be taken to implement the directions issued by the Hon'ble Apex Court.

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The Hon'ble Executive Chairman placed on record the proactive steps taken by the Karnataka Prison Authorities for ensuring the Prisons in the State of Karnataka would act as a Model for handling issues relating to Covid-19 pandemic (second wave). In order to ensure there is no spread of Covid-19 amongst the Prisoners, both Convicts and UTPs the Committee deliberated on the steps to be taken in this regard and in furtherance of which the following agenda were taken up for discussion.

Agenda No.1	To discuss and to implement the directions issued by the Hon'ble Supreme Court in Suo-Moto W.P. No. 01/2020 on 07-05-2021.
Resolution	<p>Hon'ble Executive Chairman referred to Para -11 to 14 of the Order of Hon'ble Supreme Court where certain directions have been issued for decongestion of Prisons. Hon'ble Executive Chairman also referred to the earlier meetings convened by the High Powered Committee and resolutions passed there under, where under several directions were given for decongestion of Prisons in Karnataka stands reiterated, to which all the Members in unison agreed.</p> <p>In the first meeting of HPC held on 26-03-2020 it was resolved that, the Prison Authorities would collate the information with regard to number of prisoners namely convicts as well as UTP's in the State, who would be eligible for being released either on parole or on bail. Accordingly 606 number of UTPs and 230 number of convicts came to be released from the</p>

prisons across the State of Karnataka. Subsequently on various dates 39,831 UTPs and 629 convicts have been released on bail/parole hither to as informed by the D.G. Prisons. The said statement is placed on record of these proceedings.

In order to effectively contain the spread of Covid-19 second wave in the prisons of Karnataka, it was resolved to take all necessary precautions and in this direction the Hon'ble Executive Chairman directed D.G, Prisons to forthwith furnish the present statistics with regard to convicts and UTP's and lodged in the prisons across the State of Karnataka and from amongst them who would be eligible for being released on bail/parole.

Sri. Alok Mohan, D.G, Prisons submitted that the Prison Authorities had pro-actively implemented the directions of High Powered Committee during the first wave of Covid-19 and as such at present there are only 174 number of active Covid cases in the Prisons of Karnataka. He apprised the Committee that the same level of hygiene and protocol is followed even during the present second wave.

Hon'ble Executive Chairman directed D.G, Prison to provide district wise statistics of the number of convicts released on parole and UTP's, so that the information furnished today and recorded here in above can be web hosted.

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Hon'ble Executive Chairman informed the members of the HPC that the directions issued by Hon'ble Supreme Court on 07-05-2021 and to grant parole of further 90 days to those inmates who had been granted parole, pursuant to earlier order and it was brought to the notice of the Committee that said directions being mandatory it should be implemented without any infraction thereof. At this juncture, Sri. Alok Mohan, D.G. Prisons informed that some of the convicts would not be ready to avail the benefit of parole as it will not reduce their period of imprisonment and for various other reasons. He also expressed his apprehensions that the prisoners who are granted parole might get infected with Covid-19 while being out of prisons and as such it is necessary to evaluate their status of Covid-19 while they return to prison.

Hon'ble Executive Chairman expressed that directions of Hon'ble Supreme Court to grant parole of another 90 days in favour of the convicts who were granted parole on earlier occasion is a mandatory direction and in order to ensure that each of the convicts is may known of the order dated 07-05-2021 passed by the Hon'ble Apex Court granting parole to which benefit the convict would be entitled to, the Member Secretary of DLSAs/TLSCs along with prison staff would interact personally with every prisoner and obtain consent from convicts either for being released on parole or voluntarily agreeing to continue to stay in prison and

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	<p>the acknowledgement duly signed in the presence of two other co-prisoners in the standard format be obtained. Further the said process may also be videographed.</p> <p>Regarding releasing of UTP's on conditional bail, Hon'ble Executive Chairman expressed that earlier formula adopted during the first wave may be followed at present. To formulate effective plans it is resolved to convene a meeting tomorrow 11-05-2021 with all the Principal District Judges and ADJ's in the State.</p>
Agenda No. 2	To discuss regarding the difficulties and challenges faced if any, in enforcing Covid - 19.
Resolution	<p>Hon'ble Executive Chairman referred to the shortage of Medical Staff and infrastructure at the prison and requested Principal Secretary, Home Department to address the issue. It is suggested that DG, Prison, Principal Secretary, Home Department along with Principal Secretary, Health and family Welfare Department may convene a separate meeting to resolve any bottle neck in this regard and to iron out creases, if any. Hon'ble Executive Chairman also insisted that the prison staff as also other Government staffs involved with the prison must be protected against the Virus.</p> <p>D.G, Prisons informed the Committee that the Prison authorities in the State are in constant touch with the officials of Health Department to ensure proper medical facility at prisons in the State of Karnataka. He also</p>

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submitted that they have framed protocol for prison staff. The concerned DLSA's in every districts are creating awareness regarding Covid-19, prevention in the prisons and the DHO's are properly coordinating and providing logistic support. D.G. Prisons informed that till now 93% eligible prisoners and 93% Prison Staff have been vaccinated for Covid-19.

D.G. Prisons informed the Committee that in the State of Karnataka 90% of Court production of prisoners is carried out through virtual mode and the said percentage is highest in the Country. However he submitted that number of physical production in few districts has increased in recent days. He requested Hon'ble Executive Chairman to issue necessary directions to the PDJ's in tomorrow's meeting.

Smt. Malini Krishnamurthy, Principal Secretary, Home Department expressed her opinion that atleast once in 15 days or month random testing of prisoners and staffs must be conducted. D.G Prison appraised that this is already being done and would be continued with all earnestness.

Hon'ble Executive Chairman referred to earlier meeting discussions wherein it was resolved to provide sanitary napkins to lady prisoners/convicts and enquired its status with D.G. Prisons. It is confirmed by D.G Prison that already steps have been taken in this regard.



	<p>Hon'ble Executive Chairman insisted that the Home Department must provide necessary vending machine for the disposal of sanitary napkins in the prisons across the State of Karnataka. It was also resolved that lady convicts/prisoners should be enlightened about the benefits of use of sanitary napkins.</p> <p>Further referring to the dictum of Hon'ble Supreme Court in the case of Arnesh Kumar vs State of Bihar, reported in (2014) 8 SCC 273, Hon'ble Executive Chairman directed Principal Secretary, Home Department to issue necessary circular to all the SHO's in the State for strict compliance of the guidelines laid down in the said decision. Principal Secretary, Home Department assured the Committee that said circular will be issued expeditiously.</p>
Agenda No. 3	Any other subject with the permission of the Chair.
Resolution	Nil.

Meeting concluded with vote of thanks.

(Hon'ble Shri. Justice Aravind Kumar)

(Shri. Alok Mohan)

(Smt. Malini Krishnamurthy)