

**PROCEEDINGS OF THE MEETING OF THE HIGH  
POWERED COMMITTEE HELD ON TUESDAY, THE  
18<sup>th</sup> DAY OF MAY, 2021 AT 2.15 P.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. Sri T.G. Shivashankare Gowda, (I/c) Registrar General, High Court of Karnataka.
2. Smt. Pallavi Akurathi, Director, KSICPS, Bengaluru
3. Sri Rajesh Karnam, Addl. Law Secretary, Government of Karnataka.

**(The Chairpersons and Member Secretaries of all DLSAs were present through virtual mode)**

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The meeting commenced at 2.15 p.m. Hon'ble Sri Justice Aravind Kumar, Judge, High Court of Karnataka and Executive Chairman, KSLSA who is heading the High Powered Committee welcomed the members of the Committee and acknowledged the presence of Prl. District & Sessions Judges/Chairpersons of

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DLSAs and Member Secretaries of DLSAs throughout the State of Karnataka.

Thereafter following Agenda were taken up for discussion:

<b>Agenda No.1</b>	<b>To review the steps taken by DLSAs, Prison Authorities and KSICPS Department in compliance of order of Hon'ble Supreme Court in suo-moto W.P. (C) No. 01/2020 dated 07-05-2021.</b>
Resolution	<p>The D.G. Prisons as well as all the Chairpersons of DLSAs had submitted their respective reports pertaining to the UTPs &amp; CTPs released during first wave and proposed to be released now in compliance of Hon'ble Supreme Court in suo-moto W.P. (C) No. 01/2020 dated 07-05-2021. By referring to said statistics, Hon'ble Executive Chairman interacted with D.G. Prisons as well as all the Chairpersons of DLSAs with regard to the mis-match between these two statistics. Hon'ble Executive Chairman insisted that DLSA as well as Prison Authorities must sit together and sortout the mis-match found in the statistics furnished to the Committee. It was informed to the members present that on 22-05-2021 a National Level Meeting of all SLSAs and DLSAs has been convened by NALSA. Hence, it was impressed upon that for the purposes of submission of date at the said meeting, it is necessary to reconcile the mis-match and prepare a correct statement.</p> <p>All the Chairpersons and D.G. Prisons assured Hon'ble Executive Chairman that they will take swift action and</p>

reconcile the statistics forthwith. D.G. Prisons further assured the Committee that all the CTPs who were granted parole as per order of Hon'ble Supreme Court dated 23-03-2020 would be automatically granted parole as per the recent order dated 07-05-2021, provided the CTPs are ready and willing to opt for parole. He informed the Committee that about 51 CTPs are not willing to opt for parole for various reasons and necessary consent form will be obtained from them in the presence of Member Secretaries of DLSAs as per the earlier meeting resolution. Whereas in respect of the new CTPs, the Prison Authority will consider grant of parole as per the Prison Rules.

D.G. Prisons expressed his gratitude to the Committee for monitoring the prison management, due to which covid infection rate in Karnataka prisons has drastically reduced. As on 18-05-2021 there were only 95 active covid cases in the prison. There are not even one covid positive case in 30 prisons. He also complimented all the PDJs for their leadership initiative in their respective districts because of which prison authority could achieve curtailment of infection amongst prisoners.

D.G. Prisons raised a doubt before the Committee with regard to grant of parole in respect of those CTPs who were undergoing parole as on 07-05-2021, when Hon'ble Supreme Court issued directions to grant



parole to those CTPs who were granted parole during first wave. He further submitted that as per the Prison Rules the convict can avail parole for maximum of 90 days. If any convict who is on parole is to be given benefit of further parole of 90 days by virtue of order of Hon'ble Supreme Court, it would exceed the maximum limit permitted under the Rules. Hon'ble Executive Chairman reminded D.G. Prisons that the decision of Hon'ble Supreme Court is a binding precedent and notwithstanding any earlier parole in progress, the benefit of parole ordered by Hon'ble Supreme Court would accrue in favour of CTPs afresh. It is thus resolved by the Committee that reckoning date for commencement of 90 days parole will be 07.05.2021 in respect of those CTP's who were earlier granted parole as per order of Hon'ble Supreme Court dated 23.03.2020 and who are on parole as on 07.05.2021. Thus this exercise of grant of parole can be availed by such CTPs in and above the period of parole already enjoyed by them.

For the query by the Hon'ble Executive Chairman about adherence to directions issued by Hon'ble Supreme Court in '*Arnesh Kumar*' case it was informed by the Prl. Secretary (PCAS) that a circular to all the Investigating Officers to strictly comply with the decision of '*Arnesh Kumar*' case has been issued. The Prl. Secretary (PCAS) was informed to forward the copy of the said circular to KSLSA at the earliest. Further it

is pointed out by Hon'ble Executive Chairman that even in bailable offences, the Police are producing the accused before the magistrate. Hence, Prl. Secretary (PCAS) is directed to issue necessary directions to concerned Police in this regard as well.

Smt. Pallavi Akurathi, Director, KSICPS appraised the Committee that there are 17 Observation Homes, one Special Home and one place of safety situated in the State of Karnataka with sanctioned strength of total 600 inmates. It is informed that as per the directions of Hon'ble Supreme Court the number of inmates in those observation homes, special homes and place of safety has been reduced to greater extent and at present there are only 75 children in Children-in-Conflict with Law housed in the said Institutions. Hence, she submitted that occupancy rate vis-à-vis sanctioned strength is 2.5% only. Executive Chairman expressed that number of inmates released from the institutions after the directions of Hon'ble Supreme Court shall be placed before the Committee through KSLSA.

After thorough discussions and deliberations, it is resolved as follows:

1. It is resolved to convene a meeting of jurisdictional Prison Authority by all the Chairpersons of DLSAs tomorrow i.e., on 19-05-2021 for the purpose of collating information with regard to release of UTPs & CTPs both in first wave of Covid-19 and at present in compliance of order dated 07-05-2021 of Hon'ble Supreme Court, for being placed before

	<p>High Powered Committee, so as to enable this Committee to forward it to NALSA for the meeting scheduled on 22-05-2021.</p> <ol style="list-style-type: none"> <li>2. All District Level Committees (DLCs) must collect information regarding the new UTPs, especially those who are remanded to JC after 11-05-2021 and if they are eligible for interim bail, necessary steps shall be taken to make recommendations for release to the jurisdictional court by said committees.</li> <li>3. The Prison Authorities must forthwith collate statistics pertaining to fresh CTPs who are eligible for parole and DLC can make recommendations for their release as per the Prison Rules.</li> <li>4. The PDJs must sensitize all the Criminal Courts in the district to exercise their discretion and grant interim bail in deserving cases to the accused, instead of remanding them to JC.</li> <li>5. The Criminal Courts must avoid issuance of NBWs during lock-down period or till courts are fully functional.</li> </ol>
<b>Agenda No. 2</b>	<b>Any other subject with the permission of the Chair.</b>
Resolution	<p>Hon'ble Executive Chairman pointed out that some of the DLSAs have closed Jail Clinics by citing pandemic as a reason. Executive Chairman referred to the letter dated 24-03-2021 issued by KSLSA to all the DLSAs whereunder it was impressed upon all to keep Jail Clinics operational through virtual mode during the pandemic also. Chairman directed that DLSAs should make extensive use of e-Mulakath facility (face-to-face) to enable the prisoners to connect with their panel advocates or family members as the case may be.</p>

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Further in view of the cyclone Tauktae disaster in the coastal districts of Karnataka, the DLSAs of Mangalore, Udupi and Uttara Kannada are called upon to activate the Core Group created in the said districts and to coordinate with District Administration to help the victims of cyclone disaster as well as to monitor the overall relief work.

Meeting concluded with vote of thanks.



**(Hon'ble Shri. Justice Aravind Kumar)**

**(Shri. Alok Mohan)**

**(Smt. Malini Krishnamurthy)**