

OFFICE OF UTTARAKHAND STATE LEGAL SERVICES AUTHORITY,
HIGH COURT CAMPUS, NAINITAL

No. 320 /Memo/SLSA/2020,

Date: 09.04.2020

ORDER

In continuation of earlier order No. Memo/SLSA/2020 dated 26.03.2020, the Hon'ble High Powered Committee, constituted by Hon'ble the Chief Justice, High Court of Uttarakhand/Patron-in-Chief, Uttarakhand State Legal Services Authority in compliance of the order dated 23.03.2020 passed by the Hon'ble Supreme Court in **Suo Moto Writ Petition (C) No. 1/2020, In Re: Contagion of COVID-19 Virus in Prisons**, has been pleased to issue the following further recommendations/directions:

- A) The prisoners and under trials of Nepal and other far flung States/UTs be not considered for release/transmit in present circumstances in the country due to complete lockdown. They may be considered for transmission after the situation is normalized in all the States of Indian Republic. However, the prisoners and under trials from neighboring States/places be transmitted at the earliest.
- B) The State Administration, District and Police Administration of Uttarakhand State may take up the matter and coordinate with the concerned neighboring State as well as District Administration of such States, whose prisoners are going to be released on Interim Bail and Parole by order of Hon'ble High Powered Committees of such States/UTs, for transmission of such Prisoners to their respective places and vice versa.
- C) The parameters for release regarding cases of NDPS Act, 1985 be relaxed for parole of convicts, convicted with less than seven years of imprisonment, with or without fine, except the cases relating to the recovery of commercial quantity and relating to the habitual offenders i.e. who have committed the offence more than once. The list of convicted persons convicted under the NDPS Act, 1985, considered in the meeting, is mentioned in **Annexure-A**. The procedure for moving and disposal of the applications for parole shall be the same as mentioned in the earlier order of Hon'ble High Powered Committee dated 26.03.2020. The applications may be moved by jailor concerned, with the help of respective secretary of DLSA, to D.G. Prison, who in his tern may decide the applications.
- D) The habitual offenders related to any offence may be excluded.
- E) The issue of premature release of convicts who are going to complete their respective sentences in near future, as per the mechanism mentioned in

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the agenda of the meeting, was also discussed. It was resolved that it is within the jurisdiction of the State Government to release the convicts even before completion of their respective sentences. Accordingly, the State Government is requested to consider the matters of such convicted Prisoners for their release, who are about to complete their sentences, irrespective of nature of offence and quantum of punishment. The list of such convicts **(Annexure-B)** be referred to the State Government for taking decision for their release in accordance with law.

- F) The decision relating to Dehradun DLSA was also considered and accepted. Separate order is being passed for the matters relating to DLSA Dehradun.
- G) The matter relating to the acceptance of bonds (for those whose bail applications have been decided and bail granted, but are still in jails for want of acceptance of bonds, personal and sureties, due to total lockdown), and the disposal of bail applications pending in different Courts was also considered by the committee. Several under trial prisoners mailed their applications to the State Legal Services Authority, Uttarakhand at Nainital, which under the directions of Honb'le Chairman SLSA, Uttarakhand was placed before the Hon'ble High Powered Committee. **Hon'le the Supreme Court vide order dated 06.04.2020, passed in Suo Motu Writ (Civil) No. 5 of 2020 has also directed that for every District some mechanism has to be adopted for disposal of urgent matters through video conference.**

It was resolved that the matter may be referred to Hon'ble High Court for taking appropriate decision on the following suggestions; namely-

1. The District Judges of all the Districts may be requested to nominate one Judicial Magistrate or to authorize Remand Magistrate to accept the sureties, bonds, online (through e-mail etc.), on behalf of all the Courts of the District without violating the policy of social distancing. The Remand Magistrate may also be authorized for disposal of all the bail applications pending in all the Courts of Magistrates in the District on behalf of all, through video conferencing, by using of Skype, Zoom, WhatsApp, Video calling technology from the chambers of the advocates at the residential office of the Magistrate concerned.
2. The District Judges of all the Districts may also be requested to hear the pending bail applications or to nominate any Additional District Judge to hear the pending bail applications, through video conferencing, by using of Skype, Zoom, WhatsApp, Video calling technology from the chambers of the advocates at the residential office of the Judge concerned.

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3. If the bail is granted, the bail order may be communicated, online, to the Remand Magistrate, who on his turn can accept the bonds on line, issue the release order and communicate the same to the concerned jailor on line. The jailor concern may release the accused and transmit him/her to the respective place as per the order of the High Powered Committee dated 26-03-2020.

Hon'ble High Court may be requested accordingly.

The above order shall come into force forthwith.

By Order of the Committee,


(Dr. G.K. Sharma)

Member Secretary
Uttarakhand State Legal Services Authority
Nainital

No. 320/Memo/UKSLSA/2019-20

Dated: 09.04.2020

Copy to the following for information and necessary action:-

1. The Registrar General, Hon'ble High Court of Uttarakhand, Nainital.
2. The Secretary, Department of Home, Government of Uttarakhand, Dehradun.
3. Inspector General (Prisons), Government of Uttarakhand, Dehradun.
4. All the Chairpersons, DLSAs/District Judges, District Courts, Uttarakhand for information and compliance with a request to coordinate with the concerned District Magistrates and SSPs/SPs. With further request to provide the copy of the order to District Magistrates and SSPs/SPs of the Districts concerned.
5. Director General, Medical, Health & Family Welfare, Government of Uttarakhand, Dehradun for information with a request to inform all the Chief Medical Officers for compliance. The chairperson of DLSAs District Judges/ District Courts, State of Uttarakhand are requested to provide the copy of this order the CMOs of Districts concerned.

Encl.: 1. List as Annexure-A.

2. List as Annexure-B.


(Dr. G.K. Sharma)

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