

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

No. 473 Memo/UKSLSA/2021

Dated: 17.05.2021

**ORDER**

In compliance of the orders dated 23.03.2020 and 07.05.2021 passed by the Hon'ble Supreme Court of India in Suo Moto Writ Petition (C) No. 1/2020, In Re: Contagion of COVID-19 Virus in Prisons as well as the order dated 06.05.2021 passed by Hon'ble High Court of Uttarakhand in Writ Petition (PIL) No. 58 of 2021 (Omveer Singh vs. State of Uttarakhand and others), the Hon'ble High Powered Committee has been pleased to issue the following recommendations/directions:

- A) The convicted prisoners, as mentioned in Annexure No. A, shall be released on parole for 90 days.
- B) The under-trial prisoners, as mentioned in Annexure No. B., shall be released on interim bail for 90 days.
- C) So far as the matter regarding release of foreign convicts/undertrials is concerned, the said issue shall be decided in the next meeting of High Powered Committee.
- D) The issue regarding release of sick convicts/under-trials shall be taken into consideration in the next meeting of High Powered Committee keeping in view their health conditions. The concerned DLSAs are directed to collect the reports regarding health conditions of such prisoners from jail authority and submit the same to the Uttarakhand SLSA.
- E) The issue regarding habitual prisoners, having more than one case, was discussed and it was decided to exclude them as of now. If required, they shall be considered in the next meeting of High Powered Committee.
- F) The convicts/under-trial prisoners, who are booked under the provisions of NDPS Act, have been excluded and they shall be considered for release on parole/interim bail in the next meeting of High Powered Committee.
- G) During the meeting, Secretary, Home, Government of Uttarakhand suggested that those prisoners who bear good behaviour and conduct and completed 75 percent of the punishment given to them, may be considered for release. The Hon'ble High Powered Committee was of the view that this issue may be taken up in the next meeting.
- H) During the meeting, it was proposed by Hon'ble Chairman, High Powered Committee that the prisoners considered to be released on parole or interim bail for 90 days only. Their period of parole/interim bail may be reviewed two weeks before completion of 90 days keeping in view the prevailing situation of Covid-19. This issue was unanimously agreed by all the Members of the Committee and accordingly it was decided that all the matters shall be reviewed two weeks before the completion of 90 days.
- I) The convicts/under-trials which are to be released on parole/interim bail, shall undergo RT-PCR and other tests for Covid before their release. The Chief Medical Officer of the concerned district shall be asked to conduct proper health check-ups of such prisoners/undertrials before their release on parole or interim bail. They may also be requested to make necessary arrangements regarding the medical examination (COVID-19 Examination) of such prisoners/undertrials before they are transmitted from the jail to their respective places.
- J) The Inspector General (Prisons), Government of Uttarakhand is requested to issue necessary directions to the concerned authorities for release the convicts on parole for 90 days.
- K) The application for parole be moved through jail authorities with the help of District Legal Services Authorities to the Government of Uttarakhand. The applications can also be filed through online mode. To file such applications of prisoners, the DLSAs shall depute panel lawyers.
- L) The application seeking interim bail be moved through jail authorities with the help of District Legal Services Authorities to the courts concerned. The applications can also be filed online to prevent the gathering in masses in Courts. To file such applications of prisoners, the DLSAs shall depute panel lawyers.
- M) The concerned Courts are requested to release such under trial prisoners on personal bond, without sureties, in order to implement the social distancing policy of the Government.



- N) The victims, who were confirmed or suspected case of Covid-19, are kept under observation for Covid, or who can cause infection if released, in such cases, the jail authorities shall follow the latest guidelines of Health Department in this regard. However, in future, they may be considered for the benefits of release on the basis of their medical report.
- O) In case any prisoner is not willing to be released in view of his/her social background or due to fear of becoming victim of deadly virus, in such cases, Superintendent, Jail is directed to be considerate to the concerns of such inmate. Further, to avoid the spread of virus, it has been directed that regular testing of prisoners as well as prison staff shall be conducted. The Committee also requested that the Inspector General (Prisons) shall take necessary steps for immediately arranging special vaccination drive in the jail premises for all the prisoners as well as prison staff.
- P) The Committee also directed to maintain order in prisons which included undertaking, counselling and informing prisoners about the steps being taken to prevent infectious disease of Covid virus. The prisoners be allowed to talk their family members through video conferencing or jail telephones.
- Q) The District Judges/Chairpersons, DLSAs are advised to interact with jail authorities through video conferencing as and when so required to ease out the difficulties being faced by jail authorities.
- R) The District Judges/Chairpersons, DLSAs are requested to coordinate district administration to make the arrangements for transmission of such prisoners on their release from jails to their respective places. It shall also be ensure that the policies and guidelines of the Government regarding Covid-19 shall not be violated during the process of transmission and the policy of social distancing is complied with in true spirit.
- S) The Inspector General (Prisons), Government of Uttarakhand shall make a request to the Health Department for regular RT-PCR/Rapid Antigen tests for the jail staff, convicts and under-trials.
- T) The meeting of the Undertrial Review Committee (UTRC) shall be held frequently and the District Legal Services Authorities are directed to assist the Undertrial Review Committees in identifying undertrials who can be recommended to be released.
- U) It is directed that the compliance of the order be made within two weeks and the compliance report be sent to the High Powered Committee at the earliest.

The above order shall come into force forthwith.

**By Order of the Committee**

(R.K. Khulbey) 17.05.21  
Member Secretary  
Uttarakhand State Legal Services Authority,  
Nainital

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**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. All District Judges/Chairpersons, DLSAs, State of Uttarakhand are requested to provide the copy of this order to the CMOs of Districts concerned.

Encl.: 1. List as Annexure-A.  
2. List as Annexure-B.

(R.K. Khulbey)