

ITEM NO.301

Court 1 (Video Conferencing)

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Suo Motu Writ Petition(C) No.1/2020

IN RE : CONTAGION OF COVID 19 VIRUS IN PRISONS

Petitioner(s)

VERSUS

Respondent(s)

(MR. DUSHYANT DAVE, SR. ADV.(A.C) [NAME OF SRISHTI AGNIHOTRI (M-9811629064), ADVOCATE AND MR. TALHA ABDUL RAHMAD (M-8130500766) MAY BE SHOWN)

(IA No. 63600/2021 - APPLICATION FOR EXEMPTION FROM FILING ORIGINAL VAKALATNAMA/OTHER DOCUMENT, IA No.64935/2021 - APPLICATION FOR PERMISSION, IA No. 89470/2020 - APPLICATION FOR PERMISSION, IA No. 61772/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 51847/2020 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 63602/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 51653/2020 - APPROPRIATE ORDERS/DIRECTIONS IA No. 48261/2020 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 49580/2020 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 55273/2021 - CLARIFICATION/DIRECTION, IA No. 62292/2021 - CLARIFICATION/DIRECTION, IA No. 82741/2020 - CLARIFICATION/DIRECTION, IA No. 48049/2020 - CONDONATION OF DELAY IN FILING, IA No. 57278/2021 - EARLY HEARING APPLICATION, IA No. 76234/2020 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 67010/2021 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 66569/2020 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 89471/2020 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 49581/2020 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 57074/2021 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 49579/2020 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 61774/2021 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 55276/2021 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 48031/2020 - EXEMPTION FROM FILING O.T., IA No. 47522/2020 - EXEMPTION FROM FILING O.T., IA No. 47512/2020 - EXEMPTION FROM FILING O.T., IA No. 48050/2020 - EXEMPTION FROM FILING O.T., IA No. 61773/2021 - EXEMPTION FROM FILING O.T., IA No. 48335/2020 - INTERVENTION APPLICATION, IA No. 61769/2021 - INTERVENTION APPLICATION, IA No.48680/2020 -INTERVENTION/IMPLEADMENT, IA No. 48263/2020, - INTERVENTION/IMPLEADMENT IA No.62290/2021, IA No. 46086/2020, -INTERVENTION/IMPLEADMENT IA No.79197/2020, INTERVENTION/IMPLEADMENT, IA No. 57069/2021, -INTERVENTION/IMPLEADMENT, IA No. 49577/2020, -INTERVENTION/IMPLEADMENT, IA No. 78680/2020, -INTERVENTION/IMPLEADMENT, IA No. 48270/2020 - MODIFICATION, IA No. 48217/2020 - MODIFICATION OF COURT ORDER, IA No. 46091/2020 -

Signature Valid
Digitally signed by
Vishal Kumar
Date: 2022.11.17 11:11:11
Reason:

PERMISSION TO APPEAR AND ARGUE IN PERSON, IA No. 96394/2020 -
 PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA
 No. 60033/2021 - PERMISSION TO FILE ADDITIONAL
 DOCUMENTS/FACTS/ANNEXURES, IA No. 57853/2021 - PERMISSION TO FILE
 ADDITIONAL DOCUMENTS/FACTS/ANNEXURES & IA No. 82743/2020 -
 PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

CONMT.PET.(C) No. 393/2020 in SMW(C) No. 1/2020 (PIL-W)
 (FOR ADMISSION)

W.P.(C) No. 1082/2020 (PIL-W)
 (FOR ADMISSION)

W.P.(Cr1.) No. 235/2021 (X)

Date : 16-07-2021 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
 HON'BLE MR. JUSTICE L. NAGESWARA RAO
 HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s)

Mr. Satish Pandey, AOR
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 Mr. Shailendra Singh, Adv.
 Mr. Nikhil Bhan, Adv.

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 Mr. Abhishek Singh, Adv.
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By Courts Motion

For Respondent(s)

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Applicant-in-person

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Mr. Mrinal Elker Mazumdar, AOR
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Mr. K.V. Girish Chowdary, Adv.

Dr. Joseph Aristotle S., AOR
Mr. Saaketh Kasibhatia, Adv.

Mr. Chirag M. Shroff, AOR

UPON hearing the counsel the Court made the following
O R D E R

The Court is convened through Video Conferencing.

Suo Motu Writ Petition (Civil)No.1/2020:-

Pursuant to Orders dated 7-5-2021 and 1-6-2021 passed by this Court, these matters came up today for further consideration.

Heard Mr. Dushyant Dave, learned *Amicus Curiae*, Mr. Tushar Mehta, learned Solicitor General appearing for the Union of India and other learned counsel appearing for the parties.

This Court has not been made aware about the criteria being adopted by the different State Governments/Union Territories while releasing the prisoners from jails, on the basis of recommendations of different High Powered Committees constituted for the purpose.

Under the circumstances, we deem it fit to direct the Member Secretary of the National Legal Services Authority as well as the Member Secretaries of respective States Legal Services Authorities to collect information from the different States/Union Territories and submit a report to this Court on or before 22-7-2021, stating clearly the norms/criteria adopted by the different State

Governments/Union Territories, i.e., whether in the norms adopted, they have taken into consideration the age of the convicts and/or co-morbidities suffered, if any, at the time of recommending the release of the prisoners from jails. The Report should also indicate whether the convicts whose appeals are pending consideration, have also been considered for release, pursuant to the directions passed by this Court from time to time. The States/Union Territories concerned in these matters shall also clarify the above stated aspects in their respective affidavits.

The Member Secretary, National Legal Services Authority and States Legal Services Authorities are directed to furnish copies of the Report to the learned *Amicus Curiae* and the learned Solicitor General respectively.

So far as those prisoners who have already been released on bail from the prison by virtue of Orders passed by this Court from time to time and on the basis of recommendations of High Powered Committees constituted for the purpose are concerned, they shall not be asked to surrender to the prison, until further orders.

We find that various applications for intervention/impleadment have been filed by different parties/individuals in these matters.

During the course of hearing, learned *Amicus Curiae* submits that he is not aware of the prayer made in the different intervention/impleadment applications filed by the different parties/individuals in these matters and as such, he is unable to assist the Court with respect to the same.

In view of the above, we direct all concerned applicants to give a copy of those applications to learned *Amicus Curiae* as well as to the learned Solicitor General at the earliest.

These applications will be taken up for consideration after some time.

List the matter on 3-8-2021.

W.P.(Crl.) No. 235/2021:-

Heard learned counsel appearing for the petitioner.

The Registry is directed to list this Writ Petition before an appropriate Bench.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(R.S. NARAYANAN)
COURT MASTER (NSH)