

Minutes of Meeting of the High Power Committee

1. Hon'ble Apex Court in "Suo Moto Writ Petition No. 1/2020, In Re : Contagion of Covid 19 virus in Prison", order dated 20th March, 2020, while keeping in mind the emergent and urgent situation which has resulted in arisen to the health crisis due to out break of Coronavirus (Covid19) specifically with respect to the protection of health and welfare of the prisoners in order to restrict the transmission of Covid19 has issued directions to reduce the overcrowding of prisoners in the present context of pandemic Coronavirus.

2. In connection with the above referred directions of the Hon'ble Supreme Court, four meetings of the High Power Committee had been convened in the year 2020 through video conference. Justice R M Chhaya, Judge High Court of Gujarat, Ms. Sangeeta Singh, ACS, Home (now retired) and Mr. K L N Rao, ADG (Prison) and Mr. Mitesh Amin, Sr. Advocate and Public Prosecutor, Gujarat High Court had attended said meetings and following jail inmates had been identified for release on temporary/interim bail for the period of 2 months or till such time that the State Government withdraw the Notification under the Epidemics Act, 1897, whichever is earlier :-

1. A jail inmate facing trial for an offence punishable with imprisonment up to 7 years or less and the case is exclusively triable by the Judicial Magistrate.
2. A jail inmate facing trial for an offence punishable with imprisonment up to 7 years or less and who has been granted bail by the competent Criminal Court but not released, as he is unable to furnish bond or execute surety.
3. A jail inmate who is detained under chapter VIII of the CrPC i.e u/s 107, 108, 109 and 151 of Cr.PC.
4. A jail inmate facing trial for an offence punishable with imprisonment up to 7 years or less and is of unsound mind and he needs to be dealt under chapter XXV of the Code.
5. There are all possibilities that jail inmates who have failed to honour the order of maintenance passed u/s 125 of the CrPC or in other matrimonial proceedings may be in jail.

These jail inmates may be released on with or without condition/s.

6. Persons who are undergoing Civil Imprisonment in connection with flouting or disobedience of the order passed by the Civil Courts shall also be considered for release.
 7. Keeping in mind the direction issued by the Hon'ble Supreme Court in "Suo Moto Writ Petition No. 1/2020, In Re: Contagion of Covid 19 virus in Prison" the Jail Authority shall pass appropriate orders for the release of an inmate on Parole and Furlough is concerned.
 8. The Jail Authority shall pass appropriate orders for extension of period of Parole and Furlough for those convicts who are already on Parole and Furlough leave.
 9. A jail inmate who has been convicted by the Chief Judicial Magistrate and/or Judicial Magistrate and directed him to undergo imprisonment for less than 7 years may prefer an application for temporary bail for the period of two months, before the Court of Sessions. Duty Sessions Judge who is required to decide such temporary bail applications in the Court premise itself or the jail premise or through Video Conference, which ever is feasible and the most suitable in the present situation.
 10. A jail inmate who has been convicted by the Court of Sessions and directed him to undergo imprisonment for less than 7 years may prefer an application for temporary bail for the period of two months, before the Hon'ble High Court. All these temporary bail applications shall be decided through the Video Conference.
3. Over and above the above referred categories of cases, the High Power Committee had also resolved as under:-
1. All temporary bail applications which are required to be preferred before the Ld. Judicial Magistrate shall be decided in the jail premise itself. The duty Magistrate/s as

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ordered by the Ld. Principal District and Sessions Judge shall visit jail along with the bare minimum staff and the number of panel advocates as may be decided by the Secretaries of District Legal Services Authorities (depending on the number of bail applications).

2. The jail inmates who are enlarged on temporary bail shall report to the concern police station within whose jurisdiction they are residing, once in every 30 days.
3. Duty Magistrate/Court may impose other conditions which the Court thinks fit appropriate, depending on the facts and circumstances of each case.
4. The High Power Committee had also resolved that the categories mentioned herein above for releasing an inmate on temporary bail shall not apply, if the inmate has alleged to have committed any of the following offences.
 - (I) Persons facing investigation/trial under:
 - (a) offences for which punishment provided is 7 years or more.
 - (b) any law dealing with terrorism.
 - (c) Narcotics Drugs and Psychotropic Substances Act.
 - (d) Prevention of Money Laundering Act.
 - (e) Unlawful Activities (Prevention) Act.
 - (f) any or all offences against women and children.
 - (g) GUJCOC.
 - (h) any offence/s against the national security.
 - (i) all offences being investigated by the National

Investigation Agency.

(j) Economic offence and

(k) Financial fraud with Bank, NBFC, public at large.

(II) A jail inmate who has been previously convicted by the court of competent jurisdiction in another offence/s and same is yet not set aside by the Higher Court.

(III) An UTP and/or convict who is facing another trial for other offences shall not be considered.

5. In connection with the resolutions passed by the High Power Committee, 1289 inmates were released either on temporary bail or interim bail, whereas, 1361 inmates were released on parole and 1168 were released on furlough. Due to the reduction of the number of active corona cases, the released prisoners were directed to report back to prisons. As on 10th May, 2021, out of the above referred inmates, 187 inmates who were released either on temporary bail or interim bail have not surrendered, whereas, 233 inmates who were released on parole have not surrendered and 102 inmates who were released on furlough have not surrendered.
6. These recommendations of the High Power Committee was initially for the period of two months and thereafter, time to time it was extended by the High Court of Gujarat. Somewhere in the month of December, 2020 all inmates who were released from jail in pursuant to the recommendations of the High Power Committee, surrendered back to jail.
7. As in the month of April-May, 2021, there was an unprecedented surge in Covid-19 cases, Hon'ble Supreme Court in the above referred case namely, "Suo Moto Writ Petition No. 1/2020, In Re : Contagion of Covid 19 virus in Prison", in its order 7th May, 2021, directed the High Power Committee to forthwith release all the inmates who had been released earlier pursuant to our order 23rd March, 2020, by imposing appropriate conditions.
8. To comply with the recent directions issued by the Hon'ble Supreme Court in its order dated 7th May, 2021, the State Government has nominated Shri Pankaj Kumar, ACS, Home, as one of the members of the High Power


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- committee, as Ms. Sangeeta Singh demitted the office on her superannuation.
9. Meeting of the High Power Committee, consisting of Hon'ble Mr. Justice R. M. Chhaya, Judge High Court of Gujarat, Shri Pankaj Kumar, ACS, Home, Mr. K L N Rao, ADG (Prison) and Mr. Mitesh Amin, Public Prosecutor, High Court of Gujarat was convened on 12th May, 2021 through Zoom Online Meeting to implement the directions issued by Hon'ble Supreme Court in the above referred order dated 7th May, 2021.
 10. The High Power Committee has unanimously resolved and reiterated that the inmates falling within the categories of cases which were identified in its first meeting dated 28th March, 2020 and reproduced hereinabove in para No.2 (provided that such inmate has not committed any offence mentioned in para No.3), may be released on temporary bail, interim bail, parole and furlough, as the case may be, for the period of 90 days from the release, on appropriate terms and conditions which may be either imposed by the Court in the cases of temporary bail or interim bail or by the Jail Authority in the cases of parole and furlough.
 11. The High Power Committee has further resolved that it shall be the sole discretion of Mr. K L N Rao, ADG (Prison) to transfer jail inmates from one prison to another to avoid congestion in the particular jail. However, this exercise should be undertaken only after proper medical check up of the inmates who are supposed to be transferred to another jail.
 12. The High Power Committee has further resolved that, keeping in mind the aforesaid recommendations, Mr. K L N Rao, ADG (Prison) shall compile the details of the jail inmates who are found eligible to be released on temporary bail and same shall be forwarded to the concerned Jail Superintendents across the State of Gujarat. The concerned Jail Superintendents shall in turn share these information with the Secretaries of District Legal Services Authorities so as to enable them to the needful in this connection. Over and above this, Mr. K L N Rao, ADG (Prison) shall in consultation with the Member Secretary, Gujarat State Legal Services Authority shall file a report depicting the details of the jail inmates who are found eligible to be released on temporary bail to the High Power Committee, within 2 days from now. Mr. K L N Rao, ADG (Prison) and his team is requested to periodically update the prison occupancy on the official websites.

13. The High Power Committee has further requested to Mr. K L N Rao, ADG (Prison) and his team to identify cases of some prisoners who might not be willing to be released in view of their social background and the fear of becoming victims of the deadly virus. In such extraordinary cases, Mr. K L N Rao, ADG (Prison) and his team are requested to be considerate to the concerns of the inmates. Mr. K L N Rao, ADG (Prison) and his team are also requested to ensure that proper medical facilities are provided to all prisoners who are imprisoned and the spread of Covid19 virus should be controlled in the prisons by regular testing being done of the prisoners but also the jail staff and immediate treatment should be made available to the inmates and the staff. It is necessary to maintain levels of daily hygiene and sanitation required to be improved. Suitable precautions shall be taken to prevent the transmission of the deadly virus amongst the inmates of prisons.
14. Lastly, the High Power Committee has requested Mr. K L N Rao, ADG (Prison) and his team to take appropriate steps for transportation of the released inmates of the prisons, if necessary, in view of the curfews and/or lockdown in some areas of the State.
15. The Under Trial Review Committees (UTRCs) may consider such prisoners in their forthcoming meetings which is now required to be held every week. During theses the UTRCs shall identify and release the vulnerable categories of prisoners on an urgent basis and shall also keep in mind the directions made in the case of Arnesh Kumar v/s. State of Bihar, 2014 (8) SCC 273. UTRC meeting may be conducted through Video Conference or Whatsapp Video Call Conference or through any other appropriate media. Detail report thereof shall be submitted to the Member Secretary, Gujarat State Legal Services Authority within 2 days from the convening of the UTRC meeting.
16. The high Power Committee has further resolved that all the Principal District and Sessions Judges may be requested to compile the data of the inmates who are released on temporary bail depicting the details viz. full name of the inmate, jail details, offence details, incarceration period along with the date of arrest and same shall be forwarded to the Member Secretary, Gujarat State Legal Services Authority on his official email ID. The Member Secretary, Gujarat State Legal Services Authority shall compile the details forwarded by the UTRCs and persons released on temporary bail in two different tabular form and shall submit the same to the High Power Committee every week.

17. The High Power Committee has also unanimously resolved that the modalities which were applied for the proper execution of the recommendations issued by the High Power Committee in its first meeting dated 28th March, 2020 shall be scrupulously followed by all the stakeholders this time also.


Justice R M Chhaya,
Judge High Court of Gujarat,


Mr. Pankaj Kumar, 12/5/2021
ACS, Home


Mr. K L N Rao,
ADG (Prison)

