

**PROCEEDINGS OF THE HIGH POWERED COMMITTEE
MEETING HELD ON 12-05-2021 AT 11.30 AM THROUGH
BLUEJEANS PURSUANT TO THE ORDER OF THE HON'BLE
SUPREME COURT OF INDIA DATED 07.05.2021 IN SUO MOTU
WRIT PETITION (C) NO.1 OF 2020.**

PRESENT :

Hon'ble Sri Justice Joymalya Bagchi

Executive Chairman, APSLSA, Amaravati

Hon'ble Sri Justice A.V. Sesa Sai

Chairman, APHCLSC, Amaravati

Sri Kumar Vishwajeet, IPS

Principal Secretary, Home Department, Government of A.P.

Sri Mohd. Ahsan Reza, IPS

Director General of Prisons and Correctional Services,
Andhra Pradesh

The Hon'ble Executive Chairman apprised the Members of the Committee about the directions of the Hon'ble Supreme Court of India in its Order dated 7.5.2021. The Committee having considered the earlier resolutions of the High Powered Committee and the data placed before it, passed the following resolutions:

1. Resolved that the Principal Secretary, Home Department shall issue instructions to the Director General of Police to direct all the Station House Officers in the State of Andhra Pradesh to scrupulously follow the directions of the Hon'ble Supreme Court of India in *Arnes*

Kumar vs. State of Bihar {(2014) 8 SCC 273} while arresting offenders in cases relating to offences punishable with imprisonment for a term which may extend up to 7 years or less with or without fine and that failure to comply with those directions shall render the police officers concerned liable for departmental action and also contempt of court.

2. Resolved that all the Principal District Judges in the State of Andhra Pradesh shall issue instructions to the Chief Judicial Magistrates and the Judicial Magistrates to ensure due compliance with the directions of the Hon'ble Supreme Court in *Arnesh Kumar's* case and that failure to comply with those directions shall render the Magistrate concerned liable for departmental action.
3. Resolved to release on interim bail all the convicts/under trial prisoners, who had been released on interim bail earlier pursuant to the resolutions of the High Powered Committee dated 26.3.2020 and 28.3.2020 but have been re-admitted to the prison unless they are not otherwise disqualified as per the resolutions of the Committee.
4. Resolved to release the other convicts/under trial prisoners who are in custody in connection with offences punishable with imprisonment for a term which may extend up to 7 years or less with or without fine and qualify for such release as per the resolutions of the High Powered Committee dated 26.3.2020.

5. Resolved that the interim bail be granted for 90 days initially.
6. Resolved that bail bonds shall be furnished to the satisfaction of the Magistrate concerned and the amount of bail bonds shall be reasonable. Undertaking shall be furnished before release that the convict/under trial prisoner shall remain in home quarantine for 14 days after the release. Interim bail may be cancelled for violation of conditions of bail and the convict/undertrial shall be forthwith taken into custody.
7. Resolved to request the Principal Secretary, Home, and the Director General of Prisons to ensure adequate transport facility to the prisoners released on interim bail to return to their respective native places, keeping in view the restrictions on movement imposed by the Government.
8. Resolved to direct the Registrar General, High Court of Andhra Pradesh, to initiate a *suo motu* lis and place the matter along with these resolutions to submit before the Hon'ble the Chief Justice for His Lordship's consideration for assignment of the matter to appropriate Bench so that necessary orders may be passed directing all the Jail Superintendents and the Judicial Officers concerned for release of convicts and undertrial prisoners, on interim bail, as per resolution Nos.3 to 6 herein.

9. Resolved that the SOP formulated by the NALSA for Under Trial Review Committee shall be followed.
10. Resolved to request the Director General of Prisons to upload the prison capacity and occupancy in all the jails in the State of Andhra Pradesh on the website of the Jail Department and to share the data with the APSLSA and such data shall also be uploaded on the websites of the APSLSA and the High Court of Andhra Pradesh.
11. Resolved that all the resolutions including the resolutions dated 26.3.2020 and 28.3.2020 of the High Powered Committee shall be uploaded on the websites of the APSLSA, the State Government (Home Department), and the High Court of Andhra Pradesh.
12. The Committee noted the steps taken in connection with the availability of medical facilities, medical tests and medical treatment of inmates and staff, maintenance of daily hygiene and sanitation in prisons, and other measures to prevent the spread of virus, as stated in the report submitted by the Director General of Prisons, and resolved to request the Director General of Prisons to persuade such steps with utmost zeal and intensity, to ensure safe and healthy environment in the prison system. Director General of Prisons to submit further report in this regard by the next meeting of the Committee.

13. The Director General of Prisons submitted about 643 prisoners and staff have been vaccinated till date and remaining prisoners and staff numbering 6000 approximately are yet to be vaccinated. The Principal Secretary, Home, is requested to take necessary steps to expedite the vaccination of all the prisoners and Jail staff in the State of Andhra Pradesh, keeping in mind the vulnerable status of prison inmates and jail staff who are staying and/or working in the confines of the prison system. The Principal Secretary, Home Department and the Director General of Prisons are requested to place reports before the Committee in this regard by the next meeting of the Committee.

14. Resolved that the High Powered Committee shall re-convene on 27.05.2021 to review the situation.

Sd/-

HON'BLE SRI JUSTICE JOYMALYA BAGCHI
EXECUTIVE CHAIRMAN,
A.P.STATE LEGAL SERVICES AUTHORITY
AMARAVATHI

Sd/-

HON'BLE SRI JUSTICE A.V.SESHA SAI,
CHAIRMAN,
HIGH COURT LEGAL SERVICES COMMITTEE
AMARAVATHI

Sd/-

PRINCIPAL SECRETARY (HOME)

Sd/-

DIRECTOR GENERAL OF PRISONS