

Constitution of High-Powered Committee in each state/union territory for release of prisoners on parole or interim bail (dated March 23, 2020)

In a Suo Motu Writ Petition (C) No. 1/2020, In Re: Contagion of COVID-19 Virus in Prisons, a Bench of Chief Justice **SA Bobde**, and Justices **L Nageswara Rao** and **Surya Kant** directed that prisons must ensure maximum possible distancing among the prisoners, including undertrials.

The Bench also directed that the physical presence of all the undertrial prisoners before the courts must be stopped forthwith and recourse to video conferencing must be taken for all purposes. The transfer of prisoners from one prison to another for routine reasons was also prohibited, except for purpose of

decongestion. The Bench further directed that each State/Union Territory shall constitute a High Powered Committee comprising:

- (i) Chairman of the State Legal Services Committee,
- (ii) the Principal Secretary (Home/Prison)
- (ii) Director General of Prison(s)

This Committee was empowered with determining which class of prisoners can be released on parole or on interim bail for such period as may be thought appropriate. The Bench suggested that each State/Union Territory consider the release of prisoners who have been convicted or are under trial for offences for which the prescribed punishment is up to 7 years or less, with or without fine and the prisoner has been convicted for a lesser number of years than the maximum.