

High Powered Committee: Meeting dated 11.02.2021 at 4.30 p.m. held at the Chamber of Hon'ble Justice Rajesh Bindal, Judge, High Court at Calcutta and Executive Chairman, State Legal Services Authority, West Bengal.

Hon'ble Supreme Court vide order dated 23.03.2020 in **Suo Moto Writ Petition (C) No. 1/2020, In Re: Contagion of COVID 19 Virus in Prisons**, had constituted a High Powered Committee comprising of (i) Chairman of State Legal Services Authority; (ii) The Principal Secretary (Home/Prison); and (iii) Director General of Prison, to determine whether extension of period of Parole/interim bail already granted is required, if yes, for what period and for taking other appropriate steps as may be thought necessary.

Today's meeting was chaired by Hon'ble Justice Rajesh Bindal, Executive Chairman, State Legal Services Authority, West Bengal.

The Secretary, Department of Correctional Administration, Dr. Ravi Inder Singh, Mr. Peeyush Pandey, Additional Director General and Inspector General of Correctional Services, West Bengal and Member Secretary, State Legal Services Authority, West Bengal Shri Raju Mukherjee also attended the meeting.

Vide letter No. 262/CC-211/20 dated 21.01.2021 ADG & IG, Correctional Service, order dated 17.12.2020 passed by High Court at Calcutta in WPA 10258 of 2020 has been communicated to this Committee. The order reads as under :

*"Accordingly, W. P. A. 10258 of 2020 is disposed of by granting the petitioner liberty to make a representation with regard to the extension of his parole before the concerned High-Powered Committee formed pursuant to the order dated March 23, 2020 in suo motu Writ Petition (C) No. 1 of 2020 passed by the Supreme Court. That apart, the respondents shall also forward the application for extension of parole made by the petitioner, annexed to the instant writ petition, to the High-Powered Committee, along with the applications made by other similarly-placed persons under parole, within a week from date.*

*In view of the perilous situation of the petitioner, the respondents are restrained from rearresting the petitioner on the basis of his conviction, till four weeks from date or until the High-Powered Committee takes a decision on the issue of extension, whichever is earlier.*

*It is made clear that it will be open to the petitioner to apply for further extension before the High-Powered Committee directly or through the respondent-authorities (which, if made, shall also be forwarded immediately to the High-Powered Committee by the respondents). In the event no decision is taken by the Committee on such further extension of the parole order of the petitioner during the said interim period of four weeks, the petitioner will be at liberty to approach this Court afresh for a similar relief as prayed in the instant writ petition.*

*It is made clear that the petitioner shall comply with all conditions, which might have been imposed by the High-Powered Committee while granting parole initially to the petitioner, in the interregnum.”*

In response to prayer for extension of parole of Convict petitioner Haydar Ali Khan @ Haider Ali Khan @ Bapan the ADG & IG of Correctional Services, West Bengal has raised objection against the prayer for extension of parole of Convict petitioner Haydar Ali Khan @ Haider Ali Khan @ Bapan on the following grounds:-

- a) *“The prisoner is custody in c/w ST no-03(4)/11 arising out of Session case no.07(2)/11 u/s – 489A/489B IPC for rigorous imprisonment for 10 years.*
- b) *The Convict preferred a criminal appeal vide CRA No. 726/2016.*
- c) *According to Section 62(1) of West Bengal Correctional Service Act. 1992, a prisoner sentenced to imprisonment for a period of two years or more may be released on parole for such period, not existing one month. However, parole have been granted to the prisoners this year only considering present pandemic condition (as an exceptional situation).*
- d) *Any further extension of parole to a particular Convict may raise disgruntlement among other convicted prisoners who are returned within schedule after availing parole.”*

High Court at Calcutta was further pleased to pass the following order on 29<sup>th</sup> January, 2021 in W.P.A. 921 of 2021 in the matter of Haydar Ali Khan @ Haider Ali Khan @ Bapan vs. the State of West Bengal & Ors.

*“The petitioner applied for extension of his parole on the ground of Covid 19 pandemic, initially granted by a High Powered Committee appointed by order of the Supreme Court, before the Committee itself. Such application for extension was made on January 22, 2020. However, the same is still pending before the Committee. As such, since the petitioner was not at fault for the delay in disposal of such extension application, the petitioner’s parole is extended, on*

*the same terms and conditions on which it was originally granted, till February, 28, 2021 or until further orders which may be passed by the High Powered Committee, whichever is earlier.*

*The High Powered Committee is requested to look into the matter at the earliest convenient date and to decide the extension application of the petitioner."*

The aforementioned order dated 29.01.2021 of the Hon'ble High Court at Calcutta has also been informed to this Authority by the Additional Director General and Inspector General, Correctional Services, Govt. of West Bengal vide letter no. 508/CC-211/20 dated 02.02.2021.

The convict Haydar Ali Khan @ Haider Ali Khan @ Bapan was released on parole on 16<sup>th</sup> November, 2020 for a period of one month by the competent authority.

The Additional Director General and Inspector General of Correctional Services, West Bengal Sri Peeyush Pandey stated that all the other convicts, who were released on parole in view of pandemic situation have returned to the Correctional Home except the present convict namely Haydar Ali Khan @ Haider Ali Khan @ Bapan. The Additional Director General and Inspector General of Correctional Services, West Bengal further stated that there is not even a single of COVID – 19 case in any of the Correctional Homes in West Bengal.

Considering the aforesaid facts and circumstances the Committee does not find any reason to extend the parole granted to the applicant.

Even otherwise in the meeting of High Powered Committee held on 23.12.2020, it was decided that individual applications for grant or extension of parole shall not be considered.

The meeting ended with vote of thanks to the Chair.

Dated : 11<sup>th</sup> February, 2021

Sd./-  
(Raju Mukherjee)  
Member Secretary  
State Legal Services Authority  
West Bengal