

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
RECORD OF PROCEEDINGS

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. 46086/2020, -INTERVENTION/IMPLEADMENT IA No.62290/2021, -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 -

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.(Crl.) 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
Mr. Nitesh Kumar, Adv.
Mr. Rahul Kumar, Adv.
Mr. Shashi Bhushan Singh, Adv.
Mr. Chirag Tuteja, Adv.
Mr. Salim Ansari, Adv.
Mr. Shailendra Singh, Adv.
Mr. Nikhil Bhan, Adv.

Mr. Deepak Prakash, AOR
Mr. Nachiketa Vajpayee, Adv.
Ms. Divyangna Malik, Adv.
Mr. Abhishek Bhati, Adv.
Mr. Abhishek Singh, Adv.
Ms. Muskaan Garg, Adv.
Mr. Sumit, Adv.
Ms. Purna Robin, Adv.
Ms. Shashi Priya, Adv.

Mr. S.B. Talekar, Adv.
Mr. Atul Babasaheb Dakh, AOR
Ms. Madhavi Ayyapan, Adv.

By Courts Motion

For Respondent(s)

Mr. Vinay Arora, AOR

Mr. Apoorv Kurup, AOR

Ms. Nidhi Mittal, Adv.

Mr. Sarthak Raizada, Adv.

Mr. Tapesk Kumar Singh, AOR

Mr. Aditya Pratap Singh, Adv.

Mrs. Bhaswati Singh, Adv.

Mr. Manish Kumar, AOR

Mr. G. N. Reddy, AOR

Mr. M. Shoeb Alam, AOR

Mr. S. Thananjayan, AOR

Ms. Garima Prashad, AOR

Mr. Aravindh S., AOR

Mr. A. Lakshminarayanan, Adv.

Mr. V. N. Raghupathy, AOR

Mr. Shibashish Misra, AOR

Applicant-in-person

Mr. P.H. Parekh, Sr. Adv.

Mr. Sameer Parekh, Adv.

Mr. Kshatrashal Raj, Adv.

Ms. Tanya Chaudhry, Adv.

Ms. Pratyusha Priyadarshini, Adv.

Ms. Nitika Pandey, Adv.

For M/s. Parekh & Co., AOR

Mr. M.K. Mondal, Adv.

Mr. K.V. Jagdishvaran, Adv.

Ms. G. Indira, AOR

Mr. Vishnu Shankar Jain, AOR

Mr. M. Yogesh Kanna, AOR

Mr. P. S. Sudheer, AOR

Mr. Rahul Chitnis, Adv.

Mr. Sachin Patil, AOR

Mr. Aaditya A. Pande, Adv.
Mr. Geo Joseph, Adv.

Ms. Sneha Kalita, AOR

Mr. Santosh Kumar - I, AOR

Mr. Mrinal Gopal Elker, AOR

Mr. Mrinal Elker Mazumdar, AOR
Ms. Ankita Chaudhary, Dy.AG, MP

Mr. K.K. Venugopal, AG
Mr. Tushar Mehta, SG
Ms. Aishwarya Bhati, ASG
Mr. Kanu Agarwal, Adv.
Mr. Rajat Nair, Adv.
Ms. Swati Ghildiyal, Adv.
Mr. Amrish Kumar, Adv.
Mr. Raj Bahadur Yadav, AOR
Mr. B. V. Balaram Das, AOR

Ms. Radhika Gautam, AOR

Mr. Abhimanyu Tewari, AOR
Ms. Eliza Bar, Adv.

Mr. Prasanna S., AOR

Ms. Bansuri Swaraj, AAG
Dr. Monika Gusain, AOR

Mr. Talha Abdul Rahman, AOR

Mr. Suhaan Mukerji, Adv.
Mr. Vishal Prasad, Adv.
Mr. Nikhil Parikshith, Adv.
Mr. Sayandeep Pahari, Adv.
For M/s. PLR Chambers And Co., AOR

Mr. Aniruddha P. Mayee, AOR

Mr. Pukhrambam Ramesh Kumar, AOR
Ms. Anupama Ngangom, Adv.
Mr. Karun Sharma, Adv.

Mr. G. Prakash, AOR
Mr. Jishnu M.L., Adv.
Ms. Priyanka Prakash, Adv.
Ms. Beena Prakash, Adv.

Mr. Gaurav Agrawal, AOR

Ms. Astha Sharma, AOR

Mr. Sharan Thakur, Adv.
Mr. Mahesh Thakur, AOR
Mr. Siddhartha Thakur, Adv.

Mr. Amit Kumar, AG, Meghalaya
Mr. Avijit Mani Tripathi, AOR
Mr. Shaurya Sahay, Adv.
Ms. Rekha Bakshi, Adv.
Mr. Upendra Mishra, Adv.
Mr. T.K. Nayak, Adv.

Mr. Nikhil Goel, AOR
Ms. Naveen Goel, Adv.
Mr. Vinay Mathew, Adv.

Mr. Nirmal Kumar Ambastha, AOR
Mr. Niteen Sinha, Adv.

Mr. Arun R. Pednekar, Adv.
Ms. Mukti Chowdhary, AOR

Mr. Avneesh Arputham, Adv.
For M/s.Arputham Aruna And Co, AOR

Mr. Harmeet Singh Ruprah, AOR

Mr. Raghvendra Kumar, Adv.
Mr. Anand Kumar Dubey, Adv.
Mr. Nishant Verma, Adv.
Mr. Narendra Kumar, AOR

Mr. Colin Gonsalves, Sr. Adv.
Mr. Ajay Verma, Adv.
Ms. Ritu Kumar, Adv.
Ms. Harini Raghupathy, Adv.
Mr. Satya Mitra, AOR

Mr. P. Venkat Reddy, Adv.
Mr. Prashant Tyagi, Adv.
Mr. P. Srinivas Reddy, Adv.
For M/s.Venkat Palwai Law Associates, AOR

Mr. Soumya Chakraborty, Sr. Adv.
Mr. Sanjai Kumar Pathak, AOR
Ms. Shashi Pathak, Adv.

Ms. Supriya Juneja, AOR

Mr. Shuvodeep Roy, AOR
Mr. Kabir Shankar Bose, Adv.

Mr. Krishnanand Pandeya, AOR

Mr. Milind Kumar, AOR

Ms. Binu Tamta, AOR
Mr. Dhruv Tamta, Adv.

Mr. Chetan Bhardwaj, Adv.
Mr. Kanhaiya Singhal, AOR

Mr. Vikas Mahajan, AAG, HP
Mr. Vidit Anand, Adv.
Mr. Anil Kumar, Adv.
Mr. Vinod Sharma, AOR
Mr. Amarnath Singh, Adv.
Mr. Surinder Singh Manak, Adv.

Mr. Anupam Raina, AOR
Mr. Sunando Raha, Adv.

Mr. S.C. Verma, AG, Chhattisgarh
Mr. Sumeer Sodhi, AOR
Ms. Simran Agarwal, Adv.

Mr. Sibor Sankar Mishra, AOR

Ms. K. Enatoli Sema, AOR

Ms. Uttara Babbar, AOR
Mr. Manan Bansal, Adv.
Ms. Shweta Mohta, Adv.

Ms. Aruna Mathur, AOR

Ms. Taruna A. Prasad, AOR
Mr. G.M. Kawoosa, Adv.

Mr. Siddhesh Kotwal, Adv.
Ms. Ana Upadhyay, Adv.
Ms. Manya Hasija, Adv.
Mr. Sahil Chandra, Adv.
Mr. Nirnimesh Dube, Adv.

Mr. Arjun Garg, AOR
Ms. Shrutika Garg, Adv.

Mr. Mahfooz A. Nazki, AOR
Mr. Polanki Gowtham, Adv.
Mr. Shaik Mohamad Haneef, Adv.
Mr. T. Vijaya Bhaskar Reddy, Adv.
Mr. Amitabh Sinha, Adv.
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.(Cr1.) 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)