



राज्य विधिज्ञ परिषद् उत्तर प्रदेश

BAR COUNCIL OF UTTAR PRADESH

(A Statutory Body constituted under the Advocates Act, 1961)

19, Maharshi Dayanand Marg, Prayagraj

Camp Office: R6/20, Vipul Khand, Gomti Nagar, Lucknow

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DEEPAK CHATURVEDI

Office Superintendent

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पत्रांक सं0/Letter No. 1807/21

दिनांक/Date: 20th April, 2021

To,

The Hon'ble Acting Chief Justice,
Allahabad High Court, Allahabad.

Subject: Letter of Hon'ble Chairman, Bar Council of Uttar Pradesh dated 20th April, 2021.

Esteemed My Lord,

I have been directed by Hon'ble Mr. Rohitashwa Kumar Agarwal Ji, Chairman, Bar Council of Uttar Pradesh to send letter of Hon'ble Chairman, Bar Council of Uttar Pradesh to your office. The letter is enclosed alongwith this letter for your kind perusal, seeking favourable action.

Thanking you in anticipation.

Sincerely yours

(Deepak Chaturvedi)
Office Superintendent

Enclosure:-

Letter of Hon'ble Chairman, Bar Council of Uttar Pradesh dated 20th April, 2021.



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पत्रांक सं०/Letter No. 1807/21

दिनांक/Date: 20th April, 2021

To,

The Hon'ble Acting Chief Justice,
Allahabad High Court, Allahabad.

Subject- Grant of Interim Bail/ Parole to the under trial prisoners/ convicted persons who are in jail, due to the second wave of the pandemic, namely, Nobel Corona Virus (Covid-19) which requires decongesting of prisons across the State of U.P.

My Lord, Hon'ble the Chief Justice,

It is most humbly submitted that the present letter is being written to you with the concurrence of the majority of Members of Bar Council of Uttar Pradesh. Being the Chairman of the Bar Council of Uttar Pradesh, I most humbly invite your Lordships kind attention to the havoc created by the second wave of the pandemic of Covid-19 which has proved to be more lethal and dangerous, than the earlier one. The Print Media and the Electronic Media is full of report indicating doubling of infection during the last two weeks on account of overcrowding in jails across the State of U.P. Scores of inmates have tested positive for the virus majorly due to flouting of social distancing norms occurring on account of congestion in jails.

The only available solution to help the congestion and to avoid the spread of virus appears to be decongesting the prisons so that social distancing could be maintained to avoid the spread of virus.

The need of the hour in such unprecedented circumstance of the pandemic calls for consideration of interim bail/ parole for the under trial/ convict, not based upon legal considerations arising out of statutory right for bail, but more in the nature of human right to safeguard the life and health of the prisoners.

My Lord, even earlier a High Powered Committee was constituted by the State Government and a policy decision was taken to release the under trial prisoners/ convict for the offences for which prescribed punishment is up to seven years or less with or without fine, which led to decongestion of jails across the State of U.P. thereby breaking the chain of virus and saving the lives of thousands of prisoners

My Lord, your Lordship is the guardian of fundamental rights and human rights of every citizen of this State, as such it is humbly prayed that judicial notice may be taken of the alarming situation on account of the second wave of the pandemic of Covid-19 due to which the inmates/ prisoners who are languishing in jail are suffering irreparably, firstly on account of spread of virus due to over crowing of prisons. Secondly for not having access to speedy



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पत्रांक सं०/Letter No. 1807/21

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justice, apart from such prevailing conditions in jail which are not fit and proper for human life and safety due to the current scenario. It is therefore humbly prayed that appropriate orders may be passed for releasing the under trial prisoners/ convicted persons who are facing trial or convicted to the maximum punishment of seven year or less, with or without fine, on interim bail/ parole, to help decongestion of jails so as to contain the virus which in its second wave has divested the humanity or such further directions/ orders may be passed by the Hon'ble Allahabad High Court as expedient in the interest of justice, especially under the prevailing circumstances or in the alternative the earlier directions passed by this Hon'ble Court in the light of the policy decision and recommendations of the State Government may yet again be enforced, so as to safeguard the basic human rights, life and liberty of the inmates/ prisoners who are languishing in jail across the State of U.P.

Your sincerely

(Rohitashwa Kumar Agarwal)
Chairman

Bar Council of Uttar Pradesh at Prayagraj

Copy To:-

- President/Hony. Secretary, High Court Bar Association, High Court, Allahabad
- President/Hony. Secretary, Oudh Bar Association, High Court, Lucknow Bench, Lucknow.
- All the District Judge & District Magistrates, Uttar Pradesh with request to serve the copy of present letter to the concerned Bar Associations of the District.
- All the Tehsildars of Uttar Pradesh with request to serve the copy of present letter to their respective Tehsil Bar Associations.