

MINUTES OF THE MEETING OF THE HIGH POWERED COMMITTEE CONSTITUTED IN COMPLIANCE OF THE ORDER DATED 23.03.2020 OF THE HON'BLE SUPREME COURT OF INDIA IN SUO MUTO WRIT PETITION (C) 01 OF 2020 IN RE. CONTAGION OF COVID-19 VIRUS IN PRISONS HELD ON 15.05.2021 (SATURDAY) AT 04.30 PM BY VIDEO CONFERENCING.

Hon'ble Mr. Justice S. Talapatra, Chairperson is in the Chair

Members present

- 1. Sri B.K. Sahu, Principal Secretary, Home Department [Jail].**
- 2. Smt. Aditi Majumder, Inspector General of Prisons.**

AGENDA

1. Discussion and decision on strictly controlling and limiting the authorities from arresting accused in contravention of guidelines laid down by the Apex court in **Arnesh Kumar vs. State of Bihar : (2014) 8 SCC 273** during pandemic;
2. Discussion and decision on consideration of cases by the High Powered Committees for release of prisoners on interim bail/parole;
3. Discussion and decision on immediate release of all the prisoners who had been released earlier pursuant to order dated 23.03.2020, by imposing appropriate conditions;
4. Discussion and decision on grant of further parole for a period of 90 days to the inmates who had been granted parole earlier, if any;
5. Discussion and decision on adoption of good practices such as display of prison occupancy on the official website;
6. Discussion and decision on direction to the authorities to ensure that medical facilities are provided to all the prisoners;

7. Discussion and decision on regular testing of prisoners as well as the jail staffs;
8. Discussion and decision on safe transportation of the released inmates of the prisons.

The Committee transacted the agenda and took note of the communication dated 08.05.2021 addressed to the Principal Secretary, Home [Jail Department] as regards the COVID cases as detected on 07.05.2021 in Longtharai Valley Sub-Jail and the status report dated 12.05.2021 submitted by the Inspector General [Prisons], Tripura which contains the information that in terms of the order dated 07.03.2020 of the Supreme Court of India, 6[six] convicts were proposed for temporary parole & all of them have by now been released on completion of their terms of sentence. Out of the list of 98 UTPs as prepared and as reflected in the letter dated 03.04.2020 and 59 UTPs whose name has been listed in the letter dated 21.08.2020 [Annexure-V to the status report], 86 UTPs were granted interim bail. The other information are relevant to the agenda. That apart, the memorandum dated 04.05.2021 [Annexure-VI to the status report] and the memorandum dated 07.05.2021 [Annexure-VII to the status report] have been taken note of and those contain the precautionary and preventive measures to contain further spread of the Corona Virus. The direction has been given to procure thermo-flask, foods, oxygen cylinders, oximeters, thermometers, mask and arrangement for steam inhalation etc.

RESOLUTIONS

1. **Discussion and decision on strictly controlling and limiting the authorities from arresting accused in contravention of guidelines laid down by the Apex court in *Arnesh Kumar vs. State of Bihar : (2014) 8 SCC 273* during pandemic;**

The police shall strictly control and limit their authorities from arresting the accused in contraventions to guidelines laid down by the Supreme Court of India in **Arnesh Kumar vs. State of Bihar : (2014) 8 SCC 273** during the pandemic situation.

Extract of this resolution along with a copy of the order dated 07.05.2021 in Re-Contagion of COVID-19 Virus in Prisons be forwarded to the Chief Secretary, Government of Tripura for taking appropriate action in order to comply the order of the Supreme Court of India as noted above.

2. **Discussion and decision on consideration of cases by the High Powered Committees for release of prisoners on interim bail/parole;**

The Inspector General [Prisons] shall prepare a list of UTPs who are implicated in cases for commission of offence punishable for less than 7 [seven] years or UTPs who have suffered the substantial time of the sentence in the format/template, Annexure-A to the NALSAs Standard Operating Procedure [SOP]. The said list of UTPs be submitted in the format/template at Annexure-A of NALSAs SOP by 19.05.2021 for taking further action.

3. **Discussion and decision on immediate release of all the prisoners who had been released earlier pursuant**

to order dated 23.03.2020, by imposing appropriate conditions; and

4. Discussion and decision on grant of further parole for a period of 90 days to the inmates who had been granted parole earlier, if any

The Inspector General [Prisons] shall propose a list of convicts who are eligible for getting parole for 90 days by 19.05.2021 in the format, Annexure-B to the NALSA's Standard Operating Procedure [SOP]. Mr. B.K. Sahu, the Principal Secretary, Home [Jail] Department has apprised the meeting in the context of the said direction that all the inmates who had been proposed to be released earlier on parole have completed their sentence. In this perspective, the said directive of the Supreme Court of India has become irrelevant. It has been stated that those UTPs who were earlier released on interim bail be released for a period of 6[six] months on the fresh terms and conditions to tide over the pandemic situation and achieve decongestion of the prisons. The list proposing grant of parole in the format/template, Annexure-B to NALSAs SOP be sent to the office of the Chairman, High Powered Committee by 19.05.2021 for former approval and for sending the same to the Parole Committee through the Principal Secretary, Home [Jail] Department.

5. Discussion and decision on adoption of good practices such as display of prison occupancy on the official website

In the status report it has been reflected that the daily occupancy of all jails is updated in the e-prison page of the department. It is resolved further that the said data shall also be uploaded in the websites of Tripura State Legal Services Authority and High Court of

Tripura for full compliance of the order dated 07.05.2021. The Inspector General [Prisons] shall monitor whether such prison occupancy is regularly updated and shared with the Member Secretary, Tripura State Legal Services Authority and the Central Project Coordinator [CPC] e-court project, High Court of Tripura.

6. Discussion and decision on direction to the authorities to ensure that medical facilities are provided to all the prisoners;

In every jail including Kendriya Sansodhanagar, a fair amount stock of essential drugs for treatment of COVID and its associated ailments, such as pulmonary complaints etc. be maintained for distributions to the inmates or the officers/employees of the jails as emergency response. Inspector General of Prisons shall direct the Task Force as constituted earlier against each jail to coordinate with the nearby hospitals or the Health/Sanitation Department. For this purpose, a separate memorandum be issued forthwith. This Committee approves the memorandum dated 04.05.2021 and 07.05.2021 issued by Inspector General [Prisons], Tripura. Oxygen cylinders and mask for administering oxygen shall also be procured so that the oxygen can be supplied when the same is required as emergency life saving step. Actions as proposed in the memorandum dated 07.05.2021 be taken immediately.

7. Discussion and decision on regular testing of prisoners as well as the jail staffs;

From the report dated 08.05.2011 of the OSD, Prison Directorate, Agartala, it appears that 11[eleven] convicts whose names have figured in the said report and one Warden of Longtharai Valley Sub Jail were

found COVID positive during testing. The authority must listen the bell. Therefore, it is resolved that in every jail COVID testing be carried out without wasting time and all inmates be tested. The results of such testing be compiled and sent to the office of the Chairman, High Powered Committee for studying the pattern. If it appears for any reason that the antigen test is not satisfactory, in those cases, RTPCR test be immediately done. The report must reach to the Chairman by 21.05.2021. The Prison authority shall shift the COVID positive inmates of the prisons either to the COVID Centres or to the COVID hospitals as per advice of the medical experts. All care shall be taken that contagion does not spread further and hence, scientific sanitization be carried out in all the prisons periodically and the inmates be monitored to follow the protocol. Sufficient space, if not available for that purpose, be identified by the concerned jail authority.

8. Discussion and decision on safe transportation of the released inmates of the prisons.

Whenever an inmate is released on interim bail/bails or on parole, they should be provided safe journey to their residence.

With permission of the Chair

9. A data-base be prepared of all jail inmates as per the format sent to the Inspector General [Prisons] by the Member Secretary, Legal Services Authority on 15.05.2021. The preparation of the said data-base be completed by 24.05.2021. A softcopy of the said data-base be sent to the Member Secretary, Tripura Legal Services Authority so that the High Powered Committee can follow up the compliance of the resolutions.

10. After the list of UTPs is prepared, Member Secretary, Tripura Legal Services Authority shall send a copy of the said list to all the District Judges with request to place the list to the courts of the Judicial Magistrates or Judges for compliance. In his letter, the Member Secretary, TSLSA shall refer the part of the order dated 07.05.2021 in Suo Motu Writ Petition (C) 01 of 2021 where it has been observed and directed as follows:

..... that the High Powered Committee, in addition to considering fresh release, should forthwith release all the inmates who had been released earlier pursuant to our order 23.03.2020, by imposing appropriate conditions. Such an exercise is mandated in order to save valuable time.

11. All possible steps to prevent the transmission of the deadly virus amongst the inmates of the prisons be taken. The Inspector General [Prisons] shall monitor such steps and make necessary modification or upgradation as and when changes are marked in the pandemic situation. The Inspector General [Prisons] shall obtain compliance reports from all the prisons once in a week for the next 8 [eight] weeks and a report be compiled from those weekly reports for sending the same to the Member Secretary, Tripura State Legal Services Authority [TSLSA] for information to the Chairpersons of this committee.

12. Mr. B.K. Sahu, Principal Secretary, Home [Prison] Department has apprised this committee that for defraying the expenses of preventive measures in the jails and other related expenses, the Home [Prisons] Department has asked for a fund of Rs.30,00,000/- [Rupees thirty lakhs] from the Government. The committee would request the Chief Secretary, Government of Tripura to take effective steps so that the said fund is released within 7[seven] days on attaching special importance to the said requisition.

[8]

13. The minutes of the meetings shall henceforth be uploaded in the official websites of the High Court of Tripura, the Home [Prison] Department and Tripura State Legal Services Authority. The Member Secretary shall ensure compliance of this resolution.

The meeting ends with thanks to the Chair.

By Authority


[Sri S. Bhattacharjee]
Member Secretary, TSLSA