

**Minutes of the Meeting Dated 12-05-2021 of the High Powered Committee
formed by the Assam Government in compliance of the guidelines of Hon'ble
Supreme Court of India**

Members Present:

- i. Hon'ble Mr Justice N. Kotiswar Singh, Executive Chairman, ASLSA and Judge, Gauhati High Court..... Chairman.
- ii. Mr. M.S. Manivannan, Commissioner and Secretary, Home and Political Department, Assam.....Member
- iii. Mrs B. Sharma, IG(Prison), Assam.....Member

The Meeting of the High Powered Committee was held via Goggle Meet. The Member Secretary, Deputy Secretary of ASLSA and DIG of Prison, Assam were also present in the meeting through video conferencing.

In compliance of the direction of Hon'ble Supreme Court given in **SUO MOTU WRIT PETITION (C) NO. 1/2020** (order dated 23-03-2020) IN RE : CONTAGION OF COVID 19 VIRUS IN PRISON the HIGH POWERED COMMITTEE was formed in the State of Assam last year.

Hon'ble Supreme Court vide Order Dated 07-05-2021 in SUO MOTU WRIT PETITION (C) NO. 01/2020 IN RE: CONTAGION OF COVID 19 VIRUS IN PRISON observed that "...rapid proliferation of the virus amongst the inmates of the congested prisons is a matter of serious concern. The High Powered Committees constituted by the State Governments/Union Territories shall consider release of prisoners by adopting the guidelines (such as inter alia, SOP laid down by NALSA) followed by them last year, at the earliest."

The High Powered Committee in pursuance to the directions of the Hon'ble Supreme Court as mentioned hereinbefore was once again convened and discussed the issues at length under the Chairmanship of Hon'ble Mr Justice N Kotiswar Singh, Judge, Gauhati High Court and Executive Chairman, Assam State Legal Services Authority, Guwahati.

The meeting discussed the subject relating to contagion of Covid virus inside the jail during the present second wave of Covid. Hon'ble Mr Justice N Kotiswar Singh impressed upon the members of the Committee that in compliance of the directions given by Hon'ble Supreme Court, High Powered Committee needs to take immediate actions for releasing all the inmates forthwith, who had been released earlier pursuant to order 23.03.2020 passed by Hon'ble Supreme Court, by imposing appropriate conditions. Further the inmates who were granted parole, pursuant to the earlier orders of Hon'ble Supreme Court, should be again granted parole for another period of 90 days in order to tide over the pandemic.

After threadbare discussion on the subject, the meeting resolved thus:

IMMEDIATE STEPS TO BE TAKEN

- I. The I.G (Prison) stated that in pursuant to the previous order of Hon'ble Supreme Court, 15 out of 22 approved inmates were allowed to go on parole. Hence, keeping in view the fresh directions passed by the Hon'ble Supreme Court on 07-05-2021, said 22 inmates can again be allowed to go on parole for another period of 90 days so as to tide over the pandemic. The Home department will issue necessary directions in this regard.
- II. It was further resolved that I.G (Prison) will look into the list of jail inmates who were released in pursuance to the earlier order dated 23-03-2020 passed by Hon'ble Supreme Court and issue necessary instructions for their release again, with appropriate conditions.
- III. The High Powered Committee also resolved that UTRC of each district would be in better position to look into the feasibility of release of inmates and to put appropriate conditions on such release, in pursuance to the guidelines already in force, considering the local situation in the respective districts. Therefore, it was resolved that the UTRC would collect the list of the inmates from the jails in the districts who are eligible to be released (reportedly prepared) and hold a meeting within 3 days. The UTRC will furnish the recommendations to the HPC immediately after the meeting.
- IV. The members of the High Powered Committee again resolved that the district administration would ensure that one doctor/team of doctors visit the jail daily to meet the medical needs of the inmates of the jail. The Home Commissioner will take the call.

ADDITIONAL STEPS:

The High Powered Committee members upon deliberation of different aspects resolved further as follows:

MEDICAL NEEDS

- i. In the meeting, the IG (Prison) mentioned that till date vaccination of inmates

- has been started in ten jails only. It is resolved that the Home Department shall issue necessary instructions to the concerned authorities to vaccinate the inmates of other jails also immediately and will expedite such vaccination drive.
- ii. Further, jail authorities will take necessary steps for the antigen test/RT PCR test for the jail inmates.
 - iii. Separate quarantine and isolation space be made available to keep the new inmates and asymptomatic inmates respectively so as to contain spreading of the virus.
 - iv. The inmates will be provided immediately with N95Mask, Sanitizers and other essentials. In this regard the Secretary, Home Department stated that SDRM (State Disaster Response Mechanism) Fund is available for meeting such needs of the inmates, which the Jail authorities can utilize. The Jail authorities will accordingly do needful.
 - v. The Home Department will also issue necessary notifications for ear marking of the beds and ICUs in the Civil Hospitals and GMCH for the jail inmates.
 - vi. The jail authorities will provide a printed copy of the vaccination certificate to the jail inmates so as to ensure that the inmate can take the second dose on furnishing the same to nearby facility providing vaccination, in the event of being released from the jail after the first dose.
 - vii. The district administration in collaboration with the health department to ensure that atleast two oxygen cylinders are available in the jail for meeting any emergency which may arise inside the jail.

WAY FORWARD

- The Committee members further resolved that considering the present pandemic scenario which is very grave, the Home Secretary would apprise the Committee members as regard the various additional steps which could be taken up by the district administration for the jail inmates who were not released on bail but may test +ve and require hospitalization, in the next meeting.
- Also it was discussed that the UTRC members might also provide suggestions, if any, for additional steps which could be taken up at the State and district level, in the wake of the present pandemic.
- The judgment passed by Hon'ble Supreme Court in Arnesh Kumar Vs State of Bihar be circulated via email/WT message to all the police stations of the State so as to ensure adherence of the directions made. The said judgment also be circulated to the remand Magistrates for its strict compliance.
- The Member Secretary, ASLSA stressed on the point that to avoid spreading of the infection in the jails, special care of the accused who are produced for the first time before Magistrate seeking custody be made. It was suggested that at least two Covid testing points in each district specially for such accused may be set up by the district administration and before the accused are produced before the Court, they may be tested at such centres. That only the ones who tested negative be forwarded to the court or jail as per law and kept in

quarantine area. The ones who tested +ve be provided with the required medical help and not sent to jail. Only after the such accused tested negative, they may be forwarded to the jail, as per law.

- It was further discussed that to ensure that the communication of the inmates with the family members, Counsels, etc, virtual mode keeping all the Security parameters at place be applied. For those who cannot afford smart phones and like devices, they can approach DLSA, Secretary who can then make adequate arrangements for the purpose.
- The members of the High Powered Committee also resolved that in compliance of the directions of the Hon'ble Supreme Court passed in order dated 07-05-2021, all the decisions of the High Powered Committee be published on State Legal Services Authorities/State Government/ High Court's websites in order for effective dissemination of information.
- The Members have decided to sit again on 16-05-2021. The meeting concluded with thanks from the Chair.