

MINUTES OF THE HIGH POWERED COMMITTEE MEET HELD THROUGH VC ON 31.07.2021 AT 1400 HOURS IN RESPECT OF GRANTING PAROLE/INTERIM BAIL TO PRISONERS IN THE STATE OF ARUNACHAL PRADESH

In pursuance of the order of the Hon'ble Supreme Court of India in Suo Moto Writ Petition (Civil) No.1/2020 IN RE: CONTAGION OF COVID-19 VIRUS IN PRISONS, the High Powered Committee held its third meeting via Video Conference on 31.07.2021 at 1600 Hrs under the Chairpersonship of Hon'ble Justice RK Phukan, Executive Chairperson, Arunachal Pradesh State Legal Services Authority and was attended by Shri Rajeev Verma, Principal Secretary (Home), IAS, Smt. Jaweplu Chai, Member Secretary, Arunachal Pradesh State Legal Services Authority, Shri P. Partibhan, Health Secretary and Sri CN Longphai, IAS, IG (Prisons).

2. At the outset, Shri Rajeev Verma, Principal Secretary (Home) welcomed Hon'ble Justice RK Phukan, the Hon'ble Chairperson of the High Powered Committee to the important meeting and sought her invaluable advice with regard to the issues being brought before the Committee.

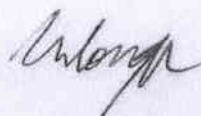
3. Thereafter, the Hon'ble Chairperson asked the IG Prisons to apprise the Committee about the action taken in compliance of the resolutions of the Committee made in the meeting held on 18.06.2021.

4. Regarding release of prisoners (Resolution 1 & 2 of the HPC meeting Minutes dated 18/06/21), the IG Prisons apprised the Committee about the details of prisoners, released on parole/interim bail on the recommendation of the Under Trial Review Committees as per guidelines/SOP of NALSA. The lone Convict Moi Nyori of District Jail Itanagar (Jully), who was granted parole last year for 90 days, has been allowed to avail further 90(ninety) days parole w.e.f. 15.06.2021 to 12.09.2021 after observing all formalities in compliance of HPC's earlier resolution. The Committee was apprised that, a total no. of 54 prisoners (UTPs) from the jails of State were released during the month of June, 2021 and first week of July, 2021 i.e. up to 7th July, 2021. With the release of these prisoners overcrowding in the jails has been reduced to some extent.

5. The HPC was informed that in compliance of Resolution No.4 of HPC meeting dated 18/06/2021, meeting of State Level Committee was held on 23/06/2021 in which cases







of 4 convict prisoners were examined. However, after examination of these cases, the SLC suggested for obtaining mental health reports in respect of three (03) convict prisoners of District Jail, Jolly and making available relevant judicial ruling or legal provision regarding admissibility of set-off period for consideration of pre-mature release of one (01) Arunachali convict presently lodged in Central Jail, Dibrugarh. Accordingly, the Superintendent, Central Jail, Dibrugarh has been requested to furnish the same. The Director of Health Services has also been requested to send Psychiatrist to District Jail, Tezu in order to check the three (03) convict prisoners and furnish their mental health reports.

6. It was apprised by Ld. Member Secretary, Arunachal Pradesh State Legal Services Authority that the Resolution No.5 of HPC meeting dated 18/06/2021 has been complied.

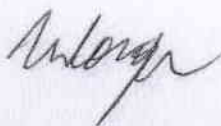
7. In compliance of Resolution No.6 & 15 of HPC meeting dated 18/06/2021, the report in the CHRI format was also submitted to the Ld. Member Secretary, APSLA, for onward submission to NALSA by APSLSA.

8. Regarding Resolution No.7 of HPC meeting dated 18/06/2021, it was apprised by IG Prisons that a virtual meeting through VC was held on 21/07/2021 with the concerned Deputy Commissioners and Ld. District & Sessions Judges to explore the feasibility of inter-jail transfer/shifting of the prisoners from overcrowded jails to other jails to reduce prison overcrowding. It was decided in the said meeting that 16 convicts of Sub-Jail, Khonsa would be shifted to Sub-Jail, Koloriang (08), Sub-Jail, Aalo (05) and Sub-Jail, Yingkiang (03). It was informed that the formal proposal which was received from the Khonsa Sub-Jail Authority on 30.07.2021 would be processed for obtaining approval of the appropriate authority and that the inter-jail transfer of the convicts would be effected after obtaining the necessary approval and after making necessary security arrangements for their transfer. Regarding the construction of the Internal wall at District Jail, Tezu, it was apprised that the same has been approved under the BE 2021-2022 and its construction will start once the necessary sanction is accorded by the Government.

9. IG, Prison informed the august house that, if necessary, meeting can be held with the Deputy Commissioners and Ld. District & Sessions Judges from time to time to discuss inter-jail transfer/shifting of the prisoners with a view to reducing overcrowding in the jails.







However, the data of the jail inmates reveals that total jail population is within the limit of its capacity, save and except that there are few excess of inmates in four jails, which can be adjusted by way of inter-district transfer of inmates.

10. Regarding Resolution 8 & 9 of HPC meeting dated 18/06/2021, it was apprised that apart from the two regular doctors presently posted at District Jail, Jullu, doctors have been deputed for visiting District Jail, Tezu and the sub-jails on roster basis with varying frequency of visits during a week. It was informed that the State Health Department has issued direction to the District Health Authorities to extend all free diagnostic services to the prisoners vide letter dated 20/07/2021.

11. Regarding Resolution 10 of HPC meeting dated 18/06/2021, it was apprised that proposal for creation of 245 posts of various categories for staffing the seven sub-jails has been submitted to the State Finance Department and its approval is awaited.

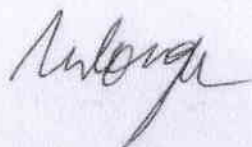
12. Regarding Resolution 11 & 12 of HPC meeting dated 18/06/2021, it was apprised that as on 30.07.2021, 442 prisoners out of 529 prisoners have been tested and vaccinated and the remaining 87 prisoners are yet to be vaccinated. Further, 218 staffs out of 249 staffs have been vaccinated with 31 staffs yet to be vaccinated. The Hon'ble Chairperson enquired the Health Secretary as why some prisoners and staffs are not yet vaccinated. The Health Secretary informed that in certain cases people are hesitant to receive Covid-19 vaccination for various reasons; but sustained efforts are being made to convince such hesitant people so that 100% vaccination is achieved in the State.

13. Regarding Resolution 13 of HPC meeting dated 18/06/2021, it was apprised that prison occupancy data and the resolutions of the HPC have been uploaded in the website of the Prisons Department as well in website of SLSA and even sent to HCLSC for uploading.

14. In compliance of Resolution 14 of HPC meeting dated 18/06/2021, the State Health Department has informed that efforts to identify infected inmates and make necessary







arrangements for taking care of them are continuing. It was informed that as on 07/07/2021, nine inmates of Sub-Jail Pasighat and 22 (twenty two) prison staffs of District Jail, Jyuli (15), District Jail, Tezu (02), Sub-Jail, Pasighat (02) and Sub-Jail, Yingkiang (03) have been found COVID-19 positive. Further, 50 (fifty) prisoners and 15 (fifteen) prison staff of District Jail, Jyuli (10), Sub-Jail, Pasighat (02) and Sub-Jail, Yingkiang (03) have been found suspected of COVID-19. The Hon'ble Chairperson directed the Health Secretary to send doctors and medical staffs to the respective prisons in order to test and monitor the concerned prisoners and staffs so that they are taken care of properly.

15. The Hon'ble Chairperson asked whether isolation facilities are available in the jails and whether the newly admitted prisoners are kept in isolation for a period of 14 (fourteen) days. The IG Prisons replied in the affirmative.

16. The Hon'ble Chairperson raised serious concern over the infrequent and irregular visit of doctors to the jails other than District Jail, Jyuli. The Principal Secretary (Home) also pointed out that in some sub-jails doctors paid visit only once in a week and asked the Health Secretary to ensure roster for alternate day visit of doctors to the jails in view of the rising cases of COVID-19 infection in the State. The Health Secretary apprised that there is acute shortage of doctors in the State as the doctors are being diverted to Covid Care Centre/Facility. Full-time Medical Officers can be appointed against the sub-jails if posts are created. Therefore, he assured that he will submit proposal to Govt. for creation of posts of doctors and medical staffs for the jails.

17. On being enquired by the Hon'ble Chairperson about the current situation of the COVID-19 pandemic in the State, the Health Secretary apprised her that the situation is not so panicky so far as Arunachal Pradesh is concerned. There are 4142 active cases with 300-400 cases per day as per report dated 30.07.2021. Moreover, the fatality rate is one of the lowest in the country i.e. 0.48%.

18. The Hon'ble Chairperson asked the IG Prisons whether sufficient number of masks and sanitizers are provided to the jail inmates. The IG Prisons apprised that sufficient number of masks and sanitizers are provided to the jail inmates.

19. The Hon'ble Chairperson asked the IG Prisons about the status of communication facilities in the sub-jails. The IG prisons apprised that under e-Prisons project, which is Centrally Sponsored Scheme, hardware has been provided to the sub-jails but due to connectivity issue and lack of proper infrastructure inside the sub-jails, these could not yet be put to use in most of the sub-jails and these are presently installed in the DC's office from where the prison office works are carried out by the ex-officio jail superintendents who are appointed from amongst the Circle Officers or Extra Assistant Commissioners. It was assured that once the internet connectivity issue is resolved and proper infrastructure inside the sub-jails is created either under the ongoing schemes of strengthening of sub-jails or new schemes, the e-prisons project will be in place.

20. The Ld. Member Secretary, Arunachal Pradesh State Legal Services Authority informed the Committee that due to shortage of regular staffs the office works of the Authority are hampered and requested the Principal Secretary (Home) to extend help in getting requisite posts created by the State Government. The Principal Secretary (Home) informed her that he would hold a meeting with the concerned Secretaries on the matter. The Hon'ble Chairperson advised the Ld. Member Secretary, Arunachal Pradesh State Legal Services Authority to send formal proposal to the State Government in this regard.

21. It was apprised that as per the Resolution No.7 of HPC meeting dated 18/06/2021, HPC had directed the Prison Authorities of the State to explore the feasibility of inter-jail transfer/shifting of the prisoners from overcrowded jails in consultation with the Deputy Commissioners and the District & Sessions Judges in order to reduce the occupancy rate in all the Jails. Hence a virtual meeting through VC was held on 21/07/2021 as called by Principal Secretary (Home) and IG, Prison with the concerned Deputy Commissioners and Ld. District & Sessions Judges. But in that meeting the District & Sessions Judges of Yupia and Tezu did not attend despite being informed.

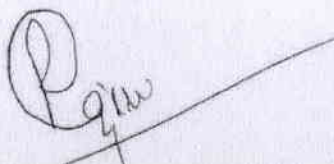
22. Further as per Resolution No.5 of HPC meeting dated 18/06/2021, HPC had resolved to direct all the DLSAs to increase the frequency of the meeting of the Under Trial Review

Committee to fortnightly basis for a period of 6 (six) month and to submit their report to APSLSA. But from the available reports it transpires that despite of being furnished with the resolution dated 18.06.21 on 25.06.21 and being reminded on 13.07.2021, DLSA, Lohit and DLSA, Changlang did not held even single UTR Committee meet till date.

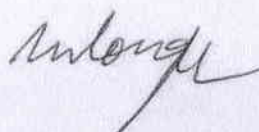
RESOLUTIONS

The Committee discussed the action taken by the Prison Authority and the Health Department on the resolutions adopted by the Committee in its meeting held on 18.06,2021. After threadbare discussion on the issue of the prevailing situation under COVID-19 pandemic and population in the jails and other factors such as medical facilities, the High Powered Committee made the following resolutions:

- i) The State Level Committee will decide the cases of premature release of convicts whose cases are pending before the Committee after ascertaining set-off period from the order of the competent court in respect of the convict presently lodged in Central Jail, Dibrugarh and obtaining medical health reports in respect of the three convicts from District Jail, Julliy.
- ii) The Prison Department will pursue the proposal for creation of 245 posts of various categories for sub-jails on priority with the State Finance Department so that staffs can be appointed for smooth jail management.
- iii) The IG Prisons will discuss with concerned Deputy Commissioners/Jail Superintendents to explore the possibility of creating separate isolation cells/facilities in the sub-jails, even if on temporary basis i.e. till such time permanent infrastructure is put in place.
- iv) The State Health Department will send medical team to Sub-Jail, Pasighat, District Jail, Julliy and Sub-Jail, Yingkiong immediately for taking necessary care of the COVID-19 positive prisoners and staffs of the said jails. The Health Department will also send doctors and medical staffs to District Jail, Julliy, Sub- Jail, Pasighat and Sub-Jail,

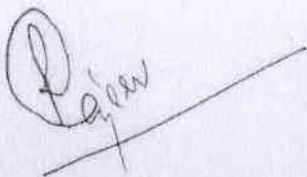




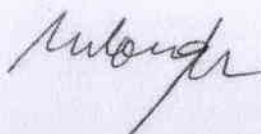


Yingkiong in order to test and monitor the prisoners and prison staff who have been found suspected of COVID-19 so that they are taken care of properly.

- v) The State Health Secretary will ensure early vaccination of all left out prisoners/staffs by sending doctors and other medical staffs to the respective jails and endeavor to resolve the problem of vaccine hesitancy of these prisoners and staffs.
- vi) The State Health Secretary will ensure that the frequency of visits of doctor to all the jails is increased and if possible the roster may be made for alternate day visits.
- vii) The IG Prisons will submit report on the follow up action taken on the above mentioned resolutions of HPC on the next meeting proposed to be held on 01.10.2021.
- viii) The Member Secretary will submit all relevant/earlier communication/proposal for creation of posts and also fresh formal proposal to the State Government for creation of required posts for smooth functioning of the office of Arunachal Pradesh State Legal Services Authority. The State Government will consider the said proposal with topmost priority, as the vast activity of APSLSA cannot be carried out by the casual employees, under the direction of NALSA, headed by Executive Chairman, Judge, Supreme Court.
- The Member Secretary will arrange a meeting in this regard with the Executive Chairman and all the concerned departments.
- ix) That the HPC had taken note of the recommendation held by UTR Committee and approves the suggestions of UTRC for release of their respective UTPs with further direction to hold UTRC meeting on regular basis as directed earlier.
- x) The respective Chairmen and Secretaries of DLSAs will ensure providing legal aid to inmates to be released on bail and if the accused are not able to produce the bailor due to her/his incapacity then to release them on PR Bond on filling of application in this regard as mentioned in serial no. 6 of the order dated 02.07.2021 passed by Hon'ble EC







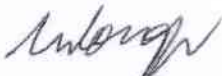
after meeting with Chairman and Secretaries of DLSAs.

xi) The Member Secretary shall issue show cause notices to District & Sessions Judges of Yupia and Tezu as to why they did not attend virtual meeting of 21/07/2021 as called by Principal Secretary (Home) and IG, Prison to explore the feasibility of inter-jail transfer/shifting of the prisoners from overcrowded jails in consultation with the Deputy Commissioners in order to reduce the occupancy rate in all the Jails. And the reply should be laid down before Hon'ble EC within 15 (fifteen) days of service of the report.

xii) The Member Secretary shall also issue show cause notices to the Chairman of DLSA, Lohit and Secretary of DLSA, Changlang for not holding UTR Committee meet fortnightly despite the direction of HPC resolution dated 18.06.21. And the reply should be laid down before Hon'ble EC within 15 (fifteen) days of service of the report.

The next meeting of HPC will be held on 1st October, 2021 at 1600 Hrs to take a final call on the issues.

Meeting ended with thanks from the Chair.



CN Longphai, IAS
Inspector General (Prisons)
Itanagar



Rajeev Verma, IAS
Principal Secretary (Home)
Government of Arunachal Pradesh
Itanagar



Justice R.K. Phukan
Hon'ble Executive Chairperson
Arunachal Pradesh State Legal Services Authority
Itanagar