

High Powered Committee: Meeting dated 21.02.2022 held at the conference Room of State Legal Services Authority, West Bengal

Hon'ble Supreme Court vide order dated 23.03.2020 in **Suo Moto Writ Petition (C) No. 1/2020, In Re: Contagion of COVID 19 Virus in Prisons**, has constituted a High Powered Committee comprising of (i) The Chairman of State Legal Services Authority; (ii) The Principal Secretary (Home/Prison); and (iii) the Director General of Prison, to determine whether further extension of the period of Parole/interim bail that has already been granted is required, if yes, for what period and for determining other appropriate steps as may be thought necessary.

Hon'ble Supreme Court has directed that States/Union Territories could consider the release of the inmates: regarding under-trials the offences for which prescribed punishment is up to 7 years and regarding convicts where the convict has been convicted up to 7 years of imprisonment, though prescribed maximum punishment may be more. Hon'ble Supreme Court has also directed that while deciding the issue relating to the release of the under-trials and convicts, the Committee would honour the parameters given in para no. 11 of the judgment in Criminal Appeal No. 1277 of 2014 (Arnesh Kumar vs. State of Bihar).

The Hon'ble Supreme Court of India by virtue of order dated 07.05.2021 in **Suo Motu Writ Petition (C) No. 1/2020 IN RE: CONTAGION OF COVID 19 VIRUS IN PRISONS** has directed the High-Powered Committees constituted by the State

Governments/Union Territories to the consider release of prisoners by adopting the guidelines followed by them last year at the earliest.

1. The meeting is chaired by **Hon'ble Justice T. S. Sivagnanam**, Judge, High Court at Calcutta and Hon'ble Executive Chairman, State Legal Services Authority, West Bengal
2. **Dr. Ravi Inder Singh**, I.A.S, Principal Secretary, Department of Correctional Administration, Government of West Bengal
3. **Mr. Peeyush Pandey**, I.P.S, Additional Director General and Inspector General of Correctional Services, Government of West Bengal

Present at the meeting is Mr. Raju Mukherjee, Member Secretary, State Legal Services Authority, West Bengal.

In compliance with the direction issued by the Hon'ble Supreme Court of India, the Member Secretary, State Legal Services Authority, West Bengal requested the ADG & IG, Correctional Services, Govt. of West Bengal regarding the present situation and status of the prisoners lodged in the Correctional Homes in the State of West Bengal.

The ADG & IG Correctional Services, Govt. of West Bengal by virtue of the letter/report No.073/ADG-IG/22 dated 09.02.2022 and No.113/ADG-IG/21 dated 17.02.2022 has stated as follows: -

Population: the population of prisoners in 60 Correctional Homes was 25,313; the overall occupancy Rate of Correctional Homes is 116.5%; Undertrial Prisoner population is 86.2%;

Parole: No. of convicted prisoners who were released under the de-congestion process of Correctional Homes and during the second wave of COVID – 19 and were not called back as per the directives of the Hon'ble Supreme - 2008; Prisoners returned to Correctional Home at their will – 124; Prisoners reported escaped while availing parole -51; Escapees on parole recaptured – 14; Prisoners called back from parole for disobeying PR Bond/reports against them – 30; Prisoners expired while availing parole since 2020 – 37.

Release: Prisoners released (on expiry of sentence/on acquittal/on bail/on premature release) while availing said parole – 164; Prisoners released prematurely between 2020-2021 – 204; No. of UTPs eligible to be released under section 436A of Cr. P.C. -52; No. of UTPs released on interim bail during second wave of COVID-19 - Nil;

Supervision: Judicial visits undertaken and Executive visits/inspection undertaken during 2021 and 2022 were 612 and 925 respectively; Visits by Legal Services Panel Lawyers/Legal Aid Counsellors and by medical personnel from the District/Sub-Divisional Health department during the years 2020, 2021 and 2022 were 4932 and 1510 respectively.

Covid Tests: RAT/RT-PCR Tests of prisoners on admission – 47242; Prisoners found COVID – 19 positives on their admission – 2849;

Active COVID-19 Cases: One prisoner was symptomatic; one prisoner was a symptomatic and one prisoner was hospitalized.

Vaccination: the first dose of the vaccination was given to 28,052 prisoners and the second doze to 9003 prisoners;

Death due to COVID -19: Prisoners expired due to COVID-19 was -3 and 4 in the year 2020 and 2021 respectively.

E-Court: E-Court production facilities and e-visiting systems have been institutionalized in most of the Correctional Homes and so far, e-Court production of prisoners was 62577, 82647, 10927 during the year 2020, 2021 and 2022 (till January) respectively.

On consideration of the above statements, the Principal Secretary, Correctional Services and the ADG & IG, Correctional Services, Govt. of West Bengal are requested to take adequate safety measure to prevent the spread of COVID-19 virus in these Correctional Homes as per the guidelines issued by the Govt. from time to time and to ensure proper treatment for infected inmates and officials.

The Order of the Chief Secretary to the Govt. of West Bengal, vide No. 753/XXIII-ISS/2M-22/2020 dated 14.02.2022 notifies that certain relaxation measures and advisory in terms of the

provisions under Disaster Management Act 2005 read with West Bengal Epidemic Disease, Covid-19 Regulations 2020, which are in force till 15/02/2022.

In addition to the relaxations already in force vide earlier orders, following additional relaxations are hereby notified with effect from 16/02/2022:

- I. Opening of all ICDS centres. A separate Standard Operating Procedure (SOP) will be issued by Women & Child Development and Social Welfare Department in this regard.
- II. Opening of all primary and upper primary schools. A separate Standard Operating Procedure (SOP) will be issued by School Education Department in this regard.
- III. Movement of people and vehicles and public gathering of any kind shall now be prohibited between 12 midnight to 5 AM. Only essential and emergency services shall be permitted.

In the light of the above discussions and after due deliberation and consideration by the committee:

1. No recommendation is made from the end of the High-Power Committee to release any of the inmates either on parole or interim bail. However, inmates can be released on case-to-case basis as decided by the competent court/appropriate authority.
2. All correctional homes require adequate IT facilities which entails the installation of a sufficient number of cameras.

3. The committee is of the opinion that the mental health along with the physical health of the inmates is of extreme importance. Hence, the committee believes that a sufficient number of Clinical Psychologists and psychiatrist should be appointed/provided at all correctional homes. Nearest government hospitals should be contacted for the same.
4. All commercially viable products as produced by the inmates of the correctional homes should be evaluated and marketed with due diligence.
5. All other practices pertaining to the Covid-19 Pandemic situation shall remain in place.
6. Endeavours should be made to virtually connect all correctional homes to their respective courts

Dated:24th February, 2022

Sd./-
(Raju Mukherjee)
Member Secretary
State Legal Services Authority
West Bengal