

Minutes of the Virtual Meeting held on 17th Day May, 2021 of the High Powered Committee constituted in pursuance to the direction of Hon'ble Supreme Court of India in Suo Motu Writ Petition (c) No 01/2020 in Re : Contagion of Covid -19 Virus in Prison vide Order dated 23.03.2020.

Present:

1. Hon'ble Mr. Justice Aparesh Kumar Singh
Judge, High Court of Jharkhand &
Executive Chairman, JHALSA

Aparesh Kumar Singh
-Chairman

2. Sri Rajeev Arun Ekka, IAS
Principal Secretary to the Government of Jharkhand
Department of Home, Prisons and Disaster Management

-Member

Ekka

3. Shri Birender Bhushan, IAS
IG Prisons, Jharkhand

-Member

17/5/21

- (1) Md Shakir, Member Secretary, JHALSA assisted the committee in conduct of its meeting.
(2) Shri Birender Bhushan, IG Prisons, Jharkhand placed the Agenda wise Status Report before the committee which is as follows :

Status Report of the Agenda of the High Powered Committee to be convened on dated 17.05.2021

Sl. No.	Agenda	Status Report
1.	Decongestion of Prisons	
	Fresh Identification of UTPs/Convicts for release on interim bail/parole	<ol style="list-style-type: none"> 1. Superintendents are directed to identify such undertrial prisoners and send the list to the respective Courts and DLSA. 2. A jail wise list of undertrial prisoners who are incarcerated in sections having maximum sentence of 7 years is to be submitted to JHALSA/DLSA. 3. Superintendents are directed to identify such convicts who are inclined to avail parole and to send the proposal after due process enshrined in the Jharkhand Parole Rules, 2013. 4. 1200 prisoners are directed to be transferred from overcrowded jails to under-crowded jails. 5. Last year a total of 3234 prisoners were transferred from overcrowded jails to under-crowded jails.
	Release on interim bail of those UTPs who were released last year on interim bail	<ol style="list-style-type: none"> 1. Total number of undertrial prisoners released on interim/regular bail since dt. 23.03.2020= 29,478 2. 105 UTPs are returned so they are eligible to get interim /regular bail
	Release on parole of those convicts who were released last year on parole	<ol style="list-style-type: none"> 1. Total number of convicts release on parole and returned since dt. 23.03.2020= 146 2. 138 convicts returned so far, 8 convicts are enlarged on parole at present.
2.	Prison Occupancy on Website	<ol style="list-style-type: none"> 1. Prison Occupancy are uploaded daily on the Prison Management Information System which is integrated to the national portal of prison, https://www.cprisons.nic.in

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SL No.	Agenda	Status Report	
		<div>2. Currently the occupancy is 21446 against the sanctioned capacity of 16919.</div> <div>3. Courts and Police are given the link to access prison occupancy, movement and release of prisoners.</div>	
3.	Arresting the spread of Covid-19 in Prisons		
	Adherence of covid protocol (Mask, Social Distancing, and hand hygiene)	All jails in Jharkhand follow the covid appropriate protocol	
	Testing, Treatment and Vaccination	Total number of prisoners tested(Covid positive prisoners are tested for two or more times)	25128
		Total number of staff tested	2261
		Total number of covid positive prisoners currently	264
		Total number of prisoners admitted in district sadar hospital	8
		Total number of prisoners admitted in jail hospital in isolation ward.	258
		Total number of covid positive staff currently	17
		Total number of prisoners vaccinated so far	2269
		Total number of staff vaccinated so far	2261
		Total number of prisoners died of covid-19	2
		Total number of staff died of covid -19	0
	Isolation and Quarantine	<div>1. Every new remanded prisoner is admitted in jail after getting covid negative report from Sadar Hospital.</div> <div>2. New remanded prisoners are lodged in quarantine ward for 14 days.</div>	

Sl. No.	Agenda	Status Report
		<p>3. Jail Hospital has Isolation Ward for corona positive patient.</p> <p>4. Jail staff who are corona positive are quarantine in their home or a temporary hospital made in a vacant quarter in jail campus under treatment of jail doctor.</p>
4.	Transportation of released prisoners	<p>1. Jail Manual Rule 539 has enjoined upon to facilitate conveyance for released prisoners who can not afford.</p> <p>2. Relatives of the prisoners are informed of release.</p> <p>3. Police escort is made available for transportation in lockdown.</p> <p>4. If police escort or other means are not available, jails are directed to facilitate conveyance or transportation.</p>
5.	Enhanced Frequency of Undertrial Review Committee Meetings	Related to the Courts.

17/11/20

- (3) Shri Birender Bhushan, IG Prisons, Jharkhand also placed the summary Report for inside prisoners in Jharkhand Jail before the committee which is as follows :



Summary Report for inside prisoners in Jharkhand Jail

(As on 16.05.2021)

Jail_Name	Capacity of Prison			Convict		Under Trail		Total	Percentage of Occupancy
	Male	Femal	Total	Male	Femal	Male	Femal		
1	2			3	4	5	6	7	8
CJ-BIRSA MUNDA CENTRAL JAIL HOTWAR, RANCHI	3520	146	3666	1348	53	2017	76	3494	95.31
CJ-DEOGHAR	300	35	335	78	8	614	24	724	216.12
CJ-DUMKA	1095	68	1163	620	40	578	36	1274	109.54
CJ-GHAGHIDIH, JAMSHEDPUR	1613	67	1680	918	44	891	48	1901	113.15
CJ-GIRIDIH	520	34	554	76	5	936	56	1073	193.68
CJ-L.J.NARAYAN CENTRAL JAIL, HAZARIBAGH	1872	118	1990	1107	55	858	18	2038	102.41
CJ-MEDININAGAR, PALAMU	679	24	703	302	11	815	30	1158	164.72
DJ-CHAIBASA	595	26	621	45	0	814	34	893	143.80
DJ-CHAS	420	15	435	57	0	426	19	502	115.40
DJ-CHATRA	197	12	209	3	0	646	17	666	318.66
DJ-DHANBAD	831	25	856	52	0	849	35	936	109.35
DJ-GARHWA	240	10	250	25	0	480	18	523	209.20
DJ-GODDA	291	7	298	10	0	376	13	399	133.89
DJ-GUMLA	216	15	231	7	0	645	36	688	297.84
DJ-JAMTARA	100	25	125	4	0	228	11	243	194.40
DJ-KODERMA	200	10	210	23	1	294	10	328	156.19
DJ-LATEHAR	161	5	166	2	0	428	16	446	268.67
DJ-LOHARDAGA	200	10	210	6	0	334	14	354	168.57
DJ-PAKUR	200	25	225	7	0	208	17	232	103.11
DJ-SAHIBGANJ	200	25	225	3	0	346	24	373	165.78
DJ-SAKCHI, JSR	198	0	198	31	0	118	0	149	75.25
DJ-SARAIKELA	290	8	298	7	0	546	24	577	193.62
DJ-SIMDEGA	203	5	208	20	0	358	10	388	186.54
OPEN JAIL -CUM- REHABILITATION CENTRE, HAZARIBAGH	100	0	100	6	1	27	3	37	37.00
SJ-GHATSHILA	300	25	325	3	0	273	0	276	84.92
SJ-KHUNTI	462	38	500	2	0	689	24	715	143.00
SJ-MADHUPUR	352	47	399	26	0	433	0	459	115.04
SJ-RAJMAHAL	100	20	120	5	0	236	9	250	208.33
SJ-RAMGARH	300	25	325	5	0	281	12	298	91.69
SJ-TENUGHAT	270	30	300	5	0	242	5	252	84.00
Total	16025	900	16925	4803	218	15986	639	21646	127.89

- (4) Sri Rajeev Arun Ekka, Principal Secretary to the Government of Jharkhand, Department of Home, Prisons and Disaster Management informed the committee that he has already issued directions to Jharkhand Police for following the guidelines laid down by the Hon'ble Supreme Court in **Arnesh Kumar versus State of Bihar and Another 2014 (8) Supreme Court Cases 273.**

Signature

- (5) Sri Rajeev Arun Ekka, Principal Secretary to the Government of Jharkhand, Department of Home, Prisons and Disaster Management further informed that District Jail Chatra , Gumla, Latehar ,Garwa and Sub Jail, Raj Mahal have more than 200 % occupancy.

Chatra – 318.66% occupancy

Gumla – 297.84 % occupancy

Latehar – 268.67% occupancy

Garwa - 209.20% occupancy

Rajmahal -208.33 occupancy

He has proposed that we could start shifting inmates from overcrowded Jails having more than 200% occupancy to some other District Jails having lesser occupancy which will decongest the jails.

The Committee unanimously resolves as under :

- (A) The Principal Secretary to the Government of Jharkhand, Department of Home, Prisons and Disaster Management in the light of order dated 07.05.21 of the Apex Court passed in **Suo Motu Writ Petition (c) No 01/2020 in Re : Contagion of Covid -19 Virus in Prison** shall issue fresh directions to Jharkhand Police for the strict compliance of directions of the Hon'ble Apex Court given in **Arnesh Kumar versus State of Bihar and Another 2014 (8) Supreme Court Cases 273**.
- (B) The courts be requested to release the inmates involved in the offences punishable upto seven (7) years imprisonment, who are not involved in heinous or economic offences or the offences relating to Naxal activities and have no or less criminal antecedence on bail or interim bail till the threat of second wave of Covid-19 persists. In addition to fresh release, the release of all inmates who had been released earlier in compliance of order dated 23.03.20 of the Hon'ble Apex Court passed in **Suo Motu Writ Petition (c) No 01/2020 in Re : Contagion of Covid -19 Virus in Prison** may also be considered by imposing appropriate conditions.
- (C) The courts be requested to consider the bail applications of the inmates involved in the offence of petty nature liberally and in appropriate cases grant them bail for a period of 45 days. In appropriate cases, the releasing of inmate involved in the offence of petty nature on a personal bond may also be considered.
- (D) District Legal Services Authorities (DLSAs) shall provide Legal Aid to the inmates who are covered under the above mentioned category and are willing to file their application for bail or interim bail through Legal Aid Advocates.



(E) The IG Prison shall take steps for the release of inmates on parole for a period of 90 days who were earlier granted parole in compliance of order dated 23.03.20 of the Hon'ble Apex Court passed in **Suo Motu Writ Petition (c) No 01/2020 in Re : Contagion of Covid -19 Virus in Prison**. Steps shall also be taken for release of other inmates on parole for a period of 90 days in appropriate cases.

(F) The IG Prison shall take steps for updating prisons occupancy in the websites of Central, District and Sub Jails of the State.

(G) Principal Secretary to the Government of Jharkhand, Department of Home, Prisons and Disaster Management, IG (Prison) and Member Secretary, JHALSA shall take steps for publication of all the decisions of High Power Committee on websites of Government of Jharkhand, Jharkhand State Legal Services Authority (JHALSA) and High Court of Jharkhand.

(H) Undertrial Review Committees are instructed to increase the frequency of their meetings and hold the meeting on **weekly basis**. District Legal Services Authorities (DLSAs) shall assist the Undertrial Review Committees in identifying the undertrials who can be recommended to be released from Jails and in this exercise, the NALSA's Standing Operative Procedure shall be considered.

(I) The Jail Authorities shall strictly adhere to the resolutions of the High Powered Committee in respect of sanitization, Fumigation, Use of Mask, Social Distancing, Quarantine & Isolation in prison.

(J) The next virtual meetings of the committee shall be held after three weeks. Meeting may be preponed at a short notice, if the situation so demands.

Hon'ble Mr Justice Apareesh Kumar Singh
Judge High Court of Jharkhand &
Executive Chairman, JHALSA

Apareesh Kumar Singh

Sri Rajeev Arun Ekka, IAS
Principal Secretary to the Government of Jharkhand
Department of Home, Prisons and Disaster Management

Rajeev Arun Ekka

Shri Birender Bhushan, IAS
IG Prisons, Jharkhand

Birender Bhushan
17/5/21