

No.3744/Home/PPT.I/ (Misc.)2021
GOVERNMENT OF PUDUCHERRY
HOME DEPARTMENT

-:-

Pondicherry, dt.02.06.2021

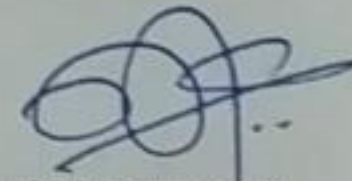
OFFICE MEMORANDUM

Sub: Home (Jail) – Directions of hon'ble Supreme Court of India issued in Suo motu Writ Petition © No.1/2020-Publication of Agenda Note of High Powered Committee in Govt. website – Requested –Reg.

Ref: Agenda Note for High powered Committee to consider cases of inmates for temporary release on parole or interim bail.

A copy of the reference cited on the above subject is forwarded herewith.

3. In this connection it is requested to publish the approved agenda note of High Powered committee to consider cases of inmates for temporary release on parole or interim bail on the situation of pandemic Covid -19 (Phase -2), in the Government website of Puducherry U.T. in order to comply with the direction of Hon'ble Supreme Court of India.



(M.V.HIRAN)

UNDER SECRETARY TO GOVERNMENT

Encl.: A copy of Agenda Note.

To

The Director of Information and Technology
Puducherry.

AGENDA NOTE FOR HIGH POWERED COMMITTEE TO CONSIDER CASES OF
INMATES FOR TEMPORARY RELEASE ON PAROLE OR INTERIM BAIL.

The Hon'ble Supreme Court of India in Suo Motu WP (C) No.01/2020, dated 23.03.2020, has observed that looking into the possible threat of transmission and fatal consequence, it is necessary that prisons must ensure maximum possible distancing among the prisoners including under trials. Having regards to the provisions of Article 21 of the Constitution of India, it has become imperative to ensure that the spread of the corona virus within the prison is controlled.

2. Further, Hon'ble Supreme Court of India in its order dated 23.03.2020 in connection with contagion of Covid-19 has directed, inter alia, as follows:

"that each State / Union Territory shall constitute a High Powered Committee comprising of (i) Chairman of the State Legal Service Committee, (ii) the Principal Secretary (Home / Prisons) by whatever designations is known as (iii) the Director General of Prison (s) to determine which class of prisoners can be released on parole or an interim bail for such period as may be thought appropriate. For instance, the State / Union Territory could consider the release of prisoners who have been convicted or are under trial for offences for which prescribed punishment is upto 7 years or less, with or without fine and the prisoners has been convicted for lesser number of years than the maximum."

It is made clear that we leave it open for the High Powered Committee to determine the category of prisoners who should be released as aforesaid, depending upon the nature of offence, the number of years to which he or she has been sentenced or the severity of the offence with which he / she is charged with and is facing trial or any other relevant factor, which the Committee may consider appropriate.

The rapid proliferation of the virus amongst the inmates of 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 years, at the earliest)

3. In compliance with the above direction of Hon'ble Supreme Court of India, the Government of Puducherry has constituted a High Powered Committee vide Order No. 35/Home/2020, dt. 27.03.2020 consisting of the following as members:-

- i. Executive Chairman of Union Territory of Puducherry Legal Services Authority (UTPLSA)
- ii. Principal Secretary (Home)
- iii. Inspector General of Prisons

The Committee is empowered to determine the category of prisoners who should be released as aforesaid.

4. The details of the total inmates across all the Jails in the UT of Puducherry as on 28.05.2021 is furnished below:

Sl. No	Name of the Jail	Male Con. Yard		Male Under Trial Yard		Female Yard		Total Capacity	Present Strength
		Capacity	Present Strength	Capacity	Present Strength	Capacity	Present Strength		
1	Central Prison, Puducherry	95	69	180	78	25	01	300	148
2	Special Sub Jail, Yanam	5	0	13	0	6	0	24	0
3	Sub-Jail, Mahe	4	0	4	0	4	0	12	0

As can be seen from above statement there is no congestion or overcrowding in any of the Jails in the Union Territory of Puducherry at the moment.

5. According to various guidelines issued by Government of India, social distancing and hygiene practice are the key to prevent Covid-19 infection. Ministry of Health and Family Welfare, Government of India has also advised to avoid non-essential travel. In order to contain Covid-19, Prison Department has imposed strict restriction in Central Prison. Prison Department is taking necessary steps from time to time to implement various guidelines issued by Central Government. All the prisoners have been provided with sanitizers and facemask. The relatives and family members are not being allowed to meet the prisoners at present. The essential daily needs such as soap, toothpaste, toothbrush, etc. are also being provided to the inmates. The premises of prisons are also being well maintained and kept clean and tidy to prevent any infection or spread of Covid-19. A close

watch is being kept on the health of the prisoners and daily health screening is carried out by Prison Medical Officer.

6. It is submitted that there is no overcrowding in Jails of U.T. of Puducherry in the present situation. There has been no mortality in the Jails in U.T. of Puducherry on account of Covid-19 as well. Further, it is informed that the entire staff of Prisons has already been vaccinated (except the ones affected with Covid-19) and it is also informed that 77 inmates including 03 male convict inmates and one female inmate have been vaccinated, first dose of Covishield, through the Health and Family Welfare Department, Puducherry in the Central Prison, Puducherry on 28.05.2021. Efforts are being made to extend vaccine coverage to all inmates.

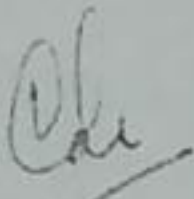
7. It is also submitted that in the lockdown condition, if inmates are released and sent to different locations in Puducherry, there is a possibility of getting infected and, upon return, bringing the infection back to the Prison. Even if they are directed to be strictly under home quarantine, the same cannot be guaranteed or enforced. The police is mostly deployed in maintaining Law and Order and therefore keeping watch on such released inmates would be difficult. Further, it would be difficult to ascertain and ensure that released inmates are observing social distancing / home quarantine needed for preventing Covid-19. On the other hand health screening is being done by Prison Medical Officer periodically. Thus prisoners are more safe in Jail than outside in the present circumstance. In the earlier decision of High Powered Committee no prisoner were released.

8. At present the spread of Covid-19 situation is under control inside the Jails of UT of Puducherry and there is no cause of concern due to overcrowding. Therefore it is proposed that no inmates may be released on parole for 90 days on the grounds of Covid-19.

9. However, the cases of emergency parole are being / will be considered as per extant norms. Out of these 31 applications for emergency parole 11 nos. of convict inmates have already been released on emergency parole.

10. It is further submitted that, the Hon'ble High Court, Madras in Writ Petition No.26774 of 2017, 13930, 15660 and 13931 of 2018 in its order dated 28.05.2021 has directed that the decisions taken by the High Powered Committee under the aegis of the Legal Service Authorities should be published on the Government websites. Therefore after the approval of agenda by the High Powered Committee the same will be published on Government Website.

11. Submitted.


Inspector General of Prison

Chief Secretary to Government

Views expressed in the report
is approved

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2.6.21

Hon'ble Chairperson (High Powered Committee)

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11/6/21