

Minutes of the SIXTH Meeting of the High Powered Committee held on 19.05.2021 under the Chairmanship of Hon'ble Justice R.Subbiah, High Court of Madras and the Executive Chairman, Tamil Nadu State Legal Services Authority, Chennai.

Agenda: To assess the present status of spread of second wave of Covid-19 pandemic among the inmates of prisons in Tamil Nadu in view of the recent directions of the Supreme Court of India dated 07.05.2021.

In tune with the directions of the Supreme Court of India in Suo Motu W.P.(Crl.) No.1/2020 dated 07.05.2020, the High Powered Committee constituted by the State Government in accordance with the Hon'ble Supreme Court of India directions met again today (19.05.2021) under chairmanship of Hon'ble Justice R.Subbiah, High Court of Madras and the Executive Chairman, Tamil Nadu State Legal Services Authority to take stock of the present status of spread of Covid-19 pandemic among prison population in Tamil Nadu and to suggest measures to contain and prevent the spread of second wave among them.

2) Shri.D.Padmanabhan, Joint Secretary to Government, Home, Prohibition and Excise Department, Government of Tamil Nadu (On behalf of Addl.Chief Secretary to Government, Home Department) and Shri Sunil Kumar Singh, IPS., Director General of Police / Director General of Prisons

and Correctional Services attended the meeting as members of the Committee.

3) The Committee reviewed the following action taken in respect of the recommendations of the last meeting of the High Powered Committee, present status of spread of second wave of Covid-19 pandemic among inmates of prison in Tamil Nadu and steps taken by the Department of Prisons and Correctional Services to prevent and contain the spread of COVID-19 virus in prisons and decided to record the same:

- a) **Since 23.3.2020**, 42,641 number of prisoners were released on bail across the State till date due to COVID-19 (own bond) and 56,177 prisoners were released on regular bail.
- b) **Since August 2020**, all the newly admitted prisoners are tested for COVID-19. So far, 364 number of convict prisoners and 71,561 number of remand prisoners have been tested for COVID-19 as on 19.05.2021.
- c) Considering the recommendation made in the 5th meeting of High Power Committee held on 07.10.2021 in G.O.Ms.No.790 Revenue and Disaster Management Department, dated 23.12.2020, Government have sanctioned a sum of Rs.1,15,17,000/- as Disaster Relief Fund towards purchase of Sanitary/disinfectants/essential materials to maintain cleanliness in prisons and to control spreading of COVID-19 pandemic inside prison premises and the same had been received and utilized by the Prison Department fully towards the above said purpose.

- d) **The total authorized accommodation of all the Prisons in the State is 23,592. The overall occupancy is 13,998 (59.33%) as on 19.05.2021 as against the above capacity.**
- e) The occupancy of prisoners in Central Prison II, Puzhal, Central Prison, Cuddalore and Central Prison, Madurai **exceeds by 372, 55 and 287 respectively.**
- f) **As on 19.5.2021**, 95 convict prisoners and 708 remand prisoners were tested positive. 91 convict prisoners and 610 remand prisoners were recovered. 1 convict prisoner and 1 remand prisoner died. At present 3 convict prisoners and 97 remand prisoners are under treatment. In respect of staff, 738 were found positive. 550 staff recovered and 6 died. At present 182 staff are under treatment.
- g) The newly admitted prisoners are lodged in the earmarked prisons and tested for COVID-19. Based on their test results, they are shifted to respective Central Prisons or Hospitals for treatment. Totally 108 jails have been earmarked for the admission of new prisoners in order prevent the spread of virus from them to the already admitted prisoners.
- h) The authorised accommodation of prisoners in these earmarked jails is 6703. As on 19.5.2021, 2590 number of prisoners are lodged in these prisons which is 38.64 % of the total occupancy against the authorised accommodation.

- i) The prisoners who return from leave/ bail are quarantined in separate blocks for few days. If they do not show any symptoms of COVID-19, they are shifted to regular blocks.
- j) In order to maintain social distancing, food is being provided to them in their respective dormitories and they are not allowed to do joint prayers.
- k) The prisoners are again provided egg, milk, lemon juice and channa etc., to improve their immune system as per the advice of the prison medical officer.
- l) A State level monitoring team and a response team in each Central Prisons have been set up by the Direct General of Police/ Director General of Prisons & Correctional Services.
- m) Moreover, prisoners' interview has been again temporarily suspended from 26.4.2021. In lieu of that, prisoners are allowed to make video calls to their family members in addition to regular telephone calls using the 58 numbers of Android mobile phones for this purpose
- n) As per the recent orders of the High Court, Madras in Suo Motu W.P.No.11993/2021, dated 17.05.2021, *"all orders passed by the Courts exercising criminal jurisdiction having granted bail, anticipatory bail, or parole etc. for a limited period which are likely to expire on or before June 30, 2021 shall stand extended till June 30, 2021 subject to any orders passed by the relevant forum even prior to the expiry of such date."*

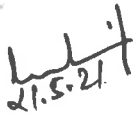
4. After assessing the above position and taking note of the directions of the Hon'ble Supreme Court of India in its orders dated 07.05.2021 and also the recent orders passed by the First Bench of High Court Madras in Suo Motu W.P.No.11993/2021 dated 17.05.2021, the High Powered Committee made the **following recommendations:-**

- a) To recommend to the Government to direct the Director General of Police/Head of Police Force to issue suitable instructions to the Police Officials in tune with the directions of the Hon'ble Supreme Court of India in their order dated 07.05.2021, regarding the arrest of accused persons ***taking note of the guidelines prescribed by the Apex Court in Arnesh Kumar Vs. State of Bihar during pandemic.***
- b) To direct all the Principal District Judges to assess the feasibilities of releasing the eligible prisoners on bail and also granting bail to the prisoners who were released on bail last year (During First wave covid), as per guidelines framed by the committee last year and in accordance with directions issued by the Hon'ble High Court in Suo Motu W.P.No.11993 of 2021 dated 17.05.2021.
- c) To direct the Principal District Judges of Chennai, Thiruvallur, Kancheepuram, Cuddalore and Madurai Districts to visit the Central Prison.II, Puzhal, Central Prison Cuddalore and Central Prison Madurai to assess the possibilities of granting bail to eligible prisoners to decongest the Central Prison.II Puzhal, Cuddalore and Madurai.

- d) To request the TamilNadu State Legal Services Authority to collect the bail applications of the under trial prisoners in Central Prison.II, Puzhal, Central Prison Cuddalore and Central Prison Madurai for expediting sanction of bail by the Judicial Officers concerned.
- e) To recommend to the Government to pass necessary orders relaxing Tamil Nadu Suspension of Sentence Rules 1982, to release the eligible prisoners on leave for 90 days including those who were sanctioned ordinary leave and released earlier pursuant to the Hon'ble Supreme Court of India order dated 23.03.2020.
- f) To recommend to the Government to extend the ordinary and emergency leave already granted to the prisoners by the authorities concerned for a total period of 90 days from the date of release by relaxing relevant rules.
- g) To recommend to the Government to facilitate regular testing of Prisoners and staff and providing immediate medical treatment to them.
- h) To request the Government to restart the Covid Care Centre which was functioning at Central Prison I, Puzhal with 50 beds, team of doctors, nurses, laboratory technicians, X-ray, scan, diagnostic center, ECG, Echo, oxygen cylinders, ambulance, etc under the care of Government Stanley Medical College & Hospital and Greater Chennai Corporation to treat the mild and asymptomatic patients.

- i) To request the Government to organise special camps at Central Prisons and Borstal School Pudukottai to educate and vaccinate the eligible prisoners and staff.

The meeting ended with vote of thanks to the Chair.



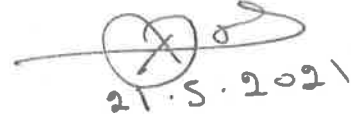
21.5.21

DGP/DGP & CS
Dept of Prisons &
Correctional Services,
Tamil Nadu.



21/5/21

Joint Secretary
(Home)
Govt. of
Tamil Nadu.



21.5.2021

Executive Chairman, TN
State Legal Services Authority /
Chairman,
High Powered Committee.