

MINUTES OF THE 10th MEETING OF THE HIGH POWERED COMMITTEE CONSTITUTED IN TERMS OF ORDER DATED 23/03/2020 OF THE HON'BLE SUPREME COURT IN SUO MOTU WRIT PETITION (C) NO. 1/2020 HELD ON 04/08/2021 AT 5:00 PM THROUGH VIDEO CONFERENCING.

The High Powered Committee comprising of the following met on 04/08/2021 at 5:00 PM (by Video Conferencing):

- (i) Justice M. S. Sonak, Hon'ble Chairperson of the Goa State Legal Services Authority;
- (ii) Mr. Parimal Rai, Chief Secretary/Principal Secretary (Home)
- (iii) Mr. Venancio Furtado, Inspector General of Prisons and Member Secretary.

1. The Committee was briefed about the Statistics on prisoners admitted at Central Jail, Colvale which is tabulated hereunder:-

Sr. No.	Particulars	Population details
1.	Total capacity of Central Jail, Colvale	625
2.	Present occupancy (as on 30/07/2021)	473
3.	Inmates (Male)	457 [convicts - 55] [undertrials-402]
4.	Inmates (Female)	16 [convicts - 02] [undertrials-14]
5.	Inmates presently released on Parole	49
6.	Inmates presently released on Furlough	Nil
7.	Inmates awaiting release on parole from prison inspite of order issued by Department	04
8.	Male Convicts (Foreign Nationals)	04
9.	Female Convicts (Foreign Nationals)	01
10.	Male Undertrials (Foreign Nationals)	49
11.	Female Undertrials (Foreign Nationals)	01

2. The Committee was further informed about the COVID 19 cases and vaccination status of inmates and Jail Staff, the details of which are indicated below:

(a) As on 30/07/2021, total number of prisoners admitted to Central Jail, Colvale is 522 inmates. Out of which, 49 inmates are out on parole. The present prison population is 473 (457 Males, 16 Female) inmates. Out of 473 inmates, 435 inmates have taken the first dose of vaccine. Further, 29 inmates could not be vaccinated as they were recently found positive for Covid-19 virus, 5 prisoners had taken the vaccine prior to admission to Jail, 3 prisoners were unwilling to get vaccinated one prisoner reported that he was Covid position prior to admission to Jail.

As on date, there are **no COVID positive cases** in the Colvale Jail either among the Jail inmates or the Jail Staff.

(b) The details of vaccination drive conducted for the Jail inmates in the age group of 18 to 44 years and prisoners above 45 years, are as under:

• Number of prisoners vaccinated first in the age group of 18 to 44 years					
Sr. No.	Date of vaccination	Male	Female	Total	Second Dose
1.	04/06/2021	205	0	261	27/08/2021 upto 24/09/2021
	05/06/2021	43	13		

2.	02/07/2021	38	0	38	24/09/2021 upto 22/10/2021
3.	30/07/2021	47	02	49	24/10/2021 upto 22/11/2021
Total		333	15	348	

• Number of prisoners vaccinated first in the age group of 45 years and above:					
Sr. No.	Date of vaccination	Male	Female	Total	Second Dose
1.	21/05/2021	68	0	68	13/8/2021 upto 10/9/2021
2.	04/06/2021 05/06/2021	04	1	5	27/8/2021 upto 24/9/2021
3.	02/07/2021	05	0	05	24/9/2021 upto 22/10/2021
4.	30/07/2021	09	0	9	24/10/2021 upto 22/11/2021
Total		86	01	87	

3. The Committee was briefed about the compliance on the decisions taken by the High Powered Committee in its 9th meeting held on 11/06/2021 :

Sr. No	Particulars of decisions	Compliance status
1.	The situation of the COVID cases in Central Jail Colvale was taken note of, and as submitted, 32 inmates recovered from COVID infection and that no fresh cases of Covid-19 have been reported among inmates. Further, it is also noted that 73	<ul style="list-style-type: none"> - Prison population-473 - Vaccinated first dose-435 - Presently, there are no COVID positive cases reported in the Colvale Jail. - Central Jail, Colvale has been provided with two

	<p>inmates in the age group of above 45 years and 261 inmates in the age group of 18 to 44 years have been vaccinated. Thus, in total, 334 inmates have been vaccinated. The Committee took note of the same.</p>	<p>units of Mini Thermo Fogger Sprayer (HYT-2) and Electric Sprayer, each, along with its accessories, to carry out the sanitization process on daily basis.</p>	
2.	<p>Among 14 prisoners who were granted 30 days parole in pursuance to the 7th meeting dated 10/05/2021 of this Committee, extension of 60 days parole shall be granted only to those prisoners who are sentenced for 7 year and less. Rest of these cases shall be decided by the State Government/Prison Authority as per prevailing parole rules, on a case to case basis.</p>	<p>- Out of 14 inmates, 5 prisoners who were sentenced for 7 years and less, were granted parole for a period of 60 days in terms of this decision.</p>	
		<p>Break up of remaining 9 applications</p>	<p>3 applied on reason that there is covid in Jail (2-rejected and 1-pending for want of police report)</p>
			<p>4 did not apply</p>
			<p>2 applied for regular parole in terms of Goa Prisons Rules (1-rejected and 1-Pending for want of police report)</p>

3.	11 applications of convict prisoners which received from the Superintendent, Central Jail, Colvale on 25/05/2021, shall be decided by the State Government/Prison Authority as per prevailing Parole Rules, on a case to case basis.	<p>- Breakup of 11 applications:</p> <p>- 07 applications have been rejected;</p> <p>- 04 applications are pending for want of Police Report from the Native Police;</p>
4.	The Inspector General of Prisons to take necessary steps to file appropriate affidavit on behalf of the State Government before the Hon'ble Supreme Court of India in terms of its Order dated 01/06/2021 in Suo Motu Writ Petition (C) No.1/2020 furnishing information about the number of prisoners released pursuant to the Order of the said Court dated 07/05/2021 and also to provide information relating to number of deaths, if any, in prison due to COVID-19 pandemic within stipulated time.	- In terms of this decision, appropriate affidavit was filed before the Hon'ble Supreme Court on 22/06/2021.
5.	The Undertrial Review Committees (North/South) shall share further information pertaining to the	- Undertrial Review Committees (North-Goa/South-Goa) shared the

<p>prisoners who are ordered to be released on interim bail with the Prison Authorities, in order to enable the Inspector General of Prisons to incorporate this information in his affidavit, that would be filed before the Hon'ble Supreme Court of India, pursuant to the Order dated 01/06/2021.</p>	<p>information of undertrials released on interim bail vide email dated 22/07/2021, wherein, it is informed that out of 27 bail applications filed by undertrials, total 13 undertrial prisoners were released on bail pursuant to the Order dated 07/05/2021, whereas, 14 prisoners were not released on bail since they were wanted in other cases.</p>
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4. The Committee was apprised about the Order dated 16/07/2021 of the Hon'ble Supreme Court of India passed in Suo Motu Writ Petition (C) No. 1/2020, wherein, at **Para 4** of the said Order, the Hon'ble Court directed all the States/Union Territories to file an affidavit clarifying the norms/criteria adopted by the different State Governments/Union Territories, i.e., whether in the norms adopted, they have taken into consideration the age of the convicts and/or co-morbidities suffered, if any, at the time of recommending the release of the prisoners from jails. Further, it is desired that the report should also indicate whether the convicts whose appeals are pending consideration, have also been

considered for release, pursuant to the directions passed by this Court from time to time.

The Committee was briefed that an AFFIDAVIT has been filed on 30/07/2021 before the Hon'ble Supreme Court of India after due approval of the Government by the Ld. Adv. Arun Pednekar, Counsel for the State of Goa.

The Committee was briefed that pursuant to the Order dated 23/03/2020 of the Hon'ble Supreme Court of India and the meeting of the High Powered Committee held on 30/03/2020, total 66 convict prisoners were granted parole. Further, the High Powered Committee in view of the Order dated 07/05/2021 of the Hon'ble Supreme Court of India, granted parole to 65 convict prisoners out of the 66 prisoners released last year as one prisoner was earlier released from the Jail on completion of his term. Out of 65 convict prisoners, 61 convict prisoners are released on parole whereas, four parole orders could not be executed since these 4 convict prisoners could not furnish the surety/family members were not willing to accept them. Amongst the 61 convict prisoners who are released, there are 11 prisoners who are more than 50 years of age, 16 convict prisoners suffering co-morbidities and 05 convict prisoners whose appeals are pending.

5. Further, the Committee was briefed about **Para 6** of the Order dated 16/07/2021 of the Hon'ble Supreme Court, wherein, it is desired that those prisoners who are already released on bail from the prison by the virtue of orders passed by the said court from time to time and on the basis of recommendations of High Powered Committees constituted for the purpose are concerned, they shall not be asked to surrender to the prison, until further orders.

The Committee was briefed that the convict prisoners released on parole in view of the 7th meeting held on 10/05/2021 and 8th meeting held on 24/05/2021, respectively of the High Powered Committee, 49 convict prisoners who are presently out on parole are completing their 90 days parole from 09/08/2021 5:00 pm onwards. Further, out of 49 convict prisoners presently out on parole, 22 convict prisoners have made applications requesting for extension of parole in terms of Para 6 of the Order dated 16/07/2021 of the Hon'ble Supreme Court.

6. The Committee was also apprised about the COVID-19 care initiatives taken at Central Jail, Colvale which inter-alia includes :

(a) The Committee was apprised that there are no COVID-19 positive cases among the Jail inmates or Jail Staff. The

sanitization and health care measures adopted in the Central Jail, Colvale were also briefed to the Committee.

(b) The Committee was briefed about the continuous vaccination programmes and counseling sessions carried out by the Prison Authorities for the Jail inmates. As on 30/07/2021, the prison population is 473 (457 Males, 16 Female) inmates. Out of 473 inmates, 435 inmates have taken the first dose of vaccine. Further, 29 inmates could not be vaccinated as they were recently found positive for Covid-19 virus, 5 prisoners had taken the vaccine prior to admission to Jail, 3 prisoners were unwilling to get vaccinated one prisoner reported that he was Covid positive prior to admission to Jail. Second dose of vaccination is due from 13/08/2021 onwards.

(c) The Committee was briefed that three foreign national prisoners who were unwilling to take the vaccine will be given counseling to motivate them to take the vaccine.

7. The Committee was apprised that the total capacity of Central Jail, Colvale is 625 and the total prisoners admitted to Colvale Jail are 522, out of which, 49 prisoners are out on 90 days parole, thus, present occupancy is 473. As such, there is no congestion/overcrowding in the Central Jail, Colvale.

8. Under Trial Review Committee North Goa: The Under Trial Review Committee meeting was held on 19/07/2021 under the Chairmanship of the Hon'ble Principal District & Sessions Judge, North-Goa. It was discussed in the meeting that as per the last meeting held on 18/06/2021, the position of the undertrial prisoners remained the same. The reports received from the Courts of North-Goa District, 11 undertrial prisoners in 17 matters were granted interim bail, whereas, as per the information received from Central Jail, Colvale, 08 undertrial prisoners were released, whereas, 03 undertrial prisoners could not be released as they were facing trial in other cases for serious offences. The Committee took decision that the interim bail granted to the prisoners by the concerned Courts as per the minutes of the Undertrial Review Committee meeting dated 13/05/2021 and 18/06/2021, has been extended for further period of 30 days. On expiry of the extended period of interim bail the released prisoners shall appear before the Concerned Court within 4 days time thereafter. The Committee has also decided to intimate all the Courts that in between any bail application comes in criminal cases in which maximum sentence is 7 years may be considered for interim bail in terms of decision taken by the Undertrial Review Committee dated 13/05/2021 and 18/06/2021. All the Courts were directed to take appropriate and

timely decisions in the matters of grant of bail. The next meeting is fixed on 17/08/2021.

9. **Under Trial Review Committee South Goa :** The Under Trial Review Committee meeting was held on 20/07/2021 under the Chairmanship of Principal District and Sessions Judge, South-Goa. It was discussed that as per the records, Courts have ordered the release of one accused in 3 interim bail applications during the period from 22/06/2021 to 14/07/2021 and the Asst. Jailor submitted that he has not released the said accused as he is facing trial in other cases. Shri Bhanudas Pednekar, Asst. Superintendent, Central Jail, Colvale also brought to the notice of the Committee that there is no active Covid-19 cases in the Jail premises. The next meeting of the Committee is fixed on 10/08/2021 at 12:00 noon.

10. The Committee noted the aforesaid facts and compliances thereon and after detailed deliberations following decisions are taken :-

DECISIONS OF THE COMMITTEE

- (1) Considering the fact that there is no Covid patient amongst the prisoners nor amongst the staff of Colvale Jail, the Committee expressed the satisfaction in controlling the spread of COVID-19 virus in the Jail premises.

- (2) The Committee noted that there is no overcrowding in the Colvale Jail and considered the fact that the capacity of the Colvale Jail is 625 and the total inmates admitted to Jail are 522.
- (3) The Committee appreciated the efforts of the Central Jail, Colvale in vaccinating 435 prison inmates (first dose) out of 473 inmates. The Committee desired that all the SoPS of COVID-19 should be strictly followed and efforts should be made to see that the Colvale Jail is maintained COVID-19 free.
- (4) The Committee took note of the compliance affidavit filed on 30/07/2021 before the Hon'ble Supreme Court of India in Suo Motu Writ Petition (Civil) No.1 of 2020 Re: Contagion of COVID19 in the Prisons. The committee also noted that 11 prisoners who were more than 50 years of age, 16 convict prisoners suffering from co-morbidities and 5 convicts whose appeals are pending before Hon'ble Supreme Court have already been released.
- (5) The Committee after detailed deliberations decided to extend the parole of 49 convict prisoners who are out on parole, by 30 days or till further orders, whichever is later, in view of the directions of the Hon'ble Supreme Court of India in the Order dated 16/07/2021.
- (6) The Committee further decided that the meetings of this Committee shall be held in regular interval of 30 days, via Video Conferencing or by way of circulation, in order to meet the directives of the Hon'ble Supreme court of India from

time to time. In case the Committee is unable to meet, IG (Prisons) shall extend the parole of the prisoners as per directions of the Hon'ble Supreme Court in its Order dated 16/07/2021 by another 30 days or till further orders, whichever is later, and such orders shall be placed before the committee soon thereafter.

- (7) The Undertrial Review Committees (North/South) shall share further information pertaining to the prisoners who are ordered to be released on interim bail with the Prison Authorities, from time to time.



**Inspector General of Prisons
Member Secretary**



**Chief Secretary/
Principal Secretary (Home)/
Member**



**Chairman
High Powered Committee/
Chairperson (GSLSA)**

Place: Altinho, Panaji and Secretariat, Porvorim, Goa.

Date: 04th August, 2021.