

MINUTES OF THE 9th 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 11/06/2021 AT 12:00 NOON THROUGH VIDEO CONFERENCING.

The High Powered Committee comprising of the following met on 11/06/2021 at 12:00 Noon (by Video Conferencing):

- (i) Justice M. S. Sonak, Hon'ble Chairperson of the Goa State Legal Services Authority;
- (ii) Mr. Parimal Rai, Principal Secretary (Home)/Chief Secretary and
- (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 07/06/2021)	461
3.	Inmates (Male)	444 [convicts - 50] [undertrials-394]
4.	Inmates (Female)	17 [convicts - 03] [undertrials-14]
5.	Inmates presently released on Parole/Interim bail	Convicts - 60 Undertrial - 11
6.	Inmates presently released on Furlough	01
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)	48
11.	Female Undertrials (Foreign Nationals)	02

12.	Applications rejected	02 (first application on account of violation of parole conditions during last release and other application on account of non-submission of proper place of residence during the parole period who is given liberty to apply afresh with proper address of residence and consent of the concerned person)
13.	Applications pending (Parole)	-
14.	Applications pending (Furlough)	-

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) Details of COVID 19 cases and vaccination status of Jail inmates (as on 07/06/2021)

Sr. No.	Number inmates tested	COVID 19 Positive	Reports Awaited	Recovered	No. of inmates vaccinated (45 years & above)	No. of inmates vaccinated (18 to 44 years)
1.	474	Nil	Nil	32	73	261

(b) Details of COVID 19 cases and vaccination status of Jail staff (as on 07/06/2021)

Sr. No.	Staff CJC	Strength	COVID 19 Positive	Recovered	Vaccination	
1.	Jail	164	02	16	74 taken both dose and 24 single dose	
					45 years & above	Both dose = 46 Single dose=16
					18 to 44 years	Both dose =28 Single dose=08

2.	IRBn	116	Nil	15	38 taken both dose and 48 taken single dose
3.	GHRDC	30	01	03	03 taken single dose

3. The Committee was briefed about the compliance on the decisions taken by the High Powered Committee in its 8th meeting held on 25/05/2021 :

Sr. No.	Particulars of decisions	Compliance status
1.	Those inmates who were granted parole, pursuant to the Hon'ble Supreme Court Order dated 23/03/2020 should be granted parole for a period of 90 days instead of 30 days parole period as recorded in the Minutes of the 7 th Meeting of the High Powered Committee held on 10/05/2020 (Para 12 of the Order dated 07/05/2021 of the Hon'ble Supreme Court of India)	- Complied. As on 07/06/2021, 51 prisoners are granted parole for a period of 90 days . (30 days initially plus 60 days subsequently) by issuing suitable corrigendum.
2.	The Under Trial Review Committee (North/South) be requested to apprise to the High Powered Committee the decisions taken by them in pursuant to compliance of the directions contained in Order dated 23/03/2020 and 07/05/2021 of the Hon'ble Supreme Court.	- Complied. Minutes of the 8 th meeting of the High Powered Committee has been forwarded to Under Trial Review Committee (North/South) vide letter dated 25/05/2021.
3.	The Standard Operating Procedure (SOP) formulated by the National Legal Services Authority for Undertrial Review Committees is already forwarded to the Secretaries, District Legal Services Authority, North and South Goa for the consideration of the Undertrial Review Committees (North/South).	- Complied. The SOPs have been forwarded to the Secretaries, District Legal Services Authority, North and South Goa for the consideration of the Undertrial Review Committees (North/South) vide email dated 03/06/2021.
4.	In terms of Para 14 of the Order dated 07/05/2021 of the Hon'ble Supreme Court of	- Complied. The prisoners who have

	India, the office of Inspector General of Prisons and Superintendent of Central Jail, Colvale shall consider to provide appropriate transportation facilities for the released inmates of the Colvale Central Jail, who may face issues of transportation due to curfews and lockdown restrictions	been released on parole have arranged for their own transport. However, Prison Department would make necessary conveyance arrangement to facilitate the needy prisoners, if need arises.
5.	One undertrial prisoner-Mr. Anand Gautam @ Basu lodged at Central Jail, Colvale has made representation dated 'nil' addressed to the Committee Members and Goa State Legal Services Authority for release on emergency parole and release for a temporary period contemplated by the Order in the nature of a special privilege conferred by the Hon'ble Supreme Court of India amid the pandemic crisis. His application to be forwarded to the Undertrial Review Committee for appropriate action	- Complied. The Representation of undertrial prisoner-Mr. Anand Gautam @ Basu is forwarded to Registrars of Principal District & Sessions Court (North Goa and South Goa) vide letter dated 25/05/2021 and email dated 26/5/2021, respectively.

4. The Committee was apprised about the compliance of the Order dated 01/06/2021 of the Hon'ble Supreme Court of India passed in *Suo Motu Writ Petition (C) No. 1/2020* by the State Government, wherein, the Hon'ble Court has inter-alia directed the State Governments/Union Territories to file an affidavit within a period of four weeks furnishing information about the number of prisoners released pursuant to the Order dated 07/05/2021 including information relating to the number of deaths in prisons due to COVID-19.

It was informed that in terms of Para 12 of the Order dated 07/05/2021, 90 days parole has been granted to 36 life convict prisoner out of 40 prisoners, who were granted parole during last pandemic year 2020. Out of remaining 4 prisoners, 2 prisoners are released from prison by the Hon'ble High Court of Bombay at Goa, 01

prisoner is absconding during his last pandemic release on parole and 01 prisoner did not apply for parole during this pandemic.

Similarly, 90 days parole has been granted to 11 prisoners out of 13 prisoners who have been sentenced for imprisonment of 7 years to 14 years. Remaining 02 prisoners have been released from prison on completion of sentence.

So also, 90 days parole has been granted to 04 prisoners out of 07 prisoners who have been sentenced for imprisonment of 7 years and below. Remaining 03 prisoners have been released from prison on completion of sentence.

5. The Committee was briefed that during its 7th meeting held on 10/05/2021, the Committee had inter-alia decided to grant parole to the prisoners who were eligible during current pandemic period, for an initial period of 30 days, and for further period after due review in view of Hon'ble Supreme Court Order dated 23/03/2020 and 07/05/2021. Accordingly, 14 prisoners are released on 30 days parole period. Now, the Committee has to take a suitable decision in this regard.

6. Further, the Committee was briefed that applications have been received from 11 Convict Prisoners for parole in view of the Hon'ble Supreme Court of India dated 23/03/2020 and 07/05/2021.

7. The Committee was apprised that the total capacity of Central Jail, Colvale is 625 and the present occupancy as on 07/06/2021 is 461. As such, there is no congestion/overcrowding in the Central Jail, Colvale.

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

(a) Sanitation and health care measures which were placed before the High Powered Committee during its 7th and 8th Meeting are continued and regularly monitored.

(b) **Vaccination Programme:** Administering the vaccine for inmates is considered in terms of SoPs released by the Ministry of Health & Family Welfare, Govt. of India for the persons without prescribed Identity cards through CoWIN Portal. As on 07/06/2021, in total, Central Jail, Colvale is having 461 prison inmates. The vaccination drive (first dose) was conducted in two phases i.e. prisoners in the age group of 45 years & above and prisoners in the age group of 18 to 44 years. Out of 82 prisoners in the age group of 45 years & above, 73 prisoners have been vaccinated, remaining 9 prisoners have refused to get vaccinated. Similarly, out of 379 prisoners in the age group 18 to 44 years, 261 prisoners have been vaccinated, whereas, 84 prisoners have refused to get vaccinated. The balance prisoners will be vaccinated shortly in consultation and coordination with the Directorate of Health Services, Government of Goa.

(c) Central Jail, Colvale has been provided with two units of Mini Thermal Fogger Sprayer (HYT-2) and Electric Sprayer, each, along with its accessories, to carry out the sanitization process on daily basis.

9. **Compliance by Goa State Legal Services Authority:** The Goa State Legal Services Authority has forwarded the copy of the Minutes of the High Powered Committee Meeting dated 24/05/2021 to the Registrar (Adm.) High Court of Bombay at Goa, District Legal Services

Authority North and South Goa for necessary action. The Goa State Legal Services Authority had also uploaded the decision of the High Powered Committee Meeting dated 24/05/2021 on its website.

The application of Shri Anand Gautam @ Basu, presently in Central Jail, Colvale for release on emergency parole was forwarded to the Inspector General of Prisons as well as Under Trial Review Committee for appropriate action.

10. **Under Trial Review Committee South Goa :** The Under Trial Review Committee meeting was held on 09/06/2021. 11 accused persons have been granted Interim Bail for the period from 26/04/2021 to 08/06/2021.

The Asst. Superintendent of Central Jail, Colvale informed that orders of 6 persons who were granted Interim bail were received, out of which 5 persons were released and 1 person was detained in custody as there was other cases pending against him. The next meeting is fixed on 23/06/2021.

11. **Under Trial Review Committee North Goa:** The Under Trial Review Committee meeting was held on 31/05/2021. As per the Reports received from the Courts of North Goa District, 11 Under Trial Prisoners in 17 matters were granted interim bail. As per the information received from Central Jail, Colvale, 06 Under Trial Prisoners are released, whereas 05 Under Trial Prisoners are not released as they are facing trial in other cases.

12. In respect of the application for release on emergency parole, filed by Mr. Anand Gautam @ Babu @ Vasu, presently lodged in the Central Jail, Colvale, Bardez Goa through his next friend Mr. Ankush Karmalkar, was placed before the Under Trial Review Committee.

The Committee after discussion has taken the decision not to release the said undertrial prisoner Anand Gautam @ Babu @ Vasu as he is facing trial in sessions triable case for offences for which prescribed punishment is more than 7 years.

All the Courts were directed to take appropriate and timely decisions in the matters of grant of bail. The next meeting is fixed on 16/06/2021.

13. The Committee noted the aforestated compliances and after detailed deliberations following decisions are taken :-

DECISIONS OF THE COMMITTEE

- (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 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.
- (2) 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.
- (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.

- (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.
- (5) 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, 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.

sd/-
Chairman

sd/-
Member

sd/-
Member Secretary

Place: Altinho, Panaji and Secretariat, Porvorim, Goa.
Date: 11th June, 2021.