

MINUTES OF THE MEETING OF THE HIGH POWERED COMMITTEE FOR THE RELEASE OF PRISONERS ON BAIL/ PAROLE CHAIRED BY HIS LORDSHIP HON'BLE EXECUTIVE CHAIRMAN, MASLSA HELD ON 24TH APRIL 2020, AT THE OFFICE OF THE MASLSA, ADR BUILDING, LAMPHEL COURT COMPLEX

In pursuance of the direction of the Hon'ble Supreme Court, the High Powered Committee so constituted to oversee the release of prisoners on bail/ parole as a measure to avoid congestion/ overcrowding in jails in the wake of the COVID-19 pandemic have held two meetings as of now, on 31.03.2020 and 09.04.2020 respectively. In the second meeting, a total of 69 UTPs have been recommended for release on interim bail and 4 convicts on parole. However, in the wake of the changing circumstances and also as requested by the Home Department, the third meeting of the High Powered Committee was held on 24th April 2020 at 2.00 pm, at the office of the MASLSA, ADR Building, Lamphel Court Complex, with His Lordship Hon'ble Mr. Justice Kh. Nobin Singh, Executive Chairman, Manipur State Legal Services Authority in the chair.

The following were present in the meeting :

1. P. DOUNGEL, Additional Director of Police (Prisons) , Manipur
2. Golmei Gaiphulshillu, Member Secretary, MASLSA.
3. K. Radhashyam Singh, Special Secretary (Home), Govt of Manipur
4. Ojesh Mutum, Addl. Member Secretary, MASLSA.
5. Dr. Th. Charanjeet Singh, Deputy Secretary (Home). Govt of Manipur
6. Sorokhaibam Sadananda, Deputy Member Secretary, MASLSA.

The meeting of the High Powered Committee is being reconvened at the request of the state government in order to reconsider the determination of the release of the prisoners on bail/ parole as the case may be.

To initiate the proceedings, the ADGP (Prisons) placed before the Committee the action taken report of the release of prisoners as recommended in the 2nd meeting of the HPC. It was stated that some of the prisoners are not willing to go on interim parole/ interim bail for personal reasons from the recommended list. The remaining of the recommended prisoners have however been released.

The members also discussed in detail about those situations where institutional quarantine has been recommended by the hospitals for the prisoners remanded to judicial custody. The members then deliberated upon the fact that some clarification is required as to the nomenclature of isolation/ quarantine wing of the two jails; as the isolation wings are basically functioning as segregation/ observation centres. As such, the members discussed about the urgent need to declare certain places as quarantine prisons, as was resolved in the First Meeting of the High Powered Committee.

The ADGP (Prisons) then placed before the High Powered Committee, the details as to the additional list of prisoners who can be released as a preventive measure to contain the spread of the pandemic COVID-19.

In addition to that, the Member Secretary, Manipur State Legal Services Authority also placed before the Committee, an additional list of prisoners (UTPs) who can be released on interim bail.

Accordingly, the two proposed lists have been examined and sorted out.

Thus, after detailed deliberations, the members of the Committee unanimously resolved the following-

- (1) it has been resolved by the Committee that out of the list of prisoners as proposed by both the State Government and the Manipur State Legal Services Authority, the names of those UTPs at **Annexure-A** enclosed are recommended for being considered for release on bail on PR bonds by the concerned court/ magistrate for an interim period of 3 months subject to such other conditions as may be imposed by them. A total of 108 UTPs have been recommended.*
- (2) It has also been resolved by the Committee that if some out of the above named prisoners are lying in jail, due to the non-furnishing of surety bonds only, they may be so released on their personal bonds.*
- (3) It has also been clarified that the existing facilities available in the jails do not have the necessary infrastructure to function as quarantine/ isolation wings. They are merely functioning as observation/ segregation wings.*

(4) Hence, it is resolved that the State Government shall take immediate steps to designate certain places as quarantine prisons, as was resolved in the 1st Meeting. The urgency to declare such quarantine prisons should be emphasized in the prevailing situation, so as to avoid any unforeseeable/unfortunate incidents.

(5) It has also been resolved by the Committee that as public curfew has been announced all over Manipur, the State Home Department in co-ordination with the Jail Authorities shall make the necessary arrangements for conveyance of the released prisoners to their residences.

(6) And as resolved in the previous meeting, it has also been resolved that in the view of the prevailing circumstances in the state, including curfews and lockdowns, this resolution shall be treated as bail application of the above mentioned UTPs. The release orders of the prisoners so released may be communicated to the jail authorities in the given e-mail-dte.prisons-mn@gov.in and igprisonsmanipur@gmail.com and a digitally signed copy may be communicated for convenience. Further, the District Judges, who are also the Chairpersons of the DLSAs, will have to ensure that the Remand Advocates/ Legal Aid Counsel attached in each court shall provide all necessary legal aid and assistance to the recommended persons in case their services are required. They shall make themselves available for the same.

For removing any doubts, it is still clarified that

(a) Under no circumstances, a prisoner is to be released without proper medical screening and tests, and if the prisoner to be released shows symptoms typical of flu, fever etc., he/ she has to be kept in quarantine instead.

(b) Under no circumstance, a prisoner is to be released without his consent.

A copy of this Resolution be also sent to

- (a) The Chief Secretary, Government of Manipur, for information and necessary action
- (b) The State Home Department for approaching the concerned courts/ magistrates and all other necessary action;
- (c) The Director General of Police for information and compliance and providing logistics and other assistance as may be prescribed
- (d) All the District Judges for compliance and for necessary action
- (e) To all the Chairpersons/ Secretaries, DLSAs for compliance
- (f) Concerned courts/ magistrates and the Director of Prosecution, Govt of Manipur for information/ compliance and providing necessary assistance.
- (g) Superintendent of Central Jail, Imphal and Central Jail, Sajiwa for information and necessary action.

An Action Taken Report by all the concerned is to be submitted at the earliest to the Chairman of the High Powered Committee.

Next meeting of the Committee is to be convened as and when the state home department and the jail authorities request or when the situation changes.

The meeting thus concluded with the permission from the chair.

(P.Doungel)
ADGP (Prisons)

(K. Radhashyam Singh)
Special Secretary (Home)
(Representing the Chief Secretary)

(Justice Kh. Nobin Singh)
Executive Chairman
MASLSA