

Minutes of the meeting of the High Powered Committee held on 01/04/2020

1. In pursuance to the directions of Hon'ble Supreme Court, passed in suo-motu Writ Petition (C) 1/2020, in the wake of outbreak of pandemic Corona Virus; the Govt. of Nagaland vide notification Home/JL-3/COVID-19/2020 dated 30.3.2020 has constituted a High Power Committee (HPC) headed by Hon'ble Mr. Justice S. Serto, & Executive Chairman, Nagaland State Legal Services Authority, with Shri. Abhijit Sinha IAS, Principal Secretary (Home), Nagaland and Shri. Renchamo P. Kikon IPS, ADG (Prison), Nagaland as members.
2. The HPC, under the direction of its Hon'ble Executive Chairman, collected the lists of UTPs and convicts from all the Jails of Nagaland. Having gone through all the above reports, submitted by ADG (Prison), the High Power Committee sat today i.e. 01/04/2020 at 10:00 AM in the office chamber of the Hon'ble Justice, High Court, Kohima Bench and discussed the issue thoroughly.
3. After discussions and in order to decongest the prisons, the High Powered Committee has decided on the following criteria for release of UTPs on interim bail:
 - a) Interim Bail to be granted to Undertrial prisoners (UTPs) who are facing trial in a case which prescribes a maximum sentence of 7 years or less; or
 - b) Interim Bail to be granted even if the UTP has more than one case and in all the cases, he is "on bail" except the one for which he is being considered and the same prescribes punishment for 7 years or less;

Provided that in both the above cases, the UTP is in custody for a period of 1 (one) month or more, and in case of women UTP, if she is in custody for a period of 15 days or more.

4. However, the HPC has decided to exclude the following kind of UTPs from the aforesaid criteria:

- a) All inmates who are undergoing trial for recovery of narcotic drugs under NPDS Act;
- b) Those under trial prisoners who are facing trial under Section 4 & 6 of POCSO Act;
- c) Those under trial prisoners who are facing trial for offences under Section 376, 376(A), 376B, 376C, 376D and 376E and Acid attack;
- d) Those UTPs who are foreign nationals;

And

- a) Those under trial prisoners who are facing trial under Prevention of Corruption Act(PC Act)/PMLA; and
- b) Cases investigated by CBI/ED/NIA/Special Cell Police and Terror related cases, cases under Anti-National Activities and Unlawful Activities (Prevention) Act etc.
- c) NSA detenues.

5. The High Power Committee also directed that if any inmate who is released under the recommendation of this High Power Committee, threatens, induces any witness or any person acquainted with the facts of the case or to the victim of the case, he shall be taken into custody immediately.

6. The High Powered Committee further directs all the Jail Authorities for ensuring social distancing of all the Prisoners/UTPs inside the Jail and transfer of prisoners from one prison to another for routine reasons must not be resorted to except for decongestion purposes.

7. The HPC also directs for creation of quarantine rooms/facilities where any prisoner exhibiting any symptom of COVID-19 should be immediately shifted to, and thereafter prompt arrangements should be made for quickly shifting such sick prisoner to a Nodal Medical Institution for further treatment.

8. The HPC directs that all the DLSAs be made aware that the Under-trial Review Committee contemplated by the Apex Court in re Inhuman Conditions in 1382 Prisons, (2016) 3 SCC 700, should meet every week and take such decision in consultation with the concerned authority in view of the direction of Apex Court.

9. The HPC also directs that the Jail authorities should spread awareness among the inmates of the Jail regarding prevention and containment of the spread of the Novel Corona Virus (COVID-19) and, as a matter of abundant caution keep the new UTPs separately from the UTPs who are already in Jail for at least three weeks.

The meeting ended with vote of thanks to the Chair.

Sd/- Hon'ble Mr Justice S.SERTO

and Executive Chairman,

Nagaland State Legal Services Authority

Sd/- ABHIJIT SINHA

Principal Secretary, Home,
Nagaland

Sd/- RENCHAMO. P. KIKON

Additional Director General, Prison,
Nagaland