

No.3744/Home/PPT.II (Misc.)2021
GOVERNMENT OF PUDUCHERRY
HOME DEPARTMENT

Pondicherry, dt.02.06.2021

OFFICE MEMORANDUM

Sub: Home (Jail) – Directions of hon'ble Supreme Court of India issued in Sub
motu Writ Petition © No 1/2020-Publication of Agenda Note of High
Powered Committee in Govt. website – Requested –Reg

Ref: Agenda Note for High powered Committee to consider cases of inmates
for temporary release on parole or interim bail.

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A copy of the reference cited on the above subject is forwarded herewith.

3. In this connection it is requested to publish the approved agenda note of High
Powered committee to consider cases of inmates for temporary release on parole or
interim bail on the situation of pandemic Covid -19 (Phase -1), in the Government
website of Puducherry U.T. in order to comply with the direction of Hon'ble Supreme
Court of India.

(M.V.HIRAN)

UNDER SECRETARY TO GOVERNMENT

Encl.: A copy of Agenda Note.

To

The Director of Information and Technology
Puducherry.

AGENDA NOTE FOR HIGH POWERED COMMITTEE TO CONSIDER CASES OF INMATES FOR TEMPORARY RELEASE ON PAROLE OR INTERIM BAIL

Hon'ble Supreme Court in Suo Motu WP (C) No.01/2020 has observed that looking into the possible threat of transmission and fatal consequence, it is necessary that prisons must ensure maximum possible distancing among the prisoners including under trials. Having regards to the provisions of Article 21 of the Constitution of India, it has become imperative to ensure that the spread of the corona virus within the prisons is controlled.

2. Hon'ble Supreme Court of India in connection with contagion of Covid-19 has directed, inter alia, as follows:

"that each State / Union Territory shall constitute a the High Powered Committee comprising of (i) Chairman of the State Legal Services Committee, (ii) the Principal Secretary (Home / Prison) by whatever designation is known as, (iii) the Director General of Prison (s) to determine which class of prisoners can be released on parole or an interim bail for such period as may be thought appropriate. For instance, the State / Union Territory could consider the release of prisoners who have been convicted or are under trial for offences for which prescribed punishment is up to 7 years or less, with or without fine and the prisoner has been convicted for a lesser number of years than the maximum".

It is made clear that we leave it open for the High Powered Committee to determine the category of prisoners who should be released as aforesaid, depending upon the nature of offence, the number of years to which he or she has been sentenced or the severity of the offence with which he / she is charged with and is facing trial or any other relevant factor, which the Committee may consider appropriate.

3. In compliance with the above direction of Hon'ble Supreme Court of India, the Government of Puducherry has constituted a High Powered Committee vide Order No.35/Home/2020, dt.-27.03.2020 consisting of the following as members:

- i. Executive Chairman of Union Territory of Puducherry Legal Services Authority (UTPLSA)
- ii. Principal Secretary (Home)
- iii. Inspector General of Prisons

The Committee is empowered to determine the category of prisoners who should be released as aforesaid.



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5. Details of inmates as on date is given below:

Sl No.	Name of the Jail	Male Con. Yard		Male under trial yard		Female Yard		Total Capacity	Present strength
		Capacity	present strength	Capacity	Present strength	Capacity	Present strength		
1.	Central Prison, Puducherry	95	79	180	80	25	2	300	161
2.	Special Sub Jail, Yanam	5	0	13	0	6	0	24	0
3.	Sub Jail, Mahe	4	0	4	0	4	0	12	0

Pursuant to direction of Hon'ble High Court, Madras a total number of 85 have already been released by respective local Courts. It is noted from above statement that there no congestion in any Jails in UT of Puducherry.

6. According to various guidelines issued by Government of India, social distancing and hygiene practice as the key to preventing Covid-19 infection, since there is no known cure of Covid-19. Not only there is restricted movement but also Ministry of Health and Family Welfare, Government of India has advised to avoid non essential travel.

7. There are 4 people in Puducherry who have been tested Covid-19 positive and their residential areas are under quarantine. There are 4292 persons under quarantine and 199 persons in isolation in Union Territory of Puducherry. The details are as follows:

Region	Quarantine (As updated in IDSP dashboard)	Isolation (Admission)		Covid-19 Test	
		Today	Cumulative	Total	Positive
Puducherry	1366	8	175 (8 awaited)	172, 163 (- ve) 8 awaited	4
Karaikal	1648	0	11	11 (- ve)	0
Mahe	616	0	12	12 (- ve)	0
Yanam	662	0	1	1 (- ve)	0
Total	4292	8	199	187 (- ve) 8 awaited	4

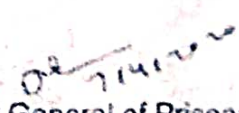


8. There are 5 positive cases in Union Territory of Puducherry. Further one case has been detected positive in neighbouring Kottakuppam area of Villupuram District and as a result adjoining areas of Muthialpet in Puducherry has been locked down. Tamilnadu has several cases of Covid-19, especially after Tablighi Jamaat event in New Delhi. Puducherry is also affected by Tablighi who brought infection.

9. Prison Department has completely locked down Central Prison and in compliance with the various directions / guidelines, which are being issued by Hon'ble Supreme Court of India and the Government of India. The Government of Puducherry is taking immediate steps from time to time to implement the same. All the prisoners were provided with sanitizers and face mask. The premises of Prisons are also well maintained and clean and tidy to prevent any infection or spreading of Covid-19. Further, relatives & family members are not allowed to meet the prisoners at present and the Prison has implemented, *e-mulaqat* scheme as directed by Government of India. The essential daily needs such as soap, tooth paste, tooth brush, etc. are also being provided to the inmates. A close watch is being on the health of the prisoners and daily health screening is carried out by Prison Medical Officer.

10. In the lockdown condition, if inmates are released and sent to different locations in Puducherry, there may be possibility of getting infected and, upon return, bringing the infection to the Prison. Even if they are directed to be strictly under home quarantine, the same cannot be guaranteed or enforced. The police is deployed in maintaining Law and Order and therefore keeping watch on such released inmates would be difficult. Further, it would be difficult to ascertain and ensure that released inmates are observing social distancing / Home quarantine needed for preventing Covid-19. On the other hand health screening is being done by Prison Medical Officer is being done periodically. Thus prisoners are more safe in Jail than outside in the present circumstances and therefore there is no necessity to release any convict inmates.




Inspector General of Prisons

Chief Secretary to Government


Hon'ble Chairperson (High Powered Committee)


21/4/20