

**SECTION: WRIT – PIL**

**IN THE SUPREME COURT OF INDIA  
(CIVIL ORIGINAL JURISDICTION)  
SUO MOTU WRIT PETITION (CIVIL) NO. 1/2020**

**IN THE MATTER OF:-**


**IN RE : CONTAGION OF COVID 19 VIRUS IN PRISON**

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<b>SRL. NO.</b>	<b>PARTICULARS</b>	<b>COPIES</b>	<b>COURT FEE</b>
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<b>2.</b>	<b>PROOF OF SERVICE</b>	<b>1</b>	

**Filed on 26.07.2021**

**Filed by,**

  
**SHUVODEEP ROY**  
SUPREME COURT OF INDIA  
Ch. No.: 141, Lawyers Chambers  
M.C Setalvad Chamber Block,  
Supreme Court of India  
New Delhi - 110 001  
Off. Add: 50, Todarmal Road (1<sup>ST</sup> Floor),  
Bengali Market,  
New Delhi – 110001  
Code: 1672

**Clerk:  
LC. – 4673  
CHHOTU KUMAR  
Mob: 9718776540**

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(CIVIL ORIGINAL JURISDICTION)  
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**IN'RE: CONTAGION OF COVID 19 VIRUS IN PRISON**

**AFFIDAVIT OF RESPONDENT - STATE OF TRIPURA - IN  
COMPLIANCE OF ORDERS DATED 1.6.2021 AND 16.7.2021**

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**ADVOCATE FOR RESPONDENT : SHUVODEEP ROY**

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**IN THE SUPREME COURT OF INDIA**  
**(CIVIL ORIGINAL JURISDICTION)**  
**SUO MOTU WRIT PETITION (CIVIL) NO. 1/2020**

**IN THE MATTER OF:-**

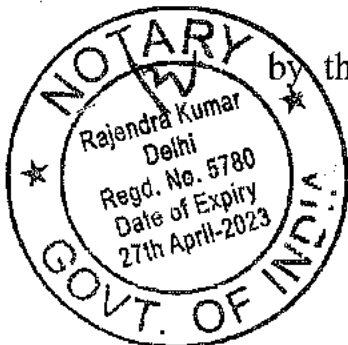
**IN RE: CONTAGION OF COVID 19 VIRUS IN PRISON**

**AFFIDAVIT OF RESPONDENT - STATE OF TRIPURA – IN  
COMPLIANCE OF ORDERS DATED 1.6.2021 AND 16.7.2021**

I, Shri. Manoj Kumar, aged 57 years, S/o Shri. Lakhan Sah, Special Chief Resident Commissioner to the Government of Tripura, Tripura Bhawan, Kautilaya Marg, Chanakya Puri, New Delhi, do hereby solemnly state and affirm as under:-

1. That I am the Special Chief Resident Commissioner of the State of Tripura and am posted at the Tripura Bhawan at New Delhi. I am conversant with the facts and circumstances of the case from perusal of official records and files in my official capacity. I have been authorized to file this affidavit on behalf of the State of Tripura. Hence, I am competent to swear this affidavit.

2. That the present affidavit has been filed in compliance with the directions passed by this Hon'ble Court vide the Orders dated 1.6.2021 and 16.7.2021. This



Hon'ble Court, vide Order dated 1.6.2021, had directed, *inter alia*, the following:-

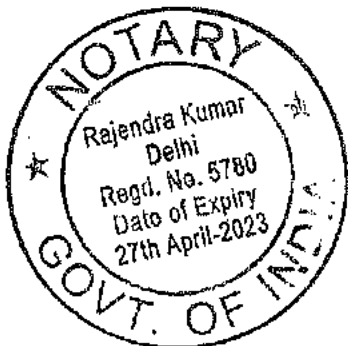
“...The State Governments / Union Territories are directed to file an affidavit within a period of four weeks furnishing information about the number of prisoners released pursuant to the order dated 07.05.2021. The State Governments/Union Territories shall also provide information relating to the number of deaths in prisons due to Covid-19...”

Further,

“...The non-consideration of the pre-mature release of prisoners by this Court in its order dated 07.05.2021 shall not deter the competent authorities to consider the pre-mature release of the prisoners in accordance with law...”

This Hon'ble Court, vide Order dated 7.5.2021 had directed, *inter alia*, as under:-

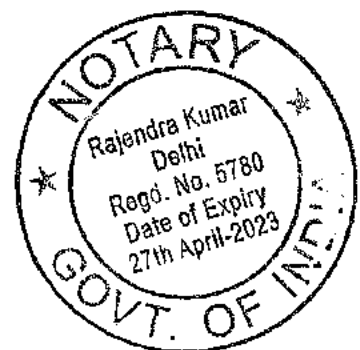
“...The High Powered Committees constituted by the State Governments / Union Territories shall consider release of prisoners by adopting the guidelines (such as *inter alia*, SOP laid down by NALSA) followed by them last year, at the earliest...”



This Hon'ble Court, vide the last Order dated 16.7.2021 had directed, *inter alia*, as under:-

“ This Court has not been made aware about the criteria being adopted by the different State Governments/Union Territories while releasing the prisoners from jails, on the basis of recommendations of different High Powered Committees constituted for the purpose.

Under the circumstances, we deem it fit to direct the Member Secretary of the National Legal Services Authority as well as the Member Secretaries of respective States Legal Services Authorities to collect information from the different States/Union Territories and submit a report to this Court on or before 22.7.2021, stating clearly 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. 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 States/Union Territories concerned in these matters shall also clarify the above stated aspects in their respective affidavits.**



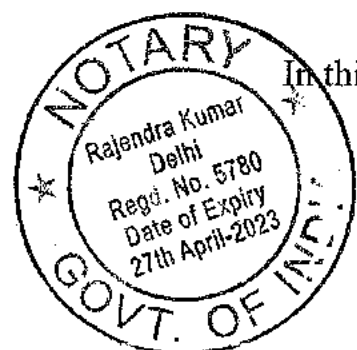
...

So far as those prisoners who have already been released on bail from the prison by virtue of Orders passed by this 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. ..”

4. That it is submitted that High Powered Committee was constituted by the Government of Tripura vide Memorandum No.F.TRAIS.150/13/ 18/837-41 dated 27.3.2020. Accordingly, as per direction of this Hon’ble Court dated 07.5.2021 a meeting of the High Powered Committee was held virtually on 15.5.2021, chaired by Hon’ble Justice S. Talapatra, High Court of Tripura regarding 2<sup>nd</sup> wave of Covid-19 Virus in prisons.

In the meeting, while discussing the implementation of the directive of this Hon’ble Court regarding granting of parole for another 90 days to all the convicts who were released on parole due to Covid-19, in 2020, it was found that last year 6 convicts were processed on parole, and all of them completed their sentences, and were released from jails.

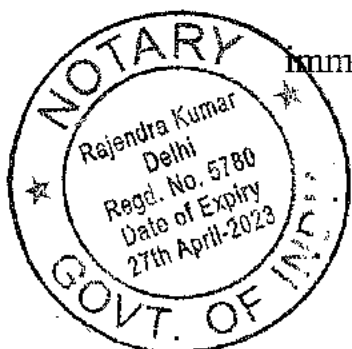
In this context, it was decided that fresh list of eligible convicts would be put up





to the High Powered Committee for consideration of approval, for processing for parole, along with list of undertrial prisoners for granting interim bail. Pursuant thereto, on the recommendations of the High Powered Committee, total 12 Undertrial Prisoners were released as on 15.7.2021. Moreover, a list of 255 convicted prisoners was submitted before the High Powered Committee for parole, out of which 136 have been recommended by the High Powered Committee and the same are being considered presently.

5. That further, as per direction of this Hon'ble Court' of India for effective dissemination of information, prisons occupancy report is uploaded every day in the Prisons Department official website, as well as information sent to Hon'ble High Court of Tripura and State Legal Services Authority for uploading the same in their respective official website.
6. That so far as direction of this Hon'ble Court to ensure proper medical facilities is concerned, it is submitted that regular health check up of the inmates by Medical Officer is carried out in all jails of the State. The Central Jail (KST, Bishalgarh) is also having medical set up with the Medical Officer posted therein. In all jails, as soon as any prisoner is detected as Covid positive, he/she is immediately shifted to the nearest Covid Care Center for timely and better

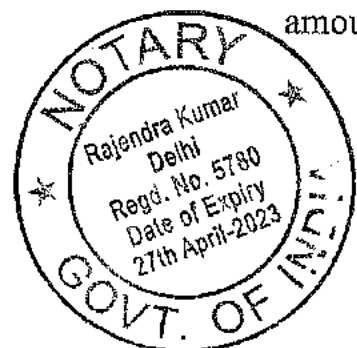


medical treatment.

It is also mentioned here that as per direction of the High Powered Committee, general covid testing conducted on all the inmates and Jail Officers. As on date all inmates and staff had been tested and newly admitted prisoners are admitted after covid test. On the basis of the direction of the Mission Director, National Health Mission, (State Nodal Officer for Covid-19 vaccination), Government of Tripura vide letter No.F.3(5-3954)- .LWPM /SHFWS/ IMM/2\_020/42344-42366 dated 23.03.2021, a total of 875 inmates have been administered 1<sup>st</sup> dose and 347 have been administered 2<sup>nd</sup> dose of vaccine as on date 14.7.2021.

All necessary steps are being taken by the local jail authorities regarding maintenance of daily hygiene and sanitization in the jails. Necessary directions have already been issued to the Superintendent of all Jails with necessary follow up on mandatory compliance. Weekly Action Taken on these matters is submitted to Tripura State Legal Services Authority.

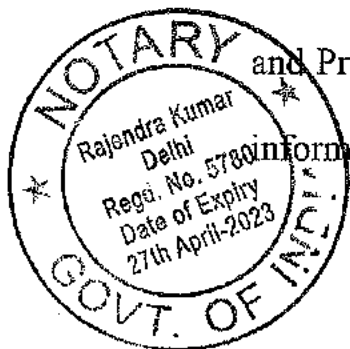
In addition it may be mentioned here that in 2021, Covid Care Fund for an amount of Rs.12,50,000/- has been placed to the Superintendent of all Jails in



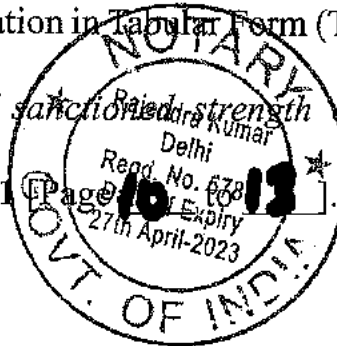
Tripura to meet all emergency expenses. Double-layer cloth mask also provided to all the inmates, 3 masks per head, at a time.

No incident of death due to Covid-19 in 2020 as well as 2021, in the jails in Tripura, till date.

7. That in regard to premature release under 14 years rules of prisoners, it is to mention here that the meeting of the Advisory Board was held on 19.6.2021, wherein case of 10 convicted prisoners were considered and after consulting the antecedent report received from Superintendent of Police, Jail authorities and crime history of the convicted prisoners, 6 were recommended for premature release whereas 4 were found to be not fit for such recommendation.
8. That pursuant to the directions of this Hon'ble Court dated 16.7.2021, necessary information was sought by the State Legal Services Authority, Tripura, in Tabular form regarding release of Prisoners from Jails of Tripura during 2<sup>nd</sup> Wave of Covid (Table 1), Norms/Criteria adopted by HPC for recommending release of Prisoners during 2<sup>nd</sup> Wave (Table 2), number of UTRC Meetings held (Table 3) and Prisons having more than 80% sanctioned strength (Table 4). The requisite information has been provided by the Respondent- State on 19.7.2021.

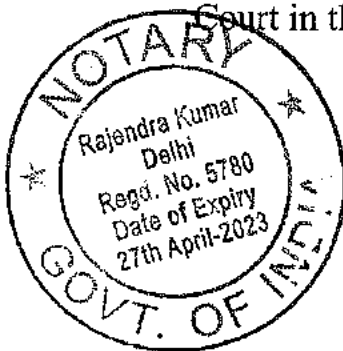


True copies of the information in Tabular Form (Table 1 to 3, as there is no Prison with more than 80% of sanctioned strength occupancy) dt. nil. is annexed herewith as Annexure A/1 (Page 10 to 13).



It is pertinent to emphasize here that, as per the information, the sanctioned Prison capacity in Respondent-State (13 Jails and 1 Female Jail) as on 1.5.2021 is 2282 (2129 Male and 153 Female). As against the said capacity, the current prison population as on 15.7.2021 is 1041 (1008 Male and 33 Female), Thus, the occupancy is a mere 45.62%. Thus, it can be seen that the Prisons in the Respondent-State are not at all over-crowded.

9. That the Respondent-State is committed to take all necessary measures for prevention and control of spread of Covid -19 infection in the Prisons around the State and is duty bound to abide by any directions that are given by this Hon'ble Court in this regard.



Hareoj Kumar

**DEPONENT**  
Spl. Chief Resident Commissioner  
Govt. of Tripura  
Tripura Bhawan, Near Delhi

**VERIFICATION:**

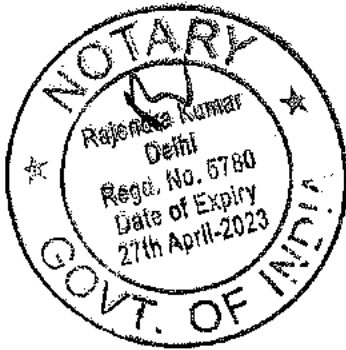
I, the above named deponent, do hereby verify that the contents of the present affidavit are true and correct to the best of my knowledge and belief, no part thereof is false and nothing material has been concealed there from.

Verified at New Delhi on this the <sup>th</sup> day of July, 2021.

26 JUL 2021

*Manoj Kumar*  
**DEPONENT**

**Spl. Chief Resident Commissioner**  
**Govt. of Tripura**  
**Tripura Bhawan, New Delhi**



*Manoj*  
ATTESTED  
RAJENDRA KUMAR  
NOTARY, DELHI-R-5780  
GOVERNMENT OF INDIA  
SUPREME COURT OF INDIA  
COMPOUND, NEW DELHI  
Register Pg./Sl. No.....  
Mobile No.: 9899446209

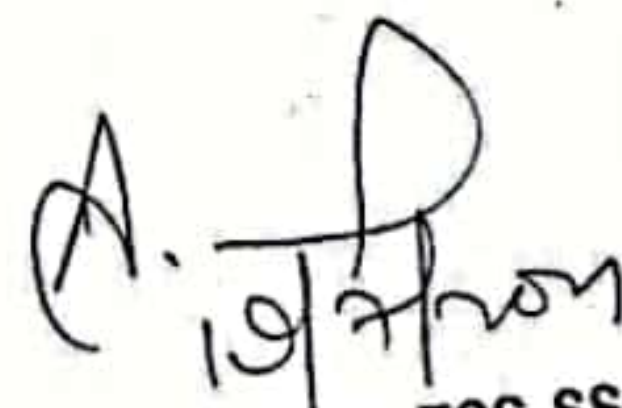
26 JUL 2021

CERTIFIED THAT THE CONTENTS EXPLAINED TO THE  
DEPONENT EXECUTANT WHO IS SEEMED PERFECT TO  
UNDERSTAND & AFFIRMED DEPOSED BEFORE ME AT  
DELHI ON 26 JUL 2021 IDENTIFIED BY  
IDENTIFY THE EXECUTANT/DEPONENT WHO HAS  
SIGNED IN MY PRESENCE

*S. K. S.*  
*26/7*

TABLE 1: State/UT-wise Information on Release of Prisoners during the second wave (Consolidated information of state)

S. No.	Name of the State/UT	Sanctioned Prison Capacity as on 01 <sup>st</sup> May 2021		Prison Population as on 07 <sup>th</sup> May 2021		Prison Population as on 1 <sup>st</sup> June 2021		Prison Population as on 1 <sup>st</sup> July 2021		Number of prisoners released in pursuant to order dated 07 <sup>th</sup> May 2021 and on recommendations of IIPC				Current prison population as on 15 <sup>th</sup> July 2021	
		Male	Female	Male	Female	Male	Female	Male	Female	UTPs		Convicts		Male	Female
										Male	Female	Male	Female		
1.	Tripura	2129	153	929	32	957	36	996	38	12	0	Total list of 255 convicted prisoners submitted before the High Powered Committee. Out of which 136 name of convict have been recommended and the same is placed before the Government for approval.		1008	33

  
 (Aditi Majumdar, TCS, S&G)  
 Inspector General of Prisons  
 Tripura.

**TABLE 2: State/UT-wise Information on the Norms/ Criteria/ Categories adopted by the HPC for Recommending Release of Prisoners during the second wave (consolidated information of state)**

S. No.	Name of the State/UT	Norms/ Criteria/ Categories of prisoners identified for release by the HPC in the second wave (please provide point-wise information)	Whether age taken into consideration for recommending release (Yes/No), please provide number	Whether prisoners suffering from co-morbidities taken into consideration for recommending release (Yes/No), please provide number	Whether convicts whose appeals are pending considered for release (Yes/No), please provide number
1.		<p>(i) Prisoner convicted under parolable section. Prisoner convicted under non-parolable section are excluded. Copy of the Prisoners (Tripura Second Amendment) Act 2019, is enclosed herewith at annexure-1.</p> <p>(ii) Convict who has actually undergone imprisonment not less than 1 year.</p> <p>(iii) After the expiry of period of release at least 01 year of further imprisonment to undergo.</p> <p>(iv) In the year 2020 the High Powered Committee recommended for release of six convicted prisoners on parole. But all were released on completion of their term of sentence. As such, there is no any convict are illegible for 90 days parole for the same, during the year 2021 proposal initiated for 30 days parole as per The Prisoners</p>	No	No Such criteria used	Yes, 03 Nos.

		rules 31(A)(1) of (Tripura Amendment) Act 1979. (v) Antecedent report of convict with recommendation of the concerned District Magistrate & Collector.			
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*A. Majumder*  
19/2/2011  
(Aditi Majumder, TCS, SSG)  
Inspector General of Prisons  
Tripura,



**TABLE 3: State/UT-wise Information on the Number of Under Trial Review Committee Meetings Held and Number of Prisoners Released (consolidated information of the state)**

S. No.	Name of the State/UT	Number of Districts	Number of UTRC Meetings held (total for state)			Number of Bail Applications Filed based on the UTRC recommendations	Number of prisoners released in pursuance to UTRCs (1 <sup>st</sup> May to 15 <sup>th</sup> July 2021)			
			May 2021	June 2021	July (till 15 <sup>th</sup> July 2021)		UTPs		Convicts	
							Male	Female	Male	Female
1.	Tripura	08 Nos.	23	31	18	102	26	0	0	0

  
 19/7/2021  
 (Aditi Rajakumar, IAS, IPS,  
 Inspector General of Prisons  
 Tripura.