

**IN THE SUPREME COURT OF INDIA**  
**CIVIL ORIGINAL JURISDICTION**  
**SMW (CIVIL) NO. 1/2020**

**IN THE MATTER OF:**

IN RE: CONTAGION OF COVID 19 VIRUS IN PRISONS

.....PETITIONER

**ADDITIONAL AFFIDAVIT ON BEHALF OF THE STATE OF**  
**NAGALAND IN COMPLIANCE TO ORDER DATED- 1.6.2021**

**PAPER BOOK**

FOR INDEX PLEASE SEE INSIDE

ADVOCATE FOR THE RESPONDENT: **K. ENATOLI SEMA**  
*(State of Nagaland)*

**MATTER IS NOT LISTED WITHIN FIVE DAY**

**SECTION- PIL-W**

**IN THE SUPREME COURT OF INDIA  
(Civil/Criminal/Appellate/Original/Jurisdiction)  
SMW (CIVIL) NO. 1/2020**

**IN THE MATTER OF:**

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

**.....PETITIONER**

**INDEX OF FILING**

<b>Sl.No.</b>	<b>PARTICULARS</b>	<b>Copies</b>	<b>Court Fees</b>
<b>1.</b>	Affidavit on behalf of the State of Nagaland in compliance to order dated 1.6.2021.	<b>1+3</b>	
<b>2.</b>	ANNEXURE R/1 to R/3	<b>1+3</b>	
		<b>TOTAL</b>	

**FILED BY**

**(K. ENATOLI SEMA)**

**Advocate for Respondent**

**310, Lawyers chambers C.K. Daphtary Block**

**Supreme Court of India**

**Tilak Lane, New Delhi-110001**

**Mob. 9818139636**

**Ph.: 011-23387634 Fax: 011-23072134**

**email – enatoli@gmail.com**

**Code No.1960**

**RAHUL DEV MISHRA**

**MOB.7503630697**

**I CARD NO. 5683**

**New Delhi**

**Dated 05.07.2021**

## INDEX

S.NO.	PARTICULARS	PAGE NO.
1.	Affidavit on behalf of the State of Nagaland in compliance to order dated 1.6.2021.	1-4
2.	<b>ANNEXURE R-1</b> A table containing the breakup of prisons population as on 12.5.2021.	5
3.	<b>ANNEXURE R-2</b> A copy of the minutes of meetings of high Powered Committee held on 24.7.2021.	6-7
4.	<b>ANNEXURE R-3</b> A copy of the minutes of meetings held on 7.4.2021	8-10
5.	Proof of Service	11

**IN THE SUPREME COURT OF INDIA  
ORIGINAL JURISDICTION  
IA No. 55273, 55276 of 2021 in IA No.48231 of 2020  
IN  
SMW (C) NO.1/2020**

**IN THE MATTER OF:**

IN RE: CONTAGION OF COVID 19 VIRUS IN PRISONS

**AFFIDAVIT ON BEHALF OF STATE OF NAGALAND**

**IN COMPLIANCE OF ORDER DATED 1.6.2021**

I Abhijit Linhe, aged about 46 years, S/O A.C.K. Linhe, having office Principal Secretary, Home Civil Secretariat Kohima, Nagaland do hereby solemnly affirm and state as under:-

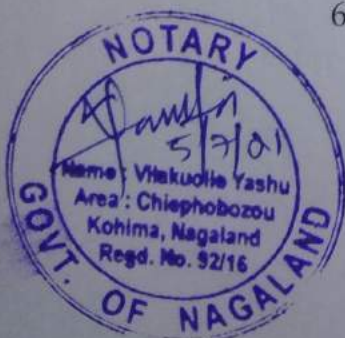
1. That I am the Principal Secretary, Home Department having read the having read the contents and being familiar with the facts and circumstances of the case based on official records available on record, I state that I am authorised to sign this instant Affidavit and as such competent to swear the Affidavit in my official capacity.
2. This Hon'ble Court on 1.6.2021 was pleased to direct as under: -

"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 7.5.2021. The State



Governments /Union Territories shall also provide information relating to the number of deaths in prisons due to Covid-19.”

3. In compliance of order dated 7.5.2021, the High-Powered Committee which was constituted in pursuance to the direction of this Hon'ble Court, considered the release of prisoners by adopting the guidelines laid down by NALSA. It is stated that 64 inmates were released earlier pursuant to order dated 23.3.2020.
4. It is stated that on the basis of recommendations of the High-Powered Committee constituted meetings pursuant to the order dated 7.5.2021, 11 prisoners have been released. It is further stated till date there has been no death of prisoners due to Covid-19 in the prisons in the State.
5. It is stated that the issue of overcrowding is not present in the presence in the State. At present the total capacity is 1450 and total occupancy as on 12.5.2021 is 455. A table containing the breakup of prison population as on 12.5.2021 is marked and annexed as **Annexure R/1**.
6. It is stated that the competent authority is taking all precautions to arrest the spread of Covid 19 in the prisons. It





is stated that based on the decision arrived on by the High-Powered Committee, an office memorandum dated 28.7.2020 was issued making Covid 19 testing mandatory for every accused on being arrested. It is stated that on the recommendation of the High-Powered Committee quarantine wards/facilities have been created in all the jails of the State to isolate and keep the new under trial prisoners/UTP under observation for 3 weeks before being sent to the general UTP wards. A copy of the minutes of meetings of High-Powered Committee held on 24.7.2020 is being marked and annexed as **Annexure R/2**.

7. It is stated that in view of the 2<sup>nd</sup> wave of the pandemic which saw a spike of Covid 19 cases in several States in the country the HPC constituted a meeting on 7.4.2021 to review the arrangements available and the status of Prisons in all the Districts. The earlier decisions for mandatory test of accused persons before being forwarded to judicial custody and the setting up of isolation wards in jails as well as in District Hospitals were reviewed and reiterated. The Committee also took the decision to continue for a doctor to be available on regular basis for attending to the health



issues of prisoners for Districts which have comparatively higher number of prisoners. Several other protocols, SOP and Covid appropriate behaviour were reiterated and laid down keeping in view the rising cases of Covid 19 in the 2<sup>nd</sup> wave. A copy of the minutes of the meetings held on 7.4.2021 is marked and annexed as **Annexure R/3**.

8. I say that the facts stated in the above paras are true and correct to the best of my knowledge and information.

*Abhijit Sinha*  
**DEPONENT**  
 Abhijit Sinha I.A.S  
 Principal Secretary (Home)

**Verification:**

I, the deponent abovementioned do hereby verify that the contents of the above affidavit are true to the best of my knowledge and nothing material has been concealed therefrom. Solemnly affirmed at Kohima on this 5<sup>th</sup> day of July, 2021.

*Abhijit Sinha*  
**DEPONENT**  
 Abhijit Sinha I.A.S  
 Principal Secretary (Home)





PRISONERS POPULATION AS ON 12<sup>TH</sup> MAY 2021

SL.NO	NAME OF THE JAIL	CONVICT		UTPS		NSA	TOTAL
		M	F	M	F		
1	CENTRAL JAIL, DIMAPUR	41	-	61	-	23	125
2	DISTRICT JAIL, KOHIMA	9	-	59	3	-	71
3	DISTRICT JAIL, MOKOKCHUNG	8	-	26	1	-	35
4	DISTRICT JAIL, TUENSANG	14	8	23	3	-	48
5	DISTRICT JAIL, DIMAPUR	12	1	59	4		76
6	DISTRICT JAIL, WOKHA	2	-	8	-	-	10
7	DISTRICT JAIL, MON	11	-	33	-	-	44
8	DISTRICT JAIL, ZUNHEBOTO	3	-	8	-	-	11
9	DISTRICT JAIL, PHEK	3	-	18	-	-	21
10	DISTRICT JAIL, PEREN	-	-	6	-	-	6
11	DISTRICT JAIL, KIPHIRE	1	-	7	-	-	8
	TOTAL	104	9	308	11	23	455



MINUTES OF THE MEETING OF THE HIGH POWER COMMITTEE HELD ON 24/07/2020

1. The High Power Committee 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, ADG (Prison), Nagaland as members, constituted vide Govt. of Nagaland notification no. Home/JL-3/COVID-19/2020 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, held its second meeting through video conferencing on 24<sup>th</sup> of July 2020 at 2:30 pm.
2. The HPC reviewed the actions taken in pursuance of the decisions arrived at in the first meeting held on 1<sup>st</sup> of April 2020. After due deliberations, and taking into the account the rising number of positive cases being detected outside the Quarantine Centres in the State and the need for measures to prevent the spread of the Virus, decided the following:
  - (a) Every accused on being arrested by the Police should be immediately tested for COVID-19 by taking him/her to the nearest health facility having TrueNat machine, which gives its result in about an hour. In case of arrest made in the jurisdiction of a Police Station, which do not have a testing facility, or the arrest is made at a location which is significantly far from the Medical Centre having the testing facility, the accused unless otherwise required to be taken immediately to another location for investigation purposes should be brought without delay to the nearest Medical Centre having the testing facility. After getting the test result, the accused may be interrogated/ kept in police custody at the Police Station nearest to the Medical Centre.
  - (b) It should definitely be ensured that the accused is tested for COVID-19 within 24 hours after arrest before being produced before any Magistrate.
  - (c) The State Government shall issue suitable directions to all the Deputy Commissioners, the Commissioner of Police, Superintendents of Police and Chief Medical Officers for ensuring that the testing of the accused brought by the Police to any Medical Centre is done immediately on topmost priority and the results made available without any delay.
3. The HPC was informed by ADG Prisons that quarantine wards/ facilities have been created in all the jails of the State to isolate and keep the new UTPs under observation for three weeks as decided in the first HPC meeting before being sent to the general UTP wards.
4. The HPC reviewed the number of prisoners as against the full capacity in all the jails of the State, and noted that there is no problem of congestion in any of the jails for now. The ADG Prisons was asked to regularly monitor the position of occupancy and in case there is a

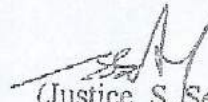



possibility of any prison getting close to a situation which may lead to congestion, to immediately bring to the notice of the HPC so that suitable actions could be taken.

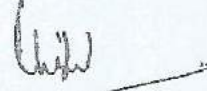
5. The ADG Prisons, who also holds the charge of ADGP Law and Order, informed that due care is being taken in all the Police Stations to ensure that the accused are kept segregated while in Police Custody and whenever the numbers of accused increase, the quarter guard of the Units are also being used for keeping the accused after taking due permission from competent authority. The HPC directed for continuance of the present arrangements so that there is no danger of transmission of the Virus from one accused to another, should one is already infected from before.

6. It was also decided to suggest to the State Government to increase the reach of the TrueNat machines across the State and make it available at the various medical centres at strategic locations and suitably train the medical professionals, so that besides the COVID-19 testing, the machines could also be used for testing for several other diseases, thereby further benefitting the common people.

7. The meeting concluded with vote of thanks to the Chair.

  
(Justice S. Serto)  
& Executive Chairman,  
Nagaland State Legal Services Authority

  
(Abhijit Sinha)  
Principal Secretary, Home  
Nagaland

  
(Renchamo P. Kikon)  
Additional Director General, Prison  
Nagaland



MINUTES OF THE MEETING OF THE HIGH POWER COMMITTEE HELD ON 07/04/2021

The 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, Addl DG (Prison), Nagaland as members, constituted vide Govt. of Nagaland Notification No. Home/JL-3/COVID-19/2020 in pursuance of 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, held its first meeting of 2021, on 7<sup>th</sup> April 2021 at 4:30 pm in the office chamber of the Hon'ble Mr. Justice and Executive Chairman, NSLSA, Kohima.

2. The HPC reviewed the existing Covid-19 situation in all the Jails in Nagaland in the wake of the rapid increase in the number of Covid-19 cases in several States in the Country. Since the State of Nagaland have also seen a spike in positive cases in the last week of March and slight increase in new Covid-19 cases in April 2021, the HPC directed that the earlier arrangements for making available sufficient beds in the isolation wards of the District Hospitals to accommodate the arrested persons testing positive for COVID-19 shall continue. In districts where isolation wards are not available in the District Hospitals or the numbers are not sufficient, some other suitable institutional facilities for isolation shall be earmarked for confinement of the arrested persons tested positive for COVID-19. In all such locations adequate security shall be provided by the Commissioner of Police/District Superintendents of Police. The HPC also reiterated that the arrangement for an attached doctor on regular basis for attending to the health issues of prisoners for the Central Jail Dimapur and District Jail Dimapur, which have comparatively higher number of prisoners shall be continued. The HPC also reiterated its earlier decision of mandatory Covid-19 testing of all arrested persons before being forwarded to judicial custody. Confirmed Covid-19 positive arrested person/s shall be evacuated to the District Hospital strictly adhering to all SOPs and guidelines under adequate security.

3. The HPC decided that physical production of the UTPs may be done as mandated by scrupulously following the Covid-19 SOPs and guidelines, sanitising the Crime Van/ vehicles used for the transportation of the UTPs, use of face mask and hand sanitizers and maintaining social distancing to the extent possible. Regarding virtual production of prisoners, the HPC revisited its decisions taken on 08.10.2020 with the BSNL to provide internet connectivity to the Central Jail and the District Jails in the State to establish and operationalize VC facilities for virtual production of the UTPs for hearing. The Chairman instructed the High Court Registry, Gauhati High Court, Kohima Bench to coordinate with BSNL, the Home Department and the Prison Directorate to expedite provisioning of connectivity to Jails by way of Lease Line, Mini Link and Radio Modem in a time bound manner and ensure submission of a

12/19/91 109

Reasons for home.

1704  
16  
S-111111  
1704

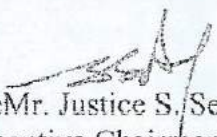


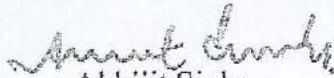
detailed estimate by the BSNL as decided on 08.10.2020 in the meeting held through VC. The High Court Registry was also instructed to take up the proposal of Hardware requirement submitted by the Prison Department and the issue of connectivity with the e-Committee of the Supreme Court.

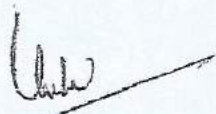
4. The HPC reviewed its earlier decision on Prisoners' Interview and agreed to relax the same. However, it reiterated that there should be no physical contact between the visitors and the prisoners and that the visitors should have a negative RAT (Rapid Antigen Test) certification at least 48 hours prior to the visit. All other SOPs, guidelines and Covid appropriate behaviour such as use of face mask, hand sanitizers etc shall be strictly adhered to by both the visitor/s and the prisoner/s. Prisoners' Interview shall be allowed up to a maximum of twice a week subject to further review.
5. All arrested persons who are tested negative for Covid-19 and forwarded to judicial custody shall mandatorily be isolated in Quarantine Ward/s for a period of 10 (ten) days for further observation. Thereafter, if found asymptomatic all throughout, the prisoner/s shall be shifted to the respective ward. Symptomatic prisoner/s shall be subjected to further Covid-19 tests as per protocol.
6. The HPC reviewed the issue of Inter-Jail transfer of prisoner/s and considering the need decided to permit. After due approval from competent authority for Inter-Jail transfer of prisoner/s, the concerned Jail on receiving the prisoner/s shall isolate him/ her in the Quarantine Ward for 4 (four) days. On the 5<sup>th</sup> Day, the transferred prisoner/s shall be subject to RT-PCR/ TrueNat testing and on being tested Negative for Covid-19 shall then be released from the Quarantine Ward to their respective ward. The HPC reiterated that the aforesaid protocol shall be scrupulously followed along with all the other Covid-19 SOPs and guidelines during the transfer, transit and acceptance process by concerned jail authorities.
7. On skill development courses and conduct of certificate examinations in various Jails where resource persons are required to come from outside, the HPC decided to allow resumption of such courses provided the resource persons get themselves tested for COVID-19 and produce a negative RT-PCR Covid-19 test report, with the test done not earlier than 48 hours prior to the proposed visit to the Jails. During the conduct of the courses and examinations, all Covid-19 SOPs, guidelines and Covid-19 appropriate behaviours shall be followed and for which responsibility shall rest on the jail authorities concerned.

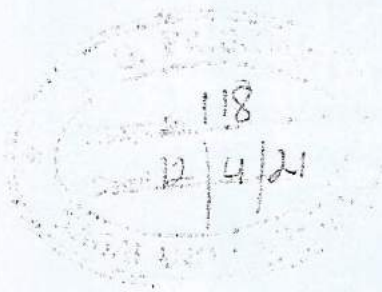


8. Regarding the visitation of NGOs, Churches to jails, the HPC decided to relax the restriction. However, only a maximum of 2 (two) persons per NGO/ Church shall be allowed to visit the jails subject to production of negative RT-PCR Covid-19 test report, with the test done not earlier than 48 hours prior to the proposed visit to the Jails.
9. The Crime Vans and vehicles used for the transportation and escort of inmates/ prisoners to and from jails to hospitals and courts shall be thoroughly sanitised and all Covid-19 SOPs and guidelines shall be strictly complied during transit and production.
10. The HPC also took the considered view that the UTP Ward in all the District Hospitals should be made operational and the services restored to provide separate accommodation for UTPs requiring medical attention and during medical emergencies. Home Department shall issue necessary instructions in this regard and the concerned Jail authorities shall tie up with the District Police for adequate security.
11. The meeting concluded with a vote of thanks to the Chair.

  
 Hon'ble Mr. Justice S. Serto  
 & Executive Chairman,  
 Nagaland State Legal Services Authority

  
 Abhijit Sinha  
 Principal Secretary (Home)  
 Nagaland, Kohima

  
 Rengamo P. Kikon  
 Additional Director General (Prison)  
 Nagaland, Kohima





11

amit singh &lt;semasingh.office@gmail.com&gt;

---

**SMW (C) 1 OF 2020 IN RE : CONTAGION OF COVID 19 VIRUS IN PRISONS**

---

**amit singh** <semasingh.office@gmail.com>

Mon, Jul 5, 2021 at 4:17 PM

To: tusharmehta.sg@gmail.com, bvbaram.das@gov.in, dushyantdave@gmail.com, kkvenu@vsnl.com, govtadvdelhi@gmail.com

Dear Sir/Madam

Kindly Find attached scanned copy of Affidavit being e- filed on behalf of State of Nagaland, which is being served in advance copy as proof of service.

Thanking you.

Best Regards,  
Ms.K.Enatoli Sema Adv  
State of Nagaland  
(Clerk)  
Rahul 7503630697

--

Office of Mr Amit Kumar Singh & Ms.K.Enatoli Sema,  
Advocates-on-Record,  
House No.60,  
High Court Judges Colony,  
H.G-03,  
Sector 105,  
Noida -201301.  
U.P.  
Mobile + 91 9818139636.  
Phone (0120) 4926002

**Affidavit.pdf**  
5779K