

SECTION: PIL-W

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION  
SUO MOTO WRIT PETITION (C) NO. 01 OF 2020

**IN THE MATTER OF:**

IN RE: CONTAGION OF COVID 19 VIRUS IN PRISONS

**FILING INDEX**

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1.	AFFIDAVIT ON BEHALF OF THE STATE OF BIHAR	1+3	20
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Filed by:



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Dated: 15.07.2021  
New Delhi

OM PRAKASH- IC 3380

Mobile No. 9560678587

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**AFFIDAVIT ON BEHALF OF THE STATE OF BIHAR**

PAPER BOOK  
(FOR INDEX PLEASE SEE INSIDE)

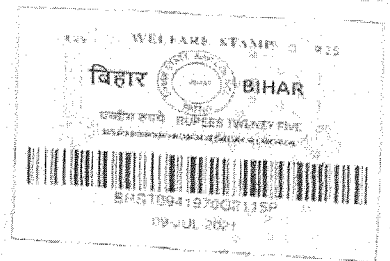
**ADVOCATE FOR THE STATE OF BIHAR:  
MANISH KUMAR**

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IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION  
SUO MOTO WRIT PETITION (C) NO. 01 OF 2020



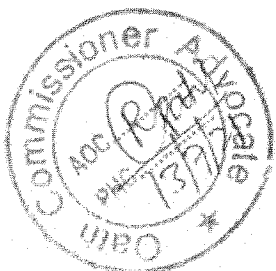
IN THE MATTER OF:

IN RE: CONTAGION OF COVID 19 VIRUS IN PRISONS

AFFIDAVIT ON BEHALF OF THE STATE OF BIHAR

I, Mithulesh Mishra aged about 39 years, s/o Sri Satya Prakash Mishra  
resident of 5/60 officers' Flat, Patna do  
hereby solemnly affirm and state as under:

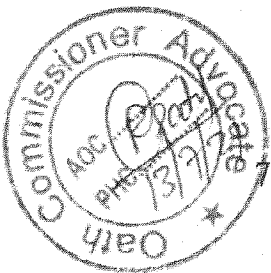
1. That I am posted as I.G. Prisons, Bihar, Home (Prison) Department, Government of Bihar, and as such I am conversant with the facts and circumstances of the case from a perusal of official records, which I believe to be true. I have been authorized to swear this affidavit on behalf of State of Bihar. Hence, I am competent to swear this affidavit.
2. That the present affidavit is being filed in compliance of order dated 01.06.2021 passed by this Hon'ble Court in Suo-Moto Writ Petition (C) No. 01 of 2020.
3. That it is respectfully submitted that in compliance of the order dated 07.05.2021 passed in Suo Moto Writ Petition (C) No. 01 of 2020, the Additional Chief Secretary, Department of Home vide letter No. 3997 dated 11-05-2021 directed the D.G.P., Bihar to instruct the concerned police



officers to comply the order of the Hon'ble Supreme Court passed in Suo Moto Writ Petition (C) No. 01 of 2020 dated 07-05-2021 and to follow the guidelines as directed by the Hon'ble Court in the case of Arnesh Kumar Versus The State of Bihar and Others.

4. That in the light of the order dated 07-05-2021 passed in Suo Moto Writ Petition (C) No. 01 of 2020, the I.G. Prisons, Bihar, Patna vide letter No. 4032 dated 13-05-2021, letter No. 4149 dated 21-05-2021 and letter No.4184 dated 21-05-2021 requested the Secretary, BALSA to arrange the meeting of High Power Committee in the light of the order of the Hon'ble Court passed in this Case on 07-05-2021.
5. That the D.G.P., Bihar vide Memo No. 1193 dated 28-05-2021 issued direction with check list to all S.S.P./S.P. (Rail), Regional I.G./D.I.G. to strictly comply the guidelines issued by the Hon'ble Court in the case of Arnesh Kumar Versus The State of Bihar and Others. In the check list it has been categorically mentioned to follow the compliance of the 41 Cr.P.C. before arresting and also to make certain entries before arresting.
6. That the I.G. Prison, Bihar vide Memo No. 3981 dated 11-05-2021 issued direction to all Superintendent of jails to grant remission which is to be granted by them and also to make coordination with the District Judge and DALSA for the release of prisoners.

That the meeting of High Power Committee constituted in the light of order dated 23-03-2020 was held on 28-05-2021 and 04-06-2021 respectively in view of the order of the



Hon'ble Court dated 07-05-2021 and different directions were issued for welfare of inmates in prisons and juveniles lodged in remand homes.

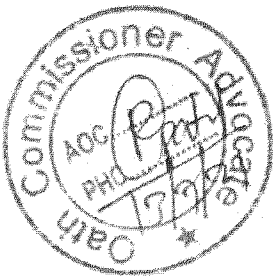
8. That on 07-05-2021 there were 57247 prisoners in the jails of Bihar in which 7734 were convicted prisoners and 49513 were under trial prisoners. It was resolved in the meeting of the High Powered Committee on 04th June 2021 that the under trial prisoners should be granted regular bail by the trial courts and the convicted prisoners should be granted remission so that they may be pre-maturely released from jail to ease out the problem of overcrowding in jails. It was also resolved that if the convicted prisoners are granted parole for a certain period then after coming back into the jail there is every possibility that they may come with covid infection which may affect the others in prisons. Therefore, it was decided not to release any convicted prisoner on parole.

9. The High Power Committee resolved to recommend the release of following category of under trial prisoners on bail by the concerned courts as one time measure during the prevailing circumstances of covid-19 pandemic:-

- (1) Those arrested for offences for which the maximum sentence prescribed is not more than 7 years subject to the exclusion of cases mentioned in the 'Exclusion List' at column 'C' below.
- (2) Those eligible for release under the provision of S. 436A of the Cr.P.C.



- (3) Detained under Chapter VIII of the Cr.P.C. i.e. u/s 107, 108, and 151 of Cr.P.C.
- (4) Those in custody for offences where the maximum prescribed sentence is up to 10 years and are suffering from terminal illness/ covered under medical condition prescribed by Government of India as comorbidity condition for vaccination of Covid-19 viz.
1. Heart failure with hospital admission in the past year
  2. Post cardiac transplant/Left Ventricular Assist Device (LVAD)
  3. Left ventricular systolic dysfunction (LVEF<40%)
  4. Moderate or Severe Valvular Heart Disease
  5. Congenital heart disease with severe PAH or Idiopathic PAH
  6. Coronary Artery Disease with past CABG/PTCA/MI and Hypertension/Diabetes on treatment.
  7. Angina and Hypertension/Diabetes treatment
  8. CT/MRI documented stroke and Hypertension/Diabetes on treatment
  9. Pulmonary artery hypertension and Hypertension/Diabetes on treatment



10. Diabetes (>10 years or with complication) and Hypertension on treatment
11. Kidney/Liver/Hematopoietic stem cell transplant: Recipient/On wait-list
12. End stage kidney Disease on haemodialysis/CAPD.
13. Current Prolonged use of oral corticosteroids/immunosuppressant medications.
14. Decompensate cirrhosis
15. Severe respiratory disease with hospitalizations in last two years/FEV1<50%
16. Lymphoma/Leukaemia/Myeloma.
17. Diagnosis of any solid cancer on or after July 1, 2020 or currently on any cancer therapy.
18. Sickle Cell Disease/Bone Marrow failure/Aplastic Anemia/Thalassemia Major.
19. Primary Immunodeficiency Diseases/HIV infection.
20. Persons with disabilities due to intellectual disabilities/Muscular Dystrophy/Acid attack with involvement of respiratory system/persons with disabilities having high support needs/multiple disabilities including deaf-blindness.



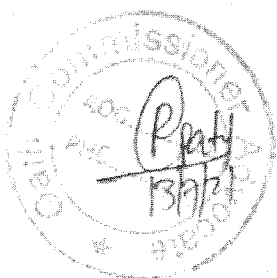


This shall be determined as per the report of the Jail Medical Officer and further certified by the District Medical Board of the District. Pregnant women may also be considered as they are more vulnerable to the effects of the Covid-19 virus.

- (5) Those detained under the Code of Civil Procedure at the instance of the State (being party to the suit/appeal etc.) for not obeying the decree/order of the court.

The High Power Committee also resolved to grant special remission to the following category of convicts:-

- (1) Those who had been sentenced for 10 years and had already completed 9.5 years including regular remission could be considered for 6 months special remission of sentence by the Home Department.
- (2) Those who were sentenced for 7 years or more, but less than 10 years and were left with only five months to complete the sentence could be considered for 5 months special remission of sentence.
- (3) Those who were sentenced for 5 years or more but less than 7 years and were left with 4 months to complete the sentence could be considered for 4 months special remission of sentence.
- (4) Those who were sentenced for 3 years or more but less than 5 years and were left with only 3 months

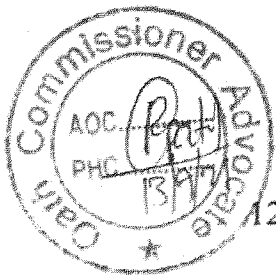


to complete the sentence could be considered for 3 months special remission of sentence.

- (5) Those who were sentenced for 1 year or more but less than 3 years and were left with only 2 months to complete their sentenced could be considered for 2 months special remission of sentence.

10. That the meeting of the High Powered Committee was held on 28.05.2021 and 04.06.2021. The Bihar State Legal Services Authority vide Email dated 09-06-2021 sent the recommendation of High Powered Committee to all the District Session Judge-Cum-Chairman, District Legal Services Authority of the State of Bihar to circulate the same amongst the judicial officers posted in their Judgeship for needful. A copy of the minutes of meeting dated 28.05.2021 is annexed as ANNEXURE-A-1 (PG 15 TO 36). A copy of the minutes of meeting dated 04.06.2021 is annexed as ANNEXURE-A-2 (PG 37 TO 52).

11. That in April 2021, 9089 under trial prisoners were granted bail, in May 2021, 1787 under trial prisoners were granted bail and in June 2021, 16864 under trial prisoners were granted bail by the learned courts and there are 7644 convicted prisoners and 52891 under trial prisoners as on 01-07-2021.

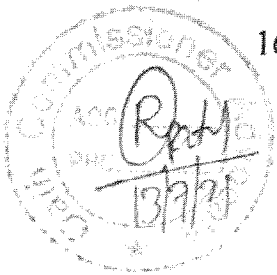


12. It is pertinent here to mention that prior to the recommendation of High Powered Committee 9089 under trial prisoners were granted bail in April, 2021 and during the lockdown period only 1787 under trial prisoners could

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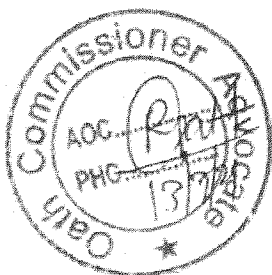
get bail from the different courts but after the recommendation of High Powered Committee 16864 under trial prisoners were granted bail by the courts only in June, 2021.

13. That in compliance of the direction of the Hon'ble Court dated 07-05-2021 passed in present case, the decision of High Powered Committee as well as prison occupancy is published on official websites and is available in public domain.
14. That in the light of the recommendation of the High Power Committee, the State of Bihar is considering the special remission to be granted to the different categories of convicts. The grant of special remission is under process. It is pertinent here to mention that regular remission to be granted by the concerned Superintendent. 81 convict prisoners have been released from jail after getting their regular remission.
15. That in addition to above it is noteworthy that in the meeting of Bihar State Sentence Remission Board, that was held on 19-05-2021 in which total 58 life convict prisoners were recommended for pre-mature release.
16. That it is respectfully submitted that this Hon'ble Court has passed a detailed order in SLP (Crl) No. 529/2021 regarding the issue of remission and processing of application for remission. A true copy of the order dated 07.07.2021 passed in SLP (Crl.) No. 529/2021 is annexed as ANNEXURE-A-3 (PG 53 TO 74)



8

17. That for the effective management of safety measures to stop the infection of Covid-19 virus infection in jails, the State Government has made a Standard Operating Procedure (SOP) which deals with the safety measures to be adopted in jails at different steps. A true copy of the Standard Operating Procedure (SOP) is annexed as **ANNEXURE-A-4 (PG 75 TO 89)**
18. That in light of the above Standard Operating Procedure (SOP) a check list has also been prepared by the Government and circulated to all jails vide letter no. 5159 dated 06-08-2020 for strict implementation. A true copy of the check list for operation of SOP is annexed as **ANNEXURE-A-5 (PG 90 TO 92)**
19. That in the Standard Operating Procedure (SOP), it has been categorically mentioned that:-
- (i) For the new prisoners 18 prisons/part of prisons have been declared has quarantine wards where the new prisoners are kept for 14 days. They are provided with all essential things (viz-mask, hand sanitizer, soaps, hot water, thermal screening etc.) for the prevention of corona virus infection.
  - (ii) Vulnerable population as old prisoners (above 65 years) and prisoners suffering from terminal diseases like H.I.V., Cardiac Artery Disease, Liver Failure, Kidney Failure and severe diabetes are kept in a separate ward under round the clock monitoring by the jail doctors and paramedical staffs.



- (iii) Any prisoner having any sign of corona infection is isolated immediately from other prisoners and is examined for the corona and if found positive, he is treated by the doctors in jail hospital and in subsequently send to covid care centre.
- (iv) Any jail staff having any sign of corona infection is immediately isolated from other staff and only after getting corona negative report he is allowed to work inside the jail.
- (v) The prisoner who is to be released on bail from entry prison and having symptoms of infection, issuant for Covid Test as per the instructions of the Civil Surgeon the concerned prisoner will be released only when he tests negative.
- (vi) Physical visitor system has been stopped and the visitors are allowed to meet their prisoners only by e-mulakati system.
- (vii) The physical production of prisoners has been completely stopped and the prisoners are produced in the concerned Court only through video conferencing.
- (viii) The use of parole is minimised keeping in mind the possibility of infection of COVID-19 in prison through prisoners returning back to prison after parole.

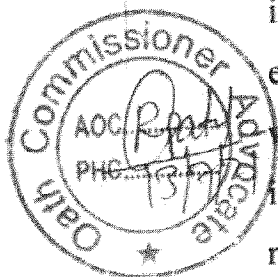


- 11
- (ix) Supply materials of daily use such as vegetables, milk and other food items coming inside the jail is received only after proper sanitization.
  - (x) In view of the menace of second strain of Covid-19 some changes has been made in the above SOP in which The Covid test has been made mandatory for all the new inmates before their confinement in the quarantine prisons. Only those prisoners, who tests negative, are permitted inside the quarantine prisons. The prisoners who test positive are sent to the nearest Covid Care Centre for treatment.
  - (xi) Ambulance facility is available in all the jails for transportation of sick prisoners to the nearest Covid care centre.
  - (xii) Thermal screening of all Warders/Head warden/Chief Head warden/Security personnel who are going to discharge their duty in the prison in every shifts has been ensured and a register in which date wise and time wise record of thermal screening is mentioned of all personnel is being maintained.
  - (xiii) Regular health review/supervision of every security personnel is being done by the Medical Officer in-charge to ensure that all personnel are healthy. If a personnel shows symptoms of COVID-19 such as cold, cough and fever etc, immediate Covid Testing is done. If the suspect personnel tests positive then he must be admitted to the Covid Care Centre as per the opinion of the doctor. The contact he has made



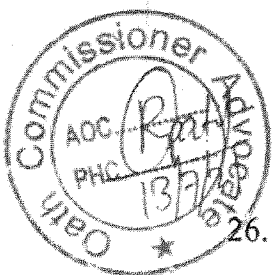
is also traced and quarantine the persons he came in contact with are quarantined and are tested for covid infection. The prisoners he came in contact with are also traced and they are tested for COVID-19. If inmates are found positive then they are sent to Covid Care Centre.

20. That for the prevention of spread of Covid-19 infection among the prisoners, the State of Bihar has taken many steps and the recommendation of Advisory Committee constituted at Inspectorate General of Prison level has been circulated to all Superintendents of Jail vide Memo No. 4683 dated 11-06-2021 for strict compliance.
21. In compliance to the recommendation of the Advisory Committee, jail campuses are regularly sanitized, new prisoners are kept in quarantine wards for 14 days and their health screening is monitored regularly, special wards have been made for old prisoners, P.P.E. Kit, Infrared thermometers, oxymeters, medicines, sanitizer, masks are made available in jails.
22. That for the prevention of spread of Covid-19 virus infection in jails, physical visitor meeting was stopped and e-mulakati through video conferencing in all jails of Bihar was started. In this regard for awareness and public information an advertisement was published in daily newspapers regarding facility and process of e-mulakati system in prisons of Bihar. A web portal [www.eprisons.nic.in](http://www.eprisons.nic.in) has been developed by the NIC for the registration of visitors. It is also relevant to mention here that from 01-04-2020 to 31-03-2021, 40404 people visited



their prisoners through e-mulakati system and from 01-04-2021 to 30-06-2021, 28900 people have visited their relative/respective prisoners through e-mulakati system.

23. That it is here relevant to mention that all the prison staff and officers have been vaccinated with double doses and 48104 male prisoners (out of 57980 male prisoners) and 1917 female prisoners (out of 2220 female prisoners) have so far been vaccinated as on 30-06-2021.
24. That I.G. Prisons, Bihar, Patna vide letter No. 5204 dated 30-06-2021 directed all the Superintendent of Jails to expedite the process of release of under trial prisoners who are in custody for offences where the maximum prescribed sentence is up to 10 years and who are suffering from terminal illness as recommended by High Powered Committee.
25. That it is important to mention here that from the spread of Covid-19 virus in jails no prisoner died in jail due to this infection. It is here relevant to mention that 07 prisoners who were sent to hospital for better treatment relating to other ailment, they got infected with Covid-19 virus in hospital during treatment. Due to infection and suffering from other disease they died in hospital in spite of every possible medical care.
26. That the Prison Inspectorate and prison official and staff are very vigilant in following the Covid-19 related protocol in prisons of Bihar and are taking every suitable action to keep prison campus Covid infection free.





27. That the facts as stated in the above affidavit are true to my knowledge and the materials derived from the related official records. No part of the same is false and nothing material has been concealed there from.

Mithilesh Mishra  
DEPONENT 13/7/21  
gilean' ya the deponent  
Birendra Kumar Mishra  
Kumit A/C  
RN 2086/21  
Date 13/7/21

VERIFICATION:

I the above-named deponent do hereby verify that the facts stated in the above affidavit are true to my knowledge and belief derived from official records, which I believe to be true. No part of the same is false and nothing material is concealed there from.

Verified at Patna, on this 13 day of July, 2021.

31054

Mithilesh Mishra  
Solamary Affirmed before  
I am identified by .....  
I am satisfied myself by Examining  
the deponent that he understands  
the contents of the affidavit which  
been read-over explained to him  
which acknowledge to be correct  
Date..... 13/7/21

Mithilesh Mishra  
DEPONENT 13/7/21

Advocate Oath Commissioner  
N.A. HIGH COURT

Patna



## ANNEXURE - A1

Minutes of Meeting of the High Power Committee (for short 'Committee'), Bihar dated 28-05-2021 constituted in the light of Order dated 23-03-2020 passed by Hon'ble Supreme Court of India In Re: Contagion of Covid-19 Virus in Prison (Suo Motu Writ Petition (C) No. 1/2020) Chaired by Hon'ble Mr Justice Ashwani Kumar Singh, Judge, Patna High Court cum Executive Chairman, BSLSA, Patna with members namely Sri. Chaityanya Prasad, Additional Chief Secretary, Home Department, Government of Bihar, Sri. Mithilesh Mishra, IG, Prisons & Correctional Services, Bihar.,

Special Invitees: Sri Rajkumar, Director, Department of Social Welfare, Government of Bihar.

The Committee was assisted by Sri Krishna Murari Sharan Member Secretary, Bihar State Legal Services Authority, Sri. Suvash Chandra Sharma, Additional Registrar, Juvenile Justice Secretariat and Sri. Saurabh Singh, Research Officer, Juvenile Justice Secretariat, Patna High Court.

### 1. Background

In March 2020, "to ensure that the spread of the coronavirus within the prisons is controlled", the Hon'ble Supreme Court of India took cognizance of the vulnerability of prisoners and instituted a Suo Moto petition, In Re: Contagion of Covid-19 Virus in Prisons (Suo Motu Writ Petition (C) No. 1/2020) and to achieve the target of "social distancing" directed (vide order sated 23-03-2020) various measures to be taken by the concerned Governments/ Departments with the ultimate object of reducing the population of over-crowded jails. Apart from these directions, State Governments were directed to constitute a High Powered Committee consisting of:-

- (a) Executive Chairperson of State Legal Services Authority;
- (b) Principal Secretary Home / Prisons;
- (c) Director General of Prisons;

In Bihar, this High-Power Committee was constituted by notification no. *kara/aspatal prabandhan-14- 04/2020-2338 dated 24 March 2020.*

## 2. Agenda of the Meeting

The agenda of today's meeting is as follows:

1. To discuss the steps taken by the State Government to stop the physical presence of all the under trial prisoners/inmates of Observation Homes before the courts/Juvenile Justice Boards and recourse to video conferencing for all purposes.
2. To discuss the arrangements made by the State Government to avoid delay in shifting sick prisoners/inmates of Child Care Institutions to a Nodal Medical Institution in case of any possibility of COVID infection is seen.
3. To discuss the Prison-specific readiness and response plans developed by the State Government in consultation with medical experts to deal with the Pandemic.
4. To discuss about the monitoring team which is required to be set up at the state level to ensure that the directives issued with regard to prison and remand homes/Child Care Institutions by the Courts are being complied with scrupulously.
5. To discuss the steps taken by the State Government through Director General of Police to provide safe transit to the prisoners who have been released so that they may reach their homes.
6. To discuss the steps taken by the State Governments to ensure proper medical facilities to all the prisoners who are imprisoned as well as inmates and Staffs of Child Care Institutions.
7. To discuss the steps taken by the State Government for regular testing of Prisoners and Jail Staffs; Inmates and Staffs of Child Care Institutions.
8. To discuss the steps taken by the State Government for improvement of levels of daily hygiene and sanitation required in Prisons & Child Care Institutions.
9. To discuss the suitable precautions taken by the State Government to prevent the transmission of the deadly virus amongst the inmates of the prisons/Child Care Institutions.
10. To discuss the steps taken by the State Government for decongestion of prisons/Child Care Institutions.
11. To discuss the identification of categories of Under Trial Prisoners (UTPs)/Convicts for release on Interim bail/parole.

12. To discuss the prison occupancy report to be uploaded on the website.

### 3. Response of the State Government.

The agenda was already circulated to the Additional Chief Secretary, Home Department, IG, Prisons & Correctional Services, Bihar and Additional Chief Secretary & Director, Department of Social Welfare with a request to submit their responses. The agenda wise written responses were received separately from IG prisons and Correctional Services Home Department (Prisons), Govt. of Bihar & Department of Social Welfare, Govt. of Bihar.

**Agenda wise Response of IG prisons and Correctional Services Home Department (Prisons), Govt. of Bihar is as follows.**

1. To discuss the steps taken by the State Government to stop the physical presence of all the under trial prisoners/inmates of Observation Homes before the courts/Juvenile Justice Boards and recourse to video conferencing for all purposes.

(a) Physical presence of prisoners before the court has been done away with and now it has been directed that appearance of the accused person may be secured through video conferencing vide departmental letter no-2170 dated- 17.03.2020.

(b) Further the physical visiting facilities of the relative of prisoners has been banned and e-mulakati facility has been introduced whereby any person who wishes to meet any prisoners may do so by way of video conferencing vide departmental letter no-2169 dated-17.03.2020.

(c) Telephone facility has also been provided for communication of prisoners to their relatives and legal advisors.

(d) The number of e-mulakat from 01.04.2020 to 31.03.2021 is 40876 and front 01-04-2021 to till date is 15133.

(e) The number of telephone calls made by prisoners to their relatives and legal advisors through telephone kiosk from 01.04.2020 to 31.03.2021 is 77855 and front 01-04-2021 to till date is 19072.

2. To discuss the arrangements made by the State Government to avoid delay in shifting sick prisoners/inmates of Child Care Institutions to a Nodal Medical Institution in case of any possibility of COVID infection is seen.

(a) For treatment of inmates suffering from Covid infection the State Government has drafted a standard operating procedure (SOP) which elaborates the measures to be adopted in prisons at different stages and the same is circulated to all the prisons for compliance vide departmental letter no-4959 dated-23.07.2020.

(b) In view of the menace of second strain of Covid-19 some changes have been made in the above SOP vide departmental letter no-2540 dated- 36.03.2021, letter no-2592 dated- 05.04.2021 and letter no-3571 dated- 22.04.2021.

(c) For the new inmates twenty prisons/ part of prisons have been declared as quarantine prisons where the new prisoners are kept for fourteen days. They are provided with all essential things (viz-mask, hand sanitizer, soaps, hot water, thermal screening etc.) for the prevention of corona infection.

(d) The Covid test has been made mandatory for all the new inmates before their confinement in the quarantine prisons. Only those prisoners, who tests negative, are permitted inside the quarantine prisons. The prisoners who test positive are sent to the nearest Covid Care Centre for treatment.

(e) Ambulance facility is available in all the jails for transportation of sick prisoners to the nearest Covid care centre.

(f) In the standard operating procedure (SOP) it has been categorically mentioned that any prisoner having any sign of corona infection is isolated immediately from other prisoners and is examined for corona and if found positive he is immediately sent to the nearest Covid Care Centre. If District Police Force is not available then the sick prisoners are sent to Covid Care Centre through the warders of prison.

(g) A checklist of points of compliance contained in SOP has been prepared and the same has been circulated to all the prisons for compliance vide departmental letter no-5159 dated-06.08.2020

3. To discuss the Prison specific readiness and response plans developed by the State Government in consultation with medical experts to deal with the Pandemic.

(a) A committee has been formed under the chairmanship of Director Prison Health service having Deputy Director, Prison Health Service as member-secretary and AIG (Region) as member at the inspectorate level to give opinion for Prison specific readiness and response plans vide departmental memo no-2342 dated-24.03.2020

(b) A general guideline has been circulated to all prisons for formulating Prison specific readiness and response plans vide departmental letter no-2366 dated-27.03.2020

(c) The above guidelines deals with parameters/standard that are to be developed for Prison specific readiness and response plans. This includes the specific geographical location, distance from local hospital, transportation system, communication system etc. of the prison to deal with the pandemic/disaster. It also includes the surveillance system to track the pandemic and the formation of a special task force to combat it.

(d) The Prison specific readiness and response plans also emphasizes the importance of training of personnel, awareness among the prisoners and staffs, strong reporting system, crowd management plan, security of vulnerable population, transfer of inmates, availability of medical equipments and drugs etc. All the prisons has developed their Prison specific readiness and response plans according to the above parameters.

(e) A meeting have been convened under the chairmanship of IG Prisons and correctional services having medical experts as members to monitor the Prison specific readiness and response plans (

4. The discuss about the monitoring team which is required to be set up at the state level to ensure that the directives issued with regard to prison and remand homes/ child care institutions by the Courts are being complied with scrupulously.

(a) A monitoring team has been consituted under the chairmanship of Joint Secretary -cum-Director (Administration) having Director Prison Health services, Deputy Director, Prison Health Service, DIG (Correction) and AIG (Region) as members at the inspectorate level to monitor the prevention of spread of Covid-19 inside the prisons according to the different guidelines issued by the department vide departmental memo no-2341 dated-24.03.2020. The monitoring is regularly being done

5. To discuss the steps taken by the State Government through Director General of Police to provide safe transit to the prisoners who have been released so that they may reach their homes.

(a) The conditions of lockdown laid by the State Government from time to time are applicable for the inmates after their release. The prison authorities issues passes to the released inmates so that they can go to their respective native place without any hindrance.

6. To discuss the steps taken by the State Government to ensure proper medical facilities to all the prisoners who are imprisoned as well as inmates and staffs of Child Care Institutions.

(a) All prisons have their own jail hospital where jail doctors, compounders and dressers are posted.

(b) At present 114 doctors, 76 compounders and 91 dressers are posted in different prisons of the state for the treatment of sick prisoners

(c) Availability of masks, essential equipments like infrared thermometer, oximeter, PPE kit, oxygen cylinders, oxygen concentrators and essential drugs are being ensured in all the prisons

7. To discuss the steps taken by the State Government for regular testing of Prisoners and Jail staffs, Inmates and Staffs of Child Care Institutions.

(a) For the new inmates twenty prisons/ part of prisons have been declared as quarantine prisons where the new prisoners are kept for fourteen days.

(b) The Covid test has been made mandatory for all the new inmates before their confinement in the quarantine prisons. Only those prisoners, who tests negative, are permitted inside the quarantine prisons. The prisoners who test positive are sent to the nearest Covid Care Centre for treatment.

(c) Thermal screening of all Warders/Head warder/Chief Head warder/Security personnel who are going to discharge their duty in the prison in every shifts has been ensured and a register in which date wise and time wise record of thermal screening is mentioned of all personnel is being maintained.

(d) Regular health review/supervision of every security personnel is being done by the Medical Officer in-charge to ensure that all personnel are healthy. If a personnel shows symptoms of COVID-19 such as cold, cough and fever etc, immediate Covid Testing is done. If the suspect personnel tests positive then he must be admitted to the Covid Care Centre as per the opinion of the doctor. The contact he has made is also traced and quarantine the persons he came in contact with are quarantined and are tested for covid infection. The prisoners he came in contact with are also traced and they are tested for COVID-19. If inmates are found positive then they are sent to Covid Care Centre.

8. To discuss the steps taken by State Government for improvement of levels of daily hygiene and sanitation required in Prisons & Child Care Institutions.

(a) Regular sanitization of whole prison premises and prisoner's ward with disinfectant (Bleaching Powder, soap or Spirit based disinfectant) is being ensured.

(b) Awareness among the prisoners and prison staffs regarding prevention, causes, symptoms and treatment of the disease is being generated regularly. Medical Officers and local medical experts are being engaged for the same. Posters and banners are placed at strategic locations in and outside the prisons. Audio messages are being aired by using the public address systems installed in prisons regularly.

(c) The prisoners are being aware (i) to use masks, wash hands frequently with soap and water and use sanitizer (ii) to use disposable tissue or handkerchief while coughing or sneezing (iii) to use arm while coughing or sneezing in the event of not having handkerchief, (iv) not to touch the nose and

mouth with hands without hand washing (v) try not to come into contact with an infected person etc.

(d) Sanitizer bottle/soap are kept important places in prison.

(e) Fogging machine is available in most of the prisons. Local municipal authorities are also sanitizing the prison premises regularly.

(f) Compliance of the guidelines given by the Ministry of AYUSH, Government of India and the Department of Health, Government of Bihar for increasing immunity of prisoners and encourage "Self-care" is being ensured.

(g) The prisoners are being made aware of the use of hot water for drinking and they are being provided with sufficient amount of hot water for this.

(h) The prisoners suffering from cold, cough etc. are being provided steam in the morning and evening.

(i) "KADHA" is being made available to the inmates for drinking every morning and evening.

(j) Apart from this, necessary measures are being taken to increase the immunity of the prisoners according to the local needs and as per the advice of the prison Medical officer and Civil surgeon.

(k) The prisoners are being encouraged to maintain social distancing and a time-wise distribution schedule of food for prisoners to avoid crowding.

(l) The prison officers and staff have been imparted training for taking care of sick prisoners /staffs.

9. To discuss the suitable precautions taken by the State Government to prevent the transmission of the deadly virus amongst the inmates of the prisons/Child Care Institutions.

(a) Twenty prisons/part (block) of prisons has been indentified as Entry Prisons for the confinement of new male and female inmates vide departmental letter no-3196 dated-11.04.2021. These are Civil part and newly constructed visitor complex of Central Prison, Motihari, Newly constructed portion of Central Prison, Purnea, Newly constructed portion of District Prison, Hajipur, Newly constructed portion of District Prison, Gopalganj, Newly constructed portion of District Prison, Munger, Camp Prison, Pulwarisharif, District prison Lakhisarai, Newly constructed portion of Prison, Hilsa, Sub Divisional Prison, Bikaramganj, Sub Divisional Prison, Bagha, Sub Divisional Prison, Benipur, Sub Divisional Prison, Benipati, Sub Divisional Prison, Rosera, Sub Divisional Prison, Birpur, Sub Divisional Prison, Navagachiya, Sub Divisional Prison, Sherghati, Sub Divisional Prison, Daudnagar, Sub Divisional Prison, Patnacity and Sub Divisional Prison, Dalsingsarai, These new inmates are confined in



these Entry Prisons for the purpose of completion of the specified quarantine period before being transferred to their original prisons

(b) The identification and confinement of (i) fourteen quarantine prisoner ward for the confinement of new inmates date wise (ii) isolation ward for prisoners having symptoms of infection and (iii) Hospital ward for infected prisoners is ensured in all the prisons.

10. To discuss the steps taken by the State Government for decongestion of prisons.

(a) Prisoners are regularly being transferred from overcrowded prisons to such prisons where the number of inmates is less than the prison capacity.

(b) Thirty two prisoners have been recommended for premature release in the meeting of State Sentence Remission Board on 19.05.2021.

(c) Direction has been issued to all Jail Superintendents vide Departmental memo no-3981 dated-11.05.2021 to release all the eligible prisoners by granting them the admissible remission

(d) The Jail Superintendents have been directed to do the needful for the release of prisoners on interim bail, who are not accused of heinous crimes, by requesting the concerned District and Sessions Judge vide departmental letter no-3981 dated-11.05.2021

11. To discuss the identification of categories of Under Trial Prisoners/Convicts for release on interim bail/Parole.

(a) All jail superintendents have been directed to furnish the data of Under Trial Prisoners according to their maximum sentence of punishment vide departmental letter no-3983 dated -11.05.2020 and letter no-4270 dated-26.05.2021

The above data regarding Under Trial Prisoners is being attached

(b) All jail superintendents have been directed to furnish the data of Convicts according to their is, gender, physical disabilities and type of offence vide letter no-3982 dated-11.05.2021

The above data regarding convicts is being attached

12. To discuss the prison occupancy report to be uploaded on the website.

(a) The monthly data of prison capacity and the actual number of prisoners confined in prisons is being uploaded on the website

Note :- Almost 90% of the total prisoners confined in different Prisons of the state have been vaccinated till date

**Agenda wise written Response of Department of Social Welfare, Govt. of Bihar is as follows**

**Agenda No. 01**

To discuss the steps taken by the State Government to stop the physical presence of all the under trial prisoners/inmates of Observation Homes before the courts/Juvenile Justice Boards and recourse to video conferencing for all purposes.

Current status- The requirement of physical presence of children who are residing in the observation homes or the Place of Safety has been done away with given the risks of Corona infection. Currently, as per the need, virtual hearings are being conducted by the Juvenile Justice Boards with logistical supports being provided by the concerned DCPU or CCI for producing the child before the JJB.

**Agenda No. 02**

To discuss the arrangements made by the State Government to avoid delay in shifting sick prisoners/inmates of Child Care Institutions to a Nodal Medical Institution in case of any possibility of COVID infection is seen.

Current status- First of all, isolation facilities have been created inside the CCIs for keeping children who are showing symptoms or testing positive separately from the rest of the children. Children who test positive or show symptoms are given medication as per the prescriptions of the doctor attached with Covid care centre. All reports of children who test positive or show symptoms are shared with the Civil Surgeon of the district and their health is closely monitored by the Person-in-Charge of the CCI and the Assistant Director, Child Protection Unit of the DCPU. So far, there has been no instance where a child has needed hospital admission. If it would be needed, it is the responsibility of the ADCPU and the Civil Surgeon of the district to shift the child to the nodal medical institution and provide treatment.

**Agenda No. 03**

To discuss the Prison-specific readiness and response plans developed by the State Government in consultation with medical experts to deal with the Pandemic

NOT APPLICABLE

**Agenda No. 04**

To discuss about the monitoring team which is required to be set up at the State level to ensure that the directives issued with regard to prison and remand homes/Child Care Institutions by the Courts are being complied with scrupulously.

Current status- A monitoring team has been constituted under Director, Social Welfare. Seven nodal officials have been identified and given responsibility to closely monitor on a daily basis the health status of children residing in the child care institutions. The concerned District Child Protection Unit officials where these CCIs are running have also been directed to fill online 'khairiyat prativedan' (wellbeing report) of their children and report all cases of children who are testing positive or showing symptoms. The nodal officers go through these reports and provide guidance and support. The status is also monitored by the Director, Social Welfare and the Additional Chief Secretary, Social Welfare Department on a weekly basis. The CCIs are being monitored on the following indicators-

- Occupancy

- Restoration of children in cases of children in need of care and protection
- Release of children in cases of children in conflict with law
- Children showing symptoms of Covid-19 infection
- Isolation facilities inside the CCIs
- Access of CCIs to quarantine centres, Covid-care centres and hospitals
- Covid appropriate behaviour being followed inside the CCIs by both staff and children
- Availability of food, basic medicines, masks and sanitisers inside the CCIs.

#### Agenda No. 05

To discuss the steps taken by the State Government through Director General of Police to provide safe transit to the prisoners who have been released so that they may reach their homes.

NOT APPLICABLE

#### Agenda No. 06

To discuss the steps taken by the State Governments to ensure proper medical facilities to all the prisoners who are imprisoned as well as inmates and Staffs of Child Care Institutions.

Current status- Children residing in CCIs who are testing positive are given medicines in consultation with the doctors empanelled by the Health Department for Covid-19 treatment. The entire cost of treatment is borne by the concerned District Child Protection Unit (DCPU).

#### Agenda No. 07

To discuss the steps taken by the State Government for regular testing of Prisoners and Jail Staffs; Inmates and Staffs of Child Care Institutions.

Current status- Every child who is admitted in the CCI is compulsorily tested for Covid before granting admission into the institution. Even if the child tests negative, he/she is kept in institutional quarantine facility created within the CCI premises only. As far as testing of children who are already residing in the CCIs are concerned, the same is done when a child shows symptoms of Covid-19. The symptomatic child and all such children who have come in contact with him/her are tested. Both Rapid Antigen and RT-PCR tests are done through the Health Department.

#### Agenda No. 08

To discuss the steps taken by the State Government for improvement of levels of daily hygiene and sanitation required in Prisons & Child Care Institutions.

Current status- Children are being given immunity enhancement food like *kadha*, *gilloy juice* and *turmeric milk* compulsorily in all CCIs. Specific direction has been sent to all the CCIs to enhance the supply of protein rich diet in the menu for children. Homes are sanitized on a regular basis. It is strictly ensured that children wash their hands multiple times in a day and compulsorily before taking food. CCIs have been provided adequate number of hand sanitizers and masks.

#### Agenda No. 09

To discuss the suitable precautions taken by the State Government to prevent the transmission of the deadly virus amongst the inmates of the prisons/Child Care Institutions.

Current status- Following precautionary measures are being taken-

- (i) Staff have been asked to work on rotation basis complying with the direction of the State Government. Any staff who develops symptoms or if s/he has come in contact with a positive person is asked to isolate himself.
- (ii) Any new child who is admitted to the Home is compulsorily tested for Covid-19 and also kept in isolation room for 14 days.
- (iii) Children who show symptoms of Covid-19 are firstly isolated from rest of the children and then quarantined.
- (iv) The district health team is informed which visits the concerned CCI to take samples for testing. Based on symptoms and/or test reports, children are given treatment.
- (v) CCIs are being regularly sanitized and cleanliness being maintained.
- (vi) Whether Covid-appropriate behaviour is followed by both children and staff or not is being monitored through CCTV feeds by the respective nodal officers from DCPUs in the districts.
- (vii) Children are being given immunity enhancement food like *kadha*, *giloy* juice and turmeric milk. Specific direction has been sent to all the CCIs to enhance the supply of protein rich diet in the menu for children.
- (viii) From time- to- time orientation sessions have been organized in virtual mode for the CCI Persons-in-Charge and other functionaries and care-givers within the CCIs with doctors and other experts in collaboration with WHO, UNICEF and NIMHANS, who sensitise them on preventive measures, how to identify symptoms in children and themselves and dietary and daily routine to be followed for children for building immunity, for keeping oneself healthy if one tests positive and during post-covid situation.
- (ix) Lastly and most importantly, children who test positive are provided counseling support by the counsellors of the CCI and/or DCPU, as the case may be.

Agenda No. 10

To discuss the steps taken by the State Government for decongestion of prisons/Child Care Institutions.

Current status- Children's Homes for both boys and girls have the occupancy rate below the capacity of 50 children. However, as far the child care institutions for children in conflict with law are concerned, many of them are overcrowded. This is because children are not being granted bail by the concerned Juvenile Justice Boards. The current occupancy of such institutions as against their capacity of 50 children are given below-

Type of CCI	District	Occupancy (No.)	Occupancy (%)
Observation Home	Gaya	118	236%
Observation Home	Patna	110	220%
Observation Home	East Champaran	103	206%
Observation Home	Bhojpur	97	194%
Observation Home	Muzaffarpur	95	190%
Observation Home	Nalanda	63	126%
Place of Safety	Sheikhpura	86	172%

Agenda No. 11 : To discuss the identification of categories of Under Trial Prisoners (UTPs)/Convicts for release on interim bail/parole.

NOT APPLICABLE

Agenda No. 12 :To discuss the prison occupancy report to be uploaded on the website

NOT APPLICABLE

#### **4. Proposed Categories of Under Trial Prisoners/Convicts& List of Exclusions.**

A discussion was held in the meeting in respect of recommending the following categories of Under Trial Prisoners (UTPs)and the Convicts to be released on interim bail/bail/parole/provisional bail/remission, as the case may be, along with the category of cases under which under trial prisoners / convicts may be excluded from being released.

**A. Categories/Class of Prisoners that may be considered for recommendation to release by the concerned Courts on interim bail/bail.**

- 1) Those arrested for offences for which the maximum sentence prescribed is not more than 7years.
- 2) Those eligible for release under the provision of S. 436A of the Cr.P.C.
- 3) Those who are charged with offence punishable up to 7 years or less with or without fine.
- 4) Who are accused of offences with maximum sentence of 7 yrs or less with or without fine and the case is exclusively triable by the Judicial Magistrate.
- 5) Who are accused of offences with maximum sentence of 7 yrs or less and who are granted bail by the competent criminal court but not released due to inability to furnish bond or execute surety.

- O : ;
- 6) Detained under Chapter VIII of the Cr.P.C i.e. u/s 107, 108, 109 and 151 of Cr.P.C.
  - 7) Who are accused of offences with maximum sentence of 7 yrs or less and are of unsound mind and needs to be dealt under Chapter XXV of Cr.P.C
  - 8) Those with only one under trial case pending, in which maximum prescribed sentence is 7 years or less.
  - 9) Even if they have more than one case and in all other cases, he/she is "on bail" except the one for which he is being considered and the same prescribes punishment for 7 (seven) year or less
  - 10) Those with two under trial cases pending, in which maximum prescribed punishment in both cases is 7 years or less
  - 11) Those who are in judicial custody awaiting filing of police report and have been booked for any offence punishable for imprisonment up to 7 years by the concerned local Police Stations and not concerned in any other case may be released on interim bail.
  - 12) First time offenders who have been arrested or are facing trial for an offence punishable up to 7 year or less. The case is triable by Magistrate and they are in custody for last three months or more. He should be resident of Bihar.
  - 13) Those who have failed to honour the order of S.125 of Cr.P.C or in other matrimonial proceedings may be in jail and may be released with or without conditions.
  - 14) Those in custody for offences where the maximum prescribed sentence is up to 10 years and who are of ill health and/or old, with special preference to those with comorbidity (which shall be determined as per the report of the jail Medical Officer and further certified by Civil Surgeon/CMO) such as Chronic Diabetes, HIV, Serious neurological issues (not simple depression), Chronic lung disease, Severe Asthma, Serious Heart condition, Kidney Dysfunction (UTP requiring Dialysis), Hepatitis B or C, Pregnant women may also be considered as they are more vulnerable to the effects of the COVID-19 virus.
  - 15) Female inmates aged 60 years or more.
  - 16) Senior citizens more than 60 years of age and were in custody for 6 months or more, facing trial in a case which prescribes a maximum sentence of 10 years or less

- 17) Those facing trial in a case under S.307 or S.308 IPC and were in jail for more than 6 months with no involvement in any other case
- 18) Those facing trial or were remand prisoners in theft cases and were in jail for more than 15 days.
- 19) Male under trials above 65 years of age and female undertrials above 60 years of age facing trial in a case except the ones excluded and are in jail for more than 6 months with no involvement in any other case
- 20) Those who were related as father-in-law, mother-in-law, brothers-in-law, sisters-in-law of the deceased, facing trial for offence under S.498A and S.304B IPC and were in jail for more than two year with no involvement in any other case.
- 21) Those detained under the Code of Civil Procedure for not obeying the decree/order of the court.

**B. Categories/Class of Convicts that may be recommended by the HPC to be considered for release on Parole/provisional bail.**

- 1) Those who have been sentenced to imprisonment up to 7 years or less with or without fine.
- 2) Civil Prisoners, who were imprisoned for flouting or disobedience of the order passed by the Civil Courts.
- 3) Extension of Parole for those who are already on Parole
- 4) Who have already availed one parole or one furlough peacefully and surrendered in time to be granted fresh one-time special parole on the same set of sureties, if sureties give their consent for fresh parole.
- 5) Those who are above the age of 65 years may be granted special parole.
- 6) Those who have no pending trial cases and sentences for 7 years or less, with or without fine may be considered for expeditious parole.
- 7) Those sentenced in one case for 7 years or less, with or without fine, and having one or more under trial cases, if the prisoner has availed last one parole peacefully and should be on bail in under trial case/s.
- 8) Convict prisoners of simple offences or prisoners falling under the category of hard-core prisoners for single offence whose 1st Parole/furlough case was sanctioned by the sanctioning authority after completing the requisite

conditions and their parole/furlough has been granted by the competent authority but they could not furnish the surety/security to the District Magistrate concerned in the prescribed time as mentioned in the Temporary Release Warrant.

- 9) Those who have undergone their substantive sentences and undergoing sentence for non-payment of fine and are not involved in any other case
- 10) Whose sentence is up to seven years but they are also convicted in multiple cases. However, they have already undergone/acquitted or sentenced for fine only, in all other matters and undergoing sentence in last case with no other under trial case.
- 11) Release under S.432 of Cr.P.C (suspension or remission of sentence).
- 12) Those who had been sentenced for 10 years and had already completed 9.5 years including regular remission could be considered for 6 months special remission of sentence by the Home department.
- 13) Those who were sentenced for 7 years or more, but less than 10 years and were left with only five months to complete the sentence could be considered for 5 months special remission of sentence.
- 14) Those who were sentenced for 5 years or more but less than 7 years and were left with 4 months to complete the sentence could be considered for 4 months special remission of sentence.
- 15) Those who were sentenced for 3 years or more but less than 5 years and were left with only 3 months to complete the sentence could be considered for 3 months special remission of sentence.
- 16) Those who were sentenced for 1 year or more but less than 3 years and were left with only 2 months to complete their sentence could be considered for 2 months special remission of sentence.
- 17) Those of 70 years of age or more and vulnerable to the possibility of contracting COVID-19 infection, granting of parole may be considered by the competent authority.
- 18) Those sentenced up to 10 years and suffering from chronic diseases or pre-existing conditions as follows (which shall be determined as per the report of the jail Medical Officer and further certified by Civil Surgeon or the CMO) – Chronic Diabetes, HIV, Serious neurological issues (not simple depression),



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Chronic lung disease, Severe Asthma, Serious Heart condition, Pregnant women may also be considered.

19) Those aged 65 years and above –

- I. Having no pending under trial cases and sentenced up to 10 years, with or without fine.
- II. Sentenced in one case up to 10 years, with or without fine, and having up to two under trial cases, and is on bail in the undertrial cases and should have availed the last parole peacefully.

20) All those who have been convicted in one case only and have spent more than 10 years (eight years in case of women) in jail.

C. Category of cases under which under trial prisoners / convicts may be excluded from being released.

- 1) Offences under Special Acts (other than IPC) like, NDPS, TADA, POTA, UAPA, Explosives Substances Act, Anti Hijacking Act, NDPS (Other than personal consumption), POCSO etc. (which provide for additional restrictions on grant of bail in addition to those under Cr.P.C)
- 2) Laws dealing with terrorism.
- 3) Prevention of Money Laundering Act.
- 4) Prevention of Corruption Act.
- 5) Unlawful Activities (Prevention) Act.
- 6) Any or all offences against women and children.
- 7) Bihar Control of Crime Act.
- 8) Arms Act.
- 9) Any offences against the national security.
- 10) All offences being investigated by the National Investigation Agency/CBI/ED/Special Branch of Police.
- 11) Economic offence and Financial fraud with Bank, NBFC, public at large
- 12) Inmate who has been previously convicted by the court of competent jurisdiction in another offence/s and same is yet not set aside by the Higher Court.
- 13) Habitual offenders relating to any offence.
- 14) Acid Attack Cases.
- 15) Resident outside of Bihar.

## 5. Resolutions

The Committee deliberated on the agenda along with the responses received from IG prisons and Correctional Services Home Department (Prisons), Govt. of Bihar & Department of Social Welfare and resolved as follows:

### AGENDA No. 1

To discuss the steps taken by the State Government to stop the physical presence of all the under trial prisoners/inmates of Observation Homes before the courts/Juvenile Justice Boards and recourse to video conferencing for all purposes.

The chairman suggested that apart from *e-mulakat* facility, the inmates in the prison be also facilitated to consult their lawyers for legal assistance through video conferencing/telephonic conversation facility and such facility be also widely advertised and published in newspapers for the awareness of the prisoners, their family members and advocates.

He has also suggested that the video conferencing facility should be extended for trial purposes as well. The Addl. Chief Secretary, Home Department and IG, Prisons have apprised the Committee that the proposal for installation of a multiscreen VC system in jails and courts to enable the online production and trial of prisoners is in pipeline and it will be installed very soon. They also assured that the suggestions made by the Chairman shall be complied with.

Since the Department of Social Welfare has not yet constructed Observation Homes in each district and presently JJBs are conducting inquiries through virtual mode, the Director Department of Social Welfare has assured the Chairman that Department shall depute sufficient and permanent technical manpower at each VC point for the effective implementation of Video Conferencing between Observation Homes and JJBs.

### AGENDA No. 2

To discuss the arrangements made by the State Government to avoid delay in shifting the sick prisoners/inmates of Child Care Institutions to a Nodal Medical Institution in case of any possibility of COVID infection is seen.

It is resolved that :

- a. The SOP prepared for the treatment of inmates suffering from COVID-19 and the measures to be adopted in Prison at different stages will be followed strictly

in all Prison in the State of Bihar.

- b. On being informed by the Director, Department of Social Welfare that an isolation ward has been made in each Observation Home in the same building, the Chairman is of the view that such Isolation ward in the same building is against the COVID protocol, as there is imminent threat of spread of COVID to other inmates due to the access of common area, bathroom and kitchen by other inmates of Observation Homes. The Director, Department of Social Welfare has assured that the department will identify the school buildings (in which physical classes are suspended due to COVID-19) in each district situated near Child Care Institutions to isolate the inmates of Child Care Institutions who reflects the symptoms of COVID-19 or for quarantine purpose for new juveniles being sent to Observation Homes by JJBs.

#### **AGENDA No. 3**

**To discuss the Prison-specific readiness and response plans developed by the State Government in consultation with medical experts to deal with the Pandemic.**

It is resolved that :

- a. Prison specific readiness and response plans as developed by each prison under general guidelines issued vide departmental letter no-2366 dated-27.03.2020 will be followed scrupulously.
- b. Keeping in view of the predictions of the upcoming third wave of COVID-19 and the possibility of children being affected the most by the same, the Committee is of the view that the Department of Social Welfare shall be in all readiness to deal with the spread of the Pandemic in all Child Care Institutions in the State of Bihar and to develop a response plan in consultation with the medical experts and submit the same before the Committee.

#### **AGENDA No. 4**

**To discuss about the monitoring team which is required to be set up at the state level to ensure that the directives issued concerning prison and remand homes/Child Care Institutions by the Courts are being complied with scrupulously.**

It is resolved that the monitoring teams shall scrupulously follow the directions issued by the Courts in respect of Prison /Observation Homes and Child Care

Institutions and shall keep functioning till further recommendations of the Committee in this regard.

#### AGENDA No. -5

To discuss the steps taken by the State Government through the Director General of Police to provide safe transit to the prisoners who have been released so that they may reach their homes.

It was submitted by IG, Prisons, Bihar that they co-ordinate with the authorities and such affairs are being managed smoothly. Further, the Director, Department of Social Welfare, Govt. of Bihar submitted that the directions have already been given to all the ADCPUs to issue passes to the released children to ensure their safe transit to their home and no case has been reported yet for any such difficulty in transit of released children.

The Committee resolves to continue the steps taken by the IG, Prisons and concerning the release of children from Observation Home, it is resolved that the Department of Social Welfare shall issue passes to the family members along with the child to ensure the safe transit of child from Observation Home to their respective place of residence.

#### AGENDA No. -6

To discuss the steps taken by the State Governments to ensure proper medical facilities for all the prisoners who are imprisoned as well as inmates and Staffs of Child Care Institutions.

The Chairman suggested that N-95 masks be provided to the prisoner and visitors to the employees deputed in Prison for the safety of inmates. The Additional Chief Secretary (Home Department) & IG, Prisons and Correctional Services have assured that the suggestions made by the Chairman shall be complied with.

It has also been suggested by the Chairman that a dedicated team of doctors be attached with each Child Care Institution for at least one visit per day. Apart from such attachment of team of doctors, the deputation of permanent nursing staff be ensured in each Child Care Institution to meet out any medical emergency and care. The Director, Social Welfare Department has assured that the suggestions made by the Chairman shall be complied with.

#### AGENDA No. -7

To discuss the steps taken by the State Government for regular testing of Prisoners and Jail Staffs; Inmates and Staffs of Child Care Institutions.

The Committee resolves to continue with the procedure as is being followed in the prison and child care institutions at the time of entry of inmates and testing of inmates, already residing therein along with the staff.

#### AGENDA No. - 8

To discuss the steps taken by the State Government for improvement of levels of daily hygiene and sanitation required in Prison & Child Care Institutions.

The Committee resolves to continue the steps taken in Prison and child care institutions for the improvement of levels of daily hygiene and routine sanitization.

#### AGENDA No. - 9

To discuss the suitable precautions taken by the State Government to prevent the transmission of the deadly virus amongst the inmates of the Prison/Child Care Institutions.

The Chairman suggested that to break the monotonous daily routine and to distract the minds of inmates, in addition to the steps already taken in Prison and child care institutions, they may be provided indoor and outdoor sports facilities. It has been further suggested by the Chairman that suitable steps be taken to promote recreational activities and Yoga teaching amongst the inmates of the prison and the child care institutions. The members of the committee have assured to take suitable steps in this regard.

#### AGENDA No. - 10

To discuss the steps taken by the State Government for decongestion of Prison/Child Care Institutions.

#### AGENDA No. - 11

To discuss the identification of categories of Under Trial Prisoners (UTPs)/Convicts for release on interim bail/parole.

As both agenda no. 10 & 11 are related to each other, hence taken together for discussion.

The Committee discussed the way outs for decongestion of Prison/child care institutions and issues related with identification of prisoners/convicts for their release at length including the possibility of granting remission by State Govt., implementation of Hon'ble Supreme Court Judgement in the case of Arnesh Kumar vs. State of Bihar (2014) 8 SCC 273 in its letter and spirit, releasing inmates on bail, parole/provisional bail etc.

The proposed list of categories of Under Trial Prisoners who may be recommended for release on interim bail/bail, sympathetically and favourably, by the concerned Courts or be considered for remission or parole/provisional bail, as the case may be and who may be excluded from this benefit, has been provided to the Additional Chief Secretary, Home Department, Govt. of Bihar & IG, Prisons & Correctional Services. In this regard, they have sought for one week time in order to discuss and deliberate on the aforesaid proposed list at their own level. They have assured to convey the stand of the Government on the proposed list of categories of UTPs (Under Trial Prisoners) and convicts to be released on interim bail/bail/parole/provisional bail/ remission as the case may be in the next meeting. The Committee resolves to take up this issue again in its next meeting, scheduled to be held on 04-06-2021.


For decongestion of Child Care Institutions particularly the Observation Homes, the Director, Department of Social Welfare informed that 3 Observation Homes in Jehanabad, Khagaria and Nawadah and 1 Place of Safety in Aurangabad will start functioning by 01.06.2021, whereas the newly constructed Place of Safety at Saharsa has been made functional. The Committee resolves that all efforts be taken to make the aforesaid Child Care Institutions (CCIs) functional as early as possible and to decongest the overcrowded CCIs at the earliest.

#### AGENDA No. - 12


To discuss the prison occupancy report to be uploaded on the website.

The committee resolves to continue with such practice in a routine manner.

1. Justice Ashwani Kumar Singh,  
Judge, Patna High Court cum  
Executive Chairman,  
Bihar State Legal Services Authority.

  
.....  
Chairman


2. Sri. Chaitanya Prasad  
Addl. Chief Secretary, Home Department  
Govt. of Bihar.

  
.....  
Member

3. Sri. Mithilesh Mishra,  
IG, Prisons & Correctional Services,  
Home Department, Govt. of Bihar

मिथिलेश मिश्र

Member

  
True Copy

Minutes of Meeting of the High-Power Committee (for short 'Committee'), Bihar dated 04-06-2021 constituted in the light of Order dated 23-03-2020 passed by Hon'ble Supreme Court of India In Re: Contagion of Covid-19 Virus in Prison (Suo Motu Writ Petition (C) No. 1/2020) Chaired by Hon'ble Mr Justice Ashwani Kumar Singh, Judge, Patna High Court cum Executive Chairman, BSLSA, Patna with members namely Sri. Chaitanya Prasad, Additional Chief Secretary, Home Department, Government of Bihar, Sri. Mithilesh Mishra, IG, Prisons & Correctional Services, Bihar,

Special Invitees: Sri Rajkumar, Director, Department of Social Welfare, Government of Bihar.

The Committee was assisted by Sri Krishna Murari Sharan Member Secretary, Bihar State Legal Services Authority, Ms Dhriti Jasleen Sharma, Joint Secretary, Bihar State Legal Services Authority & Sri. Suvash Chandra Sharma, Additional Registrar, Juvenile Justice Secretariat, Patna High Court.

#### Agenda of the Meeting

1. The action taken reports of IG Prisons and Correctional Services Home Department (Prisons), Govt. of Bihar & Department of Social Welfare, Govt. of Bihar pursuant to the meeting held by the Committee on 28-05-2021 to be presented before the committee.
2. The deferred agenda no. 10 & 11 of the last meeting dated 28-05-2021 related with the steps taken by the State Government for decongestion of prisons/Child Care Institutions & identification of categories of UTPs (Under Trial Prisoners) and convicts to be released on interim bail/bail/parole/provisional bail/remission as the case may be.

#### Agenda No. 1 (Action Taken Reports)

The IG Prisons and Correctional Services Home Department (Prisons), Govt. of Bihar & Department of Social Welfare, Govt. of Bihar have submitted their respective action taken reports on the agendas discussed in the meeting held on 28-05-2021.



A. The report submitted by IG prisons and Correctional Services Home Department (Prisons), Govt. of Bihar reads as under.

1. To discuss the steps taken by the State Government to stop the physical presence of all the under-trial prisoners/inmates of observation homes before the courts/Juvenile Boards and recourse to video conferencing for all-purpose.

Action Taken

(a) A request letter vide departmental letter no-4357 dated-01.06.2021 enclosing a press note has been issued to Director, Information and Public Relation Department, Bihar for publishing the press note regarding *e-mulakat* facility available in prisons of the state, in National and State level newspapers so that people may become aware of it.

(b) The jail superintendents are also directed to advertise the *e-mulakat* facility available in prisons in the local newspaper and digital media as well as inside and outside prison premises through flexi board. They are also directed to issue a letter to the Secretary, District Legal Services Authority and Chairman, District Bar Association about the *e-mulakat* facility available in prisons vide departmental letter no-4430 dated-02.06.2021.

(c) A meeting chaired by Additional Chief Secretary, Home Department was convened on 01.06.2021 regarding Multi Video Conferencing facility to be installed in Courts and Prisons for trial purposes also. The decision regarding the installation of Multi Video Conferencing has been taken in that meeting and M.D. BELTRON has been directed by Additional Chief Secretary, Home Department to expedite the process of installation of Multi Video Conferencing system at the earliest.

2. To discuss the arrangements made by the State Government to avoid delay in shifting sick prisoners/inmates of Child Care Institutions to a Nodal Medical Institution in case of any possibility of Covid infection is seen.

Action Taken

The Standard Operating Procedure (SOP) dated-23.07.2020 prepared by the Prison Department to prevent the spread of Covid-19 in prisons and for the treatment of inmates suffering from Covid-19 as well as the measures to be adopted in prison at different stages is being strictly followed in all prisons in the State of Bihar.

3. To discuss the Prison specific readiness and response plans developed by the State Government in consultation with medical experts to deal with the Pandemic.

**Action Taken**

(i) Prison specific readiness and response plans have been developed by each prison under the general guidelines issued by the departmental letter no-2366 dated-27.03.2021 are being scrupulously followed in all prisons in the State of Bihar.

(ii) The committee constituted vide departmental memo no-2342 dated-24.03.2020 under the chairmanship of Director Health Services (Prisons) at the inspectorate level met again on 02.06.2021 to monitor the status of compliance of various guidelines/SOP by the prisons of the State for the prevention of the spread of Covid-19 as well as for the treatment of inmates suffering from Covid-19 at different stages. The committee found that due to the directions issued by the department the spread of infection of Covid-19 in prisons is under control.

4. To discuss about the monitoring team which is required to be set up at the state level to ensure that the directives issued with regard to prisons and remand homes/ child care institutions by the Courts are being complied with scrupulously.

**Action Taken**

The monitoring committee constituted vide departmental memo no-2341 dated-24.03.2020 under the chairmanship of Joint Secretary cum Director Administration at the inspectorate level met on 31.05.2021 to monitor the status of compliance of various guidelines/SOP by the prisons of the State for the prevention of the spread of Covid-19 as well as for the treatment of inmates suffering from Covid-19 at different stages. The committee found that due to the directions issued by the department and proper monitoring the spread of infection of Covid-19 in prisons is under control.

5. To discuss the steps taken by the State Government through the Director-General of Police to provide safe transit to the prisoners who have been released so that they may reach their homes.

**Action Taken**

(a) The prison inspectorate is in regular coordination with the police department for smooth management of such affairs.

Agenda No.- 6. To discuss the steps taken by the State Government to ensure proper medical facilities for all the prisoners who are imprisoned as well as inmates and staffs of Child Care Institutions.

**Action Taken**

(a) All jail superintendents have been directed to procure and provide N-95 masks for inmates and visors for employees vide departmental memo no-4352 dated-31.05.2021. The jail superintendents have placed orders to Bihar Medical Services and Infrastructure Corporation for procurement of N-95 masks and visors.

An order of almost one lakh twenty thousand N-95 masks has been placed and is expected to be supplied soon by Bihar Medical Services and Infrastructure Corporation.

**7. To discuss the steps taken by the State Government for regular testing of Prisoners and Jail staffs, Inmates and Staffs of Child Care Institutions.**

**Action Taken**

(a) For the new inmates twenty prisons/part of prisons have been declared as quarantine prisons where the new prisoners are kept for fourteen days.

(b) Regular health review/supervision of every security personnel is being done by the Medical Officer-in-charge to ensure that all personnel are healthy. If any personnel show symptoms of COVID-19 such as cold, cough and fever etc, immediate Covid Testing is done. If the suspect personnel tests positive then he must be admitted to the Covid Care Centre as per the opinion of the doctor. The contact he has made is also traced and quarantine the persons he came in contact with are quarantined and are tested for Covid infection. The prisoners he came in contact with are also traced and they are tested for COVID-19. If inmates are found positive then they are sent to Covid Care Centre. This process and protocol will be followed up further.

**8. To discuss the steps taken by the State Government for improvement of levels of daily hygiene and sanitation required in Prisons & Child Care Institutions.**

**Action Taken**

(a) Regular sanitization of whole prison premises and prisoner's ward with disinfectant (Bleaching Powder, soap or Spirit-based disinfectant) is being ensured.

(b) Awareness among the prisoners and prison staffs regarding prevention, causes, symptoms and treatment of the disease is being generated regularly. Medical Officers and local medical experts are being engaged for the same. Posters and banners are placed at strategic locations in and outside the prisons. Audio messages are being aired by using the public address systems installed in prisons regularly.

(c) The prisoners are being awarded (i) to use masks, wash hands frequently with soap and water and use sanitizer (ii) to use disposable tissue or handkerchief while coughing or sneezing (iii) to use arm while coughing or sneezing in the event of not having handkerchief, (iv) not to touch the nose and mouth with hands without handwashing (v) try not to come into contact with an infected person etc.

(d) Sanitizer bottles/soaps are kept at important places in prison.

(e) Fogging machine is available in most of the prisons. Local municipal authorities are also sanitizing the prison premises regularly.

(f) Compliance with the guidelines given by the Ministry of AYUSH, Government of India and the Department of Health, Government of Bihar for increasing immunity of prisoners and encourage "Self-care" is being ensured.

(g) The prisoners are being made aware of the use of hot water for drinking and they are being provided with a sufficient amount of hot water for this.

(h) The prisoners suffering from cold, cough etc. are being provided steam in the morning and evening.

(i) "KADHA" is being made available to the inmates for drinking every morning and evening.

(j) Apart from this, necessary measures are being taken to increase the immunity of the prisoners according to the local needs and as per the advice of the prison Medical officer and Civil surgeon.

(k) The prisoners are being encouraged to maintain social distancing and a time-wise distribution schedule of food for prisoners to avoid crowding.

(l) The prison officers and staff have been imparted training for taking care of sick prisoners /staffs.

(m) Above arrangements will be continued and monitored.

9. To discuss the suitable precautions taken by the State Government to prevent the transmission of the deadly virus amongst the inmates of the prisons/Child Care Institutions.

#### Action Taken

(a) All jail superintendents have been directed to start yoga, exercise, music, library, literacy programmes, indoor and outdoor sports and other recreational activities in a limited way and in a small group of inmates to ease the stress level of inmates vide departmental memo no-4352 dated-31.05.2021.

10. To discuss the steps taken by the State Government for the decongestion of prisons.

#### Action Taken

(a) Prisoners are regularly being transferred from overcrowded prisons to such prisons where the number of inmates is less than the prison capacity.

(b) Thirty-two prisoners have been recommended for premature release in the meeting of the State Sentence Remission Board on 19.05.2021.

(c) Direction has been issued to all Jail Superintendents vide Departmental memo no-3981 dated-11.05.2021 to release all the eligible prisoners by granting them the admissible remission.

Fifty (50) prisoners have been released from prisons through this process so far and it is going on. More prisoners will be released in near future and the process is being monitored by Inspectorate.

(d) The Jail Superintendents have been directed to do the needful for the release of prisoners on interim bail, who are not accused of heinous crimes, by requesting the concerned District and Sessions Judge vide departmental letter no-3981 dated-11.05.2021.

11. To discuss the identification of categories of Under Trial Prisoners/Convicts for release on interim bail/Parole.

**Action Taken**

(a) It was agreed in the meeting of the High Powered Committee on 28th May 2021 that the cases of parole and furlough need not be considered. Rather the regular bail of under trial prisoners subject to some conditions will be considered.

12. To discuss the prison occupancy report to be uploaded on the website.

**Action Taken**

(a) The monthly data of prison capacity and the actual number of prisoners confined in prisons are being regularly uploaded on the website. The latest report of 31.05.2021 has been uploaded.

Note:- (a) Approx 93% of the total prisoners confined in different Prisons of the state have been vaccinated till date.

**B. The report submitted by the Department of Social Welfare, Govt. of Bihar reads as under.**

1. To discuss the steps taken by the State Government to stop the physical presence of all the under-trial prisoners/inmates of Observation Homes before the courts/Juvenile Justice Boards and recourse to video conferencing for all purposes.

**Action Taken**

With regard to above, this is informed that the Department has equipped all the JJBs and Observation Homes with installations that would help them hold hearings through video conferencing. Video conferencing facilities have been installed in all the Observation Homes and linked with JJB. This would be the permanent arrangement for facilitating hearing in cases of children before the Board. As far as virtual hearings

are concerned, this is a temporary measure at the discretion of the Juvenile Justice Board as per the direction of the Hon'ble High Court or Hon'ble JJMC.

2. To discuss the arrangements made by the State Government to avoid delay in shifting sick prisoners/inmates of Child Care Institutions to a Nodal Medical Institution in case of any possibility of COVID infection is seen.

#### Action Taken

1. DCPUs have been directed in this regard to earmark such Government schools in the vicinity of the Home within a radius of 1 km, which can be used as isolation facility in case there are requirements. Alternatively, the Government isolation facilities in the district may also be used.
2. Though there is no regular deputation of doctors in these CCIs, they are attached to the District Hospital and necessary medical support is provided there. However, the Department would write to the Health Department for deputation of doctors in these Homes.
3. The unfortunate incident of children running away from the Covid Care Centre in Saran happened because most of the staff at Saran Observation Home had also fallen sick due to Covid-19. All necessary steps would be taken to ensure that no such incident is repeated in future.

3. To discuss the Prison-specific readiness and response plans developed by the State Government in consultation with medical experts to deal with the Pandemic

#### Action Taken

This will be done in consultation with doctors and paediatricians from AIIMS, PMCH, IGIMS and other expert doctors and public health experts from agencies like UNICEF, Care India, Doctors for You etc. A detailed preparedness plan based on the consultation shall be prepared and executed by the end of this month.

4. To discuss about the monitoring team which is required to be set up at the State level to ensure that the directives issued with regard to prison and remand homes/Child Care Institutions by the Courts are being complied with scrupulously.

#### Action Taken

A monitoring team has been constituted under Director, Social Welfare. Seven nodal officials have been identified and given responsibility to closely monitor on a daily basis the health status of children residing in the child care institutions. The concerned District Child Protection Unit officials where these CCIs are running have also been directed to fill online '*khairiyat pralivedan*' (wellbeing report) of their children and report all cases of children who are testing positive or showing

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symptoms. The nodal officers go through these reports and provide guidance and support. The status is also monitored by the Director, Social Welfare and the Additional Chief Secretary, Social Welfare Department on a weekly basis. The CCIs are being monitored on the following indicators-

- Occupancy
- Restoration of children in cases of children in need of care and protection
- Release of children in cases of children in conflict with law
- Children showing symptoms of Covid-19 Infection
- Isolation facilities inside the CCIs
- Access of CCIs to quarantine centres, Covid-care centres and hospitals
- Covid appropriate behaviour being followed inside the CCIs by both staff and children
- Availability of food, basic medicines, masks and sanitisers inside the CCIs.

5. To discuss the steps taken by the State Government through Director General of Police to provide safe transit to the prisoners who have been released so that they may reach their homes.

**Action Taken**

This is a very important suggestion. A direction in this regard has been sent to all the concerned DCPUs.

6. To discuss the steps taken by the State Governments to ensure proper medical facilities to all the prisoners who are imprisoned as well as inmates and Staffs of Child Care Institutions.

**Action Taken**

1. Currently, there are sanctioned positions for doctors (part time) and nurses (full time) for the specialized adoption agencies which are meant for the care of 0-6 year's age group children. There is a position of para-medical staff for all the CCIs including Observation Homes and Children's Homes and they are placed there. A request to depute doctor for the CCIs was made in the past to the Health Department.
2. The treatment cost of children is borne by the Government including specialized treatment or where ICU is needed.
3. Staffs of CCIs are assisted to get treated in the Government hospitals recognized by the State Government for the purpose of Covid-19 treatment. The process of bringing them under group health insurance scheme is underway.

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7. To discuss the steps taken by the State Government for regular testing of Prisoners and Jail Staffs; Inmates and Staffs of Child Care Institutions.

**Action Taken**

Already discussed above under Agenda No. 2

8. To discuss the steps taken by the State Government for Improvement of levels of daily hygiene and sanitation required in Prisons & Child Care Institutions.

**Action Taken**

Homes are sanitized on a regular basis. It is strictly ensured that children wash their hands multiple times in a day and compulsorily before taking food. CCIs have been provided adequate number of hand sanitisers and masks.

9. To discuss the suitable precautions taken by the State Government to prevent the transmission of the deadly virus amongst the inmates of the prisons/Child Care Institutions.

**Action Taken**

Following precautionary measures are being taken-

- (i) Staff have been asked to work on rotation basis complying with the direction of the State Government. Any staff who develops symptoms or if s/he has come in contact with a positive person is asked to isolate himself.
- (ii) Any new child who is admitted to the Home is compulsorily tested for Covid-19 and also kept in isolation room for 14 days.
- (iii) Children who show symptoms of Covid-19 are firstly isolated from rest of the children and then quarantined.
- (iv) The district health team is informed which visits the concerned CCI to take samples for testing. Based on symptoms and/or test reports, children are given treatment.
- (v) CCIs are being regularly sanitized and cleanliness being maintained.
- (vi) Whether Covid-appropriate behaviour is followed by both children and staff or not is being monitored through CCTV feeds by the respective nodal officers from DCPUs in the districts.
- (vii) Children are being given immunity enhancement food like *kadha*, *gloy* juice and turmeric milk. Specific direction has been sent to all the CCIs to enhance the supply of protein rich diet in the menu for children.



- (viii) From time- to- time orientation sessions have been organized in virtual mode for the CCI Persons-in-Charge and other functionaries and care-givers within the CCIs with doctors and other experts in collaboration with WHO, UNICEF and NIMHANS, who sensitise them on preventive measures, how to identify symptoms in children and themselves and dietary and daily routine to be followed for children for building Immunity, for keeping oneself healthy if one tests positive and during post-covid situation.
- (ix) Lastly and most importantly, children who test positive are provided counseling support by the counsellors of the CCI and/or DCPU, as the case may be.

**10. To discuss the steps taken by the State Government for decongestion of prisons/Child Care Institutions.**

**Action Taken**

The Place of Safety at Saharsa and Observation Home at Khagaria have become functional. Observation Homes in Nawada and Jehanabad shall become operational from 10<sup>th</sup> June onwards. Necessary logistics and human resources for running of these Homes have already been made. The Home buildings in Rohtas, Siwan and West Champaran are also in the final stage and would start soon. The Department is following up with the concerned District Magistrates for transfer of children from the Place of Safety Sheikhpura and Observation Homes in Gaya to Place of Safety at Saharsa and Aurangabad. The Place of Safety at Aurangabad shall start functioning with children transferred there by 10<sup>th</sup> of this month.

**11. To discuss the identification of categories of Under Trial Prisoners (UTPs)/Convicts for release on interim bail/parole.**

**Action Taken**

Though not applicable in our context, however similar approach needs to be taken urgently in case of juveniles in observation homes which is also mandated as per the JJ Act.

**12. To discuss the prison occupancy report to be uploaded on the website**

**Action Taken**

Though not applicable in our context, but can be done for CCIs too.

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Resolution: The Committee expresses its satisfaction on the action taken reports submitted by the IG Prisons and Correctional Services Home Department (Prisons), Govt. of Bihar & Department of Social Welfare, Govt. of Bihar.

**Agenda No.2:** (The deferred agenda no. 10 & 11 of the last meeting dated 28-05-2021 related with the steps taken by the State Government for decongestion of prisons/Child Care Institutions & identification of categories of Under Trial Prisoners and convicts to be released on Interim bail/bail/parole/provisional bail/ remission as the case may be)

**Resolutions:**

The Committee deliberated on this agenda along with the action taken reports received from IG Prisons and Correctional Services Home Department (Prisons), Govt. of Bihar & Department of Social Welfare and considered the issues therein.

The Additional Chief Secretary, Home Department, Govt. of Bihar & IG Prisons and Correctional Services Home Department (Prisons), Govt. of Bihar have avowed that though there is overcrowding in some of the jail but the situation is under control. Further, they have raised their apprehension that if the Under Trial Prisoners are released on interim bail for a certain period and if they came back to the jail there is no guarantee that may not come infected and further complicate the situation prevailing in the jail.

Hence, in view of the apprehensions raised by the members, the committee took a view that instead of recommending release of UTPs on interim bail the identified categories of the Under Trial Prisoners be recommended for release on bail during the period of trial.

The Committee unanimously resolves to recommend as follows:

**A. Release of Under Trial Prisoners:** To release the following categories of Under Trial Prisoners on bail by the concerned courts as one time measure during the prevailing circumstances of COVID-19 Pandemic.

- 1) Those arrested for offences for which the maximum sentence prescribed is not more than 7years subject to the exclusion of cases mentioned in the '*Exclusion List*' at column 'C' below.

- 2) Those eligible for release under the provision of S. 436A of the Cr.P.C.
- 3) Detained under Chapter VIII of the Cr.P.C i.e. u/s 107, 108 and 151 of Cr.P.C.
- 4) Those in custody for offences where the maximum prescribed sentence is up to 10 years and are suffering from terminal illness/covered under medical condition prescribed by Government of India as comorbidity condition for vaccination of Covid 19 viz.

1. Heart failure with hospital admission in the past year
2. Post cardiac transplant/Left Ventricular Assist Device (LVAD)
3. Left ventricular systolic dysfunction (LVEF < 40%)
4. Moderate or Severe Valvular Heart Disease
5. Congenital heart disease with severe PAH or Idiopathic PAH
6. Coronary Artery Disease with past CABG/PTCA/ MI and Hypertension/Diabetes on treatment.
7. Angina and Hypertension/Diabetes treatment
8. CT/MRI documented stroke and Hypertension/Diabetes on treatment
9. Pulmonary artery hypertension and Hypertension/ Diabetes on treatment
10. Diabetes (>10 years or with complication) and Hypertension on treatment
11. Kidney/Liver/Hematopoietic stem cell transplant: Recipient/ On wait-list
12. End stage Kidney Disease on haemodialysis/ CAPD.
13. Current prolonged use of oral corticosteroids/ immunosuppressant medications.
14. Decompensated cirrhosis.
15. Severe respiratory disease with hospitalisations in last two years/FEV1 <50%
16. Lymphoma/ Leukaemia/ Myeloma.
17. Diagnosis of any solid cancer on or after July 1, 2020 or currently on any cancer therapy.
18. Sickle Cell Disease/ Bone marrow failure/Aplastic Anemia/Thalassemia Major.

19. *Primary Immunodeficiency Diseases/ HIV infection.*

20. *Persons with disabilities due to Intellectual disabilities/ Muscular Dystrophy/ Acid attack with involvement of respiratory system/Persons with disabilities having high support needs/Multiple disabilities including deaf-blindness.*

This shall be determined as per the report of the jail Medical Officer and further certified by the District Medical Board of the district. Pregnant women may also be considered as they are more vulnerable to the effects of the COVID-19 virus.

- 5) Those detained under the Code of Civil Procedure at the instance of the State (being party to the suit/appeal etc.) for not obeying the decree/order of the court.

**B. Release of Convicts:** For the release of convicts on parole/remission, in view of the concerns expressed by the members of the Committee, it is resolved not to release any convicts on parole. However, the Committee resolves to recommend release of following categories of convicts on remission:

- 1) Those who had been sentenced for 10 years and had already completed 9.5 years including regular remission could be considered for 6 months special remission of sentence by the Home department.
- 2) Those who were sentenced for 7 years or more, but less than 10 years and were left with only five months to complete the sentence could be considered for 5 months special remission of sentence.
- 3) Those who were sentenced for 5 years or more but less than 7 years and were left with 4 months to complete the sentence could be considered for 4 months special remission of sentence.
- 4) Those who were sentenced for 3 years or more but less than 5 years and were left with only 3 months to complete the sentence could be considered for 3 months special remission of sentence.
- 5) Those who were sentenced for 1 year or more but less than 3 years and were left with only 2 months to complete their sentence could be considered for 2 months special remission of sentence.

**C. Exclusion List:** The Committee further resolves to approve following category of cases under which under trial prisoners / convicts be excluded from being released.

- 1) Offences under Special Acts (other than IPC) like, NDPS, TADA, POTA, UAPA, Explosives Substances Act, Anti Hijacking Act, NDPS (Other than personal consumption), POCSO etc. (which provide for additional restrictions on grant of bail in addition to those under Cr.P.C)
- 2) Laws dealing with terrorism.
- 3) Prevention of Money Laundering Act.
- 4) Prevention of Corruption Act.
- 5) Unlawful Activities (Prevention) Act.
- 6) Any or all offences against women and children.
- 7) Bihar Control of Crime Act.
- 8) Arms Act.
- 9) Any offences against the national security.
- 10) All the offences being investigated by the National Investigation Agency/CBI/ED/Special Branch of Police.
- 11) Economic offence and financial fraud with Bank, NBFC, public at large
- 12) Inmate who has been previously convicted by the court of competent jurisdiction in another offence/s and same is yet not set aside by the Higher Court.
- 13) Habitual offenders relating to any offence.
- 14) Acid Attack Cases.
- 15) Resident outside of Bihar.

It is also resolved that to identify the prisoners who are eligible as per the criterion set out by the Committee and to implement the directions of the Committee, the Bihar State Legal Services Authorities (BSLSA) with its district-level functionaries and district jail authorities will take all suitable steps to identify the eligible prisoners under the criteria determined by the Committee. As a good practice, lawyers visiting jails and paralegal volunteers may use digital means to coordinate with jail authorities to actively identify the eligible undertrial prisoners.

The BSLSA and District Legal Services Authorities (DLSA) may depute panel lawyers to draft and file bail applications and prison authorities has to provide all assistance in facilitating the drafting of bail applications, taking signature of inmate on

vakalatnama, etc. For this, the BSLSA & DLSA have to encourage the panel lawyers/paralegal volunteers to be in touch with the concerned Jail Superintendents/Jailors. The bail applications may be filed online/through e-mail to prevent crowds from gathering in courts and to comply with the social distancing norm.

The committee further resolved that the resolutions of the Committee regarding identification and release of prisoners be widely publicised and circulated by the State Government, so that the entitled prisoners and their relatives make themselves aware about the same and take suitable steps at their own level for getting the benefits.

So far as the matter related with decongestion of Child Care Institutions particularly Observation Homes and Place of Safety, the Director, Dept. of Social Welfare, Govt of Bihar has apprised the Committee that the Place of Safety at Saharsa and Observation Home at Khagaria have become functional. Observation Homes in Nawada and Jehanabad shall become operational from 10th June onwards. Necessary logistics and human resources for running of these Homes have already been made. The Home buildings in Rohtas, Siwan and West Champaran are also in the final stage and would start soon. The Department is following up with the concerned District Magistrates for transfer of children from the Place of Safety Sheikhpura and Observation Homes in Gaya to Place of Safety at Saharsa and Aurangabad. The Place of Safety at Aurangabad shall start functioning with children transferred there by 10th of this month. The Chairman suggested that all efforts should be taken to make all the newly constructed Child Care Institutions functional by the end of this month. The Director, Dept. of Social Welfare, Govt. of Bihar has assured to take suitable steps in this regard.

**Additional Agenda:** To discuss about the Monitoring Team to ensure that the directives issued with regard to prison and remand homes are being complied with scrupulously

**Resolutions:**

The members of the Committee apprised the chair that there is a State Level Monitoring Committee to ensure that the directives issued with regard to prison and remand homes are being complied with scrupulously. The Chairman suggested that for better monitoring purposes a district level monitoring committee be constituted for

this purpose. The Committee resolves to designate the Under Trial Prisoner's Committee (UTPC) constituted in the light of direction of the Hon'ble Supreme Court of India in "In Re Inhuman Conditions In 1382 prisons, (2016)3 SCC 700" and comprising District & Sessions Judge, District Magistrate, Superintendent of Police, Secretary, District Legal Services Authority and Officer-in-Charge of Prisons as District Monitoring Committee to ensure that the directives issued with regard to prison and remand homes are being complied with scrupulously.

It is also resolved that the district level monitoring committee has to submit fortnightly report of action taken in the district for Identification & release of prisoners under the criteria determined by the Committee to the Member Secretary, BSLSA, who will then submit the compiled report to the Committee accordingly.

1. Justice Ashwani Kumar Singh,  
Judge, Patna High Court cum  
Executive Chairman,  
Bihar State Legal Services Authority.


  
.....  
Chairman

2. Sri. Chaitanya Prasad,  
Addl. Chief Secretary, Home Department  
Govt. of Bihar.

  
.....  
Member

3. Sri. Mithilesh Mishra,  
IG, Prisons & Correctional Services,  
Home Department, Govt. of Bihar

  
.....  
Member

  
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REVISED

ITEM NO.3

Court 7 (Video Conferencing)

SECTION II-C

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 529/2021

(Arising out of impugned final judgment and order dated 19-10-2012 in CRA No. 118/2008 passed by the High Court of Chhatisgarh At Bilaspur)

SONADHAR

Petitioner(s)

VERSUS

THE STATE OF CHHATTISGARH

Respondent(s)

(FOR ADMISSION AND I.R AND I.A. NO. 68721/2021-IMPLEADMENT AND I.A. NO. 68722/2021-EXEMPTION FROM FILING O.T.

IA No. 28195/2021 - EXEMPTION FROM FILING O.T.

IA No. 14743/2021 - EXEMPTION FROM FILING O.T.

IA No. 129912/2020 - EXEMPTION FROM FILING O.T.

IA No. 14741/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP [CRL] NO.514/2021

[TAKEN ON BOARD]

Date : 07-07-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL  
HON'BLE MR. JUSTICE HEMANT GUPTA

MR. NEERAJ KUMAR JAIN, SR. ADVOCATE (A.C.)

MR. GAURAV AGRAWAL, ADVOCATE FOR NATIONAL LEGAL SERVICES AUTHORITY,

MR. DEVANSH A. MOHTA, ADVOCATE (A.C.)

MR. ABHIMANYU TEWARI, ADVOCATE FOR STATE OF ARUNACHAL PRADESH

MR. M. YOGESH KANNA, ADVOCATE FOR STATE OF TAMIL NADU

Mr. Chanchal K. Ganguli, Advocate for STATE OF WEST BENGAL

For Petitioner(s) Ms. Liz Mathew, AOR

Signature Not Verified  
Digitally signed by  
Anita Chatterjee  
Date: 2024.07.09  
17:39:22 IST  
Reason:

Respondent(s)  
Chhattisgarh

Mr. Sumeer Sodhi, AOR

Mr. Hussain Ali, Adv.

Tamil Nadu

Dr. Joseph Aristotle S., Adv.

Mr. Saaketh Kasibhatia, Adv.



West Bengal	Mr. Soumitra G. Chaudhuri, Adv. Mr. Chanchal Kumar Ganguli, Adv.
Arunachal Pradesh	Mr. Abhimanyu Tewari, AOR Ms. Eliza Bar, Adv.
Impleadment	Mr. Pradeep Kumar Yadav, Adv. Mr. Vishal Thakre, Adv. Mr. Abhay Singh Yadav, Adv. Mr. Rudra Pratap Yadav, Adv. Ms. Shikha Yadav, Adv. Mr. Sanjeev Malhotra, AOR

UPON hearing the counsel the Court made the following  
O R D E R

I.A. NO. 68721/2021-IMPLEADMENT

Dismissed as withdrawn.

Applications for exemption from filing official translation and for permission to file documents/facts/annexures are allowed.

Learned Amicus Curiae has drawn our attention to the judgment delivered by this Court in *Brijesh Kumar v. State of Uttar Pradesh*, through its Secretary - [SLP(Cr1.) No.773/2020] dated 22.03.2021 issuing certain directions in respect of the same problem. Learned Amicus rightly submits that no purpose would be served by duplication of directions but certain facilitating directions are also required to ultimately come up with the SOP after working it for some time so that the SOP can get a judicial imprimatur.

In view of the submission made by Mr. Gaurav Agrawal, learned Amicus Curiae and agreed to by the other counsels, the following further directions are passed:

- i) In all pending jail petitions with the Registry, the

details should be given to the learned Amicus Curiae/Member Secretary, NALSA/Mr. Gaurav Agrawal to process the cases further;

- ii) The NALSA/SCLSC will make necessary arrangements to facilitate the counsels in obtaining requisite materials/translations of the record;
- iii) In respect of future appointments of Amicus Curiae from the panel maintained by the Registry/as directed a copy of the letter should be marked to the NALSA for a similar assistance in the fresh matters in terms of point (ii) aforesaid.

We now proceed with the next aspect as set out in our order dated 01.03.2021 dealing with the aspect of how the remission applications have to be dealt with. In this behalf, Mr. Gaurav Agrawal has drawn our attention to a report submitted in this behalf dated 16.04.2021. He has emphasized that it may be difficult to have a uniform policy in view of there being different criteria involved in different States. In that behalf the four vital aspects are set out as under:

- (i) Timely identification of the eligible convicts;
- (ii) Making applications by the eligible convicts with the help of District Legal Services Authority;
- (iii) Timelines for the application procedure and decision on the premature release applications;
- (iv) If the premature release applications are rejected by the State Government, then legal aid will be provided to the said convict to decide whether the said rejection should be challenged in a Court or not.

The report thereafter has made suggestions *qua* all these four steps as under:

"Step -I: Identification of life convicts for premature release: Every four months, in January, May and September, the Jail Superintendent of the District/Central Jail shall make a list of all eligible life convicts who are entitled for premature release in the next six months. The list will be made as per the eligibility criteria laid down in the State policies. The Jail Superintendent shall send a copy of the list to the concerned DLSA. The DLSA shall assist in applications to be made by such eligible life convicts. The DLSA shall also organize legal awareness programmes in jails through its Jail Legal Services Clinics with the aim of informing the inmates about premature release policy and procedures.

Step- II. Collection of documents: The Jail Superintendent shall collect all the documents/reports which are required to be collected under the State policies. This process of collection of documents will be completed within a maximum period of three months so that the file is completed for forwarding the same to the higher authorities (IG/SLC/SRB/Advisory Board) in accordance with the State Policies. The Jail Superintendent shall forward

the same to the concerned authorities within the stipulated time, even in cases wherein the collection of documents required are incomplete. In such cases, the higher authorities to whom such file is forwarded, shall collect the remaining documents and shall not return the file to the Jail Superintendent citing incomplete documentation as a reason.

In case the higher authority is IG (Prisons) or any other police officer of higher rank, to whom the proposal is forwarded by the Jail Superintendent, such officer shall collect any remaining documents and shall forward the proposal to the SLC/SRB/State Government within a period of one month from the date of receipt of proposal. Assistance of the concerned DLSA may be sought for the collection of such remaining documents.

Step.III- Recommendation by Advisory Board/Sentence Review Board: Different States have different mechanisms for deciding the premature release applications. For example, in Rajasthan, there is an Advisory Committee at each Central Jail. In Haryana and Delhi, the premature release applications are sent directly to the State Level Committee for its recommendations. (SLC in Haryana and SRB in Delhi). The time taken by these boards while giving its

recommendations results in unnecessary delays. Hence, it is suggested the Advisory Board/SRB/Jail Headquarters may make its recommendation to the State Government within three months of the receipt of the documents. Further, it is suggested that the Review Boards may meet once in every quarter to ensure timely decisions of premature release applications.

Step IV: Orders by the State Government: The order passed by the State Government should be uploaded on the websites and, if any application for premature release is rejected, the reasons of the same should be communicated to the Jail Superintended who shall communicate the same to the convict. If the application for premature release is rejected, the concerned DLSA shall consult/advise and provide legal assistance (if required) to the convict, if there is a possibility of legal challenge to the rejected of the premature release application."

One of the aspects we have emphasized is that there should be a better coordination between the DLSA and the jail authorities so that the entire burden does not fall on the jail authorities. The assistance of para-legals can also be obtained to facilitate better working of the system. In addition, after the review Boards have taken a call, some time frame has to be provided for the State Government to take a

decision. We consider it appropriate that the decision by the State Government be taken within a period of two months of the communication of the recommendation of the review Board.

In order to facilitate the process for next calendar year, a tentative timeline has been stipulated in the report as under:

"A tentative timeline and procedure in the case where the application procedure has been started on 1<sup>st</sup> January, 2022 is presented below:

Steps	Tentative Timeline	Procedure	Authority
Step I	1 <sup>st</sup> - 15 <sup>th</sup> January, 2022	Identification of Prisoners The jail Superintendent shall identify and prepare list of prisoners who are eligible to be considered for premature release 6 months prior to such prisoners becoming eligible (prisoners who are eligible as on 1 <sup>st</sup> June 2022). Assistance of concerned DLSA may be sought to carry out this activity. The Jail Superintendent shall carry out this task once every four months in January, May and September. The prisoner shall make his application upon being informed of his eligibility. The concerned DLSA if requested may assist such prisoner in making the application.	Jail Superintendent
Step 2	Upto 31 <sup>st</sup> March, 2022	Collection of documents Jail Superintendent shall gather all	Jail Superintendent

	(Period of 3 months)	<p>necessary documents as per the respective State policies within a period of 3 months.</p> <ol style="list-style-type: none"> <li>1) If any concerned authority fails to provide any necessary documents or any other requirement as per the state policy within a period of 30 days, the Jail Superintendent shall send a reminder on expiry of such period.</li> <li>2) If the Jail Superintendent does not receive the required documents, he shall send the application with the collected documents to the Higher Authority mentioned under the concerned State policy.</li> </ol>	
Step 3	1 <sup>st</sup> July 2022 (period of 3 months)	<p>Recommendations of Higher Authority</p> <ol style="list-style-type: none"> <li>1) The concerned Higher Authority (IG or any other police officer of higher rank) shall collect any remaining documents and forward the file to the concerned State/District Boards and Committees for their recommendations (in States wherein such Authorities are required to do so)</li> </ol>	<p>[IG (Prisons) or any other police of higher rank OR SLC/SRB Advisory Board]</p> <p>In line with the State Policy.</p>
Step 4	1 <sup>st</sup> October, 2022 (Period	<p><u>Decision of State Government</u></p> <p>The State Government may make its decision</p>	<p>State Government</p>

	of 3 months)	whether to release the prisoner or reject his premature release application within 3 months of receipt of the application	
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The aforesaid timeline should be duly adhered to and in fact the timeline in Step 4 already suggests that the application for premature release should be processed within the time stipulated therein but the same will be subject to the additional period of three months which we have provided aforesaid for the State Government to take a decision.

Mr. Gaurav Agrawal suggests that as a pilot project this may be implemented in the State of Uttar Pradesh, State of Bihar and the State of Chhattisgarh. This will facilitate gaining experience from the work of the same whether it can be applied across the board and if any modifications are required in that behalf. The pilot project will commence from 1<sup>st</sup> August, 2021.

Thus, a copy of this order be circulated to the Chief Secretaries of the three States for necessary orders and be also circulated to the other Chief Secretaries so that they have information about the pilot project which is being implemented. The Secretary, NALSA will coordinate this aspect with the three States.

Now coming to the other aspect of the order dated 01.03.2021 where we were informed that one Shri Amit Mishra (the then detainee) has prepared a software which the State of Haryana itself thought worth implementing, Mr. Gaurav Agrawal



states that he has verified this position personally and the software is likely to be utilized for the State of Haryana and should be workable in about two to three weeks' time. He further suggests that for the three States where the other experiment is being carried out as noticed above, endeavour would be made to suitably modify the software and the assistance of Shri Amit Mishra will be sought for the said purpose. We opine that for the assistance being given by Shri Amit Mishra, a suitable emolument may be paid to him by the NALSA.

List for further proceedings on 06.10.2021.

SLP [CRL] NO.514/2021

Taken on Board.

Mr. Gaurav Agrawal, learned Amicus Curiae suggests that for the present, we may concentrate on the appeals pending against conviction. Mr. Devansh A. Mohta, learned counsel has drawn our attention to the suggestions made in tandem by Mr. Mohta, Ms. Liz Matthew and Mr. Gaurav Agrawal in pursuance to our order dated 01.02.2021 at page 7 to submit that there should be a list prepared in descending order of the period of detention and that this is in fact as per Rule 149 of the High Court of Chhattisgarh. We find no difficulty in preparation of such a list but then priority cannot be given only to the matters under the Narcotic Drugs and Psychotropic Substances Act as this is broadly a salutary principle which would apply across the board for convicts in pending appeals.

The further progress in this behalf may be indicated to us by Mr. Gaurav Agrawal, learned Amicus Curiae depending upon the responses from different High Courts/States.

List on 06.10.2021.

[ASHA SUNDRIYAL]  
ASTT. REGISTRAR-cum-PS

[POONAM VAID]  
COURT MASTER (NSH)

ITEM NO.3 Court 7 (Video Conferencing)

SECTION II-C

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For Petitioner(s) Ms. Liz Mathew, AOR

For Respondent(s) Mr. Sumeer Sodhi, AOR  
Chhattisgarh Mr. Hussain Ali, Adv.

Tamil Nadu Dr. Joseph Aristotle S., Adv.  
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Step 3	1 <sup>st</sup> July 2022 (period of 3 months)	<p>Recommendations of Higher Authority</p> <p>2) The concerned Higher Authority (IG or any other police officer of higher rank) shall collect any remaining documents and forward the file to the concerned State/District Boards and Committees for their recommendations (in States wherein such Authorities are required to do so)</p>	<p>[IG (Prisons) or any other police of higher rank OR SLC/SRB Advisory Board]</p> <p>In line with the State Policy.</p>
Step 4	1 <sup>st</sup> October, 2022 (Period	<p><u>Decision of State Government</u></p> <p>The State Government may make its decision</p>	<p>State Government</p>

	of months) 3	whether to release the prisoner or reject his premature release application within 3 months of receipt of the application	
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List on 06.10.2021.

[ASHA SUNDRIYAL]  
ASTT. REGISTRAR-cum-PS

[POONAM VAID]  
COURT MASTER (NSH)

*Learn Copy*

○ **Standard Operating Procedure (SOP) for prevention of COVID-19 infection in prisons with reference to prisoners admission in prisons.**

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**General Background:-**

It is necessary to take effective measures to prevent COVID-19 infection in prisons in India. The Novel Corona Virus disease (COVID-19) has been declared as pandemic by World Health Organization (W.H.O.). It is a global health crisis which has affected a huge population the world over. At present almost one crore thirty lakh people has got infected by this disease worldwide. In India almost 11.5 lakh people has been infected by this disease and the number of infected people is continuously increasing. In Bihar also almost 26.5 thousand people has got infected and the number of infected person is increasing continuously.

In the prisons of the state, people living in closed and crowded environment are likely to be more vulnerable to the COVID-19 infection. So it is the prime responsibility of the State Government to take effective measures for the prevention of COVID-19 infection.

It has been observed that the Corona Virus (COVID-19) can enter into the prisons in the following ways:-

- (i) New inmates
- (ii) Prisoners returned after Court hearing
- (iii) Prisoners returned after treatment from Sadar Hospital/Medical College
- (iv) Prisoners transferred on administrative ground from one prison to another
- (v) Parole returned prisoner
- (vi) visitors of prisoners (Mulakaat)
- (vii) Police Escort
- (viii) Prison personnel/Security personnel.
- (ix) Non Official Visitors, Religious Instructor and Resource Personal for training.
- (x) Supply materials of daily use for prisons and the person coming with the material.

2. To block all the above said entries the Superintendent of Prisons of the State are directed to follow the following Standard Operating Procedure:-

The General process and preparedness before the entry/admission of prisoners into the prisons:-

1. Eighteen prisons/part (block) of prisons such as Civil part and newly constructed visitor complex of Central Prison, Motihari, Newly constructed portion of Central Prison, Purnea, Newly constructed portion of District Prison, Hajipur, Newly constructed portion of District Prison, Gopalganj, Newly constructed portion of District Prison, Munger, Camp Prison, Pulwarisharif, Sub Divisional Prison, Danapur, Sub Divisional Prison, Hilsa, Sub Divisional Prison, Bikaramganj, Sub Divisional Prison, Bagha, Sub Divisional Prison, Benipur, Sub Divisional Prison, Benipati, Sub Divisional Prison, Rosera, Sub Divisional Prison, Birpur, Sub Divisional Prison, Navagachiya and Sub Divisional Prison, Sherghati has been indentified as Entry Prisons for the confinement of new male inmates and similarly Sub Divisional Prison, Patnacity and Sub Divisional Prison, Dalsingsarai has been indentified as Entry Prisons for the confinement of new female inmates. These new inmates are confined in these Entry Prisons for the purpose of completion of the specified quarantine period before being transferred to their original prisons.

2. Ensure the identification and confinement of (i) fourteen quarantine prisoner ward for the confinement of new inmates date wise (ii) isolation ward for prisoners having symptoms of infection and (iii) Hospital ward for infected prisoners.

3. Ensure regular sanitization of whole prison premises and prisoner's ward with disinfectent (Bleaching Powder, soap or Spirit based disinfectant).

4. Generate awareness among the prisoners and prison staffs regarding prevention, causes, symptoms and treatment of the disease.

5. Medical Officers and local medical experts can be engaged for the same.

6. Posters and banners may be placed at strategic locations in and outside the prisons.

7. Audio messages may be aired by using the public address systems installed in prisons.

8. Ensure compliance of the instructions given by the Civil Surgeon and Medical Team during their prison visit for prevention of infection.

9. The prisoners must be awared (i) to use masks, wash hands frequently with soap and water and use sanitizer (ii) to use disposable tissue or handkerchief while coughing or sneezing (iii) to use arm while coughing or sneezing in the event of not having handkerchief, (iv) not to touch the nose and mouth with hands without handwashing (v) try not to come into contact with an infected person etc.

10. Keeping sanitizer bottle/soap at important places in prison.
11. Ensure compliance of the guidelines given by the Ministry of AYUSH, Government of India and the Department of Health, Government of Bihar for increasing immunity of prisoners and encourage "Self-care".
12. (i) The prisoners should be made aware of the use of hot water for drinking and they must be provided with sufficient amount of hot water for this.
- (ii) The prisoners suffering from cold, cough etc. must be provided steam in the morning and evening.
- (iii) "KADHA" should be made available to the inmates for drinking every morning and evening.
- (iv) Apart from this, necessary measures must be taken to increase the immunity of the prisoners according to the local needs and as per the advice of the prison Medical officer and Civil surgeon.
13. Prohibit/restrict the gathering of groups of prisoners in sports, religious and other activities.
14. The vulnerable population such as old aged inmates (65 years and above), prisoners suffering from chronic diseases (Kidney, asthma, Diabetes etc) must be confined separately and special and regular care/monitoring must be maintained.
15. Special care must be paid to pregnant women and children living with them.
16. The prisoners should be encouraged to maintain social distancing.
17. Set a time-wise distribution schedule of food for prisoners to avoid crowding.
18. Keep prisoners having the symptoms of infection separate from others till their COVID-19 test comes negative.
19. Train prison officers and staff for taking care of sick prisoners /staffs.
20. Provide ambulance to carry the prisoners / personnel outside the prison to the hospital.
21. To ensure availability of essential equipment like infrared thermometer, oximeter, PPE kit etc.

**(i) (A) General procedure for entry of new inmates in Entry prison**

1. New inmates having signs of infection must undergo Covid Test through the deputed police force before being remanded to prison.



2. They will enter into the prison only if their Covid test is negative alongwith negative report.

In case if the new inmate tests positive, the police force deputed to remand the prisoner into the prison, will take the concerned prisoner to the covid care center for treatment.

3. Medical screening of the police force deputed to remand the prisoner into the prison must be done at the entry point and their telephone number must be maintained in the prescribed format.

4. Health screening of all the new inmates remanded to entry prison must be done at the time of their entry into the prison by doctor/para medical staff and the health screening information must be kept in the prescribed format.

5. The new inmates must be provided mask, sanitizer and clothes as per their need.

6. The other new inmates must be confined separately date wise in the quarantine wards specially identified for this purpose.

7. The health status of new inmates must be supervised daily and any prisoner having symptoms of infection must be confined in the isolation ward specially identified for this purpose.

8. Conduct the Covid test of the concerned suspect prisoner as per the instructions of the Civil Surgeon. On being tested positive the concerned inmate must be sent to the prison hospital /Covid Care Center for treatment.

9. The special messenger of the original prison carrying the Vakalatnama/bail bond/release order of the new inmates confined in the entry prison must be medically screened at the entry point and the documents carried by him must be properly sanitized.

10. The prisoner, who is to be released on bail from entry prison and having symptoms of infection, must undergo Covid Test as per the instructions of the Civil Surgeon and the concerned prisoner should only be released when he tests negative.

11. If the prisoner who is to be released on bail tests positive then after completing the formalities of bail, the concerned prisoner must be sent to the Covid Centre for treatment as per the instructions of the Civil Surgeon. It must be ensured that only after testing negative/symptom free, the concerned prisoner would be allowed to go home.

(B) Procedure to be followed during transfer of new inmates from Entry prison to Original prison.

1. Procure the transfer order of prisoners who have completed their quarantine period in the entry prison from Headquarter in advance.
2. Make requisition for escort party from the concerned Superintendent of Police to transfer such prisoners, who have completed their quarantine period, to the Original prison.
3. Prisoners, who are to be transferred to the original prison after completion of quarantine period, having symptoms of infection must undergo Covid Test.
4. If a prisoner tests positive then his transfer will be stayed and he must be sent to prison hospital/Covid Care Center as per the instructions of the Civil Surgeon.
5. Medical screening of the deputed police force for this purpose must be conducted by Prison Medical Officer.
6. Transfer of prisoners from Entry prison to Original prison will be done only after the Medical Officer gives the certificate that the prisoners, who are to be transferred, are of sound health.
7. Ensure the sanitization of vehicle to be used for the transfer of prisoners. The use of mask by prisoners and deputed police force and the maintenance of social distancing must be ensured.

(C) Procedure to be followed during the entry of new inmates in the Original prison after their completion of quarantine period in the Entry prison.

1. Medical screening of prisoners, who have completed their quarantine period in the Entry prison, must be done by the Medical Officer at the time of their entry into the Original prison.
2. The inmates who are to be transferred from Entry prison to Original prison must be provided mask, sanitizer and clothes as per their need.
3. These inmates must be confined in the specially identified quarantine ward of the Original prison and their health status must be regularly supervised.
4. The inmates who are transferred from Entry prison to Original prison must be confined for 14 days in the quarantine ward and they should be transferred to the general ward only after being found healthy.
5. The inmates who are transferred from Entry prison to Original prison must be frisked only by those security forces/prison staffs who reside in the prison premises.

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(D) Procedure to be followed with regard to the inmates who have been transferred from Entry prison to Original prison after completion of quarantine period and with regard to the inmates who are already confined in the Original prison.

1. Ensure the identification and confinement of (i) quarantine prisoner ward for the confinement of inmates, (ii) isolation ward for prisoners having symptoms of infection and (iii) Hospital ward for infected prisoners as per requirement.

2. Ensure the compliance of point no.-03 to 21 of title The General process and preparedness before the entry of prisoners as mentioned in the first page above.

3. The special messenger carrying the Vakalatnama/bail bond/release order of the inmates confined in the original prison must be medically screened at the entry point and the documents carried by him must be properly sanitized.

4. The prisoner, who is to be released on bail from Original prison and having symptoms of infection, must undergo Covid Test as per the instructions of the Civil Surgeon and the concerned prisoner should only be released when he tests negative.

5. If the prisoner who is to be released on bail tests positive then after completing the formalities of bail, the concerned prisoner must be sent to the Covid Centre for treatment as per the instructions of the Civil Surgeon. It must be ensured that after testing negative/symptom free, the concerned prisoner should be allowed to go home.

6. If any prisoner confined in the Original prison is sent to the hospital outside the prison for treatment, then after the treatment is over he must undergo Covid-19 test according to the instructions of the Civil surgeon and he should be re-confined in the Original prison only when he tests negative.

**(ii) Prisoner returning after Court hearing:-**

1. The physical production of prisoners has been completely banned as per direction issued by Hon'ble High Court dated 15-03-2020 and as circulated by departmental letter No. 2170 dated 17-03-2020. So the production of prisoners in the concerned courts must be ensured only by video conferencing.

**(iii) Prisoners coming back after treatment from Sadar Hospital/ Medical College Hospital.**

1. The prisoners sent to Sadar Hospital / Medical College Hospital for treatment outside the prison must undergo Covid Test after their treatment is over as per the instructions of the civil surgeon and they will be sent back to the Original prison only after their test report is negative, otherwise they will be confined in the Entry prison.

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(iv) Prisoners to be transferred from one prison to another on administrative grounds.

1. If a prisoner is to be transferred from the Original prison to another prison on administrative grounds, then the medical screening of the prisoner must be done in the concerned original prison and also in the prison where he is to be transferred. He must be quarantined for 14 days in the prison where he has been transferred on administrative grounds.

2. Medical screening of the deputed security personnel for the above mentioned transfer of the prisoner must be done at the entry point.

(v). Family members coming to meet the prisoners (Mulakaat): -

(i) The visiting facility of family members of prisoners has been banned vide departmental letter No. 2136 dated 16-03-2020 and 2169 dated 17-03-2020. So arrange the Mulakaati system through e-mulakaati installed by NIC and E-Vidyo system.

(ii) Ensure contact/conversation of prisoners to their family members through telephone booth/kiosk installed in the prison by maintaining appropriate security norms.

(vi) Parole returned prisoner

1. Ensure the least possible use of parole, keeping in mind the possibility of infection of COVID- 19 in prison through prisoners returning back to prison after parole.

(vii) Police Escort

1. All types of police force deputed for custody of prisoners will undergo medical screening by the prison medical officer at the entrance of the prison and prisoners will be handed over to them only after the doctor finds the police force healthy.

(viii) (A) Prison Staffs working in prisons:-

1. Ensure 24- hour presence of medical officer/paramedical personnel in the prison premises.

2. Make all prison personnel aware of the measures to be taken to prevent infection of COVID- 19 .

3. New inmates are to be confined in the Newly constructed section of Central Prison Motihari , Central Prison Purnea, District Prison Gopalganj District Prison Munger and Sub Divisional Sherghati The concerned Superintendent of Newly constructed section of Central Prison Motihari Central Prison Purnea District Prison Gopalganj District Prison Munger and Sub Divisional Sherghatti must set up a special task force for the protection/surveillance of the prisoners confined in these newly constructed blocks/portion. The special task force will discharge their duty only in these Newly constructed blocks/portion. The duty of these security personnel working in the newly constructed section/blocks should not be imposed in the main prison.

4. The medical personnel should be kept as separate as possible in the above specially marked jails (newly constructed blocks) so that they do not have any contact with the main prison.

5. Ensure the accommodation of all Warders/Head warder/Chief Head warder/Security personnel in the prison premises.

6. Do not allow the warders, who are residing in the prison premises, to go outside for shopping. Provide them all the required material of their daily use.

7. Do not allow the warders Warders/Head warder/Chief Head warder/Security personnel to go outside for haircutting/shaving etc. Provide them the services of barber available in prison for this purpose.

8. Ensure thermal screening of all Warders/Head warder/Chief Head warder/Security personnel who are going to discharge their duty in the prison in every shifts.

9 Maintain a register in which date wise and time wise record of thermal screening is mentioned of all personnel.

10. Regular health review/supervision of every security personnel must be done by the Medical Officer in-charge to ensure that all personnel are healthy. If a personnel shows symptoms of COVID-19 such as cold, cough and fever etc, take immediate action for Covid Testing.

11. Identify a barrack, which may be used as isolation ward, for the accomodation of Warders/Head warder/Chief Head warder/Security personnel having sysptoms of COVID-19 and take further action as per the advise of doctor.

12. Ensure the maintaince of social distancing in the barracks by Warders/Head warder/Chief Head warder/Security personnel and also ensure that the Warders/Head warder/Chief Head warder/Security personnel discharging their duty in one section/ward of prison do not mix with the Warders/Head warder/Chief Head warder/Security personnel of other section/ward of the prison.

13. Ensure the testing of Warders/Head warder/Chief Head warder/Security personnel who are having symptoms of COVID-19 infection as per the advise of medical officer.

14. If the suspect personnel tests positive then he must be admited to the hosipital as per the opinion of the doctor. Trace the contact he has made and quarantine the persons he came in contact with. Also trace the prisoners he came in contact with and test them for COVID-19 on the basis of symptoms of infection.

15. If a prisoner is found to be suspected of Corona, then isolate him immediately and confine him in the isolation ward.

16. Get him tested immediately after consulting the doctor. If the prisoner is found to be Corona positive then quarantine all the inmates and warders / personnel who came in close contact with the prisoner for fourteen days and test all of them as per the advise of doctor.

**(B) Procedure to be followed for the prison personnel residing outside the said prison premises:**

(i) Ensure the accommodation of all the prison officials / personnel in the prison premises itself.

(ii) Identify such prison personnel who live outside the prison premises with their family or live alone without family.

(iii) Provide accommodation to those personnel, who are living alone without their family outside the prison premises, inside the prison premises.

(iv) Those personnel who are residing with their family outside the prison premises will discharge their duty only in the external premises of the prison. They will not be allowed to discharged duty in the internal premises of prison at any cost

(v) The computer operators, who resides in the prison premises, will only be allowed work in the internal premises of the prison. If no such operator is available then only skilled warder/personnel will be enagaged for this work.

(vi) For the computer operator residing outside the prison premises, the system should be installed outside the internal premises of the prison for this work.

(vii) Those contingent menials who are residing outside prison premises will only be allowed for cleaning the external premises of prison.

(viii) Provide accommodation to those doctors/paramedical staff, who are living alone without their familiy outside the prison premises, inside the prison premises.

(ix) Ensure disinfection of the doctors/ paramedical staff who reside outside the prison premises and also ensure that they examine the prisoners only after wearing the PPE kit.

(x) In addition to the above, if some such personnel (rarest of the rare case) are left , who cannot stay in the prison premises for a long time , the following procedure is to be followed :-

(xi) The number of personnel residing outside the prison premises should be divided in two such lots in proportion to the number so that the first part is to remain in the prison premises for seven days for discharging their duty and after seven days of work they will be allowed to leave the prison premises. They will be not called for next seven days. Similarly the second lot of personnel will be staying in the prison premises for seven days to discharge their duty and after the duty of seven days they will be allowed to leave the prison premises. This second lot of personnel will not be called for seven days. This system of fixation of duty should run on rotation basis.

(xii) Ensure the sanction of leave to prison staff only in emergency situation.

(xiii) Ensure the compliance of the requisite protocol when these personnel return to duty after leave.

(xiv) Ensure that the employees residing in the prison premises do not leave the prison campus under any circumstances. Take strict disciplinary action if any one violates this.

(iv) All entry gates of the prison premises should be kept closed and entry of outsiders without permission must be prohibited.

**(C) Procedure to be followed for the external security personnel deputed for prison security.**

(i) Ensure that the security personnel deputed for the security of prison reside in the prison premises.

(ii) Ensure that the frisking of prison personnel is done only by those deputed security personnel who reside in the prison premises.

(iii) Ensure that the frisking of prison personnel and prisoners is not done by those deputed security personnel who reside outside the prison premises. Engage these security personnel to discharge their duty as santry and on watchtower.

(iv) Ensure that the deputed security personnel, who reside outside the prison premises, are medically screened before discharge of their duty so that it may be ensured that all are healthy.

(v) Do not allow the deputed security personnel, who are residing in the prison premises, to go outside for shopping. Provide them all the required material for their daily use. Do not allow the deputed security personnel to go outside for haircutting/shaving etc. Provide them the services of barber available in prison for this purpose.

(vi) If casual leave is sanctioned to any security personnel then ensure the compliance of the requisite protocol when the personnel returns to duty after leave.

(vii) It is often seen that the security personnel deputed for prison security are deputed elsewhere in a short period or some jawans are replaced from time to time. In such a situation the newcomer personnel should be engaged for duty only after completing the quarantine period and the necessary protocol (related to health checkup).

(viii) If any security personnel is found to be suspect of corona infection, then such personnel should be duly examined in the light of consultation with the medical officer. If the suspect tests positive then he must be immediately admitted in the hospital identified for the treatment for covid-19.

**Procedure to be followed with respect to Non Official Visitors, Religious Instructor and Resource Personal for training.**

(i) Ensure the compliance of direction circulated by departmental letter no-2147 dated-17.03. 20 to suspend the training programmes for prisoners and to ban the entry of resource personnel for training inside the prisons.

(ii) Ensure the compliance of direction circulated by departmental letter no-2172 dated-17.03.20 to restrict the entry of Non Official Visitors , Religious Instructor etc inside the prisons.

**(x) Procedure to be followed with respect to the supply materials of daily use and the person coming with the material.**

(i) Ensure proper sanitization of vegetables , milk and other food items coming inside the prisons at the entry point itself.

(ii) Conduct medical screening of the suppliers who come with material at the entry point.

**Reporting Mechanism**

(i) Keep constant contact with the District Magistrate and Civil Surgeon to ensure necessary action with regard to prevention of infection as per local needs.

(ii) Ensure that all the guidelines circulated by the headquarter are maintained in a pointwise checklist..

(iii) Ensure compliance of all the guidelines circulated by the Headquarter and make them available to the Headquarters in the prescribed format

Note- Detailed guidelines circulated by the department regarding the above standard operating procedure are being attached as an attachment for perusal.



Reference: - Circulated departmental instructions.

Sl. No.	letter No.	dated
1.	Kara / Hospital Management - 14-36 / 2019 1972	06.03.2020
2.	Kara / Hospital Management - 14-36 / 2019 2103	13.03.2020
3.	Kara / Hospital Management - 14-36 / 2019 2136	16.03.2020
4.	Kara / Hospital Management - 14-36 / 2019 2169	17.03.2020
5.	Kara / Hospital Management - 14-36 / 2019 2170	17.03.2020
6.	Kara / Hospital Management - 14-36 / 2019 2171	17.03.2020
7.	Kara / Hospital Management - 14-36 / 2019 2172	17.03.2020
8.	Kara / Hospital Management - 14-36 / 2019 2251	19.03.2020
9.	Kara / Hospital Management - 14-36 / 2019 2252	19.03.2020
10.	Kara / Hospital Management - 14-36 / 2019 2357	25.03.2020
11.	Kara / Hospital Management - 14-36 / 2019 2366	27.03.2020
12.	Kara / Hospital Management - 14-36 / 2019 2368	28.03.2020
13.	Kara / Hospital Management - 14-36 / 2019 2369	28.03.2020
14.	Kara / Hospital Management - 14-36 / 2019 2370	29.03.2020
15.	Kara / Hospital Management - 14-36 / 2019 2448	06.04.2020
16.	Kara / Hospital Management - 14-36 / 2019 2588	17.04.2020
17.	Kara / Hospital Management - 14-36 / 2019 2589	17.04.2020
18.	Kara / Hospital Management - 14-36 / 2019 2748	27.04.2020
19.	Kara / Hospital Management - 14-36 / 2019 2782	29.04.2020
20.	Kara / Hospital Management - 14-36 / 2019 2859	04.05.2020
21.	Kara / Hospital Management - 14-36 / 2019 2955	12.05.2020
22.	Kara / Hospital Management - 14-36 / 2019 2956	12.05.2020
23.	Kara / Hospital Management - 14-36 / 2019 3158	26.05.2020
24.	Kara / Hospital Management - 14-36 / 2019 4066	22.06.2020
25.	Kara / Hospital Management - 14-36 / 2019 4067	22.06.2020
26.	Kara / Hospital Management - 14-36 / 2019 4102	23.06.2020
27.	Kara / Hospital Management - 14-36 / 2019 4251	27.06.2020
28.	Kara / Hospital Management - 14-36 / 2019 4792	13.07.2020
29.	Kara / Hospital Management - 14-36 / 2019 4793	13.07.2020
30.	Kara / Hospital Management - 14-36 / 2019 4794	13.07.2020
31.	Kara / Hospital Management - 14-36 / 2019 4797	13.07.2020
32.	Kara / Hospital Management - 14-36 / 2019 4798	13.07.2020
33.	Kara / Hospital Management - 14-36 / 2019 4799	13.07.2020
34.	Kara / Hospital Management - 14-36 / 2019 4882	20.07.2020
35.	Kara / Hospital Management - 14-36 / 2019 4883	20.07.2020
36.	Kara / Hospital Management - 14-36 / 2019 4922	21.07.2020

(vi) यदि किसी सुरक्षाकर्मी का आकस्मिक परिस्थितियों में अवकाश स्वीकृत किया जाता है तो ऐसे सुरक्षाकर्मियों को अवकाश से वापस आने पर quarantine किया जाना तथा quarantine अवधि पूर्ण होने पर एवं आवश्यक Protocol (स्वास्थ्य जाँच संबंधी) को पूर्ण करने के उपरांत ही कर्तव्य पर लगाया जाना।

(vii) प्रायः ऐसा देखा जाता है कि कारा की बाहरी सुरक्षा में प्रतिनियुक्त बलों का अल्प समय में ही दूसरे जगह प्रतिनियुक्ति कर दी जाती है अथवा कुछ जवानों को समय-समय पर बदल दिया जाता है। ऐसी परिस्थिति में नवागंतुक बलों के quarantine अवधि पूर्ण करने के उपरांत ही आवश्यक Protocol (स्वास्थ्य जाँच संबंधी) को पूर्ण करने के उपरांत ही कर्तव्य पर लगाया जाना।

(viii) यदि कोई सुरक्षाकर्मी कोरोना संक्रमण संदिग्ध पाया जाता है तो ऐसे कर्मियों की विधिवत जाँच की कार्रवाई चिकित्सा पदाधिकारी के परामर्श के आलोक में कराना। यदि संदिग्ध का टेस्ट पॉजिटिव आता है तो उसे तुरंत कोविड-19 के ईलाज हेतु चिन्हित अस्पताल में भर्ती कराया

जाना। ऐसी स्थिति में जहाँ वह कर्मी रह रहा हो वहाँ के सभी कर्मियों को quarantine किया जाना एवं लक्षणों के आधार पर सभी कर्मियों का कोरोना जाँच करवाना सुनिश्चित किया जाना।

(ix) कारा में आने वाले गैर शासकीय परिदर्शक, धार्मिक अनुदेशक

एवं

प्रशिक्षण हेतु संसाधन कर्मी

1. विभागीय पत्रांक-2147 दिनांक-17.03.2020 द्वारा काराओं में संचालित कौशल विकास प्रशिक्षण को स्थगित करने एवं प्रशिक्षण देने हेतु कारा में आने वाले कर्मियों के प्रवेश को प्रतिबंधित करने के निदेश का अनुपालन सुनिश्चित करना।
2. विभागीय पत्रांक-2172 दिनांक-17.03.2020 द्वारा परिचालित निदेश के आलोक में गैर शासकीय परिदर्शक, धार्मिक अनुदेशक आदि के कारा भ्रमण को प्रतिबंधित करने के आदेश का अनुपालन सुनिश्चित करना।

(x) काराओं में दैनिक आवश्यकताओं हेतु आपूरित होने वाले सामग्रियों एवं इन सामग्रियों को आने वाले व्यक्ति।

1. काराओं में बंदियों के उपयोग हेतु बाहर से आने वाली सब्जियों, दूध एवं अन्य खाद्य सामग्रियों का कारा प्रवेश द्वार पर समुचित सेनिटाइजेशन करना।
2. कारा में बंदियों के उपयोग हेतु आने वाली आपूरित सामग्रियों के आपूर्तिकर्ता (पहुँचाने वाले व्यक्ति) का कारा प्रवेश द्वार पर मेडिकल स्क्रीनिंग कराना।

रिपोर्टिंग तंत्र (Reporting Mechanism) :-

1. जिलाधिकारी एवं सिविल सर्जन से निरन्तर संपर्क रखते हुए स्थानीय आवश्यकतानुसार संक्रमण से बचाव एवं रोक-थाम के संबंध में आवश्यक निर्देश प्राप्त कर कार्रवाई सुनिश्चित करना।
2. मुख्यालय द्वारा परिचालित सभी दिशा-निर्देशों का कंडिकावार चेकलिस्ट कारा में संधारित किया जाना सुनिश्चित करना।
3. मुख्यालय द्वारा परिचालित सभी दिशा-निर्देशों का अनुपालन प्रतिवेदन इस हेतु निर्मित विहित प्रपत्र में मुख्यालय को उपलब्ध कराना सुनिश्चित करना।

नोट- उपरोक्त मानक संचालन प्रक्रिया के संबंध में विभाग द्वारा परिचालित विस्तृत दिशा-निर्देशों को अवलोकनार्थ अनुलग्नक के रूप में संलग्न किया जा रहा है।

संदर्भ :- परिचालित विभागीय निदेश।

क्र०	पत्रांक	दिनांक
1	कारा/अस्पताल प्रबंधन-14-36/2019 1972	06.03.2020
2	कारा/अस्पताल प्रबंधन-14-36/2019 2103	13.03.2020
3	कारा/अस्पताल प्रबंधन-14-36/2019 2136	16.03.2020
4	कारा/अस्पताल प्रबंधन-14-36/2019 2169	17.03.2020
5	कारा/अस्पताल प्रबंधन-14-36/2019 2170	17.03.2020
6	कारा/अस्पताल प्रबंधन-14-36/2019 2171	17.03.2020
7	कारा/अस्पताल प्रबंधन-14-36/2019 2172	17.03.2020
8	कारा/अस्पताल प्रबंधन-14-36/2019 2251	19.03.2020

9	कारा/अस्पताल प्रबंधन-14-36/2019	2252	19.03.2020
10	कारा/अस्पताल प्रबंधन-14-36/2019	2357	25.03.2020
11	कारा/अस्पताल प्रबंधन-14-36/2019	2366	27.03.2020
12	कारा/अस्पताल प्रबंधन-14-36/2019	2368	28.03.2020
13	कारा/अस्पताल प्रबंधन-14-36/2019	2369	28.03.2020
14	कारा/अस्पताल प्रबंधन-14-36/2019	2370	29.03.2020
15	कारा/अस्पताल प्रबंधन-14-36/2019	2448	06.04.2020
16	कारा/अस्पताल प्रबंधन-14-36/2019	2588	17.04.2020
17	कारा/अस्पताल प्रबंधन-14-36/2019	2589	17.04.2020
18	कारा/अस्पताल प्रबंधन-14-36/2019	2748	27.04.2020
19	कारा/अस्पताल प्रबंधन-14-36/2019	2782	29.04.2020
20	कारा/अस्पताल प्रबंधन-14-36/2019	2859	04.05.2020
21	कारा/अस्पताल प्रबंधन-14-36/2019	2955	12.05.2020
22	कारा/अस्पताल प्रबंधन-14-36/2019	2956	12.05.2020
23	कारा/अस्पताल प्रबंधन-14-36/2019	3158	26.05.2020
24	कारा/अस्पताल प्रबंधन-14-36/2019	4066	22.06.2020
25	कारा/अस्पताल प्रबंधन-14-36/2019	4067	22.06.2020
26	कारा/अस्पताल प्रबंधन-14-36/2019	4102	23.06.2020
27	कारा/अस्पताल प्रबंधन-14-36/2019	4251	27.06.2020
28	कारा/अस्पताल प्रबंधन-14-36/2019	4792	13.07.2020
29	कारा/अस्पताल प्रबंधन-14-36/2019	4793	13.07.2020
30	कारा/अस्पताल प्रबंधन-14-36/2019	4794	13.07.2020
31	कारा/अस्पताल प्रबंधन-14-36/2019	4797	13.07.2020
32	कारा/अस्पताल प्रबंधन-14-36/2019	4798	13.07.2020
33	कारा/अस्पताल प्रबंधन-14-36/2019	4799	13.07.2020
34	कारा/अस्पताल प्रबंधन-14-36/2019	4882	20.07.2020
35	कारा/अस्पताल प्रबंधन-14-36/2019	4883	20.07.2020
36	कारा/अस्पताल प्रबंधन-14-36/2019	4922	21.07.2020



Letter No. Kara/Hospital Management-14-36/2019-5159

**Prisons and Correctional Services**

**Home (Prisons) Department**

**Government of Bihar**

From,

**Mithilesh Mishra I.A.S.**  
Inspector General  
Prisons and Correctional Services  
Home (Prisons) Department  
Government of Bihar

To,

**Superintendent**  
All Central Prisons/District Prisons/  
Sub Prisons/Open Prisons.

Dated: 06.08.2020

**Sub :** Regarding compliance of the guidelines mentioned in Standard Operating Procedure (SOP) for prevention of infection of Covid-19 in prisons and treatment of infected persons.

**Ref:** Departmental letter no-kara/Bhavan 18/20 4959 dated-23.07.2020.

Sir,

With reference to the above mentioned subject, It is to say that, a Standard Operating Procedure (SOP) has been circulated for prevention of infection of Covid-19 in prisons and treatment of infected persons vide departmental letter no-4959 dated-23.07.2020.

2. A checklist of points of compliance contained in the SOP has been prepared and is being attached with this letter.

3. So you are directed to send the compliance report as per the attached checklist immediately on the email id- [projectpmudept@gmail.com](mailto:projectpmudept@gmail.com).

Enclosure :- As attached.

Yours Sincerely

*Sd/-*

**Inspector General**  
Prisons and Correctional Services  
Home (Prisons) Department  
Government of Bihar

**Checklist for compliance of standard operating procedure (SOP) for prevention of Covid-19 infections in prisons.**

Name of circle prisons :-

Name of prisons :-

Sl. No.	Instruction Mentioned in SOP	Compliance (Yes/No)	Remarks
1.	identification and confinement of new inmates in the quarantine ward.		
2.	identification and confinement of isolation ward for prisoners having symptoms of infection.		
3.	identification and confinement of Hospital ward for infected prisoners.		
4.	Regular sanitization of whole prison premises and prisoner's ward with disinfectant		
5.	Awareness programmes among the prisoners and prison staffs regarding prevention, causes, symptoms and treatment of the disease by different methods.		
6.	Keeping sanitizer bottle/soap at important places in prison		
7.	Compliance of the guidelines given by the Ministry of AYUSH, Government of India and the Department of Health, Government of Bihar for increasing immunity of prisoners and encourage "Self-care".		
8.	Availability of hot water and "KADHA" for prisoners morning and evening daily.		
9.	Encouraging prisoners to maintain social distancing.		
10.	production of prisoners in the concerned courts only by video conferencing		
11.	The visiting facility of family members of prisoners has been banned so arrange the Mulakaati system through e-mulakaati installed by NIC and E-Vidyo system.		
12.	Ensure contact/conversation of prisoners to their family members through telephone booth/kiosk installed in the prison.		
13.	Prohibition/restriction of the gathering of groups of prisoners in sports, religious and other activities.		
14.	Ensure the compliance of direction to suspend the training programmes for prisoners and to ban the entry of resource personnel for training inside the prisons.		
15.	Ensure the compliance of direction to restrict the entry of Non Official Visitors, Religious Instructor etc inside the prisons.		
16.	Ensure special care of the vulnerable population such as old aged inmates (65 years and above), prisoners suffering from chronic diseases (Kidney, asthma, Diabetes etc) .		
17.	Ensure special care to pregnant women and children living with them.		

18.	Set a time-wise distribution schedule of food for prisoners to avoid crowding.		
19.	Train prison officers and staff for taking care of sick prisoners /staffs.		
20.	Ensure availability of essential equipment like infrared thermometer , oximeter , PPE kit etc.		
21.	Ensure medical screening of all inmates remanded into the prison.		
22.	Conduct the Covid test of the concerned suspect prisoner as per the instructions of the Civil Surgeon.		
23.	Transfer of Covid positive inmate to the Covid Care Center for treatment.		
24.	Availability of mask, sanitizer and clothes to all prisoners as per their need.		
25.	Ensure medical screening of deputed police force for custody of prisoners and maintenance of their mobile number.		
26.	Ensure confinement of new inmates in quarantine wards separately and their regular medical supervision.		
27.	Ensure medical screening of the special messenger carrying the Vakalatnama/bail bond/release order of the inmates confined in the prisons at the entry point and the sanitization of documents carried by him.		
28.	The prisoner, who is to be released on bail from prison and having symptoms of infection, must undergo Covid Test as per the instructions of the Civil Surgeon and the concerned prisoner should only be released when he tests negative.		
29.	If the prisoner who is to be released on bail tests positive then after completing the formalities of bail, the concerned prisoner must be sent to the Covid Centre for treatment as per the instructions of the Civil Surgeon. It must be ensured that only after testing negative/symptom free, the concerned prisoner would be allowed to go home.		
30.	The prisoners sent to Sadar Hospital / Medical College Hospital for treatment outside the prison must undergo Covid Test after their treatment is over as per the instructions of the civil surgeon and they will be sent back to the Original prison only after their test report is negative, otherwise they will be confined in the Entry prison.		
31.	If a prisoner is to be transferred from the Original prison to another prison on administrative grounds, then the medical screening of the prisoner must be done in the concerned original prison and also in the prison where he is to be transferred. He must be quarantined for 14 days in the prison where he has been transferred on administrative grounds.		

32.	Ensure medical screening of the deputed security personnel for the transfer of the prisoner must be done at the entry point and after getting the certificate of being healthy by medical officer handing over of prisoners to the deputed security person.		
33.	Ensure the sanitization of vehicle to be used for the transfer of prisoners.		
34.	Those personnel who are residing outside the prison premises will discharge their duty only in the external premises of the prison. They will not be allowed to discharged duty in the internal premises of prison at any cost		
35.	Ensure the compliance of completion of quarantine period and requisite protocol by the prison/security personnel when they return after leave.		
36.	If any prison/security personnel is found to be suspect of corona infection, then such personnel should be duly examined in the light of consultation with the medical officer. If the suspect tests positive then he must be immediately admitted in the hospital identified for the treatment for covid-19 . Ensure contact tracing of such personnel and compliance of requisite protocol.		
37.	Ensure proper sanitization of materials and medical screening of person coming with materials inside the prisons at the entry point.		
38.	Training of prison medical officer/para medical staff for performing covid test.		
39.	Availability of Covid -19 testing kit in prisons.		
40.	Ensure constant contact with the District Magistrate and Civil Surgeon to ensure necessary action with regard to prevention of infection as per local needs		

Signature of Asst. Suptd./Deputy suptd.

Signature of the  
medical officerSignature of the  
Suprintendent
  
 True copy