

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

SOU MOTU WRIT PETITION (C) NO.1/2020

IN THE MATTER OF:


IN RE:- Contagion of Covid 19 virus in Prisons

INDEX

S.NO.	PARTICULAR	Set	Court fees
1.	AFFIDAVIT ON BEHALF OF STATE OF GOA	1	NIL
		Total=	NIL

Filed on: 26.6.2020

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ADVOCATE ON RECORD FOR STATE OF GOA: MUKTI CHOWDHARY

STANDING COUNSEL FOR STATE OF GOA: MR. ARUN R. PEDNEKER



IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

SOU MOTU WRIT PETITION (CIVIL) NO. 1/2020

IN THE MATTER OF:

SOU MOTU WRIT PETITION (CIVIL)

No.1/2020

In Re: Contagion of COVID 19 Virus In Prisons

... PETITIONER(S)

VERSUS

STATE OF GOA

...RESPONDENT

AFFIDAVIT ON BEHALF OF STATE OF GOA

I, Venancio Furtado, Inspector General of Prisons, Government of Goa, Major of age, having my office in the Old Education Building, 1st floor, 18th June Road, Panaji- Goa do solemnly state on oath and affirm as under:

1. I am duly authorized to file the present Affidavit, as I am conversant with the facts of the present case.
2. I say that I am filing this affidavit to appraise this Hon'ble Court of the decisions taken by the State Government in pursuance of the directives given in the Order dated 23/03/2020, 07/05/2021 and 01/06/2021 by this Hon'ble Court, which relates to the matters concerning release of

prisoners on parole vis-a-vis number of deaths in Prison due to COVID-19 pandemic.

3. I say that in pursuance to the directives of this Hon'ble Court given vide Order dated 23/03/2020, the Government of Goa constituted High Powered Committee vide Order No. 9/1/2019-HD(G)/PF dated 27/03/2020 with the members as stipulated in the said Order.
4. I say that the State of Goa has the only functional Central Jail, at Colvale, Bardez-Goa and that there are no other prisons in the State of Goa.

I say that Central Jail, Colvale is having capacity to accommodate 625 inmates. As on the date of the Order dated 23/03/2020 of this Hon'ble Court, the actual occupancy strength of inmates of said Jail was 558 i.e. 139 male/female convicts and 419 male/female under-trials.

5. I say that in total, 56 convict prisoners (male/female) were granted parole in pursuance of the Order dated 23/03/2020 of this Hon'ble Court by the High Powered Committee. I say that they were directed to surrender to Jail in two batches i.e. on 01/11/2020 and 16/11/2020 respectively. I say that out of these 56 convict prisoners who were released on parole, 2 convicts jumped parole and 2 convicts were released in view of High Court Order in Writ Petition No. 255 of 2019 dated 03/03/2020 and Writ Petition No. 26 of 2021 dated 24/03/2021.

W. S. S. S.



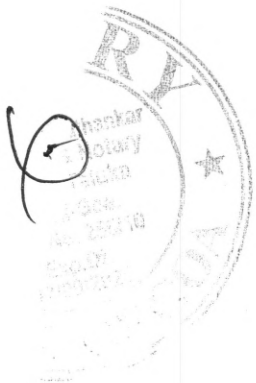
6. I say that pursuant to the Order dated 07/05/2021 of this Hon'ble Court, the High Powered Committee held two meetings i.e. on 10/05/2021 and 24/05/2021 in order to examine the situation arising out of 2nd wave of COVID-19 virus in the State Prison.
7. I say that as on 07/05/2021, Central Jail, Colvale was having 539 actual occupancy strength of inmates i.e. 97 male convicts and 5 female convicts. Similarly, 422 male under-trial inmates and 15 female under-trial inmates.

I say that the High Powered Committee in its Meeting held on 10/05/2021 granted parole to 51 convict prisoners who were granted parole during COVID-19 pandemic last year for a period of 90 days.

I say that 14 convict prisoners applied for grant of parole in view of the Order dated 07/05/2021 of the Hon'ble Supreme Court on 06/05/2021, 12/05/2021, 13/05/2021, 14/05/2021, 17/05/2021 and 18/05/2021. The applications were placed before the High Powered Committee in its meeting dated 24/05/2021. The High Powered Committee granted initial period of 30 days parole to all 14 convict prisoners.

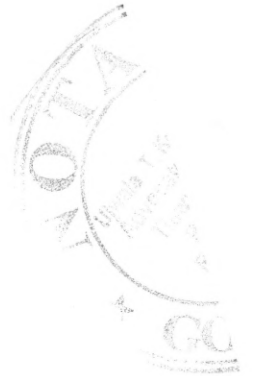
I say that the High Powered Committee has granted parole to 65 convict prisoners till date.

I say that the Under Trial Review Committee of North Goa and South Goa District have granted parole to 30



under-trials and confirmed by the High Powered Committee.

8. I say that the present occupancy of the said Jail i.e. as on 16/06/2021 is 458 inmates.
9. I say that one under-trial prisoner namely, Yellappa Karbal died in custody on 16/05/2021 who was tested positive for COVID-19 on 14/05/2021. As per the established procedure under Section 176 1 (1-A) of the Code of Criminal Procedure, 1973, the case is reported to the Chief Judicial Magistrate, Panaji. Magisterial Inquiry into the custodial death of Yellappa Karbal has been initiated.
10. I say that in terms of the provisions of Sub Rule (2) of Rule 398 of the Goa Prison Rules, 2006, the Meeting of the State Sentence Review Board was fixed on 29/04/2021. Due to sudden spike in COVID-19 cases in the State of Goa meeting was postponed and held on 16/06/2021. I say that 16 cases of eligible convict prisoners were placed before the State Sentence Review Board for review of sentence. The State Sentence Review Board after detailed deliberation and examining each case recommended 2 cases of eligible convict prisoners for premature release.
11. I say that the vaccination drive was conducted in the Central Jail, Colvale to administer first dose of COVID-19 vaccine. Accordingly, 73 prisoners in the age group of 45



and above were vaccinated and 261 prisoners in the age group of 18 to 44. The remaining prisoners are being given counseling sessions to accept COVID-19 vaccine.

12. I say that in addition to the above said initiatives of Vaccination Programme, the Central Jail has been provided with two units of Mini Thermal Fogger Sprayer (HYT-2) and Electric Sprayer, each, along with its accessories, to carry out the sanitization process on daily basis, so as to curb the spread of infections among the prison inmates.

13. I say that in total, 32 inmates were infected with COVID-19 during 2nd wave in 2021 and all these inmates have recovered. There are no fresh cases of COVID-19 reported as on date.

14. I say that the factual contents of the foregoing paragraphs are derived from the official records to which I have access and also within my knowledge and I believe the same to be true.

Solemnly affirmed on this 22nd day of June, 2021 at Panaji.



DEPONENT

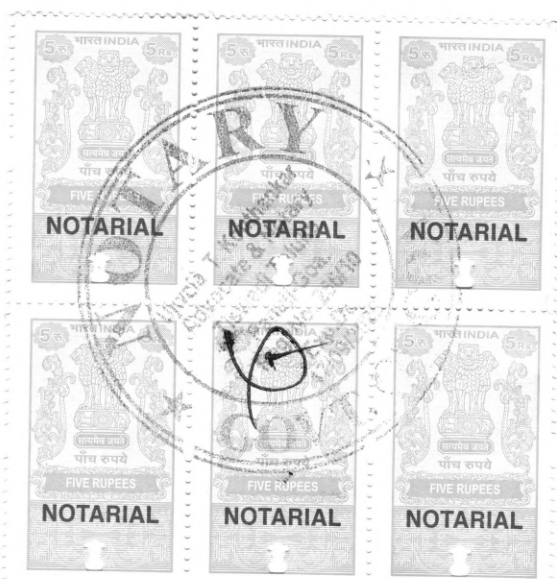
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VERIFICATION:

Verified in Goa on this 22nd day of June 2021 that the contents of the above affidavit are true and correct to the best of my knowledge and belief, no part of it is false and nothing material has been concealed therefrom.

Ushulab

DEPONENT



Solemnly affirmed before me by
Shri / Smt. Dependent herein
who has been identified by
me
whom I personally know.
Reg. No. 1232 Dated 22/6/2021

Ujjwala T. Kouthankar

UJJWALA T. KOUTHANKAR
Advocate & Notary
Tiswadi Taluka
Panaji - Goa
Reg. No. 256/10