

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

IN THE MATTER OF:

IN RE: CONTAGION OF COVID 19 VIRUS IN PRISONS

**COMPLIANCE AFFDAVIT ON BEHALF OF THE STATE OF
WEST BENGAL IN PURSUANCE OF ORDER DATED
01.06.2021**

PAPER BOOK

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**ADVOCATE FOR THE STATE OF WEST BENGAL:
PLR CHAMBERS & CO.**



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MOST RESPECTFULLY SHEWETH:

I, Siladitya Chakraborty, aged about 43 years, working as Senior Law Officer & *ex officio* Assistant Secretary(Law) under the Department Of Correctional Administration, Govt. of West Bengal having office at 63, Netaji Subhas Road, Kolkata-700001 do hereby solemnly swear, affirm and state as hereunder:

1. That I am authorized to file the instant affidavit on behalf of the State Respondent in the captioned matter. I have read and understood the contents of the instant affidavit along with the



accompanying documents, which is based on my personal knowledge as derived from the official records, maintained by the State of West Bengal. The legal submissions advanced in the present affidavit are based on legal advice furnished to me, which are believed to be true and correct.

2. That this present affidavit is filed in pursuance of the order dated 01.06.2021 wherein this Hon'ble Court was pleased to direct the States & UTs to:

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

3. In view of the afore-said order, it is most respectfully stated that (as on 04.06.2021):

- a. 2708 convict prisoners were issued parole orders for three months pursuant to this Hon'ble Court's order dated 07.05.2021; (These convicts were released on parole in 2020, as well)
- b. 3 prisoners died of COVID-19 in 2020; and



c. 4 prisoners died of COVID-19 in 2021.

A true copy of the letter no. 452/ADG-IG/21 dated 04.06.2021 from the Correctional Services, West Bengal dated 04.06.2021 specifying the number of prisoners released in pursuance of this Hon'ble Court's order dated 07.05.2021 is annexed and marked as **ANNEXURE A (Page No. 9).**

A true copy of the information in relation to the 7 deaths in prison due to COVID-19 from 03.08.2020 to 04.06.2021 is annexed, and marked as **ANNEXURE B (Page No. 10 to 11).**

4. It may be noted that the High Powered Committee initially recommended the parole of 2770 convicts, out of which only 2708 convicts were released on parole; the remaining 62 convicts were excluded due to reasonable apprehensions as enclosed herewith.

A true copy of the report containing the rationale behind excluding 62 prisoners from parole is annexed and marked as **ANNEXURE C (Page No.12 to 14).**

5. Furthermore, it is most respectfully submitted that medical care is being provided to all prisoners in Correctional Homes within the available facilities in Correctional Homes and outside Government Health Institutions as per necessity.



6. It may also be imperative to state that the Correctional Homes in West Bengal are:

- a. Ensuring proper screening (temperature/ symptom/background) of every incoming prisoners;
- b. Isolating newly admitted prisoners and monitoring over their health;
- c. Ensuring RAT / RT -PCR tests of newly admitted prisoners and suspected staffs reporting for duty.
- d. Training medical sub-ordinates like pharmacists for holding RAT / RT-PCR tests of prisoners in co-ordination with the State Health Department. Test kits are being provided by local Health authorities. (7727 prisoners and 316 employees have been tested RAT / RT-PCR under this drive in 2021)
- e. Implementing the vaccination drive, which has been undertaken in Correctional Homes with the help of Health & Family Welfare Department (2995 employees have been vaccinated out of 3489, whereas, 15637 prisoners have been vaccinated so far (prison population 24838);
- f. Ensuring regular sanitization / disinfection of Correctional Home premises.
- g. Emphasizing personal sanitation and hygiene of prisoners and staff.



7. Additionally, it is most respectfully submitted that the Jail Superintendents have been instructed to identify all elderly persons lodged in Correctional Homes and to ensure locally their periodical review of general, physical and mental health conditions. The Correctional Home authorities are taking up with the issues with local District / Sub-Divisional Health authorities wherever such facilities are not available in Correctional Homes.
8. In view of the aforesaid, it is most respectfully submitted that the State of West Bengal is committed towards the de-congestion process of Correctional Homes as per this Hon'ble Court's directions.
9. However the Respondent herein reserves the right to adduce further necessary documents or submissions through additional affidavits as and when required, or directed by this Hon'ble Court.

Siladitya Chakraborty

DEPONENT



VERIFICATION:-

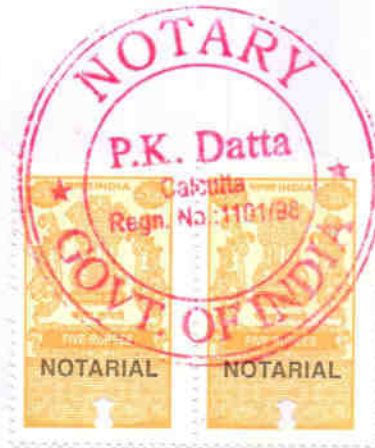
I, the Deponent named hereinabove, do hereby solemnly affirm and verify that the contents of the above affidavit are true and correct to the best of my knowledge. No part of it is false and nothing material has been concealed there from.

Verified at Kolkata on this 2nd day of July, 2021.

Siladitya Chakraborty

DEPONENT

Identified by me
[Signature]
SUJAN RAY
Adv.
C.M.M. Court, Kolkata



Solemnly Affirmed &
Declared before me on
Identification of advocate

[Signature]
P.K. DATTA
Notary

02 JUL 2021

Government of West Bengal
Directorate of Correctional Services
Jessop Building, 63, N.S. Road, Kolkata- 700001

No. 452/ADG-IG/21

Dated. 04.06.2021

To,
Sri Nirmalya Ghoshal
Addl. Secretary,
Home & Hill Affairs Department
Government of West Bengal,

Sub: Information sought in c/w SMW(C) No. 1/2020 [IN RE: CONTAGION OF
COVID 19 VIRUS IN PRISONS]
Ref: E-mail Dtd. June 3, 2021

With reference to above the undersigned is to furnish the requisite information as follows:-

1. Number of Prisoners released pursuant to the previous order dated 07.05.2021 in the captioned item.

Reply. - High Powered Committee recommended for parole in r/o 2770 convicts.
- Parole Orders for three months have been issued in favour of 2708 convicts.
- Parole could not be granted to 62 convicts due to several administrative reasons.
- No UTPs could be recommended by High Powered Committee for bail since the UTPs who were granted interim bail last year are not detained in Correctional Home at present.
- A fresh list of 652 UTPs has been placed before High Powered Committee for further consideration.

2. Number of deaths in prisons due to COVID-19.

Reply. Three (3) prisoners died of COVID-19 in 2020.
Four (4) prisoners died of COVID-19 in 2021.

This is for information. Further development will be intimated in due course.

WV

ADG & IG
Correctional Services, West Bengal

No. 452/ADG-IG/21 Dated. 04.06.2021

Copy to : The Principal Secretary, Department of Correctional Administration, Government of West Bengal. for kind information.



WV

ADG & IG
Correctional Services, West Bengal

PRISONERS INFECTED WITH COVID-19 AND EXPIRED IN 2020

Sl. No.	Correctional Home	Name of Prisoners	Age	Sex	Status	Date of Admission	Date of Covid Infection Detected	Where lodged during death	Date of Death	Case Reference with Section of law	Cause of Death	Co-morbidities, if any
1	Hooghly DCH	Anil Kumar Karmakar	73	M	UTP	9-Dec-15	1-Aug-20	Hooghly DCH	3-Aug-20	Serampore PS C/No. 470/15 dtd. 07.10.15 u/s- 448/307/34 IPC adding section- 302 IPC	Death was due to the effects of diseased condition involving vital organ as noted with history of corona virus infection.	Diabetic patient
2	Suri DCH	Maina Bagdi	55	M	UTP	29-May-16	RAT (-)ve on 4.8.20 RTPCR(+) ve on 7.8.20	Suri DCH	5-Aug-20	SC No. 1/03 u/s- 302/34 IPC	Death was due to the effects of the deceased condition of lungs and a natural case.	No known co-morbidity.
3	Jalpaiguri CCH	Anjali Ray	71	F	Con	30-Aug-19	16-Aug-20	NBMC&H, Siliguri	1-Sep-20	SC No. 434/13 U/s-304B/ 302/34 IPC	Covid-19 infection	Hypertension.



PRISONERS INFECTED WITH COVID-19 AND EXPIRED IN 2021

Sl. No.	Correctional Home	Name of Prisoners	Age	Sex	Status	Date of Admission	Date of Covid Infection Detected	Where lodged during death	Date of Death	Case Reference with Section of law	Cause of Death	Co-morbidities, if any
1	Burdwan CCH	Rebati Dhali	69	M	Con	23-Sep-20	3-May-21	Burdwan Medical College & Hospital	3-May-21	S.C.No.105 of 2008 U/s 326/149 IPC	Cuse of death COVID (+) ve	Not known
2	Berhampore CCH	Sahensa Sk	52	M	UTP	12-Jan-21	1-May-21	Murshidabad, Medical College & Hospital	8-May-21	Berhampore PS C/No 13/21, NDPS-11/2021, U/S 20(c)/29 NDPS Act.	Covid Pheumonia	Unknown
3	Hooghly DCH	Sanjib Ghosh	47	M	UTP	7-Sep-20	18-May-21	Imambara Sadar Hospital, Hooghly	22-May-21	Chinsurah PS C/No. 254/20 dtd. 02.09.20, u/s- 417/419/420/406/34 IPC	Post Mortem report has not been received till date	No known co-morbidity.
4	Baruipur CCH	Lalu Mirza	53	M	UTP	4-Mar-18	26-May-21	Baruipur SD Hospital	26-May-21	Spl No: 45/2018 arising out of Basanti PS C/No: 201/18 dt:	Type II respiratory failure in pneumonia. PM report yet to receive.	No known co-morbidity.



LIST OF CONVICTS WHO ARE NOT GRANTED PAROLE AT THIS STAGE FOR ADMINISTRATIVE REASONS

Sl. No.	Sl. in Master List	Correctional Home	Name of Convict	Reasons for non-issuance of parole order
1	174	Baruipur Central C Home	Jagannath Pramanik	Expired on 18/08/2020
2	284	Berhampore Central C Home	Bijoy Das	Expired on 09/09/2020
3	357	Berhampore Central C Home	Piar Sk	Expired on 31/07/2020
4	369	Berhampore Central C Home	Kaikabad Sk	Expired on 29/08/2020
5	594	Berhampore Central C Home	Ram Mondal	Jumped Parole
6	624	Berhampore Central C Home	Raju Ali @ Sekendar Khan	Jumped Parole
7	677	Burdwan Central C Home	Rafizul Sk @ Moni	Jumped Parole
8	741	Burdwan Central C Home	Alauddin Khan	Expired on 01/09/2020
9	822	Burdwan Central C Home	Anbar Hossain	Jumped Parole
10	915	Balurghat Central C Home	Joytish Bhowmik	Expired on 16/09/2020
11	945	Balurghat Central C Home	Akram Khan	Residence in other State
12	992	Dum Dum Central C Home	Dilip Das	Jumped Parole
13	993	Dum Dum Central C Home	Shibu Malik	Jumped Parole
14	994	Dum Dum Central C Home	Rabi Malik	Jumped Parole
15	1022	Dum Dum Central C Home	Kurban Ali Mondal	Jumped Parole
16	1075	Dum Dum Central C Home	Prosun Dutta	Jumped Parole
17	1150	Dum Dum Central C Home	Gouranga Chandra Sil	Expired on 11/08/2020
18	1187	Dum Dum Central C Home	Chimu Sardar	Jumped Parole
19	1188	Dum Dum Central C Home	Pute Sardar	Jumped Parole
20	1273	Howrah District C Home	Rakesh Routh	Jumped Parole
21	1274	Howrah District C Home	Sohan Kr Jha	Jumped Parole
22	1275	Howrah District C Home	Md. Irfan	Jumped Parole
23	1311	Jalpaiguri Central C Home	Kartick Mahali	Jumped Parole
24	1323	Jalpaiguri Central C Home	Amardeep Mandal	Jumped Parole
25	1332	Jalpaiguri Central C Home	Mangal Munda	Jumped Parole
26	1337	Jalpaiguri Central C Home	Ratan Das	Jumped Parole
27	1338	Jalpaiguri Central C Home	Krishna Adhikary	Expired on 26/06/2020
28	1342	Jalpaiguri Central C Home	Parneswari Barman	Expired on 19/08/2020
29	1357	Jalpaiguri Central C Home	Ananda Das	Jumped Parole
30	1358	Jalpaiguri Central C Home	Ajajul Miah @ Haque	Jumped Parole



LIST OF CONVICTS WHO ARE NOT GRANTED PAROLE AT THIS STAGE FOR ADMINISTRATIVE REASONS

Sl. No.	Sl. in Master List	Correctional Home	Name of Convict	Reasons for non-issuance of parole order
31	1362	Jalpaiguri Central C Home	Nibaran Pahan	Jumped Parole
32	1363	Jalpaiguri Central C Home	Roshan Bhujel	Jumped Parole
33	1364	Jalpaiguri Central C Home	Sushen Bhujel	Jumped Parole
34	1365	Jalpaiguri Central C Home	Kalu Baidh	Expired on 01/10/2020
35	1441	Jalpaiguri Central C Home	Bhim Rai @ Binay	Committed crime during parole
36	1467	Jalpaiguri Central C Home	Manjit Karowa	Jumped Parole
37	1469	Jalpaiguri Central C Home	Binod Goala	Jumped Parole
38	1609	Krishnanagar District C Home	Patla Sk	Expired on 29/09/2020
39	1625	Krishnanagar District C Home	Uttam Sarkar	Jumped Parole
40	1760	Midnapore Central C Home	Nobi Boy @ Ashok	Expired on 17/09/2020
41	1863	Midnapore Central C Home	Dulal Dandapat	Complaint received while on parole.
42	1867	Midnapore Central C Home	Kumar Khamri	Complaint received while on parole.
43	1895	Midnapore Central C Home	Amit Roy	Jumped Parole
44	1993	Midnapore Central C Home	Abujar Hossain @ Golam Hossain @ Afjal	Jumped Parole
45	1997	Midnapore Central C Home	Satya Mondal	Jumped Parole
46	2005	Midnapore Central C Home	Arun Haldar @ Bachha Arun	Jumped Parole
47	2032	Midnapore Central C Home	Sk Ali Mahammad	Jumped Parole
48	2095	Midnapore Central C Home	Tanmoy @ Tanu Chattarjee	Jumped Parole
49	2192	Durgapur Open C Home	Budhan Kisku	Jumped Parole
50	2218	Presidency Correctional Home	Bablu Chandra Das	Committed crime during parole
51	2219	Presidency Correctional Home	Bijay Cheti	Jumped Parole
52	2231	Presidency Correctional Home	Md. Asraf @ Raju	Committed crime during parole
53	2245	Presidency Correctional Home	Sk Sarjuman	Expired on 21/08/2020
54	2246	Presidency Correctional Home	Soumitra Sen Chowdhury	Jumped Parole
55	2267	Presidency Correctional Home	Minai @ Minarul Sk	Jumped Parole
56	2329	Presidency Correctional Home	Tapas Biswas	Jumped Parole
57	2468	Lalgola Open C Home	Rafiqul Khan @ Rafique (Life)	Jumped Parole



LIST OF CONVICTS WHO ARE NOT GRANTED PAROLE AT THIS STAGE FOR ADMINISTRATIVE REASONS

Sl. No.	Sl. in Master List	Correctional Home	Name of Convict	Reasons for non-issuance of parole order
58	2555	Midnapore Open C Home	Budhu Halder @ Madan	Premature Release
59	2569	Midnapore Open C Home	Dhruba Das	Premature Release
60	2580	Midnapore Open C Home	Raghu Besra	Premature Release
61	2583	Midnapore Open C Home	Barun Mondal	Premature Release
62	2610	Midnapore Open C Home	Anil Kar	Premature Release

