

MINUTES OF MEETING OF HIGH POWERED COMMITTEE FOR THE STATE OF MIZORAM

Venue : Judge's Bungalow, Gauhati High Court,
Aizawl Bench, Luangmual, Aizawl

Time : 26th July, 2021 (Monday) at 01:00 P.M

Chairman : Hon'ble Mr. Justice Michael Zothankhuma, Judge,
Gauhati High Court & Chairman, High Powered
Committee for the State of Mizoram.

Members Present:

1. Mrs. Lalbiaksangi, Secretary to the Government of Mizoram,
Home Department & Disaster Management and Rehabilitation
Department. Aizawl.
2. Mr. Lalnunhlua, Inspector General of Prisons, Mizoram.
3. Mr. R. Vanlalena, Member Secretary, Mizoram State Legal
Services Authority. Aizawl & HPC.

The Chairman welcomed members of the High Powered Committee and highlighted the purpose of convening a meeting.

1. The IG, Prisons reported the current population and capacity of all jails within Mizoram as below:-

MIZORAM PRISONERS POPULATION REPORT AS ON 25th JULY, 2021

Jail	UTP		LIFER		CONVICT RI		CONVICT SI		CHILDREN		TOTAL		G TOTAL	CAPACITY for Male & Female at the time of construction		
	M	F	M	F	M	F	M	F	M	F	M	F		M	F	TOTAL
CJ(A)	163		47		147		118				475		475	480		480
CWJ		25				8		3		1		37	37		98	98
DJ(A)	79						12				91		91	113		113
DJ(LLI)	55	9			2		7		1		65	9	74	130	10	140
DJ(SHA)	28	1			2	1	14				44	2	46	85	10	95
SJ(KLB)	61	1					16		1		78	1	79	130	16	146
DJ(CPI)	80	5			3		3				86	5	91	112	24	136
DJ(LTI)	10				4		6	1			20	1	21	96	40	136
DJ(SRCP)	7	2					9				16	2	18	125	40	165
DJ(MMT)	33	5					12				45	5	50	70	44	114
TOTAL	516	48	47		158	9	197	4	2	1	920	62	982	1341	282	1623

2. As reported by the IG of Prisons, first case of COVID-19 positive in Central Jail was detected on 23.05.2021. The maximum case rose to 185 on 03.07.2021 with 185 active cases. However, active case as on 25.07.2021 was only 17 cases. He stated that 1st & 2nd doses of COVID-19 vaccine have been administered to certain numbers of the prisoners and staff of the Department within Mizoram as shown in the table below:-.

STATUS OF COVID-19 1st DOSE & 2nd DOSE ADMINISTERED IN ALL JAILS

Sl/ No.	JAILS	INMATES				STAFF			
		1 st Dose Taken	1 st Dose Not Taken	2 nd Dose Taken	2 nd Dose Not Taken	1 st Dose Taken	1 st Dose Not Taken	2 nd Dose Taken	2 nd Dose Not Taken
1	CENTRAL JAIL, AIZAWL	179	295	1	474	102	8		102
2	CENTRAL WOMEN JAIL	34	3		37				
3	DISTRICT JAIL AIZAWL	78	8	5	91	6		27	33
4	DISTRICT JAIL LUNGLEI	69	5		74	37	2		39
5	DISTRICT JAIL SIAHA	46	-		46	14	-		14
6	DISTRICT JAIL KOLASIB	76	3		79	29	1		30
7	DISTRICT JAIL CHAMPHAI	87	4		91	33	1	33	1
8	DISTRICT JAIL LAWNGTLAI	-	21		21	15	1	15	1
9	DISTRICT JAIL SERCHHIP	18	-		18	22	Nil	22	Nil
10	DISTRICT JAIL MAMIT	-	50		50	22	Nil	20	Nil
	TOTAL	587	389	6	981	280	13	117	220

He further reported that one UTP namely Mr. Vanlalmuana Ngente (49 yrs), S/o Hrangtawna, R/o Phuldungsei village, Mamit District who was admitted in Central Jail, Aizawl on 17.02.2020 in connection with offence charged under Section 376(3) IPC read with Section 6 POCSO Act, 2012 was detected COVID-19 positive on 01.06.2021. He was admitted at the

Central jail COVID Care Centre (CCC) on the same day and was later referred to Zoram Medical College (ZMC), Falkawn on 12.06.2021 and admitted in the hospital but, unfortunately succumbed to COVID Pneumonia on 21.06.2021 at 0641 Hrs in the hospital. At the expense of the Government, the dead body was transported to his village as per the wishes of his parents for burial.

3. The meeting was informed by the IG Prisons that in order to prevent future out- break of COVID-19 virus amongst prisoners in jails, separate COVID Care Center (CCC) for male prisoners with a total capacity 175 Beds has been established at Central Jail, Aizawl. It was duly notified by the concerned authority; vide letter No.D.33012/43/2020-HFW(CCF) Vol-I/Pt.IX dated 7th July, 2021.

1. Old Female Enclosure (CCC 1, 2, 3, 4 & 5)	} Total – 175 Beds
2. Male Ward (5, 6, 7)	

4. The IG, Prisons stated that a proposal had been submitted to the Home Department, GOM for establishing CCC in other District Jails in the event of prisoners being detected COVIDd-19 positive. In this regard, the Home Secretary who also holds the charge of Secretary, DM&R Department,

GOM stated that she will look into the matter and see if any initial fund for immediate expenditure can be sanctioned.

5. The Home Secretary, GOM further stated she would look into the proposal submitted by the IG, Prisons with regard to sanctioning the immediate requirement of fund, with a condition that its utilization would be subject to detection of COVID-19 positives in jails. However, for extreme emergencies, the IG, Prisons and the concerned Jail Superintendents could approach the District Magistrate/DDMA of the concerned Districts for initial assistance for establishment of CCC in emergent cases. In this regard, the Home Secretary added that necessary orders would be issued by Disaster Management & Rehabilitation Department to enable the IG, Prisons and the Jail Superintendents to approach the concerned Deputy Commissioners/DDMAs for availing State Disaster Relief Fund (SDRF).
6. As the most effective measure for decongestion of prisoners in jails during this difficult time of the Pandemic is release of prisoners, the meeting resolved to adopt the following norms/criteria for granting bail to the prisoners, keeping in mind that granting of bail is exclusively the discretion of the Courts. The norms/criteria are:-
 - a. In a case where the offence charged is punishable with imprisonment for a period which may extend up to 7 years and no previous case of similar nature of offence is found against the accused.
 - b. Any prisoner, who, in the opinion of Judicial Magistrates/CJMs/Judge will not abscond while on bail in a case where the punishment provided


is imprisonment for a period not more than 7 years with or without fine.

- c. A prisoner that may be identified and recommended by the Medical Officer to be suffering from Co-Morbidities/serious illness.
 - d. Any prisoner, who is charged with the offence involving imprisonment of not more than 7 years term under the POCSO Act.
 - e. Prisoners convicted by Courts of JMFCs/CJMs whose appeals are lying pending in the Court of Additional Session Judges/Fast Track Courts/Sessions Judges.
7. The meeting resolved that the Member Secretary would write to all the Judicial Magistrates/CJMs to consider release of prisoners based on norms/criteria adopted by the meeting reflected in paragraph No.7 of the meeting minutes and submit action taken reports within 1 week to the Member Secretary, Mizoram SLISA. The meeting also resolved that those prisoners who have been on parole leave should be granted another 60(sixty) days extension of the parole period.
8. The meeting also recommended that in petty cases, the Judicial Magistrates/CJMs should consider if the case can be disposed off, as and when the accused is brought to the Court. Moreover, in a case where the Court is of the opinion that the accused will not abscond while on bail, it shall not impose harsh bail bonds and conditions.
9. The Member Secretary, Mizoram SLISA informed the meeting that as per reports received from all JMFCs/CJMs, every persons brought before them by Police/Excise & Narcotics are RAgT tested, to ensure prevention of spread of COVID-19 virus in jails and Courts as well.
- The meeting ended with a vote of thanks from the Chairman.


(Mrs. LALBIAKSANGI)
Member


(JUSTICE MICHAEL ZOTHANKHUMA)
Chairman,
High Powered Committee


(Mr. LALNUNHLUA)
Member


(Mr. R. VANLALENA)
Member Secretary