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

Venue : Judges' Bungalow, Gauhati High Court, Aizawl Bench

Time : 1st April, 2020 (Wednesday) at 11:00 a.m.

Chairman : Hon'ble Mr. Justice Michael Zothankhuma, Judge, Gauhati High Court & Executive Chairman, Mizoram State Legal Services Authority.

Members Present:

1. Pi Lalbiaksangi, Secretary to the Government of Mizoram, Home Department.
2. Pi Maria C.T. Zuali, Inspector General of Prisons, Mizoram.
3. Mr. Vanlalenmawia, Member Secretary, Mizoram State Legal Services Authority.

Special Invitees:-

1. Pu Thomas Zodingliana, AIGP (Legal)
2. Pu Dingluaia, DIG (Armed Branch)
3. Pu R. Lalthazuala, Joint Secretary to the Govt. of Mizoram, GAD.

1. At the outset, the Committee resolved that a correction was needed to be made with regard to para 5 (ii) of the Meeting Minutes of the High Power Committee dated 27.03.2020, wherein it was stated that Coronavirus is an airborne virus and can be transmitted through air. The same has to be corrected, inasmuch as, the transmission is made through droplets while sneezing and coughing, besides the other manner of infection of the virus, i.e., by coming into contact with an object that has the virus on it.

2. The agenda for today's meeting was the follow up of the resolutions of the High Power Committee Meeting minutes dated 27.3.2020. In the resolution made in the High Power Committee Meeting held on the 27th March, 2020, it was stated that the Government would

consider remission of sentence of convicts, whose sentence was up to 10 years, and who were not convicted with crimes relating to waging war against the Country, Arms Act, counterfeit currency, dacoity, terrorist crimes, kidnapping for ransom and to any other class of convicts for whom guidelines have been made by the State Government barring remission of sentence.

The other resolution passed earlier was that interim bail/bail should be given by the courts for offences for which the prescribed punishment is up to 7 years with or without fine.

3. The Inspector General of Prisons stated that the Government has considered remission of sentence of convicts and identified 48 convicts for the same. Accordingly, 48 (forty eight) convicts have been granted remission of sentence as on 31.3.2020, in pursuance to the High Power Committee meeting minutes dated 27th March, 2020. The remission of sentence have been made as follows:

1. Central Jail, Aizawl - 20 prisoners.
2. District Jail, Aizawl - 4 prisoners.
3. District Jail, Lunglei - 5 prisoners.
4. District Jail, Siaha - 7 prisoners.
5. District Jail, Kolasib - 4 prisoners.
6. District Jail, Champhai - 2 prisoners.
7. District Jail, Lawngtlai - 1 prisoners.
8. District Jail, Mamit - 5 prisoners.

4. The Inspector General of Prisons also stated that 25 prisoners have been identified as being old and having illnesses, such as diabetes, and having blood pressure. As such bail may be considered for the prisoners on the ground of old age and ill health as follows:

1. Central Jail, Aizawl - 6
2. District Jail, Aizawl - 6
3. District Jail, Lunglei - 3
4. District Jail, Kolasib - 4

5. District Jail, Champhai - 6

5. The Committee considered the reports given by the various District Courts in the State of Mizoram, wherein it was stated that 289 prisoners could be considered for grant of bail, as they were involved in cases where the punishment was for a maximum period of 7 years. Further, the said 289 prisoners were not involved in cases involving POCSO Act, 2012, rape, waging war against the Country, Arms Act, counterfeit currency, dacoity, terrorist crimes, kidnapping for ransom. Considering the fact that the 289 prisoners who can be considered for grant of bail are first-time offenders and the offences are punishable with sentences not exceeding 7 years, the High Power Committee recommends that they should be granted bail by furnishing PR bonds. However, prior to the Courts releasing them on bail, the consent of the prisoners should be taken. Further, the bail orders should contain conditions that the bail will be automatically cancelled if:

(i) The prisoner commits any similar offence while out on bail
(ii) The prisoner should not interfere with the investigation of the case
(iii) The prisoner should not tamper with the evidence or threaten the witnesses
(iv) The guidelines/decision taken by the State Government to control the spread of the Corona Virus would be adhered to by the released prisoners.

The Secretary of the District Legal Services Authority shall instruct PLVs and the jail visit lawyers to visit the jails immediately, to take the consent of those prisoners who may be released on bail and to do the needful in that regard. Thereafter, the Member Secretary shall obtain the reports from all the District Courts with regard to the bail orders issued in pursuance to the High Power Committee Meeting minutes dated 27.03.2020 and 01.04.2020.

6. The Secretary to the Govt. of Mizoram, Home Department, shall inform the Deputy Commissioners/District Magistrates of all the districts, to ensure that transportation is made available, so that the released prisoners (either on remission or bail), safely reach their place of residence. In this regard, the Home Secretary and the DGP of Police shall ensure that appropriate instructions are issued to the Executive Magistrates and the Police as may be necessary, for escorting the released prisoners to their residence. The Deputy Commissioners and

Superintendants of Police shall also inform the Local Level Task Force of the above resolution, to ensure that the released prisoners safely reach their residence.

The Inspector General of Prisons, shall in liaison with the Deputy Commissioners and Superintendants of Police concerned, make arrangements for transportation of the released prisoners to their place of residence.

7. The Inspector General of Prisons has, in view of that overcrowding of the Lunglei District Jail beyond its capacity, stated that 4 (four) convicts can be transferred to Lawngtlai District Jail for decongestion purposes. They are:-

1) Shri. Kapsanga, S/o K. Lalrinawma, Case No. Crl.Tr. 44/2019, LTPI P.S Case No. 63/2017 u/s 6 of POCSO Act

2) Vanlalvena S/o Mangvunga, Case No. Crl.Tr. 44/2018, LTI PS C/No. 27/2018, u/s 376(1) IPC.

3) J. Lalruatsanga S/o J. Lalzova, Case No. Crl.Tr. 233/2016, LTI PS C/No. 62/2016 u/s 376(1)/342 IPC.

4) ST. Lalngenzova S/o Hriaunawna (L), Case No. Crl.Tr. No. 495/2017, LTI PS C/No. 47/2017 u/s 4 of POCSO Act.

The Inspector General of Prisons shall accordingly take steps for transferring the above 4 (four) convicts to Lawngtlai District Jail, for the purpose of decongestion of Lunglei District Jail, as per the procedure laid down by the State Government.

8. It was reported to the Committee that Video Conferencing facility between the District Jails and the District Courts have also started in Lunglei, Champhai and Kolasib districts. Thus, with Aizawl District, there are now 4 (four) districts where Video Conferencing facility are available between the jails and the District Courts.

The Inspector General of Prisons stated that the Laptop with webcam facility will be considered by the State Government for Mamit District Jail and Serchhip District Jail. She also

stated that there are plans of construction of communication towers by a private company, on the land of the Siaha District Jail, which could in the future be used for Video Conferencing between District Jails in Siaha and Lawngtlai districts with the District Courts. The same was however still to be finalised between the private company and the Government.

9. The Member Secretary has submitted a report with regard to the 8 (eight) Observation Homes in the 8 (eight) districts of Kolasib, Aizawl, Lunglei, Champhai, Serchhip, Siaha, Mamit and Lawngtlai. The report shows that there are very few inmates in the Observation Homes and that it is within the manageable limits of the authorities. Further, in the Special Home, which is located in Aizawl district, there are 12 (twelve) males and 1 (one) female, which is also being managed properly.

10. The Inspector General of Prisons reported that there are quarantine facilities available for new UTPs in all the Districts Jails of Mizoram, except for Champhai district. The Inspector General of Prisons stated that the only building available for having a quarantine facility in Champhai District Jail is the Chapel. The Committee was of the view that the Chapel should be utilized as a quarantine facility, till such time a proper quarantine facility is identified and made by the State authority.

11. It has been reported that as on date, in pursuance to the HPC Meeting Minutes dated 27.03.2020, bail has been given to prisoners as follows:-

1)	District Jail, Kolasib	-	1
2)	District Jail, Mamit	-	1 – Suspension of sentence – 1
3)	District Jail, Champhai	-	1
4)	District Jail, Lunglei	-	5
5)	District Jail, Serchhip	-	4
6)	District Jail, Aizawl	-	6

12. Copies of the Meeting Minutes should be circulated for information and necessary action to the:-

1. Chief Secretary to the Govt. of Mizoram.
2. Secretary to the Govt. of Mizoram, GAD.
3. Secretary to the Govt. of Mizoram, Law & Judicial Department.
4. The Director General of Police, Mizoram.
5. Registrar, Gauhati High Court, Aizawl Bench.
6. The District & Sessions Judge, Aizawl and Lunglei
7. All Deputy Commissioners and Superintendents of Police.
8. All Chief Judicial Magistrates.
9. All Secretaries, DLSAs.

1/4/20
(Mrs. LALBIAKSANGI)
Member

1/4/2020
(JUSTICE MICHAEL ZOTHANKHUMA)
Chairman,
Higher Power Committee

1/4/2020
(Mrs. MARIA C.T. ZUALI)
Member

1/4/2020
(Mr. VANLALENMAWIA)
Member Secretary
Mizoram SLSA