

**MINUTES OF THE MEETING OF THE HIGH POWERED COMMITTEE
HELD ON THE 16TH DECEMBER, 2020 AT HIGH COURT CONFERENCE
HALL.**

Chairperson

Hon'ble Mr. Justice R.V. More, Judge, High Court of Meghalaya and Executive Chairman, Meghalaya State Legal Services Authority.
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Members Present

Shri. Aldous Mawlong (IAS)	Commissioner & Secretary, Government of Meghalaya, Prisons Department.
Shri. M. Kharkrang, (IPS)	Inspector General of Prisons, Meghalaya.

Invitee Guests

Hon'ble Mr. Justice H.S. Thangkhiew, Judge, High Court of Meghalaya and	Chairperson, High Court Legal Services Committee
Hon'ble Mr. Justice W. Diengdoh, Judge, High Court of Meghalaya	
Shri C.V.D. Diengdoh, (IAS)	Secretary, Government of Meghalaya, Home (Police) Department
Smti M.N. Nampui, (IAS)	Secretary, Government of Meghalaya, Social Welfare and Health Department
Dr. Aman War	Director of Health Services, Meghalaya
Shri D.D. Shira (MCS)	Director of Social Welfare Department
Dr. S.R. Marak, (MPS)	Asst. IGP (E) Meghalaya
Shri J. V. Lyngdoh	Chief Engineer, Public Works Department, Meghalaya
Shri R.K.M. Sangma	Assistant Inspector General of Prisons

Member Secretary, Meghalaya State Legal Services Authority, Shri Noor Ain Khan, Convener of the meeting.

The Chairman, Hon'ble Mr. Justice R.V. More, welcomed the members, invitee guests, and apprised that High Powered Committee has been constituted on the directions of the Hon'ble Supreme Court of India in *Suo Motu Writ Petition (Civil) No. 1 of 2020 In Re: Contagion of COVID-19 Virus in Prisons*, to decongest the prisons in the State of Meghalaya, and check the spread of COVID-19 in the prisons. Hon'ble Chairman informed that this meeting has been called to review conditions of the prisons in the state of Meghalaya.

That with the permission of the Hon'ble Chairman agendas is taken for deliberation.

ITEM No. 1

Agenda:

Confirmation of Minutes of the meeting of High Powered Committee held on the 31-03-2020

Resolution:

The Members perused the Minutes of the last meeting of the High Powered Committee, held on 31-03-2020, and the same is unanimously confirmed.

The directions and resolutions passed in the first High Powered Committee Meeting dated 31.03.2020 for considering the release of prisoners shall be adhered to for the purpose of decongestion of jails.

ITEM No. 2

Agenda: *Deportation of Convicted Bangladeshi Nationals*

The Hon'ble Chairman, apprised the house, reports received from the Prison Department, reveals that there are 46(forty-six) Foreign Nationals, languishing in different District Jails, across the State of Meghalaya, and their detail has been furnished to the members, and the invitee guests which is appended to this minute as **Annexure -I.**

His Lordship, also apprised, that there are 7(seven) convicts languishing in Tura district Jail, who has served their sentences, (*their particulars is appended along with this minutes as **Annexure –II***) which is matter of great concern, in as much as, the prisoners who has served their sentences, cannot be incarcerated

in prison.

The Inspector General of Prison, informed that the matter has been taken up with the Bangladesh Government, and they have agreed to visit India, and discuss the issue of deportation of the Bangladeshi prisoners.

His Lordship echoed, the need for establishing, detention centers in the State for the convicts, who has served the sentences.

Secretary, Government of Meghalaya, Home (Police) Department, assured that steps shall be taken for establishing detention centers in the State

Resolution:

After due deliberation, it was resolved that the Home (Police) Department in co-ordination with the Prisons department, shall take steps for establishing detention centres, in the state, the action taken shall be apprised to the Meghalaya State Legal Services Authority.

Prisons Department shall intimate the outcome of the meeting with the Bangladesh Government, on the issue of deportation, to the Meghalaya State Legal Services Authorities.

ITEM No. 3

Agenda:

Video Conferencing facility in the District Jails

The Hon'ble Chairman apprised the house, that the reports from the District Legal Services Authorities, Shillong, Jowai, Nongpoh, Tura and Williamnagar, shows that the video conferencing facility in the District Jails of Shillong, Jowai and Tura are functional, but in Nongpoh and Williamnagar they are inoperative. His Lordships informed that during this Pandemic of COVID-19, courts are functioning virtually, as such video conference, has become an integral part of Court proceedings, unless the same is not made operational, it would thwart the smooth functioning of the Courts.

The Inspector General of Prisons, stated that the video conferencing facility are functional in Shillong, Jowai, Tura. The video conferencing in Nongpoh is also functional, however, due to some minor technical glitches, there was disturbances, the same shall be rectified in due course.

He further, stated that the video conferencing facility in Williamnagar Jail is under process. The Prison Department has taken up the matter with the Bharat Sanchar Nigam Limited (BSNL) for installation of the video conferencing facility in Williamnagar Jail. The prison department has been pursuing the matter since 2018, due to callous response of the Bharat Sanchar Nigam Limited (BSNL) things could not be materialized till date, as such requested for intervention, in order to expedite the matter.

RESOLUTION:

Upon brief deliberations, ***It is resolved that the matter shall be taken up with the Chief General Manager, Bharat Sanchar Nigam Limited, Meghalaya, to discuss, on the speedy installation of the video conferencing facility in the District Jail, Williamnagar .***

ITEM No. 4

Agenda: Housing of prisoners of various courts under Resubelpara District in Williamnagar Prison

The Hon'ble Chairman apprised the house, that a request was made from the Inspector General of Prisons, for issuing directions to the respective Courts, in Resubelpara District for sending the UTPs to Williamnagar, instead of Tura Jail, to decongest Tura jail.

RESOLUTION :

Upon discussion, it is resolved that ***the Inspector General of Prisons will take up the matter with the Law Department for transferring of the UTPs from one jail to another jail at the convenience of the Prisons Department on the administrative side.***

ITEM No. 5

Agenda: (i) Preventive measures in jails and Corona Care Centre established for the accused persons

The Inspector General of Prisons, Meghalaya informed that at present, there is no active cases of COVID-19 in the jails. All inmates have tested negative.

Resolutions: (a) It was resolved that for the safety of the prisoners, all preventive measures shall be adopted like keeping of accused persons in an isolation ward, and all protocols set up by the Prisons Department shall be strictly followed.

(b) It was also resolved that the Prison Department shall make an arrangement for the prisoners to meet their relatives and their counsels or Legal Aid Counsels.

ITEM No. 5

Agenda: (ii) Preventive steps taken in Remand Home

The Secretary, Social Welfare Department informed that there are no COVID-19 cases in the Observation Homes. The Department is strictly maintaining the protocols prescribed for dealing with children in Observation Homes. Some, COVID-19 cases were reported in two Child Care Institutions and they have been dealt with. But at present, all the children housed in CCI are tested negative. The video conferencing facility in the Observation Homes are still under process for installation.

Resolutions:

(a) It was resolved that for the safety of the children, all preventive measures shall be rigorously adhered.

(b) It was also resolved that the Social Welfare Department shall arrange for the children to meet their relatives and their counsels or Legal Aid Counsels.

(c) Prompt steps shall be taken to install video conferencing facility in the Observation Homes and the action taken by the Social Welfare Department shall be informed to the Meghalaya State Legal Services Authority.

ITEM No. 6

Agenda:

Decongestion of Jails

The Member Secretary , Meghalaya , State Legal Services Authority, informed that pursuant to the resolution dated 31-3-2020, around 959 prisoners, has been released from the District Jails throughout the State. The statistics of the prisoners released, from each districts jails has been furnished and is appended along with the this minutes as Annexure-III.

The Hon'ble Chairman, informed that all the Jails in the State are congested except Williamnagar jail as per the Prisons Population reported on 30-11-2020.

The Hon'ble Chairman requested the members to give their valuable suggestions to decongest the prisons which are overcrowded.

The Chief Engineer, Public Works Department (Building) brief about the status of the construction work of Nongstoin Jail, he informed that 60% -70% of the

construction work of Nongstoin Jail has been completed and assured that the construction of Nongstoin Jail shall be accomplished by 2021. The Chief Engineer (PWD) highlighted that the construction work was hampered due to Pandemic of Covid-19, as such, there has been a delay in accomplishing the work.

The Inspector General of Prisons, apprised that the Prisons Department has proposed for setting up of jail at Ampati in South West Garo Hills District and at Khliehriat in East Jaintia Hills District and that the process is still at the stage of acquisition of land.

The Inspector General of Prisons also informed that the Prisons Department has also proposed for setting up of Central Jail in New Shillong Township and the land identified was only 10 acres. Considering the requirements for setting up of a Central jail, the Prisons Department has proposed for additional land of 35 acres and the same is under process.

Upon discussions and suggestions made by the members it was resolved as under;

Resolutions:

It was resolved that the PWD (B) shall expedite the matter of construction of Nongstoin jail and submit the progress report to the Meghalaya State Legal services Authority.

The Prisons Department shall also take steps to expedite setting up of District Jail in Ampati and Khliehriat and shall also furnish a report on the status, on the proposal for setting up of Central Jail at New Shillong Township.

ITEM No. 7

Agenda: *Sitting of Under Trial Review Committee in the District*

The Member Secretary , Meghalaya , State Legal Services Authority, informed that the Under Trial Review meetings are regularly held under the Chairmanship of the District & Sessions Judge of the respective Districts to identify the UTPs who have served more than half of the sentence and extend the benefit of 436A of CrPC. He also informed that in cases where UTPs are granted bail but not release, as they are unable to furnish sureties, steps are taken by LAC to seek modification of the bail conditions.

Hon'ble Mr. Justice W. Diengdoh, apprised the members that as per the directions of the Hon'ble Supreme Court in connection with Writ Petition (Civil) No. 406/2013 titled RE – Inhuman Conditions- 1382 prisons, stated that the Members of the UTRC i.e. Deputy Commissioner, Superintendent of Police, Public Prosecutors

are members of the Committee who are supposed to attend the meeting in person but it has been found that the members depute their subordinates to attend the meetings which is not appropriate. The Secretary (Home) assured that the matter will be looked into and necessary direction will be issued to attend the meeting in person and not to depute any subordinate officers.

The Committee taking note of it passed the following resolutions;

Resolutions: (i) *It was resolved that the Home Police Department shall issue appropriate directions to all Deputy Commissioners and Superintendent of Police to attend the UTRC meeting in person whenever convened by the Committee and not to depute any subordinates.*

ITEM No. 8

Agenda:

(i) Escape and Death of Prisoners

The Hon'ble Chairman, informed that from the reports furnished, it is found that accused persons escaped from quarantine centers prisons, and there has been reported cases of death in custody.

His lordship informed that in cases where there has been death in custody magisterial inquiry has been ordered.

The member secretary Meghalaya state legal services authority and convener, informed the house that there are some cases reported regarding escape of the prisoners from the quarantine centre and from the prison. It appears that they escape from the quarantine centre.

Is due to the lack of proper security arrangement by the police as such the security need to be tighten by deputing more security personal. His lordship deliberating on the matter expressed the deep concern on the jail escape and custodial death and informed the members and invitee guest that unless this issue are not seriously address it would have a deep ramification on the entire system. It may gradually erode the system which is not desirable and called for all the state holders to take immediate remedial steps to curb this happening.

Inputs stated that there are accused who are under investigation are escaping from the Corona Care Centre/Unit and some prisoners have committed suicide inside the jails.

His Lordship informed that the matter a Magisterial Inquiry has been conducted in both the cases of custodial death.

The Member Secretary, Meghalaya State Legal Services Authority and Convener, informed the house that there are some cases reported regarding escape of accused persons from the Corona Care Centres and other escape as reported is during judicial custody. It is learnt that the reason is that there is a shortage of man power of the Police personnels manning the Corona Care Centre.

The Member Secretary, Meghalaya State Legal Services Authority and Convener, informed that in most suicide cases, it is learnt that the accused persons are either first timer and victims of drugs and other substance who require rehabilitation instead.

The Hon'ble Mr. Justice H.S. Thangkhiew, pointed out that in most cases, the accused persons are being accompanied by police personnel who physically unfit and give an impression that those police personnel whose presence is not required anywhere are sent to the Courts to take care of the security arrangement of the prisoners. Such attitude does not only indicate apathy towards the security in the Court but also poses a great risk for the escape of the prisoners and other centre which needs to be reviewed.

Dr. S.R. Marak, (MPS), Asstt. IGP (E), Shillong stated that they are running short of manpower as such sufficient numbers of police personnels have fall short, the Hon'ble Executive Chairman in response apprised that shortage of manpower cannot be a ground for lapses in security leading to escape of the prisoners. The Police Department needs to comprehend the security arrangement under right perspective.

It has been noticed that in the last HPC the Director General was requested to participate in the meeting without assigning reasons, the DG did not attend the meeting. Today also it is found that the DG has sent his subordinate, it is a meeting touching the realm of the security of the prisoners to decongest the jail and handling of the prisoners by the police as there has been reported cases of custodial death. The DG heads the police Dept. and is the integral part of the integrated system of prison, police and court. It is expected that his participation in meeting of this nature would only enhance the capacity building of the administration of justice.

Resolutions: (i) It was resolved that the Director General of Police shall evolve a scheme for treating these accused persons as victims of drugs and keep in rehabilitation centres.

(ii) It was resolved that the Director General of Police, Meghalaya shall hence forth depute competent police personnel for escorting the accused to the Courts

The meeting ended with a vote of thanks from the Chair.

Shri N.A. Khan	Member Secretary, Meghalaya State Legal Services Authority and Convener	
Shri Aldous Mawlong (IAS)	Commissioner & Secretary, Government of Meghalaya, Prison Department	
Shri M. Kharkrang, (IPS)	Inspector General of Prison, Meghalaya	

Hon'ble Mr. Justice R.V. More,
Judge, High Court of Meghalaya and
Executive Chairman,
Meghalaya State Legal services Authority.

ANNEXURE - I

The details are as follows:

Name of District Jail	UTP of Foreign National	Convicts of Foreign National	Total
District Jail, Shillong	11	2	13
District Jail, Jowai	14	Nil	14
District Jail, Tura	12	7	19
District Jail, Williamnagar	Nil	Nil	Nil
District Jail, Nongpoh	Nil	Nil	Nil
TOTAL	37	9	46

Annexure - II

Convicts who has served their sentences.

Name	Age	Date of admission in jail	Case reference
Shri Adra Ali	40	28-11-2018	Dalu PS C/No. 28 (11)18 u/s 14 Foreigners Act
Shri Nidesh Agitok Sangma	42	11-12-2018	Dalu PS C/No. 30(12)18 u/s 14 Foreigners Act
Smti Azima (Asma) Khatoon	35	11-01-2019	Tura WPS C/No. 2 (1)19 u/s 14 Foreigners Act
Shri Lalchand Badshah	20	08-05-2019	Dalu PS C/No. 17 (5) 2019 u/s 14 Foreigners Act
Shri Md. Siraj Saik	19	01-05-2019	Dalu PS C/No. 14(4) 2019 u/s 14 Foreigners Act
Shri Md. Kamal Saik	35	01-05-2019	Dalu PS C/No. 14(4) 2019 u/s 14 Foreigners Act
Shri Amzad Ali	27	28-05-2019	Dalu PS C/No. 23(5) 2020 u/s 14 Foreigners Act