

**IN THE HIGH COURT OF UTTARAKHAND**

**AT NAINITAL**

THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH  
CHAUHAN

AND

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

**Writ Petition (PIL) No. 58 OF 2021**

**6<sup>TH</sup> MAY, 2021**

Between:

Omveer Singh ...Petitioner.

and

State of Uttarakhand and others. ...Respondents

Counsel for the petitioner: Mr. Ajay Veer Pundir,  
Advocate.

Counsel for the respondents :Mr. C.S. Rawat,  
learned Chief Standing  
Counsel for the State of  
Uttarakhand.

**The Court made the following:**

**ORDER** : (per Hon'ble the Chief Justice Sri Raghvendra Singh Chauhan)

In compliance of the order dated 03.05.2021,  
Mr. A.P. Anshuman, I.G. Prisons, has attended the  
virtual Court through video-conference.

2. Mr. Anshuman informs this Court that there are  
6,647 inmates, who are housed in different jails  
throughout the State. Out of these 6,647 inmates, 4,474  
are under-trials prisoners, while 2173 are convicted

prisoners. Moreover, according to him, as of 04.05.2021, the prisoners have been subjected to Rapid Antigen Tests / RT-PCR Tests; and so far, fifty-nine inmates have been found to be Covid-19 positive. Out of these fifty-nine Covid-19 positive prisoners, fifty-eight are asymptomatic, and only a single prisoner has exhibited mild symptoms. Therefore, he has been admitted in the Sushila Tiwari Hospital at Haldwani. Furthermore, out of these 6,647 inmates, so far only 122 inmates have been inoculated. Considering the small number of inmates, who have been inoculated, Mr. Anshuman claims that he has written to the District Magistrates requesting them to increase the number of inoculation in the jails. For, the jail population is one, which is contained in a limited area, and the jails too suffer from over-crowding. However, so far the District Magistrates have not responded enthusiastically.

3. He further informs this Court that in accordance with the directions of the Hon'ble Supreme Court in **Suo Motu W.P. (C) No. 1 / 2020, In RE: Contagion of Covid 19 Virus In Prisons**, a High Powered Committee was constituted by the Uttarakhand State Legal Services Authority by order dated 26.03.2020. The said Committee consists of the Hon'ble Executive Chairman of the Uttarakhand State Legal Services Authority as the Chairman of the Committee, the Principal Secretary, Home / Prison, and the Director General of Prisons as other members. According to Mr. Anshuman, on the last occasion, the said Committee had met in September-October, 2020. Till September-October, 2020, it had recommended 891 cases. In 725, it had made recommendation for release of prisoners. Considering the recommendation of the Committee, 699 prisoners

were duly released. However, according to him, since October, 2020, the said Committee has not met so far. Therefore, presently, there is neither any recommendation, nor any prisoner is being released by the Jail Department.

3. This Court has asked Mr. Anshuman, whether prisoners are tested before they are released from jails or not? To this query, Mr. Anshuman has frankly conceded that no test is carried out on the prisoners, who are about to be released in order to detect, whether they suffer from Covid-19 virus, or not?

4. This Court has also pointed out the difficulty being faced by prisoners, namely, their inability to connect with their counsel during the present pandemic. Mr. Anshuman informs this Court that the Jail Department already has a platform called "E-Mulakaat", through which a counsel can connect with his client through Video-Conference in all the jails of the State.

5. Mr. Ajay Veer Pundir, the learned counsel for the petitioner, submits that considering the information submitted by Mr. Anshuman, certain directions should be issued to the Jail Department while dealing with the present Covid-19 pandemic.

6. Therefore, this Court directs as under: -

(1) The Jail Department and the Principal Secretary, Home / Prison, respondent no. 1, are directed to ensure that the number of the prisoners being inoculated is drastically increased. In fact, since most of the prisoners would be above the age of eighteen years, the

inoculation of prisoners must be ensured by the State Government as expeditiously as possible, and preferably within one month from the date of this order.

(2) When a prisoner is being released, he must be subjected to Rapid Antigen Test /RT-PCR test in order to ensure that he does not leave the jail premises as a Covid-19 positive case. For, there are great chances that such a prisoner, who is being released, may carry the virus with him, and may infect his family, in particular, and the society, in general.

(3) The High Powered Committee is directed to convene its meeting within a period of two weeks, and to review the cases of under-trial prisoners and the case of those, who have been convicted for offences punishable for less than seven years. It shall make its recommendations within two weeks from its meeting, since there is a possibility that this pandemic may continue for many months to come and since there are reports which show that India may face the third wave of Covid-19, which may continue even in the next year. The High Powered Committee is directed to meet once every month, and to

review the cases of the present inmates, and to make its necessary recommendations.

(4) The learned I.G. Prison is directed to inform the Chairman, Bar Council of Uttarakhand about the existence of the "E-Mulakaat" portal. Furthermore, he is directed to ensure that sufficient hardware and software is available in the jails so as to permit the prisoners to converse with their counsel through the "E-Mulakaat" portal.

(5) The learned counsel for the State is directed to file a detailed report with regard to the implementation of the directions issued by this Court within a period of three weeks.

7. The presence of Mr. Anshuman, the learned I.G. Prisons, is dispensed with for future.

8. The Registry is directed to list this case on 09.06.2021.

---

**RAGHVENDRA SINGH CHAUHAN, C.J.**

---

**ALOK KUMAR VERMA, J.**

Dt: 6<sup>th</sup> May, 2021  
Rathour