

**MINUTES OF THE MEETING OF THE HIGH POWER COMMITTEE HELD ON 14/08/2020**

1. The High Power Committee (HPC) headed by Hon'ble Mr. Justice S. Serto & Executive Chairman, Nagaland State Legal Services Authority, with Shri. Abhijit Sinha IAS, Principal Secretary (Home), Nagaland and Shri. Renchamo P. Kikon, ADG (Prison), Nagaland as members, constituted vide Govt. of Nagaland notification no. Home/JL-3/COVID-19/2020 in pursuance to the directions of Hon'ble Supreme Court, passed in suo-motu Writ Petition (C) 1/2020 in the wake of Covid-19 pandemic; held an Emergency Meeting in the Video Conference Hall of the High Court, Kohima Bench on 14/08/2020 at 3:30 pm.

2. The HPC reviewed the actions taken in pursuance of the decisions arrived at in the first meeting held on 1<sup>st</sup> of April 2020 and also the second meeting through video conferencing held on 24<sup>th</sup> July 2020. After due deliberations, and taking into the account the increasing number of arrests being made and some of the arrested person/s being tested positive for COVID-19 by TrueNat machine, decided the following:

(a) The earlier HPC recommendations and Home Department Notification issued on 28<sup>th</sup> July 2020 that every accused on being arrested by the Police should be immediately tested for COVID-19 by TrueNat machine was reiterated. In the event of the arrested person testing positive on TrueNat, and if he/she is forwarded to Judicial Custody, the concerned Jail authorities shall petition the Magistrate with the request for allowing keeping the arrested person in the isolation ward of the District Hospital or in a pre-determined institutional facility for isolation in the District. The Jail Authorities will also write to the Commissioner of Police/District Superintendent of Police to provide adequate security at the isolation ward/institutional facility for isolation.

(b) The swab sample of the positive case on TrueNat shall be immediately sent for RT-PCR confirmatory test for COVID-19, and results should be made available in the shortest possible time. If the RT-PCR confirmatory test is negative, the arrested person with the consent of the Magistrate shall be sent to the concerned Jail for Judicial Custody strictly adhering to the earlier HPC recommendations and Government Notifications. If the RT-PCR test is positive, the arrested person with the consent of the Magistrate shall be shifted to Covid- Hospital/ Covid Care Centre for treatment and security at these locations shall be provided by the Commissioner of Police/District Superintendents of Police.

(c) All the Deputy Commissioners, and in particular, Dimapur, Kohima, Mokokchung and Mon, where the numbers of UTPs as well as the number of arrests are comparatively on the higher side, shall ensure that sufficient beds are made available in the isolation wards of the District Hospitals to accommodate the arrested persons testing positive on TrueNat. In districts where isolation wards are not available in the District Hospital or the numbers are not sufficient, some other suitable institutional facilities for isolation shall be earmarked for confinement of the arrested persons tested positive on TrueNat. In all such locations adequate security shall be provided by the Commissioner of Police/District Superintendents of Police.

(d) If any accused who is tested positive on TrueNat is unavoidably required to be remanded in Police Custody for further investigation /interrogation and the same is granted, the accused by an order of the Magistrate should be kept in the quarter guard of the Units and the Police staying in the same facility should carry out the necessary interrogation while following social distancing norms and other health safety protocols. In the case of the positive result on TrueNat getting confirmed by RT-PCR test for COVID-19, the accused with the permission of the Magistrate will be shifted to Covid- Hospital/ Covid Care Centre for treatment and security at these locations shall be provided by the Commissioner of Police/District Superintendents of Police.

3. The HPC directed that any UTP/ Convict showing symptoms shall be immediately sent for COVID-19 testing and while waiting for the result will be kept in the quarantine room/facilities in the Prison. If the test comes positive then with the consent of the Magistrate the UTP/Convict shall be shifted to Covid- Hospital/ Covid Care Centre for treatment and security at these locations shall be provided by the Commissioner of Police/District Superintendents of Police. Further contact tracing and other containment measures as provided in the guidelines and SOP of the Government as issued from time to time will be initiated. If the test is done on TrueNat and if it comes positive then for such an UTP or Convict similar action as detailed in paras 2 ( a ) and 2 ( b ) above for someone arrested and tested positive on TrueNat will be taken.

4. The HPC keeping in account the comparatively higher number of prisoners in Central Jail Dimapur and District Jail Dimapur, recommended for immediately attaching a medical doctor on regular basis for attending to the health issues of the Prisoners in the two Jails.

*[Handwritten Signature]*

5. The HPC deliberated on instances of accused persons getting remanded to judicial custody in late evenings due to late receipt of COVID-19 test results, and the jail authorities being reluctant to admit such accused on the ground that the jail has been locked up for the night. The HPC referred to Rule 224 and 225 of the Assam Jail Manual, which is applicable in Nagaland and directed that with the orders of the Magistrate accused should be received after jail has been locked up, and such accused should be confined in a separate cell or the under-trial ward for the night or kept at the main gate under proper custody.

6. The meeting concluded with a vote of thanks from the Chair.

Sd/-  
Hon'ble Mr. Justice S. Serto  
& Executive Chairman,  
Nagaland State Legal Services Authority

Sd/-  
Abhijit Sinha  
Principal Secretary, Home  
Nagaland, Kohima.

Sd/-  
Renchamo P. Kikon  
Addl. Director General, Prisons  
Nagaland, Kohima

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