

**PROCEEDINGS OF THE PRINCIPAL DISTRICT JUDGE
EAST GODAVARI AT RAJAMAHENDRAVARAM.
PRESENT: SMT. M.BABITHA, PRL.DISTRICT JUDGE.**

Sub:- HIGH COURT OF ANDHRA PRADESH – Visits of Prisons – Nomination of Judicial Officers for Periodical inspection of prison in the Unit of East Godavari – Orders – Issued.

Read:- 1) Letter dated 13.09.2020 of Madhurima Dhanuka, Programme Head, Prison Reforms Programme, Commonwealth Human Rights Initiative, New Delhi.
2) Email letter dated 26.04.2021 from Madhurima Dhanuka, Programme Head, Prison Reforms Programme, Commonwealth Human Rights Initiative, New Delhi.
3) Hon'ble High Court's ROC.No.423/SO/2020 dated 28.09.2021.

The Hon'ble High Court in ROC.No.423/SO/2020 dated 28.09.2021, forwarded the letter dated 26.04.2021 received from Ms.Madhurima Dhanuka, Programme Head, Prison Reforms Programme, Commonwealth Human Rights Initiative, New Delhi along with checklist for external monitoring of Prison, to used the same to monitor the measures and conditions in Prison and rights of Prisoners while visiting Jails; as directed by the Hon'ble High Court under reference 3rd cited, the District Judge, East Godavari is pleased to make the following:-

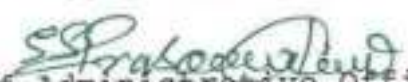
ORDER:

DATED: :09-11-2021

The below mentioned Judicial Officers are required to visit the respective prisons every month on any convenient date during that month and submit report along with check list to the District Court in the first week of next month, so as to submit the same to the Hon'ble High Court.

Name of Prison/Jail	Judicial Officer nominated for monitor of the Jail.
State Jail for Women, Rajamahendravaram.	Principal District & Sessions Judge, East Godavari at Rajamahendravaram.
Central Prison, Rajamahendravaram.	X Addl. District Judge-cum-Spl. Judge for trial SCs & STs (POA) Act, Rajamahendravaram.

Name of Prison/Jail	Judicial Officer nominated for monitor of the Jail.
Sub-Jail, Kakinada	IV Addl. District Judge, Kakinada.
Sub-Jail, Peddapuram.	VI Addl. District Judge, Kakinada.
Sub-Jail, Prathipadu.	XII Addl. District Judge, Pithapuram.
Sub-Jail, Tuni	XII Addl. District Judge, Pithapuram.
Sub-Jail, Kothapeta	II Addl. District Judge, Amalapuram.
Sub-Jail, Ramachandrapuram.	II Addl. District Judge, Amalapuram.

//t.c.f.b.o.//

Chief Administrative Officer

SD/- M.BABITHA,
PRL. DISTRICT JUDGE
EAST GODAVARI.

DIS.No.7171, DATED 10-11-2021

Encl:

Checklist.

To

All the concerned Judicial Officers.

Copy to the concerned Superintendents of Prison/Jail.

Copy to the Secretary, District Legal Service Authority,
East Godavari at Rajamahendravaram.

Copy to all the Superintendents, District Court,
Rajamahendravaram.

Copy to the system officer incharge with a direction to upload
this proceedings in District Court's official website.

Note: The Presiding Officers concerned are directed to download
the copy of proceedings from the website of District Court, East
Godavari.

**B.S. BHANUMATHI
REGISTRAR GENERAL**



**NELAPADU
AMARAVATI**
(Off): 0863 2372613
(Fax):0863 2372631

ROC.No. 423/SO/2020

Dt 28.09.2021

To

All the Principal District Judges
in State of Andhra Pradesh.

Sir/Madam,

Sub: High Court of Andhra Pradesh - Letter received from Madhurima Dhanuka, Programme Head, Prison Reforms Programme, Commonwealth Human Rights Initiative, New Delhi – Requested for appropriate orders /directions to the Learned District Judges to periodically inspect prisons in their jurisdiction guided by the Checklist for External Monitoring of Prisons, in the wake of second wave of COVID-19 in India - As directed, forwarding letter and check list - Request to take action – Reg.

- Ref:** 1. Letter dated 13.09.2020 of Madhurima Dhanuka, Programme Head, Prison Reforms Programme, Commonwealth Human Rights Initiative, New Delhi.
2. Email letter dated 26.04.2021, from Madhurima Dhanuka, Programme Head, Prison Reforms Programme, Commonwealth Human Rights Initiative, New Delhi.

Adverting to the subject and reference cited, as directed, I am herewith forwarding the letter dt: 26.04.2021 received from Ms. Madhurima Dhanuka, Programme Head, Prison Reforms Programme, Commonwealth Human Rights Initiative, New Delhi, along with the Check List for external monitoring of Prisons, to use the same to monitor the measures and conditions in Prisons and Rights of Prisoners, while visiting Jails.

Yours faithfully,


REGISTRAR GENERAL

28/09/2021

793

Email

REGISTRAR GENERAL

Fwd: Kind reminder and follow up regarding the letter dated 11th September, 2020

From : chriprisonsprog@gmail.com Mon, Apr 26, 2021 12:15 PM
Subject : Fwd: Kind reminder and follow up regarding the letter dated 11th September, 2020 3 attachments
To : REGISTRAR GENERAL <reggenaphc@nic.in>

26th April, 2021

To,

The Hon'ble Chief Justice,
 Through the Learned Registrar General
 High Court Of Andhra Pradesh, Nelapadu,
 Amaravati, Andhra Pradesh 522237

Ref: Our previous letter dtd. 11.9.2020 requesting periodic inspection of prisons amid the pandemic.

Subject: Requesting orders and/or directions to the Learned District Judges to periodically inspect prisons in their jurisdiction, in wake of the second wave of COVID-19 in India.

Respected Sir,

Hope you are well in these difficult times.

We are writing to you in furtherance of our previous letter dtd. 11.9.2020 (enclosed) wherein we requested for appropriate directions to the Learned District Judges to periodically inspect prisons in their jurisdiction.

Through, this letter **we had most humbly submitted before Your Lordship a Checklist for External Monitoring of Prisons (attached) based on the Ministry of Home Affairs' 'Standard Operating Procedure (SOP) for Handling Arrested Persons, Detainees and Inmates during the Pandemic' issued on 2nd May, 2020.** CHRI has prepared this checklist to assist judicial officers to monitor prisons and ensure effective COVID-19 preparedness and implementation of precautionary measures in prisons.

In 2020, various news reports had indicated that more than 18,000 prisoners and prison staff in India had tested positive. During the current second wave of infections in India, more than 1000 infections have already been reported inside prisons. In view of the rising number of infections, we humbly pray that **your Lordship may consider passing appropriate directions to the learned District and Sessions Judges to regularly visit prisons in their respective districts equipped with the checklist. In addition to evaluating the COVID-19 preparedness and implementation of precautionary measures in prisons, they may also ensure that the rights of prisoners and prison staff are not violated through unnecessary and harsh restrictions.** Your Lordship may kindly refer to the detailed points of observations on page 3 of our previous letter dated 11th September, 2020 for further details.

We most humbly reiterate that regular monitoring of prisons by prison visitors is vital. Monitoring

of prisons ensures that the prisons are administered in accordance with the law, in letter and spirit, and prisoners' rights are safeguarded. Such visits also aid in efficient prison management, by providing support and assistance to the prison administration. During the pandemic, it is also important to monitor COVID-19 preparedness and implementation of precautionary measures in prisons.

We shall be much grateful to receive an acknowledgement of this correspondence from your office and further grateful to receive any order(s)/ instruction(s) passed in this regard.

We are always ready to assist in any endeavour as may be desired and for this purpose, and for that too, we shall be most grateful and honoured.

Thanking you, and in appreciation.

Yours Sincerely,

Madhurima Dhanuka
Programme Head
Prison Reforms Programme
Commonwealth Human Rights Initiative
3rd floor, 55A, Siddhartha Chambers, Kalu Sarai,
New Delhi- 110 016

Copy to:

Secretary to the Chief Justice

----- Forwarded message -----

From: **CHRI** <chrprisonsprog@gmail.com>

Date: Tue, Nov 3, 2020 at 3:27 PM

Subject: Kind reminder and follow up regarding the letter dated 11th September, 2020

To: <reggenaphc@nic.in>

3rd November, 2020

To,

The Learned Registrar General
High Court Of Andhra Pradesh, Nelapadu,
Amaravati, Andhra Pradesh 522237

Subject: Kind reminder and follow up regarding the letter dated 11th September, 2020 titled 'Humble prayer for appropriate orders and/or directions to the Learned District Judges to periodically inspect prisons in their jurisdiction guided by the Checklist for External Monitoring of Prisons (attached) and other such orders and/or directions as Your Lordship the Chief Justice may deem fit and appropriate.'

Respected Sir,



Commonwealth Human Rights Initiative

New Delhi, India. London, UK. Accra, Ghana

New Delhi, India. London, UK. Accra, Ghana

NGO with Special Consultative Status with the Economic & Social Council of the United Nations

26th April, 2021

International Director
Sanjoy Hazarika

Senior Advisor
Maja Daruwala

International Advisory Commission
Alison Duxbury - Chairperson
Wajahat Habibullah
Joanna Ewart-James
Edward Mortimer
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Executive Committee (India)
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Through the Learned Registrar General
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CHRI

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We most humbly reiterate that regular monitoring of prisons by prison visitors is vital. Monitoring of prisons ensures that the prisons are administered in accordance with the law, in letter and spirit, and prisoners' rights are safeguarded. Such visits also aid in efficient prison management by providing support and assistance to the prison administration. During the pandemic, it is also important to monitor COVID-19 preparedness and implementation of precautionary measures in prisons.

We shall be much grateful to receive an acknowledgement of this correspondence from your office and further grateful to receive any order(s)/ instruction(s) passed in this regard.

We are always ready to assist in any endeavour as may be desired and for this purpose, and for that too, we shall be most grateful and honoured.

Thanking you, and in appreciation.

Yours Sincerely,



Madhurima Dhanuka

Programme Head

Prison Reforms Programme

Commonwealth Human Rights Initiative

3rd floor, 55A, Siddhartha Chambers, Kalu Sarai,

New Delhi- 110 016

Copy to:

Secretary to the Chief Justice



CHRI

Commonwealth Human Rights Initiative
working for the progressive realisation of human rights in
the countries of the Commonwealth

CHECKLIST FOR EXTERNAL MONITORING OF PRISONS

based on

**The Ministry Of Home Affairs's
'Standard Operating Procedure (SOP) for Handling Arrested Persons,
Detainees and Inmates During the Pandemic'**

This document has been prepared by the Commonwealth Human Rights Initiative (CHRI) to assist prison visitors and monitoring institutions in periodic monitoring of prisons and ensuring that effective measures are in place to effectively manage COVID-19 in prisons.

ABOUT THE CHECKLIST

The Ministry of Home Affairs (MHA), Government of India has, in view of the increased vulnerability of prisoners to the Coronavirus disease (COVID-19) and the rise in number of positive cases in prisons, issued an advisory on 2nd May 2020. This advisory titled *“Management of COVID-19 in Indian Prisons - guidelines and protocols which may be followed while dealing with persons arrested, detained and those in Prisons and Correctional Homes”*, has been sent to the Chief Secretaries, DG/IG of police departments and DG/IG of prison departments of all States and UTs. Among other useful guidance, the advisory contains the *Standard Operating Procedure (SOP) for Handling Arrested Persons, Detainees and Inmates during the Pandemic*, prepared in coordination with BPR&D and Ministry of Health and Family Welfare, for the safe custody, medical care, transport while avoiding transmission of COVID-19 and also ensuring safety of prison staff.

To assist the external independent oversight bodies such as Human Rights Institutions, Legal Aid Institutions, and ad-hoc bodies such as High Powered Committees for supervising COVID-19 response in prisons, CHRI has converted the measures as mentioned in the MHA advisory in the form of this Checklist to enable the prison visitors to monitor and report COVID-19 preparedness and measures in prisons. The Checklist lays down minimum standards to be followed in each prison for administrative preparedness, establishment of a precautionary framework and handling of suspected/confirmed cases of COVID-19 infection. It is divided into two sections: Section A is to be filled on the basis of interaction with the prison staff and Section B is to be filled on the basis of interaction with the prisoners.

The checklist is designed keeping in mind the restrictions in physical monitoring. The oversight actors must also respect the ‘do no harm’ principle. In the context of COVID-19 pandemic, this would mean that nothing that may cause the spread of virus to prisons is done.

To ensure the monitor’s access to the prisons where physical inspections are not possible, CHRI recommends that the external monitors must seek an appointment with the officer-in-charge of the prison to be able to fill the checklist based on the responses received. The external monitor must also seek access to prisoners via safe and confidential modes of communication such as telephones, or video conferencing.

Name of Visitor:

Designation/Organisation/Commission:

Date of Visit/inspection:

Section A: Interaction with Officer-in-charge

Note: This section is to be filled on the basis of interaction with the officer-in-charge of prison or any officer nominated by him/her and/or other prison staff.

I. Prison Population			
Prison Capacity	Prison Population	Overcrowding	Number of prisoners tested positive of COVID-19 till now

II. Staff Strength			
Designation	Sanctioned Strength	Current Strength	Number of prison staff tested positive of COVID-19 till now

Note: In this part, the quality of infrastructure need not be marked where physical access to the infrastructure is not available.

III. Infrastructure And Equipment				
Required Infrastructure	Yes (If yes, please mention the details)		No	Mark the quality of infrastructure out of 10 (1 being worst and 10 being best)
	Total Capacity	Current Occupancy		
1. Isolation Facility				
1.1 Separate isolation facility to house the symptomatic suspected cases and separate for confirmed cases				
2. Quarantine facility				
2.1 Quarantine facility to house asymptomatic suspected cases				

2.2 Quarantine facility to house new admissions and other prisoners reporting back to custody			
2.3 Number of single accommodation isolation units for quarantine			
3. Screening station outside prison main gate			
4. Separate holding area for large number of new admissions in queue for screening on entry		---	
Required Item	Mention the quantity in relevant units in stock (litre/kilogram/number of units)		No
5. Disinfectants			
6. Sanitizers with 70% alcohol			
7. Additional supplies of food, water and medication			
8. Hand Sanitizers, Face Mask and Personal Soaps for all prisoners			
9. Personal Protective Equipment (PPE)			
10. Gloves, face masks, face covers and eye covers.			
11. COVID-19 testing kits			
12. Thermal scanners			
13. Mention other medical equipment with quantity, available for symptomatic and positive cases of COVID-19:			

Note: In this part the information should be as on date of the inspection/inquiry by the prison monitor/visitor.

IV. Details Of Prisoners Identified As Suspected Or Positive For Covid-19	
Particulars	Details
1. Number of prison staff sent for medical check-up who had any symptoms of fever, cough, breathlessness, sore throat.	
2. Number of prisoners sent for medical check-up who had any symptoms of fever, cough, breathlessness, sore throat.	
3. Number of detainees sent to isolation facility who were symptomatic.	
4. Number of detainees tested for COVID-19 who were symptomatic.	
5. Number of confirmed positive prisoners transferred to the isolation facility for COVID-19 positive cases.	
6. Number of new admitted prisoners who were found as suspected for COVID-19 during screening have been tested for COVID-19.	

7. Number of prisoners including new admissions or prisoners reporting back to custody who are lodged in separate barracks/cells for a fixed number of days.	
8. Number of discharged prisoners for whom the local authority is notified to make sure that transfer and follow-up is tied with the local authority.	

V. Safety Procedures	
Particulars	Yes/No
1. Whether Alcohol hand sanitizer containing at least 70% alcohol is used frequently for hand sanitising by the staff?	Yes <input type="checkbox"/> No <input type="checkbox"/>
2. Whether the prison staff has been briefed on the importance of not coming to work if they show any symptoms of COVID-19, and told that they shall not be penalized in other ways for being absent?	Yes <input type="checkbox"/> No <input type="checkbox"/>
3. Whether staff members who come in contact with an individual infected by COVID-19 or with symptoms related thereto are assigned duties with no or limited contact with prisoners and other staff for a period of 14 days (i.e. external patrol or towers)?	Yes <input type="checkbox"/> No <input type="checkbox"/>
4. Whether all prison staff has all the necessary information / fully understands the COVID-19 prevention and response procedures?	Yes <input type="checkbox"/> No <input type="checkbox"/>
5. Whether signage at essential points has been placed to make the Prison staff and inmates informed of the precautions to be taken to prevent the spread of COVID -19?	Yes <input type="checkbox"/> No <input type="checkbox"/>
6. Whether a staff member showing or having experienced any symptoms of COVID-19 is allowed to enter prisons?	Yes <input type="checkbox"/> No <input type="checkbox"/>
7. Whether staff changes clothes and shoes before going home?	Yes <input type="checkbox"/> No <input type="checkbox"/>
8. Whether a detailed daily register of people moving in and out of prison is maintained?	Yes <input type="checkbox"/> No <input type="checkbox"/>
9. Whether only one gate is used for entry or exit?	Yes <input type="checkbox"/> No <input type="checkbox"/>
10. Whether the following are disinfected daily?	
A. Office areas	Yes <input type="checkbox"/> No <input type="checkbox"/>
B. Screening Station	Yes <input type="checkbox"/> No <input type="checkbox"/>
C. Holding areas for screening station	Yes <input type="checkbox"/> No <input type="checkbox"/>
D. Quarantine and Isolation Facilities	Yes <input type="checkbox"/> No <input type="checkbox"/>
Additional Remarks by External Monitor:	

Section B: Interaction with Prisoners

Note: This section is to be filled on the basis of interaction with a group of prisoners, both undertrials and convicts, ideally two to three prisoners from each barrack and if possible, two to three prisoners from admission ward.

I. Safety Procedures	
Particulars	Yes/No
1. Whether prisoners who complain/show symptoms of fever, cough, breathlessness, sore throat, etc. are sent to medical check-up?	Yes <input type="checkbox"/> No <input type="checkbox"/>
2. Whether asymptomatic prisoners who are suspected to have been in contact with the COVID-19 positive patient sent to quarantine facility?	Yes <input type="checkbox"/> No <input type="checkbox"/>
3. Whether symptomatic prisoners are sent to isolation facility?	Yes <input type="checkbox"/> No <input type="checkbox"/>
4. Whether symptomatic prisoners are tested for COVID-19?	Yes <input type="checkbox"/> No <input type="checkbox"/>
5. Whether confirmed positive prisoners transferred to the isolation facility for COVID-19 positive cases?	Yes <input type="checkbox"/> No <input type="checkbox"/>
6. Whether COVID-19 suspect cases and confirmed cases are housed separately in isolation facilities?	Yes <input type="checkbox"/> No <input type="checkbox"/>
7. Whether COVID-19 positive prisoners are made to wear a triple layer medical mask while shifting?	Yes <input type="checkbox"/> No <input type="checkbox"/>
8. Whether prisoners under quarantine have a separate dining space (if any) maintaining physical distancing?	Yes <input type="checkbox"/> No <input type="checkbox"/>
9. Whether prisoners including new admissions or prisoners reporting back to custody are lodged in separate barracks/cells for a fixed number of days?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Communication with Outside World	
10. Whether meetings/ <i>mulaqats</i> between family members and prisoners have been stopped?	Yes <input type="checkbox"/> No <input type="checkbox"/>
11. Whether Video Conference and phone calls between inmates and their family members are allowed?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Group Activities and Interaction with Prison Staff	
12. Whether meal timings have been staggered to ensure physical distancing?	Yes <input type="checkbox"/> No <input type="checkbox"/>
13. Whether sitting arrangement for inmates at the dining space (if any) have been rearranged to ensure physical distancing?	Yes <input type="checkbox"/> No <input type="checkbox"/>
14. Whether group activities that are not of essential nature have been stopped and only crucial group activities are allowed by duly following the guidelines for distance of at least six feet between two individuals.	Yes <input type="checkbox"/> No <input type="checkbox"/>
15. Whether prison staff have limited direct contact with prisoners?	Yes <input type="checkbox"/> No <input type="checkbox"/>
16. Whether prisoners have been made aware of COVID-19 symptoms and the importance of maintaining personal hygiene and social distancing?	Yes <input type="checkbox"/> No <input type="checkbox"/>
17. Whether the staff engaged in physically interacting with prisoners wear self-protection equipment such as hand gloves, eye protections and face masks?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Cleanliness and Personal Hygiene	
	Yes <input type="checkbox"/>

18. Whether new inmates are provided new or properly cleaned clothing and bedding articles?	No	<input type="checkbox"/>
19. Whether all inmates have been provided personal soap and face masks?	Yes	<input type="checkbox"/>
	No	<input type="checkbox"/>
20. Whether prisoners are periodically provided with detergent and bleaching powder to clean their clothing?	Yes	<input type="checkbox"/>
	No	<input type="checkbox"/>
21. Whether clothing and bedding of quarantined inmates is cleaned separately?	Yes	<input type="checkbox"/>
	No	<input type="checkbox"/>
22. Whether all masks are changed at least once in 8 hours or before if visibly soiled or wet?	Yes	<input type="checkbox"/>
	No	<input type="checkbox"/>
23. Whether the following are disinfected regularly?		
A. Prison Barracks	Yes	<input type="checkbox"/> No <input type="checkbox"/>
B. Kitchen(s)	Yes	<input type="checkbox"/> No <input type="checkbox"/>
C. Bathrooms and toilets	Yes	<input type="checkbox"/> No <input type="checkbox"/>
D. Common areas	Yes	<input type="checkbox"/> No <input type="checkbox"/>
24. Whether the staff engaged in physically interacting with prisoners wear self-protection equipment such as hand gloves, eye protections and face masks?	Yes	<input type="checkbox"/>
	No	<input type="checkbox"/>
Additional Remarks by External Monitor:		



Commonwealth Human Rights Initiative

New Delhi, India. London, UK. Accra, Ghana

New Delhi, India. London, UK. Accra, Ghana

NGO with Special Consultative Status with the Economic & Social Council of the United Nations

By Speed Post/E-mail

13th September, 2020

International Director
Sanjoy Hazarika

Senior Advisor
Maja Daruwala

International Advisory Commission
Allison Duxbury - Chairperson
Wajahat Habibullah
Joanna Ewart-James
Edward Mortimer
Sam Okudzeto
Sanjoy Hazarika

Executive Committee (India)
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Jacob Punnoose
Vineeta Rai
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Head of Africa Office
Wilhelmina Mensah

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Joanna Ewart-James - Chairperson
Prab Barua
Richard Bourne
Tony Foreman
Neville Linton
Suzanne Lambert
Sanjoy Hazarika

Head of UK Office
Sneh Aurora

To,
The Hon'ble Chief Justice,
Through the Learned Registrar General
High Court Of Andhra Pradesh, Nellore,
Amaravati, Andhra Pradesh 522237

Subject: Humble prayer for appropriate orders and/or directions to the Learned District Judges to periodically inspect prisons in their jurisdiction guided by the Checklist for External Monitoring of Prisons (attached) and other such orders and/or directions as Your Lordship the Chief Justice may deem fit and appropriate.

Respected Sir,

We are writing in furtherance of our endeavour to strengthen institutional response to the spread of COVID-19 in prisons and our continued commitment to be of assistance to the stakeholders of the criminal justice system.

In the last two months, CHRI has shared multiple resources with prison departments, legal aid institutions and High Powered Committees across the country to strengthen COVID-19 response in prisons. You may find these resources in the note enclosed with this letter.

The High Powered Committees (HPC) set up by the Hon'ble Supreme Court's order in the petition In Re: Contagion of COVID-19 Virus in Prisons dated 23.03.2020 have successfully ensured an unprecedented release of more than 61,000 prisoners. However, we write to Your Lordship to humbly bring to your attention the plight of more than 4-lakh prisoners and staff who are still inside prisons, and need adequate protection against contracting the said virus.

We humbly submit that regular monitoring of prisons by prison visitors is in the interest of one and all and provided for by law by way of the respective State rules for prisons framed under the Prisons Act of 1894. Furthermore, Chapter XXIX of the Model Prison Manual (MPM) 2016 (which, as per the Hon'ble Supreme Court, ought to be followed and implemented), titled Board of Visitors, provides for official and non-official visitors, their duties and the framework for monitoring of prisons by the visitors.

3rd Floor, Siddharth Chambers, 55A, Kalu Sarai, New Delhi, India, 110 016.

T +91 11 4318 0200, F + 91 11 4318 0217; info@humanrightsinitiative.org, www.humanrightsinitiative.org;
Registration No. S-24585, FCRA Registration No. 231850671

Monitoring of prisons ensures that the prisons are administered in accordance with law, in letter and spirit, and prisoners' rights are safeguarded. Such visits also aid in efficient prison management by providing support and assistance to the prison administration. During the pandemic it is also important to monitor COVID-19 preparedness and implementation of precautionary measures in prisons.

However, the COVID-19 pandemic has led to restrictions on prison visits, and presumably also on visits by official and non-official visitors to prisons. In light of the abovementioned circumstances, we humbly submit and shall be most grateful if Your Lordship considers the contents of this letter/representation and is pleased to pass appropriate orders and/or directions to the Learned District Judges within your State to physically visit all prisons falling under their respective jurisdictions at least once in a fortnight and draw up reports to Your Lordship or the respective Hon'ble Administrative Judges, as Your Lordship deems fit, preferably after each visit or at such intervals as you feel is necessary.

To aid in this process, we have prepared a Checklist for External Monitoring of Prisons (attached) based on the Ministry of Home Affairs' 'Standard Operating Procedure (SOP) for Handling Arrested Persons, Detainees and Inmates during the Pandemic'. The SOP is part of the Advisory by the Ministry of Home Affairs titled "Management of COVID-19 in Indian Prisons - guidelines and protocols which may be followed while dealing with persons arrested, detained and those in Prisons and Correctional Homes" issued on 2nd May 2020. The checklist can be used by the Learned District and Sessions Judges as an inspection format during their visits.

We would also like to iterate that the District and Session Judges are ex-officio prison visitors as per the State prison rules. The Hon'ble Supreme Court in *Sunil Batra (II) v. Delhi Administration* (reported in AIR 1980 SC 1579) directed the District and Sessions Judges to visit the prisons in their jurisdiction, address legal grievances of the prisoners and undertake enquiries and remedial action.

We thus humbly request Your Lordship to consider passing appropriate directions to the Learned District and Sessions Judges so that the following points of observation are focussed on during their visits, apart from evaluating the COVID-19 preparedness and implementation of precautionary measures in prisons:

CHRI

- That there is no discrimination in healthcare services and that all prisoners, irrespective of their status or position or background, who are in need of any kind of medical attention, are provided the same as promptly as practicable.
- That Prisoners are kept in isolation only for medical purposes and on express recommendations of medical experts who are authorised to advise such steps.
- That the pandemic is not used as a justification for undermining human rights standards such as right against solitary confinement, right of communication with family, access to lawyers and legal advice, access to grievance redressal, etc. in prisons.
- That Prisoners and prison staff have access to information and training in relation to adopting necessary protections against the disease based on credible and expert-formulated guidelines.
- That Prisons are implementing precautionary as well as emergency measures including those provided in the Ministry of Home Affairs Advisory, "Management of COVID-19 in Indian Prisons - guidelines and protocols which may be followed while dealing with persons arrested, detained and those in Prisons and Correctional Homes".
- That Food, medical and other essential supplies are adequately available in line with the requirements specified under applicable laws and rules.
- That special needs of vulnerable categories of prisoners such as women, transgender, differently abled, mentally ill, foreign national prisoners, etc. are addressed expeditiously and empathetically.
- That adequate support and care is provided for prison staff and their families against contraction of the infection such as allowing paid leave without any adverse consequences in case of illness or suspicion of contact with the virus, providing adequate safety equipment like PPE kits and sanitizer, educating them on the prospects of the infection, etc.
- That any other issue which you feel ought to be addressed is also given attention to.

CHRI

We shall be very grateful, sir, if the aforesaid are given due consideration in the interest of both the prisoners and the prison staff alike. We are confident that implementing the above steps will inure to their benefit and well-being.

We humbly pray that the requisite directions/orders as you may deem fit are passed in this regard towards regular monitoring of prisons by the Learned District and Sessions Judges.

We shall be much grateful to receive an acknowledgement of this correspondence from your office and further grateful to receive any order(s)/ instruction(s) passed in this regard.

We are always ready to assist in any endeavour as may desired and for this purpose, we are always ready and willing to provide any clarification or assistance that may be required and for that too, we shall be most grateful and honoured.

Thanking you, and in appreciation.

Yours Sincerely,



Madhurima Dhanuka
Programme Head
Prison Reforms Programme
Commonwealth Human Rights Initiative
3rd floor, 55A, Siddhartha Chambers, Kalu Sarai
New Delhi- 110 016

Copy to:

Secretary to the Chief Justice