

Minutes of the meeting dated 16.04.2020 of the High Powered Committee (HPC) under the Chairmanship of Hon'ble Kumari Justice Sanju Panda, Acting Chief Justice, Orissa High Court and Executive Chairperson, Odisha State Legal Services Authority with regard to release of prisoners for decongestion of jails in view of spreading of COVID-19 disease over telephonic conversation.

1. The meeting is convened through telephonic conversation on 16.4.2020 by the following dignitaries:

- (i) Hon'ble Kumari Justice Sanju Panda, Acting Chief Justice, Orissa High Court and Executive Chairperson, Odisha State Legal Services Authority.
- (ii) Shri Sanjeev Chopra, IAS, Principal Secretary, Home Department, Government of Odisha.
- (iii) Shri Santosh Kumar Upadhyay, IPS, Director General of Prisons, Odisha.

2. The Member Secretary, OSLSA placed the following information, as received and collated from all 30 DLSAs regarding release of prisoners till 15.4.2020:-

- (i) No. of UTRC meetings conducted per district: 3
- (ii) No. of UTPs identified for release on interim bail: 1185
- (iii) No. of UTPs released on interim bail on recommendation: 557
- (iv) No. of Convicts released on parole/other grounds: 146
- (v) No. of prisoners found to be affected by COVID-19 virus: NIL
- (vi) No. of prisoners affected by other diseases: 2239
- (vii) No. of Prisoners provided with medical facilities: 1682

3. The Committee took note of the fact that **one UTP was suspected of COVID-19 infection** and was sent to SCB Medical College for check-up. He

was subsequently discharged as being found COVID negative on 14.4.20 as per the discharge certificate issued by SCB Medical College authorities. Taking note of the matter, the Committee felt it proper to issue instructions to all the stake holders to strictly adhere to the instructions of the Hon'ble Supreme Court of India vide order dated 13.04.2020 in Suo Motu Writ Petition No. 01/2020 in Re: Contagion of COVID-19 virus in prisons regarding prisoners infected by COVID-19.

4. The Committee also took note of the fact that 2239 number of prisoners were found to be affected by other diseases and only 1682 number of prisoners have been provided with immediate medical facilities. The Committee felt it proper to direct the DG, Prisons to provide proper medical facilities to all those prisoners who need medical assistance and to co-ordinate with medical authorities to provide proper care and medical assistance to the prisoners.
5. The DG, Prisons has also submitted the following data on prisoners for the period from 20.03.2020 to 15.04.2020:-
 - (i) Total no. of prisoners released in the period: 3481
 - (ii) No. of prison inmates released on bail: 3190
 - (iii) No. of prisoners released on parole: 10
 - (iv) No of prisoners released under special furlough: 281 .
 - (v) Total no. of prisoners stranded: NIL
 - (vi) No of prisoners infected by COVID 19: NIL
6. The DG, Prisons placed his concern regarding violation of guidelines of the HPC in some instances regarding arrest and remand of suspects violating principles of **Arnesh Kumar Vs. State of Bihar** leading fresh crowding of jails in State. He also expressed his concern regarding overcrowding of jails at Rayagada, Dharmagarh, Nuapada due to large numbers of UTPs and submitted for shifting of UTPs to the jails of Bissamkatak, M Rampur and Khariar respectively. Similarly he also requested the Committee to consider shifting of the three prison inmates from Badamba Jail to Narasinghpur Jail for effective supervision.

7. In response to such concern, the Committee resolved to direct the DG Police, Principal Secretary to Government, Home Department and Registrar General, Orissa High Court for ensuring strict adherence to the directions of the Hon'ble Apex Court regarding arrest and remand in case of **Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273**. Further, the Committee also instructed all concerned departments and Registrar General, Orissa High Court to take necessary steps for decongestion of overcrowded jails to avoid spread of any infection.
8. The Committee also resolved to direct all the stake holders for compliance of the direction of the Hon'ble Supreme Court of India vide order dated 13.04.2020 in **Suo Motu Writ Petition No. 01/2020** with regard to dealing prisoners declared as foreigners under the **Foreigners Act, 1946**.
9. The Committee also resolved to issue instructions to all the stake holders for scrupulous compliance of the guidelines of the HPC as per resolution dated 26.03.2020 and resolution dated 03.04.2020 issued earlier.

.By order
Sd/-
Member Secretary
OSLSA