

**Minutes of the meeting dated 30.04.2020 of the High Powered Committee (HPC) under the Chairmanship of Hon'ble Kumari Justice Sanju Panda, Judge, 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 30.04.2020 by the following dignitaries:

- (i) **Hon'ble Kumari Justice Sanju Panda, Judge, 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 apprised the HPC that the District Legal Services Authorities (DLSAs) are conducting the Under Trial Review Committee weekly meeting to review of status of prisoners in conformity with direction of Hon'ble Supreme Court of India in **Suo Motu Writ Petition No. 01/2020**. She placed the following information, as received and collated from all 30 under trial review committees regarding release of prisoners till 29.04.2020:-

- (i) **No. of UTRC meetings conducted per district: 5**
- (ii) **No. of UTPs identified for release on interim bail: 1302**
- (iii) **No. of UTPs released on interim bail: 631**
- (iv) **No. of Convicts released on parole/other grounds: 116**
- (v) **No. of prisoners found to be affected by COVID-19 virus: NIL**
- (vi) **No. of prisoners affected by other diseases: 2514**
- (vii) **No. Of prisoners provided with medical facilities 1828.**

**The DG Prisons, Odisha vide Letter No. 6433 dated 21.04.2020 have communicated that as per information collected from all the jails of Odisha on 16.04.2020, it is found that all the prisoners have been provided with due medical treatment and facilities.**

3. In response to the High Powered Committee guidelines dated 22.04.2020 wherein the DG Police was directed to instruct all the police stations of the State to ensure production of accused person before the Magistrate after ascertaining that the accused is not infected by Corona Virus (COVID-19) as far as practicable, the Addl. DG, Police, CID, CB Odisha, Cuttack has sent a letter No. 12501/CB-PRS dated 30.04.2020 to the Member Secretary, OSLSA regarding difficulties in implementation and it was placed before the HPC by Member Secretary.

It is stated by Addl. DGP Police, CID, CB Odisha, Cuttack in his letter that in the present scenario, testing facility has been established in few districts like Khorda, Cuttack, Sambalpur, Berhampur and Rourkela. Moreover, as it is taking 2 to 3 days time to obtain the COVID-19 test reports and the period is longer where testing facilities is not available, it is not possible for local police to obtain COVID 19 report and produce the arrested persons before the concerned Magistrate within the statutory period of 24 hours. Hence, it is prayed that in such circumstances, the Hon'ble High Powered Committee may kindly review its decision.

**In response to such concern, the HPC issued the following guidelines:**

1. In the districts where COVID testing facility is available, COVID testing of the arrested persons be done in those cases where suspected symptoms such as coughing, sneezing, fever, body ache, loss of taste and outside travel history is present.

**This can be ensured on priority by the Health Department in COVID 19 hospitals keeping in view the mandate of Section 57 of the Cr.P.C. regarding production of accused persons before the concerned Magistrate within 24 hours of arrest.**

2. In places where COVID testing of the arrested persons having suspected symptoms is not possible or reports take longer period, the arrested persons be first produced before the Magistrate with masks and maintaining social distancing norms.

Then they may be remanded to Quarantine Wards inside district prisons. In case no such facility is present, the DG, Prisons must take steps for converting at least one ward/barrack inside each prison as quarantine ward/barrack.

3. In continuation of its directions given on 22.04.2020, the HPC resolved to call for a report from Principal Secretary, Health, Govt. of Odisha by 05.05.2020 regarding assistance to the police department and DG Prisons for compliance of the guidelines to be placed before the HPC in its next meeting.

**By order**

**Sd/-**

**Member Secretary  
OSLSA**