

Minutes of the emergency meeting dated 06.06.2020 of the High Powered Committee 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 spread of Covid-19 disease, over telephonic conversation

1. The emergency meeting is urgently convened by the following dignitaries on 06.06.20 in view of the event of two UTPs being identified as COVID positive on 06.06.20 morning in District Jail, Ganjam and another six UTPs reported COVID positive in Sub Jail, Rourkela :
 - (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 & DCS, Odisha.**
2. Despite the total shutdown in State on Saturday 06.06.20, the Member Secretary, OSLSA, urgently convened the emergency meeting via telephone to place the matter before the HPC regarding **report of two UTPs in District Jail, Ganjam identified as COVID positive on 06.06.20 and also another six UTPs remanded to Sub-Jail Rourkela whose swab tests results came COVID positive on 06.06.20.** On receipt of information, the Hon'ble Chairperson of the High Powered Committee immediately sought for a report in the matter from the District & Sessions Judge-cum-Chairman, District Legal Services Authority, Ganjam vide letter no. 2162 dt 06.06.20 and the DG, Prisons & DCS, Odisha vide letter no. 2163 dt 06.06.20. Further, reports were also sought from District & Sessions Judge-Cum-Chairman DLSA, Sundargarh about the reported incident in Sub Jail Rourkela. Member Secretary OSLSA placed both the reports received via WhatsApp before the HPC for kind consideration.

Report regarding infected UTPs in Central Jail, Berhampur

3. The **DG, Prisons & DCS, Odisha** placed before the HPC that as per the report submitted by the Senior Superintendent of Circle Jail, Berhampur vide his **L.No. 4755 dated 06.06.20** under intimation of Hon'ble District & Sessions Judge, Ganjam vide his office **L. No. 4733 dated 06.06.20**, **two accused persons namely Banamali Sahu, age- 50 years**, S/o- Late Sarathi Sahu of Village- Polarajpur, PS- Jarada, Dist- Ganjam **and Ashok Sahu, Age- 28 years**, S/o- Simanchal Sahu of Village- Polarajpur, PS- Jarada, Dist- Ganjam had been **remanded to Circle Jail, Berhampur on 04.06.20 in G.R. Case No. 161/2020 U/s. - 452/294/323/324/307/506/34 IPC by the Court of J.M.F.C., Patrapur**. The swab samples of the two accused persons had been collected by the COVID centre, Berhampur before remanding them to Jail. On 06.06.20 at about 9:00 A.M. the Medical Officer, Patrapur informed the Circle Jail, Berhampur that both the accused persons have been found COVID positive. On getting the information, both Collector and Supt. of Police were informed who immediately sent the medical team. The above named two UTPs, who were kept in quarantine ward with 28 other inmates, have been isolated from the quarantine ward and kept in separate cell and their treatment has begun.
4. **District and Sessions Judge-Cum-Chairman DLSA, Ganjam further informed vide his report via return mail dt 06.06.20 that on receipt of this information, an urgent meeting was held among the members of UTRC through telephonic conversation today at 12:00 noon**. In the said meeting the Chairman, DLSA, Ganjam requested both the Collector-cum-District Magistrate Ganjam and Superintendent of Police, Berhampur :
 - (i) **For shifting of the said UTPs to COVID centre Berhampur**. Further, CDMO, Ganjam was requested for taking necessary steps for the treatment of the above UTPs.

- (ii) The Collector & District Magistrate, Ganjam was specially requested to take **immediate steps for complete and full sanitization of the premises of Circle, Jail, Berhampur and Court building of Patrapur including rooms, offices, chairs, table and furniture, door knobs, hand railings etc.**
- (iii) The Superintendent of Circle Jail was directed to take steps for COVID- 19 test of the other UTPs who were remanded to the Jail on 04.06.2020 along with the other 28 inmates who were confined in the quarantine ward along with the above two UTPs in consultation with the CDMO, Ganjam following the guidelines of the Government.
- (iv) The Superintendent Circle Jail, Berhampur was further directed that the above UTPs should be kept in isolation and should not come contact with the other inmates till the period suggested by the CDMO, Ganjam and to be alert that there should not be any delay in shifting sick persons to a Nodal Medical Institution in case of any possible situation is seen.
- (v) **It is relevant to mention here that considering the emergency situation, pending adjudication of prayer for regular bail in BLAPL 311/2020, on the motion of prayer for interim bail filed same day before the Court of Sessions Judge, Ganjam, order was passed to release the UTPs on interim bail for one month. Both the infected UTPs Banamali Sahu (50) and Ashok Sahu (28) have already been released on interim bail by J.M.F.C., Patrapur and shifted to the COVID Hospital at Sitapali, Berhampur for treatment.**

After considering the matter in detail, the HPC observed that all stake holders and the UTRC of Ganjam District comprising District and Sessions Judge-Cum-Chairman DLSA, Ganjam, Superintendent of Police and District Magistrate have taken all steps for the immediate release and treatment of the two COVID 19 positive prisoners Banamali Sahu & Ashok Sahu. It is also noted that Chairman UTRC, District and Sessions Judge-cum-Chairman DLSA, Ganjam has given appropriate directions for ensuring

safety of all the inmates of the quarantine ward, Police and Court Personnel who came in contact with the two infected UTPs and for sanitization of the places where both the UTPs were produced and kept. It is directed that the UTRC Ganjam shall remain vigilant and monitor health of all the prisoners/staff in Central Jail, Berhampur who were exposed.

Report on Infected UTPs in Sub Jail Rourkela

5. District and Sessions Judge-cum Chairman DLSA, Rourkela vide his letter no 645 dated 6.6.20 informed that total 31 nos. of accused were arrested on 02.06.2020 at 5 A.M. in G.R. Case No. 809/2020 corresponding to Plant Site PS Case No.-153 dated 26.05.2020, U/Ss. - 147/148/152/186/332/353/336/427/435/395/307/294/506/149/120(B), [PC read with Sec. 3, E.D. Act / 3, PDPP Act and Section 7, CrI. Law (Amendment) Act and on the same day all got produced before the learned S.D.J.M., Rourkela through video conference.

During the production, preliminary COVID test was conducted against each of the accused and accordingly medical certificates were submitted. After proper verification, the learned SDJM, Rourkela remanded the above 31 nos. of accused to judicial custody and sent them to Special Sub-Jail, Rourkela.

After receiving them, the jailor concerned also conducted preliminary thermal test and kept them in separate quarantine ward. The swab samples of the above UTPs were collected by COVID Hospital, Rourkela for test on 04.06.2020. On 06.06.2020 at about 3:30 P.M the COVID Hospital, Rourkela informed over telephone that six numbers of UTPs tested positive. After this, the jailor immediately isolated the above six UTPs from the quarantine ward and kept them in separate cell.

6. **On receipt of this information, an urgent meeting was held by the UTRC through telephonic conversation at 6:00 P.M on 06.06.20 in which the following actions were taken:**

- i) In the said meeting the District & Sessions Judge –cum-Chairman DLSA, Sundargarh requested both the Collector-cum-District Magistrate,

Sundargarh and the Superintendent of police, Rourkela **for shifting of said six UTPs to COVID Hospital Rourkela for treatment.** CDMO, Sundargarh was requested for taking necessary steps for treatment of the above UTPs. But the **CDMO, Sundargarh and the Collector, Sundargarh suggested that the above six numbers of UTPs were asymptomatic for which their treatment be done at the Special Sub-Jail, Rourkela by the special doctors of COVID Hospital by keeping them in separate cell.**

- ii) *The Collector, Sundargarh was specially requested to take immediate steps for full sanitization of the Special Sub-Jail, Rourkela and Plant Site PS.*
- iii) *The Superintendent of the Special Sub-Jail, Rourkela and the Superintendent of Police, Rourkela were advised to take necessary steps for COVID-19 test of their respective staff who were in contact with the above six UTPs, in consultation with the CDMO, Sundargarh, following the guidelines of the government.*
- iv) *The Superintendent of the Special Sub-Jail, Rourkela was further directed that the above UTPs be kept in isolation and should not come in contact with other inmates till the period suggested by the CDMO, Sundargarh and to report the concerned authority immediately if development of any symptoms are marked in those six UTPs.*

Considering the above report placed before the HPC, it was directed that DG Prisons should instruct all Superintendents of Jails especially, for Sub-Jail Rourkela to scrupulously follow the instructions of HPC dt 26.3.20, 30.4.20 regarding segregation and treatment of prisoners during COVID Pandemic in conjunction with Rule 455 of Orissa Jail Manual r/w relevant provisions of Section III (on Infectious Diseases and Epidemics) of the Manual.

Given the rapid rise of corona virus infection in the community at present, Principal Secretary Health & Family Welfare, Govt. of Odisha is directed to ensure proper testing and treatment facilities for COVID positive sick prisoners in all the jails in the State in co-ordination with the D.G. Prisons, Odisha and submit a report in this regard to the HPC by this week.

Further, it is reiterated that all the stakeholders along with Principal Secretary, Home & Director General, Police should ensure that the directions contained in Arnesh Kumar Vrs. State of Bihar, (2014) 8 SCC 273 should be scrupulously adhered to at the time of arrest and production to prevent congestion.

By order

Sd/-

Member Secretary
OSLSA