

Minutes of the meeting dated 13.07.2020 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 de-congestions of jails in view of spreading of Covid-19 disease, over telephonic conversation.

The meeting is convened through telephonic conversation by the following dignitaries-

- a. Hon'ble Kumari Justice Sanju Panda, Judge, Orissa High Court and Executive Chairperson, Odisha State Legal Services Authority.
 - b. Shri Sanjeev Chopra, IAS, Principal Secretary, Home Department, Govt. of Odisha.
 - c. Shri Santosh Kumar Upadhyay, IPS, Director General of Prisons, Odisha.
- I. The Member Secretary placed the following information, as received from all 30 DLSAs consequent upon the holding of Under Trial Review Committee in all districts, in view of the guidelines issued by the High-Powered Committee from **03.07.2020 to 08.07.2020.**

a) No. of UTPs identified for release on interim bail	- 271
b) No. of UTPs released on interim bail	- 164
c) No. of Convicts identified for released on Parole/ Furlough/Special Remission	- 39
d) No. of Convicts released on parole	- 0
e) No. of Convicts released on furlough	- 20
f) No. of Convicts released on special remission	- 0
g) No. of prisoners found to be affected by COVID- 19 (Circle Jail, Berhampur, Ganjam- 4 Circle Jail, Choudwar- 9)	- 13
h) No. of prisoners kept in quarantine wards	- 1352

II. Report regarding UTPs infected by COVID-19

Sl. No.	District	Jail	Name of Prisoners	Treatment	Measures taken for safety
1.	Ganjam	Circle Jail, Berhampur	<p>1. Pradip Bhuyan in G.R. Case No. 199/2020, U/s-498(A)/323/506 IPC</p> <p>2. Niranjana Sahu in Case No. 2(a)cc-06/2020, U/s-20(b)(ii)(c) of NDPS Act</p> <p>3. Arjuna Swain and Ramesh Chandra Pradhan in Case No. 2(a)cc-06/2020, U/s-20(b)(ii)(c) of NDPS Act</p>	They have been kept in a separate quarantine cell and the officials have been requested to shift the said UTP to COVID Centre, Berhampur for treatment.	<p>i. Complete and full sanitization of the premises of the Circle Jail.</p> <p>ii. COVID test of the other inmates.</p> <p>iii. Isolating the UTPs to restrain them from getting infected.</p> <p>iv. Shifting of sick persons to a Nodal Medical Institution in case of any emergency.</p>
2.	Cuttack	Circle Jail, Choudwar	1. Dwarikanath Das (life convict)	On 26.05.2020 he was admitted at AHRCC, Cuttack but after being detected COVID positive on 03.07.2020 he has been referred to KIMS Hospital, Bhubaneswar.	<p>i. Complete and full sanitization of the premises of the Circle Jail,</p> <p>ii. COVID test of the other inmates and jail staff.</p>

			<p>2. Abhimanyu Pradhan and Ajit Pradhan in G.R. Case No. 1338/2020, U/s- 341/323/324/326/307 /452/34 IPC corresponding to Olatpur PS Case No. 66/2020.</p> <p>4. Suraj Sahu in CT Case No. 178/2020, U/s- 294/307/324/326/506 IPC corresponding to Athgarh PS Case No. 178/2020.</p> <p>5. Babu @ Laxmidhar Das (returned from Spl. Furlough on 01.07.2020).</p> <p>6. Bhimasen Prusty (Undergone treatment at SCB MCH, Cuttack from 08.06.2020 to 30.06.2020).</p> <p>7. Raisingh Purty 8. Pradip Parida 9. Subash Samantray</p>	<p>The other 8 UTPs have been referred to KIIMS Hospital, Bhubaneswar through warders guard for better treatment.</p>	
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The report submitted by the Chairman, DLSA, Cuttack states that one Warder namely Sri Pritiranjana Jena has been found Corona Positive. **It is directed to the Superintendent, Circle Jail, Choudwar to keep the Jail Warder in isolation and the CDMO, Cuttack is requested to take effective steps to shift the warder to COVID Hospital at the earliest. Further, the Collector, Cuttack**

is specially requested to direct the appropriate authority for complete sanitization of the barrack where the warder is residing and also ensure all measures for health and safety of prisoners.

III. HIGH LEVEL COMMITTEE VISIT TO CHOWDWAR CIRCLE JAIL ON 5.7.2020

1. As per direction of the Hon'ble High Court, a Committee comprising Registrar General, OHC, Dist & Sessions Judge Cuttack and Member Secretary OSLSA visited Circle Jail, Chowdwar on 5.7.20 at 10.23 am in order to ascertain the health and hygiene condition of the inmates of Chowdwar jail and to ascertain the measures taken by jail authorities to prevent spread of COVID-19 disease among the prisoners of the Circle Jail. The report was placed before the HPC by Member Secretary OSLSA for information and necessary action by the committee.
2. In gist, the report states that on 5.7.20 during visit to Circle Jail Chowdwar, the Committee ascertained that **there was no overcrowding in the Circle Jail as the total inmates housed were 843 as against a total capacity of 961 inmates.** On 5.7.20, the Supt of Jail reported that one UTP who was being treated at Acharya Harihara Cancer Hospital contracted COVID positive and the staff warder on his duty tested positive. Though it was observed that there **are 9 quarantine wards & total 21 isolation wards as per directions of the High Powered Committee** constituted in compliance of orders of Hon'ble Apex Court in Suo Moto W.P.(C) No. 01/2020, it emerged that **swab testing was being done only for symptomatic UTPs.** Despite repeated requests to the Health authorities, testing of newly admitted UTPs was **often delayed.** Freshly remanded UTPs were also being kept for longer than necessary period in the Quarantine Wards, exposing them to possible risks.
3. Further, it was seen that while measures like e-mulakat were being taken to avoid contact of prisoners with outsiders, and thermal screening and sanitization was being done, provisions of masks, soaps, cleaning agents like toothpaste, detergent for maintaining self hygiene by prisoners were insufficient. In most wards, while remaining indoors it was observed that

prisoners were maintaining only 2 feet distance amongst themselves and many buildings (including toilets) were in urgent need of repair. Female prisoners conceded that they were being provided with sanitary napkins as per requirement. The Jail was sanitized last in April 2020 by the Fire Office but thereafter sanitization was not taken up. Cleaning of toilets is also being done by inmates as there is no staff employed for the purpose.

4. The Committee also visited the kitchen and found food was being cooked for 835 prisoners by inmates themselves as there is no post of cook. Despite Mullah Committee's Report on Kitchen & Diet, (1983) where it has been recommended that each kitchen should cater only to 200 prisoners, there is only one kitchen catering to all the prisoners.
5. While few prisoners were found remanded to custody for offences punishable with imprisonment below 7 years, many complained that they were unable to contact their lawyers during the pandemic situation. Member Secretary OSLSA & District Judge-cum-Chairman DLSA Cuttack both assured to take necessary steps to provide legal assistance immediately.
6. While the Committee visited the quarantine wards, isolation wards, general female wards, general wards, senior prisoners wards, the kitchen, in the Jail Hospital it was found on that date that there were 48 indoor patients. The hospital has one Medical Officer, and pharmacist and staff but the Govt. has not supplied PPE kits for them. The Committee in its report also made many recommendations to the Principal Secretary Home Dept., DG Prisons, Department of Health to address the pressing needs of the prisoners.

Based on the report of the High Level Committee on inspection of the Circle Jail, Chaudwar on 5.7.20, the HPC finds it proper to recommend the following in order to ensure a hygienic and disinfected environment inside Circle Jail, Chowdwar during this pandemic of COVID-19:

- 1) The DG of Prisons should consider that the frequency of e-mulakat should be increased and steps should also be taken that the relatives or other visitors of prisoners can access e-mulakat either from their house or through any other remote point facilitating e-mulakat viz; Panchayat Office, Tahasil Head quarters, Block head quarters or Office of Chairman, Legal Services Committee etc, so that the visitors need not come all along from remote areas for interview with their respective inmates in jail in this pandemic situation.**
- 2) The C.D.M.O, Cuttack or the health officer in charge of COVID-19 control should take necessary steps as per the COVID-19 guidelines forthwith including mandatory swab testing of all prisoners who are sent to isolation wards from quarantine wards and of other inmate having or developed symptoms such as coughing, sneezing, fever, body ache, loss of taste and outside travel history. It is desirable that the UTPs or Convicts sent to quarantine wards are also undergo COVID testing , where suspected symptoms such as coughing, sneezing, fever, body ache, loss of taste and outside travel history is present .**
- 3) It is imperative on part of Jail Authority to ensure adherence of social distancing norms inside the jail premises and the inmates should be made aware to maintain at least 2 gauges distance from each other and the ward population should be managed in such a way that social distancing norm could be followed. Some of the wards being over crowded, the Senior Superintendent is instructed to relocate some of the prisoners in other wards in consultation with Director General of Prisons and correctional Services, Odisha to ensure a distance of 2 gauges between them.**
- 4) The Department of Health and Director General of Prisons and correctional Services, Odisha should provide at least two hands**

made three level masks every month to each prisoner and the detergent and soap provided per month should be doubled.

- 5) The Principal Secretary, Home Department, Govt. of Odisha, and DG of Prisons should consider that each of the kitchen in Jail should cater a maximum number of 200 prisoners as per Mulla Committee Report, 1983 recommendation and thus requisite number of kitchens should be opened with facilities of adequate number of utensils, Roti makers and other infrastructure so that one of the kitchens should cater a maximum number of not more than 200 prisoners.
- 6) The Addl. Chief Secretary, Department of Health, Govt. of Odisha and the DG, Prison and DCS Odisha, Bhubaneswar, as the case may be, should provide PPE Kits for the use of Jail Officials and Jail Medical doctors and staff to protect them from being infected from COVID-19 virus while discharging their official duty.
- 7) Awareness Camps should be organized frequently in jail in consultation with District Legal Services Authority, Cuttack to aware the inmates to follow the norms of social distancing and guidelines issued by Government on COVID-19 management and to aware Jail official to scrupulously follow the guidelines issued by Government on COVID-19 so that the inmates would be protected from the threat of spread of COVID-19 disease.
- 8) Necessary steps for deciding the bail petition of the UTPs taken to custody for the offences having maximum prescribed punishment up to 7 years should be taken and for that the Member Secretary, Odisha State Legal Services Authority needs to employ Panel Lawyers and PLVs of Jail Legal Aid Clinic and to meet with the prisoners having such problems and to redress their grievances by adopting all protective measures and adhering to social distancing

norms. The District & Sessions Judge, Cuttack is to instruct the concerned officer to decide bail petitions in a war footing manner as per the dictum of the Hon'ble Supreme Court of India in Suo Motu Writ Petition No.01/2020, In Re: Contagion of COVID-19 Virus in prisons and direction issued by Odisha State Legal Services Authority in pursuance to the minutes of Hon'ble High Power Committee dated 26.03.2020.

- 9) The concerned Executive Engineer, Public Works Department and Public Health Department should on priority basis repair the jail wards and the toilets etc., where ever necessary and requisition to that effect received from the Jail Authority, in order to ensure smooth health of inmates and hygienic condition as a large numbers of prisoners are staying inside Jail.
- 10) The Fire Officer or any other appropriate Municipality Authority should sanitize the entire Jail through disinfectants as usually done in public offices/ places frequently, preferably in every fortnight to maintain the premises free from infection during this pandemic situation.
- 11) Member Secretary, OSLSA and District Judge-cum-Chairman DLSA, Cuttack are instructed to make provision for legal assistance of all the prisoners by providing panel lawyer, a legal aid defence counsel to facilitate their bail applications as well attend to the inmates other urgent legal requirements.

By order

Sd/-

**Member-Secretary
OSLSA**