

Minutes of the meeting dated 25.06.2020 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 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-

1. Hon'ble Kumari Justice Sanju Panda, Judge, Orissa High Court and Executive Chairperson, Odisha State Legal Services Authority.
2. Shri Sanjeev Chopra, IAS, Principal Secretary, Home Department, Govt. of Odisha.
3. Shri Santosh Kumar Upadhyay, IPS, Director General of Prisons, Odisha.

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 **17.06.2020 to 24.06.2020**.

1. No. of UTPs identified for release on interim bail	- 353
2. No. of UTPs released on interim bail	- 220
3. No. of Convicts identified for released on Parole/ Furlough/Special Remission	- 70
4. No. of Convicts released on parole	- 0
5. No. of Convicts released on furlough	- 19
6. No. of Convicts released on special remission	- 1
7. No. of prisoners found to be affected by COVID- 19	- 05
8. No. of prisoners kept in quarantine wards	- 1283

Report regarding infected UTPs in Central Jail, Berhampur

1. The Chairman, DLSA Ganjam has submitted a report vide L. No. 918 dated 22.06.2020 informing to this Authority that one UTP namely **Kalu Charan**

Patra @ Kalia, S/o- Raghunath Patra of Village- Kutinada, PS- Aska, Dist- Ganjam **in G.R. Case No. 175/2020, u/s- 399/402 IPC, 25 (I-B) Arms Act and Sec 4,5 of E.S. Act** have been detected as COVID- 19 positive and is kept in the quarantine ward along with other 14 inmates inside the Circle Jail.

2. The Chairman, DLSA Ganjam has submitted another report prepared by the Secretary, DLSA Ganjam vide L. No. 938 dated 24.06.2020 informing to this Authority that two UTPs namely **(i) Kuku Bairi Reddy**, S/o- Kusu Samulu of Village- Gopalsagar Sahi, PS- Jarada, Dist- Ganjam **in G.R. Case No. 187/2020, u/s- 272/273/34 IPC& Sec 52(a) Odisha Exercise Act of J.M.F.C., Patrapur** and **(ii) Anil Kumar Mohankuda**, S/o- Dharama Mohankuda of Village- Sriram Nagar, PS- Bada Bazar, Dist- Ganjam **in G.R. Case No. 135/2020, u/s 120B/395/412/4141 IPC & Sec- 25 (I-B)/27 Arms Act of SDJM, Berhampur** have been detected as COVID- 19 positive and are kept in the quarantine ward along with other 5 inmates inside the Circle Jail.
3. On receipt of the information, meetings were held on 22.06.2020 & 24.06.2020 among the members of UTRC, Ganjam over telephone. In the said meetings the following steps were taken:
 - i. *The Collector-cum-Dist. Magistrate, Ganjam and Senior Superintendent of Circle Jail, Berhampur has been requested to shift the said UTPs to COVID Centre, Berhampur and the CDMO, Ganjam has been requested for taking necessary steps for the treatment of those UTPs.*
 - ii. *The Collector-cum-Dist. Magistrate, Ganjam has been requested to take immediate steps for complete and full sanitization of the Premises of Circle Jail, Berhampur.*
 - iii. *The Superintendent of Circle Jail, Berhampur has been directed to take steps for COVID-19 test of the other inmates who were confined in the quarantine ward along with the above UTPs who have been tested positive in*

consultation with the CDMO, Ganjam following the Guidelines of the Government.

- iv. The Superintendent Circle Jail, Berhampur has been further directed to keep above UTPs in isolation so as to restrain them from coming in contact with the other inmates till the period suggested by the CDMO, Ganjam and to ensure early shifting sick persons to a Nodal Medical Institution in case of any possible situation is seen.

Report regarding infected UTPs in District Jail, Puri

4. The Chairman, DLSA Puri has submitted a report vide L. No. Res Off 4 dtd 19.06.2020 informing to this Authority that three UTPs namely **(i) Ranjit Bhoi**, S/o- Rohit Bhoi of Village- Brahmagiri, PS- Brahmagiri, Dist- Puri, **(ii) Pramod Tripathy**, S/o- Padmanav Tripathy of Village- Rout Sahi, PS- Laxmisagar, Bhubaneswar and **(iii) Pasa @ Prasanta Jagadev** have been detected as COVID- 19 positive and are kept in the quarantine ward.
5. On receipt of the information, an urgent meeting was held among the members of UTRC, Puri over telephone. In the said meeting the following steps were taken:
 - i. The Collector-cum-Dist. Magistrate, Puri and Superintendent of Police, Puri has been requested to shift the said three UTPs to Special Hospital for COVID-19, Puri and the CDMO, Puri has been requested for taking necessary steps for the treatment of those UTPs.
 - ii. The Collector-cum-Dist. Magistrate, Puri has been requested to take immediate steps for complete and full sanitization of the Premises of District Jail, Puri.
 - iii. The Superintendent of District Jail, Puri has been directed to take steps for COVID-19 test of the other inmates along with the above three UTPs who have

been tested positive in consultation with the CDMO, Puri following the Guidelines of the Government.

6. The Chairman, DLSA Puri also intimated that the above three UTPs have been granted bail by the SDJM, Puri and thereafter the said three UTPs have been shifted to COVID- 19 hospital at Bhubaneswar. He further intimated that the infected areas of the District Jail, Puri have been sanitized.

After considering the matter in detail, the HPC observed that all stake holders including the UTRC of Ganjam & Puri Districts comprising District and Sessions Judge-Cum-Chairman DLSA, Superintendent of Police and District Magistrate have taken all steps for the immediate treatment of the COVID-19 positive UTPs mentioned above. It is also noted that the UTRC, Ganjam & Puri have given appropriate directions for ensuring safety of all the inmates who came in contact with the infected UTPs and for sanitization of the places where the UTPs were produced and kept. However, the UTRC Ganjam & Puri shall remain more vigilant and monitor health of all the prisoners/staff in their Jails.

Considering the above report placed before the HPC,

- (i) **It is further reiterated that DG Prisons should instruct all the Superintendents of Jails 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. 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 before Magistrate to prevent congestion.**

- (ii) It is also reiterated that all the Chairman, DLSAs to follow the instructions imparted by HPC on dated 19.06.2020 and facilitate in filing of bail bonds and production of surety of UTPs remanded to jail in offences punishable up to 7 years imprisonment who have been granted bail through the Jail Legal Aid Clinics.

By order

Sd/-

**Member-Secretary
OSLSA**