

Minutes of the meeting dated 24.07.2020 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 decongestion 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 for the period from 09.07.2020 to 24.07.2020 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 -

a) No. of UTPs identified for release on interim bail	: 612
b) No. of UTPs released on interim bail	: 330
c) No. of Convicts identified released on Parole/ Furlough/Special Remission	: 8/38/0
d) No. of prisoners found to be affected by COVID- 19	: 63
e) No. of prisoners kept in quarantine wards	: 2112

II. **Report regarding prisoners infected by COVID-19 (Till 24.07.20)**

Sl. No.	District	Name of Jail	No. of Prisoners affected by COVID & date on which identified	Treatment	Measures taken for safety
1.	Cuttack	Circle Jail, Choudwar at Cuttack	8 nos. On 10.07.2020	All of them have been referred to KIIMS Hospital Bhubaneswar on 09.07.2020 at 10 P.M. through warders guard for treatment.	<p>i. Complete and full sanitization of the jail premises and quarantine ward.</p> <p>ii. Steps taken for contact tracing of infected prisoners.</p> <p>iii. Swab testing of all other jail inmates and warders as per govt. guidelines.</p>
2.	Puri	District Jail, Puri	1 no. On 11.07.2020	He has been kept in a separate quarantine cell and the CDMO, Puri was asked to shift him to Special Hospital for COVID at Puri if symptoms appeared.	<p>i. Complete and full sanitization of the jail premises and quarantine ward.</p> <p>ii. Swab testing of all other jail inmates as per govt. guidelines.</p>
3.	Khurda	Sub-Jail, Banpur	1 no. On 14.07.2020	Since the UTP was released from jail on 13.07.2020, on getting information about the same being COVID positive, he was traced from his village and brought to a temporary medical centre and in the morning of 14.07.2020 he was shifted to SUM COVID hospital, Bhubaneswar for treatment.	<p>i. Complete and full sanitization of the jail premises.</p> <p>ii. Medical team arrived at the jail on 14.07.2020 and collected the swab of others detained with the infected UTP.</p> <p>iii. Other UTPs who had come in contact with the infected UTP were kept in isolation in a separate ward so as</p>

			<p>1 no. On 19.07.2020</p>	<p>Medical Officer of CHC, Banpur was directed by the CDMO, Khurda for shifting the said UTP to COVID isolation medical centre for treatment.</p>	<p>to restrain them from coming in contact with other fresh inmates.</p> <p>i. All other UTPs who had come in contact with the infected UTP were kept in isolation so as to restrain them from coming in contact with other inmates of the jail.</p> <p>ii. Medical team was directed to collect swab of rest of the jail inmates in phased manner.</p> <p>iii. Complete and full sanitization of the jail premises.</p>
			<p>4 nos. On 20.07.2020</p>	<p>On detection, all the 4 prisoners were first kept in isolation and then Medical Officer of CHC, Banpur was directed by the CDMO, Khurda to shift the prisoners to COVID Hospital at Jamujhari managed by IMS and SUM Hospital for their treatment.</p>	<p>i. All other UTPs who had come in contact with the infected UTP were kept in isolation so as to restrain them from coming in contact with other inmates of the jail.</p> <p>ii. Complete and full sanitization of the jail premises.</p>
4.	Ganjam	Circle Jail, Berhampur	<p>2 nos. On 14.07.2020</p>	<p>Shifted to COVID centre, Berhampur and CDMO, Ganjam was asked to take steps for treatment of the UTP.</p>	<p>i. Complete and full sanitization of the jail premises.</p> <p>ii. Superintendent of Circle Jail, Berhampur was directed to take steps for COVID</p>

					<p>testing of all other UTPs.</p> <p>iii. Shifting of sick persons to Nodal Medical Institution without any delay in case of any possible emergency.</p>
			<p>34 nos.</p> <p>On 22.07.2020</p>	<p>Shifted to COVID centre, Berhampur and CDMO, Ganjam was directed to ensure treatment.</p>	<p>i. Complete and full sanitization of the jail premises.</p> <p>ii. Shifting of sick persons to Nodal Medical Institution without any delay in case of any possible emergency.</p>
		Sub-Jail, Kodola	<p>12 nos.</p> <p>On 24.07.2020</p>	<p>All the infected inmates were shifted to COVID care centre, Berhampur for their treatment.</p>	<p>i. Complete and full sanitization of the jail premises along with the concerned Courts of the district.</p> <p>ii. Superintendent, Sub-Jail, Kodola was directed to take steps for COVID testing of all other inmates of the jail who were confined with the infected inmates in the same ward.</p> <p>iii. Shifting of sick persons to Nodal Medical Institution without any delay in case of any possible emergency.</p>

III. **Compliance submitted in response to the directions given by the HPC on 13.07.2020**

- DG Prisons submitted before the Chairman HPC that AIG of Prisons, Odisha vide memo No. 11585 dated 24.07.2020 has communicated to the Member Secretary, OSLSA regarding directions issued to Sr. Superintendent Circle Jail, Cuttack at Choudwar to take appropriate action on the recommendations of the HPC vide previous meeting dtd. 13.07.2020 and to increase the frequency of e-mulakat in jails.
- He further placed before HPC that directions have also been issued to give special attention in contacting local health authorities for providing three level masks for use of the prisoners and PPE kits for use of Jail officers & Jail Medical officers.
- Further, the Fire Officer, Central Range, Cuttack vide letter no. 65/DR dtd. 19.07.2020 has intimated to the Member Secretary, OSLSA that as per the recommendations of the HPC, the Asst. Fire Officer, Cuttack Fire station has been directed to take steps towards sanitization of entire Circle Jail, Choudwar, preferably every fortnight, to keep the premises free from infection during this pandemic situation. He has also mentioned that the circle Jail has already been sanitized once on 16.07.2020 completely.

IV. **Observations of HPC (based on reports submitted by District Judge-cum-Chairman, DLSA of various districts) :**

1. **Sanctioned strength of jails against current strength-** In view of the reports submitted by the District Judges-cum-Chairman, DLSAs of various districts, decongestion has been done in most of the jails of the State, as per the recommendation of the High Powered Committee by means of granting interim bail to UTPs or by extending furlough/parole/special remission to the convicts

and ensuring proper sanctioned capacity to strength ratio in order to avoid the risk of spreading of COVID- 19 infection in the jails.

However, it has come to the light *that in Sub-Jail, Nuapada, District Jail, Phulbani, Sub-Jail, Baliguda, Sub-Jail, Jharsuguda, Sub-Jail, Boudh, Sub-Jail, Jajpur, District Jail, Bhawanipatna, Sub-Jail, Dharamgarh and District Jail, Sambalpur, the current strength of jail inmates is way beyond the sanctioned capacity. Especially in District Jail, Sambalpur there are 690 inmates against the sanctioned capacity of 604, for which spread of COVID infection due to overcrowding remains a risk.*

Hence, the HPC directs the concerned stakeholders to ensure that overcrowding be avoided by taking all measures in the above mentioned jails to reduce the health risk for inmates.

2. **Availability of quarantine wards-** As per the jail visit reports submitted by different DLSAs, isolation or quarantine wards have been made functional in almost all the jails of the State and it is reported that where the same is not available yet, steps are being taken to shift the suspected inmates or new entrants to nearby jails.

In Sub-Jail, Athagarh & Baramba though no quarantine wards have been made functional yet, inmates who are required to be kept in quarantine, are being shifted to Circle Jail, Choudwar and Sub-Jail, Narasinghpur respectively.

As this arrangement may not be always feasible, the HPC directs the DG, Prisons to take steps for ensuring that quarantine wards are made available in all the jails of the State.

3. **Testing & treatment of prisoners-** DG Prisons placed before the HPC that the district administration of **Ganjam has declared the Circle Jail, Berhampur as COVID- 19 care centre (CCC) for treatment of Corona positive prisoners of the jails of the districts.** Accordingly, directions have also been issued to the Superintendent of Jails, Bhanjanagar, Chhatrapur, Aska, Kodala, Soroda and Digapahandi for compliance of the same.

As per the reports submitted, thermal screening of all new entrants are being done and they have been kept in isolation for the initial 14 days before allowing them inside the general wards.

However, there seems to be some delay in getting the swab tests done for the accused in quarantine wards. This needs to be addressed on top priority by the Health authorities. Despite repeated reminders, the Health Authorities are not promptly ensuring COVID testing of the newly remanded prisoners to avoid spread of the disease in prisons.

The current data of 63 prisoners suffering from COVID in various jails of the State (till 24.07.2020) is already a cause of concern and can only be contained by proper medical management. The Additional Chief Secretary Health, Govt. of Odisha is directed to ensure on top priority that testing in prisons is done on time to prevent spread of COVID- 19 amongst prisoners.

- 4. Production of UTPs before the Court through virtual means-** As per the reports, it has come to light that in almost all the jails of the State, UTPs are being produced before the concerned court through virtual means. However, in some jails like in Sub-Jail, G.Udayagiri no VC facility has been made functional till date and though VC facility is available at Sambalpur, the same is not functional at present.

The Home Department & DG, Prisons are requested to kindly ensure that VC facility is functional in all the jails to facilitate the production of UTPs before courts by virtual means in the pandemic situation.

- 5. E-mulakat-** In view of the jail visit reports of DLSAs to OSLSA, it was found that e-mulakat facility is not yet available in many of the jails of the State like Sub-Jail, Baliguda and Sub-Jail, G.Udayagiri of Phulbani district.

DG Prisons is requested to kindly ensure the e-mulakat facility is available in all the jails.

- 6. Functioning of jail legal aid clinics-** All the District Judges-cum-Chairman, DLSAs have reported that the jail legal aid clinics are functional in all the jails of the State.

The Member Secretary, OSLSA is directed to submit a consolidated report on the respective DLSAs providing legal aid to the prisoners in different jails through jail legal aid clinics.

7. After analyzing the status of the jails and as per the reports submitted by different authorities of the State, the HPC reiterates that all the directions issued earlier i.e. on dated 26.03.2020, 30.04.2020 & 04.07.2020 be scrupulously followed in letter and spirit.

It is resolved that, action taken reports regarding the directions issued by HPC (dt. 13.07.2020) be submitted by concerned stakeholders before the HPC at the earliest for review of the COVID- 19 pandemic situation in jails in State.

By order
Sd/-
Member-Secretary
OSLSA