

Minutes of the meeting dated 31.07.2020 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 25.07.2020 to 31.07.2020 as received from all 30 DLSAs consequent upon the holding of Under Trial Review Committees in all districts, in view of the guidelines issued by the High-Powered Committee -

a) No. of UTPs identified for release on interim bail	: 329
b) No. of UTPs released on interim bail	: 177
c) No. of Convicts identified released on Parole/ Furlough/Special Remission	: 42/22/1
d) No. of prisoners found to be affected by COVID- 19	: 11
e) No. of prisoners kept in quarantine wards	: 1344

II. Report regarding prisoners infected by COVID-19

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	1 no. On 25.07.2020	The UTP has been referred to KIIMS Hospital Bhubaneswar on 26.07.2020 for better treatment.	i. Complete and full sanitization of the jail premises and quarantine ward. ii. Steps taken for contact tracing of infected prisoners. iii. Swab testing of all other jail inmates and warders as per govt. guidelines.
2.	Ganjam	Circle Jail, Berhampur	1 no. On 25.07.2020	On 23.07.2020 the convict was shifted to MKCG, Berhampur as he complained of breathing problem. On RAT he was detected COVID positive. His treatment is continuing at MKCG, Berhampur.	i. Complete and full sanitization of the jail premises. ii. Superintendent of Circle Jail was directed to take steps for COVID testing of all other inmates confined with the convict in the quarantine ward. iii. Shifting of sick persons to Nodal Medical Institution without any delay in case of any possible emergency.
		Sub-Jail, Sorada	1 no. On 28.07.2020	The Collector-cum-Dist. Magistrate and the Superintendent of Police, Chatrapur has been requested	i. Complete and full sanitization of the jail premises. ii. Superintendent of Sub-Jail, Surada

				<p>to shift the said UTP to the COVID Care Centre, Berhampur.</p>	<p>was directed to take steps for COVID testing of all other UTPs.</p> <p>iv. Superintendent of Sub-Jail, Surada has been directed to keep the UTP in separate isolation till the period suggested by the CDMO, Ganjam.</p> <p>iii. Shifting of sick persons to Nodal Medical Institution without any delay in case of any possible emergency.</p>
		Sub-Jail, Surada	<p>1 no. On 30.07.2020</p>	<p>Being tested the UTP report came positive. The Collector-cum-Dist. Magistrate, Ganjam and Superintendent of Police, Chatrapur has been requested to shift the said UTP to COVID Care Centre, Berhampur.</p>	<p>i. Complete and full sanitization of the jail premises.</p> <p>ii. Superintendent of Sub-Jail, Surada was directed to take steps for COVID testing of all other UTPs.</p> <p>iv. Superintendent of Sub-Jail, Surada has been directed to keep the UTP in separate isolation till the period suggested by the CDMO, Ganjam.</p> <p>iii. Shifting of sick persons to Nodal Medical Institution without any delay in case of any possible emergency.</p>

3.	Sundargarh	Dist. Jail, Sundargarh	1 no. On 29.07.2020	The UTP was remanded and kept in in a segregated cell inside the jail custody as he was being suspected of COVID infection. He has been shifted to COVID hospital, Sundargarh by the staff of the hospital after releasing on bail.	i. Complete and full sanitization of the District Jail, Sundargarh. ii. COVID test of the respective staff.
4.	Puri	Sub-Jail, Nimapara	1 no. On 30.07.2020	Due to illness on 24.07.2020 the said UTP was sent to CHC, Nimapara. On the same day he was referred to IDH, Puri for COVID testing after which the result came positive. After getting the information, the accused was shifted to a completely segregated ward.	i. The Collector and District Magistrate, Puri, S.P. Puri & CDMO, Puri has been requested to shift the said UTP to Special Hospital for COVID- 19 for better treatment. But the Collector, Puri suggested that since the UTP has got mild symptoms his treatment could be done at the Sub-Jail, Nimapara. ii. The Superintendent, District Jail was directed to report the concerned authority immediately if any symptoms are marked in the said UTP. iii. Complete and full sanitization of the jail premises. iv. COVID testing of other UTPs and

5.	Mayurbhanj	Sub-Jail, Karanjia	1 no. On 31.07.2020	At the time of admission the UTP had no symptom but on a random COVID test on 29.07.2020 he has been tested as COVID positive.	<p>staffs.</p> <p>i. The Collector-cum-Dist. Magistrate, Mayurbhanj, SP, Mayurbhanj & CDMO Mayurbhanj has been requested to shift the above UTP to Special Hospital for COVID for better treatment.</p> <p>ii. Complete and full sanitization of the premises of the Sub-Jail.</p> <p>iii. COVID testing of other UTPs and staffs in consultation with CDMO, Mayurbhanj by following the Govt. guidelines.</p>
6.	Gajapati	Sub-Jail, Paralakhemundi	2 nos. On 30.07.2020	The said UTPs have been tested positive at Dist. Head Quarter Hospital, Paralakhemundi and shifted to Circle Jail, Berhampur, Ganjam for specialized treatment.	<p>i. The committee has expressed concern over the fact that the said UTPs requires better treatment at COVID-19 hospital, Berhampur and hence necessary correspondence be made to the Circle Jail, Berhampur for the treatment of the UTPs.</p> <p>ii. The Superintendent of Circle Jail, Berhampur is further directed to appraise the</p>

					<p>Committee regarding the medical treatment of the said UTPs on each Tuesday till they are completely cured.</p> <p>iii. The said UTPs are requested to be kept in complete isolation from other jail inmates.</p> <p>iv. Sanitization of the jail premises be done once a week in coordination with the fire department.</p>
7.	Phulbani	Sub-Jail, G.Udaygiri	1 no. On 28.07.2020	<p>Since suffering from fever shifted to CHC, G. Udayagiri and after tested positive for COVID shifted to COVID hospital, Phulbani for treatment.</p>	<p>i. Sanitisation of the jail premises.</p> <p>ii. CDMO and Public Health Officer, Kandhamal, Phulbani was directed by the UTRC to take steps for ensuring COVID testing of all other inmates.</p>
8.	Jagatsinghpur	Sub- Jail, Jagatsinghpur	1 no. On 28.07.2020	<p>Shifted to COVID hospital</p>	<p>i. As per new guidelines of State Govt. the infected accused is kept in a segregated special room and one doctor has been deputed by CDMO, Jagatsinghpur for the treatment of the said UTP.</p> <p>ii. Whole jail premises has been</p>

					sanitized. iii. Other inmates have been made aware to maintain social distancing inside the jail.
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The Secretary, DLSA, Khurda at Bhubaneswar intimated vide L. No. 1086 dated 28.07.2020 regarding one jail warder of Sub-Jail, Khordha found to be affected with Covid- 19. The Jail warder, Sri Dwitikrushna Das was on leave since last 5-6 days due to high fever. On his swab test on 25.07.2020 the same was found to be Covid positive. Later on as per the direction of the committee, the jail warder has been shifted to SUM Covid hospital.

The District & Sessions Judge-cum-Chairman, DLSA, Rayagada in his L. No. 614 dated 27.07.2020 informed regarding the detection of Covid positive of a warder staff of Sub-Jail, Gunupur. It is also informed by the jail authority that the premises of the jail have been sanitized by the Odisha Fire Services volunteered by D.M and Collector of the district.

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

- DG Prisons vide L. No. 325/CON dated 30.07.2020 directed the Superintendent of all Jails of the State to conduct Rapid Antigen Test (RAT) for jail inmates and staff with suspected symptoms of COVID- 19 infections, and further directs to follow the instruction scrupulously to prevent any spread of corona virus inside the prisons.
- The Prisons Directorate has taken up the follow up action proactively with the help of Jail Superintendents to prevent spread of corona inside the prisons. DG, Prisons has intimated this to the Principal Secretary to Govt. vide L. No. 315/CON dated 27.07.2020. The Directorate has persistently insisted upon Covid test of all UTPs being remanded to jails prior to entry to jails.

- The CDMO, Cuttack in his L. No. 9170 dated 18.07.2020 submitted a compliance report to the Member Secretary, OSLSA that the DPHO, Cuttack has been instructed to send the Rapid Response Team (RRT) weekly once to the Circle Jail, Choudwar for early detection of COVID patients in Jail as well as shifting of the positive cases if found any.

The DMO (MS)-cum-Supdt. DHH, Cuttack has been instructed to supply the 3 layer disposable face mask and sanitizer to the jail.

Apart from the above, it is to submit that Medical teams from the district control room are visiting to the Circle Jail, Choudwar on regular interval as per the instruction of the Supdt. Circle Jail, Choudwar, Cuttack.

IV. Based on reports in the media that a 55 year old man was wrongly jailed in Sub-Jail, Dharmagarh on the basis of a conviction warrant that was issued 7 years after he had already served his sentence of 7 years of imprisonment in Sessions Case No. 106/29 of 2002, the Chairperson of HPC called for a report from DLSA, Kalahandi.

Accordingly, the DLSA, Kalahandi at Bhawanipatna through their letter No. 686 dated 04.08.2020 communicated to the Member Secretary, OSLSA that the accused Sibaram Das @ Santosh was first committed to the District Jail, Bhawanipatna on 24.04.2003. Subsequently the accused was sentenced to undergo R.I for 7 years with a direction for the substantive sentences to run concurrently and therefore the accused was committed to the District Jail on 24.02.2007 and the ordinary date of termination of his sentence was 06.07.2010. The accused had preferred an appeal against his sentence, however, during pendency of the appeal the convict was taken to Sub-jail, Umerkote on 05.01.2010 in connection with another pending case. During his stay there, the period of termination of sentence in this case concluded on 06.07.2010.

However, the Superintendent, Sub-jail, Umerkote did not give any intimation to the Court of Asst. Sessions Judge, Dharamgarh with regard to

expiry of the period of sentence in Sessions Case No. 106/29 of 2002 and so also the lapsed jail warrant was not returned to the concerned Court. Further, on 30.08.2012 the accused was again transferred to District Jail, Nabarangpur in connection with SC Case No. 149/28 of 2003 in which he was acquitted and released from jail custody on 22.12.2012. But as the lapsed jail warrant was not received in SC Case No. 106/29 of 2002 by the Court, the Asst. Sessions Judge, Dharmagarh, with a view to regularize the matter, ordered for issuance of conviction warrant and recommitment of the convict. Accordingly, the convict was arrested and recommitted to the jail custody to serve out the sentence on 25.02.2020. But as per the order No. 2 dated 31.07.2020 passed by the Hon'ble Court in WP (Crl) No. 62 of 2020, the said convict was released from Jail Custody on 31.07.2020 in the meantime.

Taking account of this matter as per the report submitted by DLSA, Kalahandi, the HPC recommends that the DG, Prisons may issue necessary instructions to all the jails across the State to keep track of all convicts who have completed their sentences and intimate the concerned Courts about the same by providing lapse jail warrants on time.

All the DLSAs are also directed to ensure that all prisoners (Convicts/UTPs) are given proper legal advice and timely legal aid through Jail Legal Aid Clinics to prevent recurrence of such incidents.

After analysis of the status of the jails and as per the reports placed before it, the HPC reiterates that all the directions issued earlier i.e. on 13.07.2020 & 24.07.2020 may be strictly complied by the concerned stake holders.

**By order
Sd/-
Member-Secretary
OSLSA**