

Minutes of the meeting dated 11.12.2020 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 thirty-seventh meeting of HPC 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 **05.12.2020 to 11.12.2020** as received from all 30 DLSAs consequent upon the holding of Under Trial Review Committees in all districts for the aforementioned period, in view of the guidelines issued by the High-Powered Committee –

a) No. of UTPs released on interim bail	: 366
b) No. of Convicts released on Parole/ Furlough/ Special Remission	: 0/19/0
c) No. of prisoners found infected by COVID- 19	: 0
d) No. of prisoners recovered from COVID-19	: 166
e) No. of prisoners succumbed to COVID-19	: 0
f) No. of prisoners kept in quarantine wards	: 1253

II. Report submitted by Superintendent of Sub Jail, Banki, Cuttack

The Superintendent, Sub Jail, Banki submitted a report to this Authority vide memo No. 2311 dated 05.12.2020 stating that necessary action has been taken as per the advice of the Hon'ble National Human Right Commission, New Delhi and necessary comments against Advisory sheet VI- Women in Prisons has been communicated to the Director General of Prisons and Director of Correctional Services, Odisha as follows:

WOMEN IN PRISONS

Sl. No.	Advisory	Action taken Report
i.	Ensure release of all pregnant women and women with children from prison in keeping with the Supreme Court order dated 23 rd May, 2020 and guidelines of states High Powered Committee to decongest prisons.	At present there is no women prisoner in this Jail. Necessary action is being taken for decongested as per NHRC guidelines, whenever pregnant women and women with children are being confined.
ii.	Equal access to gender sensitive health services may be provided, including the availability of a gynecologist and regular check-ups. The conditions of prisons facilities such as washroom should also be improved.	At present there is no women prisoner in this Jail. All medical facilities are being provided at the time of confinement of women prisoner. Rooms are being sanitized also.
iii.	Ensure access to adequate nutrition and protection of women from abuse within the prison	Adequate diet is being provided as per prescribed diet of Government.
iv.	Women prisoners with existing health conditions including mental illness and disabilities may be given priority in releasing on bail.	The health condition including mental illness and disabilities of women prisoners are being informed to the Hon'ble Court for consideration of bail. Whenever the women prisoners are being confined.
v.	Ensure legal services, court camps in every prison for early release. No woman should be unable to secure release due to their inability to pay surety/arrange personal bonds.	The Legal Service Authority are being informed to provide legal service who have no lawyers.

DG Prisons, Odisha intimated to the HPC that prisons are again getting over crowded. However, he added that the Registrar General, High Court of Orissa, Cuttack vide memo No. 11605 dated 04.12.2020 has issued several instructions

to the District and Sessions Judges of all the districts for decongestion of over-crowded jails and to follow the instructions issued earlier scrupulously and impart necessary instructions to the sub-ordinate courts functioning within their jurisdiction for strict adherence.

The A.I.G. of Prisons, Odisha vide Memo No. 18998 dated 10.12.2020 and Assistant Inspector General of Prisons, Odisha vide Memo No. 19027 dated 10.12.2020 has intimated to the OSLSA that the Collector and District Magistrate of all districts, Odisha/Commissioner of Police, Bhubaneswar-Cuttack and the Superintendent of all Jails of Odisha respectively have been requested to consider release of convicted prisoners on parole by the competent authority who are of the age of 70 years or above and are vulnerable to the possibility of contracting COVID- 19 infection or other diseases in accordance of the decision taken by the HPC on 23.11.2020.

The HPC observes that, except Superintendent, Sub Jail, Banki, reports relating to compliance of the NHRC Advisory No. VI regarding women prisoners circulated vide minutes dated 04.12.2020 by the HPC have not been received. Thus, the HPC once again directs the D.G. Prisons and other stakeholders to report compliance on the aforesaid advisory issued by NHRC.

Hon'ble Chairman HPC noted with satisfaction that this week no prisoners were found infected with COVID-19, nor has anyone in custody succumbed to the infection during the same period. Nevertheless, Chairman HPC impressed upon all authorities that efforts should be continued with same care and intensity for proper treatment of prisoners without any delay on part of authorities to prevent casualties.

By Order

Sd/-

**Member Secretary
OSLSA**