

Minutes of the meeting dated 21.05.2021 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 Fifty-ninth 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 **13.05.2021 to 19.05.2021** as received from all the DLSAs (except DLSA, Angul) 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 identified for release on Interim Bail : 333**
- b) No. of UTPs released on interim bail : 79**
- c) No. of convicts identified for release on parole/
furlough : 51/0**
- d) No. of Convicts released on Parole/Furlough/
Special Remission : 0/29/1**
- e) No. of prisoners found infected by COVID- 19 : 292**
- f) No. of prisoners recovered from COVID-19 : 234**
- g) No. of prisoners succumbed to COVID-19 : 1**
- h) No. of prisoners kept in quarantine wards : 1358**

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.	Deogarh	Special Sub-Jail, Deogarh	4 nos. On dated 19.05.2021	The said inmates have been kept in quarantine ward.	<p>i. Fire Brigade has sanitized the jail premises.</p> <p>ii. The UTRC apprises the District Administration for deputation of Medical team to the Spl. Sub-Jail, Deogarh to conduct COVID- 19 test of all staff and inmates of the jail.</p> <p>iii. The Committee apprises the District Administration to take all necessary steps as per Govt. norms for safety of the inmates.</p>
2.	Balasore	District Jail, Balasore	2 nos. On dated 20.05.2021	As per the report, the UTPs being found asymptomatic have been kept in separate cell inside jail premises in isolation.	<p>i. The Superintendent, Dist. Jail, Balasore has been instructed to sanitize the entire jail premises and to take pre-emptive steps for spreading the deadly virus.</p> <p>ii. To keep the inmates in quarantine ward inside the jail, who were in close contact with the said UTPs.</p> <p>iii. Immediate treatment of the</p>

					<p>inmates, if anybody complaining of cold or fever.</p> <p>iv. COVID- 19 test of all other inmates.</p>
3.	Sundargarh	Special Jail, Rourkela	<p>2 nos.</p> <p>On dated 19.05.2021</p>	The said UTPs have been kept in a isolation ward.	<p>i. Complete sanitization of the Special Jail, Rourkela.</p> <p>ii. The CDMO, Sundargarh has been requested to take necessary steps for better treatment of the positive UTPs.</p> <p>iii. Steps for COVID-19 test of staff and inmates in consultation with the CDMO, Sundargarh following Govt. guidelines.</p>
4.	Jharsuguda	Sub-Jail, Jharsuguda	<p>45 nos.</p> <p>On dated 19.05.2021</p>	The infected UTPs are asymptomatic and have been kept in isolation ward inside the jail premises.	The Jail campus has been completely sanitized by the Jharsuguda Municipality and further steps for safety have been taken.
5.	Malkangiri	Sub-Jail, Malkangiri	<p>4 nos.</p> <p>On dated 20.05.2021</p>	The District Magistrate-cum-Collector, Malkangiri has been requested to take immediate steps for shifting of the said UTPs to COVID Care Centre/COVID Hospital/Isolation Ward or any other designated place as deemed proper for treatment of the Covid- 19 positive UTPs.	<p>i. To take immediate steps for sanitization of the entire premises of the jail especially the Quarantine Ward of Jail.</p> <p>ii. To keep the rest of the UTPs/Convicts in isolation away from the UTP tested positive.</p> <p>iii. To ensure early shifting of sick</p>

					<p>prisoners to a Nodal Medical Institution in case anyone is found symptomatic.</p> <p>iv. To ensure collection of swab of the prisoners who have come in contact with the UTP tested positive for COVID-19.</p>
6.	Nayagarh	Sub-Jail, Nayagarh	52 nos. On dated 20.05.2021	All the positive inmates have been kept in quarantine in separate wards inside the jail premises and provided with treatment by D.H.H., Nayagarh in regular interval. Among all positive inmates, 01 has been sent to the COVID Care Centre, Chandpur for better treatment.	<p>i. The Committee has directed the Superintendent, Sub-Jail, Nayagarh to take effective steps to ensure complete and full sanitization of the jail premises.</p> <p>ii. The Committee decided unanimously to request the CDMO, Nayagarh for taking necessary effective steps for better treatment of the infected inmates.</p>
7.	Koraput	Sub-Jail, Jeypore	1 no. On dated 18.05.2021	The Superintendent, Sub-Jail, Jeypore reported that the said prisoner is being treated in the Covid Hospital, Jeypore.	<p>i. The Committee has been pleased to instruct that such cases should be given priority for their immediate medical treatments and should be shifted to hospitals whenever required.</p> <p>ii. It has been reported by the Jail Authorities that all prisoners have been given medical tests/treatments as a measure of precaution.</p>

8.	Boudh	Special Sub-Jail, Boudh	1 no. On dated 19.05.2021	It has been decided by the UTRC to keep the affected inmates inside the jail in separate cell/room by following govt. guidelines.	<p>i. It has been decided that the entire premises of Jail is to be sanitized.</p> <p>ii. COVID- 19 test of the other inmates and the jail staff who have come in close contact with the said UTP.</p> <p>iii. Shifting of sick persons affected by COVID- 19 virus to COVID Hospital in case of any emergency arises.</p>
9.	Khurda	Special Jail, Bhubaneswar	96 nos. On dated 18.05.2021	The inmates have been separated from other inmates and have been kept in isolation ward for better treatment inside the jail.	<p>i. To keep the said UTPs in isolation so as to restrain them from coming in contact with the other inmates of the jail.</p> <p>ii. To ensure early shifting of sick prisoners to a nodal medical institution in case anyone becomes serious.</p> <p>iii. Steps for sanitization of the whole jail premises.</p> <p>iv. To take steps for deputing a medical team to the Spl. Jail, Bhubaneswar for regular treatment of the infected prisoners till they are cured.</p>
10.	Cuttack	Sub-Jail, Banki	13 nos. On dated 18.05.2021	The positive UTPs have been kept in an isolation ward. The Superintendent,	i. Complete sanitization of the jail premises and the quarantine ward of the Sub-Jail, Banki.

Given the rapid rise of Corona virus infection in the community at present and also basing on the report of UTRC, Khurda regarding death of an UTP of Special Jail, Bhubaneswar and 96 prisoners on being found COVID positive, it is directed that the UTRC, Khurda shall remain more vigilant, ensure proper testing and treatment facilities for Covid positive prisoners in the jail, carry out sanitization on regular intervals and monitor the health of all the prisoners/staff in Sub-Jail, Khurda who were exposed.

III. Reports submitted by Directorate of Prisons and Correctional Services, Odisha

- i. The DIG of Prisons (Hdqrs.) vide memo No. 9493 dated 17.05.2021 intimated the OSLSA that the directions of HPC in its meeting dated 15.05.2021 has been communicated to the Superintendent of all Jails in Odisha with a request to provide relevant information/documents to the concerned UTRCs with regard to direction No.1 of the minutes dated 15.05.2021 of the HPC.
- ii. The DG of Prisons & DCS, Odisha vide its L. No. 9384 dated 17.05.2021 intimated OSLSA that there are **319** inmates (circle-wise list enclosed) in Jails as on 15.05.2021 who have been found COVID- 19 positive and requested the HPC to issue suitable instructions to the concerned UTRCs to take appropriate steps for decongestion of concerned jails.
- iii. The AIG of Prisons, Odisha intimated OSLSA vide L. No. 9645 dated 21.05.2021 that all jail staff and all the prisoners above the age of 45 yrs have been vaccinated, 1099 nos. of prisoners have already got double dose vaccination, where as, 728 inmates have received single dose vaccination who will receive 2nd dose after the arrangements are made by District Authorities. He has further intimated that in compliance of direction given by HPC, the Prison Directorate has ordered special parole/furlough for a period of 90 days to total **670** prisoners till date. He has also intimated that Covid testing of prisoners with fever and other symptoms are being taken up by all Jail Superintendents and 658 nos. of UTPs have been permitted for shifting from congested jails to non congested ones subject to permission of trying Courts and availability of police escort.

- iv. The DG of Prisons & DCS, Odisha by inviting a reference to the order dated 12.05.2021 of the Hon'ble High Court of Orissa in W.P.(c) No. 6610 of 2006 vide its letter No. 9536 dated 18.05.2021 have requested the HPC to consider release of prisoners involved in cases having maximum punishment upto 7 years by executing P.R. bond who have been granted bail but unable to furnish bail bond.

Basing upon the above proposal of the DG of Prisons & DCS, Odisha, the OSLSA on 18.05.2021 have requested all the DLSAs to furnish information regarding the UTPs who have been unable to be released, despite being granted bail as on 18.05.2021, on account of their inability to furnish bail bond in coordination with the local Jail Authorities. As per the reports received from all the DLSAs (except DLSA, Angul) total **667** UTPs were found to be languishing in jails despite being granted bail on account of their inability to furnish bail bond out of which total **354** UTPs are languishing in Jails for commission of offences punishable up to 7 years.

Under the above circumstances and taking note of the current situation in Jails in the State, in addition to the previous directions, the HPC resolves to further direct that the UTPs involving in cases for which prescribed punishment is upto 7 years with or without fine who have been unable to be released despite being granted bail on account of their inability to furnish bail bond, as an interim measures, shall be released from jail by executing P.R. bond for a period of **90 days** in order to tide over the pandemic. All such UTPs shall be released by executing P.R. bond excepting the UTPs falling under the following categories such as :

- i. UTPs having no permanent residence within Odisha,
- ii. UTPs having previous criminal antecedents on records,
- iii. Where the concerned Court is of the opinion that the benefit of release by executing P.R. bond should not be extended to the UTP(s) considering the nature and gravity of the offence.

The HPC also directs that, the aforementioned directives shall also be applicable to Juvenile Justice Board and Children in Conflict with Law (CCL). The CCL falling under the aforesaid category shall be released on bail by executing P.R.

Bonds by his/her guardian or parents before the concerned Board for a period of 90 days or be placed under the supervision of a probation officer or under the care of any fit person.

The HPC further resolves to instruct all the UTRCs as well as the Jail Authorities to take appropriate steps for proper medical treatment and assistance to the aforementioned **319** COVID- 19 positive inmates in Jails identified by the respective Jail Authorities.

All the stakeholders are requested to submit compliance report reflecting exact data regarding the above mentioned directions issued by the HPC to be placed before the HPC in its next meeting.

By Order

Sd/-
Member Secretary
OSLSA