

**Minutes of the meeting dated 15.05.2021 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-eighth 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 **06.05.2021 to 12.05.2021** 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 identified for release on Interim Bail : 283**
- b) No. of UTPs released on interim bail : 101**
- c) No. of convicts identified for release on parole/  
furlough : 109**
- d) No. of Convicts released on Parole/Furlough/  
Special Remission : 0/0/3**
- e) No. of prisoners found infected by COVID- 19 : 196**
- f) No. of prisoners recovered from COVID-19 : 180**
- g) No. of prisoners succumbed to COVID-19 : 1**
- h) No. of prisoners kept in quarantine wards : 1310**

## 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	Sub-Jail, Salipur	<b>17 nos.</b> On dated <b>12.05.2021</b>	As per the information received from Superintendent, Sub-Jail, Salipur all the UTPs are in good condition and no one has been admitted in COVID hospital.	<p>i. Complete and full sanitization of the jail premises and the quarantine ward/isolation ward of the Sub-Jail, Salipur.</p> <p>ii. Contact tracing of the inmate found positive and act as per the direction of Government guidelines for swab testing of the jail inmates and the warders.</p> <p>iii. The Chairman, DLSA, Cuttack requested the Superintendent, Sub-Jail, Salipur to take effective steps in consultation with CDMO, Cuttack for better treatment of the inmates and issue requisition to the CDMO, Cuttack for providing medical oxygen cylinder for jail inmates.</p>
2.	Keonjhar	Dist. Jail, Keonjhar	<b>1 no.</b> On dated <b>06.05.2021</b>	As per the information the COVID affected UTP has been shifted to COVID Care Centre, D.D. College, Keonjhar.	<p>i. Complete sanitization of the entire premises of the jail as well as quarantine ward.</p> <p>ii. The UTRC</p>

			<p><b>9 nos.</b></p> <p>On dated <b>11.05.2021</b></p>	<p>The affected UTPs have been shifted to Separate Quarantine Ward in the jail.</p>	<p>Committee further resolved to request the Superintendent of Police, Keonjhar to make necessary arrangement for issuance of escort party for the said purpose as per Govt. guideline.</p> <p>iii. The UTRC Committee unanimously decided to request the CDMO, Keonjhar to take necessary effective step for the treatment of the COVID affected inmates of Dist. Jail, Keonjhar.</p>
3.	Sambalpur	Circle Jail, Sambalpur	<p><b>1 no.</b></p> <p>On dated <b>12.05.2021</b></p>	<p>As per the RT-PCR test report furnished by DPHO, Sambalpur on 07.05.2021, the UTP was sent to the COVID Hospital, Burla on the same day for follow up treatment but was returned on the same day with advice for home isolation and treatment of 16 days. Now the UTP has been kept in isolation inside the jail and is being given medical treatment.</p>	<p>i. To keep the staff suffering from flu like symptoms in isolation so as to restrain them from coming in contact with the other inmates.</p> <p>ii. Complete and full sanitization of the premises of Circle Jail, Sambalpur and Sub-Jail, Kuchinda.</p> <p>iii. Ensure early shifting of sick inmates to Nodal Medical Institution in case of any further detection.</p>
		Sub-Jail, Kuchinda	<p><b>1 no.</b></p> <p>On dated <b>07.05.2021</b></p>	<p>The positive UTP from Sub-Jail, Kuchinda has been kept in isolation and is receiving treatment.</p>	

4.	Mayurbhanj at Baripada	Sub-Jail, Udala	<b>1 no.</b> On dated <b>08.05.2021</b>	The Collector, Mayurbhanj and SP, Mayurbhanj has been requested to shift the positive inmate to COVID Care Hospital, Bankisole.	i. The CDMO, Mayurbhanj has been directed to make necessary arrangement for treatment of inmates in COVID Hospital, Bankisole.  ii. Complete and full sanitization of Sub-Jail Premises, Udala.  iii. Necessary steps for COVID- 19 test of other staff and inmates.
			<b>21 nos.</b> On dated <b>09.05.2021</b>	The Collector, Mayurbhanj and SP, Mayurbhanj has been requested to shift the positive inmates to COVID Care Hospital, Bankisole. But the SP Mayurbhanj suggested that since the inmates are asymptomatic, they may be given adequate treatment by keeping them in a separate room inside Sub-Jail, Udala.	
5.	Nayagarh	Sub-Jail, Daspalla	<b>12 nos.</b> On dated <b>27.04.2021</b> (Communicated to OSLSA on <b>06.05.2021</b> )	After being found COVID positive, the inmates have been isolated and shifted to completely segregated ward and have been under observation of medical team deputed by CHC, Daspalla.	The Superintendent, Sub-Jail, Daspalla has been directed to take appropriate precautionary measures and necessary steps in the matter.
6.	Balangir	Sub-Jail, Patnagarh	<b>51 nos.</b> On dated <b>08.05.2021</b>	The said inmates have been kept in two separate isolation wards. In the meantime, one prisoner namely, Ballav Rana has expired on 07.05.2021 during the course of his treatment at COVID Hospital, Balangir. Further, it is informed that out of 51 positive inmates, two positive inmates namely Purna Chandra Naik and Rabi Sandha	i. The District Magistrate-cum-Collector, Balangir and CDMO, Balangir has been requested for deputation of a Medical Expert Team for the treatment of the infected inmates and to decide the two aforementioned inmates should be shifted or remain in the Sub Jail isolation wards.

				are suffering from Diabetic Mellitus and HIV. As they are having health complications, they need to be shifted to COVID Hospital, Balangir.	ii. The Collector-cum-District Magistrate, Balangir has assured to provide liquid sanitizers and sprayers for sanitization by the inmates and staff of the jail.
		Dist. Jail, Balangir	<b>28 nos.</b> On dated <b>05.05.2021</b> (communicated to OSLSA on <b>06.05.2021</b> )	The said inmates have been kept in isolation ward inside the jail and the treatment is being done.	iii. To conduct rapid antigen test of all other remaining prisoners and staff.
			<b>2 nos.</b> On dated <b>09.05.2021</b>	The said UTPs are in jail isolation and their treatment is being carried out inside the jail.	iv. In case of any emergency health issue, the concerned inmates may be referred to Govt. Hospital for their treatment.
7.	Koraput	Sub-Jail, Jeypore	<b>2 nos.</b> On dated <b>04.05.2021</b>  (Communicated to OSLSA on <b>06.05.2021</b> )  <b>1 no.</b> On dated <b>11.05.2021</b>	The Superintendent, Sub-Jail, Jeypore reported that the infected prisoners are being treated inside the jail premises in isolation ward.	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. It is also reported by the Jail Authorities that all prisoners have been given medical tests/treatments as a measure of precaution.
8.	Sundargarh	Special Sub-Jail, Bonai	<b>1 no.</b> On dated <b>08.05.2021</b>	After being ascertained as COVID- 19 positive, the said UTP has been kept in a isolation ward for 17 days being given proper treatment as per the advice of the treating physician of	i. Complete sanitization of the Special Sub-Jail, Bonai. ii. To take necessary steps for better treatment of the

				Sub-Divisional Hospital, Bonai.	COVID- 19 positive UTP. iii. To take necessary steps for COVID-19 test of the staff and inmates in consultation with the CDMO, Sundargarh following Govt guidelines.
9.	Ganjam	Circle Jail, Berhampur	<b>1 no.</b> On dated <b>10.05.2021</b>	The UTP was sent to MKCG, MCH, Berhampur on 10.05.2021 through warder guards, as he was suffering from diabetes and fever. He has been kept in isolation and his condition is stable at present.	i. Complete and full sanitization of the premises of Circle Jail, Berhampur and Court of District & Sessions Judge, Ganjam, Berhampur.  ii. COVID- 19 test of other UTPs who were remanded and confined with the UTP.
			<b>1 no.</b> On dated <b>11.05.2021</b>	The convict was sent to MKCG, MCH, Berhampur on 09.05.2021 through warder guards as he was suffering from breathing problems. Ater the antigen test, the convict has been admitted at COVID Care Hospital of MKCG, MCH, Berhampur for his better medical treatment.	iii. shifting of sick persons to a Nodal Medical Institution in case of emergency arises.  iv. The Collector-cum-District Magistrate has been requested to direct the appropriate authority to conduct vaccination of the inmates of the Circle Jail, Berhampur.
			<b>46 nos.</b> On dated <b>12.05.2021</b>	After being found COVID- 19 positive, the inmates has been immediately shifted to the DCCC, Circle Jail, Berhampur. The CDMO	The Commissioner of Berhampur Municipal Corporation, Berhampur has supplied medicines

				<p>of Berhampur has deployed two medical officers to this Jail for treatment of the affected inmates.</p> <p>A convict namely Sibananda Choudhury has been shifted to MKCG, MCH, Berhampur for better treatment when his condition became serious on the direction of Nodal Administration Officer-cum-Tahasildar, Berhampur.</p>	<p>for the affected inmates and their treatment is going on as per advice of physicians.</p>
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In compliance to the decision of HPC, the Collector & District Magistrate, Kandhamal, Phulbani submitted a report in a prescribed proforma to the Member Secretary, OSLSA vide L. No. 409 dated 04.05.2021 communicated on 06.05.2021 regarding compliance of point No. 6 of NHRC guidelines for “Women Prisoners in Jails” in the Dist. Jail, Phulbani, Sub-Jail, Balliguda and G. Udayagiri. **Accordingly, the HPC requests the DG Prisons, Odisha to submit a compiled report regarding compliance of point No. 6 of NHRC guidelines for Women Prisoners in jails in respect of all the jails of the state to be placed before the HPC in the next meeting.**

The Member Secretary, OSLSA placed before the HPC, copy of the letter received from the Deputy Secretary to Government, Home Department, Government of Odisha vide Memo No. 18280 dated 11.05.2021, wherein, the Deputy Secretary to Govt., Home Department, Govt. Of Odisha has requested the Registrar General, High Court of Orissa, Cuttack to issue special instructions or directions to all the remanding courts and police authorities for decongestion of Jails due to resurgence of Corona who have been remanded for the offences punishable with imprisonment upto 7 years and to ensure strict adherence of the directives issued from time to time by the Hon’ble Apex Court and Hon’ble High Court as well the High Powered Committee and also to scrupulously follow the directions of the Hon’ble Apex Court passed in the matter of Arnesh Kumar vs.

State of Bihar (2014) at the time of remanding the accused persons to jails in their respective jurisdiction.

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

i. The D.I.G of Prisons (Hdqrs.) vide memo No. 9155 dated 10.05.2021 intimated to the Member Secretary, OSLSA regarding grant of Special Parole/ Furlough for resurgence of COVID- 19 situation in pursuance of orders of Hon'ble Supreme Court of India and accordingly the decision of HPC vide Memo no. 1369 dated 26.03.2020 of OSLSA has communicated the same to the Superintendent of Chowdwar/Berhampur/Baripada/Sambalpur/Koraput/Angul/Balasore/Bhawanipatna/Dhenkanal/Keonjhar/Phulbani/Puri/Sundargarh/Bhubaneswar/Rourkela/Bhadrak/Bhanjanagar/Bonaigarh/Boudh/Talcher/Deogarh/Athamalik/Chhatrapur/Digapahandi/Jagatsinghpur/Kendrapara/Khurda/Khariar/Kotpad/Malkangiri/Nayagarh/Nimapara/Padampur/Rairangpur/Ranapur/Salepur/Sonepur/Soro/NBN, Sambalpur/Biju Pattnaik Open Air Ashram, Jhamujhari jails stating there in to grant Special Parole/Furlough for a period of 90 days each in favour of some of the convicts of the said jails who were granted special Furlough during the year 2020 for COVID- 19 in order to tide over the pandemic subject to condition that they had returned to jails in time last year and not adversely reported thereafter inside jails or from local police.

ii. The DG Prisons vide memo No. 9098 dated 10.05.2021 placed before the HPC that the orders of the Hon'ble Supreme Court of India towards decongestion of prisons in Suo Motu W.P.(c) No. 01/2020 has been communicated to the Addl. Director General of Police, State Police Headquarters, Odisha, Cuttack requesting to issue suitable instructions to the District Supt. of Police and Dy. Commissioners of Police for strict compliance of orders of Hon'ble Apex Court.

iii. Further, the D.G. of Prisons & DCS, Odisha vide L. No. 9300 dated 12.05.2021 intimated to the Member Secretary that in pursuance of order dated 07.05.2021 passed by the Hon'ble Supreme Court of India in Suo Motu W.P.(C) No. 1 of 2020, 449 nos. of convicted prisoners have been granted Special Parole/Furlough for 90 days who have availed special furlough in 2020. He has further intimated that as on 12.05.2021, 206 nos. of convicted prisoners of



different jails are found to be eligible to be released on Special Parole/Furlough. Further, as on 10.05.2021, 45 nos. of convicted prisoners of different jails are also availing furlough for a period of 14/21 days each.

iv. Another report has been received vide L. No. 9335 dated 13.05.2021 from DG Prisons, Odisha regarding vulnerable and aged prisoners in the prisons of Odisha above 60 years of age suffering from co-morbidities, chronic disease or pre-existing conditions like chronic diabetes, HIV, serious neurological issues, chronic lung or kidney disease, severe asthma, hearing condition, cancer, Hepatitis B or C or Tuberculosis etc. for considering their release by remanding courts for a period of 90 days on special leave or with conditions as deemed proper by the Courts.

**IV. Compliance of General Instructions issued by the HPC by the D.I.G of Prisons**

The D.I.G. of Prison vide L. No. 9269 dated 12.05.2021 has submitted the compliance report as below:

<b>Sl. No.</b>	<b>General Instructions of the HPC dated 08.05.2021</b>	<b>Compliance/Present Status</b>
1.	The HPC directs all the stakeholders to scrupulously follow the directions issued by the Hon'ble Supreme Court of India vide its order dated 07.05.2021 in W.P. (C) No. 01/2020.	In pursuance of Orders dated <b>07.05.2021</b> passed by the Honble Supreme Court of India in <b>Suo Motu W.P (C) No. 1 of 2020</b> , the following steps have been taken:  1. The State Police Headquarters, Odisha, Cuttack has been communicated with a copy of said order vide this office letter no. 9097 dated 10.5.2021 (copy enclosed) with a request to issue suitable instructions to the District Superintendent of Police and Dy. Commissioner of Police for strict compliance of orders of Hon'ble Apex Court and also guidelines as per SC case of Arnesh Kumar - Vrs - State of

		<p>Bihar during pandemic while arresting accused persons.</p> <ol style="list-style-type: none"><li>2. The copy of order dated 7.5.2021 passed by the Hon'ble Apex Court has also been communicated to the Superintendent of all lails of the State vide this office letter no. 9108 dated 10.5.2021 (copy enclosed) with an instruction to comply the orders of the Hon'ble Court strictly.</li><li>3. In pursuance of orders of the Hon'ble Supreme Court dated 07.05.2021, <b>449</b> nos. of convicted prisoners have been granted Special Furlough for a period of <b>90 days</b> each vide this office letter no. 9154 dated 10.5.2021 (copy enclosed) who have been granted such leave during the year 2020 for Covid-19, subject to condition that they had returned in time to Jails last year and not adversely reported thereafter inside Jails or from local police. Steps are also been taken to grant such special furlough for 90 days to other convicted prisoners.</li><li>4. In obedience to said orders of the Hon'ble Apex Court, the prison occupancy has also been updated in official website of "Directorate of Prisons and Correctional Services" (<a href="http://prisons.odisha.gov.in">prisons.odisha.gov.in</a>) as on <b>31.3.2021</b>. As per prison population report, there are</li></ol>
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		<b>20393</b> inmates are confined in Jails of Odisha against the scheduled capacity of <b>19824</b> as on above date.
2.	The HPC resolves to direct all the stakeholders to follow the earlier guidelines issued by it for decongestion of prisons by releasing the prisoners on interim bail, parole, furlough, special remission etc. in appropriate cases and also ensure safety, hygiene, treatment and vaccination of jail inmates.	The earlier guidelines of the HPC are also being followed strictly. All precautionary measures are being taken to prevent prisoners from infection.
3.	The HPC reiterates that the Chief District Medical Officer of concerned districts and the jail doctors should ensure the proper health condition of any such prisoner/UTPs before their release on interim bail or parole or furlough or special remission etc. through medical checkups on regular basis.	The Ministry of Home Affairs, New Delhi have issued advisory on prevention and control of Covid-19 in Prisons and Correctional Homes vide their letter dated 20.4.2021. The said advisory has been communicated to the Addl. Chief Secretary to Government, Health & Family Welfare Department, Government of Odisha vide this office letter no. 235/con dated 22.4.2021. Accordingly, the Health & family Welfare Department vide their letter no. 13255 dated 03.05.2021 (copy enclosed) have communicated the above advisory to concerned district authorities including CDMOs & PHOs to follow the advisory meticulously.
4.	The Chairman, HPC further reiterates to scrupulously follow the directions contained in <b>Arnesh Kumar Vrs. State of Bihar, (2014) 8 SCC 273</b> in its letter and spirit so as to avoid fresh crowding of jails during the second wave of the COVID-19 pandemic by the Police (arresting officer) while making arrest in cases where the offences are punishable with less than 7 years imprisonment and by the concerned Courts during remand in such cases.	The State Police Hdqrs., Odisha, Cuttack as well as Registrar General, Orissa High Court, Cuttack have been requested several times for implementation of said guidelines of Hon'ble Apex Court.

5.	The HPC again directs the District Magistrates and Superintendent of Police of the Districts to make arrangements for transportation of the released Prisoners to their respective places. The District Magistrates and Superintendent of Police shall also ensure that policies and guidelines of the Government regarding complete lockdown & shutdown shall not be violated during the ongoing process of de-congestion and the policy of social distancing be complied with in true spirit.	The Superintendent of all Jails of the State have been instructed accordingly on 10.5.2021 as indicated in Sl. No. 2 in reply to Sl. No. 1 above.
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Taking note of the current situation, in addition to the previous directions issued by the HPC from time to time, the Chairman, HPC directs the following:

- i. All UTRCs shall review the capacity of the jails in their districts and shall take appropriate steps to decongest the same. Further, UTRCs shall consider release of vulnerable and old age prisoners above 60 years of age suffering from co-morbidities on interim bail or parole etc. The Chairman, HPC further reiterates that a list of all prisoners who were released earlier on interim bail, parole, furlough etc. in pursuance to the order of the Hon'ble Supreme Court dated 23.03.2020 shall be drawn as early as possible in coordination with the Jail Authorities , if not done yet, for their release in pursuance to the order dated 07.05.2021 of the Hon'ble Supreme Court of India in WP(C) No. 01/2020.
- ii. The D.G. Prisons is directed to take urgent steps for release of above mentioned 206 nos. of identified convicts of different jails of the state who are found to be eligible to be released on Special Parole/Furlough.
- iii. The DG Prisons may also consider to extend the period of furlough to 90 days for the 45 nos. of prisoners of different jails who are now availing furlough for 14/21 days.
- iv. The DG Prisons is directed to ensure calling facilities in all the jails of the state by nominating a specific dedicated staff to visit the COVID- 19 ward functional inside the jails to facilitate telephone calls and enable the

prisoners to speak with their families and also intimate their family about their medical condition on daily basis.

- v. Lastly, if physical mulaqats are suspended then, ensure that regular e-mulaqats is conducted through video conferencing between prisoners and their families and prisoners and their lawyers.

By Order

**Sd/-**

**Member Secretary  
OSLSA**