

**Minutes of the meeting dated 20.07.2021 of the High-Powered Committee under the Chairmanship of Hon'ble Shri Justice Sanjay Kumar Mishra, Judge, Orissa High Court and Executive Chairperson, Odisha State Legal Services Authority with regard to decongestion of jails in view of spread of Covid-19 disease, as per direction of Hon'ble Supreme Court in SuoMotu W.P.(C) No. 01/2020.**

The Sixty-seventh meeting of HPC is convened through video conferencing by the following dignitaries:

- a. **Hon'ble Shri Justice Sanjay Kumar Mishra, Judge, Orissa High Court and Executive Chairperson, Odisha State Legal Services Authority.**
- b. **Shri Sanjeev Chopra, IAS, Additional Chief Secretary, Home Department, Govt. of Odisha.**
- c. **Shri Santosh Kumar Upadhyay, IPS, Director General of Prisons, Odisha.**

I. The Member Secretary (I/c) placed the following information for the period from **09.07.2021 to 15.07.2021** as received from all the DLSAs consequent upon holding of Under Trial Review Committee meetings in the districts for the aforementioned period, in view of the guidelines issued by the High-Powered Committee –

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|----|---|----------------|
| a) | <b>No. of UTPs identified for release on Interim Bail</b>                 | <b>: 317</b>   |
| b) | <b>No. of UTPs released on interim bail</b>                               | <b>: 127</b>   |
| c) | <b>No. of convicts identified for release on parole/<br/>furlough</b>     | <b>: 3</b>     |
| d) | <b>No. of Convicts released on Parole/Furlough/<br/>Special Remission</b> | <b>: 0/1/0</b> |
| e) | <b>No. of prisoners found infected by COVID- 19</b>                       | <b>: 11</b>    |
| f) | <b>No. of prisoners recovered from COVID-19</b>                           | <b>: 171</b>   |
| g) | <b>No. of prisoners succumbed to COVID-19</b>                             | <b>: 0</b>     |
| h) | <b>No. of prisoners kept in quarantine wards</b>                          | <b>: 1584</b>  |

## 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.	Nayagarh	Sub-Jail, Khandapara	9 nos. On dated <b>14.07.2021</b>	All the positive inmates have been segregated and kept in quarantine in separate ward inside the jail premises.	The Superintendent, Sub-Jail, Khandapara has been directed to take effective steps in consultation with CDMO, Nayagarh for better treatment of all affected inmates and also to ensure complete and full sanitization of the entire jail premises.
2.	Cuttack	Circle Jail, Cuttack	1 no. On dated <b>10.07.2021</b>	As per the advice of the Jail Medical Officer the convict has been sent to the COVID Hospital, Cuttack by the Jail Guarding Staff for better treatment.	<p>i. Complete sanitization of the jail premises and the Quarantine Ward/Isolation Ward of the Circle Jail.</p> <p>ii. Steps for contact tracing of the inmate found positive.</p> <p>iii. Swab testing of the jail inmates and the Warders.</p>
3.	Malkangiri	Sub-Jail, Malkangiri	1 no. On dated <b>08.07.2021</b> (Communicated on <b>14.07.2021</b> )	The infected UTP has been sent to the COVID Care Centre, Malkangiri for treatment. Further the CDMO, Malkangiri has been requested to take the follow up steps for treatment of the said UTP on priority basis.	<p>i. To ensure sanitization of the entire jail premises on daily basis.</p> <p>ii. Immediate steps for rapid testing for COVID-19 of the prisoners inside the jail.</p>

**III. Compliance Report by Home Department, Govt. of Odisha, Directorate of Prisons and Correctional Services, Odisha**

- The Deputy Secretary to Government, Home Department, Govt. of Odisha vide Memo No. 24211/JAILS dated 13.07.2021 intimated the Member Secretary, OSLSA that in connection with the directives of the Hon'ble Supreme Court of India in SuoMotu W.P.(C) No. 01/2020, a request to take immediate appropriate action for scrupulous compliance of the directions of the HPC has been communicated to the DG & IG of Police with a reminder to furnish an ATR on the implementation of the directives of the Hon'ble Apex Court in Arnesh Kumar vs. State of Bihar by the Police Authorities or the arresting officers. He has further stated that all the stakeholders concerned have been requested to submit report reflecting exact data in compliance of the directives of HPC minutes dated 21.05.2021.
  
- The Deputy Inspector General of Prisons, Odisha vide memo No. 12643 dated 16.07.2021 intimated the Member Secretary, OSLSA that in pursuance of Order dated 07.05.2021 passed by the Hon'ble Supreme Court of India in SuoMotu W.P.(C) No. 01/2020 as well as the decision taken by the High Powered Committee on 15.05.2021, communication has been made to the Superintendent of Biju Pattnaik Open Air Ashram, Jamujhari stating therein that the DG of Prisons & DCS, Odisha has granted Special Parole/Furlough for a period of 90 days each in favour of the convicts of the said jail who are found eligible for release on Special Parole/Furlough in order to tide over the pandemic subject to condition that they have surrendered in time to jails from last leave and not adversely reported thereafter inside jails or from local police. Usual Codal Procedures or records, sureties etc. has been followed along with COVID guidelines. During return, they have been advised to obtain COVID test report for safety of other inmates.
  
- The Deputy Inspector General of Prisons, Odisha vide memo No. 12543 dated 15.07.2021 intimated the Member Secretary, OSLSA that the guidelines of Hon'ble National Commission for Women, New

Delhi on “Women Prisoners during Pandemic of COVID- 19” has been communicated to the Superintendent of all Jails of Odisha. Copy of the guidelines is enclosed with this minutes.

- The D.I.G of Prisons (Hdqrs.) vide L. No. 12739 dated 19.07.2021 had submitted the following information to OSLSA as per the agenda for meeting of the HPC dated 20.07.2021:

1.	Implementation of the directions issued by the Hon'ble Supreme Court in SuoMotu W.P.(C) No. 01/2020 dated 16.03.2020 & 23.03.2020	<p>The following steps have been taken to check spread of COVID inside the Jails of Odisha:</p> <p>i. Initially three sets of guidelines were issued to the Superintendent of all Jails of the State for taking necessary measures to prevent spread of COVID inside the jails.</p> <p>ii. Steps have been taken to decongest the overcrowded jails by shifting prisoners to less populated jails. In this process, orders have been issued for shifting of <b>2105 nos.</b> of prisoners (during 2020 and 2021 as of 07.07.2021).</p> <p>iii. Both physical mulakat and physical production have been discontinued and are being done by video conferencing. E-Mulakat is now being done by laptops supplied to Jails.</p> <p>iv. In order to decongest the Jails, 449 nos. of convicted prisoners have been granted Special Furlough leave for a period of 21 days during the year 2020. Further, in view of order dated</p>
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		<p>07.05.2021 passed by the Hon'ble Supreme Court of India in the above case, 747 nos. of convicted prisoners have been granted Special Parole (Furlough) during the year 2021 as on 16.07.2021.</p> <p>v. Special attention has been given to the special group of prisoners who are more vulnerable such as old age prisoners with respiratory diseases etc.</p>
2.	Jail Hospital- Infrastructure, Oxygen facility etc.	The Govt. in Health and Family Welfare Department have issued SOP for treatment of Covid positive prisoners at the nearest Covid Care Centres. Besides, the district administration of Ganjam have declared the new Jail Hospital at Circle Jail, Berhampur as "Covid Care Centre" for the prisoners of the district.
3.	Status of vaccination of jail inmates & staff	Most of the jail inmates and staff have been vaccinated. Steps are being taken to vaccinate rest of the inmates and staff. At present vaccination process for the age group of 18-44 years is under process except at Athagarh.

Taking note of the present scenario, the HPC recommends the following directives:-

- a. In view of the order of the Hon'ble Supreme Court passed in Suo Motu W.P.(C) No. 01/2020, it is apparent that affidavit has not been filed by the State in compliance to the directives contained therein. Accordingly, the Additional Chief Secretary, Home Department and DG Prisons are requested to comply the same at

the earliest and report compliance to be placed in the next meeting of the HPC.

- b.** In compliance to the recent order of Hon'ble Apex Court passed in W.P.(C) No. 01/2020 vide its order dated 16.07.2021 the norms and criteria adopted by the State Government as regard to the age of the convict and/or co-morbidities suffered if any and at the time of recommending the release of such prisoners from the jail whether the age or co-morbidities suffered were taken into consideration, have been sent to the Hon'ble Apex Court.
- c.** It is resolved by the High-Powered Committee to request the DG Prisons to ensure that the vaccination drive under process is completed at the earliest in each of the jails of the State along with that of the police personnel, staff and warders and report compliance regarding the same to be placed in the next meeting of the HPC. Further, the DG Prisons may take steps for conducting vaccination drive in Athagarh jail of Cuttack district.
- d.** Special care and precautionary measures to be adopted for observation homes/special homes to contain the spread of infection. The Additional Chief Secretary, Home Department, Govt. of Odisha is requested to call for a report from the W&CD Department, Govt. of Odisha regarding the same to be placed in the next meeting of the HPC.
- e.** With regard to the information as received from the DLSAs with respect to the CICLs residing in observation homes on filing of their bail applications or their inability to furnish bail bond, the HPC directs the District Judges-cum-Chairpersons of all the DLSAs to instruct the concerned DLSAs to help the CICLs in filing of bail applications who have not been able to file the same yet by engaging panel lawyer or by deputing PLVs as the case may be and to help the CICLs those who have been granted bail but not released on account of their inability to furnish bail bond by engaging panel lawyer for drafting applications for modification of bail order in appropriate cases.

- f.** In view of the recent order of Hon'ble Supreme Court dated 16.07.2021 passed in SuoMotu W.P.(C) No. 01/2020 (Order attached), the DG Prisons is requested to take steps for extending the period of parole/furlough for the prisoners who have already been released from jails for a period of 90 days to a period of 120 days by extending the relief period by another 30 days.
- g.** Keeping in mind the ensuing third wave of COVID-19 which is expected to hit in the near future, the DG Prisons is requested to explore means for creating Quarantine Wards/Isolation Wards in each of the jails of the State or equivalent arrangement with proper medical facilities to deal with any inevitable circumstances that may arise due to surge in the pandemic situation.

**In addition to the above directives of the HPC, the Chairperson, HPC specifically reiterates that along with all the previous directives of the HPC, the directives contained in the first minutes of the HPC dated 26.03.2020 may be followed in letter and spirit and compliance reports as sought for above may kindly be submitted in time to be placed for assessment in the next meeting of HPC.**

By order  
**Sd/-**  
**Member Secretary (I/c)**  
**OSLSA**

- Encl: 1.Copy of the guidelines received from  
Hon'ble National Commission for Women, New Delhi  
on "Women Prisoners during Pandemic of COVID- 19"
- 2.Order dated 16.07.2021 passed by Hon'ble Apex Court  
in connection to Suo Motu W.P.(C) No. 01/2020.