

**Minutes of the meeting of the High-Powered Committee held
on 28.09.2021 through virtual mode with regard to
decongestion of jails in compliance to the directions of
Hon'ble Supreme Court in Suo Motu W.P.(C) No. 01/2020**

**Present:-Hon'ble Shri Justice Sanjay Kumar Mishra, Executive
Chairman, OSLSA**

The Sixty-ninth meeting of HPC is convened through video conferencing mode under the Chairmanship of the Hon'ble Executive Chairman in presence of the following members:

- a. **Shri Sanjeev Chopra, IAS, Additional Chief Secretary, Home Department, Govt. of Odisha.**
 - b. **Shri Santosh Kumar Upadhyay, IPS, Director General of Prisons, Odisha.**
- I. At the outset of the meeting, the Member Secretary placed the following information for the period from **13.08.2021 to 23.09.2021** 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 –

13.08.2021 to 19.08.2021

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|----|---|----------------|
| a) | No. of UTPs identified for release on Interim Bail | : 359 |
| b) | No. of UTPs released on interim bail | : 194 |
| c) | No. of convicts identified for release on parole/
furlough | : 3 |
| d) | No. of convicts released on Parole/Furlough/
Special Remission | : 0/0/0 |
| e) | No. of prisoners found infected by COVID- 19 | :1 |
| f) | No. of prisoners recovered from COVID-19 | :173 |
| g) | No. of prisoners succumbed to COVID-19 | : 0 |
| h) | No. of prisoners kept in quarantine wards | : 1668 |

20.08.2021 to 26.08.2021

a)	No. of UTPs identified for release on Interim Bail	: 415
b)	No. of UTPs released on interim bail	: 194
c)	No. of convicts identified for release on parole/ furlough	: 19
d)	No. of convicts released on Parole/Furlough/ Special Remission	: 0/0/0
e)	No. of prisoners found infected by COVID- 19	: 2
f)	No. of prisoners recovered from COVID-19	: 175
g)	No. of prisoners succumbed to COVID-19	: 0
h)	No. of prisoners kept in quarantine wards	: 1923

27.08.2021 to 02.09.2021

a)	No. of UTPs identified for release on Interim Bail	: 351
b)	No. of UTPs released on interim bail	: 169
c)	No. of convicts identified for release on parole/ furlough	: 3
d)	No. of convicts released on Parole/Furlough/ Special Remission	: 0/1/1
e)	No. of prisoners found infected by COVID- 19	: 0
f)	No. of prisoners recovered from COVID-19	: 171
g)	No. of prisoners succumbed to COVID-19	: 0
h)	No. of prisoners kept in quarantine wards	: 1742

03.09.2021 to 09.09.2021

a)	No. of UTPs identified for release on Interim Bail	: 325
b)	No. of UTPs released on interim bail	: 210
c)	No. of convicts identified for release on parole/ furlough	: 3
d)	No. of convicts released on Parole/Furlough/ Special Remission	: 0/0/0
e)	No. of prisoners found infected by COVID- 19	: 0
f)	No. of prisoners recovered from COVID-19	: 171
g)	No. of prisoners succumbed to COVID-19	: 0
h)	No. of prisoners kept in quarantine wards	: 1636

10.09.2021 to 16.09.2021

- a) No. of UTPs identified for release on Interim Bail : 315
b) No. of UTPs released on interim bail : 150
c) No. of convicts identified for release on parole/
furlough : 3
d) No. of convicts released on Parole/Furlough/
Special Remission : 0/0/0
e) No. of prisoners found infected by COVID- 19 :1
f) No. of prisoners recovered from COVID-19 :171
g) No. of prisoners succumbed to COVID-19 : 0
h) No. of prisoners kept in quarantine wards : 1637

17.09.2021 to 23.09.2021

- a) No. of UTPs identified for release on Interim Bail : 251
b) No. of UTPs released on interim bail : 150
c) No. of convicts identified for release on parole/
furlough : 0
d) No. of convicts released on Parole/Furlough/
Special Remission : 0/0/0
e) No. of prisoners found infected by COVID- 19 : 0
f) No. of prisoners recovered from COVID-19 : 173
g) No. of prisoners succumbed to COVID-19 : 0
h) No. of prisoners kept in quarantine wards : 1546

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.	Koraput	Circle Jail, Koraput	1 no. On 17.08.2021	The infected prisoner is kept and treated in the isolation ward inside the jail premises.	i. The Committee has been pleased to instruct that such cases should be given priority for their

					<p>immediate required medical treatments and should be shifted to hospitals whenever required.</p> <p>ii. It is also reported by the jail authorities that all prisoners have been given medical tests/treatments as a measure of precaution.</p>
2.	Keonjhar	Sub-Jail, Anandpur	1 no. On 24.08.2021	The positive convict has been referred to Covid Care Centre, Anandpur for his better treatment.	<p>Steps taken,</p> <p>i. for complete sanitization of the entire premises of the jail as well as quarantine ward/isolation ward.</p> <p>ii. steps for the treatment of the COVID affected convict.</p>
3.	Cuttack	Circle Jail, Choudwar	1 no. On 16.09.2021	The Senior Superintendent, Circle Jail, Cuttack has been requested to take effective steps for better treatment of the said positive UTP as per the guidelines of the HPC.	<p>The Senior Superintendent has been directed,</p> <p>i. to take appropriate steps for complete sanitization of the jail premises and the quarantine ward of the circle jail.</p> <p>ii. to take effective steps for contact tracing of the inmate found positive.</p> <p>iii. swab testing of the jail inmates and the warders.</p>

4.	Sambalpur	Sub-Jail, Kuchinda	1 no. On 18.08.2021	The positive UTP has been kept in isolation inside the jail and being given medical treatment.	<p>i. To take immediate steps for complete and full sanitization of the premises of Sub-Jail, Kuchinda.</p> <p>ii. To keep the staff suffering from flue like symptoms in isolation so as to restrain them from coming in contact with the other inmates.</p> <p>To ensure early shifting of sick inmates and staff to Nodal Medical Institution in case of any further detection.</p>
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III. Compliance Report by Directorate of Prisons and Correctional Services, Odisha to the previous directions of HPC

The DIG of Prisons (Hdqrs.), Odisha vide memo No. 15035 dated 24.08.2021 has intimated the Member Secretary, OSLSA that in pursuance of Order dated 16.07.2021 passed by the Hon'ble Supreme Court of India in Suo Motu W.P.(C) No. 01/2020 and as per the recommendation of the HPC dated 17.08.2021, communication has been done to the Superintendent of different Jail of Odisha stating therein that the DG of Prisons & DCS, Odisha has been pleased to extend the period of Special Furlough for the prisoners who have already been released from jails for a period of 120 days to a period of 150 days by extending the relief period by another 30 days.

1. Measures for implementation of the directions issued by Hon'ble Supreme Court in SuoMotu W.P.(C) No. 01/2020

- In view of the order of Hon'ble Supreme Court dated 16.07.2021 passed in Suo Motu W.P.(C) No. 01/2020, 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 150 days to a period of 180 days by extending the relief period by another 30 days.
- It is reiterated to follow the directions issued by the HPC on 21.05.2021 in its fifty ninth meeting for release of prisoners by executing P.R. bond before the concerned Courts in appropriate cases.
- The Chairman, HPC further reiterates to scrupulously follow the directions contained in **Arnesh Kumar vs. State of Bihar, (2014) 8 SCC 273** in its letter and spirit so as to avoid fresh crowding of jails during the 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.
- It is also resolved by the committee that the Superintendent of respective jails shall obtain the bail applications of desirous Under Trial Prisoners covered by the SOPs issued by NALSA in December 2018 for grant of interim bail and forward the same to the trial Court who shall take up such application and dispose of expeditiously on merit preferably within 7 days after taking into consideration of their suitability for release on interim bail for a period of 90 days by imposing appropriate conditions. The DLSAs and TLSCs may render necessary legal assistance in this regard if

required. (The above SOP of NALSA is available in the official website of NALSA/OSLSA).

2. Discussion on the direction issued by the Hon'ble High Court of Orissa in W.P.(c) No. 6610 of 2006

The members of the Committee thoroughly discussed the kind direction issued by the Hon'ble High Court of Orissa in W.P.(c) No. 6610 of 2006 in the case of Krushna Prasad Sahoo & others.

- The Committee emphasized to conduct jail adalat on 6th October, 2021 in the jails of the State of Odisha and accordingly directed the Member Secretary to take appropriate steps so as to conduct jail Adalats.
- The committee also directed the Member Secretary to file an affidavit regarding the steps taken for conduct of jail Adalat.

3. Discussion on the Letter of District Judge-cum-Chairman, DLSA, Puri for pre-mature release proposal of life convict Pari @ Paria Nayak of District Jail, Puri

The Committee discussed regarding pre-mature release of Pari @ Paria Nayak of District Jail, Puri as communicated by the Chairman, DLSA, Puri vide the L. No. 1394 dated 06.09.2021. The committee directs the DG Prisons to process the file of Pari @ Paria Nayak of District Jail, Puri for his pre-mature release.

- 4.** With the permission of the Chair, the Member Secretary put up the L. No. 1395 dated 06.09.2021 received from Chairman, DLSA, Puri for discussion. In the said letter, DLSA Chairman, Puri has informed that furlough leave of some of the convict could not be processed due to non-submission of opinion by District Magistrate-cum-Collector, Khurda and SP, Khurda. The Committee requested the DG Prisons to look into the matter.

Taking note of the above facts, the HPC directs all the stakeholders to submit compliance report regarding the above-mentioned directions issued by the HPC to be placed in its next meeting.

Sd/-

**S.K. Mishra J.
(Judge, Orissa High Court
&
Executive Chairman, OSLSA)**