

MINUTES OF THE MEETING HELD ON 22.03.2022 UNDER THE
CHAIRMANSHIP OF **HON'BLE MR. JUSTICE JASWANT SINGH**, JUDGE,
HIGH COURT OF ORISSA, AND EXECUTIVE CHAIRMAN, ODISHA STATE
LEGAL SERVICES AUTHORITY

Discussion was made with the following officers/members of High Powered Committee (in short 'the Committee').

1. Shri Sanjeev Chopra, IAS, Additional Chief Secretary, Home Department, Government of Odisha.
2. Shri Santosh Kumar Upadhyay, IPS, DG Prisons, Government of Odisha.

Agenda:

1. Action taken report on directions of High Powered Committee in its previous meeting dated 24.01.2022.
2. Extension of Interim Bail granted to UTPs by High Powered Committee.
3. Extension of Parole granted to Convicts by High Powered Committee.
4. Other directions

In continuation to directions of Hon'ble Supreme Court of India on 07.05.2021 in *Suo Motu Writ Petition (Civil) No.1/2020*, and directions passed by High Powered Committee, Orissa regarding decongestion of prisons, meeting was convened to consider extension of special interim bail and special parole.

Considering the subsequent directions issued by Hon'ble Supreme Court of India dated 16.07.2021 as well as directions issued by Hon'ble Supreme Court of India in **Arnesh Kumar Vs. State of Bihar, (2014) SCC 8 273**, the Committee resolves as under:-

1. Action taken on recommendations of meeting held on 24.01.2022

Shri Santosh Kumar Upadhyay, IPS, DG Prisons, Government of Orissa informed the committee regarding the action taken in compliance of decisions taken/recommendations made during its last two meetings of the committee held on 01.12.2021 and 24.01.2022.

Details of the action taken and the observations of the committee on each is placed at **Annexure A**.

The DIG of Prisons (Hdqrs.), Odisha vide memo No. 1406 dated 28.01.2022 has intimated the Member Secretary, OSLSA that communication has been done to the Superintendent of different Jails of Odisha with a request to take immediate action on each point read with **Annexure-B** meticulously in order to ensure prevention of COVID-19 infection inside the jail. Further the DIG of Prisons has stated therein that the period of Special Parole (Furlough) in respect of convicted prisoners released as per criteria fixed by HPC has been further extended by 60 days w.e.f. expiry of last extension.

New agenda points taken up by the committee

The Member Secretary, OSLSA placed the copy of the order of Hon'ble High Court of Orissa passed in W.P.(C) Nos. 6610 of 2006 and 3368 of 2014, wherein at para 36, the Hon'ble Court has been pleased to observe as under:

“the Court would like to request the HPC to consider whether, given the dire situation of overcrowding in many of the jails in Odisha, the return of prisoners post the Covid-19 phase, whenever that might happen, should be staggered or deferred till such time concrete measures to decongest the existing overcrowded jails in Odisha is undertaken. It is of course for the HPC to make an objective assessment of the situation, as it develops, and suggest the modalities whereby the prisoners released for Covid-19 reasons will to return to the prison.”

The Hon'ble Supreme Court of India in Re: Contagion of Covid-19 Virus in prisons, Suo Motu Writ Petition(C) No.1/2020 in its order dated **16.07.2021** has directed as under:-

“So far as those prisoners who have already been released on bail from the prison by virtue of orders passed by this Court from time to time and on the basis of recommendations of High Powered Committee constituted for the purpose a concerned, they shall not be asked to surrender to the prison, until further orders.”

The aforesaid Suo Motu Writ Petition has not been listed before the Hon'ble Supreme Court of India till date and the tentative listing as per the Website of Hon'ble Supreme Court is 28.03.2022. (Computer generated copy is attached separately)

In light of the aforementioned directions of the Hon'ble Supreme Court, and Hon'ble High court of Orissa the High Powered Committee directed as under:-

2. Extension of Interim Bail granted to Under Trial Prisoners by High Powered Committee:

Regarding the extension of special interim bail, the same is extended as per the schedule attached herein under:-

Sr. No.	Categories	Period of Extension
1	All under-trial prisoners released on Special Interim Bail as per criteria fixed by High Powered Committee.	Period extended by 15 days w.e.f expiry of last extension

3. Extension of Special Parole granted to Convicts by the High Powered Committee:

Regarding the extension of special parole, the same is extended as per the schedule attached herein under:-

Sr. No.	Categories	Period of Extension
1	All convicted prisoners released on Special Parole as per criteria fixed by High Powered Committee.	Period extended by 15 days w.e.f expiry of last extension

In the meantime, the jail authorities are directed to come up within a period of 10 days a detailed plan for re-admission of prisoners in staggered manner into jail premises in order to facilitate re-admission of prisoners into jail premises for avoiding risk of spread of COVID-19 therein as well as overcrowding.

Note:-

The period of release under aforesaid directions shall not be counted towards the total period of the sentence of the prisoner/convict. The Jail Superintendents shall obtain declaration from the convict to the

effect that he/she shall not claim counting of the period of special parole against the total period of sentence at the time of applying for special parole itself. However, the same shall be subject to the result of the criminal appeal no(s) 1434 of 2012.

4. Directions:

Following steps be also taken by the authorities concerned to ensure prevention of COVID-19 infection. These directions are in addition to the directions already issued by the Committee:

- i. Detail plan for medical screening of all prisoners/staff before entering the Jail premises shall continue to be conducted.
- ii. Standard protocol shall be circulated to respond to any situation where Covid-19 positive case is detected.
- iii. Within the prison complex, an isolation facility shall be identified and notified where a Prisoner can be isolated in case there is a Covid-19 positive case(s).
- iv. Within the prison complex, quarantine facilities be set up for mandatory quarantine of all new inmates for 10 days.
- v. Prisoner Wards on the pattern of Civil Hospitals should be established in the Covid-19 dedicated Hospitals and every Covid positive prisoner should be admitted and treated in these wards.
- vi. The sampling for Covid-19 tests of such prisoners/Staff, who were in contact with any Covid positive prisoner/staff, should be done promptly at Jail itself by the mobile Covid-19 testing teams of Civil Hospitals concerned.
- vii. In order to prevent outbreak of Covid-19 in jail premises, it is directed that Rapid Antigen Test of all arrested persons for Covid-19 shall be conducted before admission into jail premises. The Health Authorities, Odisha are hereby directed to do the necessary test(s) on priority basis and only those with negative report be sent to Jail Premises. Further, in case any arrestee is found Covid positive, he shall be admitted for treatment in the Prisoners' Ward of Government Hospital (dedicated Covid Hospital) and once he/she is fully recovered, then only he/she should be admitted into Jail.

5. Special Instructions:

- i. The Superintendents, of all the jails concerned, shall ensure necessary medical examination(s) of the prisoner availing benefits in terms of the aforesaid directions at the time of release from jail as well as at the time of his re-admission into the jail premises, in order to avoid spreading of COVID 19 or any other communicable disease(s).
- ii. In case any prisoner is not willing to be released in view of his/her social background or due to the fear of becoming victim of the deadly virus, in such cases, the Superintendents, of all the jails concerned, are directed to be considerate to the concerns of such inmate.
- iii. The Superintendents, of all the jails concerned, shall ensure that any spread of Covid-19 virus within the Jail Premises should be controlled through regular testing of prisoners as well as prison staff and in case any prisoner or prison staff is found positive, then immediate treatment should be made available to them. Further, the Superintendents concerned shall also ensure maintenance of daily hygiene and sanitation within the jail premises. Suitable precautions shall be taken to prevent the transmission of the deadly virus amongst the inmates and Prison staff.
- iv. The Superintendents, of all the jails concerned, shall take necessary steps for **arranging special vaccination drive** for first/second dose of vaccine in the jail premises for all the prisoners as well as Prison staff.
- v. The Superintendents, of all the jails concerned, are also directed to regularly update the prison occupancy details on the website of Jail Department.
- vi. In order to ensure effective dissemination of information, all decisions of High Powered Committee shall be published on Websites of Odisha State Legal Services Authority, and the Government of Odisha.

MAINTAINING ORDER IN PRISON

- i. The Superintendents, of all the jails concerned, are directed to maintain order in the Jail Premises by undertaking counseling and by informing prisoners about the steps being taken to prevent infectious disease of corona virus. Further, the prisoners be allowed to talk to their family members through Video Conferencing or Jail telephone.

- ii. The District & Sessions Judge-cum-Chairman, District Legal Services Authorities, be advised to interact with jail authorities through Video Conferencing as and when so required by the Superintendents, of all the jails concerned.
- iii. The Superintendents, of all the jails concerned, shall be the Nodal Officer for interaction with each of the Committees for providing any information. He should contact District & Sessions Judge-cum-Chairman, District Legal Services Authorities, concerned or the Secretary, District Legal Services Authority, concerned in case of any urgent intervention or clarification for implementing the guidelines.

Note:-

- The Superintendents, of all the jails concerned, shall themselves submit their weekly compliance reports as to aforesaid directions to the Secretary, District Legal Services Authority, concerned on every Monday.
- The Superintendents, of all the jails concerned, to ensure compliance of various steps to be taken in the prison qua response to COVID-19 outbreak as mentioned in **Annexure B**.
- Copy of the minutes be sent to the Authorities concerned, to ensure strict compliance of directions.

Sd/-

**Shri Santosh Kumar Upadhyay, IPS,
DG of Prisons,
Government of Odisha**

Sd/-

**Shri Sanjeev Chopra, IAS
Additional Chief Secretary,
Home Department,
Government of Odisha**

Sd/-

**Hon'ble Mr. Justice Jaswant Singh
Judge, High Court of Orissa
and
Executive Chairman,
OSLSA, Cuttack**