

MINUTES OF THE MEETING OF THE HIGH POWERED COMMITTEE (HPC) HELD ON 13th December, 2022 UNDER THE CHAIRMANSHIP OF HON'BLE SHRI JUSTICE JASWANT SINGH, JUDGE, HIGH COURT OF ORISSA & THE EXECUTIVE CHAIRMAN OF ODISHA STATE LEGAL SERVICES AUTHORITY

The following Members of the HPC were present in the meeting:

- 1. Shri Deoranjana Kumar Singh, IAS,
Principal Secretary, Home Department,
Govt. of Odisha**
- 2. Dr. Manoj Kumar Chhabra, IPS,
D.G. of Prisons & D.C.S.,
Govt. of Odisha**

The Minutes of the last meeting held on 30.11.2022 was perused by the Committee.

The Member-Secretary, OSLSA has placed the letter no. 18393 dated 12.12.2022 received from the DIG of Prisons. The DIG of Prisons has intimated vide the above letter that the period of Special Parole/Furlough Leave for Convicted Prisoners is going to expire on 16.12.2022 and no further Order has been passed by the Hon'ble Supreme Court of India revoking their Order dated 16.07.2021 passed in Suo Moto W.P.(C) No. 1 of 2020. The DIG of Prisons has also intimated that as per the official website of the Supreme Court, the case has been listed (tentatively) to 17.01.2023. Further, the I.A which has been filed on behalf of State of Odisha for recall of the prisoners from Special Parole/Furlough, has not yet been listed for hearing. The DIG of Prisons has requested the HPC to kindly take a call to extend the period of Special Parole/Furlough for another 35 days.

The Member Secretary, OSLSA placed the copies of the Order dated 16.07.2021 of the Hon'ble Supreme Court passed in SMW(C) No. 1 of 2020 in Re-Contagion of COVID-19 Virus in Prisons and Order dated 23.12.2021 of Hon'ble High Court of Orissa passed in W.P. (C) No. 6610 of 2006 and 3368 of 2014 before the Committee.

Relevant extract of the Order dated 16.07.2021 passed in SMW(C) No.01 of 2020 by Hon'ble Supreme Court

*“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 concerned, they shall not be asked to surrender to the prison, **until further orders**”.*

Relevant extract of the Order passed in W.P.(C) No. 6610 of 2006 and 3368 of 2014

“xxxx 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 overcrowding 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 return to the prisons.”

The above restriction, imposed by the Hon’ble Supreme Court, on the return of the prisoners on interim bail/parole/furlough is still in force, although the then position on account of COVID19 has considerably improved now. On being directed, the Member Secretary, OSLSA has already requested the Member Secretary, NALSA to take necessary steps at their end for filing of an application before the Hon’ble Supreme Court for appropriate directions/orders pertaining to interim bail/parole/furlough leave of the prisoners keeping in view the present scenario of COVID 19, but no response has been received from NALSA by OSLSA so far.

In view of the Order dated 16.07.2021 of the Hon’ble Supreme Court passed in SMW(C) No. 1 of 2020 in Re-Contagion of COVID-19 Virus in Prisons, the Committee resolved to extend the period of interim Bail by another 46 days i.e. till 31.01.2023.

The Committee further resolved to extend the period of Special Parole/Furlough by another 46 days i.e. till 31.01.2023.

It was further resolved that the period of extension on both the counts is subject to the order of the Hon’ble Supreme Court to be passed in SMW(C) No. 1 of 2020.

It was further resolved that the period of release on Special Parole/Furlough would not be counted towards the total period of sentence of the Convict(s). However, the same shall be subject to the result of Criminal Appeal No. 1434 of 2012.

The Committee further resolved thus:

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

- i. Detailed plan for medical screening of all prisoners/staff before entering into jail premises would continue to be conducted.
- ii. Standard protocol would be circulated to respond to any situation where COVID positive case is detected.
- iii. Within the prisons complex, an isolation facility would continue to operate where a prisoner affected with COVID would be kept in isolation.
- iv. Within the prison complex, quarantine facilities would continue to operate.
- v. COVID affected prisoner to be given suitable medical treatment in consultation with the Doctor.
- vi. The sampling for COVID test of such prisoner/staff, who were in contact with any COVID positive prisoner/staff would be done promptly at jail itself by the COVID-19 testing team of the Civil Hospitals concerned.
- vii. In order to prevent outbreak of COVID in jail premises, it is directed that Rapid Antigen Test of all arrested person for COVID- 19 would be conducted before his/her admission into the jail. The Health Authorities concerned would conduct necessary test(s) on priority basis and only those with negative reports would be allowed admission into the jail.
- viii. The Superintendents of the jails would ensure necessary medical examination(s) of the prisoner(s) on their return to the jail after availing benefits of parole/furlough.
- ix. The Superintendents of the Jails would do well in preventing the spread of COVID in the jail premises through regular testing of prisoners as well as prison staff and in case any prisoner or prison staff is found positive, immediate treatment should be made available to them. Further, the Superintendents of the Jails would also ensure maintenance of daily hygiene and sanitation within the jail premises.
- x. Ensure effective dissemination of information the decision of the Committee would be published in the website of OSLSA and Govt. of Odisha.
- xi. The Superintendent of 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 Superintendent of all jails would submit their weekly compliance reports as to aforesaid directions to the Secretary, District Legal Services Authority, concerned on every Monday.
- The Superintendent of all jails to ensure compliance of various steps to be taken in the prison qua response to COVID-19 outbreak.
- Copy of the minutes be sent to the Authorities concerned to ensure strict compliance of directions.

Sd/-
Dr. Manoj Kumar Chhabra, IPS
D.G. of Prisons & D.C.S.,
Govt. of Odisha

Sd/-
Shri Deorajan Kumar Singh, IAS
Principal Secretary
Home Department
Govt. of Odisha

Sd/-
Hon'ble Shri Justice Jaswant Singh
Judge, High Court of Orissa
and
Executive Chairman, OSLSA