

SHRI GOURISHANKAR SATAPATHY
Member Secretary



GOVERNMENT OF ODISHA
ODISHA STATE LEGAL SERVICES AUTHORITY
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L. No. 2991 /Dtd.19.08.2021

To
The DG Prisons & DCS,
Odisha.

Sub: Minutes of the meeting dated 17.08.2021 of the High Powered Committee in connection to the directives of the Hon'ble Supreme Court of India in Suo Motu Writ Petition No. 01/2020.

Sir,

I am directed to send herewith the minutes of the meeting dated 17.08.2021 of the High Powered Committee along with the enclosures (copy enclosed) in compliance to the directives of the Hon'ble Supreme Court of India in **Suo Motu Writ Petition No. 01/2020**, for favour of your kind information and necessary action.

Yours faithfully,


Member Secretary

Encl: As above

**Minutes of the meeting of the High-Powered Committee held
on 17.08.2021 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-eighth 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 **16.07.2021 to 12.08.2021** 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 -

16.07.2021 to 22.07.2021

- a) **No. of UTPs identified for release on Interim Bail : 330**
- b) **No. of UTPs released on interim bail : 166**
- 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 : 7**
- 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 : 1533**

23.07.2021 to 29.07.2021

a)	No. of UTPs identified for release on Interim Bail	: 342
b)	No. of UTPs released on interim bail	: 171
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	: 4
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	: 1555

30.07.2021 to 05.08.2021

a)	No. of UTPs identified for release on Interim Bail	: 325
b)	No. of UTPs released on interim bail	: 201
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	: 30
f)	No. of prisoners recovered from COVID-19	: 178
g)	No. of prisoners succumbed to COVID-19	: 0
h)	No. of prisoners kept in quarantine wards	: 1492

06.08.2021 to 12.08.2021

a)	No. of UTPs identified for release on Interim Bail	: 353
b)	No. of UTPs released on interim bail	: 182
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	: 2
f)	No. of prisoners recovered from COVID-19	: 205
g)	No. of prisoners succumbed to COVID-19	: 0
h)	No. of prisoners kept in quarantine wards	: 1536

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.	Mayurbhanj	Sub-Jail, Karanjia	1 no. On 18.07.2021 6 nos. On 19.07.2021	The treatment of the said inmates has been done by keeping them in a separate room inside Sub-Jail, Karanjia as they had been found asymptomatic.	i. Complete and full sanitization of Sub Jail Premises, Karanjia. ii. COVID- 19 test of remaining staff and inmates in consultation with the CDMO, Mayurbhanj, Baripada as per govt. guidelines.
2.	Phulbani	Sub-Jail, Balliguda	3 nos. On 27.07.2021 27 nos. On 28.07.2021	The UTPs have been kept in quarantine ward and Superintendent, S.D.H., Balliguda has supplied medicines for them.	The jail premises of Sub-Jail, Balliguda and Sub-Jail, G.Udayagiri have been fully sanitized.
		Sub-Jail, G.Udayagiri	1 no. On 31.07.2021	The UTP has been kept in a quarantine ward and his treatment has been given by the Physician of C.H.H., G. Udayagiri.	
3.	Rayagada	Sub-Jail, Gunupur	1 no. On 26.07.2021	The infected UTP has been kept in isolation in a separate cell, away from the contact of the other inmates. The medical team of R.R.T., Gunupur has been	i. Regular sanitization of the jail premises in coordination with district administration and appropriate authorities.

				attending him regularly and medicines have been provided. Now his health condition is normal.	ii. COVID- 19 test of the other UTPs who have come in contact with the infected inmate in coordination with the CDM & PHO, Rayagada.
4.	Kendrapara	Sub-Jail, Kendrapara	1 no. On 03.08.2021	The UTP has not been admitted in the District Covid Hospital, Derabish for treatment.	The Superintendent, Sub-Jail, Kendrapara has been directed: i. to take effective steps in consultation with CDMO, Kendrapara for proper treatment of the inmate as per the guidelines of the HPC. ii. to take appropriate steps for complete sanitization of the jail as well as the quarantine ward.
5.	Sambalpur	NaribandiNiketan	1 no. On 10.08.2021	The infected UTP has been kept in isolation inside the jail and being given medical treatment.	Steps taken, i. for complete and full sanitization of the premises of Naribandi Niketan, Sambalpur. ii. to keep the rest of the UTPs in a segregated quarantine cell who are showing flue with fever like symptoms and those who have come in contact with the infected UTP.

					iii. to ensure early shifting of sick inmates and staff to Nodal Medical Institution in case of any further detection.
6.	Koraput	Circle Jail, Koraput	1 no. On 10.08.2021	The infected prisoner is kept and treated in the isolation ward inside the jail premises.	<p>i. The Committee has been pleased to instruct that such cases should be given priority for their 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>

III. Compliance Report by Directorate of Prisons and Correctional Services, Odisha to the previous directions of HPC

- The AIG of Prisons vide L. No. 10885 dated 21.06.2021 communicated an E-Abhijoga Grievance petition of Sri Radhamadhav Mishra which has been addressed to the CM of Odisha regarding bail plea of under trial prisoners. The said matter has already been dealt with in the previous meetings of HPC and steps for the release of Convicts/UTPs on Parole/Special Furlough/Special Remission on bail are being in force.
- The DIG of Prisons (Hdqrs.), Odisha vide memo No. 13101 dated 23.07.2021 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 20.07.2021, 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 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.

- The DIG of Prisons (Hdqrs.), Odisha vide memo No. 13403, memo No. 14328 and memo No. 14550 dated 28.07.2021, 11.08.2021 and 13.08.2021 respectively has intimated the Member Secretary, OSLSA that in pursuance of Order dated 07.05.2021 and 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 15.05.2021 and 20.07.2021, communication has been done to the Superintendent of Sub-Jail, Paralakhemundi, Superintendent of Model Convict Prison, Radharamanpur, Athagarh and Superintendent of Digapahandi Sub-Jail stating therein that the DG of Prisons & DCS, Odisha has been pleased to grant special Parole/Furlough for a period of 120 days in favour of the convict of the said jails who have been found eligible for release on Special Parole/Furlough in order to tide over the pandemic as they have surrendered in time to jails from last leave and not adversely reported thereafter insider 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 DG Prisons & DCS, Odisha vide L. No.13512 dated 30.07.2021 has intimated that, in pursuance to the directions of the minutes of the last meeting of the HPC, the

DG Prisons & DCS, Odisha has already submitted the compliance report regarding affidavit filed by the State in view of orders of the Hon'ble Supreme Court of India passed in Suo Motu W.P.(C) No. 01/2020.

1. Measures for implementation of the directions issued by Hon'ble Supreme Court in Suo Motu 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 120 days to a period of 150 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 jail 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).

- The committee also resolves to grant furlough or parole for 90 days to those convicts who have returned from regular furlough peacefully during the current year.
- The DG prisons is again requested in this meeting to ensure that the vaccination drive under process be completed at the earliest in each of the jails of the State, if not completed yet.

2. Discussion on the order of Hon'ble Court in W.P.(C) No. 6610/2006

The Members of the Committee thoroughly deliberated on the kind directions of the Hon'ble Court passed in W.P.(C) No. 6610 of 2006 **Krushna Prasad Sahoo vs. State of Odisha & others** with respect to the suggestions of learned Amicus Curiae contained in para 7 and 8 of the note submitted by him on 24.06.2021 and the HPC unanimously resolves to grant parole of 90 days to the following male and female convicts except the inmates of jail convicted for cases of multiple murder, offence of penetrative sexual assault, offences of waging war against state, commercial and economic offences, offence under UAP Act and life convicts whose death sentence has been commuted subject to these convicts fulfilling the general conditions of the parole:

- All female convicts regardless of their age having small children with them in jail custody.
- All female convicts above 45 years of age.
- All female convicts carrying pregnancy of any duration.
- All male convicts above 60 years of age.

- All convicts suffering from cancer, serious heart ailment such as having undergone bypass surgery & valve replacement surgery, infected with HIV, chronic kidney disease requiring dialysis, infected with Hepatitis- B or C, suffering from Tuberculosis, acute Asthma and disablement of the body to the extent of 40% or more on the basis of medical certification.

The committee however, resolves that the superintendent of concerned jail shall facilitate filing of bail application of the above categories of Under Trial Prisoners in Court concerned for release on interim bail and the Court shall dispose of the bail applications of such persons expeditiously. The committee, however, issues instructions to the Member Secretary to communicate all DLSAs and TLSCs to assist the above categories of Under Trial Prisoners housed in different jails & desirous to file the bail application by availing legal aid.

3. Discussion on the directions of the Hon'ble Apex Court in Sonadhar vs. State of Chhatisgarh in SLA (Crl.) 529/2021 dated 07.07.2021

The HPC after careful consideration of the order passed by the Hon'ble Apex Court of India in case of **Sonadhar vs. State of Chhatisgarh** in SLA (Crl.) 529/2021 dated 07.07.2021, recommends that identification of life convicts may be done by the jail authorities for their pre-mature release. Upon identification, the jail authorities shall send a copy of the list to the concerned DLSA who shall assist in filing of application to be made by such eligible life convicts. The DLSA shall also organize legal awareness programme in jails through its Jail Legal Services Clinics with the aim of informing the inmates about pre-mature release policies and procedures.

4. **Discussion on the directions of the Hon'ble Apex Court**
Kadir vs. State of Uttar Pradesh in SLA (CrI.) 4358/2021

Further, the HPC after considering the order passed by the Hon'ble Apex Court of India in case of **Kadir vs. State of Uttar Pradesh** in SLA (CrI.) 4358/2021 recommends that the Jail Superintendents shall inform the applicant-convicts of their right to submit an application for pre-mature release in accordance with the applicable rules and regulations and in the event that any legal aid or assistance for the purpose is required, the jail authorities shall intimate the concerned DLSA immediately and the DLSA shall provide requisite assistance enabling the applicants to pursue their remedies for pre-mature release in accordance with law.

In addition to the above directives, the order of the Hon'ble Apex Court in **Sonadhar vs. State of Chhatisgarh in SLA (CrI.) 529/2021 dated 07.07.2021** and **Kadir vs. State of Uttar Pradesh in SLA (CrI.) 4358/2021** may be circulated among all the DLSAs and TLSCs for adherence and guidance (Copy of both orders enclosed herewith).

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)

Encl: As above