

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.6610 of 2006

Krushna Prasad Sahoo

....

Petitioner

Mr.G. Mishra, Sr. Advocate
(Amicus Curiae)

-versus-

State of Odisha and others

....

Opp. Parties

Mr.M.S. Sahoo, Additional Government Advocate

**CORAM:
THE CHIEF JUSTICE
JUSTICE SAVITRI RATHO**

ORDER

31.05.2021

Order No.

26.

1. This matter is taken up by video conferencing mode, in the Vacation Court.

2. Pursuant to the direction issued by this Court on 9th March, 2021 two separate compliance reports have been furnished by the Member Secretary, Orissa State Legal Services Authority (OSLSA) both dated 24th April, 2021. The first concerns the issue regarding prisoners who are unable to be released despite being granted bail, the issues of early release of prisoners, and the conduct of the Jail Adalats. The second report is regarding compliance of the directions issued by this Court on the surprise jail visits by the District Magistrate and Secretaries of the DLSA or TLSC, on the conditions of the jails, conditions of the prisoners, issues of overcrowding and the status of facilities within the jails.

3. Copies of both the sets of reports be provided to both Mr. G. Mishra, learned Amicus Curiae and Mr. M.S. Sahoo, learned AGA by the Registry at the earliest.

4. Mr. Mishra has filed a compilation which includes, *inter alia*, the detailed order dated 7th May 2021 passed by the Supreme Court of India in Suo Motu Writ Petition (C) No.1 of 2020 (*In Re: Contagion of COVID 19 virus in prisons*). He points out that the status of occupancy of jails as far as Odisha is concerned has been uploaded on the website of the DG Prisons in compliance with the said directions.

5. Mr. Mishra has drawn the attention of the Court to the issue of overcrowding of prisons. It appears that there is overcrowding in at least six jails. This includes the District Jail in Phulbani, the Special Sub-Jail in Bhadrak and the Sub-Jails in Jajpur, Nayagarh, Parlakhemundi and Malkangiri. The situation in the Bhadrak Special Sub-Jail is particularly acute where against the capacity of 166 there are over 430 prisoners. In a time of COVID-19 Pandemic, this can also pose a serious risk to the health and safety of the prisoners as well as the jail staff.

6. The Court directs the State of Odisha to place before it, by the next date, a detailed action plan for dealing with this grave situation which requires immediate attention. The Court is of the view that there is an urgent need to decongest the prisons and to accommodate the prisoners in excess of the holding capacity of the concerned jail to be shifted in a phased manner

in other safe and secure premises, which could be by upgrading other state buildings/facilities to meet the requirements of prisons. This aspect also be taken into account while preparing the action plan.

7. Mr. Mishra's note lists out those directions of this court issued on 9th March, 2021 to which the response of the State in its affidavits filed thus far is either absent or inadequate. The state is directed to file, at least one week prior to the next date, an additional affidavit covering all of the above aspects and in particular, the status of compliance with the directions in paragraph 12 of the Court's aforementioned order.

8. List on 28th June, 2021.

9. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021.

(Dr. S. Muralidhar)
Chief Justice

(Savitri Ratho)
Judge