

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

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

***Krushna Prasad Sahoo*** ..... ***Petitioner***  
Mr. Gautam Mishra, Sr. Advocate,  
Amicus Curiae

-versus-

***State of Odisha & Others*** ..... ***Opp. Parties***  
Mr. S.N.Das, ASC

**CORAM:**  
**THE CHIEF JUSTICE**  
**JUSTICE R.K.PATTANAİK**

**Order No.**

**ORDER**  
**22.03.2022**

36.

***Overcrowding***

1. A convenience note has been placed by the learned Amicus Curiae on the follow up action taken pursuant to the previous hearing on 23<sup>rd</sup> December, 2021. From the chart presented to this Court, it is seen that in two jails at Jajpur and Balliguda the overcrowding is still in excess of 100% whereas in some others it ranges between 50 to 100%. In 8 prisons the overcrowding is between 20 to 50%. It appears that the Committee set up by the Court has been holding regular meetings and this is helped somewhat tackle the problem. Yet much more needs done in this regard.

2. The Court will be informed on the next date the exact time schedule by which the capacity in the over-crowded jails, in excess of 50%, will be enhanced. This will include the jails at

Bhadrak, Malkangiri, Koraput, Jajpur, Balliguda and Balasore. All such proposals be placed in the first before the Committee constituted by this Court by the order dated 23<sup>rd</sup> December, 2021 and after the Committee has fixed the time targets for enhancement of the capacity of the said jails, the details be placed before the Court on the next date of hearing.

3. As regards the Biju Pattnaik Open Air Jail at Khurda, the Court notes from the charts placed before it that the present population there is still low. It has prisoners against the capacity of 125. Mr. Upadhaya, DIG, Prisons who participated in virtual mode informed the Court that once the convict prisoners return after the Covid period is over, the Open Air Prison, Khurda will be first filled up to its capacity. Thereafter a proposal will be mooted before the Government for setting up more such open jails in at least four locations elsewhere in Odisha. The Court will be informed by the DIG, Prisons on the next date of the progress made in this regard.

### ***Jail industries***

4. Mr. Upadhaya informed to the Court that while a Prison Development Board has been set up, it lacks financial powers and therefore, a specific direction is required from the Court to the Finance Department in this regard. The DIG, Prisons is directed to place before the Finance Department, within two weeks, a detailed proposal for expanding the range of activities

in jails which can generate earnings for the prisoners. By the next date of hearing, the Revenue Secretary, Finance Department will apprise this Court of its response to the said proposal.

***Medical and mental health care***

5. An affidavit be filed by the State Government by the next date indicating extent of compliance with Rule 976 of Orissa Model Jail Manual, 2020 particularly, regarding availability of hospital accommodation for prisoners consistent the requirements of inmate population in the jails in Odisha.

***Duty Lawyers in police stations***

6. The Court is informed that OSLSA has already launched on a pilot basis a Duty Lawyer System in four police stations i.e. the Town Police Station, Balasore, Town Police Station, Koraput, Malgodown Police Station, Cuttack and Ainthapalli Police Station, Sambalpur. The Court is informed that there should be no difficulty in starting similar Duty Lawyer Systems in every police station in the State.

7. The Secretary, OSLSA is directed to coordinate with the Home Department, Government of Odisha regarding the implementation of the Duty Lawyer System in every police station in the State. An affidavit of compliance in this regard be filed by the Secretary, OSLSA before the next date.

***Training of Non-official Visitors to jails***

8. The Court is informed by the affidavit dated 7<sup>th</sup> March, 2022 of the Deputy DIG, Prisons that a comprehensive virtual training programme for the Non-Official Visitors (NOVs) for 46 jails has been conducted by the Commonwealth Human Rights Initiatives (CHRI), New Delhi on 26<sup>th</sup> January, 2022. NOVs for 54 jails are stated to have been appointed by the respective Collectors and the District Magistrate. A training programme for the remaining NOVs be conducted not later than 16<sup>th</sup> May, 2022.

9. The meetings of the Committee appointed by this Court shall be continued to be held once in three weeks till the next date.

10. List on 17<sup>th</sup> May, 2022 at 2 pm. A copy of this order be delivered forthwith to the DIG, Prisons, the Secretary, OSLSA and the Secretaries of the Revenue and Home Departments, Government of Odisha.

***(Dr. S. Muralidhar)***  
***Chief Justice***

***( R.K.Pattanaik)***  
***Judge***