

CHRI 2020



**UNDERTRIAL
REVIEW
COMMITTEES:
SETUP &
FUNCTIONING IN
WEST BENGAL**

SECOND WATCH REPORT



CHRI

Commonwealth Human Rights Initiative
working for the practice/realisation of human rights in
the countries of the Commonwealth

Commonwealth Human Rights Initiative

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UNDERTRIAL REVIEW COMMITTEES: SETUP & FUNCTIONING IN WEST BENGAL

SECOND WATCH REPORT

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About the Report

This report is the second watch report that seeks to check compliance on the formation, functioning and working of Under Trial Review Committees. It is based on responses from 37 correctional homes in WB that provided information under the Right to Information Act, 2005. The requests were filed in May 2018 and the data pertains to the period between 1st January 2017 and 31st December 2017. As the National Legal Services Authority Standard Operating Procedures on UTRCs was finalised in 2018, this report does not assess its implementation.

This report also provides a comparison between the functioning of UTRCs in 2015 and 2017, based on a comparative analysis with CHRI's first watch report – Setup and Functioning of Under Trial Review Committees in WB¹. This report reveals that the degree and scale of compliance with the mandates set out by the Supreme Court directives continues to remain inadequate, thus calling for attention from stakeholders to undertake measures to ensure robust functioning of the UTRCs. However, the responses do bring forward some good practices relating to documentation prevalent in a few CHs in some districts which have been highlighted in the report.

¹ <https://www.humanrightsinitiative.org/download/1475580878Undertrial%20Review%20Committees%20Setup%20and%20Functioning%20in%20West%20Bengal.dp.pdf>.



PART I



1. Introduction

Overcrowding in Indian prisons is often linked to unnecessary detention and overstays² and often leads to a major strain on both prison resources as well as infrastructure. Recent statistics collated by the National Crime Research Bureau, India in Prison Statistics of India, 2018 show that between 2016 and 2018, with the number of prisons decreasing from 1412 to 1339, occupancy and consequently overcrowding in prisons has marginally increased from 113.7% to 117.6%,³ which continues to remain a major concern. Undertrials constitute 67.4% of the prison population, and as many as 5104 undertrials had spent more than 5 years in prisons pending completion of their trial.⁴

Similar is the situation in West Bengal. At the beginning of January 2018,⁵ West Bengal correctional homes confined 23092 inmates⁶ with undertrials constituting 69.08% of the total prison population (Table 1).

² India Justice Report 2019, Pg 43 available at http://ncrb.gov.in/sites/default/files/psi_table_and_chapter_report/CHAPTER-1_1.pdf.

³ http://ncrb.gov.in/sites/default/files/psi_table_and_chapter_report/CHAPTER-1_1.pdf.

⁴ <http://ncrb.gov.in/sites/default/files/PSI-2018.pdf> at Pg 153.

⁵ Due to non-receipt of data from West Bengal for 2018, data furnished for 2017 has been used in the PSI 2018.

⁶ PSI 2018, Table 2.1.

Table 1: Number of Undertrial Prisoners by Period of Detention at the end of 2017 in West Bengal⁷

Upto 3 months	3-6 months	6-12 months	1-2 years	2-3 years	3-5 years	Over 5 years	Total
6936	3326	2554	1598	994	767	303	16478

With pendency of criminal cases alarmingly high at 88.1% (Table 3), the current scenario is far from ideal. The occupancy rate in West Bengal is 106.06%⁸, and 6891 undertrial prisoners have been detained in correctional homes for more than a year (Table 1). Another disturbing statistic is at the end of 2018; in 1929 cases, it took more than 10 years for completion of trials (Table 2). With a conviction rate of merely 13.4% of the State, the travesty of justice is evident.

Table 2: Duration of Completion of Trial in 2018: All Courts in West Bengal⁹

Less than 6 months	6-12 months	1-3 years	3-5 years	5-10 years	Over 10 years	Total
1708	3609	12987	9463	5665	1929	35361

Table 3: Disposal of IPC Criminal Cases by Courts in West Bengal¹⁰

Total No. of Cases Pending for Trial (Including those from Earlier Years)	Cases Compounded or Withdrawn	Trial Completed	Trial Remained Pending at the End of 2016	Case Conviction Rate (All India)	Pendency Percentage (All India)	Percentage Of Pendency To All-India Total (WB specific)
1254720	187	29465	1225068	50%	88.1%	13.4%

Furthermore, correctional homes (CH) in West Bengal housed 44.8% (2316) of the total of 5168 foreign convicts lodged in prisons across India.¹¹ Among these maximum are Bangladeshi Nationals and also come from other African nations. Among the many barriers, access to justice is a major obstacle. The above provide for a grim picture of West Bengal when it comes to the working of the criminal justice system – prisons and judiciary being vital stakeholders in the mechanism.

Constitution of Under Trial Review Committees in India

Aware of the constant deterioration in prison conditions, and ever-increasing number of

⁷ <http://ncrb.gov.in/sites/default/files/PSI-2018.pdf>, Table 6.4 at Pg 161-162.

⁸ <http://ncrb.gov.in/sites/default/files/PSI-2018.pdf>, Table 1.3 at Pg 21-23.

⁹ <http://ncrb.gov.in/sites/default/files/Crime%20in%20India%202018%20-%20Volume%203.pdf>, Table 18A.5 at Pg 1117-1127.

¹⁰ <http://ncrb.gov.in/sites/default/files/Crime%20in%20India%202018%20-%20Volume%203.pdf>, Table 18A.2 at Pg 1097-1100.

¹¹ <http://ncrb.gov.in/sites/default/files/PSI-2018.pdf>, Table 4.1 at Pg 109.

undertrial prisoners, in 2013, taking *suo moto* cognizance of a letter by a former Chief Justice of India the Supreme Court initiated a petition titled '*Re-Inhuman Conditions in 1382 Prisons*'. In the last five years, several orders have been passed by the court on a plethora of issues related to prisons and prisoners' rights.

On 24th April 2015, the Supreme Court had directed the National Legal Services Authority (NALSA) along with the Ministry of Home Affairs (MHA) and the State Legal Services Authorities (SLSAs) to ensure that an Under Trial Review Committee (UTRC) is formed in every district of the country in order to conduct quarterly review of cases of under-trial prisoners. UTRC is a district level committee headed by the District & Sessions Judge, with District Magistrate and Superintendent of Police, Secretary, District Legal Services Authority (DLSA) and the officer-in-charge of prisons in the district as members. The mandate of the committee envisages periodic review of cases of prisoners falling within specified 14 categories. The committee is required to consider each case, and empowered to provide recommendation for release or any other appropriate action in eligible cases to the concerned court.

Further, the Court in its order dated 31.10.2017, directed NALSA to prepare a Standard Operating Procedure (SOP) for smooth functioning of the UTRCs, which were finalised and approved by the Supreme Court in December 2018. (See Annexure III)

Review Process at a Glance	
Preparation	<ol style="list-style-type: none"> 1. Officer in-charge of every prison in the district prepares list of all undertrials (UTPs) and convicts lodged in the prison. 2. DLSA Secretary shortlists eligible cases of undertrials and convicts from the prepared lists to be considered in the UTRC meeting.
Meeting	<ol style="list-style-type: none"> 3. District & Sessions Judge convenes a meeting of all UTRC members where the shortlisted cases are considered by the UTRC. 4. UTRC makes recommendations for release and other actions in the cases of eligible individual prisoners to the concerned courts.
Recommendations and Action	<ol style="list-style-type: none"> 5. Jail Superintendent informs prisoners about the recommendations made in their cases. 6. In case of undertrials, trial court decides on the recommendations of the UTRC brought before it in the manner appropriate for the particular case.
Follow-up	<ol style="list-style-type: none"> 7. UTRC keeps a track on the actions taken on the recommendations. 8. DLSA Secretary collates the data and prepares a quarterly report on the recommendations and actions taken in the cases considered by the UTRC.

In 2016, CHRI had released a national report¹² on the functioning of these Committees along with the first watch report in West Bengal¹³. The national report titled '*Circle of Justice*' had revealed that though there is some compliance, it is mostly patchy and partial and the impact uncertain.¹⁴ The national report analysed data received, in response to right to information requests filed to State Legal Services Authorities across the country, for the period between 31st April 2015 and 31st October 2015. While the report highlighted some good practices prevalent in few districts, it also pointed towards implementation gaps on the basis of an analysis of the minutes of the meetings received.

Methodology and Structure

The study is based on information received from correctional homes of West Bengal in response to right to information requests filed in May 2018 to the Department of Correctional Administration, West Bengal. Information was sought for the period 1st January 2017 to 31st December 2017.¹⁵ Information was sought on select basic aspects of UTRCs such as their constitution, inclusion of the officer-in-charge of CH as a member, consideration of cases, releases etc.



This report documents the responses and provides an analysis of the information received from 37 CHs in West Bengal to assess the functioning of UTRCs. Furthermore, a comparison has also been made on the functioning of UTRCs as documented in the first watch report in 2015 and in this report for 2017. The report comprises of three parts. The first part discusses and analyses the functioning of the undertrial review committees; second part shares the district report cards and last chapter part consists of the RTI questionnaire filed seeking the information as well as the NALSA SOP on the working of the UTRCs as passed by the Supreme Court.

¹² <https://www.humanrightsinitiative.org/download/Report%20-%20Circle%20of%20Justice2016.pdf>.

¹³ *Supra* Note 1.

¹⁴ Data was received from 26 States and Union Territories.

¹⁵ Annexure I.

¹⁶ Category of Correctional Homes: CCH – 6, DCH – 9, SCH - 18, WCH - 1, SpCH – 3.

THE UNDER TRIAL REVIEW COMMITTEES

Constituted in every district of the country by the directive of the Supreme Court of India in April 2015



PURPOSE

An oversight mechanism mandated to:

ENSURE periodic review of the cases of unsentenced prisoners

CHECK prolonged detention and overcrowding in prisons

GUARANTEE fair trial rights

COMPOSITION



District Magistrate
(Senior most Administrative Officer of the District)
MEMBER



Superintendent of Police
(Senior most Police Officer of the District)
MEMBER



District & Sessions Judge
(Senior most Judicial Officer of the District)
CHAIRPERSON



Secretary, District Legal Services Authority
(Officer in-charge of providing Legal Aid in the district)
MEMBER



Superintendent of Prison
(Officer in-charge of Prisons situated in the district)
MEMBER

MANDATE

UTRC periodically reviews cases of unsentenced prisoners (termed as under trial prisoners in India) and is empowered to recommend to the concerned trial court, release or appropriate action in each case in order to prevent unnecessary detention of prisoners



Under trials who completed half or more than the maximum prescribed punishment for the offence charged, must be released on bail – S.436A Code of Criminal Procedure (CrPC)



Under trials who are accused of a bailable offence, must be released on personal bond – S.436 CrPC



Under trials accused of unsound mind, must be dealt under Chapter XXV of the CrPC



Under trials who are accused of compoundable offences, their cases must be compounded expeditiously – S.320 CrPC



Under trials detained on apprehension of commission of offence, must be released on bail bond – S.107, 108, 109 and 151 CrPC



First time offenders, between 19-21 ages, detained for offences punishable with less than 7 years and have served at least 1/4th of the maximum sentence possible, must be considered for release under the Probation of Offenders Act, 1958



Under trials in whose cases investigation is not completed in 60/90 days depending on the offence accused of, must be released on bail – S.167(2)(a)(i) & (ii) CrPC



Under trials who are unable to furnish bail and are still in custody for that reason, must be released on personal bond



Under trials sick or infirm and requiring specialised medical treatment must be considered for bail under the special provision – S.437 CrPC



Women under trials must be considered for bail under the special provision – S.437 CrPC



Under trials imprisoned for petty offences which carry a maximum punishment of 2 years, must be considered for release under the Probation of Offenders Act, 1958



Under trials whose cases are triable by magistrate, if the trial of a person accused of a non-bailable offence has not been concluded within a period of 60 days from the first date fixed for taking evidence, must be released on bail – S.437(6) CrPC

2. FUNCTIONING OF THE UTRCs IN WEST BENGAL



This section of the report analyses the setup, establishment and functioning of the Under Trial Review Committees in West Bengal. CHRI's first watch report on the working of the UTRCs in West Bengal titled '*Under-Trial Review Committees – Setup and Functioning*,'¹⁷ which was undertaken as a joint study with the Directorate of Correctional Services, West Bengal, was prepared upon receiving responses from all 58 Correctional Homes (CHs). The information received pertained to the time frame between 31st March 2015 to 31st June 2015. At that time, data had revealed that the UTRCs had been setup in only 11 of the 19 districts in West Bengal. It further revealed that only 8 releases had taken place though 69 inmates were eligible for release. For this current report, information was received from 37 CHs for the period 1st January 2017 to 31st December 2017, which has been analysed and evaluated.

As per the Supreme Court mandate UTRCs are to be established in every district. There are in total 19 judicial districts in West Bengal, thus each district should have a UTRC constituted. However, the UTRCs must consider cases for all correctional homes falling within their jurisdiction including subsidiary and special correctional homes as well. Further meetings of the UTRCs are to be conducted every quarter, thus in 2017, atleast 76 meetings should have been held.

¹⁷ *Supra* Note 1.

A. Findings in a snapshot

However, data reveals that the UTRCs have not been setup in all districts. Even where they are constituted neither are they considering cases from all CHs nor are meetings being held as per mandate. Broadly stated, information from the CHs indicates that in only 48.6% of CHs, the officer-in-charge is aware that a UTRC has been established and meetings are taking place to review cases. Further, among these it was only in 43% CHs, that quarterly meetings are being held. Moreover, while the officer-in-charge of the prison is mandated to be a member of the UTRC,¹⁸ data indicated that for only 35.13% CHs the superintendent/officer-in-charge was inducted as a member of the UTRC.

While there were a high number of releases pursuant to recommendations by the UTRC, these are attributable to only one CH. Table 4 provides a snapshot of the data received and is followed by a detailed analysis of the data.

Table 4: District-wise correctional home (CH) data on UTRCs in WB

S. No.	District	Name of CH	Set up of UTRC		Meetings Conducted		Releases		Undertrials detained due to inability to provide surety	
			2015	2017	2015	2017	2015	2017	2015	2017
1	Alipurduar	Alipurduar DCH	No	NR	No	NR	No	NR	Yes	NR
2	Bankura	Bankura DCH	Yes	No	Yes	Yes	No	No	NI	Yes
		Bishnupur SCH	NR	No	No	NI	No	No	No	No
3	Birbhum	Suri DCH	NR	Yes	No	Yes	NI	No	Yes	No
		Bolpur SCH	Yes	NR	Yes	NR	No	NR	No	NR
		Rampurhat SCH	NR	NR	No	NR	No	NR	No	NR
4	Burdwan	Burdwan CCH	Yes	No	No	NR	No	No	No	No
		Asansol SpCH	NR	NI	No	NI	No	No	No	No
		Durgapur SCH	NR	No	No	No	No	No	No	No
		Durgapur OACH	NR	NR	No	NR	NA	NR	NA	NR
		Katwa SCH	NR	NR	No	NR	No	NR	No	NR
		Kalna SCH	NR	NR	No	NR	No	NR	No	NR
5	Coochbehar	Coochbehar DCH	No	Yes	No	NR	No	No	No	No
		Dinhata SCH	NR	NR	No	NR	No	NR	No	NR
		Mathabhanga SCH	NR	NR	No	NR	No	NR	No	NR

¹⁸ Re inhuman Conditions in 1338 Prisons, order dated 31.10.2017.

S. No.	District	Name of CH	Set up of UTRC		Meetings Conducted		Releases		Undertrials detained due to inability to provide surety	
		Tufanganj SCH	NR	NR	No	NR	No	NR	No	NR
		Mekhliganj SCH	NR	NR	No	NR	No	NR	No	NR
6	Dakshin Dinajpur	Balurghat CCH	NR	Yes	No	Yes	No	No	No	Yes
7	Darjeeling	Darjeeling DCH	NR	Yes	No	Yes	No	No	No	No
		Siliguri SpCH	Yes	No	No	NA	No	No	Yes	No
		Kalimpong SCH ¹⁹	NR	NR	No	NR	No	NR	No	NR
		Kurseong SCH	NR	No	No	NA	No	No	No	No
8	Hooghly	Hooghly DCH	Yes	Yes	No	Yes	No	Yes	Yes	No
		Arambagh SCH	NR	NR	No	NR	No	NR	No	NR
		Chandannagore SCH	NR	Yes	No	Yes	No	No	No	No
		Serampore SCH	Yes	No	No	No	No	No	Yes	No
9	Howrah	Howrah DCH	Yes	Yes	Yes	NI	No	No	No	No
		Uluberia SCH	NR	NI	No	NI	No	No	No	No
10	Jalpaiguri	Jalpaiguri CCH	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes
11	Kolkata	Presidency CCH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
		Alipore WCH	NR	Yes	No	Yes	No	No	No	Yes
12	Malda	Malda DCH	NR	Yes	No	NI	No	No	No	No
13	Murshidabad	Berhampore CCH	NR	Yes	Yes	Yes	No	No	Yes	Yes
		Lalbagh SCH	Yes	No	Yes	NA	No	No	Yes	No
		Kandi SCH	NR	No	No	NA	No	No	No	No
		Jangipur SCH	Yes	No	Yes	No	No	Yes	No	No
		Lalgola OACH	NA	NR	No	NR	NA	NR	NA	NR
14	Nadia	Krishnanagar DCH	NR	NR	No	NR	No	NR	No	NR
		Kalyani SCH	NR	NR	No	NR	No	NR	Yes	NR
		Ranaghat SCH	NR	NI	No	NI	No	No	No	No
		Tehatta SCH	NR	NR	No	NR	No	NR	No	NR
15	North 24 Parganas	Dum Dum CCH	NR	NI	Yes	NI	No	No	Yes	No
		Bongaon SCH	NR	Yes	No	Yes	No	No	No	No
		Basirhat SCH	NR	NR	No	NR	No	NR	No	NR

¹⁹ Category changed to DCH w.e.f 13/03/2018.

S. No.	District	Name of CH	Set up of UTRC		Meetings Conducted		Releases		Undertrials detained due to inability to provide surety	
		Barrackpore SCH ²⁰	NR	NR	No	NR	No	NR	No	NR
16	Paschim Midnapore	Midnapore CCH ²¹	NR	NR	No	NR	No	NR	NI	NR
		Jhargram SCH ²²	NR	No	No	NR	No	No	No	No
		Ghatal SCH	NR	No	No	NR	No	No	No	No
17	Purba Midnapore	Tamluk SCH	NR	Yes	No	Yes	No	No	No	No
		Contai SCH	NR	No	No	NR	No	Yes	No	No
		Haldia SCH	NR	NR	No	NR	No	NR	No	NR
18	South 24 Parganas	Alipore CCH	Yes	NR	Yes	NR	Yes	NR	Yes	NR
		Diamond Harbour SCH	NR	Yes	No	Yes	No	No	No	No
19	Purulia	Purulia DCH	Yes	Yes	Yes	Yes	No	No	No	No
		Purulia WCH/ Purulia SpCH	Yes	No	Yes	No	No	No	No	No
		Raghunathpur SCH	Yes	Yes	No	Yes	No	No	No	No
20	Uttar Dinajpur	Raiganj DCH ²³	NR	Yes	No	No	No	No	No	No
		Islampore SCH	NR	No	No	Yes	No	No	No	No

B. Analysis and Key Findings

While the responses received have brought forth some good practices relating to reporting and documentation by the UTRCs in some districts²⁴, there are indications of several gaps in the effective functioning of the committees. The key findings are summarised below:-

1. Whether Under Trial Review Committee setup?

Of the 37 CHs that responded, only 18 reported that the UTRCs were functioning for their district/correctional home. These were Alipore WCH, Balurghat CCH, Berhampore CCH, Bongaon SCH, Chandannagar SCH, Coochbehar DCH, Darjeeling DCH, Diamond Harbour SCH, Hooghly DCH, Howrah DCH, Jalpaiguri CCH, Malda DCH, Presidency CCH, Purulia DCH, Raghunathpur SCH, Raiganj OACH, Suri DCH and Tamluk SCH. These 18 CHs, are situated in Kolkata, Dakshin Dinajpur, Murshidabad, North 24 Paraganas, Hooghly, Coochbehar, Jalpaiguri, South 24 Paraganas, Darjeeling, Howrah,

²⁰ Category changed to SpCH w.e.f 12/02/2016.

²¹ Category changed to OACH w.e.f 24/01/2018.

²² Category changed to SpCH w.e.f 12/02/2016.

²³ Category changed to OACH w.e.f 23/01/2016.

²⁴ Annexure II.

Malda, Purulia, Uttar Dinajpur, Birbhum and Purba Midnapore districts, but even within these districts there were other CHs that reported that no UTRCs were functional. This clearly indicates that the UTRC are not set up in all districts and even where they are, they are not reviewing cases of all CHs within their jurisdiction.

2. Whether the Superintendent has been co-opted as a member of the UTRC?

In **only 13 correctional homes**, Superintendent or the officer-in-charge of the correctional home has been co-opted as members of the UTRC which has been constituted in their districts, viz. Alipore WCH, Berhampore CCH, Bongaon SCH, Burdwan CCH, Chandannagar SCH, Coochbehar DCH, Darjeeling DCH, Diamond Harbour SCH, Hooghly DCH, Jalpaiguri CCH, Purulia DCH, Raghunathpur SCH and Suri DCH. This is clearly a non-compliance of the directives of the Supreme Court and the procedures laid down under the NALSA SOP on UTRCs 2018.

3. How many meetings were held by the UTRCs either in Correctional Homes or elsewhere?

Of the 76 meetings mandates as per the Supreme Court directive, **only 49 meetings were held in 16 Correctional Homes**, the remaining 21 correctional homes did not share any information regarding meetings. Further, the data from 16 CHs indicates that in 2017 a total of 14 meetings were conducted in Central Correctional Homes;²⁵ 13 in the Women Correctional Home;²⁶ and 11 each in District Correctional Homes²⁷ and Sub-Correctional Homes²⁸. Even otherwise, not every CH where a UTRC was constituted reported that a meeting was held. While this might also mean that the officer-in-charge was not informed or invited to be part of the UTRC, but that itself is problematic given that the lists of prisoners is to be provided by the officer-in-charge to the concerned DLSA.

4. Who is responsible to prepare the list of eligible prisoners u/s 436A CrPC – DLSA or Correctional Home Officers?

The responses yielded that correctional homes prepare the list in 18 instances²⁹ and DLSA in only 2³⁰. The remaining CHs that responded, did not share this particular information. The NALSA SOP on UTRCs now outlines that the officer-in-charge of the prison must prepare the list and share with the concerned DLSA, who will then prepare the list of eligible prisoners for review by the UTRCs.

²⁵ Balurghat CCH, Jalpaiguri CCH, Presidency CCH, Berhampore CCH.

²⁶ Alipore Womens CH.

²⁷ Bankura DCH, Suri DCH, Darjeeling DCH, Hooghly DCH, Purulia DCH.

²⁸ Chandannagar SCH, Bongaon SCH, Tamluk SCH, Raghunathpur SCH, Diamond Harbour SCH, Islampore SCH.

²⁹ Bankura DCH, Bishnupur SCH, Suri DCH, Balurghat CCH, Hooghly DCH, Jalpaiguri CCH, Presidency CCH, Alipore WCH, Malda DCH, Bonagon SCH, Dum Dum CCH, Contai SCH, Raiganj OACH, Islampore SCH, Purulia DCH, Burdwan CCH, Kandi SCH and Raghunathpur SCH.

³⁰ Ghatal SCH, Tamluk SCH.

5. Whether the panel lawyer/ jail visiting lawyer were communicating to the Secretary, DLSA about cases where bail application has to be filed on behalf of inmate or where bail orders have been issued but bail bonds could not be furnished due to various reasons?

From the responses received it appears that panel lawyers have taken the initiative to communicate to the Secretary DLSA regarding cases where bail applications need to be filed or instances where bail has been secured but the inmate is unable to furnish bail bonds only with respect to 22 Correctional Homes.³¹ No such initiative has been reported from 10 Correctional Homes³². For the rest, no information was shared.

6. Whether the Superintendent was sharing the lists of all prisoners for review by the DLSA secretary every fortnight?

For 13 Correctional Homes,³³ Superintendent/ Controller would intimate and send the list of inmates to the respective DLSA for review. For 18 Correctional Homes³⁴, the exercise was not undertaken. For the rest, information was not shared.

7. What was the no. of prisoners eligible for review, no. of recommendations made and no. of prisoners released?

In 2017, 786 prisoners were found to be eligible for consideration from 37 CHs, though effectively from only 5 CHs and rest stated nil prisoners eligible under any of the categories. In 2017, barring a few (45 undertrials) due to reasons not shared/disclosed, 94.12% of the undertrials found eligible were recommended for release by the UTRC. All of the undertrials recommended were released³⁵ during the period under consideration as opposed to 21 undertrials released during the time period between 31st March and 30th June 2015. Noticeably, the highest no. of prisoners eligible and released were from one CH i.e. Jalpaiguri CCH.

³¹ Bankura DCH, Suri DCH, Durgapur SCH, Coochbehar DCH, Balurghat CCH, Darjeeling DCH, Siliguri SpCH, Hooghly DCH, Chandannagar SCH, Serampore SCH, Howrah DCH, Jalpaiguri CCH, Presidency CCH, Alipore WCH, Malda DCH, Berhampore CCH, Lalbagh SCH, Dum Dum CCH, Purulia DCH, Raghunathpur SCH, Diamond Harbour SCH, Raiganj DCH.

³² Bishnupur SCH, Asansol SpCH, Burdwan CCH, Kurseong SCH, Uluberia SCH, Jangipur SCH, Ranaghat SCH, Tamluk SCH, Contai SCH, Purulia SpCH.

³³ Suri DCH, Burdwan CCH, Coochbehar DCH, Balurghat CCH, Jalpaiguri CCH, Presidency CCH, Malda DCH, Bongaon SCH, Purulia DCH, Raghunathpur SCH, Diamond Harbour SCH, Raiganj OACH, Islampore SCH.

³⁴ Bankura DCH, Bishnupur SCH, Asansol SpCH, Durgapur SCH, Kurseong SCH, Siliguri SpCH, Hooghly DCH, Chandannagar SCH, Serampore SCH, Uluberia SCH, Alipore WCH, Berhampore CCH, Lalbagh SCH, Kandi SCH, Jangipur SCH, Ranaghat SCH, Contai SCH, Purulia SpCH.

³⁵ Information is not available regarding the undertrials recommended for release from Contai SCH.

Table 5: Inmates Eligible, Recommended and Released

Correctional Home	Inmates eligible for consideration	Inmates recommended for release	Inmates released by court
Jalpaiguri CCH	766	721	721
Presidency CCH	5	5	5
Hooghly DCH	5	5	5
Jangipur SCH	2 (as per custody warrants)	0	0
Contai SCH	8	8	No information
Total	786	739	731

8. No. of persons in custody due to inability to provide security/surety?

As per responses received there were 39 undertrials who continued to remain confined in 6 correctional homes³⁶ due to their inability to furnish surety at the end of 2017.

9. Steps taken for undertrials to be released on bail by the court but have not been able to furnish sureties

Responses indicate that steps have been taken for undertrials in 13 Correctional Homes³⁷ to secure their release in instances where sureties could not be paid by the inmates. In 2 Correctional Homes, no steps were taken.³⁸ For the rest, information was not shared.

C. Changes on the ground: 2015 to 2017

On a cursory glance, the responses received and data compiled between both the first and second watch reports does not demonstrate much change and difference on the ground. Even though the number of Correctional Homes where UTRCs have been set up has marginally increased; the number of meetings conducted has reduced. For instance, the first watch report had sought data for a period of 3 months wherein data indicated that 66 meeting had taken place, whereas the current data timeframe for the year of 2017 which saw only 49 meetings in the 39 CHs that responded. Technically, with the UTRCs mandated to meet every quarter, there should have been 76 meetings³⁹ in 2017. Thus, only 64% compliance is noticed w.r.t. number of meetings held. However, there is a decrease, from 81 to 39, in the number of undertrials who are confined due to their inability to secure surety.

³⁶ Bankura DCH, Balurghat CCH, Jalpaiguri CCH, Presidency CCH, Alipore WCH, Berhampore CCH.

³⁷ Bankura DCH, Suri DCH, Balurghat CCH, Hooghly DCH, Chandannagar SCH, Howrah DCH, Jalpaiguri CCH, Presidency CCH, Alipore WCH, Berhampore CCH, Dum Dum CCH, Contai SCH, Diamond Harbour SCH.

³⁸ Malda DCH, Bongaon SCH.

³⁹ 4 meetings in a year in each of the 19 districts translates into 76 meetings.

There are also indications of an increase in the no. of undertrials eligible for review from 50 to 786, but that could be on account of the expanded mandate or because one CH has reported high numbers. This has also translated into a higher number of releases in 2017 i.e. 731.

D. Good practices in documentation and reporting

In addition to general information, copies of minutes of meetings were also sought from the CHs. However, very few CHs shared copies of the minutes and other relevant documents. An analysis of these documents highlights some good practices relating to reporting of the functioning of the UTRC. In particular,

1. Sending an invitation to the superintendent/officer-in-charge of the CH by the Chairman of the District Legal Services Authority, to attend the proceedings of the UTRC.
2. Preparing the agenda of the Quarterly Meeting of the UTRC taking into account the expanded mandate post Supreme Court direction in May 2016.
3. Sharing of minutes of the meeting and resolutions adopted.
4. Documenting attendance of the members of the Undertrial Review Committee.

3. CONCLUSION AND RECOMMENDATIONS

The information shared by CHs indicates gaps in the functioning of the UTRCs in WB. UTRCs are an excellent inter-agency coordinating body that allows for all relevant persons to come together to assist the courts to ensure that there is no unjustifiable infringement of the right to liberty to which we are all entitled. The aim of creating UTRCs is to safeguard individual liberty and to guarantee fair trial rights, especially to the unrepresented and unfortunate.

Thus, in order to streamline the functioning of this mechanism in West Bengal, it is prudent to ensure the implementation of NALSAs SOP on UTRCs across all districts and prisons. It is also important to focus on prompt and effective reporting and documentation of the meetings and discussions held at UTRC meetings. It is recommended that the State Legal Services Authority may impress upon the District Legal Services Authorities to ensure compliance with the procedures laid down in the SOP.

With particular reference to the implementation gaps highlighted in this report, it is recommended that the following aspects be paid due attention by all stakeholders, in particular the DLSAs and Officer-in-charge of prisons.

Before the Meeting

1. Composition of Review Committees – It is recommended that the DLSA must ensure that the officer-in-charge/superintendent of all CHs falling within the jurisdiction of the UTRC are included as members of the committee. The committee may also permit special attendance by a panel lawyer or jail visiting lawyer, to ensure that prompt action may be taken where required.

2. Preparation of Lists – It is recommended that the officer-in-charge of CH/superintendent may prepare the list of eligible prisoners at the end of each quarter i.e 31st March, 30th June, 30th September and 31st December in an excel sheet in soft form. This list must be shared with the DLSA within 7 days. If the meetings are being conducted every month, then the list must reach the DLSA by or before the 7th of every month. The Secretary, DLSA will shortlist the list of eligible prisoners after collected any other important detail needed before the meeting. This may be prepared with the aid of empaneled panel lawyers, retired judicial officers and law students trained as PLVs, if required and available. Analytical tools such as CHRI's *Evaluation of Prisoner Information and Cases (EPIC)*⁴⁰ might be used to easily collate and print such lists. The final list must also be shared with the District & Sessions Judge who is also the Chairperson of the DLSA.

3. Periodicity - After the list is shortlisted for eligible prisoners – undertrials and convicts, the same must be shared with the District & Sessions Judge. Thereafter, the District & Sessions Judge may fix the date for the UTRC meeting and a letter to this effect circulated amongst the members of the Committee for intimation and confirmation. It is recommended that, if possible, a particular day in the month can be fixed for the meeting, so as to ensure regularity of the meetings. All efforts should be made to ensure that the committee meeting is convened and there are no delays.

4. Place of convening - As far as possible, the committee meeting may take place at a venue convenient to all members. The meeting may also be held within the premises of any the CHs within its jurisdiction, so as to enable the committee to interact with the prisoners before recommending the case or taking any action.

5. Jurisdiction - While the directive specifies that the committee be setup for each district, it is important that each committee so constituted should review cases in all prisons falling within its jurisdiction. It is also important, that during review of cases, a report be called *w.r.t.* prisoners whose cases are pending in other districts and an intimation be sent to the concerned district to consider their cases. This is to ensure that prisoners with cases pending in other districts or states are not forgotten during the review of cases.

⁴⁰ <https://www.humanrightsinitiative.org/publication/epic-evaluation-of-prisoner-information-and-cases>.

During the Meeting

6. **Documentation of minutes:** There must be proper documentation of the minutes of the UTRC, as well as the recommendations made for release and any other actions suggested.

After the Review Meeting

7. **Follow up action:** The minutes of the meeting should be promptly prepared and circulated to all members and if possible, displayed inside the CH, for information to prisoners. Thereafter, the recommendations should be shared with the concerned court, lawyers, and other relevant stakeholder. The Secretary, DLSA must then be tasked with following up on action taken on the recommendation, final outcome and sharing the details regarding the date of release of the undertrial/ convict with the remaining members on the next meeting.



PART II
**Responses Received from
Correctional Homes**

S. No.	District	Correctional Home	Whether UTRC constituted?	Whether Supdt. co-opted as a member?	Number of Meetings between 01.01.2017 - 31.12.2017	Who prepares the list u/s 436A? CH or DLSA
1.	Bankura	Bankura DCH	No	No	1	CH
		Bishnupur SCH	No	No	Not known	CH
2.	Birbhum	Suri DCH	Yes	Yes	3	CH
3.	Burdwan	Asansol Sp CH	No information	No	No information	No
		Durgapur SCH	No	No	Nil	No
		Burdwan CCH	No	Yes	Not known	Yes
4.	Coochbehar	Coochbehar DCH	Yes	Yes	No information	No information
5.	Dakshin Dinajpur	Balurghat CCH	Yes	No	2	CH
6.	Darjeeling	Darjeeling DCH	Yes	Yes	2	No cases
		Kurseong SCH	No	NA	NA	No
		Siliguri Sp. CH	No	NA	NA	NA
7.	Hooghly	Hoogly DCH	Yes	Yes	3	CH
		Chandannagar SCH	Yes	Yes	1	No
		Serampore SCH	No	No	Nil	NA
8.	Howrah	Howrah DCH	Yes	No information	No information	No information
		Uluberia SCH	Not known	No	Not known	Nil
9.	Jalpaiguri	Jalpaiguri CCH	Yes	Yes	4	CH
10.	Kolkata	Presidency CCH	Yes	Not Available	4	CH
		Alipore WCH	Yes	Yes	13	CH
11.	Malda	Malda DCH	Yes	No	Not known	CH

Panel lawyer communicating with DLSA vis-à-vis bail applications that need to be filed or where bail bonds could not be furnished	Whether Supt. sharing lists for review to DLSA	No. of Undertrials			No. of persons in custody due to their inability to pay bail	Steps taken to release on bail who could not furnish sureties
		Eligible for release	Recommended for release	Actually released		
Yes	No	Nil	Nil	Nil	5	Nil
No	No	Nil	Nil	Nil	Released	Nil
Yes	Yes	Nil	Nil	Nil	Nil	Yes
No	No	Nil	Nil	Nil	Nil	Nil
Yes	No	Nil	Nil	Nil	Nil	Nil
No	Yes	Nil	Nil	Nil	Nil	Nil
Yes	Yes	Nil	Nil	Nil	Nil	No information
Yes	Yes	Nil	Nil	Nil	1	Personal bond
Yes	No	NA	NA	NA	NA	NA
No	No	Nil	Nil	Nil	1	Nil
Yes	No	Not known	NA	NA	Not known	NA
Yes	No	5	5 (Record not available in CH)	5 (Record not available in CH)	No record	Pleaded for bail amount modification
Yes	No	Nil	Nil	Nil	Nil	Through Sub Divisional Legal service committee
Yes	No	Nil	Nil	Nil	Nil	Nil
Yes	No information	No information	No information	No information	No information	
No	No	Nil	Nil	Nil	Nil	Prayer to the Ld. Secretary, DLSA for consideration
Yes	Yes	766	721	721	2 (Pending in HC)	PR bond
Yes	Yes	5	5	5	20	Applied for PR bond
Yes	No	Nil	Nil	Nil	1	Approach concerned DLSA
Yes	Yes	Nil	Nil	Nil	Nil	None

S. No.	District	Correctional Home	Whether UTRC constituted?	Whether Supdt. co-opted as a member?	Number of Meetings between 01.01.2017 - 31.12.2017	Who prepares the list u/s 436A? CH or DLSA
12.	Murshidabad	Berhampore CCH	Yes	Yes	4	Nil
		Lalbagh SCH	No	NA	NA	NA
		Kandi SCH	No	No	NA	Yes
		Jangipur SCH	No	Not known	Nil	No
13.	Nadia	Ranaghat SCH	Not known	No	Not known	No
14.	North 24 Paaragans	Dum Dum CCH	No	No inforamtion	No information	CH
		Bongaon SCH	Yes	Yes	2	CH
15.	Paschim Medinipur	Jhargram Sp CH	No	NA	NA	NA
		Ghatal SCH	No	No information	No information	DLSA
16.	Purba Medinipur	Tamluk SCH	Yes	No	2	DLSA
		Contai SCH	No	No	No information	CH
17.	Purulia	Purulia DCH	Yes	Yes	2	Yes
		Raghunathpur SCH	Yes	Yes	2	Yes
		Purulia Sp. CH	No	NA	Nil	NA
18.	South 24 Paraganas	Diamond Harbour SCH	Yes	Yes	1	Nil
19.	Uttar Dinajpur	Raiganj OACH	Yes	No	No	CH
		Islampur SCH	Set up in District and not in CH.	No	3	CH

Panel lawyer communicating with DLSA vis-à-vis bail applications that need to be filed or where bail bonds could not be furnished	Whether Supt. sharing lists for review to DLSA	No. of Undertrials			No. of persons in custody due to their inability to pay bail	Steps taken to release on bail who could not furnish sureties
		Eligible for release	Recommended for release	Actually released		
Yes	No	Nil	Nil	Nil	10	PR bond
Yes	No	NA	NA	NA	Nil	NA
Not known	No	Nil	Not known	Not known	Nil	NA
No	No	2 (as per custody warrant)	Nil	Nil	Nil	Nil
No	No	Nil	Nil	Nil	Nil	No information
Yes	No information	No records available	Nil	Not known	Nil	PR bond sent to concerned Court
No information	Yes	Nil	Nil	Nil	Nil	None
NA	NA	NA	NA	NA	NA	NA
No information	No information	No information	No information	No information	No information	No information
No	No information	Nil	Nil	Nil	No information	No information
No	No	8	8	No information	No information	Prs. Petition forwarded to concerned Court
Yes	Yes	Nil	Nil	Nil	Nil	No information
Yes	Yes	Nil	Nil	Nil	Nil	No information
No	No	Nil	Nil	Nil	Nil	Nil
Yes	Yes	Nil	Nil	Nil	NA	PLV reports cases to DLSA
Yes	Yes	Nil	Nil	Nil	Nil	Nil
Not known	Yes	Nil	Nil	Nil	Nil	Not known



PART III

ANNEXURES



Annexure I:

RTI Application filed for seeking information

Format in which information sought in RTIs filed to CHs

Name of Correctional Home: _____

S. No.	Particulars	Status
1	Whether Under Trial Review Committee has been set up or not in the Correctional Home?	Yes <input type="checkbox"/> No <input type="checkbox"/>
2	Whether the Superintendent/ Controller has been made member of the UTRC? If yes, from what date?	Yes <input type="checkbox"/> No <input type="checkbox"/>
3	How many meetings of the UTRC were held from 01.01.17 - 31.12.17?	
4	Whether DLSA or Correctional Home prepares list of eligible cases of prisoners eligible u/s 436A Cr.P.C. and puts them up before the UTRC of the district promptly?	DLSA <input type="checkbox"/> CH <input type="checkbox"/>
5	Whether the panel lawyer/ jail visiting lawyer are communicating to the Secretary, DLSA about cases where bail application has to be filed on behalf of inmate or where bail orders have been issued but bail bonds could not be furnished due to various reasons?	Yes <input type="checkbox"/> No <input type="checkbox"/>
6	Whether the Superintendent/ Controller is sending lists of inmates in CH every fortnight for review by Secretary, DLSA?	Yes <input type="checkbox"/> No <input type="checkbox"/>
7	Total number of Undertrials eligible for consideration under various category of UTRC during 01.01.17 to 31.12.17	
8	Total number of Undertrials recommended for release by UTRC during 01.01.17 to 31.12.17	
9	Total number of Undertrials released as per recommendation of UTRC during 01.01.17 to 31.12.17	
10	No of persons in custody due to inability to provide security/ surety.	
11	Steps taken for undertrials to be released on bail by the Court but have not been able to furnish sureties	Yes <input type="checkbox"/> No <input type="checkbox"/>
12	Any suggestions you may have for improving functioning of UTRC in your correctional home.	
13	Please provide a true copy of any communication, if received from District Legal Services Authority, pertaining to UTRC should also be enclosed with the report or else state NO.	
14	Please provide a true copy of minutes of meetings held by UTRC & action taken reports communicated thereof.	

Sign & Seal of Superintendent



Annexure II:

Good practices in documentation and reporting



OFFICE OF THE DISTRICT LEGAL SERVICES AUTHORITY,
DAKSHIN DINAJPUR AT BALURGHAT.
ADR CENTRE, DISTRICT COURT COMPLEX, BALURGHAT, DAKSHIN DINAJPUR
PHONE / FAX NO. 03522-251096, Email: ddinajpur.dlsa@gmail.com

No. 1694/ DLSA-DD.

Date: 18.12.2017

From : Sri Sudeb Mitra
District Judge-cum-Chairman,
District Legal Services Authority,
Dakshin Dinajpur at Balurghat.

To : The Superintendent,
Central correctional Home,
Dakshin Dinajpur at Balurghat.

**Sub: Invitation to attend the Meeting of the Members of Trial Review
Committee for the District of Dakshin Dinajpur
on 20.12.2017 at 5:30 P.M.**

Sir,

This is my pleasure to invite you to attend the meeting of the Members of the Under Trial Review Committee, Dakshin Dinajpur scheduled to be held on 20th December, 2017, Tuesday at 5:30 p.m. at the Conference Hall of the A.D.R Centre (2nd floor), District Court Complex, Dakshin Dinajpur at Balurghat and to take part in discussion on different agendas.

Therefore, your presence at the Meeting is highly solicited.

Thanking you,

yours truly

Sudeb Mitra
18.12.17

(Sri Sudeb Mitra)
District Judge-cum-Chairman,
District Legal Services Authority,
Dakshin Dinajpur at Balurghat.
District Legal Services Authority,
Dakshin Dinajpur at Balurghat.

AGENDA OF THE QUARTERLY MEETING OF THE UNDER TRIAL REVIEW
COMMITTEE (UTRC)
TO BE HELD ON 13.10.2017 AT 4.00 P.M. IN THE CHAMBER OF
THE LD. DISTRICT AND SESSIONS JUDGE, DARJEELING

AGENDA

1. UTPs entitled to benefit under section 436 CrPC and 436 A of CrPC.
2. UTPs who have been granted bail but not released.
3. Cases of compoundable offences of UTPs.
4. UTPs become eligible to be released on bail u/s 167(2) (i) (i) & (ii) of the Code read with section 36 A of the Narcotic Drugs and Psychotropic Substances Act 1985 (where persons accused of section 19 or section 24 or section 27 A or for offences involving commercial quantity) and where investigation is not completed in 60/90/180 days.
5. UTPs who are imprisoned of offences which carry a maximum punishment of 2 years.
6. UTPs who are detained under chapter VIII of the CrPC i.e u/s 107, 108, 109 and 151 of CrPC.
7. UTPs who are sick or infirm and require specialized medical treatment.
8. UTPs who are first time male offenders between the ages 19 and 21 years and in custody for the offence punishable with less than 7 years of imprisonment and have suffered at least 1/4th of the maximum sentence possible.
9. UTPs who are of unsound mind and must be dealt under chapter XXV of the Code.
10. UTPs who are eligible for release under section 437 (6) of the Code wherein a case triable by a Magistrate the trial of a person accused of any non-bailable offence has not been concluded within a period of sixty days from the first date fixed for taking evidence in the case.
11. Total number of cases of convicts identified who have undergone their sentence or are entitled to release because of remission granted to them during the period March 2017 to September, 2017.

Asindam Datta
12.10.2017 Secretary
District Legal Services Authority

MINUTES OF THE QUARTERLY MEETING OF THE UNDER TRIAL REVIEW
COMMITTEE (UTRC) HELD ON 13.10.2017 AT 4.00 P.M. IN THE CHAMBER
OF
THE LD. DISTRICT AND SESSIONS JUDGE, DARJEELING

MINUTES

The meeting of the Under Trial Review Committee held on 28.02.2017 is presided by its Hon'ble Chairman Shri Prason Kumar Bhattacharjee, Jd. District and Sessions Judge cum Jd. Chairman, District Legal Services Authority, Darjeeling in presence of the following members:

1. The District Magistrate, Darjeeling (Member)
2. The Secretary, District Legal Services Authority, Darjeeling (Member)
3. The Superintendent, Darjeeling District Correctional Home (Convenor)

The Committee had last met on 28.02.2017 and thereafter owing to the unrest situation in Darjeeling the meeting could not be convened and held.

All the agendas were taken up for discussion on the basis of the reports submitted by the Superintendents of the four Correctional Homes of the District of Darjeeling.

Agenda 1

According to the reports submitted by the Superintendents of the 4 (four) Correctional Homes of the District of Darjeeling, there are no UTPs entitled to benefit under section 436 CrPC and 436 A of CrPC.

Agenda 2

According to the reports submitted by the Superintendents of the 4 (four) Correctional Homes of the District of Darjeeling, there are no UTPs who have been granted bail but not released.

Agenda 3

According to the reports submitted by the Superintendents of the 4 (four) Correctional Homes of the District of Darjeeling, there are no UTPs involved in cases of compoundable offences of UTPs.

Agenda 4

According to the reports submitted by the Superintendents of the 4 (four) Correctional Homes of the District of Darjeeling, there are no UTPs who become eligible to be released on bail u/s 167(2) (a) (i) & (ii) of the Code read with section 36 A of the Narcotic Drugs and Psychotropic Substances Act 1985 (where persons accused of section 19 or section 24 or section 27 A or for offences involving commercial quantity) and where investigation is not completed in 60/90/180 days.

Agenda 5

According to the reports submitted by the Superintendents of the 4 (four) Correctional Homes of the District of Darjeeling, there are no UTPs who are imprisoned of offences which carry a maximum punishment of 2 years.

Agenda 6

According to the reports submitted by the Superintendents of the 4 (four) Correctional Homes of the District of Darjeeling, there are no UTPs who are detained under chapter VIII of the CrPC i.e u/s 107, 108, 109 and 151 of CrPC.

Agenda 7

According to the reports submitted by the Superintendents of the 4 (four) Correctional Homes of the District of Darjeeling, there are no UTPs who are sick or infirm and require specialized medical treatment.

Agenda 8

According to the reports submitted by the Superintendents of the 4 (four) Correctional Homes of the District of Darjeeling, there are no UTPs who are first time male offenders between the ages 19 and 21 years and in custody for the offence punishable with less than 7 years of imprisonment and have suffered at least 1/4th of the maximum sentence possible.

Agenda 9

According to the reports submitted by the Superintendents of the 4 (four) Correctional Homes of the District of Darjeeling, there are no UTPs who are of unsound mind and must be dealt under chapter XXV of the Code.

Agenda 10

According to the reports submitted by the Superintendents of the 4 (four) Correctional Homes of the District of Darjeeling, there are no UTPs who are eligible for release under section 437 (6) of the Code wherein a case triable by a Magistrate the trial of a person accused of any non-bailable offence has not been concluded within a period of sixty days from the first date fixed for taking evidence in the case.

Agenda 11

According to the reports submitted by the Superintendents of the 4 (four) Correctional Homes of the District of Darjeeling, there are no cases of convicts who have undergone their sentence or are entitled to release because of remission granted to them during the period March 2017 to September 2017.

On the above discussion the meeting ended with thanks to its members.

P. Bhattacharya
Chairman
District Legal Services Authority
(Chairman, UTRC)
District Judge
Darjeeling

JPS
13.10.17
District Magistrate,
Darjeeling
(Member, UTRC)

X
Superintendent of Police
Darjeeling
(Member, UTRC)

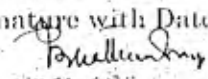
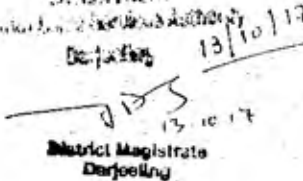
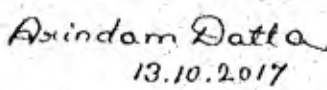
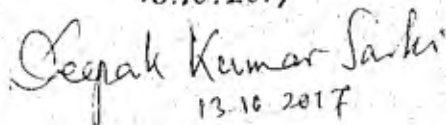
Asindam Datta
Secretary, DLSA,
Darjeeling
(Member, UTRC)
Secretary
District Legal Services Authority
Darjeeling

Deepak Kumar Sarkar
Superintendent,
Darjeeling District Correctional Home
(Convenor & Member, UTRC)
SUPERINTENDENT
Correctional Home
Darjeeling

Enclosed:
Monthly Reports submitted by the
Superintendents of the 4 (four)
Correctional Homes of the District of

ATTENDANCE SHEET OF THE MEETING OF THE UNDER TRIAL REVIEW
COMMITTEE (UTRC) HELD ON 13.10.2017 AT 4.00 P.M. IN THE CHAMBER OF
THE LD. DISTRICT AND SESSIONS JUDGE, DARJEELING

ATTENDANCE

Designation	Signature with Date
Ld. District and Sessions Judge, Darjeeling (Chairman, UTRC)	 13/10/17
The District Magistrate, Darjeeling (Member, UTRC)	 13.10.17 District Magistrate Darjeeling
The Superintendent of Police, Darjeeling (Member, UTRC)	—
The Secretary, DLSA, Darjeeling (Member, UTRC)	 13.10.2017
The Superintendent, Darjeeling District Correctional Home (Convenor and Member, UTRC)	 13.10.2017



Annexure III:

NALSA Standard Operating Procedures on UTRCs



NALSA's
STANDARD OPERATING PROCEDURE (SOP)
for UNDER TRIAL REVIEW COMMITTEES (UTRCs)

WP (C) 406/2013 – In Re-Inhuman Conditions in 1382 Prisons

NATIONAL LEGAL SERVICES AUTHORITY

12/11, JAM NAGAR HOUSE, NEW DELHI

Website: www.nalsa.gov.in e-mail: nalsa-dla@nic.in Cont. 011-23382778



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Background

In terms of the Section 12(g) of the Legal Services Authorities Act, 1987, a Person in Custody is entitled to free and competent legal services. In India, as per prison statistics. 2015 released by NCRB, there are around 1250 Central, State and Sub-jails, housing around 4.19 lacs prisoners including 80,000 women. According to NCRB data, 67 % of the above inmates i.e. 2.94 lacs are UTPs. This percentage of UTPs is one of the highest in the World in so far as the World UTP average in the prisons is only 31 %.

As on 31.12.2017, as per the data received from different Prison Authorities the holding capacity of 1250 prisons in India is 3.78 lacs and the actual inmates are 4.19 lacs. Accordingly, the prisons in India are overcrowded by 114 %. Situation in some of the Prisons is so precarious that they are holding more than 150% of their holding capacity. While the situation in States like Tamil Nadu (66%), Telangana (76 %), West Bengal (66 %) is comfortable given to the fact that the States constructed adequate number of prisons but the situation is serious in States like Uttar Pradesh (182%), Uttarakhand (159%), Chhattisgarh (157 %), Maharashtra (144%) where the number of Prisons is quite low.

1158 Legal Services Clinics have been established by the Legal Services Institutions in around 1250 jails.

In this background, Chief Justice R. C. Lahoti (Retired) wrote a letter dated 13.06.2013 addressed to Hon'ble Supreme Court of India highlighting over crowding in prisons, inadequacy of staff, need of training, unnatural deaths, etc. This letter was registered as Public Interest Litigation by Supreme Court of India on 05.07.2013.

Series of directives on the above subjects were passed by the Hon'ble Supreme Court of India to various Authorities/Departments. On 24.04.2015, Hon'ble Supreme Court of India directed that Prisoners Management Software (PMS) being used in Tihar Jail, Delhi may be improved and deployed in all other jails in the country.

It was followed by the appointment of Director, NALSA as Nodal Officer to assist the Hon'ble Supreme Court Bench. NALSA issued directions to the State Legal Services Authorities and District Legal Services Authorities for helpline release of prisoners who could not furnish the bail bonds. Model Prison Manual was also drafted by Ministry of Home Affairs with the help of NALSA.

On. 18.09.2015, It was highlighted that the Under Trial Review Committee (UTRC) constituted by the Ministry of Home Affairs shall consider the cases of inmates who have completed half of their sentence in terms of Section 436A Cr. P.C.

On 05.02.2016, UTRCs were directed to meet at least once in every quarter starting from 31.03.2016 and Secretary of District Legal Services Authority was made member of the Committee to assist the UTRC.

On 06.05.2016, the domain of UTRC was enhanced much beyond Section 436(A) Cr. P.C. by inclusion of total 14 categories of inmates for consideration of their early release.

On 31.10.2017, NALSA was directed to prepare a Standard Operating Procedure (SOP) for smooth functioning of Under Trial Review Committees (UTRCs) with an aim to ensure that UTPs covered under 14 categories get benefit without delay.

On 12.12.2017, SOP was prepared and as per the directions of Hon'ble Supreme Court of India the same was circulated with the various stakeholders and placed on website of NALSA for inviting suggestions. The suggestions received from different stakeholders were incorporated with the help of Ld. Amicus Curiae.

On 08.05.2018, an SOP containing additional suggestions was placed on Record of Hon'ble Supreme Court of India. Vide an order dated 02.08.2018, NALSA was directed to redraft the SOP.

This redrafted final SOP has been prepared accordingly.





NALSA's

STANDARD OPERATING PROCEDURE (SOP) FOR UTRCs

PART-I

Definitions:

- a) "Jail" means Central Jail, District Jail, Sub Jail, Women Jail, Special Jail and borstals.
- b) "Jail Superintendent" includes Deputy Superintendent and Officer Incharge of the jail.
- c) "UTPs" means Under Trial Prisoners who are in custody at the time of preparation of the list of UTPs by the Superintendent and includes inmates who are out on interim bail.
- d) "UTRC" means Under Trial Review Committee chaired by District & Sessions Judge consisting of District Magistrate, Superintendent of Police, Secretary, DLSA and Jail Superintendent, as members.
- e) "E-Prison Portal/ PMS" means E-Prison Portal developed by NIC under directives of Ministry of Home Affairs and includes stand alone Software developed by States for their Jails.
- f) "Secretary DLSA" means Secretary of the concerned District Legal Services Authority appointed u/s 9(3) of Legal Services Authorities Act, 1987 and any other officer officiating as Secretary.
- g) "Bail Applications" Bail applications include applications moved u/s 436A, 437 Cr.P.C. and 439 Cr.P.C. apart from other provisions pertaining to technical bail under the Cr.P.C., namely bail under proviso to Sections 167 and 437 (6) Cr.P.C. and similar provisions in other special enactments.

SOP FOR UTRCS WHERE JAIL RECORDS ARE NOT DIGITIZED AND EVEN IF DIGITIZED NO SOFTWARE FILTERS HAVE BEEN APPLIED.

STEP 1: Reporting of Data of UTPs / Convicts by Prisons.

1.1 The Jail superintendent of every jail in the district will collate the data regarding the UTPs lodged in the jail in the format as per **Annexure-A** with the following information and share it with Secretary, DLSA preferably in soft Excel Sheet.

Particulars of UTPs

- (1) Name of the UTP
- (2) Father's name
- (3) Gender / Age
- (4) FIR/Crime No
- (5) Police Station
- (6) District
- (7) Arrested under section-
- (8) Particulars of the Court
- (9) Date of Arrest
- (10) Date of First Remand
- (11) Date of admission in prison
- (12) Date of filing charge sheet.
- (13) Chargesheeted under Section-
- (14) UTP represented by Legal Aid/Private Lawyer
- (15) Name of the lawyer with contact details, if available.
- (16) Whether bail has been granted to the accused, if so when.
- (17) If accused is not released on bail despite grant of bail, reason for the same, if available.
- (18) If the UTP suffering from any disease, mental or physical, details regarding the same.
- (19) Whether UTP is a convict/Under trial in any other case.
- (20) If yes, separate entry in the data sheet be made qua the additional Case.

1.2 Particulars of convicts - A separate 'List of Convicts' be prepared as per **Annexure-B** with the following information and share it with Secretary, DLSA preferably in soft Excel Sheet: -

- (1) Name of the Convict
- (2) Father's Name
- (3) FIR No.
- (4) Police Station
- (5) District
- (6) Name of the Trial Court
- (7) Date of Conviction
- (8) Duration & Nature of Sentence
- (9) Total Remission Earned
- (10) Date when sentence completed
- (11) Reason for Non-Release
- (12) Whether case considered by Sentence Review Board?
- (13) Reason for not granting pre-mature release
- (14) Additional information or Remark

1.3 The aforesaid detail as on 31st March, 30th June, 30th September, 31st December of every year may be sent by the Jail Superintendent to the Secretary DLSA latest by 7th day of the next following month.

STEP 2: Processing of Data by Secretary, DLSA

2.1 The office of Secretary, DLSA, with the aid of empaneled panel lawyers, Retired Judicial Officers and law students trained as PLVs, if required and available, shall draw list of UTPs/Convicts eligible for consideration by the UTRC out of Data sent to him from Step-I in the light of criteria laid down by Hon'ble Supreme Court in *WP(C) 406/2013-Re-Inhuman Conditions in 1382 Prisons*, as per detailed hereunder (Para 2.2).

If any further details are required by the Secretary, DLSA from any court or from the Jail Superintendent or from the police authorities, the same may be ascertained by the Secretary DLSA. Thereafter, the Secretary DLSA shall prepare a list of eligible UTPs for consideration of UTRC in the Excel Sheet/Soft form as per **Annexure A & B**.

2.2 Cases of UTPs / Convicts falling under following categories shall be considered by the Secretary, DLSA for placing them before the UTRC:-

2.2.1 UTPs / Convicts falling under covered under Section 436A Cr.P.C.
[As per order of Hon'ble Supreme Court dated 24th April, 2015]

- 2.2.2 UTPs released on bail by the court, but have not been able to furnish sureties.
[As per order of Hon'ble Supreme Court dated 24th April, 2015]
- 2.2.3 UTPs accused of compoundable offences.
[As per order of Hon'ble Supreme Court dated 24th April, 2015]
- 2.2.4 UTPs eligible under Section 436 of Cr.P.C.
[As per order of Hon'ble Supreme Court dated 05th February, 2016]
- 2.2.5 UTPs who may be covered under Section 3 of the Probation of Offenders Act, namely accused of offence under Sections 379, 380, 381, 404, 420 IPC or alleged to be an offence not more than 2 years imprisonment.
[As per order of Hon'ble Supreme Court dated 05th February, 2016]
- 2.2.6 Convicts who have undergone their sentence or are entitled to release because of remission granted to them.
[As per order of Hon'ble Supreme Court dated 05th February, 2016]
- 2.2.7 UTPs become eligible to be released on bail u/s 167(2)(a)(i) & (ii) of the Code read with Section 36A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (where persons accused of Section 19 or Section 24 or Section 27A or for offences involving commercial quantity) and where investigation is not completed in 60/90/180 days.
[As per order of Hon'ble Supreme Court dated 06th May, 2016]
- 2.2.8 UTPs who are imprisoned for offences which carry a maximum punishment of 2 years.
[As per order of Hon'ble Supreme Court dated 06th May, 2016]
- 2.2.9 UTPs who are detained under Chapter VIII of the Cr.P.C. i.e. u/s 107, 108, 109 and 151 of Cr.P.C.
[As per order of Hon'ble Supreme Court dated 06th May, 2016]
- 2.2.10 UTPs who are sick or infirm and require specialized medical treatment.
[As per order of Hon'ble Supreme Court dated 06th May, 2016]
- 2.2.11 UTPs women offenders
[As per order of Hon'ble Supreme Court dated 06th May, 2016]
- 2.2.12 UTPs who are first time offenders between the ages 19 and 21 years and in custody for the offence punishable with less than 7 years of

imprisonment and have suffered at least 1/4th of the maximum sentence possible.

[As per order of Hon'ble Supreme Court dated 06th May, 2016]

2.2.13 UTPs who are of unsound mind and must be dealt with Chapter XXV of the Code.

[As per order of Hon'ble Supreme Court dated 06th May, 2016]

2.2.14 UTPs eligible for release under Section 437(6) of Cr.P.C, wherein in a case triable by a Magistrate, the trial of a person accused of any non-bailable offence has not been concluded within a period of 60 days from the first date fixed for taking evidence in the case.

[As per order of Hon'ble Supreme Court dated 06th May, 2016]

2.3 The DLSA Secretary must inform the District & Sessions Judge that the complete list has been prepared and request him to convene the UTRC meeting at the earliest. A copy of the list may also be shared with other members of the UTRC so that they can come prepared for the meeting.

STEP 3: Processing of identified cases by UTRC

3.1 The District & Sessions Judge shall convene the UTRC meeting as soon as the intimation is received from the DLSA, Secretary about the completion of the lists.

3.2 UTRC shall consider the cases shortlisted by the Secretary, DLSA and make recommendations for release/ appropriate action.

3.3 Upon processing the individual cases, the recommendations of UTRC may include:-

3.3.1 In case UTPs covered under Section 436A Cr.P.C.:

UTRC may recommend to concerned trial court to take up the matter and consider him/her for release on bail if there are no special reasons to deny bail, with or without sureties.

3.3.2 UTPs released on bail by the court, but have not been able to furnish sureties:

The UTRC may recommend the trial court to examine the reason why the accused is not furnishing surety/ bail bonds and if he/she is unable to do so due to poverty, then the trial court may consider reducing the

bail amount on the application of the lawyer under S.440, CrPC or release on personal bond.

3.3.3 UTPs accused of compoundable offences:

The UTRC may recommend to the trial court to consider if the offence can be compounded between the complainant and the accused as per law.

3.3.4 UTPs eligible under Section 436 of Cr.P.C.:

The UTRC may recommend to the trial court to consider releasing such an accused on personal bond in case he is unable to furnish bail bond within seven days of bail order.

3.3.5 UTPs who may be covered under Section 3 of the Probation of Offenders Act, namely accused of offence under Sections 379, 380, 381, 404, 420 IPC or alleged to be an offence not more than 2 years imprisonment:

The UTRC may recommend to the trial court to consider invoking of Probation of Offenders Act in fit cases as also plea bargaining in appropriate cases.

3.3.6 Convicts who have undergone their sentence or are entitled to release because of remission granted to them:

The UTRC may examine the reason for non-release of the convict and the Officer in-charge of prison may be recommended to look into the matter so that the convict is released as soon as possible.

3.3.7 UTPs become eligible to be released on bail under Section 167(2)(a)(i) & (ii) of the Code read with Section 36A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (where persons accused of Section 19 or Section 24 or Section 27A or for offences involving commercial quantity) and where investigation is not completed in 60/90/180 days:

The UTRC may recommend to the trial court to consider release of the accused in cases where chargesheet is not submitted within the statutory time frame.

3.3.8 UTPs who are imprisoned for offences which carry a maximum punishment of 2 years:

The UTRC may recommend to the trial court to consider releasing of the UTP on bail in such cases.

3.3.9 UTPs who are detained under Chapter VIII of the Cr.P.C. i.e. under Sections 107, 108, 109 and 151 of Cr.P.C.:

The Executive Magistrate/ District Magistrate court may be recommended to release/discharge such persons with or without conditions or to make an order reducing the amount of the security or the number of sureties or the time for which security has been required.

3.3.10 UTPs who are sick or infirm and require specialized medical treatment:

The UTRC may examine the medical condition of the inmate and if it is found that the inmate is very sick and specialized treatment is essential for survival, then the UTRC may recommend the trial court to consider granting bail on medical ground, as provided under S.437, CrPC, even for temporary period.

3.3.11 UTPs women offenders:

Women under trial prisoners who are not accused of serious offences may be considered for release on bail under S.437, CrPC, especially they are first time offenders by the concerned trial courts. The UTRC may also recommend suitable measures under the directions of the Hon'ble Court in R. D. Upadhyay vs State of A.P. & Ors. (AIR 2006 SC 1946).

3.3.12 UTPs who are first time offenders between the ages 19 and 21 years and in custody for the offence punishable with less than 7 years of imprisonment and have suffered at least 1/4th of the maximum sentence possible:

The UTRC may request the trial court to consider granting bail to such young offenders. If the person is found guilty in the course of trial, benefit of S.3 or S.4 of the Probation of Offenders Act, 1958, may be given to the accused.

3.3.13 UTPs who are of unsound mind and must be dealt with Chapter XXV of the Code:

UTRC may recommend the trial court to take appropriate steps in accordance with Chapter XXV of the Code and provide adequate treatment to such inmates.

3.3.14 UTPs eligible for release under Section 437(6) of Cr.P.C., wherein in a case triable by a Magistrate, the trial of a person accused of any non-bailable offence has not been concluded within a period of 60 days from the first date fixed for taking evidence in the case:
UTRC may request the trial court to consider granting bail to such UTPs under Section 437(6) of Cr.P.C.

3.4 The UTRC shall enter its recommendation in column no. 21-23 of Annexure-A and column no.15-17 of Annexure-B.

3.4.1 Recommendation of UTRC

3.4.2 Date of recommendation

3.4.2 Brief reasons for UTRC recommendation

3.5 The UTRC shall share recommendations with the concerned Trial Court/Jail Superintendent and Secretary, DLSA. Jail Superintendent shall bring it to the notice of UTP/Convict. Secretary, DLSA shall instruct the panel lawyers to move appropriate application in legal aided cases. The Trial Courts may deal with the recommendations in the manner deemed appropriate for each particular case with the assistance of Legal Aid/Private Lawyer.

STEP 4: Follow up:

UTRC shall keep track of the follow up action in recommended cases as detailed in **Annexure-A (Column No.24- 26) & Annexure-B (Column No.18-20)** as under:-

4.1 Action taken on recommendation.

4.2 Final Outcome

4.3 Date of release of UTP/Convict.

STEP 5: Collation of data on quarterly basis by the Secretary, DLSA

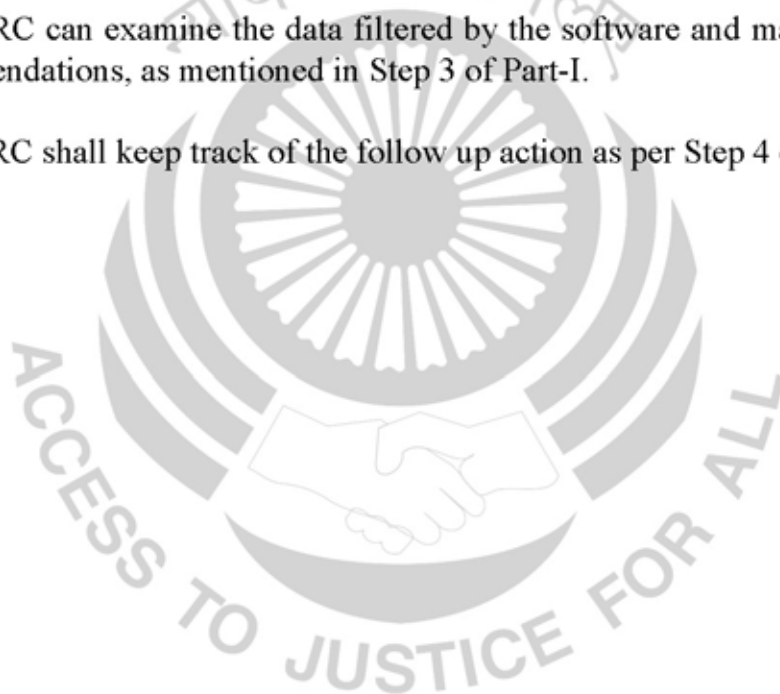
Secretary, DLSA shall collate the above data in **Annexure-A & B** and generate quarterly report under the following heads:

1. Number of UTPs/Convicts considered by UTRCs in a given quarter/year.
2. Number of UTPs/Convicts recommended for bail/release.
3. Number of bail/other applications moved post recommendations.
4. Number of inmates released pursuant to UTRC's recommendation.

PART-II

SOP for UTRC where Jails are digitized and have Software to filter the cases which are eligible for release

- 5.1 If the jail concerned has appropriate data in digital format and is able to apply the filters, then the Step 1 and Step 2 of Part-I would merge into one and the filtered data shall be shared by Jail Authorities with Secretary, DLSA.
- 5.2 The UTRC can examine the data filtered by the software and make appropriate recommendations, as mentioned in Step 3 of Part-I.
- 5.3 The UTRC shall keep track of the follow up action as per Step 4 of Part-I.



NALSA's ADDITIONAL SUGGESTIONS

In order to expedite Trials and ensure Access to Justice for UTPs/Convicts NALSA suggests following new initiatives:-

Suggestion No.1 : Usage of modified ' Custody Warrant'

- NALSA has designed a new Modified Custody Warrant which is annexed as **Annexure 'C'**. The need thereof arose since as on date the Prison Data is maintained only on the basis of case details received by the Jail Authorities from the First Custody Warrant which is in turn based solely on case particulars contained in the FIR. This data is amenable to change at different stages i.e. stage of filing of Chargesheet, framing of Charge and then passing of final Judgement.

Adoption of this new Modified 'Custody Warrant' is necessary as unless the specific offence in which UTP is kept in detention is regularly updated, the software filters will not be able to give correct results. For example, an accused initially arrested u/S 302 IPC may be finally chargesheeted u/S 304 IPC.

This new Modified Custody Warrant carry the particulars of the Legal Aid Counsel/Private Counsel representing the UTPs at different stages.

Suggestion No.2: Training/sensitization of Remand Court/Trial Court to safeguard the rights of the UTPs to be considered for bail.

It is suggested that judicial academies of respective States may undertake training/sensitization courses of judicial officers with an aim to highlight the reason behind the UTPs : Convicts ratio in prisons which currently stands as 67% : 33% in our country. The world average of UTPs : Convicts ratio stands at only 31%:69%. The Training of judicial officers may include highlighting importance of -

- Compliance of Section 41, 41 A to D Cr.P.C. by police authorities.
- Release of arrested persons/UTPs in deserving cases by invoking Section 59 of Cr.P.C with or without bond.
- Highlighting importance of 14 situations/criteria laid down by Hon'ble Supreme Court in WP Civil No. 406/2013 "Re-inhuman conditions in 1382 prisons" and their timely compliance for decongestion of jails.

Suggestion No.3: Inclusion of Chief Public Prosecutor in UTRC.

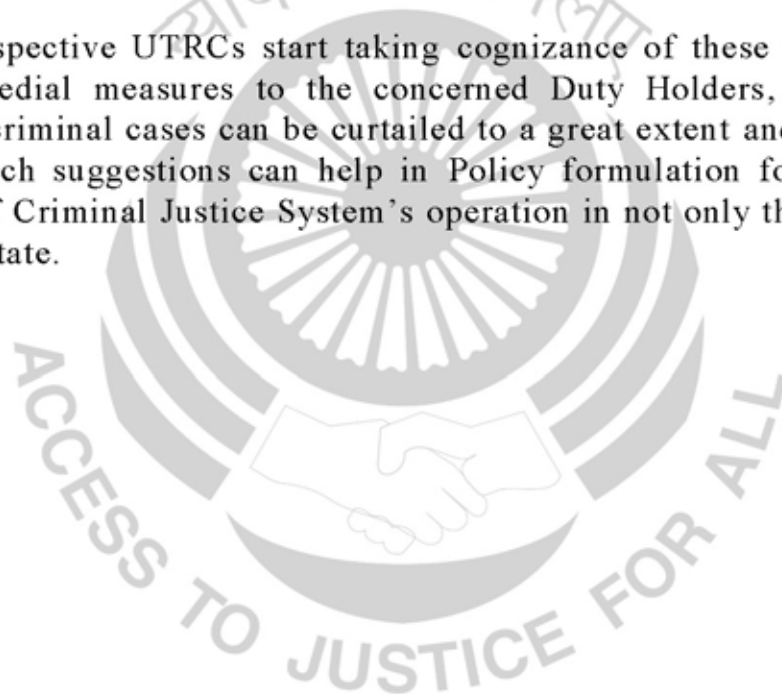
- State is represented by Public Prosecutor in each criminal court i.e. MMs/Sessions. As and when any Bail Application is moved by the UTPs either on merits or on technical grounds, as a matter of routine, it is observed that they are opposed by Public Prosecutors/Additional Public prosecutors/Asstt. Public prosecutors representing State in the Court. Hence, inclusion of Chief Public Prosecutor of the District in the UTRC would assist in compliance of directions of Hon'ble Supreme Court.

Suggestion No.4: Expanding the mandate of UTRC

- UTRC is mandated to ensure compliance of directions issued by Hon'ble Supreme Court. However to ensure that UTPs' right to speedy trial is upheld, it is proposed that UTRC shall look into the individual cases so as to ascertain as to why a particular criminal trial is not getting concluded in a reasonable time and is getting dragged. Such a review of individual cases would go a long way in identifying the broad reasons which results in the delay of trials. This would also help reduce imbalance of 67%:33% UTPs:Convicts ratio.
- While identifying bottle necks in the Criminal Justice System of a particular district, other facets which can be looked into and addressed by the UTRC may include:
 - 4.1 Check on non-compliance of Section 41 Cr.P.C. to curtail avoidable/unnecessary arrests by the Police.
 - 4.2 Non production of UTPs before the Remand/Trial Court either in person or via video conferencing facility on account of lack of logistic facilities.
 - 4.3 Delay caused by frequent inter-state transfer of UTPs
 - 4.4 Non filing of FSL/CFSL report in time.
 - 4.5 Failure of police to trace, serve and produce the Public/Expert witnesses.
 - 4.6 Delay caused in frequent transfer of investigation related witnesses like police officials, documents.
 - 4.7 Non availability of dedicated PPs in each criminal court.
 - 4.8 Rational distribution of criminal cases in different courts within district

- 4.9 Paucity of staff like Ahlmad or stenographer for the criminal court
- 4.10 Delay caused by lack of efficiency in administrative set up like Copying Agency, Facilitation Centre, Record Room(in case of fetching of old file) etc.
- 4.11 IT Infrastructural need like, Desktop, printer, NIC-net, stationary etc. apart from Data entry professionals.
- 4.12 Popularize ADR methods as also Plea Bargaining for quick disposal.
- 4.13 Suggest segregation of trial in case one or more co-accused are absconding.
- 4.14 Availability of effective and efficient Free Legal Aid Services.
- 4.15 Seeking Cooperation from the Bar for expediting trial.
- 4.16 Any other issue which is hampering the early conclusion of criminal trials in the District.

Once the respective UTRCs start taking cognizance of these problems and suggest remedial measures to the concerned Duty Holders, the delay in disposal of criminal cases can be curtailed to a great extent and learning out comes of such suggestions can help in Policy formulation for improving efficiency of Criminal Justice System's operation in not only the District but also in the State.



TEMPLATE

List of eligible UTPs for consideration of UTRC

List of eligible UTPs for consideration of UTRC													Annexure-A							
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
Name of the UTP	Father's name	Gender/Age	FIR/Crime no.	Police Station	District	Arrested under Section	Particulars of the Court	Date of arrest	Date of first Remand	Date of admission in Prison	Date of filing chargesheet	Chargesheeted under Section	UTP represented by Legal aid/private	Name of the lawyers with contact details, if available	Whether bails has been granted to the accused, if when	If accused is not released on bail despite grant of bail, reason for the same, if available.	If the UTP suffering from any disease, mental or physical, details regarding the same.	Whether UTP is a convict/Under trial in any other	If yes, separate entry in the data sheet be made qua the additional Case.	

Note:

- Column Nos. 1 to 20 to be filled by Jail Superintendent.

Contd.....

TEMPLATE

Annexure-A

21	22	23	24	25	26
Recommendation of UTRC	Date of Recommendation	Brief reasons for UTRC recommendation	Action Taken on recommendation	Final Outcome	Date of release of UTP

Note:

- Column Nos. 21 to 26 to be filled by UTRC.

TEMPLATE

Annexure-B

List of Convicts

1	2	3	4	5	6	7	8	9	10	11	12	13	14
S.No.	Name of the Convict	Father's Name	FIR No.	Police Station	District	Name of the Trial Court	Date of Conviction	Duration & Nature of Sentence	Total Remission Earned	Date when sentence completed	Reason for Non-Release	Whether case considered by Sentence Review Board?	Reason for not granting pre-mature release

Note:

- Column Nos. 1 to 14 to be filled by Jail Superintendent.

Contd...

TEMPLATE

Annexure-B

15	16	17	18	19	20
Recommendation of UTRC	Date of Recommendation	Brief reasons for UTRC recommendation	Action Taken on recommendation	Final Outcome	Date of release of Convict

Note:

- Column Nos. 15 to 20 to be filled by UTRC.

“CUSTODY WARRANT”

Jail No. : _____

Name		FIR No	
Father's Name		U/s(as per FIR)	
Age		Arrested U/s	
Gender		Police Station	
Address		District	
Nationality		Date of Arrest	

PHOTO
OF
INMATE

REMAND DURING INVESTIGATION

ADVOCATE.....(Pvt/Legal Aid)

S.No.	Date	Remand Order by Ld. Judge/Next date in the Court
1		
2		
3		
4		

- Date of Filing of Charge Sheet :
- Offences against the Accused :

REMAND AFTER FILING OF CHARGE SHEET

ADVOCATE.....(Pvt/Legal Aid)

S.No.	Date	Remand Order by Ld. Judge/Next date in the Court
1		
2		
3		
4		
5		

- Date of Committal in Sessions trial cases:.....
- Date of Framing of Charge :
- Charge framed under offences :

REMAND DURING PROSECUTION EVIDENCE

ADVOCATE.....(Pvt/Legal Aid)

S.No.	Date	Remand Order by Ld. Judge/Next date in the Court
1		
2		
3		
4		
5		

REMAND DURING STATEMENT OF ACCUSED

ADVOCATE.....(Pvt/Legal Aid)

S.No.	Date	Remand Order by Ld. Judge/Next date in the Court
1		
2		
3		

REMAND DURING DEFENCE EVIDENCE

ADVOCATE.....(Pvt/Legal Aid)

S.No.	Date	Remand Order by Ld. Judge/Next date in the Court
1		
2		
3		

REMAND DURING FINAL ARGUMENTS

ADVOCATE.....(Pvt/Legal Aid)

S.No.	Date	Remand Order by Ld. Judge/Next date in the Court
1		
2		
3		

- Result of Trial :
- Judgement Pronounced on :
- If convicted, offences convicted under :
- Sentence imposed : (Attach separate sheet)
- Compensation awarded to victim : (Attach separate sheet)



Annexure IV:

**District wise List of Courts, Police, Correctional Homes & Legal Services
Authorities in West Bengal**

District-wise List of Courts, Police Correctional Homes & Legal Services Authorities in West Bengal

KEY:

CCH=Central Correctional Home

DCH = District Correctional Home

SCH = Subsidiary Correctional Home

SpCH = Special Correctional

OACH = Open Air Correctional Home

WCH = Women Correctional Home

S. No.	District	District Court	Sub-Division Courts	Police Sub-Division
1	Alipurduar	-	Alipurduar	Alipurduar
2	Bankura	District & Sessions Court, Bankura	Bankura Sadar, Bishnupur, Khatra	Bankura (Sadar), Bishnupur, Khatra
3	Birbhum	District & Sessions Court, Birbhum	Suri Sadar, Dubrajpur Chowki, Rampurhat, Bolpur	Suri, Bolpur, Rampurhat
4	Burdwan	District & Sessions Court, Burdwan	Burdwan Sadar, Asansol, Katwa, Durgapur, Kalna	Burdwan, Kalna, Katwa, Asansol, Durgapur Police Commissionerate
5	Cooch Behar	District & Sessions Court, Cooch Behar	Cooch Behar Sadar, Dinhata Tufanganj, Mathabhanga, Mekhliganj	Cooch Behar Sadar, Tufanganj, Dinhata, Mathabhanga, Mekhliganj
6	Dakshin Dinajpur	District & Sessions Court, Dakshin Dinajpur	Balurghat, Buniadpur	Balurghat, Gangarampur
7	Darjeeling	District & Sessions Court, Darjeeling	Darjeeling Sadar, Siliguri, Kalimpong, Kurseong, Mirik, Mungpoo, Gorubathan	Darjeeling, Siliguri, Kurseong, Kalimpong, Siliguri Police Commissionerate
8	Hooghly	District & Sessions Court, Hooghly, (Chinsurah)	Hooghly Sadar, Chandannagore, Serampore, Arambagh	Hooghly, Chandanagore, Serampore, Arambagh



Home DLSA = District Legal Services Authority
SDLSC = Sub-Divisional Legal Services Committee

	Police Stations	Correctional Home	DLSA/SDLSC
	Alipurduar, Falakata, Birpara, Madarihat, Kalachini, Jaigaon, Samuktala, Kumargram	Alipurduar DCH	Alipurduar SDLSC
	Bankura (Sadar), Barjora, Mejla, Onda, Gangajal Ghati, Chhatna Beliaghata, Saltora, Bankura GRPS, Bishnupur, Patrasayer, Joypur, Indus, Kotulpur, Sonamukhi, Khatra, Simlapal, Sarenga, Barikul, Ranibandh, Taldangra, Hirbandh, Raipur, Indpur	Bankura DCH, Bishnupur SCH	Bankura DLSA, Bankura (Sadar) SDLSC, Bishnupur SDLSC, Khatra SDLSC
	Suri, Sadaipur, Rajnagar, Sainthia, Md. Bazar, Kankartala, Illambazar, Paruni, Nalhati, Nanoor, Bolpur, Rampurhat, Margram, Muyureswar, Murarai, Khairasole, Labpur, Dubrajpur	Suri DCH, Bolpur SCH, Rampurhat SCH	Birbhum DLSA, Suri SDLSC, Bolpur SDLSC, Rampurhat SDLSC
	Burdwan CCH, Aushgram, Galshi, Bhatar, Memari, Jamalpur, Raina, Khandaghosh, Madhabdihi, Kalna, Purbasthali, Monteshwar, Katwa, Ketugram, Mongalkote, Asansol South, Asansol North, Raniganj, Jamuria, New Township, Cokeoven, Faridpur, Kulti, Salanpur, Chittaranjan, Asansol Women, Durgapur Women, Durgapur, Andal, Pandebshwar, Barabani, Hirapur	Burdwan DCH, Asansol SpCH, Durgapur SCH, Durgapur OACH, Katwa SCH, Kalna SCH	Burdwan DLSA, Burdwan (Sadar) SDLSC, Asansol SDLSC, Durgapur SDLSC, Katwa SDLSC, Kalna SDLSC
	Kotwali, Cooch Behar Women, Tufanganj, Baxirhat, Dinhat, Sitai, Nayarhat, Mathabhanga, Sitalkuchi, Ghoksadanga, Mekhliganj, Kuchlibari, Haldibari	Cooch Behar DCH, Dinhat SCH, Mathabhanga SCH, Tufanganj SCH, Mekhliganj SCH	Cooch Behar DLSA, Cooch Behar SDLSC, Dinhat SDLSC, Mathabhanga SDLSC, Tufanganj SDLSC, Mekhliganj SDLSC
	Balurghat CCH, Hili, Tapan, Kumarganj, Balurghat Women, Gangarampur, Banshihari, Harirampur, Kushmandi	Balurghat District CH	Dakshin Dinajpur DLSA, Balurghat SDLSC, Gangarampur SDLSC
	Sadar, Jorbunglow, Rangli Rangliot, Sukhiapokhri, Pul Bazaar, Lodhomo, Naxalbari, Khoribari, Phansidewa, Kurseong, Mirik, Kalimpong DCH, Jaldhaka, Garubathan, Lama Reang, Siliguri, Pradhannagar, Matigara, Bagdogra	Darjeeling DCH, Kalimpong SCH, Kurseong SCH, Siliguri SpCH	Darjeeling DLSA, Darjeeling (Sadar) SDLSC, Kalimpong SDLSC, Kurseong SDLSC, Siliguri SDLSC
	Chinsurah, Mogra, Balagarh, Pandua, Polba, Dadpur, Dhaniakhali, Bandel, Chinsurah Women, Gurap, Chandernagore, Bhadreswar, Singur, Haripal, Tarakeswar, Champdani, Telenipara, Serampore, Uttarpara, Chanditala, Dankuni, Jangipara, Rishra, Serampore Women, Arambagh, Pursurah, Khanakul, Goghat	Hooghly DCH, Arambagh SCH, Chandannagar SCH, Serampore SCH	Hooghly DLSA, Hooghly Sadar SDLSC, Arambagh SDLSC, Chandannagore SDLSC, Serampore SDLSC

S. No.	District	District Court	Sub-Division Courts	Police Sub-Division
9	Howrah	District & Sessions Court, Howrah	Howrah Sadar, Uluberia	Howrah (Rural), Howrah Police Commissionerate, Uluberia
10	Jalpaiguri	District & Sessions Court, Jalpaiguri	Malbazar, Jalpaiguri Sadar, NJP Railway Court	Sadar, Malbazar
11	Kolkata	City Sessions Court, Kolkata		North, Central, Eastern, Suburban, South, Port, South East, South Suburban, South West, (For Kolkata Police, there are Divisions and not Sub-Divisions)
12	Malda	District & Sessions Court, Malda		Malda sadar, Chanchal
13	Murshidabad	District & Sessions Court, Murshidabad	Berhampore Sadar, Sadar, Kandi, Lalbagh, Jangipur,	Murshidabad, Kandi, Lalbagh, Domkal, Jangipur
14	Nadia	District & Sessions Court, Nadia	Krishnanagar, Tehatta, Kalyani, Ranaghat, Nabadwip	Sadar, Tehatta, Kalyani, Ranaghat
15	North 24 Parganas	District & Sessions Court, North 24 Parganas	Barasat, Bongaon, Basirhat, Barrackpore, Bidhannagar	Barasat, Barrackpore Police Commissionerate, Bongaon, Basirhat, Bidhannagar Police Commissionerate
16	Paschim Midnapore	District & Sessions Court, Paschim Midnapore	Midnapore Sadar, Ghatal, Jhargram	Sadar, Kharagpur, Jhargram
17	Purba Midnapore	District & Sessions Court, Purba Midnapore	Tamluk, Contai, Haldia	Tamluk, Haldia, Egra, Contai

	Police Stations	Correctional Home	DLSA/SDLSC
	Domjur, Bhatora, Jagatballavpur, Sankrail, Panchla, Uluberia, Bauria, Bagnan, Shyampur, Amta, Joypur, Udaynarayanpur, Bally, Liluah, Malipanchghara, Golabari, Howrah, Shibpur, Jagacha, Bantra	Howrah DCH, Uluberia SCH	Howrah DLSA, Howrah (Sadar) SDLSC, Uluberia SDLSC
	Kotwali, Rajganj, Dhupguri, Maynaguri, Banarhat, Jalpaiguri Women, Mal Bazar, Nagrakata, Meteli	Jalpaiguri CCH	Jalpaiguri DLSA, Jalpaiguri (Sadar) SDLSC, Mal SDLSC
	Shyampukur, Jorabagan, Burtolla, Amherst Street, Cossipore, Chitpur, Tala, Sinthee, Burrabazar, Posta, Jorasanko, Girish Park, Hare Street, Bowbazar, Muchipara, Taltala, New Market, Entally, Maniktala, Ultatanga, Bellighata, Phoolbagan, Narkeldanga, Beniapur, Park Street, Shakespeare Sarani, Alipore, Hastings, Maidan, Bhowanipur, Kalighat, Tollygunge, Charu Market, New Alipore, Chetla, North Port, South Port, Watgunge, West Port, Garden Reach, Ekbalpur, Nadial, Rajabagan, Metiabruz, Topsia, Tangra, Ballygunge, Gariahat, Lake, Karaya, Pragati Maidan, Tiljala, Anandapur, Panchasayar Netaji Nagar, Jadavpur, Kasba, Purba Jadavpur, Regent Park, Survey Park, Bansdrone, Garfa, Patuli, Sarsuna, Taratala, Behala, Parnashree, Thakurpukur, Haridevpur Malda, English Bazar, Kaliachak, Baishanabnagar Habibpur,	Presidency CH, Alipore WCH	Kolkata DLSA, South 24 Parganas DLSA, Alipore (Sadar) SDLSC
	Bamangola, Gajole, Manikchak, Ratua, Chanchal, Harischancrapur, Pukhuria, English Bazar Women Berhampore, Daulatabad, Beldanga, Rejinagar, Hariharpara	Malda DCH	Malda DLSA, Malda (Sadar) SDLSC
	Nowda, Khagra, Cossimbazar, Sakitipur, Berhampore Women, Kandi, Burwan, Khargram, Bharatpur, Salar, Murshidabad, Nabagram, Bhagwangola, Lalgola, Ranitala, Jiaganj, Domkal, Islampur, Raninagar, Jalangi, Raghunatthganj, Sagardighi, Suti, Samsanganj, Farakka	Berhampore CCH, Lalbagh SCH, Kandi SCH, Jangipur SCH, Lalgola OACH	Murshidabad DLSA, Berhampore SDLSC, Lalbagh SDLSC, Kandi SDLSC, Jangipur SDLSC
	Santipur, Kotwali, Nabadwip, Dhubulia, Kaliganj, Nakashipara, Chapra, Krishnaganj, Krishnanagar Women, Tehatta, Murutia, Thanapara, Hogoberia, Karimpur, Kalyani, Haringhata, Chakdah, Ranaghat, Gangnapur, Dhantala, Hanskhali, Taharpur	Krishnanagar DCH, Kalyani SCH, Ranaghat SCH, Tehatta SCH	Nadia DLSA, Krishnanagar SDLSC, Kalyani SDLSC, Ranaghat SDLSC, Tehatta SDLSC
	Barasat, Deganga, Ashokenagar, Amdanga, Barasat Women, Madhyamgram, Sashan, Rajarhat, Habra, Duttapukur, Bizpur, Naihati, Jagatdal, Noapara, Titagarh, Barrackpore, Khardah, Ghola, Belghoria, Baranagar, Nimta, Dum Dum, Bongaon, Bagda, Gopal Nagar, Gaighata, Basirhat, Swarupnagar, Baduria, Haroa, Minakhan, Sandeshkhali, Hingalganj, Hasnabad, Gobardanga, Ghojadanga, Bidhannagar (South), Bidhannagar (East), Bidhannagar (North) Electronic Complex PS, Lake Town, Baguihati, New Town, Airport, Netaji Subash Chandra Bose International Airport	Dum Dum CCH, Bongaon SCH, Basirhat SCH, Barrackpore SpCH	North 24 Parganas DLSA, Barasat SDLSC, Bongaon SDLSC, Basirhat SDLSC, Barrackpore SDLSC, Bidhannagar SDLSC
	Keshpur, Garbeta, Goaltore, Salboni, Anandapur, Kharagpur (Town), Kharagpur (Local), Narayanganj, Keshiary, Sabang, Pingla, Debra, Belda, Dantan, Mohanpur, Ghatal, Daspur, Chandrakona, Binpur, Jhargram, Beliabera, Belpahari, Nayagram, Sankrail, Jamboni, Lalgarh, Gopiballavpur	Midnapore OACH, Jhargram SpCH, Ghatal SCH	Paschim Midnapore DLSA, Midnapore (Sadar) SDLSC, Jhargram SDLSC, Ghatal SDLSC
	Nandakumar, Tamluk, Kolaghat, Panskura, Moyna, Chandipur, NDK, Haldia, Bhabanipur, Durgachak, Mahisadal, Nandigram, Sutahata, Egra, Bhagwanpur, Patashpur, Contai, Digha, Talpatighat Coastal, Digha Mohana Coastal, Junput Coastal, Ramnagar, Marisda, Bhupatinagar, Khejuri, Contai Women	Tamluk SCH, Contai SCH, Haldia SCH	Purba Midnapore DLSA, Tamluk SDLSC, Contai SDLSC, Haldia SDLSC

S. No.	District	District Court	Sub-Division Courts	Police Sub-Division
18	South 24 Paraganas	District & Sessions Court, South 24 Parganas	Alipore Sadar, Sealdah, Baruipur, Kakdwip, Diamond Harbour	South, Port, South East, South Suburban, South West, South Industrial Zone, Baruipur, Diamond Harbour Kakdwip, Canning
19	Purulia	District & Sessions Court, Purulia	Purulia Sadar, Raghunathpur	Purulia, Raghunathpur
20	Uttar Dinajpur	District & Sessions Court, Uttar Dinajpur	Raiganj, Islampur	Uttar Dinajpur, Islampur

Police Stations	Correctional Home	DLSA/SDLSC
Park Street, Shakespeare Sarani, Alipore, Hastings, Maidan, Bhowanipur, Kalighat, Tollygunge, Charu Market, New Alipore, Chetla, North Port, South Port, Watgunge, West Port, Garden Reach, Ekbalpur, Nadial, Rajabagan, Metiabruz, Topsia, Tangra, Ballygunge, Gariahat, Lake, Karaya, Pragati Maidan, Tiljala, Anandapur, Panchasayar, Netaji Nagar, Jadavpur, Kasba, Purba Jadavpur, Regent Park, Survey Park, Bansdroni, Garfa, Patuli, Sarsuna, Taratala, Behala, Parnashree, Thakurpukur, Haridevpur, Nodakhali, Mahestala, Budge Budge, Bishnupur, Rabindranagar, Baruipur, Sonarpur, Joynagar, Kultali, Kolkata Leather Complex, Kashipur, Baruipur Women, Bhangnore, Diamond Harbour, Falta, Ramnagar, Usthi, Mandirbazar, Mograhat, Raidighi, Mathurapur, Kulpi, Dholahat, Maipith Coastal, Parulia Coastal, Diamond Harbour Women, Kakdwip, Patharpratima, Namkhana, Sagar, Frezerganj Coastal, Canning, Basanti, Gosaba, Sundarban Coastal, Jibantala	Alipur CCH, Diamond Harbour SCH	South 24 Parganas DLSA, Alipore (Sadar) SDLSC, Baruipur SDLSC, Diamond Harbour SDLSC, Kakdwip SDLSC
Arsha, Baghmundi, Balarampur, Barabazar, Bandwan, Boro, Kotshila, Purulia Women, Hura, Jhalda, Purulia Muffasil, Purulia Town, Joypur, Kenda, Manbazar, Pancha, Neturia, Raghunathpur, Kashipur, Para, Santaldih, Santuri, Adraa	Purulia DCH, Purulia WCH, Raghunathpur SCH	Purulia DLSA, Purulia Sadar SDLSC, Raghunathpur SDLSC
Raiganj, Kaliaganj, Itahar, Hemtabad, Raiganj Women, Islampur, Chopra, Goalpukhur, Karandighi, Chakulia	Raiganj OACH, Islampur SCH	Uttar Dinajpur DLSA, Raiganj SDLSC, Islampur SDLSC

CHRI PROGRAMMES

CHRI believes that the Commonwealth and its member countries must be held to high standards and functional mechanisms for accountability and participation. This is essential for human rights, transparent democracies and Sustainable Development Goals (SDGs). CHRI specifically works on strategic initiatives and advocacy on human rights, Access to Justice and Access to Information. It focuses on research, publications, workshops, analysis, mobilisation, dissemination and advocacy and informs the following principal programmes:

1. Access to Justice (ATJ)

Police Reforms: In too many countries the police are seen as an oppressive instrument of state rather than as protectors of citizens' rights, leading to widespread rights violations and denial of justice. CHRI promotes systemic reform so that the police act as upholders of the rule of law rather than as enforcers of a regime. CHRI's programme aims at mobilising public support for police reforms and works to strengthen civil society engagement on the issues. In East Africa and Ghana, CHRI examines police accountability and political interference.

We are preparing to add a portfolio on anti-discrimination on the basis of colour, appearance and gender.

Prison Reforms: CHRI's work in prisons looks at increasing transparency of a traditionally closed system and exposing malpractices. Apart from highlighting failures of the legal system that result in overcrowding and unacceptably long pre-trial detention and prison overstay, we engage in interventions and advocacy for legal aid and policy changes to revive prison oversight systems. Attention to these areas can bring improvements to the administration of prisons and conditions of justice.

2. Access to Information

CHRI is acknowledged as a key organisation working on the promotion of Access to Information. It encourages countries to pass and implement effective Right to Information laws. It routinely assists in the development of legislation and has been particularly successful in promoting Right to Information laws and practices in India, Sri Lanka, Afghanistan, Bangladesh, Ghana, and more recently, Kenya. In Ghana, CHRI is the Secretariat for the RTI civil society coalition. We regularly critique new legislation and intervene to bring best practices into governments and civil society knowledge both at a time when laws are being drafted and when they are first being implemented. We have experience of working in hostile environments as well as culturally varied jurisdictions; these enable us to bring valuable insights into countries seeking to evolve new laws on right to information. In Ghana, for instance, it has been promoting knowledge about the value of Access to Information and to campaign for the introduction of an effective law.

* South Asia Media Defender's Network (SAMDEN)

CHRI has developed a regional network of media professionals to address the issue of increasing attacks on media workers and pressure on freedom of speech and expression in South Asia, especially in rural areas. This network, the South Asia Media Defenders Network (SAMDEN) recognises that such freedoms are indivisible and know no political boundaries. Anchored by a core group of media professionals who have experienced discrimination and intimidation, SAMDEN is developing an interactive website platform to highlight pressures on media, issues of shrinking media space and press freedom. It is also working to mobilise media so that strength grows through collaboration and numbers. A key area of synergy lies in linking SAMDEN with the Right to Information movements and activists

3. International Advocacy and Programming

CHRI monitors the compliance of Commonwealth member states with human rights obligations and advocates around human rights exigencies where such obligations are breached. CHRI strategically engages with regional and international bodies including the Commonwealth Secretariat, Ministerial Action Group, the UN and the African Commission for Human and People's Rights. Ongoing strategic initiatives include advocating for and monitoring the Commonwealth reform, reviewing promised by Commonwealth members at the UN Human Rights Council, and the Universal Periodic Review. We advocate for the protection of human rights defenders and civil society spaces and monitor the performance of National Human Rights Institutions in the Commonwealth while pressing for their strengthening.



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