

CIRCLE OF JUSTICE

CHRI 2016



A NATIONAL REPORT ON UNDER TRIAL REVIEW COMMITTEES



CHRI

Commonwealth Human Rights Initiative

working for the *practical* realisation of human rights in
the Commonwealth



The Commonwealth Human Rights Initiative (CHRI) is an independent, non-partisan, international non-governmental organisation, mandated to ensure the practical realisation of human rights in the countries of the Commonwealth. In 1987, several Commonwealth professional associations founded CHRI. They believed that while the Commonwealth provided member countries a shared set of values and legal principles from which to work and provided a forum within which to promote human rights, there was little focus on the issues of human rights within the Commonwealth.

CHRI's objectives are to promote awareness of and adherence to the Commonwealth Harare Principles, the Universal Declaration of Human Rights and other internationally recognised human rights instruments, as well as domestic instruments supporting human rights in Commonwealth Member States.

Through its reports and periodic investigations, CHRI continually draws attention to progress and setbacks to human rights in Commonwealth countries. In advocating for approaches and measures to prevent human rights abuses, CHRI addresses the Commonwealth Secretariat, Member Governments and civil society associations. Through its public education programmes, policy dialogues, comparative research, advocacy and networking, CHRI's approach throughout is to act as a catalyst around its priority issues.

CHRI is based in New Delhi, India, and has offices in London, UK and Accra, Ghana.

International Advisory Commission: Yashpal Ghai - Chairperson. Members: Alison Duxbury, Wajahat Habibullah, Neville Linton, Vivek Maru, Edward Mortimer, Sam Okudzeto and Sanjoy Hazarika (Director).

Executive Committee (India): Wajahat Habibullah - Chairperson. Members: B. K. Chandrashekar, Nitin Desai, Kamal Kumar, Poonam Muttreja, Ruma Pal, Jacob Punnoose, A P Shah, Vineeta Rai, Maja Daruwala (Senior Advisor) and Sanjoy Hazarika (Director).

Executive Committee (Ghana): Sam Okudzeto – Chairperson. Members: Akoto Ampaw, Yashpal Ghai, Wajahat Habibullah, Neville Linton, Kofi Quashigah, Juliette Tuakli and Sanjoy Hazarika (Director).

Executive Committee (UK): Sophie Rigney – Chairperson. Members: Richard Bourne, Meenakshi Dhar, Joanna Ewart-James, Frances Harrison, Sadakat Kadri, Neville Linton, Sashy Nathan, Katherine O'Byrne, Rita Payne and Michael Stone.

ISBN: 978-93-81241-35-6

©Commonwealth Human Rights Initiative, 2016. Material from this report may be used, duly acknowledging the source.



CHRI Headquarters, New Delhi

55A, Third Floor
Siddharth Chambers - 1
Kalu Sarai, New Delhi 110 016
India
Tel: +91 11 4318 0200
Fax: +91 11 2686 4688
E-mail: info@humanrightsinitiative.org

CHRI London

Room No. 219
School of Advanced Study
South Block, Senate House
Malet Street, London WC1E
7HU, United Kingdom
Tel: +44(0) 207 664 4860
Fax: +44(0) 207 862 8820
E-mail: chri.admin@sas.ac.uk

CHRI Africa, Accra

House No.9, Samora Machel Street
Asylum Down, Opposite Beverly
Hills Hotel Near Trust Towers,
Accra,
Ghana
Tel/Fax: +233 302 971170
Email: chriafrika@humanrightsinitiative.org

Extracts from

CIRCLE OF JUSTICE

A National Report on Under Trial Review Committees

Researched & Written by:

Sugandha Shankar

Edited by:

Maja Daruwala & Sana Das

ACKNOWLEDGMENTS

The Commonwealth Human Rights Initiative (CHRI) produced this report as part of its concern to reduce pre-trial detention in India and monitor the measures taken towards this by the various agencies of the criminal justice system. This report is the result of the work of many people, both inside and outside CHRI.

CHRI thanks all the **State Legal Services Authorities and District Legal Services Authorities** who were very gracious with their time and provided useful information and data on the functioning of Under Trial Review Committees in their state/district.

CHRI expresses its sincere gratitude to **Adv. Gaurav Agrawal**, the *Amicus Curiae* in the writ petition *Re-Inhuman Conditions in 1382 Prisons*, who was instrumental in submitting the findings of the report to the Hon'ble Supreme Court and for believing in our work.

Many thanks to the entire Prison Reforms Programme team in putting the report together. The report was conceptualised, researched and written by **Sugandha Shankar** with care, excitement and dedication for the unique information being brought out. **Kakoli Jadala** painstakingly filed the right to information requests and provided managerial support; **Madhurima Dhanuka**, **Raja Bagga** and **Mrinal Sharma** were always there with the team support necessary to complete the national report. Deepest gratitude goes to **Maja Daruwala** for giving insightful editorial support and inspiring the team throughout the development of the report. This report would not have been possible without the invaluable support and guidance of **Sana Das** who edited the report and the editorial inputs from **Sajan Kuriakos**.

CHRI thanks its interns **Mona Nooreydzan** and **John Mascrinaus** for assisting in data collation.

This report was designed and laid out by **Gurnam Singh** whose creative efforts have enhanced the presentation of the report before both technical and lay audience.

CHRI deeply appreciates the support of the **Friedrich Naumann Stiftung für die Freiheit** for its timely financial assistance in bringing this report into public domain. Lastly, CHRI assumes full responsibility for the report's content.

WHAT'S INSIDE

EXECUTIVE SUMMARY	1
EVOLUTION OF THE CONCEPT	5
WHAT'S ON PAPER	7
- Members of UTRC & their Profile	8
- Mandate of UTRC	9
WHAT'S ON GROUND	10
National Report Card	27
State Report Cards	31
Andaman & Nicobar Islands	33
Bihar	34
Chandigarh	35
Chhattisgarh	36
Dadra and Nagar Haveli	37
Daman & Diu	38
Delhi	39
Goa	40
Haryana	41
Himachal Pradesh	42
Jharkhand	43
Karnataka	44
Kerala	45
Maharashtra	46
Meghalaya	47
Mizoram	48
Odisha	49
Puducherry	50
Punjab	51
Rajasthan	52
Sikkim	53
Tamil Nadu	54
Telangana	55
Tripura	56
Uttar Pradesh	57
West Bengal	58
ANNEXURES	59
A. Supreme Court Order dated 24 April 2015 in ' <i>Re-Inhuman Conditions in 1382 Prisons</i> '	60
B. Ministry of Home Affairs (CS Division), GOI's Advisory No. V-13013/70/2012-IS (VI) on 'Use of Section 436A of the Cr.P.C. to reduce overcrowding of prisons.' ..	62
C. Right to information queries filed by CHRI to SLSAs across the country	64
D. CHRI Suggested Format for Recording Minutes and Quarterly Reporting from the District Legal Services Authorities to the State Legal Services Authority ..	65
E. Guidance Note: Revised Mandate For Under Trial Review Committees & Suggested Action	69

LIST OF ACRONYMS & OTHER TERMS

UTRC	Under Trial Review Committee
UTP	Undertrial Prisoner
MHA	Ministry of Home Affairs
NALSA	National Legal Services Authority
SLSA	State Legal Services Authority
DLSA	District Legal Services Authority
D&SJ	District & Sessions Judge
DM	District Magistrate
Supdt. Police	Superintendent of Police
CJM	Chief Judicial Magistrate
Secy.	Secretary
CrPC	Code of Criminal Procedure, 1973
IPC	Indian Penal Code, 1860
NA	Not Applicable
NP	Not Provided
Bail no surety	Where bail has been granted but person is unable to furnish surety

EXECUTIVE SUMMARY



EXECUTIVE SUMMARY

This report is the first watch report to check compliance on the formation and functioning of Under Trial Review Committees (UTRCs) as directed by the Supreme Court in its order dated 24 April 2015 in *'Re-Inhuman Conditions in 1382 Prisons'*. It is based on responses from 26 States and Union Territories that provided information under the Right to Information Act, 2005. The data collected is for the period May 2015 to October 2015, the first six months since the order. The mandate of the UTRCs has been expanded by the Hon'ble Court in its February 2016 and May 2016 orders to include nine more categories of prisoners under review. However, this report pertains to the original mandate set out in the 24 April 2015 order.¹

In 2013, based on a letter by the then Chief Justice of India, Justice R.C. Lahoti, the Supreme Court in a case named *'Re-Inhuman Conditions in 1382 Prisons'*² has suo moto taken up by writ petition the issue of prison conditions and particularly the situation of undertrial prisoners. To date it has passed a series of orders. One of its orders compels the National Legal Services Authority and the Ministry of Home Affairs to constitute Under Trial Review Committees in every district. With its insistence on the constitution of UTRCs in each district, regular prison visits, checking length of stay and legal representation of undertrials the Supreme Court has moved the periodic review of undertrials from the realm of uncertainty and discretion to the realm of the mandatory for every state.

UTRC is a district level committee headed by the District & Sessions Judge, with District Magistrate and Superintendent of Police and Secretary, District Legal Services Authority as members. The Supreme Court in its order, dated 24 April 2015³, 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 the UTRC is formed in every district of the country and meets every quarter. The court relied on the MHA advisory issued on 17 January 2013⁴ for the purpose of implementation of S.436A of the Code of Criminal Procedure, 1973 (the Code).⁵ Additionally, the court mandated these committees to review the cases of undertrials who are unable to furnish surety after being granted bail by the court and of those accused of compoundable offences.

The Need for UTRCs: Prisons in India are chronically overcrowded. This needs repair. Sixty-seven percent of the prison population comprises undertrials – those who are awaiting or undergoing trial and not yet proven guilty. Recently released figures⁶ show India's 1401 jails house 4,19,623 inmates. Average overcrowding stands at 114.4 percent. The 10-year trend from 2006 to 2015 shows an increase of 15 per cent in undertrial population. Hon'ble Justice Madan B. Lokur in *'Re-Inhuman Conditions in 1382 Prisons'* observed, "... the situation continues to be not only tragic but also pathetic.... Learned Amicus has drawn our attention vide his Note dated 20.9.2016 to overcrowding to the extent of 150% or more in jails in Assam (8), Chhattisgarh (17), Jharkhand (3), Karnataka (7), Kerala (21), Madhya Pradesh (5), Maharashtra (16), Rajasthan (21), Uttar Pradesh (47) and Delhi (12)".⁷

1 Refer pg. 9 for the complete mandate of the UTRCs.

2 Writ Petition (Civil) 406/2013.

3 Refer Annexure A, pg. 60, Supreme Court order dated 24 April 2015 in *'Re-Inhuman Conditions in 1382 Prisons'*, Writ Petition (Civil) 406/2013.

4 Refer Annexure B, pg. 62, No. V-13013/70/2012-IS (VI), Ministry of Home Affairs (CS Division), GOI on 'Use of Section 436A of the Cr.P.C. to reduce overcrowding of prisons.'

5 S.436A – Maximum period for which an under trial prisoner can be detained.

Where a person has, during the period of investigation, inquiry or trial under this Code of an offence under any law (not being an offence for which the punishment of death has been specified as one of the punishments under that law) undergone detention for a period extending up to one-half of the maximum period of imprisonment specified for that offence under that law, he shall be released by the Court on his personal bond with or without sureties:

Provided that the Court may, after hearing the Public Prosecutor and for reasons to be recorded by it in writing, order the continued detention of such person for a period longer than one-half of the said period or release him on bail instead of the personal bond with or without sureties:

Provided further that no such person shall in any case be detained during the period of investigation inquiry or trial for more than the maximum period of imprisonment provided for the said offence under that law.

Explanation – In computing the period of detention under this section for granting bail the period of detention passed due to delay in proceeding caused by the accused shall be excluded.

6 National Crime Records Bureau's Prison Statistics India 2015.

7 An extract from the Supreme Court order dated 3 October 2016 in W.P. (Civil) No. 406 of 2013 titled *'Re: Inhuman Conditions prevailing in 1382 Prisons in India'*.

This tells half the story. Prisoners awaiting trial have to wait longer than they did a decade ago before being released on bail and trials are taking an ever longer time to complete. In 2001, 19 percent spent more than a year in prison awaiting trial, now 25 percent do. One fourth of undertrial prisoners have been inside prison for more than a year. The proportion of prisoners who have spent less than three months in prison has decreased from 40 percent in 2001 to 35 percent in 2015.

CHRI's work on undertrial review committees: The Commonwealth Human Rights Initiative (CHRI) believes that the effective functioning of UTRCs directly impacts the conditions of overcrowding in prisons and complements the role of other oversight bodies. As part of our concern to reduce pre-trial detention and reform of prison oversight mechanisms, we have been monitoring the functioning of a similar mechanism⁸ in Rajasthan since 2009-10. CHRI, through its watch reports, has been able to demonstrate that in a span of five years with constant monitoring of the judiciary, executive and civil society, an earlier defunct mechanism in Rajasthan is revived to work efficiently to the cause of access to justice for all.

With this background, CHRI sought to intervene in the '*Re-Inhuman Conditions in 1382 Prisons*' case. Instead, the court directed it to assist the *amicus curiae* which led to CHRI's submission on compliance to the court's 24 April 2015 order and recommendations to expand the mandate to cover other statutory eligibilities. In keeping with its work of monitoring the nature and effectiveness of India's prison oversight systems CHRI began monitoring compliance with the Supreme Court order dated 24 April 2015. CHRI filed right to information requests⁹ in early November 2015 to all State Legal Services Authorities. Twenty six states and union territories provided information from the time of formation of their Under Trial Review Committees to 4 November 2015 – the date when right to information requests were sent.

Findings at a Glance: Broadly, the report aims to evaluate the extent to which UTRCs are proving to be effective mechanisms in safeguarding the right to liberty of an individual behind bars. The report reveals that though there is some compliance it is patchy and partial and the impact is uncertain. Most importantly, it is not clear if the purpose – no one must be detained for more than the period required by law – is being achieved. While the report highlights some good practices prevalent in many districts which could be replicated in other places, it also points out implementation gaps observed during the analysis of the minutes of the meetings. The findings show that only 149 districts out of 357 districts which responded held meetings within three months. This means that 60 percent of the districts did not comply with the mandate of holding quarterly meetings. Only 54 districts followed the full mandate and reviewed all the three categories of cases as directed. UTRCs in 16 states recommended 2112 cases for release which led to the release of 515 undertrials. This report finds the follow-up action by the UTRCs to track the implementation of their own recommendations of release to be weak. Therefore, it becomes difficult to assess the number of beneficiaries and the impact of the functioning of UTRCs leaving the circle of justice incomplete.

Nevertheless, it is a good beginning. There is hope that these shortcomings are temporary and sustained attention from the court and the legal aid bodies will increase compliance. Our report provides detailed recommendations to ensure UTRCs conduct their reviews according to full mandate set by the court. CHRI recommends that UTRCs must also constantly review cases of those undertrials who do not have legal representation and are not produced physically in court due to lack of police escorts. Also, a large number of undertrials are charged with offences punishable with death sentence, and thus are beyond the purview of S.436A, CrPC. Therefore, we recommend that UTRCs must ensure that their trials are also completed within a reasonable period.

This report is presented to all stakeholders with the aim that progressive steps taken by the Hon'ble Court should be realised to their fullest potential. The major challenge is to embed the practice of accountability, to ensure that undertrials are not deprived of their rights, jails get less crowded and the situation improves incrementally.

8 Rajasthan's Periodic Review Committees or *Avadhik Samiksha Samitis* were established in every district in 1979 by a government order mandated to review the cases of undertrials to check unnecessary detention. For further details see 'ROAD TO RELEASE': Third Watch Report on Rajasthan's Periodic Review Committees' <http://www.humanrightsinitiative.org/download/1470051087Rajasthan%20Periodic%20Review%20Committees%20-%20Third%20Watch%20Report.pdf>

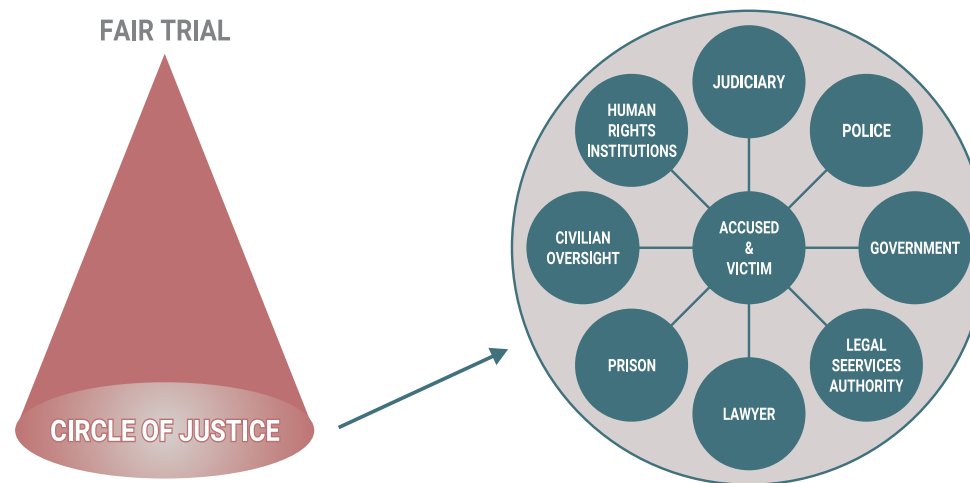
9 Refer Annexure C, pg. 64 for right to information queries filed by CHRI to SLSAs across the country.

STATE-WISE STATUS OF COMPLIANCE OF THE UNDER TRIAL REVIEW COMMITTEES ACROSS INDIA

Name of State/ Union Territories	Percentage of districts which provided information vis-à-vis which did not	Percentage of districts that formed UTRCs vis-à-vis which provided information	Percentage of districts that held quarterly meetings vis-à-vis which provided information	Percentage of districts in which all members attended all meetings vis-à-vis which provided information	Percentage of districts that followed full mandate vis-à-vis which provided information	Percentage of Undertrials released vis-à-vis found eligible	Total (Out of 600)	COMPLIANCE (in %)
Goa	100	100	100	100	100	NP	500	83
Dadra & Nagar Haveli	100	100	0	100	100	0	400	67
Tripura	63	100	80	80	60	0	383	64
Rajasthan	94	100	79	81	10	3	367	61
Telangana	60	100	17	50	33	100	360	60
Himachal	92	100	54	82	0	33	361	60
Chandigarh	100	100	0	0	100	38	338	56
Haryana	62	100	54	69	31	0	316	53
Punjab	86	100	58	37	37	2	320	53
Tamil Nadu	78	100	48	40	24	26	316	53
Chhattisgarh	52	100	86	NP	50	11	299	50
Meghalaya	100	100	27	27	45	NP	299	50
Puducherry	50	100	50	100	0	0	300	50
Delhi	55	100	66	33	33	2	289	48
Jharkhand	100	100	25	46	13	0	284	47
Sikkim	100	100	75	NP	0	0	275	46
Uttar Pradesh	25	100	58	26	32	29	270	45
Daman and Diu	50	100	0	100	NP	NP	250	42
West Bengal	32	100	33	33	17	25	240	40
Bihar	0	100	100	NP	NP	NP	200	33
Mizoram	100	100	0	0	0	NP	200	33
Andaman & Nicobar Islands	33	100	0	0	0	0	133	22
Karnataka	0	100	NP	NP	NP	NP	100	17
Kerala	0	100	NP	NP	NP	NP	100	17
Maharashtra	0	100	NP	NP	NP	NP	100	17
Odisha	0	100	NP	NP	NP	NP	100	17

EVOLUTION OF THE CONCEPT

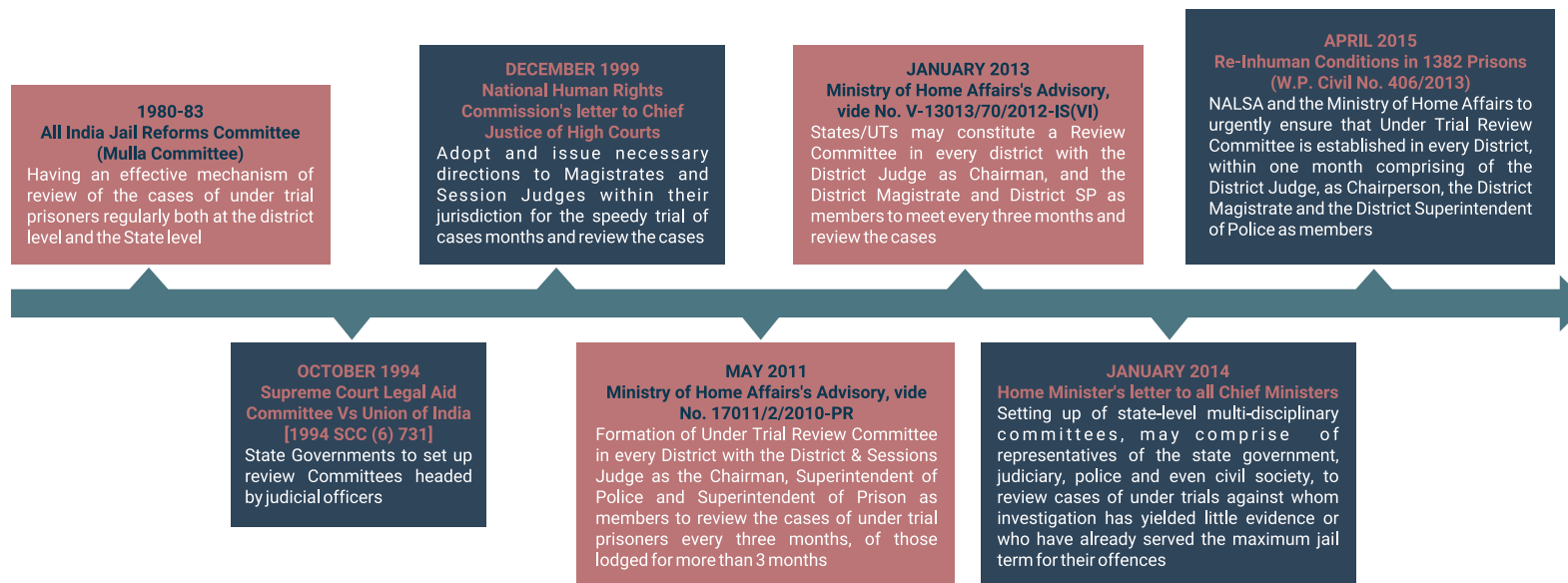
Right to life and liberty of a person are paramount. A balanced criminal justice system is one where this belief is respected and protected by custodians of law. Freedom from arbitrary arrest and presumption of innocence must prevail and unreasonable pre-trial detention must be condemned. The system must ensure that for every accused there is adequate legal assistance, protection of basic rights, no abusive treatment and above all, any incarceration must be minimal and according to due process. This imposes a duty on the various actors of the criminal justice system to be accountable and obligates them to ensure access to justice to the victim as well as the accused. With coordinated efforts of all the actors, the criminal justice system will emerge as the 'circle of justice'. The circle of justice creates balance and is the very foundation of a fair trial. Each actor plays a crucial role. The life and liberty of an undertrial in prison is directly linked to all actors in the system. Dereliction of duty and insensitivity on the part of actors impacts justice negatively and distorts the circle of justice. To restore equilibrium and stability in the criminal justice system there is a need to innovate for justice delivery in present times. One such mechanism which tries to bring access to justice full circle is the 'Under Trial Review Committee (UTRC)'. It is a multi-stakeholder mechanism, headed by a judicial officer and comprises representatives from other agencies of the criminal justice system.



The first glimpse of the concept was noticed in the Law Commission of India's reports¹⁰ which recommended the creation of review bodies. The concept was formally recognized in April 1979 when a conference of Chief Secretaries, for the first time, recommended the constitution of District and State level review committees. It was the same year in which the Supreme Court recognized for the first time the right to speedy trial as inherent in Article 21 of the Constitution.¹¹ Since then, the higher judiciary, central government as well as other oversight bodies have time and again re-emphasized the significance of this oversight mechanism.

¹⁰ Law Commission of India, 77th Report, November 1978: "Delay and Arrears in Trial Courts" and 78th Report "Congestion of Undertrial Prisoners in Jails", February 1979, p. 15, para 3.9.

¹¹ Hussainara Khatoon & Ors. Vs Home Secretary, State of Bihar, AIR 1979 SC 1360.



These developments led to the formation of review committees, with varied names, composition and mandates, in a number of states which precede the existence of UTRCs under the order of the Supreme Court of 24 April 2015. There are 15 such states and union territories – Andaman & Nicobar Islands, Andhra Pradesh, Assam, Daman & Diu, Gujarat, Haryana, Himachal Pradesh, Jammu & Kashmir, Jharkhand, Karnataka, Kerala, Maharashtra, Meghalaya, Rajasthan and Tamil Nadu.¹²

With the setting up of UTRCs having a comprehensive mandate and engaging multiple stakeholders, a vital review mechanism intended to prevent unnecessary detention is revived.

¹² CHRI filed right to information requests to all heads of prison department in 2012 to seek information regarding the formation, composition and mandate of such review committees.

WHAT'S ON PAPER

Mandate of the UTRC set by the Supreme Court in
Re-Inhuman Conditions in 1382 Prisons





MEMBERS OF UTRC & THEIR PROFILE



**District &
Sessions Judge
CHAIRPERSON**

- Presides over the highest court in each district – principal court of civil jurisdiction & court of sessions. Exercises control over all its subordinate courts functioning in its territorial jurisdiction.
- Chairman of the District Legal Services Authority.
- Since every undertrial is under judicial custody, UTRC allows District & Sessions Judge to monitor the proceedings of each case, identify obstacles to over-long incarcerations and gives an opportunity to ensure access to justice.



**District
Magistrate (DM)
MEMBER**

- Administrative head of the district, directly or indirectly supervises and controls entire district administration.
- DM is the ex-officio visitor of the prison and is responsible for making regular visits to the prison. He is empowered to issue orders to ensure effective working of the prison administration.
- Executive Magistrates are appointed by the state government. All Executive Magistrates, other than the Additional DM, are subordinate to the DM. In metropolitan areas, Commissioner of Police is also conferred as Executive Magistrate. They have several powers under the Code of Criminal Procedure, 1973 (CrPC), including the powers of arrest in certain situations and therefore their presence in the review committee is crucial.



**District Superintendent
of Police (SP)
MEMBER**

- SP is the policing head of the district and is mainly responsible for the maintenance of law and order.
- Police is also responsible for completing timely investigation and filing of chargesheet within the statutory limit (60/90 days) as provided under S.167 of the Code of Criminal Procedure, 1973.
- Ensures availability of police escorts or “chalani guards” to ensure that every undertrial is produced before the court on the date specified in the warrant. It requires coordination with the prison authorities and the presence of SP at the UTRC is intended to facilitate this.



**Secretary, District Legal
Services Authority (DLSA)
MEMBER**

- While in some districts a full-time Secretary is appointed, in others the Chief Judicial Magistrate (CJM) has an additional charge. DLSA coordinates the activities of Taluk Legal Services Committees and is mandated to –
 - ✓ provide legal services free of cost to the needy
 - ✓ organise legal awareness programmes in prison and community
 - ✓ organise lok adalats
- Through UTRC, Secretary DLSA would be able to ensure that undertrials get prompt access to legal aid. And, also assist the State Legal Services Authority by providing regular reports in order to be submitted to NALSA and the Supreme Court.

MANDATE OF VTRC*



completed half or more than the maximum prescribed punishment for the offence charged – **S.436A, CrPC**



unable to furnish bail and are still in custody for that reason



accused of **compoundable offences**



accused of bailable offences under **S.436, CrPC**



first time male offenders between the ages 19 and 21 who are in undertrial custody for offences punishable with less than 7 years of imprisonment and have suffered at least 1/4th of the maximum sentence possible – **The Probation of Offenders Act, 1958**



imprisoned for offences which carry a **maximum punishment of 2 years**



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



eligible for bail under **Section 167(2)(a)(i) & (ii), CrPC** read with Section 36A of The Narcotic Drugs and Psychotropic Substances Act, 1985 and where investigation is not completed in 60/90/180 days



detained under preventive arrest provisions i.e. under Sections 107, 108, 109 and 151 of **Chapter VIII, CrPC**



sick or infirm and require specialized medical treatment – **S.437, CrPC**



case triable by a magistrate and trial of a non-bailable offence has not been concluded within a period of sixty days from the first date fixed for taking evidence in the case – **S.437(6), CrPC**



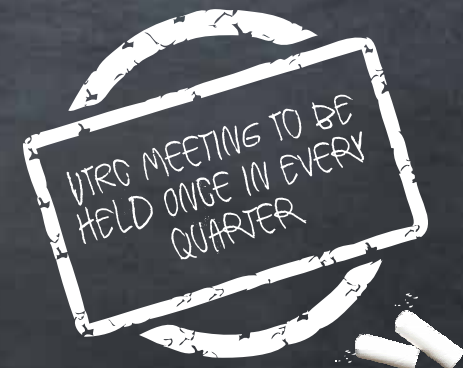
accused of unsound mind and must be dealt under **Chapter XXV, CrPC**



women offenders – **S.437, CrPC**



Implementation of Probation of Offenders Act, 1958



* Refer Annexure E on pg. 69 for Guidance Note for Under Trial Review Committees.

WHAT'S ON GROUND

CHRI's Findings on the Functioning of UTRCs vis-à-vis
Supreme Court Directions in
Re-Inhuman Conditions in 1382 Prisons



WHAT'S ON GROUND

The report primarily addresses the following questions:

- Whether Under Trial Review Committees are formed in all districts
- Whether meetings are held quarterly
- Whether all members attended all meetings
- Whether the mandate was followed – (i) whether cases under S.436A, CrPC reviewed; (ii) whether cases where bail have been granted and person is unable to furnish surety reviewed; and (iii) whether cases of compoundable offences reviewed
- How many undertrials were found eligible for release
- How many applications were moved by the panel lawyers
- How many undertrials were actually released

FINDINGS & RECOMMENDATIONS

The findings of this report are crucial for better understanding of how the mechanism functions on the ground, how is it different from what's on paper and how it could be further improved to fulfil its purpose.

- ✓ At present, there are 675 districts in the country.
- ✓ 26 states and union territories which responded to the RTI request have 478 districts.
- ✓ Out of the total 478 districts, 357 districts responded to the right to information request.
- ✓ Out of the 357 districts, 202 did not furnish the minutes of the meetings.
- ✓ Therefore, detailed analysis of minutes of the meetings could only be done for 155 districts.
- ✓ While nine State Legal Services Authorities (SLSAs) forwarded the right to information request under S.6(3) of the Right to Information Act, 2005, to all the District Legal Services Authorities, 13 SLSAs took the efforts of compiling information from various District Legal Services Authorities and provided consolidated information.
- ✓ The Bihar, Karnataka, Maharashtra and Odisha SLSAs though compiled the district-wise information but did not provide minutes of the meetings held in each district nor did they forward the right to information request to DLSAs.
- ✓ Though Kerala did forward the right to information requests to DLSAs, no replies were received.

For convenience, findings are divided in a number of sub-headings and each section is followed by recommendations.

I. Were Under Trial Review Committees formed in all districts

- **UTRCs have been formed in all 357 districts observed.**
- The Supreme Court directed, in the order dated 24 April 2015, that an UTRC be established in every district, within one month and the meeting of each such Committee should be held on or about 30th June 2015. The National Legal Services Authority (NALSA) sent numerous letters to ensure compliance by states and union territories. It was found that, despite NALSA's five reminders, districts did not constitute and hold their first meeting on or before 30 June 2015.

II. Were meetings held quarterly

- Ideally between the six months from May 2015 to October 2015, two meetings should have taken place in each district. But the data shows that **of a possible 714 mandated meetings only 527 were held.**¹³
- **Dates of meetings not provided:** Many districts provided information for meetings held beyond the specified time period requested. But where only the number of meetings were provided without dates, it was assumed that these meetings took place before 4 November 2015—the date of the RTI request—and meetings were not held beyond the specified time period.
- **Mandate of quarterly meetings misunderstood:** Though all replies claim that meetings are being held quarterly some discrepancies were found. The mandate of holding quarterly meetings is understood differently by the district committees. **Only 149 districts¹⁴ followed the strict three-month pattern and held meetings within three months (with 10 days of grace period). This means that 60 percent of the districts did not comply to the mandate of holding quarterly meetings.** On the other hand, there were districts which comprehended 'quarterly meetings' in a way that one meeting must be held in each of the four quarters not considering the time gap between the two meetings which ranged from four to six months. For instance, in Tiruvannamalai District of Tamil Nadu, a meeting was held on 14 July 2015, having considered it a meeting for the quarter July–September, the next meeting was held in the next quarter (October–December) on 02 December 2015—clearly exceeding three months. A similar situation was found

¹³ Karnataka, Kerala, Maharashtra & Odisha did not provide the district-wise number and minutes of meetings.

¹⁴ Araria, Aurangabad, Banka, Begusarai, Bhagalpur, Bhojpur, Buxar, Darbhanga, East Champaran, Gaya, Gopalganj, Jamui, Jehanabad, Kaimur, Katihar, Kishanganj, Khagaria, Lakhisarai, Madhepura, Madhubani, Monghyr, Muzaffarpur, Nalanda, Nawada, Patna, Purnea, Rohtas, Saharsa, Samastipur, Saran, Sheikhpura, Sheohar, Sitamarhi, Siwan, Supaul, Vaishali & West Champaran (Bihar SLSA mentioned this in their reply but did not provide dates of meetings); Balod, Bastar, Dhamtari, Durg, Janjgir-Champa, Kabirdham, Korea, Mahasamund, Raigarh, Surguja, Surajpur & Uttar Bastar Kanker (Chhattisgarh); Central Delhi, North Delhi, North West Delhi & South Delhi (Delhi); North Goa & South Goa (Goa); Faridabad, Gurgaon, Hisar, Mahendragarh, Panipat, Rewari & Sonapat (Haryana); Hamirpur, Kangra, Kinnaur, Kullu, Sirmour, Solan & Una (Himachal Pradesh); Bokaro, Dhanbad, Gumla, Khunti, Pakur & Palamau (Jharkhand); East Khasi Hills, South West Khasi Hills & West Jaintia Hills (Meghalaya); Bathinda, Fatehgarh Sahib, Fazilka, Ferozepur, Hoshiarpur, Jalandhar, Kapurthala, Mukhtar, Nawanshahr, Rupnagar & Sangrur (Punjab); Puducherry (Puducherry); Ajmer, Banswara, Baran, Barmer, Bharatpur, Bhilwara, Chittorgarh, Bikaner, Churu, Dausa, Dholpur, Dungarpur, Hanumangarh, Jaipur, Jaisalmer, Jalore, Jodhpur, Karauli, Nagaur, Pali, Pratapgarh, Rajsamand, Sawai Madhopur, Sikar, Tonk & Udaipur (Rajasthan); North Sikkim, South Sikkim & West Sikkim (Sikkim); Coimbatore, Karur, Nammakal, Nilgiris, Pudukkottai, Thanjavur, Theni, Thoothukudi, Tirunelveli, Tiruvallur, Viluppuram, & Virudhunagar (Tamil Nadu); Karimnagar (Telangana); Gomati, North Tripura, South Tripura & Unakoti (Tripura); Ambedkar Nagar, Bulandshahr, Ghaziabad, Gazipur, Hathras, Kanpur Nagar, Lucknow, Mathura, Mirzapur, Siddharthnagar & Sonbhadra (Uttar Pradesh) and Birbhum & Dakshin Dinajpur (West Bengal).

in 24 districts¹⁵ where at least one meeting was held after more than four months, thereby delaying early identification and action on unnecessary detention cases.

So, even if the committee recommended the lawyer to follow up a compoundable case or represent an inmate who has been granted bail but does not have surety, without any review for four to five months, the undertrial would be at the mercy of the lawyer who might not be available for reasons of ill-health or any other personal or professional reasons.

- **Overly long gaps in meetings:** Then there are instances where there was a gap of more than six months between two meetings. In Silvassa (Dadra & Nagar Haveli) the first meeting took place on 24 June 2015 and the second meeting was held after eight months on 29 February 2016. Similarly in Patiala (Punjab), after the meeting in May end 2015 the next meeting took place in November end 2015. The worst case was in Godda (Jharkhand) where there was a gap of nearly nine months between two meetings from 06 July, 2015, to 29, March, 2016.

Overall the minutes show that constant tracking of directions of the committee have secured a few releases. Where there were no meetings or follow-ups there were no releases either.

- **Good practice of monthly and more frequent review meetings:** A good practice was noticed in 27 districts¹⁶ where monthly meetings took place. In Jamtara and Jamshedpur (Jharkhand), DLSAs issued orders to conduct UTRC meetings monthly. This helps in continuously tracking the progress of the recommended cases and ensures prompt action leading to release of undertrials. The minutes of one meeting of South West District of Delhi suggest that the meeting continued for two days. This indicates the kind of time needed to review individual cases carefully. Short duration meetings are likely to be cursory and when held infrequently as well are unlikely to achieve the purpose for which the Supreme Court constituted them.

Meetings were held more than once a month in six districts. These are Shimla (Himachal Pradesh); Khunti (Jharkhand); East Khasi Hills & West Garo Hills (Meghalaya); SBS Nagar (Punjab); Baran (Rajasthan). Here the meetings were held enthusiastically each month for the first few months of the formation of the UTRC but then reduced in frequency.

No fixed schedule was followed elsewhere.

- **No meetings because no eligible cases under S.436A CrPC:** A unique situation came to light in Sirsa (Haryana) and Chatra (Jharkhand) where no meeting has taken place till date as no prisoner was found entitled to benefit from S.436A CrPC as per the reports of the Courts and Superintendent of District Jail. A similar situation appeared in Chatra (Jharkhand) based on the report of the prison in-charge. This justification, however, clearly indicates that the other mandates of the UTRC are being ignored.
- **Reasons withheld for not holding meetings:** Replies received from Andaman & Nicobar Islands, Mansa district (Punjab) and six districts of Mizoram (Aizwal, Lunglei, Mamit, Serchhip, Lawngtlai & Saiha) mention that meetings were not held but they did not provide any reason for the same. Ramgarh (Jharkhand) mentioned in their response that the Jail of Ramgarh was relocated in January 2016 and no meetings of UTRC have been held since. The mere reason of relocation does not suffice for not holding the UTRC meeting.

15 Silvassa (Dadra & Nagar Haveli); South West (Delhi); Chamba (Himachal Pradesh); Ambala, Kurukshetra, Panipat & Fatehabad (Haryana); Bokaro, Dumka, Godda, Latehar & Pakur (Jharkhand); Ri Bhoi (Meghalaya); Barnala, Taran Taran, Pathankot, Patiala & SBS Nagar (Punjab); Pratapgarh (Rajasthan); East District (Sikkim); Tiruchirapalli & Perambalur (Tamil Nadu) and Mahbubnagar & Karim nagar (Telangana).

16 Araria, Aurangabad, Banka, Begusarai, Bhagalpur, Bhojpur, Buxar, Darbhanga, East Champaran, Gopalganj, Jehanabad, Kaimur, Kishanganj, Khagaria, Lakhisarai, Monghyr, Muzaffarpur, Patna, Purnea, Samastipur, Sitamarhi, Siwan, Sheohar & Supaul (Bihar); Mahendragarh & Sonapat (Haryana); and North District (Sikkim).

- i. It is recommended that in order to keep a constant vigil on the action taken on the recommended cases, meetings of the UTRC be held monthly. This is particularly more important now with the expanded mandate which includes cases of undertrials eligible under S.436 and S.167 of the Code of Criminal Procedure (the Code). In the alternative, the quarterly UTRC meetings should be supplemented with monthly 'tracking meetings' of the DLSA with the panel lawyers to track the status of the directions/recommendations given. Since every case would require a follow up unique to the circumstances of the case, period of detention, and offence allegedly committed, the follow up of recommended cases should be prompt and accordingly done and NOT be left for the next quarterly meeting.
- ii. Every UTRC meeting should have two elements- a) to look at the status of the directions of the previous meetings and b) the review of the new cases.¹⁷
- iii. To ensure regularity the day/date of the meeting be pre-set by the members of the committee. For example, UTRC meeting be scheduled for the first Saturday of every month/quarter. The Chairperson must send a letter in this regard to all the members to fix a permanent day/date for the meeting or it must be mutually decided by all the members when the next meeting is to be held.

III. Did all members attend all meetings

- **Chairperson present in all meetings:** The attendance of members has been impressive across the country. The Chairperson, District & Session Judge is the indispensable part of the committee and was present in every meeting held except for meetings in three districts.¹⁸ In addition to the Chairperson, there were other judicial officers who occasionally attended the committee meetings.¹⁹
- **Frequent attendance by police representative:** Besides the Chairperson who had to be inevitably present, the most frequent attendance was by the Superintendent of Police. Superintendent of Police was represented by his subordinates in many committee meetings.²⁰ Additionally, on many occasions it was seen that Superintendent of Police was accompanied by seniors or subordinates.²¹ It must be noted that in Ambala (Haryana), both Commissioners of Police (City and Rural) were made part of the committee.
- **District Magistrate present in most meetings:** The District Magistrate was found to be missing at least from eight meetings.²² The District Magistrate

¹⁷ Refer Annexure D on pg. 65 for CHRI Suggested Format for Recording Minutes and Quarterly Reporting by DLSAs to SLSAs.

¹⁸ Except for Gumla (Jharkhand) and East Jaintia Hills (Meghalaya) where meetings were held under the Chairmanship of Deputy Commissioner. It is not clear whether District & Sessions Judge was a part of the meeting or not. Similarly, one meeting in Bikaner was presided by District Magistrate.

¹⁹ Assistant District & Sessions Judge, Senior Civil Judge, Judicial Magistrates, Metropolitan Sessions Judge.

²⁰ North, North West & Central districts (Delhi); Ambala (Haryana); Sri Muktasar Sahib & Bhatinda (Punjab); Chittorgarh, Hanumangarh, Karauli, Nagaur/Merta & Sawai Madhopur (Rajasthan); Basti (Uttar Pradesh); Gomti Udaipur (Tripura) and Khammam (Telangana).

²¹ In West Jaintia Hills (Meghalaya) – Additional Superintendent of Police (ASP) and Deputy Superintendent of Police (DSP); in Jalandhar, Kapurthala, Tarn Taran & Hoshiarpur (Punjab) – Senior Superintendent of Police (SSP); in Amritsar (Punjab) – ASP Rural and SP/HQ cum Traffic; in Tiruchirapalli (Tamil Nadu) – Deputy Commissioner of Police also attended the meeting along with Superintendent of Police.

²² In Gomati Udaipur (Tripura) DM did not attend a meeting despite reminders and communication through phone. Other examples of absence - North West (Delhi); South West Khasi Hills (Meghalaya) and Faizabad and Ambedkar Nagar (Uttar Pradesh), Mahbubnagar and Khammam in Telangana.

was also represented by his subordinates in many committee meetings.²³

- **Presence of other officers:** Several of the more diligent committees such as Ambala, Hisar, Mahendragarh in Haryana, Bokaro, Koderma, Latehar in Jharkhand and Fatehpur in Uttar Pradesh invited other persons to attend the meetings. This assists in better coordination between the various actors and expedites the action taken on each case. The most prominent invitees were Superintendents or officers in-charge of Central/District/ Women/Sub Jails, Probation Officers, Public Prosecutors, District Attorneys, Government Pleaders, President of the Advocates Bar Association and Advocate members of DLSA.
- **Presence of subordinates:** The West Garo Hills (Meghalaya) made a clear direction that no subordinates be deputed to attend its meetings.

- i. **It is recommended that the prison in-charge be formally added as the member of the committee. The rationale is that it is in his/her physical custody that prisoners are kept and also because prison in-charge has access to the detailed record of each prisoner as well as familiarity with his personal demeanour and circumstances. Further, his presence in the committee will ensure updated status of releases in his prison.**
- ii. **In many instances, a representative of the prosecution department was invited to the meetings. If added as member, they can assist in assessing the status of chargesheets.**
- iii. **In states where probation/welfare officers have been appointed, they should be made part of the committee as they can draw attention to the situation of petty offenders and also bring their own specialised knowledge of the Probation of Offenders Act to the committee.**

IV. Was the full mandate followed

- **Irregularities in complying with mandate:** An analysis of minutes of the meetings show patterns of irregularity vis-à-vis the mandate prescribed by the Hon'ble Court in its 24 April 2015 order which clearly directed for the review of three categories of cases of undertrials – (i) detained under S.436A, CrPC; (ii) have been granted bail but could not furnish sureties; and (iii) detained under compoundable offences.²⁴ Though now the mandate of these committees has been expanded by the order dated 5 February, 2016, this submission does not take it into account as the right to information requests were filed in early November 2015.²⁵

23 Additional District Magistrate attended on behalf of DM in North district (Delhi), South Goa (Goa); East Khasi Hills & West Jaintia Hills (Meghalaya); Hoshiarpur (Punjab), Koderma (Jharkhand); Chittorgarh, Nagaur/Merta, Pali, Sawai Madhopur & Sirohi (Rajasthan); Basti (Uttar Pradesh) and Gomati Udaipur (Tripura). SDM represented the DM in North & North West districts (Delhi) and Karauli (Rajasthan). Other designations were District Revenue Officer, Additional Collector, City Magistrate, Assistant Deputy Commissioner, Divisional Magistrate, Assistant Commissioner (General), Acting Officer, Zila Parishad and Chief Development Officer.

24 Section 320 of the CrPC looks at compounding of offences. Compoundable offences are less serious criminal offences and are of two different types mentioned in tables in Section 320 of the CrPC – (i) without the permission of the Court (e.g. adultery, causing hurt, defamation criminal trespass; and (ii) with the permission of the Court (e.g. theft, criminal breach of trust amongst others).

25 Refer pg. 9 for the expanded mandate of the UTRCs.

■ **Minutes not provided for all meetings: Of the 527 minutes only about half provided minutes (256 meetings).** Out of these, 14 meetings²⁶ were introductory where conduct of business for the UTRC was discussed and actual review of cases did not take place.

■ **Only 35 percent districts fulfilled the mandate: Only 54 districts²⁷ across the country followed the full mandate and reviewed all the three categories of cases as directed. This essentially means that 65 percent of the districts did not comply with the directions of the Hon'ble Court.**

(i) **were cases under S.436A, CrPC reviewed**

■ **Emphasis given to S.436A, CrPC: Of 256 review meetings, a majority of 252 meetings reviewed cases of undertrials under S.436A, CrPC.**

■ **S.436A, CrPC & multiple offences²⁸** – In 23 districts²⁹, UTRCs specifically looked into cases of undertrials charged with multiple offences and checked if an undertrial is eligible under S.436A for the lesser offence. In all cases, though many undertrials were found eligible and in many cases panel lawyers were instructed to offer legal services, none of them were released. The reason given was that one of the offences was serious in nature. In Kabirdham and Uttar Bastar Kanker districts of Chhattisgarh, the UTRC did not consider releasing the undertrials because they were involved in so called 'naxal' cases.³⁰

(ii) **were cases of 'bail no surety' reviewed**

■ **37.5 percent meetings fall short of mandate: Out of the 256 review meetings, in 160 meetings cases of undertrials who have been granted bail but were unable to furnish surety were considered for review.** This suggests that less than two-third of the review meetings we examined do not follow the Court's mandate.

26 Silvassa (Dadra & Nagar Haveli); Janjgir-Champa, Kabirdham & Korea (Chhattisgarh); Mahendragarh (Haryana); North Garo Hills, West Khasi Hills and West Jaintia Hills (Meghalaya); Amritsar, Jalandhar & Rupnagar (Punjab); Khammam (Telangana) and 2 meetings in Dakshin Dinaj (West Bengal).

27 Chandigarh; Bastar, Durg, Janjgir-Champa, Kabirdham, Mahasamund, Raigarh & Surajpur (Chhattisgarh); Dadra & Nagar Haveli; South Delhi & South West Delhi (Delhi); North Goa & South Goa (Goa); Ambala, Hisar, Kurukshetra & Rewari (Haryana); Deoghar, Godda & Gumla (Jharkhand); East Garo Hills, East Khasi Hills, Ri Bhoi, West Khasi Hills & South West Khasi Hills (Meghalaya); Amritsar, Bathinda, Hoshiarpur, Kapurthala, Pathankot, Rupnagar, & Tarn Taran (Punjab); Dholpur, Jaipur & Nagaur (Rajasthan); Nilgiris, Perambalur, Theni, Thoothukudi, Tiruchirappalli & Tiruvallur (Tamil Nadu); Mahbubnagar & Warangal (Telangana); Gomati, South Tripura & West Tripura (Tripura); Basti, Bulandshahar, Ghaziabad, Hathras, Lucknow & Siddharthnagar (Uttar Pradesh); and Purulia (West Bengal).

In the 24th April 2015 order, the Hon'ble Court has observed that, "it will be appropriate if in a case of multiple offences, a review is conducted after half the sentence of the lesser offence is completed by the under trial prisoner." The same was clarified in the order, dated 17 September 2015 that, "there is no mandate that a person who has completed half the period of his sentence, in the case of multiple offences, should be released. This is entirely for the Under Trial Review Committee and the competent authority to decide and there is absolutely no direction given by this Court for release of such undertrials. Their case will have to be considered by the Under Trial Review Committee and the competent authority in accordance with law."

28 In the 24th April 2015 order, the Hon'ble Court has observed that, "it will be appropriate if in a case of multiple offences, a review is conducted after half the sentence of the lesser offence is completed by the under trial prisoner." The same was clarified in the order, dated 17 September 2015 that, "there is no mandate that a person who has completed half the period of his sentence, in the case of multiple offences, should be released. This is entirely for the Under Trial Review Committee and the competent authority to decide and there is absolutely no direction given by this Court for release of such undertrials. Their case will have to be considered by the Under Trial Review Committee and the competent authority in accordance with law."

29 Kabirdham & Uttar Bastar Kanker (Chhattisgarh); North District (Delhi); Bokaro, Gumla, Pakur, Palamau, Sahibganj, Khunti (Jharkhand); Baran, Bharatpur, Bhilwara, Churu, Hanumangarh, Jaipur, Jhunjhunu, Jodhpur Metropolitan, Nagaur/Merta, Sikar, Sri Ganganagar & Udaipur (Rajasthan); North Tripura, Unakoti-Kailashahar (Tripura).

30 Ministry of Home Affairs advisory on the 'Guidelines on reckoning half-life of time spent in judicial custody of Under-trial prisoners under S.436A of Cr.P.C.' also provides that, "For those UTPs arrested for more than one offence in the same case in case where each of those offences attract separate sentences of differing lengths, one lesser and the other larger, his period of half-life would be reckoned from the date of detention, and even when the half-life is over for the lesser offence he would continue in detention, till the half-life of the sentence is over for the other graver offence which attracts a longer sentence." For those undertrials arrested and being tried for more than one offence in separate cases is explained with an illustration, "if A completes his half-life for the first offence where his detention is reckoned from 01-01-2012, his date of arrest, and is released on bail and commits the second offence u/s 239 while on bail and is arrested again say on 01-08-2013, his half-life would now be considered from his second date of arrest without the benefit of setting off his earlier detention period."

(iii) were cases of compoundable offences reviewed

- **Nearly half of the meetings did not address compoundable offences (49 percent) – Of 256 review meetings, only in 139 meetings were cases of compoundable offences considered for review.** Therefore, compoundable offences were not taken up by the UTRCs for review half the time.

V. Additional kinds of cases

Encouragingly, some of the UTRCs have been proactive in considering some more cases under review which are listed below:

S.No.	Additional Kinds of Cases	Name of District/s
1	S.436 of the Code of Criminal Procedure, 1976	Tarn Taran (Punjab), Nilgiris (Tamil Nadu), Bikaner, Karauli (Rajasthan); Birbhum, Cooch Behar, Malda, (West Bengal)
2	The Probation of Offenders Act, 1958	Hisar (Haryana) in its first meeting
3	S.167, CrPC Whether chargesheets filed within 60/90 days	Tiruvannamalai (Tamil Nadu); Rangareddy (Telangana)
4	Completed ¼ of prescribed imprisonment (as provided under the 2013 MHA advisory ³⁰)	Uttar Bastar Kanker (Chhattisgarh), South West (Delhi), North Goa (Goa); Sirmaur and Una (Himachal Pradesh), Dhanbad (Jharkhand), Jaipur (Rajasthan)
5	Preventive Arrest	Mahasamund (Chhattisgarh), South Goa (Goa), East Garo Hills (Meghalaya)
6	Speedy disposal of NDPS cases	Mahendragarh(Haryana)
7	Petty Offences	Sikar (Rajasthan), Fatehgarh Sahib (Punjab)
8	Mentally Ill	Bastar (Chhattisgarh)
9	Prisoners charged with offences up to 7 years imprisonment	Hisar (Haryana)
10	Prisoners above 70 years of age and terminally ill	Ambedkar Nagar (UP)
11	Identifying unrepresented prisoners	Hathras & Mathura (UP), East Khasi Hills (Meghalaya), Ambedkar Nagar (Uttar Pradesh)
12	Inability to produce inmates due to shortage of police escorts	Dausa (Rajasthan); Rangareddy (Telangana)
13	Review as per the period of detention of undertrials – up to 6 months, 6 months to 1 year and more than 1 year	Rangareddy (Telangana)
14	Pending applications for parole/furlough	Mahendragarh, Fatehabad (Haryana)
15	Victims of acid attack	South East Delhi, Mahendragarh(Haryana), Baran (Rajasthan)

31 Refer Annexure B, pg. 62, No. V-13013/70/2012-IS (VI), Ministry of Home Affairs (CS Division), GOI on 'Use of Section 436A of the Cr.P.C. to reduce overcrowding of prisons.'

(vi) **Good Practice set by UTRCs –**

Other than the directions given to panel lawyers or retainer lawyers regarding follow up of the cases recommended by UTRCs, many directions were issued by the UTRCs in streamlining the process. Some good practices noticed are listed below –

- **Where UTRC members, judicial officers, administrative officers and advocates regularly visit jails:** Korea (Chhattisgarh); South Delhi (Delhi); Rewari (Haryana); East Khasi Hills & Ri Bhoi (Meghalaya); Ballia (Uttar Pradesh); Rangareddy (Telangana); Gomati (Tripura)
- **Where Legal Services Authorities conduct periodic legal awareness programmes and educate undertrials on right to bail, compoundable offences and plea bargaining:** South West Delhi, South Delhi (Delhi); Rewari (Haryana); Jaipur (Rajasthan)
- **Where treatment is prescribed to a mentally ill undertrial unfit to stand trial:** Bastar (Chhattisgarh)
- **Where a list of details of witnesses, effective service of summons to witnesses & ensuring their presence is maintained:** Mahendragarh (Haryana); Dausa (Rajasthan), Siddharthnagar (UP), Bharatpur, Dausa, Sirohi (Rajasthan), Ambedkar Nagar (Uttar Pradesh); Rangareddy (Telangana)
- **Where the actual age of undertrials in the age group of 18-21 years is investigated:** Khammam (Telangana)
- **Where there is a report on attendance of panel lawyers with respect to cases of UTPs and regarding non-representation of the panel lawyers:** South Goa (Goa)
- **Where the SLSA used proformas for seeking a report from the DLSAs and the UTRC asked courts to track releases:** Meghalaya
- **Where there is a counter signature in the inner case diary on every date of extension of remand of the accused till filing of the chargesheet³²:** South West Delhi
- **Where there is an IT Department, Jail Department to create the database of compoundable cases:** Hisar (Haryana)
- **Where there is tracking of total pendency and increase in crime rate –** Rangareddy (Telangana)
- **Where there is review as per the period of detention of undertrials –** up to six months, six months to one year and more than one year – Rangareddy (Telangana)
- **Where there is oversight on the general welfare of the UTPs in the jail –** Mahendragarh (Haryana); Ri Bhoi (Meghalaya); Sirohi (Rajasthan); Khammam (Telangana)
- **Where the Superintendent of Police can provide information about previous convictions and crime reports of undertrials –** Jodhpur Metropolitan (Rajasthan)
- **Where undertrials are detained, to the extent possible, in jails located near court –** Khammam (Telangana)
- **Where Investigation Officers file prompt final reports to expedite disposal –** Rangareddy (Telangana)

³² This probably refers to the Explanation II under S.167(2) of the Code which provides – If any question arises whether an accused person was produced before the Magistrate as required under paragraph (b), the production of the accused person may be proved by his signature on the order authorising detention.

- i. **Mandate Management:** It is recommended that UTRCs conduct their reviews by full mandate set by the court instead of partial. The discretion to go beyond mandate should be wisely applied as disparate concerns like victim compensation, etc. have been taken up during review time.
- ii. **Suggested Additional Mandate** – Based on the good practice of reviewing additional categories of cases by the various UTRCs it is recommended that the mandate must include the following cases of undertrials who –
 - A. do not have a lawyer and are eligible for legal aid - this is mainly because Secretary, DLSA is the member of the URC and also our legal aid study has shown that the coordination between the DLSA and the prison is much needed to provide legal aid at the earliest to the accused;
 - B. have not been physically produced for the last two consecutive hearings due to lack of police escorts; and
 - C. are charged with offences punishable with death sentence, and thus are beyond the purview of section S.436A CrPC. Review be directed to ensure that their trials are also complete within a reasonable period. The Committee be directed to look into the reasons for delay in trial beyond 18 months and recommend for prompt disposal of their cases.

V. Eligibilities, Applications Moved, Releases –

(i) Undertrials who were found eligible for release

- Only 16 out of 26 states who responded to the RTI, could provide information on eligible cases.³³ Andaman & Nicobar Islands, Bihar, Dadra & Nagar Haveli, Daman & Diu, Karnataka, Kerala, Maharashtra, Mizoram, Odisha, Puducherry were the 10 states that failed to provide the information.
- A total number of 2112 cases were found eligible for release by UTRCs in 16 states. Case eligibilities were clearly identified by the UTRCs in Chandigarh³⁴, Chhattisgarh³⁵, Delhi³⁶, Goa³⁷, Haryana³⁸, Himachal Pradesh³⁹, Jharkhand⁴⁰, Meghalaya⁴¹, Punjab⁴², Rajasthan⁴³, Sikkim⁴⁴, Tamil Nadu⁴⁵, Telengana⁴⁶, Tripura⁴⁷, Uttar Pradesh⁴⁸ and West Bengal.⁴⁹

33 Chandigarh, Chhattisgarh, Delhi, Goa, Haryana, Himachal Pradesh, Jharkhand, Meghalaya, Punjab, Rajasthan, Sikkim, Tamil Nadu, Telengana, Tripura, Uttar Pradesh & West Bengal.

34 Chandigarh district.

35 Balod, Bastar; Janjgir Champa, Kabirdham, Mahasamund, Raigarh, Surajpur & Uttar Bastar Kanker.

36 North West, Central, South East & South.

37 North Goa.

38 Ambala, Rewari & Sonipat.

39 Hamirpur & Kangra.

40 Bokaro, Dumka, Godda, Gumla & Sahibganj.

41 East Khasi Hills, Ri Bhoi & West Garo Hills.

42 Barnala, Bathinda, Fatehgarh Sahib, Jalandhar, Kapurthala, Muktsar, Pathankot, Rupnagar and Tarn Taran.

43 Bharatpur, Bhilwara, Bikaner, Chittorgarh, Dungarpur, Hanumangarh, Jaipur, Jalore, Jodhpur, Nagaur, Pratapgarh, Rajsamand, Sawai Madhopur, Sirohi & Sri Ganganagar.

44 East Sikkim, North Sikkim, South Sikkim & West Sikkim.

45 Karur, Thoothukudi, Tiruchirapalli, Tirunelveli, Tiruvallur & Tiruvarur.

46 Mahbubnagar & Warangal.

47 Gomati, North Tripura, Unakoti & West Tripura.

48 Bareilly, Bulandshahar, Ghaziabad, Hathras, Lucknow, Mathura, Mirzapur, Saharanpur, Siddharthnagar & Sonbhadra.

49 Cooch Behar, Dakshin Dinajpur, North 24 Parganas & Purulia.

- The maximum eligible cases were those where applications for compoundable cases (931) were recommended followed by cases where bail was granted but no sureties could be furnished (636) followed by with applications for releases under S.436A, CrPC coming to (126). Additionally, ten UTRCs⁵⁰ recommended 404 cases without specifying the eligibility criteria.
- The identified number of eligible cases for release in the ascending order is as follows – Himachal Pradesh (3), Goa (4), Telangana (23), Meghalaya (27)⁵¹, Jharkhand (28)⁵², West Bengal (28), Tripura (47), Haryana (61), Chhattisgarh (84)⁵³, Chandigarh (86), Punjab (131), Delhi (321)⁵⁴, Tamil Nadu (238)⁵⁵, Uttar Pradesh (254)⁵⁶, Sikkim (268)⁵⁷, and Rajasthan (509).
- Cases eligible under S.436A, CrPC were identified by UTRCs in the 9 states of Chhattisgarh (11)⁵⁸, Delhi (22)⁵⁹, Haryana (2)⁶⁰, Himachal Pradesh (3)⁶¹, Jharkhand (7)⁶², Meghalaya (1)⁶³, Rajasthan (11)⁶⁴, Punjab (15)⁶⁵ and Uttar Pradesh (54).⁶⁶
- In as many as 15 states the UTRCs took into consideration cases where bail was already granted but the person continued in judicial custody as eligible for release under personal bond or release through relaxation of sureties. These were Chandigarh (10)⁶⁷, Chhattisgarh (25)⁶⁸, Delhi (70)⁶⁹, Haryana (9), Jharkhand (19)⁷⁰, Meghalaya (16)⁷¹, Punjab (46)⁷², Rajasthan (80)⁷³, Tamil Nadu (205)⁷⁴, Telengana (16)⁷⁵,

50 Mahasamund (Chhattisgarh); Central Delhi (Delhi); Sahibganj (Jharkhand); East Khasi Hills (Meghalaya); East Sikkim, North Sikkim, South Sikkim, West Sikkim (Sikkim); Karur (Tamil Nadu); Mirzapur (Uttar Pradesh).

51 In Meghalaya, in addition to the three categories of cases, 10 cases were also identified as eligible but the criteria is not clear.

52 In Jharkhand, in addition to the three categories of cases, 2 cases were also identified as eligible but the criteria is not clear.

53 In Chhattisgarh, in addition to the three categories of cases, 10 cases under preventive detention were also found eligible.

54 In Delhi, in addition to the three categories of cases, 108 cases were also identified as eligible but the criteria is not clear.

55 In Tamil Nadu, in addition to the three categories of cases, 5 cases were also identified as eligible but the criteria is not clear.

56 In Uttar Pradesh, in addition to the three categories of cases, 11 cases were also identified as eligible but the criteria is not clear.

57 In Sikkim, the criteria for identifying eligibilities is not clear. It only provided the number of eligible cases.

58 Raigarh & Uttar Bastar Kanker.

59 North West, Central Delhi & South East Delhi.

60 Rewari & Sonapat.

61 Hamirpur & Kangra.

62 Bokaro & Gumla.

63 West Garo Hills.

64 Bhilwara, Dungarpur, Jaipur, Jalore & Sawai Madhopur.

65 Bathinda & Tarn taran.

66 Bulandshahar, Ghaziabad, Hathras, Lucknow & Siddharthnagar.

67 Chandigarh district.

68 Balod, Bastar, Janjgir Champa, Mahasamund, Raigarh & Surajpur.

69 Central, North West & South Delhi.

70 Dumka, Godda & Gumla.

71 Ri Bhoi & West Garo.

72 Barnala, Bathinda, Fatehgarh Sahib, Kapurthala, Muktsar, Pathankot & Tarn Taran.

73 Bharatpur, Bhilwara, Chittorgarh, Jaipur, Jalore, Jodhpur & Rajsamand.

74 Thoothukudi, Tirunelveli & Tiruvallur.

75 Mahbubnagar & Warangal.

Tripura (47)⁷⁶, Uttar Pradesh (79)⁷⁷, West Bengal (19).⁷⁸

- Cases eligible under compoundable nature were identified by UTRCs in the states of Chandigarh (76)⁷⁹, Chhattisgarh (38)⁸⁰, Delhi (121)⁸¹, Goa (4)⁸², Haryana (50)⁸³, Punjab (70)⁸⁴, Rajasthan (418)⁸⁵, Tamil Nadu (28)⁸⁶, Telengana (7)⁸⁷, Uttar Pradesh (110)⁸⁸ and West Bengal (9).⁸⁹
- New and promising eligibilities were added by the UTRCs in the states of Meghalaya, Mizoram, Goa, Haryana, Jharkhand, Tripura, Telengana, Uttar Pradesh. These are elaborated in this report in the section titled 'Additional Mandate'.

(ii) Applications moved by the panel lawyers

- Applications by legal aid advocates were urged by the UTRCs in far more number of cases than were actually moved or the minutes indicate. This points to several critical faults such as poor maintenance of minutes, lack of adequate reporting and monitoring by panel lawyers with regard to directions for visits and advice to UTPs and moving applications for them or informing families and relatives of the conditions and sureties applied.
- The SLSAs of Kerala, Karnataka, Maharashtra and Odisha who directly replied to the RTI request failed to furnish consolidated information on how many applications had been recommended by the UTRCs and how many applications had been eventually moved by the DLSA lawyers or the numbers of releases.
- The DLSAs of Andaman & Nicobar Islands, Bihar, Daman & Diu, Goa and Tripura provided no information on applications moved.
- The total number of applications moved as per minutes received were 1027.
- Maximum applications were moved in the state of Mizoram (671). The minimum were moved in Chandigarh (4) and West Bengal (1).
- The minutes of the meetings received show that applications were moved by advocates in only some districts of Chhattisgarh⁹⁰, Delhi⁹¹,

76 Gomati, North Tripura, Unakoti & West Tripura.

77 Ghaziabad, Hathras, Lucknow, Mathura & Son Bhadra.

78 North 24 Parganas & Purulia.

79 Chandigarh district.

80 Bastar, Kabirdham, Mahasamund, Raigarh & Surajpur.

81 Central Delhi, North West, South East & South.

82 North Goa.

83 Ambala.

84 Bathinda, Jalandhar, Kapurthala & Pathankot.

85 Bhilwara, Bikaner, Chittorgarh, Hanumangarh, Nagaur, Pratapgarh, Rajsamand, Sirohi & Sri Ganganagar.

86 Tiruchirapalli.

87 Warangal.

88 Bareilly, Ghaziabad & Siddharthnagar.

89 Purulia.

90 Janjgir-Champa.

91 Central & North West Delhi.

Haryana⁹², Punjab⁹³, Rajasthan⁹⁴, Tamil Nadu⁹⁵, Uttar Pradesh⁹⁶ and West Bengal.⁹⁷ However, instructions by UTRCs to legal aid advocates to move bail applications were given in many more cases and in many meetings, districts and states.

- **Other Action Taken:** It is to be noted that the UTRCs did not only recommend the moving of applications by advocates.
 - They activated both judicial officers and legal aid panel lawyers to look into both unnecessary detentions as well as pendency.
 - They directed the advocates to have meetings with undertrials in jail to advise them on their cases or get their informed consent or seek reasons for not furnishing sureties.
 - They also asked lawyers to inform families and relatives of surety amounts.
 - Significantly, they sought information from both courts and prisons and gave directions to judicial magistrates or presiding officers of specific courts to relax sureties, to speed up progress of cases, particularly S.436A CrPC, or compoundable, and directed them to use the services of legal aid lawyers for effective release and case disposal.
 - In many cases, the UTRCs also recommended that compoundable cases or cases where UTPs were ready to plead guilty be looked into by the lok adalats.

(iii) Undertrials actually released

- The responses received show that total number of releases obtained in this time period were 514.
- Release related information was not received from the states of Andaman & Nicobar Islands, Bihar, Daman & Diu, Karnataka, Kerala, Maharashtra, Meghalaya, Odisha and Tripura.
- Releases took place in 11 states as per the minutes received from the DLSAs – Chandigarh (33), Chattisgarh (9), Delhi (5), Himachal Pradesh (1), Mizoram (265), Punjab (2), Rajasthan (15), Tamil Nadu (61), Telengana (44), Uttar Pradesh (73) & West Bengal (7).
- Amongst these 11 states, maximum releases were obtained in the state of Mizoram (265)⁹⁸ and minimum in Himachal Pradesh (1) and Delhi (6) and none in Dadra & Nagar Haveli, Goa and Sikkim.

92 Ambala.

93 Ludhiana & Rupnagar.

94 Jaipur, Rajsamand & Sawai Madhopur.

95 Karur & Tirunelveli.

96 Bareilly, Ghaziabad, Mirzapur, Saharanpur, Siddharthnagar.

97 Dakshin Dinajpur.

98 Mizoram is a unique case where no meetings were held or eligibilities identified, the maximum number of applications for release were moved by the UTRCs in Mizoram (671) effecting the maximum number of releases 265.

Table on Eligibilities, Applications Moved & Releases

S.No.	State	Eligible cases			Other ⁹⁹	Total Eligible Cases	Application Moved/ Other Action Taken	Releases ¹⁰⁰
		S.436A CrPC	Bail no Surety	Compoundable Cases				
1	Andaman & Nicobar Islands	NP	NP	NP		NP	NP	NP
2	Bihar	NP	NP	NP		NP	NP	NP
3	Chandigarh	0	10	76		86	4	33
4	Chhattisgarh	11	25	38	10	84	4	9
5	Dadra & Nagar Haveli	0	0	0		0	0	0
6	Daman and Diu	NP	NP	NP		NP	NP	NP
7	Delhi	22	70	121	108	321	108	5
8	Goa	0	0	4		4	NP	0
9	Haryana	2	9	50		61	59	0
10	Himachal Pradesh	3	0	0		3	NP	1
11	Jharkhand	7	19	0	2	28	0	0
12	Karnataka	NP	NP	NP		NP	NP	NP
13	Kerala	NP	NP	NP		NP	NP	NP
14	Maharashtra	NP	NP	NP		NP	NP	NP
15	Meghalaya	1	16	0	10	27	NP	NP
16	Mizoram	0	0	0	0	0	671	265
17	Odisha	NP	NP	NP		NP	NP	NP
18	Puducherry	0	0	0		0	0	0
19	Punjab	15	46	70		131	4	2
20	Rajasthan	11	80	418		509	37	15
21	Sikkim	NP	NP	NP	268	268	0	0
22	Tamil Nadu	0	205	28	5	238	38	61
23	Telangana	0	16	7		23	26	44
24	Tripura	0	47	0		47	NP	NP
25	Uttar Pradesh	54	79	110	11	254	75	73
26	West Bengal	0	19	9		28	1	7
	Total	126	641	931	414	2112	1027	515

⁹⁹ 10 UTRCs found other 414 cases eligible without specifying the eligibility criteria.

¹⁰⁰ Releases to be read as inclusive of releases not only under section S.436A CrPC, or cases under compoundable offences and cases where bail is granted but person is in custody due to lack of sureties but other eligibilities that the UTRCs gave attention to beyond these. These eligibilities are covered in the report section 'Additional Mandate'.

- i. **Guidelines for judicial officers & lawyers** – A plan of action must be created for lawyers with specific timelines for mandatory visit to prisons, communication with the undertrials and applying strategies for different kinds of cases to try for release. Guidelines must be provided for procedures to be followed and safeguards to be ensured in compoundable cases. Similarly, guidelines must be provided for judicial officers in dealing with cases in their respective courts. For instance, judicial magistrates must be given directions to keep conditions and sureties reasonable as per S.440 of the Code of Criminal Procedure, 1973.
- ii. **SLSA to have timely reporting back from DLSAs with minutes** for a consolidated picture and next steps for intervention and guidance.¹⁰¹
- iii. The SLSAs to develop reporting guidelines and formats for legal aid lawyers whose services are taken by the UTRCs so that there is timely delivery of relief and accountability.
- iv. There should be no delay in getting panel lawyers to begin their responsibilities nor any attempt made to divert their responsibilities to jail officials as evidenced in Gumla (Jharkhand) where the UTRC first asked the jailor to furnish bail bond, failing which panel lawyers would then be assigned the task.

¹⁰¹ Refer Annexure D on pg. 65 for CHRI Suggested Format for Recording Minutes and Quarterly Reporting by DLSAs to SLSAs. This format takes into account the expanded mandate with 14 eligibilities directed by the Supreme Court in its order dated 24th April 2015, 5th February 2016 and 6th May 2016.

OTHER RECOMMENDATIONS

1) **Identification of Eligible Undertrials** – UTRCs have either received information on undertrials from courts or prisons or both and accordingly made recommendations. Whether prisons or courts prepare the list of undertrials, two lists must be prepared and presented before the UTRC –

A. PRISON-WISE LIST OF UNDERTRIALS WITH A SINGLE CASE to be prepared prisoner-wise or court-wise in the following suggested proforma –

- i. Name of Undertrial/Father's Name
- ii. Age
- iii. Case Reference Number
- iv. Police Station
- v. Name of Court
- vi. Offence
- vii. Type of Offence – Compoundable or not
- viii. Maximum Prescribed Imprisonment
- ix. Date of First Remand (To be provided by courts)
- x. Date of Filing of Chargesheet (To be provided by courts)
- xi. Date of Judicial Custody
- xii. Period of Judicial Custody (YY/MM/DD)
- xiii. Lawyer – Whether Private or Legal Aid (To be provided by courts)
- xiv. Whether Bail Granted & Unable to Furnish Surety (To be provided by courts)
- xv. Next Date of Hearing
- xvi. Current Status of the Case

B. PRISON-WISE LIST OF UNDERTRIALS WITH MULTIPLE CASES, to be prepared only prisoner-wise in the following suggested proforma –

- i. Name of Undertrial/Father's Name
- ii. Age
- iii. Case Reference Number
- iv. Police Station
- v. Name of Court
- vi. Offence
- vii. Type of Offence – Compoundable or not
- viii. Maximum Prescribed Imprisonment
- ix. Date of Judicial Custody
- x. Period of Judicial Custody (YY/MM/DD)
- xi. Next Date of Hearing
- xii. Current Status of the Case

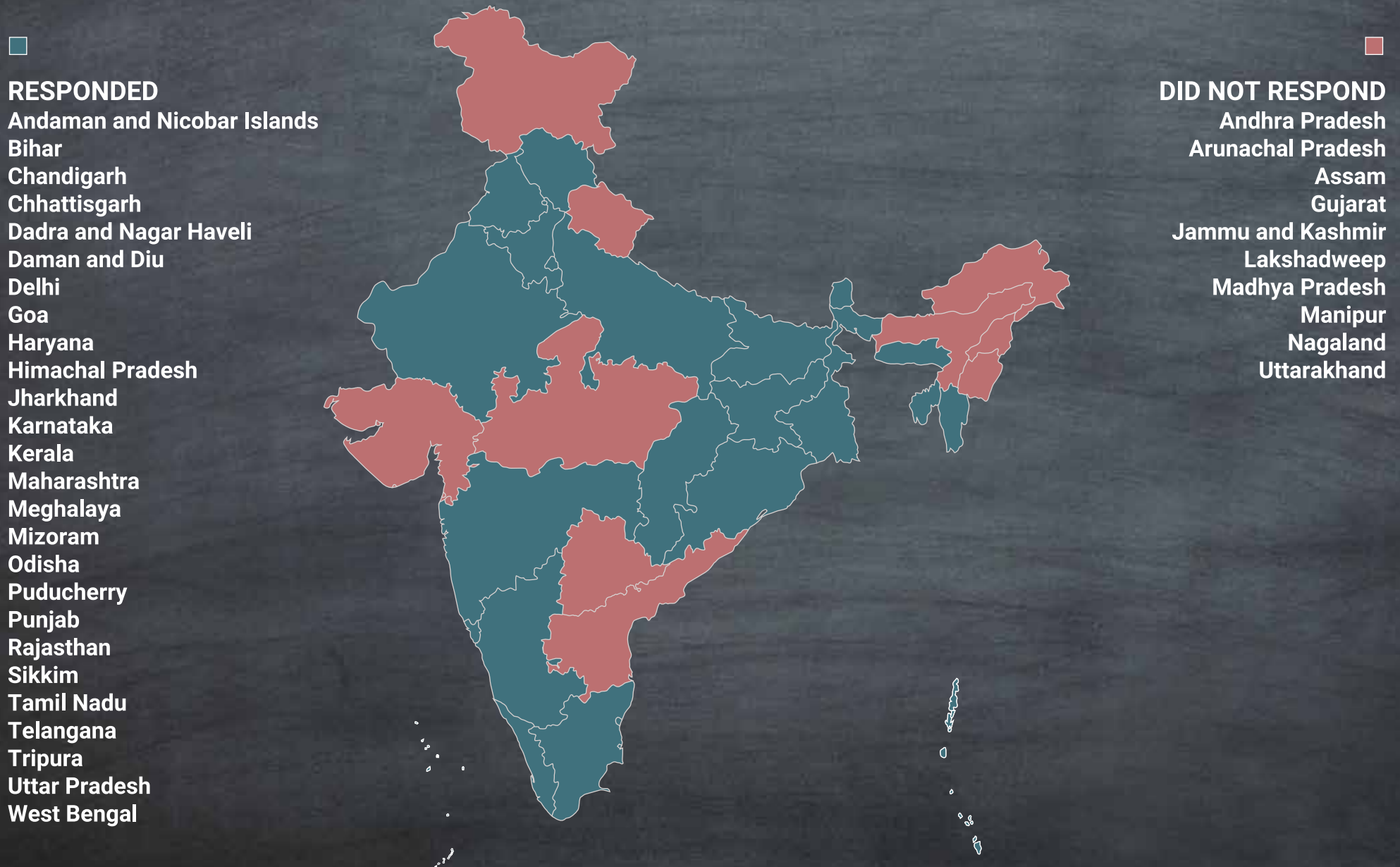
2) **CHRI's EPIC – Evaluation of Prisoners Information and Cases:** To assist the prison staff and the courts in preparing the lists of undertrials, CHRI has prepared a specialised excel sheet providing a database of offences, whether compoundable, whetherailable and maximum prescribed punishment. Once the basic information of undertrials is entered, it automatically evaluates the data and analyses it under various heads, viz.: eligibility for bail under Sections 167, 436, 436A,CrPC; eligibility for plea bargaining; petty offences; and total period of detention. If used, it will assist the prison/court staff immensely in identifying eligible prisoners for review from every jail including sub-jails. We urge the prison departments and the district judiciary to select some staff members from each prison and train them in using EPIC.

- 3) Identifying eligible undertrials must be more frequent than the meetings of the UTRC. This practice was followed by many UTRCs – lists to be submitted bi-monthly in South district (Delhi); monthly periodical statement in Latehar (Jharkhand); before the 5th of every month – Mirzapur (Uttar Pradesh). There was a suggestion for a software to have proper database of prisoners to generate lists of eligible cases – Hisar (Haryana).
- 4) Progress Reports of the recommended cases were called for in Chandigarh; South Goa (Goa); Bhilwara (Rajasthan); Ghaziabad (Uttar Pradesh). Raigarh (Chhattisgarh) formed a sub-committee comprising of Collector, SDOP & CJM for the monitoring.
- 5) Regarding review of cases by UTRCs –
 - a. There was a suggestion by the Collector in the South Goa district (Goa) to release accused in cases of S.151 on personal bond.
 - b. UTRCs must be assisted by knowing the different responsibilities of different sets of legal aid advocates and entrusting responsibilities as per their competencies. It has been done in Mahasamund (Chhattisgarh).
- 6) Directions must be given to Investigating Officers regarding filing of chargesheets to be streamlined and expedited as was done in South West (Delhi); Kolasib (Mizoram). And, to file prompt final reports to expedite disposal as observed in Rangareddy (Telangana).
- 7) Taking a good practice from Dausa (Rajasthan), directions must be given by UTRCs to Superintendent of Police to provide adequate number of police escorts to be able to produce each UTP for every hearing.
- 8) In Ambedkar Nagar (Uttar Pradesh), undertrials were informed about the result of review conducted by the UTRC. This must be specifically directed to be done by all UTRCs.
- 9) Every small delay matters and this must be considered by the UTRCs. To overcome one of the delays, in Hathras (Uttar Pradesh) and Khammam (Telangana), Superintendent of Police was directed to present evidence on the fixed dates before the Court and expedite the verification of sureties report.
- 10) Good directions of UTRCs with regard to lawyers to inform families and relatives of surety conditions need to be standardized across UTRCs.
- 11) The Superintendent of Police should provide information about previous convictions and crime reports of undertrials and any information recorded about the accused's family and roots as partly undertaken by the SP in the Jodhpur Metropolitan UTRC.
- 11) There must be a report on attendance of panel lawyers with respect to cases of UTPs and regarding non-representation of the panel lawyers as done by South Goa district (Goa).

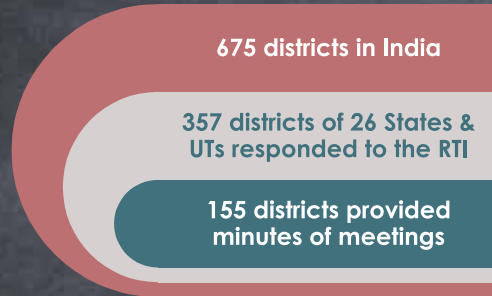
NATIONAL REPORT CARD



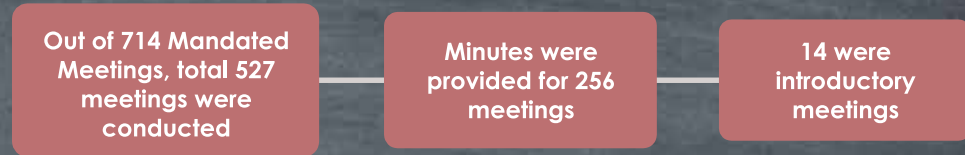
Map Showing the Response of States and Union Territories to CHRI's Right to Information Request



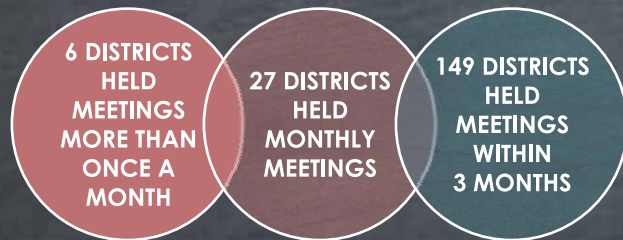
A. DATA COLLECTION



B. INFORMATION ON MEETINGS HELD

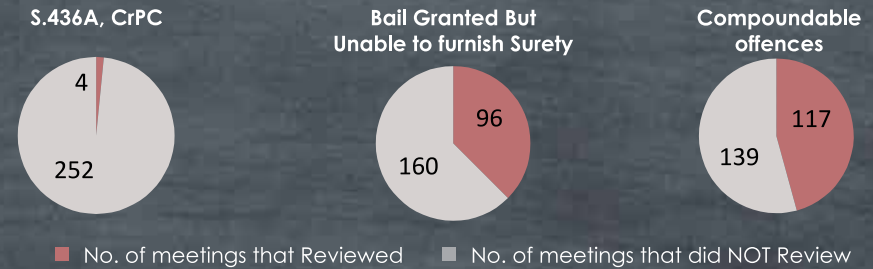


C. FREQUENCY OF MEETINGS

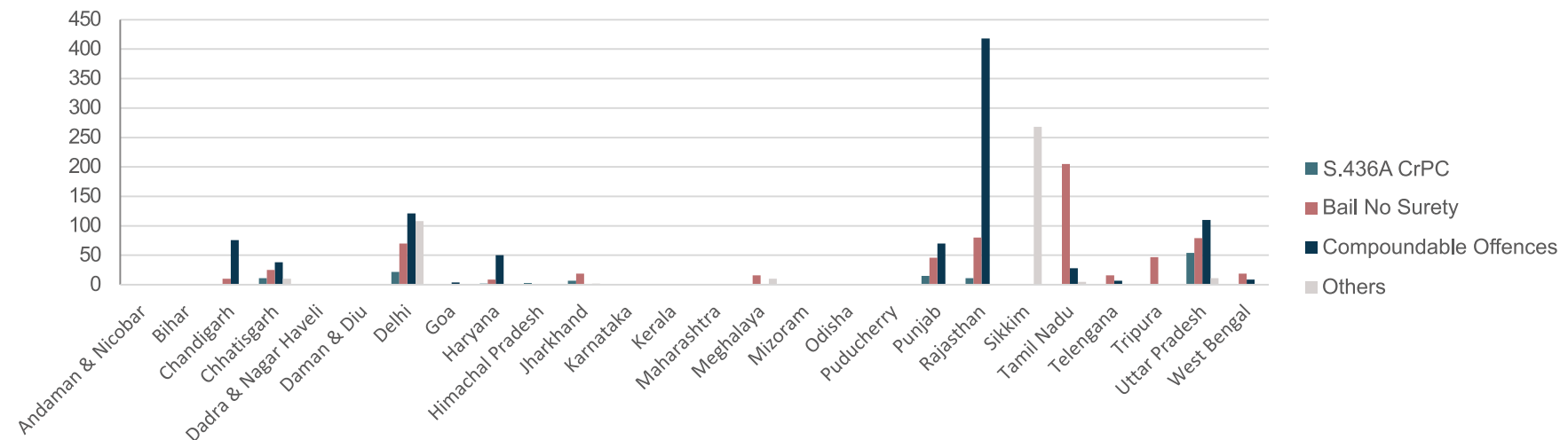


D. MANDATE OF THE UTRCs

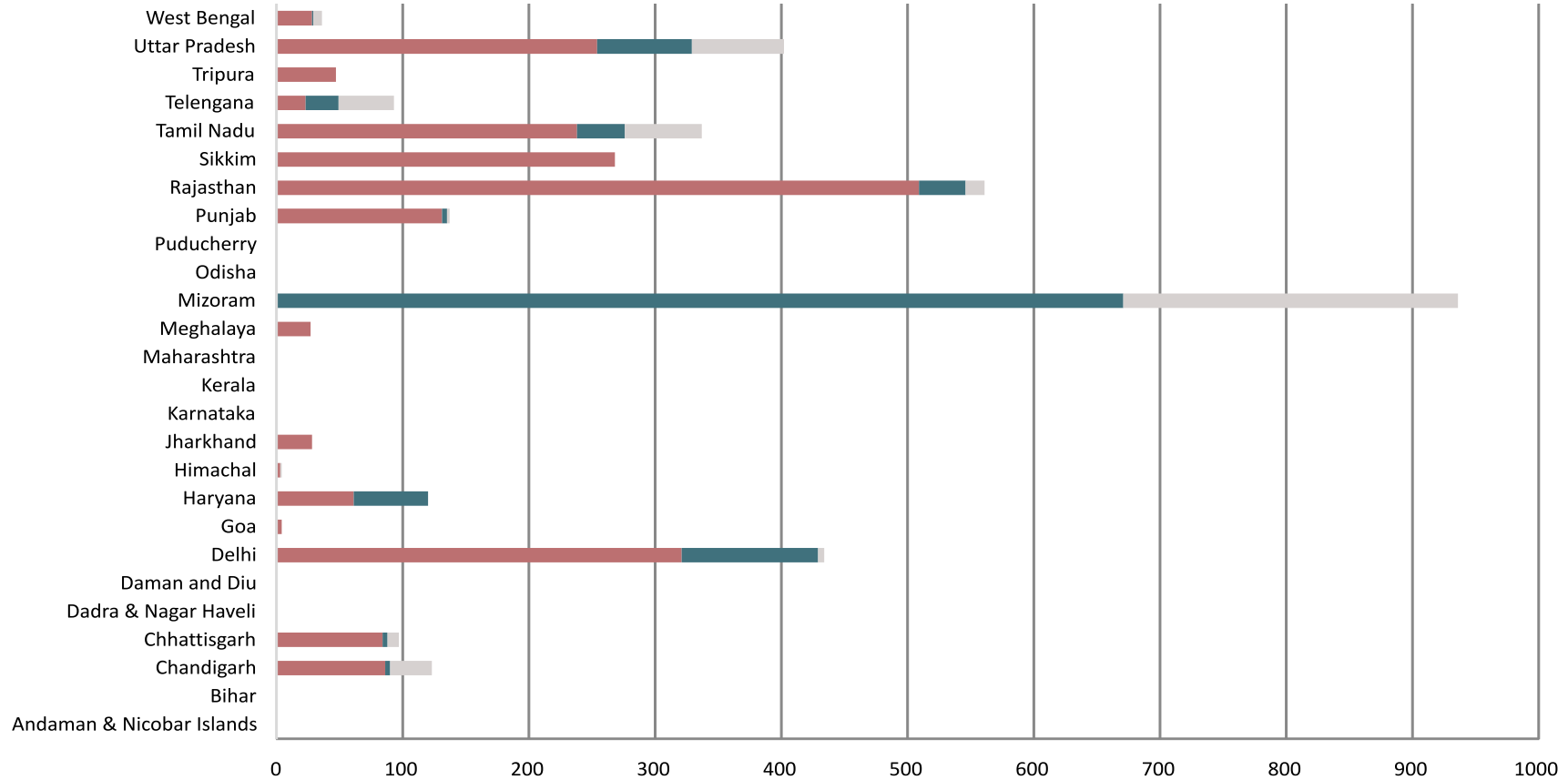
Total number of meetings whose minutes were analyzed - 247



E. NUMBER OF CASES FOUND ELIGIBLE FOR REVIEW



F. ELIGIBILITY, APPLICATIONS MOVED & RELEASES



STATE/ UNION TERRITORY	ANDAMAN & NICOBAR ISLANDS	BIHAR	CHANDIGARH	CHHATTISGARH	DADRA & NAGAR HAVELI	DAMAN & DIU	DELHI	GOA	HARYANA	HIMACHAL PRADESH	JHARKHAND	KARNATAKA	KERALA	MAHARASHTRA	MEGHALAYA	MIZORAM	ODISHA	PUDUCHERRY	PUNJAB	RAJASTHAN	SIKKIM	TAMIL NADU	TELANGANA	TAMIL NADU	UTTAR PRADESH	WEST BENGAL
Eligible Cases	NP	NP	86	84	0	NP	321	4	61	3	28	NP	NP	NP	27	0	NP	0	131	509	268	238	23	47	254	28
Applications Moved	NP	NP	4	4	0	NP	108	NP	59	NP	0	NP	NP	NP	NP	NP	NP	0	4	37	0	38	26	NP	75	1
Undertrials Released	NP	NP	33	9	0	NP	5	0	0	1	0	NP	NP	NP	NP	265	NP	0	2	15	0	61	44	NP	73	7

STATE REPORT CARDS



HOW TO READ A REPORT

NUMBER OF JAILS
No. of Central, District, Sub-jails & Other Jails

NAME OF THE STATE/UNION TERRITORY
No. of districts provided information vis-à-vis Total no. of districts

FORMATION



Were UTRCs formed in all districts

No. of districts where UTRC formed vis-à-vis Total no. of districts that provided information

COMPLIED

Names of districts where UTRC was formed

DID NOT RESPOND

Names of districts which did not respond to the RTI and are therefore not included in the report card

PERIODICITY



Were meetings held quarterly

No. of districts where quarterly meetings conducted vis-à-vis Total no. of districts that provided information

COMPLIED

Names of districts where quarterly meetings were conducted. (Quarterly here means that the gap between two meetings must not to be more than three months. In calculation, a grace period of 10 days is considered.)

DID NOT COMPLY

Names of districts where quarterly meetings were NOT conducted

Mandated meetings Meetings held Minutes received No. of districts x 2 (mandated meetings in two quarters)

COMPLIED

Names of districts where all members attended all meetings

DID NOT COMPLY

Names of districts where all members DID NOT attend all meetings

ATTENDANCE OF MEMBERS



Did all members attend all meetings

D&S Judge DM Supdt. Police DLSA Secy. Presence of each member vis-à-vis Total no. of minutes

COMPLIED

Names of districts where full mandate was followed

DID NOT COMPLY

Names of districts where full mandate was NOT followed

MANDATE



Was the full mandate followed

S.436A Bail No Surety Compoundable No. of times cases under each category was reviewed vis-à-vis Total no. of minutes



Undertrials Found Eligible for Release

As provided in the minutes



Applications Moved by Panel Lawyers

As provided in the minutes



Undertrials Released

As provided in the minutes



Other Information

- Good Practices of districts
- Bad Practices of districts

NUMBER OF JAILS – 5

Central – 0; District – 1; Sub-jails – 3; Other – 1

ANDAMAN & NICOBAR ISLANDS

1/3 Districts provided information

FORMATION



Were UTRCs formed
in all districts

In 1/1 district which
provided information

COMPLIED

South Andaman

DID NOT RESPOND

Nicobar, North & Middle Andaman

PERIODICITY



Were meetings held quarterly
In 0/1 district

Mandated meetings 2
Meetings held 0
Minutes received 0

COMPLIED

X

DID NOT COMPLY

South Andaman – No
meeting held, no reasons provided

ATTENDANCE OF MEMBERS



Did all members
attend all meetings

D&S Judge
DM
Supdt. Police Not
DLSA Secy. Applicable

COMPLIED

Not Applicable

DID NOT COMPLY

Not Applicable

MANDATE



Was the full mandate
followed

S.436A
Bail No Surety Not
Compoundable Applicable

COMPLIED

Not Applicable

DID NOT COMPLY

Not Applicable



Undertrials Found
Eligible for Release

Not Provided



Applications Moved
by Panel Lawyers

Not Provided



Undertrials Released

Not Provided



Other Information

X

NUMBER OF JAILS – 58

Central – 7; District – 31; Sub-jails – 17; Other – 3

BIHAR

SLSA provided limited information on 37/38 Districts

FORMATION



Were UTRCs formed
in all districts

In 37/38 districts

COMPLIED

Araria, Aurangabad, Banka, Begusarai, Bhagalpur, Bhojpur, Buxar, Darbhanga, East Champaran, Gaya, Gopalganj, Jamui, Jehanabad, Kaimur, Kathihar, Khagaria, Kishanganj, Lakhisarai, Madhepura, Madhubani, Monghyr, Muzafarpur, Nalanda, Nawada, Patna, Purnea, Rohtas, Saharsa, Samastipur, Saran, Seikhpura, Sheohar, Sitamarhi, Siwan, Supaul, Vaishali and West Champaran

DID NOT RESPOND

Arwal

PERIODICITY



Were meetings held quarterly
In 37/37 districts

Mandated meetings **74**
Meetings held **118**
Minutes received **0**

COMPLIED

Monthly meetings - Araria, Aurangabad, Banka, Begusarai, Bhagalpur, Bhojpur, Buxar, Darbhanga, East Champaran, Gopalganj, Jehanabad, Kaimur, Kishanganj, Khagaria, Lakhisarai, Monghyr, Muzafarpur, Patna, Purnea, Samastipur, Sitamarhi, Siwan, Sheohar & Supaul Quarterly Meetings - Gaya, Jamui, Kathihar, Madhepura, Madhubani, Nalanda, Nawada, Rohtas, Saharsa, Saran, Sheikhpura, Vaishali & West Champaran

DID NOT COMPLY

X

ATTENDANCE OF MEMBERS



Did all members
attend all meetings

D&S Judge **Not**
DM **Provided**
Supdt. Police **Not**
DLSA Secy. **Provided**

COMPLIED

Not Provided

DID NOT COMPLY

Not Provided

MANDATE



Was the full mandate
followed

S.436A **Not**
Bail No Surety **Provided**
Compoundable **Not**

COMPLIED

Not Provided

DID NOT COMPLY

Not Provided



Undertrials Found
Eligible for Release

Not Provided



Applications Moved
by Panel Lawyers

Not Provided



Undertrials Released

Not Provided



Other Information

• Information on Arwal district not provided by SLSA.

NUMBER OF JAILS – 1

Central – 1; District – 0; Sub-jails – 0; Other – 0

CHANDIGARH

1/1 Districts provided information

FORMATION



Were UTRCs formed
in all districts

In 1/1 district which
provided information

COMPLIED

Chandigarh

DID NOT RESPOND

X

PERIODICITY



Were meetings held quarterly
In 0/1 district

Mandated meetings 2
Meetings held 1
Minutes received 1

COMPLIED

X

DID NOT COMPLY

Chandigarh
(Date of only one meeting mentioned)

ATTENDANCE OF MEMBERS



Did all members
attend all meetings

D&S Judge 1/1
DM 0/1
Supdt. Police 1/1
DLSA Secy. NA

COMPLIED

X

DID NOT COMPLY

Chandigarh

MANDATE



Was the full mandate
followed

S.436A 1/1
Bail No Surety 1/1
Compoundable 1/1

COMPLIED

Chandigarh

DID NOT COMPLY

X



Undertrials Found
Eligible for Release

86 (S.436A – 0,
Bail no surety – 10;
Compoundable – 76)



Applications Moved
by Panel Lawyers

4



Undertrials Released

33



Other Information

- Member Secretary wrote multiple letters to D&SJ, advocates and the Superintendent Jail to identify inmates eligible for release and check the progress of the work done.
- Director, Chandigarh Transport Undertaking was present in place of DM.
- Meeting scheduled for September was called off as members were not present.

NUMBER OF JAILS – 28

Central – 5; District – 11; Sub-jails – 12; Other – 0

CHHATTISGARH

14/27 Districts provided information

FORMATION



Were UTRCs formed
in all districts

In 14/14 districts which
provided information

COMPLIED

Balod, Bastar, Bilaspur, Dantewada, Dhamtari, Durg,
Janjgir-Champa, Kabirdham, Korea, Mahasamund,
Raigarh, Surajpur, Surguja & Uttar Bastar Kanker

DID NOT RESPOND

Balod Bazar, Balrampur, Bemetara, Bijapur,
Gariyaband, Jashpur, Kondagaon, Korba,
Mungeli, Narayanpur, Raipur, Rajnandgaon, &
Sukma

PERIODICITY



Were meetings held quarterly
in 12/14 districts

Mandated meetings 28
Meetings held 28
Minutes received 22

COMPLIED

Balod, Bastar, Dhamtari, Durg, Janjgir-Champa,
Kabirdham, Korea, Mahasamund, Raigarh,
Surguja, Surajpur & Uttar Bastar Kanker

DID NOT COMPLY

Though Bilaspur and Dantewada mentioned quarterly
meetings but dates and minutes not provided

ATTENDANCE OF MEMBERS



Did all members
attend all meetings

D&S Judge
DM
Supdt. Police
DLSA Secy. **Not
Provided**

COMPLIED

Not Provided

DID NOT COMPLY

Not Provided

MANDATE



Was the full mandate
followed

S.436A 19/22
Bail No Surety 18/22
Compoundable 15/22

COMPLIED

Bastar, Durg, Janjgir-Champa, Kabirdham,
Mahasamund, Raigarh & Surajpur

DID NOT COMPLY

Only 436A – Surguja, Uttar Bastar Kanker
Only Bail no surety – Balod
Only S.436A & Bail no surety – Korea
No Minutes – Bilaspur, Dantewada, Dhamtari



Undertrials Found
Eligible for Release

83

(S.436A – 11,
Bail no surety – 25,
Compoundable – 38,
Preventive Detention – 10)



Applications Moved
by Panel Lawyers

4



Undertrials Released

9



Other Information

- In Kabirdham & Kanker UTRC did not consider releasing undertrials because they were involved in so called 'naxal' cases.
- Korea UTRC decided that URC members would conduct regular visits of both prisons.
- Raigarh UTRC decided to form a sub-committee comprising of Collector, SDOP & CJM for the monitoring of the three categories of cases.

NUMBER OF JAILS – 1

Central – 0; District – 0; Sub-jails – 1; Other – 0

DADRA & NAGAR HAVELI

1/1 Districts provided information

FORMATION



Were UTRCs formed
in all districts

In 1/1 district which
provided information

COMPLIED

Dadra & Nagar Haveli

DID NOT RESPOND

X

PERIODICITY



Were meetings held quarterly
in 0/1 districts

Mandated meetings 2
Meetings held 1
Minutes received 1

COMPLIED

X

DID NOT COMPLY

Dadra & Nagar Haveli
(Meeting took place after 8 months)

ATTENDANCE OF MEMBERS



Did all members
attend all meetings

D&S Judge 1/1
DM 1/1
Supdt. Police 1/1
DLSA Secy. NA

COMPLIED

Dadra & Nagar Haveli

DID NOT COMPLY

X

MANDATE



Was the full mandate
followed

S.436A 1/1
Bail No Surety 1/1
Compoundable 1/1

COMPLIED

Dadra & Nagar Haveli

DID NOT COMPLY

X



Undertrials Found
Eligible for Release

0



Applications Moved
by Panel Lawyers

0



Undertrials Released

0



Other Information





- Secretary, DLSA, was not part of the meeting as the meeting took place before the Supreme Court's 7th August order which expanded the composition.


NUMBER OF JAILS – 2


Central – 0; District – 0; Sub-jails – 2; Other – 0


DAMAN & DIU


1/2 Districts provided information

FORMATION	Were UTRCs formed in all districts	COMPLIED Daman	DID NOT RESPOND Diu
	In 1/1 district which provided information		
PERIODICITY	Were meetings held quarterly	COMPLIED	DID NOT COMPLY
	In 0/1 district	X	Daman
	Mandated meetings 2		
	Meetings held 1		
	Minutes received 0		
ATTENDANCE OF MEMBERS	Did all members attend all meetings*	COMPLIED	DID NOT COMPLY
	D&S Judge 1/1	Daman	X
	DM 1/1		
	Supdt. Police 1/1		
	DLSA Secy. 1/1		
MANDATE	Was the full mandate followed	COMPLIED	DID NOT COMPLY
	S.436A NP	Not Provided	Not Provided
	Bail No Surety NP		
	Compoundable NP		

 Undertrials Found Eligible for Release
Not Provided

 Applications Moved by Panel Lawyers
Not Provided

 Undertrials Released
Not Provided

 Other Information

- *Daman only provided attendance of members.
- In Daman, panel lawyer visits jail.
- Diu did not provide any information.

NUMBER OF JAILS – 10

Central – 8; District – 1; Sub-jails – 0; Other – 1

DELHI

6/11 Districts provided information

FORMATION



Were UTRCs formed
in all districts

In 6/6 which
provided information

COMPLIED

Central Delhi, North Delhi, North West Delhi, South Delhi,
South East Delhi & South West Delhi

DID NOT RESPOND

East Delhi, New Delhi, North East Delhi,
Shahdara & West Delhi

PERIODICITY



Were meetings held quarterly
In 4/6 which responded

Mandated meetings	12
Meetings held	14
Minutes received	13

COMPLIED

Central Delhi, North Delhi, North West Delhi
& South Delhi

DID NOT COMPLY

South East Delhi
& South West Delhi

ATTENDANCE OF MEMBERS



Did all members
attend all meetings

D&S Judge	13/13
DM	10/13
Supdt. Police	10/13
DLSA Secy.	9/13

COMPLIED

North Delhi, Central Delhi

DID NOT COMPLY

North West Delhi, South East Delhi, South
Delhi & South West Delhi did not
provide attendance

MANDATE



Was the full mandate
followed

S.436A	13/13
Bail No Surety	7/13
Compoundable	7/13

COMPLIED

South Delhi &
South West Delhi

DID NOT COMPLY

North Delhi, North-West Delhi, Central Delhi,
South East Delhi



Undertrials Found
Eligible for Release

321
(S.436A – 22,
Bail no surety – 70,
Compoundable – 121
& Others – 108)



Applications Moved
by Panel Lawyers

108



Undertrials Released

5



Other Information

- South Delhi conducted one meeting to follow up recommended cases and no new cases were considered.
- South West Delhi UTRC – recommended to file chargesheets under Arms Act, and Ss. 279, 304, 337, 338, 354, 392, 397 within a week.
- Central Delhi URC – directed Additional DCP to collect information on continued custody of UTPs who have been granted bail.
- During South East Delhi UTRC meeting other work taken up (Criminal Injuries Compensation Board discussed how to deal with acid attack victims).

NUMBER OF JAILS – 2

Central – 1; District – 0; Sub-jails – 1; Other – 0

GOA

2/2 Districts provided information

FORMATION



Were UTRCs formed
in all districts

In 2/2 districts which
provided information

COMPLIED

North Goa and South Goa

DID NOT RESPOND

Not Applicable

PERIODICITY



Were meetings held quarterly
in 2/2 districts

Mandated meetings 4
Meetings held 4
Minutes received 4

COMPLIED

North Goa and South Goa

DID NOT COMPLY

X

ATTENDANCE OF MEMBERS



Did all members
attend all meetings

D&S Judge 4/4
DM 4/4
Supdt. Police 4/4
DLSA Secy. 2/4

COMPLIED

North Goa and South Goa

DID NOT COMPLY

X

MANDATE



Was the full mandate
followed

S.436A 4/4
Bail No Surety 4/4
Compoundable 4/4

COMPLIED

North Goa and South Goa

DID NOT COMPLY

X



Undertrials Found
Eligible for Release

4

(S.436A – 0,
Bail no surety – 0,
Compoundable – 4)



Applications Moved
by Panel Lawyers

4



Undertrials Released

Not Provided



Other Information

- North Goa - Jail Superintendent was directed to conduct a survey of all cases where UTPs have completed 1/4th of their maximum sentence to be submitted to the DLSA before the 5th of every month.
- South Goa – directed that report must be provided from the Sub-jail Sada regarding attendance of panel lawyers and UTPs be allowed to write regarding non-representation of the panel lawyers. DM suggested that accused under S.151, CrPC, be informed that they can be released on personal bond.

NUMBER OF JAILS – 19

Central – 3; District – 16; Sub-jails – 0; Other – 0

HARYANA

13/21 Districts provided information

FORMATION



Were UTRCs formed
in all districts

In 13/13 districts which
provided information

COMPLIED

Ambala, Faridabad, Fatehabad, Gurgaon, Hisar,
Jhajjar, Kurukshetra, Mahendragarh, Panipat,
Rewari, Sirsa, Sonipat & Yamunanagar

DID NOT RESPOND

Bhiwani, Jind, Kaithal, Karnal, Mewat, Palwal,
Panchkula & Rohtak

PERIODICITY



Were meetings held quarterly
in 7/13 districts

Mandated meetings 26
Meetings held 35
Minutes received 19

COMPLIED

Monthly – Mahendragarh & Sonipat though held
monthly meetings formed UTRC late in August

Quarterly – Hisar, Panipat & Rewari
Gurgaon & Faridabad mentioned quarterly but did
not provide minutes

DID NOT COMPLY

Ambala, Fatehabad, Jhajjar,
Kurukshetra, & Sirsa

ATTENDANCE OF MEMBERS



Did all members
attend all meetings

D&S Judge 19/19
DM 19/19
Supdt. Police 18/19
DLSA Secy. 5/19

COMPLIED

Ambala, Fatehabad, Gurgaon, Mahendragarh,
Jagadhri, Jhajjar, Kurukshetra,
Rewari & Sonipat

DID NOT COMPLY

Hisar

MANDATE



Was the full mandate
followed

S.436A 19/19
Bail No Surety 7/19
Compoundable 9/19

COMPLIED

Ambala, Hisar, Kurukshetra & Rewari

DID NOT COMPLY

Mahendragarh, Jagadhri, Jhajjar,
Panipat & Sonipat



Undertrials Found
Eligible for Release

61

(S.436A – 2,
Bail no surety – 9,
Compoundable – 50)



Applications Moved
by Panel Lawyers

59



Undertrials Released

0



Other Information

- No meeting held in Sirsa because no one found eligible under S.436A.
- Panipat did not provide attendance of members.
- Yamunanagar did not provide minutes.
- Hisar considered convicts eligible under Probation of Offenders Act, 1958.
- Rewari resolved that DLSA Secy would make fortnightly visits with a panel advocate to create awareness about plea-bargaining.

NUMBER OF JAILS – 14

Central – 2; District – 2; Sub-jails – 8; Other – 2

HIMACHAL PRADESH

11/12 Districts provided information

FORMATION



Were UTRCs formed
in all districts

In 11/11 districts which
provided information

COMPLIED

Bilaspur, Chamba, Hamirpur, Kangra, Kinnaur,
Kullu, Mandi, Shimla, Sirmaur, Solan & Una

DID NOT RESPOND

Lahaul & Spiti

PERIODICITY



Were meetings held quarterly
in 7/11 districts

Mandated meetings	22
Meetings held	22
Minutes received	19

COMPLIED

Hamirpur, Kangra, Kinnaur, Kullu, Sirmaur,
Solan & Una

DID NOT COMPLY

Bilaspur & Chamba
Mandi & Shimla did not
provide minutes

ATTENDANCE OF MEMBERS



Did all members
attend all meetings

D&S Judge	19/19
DM	19/19
Supdt. Police	19/19
DLSA Secy.	9/19

COMPLIED

Ambala, Fatehabad, Gurgaon, Mahendragarh,
Jagadhri, Jhajjar, Kurukshetra,
Rewari & Sonipat

DID NOT COMPLY

Mandi & Shimla did not
provide minutes

MANDATE



Was the full mandate
followed

S.436A	15/19
Bail No Surety	0/19
Compoundable	0/19

COMPLIED

X

DID NOT COMPLY

Bilaspur, Chamba, Hamirpur, Kinnaur,
Kangra, Kullu, Sirmaur, Solan
& Una
Mandi & Shimla did not
provide minutes



Undertrials Found
Eligible for Release

3

(S.436A – 3,
Bail no surety – 0,
Compoundable – 0)



Applications Moved
by Panel Lawyers

Not Provided



Undertrials Released

1



Other Information

- Undertrials found eligible in Kangra (2) & Hamirpur (1).
- One Undertrial was released on personal bond from Hamirpur.
- Sirmaur & Una reviewed cases of UTPs who have completed more than 1/4th of the maximum sentence.

NUMBER OF JAILS – 29

Central – 5; District – 17; Sub-jails – 5; Other – 2

JHARKHAND

24/24 Districts provided information

FORMATION



Were UTRCs formed
in all districts

In 24/24 districts

COMPLIED

Bokaro, Chatra, Deoghar, Dhanbad, Dumka, East Singhbhum, Garhwa, Giridih, Godda, Gumla, Hazaribagh, Jamtara, Khunti, Koderma, Latehar, Lohardaga, Pakur, Palamu, Ramgarh, Ranchi, Sahibganj, Seraikella Kharsawan, Simdega & West Singhbhum

DID NOT RESPOND

Not Applicable

PERIODICITY



Were meetings held quarterly
in 6/24 districts

Mandated meetings	48
Meetings held	38
Minutes received	21

COMPLIED

Bokaro, Dhanbad, Gumla, Khunti, Pakur & Palamu

DID NOT COMPLY

Chatra, Deoghar, Dumka, Garhwa, Giridih, Godda, Hazaribagh, Jamtara, Koderma, Latehar, Lohardaga, Ramgarh, Ranchi, Sahibganj, Seraikella Kharsawan, Simdega & West Singhbhum

ATTENDANCE OF MEMBERS



Did all members
attend all meetings

D&S Judge	18/21*
DM	21/21
Supdt. Police	21/21
DLSA Secy.	16/21

COMPLIED

Bokaro, Deoghar, Dumka, Dhanbad, Godda, Khunti, Latehar, Pakur, Palamu & Sahibganj

DID NOT COMPLY

Gumla, Jamtara, Koderma, Ranchi Seraikella Kharsawan, Simdega & West Singhbhum did not provide attendance

MANDATE



Was the full mandate
followed

S.436A	15/21
Bail No Surety	7/21
Compoundable	9/21

COMPLIED

Deoghar, Godda & Gumla

DID NOT COMPLY

Bokaro, Dhanbad, Dumka, Koderma, Khunti, Latehar, Pakur, Palamu, Sahibganj, Seraikella Kharsawan & Simdega.



Undertrials Found
Eligible for Release

28

(S.436A – 7,
Bail no surety – 19,
Compoundable – 0,
Others - 2)



Applications Moved
by Panel Lawyers

0



Undertrials Released

0



Other Information

- *Three meetings in Gumla were presided by the Deputy Commissioner.
- East Singhbhum, Garhwa, Giridih, Hazaribagh, Jamtara, Lohardaga, Ramgarh, Ranchi, Seraikella Kharsawan, Simdega & West Singhbhum did not provide meeting dates & minutes.
- No meeting held in Chatra because no one found eligible under S.436A.
- Bokaro – Probation Officer was asked to submit report on undertrials eligible u/s.436A.
- Deoghar – legal literacy and awareness classes be conducted every month; resolved to take measures for functioning of legal aid clinics at the panchayat level.

NUMBER OF JAILS – 102

Central – 8; District – 19; Sub-jails – 70; Other – 5

KARNATAKA

SLSA provided limited information on 30/30 districts

FORMATION



Were UTRCs formed
in all districts

In 30/30 districts

COMPLIED

Bagalkot, Belagavi, Bellary, Bengaluru Rural, Bengaluru Urban, Bidar, Chamarajanagar, Chikballapur, Chikkamagaluru, Chitradurga, Dakshina Kannada, Davanagere, Dharwad, Gadag, Hassan, Haveri, Kalaburagi, Kodagu, Kolar, Koppal, Mandya, Mysuru, Raichur, Ramanagara, Shivamogga, Tumakuru, Udupi, Uttara Kannada, Vijayapura & Yadgir

DID NOT RESPOND

X

PERIODICITY



Were meetings held quarterly
Not Provided

Mandated meetings 60
Meetings held NP
Minutes received NP

COMPLIED

Not Provided

DID NOT COMPLY

Not Provided

ATTENDANCE OF MEMBERS



Did all members
attend all meetings

D&S Judge
DM
Supdt. Police
DLSA Secy. Not Provided

COMPLIED

Not Provided

DID NOT COMPLY

Not Provided

MANDATE



Was the full mandate
followed

S.436A
Bail No Surety
Compoundable Not Provided

COMPLIED

Not Provided

DID NOT COMPLY

Not Provided



Undertrials Found
Eligible for Release

Not Provided



Applications Moved
by Panel Lawyers

Not Provided



Undertrials Released

Not Provided



Other Information

• SLSA did not provide any information other than formation of UTRCs.

NUMBER OF JAILS – 54

Central – 3; District – 11; Sub-jails – 16; Other – 24

KERALA

SLSA provided limited information on 14/14 districts

FORMATION



Were UTRCs formed
in all districts

In 14/14 districts

COMPLIED

Alappuzha, Ernakulam, Idukki, Kannaur, Kasargod, Kollam,
Kottayam, Kozhikode, Malappuram, Palakkad, Pathanamthitta,
Thiruvananthapuram, Thrissur & Wayanad

DID NOT RESPOND

Not Applicable

PERIODICITY



Were meetings held quarterly
Not Provided

Mandated meetings 28
Meetings held NP
Minutes received NP

COMPLIED

Not Provided

DID NOT COMPLY

Not Provided

ATTENDANCE OF MEMBERS



Did all members
attend all meetings

D&S Judge
DM Not Provided
Supdt. Police Provided
DLSA Secy.

COMPLIED

Not Provided

DID NOT COMPLY

Not Provided

MANDATE



Was the full mandate
followed

S.436A
Bail No Surety Not Provided
Compoundable Provided

COMPLIED

Not Provided

DID NOT COMPLY

Not Provided



Undertrials Found
Eligible for Release

Not Provided



Applications Moved
by Panel Lawyers

Not Provided



Undertrials Released

Not Provided



Other Information

• SLSA did not provide any information other than formation of UTRCs.

NUMBER OF JAILS – 154

Central – 9; District – 28; Sub-jails – 100; Other – 17

MAHARASHTRA

SLSA provided limited information on 36/36 districts

FORMATION



Were UTRCs formed
in all districts

In 36/36 districts

COMPLIED

Ahmedabad, Akola, Amravati, Aurangabad, Beed, Bhandara, Buldhana, Chandrapur, Dhula, Gadchiroli, Gondia, Hongoli, Jalgaon, Jalna, Kolhapur, Latur, Mumbai City, Mumbai Suburban, Nagpur, Nanded, Nandurbar, Nashik, Osmanabad, Palghar, Parbhani, Pune, Raigad, Ratnagiri, Sangli, Satara, Sindhudurg, Solapur, Thane, Wardha, Washim & Yavatmal

DID NOT RESPOND

Not Applicable

PERIODICITY



Were meetings held quarterly
Not Provided

Mandated meetings 72
Meetings held NP
Minutes received NP

COMPLIED

Not Provided

DID NOT COMPLY

Not Provided

ATTENDANCE OF MEMBERS



Did all members
attend all meetings

D&S Judge
DM Not Provided
Supdt. Police
DLSA Secy.

COMPLIED

Not Provided

DID NOT COMPLY

Not Provided

MANDATE



Was the full mandate
followed

S.436A
Bail No Surety Not Provided
Compoundable

COMPLIED

Not Provided

DID NOT COMPLY

Not Provided



Undertrials Found
Eligible for Release

Not Provided



Applications Moved
by Panel Lawyers

Not Provided



Undertrials Released

Not Provided



Other Information

• SLSA did not provide any information other than formation of UTRCs.

NUMBER OF JAILS – 4

Central – 0; District – 4; Sub-jails – 0; Other – 0

MEGHALAYA

11/11 Districts provided information

FORMATION



Were UTRCs formed
in all districts

In 11/11 which
provided information

COMPLIED

East Garo Hills, East Jaintia Hills, East Khasi Hills,
North Garo Hills, Ri Bhoi, South Garo Hills, South West
Garo Hills, South West Khasi Hills, West Garo Hills,
West Jaintia Hills & West Khasi Hills

DID NOT RESPOND

Not Applicable

PERIODICITY



Were meetings held quarterly
in 3/11 districts

Mandated meetings 22
Meetings held 15
Minutes received 12

COMPLIED

East Khasi Hills, South West Khasi
Hills & West Jaintia Hills

DID NOT COMPLY

East Garo Hills, East Jaintia Hills,
North Garo Hills, Ri Bhoi, South Garo Hills, South
West Garo Hills, West Garo Hills & West Khasi Hills

ATTENDANCE OF MEMBERS



Did all members
attend all meetings

D&S Judge 11/12*
DM 12/12
Supdt. Police 12/12
DLSA Secy. 3/12

COMPLIED

East Garo Hills,
Ri Bhoi & West Garo Hills

DID NOT COMPLY

East Jaintia Hills, East Khasi Hills, West
Khasi Hills, West Jaintia Hills. South West
Khasi Hills & North Garo Hills

MANDATE



Was the full mandate
followed

S.436A 12/12
Bail No Surety 11/12
Compoundable 8/12

COMPLIED

East Garo Hills, East Khasi Hills, Ri Bhoi,
West Khasi Hills & South West Khasi
Hills

DID NOT COMPLY

East Jaintia Hills, North Garo Hills,
West Garo Hills & West Jaintia Hills



Undertrials Found
Eligible for Release

27
(S.436A – 1,
Bail no surety – 16,
Compoundable – 0,
Others - 10)



Applications Moved
by Panel Lawyers

Not Provided



Undertrials Released

Not Provided



Other Information

- *One meeting in East Jaintia Hill was presided by Deputy Commissioner, Khliehriat.
- South Garo Hills, South West Garo Hills did not provide dates and minutes of meetings.
- East Garo Hills – UTRC may not recommend release on bail of UTPs who are detained under Meghalaya Preventive Detention Act unless the detention order is revoked or quashed.
- West Garo Hills sought from MSLSA whether foreign nationals are entitled to the benefit under 436A.

NUMBER OF JAILS – 7

Central – 1; District – 6; Sub-jails – 0; Other – 0

MIZORAM

8/8 Districts provided information

FORMATION



Were UTRCs formed
in all districts

In 8/8 districts which
provided information

COMPLIED

Aizawl, Champhai, Kolasib, Lawngtlai, Lunglei,
Mamit, Saiha & Serchhip

DID NOT RESPOND

Not Applicable

PERIODICITY



Were meetings held quarterly
in 0/8 districts

Mandated meetings	16
Meetings held	1
Minutes received	1

COMPLIED

X

DID NOT COMPLY

Aizawl, Champhai, Lawngtlai, Lunglei, Mamit,
Saiha & Serchhip (no meetings held)
Kolasib (only one meeting held)

ATTENDANCE OF MEMBERS



Did all members
attend all meetings

D&S Judge	1/1
DM	1/1
Supdt. Police	1/1
DLSA Secy.	1/1

COMPLIED

Kolasib

DID NOT COMPLY

Aizawl, Champhai, Lawngtlai, Lunglei, Mamit,
Saiha & Serchhip (no meetings held)

MANDATE



Was the full mandate
followed

S.436A	0/1
Bail No Surety	0/1
Compoundable	0/1

COMPLIED

X

DID NOT COMPLY

Kolasib



Undertrials Found
Eligible for Release

Not Provided



Applications Moved
by Panel Lawyers

671



Undertrials Released

265



Other Information

- Aizawl & Mamit – paralegals drafted applications and sent to DLSA Secy.
- In Kolasib, cases of undertrials detained for more than 2-3 months were reviewed; APP of Dist. Court and Inspector of Excise and Narcotics were also present.
- No meeting held in Lunglei because no one found eligible under S.436A and bail no surety.
- The Supdt. Police was requested to expedite the filing of chargesheets of 4 prisoners and CJM was requested to dispose off the cases in a time-bound manner.

NUMBER OF JAILS – 91

Central – 5; District – 9; Sub-jails – 73; Other – 4

ODISHA

SLSA provided limited information on 30/30 districts

FORMATION



Were UTRCs formed
in all districts

In 30/30 districts

COMPLIED

Angul, Balangir, Balasore, Bargarh, Bhadrak, Boudh, Cuttack, Deogarh, Dhenkanal, Gajapati, Ganjam, Jagatsinghapur, Jajpur, Jharsuguda, Kalahandi, Kandhamal, Kendrapara, Keonjhar, Khordha, Koraput, Malkangiri, Mayurbhanj, Nabarangpur, Nayagarh, Nuapada, Puri, Rayagada, Sambalpur, Sonepur & Sundargarh

DID NOT RESPOND

Not Applicable

PERIODICITY



Were meetings held quarterly
Not Provided

Mandated meetings 60
Meetings held NP
Minutes received NP

COMPLIED

Not Provided

DID NOT COMPLY

Not Provided

ATTENDANCE OF MEMBERS



Did all members
attend all meetings

D&S Judge
DM
Supdt. Police
DLSA Secy. Not
Provided

COMPLIED

Not Provided

DID NOT COMPLY

Not Provided

MANDATE



Was the full mandate
followed

S.436A
Bail No Surety
Compoundable Not
Provided

COMPLIED

Not Provided

DID NOT COMPLY

Not Provided



Undertrials Found
Eligible for Release

Not Provided



Applications Moved
by Panel Lawyers

Not Provided



Undertrials Released

Not Provided



Other Information

• SLSA did not provide any information other than formation of UTRCs.

NUMBER OF JAILS – 4

Central – 1; District – 0; Sub-jails – 1; Other – 2

PUDUCHERRY

2/4 Districts provided information

FORMATION



Were UTRCs formed
in all districts

In 2/2 districts which
provided information

COMPLIED

Puducherry & Karaikal

DID NOT RESPOND

Mahe & Yanam do not apply
(no prison in these two districts)

PERIODICITY



Were meetings held quarterly
in 1/2 districts

Mandated meetings 4
Meetings held 3
Minutes received 3

COMPLIED

Puducherry

DID NOT COMPLY

Karaikal

ATTENDANCE OF MEMBERS



Did all members
attend all meetings

D&S Judge 3/3
DM 3/3
Supdt. Police 3/3
DLSA Secy. 0/3

COMPLIED

Puducherry & Karaikal

DID NOT COMPLY

X

MANDATE



Was the full mandate
followed

S.436A 3/3
Bail No Surety 0/3
Compoundable 0/3

COMPLIED

X

DID NOT COMPLY

Puducherry & Karaikal



Undertrials Found
Eligible for Release

0



Applications Moved
by Panel Lawyers

0



Undertrials Released

0



Other Information

• All four prisons of the UT are located in Puducherry & Karaikal.

NUMBER OF JAILS – 26
 Central – 9; District – 7; Sub-jails – 7; Other – 3

PUNJAB
 19/22 Districts provided information

FORMATION



Were UTRCs formed in all districts

In 19/19 districts which provided information

COMPLIED

Amritsar, Barnala, Bathinda, Fatehgarh Sahib, Fazilka, Ferozepur, Hoshiarpur, Jalandhar, Kapurthala, Ludhiana, Mansa, Moga, Muktsar, Nawanshahr, Pathankot, Patiala, Rupnagar, Sangrur, Tarn Taran

DID NOT RESPOND

Faridkot, Gurdaspur & Sahibzada Ajit Singh Nagar (Mohali)

PERIODICITY



Were meetings held quarterly in 11/19 districts

Mandated meetings **38**
 Meetings held **37**
 Minutes received **25**

COMPLIED

Bathinda, Fatehgarh Sahib, Fazilka, Ferozepur, Hoshiarpur, Jalandhar, Kapurthala, Muktsar, Nawanshahr, Rupnagar & Sangrur

DID NOT COMPLY

Amritsar, Barnala, Ludhiana, Mansa, Moga, Pathankot, Patiala & Tarn Taran

ATTENDANCE OF MEMBERS



Did all members attend all meetings

D&S Judge **25/25**
 DM **18/25**
 Supdt. Police **16/25**
 DLSA Secy. **14/25**

COMPLIED

Amritsar, Bathinda, Hoshiarpur, Jalandhar, Muktsar, Patiala & Kapurthala

DID NOT COMPLY

Fatehgarh Sahib

MANDATE



Was the full mandate followed

S.436A **25/25**
 Bail No Surety **19/25**
 Compoundable **18/25**

COMPLIED

Amritsar, Bathinda, Hoshiarpur, Kapurthala, Pathankot, Rupnagar & Tarn Taran

DID NOT COMPLY

Baranala, Fatehgarh Sahib, Fazilka, Ferozepur, Jalandhar, Ludhiana, Muktsar & Patiala & Sangrur



Undertrials Found Eligible for Release

131
 (S.436A – 15,
 Bail no surety – 46,
 Compoundable – 70)



Applications Moved by Panel Lawyers

4



Undertrials Released

2



Other Information

- Barnala, Ferozepur, Ludhiana, Moga, Pathankot, Rupnagar & Sangrur did not provide attendance.
- Nawanshahr did not provide minutes.
- In Mansa, though no meeting were held, letters were written from CJM to panel lawyers to identify cases under S.436A & compoundable offence.
- In a meeting in Muktsar discussions took place on victims of acid attack cases, publicity of lok adalat, mediation centre and infrastructure issues.

NUMBER OF JAILS – 126
 Central – 9; District – 24; Sub-jails – 60; Other – 33

RAJASTHAN
 31/33 Districts provided information

FORMATION



Were UTRCs formed in all districts

In 31/31 districts which provided information

COMPLIED

Ajmer, Alwar, Banswara, Baran, Barmer, Bharatpur, Bhilwara, Bikaner, Bundi, Chittorgarh, Churu, Dausa, Dholpur, Dungarpur, Hanumangarh, Jaipur, Jaisalmer, Jalore, Jhunjhunu, Jodhpur, Karauli, Nagaur, Pali, Pratapgarh, Rajsamand, Sawai Madhopur, Sikar, Sirohi, Sri Ganganagar, Tonk & Udaipur

DID NOT RESPOND

Jhalawar & Kota

PERIODICITY



Were meetings held quarterly in 26/31 districts

Mandated meetings **62**
 Meetings held **56**
 Minutes received **53**

COMPLIED

Ajmer, Banswara, Baran, Barmer, Bharatpur, Bhilwara, Chittorgarh, Bikaner, Churu, Dausa, Dholpur, Dungarpur, Hanumangarh, Jaipur, Jaisalmer, Jalore, Jodhpur, Karauli, Nagaur, Pali, Pratapgarh, Rajsamand, Sawai Madhopur, Sikar, Tonk & Udaipur

DID NOT COMPLY

Sirohi & Sri Ganganagar

ATTENDANCE OF MEMBERS



Did all members attend all meetings*

D&S Judge **52/53**
 DM **53/53**
 Supdt. Police **53/53**
 DLSA Secy. **23/53**

COMPLIED

Ajmer, Banswara, Baran, Barmer, Bharatpur, Bhilwara, Churu, Dausa, Dholpur, Dungarpur, Hanumangarh, Jaisalmer, Jalore, Jodhpur, Karauli, Nagaur, Pali, Pratapgarh, Rajsamand, Sawai Madhopur, Sikar, Sirohi, Sriganganagar, Tonk & Udaipur

DID NOT COMPLY

Chittorgarh & Bikaner

MANDATE



Was the full mandate followed

S.436A **53/53**
 Bail No Surety **26/53**
 Compoundable **26/53**

COMPLIED

Dholpur, Jaipur & Nagaur,

DID NOT COMPLY

Ajmer, Banswara, Baran, Barmer, Bharatpur, Bhilwara, Bikaner, Chittorgarh, Churu, Dungarpur, Hanumangarh, Jaisalmer, Jalore, Jodhpur, Karauli, Pali, Pratapgarh, Rajsamand, Sawai Madhopur, Sikar, Sirohi, Sri Ganganagar, Tonk & Udaipur



Undertrials Found Eligible for Release

509
 (S.436A – 11,
 Bail no surety – 80,
 Compoundable – 418)



Applications Moved by Panel Lawyers

37



Undertrials Released

15



Other Information

- * Either the members or their representatives attended the meetings. One meeting in Bikaner was presided by the Deputy Commissioner.
- Alwar, Bundi, Jhunjhunu did not provide dates of meetings, attendance & minutes.
- One meeting in Bikaner was presided by District Magistrate, not clear if District & Sessions Judge was also present.
- Jaipur did an extensive follow up of cases recommended in the last meeting.

NUMBER OF JAILS – 2

Central – 1; District – 1; Sub-jails – 0; Other – 0

SIKKIM

4/4 Districts provided information

FORMATION



Were UTRCs formed
in all districts

In 4/4 districts which
provided information

COMPLIED

East Sikkim, North Sikkim, South Sikkim
& West Sikkim

DID NOT RESPOND

X

PERIODICITY



Were meetings held quarterly
in 3/4 districts

Mandated meetings 8
Meetings held 12
Minutes received 0

COMPLIED

Monthly meetings – North Sikkim
Quarterly meetings – South Sikkim
& West Sikkim

DID NOT COMPLY

East Sikkim

ATTENDANCE OF MEMBERS



Did all members
attend all meetings

D&S Judge
DM Not
Supdt. Police Provided
DLSA Secy.

COMPLIED

Not Provided

DID NOT COMPLY

Not Provided

MANDATE



Was the full mandate
followed

S.436A 4/4
Bail No Surety 0
Compoundable 0

COMPLIED

X

DID NOT COMPLY

East Sikkim, North Sikkim,
South Sikkim & West Sikkim



Undertrials Found
Eligible for Release

268

(S.436A – NP,
Bail no surety – NP,
Compoundable – NP,
Others – 268)



Applications Moved
by Panel Lawyers

0



Undertrials Released

0



Other Information

- East Sikkim – 67 letters were issued by SLSA to panel lawyers instructing them to expedite the case through release on personal bond after meeting the prisoner urgently.
- Cases of Section 436A, S.4 POCSO Act, GR cases, Ss.380, 454 and 34 of IPC, ST (POCSO) and ST (FT) were reviewed in all districts.

NUMBER OF JAILS – 137

Central – 9; District – 9; Sub-jails – 96; Other – 23

TAMIL NADU

25/32 Districts provided information

FORMATION



Were UTRCs formed
in all districts

In 25/25 districts which
provided information

COMPLIED

Chennai, Coimbatore, Dharmapuri, Erode, Kanyakumari, Karur, Krishnagiri, Namakkal, Nilgiris, Perambalur, Pudukkottai, Ramanathapuram, Salem, Sivaganga, Thanjavur, Theni, Thoothukudi, Tiruchirappalli, Tirunelveli, Tiruvallur, Tiruvannamalai, Tiruvarur, Vellore, Viluppuram & Virudhunagar

DID NOT RESPOND

Ariyalur, Cuddalore, Dindigul, Kanchipuram, Madurai, Nagapattinam & Tiruppur

PERIODICITY



Were meetings held quarterly
In 12/25 districts

Mandated meetings	50
Meetings held	69
Minutes received	22

COMPLIED

Coimbatore, Karur, Namakkal, Nilgiris, Pudukkottai, Thanjavur, Theni, Thoothukudi, Tirunelveli, Tiruvallur, Viluppuram & Virudhunagar

DID NOT COMPLY

Perambalur, Tiruchirappalli, Tiruvannamalai

ATTENDANCE OF MEMBERS



Did all members
attend all meetings

D&S Judge	22/22
DM	18/22
Supdt. Police	18/22
DLSA Secy.	14/22

COMPLIED

Karur, Nilgiris, Perambalur, Theni, Thoothukudi, Tiruchirappalli, Tirunelveli, Tiruvannamalai, Tiruvallur & Virudhunagar

DID NOT COMPLY

Coimbatore

MANDATE



Was the full mandate
followed

S.436A	18/22
Bail No Surety	16/22
Compoundable	13/22

COMPLIED

Nilgiris, Perambalur, Theni, Thoothukudi, Tiruchirappalli, Tiruvallur

DID NOT COMPLY

Coimbatore, Karur, Tirunelveli, Tiruvannamalai & Virudhunagar



Undertrials Found
Eligible for Release

238
(S.436A – 0,
Bail no surety – 205,
Compoundable – 28,
Others – 5



Applications Moved
by Panel Lawyers

38



Undertrials Released

61



Other Information

- Namakkal, Pudukkottai, Thanjavur, Thoothukudi (1), Viluppuram provided dates of meetings but did not provide minutes.
- Chennai, Dharmapuri, Erode, Kanyakumari, Krishnagiri, Ramanathapuram, Salem, Sivaganga, Thanjavur, Tiruvarur, Vellore, did not provide dates of meetings and minutes.

NUMBER OF JAILS – 50

Central – 3; District – 7; Sub-jails – 33; Other – 7

TELANGANA

6/10 Districts provided information

FORMATION



Were UTRCs formed
in all districts

In 6/6 districts which
provided information

COMPLIED

Adilabad, Karimnagar, Khammam, Mahabubnagar,
Rangareddy & Warangal

DID NOT RESPOND

Hyderabad, Medak, Nalgonda
& Nizamabad

PERIODICITY



Were meetings held quarterly
in 1/6 districts

Mandated meetings 12
Meetings held 12
Minutes received 4

COMPLIED

Karimnagar

DID NOT COMPLY

Khammam, Mahabubnagar,
Rangareddy, Warangal

ATTENDANCE OF MEMBERS



Did all members
attend all meetings*

D&S Judge 5/5
DM 3/5
Supdt. Police 5/5
DLSA Secy. 2/5

COMPLIED

Karimnagar,
Khammam, Rangareddy

DID NOT COMPLY

Mahabubnagar

MANDATE



Was the full mandate
followed

S.436A 2/4
Bail No Surety 2/4
Compoundable 2/4

COMPLIED

Mahabubnagar & Warangal

DID NOT COMPLY

Khammam & Rangareddy



Undertrials Found
Eligible for Release

23
(S.436A – 0,
Bail no surety – 16,
Compoundable – 7)



Applications Moved
by Panel Lawyers

26



Undertrials Released

44



Other Information

- *Karimnagar provided dates of meetings and attendance of members but did not provide minutes.
- Adilabad did not provide dates of meetings and minutes.
- Khammam also gave attention to legal aid, young offenders and directed facilities for pregnant women and children and detention of undertrials near trial courts to the extent possible.
- Rangareddy looked at Lok Adalats, non-bailable warrants, timely presence of witness and IO and production of inmates.
- Warangal did not provide attendance of members.

NUMBER OF JAILS – 13

Central – 1; District – 2; Sub-jails – 10; Other – 0

TRIPURA

5/8 Districts provided information

FORMATION



Were UTRCs formed
in all districts

In 5/5 districts which
provided information

COMPLIED

Gomati, North Tripura, South Tripura,
Unakoti & West Tripura

DID NOT RESPOND

Dhalai, Khowal & Sepahijala

PERIODICITY



Were meetings held quarterly
in 4/5 districts

Mandated meetings	10
Meetings held	10
Minutes received	9

COMPLIED

Gomati, North Tripura,
South Tripura & Unakoti

DID NOT COMPLY

West Tripura

ATTENDANCE OF MEMBERS



Did all members
attend all meetings

D&S Judge	9/9
DM	8/9
Supdt. Police	8/9
DLSA Secy.	2/9

COMPLIED

Gomati, North Tripura,
Unakoti & West Tripura

DID NOT COMPLY

South Tripura

MANDATE



Was the full mandate
followed

S.436A	9/9
Bail No Surety	8/9
Compoundable	7/9

COMPLIED

Gomati, South Tripura &
West Tripura

DID NOT COMPLY

North Tripura, Unakoti



Undertrials Found
Eligible for Release

47
(S.436A – 0,
Bail no surety – 47,
Compoundable – 0)



Applications Moved
by Panel Lawyers

Not Provided



Undertrials Released

Not Provided



Other Information

X

NUMBER OF JAILS – 67
 Central – 5; District – 57; Sub-jails – 2; Other – 3

UTTAR PRADESH
 19/75 Districts provided information

FORMATION



**Were UTRCs formed
 in all districts**

**In 19/19 districts which
 provided information**

COMPLIED

Ambedkar Nagar, Ballia, Balrampur, Banda, Bareilly, Basti, Bulandshahr, Chitrakoot, Fatehpur, Ghaziabad, Gazipur, Hathras, Kanpur Nagar, Lucknow, Mathura, Mirzapur, Saharanpur, Siddharth Nagar and Sonbhadra

DID NOT RESPOND

Agra, Aligarh, Allahabad, Amethi, Amroha, Auraiya, Azamgarh, Baghpat, Bahraich, Barabanki, Bijnor, Budaun, Chandauli, Deoria, Etah, Etawah, Faizabad, Farrukhabad, Firozabad, Gautam Buddha Nagar, Gonda, Gorakhpur, Hamirpur, Hapur, Hardoi, Jalaun, Jaunpur, Jhansi, Kannauj, Kanpur Dehat, Kanshieam Nagar, Kaushambi, Kushinagar, Lakhimpur, Lalitpur, Maharajganj, Mahoba, Mainpuri, Mau, Meerut, Moradabad, Muzaffarnagar, Pilibhit, Pratapgarh, RaeBareli, Rampur, Sambhal, Sant Kabir Nagar, Sant Ravidas Nagar, Shahjahanpur, Shamali, Shrivasti, Sitapur, Sultanpur, Unnao & Varanasi

PERIODICITY



**Were meetings held quarterly
 in 11/19 district**

Mandated meetings **38**
 Meetings held **38**
 Minutes received **25**

COMPLIED

Ambedkar Nagar, Bulandshahar, Ghaziabad, Gazipur, Hathras, Kanpur Nagar, Lucknow, Mathura, Mirzapur, Siddharthnagar & Sonbhadrai

DID NOT COMPLY

Ballia, Balrampur, Basti, Fatehpur,

**ATTENDANCE
 OF MEMBERS**



**Did all members
 attend all meetings**

D&S Judge **25/25**
 DM **9/25**
 Supdt. Police **12/25**
 DLSA Secy. **12/25**

COMPLIED

Ballia, Basti, Bulandshahar, Lucknow & Siddharthnagar

DID NOT COMPLY

Ambedkar Nagar, Gazipur, Hathras, Sonbhadra

MANDATE



**Was the full mandate
 followed**

S.436A **24/25**
 Bail No Surety **18/25**
 Compoundable **15/25**

COMPLIED

Basti, Bulandshahar, Ghaziabad, Hathras, Lucknow & Siddharthnagar

DID NOT COMPLY

Ambedkar Nagar, Ballia, Banda, Bareilly, Gazipur, Mathura, Mirzapur, Sonbhadra



**Undertrials Found
 Eligible for Release**

254
 (S.436A – 54,
 Bail no surety – 79,
 Compoundable – 110,
 Others – 11)



**Applications Moved
 by Panel Lawyers**

75



Undertrials Released

73



Other Information

- No meeting held in Balrampur & Fatehpur.
- Banda, Bareilly, Chitrakoot, Saharanpur did not provide dates of meetings, attendance & minutes.
- Ghaziabad, Mathura, Mirzapur did not provide attendance.
- Kanpur Nagar did not provide minutes.

NUMBER OF JAILS – 58

Central – 7; District – 12; Sub-jails – 33; Other – 6

WEST BENGAL*

6/19 Districts provided information

FORMATION



Were UTRCs formed
in all districts

In 6/6 districts which
provided information

COMPLIED

Birbhum, Cooch Behar, Dakshin
Dinajpur, Malda, North 24 Parganas &
Purulia

DID NOT RESPOND

Bankura, Burdwan, Darjeeling, Hoogly, Howrah, Jalpaiguri,
Kolkata, Murshidabad, Nadia, Paschim Medinipur, Purba
Medinipur, South 24 Parganas & Uttar Dinajpur

PERIODICITY



Were meetings held quarterly
in 2/6 districts

Mandated meetings 12
Meetings held 11
Minutes received 3

COMPLIED

Birbhum & Dakshin Dinajpur

DID NOT COMPLY

Purulia

ATTENDANCE OF MEMBERS



Did all members
attend all meetings

D&S Judge 3/3
DM 3/3
Supdt. Police 3/3
DLSA Secy. 1/3

COMPLIED

Dakshin Dinajpur &
Purulia

DID NOT COMPLY

X

MANDATE



Was the full mandate
followed

S.436A 3/3
Bail No Surety 3/3
Compoundable 2/3

COMPLIED

Purulia

DID NOT COMPLY

Dakshin Dinajpur



Undertrials Found
Eligible for Release

28

(S.436A – 0,
Bail no surety – 19,
Compoundable – 9)



Applications Moved
by Panel Lawyers

1



Undertrials Released

7



Other Information

- Cooch Behar, Malda & 24 North Parganas did not provide dates of meetings, attendance & minutes.
- Birbhum did not provide attendance and minutes.

*Read our exclusive report on the status of functioning of UTRCs in West Bengal here -

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

ANNEXURES

- A. Supreme Court Order dated 24 April 2015 in '*Re-Inhuman Conditions in 1382 Prisons*'
- B. Ministry of Home Affairs (CS Division), GOI's Advisory No. V-13013/70/2012-IS (VI) on 'Use of Section 436A of the Cr.P.C. to reduce overcrowding of prisons.'
- C. Right to information queries filed by CHRI to SLSAs across the country
- D. CHRI Suggested Format for Recording Minutes and Quarterly Reporting from the District Legal Services Authorities to the State Legal Services Authority
- E. Guidance Note: Revised Mandate For Under Trial Review Committees & Suggested Action



A. SUPREME COURT ORDER DATED 24 APRIL 2015 IN 'RE-INHUMAN CONDITIONS IN 1382 PRISONS'

ITEM NO.304

COURT NO.9

SECTION PIL

SUPREME COURT OF INDIA

RECORD OF PROCEEDINGS

Writ Petition(Civil) No(s).406/2013

RE-INHUMAN CONDITIONS IN 1382 PRISONS

Date : 24/04/2015 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR

HON'BLE MR. JUSTICE UDAY UMESH LALIT

UPON hearing the counsel the Court made the following

O R D E R

We have perused the affidavit filed by the Ministry of Home Affairs on 23rd April, 2015 and have heard learned counsel.

The admitted position is 67% of all the prisoners in jails are under trial prisoners. This is an extremely high percentage and the number of such prisoners is said to be about 2,78,000 as on 31st December, 2013.

Keeping this in mind and the various suggestions that have been made in the affidavit, we are of the view that the following directions need to be issued:

1. A Prisoners Management System (a sort of Management Information System) has been in use in Tihar Jail for quite some time, as stated in the affidavit. The Ministry of Home Affairs should carefully study this application software and get back to us on the next date of hearing with any suggestions or modifications in this regard, so that the software can be improved and then deployed in other jails all over the country, if necessary.
2. We would like the assistance of the National Legal Services Authority (NALSA) in this matter of crucial importance concerning prisoners in the country. We direct the Member Secretary of NALSA to appoint a senior judicial officer as the nodal officer to assist us and deal with the issues that have arisen in this case.
3. For the purpose of implementation of Section 436A of the Code of Criminal Procedure, 1973 (for short "the Code"), the Ministry of Home Affairs has issued an Advisory on 17th January, 2013. One of the requirements of the Advisory is that an Under Trial Review Committee should be set up in every district. The composition of the Under Trial Review Committee is the District Judge, as Chairperson, the District Magistrate and the District Superintendent of Police as members.

The Member Secretary of NALSA will, in coordination with the State Legal Services Authority and the Ministry of Home Affairs, urgently ensure that such an Under Trial Review Committee is established in every District, within one month. The next meeting of each such Committee should be held on or about 30th June, 2015.

4. In the meeting to be held on or about 30th June, 2015, the Under Trial Review Committee should consider the cases of all under trial prisoners who are entitled to the benefit of Section 436A of the Code. The Ministry of Home Affairs has indicated that in case of multiple offences having different periods of incarceration, a prisoner should be released after half the period of incarceration is undergone for the offence with the greater punishment. In our opinion, while this may be the requirement of Section 436A of the Code, it will be appropriate if in a case of multiple offences, a review is conducted after half the sentence of the lesser offence is completed by the under trial prisoner. It is not necessary or compulsory that an under trial prisoner must remain in custody for at least half the period of his maximum sentence only because the trial has not been completed in time.
5. The Bureau of Police Research and Development had circulated a Model Prison Manual in 2003, as stated in the affidavit. About 12 years have gone by and since then there has been a huge change in circumstances and availability of technology. We direct the Ministry of Home Affairs to ensure that the Bureau of Police Research and Development undertakes a review of the Model Prison Manual within a period of three months. We are told that a review has already commenced. We expect it to be completed within three months.
6. The Member Secretary of NALSA should issue directions to the State Legal Services Authorities to urgently take up cases of prisoners who are unable to furnish bail and are still in custody for that reason. From the figures that have been annexed to the affidavit filed by the Ministry, we find that there are a large number of such prisoners who are continuing in custody only because of their poverty. This is certainly not the spirit of the law and poverty cannot be a ground for incarcerating a person. As per the figures provided by the Ministry of Home Affairs, in the State of Uttar Pradesh, there are as many as 530 such persons. The State Legal Services Authorities should instruct the panel lawyers to urgently meet such prisoners, discuss the case with them and move appropriate applications before the appropriate court for release of such persons unless they are required in custody for some other purposes.
7. There are a large number of compoundable offences for which persons are in custody. No attempt seems to have been made to compound those offences and instead the alleged offender has been incarcerated. The State Legal Services Authorities are directed, through the Member Secretary of NALSA to urgently take up the issue with the panel lawyers so that wherever the offences can be compounded, immediate steps should be taken and wherever the offences cannot be compounded, efforts should be made expedite the disposal of those cases or at least efforts should be made to have the persons in custody released therefrom at the earliest.

A copy of this order be given immediately to the Member Secretary, NALSA for compliance.

List the matter on 7th August, 2015 for further directions and updating the progress made.

For the present, the presence of leaned counsel for the States and Union Territories is not necessary. Accordingly, their presence is dispensed with.

(SANJAY KUMAR-I)
COURT MASTER

(RENU DIWAN)
COURT MASTER

**B. MINISTRY OF HOME AFFAIRS (CS DIVISION), GOI'S ADVISORY
NO. V-13013/70/2012-IS (VI) ON 'USE OF SECTION 436A OF THE CR.P.C.
TO REDUCE OVERCROWDING OF PRISONS.'**

No. V-13013/70/2012-IS(VI)
Government of India Ministry of Home Affairs
(CS Division)

5th Floor, NDCC-II Building
Jai Singh Road, New Delhi
the 17th January 2013

To

The Home Secretaries

of all States/UTs

Sub: Use of Section 436A of the Cr.P.C to reduce overcrowding of prisons.

Sir/Ma'am,

The State Governments and Union Territories have been requested to adopt various measures related to reduction in overcrowding an advisory dated 9th May 2011¹ of the Ministry of Home Affairs. One of the initiatives taken by the Government of India has been the amendment of section 436 in the Cr.P.C. through the Criminal Procedure Code Amendment Act 2005 and the insertion of a new section 436A. The section 436A is reproduced below:

"436A. Maximum period for which an undertrial prisoner can be detained – *Where a person has, during the period of investigation, inquiry or trial under this Code of an offence under any law (not being an offence for which the punishment of death has been specified as one of the punishments under that law) undergone detention for a period extending up to one-half of the maximum period of imprisonment specified for that offence under that law, he shall be released by the Court on his personal bond with or without sureties:*

Provided that the Court may, after hearing the Public Prosecutor and for reasons to be recorded by it in writing, order the continued detention of such person for a period longer than one-half of the said period or release him on bail instead of the personal bond with or without sureties:

Provided further that no such person shall in any case be detained during the period of investigation, inquiry or trial for more than the maximum period of imprisonment provided for the said offence under that law.

Explanation. – In computing the period of detention under this section for granting bail, the period of detention passed due to delay in proceeding caused by the accused shall be excluded".

¹ <http://mha.nic.in/pdfs/PrisonAdvisories-1011.pdf>

Thus u/s 436A an under trial prisoner (UTP) has the right to seek bail on serving more than one half of the maximum possible sentence on their personal bond. No person can be detained in prison as an undertrial for a period exceeding the maximum possible sentence. This provision is, however, not applicable for those who are charged with offences punishable with the death sentence.

Although the percentage overcrowding in jails is steadily going down but even now in our prisons 67% of the inmates are undertrials as per 2011 data collected by NCRB. Invariably it has been found that only the poor and indigent who have not been able to put up the surety are those who have continued to languish as under-trials for very long periods and that too for minor offences. The lack of adequate legal aid and a general lack of awareness about rights of arrestees are principal reasons for the continued detention of individuals accused of bailable offences, where bail is a matter of right and where an order of detention is supposed to be an aberration. Thus a disproportionate amount of our prison-space and resources for prison maintenance are being invested on UTPs which is not sustainable.

States/UTs may hence consider taking the following actions:

1. Constitute a Review Committee in every district with the District Judge as Chairman, and the District Magistrate and District SP as members to meet every three months and review the cases.
2. Jail Superintendent should conduct a survey of all cases where the UTPs have completed more than one-fourth of the maximum sentence. He should prepare a survey list and send the same to the District Legal Service Authority (DLSA) as well as the UT Review Committee.
3. Prison authorities may educate undertrial prisoners on their rights to bail.
4. Provide legal aid - may be provided through empanelled lawyers of DLSA to cases presented for release on bail and reduction of bail amount.
5. The list should be made available to the non-official visitors as well as District Magistrates/Judges who conduct periodic inspections of the jails.
6. Home Department may also develop management information system to ascertain the progress made jail-wise in this regard.

Action taken to implement the suggestions in all the jails may kindly be intimated within one month. The receipt of this letter may please be acknowledged.

Yours sincerely

Sd/-

(S. Suresh Kumar)

Joint Secretary to the Govt. of India

Tel: 23438100

Email: jscs@nic.in

C. RIGHT TO INFORMATION QUERIES FILED BY CHRI TO SLSAS ACROSS THE COUNTRY

1. **Whether Undertrial Review Committees are established** in every district of your state –
 - a) in compliance with the abovementioned order of the Supreme Court
 - b) by any other government/judicial order prior to the abovementioned order of the Supreme Court
2. Please provide the following information regarding undertrial review committees –
 - a) **Certified copy** of the government/judicial order which established Undertrial Review Committee in every district of the state.
 - b) **Date** of constitution of the committee
 - c) **Composition** of the committee and designations of members
 - d) **Periodicity** of committee meetings (eg. monthly/quarterly/other)
 - e) **Mandate** of the committee mentioning kinds of cases that are to be reviewed (eg. S.436, 436A, compoundable, etc.)
3. **District-wise number** of all the Undertrial Review Committee meetings held from April 2015 till now.
4. **District-wise minutes** of all the Undertrial Review Committee meetings held from April 2015 till now.
5. **Certified copies** of all the orders/directions/guidelines issued by NALSA to the SLSA:
 - a) For urgently taking up cases of prisoners who are unable to furnish bail and still in custody for that reason (Refer para 6 of the judgement)
 - b) For panel lawyers to make urgent interventions for release/disposal of cases in compoundable offences (Refer para 7 of the judgement)
 - c) Any other orders/directions/guidelines in regard to the abovementioned order of the Supreme Court.
6. **Certified copies** of all the orders/directions/guidelines issued by the SLSA instructing panel lawyers to urgently meet prisoners who are unable to furnish bail and still in custody for that reason (Refer para 6 of the judgement)
 - a) **District-wise number of applications**, from April 2015 till now, moved before the appropriate court release of prisoners who are unable to furnish bail and still in custody for that reason.
 - b) **District-wise number of undertrials released**, from April 2015 till now, by abovementioned interventions of panel lawyers.

D. CHRI SUGGESTED FORMAT FOR RECORDING MINUTES AND QUARTERLY REPORTING FROM THE DISTRICT LEGAL SERVICES AUTHORITIES TO THE STATE LEGAL SERVICES AUTHORITY

- Year _____
- Quarter _____
- Name of District: _____
- Name of Prisons: _____
- Date of last meeting held _____
- Date of present meeting _____
- Meeting Time from.....am/pm to.....am/pm:_____
- Venue:_____

1) Reasons, if meetings are not held quarterly, i.e. there is a gap of more than three months between the last meeting and the present meeting

PART 1: MINUTES OF PRESENT MEETING

2) Attendance of Members:

Name of the Members	Designation	Present/Absent	Reasons for Non Attendance*

*Explanation: The minutes must indicate if members came for part of the meeting and reasons for non-attendance.

3) Total number of cases put up for review court-wise under each category:

S. No.	Name of the Court	Number of Cases as Per Categories	Total Number Of Cases Put Up for Review	Actual Cases Reviewed	No. of Recommendations Made	No. of Releases Made

4) Details of undertrial cases recommended and directions issued in the present meeting under each category:

S.No.	Case Details of UTP cases RECOMMENDED under each category	Directions issued in each case to panel lawyers/ others
I.	Under S.436A, CrPC	I. Under S.436A, CrPC
II.	Where bail granted but surety not furnished	II. Where bail granted but surety not furnished
III.	Under compoundable offences	III. Under compoundable offences
IV.	Under S.436, CrPC	IV. Under S.436, CrPC
V.	Under Probation of Offenders Act, 1958	V. Under Probation of Offenders Act, 1958
VI.	Under S.167(2)(a)(i)&(ii), CrPC	VI. Under S.167(2)(a)(i)&(ii), CrPC
VII.	Under offences which carry a maximum punishment of 2 years	VII. Under offences which carry a maximum punishment of 2 years
VIII.	Under Ss.107, 108, 109 and 151, CrPC	VIII. Under Ss.107, 108, 109 and 151, CrPC
IX.	Undertrials who are sick or infirm and require specialized medical treatment	IX. Undertrials who are sick or infirm and require specialized medical treatment
X.	Undertrial women offenders	X. Undertrial women offenders
XI.	First time male offenders between the ages 19 and 21 who are in undertrial custody for offences punishable with less than 7 years of imprisonment and have completed atleast 1/4th of the maximum sentence possible	XI. First time male offenders between the ages 19 and 21 who are in undertrial custody for offences punishable with less than 7 years of imprisonment and have completed atleast 1/4th of the maximum sentence possible
XII.	Undertrials of unsound mind	XII. Undertrials of unsound mind
XIII.	Under S.437(6), CrPC	XIII. Under S.437(6), CrPC
XIV.	Convicts who are entitled to release because of remission granted to them	XIV. Convicts who are entitled to release because of remission granted to them

PART 2: FOLLOW-UP OF RECOMMENDED CASES OF THE LAST MEETING

5) Status of action taken reports

Names of Courts which provided action taken reports	Names of Courts which DID NOT provide action taken reports

- 6) Category-wise and prisoner-wise information of the action taken by panel lawyers or court or others and present status of the recommended cases of the last meeting:

DETAILS of the Case	Action Taken by Panel lawyer/Court/Others	Reasons, if undertrial not released
I. Under S.436A, CrPC		
Accused' Name:		
Name of Prison:		
Name of Court:		
Case Reference No.:		
Offence/s:		
Stage of the Case:		
Date of entry into prison:		
II. Where bail granted but surety not furnished		
III. Under Compoundable Offences		
IV. Under S.436, CrPC		
V. Under Probation of Offenders Act, 1958		
VI. Under S. 167(2)(a)(i)&(ii), CrPC		
VII. Under offences which carry a maximum punishment of 2 years		
VIII. Under Sections 107, 108, 109 and 151, CrPC		
IX. Undertrials who are sick or infirm and require specialized medical treatment		
X. Undertrial women offenders		
XI. First time male offenders between the ages 19 and 21 who are in undertrial custody for offences punishable with less than 7 years of imprisonment and have completed atleast 1/4th of the maximum sentence possible		

XII. Undertrials of unsound mind		
XIII. Under S.437(6), CrPC		
XIV. Convicts who have undergone their sentence or are entitled to release because of remission granted to them		

7) Evaluation of action taken by Panel Lawyers in cases of compoundable and bail no surety (prepared by every panel lawyer and submitted to the DLSA) recommended in the last meeting:

Names of Panel Lawyers	Dates of Visits to Jail	Name of Jail visited	No. of undertrials identified	No. of undertrials met	No. of cases recommended by UTRC	Action taken by Panel Lawyers in each case

E. GUIDANCE NOTE: REVISED MANDATE FOR UNDER TRIAL REVIEW COMMITTEES & SUGGESTED ACTION

This document puts together the mandate of the UTRCs as has been envisaged by the Supreme Court¹ in an ongoing writ petition titled, 'Re Inhuman conditions in 1382 prisons'². The mandate of the committee has been further expanded by the Supreme Court by virtue of its order dated 5 February 2016 and 06 May 2016. With this document we not only put together all the categories of prisoners that are to be reviewed by the Under trial Review Committees (UTRCs) in their quarterly meetings, but also provide our humble suggestions on what action can be taken or recommended by the UTRC in each of the categories. These are based on our experiences from working closely with the periodic review committees³ in Rajasthan since the last 5 years;⁴ and are also in response to queries that have been raised to us, time and again, by members of some of the UTRCs in West Bengal. The table below lists down the various categories of cases that must be reviewed by every Under trial Review Committee as directed by the Hon'ble Supreme Court.

Original mandate provided on 24 April 2015

Mandate expanded on 05 February 2016

Mandate expanded on 06 May 2016

S.No.	Category	Process to establish eligibility	Suggested Action
1	Undertrials eligible under Section 436A of the Code (Order dated 24 April 2015)	Half period of maximum prescribed imprisonment is calculated from the date of arrest and the maximum prescribed imprisonment provided in the First Schedule of the Code of Criminal Procedure, 1973 (the Code).	Recommend to the concerned court for release on personal bond with or without sureties.
2	Undertrials released on bail by the Court but have not been able to furnish sureties ⁵ (Order dated 24 April 2015)	This must be confirmed by the concerned court as this information is not provided to the prison.	<ul style="list-style-type: none"> • Direct a panel lawyer to meet the concerned prisoner and after seeking the necessary details to file an application before the concerned court under S.440 of the Code. • In cases where accused is represented by a private lawyer, direct prison authorities to inform the prisoner who can communicate to the lawyer to file for reduction of bail bond under S.440 of the Code. • Direct Probation Officer/ Welfare Officer, if appointed, to get in touch with the family of the accused in order to furnish sureties. • Committee could also recommend release of undertrial on personal bond according to the directions given under Moti Ram & Ors vs State of M.P. [1978 AIR 1594, 1979 SCR (1) 335]

¹ See order dated 24 April 2015.

² WP (Civil) No. 406/2013.

³ Rajasthan's Periodic Review Committees or *Avadhik Samiksha Samitis* were established as early in 1979, by a government order, mandated to review the cases of undertrials every month.

⁴ For more information on our work on UTRC, please visit the below link: <http://www.humanrightsinitiative.org/content/undertrial-review-committees>.

⁵ By the Supreme Court order dated 07 August 2015, the Secretary of the District Legal Services Authority was added as the fourth member of the Committee and therefore the directions given to the legal services bodies as regards to undertrials who are granted bail but unable to furnish sureties and those accused of compoundable offences form part of the mandate of the UTRC.

3	<p>Undertrials accused of compoundable offences⁶ (Order dated 24 April 2015)</p>	<ul style="list-style-type: none"> The two lists of offences, corresponding sections and the person by whom offence may be compounded are provided under S.320 of the Code.⁷ The offences mentioned in sub-section (1) can be compounded without the permission of the Court whereas the offences mentioned in sub-section (2) can be compounded only with the permission of the Court. 	<ul style="list-style-type: none"> Direct the concerned court to make efforts to compound the cases. Concerned Court to direct the prosecution to consider the compounding of offence in consultation with the victim. Direct a panel lawyer to visit the accused in prison and explain the provisions of S.320 of the Code. If accused is not represented, direct a panel lawyer to file an application before the concerned court. In cases where accused is represented by a private lawyer, after being informed of the provisions by a panel lawyer, the prisoner can communicate to the lawyer to file the application in his behalf. Offence must be compounded according to the provisions of S.320 of the Code.
4	<p>Undertrials eligible under Section 436 of the Code (Order dated 05 February 2016)</p>	<ul style="list-style-type: none"> S.436 deals with cases of bailable offences Whether an offence is bailable or non-bailable is provided in the First Schedule of the Code The 2005 amendments to the Code provides that the person be considered indigent if he/she is unable to provide surety within seven days from the date of his/her arrest. 	<ul style="list-style-type: none"> Direct a panel lawyer to file an application for release on personal bond without sureties as soon as the person completes seven days in judicial custody. If seven days have already been over, then recommend the concerned court to release on personal bond as per S. 436 of the Code.
5	<p>Implementation of Probation of Offenders Act, 1958 (Order dated 05 February 2016)</p>	<ul style="list-style-type: none"> The benefit of S.3 could only be given to first time petty offenders convicted of offences punishable with not more than two years of imprisonment whereas S.4 could be applied, to all offenders, including repeat offenders⁸, who are found guilty of committing any offence other than punishable with death or life imprisonment. The benefit of S.3 could be given to any person who is found guilty of committing offence punishable under any of the sections mentioned herein: <ul style="list-style-type: none"> Section 379, 380, 381, 404, 420 of the IPC. Any offence punishable with imprisonment for not more than two years, or with fine, or with both, under the Indian Penal Code or any other law Court have the power to release any offender on probation of good conduct under Section 4 if: <ul style="list-style-type: none"> A person is found guilty of committing any offence other than punishable with death or life imprisonment Court is of opinion that having regard to the circumstances of the case including the nature of the offence and the character of the offence, it is expedient to release him on probation of good conduct. 	<p>Recommend to the concerned court that 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, could be given to the accused.</p>

⁶ By the Supreme Court order dated 07 August 2015, the Secretary of the District Legal Services Authority was added as the fourth member of the Committee and therefore the directions given to the legal services bodies as regards to undertrials who are granted bail but unable to furnish sureties and those accused of compoundable offences form part of the mandate of the UTRC.

⁷ While identifying eligible cases, please take note of state amendments.

⁸ In **Kuldip Singh alias Pappi Singh alias Pappa v. State of Punjab, 1984 (1) Crimes 140 (P&H)**, it was provided that there is no bar in releasing a person on probation even if he had been convicted previously.

6	<p>Convicts who have undergone their sentence or are entitled to release because of remission granted to them (Order dated 05 February 2016)</p>	<p>State rules contain provisions on premature release/shortening of sentence</p>	<p>Direct the Superintendent of Prison to send the names of eligible convicts to the State Board, established for the purpose, as soon as they become eligible under the state rules.</p>
7	<p>Undertrials eligible to be released on bail under Section 167(2)(a) (i)&(ii) of the Code – a. where investigation is not completed in 90 days; b. where investigation is not completed in 60 days; c. where investigation is not completed in 180 days [S.167 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)] (Order dated 06 May 2016)</p>	<ul style="list-style-type: none"> • 60/90/180 days, calculated from the date of first remand and depends on maximum prescribed imprisonment in the First Schedule of the Code. • This must be confirmed by the concerned court as the date of first remand is not provided to the prison. 	<ul style="list-style-type: none"> • Recommend to the concerned court to release on bail or personal bond. • In case the presiding officer does not have requisite jurisdiction, UTRC must recommend that a prisoner petition for bail be filed in the appropriate court on next date of hearing of accused person.
8	<p>Undertrials imprisoned for offences which carry a maximum punishment of 2 years (Order dated 06 May 2016)</p>	<p>Please refer to Annexure A which contains the list of IPC offences with the maximum imprisonment of 2 years.</p>	<ul style="list-style-type: none"> • Recommend to the concerned court that 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, could be given to the accused. • Except for 11 offences (Ss. 153AA, 170, 229A, 241, 254, 267, 274, 295, 353, 354, 354-A, IPC) mentioned in the list, all other offences are bailable. Therefore, Committee must recommend the release of eligible persons under S.436 of the CrPC. • For under trials found eligible under the abovementioned 11 offences, Committee could recommend their release on personal bond under the direction given under Moti Ram & Ors vs State of M.P. [1978 AIR 1594, 1979 SCR (1) 335]
9	<p>Persons detained under Chapter VIII of the Code, i.e. under Sections 107, 108, 109 and 151 of the Code (Order dated 06 May 2016)</p>	<p>Sections are mentioned on the warrant of the court and Committee must seek this information from the prison authorities before the meeting.</p>	<ul style="list-style-type: none"> • Recommend to the District Magistrate to take action according to S.123 of the Code. S.123 empowers the District Magistrate, in the case of an order passed by an Executive Magistrate under Section 117, or the Chief Judicial Magistrate, in any other case either, 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. • It should be clear that these provisions are preventive and not punitive in nature.

10	Undertrials who are sick or infirm and require specialized medical treatment (Order dated 06 May 2016)	These cases could only be identified with the help of the prison authorities who must keep a watch on undertrials who are diagnosed with long or terminal illness or any disability at the time of admission or later. Committee must seek this information from the prison authorities before the meeting.	Seek report from medical board and recommend to the concerned court under S.437 of the Code which provides for a special consideration in granting bail for undertrials who are sick or infirm.
11	Undertrial women offenders (Order dated 06 May 2016)	<ul style="list-style-type: none"> As there are separate reformatories/jails in some districts or separate wards within the prison premises, cases of women offenders must be considered by the Committee of that particular district. Prison authorities must apprise the Committee members about specific cases that may merit consideration by the Committee. 	<ul style="list-style-type: none"> Recommend to the concerned court to consider the case as per S.437 of the Code which provides for a special consideration for women undertrials in cases as deem fit by the Committee. While considering cases the Committee may also take into account the directions given under R. D. Upadhyay vs State of A.P. & Ors. (AIR 2006 SC 1946).
12	Undertrials , first time male offenders between the ages 19 and 21 who are in undertrial custody for offences punishable with less than 7 years of imprisonment and have completed atleast 1/4th of the maximum sentence possible (Order dated 06 May 2016)	<ul style="list-style-type: none"> This is a special category which though does not find mention specifically under the Code or any other law but helps in keeping a check on unnecessary detention of young offenders. A separate list of such offenders must be sought by the Committee from the prison authorities before the meeting. 	<ul style="list-style-type: none"> Recommend to the concerned court that 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, could be given to the accused.
13	Undertrials of unsound mind (Order dated 06 May 2016)	<p>Committee must seek from the prison authorities the following before the meeting –</p> <ol style="list-style-type: none"> List of mentally ill prisoners whose trial has been suspended and their family members are willing to take them in their care List of mentally ill prisoners whose trials have been suspended for more than six month on account of their incapacity to stand trial 	<ul style="list-style-type: none"> Persons of unsound mind must be dealt under Chapter XXV (25) of the Code. Recommend to the concerned court to release on bail mentally ill prisoners whose trial has been suspended and their family members are willing to take them in their care under S.330 of the Code. Recommend to the concerned court to take appropriate action as per section 328, 329 & 330 of the Code for mentally ill prisoners whose trials have been suspended for more than six month on account of their incapacity to stand trial. In some cases the whereabouts of family are unknown. In such cases Committee must seek help from prison authorities/welfare officers in identifying the family of a mentally ill person.
14	Undertrials eligible for release under S.437(6) of the Code, 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 sixty days from the first date fixed for taking evidence in the case (Order dated 06 May 2016)	<ul style="list-style-type: none"> The first date fixed for taking evidence must be sought by all the Magistrate courts as the same is not provided to the prison. Then, the calculation of sixty days must be done, taking one date of the month of the meeting as the basis. 	Recommend to the concerned court to release the accused on bail under S.437(6) of the Code.

CHRI PROGRAMMES

CHRI's work is based on the belief that for human rights, genuine democracy and development to become a reality in people's lives, there must be high standards and functional mechanisms for accountability and participation within the Commonwealth and its member countries. CHRI furthers this belief through strategic initiatives and advocacy on human rights, access to justice and access to information. It does this through research, publications, workshops, information dissemination and advocacy.

Access to Justice

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 instruments of the current regime. In India, CHRI's programme aims at mobilising public support for police reform. In South Asia, CHRI works to strengthen civil society engagement on police reforms. In East Africa and Ghana, CHRI is examining police accountability issues and political interference.

Prison Reforms: CHRI's work is focused on increasing transparency of a traditionally closed system and exposing malpractices. A major area is focussed on highlighting failures of the legal system that result in terrible overcrowding and unconscionably long pre-trial detention and prison overstay, and engaging in interventions to ease this. Another area of concentration is aimed at reviving the prison oversight systems that have completely failed. We believe that attention to these areas will bring improvements to the administration of prisons as well as have a knock-on effect on the administration of justice overall.

Access to Information

CHRI is acknowledged as one of the main organisations working to promote access to information across the Commonwealth. It encourages countries to pass and implement effective right to information laws. We routinely assist in the development of legislation and have been particularly successful in promoting right to information in India, Bangladesh and Ghana where we are the Secretariat for the RTI civil society coalition. We regularly critique new bills and intervene to bring best practices into governments and civil society knowledge both in the time when laws are being formulated and when they are first being implemented. Our experience of working across even in hostile environments as well as culturally varied jurisdictions allows CHRI to bring valuable insights into countries seeking to evolve and implement new laws on right to information. In Ghana, for instance we have been promoting knowledge about the value of access to information which is guaranteed by law while at the same time pushing for introduction of an effective and progressive law. In Ghana as and when the access to information law comes into being we intend to build public knowledge in parallel with monitoring the law and using it in ways which indicate impact of the law on system accountability – most particularly in the area of policing and the working of the criminal justice system.

Strategic Initiatives Programme: CHRI monitors member states' compliance 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 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's reform; Reviewing Commonwealth countries' human rights promises at the UN Human Rights Council and engaging with its Universal Periodic Review; Advocating for the protection of human rights defenders and civil society space; and Monitoring the performance of National Human Rights Institutions in the Commonwealth while advocating for their strengthening.

Yet another attempt has been made by the Hon'ble Supreme Court in the form of Under Trial Review Committee (UTRC) to transform the broken line of justice into a full circle. In the ongoing writ petition, 'Re-Inhuman Conditions in 1382 Prisons' Justice Madan B. Lokur has observed that, *"Unfortunately, even though Article 21 of the Constitution requires a life of dignity for all persons, little appears to have changed on the ground as far as prisoners are concerned and we are once again required to deal with issues relating to prisons in the country and their reform."*

The lower judiciary and the state governments have been reminded to maintain accountability and protect liberty. The highest officials in the district from the judiciary, the executive and police are mandated to coordinate their energies to periodically review the cases of undertrials. This report is the first civil society initiative to measure the national level implementation and impact of the Supreme Court's directions passed in 2015 to constitute UTRCs in every district that would conduct periodic reviews of detentions and ensure statutory releases that are due. The use of the right to information tool in gathering evidence towards this purpose immensely validates the findings about the actual performance of authorities mandated to implement and monitor the UTRCs.

The Commonwealth Human Rights Initiative (CHRI) believes that the efforts made by the Hon'ble Supreme Court will be extremely rewarding towards ensuring fair trial rights to prisoners, institutionalising solutions to the pathological problems in the criminal justice system, and making real the constitutional aspiration/dream to treat prisoners as 'persons' whose life and liberty are of eventual consequence to all.



CHRI
Commonwealth Human Rights Initiative

Commonwealth Human Rights Initiative

55A, Third Floor, Siddhartha Chambers - I, Kalu Sarai, New Delhi 110 016, India

Tel: +91 11 4318 0200 Fax: +91 11 2686 4688

E-mail: info@humanrightsinitiative.org Website: www.humanrightsinitiative.org Twitter: @CHRI_INT