

CHRI 2020

RESPONDING TO THE PANDEMIC: PRISONS AND OVERCROWDING

VOLUME - II
STATE INFORMATION REPORTS



CHRI

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



Commonwealth Human Rights Initiative

The Commonwealth Human Rights Initiative (CHRI) is an independent, non-governmental, non-profit organisation headquartered in New Delhi, with offices in London, United Kingdom, and Accra, Ghana. Since 1987, it has worked for the practical realization of human rights through strategic advocacy and engagement as well as mobilization around these issues in Commonwealth countries. CHRI's specialisation in the areas of Access to Justice (ATJ) and Access to Information (ATI) are widely known. The ATJ programme has focussed on Police and Prison Reforms, to reduce arbitrariness and ensure transparency while holding duty bearers to account. CHRI looks at policy interventions, including legal remedies, building civil society coalitions and engaging with stakeholders. The ATI looks at Right to Information (RTI) and Freedom of Information laws across geographies, provides specialised advice, sheds light on challenging issues, processes for widespread use of transparency laws and develops capacity. CHRI reviews pressures on freedom of expression and media rights while a focus on Small States seeks to bring civil society voices to bear on the UN Human Rights Council and the Commonwealth Secretariat. A growing area of work is SDG 8.7 where advocacy, research and mobilization is built on tackling Contemporary Forms of Slavery and human trafficking through the Commonwealth 8.7 Network.

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RESPONDING TO THE PANDEMIC: **PRISONS AND OVERCROWDING**

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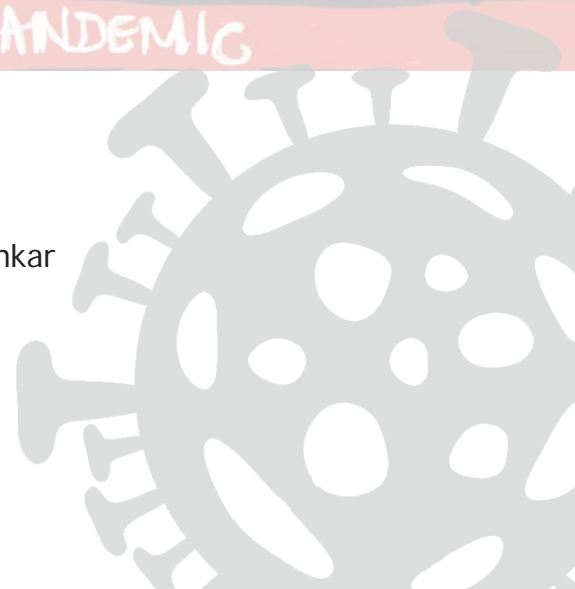









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HOW TO READ A STATE REPORT

NAME OF THE STATE




	 PRISONS	 CAPACITY	 POPULATION	 OCCUPANCY RATE
				





This section includes data from the National Crime Records Bureau's Prison Statistics India (PSI) 2019. The location of the state/UT is highlighted on the India map.

Functioning of the High Powered Committee (HPC)

This section documents information as provided in the HPC meetings. As far as possible, an attempt has been made to provide information verbatim as written in the HPC minutes. The language has been edited at some places for brevity.

N/P = Not Provided



Whether HPC formed	<i>YES/NO, details regarding date constituted and notification number (if available)</i>		
Composition	<i>Designations of the members as provided in the minutes of the HPC meetings</i>		
Number of Meetings held	<i>Number</i>	<i>Date</i>	<i>Date</i>
Categories of Prisoners Recommended for Release	<i>Lists the categories of Undertrials and Convicts identified by the HPC for release during the various HPC meetings</i> Undertrials 1. 2. Convicts 1. 2.		
Excluded Categories of Prisoners	<i>Lists the categories of Undertrials and Convicts excluded by the HPC for consideration for release during the various HPC meetings</i> A. B. C.		

HPC restricted itself to the categories recommended by the Supreme Court?	<p><i>Mentions 'RECOMMENDED' if the HPC did not restrict itself to the category suggested by the Supreme Court.</i></p> <p><i>Mentions 'NOT RECOMMENDED' if the HPC restricted itself to the category suggested by the Supreme Court.</i></p> <p>Undertrials : Additional Categories RECOMMENDED/ NOT RECOMMENDED</p> <p>Convicts : Additional Categories RECOMMENDED/ NOT RECOMMENDED</p>	
Period of Release on Interim Bail/ Parole	<p><i>Provides the initial period for which the prisoners were released under interim bail/parole. It also provides information if the initial period of interim bail/parole was extended by the HPC by 30th June 2020.</i></p> <p>Undertrials: Initial Period – Extension –</p> <p>Convicts: Initial Period – Extension –</p>	
Directions to Appropriate Authority/ Conditions of Release	<p><i>Lists the category wise (Undertrials/ Convicts) or stakeholder wise (Duty Magistrate/ State Government/ etc) directions given by the HPC on the process to be followed while considering the applications and releasing undertrials/convicts.</i></p>	
Guidance regarding process for effectuating release	<p><i>Lists the stakeholder wise directions given by HPC on identifying the eligible prisoners, filing of applications, before and after release protocols, etc.</i></p>	
Other Directions/ Information	<p><i>Lists the stakeholder wise other directions, if any, given by the HPC.</i></p>	

Functioning of Under Trial Review Committees

This section includes information on the functioning of the Under Trial Review Committees (UTRCs) as provided by the SLSA.

N/P = Not Provided

	Whether UTRCs formed in all districts?	Yes/No <i>Number of Districts</i>
	Whether all district-level UTRCs conducted weekly meetings as mandated by the Supreme Court?	Yes/No <i>Number of Districts</i>
Actual Meetings vs Mandated Meetings	Districts which held Weekly Meetings	Districts which DID NOT hold Weekly Meetings
<i>Total Meetings Held in all Districts with UTRCs vs Total Meetings that should have taken place (Number of Districts with</i>	<i>Names of Districts (Number of Meetings Held)</i>	<i>Names of Districts (Number of Meetings Held)</i>

<i>UTRCs * 12 weeks, considering 4 weeks/month between April and June)</i>		
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Admissions and Releases

This section includes information received from prison authorities on admissions and releases. It provides basic analysis of admission and release data for the quarter April to June 2020 as compared to the data of a quarter in PSI 2019 (calculated as one-fourth of the annual figures provided in PSI 2019).

N/P = Not Provided

PSI 2019	April 2020	May 2020	June 2020
Monthly Admissions			
<i>Sum of PSI 2019 Admissions divided by 12</i>	<i>Admissions in April 2020</i>	<i>Admissions in May 2020</i>	<i>Admissions in June 2020</i>
Monthly Releases			
<i>Sum of PSI 2019 Releases divided by 12</i>	<i>Releases in April 2020</i>	<i>Releases in May 2020</i>	<i>Releases in June 2020</i>
Quarterly Admissions			
2019		2020	
<i>Sum of PSI 2019 Admissions divided by 4 (As a percentage of Prison Population on 31.12.2019)</i>		<i>Sum of Admissions between April to June (As a percentage of Prison Population on 30.6.2020)</i>	
Quarterly Releases			
2019		2020	
<i>Sum of PSI 2019 Releases divided by 4 (As a percentage of Prison Population on 31.12.2019)</i>		<i>Sum of Releases between April to June (As a percentage of Prison Population on 30.6.2020)</i>	



Impact on Decongestion of Prisons

This section includes information received from prison authorities on category wise and sex wise occupancy of prisons and the total prison population vs the sanctioned capacity as on 1 April 2020, 1 May 2020, 1 June 2020 and 30 June 2020 to analyse the decongestion efforts between 1 April to 30 June 2020. It also compares the category wise and sex wise distribution of prison population on the said dates with that of PSI 2019 data.

N/P = Not Provided

PSI 2019	1 April 2020	1 May 2020	1 June 2020	30 June 2020
Convict : Undertrial : Others Ratio				
Male : Female Occupancy				
Sanctioned Capacity vs Prison Population				
Occupancy Rate				
Occupancy Rate from PSI 2019	Occupancy Rate based on sanctioned capacity and prison population data provided by prisons for 1 April 2020	Occupancy Rate based on sanctioned capacity and prison population data provided by prisons for 1 May 2020	Occupancy Rate based on sanctioned capacity and prison population data provided by prisons for 1 June 2020	Occupancy Rate based on sanctioned capacity and prison population data provided by prisons for 30 June 2020












Good & Bad Practices






✓	<i>List the practices/directions/measures undertaken by the HPC/state functionaries which in the opinion of the study team have proved instrumental towards decongestion efforts and for keeping prisons safe from the spread of the pandemic.</i>
✗	<i>List the practices/directions/measures undertaken by the HPC/state functionaries which in the opinion of the study team could have a negative impact on the rights of prisoners during the pandemic.</i>



STATES

ANDHRA PRADESH



	 PRISONS	 CAPACITY	 POPULATION	 OCCUPANCY RATE
	106	7863   926	7113   466	86.23%

Functioning of the High Powered Committee

Whether HPC formed	Yes		
Composition	1. The Executive Chairperson, Andhra Pradesh SLSA – Chairman 2. The Principal Secretary (Home), Government of Andhra Pradesh – Member 3. The Director General Prisons, Andhra Pradesh – Member Other Invitee – Executive Chairman, High Court Legal		
Number of Meetings held	2	26 March 2020	28 March 2020
Categories of Prisoners Recommended for Release	Undertrials 3. Those arrested for offences for which the maximum sentence prescribed is not more than seven (7) years 4. Those eligible for release under the provision of S. 436A of the CrPC Convicts 3. Those convicted for offences for which the maximum sentence prescribed is not more than seven (7) years 4. Those who have already spent the maximum sentence imposed by the trial Court so that they may be released forthwith.		
Excluded Categories of Prisoners	Arrested for offences under: D. Second-time (repeat) offenders E. S. 376 of IPC F. POCSO Act		
HPC restricted itself to the categories recommended by the Supreme Court?	Undertrials : Additional Categories RECOMMENDED Convicts : Additional Categories RECOMMENDED		
Period of Release on Interim Bail/ Parole	Undertrials: Initial Period – One Month Extension – Not Specified Convicts: Initial Period – One Month Extension – Not Specified		

Directions to Appropriate Authority/ Conditions of Release	<p>Judiciary</p> <ul style="list-style-type: none"> ✓ The Principal District and Sessions Judge to assign the Judicial Magistrate to reach the District Jails on being asked by the Superintendent of the Central Jail of his area, for furnishing/accepting adequate bail bonds to the satisfaction of the Magistrate. ✓ The undertrials were to make an undertaking that they would quarantine for 14 days at their home under the surveillance of a Doctor with the help of the Police. And violation of this condition would lead to cancellation of bail and such person would be taken back into custody. 
Guidance regarding process for effectuating release	<p>Legal Services Institutions</p> <ul style="list-style-type: none"> ▪ The Member Secretary, SLSA, AP to implement all the directions/recommendations made by the HPC in consultation with the Secretaries of different DLSAs and to encourage the Panel Lawyers /Paralegal volunteers to be in touch with the concerned Jail Superintendents/Jailors. 
Other Directions/ Information	<p>Director General of Police</p> <ul style="list-style-type: none"> ▪ To implement the directions of the Supreme Court in Arnesh Kumar vs State of Bihar that the police was not to arrest the accused unnecessarily and that the magistrate do not authorise detention casually and mechanically, in cases where the offence is punishable with imprisonment for a term which may be less than seven years or which may extend to seven years with or without fine.

Functioning of Under Trial Review Committees

	Whether UTRCs formed in all districts?	<p style="text-align: center;">Yes In all 13 Districts</p>
	Whether all district-level UTRCs conducted weekly meetings as mandated by the Supreme Court?	<p style="text-align: center;">No Only in 7 of the 13 Districts</p>
Actual Meetings vs Mandated Meetings	Districts which held Weekly Meetings	Districts which DID NOT hold Weekly Meetings
<p style="text-align: center;">125/156</p>	<p>Ananthapuram (12), East Godavari (12), Kadapa (12), Kurnool (13), Nellore (12), Prakasam (13), Vizianagaram (13)</p>	<p>Chittoor (7), Guntur (0), Krishna (11), Srikakulam (0), Vishakhapatnam (11), West Godavari (9)</p>



Admissions and Releases

No information was received regarding admissions and releases.

PSI 2019	April 2020	May 2020	June 2020
Monthly Admissions			
5586	N/P	N/P	N/P
Monthly Releases			
5406	N/P	N/P	N/P

Quarterly Admissions	
2019	2020
16757 (221.09%)	N/P
Quarterly Releases	
2019	2020
16219 (214%)	N/P



Impact on Decongestion of Prisons

No information was provided to analyse the decongestion efforts between 1 April to 30 June 2020.










PSI 2019	1 April 2020	1 May 2020	1 June 2020	30 June 2020
Convict : Undertrial : Detenues : Others Ratio				
	N/P	N/P	N/P	N/P
Male : Female Occupancy				
	N/P	N/P	N/P	N/P
Sanctioned Capacity vs Prison Population				
	N/P	N/P	N/P	N/P
Occupancy Rate				
86.23%	N/P	N/P	N/P	N/P




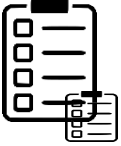




Good & Bad Practices


✓	The HPC provided very few categories for the list of prisoners who were to be excluded from release
✓	After collecting prison-wise information considering the space in different prisons and limited number of prisoners, the Principal Secretary (Home) as well as the Director General (Prisons) concluded that there is no reason for taking any steps for transferring any prisoner from prison to another.
✗	

BIHAR



	 PRISONS	 CAPACITY	 POPULATION	 OCCUPANCY RATE
	59	40572   1650	38490   1324	94.3%

Functioning of the High Powered Committee

Whether HPC formed	Yes by notification no. kara/aspatal prabandhan-14-04/2020-2338 dated 24 March 2020	
Composition	1. The Executive Chairperson, Bihar State Legal Services Authority – Chairman 2. The Additional Chief Secretary (Home), Government of Bihar – Member 3. The Inspector General, Bihar Prisons and Correctional Services – Member	
Number of Meetings held	N/P	
Categories of Prisoners Recommended for Release	Undertrials N/P Convicts N/P	
Excluded Categories of Prisoners	N/P	
HPC restricted itself to the categories recommended by the Supreme Court?	Undertrials : Additional Categories : N/P Convicts : Additional Categories : N/P	
Period of Release on Interim Bail/ Parole	Undertrials: Initial Period – N/P Extension – N/P Convicts: Initial Period – N/P Extension – N/P	
Directions to Appropriate Authority/ Conditions of Release	N/P	

Guidance regarding process for effectuating release	N/P	
Other Directions/ Information		

Functioning of Under Trial Review Committees

	Whether UTRCs formed in all districts?	N/P
	Whether all district-level UTRCs conducted weekly meetings as mandated by the Supreme Court?	N/P
Actual Meetings vs Mandated Meetings	Districts which held Weekly Meetings	Districts which DID NOT hold Weekly Meetings
175/456*	N/P	N/P

*Assuming that UTRC is formed in all 38 districts.



Admissions and Releases

In the period between 1st April 2020 to 30th June 2020, the number of admissions were at **65.8%** of the prison population, while the releases were only at **60.1%**. In contrast, in a quarter of 2019, the admissions stood at **123%** of the prison population stood and the releases at **119%**.

PSI 2019	April 2020	May 2020	June 2020
Monthly Admissions			
16354	6125	8588	12479
Monthly Releases			
15799	4623	8209	12011
Quarterly Admissions			
2019		2020	
49063 (123%)		27192 (65.8%)	
Quarterly Releases			
2019		2020	
47397 (119%)		24843 (60.1%)	



Impact on Decongestion of Prisons

The occupancy rate of the prison population between 1 April and 30 June 2020 increased by **5.2 percentage points**.










PSI 2019	1 April 2020	1 May 2020	1 June 2020	30 June 2020
Convict : Undertrial : Others Occupancy				
Male : Female Occupancy				
Sanctioned Capacity vs Prison Population				
Occupancy Rate				
94.3%	86.8%	90.1%	91.0%	92.0%




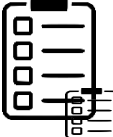


Good & Bad Practices

✓	
✗	The occupancy rate of the prison population increased by 5.2% between 1 April and 30 June 2020.
✗	As per the data provided, the prison department transferred 14,903 prisoners from one prison to another to ease overcrowding in some prisons. It amounts to transfer of more than 35% of the prison population. Transfers in large numbers from the one prison to another impacts family ties of prisoners as families may find it difficult to travel or communicate.

CHHATTISGARH

	 PRISONS	 CAPACITY	 POPULATION	 OCCUPANCY RATE
	33	11414   649	17229   883	150.1%

Functioning of the High Powered Committee

Whether HPC formed	Yes				
Composition	1. The Executive Chairperson, Chhattisgarh State Legal Services Authority – Chairman 2. The Additional Chief Secretary (and also having charge of, Department of Home & Prison), Government of Chhattisgarh – Member 3. The Additional Director General (Prison), Jail Headquarters – Member				
Number of Meetings held	3	26 March 2020	2 April 2020	12 June 2020	
Categories of Prisoners Recommended for Release	Undertrials & Convicts A prisoner, whether undertrial or convicted in a: <ol style="list-style-type: none"> Case triable by Magistrate of First class or Second class and punishable with imprisonment of 7 years or less with or without fine, Languishing in jail for a period of three months or more Criteria relaxed on 2 April, 2020 to – male undertrial prisoner who has been in jail for 3 weeks or more, and female undertrial prisoner who has been in jail for 2 weeks or more Criteria further extended on 12 June, 2020 - removed the cut-off date for completion of 3 weeks for male convict prisoners and 2 weeks for female convict prisoners <ol style="list-style-type: none"> Should be a resident of Chhattisgarh (deleted following 3rd HPC meeting on 12 June 2020) 				
Excluded Categories of Prisoners	Undertrials or Convicts under: <ol style="list-style-type: none"> Offences relating to counterfeit coin and government stamps under Chapter XII of IPC Offences of all kind of cheating punishable under Chapter XVII of IPC Offences of all kind of forgery punishable under Chapter XVIII of IPC Offences under Chit Fund Act, 1982 Sections 354, 354A, 354B, 354C, 354D of IPC Offences under POCSO Act 				
HPC restricted itself to the categories recommended by the Supreme Court?	Undertrials : Additional Categories: NOT RECOMMENDED Convicts : Additional Categories: NOT RECOMMENDED 				

<p>Period of Release on Interim Bail/ Parole</p>	<p>Undertrials: Initial Period — interim bail up to 30th of April 2020 Extension — those completing 2 weeks or 3 weeks in the days following the meeting on 2nd April 2020 were also entitled to be released on interim bail up to 30th of April 2020 Following 3rd HPC meeting, interim bail extended to 30 June 2020</p> <p>Convicts: Initial Period — 21st April 2020 Extension — extended up to 31 May 2020 and thereafter up to 30 June 2020 by the High Court of Chhattisgarh in WP (PIL) No. 27 of 2020, benefit also extended to those convicts who surrendered on or before 21 April 2020</p>	
<p>Directions to Appropriate Authority/ Conditions of Release</p>	<p>Duty Magistrate</p> <ul style="list-style-type: none"> ✓ The Duty Magistrate is to satisfy himself/herself as to whether the criteria laid down by the HPC has been complied with or not. ✓ The HPC directed that the Magistrate is to issue interim bails on submission of the prisoner's personal bond to the satisfaction of the concerned Jail Superintendent. 	
<p>Guidance regarding process for effectuating release</p>	<p>Legal Services Institutions</p> <ul style="list-style-type: none"> ▪ The concerned DLSAs are to file the applications on behalf of identified undertrial prisoners before the duty Magistrate. <p>Prison Administration</p> <ul style="list-style-type: none"> ▪ To release convicts on parole or furlough as per the act and rules. 	
<p>Other Directions/ Information</p>	<ul style="list-style-type: none"> ▪ The HPC directed that the ADG was to coordinate with the Government and take the necessary steps to ensure the implementation of all possible preventive measures. ▪ The HPC left it open for the ADG Prison to chalk out all possibilities of shifting of the prisoners proportionately as per the jail manual, so that the strength of the overcrowded jails may be reduced to a bearable figure and possible distancing can be maintained. ▪ The HPC also stated that necessary communication would be sent to all police officials and judicial officers to ensure strict compliance of the SC order in Arnesh Kumar v. State of Bihar where the court laid down further conditions for the arrest of persons for offences punishable with imprisonment for a term of seven years or less, with or without fine. 	

Functioning of Under Trial Review Committees

	<p>Whether UTRCs formed in all districts?</p>	<p>N/P</p>
	<p>Whether all district-level UTRCs conducted weekly meetings as mandated by the Supreme Court?</p>	<p>N/P</p>
<p>Actual Meetings vs Mandated Meetings</p>	<p>Districts which held Weekly Meetings</p>	<p>Districts which DID NOT hold Weekly Meetings</p>
<p>N/P</p>	<p>N/P</p>	<p>N/P</p>



Admissions and Releases

No information was received regarding admissions and releases.

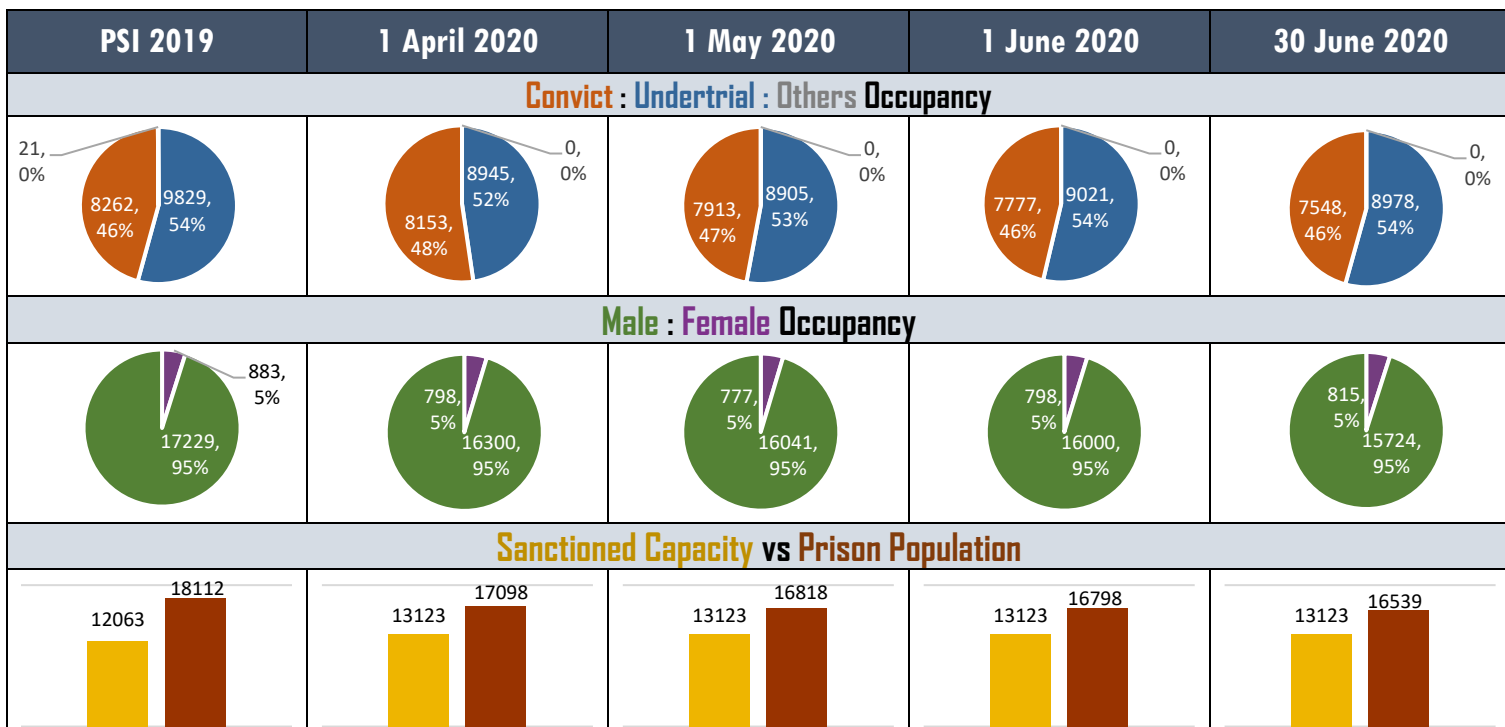
PSI 2019	April 2020	May 2020	June 2020
Monthly Admissions			
3794	N/P	N/P	N/P
Monthly Releases			
3653	N/P	N/P	N/P
Quarterly Admissions			
2019		2020	
11381 (62.8%)		N/P	
Quarterly Releases			
2019		2020	
10959 (60.5%)		N/P*	

*In the 2nd meeting of the HPC it was stated that up to 31 March 2020, 350 prisoners were reported to have been released on interim bail and 120 prisoners were released on parole.



Impact on Decongestion of Prisons

The decongestion efforts led to the decrease in occupancy rate by **4.3 percentage points** from 1 April to 30 June 2020.












Occupancy Rate				
150.1%	130.2%	128.2%	128.0%	126%




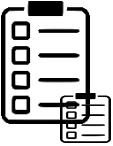



Good & Bad Practices



✓	Periodic compiled reports of prison accommodation and population of all jails was submitted by prison headquarters and perused by the HPC.
✓	The HPC resolved for necessary directions to be issued to the Chairman of all DLSAs, Collector and SP of all districts to ensure weekly meeting of UTRC as per the direction of the Supreme Court. UTRC meetings can be conducted via video conferencing.
✓	The HPC minutes recorded the number of undertrials and convicts released from prisons.
✓	The HPC reconsidered its criteria in subsequent meetings and relaxed earlier conditions with regard to period of time spent in jail and also regarding interim bail/parole for prisoners from outside the state of Chhattisgarh
✗	The HPC considered and resolved not to issue any general direction for release of prisoners aged above 60 years in view of the scope of the orders passed by the Apex Court.

GOA



	 PRISONS	 CAPACITY	 POPULATION	 OCCUPANCY
	1	574   50	484   34	83%

Functioning of the High Powered Committee

Whether HPC formed	Yes		 HIGH POWERED	
Composition	1. The Chairperson, Goa State Legal Services Authority – Chairman 2. The Principal Secretary (Home) / Chief Secretary, Government of Goa – Member 3. The Inspector General of Prisons – Member Secretary			
Number of Meetings held	2	30 March 2020		8 April 2020
Categories of Prisoners Recommended for Release	Undertrials 1. Those who are charged with offence punishable up to 7 years or less with or without fine Convicts 2. Those who have been sentenced to imprisonment up to 7 years or less with or without fine 3. The extension of parole terms of convicts already out on parole to be co-terminus to the lockdown			
Excluded Categories of Prisoners	Arrested for: A. Serious economic offences / bank scams B. Offences under Special Acts (Other than IPC) like the Prevention of Money Laundering Act, Narcotic Drugs and Psychotropic Substances Act, and Unlawful Activities (Prevention) Act which provide for additional restrictions for grant of bail			
HPC restricted itself to the categories recommended by the Supreme Court?	Undertrials : Additional Categories NOT RECOMMENDED Convicts : Additional Categories NOT RECOMMENDED			
Period of Release on Interim Bail/ Parole	Undertrials: Initial Period – N/P Extension – N/P Convicts: Initial Period – N/P Extension – N/P			

Directions to Appropriate Authority/ Conditions of Release	For parole of convicts whose residence was outside Goa: <ul style="list-style-type: none"> ✓ Will not be able to go to their place of residence due to lack of interstate transportation ✓ Arrangements for accommodation in shelter homes made by Civil Administration, the convicts could be accommodated there if they are willing 	
Guidance regarding process for effectuating release	The HPC directed the UTRC to urgently consider the cases of undertrial prisoners for release on interim bail. The UTRC was asked to take appropriate decisions as per the criterion.	

Functioning of Under Trial Review Committees

	Whether UTRCs formed in all districts?	YES In all 2 Districts
	Whether all district-level UTRCs conducted weekly meetings as mandated by the Supreme Court?	YES In all 2 Districts
Actual Meetings vs Mandated Meetings	Districts which held Weekly Meetings	Districts which DID NOT hold Weekly Meetings
25/24	North Goa (13), South Goa (12)	None



Admissions and Releases

The data below shows that between April to June, the monthly admissions increased by **125%**. During the same period, the monthly releases went down by **58%**.

PSI 2019	April 2020	May 2020	June 2020
Monthly Admissions			
101	24	34	30
Monthly Releases			
96	52 (31 on parole/furlough)	35 (7 on parole/furlough)	30 (4 on parole/furlough)
Quarterly Admissions			
2019		2020	
303 (58.49%)		88 (18.72%)	
Quarterly Releases			
2019		2020	
289 (55.79%)		117 (24.89%)	



Impact on Decongestion of Prisons

The decongestion efforts led to the decrease in occupancy rate by **8.33 percentage points** from 1 April to 30 June 2020.










PSI 2019	1 April 2020	1 May 2020	1 June 2020	30 June 2020
Convict : Undertrial Occupancy (Male)				
Male : Female Occupancy				
Sanctioned Capacity vs Prison Population				
Occupancy Rate				
83.0%	83.65%	72.91%	71.15%	75.32%




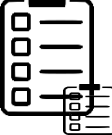

Good & Bad Practices





✓	Convicts considered for parole from outside Goa were given the option of staying in shelter homes arranged by the Civil Administration.
✓	Action taken by the UTRC taken on record during the HPC meetings.
✓	UTRC directed courts not to insist on personal appearance of the accused on the respective dates and such appearance to be secured through video conferencing.
✓	The South Goa UTRC called for a report from the judges of South Goa Courts on the compliance of the Supreme Court directions in the Suo Moto Writ Petition 01/2020.
✗	No other undertrial category than the ones recommended by the Supreme Court were considered by the HPC.

GUJARAT

	 PRISONS	 CAPACITY	 POPULATION	 OCCUPANCY RATE
	30	12650   1112	14526   563	109.6%



Functioning of the High Powered Committee

Whether HPC formed	Yes by State of Gujarat order vide JLK/392020/GOI/13/J, dated 24th March, 2020				 HIGH POWERED COMMITTEE
Composition	1. The Executive Chairperson, Gujarat State Legal Services Authority – Chairman 2. The Additional Chief Secretary, Government of Gujarat– Member 3. The Additional Director General of Police, Prison and Correctional Administration, Gujarat State – Member Other Invitee - Public Prosecutor				
Number of Meetings held	3	28 March 2020	28 April 2020	19 May 2020	
Categories of Prisoners Recommended for Release	<p>Undertrials</p> <ol style="list-style-type: none"> who are accused of offences with maximum sentence of 7 years or less with or without fine and the case is exclusively triable by the Judicial Magistrate. who are accused of offences with maximum sentence of 7 years or less and who are granted bail by the competent criminal court but not released due to inability to furnish bond or execute surety detained under Chapter VIII of the CrPC i.e. u/s 107, 108, 109 and 151 of Cr.PC. who are accused of offences with maximum sentence of 7 years or less and are of unsound mind <p>Convicts</p> <ol style="list-style-type: none"> extension of period of parole and furlough for those who are already on parole and furlough leave <p>Civil Prisoners</p> <ol style="list-style-type: none"> who have failed to honour the order of maintenance passed u/s 125 of the CrPC or in other matrimonial proceedings to be released with or without condition/s who were imprisoned for flouting or disobedience of the order passed by the Civil Courts 				
Excluded Categories of Prisoners	<p>Arrested for offences under:</p> <ol style="list-style-type: none"> Offences for which punishment provided is 7 years or more Laws dealing with terrorism Narcotics Drugs and Psychotropic Substances Act Prevention of Money Laundering Act Unlawful Activities (Prevention) Act Any or all offences against women and children Gujarat Control of Organised Crime Act Any offences against the national security All offences being investigated by the National Investigation Agency Economic offence and 				

	<p>K. Financial fraud with Bank, NBFC, public at large</p> <p>L. Inmate who has been previously convicted by the court of competent jurisdiction in another offence/s and same is yet not set aside by the Higher Court</p> <p>M. UTP and/or convict who is facing another trial for other offences shall not be considered.</p>	
HPC restricted itself to the categories recommended by the Supreme Court?	<p>Undertrials : Additional Categories RECOMMENDED</p> <p>Convicts : Additional Categories NOT RECOMMENDED</p>	
Period of Release on Interim Bail/ Parole	<p>Undertrials: Initial Period — 2 months or till such time that the State Government withdraw the Notification under the Epidemics Act, 1897, whichever is earlier Extension — 30 days.</p> <p>Convicts: Initial Period — 2 months Extension — Not Specified</p>	
Directions to Appropriate Authority/ Conditions of Release	<p>Undertrials</p> <ul style="list-style-type: none"> ✓ Principal District and Sessions Judges were directed to inform the concerned Judicial Magistrate to follow the directions by the HPC and to decide temporary bail applications in accordance with law and also, as expeditiously as possible. ✓ All temporary bail applications which are required to be preferred before the Ld. Judicial Magistrate shall be decided in the jail premise itself. The duty Magistrate/s shall visit jail along with the bare minimum staff and the number of panel advocates as may be decided by the Secretaries of DLSA (depending on the number of bail applications). ✓ Following conditions for temporary/interim bail: <ul style="list-style-type: none"> a) Undertrials shall report to the concerned police station within whose jurisdiction they are residing, once every 30 days b) Duty Magistrate may impose other conditions which he thinks fit, depending on the facts and circumstances of each case <p>Convicts</p> <ul style="list-style-type: none"> ✓ Those convicted by the Chief Judicial Magistrate and/or Judicial Magistrate and directed to undergo imprisonment for less than 7 years may prefer an application for temporary bail for the period of two months, before the Court of Sessions. Duty Sessions Judge may decide the bail applications in the Court premise or the jail premise or through Video Conference. ✓ Those convicted by the Court of Sessions and directed to undergo imprisonment for less than 7 years may prefer an application for temporary bail for the period of two months, before the Hon'ble High Court. All these temporary bail applications shall be decided through the Video Conference. <p>The HPC requested the Gujarat High Court to pass appropriate order to extend the temporary bail granted to inmates by a further period of 30 days.</p>	
Guidance regarding process for effectuating release	<p>Legal Services Institutions</p> <ul style="list-style-type: none"> ▪ Project Officers of the Gujarat SLSA prepared the draft of temporary bail application containing all necessary details viz. full name of the inmate, jail details, offence details, incarceration period along with the date of arrest etc. ▪ The Secretaries of DLSAs to depute panel lawyers (only those who are willing to visit jail) to assist the Judicial Magistrate in deciding temporary bail application and also assist the 	

	<p>inmates who are eligible to file temporary bail application for filling in the details in the draft temporary bail application.</p> <ul style="list-style-type: none"> Panel Lawyer shall file such temporary bail application before the Court of Ld. Judicial Magistrate having jurisdiction to try that case. <p>Prison Authorities</p> <ul style="list-style-type: none"> Jail authorities were instructed to identify inmates who are eligible to move applications for temporary bail and provide assistance in preparing bail application. Jail authority shall provide all assistance in preparing such bail application including taking signature of inmate on Vakalatnama etc. If no panel lawyer is available, the jail authority may with the help of the staff of jail authority fill-in the draft prepared by the Project Officers and same shall be submitted to the Ld. Judicial Magistrate who is going to visit jail for this purpose.
<p>Other Directions/ Information</p>	<ul style="list-style-type: none"> The Jail Authority shall pass appropriate orders for extension of period of Parole and Furlough for those convicts who are already on Parole and Furlough leave. The ADG prison was instructed to furnish the following information: <ul style="list-style-type: none"> a) Health condition of the convicts/undertrials mentioned in the list; b) If any convict/undertrial is suffering with fever, cold or coughing; c) If any person from the family or relative of convicts/undertrials came to jail to meet; d) List of persons who came to meet convicts/undertrials during the last 14 days. It shall be the sole discretion of ADG (Prison) to transfer jail inmates from one prison to another to avoid congestion in the particular jail, only after proper medical check-up of the inmates. ADG (Prison) shall in consultation with the Member Secretary, Gujarat SLSA to file a report depicting the details of the inmates who are found eligible to be released on temporary bail to the HPC, within 2 days from the date of first meeting. The HPC directed that the panel lawyer filing the temporary bail application and filing it before the Duty Judicial Magistrate to be paid Rs. 500/- per inmate, Rs. 1000/- for hearing of the single temporary bail application, and Rs. 500/- for undertaking the legal formalities for the release of an inmate from jail. The Member Secretary of the SLSA was requested to compile the data on the UTRC meetings and on persons released on temporary bail to be submitted to the HPC. ADG Prison informed HPC that though 17 inmates have been ordered to be released on temporary bail or parole or furlough they have refused to get out of the jail, as according to them jail is more safe place in comparison to the any other place.

Functioning of Under Trial Review Committees

	<p>Whether UTRCs formed in all districts?</p>	<p>YES In the 28 Districts where Prisons are located</p>
	<p>Whether all district-level UTRCs conducted weekly meetings as mandated by the Supreme Court?</p>	<p>No Only in 12 districts</p>
<p>Actual Meetings vs Mandated Meetings</p>	<p>Districts which held Weekly Meetings</p>	<p>Districts which DID NOT hold Weekly Meetings</p>
<p>288/336</p>	<p>Ahmedabad (13), Anand (13), Bharuch (13), Bhavnagar (13), Jamnagar (12), Junagadh (13), Kachachh @ Bhuj (14),</p>	<p>Amreli (0), Aravalli @ Modasa (4), Chhotaudepur (0), Dahod (10), Devbhumi Dwarka @ Khambalia (7),</p>

	Mahesana (12), Morbi (12), Porbandar (12), Rajkot (13), Surendranagar (13)	Gandhinagar (9), Kheda @ Nadiad (10), Mahisagar (9), Navasari (7), Panchmahals @ Godhra (9), Patan (4), S. K. @ Himatnagar (0), Surat (8), Tapi @Vyara (3), Vadodara (1), Valsad (2)
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Admissions and Releases

No information was received regarding admissions and releases.

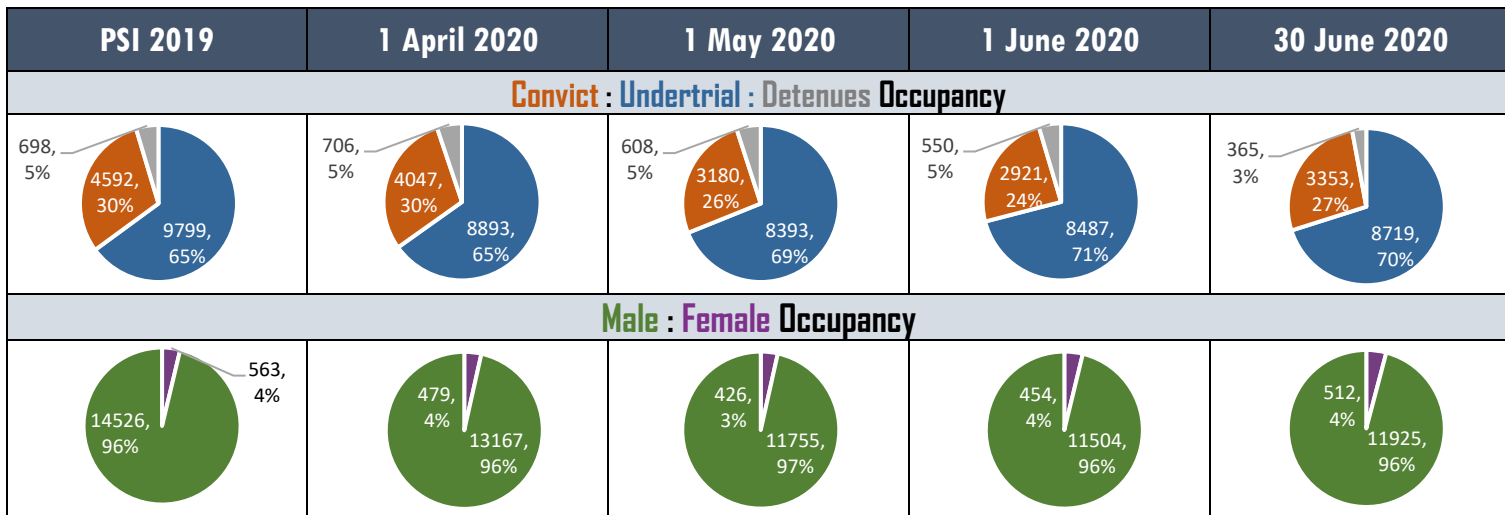
PSI 2019	April 2020	May 2020	June 2020
Monthly Admissions			
7185	N/P	N/P	N/P
Monthly Releases			
7046	N/P	N/P	N/P
Quarterly Admissions			
2019		2020	
21554 (143%)		N/P	
Quarterly Releases			
2019		2020	
21139 (140%)		N/P*	

*1198 inmates have been released on temporary bail as per the minutes of the HPC meeting dated 19 May 2020.

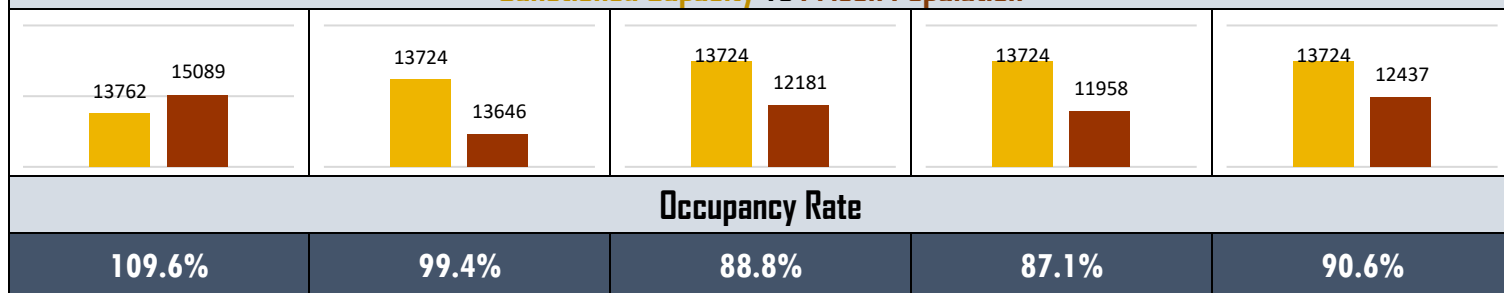


Impact on Decongestion of Prisons

The decongestion efforts led to the decrease in occupancy rate by **8.8 percentage points** from 1 April to 30 June 2020.












Sanctioned Capacity vs Prison Population




Good & Bad Practices



	High Court of Gujarat on 19 th June 2020 extended the temporary bail of prisoners by 75 days to extend till 31 st August 2020.
	HPC recommended UTRCs to consider such prisoners who are found eligible to be released on temporary bail to the High Power Committee. UTRC meeting may be conducted through Video Conference or Whatsapp Video Call Conference or through any other appropriate media. Detail report thereof shall be submitted to the Member Secretary, Gujarat SLSA within 2 days from the convening of the UTRC meeting.
	Letter, dated 27 March 2020, was issued by the Member Secretary, SLSA, to all the Chairpersons/Principal District and Sessions Judges and all the Secretary, DLSAs, informing them about the constitution and directions issued by the HPC.
	All Principal District and Sessions Judges requested to compile the data of the inmates who are released on temporary bail depicting the details viz. full name of the inmate, jail details, offence details, incarceration period along with the date of arrest and same shall be forwarded to the Member Secretary, Gujarat SLSA, who shall compile the details forwarded by the UTRCs and persons released on temporary bail in two different tabular form and submit the same to the HPC every week.
	HPC clarified in its second meeting that the categories of cases recommended by the HPC were inclusive and not an exhaustive document and the discretion of the competent criminal court, as a rule, was advised.
	The Jail Visiting Advocates and Para Legal Volunteers have remained present at the time of visit of Duty Magistrates to jail, and persuaded the inmates and also rendered their assistance in the preparation of documents for release of jail inmates on temporary bail.
	With the co-ordination of NGOs and District Administration, Ration Kits were provided to inmates who were going home, at the time of their release.
	Despite applications in the High Court to consider cases of – (a) inmates undergoing trial for an offence punishable with imprisonment of 7 years or less under a Special Act; (b) detenues of Prevention of Anti-Social Activities (PASA) Act for the release on temporary/ interim bail, the HPC did not relax its criteria on the ground that there is no congestions in the various jails and clarified that the right to prefer an application for temporary bail has not been curtailed in any ways.

HARYANA

	 PRISONS	 CAPACITY	 POPULATION	 OCCUPANCY RATE
	19	18395   911	19781   642	105.8%

Functioning of the High Powered Committee

Whether HPC formed	Yes									
Composition	1. The Executive Chairperson, Haryana SLSA – Chairman 2. The Additional Chief Secretary, Government of Haryana, Home Department – Member 3. The Director General of Prisons, Haryana – Member Other Invitees – Member Secretary, Haryana SLSA									
Number of Meetings held	8	24 March 2020	30 March 2020	13 April 2020	20 April 2020	5 May 2020	22 May 2020	15 June 2020		
Categories of Prisoners Recommended for Release	S.No.	Category							Initial Period of Release	
	Undertrials									
	1	Those with only one undertrial case pending, in which maximum prescribed sentence is 7 years or less (24 March)							45 days, extendable to 60 days	
	2	Those with two undertrial cases pending, in which maximum prescribed punishment in both cases is 7 years or less (24 March)							45 days, extendable to 60 days	
	3	Those who are in judicial custody awaiting filing of challan and have been booked for any offence punishable for imprisonment up to 7 years by the concerned local Police Stations and not concerned in any other case may be released on interim bail (30 March)							6 weeks which may be extended up to 8 weeks	
	Convicts									
	1	Extension of special parole for those who are already on parole/furlough (24 March)							4 weeks	
	2	Those who have already availed one parole or one furlough peacefully and surrendered in time to be granted fresh one-time special parole on the same set of sureties if sureties give their consent for fresh parole (24 March)							6 weeks	
	3	Those who are above the age of 65 years may be granted special parole (24 March)							6 weeks	

	4	Those who have no pending trial cases and sentences for 7 years or less, with or without fine may be considered for expeditious parole (24 March)	6 weeks, extendable to 8 weeks if circumstances so demand
	5	Those sentenced in one case for 7 years or less, with or without fine, and having one or more undertrial cases, if the prisoner has availed last one parole peacefully and should be on bail in undertrial case/s (24 March)	6 weeks, extendable to 8 weeks if circumstances so demand
	6	Convict prisoners of simple offences or prisoners falling under the category of hard-core prisoners for single offence whose 1 st Parole/furlough case was sanctioned by the sanctioning authority after completing the requisite conditions and their parole/furlough has been granted by the competent authority but they could not furnish the surety/security to the District Magistrate concerned in the prescribed time as mentioned in the Temporary Release Warrant (30 March)	45 days which may be extended up to 60 days
	7	Those who have undergone their substantive sentences and undergoing sentence for non-payment of fine and are not involved in any other case (30 March)	6 weeks which may be extended up to 8 weeks on execution of personal bond to the extent of the fine due
	8	Whose sentence is up to seven years but they are also convicted in multiple cases. However they have already undergone/acquitted or sentenced for fine only, in all other matters and undergoing sentence in last case with no other undertrial case (30 March)	45 days which may be extended up till 60 days
	Civil Prisoners/Simple Imprisonment Prisoners		
	1	Those who are detained in the prison in family court matters wherein person is in custody for non-payment of maintenance u/s 125 Cr.P.C. either in pending case or in execution (30 March)	6 weeks/ 45 days which may be extended up till 8 weeks/ 60 days
Excluded Categories of Prisoners	All prisoners undergoing trial or convicted for offences: A. Involved in multiple cases or convicted for intermediate or large quantity recovery under NDPS Act B. u/s 379-B IPC C. under POCSO Act D. for offence of rape E. for offence of acid attack F. Foreign nationals G. Convicted for Terror related cases, cases under Anti-National Activities and Unlawful Activities (Prevention) Act etc.		
HPC restricted itself to the categories recommended by the Supreme Court?	Undertrials : Additional Categories NOT RECOMMENDED Convicts : Additional Categories RECOMMENDED		

<p>Period of Release on Interim Bail/ Parole</p>	<p>Undertrials: Extension –</p> <ul style="list-style-type: none"> ▪ Interim bail be extended to further period of 6 weeks from the date of their surrender (05 May) ▪ 5 weeks for those whose surrender date fall between 16 May to 31 May; 04 weeks for those whose surrender date fall between 01 June to 15 June; 3 weeks for those whose surrender date fall between 16 June to 30 June (22 May) ▪ 10 weeks for those whose surrender date was between 21 June 2020 to 7 July 2020; 8 weeks for those whose surrender date was between 8 July 2020 to 21 July 2020; 6 weeks for those whose surrender date was between 22 July 2020 to 7 August 2020; 5 weeks for those whose surrender date was between 8 August 2020 to 21 August 2020; and 4 weeks for those whose surrender date was between 22 August 2020 to 7 September 2020 (15 June) ▪ till 16 November 2020, no further extensions to be granted, but convicts may seek regular parole from the competent authorities if entitled as per the law (31 August) <p>Convicts: Extension –</p> <ul style="list-style-type: none"> ▪ 3 weeks from the date of their surrender for avoiding rush for surrender. This will apply to convicts who have surrendered during lockdown period after availing parole or furlough (20 April 2020); ▪ instead of 3 weeks, parole was extended for 6 weeks (05 May) ▪ 5 weeks for those whose surrender date fall between 16 May to 31 May; 04 weeks for those whose surrender date fall between 01 June to 15 June; 3 weeks for those whose surrender date fall between 16 June to 30 June (22 May) ▪ 10 weeks for those whose surrender date was between 21 June 2020 to 7 July 2020; 8 weeks for those whose surrender date was between 8 July 2020 to 21 July 2020; 6 weeks for those whose surrender date was between 22 July 2020 to 7 August 2020; 5 weeks for those whose surrender date was between 8 August 2020 to 21 August 2020; and 4 weeks for those whose surrender date was between 22 August 2020 to 7 September 2020 (15 June) ▪ till 16 November 2020, except persons convicted for heinous offences i.e. murder, rape dacoity, offences under POCSO Act, offences under NDPS, Economic offences etc, punishable with more than 7 years imprisonment, whose parole is extended till 01 October 2020 and who are required to surrender in a phased manner after 1 October 2020 and the process is to be completed by 31 October 2020. No further extensions to be granted, but convicts may seek regular parole from the competent authorities if entitled as per the law. (31 August) <p>Clarification (22 May 2020): First date of surrender is the date after the HPC meeting on 24 March 2020, and for those already out on parole before that date, after the end of the 4 weeks extension granted in that meeting.</p>
<p>Directions to Appropriate Authority/ Conditions of Release</p>	<p>Judiciary/ DLSA</p> <ul style="list-style-type: none"> ✓ The HPC directed that the grant of Interim Bail be done either by the visiting judges of the jails (DSJ/ADJ/CJM) on the bail applications at the jails itself, or alternatively by devising a mechanism of routing the bail applications through DLSA to the courts convened especially for this purpose. <p>State Government</p> <ul style="list-style-type: none"> ✓ To notify/ issue executive order expeditiously for a one-time relaxation of the rule that the application for parole may be processed within the first year after the conviction of the prisoner.
<p>Guidance regarding process for effectuating release</p>	<p>Legal Services Institutions</p> <ul style="list-style-type: none"> ▪ Applications relating to parole/furlough for cases that are pending in other states are to be forwarded to the concerned SLSA. <p>Prison Authorities</p>



	<ul style="list-style-type: none"> ▪ The HPC called on the Head-of-Department and Superintendent of Jail who have power to grant additional remission of 2 months and remission of 1 month respectively to exercise their power for eligible prisoners and release them accordingly. <p>Divisional Commissioners/District Magistrates</p> <ul style="list-style-type: none"> ▪ The HPC directed that all other cases (pending and new) of parole were to be processed liberally and sympathetically on an urgent basis within three days of receipt of these directions and latest within 6 days. ▪ To dispose of the parole applications pending with them expeditiously. This was reiterated in the meeting on 05 May and 15 June 2020.
<p>Other Directions/ Information</p>	<p>Jail Authorities</p> <ul style="list-style-type: none"> ▪ To maintain order in prisons by undertaking counselling and by informing jail inmates of steps being taken to prevent infectious disease due to corona virus. ▪ Prisoners be allowed to talk to their family members through VC or jail telephone after taking health precautions. ▪ To comply with directions of the Supreme Court and to take the necessary steps for Prevention, Screening and Identification, Treatment and Mitigation and Transfer of Prisoners. ▪ To get the cases assessed from Jail Medical Officer, attested by SMO or CMO in cases which are not covered by HPC for release and in which undertrials/ convicts raise medical grounds and to take all necessary recommended steps for the safety and wellbeing of such undertrials/convicts. The list of such cases shall be submitted by the Jail Superintendents to the DG Prisons, Haryana who is to monitor the same. ▪ To completely restrict the movements of jail staff working in and prisoners lodged in Faridabad, Palwal, Nuh, Gurugram, Ambala and Karnal prisons subject to any medical emergencies or any other emergent grounds as these places are COVID-19 hotspots. ▪ To fully sanitize their jails as well as to ensure that any item/goods which is supplied/entered in jails be sanitised properly. All necessary measures are to be taken for promoting self-hygiene and self-protection. ▪ COVID test and 14 day quarantine for prisoners returning from interim bail/parole/furlough or otherwise (remanded from police to judicial custody) will be mandatory. The COVID test will also be mandatory for prison staff returning to jails after availing leave on emergent grounds. ▪ All prisoners who fall in vulnerable groups such as women including children accompanying women, senior citizens or other such prisoners who have been held to be vulnerable by Jail Medical Officer, are to be given healthy, nutritious diet that is enriched with Vitamin-C to increase their immunity. ▪ Due to insufficient infrastructure for effective quarantine/isolation, to shift the female prisoners of District Jails, Panipat, Kaithal, Sonapat, Kurukshetra and Yamunanagar to District Jail, Karnal, female prisoners of District Jails, Bhiwani and Sirsa to Central Jail, Hisar-2 and female prisoners of District Jail, Narnaul to District Jail, Jhajjar so that the female wards can be used as quarantine/isolation wards. ▪ To devise some mechanism for staggered entry of prisoners back to jails after availing of their parole /interim bail as ordered by HPC, with convicts on parole who are undergoing imprisonment for more than 7 years re-entering first. The mechanism is to be shared with the Haryana SLSA within 15 days for placing before the HPC with the precautionary steps to be taken. ▪ Male prisoners booked for offences which stipulate maximum imprisonment of 7 years are to be initially confined in Special Jails concerned. Five days later, they are to be tested for COVID-19 using RT-PCR by the mobile team of the civil hospital. If they test negative, they are moved to the regular jail concerned where they are quarantined for a further period of 5 days. They are again to be tested for COVID after 5 days and moved to the general barracks if they test negative and are examined by the Medical Officer of the Jail.

- In case of male prisoners who test negative for COVID and are booked for offences which stipulate maximum imprisonment for more than 7 years, they are to be confined in regular jails. They are to be kept in isolation for 7 days and then tested for COVID-19 using RT-PCR by the mobile team of the Civil Hospital concerned and moved to the general barracks after examination by the Medical Officer of the Jail.
- Rapid antigen test for COVID-19 of all prison staff who report to work after availing leave, those who test negative are to be kept in quarantine for 5 days and then tested using RT-PCR.

State Government

- State and DG prisons to issue necessary guidelines to the Divisional Commissioners, Deputy Commissioners, Jail authorities and others to implement the decisions taken by the HPC.
- In order to avoid the infection of COVID-19 amongst the prisoners, to designate temporary jails to lodge all persons (males only) taken in custody and whose COVID-19 test report is awaited by exercising its powers under the Punjab Jail Manual (Haryana).
- To take a decision to provide special diet to all the prisoners in order to enhance their immunity against COVID-19 infection.
- To fill-up the vacant posts of all the Medical Officers and paramedical staff in the jails of Haryana. However, it was clarified that those deputed on permanent or temporary duties should only be allowed to function after their COVID-19 test gives a negative report from a government institution.

Chairperson, DLSA

- The HPC advised the Chairperson DLSA and the concerned District & Sessions Judge to visit the jails every alternate day, and interact with the prisoners (of course after taking all precautions), so that the prisoners could air their concerns and order can be maintained.
- Communication by the judicial officers in person (even over the PA system) will have a positive impact on the prisoners.

Monitoring teams

- The HPC also set up Monitoring teams at the District and State level. The Monitoring team at the District Level would consist of 1) the Chairman, DLSA & D&SJ, 2) Deputy Commissioner, 3) Sect. DLSA, and 4) Superintendent Jail. The State Level would consist of 1) DG Prisons, 2) Member Secretary, HALSA, and 3) Special Secretary Home/Prisons.
- The State and District Monitoring Committees were asked to submit their respective reports within 3 days and 2 days, respectively, upon receipt of the HPC directions.
- The District monitoring committees were to submit the list and number of all cases granted/entitled to parole/ interim bail falling in each category specified by the HPC.
- They were also to submit for consideration of the HPC, the list and number of cases of those falling in categories outside those mentioned but in view of the monitoring committee they are entitled to get the benefit of parole/interim bail.
- In the meeting on 15 June 2020, the HPC directed the State Level Monitoring Committee to go through the list of those arrested after 1 May 2020 in offences punishable for a period of 7 years or less and submit its recommendations for placing the same before the HPC.

Police

- Investigating officer were advised to avoid arresting first offenders booked for any offence punishable for imprisonment up to 7 years unless it is of utmost necessary for purpose of investigation. The Commissioner of Police or District Superintendent of Police was asked to monitor such cases. In the meeting on 22 May 2020, the HPC directed the police department to take the necessary steps regarding this.
- Directions given in *Arnesh Kumar v. State of Bihar (2014) 8 SCC 273* be complied with and that copies of the minutes be sent to DGP, Haryana. This was reiterated in the meeting on 15 June 2020.



Executive Magistrate

- To record in writing the confirmation of the consent of sureties obtained through WhatsApp or SMS or mobile in cases where convict has successfully availed regular parole. In addition, a personal bond is to be executed by the convict.

	<ul style="list-style-type: none"> ▪ Since District Magistrates and Divisional Commissioners are involved in important administrative work, they are to appoint empowered Executive Magistrate in each district to accept personal bonds and sureties (through VC or at Jail gate), once parole has been granted to a convict. In case sureties are from outside District, such sureties are to appear before the Executive Magistrate appointed for such district (where surety is resident) and surety bonds are to be accepted through VC between two Executive Magistrates. ▪ The Executive Magistrate is to take a liberal approach while keeping sufficient safeguards. <p>UTRC</p> <ul style="list-style-type: none"> ▪ To meet every week and take such decisions in consultation with the concerned authority as per the direction of the Supreme Court. <p>Other</p> <ul style="list-style-type: none"> ▪ In its meeting on 13 April 2020, the HPC also specified that the categories for undertrials and convicts are different and therefore submissions for parity between undertrial and convict cannot be accepted. ▪ In the meeting held on 22 May 2020, the HPC requested health authorities to fast track COVID 19 test reports of persons taken in custody in order to avoid the risk of infection with the prisons. <p>Director General of Police, Haryana:</p> <ul style="list-style-type: none"> ▪ To provide proper security so as to avoid any escape from these Special Jails or during transportation from and to the Special Jails and to ensure smooth communication with these Special Jails through wireless sets connected to the local Police Control Room. ▪ To provide proper escort/security for every prisoner who tests positive for COVID-19 for immediate shifting to the General Hospital/COVID-19 dedicated hospitals for further management. ▪ To provide proper escort/security for prisoners during their transportation from Special Jails to their Jails concerned after negative COVID-19 test report. ▪ Rapid antigen test was to be conducted for all arrested persons before they are produced in Court. Health Authorities are to report these results on priority with prisoners testing negative being sent to prisons and those testing positive being admitted for treatment in the prisoner's ward of COVID Dedicated/General Hospital. <p>Director General of Prisons, Haryana:</p> <ul style="list-style-type: none"> ▪ To depute a Deputy Superintendent Jail along with necessary staff for internal management and maintenance of records of Special Jails as per rules. ▪ To provide bedding, utensils, food and other basic necessities for the prisoners confined in Special Jails. ▪ To provide necessary articles/equipment required for screening of staff and prisoners for symptoms of COVID-19 ▪ To provide PPE Kits, masks, sanitisers, aprons, gloves, soap etc. to protect the staff/prisoners from COVID-19 ▪ To depute suitable number of sweepers at each of the Special Jails for cleanliness, hygiene and sanitization <p>Director General Health Services, Haryana:</p> <ul style="list-style-type: none"> ▪ To depute one Medical Officer each and other para medical staff for examination and treatment of prisoners at Special Jails, Karnal, Hisar and Rewari. It may be ensured that the Medical Officers para medical staff are tested for COVID-19 and negative report obtained before deputation at these Special Jails. ▪ Testing of prisoners for COVID-19 and submission of reports may be done on priority basis. Tests of prisoners may be conducted using RT-PCR instead of Rapid test kit. The samples collected may be tested at Government Institutes only. ▪ To establish Prisoner Wards in the COVID-19 dedicated Hospitals and every COVID positive prisoner may be admitted and treated in these Wards.
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	<ul style="list-style-type: none"> ▪ Sampling for COVID-19 tests of prisoners/staff who had been in contact with any COVID positive prisoner/staff may be done promptly at the Jail itself through mobile team of Civil hospital concerned. <p>Deputy Commissioners, Faridabad, Karnal, Hisar and Rewari:</p> <ul style="list-style-type: none"> ▪ Suitable places may be identified in and around the Central/District Jails by the Deputy Commissioners in consultation with the Commissioner of Police/Superintendent of Police and Superintendent Jail, which can be used as temporary jails in case there is a COVID-19 outbreak in jails. ▪ To ensure supply of potable water for the prisoners lodged in these Special Jails. ▪ To ensure uninterrupted electricity supply at Special Jail, Rewari ▪ To provide two vehicles (one ambulance for carrying ill prisoners to the Hospitals in case of any emergency and one Jeep for transportation of food and other necessities) at the Special Jail, Rewari
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Functioning of Under Trial Review Committees

	Whether UTRCs formed in all districts?	YES In all 22 Districts
	Whether all district-level UTRCs conducted weekly meetings as mandated by the Supreme Court?	No Only in 16 districts
Actual Meetings vs Mandated Meetings	Districts which held Weekly Meetings	Districts which DID NOT hold Weekly Meetings
263/264	Ambala (13), Bhiwani (13), Chakri Dadri (13), Fatehabad (12), Faridabad (17), Gurgaon (12), Hissar (12), Jind (12), Jhajjar (13), Kurukshetra (13), Mewat (12), Panipat (13), Panchkula (13), Palwal (13), Sonapat (13), Yamunanagar (12)	Karnal (11), Kaithal (10), Narnaul (12), Rewari (3), Rohtak (10), Sirsa (11)



Admissions and Releases

No information was received regarding admissions and releases.

PSI 2019	April 2020	May 2020	June 2020
Monthly Admissions			
5192	N/P	N/P	N/P
Monthly Releases			
5235	N/P*	N/P**	N/P
Quarterly Admissions			
2019		2020	
15578(76.3%)		N/P	
Quarterly Releases			

2019	2020
15705(76.9%)	N/P***

*As per HPC minutes, 4481 undertrials/convicts were released up to 11 April, 2020. The bail/parole of 949 was under process.

**1,503 undertrials were arrested and lodged in jails from 1 May 2020 to 6 June 2020 in a case with a maximum punishment of 7 years or less

***By 10 August 2020, the number stood at 4,863 convicts/undertrials being released on parole/bail.



Impact on Decongestion of Prisons

The decongestion efforts led to the decrease in occupancy rate by **11.9 percentage points** from 1 April to 30 June 2020.

PSI 2019	1 April 2020	1 May 2020	1 June 2020	30 June 2020
Convict : Undertrial : Detenues Occupancy				
Male : Female Occupancy				
Sanctioned Capacity vs Prison Population				
Occupancy Rate				
105.8%	97.8%	86.7%	86.3%	85.9%












Good & Bad Practices


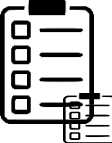

✓	The HPC directed the setting up of Monitoring teams at the District and State levels and their reports were considered in subsequent HPC meetings.
✓	The HPC directed the jail authorities to maintain order in prisons by undertaking counselling and by informing jail inmates of steps being taken to prevent infectious disease due to corona virus.
✓	The HPC proposed that prisoners be allowed to talk to their family members through VC or jail telephone after taking health precautions.





✓	HPC considered during its meetings more than 40 individual representations received from different prisons.
✓	Special Jails for male prisoners only (except gang leaders, prisoners on whom an award had been announced or repeated offenders who are booked for an offence which stipulates maximum imprisonment for more than 7 years) remanded to judicial custody in Haryana are to be initially confined in Special Jails till the receipt of COVID-19 report.
✓	In the meeting held on 20 April 2020, the HPC directed the District Level Monitoring Committee to look at the recommendations and forward the relevant recommendations to the High Powered Committee.
✓	Upon the recommendation from the District Level Monitoring Committee, the HPC allowed the interim bail of 8 month pregnant undertrial for a period of 12 weeks in the meeting held on 5 May 2020. 2 more pregnant undertrial/convict prisoners were granted interim bail/parole for 16 weeks in the meeting held on 22 May 2020. Another female undertrial was granted interim bail for 12 weeks on health grounds in the 24 th week of pregnancy in the HPC meeting on 31 August 2020.
✓	The panel advocates collect applications/representations of the convicts/ undertrials and present it before the Secretary, DLSA concerned for further necessary action. They also assist in undertrials who can be considered for release by the UTRC.
✓	The jail PLVs maintain a register with regard to the queries of every convict and undertrials regarding legal aid, filing of bails, filing of appeals in the Hon'ble High Courts or any other issue.
✗	The transfer of women prisoners to Central Prison and District Jails would result in increased population of women prisoners in these prisons, resulting in overcrowding of women prisoners in the case of Central Jail – Hisar 2 and close to full capacity in the District Jails of Karnal and Jhajjar.

HIMACHAL PRADESH



	 PRISONS	 CAPACITY	 POPULATION	 OCCUPANCY RATE
	14	2010   136	2286   87	110.6%

Functioning of the High Powered Committee

Whether HPC formed	Yes		 HIGH POWERED COMMITTEE
Composition	1. The Executive Chairperson, Himachal State Legal Services Authority – Chairman 2. The Additional Chief Secretary (Home), Government of Himachal Pradesh – Member 3. The Director General of Police, Himachal Pradesh – Member Other Attendee – 4. Member Secretary, Himachal Pradesh SLSA – Presenting Officer		
Number of Meetings held	1	27 March 2020	
Categories of Prisoners Recommended for Release	Undertrials <ol style="list-style-type: none"> 1. First time offenders 2. Have been arrested or are facing trial for an offence punishable up to 7 year or less 3. The case is triable by Magistrate, and 4. They are in custody for last three months or more 5. The Undertrial Prisoners should be the residents of Himachal Pradesh Convicts <ol style="list-style-type: none"> 1. With imprisonment up to 7 years 2. Release under S.432 of CrPC (suspension or remission of sentence) 		
Excluded Categories of Prisoners	The release of convicts/undertrials from outside State/Foreigners not considered in view of National Lockdown Arrested for offences under: <ol style="list-style-type: none"> A. POCSO Act B. Crimes relating to sexual offences committed against the women C. Rioting and waging war against the State D. Crimes relating to counterfeit currency E. Crimes against children relating to kidnapping F. Crimes relating to anti-corruption matters G. Crimes relating to commercial and economic offences H. Crimes relating to Gangsters Act I. Crimes under NDPS Act relating to recovery of commercial quantity and less than commercial quantity but more than small quantity 		

<p>HPC restricted itself to the categories recommended by the Supreme Court?</p>	<p>Undertrials : Additional Categories NOT RECOMMENDED Convicts : Additional Categories RECOMMENDED</p>	
<p>Period of Release on Interim Bail/ Parole</p>	<p>Undertrials: Initial Period — For a maximum period of three months on interim bail on furnishing a personal bond, without surety Extension — Not Specified Convicts: Initial Period — Maximum release on Parole/Furlough or grant of emergency furlough as per rules and procedure; Suspension or remission of sentences of convicts whose cases are under consideration by competent authorities as per rules and procedure Extension —</p>	
<p>Directions to Appropriate Authority/ Conditions of Release</p>	<p>Legal Services Institutions ✓ The Secretary of DLSA is to depute bail and remand counsel to assist the concerned court in hearing these applications. Prison Authorities ✓ The concerned Superintendent of Jail is to securitize the eligible convicts/undertrials. ✓ Applications of convicts for parole/furlough etc. to be expedited by adopting digital modes/online procedure. ✓ The bail applications to be moved through the jail authorities with the help of DLSA to the courts concerned. ✓ Bail applications to be filed online to prevent the gathering in masses in Courts or Government Offices and to comply with the social distancing policy of the Central Government</p>	
<p>Guidance regarding process for effectuating release</p>	<p>Prison Authorities ✓ The prisoner be released from prisons, after proper medical check-up by Medical Officers. Legal Services Institutions ✓ The Secretary of DLSA is to depute bail and remand counsel to assist the concerned court in hearing these applications District Magistrate and Superintendent of Police ✓ The concerned District Magistrate to ensure that the travel pass is provided to the released prisoners ✓ The District Magistrate and Superintendent of Police were directed to make arrangements for transmission of prisoners from the prisons to their respective places.</p>	

Functioning of Under Trial Review Committees

	<p>Whether UTRCs formed in all districts?</p>	<p>No In 11 out of 12 districts*</p>
	<p>Whether all district-level UTRCs conducted weekly meetings as mandated by the Supreme Court?</p>	<p>No Only in 10 districts</p>
<p>Actual Meetings vs Mandated Meetings</p>	<p>Districts which held Weekly Meetings</p>	<p>Districts which DID NOT hold Weekly Meetings</p>

140/120	Bilaspur (13), Hamirpur (13), Kangra at Dharamshala (13), Kinnaur at Rampur Bushehar (13), Kullu (13), Mandi (13), Simaur at Nahan (13), Shimla (13), Solan (13)	Chamba (11)
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*The district of Lahaul and Spiti has not set up a UTRC



Admissions and Releases

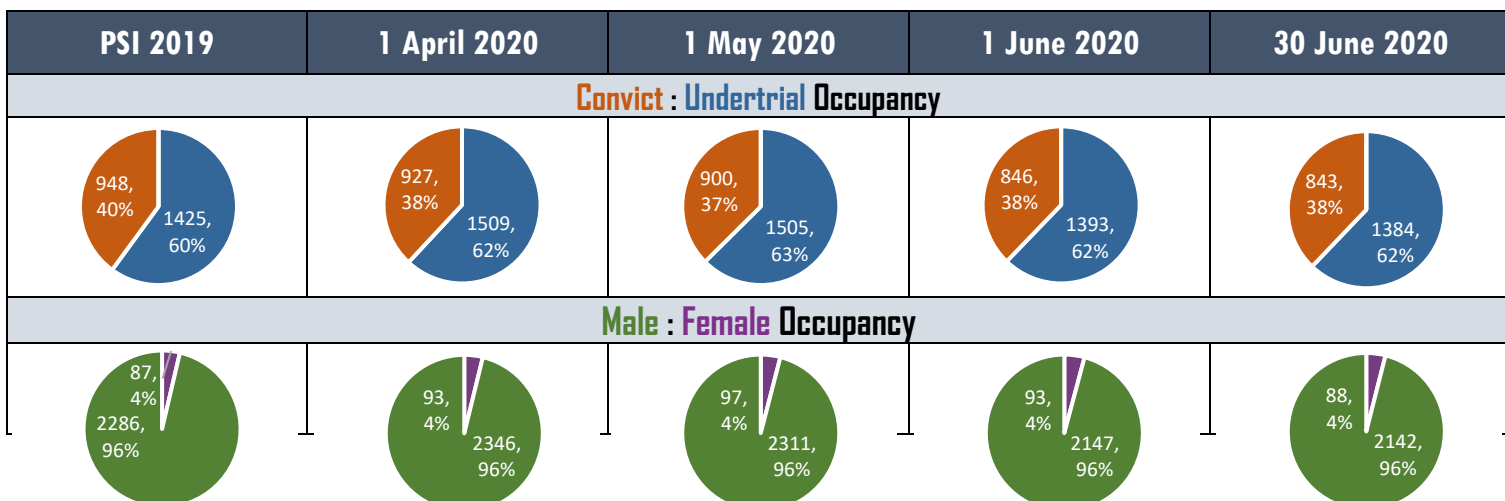
The data below shows that the quarterly releases between April to June 2020 were only **12.8%** of the population. However, over the course of a quarter in 2019, the releases were **58.6%**.

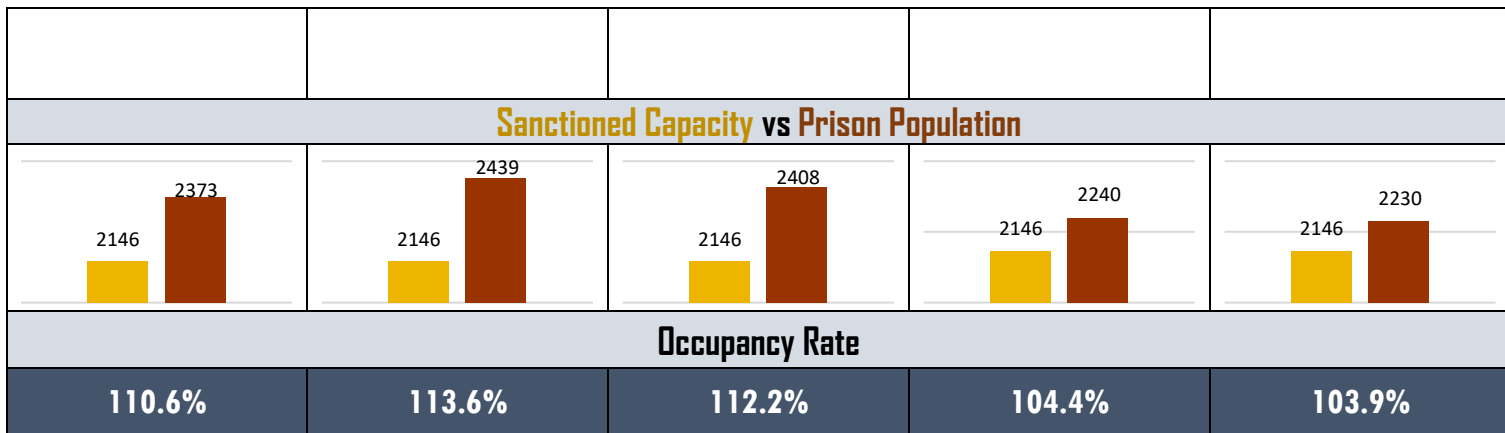
PSI 2019	April 2020	May 2020	June 2020
Monthly Admissions			
501	35	70	106
Monthly Releases			
463	63	122	100
Quarterly Admissions			
2019		2020	
1503 (63.3%)		211 (9.5%)	
Quarterly Releases			
2019		2020	
1390 (58.6%)		285 (12.8%)	



Impact on Decongestion of Prisons

The decongestion efforts led to the decrease in occupancy rate by **9.7 percentage points** from 1 April to 30 June 2020.





















Good & Bad Practices

✓	HPC directed to expedite and prioritise the matters of the convicts under the consideration of competent authorities for suspension and remission as per rules and procedure.
✓	The District Magistrate and Superintendent of Police were directed to make arrangements for transmission of prisoners from the prisons to their respective places and to ensure that policies and guidelines of the government regarding complete lockdown was not to be violated during the process of transmission.
✓	Health authorities had visited jails in districts and advised the prison authorities regarding hygiene and the SoP to be observed.
✓	Jail visiting lawyers and PLVs have used the digital medium to coordinate with Jail Authorities and Legal Services Institutions actively to identify the eligible undertrial prisoners
✓	Jail visiting lawyers and PLVs have also informed the undertrial prisoners and convicts about the various rights of prisoners including release on Parole, Furlough, Premature Release, Plea Bargaining and NALSA's Standard Operating Procedure (SOP) for Under Trial Review Committees (UTRCs)
✗	HPC meeting was conducted only once despite the occupancy rate being more than 100% in 8 prisons as on 30 th June 2020.



JHARKHAND

	 PRISONS	 CAPACITY	 POPULATION	 OCCUPANCY RATE
	30	15927   868	17841   813	111.1%

Functioning of the High Powered Committee

Whether HPC formed	N/P	
Composition	N/P	
Number of Meetings held	N/P	
Categories of Prisoners Recommended for Release	Undertrials Convicts	
Excluded Categories of Prisoners	Undertrials Convicts	
HPC restricted itself to the categories recommended by the Supreme Court?	Undertrials : Additional Categories Convicts : Additional Categories	
Period of Release on Interim Bail/ Parole	Undertrials: Initial Period – N/P Extension – N/P Convicts: Initial Period – N/P Extension – N/P	
Directions to Appropriate Authority/ Conditions of Release		
Guidance regarding process for effectuating release		
Other Directions/ Information		

Functioning of Under Trial Review Committees

	Whether UTRCs formed in all districts?	N/P (Only received information for two UTRCs)
	Whether all district-level UTRCs conducted weekly meetings as mandated by the Supreme Court?	N/P (Only received information for two UTRCs)
Actual Meetings vs Mandated Meetings	Districts which held Weekly Meetings	Districts which DID NOT hold Weekly Meetings
14/24	Ranchi (13)	Khunti (1)



Admissions and Releases

No information was received regarding admissions and releases.

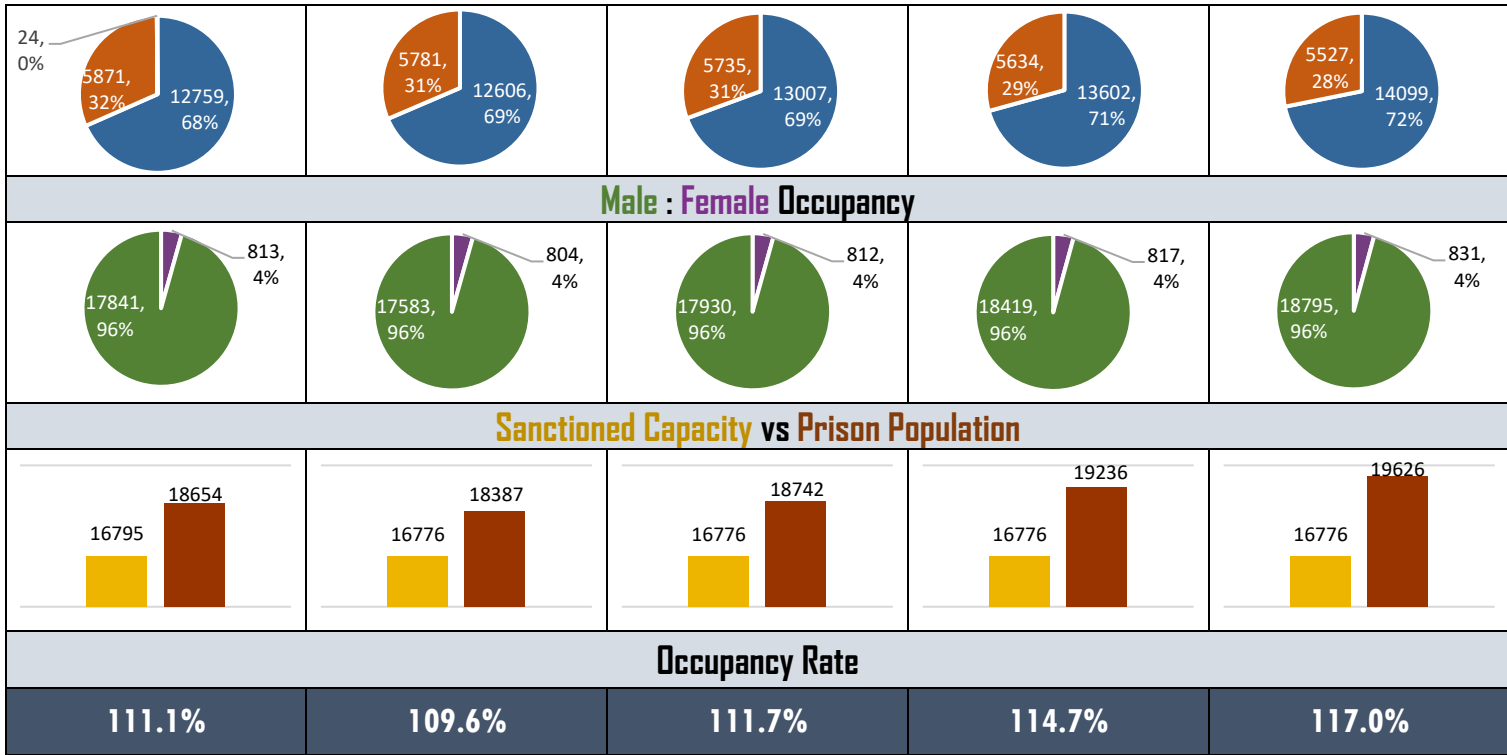
PSI 2019	April 2020	May 2020	June 2020
Monthly Admissions			
3828	N/P	N/P	N/P
Monthly Releases			
3785	N/P	N/P	N/P
Quarterly Admissions			
2019		2020	
11484 (61.6%)		N/P	
Quarterly Releases			
2019		2020	
11356 (60.9%)		N/P	



Impact on Decongestion of Prisons

Between 1 April to 30 June 2020, the occupancy rate has effectively increased by **7.4 percentage points**.










PSI 2019	1 April 2020	1 May 2020	1 June 2020	30 June 2020
Convict : Undertrial : Detenues Ratio				




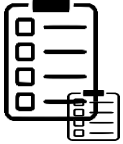
Good & Bad Practices

✓	The Jail Visiting Panel Lawyers and Jail PLVs (Jail Inmates) have been directed to identify the prisoners involved in offences punishable up to seven years of imprisonment who are not involved in heinous or economic offences or Naxal activities and have no or less criminal antecedent to move application on their behalf for their release on Bail or interim Bail till the threat of COVID – 19 persists.
✗	Information only received from two DLSAs.


KARNATAKA

	 PRISONS	 CAPACITY	 POPULATION	 OCCUPANCY RATE
	104	13099   1216	13904   611	101.4%



Functioning of the High Powered Committee

Whether HPC formed	Yes					
Composition	<p>1. The Executive Chairperson, Karnataka SLSA – Chairman</p> <p>2. The Principal Secretary (PCAS), Government of Karnataka – Member</p> <p>3. The Director General (Prisons & Correctional Services), Karnataka – Member</p> <p>Other Invitee – Additional Chief Secretary to Government (Home & Prison), Government of Karnataka; ADGP (Law & Order); Registrar General, High Court of Karnataka; Director ICPS, Bangalore; Director of Prosecution; Deputy Inspector General (Prisons & Correctional Services); Member Secretary, Karnataka SLSA; Deputy Secretary, Karnataka SLSA</p>					
Number of Meetings held	4	26 March 2020	27 March 2020	30 March 2020	3 April 2020	
Categories of Prisoners Recommended for Release	<p>Undertrials</p> <ol style="list-style-type: none"> 1. First time offenders and are facing charges for punishment of less than 7 years (based on the decision of the District Level Committee) 2. Those who were granted bail but were not released because of inability to furnish surety 3. Those detained under Chapter VIII of CrPC i.e., u/s107, 108, 109, 151 of CrPC 4. Those facing trial with an imprisonment up to seven years or less, is of unsound mind and needs to be dealt under Chapter XXV of CrPC 5. Those who have failed to honour the order of S.125 of CrPC or in other matrimonial proceedings may be in jail and may be released with or without conditions <p>Convicts</p> <ol style="list-style-type: none"> 1. Those who were undergoing imprisonment for less than 7 years (based on the decision of the District Level Committee) 2. Those who were undergoing imprisonment more than 7 years and less than 14 years (based on the decision of the HPC) 3. Extension of period of parole for those who were already on parole <p>Civil Prisoners</p> <ol style="list-style-type: none"> 1. Those who were undergoing civil imprisonments in connection with disobeying the orders of Civil Courts shall also be considered for release 					

<p>Excluded Categories of Prisoners</p>	<p>Persons facing investigation under:</p> <ul style="list-style-type: none"> A. Offences for which the punishment provided is seven years or more B. Any law dealing with terrorism C. NDPS Act D. Money Laundering Act E. Unlawful Activities (Prevention) Act F. Any or all offence against women and children G. Coca Act H. Any offences against national security I. All offences being investigated by NIA J. Economic offences K. Financial fraud with banks, NBFC, public at large L. Inmate who had been previously convicted by the court of the competent jurisdiction in other offence and the same was not set aside by the High Court M. An undertrial facing another trial for other offences 	
<p>HPC restricted itself to the categories recommended by the Supreme Court?</p>	<p>Undertrials : Additional Categories RECOMMENDED Convicts : Additional Categories RECOMMENDED</p>	
<p>Period of Release on Interim Bail/ Parole</p>	<p>Undertrials: Initial Period – 2 months or Extension – till such time State Government withdraws the Notification issued under Epidemic Act, whichever is earlier</p> <p>Convicts: Initial Period – 2 months or Extension – till such time State Government withdraws the Notification issued under Epidemic Act, whichever is earlier</p>	
<p>Directions to Appropriate Authority/ Conditions of Release</p>	<p>Undertrials</p> <ul style="list-style-type: none"> ✓ To decide which of the undertrials are to be released, a District Level Committee consisting of the District Judge, Commissioner of Police Superintendent of Police, Jail Superintendent and Public Prosecutor of respective Districts was to be formed who would collate the details of the undertrials and evaluate on a case to case basis. ✓ The DLCs were directed to examine the list of undertrials placed before them by the Jail Superintendent and recommend them to the jurisdictional CJMs to consider the plea of bail on such terms and conditions as deemed fit. ✓ The details of the identified inmates such as full name, jail details, offence, incarceration period along with date of arrest, etc. to be provided to the concerned Secretary, DLSA to take steps for grant of temporary bail. ✓ All temporary bail applications were to be proceeded before learned ADJs and it was to be decided in Home Office with bare minimum staff and number of Panel Advocates as decided by the Secretary, DLSA. ✓ Inmates enlarged on temporary bail shall report to the concerned police station, once in 30 days, within whose jurisdiction they are residing. ✓ The ADJs were allowed to impose other conditions which they thought may be fit and appropriate, as per facts and circumstances of each case. <p>Convicts</p> <ul style="list-style-type: none"> ✓ All prisons to provide information of convicts undergoing imprisonment of less than seven years who would be eligible under the Karnataka Prisons Act, 1963 and the rules, to be considered for temporary parole. The respective heads of prisons would also include information regarding the willingness of the prisoners and the surety/ sureties to be offered. The details thereof to be placed before the respective District Level 	

	<p>Committee to be recommended to Government to enable them to take steps for their release.</p> <ul style="list-style-type: none"> ✓ The District Level Committee was to look at the statistics with regard to the convicts and recommend for release of the convicts on Parole. ✓ Prison authority to pass appropriate orders for extension of period of parole for those convicts who are already on parole. ✓ The State was to collate the details of convicts who were undergoing imprisonment more than 7 years and less than 14 years and place it before the HPC for taking decision in that regard. ✓ The State Government was directed to continue exercising its power under the Karnataka Prisons Act, 1963 and Rules made thereunder.
<p>Guidance regarding process for effectuating release</p>	<div style="text-align: right;"></div> <p>Legal Services Institutions</p> <ul style="list-style-type: none"> ▪ The Secretaries of DLSA/TLSC to depute the Panel Lawyers to file temporary bail applications if necessary. ▪ The panel advocate filing such bail applications were to be paid Rs. 1500 for single temporary bail application for undertaking the legal formalities for release of inmate from the jail by Karnataka SLSA/DLSA. <p>Prison Authorities</p> <ul style="list-style-type: none"> ▪ To extend all assistance in pursuing the bail applications by taking signatures on vakalath etc., and file them before the designated Court ▪ DGP (Prisons) to continue to examine the applications for parole and when these applications were received by the Jurisdictional Police, they shall forward the report to the Superintendent of Jail within 4 days and consider it within 10 days of the date of receipt of the application. <p>Undertrial Review Committee</p> <ul style="list-style-type: none"> ▪ To hold weekly meetings in compliance with the directions of the Supreme Court.
<p>Other Directions/ Information</p>	<p>Director of Prosecutions</p> <ul style="list-style-type: none"> ▪ To be a Special Invitee to the HPC and will be involved in the work of the HPC. To collate the statistics as has been directed by the Supreme Court in its order dated 24 March 2020 and place it before the HPC. <p>Legal Services Institutions</p> <ul style="list-style-type: none"> ▪ The Chairperson and Member Secretary of DLSA to personally visit the prisoners at least twice a week to assuage the pent-up frustration of prisoners for maintaining order. They must also regularly interact with the prisoners. ▪ DLSA to monitor the implementation of the directions issued by the Supreme Court. <p>Prison Authorities</p> <ul style="list-style-type: none"> ▪ To extend the facility of “Landline telephone” to the prisoners. ▪ DG Prisons placed on record that 175 undertrials from Central Prison Vijayapura, 50 undertrials from Central prison Mysore were transferred to district/sub jails. <p>State Authorities</p> <ul style="list-style-type: none"> ▪ To take immediate steps for appointment of sanctioned medical staff in 9 central prisons, 21 district prisons and 15 taluka/ revenue prisons by taking all reasonable steps in light of the prevailing situation. <p>Health and Family Welfare Department</p> <ul style="list-style-type: none"> ▪ To ensure that immediate steps be taken for identifying Nodal Medical Institutions for shifting of prison inmates in case of any possibility of COVID-19. ▪ State Administration was asked to ensure that in prisons where there was no Medical Officer available, a Doctor was to be deputed from the respective District to visit the prison at least once in a day for conducting routine medical check-up of inmates of the prison.

Functioning of Under Trial Review Committees

	Whether UTRCs formed in all districts?	Yes In all 30 Districts
	Whether all district-level UTRCs conducted weekly meetings as mandated by the Supreme Court?	No Only in 6 Districts
Actual Meetings vs Mandated Meetings	Districts which held Weekly Meetings	Districts which DID NOT hold Weekly Meetings
190/360	Bengaluru Rural (13), Belagavi (13), Chamarajnagar (12), Dharwad (13), Hassan (12), Yadagiri (13)	Bengaluru Urban (0), Bagalakote (3), Ballari (4), Bidar (2), Chikkaballapur (1), Chikkamagaluru (10), Chitradurga (3), D. K. Mangaluru (4), Davanagere (0), Gadag (5), Haveri (9), Kalaburgi (8), Kodagu-Madikeri (2), Kolar (8), Koppal (2), Mandya (4), Mysuru (4), Raichur (2), Ramanagara (1), Shivamogga (10), Tumakuru (8), Udupi (1), U.K.Karwar (8), Vijaypura (5)



Admissions and Releases

No information in regard to admissions and releases was provided.

PSI 2019	April 2020	May 2020	June 2020
Monthly Admissions			
6340	N/P	N/P	N/P
Monthly Releases			
5863	N/P	N/P	N/P
Quarterly Admissions			
2019		2020	
19020 (131.04%)		N/P	
Quarterly Releases			
2019		2020	
17590 (121.18%)		N/P*	

*Minutes of the HPC meeting held on 3 April 2020, provided that 606 undertrials were released, and 230 convicts were recommended for release by the District Level Committees.



Impact on Decongestion of Prisons

No information was provided to analyse the decongestion efforts between 1 April to 30 June 2020.










PSI 2019	1 April 2020	1 May 2020	1 June 2020	30 June 2020
Convict : Undertrial : Detenues : Others Ratio				
	N/P	N/P	N/P	N/P
Male : Female Occupancy				
	N/P	N/P	N/P	N/P
Sanctioned Capacity vs Prison Population				
	N/P	N/P	N/P	N/P
Occupancy Rate				
101.4%	N/P	N/P	N/P	N/P




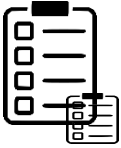





Good & Bad Practices

✓	The Prison Department constituted a “COVID-19 Special Response Team” consisting of the Jail Superintendent/Chief Warden or Head of the Prison, Second person in command of the respective Jail and Government Doctor/ representative of District Health Officer. These teams were taking steps in their respective prisons for ensuring monitoring of all the inmates for preventing the spread of corona virus.
✓	Awareness programme was being held by the Department of Health and Family Welfare in the Prisons, with some of these measures being taken even before the Supreme Court directions.
✓	Among others, the HPC considered three categories of cases which fall under the mandate of the UTRCs.
✓	State Administration was asked to ensure that in prisons where there was no Medical Officer available, a Doctor was to be deputed from the respective District to visit the prison at least once in a day for conducting routine medical check-up of inmates of the prison.
✓	The Executive Chairman of SLSA consulted and took guidance of the Supreme Court Judge who has been nominated by the then Chairman of NALSA as the guardian to look after the implementation of the legal services programme in the state of Karnataka.
✓	Face masks manufactured in all the central prisons are being supplied to district and taluka prisons to both prison staff and prisoners.
✗	



KERALA

	 PRISONS	 CAPACITY	 POPULATION	 OCCUPANCY RATE
	55	6437   404	7326   173	110 %

Functioning of the High Powered Committee

Whether HPC formed	Yes by Government of Kerala vide G.O.(Rt)No.970/2020/HOME dated 25 March 2020	
Composition	1. The Executive Chairperson, Kerala SLSA – Chairman 2. The Additional Chief Secretary (Home & Vig), Government of Kerala – Member 3. The Director General of Prisons, Kerala State – Member	
Number of Meetings held	N/P	
Categories of Prisoners Recommended for Release	Undertrials N/P Convicts N/P	
Excluded Categories of Prisoners	Undertrials N/P Convicts N/P	
HPC restricted itself to the categories recommended by the Supreme Court?	Undertrials : Additional Categories : N/P Convicts : Additional Categories : N/P	
Period of Release on Interim Bail/ Parole	Undertrials: Initial Period – N/P Extension – N/P Convicts: Initial Period – N/P Extension – N/P	
Directions to Appropriate Authority/ Conditions of Release	Undertrials Convicts	
Guidance regarding process for effectuating release		
Other Directions/ Information		

Functioning of Under Trial Review Committees

	Whether UTRCs formed in all districts?	N/P
	Whether all district-level UTRCs conducted weekly meetings as mandated by the Supreme Court?	N/P
Actual Meetings vs Mandated Meetings	Districts which held Weekly Meetings	Districts which DID NOT hold Weekly Meetings
N/P	N/P	N/P



Admissions and Releases

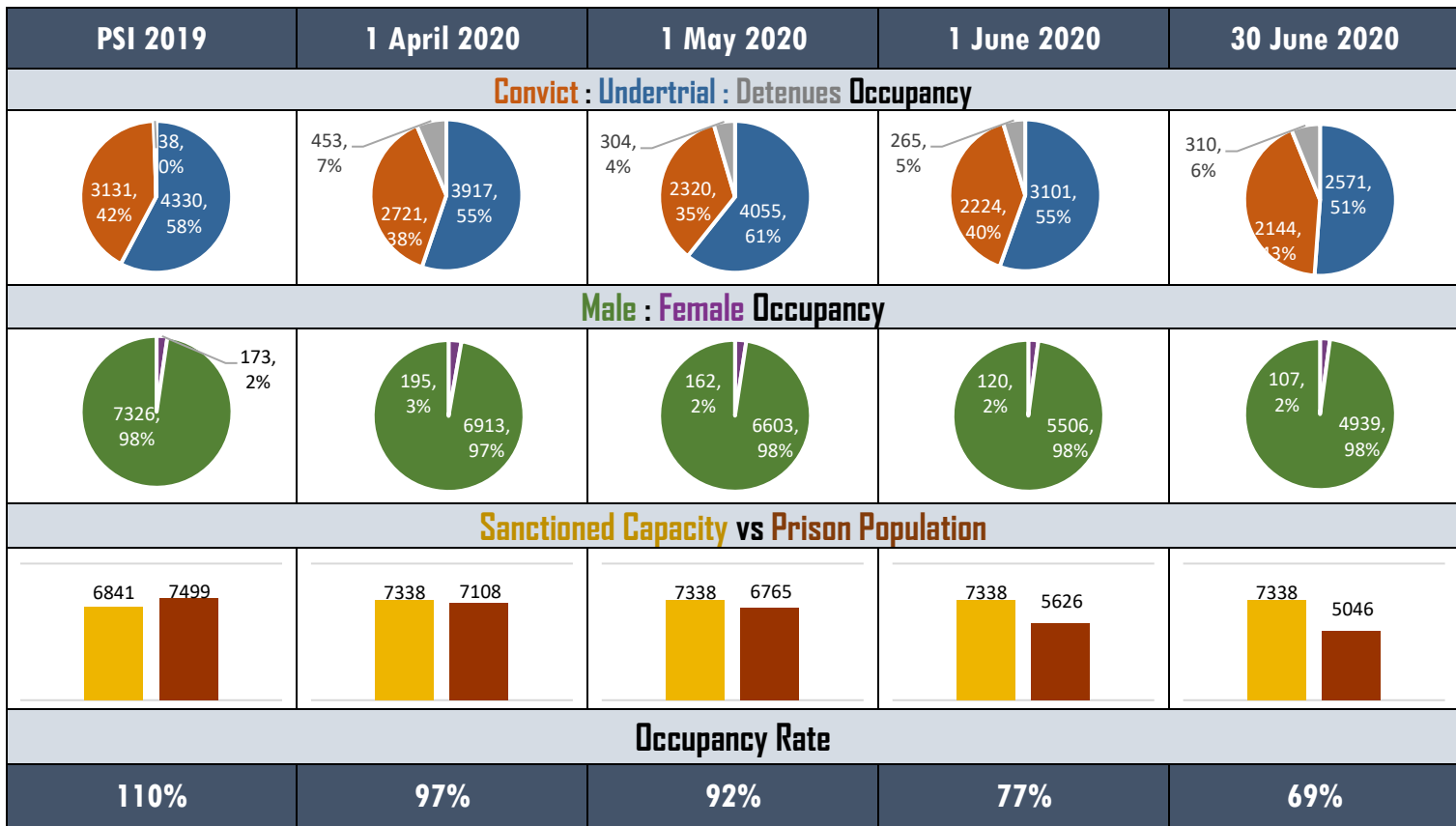
The quarterly admissions between 1st April and 30th June 2020 were **9.5 percentage points** more than the releases during this period. In contrast, the admissions in a quarter of 2019 was **16.6 percentage points** more than the releases.

PSI 2019	April 2020	May 2020	June 2020
Monthly Admissions			
3854	1991	1852	1739
Monthly Releases			
3439	1564	2023	1534
Quarterly Admissions			
2019		2020	
11561 (154.17%)		5582 (111%)	
Quarterly Releases			
2019		2020	
10318 (137.59%)		5121 (101.48%)	



Impact on Decongestion of Prisons










The decongestion efforts led to the decrease in occupancy rate by **28 percentage points** from 1 April to 30 June 2020.




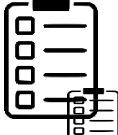

Good & Bad Practices





✓	The decongestion efforts led to the decrease in occupancy rate by 28 percentage points from 1 April to 30 June 2020 despite the admissions were higher than releases.
✗	

MAHARASHTRA


	 PRISONS	 CAPACITY	 POPULATION	 OCCUPANCY RATE
	64	22830   1265	35229   1569	152.7%


Functioning of the High Powered Committee

Whether HPC formed	Yes by Home Department, Government of Maharashtra vide GR No – JLM0320CR58/Prison-2, dated 24th March, 2020		
Composition	1. The Executive Chairperson, Maharashtra State Legal Services Authority – Chairman 2. The Additional Chief Secretary (A&S) Home, Government of Maharashtra – Member 3. The Director General Prisons, Maharashtra – Member Advocate-General was consulted telephonically.		
Number of Meetings held	2	25 March 2020	11 May 2020
Categories of Prisoners Recommended for Release	<p>Undertrials</p> <p>1. Who have been booked/charged for offences for which the maximum punishment is 7 years or less</p> <p>2. Who have been charged for the offences punishable for 7 years or more</p> <p>Convicts</p> <p>1. Whose maximum punishment is 7 years or less</p> <p>2. Whose maximum sentence is above 7 years, if the convict has returned to prison on time on last 2 releases (on parole/furlough)</p> 		
Excluded Categories of Prisoners	<p>Arrested for offences under:</p> <p>A. Serious economic offences/ Bank Frauds and Major Financial Scams</p> <p>B. Offences under Special Acts (other than IPC) like MCOC, PMLA, MPID, NDPS, TADA, POTA, UAPA, Explosives Substances Act, Anti Hijacking Act, NDPS (Other than personal consumption), POCSO etc. (which provide for additional restrictions on grant of bail in addition to those under CrPC)</p> <p>C. Foreign nationals</p> <p>D. Prisoners having their place of residence out of the State of Maharashtra (This category was removed from the excluded category after the HPC meeting dated 11 May 2020. Such prisoners falling in the eligible categories would be considered only after the lockdown period is over and public transportation is available.)</p> <p>Additional excluded categories among those who have been charged/convicted for the offences punishable for 7 years or more:</p> <p>E. Indian Penal Code (IPC) – Chapter VI – Offences against State – IPC 121 to 130</p> <p>F. IPC – 303</p> <p>G. IPC – 364(A), 366, 366(A), 366(B), 367 to 374</p> <p>H. IPC – 376(a) to (e)</p> <p>I. IPC – 396</p> <p>J. IPC – 489 (a) to (e)</p> 		

<p>HPC restricted itself to the categories recommended by the Supreme Court?</p>	<p>Undertrials : Additional Categories : RECOMMENDED Convicts : Additional Categories : RECOMMENDED</p>	
<p>Period of Release on Interim Bail/ Parole</p>	<p>Undertrials: Initial Period — For a period of 45 days or till such time that the State Government withdraws the Notification under the Epidemics Act, 1897, whichever is earlier. Extension — The initial period of 45 days to be extended periodically in blocks of 30 days each (unless the Government withdraws the notification during the first 45 days) Convicts: Initial Period — for a period of 45 days or till such time that the State Government withdraws the Notification under the Epidemics Act, 1897, whichever is earlier Extension — The initial period of 45 days to be extended periodically in blocks of 30 days each (unless the Government withdraws the notification during the first 45 days)</p>	
<p>Directions to Appropriate Authority/ Conditions of Release</p>	<ul style="list-style-type: none"> ✓ Undertrials may be released on interim bail on personal bond of such amount as may be determined. ✓ The prisoner shall report to the concerned police station within whose jurisdiction they are residing, once every 30 days. 	
<p>Guidance regarding process for effectuating release</p>	<p>Courts and Government</p> <ul style="list-style-type: none"> ▪ A relaxed approach needs to be adopted in regard to release of prisoners in view of the directions and spirit of the order of the Supreme Court. The application of prisoners falling in eligible categories must be considered favourably for release on interim bail or emergency parole/ furlough. ▪ The nature of offence, the severity of offence and the possibility of prisoner committing offence in case of temporary release or likelihood of his/her absconding shall be considered as important tests to decline such requests for temporary release. ▪ The decision of temporary release of the prisoners shall be taken and implemented as expeditiously as possible within a maximum period of one week from the date of filing of an application by the prisoner. <p>Prison Authorities</p> <ul style="list-style-type: none"> ▪ Before the temporary release of prisoners, the necessary medical protocol in relation to screening for Corona virus shall be followed by the jail authorities and action be taken accordingly. 	
<p>Other Directions/ Information</p>	<ul style="list-style-type: none"> ▪ The HPC directed all concerned authorities, including the concerned Superintendent of Prison to take appropriate measures including isolation of prisoners above 60 years and/or those prisoners with underlying medical conditions which puts them at higher risk for severe illnesses from COVID-19. 	

Functioning of Under Trial Review Committees

	<p>Whether UTRCs formed in all districts?</p>	<p>NO Only in 34 out of 36 Districts*</p>
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	Whether all district-level UTRCs conducted weekly meetings as mandated by the Supreme Court?	NO Only in 13 districts
Actual Meetings vs Mandated Meetings	Districts which held Weekly Meetings	Districts which DID NOT hold Weekly Meetings
312/408	Ahmednagar (13), Bhandara (13), Dhule (13), Jalgaon (14), Jalna (12), Nadurbar (13), Pune (12), Raigad (14), Sangli (12), Satara (13), Solapur (12), Sindhudurg (16), Thane (13)	Akola (11), Amravati (11), Aurangabad (7), Beed (11), Buldana (11), Chandrapur (6), Gadchiroli (0), Gondia (6), Kolhapur (3), Latur (11), Mumbai (4), Mumbai Suburban (0), Nagpur (11), Nanded (11), Nashik (5), Osmanabad (2), Parbhani (2), Ratnagiri (11), Wardha (6), Washim (3), Yavatmal (10)

*Information was received for 34 districts only.



Admissions and Releases

No information was received regarding admissions and releases.

PSI 2019	April 2020	May 2020	June 2020
Monthly Admissions			
10240	N/P	N/P	N/P
Monthly Releases			
9512	N/P	N/P	N/P
Quarterly Admissions			
2019		2020	
30721 (83.5%)		N/P	
Quarterly Releases			
2019		2020	
28535 (77.5%)		N/P*	

*In the HPC minutes of 11 May 2020, it was mentioned that 5105 prisoners were released on the basis of the categories laid down in the meeting on 25 March 2020. Another 9520 more were expected to be released following the meeting on 11 May 2020 bringing the total to 17642.



Impact on Decongestion of Prisons

The decongestion efforts led to the decrease in occupancy rate by **31.7 percentage points** from 1 April to 30 June 2020.

PSI 2019	1 April 2020	1 May 2020	1 June 2020	30 June 2020
Convict : Undertrial : Detenuess Ratio				
Male : Female Ratio				
Sanctioned Capacity vs Prison Population				
Occupancy Rate				
152.7%	150.1%	143.2%	120.3%	118.4%












Good & Bad Practices


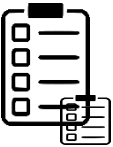



✓	In view of the serious situation as many inmates and staff members have been infected by COVID-19, a report was submitted by ADG and IG Prisons and Correctional Services to the HPC with number of prisoners released, in process of release and recommendations for further release and estimated numbers. The recommendations were accepted by the HPC.
✓	The jail visiting lawyers from the DLSAs have been assisting in preparing bail applications and forwarding it to the concerned courts (Ahmednagar, Akola, Buldana, Jalna, Jalgaon, Nashik, Parbhani, Pune, and Yavatmal). In Beed, bail applications were filed through email during the lockdown. DLSA Solapur furnished printed forms for bail application undertrials and the jail visiting lawyers assisted the jail authorities via telephone to fill out the applications for the eligible accused.
✓	The HPC anticipated the extension of the period of lockdown and accordingly directed for extensions to automatically apply for durations of 30 days at a time.
✓	If the inmate did not have legal representation, a panel advocate was engaged for his bail application (Amravati, and Buldana).
✓	The police and DLSA made arrangements for released prisoners to help them reach home (Buldana, Bhandara and Jalgaon).
✓	In Amravati, the jail authorities and jail advocates were instructed to verify as to whether any other application for release was pending before the Court, to facilitate the early disposal of the of the newly filed application and avoided the passing of two contrary court orders for the same inmate.



✓	In Bhandara, the jail visiting lawyers and the paralegal volunteers used to verify the new UTPs admitted in the previous week and collect bail applications and forwarded eligible applications to the concerned courts as per the recommendation of the UTRC.
✓	In Buldana, the prison authorities received help from Samta Foundation for bail compliance.
✓	The DLSA of Ratnagiri has been conducting regular medical check-up of prisoners as well as helping prepare bail applications and forwarded it to concerned courts by email. The PLV also made the undertrials aware about plea bargaining and assisted them in filling out applications. In the event that the bail application was rejected, the PLV completed documentation of it in order to file the application before the High Court.
✓	As the Central Jail, Thane; District Jail, Kalyan and Central Jail at Taloja were on lockdown, the DLSA requested the jail authorities to submit applications for interim bail during UTRC meetings.
✓	41 temporary prisons were set up in 28 districts in the state with the population of 2425 inmates as on 21 July 2020.
✗	The minutes of the HPC provide that the decision of the HPC regarding recommended categories of prisoners was only to apply to such prisoners, which in the opinion of the concerned jailor, keeping in view the overall infrastructure available at the concerned jail and the number of prisoners, it is not practically possible to maintain the required social-distance between the prisoners. It gives arbitrary discretionary powers in the hands of the jailor/ prison officer without accountability and transparency.

MANIPUR



	 PRISONS	 CAPACITY	 POPULATION	 OCCUPANCY
	5	1022   250	822   54	68.9%

Functioning of the High Powered Committee

Whether HPC formed	Yes				
Composition	1. The Executive Chairman, Manipur SLSA – Chairman 2. The Chief Secretary (Home), Government of Manipur – Member 3. The ADGP (Prisons), Manipur – Member Other Attendees – Member Secretary, SLSA; Special Secretary (Home), Govt of Manipur; Additional Member Secretary, SLSA; Secretary, Imphal West DLSA; Deputy Secretary (Home), Govt of Manipur; Deputy Member Secretary, SLSA				
Number of Meetings held	3	31 March 2020	9 April 2020	24 April 2020	
Categories of Prisoners Recommended for Release	HPC decided not to release any prisoner after the first HPC meeting on parole/bail as there is no congestion/ overcrowding in prisons. Undertrials 1. For those in prison for heinous crimes, if bail has been granted but could not furnish the bond. 2. For less serious offences, if they had been in prison for more than the statutory period of 4 months, and those who have been granted bail but are in prison due to non-furnishing of surety bonds only. Convicts 1. Cases of four convicts were considered individually.				
Excluded Categories of Prisoners	Undertrials: N/P Convicts : N/P				
HPC restricted itself to the categories recommended by the Supreme Court?	Undertrials : Additional Categories RECOMMENDED Convicts : Additional Categories RECOMMENDED				
Period of Release	Undertrials: Initial Period – 3 months Extension – Not Specified Convicts: Initial Period – Not Specified Extension – Not Specified				

Directions to Appropriate Authority/ Conditions of Release	<p>Court:</p> <ul style="list-style-type: none"> ✓ The HPC directed that its resolution with the list of UTPs was to be treated as bail application of the UTPs mentioned. ✓ Those undertrials who are in prison due to non-furnishing of surety bonds only, may be released on personal bonds. 	
Guidance regarding process for effectuating release	<p>State Authorities:</p> <ul style="list-style-type: none"> ✓ The HPC directed the State Home Department to co-ordinate with the Jail Authorities to make arrangements for conveyance of the released prisoners to their residences. ✓ Under no circumstances, a prisoner is to be released without proper medical screening and if any symptoms are shown he/she has to be kept in quarantine instead. <p>District Legal Services Authority:</p> <ul style="list-style-type: none"> ✓ Chairpersons of the DLSAs to ensure that the remand advocates/ legal aid counsels attached in each court shall provide all necessary legal aid and assistance to the recommended persons in case their services are required. ✓ Under no circumstances, a prisoner is to be released without his consent. 	

Functioning of Under Trial Review Committees

	Whether UTRCs formed in all districts?	NO Only in 8 out of 16 Districts
	Whether all district-level UTRCs conducted weekly meetings as mandated by the Supreme Court?	NO None of the Districts conducted weekly meetings
Actual Meetings vs Mandated Meetings	Districts which held Weekly Meetings	Districts which DID NOT hold Weekly Meetings
6/96	None	Bishnupur (0), Chandel (1), Churachandpur (0), Imphal East (2), Imphal West (2), Senapati (0), Tamenglong (1) Thoubal (0)



Admissions and Releases

No information was received regarding admissions and releases.

PSI 2019	April 2020	May 2020	June 2020
Monthly Admissions			
138	N/P	N/P	N/P
Monthly Releases			
142	N/P	N/P	N/P
Quarterly Admissions			
2019		2020	
415 (47.4%)		N/P*	

Quarterly Releases	
2019	2020
426 (48.6%)	N/P*

*Manipur only provided data on admissions and releases for 1 temporary prison, which saw 19 admissions and 14 releases in June 2020. As per the minutes of the HPC meetings, 69 undertrials and 4 convicts were recommended for release in the second meeting and 108 undertrials in the third meeting.



Impact on Decongestion of Prisons

The decongestion efforts led to the decrease in occupancy rate by **20.6 percentage points** from 1 April to 30 June 2020.

PSI 2019	1 April 2020	1 May 2020	1 June 2020	30 June 2020
Convict : Undertrial : Detenue Occupancy				
<p>3,0% 115, 13% 758, 87%</p>	<p>108, 13% 741, 87%</p>	<p>105, 15% 614, 85%</p>	<p>104, 17% 509, 83%</p>	<p>104, 17% 519, 83%</p>
Male : Female Occupancy				
<p>54, 6% 822, 94%</p>	<p>46, 5% 803, 95%</p>	<p>40, 6% 679, 94%</p>	<p>30, 5% 583, 95%</p>	<p>30, 5% 593, 95%</p>
Sanctioned Capacity vs Prison Population				
<p>1272 876</p>	<p>1095 849</p>	<p>1095 719</p>	<p>1095 613</p>	<p>1095 623</p>
Occupancy Rate				
68.9%	77.5%	65.7%	56.0%	56.9%












Good & Bad Practices


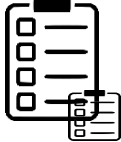
✓	The HPC directed the Director General of Police (DGP), Manipur to issue necessary directions to strictly comply with the provisions of CrPC relating to arrest and detention and of availing bail in bailable offences, so as to avoid unnecessary arrests and detention.
✓	The DGP was instructed to issue directions for compliance of health advisories by the police personnel, including proper medical check-up of the accused, before production before the Court or Magistrate.






✓	Prison authorities placed before the HPC detailed lists of prisoners – categories, offences committed/ alleged to have been committed and the period for which they have been confined in the prisons.
✓	Separate quarantine wing for Manipur Central Jail, Sajiwa and Central Jail, Imphal having a capacity of 90 inmates and 10 inmates respectively was set up.
✓	The Magistrate/Judges directed to ensure that the accused produced before them shall be medically screened for COVID-19 before they are sent to judicial custody or a quarantine prison.
✓	It was decided by the HPC that the resolution of the second and third HPC meetings were treated as bail application for the identified categories of undertrials. The digitally signed copy of release orders of the prisoners may be communicated to prison authorities on email.
✓	In cases where the families of undertrials could not be contacted, efforts were made by PLVs to tack their contact numbers or visit their family to inform about the grant of bail.
✓	All concerned authorities were directed to submit an action taken report to the Chairman of the HPC.
✓	Meetings of the HPC were convened on the request of the State Government and prison department. It shows good coordination among the different agencies of the criminal justice system.
✗	In the initial meeting of the HPC, it was decided that there was no need to consider prisoners for release since the prisons were not faced with congestion or overcrowding.
✗	The HPC did not identify categories of prisoners to be released on bail/parole but simply forwarded the list recommended by the State Government.

MEGHALAYA

	 PRISONS	 CAPACITY	 POPULATION	 OCCUPANCY RATE
	5	595   55	994   29	157.4 %



Functioning of the High Powered Committee

Whether HPC formed	Yes, vide Government of Meghalaya, Notification No. PDS.23/2020/88, dated 27 March 2020			 HIGH POWERED
Composition	1. The Executive Chairman, Meghalaya SLSA – Chairman 2. The Commissioner & Secretary to the Government of Meghalaya, Prisons Department – Member 3. The IG (Prisons), Meghalaya – Member Other Invitees – Chairman, High Court Legal Services Committee Secretary, Home Police Department, Government Meghalaya Secretary, Health & Family Welfare Department, Government Meghalaya Director of Social Welfare, Government Meghalaya			
Number of Meetings held	1	31 March 2020		
Categories of Prisoners Recommended for Release	<p>Undertrials</p> <ol style="list-style-type: none"> Those who are facing trial or are in judicial custody pending investigation, for an alleged offence(s) where the punishment prescribes sentences of 7 years or less. Those who have been granted bail but could not furnish bail bonds. Even if they have more than one case and in all other cases, he/she is “on bail” except the one for which he is being considered and the same prescribes punishment for 7 (seven) year or less. <p>It was clarified that undertrials languishing in judicial custody pending investigation shall not be deprived of right of statutory bail, irrespective of the nature of the offence and punishment, the above criterion was only applicable for regular bail and interim bail for cases where the punishment prescribed can extend up to 7 years or less and should not be understood as eclipsing the statutory bail.</p> <p>Convicts</p> <ol style="list-style-type: none"> Those who had been sentenced for 10 years and had already completed 9.5 years including regular remission could be considered for 6 months special remission of sentence by the Home department. Those who were sentenced for 7 years or more, but less than 10 years and were left with only five months to complete the sentence could be considered for 5 months special remission of sentence. Those who were sentenced for 5 years or more but less than 7 years and were left with 4 months to complete the sentence could be considered for 4 months special remission of sentence. 			

	<p>4. Those who were sentenced for 3 years or more but less than 5 years and were left with only 3 months to complete the sentence could be considered for 3 months special remission of sentence</p> <p>5. Those who were sentenced for 1 year or more but less than 3 years and were left with only 2 months to complete their sentence could be considered for 2 months special remission of sentence.</p>
<p>Excluded Categories of Prisoners</p>	<p>Undertrials</p> <p>A. For intermediary or commercial quantity recovery under the NDPS Act</p> <p>B. Sections 4 and 6 of POCSO Act</p> <p>C. Sections 376, 376A, 376B, 376D, 376E and Acid Attack</p> <p>D. Prevention of Corruption Act/PMLA</p> <p>E. Cases investigated by CBI/ED/Special Cell and terror related cases under Anti National Activities and Unlawful Activities (Prevention) Act</p> <p>F. Foreign Nationals</p> <p>G. Have criminal antecedents</p> 
<p>HPC restricted itself to the categories recommended by the Supreme Court?</p>	<p>Undertrials : Additional Categories RECOMMENDED</p> <p>Convicts : Additional Categories RECOMMENDED</p> 
<p>Period of Release on Interim Bail/ Parole</p>	<p>Undertrials: Initial Period – Interim bail for 45 days Extension – Not specified</p> <p>Convicts: Initial Period – Remission Extension – N/A</p> 
<p>Directions to Appropriate Authority/ Conditions of Release</p>	<p>Undertrials</p> <p>✓ The HPC directed that undertrial prisoners were not to be produced for hearing and for extension of remands and called on Remand Magistrates to be deputed by the District Judge for the doing the needful.</p> <p>Convicts</p> <p>✓ The HPC suggested the Secretary, Home Police Department, Government of Meghalaya that the home department could consider incorporating “emergency parole” along the lines of the Delhi Prison Rules that was amended on 23 March 2020 to make way for the release of convicts on parole.</p> <p>✓ The HPC also suggested that convicts who have served almost entire sentence and were left with few months or days for completion could be considered for remission of sentence by the Government</p> <p>✓ The Home Department to take steps expeditiously for incorporating “Emergency Parole” under the light of the discussions above.</p> 
<p>Guidance regarding process for effectuating release</p>	<p>Legal Services Institutions</p> <ul style="list-style-type: none"> ▪ The Member Secretary of Meghalaya SLSA was directed to ask all DLSAs to take necessary steps for the release of prisoners in the categories identified by the HPC. <p>Prison Authorities</p> <ul style="list-style-type: none"> ▪ Given the national lockdown, I.G. Prisons to coordinate with the Nodal Officer of the Meghalaya Police to ensure safe transportation of the released convicts/undertrials from jail to their houses within the district. ▪ In the event that the released convict/undertrial was a resident of another District/State, then the I.G. Prisons was to coordinate with the concerned S.S.P. of the District/State where the released inmate resides, so as to enable the prisoner to reach home after he is released. 

Other Directions/ Information	<ul style="list-style-type: none"> ▪ Prisoners should be sensitised about the advantage of maintaining safe distance amongst themselves and that “Public Address System” could be installed in the Jail Campus. ▪ The quarantine of fresh entrant and isolation of those with fever/flu should be done for at least 15 days. ▪ Personal visits were restricted and asked prisons to permit inmates to talk to their family members through jail telephone / mobile phone. ▪ The Medical Officers and the Doctors of the Jails to frequently examine the inmates and in the event that they find or suspect cases of COVID-19, the same needed to be brought to the notice of the Jail Superintendent immediately for taking necessary steps for isolation / treatment of such inmate according to the guidelines issued by the Ministry of Health Government of India. <p>State Level Monitoring Committee</p> <ul style="list-style-type: none"> ▪ To take stock of the matter every fortnight and place a report before the HPC. <p>Under Trial Review Committee</p> <ul style="list-style-type: none"> ▪ To conduct weekly sitting and the action taken was to be reported to the concerned authority.
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Functioning of Under Trial Review Committees

	Whether UTRCs formed in all districts?	YES In all 11 Districts
	Whether all district-level UTRCs conducted weekly meetings as mandated by the Supreme Court?	N/P
Actual Meetings vs Mandated Meetings	Districts which held Weekly Meetings	Districts which DID NOT hold Weekly Meetings
51/132	N/P	N/P



Admissions and Releases

Despite the decongestion efforts, based on the data shared, the quarterly admissions during 2020 exceeded the releases by **1.07 percentage points**.

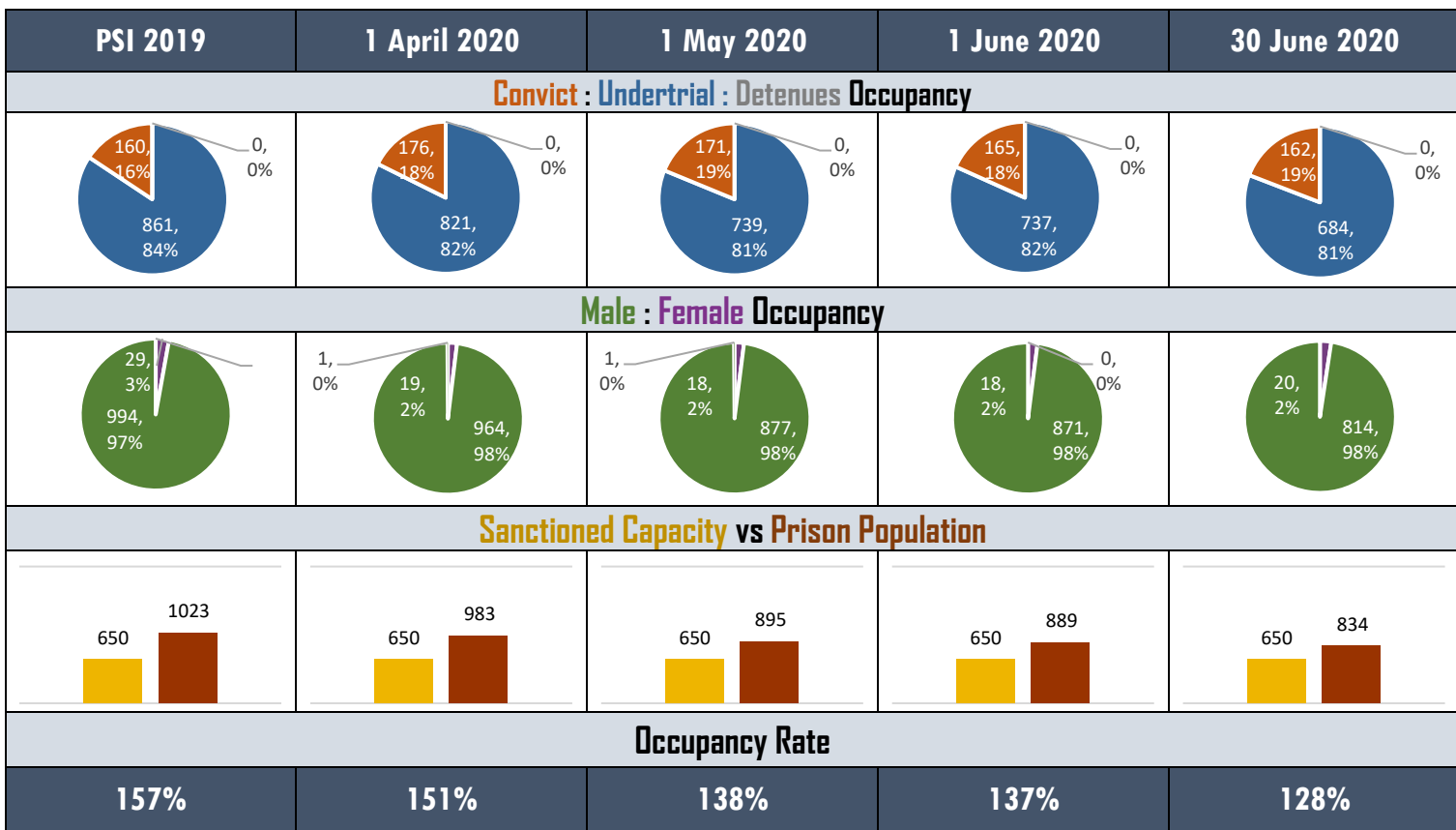
PSI 2019	April 2020	May 2020	June 2020
Monthly Admissions			
170	14	25	32
Monthly Releases			
160	11	23	30
Quarterly Admissions			
2019		2020	

511 (49.95 %)	71 (10.92%)
Quarterly Releases	
2019	2020
479 (46.72%)	64 (9.85%)



Impact on Decongestion of Prisons










The decongestion efforts led to the decrease in occupancy rate by **23 percentage points** from 1 April to 30 June 2020.




Good & Bad Practices





✓	The prisons department had already taken measures like the creation of the isolation ward, quarantine of new prisoners, preliminary examination of prisoners for COVID-19.
✗	Despite the decongestion efforts, the overall population of prisons stood at 128% of the capacity on 30 th June.

MIZORAM

	 PRISONS	 CAPACITY	 POPULATION	 OCCUPANCY
	10	1327   274	1509   189	106.1%



Functioning of the High Powered Committee

Whether HPC formed	Yes, vide Notification No. C.18015/472/2020-LJC dated 26.03.2020 issued by the Secretary to the Govt. of Mizoram, Law & Judicial Department		 HIGH POWERED COMMITTEE
Composition	1. The Executive Chairman, Mizoram SLSA – Chairman 2. The Secretary to the Government of Mizoram, Home Department – Member 3. The IG (Prisons), Mizoram – Member 4. Member Secretary, Mizoram SLSA – Member Secretary Special Invitees for Meeting on 1 April 2020 – AIGP (Legal); DIG (Armed Branch); Joint Secretary to the Govt. of Mizoram, GAD		
Number of Meetings held	2	27 March 2020	1 April 2020
Categories of Prisoners Recommended for Release	<p>Undertrials</p> <ol style="list-style-type: none"> 1. For offences for which the prescribed punishment is up to 7 years, with or without fine. 2. Who are of ill health and/or old, with special preference to those with respiratory problems, high blood pressure and diabetes as they are more vulnerable to the effects of the COVID-19 virus. <p>Convicts</p> <ol style="list-style-type: none"> 1. Remission of sentence for convicts whose sentence are up to 10 years and whose cases can be considered for remission of sentences. 2. Who has not been given a sentence of more than 10 years under the NDPS Act, i.e. where the seized contraband does not involve commercial quantity. 3. Those sentenced under Section 27 of the NDPS Act Extension of their special parole for eight weeks, for those who are already on Parole or Furlough. 4. Who are of ill health and/or who are old in age, with special preference to those with respiratory problems, high blood pressure and diabetes as they are more vulnerable to the effects of the COVID-19 virus. 5. Who are sentenced for a period of 7 years or less, with or without fine and an appeal has been preferred by the convict 		
Excluded Categories of Prisoners	<ol style="list-style-type: none"> A. Convicted under the POCSO Act or for rape under IPC. B. Convicted for crimes relating to waging war against the Country, Arms Act, Counterfeit currency, dacoity, terrorist crimes, kidnapping for ransom. C. Any other class of convicts for whom guidelines have been made by the State Government, barring remission of sentence. 		

<p>HPC restricted itself to the categories recommended by the Supreme Court?</p>	<p>Undertrials : Additional Categories RECOMMENDED Convicts : Additional Categories RECOMMENDED</p> 
<p>Period of Release on interim bail/parole</p>	<p>Undertrials: Initial Period — Not Specified Extension — Not Specified Convicts: Initial Period — Remission of sentence granted Extension — N/A</p> 
<p>Directions to Appropriate Authority / Conditions of Release</p>	<p>Conditions of Release:</p> <ul style="list-style-type: none"> ✓ The prisoner is not to commit any similar offence while out on bail. ✓ The prisoner should not interfere with the investigation of the case. ✓ The prisoner should not tamper with the evidence or threaten the witnesses. ✓ The guidelines/decision taken by the State Government to control the spread of the Corona Virus should be adhered to by the released prisoners. ✓ Prisoners who are sentenced for a period of 7 years or less, with or without fine and an appeal has been preferred by the convict, the Court should also consider suspension of the sentence and release of the convict on bail till final disposal of the appeal. 
<p>Guidance regarding process for effectuating release</p>	<p>DLSA Secretaries:</p> <ul style="list-style-type: none"> ✓ To instruct PLVs and the jail visiting lawyers to visit the jails immediately, to take the consent of those prisoners who may be released on bail and to do the needful. <p>Member Secretary, Mizoram SLSA:</p> <ul style="list-style-type: none"> ✓ SLSA shall issue instructions to the DLSAs to conduct jail visits and /to provide legal aid wherever necessary. ✓ To obtain the reports from all the District Courts with regard to the bail orders issued in pursuance to the HPC minutes. <p>State Government:</p> <ul style="list-style-type: none"> ✓ The Home Secretary and the DGP of Police to ensure that appropriate instructions are issued to the Executive Magistrates and the Police as may be necessary, for escorting the released prisoners to their residence. ✓ The Deputy Commissioners and Superintendants of Police shall also inform the Local Level Task Force to ensure that the released prisoners safely reach their residence. ✓ The IGP shall in liaison with the Deputy Commissioners and Superintendants of Police concerned, make arrangements for transportation of the released prisoners to their place of residence. 
<p>Other Directions</p>	<p>Prisons:</p> <ul style="list-style-type: none"> ✓ The IGP to identify buildings in various jails, in which new UTPs could be quarantined for 14 days, and if no such building was available, the same should be brought to the notice of the State Government. ✓ The IGP to initiate transfer of the convicts to their respective District Jails for decongesting the Central Jail, Aizawl (Male Ward) and the District Jail, Lunglei. ✓ Jail authorities should provide Video Conferencing facility, if available. Or at least, arrangements should be made for inmates to have mobile communication with their relatives. <p>State Government:</p> <ul style="list-style-type: none"> ✓ To make suitable arrangements for each jail to have a quarantine facility. ✓ To look at the ways and means to have separate enclosures for the newly quarantined individual UTPs in the quarantine facilities to be established in the District Jails.

	<ul style="list-style-type: none"> ✓ To take steps to designate one Medical Doctor from each District hospitals to visit the other District Jails atleast thrice a week to check the inmates till a regular doctor is posted in the other jails. <p>Courts:</p> <ul style="list-style-type: none"> ✓ The concerned District & Sessions Judges and the Registrar of the High Court should be informed to take steps to ensure that Video Conferencing facility is made functional from all District Jails to the concerned District Courts at the earliest. The HPC asked for an action taken report within two weeks. <p>Member Secretary, SLSA:</p> <ul style="list-style-type: none"> ✓ To re-issue the notifications constituting UTRCs. <p>UTRC:</p> <ul style="list-style-type: none"> ✓ To submit a report to the Member Secretary, Mizoram SLSA within 2 weeks after the lockdown is lifted by the State Government.
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Functioning of Under Trial Review Committees

	Whether UTRCs formed in all districts?	YES In all 8 districts
	Whether all district-level UTRCs conducted weekly meetings as mandated by the Supreme Court?	NO No meetings were held in any of the 8 districts
Actual Meetings vs Mandated Meetings	Districts which held Weekly Meetings	Districts which DID NOT hold Weekly Meetings
0/96	None	Aizawl (0), Champhai (0), Kolasib (0), Mamit (0), Serchhip (0), Lunglei (0), Siahla (0), Lawngtlai (0)



Admissions and Releases

The data below shows that the monthly admissions between April to June increased by **149%**. During this period, the monthly releases also increased by **161%**.

PSI 2019	April 2020	May 2020	June 2020
Monthly Admissions			
520	156	166	232
Monthly Releases			
514	184	171	296
Quarterly Admissions			
2019		2020	
1561 (91.9%)		554 (62%)	
Quarterly Releases			

2019	2020
1542 (90.8%)	651 (73%)



Impact on Decongestion of Prisons

The decongestion efforts led to the decrease in occupancy rate by **27.7 percentage points** from 1 April to 30 June 2020.

PSI 2019	1 April 2020	1 May 2020	1 June 2020	30 June 2020
Convict : Undertrial Occupancy				
Male : Female : Other Occupancy				
Sanctioned Capacity vs Prison Population				
Occupancy Rate				
106.1%	82.8%	57.2%	57.9%	55.1%












Good & Bad Practices






✓	The HPC looked into the prison-wise occupancy rate of all the 10 prisons and found 3 of them overcrowded.
✓	HPC applied correctives to address overcrowding and resolved that the convicts should be made to serve their period of sentence in the District where the offence occurred, if a jail is available in the said District, and not sent to Central Jail, Aizawl and District Jail, Lunglei.
✓	HPC recommended that the State may consider grant of parole for at least 2 months, and not 30 days in general, keeping in view the eligibility criteria required for release of convict on parole and furlough and to amend its rules.
✓	Special preference should be given to prisoners having respiratory problems, high blood pressure and diabetes being more vulnerable to the effects of the Covid-19 virus.



✓	The HPC instructed the IGP to take steps to ensure that inmates in the state can make calls atleast once every week.
✓	The HPC instructed the Secretary to the Govt. of Mizoram, Home Department, to inform the Deputy Commissioners/District Magistrates of all the districts, to ensure that transportation is made available so that the released prisoners safely reach their place of residence.
✓	HPC assessed availability of video conferencing facility and found that only three out of 10 prisons have such a facility. As directed to make arrangements in a time-bound manner (within two weeks of first HPC meeting), video conferencing facility were started between the prisons and the District Courts in Lunglei, Champhal and Kolasib districts. In Mamit and Serchhip prisons, it was considered to set up a laptop with webcam.
✗	IG Prisons was directed to identify inmates who are of ill health and/or who are old in age and immediately take steps as to the said persons and make a report of the same. Prison authorities can at best periodically inform the HPC, UTRC and legal services institutions about prisoners who need immediate attention. They cannot assess whether remand/parole/bail can be given in a particular case or not.
✗	The State Government issued a notification vide Order No. B. 13021/101/2020-DMR/Pt-III dated 2 nd May, 2020 which resulted in no meeting of the UTRC being held during this period due to the pandemic. This is violation of the orders of the Supreme Court in In Re: Contagion of Covid-19 Virus in Prisons.
✗	No releases were done in the initial period of 21 days of lockdown.

NAGALAND



	 PRISONS	 CAPACITY	 POPULATION	 OCCUPANCY RATE
	11	1270   180	442   4	30.8%

Functioning of the High Powered Committee

Whether HPC formed	Yes by Government of Nagaland order vide Notification no. HOME/JL-3/COVID-19/2020, dated 30th March, 2020	
Composition	1. The Executive Chairperson, Nagaland SLSA— Chairman 2. The Principal Secretary, Government of Nagaland — Member 3. The Additional Director of Police (Prisons), Nagaland — Member Other Invitee - Public Prosecutor	
Number of Meetings held	1	1 April 2020
Categories of Prisoners Recommended for Release	Undertrials <ol style="list-style-type: none"> Those who are facing trial in a case which prescribes a maximum sentence of 7 year or less Those who have more than one case and have bail in all cases except the one where the prescribed punishment is for 7 years or less 	
Excluded Categories of Prisoners	Undertrials <ol style="list-style-type: none"> Who have been in custody for a period less than 1 month (15 days for women) Who are foreign nationals NDPS Act Sections 4 and 6 of POCSO Act Sections 376, 376A, 376B, 376C, 376D and 376F and acid attack Prevention of Corruption Act or Prevention of Money Laundering Act Cases investigated by CBI/ED/NIA/Special Cell Police and Terror related cases, cases under Anti-National Activities and UAPA NSA detainees 	
HPC restricted itself to the categories recommended by the Supreme Court?	Undertrials : Additional Categories NOT RECOMMENDED Convicts : Additional Categories N/P	
Period of Release on Interim Bail/ Parole	Undertrials: Initial Period — Not specified Extension — Not specified Convicts: Initial Period — Not specified Extension — Not specified	

<p>Directions to Appropriate Authority/ Conditions of Release</p>	<p>Undertrials ✓ Convicts ✓</p>	
<p>Guidance regarding process for effectuating release</p>	<p>Legal Services Institutions</p> <ul style="list-style-type: none"> ▪ DLSAs to be made aware of the UTRC as contemplated by the Supreme Court <i>In Re: Inhuman Conditions in 1382 Prisons</i> (2016) 3 SCC 700, which should meet every week and take such decision in consultation with the concerned authority. 	
<p>Other Directions/ Information</p>	<ul style="list-style-type: none"> ▪ The HPC directed that if any inmate who is released under the recommendation of the HPC threatens, induces any witness or any person acquainted with the facts of the case or to the victim of the case, he shall be taken into custody immediately. <p>Jail Authorities</p> <ul style="list-style-type: none"> ▪ The HPC directed to ensure social distancing of all prisoners inside the Jail and transfer of prisoners from one prison to another for routine reasons must not be resorted to except for decongestion purposes. ▪ The HPC also directed to create quarantine rooms/facilities where any prisoner exhibiting symptom of COVID-19 should be immediately shifted to. Thereafter, prompt arrangements should be made for quickly shifting such sick prisoner to a Nodal Medical Institution for further treatment. ▪ The HPC also directed to spread awareness among the inmates of the Jail regarding prevention and containment of the spread of the Novel Corona Virus (COVID-19) and to keep the new UTPs separately from those who have already been in Jail for at least three weeks. <p>(In the HPC meeting on 14.08.2020 –</p> <ul style="list-style-type: none"> ▪ The HPC mandated for COVID-19 testing by TrueNat machine for all arrested person/s and to be moved to COVID Hospital / COVID Care Centre for treatment. In the absence of isolation wards in District Hospitals, the HPC directed that some other suitable institutional facility for isolation was to be earmarked for confinement. ▪ In the event that a convict/UTP tests positive, contact tracing and other containment measures as provided in the guidelines and SOP of the Government as issued from time to time is to be initiated. ▪ The HPC looked at the comparatively higher numbers in the Central Jail at Dimapur and District Jail Dimapur and recommended for immediately attaching a medical doctor on regular basis for attending to the health issues of the Prisoners in the two Jails. ▪ The HPC directed that with the orders of the Magistrate, the accused getting remanded to judicial custody in late evenings due to COVID-19 tests should be received after jail has been locked up and they should be confined in a separate cell or undertrial ward for the night or kept at the main gate under proper custody). 	

Functioning of Under Trial Review Committees

	<p>Whether UTRCs formed in all districts?</p>	<p>YES In all 11 Districts</p>
	<p>Whether all district-level UTRCs conducted weekly meetings as mandated by the Supreme Court?</p>	<p>No None of the districts</p>

Actual Meetings vs Mandated Meetings	Districts which held Weekly Meetings	Districts which DID NOT hold Weekly Meetings
41/132	None	Dimapur (1), Kiphire (1), Kohima (6), Longleng (3), Mon (3), Makokchung (3), Peren (1), Phek (5), Tuensang (1), Wakha (10), Zunheboto (7)



Admissions and Releases

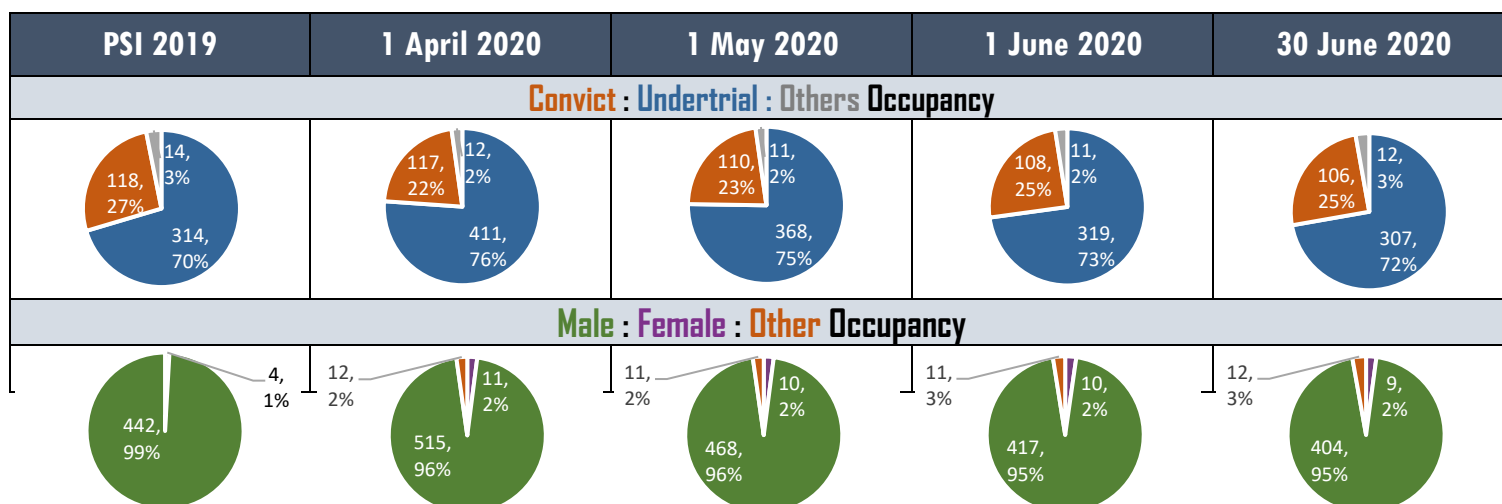
The quarterly admissions between 1st April and 30th June 2020 were **22.8 percentage points** more than the releases during this period. In contrast, the admissions in a quarter of 2019 was only **1.1 percentage points** more than the releases.

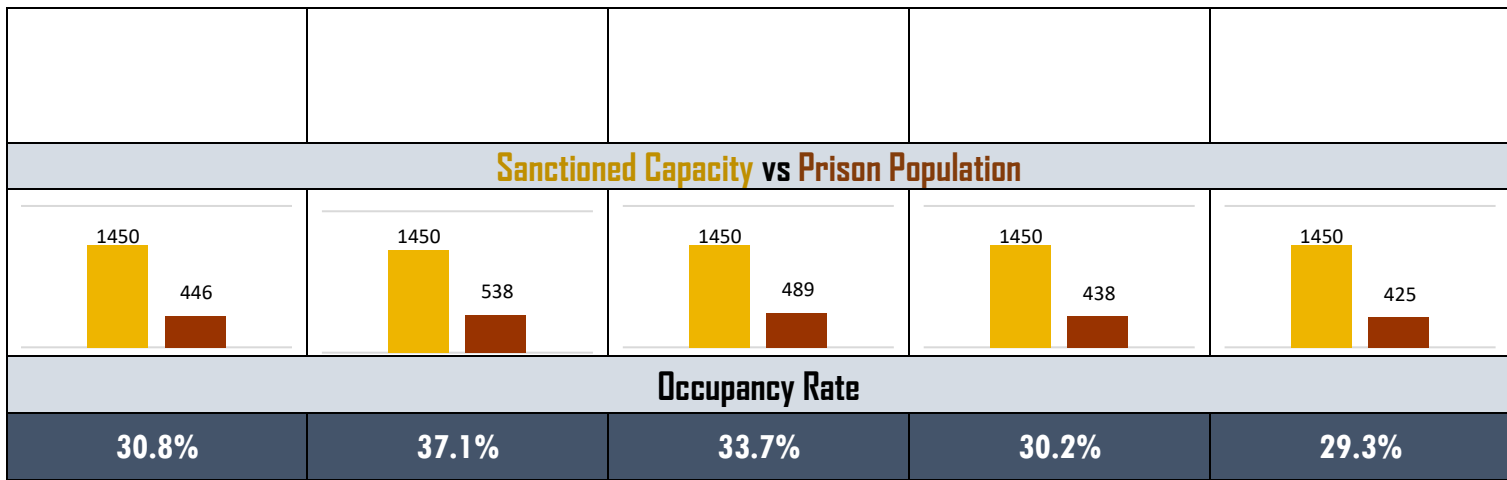
PSI 2019	April 2020	May 2020	June 2020
Monthly Admissions			
172	33	58	70
Monthly Releases			
171	64	0	0
Quarterly Admissions			
2019		2020	
517 (115.9%)		161 (37.9%)	
Quarterly Releases			
2019		2020	
512 (114.8%)		64 (15.1%)	



Impact on Decongestion of Prisons

The decongestion efforts led to the decrease in occupancy rate by **7.8 percentage points** from 1 April to 30 June 2020.
















Good & Bad Practices





✓	The HPC directed that transfer of prisoners from one prison to another for routine reasons must not be resorted to except for decongestion purposes.
✓	The HPC directed that prompt arrangements should be made for quickly shifting such sick prisoner to a Nodal Medical Institution for further treatment.
✓	The HPC also directed to spread awareness among the inmates of the Jail regarding prevention and containment of the spread of the Novel Corona Virus (COVID-19)
✓	The Panel lawyers keep close ties with the Jail authorities and sometimes provide support in logistics to deal with crowded Jails to identify and list out eligible UTPs & convicts which can be considered before the UTRC.
✓	Panel lawyers and PLVs coordinated with the local authorities and Administration for arranging movement permit to stranded UTPs.
✗	No other undertrial category than the ones recommended by the Supreme Court were considered by the HPC.

ODISHA

	 PRISONS	 CAPACITY	 POPULATION	 OCCUPANCY RATE
	91	17389   1902	16976   587	91%

Functioning of the High Powered Committee

Whether HPC formed	Yes vide Notification No. 14524/Jails dated 26 March 2020														
Composition	1. The Executive Chairperson, Odisha SLSA – Chairman 2. The Principal Secretary, Home Department, Government of Odisha – Member 3. The Director General of Police, Odisha – Member Other Attendee – Member Secretary, Odisha SLSA														
Number of Meetings held	24	26 March 2020	3 April 2020	16 April 2020	22 April 2020	30 April 2020	2 May 2020	7 May 2020	14 May 2020	19 May 2020	21 May 2020	28 May 2020	6 June 2020	12 June 2020	19 June 2020
		25 June 2020	4 July 2020	13 July 2020	24 July 2020	31 July 2020	7 August 2020	14 August 2020	21 August 2020	28 August 2020	4 September 2020				
Categories of Prisoners Recommended for Release	Undertrials 1. Those involved in offences for which the prescribed punishment up to 7 years or less, with or without fine Convicts 2. Those who have no pending undertrial cases and sentenced for term of 7 years or less, with or without fine. 3. Those who have been sentenced in one case for 7 years or less, with or without fine, and having one or more undertrial cases, and have availed last one parole peacefully and should be on bail in undertrial case(s) 4. Those who are already on parole or furlough, their special parole may be extended as per discretion of competent authority. 5. Those who are above the age of 65 years (except those involved in multiple cases or convicted under NDPS Act or POCSO Act or for rape and sexual offences or acid attack or those who are foreign nationals) 6. Those of 70 years of age or more and vulnerable to the possibility of contracting COVID-19 infection, granting of parole may be considered by the competent authority. 7. Those who have already undergone/completed sentence for a period of 10 years and above in Jails in Odisha.														
Excluded Categories of Prisoners	A. NDPS Act B. POCSO Act C. Acid attack, rape and sexual offences D. Rioting and waging war against the State E. Crimes relating to counterfeit currency F. Crimes against children relating to kidnapping G. Crimes relating to commercial and economic offences H. Habitual Offenders (Undertrials)														

<p>HPC restricted itself to the categories recommended by the Supreme Court?</p>	<p>Undertrials : Additional Categories NOT RECOMMENDED Convicts : Additional Categories RECOMMENDED</p>	
<p>Period of Release on Interim Bail/ Parole</p>	<p>Undertrials: Initial Period – Not specified Extension – Not specified Convicts: Initial Period – special furlough/ parole leave for a period of 21 days Extension – extended till 3 May 2020 on 22 April 2020 extended till 17 May 2020 on 2 May 2020 to those prisoners who were to return and surrender in the jails located in the districts of the red zone, or were residents of red zone districts. Other convicts (of orange and green zones) were to surrender in their respective prisons as scheduled.</p>	
<p>Directions to Appropriate Authority/ Conditions of Release</p>	<p>UTRC ✓ To examine the matter of undertrials with cases involving offences for which prescribed punishment is up to 7 years or less, with or without fine for their recommendation to the appropriate court for their release on interim bail. Prison Authorities ✓ DG Prisons to prepare a list of sick undertrial prisoners and to not release them in order to avoid contracting infection.</p>	
<p>Guidance regarding process for effectuating release</p>	<p>Legal Services Institutions</p> <ul style="list-style-type: none"> ▪ DLSAs to instruct the panel lawyers and PLVs of jail legal aid clinics to render assistance in drafting and processing of applications of the prisoners and remand advocates to be instructed to file the interim bail applications before appropriate courts. ▪ To coordinate with jail authorities for release of prisoners. ▪ All DLSA Chairmen were to contact undertrial prisoners who could not be released as they were unable to furnish bond and surety, through the Jail Legal Aid Clinics and facilitate in filing of bail bonds and production of surety of such UTPs in the respective courts or provide legal assistance as required. The DG Prisons was also requested to co-ordinate regarding this. <p>Prison Authorities</p> <ul style="list-style-type: none"> ▪ DG prisons shall identify the number of convicts who have already availed one parole or one furlough peacefully and surrendered in time at jail gate. Such convicts may be granted fresh onetime special parole on the same set of sureties. ▪ The Head-of-department and Superintendent of Jail who have power to grant additional remission of 2 months and remission of 1 month respectively to exercise their power for eligible prisoners and release them accordingly. <p>District Magistrates and Superintendent of Police</p> <ul style="list-style-type: none"> ▪ To make the arrangement for transportation of the released prisoners to their respective places while ensuring that policies and guidelines of the government regarding complete lockdown shall not be violated during the de-congestion process. 	
<p>Other Directions/ Information</p>	<p>Prison authorities</p> <ul style="list-style-type: none"> ▪ To maintain order in prisons by undertaking counselling and informing jail inmates about the steps being taken to prevent spread of COVID-19. ▪ Prisoners be allowed to talk to their family members through VC or jail telephone or e-mulakat. In jails where the infrastructure for e-Mulakat was not available, the jail authorities could consider video calling or web calling through electronic means. ▪ To ensure adherence of social distancing norms inside prison premises as well as within the wards and the inmates should be made aware to maintain at least 2 metres distance from each other. ▪ Where wards are overcrowded, to relocate some of the prisoners in other wards in consultation with DG Prisons to ensure a distance of 2 metres between them (Cuttack). 	

- To be in a state of preparedness to prevent the spread of COVID-19 infections as per the guidelines issued by the Government as well as the HPC.

DG Prisons

- To take steps for transfer of prisoners from one prison to another only on the ground of de-congestion to ensure social distancing and provide medical assistance to sick prisoners.
- To provide proper medical facilities to all those prisoners who need medical assistance and to coordinate with medical authorities to provide proper care and medical assistance to the prisoners.
- To ensure that Quarantine Wards are functional in all the jails at the earliest while taking all preventive measures to avoid spread of infection.
- To increase the frequency of e-Mulakat and also to take steps so that the relatives can access e-Mulakat either from their house or through any other remote point facilitating e-Mulakat viz; Panchayat Office, Tahasil Headquarters, Block headquarters or Office of Chairman, Legal Services Committee etc, so that visitors did not have to come from remote areas for interview with their respective inmates in jail.
- With the Department of Health, DG Prisons to provide at least 1 handmade 3-level masks every month to each prisoner and to double the provision of detergent and soap.
- With Addl. Chief Secretary, Department of Health, Odisha and DCS Odisha, Bhubneswar, DG Prisons to provide PPE Kits for the use of Jail Officials and Jail medical doctors and staff to protect them from being infected from COVID-19 while discharging their official duty.
- Frequent awareness camps in consultation with DLSA to inform the inmates and jail officials about following the norms of social distancing and guidelines issued by the Government on COVID-19 management (Cuttack).
- To ensure e-mulakat facility is available in all the jails.
- To issue necessary instructions to all the jails across the state to keep track of all convicts who have completed their sentences and to intimate the concerned Courts about the same by providing lapse jail warrants on time (Cuttack).
- To ensure sanitisation and white washing of all the jails, especially in District Jail, Keonjhar and Sub-Jails of Subarnapur, Birmaharajpur & Barbil and regarding maintaining of social distancing between the jail inmates. The HPC also asked the prison department to provide infrared thermometers for thermal screening of the jail inmates.
- To ensure the health and safety of the UTPs who are old and sick and more vulnerable to viral infections.

Principal Secretary, Home Department and DG Prisons

- To issue necessary guidelines to the Collectors/SPs, Jail authorities and others to implement decision taken by the HPC.
- To ensure that the physical presence of all undertrial prisoners before the Courts must be stopped forthwith and they had to resort to video conferencing in coordination with the courts.
- With health authorities to take urgent steps and ensure that there should not be any delay in shifting sick prisoners to nodal medical institutions in case it is required.
- To take steps for prison-specific readiness and response plans in consultation with medical experts.
- To ensure that the directions contained in Arnesh Kumar v. State of Bihar are followed by all police stations of the state.
- To open requisite number of kitchens with facilities of adequate utensils, roti makers and other infrastructure so that each kitchen in a jail was only to cater to a maximum of 200 prisoners in accordance with the recommendations in the Mulla Committee Report, 1983.
- To ensure that VC facility was functional in all the jails to facilitate the production of UTPs before courts by virtual means in the pandemic situation.

Undertrial Review Committee

- The UTRC was instructed to meet every week, preferably on Wednesday, and take decision in consultation with the concerned authority and suggested that these meetings could be held over telephones and electronic means.

Monitoring Teams

- The HPC directed the members of the UTRC of each district to be the members of the monitoring committee at District Level.

- The State Level monitoring team was to consist of 1) Principal Secretary Home Department, Govt. of Odisha, 2) DG Prisons, Govt. of Odisha and, 3) Member Secretary, OSLSA. It was to ensure that the directives issued with regard to prisons are being complied with scrupulously.

Police Authorities

- DG Police to take necessary steps for examination of the accused persons at the time of arrest to find out whether the accused is infected by COVID-19.
- DG Police to instruct all the police stations of the State to ensure production of accused before the Magistrate after ascertaining that the accused is not infected by Corona Virus (COVID-19) as far as practicable. The Principal Secretary Health & Family Welfare Department, Government of Odisha was also instructed to provide all assistance to police department in this regard.
This was revised following the letter from ADGP, CID, CB Odisha, Cuttack as it was not possible for local police to obtain COVID-19 report and produce the arrested persons before the Magistrate within the statutory period of 24 hours. In the districts where COVID testing facility is available, COVID testing of arrested persons were be done in those cases where suspected symptoms such as coughing, sneezing, fever, body ache, loss of taste and outside travel history is present. The Health Department in COVID-19 hospitals were to ensure this on priority, keeping in view the mandate of Section 57 of the Cr.P.C. regarding production of accused persons before the concerned Magistrate within 24 hours of arrest. In places where COVID testing of the arrested persons having suspected symptoms is not possible or reports take longer period, the arrested persons were directed to be first produced before the Magistrate with masks and maintaining social distancing norms. Following this, they were to be remanded to Quarantine Wards inside district prisons.

Principal Secretary Health & Family Welfare Department, Government of Odisha

- To ensure proper testing and treatment facilities for COVID positive sick prisoners in all the jails in the State in coordination with the DG Prisons, Odisha and submit a report in this regard to the HPC

Legal Services Institutions

- Member Secretary of Odisha SLSA was directed to employ panel lawyers and PLVs of Jail Legal Aid Clinic to meet with the prisoners take necessary steps for deciding the bail petition of the undertrials taken to custody for the offences having maximum prescribed punishment up to 7 years as well as attend to the inmates other urgent legal requirements.
- All DLSAs were directed to ensure that all prisoners are given proper legal advice and timely legal aid through Jail Legal Aid Clinics to prevent convicts from staying in prisons following the lapse of their sentence.

Additional Chief Secretary



- To ensure on top priority that testing in prisons is done on time to prevent spread of COVID-19 amongst prisoners.

Others

- The Health Department, District Administration, and Jail Authorities to comply with direction of the Supreme Court and to take steps for Prevention, Screening and Identification, Treatment & Mitigation and Transfer of Prisoners for de-congestion in light of the SC order.
- The Registrar General of Orissa High Court was also directed to take necessary steps for decongestion of overcrowded prisons to avoid spread of any infection.
- The Chief District Medical Officer of concerned districts and jail doctors were directed to ensure proper health check-ups of such prisoners/UTPs before their release on Parole or interim bail.
- All concerned departments to make wearing of masks and gloves, social distancing and use of handwash mandatory for all persons dealing with arrest, production and remand of prisoners.
- All stakeholders to ensure the directions issued by the Supreme Court in WP(C) No. 01/2020, by the Orissa High Court's order dated 5 May 2020 passed in W.P. (C) No. 90995 of 2020 and by the HPC must be strictly adhered to in order to prevent congestion in jails.
- To address the issue of overcrowding in some prisons, the HPC directed the concerned stakeholders to take all measures to reduce the health risk for inmates.
- DG, Prisons, DG Police and health authorities to co-ordinate amongst themselves to ensure that the S.O.P. issued by the Department of Home for testing of freshly remanded prisoners to jails is implemented properly to check the spread of the COVID-19 pandemic in jails and to submit an action taken report before the HPC in the next meeting.

	<ul style="list-style-type: none"> CDMO, Cuttack or the health officer in charge of COVID-19 control was asked to take necessary steps as per the COVID-19 guidelines, including mandatory swab testing of all prisoners who are sent to isolation wards from quarantine wards and of other inmates who had/ had developed symptoms such as coughing, sneezing, fever, body ache, loss of taste and outside travel history. It was suggested that the prisoners sent to quarantine wards also undergo testing where symptoms are present. In Cuttack, the concerned Executive Engineer, PWD and Public Health Department directed to carry out repair work in jail wards and toilets etc., on priority basis wherever necessary, and requisition to that effect received from the Jail Authority, in order to ensure the health and hygienic condition of inmates. And, the Fire Officer or any appropriate Municipality Authority to sanitize the entire Jail through disinfectants frequently, preferably every fortnight to keep the premises free from infection.
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Functioning of Under Trial Review Committees

	Whether UTRCs formed in all districts?	Yes In all 30 Districts
	Whether all district-level UTRCs conducted weekly meetings as mandated by the Supreme Court?	Yes In all 30 Districts
Actual Meetings vs Mandated Meetings	Districts which held Weekly Meetings	Districts which DID NOT hold Weekly Meetings
390/360	Angul (13), Balangir (13), Balasore (13), Bargarh (13), Bhadrak (13), Boudh (13), Cuttack (13), Deogarh (13), Dhenkanal (13), Gajapati (13), Ganjam (13), Jagatsinghapur (13), Jajpur (13), Jharsuguda (13), Kalahandi (13), Kandhamal (13), Kendrapara (13), Kendujhar (Keonjhar) (13), Khordha (13), Koraput (13), Malkangiri (13), Mayurbhanj (13), Nabarangpur (13), Nayagarh (13), Nuapada (13), Puri (13), Rayagada (13), Sambalpur (13), Sonepur (13), Sundargarh (13)	None



Admissions and Releases

No information was received regarding admissions and releases.

PSI 2019	April 2020	May 2020	June 2020
Monthly Admissions			
5817	N/P	N/P	N/P
Monthly Releases			

5624	4228*	3762**	905***
Quarterly Admissions			
2019		2020	
17452 (99.4%)		N/P	
Quarterly Releases			
2019		2020	
16873 (96.1%)		8895^	

*Estimates for time period between 20 March 2020 and 29 April 2020, based on reports submitted by the Odisha SLSA to the HPC

**Estimates for time period between 30 April 2020 and 28 May 2020, based on reports submitted by the Odisha SLSA to the HPC

***Estimates for time period between 4 June 2020 and 1 July 2020, based on reports submitted by the Odisha SLSA to the HPC

^Sum of the estimates between 20 March 2020 and 1 July 2020



Impact on Decongestion of Prisons

No information was provided to analyse the decongestion efforts between 1 April to 30 June 2020










PSI 2019	1 April 2020	1 May 2020	1 June 2020	30 June 2020
Convict : Undertrial : Others Ratio				
	N/P	N/P	N/P	N/P
Male : Female Occupancy				
	N/P	N/P	N/P	N/P
Sanctioned Capacity vs Prison Population				
	N/P	N/P	N/P	N/P
Occupancy Rate				
91.0%	N/P	N/P	N/P	N/P





Good & Bad Practices


✓	The entire process of decongestion was being monitored personally by Chairman of HPC by conducting weekly meetings on telephone / virtual means along with other members of the HPC.
✓	In the first meeting, the DG Prisons stated that he had identified 1727 undertrials in 87 jails who were in prison for cases where the prescribed punishment is up to 7 years or less, according to the suggestion of the Supreme Court. Further, 856 convicts were already ordered for shifting for de-congestion of jails and avoiding overcrowding to prevent spread of COVID-19.
✓	Consequent upon holding the UTRC meetings, all DLSAs provided regular updates on the action taken, which was collated by the SLSA and submitted to the HPC. It included – (i) Number of UTRC meetings conducted per district; (ii) Number of undertrials identified for release and actually released on interim bail; (ii) Number of Convicted prisoners released on parole/ other grounds; (iii) Number of prisoners found to be affected by COVID-19 virus; (iv) Number of prisoners found to be suffering from other diseases; (v) Number of prisoners provided with immediate medical facilities.
✓	HPC called for a report from Principal Secretary, Health, Government of Odisha regarding assistance to the police department and DG Prisons for compliance of the guidelines by 5 May 2020. In the meeting on 7 May 2020 this was extended to 11 May 2020.
✓	Among other measures, the prisons were conducting awareness campaign to educate prisoners about social distancing and to avoid infections; introduced e-Mulakat system for interview to avoid physical contact of the prisoners with their relatives; Superintendents of the jails were instructed to purchase infra-red thermometers to check the temperature of the prisoners.
✓	District & Sessions Judge, Cuttack was directed to instruct the concerned officer to decide bail petitions in a war footing manner as per the directions of the Supreme Court and in pursuance of the HPC directions.
✓	The HPC monitored the prison-wise population to ensure proper sanctioned capacity to strength ratio; availability of quarantine wards in all jails; in order to avoid the risk of COVID-19 infection in the prisons.
✓	When prisoners tested positive, emergency meetings of the HPC was held where the reports regarding the events that transpired and the measures taken by the District & Sessions Judge-cum-Chairman, DLSA and the DG, Prisons and DCS, Odisha. Later reports from Chairman DLSAs-cum- District Judges regarding health and hygiene conditions of prisoners were called by the HPC.
✓	As per directions of the High Court, a High Level Committee comprising of Registrar General, OHC, District & Sessions Judge Cuttack and Member Secretary OSLSA visited Circle Jail, Chowdwar on 5 July 2020 and submitted a report of their observations.
✓	The Department of Home, Government of Odisha prepared a Standard Operating Procedure for implementing the protocol of remand to be followed regarding lodging of newly arrested accused persons in jails.
✗	Quarantine wards were not available in the sub-jails of Athagarh, Baramba, Ranpur of Nayagarh, Baliguda, G. Udayagiri of Phulbani as of 14 May 2020 but was later reported to have been identified on 21 May 2020, or prisoners have been shifted to other prisons with quarantine wards.
✗	E-Mulakat infrastructure was not available in the Sub-Jails in Rairangpur, Karanjia, Udala. In the Sub-Jails in Champua, Anandapur and Barbil of Keonjhar the e-mulakat facility was yet to made operational.
✗	While the parole was extended initially, this was only till 17 May (and only for those prisoners who were to return and surrender in the jails located in the districts of the red zone, or were residents of red zone districts)




PUNJAB

	 PRISONS	 CAPACITY	 POPULATION	 OCCUPANCY RATE
	24	21723   1765	22930   1244	103 %

Functioning of the High Powered Committee

Whether HPC formed	Yes				 HIGH POWERED
Composition	1. The Executive Chairperson, Punjab SLSA – Chairman 2. The Principal Secretary, Government of Punjab, Jail Department – Member 3. The Additional Director General of Police, Prison, Punjab – Member Other Invitee – Member Secretary, Punjab SLSA; Additional Chief Secretary to Government of Punjab				
.....Number of Meetings held	3	25 March 2020	2 May 2020	31 July 2020	
Categories of Prisoners Recommended for Release	Undertrials <ol style="list-style-type: none"> 1. Those in custody up to two undertrial cases pending, in which maximum prescribed punishment in both cases is 7 years or less 2. Those aged 65 years and above and have up to two undertrial cases pending, in which the maximum prescribed punishment in both cases is 10 years or less 3. Those in custody for offences where the maximum prescribed sentence is up to 10 years and suffering from chronic diseases and pre-existing conditions as follows (which shall be determined as per the report of the jail Medical Officer and further certified by an SMO or the CMO) – <ul style="list-style-type: none"> ▪ Chronic Diabetes ▪ HIV ▪ Serious neurological issues (not simple depression) ▪ Chronic lung disease ▪ Severe Asthma ▪ Serious Heart condition ▪ Pregnant women may also be considered (This was later expanded on 2 May 2020 to include all undertrial prisoners) 4. Those in custody under S.107 or S.151 of CrPC may be considered for release on bail by the concerned Executive Magistrate immediately 5. Those under S.326 IPC and 307 IPC which are not of serious nature. 6. Those in NDPS Act cases arrested for small quantity violations (further relaxed for intermediate quantity violations with exceptions and further relaxed to all undertrials other than those under custody in commercial quantity cases with exceptions) 7. Cases where either only S.379 has been imposed or in case of other sections which have a maximum prescribed punishment up to 7 years 8. S.324 and 325 IPC 				

	<p>9. S.498-A IPC 10. S.406 and 420 IPC 11. Cases under Excise Act 12. All cases under S.354 IPC except those where the victim was below 15 years of age or any section of POCSO Act had been applied. 13. Those under S. 307 IPC and 304 IPC, except those where a fire-arm had been used by the accused, involved an attempt on life of a govt servant while on duty, cases associated with criminal gangs, extortion, terrorist or organised crime, where the injured victim is still in hospital 14. S.379 IPC, S.406, 420 IPC, S. 452 IPC, S.323 or 324 IPC, S.188 IPC, S.336 IPC, NI Act, DM Act, S.316 IPC, S.279, 337, 338, 427 IPC, S.170 IPC, S.315 IPC, S. 498A IPC 15. S.457, 380 IPC – to be considered on a case-to-case basis, where the accused is not a habitual offender and the amount involved is not very high.</p> <p>Convicts</p> <ol style="list-style-type: none"> 1. Those not having any pending undertrial cases and sentenced up to 7 years, with or without fine 2. Those sentenced in one case up to 7 years, with or without fine, and having up to two undertrial cases, and is on bail in undertrial cases, and has availed the last parole peacefully 3. Those sentenced up to 10 years and suffering from chronic diseases or pre-existing conditions as follows (which shall be determined as per the report of the jail Medical Officer and further certified by an SMO or the CMO) – <ol style="list-style-type: none"> a. Chronic Diabetes b. HIV c. Serious neurological issues (not simple depression) d. Chronic lung disease e. Severe Asthma f. Serious Heart condition g. Pregnant women may also be considered <p><i>(This was extended to all convicts who were suffering from these and were under treatment for the same for at least 1 year prior to the date of release)</i></p> 4. Those aged 65 years and above – <ol style="list-style-type: none"> a. Having no pending undertrial cases and sentenced up to 10 years, with or without fine b. Sentenced in one case up to 10 years, with or without fine, and having up to two undertrial cases, and is on bail in the undertrial cases and should have availed the last parole peacefully 5. Extension of parole by six weeks to be granted to prisoners presently on parole. However, the convict has the option of returning to the prison early with the approval of the concerned Superintendent of Jail. 6. Those convicted under NDPS Act, who have been sentenced to 3 years or less – relaxed further for convicts who had been convicted for up to 5 years, with or without fine, who do not have any other case pending against them, and if they had completed at least 75% of the total sentence.
<p>Excluded Categories of Prisoners</p>	<p>Arrested/convicted for offences under:</p> <ol style="list-style-type: none"> A. POCSO Act B. S. 376 IPC C. S.379B IPC D. acid attack cases E. UAPA F. Explosive Substances Act G. Foreign Nationals H. NDPS cases 

	<p>a. Undertrials — involved in commercial quantity violations and where additional sections like S. 307 of IPC, assault on public servants, intimidation to informers/witnesses have been imposed; those with more than 3 undertrial cases registered against them, those also accused for offences under S.302 IPC, S.307 IPC, Arms Act, kidnapping for ransom, assault on public servant or for intimidation of informers/witnesses in any of the cases registered against them; and if the undertrial was a foreign national</p> <p>b. Convicts - where conviction was for a period above 3 years</p>
<p>HPC restricted itself to the categories recommended by the Supreme Court?</p>	<p>Undertrials : Additional Categories : RECOMMENDED Convicts : Additional Categories : RECOMMENDED</p> 
<p>Period of Release on Interim Bail/ Parole</p>	<p>Undertrials: Initial Period — six weeks Extension — six weeks, may be further extended till such time that the notification under the Epidemic Diseases Act, 1897 is in force</p> <p>Convicts: Initial Period — six weeks Extension — six weeks, may be further extended till such time that the notification under the Epidemic Diseases Act, 1897 is in force</p> 
<p>Directions to Appropriate Authority/ Conditions of Release</p>	<p>Undertrials</p> <ul style="list-style-type: none"> ✓ Bail was to be granted either on execution of a bail bond or on the personal bond by the undertrial. The Judicial Officer could also consider the execution of bail bond through online/electronic means. A valid passport could also be taken on record. ✓ The Judicial Magistrate was directed to consider cases under S.326 IPC and 307 IPC which are not of serious nature on a case-to-case basis <p>Convicts</p> <ul style="list-style-type: none"> ✓ District Magistrate to depute an empowered Executive Magistrate at all the jails falling in his jurisdiction. This Executive Magistrate shall be available every day till all such cases have been dealt with and would process all the surety bonds at the jail premises itself. ✓ The primary objective was to grant liberal parole as per the criteria while keeping sufficient safeguards. With regard to the Surety bonds, the HPC directed that — <ol style="list-style-type: none"> a) For convicts who had availed regular parole before, the Surety Bond submitted for the last parole could be extended and accepted. The person who executed the last parole could be asked on phone and confirmation recorded in writing by the Executive Magistrate. In addition, a personal bond was to be executed by the convict. b) For convicts availing parole for the first time, the following options were to be offered <ol style="list-style-type: none"> i. The surety was to come to the jail and execute the Surety Bond, or ii. The surety was to submit the Surety Bond electronically to the satisfaction of the Executive Magistrate, or iii. The convict executes a personal Surety Bond. <p>NDPS Cases (Undertrials/ Convicts)</p> <ul style="list-style-type: none"> ✓ Inputs from the concerned police districts/units was to be taken before release in important cases. ✓ Undertrials/ Convicts under NDPS cases had to execute bond, in addition to other formalities, under section 107/110 CrPC to the effect that he/she will not do any wrongful act commit any offence and maintain good behaviour during the period of his/her interim bail; and that he/she would remain strictly confined to his/her home during the period of interim bail and would not leave his/her house under any circumstance, other than to 

	<p>obtain de-addiction treatment or attend to medical emergency. This condition was to be specified in the interim bail order/ parole conditions.</p> <ul style="list-style-type: none"> ✓ The Jail Superintendent was to inform the concerned CP/SSP of the district regarding the details of persons released on interim bail well in advance. ✓ The police station where the person is resident was to maintain a personal file (and associated documents) and the police station was to maintain a regular check on these persons throughout the period of interim bail and initiate suitable action in case of violation of any bail conditions. ✓ The local police station was also to inform the panchayats/councils in their jurisdiction about the release of such person and to request that a watch be kept to prevent any repeat offence/violation of conditions of interim bail and if such violation occurs, the same should be reported to the police station for further action. ✓ Persons who were residents in other states were not to be released ✓ The Superintendent of concerned jail/ Executive Magistrate deployed for taking surety bonds shall forward the bonds to the concerned Executive Magistrate/Sub-Divisional Magistrate and Police Station having jurisdiction over the place of residence of the person released on interim bail.
<p>Guidance regarding process for effectuating release</p>	<p>Legal Services Institutions</p> <ul style="list-style-type: none"> ▪ The Chairperson, DLSA cum District & Sessions Judge of the district in which the jail is situated was to himself hold and depute as many ADJs and other judicial officers for each jail in the district. ▪ The deputed judicial officers were to hold camp courts at the jail premises for as many days as is necessary to decide the bail applications. <p>Prison Authorities</p> <ul style="list-style-type: none"> ▪ Owing to the current situation, the HPC deemed it to be 'sufficient cause' as laid out under Section 3(1)(d) of the Punjab Good Conduct Prisoners' (Temporary Release) Act, 1962 and therefore, the powers of granting parole were delegated to the Superintendent of the concerned prison. As a one-time measure Superintendent was empowered, keeping in abeyance proviso of Rule 3(2) of the Punjab Good Conduct Prisoners' (Temporary Release) Rules, 1963, to process: <ul style="list-style-type: none"> ○ cases for parole of prisoners who have already availed parole for first two quarters, any time in the current calendar year; ○ applications for parole within the first four months after the conviction of the prisoner. <p>District Magistrate</p> <ul style="list-style-type: none"> ▪ Applications for parole pending before the District Magistrate to be processed within a period of two days without fail, or return these cases to the Jail Superintendent immediately. ▪ The District Magistrates were directed that all new cases of parole were to be decided within four days of receipt. For cases pending outside Punjab, a copy of the HPC proceedings were to be forwarded by the Jail Superintendent to the concerned District Magistrate for ensuring early decision in pending cases. ▪ Concerned Executive Magistrate to immediately consider on bail all prisoners who are in custody under S.107/151.
<p>Other Directions/ Information</p>	<p>Prison Authorities</p> <ul style="list-style-type: none"> ▪ The HPC directed that shifting of prisoners should be resorted to in very rare cases only and on the specific orders of ADGP, Prisons. ▪ As e-mulakaat facility was found to be a cumbersome process and very few prisoners and their families have been able to use the facility, the HPC decided that prison authorities may make available the facility of 'video mulakaat' through Whatsapp video call with the registered visitors only and to be done under supervision and presence of a responsible prison official.



- Delegated the power to extend the parole of prisoners on parole by 6 weeks.
- To ensure that re-admission of the convicts took place in a staggered manner.
- Jail Superintendents were to be further empowered to extend the parole of any convict up to 7 days, in order to ensure that the re-admission process of those convicts released on parole takes place in a staggered manner. The ADGP was to issue a circular to ensure transparency and equity in the process.
- As per Standard Protocol, all prisoners in the barrack/block where a prisoner tested positive was residing, should be shifted to an Alternate Isolation Facility, and to ensure the safety of other prisoners, those in Alternate Isolation Facility should be released on parole/bail as far as possible. The HPC further directed that their release would be immediately processed/forwarded by the Jail Superintendent for release on bail/parole.

State Government

- Principal Secretary (Jails) to notify a State Level Monitoring team and an additional monitoring teams at the district level if so desired, with the mandate enshrined in the Supreme Court judgment.
- The Committee recommended an addition of a proviso to S. 3(2A) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 by way of an ordinance to enable release of convicts on parole for more than 16 weeks in a calendar year during disasters or epidemics. In the meantime, the jail superintendents were empowered to extend the parole of the convict for as many days as the convict is eligible in the current calendar year under the extant provisions.
- To urgently take measures towards creation of suitable and sufficient Video Conferencing facilities at the jail-end to ensure that jails are equipped for court proceedings through VC.

Police Department

- To ensure that directions in para.11 in *Arnesh Kumar v. State of Bihar* (2014) 8 SCC 273 are complied with in letter and spirit.

Legal Services Institution

- The Chairperson, DLSA-cum-District & Sessions Judge to either personally visit the jails every alternate day (later directed to visit at least twice a month) or depute an ADJ, to interact with the prisoners (while taking all precautions) so that prisoners could vent their pent-up frustrations and order can be maintained.
- To decrease the unrest among undertrial prisoners, the Secretary, DLSA of the concerned district where the jail is situated was directed to physically visit the prisons every week to listen to the grievances of the undertrial prisoners and forward his observations/ suggestions to the Chairperson of the SLSA and the District and Sessions Judge of the district concerned for appropriate action. (through video conferencing in Special Jails for new admission, or at jails converted into COVID Care Centres)
- The District & Sessions Judges to co-ordinate with the respective Addl. District and Sessions Judges/Judicial Magistrates and Jail Superintendents to ensure that the return of the undertrials took place in a staggered manner, with not more than 50-60 undertrials returning on any particular day to larger jails, and 15-20 to smaller jails to facilitate proper screening before re-admission into the prison.

Department of Health and Family Welfare

- All necessary steps were to be taken to provide sufficient medical infrastructure to ensure proper treatment of prisoners at the COVID Care Facilities created in prisons.



Judicial Officers / Magistrates

- Cases for grant of interim bail to prisoners in custody who have tested COVID positive were to be taken up immediately and consider them sympathetically while also considering the severity of the offence into consideration.

Undertrial Review Committee

- To hold meetings every week as against the quarterly meetings held at present.

Functioning of Under Trial Review Committees

	Whether UTRCs formed in all districts?	N/P
	Whether all district-level UTRCs conducted weekly meetings as mandated by the Supreme Court?	N/P
Actual Meetings vs Mandated Meetings	Districts which held Weekly Meetings	Districts which DID NOT hold Weekly Meetings
N/P	N/P	N/P



Admissions and Releases

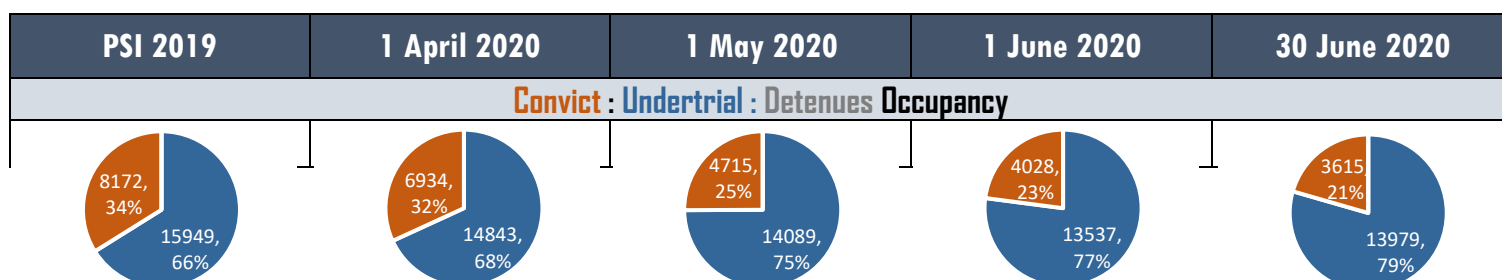
The quarterly releases between 1 April 2020 and 30 June 2020 is **12.62 percentage points** below that of the quarterly admissions for the same period.

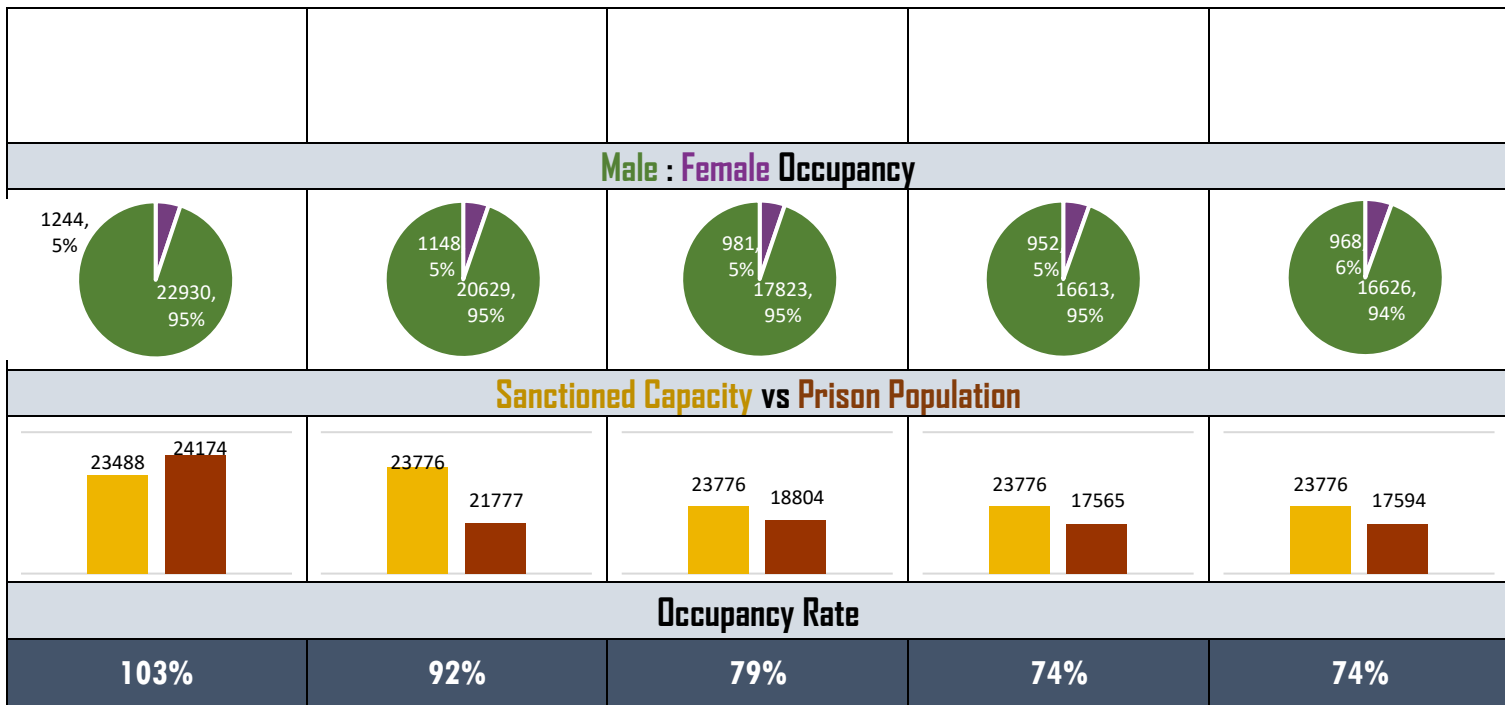
PSI 2019	April 2020	May 2020	June 2020
Monthly Admissions			
6931	2639	2832	4838
Monthly Releases			
6278	4130	2945	2605
Quarterly Admissions			
2019		2020	
20792 (86 %)		10309 (58.6%)	
Quarterly Releases			
2019		2020	
18834 (77.91%)		9680 (55%)	



Impact on Decongestion of Prisons

The decongestion efforts led to the decrease in occupancy rate by **18 percentage points** from 1 April to 30 June 2020.














Good & Bad Practices








✓	Transfers of prisoners were only being ordered for de-congestion of overcrowded jails.
✓	The jail Superintendents were instructed to draft prison specific 'Readiness and Response Plans' and a 'COVID-19 Special Task Force' was also set up at each prison to deal with any emergent situation. The HPC desired that the plans be prepared and rehearsed with all stakeholders.
✓	A detailed agenda note was presented by the ADGP, Prisons, for consideration by the HPC in its first meeting.
✓	The prison department had already granted remission in accordance with the provisions of the Punjab Jail Manual 1996 with the remission of 1 month by Superintendent of jail and additional remission of 2 months by Head of Department.
✓	HPC expanded the categories of cases to be considered for release to ensure decongestion in prisons which it realised as one of the most effective means for mitigating the spread of pandemic.
✓	Temporary jails were notified in various buildings/ police stations in each district for temporary custody of arrested persons whose police remand has expired but COVID test results are yet to be received.
✓	A standard protocol was notified and circulated to respond to any situation where a COVID-19 positive case is detected in any prison.
✓	In light of the rising number of positive cases in prisons, the Sub Jail Malerkotta and Central Jail Gurdaspur were vacated and notified as Level 1 COVID Care Centres by the concerned Deputy Commissioners on 25 July 2020 and 29 July 2020 respectively.
✓	The prisons followed the policy of 'Chasing the Virus' under which 85% of staff was tested and random sampling of prisoners was done. It instituted a 3 level of testing; before entering the special jails, after completion of 14 days' quarantine period in special jails; following 14 days' quarantine in regular jails.
✓	State Level Monitoring Team under the ADGP (Prisons) and District Level Monitoring Teams under Divisional Commissioners were constituted and they were regularly reviewing the progress.

✓	The ADGP was holding regular meetings with the staff to keep them alert and motivated.
✗	The women arrested from all across the state were brought to the Women Jail in Ludhiana, the increased distance from their family members might adversely affect their mental wellbeing.
✗	Despite the decongestion efforts, the Central Jail at Amritsar and the District Jail at Sangrur were overcrowded on 30 June 2020.
✗	The prison department did not consider many convicts for release in the meeting on 31 July 2020 owing to the fact that they are required for the day-to-day prison administration.

RAJASTHAN

	 PRISONS	 CAPACITY	 POPULATION	 OCCUPANCY RATE
	144	21195   1757	21010   589	94.1%

Functioning of the High Powered Committee



Whether HPC formed	Yes	
Composition	N/P	
Number of Meetings held	N/P	
Categories of Prisoners Recommended for Release	N/P	
Excluded Categories of Prisoners	N/P	
HPC restricted itself to the categories recommended by the Supreme Court?	Undertrials : Additional Categories Convicts : Additional Categories	
Period of Release on Interim Bail/ Parole	Undertrials: Convicts:	
Directions to Appropriate Authority/ Conditions of Release	Undertrials Convicts	
Guidance regarding process for effectuating release		
Other Directions/ Information	<ul style="list-style-type: none"> ▪ Minutes of State-level Parole Committee, dated 11 and 17 April 2020 were provided. Cases of 158 convicts were considered and appropriate directions were passed for grant of parole. ▪ In the wake of emergent situations of ongoing COVID-19 pandemic which warrants immediate easing of population of prisoners in the prison, the State Home Department issued a notification, dated 10 April 2020, called the Rajasthan Prisoners Release on Parole (Amendment) Rules, 2020*, which inserted a rule 10-B to the Rajasthan Prisoners Release on Parole Rules, 1958. According to this: 	

	<ul style="list-style-type: none"> ✓ Special Parole may be granted for a period not exceeding four weeks, to a prisoner who has already availed first, second or third Parole peacefully and his behaviour has been good during the period of such parole. The Special Parole under this rule shall be granted on such terms and conditions as may be considered necessary by the State Government. It further provides that special parole under this rule shall not be granted to the prisoner who has been convicted for the offence related to: <ul style="list-style-type: none"> i. Acid attack ii. Rape iii. Dacoity iv. Murder v. Sections 4 and 6 of POCSO Act, 2012 vi. NDPS Act, 1985 vii. Economic Crimes viii. Prevention of Corruption Act, 1988 ix. Prevention of Money Laundering, 2012 x. Anti-national activities xi. UAPA, 1967 or any other offence of similar nature xii. Cases investigated by any central investigating agencies ✓ The prisoners who are already availing first, second or third parole or the parole of 40 days granted every year, as the case maybe, on the date of commencement of these rules i.e. the Rajasthan Prisoners Release on Parole (Amendment) Rules, 2020, the period of such parole shall be deemed to be extended up to 03rd May 2020. ■ The State Home Department issued another notification, dated 11 May 2020, called the Rajasthan Prisoners Release on Parole (Second Amendment) Rules, 2020. It further added a sub-rule to rule 10-B which provides that the period of special parole granted or the extension of parole granted may be further extended by the State Government, from time to time, if emergent situation on account of spread of COVID-19 PANDEMIC persists. ■ The State government by order no. F8(5)/grah-12/kara./2020, dated 20 May 2020**, issued a Standard Operating Procedure to be followed by police authorities during COVID-19 in regard to arrested persons. It provides that: <ul style="list-style-type: none"> ✓ when a person is sent to judicial custody, first the RT-PCR test would be conducted in the jail ward/ isolation ward of the district hospital. ✓ till the test result is awaited, police guards must be provided by district police authorities during the accused's stay at the isolation ward. ✓ Once being cleared, the accused will be sent to district or central prison and would be kept in the isolation ward for 21 days. ✓ The person would then be examined again. If the report is negative and bail is granted by the concerned court, accused will be kept in home quarantine for 14 days. If the bail is rejected, accused will be lodged in the general ward in the prison. ✓ To protect the prison staff and their families from the spread of the virus, corona random tests must be conducted. ✓ Medical officers would periodically conduct the check-up of prisoners lodged in isolation ward in the prison and maintain record of the same. They would also advise the prison authorities on steps to be taken for cleanliness and sanitisation in isolation wards.
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*[http://home.rajasthan.gov.in/content/dam/homeportal/homedepartment/pdf/CercularNotificationOrder/Gr12/The%20Rajasthan%20Prisoners%20Release%20on%20\(Amendment\)%202020.pdf](http://home.rajasthan.gov.in/content/dam/homeportal/homedepartment/pdf/CercularNotificationOrder/Gr12/The%20Rajasthan%20Prisoners%20Release%20on%20(Amendment)%202020.pdf)

**http://home.rajasthan.gov.in/content/dam/homeportal/homedepartment/pdf/CercularNotificationOrder/Gr12/Rajasthan%20Prisoner%20Release%20on%20Parole%20Second%20Ammendment%202020_12.05.pdf

Functioning of Under Trial Review Committees

	Whether UTRCs formed in all districts?	N/P
	Whether all district-level UTRCs conducted weekly meetings as mandated by the Supreme Court?	N/P
Actual Meetings vs Mandated Meetings	Districts which held Weekly Meetings	Districts which DID NOT hold Weekly Meetings
N/P	N/P	N/P



Admissions and Releases

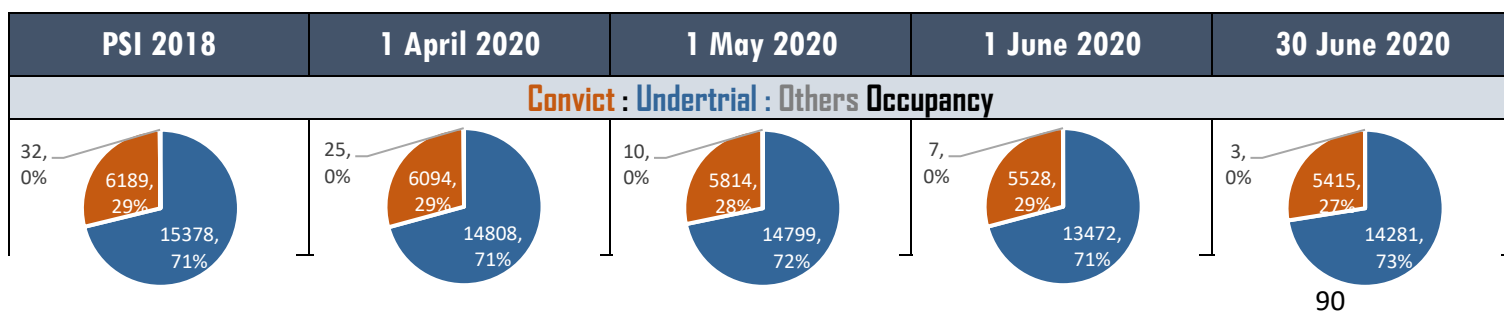
No information was received regarding admissions and releases.

PSI 2019	April 2020	May 2020	June 2020
Monthly Admissions			
9787	N/P	N/P	N/P
Monthly Releases			
10772	N/P	N/P	N/P
Quarterly Admissions			
2019		2020	
29362 (136%)		N/P	
Quarterly Releases			
2019		2020	
32317 (150%)		N/P	



Impact on Decongestion of Prisons

The decongestion efforts led to the decrease in occupancy rate by **5.4%** from 1 April to 30 June 2020.












Male : Female Occupancy				
Sanctioned Capacity vs Prison Population				
Occupancy Rate				
94.1%	91.4%	90.0%	83.0%	86.0%




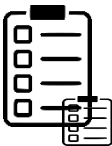



Good & Bad Practices



✓	The decongestion efforts led to the decrease in occupancy rate by 5.4% from 1 April to 30 June 2020.
✗	No information was provided in regard to the functioning of HPCs.

SIKKIM



	 PRISONS	 CAPACITY	 POPULATION	 OCCUPANCY RATE
	2	220   40	388   12	153.8%

Functioning of the High Powered Committee

Whether HPC formed	Yes, by the Government of Sikkim vide notification No. 21/Home/2020 on 30 March 2020		 HIGH POWERED COMMITTEE
Composition	1. The Executive Chairperson, Sikkim State Legal Services Authority – Chairman 2. The Chief Secretary, Government of Sikkim – Member 3. The Senior Superintendent of Police, District Prison, Namchi – Member and 4. The Additional Secretary (Confidential), Home Department – Member Secretary		
Number of Meetings held	1	6 April 2020	
Categories of Prisoners Recommended for Release	Undertrials <ol style="list-style-type: none"> 1. who are accused of offences with maximum sentence of 7 years or less with or without fine 2. who are first offenders 3. who are in custody for the last three months or more Convicts <ol style="list-style-type: none"> 1. who have only three months of their sentence remaining 2. who have medical conditions 		
Excluded Categories of Prisoners	Arrested for offences under: <ol style="list-style-type: none"> A. Sikkim Anti Drugs Act B. NDPS Act C. POCSO Act D. Prevention of Corruption Act E. Prevention of Money Laundering Act F. Sections 376, 376A to 376E of the Indian Penal Code G. Foreign nationals H. Undertrial prisoners facing trial under Prevention of Corruption Act, the Prevention of Money Laundering Act and Anti-National activities 		
HPC restricted itself to the categories recommended by the Supreme Court?	Undertrials : Additional Categories NOT RECOMMENDED Convicts : Additional Categories RECOMMENDED		
Period of Release on Interim Bail/ Parole	Undertrials: Initial Period – Not Specified Extension – Not Specified Convicts: Initial Period – Not Specified		

	Extension — Not Specified	
Directions to Appropriate Authority/ Conditions of Release	Bail be granted only after consideration of: <ul style="list-style-type: none"> ✓ whether the accused was a habitual offender, ✓ whether he was a resident of Sikkim, and ✓ whether there were high chances of the accused absconding 	
Guidance regarding process for effectuating release	The HPC advised the empanelled counsel from the concerned DLSAs to submit application to the concerned Court after the Jail Authorities had identified the eligible undertrial prisoners.	

Functioning of Under Trial Review Committees

	Whether UTRCs formed in all districts?	YES In all 4 Districts
	Whether all district-level UTRCs conducted weekly meetings as mandated by the Supreme Court?	YES In all 4 Districts
Actual Meetings vs Mandated Meetings	Districts which held Weekly Meetings	Districts which DID NOT hold Weekly Meetings
51/48	Rongyak @ East Sikkim at Gantok (13), Rongyek @ East Sikkim at Gantok (12), Boomtar @ South Sikkim at Namchi (13), Boomtar @ South Sikkim at Namchi (13),	None



Admissions and Releases

The data below shows that between 1st April and 30th June, the quarterly admissions exceeded the quarterly releases by **0.92 percentage point**, same as in 2019.

PSI 2019	April 2020	May 2020	June 2020
Monthly Admissions			
42	27	34	20
Monthly Releases			
41	21	28	28
Quarterly Admissions			
2019		2020	
126 (31.5%)		81 (18.58%)	
Quarterly Releases			
2019		2020	

122 (30.5%)

77 (17.66%)



Impact on Decongestion of Prisons

The decongestion efforts led to the decrease in occupancy rate by **1.1 percentage point** from 1 April to 30 June 2020.

PSI 2019	1 April 2020	1 May 2020	1 June 2020	30 June 2020
Convict : Undertrial Occupancy				
Male : Female Occupancy				
Sanctioned Capacity vs Prison Population				
Occupancy Rate				
153.8%	168.8%	169%	172.7%	167.7%












Good & Bad Practices


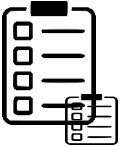


✓	A Committee comprising the Under Secretary, Office Superintendent and Head Assistant of Sikkim SLSA has been constituted to collect all data relating to the performance of Panel Advocates and status of legal aid cases.
✓	Panel advocates are required to inform the status of each case to the Office of Sikkim SLSA or the Monitoring Committee by the 12th and 27th of every month.
✓	All Panel Advocates appointed to represent Undertrials or Convicts are directed to visit prisons to personally meet the prisoner, and to take instructions from them. The concerned Panel Advocate has to compulsorily submit a Certificate of jail visits certified by the concerned Jailor at the time of claiming his/her legal aid bill for the legal aid case. In the absence of such Certificate, bills for legal aid is not entertained by Sikkim SLSA.
✓	If bail is granted by the Ld. Court the Jail Visiting Lawyer will call the family members of the undertrial prisoner or accused Person and assist in arranging for surety.

✓	Two special cases were considered by the HPC — (i) case of remission where the convict's sentence was ending in a week's time; (ii) case of three months civil imprisonment. Convicts were released on remission in both cases.
✗	No other undertrial category than the ones recommended by the Supreme Court were considered by the HPC.
✗	Only one UTRC reviewed the cases recommended by the HPC.

TELANGANA

	 PRISONS	 CAPACITY	 POPULATION	 OCCUPANCY RATE
	37	7110   675	6272   445	86 %

Functioning of the High Powered Committee

Whether HPC formed	Yes by State Government of Telangana vide G.O.Rt.No.415, Home (Services.III) Department, dated 1 April 2020		
Composition	1. The Executive Chairperson, Telangana SLSA – Chairman 2. The Principal Secretary (Home Department), Government of Telangana – Member 3. The Director General of Prisons and Correctional Services, Telangana – Member-Convener Special Invitee – Secretary to Government (Law Department), Telangana Secretariat Other Attendees – Public Prosecutor for the State of Telangana I.G. Prisons, Telangana		
Number of Meetings held	1	Date is not mentioned on the copy of the minutes	
Categories of Prisoners Recommended for Release	Undertrials 1. Accused having committed the offences which are bailable and non-bailable offences which are punishable with imprisonment for less than seven years Convicts 1. Convicted for having committed the offences which are bailable and non-bailable offences which are punishable with imprisonment for less than seven years		
Excluded Categories of Prisoners	Arrested/ convicted for offences: A. Against women, children B. Robbery C. Theft D. NDPS Act E. POCSO Act F. UAPA, 1967 G. Prevention of Money Laundering Act		
HPC restricted itself to the categories recommended by the Supreme Court?	Undertrials : Additional Categories NOT RECOMMENDED Convicts : Additional Categories NOT RECOMMENDED		

Period of Release on Interim Bail/ Parole	Undertrials: Initial Period — Not specified Extension — Not specified Convicts: Initial Period — 30 days Extension — Not specified	
Directions to Appropriate Authority/ Conditions of Release	Undertrials ✓ Convicts ✓ State Government to consider release where possible of convicted prisoners in the category specified who are willing to be released.	
Guidance regarding process for effectuating release		
Other Directions/ Information	State Government <ul style="list-style-type: none"> To move an application in the Supreme Court seeking clarification of the order passed on 23 March 2020 regarding the difficulties which the undertrials and convicted prisoners would face in reaching their respective homes during the lockdown once they were released. UTRC <ul style="list-style-type: none"> To take up cases of undertrial prisoners falling in the categories stipulated and to follow the Standard Operating Procedure suggested by NALSA as per the direction of the Supreme Court in Re-Inhuman Conditions in 1382 Prisons. 	

Functioning of Under Trial Review Committees

	Whether UTRCs formed in all districts?	N/P
	Whether all district-level UTRCs conducted weekly meetings as mandated by the Supreme Court?	N/P
Actual Meetings vs Mandated Meetings	Districts which held Weekly Meetings	Districts which DID NOT hold Weekly Meetings
N/P	N/P	N/P



Admissions and Releases

No information regarding admissions and releases was provided.

PSI 2019	April 2020	May 2020	June 2020
Monthly Admissions			
6276	N/P	N/P	N/P
Monthly Releases			
6187	N/P	N/P	N/P

Quarterly Admissions	
2019	2020
18827 (280.3 %)	N/P
Quarterly Releases	
2019	2020
18561 (276.3%)	N/P



Impact on Decongestion of Prisons

The decongestion efforts led to the decrease in occupancy rate by **5 percentage points** from 1 April to 30 June 2020.










PSI 2019	1 April 2020	1 May 2020	1 June 2020	30 June 2020
Convict : Undertrial : Detenues Occupancy				
<p>244, 4% 2088, 31% 3373, 65% 1, 0%</p>	<p>202, 3% 2180, 37% 3585, 60%</p>	<p>1, 0% 2119, 41% 3076, 59%</p>	<p>197, 4% 2052, 38% 3080, 58%</p>	<p>179, 3% 1964, 35% 3429, 62%</p>
Male : Female Occupancy				
<p>445, 7% 6272, 93%</p>	<p>350, 6% 5617, 94%</p>	<p>311, 6% 5074, 94%</p>	<p>314, 6% 5015, 94%</p>	<p>344, 6% 5228, 94%</p>
Sanctioned Capacity vs Prison Population				
<p>7785 (Sanctioned Capacity) 6717 (Prison Population)</p>	<p>7835 (Sanctioned Capacity) 5967 (Prison Population)</p>	<p>7835 (Sanctioned Capacity) 5385 (Prison Population)</p>	<p>7835 (Sanctioned Capacity) 5329 (Prison Population)</p>	<p>7835 (Sanctioned Capacity) 5572 (Prison Population)</p>
Occupancy Rate				
86%	76%	69%	68%	71%




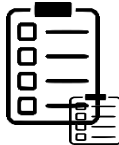



Good & Bad Practices



✓	
✗	The HPC directed the State Government to request the SC for clarification on the issue of transport to prisoners instead of directing the police or transport department to assist in this regard.
✗	The HPC did not provide categories of prisoners beyond those suggested by the Supreme Court who could be considered for release.

TRIPURA



	 PRISONS	 CAPACITY	 POPULATION	 OCCUPANCY RATE
	13	2023   151	1058   45	50.7%

Functioning of the High Powered Committee

Whether HPC formed	Yes vide Memo No. F.TRAIS.150/13/18/837-41, dated 27 March, 2020 issued by the Government of Tripura, Home (Jail) Department		
Composition	1. The Executive Chairperson, Tripura SLSA – Chairman 2. The Principal Secretary, Home (Jail), Government of Tripura – Member 3. The Inspector General Prisons, Government of Tripura – Member Other Invitee – Chief Superintendent of Homes, Directorate of Social Welfare and Social Education		
.....Number of Meetings held	1	30 March 2020	
Categories of Prisoners Recommended for Release	Undertrials 1. Those who have been arrested for crimes where the maximum prescribed punishment is 3, 5 and 7 years. Convicts 2. Cases of convicts were considered individually.		
Excluded Categories of Prisoners	Arrested for offences under: Not specified Convicts : A. Foreign Nationals cannot be considered for parole under the Prisoners (Tripura) Act, 1979.		
HPC restricted itself to the categories recommended by the Supreme Court?	Undertrials : Additional Categories NOT RECOMMENDED Convicts : Additional Categories NOT RECOMMENDED		
Period of Release on Interim Bail/ Parole	Undertrials: Initial Period – For a period as would be decided by the concerned Judicial Magistrate, but be minimum 60 days. Extension – Not Specified Convicts: Initial Period – Not Specified Extension – The Parole could be extended by way of renewal		

Directions to Concerned Authorities/ Conditions of Release	<p>Magistrates</p> <ul style="list-style-type: none"> ✓ The recommendations of the HPC were to be placed before the concerned Magistrate for consideration of the bail in terms of the Supreme Court orders. ✓ The Judicial Magistrates are to consider the principles of Arnesh Kumar v. State of Bihar in case of granting bail in cases which will be placed before them during this period. <p>Parole Committee</p> <ul style="list-style-type: none"> ✓ A list of eligible convicts sent for the consideration of the Parole Committee through the Principal Secretary (Jails), Government of Tripura. ✓ The Parole Committee to consider the names of convicts suggested while conforming to the relevant provisions. 	
Guidance regarding process for effectuating release		
Other Directions/ Information	<p>State Government</p> <ul style="list-style-type: none"> ▪ A COVID-19 Special Task Force shall be constituted within three days in all prisons and remand homes (Special Homes) in the State of Tripura constituting of i) Superintendent of jails, ii) Jailor/Sub-Jailor/Deputy Jailor, iii) Medical Officer working in the concerned prison or homes to monitor the prevention or transmission of infection and for taking further steps in that regard. ▪ The HPC directed the State Government to provide a sum of Rs. 100000/- as the imprest fund to meet the emergency requirement of COVID-19 Special Task Force in each jails or remand homes, and an amount of Rs. 400000 for the Central Jail (Kendriya Sanshodhanagar, Bishalgarh). The Principal Secretary, Home (Jails) is to communicate this to the concerned department and is to take all necessary initiatives to procure that fund at the earliest time. <p>Prison Authorities</p> <ul style="list-style-type: none"> ▪ The Chief Executive functionaries of the jail were directed by the HPC to ensure frequent medical check-up in the jails and to create distance among the convicts and other inmates with the available spaces for protecting them from the threat of infection. 	

Functioning of Under Trial Review Committees

	Whether UTRCs formed in all districts?	N/P
	Whether all district-level UTRCs conducted weekly meetings as mandated by the Supreme Court?	N/P
Actual Meetings vs Mandated Meetings	Districts which held Weekly Meetings	Districts which DID NOT hold Weekly Meetings
N/P	N/P	N/P



Admissions and Releases

No information was received regarding admissions and releases.

PSI 2019	April 2020	May 2020	June 2020
Monthly Admissions			
373	N/P	N/P	N/P
Monthly Releases			
354	N/P	N/P	N/P
Quarterly Admissions			
2019		2020	
1120 (101.54 %)		N/P	
Quarterly Releases			
2019		2020	
1061 (96.19%)		N/P	



Impact on Decongestion of Prisons

The decongestion efforts led to the decrease in occupancy rate by **3 percentage points** from 1 April to 30 June 2020.










PSI 2019	1 April 2020	1 May 2020	1 June 2020	30 June 2020
Convict : Undertrial : Detenues Occupancy				
Male : Female Occupancy				
Sanctioned Capacity vs Prison Population				
Occupancy Rate				
51%	47%	50%	48%	44%




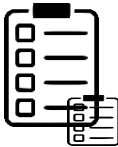



Good & Bad Practices

✓	A detailed survey was carried out by the Inspector General of Prisons and data was submitted for consideration of the HPC.
✓	A team of Legal Services Authority visited the Homes for children, old age persons and juveniles in conflict with law.
✓	A Special Task Force was constituted in each prison to monitor the efforts to prevent the spread of COVID-19 and take necessary steps. It was also allocated with funds for emergency requirements.
✓	A compliance report, dated 17 April, was submitted by the prison directorate to the Member Secretary, Tripura SLSA in respect of the resolutions taken in the High Powered Committee meeting.
✗	The HPC did not consider categories beyond those recommended by the Supreme Court.

UTTAR PRADESH

	 PRISONS	 CAPACITY	 POPULATION	 OCCUPANCY RATE
	72	57062   3278	97123   4174	168 %

Functioning of the High Powered Committee



Whether HPC formed	Yes				
Composition	1. The Executive Chairman, UP SLSA – Chairman 2. The Additional Chief Secretary Home & Jails, Government of U.P. – Member 3. The Director General of Police, Prisons, Uttar Pradesh – Member Other Invitee – Principal Secretary, Women & Child Development, Government of Uttar Pradesh (as Special Guest)				
Number of Meetings held	4	27 March 2020	3 April 2020	10 April 2020	22 July 2020
Categories of Prisoners Recommended for Release	Undertrials 1. Those who are facing criminal cases in which maximum sentence is 7 years and presently confined in jails Note: Undertrial Prisoner for the decongestion purpose would include both type of prisoners whose warrants are prepared under S.167 and S.309 of CrPC Convicts 1. Those already on parole 2. Those who have already availed 1 parole peacefully and surrendered on time 3. Those who are not facing a sentence of more than 7 years				
Excluded Categories of Prisoners	Undertrials A. Terrorist activities, organised crime and detrimental to national interest B. Foreign Nationals Convicts A. Those from other states B. Foreign Nationals				
HPC restricted itself to the categories recommended by the Supreme Court?	Undertrials : Additional Categories NOT RECOMMENDED Convicts : Additional Categories NOT RECOMMENDED				
Period of Release on Interim Bail/ Parole	Undertrials: Initial Period – Interim bail for 8 weeks Extension – Not specified Convicts: Initial Period – special parole for 8 weeks Extension – 8 weeks				

<p>Directions to Appropriate Authority/ Conditions of Release</p>	<p>Undertrials</p> <ul style="list-style-type: none"> ✓ The interim bail to be granted by the Sessions Court, Additional Sessions Court or the Chief Judicial Magistrate including other Judicial Magistrates, as the case may be, on furnishing personal bond with the undertaking written on the personal bond itself that he/she shall surrender before the Court after expiry of the interim bail period. Other conditions may be imposed by the Court if it thinks fit, considering the circumstances of the case. ✓ The grant of interim bail may be done by visiting the jails, on alternate days, on the bail applications at the jails itself and it was to be done forthwith. This was changed to daily visits in the meeting on 3 April 2020. ✓ Assistance and services of the prison officers, jail staff, jail Para Legal Volunteers (PLVs) and Panel Lawyers empanelled with the DLSA may be utilised for drafting bail applications under intimation to the Secretary, DLSA of the concerned district. ✓ The district-wise list/data of undertrial prisoners facing criminal cases in which maximum sentence is 7 years, whose bail applications have already been rejected by Sessions Court and pending before High Court to be provided by Government Advocate (Allahabad High Court and its Lucknow Bench) to DG Prisons with details of bail application number, name, parentage and address of accused, crime number, section and police station. ✓ The DG Prisons to transmit it to the concerned Jail Superintendent and a copy to the concerned District Judge. ✓ Following this, these undertrials can be released on Interim Bail by Sessions Judge/Additional Sessions Judge on furnishing personal bond with the undertaking that he/she shall surrender before the Court after expiry of the interim bail period. The Sessions Judge/ Additional Sessions Judge was directed to mention in his order, the details of undertrials as mentioned in the list/data provided by the DG Prisons while passing the order on any such interim bail. ✓ In case interim bail is granted, the Superintendent of concerned jail shall furnish the information to the DG Prisons and a copy of that is to be sent to the Government Advocate, concerned District Judge as well as the High Court. <p>Convicts</p> <ul style="list-style-type: none"> ✓ To be released on furnishing personal bond with the undertaking written on the personal bond itself that he/she shall surrender before the prison authority after expiry of the parole period.
<p>Guidance regarding process for effectuating release</p>	<p>Prison Authorities</p> <ul style="list-style-type: none"> ▪ The Jail Superintendent to be in continuous touch with concerned Secretary, DLSA regarding disposal of interim bail applications moved by the undertrial prisoners so that proper arrangements may be made. <p>District Judge</p> <ul style="list-style-type: none"> ▪ To ask the Principal Magistrate and the Members of the JJB to visit Observation Homes daily and comply the aforesaid directions of the Committee. <p>District Administration</p> <ul style="list-style-type: none"> ▪ The HPC directed that passes were to be issued to the Judges/Magistrates and Panel Lawyers visiting jails to effectuate release of undertrials. <p>UTRC</p> <ul style="list-style-type: none"> ▪ To meet every week and take such decisions in consultation with the concerned district authority as per the judgment in Re Inhuman Conditions in 1382 prisons (2016)3 SCC 700 <p>State Level Monitoring Team</p> <ul style="list-style-type: none"> ▪ The HPC constituted a Monitoring Team at state level to ensure that the directives issued by the SC are being complied with, comprising 1) the Special Secretary, Prisons Department Government of Uttar Pradesh, 2) O.S.D. Uttar Pradesh SLSA, 3) A.I.G. Prison Head Quarters Uttar Pradesh. ▪ To monitor the effective implementation of the SC directives and submit its report to the HPC.



	<ul style="list-style-type: none"> ▪ The first meeting of the monitoring team be organised by Prison Authorities on 1 April 2020 at the Jail Head Quarter, Lucknow Uttar Pradesh.
Other Directions/ Information	<ul style="list-style-type: none"> ▪ The HPC directed the COVID-19 Special Task Force constituted by the prison department to ensure the effective implementation of the SC directives – <ul style="list-style-type: none"> a) That maximum possible social distancing is maintained amongst prisoners b) That physical production of undertrials before the courts should be stopped and video conferencing facilities must be availed for all purposes c) That transfer of prisoners is not resorted to, except for decongestion to ensure social distancing d) That medical assistance is provided to ill prisoners. e) That in case a possibility of infection is seen, there shouldn't be a delay in shifting sick prisoners to a nodal medical institution f) That overcrowding is to be avoided as far as practically possible as it is a matter of concern in the context of COVID-19 ▪ All concerned authorities to complete the process of releasing convicts and undertrials on parole/ interim bail within 03 days as per the norms set by the HPC (direction dated 10 April).

Functioning of Under Trial Review Committees

	Whether UTRCs formed in all districts?	N/P
	Whether all district-level UTRCs conducted weekly meetings as mandated by the Supreme Court?	N/P
Actual Meetings vs Mandated Meetings	Districts which held Weekly Meetings	Districts which DID NOT hold Weekly Meetings
N/P	N/P	N/P



Admissions and Releases

No information was received regarding admissions and releases.

PSI 2019	April 2020	May 2020	June 2020
Monthly Admissions			
26795	N/P	N/P	N/P
Monthly Releases			
26468	N/P	N/P	N/P
Quarterly Admissions			
2019		2020	
80386 (79.35%)		N/P	

Quarterly Releases	
2019	2020
79404 (78.38%)	N/P



Impact on Decongestion of Prisons

Despite the decongestion efforts, the occupancy rate increased by **3 percentage points** from 1 April to 30 June 2020.

PSI 2019	1 April 2020	1 May 2020	1 June 2020	30 June 2020
Convict : Undertrial : Others Occupancy				
<p>267,000 (27%) 73418 (73%)</p>	<p>28015 (29%) 68193 (71%)</p>	<p>25475 (28%) 66284 (72%)</p>	<p>25236 (27%) 69917 (73%)</p>	<p>25064 (25%) 73266 (75%)</p>
Male : Female Occupancy				
<p>4174 (4%) 97123 (96%)</p>	<p>4103 (4%) 92105 (96%)</p>	<p>4111 (4%) 87648 (96%)</p>	<p>4261 (4%) 90893 (96%)</p>	<p>4342 (4%) 93995 (96%)</p>
Sanctioned Capacity vs Prison Population				
<p>60340 (Sanctioned Capacity) 101297 (Prison Population)</p>	<p>60580 (Sanctioned Capacity) 96243 (Prison Population)</p>	<p>60580 (Sanctioned Capacity) 91771 (Prison Population)</p>	<p>60580 (Sanctioned Capacity) 95170 (Prison Population)</p>	<p>60580 (Sanctioned Capacity) 98360 (Prison Population)</p>
Occupancy Rate				
168%	159%	151%	157%	162%












Good & Bad Practices


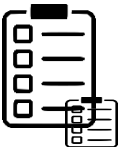


✓	The DG Prisons apprised the HPC at the outset about the constitution of the "COVID-19 Special Task Force" in all 71 prisons of Uttar Pradesh comprising of Jail Superintendent, Jailor, Circle Officer/Deputy Jailor, Medical Officer and one Member of Para Medical Staff.
✓	The number of parole granted and interim bail applications moved and decided in a day were to be communicated to the monitoring team on the next day and also displayed on the official website of the prison, i.e. igprisons-up@nic.in
✓	Detailed reports were submitted by the State Level Monitoring Committee to the HPC.
✓	Isolation wards were established in all Jail Hospitals.




✓	In many prisons, prisoners had taken up the task of preparing masks for their own use and also to supply to the general public.
✓	The prisons had taken up training and awareness programmes regarding “Do’s and Don’t’s” to make the prisoners aware about the prevention of transmission of COVID-19
✓	The prisoners have been released on Parole or Interim Bail only after they have found fit in medical examination after consultation with Medical Officer, at the time of their release
✓	Within a week of the first HPC meeting, 7816 undertrials and 1321 convicts were released. At the end of the second week, 10302 undertrials, 2183 convicts and 164 juveniles were released.
✓	The UP Prisons worked with UP State Road Transport Corporation to provide sufficient number of cleaned and sanitised buses for transportation of released prisoners to send them to their places of residence.
✗	Interaction with prisoners was only allowed through telephonic calls, in case of emergency.
✗	Court production of prisoners only through video conferencing in extremely urgent cases.
✗	Despite the impressive efforts in the initial month, the prison population increased by 30 June 2020 to more than the overall population on 1 April 2020

UTTARAKHAND

	 PRISONS	 CAPACITY	 POPULATION	 OCCUPANCY RATE
	11	3386   154	5367   262	159 %



Functioning of the High Powered Committee

Whether HPC formed	Yes		 HIGH POWERED
Composition	1. The Executive Chairperson, Uttarakhand State Legal Services Authority – Chairman 2. The Principal Secretary (Home/Prison), Government of Uttarakhand – Member 3. The Director General of Prison, Uttarakhand – Member		
Number of Meetings held	2	26 March 2020	9 April 2020
Categories of Prisoners Recommended for Release	Undertrials 1. Offences for which the prescribed punishment is up to seven years or less, with or without fine Convicts 2. For offences for which the prescribed punishment is up to seven years or less, with or without fine 3. Where the prisoners has been convicted with less than seven years, even when the maximum prescribed punishment is more than seven years 4. Those convicted with less than seven years of imprisonment with or without fine, under the NDPS Act, 1985 (parameters for release of convicts on parole relaxed on 9 April 2020). 		
Excluded Categories of Prisoners	A. Cases relating to POCSO B. Cases relating to sexual offences committed against the women C. Offences relating to rioting and waging war against the State D. The crimes relating to counterfeit currency E. Crimes against children relating to kidnapping F. Crimes relating to anti-corruption matters G. Crimes relating to commercial and economic offences H. Crimes relating to Gangsters Act I. Crimes under NDPS Act (relating to the recovery of commercial quantity and relating to habitual offenders i.e. who have committed the offence more than once) J. Those from Nepal and other far flung States/UTs (to be considered after the situation is normalized in all states) K. Habitual offenders relating to any offence 		
HPC restricted itself to the categories recommended by the Supreme Court?	Undertrials : Additional Categories NOT RECOMMENDED Convicts : Additional Categories RECOMMENDED 		

<p>Period of Release on Interim Bail/ Parole</p>	<p>Undertrials: Initial Period — 6 months Extension — Not Specified</p> <p>Convicts: Initial Period — 6 months Extension — Not Specified</p> 
<p>Directions to Appropriate Authority/ Conditions of Release</p>	<ul style="list-style-type: none"> ✓ The applications for parole and interim bail be moved through the jail authorities with the help of DLSAs to the Government of Uttarakhand or Courts concerned. ✓ The District Judges to make necessary arrangements for online hearing of the bail applications filed by the beneficiary prisoners. ✓ The concerned courts to release such undertrial prisoners on personal bond, without sureties, in order to implement the social distancing policy of the Government. ✓ The Secretary, Home, Government of Uttarakhand to issue online directions to the concerned authorities to release the convicts on parole for six months. All applications received by the Secretary, Home or by designated officer by the Secretary, Home shall be decided online and the order shall be conveyed to the jail authorities. ✓ The applications for parole may be moved by the concerned Jailor, with the help of Respective DLSA Secretary to DG Prisons, who in turn may decide the applications. 
<p>Guidance regarding process for effectuating release</p>	<p>Legal Services Institutions</p> <ul style="list-style-type: none"> ▪ The lists of eligible undertrials and convicts were sought from DLSAs, based on which SLSA prepared a proposed list of 891 beneficiaries for release (264 convicts and 627 undertrials) <p>Prison Authorities</p> <ul style="list-style-type: none"> ▪ The HPC sought information regarding the health conditions of undertrials/convicts in the proposed list to be submitted through the DLSAs on the following points: <ul style="list-style-type: none"> a) the health condition of the convicts/undertrials mentioned in the list; b) If any convict/undertrial is suffering from fever, cold or cough c) If any person from the family of the convict/undertrial came to meet them in jail d) the list of persons who came to meet the convicts/undertrials during the last 14 days ▪ To provide the proper treatment to 36 prisoners who were found suffering from cold, cough, fever, HIV, etc. and to make arrangements to keep them in isolation as per guidelines of Health Department. <p>UTRC</p> <ul style="list-style-type: none"> ▪ 36 prisoners who were suffering from cold, cough, fever, HIV etc., may not be considered for release. However, they may be considered by the UTRCs later on the basis of the health conditions. ▪ To take up cases of the categories considered by the HPC and send the proposal for release of prisoners to the HPC for approval or further directions. ▪ To meet every week and take decisions in consultation with the concerned authority as per the judgement in 'Re: Inhuman Conditions in 1382 Prisons'. <p>State Government</p> <ul style="list-style-type: none"> ▪ To consider the premature release of convicts who are about to complete their sentences, irrespective of nature of offence and quantum of punishment. <p>High Court</p> <ul style="list-style-type: none"> ▪ The matter relating to the acceptance of bonds and the disposal of bail applications pending in different courts was referred to the High Court for taking appropriate decision with the following suggestions — <ul style="list-style-type: none"> a) The District Judges of all districts may be requested to nominate one Judicial Magistrate or to authorize Remand Magistrate to accept the sureties and bonds online (through email, etc.), on behalf of all the Courts of the District without 

	<p>violating the policy of social distancing. The Remand Magistrate may also be authorized for disposal of all the bail applications pending in all courts of magistrates on behalf of all, through video-conferencing, by using Skype, Zoom, Whatsapp, video calling technology from the chambers of the advocates at the residential office of the Magistrate concerned.</p> <p>b) The District Judges of all the districts may also be requested to hear the pending bail applications or to nominate any Additional District Judge to hear the pending bail applications through video conferencing or other video calling technologies.</p> <p>c) If the bail is granted, the bail order may be communicated online to the Remand Magistrate, who in his turn can accept the bonds online, issue the release order and communicate the same to the concerned jailor online.</p>
<p>Other Directions/ Information</p>	<p>District Magistrates and Senior/ Superintendents of Police</p> <ul style="list-style-type: none"> ▪ To make the arrangements for transmission of such prisoners on their release from jails to their respective places. They were also to ensure that the policies and guidelines of the Government regarding lockdown shall not be violated during the process of transmission and the policy of social distancing is complied with. ▪ The HPC granted 6 to 10 days from the date of filing the personal bond to the transmission of such prisoners on their release from jails to their respective places. ▪ To coordinate with the concerned neighbouring State as well as District Administration of such States, whose prisoners are going to be released on interim bail and parole for transmission of such prisoners to their respective places and vice versa. <p>Chief Medical Officer</p> <ul style="list-style-type: none"> ▪ To ensure proper health check-ups of prisoners before their release on parole or interim bail. They are also to make the necessary arrangements regarding the medical examination of such prisoners/undertrials after a week following their transmission from the jail to the respective places. Jail authorities were directed to provide the full address and the contact details of the prisoners to the concerned Chief Medical Officers.

Functioning of Under Trial Review Committees

	<p>Whether UTRCs formed in all districts?</p>	<p>N/P</p>
	<p>Whether all district-level UTRCs conducted weekly meetings as mandated by the Supreme Court?</p>	<p>N/P</p>
<p>Actual Meetings vs Mandated Meetings</p>	<p>Districts which held Weekly Meetings</p>	<p>Districts which DID NOT hold Weekly Meetings</p>
<p>N/P</p>	<p>N/P</p>	<p>N/P</p>



Admissions and Releases

The data below shows that between 1st April 2020 and 30th June 2020, the monthly admissions increased by **823%**. During the same period, the monthly releases increased by only **253%**.

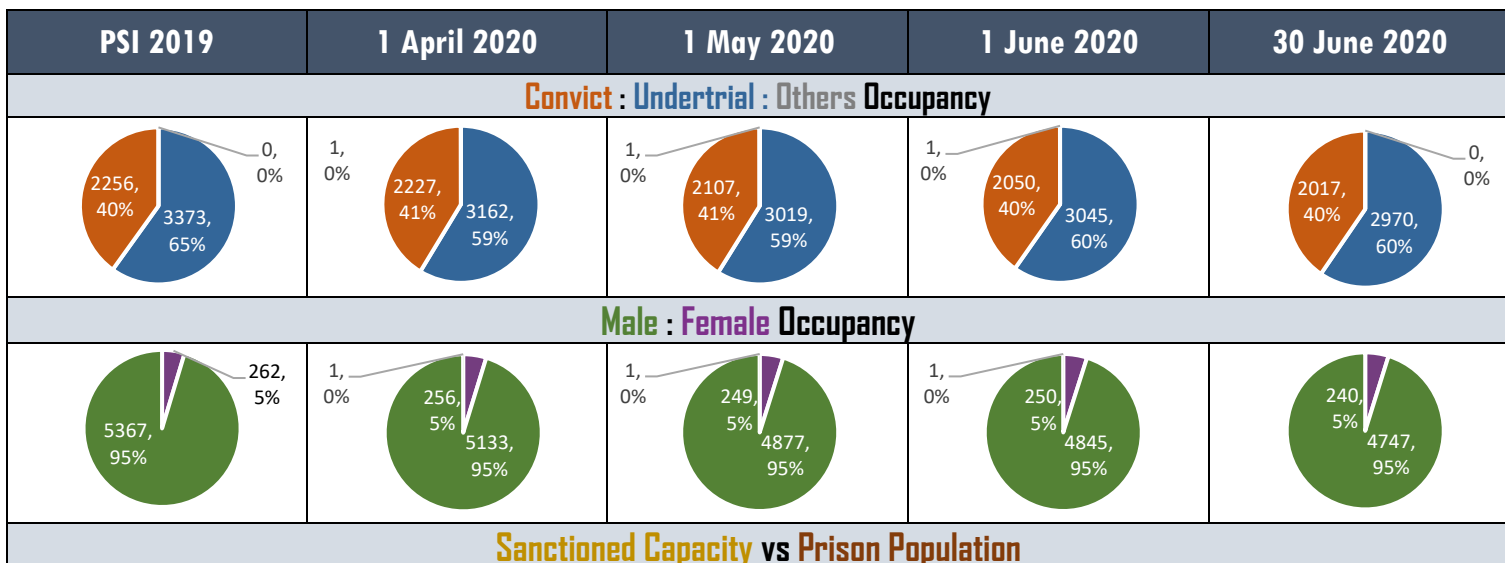
PSI 2019	April 2020	May 2020	June 2020
Monthly Admissions			
1541	70	380	576
Monthly Releases			
1472	135	233	342
Quarterly Admissions			
2019		2020	
4624 (82.1%)		1026 (20.6%)	
Quarterly Releases			
2019		2020	
4416 (78.5%)		710 (14.2%)*	

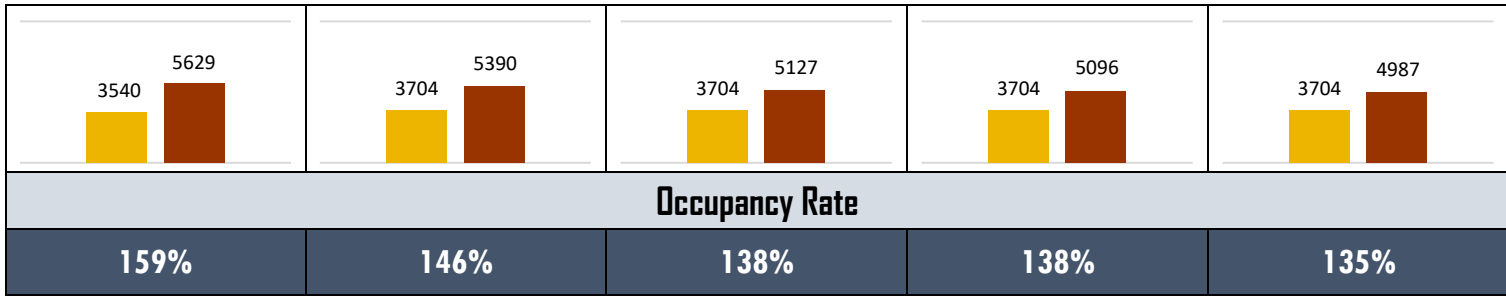
*The Response from the Uttarakhand Prison Department states that 311 Undertrial Prisoners and 400 Convicts were released based on the recommendations of the HPC. The remission of sentences of 53 convicts have been suggested and was placed for consideration before the State Government.



Impact on Decongestion of Prisons

The decongestion efforts led to the decrease in occupancy rate by **11 percentage points** from 1 April to 30 June 2020.















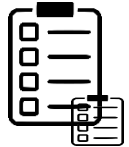

Good & Bad Practices





✓	The HPC directed that all applications for interim bail and parole be filed online to prevent the gathering in masses in Courts or Government offices.
✓	The State Government delegated to the Director General of Prison the power to do the work and process regarding parole.
✓	The HPC directed the UTRCs to conduct their meetings through telephonic conversations/video conferencing to avoid meeting in-person.
✓	The HPC discussed and passed a separate order on matters relating to a DLSA (Dehradun) which sought guidance from the HPC for release of prisoners related to NDPS Act, 1985; N.I. Act, 1881; and some other cases.
✗	The HPC did not identify further categories of Undertrials for release beyond that which was suggested by the Supreme Court.

WEST BENGAL

	 PRISONS	 CAPACITY	 POPULATION	 OCCUPANCY RATE
	59	19887   1885	21613   1479	106.1%



Functioning of the High Powered Committee

Whether HPC formed	Yes				 HIGH POWERED
Composition	1. The Executive Chairman, West Bengal SLSA – Chairman 2. The Principal Secretary, (Home/Prison), Government of West Bengal – Member 3. The Additional Director General and Inspector General of Correctional Services, West Bengal – Member Other Invitee – Registrar General, High Court at Calcutta; Member Secretary, SLSA; Joint Secretary Department of Correctional Administration				
Number of Meetings held	4	27 March 2020	6 April 2020	27 April 2020	6 July 2020
Categories of Prisoners Recommended for Release	Undertrials <ol style="list-style-type: none"> 1. Those charged with offences punishable for a period up to 7 years 2. Those charged with offences punishable for a period up to 10 years 3. Those having not more than two cases pending in offences punishable for a period of up to 7 years 4. Female inmates aged 60 years or more 5. Those eligible under S. 436A of CrPC 6. Those detained under S.110 of CrPC 7. Those under S.399/S.402 of IPC 8. Those under S. 498A of IPC combined with other sections of IPC (S.325/308/506/S.420/120B of IPC) 9. Those under S.406, S.418, S.419 and S.420 of IPC 10. Those under S.25/S.27 of Arms Act 11. Eligible inmates on a case to case basis 12. Those who are in custody for a single offence to be considered on merits Convicts <ol style="list-style-type: none"> 1. Those convicted for offences punishable for a period up to 7 years 2. Life convicts who have completed 14 years of actual imprisonment 3. Those of age 60 years and above and not within the excluded category 4. Eligible inmates on a case to case basis 				
Excluded Categories of Prisoners	Arrested/ convicted for offences under: <ol style="list-style-type: none"> A. POCSO Act B. Sexual offences committed against women C. Crimes relating to rioting and waging war against the State D. Crimes relating to counterfeit currency 				

	<p>E. Crimes against children relating to kidnapping F. Crimes relating to anti-corruption matters G. Crimes relating to commercial and economic offences H. Crimes relating to Gangsters Act I. NDPS Act, crimes relating to the recovery of commercial quantity and less than commercial quantity but more than small quantity J. Foreigners Act K. Those having residence outside the State of West Bengal L. Those suffering from cold, cough, fever, HIV, etc M. Crimes under S.304B and S.306 of IPC</p>
<p>HPC restricted itself to the categories recommended by the Supreme Court?</p>	<p>Undertrials : Additional Categories RECOMMENDED Convicts : Additional Categories RECOMMENDED</p> 
<p>Period of Release on Interim Bail/ Parole</p>	<p>Undertrials: Initial Period – 3 months Extension – 2 months Convicts: Initial Period – 3 months Extension – 2 months (for those released as per recommendation of the first two meetings)</p> 
<p>Directions to Appropriate Authority/ Conditions of Release</p>	<p>Undertrial</p> <ul style="list-style-type: none"> ✓ The correctional home authorities to move the parole and interim bail applications with the help of the DLSA, before the court concerned. The application may be filed by any Para Legal Volunteer or panel advocate as assigned by DLSA. ✓ The undertrial had to furnish his complete current address in the personal bond and to the Correctional Home authority. ✓ The undertrial was not leave the address provided during the period of interim bail. ✓ The undertrial was to surrender before the court on expiry of the period of interim bail. ✓ Upon surrender, the undertrial would have the liberty to move appropriate application before the Court on expiry of the period of interim bail. ✓ The undertrial was to be accessible to the Officer in charge of the local police station throughout this period. ✓ The concerned courts to release the undertrial inmates on personal bond as the undertrials might have difficulty in furnishing sureties. <p>Convicts</p> <ul style="list-style-type: none"> ✓ The Secretary, Department of Correctional Administration, Government of West Bengal; was directed by the HPC to issue directions to the concerned authorities to release the convicts on parole. ✓ The applications received by the appropriate authorities were to be decided in seven days and the order was to be conveyed to the Correctional Home Authorities. 
<p>Guidance regarding process for effectuating release</p>	<p>Legal Services Institutions</p> <ul style="list-style-type: none"> ▪ The SLSA, West Bengal to work out the modalities for implementing the SC direction and proceed with the approval of the Executive Chairman. ▪ The Member Secretary of the SLSA or the Secretary, DLSA to draft the interim bail application and standard personal bond proforma and send the same to the Panel Advocates/PLVs for necessary action. The State Government was asked to issue necessary instructions to the prosecutors in this regard. <p>Prison Authorities</p> 

	<ul style="list-style-type: none"> ▪ At the time of release, the medical condition of each and every inmate was to be checked by the Correctional Home Administration and those who are medically fit were to be released. <p>District Magistrates and Superintendents of Police</p> <ul style="list-style-type: none"> ▪ To make the arrangements for transmission of inmates on their release from the correctional home to their home. They were also directed to ensure that policies and guidelines of the government regarding complete lockdown was not to be violated during the process of transmission and the policy of social distancing was to be complied with in its true spirit. <p>District Judges</p> <ul style="list-style-type: none"> ▪ To ensure special sitting of remand Magistrates to dispose of all applications for interim bail as regards the UTPs in the list proposed by the HPC latest by seven days (later five days, after the meeting on 6 April 2020) and report compliance to SLSA by email. <p>Chief Medical Officer</p> <ul style="list-style-type: none"> ▪ To ensure proper health check-ups of inmates/undertrials before their release on parole or interim bail. <p>Police Authorities</p> <ul style="list-style-type: none"> ▪ The Officer in Charge of the local Police Station or any officer assigned by him was directed to make periodic surprise visits to the residence of the prisoners released on interim bail or parole. They were to take appropriate action in accordance with law if the prisoner was found absent. <p>State Government</p> <ul style="list-style-type: none"> ▪ The HPC clarified that the recommendation of the HPC were to be seen by the relevant authority as a 'recommendation' and not as a 'command' and that each case was to be decided on its own merit. <p>Under Trial Review Committee</p> <ul style="list-style-type: none"> ▪ To meet every week and take decisions in consultation with the concerned authority according the Supreme Court judgment in Re: Inhuman Conditions in 1382 Prisons.
<p>Other Directions/ Information</p>	<ul style="list-style-type: none"> ▪ A division bench of the High Court at Calcutta in W.P. 8573 (W) of 2018 with W.P. 7252 (W) of 2018 with W.P. 4510 (W) of 2018 has directed that the release of eligible inmates be decided on case to case basis by the Committee to be constituted by the State Government. ▪ The ADG and IG of correctional services were asked to ensure proper health and hygiene conditions inside prisons as per standard protocol as laid down by WHO, the relevant guidelines set by the Health Ministry of the Government of India and the Government of West Bengal. They were also directed to submit fortnightly compliance report to the SLSA. ▪ The Principle Secretary, Correctional Services and the ADG & IG, Correctional Services, Government of West Bengal were requested to take adequate safety measures to prevent the spread of COVID-19 virus in Correctional Homes with positive cases and to ensure the proper treatment for infected inmates and officials. ▪ A joint petition from 13 political prisoners was made to the HPC praying that the interim bail for all old aged and sick inmates including political prisoners be considered; to release half of the inmates from West Bengal jails; and that the exclusion of political prisoners from the process of release is discriminatory so the same may be withdrawn and political prisoners should also be released. Response of ADG & IG was also placed on record whereby it was provided that sick prisoners cannot be released as per the resolution of the HPC; the release of old-aged prisoners has been considered by HPC on scrutiny of individual cases; the determination of categories is done by HPC taking into account directions in Arnesh Kumar case and restrictions include offence relating to waging war against the state.

Functioning of Under Trial Review Committees

	Whether UTRCs formed in all districts?	N/P
	Whether all district-level UTRCs conducted weekly meetings as mandated by the Supreme Court?	N/P
Actual Meetings vs Mandated Meetings	Districts which held Weekly Meetings	Districts which DID NOT hold Weekly Meetings
N/P	N/P	N/P



Admissions and Releases

No information was received regarding admissions and releases.

PSI 2019	April 2020	May 2020	June 2020
Monthly Admissions			
7595	N/P	N/P	N/P
Monthly Releases			
7689	2408*	N/P	N/P
Quarterly Admissions			
2019		2020	
22786 (98.67%)		N/P	
Quarterly Releases			
2019		2020	
23066 (99.89%)		2759**	

*1478 till 6 April, 2408 till 26 April 2020

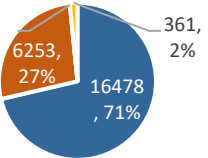
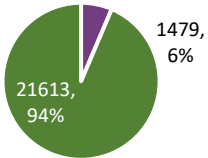
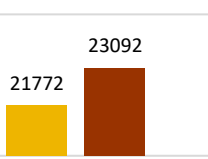
**2759 – 26 June 2020



Impact on Decongestion of Prisons

No information was provided to analyse the decongestion efforts between 1 April to 30 June 2020.

PSI 2019	1 April 2020	1 May 2020	1 June 2020	30 June 2020
Convict : Undertrial : Detenues : Others Ratio				

	N/P	N/P	N/P	N/P
Male : Female Occupancy				
	N/P	N/P	N/P	N/P
Sanctioned Capacity vs Prison Population				
	N/P	N/P	N/P	N/P
Occupancy Rate				
106.06%	133%*	127%**	N/P	N/P

*Occupancy rate on 23 March 2020

*Occupancy rate on 17 April 2020












Good & Bad Practices


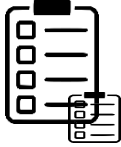

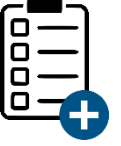



✓	Joint Secretary, Department of Correctional Services and ADG & IG, Correctional Services furnished information regarding number of undertrials and convicts which was considered by the HPC.
✓	The HPC received five individual requests via email for which the HPC directed the Secretary, Department of Correctional Administration and the ADG&IG, Correctional Services requested time to submit its response latest by 9 April 2020.
✓	Quarantine wards were created in every Correctional Home where every new inmate was housed for 14 days before being shifted to the Correctional Home.
✓	The prison authorities put markers on floor to ensure social distancing during distribution of food inside Correctional Homes.
✓	Norms of social distancing are also followed for visitors.
✓	The inmates were making masks and had already given 40,000 masks to the police and 25,000 masks to prison officers, staffs and inmates.
✓	The Chairman of the HPC decided to make visits to at least two Correctional Homes on 29 March 2020, accompanied by the Member Secretary of the SLSA, to personally oversee the arrangements made by the Correctional Services to prevent the spread of the pandemic.
✓	The Correctional Services were using underutilized buildings, other facilities and new annexes to manage the overcrowding.
✗	In the meeting on 6 July, it was noted by the HPC that 23 prisoners and 17 officers and staff had tested positive for COVID-19.

UNION TERRITORIES

ANDAMAN & NICOBAR ISLANDS



	 PRISONS	 CAPACITY	 POPULATION	 OCCUPANCY RATE
	4	269   40	237   7	79 %

Functioning of the High Powered Committee

Whether HPC formed	Yes		
Composition	1. The Executive Chairperson, Andaman & Nicobar Islands SLISA – Chairman 2. The Principal Secretary (Home), Andaman & Nicobar Islands – Member 3. The Inspector General, Prison Department – Member Coordinated by – Member Secretary, Andaman & Nicobar Islands SLISA		
Number of Meetings held	2	30 March 2020	14 July 2020
Categories of Prisoners Recommended for Release	Undertrials 1. Those involved in offences for which the prescribed punishment up to 7 years or less, with or without fine Convicts 2. Those involved in offences for which the prescribed punishment up to 7 years or less, with or without fine		
Excluded Categories of Prisoners	Undertrials Convicts		
HPC restricted itself to the categories recommended by the Supreme Court?	Undertrials : Additional Categories NOT RECOMMENDED Convicts : Additional Categories NOT RECOMMENDED		
Period of Release on Interim Bail/ Parole	Undertrials: Initial Period – N/P Extension – N/P Convicts: Initial Period – N/P Extension – N/P		
Directions to Appropriate Authority/ Conditions of Release	Undertrials Convicts		
Guidance regarding process for effectuating release	Legal Services Institutions Prison Authorities		

Other Directions/ Information	
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Functioning of Under Trial Review Committees

	Whether UTRCs formed in all districts?	N/P
	Whether all district-level UTRCs conducted weekly meetings as mandated by the Supreme Court?	N/P
Actual Meetings vs Mandated Meetings	Districts which held Weekly Meetings	Districts which DID NOT hold Weekly Meetings
N/P	N/P	N/P



Admissions and Releases

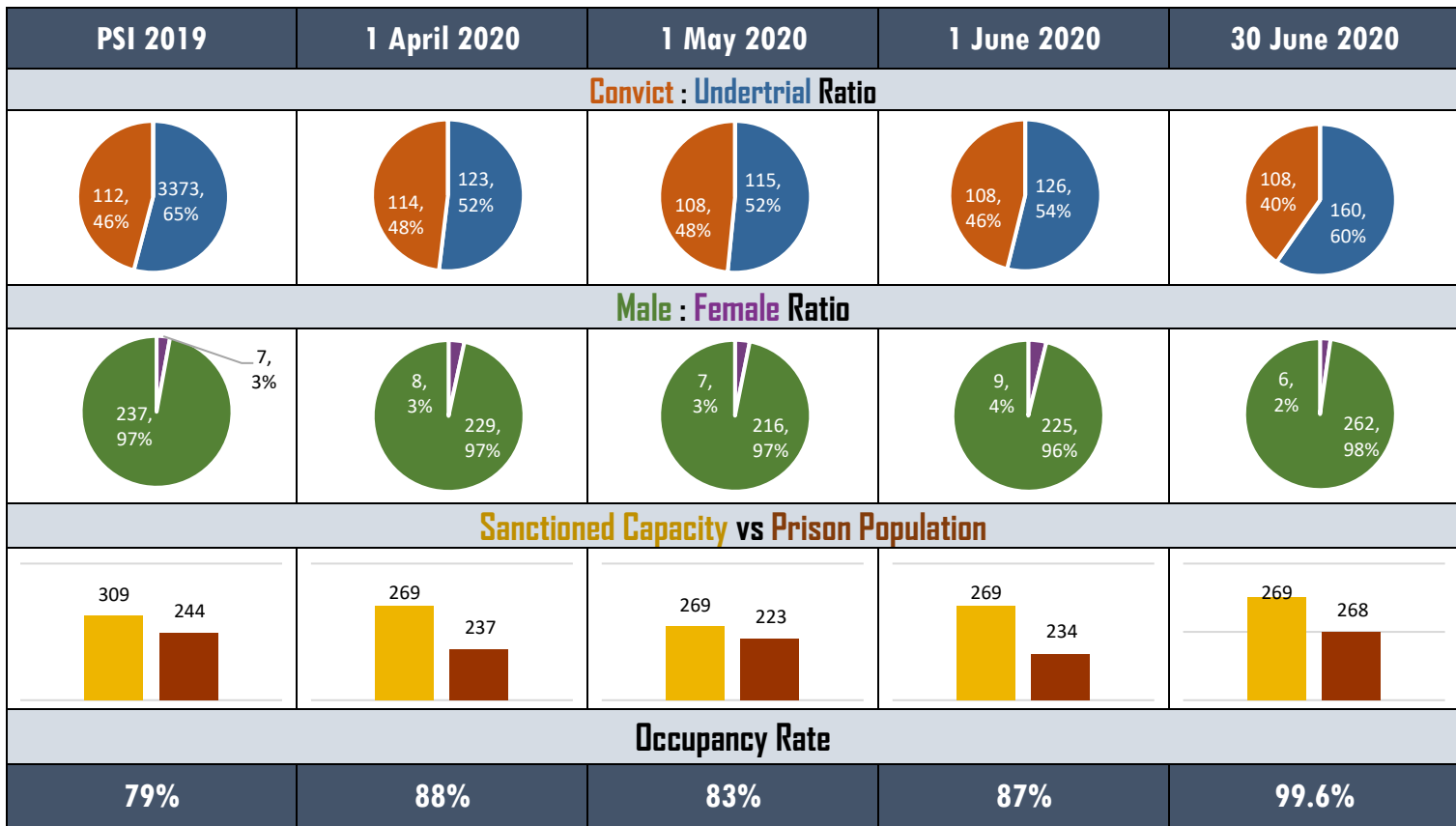
No information was received regarding admissions and releases.

PSI 2019	April 2020	May 2020	June 2020
Monthly Admissions			
53	N/P	N/P	N/P
Monthly Releases			
49	N/P	N/P	N/P
Quarterly Admissions			
2019		2020	
160 (65.57%)		N/P	
Quarterly Releases			
2019		2020	
146 (59.83%)		N/P	



Impact on Decongestion of Prisons










Despite the decongestion efforts, there was an increase in occupancy rate by **11.6 percentage points** from 1 April to 30 June 2020.




Good & Bad Practices





✓	
✗	The HPC did not recommend any additional categories of prisoners for release.
✗	The efforts by the HPC did not result in decongestion of prisons. In fact, the prison population increased by 13%

CHANDIGARH

	 PRISONS	 CAPACITY	 POPULATION	 OCCUPANCY
	1	1000   120	935   49	87.9%



Functioning of the High Powered Committee

Whether HPC formed	Yes				
Composition	<ol style="list-style-type: none"> The Executive Chairman, SLSA, U.T., Chandigarh – Chairman The Principal Secretary Home Department, U.T., Chandigarh – Member The IG (Prisons), U.T. Chandigarh – Member Other Attendees – Member Secretary, SLSA UT, Chandigarh; Secretary, DLSA, UT, Chandigarh				
Number of Meetings held	3	26 March 2020		16 May 2020	20 June 2020
Categories of Prisoners Recommended for Release	<p>Undertrials</p> <ol style="list-style-type: none"> First time offenders Arrested and facing trial with only 1 case pending, in which maximum prescribed sentence is 7 years or less The case is triable by Magistrate The accused is in custody for last three months or more Those having 2 or more trial cases pending, in which maximum prescribed punishment in all cases is 7 years or less <p>Convicts</p> <ol style="list-style-type: none"> Extension of their special parole for eight weeks, for those who are already on Parole or Furlough. Convicts who have already availed one Parole or one Furlough peacefully and surrendered in time may be granted fresh eight-week Special Parole on the same set of sureties if sureties give their consent for special parole and in case new surety is required, then without holding fresh enquiry. Those who are on bail in other cases where they are facing trial to be considered for release on eight week Special Parole, after verification by the office of concerned DM. 				
Excluded Categories of Prisoners	<p>Undertrials:</p> <ol style="list-style-type: none"> Who are foreign nationals Who are suffering from cold, cough, fever, HIV +ve and otherwise those who can cause infection, if released. However, they may be considered for interim bail in the future on the basis of their medical reports by the UTRC. Under the NDPS Act (for immediate or commercial quantity recovery of narcotic or psychotropic substance) Under S. 379-B IPC Under POCSO Act For the offence of rape 				

	<p>G. Under Section 326-A and 326-B IPC</p> <p>H. Under offences punishable with imprisonment for more than 7 years</p> <p>Convicts:</p> <p>D. Who are Foreign Nationals.</p> <p>E. Who are confirmed/suspected/under observation for corona virus (COVID-19) or otherwise those who can cause infection, if released. However, they may be considered for parole in the future on the basis of their medical reports by the UTRC.</p> <p>F. Who have violated the parole conditions and have been re-arrested during last six months.</p> <p>G. Who have been sentenced for offence of Rape with Murder, offences punishable under POCSO Act 2012, acid attack, and under Section 379-B of IPC.</p>	
HPC restricted itself to the categories recommended by the Supreme Court?	<p>Undertrials : Additional Categories RECOMMENDED</p> <p>Convicts : Additional Categories RECOMMENDED</p>	
Period of Release on Interim Bail/ Parole	<p>Undertrials: Initial Period – 60 days on interim bail preferably on furnishing personal bond Extension – First till mid-May and then till end of August/ mid-September.</p> <p>Convicts: Initial Period – 8 weeks special parole Extension – First till mid-May and then till end of August/ mid-September.</p>	
Directions to Appropriate Authority / Conditions of Release	<ul style="list-style-type: none"> ✓ The proceedings for grant of interim bail shall be conducted before the Duty Magistrate through V.C. ✓ The Secretary, DLSA, Chandigarh, in consultation with the District & Sessions Judge, Chandigarh, is to depute Panel Lawyers/ Jail Visiting Lawyers or Jail Para Legal Volunteers for drafting the bail application for the undertrial prisoners. 	
Guidance regarding process for effectuating release	<p>Prisons:</p> <ul style="list-style-type: none"> ✓ Superintendent to supply information regarding undertrial(s) who have committed petty offences to the office of the DLSA, Chandigarh, within one week. ✓ Jail authorities to ensure necessary medical examinations of the prisoner availing benefits under the aforesaid directions at the time of release from jail as well as at the time of his readmission in jail. <p>State Authorities:</p> <ul style="list-style-type: none"> ✓ IG Prisons and Superintendent of Jail, who have power to grant remission of 2 months and remission of 1 month respectively may exercise their power for eligible prisoners and release them accordingly. <p>District Magistrate:</p> <ul style="list-style-type: none"> ✓ Concerned District Magistrate to process all (pending & new) cases of parole liberally and sympathetically on an urgent basis within 3 days of receipt of request and latest within 6 days. <p>DLSA:</p> <ul style="list-style-type: none"> ✓ The HPC directed the Secretary, DLSA, Chandigarh to hold Special Jail Lok Adalat relating to petty offences, within one week (of the first HPC meeting), in Model Jail for disposal of such cases by taking lenient view and thereafter, every fortnight, if required. 	
Other Directions	<p>Prisons:</p> <ul style="list-style-type: none"> ✓ Jail Authorities are to provide proper treatment to prisoners who are confirmed/suspected/under observation for Corona virus (COVID-19) and make necessary arrangements to keep him/her in isolation, as per the guidelines of Health Department. 	

	<ul style="list-style-type: none"> ✓ The Jail authorities were directed to maintain order in prisons by undertaking counseling and by informing prisons steps being taken to prevent infectious disease of corona virus. ✓ Prisoners be allowed to talk to their family members through VC or jail telephone. ✓ The Deputy Superintendent Model Jail, Chandigarh was designated as the Nodal Officer for interaction with each of the Committees for providing any information and also to contact any functionary in case of any urgent intervention. ✓ Prison authorities were instructed to identify an isolation facility inside the prison complex for isolation of prisoners testing positive. ✓ It was also directed that prisoner wards along the lines of the those in Civil Hospitals should be established in COVID-19 dedicated Hospitals. ✓ The HPC directed that sampling of COVID-19 tests of prisoners and staff who were in contact with any COVID positive prisoner or staff should be done promptly at the jail itself by the mobile COVID-19 testing teams of Civil Hospitals concerned. ✓ Prisoners are to be tested for COVID-19 one day prior to the due date of surrender and the Chandigarh Jail Department is to ensure that in collaboration with the Health Department. <p>District and Sessions Judge:</p> <ul style="list-style-type: none"> ✓ To coordinate with judicial officers and Jail Superintendent to ensure the return of undertrial prisoners take place in a staggered manner to facilitate proper screening before readmission into the prison.
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Functioning of Under Trial Review Committees

	Whether UTRCs formed in all districts?	YES 1 UTRC
	Whether all district-level UTRCs conducted weekly meetings as mandated by the Supreme Court?	YES
Actual Meetings vs Mandated Meetings	Districts which held Weekly Meetings	Districts which DID NOT hold Weekly Meetings
12/12	Chandigarh (12)	None



Admissions and Releases

The data below shows that between April to June, the monthly admissions increased by **288%**. During this period, the monthly releases went down by **72%**.

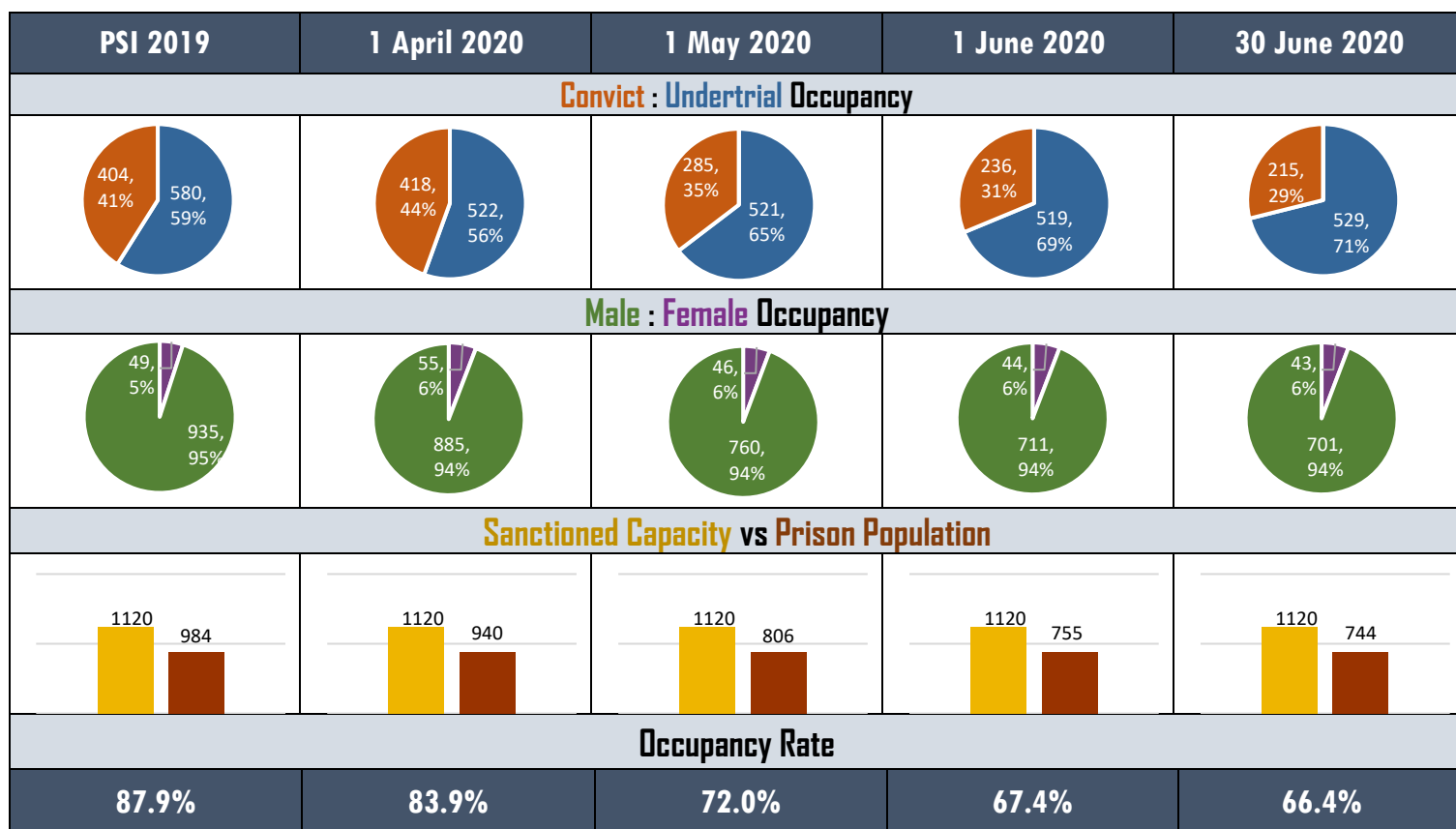
PSI 2019	April 2020	May 2020	June 2020
Monthly Admissions			
213	32	54	92
Monthly Releases			
232	157	112	113
Quarterly Admissions			
2019	2020		

640 (65.0%)	178 (23.9%)
Quarterly Releases	
2019	2020
697 (70.8%)	382 (51.3%)



Impact on Decongestion of Prisons

The decongestion efforts led to the decrease in occupancy rate by **17.5 percentage points** from 1 April to 30 June 2020.












Good & Bad Practices


✓	Information of prisoners in Model Jail, Chandigarh, was provided to the HPC. It included – A. sanctioned capacity (male/female); B. Actual Strength (undertrial/convict, male/female, children with mothers); C. Parole details of convicts (who have/ have not availed parole; already on parole; rearrested after absconding; foreign national and high risk); and D. Undertrials facing trial for offences punishable with 7 years or less.
✓	The HPC also considered the directions issued in <i>Arnesh Kumar vs. State of Bihar</i> (2014 SSC 8 273) in identifying the categories of prisoners for release.




✓	The HPC constituted monitoring teams – UTRC at the district level; and at the State Level comprising IG Prisons, Member Secretary, SLSA; and Additional Secretary Home, to report within 2 days and 3 days respectively to HPC Chairman and the Principal Home Secretary. The Action Taken Reports were filed as annexures in the ?
✓	The DLSA Chairperson and the concerned District and Sessions Judge were asked to interact with jail authorities through VC twice a week. Members of the Committees were also advised to substitute visits to the prisons in person with video conferencing and data to be shared through emails/telephone for achieving the intended results.
✓	The HPC disseminated a document titled 'Steps to be taken by the State Government / Prisons Department qua response to COVID-19 outbreak' with points addressing prevention, screening and identification, treatment and mitigation, and transfer of prisoners.
✓	Prison Department prepared a detailed plan for medical screening of all prisoners/staff before entering jail premises and circulated standard protocol to respond to any situation where COVID-19 positive case is detected.
✓	The UTRC documented the data of released prisoners from 24.03.2020 in each of its meetings.
✓	Mandatory COVID test and fitness report from the Medical Officer for prison staff returning to jail after availing leave on emergency grounds.
✓	3 Special Lok Adalats were conducted by Secretary, DLSA on 27 March, 28 March and 23 April under which 37 accused in petty cases were ordered to be released and 31 accused were actually released (six had other pending cases).
✗	For Special Lok Adalat, Superintendent Model Jail, Chandigarh was directed to supply information regarding undertrials who have committed petty offences to the office of DLSA. It is difficult for Superintendent to identify these cases based on the warrant, the only document that prison has.
✗	During Special Lok Adalats, 37 accused were ordered to be released on the basis of confessional statements. It is unclear what procedure was followed in seeking confessional statements; whether their defence counsel were produced; whether they were informed regarding the implications of confessing and being declared a convict.
✗	While the COVID positive prisoners were shifted to an Alternate Isolation Facility, HPC directed that these prisoners were, as far and as soon as possible, were released on parole/bail. It wasn't clear whether they waited for them to be treated fully first as it would have increased the risk to family members and society at large.



DELHI

	 PRISONS	 CAPACITY	 POPULATION	 OCCUPANCY RATE
	16	9378   648	16905   629	174.9%

Functioning of the High Powered Committee

Whether HPC formed	Yes by the Government of NCT of Delhi vide letter no. F.9/63/2020/HG/1409 dated 26 March 2020				 HIGH POWERED				
Composition	1. The Executive Chairperson, Delhi SLSA – Chairman 2. The Principal Secretary (Home) / Additional Chief Secretary, Government of NCT of Delhi – Member 3. The Director General (Prisons), Delhi – Member Other Invitee – Member Secretary, Delhi SLSA								
Number of Meetings held	8	28 March 2020	7 April 2020	18 April 2020	5 May 2020	18 May 2020	20 June 2020	31 July 2020	30 August 2020
Categories of Prisoners Recommended for Release	<p>Undertrials</p> <ol style="list-style-type: none"> 1. First time offenders 2. Those who were arrested or are facing trial for offence punishable up to 7 years 3. Case is triable by Magistrate 4. Had been in custody for the last 3 months or more. (reduced to one month or more on 28 March, and in case of women, if she had been in custody for a period of 15 days or more) <p>Note: The HPC agreed to the above four categories which were identified in the orders passed by Division Bench of Hon'ble High Court of Delhi in case titled "Shobha Gupta & Ors. Vs. Union of India & Ors." bearing W.P.(C) No.2945 of 2020 decided on 23.03.2020.</p> <ol style="list-style-type: none"> 5. If they had more than one case and were on bail in all other cases except the one which the prescribed punishment was for 7 years or less 6. Senior citizens more than 60 years of age and were in custody for 6 months or more, facing trial in a case which prescribes a maximum sentence of 10 years or less 7. Those who are less than 60 years of age and are in custody for one year or more, facing trial in a case which prescribes a maximum sentence of 10 years or less 8. Undertrials/Reman prisoners who are in custody for 15 days or more, facing trial in a case which prescribes a maximum sentence of 7 years or less 9. Those who are suffering from HIV, Cancer, Chronic Kidney Dysfunction (UTP requiring Dialysis), Hepatitis B or C, Asthma, and Tuberculosis and were in custody for 3 months or more, facing trial in a case which prescribes a maximum sentence of 7 years or less 10. Those suffering from the above-mentioned illnesses and were in custody for a period of 6 months or more, facing trial in a case which prescribes a maximum sentence of 10 years or less 11. Those suffering from the above-mentioned illnesses and were in custody for a period of 6 months or more, facing trial in a case which prescribes punishment of 10 years up to life imprisonment and were not involved in multiple cases 12. Those facing trial for a case under S.302 IPC and were in jail for more than two years with no involvement in any other case 								



	<p>13. Those facing trial for offence under S.304 IPC and were in jail for more than one year with no involvement in any other case</p> <p>14. Those facing trial in a case under S.307 or S.308 IPC and were in jail for more than 6 months with no involvement in any other case</p> <p>15. Those facing trial or were remand prisoners in theft cases and were in jail for more than 15 days</p> <p>16. Male undertrials above 65 years of age and female undertrials above 60 years of age facing trial in a case except the ones excluded and are in jail for more than 6 months with no involvement in any other case</p> <p>17. Those who were related as spouse of the deceased, facing trial for a case under S.498A and S.304B IPC and were in jail for more than 2 years with no involvement in any other case.</p> <p>18. Those who were related as father-in-law, mother-in-law, brothers-in-law, sisters-in-law of the deceased, facing trial for offence under S.498A and S.304B IPC and were in jail for more than one year with no involvement in any other case</p> <p>The HPC clarified that these recommendations did not affect the rights of other undertrials who were not covered under these categories, from invoking the jurisdiction of concerned courts for grant of regular/interim bail. Those were to be considered by the concerned court on filing of applications on merits, in accordance with law.</p> <p>Convicts For special remission of sentence:</p> <ol style="list-style-type: none"> 1. Those who are sentenced for 10 years and have already completed 9 and a half years of custody including regular remission be granted special remission of 6 months 2. Those who are sentenced for 7 years or more but less than 10 years, and are left with only 5 months to complete the sentence be granted special remission of 5 months 3. Those who are sentenced for 5 years or more but less than 7 years, and left with only 4 months to complete the sentence be granted special remission of 4 months 4. Those who are sentenced for 3 years or more but less than 5 years, and left with only 3 months to complete the sentence be granted special remission of 3 months 5. Those who are sentenced for 1 year or more but less than 3 years, and left with only 2 months to complete the sentence be granted special remission of 2 months 6. Those who are undergoing civil imprisonment 7. Those who had completed their substantive sentence (inclusive of regular and special remission granted)
<p>Excluded Categories of Prisoners</p>	<p>Undertrials arrested for offences under:</p> <ol style="list-style-type: none"> A. Intermediary/large quantity recovery under NDPS Act B. S.4 and S.6 of POCSO Act C. S.376, S.376A, S.376B, S.376C, S.376D, S.376E and Acid Attack D. PC Act/PMLA E. Cases investigated by CBI/ED/NIA/Special Cell of Delhi Police and Terror related cases, cases under Anti-National Activities and UAPA, etc. F. Foreign Nationals G. Undertrials who were now in custody for an offence committed by them during the period of interim bail granted to them on the basis of criteria adopted by the HPC in earlier meetings (added on 20 June 2020) 
<p>HPC restricted itself to the categories recommended by the Supreme Court?</p>	<p>Undertrials : Additional Categories RECOMMENDED Convicts : Additional Categories NOT RECOMMENDED</p> 
<p>Period of Release on Interim Bail/ Parole</p>	<p>Undertrials: Initial Period – 45 days</p> 

	<p>Extension — Till 15 May 2020 (where interim bail was expiring on 16 March 2020), a further period of 45 days from the date their respective interim bails were expiring</p> <p>Convicts: Initial Period — 8 weeks. Those undergoing civil imprisonment for 45 days. Extension — Till 15 May 2020 (where parole was expiring on 16 March 2020), a further extension for 8 weeks from the date their earlier 'Emergency Parole' is expiring, for those expiring on or before 30th September 2020 to a further period of 4 weeks.</p>
<p>Directions to Appropriate Authority/ Conditions of Release</p>	<p>Undertrials</p> <ul style="list-style-type: none"> ✓ The Member Secretary of the Delhi SLSA to request the District Judges to pass on directions to the jail visiting Duty Magistrates as well as Duty Magistrates in courts to take up these applications and if the undertrial prisoners were to be released on bail, they may be released on 'Personal Bond', to the satisfaction of the Jail Superintendent, so as to implement the social distancing policy of the Government. <p>Convicts</p> <ul style="list-style-type: none"> ✓ The home department to consider eligible prisoners for special remission according the criteria specified in an expeditious manner upon receiving the recommendation from the DG Prisons. ✓ DG Prisons and Special Secretary (Home) to do the needful regarding arranging further meetings of the Sentence Review Board to ensure that eligible convicts can be considered at the earliest. 
<p>Guidance regarding process for effectuating release</p>	<p>Member Secretary, Delhi SLSA</p> <ul style="list-style-type: none"> ▪ To take steps for having the applications of UTPs falling in relaxed criterion. ▪ To take steps for having the applications of undertrials falling in the relaxed criterion to be moved. ▪ To pass direction to the jail visiting Duty Magistrates as well as Sessions Judges on Duty/Duty Magistrates in courts to take up these applications and if they opine that the undertrial falls within any of the criteria laid down, they were to be released on personal bond, to the satisfaction of the Jail Superintendent. ▪ To place the recommendation regarding passing a judicial order by the High Court of Delhi for extension of interim bail by forwarding a copy of the minutes to the Registrar General High Court of Delhi, for necessary action in this regard. This was again recommended on 20 June 2020 for a further extension of 45 days. And another 45 day extension was recommended on 31 July 2020 and again on 30th August 2020. ▪ To make sure that remand advocates continue to be present in Tihar and Mandoli Court complexes, as well as inside the jails to give legal representation to the fresh arrestees as well as UTPs at the time of remand hearings. ▪ To request the District Judges to depute a Designated Court/Special Additional Sessions Judge, if feasible for hearing the applications for interim bail preferred by the panel lawyers of Delhi SLSA on the basis of criteria laid down by the HPC. ▪ To upload the Hindi translation of all Minutes of Meeting of the committee. <p>Prison Authorities</p> <ul style="list-style-type: none"> ▪ To identify the undertrial prisoners based on the criterion following which applications for interim bail were filed in Court through the empanelled Counsels of concerned DLSA. The said applications were considered and necessary orders were passed by the Duty Magistrates / Adl. Session Judges on duty. ▪ The Jail Superintendents to release undertrials on personal bond only on production of the bail orders passed by the concerned court in favour of the undertrial. ▪ The convicts who had completed their substantive sentence (inclusive of regular and special remission granted) could be released on furnishing an "undertaking" to the satisfaction of Jail Superintendent to the effect that the fine would be deposited within 15 

	<p>days of lifting of lockdown failing which they would have to surrender to serve the remainder of sentence imposed for default of payment of fine.</p> <ul style="list-style-type: none"> ▪ The interim bail applications of those with underlying illnesses were to have a certificate of good conduct during their respective custody period from Jail Superintendent and a certificate from Jail Doctor certifying the illness, with which UTP is suffering to qualify for release. ▪ Those undertrials in categories 12 to 18 were to have a certificate of good conduct during their respective custody period from Jail Superintendents to qualify for release. ▪ To inform the undertrials regarding the extension of their interim bail for a further period of 45 days telephonically, on the passing of such order by the High Court of Delhi. <p>DG Prisons</p> <ul style="list-style-type: none"> ▪ To expedite the process of release of convicts ▪ To co-ordinate with the Nodal Officer of Delhi Police to ensure safe transportation of the released convicts or undertrials from jail to their houses in Delhi, and in case they are another state, the DG Prisons was to co-ordinate with the concerned S.S.P. of the District/State where the released inmate resides, so as to ensure that they reached home after release from jail. ▪ To direct the Jail Administration to provide online data or necessary information as sought by the UTRC for achieving the intended result. ▪ To direct the jail administration to ensure release of UTPs immediately on receipt of bail orders from the court while ensuring their safe transit from Jail to their respective homes. <p>Judicial Officers</p> <ul style="list-style-type: none"> ▪ In cases of undertrials in whose favour the bail orders were passed by different courts but may have been incapacitated to furnish bail bonds and surety bonds, the bail orders had to be modified through a judicial order from the High Court of Delhi, to the extent that they may be released on furnishing 'Personal Bond', with the rest of the conditions if any imposed remaining unaltered. Registrar, High court, to take necessary action in this regard. <p>UTRC</p> <ul style="list-style-type: none"> ▪ To continue meeting every week and may come up with any new/fresh criteria to facilitate further decongestion of Jails.
<p>Other Directions/ Information</p>	<p>Prison Authorities</p> <ul style="list-style-type: none"> ▪ Use of chalk markings in bathing, kitchen and jail telephone areas to be done to ensure social distancing. ▪ To make the prisoners aware about the necessary precautions to be taken and the advantages of social distancing through the Public Address System. ▪ Since personal visits to the prisoners have been cut, they could be permitted to talk to their family members through jail telephone after taking necessary precautions including sanitization of telephone instrument. ▪ The CMO and other jail doctors to frequently examine the inmates and any suspicion of an inmate having symptoms were to be brought to the notice of the Jail Superintendent immediately for taking necessary steps. ▪ To transfer 200 prisoners from Rohini Jail and 50 prisoners from Tihar to Mandoli to decongest these jails. And the transport buses should be filled to a quarter of its capacity. On 5 May 2020 it was resolved to transfer 100 more prisoners from Tihar Jail to Mandoli Jail. On 18 May 2020, it was resolved to move 160 inmates from Jail No. 15 Mandoli to different jails in Tihar to use the individual cells in Mandoli as isolation cells for males above 21. ▪ Based on the representation of Sh. Wazahat Habibullah, Chairperson, CHRI, the HPC directed the DG Prisons to ensure that adequate medical assistance is provided to Ms. Safoora Zargar and other pregnant prisoners.

	<ul style="list-style-type: none"> ▪ To take extra precaution with respect to inmates who were more than 55 years of age so that they were not immune-compromised. ▪ DG Prisons as well as Special Secretary (Home) to make concerted efforts for getting the nod from Govt. of NCT of Delhi to convert the Police Quarters Mandoli to a temporary jail. This was done on 31 July 2020. And the Delhi Police provided 75 police personnel and one Armed Company of Tripura Reserve Police for security of this 'Temporary Jail'. ▪ To conduct 'Rapid Tests' to all new entrants. ▪ Jail Hospitals were to be equipped with Oxygen concentration machines and two such machines for each of the two Jail Hospitals were to be procured at the earliest. The DG Prisons had procured 4 Oxygen Concentration Machines and later, the Delhi Health Department had supplied them 15 Oxygen Concentration Machines. ▪ The HPC clarified that all undertrials falling in any of the criteria adopted were at liberty till 30th September 2020 to move appropriate applications seeking interim bail for a period of 45 days either through their private counsels or through the panel lawyers of the Delhi SLSA. Such applications were to be accompanied with a certificate of good conduct during their respective custody period from Jail Superintendent. ▪ DG Prisons to extend video conferencing facility in the remaining jails at the earliest so that inmates can interact with their family members. ▪ DG Prisons to take all necessary precautions before resumption of physical <i>mulakat</i>. And prepare a Standard Operating Procedure (SOP) in this regard. And that the <i>mulakat</i> area should have touch free microphones with glass shields
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Functioning of Under Trial Review Committees

	Whether UTRCs formed in all districts?	Yes In all 11 Districts
	Whether all district-level UTRCs conducted weekly meetings as mandated by the Supreme Court?	No In 8 out of 11 Districts
Actual Meetings vs Mandated Meetings	Districts which held Weekly Meetings	Districts which DID NOT hold Weekly Meetings
130/132	Central Delhi (12), New Delhi (13), North Delhi (13), North West Delhi (13), North East Delhi (13), Shahdara (13), South Delhi (14), South East Delhi (13)	East Delhi (10), South West Delhi (7), West Delhi (9),



Admissions and Releases

No information was received regarding admissions and releases.

PSI 2019	April 2020	May 2020	June 2020
Monthly Admissions			
4760	N/P	N/P	N/P
Monthly Releases			

3818	2962*	716**	451***
Quarterly Admissions			
2019		2020	
14279 (81.44%)		N/P	
Quarterly Releases			
2019		2020	
11453 (65.31%)		4129	

*As per HPC meeting on 18 April 2020, 978 convicts and 1984 undertrials had been released till that day

**As per HPC meeting on 18 May 2020, 1110 convicts and 2568 undertrials had been released till that day

***As per HPC meeting on



Impact on Decongestion of Prisons

The decongestion efforts between 25 March to 19 June 2020 led to a decrease in occupancy rate by **39 percentage points**. No other information was provided.

PSI 2019	1 April 2020	1 May 2020	1 June 2020	30 June 2020
Convict : Undertrial : Detenues : Others Ratio				
	N/P	N/P	N/P	N/P
Male : Female Occupancy				
	N/P	N/P	N/P	N/P
Sanctioned Capacity vs Prison Population				
		N/P	N/P	
Occupancy Rate				
174.89%	175%	N/P	N/P	136%

^ The graphs for Sanctioned Capacity v. Prison Population on 1 April 2020 and 30 June 2020 are figures based on the information provided in the HPC minutes dated 28 March 2020 and 20 June 2020. These reflect the prison population on 25 March 2020 and 19 June 2020 respectively.












Good & Bad Practices


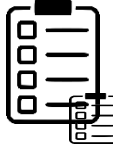
✓	The HPC continuously monitored the present population of the prisons and proposed further categories who can be released on interim bail.
✓	The HPC also recommended categories of convicts who may be considered for special remission of sentence expeditiously on receipt of recommendation by DG Prisons. Meetings of the Sentence Review Board were held on 5 th and 6 th of August, 2020 after it was raised by the HPC and 47 convicts were recommended for pre-mature release.
✓	The DG Prisons, with the assistance of Jail staff, Home Department of Delhi Government and the Jail Doctors had taken measures such as ensuring that no jail remains overcrowded or sparsely occupied vis-à-vis other jails; I.E.C. Material within the jail and at entrance has been displayed and these included Do's and Don'ts for the inmates to prevent the outbreak of COVID-19.
✓	The Prison department had taken measures to create an isolation ward, quarantining new prisoners including foreign nationals, as well as preliminary examination of prisoners for COVID-19 had been put in place. Fresh entrants who were foreign nationals and those with symptoms were to be quarantined for at least 15 days.
✓	The prison was producing soap cakes, liquid soaps, phenyl, masks and sanitizers for self-consumption and agreed to supply to the JJBs as well.
✓	The Government of NCT of Delhi had been requested by the Chairperson of the HPC to do the needful so as to incorporate the provision of "Emergency Parole" in Delhi Prison Rules. The amendment was issued by the Government of NCT of Delhi vide notification no. F18/191/2015/HG/1428-1438 dated 27 March 2020
✓	The Prison Administration had created separate wards in Jail Number 2 at Tihar and in Jail Number 13 at Mandoli for fresh male inmates above 21 years of age, fresh women inmates were kept in Jail Number 6, and fresh male inmates between the age of 18 to 21 years were kept at Jail Number 5, Tihar.
✓	The HPC inquired DG Prisons to consider transfer of prisoners from one jail to another pursuant to release of some prisoners as per criteria adopted by the HPC and not as a first resort.
✓	In order to transport the prisoners to their native places, 155 such prisoners were given by jail administration to DAP III Battalion of Delhi Police and Govt. of NCT of Delhi for their safe transit to their native places, 65 prisoners were provided transportation and have already reached their respective places. The request for others have been sent to Delhi Police, Govt. of NCT of Delhi and respective Resident Commissioners.
✓	The Govt. of NCT of Delhi had requested the Ministry of Railways for providing special trains to U.P., Bihar, Madhya Pradesh and Jharkhand for sending stranded/migrant laborers to their native places and shall provide transportation to released undertrials and convicts belonging to these states. Pursuant to this, 2 inmates left for MP, 33 for Bihar and 15 for UP.
✓	The DG Prisons had formed a Special Task Force (STF) for contact tracing of suspected COVID-19 cases in all jails including Rohini Jail. And testing was being done for others who came in contact with those prisoners and staff who tested positive.
✓	The prison department was conducting psychological screening of newly admitted inmates to properly manage their mental health issues.
✓	The prison department was also laying an emphasis on kitchen hygiene and proper handling of vegetables and essentials by personnel inside the kitchen/canteen.
✓	The prisons were also following procedures to curb the spread of the virus through jail staff and others to the inmates. The HPC directed that these staff also undergo 'Rapid Tests' according to the ICMR guidelines.
✓	The DG Prisons informed that they had sufficient supply of essential medicines and equipment including oximeters and oxygen cylinders.
✓	The DG Prisons informed that once the prison staff tested positive, even if they were asymptomatic, they were relieved from their respective duties and asked to remain in home-quarantine.






✘	The HPC took the view that the representation regarding the detention and arrest of persons by the police during the National Lockdown regarding the violence in North East area of Delhi was outside its scope and purview.
✘	Video Conferencing facility between 3 prisons and panel lawyers of Delhi SLSA was only available from 22 June 2020 and with private lawyers from 6 July 2020. And E-Mulakat through Jitsi online VC link was only available in few jails.

JAMMU & KASHMIR

	 PRISONS	 CAPACITY	 POPULATION	 OCCUPANCY RATE
	15	2772   138	3563   126	126.8%



Functioning of the High Powered Committee

Whether HPC formed	Yes vide G.O. no. 96 – Home of 2020 dated 29.03.2020				
Composition	1. The Executive Chairperson, Jammu & Kashmir SLSA – Chairman 2. The Principal Secretary to Government, Home Department, Govt of UT of J&K – Member 3. The Director General of Police (Prisons), J&K – Member Other Invitee – Member Secretary, J&K SLSA				
Number of Meetings held	4	31 March 2020	18 April 2020	28 May 2020	24 July 2020
Categories of Prisoners Recommended for Release	<p>Undertrials</p> <ol style="list-style-type: none"> 1. All undertrial prisoners with only one case pending against them, in which maximum prescribed sentence is 7 years or less with or without fine. 2. Prisoners with advanced age, suffering from any illness may be examined on case to case basis. 3. Those falling under Section 436A CrPC 4. Those accused of compoundable offences 5. Those who were detained under sections 107, 108, 109 and 151 of CrPC 6. Those detained for non-payment of maintenance ordered under Section 488/125 CrPC. 7. Those detained under the Code of Civil Procedure for not obeying the decree/order of the court. <p>Undertrial Prisoners under categories 5, 6, and 7 are to appear before the Magistrate concerned for appropriate orders when the lockdown is over (5) or on the date so fixed (6 and 7). HPC also clarified that its directions does not affect the rights of other undertrials who do not stand covered under these categories from invoking the jurisdiction of concerned courts for grant of regular/ interim bail.</p> <p>Convicts</p> <ol style="list-style-type: none"> 1. All those who have been convicted in one case only and have spent more than 10 years (eight years in case of women) in jail 2. All those who have been sentenced to imprisonment for three years with or without fine and the conviction has been upheld by the Appellate Court but revision against the judgment by Appellate Court is pending before the Hon'ble High Court 3. All those who have completed their sentence but are still in prison due to non-payment of fine. 4. Prisoners with advanced age, suffering from any illness may be examined on case to case basis. 				

<p>Excluded Categories of Prisoners</p>	<p>Arrested/ convicted for offences under:</p> <ul style="list-style-type: none"> A. NDPS (for intermediate or large quantity recovery) B. Section 379B of IPC C. POCSO Act D. Crimes against woman E. Acid attack F. Foreign nationals G. Militancy related cases (convicts) 	
<p>HPC restricted itself to the categories recommended by the Supreme Court?</p>	<p>Undertrials : Additional Categories RECOMMENDED Convicts : Additional Categories RECOMMENDED</p>	
<p>Period of Release on Interim Bail/ Parole</p>	<p>Undertrials: Initial Period – 60 days interim bail, extendable for another period in case the circumstances so demand, on furnishing surety and personal bond Extension – 60 days vide resolution dated 28 May 2020 Further extended by 60 days on 24 July 2020</p> <p>Convicts: Initial Period – Special Parole for eight weeks, extendable for another eight weeks if the lockdown by the government continues, subject to good conduct Extension – Eight weeks, subject to good conduct Further extended by 4-8 weeks on 24 July 2020</p>	
<p>Directions to Appropriate Authority/ Conditions of Release</p>	<p>Judiciary</p> <ul style="list-style-type: none"> ✓ Cases for grant of interim bail shall be dealt with either by the visiting judges in the jails (DSJADJ/CJM/JMIC) on the bail applications in the jails itself, or alternatively by devising a mechanism of routing the bail applications through DLSA to the courts convened especially for this purpose. ✓ Use of technology may be preferred over manual intervention. ✓ No prisoner should be released without his/her consent ✓ In regard to other undertrials who do not stand covered under the categories identified by the HPC, the concerned courts on filing of applications by such undertrials may consider the same on merits, in accordance with law. 	
<p>Guidance regarding process for effectuating release</p>	<p>Prison Authorities</p> <ul style="list-style-type: none"> ▪ The officers in charge of prisons to ensure that all the prisoners who are released on the basis of the recommendation of this committee are not admitted back to prison without adequate screening at the time of return to ensure that they do not transmit the virus from the community to the prison. 	
<p>Other Directions/ Information</p>	<p>Prison Authorities</p> <ul style="list-style-type: none"> ▪ To maintain order in prisons by undertaking counselling and by informing jail inmates about the steps being taken to prevent infectious disease due to corona virus and the precautions which they need to take ▪ Prisoners be allowed to talk to their family members through VC or jail telephone after taking health precautions. <p>Chairperson, DLSA and concerned District & Sessions Judge</p> <ul style="list-style-type: none"> ▪ To visit jails once a week and interact with the prisoners, in order to resolve any issues which may arise. <p>Government of Jammu & Kashmir</p> <ul style="list-style-type: none"> ▪ Government and the jail authorities to comply with directions of the Supreme Court and take steps for prevention, screening and identification, treatment & mitigation and transfer of prisoners. 	

	<ul style="list-style-type: none"> ▪ To issue the necessary guidelines to the Deputy Commissioners, Jail authorities and others to implement the decisions taken by the HPC. ▪ The Principal Secretary (Home) and DGP Prisons were directed to ensure safe transit of the released prisoners from Jail to their respective homes. <p>UTRC</p> <ul style="list-style-type: none"> ▪ To undertake the review in their respective jurisdiction and monitor the implementation of the HPC directions, and submit the number of all cases granted parole/interim bail falling in each eligible category. ▪ To submit a list and number of cases which may fall outside the categories identified by the HPC, but in view of the UTRC need consideration of the HPC for grant of interim bail/parole.
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Functioning of Under Trial Review Committees

	Whether UTRCs formed in all districts?	Yes In 22 out of 22 Districts
	Whether all district-level UTRCs conducted weekly meetings as mandated by the Supreme Court?	Yes
Actual Meetings vs Mandated Meetings	Districts which held Weekly Meetings	Districts which DID NOT hold Weekly Meetings
286/264	N/P	N/P



Admissions and Releases

No information was received regarding admissions and releases.

PSI 2019	April 2020	May 2020	June 2020
Monthly Admissions			
722	N/P	N/P	N/P
Monthly Releases			
671	170*	300**	250***
Quarterly Admissions			
2019		2020	
2166 (58.7%)		N/P	
Quarterly Releases			
2019		2020	
2013 (56.5%)		720^	

*According to the HPC minutes for 18 April 2020, 18 Convicts were released till 17 April 2020 and 6 were under process. 152 Undertrials were also released during this period.

**The minutes of the HPC meeting on 28 May 2020 state that 33 Convicts were released till 27 May 2020. 437 undertrials were released during this period. We have used the difference between the figures for 28 May 2020 and 18 April 2020

***As of 23 July 2020, 39 Convicts and 930 undertrial prisoners were released on parole and interim bail respectively. Since this was almost two months, for our calculations, we have halved the difference between the figures on 23 July 2020 and 28 May 2020

^ The sum of all the estimated figures from April 2020 to June 2020



Impact on Decongestion of Prisons

No information was provided to analyse the decongestion efforts between 1 April to 30 June 2020.

PSI 2019	1 April 2020	1 May 2020	1 June 2020	30 June 2020
Convict : Undertrial : Detenuess : Others Ratio				
	N/P	N/P	N/P	N/P
Male : Female Occupancy				
	N/P	N/P	N/P	N/P
Sanctioned Capacity vs Prison Population				
	N/P	N/P	N/P	N/P
Occupancy Rate				
122%	N/P	N/P	N/P	N/P



Good & Bad Practices

✓	Some of the categories of cases falling under the UTRC mandate were recommended by the HPC for consideration for release. HPC also considered the reports of the district UTRCs before every HPC meeting.
✓	HPC monitored the number of prisoners released on interim bail/ parole. The same were recorded in the minutes.
✓	The visiting lawyers and PLVs drafted applications for their release and submitted them to the concerned courts.
✓	In its meeting on 18 April 2020, the HPC considered the cases of two women convicts recommended their release on parole given the duration of stay in prison and old age respectively.
✓	As of 24 July 2020, daily temperature scanning was taking place in all 14 jails in the UT of J&K.

✓	The SLSA placed the online representations made by convicts/ undertrials/ detenuess before HPC for consideration.
✗	The HPC did not consider the release of detunes under PSA since it is not within the mandate of order passed by the Supreme Court. However, the minutes provide that considering the present situation the authorities may re-consider the cases on merits.

CHRI PROGRAMMES

CHRI seeks to hold the Commonwealth and its member countries to high of human rights, transparent democracies and Sustainable Development Goals (SDGs). CHRI specifically works on strategic initiatives and advocacy on human rights, Access to Justice and Access to Information. Its research, publications, workshops, analysis, mobilisation, dissemination and advocacy, informs the following principal programmes:

1. Access to Justice (ATJ) *

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

* **Prison Reforms:** CHRI's work in prisons looks at increasing transparency of a traditionally closed system and exposing malpractices. Apart from highlighting systematic failures that result in overcrowding and unacceptably long pre-trial detention and prison overstay, it engages in interventions and advocacy for legal aid. Changes in these areas can spark improvements in the administration of prisons and conditions of justice.

2. Access to Information

* **Right to Information:** CHRI's expertise on the promotion of Access to Information is widely acknowledged. It encourages countries to pass and implement effective Right to Information (RTI) laws. It routinely assists in the development of legislation and has been particularly successful in promoting Right to Information laws and practices in India, Sri Lanka, Afghanistan, Bangladesh, Ghana and Kenya. In Ghana, CHRI as the Secretariat for the RTI civil society coalition, mobilised the efforts to pass the law; success came in 2019 after a long struggle. CHRI regularly critiques new legislation and intervenes to bring best practices into governments and civil society knowledge both at a time when laws are being drafted and when they are first being implemented. It has experience of working in hostile environments as well as culturally varied jurisdictions, enabling CHRI bring valuable insights into countries seeking to evolve new RTI laws.

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

3. International Advocacy and Programming

Through its flagship Report, *Easier Said Than Done*, CHRI monitors the compliance of Commonwealth member states with human rights obligations. It advocates around human rights challenges and strategically engages with regional and international bodies including the UNHRC, Commonwealth Secretariat, Commonwealth Ministerial Action Group and the African Commission for Human and People's Rights. Ongoing strategic initiatives include advocating for SDG 16 goals, SDG 8.7 (see

below), monitoring and holding the Commonwealth members to account and the Universal Periodic Review. We advocate and mobilise for the protection of human rights defenders and civil society spaces.

4. SDG 8.7: Contemporary Forms of Slavery

Since 2016, CHRI has pressed the Commonwealth to commit itself towards achieving the United Nations Sustainable Development Goal (SDG) Target 8.7, to ‘take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms.’ In July 2019 CHRI launched the Commonwealth 8.7 Network, which facilitates partnerships between grassroots NGOs that share a common vision to eradicate contemporary forms of slavery in Commonwealth countries. With a membership of approximately 60 NGOs from all five regions, the network serves as a knowledge-sharing platform for country-specific and thematic issues and good practice, and to strengthen collective advocacy.