

# ROAD TO RELEASE

A WATCH REPORT ON RAJASTHAN'S PERIODIC REVIEW COMMITTEES



**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-partisan, international non-governmental organisation, mandated to ensure the practical realisation of human rights in the countries of the Commonwealth. In 1987, several Commonwealth professional associations founded CHRI. They believed that while the Commonwealth provided Member States a shared set of values and legal principles from which to work, and provided a forum within which to promote human rights, there was little focus on the issues of human rights within the Commonwealth.

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

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

The nature of CHRI's sponsoring organisations ensure it has a national presence and an international network.\* These professionals can also steer public policy by incorporating human rights norms into their own work and act as a conduit to disseminate human rights information, standards and practices. These groups bring local knowledge, can access policymakers, highlight issues and act in concert to promote human rights.

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

**INTERNATIONAL ADVISORY COMMISSION: CHAIRPERSON:** Yashpal Ghai; **MEMBERS:** Maja Daruwala, Alison Duxbury, Wajahat Habibullah, Neville Linton, Vivek Maru, Edward Mortimer and Sam Okudzeto.

**EXECUTIVE COMMITTEE (INDIA): CHAIRPERSON:** Wajahat Habibullah **MEMBERS:** B.K. Chandrashekar, Maja Daruwala, Nitin Desai, Sanjoy Hazarika, Kamal Kumar, Poonam Muttreja, Ruma Pal, A.P. Shah and B.G. Verghese.

**EXECUTIVE COMMITTEE (AFRICA): CHAIRPERSON:** Sam Okudzeto; **MEMBERS:** Akoto Ampaw, Maja Daruwala, Yashpal Ghai, Wajahat Habibullah, Neville Linton, Kofi Quashigah and Juliette Tuakli.

**EXECUTIVE COMMITTEE (UK): CHAIRPERSON:** Neville Linton; **MEMBERS:** Richard Bourne, Meenakshi Dhar, Clare Doube, Frances Harrison, Derek Ingram, Rita Payne, Purna Sen, Syed Sharfuddin, Joe Silva and Michael Stone.

\*Commonwealth Journalists Association, Commonwealth Legal Education Association, Commonwealth Parliamentary Association and Commonwealth Broadcasting Association.

# ROAD TO RELEASE

A WATCH REPORT ON RAJASTHAN'S PERIODIC REVIEW COMMITTEES

**CONCEPT:** Sana Das & Sugandha Shankar

**RESEARCH, ANALYSIS, WRITING:** Sugandha Shankar

**EDITING:** Maja Daruwala & Sana Das

# ACKNOWLEDGEMENTS

The Commonwealth Human Rights Initiative (CHRI) wishes to express its gratitude to the knowledge, experience and skills of many people. Our sincere thanks go to our Director Ms Maja Daruwala for her valuable editorial support and steady guidance. We extend heartfelt thanks to Ms Sana Das for conceptualising the report and editing the drafts and above all encouraging the team at every step. Special appreciation goes to Ms Sugandha Shankar who worked consistently to bring this report to fruition from compiling and analysing the data to designing the district report cards and giving it its final shape. We would like to thank Ms Aphune K. Kezo for her role in painstakingly preparing the graphs and tables of the all-Rajasthan data and Ms Kakoli Jadala for procuring the information and providing administrative support to the team.

Mr Vivek Trivedi's unique style of creativity in designing the cover and section covers of the report as well as providing technical assistance to the team was invaluable.

We acknowledge the contribution made by Ms Nitika Nagar in assisting the team in tabulating and analysing the data.

This publication is supported by grants from the Oak Foundation and the Open Society Foundations. CHRI is deeply appreciative of the help and support of all throughout the writing of this report.

Layout & Print by: Print World

Rajasthan Report Card designed by : Mr Gurnam Singh

# PREFACE

The Periodic Review Committee or the *Avadhik Samiksha Samiti* is one of the several oversight bodies in prisons. Other oversight mechanisms include the Board of Visitors comprising district officials and Non-official Visitors in each prison; the State Human Rights Commission; and, above all, the judiciary. In addition, the Legal Services Authority has a mandate to ensure early and effective legal representation for those who cannot afford it. Despite so many monitoring bodies, Rajasthan had 13, 234 undertrial prisoners (UTPs) as on 30 January 2015. In short 70 per cent of those in prison are awaiting trial resulting in an occupancy rate of 111 per cent.

Even this tells only half the story. Overcrowding ranges from 76 per cent to 161 per cent in Central Prisons; it can run up to 431 per cent in District Prisons and a staggering 842 per cent in Sub-jails.<sup>i</sup> The five-year trend from 2008 to 2012 shows an increase of 44.41 per cent in the undertrial population in the state.<sup>ii</sup> Despite a reduction from 2011 to 2013, at the end of September 2013, the arrears in pending criminal cases amounted to 10,42,759.<sup>iii</sup> Insufficient judges, frequent strikes by lawyers and above all the inefficiencies embedded in the system have contributed to this massive backlog of cases, with serious consequences of prolonging the period of detention of undertrials.

On 17 January 2013, an advisory by the Ministry of Home Affairs recognises the problems: “Invariably it has been found that only the poor and indigent who have not been able to put up the surety are those who have continued to languish as undertrials for very long periods and that too for minor offences. The lack of adequate legal aid and a general lack of awareness about rights of arrestees are principal reasons for the continued detention of individuals accused of bailable offences, where bail is a matter of right and where an order of detention is supposed to be an aberration. Thus a disproportionate amount of our prison-space and resources for prison maintenance are being invested on UTPs which is not sustainable.”

It recognises the significance of periodic review of undertrials and recommends: “Constitute a Review Committee in every district with the District Judge as Chairman and the District Magistrate and District SP as members to meet every three months and review the cases.” It further recommends: “Jail Superintendent should conduct a survey of all cases where UTPs have completed more than one-fourth of the maximum sentence. He should prepare a survey list and send the same to the District Legal Service Authority (DLSA) as well as the UT Review Committee. The list should be made available to the Non-official Visitors as well as District Magistrates/Judges who conduct periodic inspections of the jails. Home Department may also develop management information system to ascertain the progress made jail-wise in this regard.”

This report examines, in these crises circumstances, how Rajasthan’s Periodic Review Committees fulfil their special mandate of reducing unnecessary pre-trial detention. The question remains: Is liberty truly of paramount value on the ground?

---

<sup>i</sup> <http://rajprisons.nic.in/pdf/pop31115.pdf>.

<sup>ii</sup> Rajasthan Prison Department Annual and Progress Report (2012-2013), p. 1, to be accessed at <http://rajprisons.nic.in/pdf/2012-2013.pdf>.

<sup>iii</sup> <http://hcraj.nic.in/newsletter-part-III.pdf>; <http://hcraj.nic.in/newsletter-vol3-partIII.pdf>.

## LIST OF TERMS USED IN THE REPORT

PRC	Periodic Review Committee
CrPC	Code of Criminal Procedure, 1973
UTPs	Undertrial Prisoners
DLSA	District Legal Services Authority
DSJ	District & Sessions Judge
ADJ	Additional District Judge
CJM	Chief Judicial Magistrate
ACJM	Additional Chief Judicial Magistrate
JM	Judicial Magistrate
CJ	Central Jail
DJ	District Jail
SJ	Sub - Jail
SDM	Sub - Divisional Magistrate
NDPS Act	Narcotic Drugs & Psychotropic Substances Act, 1985
FIR	First Information Report

Y	Year
M	Month
D	Day
JC	Judicial Custody
PW	Production Warrant
M/F	Male/Female
Wanted	More than one case against the accused
SW	Social Worker
ADP	Additional Director, Prosecution
PP	Public Prosecutor
APP	Assistant Public Prosecutor
R - DM	Representative – District Magistrate
R - SP	Representative – Superintendent of Police
DPO	District Probation Officer
SP/DSP/J/DJ	Superintendent of Prison/Deputy Superintendent of Prison/Jailor/Deputy Jailor

# WHAT'S INSIDE

## WHAT'S THE IDEA OF THE REPORT

> Executive Summary .....	2
---------------------------	---

WHAT'S ON PAPER .....	6
-----------------------	---

>The Mandate .....	7
--------------------	---

WHAT'S ON GROUND .....	8
------------------------	---

>Rajasthan Report Card .....	14
------------------------------	----

>District Report Cards .....	17
------------------------------	----

Barmer .....	19	Bikaner .....	24	Jaisalmer .....	29	Jodhpur ....	34	Rajsamand ...	39	Tonk .....	44
Hanumangarh....	20	Chittorgarh ...	25	Pali .....	30	Dausa .....	35	Dungarpur ...	40	Sri Ganganagar ...	45
Nagaur .....	21	Churu .....	26	Bharatpur ....	31	Jaipur .....	36	Sirohi .....	41	Bundi .....	46
Karauli .....	22	Sikar .....	27	Jhunjhunu ...	32	Jalore .....	37	Banswara .....	42	Gangapur City ....	47
Pratapgarh .....	23	Alwar .....	28	Dholpur .....	33	Udaipur ....	38	Jhalawar .....	43	Kota .....	48

ANNEXURES .....	49
-----------------	----

A. Prison Department Circular dated 30 October 2013 .....	50
---	----

B. Prison Department Circular dated 31 March 2014 .....	51
---	----

C. Letter dated 19 August 2013 from the office of Director General, Prisons, to all prisons .....	51
---	----

D. Table of Additional Information mentioned in the Undertrials list .....	52
--	----

E. CHRI Suggested Format for preparing lists of Undertrials .....	53
---	----

F. CHRI Suggested Style Guide to record minutes of the Periodic Review Committee Meeting .....	54
--	----

G. CHRI Suggested Format for Action taken report .....	58
--	----

## WHAT'S THE IDEA OF THE REPORT EXECUTIVE SUMMARY

This report draws on right to information responses from 30 Central and District jails and questionnaire responses from Chief Judicial Magistrates. The time period of the study was September 2013 to April 2014.

*The report on the functioning of Periodic Review Committees (the Committees) has been designed in a pictorial, easy to read manner. It is divided into three parts. First, an executive summary that provides the backdrop of the report; explains the progress made in the functioning of the Committees since 2009-10; the current challenges and concerns; and recommendations. The second part provides an infographic explaining the mandate and procedure of how a Committee functions. The third explains the summary findings on the ground and comprises two parts: (i) a "Rajasthan Report Card" which gives a pan-Rajasthan analysis across all the districts and (ii) "District Report Cards" as infographics which give a detailed analysis of the functioning of each district Committee from September 2013 to April 2014. District Report Cards are organised in the descending order of their performance.*

The purpose of this watch report is to help Rajasthan's Periodic Review Committees to maintain a vigil over their own regularity, functioning and impacts vis-à-vis their mandate to prevent unnecessary and long detentions of undertrials in jails. This report checks the compliance of the Committees to their mandate set in the State Government Order of 1979 and more recently, by the standards set in 2013 by the Rajasthan High Court and CHRI at a state-level consultation held for all Chief Judicial Magistrates of the state.

In its first report in 2011, the overall findings by CHRI revealed that the gap between the mandate and practice was large and shortfalls included irregular meetings; inconsistency in attendance of members; high number of cases presented for review making it a very mechanical process; and no set format or practice to record minutes whose quality varied from prison to prison. At the state-level consultation held on 1 September 2013, taking due cognizance of the shortfalls, the higher judiciary, led by the then Chief Justice, exhorted the Chief Judicial Magistrates to hold these meetings with greater diligence. The Rajasthan High Court has also sought updates from Chief Judicial Magistrates periodically. Realising its monitoring role, the State Prison Department too has been active in ensuring due

compliance by the prison staff. It issued two orders, dated 30 October 2013<sup>1</sup> and 31 March 2014,<sup>2</sup> to all the prisons in-charge directing them to convene meetings regularly in the first or second week of every month; to provide reasons when meetings could not be held; and to send the minutes of each meeting held to the State Home Department.

Since CHRI drew attention to the functioning of the Committees in 2011, and especially after the September 2013 state-level consultation of Chief Judicial Magistrates held under the aegis of the High Court, noticeably altered practices and several improvements in the functioning of the Committees were observed. Significantly, more Committee meetings were held, an increased number of officials attended them and prison authorities were more diligent in convening meetings and coordinating with officials who were to attend. In 2009-10, only 113 meetings were held out of 429 mandated meetings which amounts to 26.3 per cent. This increased to 50.8 per cent in 2013-14 when 118 out of 232 meetings were held in eight months. Earlier, a representative of the Prosecution Department was part of Committee meetings only in 10 districts.<sup>3</sup> This increased to 22 districts<sup>4</sup> transforming a good practice into rules of procedure.

Most importantly, the Committees have made considerably more recommendations than earlier to release people who were in custody despite being eligible for bail as a right; charged with petty offences; and those living in jail for an inordinately long period. Eleven new districts<sup>5</sup> have initiated reviews of cases of preventive detention under Sections 151, 107 and 109 of the Code of Criminal Procedure, 1973, with a marginal increase on the recommended releases. Ten more districts<sup>6</sup> are paying attention to detect minors detained in prisons; three districts (Jalore, Jhalawar, and Sikar) are reviewing cases of foreign nationals and one district (Bharatpur) has recommended release if an undertrial is unable to furnish surety. Some new categories of reviews noticed for the first time: persons who have completed one-third of the prescribed imprisonment period (Churu); person accused of multiple offences (Dungarpur and Pali); those detained illegally (Dausa); persons awaiting committal (Dungarpur); and those in need of legal aid (Banswara).

<sup>1</sup> Refer Annexure A, p. 50, Prison Department Circular dated 30 October 2013.

<sup>2</sup> Refer Annexure B, p. 51, Prison Department Circular dated 31 March 2014.

<sup>3</sup> Alwar, Bikaner, Chittorgarh, Hanumangarh, Jodhpur, Karauli, Kota, Nagaur, Sri Ganganagar, Tonk.

<sup>4</sup> Alwar, Banswara, Barmer, Bikaner, Bharatpur, Chittorgarh, Churu, Dausa, Dholpur, Dungarpur, Hanumangarh, Jaipur, Jaisalmer, Jalore, Jhunjhunu, Jodhpur, Karauli, Nagaur, Pratapgarh, Sikar, Sirohi & Udaipur.

<sup>5</sup> Alwar, Banswara, Bharatpur, Churu, Hanumangarh, Jalore, Jhunjhunu, Karauli, Pali, Rajsamand & Sikar.

<sup>6</sup> Banswara, Barmer, Bharatpur, Jaisalmer, Jalore, Jhalawar, Karauli, Pali, Pratapgarh & Sikar.



These are new and welcome developments. This underlines the importance of the Committees and their value in reducing pre-trial detention. At the same time, concerns remain which are highlighted in the third part of the report. The major concern is that the reviews do not translate into releases despite more meetings having been held, an increased number of stakeholders having attended and some prisons showing innovation in their lists and minutes. Although 323 cases were recommended for release, for expediting disposal or specialised treatment for mentally ill persons, how many were actually released from prison is unclear. Moreover, the absence of representation from the Legal Services Authority is an obstacle in providing access to counsel. Yet another bottleneck hindering the effective review of undertrial cases is the absence of a Prisoner's History Ticket mandated under Part 17 of the Rajasthan Prison Rules, 1951. Significantly, the need for a superior body such as a State Monitoring Committee to monitor the functioning of Committees at the district levels, assess their performance and to be aware of their day-to-day problems is the need of the hour.

## **RECOMMENDATIONS**

In light of the above and based on the interactions with the key stakeholders involved in the monitoring and functioning of the Committees, our recommendations going forward are as follows:

### **a) Composition of the Committee**

In addition to the mandated persons, there is a need to expand the Committee with a more inclusive composition for better coordination between various agencies:

- The District & Sessions Judge should head the Committee in the district. It would help in addressing the problem of delays in sessions' trials, especially in cases under Narcotic Drugs & Psychotropic Substances Act, 1985 and other serious offences.
- A representative of the Prosecution Department attends Committee meetings in 22 districts. Taking it as a good practice, the Representative of the Prosecution must be made a permanent member of the Committee and the practice must be standardised.
- A Full-time Secretary or the Representative of the District Legal Services Authority must also be a member of the Committee to speed up the process of providing free legal aid to the needy.

- Along with the District Probation Officer, the Probation Officer, who has the mandate to visit prisons must also be part of the Committee to assist in better identification of petty and juvenile offenders.
- The Medical Officer of the Prison must be part of the Committee to identify undertrials with mental illness and facilitate early treatment.

### **b) Attendance and Conduct of Meetings**

- To ensure regularity, the date/day of the meeting must be pre-set.
- To ensure full attendance and speedier expediting of cases, the prison in-charge must inform all the members well in advance before the Committee meeting.

### **c) List of Undertrials<sup>7</sup>**

- The assessment indicates that prisons currently do not have all the relevant information nor the capacity to present a computed list of undertrials in the absence of Prisoners' History Tickets that address their eligibilities to the Committee. It is recommended that the format of the lists should be standardised.
- Two lists must be prepared – (i) List of Undertrials with a single case, to be prepared court-wise including the courts of Executive Magistrates; and (ii) List of Undertrials with multiple cases, to be prepared prisoner-wise. Both lists must cover all the undertrials detained in the prison on the date of preparation of lists.
- For a more effective review under Section 167(2), Cr.P.C, the prison must send the lists of undertrials whose charge-sheet status is unknown to the office of the Superintendent of Police two days before the Committee meeting and the same must be furnished.

### **d) EPIC – Evaluation of Prisoners Information and Cases:**

To assist the prison staff in preparing the lists of undertrials, CHRI has prepared a specialised excel sheet providing a database of offences, whether bailable and maximum prescribed punishment. Once the basic information of undertrials is entered, it automatically evaluates the data and analyses it under various heads, viz.:

<sup>7</sup> Refer Annexure E, p. 53. CHRI suggested formats for preparing Lists of Undertrials.

eligibility for bail under Sections 167, 436, 436A; eligibility for plea bargaining; petty offences; and total period of detention. We urge the prison department to select some staff members from each prison and train them in using EPIC.

**e) Prisoner's History Ticket**

The Rajasthan Prison Department must issue a history ticket to every prisoner detained in its prisons as mandated by Part 17 of the Rajasthan Prison Rules, 1951. The availability of undertrial history tickets facilitates effective verification of eligibilities considered by the Committee.

**f) Review of Cases**

With regard to the current mandate:

- On the definition of "long detention for serious offences" triable by Court of Sessions, the Committee should adopt the recommendation of the state-level consultation of Chief Judicial Magistrates that determined it as detention beyond 18 months.
- The Committee must review cases of undertrials accused under Sections 19, 24, 27A or for offences involving commercial quantities under the Narcotic Drugs and Psychotropic Substances Act, 1985. For them, the eligibility under Section 167(2), Cr.P.C, should be considered as 180 days as provided by Section 36A(4) of the Act.

In addition to its current mandate:

The committee must expand the scope of review of cases of the following categories of undertrials, including foreign nationals:

- Those detained by the powers of the Court of the Executive Magistrate as preventive detention cases under Sections 107, 108, 109 and 151, Chapter VII of the Criminal Procedure Code.
- Those released on bail by the Court but have not been able to furnish sureties.
- Those who are juveniles or are 18-21 years as they might actually be juveniles.
- Sick or infirm undertrials.
- Those who do not have a lawyer and are eligible for legal aid.

- Women offenders.
- Those who have not been physically produced for the last two consecutive hearings due to lack of police escorts.

**g) Minutes of Meetings<sup>8</sup>**

- All prisons must record detailed minutes of the meetings which must include:
  - i. Details of the cases reviewed – undertrial's name, father's name, offence and period of detention – as done in 17 districts.
  - ii. Legal provisions under which undertrials were considered eligible for release or reasons where cases are recommended to be expedited.
  - iii. Recommendations made on cases and authorities to whom directions are given.
  - iv. All other directions given for effective functioning of the Committee.
  - v. If any undertrial person is met/interviewed in person by the Committee.
- Minutes should be prepared during the review meeting and sent to the appropriate authorities within one week.
- Minutes must be sent by the prison to all the courts to whom the Committee has given directions regarding release or expediting of cases.

**h) Tracking Releases<sup>9</sup>**

- The courts must inform the Committee about action taken by them on any of the reviewed cases and the reasons for delay, if any, before the next monthly meeting. In this regard, a letter must be sent by the CJM to all the courts informing them that regular compliance will be sought from them in cases recommended by the Committee.
- Committee members too must report to the Committee on their compliance actions.
- Based on the responses from the complying authorities, prisons must prepare the action taken report to be presented to the Committee.

<sup>8</sup> Refer Annexure F, p. 54. CHRI Suggested Style Guide to record minutes of the Periodic Review Committee Meetings.

<sup>9</sup> Refer Annexure G, p. 58. CHRI Suggested Format for the Action Taken Report to track releases of dertrials.

**i) Creation of a State Monitoring Committee**

During the state-level consultation, the Hon’ble Chief Justice of the Rajasthan High Court during the period 2013-14, Sh. Amitava Roy, strongly recommended the creation of a State Monitoring Committee to act as the nodal body to oversee and assist the better functioning of the District Periodic Review Committees across the State of Rajasthan.

- The Committee will evaluate their performance and needs according to the mandate and apply correctives to the deficiencies found in the current functioning.
- The State Monitoring Committee must meet every quarter and must comprise the heads of the Judiciary, the Legal Services Authority, the Prosecution and the Executive whose representatives are members of the Periodic Review Committee.

CHRI’s Watch Report on the functioning of PRCs in Rajasthan is in assistance to this idea.

In the present scenario of overcrowding and prolonged detention in the state prisons, the Periodic Review Committee remains an important mechanism. With constant monitoring by the higher judiciary and the prison department, improvements can be made to its functioning, to help bring justice to the aggrieved.

**PERFORMANCE BASED RANKING OF DISTRICTS**

The performance of each district is depicted in an interesting way with a scoring system against performance indicators purely based on the mandate of the PRCs. Each district earns a point for: (i) every monthly meeting held; (ii) every member who attended all meetings held; (iii) every meeting where the list of undertrials was prepared by proforma; (iv) each category of case recommended by mandate; (v) every meeting for which minutes were prepared and sent.

Maximum Points for each Performance Indicator could be 35: (i) No. of Meetings: 8; (ii); List prepared by Proforma: 8 (iii) Attendance: 5; (iv) Mandated Type of Cases Recommended: 6; (v) Minutes of Meeting: 8.

Based on the performance of each district, they have been categorised in four categories-

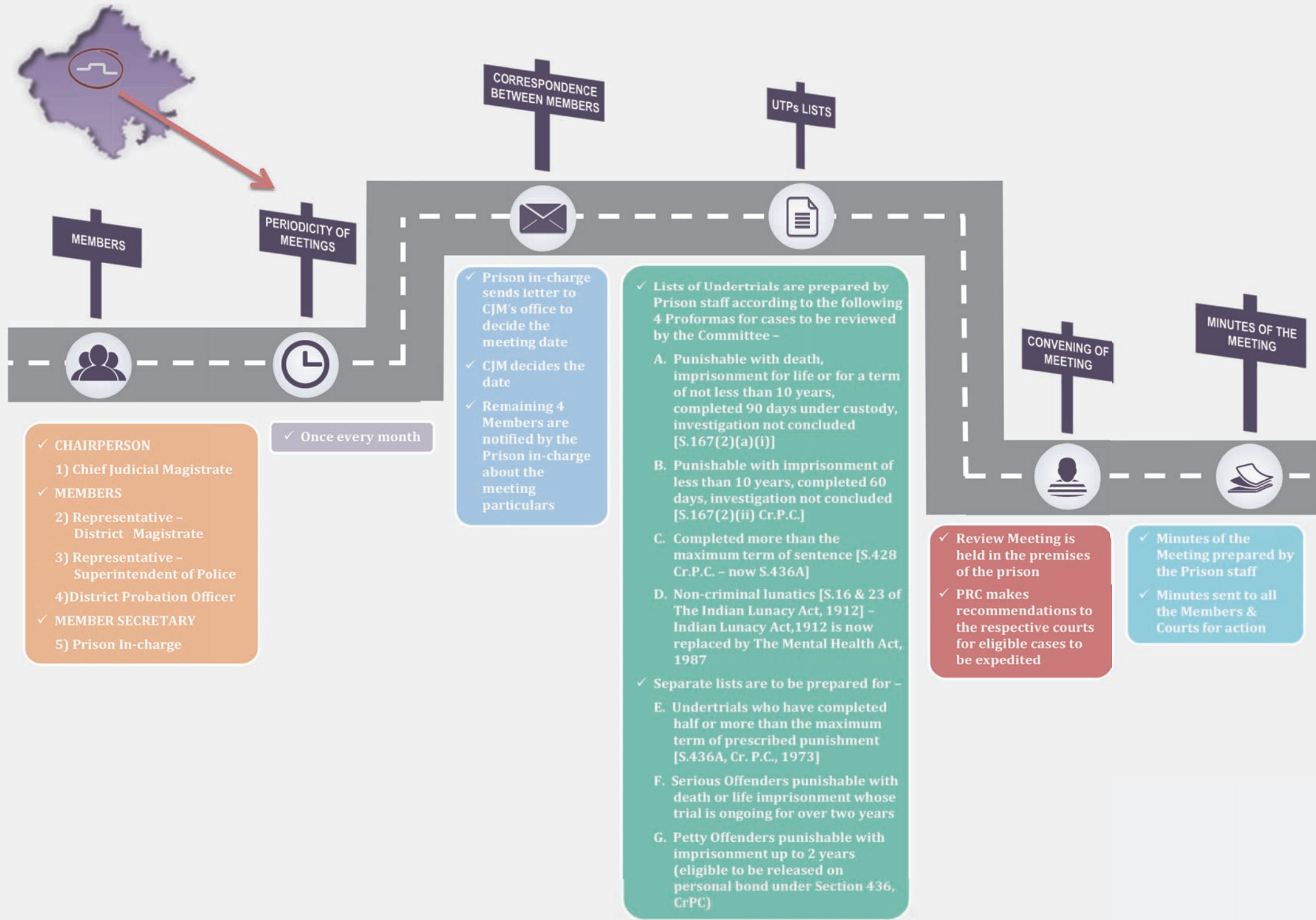
PERFORMANCE	NAME OF DISTRICT*	SCORE
<b>MOST ACTIVE (Above 20)</b>	BARMER	23
<b>VERY ACTIVE (16-20)</b>	HANUMANGARH	20
	NAGAU	19
	KARALI	18
	PRATAPGARH	18
	BIKANER	17
	CHITTORGARH	17
	CHURU	17
	SIKAR	17
	ALWAR	16
	JAISALMER	16
	PALI	16
<b>ACTIVE (11-15)</b>	BHARATPUR	15
	JHUNJHUNU	15
	DHOLPUR	14
	JODHPUR	13
	DAUSA	12
	JAIPUR	12
	JALORE	12
	UDAIPUR	12
	RAJSAMAND	11
	<b>MODERATELY ACTIVE (6-10)</b>	DUNGARPUR
SIROHI		9
BANSWARA		8
JHALAWAR		7
TONK		6
<b>INACTIVE (0-5)</b>	SRI GANGANAGAR	5
	BUNDI	2
	GANGAPUR CITY	0
	KOTA	0

\* Districts with the same score are placed in alphabetical order.

The background features a purple marbled paper texture. Overlaid on this is a line drawing of a hand holding a pen, with a red line tracing the path of the pen and a black line tracing the outline of the hand and pen. The text is positioned in the upper left quadrant.

# WHAT'S ON PAPER

## THE MANDATE



# WHAT'S ON GROUND

RAJASTHAN REPORT CARD  
DISTRICT REPORT CARDS



## WHAT'S ON GROUND

To assess the ground realities, right to information requests were filed in all prisons querying the functioning and impact of the meetings. This report is based on the information received from 30 Central and District jails. Ajmer, Baran and Bhilwara failed to provide information. The assessment of the Committees was done for the period September 2013 to April 2014. The information sought from prisons included: (i) correspondence between members; (ii) lists of undertrials prepared before every meeting; (iii) minutes of every meeting held; and (iv) month-wise list of undertrials who were finally released from prison. The report also takes into account the responses of 19 prisons to CHRI's letter of queries on action taken on the Committee recommendations. Additionally, it draws on the findings of a questionnaire-based survey sent to 33 Chief Judicial Magistrates of the state of which only 10 replied. The main findings are as follows:

### Compliance by Prison Department

- i. The Rajasthan Prison Department promptly issued a circular,<sup>1</sup> (No. 34829-930, dated 30 October 2013) to all the prisons in-charge reprimanding them for not holding Committee meetings regularly and directing them to convene meetings in the first or second week of every month. Reasons for not holding the monthly meetings were also to be noted. They were further directed to send the minutes of each meeting held to the State Home Department.
- ii. A second reminder in the form of a circular,<sup>2</sup> (No. 64445-545, dated 31 March 2014) was issued to inform them that they are being monitored and that the meetings have not been convened regularly. It directed all the prisons in-charge to fulfil their duties as Member-Secretary of the Committees.
- iii. Letter<sup>3</sup> dated 19 August 2013 from the office of the Director General, Prisons, to all prisons referencing CHRI's letter dated 11 July 2013, states that, given that police officials are present in the Committee, discussions should be held to find solutions to the problems of police escorts.

<sup>1</sup> Refer Annexure A, p. 50, Prison Department Circular dated 30 October 2013.

<sup>2</sup> Refer Annexure B, p. 51, Prison Department Circular dated 31 March 2014.

<sup>3</sup> Refer Annexure C, p. 51, Letter dated 19 August 2013 from the office of the Director General, Prisons, to all prisons.

### Compliance of the Office of the Superintendent of Police

- i. In Rajsamand, the Committee wrote to the Superintendent of Police requesting him to direct all police stations to inform the prison as soon as the charge-sheet of an undertrial detained in prison is filed. The Superintendent of Police subsequently directed all officers in charge of police stations to do the same, to inform his office and to keep this on priority.
- ii. In Jodhpur, two letters were received from the office of the Superintendent of Police (East and West) stating that no case was found where a charge-sheet was not filed within 90/60 days where undertrials are accused of an offence punishable with death, life or more than 10 years imprisonment or less than 10 years.
- iii. To confirm that charge-sheets had been filed, the Superintendent of Police, Alwar, asked the Superintendent of Prisons to email him a list of undertrials along with the case number and the relevant police station, before the February 2014 meeting.

### Compliance by Periodic Review Committees

#### a) Composition of the PRC

- In 22 districts a representative from the Prosecution, generally the Additional Director, Prosecution, is a member of the Committee.

#### b) Conduct of Meetings

- 4 districts (Dholpur, Nagaur, Jaisalmer, Jodhpur) ensured regularity by pre-setting the date of the monthly meeting as recommended in the state level consultation. This had never been done anywhere before.
- Out of 240 possible meetings that could have been held across the state between September 2013 and April 2014, 118 meetings were held – something of a record in recent years.
- Four districts (Barmer, Hanumangarh, Nagaur and Karauli) top the chart with

seven meetings,<sup>4</sup> while three districts (Banswara, Dungarpur and Jhalawar) conducted only one meeting.

- Sadly, no single district held all eight meetings as required. Worse still, Gangapur city held none.

### c) Attendance of Members

- In three districts (Jaipur, Pali and Pratapgarh) all five mandated members came to all the meetings that were held.
- Out of 105 meetings for which minutes were provided, besides the CJM and the prison in-charge who had to be inevitably present, the most frequent attendance was by the office of the Superintendent of Police (98 meetings), followed by the Probation Department (89 meetings). The lowest attendance was from the District Magistrate's office (65 meetings).
- Additionally, a representative from the Prosecution Department has attended the Committee meetings in 22 districts<sup>5</sup>. Meetings were attended by the Director, Additional Director, Assistant Public Prosecutor or Public Prosecutor in these districts.

### d) Preparation of Lists of Undertrials

- Any review will be as good as the information presented before it. Despite having official proformas available and improved ones sent by CHRI none of the prisons used the proformas though three districts (Churu, Hanumangarh and Rajsamand) do mention them. Only four districts (Barmer, Churu, Hanumangarh and Rajsamand) used CHRI's additional proformas suggested in the last report on Section 436A, long detention, petty offence, juveniles and mentally ill. This calls into question the effectiveness of the meetings, even when they are held.
- All prisons provided lists with the basic information<sup>6</sup> but not a single prison adhered to the proformas. The formats of the lists vary from prison to prison and

also from central/district prison to sub-jails.<sup>7</sup>

- Criteria for the preparation of the lists also varied across districts and jails. A good practice was seen in two jails (Jhunjhunu and Sri Ganganagar) where lists were prepared according to prisoner so that all cases against him appear as a single entry. One district, Hanumangarh, even provided status of charge-sheets and bail based on prisoners' accounts.
- Another good practice which makes the review of cases orderly is to prepare lists court-wise. It was done by nine jails<sup>8</sup>; two district jails (Bikaner and Jhunjhunu) prepared separate lists of IPC and Cr.P.C offences; two district jails (Chittorgarh and Churu) prepared different lists for DJ/ADJ cases, JM/CJM/ACJMs cases and NDPS cases. One district jail (Churu) prepared separate lists of cases for more than 10 years imprisonment and less than 10 years imprisonment
- A total of 22 jails added other relevant information<sup>9</sup> pertaining to the age of the undertrials<sup>10</sup>; period of detention in jail and imprisonment according to offence<sup>11</sup>; maximum period of imprisonment<sup>12</sup>; police station and FIR details<sup>13</sup>; types of warrants or cases in which wanted/ whether wanted in another case<sup>14</sup>; whether foreign national<sup>15</sup>; date of judicial custody<sup>16</sup>; period of judicial custody<sup>17</sup>; filing of charge-sheet<sup>18</sup>; bail status and details<sup>19</sup>; and next date of hearing.<sup>20</sup>

<sup>4</sup> More districts compared to 2009-2010 held regular meetings after the consultation. In CHRI's 2009-2010 findings on PRC, only one district, Sri Ganganagar held 11 out of 12 meetings.

<sup>5</sup> Alwar, Banswara, Barmer, Bikaner, Bharatpur, Chittorgarh, Churu, Dausa, Dholpur, Dungarpur, Hanumangarh, Jaipur, Jaisalmer, Jalore, Jhunjhunu, Jodhpur, Karauli, Nagaur, Pratapgarh, Sikar, Sirohi & Udaipur.

<sup>6</sup> (i) Name of Undertrial; (ii) Father's Name; (iii) Offence; (iv) Case Number; (v) Date of entry into prison; and (vi) Name of Court.

<sup>7</sup> Four districts are exception to this irregularity: Bharatpur, Chittorgarh, Jalore and Hanumangarh.

<sup>8</sup> Bharatpur, Churu, Dholpur, Dungarpur, Hanumangarh, Jodhpur, Nagaur, Sirohi & Sri Ganganagar.

<sup>9</sup> Refer Annexure D, p. 52, Table of Additional Information mentioned in the Undertrials list

<sup>10</sup> Bharatpur, Bikaner (SJ Nokha), Chittorgarh, Dausa, Dholpur, Jaisalmer, Jalore, Jhunjhunu, Jodhpur, Nagaur, Pali, Pratapgarh (Choti Saadri) & Sirohi.

<sup>11</sup> Dungarpur, Rajsamand.

<sup>12</sup> Bikaner (SJ Nokha), Chittorgarh, Jaisalmer, Jodhpur, Pratapgarh, Rajsamand & Sri Ganganagar (SJ Suratgarh).

<sup>13</sup> Karauli.

<sup>14</sup> Alwar, Dausa, Dholpur, Hanumangarh, Jaisalmer, Jodhpur, Nagaur, Pali & Pratapgarh

<sup>15</sup> Bharatpur.

<sup>16</sup> Bharatpur.

<sup>17</sup> Alwar, Bikaner, Chittorgarh, Churu, Dholpur, Hanumangarh, Jaisalmer, Jalore, Jhalawar, Jodhpur, Nagaur (SJ Medtacity, Parbatsar), Pali (SJ Bali), Pratapgarh, Rajsamand, Sirohi & Sri Ganganagar (SJ Suratgarh).

<sup>18</sup> Alwar (SJ Behrod), Bharatpur, Churu (SJ Rajgarh), Hanumangarh, Jhalawar, Jhunjhunu (SJ Khetri), Nagaur (SJ Medtacity), Pali (SJ Bali) & Rajsamand.

<sup>19</sup> Bharatpur, Dausa (SJ Bandikui), Hanumangarh, Nagaur (SJ Medtacity), Pali (SJ Bali), Churu, Rajsamand.

<sup>20</sup> Alwar, Banswara, Bikaner (SJ Nokha), Chittorgarh, Churu (SJ Rajgarh), Dausa, Dholpur, Jaipur, Jhunjhunu, Jodhpur, Karauli, Nagaur (SJ Parbatsar), Pali (SJ Bali), Pratapgarh, Sri Ganganagar (SJ Suratgarh) & Udaipur.



#### e) Correspondence between Members

- Based on what was provided to us it appears that the prison authorities were more diligent in writing and coordinating with the members before the meetings:
- Nineteen prisons<sup>21</sup> had regular correspondence with the Committee members, especially with the office of the Chief Judicial Magistrate with a focus on the scheduling of meetings. Two prisons (Jalore and Kota) provided correspondence letters of a few meetings and eight prisons<sup>22</sup> did not provide any letters of correspondence.
- Letters were written to the Superintendent of Police in three districts (Alwar, Jodhpur and Rajsamand) regarding the status of charge-sheets of undertrial prisoners.
- In one district (Sikar), a letter was written to the District Magistrate as no representative attended the Committee meeting.

#### f) Review of Cases

- Given that jails provide comprehensive lists of those awaiting trial the two to four hour meetings appear to have reviewed between 200 to 600 cases. In 16 districts<sup>23</sup> 200 to 600 cases per meeting were reviewed and one district (Alwar), reviewed more than 600 cases. This is an impossibility and speaks of the method of reviewing cases. The information provided did not enable CHRI to comment beyond this as to how much time and consideration was given to individual cases. However, there was a welcome practice in seven districts<sup>24</sup> that reviewed up to 200 cases per meeting. But out of these, three districts (Dausa, Jaipur and Jhunjhunu) did not present the entire list of undertrials and the criteria used for selecting the cases was not clearly mentioned either.

<sup>21</sup> Alwar, Bharatpur, Bikaner, Chittorgarh, Churu, Dholpur, Dungarpur, Hanumangarh, Jaipur, Jaisalmer, Jhalawar, Jhunjhunu, Jodhpur, Karauli, Nagaur, Pratapgarh, Rajsamand, Sirohi & Udaipur.

<sup>22</sup> Banswara, Barmer, Bundi, Dausa, Gangapur city, Pali, Sikar & Sri Ganganagar.

<sup>23</sup> Jalore (214), Banswara (223), Sirohi (236), Pratapgarh (241), Churu (322), Hanumangarh (330), Nagaur (345), Pali (339), Dholpur (409), Bikaner (427), Sri Ganganagar (437), Jodhpur (493), Bharatpur (550), Jhalawar (574), Chittorgarh (582), Udaipur (585).

<sup>24</sup> Dausa (84), Jaisalmer (84), Jaipur (96), Dungarpur (109), Jhunjhunu (112), Rajsamand (145) & Karauli (155).

- Other than the mandated types of cases under Sections 167, 428, 436, 436A of the Cr.P.C. and undertrials who are mentally ill (seven districts),<sup>25</sup> the Committees also reviewed cases of preventive detention under Sections 151, 107, 109 of the Cr.P.C. (17 districts);<sup>26</sup> those who were below 18 years of age (13 districts);<sup>27</sup> foreign nationals (Jalore, Jhalawar, and Sikar); those unable to furnish surety (Bharatpur); those who have completed one-third of the prescribed imprisonment (Churu); those accused of multiple offences (Dungarpur and Pali); illegally detained persons (Dausa); awaiting committal (Dungarpur); and are in need of legal aid (Banswara).

#### g) Minutes of Meetings

- Twenty districts<sup>28</sup> provided minutes of all the meetings held in the district. Some minutes were missing for five districts,<sup>29</sup> and four districts<sup>30</sup> did not provide minutes of any meeting held.
- Thirteen districts<sup>31</sup> recorded detailed minutes with undertrials' name, father's name, offence and period of detention.
- Minutes of seven districts<sup>32</sup> mention the provisions under which undertrials are eligible to be released and reasons for recommendations.
- One district<sup>33</sup> mentions the number of undertrials detained in two separate categories of 10 years imprisonment and less than 10 years imprisonment in a table as part of the minutes.
- In two districts (Jaipur and Chittorgarh), minutes of every meeting were sent

<sup>25</sup> Barmer, Churu, Hanumangarh, Jaipur, Jodhpur, Nagaur & Pali.

<sup>26</sup> Alwar, Banswara, Barmer, Bharatpur, Bikaner, Chittorgarh, Churu, Hanumangarh, Jalore, Jhunjhunu, Jodhpur, Karauli, Nagaur, Pali, Pratapgarh, Rajsamand & Sikar.

<sup>27</sup> Banswara, Barmer, Bharatpur, Hanumangarh, Jaipur, Jaisalmer, Jalore, Jhalawar, Jodhpur, Karauli, Pali, Pratapgarh, Sikar.

<sup>28</sup> Banswara, Barmer, Bikaner, Chittorgarh, Churu, Dausa, Dholpur, Dungarpur, Hanumangarh, Jaipur, Jaisalmer, Jhalawar, Jhunjhunu, Karauli, Nagaur, Pali, Pratapgarh, Rajsamand, Sikar & Udaipur.

<sup>29</sup> Alwar, Bharatpur, Jalore, Jodhpur & Sirohi.

<sup>30</sup> Sri Ganganagar, Bundi, Gangapur city & Kota.

<sup>31</sup> Alwar, Bharatpur, Chittorgarh, Churu, Dholpur, Hanumangarh, Jhunjhunu, Jodhpur, Nagaur, Pali, Pratapgarh, Sikar & Udaipur.

<sup>32</sup> Alwar, Bharatpur, Chittorgarh, Jalore, Jodhpur, Pratapgarh & Udaipur.

<sup>33</sup> Jodhpur.

by the Prison and the CJM, respectively, to the Deputy Secretary, Administration Home (Group 12) Department. In addition, in one district<sup>34</sup> they were sent to the State Human Rights Commission.

#### h) Reviews And Recommendations Made By the Committees As Per Mandate

- These findings indicate how important the reviews are because people who have committed only petty crimes, or become eligible for bail as of right, or have been incarcerated for long are still locked up and without reviews would remain there.
- **Under Section 167, Cr.P.C.:** While six districts<sup>35</sup> reviewed cases under Section 167(2)(a)(i) & (ii) of the Cr.P.C., only three districts<sup>36</sup> recommended release in a total of five cases.
- **Under Section 428, Cr.P.C.:** Only one district (Barmer) mentioned in their meeting minutes that not a single person was found eligible under Section 428, Cr.P.C.
- **Under Section 436A, Cr.P.C.:** Eighteen districts<sup>37</sup> reviewed cases of undertrials who had completed more than the half or the maximum term of prescribed imprisonment. Out of these, nine districts<sup>38</sup> recommended 88 cases under Section 436A.
- **Under Section 436, Cr.P.C. or Petty Cases:** Thirteen districts<sup>39</sup> reviewed petty cases or cases under Section 436, Cr.P.C., and of these, five districts<sup>40</sup> recommended release in 27 cases.
- **Long Detention:** Since the term “long detention” is not defined in the mandate, districts have considered different time frames as long detentions which ranges

<sup>34</sup> Jaipur.

<sup>35</sup> Alwar, Barmer, Jodhpur, Karauli, Rajsamand & Sikar.

<sup>36</sup> Alwar (3), Jodhpur (1) & Rajsamand (1).

<sup>37</sup> Alwar, Banswara, Barmer, Bharatpur, Chittorgarh, Churu, Dholpur, Dungarpur, Hanumangarh, Jaipur, Jaisalmer, Jalore, Jodhpur, Karauli, Nagaur, Pratapgarh, Rajsamand & Udaipur.

<sup>38</sup> Alwar (49), Bharatpur (8), Chittorgarh (8), Dholpur (2), Jaisalmer (1), Jalore (1), Jodhpur (8), Nagaur (2), Udaipur (9).

<sup>39</sup> Alwar, Barmer, Bharatpur, Bikaner, Chittorgarh, Churu, Hanumangarh, Jalore, Jaisalmer, Jodhpur, Pali, Rajsamand & Sirohi.

<sup>40</sup> Alwar (10), Bharatpur (5), Jodhpur (10), Pali (1) & Rajsamand (1).

from ten days to six years for different kinds of cases. In total, 199 cases were recommended on the basis of long detention. Only two districts<sup>41</sup> used the term “long detention” and only two districts<sup>42</sup> provided a distinction between trial in magistrate’s courts and trial in a sessions courts.

- **Mentally Ill:** Four<sup>43</sup> out of seven districts recommended specialised treatment for four undertrials.

#### i) Additional Recommendations and Activities of the Committee

- Significantly, in 14 districts<sup>44</sup> the Committee gave recommendations to expedite the cases of 115 undertrials detained under preventive detention, Section 151 along with Sections 107, 109, 110, Cr.P.C.
- In seven districts<sup>45</sup> the Committees made additional recommendations vis-à-vis their mandates. This was with regard to expeditious action on undertrial cases pertaining to information on the verification of their addresses,<sup>46</sup> *chalani* guards to satisfy the court requirements for effective production,<sup>47</sup> legal representation<sup>48</sup> and medical examination for test of juvenility<sup>49</sup>.
- In two districts (Bikaner and Sirohi), the Committee gave directions on security of prisoners, including more guards for women prisoners.<sup>50</sup> In one district (Nagaur), after every meeting, members took a round of the prison to inquire about prisoners’ complaints. Other than seeking complaints as in one district (Churu), undertrials were asked about food facilities and in another district (Jhalawar), behaviour of the prison authorities. Health was of concern in another district (Bikaner).

<sup>41</sup> Bikaner & Bharatpur.

<sup>42</sup> Dholpur & Rajsamand.

<sup>43</sup> Churu, Jaipur, Nagaur & Pali.

<sup>44</sup> Alwar, Bharatpur, Bikaner, Chittorgarh, Churu, Hanumangarh, Jhunjhunu, Jodhpur, Karauli, Nagaur, Pali, Pratapgarh, Rajsamand & Sikar.

<sup>45</sup> Barmer, Karauli, Nagaur, Rajsamand, Bharatpur, Bikaner & Sirohi.

<sup>46</sup> Barmer.

<sup>47</sup> Karauli.

<sup>48</sup> Banswara.

<sup>49</sup> Bikaner.

<sup>50</sup> Sirohi.

- In one district (Dholpur), the CJM directed<sup>51</sup> the Superintendent of Prison to ensure convening the Committee meeting every month on a pre-fixed day and time and to inform other members that the absence of their representatives would be taken up seriously by the High Court.
- In six districts CJMs gave directions regarding the preparation of the lists: (i) to prepare proper lists when undertrials are charged on multiple offences (Bharatpur & Pali); (ii) to replace “Date of Entry in Prison” by “Date of Judicial Custody” in order to calculate the correct period of detention (Bharatpur); (iii) to include a column on “Maximum Imprisonment” (Jalore); (iv) to include a column on “Age” (Bikaner); (v) to use a new format in preparing the list of undertrials (Jaipur).

**j) Tracking Recommendations & Releases**

- This report finds the follow-up action by the Committees to track the implementation of their own orders of release to be weak.
- Prisons do not receive information on compliance by the courts to whom directions were given by the Committee.
- Only three districts (Bharatpur, Bikaner and Rajsamand) requested the Magistrate’s courts, Sessions courts and Executive Magistrate’s courts for details on their actions on the reviewed cases and provided the correspondence sent to them.
- One district (Nagaur) followed up on its orders with the Medical Officer in the case of a mentally ill undertrial prisoner.
- Though four districts (Bharatpur, Jaipur, Rajsamand & Sikar) followed the progress of cases recommended in the previous meetings, only one district (Jaipur) provided the information on the number of undertrials released (which was 21) after Committee recommendations.
- Only in five districts<sup>52</sup> out of the six<sup>53</sup> that responded to CHRI’s letter of queries sent to 19 prisons could provide release figures. Out of 95 undertrials whose cases were recommended by the six Committees, 58 were released from prison.

<sup>51</sup> Letter dated 2 September 2013, immediately after the State-Level Consultation of Chief Judicial Magistrates.

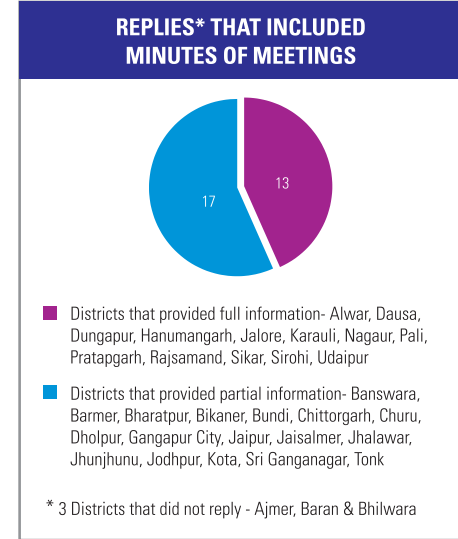
<sup>52</sup> Bikaner, Dholpur, Jaisalmer, Pratapgarh & Rajsamand.

<sup>53</sup> Alwar refused to provide the release figures and sought a fresh RTI

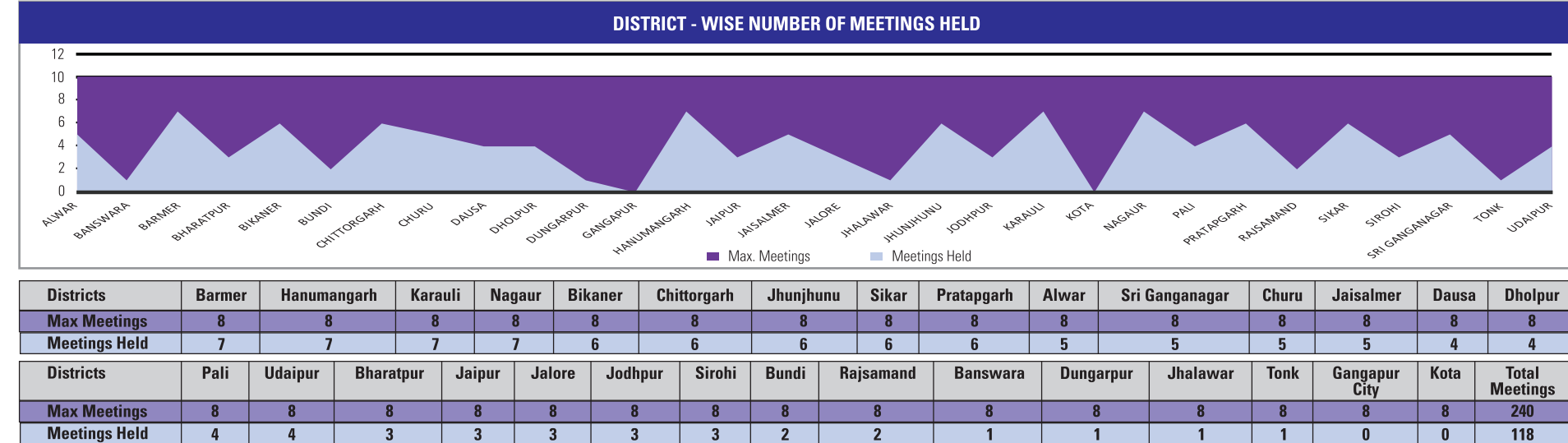


# RAJASTHAN REPORT CARD

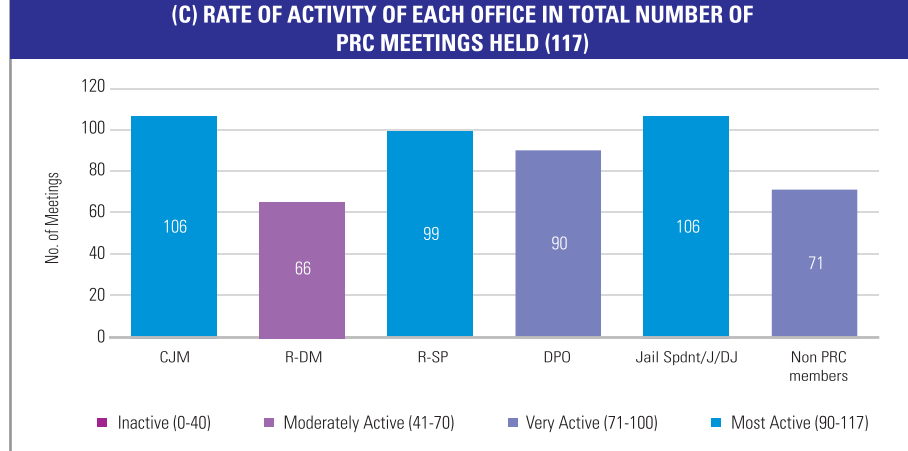
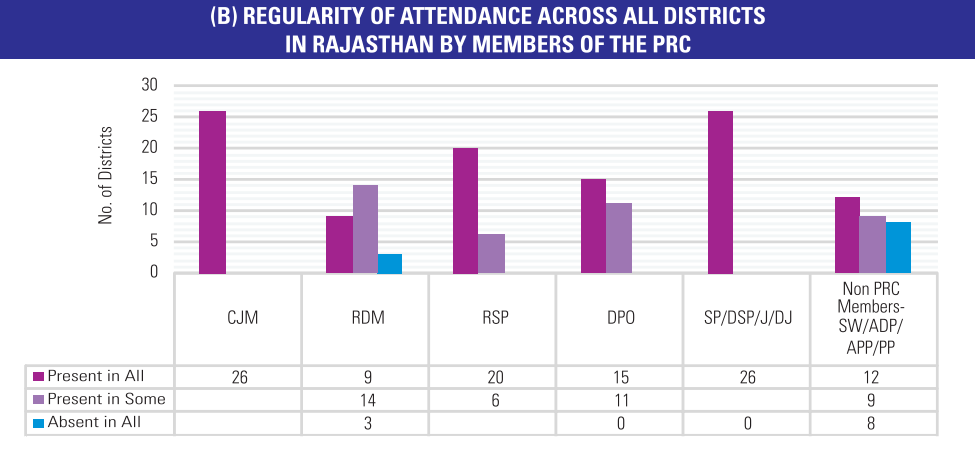
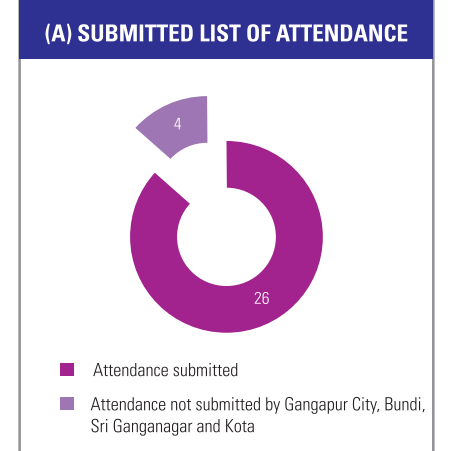
**A. RTI INFORMATION:-**



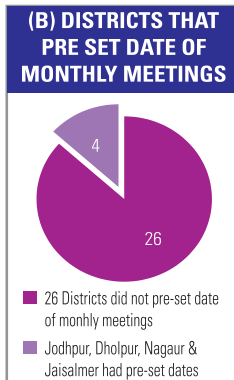
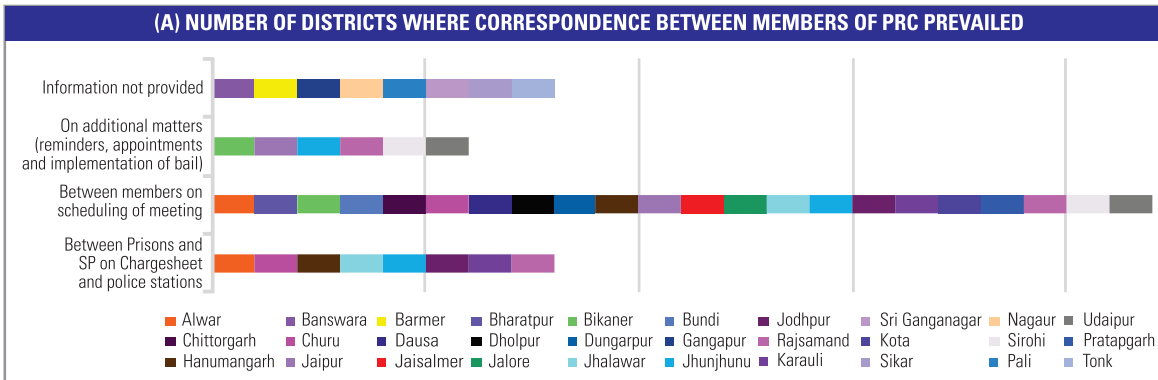
**B. NUMBER OF MEETINGS HELD BY PRC IN EACH DISTRICT:-**



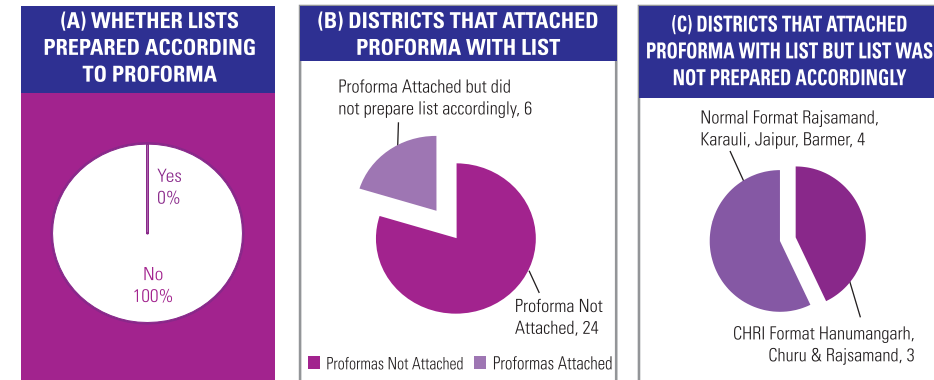
**C. ATTENDANCE BY PRC MEMBERS:-**



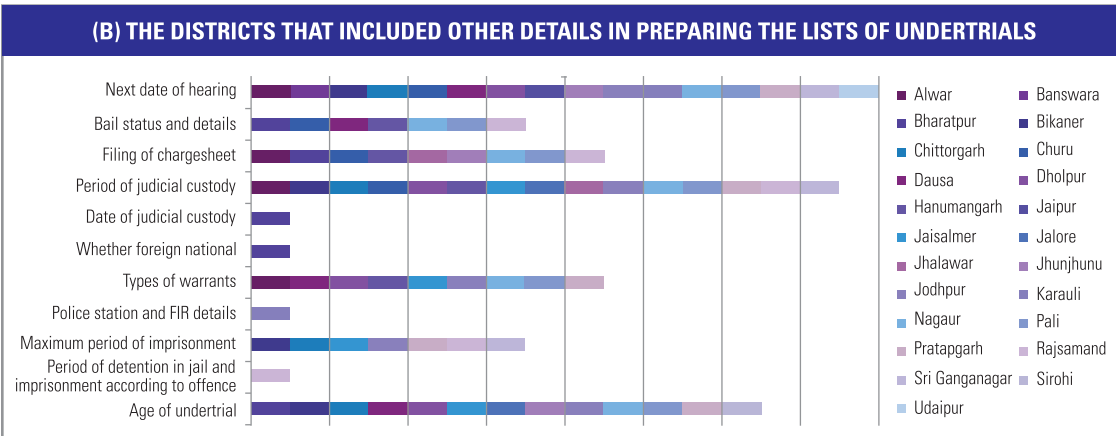
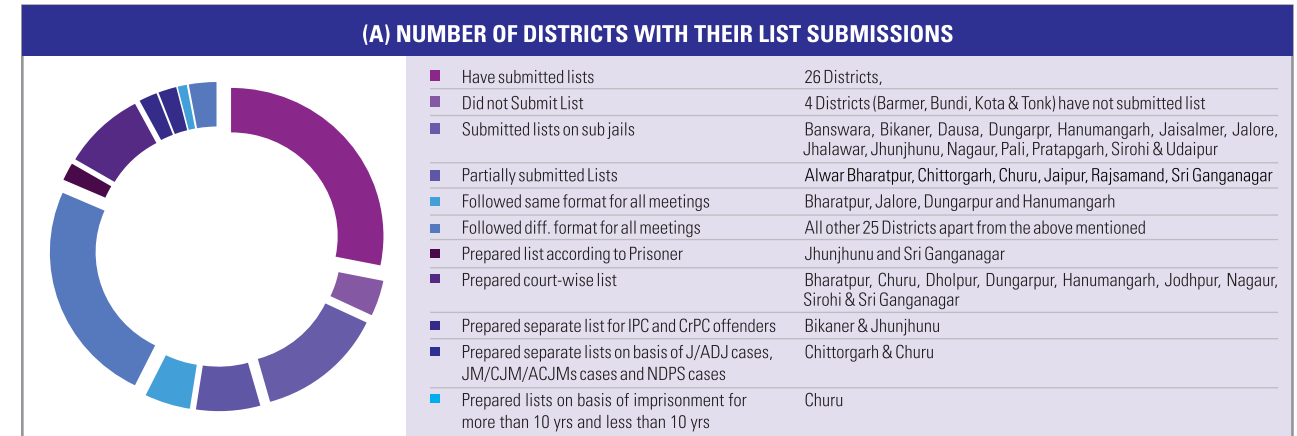
**D. CORRESPONDENCE BETWEEN MEMBERS OF THE PRC:-**



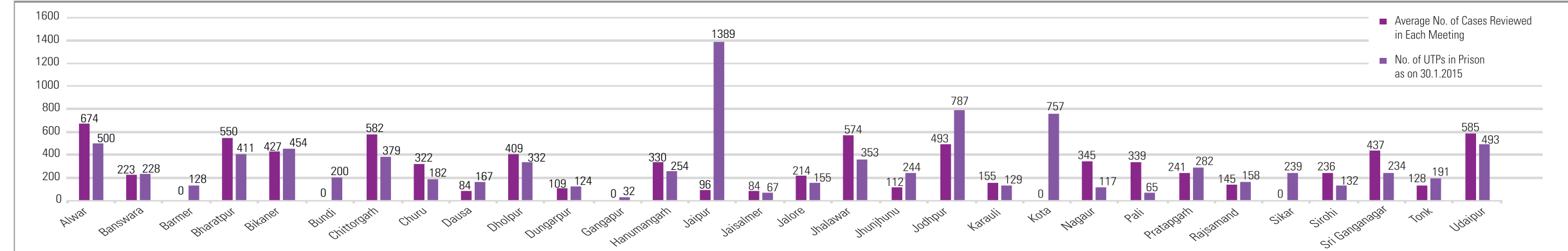
**E. WHETHER LIST PREPARED ACORDING TO PROFORMAS:-**



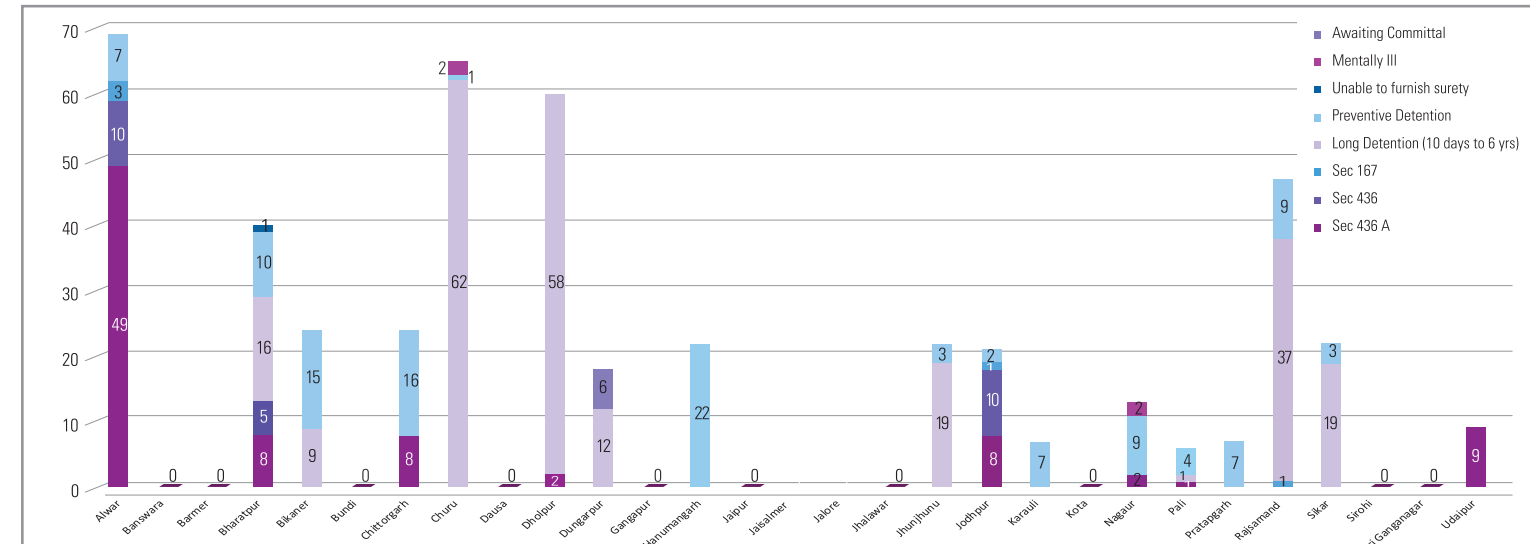
**F. LISTS OF UNDERTRIAL PRISONERS:-**



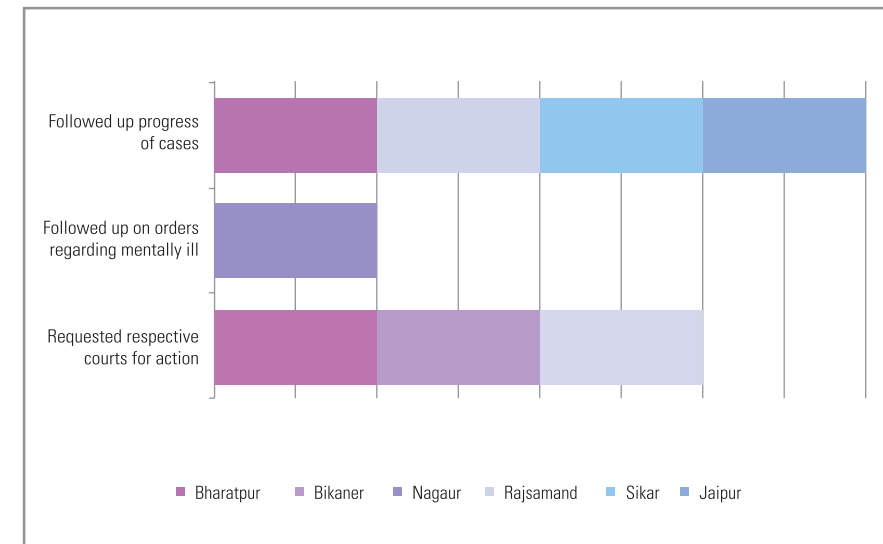
**G. AVERAGE NUMBER OF CASES REVIEWED BY THE COMMITTEE IN EACH DISTRICT VIS-A-VIS MONTHLY AVERAGE OF NUMBER OF UTPs IN JAIL:-**



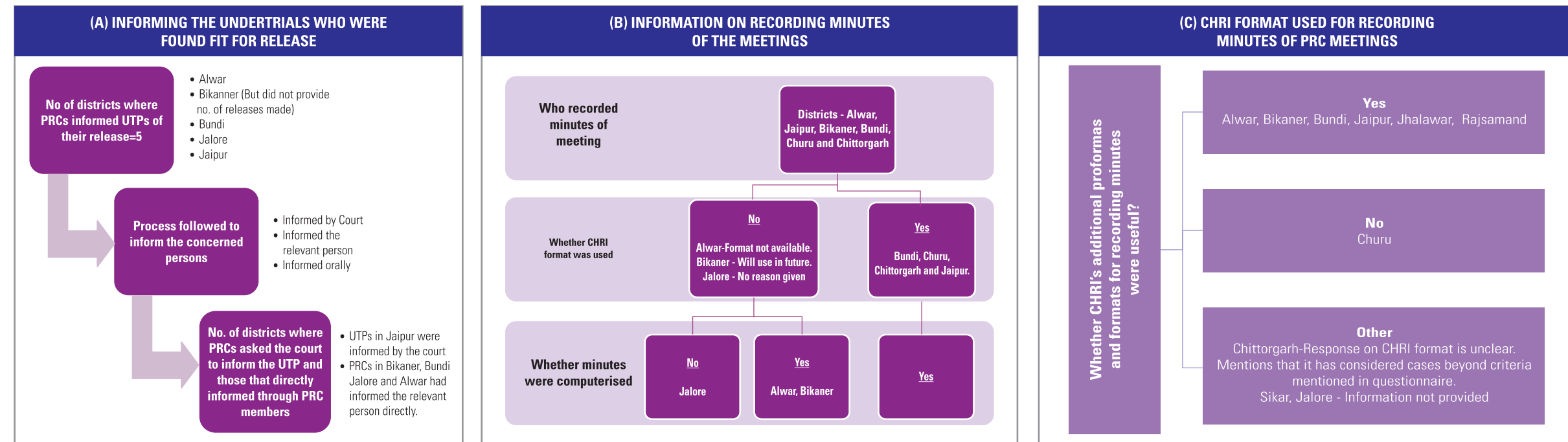
**H. ORDERS FOR RELEASE BY THE PRC:-**



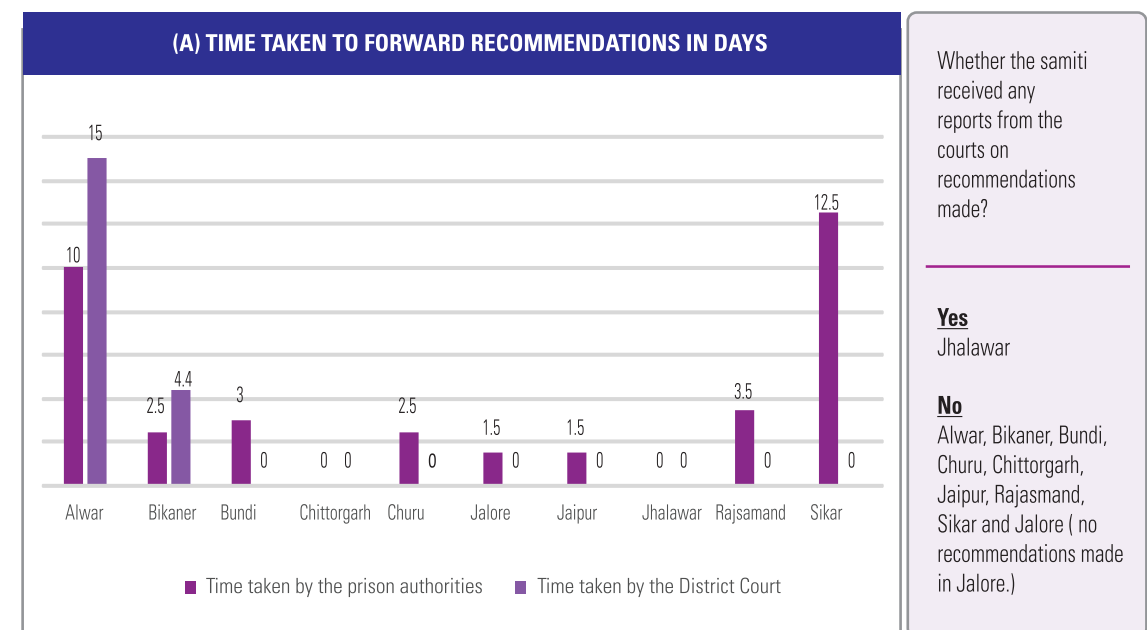
**I. TRACKING DONE BY THE COMMITTEE OVER RECOMMENDATIONS:-**



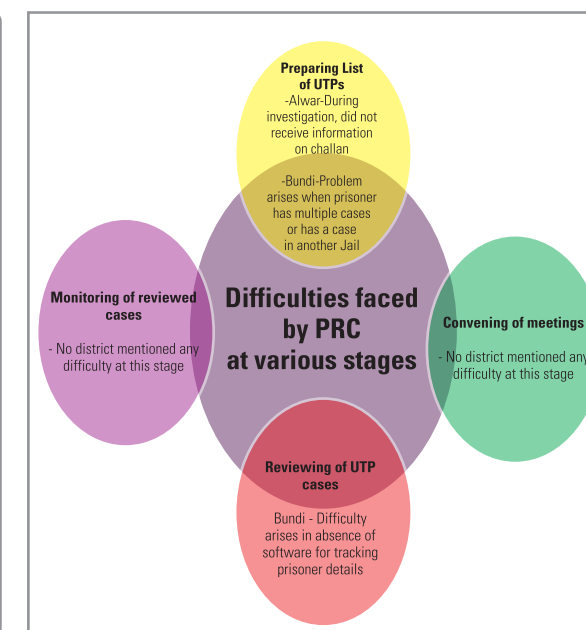
## J. PROCESS FOLLOWED BY PRC IN INFORMING THE UNDERTRIALS AND FOR RECORDING MINUTES:-



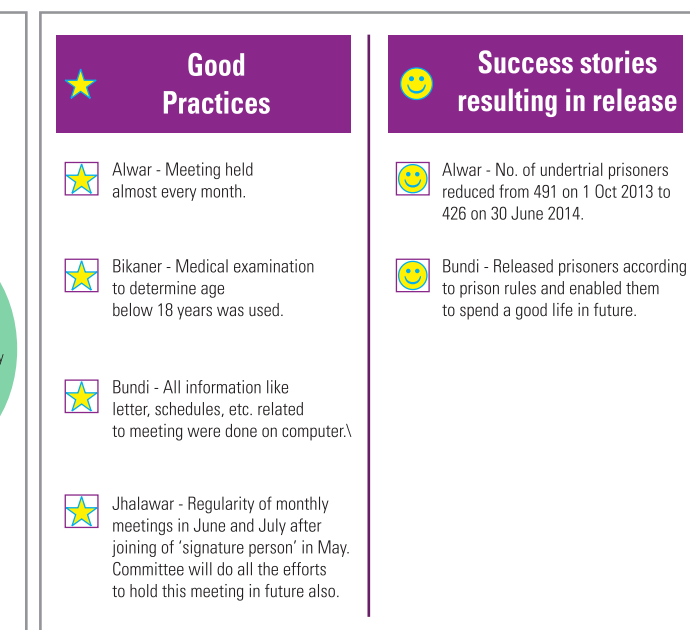
## K. AVERAGE TIME TAKEN BY AUTHORITIES TO SEND RECOMMENDATIONS TO APPROPRIATE AUTHORITY:-



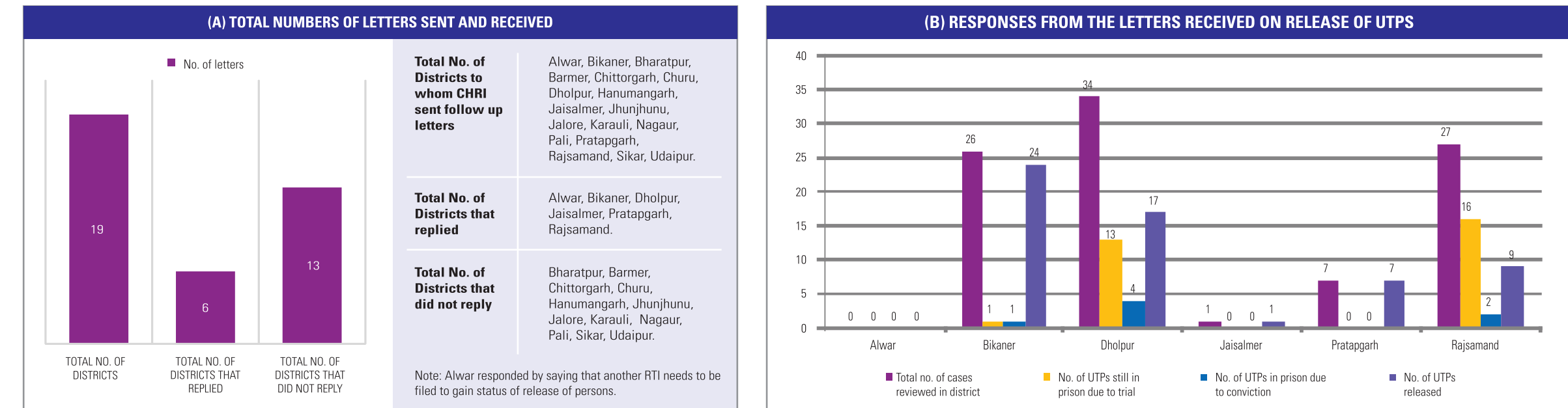
## L. DIFFICULTIES FACED BY THE COMMITTEES:-



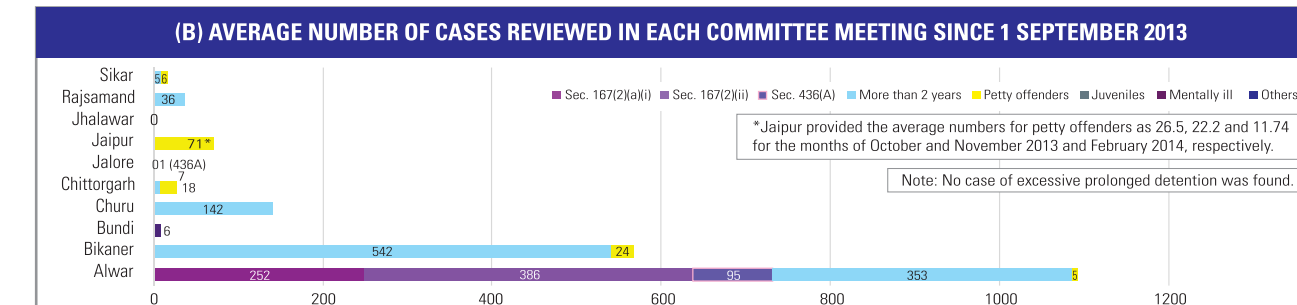
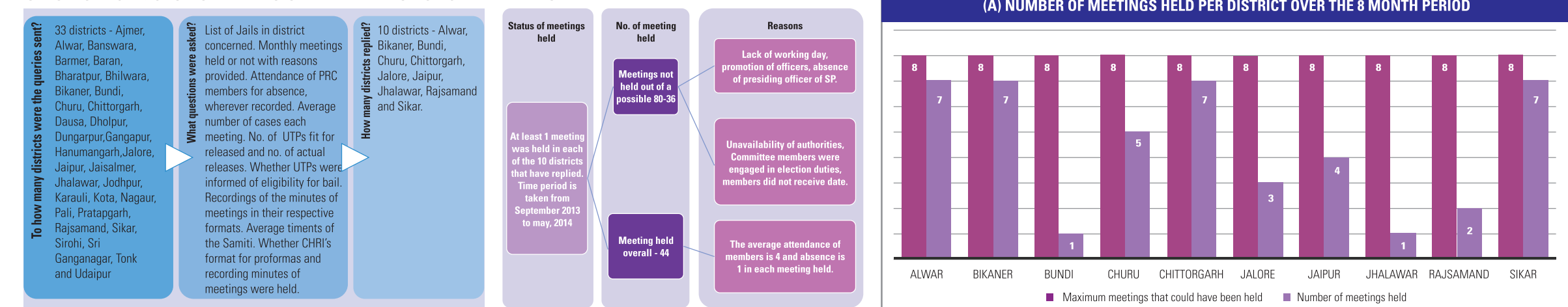
## M. GOOD PRACTICES AND SUCCESS STORIES:-



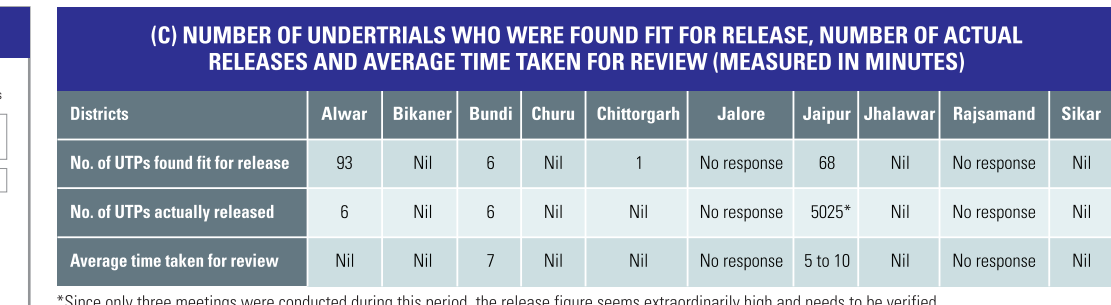
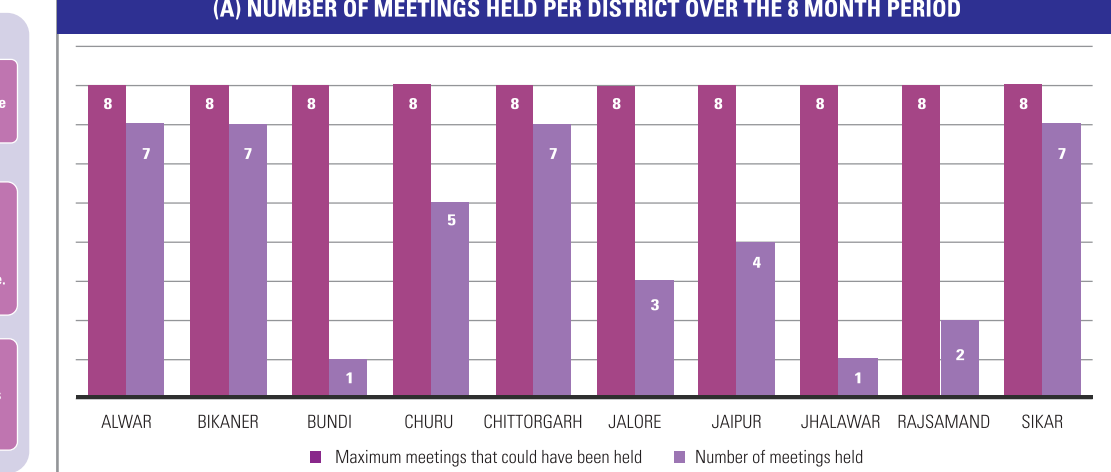
## N. CHRI'S FOLLOW UP LETTERS ON IMPLEMENTATION OF THE PRC RECOMMENDATIONS:-



## O. FOLLOW UP QUESTIONNAIRES ON THE RELEASE OF UNDERTRIALS:-



## (A) NUMBER OF MEETINGS HELD PER DISTRICT OVER THE 8 MONTH PERIOD



# DISTRICT REPORT CARDS

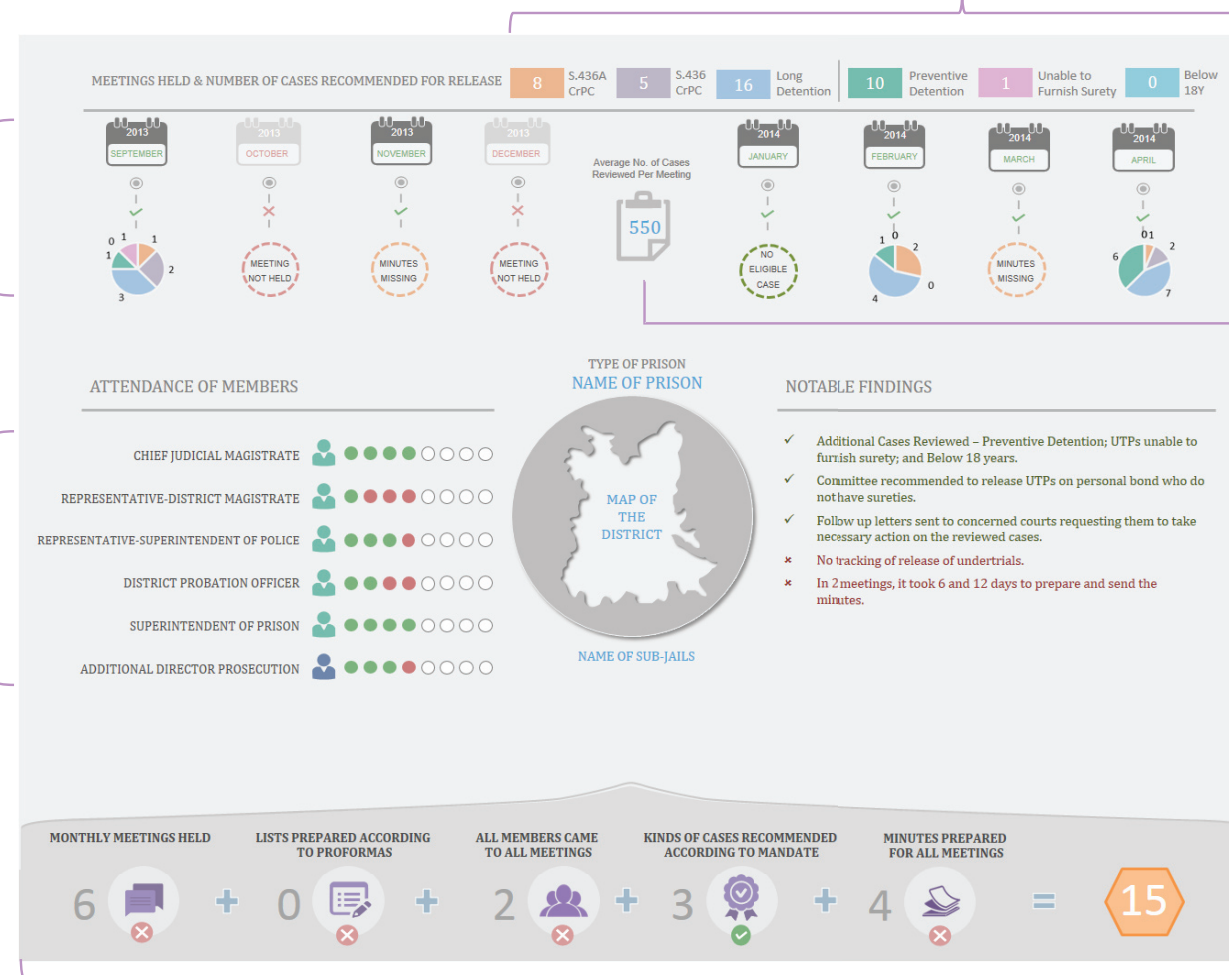
The background of the slide is a purple-toned map of a city. The map shows various districts outlined in red. The text 'DISTRICT REPORT CARDS' is overlaid in white, bold, sans-serif font in the upper left quadrant of the map.

## HOW TO READ THE DISTRICT REPORT CARD

- Dark grey calendar icon indicates the months where meetings were held along with a pie-chart showing the number of cases recommended in that particular meeting.
- The sum total of all kinds of cases recommended are mentioned above in respective coloured rectangles.
- Light grey calendar icon indicates the months where meetings were not held along with a red dotted circle mentioning the same.
- Green dotted circle indicates that though the meeting took place, the Committee did not find a single eligible case for recommendation.
- Orange dotted circle indicates that though the meeting took place its minutes were not provided.

- Small coloured rectangles depict the various kinds of cases recommended by the Committee.
- Numbers are the total number of cases recommended for release or to be expedited by the Committee in 8 meetings.
- A line demarcating between coloured rectangles shows: on the left side of the demarcating line – cases recommended as per the mandate and on the right side of the demarcating line – additional cases recommended.

- Mandated members of the Committee are indicated by a light blue icon.
- Additional member is indicated by a dark blue icon.
- White dots indicate the number of meetings that did not take place.
- Green dots indicate the number of times a member was present.
- Red dots indicate the number of times a member was absent.



The number indicates the average number of undertrial cases, including sub-jails, put up for review before each Committee meeting. In most prisons it is the entire population of undertrials at a given point of time.

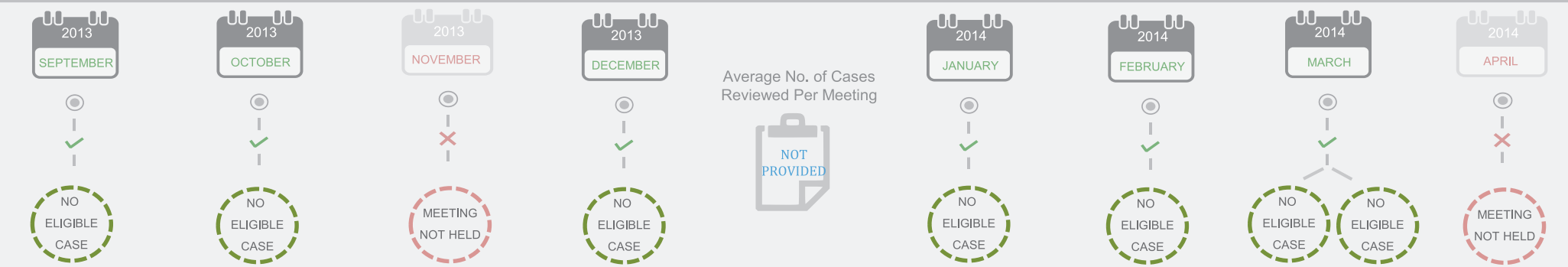
Good Practices

Bad Practices

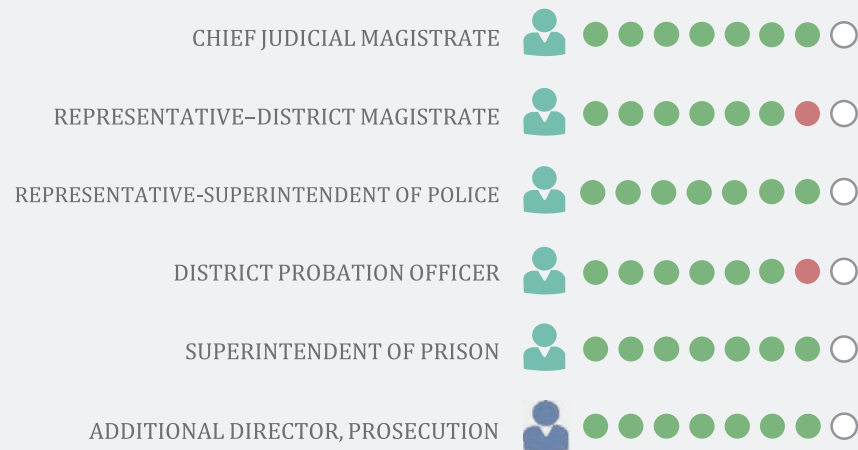
- The performance of each district is depicted with a scoring system against performance indicators purely based on the mandate of the PRCs.
- Each district earns a point for: (i) every monthly meeting held; (ii) every member who attended all meetings held; (iii) every meeting where the list of undertrials was prepared by proformas; (iv) each category of case recommended by mandate; (v) every meeting for which minutes were prepared and sent.
- Maximum points for each Performance Indicator could be 35: (i) No. of Meetings: 8; (ii) List prepared by Proforma: 8 (iii) Attendance: 5; (iv) Mandated Type of Cases Recommended: 6; (v) Minutes of Meeting: 8.
- In cases where minutes are missing of few meetings, it is presumed that the same members were present as were present in the meeting with available minutes.



MEETINGS HELD & NUMBER OF CASES RECOMMENDED FOR RELEASE **0** S.436A CrPC **0** Petty Offence **0** S.167 CrPC **0** More Than 2Y **0** S.428 CrPC **0** Mentally ill **0** Preventive Detention **0** Juvenile



### ATTENDANCE OF MEMBERS



### DISTRICT JAIL BARMER



### SUB-JAIL BALOTRA

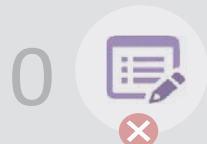
### NOTABLE FINDINGS

- ✓ Additional Cases Reviewed – Preventive Detention, Juvenile and Mentally ill.
- ✓ Minutes mention that the Committee recommended to speed up the process of verification of local addresses of 24 UTPs detained u/s 151 CrPC.
- ✓ Minutes mention CHRI’s earlier report on the Committees & followed CHRI’s suggested minutes guide.
- ✓ In the month of March, two Committee meetings were held.
- ✓ In 4 meetings, it took 1-5 days to prepare and send the minutes.
- ✗ Minutes mention that no eligible case was found under the Indian Lunacy Act, 1912 which was repealed in 1987.
- ✗ Lists of undertrials not provided.
- ✗ In 2 meetings, it took 10 and 13 days to prepare and send the minutes
- ✗ No tracking of release of undertrials

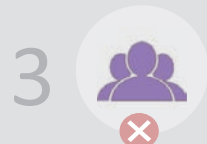
MONTHLY MEETINGS HELD



LISTS PREPARED ACCORDING TO PROFORMAS



ALL MEMBERS CAME TO ALL MEETINGS



KINDS OF CASES RECOMMENDED ACCORDING TO MANDATE



MINUTES PREPARED FOR ALL MEETINGS



=



MEETINGS HELD & NUMBER OF CASES RECOMMENDED FOR RELEASE

0 S.436A CrPC

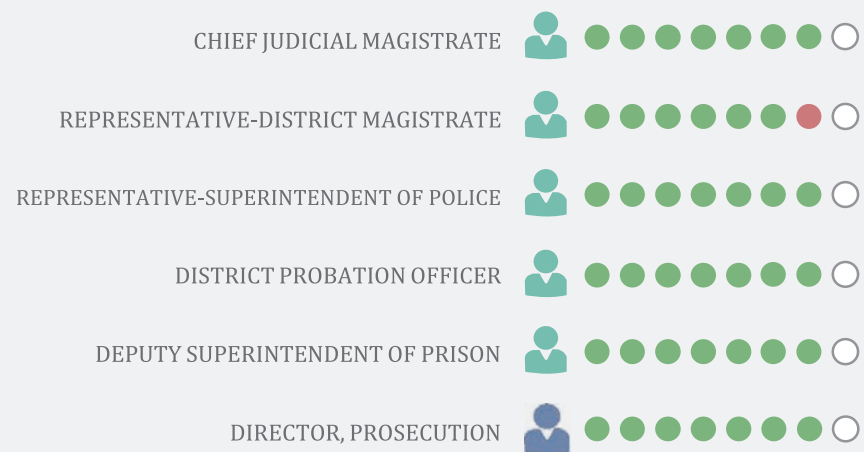
0 Petty Case

0 Below 18Y

22 Preventive Detention



ATTENDANCE OF MEMBERS



DISTRICT JAIL HANUMANGARH



SUB-JAILS NOHAR & BHADRA

NOTABLE FINDINGS

- ✓ Considered cases under section 107, 151 CrPC as bailable cases.
- ✓ Additional cases reviewed – Preventive Detention and Below 18 years.
- ✓ Regular correspondence between DJ and other members.
- ✓ Court-wise list provided with the total number of cases.
- ✓ Same format used to prepare list by DJ Hanumangarh and SJ Nohar.
- ✓ List of both prisons also mention – Whether Charge sheet filed or not; Whether Applied for Bail or not; Granted/ Not granted; Whether wanted in any other case; Total period in detention during trial.
- ✓ Three columns in the list – whether charge sheet filed or not; whether applied for bail; granted/ not granted – were filled up based on the information received from prisoners before the Committee meeting.
- ✓ Followed CHRI's recommended 4 Proformas provided in the PRC study on UTPs whose trial is ongoing for 2 years, 436A, Juveniles & Mentally ill.
- ✓ Minutes, signed by all present members, prepared and sent on the same date of the meeting.
- ✗ No tracking of release of undertrials.

MONTHLY MEETINGS HELD

7



LISTS PREPARED ACCORDING TO PROFORMAS

+ 0



ALL MEMBERS CAME TO ALL MEETINGS

+ 4



KINDS OF CASES RECOMMENDED ACCORDING TO MANDATE

+ 2



MINUTES PREPARED FOR ALL MEETINGS

+ 7



=

20

MEETINGS HELD & NUMBER OF CASES RECOMMENDED FOR RELEASE

2

S.436A CrPC

2

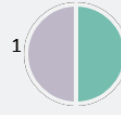
Mentally ill

9

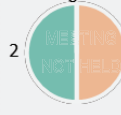
Preventive Detention



Average No. of Cases Reviewed Per Meeting



6



### ATTENDANCE OF MEMBERS

CHIEF JUDICIAL MAGISTRATE			
REPRESENTATIVE-DISTRICT MAGISTRATE			
REPRESENTATIVE-SUPERINTENDENT OF POLICE			
DISTRICT PROBATION OFFICER			
DEPUTY SUPERINTENDENT OF PRISON			
ADDITIONAL DIRECTOR, PROSECUTION			

### DISTRICT JAIL NAGOUR



SUB-JAILS  
MEDTA CITY  
PARBATSAR  
DEEDWANA

### NOTABLE FINDINGS

- ✓ Additional cases reviewed – Preventive Detention and Mentally ill.
- ✓ It was mutually decided after the September meeting that Committee meeting would be organised on the last Saturday of every month.
- ✓ After every meeting, members took a round of the prison and no complaints of the prisoners were found.
- ✓ Regular correspondence between DJ Nagaur and other members.
- ✓ Court-wise list prepared and lists of SJ Medta City and SJ Deedwana also mention – Whether involved in more than one case; Whether charge sheet filed or not; Whether bail application filed; If filed, whether granted or refused; If granted, reason for still being in prison; If bail application not filed, reasons for not filing.
- ✓ List of SJ Parbatsar also mention – Period of detention in prison; Next date of hearing.
- ✓ Minutes provide prison-wise and gender-wise distribution of numbers of UTPs detained in each prison of the district.
- ✓ Committee directed the prison to start treatment of a mentally ill undertrial and accordingly he was sent to the Mental Health Institute at Jaipur.
- ✓ Minutes were prepared and sent within seven days of the meeting.
- ✗ No tracking of release of undertrials.
- ✗ Same format of UTP list was used by DJ Nagaur but information on filing of charge sheet and bail was not filled in the list.

MONTHLY MEETINGS HELD

7



+

LISTS PREPARED ACCORDING TO PROFORMAS

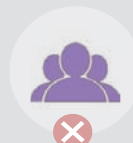
0



+

ALL MEMBERS CAME TO ALL MEETINGS

3



+

KINDS OF CASES RECOMMENDED ACCORDING TO MANDATE

2



+

MINUTES PREPARED FOR ALL MEETINGS

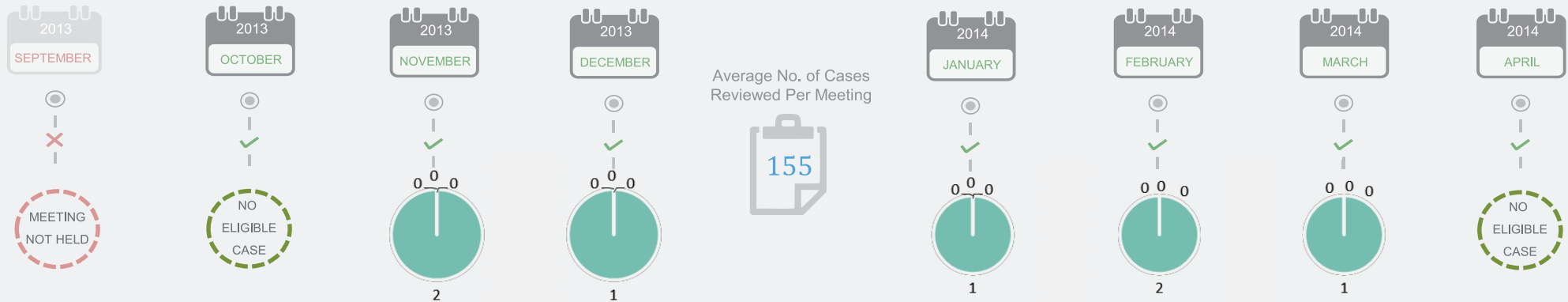
7



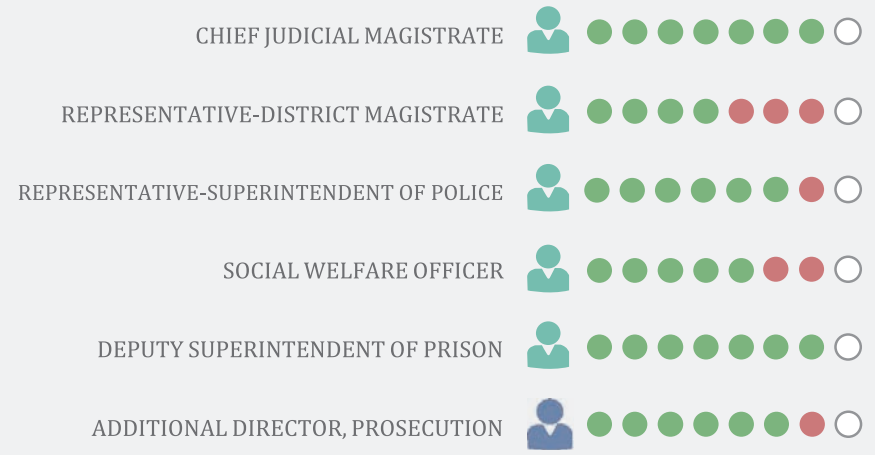
=

19

MEETINGS HELD & NUMBER OF CASES RECOMMENDED FOR RELEASE



ATTENDANCE OF MEMBERS



DISTRICT JAIL KARAULI



SUB-JAILS HINDON CITY & KARANPUR

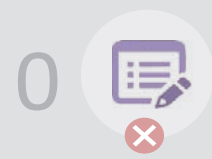
NOTABLE FINDINGS

- ✓ Additional cases reviewed – Preventive Detention, Below 18 years and persons who have not complied with probation.
- ✓ 1 UTP released after 5 days of the Committee meeting.
- ✓ Regular correspondence between DJ Karauli and other members.
- ✓ List of DJ Karauli also mention – Next Date of Hearing; Whether charge sheet filed or not.
- ✓ Deputy Superintendent of Police was requested to send required number of police escorts as courts take the issue of shortage of chalani guards seriously.
- ✓ Though the lists were not prepared according to proformas, PRC dealt with the mandated cases.
- ✓ Minutes prepared and sent within one week.
- ✓ Social Welfare Officer (SWO) was present in place of DPO.
- ✗ No tracking of release of undertrials.
- ✗ Lists of Sub-jails not provided. Average no. of cases reviewed per meeting only include numbers from DJ Karauli.

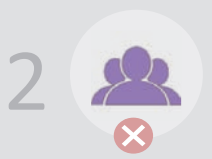
MONTHLY MEETINGS HELD



LISTS PREPARED ACCORDING TO PROFORMAS



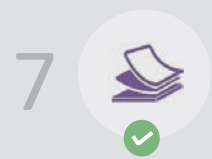
ALL MEMBERS CAME TO ALL MEETINGS



KINDS OF CASES RECOMMENDED ACCORDING TO MANDATE



MINUTES PREPARED FOR ALL MEETINGS



=

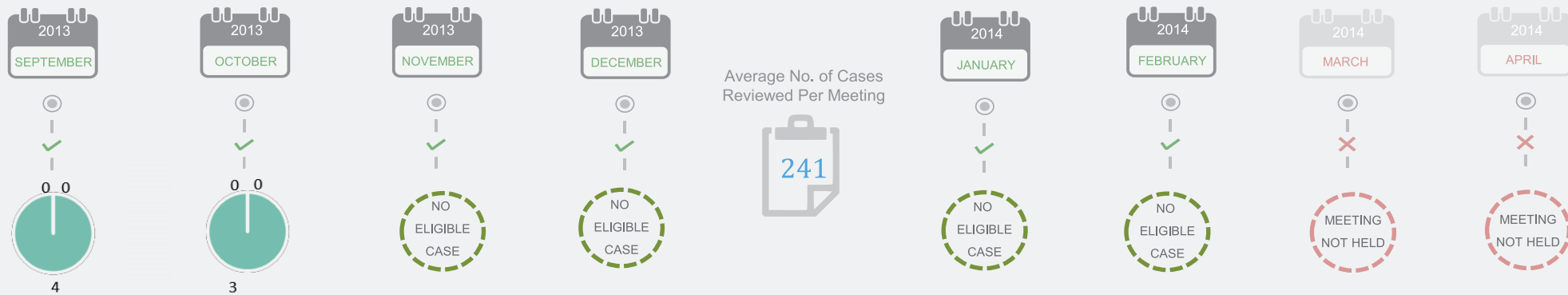


MEETINGS HELD & NUMBER OF CASES RECOMMENDED FOR RELEASE

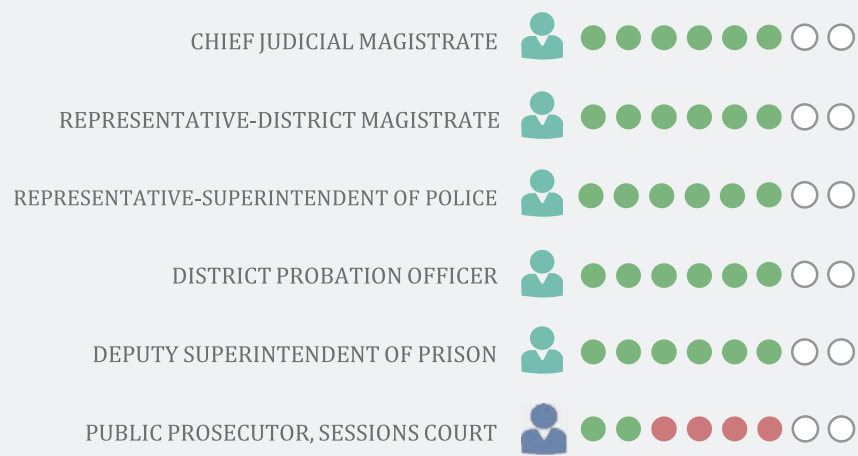
0 S.436A CrPC

7 Preventive Detention

0 Below 18Y



ATTENDANCE OF MEMBERS



DISTRICT JAIL PRATAPGARH



SUB-JAIL CHOTI SADRI

NOTABLE FINDINGS

- ✓ Additional cases reviewed – Preventive Detention and Below 18 years.
- ✓ In two meetings, directions were given to seek reports from the respective courts on the reasons for the detention of the reviewed cases.
- ✓ Regular correspondence between DJ Pratapgarh and other members.
- ✓ List of DJ Pratapgarh also mention – Date of receiving warrant; If wanted in any other case; Next hearing date; Maximum imprisonment; Period of detention in judicial custody.
- ✓ List of SJ Choti Saadri also mention – Maximum imprisonment; Period of detention in judicial custody.
- ✓ It took 3-6 days to prepare and send minutes of 4 meetings.
- ✗ No tracking of release of undertrials.
- ✗ Minutes of one meeting was prepared and sent in 13 days.
- ✗ Date of one meeting minutes not provided.

MONTHLY MEETINGS HELD

6



+

LISTS PREPARED ACCORDING TO PROFORMAS

0



+

ALL MEMBERS CAME TO ALL MEETINGS

5



+

KINDS OF CASES RECOMMENDED ACCORDING TO MANDATE

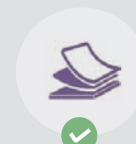
1



+

MINUTES PREPARED FOR ALL MEETINGS

6



=

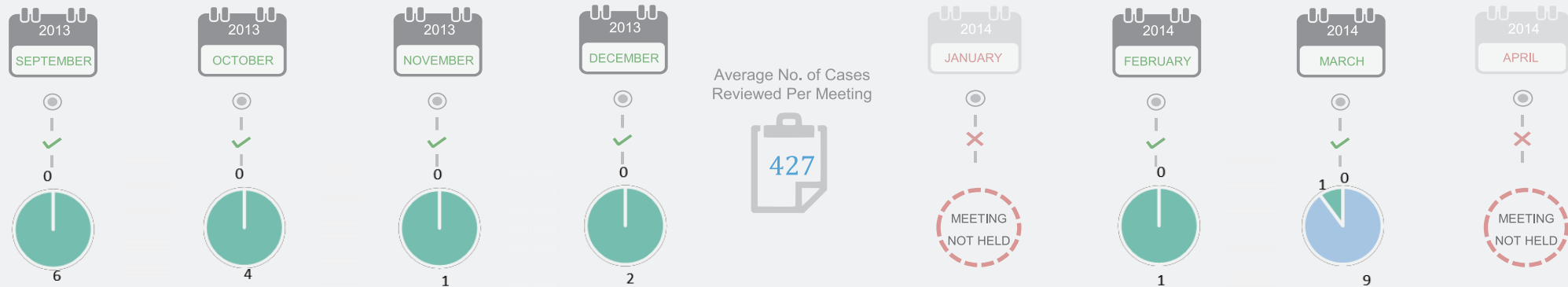
18

MEETINGS HELD & NUMBER OF CASES RECOMMENDED FOR RELEASE

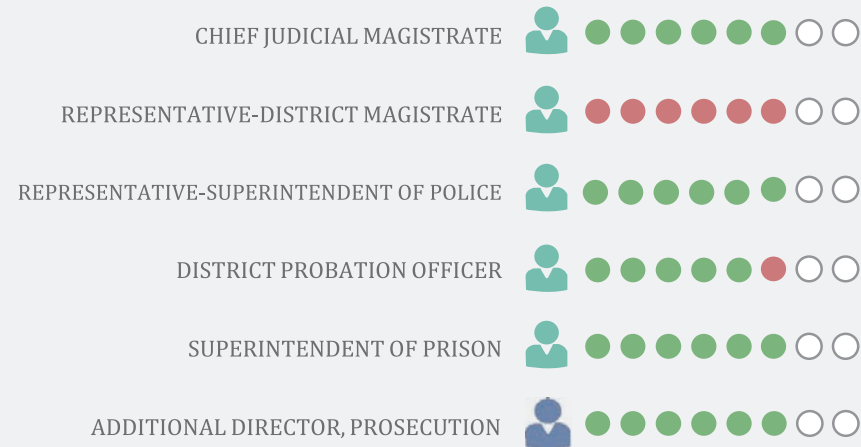
0 Petty Offence

9 Long Detention

15 Preventive Detention



ATTENDANCE OF MEMBERS



CENTRAL JAIL  
BIKANER



SUB-JAIL  
NOKHA

NOTABLE FINDINGS

- ✓ Additional cases reviewed – Preventive Detention.
- ✓ One case of an undertrial was reviewed who would have been eligible u/s 436A after a month.
- ✓ Regular correspondence between DJ Bikaner and other members.
- ✓ Two separate lists prepared of UTPs detained under (a) IPC & other offences & (b) CrPC offences.
- ✓ List prepared admission date-wise with the heading 'UTPs admitted between January 2000 to date of the meeting'.
- ✓ List of DJ Bikaner also mentions – JID \_ No. (Jail Id no.).
- ✓ List of SJ Nokha also mentions – Age; Next Date of hearing; Date of receipt of another warrant; maximum period of imprisonment.
- ✓ Jailor was directed to pay attention to the health and security of prisoners.
- ✓ Follow up letters sent to concerned courts requesting them to take necessary action on the reviewed cases.
- ✓ Minutes sent within 2 days of the meetings.
- ✗ Only district where minutes are prepared by the CJM.
- ✗ List of SJ Nokha also mention – Caste.
- ✗ No tracking of release of undertrials.

MONTHLY MEETINGS HELD

6



+

LISTS PREPARED ACCORDING TO PROFORMAS

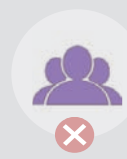
0



+

ALL MEMBERS CAME TO ALL MEETINGS

3



+

KINDS OF CASES RECOMMENDED ACCORDING TO MANDATE

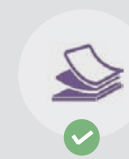
2



+

MINUTES PREPARED FOR ALL MEETINGS

6



=

17

MEETINGS HELD & NUMBER OF CASES RECOMMENDED FOR RELEASE

8

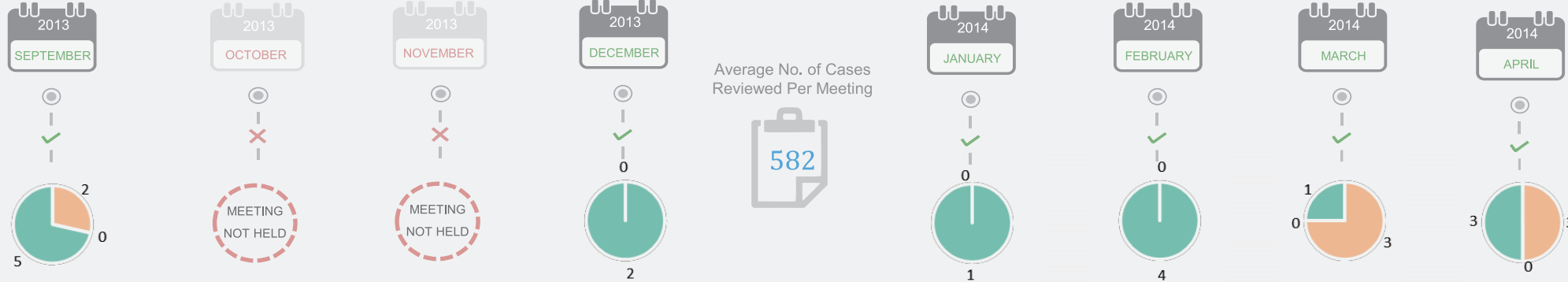
S.436A CrPC

0

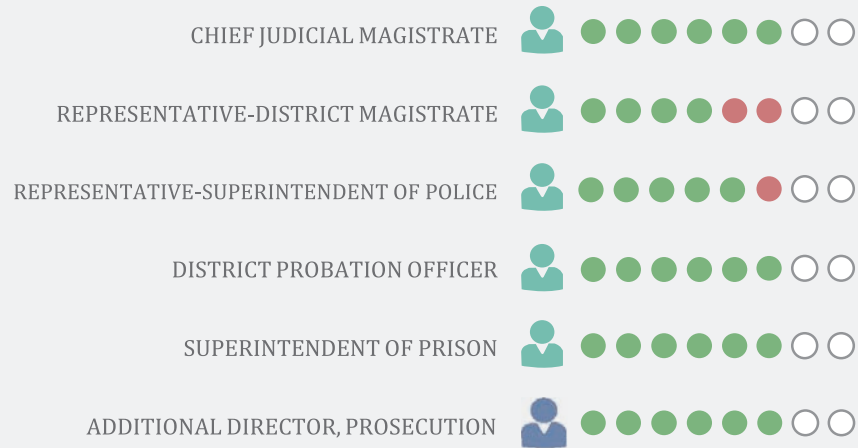
S.436 CrPC

16

Preventive Detention



ATTENDANCE OF MEMBERS



DISTRICT JAIL  
CHITTORGARH



SUB-JAILS  
BEGU  
KAPASAN  
NIMBAHERA

NOTABLE FINDINGS

- ✓ Additional cases reviewed – Preventive Detention.
- ✓ Regular correspondence between DJ Chittorgarh and CJM and other members.
- ✓ Different lists prepared for DSJ/ADJ cases; JM/CJM/ACJMs cases; and NDPS cases by DJ Chittorgarh.
- ✓ List of DJ Chittorgarh also mention – Date of receipt of another warrant; Next date of hearing; Maximum Imprisonment; Period as undertrial YY/MM/DD.
- ✓ Minutes sent within 0-6 days of the meetings.
- ✓ CJM Chittorgarh sent minutes to the Deputy Secretary, Administration Home Department (Group 12).
- ✓ Attention paid to living conditions of prisoners detained in DJ.
- ✗ The list sent by SJ Nimbahera was typed and faired before placing it before the PRC.
- ✗ Average of 210 UTPs are detained under the NDPS Act.
- ✗ No tracking of release of undertrials.

MONTHLY MEETINGS HELD

6



+

LISTS PREPARED ACCORDING TO PROFORMAS

0



+

ALL MEMBERS CAME TO ALL MEETINGS

3



+

KINDS OF CASES RECOMMENDED ACCORDING TO MANDATE

2



+

MINUTES PREPARED FOR ALL MEETINGS

6



=

17

MEETINGS HELD & NUMBER OF CASES RECOMMENDED FOR RELEASE

0 S.436A CrPC | 0 Petty Case | 2 Mentally ill | 48 10D to 1Y 9M Detention | 1 Preventive Detention | 14 Completed 1/3 Imprisonment



### ATTENDANCE OF MEMBERS

CHIEF JUDICIAL MAGISTRATE	●●●●●●○○○○
REPRESENTATIVE-DISTRICT MAGISTRATE	●●●●●●○○○○
REPRESENTATIVE-SUPERINTENDENT OF POLICE	●●●●●●○○○○
DISTRICT PROBATION OFFICER	●●●●●●○○○○
SUPERINTENDENT OF PRISON	●●●●●●○○○○
ADDITIONAL DIRECTOR, PROSECUTION	●●●●●●○○○○

### DISTRICT JAIL CHURU



SUB-JAILS RAJGARH & RATANGARH

### NOTABLE FINDINGS

- ✓ Additional cases reviewed – Preventive Detention and Mentally ill.
- ✓ Regular correspondence between DJ Churu and other members.
- ✓ Different lists prepared for DSJ/ADJ cases; JM/CJM/ACJMs cases; and NDPS cases by DJ Churu.
- ✓ Computerised lists prepared - Cases more than 10 years imprisonment; & less than 10 years imprisonment.
- ✓ List of SJ Rajgarh also mention – Whether charge sheet filed or not; Next Date of Hearing; Period of detention as undertrial.
- ✓ CHRI formats used - 2 tables for 436A (Max Imp. & Half term); Mentally ill; Serious Offender detained for more than 2 years; UTPs detained for offences for which 2 years in max imprisonment.
- ✓ One meeting minute prepared and sent within 3 days of the meetings.
- ✗ Name of father of UTPs not mentioned in minutes.
- ✗ Minutes of two meetings prepared and sent in 7-10 days.
- ✗ Date of sending minutes not mentioned in two meeting minutes.
- ✗ No tracking of release of undertrials.

MONTHLY MEETINGS HELD



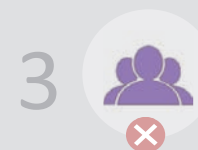
+

LISTS PREPARED ACCORDING TO PROFORMAS



+

ALL MEMBERS CAME TO ALL MEETINGS



+

KINDS OF CASES RECOMMENDED ACCORDING TO MANDATE



+

MINUTES PREPARED FOR ALL MEETINGS

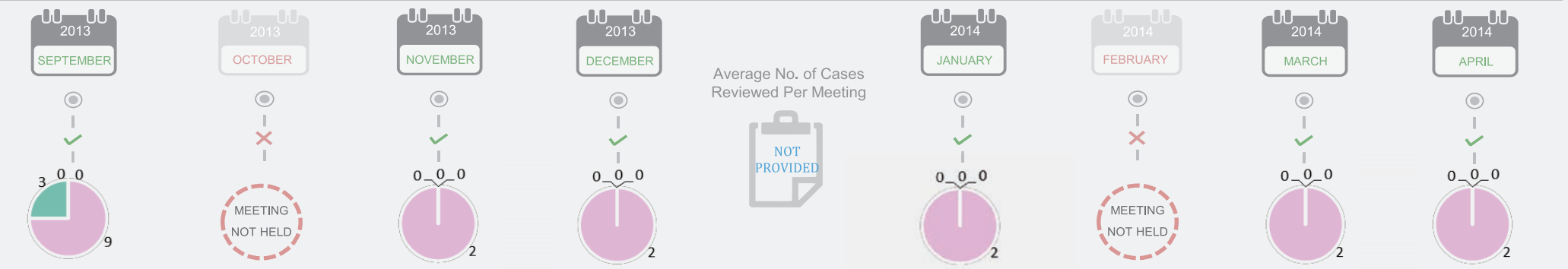


=

17



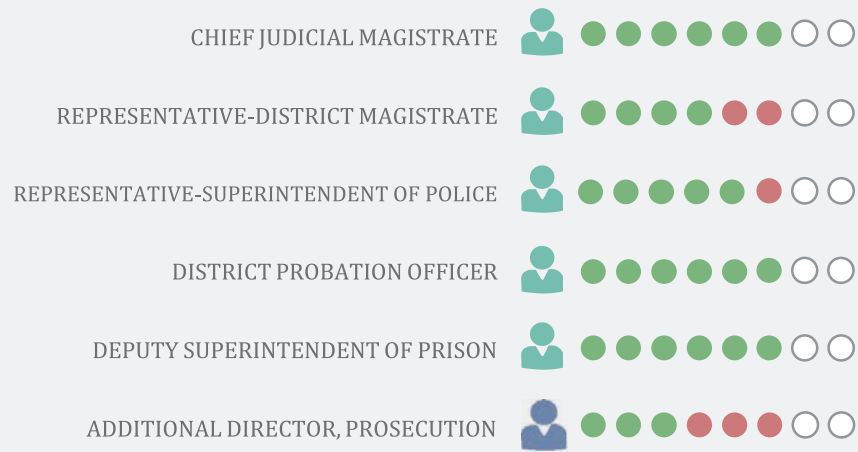
MEETINGS HELD & NUMBER OF CASES RECOMMENDED FOR RELEASE **0** S.167 CrPC **19** JM/CJM/ACJM Cases 8M-4Y Detention **3** Preventive Detention **0** Foreign National **0** Below 18Y



Average No. of Cases Reviewed Per Meeting



### ATTENDANCE OF MEMBERS



### DISTRICT JAIL SIKAR



### SUB-JAILS NEEM KA THANA FATEHPURSHEKHAWATI

### NOTABLE FINDINGS

- ✓ Only district to seek the progress report of the cases reviewed in the last meeting for three consecutive meetings.
- ✓ Additional Cases Reviewed – Preventive Detention and Foreigner below 18 years.
- ✗ Lists of UTPs not provided.
- ✗ No correspondence letters provided between DJ Pali and other members.
- ✗ It took 3-26 days to prepare and send minutes.
- ✗ Date of minutes not provided for one meeting.

MONTHLY MEETINGS HELD

6



+

LISTS PREPARED ACCORDING TO PROFORMAS

0



+

ALL MEMBERS CAME TO ALL MEETINGS

3



+

KINDS OF CASES RECOMMENDED ACCORDING TO MANDATE

2



+

MINUTES PREPARED FOR ALL MEETINGS

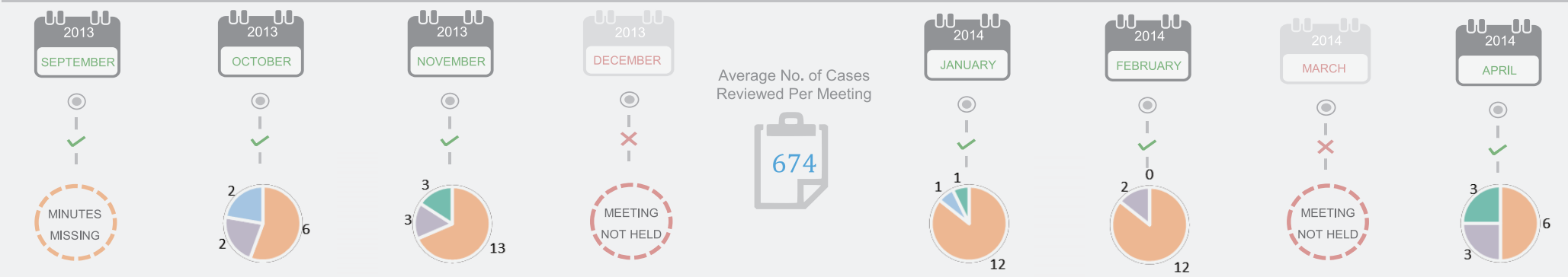
6



=

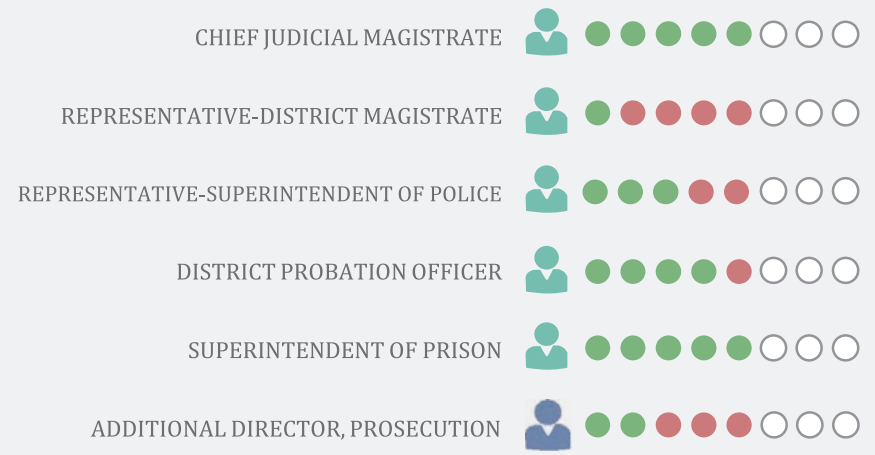
17

MEETINGS HELD & NUMBER OF CASES RECOMMENDED FOR RELEASE



Average No. of Cases Reviewed Per Meeting  
674

ATTENDANCE OF MEMBERS



DISTRICT JAIL ALWAR



SUB-JAILS BEHROD & KISHANGARHBAS

NOTABLE FINDINGS

- ✓ Additional cases reviewed – Preventive Detention.
- ✓ Considered cases under Sec. 107, 151, CrPC as bailable cases.
- ✓ UTPs list of DJ Alwar included - Next Hearing Date; If wanted in another case.
- ✓ UTPs list of SJ Bahrar included – Next Hearing Date.
- ✓ UTPs list of SJ Kishangarhbas included – Whether charge sheet filed, Warrant JC or PW; Date of Issue of Warrant; Next date of hearing; If wanted in another case.
- ✓ Regular correspondence between Prison and Members.
- ✓ Before the February meeting, correspondence between the Deputy Superintendent of Police and Superintendent of Prison to enquire about the status of charge sheet of all UTPs detained.
- ✗ Took 15 days to prepare and send minutes.
- ✗ No tracking of release of undertrials.

MONTHLY MEETINGS HELD



LISTS PREPARED ACCORDING TO PROFORMAS



ALL MEMBERS CAME TO ALL MEETINGS



KINDS OF CASES RECOMMENDED ACCORDING TO MANDATE



MINUTES PREPARED FOR ALL MEETINGS

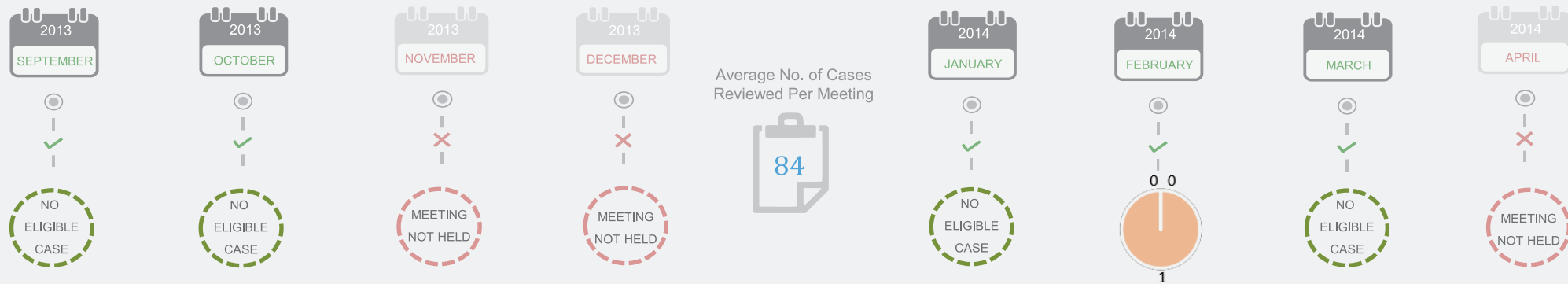


=

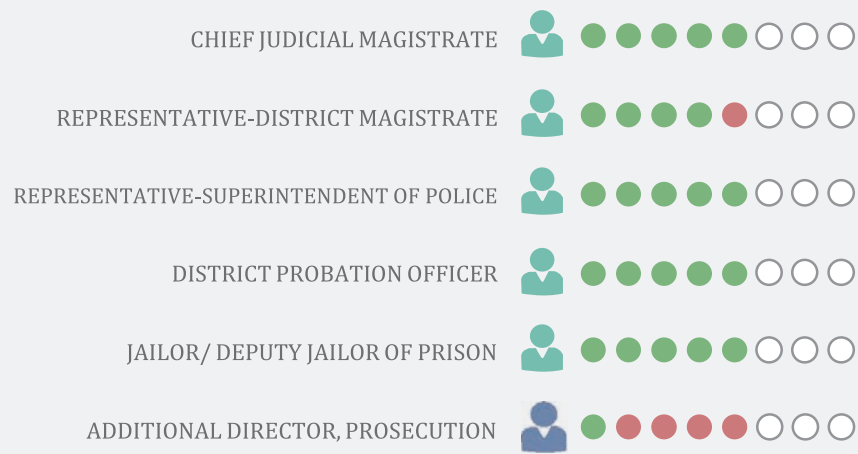


MEETINGS HELD & NUMBER OF CASES RECOMMENDED FOR RELEASE

1 S.436A CrPC    0 Petty Case    0 Below 18Y



ATTENDANCE OF MEMBERS



DISTRICT JAIL JAISALMER



SUB-JAIL POKHRAN

NOTABLE FINDINGS

- ✓ Additional Cases Reviewed – Below 18 years.
- ✓ Regular correspondence between CJ Jaipur and other members.
- ✓ CJM directed to convene meetings in first or second week of every month.
- ✓ Minutes mention that no case was eligible under Proformas A, B, C & D.
- ✓ The case recommended in February meeting was of a foreign national.
- ✗ No tracking of release of undertrials.
- ✗ Date of sending minutes not provided for any meeting.

MONTHLY MEETINGS HELD

5



+

LISTS PREPARED ACCORDING TO PROFORMAS

0



+

ALL MEMBERS CAME TO ALL MEETINGS

4



+

KINDS OF CASES RECOMMENDED ACCORDING TO MANDATE

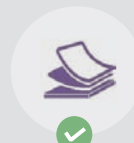
2



+

MINUTES PREPARED FOR ALL MEETINGS

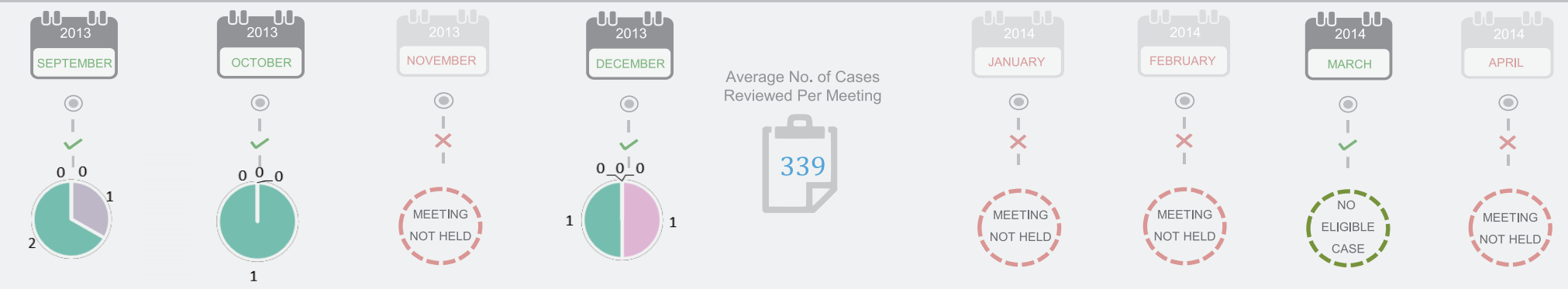
5



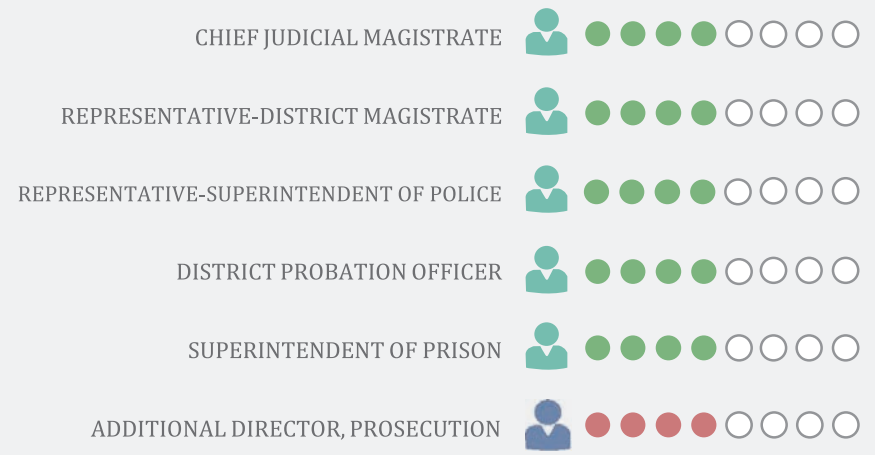
=

16

MEETINGS HELD & NUMBER OF CASES RECOMMENDED FOR RELEASE **1** S.436 CrPC **1** More Than 3Y Detention **0** Mentally ill **4** Preventive Detention **0** Below 18Y



### ATTENDANCE OF MEMBERS



### DISTRICT JAIL PALI



SUB-JAILS  
SOJATCITY  
JAITARAN  
BALI

### NOTABLE FINDINGS

- ✓ Additional Cases Reviewed – Preventive Detention; Below 18 years; Multiple Offence; and Mentally ill.
- ✓ Directions were given to prepare proper list when UTPs charged on multiple offences.
- ✓ Minutes of two meetings were prepared and sent within two days of the meeting.
- ✓ List of SJ Jaitaran and SJ Sojatcity also mention – Next date of hearing.
- ✓ List of SJ Bali also mentions – Whether charge sheet filed or not; Whether bail granted or not; Next hearing date; Period in judicial custody.
- ✗ No tracking of release of undertrials.
- ✗ No correspondence letters provided between DJ Pali and other members.
- ✗ Minutes of two meetings were prepared and sent in 8 and 11 days respectively.

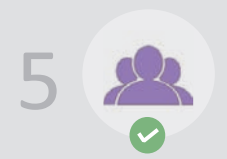
MONTHLY MEETINGS HELD



LISTS PREPARED ACCORDING TO PROFORMAS



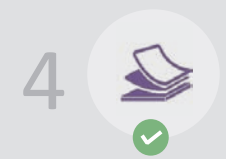
ALL MEMBERS CAME TO ALL MEETINGS



KINDS OF CASES RECOMMENDED ACCORDING TO MANDATE



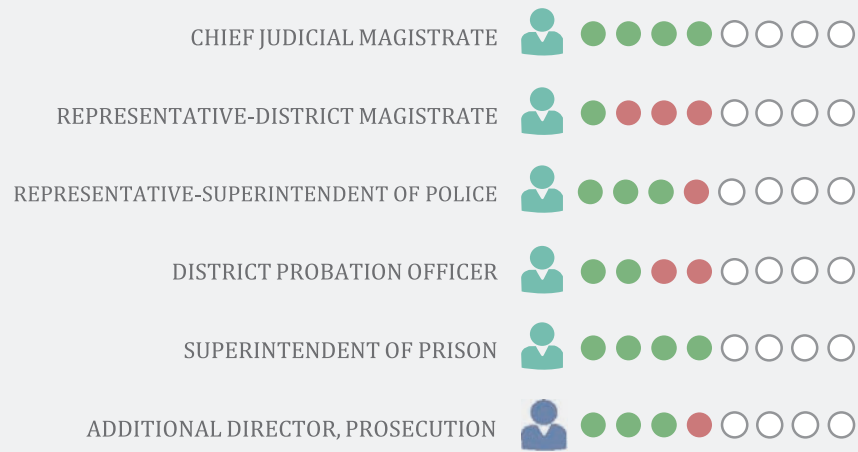
MINUTES PREPARED FOR ALL MEETINGS



MEETINGS HELD & NUMBER OF CASES RECOMMENDED FOR RELEASE **8** S.436A CrPC **5** S.436 CrPC **16** Long Detention **10** Preventive Detention **1** Unable to Furnish Surety **0** Below 18Y



### ATTENDANCE OF MEMBERS



### CENTRAL JAIL BHARATPUR



SUB-JAILS DEEG & BAYANA

### NOTABLE FINDINGS

- ✓ Additional Cases Reviewed – Preventive Detention; UTPs unable to furnish surety; and Below 18 years.
- ✓ Committee recommended to release UTPs on personal bond who do not have sureties.
- ✓ Follow up letters sent to concerned courts requesting them to take necessary action on the reviewed cases.
- ✓ Regular correspondence between CJ Bharatpur and other members.
- ✓ Lists of all prisons prepared in the same list.
- ✓ CJM directed that while making the lists of UTPs, multiple cases against one accused must be noted at the same place, Date of entry in prison to be replaced by Date of judicial custody.
- ✓ List of CJ Bharatpur also mention – Whether charge sheet filed or not; Whether applied for bail or not; Whether bail granted or not; Whether foreign national or not.
- ✗ No tracking of release of undertrials.
- ✗ In 2 meetings, it took 6 and 12 days to prepare and send the minutes.

MONTHLY MEETINGS HELD

6



+

LISTS PREPARED ACCORDING TO PROFORMAS

0



+

ALL MEMBERS CAME TO ALL MEETINGS

2



+

KINDS OF CASES RECOMMENDED ACCORDING TO MANDATE

3



+

MINUTES PREPARED FOR ALL MEETINGS

4



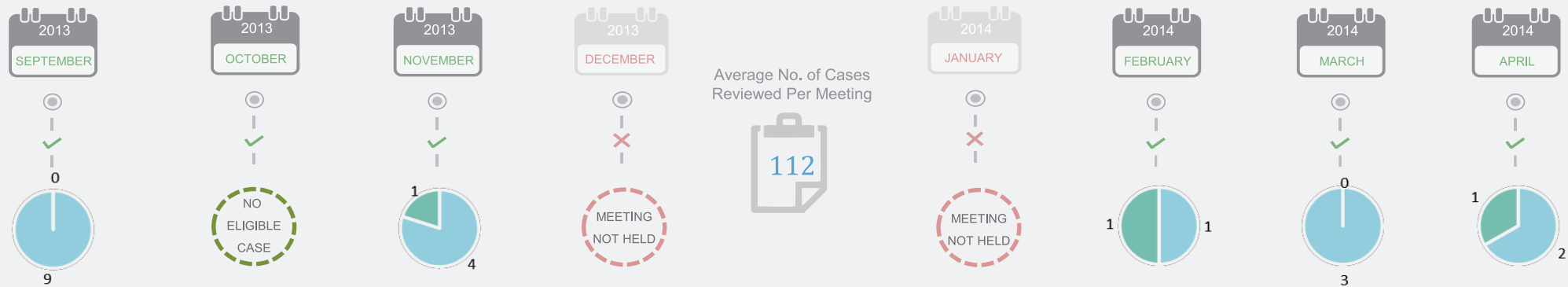
=

15

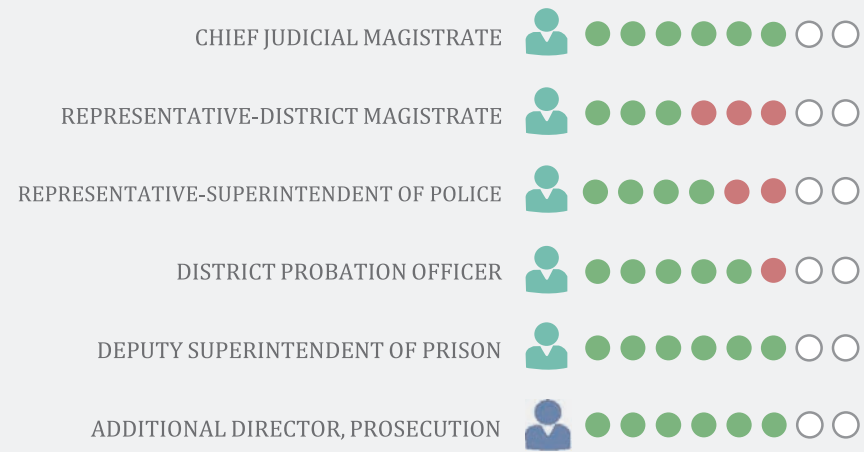
MEETINGS HELD & NUMBER OF CASES RECOMMENDED FOR RELEASE

19 More Than 18M Detention

3 Preventive Detention



ATTENDANCE OF MEMBERS



DISTRICT JAIL JHUNJHUNU



SUB-JAIL KHETRI

NOTABLE FINDINGS

- ✓ Additional Cases Reviewed – Preventive Detention.
- ✓ Regular correspondence between DJ Jhunjhunu and other members.
- ✓ A meeting could not take place due to winter holidays.
- ✓ Separate list prepared for CrPC cases.
- ✓ List of UTPs were prepared prisoner-wise – if a UTP has multiple cases, all cases were put together and marked as single entry.
- ✓ List of DJ Jhunjhunu also mentions – Next date of hearing; Maximum imprisonment.
- ✓ List of SJ Khetri also mentions – Whether charge sheet filed.
- ✓ Minutes of one meeting prepared and sent in 4 days of the meeting.
- ✗ No tracking of release of undertrials.
- ✗ Preparation of minutes of 5 meetings took 8 days to 1 month 13 days.

MONTHLY MEETINGS HELD

6



+

LISTS PREPARED ACCORDING TO PROFORMAS

0



+

ALL MEMBERS CAME TO ALL MEETINGS

2



+

KINDS OF CASES RECOMMENDED ACCORDING TO MANDATE

1



+

MINUTES PREPARED FOR ALL MEETINGS

6



=

15

MEETINGS HELD & NUMBER OF CASES RECOMMENDED FOR RELEASE

2

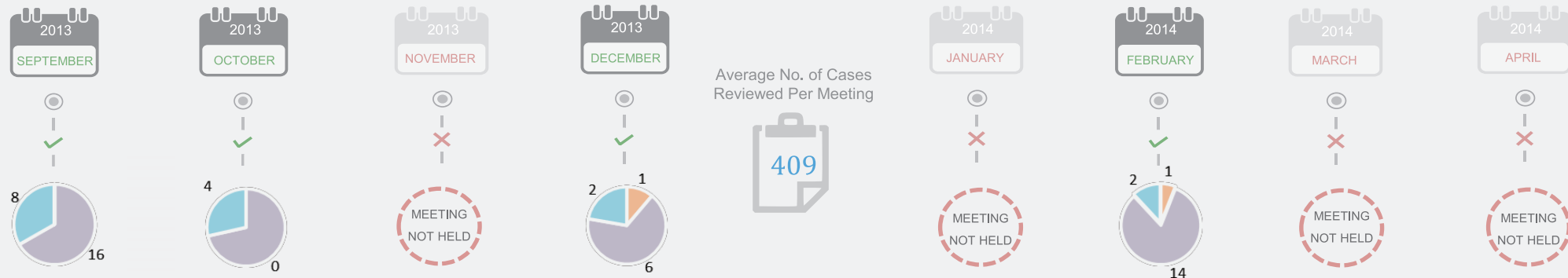
S.436A CrPC

42

Session Cases –  
3Y to 6Y Detention

16

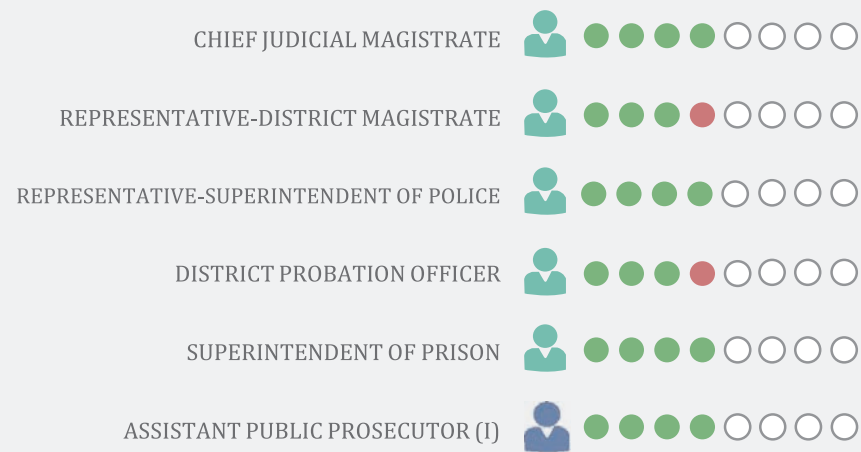
JM/ACJM Cases –  
2Y to 4Y Detention



Average No. of Cases Reviewed Per Meeting

409

### ATTENDANCE OF MEMBERS



### DISTRICT JAIL DHOLPUR



### NOTABLE FINDINGS

- ✓ It was decided that meetings to be held on last Saturday of every month or if it is a holiday, last Friday of every month.
- ✓ Regular correspondence between DJ Dholpur and other members.
- ✓ Court-wise list prepared.
- ✓ List of DJ Dholpur also mention – UT No.; Next date of hearing; Period of detention in prison.
- ✗ No tracking of release of undertrials.
- ✗ It took 9 to 18 days to prepare and send the minutes by prison.

MONTHLY MEETINGS HELD

4



+

LISTS PREPARED ACCORDING TO PROFORMAS

0



+

ALL MEMBERS CAME TO ALL MEETINGS

3



+

KINDS OF CASES RECOMMENDED ACCORDING TO MANDATE

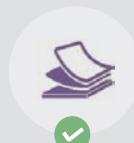
3



+

MINUTES PREPARED FOR ALL MEETINGS

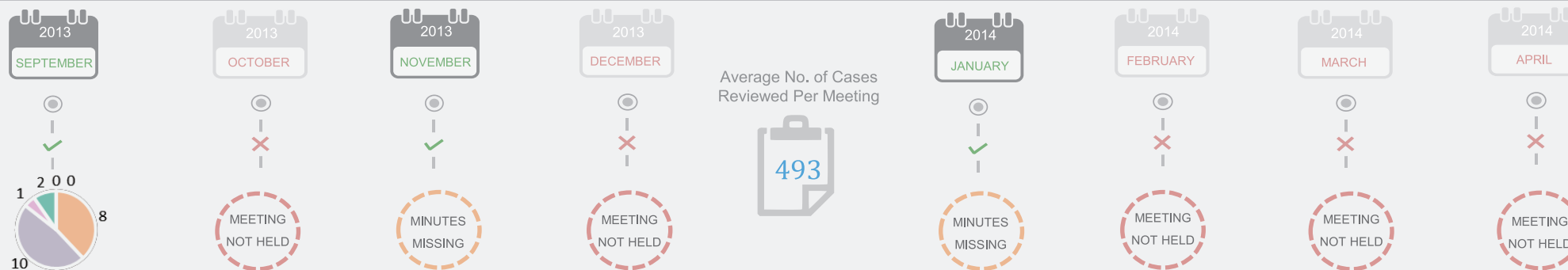
4



=

14

MEETINGS HELD & NUMBER OF CASES RECOMMENDED FOR RELEASE



ATTENDANCE OF MEMBERS

CHIEF JUDICIAL MAGISTRATE									
REPRESENTATIVE-DISTRICT MAGISTRATE									
REPRESENTATIVE-SUPERINTENDENT OF POLICE									
DISTRICT PROBATION OFFICER									
DEPUTY SUPERINTENDENT OF PRISON									
ADDITIONAL DIRECTOR, PROSECUTION									

CENTRAL JAIL JODHPUR



SUB-JAILS FALAUDI

NOTABLE FINDINGS

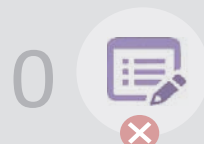
- ✓ CJM decided to hold the meeting on the fifth day of every month.
- ✓ Additional Cases Reviewed – Preventive Detention for more than 7 days; Below 18 years; and Mentally ill.
- ✓ Regular correspondence between CJ Jodhpur and other members.
- ✓ Correspondence with Superintendent of Police before the meeting, to check if charge sheet not filed in any case beyond 60/90 days.
- ✓ List of CJ Jodhpur also mentions – Entry in prison in the concerned case; Next date of hearing; Maximum prescribed imprisonment; Period undergone.
- ✓ List prepared UTP wise – if a UTP has multiple cases all cases are put together and marked as single entry.
- ✓ Minutes provide - CJ Jodhpur Number of UTPs detained with more than 10 years imprisonment (M/F); 10 years or less imprisonment (M/F); Wanted (M/F); Mentally ill (M/F); ACJM Railway (M/F); ACJM Falaudi (M/F); JM Balesar (M/F); JM Osia (M/F); JM Pipad (M/F); Women (Prepared in table).
- ✗ Minutes mention that no Non-criminal Lunatic was found under the Indian Lunacy Act, 1912 which was repealed in 1987.
- ✗ Date of minutes not mentioned.
- ✗ No tracking of release of undertrials.

MONTHLY MEETINGS HELD



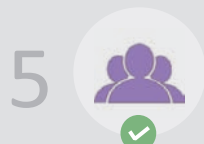
+

LISTS PREPARED ACCORDING TO PROFORMAS



+

ALL MEMBERS CAME TO ALL MEETINGS



+

KINDS OF CASES RECOMMENDED ACCORDING TO MANDATE



+

MINUTES PREPARED FOR ALL MEETINGS



=

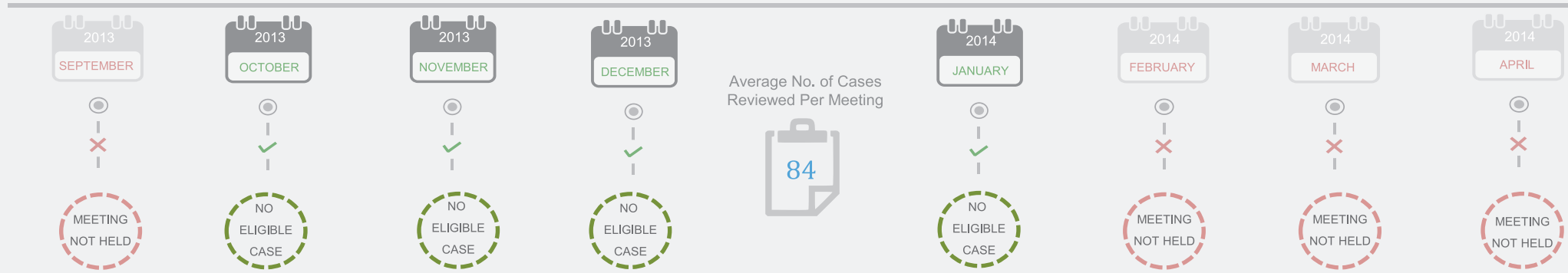




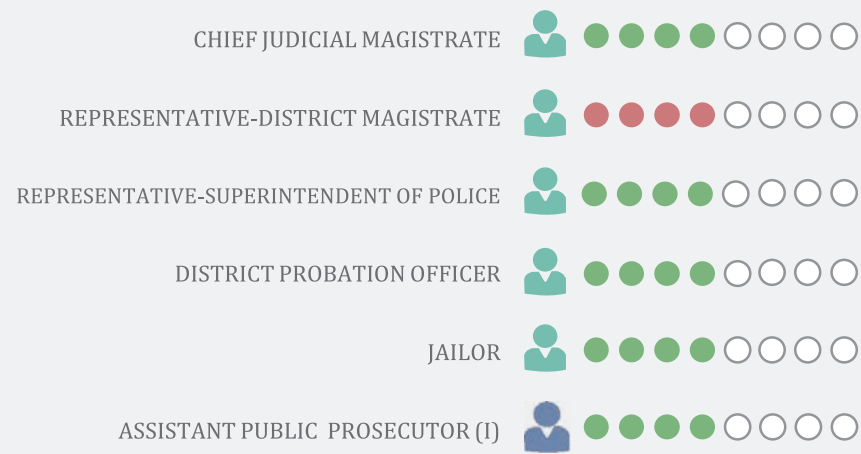
MEETINGS HELD & NUMBER OF CASES RECOMMENDED FOR RELEASE

0

Person Detained Illegally



ATTENDANCE OF MEMBERS



DISTRICT JAIL DAUSA



SUB-JAIL BANDIKUI

NOTABLE FINDINGS

- ✓ List of DJ Dausa also mention – Next Date of Hearing; Whether wanted in other cases.
- ✓ List of SJ Bandikui also mention – Whether Charge sheet filed; Whether applied for bail; Whether bail granted or rejected; Next Date of Hearing.
- ✗ No tracking of release of undertrials.
- ✗ No correspondence letters provided between DJ Dausa and other members.
- ✗ Provided photocopied pages of Entry/Exit Register to show attendance of all members but neither the entry nor the exit was signed by any member.
- ✗ List prepared only of those UTPs whose cases are pending in the courts of ACJMs, JMs and SDMs.
- ✗ It took 11 to 21 days to prepare and send the minutes by prison.

MONTHLY MEETINGS HELD

4



+

LISTS PREPARED ACCORDING TO PROFORMAS

0



+

ALL MEMBERS CAME TO ALL MEETINGS

4



+

KINDS OF CASES RECOMMENDED ACCORDING TO MANDATE

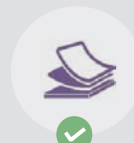
0



+

MINUTES PREPARED FOR ALL MEETINGS

4



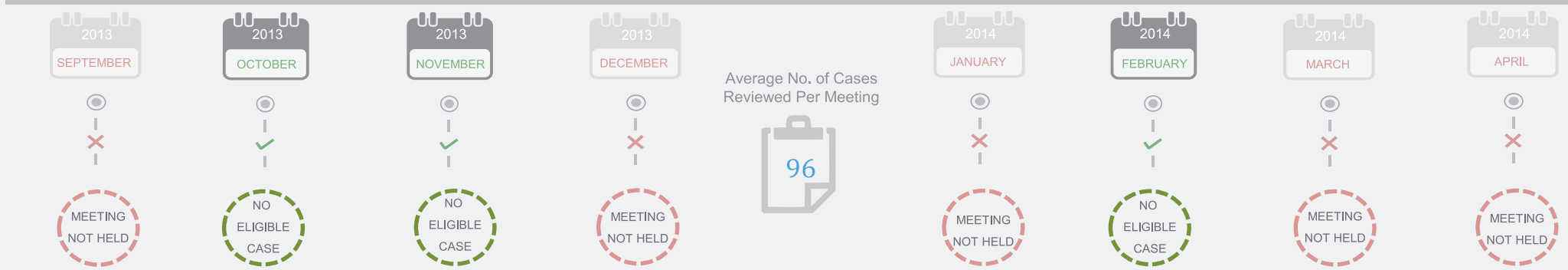
=

12

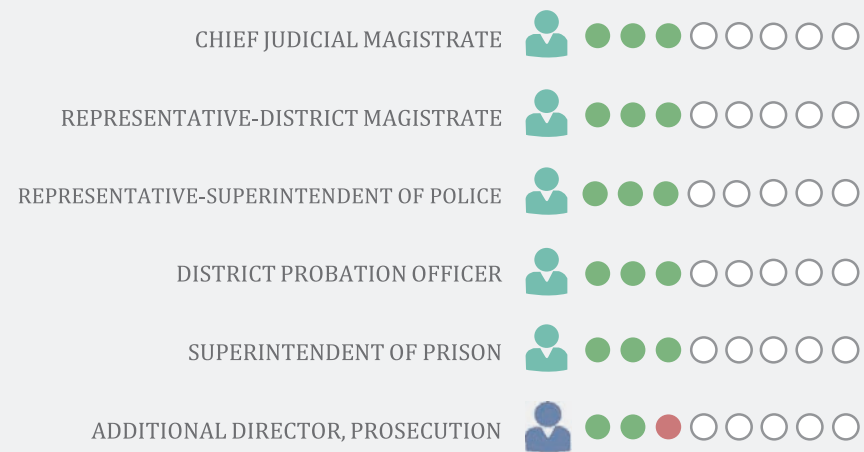
MEETINGS HELD & NUMBER OF CASES RECOMMENDED FOR RELEASE

0 S.436A CrPC

0 Below 18Y



ATTENDANCE OF MEMBERS



CENTRAL JAIL JAIPUR



SUB-JAILS SAMBARLEK, KATPUTLI, MAHILA SUDHAR GRAH

NOTABLE FINDINGS

- ✓ Only district to track release of UTPs – 21 released after Committee recommended their release.
- ✓ Additional Cases Reviewed – Below 18 years.
- ✓ Regular correspondence between CJ Jaipur and other members.
- ✓ CMM directed prison to prepare monthly list of UTPs in the format – Total number of UTPs prisoners (Men, women + children) who entered the prison; Men prisoners in detention for more than 6 months; Women prisoners in detention for more than 6 months; Number of Petty Offence Cases: Men, Women).
- ✓ Minutes mention that no case was eligible under Proformas A, B, C & D.
- ✓ Minutes prepared and sent within 4 days of the meeting.
- ✓ After every meeting, minutes were sent to the State Human Rights Commission and to the Deputy Secretary, Administration Home Department (Group 12).
- ✗ No details of case review and details of UTPs provided in the minutes.

MONTHLY MEETINGS HELD

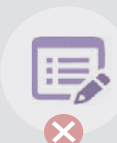
3



+

LISTS PREPARED ACCORDING TO PROFORMAS

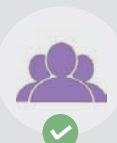
0



+

ALL MEMBERS CAME TO ALL MEETINGS

5



+

KINDS OF CASES RECOMMENDED ACCORDING TO MANDATE

1



+

MINUTES PREPARED FOR ALL MEETINGS

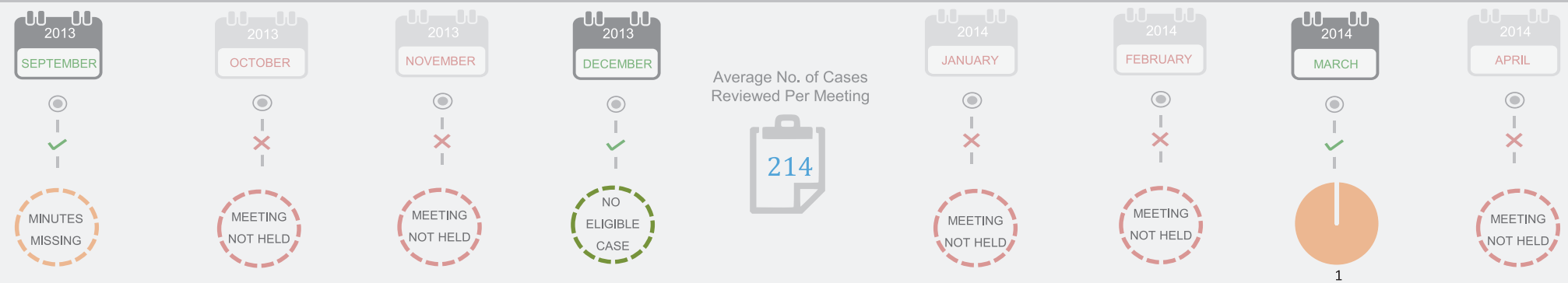
3



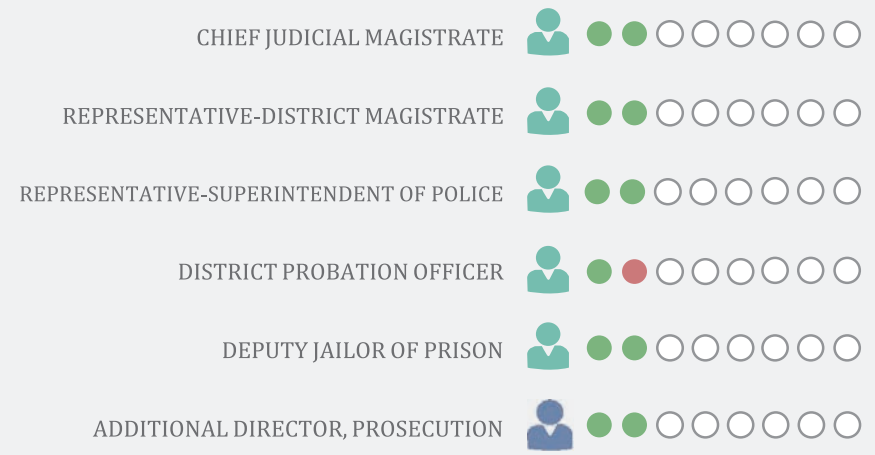
=

12

MEETINGS HELD & NUMBER OF CASES RECOMMENDED FOR RELEASE



ATTENDANCE OF MEMBERS



DISTRICT JAIL JALORE



SUB-JAILS BHEENMAL & SACHAUR

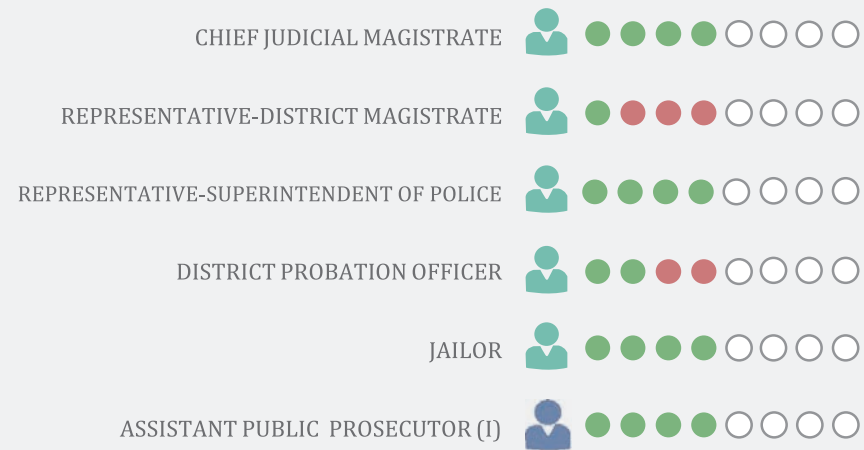
NOTABLE FINDINGS

- ✓ Additional Cases Reviewed – Preventive Detention; Below 18 years; and Foreign Nationals.
- ✓ Correspondence letters provided for two meetings between DJ Jalore and members.
- ✓ Lists of DJ Jalore, SJ Sauchar, Bheenmal also mention – Period of Detention.
- ✓ It was directed to add an extra column of maximum imprisonment for offence.
- ✓ Minutes of two meetings were prepared and sent in 2 days of the meeting.
- ✗ No tracking of release of undertrials.
- ✗ Minutes of one meeting was prepared and sent in 10 days of the meeting.
- ✗ Hand-written lists prepared by all prisons.





ATTENDANCE OF MEMBERS



CENTRAL JAIL  
UDAIPUR



SUB-JAILS  
KAANOD  
KOTRA  
SALUMBER  
JHADOL  
MAVLI

NOTABLE FINDINGS

- ✓ Regular correspondence between CJ Udaipur and CJM and other members.
- ✓ List of CJ Udaipur also mention next date of hearing.
- ✓ Minutes of two meetings prepared and sent within 5 days.
- ✓ One meeting could not take place as members were involved in Assembly Elections.
- ✗ No tracking of release of undertrials.
- ✗ Minutes of two meetings not provided.

MONTHLY MEETINGS HELD

4



+

LISTS PREPARED ACCORDING TO PROFORMAS

0



+

ALL MEMBERS CAME TO ALL MEETINGS

3



+

KINDS OF CASES RECOMMENDED ACCORDING TO MANDATE

1



+

MINUTES PREPARED FOR ALL MEETINGS

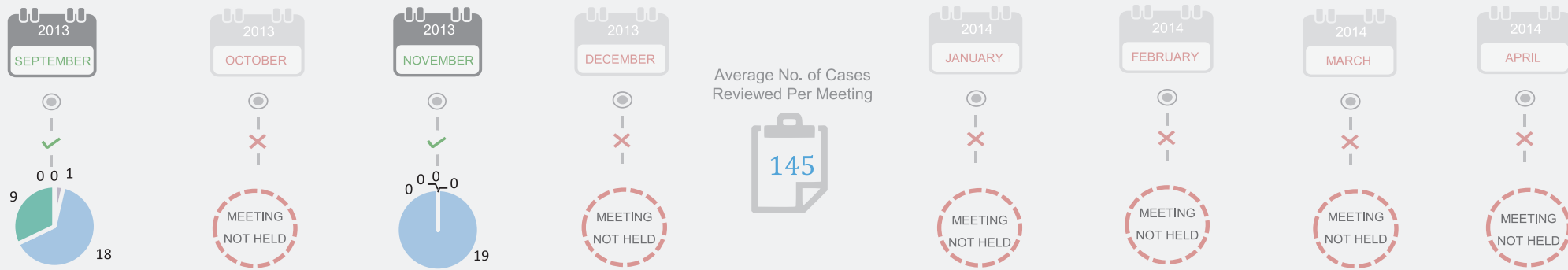
4



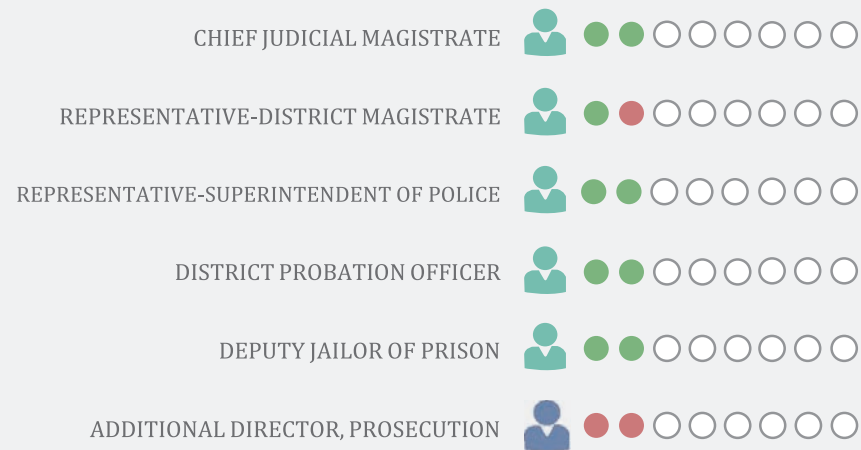
=

12

MEETINGS HELD & NUMBER OF CASES RECOMMENDED FOR RELEASE **0** S.436A CrPC **1** S.167 CrPC **37** Session Cases – 2Y-4Y Detention **9** Preventive Detention **0** Below 18Y



### ATTENDANCE OF MEMBERS



### DISTRICT JAIL RAJSAMAND



### SUB-JAIL BHEEM

### NOTABLE FINDINGS

- ✓ Additional Cases Reviewed – Preventive Detention; and Below 18 years.
- ✓ Regular correspondence between DJ Rajsamand and other members.
- ✓ Provided list of UTPs who are charged with serious offences and detained for more than 2 years.
- ✓ On Committee recommendations, Superintendent of Police directed all police stations through an order to inform the prison as soon as the charge sheet of an undertrial detained in prison, is filed.
- ✓ Follow up letters sent to concerned courts and other authorities requesting them to take necessary action on the reviewed cases.
- ✓ Followed CHRI's recommended 4 Proformas as provided in Annexure G of the earlier study.
- ✓ List of DJ Rajsamand also mentions – Whether charge sheet filed or not; If Yes, date of filing of charge sheet.
- ✓ Minutes of one meeting prepared and sent the same day.
- ✗ No tracking of release of undertrials.
- ✗ No details of reviewed cases provided in the minutes.
- ✗ List of SJ Bheem also mentions – Caste.
- ✗ Minutes of one meeting was prepared and sent in 19 days.

MONTHLY MEETINGS HELD

2



+

LISTS PREPARED ACCORDING TO PROFORMAS

0



+

ALL MEMBERS CAME TO ALL MEETINGS

4



+

KINDS OF CASES RECOMMENDED ACCORDING TO MANDATE

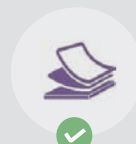
3



+

MINUTES PREPARED FOR ALL MEETINGS

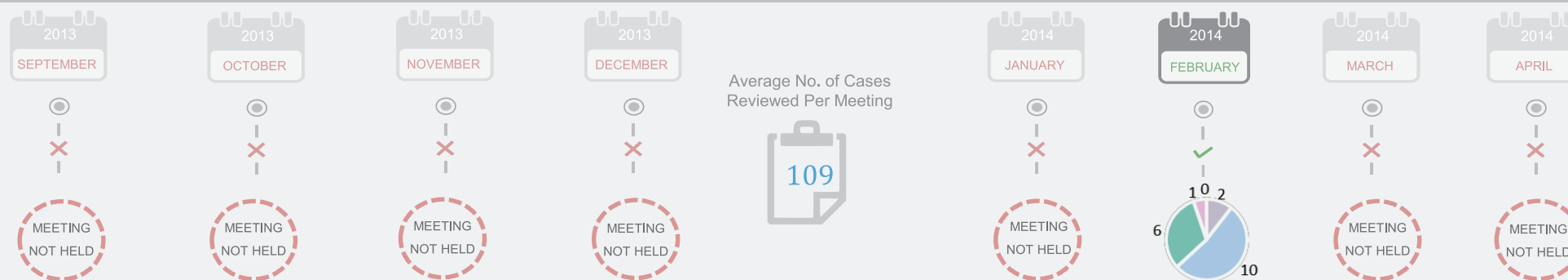
2



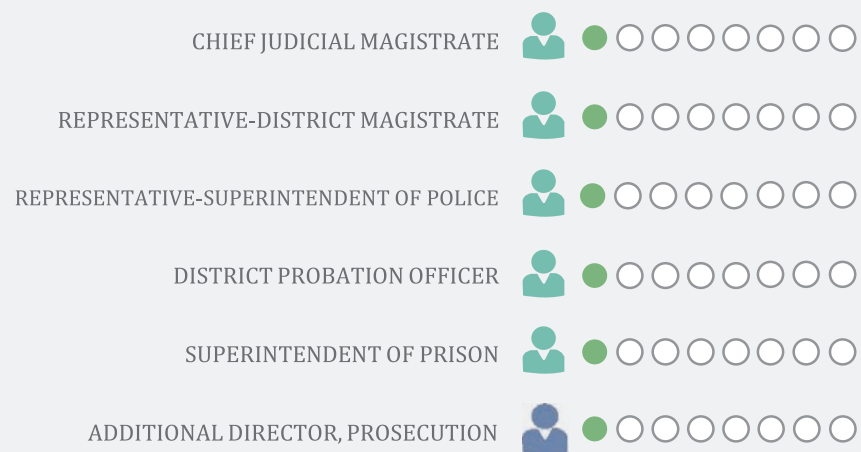
=

11

MEETINGS HELD & NUMBER OF CASES RECOMMENDED FOR RELEASE



ATTENDANCE OF MEMBERS



DISTRICT JAIL DUNGARPUR



SUB-JAIL SAGWARA

NOTABLE FINDINGS

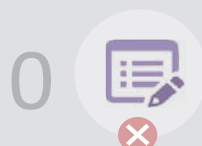
- ✓ Additional Cases Reviewed – Awaiting Committal; and Multiple Offences.
- ✓ Regular correspondence between DJ Dholpur and other members.
- ✓ Court-wise list prepared focusing on the period of detention.
- ✓ UTPs list prepared according to the period of detention, i.e. UTPs detained for more than 3 months but less than 6 months.
- ✓ Minutes prepared and sent on the same day.
- ✗ No tracking of release of undertrials.

MONTHLY MEETINGS HELD



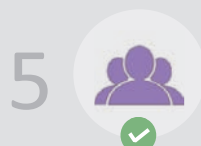
+

LISTS PREPARED ACCORDING TO PROFORMAS



+

ALL MEMBERS CAME TO ALL MEETINGS



+

KINDS OF CASES RECOMMENDED ACCORDING TO MANDATE



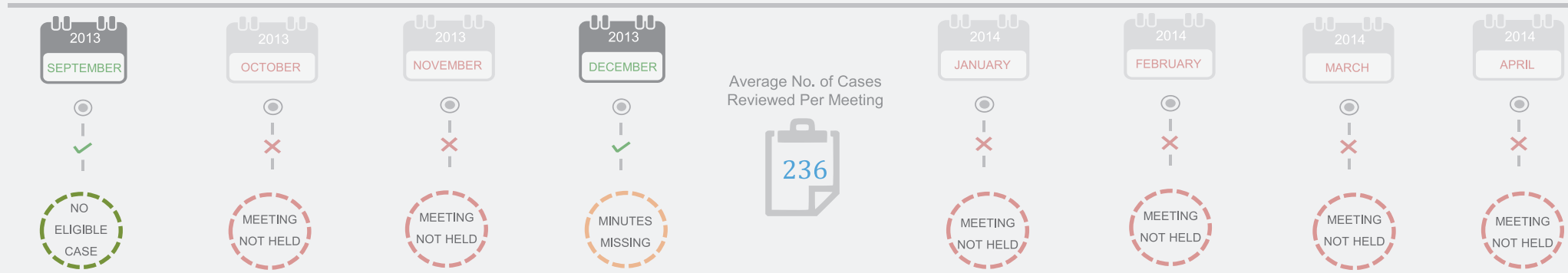
+

MINUTES PREPARED FOR ALL MEETINGS



=





ATTENDANCE OF MEMBERS

CHIEF JUDICIAL MAGISTRATE		
REPRESENTATIVE-DISTRICT MAGISTRATE		
REPRESENTATIVE-SUPERINTENDENT OF POLICE		
DISTRICT PROBATION OFFICER		
SUPERINTENDENT OF PRISON		
ADDITIONAL DIRECTOR, PROSECUTION		

DISTRICT JAIL  
**SIROHI**



SUB-JAIL  
**ABU ROAD**

NOTABLE FINDINGS

- ✓ Jailer stated that there are no women guards in the prison and a letter was written to DG Prisons.
- ✓ Regular correspondence between DJ Sirohi and other members.
- ✓ Court-wise lists prepared.
- ✓ Minutes mention number of UTPs whose cases are pending in D&S court and Special Court, NDPS and Magistrate Courts.
- ✓ List of both prisons also mention Period in JC.
- ✓ Correspondence letters before the September meeting mention that along with the Committee meeting, the meeting of the Board of Visitors would also take place.
- ✗ No tracking of release of undertrials.
- ✗ List of SJ Abu Road also mentions – Caste.
- ✗ It took 25 days to prepare and send minutes.

MONTHLY MEETINGS HELD

2



+

LISTS PREPARED ACCORDING TO PROFORMAS

0



+

ALL MEMBERS CAME TO ALL MEETINGS

5



+

KINDS OF CASES RECOMMENDED ACCORDING TO MANDATE

1



+

MINUTES PREPARED FOR ALL MEETINGS

1



=

9

MEETINGS HELD & NUMBER OF CASES RECOMMENDED FOR RELEASE

0

S.436A CrPC

0

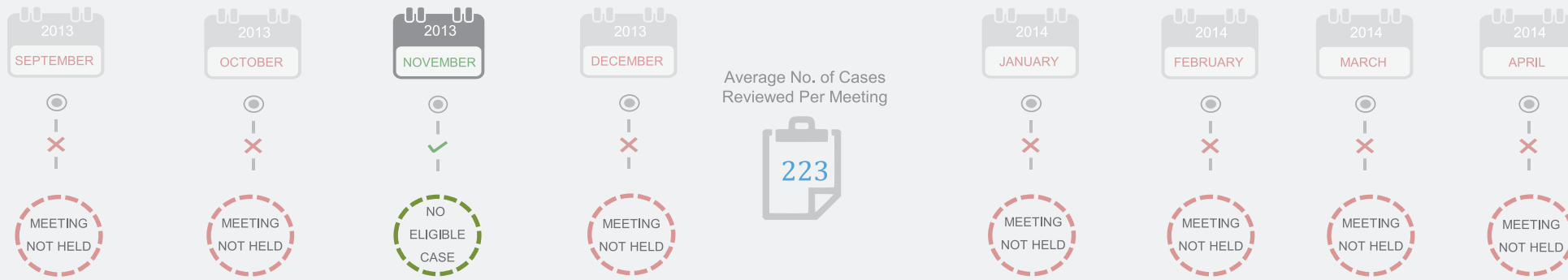
BELOW 18Y

0

Preventive Detention

0

Need Legal Aid



### ATTENDANCE OF MEMBERS

CHIEF JUDICIAL MAGISTRATE		
REPRESENTATIVE-DISTRICT MAGISTRATE		
REPRESENTATIVE-SUPERINTENDENT OF POLICE		
DISTRICT PROBATION OFFICER		
SUPERINTENDENT OF PRISON		
ADDITIONAL DIRECTOR, PROSECUTION		

### DISTRICT JAIL BANSWARA



### SUB-JAIL KUSHALGARH

### NOTABLE FINDINGS

- ✓ Additional Cases Reviewed – Preventive Detention; and UTPs in need of legal aid.
- ✓ Minutes mention that no UTP has applied for legal aid and in future if any prisoner sends any request for it same will be sent to DLSA, Banswara.
- ✓ Minutes signed by Chairperson and Member Secretary.
- ✓ Minutes sent on the same day of the meeting.
- ✓ UTPs list of SJ Kushalgarh included next hearing date.
- ✗ No tracking of release of undertrials.
- ✗ No correspondence letters provided between DJ Banswara and other members.

MONTHLY MEETINGS HELD

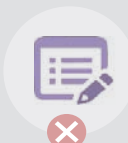
1



+

LISTS PREPARED ACCORDING TO PROFORMAS

0



+

ALL MEMBERS CAME TO ALL MEETINGS

5



+

KINDS OF CASES RECOMMENDED ACCORDING TO MANDATE

1



+

MINUTES PREPARED FOR ALL MEETINGS

1

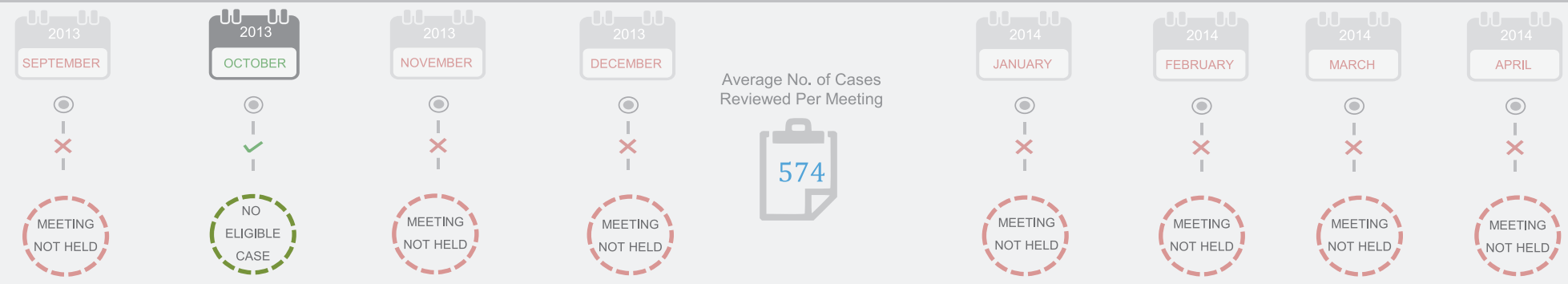


=

8



MEETINGS HELD & NUMBER OF CASES RECOMMENDED FOR RELEASE **0** More Than 6M Detention | **0** Below 18Y | **0** Foreign National



Average No. of Cases Reviewed Per Meeting  
**574**

ATTENDANCE OF MEMBERS

CHIEF JUDICIAL MAGISTRATE									
REPRESENTATIVE-DISTRICT MAGISTRATE									
REPRESENTATIVE-SUPERINTENDENT OF POLICE									
DISTRICT PROBATION OFFICER									
SUPERINTENDENT OF PRISON									
ADDITIONAL DIRECTOR, PROSECUTION									

DISTRICT JAIL JHALAWAR



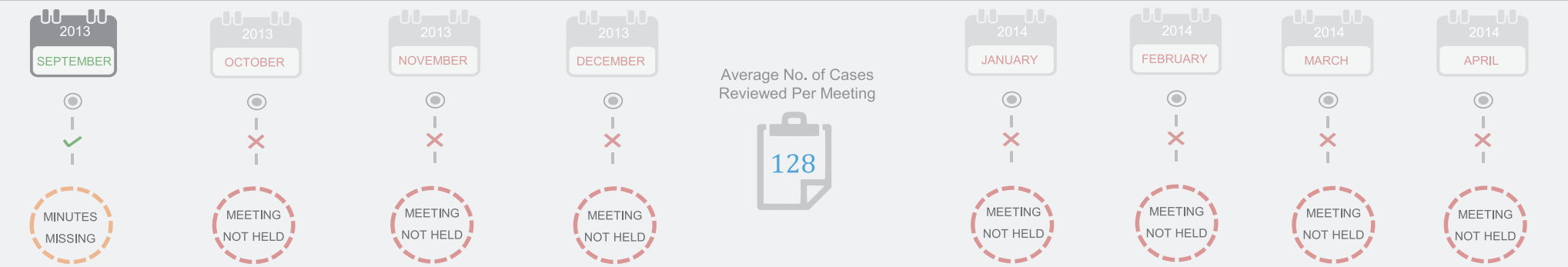
SUB-JAILS BHAWANI MANDI & AKLERA

NOTABLE FINDINGS

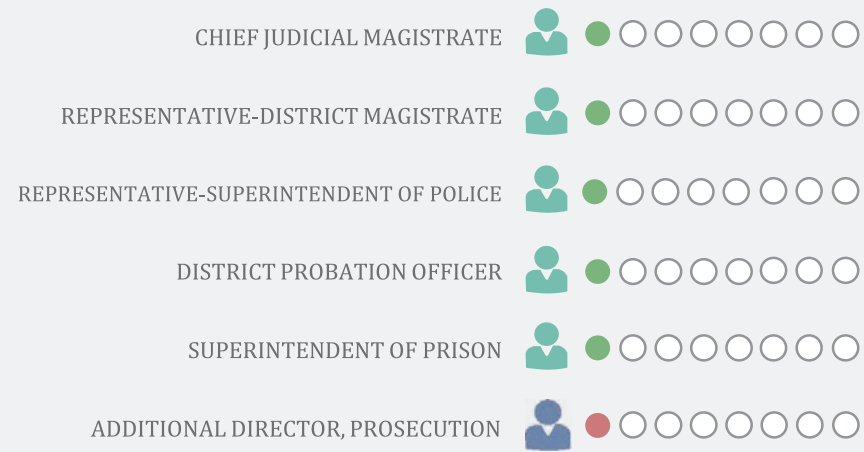
- ✓ Additional Cases Reviewed – Below 18 years; and Foreign Nationals.
- ✓ Regular correspondence between DJ Jhalawar and other members.
- ✓ List of DJ Jhalawar also mentions – Period spent in JC.
- ✓ List of SJ Bhawani Mandi also mentions – Whether charge sheet filed or not.
- ✓ Minutes prepared and sent on the same day.
- ✗ Minutes prepared by CJM.
- ✗ No tracking of release of undertrials.
- ✗ Hand-written lists prepared by all prisons.
- ✗ Undertrials were asked about food facilities and behaviour of jail authorities towards them. No complaint was received.



MEETINGS HELD & NUMBER OF CASES RECOMMENDED FOR RELEASE



ATTENDANCE OF MEMBERS



DISTRICT JAIL  
TONK



SUB-JAILS  
MALPURA

NOTABLE FINDINGS

\* Except for attendance of members, no other information on the number of meetings or minutes provided.

MONTHLY MEETINGS HELD

1



+

0



+

ALL MEMBERS CAME TO ALL MEETINGS

5



+

KINDS OF CASES RECOMMENDED ACCORDING TO MANDATE

0



+

MINUTES PREPARED FOR ALL MEETINGS

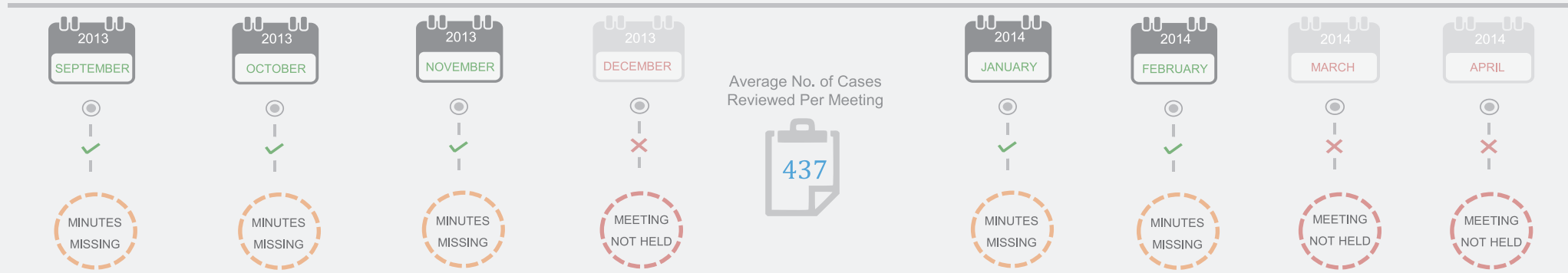
0



=

6

MEETINGS HELD & NUMBER OF CASES RECOMMENDED FOR RELEASE



ATTENDANCE OF MEMBERS

CHIEF JUDICIAL MAGISTRATE		○○○○○○○○○○
REPRESENTATIVE-DISTRICT MAGISTRATE		○○○○○○○○○○
REPRESENTATIVE-SUPERINTENDENT OF POLICE		○○○○○○○○○○
DISTRICT PROBATION OFFICER		○○○○○○○○○○
SUPERINTENDENT OF PRISON		○○○○○○○○○○
ADDITIONAL DIRECTOR, PROSECUTION		○○○○○○○○○○

CENTRAL JAIL  
SRI GANGANAGAR



SUB-JAILS  
SURATGARH  
ANUPGARH  
RAISINGHGARG  
SRIKARANPUR

NOTABLE FINDINGS

- ✓ Court-wise list prepared with continuous numbering.
- ✓ List of CJ Sri Ganganagar also mentions – UT No.
- ✓ List of SJ Suratgarh also mentions – Next Hearing; Maximum Punishment; Undertrial Period.
- ✓ List of SJ Raisinghnagar also mentions – Next date of hearing.
- ✓ SJ Anupgarh prepared separate list of CrPC cases.
- ✗ List of UTPs prepared prisoner-wise – if a UTP has more than one case against him all cases are put together and marked as single entry.
- ✗ CJ's list is always prepared court-wise but the SJs lists were only occasionally prepared court-wise.
- ✗ Minutes not provided.
- ✗ No correspondence letters provided between CJ Sri Ganganagar and other members.

MONTHLY MEETINGS HELD

5



+

LISTS PREPARED ACCORDING TO PROFORMAS

0



+

ALL MEMBERS CAME TO ALL MEETINGS

0



+

KINDS OF CASES RECOMMENDED ACCORDING TO MANDATE

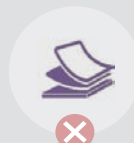
0



+

MINUTES PREPARED FOR ALL MEETINGS

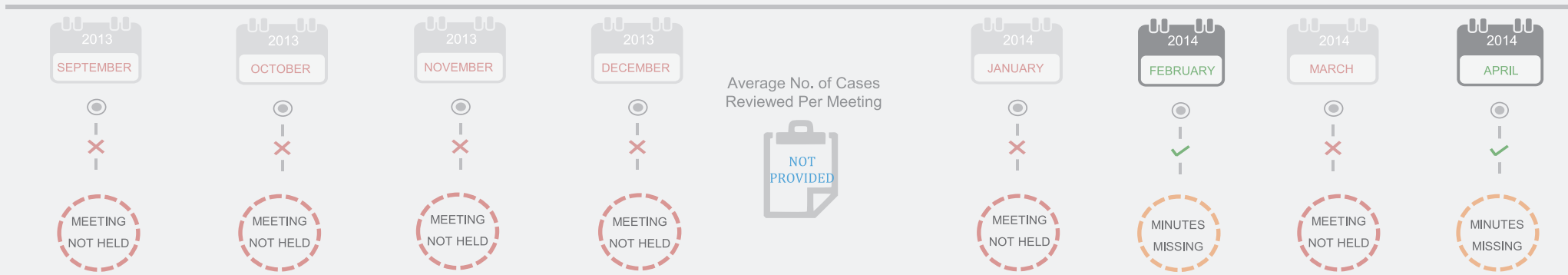
0



=

5

MEETINGS HELD & NUMBER OF CASES RECOMMENDED FOR RELEASE



ATTENDANCE OF MEMBERS

CHIEF JUDICIAL MAGISTRATE		○ ○ ○ ○ ○ ○ ○ ○ ○ ○
REPRESENTATIVE-DISTRICT MAGISTRATE		○ ○ ○ ○ ○ ○ ○ ○ ○ ○
REPRESENTATIVE-SUPERINTENDENT OF POLICE		○ ○ ○ ○ ○ ○ ○ ○ ○ ○
DISTRICT PROBATION OFFICER		○ ○ ○ ○ ○ ○ ○ ○ ○ ○
SUPERINTENDENT OF PRISON		○ ○ ○ ○ ○ ○ ○ ○ ○ ○
ADDITIONAL DIRECTOR, PROSECUTION		○ ○ ○ ○ ○ ○ ○ ○ ○ ○

DISTRICT JAIL  
BUNDI



SUB-JAIL  
NAINWAN

NOTABLE FINDINGS

\* Except for dates of meeting, no other information or minutes provided.

MONTHLY MEETINGS HELD

2



+

LISTS PREPARED ACCORDING TO PROFORMAS

0



+

ALL MEMBERS CAME TO ALL MEETINGS

0



+

KINDS OF CASES RECOMMENDED ACCORDING TO MANDATE

0



+

MINUTES PREPARED FOR ALL MEETINGS

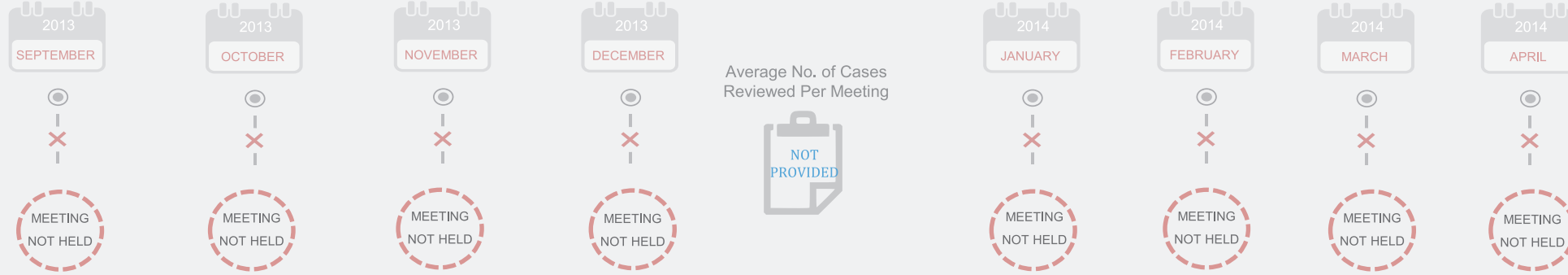
0



=

2

MEETINGS HELD & NUMBER OF CASES RECOMMENDED FOR RELEASE



ATTENDANCE OF MEMBERS

CHIEF JUDICIAL MAGISTRATE		○ ○ ○ ○ ○ ○ ○ ○ ○ ○
REPRESENTATIVE-DISTRICT MAGISTRATE		○ ○ ○ ○ ○ ○ ○ ○ ○ ○
REPRESENTATIVE-SUPERINTENDENT OF POLICE		○ ○ ○ ○ ○ ○ ○ ○ ○ ○
DISTRICT PROBATION OFFICER		○ ○ ○ ○ ○ ○ ○ ○ ○ ○
SUPERINTENDENT OF PRISON		○ ○ ○ ○ ○ ○ ○ ○ ○ ○
ADDITIONAL DIRECTOR, PROSECUTION		○ ○ ○ ○ ○ ○ ○ ○ ○ ○

DISTRICT JAIL  
GANGAPUR CITY



SUB-JAIL  
SAWAIMADHOPUR

NOTABLE FINDINGS

MONTHLY MEETINGS HELD

0



+

LISTS PREPARED ACCORDING TO PROFORMAS

0



+

ALL MEMBERS CAME TO ALL MEETINGS

0



+

KINDS OF CASES RECOMMENDED ACCORDING TO MANDATE

0



+

MINUTES PREPARED FOR ALL MEETINGS

0

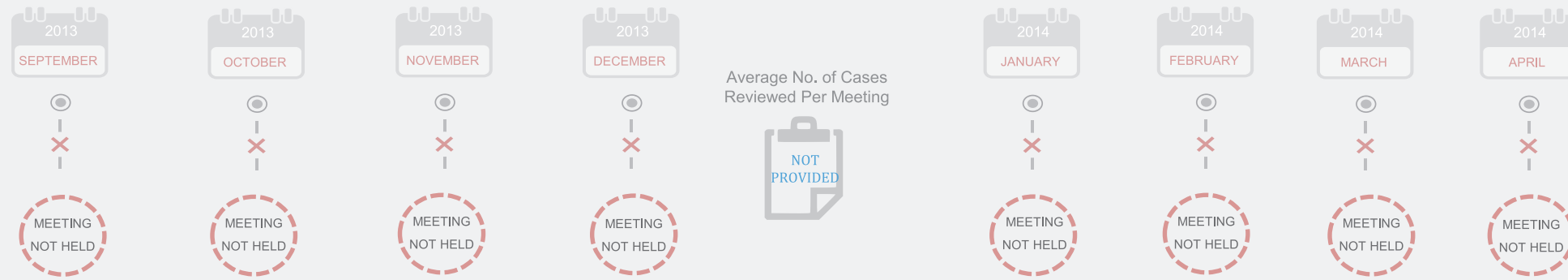


=

0



MEETINGS HELD & NUMBER OF CASES RECOMMENDED FOR RELEASE



ATTENDANCE OF MEMBERS

CHIEF JUDICIAL MAGISTRATE		○ ○ ○ ○ ○ ○ ○ ○ ○ ○
REPRESENTATIVE-DISTRICT MAGISTRATE		○ ○ ○ ○ ○ ○ ○ ○ ○ ○
REPRESENTATIVE-SUPERINTENDENT OF POLICE		○ ○ ○ ○ ○ ○ ○ ○ ○ ○
DISTRICT PROBATION OFFICER		○ ○ ○ ○ ○ ○ ○ ○ ○ ○
SUPERINTENDENT OF PRISON		○ ○ ○ ○ ○ ○ ○ ○ ○ ○
ADDITIONAL DIRECTOR, PROSECUTION		○ ○ ○ ○ ○ ○ ○ ○ ○ ○

CENTRAL JAIL  
KOTA

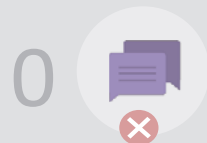


SUB-JAILS  
RAMGANJMANDI  
&  
SAANGOD

NOTABLE FINDINGS

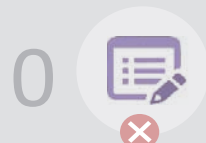
\* Except for few correspondence letters, no other information on the number of meetings or minutes provided.

MONTHLY MEETINGS HELD



+

LISTS PREPARED ACCORDING TO PROFORMAS



+

ALL MEMBERS CAME TO ALL MEETINGS



+

KINDS OF CASES RECOMMENDED ACCORDING TO MANDATE



+

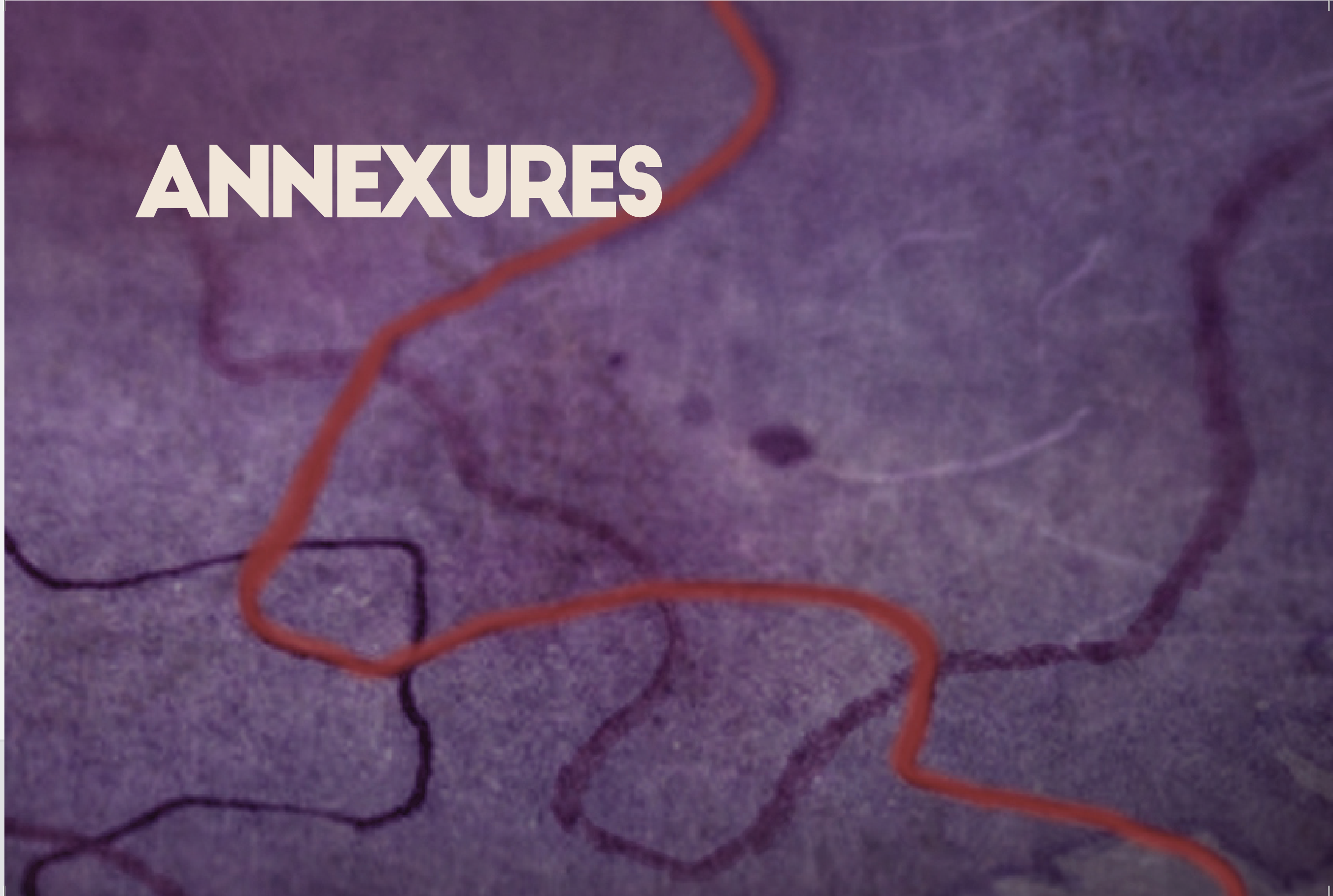
MINUTES PREPARED FOR ALL MEETINGS



=



# ANNEXURES



## ANNEXURES

- A. Prison Department Circular dated 30 October 2013
- B. Prison Department Circular dated 31 March 2014
- C. Letter Dated 19 August 2013 from the Office of the Director General, Prisons, to All Prisons
- D. Table of Additional Information Mentioned in the Undertrials List
- E. CHRI Suggested Format to Prepare the Lists of Undertrials
- F. CHRI Suggested Style Guide to Record Minutes of the Periodic Review Committee Meeting
- G. CHRI Suggested Format for the Action Taken Report

### A. Prison Department Circular Dated 30 October 2013

॥ महानिदेशालय कारागार राजस्थान, जयपुर ॥

क्रमांक:-कारा/सांख्यिकी/आ.समीक्षा/2012-13/34829-930 दिनांक:- 30/10/13  
समस्त अधीक्षक एवं मण्डलाधिकारी.....  
समस्त उपाधीक्षक एवं जिला कारागृह.....  
समस्त प्रभाराधिकारी एवं उप कारागृह.....  
महिला बंदी सुधारगृह.....  
बाल बंदी सुधारगृह.....

विषय:-कारागृह में बंद विचाराधीन बंदियों के प्रकरणों की आवधिक समीक्षा समिति बैठक बाबत।

उपरोक्त विषयान्तर्गत लेख है, कि कारागृहों में बंद विचाराधीन बंदियों के प्रकरणों की आवधिक समीक्षा हेतु आपकी जिले के सभी कारागृहों के विचाराधीन बंदियों की समीक्षा के क्रम में प्रत्येक माह मासिक बैठक आयोजित करने हेतु पूर्व में महानिदेशालय कारागार के आदेश क्रमांक 17739-939 दिनांक 25.06.1991, क्रमांक 35258-91 दिनांक 08.01.2007, क्रमांक 54791-825 दिनांक 31.07.2007 एवं क्रमांक 82046-78 दिनांक 03.12.2007 निर्देश प्रदान किये गये थे, लेकिन देखने में आया है कि अधिकांश कारागृहों में मासिक मिटिंग आयोजित नहीं की जा रही है एवं कार्यवाही विवरण की प्रति इस कार्यालय को प्रेषित नहीं की जा रही है।

अतः आपको निर्देश दिये जाते हैं कि आप अपने जिले की सभी कारागृहों में रह रहे विचाराधीन बंदियों के प्रकरणों की समीक्षा हेतु मासिक बैठक प्रत्येक माह प्रथम अथवा द्वितीय सप्ताह में आयोजित कर बैठक की कार्यवाही का विवरण गृह विभाग को प्रेषित करते हुए एक प्रति निदेशक अभियोजन एवं अद्योहस्ताक्षरकर्ता को नियमित रूप से प्रेषित करावें। अगर कि-ही कारणों से बैठक आयोजित नहीं हो पाती है तो उसका कारण बताते हुए अद्योहस्ताक्षरकर्ता को सूचित करावें।

महानिदेशक एवं महानिरीक्षक  
राजस्थान कारागार जयपुर

प्रतिलिपि:- निम्नांकित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है:-

1. उप महानिरीक्षक कारागार रेंज जयपुर, जोधपुर, उदयपुर भेजकर लेख है कि अद्योहस्ताक्षरकर्ता को हर माह उक्त मासिक बैठक सुनिश्चित करवा कर तिमाही रिपोर्ट भिजवायें।

महानिदेशक एवं महानिरीक्षक  
राजस्थान कारागार जयपुर



**B. Prison Department Circular Dated 31 March 2014**

महानिदेशालय कारागार, राजस्थान, जयपुर  
क्रमांक:- कारा/सांख्यिकी/2013/आ.समीक्षा/64445-545 दिनांक 31.03.2014

समस्त अधीक्षक/उपाधीक्षक  
केन्द्रीय/जिला कारागृह, राजस्थान

विषय:- आवधिक समीक्षा समिति की बैठक के संबंध में

महोदय,

विषयान्तर्गत राज्य सरकार के परिपत्र संख्या एफ.18(22) गृह-12/कारा/79 दिनांक 13.09.1979 एवं एफ. 12(7)गृह-12/कारा/89 दिनांक 16.11.1987 के द्वारा जेलों में निरुद्ध विचाराधीन बंदियों से संबंधित विषयों पर निर्णय हेतु प्रत्येक जिले में मुख्य न्यायिक मजिस्ट्रेट की अध्यक्षता में आवधिक समीक्षा समिति गठित की गई है जिसमें आपको सदस्य सचिव नियुक्त किया गया है।

जेलों निरीक्षण करने के दौरान बंदियों द्वारा अवगत कराया गया कि कई जिलों में उक्त समिति की बैठकें नियमित रूप से आयोजित नहीं हो रही हैं। वर्ष 2014 में जिलावार समिति की बैठक आयोजन करने का विवरण परिशिष्ट में संलग्न है।

अतः कृपया समिति के अध्यक्ष से परामर्श कर बैठक प्रतिमाह नियमित रूप से आयोजित कराने का श्रम करें।

संलग्न:- उपरोक्तानुसार

भवदीय,

(भूपेन्द्र कुमार दक)  
अति.महानिदेशक कारागार  
राजस्थान, जयपुर

प्रतिलिपि:-

- 1-अति.मुख्य सचिव, गृह, राजस्थान, जयपुर
- 2-प्रमुख शासन सचिव, विधि, राजस्थान, जयपुर
- 3-सचिव, राज्य विधिक सहायता समिति, राजस्थान, जयपुर
- 4-उप महानिरीक्षक कारागार, जयपुर/जोधपुर/उदयपुर
- 5-विशेषाधिकारी, गृह(जेल)विभाग, राजस्थान, जयपुर

अति.महानिदेशक कारागार  
राजस्थान, जयपुर

**C. Letter Dated 19 August 2013 from the Office of the Director General, Prisons, to All Prisons**

|| महानिदेशालय कारागार राजस्थान जयपुर ||  
क्रमांक:- कारा/सांख्यिकी/NCRB/ 3662-770 दिनांक:- 19/8/13

समस्त अधीक्षक एवं मण्डलाधिकारी.....  
समस्त उपाधीक्षक एवं जिला कारागृह .....  
समस्त प्रभाराधिकारी एवं उप कारागृह.....  
महिला बंदी सुधारगृह.....  
बाल बंदी सुधारगृह.....

विषय:- आवधिक समीक्षा समिति बैठक बाबत।

प्रसंग:- Commonwealth Human Rights Initiative का पत्र दिनांक 11.07.2013 के क्रम में।

-000-

उपरोक्त विषयान्तर्गत लेख है, कि आवधिक समीक्षा बैठको में पुलिस विभाग के सदस्य एवं उनके प्रतिनिधि उपस्थित होते हैं। अतः पुलिस विभाग के सदस्य एवं उनके प्रतिनिधियों के समक्ष आवधिक समीक्षा में, Escort संबंधित समस्याओं के संबंध में चर्चा की जाकर समाधान करावें।

प्रतिलिपि:- उप. महानिरीक्षक कारागार रेंज जयपुर, जोधपुर, उदयपुर।

उप. महानिरीक्षक कारागार  
राजस्थान जयपुर

उप महानिरीक्षक कारागार  
राजस्थान जयपुर

PCA  
का.रा.पाल  
जिला कारागृह, चित्तौड़गढ़  
राजस्थान

#### D. Table of Additional Information Mentioned in the Undertrials List

The table below shows the type of information that finds mention in the lists of different districts

Kinds of Information in the List of Undertrials	Name of Prison
Age	Bharatpur, Bikaner (SJ Nokha), Chittorgarh, Dausa, Dholpur, Jaisalmer, Jalore, Jhunjhunu, Jodhpur, Nagaur, Pali, Pratapgarh (Choti Saadri) & Sirohi
Police Station & FIR	Karauli
Date of Issue of Warrant	Alwar
Whether Warrant JC or PW	Alwar, Hanumangarh
Next Date of Hearing	Alwar, Banswara, Bikaner (SJ Nokha), Chittorgarh, Churu (SJ Rajgarh), Dausa, Dholpur, Jaipur, Jhunjhunu, Jodhpur, Karauli, Nagaur (SJ Parbatsar), Pali (SJ Bali), Pratapgarh, Sri Ganganagar (SJ Suratgarh) & Udaipur
Wanted/Received Warrant in Another Case	Alwar, Dausa, Dholpur, Hanumangarh, Jaisalmer, Jodhpur, Nagaur, Pali & Pratapgarh
Period of Judicial Custody	Alwar, Bikaner, Chittorgarh, Churu, Dholpur, Hanumangarh, Jaisalmer, Jalore, Jhalawar, Jodhpur, Nagaur (SJ Medtacity, Parbatsar), Pali (SJ Bali), Pratapgarh, Rajsamand, Sirohi & Sri Ganganagar (SJ Suratgarh)
Maximum Period of Imprisonment	Bikaner (SJ Nokha), Chittorgarh, Jaisalmer, Jodhpur, Pratapgarh, Rajsamand & Sri Ganganagar (SJ Suratgarh)
Whether Charge-sheet Filed	Alwar (SJ Behrod), Bharatpur, Churu (SJ Rajgarh), Hanumangarh, Jhalawar, Jhunjhunu (SJ Khetri), Nagaur (SJ Medtacity), Pali (SJ Bali) & Rajsamand
Date of Filing of Charge-sheet	Rajsamand
Whether Bail Applied	Bharatpur, Dausa (SJ Bandikui), Hanumangarh, Nagaur (SJ Medtacity)
Whether Bail Granted or Refused	Bharatpur, Dausa (SJ Bandikui), Hanumangarh, Nagaur (SJ Medtacity), Pali (SJ Bali)
Date of Grant or Refusal of Bail	Churu, Rajsamand
If Granted, Reason for Still Being in Prison	Nagaur (SJ Medtacity)
If Bail Application not Filed, Reasons for Not Filing	Nagaur (SJ Medtacity)
Whether Foreign National	Bharatpur

### E. CHRI Suggested Formats for Preparing Lists of Undertrials

- List I – Undertrials Accused in a Single Case

Note: The list should be prepared court-wise.

#### NAME OF THE COURT – JM No.1

S. No.	Name of Undertrial	Father's Name	Age	Case Reference Number	Police Station	Name of Court	Offence/s	Maximum Prescribed Imprisonment*	Date of Judicial Custody	Period of Judicial Custody (YY/MM/DD)	Next Date of Hearing	No. of times NOT produced on due dates vis-à-vis no. of due dates
1	Raju Yadav	Manoj Yadav	34	81/15	Hindon city	ACJM No. 4 Hindon	S. 380, 411 IPC	7 years	25.01.15	2M 2D	24.03.15	4/6
2	Mukesh Lal	Roshan Lal	29	268/14	Todabheem	ACJM No. 1 Hindon	307, 34 IPC	Life Imprisonment	20.10.14	5M 8D	31.03.15	2/5

\*To be written from the First Schedule of the Code of Criminal Procedure, 1973. If more than one offence is mentioned, the person preparing the list must check the maximum prescribed imprisonment of all sections and then write the maximum imprisonment. For example, for an undertrial accused under Sections 380 and 411, IPC, the maximum prescribed imprisonment of the sections are 7 years and 3 years respectively. In this case, 7 years must be written in the column.

- List II – Undertrials Accused in Multiple Cases

Note: The list should be prepared prisoner-wise

S. No.	Name of Undertrial	Father's Name	Age	Case Reference Number	Police Station	Name of Court	Offence/s	Maximum Prescribed Imprisonment*	Date of Judicial Custody	Period of Judicial Custody (DD/MM/YY)	Next Date of Hearing	No. of times NOT produced on due dates vis-à-vis no. of due dates
1	Ram Singh	Hari Singh	28	125/13	Pilani	JM Pilani	382, 365	RI 10 Years	04.09.14	1Y 7M 8D	24.03.15	4/6
				221/13	Pilani	JM Pilani	379	3 Years	12.08.14		30.03.15	
				325/13	Chairawa	JM Chairawa	382, 341	RI 10 Years	06.06.14		01.04.15	
				117/13	Chairawa	JM Chairawa	384, 323	3 Years	25.12.14		27.03.15	
				114/13	Jhunjhunu	ACJM Jhunjhunu	379, 365	7 Years	25.12.14		22.03.15	

\*To be written from the First Schedule of the Code of Criminal Procedure, 1973. If more than one offence is mentioned, the person preparing the list must check the maximum prescribed imprisonment of all sections and then write the maximum imprisonment. For example, for an undertrial accused under Sections 380 and 411, IPC, the maximum prescribed imprisonment of the sections are 7 years and 3 years respectively. In this case, 7 years must be written in the column.

**F. CHRI Suggested Style Guide to Record Minutes of the Periodic Review Committee Meeting**

**PART I: ADMINISTRATIVE**

- **Date**
- **Time from.....am/pm to.....am/pm**
- **Venue**
- **Members Present:**

Example Table 1.1

<i>Name of the Member</i>	<i>Designation</i>	<i>Duty-Holder under PRC</i>	<i>Reasons for Leaving during the Meeting</i>
<i>Name</i>	<i>CJM</i>	<i>Chairman</i>	
<i>Name</i>	<i>Superintendent</i>	<i>Member-Secretary</i>	
<i>Name</i>	<i>DSP</i>	<i>Representative of Superintendent of Police</i>	

- **Members absent:**

Example Table 1.2

<i>Name of the Member</i>	<i>Designation</i>	<i>Duty-Holder under PRC</i>	<i>Reasons for Non Attendance*</i>
<i>Name</i>	<i>ADM</i>	<i>Member</i>	<i>Sick leave [see attached letter of regret]</i>
<i>Name</i>	<i>DPO</i>	<i>Member</i>	<i>Reason not known</i>

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

**PART II: NUMBER OF CASES FOR REVIEW**

- **Prison-wise information on total number of cases put up for review**

Example: Total number of undertrials detained in Central Prison Jodhpur and Sub-jail Falaudi as on (mention date) are (mention number) and (mention number) respectively, which are presented before the Committee for review in today's meeting.

**PART III: RECORD OF INDIVIDUAL REVIEW OF CASES**

Explanation: Minutes must cover – (i) Individual case details including the period of detention and offence; (ii) to whom the direction is given in each case – Officer in-charge of prison/ Court/ Police/ Legal Services Authority/ Other (iii) the time frame by which the Committee expects compliance. Minutes must mention review of each category of mandated cases:

- (i) **Individual review of cases eligible under S. 167(2)(a)(i) Cr. P. C. where no charge-sheet has been filed within 60/90/180 days** (See Example 3.1)
- (ii) **Individual review of cases eligible under S. 436A Cr. P. C. where an undertrial has completed half or more than the maximum prescribed punishment** (See Example 3.1)
- (iii) **Individual review of cases eligible under S. 436 Cr. P. C. where an undertrial is accused of bailable offence and is detained in judicial custody for more than 7 days** (See Example 3.1)
- (iv) **Individual review of cases of undertrials who are accused of serious offence (triable by Sessions Courts) and detained for more than 18 months** (See Example 3.1)
- (v) **Individual review of cases of undertrials who are mentally ill or appears to be in need of mental health care** (See Example 3.2)

Example Table 3.1

<b><i>Name of Undertrial &amp; Case Details</i></b>	<i>E.g. Ram Singh s/o Hari Singh, case no. 34/2011, is in judicial custody since 20.04.11</i>
<b><i>Reason for Extended Detention, if any</i></b>	
<b><i>Whether the Prisoner made a Written or Personal Representation to Committee</i></b>	<i>Yes/No</i>
<b><i>Total Number of Times the Prisoner has been Produced on Due Dates vis-à-vis Total Number of Times was Supposed to be Produced</i></b>	<i>E.g. 4 out of 6 times</i>
<b><i>Recommendation to Court</i></b>	<i>Consider release on bail with immediate effect/no later than the next date of hearing</i>
<b><i>Reasons for Recommendation</i></b>	<i>Ram Singh is eligible to be released u/s.....</i>
<b><i>Directions to Prison</i></b>	<i>E.g. Ram Singh should be sent to the Court at the earliest to consider his release or expediting his case</i>
<b><i>Comments/ Discussion Notes</i></b>	

Example Table 3.2

<i>Name of Undertrial &amp; Case Details</i>	
<i>Dates of Doctor's Visits</i>	
<i>Kind of Medication Provided/ Details of Treatment</i>	
<i>Total Number of Times the Prisoner has not been Produced on Due Dates</i>	
<i>Directions to Prison</i>	
<i>Recommendation to Court</i>	
<i>Comments/ Discussion Notes</i>	

**PART IV: OTHER LEGAL ISSUES ADDITIONAL TO THE MANDATE**

Explanation: Minutes must cover – (i) Individual case details including the period of detention and offence; (ii) to whom the direction is given in each case – Officer in-charge of Prison/ Court/ Police/ Legal Services Authority/ Other (iii) the time frame by which the Committee expects compliance. Minutes must mention review of each category of cases additionally reviewed:

- (i) Detenués detained under preventive detention cases (S. 107, 109, 151, Cr.P.C.)**
- (ii) Undertrials without lawyers (The Legal Services Authority Act, 1987)**
- (iii) Reviewing the status of juveniles/those whose age is contested/who appear to be juvenile (The Juvenile Justice (Care & Protection of Children) Act, 2000)**
- (iv) Undertrials who have been released on bail by the Court but have not been able to furnish sureties (S.440, Cr.P.C)**
- (v) Undertrials who are sick or infirm (S.437, Cr.P.C.)**
- (vi) Women Undertrials (S.437, Cr.P.C.)**

Example Table 4.1

<b><i>Name of Undertrial &amp; Case Details</i></b>	<i>E.g. Ram Singh s/o Hari Singh, case no. 34/2011, is in judicial custody since 20.04.11</i>
<b><i>Reason for Extended Detention, if any</i></b>	
<b><i>Whether the Prisoner Made a Written or Personal Representation to Committee</i></b>	<i>Yes/No</i>
<b><i>Total Number of Times the Prisoner has been Produced on Due Dates vis-à-vis Total Number of Times was Supposed to be Produced</i></b>	<i>E.g. 4 out of 6 times</i>
<b><i>Recommendation to Court</i></b>	<i>Consider release on bail with immediate effect/no later than the next date of hearing</i>
<b><i>Reasons for Recommendation</i></b>	<i>Ram Singh is eligible to be released u/s.....</i>
<b><i>Directions to Prison</i></b>	<i>E.g. Ram Singh should be sent to Court at the earliest to consider his release or expediting of case</i>
<b><i>Comments/ Discussion Notes</i></b>	

**PART V: MONTHLY STATUS OF COURT PRODUCTION**

Explanation: Information to be provided for each month.

Example Table 5.1

<b><i>Total Number of Undertrials who were Supposed to be Produced in the Month</i></b>	
<b><i>Total Number of Prisoners not Sent for Production in the Month</i></b>	
<b><i>Reasons for non Production</i></b>	
<b><i>Comments/ Discussion Notes</i></b>	

**Part VI: OTHER DIRECTIONS/RECOMMENDATIONS**

Explanation: If any issue is discussed during the meeting or any other direction is given by the CJM or any other member of the Committee, it must be recorded in the minutes.

Examples –

- 1) The issue of shortage of police escorts was discussed during the meeting and the Superintendent of Police stated the problems faced by his office in providing the requisite number of escorts for undertrials. It was decided that undertrials will be sent in two lots to the court, in the morning trial prisoners will be sent and in the afternoon remand prisoners will be sent to ensure that every person reaches the court on the date of the hearing.
- 2) It was mutually decided to prepare a separate list of undertrials accused in multiple cases.
- 3) It was decided to write to the Office of the District Magistrate as no representative attended the PRC meeting asking the reasons and ensuring representation in future.
- 4) The CJM directed that a register of legal aid applications be maintained by the prison.

**G. CHRI Suggested Format for Action Taken Report**

S.No	Names of Undertrials whose cases were reviewed/ Father's Name (Name of the Court)	Whether Undertrial Released? (Write in appropriate column below)				Reasons if NOT Released & still in prison as Undertrial
		Date of Release on Bail	Date of Acquittal	Date of Conviction	Still in prison as Undertrial (YES/NO)	



## **CHRI PROGRAMMES**

CHRI's work is based on the belief that for human rights, genuine democracy and development to become a reality in people's lives there is a need for functional mechanisms of accountability and participation within the Commonwealth and its Member States. CHRI furthers this belief through strategic initiatives and advocacy on human rights, access to information and access to justice.

### **STRATEGIC INITIATIVES PROGRAMME**

CHRI monitors Member States' compliance with human rights obligations and advocates around human rights exigencies where such obligations are breached. CHRI strategically engages with regional and international bodies including the United Nations, the African Commission for Human and Peoples' Rights and the Commonwealth. Ongoing strategic initiatives include: advocating for and monitoring the Commonwealth's reform process; monitoring the performance of Commonwealth countries at the United Nations Human Rights Council; engaging with the United Nations Universal Periodic Review process; advocating for the protection of human rights defenders and civil society space; and monitoring the performance of National Human Rights Institutions in the Commonwealth while advocating for their strengthening. CHRI is also involved in monitoring the work of IBSA – the India, Brazil and South Africa Dialogue Forum – through a human rights lens. CHRI promotes civil society engagement with government on foreign policy issues with the aim of democratising this niche policymaking area.

### **ACCESS TO INFORMATION**

CHRI catalyses civil society and governments to take action, acts as a hub of technical expertise in support of strong legislation and assists partners with implementation of good practice in relation to freedom of information. In relation to freedom of information, CHRI works collaboratively with local groups and officials, building government and civil society capacity, as well as advocating with policymakers. CHRI is active in South Asia, most recently advocating for a national law in Maldives and Pakistan; provides legal drafting support and inputs in Africa; and in the Pacific, works with regional and national organisations to encourage interest in access to information legislation.

### **ACCESS TO JUSTICE**

**Police Reforms:** In too many countries the police are seen as oppressive instruments of State rather than as protectors of the rights of citizens. This attitude is linked to widespread rights violations and the denial of justice. CHRI thus promotes systemic reform so that the police act as upholders of the rule of law. In India, CHRI's programme aims at mobilising public support for police reform. In East Africa and Ghana, CHRI is examining police accountability and political interference with the police.

**Prison Reforms:** CHRI's work is focused on increasing transparency of a traditionally closed system and exposing malpractice. A major focus area is highlighting and intervening in the failures of the legal system that result in systemic overcrowding, intolerably long pretrial detention periods and prison overstay. Another area of concentration is reforming failed prison oversight mechanisms. CHRI aims to improve the administration of prisons and is of the view that this will have a positive effect on the administration of justice overall.

*The Avadhik Samiksha Samitis or Periodic Review Committees (PRCs) in Rajasthan work to reduce overcrowding and to guarantee access to justice to all undertrials. Through this watch report, CHRI intends to reemphasize the significance of this oversight mechanism that prevents unnecessary detention by periodic review.*

Addressing the Chief Judicial Magistrates of Rajasthan at the State-level Consultation, held on 1 September 2013, organised by CHRI, under the aegis of the Rajasthan High Court, this is what the stakeholders had to say –

*“Let us sensitise ourselves and be conscious of what is expected of us. I request you to step up the releases through the Periodic Review Committee. Be regular in your approach. Take out a time slot and deal with these cases expeditiously. As we meet today...let us remind each other that we need to be more conscious of the rights of prisoners and apply ourselves more in the manner expected of us.*

*There needs to be a higher level monitoring committee at state level to oversee the functioning of the PRCs. The district level PRCs will be in a network with the state level monitoring committee. So if this be done there have to be additional players. The much desired day to day coordination and reporting can be put in place. The state level committee can be appraised of the problems on the ground. There may be periodic interactions between the state and district level. There will be an impact assessment with oversight.”*

**– Hon’ble Chief Justice Amitava Roy, Rajasthan High Court**

*“The problem is face of the prison population is changing drastically. 48% of undertrials are between 18-30 years, an age group that should be contributing to developing the country. 95% are first time offenders. Unless we move them from their criminal way of life and deviant behaviour, we are stuck with a big problem.*

*Problem of jails and courts is the same – overcrowding – it is files and people, respectively. Today’s question is how do you deal with this population and overcrowding? Periodic Review Committee is a possible answer.”*

**– Hon’ble Justice R.S. Chauhan, Rajasthan High Court**

*“PRCs must create their own guidelines to ensure the mandate of the Committees expands to take into account criminal procedure code amendments and scrutiny over the use of preventive detention laws. Prisons must focus in identifying vulnerable prison populations like (i) remand prisoners detained for longer than 4 months, beyond stipulated 60-90 days (ii) young offenders within the age group of 18-21 years, (iii) petty offenders, and (iv) elderly and infirm; and (v) mentally ill undertrials, and follow through with compliance towards release.”*

**– Sh. Omendra Bharadwaj, Director General (Prisons), Rajasthan**

*“When there is a 70 year old in prison, you have to see that it is a failure of your protective laws. When you find a less than 18 year old, you know that it is a lack of coordination. There is a judiciary and executive. Probation Officers are new. Prisons want people to move out. But they think the solution is not in their hands. The solution is in your hands. Every person deserves a fair trial and the law should be there for everybody. No person should stay even one minute more than they should.”*

**– Ms. Maja Daruwala, Director, CHRI**