Commonwealth Human Rights Initiative

EPIC: EVALUATION OF PRISONER INFORMATION AND CASES

WHAT
- A SIMPLE TOOL TO ANALYSE DATA ON UNDERTRIAL PRISONERS & TO ASSIST IN PREPARATION OF LISTS OF ELIGIBLE PRISONERS FOR REVIEW BY UNDERTRIAL REVIEW COMMITTEES

HOW
- INTEGRATION OF 'EPIC: EVALUATION OF PRISONER INFORMATION AND CASES' IN E-PRISONS SUITE

WHY
- REDUCE TIME SPENT ON MANUALLY PREPARING LISTS BY PRISON STAFF & ENSURING ACCURACY
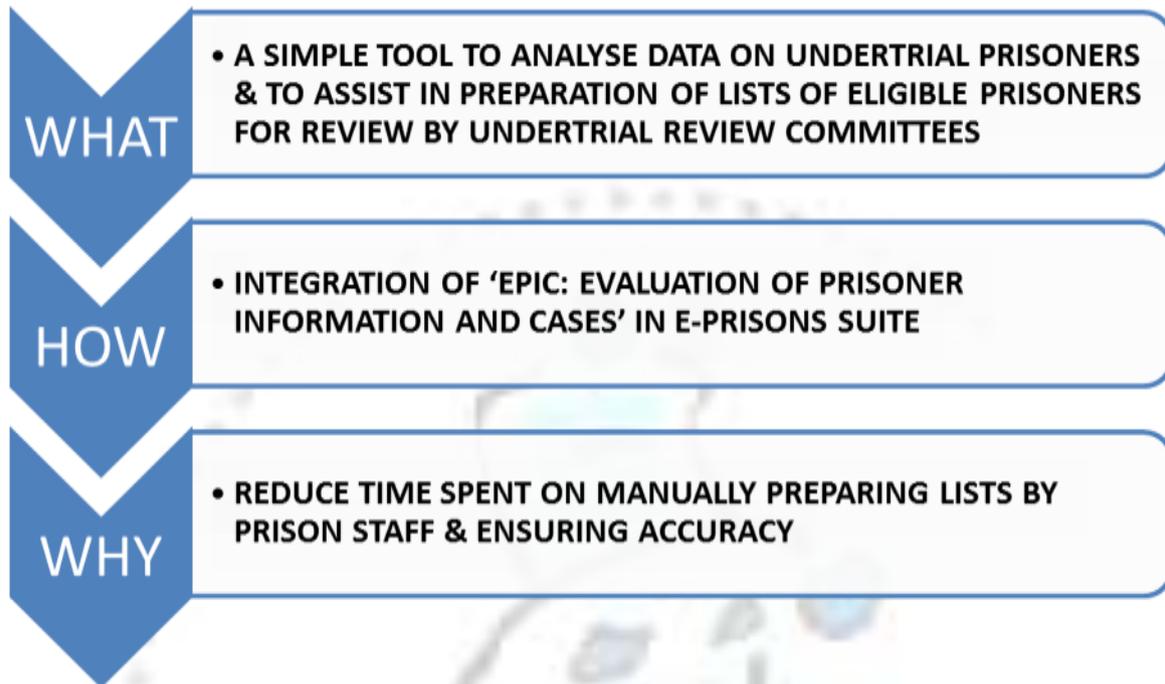
STATEMENT OF GOALS

Under-trial prisoners constitute a significant majority of the prison population in India. However, in a huge number of cases, pre-trial detention is avoidable and unnecessary. There exist several provisions in the Code of Criminal Procedure 1973 (Cr.P.C.) within which release of undertrial prisoners can be sought. However, many a time due to lack of awareness or means to ensure effective representation undertrials remain behind bars for prolonged period of time. Cases where the right of bail accrues on account of delay in filing chargesheet, completion of half/maximum term of specified punishment, prolonged detention in petty cases; and, cases which can quickly be disposed by opting for plea bargaining or where parties are eager to compound cases are of importance in this context.

The above mentioned categories have also been included in the list of undertrial prisoners that Undertrial Review Committees must review in their quarterly meetings in the recent directives of the Hon'ble Supreme Court in *Re: Inhuman conditions in 1382 prisons.*[1]

Introduction of modules within the existing technological systems can assist in the effective implementation of various legal provisions by assisting in preparation of lists of eligible undertrial prisoners on a real time basis. With this in mind, the Commonwealth Human Rights Initiative (CHRI) came up with a simple software which can institutionalise the implementation of these provisions. We have chosen to name the software as *EPIC – Evaluation of Prisoner Information & Cases (EPIC).*

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[1] WP (c) no. 406 of 2013, order dated 24 April 2015, 5 February 2016 and 06 May 2016.

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EPIC is a simple analytical tool which assists in computing the eligibility of under-trial prisoners' u/s 167,436,436A Cr.P.C, evaluating whether cases fall under petty offences, are eligible under plea bargaining or are compoundable/non compoundable cases. Its use is simple, and results are quick and accurate. *EPIC* has been developed as a set of analytical instructions which evaluate the period of detention for each under-trial prisoner.

WHERE INTEGRATION CAN TAKE PLACE

Instead of developing new software, it would be easier and cost effective to introduce the concepts in the existing prison management software. As of now, there are a number of such software in use across India, viz. e-Prisons Suite by NIC, PRISM by Goa Electronics Ltd. (GEL), PHOENIX for Haryana by Invader Technologies and eGujcops for Gujarat by TCS. The E Prisons Suite by NIC is already in use across majority prisons in India. The scope of this project is to computerize and integrate all the activities related to prison and prisoner management in the jail. This application suite provides vital information about the inmates, lodged in the prisons, in real time environment to the prison officials and other entities, involved in criminal justice system.[2] The application already contains provisions for various alerts (via SMS and email) like hearing details and 436, 436A CrPC for monitoring purpose and makes available 436, 436A Cr.P.C reports to court.[3] It also ensures availability of other information of the prisoner online to the court on demand. Thus the basic offence punishment database has already been integrated into the E Prisons Suite based on which the 436/436A Cr.P.C calculations are based and alerts generated. With the basic setup available the integration of EPIC features in the E Prisons Suite is possible.

FUNCTIONAL DESCRIPTION

What the new module/application will do?
▶ Inform the user when a prisoner is eligible for bail u/s **167** Cr.P.C in cases where chargesheet has not been filed within stipulated 60/90 days time period.
▶ Inform the user when a prisoner is eligible for bail under Section 167(2) of the CrPC read with Section 36A of the Narcotic Drugs and Psychotropic Substances Act, 1985. Where they are accused under Sections 19, 24 or 27A or for offences involving commercial quantities, have completed 180 days in custody but the charge sheet has not been filed in the case.
▶ Inform the user cases of prisoners who are detained under petty offences i.e. cases where maximum sentence is less than 3 years.
▶ Inform the user where the offence is compoundable offence.
▶ Inform the user where case is eligible for plea bargaining.
▶ Inform user where bail has been granted but person has not been released even after 7 days

What data input is required?
In addition to basic information of prisoner – name, fathers name, case reference number, concerned court, age, sex the following data MUST be entered:
1. Date of first production
2. Date of admission to jail
3. Offences charged

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[2] http://eprisons.nic.in/NPIP/public/About.aspx.
[3] The module for calculation of 436/436A cases was also developed by CHRI and integrated in the EPrisons and E-Courts software in 2010.

4. Whether chargesheet filed or not
5. Date of filing chargesheet

What calculations need to be introduced?

CHRI has prepared a specifications document containing the details of all calculations that need to be made and alert systems to be set in place. For a copy please email chriprisonsprog@gmail.com or contact us at 011-43180220.

DELIVERABLES

What reports the application can generate?

The module should be able to generate following reports

‣ List of prisoners eligible to apply for bail u/s 167 Cr.P.C.
‣ List of prisoners eligible for release u/s 436 Cr.P.C.
‣ List of prisoners eligible to apply for bail u/s 436A Cr.P.C.
‣ List of prisoners eligible under Probation of Offenders Act, 1958.
‣ List of prisoners who are accused of petty offences.
‣ List of prisoners who can opt for plea bargaining.
‣ List of prisoners who are charged with compoundable offences.
‣ List of prisoners for whom bail has been granted still they are in custody.
‣ Monthly updation reports on status change in concerned cases esp. reports on cases where no action taken or no change reflected.
‣ List of prisoners eligible to be considered for review by undertrial review committees to be generated last day of every month.

Desired Outcome	Requirement	Calculation	Output
Consideration by URC	• Calculations for eligibility u/s 436 Cr.P.C • Calculations for eligibility u/s 436A Cr.P.C • List of persons charged with compoundable offences • List of persons granted bail but not released • List of persons eligible for Probation of Offenders Act, 1958	If yes in either 5 categories, then mentioned in final output list. If name of inmate repeated in list under any category then MARK in RED.	REPORT: Consolidated report on all 5 categories. Consolidated report on repeated names. ALERT: 1.Report emailed to members to all members of URC 2. Where name of inmates are repeated in subsequent list report emailed to all member of URC, High Court and SLSA.

What alerts are to be setup?

Email/SMS alerts to court, prison, family, lawyers, legal aid authorities and members of URC.

CONCLUSION

Overall, the introduction of these features/module will be effective in preventing unnecessary and prolonged detention of under-trials in prison and will assist in implementation of the order of the Hon'ble Supreme Court *in Re: Inhuman conditions in 1382 prisons*. Its use is a boon to prison departments & the judiciary across the country as it assists them in review of undertrial cases on a regular basis and thus will reduce overcrowding due to the high under-trial population. At the same time it helps the under-trial prisoner, who is still innocent in the eyes of law, to secure his release and prevent any form of unnecessary or prolonged detention.

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About CHRI & Prison Reform Programme

The Commonwealth Human Rights Initiative (CHRI) is an independent, non-partisan, international non-governmental organisation, mandated to ensure the practical realisation of human rights across the Commonwealth. CHRI was founded in 1987 by Commonwealth professional associations; it is headquartered in New Delhi, India since 1993, and has offices in Accra, Ghana and London, UK. The Prison Reforms Programme of CHRI is more than 15 years old. The programme focuses on improving prison monitoring through the strengthening of undertrial review mechanisms and prison visiting system nationally, and ensuring early safeguards against unnecessary pretrial detentions, specifically in Rajasthan and West Bengal.

The programme also advocates for timely repatriation of foreign national prisoners and immediate release of asylum seekers. Evidence-based research, advocacy, capacity-building of actors of the criminal justice system including prison officials, welfare and probation officers, criminal defense lawyers, magistrates, legal aid functionaries and civil society actors are the regular activities of the programme.