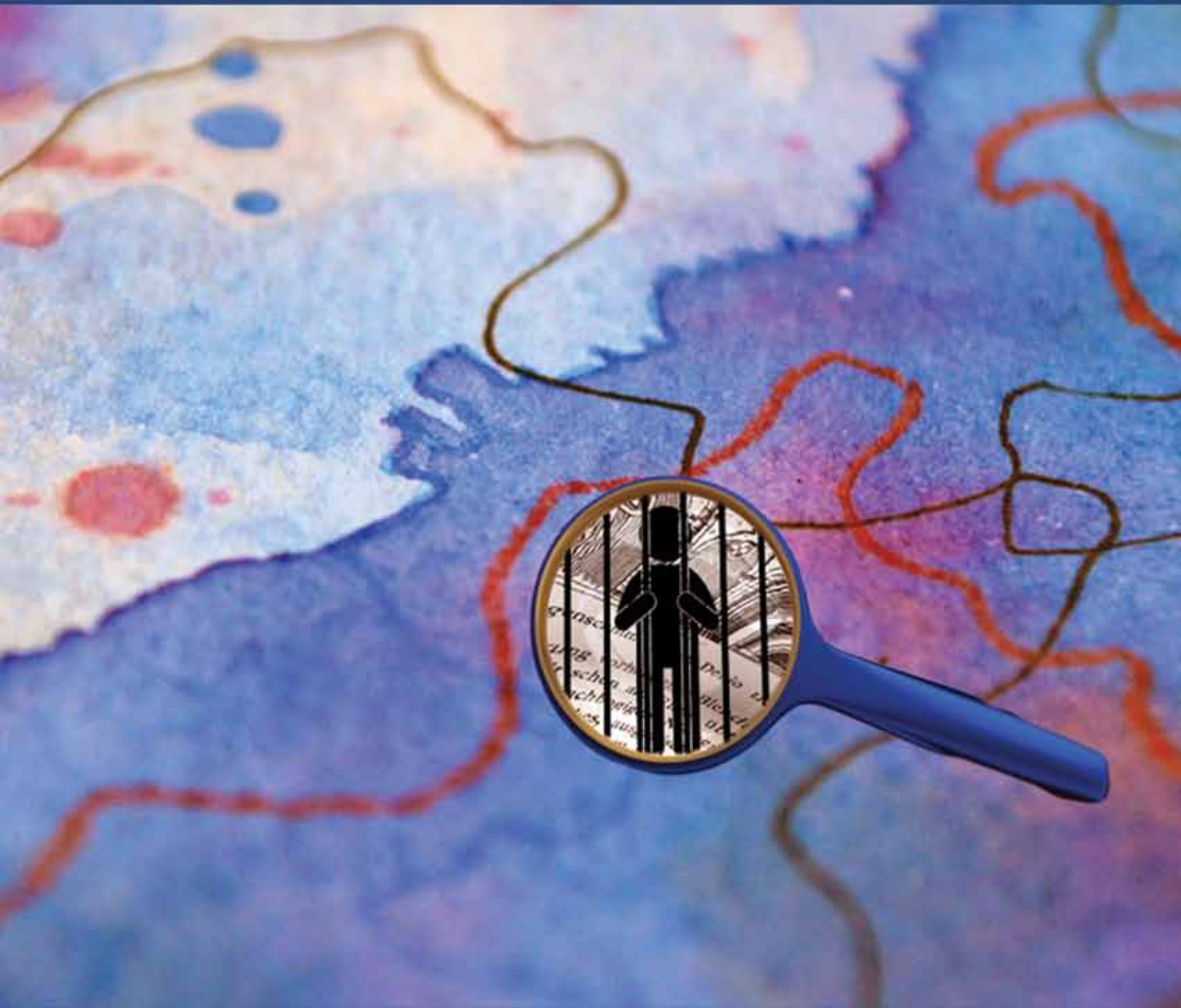


CHRI 2015

ROAD TO RELEASE

THIRD 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 countries a shared set of values and legal principles from which to work and provided a forum within which to promote human rights, there was little focus on the issues of human rights within the Commonwealth.

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

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

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ROAD TO RELEASE

THIRD WATCH REPORT ON RAJASTHAN'S PERIODIC REVIEW COMMITTEES

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WHAT'S THE IDEA OF THE REPORT

INTRODUCTION

This is the third watch report on Rajasthan's Periodic Review Committees (PRCs) by the Commonwealth Human Rights Initiative (CHRI). CHRI's first report on PRCs was published in 2011 which compiled data from June 2009 to June 2010 (2009-10). It was followed by the second report in June 2015 which provided information for eight months from September 2013 to April 2014 (2013-14). The present report provides an update since the second report, and is based largely on data gathered from May 2014 to April 2015 (2014-15). The report is divided into two main parts: Firstly, what is the mandate of the Rajasthan PRCs on paper? Secondly, how have these district-level committees performed on the ground since the second watch report and the advocacy done with critical stakeholders in the executive and judiciary? Broadly, the report aims to evaluate: Are they proving to be effective mechanisms of prison oversight?

In Rajasthan, Periodic Review Committees (PRCs) or *Avadhik Samiksha Samitis* are one of the prison oversight bodies which keeps a vigil on illegal and unnecessary detention in prisons. The performance of the PRCs has been tracked by CHRI through right to information requests since 2009-10. The information is collated and analysed vis-à-vis their mandate and guidelines provided by the High Court¹ and the prison department from time to time. This Watch Report is a comparative status of the PRCs as observed in 2013-2014 and progress made in 2014-2015. In 2013-2014 three districts, Ajmer, Baran and Bhilwara, failed to provide information while in 2014-2015 Durgapur, Sirohi and Bhilwara did not provide information. Due to delay in sending information on the part of Barmer, Sikar and Karauli, their data could not be taken up for analysis in this report. The comparative report tracks the changes across a set of five indicators – (i) whether monthly meetings were held; (ii) whether lists of undertrials were prepared for every meeting; (iii) whether all members came to all meetings; (iv) the kinds of cases reviewed as per the mandate; and (v) whether minutes were prepared for all meetings held.

The functioning of PRCs directly impacts the conditions of overcrowding² in prisons and complements the role of other oversight bodies. PRCs work on the premise that a person in prison is sent under the order of the court. Therefore, it is the duty of judiciary to oversee that no one is detained for more than the period required by law. This is precisely the mandate of this five-member district level committee, headed by the Chief Judicial Magistrate, since 1979. Unfortunately, neither the judiciary nor the executive realised its potential. CHRI, through its watch reports, has been able to demonstrate that in a span of five years with constant monitoring of the judiciary, executive and civil society, an earlier defunct mechanism in the state of Rajasthan is revived to work efficiently to the cause of access to justice for all.

S.436A of the Code of Criminal Procedure, 1973 (the Code) has been in focus since 2011 with the government and judiciary time and again emphasizing the need for institutionalising its implementation³. The Ministry of Home Affairs on 9 May 2011, issued an advisory suggesting that "a survey of all such cases covered under section 436 and 436A may be carried out every six months by the prison authorities and presented before the magistrate/ judges concerned in each district, by sending such lists to the District Legal Services Authorities (SLSAs)." Similarly, by another advisory⁴ in January 2013, states were asked to "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." The Union Home Minister has written to the Chief Ministers of all States/UTs on 3 September 2014 regarding use of section 436A of the Code to reduce over-

1 A state-level consultation was held on 1 September 2013, under the aegis of the Rajasthan High Court led by the then Chief Justice Amitava Roy. He urged the Chief Judicial Magistrates to hold these meetings with greater diligence.

2 As on 31 July 2015, the overall occupancy rate in the prisons of Rajasthan was 115%. Among the central prisons it was highest in Jaipur with 174%. In district prisons, it varied from 47% (Jaisalmer) to 522.5% (Rajsamand). In sub-jails like Bayana and Aklera, overcrowding was more than 1200%.

3 In Rajasthan, three circulars, dated 22 September 2014, 8 October 2014 and 16 October were issued by the Directorate of Prisons directing prisons to prepare a list of undertrials eligible under S. 436A and to send it to District Magistrate, Superintendent of Police and Chief Judicial Magistrate and accordingly to inform the Directorate.

4 Refer Annexure E, p 59, No. V-13013/70/2012-IS (VI), Ministry of Home Affairs (CS Division), GOI on 'Use of Section 436A of the Cr.P.C. to reduce overcrowding of prisons.'

crowding in jails of the country. An advisory dated 27 September 2014 has also been issued by the Government of India to the States/UTs on reckoning half-life of time spent in judicial custody of undertrial prisoners under Section 436A of the Code.

On 5 September 2014, the Hon'ble Supreme Court of India in Writ Petition (Crl.) No. 310 of 2005 titled as 'Bhim Singh vs Union of India & Ors.' direct that, "jurisdictional Magistrate/Chief Judicial Magistrate/Sessions Judge shall hold one sitting in a week in each jail/prison for two months commencing from 1st October, 2014 for the purposes of effective implementation of 436A of the Code of Criminal Procedure....after complying with the procedure prescribed under Section 436A pass an appropriate order in jail itself for release of such under-trial prisoners who fulfill the requirement of Section 436A for their release immediately."

Most recently, the Supreme Court of India in its order⁵ dated 24 April 2015 directed the Member Secretary of the National Legal Services Authority (NALSA) in coordination with the State Legal Services Authority (SLSA) and the Ministry of Home Affairs to "urgently ensure that Undertrial Review Committee is established in every District, within one month." The court relied on the Ministry of Home Affairs advisory issued on 17 January 2013 for the purpose of implementation of S.436A of the Code. The composition of the Undertrial Review Committee, as provided by the advisory and the Supreme Court order, is "the District Judge, as Chairperson, the District Magistrate and the District Superintendent of Police as members." The periodicity of the meeting is fixed for every quarter.

Apart from ensuring implementation of S.436A of the Code, the court asked NALSA to issue directions to the SLSAs to urgently take up, through its panel lawyers, cases of prisoners who are unable to furnish bail and are still in custody for that reason, "... we find that there are a large number of such prisoners who are continuing in custody only because of their poverty. This is certainly not the spirit of the law and poverty cannot be a ground for incarcerating a person." Further, the court observed that, "There are a large number of compoundable offences for which persons are in custody."

With its insistence on the constitution of undertrial review committees in each district, the Supreme Court order moves the periodic review of undertrials from the realm of uncertainty and discretion to the realm of the mandatory for each and every state. However, a new concern emerges – what will be the fate of the undertrial review committees which existed much before the Supreme Court order? Having perhaps an expanded composition and mandate? In Rajasthan, PRCs were established way back in 1979. Due to the constant monitoring of the High Court and the executive since 2011 when CHRI drew their attention for the first time, the functioning of PRCs improved immensely. In fact since mid-2015 the Prison Department has begun to proactively disclose the information on meetings and number of cases taken up for review. The information shows that PRCs have become more regular than before from 26.3 per cent in 2009-10 to 53% in 2014-15. Complying with the Supreme Court order, a circular was issued by the Rajasthan State Legal Services Authority, dated 11 May 2015, to all the District Legal Services Authorities enclosing the directions issued by the National Legal Services Authority in this regard⁶. This essentially means while the PRCs are already functioning another committee has been constituted. We understand that the SLSA is duty bound to comply but a clarification in this regard from the apex court would have helped prevent duplication⁷. CHRI believes that it is of utmost importance that implementing authorities integrate some of the new specifications in mandate and composition of the committee directed by the Supreme Court which is already institutionalised and functional on the ground rather than replacing or duplicating it.

5 Refer Annexure D, p. 57, Suo Moto W.P. (Civil) No. 406 of 2013 titled 'Re: Inhuman Conditions prevailing in 1382 Prisons in India'

6 Refer Annexure F, p. 61, Rajasthan SLSA circular regarding W.P. (C) No. 406/2013 in the Supreme Court of India, Re – Inhuman conditions in 1382 prisons.

7 Based on the limited information received from right to information requests filed by CHRI after the Supreme Court order, it was found that at least in three districts Bharatpur, Dholpur and Jaisalmer Undertrial Review Committees have been established. This must be true for other districts.

WHAT'S ON PAPER

THE MANDATE



✓ Once every month

PERIODICITY OF MEETINGS



MEMBERS

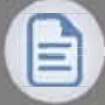
- ✓ CHAIRPERSON
 - 1) Chief Judicial Magistrate
- ✓ MEMBERS
 - 2) Representative – District Magistrate
 - 3) Representative – Superintendent of Police
 - 4) District Probation Officer
- ✓ MEMBER SECRETARY
 - 5) Prison In-charge

CORRESPONDENCE BETWEEN MEMBERS



- ✓ Prison in-charge sends letter to CJM's office to decide the meeting date
- ✓ CJM decides the date
- ✓ Remaining 4 Members are notified by the Prison in-charge about the meeting particulars

LISTS OF UNDERTRIALS



- ✓ Lists of Undertrials are prepared by Prison staff according to following 4 Proformas for cases to be reviewed by the Committee –
 - A. Punishable with death, imprisonment for life or for a term of not less than 10 years, completed 90 days under custody, investigation not concluded [S.167(2)(a)(i) Cr.P.C.]
 - B. Punishable with imprisonment of less than 10 years, completed 60 days, investigation not concluded [S.167(2)(ii) Cr.P.C.]
 - C. When completed more than the maximum term of sentence [S.428 Cr.P.C.] – now S.436A
 - D. Non-criminal lunatics [S.16 & 23 of Indian Lunacy Act, 1912] – Indian Lunacy Act, 1912 is now replaced by The Mental Health Act, 1987
- ✓ Separate lists are to be prepared for –
 - E. Undertrials completed half or more than the maximum term of prescribed punishment [S.436A, Cr. P.C., 1973]
 - F. Serious Offenders punishable with death or life imprisonment whose trial is continuing over two years
 - G. Petty Offenders punishable with imprisonment up to 2 years (eligible to be released on personal bond under Section 436, Cr.P.C.)

CONVENING OF MEETING



- ✓ Review Meeting is held in the premises of the prison
- ✓ PRC makes recommendations to the respective courts for eligible cases to be expedited or for release of undertrials

- ✓ Minutes of the Meeting prepared by the Prison staff
- ✓ Minutes sent to all the Members & Courts for action

MINUTES OF THE MEETING



WHAT'S ON GROUND

FINDINGS AND RECOMMENDATIONS

DISTRICT REPORT CARDS

The background of the page is a faded, light-colored map. It features several irregular shapes in shades of blue and red, which appear to be geographical markers or district boundaries. The map is centered and occupies most of the page area.

FINDINGS & RECOMMENDATIONS

Rajasthan PRCs are on a trajectory of improvements as regards their periodicity, coordination between members and overall functioning. This is more so because of the efforts of the prison department in keeping a constant check on the regularity of PRC meetings in every central or district prison. On 28 February 2014⁸, a circular was issued by the Prison Department directing the prison in-charge to ensure that details of PRC meetings are sent by fax in the given proforma – date of meeting; reasons if meeting not held. Also, it was directed to send information by fax if any PRC meetings were held in the sub-jails under their jurisdiction. Such a direction was given for the first time though no evidence could be found for meetings held in the sub-jails. Four circulars⁹, dated 12 August 2014, 29 September 2014, 19 November 2014 and 12 December 2014, were issued from the office of Director General of Prisons to the prison in-charge of those prisons which did not send quarterly information on PRC meetings. It was further provided that deferment of sending information by prisons leads to delay in sending the report to the state government and, therefore, directed them to send the same at the earliest. The Directorate of Prisons sent a circular¹⁰, dated 16 October 2014, directing the prison in-charge of 9 prisons¹¹ to conduct PRC meetings regularly under the Chief Judicial Magistrate/Chief Metropolitan Magistrate and accordingly inform the Directorate.

PERIODICITY OF MEETINGS

The table below shows the periodicity of meetings held during the time periods of three watch reports:

NAME OF CENTRAL/ DISTRICT JAILS	NO. OF MEETINGS HELD FROM JUNE 2009-JUNE 2010	NO. OF MEETINGS HELD FROM SEPTEMBER 2013-APRIL 2014	NO. OF MEETINGS HELD FROM MAY 2014 – APRIL 2015
AJMER	2	No data	10
ALWAR	3	6	8
BANSWARA	4	1	1
BARAN	3	No data	2
BARMER	3	7	No data
BHARATPUR	1	6	4
BHILWARA	1	No data	No data
BIKANER	2	6	9
BUNDI	1	2	12
CHITTORGARH	5	6	-
CHURU	6	5	5
DAUSA	1	4	No data
DHOLPUR	3	4	8
DUNGARPUR	1	1	No data
GANGAPUR CITY	No data	No data	1
HANUMANGARH	2	7	10
JAIPUR	4	3	5
JAISALMER	4	5	12
JALORE	No data	3	7
JHALAWAR	1	1	9
JHUNJHUNU	No data	6	5
JODHPUR	7	3	3
KARALI	9	7	No data
KOTA	2	No data	3
NAGOUR	3	7	8
PALI	1	4	4
PRATAPGARH	7	6	7
RAJSAMAND	10	2	10
SIKAR	4	6	No data
SIROHI	2	3	No data
SRI GANGANAGAR	11	5	8
TONK	10	1	8
UDAIPUR	No data	4	5

⁸ Refer Annexure G, p. 63, for some of the circulars issued by the Directorate of Prisons.

⁹ Refer Annexure G, p. 63, for some of the circulars issued by the Directorate of Prisons.

¹⁰ Refer Annexure G, p. 63, for some of the circulars issued by the Directorate of Prisons.

¹¹ Bharatpur, Jaipur, Alwar, Dausa, Dhaulpur, Jhunjhunu, Sikar, Karali and Gangapurcity.

- As regards the regularity in meetings, from 26.3 per cent in 2009-10 it increased to 50.8 per cent in 2013-14. Now, it has risen to 53 per cent for May 2014 to April 2015 when 159 out of 300 mandated meetings were held in 27 districts in Rajasthan.
- It clearly shows that the regularity of meetings have increased in nine districts¹² with more than double the increase in Bundi, Dholpur, Hanumangarh, Jaisalmer and Nagaur. Bundi and Jaisalmer are exemplary in having conducted all monthly meetings – something of a record for this period (2014-15).
- The number has fallen in Banswara, Churu and Jodhpur over the three periods. Banswara and Ganganagar city had the worst performance with only one meeting held in the entire year (2014-15).

CHRI has recommended in all the three watch reports to ensure regularity and that the day/date of the meeting is pre-set. For example, PRC meeting will be scheduled on the first Saturday of every month. The prison in-charge must send a letter in this regard to the Chief Judicial Magistrate to fix a permanent day/date for the meeting or it must be mutually decided by all the members in the next meeting to be held.

PREPARATION OF UNDERTRIALS' LISTS BY THE PRISON

- The assessment of the lists of undertrials from the three time periods indicates that prisons have not been preparing lists according to the mandated four proformas¹³ or the proformas suggested by CHRI¹⁴ in its first report. In 2014-15, minutes of Jaipur and Sri Ganganagar PRCs mention about the four proformas but lists were not prepared according to them.
- Considering that currently prisons neither have all the relevant information nor the capacity to present a computed list of undertrials it was recommended in the second report that instead of using proformas the format of the lists should be standardised¹⁵. However, this has not been achieved till now.

It is recommended that 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.

¹² Alwar, Bikaner, Bundi, Dholpur, Hanumangarh, Jaisalmer, Jhalawar, Nagaur and Pali.

¹³ Proforma A: Undertrials standing trial in cases punishable with death, imprisonment for life or for a term of not less than 10 years, completed 90 days under custody, investigation not concluded [S.167(2)(a)(i)]

Proforma B: Undertrials standing trial in cases punishable with imprisonment of less than 10 years, completed 60 days, investigation not concluded [S.167(2)(ii) of the Code]

Proforma C: Undertrials under detention for a period more than the maximum term of sentence awardable to them in the case in which they are standing trial" [S.428 of the Code] – now S.436A

Proforma D: Non-criminal lunatics confined in prison for observation for more than thirty days [S.16 & 23 of Indian Lunacy Act, 1912] – Indian Lunacy Act, 1912 is now replaced by The Mental Health Act, 1987

¹⁴ I. Undertrials who are charged with offences punishable with death or life imprisonment whose trial is continuing over two years

II. Petty Offenders who are charged with offences punishable with imprisonment up to two years

III. Undertrials who have completed half or more than the maximum term of the prescribed punishment

IV. Undertrials whose age is contested / Juveniles

V. Mentally Ill Undertrials

¹⁵ Refer Annexure A, p. 52 CHRI suggested formats for preparing Lists of Undertrials

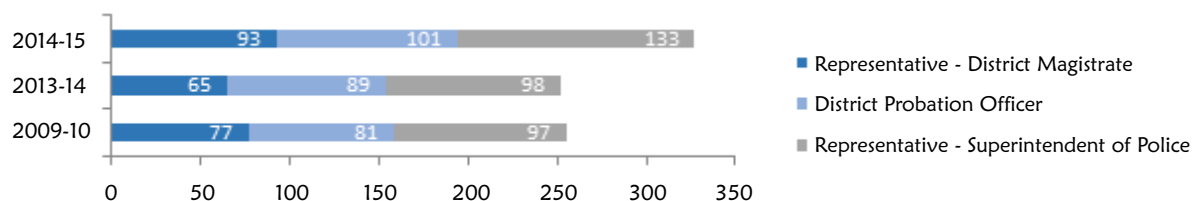
To overcome the critical information gap between courts and prisons, the following information must be provided by the court to the prison:

1. Date of arrest
2. Date of first production
3. Date of first remand
4. Offence, whether compoundable
5. Offence, whether bailable
6. Maximum prescribed imprisonment
7. Case reference number
8. Date when UTP eligible u/S.436
9. Date when UTP eligible u/S.167
10. Date when UTP eligible under S.436A (Half Term)
11. Date when UTP eligible under S.436A (Full Term)
12. Date of chargesheet
13. Date when bail was granted by court but undertrial unable to furnish surety
14. Lawyer, whether private or legal aid
15. Contact number of Lawyer

The above information could be provided by the court along with the warrant requiring production of an undertrial. It would assist the PRCs tremendously in identifying undertrials' eligibility to be released under the law. For example, the calculation of 60/90 days needs to be calculated from the date of first remand. It would also assist the PRCs in complying with the directions given by the Hon'ble Supreme Court for quick disposal of compoundable cases and cases of undertrials who were granted bail but are still detained due to their inability to furnish bail amount or surety.

ATTENDANCE OF MEMBERS & CORRESPONDENCE BETWEEN THEM

- Out of 155 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 (133 meetings), followed by the Probation Department (101 meetings). The lowest attendance was from the District Magistrate's office (93 meetings).



- The number of districts in which all five mandated members came to all the meetings that were held has seen a low trend over the three periods.



- While overall regularity of PRCs has improved, the lack of full attendance in the meetings and the fall in full attendance over the years does obstruct case disposal and final recommendations. For example, in Bikaner, in 2014-15, in the case of an undertrial detained under a petty offence and S.151, 107, 116(3) as the representative of District Magistrate was absent for five consecutive meetings, the reasons for not releasing him on personal bond could not be clarified. It is a classic example to show how the liberty of the person gets affected by the absence of PRC members.
- Additionally, a representative from the Prosecution Department has attended the Committee meetings in 19 districts¹⁶. Meetings were attended by the Director, Additional Director, Deputy Director, Assistant Public Prosecutor or Public Prosecutor in these districts.
- From 2013 to 2015, regular correspondence was observed for 13 districts¹⁷. Though in Jhalawar, correspondence was irregular, a letter was sent to the Superintendent of Police to ensure production of the accused by arranging adequate number of guards. Similarly, in Kota, the Chief Judicial Magistrate conveyed to the representative of Superintendent of Police and prosecution department that during every meeting it would be helpful if the information regarding filing of chargesheet is sent to the prison.

- The prisons in-charge must make efforts to improve the correspondence with all members to ensure full attendance and speedier expediting of cases.
- The issue of non-attendance must be taken seriously by the PRC. If a member has missed any two meetings consecutively or has been frequently missing the meetings, seniors must be informed and request should be made to nominate a more diligent person to attend the meetings.

REVIEWS & RECOMMENDATIONS MADE BY THE COMMITTEES

The 1979 order directs the PRCs to mandatorily review five categories of cases of undertrials eligible under S.167 of the Code; S.428, which is now S.436A of the Code; S.436 of the Code. or petty cases; long detention in serious offences and; the Indian Lunacy Act, 1912, which is now the Mental Health Act, 2000.

The table below provides for a comparative examination of the various categories of cases undertaken for review by the PRC of each district:

CENTRAL/ DISTRICT JAILS	FROM JUNE 2009-JUNE 2010	SEPTEMBER 2013-APRIL 2014	FROM MAY 2014 – APRIL 2015
AJMER	No Data	No Data	• S.436A
ALWAR	No Details	<ul style="list-style-type: none"> • S.436A (49 Cases) • S.167 (3 Cases) • S.436 (17 Cases) • S. 107 To 110 & 151 (7 Cases) 	<ul style="list-style-type: none"> • S.436 (24 Cases) • S.436A (72 Cases)
BANSWARA	No Details	<ul style="list-style-type: none"> • S.436A • Below 18 Yrs • S. 107 To 110 & 151 • Need Legal Aid 	<ul style="list-style-type: none"> • S.436A • Below 18 Yrs • S. 107 To 110 & 151 • Need Legal Aid
BARAN	<ul style="list-style-type: none"> • S.436A • Below 18 Yrs 	No Data	<ul style="list-style-type: none"> • S.436A • Below 18 Yrs • S. 107 To 110 & Other Provisions of the Code

¹⁶ Ajmer, Alwar, Bharatpur, Bikaner, Churu, Dholpur, Gangapurcity, Hanumangarh, Jaipur, Jaisalmer, Jalore, Jhunjhunu, Jodhpur, Kota, Nagaur, Pali, Pratapgarh, Rajsamand & Udaipur.

¹⁷ Bharatpur, Bikaner, Churu, Dholpur, Hanumangarh, Jaipur, Jaisalmer, Jhunjhunu, Jodhpur, Kota, Pratapgarh, Rajsamand & Udaipur.

CENTRAL/ DISTRICT JAILS	FROM JUNE 2009-JUNE 2010	SEPTEMBER 2013-APRIL 2014	FROM MAY 2014 – APRIL 2015
BARMER	<ul style="list-style-type: none"> S. 107 To 110 & 151 (2 Cases) Long Detention (1 Case) 	<ul style="list-style-type: none"> S.436A S.167 Detention More Than 2 Yrs Petty Cases Mentally Ill S.428 S. 107 To 110 & 151 Below 18 Yrs 	No Data
BHARATPUR	<ul style="list-style-type: none"> S.436A 	<ul style="list-style-type: none"> S.436A (8 Cases) S.436 (5 Cases) Long Detention (16 Cases) S. 107 To 110 & 151 (10 Cases) Unable To Furnish Surety (1) Below 18 Yrs 	<ul style="list-style-type: none"> S.436A (5 Cases) Long Detention (58 Cases) S. 107 To 110 & 151 & Detained For 6 Months Below 18 Yrs
BHILWARA	No Details	No Data	No Data
BIKANER	<ul style="list-style-type: none"> S.436A Below 18 Yrs S. 107 To 110 & 151 	<ul style="list-style-type: none"> Petty Cases Long Detention (9 Cases) S. 107 To 110 & 151 (15 Cases) 	<ul style="list-style-type: none"> S436A (2 Cases) Petty Offence & Long Detention (2 Cases) Petty Offence & S.151, 107, 116(3) [17 Cases] Below 18 Yrs Non-Production (55 Cases)
BUNDI	<ul style="list-style-type: none"> S.436A Petty Offence & S.151, 107, 116 (5 Cases) Below 18 Yrs 	No Details	<ul style="list-style-type: none"> S.436A (1 Case) S. 107 To 110 & 151 (35 Cases) Below 18 Yrs
CHITTORGARH	<ul style="list-style-type: none"> Petty Cases S. 107 To 110 & 151 (15 Cases) 	<ul style="list-style-type: none"> S.436A (8 Cases) S.436 Petty Offence & S. 107 To 110 & 151 (16 Cases) 	No Details
CHURU	<ul style="list-style-type: none"> S.167 Petty Cases Mentally Ill Unable To Furnish Surety 	<ul style="list-style-type: none"> S.436A Petty Case Mentally Ill (2 Cases) Long Detention (48 Cases) S. 107 To 110 & 151 (1 Case) Completed 1/3 Imprisonment (14 Cases) 	<ul style="list-style-type: none"> S.436A Petty Offence With 6 Months Imprisonment & Long Detention (16 Cases) S.107, 116, 151 (4 Cases)
DAUSA	No Details	No Details	No Details
DHOLPUR	No Details	<ul style="list-style-type: none"> S.436A (2 Cases) Long Detention (57 Cases) 	<ul style="list-style-type: none"> S.167 Long Detention (80 Cases) S.437(6)
DUNGARPUR	No Details	<ul style="list-style-type: none"> S.436A Long Detention (12 Cases) Awaiting Committal (6 Cases) 	No Data
GANGAPUR CITY	No Data	No Meetings Held	<ul style="list-style-type: none"> S.436A
HANUMANGARH	<ul style="list-style-type: none"> S.436A Petty Cases Below 18 Yrs Plea Bargaining (1 Case) 	<ul style="list-style-type: none"> S.436A Petty Cases Below 18 Yrs S. 107 To 110 & 151 (22 Cases) 	<ul style="list-style-type: none"> S.436A (1 Case) Considered S.107, 116, 151 Cases As Bailable under S.436 (28 Cases) Petty Offence & Long Detention Illegal Detention Below 16/18 Yrs
JAIPUR	<ul style="list-style-type: none"> S.436A Petty Cases Long Detention (122 Cases) Mentally Ill (1 Case) Below 18 Yrs S. 107 To 110 & 151 (23 Cases) 	<ul style="list-style-type: none"> S.436A Below 18 Yrs 	<ul style="list-style-type: none"> S.436A (40 Cases) Petty Cases (45 Cases) Long Detention (More than 15 Cases) Mentally Ill (10 Cases) Below 18 Yrs
JAISALMER	<ul style="list-style-type: none"> S.436A S. 107 To 110 & 151 (4 Cases) 	<ul style="list-style-type: none"> S.436A (1 Case) Petty Cases Below 18 Yrs 	<ul style="list-style-type: none"> S.436A (6 Cases) Petty Cases
JALORE	No Data	<ul style="list-style-type: none"> S.436A (1 Case) Petty Cases Long Detention S. 107 To 110 & 151 Below 18 Yrs Foreign National 	<ul style="list-style-type: none"> S.436A (11 Cases) Petty Cases Serious Offence & Long Detention S. 107 To 110 & 151 Below 18 Yrs
JHALAWAR	No Details	<ul style="list-style-type: none"> Detention More than 6 Months Below 18 Yrs Foreign National 	<ul style="list-style-type: none"> S.436A (2 Cases) Long Detention of more than 2 Yrs S. 107 To 110 & 151 (69 Cases) Below 18 Yrs Foreign National

CENTRAL/ DISTRICT JAILS	FROM JUNE 2009-JUNE 2010	SEPTEMBER 2013-APRIL 2014	FROM MAY 2014 – APRIL 2015
JHUNJHUNU	No Data	<ul style="list-style-type: none"> Detention More than 18 Months (19 Cases) S. 107 To 110 & 151 (3 Cases) 	<ul style="list-style-type: none"> S.436A Serious Offence & Long Detention Below 18 Yrs Illegal Detention
JODHPUR	<ul style="list-style-type: none"> S.436A Long Detention Mentally Ill Below 18 Yrs S. 107 To 110 & 151 	<ul style="list-style-type: none"> S.436A (8 Cases) S.436 (10 Cases) S.167 (1 Case) Mentally Ill S. 107 To 110 & 151 (2 Cases) Below 18 Yrs 	<ul style="list-style-type: none"> S.436A (8 Cases) S.436 (3 Cases) S.167 Considered S.107, 116, 151 Cases As Bailable Under S.436 (25 Cases) Mentally Ill Below 18 Yrs
KARAU LI	<ul style="list-style-type: none"> S.436A S.167 	<ul style="list-style-type: none"> S.436A S.167 S. 107 To 110 & 151 (7 Cases) Below 18 Yrs Compliance with Probation 	No Data
KOTA	<ul style="list-style-type: none"> Below 18 Yrs Legal Aid (11 Cases) 	No Details	<ul style="list-style-type: none"> S.436A S.167 S. 107 To 110 & 151 Below 18 Yrs
NAGAU R	<ul style="list-style-type: none"> S.436A Mentally Ill S. 107 To 110 & 151 (7 Cases) 	<ul style="list-style-type: none"> S.436A Mentally Ill S. 107 To 110 & 151 (7 Cases) 	<ul style="list-style-type: none"> S.436A (13 Cases) Mentally Ill
PALI	No Details	<ul style="list-style-type: none"> S.436 (1 Case) Long Detention (1 Case) Mentally Ill S. 107 To 110 & 151 (4 Cases) Below 18 Yrs 	<ul style="list-style-type: none"> Petty Offence & S. 107 To 110 & 151 (1 Case) Below 18 Yrs
PRATAPGARH	<ul style="list-style-type: none"> S.436A Petty Cases S. 107 To 110 & 151 (7 Cases) 	<ul style="list-style-type: none"> S.436A S. 107 To 110 & 151 (7 Cases) Below 18 Yrs 	<ul style="list-style-type: none"> S.436A Below 18 Yrs (1 Case) Legal Aid (4 Cases)
RAJSAMAND	<ul style="list-style-type: none"> S.167 	<ul style="list-style-type: none"> S.436A S.167 (1 Case) Long Detention (37 Cases) S. 107 To 110 & 151 (9 Cases) Below 18 Yrs 	<ul style="list-style-type: none"> S.436A S.167 Petty offences with up to 2 years imprisonment Detention More than 2 Yrs (313 Cases) Mentally ill. S. 107 To 110 & 151 (2 Cases) Below 18 Yrs Illegal Detention
SIKAR	<ul style="list-style-type: none"> S.167 S.437(6) Long Detention (42 Cases) 	<ul style="list-style-type: none"> S.167 Long Detention (19 Cases) S. 107 To 110 & 151 (3 Cases) Below 18 Yrs Foreign National 	No Data
SIROHI	<ul style="list-style-type: none"> Long Detention (14 Cases) S. 107 To 110 & 151 (1 Case) Below 18 Yrs Non-Production (9 Cases) 	<ul style="list-style-type: none"> S.436 	No Data
SRI GANGANAGAR	<ul style="list-style-type: none"> Long Detention (56 Cases) S. 107 To 110 & 151 (37 Cases) S.437(6) 	No Details	<ul style="list-style-type: none"> S.436A S.436 (3 Cases) Petty Offence & S. 107 To 110 & 151 (60 Cases) – Considered bailable Mentally Ill Need Legal Aid Non-Production (23 Cases) Below 18 Yrs
TONK	<ul style="list-style-type: none"> Petty Cases Long Detention (179 Cases) S. 107 To 110 & 151 Below 18 Yrs 	No Details	<ul style="list-style-type: none"> Petty Offence & S. 107 To 110 & 151 & Long Detention (5 Cases) Below 18 Yrs
UDAIPUR	No Data	<ul style="list-style-type: none"> S.436A (9 Cases) 	<ul style="list-style-type: none"> S.436A (1 Case) S.436 (12 Cases) Petty Cases (2 Cases) Long Detention Below 18 Yrs

- In 2014-15, Rajsamand is the only district which reviewed all the mandated cases and in 2013-14 it was Barmer. No district in 2009-10 fulfilled the criteria of reviewing all mandated cases.
- A comparative analysis of information of the periods 2013-14 and 2014-15 reveals a positive development. The scope of review with regard to including more categories of cases for consideration increased in Baran, Bikaner, Hanumangarh, Jhalawar, Jhunjhunu, Kota, Rajsamand, Sri Ganganagar and Udaipur. At the same time, it reduced in Alwar, Bharatpur, Churu, Jaisalmer, Jalore, Nagaur and Pali which missed out one or the other category of cases. Banswara and Jodhpur PRCs deliberated on the same set of cases during meetings in both the time periods.
- Only 8 districts¹⁸ have sparingly reviewed cases under Section 167, of the Code over the three periods and total recommendations made were merely 5 in 2013-14. In 2014-15, in Pali, though cases were not reviewed under S.167, it was stated by the Chief Judicial Magistrate that police department should give special attention to filing chargesheets within 60/90 days.
- In all, 7 districts (Bharatpur, Hanumangarh, Jaipur, Jaisalmer, Jodhpur, Nagaur and Pratapgarh) have been regular in checking unnecessary detention under S.436A. With the available numbers, total of 248 cases have been recommended for release – 86 in 2013-14 & 162 in 2014-15. While Dholpur reviewed cases under S.436A in 2013-14, unexpectedly it did not do so in 2014-15. The minutes fail to explicitly mention that this eligibility was taken into consideration by Pali, Sikar and Tonk¹⁹.
- Since the term “long detention” is not defined in the mandate, districts have considered different time frames as long detentions which ranges from ten days to six years for different kinds of cases. In total, 789 cases were recommended on the basis of long detention over all periods – most in 2009-10 (414 cases) followed by 2013-14 (199 cases) and 2014-15 (176 cases). Over time, PRCs have become more methodical by including different categories of cases for review. For instance, undertrials who are unable to furnish surety, those accused of multiple offences, illegally detained persons, and those who have completed one-third of the prescribed imprisonment, foreign nationals, those awaiting committal, and those in need of legal aid. Such cases did not find mention in 2009-10 which could be attributed to high numbers of cases of long detention, in the period, including some of the mentioned categories.
- Regarding, petty cases, since the term has not been defined in the Code of Criminal Procedure, 1973, PRCs have interpreted it variously. While Churu defines petty cases as offences with prescribed imprisonment up to 6 months, Rajsamand considers offences up to 2 years of prescribed imprisonment. In 2014-15, 4 districts (Jaipur, Jalore, Rajsamand and Udaipur) considered cases of petty offences and long detention as separate categories but Bikaner, Churu and Hanumangarh considered petty cases along with long detention as one category. Another interesting review combination is that cases under S.107-110 and S.151 are considered as petty cases in 5 districts (Bikaner, Bundi, Chittorgarh, Pali and Sri Ganganagar). Further, in Jodhpur, Hanumangarh and Sri Ganganagar, petty cases are considered as bailable under S.436 of the Code. Interestingly, Tonk is the only district which considers all three categories – petty offence; S.107-110, S.151 and long detention – as one.
- Throughout the three periods, cases of undertrials with mental illness were considered for review by only two districts, Jodhpur and Nagaur. Churu included these cases in its review in 2009-10 and in 2013-14 but unfortunately did not continue in 2014-15. Similarly, Jaipur did not give due attention to these cases in 2013-14. Recently, Rajsamand and Sri Ganganagar took account of these cases in 2014-15.
- An interesting addition made by Dholpur PRC to include cases eligible under S. 437(6) of the Code.²⁰ In 2009-2010, Sikar and Sri Ganganagar recommended such cases but discontinued the practice in later years.

¹⁸ Alwar, Churu, Jodhpur, Karauli, Kota, Rajsamand, Sri Ganganagar & Sikar.

¹⁹ As regards Pali, Sikar and Tonk, the information from one of the three periods was not provided by these districts.

²⁰ The Code of Criminal Procedure Code 1973, S. 437(6) - If, any case triable by a Magistrate, the trial of a person accused of any non bailable offence is not Concluded within a period of sixty days from the first date fixed for – taking evidence in the case, such person shall, if he is in custody during the whole of the said period, be released on bail to the satisfaction of the Magistrate, unless for reasons to be recorded in writing, the Magistrate otherwise directs.

Considering the 1979 mandate and the changes introduced in the Code over the past few years, it is recommended that the PRCs must examine the cases of the following categories of undertrials, including foreign nationals, who:

- 1) become eligible to be released on bail under Section 167(2)(a)(i) of the Code where investigation is not completed in 90 days;
- 2) become eligible to be released on bail under Section 167(2)(a)(ii) of the Code where investigation is not completed in 60 days;
- 3) become eligible to be released on bail under Section 167(2) read with Section 36A of The Narcotic Drugs and Psychotropic Substances Act, 1985, where persons accused of section 19 or section 24 or section 27A or for offences involving commercial quantity and have completed 180 days in custody and chargesheet has not been filed in the case;
- 4) are declared indigent and become eligible to be released on personal bond under Section 436 of the Code;
- 5) are detained exceeding half or maximum period of prescribed imprisonment and become eligible to be released under Section 436A of the Code;
- 6) have been released on bail by the Court but have not been able to furnish sureties;
- 7) are charged with offences triable by Sessions Courts and are detained for more than 1.5 years;
- 8) are petty offenders, those who are accused of or charged of offences for which the prescribed imprisonment is up to 2 years;
- 9) are juvenile or are in the age-group of 18-21 years as they might actually be juvenile;
- 10) are of unsound mind and must be dealt under Chapter XXV of the Code;
- 11) are sick or infirm;
- 12) do not have a lawyer and are eligible for legal aid;
- 13) are detained under Chapter VII of the Code under Sections 107, 108, 109 and 151 as preventive detention cases;
- 14) are women offenders; and
- 15) have not been physically produced for the last two consecutive hearings due to lack of police escorts.

MINUTES OF MEETINGS

- In 2014-15, four districts (Bharatpur, Bundi, Tonk and Udaipur) failed to provide minutes of one meeting each.
- In 2014-15, except for Banswara, Churu and Dausa all prisons sent copy of all minutes to the Home Department. Hanumangarh, Jhunjhunu and Udaipur additionally sent the minutes to the Registrar General of the High Court, Jodhpur Bench. Jaipur PRC was the only one to send the minutes of its meetings to the State Human Rights Commission.
- In 2014-15, in Baran, minutes of one meeting provide that members discussed reform, welfare and legal aid issues especially in regard to prisoners who are drug addicts. Minutes of four districts (Bundi, Churu, Nagaur and Pali) provide that after most of the meetings members took round of the prison and interacted with prisoners. They also enquired about the food, sanitation and other facilities. Surprisingly, PRCs did not receive a single complaint in any of the districts. This perhaps raises questions about the quality of interaction between the members and prisoners.
- In Pali, one of the minutes provided that the Chief Judicial Magistrate addressed all the undertrials and informed them about the Mega Lok Adalat that was to take place from 14th July to 19th July 2014 and urged them to apply their case according to their eligibility.

- In 2014-15, minutes of Jaipur and Sri Ganganagar PRCs consistently mention that no undertrial is found eligible under the four proformas but lists were not prepared according to them.
- As part of minutes in Bikaner, Superintendent was directed after every meeting to take care of the safety and health issues of prisoners and to comply to the directions in this regard. Further, it was directed to note the age of the undertrials in the list.
- In Jodhpur and Rajsamand, the minutes of every meeting mention that Superintendent should send the date of next meeting in advance.
- In 2014-15, Sri Ganganagar was the only prison to follow CHRI's Minutes Style Guide²¹ as recommended in its 2011 Study to record minutes of every meeting.
- In 2014-15, in Udaipur, minutes of two meetings provide that members discussed the issue of court production. They observed that there are many cases in which only warrants are sent to Court leading to delay in their cases. PRC believed that undertrials with more than one case should have hearing in all the cases on the same day so that the accused did not have to be taken to the court several times.

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.

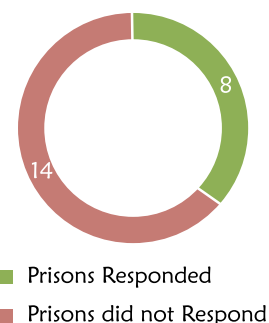
TRACKING RELEASES

- The biggest shortcoming of the functioning of PRCs is that the tracking of releases are not done by them. Except for Bikaner and Rajsamand, no PRC made any efforts to find out whether the recommendations made by them were transformed into releases of undertrials. In 13 PRCs²² a total number of 417 cases were found to be recommended for release more than once. However, their minutes do not indicate any action on the part of the PRC to seek reasons for why the person continues to be detained.
- In 2014-15, Bikaner was the only district to have some trace of tracking releases. One of the minutes provide that the Superintendent sent Compliance Report to the Chief Judicial Magistrate citing action taken on three cases after October meeting though not many details were provided.
- On the question of releases in the right to information request, Rajsamand responded that they have got good results on releases under the provisions of the Code but no further information was provided.

²¹ Refer Annexure B, p. 53, for CHRI Suggested Minutes Style Guide

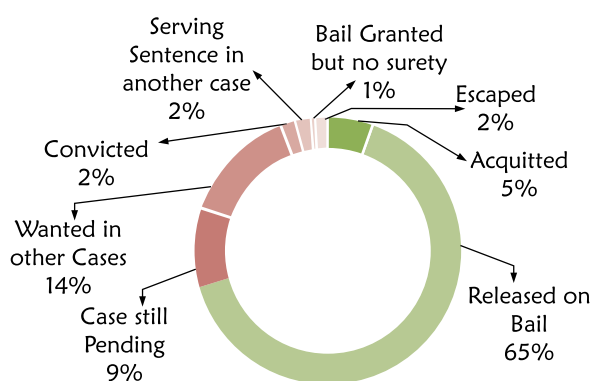
²² Ajmer, Bharatpur, Bundi, Dholpur, Hnaumangarh, Jaisalmer, Jalore, Jhalawar, Jodhpur, Nagaur, Rajsamand, Sri Ganganagar and Udaipur.

- Out of the 22 prisons where follow-up letters were sent to track the current status of undertrials, only 8 replied – District Jail Bundi, District Jail Dholpur, District Jail Jaisalmer, District Jail Jalore, District Jail Jhunjhunu, District Jail Pali, District Jail Pratapgarh and Central Jail Sri Ganganagar.
- Out of the total 1228 undertrials whose cases were recommended for release by 22 PRCs²³, 416 were recommended more than once. So out of the total 812 undertrials, CHRI could only track 171 cases from 8 prisons who responded to our follow up letters. The details are given below in the table –



Undertrials Released		Undertrials NOT Released					
Acquitted	Released on Bail	Case still pending	Wanted in other case/s	Convicted	Serving sentence in another case	Bail granted but couldn't furnish surety	Escaped
9	112	1	16	24	3	3	3
TOTAL - 121		TOTAL - 50					

- An encouraging fact is that the majority of the undertrials (112) have been released on bail and 9 got acquitted.
- One of the reasons where undertrials were not released from prison is that they were wanted in other cases. There were 24 such undertrials out of which 4 had been granted bail in another case and 11 were transferred to other prisons for their trials in other cases.
- 3 undertrials got convicted and 3 had more than one case against them and have been serving sentence in another case. Also, 3 undertrials escaped and therefore, technically they were not released from prison.
- What is worrisome is the fact that despite PRCs recommendations 16 undertrials were not released and it was provided that their cases are still pending.



- 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.

23 Ajmer, Alwar, Bharatpur, Bikaner, Bundi, Churu, Dholpur, Hanumangarh, Jaipur, Jaisalmer, Jalore, Jhalawar, Jhunjhunu, Jodhpur, Kota, Nagaur, Pali, Pratapgarh, Rajsmand, Sri Ganganagar, Tonk and Udaipur

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; (iv) each category of case recommended by mandate; (v) every meeting for which minutes were prepared and sent.

Regarding the lists of undertrials, it should be noted that in the second watch report the districts were evaluated by the preparation of lists according to the proformas. However, realising that certain critical information is not made available to the prisons, it was recommended that the lists of all undertrials must be prepared and the task of reviewing them under the mandated categories should be the collective responsibility of the PRC. Accordingly, for this report PRCs have been assessed by the preparation of the list of all undertrials. And that is one of the reasons for marked difference in score of most of the districts.

Maximum Points for each Performance Indicator could be 46: (i) No. of Meetings: 12; (ii) List of Undertrials prepared: 12 (iii) Attendance: 5; (iv) Mandated Type of Cases Recommended: 5; (v) Minutes of Meeting: 12.

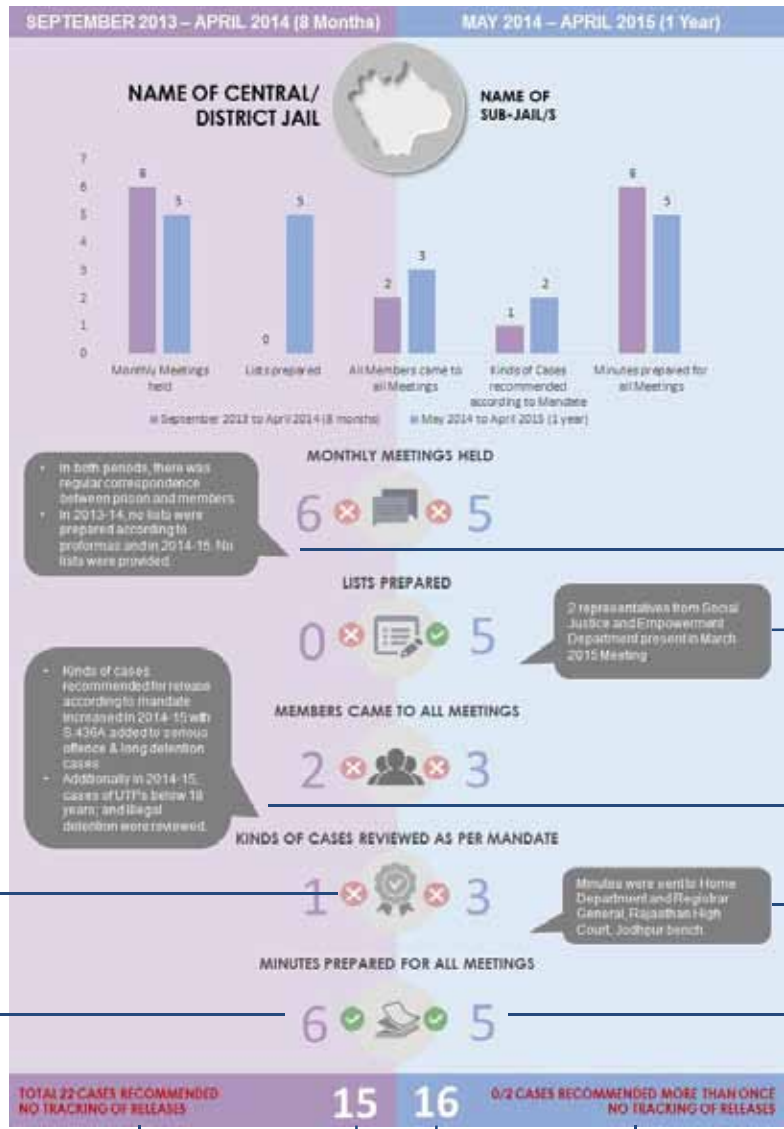
PERFORMANCE	NAME OF DISTRICT*	SCORE of 2014-15	SCORE OF 2013-14
MOST ACTIVE (Above 36)	Bundi	39	2
	Jaisalmer	39	16
	Rajsamand	39	11
	Hanumangarh	37	20
VERY ACTIVE (26-36)	Ajmer	36	-
	Sri Ganganagar	32	5
	Jhalawar	31	7
	Bikaner	31	17
	Nagaur	29	19
	Dholpur	27	14
	Jalore	27	12
ACTIVE (15-25)	Pratapgarh	25	18
	Alwar	24	16
	Churu	22	17
	Jaipur	22	12
	Udaipur	19	12
	Pali	18	16
	Jodhpur	16	13
	Bharatpur	16	15
	Jhunjhunu	15	15
	Kota	14	-
MODERATELY ACTIVE (6-14)	Banswara	12	8
	Baran	11	-
	Gangapur city	9	0
	Tonk	9	6
	Dausa	8	12
INACTIVE (0-5)	Chittorgarh	-	17
	Barmer	-	23
	Dungarpur	-	10
	Karauli	-	18
	Sikar	-	17
	Sirohi	-	9
	Bhilwara	-	-

HOW TO READ A DISTRICT REPORT CARD

- The infographic is divided in two parts to present the information on the PRC of a particular district.
- Purple colour signifies the information of the period from September 2013 to April 2014.
- Blue colour signifies the information of the period from May 2014-April 2015.

All the grey call out boxes provide the following comparative information of the two periods:

- Whether regular correspondence existed
- If any peculiarity is observed in the attendance of members
- If there is a change in the kinds of cases recommended from the last period – under the mandate and additional kinds of cases
- Whether minutes were sent to the Home Department or High Court.
- Any other interesting information



A graphical representation of the performance of PRC in the two periods.

Tick or cross represents whether the mandate was fulfilled by the PRC under each of the five indicators.

Purple numbers represent the score of the PRC under each of the five indicators. Hyphen '-' indicates that information was not provided. Zero '0' indicate that though the information was provided, it was Nil.

Total number of cases that were recommended in the last period.

Whether releases were tracked based on the recommendations made by the PRC.

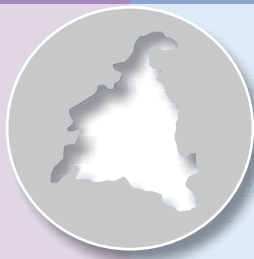
Total comparative scores of the two periods.

Out of the total number of cases recommended by the PRC how many cases were recommended more than once.

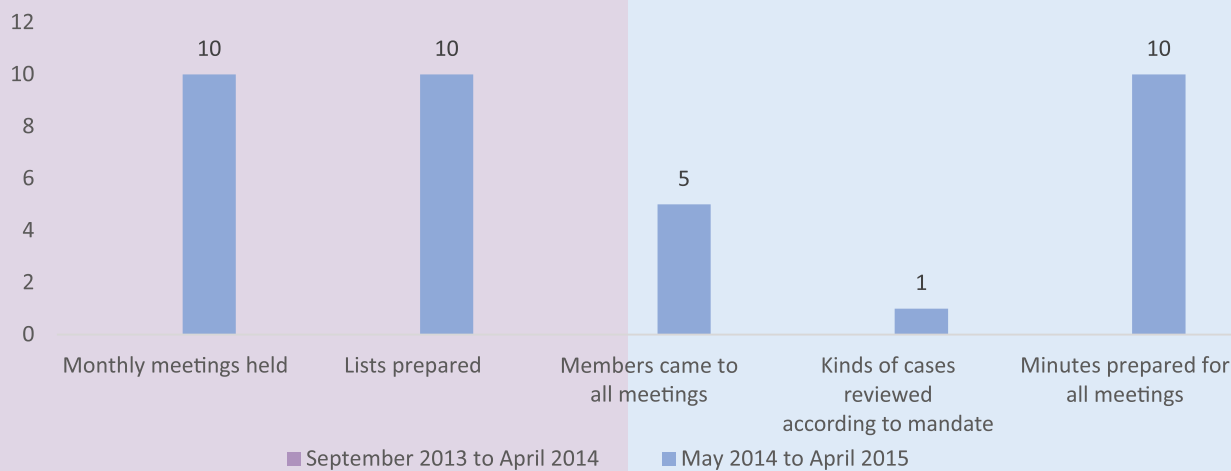
Whether releases were tracked based on the recommendations made by the PRC.

Blue numbers represent the score of the PRC under each of the five indicators. Hyphen '-' indicates that information was not provided. Zero '0' indicate that though the information was provided, it was Nil.

**CENTRAL JAIL
AJMER**



**SUB-JAIL
BEAWAR**



MONTHLY MEETINGS HELD

- Ajmer failed to provide information for the period 2013-14.
- In 2014-15, regular correspondence between prison and members observed.
- Regular meetings from July 2014 to April 2015.

- 10

- All members came to all meetings.
- Additionally, ADP was present at all meetings.

LISTS PREPARED

- 10

MEMBERS CAME TO ALL MEETINGS

- 117/130 cases recommended were eligible u/s 436A.
- Additionally reviewed cases of juveniles.

- 5

KINDS OF CASES REVIEWED AS PER MANDATE

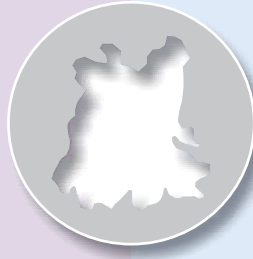
- 1

- Minutes of meetings sent to Home Department.

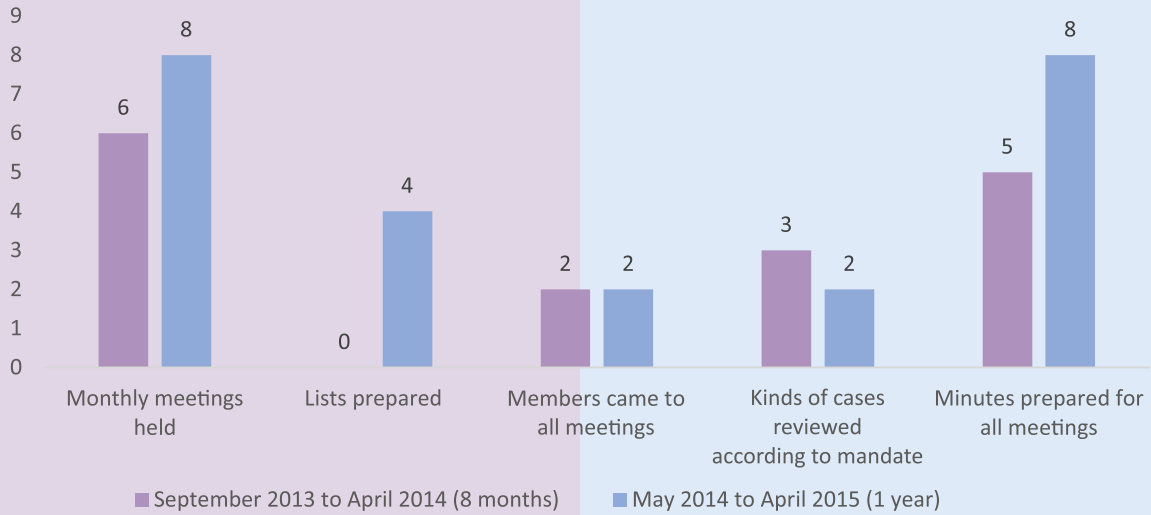
MINUTES PREPARED FOR ALL MEETINGS

- 10

**DISTRICT JAIL
ALWAR**



**SUB-JAIL
BEHROR
KISHANGARH BAS**



MONTHLY MEETINGS HELD

In 2013-14, cases eligible under S.167, CrPC were also reviewed but not in 2014-15.



In 2013-14, there was regular correspondence between prison and members which became irregular in 2014-15. A good practice noticed in one of the meetings was correspondence with Superintendent of Police on the status of charge sheets. But it was not so in 2014-15.

LISTS PREPARED



MEMBERS CAME TO ALL MEETINGS

In 2013-14, additional cases reviewed under S.107, 151, CrPC and were considered bailable. No mention of these cases in 2014-15.



KINDS OF CASES REVIEWED AS PER MANDATE

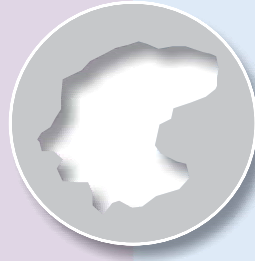


Minutes of meetings sent to Home Department.

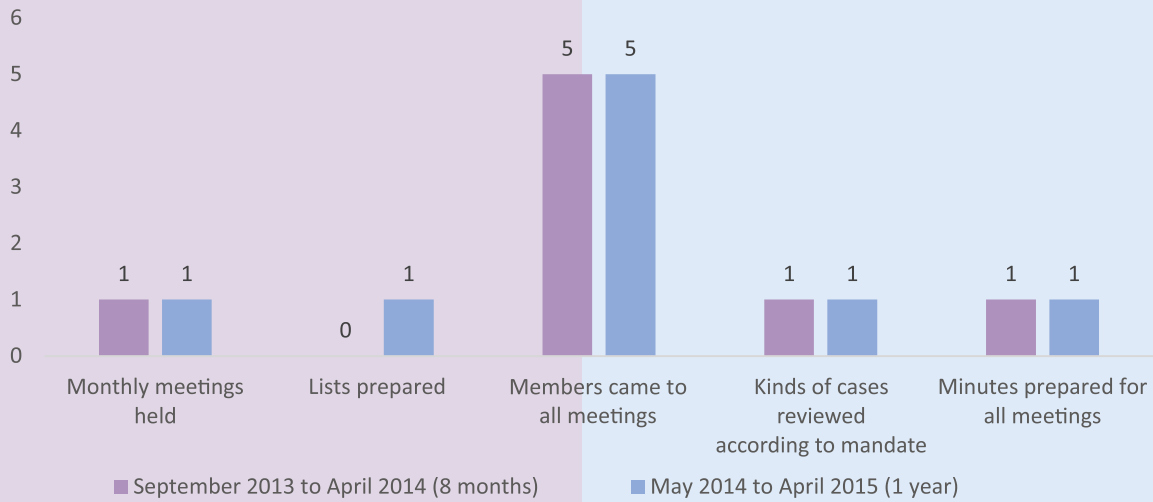
MINUTES PREPARED FOR ALL MEETINGS



**DISTRICT JAIL
BANSWARA**



**SUB-JAIL
KUSHALGARH**



MONTHLY MEETINGS HELD

- No improvements in correspondence since 2013-14. In 2014-15, only one reminder was sent on 14 October 2014 from Deputy Superintendent to CJM.
- List of sub-jails not provided.



LISTS PREPARED

- In both the periods, since only one meeting was held and all members were present, they earned 5 points but it doesn't give a true picture.
- Additional Director, Prosecution, attended the meeting in both periods.



MEMBERS CAME TO ALL MEETINGS

- In both periods, additional cases reviewed were : Below 18 years; u/s 107 to 110 and other provisions of CrPC; Undertrial prisoners requiring Free Legal Aid.



KINDS OF CASES REVIEWED AS PER MANDATE

- In both periods, the committee recommended that any application for legal aid should be forwarded to the DLSA.



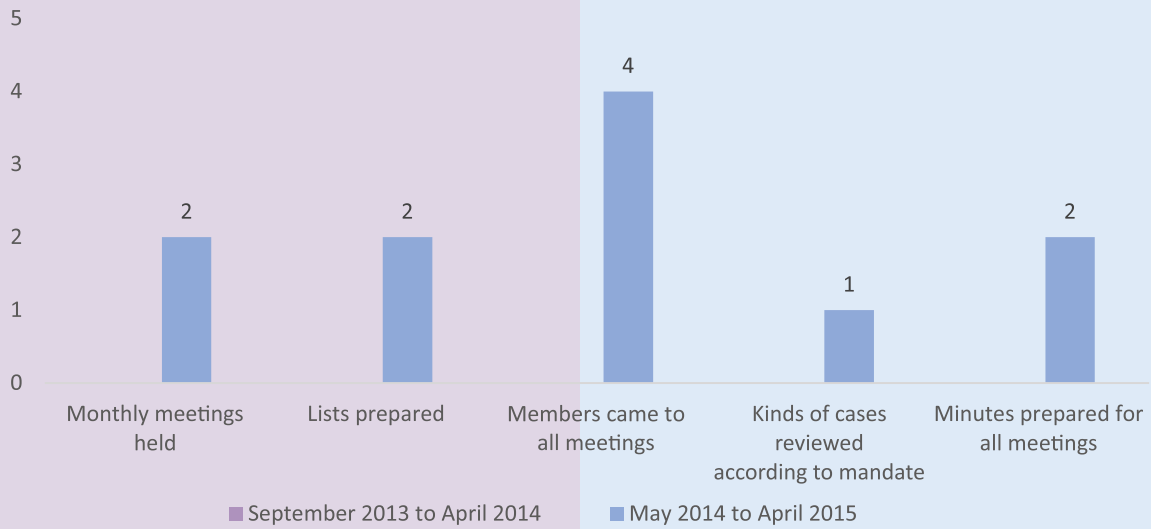
MINUTES PREPARED FOR ALL MEETINGS



**DISTRICT JAIL
BARAN**



**SUB-JAIL
ATRU
CHHABRA**



MONTHLY MEETINGS HELD

- Baran failed to provide information for the period 2013-14.
- Only two meetings held in November 2014 and February 2015 only.
- Correspondence improved between prison and members from 2013-14.

- 2

LISTS PREPARED

- 2

DPO was not present for the November meeting.

MEMBERS CAME TO ALL MEETINGS

- Under the mandate, only cases eligible u/s. 436A were reviewed.
- Additional cases reviewed : Juvenile; Cases in executive magistrate courts.

- 4

KINDS OF CASES REVIEWED AS PER MANDATE

- 1

In the November 2014 meeting, members discussed reform, welfare and legal aid issues especially with regard to prisoners who are drug addicts.

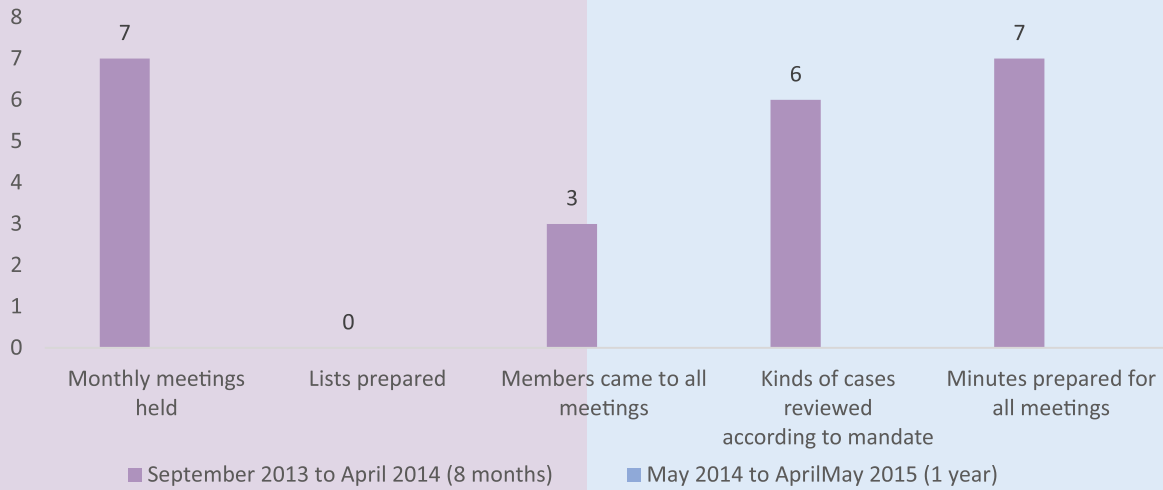
MINUTES PREPARED FOR ALL MEETINGS

- 2

**DISTRICT JAIL
BARMER**



**SUB-JAIL
BALOTRA**



MONTHLY MEETINGS HELD



In 2013-14, Barmer had scored the highest among all districts.

LISTS PREPARED



In 2014-15 there was a delay in providing information despite sending the required fees.

MEMBERS CAME TO ALL MEETINGS



KINDS OF CASES REVIEWED AS PER MANDATE



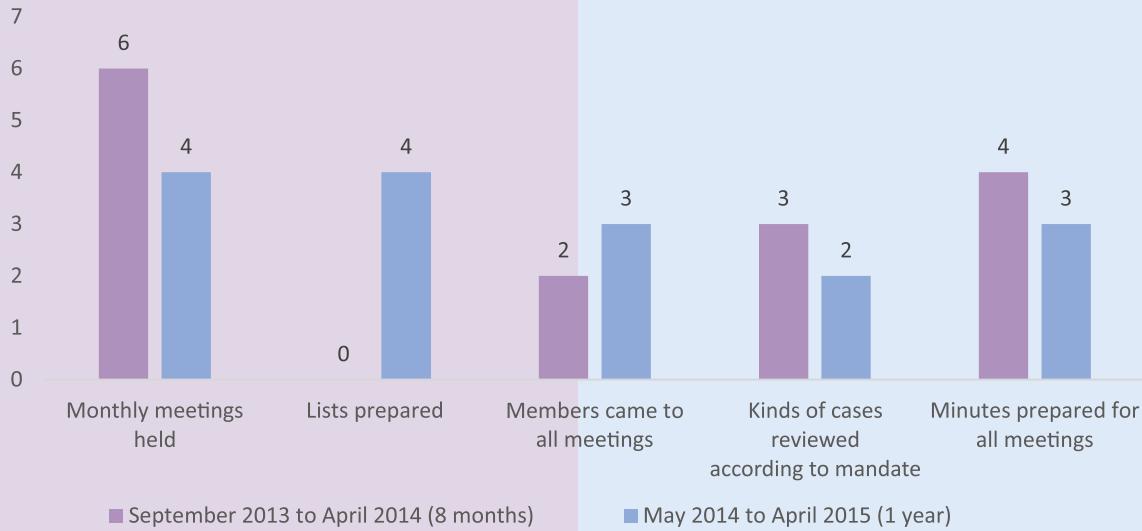
MINUTES PREPARED FOR ALL MEETINGS



**CENTRAL JAIL
BHARATPUR**

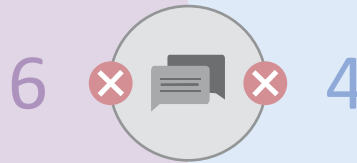


**SUB-JAIL
DEEG
BAYANA**



MONTHLY MEETINGS HELD

- Fewer meetings held in 2014-15.
- In 2014-15, lists not provided for two meetings.
- In both periods, regular correspondence between prison and members existed.
- Representative of Prosecution Department was present in both periods.
- Attendance of November 2014 meeting not provided.



- Review was done prison-wise and under that, court-wise.,
- In both periods, long detention cases & S. 436A cases were reviewed under the mandate. But in 2014-15, minutes do not mention S.436A cases though PRC paid attention to them. It was evident in the letters written to courts.

LISTS PREPARED



MEMBERS CAME TO ALL MEETINGS

- In 2013-14, additional cases reviewed were :1) S.107, 109, 110, 151 & detained for more than 6 months; 2) Below 18 years and; 3) UTPs unable to furnish sureties.
- In 2014-15, the above third category cases were not reviewed.
- Minutes of meetings sent to Home Department.



- In both periods, follow up letters were sent to concerned courts requesting necessary action. In an isolated case, an ACJM who was not aware of the functioning of PRC reprimanded the Superintendent for requesting action on recommended cases and directed not to send such correspondence in future.

KINDS OF CASES REVIEWED AS PER MANDATE



MINUTES PREPARED FOR ALL MEETINGS

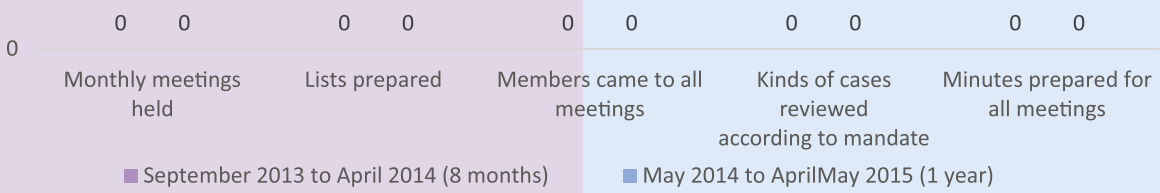


**DISTRICT JAIL
BHILWARA**

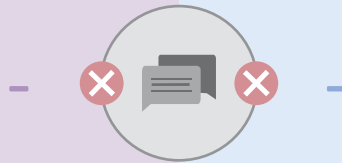


**SUB-JAILS
GANGAPUR
SHAH PURA
GULABPURA
MANDALGARH
JHAZPUR**

1



MONTHLY MEETINGS HELD



In both periods, Bhilwara failed to provide any information on the functioning of PRCs

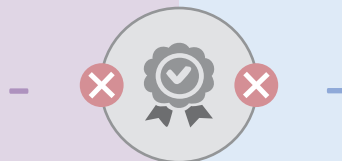
LISTS PREPARED



MEMBERS CAME TO ALL MEETINGS



KINDS OF CASES REVIEWED AS PER MANDATE



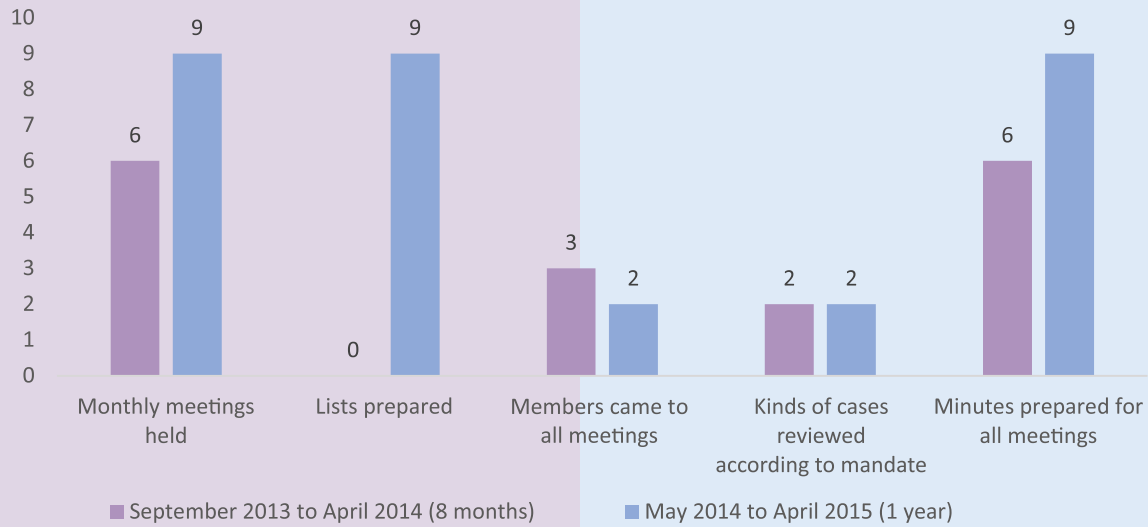
MINUTES PREPARED FOR ALL MEETINGS



**CENTRAL JAIL
BIKANER**

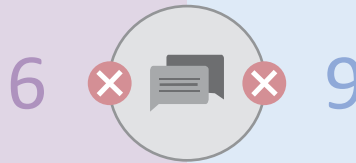


**SUB-JAIL
NOKHA**



MONTHLY MEETINGS HELD

Regular correspondence between prison and members in both periods. In 2014-15, Superintendent was directed to prepare a separate list of mentally ill UTPs. In both periods, the prison in-charge was directed to take care of the safety and health issues of prisoners.



3 UTPs whose age was written as 19 years by the police on entering jail were brought before the PRC. No valid educational certificate was found. It was directed to note the age of UTPs and to conduct medical examination at an early stage in cases where the UTP looked like a minor and there was no record to prove date of birth.

LISTS PREPARED



MEMBERS CAME TO ALL MEETINGS

- Minutes of the November 2014 meeting mention that 55 prisoners could not be produced due to shortage of police escorts. Superintendent of police was directed to provide required number of guards.
- Cases recommended according to mandate in 2014-15: S.436A and petty offences. Additional cases reviewed: Petty offence & S.151, 107, 116(3); Below 18 years.



- A case recommended in September 2014, bail granted in October, but the UTP's detention continued in November due to inability to furnish sureties.
- In 2014-15, though follow-up letters were not sent to courts by the prison, Superintendent sent Compliance Report to CJM, citing action taken on 3 cases after October meeting. Not many details were provided.

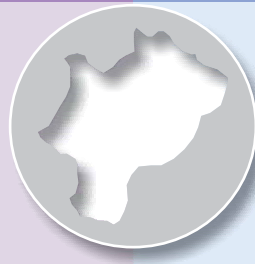
KINDS OF CASES REVIEWED AS PER MANDATE



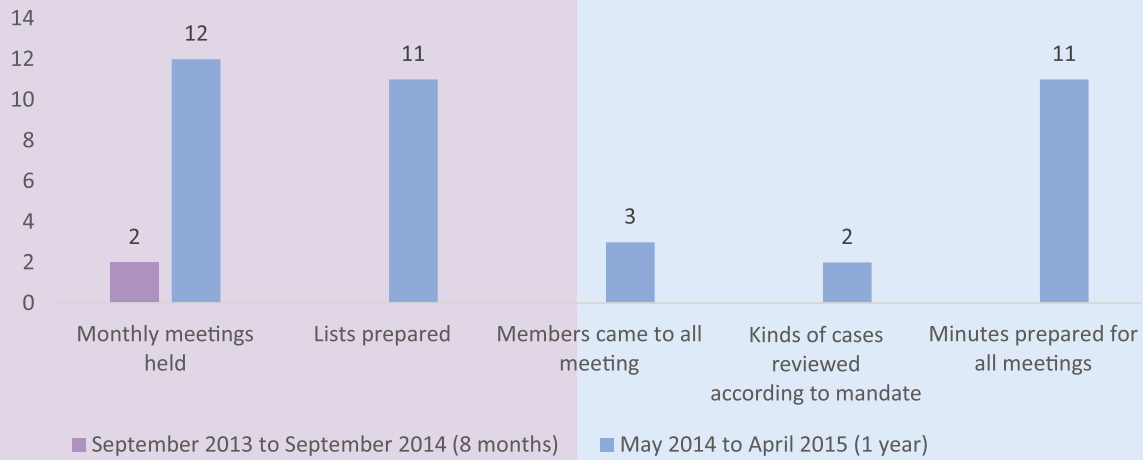
MINUTES PREPARED FOR ALL MEETINGS



**DISTRICT JAIL
BUNDI**



**SUB-JAIL
NAINWA**



MONTHLY MEETINGS HELD

- Bundi prison is an example of improved transparency. In 2013-14, other than number of meetings no information was provided, in 2014-15, all information was provided.
- In 2014-15, minutes of May 2014 meeting were not provided.
- In 2014-15, regular correspondence observed between prison and members.



In 2014-15, in 6 out of 12 meetings, representative of DM and DPO were absent. It was directed to ensure attendance.

LISTS PREPARED



MEMBERS CAME TO ALL MEETINGS

- In 2014-15, additional cases reviewed: Below 18 years; S,107, 151.
- Minutes sent to the Home Department.



KINDS OF CASES REVIEWED AS PER MANDATE



Members took rounds of male and female wards. Kitchen, cleanliness and food found satisfactory. Members interacted with the prisoners who expressed satisfaction with the facilities provided.

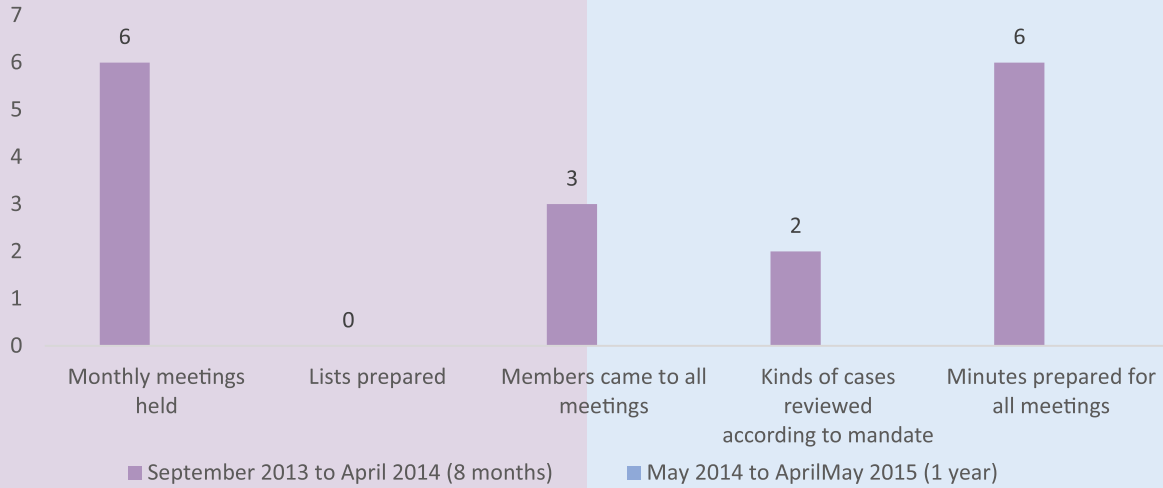
MINUTES PREPARED FOR ALL MEETINGS



**DISTRICT JAIL
CHITTORGARH**

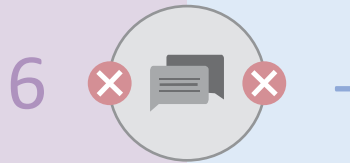


**SUB-JAILS
BEGU
KAPASAN
NIMBAHERA**



MONTHLY MEETINGS HELD

In 2014-15, other than the correspondence letters no further information as regards the meetings and minutes were provided.



LISTS PREPARED



In both periods, there was regular correspondence between prison and members.

MEMBERS CAME TO ALL MEETINGS

In 2013-14, two kinds of cases were recommended as per the mandate under S.436 and S.436A. Additionally cases under the Cr.P.C. provisions, S.107-110 and 151 were reviewed and recommended.



KINDS OF CASES REVIEWED AS PER MANDATE



In 2014-15, it was provided that no undertrial was released as the PRC did not find any person eligible for release.

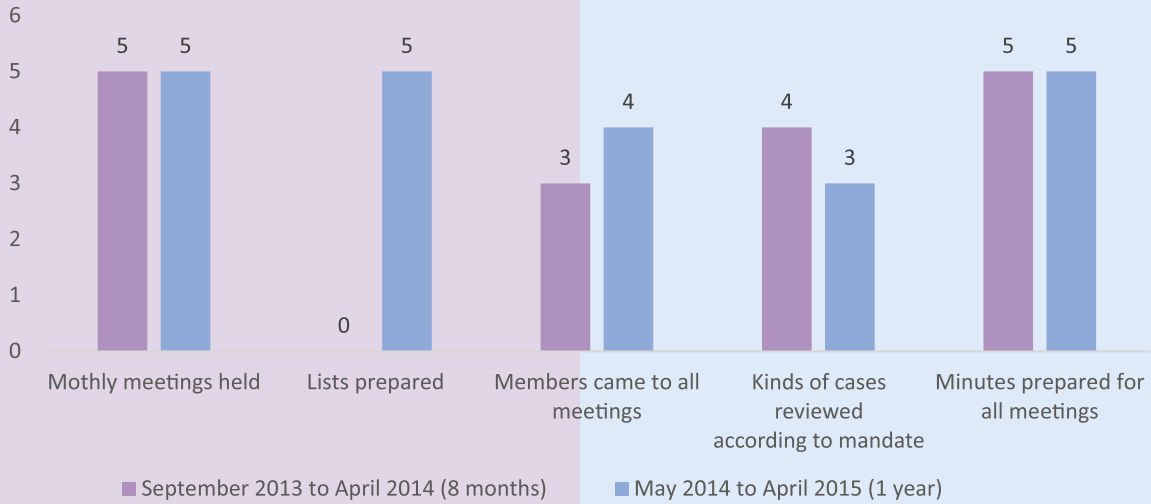
MINUTES PREPARED FOR ALL MEETINGS



**DISTRICT JAIL
CHURU**



**SUB-JAIL
RAJGARH
RATANGARH**



MONTHLY MEETINGS HELD

- In both periods, 2 lists were prepared: cases with more than 10 years imprisonment and cases with up to 10 years imprisonment.
- Representative of DM was not present in 4 out of 5 meetings.
- In both periods, regular correspondence between prison and members was observed.



LISTS PREPARED

- Additional cases reviewed were under S.107, 116, 151.
- Minutes of October meeting mention that a woman accused under S.302/34 is 75 years old.



MEMBERS CAME TO ALL MEETINGS

- Three kinds of cases were reviewed under the mandate: S. 436A; long detention up to 6 months; and mentally ill.
- Minutes of July 2014 meeting mentioned a woman accused under S.307, 324 was mentally ill and undergoing treatment.
- Charge sheets for various cases were filed more or less regularly.
- In remand cases where investigation was still going on it was directed to speed up the investigation, so that charge sheets can be filed on time.



KINDS OF CASES REVIEWED AS PER MANDATE



MINUTES PREPARED FOR ALL MEETINGS

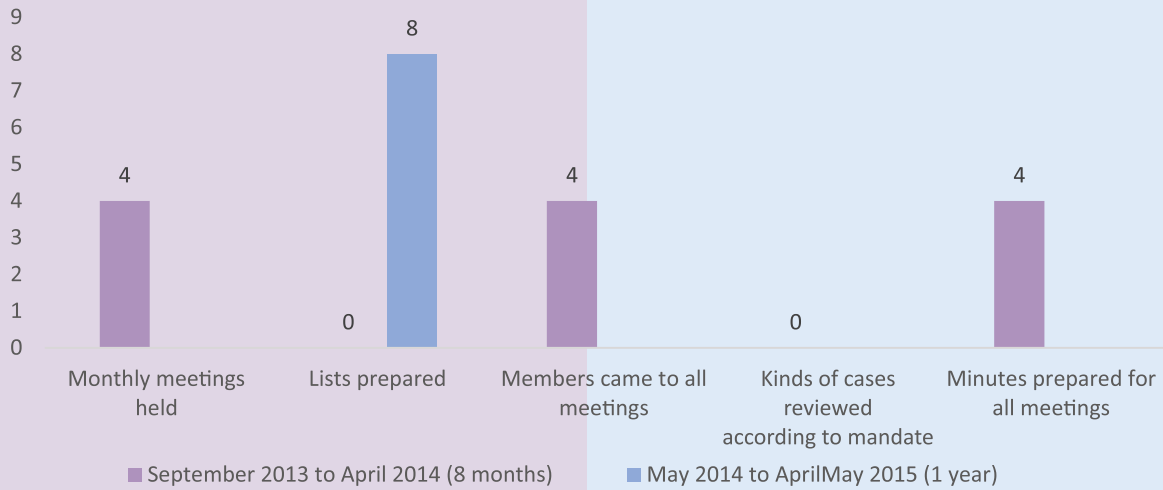


- In 2014-15, the Jailer stated that proper facilities exist for water, electricity, food, medical treatment, newspaper, etc. Members met the prisoners and did not receive any complaints.

**DISTRICT JAIL
DAUSA**



**SUB-JAIL
BANDIKUI**



MONTHLY MEETINGS HELD



LISTS PREPARED



MEMBERS CAME TO ALL MEETINGS



KINDS OF CASES REVIEWED AS PER MANDATE



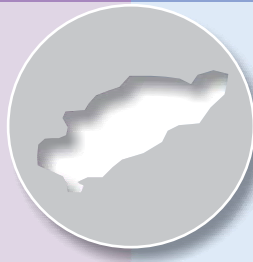
MINUTES PREPARED FOR ALL MEETINGS



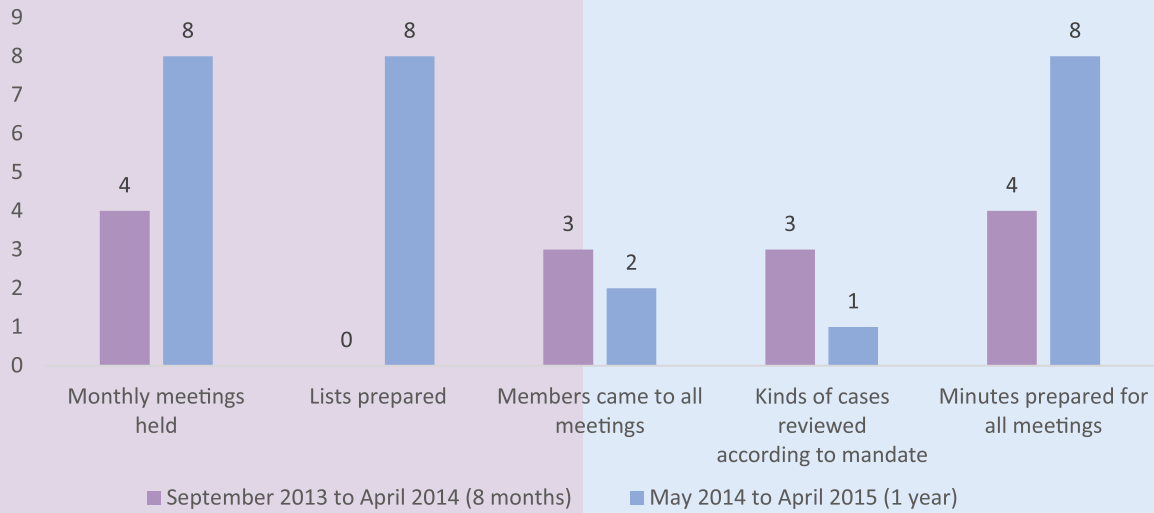
• In 2014-15, only lists of undertrials for eight months provided.
• Since no minutes were provided, it is not clear whether any meeting took place in the entire year.

In 2013-14, review of cases was done under a broad category 'illegal detention' and no sections of eligibilities were mentioned.

**DISTRICT JAIL
DHOLPUR**



**SUB-JAIL
NO**



MONTHLY MEETINGS HELD

- Periodicity of meeting increased from 4 to 8.
- Regular correspondence between prison and members in both periods.
- Court-wise lists continued to be prepared.



- Recommended to write to all courts for day-to-day hearing of cases where evidence is not complete within 60 days from the first date of evidence under S.437 (6) CrPC for the purpose of quick disposal or releasing on bail.
- PRC recommended to write to the Superintendent of Police to promptly file charge sheets in cases where these are not filed yet and to note the same on the warrant.

LISTS PREPARED



MEMBERS CAME TO ALL MEETINGS

- In both periods, cases of long detention were recommended. But provisions of eligibility not mentioned.
- In 2014-15, cases eligible under S.436A were not reviewed as done in 2013-14.



KINDS OF CASES REVIEWED AS PER MANDATE

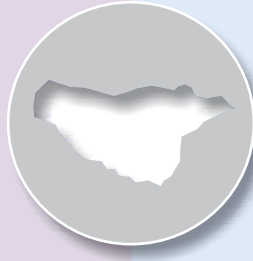


Minutes of meetings sent to Home Department.

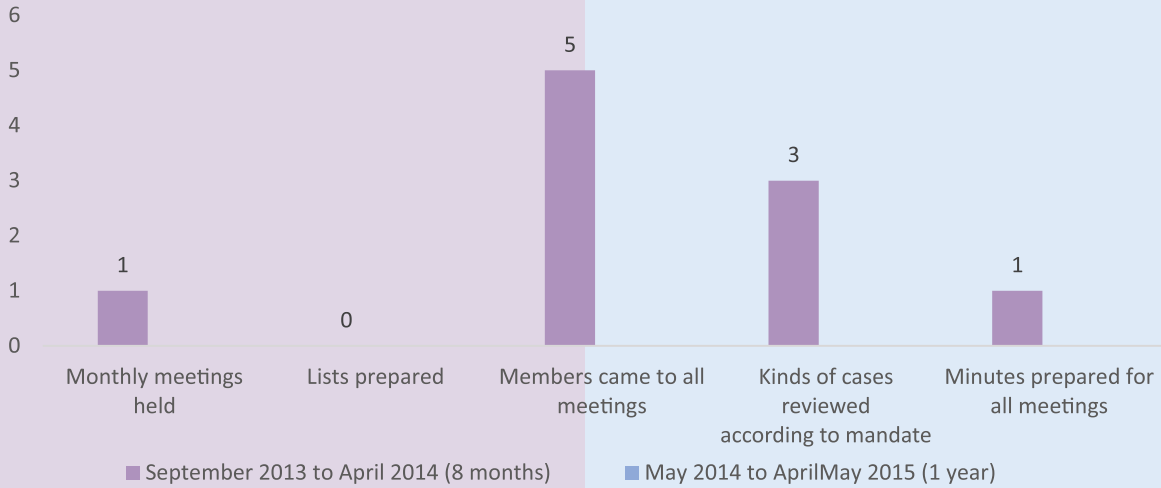
MINUTES PREPARED FOR ALL MEETINGS



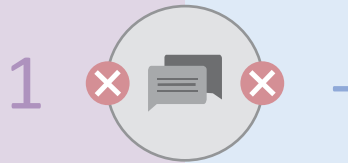
**DISTRICT JAIL
DUNGARPUR**



**SUB-JAIL
SAGWARA**



MONTHLY MEETINGS HELD



In 2014-15, Dungarpur failed to provide any information on the functioning of PRCs.

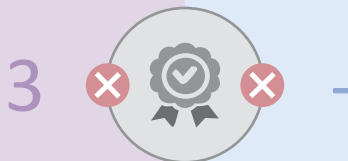
LISTS PREPARED



MEMBERS CAME TO ALL MEETINGS



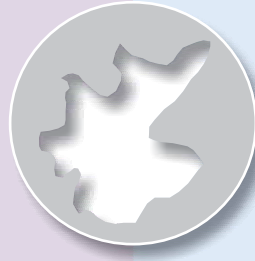
KINDS OF CASES REVIEWED AS PER MANDATE



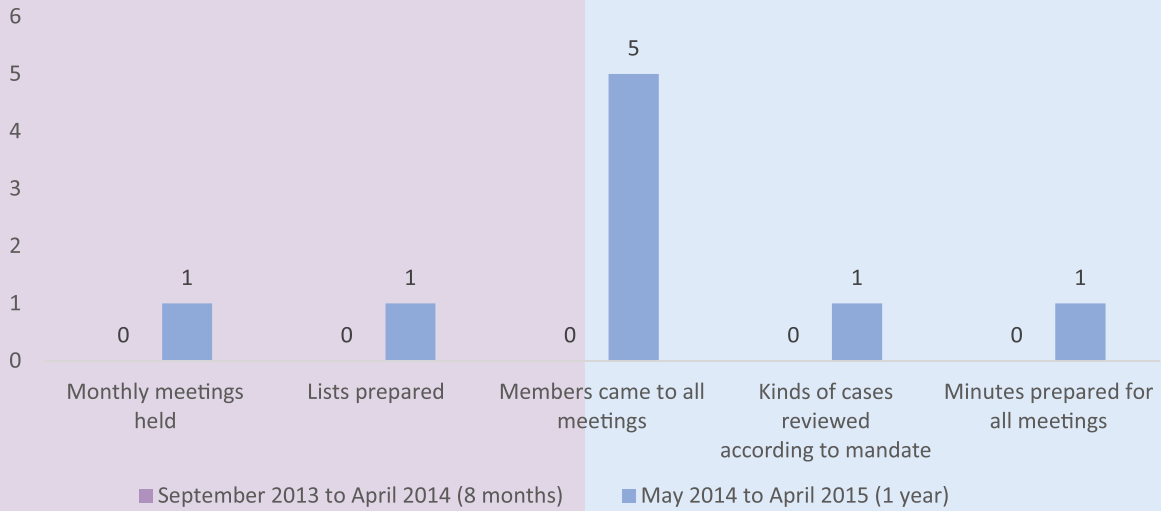
MINUTES PREPARED FOR ALL MEETINGS



**DISTRICT JAIL
GANGAPUR CITY**



**SUB-JAIL
SAWAIMADHOPUR**



MONTHLY MEETINGS HELD

- No meetings held between September 2013 to April 2014.
- In 2014-15, despite many requests sent to CJM by the prison, no response was received and only one meeting could take place in the entire year.



LISTS PREPARED



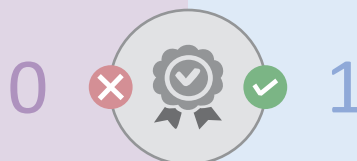
In 2014-15, since only one meeting was held and all members were present, they earned 5 points but it doesn't give a true picture.

MEMBERS CAME TO ALL MEETINGS

Only the cases of UTPs eligible under S.436A were reviewed under the mandate.



KINDS OF CASES REVIEWED AS PER MANDATE



Sent minutes to the Home Department.

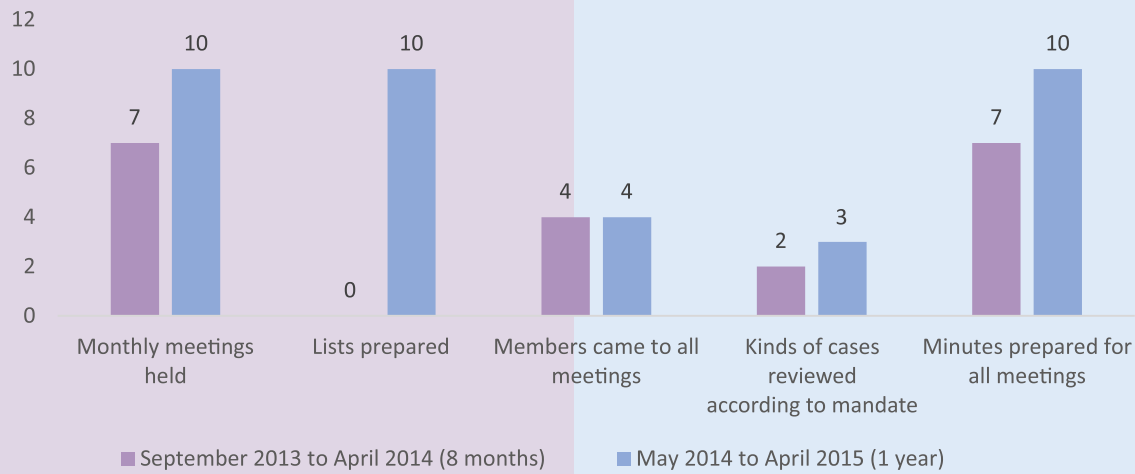
MINUTES PREPARED FOR ALL MEETINGS



**DISTRICT JAIL
HANUMANGARH**



**SUB-JAIL
NOHAR
BHADRA**



MONTHLY MEETINGS HELD

- In both periods, court-wise lists were prepared and regular correspondence between the prison and CJM's office existed.
- Followed CHRI's suggested proformas of 2011 study in preparing lists.



LISTS PREPARED

- In both periods, representative of Prosecution Department attended all meetings.
- In 2014-15, though in each meeting about 50 UTPs were found under offences punishable with death or life imprisonment and they had been detained for more than 2-5 years, no recommendation is given by the PRC.



MEMBERS CAME TO ALL MEETINGS

- Kinds of cases recommended according to the mandate in 2014-15 increased from 2013-14 and included: S.436A; petty case & long detention; and considered S.107, 116, 151 as bailable.
- In both time periods, cases of below 18 years and illegal detention were additionally reviewed, though in 2014-15, attention was paid to boys below 18 and girls below 16 years. It is an old provision of the 1986 Act, which was amended in 2000 and prescribes 18 years for both boys and girls, as the age of majority while defining the term 'juvenile'.



KINDS OF CASES REVIEWED AS PER MANDATE

Sent minutes to Registrar, Rajasthan High Court Bench, Jodhpur and Home Department.



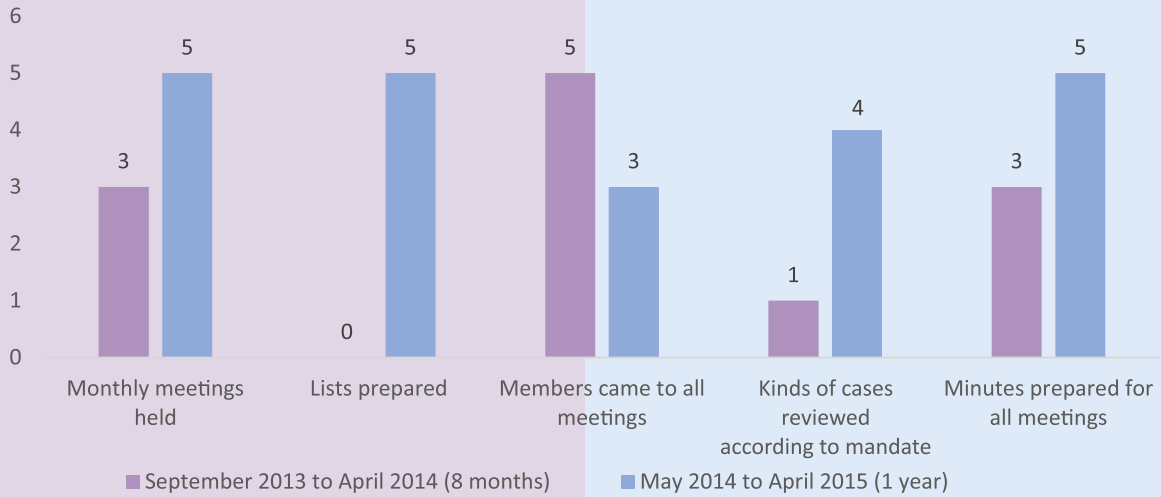
MINUTES PREPARED FOR ALL MEETINGS



**CENTRAL JAIL
JAIPUR**



**SUB-JAIL
KOTPUTLI
SAMBARLEK
MAHILA SUDHAR GRAH**



MONTHLY MEETINGS HELD

- In both periods, court-wise lists were prepared and regular correspondence between the prison and CJM's office existed.
- Followed CHRI's suggested proformas of 2011 study in preparing lists.



LISTS PREPARED



MEMBERS CAME TO ALL MEETINGS



KINDS OF CASES REVIEWED AS PER MANDATE



MINUTES PREPARED FOR ALL MEETINGS



- A representative of the Prosecution Department was present in all meetings in both periods.
- In 2014-15, a note was provided from the Jailor to the Convict Head Warden mentioning the date and time of the PRC meeting along with the list of undertrials whose cases would be reviewed by the PRC. It was directed to get all of them ready by 10:30 in drama hall so that they can be talked to, if required.

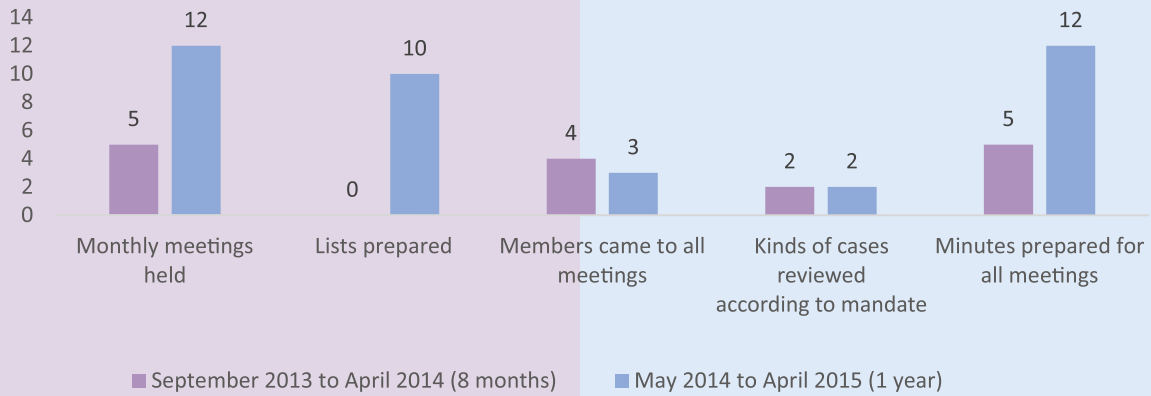
- Kinds of cases recommended according to mandate in 2014-15 increased and included: cases under S.436A; petty cases; mentally ill and long detention.
- In 2014-15, a list of "non-criminal lunatics" confined in prison for observation for a period exceeding 30 days was provided. This provision was part of the Indian Lunacy Act, 1912, which is now repealed and replaced by the Mental Health Act, 1987.
- In both periods, additional cases of undertrials below 18 years were reviewed.

- After two meetings, a common letter was sent to all the courts attaching the list of all UTPs, highlighting those who have been detained for a long time and recommended for quick disposal or to conduct a hearing on bail application. Sent minutes to the Home Department and SHRC.

**DISTRICT JAIL
JAISALMER**



**SUB-JAIL
POKHRAN**



MONTHLY MEETINGS HELD

In both periods, regular correspondence between the prison and members took place.



LISTS PREPARED

For 5 months, a UTP who had been granted bail by the concerned court continued to be detained in prison as he was unable to furnish sureties, despite his case being recommended by the PRC every month from December 2014 to April 2015.



In both periods, the kinds of cases reviewed under the mandate were under S.436A and petty cases. In 2013-14, below 18 years cases were additionally reviewed but not so in 2014-15.

MEMBERS CAME TO ALL MEETINGS



KINDS OF CASES REVIEWED AS PER MANDATE

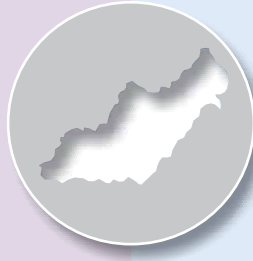


In 2014-15, minutes were sent to the Home Department

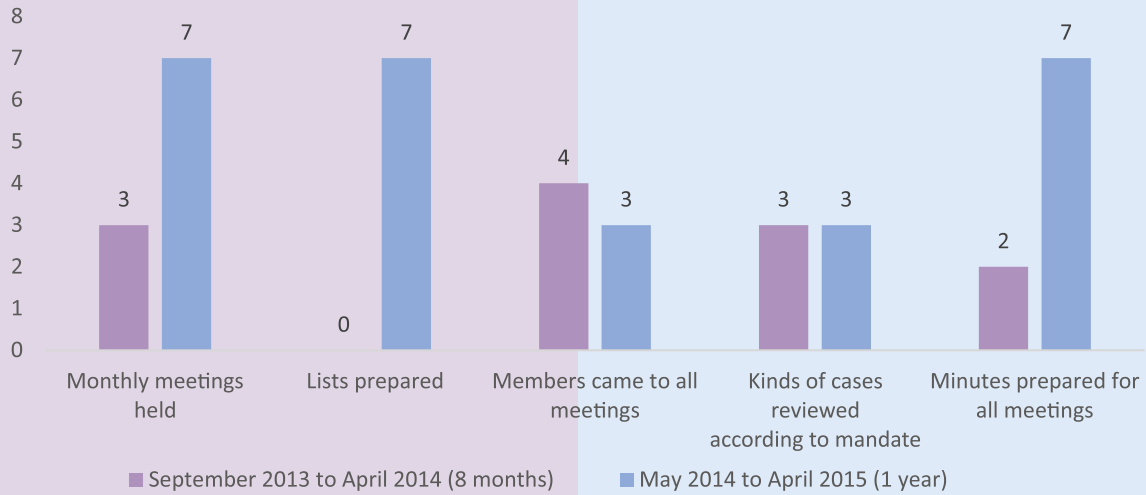
MINUTES PREPARED FOR ALL MEETINGS



**DISTRICT JAIL
JALORE**



**SUB-JAIL
BHINMAL
SANCHORE**



MONTHLY MEETINGS HELD

Correspondence between prison and members improved in 2014-15.



LISTS PREPARED

- In both periods, additional kinds of cases reviewed were: Below 18 years; S.107, 108, 109, 110; and detained for more than 6 months.
- In 2013-14, cases of foreign nationals were also reviewed.



In both periods, the same kinds of cases were reviewed under the mandate: S.436A; petty offences; serious offences; and long detention.

MEMBERS CAME TO ALL MEETINGS



KINDS OF CASES REVIEWED AS PER MANDATE

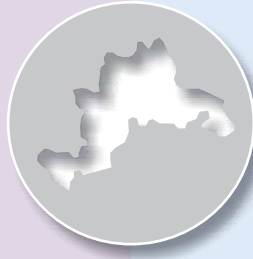


Minutes were sent to the Home Department.

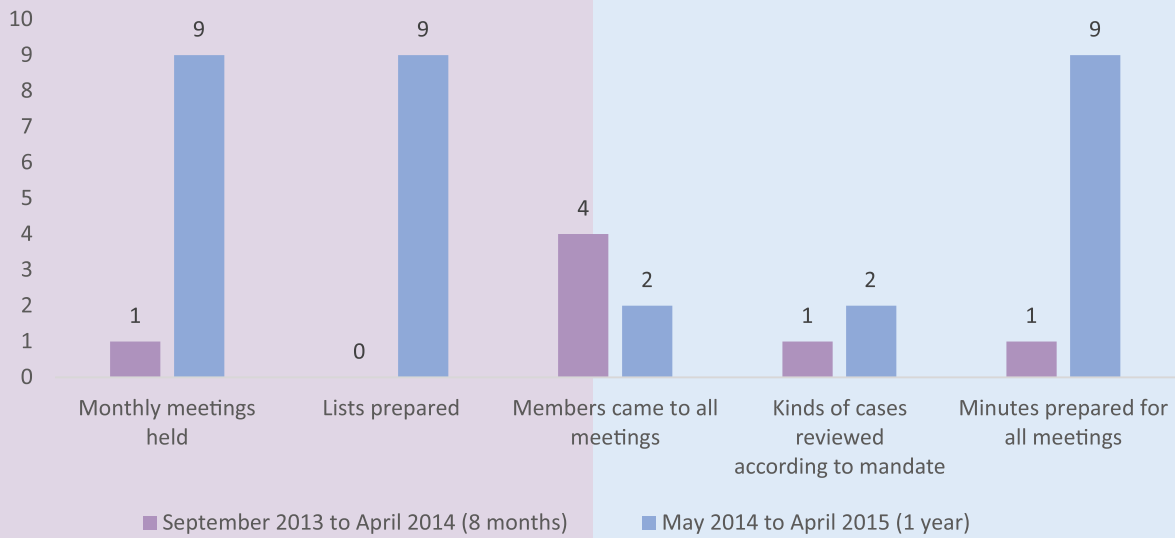
MINUTES PREPARED FOR ALL MEETINGS



**DISTRICT JAIL
JHALAWAR**



**SUB-JAIL
BHAWANI MANDI
AKLERA**



MONTHLY MEETINGS HELD

- In 2014-15, irregular correspondence between prison and members. Letter to Superintendent of Police to ensure production of the accused by arranging adequate number of guards.
- In one case of SDM Jhalawar the accused was in custody since October 2013 and he could not be produced even once due to shortage of police escort. Suggested that in special circumstances when guards could not be made available, in-charge of the police station attached to the court must provide adequate police guard.



LISTS PREPARED



MEMBERS CAME TO ALL MEETINGS



KINDS OF CASES REVIEWED AS PER MANDATE



MINUTES PREPARED FOR ALL MEETINGS



- Kinds of cases recommended according to mandate made more focused. In 2013-14, only cases of UTPs detained for more than 6 months recommended. In 2014-15: cases u/s 436A; u/s 107, 151; and Session cases of UTPs detained for more than 2 years were recommended.
- In both periods, additionally cases below 18 years; Foreign nationals and mentally ill were reviewed.

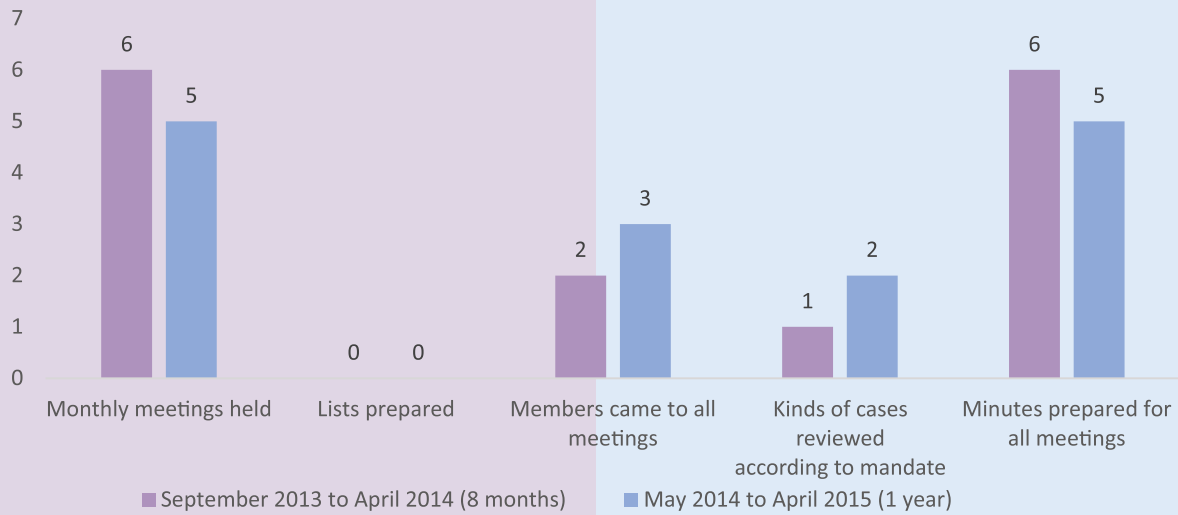
PRC recommended to write to executive magistrates to release UTPs on personal bond where bail is granted and UTP is unable to furnish surety. Accused should be summoned, proper order on bail be issued and quick disposal be done. In cases where the accused do not have legal representation, a legal aid counsel could be provided from DLSA or TLSC.

- UTPs were released based on the recommendations of the PRC but prison in-charge does not maintain the list in this regard.
- No complaints about food and attitude of prison authorities found.

**DISTRICT JAIL
JHUNJHUNU**



**SUB-JAIL
KHETRI**



MONTHLY MEETINGS HELD

- In both periods, there was regular correspondence between prison and members.
- In 2013-14, no lists were prepared according to proformas and in 2014-15, no lists were provided.



LISTS PREPARED

- Kinds of cases recommended according to mandate increased in 2014-15 with S.436A added to serious offence & long detention cases.
- In 2014-15, u/s 436A cases of UTPs who have completed half term and full term were separately reviewed.
- Additionally in 2014-15, cases of UTPs below 18 years; and Illegal detention were reviewed.



2 representatives from Social Justice and Empowerment Department present in March 2015 Meeting.

MEMBERS CAME TO ALL MEETINGS



KINDS OF CASES REVIEWED AS PER MANDATE

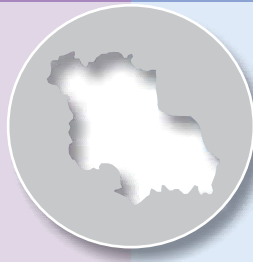


Minutes were sent to Home Department and Registrar General, Rajasthan High Court, Jodhpur bench.

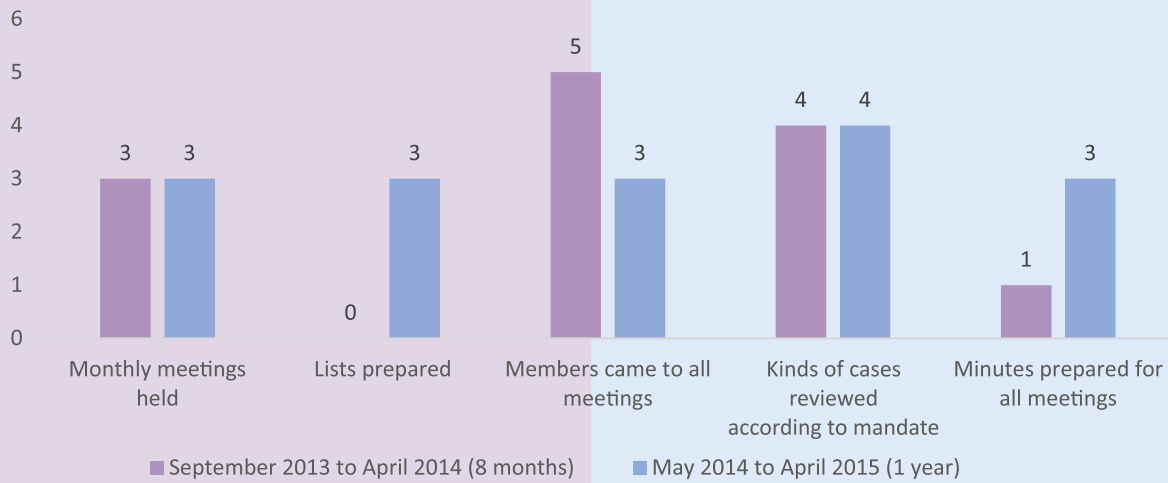
MINUTES PREPARED FOR ALL MEETINGS



**CENTRAL JAIL
JODHPUR**



**SUB-JAIL
PHALODI**



MONTHLY MEETINGS HELD

- In both periods, there was regular correspondence between prison and members.
- In both periods, lists were prepared on the basis of UTPs who were wanted in other cases and UTPs not wanted in other cases.
- In June 2014 meeting, Committee found 4 mistakes in the List presented before it, regarding maximum punishment prescribed.



LISTS PREPARED

- In 2014-15, minutes provide that due to construction work going on in SJ Falaudi all UTPs are detained in Jodhpur Central Prison.
- In both periods the kinds of cases recommended as per mandate were – S. 167, S.436, S.436A and mentally ill UTPs.



MEMBERS CAME TO ALL MEETINGS

- In both periods, additional kinds of cases reviewed were under S.107, 110, 151 & detained for more than 6 months; and below 16/18 years.
- PRC is following the old provision of the Juvenile Justice Act, 1986, which was amended in 2000 and prescribes 18 years, both for boys and girls, as the age of majority while defining the term 'juvenile'.



KINDS OF CASES REVIEWED AS PER MANDATE

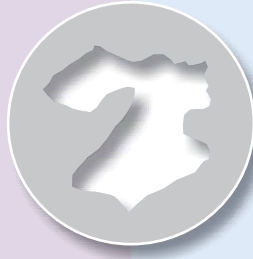
In every meeting it was decided that Superintendent will send date of next meeting. Minutes were sent to the Home Department.



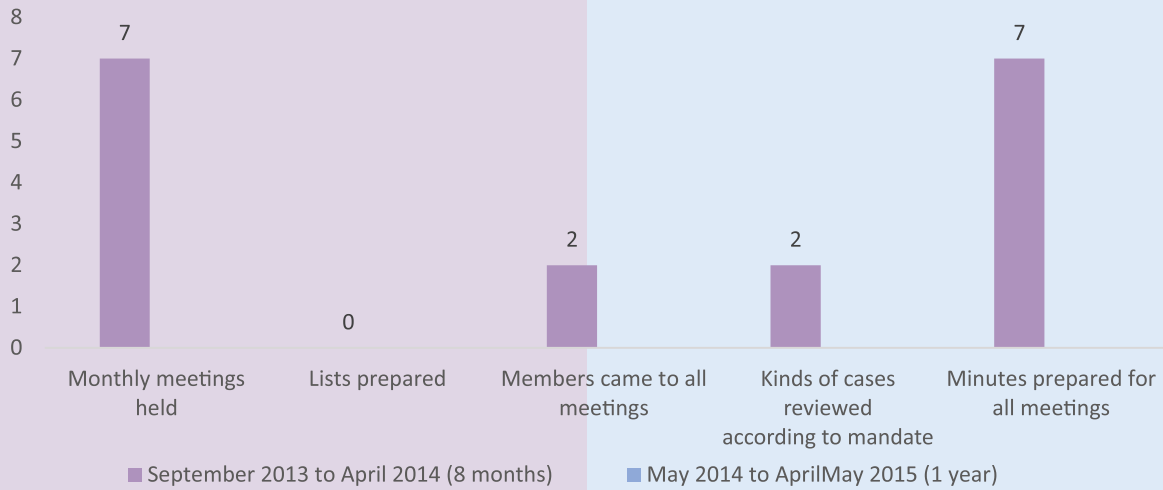
MINUTES PREPARED FOR ALL MEETINGS



**DISTRICT JAIL
KARALI**



**SUB-JAILS
HINDAUN CITY
KARANPUR**



MONTHLY MEETINGS HELD



Karali failed to provide information for the period 2014-15.

LISTS PREPARED



In 2013-14, kinds of cases reviewed under the mandate were under S.436A and S.167. Additional cases reviewed were of undertrials below 18 years; S.107-110, 151, Cr.P.C.; and compliance with Probation of Offenders Act.

MEMBERS CAME TO ALL MEETINGS



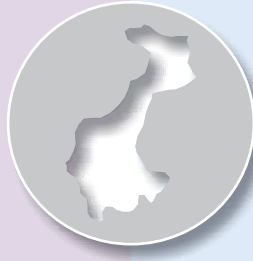
KINDS OF CASES REVIEWED AS PER MANDATE



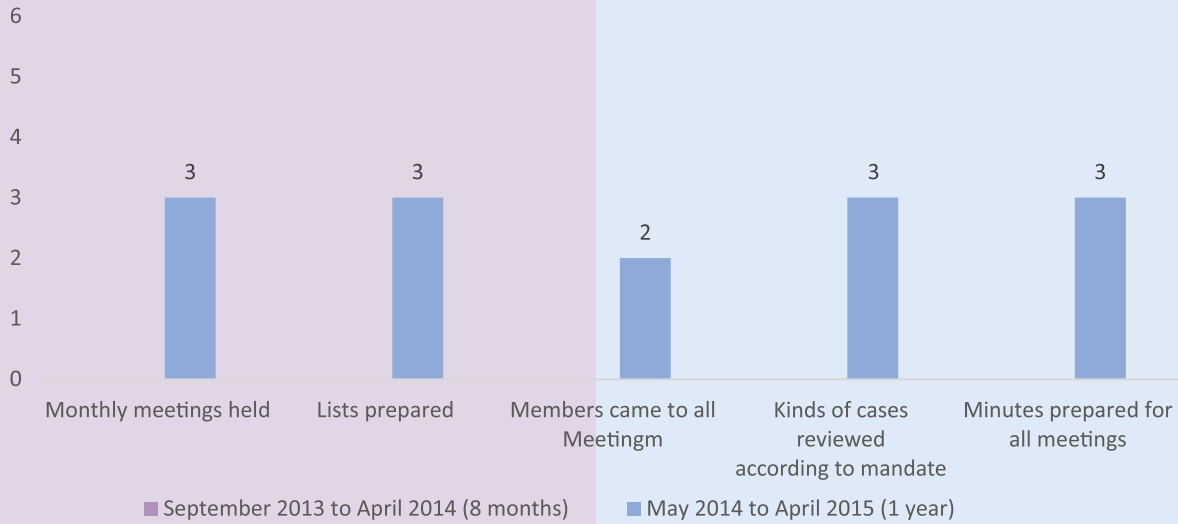
MINUTES PREPARED FOR ALL MEETINGS



**CENTRAL JAIL
KOTA**



**SUB-JAIL
RAMGANJMANDI
SANGOD**



MONTHLY MEETINGS HELD

- In 2013-14, except for a few correspondence letters, no other information was provided.
- In both periods, regular correspondence between prison and members existed.



LISTS PREPARED

- The August 2014 meeting was postponed from 19 to 26 August as the list of undertrials was incomplete.
- In 2014-15, it was observed by the CJM during every meeting that it will be helpful if the information regarding filing of chargesheet is sent to the prison.



MEMBERS CAME TO ALL MEETINGS

- In 2014-15, all minutes mention the 4 proformas and they reviewed cases based on them - Proforma A (S.167 (2) (a) (i));
- B (S.167 (2) (a) (ii));
- C (S.107, 151 & detained for more than 6 months) and;
- D (Below 18 years).
- Under the mandate they also recommended cases eligible under S. 436.A.
- In 2014-15, additional cases reviewed of prisoners convicted in one case and are undertrial in another.



KINDS OF CASES REVIEWED AS PER MANDATE

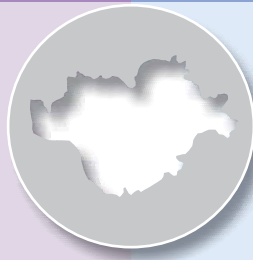
In 2014-15, sent minutes to the Home Department.



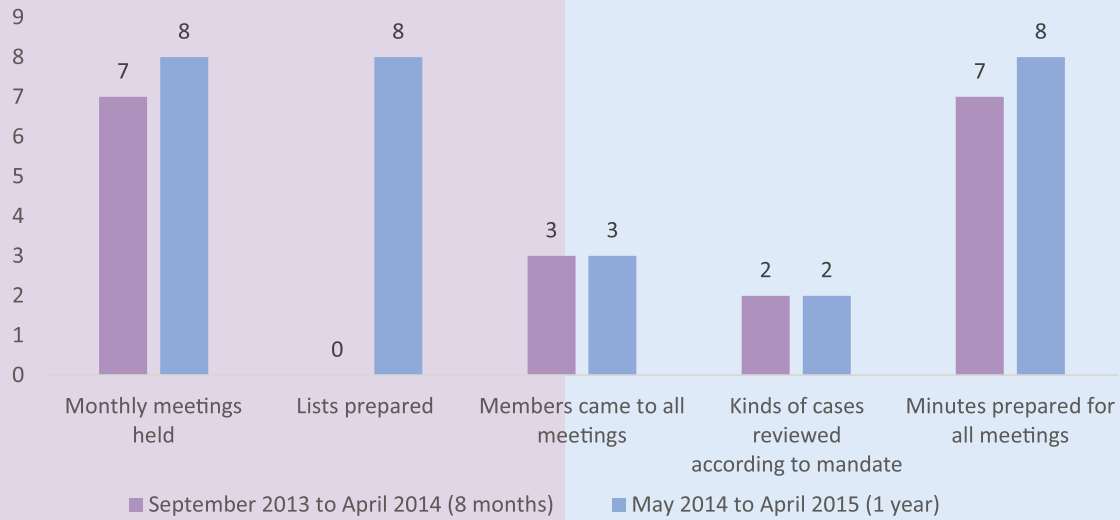
MINUTES PREPARED FOR ALL MEETINGS



**DISTRICT JAIL
NAGOUR**



**SUB-JAIL
MERTA CITY
PARBATSAR
DEEDWANA**



MONTHLY MEETINGS HELD

- In 2013-14, there was regular correspondence between prison and members but in 2014-15 only when any member of the Committee was not present, letters were sent to their superiors.
- In both periods, minutes provided prison-wise and gender-wise distribution of number of UTPs detained in each prison in the district.



LISTS PREPARED

- In 6/8 meetings in 2014-15, representative of DM was not present.
- In both periods, after most of the meetings, members took round of the prison, interacted with prisoners and no complaints were found regarding facilities available at the prison.



MEMBERS CAME TO ALL MEETINGS

- In both periods, Committee recommended writing letters to the concerned Courts and reviewed two kinds of cases under the mandate – S.436A and mentally ill.
- In 2013-14, additional cases under S. 107, 109,151 were reviewed.



KINDS OF CASES REVIEWED AS PER MANDATE

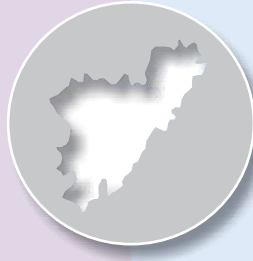
- In 2014-15, date of next meeting was decided after every meeting.
- In 2014-15, minutes were sent to the Home Department.



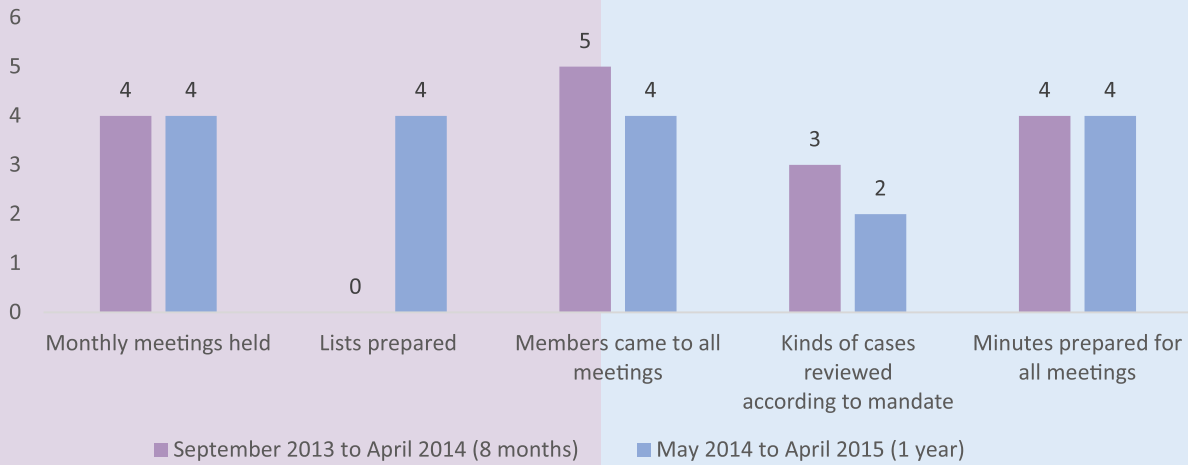
MINUTES PREPARED FOR ALL MEETINGS



**DISTRICT JAIL
PALI**



**SUB-JAIL
SOJAT CITY
JAITARAN
BALI**



MONTHLY MEETINGS HELD

In both periods, no correspondence letters between prison and members were provided.



- In 2014-15, kinds of cases recommended according to mandate were – petty cases and detention under S. 107,109,151 CrPC.
- In 2013-14, cases of mentally ill, long detention and detention specifically under S.436 were also reviewed.
- After June 2014 meeting, CJM addressed UTPs, informing them of Mega Lok Adalat to be held in July where eligible UTPs could move their applications.
- CJM directed the Police department to ensure that chargesheets are filed within 60/90 days.

LISTS PREPARED

- Minutes of June 2014 meeting provide that on the date of the meeting, 165 prisoners were detained in DJ Pali against the capacity of 65. Due to this transfer of at least 30 prisoners was sought to SJ Jaitaran where the capacity has increased to 100 due to construction of new barracks.
- District Magistrate Pali was requested to ensure security and health of prisoners.



MEMBERS CAME TO ALL MEETINGS



KINDS OF CASES REVIEWED AS PER MANDATE



MINUTES PREPARED FOR ALL MEETINGS

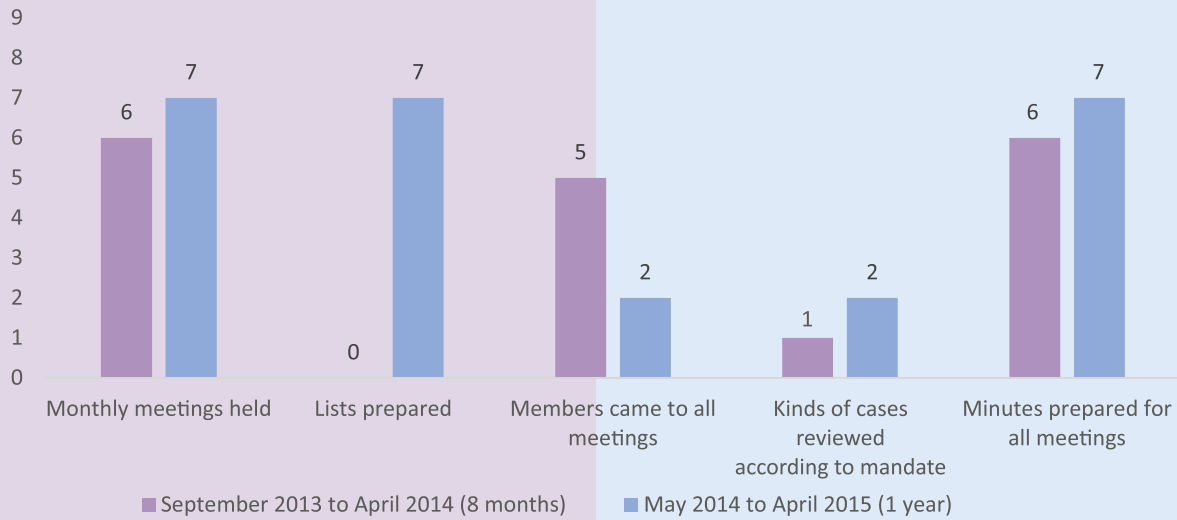


- In March 2015, members took a round of the prison and found inmates were satisfied with food and other facilities.
- In 2014-15, minutes were sent to the Home Department.

DISTRICT JAIL PRATAPGARH



SUB-JAIL CHOTI SAADRI



MONTHLY MEETINGS HELD

In both periods, there was regular correspondence between the prison and members.



- In 2014-15, under the mandate, cases eligible under S.436A were reviewed in all the meetings.
- In August 2014 meeting, cases of long detention were also reviewed.
- Additionally in both the periods, cases of UTPs below 18 years were also reviewed.
- In 2013-14, cases of UTPs detained under S. 107,109,151 were also reviewed.

LISTS PREPARED

- In the June 2014 meeting, Committee during its interaction with UTPs found 4 UTPs requiring legal aid and directed the Dy. SP to take necessary action.
- In July 2015 meeting, Committee directed the Police Department to inform, through its representative, before the next meeting whether chargesheet has been filed or not and to ensure representation from its office.



MEMBERS CAME TO ALL MEETINGS



KINDS OF CASES REVIEWED AS PER MANDATE



In 2014-15, minutes were sent to the Home Department.

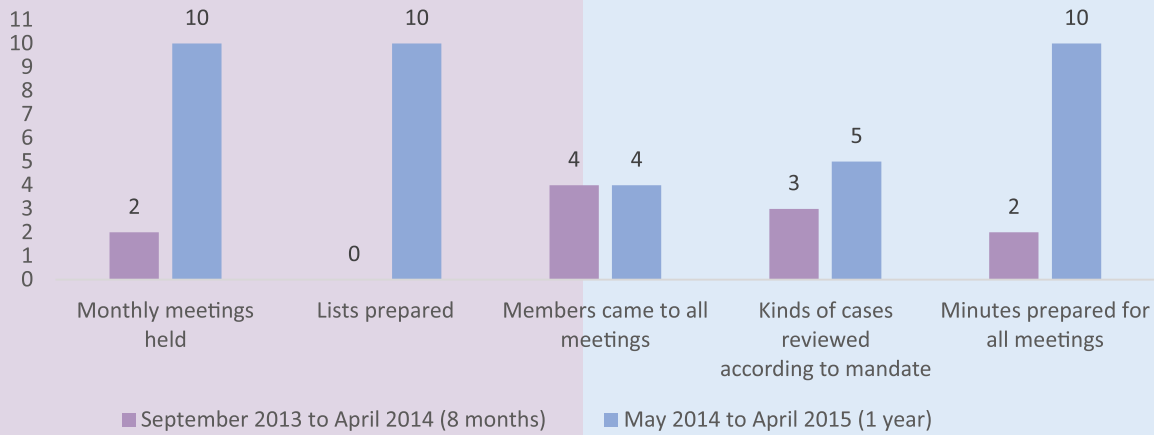
MINUTES PREPARED FOR ALL MEETINGS



**DISTRICT JAIL
RAJSAMAND**



**SUB-JAIL
BHEEM**



- In both periods, regular correspondence between prison and members existed.
- Due to construction work going on in SJ Bheem, all UTPs were moved to SJ Beawar. Therefore, cases of UTPs of SJ Bheem could not be reviewed in any meeting in 2014-15.

- Minutes of all 2014-15 meetings provide that no case was found eligible under proformas suggested by CHRI in 2011 study – serious offence and detained for 2 years, petty offences with up to 2 years imprisonment, completed half term, juveniles & mentally ill.
- Referred CHRI 2011 study defining long detention in serious cases as 2 years.
- In 2013-14, cases eligible under S167 and S.436A were also reviewed.
- In 2014-15, additional to the mandate, cases of illegal detention; u/S.107, 151 and below 18 years were also reviewed.
- In 2014-15, minutes were sent to the Home Department.

MONTHLY MEETINGS HELD



LISTS PREPARED



MEMBERS CAME TO ALL MEETINGS



KINDS OF CASES REVIEWED AS PER MANDATE



MINUTES PREPARED FOR ALL MEETINGS



Complied with Rajasthan DB Writ Petition (PIL) No. 9261/2014 Order dated 9th September 2014 – found no UTP who had completed half term and no UTP below 18 years detained in violation of Juvenile Justice Act.

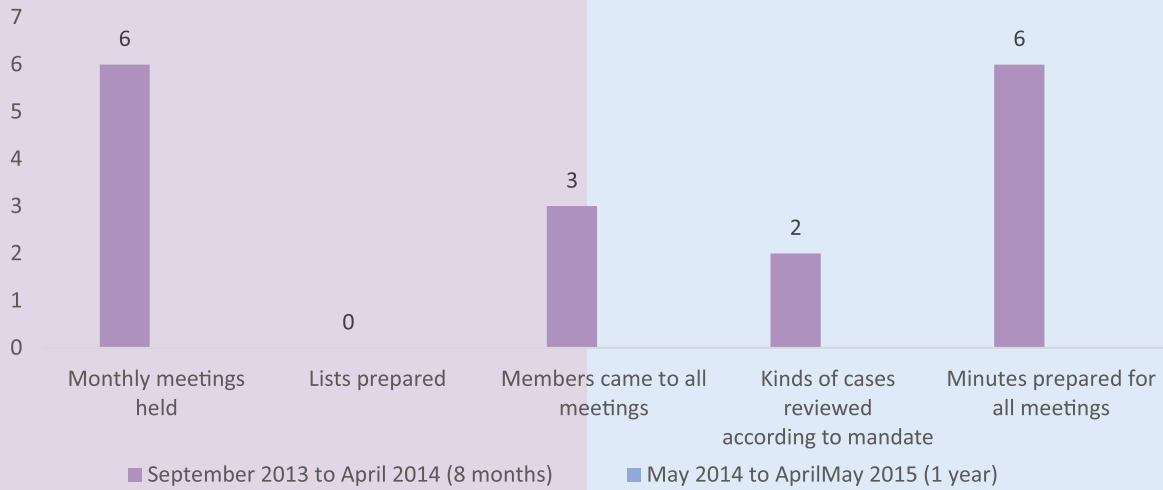
A checklist of the categories of cases for review provided:

- 1) where imprisonment is more than 10 years and UTP detained for 90 days and chargesheet not filed.
- 2) where imprisonment is less than 10 years and UTP detained for 60 days and chargesheet not filed.
- 3) UTPs completed maximum prescribed punishment
- 4) Civil accused detained for more than 30 days
- 5) UTPs accused of offences where punishment is death or life imprisonment and detained for more than 2 years.
- 6) Petty offences where punishment is upto 2 years
- 7) UTPs who have completed half term
- 8) UTPs who are juveniles
- 9) Mentally ill

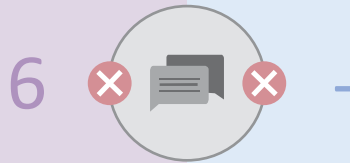
**DISTRICT JAIL
SIKAR**



**SUB-JAILS
NEEM KA THANA
FATEHPUR SHEKHAWATI**



MONTHLY MEETINGS HELD



In 2014-15 there was a delay in providing information despite sending the required fees.

LISTS PREPARED



In 2013-14, kinds of cases reviewed under the mandate were under S.167 and long detention cases. Additional cases reviewed were of undertrials below 18 years; S.107-110, 151, Cr.P.C.; and foreign nationals.

MEMBERS CAME TO ALL MEETINGS



KINDS OF CASES REVIEWED AS PER MANDATE



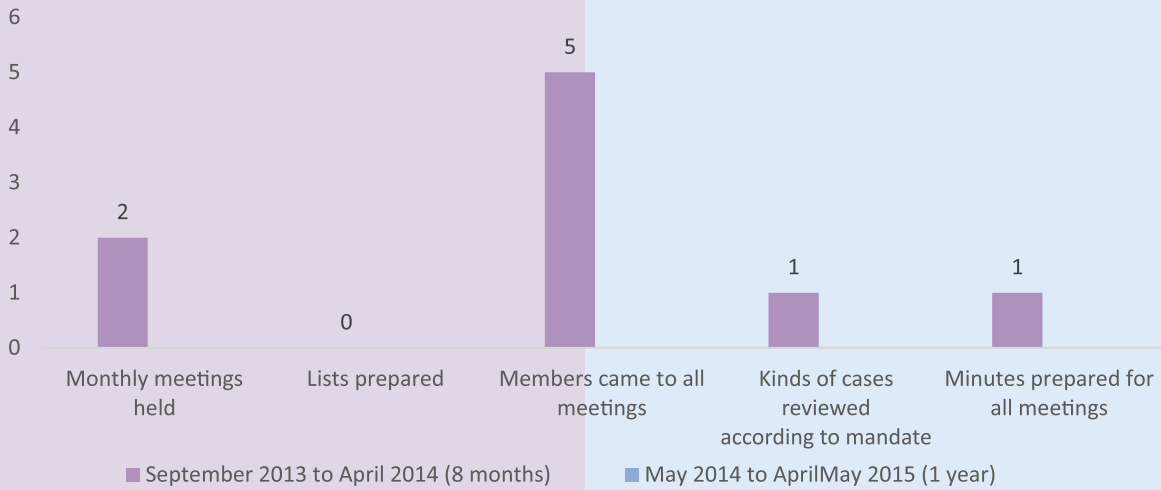
MINUTES PREPARED FOR ALL MEETINGS



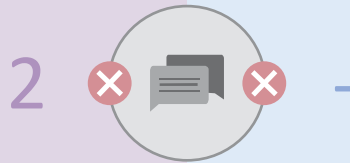
**DISTRICT JAIL
SIROHI**



**SUB-JAILS
ABU ROAD**



MONTHLY MEETINGS HELD



In 2014-15 there was a delay in providing information despite sending the required fees.

LISTS PREPARED



In 2013-14, PRC only reviewed cases eligible under S.436, Cr.P.C.

MEMBERS CAME TO ALL MEETINGS



KINDS OF CASES REVIEWED AS PER MANDATE



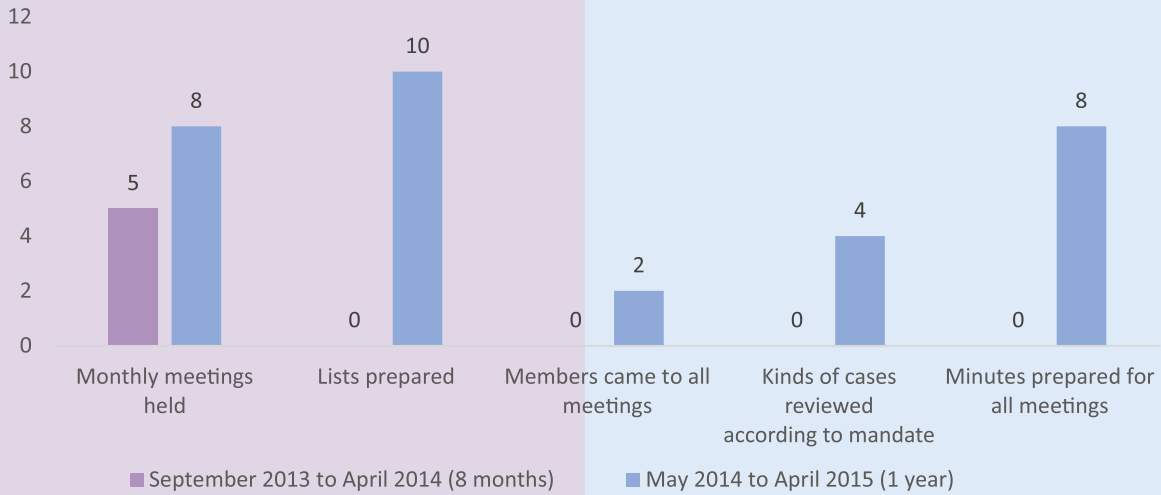
MINUTES PREPARED FOR ALL MEETINGS



**CENTRAL JAIL
SRI GANGANAGAR**



**SUB-JAIL
ANUPGARH
SRIKARANPUR
SURATGARH
RAISINGHNAGAR**



- In 2013-14, except for the dates of meetings and lists of UTPs no other information or minutes were provided.
- In 2014-15, regular correspondence existed between the prison and members.
- In 2014-15, for two meetings correspondence letters were sent and lists of UTPs were prepared but no meeting could take place.
- August 2014 meeting could not be held due to insufficient quorum as only the CJM and prison in-charge were present.

MONTHLY MEETINGS HELD



LISTS PREPARED



MEMBERS CAME TO ALL MEETINGS



KINDS OF CASES REVIEWED AS PER MANDATE



MINUTES PREPARED FOR ALL MEETINGS

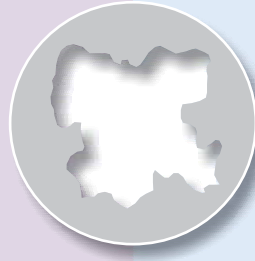


- Cases recommended according to mandate included S.436A; S.436 & petty cases; and mentally ill.
- Minutes of 2014-15 further provide that no UTP was found eligible under Proformas A & B which is essentially S.167.
- Additional to the mandate cases of UTPs under S.107, 116(3), 151; who require legal aid; who were not produced due to shortage of police escorts; and juveniles were also reviewed.
- Considered cases under S.107, 116(3), 151 as bailable.

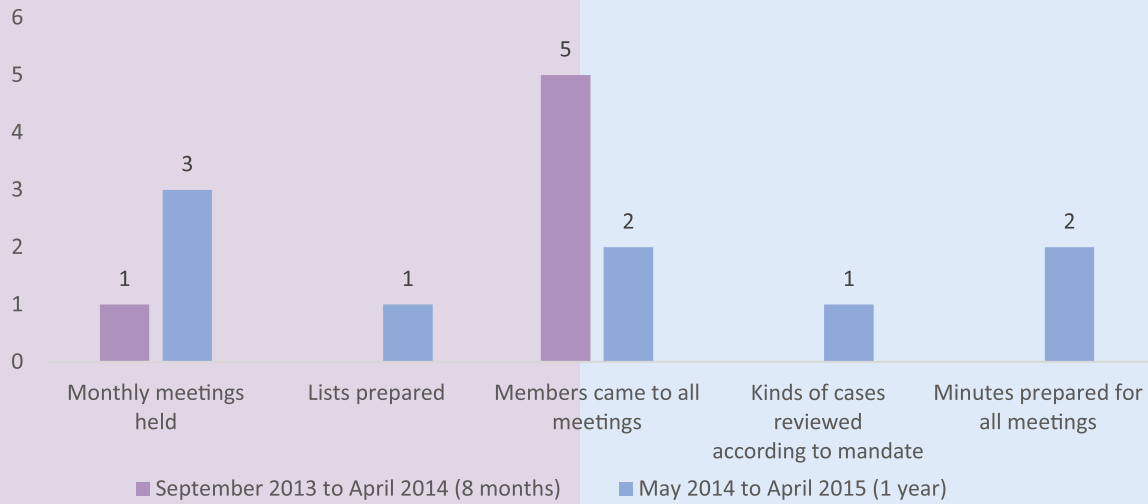
In June 2014 meeting, it was recommended to write letters to all courts asking them to write a note on the production warrant (Abhiraksha warrant) when the chargesheet is filed.

- Followed CHRI's Minutes Style Guide as recommended in its 2011 Study.
- In 2014-15, minutes were sent to the Home Department.
- Minutes of one of the meetings provide that it was earlier decided to hold the meeting on the 5th of every month.

**DISTRICT JAIL
TONK**



**SUB-JAIL
MALPURA**



MONTHLY MEETINGS HELD

- In 2013-14, no information other than attendance of members of one meeting was provided.
- In 2014-15 minutes of October 2014 meeting are not provided.



LISTS PREPARED



Kinds of cases recommended according to mandate in 2014-15 included long detention for charges under S.107, 110 CrPC and petty cases.

MEMBERS CAME TO ALL MEETINGS

In 2014-15, additional to the mandate, cases of UTPs below 18 years were also reviewed.



KINDS OF CASES REVIEWED AS PER MANDATE



In 2014-15, sent minutes to the Home Department.

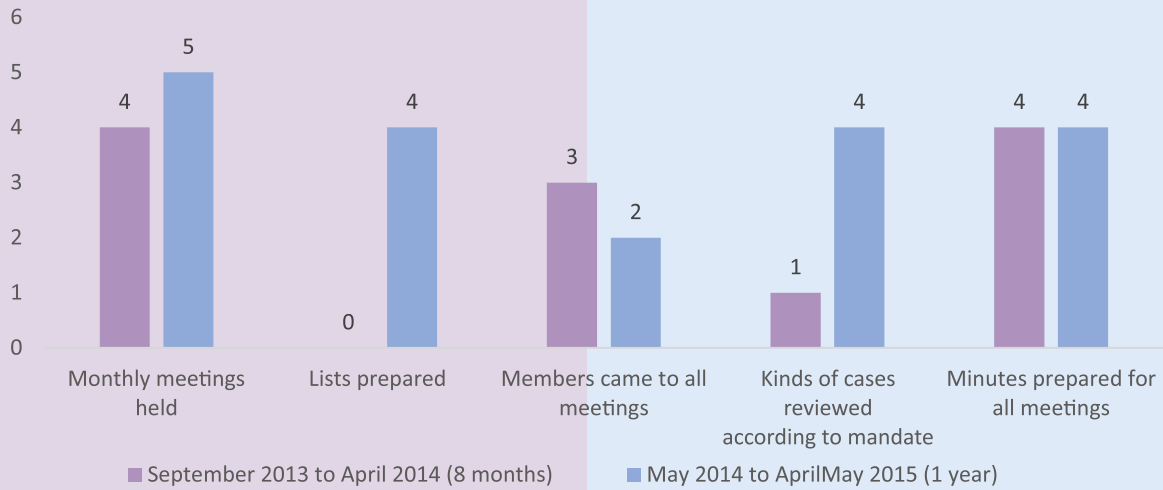
MINUTES PREPARED FOR ALL MEETINGS



**CENTRAL JAIL
UDAIPUR**



**SUB-JAIL
KANOD
KOTDA
SALUMBER
JHADOL
MAVLI**



MONTHLY MEETINGS HELD



In both periods, regular correspondence between the prison and members existed.

- Kinds of cases recommended according to the mandate in 2014-15 increased and included S.436; S.436A; and long detention.

LISTS PREPARED



- In 2014-15, additional cases reviewed were of UTPs below 18 years of age .
- In February 2015 meeting, Committee recommended 2 cases (u/s. 379) to consider for bail and for quick disposal.
- Committee discussed issue of non-production of UTPs. Sometimes only warrants are issued in the case leading to delays in the cases.

- Committee discussed issue of court production – UTPs charged in more than one case should have hearings for all the cases on the same day.

MEMBERS CAME TO ALL MEETINGS



KINDS OF CASES REVIEWED AS PER MANDATE

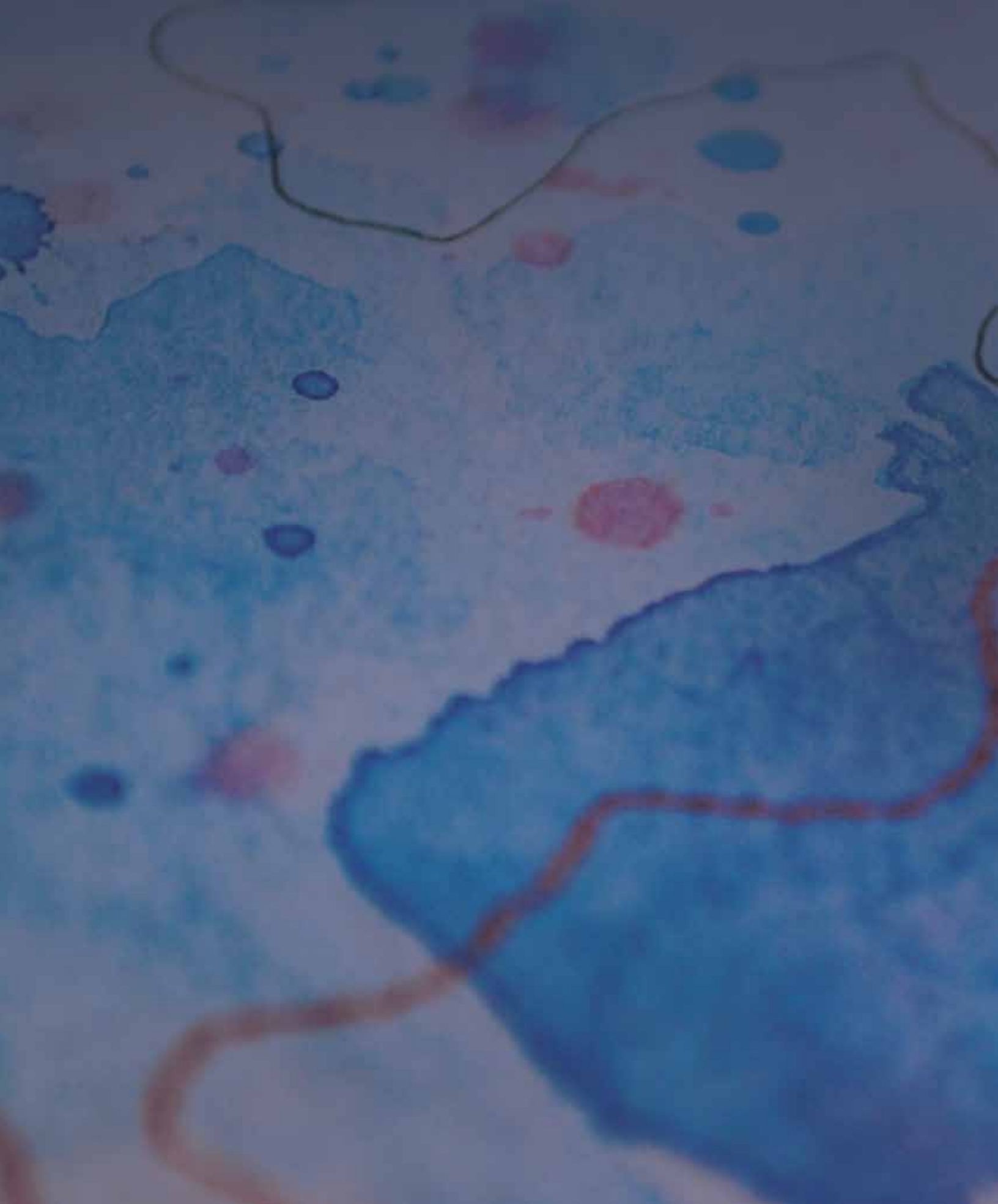


In 2014-15, minutes were sent to the Registrar-General, Rajasthan High Court, Jodhpur Bench and the Home Department.

MINUTES PREPARED FOR ALL MEETINGS



ANNEXURES



A. 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

Name of Undertrial	Father's Name	Age	Case Reference Number	Police Station	Name of Court	Offence	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

*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 in 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

NAME OF THE COURT

Name of Undertrial	Father's Name	Age	Case Reference Number	Police Station	Name of Court	Offence	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

*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.

B. 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:

<i>Name of the Mem-ber</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:

- Individual review of cases eligible under S. 167(2)(a)(i) the Code where no charge sheet has been filed within 60/90/180 days (See Example 3.1)
- Individual review of cases eligible under S. 436A the Code where an undertrial has completed half or more than the maximum prescribed punishment (See Example 3.1)
- Individual review of cases eligible under S. 436 the Code where an undertrial is accused of bailable offence and is detained in judicial custody for more than 7 days (See Example 3.1)
- 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)
- 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

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

Example Table 3.2

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

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) Detenues detained under preventive detention cases (S. 107, 109, 151, the Code)
- (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, the Code)
- (v) Undertrials who are sick or infirm (S.437, the Code)
- (vi) Women Undertrials (S.437, the Code)

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

Example Table 4.1

PART V: MONTHLY STATUS OF COURT PRODUCTION

Explanation: Information to be provided for each month.

Example Table 4.4

Total Number of Undertrials who were Supposed to be Produced in the Month	
Total Number of Prisoners not Sent for Production in the Month	
Comments/ Discussion Notes	

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.*

C. CHRI SUGGESTED FORMAT FOR THE 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)	

D. SUPREME COURT ORDER IN SUO MOTO W.P.(CIVIL) NO.406 OF 2013 TITLED 'RE: INHUMAN CONDITIONS PREVAILING IN 1382 PRISONS IN INDIA' DATED 24 APRIL 2015

ITEM NO.304

COURT NO.9

SECTION PIL

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

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

RE-INHUMAN CONDITIONS IN 1382 PRISONS

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

CORAM :
HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE UDAY UMESH LALIT

UPON hearing the counsel the Court made the following
O R D E R

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

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

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

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

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

4. In the meeting to be held on or about 30th June, 2015, the Under Trial Review Committee should consider the cases of all under trial prisoners who are entitled to the benefit of Section 436A of the Code.

The Ministry of Home Affairs has indicated that in case of multiple offences having different periods of incarceration, a prisoner should be released after half the period of incarceration is undergone for the offence with the greater punishment. In our opinion, while this may be the requirement of Section 436A of the Code, it will be appropriate if in a case of multiple offences, a review is conducted after half the sentence of the lesser offence is completed by the under trial prisoner. It is not necessary or compulsory that an under trial prisoner must remain in custody for at least half the period of his maximum sentence only because the trial has not been completed in time.

5. The Bureau of Police Research and Development had circulated a Model Prison Manual in 2003, as stated in the affidavit. About 12 years have gone by and since then there has been a huge change in circumstances and availability of technology. We direct the Ministry of Home Affairs to ensure that the Bureau of Police Research and Development undertakes a review of the Model Prison Manual within a period of three months. We are told that a review has already commenced. We expect it to be completed within three months.
6. The Member Secretary of NALSA should issue directions to the State Legal Services Authorities to urgently take up cases of prisoners who are unable to furnish bail and are still in custody for that reason. From the figures that have been annexed to the affidavit filed by the Ministry, we find that there are a large number of such prisoners who are continuing in custody only because of their poverty. This is certainly not the spirit of the law and poverty cannot be a ground for incarcerating a person. As per the figures provided by the Ministry of Home Affairs, in the State of Uttar Pradesh, there are as many as 530 such persons. The State Legal Services Authorities should instruct the panel lawyers to urgently meet such prisoners, discuss the case with them and move appropriate applications before the appropriate court for release of such persons unless they are required in custody for some other purposes.
7. There are a large number of compoundable offences for which persons are in custody. No attempt seems to have been made to compound those offences and instead the alleged offender has been incarcerated. The State Legal Services Authorities are directed, through the Member Secretary of NALSA to urgently take up the issue with the panel lawyers so that wherever the offences can be compounded, immediate steps should be taken and wherever the offences cannot be compounded, efforts should be made expedite the disposal of those cases or at least efforts should be made to have the persons in custody released therefrom at the earliest.

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

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

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

(SANJAY KUMAR-I)
COURT MASTER

(RENU DIWAN)
COURT MASTER

E. MINISTRY OF HOME AFFAIRS ADVISORIES

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

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

To
The Home Secretaries
of all States/UTs

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

Sir/Ma'am,

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

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

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

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

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

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

Although the percentage overcrowding in jails is steadily going down but even now in our prisons 67% of the inmates are undertrials as per 2011 data collected by NCRB.

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

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

States/UTs may hence consider taking the following actions:

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

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

Yours sincerely

Sd/-

(S. Suresh Kumar)

Joint Secretary to the Govt. of India

Tel: 23438100

Email: jscs@nic.in

F. RAJASTHAN SLISA CIRCULAR REGARDING W.P. (C) NO. 406/2013 IN THE SUPREME COURT OF INDIA, RE - INHUMAN CONDITIONS IN 1382 PRISONS.



राजस्थान राज्य विधिक सेवा प्राधिकरण, जयपुर

राजस्थान उच्च न्यायालय परिसर, जयपुर पीठ, जयपुर

Phone: 0141-2227481, FAX 2227555, 2227602, Toll Free Help Line 1510

क्रमांक :- R.SLISA/B/1872-1906 दिनांक :- 11-5-2015

प्रेषित:-

श्रीमान अध्यक्ष
जिला विधिक सेवा प्राधिकरण
(जिला एवं सेशन न्यायाधीश)
समस्त राजस्थान

विषय:- माननीय उच्चतम न्यायालय द्वारा रिट याचिका (सि) संख्या 406 सन 2013 में आदेश दिनांक 24.04.2015 द्वारा जारी दिशानिर्देशों की पालना बाबत संदर्भ:- राष्ट्रीय विधिक सेवा प्राधिकरण का पत्र क्रमांक एल/10/2015 -नाल्सा दिनांक 07.05.2015

महोदय,

माननीय उच्चतम न्यायालय द्वारा उपरोक्त मामले में पारित आदेश दिनांक 24.04.2015 एवं राष्ट्रीय विधिक सेवा प्राधिकरण के उपरोक्त संदर्भित पत्र की प्रति संलग्न कर निवेदन है कि माननीय उच्चतम न्यायालय द्वारा जारी दिशानिर्देशों की अक्षरशः पालना अविलम्ब सुनिश्चित की जावे। यदि आपके न्यायक्षेत्र में अभी तक अंडरट्रायल रिब्यू कमेटी की स्थापना नहीं की गई है तो अविलम्ब की जाकर 30.06.2015 या उससे पूर्व धारा 436 ए दण्ड प्रक्रिया संहिता के तहत लाभ प्राप्त करने वाले कैदियों के सम्बन्ध में कमेटी की मीटिंग करना सुनिश्चित करें।

कृपया उपरोक्त न्यायिक दृष्टांत में जारी दिशानिर्देशों की पालना कर राष्ट्रीय विधिक सेवा प्राधिकरण द्वारा चाही गई रिपोर्ट 25.05.2015 तक इस प्राधिकरण को भेजा जाना सुनिश्चित करें ताकि उसका समेकित विवरण राष्ट्रीय विधिक सेवा प्राधिकरण को भिजवाया जा सके।

संलग्न - उपरोक्तानुसार

भवदीय



राष्ट्रीय विधिक सेवा प्राधिकरण
NATIONAL LEGAL SERVICES AUTHORITY
(Constituted under the Legal Services Authorities Act, 1987)

राजेश कुमार गोयल
निदेशक
RAJESH KUMAR GOEL
(Orchi Higher Judicial Service)
Director

12/11, जाम नगर हाऊस
शाहजहाँ रोड, नई दिल्ली-110011
12/11, Jam Nagar House
Shahjahan Road, New Delhi-110011

No: L/10/2015-NALSA
May 7, 2015

To
The Member Secretary
All the SLSAs

Sub: W.P. (C) No. 406/2013 in the Supreme Court of India
Re - Inhuman conditions in 1382 prisons

Sir/Madam,

Please find enclosed herewith a copy of order dated 24/04/2015 of the Hon'ble Supreme Court of India in the above noted matter.

2. The Hon'ble Supreme Court referring the Advisory dated 17/01/2013 of the Ministry of Home Affairs has directed to ensure that Under Trial Review Committee is established in every District within 1 month and the next meeting of each such Committee should be held on or about 30th June, 2015. As per the Advisory dated 17/01/2013, the Under Trial Review Committee consists of the District Judge, as Chairperson, the District Magistrate and the District Superintendent of Police as members.

3. The Hon'ble Supreme Court has further directed that the State Legal Services Authorities should urgently take up the cases of prisoners who are unable to furnish bail (due to poverty) and are still in custody for that reason. The State Legal Services Authorities should instruct the panel lawyers to urgently meet such prisoners, discuss the case with them and move appropriate applications before the appropriate court for release of such persons unless they are required in custody for some other purposes.

4. The Hon'ble Supreme Court has issued directions to the State Legal Services Authorities to urgently take up the issue with the panel lawyers so that wherever the offences can be compounded, immediate steps should be taken and wherever the offences cannot be compounded, efforts should be made to expedite the disposal of those cases or at least efforts should be made to have the persons in custody released therefrom at the earliest.

5. You are requested to take urgent steps for compliance of the directions issued by the Hon'ble Supreme Court and a compliance report furnishing the following information as on 20.05.2015 be submitted to NALSA by 31/05/2015:

1. Whether Under Trial Review Committee has been established in each District? If not, reasons thereof and immediate constitution of these committees under intimation to the NALSA.
2. Number of under trial prisoners who are entitled to the benefit of section 436 A of the Criminal Procedure Code.
3. No. of under trial prisoners who have already been granted bail but not released and steps taken by the State Legal Services Authority in this regard.
4. No. of under trial prisoners for the offences which are compoundable and steps taken by the panel advocates to get compounded those cases

With regards,

Yours sincerely,

(Rajesh Kumar Goel)

Encl: As above

Website : www.nalsa.gov.in e-mail : nalsa-dla@nic.in कार्या/Offi.: 23071450 फैक्स/Fax : 23382121

G. CIRCULARS ISSUED BY THE DIRECTORATE OF PRISONS.

फैक्स / अति आवश्यक

॥ महानिदेशालय कारागार राजस्थान जयपुर ॥

क्रमांक:- कारा / सांख्यिकी / आ.समीक्षा / 21560-70 दिनांक:- 12/8/14
समस्त अधीक्षक एवं मण्डलाधिकारी
केन्द्रीय कारागृह जयपुर, जोधपुर, अजमेर,
बीकानेर, उदयपुर, भरतपुर, कोटा,
श्रीगंगानगर।

विषय:- आवधिक समीक्षा की आयोजित बैठक दिनांक (त्रैमासिक) सूचना बाबत।

उपरोक्त विषयान्तर्गत लेख है कि आपके एवं आपके मण्डलाधीन समस्त जिला कारागृहों पर त्रैमासिक (जनवरी-14 से मार्च-14 एवं अप्रैल-14 से जून-14 तक) आवधिक समीक्षा समिति की बैठक की पूरे मण्डल की संकलित (इकजाई) सूचना आज दिनांक तक मुख्यालय कारागार पर प्रेषित नहीं करवाई गई है।

पूर्व में भी आपके द्वारा सूचना समय पर मुख्यालय को प्रस्तुत नहीं करवाई गई है, जिससे की सूचना राजस्थान सरकार को समय पर नहीं भेजी जा सकी है।

अतः पूर्व पत्रांक 58244-54 दिनांक 28.02.2014 के साथ संलग्न प्रोफार्मा में कारागृहों द्वारा की गई बैठक सूचना की दिनांक या बैठक नहीं होने के कारण विवरण सहित सूचना संकलित कर व प्रति आवश्यक रूप से जरिये लौटते फैक्स से सूचना मुख्यालय को भिजवाया जाना सुनिश्चित करा दें। साथ ही यदि आपके अधीनस्थ किन्हीं उप. कारागृहों पर आवधिक समीक्षा समिति की बैठक आयोजित की गई है या नहीं की गई की रिपोर्ट जरिये फैक्स द्वारा आज ही प्रस्तुत करावें। विलम्ब के लिये आप स्वयं जिम्मेदार होंगे।

इसे अति आवश्यक समझे व व्यक्तिशः सम्मन करावें।

उप महानिरीक्षक कारागार
राजस्थान जयपुर

प्रतिलिपि:- उप महानिरीक्षक कारागार रेंज जयपुर, जोधपुर, उदयपुर को भेजकर लेख है कि अपने अधीनस्थ मण्डल को सूचना समय पर भिजवाने हेतु पाबंद करावें जिससे सूचना समय से राज्य सरकार को भिजवाई जा सके।

N.T.
24/8

4056
25/8/14

उप महानिरीक्षक कारागार
राजस्थान जयपुर

29/9/14

अति आदर्यक / आज ही

॥ महानिदेशालय कारागार राजस्थान जयपुर ॥

क्रमांक:- कारा/सांख्यिकी/ 29421 - 23

दिनांक:- 22/9/14

समस्त अधीक्षक एवं मण्डलाधिकारी

केन्द्रीय कारागृह, जोधपुर,

कोटा, भरतपुर, श्रीगंगानगर।

विषय:- Under Trials who have completed one fourth of likely sentence under Section 436A

प्रसंग:- इस कार्यालय के पत्रांक 2309-100 दिनांक 25.08.2014 एवं पत्रांक 24800-6 दिनांक 09.09.2014 के क्रम में

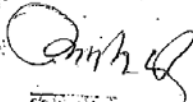
उपरोक्त विषयान्तर्गत प्रासंगिक पत्रों के क्रम में लेख है कि भारत सरकार नई दिल्ली से प्राप्त पत्र की छाया प्रति संलग्न कर पत्रानुसार निर्धारित प्रपत्र में सूचना चाही गई थी। किन्तु आपके मण्डल की संकलित सूचना आज दिनांक तक अप्राप्त है। जिससे की सूचना भारत सरकार नई दिल्ली को भेजने में विलम्ब हो रहा है।

अतः वांछित सूचना जरिये कैक्स द्वारा अति आवश्यक रूप से आज को भिजवाया जाना सुनिश्चित करावे जिससे की सूचना तैयार कर भारत सरकार को भिजवाई जा सकें।

J(CT)
le
2-10-14

उप महानिरीक्षक कारागार
राजस्थान जयपुर

सूचना के अधिकारी के वरत 29/9/14


कमल
केन्द्रीय कारागृह, भरतपुर

।। महानिदेशालय कारागार राजस्थान जयपुर ।।

क्रमांक :- बं.शा./जयपुर/152/2013/ 33134-70 दिनांक :- 8/10/14

समस्त अधीक्षक/उप अधीक्षक,
केन्द्रीय/जिला कारागृह, राजस्थान।

विषय:- 436 ए सी.आर.पी.सी. के तहत बंदियों को लाभ दिये जाने बाबत।

प्रसंग:- इस कार्यालय के समसंख्यक पत्रांक 32349-90 दिनांक 01.10.2014 स्मरण पत्रांक 32827-67 दिनांक 07.10.14

महोदय,

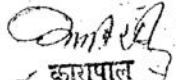
उपरोक्त विषयान्तर्गत प्रासंगिक पत्र द्वारा आपकी एवं आपके अधीनस्थ कारागृहों में निरूद्ध बंदियों में से ऐसे बंदी, जो 436 ए सी.आर.पी.सी. के तहत लाभ प्राप्त करने के पात्र है, की सूची तैयार 03 दिवस की अवधि में संबंधित जिला मजिस्ट्रेट/जिला पुलिस अधीक्षक एवं मुख्य न्यायिक मजिस्ट्रेट को आवश्यक रूप से भिजवाते हुए एक प्रति इस कार्यालय को भी भिजवाने हेतु निर्देशित किया गया था, जो अभी तक स्मरण पत्र जारी करने पर भी आप द्वारा प्रेषित नहीं की गई है।


उक्त सूचना निम्न प्रपत्र में आज ही सायं 5.00 बजे तक आवश्यक रूप से प्रेषित की जावे :-

क्र.सं.	नाम बंदी मय पिता	न्यायालय का नाम	प्रकरण संख्या एवं अंतर्गत धारा	निरूद्ध दिनांक	जेल में व्यतीत की गई अवधि	अधिकतम सजा
1.	2.	3.	4.	5.	6.	7.

भवदीय

सचिन मित्तल के तहत 24/10


कारापाल
केन्द्रीय कारागृह, जयपुर


(सचिन मित्तल)
महानिरीक्षक कारागार 8/10
राजस्थान जयपुर।

CHRI Programmes

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

Access to Justice

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

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

Access to Information

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

Strategic Initiatives Programme:

CHRI monitors member states' compliance with human rights obligations and advocates around human rights exigencies where such obligations are breached. CHRI strategically engages with regional and international bodies including the Commonwealth Ministerial Action Group, the UN and the African Commission for Human and People's Rights. Ongoing strategic initiatives include: Advocating for and monitoring the Commonwealth's reform; Reviewing Commonwealth countries' human rights promises at the UN Human Rights Council and engaging with its Universal Periodic Review; Advocating for the protection of human rights defenders and civil society space; and Monitoring the performance of National Human Rights Institutions in the Commonwealth while advocating for their strengthening.

This is a watch report, third in the series, assessing the functioning of a significant prison oversight mechanism, Rajasthan's Periodic Review Committees or *Avadhik Samiksha Samitis*. CHRI's tracking since 2010 has led to a more responsive executive and judiciary and ultimately has altered practices and improved efficiency of this mechanism aimed to check illegal and unnecessary detention.

Many district committees have performed exceptionally well and some are nascent in their rendering. Though notable changes have taken place in the working of these district-level committees some of the systemic bottlenecks still remain. While the fruits of these committees lie in the releases of undertrials under the law this has been the weakest link in the entire process. The potential of these committees have not been realized to the fullest that makes undertrials' 'ROAD TO RELEASE' long and rough.

Through this watch report CHRI urges the judiciary and executive to make efforts in streamlining these committees all across Rajasthan with special focus on tracking releases of undertrials which will eventually help institutionalize access to justice for all.