

CHRI 2022

STUDY ON FUNCTIONING OF UNDERTRIAL REVIEW COMMITTEES

FROM APRIL TO JUNE 2020



CHRI

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

Commonwealth Human Rights Initiative

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**STUDY ON FUNCTIONING OF
UNDERTRIAL REVIEW COMMITTEES
FROM APRIL TO JUNE 2020**



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| Chandigarh..... | 78 |

List of Abbreviations

| | |
|------------|-----------------------------------|
| UTRC..... | Undertrial Review Committee |
| NALSA..... | National Legal Services Authority |
| SLSA..... | State Legal Services Authority |
| SOP..... | Standard Operating Procedure |
| WP..... | Writ Petition |
| HPC..... | High Powered Committee |
| MoM..... | Minutes of Meeting |

ABOUT THE REPORT

With the imminent threat of the COVID-19 pandemic scaling the walls of prisons, the Supreme Court directed the Under Trial Review Committees (UTRCs) to meet weekly on 23rd March 2020 in *In Re: Contagion of COVID 19 Virus in Prisons, Suo Moto Writ Petition (Civil) No. 1/2020*. This decision was taken to enable prisoner release so as to decongest prisons amidst the pandemic. This report analyses the functioning of UTRCs from 1st April to 30th June 2020 across India based on the information provided by the State Legal Services Authorities (SLSAs) on their district-wise UTRC meetings and minutes of UTRC meetings of select districts in each State. The report also documents good practices and concerns. Lastly, it makes recommendations designed to further strengthen the functioning of UTRCs.

UTRCs were directed to be constituted in all districts of the country by the Supreme Court in the case *In Re Inhuman Conditions in 1382 Prisons (W.P. (Civil) No. 406/2013)*. Headed by the senior-most judge in the district, along with representatives of the concerned District Legal Services Authority, district administration, police and prison, the UTRC is mandated to regularly review the cases of prisoners, and recommend cases for release of eligible prisoners to the competent courts.

INTRODUCTION

The COVID-19 pandemic brought the persisting concern of overcrowded prisons to priority as the outbreak in prisons would be disastrous not only for prisoners and prison staff but also for the general population. On 23 March, 2020, the Supreme Court, taking cognizance of the threat of COVID-19 virus transmission in prisons in *In Re: Contagion of COVID 19 Virus in Prisons*¹, passed a number of directions to decongest prisons urgently. The Court directed the constitution of High Powered Committees (HPCs) in each State to determine categories of prisoners for release to decongest prisons and ease prison overcrowding. Vide this order, the Court also directed that *“The Undertrial Review Committee contemplated by this Court In Re Inhuman Conditions in 1382 Prisons, (2016) 3 SCC 700, shall meet every week and take such decision in consultation with the concerned authority as per the said judgment.”*

Undertrial Review Committee (UTRC) is a district-level body headed by the District Judge to check unnecessary detention of persons in prison. Alarmed by the high Undertrial prisoner population, the Supreme Court in 2015, in *In Re Inhuman Conditions in 1382 Prisons*², directed UTRCs to be set up in all districts of the country. The UTRC comprises the District Judge as the chairperson and has Secretary District Legal Services Authority, District Magistrate, Superintendent of Police and Officer In-charge of all prisons in the district as members. It reviews certain categories of cases of prisoners as identified by the Supreme Court in its various orders and by the National Legal Services Authority (NALSA) in the Standard Operating Procedure³ (SOP) on Functioning of UTRCs. The NALSA SOP identifies 14 categories of cases covering undertrial prisoners, detainees under preventive detention and convict prisoners which the UTRCs are mandated to review periodically.

However, the NALSA in its SOP has suggested expansion of the mandate of the UTRCs, recognizing that UTRCs are also *“mandated to ensure compliance of directions issued by the Hon’ble Supreme Court”* which include the right to speedy trial and also to follow up on the implementation of the Model Prison Manual, which the Court has held to be binding on State authorities. Therefore, the mandate and powers of UTRC travel much beyond reviewing 14 categories of prisoners to being an overarching oversight body to monitor prison management and conditions of prisoners. In line with this expanded role, it can be presumed that the Supreme Court directed weekly UTRC meetings to ensure that the UTRCs ensure at the district level that prisons are not crowded beyond capacity and that HPC’s directions are implemented in letter and in spirit.

¹ Suo Moto Writ Petition (Civil) No. 1/2020.

² (2016) 3 SCC 700.

³ <https://nalsa.gov.in/acts-rules/guidelines/standard-operating-procedure-sop-guidelines-for-utrcs>. (Last accessed on 6th December, 2021).

This study documents and analyses the functioning of UTRCs from April to June 2020 during the pandemic. While the mandate of the UTRCs is much broader than the themes covered in this report, the present study focuses on the primary function of UTRCs to review the cases of prisoners and the role played by the UTRCs vis-à-vis the HPCs.

Methodology

CHRI had, in July 2020, issued letters to all prison departments and State Legal Services Authorities in India with respect to the preparation of its report, 'Responding to the Pandemic: Prisons and Overcrowding'⁴. In response to the letters issued by email, information was received from 18 SLSAs⁵ wherein 15 SLSAs sent information on both the points mentioned below while 3 SLSAs⁶ only sent information on the first point. CHRI received a total of 429 UTRC Minutes of Meetings (MoMs) for 58 districts from the 15 SLSAs.

Information requested from all SLSAs:

- Total number of UTRC Meetings held in each district from 1st April to 30th June, 2020.
- Minutes of the meetings of UTRC held from 1st April to 30th June, 2020 of any five districts.

SLSAs which responded with requested information:

- A total of 429 Minutes of Meetings (MOMs) received for 58 districts from 15 SLSAs.
- Three SLSAs – Jammu & Kashmir, Meghalaya and Mizoram only sent information on district-wise number of UTRC meetings.
- No response was received on behalf of the rest 17 States.

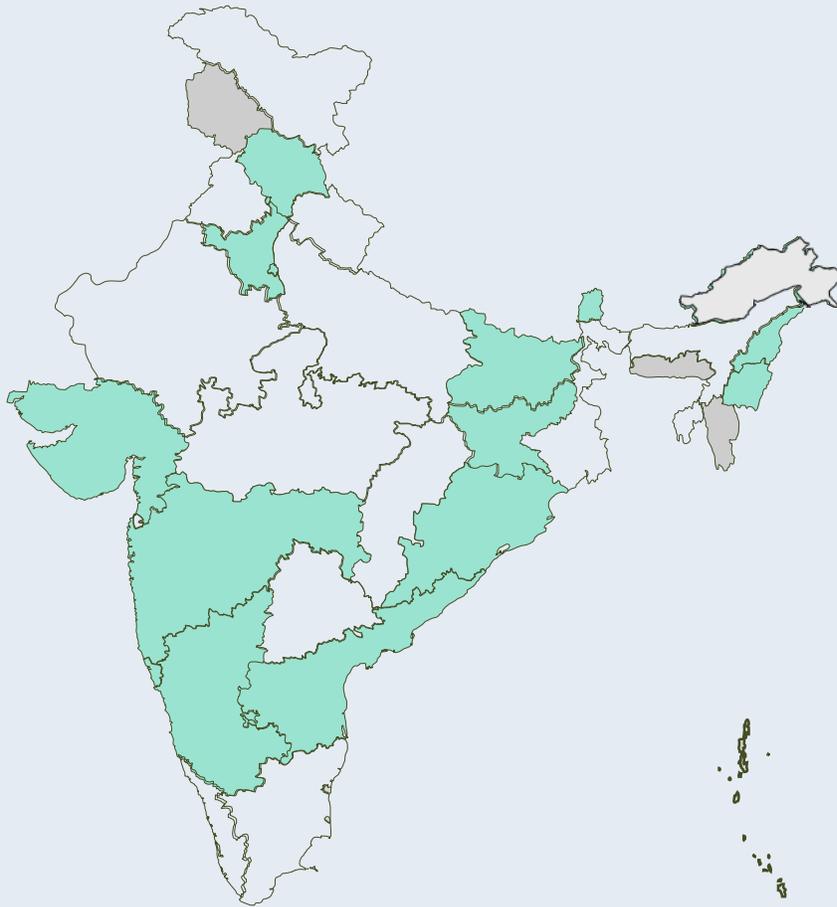
⁴ Responding to the Pandemic: Prisons and Overcrowding (CHRI), 2020.

<https://www.humanrightsinitiative.org/publication/responding-to-the-pandemic-prisons-and-overcrowding-2020>. (Last accessed on 6th December, 2021).

⁵ Andhra Pradesh, Bihar, Goa, Gujarat, Haryana, Himachal Pradesh, Jharkhand, Karnataka, Maharashtra, Manipur, Nagaland, Odisha, Sikkim, Delhi, Chandigarh, Jammu & Kashmir, Meghalaya, Mizoram

⁶ Jammu & Kashmir, Meghalaya and Mizoram.

Map depiction of States which sent information:



Names of SLSA

Andhra Pradesh
Bihar
Goa
Gujarat
Haryana
Himachal Pradesh
Jharkhand
Karnataka
Maharashtra
Manipur
Nagaland
Odisha
Sikkim
Delhi
Chandigarh
Jammu & Kashmir
Meghalaya
Mizoram

All the minutes of the meetings were analysed and the following objective criteria were drawn up to compare the findings State-wise as well as district-wise:

1. Formation of UTRCs and number of meetings held in the given period vis-à-vis the Supreme Court direction;
2. Composition of the UTRCs (Attendance of members);
3. Mode of conduct of meetings;
4. Details mentioned in the UTRC meetings pertaining to its functions, such as names of prisons under jurisdiction, number of cases shortlisted, reviewed and recommended;
5. UTRC's role vis-à-vis High Powered Committees;
6. Review of cases as mandated by the NALSA SOP;

Table 1.1: State wise information on minutes of meetings received in response to CHRI's letter.

| S. No. | State Legal Service Authority | No. of Districts from where MOMs were received | Total no. of MOMs received from the SLSA |
|--------------|-------------------------------|--|--|
| 1 | Andhra Pradesh | 4 | 4 |
| 2 | Bihar | 4 | 27 |
| 3 | Goa | 2 | 24 |
| 4 | Gujarat | 4 | 44 |
| 5 | Haryana | 4 | 4 |
| 6 | Himachal Pradesh | 5 | 60 |
| 7 | Jharkhand | 2 | 14 |
| 8 | Karnataka | 4 | 25 |
| 9 | Maharashtra | 5 | 38 |
| 10 | Manipur | 4 | 6 |
| 11 | Nagaland | 5 | 9 |
| 12 | Odisha | 5 | 53 |
| 13 | Sikkim | 4 | 50 |
| 14 | Delhi | 5 | 57 |
| 15 | Chandigarh | 1 | 14 |
| TOTAL | | 58 | 429 |

Additionally, the report also details the following information state-wise:

1. Good practices; and
2. Concerns and issues in functioning of UTRCs.

The principles/rules used for maintaining uniformity in the analysis of the findings are mentioned in the report wherever applicable along with the findings.

Limitations

The functioning of UTRCs goes beyond the pointers mentioned above which were analysed in this study. However, to maintain uniformity in the analysis of the findings and to complete the study in a time-bound manner the scope of the study was limited to the abovementioned pointers only.

Disclaimer

CHRI has tried to make the findings objective to the extent possible based on a comprehensive and comparative analysis. However, due to a lack of uniformity in the minutes of the meetings, the information provided in the report is only indicative of the nature of functioning of the UTRCs in the three-month period from April to June 2020. The report does not make any specific claim as to the quality of performance of any specific UTRC. All the information given in the report is solely based on the secondary and primary information received by CHRI from the SLSAs and hence should not be construed as a personal opinion of CHRI.

EXECUTIVE SUMMARY

Alarmed by the threat of COVID-19 virus transmission in Prisons, the Supreme Court in *In Re: Contagion of COVID 19 Virus in Prisons*⁷, inter-alia directed the Undertrial Review Committees (UTRC) to meet every week. The UTRC is a district level committee headed by the District Judge and has Secretary, DLSA, District Magistrate, Superintendent of Police and Prison officers in-charge of all prisons in the district as members. The UTRCs are mandated to review 14 categories of prisoners as directed by the Supreme Court and reiterated by the NALSA in its SOP for Undertrial Review Committees and carry out other duties as directed by the apex court in its various orders passed in *In Re Inhuman Conditions in 1382 Prisons*.⁸

During the pandemic, the High Powered Committees (HPCs) also tasked UTRCs with the responsibility to oversee the prison decongestion process along with carrying out its mandate of reviewing cases of prisoners to keep a check on rising undertrial prisoners' population and maintain a general oversight on prison and prisoners conditions.⁹

The present report analysed the functioning of UTRCs from April to June 2020, specifically in relation to the compliance of the mandate of periodically reviewing cases of prisoners as laid down by the Supreme Court, the NALSA SOP and its role in implementing the directions of the HPCs in the respective States. The study is based on the information on district-wise UTRC meetings and minutes of meetings of 58 districts in 15 States as received from the SLSAs. Good practices and concerns reflected from the UTRC minutes of the meetings have also been documented in the report.

⁷ *Suo Moto Writ Petition (Civil) No. 1/2020.*

⁸ *In Re Inhuman Conditions in 1382 Prisons*, (2016) 3 SCC 700.

⁹ CHRI's report, 'Responding to the Pandemic: Prisons and Overcrowding' notes that, "The HPCs of Chhattisgarh, Haryana, Karnataka, Manipur, Nagaland, Odisha, Punjab, Sikkim, Uttar Pradesh, Uttarakhand and West Bengal reiterated the directions of the Supreme Court and directed that the UTRCs must meet every week and take such decisions in consultation with the concerned authority. Some HPCs tasked the UTRCs additionally. In Goa, Gujarat and Odisha, the HPC directed the UTRCs to urgently consider the cases of undertrial prisoners as per the criterion decide by the HPC and recommend to the appropriate court for their release on interim bail."

SUMMARY OF FINDINGS

I. COMPLIANCE OF THE WEEKLY MEETING MANDATE BY THE UTRCS

Compliance Indicators:

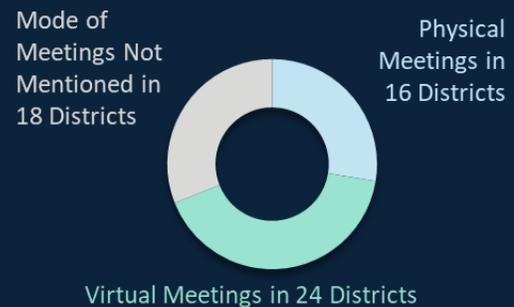
- ✓ Total number of UTRCs formed in the State against total number of districts in the State.
- ✓ Total number of actual meetings held in all the districts¹⁰ in three months against the mandated number of 4 meetings each month.

Compliance Status:

- UTRCs were formed in only 231 of the total 284 districts in the 18 States which sent information on districts where UTRCs are formed.
- Only 78% of the total mandated meetings were held in 231 districts.

II. MODE OF CONDUCTING MEETINGS

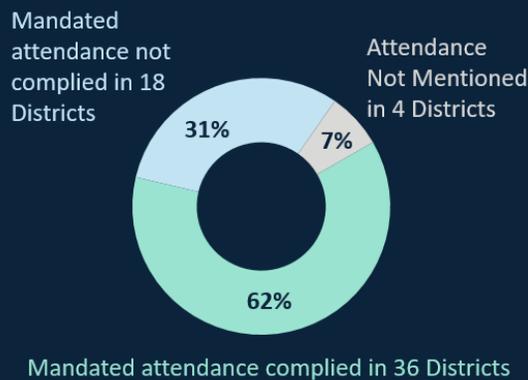
UTRC meetings were conducted virtually in 24 (41%) out of 58 districts for which the minutes of meetings were received. It includes Video Conferencing, telephonic calls and Whatsapp groups & calls. In 16 districts (28% of the districts for which UTRC MOMs were received) meetings were conducted physically. The mode of conducting UTRC meetings was not mentioned in 18 districts (31%).



¹⁰ All districts' for calculation of actual meetings against mandated exclude the districts where UTRCs are not formed. Only the districts where UTRCs exist are used for calculating the percentage.

III. COMPOSITION OF UTRC MEETINGS

The Undertrial Review Committee is comprised of the District Judge as the chairperson and District Magistrate, Superintendent of Police, Secretary, DLSA and Officers In-charge of all the prisons in the district as members.



Out of the 58 districts for which the UTRC MOMs were received, the mandated members were present in the UTRC meetings in 36 districts (62%). In 18 districts (31%) at-least one mandated member was absent and the attendees of the UTRC meetings were not mentioned in 4 districts (7%).

Among the members who were absent in the UTRC meetings, the most common absentee was the District Magistrate who was absent in such meetings in 13 districts, followed by the Prison

Superintendents and Superintendents of Police who were absent from meetings in 6 districts.

The UTRC minutes show that there were certain additional members also present in the UTRC meetings. These members were Public Prosecutor (present in 8 districts), Panel Lawyers (present in 2 districts), Chief Metropolitan Magistrate (present in one district), Health Officials (present in 2 districts), Principal Magistrate, Juvenile Justice Board (present in one district).

IV. COMPLIANCE OF NALSA SOP MANDATE TO REVIEW 14 CATEGORIES OF CASES

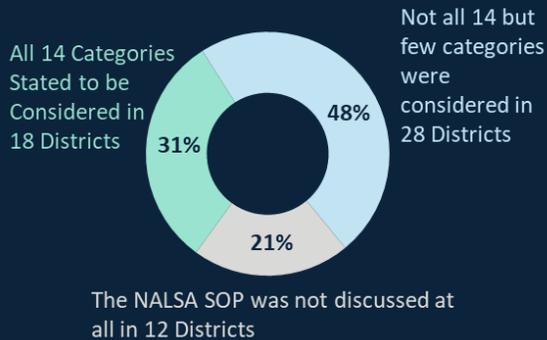
The Supreme Court has identified 14 categories of cases to be periodically reviewed by the UTRC towards ensuring that no one is detained unnecessarily or illegally in prisons. The study involved analysing UTRC MOMs to assess the status of the compliance of the mandate.

These 14 categories are:

- i. UTPs / Convicts falling under covered under Section 436A Cr.P.C.;
- ii. UTPs eligible under Section 436 of Cr.P.C.;
- iii. UTPs who may be covered under Section 3 of the Probation of Offenders Act.;
- iv. UTPs released on bail by the court, but have not been able to furnish sureties;
- v. Women UTPs;
- vi. UTPs accused of compoundable offences;
- vii. UTPs become eligible to be released on bail u/s 167(2)(a)(i) & (ii) of the Code;

- viii. UTPs who have completed 1/4 of their sentence under which they were charged;
- ix. Convicts who have undergone their sentence or are entitled to release because of remission granted to them;
- x. UTPs who are detained under Chapter VIII of the CrPC i.e. u/s 107, 108, 109 & 151 of CrPC;
- xi. UTPs accused of Petty Offences;
- xii. UTPs eligible for release under Section 437(6) of Cr.P.C;
- xiii. UTPs who are sick or infirm and require specialized medical treatment; and
- xiv. UTPs of unsound mind.

Only in 18 districts, all the 14 mandated categories of cases were considered by the UTRCs. In 28 districts only a few mandated categories were considered for review while in 12 districts none of the mandated categories were discussed.



Not all 14 but few categories were considered in 28 Districts

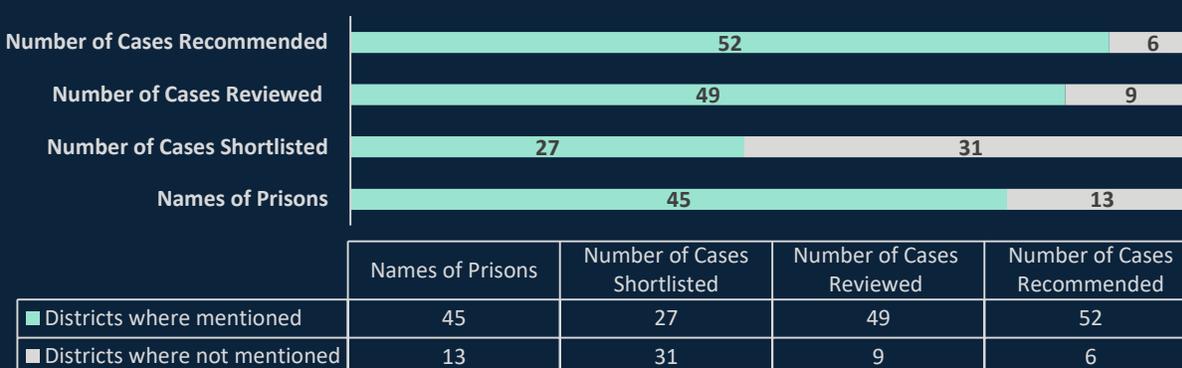
The following table shows the number of districts where each category was considered out of the 28 districts wherein at least one or more mandated categories were considered for review.

| S. No. | Mandated Categories of Cases | No. of Districts |
|--------|---|------------------|
| 1 | UTPs / Convicts falling under covered under Section 436A Cr.P.C. | 14 |
| 2 | UTPs eligible under Section 436 of Cr.P.C. | 5 |
| 3 | UTPs who may be covered under Section 3 of the Probation of Offenders Act | 3 |
| 4 | UTPs released on bail by the court, but have not been able to furnish sureties. | 3 |
| 5 | Women UTPs | 3 |
| 6 | UTPs accused of compoundable offences. | 2 |
| 7 | UTPs become eligible to be released on bail u/s 167(2)(a)(i) & (ii) of the Code | 2 |
| 8 | UTPs who have completed 1/4 of their sentence under which they were charged | 2 |
| 9 | Convicts who have undergone their sentence or are entitled to release because of remission granted to them. | 1 |
| 10 | UTPs who are detained under Chapter VIII of the CrPC i.e. u/s 107, 108, 109 & 151 of CrPC | 1 |
| 11 | UTPs accused of Petty Offences | 1 |
| 12 | UTPs eligible for release under Section 437(6) of Cr.P.C | 1 |
| 13 | UTPs who are sick or infirm and require specialized medical treatment | 1 |
| 14 | UTPs of unsound mind | 1 |

V. ASSESSING QUALITY OF UTRC MINUTES OF MEETINGS

The quality of minutes of meetings can be assessed by the details of the meeting deliberations mentioned in the minutes. In this section, the report highlights the number of districts where the minutes mention – (i) the names of the prisons whose cases were reviewed by the UTRC; (ii) number of cases reviewed by the UTRC; (iii) number of cases shortlisted by the DLSA for UTRC’s review; and (iv) number of cases recommended by the UTRC. These indicators are also important to be mentioned in the UTRC MOMs as these form the primary information which must be shared with the SLSA as part of the quarterly reports to be sent by the DLSAs to the SLSA. The findings are depicted graphically below:

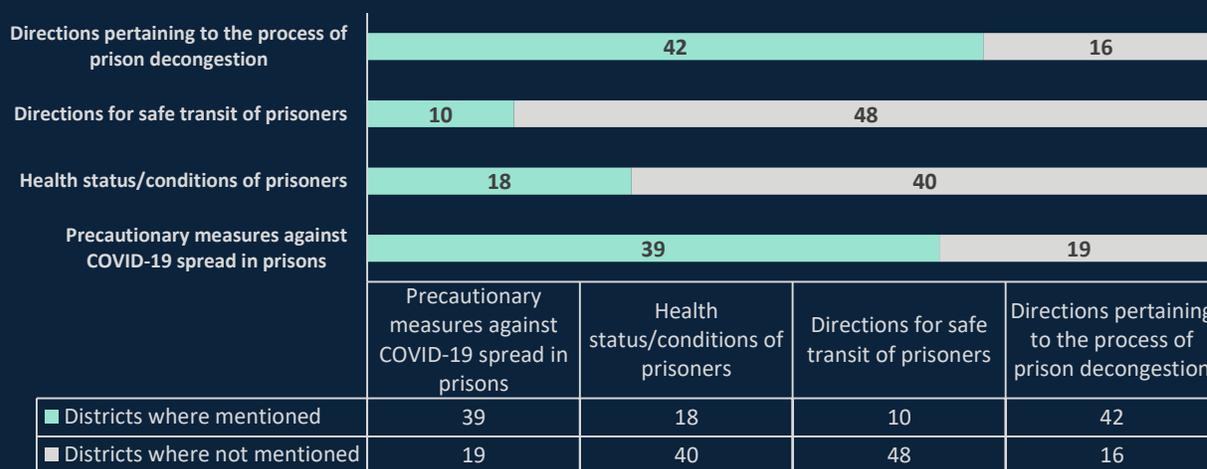
Number of Districts Where the UTRC MoMs Provide following Information



VI. IDENTIFYING THE ROLE OF UTRCS VIS-À-VIS HIGH POWERED COMMITTEES

UTRC MOMs were studied to identify and analyse the role played by the UTRC at the district level towards ensuring implementation of the HPC directions. To objectively determine the

Number of Districts Where the UTRC MoMs Provide following Information



role of UTRCs vis-à-vis the respective HPC, four criteria were selected – Whether the UTRC MOMs mention (1) any follow-up on COVID-19 precautionary measures being taken in the prisons, (2) any follow-up on the health of the prisoners, (3) any directions towards safe transit of the released prisoners given the imposition of a national lockdown, and (4) recommend measures to implement the directions regarding the process of release of prisoners (as part of the decongestion process led by HPCs). The following graph depicts the number of districts where the abovementioned roles of UTRC vis-à-vis HPC directions were mentioned in the MoMs:

SUMMARY OF GOOD PRACTICES, CONCERNS AND RECOMMENDATIONS

The report identifies good practices and concerns as revealed from the 429 UTRC minutes of meetings received for 58 districts/UTRCs spread across 15 States.

Key Good Practices:

- ✓ Buxar UTRC directed panel lawyer to visit prisons for identifying eligible prisoners.
- ✓ Gurugram UTRC directed Police to ensure implementation of *Arnesh Kumar* case guidelines during arrests and also directed the DM to ensure timely COVID test of prisoners.
- ✓ Kurukshetra UTRC members interacted with the prisoners via video-conferencing.
- ✓ Aurangabad UTRC issued guidelines for adequate and appropriate treatment of children in prisons.
- ✓ Bengaluru urban UTRC directed that appeals or appropriate proceedings before higher courts must be filed where bails have been rejected.
- ✓ The UTRCs in Sikkim made prison visits and recommended measures based on their observations.

Concerns:

- ! None of the UTRCs except from the States of Delhi, Himachal Pradesh and Sikkim engaged in follow-up of cases recommended in the previous meetings.
- ! No UTRC except one (Bengaluru urban) directed or discussed the filing of appeals or appropriate proceedings in higher courts in cases where bail is rejected.
- ! UTRC MOMs lacked uniformity in general.
- ! Many UTRCs failed to consider any of the NALSA SOP cases.
- ! None of the UTRCs used digital means for processing information on NALSA SOP cases.
- ! None of the UTRCs used the formats mandated in the NALSA SOP.

Key Recommendations:

- SLSAs should seek periodic reports on working of UTRCs from the DLSAs and monitor the implementation of the NALSA SOP.
- The SLSAs can adopt CHRI's Microsoft Excel based software – Evaluation of Prisoners' Information and Cases (EPIC) which can be used to easily identify eligible cases of prisoners by entering the required information.
- Statistical information on the working of UTRCs should be periodically published as proactive disclosure mandated under Section 4 of the Right to Information Act, 2005.

ANALYSIS OF FINDINGS

This section contains a detailed analysis of the functioning of Undertrial Review Committees from April 2020 to June 2020 across India in light of the mandate for UTRCs set by the Supreme Court and other authorities from time to time.

- I. CONSTITUTION OF UTRCs & COMPLIANCE WITH THE WEEKLY MEETING MANDATE**
- II. COMPOSITION OF UTRCs**
- III. MODE OF MEETINGS**
- IV. COMPLIANCE OF NALSA SOP MANDATE TO REVIEW 14 CATEGORIES OF CASES**
- V. ASSESSING QUALITY OF MINUTES OF MEETINGS**
- VI. IDENTIFYING ROLE OF UTRCs VIS-À-VIS HIGH POWERED COMMITTEES**
- VII. NEED FOR PRO-ACTIVE DISCLOSURE OF INFORMATION**

I. STATE WISE COMPLIANCE OF CONSTITUTION OF UTRCS AND WEEKLY MEETING MANDATE

1.1 Mandate for Constitution of UTRCs

There have been multiple Supreme Court orders¹¹, directives issued from the Ministry of Home Affairs¹² and letters from the National Human Rights Commission¹³ since more than one decade which have called for setting up of a committee at the district level to review the cases of undertrial prisoners. The Supreme Court order dated 24th April 2015 in *In Re Inhuman Conditions in 1382 Prisons*¹⁴ left no room for ambiguity on forming of UTRCs as it directed the National Legal Services Authority (NALSA) along with the Ministry of Home Affairs (MHA) and the State Legal Services Authorities (SLSAs) to ensure that an Undertrial Review Committee is formed in every district of the country.

Table 1.1: State-wise status of constitution of UTRCs in all the districts of the State

| S. No. | State Legal Service Authority | No. of Districts from where UTRCs were formed | Total no. of Districts in the State |
|--------|-------------------------------|---|-------------------------------------|
| 1 | Andhra Pradesh | 13 | 13 |
| 2 | Chandigarh | 1 | 1 |
| 3 | Bihar | Not Provided | 37 |
| 4 | Delhi | 11 | 11 |
| 5 | Goa | 2 | 2 |
| 6 | Gujarat | 32 | 33 |
| 7 | Haryana | 22 | 22 |
| 8 | Himachal Pradesh | 11 | 12 |
| 9 | Jammu & Kashmir | 1 | 20 |
| 10 | Jharkhand | 2 | 24 |
| 11 | Karnataka | 30 | 30 |
| 12 | Maharashtra | 34 | 36 |
| 13 | Manipur | 8 | 16 |
| 14 | Meghalaya | 11 | 11 |
| 15 | Mizoram | 8 | 8 |

¹¹ See orders passed by the Supreme Court in cases such as *Bhim Singh vs. Union of India* W.P. (Criminal) No. 310/2005 and in *In Re Inhuman Conditions in 1382 Prisons*, W.P. (Civil) No. 406/2013.

¹² Please see various advisories and communications issued by the Ministry of Home Affairs, specifically 'SOP for Under-Trial Review Committees (UTRCs) prepared by NALSA (18 Feb 2019)' at https://www.mha.gov.in/Division_of_MHA/Women_Safety_Division/prison-reforms.

¹³ In 1999, the NHRC sent a letter dated 22 December, 1999 to the Chief Justices of all High Courts which inter-alia stated "The District Level Review Committee for under-trial prisoners should meet without fail...". The said letter could not be retrieved from the NHRC website. The summary of the letter is available at Rights Behind Bars: Landmark Judicial Pronouncements and National Human Rights Commission Guidelines (CHRI) 2009 (Pg. 87). Available at - https://humanrightsinitiative.org/publications/prisons/rights_behind_bars.pdf.

¹⁴ The order can be accessed here - <https://www.humanrightsinitiative.org/download/147558113424%20April%202015%20Re%20Inhuman%20conditions%20in%20prison%20SC%20order.pdf>.

| | | | |
|--------------|----------|------------|------------|
| 16 | Nagaland | 11 | 11 |
| 17 | Odisha | 30 | 30 |
| 18 | Sikkim | 4 | 4 |
| TOTAL | | 231 | 284 |

As per the information received from SLSAs in 18 States, UTRCs are formed only in 231 out of 284 districts. Six states (highlighted in red text in the table above) did not have UTRCs formed in all their districts as per the information sent by them. Bihar did not disclose the number of districts where UTRCs are formed.

It is alarming to note that UTRCs have not been constituted in all the districts even after seven years since the April 2015 order of the Supreme Court directing the constitution of UTRCs in all districts across the country.

CHRI's Recommendation:

It is recommended that the concerned SLSAs must call for fresh status of the UTRCs from all the DLSAs under their jurisdiction and must ensure that the UTRCs are formed in all the districts, at the earliest.

1.2 Mandate to Hold Weekly Meetings by UTRCs

The Supreme Court of India took *suo moto* cognizance¹⁵ of the high risk of transmission of COVID-19 infection to and within prisons and passed a slew of directions vide an order dated 23rd March, 2020. Inter alia, it directed that “*the Undertrial Review Committee contemplated by this Court In Re Inhuman Conditions in 1382 Prisons, (2016) 3 SCC 700, shall meet every week and take such decision in consultation with the concerned authority as per the said judgment*”¹⁶. Prior to this, the mandate was to meet quarterly as per the Supreme Court’s order dated 5th February, 2016 in the *In Re Inhuman Conditions in 1382 Prisons* case.

The weekly meeting of UTRCs during the COVID-19 pandemic is more significant to its wider role of ensuring implementation of High Powered Committees directions and additional monitoring of prisons. Here it is relevant to note that the Supreme Court in its 5th February, 2016 order had also directed that “*The Under Trial Review Committee will also look into the issues raised in the Model Prison Manual 2016 including regular jail visits as suggested in the said Manual.*”¹⁷ This direction by the apex Court expanded the role of UTRCs from reviewing select categories of cases of prisoners for necessary recommendations to a broader role of district level monitoring/oversight body to look into prison conditions and issues of prisoners. In light of the

¹⁵ *In Re: Contagion of COVID 19 Virus in Prisons*, *Suo Moto Writ Petition (Civil) No. 1/2020*.

¹⁶ The Court referred to the orders passed in *In Re Inhuman Conditions in 1382 Prisons, (2016) 3 SCC 700* whereby the NALSA SOP was adopted which mandates the UTRCs to review a total of 14 categories of cases for making appropriate recommendations. The order can be directly accessed here - https://main.sci.gov.in/supremecourt/2020/9761/9761_2020_1_8_21570_Order_23-Mar-2020.pdf

¹⁷ *Ibid*.

COVID-19 pandemic, the expanded role of UTRCs becomes more significant than ever as prisons require enhanced support in prison management than what was required hitherto. Therefore, the weekly meeting of UTRCs could serve the purpose of being a district level oversight body to ensure that both prisoners and prison administration is benefitted by frequent guidance of district's highest judicial, administrative and police officers.

Table 1.2 – State-wise status compliance of the weekly meeting mandate by the UTRCs

| S. No. | State Legal Service Authority | Total No. of Actual Meetings in the State (From 1 st April to 30 th June 2020) | Total no. of Mandated Meetings in the State* (From 1 st April to 30 th June 2020) | Percentage Compliance |
|--------------|-------------------------------|--|---|-----------------------|
| 1 | Andhra Pradesh | 125 | 156 | 80% |
| 2 | Chandigarh | 14 | 12 | 117% |
| 3 | Bihar | 175 | 148 | 118% |
| 4 | Delhi | 130 | 132 | 98% |
| 5 | Goa | 25 | 24 | 104% |
| 6 | Gujarat | 288 | 336 | 86% |
| 7 | Haryana | 263 | 264 | 100% |
| 8 | Himachal Pradesh | 140 | 132 | 106% |
| 9 | Jammu & Kashmir | 13 | 12 | 108% |
| 10 | Jharkhand | 14 | 24 | 58% |
| 11 | Karnataka | 190 | 360 | 53% |
| 12 | Maharashtra | 312 | 408 | 76% |
| 13 | Manipur | 6 | 96 | 6% |
| 14 | Meghalaya | 51 | 132 | 39% |
| 15 | Mizoram | 0 | 96 | 0% |
| 16 | Nagaland | 41 | 132 | 31% |
| 17 | Odisha | 390 | 360 | 108% |
| 18 | Sikkim | 51 | 48 | 106% |
| TOTAL | | 2228 | 2872 | 78% |

*Mandated meetings are calculated by multiplying the number of UTRCs formed in a State by 12. Multiplication factor of 12 is taken as there are assumed to be 12 weeks from 1st April 2020 to 30th June 2020. So each UTRC was mandated to hold a minimum of 12 meetings in the three month period.

Out of a total of 2872 meetings which should have been conducted in the 18 States which shared information on total number of UTRC meetings in the State, only 78% compliance was achieved in these 18 States including 8 states conducting more number of meetings above the mandated. In 10 out of 18 States/UTs (Highlighted in red text in the above table) actual meetings held fell short of the mandated number of meetings. Four States namely, Manipur, Meghalaya, Mizoram and Nagaland held less than half of the total mandated meetings. Among these the case of Mizoram is most problematic as no UTRC meetings were held in the State. The response received by Mizoram SLSA stated "No meeting was held during this period due to pandemic as per

Government Notification vide Order No. B./ 13021/101/2020-DMR/Pt-III dated 2nd May 2020. It seems that the pandemic was itself quoted as a reason to cancel the meeting which was directed to check overcrowding prisons and take steps towards decongesting.

The fact that weekly mandate was not fully complied with in 10 out of 18 States presents a worrying picture of implementation of the Supreme Court directive¹⁸ to hold weekly meetings. As emphasized above, the weekly meetings of UTRCs were important in implementing the HPC directions as well as playing the role of district level oversight body to ensure that prison management is run as per model rules and COVID-19 protocol.

CHRI's Recommendation:

The NALSA must direct the SLSAs to conduct an audit to ascertain the specific reasons and challenges faced by the DLSAs or District Judges in holding weekly UTRC meetings during the COVID-19 period. This exercise is particularly necessary to address the ambiguity and concerns faced by the stakeholders in conducting periodic UTRC meetings so that a better implementation of Supreme Court mandate is ensured in future.

¹⁸ Supra Note no. 15.

II. MODE OF UTRC MEETINGS

COVID-19 pandemic normalized the administration of justice via video conferencing throughout the world including in India. The new system of virtual functioning of government, judicial and quasi-judicial bodies gained more support after the imposition of nation-wide lockdown in late March, 2020.¹⁹ Further, the fact that 627 districts in India are covered under the E-Courts Project Phase II²⁰ and 808 prisons out of 1350 prisons in India were equipped with Video Conferencing (VC) facility at the end of 2019²¹ presents a scenario where UTRCs were enabled to use virtual means of functioning. However, the findings below show that while meetings were conducted virtually in many districts, it was not clear if any digital means (like Microsoft excel or other software) were used to prepare lists, record its recommendations or follow up the status of recommended cases.

Table 2.1: State wise information on mode of UTRC meetings.

| S. No. | State Legal Service Authority | No. of Districts from which UTRC minutes received | No. of Districts where virtual meetings were held | No. of Districts where physical meetings were held | No. of Districts where mode of meetings was not mentioned |
|--------------|-------------------------------|---|---|--|---|
| 1 | Andhra Pradesh | 4 | 0 | 0 | 4 |
| 2 | Bihar | 4 | 3 | 1 | 0 |
| 3 | Goa | 2 | 2 | 0 | 0 |
| 4 | Gujarat | 4 | 3 | 1 | 0 |
| 5 | Haryana | 4 | 4 | 0 | 0 |
| 6 | Himachal Pradesh | 5 | 2 | 3 | 0 |
| 7 | Jharkhand | 2 | 0 | 0 | 2 |
| 8 | Karnataka | 4 | 0 | 1 | 3 |
| 9 | Maharashtra | 5 | 0 | 4 | 1 |
| 10 | Manipur | 4 | 0 | 4 | 0 |
| 11 | Nagaland | 5 | 0 | 0 | 5 |
| 12 | Odisha | 5 | 4 | 1 | 0 |
| 13 | Sikkim | 4 | 1 | 1 | 2 |
| 14 | Delhi | 5 | 5 | 0 | 0 |
| 15 | Chandigarh | 1 | 0 | 0 | 1 |
| TOTAL | | 58 | 24 | 16 | 18 |

¹⁹ See *In Re: Guidelines For Court Functioning Through Video Conferencing During Covid-19 Pandemic*, Sou Motu Writ (Civil) No.5/2020. In an order dated 6th April 2020, the Supreme Court noted that “The Indian judiciary has incorporated Information and Communication Technology systems through the e-Courts Integrated Mission Mode Project (e-Courts Project) as part of the National e-Governance Plan (NeGP) ICT enabled infrastructure is available across all courts including the district judiciary which constitutes the initial interface of the court system with the citizen.” Available at: https://main.sci.gov.in/supremecourt/2020/10853/10853_2020_0_1_21588_Judgement_06-Apr-2020.pdf.

²⁰ Catchment Area of the Project, Pg. 339, Annexure – J: Fact figures of eCourts Phase-II. Available at: https://ecourts.gov.in/ecourts_home/static/manuals/Annexures%20of%20the%20report.pdf.

²¹ State/UT wise number of jails with Video Conferencing facility as on 31st December, 2019, Pg. 252, Prison Statistics India (NCRB). Available at: <https://ncrb.gov.in/sites/default/files/PSI-2019-27-08-2020.pdf>.

Note: For the purpose of determining the categorization of districts into the three modes of meetings the following rules were applied: Even if one UTRC meeting in the district was held by virtual means – VC, Whatsapp calls, etc. then the district has been categorized under ‘Virtual’. However, if none of the meetings were held virtually in particular district, then even if one mode of meeting was mentioned as physical then it has been categorized under ‘Physical’ irrespective of whether in rest of the MOMs the mode of meetings is not mentioned. Lastly, a district is only categorized under ‘Not Mentioned’ if none of the MOMs mention the mode of UTRC meeting.

Table 3.1 shows that out of 58 districts for which the UTRC minutes of meetings were received, 41% of the districts (24 out of 58) utilized virtual means to conduct UTRC meetings, 28% of the districts (16 out of 58) committed to physical meetings only and in 31% of the districts (18 out of 58) the mode of meeting was not mentioned in the UTRC minutes of meetings.

While most of the districts did utilize technology and virtual means to conduct meetings, it is not clear if the UTRCs in any of the 58 districts used technology-based tools at any stage of the UTRC functioning. A closer look at the UTRC minutes of meetings reveal that in some districts the bail applications were sent to the concerned courts via email but it was limited to the cases which fell under the eligibility criteria set by the HPCs.

This highlights that despite the availability of technological tools the UTRCs are not utilizing it for a smooth, efficient and well documented functioning of UTRCs. Further, the second highest number of districts fell under the category – mode of meeting not mentioned. In these districts, none of the UTRC minutes of meetings mentioned the mode of meeting.

CHRI’s Recommendation:

It is recommended that the National Legal Services Authority may seek collaboration, whether with the government or the private sector, to develop a software to streamline the working of UTRCs across India. It must also be noted that CHRI has developed a Microsoft Excel based software – Evaluation of Prisoners’ Information and Cases (EPIC)²² – which can be used to identify eligible cases of prisoners by entering the required information. Pending the development of a software for the UTRC, the CHRI tool could be disseminated amongst all UTRCs to assist them in identifying eligible cases and comply with their full mandate.

²² A sample version of EPIC can be accessed [here](https://bit.ly/311FkX) (<https://bit.ly/311FkX>).

III. COMPOSITION OF UTRCs

Originally the UTRC, as directed by the Supreme Court in its April 2015 order²³, was a three-member committee – District Judge as chairman, District Magistrate and Superintendent of Police. Subsequently, vide orders dated 7th August 2015²⁴ and 31 October 2017²⁵ respectively, Secretary District Legal Services Authority and Officers in-charge of all prisons in the district were added as members, respectively, for smooth functioning of the committee.

Therefore, the mandated composition of the UTRC is as follows:

1. District Judge – Chairperson
2. Secretary, DLSA - Member
3. District Magistrate – Member
4. Superintendent of Police – Member
5. Officer In-charge/Superintendents of all prisons – Member(s)

Table 3.1: State-wise information on compliance with composition of UTRC.

| S. No. | State Legal Service Authority | No. of Districts from which UTRC minutes received | No. of Districts where mandated members were present | No. of Districts where some mandated members were absent | No. of Districts where attendance of UTRC was not mentioned in minutes |
|--------------|-------------------------------|---|--|--|--|
| 1 | Andhra Pradesh | 4 | 2 | 1 | 1 |
| 2 | Bihar | 4 | 0 | 4 | 0 |
| 3 | Goa | 2 | 1 | 1 | 0 |
| 4 | Gujarat | 4 | 4 | 0 | 0 |
| 5 | Haryana | 4 | 4 | 0 | 0 |
| 6 | Himachal Pradesh | 5 | 0 | 5 | 0 |
| 7 | Jharkhand | 2 | 2 | 0 | 0 |
| 8 | Karnataka | 4 | 2 | 1 | 1 |
| 9 | Maharashtra | 5 | 2 | 1 | 2 |
| 10 | Manipur | 4 | 4 | 0 | 0 |
| 11 | Nagaland | 5 | 3 | 2 | 0 |
| 12 | Odisha | 5 | 4 | 1 | 0 |
| 13 | Sikkim | 4 | 4 | 0 | 0 |
| 14 | Delhi | 5 | 4 | 1 | 0 |
| 15 | Chandigarh | 1 | 1 | 0 | 0 |
| TOTAL | | 58 | 37 | 17 | 4 |

²³ *Supra* note 15.

²⁴ Order dated 5th August, 2015 in *In Re Inhuman Conditions in 1382 Prisons*, W.P. (Civil) No. 406/2013. Available at: <https://hrln.org/uploads/2019/06/sc-order-07-08-15.pdf>.

²⁵ Order dated 31st October, 2017 in *In Re Inhuman Conditions in 1382 Prisons*, W.P. (Civil) No. 406/2013. Available at: <https://hrln.org/uploads/2019/06/order-31-oct-2017.pdf>.

To determine whether the mandated attendance of the UTRC is fulfilled in a meeting or not, if all the five designated members are present it is categorized as fulfilled, irrespective of whether all the prison superintendents were present or not. This measure has been adopted because the minutes provided by the SLSAs do not clearly mention the names of all the prisons falling under the jurisdiction of a particular UTRC.

Out of the 58 districts for which the UTRC minutes of meetings were received, all mandated members were present in only 37 districts (64% of the total districts). In 17 districts (29% of the total districts), there was at least one member absent from the UTRC meetings and in 4 districts (7% of the total districts) the attendees of the UTRC meeting were not mentioned in the UTRC minutes. Among the states/UTs, only in Gujarat, Haryana, Jharkhand, Manipur, Sikkim and Chandigarh, all the members were present in the UTRC meetings in the districts for which the minutes of the UTRC meetings were shared by the respective SLSAs.

Table 3.2: State-wise and Member-wise information on absence from UTRC meetings.

| S. No. | State Legal Service Authority | No. of Districts from which minutes received | No. of Districts where some mandated members were absent | Names of Districts where the mandated members were absent | Members who were absent |
|--------|-------------------------------|--|--|---|--|
| 1 | Andhra Pradesh | 4 | 1 | East Godavari | District Magistrate Superintendent of Police Prison Superintendent |
| 2 | Bihar | 4 | 4 | Patna | District Magistrate |
| | | | | Purnia | District Magistrate Superintendent of Police Prison Superintendent |
| | | | | Bhagalpur | District Magistrate Superintendent of Police |
| | | | | Buxar | District Magistrate |
| 3 | Goa | 2 | 1 | North Goa | Superintendent of Police |
| 4 | Himachal Pradesh | 5 | 5 | Dharmshala | District Magistrate |
| | | | | Shimla | District Magistrate |
| | | | | Nahan | District Magistrate |
| | | | | Una | District Magistrate |
| | | | | Bilaspur | Prison Superintendent |
| 5 | Karnataka | 4 | 1 | Mysuru | District Magistrate |
| 6 | Maharashtra | 5 | 1 | Aurangabad | District Magistrate Prison Superintendent |

| | | | | | |
|-------|----------|----|----|-----------|---|
| 7 | Nagaland | 5 | 2 | Wokha | District Magistrate Superintendent of Police |
| | | | | Kohima | Prison Superintendent |
| 8 | Odisha | 5 | 1 | Mayurbanj | Prison Superintendent |
| 9 | Delhi | 5 | 1 | Central | District Magistrate |
| TOTAL | | 58 | 17 | | |

| | |
|---|----|
| Number of Districts where District Magistrate was Absent | 13 |
| Number of Districts where Superintendent of Police was Absent | 06 |
| Number of Districts where Prison Superintendent was Absent | 06 |

The table above mentions the nine States where all the mandated UTRC members were not present in at least one district out of the districts for which UTRC minutes were sent. In Himachal Pradesh and Bihar, there was at least one mandated UTRC member who was absent in meetings in all the districts. Only the chairperson i.e. the District Judge and the DLSA Secretary was present in all the meetings of all the districts for UTRC minutes were received.

The most common absentee was the District Magistrate who was absent in a total of 13 districts out of 58 districts, followed by Superintendent of Police and Superintendent of Prisons who were absent in six districts each.

Table 3.4: State-wise information on presence of additional members in UTRC meetings.

| S. No. | State Legal Service Authority | Particulars of Additional Member present in UTRC Meeting in some of the districts of the State |
|--------|-------------------------------|--|
| 1 | Bihar | Principle Magistrate, JJB |
| 2 | Goa | Rep. of Prosecution Dept. |
| 3 | Jharkhand | Probation Officer |
| 4 | Karnataka | Chief Metropolitan Magistrate |
| | | Rep. of Prosecution Dept. |
| | | Medical Officers |
| 5 | Maharashtra | Medical Officer |
| 6 | Nagaland | Panel Lawyers |
| | | Public Prosecutor |
| 7 | Delhi | Rep. of Prosecution Dept. |
| | | Chief Metropolitan Magistrate |

Note: The table above only indicates the details of the additional members who were present in the UTRC meetings in the particular state. It is not a statistical count of either the number of districts where the additional members were present or the actual number of additional members in all the districts.

In total, additional members were present in at least one UTRC meeting in 12 districts out of total 58 districts whose minutes were studied. As depicted in the table above, seven states out of 15 states which had sent UTRC minutes had additional members in their UTRC meetings in at least one district. In the rest eight states none of the UTRC meetings were attended by any additional member.

Further, the Standard Operating Procedure (SOP) framed by the National Legal Services Authority (NALSA)²⁶ suggested an additional member – Chief Public Prosecutor. The suggestion to include Chief Public Prosecutor was made in the context that the Public Prosecutor represents the State in criminal trials and hence the public prosecutors routinely oppose bail filed on behalf of the accused. Inclusion of the Chief Public Prosecutor can ensure that there is no unnecessary adverse litigation in bail hearings where the UTRC, guided by the various Supreme Court orders, is of the opinion that the accused deserves to be released on bail. As per information received, four states invited representative of the prosecution department (see table above).

It is encouraging to note that in Jharkhand, Probation Officers were invited to attend the UTRC meetings in some districts. It possibly means that the mandated categories in regard to the implementation of the Probation of Offenders Act, 1958, is taken seriously.²⁷ It is also good to see the presence of medical officers in some UTRCs in Karnataka and Maharashtra which could be either to consider the cases of prisoners who need medical treatment²⁸ or assess the prison conditions and access to healthcare facilities in prisons during the pandemic.

Presence of all UTRC members is needed in the meetings:

Each member of the UTRC as mandated by the NALSA in its SOP and by the Supreme Court in its directions, has a crucial role to play in the review of the cases of undertrial prisoners. District Magistrate (DM) along with being the administrative head of the district is also the ex-officio visitor of the prisons in their district. The DM is also empowered as the Executive Magistrate to detain persons under Chapter VIII of the Cr.P.C. under Sections 107, 108, 109 and 151 in preventive detention which is also one of the mandatory categories of prisoners who have to be reviewed the UTRC in each meeting. The NALSA SOP provides that, “The Executive Magistrate/ District Magistrate court may be recommended to release/discharge such persons with or

²⁶ Available at: <https://nalsa.gov.in/acts-rules/guidelines/standard-operating-procedure-sop-guidelines-for-utrcs>.

²⁷ As per NALSA’s SOP there are three such categories – (1) UTPs who may be covered under Section 3 of the Probation of Offenders Act, namely accused of offence under Sections 379, 380, 381, 404, 420 IPC or alleged to be an offence not more than 2 years imprisonment; (2) UTPs who are first time offenders between the ages 19 and 21 years and in custody for the offence punishable with less than 7 years of imprisonment and have suffered at least 1/4th of the maximum sentence possible; and (3) UTPs who are imprisoned for offences which carry a maximum punishment of 2 years.

²⁸ As per NALSA’s SOP there are two such categories – (1) UTPs who are sick or infirm and require specialized medical treatment; and (2) UTPs who are of unsound mind and must be dealt with Chapter XXV of the Code.

without conditions or to make an order reducing the amount of the security or the number of sureties or the time for which security has been required.”

Superintendent of Police is a significant member of the UTRC for many reasons. One of the primary rationale being that the Police is responsible for carrying out the investigation within the statutory time frame as mentioned under Section 167 of the Cr.P.C. and hence the review of the cases of prisoners under the mandated category of those prisoners whose charge-sheet has not been filed within the statutory period requires the presence of the representative of Police. Secondly, police as the investigating authority closely works with the Public Prosecutors who oppose bail of undertrial prisoners and hence the presence of Superintendent of Police becomes significant in the UTRC meetings.

Lastly, the presence of Prison In-charge/Prison Superintendent in the UTRC meetings is necessitated by the NALSA SOP as the process of reviewing each prisoner involves certain information which is within the special knowledge of the Prison authority only. The Supreme Court in its order dated 31st October, 2017 added the Prison Superintendent as a member of the UTRC on the basis that it will allow better exchange of information from the prison authorities to the UTRC.

CHRI’s Recommendations:

Therefore, the SLSAs must ensure that all the mandated members are present in all the UTRC meetings and absence from the UTRC meetings must only be an exception. It is also recommended that the quarterly reports which are supposed to be submitted by the DLSAs to the SLSA on the working of the UTRCs must include information on attendance in the UTRC meetings so the SLSA may take required action/measure wherever required to ensure presence of all members in the UTRC meetings. Further, as a good practice the presence of additional members in the UTRCs as and when required must be encouraged by the SLSAs and if required, after due consultations with the DLSAs and District Judges, the SLSAs may notify the additional members suggested by the DLSAs as permanent members of the UTRC in their respective States.

IV. COMPLIANCE OF NALSA SOP MANDATE TO REVIEW 14 CATEGORIES OF CASES

From 2015 to 2017 via various orders, the Supreme Court expanded the scope of working of the UTRC by increasing the categories of cases for review from three to 14. The final 14 categories of cases of prisoner which the UTRCs are mandated to review in each meeting are also provided in the NALSA SOP on Functioning of UTRCs²⁹ along with the suggested recommendations that could be made in the respective cases. In brief, these categories are:

- i. UTPs / Convicts falling under covered under Section 436A CrPC;
- ii. UTPs eligible under Section 436 of CrPC;
- iii. UTPs who may be covered under Section 3 of the Probation of Offenders Act.;
- iv. UTPs released on bail by the court, but have not been able to furnish sureties;
- v. Women UTPs;
- vi. UTPs accused of compoundable offences;
- vii. UTPs become eligible to be released on bail u/s 167(2)(a)(i) & (ii) of the CrPC;
- viii. UTPs between the age of 18 to 21 and who have completed 1/4 of their sentence under which they were charged and are first time offenders;
- ix. Convicts who have undergone their sentence or are entitled to release because of remission granted to them;
- x. UTPs who are detained under Chapter VIII of the CrPC i.e. u/s 107, 108, 109 & 151 of CrPC;
- xi. UTPs accused of Petty Offences;
- xii. UTPs eligible for release under Section 437(6) of Cr.P.C;
- xiii. UTPs who are sick or infirm and require specialized medical treatment; and
- xiv. UTPs of unsound mind.

This section of the report assesses the compliance of UTRCs from April to June vis-à-vis the mandated categories of cases. In the 23rd March, 2020 order, the Supreme Court clearly stated *“The Undertrial Review Committee contemplated by this Court In re Inhuman Conditions in 1382 Prisons, (2016) 3 SCC 700, shall meet every week and take such decision in consultation with the concerned authority as per the said judgment.”* Through this direction the Court reaffirmed that the UTRCs were mandated to continue reviewing the mandated 14 categories of cases in addition to their role in effectuating HPC’s directions at the district level.

²⁹ <https://nalsa.gov.in/acts-rules/guidelines/standard-operating-procedure-sop-guidelines-for-utrcs>.

Table 4.1: State-wise information on number of districts against the status on the mandate to review all 14 categories of cases.

| S. No. | State Legal Service Authority | No. of Districts from which MOMs received | No. of Districts where all 14 mandated categories were reviewed | No. of Districts where only some of the 14 mandated categories were reviewed | No. of Districts where none of the mandated categories were reviewed |
|--------------|-------------------------------|---|---|--|--|
| 1 | Andhra Pradesh | 4 | 3 | 1 | 0 |
| 2 | Bihar | 4 | 3 | 1 | 0 |
| 3 | Goa | 2 | 0 | 0 | 2 |
| 4 | Gujarat | 4 | 3 | 1 | 0 |
| 5 | Haryana | 4 | 1 | 2 | 1 |
| 6 | Himachal Pradesh | 5 | 2 | 1 | 2 |
| 7 | Jharkhand | 2 | 1 | 1 | 0 |
| 8 | Karnataka | 4 | 0 | 4 | 0 |
| 9 | Maharashtra | 5 | 0 | 5 | 0 |
| 10 | Manipur | 4 | 3 | 1 | 0 |
| 11 | Nagaland | 5 | 1 | 2 | 2 |
| 12 | Odisha | 5 | 0 | 4 | 1 |
| 13 | Sikkim | 4 | 0 | 4 | 0 |
| 14 | Delhi | 5 | 1 | 1 | 3 |
| 15 | Chandigarh | 1 | 0 | 0 | 1 |
| TOTAL | | 58 | 18 | 28 | 12 |

Note: For the purpose of determining whether 14 categories of cases have been reviewed in a district, even if the UTRC MOMs state that there were nil cases under all the 14 categories, it is counted as 'District in which all 14 mandated categories of cases were reviewed'. As a ground rule, if all the 14 categories are mentioned in any form in the UTRC MOM it has been counted as in compliance of the mandate to review all the mandated categories. Most liberal interpretation of the UTRC MOMs has been made to see if the UTRC considered the NALSA SOP categories or not.

The data shows that only 18 out of 58 districts (31% of the total districts) considered all the mandated categories given in the NALSA SOP in their meetings. This abysmal compliance of the Supreme Court orders and the SOP issued by NALSA is alarming. Further, it is disappointing to note that UTRCs in 12 districts spread across seven States as shown in the table above (21% of the total districts of which UTRC MOMs are analysed) did not consider a single NALSA SOP category in the entire three months period. None of the districts in Goa and Chandigarh considered any mandated category of prisoners for review during the pandemic from April to June, 2020.

Table 4.2: Information on the 28 districts where only some of the NALSA SOP categories of cases were considered.

| S. No. | Mandated Categories of Cases | Number of Districts where the particular category was considered |
|--------|--|--|
| 1 | UTPs / Convicts falling under covered under Section 436A Cr.P.C. | 14 |
| 2 | UTPs eligible under Section 436 of Cr.P.C. | 5 |
| 3 | UTPs who may be covered under Section 3 of the Probation of Offenders Act | 3 |
| 4 | UTPs released on bail by the court, but have not been able to furnish sureties. | 3 |
| 5 | Women UTPs | 3 |
| 6 | UTPs accused of compoundable offences. | 2 |
| 7 | UTPs become eligible to be released on bail u/s 167(2)(a)(i) & (ii) of the Code | 2 |
| 8 | UTPs between 18 to 21 years of age and who have completed 1/4 of their sentence under which they were charged and are first time offenders | 2 |
| 9 | Convicts who have undergone their sentence or are entitled to release because of remission granted to them. | 1 |
| 10 | UTPs who are detained under Chapter VIII of the CrPC i.e. u/s 107, 108, 109 & 151 of CrPC | 1 |
| 11 | UTPs accused of Petty Offences | 1 |
| 12 | UTPs eligible for release under Section 437(6) of Cr.P.C | 1 |
| 13 | UTPs who are sick or infirm and require specialized medical treatment | 1 |
| 14 | UTPs of unsound mind | 1 |

The most likely mandated category to be considered by the UTRCs was the category of Undertrial prisoners who fall under Section 436A of Cr.P.C.³⁰. This was followed by the category of cases

³⁰ Section 436A, Code of Criminal Procedure: 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.

which fall under Section 436 of Cr.P.C. which includes cases where a person accused of a bailable offence is unable to furnish bail bond within seven days. Such prisoners must be released on personal bond. The other mandated categories were rare to be found in the UTRC MOMs of these 28 districts.

In comparison to the 90% of the UTRCs passing directions towards implementing the directions of the HPCs pertaining to release of prisoners, only 31% of the UTRC considered all mandated 14 categories of prisoners. Further, 21% of the UTRCs did not consider any of the NALSA SOP's mandated category in the entire three months period.

Need to review all 14 categories mandated by NALSA

This reflects on the failure of the majority of UTRCs to fulfill their mandate to review the cases of undertrial prisoners who are prima-facie unnecessarily detained. This also shows that the majority of the UTRCs were not aware of the 23rd March, 2020 order of the Supreme Court in the context of the need for decongesting prisons to address the threat of COVID-19 prisons, where it has specifically reiterated that the UTRCs have to function as “contemplated by this Court *In Re Inhuman Conditions in 1382 Prisons, (2016) 3 SCC 700*”.

It must be noted that the 14 categories which UTRCs are mandated to review and recommend for appropriate directions, are much wider than any of the HPC's recommended categories for decongesting the prisons. Therefore, it can safely be assumed that had the UTRCs been complying to their full mandate, there would have been less congestion in the prisons and hence reduced threat of the COVID-19 transmission in prisons.

CHRI's Recommendations:

It is recommended that NALSA must issue directives to conduct regular trainings for the benefit of the UTRC members to apprise them of Supreme Court directives, MHA advisories, NALSA SOPs and other relevant directives on functioning of the Committee. The HPC should also direct the UTRCs to review all mandated categories of cases without any lapse, especially during decongestion exercises.

V. ASSESSING QUALITY OF MINUTES OF MEETINGS

The Supreme Court in a case³¹ while deciding on an issue pertaining to recording of information in minutes of meetings of a Committee observed that, “When the proceedings of the meeting are recorded, one would naturally expect that all that transpired in the meeting should find a place in the minutes of the meeting.” Minutes of meetings of a Committee is an important documentation that enables an official record of the functioning of the committee. Such a document is useful not only in ensuring that the discussions and decisions taken by the Committee in a particular meeting reach a logical end but also serve as a literature to study the functioning of the said Committee.

CHRI has used four uniform indicators which could be objectively ascertained from the UTRC minutes to assess the standards/practices of documentation of UTRC minutes of meetings. The four indicators are:

1. Whether the **names of prisons** whose cases are being reviewed in the UTRC meeting were mentioned in the minutes?
2. Whether the **number of cases which were shortlisted by the DLSA** for the UTRC’s review were mentioned in the minutes?
3. Whether the **number of cases which were reviewed by the UTRC** were mentioned in the minutes?
4. Whether the **number of cases in which the recommendations are made** were mentioned in the minutes?

These indicators are also important to be mentioned in the UTRC minutes as the same information is also mandated to be reported quarterly as per the NALSA SOP.

Table 5.1: State-wise information on number of districts where the abovementioned indicators are mentioned in the UTRC minutes.

| S. No. | State Legal Service Authority | No. of Districts from which minutes received | No. of Districts where names of concerned prisons were mentioned | No. of Districts where number of shortlisted cases were mentioned | No. of Districts where number of cases reviewed were mentioned | No. of Districts where number of cases recommended were mentioned |
|--------|-------------------------------|--|--|---|--|---|
| 1 | Andhra Pradesh | 4 | 2 | 1 | 1 | 3 |
| 2 | Bihar | 4 | All | 3 | All | All |
| 3 | Goa | 2 | All | 0 | All | 1 |
| 4 | Gujarat | 4 | 3 | All | 3 | All |
| 5 | Haryana | 4 | 3 | 1 | 3 | 3 |

³¹ *Syed Hasan Rasul Numa and Others vs. Union of India*, (1991) 1 Supreme Court Cases 401.

| | | | | | | |
|--------------|------------------|-----------|-----------|-----------|-----------|-----------|
| 6 | Himachal Pradesh | 5 | All | All | All | All |
| 7 | Jharkhand | 2 | 0 | All | All | All |
| 8 | Karnataka | 4 | 3 | All | All | All |
| 9 | Maharashtra | 5 | 3 | All | All | All |
| 10 | Manipur | 4 | All | 0 | All | All |
| 11 | Nagaland | 5 | 1 | 0 | 2 | 2 |
| 12 | Odisha | 5 | All | 0 | All | All |
| 13 | Sikkim | 4 | All | 2 | 3 | All |
| 14 | Delhi | 5 | All | 0 | All | All |
| 15 | Chandigarh | 1 | All | 0 | All | All |
| TOTAL | | 58 | 45 | 27 | 49 | 52 |

* 'All' has been used to denote that the particular indicator was mentioned/present in all the districts for which the minutes were received (Number of districts for which minutes were received from a particular State is mentioned in the third column of the above table).

The table above shows that Himachal Pradesh is the only State where the UTRC MOMs, shared with CHRI, included the information under all four indicators. Overall, names of prisons of which cases were reviewed were mentioned in 45 out of 58 (78% of the districts for which MOMs were received) districts. The number of cases shortlisted by DLSA for UTRC's review were mentioned in 27 districts (47% of the districts of which UTRC MOMs were received), number of cases reviewed by the UTRC were mentioned in 49 districts (84% of the districts) and the number of cases recommended by the UTRC were mentioned in highest 52 districts (90% of the districts).

Additionally, follow up on cases recommended by the UTRC in the previous meetings was found only in the Nahan District of Himachal Pradesh, East Sikkim District of Sikkim and all the Districts of Delhi. None of the minutes of the meetings clearly mentioned the status of the follow up on previous cases.

It must also be noted that these indicators should not be seen as an absolute marker of the quality of the conduct of UTRC meetings; rather, these are only indicative of the gaps in documentation. Mere mentioning of the number of cases either shortlisted or reviewed or recommended or the names of the prisons from which cases are received is not enough.

CHRI's Recommendations:

The NALSA SOP provides for the various steps on what process needs to be followed before, during and prior to the UTRC meeting. The minutes of the meetings prepared by the UTRCs must clearly mention the following as a minimum:

| | |
|--|--|
| <ul style="list-style-type: none"> ▪ Date of the meeting ▪ Mode of the meeting ▪ Attendees along with reasons for absence of mandated members if any such member is absent. | |
| Steps mentioned in the NALSA SOP | Details to be included in the Minutes |

| | | |
|--------|---|--|
| STEP 1 | Reporting of Data of UTPs / Convicts by Prisons | <ul style="list-style-type: none"> ▪ Name and types of prisons falling within the jurisdiction of the UTRC. ▪ Names of the prisons from which information is received in the particular meeting, along with the reasons for not receiving information from the specific prisons if any ▪ Total number of Undertrials and total number of Convicts whose details are included in the two lists prepared by the officer in-charge of prisons. |
| STEP 2 | Processing of Data by Secretary, DLSA | <ul style="list-style-type: none"> ▪ Number of Undertrials and Convicts who are shortlisted based on the 14 categories of cases as mandated in the SOP. |
| STEP 3 | Processing of identified cases by UTRC | <ul style="list-style-type: none"> ▪ Details of every prisoner including name and father's name of the prisoner, name of the court, case reference number, followed by the discussion on the case, the final recommendation and the brief reasons for UTRC recommendation. |
| STEP 4 | Follow up | <ul style="list-style-type: none"> ▪ Date on which the follow up of recommended cases was done by the DLSA Secretary. ▪ Number of cases for which the follow up could be done. <ul style="list-style-type: none"> ○ Details on action taken on the recommendation (eg. If a bail application was filed, the date on which the bail was filed or whether the case was considered by the concerned court in the light of the UTRC recommendation) ○ Final Outcome of the action taken (eg. whether person was released; if not, the reasons for the same or whether any progress has been made to apply any corrective) ○ Date of Release of Prisoner ▪ Brief details of the cases for which the follow up was done but action taken could not be determined as the information is awaited from the concerned court or office. ▪ Brief details of the cases for which the follow up could not be done and the reasons for the same. |

| | | |
|--|---|---|
| STEP 5 | Collation of data on quarterly basis by the Secretary, DLSA | <ul style="list-style-type: none"> ▪ When the quarterly report is sent by the Secretary, DLSA, the same could be mentioned briefly in the next UTRC minutes. |
| <ul style="list-style-type: none"> ▪ Any other information on the deliberations and/or decisions made by the UTRC in the current meeting. | | |

VI. IDENTIFYING ROLE OF UTRCS VIS-À-VIS HIGH POWERED COMMITTEES

The Supreme Court vide order dated 23rd March, 2020³² directed the constitution of High Powered Committees in all States and UTs “to determine the class of prisoners who can be released on parole of interim bail for such period as may be thought appropriate”. Consequently, the HPCs passed directions including the eligibility criteria and process of release of prisoners. The process broadly included identifying eligible prisoners, filing and processing interim bail and parole applications, intimating the prisons and prisoners about the orders in respective cases and ensuring safe transit of released prisoners to their homes amid the lockdown.

UTRCs by virtue of their composition comprising representatives of senior most officers in the district from judiciary, legal aid, police, administration and prisons seemed like the nodal body at the district level to ensure implementation of the HPC’s directions. District Judges had to ensure that the bail applications and parole applications are filed and processed, the legal aid functionaries led by the DLSA secretaries were tasked with ensuring communication between prisons and relevant authorities (courts and parole boards which include police), District Magistrates and police authorities were supposed to ensure safe transit of prisoners and prison superintendents were tasked with ensuring that eligible prisoners are identified and applications are drafted in coordination with the legal aid authorities.

This section of the report presents the role of UTRCs vis-à-vis High Powered Committees by analysing four objective criteria based on the assumption that if the following responsibilities were undertaken by the UTRCs, the same will find mention in the UTRC minutes of meetings:

1. Whether the UTRC implemented the HPC’s directions regarding process for release of prisoners i.e. towards identification of eligible prisoners, filing of applications, etc. at the district level?
2. Whether follow up on precautionary measures against COVID-19 were undertaken by the UTRCs?
3. Whether follow up on the healthcare conditions and needs of prisoners were undertaken by the UTRCs?
4. Whether directions regarding safe transit of prisoners were passed by the UTRCs?

³² *Supra* note 15.

Table 6.1: State-wise information on number of districts where particular directions reflecting on the role of UTRCs vis-à-vis HPCs were mentioned in UTRC MOMs.

| S. No. | State Legal Service Authority | No. of Districts from which MOMs received | No. of Districts where follow-up on pre-cautionary measures was done | No. of Districts where follow-up on health of prisoners was done | No. of Districts where directions w.r.t. safe transit of prisoners were made | No. of Districts where Directions w.r.t. release of prisoners (identification, bail, etc.) were made |
|--------------|-------------------------------|---|--|--|--|--|
| 1 | Andhra Pradesh | 4 | 2 | 2 | 0 | 4 |
| 2 | Bihar | 4 | 3 | 1 | 1 | 2 |
| 3 | Goa | 2 | 2 | 1 | 2 | 2 |
| 4 | Gujarat | 4 | 0 | 0 | 0 | 3 |
| 5 | Haryana | 4 | 2 | 2 | 1 | 2 |
| 6 | Himachal Pradesh | 5 | 2 | 0 | 0 | 1 |
| 7 | Jharkhand | 2 | 0 | 0 | 0 | 0 |
| 8 | Karnataka | 4 | 3 | 2 | 1 | 3 |
| 9 | Maharashtra | 5 | 5 | 0 | 1 | 5 |
| 10 | Manipur | 4 | 0 | 0 | 0 | 0 |
| 11 | Nagaland | 5 | 5 | 0 | 0 | 5 |
| 12 | Odisha | 5 | 5 | 5 | 3 | 5 |
| 13 | Sikkim | 4 | 4 | 4 | 1 | 4 |
| 14 | Delhi | 5 | 5 | 1 | 0 | 5 |
| 15 | Chandigarh | 1 | 1 | 0 | 0 | 1 |
| TOTAL | | 58 | 39 | 18 | 10 | 42 |

As reflected above, the UTRCs were steadfast to recommend measures towards implementing the directions of the HPC in regard to the release process of prisoners by making additional directions at the district level. A total of 42 UTRCs out of 58 (72%) whose MOMs were received passed such directions. The second most recurrent role was to follow-up on the precautionary measures against COVID-19 threat such as sanitation, hygiene, recommended diet, social distancing, etc. which found mention in 39 out of 58 UTRCs (67% of the total UTRCs). Follow-up on the health conditions and needs of prisoners was discussed in only 18 UTRCs (28% of the total UTRCs of which MOMs were received). The least found direction pertaining to HPC was regarding the safe transit of prisoners. Only 10 UTRCs (17% of the total UTRCs) passed directions to ensure that the released prisoners are able to commute to their homes safely amid the lockdown.

It is concerning that out of 15 States, only in seven States the UTRCs passed directions towards safe transit of prisoners. Similarly discussions on health of prisoners also found mention only in seven states as shown in the table above. The above analysis shows that while most of the UTRCs were prompt in passing directions towards the legal process of release of prisoners, the

directions pertaining to general welfare of prisoners – precautionary measures, health and safe transit of released prisoners – were less likely to be discussed by the UTRCs.

CHRI's Recommendations:

NALSA may deem fit to issue an advisory on clarifying the role and powers of UTRCs as a prison oversight body in addition to the review of cases which is already mentioned in the NALSA SOP on Functioning of UTRCs in view of the continuing vital role of the body during the pandemic. The advisory can be based on the various Supreme Court orders wherein the role of UTRCs towards prison reforms are entailed. This will encourage UTRCs to utilize their optimal capacity in strengthening prison oversight and resolving issues faced by the prisoners.

VII. AVAILABILITY OF INFORMATION & PROACTIVE DISCLOSURE

More than half of the SLSAs in the country did not share complete information on the functioning of UTRCs. Information of functioning of Undertrial Review Committees is public information which should be promptly made available to the public in general. Basic information on districts where UTRCs are formed, number of meetings held in each district in a given period and other details on the discussions and recommendations by the UTRCs must be uploaded on the websites of NALSA and SLSAs. It must be mentioned that Section 4 of the Right to Information Act, 2005 casts a duty³³ on the SLSAs to proactively disclose the information on functioning of UTRCs. Additionally statistical information on functioning of UTRCs should also be included in the National Crime Records Bureau's (NCRB) annual publication on prison statistics as it is relevant to study the UTRCs functioning in the context of high undertrial prisoners' population³⁴ in Indian prisons.

In 2015 the Central Information Commission while dealing with an appeal against the PIO of Tihar Jail Authority with regards to information sought on setting up of UTRCs and details of its working, directed the information on release of prisoners to be made available to all concerned so as to *"enable prisoner or any other person to demand release based on the information made available"*. It also directed the Tihar Jail Authority to disclose *"(a) latest status on the implementation of the Central directive dated 17-1-2015³⁵, and b) proposed list of prisoners to be released and other possible consequences like review committee meetings, etc."* under *"Section 4(1)(b) of RTI Act in their official website"*.

CHRI's Recommendation

SLSAs should proactively disclose details on UTRC meetings held in their state. If possible, minutes of meetings, without sharing the specific particulars of prisoners, should be uploaded on their websites. Further NCRB should also include statistics on UTRC functioning in its annual prison statistics.

³³ Paragraph (viii) of sub clause (b) of clause (1) of Section 4 of The Right to Information Act, 2005 reads as – Section 4. Obligations of public authorities – (1) Every public authority shall – (b) publish within one hundred and twenty days from the enactment of this Act – (viii) - a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public;

³⁵ Central Directive No. V13013/70/2012 IS (VI) dated 17.01.2013 issued by Government of India Ministry of Home Affairs to the Home Secretaries to all States titled 'Use of Section 436A of the Cr.P.C to reduce overcrowding of prisons.' Available at: https://www.mha.gov.in/sites/default/files/AdvSec436APrisons-060213_0_0.pdf.

GOOD PRACTICES CONCERNS & RECOMMENDATIONS

GOOD PRACTICES AND CONCERNS IDENTIFIED

The good practices and concerns as enumerated in this section are based on the study of a total of 429 UTRC minutes of meetings received for 58 districts/UTRCs spread across 15 States which shared information. Good practices exclude such directions or recommendations by the UTRC which directly arise out of the NALSA's SOP or Court directions, barring a few exceptions where a particular practice, though emanating from the SOP, is still not common or implemented amongst most of the UTRCs. These practices reflect a proactive and innovative approach of the UTRC members towards discharging their duties efficaciously. CHRI recommends that the 'good practices' be adopted by all the UTRCs as standard practices with necessary modifications wherever required. Concerns raised in this section are gaps found in the functioning of UTRCs which require immediate attention of the stakeholders for expeditious resolution.

GOOD PRACTICES

- ✓ UTRCs in Andhra Pradesh emphasized on the consent of the prisoners for interim release. Towards this, they directed the Panel Lawyers and Para-Legal Volunteers (PLVs) to coordinate with the Prison Superintendents to ascertain the consent of the prisoners before filing their applications.
- ✓ The UTRC in Buxar (Bihar) directed the Panel Lawyers to visit the prisoners to identify eligible inmates under the HPC's recommended categories for interim release. In rest of the districts, the identification of prisoners was mostly based on the immediate information available with the Prison Superintendent.
- ✓ Patna (Bihar) UTRC directed the Chief Judicial Magistrate to ensure that all criminal courts in the districts share information on cases of prisoners with the UTRC.
- ✓ Patna UTRC also directed DLSA to form an Urgent Action Group of lawyers and PLVs to ensure smooth coordination between the stakeholders during the prison decongestion process.
- ✓ The UTRC in Gandhinagar (Gujarat) directed the concerned authorities to use email services for preparing and filing bail applications.

- ✓ Gurugram (Haryana) UTRC directed the police to ensure that the Supreme Court's guidelines in the *Arnesh Kumar case*³⁶ are followed while making arrests.
- ✓ The UTRC members in Kurukshetra (Haryana) interacted with the prisoners via Video-Conferencing.
- ✓ Probation officers were included in the UTRC meetings in Jharkhand.
- ✓ Bengaluru Urban (Karnataka) UTRC directed the Chief Metropolitan Magistrate to ensure that that High Court is approached in cases where bail has been declined by subordinate courts.
- ✓ Aurangabad (Maharashtra) UTRC has insisted that the Prison Superintendent share information in the formats mandated in the NALSA SOP.
- ✓ Aurangabad UTRC also called for information on the children of women prisoners in the prisons and recommended detailed guidelines for adequate treatment of children with inmate mothers.
- ✓ UTRCs in Odisha directed the Courts and other authorities to ensure that bail and parole applications are processed promptly so that there is no delay in the release of eligible prisoners.
- ✓ UTRCs in Sikkim directed the lawyers to visit prisons and the members also made prison visits and observed for a variety of issues including mental health. During the lockdown, UTRC interacted with the prisoners via video-conferencing. UTRCs also recommended measures based on the observations from their prison visits and interactions with the prisoners.

Covid -19 Pandemic Specific Good Practices

- Gurugram UTRC also directed the District Magistrate to appoint a senior Medical Officer to ensure timely COVID test of prisoners.
- UTRCs in Goa directed the Prison Superintendent to get all prisoners tested for COVID-19 before their release.
- UTRCs in Goa also directed that prisoners from other States be kept in shelter homes till the lockdown after their release.
- Chandigarh UTRC submitted an action report to the High Powered Committee.

CONCERNS

- ! No UTRC except those of Nahan District of Himachal Pradesh, East Sikkim District of Sikkim and all the Districts of Delhi, engaged in follow-up of cases recommended in the previous meetings.
- ! No UTRC except one (Bengaluru Urban) directed or discussed the filing of proceedings in higher courts in cases where bail is rejected.

³⁶ *Arnesh Kumar vs. State of Bihar*, 2014 (8) SCALE 250 SC.

- ! No uniformity in which the UTRC MOMs are prepared even within a State. This leads to poor documentation and makes follow-up and reporting a challenging task.
- ! Many UTRCs failed to consider any of the NALSA SOP cases. Presumably, there was a confusion among the UTRCs about their role during the pandemic as many of them restricted themselves to HPC led decongestion process.
- ! The extent of the utilization of technology in UTRC functioning cannot be established from the minutes of the meetings.
- ! None of the UTRCs used the formats mandated in the NALSA SOP. It also appears from the UTRC MOMs that prisons do not have all the required information as per the formats given in the NALSA SOP as only basic information such as offences involved, duration of confinement, etc. is shared by the prison authority with the UTRC in most of the districts.
- ! A UTRC in Rajkot (Gujarat) stated that it could not furnish the information on cases of prisoners because of the lockdown. This is concerning as it reflects a gap in using technology for processing and movement of information.
- ! The UTRC in Gandhinagar (Gujarat) directed the Prison Superintendent to fill the bail application form which should only be done by a lawyer.

RECOMMENDATIONS

Recommendations compiled in this section aim at addressing the gaps in the functioning of UTRCs which have been identified in the present study. CHRI believes that the following recommendations will help strengthen the UTRCs towards a more efficient functioning. The short-term recommendations are capable of being implemented by the respective competent authorities immediately while the long-term recommendations may be deliberated upon by NALSA at the national level and SLSAs at the state level through consultations with the relevant authorities. CHRI requests the authorities to consider adopting these recommendations by way of appropriate advisories and/or guidelines with the required modifications.

Short Term Recommendations

- SLSAs should call for fresh status of the UTRCs from all the DLSAs within their jurisdiction and must ensure that the UTRCs are formed in all the districts at the earliest.
- The periodic reports on working of UTRCs received by the SLSAs from the DLSAs in their State should be proactively disclosed on the respective SLA website.
- SLA may conduct an immediate audit to ascertain the challenges faced by the UTRCs during their weekly meetings and to address the ambiguities persisting in respect of the UTRC's role in the prison decongestion process as well as the monitoring of prisons during the pandemic.
- The SLSAs may adopt the CHRI's Microsoft Excel based software – Evaluation of Prisoners' Information and Cases (EPIC) which can be used to identify eligible cases of prisoners by entering/feeding the required information into the software.
- SLSAs should ensure that all members of the UTRC (including officers-in-charge of all prisons in the district) are present in the UTRC meetings and appropriate measures may be adopted to actively discourage frequent or regular absence of any member from UTRC meetings.

Long Term Recommendations

- Based on the DLSA reporting to the SLA and SLA, in turn, reporting to the NALSA as mandated in the SOP, state-wise and district-wise statistical information on the following aspects must be displayed on a dedicated portal/ webpage on the websites of SLSAs and NALSA³⁷ as proactive disclosure which is mandated under Section 4 of the Right to Information Act, 2005³⁸:
 - Names of the districts in which the UTRC has been set up along with the prisons falling under that district.

³⁷ As on the date of writing this report, a dedicated web-page titled 'Under Trial Review Committee Report' under the 'Statistics' section exists on the NALSA website. However, no information is yet uploaded on the web-page. The web-page can be accessed here - <https://nalsa.gov.in/statistics/under-trial-review-committee-report>.

³⁸ Supra note 3.

- Number of UTRC meetings held (every quarter, in each year) and the manner of conducting the meetings of UTRCs – physically or virtually.
 - Name and type of prisons falling under the jurisdiction of each UTRC.
 - Number of prisoners shortlisted by DLSA for UTRCs review, number of prisoners reviewed by the UTRC, number of prisoners recommended for release by the UTRC and number of prisoners whose releases have been secured and number of prisoners whose release is pending (not rejected or ordered for release) for each district quarterly. The number of prisoners under each of the abovementioned category should be further sub-categorised as per the 14 categories of cases mandated to be reviewed in the NALSA SOP.
 - Designations of additional members, if included in the UTRC meetings.
 - State-wise status of the implementation of the four additional suggestions mentioned in the NALSA SOP.
 - State-wise good practices in the functioning of UTRCs.
- The National Crime Records Bureau (NCRB) should include state-wise statistical information on the number of prisoners eligible/shortlisted and released under all 14 categories of cases given in the NALSA SOP in its annual statistical publication on prisons – Prison Statistics India³⁹.
 - NALSA should develop a template for recording minutes of meetings by the UTRCs in consultation with the relevant stakeholders so that there is uniformity in UTRC MOMs. CHRI suggests that the following information should be present in all the UTRC MOMs in the very minimum:
 - i. Mode and place of the meeting and the attendees along with reasons for absence of mandated members if any such member is absent;
 - ii. Names of the prisons from which information is received in the particular meeting, along with the reasons for not receiving information from the specific prisons if any;
 - iii. Information on cases shortlisted, reviewed and recommended must be mentioned in the format (Annexure A and B) as provided in the NALSA SOP on Functioning of UTRCs;
 - iv. Follow-up on the cases recommended in the previous meetings must be clearly mentioned in the UTRC MOMs in the format given in the NALSA SOP on Functioning of UTRCs; and
 - v. Any other information on the deliberations and/or decisions made by the UTRC in the current meeting.

³⁹ Currently, the NCRB's Prison Statistics India includes information of Undertrial prisoners eligible and released only under one category – Undertrial prisoners falling under Section 436A of CrPC. Please see Table no. 7.4 at page 173 in the Prison Statistics India 2019. Available at: <https://ncrb.gov.in/sites/default/files/PSI-2019-27-08-2020.pdf>.

- The NALSA should actively seek collaboration with experts to develop an appropriate software to streamline the functioning of UTRCs specifically to uniformly digitize the processing of information on cases of prisoners.
- SLSAs should conduct regular trainings for the UTRC members to apprise them of relevant Supreme Court directives, MHA advisories, NALSA SOPs and other applicable directives on functioning of the Committee.
- NALSA may issue an advisory clarifying the role and powers of UTRCs as a prison oversight body in addition to its mandate mentioned in the NALSA SOP on Functioning of UTRCs specifically in view of the pandemic.

STATE SHEETS

State wise information on functioning of
Undertrial Review Committees

-Andhra Pradesh
-Bihar
-Goa
-Gujarat
-Haryana
-Himachal Pradesh
-Jharkhand
-Karnataka
-Maharashtra
-Manipur
-Nagaland
-Odisha
-Sikkim
-Delhi
-Chandigarh

ANDHRA PRADESH

INFORMATION RECEIVED

| Districts from which UTRC Minutes of Meetings (MOMs) were received | Number of Minutes Received |
|--|----------------------------|
| 1. East Godavari | 1 |
| 2. Kurnool | 1 |
| 3. Ongle | 1 |
| 4. Vizianagaram | 1 |
| Total UTRC Minutes of Meetings Received | 4 |

MODE OF MEETINGS

What was the mode of conduction of the meeting?

| | |
|---------------|---------------|
| East Godavari | Not Mentioned |
| Kurnool | Not Mentioned |
| Ongle | Not Mentioned |
| Vizianagaram | Not Mentioned |

COMPOSITION OF UTRCs

Whether all mandated members were present in the meetings?

| | |
|---------------|---------------|
| East Godavari | No |
| Kurnool | Yes |
| Ongle | Yes |
| Vizianagaram | Not Mentioned |

Members Absent in UTRC Meetings

| | |
|---------------|-----------------------------|
| East Godavari | 1. Superintendent of Police |
| | 2. Superintendent of Prison |
| | 3. District Magistrate |

Additional Members Present in UTRC Meetings

No additional member present in any of the UTRC meetings

FORMATION AND MEETINGS

Whether UTRCs exist in all districts?

Yes, UTRCs were formed in all 13 districts.

Status of Weekly Meeting Mandate

Out of total 156 mandated meetings, 125 meetings were held in the State.

DETAILS IN UTRC MOMs

Whether names of prisons whose cases are reviewed are mentioned in the UTRC MOMs?

| | |
|---------------|-----|
| East Godavari | Yes |
| Kurnool | Yes |
| Ongle | No |
| Vizianagaram | No |

Whether MoMs mention number of cases shortlisted by the DLSA?

| | |
|---------------|-----|
| East Godavari | No |
| Kurnool | Yes |
| Ongle | No |
| Vizianagaram | No |

Whether MoMs mention number of cases reviewed by the UTRC?

| | |
|---------------|-----|
| East Godavari | No |
| Kurnool | Yes |
| Ongle | No |
| Vizianagaram | No |

Whether MoMs mention number of cases recommended by the UTRC?

| | |
|---------------|-----|
| East Godavari | No |
| Kurnool | Yes |
| Ongle | Yes |
| Vizianagaram | Yes |

UTRC'S ROLE VIS-À-VIS HIGH POWERED COMMITTEES

Whether the UTRCs made any recommendation towards the process of release of prisoners such as identification of eligible prisoners, bail applications, etc.

| | |
|---------------|-----|
| East Godavari | Yes |
| Kurnool | Yes |
| Ongle | Yes |
| Vizianagaram | Yes |

Whether the UTRCs followed up on health of prisoners?

| | |
|---------------|-----|
| East Godavari | No |
| Kurnool | Yes |
| Ongle | Yes |
| Vizianagaram | No |

Whether the UTRCs followed up on the precautionary measures in prisons?

| | |
|---------------|-----|
| East Godavari | No |
| Kurnool | Yes |
| Ongle | Yes |
| Vizianagaram | No |

Whether the UTRCs made any recommendations for safe transit of released prisoners?

| | |
|---------------|----|
| East Godavari | No |
| Kurnool | No |
| Ongle | No |
| Vizianagaram | No |

REVIEW OF CASES AS PER NALSA SOP CATEGORIES

Whether all 14 mandated categories of cases as per the NALSA SOP were considered by UTRC?

| | |
|---------------|-----|
| East Godavari | No |
| Kurnool | Yes |
| Ongle | Yes |
| Vizianagaram | Yes |

What were the categories of cases reviewed by UTRC where all 14 categories as mentioned in the NALSA were not considered?

| | |
|---------------|--|
| East Godavari | Nil: No case was considered for review as per the MoM! |
|---------------|--|

GOOD PRACTICES

- Directed Panel lawyers and PLVs to coordinate with the Prison Superintendents to ascertain prisoners' consent for interim release and other processes.
- Kurnool UTRC MoM records points wise recommendations under each category clearly in the meetings.

CONCERNS

- No mention of any follow up on the cases recommended by the UTRCs.
- Did not recommend any measures to ensure safe transit of released prisoners.

INFORMATION RECEIVED

| Districts from which UTRC Minutes of Meetings (MOMs) were received | Number of Minutes Received |
|--|----------------------------|
| 1. Patna | 4 |
| 2. Purnia | 11 |
| 3. Bhagalpur | 9 |
| 4. Buxar | 3 |
| Total UTRC MoMs Received | 27 |

MODE OF MEETINGS

What was the mode of conduction of the meeting?

| | |
|-----------|----------|
| Patna | Virtual |
| Purnia | Virtual |
| Bhagalpur | Virtual |
| Buxar | Physical |

COMPOSITION OF UTRCs

Whether all mandated members were present in the meetings?

| | |
|-----------|----|
| Patna | No |
| Purnia | No |
| Bhagalpur | No |
| Buxar | No |

Members Absent in UTRC Meetings

| | |
|-----------|--|
| Patna | 1. District Magistrate |
| Purnia | 1. District Magistrate 2. SP, Police 3. Prison In-charge |
| Bhagalpur | 1. District Magistrate 2. SP, Police |
| Buxar | 1. District Magistrate |

Additional Members Present in UTRC Meetings

| | |
|-----------|---------------------------|
| Bhagalpur | Principle Magistrate, JJB |
|-----------|---------------------------|

FORMATION AND MEETINGS

Whether UTRCs exist in all districts?

No information was provided for this question.

Status of Weekly Meeting Mandate

A total of 175 meetings were held in the State against mandated 148 meetings.

DETAILS IN UTRC MOMs

Whether names of prisons whose cases are reviewed are mentioned in the UTRC MOMs?

| | |
|-----------|-----|
| Patna | Yes |
| Purnia | Yes |
| Bhagalpur | Yes |
| Buxar | Yes |

Whether MoMs mention number of cases shortlisted by the DLSA?

| | |
|-----------|-----|
| Patna | No |
| Purnia | Yes |
| Bhagalpur | Yes |
| Buxar | Yes |

Whether MoMs mention number of cases reviewed by the UTRC?

| | |
|-----------|-----|
| Patna | Yes |
| Purnia | Yes |
| Bhagalpur | Yes |
| Buxar | Yes |

Whether MoMs mention number of cases recommended by the UTRC?

| | |
|-----------|-----|
| Patna | Yes |
| Purnia | Yes |
| Bhagalpur | Yes |
| Buxar | Yes |

UTRC'S ROLE VIS-À-VIS HIGH POWERED COMMITTEES

Whether the UTRCs made any recommendation towards the process of release of prisoners such as identification of eligible prisoners, bail applications, etc.

| | |
|-----------|-----|
| Patna | Yes |
| Purnia | No |
| Bhagalpur | No |
| Buxar | Yes |

Whether the UTRCs followed up on health of prisoners?

| | |
|-----------|-----|
| Patna | Yes |
| Purnia | No |
| Bhagalpur | No |
| Buxar | No |

Whether the UTRCs followed up on the precautionary measures in prisons?

| | |
|-----------|-----|
| Patna | Yes |
| Purnia | No |
| Bhagalpur | Yes |
| Buxar | Yes |

Whether the UTRCs made any recommendations for safe transit of released prisoners?

| | |
|-----------|-----|
| Patna | Yes |
| Purnia | No |
| Bhagalpur | No |
| Buxar | No |

REVIEW OF CASES AS PER NALSA SOP CATEGORIES

Whether all 14 mandated categories of cases as per the NALSA SOP were considered by UTRC?

| | |
|-----------|-----|
| Patna | Yes |
| Purnia | Yes |
| Bhagalpur | Yes |
| Buxar | No |

What were the categories of cases reviewed by UTRC where all 14 categories as mentioned in the NALSA were not considered?

| | |
|-------|-----------------------------------|
| Buxar | Only cases under S. 436A, Cr.P.C. |
|-------|-----------------------------------|

GOOD PRACTICES

- Buxar UTRC directed the Panel lawyers to visit prisons to identify eligible prisoners.
- Patna UTRC, directed CJMs to ensure that all criminal courts share information on UTPs with the UTRC.
- Patna UTRC directed DLSA to form an Urgent Action Group of Lawyers and PLVs to ensure smooth coordination.
- Patna UTRC directed the Prison In-charge to ensure all COVID precautions including no overcrowding in any ward.

CONCERNS

- No mention of any follow up on the cases recommended by the UTRCs.

INFORMATION RECEIVED

| Districts from which UTRC Minutes of Meetings (MOMs) were received | Number of Minutes Received |
|--|----------------------------|
| 1. North Goa | 12 |
| 2. South Goa | 12 |
| Total UTRC Minutes of Meetings Received | 24 |

MODE OF MEETINGS

What was the mode of conduction of the meeting?

| | |
|-----------|---------|
| North Goa | Virtual |
| South Goa | Virtual |

COMPOSITION OF UTRCs

Whether all mandated members were present in the meetings?

| | |
|-----------|-----|
| North Goa | No |
| South Goa | Yes |

Members Absent in UTRC Meetings

| | |
|-----------|-----------------------------|
| North Goa | 1. Superintendent of Police |
|-----------|-----------------------------|

Additional Members Present in UTRC Meetings

| | |
|-----------|-------------------|
| North Goa | Public Prosecutor |
|-----------|-------------------|

FORMATION AND MEETINGS

Whether UTRCs exist in all districts?

Yes, UTRCs were formed in both the districts.

Status of Weekly Meeting Mandate

A total of 25 meetings were held in the State against mandated 24 meetings.

DETAILS IN UTRC MOMs

Whether names of prisons whose cases are reviewed are mentioned in the UTRC MOMs?

| | |
|-----------|-----|
| North Goa | Yes |
| South Goa | Yes |

Whether MoMs mention number of cases shortlisted by the DLSA?

| | |
|-----------|----|
| North Goa | No |
| South Goa | No |

Whether MoMs mention number of cases reviewed by the UTRC?

| | |
|-----------|-----|
| North Goa | Yes |
| South Goa | Yes |

Whether MoMs mention number of cases recommended by the UTRC?

| | |
|-----------|-----|
| North Goa | Yes |
| South Goa | No |

UTRC'S ROLE VIS-À-VIS HIGH POWERED COMMITTEES

Whether the UTRCs made any recommendation towards the process of release of prisoners such as identification of eligible prisoners, bail applications, etc.

| | |
|-----------|-----|
| North Goa | Yes |
| South Goa | Yes |

Whether the UTRCs followed up on health of prisoners?

| | |
|-----------|-----|
| North Goa | Yes |
| South Goa | No |

Whether the UTRCs followed up on the precautionary measures in prisons?

| | |
|-----------|-----|
| North Goa | Yes |
| South Goa | Yes |

Whether the UTRCs made any recommendations for safe transit of released prisoners?

| | |
|-----------|-----|
| North Goa | Yes |
| South Goa | Yes |

REVIEW OF CASES AS PER NALSA SOP CATEGORIES

Whether all 14 mandated categories of cases as per the NALSA SOP were considered by UTRC?

| | |
|-----------|--------------------------------|
| North Goa | NALSA SOP not discussed at all |
| South Goa | NALSA SOP not discussed at all |

What were the categories of cases reviewed by UTRC where all 14 categories as mentioned in the NALSA were not considered?

Only those cases which fell under the HPC's/Court's recommended category were discussed.

GOOD PRACTICES

- UTRC directed Prison In-charge to get all prisoners tested for COVID before release.
- UTRC directed that the other state prisoners should be kept in shelter homes till the lockdown persists after their release from prisons.

CONCERNS

- Both the UTRCs failed to consider any of the NALSA SOP categories of cases for review.

INFORMATION RECEIVED

| Districts from which UTRC Minutes of Meetings (MOMs) were received | Number of Minutes Received |
|--|----------------------------|
|--|----------------------------|

| | |
|---------------------------------|-----------|
| 1. Gandhinagar | 9 |
| 2. Rajkot | 13 |
| 3. Surat | 8 |
| 4. Kachach Bhuj | 14 |
| Total UTRC MoMs Received | 44 |

MODE OF MEETINGS

What was the mode of conduction of the meeting?

| | |
|--------------|----------|
| Gandhinagar | Virtual |
| Rajkot | Physical |
| Surat | Virtual |
| Kachach Bhuj | Virtual |

COMPOSITION OF UTRCs

Whether all mandated members were present in the meetings?

| | |
|--------------|-----|
| Gandhinagar | Yes |
| Rajkot | Yes |
| Surat | Yes |
| Kachach Bhuj | Yes |

Members Absent in UTRC Meetings

All members present in all the districts.

Additional Members Present in UTRC Meetings

No additional member present in any of the meetings.

FORMATION AND MEETINGS

Whether UTRCs exist in all districts?

UTRCs were formed only in 32 districts out of 33 as per the information received

Status of Weekly Meeting Mandate

A total of 288 meetings were held in the State against mandated 336 meetings.

DETAILS IN UTRC MOMs

Whether names of prisons whose cases are reviewed are mentioned in the UTRC MOMs?

| | |
|--------------|-----|
| Gandhinagar | No |
| Rajkot | Yes |
| Surat | Yes |
| Kachach Bhuj | Yes |

Whether MoMs mention number of cases shortlisted by the DLSA?

| | |
|--------------|-----|
| Gandhinagar | Yes |
| Rajkot | Yes |
| Surat | Yes |
| Kachach Bhuj | Yes |

Whether MoMs mention number of cases reviewed by the UTRC?

| | |
|--------------|-----|
| Gandhinagar | No |
| Rajkot | Yes |
| Surat | Yes |
| Kachach Bhuj | Yes |

Whether MoMs mention number of cases recommended by the UTRC?

| | |
|--------------|-----|
| Gandhinagar | Yes |
| Rajkot | Yes |
| Surat | Yes |
| Kachach Bhuj | Yes |

UTRC'S ROLE VIS-À-VIS HIGH POWERED COMMITTEES

Whether the UTRCs made any recommendation towards the process of release of prisoners such as identification of eligible prisoners, bail applications, etc.

| | |
|--------------|-----|
| Gandhinagar | Yes |
| Rajkot | Yes |
| Surat | Yes |
| Kachach Bhuj | No |

Whether the UTRCs followed up on health of prisoners?

| | |
|--------------|----|
| Gandhinagar | No |
| Rajkot | No |
| Surat | No |
| Kachach Bhuj | No |

Whether the UTRCs followed up on the precautionary measures in prisons?

| | |
|--------------|----|
| Gandhinagar | No |
| Rajkot | No |
| Surat | No |
| Kachach Bhuj | No |

Whether the UTRCs made any recommendations for safe transit of released prisoners?

| | |
|--------------|----|
| Gandhinagar | No |
| Rajkot | No |
| Surat | No |
| Kachach Bhuj | No |

REVIEW OF CASES AS PER NALSA SOP CATEGORIES

Whether all 14 mandated categories of cases as per the NALSA SOP were considered by UTRC?

| | |
|--------------|-----|
| Gandhinagar | Yes |
| Rajkot | Yes |
| Surat | Yes |
| Kachach Bhuj | No |

What were the categories of cases reviewed by UTRC where all 14 categories as mentioned in the NALSA were not considered?

| | |
|---------|-----------------------------------|
| Kachach | Only cases under S. 436A, Cr.P.C. |
|---------|-----------------------------------|

GOOD PRACTICES

- Gandhinagar UTRC directed to use email for filing/sending bail applications to the concerned courts.

CONCERNS

- No mention of any follow up on the cases recommended by the UTRCs.
- In Rajkot, the information from courts on Undertrial prisoners could not be procured because of the lockdown – failed to use email or any other alternative measure as taken by other districts.
- Gandhinagar UTRC directed the Prison superintendent to fill the bail application format which should have been done by a lawyer.

INFORMATION RECEIVED

| Districts from which UTRC Minutes of Meetings (MOMs) were received | Number of Minutes Received |
|--|----------------------------|
| 1. Panchkula | 1 |
| 2. Kurukshetra | 1 |
| 3. Jhajjar | 1 |
| 4. Gurugram | 1 |
| Total UTRC Minutes of Meetings Received | 4 |

MODE OF MEETINGS

What was the mode of conduction of the meeting?

| | |
|-------------|---------|
| Panchkula | Virtual |
| Kurukshetra | Virtual |
| Jhajjar | Virtual |
| Gurugram | Virtual |

COMPOSITION OF UTRCs

Whether all mandated members were present in the meetings?

| | |
|-------------|-----|
| Panchkula | Yes |
| Kurukshetra | Yes |
| Jhajjar | Yes |
| Gurugram | Yes |

Members Absent in UTRC Meetings

All members present in all the districts.

Additional Members Present in UTRC Meetings

No additional member present in any of the meetings.

FORMATION AND MEETINGS

Whether UTRCs exist in all districts?

Yes, UTRCs were formed in all 22 districts.

Status of Weekly Meeting Mandate

Out of total 264 mandated meetings, 263 meetings were held in the State.

DETAILS IN UTRC MOMs

Whether names of prisons whose cases are reviewed are mentioned in the UTRC MOMs?

| | |
|-------------|-----|
| Panchkula | Yes |
| Kurukshetra | No |
| Jhajjar | Yes |
| Gurugram | Yes |

Whether MoMs mention number of cases shortlisted by the DLSA?

| | |
|-------------|-----|
| Panchkula | No |
| Kurukshetra | No |
| Jhajjar | Yes |
| Gurugram | No |

Whether MoMs mention number of cases reviewed by the UTRC?

| | |
|-------------|-----|
| Panchkula | Yes |
| Kurukshetra | No |
| Jhajjar | Yes |
| Gurugram | Yes |

Whether MoMs mention number of cases recommended by the UTRC?

| | |
|-------------|-----|
| Panchkula | No |
| Kurukshetra | Yes |
| Jhajjar | Yes |
| Gurugram | Yes |

UTRC'S ROLE VIS-À-VIS HIGH POWERED COMMITTEES

Whether the UTRCs made any recommendation towards the process of release of prisoners such as identification of eligible prisoners, bail applications, etc.

| | |
|-------------|-----|
| Panchkula | No |
| Kurukshetra | Yes |
| Jhajjar | No |
| Gurugram | Yes |

Whether the UTRCs followed up on health of prisoners?

| | |
|-------------|-----|
| Panchkula | No |
| Kurukshetra | Yes |
| Jhajjar | No |
| Gurugram | Yes |

Whether the UTRCs followed up on the precautionary measures in prisons?

| | |
|-------------|-----|
| Panchkula | No |
| Kurukshetra | Yes |
| Jhajjar | No |
| Gurugram | Yes |

Whether the UTRCs made any recommendations for safe transit of released prisoners?

| | |
|-------------|-----|
| Panchkula | No |
| Kurukshetra | Yes |
| Jhajjar | No |
| Gurugram | No |

REVIEW OF CASES AS PER NALSA SOP CATEGORIES

Whether all 14 mandated categories of cases as per the NALSA SOP were considered by UTRC?

| | |
|-------------|--------------------------------|
| Panchkula | Yes |
| Kurukshetra | NALSA SOP not discussed at all |
| Jhajjar | No |
| Gurugram | No |

What were the categories of cases reviewed by UTRC where all 14 categories as mentioned in the NALSA were not considered?

| | |
|----------|---|
| Jhajjar | S. 436A CrPC, PO Act cases and Convicts |
| Gurugram | All except PO Act cases |

GOOD PRACTICES

- Gurugram UTRC directed compliance of SC guidelines in the Arnesh Kumar vs. State of Bihar case.
- Gurugram UTRC directed the DM to appoint a Senior Medical Officer to ensure timely COVID test of prisoners.
- Kurukshetra UTRC members interacted with the prisoners via VC.

HIMACHAL PRADESH

INFORMATION RECEIVED

| Districts from which UTRC Minutes of Meetings (MOMs) were received | Number of Minutes Received |
|--|----------------------------|
|--|----------------------------|

| | |
|---------------------------------|-----------|
| 1. Bilaspur | 12 |
| 2. Dharmshala | 10 |
| 3. Shimla | 13 |
| 4. Nahan | 13 |
| 5. Una | 12 |
| Total UTRC MoMs Received | 60 |

MODE OF MEETINGS

What was the mode of conduction of the meeting?

| | |
|------------|----------|
| Bilaspur | Virtual |
| Dharmshala | Virtual |
| Shimla | Physical |
| Nahan | Physical |
| Una | Physical |

COMPOSITION OF UTRCs

Whether all mandated members were present in the meetings?

| | |
|------------|----|
| Bilaspur | No |
| Dharmshala | No |
| Shimla | No |
| Nahan | No |
| Una | No |

Members Absent in UTRC Meetings

| | |
|------------|---|
| Bilaspur | 1. Prison Superintendent |
| Dharmshala | 1. District Magistrate |
| Shimla | 1. District Magistrate |
| Nahan | 1. District Magistrate 2. SP, Police |
| Una | 1. District Magistrate |

FORMATION AND MEETINGS

Whether UTRCs exist in all districts?

UTRCs were formed only in 11 districts out of 12 as per the information received

Status of Weekly Meeting Mandate

A total of 140 meetings were held in the State against mandated 132 meetings.

DETAILS IN UTRC MOMs

Whether names of prisons whose cases are reviewed are mentioned in the UTRC MOMs?

| | |
|------------|-----|
| Bilaspur | Yes |
| Dharmshala | Yes |
| Shimla | Yes |
| Nahan | Yes |
| Una | Yes |

Whether MoMs mention number of cases shortlisted by the DLSA?

| | |
|------------|-----|
| Bilaspur | Yes |
| Dharmshala | Yes |
| Shimla | Yes |
| Nahan | Yes |
| Una | Yes |

Whether MoMs mention number of cases reviewed by the UTRC?

| | |
|------------|-----|
| Bilaspur | Yes |
| Dharmshala | Yes |
| Shimla | Yes |
| Nahan | Yes |
| Una | Yes |

Whether MoMs mention number of cases recommended by the UTRC?

| | |
|------------|-----|
| Bilaspur | Yes |
| Dharmshala | Yes |
| Shimla | Yes |
| Nahan | Yes |
| Una | Yes |

UTRC'S ROLE VIS-À-VIS HIGH POWERED COMMITTEES

Whether the UTRCs made any recommendation towards the process of release of prisoners such as identification of eligible prisoners, bail applications, etc.

| | |
|------------|-----|
| Bilaspur | No |
| Dharmshala | No |
| Shimla | No |
| Nahan | No |
| Una | Yes |

Whether the UTRCs followed up on health of prisoners?

| | |
|------------|----|
| Bilaspur | No |
| Dharmshala | No |
| Shimla | No |
| Nahan | No |
| Una | No |

Whether the UTRCs followed up on the precautionary measures in prisons?

| | |
|------------|-----|
| Bilaspur | No |
| Dharmshala | No |
| Shimla | Yes |
| Nahan | No |
| Una | Yes |

Whether the UTRCs made any recommendations for safe transit of released prisoners?

| | |
|------------|----|
| Bilaspur | No |
| Dharmshala | No |
| Shimla | No |
| Nahan | No |
| Una | No |

REVIEW OF CASES AS PER NALSA SOP CATEGORIES

Whether all 14 mandated categories of cases as per the NALSA SOP were considered by UTRC?

| | |
|------------|--------------------------------|
| Bilaspur | Yes |
| Dharmshala | Yes |
| Shimla | NALSA SOP not discussed at all |
| Nahan | No |
| Una | NALSA SOP not discussed at all |

What were the categories of cases reviewed by UTRC where all 14 categories as mentioned in the NALSA were not considered?

| | |
|-------|---------------------------|
| Nahan | Section 436 and 436A CrPC |
|-------|---------------------------|

GOOD PRACTICES

- Nahan UTRC conducted follow up of cases recommended in previous meetings.

CONCERNS

- NALSA SOP cases not discussed in any of the meetings of two districts.

JHARKHAND

INFORMATION RECEIVED

| Districts from which UTRC Minutes of Meetings (MOMs) were received | Number of Minutes Received |
|--|----------------------------|
| 1. Khunti | 1 |
| 2. Ranchi | 13 |
| Total UTRC Minutes of Meetings Received | 14 |

MODE OF MEETINGS

What was the mode of conduction of the meeting?

| | |
|--------|---------------|
| Khunti | Not mentioned |
| Ranchi | Not mentioned |

COMPOSITION OF UTRCs

Whether all mandated members were present in the meetings?

| | |
|--------|-----|
| Khunti | Yes |
| Ranchi | Yes |

Members Absent in UTRC Meetings

All members present in both the districts.

Additional Members Present in UTRC Meetings

| | |
|--------|--------------------------------|
| Khunti | 1. Probation Officer |
| Ranchi | 1. Principle Probation Officer |

FORMATION AND MEETINGS

Whether UTRCs exist in all districts?

No, UTRCs were formed only in 2 out of 24 districts as per the information received

Status of Weekly Meeting Mandate

A total of 14 meetings were held in the State against mandated 24 meetings.

DETAILS IN UTRC MOMs

Whether names of prisons whose cases are reviewed are mentioned in the UTRC MOMs?

| | |
|--------|----|
| Khunti | No |
| Ranchi | No |

Whether MoMs mention number of cases shortlisted by the DLSA?

| | |
|--------|-----|
| Khunti | Yes |
| Ranchi | Yes |

Whether MoMs mention number of cases reviewed by the UTRC?

| | |
|--------|-----|
| Khunti | Yes |
| Ranchi | Yes |

Whether MoMs mention number of cases recommended by the UTRC?

| | |
|--------|-----|
| Khunti | Yes |
| Ranchi | Yes |

UTRC'S ROLE VIS-À-VIS HIGH POWERED COMMITTEES

Whether the UTRCs made any recommendation towards the process of release of prisoners such as identification of eligible prisoners, bail applications, etc.

| | |
|--------|----|
| Khunti | No |
| Ranchi | No |

Whether the UTRCs followed up on health of prisoners?

| | |
|--------|----|
| Khunti | No |
| Ranchi | No |

Whether the UTRCs followed up on the precautionary measures in prisons?

| | |
|--------|----|
| Khunti | No |
| Ranchi | No |

Whether the UTRCs made any recommendations for safe transit of released prisoners?

| | |
|--------|----|
| Khunti | No |
| Ranchi | No |

REVIEW OF CASES AS PER NALSA SOP CATEGORIES

Whether all 14 mandated categories of cases as per the NALSA SOP were considered by UTRC?

| | |
|--------|-----|
| Khunti | No |
| Ranchi | Yes |

What were the categories of cases reviewed by UTRC where all 14 categories as mentioned in the NALSA were not considered?

| | |
|--------|-------------------------------|
| Khunti | Section 436 A CrPC cases only |
|--------|-------------------------------|

GOOD PRACTICES

- In the both the districts from which information was received, Probation officer was included in the UTRC meetings.

CONCERNS

- Most of the minutes of meetings as received were no legible due to scanning or other issues. Overall very less information seems to be recorded in the minutes of the meetings as received.

KARNATAKA

INFORMATION RECEIVED

| Districts from which UTRC Minutes of Meetings (MOMs) were received | Number of Minutes Received |
|--|----------------------------|
|--|----------------------------|

| | |
|---------------------------------|-----------|
| 1. Kalaburgi | 8 |
| 2. Bengaluru Urban | 1 |
| 3. Belagavi | 13 |
| 4. Mysuru | 4 |
| Total UTRC MoMs Received | 26 |

MODE OF MEETINGS

What was the mode of conduction of the meeting?

| | |
|-----------------|---------------|
| Kalaburgi | Not Mentioned |
| Bengaluru Urban | Physical |
| Belagavi | Not Mentioned |
| Mysuru | Not Mentioned |

COMPOSITION OF UTRCs

Whether all mandated members were present in the meetings?

| | |
|-----------------|---------------|
| Kalaburgi | Not Mentioned |
| Bengaluru Urban | Yes |
| Belagavi | Yes |
| Mysuru | No |

Members Absent in UTRC Meetings

| | |
|--------|------------------------|
| Mysuru | 1. District Magistrate |
|--------|------------------------|

Additional Members Present in UTRC Meetings

| | |
|-----------------|--------------------------------------|
| Bengaluru Urban | 1. CMM |
| | 2. Director, Prosecution |
| | 3. District Health Officer |
| | 4. Superintendent of Local Hospitals |
| Belagavi | 1. Director, Prosecution |

FORMATION AND MEETINGS

Whether UTRCs exist in all districts?

Yes UTRCs were formed in all 30 districts of the State.

Status of Weekly Meeting Mandate

A total of 190 meetings were held in the State against mandated 360 meetings.

DETAILS IN UTRC MOMs

Whether names of prisons whose cases are reviewed are mentioned in the UTRC MOMs?

| | |
|-----------------|-----|
| Kalaburgi | No |
| Bengaluru Urban | Yes |
| Belagavi | Yes |
| Mysuru | Yes |

Whether MoMs mention number of cases shortlisted by the DLSA?

| | |
|-----------------|-----|
| Kalaburgi | Yes |
| Bengaluru Urban | Yes |
| Belagavi | Yes |
| Mysuru | Yes |

Whether MoMs mention number of cases reviewed by the UTRC?

| | |
|-----------------|-----|
| Kalaburgi | Yes |
| Bengaluru Urban | Yes |
| Belagavi | Yes |
| Mysuru | Yes |

Whether MoMs mention number of cases recommended by the UTRC?

| | |
|-----------------|-----|
| Kalaburgi | Yes |
| Bengaluru Urban | Yes |
| Belagavi | Yes |
| Mysuru | Yes |

UTRC'S ROLE VIS-À-VIS HIGH POWERED COMMITTEES

Whether the UTRCs made any recommendation towards the process of release of prisoners such as identification of eligible prisoners, bail applications, etc.

| | |
|-----------------|-----|
| Kalaburgi | No |
| Bengaluru Urban | Yes |
| Belagavi | Yes |
| Mysuru | Yes |

Whether the UTRCs followed up on health of prisoners?

| | |
|-----------------|-----|
| Kalaburgi | No |
| Bengaluru Urban | Yes |
| Belagavi | No |
| Mysuru | Yes |

Whether the UTRCs followed up on the precautionary measures in prisons?

| | |
|-----------------|-----|
| Kalaburgi | No |
| Bengaluru Urban | Yes |
| Belagavi | Yes |
| Mysuru | Yes |

Whether the UTRCs made any recommendations for safe transit of released prisoners?

| | |
|-----------------|-----|
| Kalaburgi | No |
| Bengaluru Urban | Yes |
| Belagavi | No |
| Mysuru | No |

REVIEW OF CASES AS PER NALSA SOP CATEGORIES

Whether all 14 mandated categories of cases as per the NALSA SOP were considered by UTRC?

| | |
|-----------------|----|
| Kalaburgi | No |
| Bengaluru Urban | No |
| Belagavi | No |
| Mysuru | No |

What were the categories of cases reviewed by UTRC where all 14 categories as mentioned in the NALSA were not considered?

| | |
|-----------------|-----------------------------------|
| All 4 districts | Only cases under S. 436A, Cr.P.C. |
|-----------------|-----------------------------------|

GOOD PRACTICES

- Bengaluru Urban UTRC directed the Local Hospital administration to ensure that immediate testing of all arrested persons is conducted.
- Directed the CMM to ensure that an appeal is filed in legal aid cases where bail is rejected by the lower court.
- Directed the Police Dept. to ensure adequate availability of police escorts.

CONCERNS

- No mention of any follow up on the cases recommended by the UTRCs.

INFORMATION RECEIVED

| Districts from which UTRC Minutes of Meetings (MOMs) were received | Number of Minutes Received |
|--|----------------------------|
|--|----------------------------|

| | |
|--|----------|
| 1. Imphal East | 2 |
| 2. Imphal West | 2 |
| 3. Chandel | 1 |
| 4. Tamenglong | 1 |
| Total UTRC Minutes of Meetings Received | 6 |

MODE OF MEETINGS

What was the mode of conduction of the meeting?

| | |
|-------------|----------|
| Imphal East | Physical |
| Imphal West | Physical |
| Chandel | Physical |
| Tamenglong | Physical |

COMPOSITION OF UTRCs

Whether all mandated members were present in the meetings?

| | |
|-------------|-----|
| Imphal East | Yes |
| Imphal West | Yes |
| Chandel | Yes |
| Tamenglong | Yes |

Members Absent in UTRC Meetings

All members present in all the districts.

Additional Members Present in UTRC Meetings

No additional member present in any of the meetings.

FORMATION AND MEETINGS

Whether UTRCs exist in all districts?

UTRCs were formed only in 8 out of 16 districts as per the information received

Status of Weekly Meeting Mandate

Out of total 96 mandated meetings, only 6 meetings were held in the State.

DETAILS IN UTRC MOMs

Whether names of prisons whose cases are reviewed are mentioned in the UTRC MOMs?

| | |
|-------------|-----|
| Imphal East | Yes |
| Imphal West | Yes |
| Chandel | Yes |
| Tamenglong | Yes |

Whether MoMs mention number of cases shortlisted by the DLSA?

| | |
|-------------|----|
| Imphal East | No |
| Imphal West | No |
| Chandel | No |
| Tamenglong | No |

Whether MoMs mention number of cases reviewed by the UTRC?

| | |
|-------------|-----|
| Imphal East | Yes |
| Imphal West | Yes |
| Chandel | Yes |
| Tamenglong | Yes |

Whether MoMs mention number of cases recommended by the UTRC?

| | |
|-------------|-----|
| Imphal East | Yes |
| Imphal West | Yes |
| Chandel | Yes |
| Tamenglong | Yes |

UTRC'S ROLE VIS-À-VIS HIGH POWERED COMMITTEES

Whether the UTRCs made any recommendation towards the process of release of prisoners such as identification of eligible prisoners, bail applications, etc.

| | |
|-------------|----|
| Imphal East | No |
| Imphal West | No |
| Chandel | No |
| Tamenglong | No |

Whether the UTRCs followed up on health of prisoners?

| | |
|-------------|----|
| Imphal East | No |
| Imphal West | No |
| Chandel | No |
| Tamenglong | No |

Whether the UTRCs followed up on the precautionary measures in prisons?

| | |
|-------------|----|
| Imphal East | No |
| Imphal West | No |
| Chandel | No |
| Tamenglong | No |

Whether the UTRCs made any recommendations for safe transit of released prisoners?

| | |
|-------------|----|
| Imphal East | No |
| Imphal West | No |
| Chandel | No |
| Tamenglong | No |

REVIEW OF CASES AS PER NALSA SOP CATEGORIES

Whether all 14 mandated categories of cases as per the NALSA SOP were considered by UTRC?

| | |
|-------------|-----|
| Imphal East | Yes |
| Imphal West | Yes |
| Chandel | Yes |
| Tamenglong | No |

What were the categories of cases reviewed by UTRC where all 14 categories as mentioned in the NALSA were not considered?

No cases were discussed in the meeting of which minutes were received. Information on NALSA SOP cases was requested from the Courts.

CONCERNS

- All UTRC minutes have very less information on the working of the UTRC and actions taken if any. While NALSA SOP categories are mentioned, cases are reviewed under only a select few categories.

MAHARASHTRA

INFORMATION RECEIVED

| Districts from which UTRC Minutes of Meetings (MOMs) were received | Number of Minutes Received |
|--|----------------------------|
|--|----------------------------|

| | |
|---------------------------------|-----------|
| 1. Amravati | 11 |
| 2. Aurangabad | 6 |
| 3. Kolhapur | 4 |
| 4. Nashik | 5 |
| 5. Pune | 12 |
| Total UTRC MoMs Received | 38 |

MODE OF MEETINGS

What was the mode of conduction of the meeting?

| | |
|------------|---------------|
| Amravati | Physical |
| Aurangabad | Physical |
| Kolhapur | Physical |
| Nashik | Not Mentioned |
| Pune | Physical |

COMPOSITION OF UTRCs

Whether all mandated members were present in the meetings?

| | |
|------------|---------------|
| Amravati | Yes |
| Aurangabad | No |
| Kolhapur | Yes |
| Nashik | Not Mentioned |
| Pune | Not Mentioned |

Members Absent in UTRC Meetings

| | |
|------------|--|
| Aurangabad | 1. Prison Superintendent 2. District Magistrate |
|------------|--|

Additional Members Present in UTRC Meetings

| | |
|----------|---------------------|
| Kolhapur | 1. Medical Officers |
|----------|---------------------|

FORMATION AND MEETINGS

Whether UTRCs exist in all districts?

UTRCs were formed only in 34 districts out of 36 as per the information received

Status of Weekly Meeting Mandate

A total of 312 meetings were held in the State against mandated 408 meetings.

DETAILS IN UTRC MOMs

Whether names of prisons whose cases are reviewed are mentioned in the UTRC MOMs?

| | |
|------------|-----|
| Amravati | Yes |
| Aurangabad | Yes |
| Kolhapur | Yes |
| Nashik | No |
| Pune | No |

Whether MoMs mention number of cases shortlisted by the DLSA?

| | |
|------------|-----|
| Amravati | Yes |
| Aurangabad | Yes |
| Kolhapur | Yes |
| Nashik | Yes |
| Pune | Yes |

Whether MoMs mention number of cases reviewed by the UTRC?

| | |
|------------|-----|
| Amravati | Yes |
| Aurangabad | Yes |
| Kolhapur | Yes |
| Nashik | Yes |
| Pune | Yes |

Whether MoMs mention number of cases recommended by the UTRC?

| | |
|------------|-----|
| Amravati | Yes |
| Aurangabad | Yes |
| Kolhapur | Yes |
| Nashik | Yes |
| Pune | Yes |

UTRC'S ROLE VIS-À-VIS HIGH POWERED COMMITTEES

Whether the UTRCs made any recommendation towards the process of release of prisoners such as identification of eligible prisoners, bail applications, etc.

| | |
|------------|-----|
| Amravati | Yes |
| Aurangabad | Yes |
| Kolhapur | Yes |
| Nashik | Yes |
| Pune | Yes |

Whether the UTRCs followed up on health of prisoners?

| | |
|------------|-----|
| Amravati | No |
| Aurangabad | No |
| Kolhapur | No |
| Nashik | Yes |
| Pune | No |

Whether the UTRCs followed up on the precautionary measures in prisons?

| | |
|------------|-----|
| Amravati | Yes |
| Aurangabad | Yes |
| Kolhapur | Yes |
| Nashik | Yes |
| Pune | Yes |

Whether the UTRCs made any recommendations for safe transit of released prisoners?

| | |
|------------|----|
| Amravati | No |
| Aurangabad | No |
| Kolhapur | No |
| Nashik | No |
| Pune | No |

REVIEW OF CASES AS PER NALSA SOP CATEGORIES

Whether all 14 mandated categories of cases as per the NALSA SOP were considered by UTRC?

| | |
|------------|----|
| Amravati | No |
| Aurangabad | No |
| Kolhapur | No |
| Nashik | No |
| Pune | No |

What were the categories of cases reviewed by UTRC where all 14 categories as mentioned in the NALSA were not considered?

| | |
|------------|--|
| Amravati | UTPs not able to furnish sureties after getting bail, compoundable offences, PO Act cases and petty offences |
| Aurangabad | Did not receive any info. From prisons |
| Kolhapur | UTPs not able to furnish sureties |
| Nashik | S. 436A, 167(1)(2) and S. 437 CrPC |
| Pune | Only S. 436 and 436A cases |

GOOD PRACTICES

- Aurangabad UTRC insisted the Prison In-charge to share information of prisoners as per the formats given in the NALSA SOP.

CONCERNS

- No follow up was conducted on cases recommended in the previous meetings.

NAGALAND

INFORMATION RECEIVED

| Districts from which UTRC Minutes of Meetings (MOMs) were received | Number of Minutes Received |
|--|----------------------------|
|--|----------------------------|

| | |
|--------------------------|---|
| 1. Kohima | 2 |
| 2. Phek | 2 |
| 3. Wokha | 3 |
| 4. Dimapur | 1 |
| 5. Zunheboto | 1 |
| Total UTRC MoMs Received | 9 |

MODE OF MEETINGS

What was the mode of conduction of the meeting?

| | |
|-----------|---------------|
| Kohima | Not Mentioned |
| Phek | Not Mentioned |
| Wokha | Not Mentioned |
| Dimapur | Not Mentioned |
| Zunheboto | Not Mentioned |

COMPOSITION OF UTRCs

Whether all mandated members were present in the meetings?

| | |
|-----------|-----|
| Kohima | Yes |
| Phek | No |
| Wokha | No |
| Dimapur | Yes |
| Zunheboto | Yes |

Members Absent in UTRC Meetings

| | |
|-------|---|
| Phek | 1. Prison Superintendent |
| Wokha | 1. District Magistrate 2. SP, Police |

Additional Members Present in UTRC Meetings

| | |
|-----------|---|
| Dimapur | 1. Panel Lawyer |
| Zunheboto | 1. Panel Lawyer 2. Public Prosecutor |

FORMATION AND MEETINGS

Whether UTRCs exist in all districts?

Yes, UTRCs were formed in all 11 districts as per the information received.

Status of Weekly Meeting Mandate

Out of total 132 mandated meetings, only 41 meetings were held in the State.

DETAILS IN UTRC MOMs

Whether names of prisons whose cases are reviewed are mentioned in the UTRC MOMs?

| | |
|-----------|-----|
| Kohima | No |
| Phek | No |
| Wokha | No |
| Dimapur | Yes |
| Zunheboto | No |

Whether MoMs mention number of cases shortlisted by the DLSA?

| | |
|-----------|----|
| Kohima | No |
| Phek | No |
| Wokha | No |
| Dimapur | No |
| Zunheboto | No |

Whether MoMs mention number of cases reviewed by the UTRC?

| | |
|-----------|-----|
| Kohima | Yes |
| Phek | No |
| Wokha | No |
| Dimapur | Yes |
| Zunheboto | No |

Whether MoMs mention number of cases recommended by the UTRC?

| | |
|-----------|-----|
| Kohima | Yes |
| Phek | No |
| Wokha | No |
| Dimapur | Yes |
| Zunheboto | No |

UTRC'S ROLE VIS-À-VIS HIGH POWERED COMMITTEES

Whether the UTRCs made any recommendation towards the process of release of prisoners such as identification of eligible prisoners, bail applications, etc.

| | |
|-----------|-----|
| Kohima | Yes |
| Phek | Yes |
| Wokha | Yes |
| Dimapur | Yes |
| Zunheboto | Yes |

Whether the UTRCs followed up on health of prisoners?

| | |
|-----------|----|
| Kohima | No |
| Phek | No |
| Wokha | No |
| Dimapur | No |
| Zunheboto | No |

Whether the UTRCs followed up on the precautionary measures in prisons?

| | |
|-----------|-----|
| Kohima | Yes |
| Phek | Yes |
| Wokha | Yes |
| Dimapur | Yes |
| Zunheboto | Yes |

Whether the UTRCs made any recommendations for safe transit of released prisoners?

| | |
|-----------|----|
| Kohima | No |
| Phek | No |
| Wokha | No |
| Dimapur | No |
| Zunheboto | No |

REVIEW OF CASES AS PER NALSA SOP CATEGORIES

Whether all 14 mandated categories of cases as per the NALSA SOP were considered by UTRC?

| | |
|-----------|--------------------------------|
| Kohima | Yes |
| Phek | No |
| Wokha | NALSA SOP not discussed at all |
| Dimapur | NALSA SOP not discussed at all |
| Zunheboto | No |

What were the categories of cases reviewed by UTRC where all 14 categories as mentioned in the NALSA were not considered?

| | |
|---------|--------------------------------|
| Phek | S. 167(1) & (2) cases only |
| Wokha | NALSA SOP not discussed at all |
| Dimapur | NALSA SOP not discussed at all |

CONCERNS

- No follow up was conducted on cases recommended in the previous meetings.

INFORMATION RECEIVED

Districts from which UTRC Minutes of Meetings (MOMs) were received

Number of Minutes Received

| | |
|---------------------------------|-----------|
| 1. Cuttack | 13 |
| 2. Ganjam | 6 |
| 3. Koraput | 9 |
| 4. Mayurbhanj | 12 |
| 5. Sambalpur | 13 |
| Total UTRC MoMs Received | 53 |

MODE OF MEETINGS

What was the mode of conduction of the meeting?

| | |
|------------|----------|
| Cuttack | Virtual |
| Ganjam | Virtual |
| Koraput | Physical |
| Mayurbhanj | Virtual |
| Sambalpur | Virtual |

COMPOSITION OF UTRCs

Whether all mandated members were present in the meetings?

| | |
|------------|-----|
| Cuttack | Yes |
| Ganjam | Yes |
| Koraput | Yes |
| Mayurbhanj | No |
| Sambalpur | Yes |

Members Absent in UTRC Meetings

| | |
|------------|--------------------------|
| Mayurbhanj | 1. Prison Superintendent |
|------------|--------------------------|

Additional Members Present in UTRC Meetings

No additional member present in any of the meetings.

FORMATION AND MEETINGS

Whether UTRCs exist in all districts?

UTRCs were formed only in 34 districts out of 36 as per the information received

Status of Weekly Meeting Mandate

A total of 312 meetings were held in the State against mandated 408 meetings.

DETAILS IN UTRC MOMs

Whether names of prisons whose cases are reviewed are mentioned in the UTRC MOMs?

| | |
|------------|-----|
| Cuttack | Yes |
| Ganjam | Yes |
| Koraput | Yes |
| Mayurbhanj | Yes |
| Sambalpur | Yes |

Whether MoMs mention number of cases shortlisted by the DLSA?

| | |
|------------|----|
| Cuttack | No |
| Ganjam | No |
| Koraput | No |
| Mayurbhanj | No |
| Sambalpur | No |

Whether MoMs mention number of cases reviewed by the UTRC?

| | |
|------------|-----|
| Cuttack | Yes |
| Ganjam | Yes |
| Koraput | Yes |
| Mayurbhanj | Yes |
| Sambalpur | Yes |

Whether MoMs mention number of cases recommended by the UTRC?

| | |
|------------|-----|
| Cuttack | Yes |
| Ganjam | Yes |
| Koraput | Yes |
| Mayurbhanj | Yes |
| Sambalpur | Yes |

UTRC'S ROLE VIS-À-VIS HIGH POWERED COMMITTEES

Whether the UTRCs made any recommendation towards the process of release of prisoners such as identification of eligible prisoners, bail applications, etc.

| | |
|------------|-----|
| Cuttack | Yes |
| Ganjam | Yes |
| Koraput | Yes |
| Mayurbhanj | Yes |
| Sambalpur | Yes |

Whether the UTRCs followed up on health of prisoners?

| | |
|------------|-----|
| Cuttack | Yes |
| Ganjam | Yes |
| Koraput | Yes |
| Mayurbhanj | Yes |
| Sambalpur | Yes |

Whether the UTRCs followed up on the precautionary measures in prisons?

| | |
|------------|-----|
| Cuttack | Yes |
| Ganjam | Yes |
| Koraput | Yes |
| Mayurbhanj | Yes |
| Sambalpur | Yes |

Whether the UTRCs made any recommendations for safe transit of released prisoners?

| | |
|------------|-----|
| Cuttack | No |
| Ganjam | No |
| Koraput | Yes |
| Mayurbhanj | Yes |
| Sambalpur | Yes |

REVIEW OF CASES AS PER NALSA SOP CATEGORIES

Whether all 14 mandated categories of cases as per the NALSA SOP were considered by UTRC?

| | |
|------------|--------------------------------|
| Cuttack | No |
| Ganjam | NALSA SOP not discussed at all |
| Koraput | No |
| Mayurbhanj | No |
| Sambalpur | No |

What were the categories of cases reviewed by UTRC where all 14 categories as mentioned in the NALSA were not considered?

| | |
|------------|---|
| Koraput | UTPs not able to furnish sureties, Convicts and S. 436 & 436A CrPC cases. |
| Mayurbhanj | Eight NALSA SOP categories considered |
| Sambalpur | Only S. 440 CrPC |

GOOD PRACTICES

- UTRCs directed the Courts and Police/District authorities to promptly decide on the bail and parole applications so that there is no delay in release of eligible prisoners.
- Detailed minutes with all information on actions taken, directions given, etc.

CONCERNS

- No follow up was conducted on cases recommended in the previous meetings.

INFORMATION RECEIVED

| Districts from which UTRC Minutes of Meetings (MOMs) were received | Number of Minutes Received |
|--|----------------------------|
| 1. East Sikkim | 13 |
| 2. North Sikkim | 12 |
| 3. South Sikkim | 13 |
| 4. West Sikkim | 12 |
| Total UTRC Minutes of Meetings Received | 50 |

MODE OF MEETINGS

What was the mode of conduction of the meeting?

| | |
|--------------|---------------|
| East Sikkim | Virtual |
| North Sikkim | Physical |
| South Sikkim | Not Mentioned |
| West Sikkim | Not Mentioned |

COMPOSITION OF UTRCs

Whether all mandated members were present in the meetings?

| | |
|--------------|-----|
| East Sikkim | Yes |
| North Sikkim | Yes |
| South Sikkim | Yes |
| West Sikkim | Yes |

Members Absent in UTRC Meetings

All members present in all the districts.

Additional Members Present in UTRC Meetings

No additional member present in any of the meetings.

FORMATION AND MEETINGS

Whether UTRCs exist in all districts?

Yes, UTRCs were formed in all four districts of the State.

Status of Weekly Meeting Mandate

A total of 51 meetings were held in the State against mandated 48 meetings.

DETAILS IN UTRC MOMs

Whether names of prisons whose cases are reviewed are mentioned in the UTRC MOMs?

| | |
|--------------|-----|
| East Sikkim | Yes |
| North Sikkim | Yes |
| South Sikkim | Yes |
| West Sikkim | Yes |

Whether MoMs mention number of cases shortlisted by the DLSA?

| | |
|--------------|-----|
| East Sikkim | Yes |
| North Sikkim | No |
| South Sikkim | Yes |
| West Sikkim | No |

Whether MoMs mention number of cases reviewed by the UTRC?

| | |
|--------------|-----|
| East Sikkim | Yes |
| North Sikkim | No |
| South Sikkim | Yes |
| West Sikkim | Yes |

Whether MoMs mention number of cases recommended by the UTRC?

| | |
|--------------|-----|
| East Sikkim | Yes |
| North Sikkim | Yes |
| South Sikkim | Yes |
| West Sikkim | Yes |

UTRC'S ROLE VIS-À-VIS HIGH POWERED COMMITTEES

Whether the UTRCs made any recommendation towards the process of release of prisoners such as identification of eligible prisoners, bail applications, etc.

| | |
|--------------|-----|
| East Sikkim | Yes |
| North Sikkim | Yes |
| South Sikkim | Yes |
| West Sikkim | Yes |

Whether the UTRCs followed up on health of prisoners?

| | |
|--------------|-----|
| East Sikkim | Yes |
| North Sikkim | Yes |
| South Sikkim | Yes |
| West Sikkim | Yes |

Whether the UTRCs followed up on the precautionary measures in prisons?

| | |
|--------------|-----|
| East Sikkim | Yes |
| North Sikkim | Yes |
| South Sikkim | Yes |
| West Sikkim | Yes |

Whether the UTRCs made any recommendations for safe transit of released prisoners?

| | |
|--------------|-----|
| East Sikkim | No |
| North Sikkim | No |
| South Sikkim | Yes |
| West Sikkim | No |

REVIEW OF CASES AS PER NALSA SOP CATEGORIES

Whether all 14 mandated categories of cases as per the NALSA SOP were considered by UTRC?

| | |
|--------------|----|
| East Sikkim | No |
| North Sikkim | No |
| South Sikkim | No |
| West Sikkim | No |

What were the categories of cases reviewed by UTRC where all 14 categories as mentioned in the NALSA were not considered?

| | |
|--------------|---|
| East Sikkim | S. 436 & 436A CrPC, Compoundable offence cases, bail but no surety cases, sick & infirm UTPs. |
| North Sikkim | S. 436 & 436A cases, PO Act cases, compoundable offence cases. |
| South Sikkim | S. 436 A cases |
| West Sikkim | S. 436 A cases |

GOOD PRACTICES

- UTRCs in Sikkim directed the lawyers to visit prisons and the members also made prison visits and observed for a variety of issues including mental health. During the lockdown, UTRC interacted with the prisoners via VC.
- UTRC also recommended measures based on their prison visits.
- East Sikkim UTRC also ensured follow up on cases recommended in previous meetings.

INFORMATION RECEIVED

| Districts from which UTRC Minutes of Meetings (MOMs) were received | Number of Minutes Received |
|--|----------------------------|
|--|----------------------------|

| | |
|---------------------------------|-----------|
| 1. East | 10 |
| 2. North East | 13 |
| 3. Central | 12 |
| 4. West | 9 |
| 5. South East | 13 |
| Total UTRC MoMs Received | 57 |

MODE OF MEETINGS

What was the mode of conduction of the meeting?

| | |
|------------|----------|
| East | Virtual |
| North East | Virtual |
| Central | Physical |
| West | Virtual |
| South East | Virtual |

COMPOSITION OF UTRCs

Whether all mandated members were present in the meetings?

| | |
|------------|-----|
| East | Yes |
| North East | Yes |
| Central | No |
| West | Yes |
| South East | Yes |

Members Absent in UTRC Meetings

| | |
|---------|------------------------|
| Central | 1. District Magistrate |
|---------|------------------------|

Additional Members Present in UTRC Meetings

| | |
|------------|---------------------|
| Central | 1. Chief Prosecutor |
| West | 1. Chief Prosecutor |
| South East | 1. CMM |

FORMATION AND MEETINGS

Whether UTRCs exist in all districts?

UTRCs were formed only in 34 districts out of 36 as per the information received

Status of Weekly Meeting Mandate

A total of 312 meetings were held in the State against mandated 408 meetings.

DETAILS IN UTRC MOMs

Whether names of prisons whose cases are reviewed are mentioned in the UTRC MOMs?

| | |
|------------|-----|
| East | Yes |
| North East | Yes |
| Central | Yes |
| West | Yes |
| South East | Yes |

Whether MoMs mention number of cases shortlisted by the DLSA?

| | |
|------------|----|
| East | No |
| North East | No |
| Central | No |
| West | No |
| South East | No |

Whether MoMs mention number of cases reviewed by the UTRC?

| | |
|------------|-----|
| East | Yes |
| North East | Yes |
| Central | Yes |
| West | Yes |
| South East | Yes |

Whether MoMs mention number of cases recommended by the UTRC?

| | |
|------------|-----|
| East | Yes |
| North East | Yes |
| Central | Yes |
| West | Yes |
| South East | Yes |

UTRC'S ROLE VIS-À-VIS HIGH POWERED COMMITTEES

Whether the UTRCs made any recommendation towards the process of release of prisoners such as identification of eligible prisoners, bail applications, etc.

| | |
|------------|-----|
| East | Yes |
| North East | Yes |
| Central | Yes |
| West | Yes |
| South East | Yes |

Whether the UTRCs followed up on health of prisoners?

| | |
|------------|-----|
| East | No |
| North East | Yes |
| Central | No |
| West | No |
| South East | No |

Whether the UTRCs followed up on the precautionary measures in prisons?

| | |
|------------|-----|
| East | Yes |
| North East | Yes |
| Central | Yes |
| West | Yes |
| South East | Yes |

Whether the UTRCs made any recommendations for safe transit of released prisoners?

| | |
|------------|----|
| East | No |
| North East | No |
| Central | No |
| West | No |
| South East | No |

REVIEW OF CASES AS PER NALSA SOP CATEGORIES

Whether all 14 mandated categories of cases as per the NALSA SOP were considered by UTRC?

| | |
|------------|--------------------------------|
| East | NALSA SOP not discussed at all |
| North East | NALSA SOP not discussed at all |
| Central | Yes |
| West | No |
| South East | NALSA SOP not discussed at all |

What were the categories of cases reviewed by UTRC where all 14 categories as mentioned in the NALSA were not considered?

| | |
|------|--|
| West | Undertrial prisoners who have completed more than 1/4 th of the maximum sentence. |
|------|--|

GOOD PRACTICES

- Case wise follow up of recommendations made in previous meetings done in all the districts.

CONCERNS

- Out of 5 districts, three did not consider any of the cases falling under the categories mentioned in the NALSA SOP

CHANDIGARH

INFORMATION RECEIVED

| Districts from which UTRC Minutes of Meetings (MOMs) were received | Number of Minutes Received |
|--|----------------------------|
| 1. Chandigarh | 14 |
| Total UTRC Minutes of Meetings Received | 14 |

MODE OF MEETINGS

What was the mode of conduction of the meeting?

Chandigarh Not mentioned

COMPOSITION OF UTRCs

Whether all mandated members were present in the meetings?

Chandigarh Yes

Members Absent in UTRC Meetings

All members present in both the districts.

Additional Members Present in UTRC Meetings

No additional member present in any of the meetings.

FORMATION AND MEETINGS

Whether UTRCs exist in all districts?

No, UTRCs were formed only in 2 out of 24 districts as per the information received

Status of Weekly Meeting Mandate

A total of 25 meetings were held in the State against mandated 24 meetings.

DETAILS IN UTRC MOMs

Whether names of prisons whose cases are reviewed are mentioned in the UTRC MOMs?

Chandigarh Yes

Whether MoMs mention number of cases shortlisted by the DLSA?

Chandigarh No

Whether MoMs mention number of cases reviewed by the UTRC?

Chandigarh Yes

Whether MoMs mention number of cases recommended by the UTRC?

Chandigarh Yes

UTRC'S ROLE VIS-À-VIS HIGH POWERED COMMITTEES

Whether the UTRCs made any recommendation towards the process of release of prisoners such as identification of eligible prisoners, bail applications, etc.

| | |
|------------|-----|
| Chandigarh | Yes |
|------------|-----|

Whether the UTRCs followed up on health of prisoners?

| | |
|------------|----|
| Chandigarh | No |
|------------|----|

Whether the UTRCs followed up on the precautionary measures in prisons?

| | |
|------------|-----|
| Chandigarh | Yes |
|------------|-----|

Whether the UTRCs made any recommendations for safe transit of released prisoners?

| | |
|------------|----|
| Chandigarh | No |
|------------|----|

REVIEW OF CASES AS PER NALSA SOP CATEGORIES

Whether all 14 mandated categories of cases as per the NALSA SOP were considered by UTRC?

| | |
|------------|--------------------------------|
| Chandigarh | NALSA SOP not mentioned at all |
|------------|--------------------------------|

What were the categories of cases reviewed by UTRC where all 14 categories as mentioned in the NALSA were not considered?

| | |
|------------|--------------------------------|
| Chandigarh | NALSA SOP not mentioned at all |
|------------|--------------------------------|

GOOD PRACTICES

- Chandigarh submitted an action taken report to the HPC. However the report was not included in the minutes received.

CONCERNS

- Chandigarh UTRC did not consider any of the categories of cases given in the NALSA's SOP.

CHRI PROGRAMMES

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

1. Access to Justice (ATJ) *

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

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

2. Access to Information

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

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

3. International Advocacy and Programming

Through its flagship Report, *Easier Said Than Done*, CHRI monitors the compliance of Commonwealth member states with human rights obligations. It advocates around human rights challenges and strategically engages with regional and international bodies including the UNHRC, Commonwealth Secretariat, Commonwealth Ministerial Action Group and the African Commission for Human and People's Rights. Ongoing strategic initiatives include advocating for SDG 16 goals, SDG 8.7 (see below), monitoring and holding the Commonwealth members to account and the Universal Periodic Review. We advocate and mobilise for the protection of human rights defenders and civil society spaces.

4. SDG 8.7: Contemporary Forms of Slavery

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



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