

Annual Report 2022-2023

Commonwealth Human Rights Initiative (CHRI), India



CHRI

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

About CHRI (India)

CHRI is as an independent, non-profit, non-partisan organisation registered under the *Societies Registration Act, 1860* working in India since 1993. CHRI advocates for rule-based, transparent, inclusive and accountable governance systems and processes for ensuring the promotion and protection of fundamental rights guaranteed by the Constitution.

CHRI's specialisation in the areas of Access to Justice (ATJ) and Access to Information (ATI) are widely known. The ATJ programme has focused on Police and Prison Reforms (including legal aid) to reduce arbitrariness and ensure transparency, while holding duty bearers to account. CHRI looks at policy interventions, including legal remedies, building civil society coalitions and engaging with stakeholders. The ATI programme advocates for the effective implementation of the RTI Act to make government, particularly the police and prisons processes more accountable. It builds capacity of stakeholders, raises awareness, supports and monitors implementation of the RTI Act and defends it from roll back.

CHRI has special consultative status with the UN Economic and Social Council and is accredited to the Commonwealth Secretariat. It is recognised for its expertise by governments, oversight bodies and civil society.

CHRI seeks to promote adherence to the Universal Declaration of Human Rights, the Commonwealth Harare Principles and other internationally recognised human rights instruments, as well as domestic instruments supporting human rights.

Executive Committee: Wajahat Habibullah, Chairperson. Members: B. K. Chandrashekar, Kishore Bhargava, Maja Daruwala, Nitin Desai, Ashok K. Ganju, Kamal Kumar, Poonam Muttreja and A P Shah. Venkatesh Nayak, Director.

COMMONWEALTH HUMAN RIGHTS INITIATIVE, INDIA
ANNUAL REPORT
1 APRIL 2022 – 31 MARCH 2023

This is a report of activities of Commonwealth Human Rights Initiative (CHRI) registered as a Society in India since 1993. CHRI has developed a specialisation on Access to Justice (Police and Prison Reforms) and Access to Information. It works towards the realisation of the fundamental right to access information and access to justice for all, through evidence-based research, developing resources for public education and training, engaging with state institutions, civil society and oversight bodies.

A report of the main activities undertaken during this period is as below.

I. PROGRAMME ACTIVITIES

ACCESS TO JUSTICE - POLICE REFORMS PROGRAMME

Police Reforms Programme

A. Research and evidence-base on police accountability and reform-related issues

1. Advocacy around compliance with arrest procedures in India

A key focus of the police reforms programme has been on reviewing protocols and Standard Operating Procedures (SOPs) around arrests across states. Criminal law amendments in 2010 brought in additional procedural safeguards on arrest, which specify conditions that have to be met for arrests to be justified and requires police officers to maintain a written record of the reasons for arrests, where applicable. In a landmark judgment in 2014, the Supreme Court directed states to develop a checklist for recording reasons for arrests, to facilitate compliance with the amended legal provisions. The programme has collated copies of checklists for recording reasons of arrests from 14 states through Right to Information applications. The programme has supported another CSO to further carry out a review of police websites to assess the level of arrestee information made available publicly. The programme was able to present key findings from its research at a virtual workshop organised by the Indian Police Foundation on 30 July 2022. More than 120 participants including several senior IPS officers attended the workshop. Following the workshop, CHRI developed a short brief on measures state police

chiefs can take to minimise unnecessary arrests. These have been included in a common letter IPF sent to all state police chiefs.

2. Documentation of Reported Deaths in Police Custody – Collaboration with the Jindal Global Law School

The programme is partnering with the Criminal Justice Clinic – A Legal Aid Initiative at the Jindal Global Law School, to develop and maintain a database on reported deaths in police custody in India. The main aim is to highlight patterns in terms of profile of victims, geographical spread, gaps in procedural safeguards, custody conditions and implementation of accountability provisions, and (in) adequacy of state response. From 1 October 2022 to 31 March 2023, the two institutions entered into a partnership agreement to pilot the project. During this period, up to 10 students from the Jindal Law School were taken on as long term interns to work on the project. The students were responsible for documenting reported cases of deaths in police custody based on daily scan of media sources (online and offline) as well as search of the NHRC complaints portal that includes records of complaints related to police custody violence from across the country. The documentation is being done on an offline tracker that is reviewed regularly by the project leads.

3. Reports on Police Complaints Authorities in India

Building on its previous monitoring of the Police Complaints Authorities in India, the programme is preparing a national report to review PCA's functioning and challenges. The report is based on information secured through the Right to Information Act as well as annual reports made available by the PCAs. For the functional state PCAs, the report will evaluate the volume and types of complaints received, inquiries held, action recommended and status of government response to the action recommended by PCAs. For the states that have made legal or policy provisions for PCAs, but are yet to make appointments, the report will assess their composition, functions and powers against the standard laid down by the Supreme Court.

Additionally, the team is also developing a paper that will summarise public interest litigation around Police Complaints Authorities in India. A string of public interest litigation has emerged at the High Court level across states where lawyers and activists have filed petitions seeking compliance with the Supreme Court's directive in the constitution and functioning of PCAs in their respective states. The background paper will summarise key details of such cases. The paper is intended to serve as a useful guidance for legal

professionals and activists in states that are yet to form PCAs in pursuing strategic litigation for enforcing an important accountability measure. It can further be useful for informing policy discussions on the barriers and challenges in constituting and supporting PCAs across states. The paper will be made available on CHRI website and circulated widely to civil society, government, police and the media.

The research on PCAs is being supported by the Jatashankar T. Pathak Charitable Trust (JTPCT), as part of the collaboration between the Trust's Chhelbhai Dave Police Reforms Project and the Commonwealth Human Rights Initiative (CHRI)."

B. External collaborations and partnerships

India Justice Report: The programme continues to contribute to the India Justice Report. During the reporting period, the team was involved in the writing of the chapter on police capacity in India as part of the third edition of IJR.

C. City Core Group - Mumbai

1. CCG Review Meetings

During the reporting period, the CCG held two planning and review meetings among its network – on 26 September 2022 and on 17 November 2022. The September meeting, which was convened after confirmation of continued support to CCG from the Jatashankar T. Pathak Charitable Trust (JTPCT), sought to reconvene the members, take stock of their current projects/areas of focus, and discuss ideas for building on CCG's work in the future. 22 network members attended the meeting and shared updates on their work, the cases/complaints they were handling and their community outreach work. Ideas for future work were discussed. It was agreed that the network can be further strengthened through regular capacity building sessions on the law, improved documentation processes and templates, increased community awareness sessions and sustained advocacy with the concerned government departments on issues related to gender based violence. The November meeting focused on some of the work CCG members carried out as part of National Legal Services Authority (NALSA)'s legal awareness campaign (see below for details) as well as the issue of developing formats to enable the network better document the cases it intervenes in. It was agreed that the documentation would serve as a useful document to showcase the impact of the CCG group and help in its further expansion.

2. Legal awareness programs

CCG members continue to conduct community awareness programs and campaigns. Examples include:

- Contribution to NALSA's pan India legal awareness campaign from 31 October to 14 November, 2022:
 - 31 October 2022 - Some of the CCG partners attended the planning meeting, which was chaired by the Principal Judge of Sessions Court and Chairman of DLSA, Mumbai City Mr. Subramaniam and Mr. Anant Deshmukh, DLSA Secretary, Mumbai City.
 - 1 November 2022 - Joining Dots with DLSA and Labour Commission Office organised a session on various schemes for the unorganised sector and how to avail them. Jt. Commissioner Smt. Shirin Lokhande and her team conducted this session.
 - 5 November 2022 - Session on Victim Compensation Scheme in collaboration with DLSA and Mumbai police for police officers and NGOs Volunteers at the Police Club in Mumbai. Deputy Commissioner of Police, Mr. Balsing Rajput, Sr. PI for CAW, Smt Joshi and Shri Anant Deshmukh, DLSA Secretary -City addressed the gathering.
 - 8 November 2022 - Mega Legal Camp at the Shreemati Nathibai Damodar Thackersey Women's University (SNDT) Campus in Churchgate, which had stalls setup by various Government Stakeholders and NGO networks to interact with the beneficiaries.
 - 10 November 2022 - Session on FIR, Cyber Crime and Crimes against police was held at the Anjuman Islam College of Law. DCP Balsing Rajput, Adv. Shashikant Choudhury, Inspector Sameer Londhe of CyberCrime, Officer Mathias of Security Branch and Mr. Anant Deshmukh, DLSA Secretary addressed the Law and Management Students and representatives of NGOs.

- Workshops on Policing and Citizen's Rights

CHRI continues to be invited to resource / hold sessions on policing and citizen's rights at various forums in Mumbai. Few examples include:

- 17 October 2022: Session with the students of Young Women's Christian Association (YWCA) Study Centre, Andheri. Around 50 female students from 8th, 9th and 10th standards attended this session.
- 19 November 2022: Session with the PRAJA Fellows, selected to assist Members of Legislative Assembly on various civil issues.
- 13 December 2022: Interactive session with students, parents, teachers, social workers of YWCA in Andheri.

3. Engagement with the District Legal Services Authority, Mumbai City

In recognition of CCG's work and reach within the community, CHRI's Mumbai Lead, Mr. Dolphy D'Souza was appointed as the Committee Member of the District Legal Services Authority, Mumbai City, on 29 April 2022. This is an honorary position for a period of three years. The CCG network has consistently engaged with the DLSA, Mumbai City, on various outreach programs. On 30 November 2022, 18 CCG members held an interactive meeting with Shri Anil Subramaniam, Principal Judge and DLSA Chairperson along with and Shri Anant Deshmukh, Mumbai City Judge and DLSA Member Secretary. Shri Subramaniam emphasised the need for spreading awareness on accessing legal rights and various schemes, and urged the network to get involved with the ongoing programmes of NALSA and work towards setting up Legal Aid Clinics.

4. Acknowledgement of CCG's work

- ✓ Mr. Dolphy Dsouza was appointed as member of the District Legal Services Authority, Mumbai City on 29 April 2022
- ✓ A short documentary film on domestic violence titled, Vakil Babu that is being shown on Amazon mini TV gives credit to the City Core Group and its members. CCG members helped Civic Studios team with research on this subject.

INTRODUCTION

CHRI's work on prison reforms has evolved over the last two decades from monitoring prison conditions to exploring ways to strengthen the implementation of legal remedies intended to prevent unnecessary detention in prisons. Preventing unnecessary detention also serves to reduce overcrowding, which is the primary reason for appalling conditions inside prisons. In the last decade the proportion of undertrial prisoners has consistently increased, as has the period of detention, meaning that more people are remaining imprisoned for longer, pending completion of their trial. Another area of focus that the programme has developed over time is on securing the rights of vulnerable prisoners including women, transgenders, foreign nationals, asylum seekers and refugees.

During this reporting period, one witnessed the gradual opening up of prisons to civil society representatives, after remaining closed to outside intervention for nearly two years because of the COVID-19 pandemic. Interactions with prisoners revealed the enormous impact of the pandemic on prisoners, with their trials further delayed, and prison amenities deteriorating. The mayhem that lasted nearly two years, led to rampant violation of human rights of persons during their arrest as well as in detention. To address this, CHRI advocated with various stakeholders to take steps to address these emergent issues.

MAIN ACTIVITIES

CHRI engages with a range of mandate-holders of the criminal justice system to better fulfil their respective mandate in relation to prisoners and push for better coordination. It seeks to strengthen prison oversight mechanisms, improve prison conditions, reduce use of pre-trial detention, ensure effective access to legal aid for prisoners, and secure the rights of vulnerable prisoners including women, transgenders, and foreign nationals. During the year 2022-23, it took up the following activities:

I. Strengthening prison oversight and improving prison conditions

During this period, CHRI continued to engage with state prison departments, state legal services authorities and human rights commissions to ensure regular monitoring of prisons and to improve prison conditions.

- i. **Haryana:** CHRI was commissioned by the Haryana State Legal Services Authority (HALSA) to conduct an in-depth study on prison conditions in all 19 prisons in the State. This was in compliance with a Supreme Court order. Subsequent to the publication of the study, Inside Haryana Prisons in 2019, CHRI had created a working group comprising representatives of the Haryana Prison Department and HALSA to prepare an Action Plan for implementation of the recommendations in the report. The working group met several times and an Action Plan was finalised and circulated with the prison department and the secretaries of the district legal services authorities for their inputs. However, due to the onset of the pandemic, a meeting to discuss the action plan could not be organised. By 2022, there was a change of guard both at HALSA and the Haryana Prison Department. During the reporting period, CHRI initiated conversations on the action plan, and subsequently HALSA has sought updates on the implementation of the action plan. CHRI will now be preparing an audit report to assess the changes that have taken place once all the responses are received.
- ii. **Punjab:** CHRI was commissioned by the Punjab Legal Services Authority (PULSA) to conduct an in-depth study on prison conditions in all 24 prisons in the State. This too was in compliance with a Supreme Court directive. However, the finalisation of the report was delayed due to the pandemic, as it involved in-depth chapter-wise review by PULSA. On 16th March 2022, PULSA and CHRI organised a one day virtual validation workshop with the Punjab Prison Department to discuss the findings of the 'Inside Punjab Prisons' report. Superintendents of all prisons and secretaries of all district legal services authorities attended the workshop. Validating the findings of the report, prison officials highlighted the continued prevalence of issues like prison overcrowding, old prison infrastructure, staff vacancy, dearth of medical staff, lack of proper medical infrastructure inside jails, non-existence of the board of visitors and budgetary issues hampering proper functioning of jails. Subsequently, the report was launched at the '**Northern Regional Conference on Enhancing Access to Justice**' on 21st January 2023 in Varanasi, Uttar Pradesh. The event was organised by NALSA, the nodal authority for legal aid services in India. The report was launched by Justice Sanjay Kishan Kaul, Judge, Supreme Court of India and Executive Chairperson, NALSA along with Justice Sanjiv Khanna, Judge, Supreme Court of India. Justice Rajesh Bindal, Chief

Justice, Allahabad High Court, Justice Pritinker Diwaker, Judge Allahabad High Court and Executive Chairperson UP State Legal Services Authority and Justice Manoj Misra, Judge Allahabad High Court were also present at the occasion. Dignitaries from the legal services institutions of the northern states of Punjab, Haryana, Chandigarh, Rajasthan, Himachal Pradesh, Madhya Pradesh, Chhattisgarh, Bihar, Uttarakhand, Uttar Pradesh, Jammu & Kashmir were also present to grace the occasion. A working group to prepare the action plan for the report has now been constituted comprising two representatives each from the prison department, PULSA and CHRI. The first action plan committee meeting will be held in April 2023.

- iii. **Karnataka:** CHRI was commissioned by the Karnataka Legal Services Authority (KSLSA) to conduct an in depth study on prison conditions in all 51 prisons in the State. This too was in compliance with a Supreme Court directive. However, the finalisation of the report was delayed due to the pandemic, and the DG Prisons Karnataka made a request to conduct zonal meetings to document the current status of prison conditions reported in the study. Subsequently, eight zonal meetings were conducted by KSLSA and CHRI with all the officers in-charge of the prisons and a series of meetings were held with the Directorate in March and early April, 2022. The report, 'Inside Karnataka Prisons' was then finalised and launched by Justice U U Lalit, former Judge Supreme Court of India and the then Executive Chairman, NALSA, on 14 April 2022 at the Silver jubilee celebrations of the Karnataka SLA at Bangalore, Karnataka.

Advocacy through the Prisons Committee of the Karnataka High Court: A Prisons Committee has been set up by the Karnataka High Court to monitor the implementation of the directions of the Supreme Court issued in the writ petition 406/2013 (Re-inhuman Conditions in 1382 Prisons). Since one of the directions related to the conduct of the prisons study, the Prison Committee has been monitoring the progress of the study, final submission and now the implementation of its recommendations. Representatives of the Prison Reforms Programme were invited to attend the two Committee meetings and their advocacy efforts have led to the following:

- The Committee directed the Prison Department to nominate two prison officers to coordinate with the CHRI team to develop an action plan with short-term and long-term deliverables to ensure the implementation of the recommendations made in the study. As a result, the Prison Department has nominated two DIG rank officers. Currently, the

representatives of SLSA, the Prison Department and CHRI are in the process of finalising the action plan to assist the Department in implementing the recommendations of the report across prisons in Karnataka. Two meetings were held in the reporting period (21 January 2023, 06 February 2023), with more to follow in the coming months.

- The Committee directed the Prison Department to conduct a 3-day training programme of prison officers to discuss the findings of the study in detail, for better implementation of the report recommendations with the aim to bring about ground-level changes. The dates are to be decided by the SLSA with the State Judicial Academy and the Prison Department.

Pursuant to the meeting of the Director with the Member Secretary of Karnataka SLSA in January 2023, CHRI is in the process of finalising a Memorandum of Understanding (MoU) with the SLSA to continue the ongoing work in the state.

- iv. **Odisha:** CHRI continued its association with the Odisha Prison Department after its detailed submission to the Hon'ble High Court of Orissa in October 2021 in the matter *Krushna Prasad Sahoo vs State of Orissa and others*, W.P.(C) No.6610 of 2006, in which CHRI is the intervenor. In April 2022, CHRI received a request from the Odisha Prison Department to organise a virtual training/orientation programme for Non Official Visitors (NOVs) appointed for 78 prisons in Odisha. The workshop was organised on 6th May, 2022 for about 385 appointed NOVs. One form each for NOVs and Prison Officers was shared in advance to better understand their challenges and training needs which was analysed and the training was planned accordingly. The training included - Understanding the step by step method of conducting an effective visit and ensuring improvement; Understanding their duties and powers and Formulation of Inspection Strategy; Focus on Vulnerable Groups and Identification of Issues; Formulation of Reporting Strategy and Pursuing Implementation of Recommendations. The participants were also made aware about the number of visits, their role and duties as mandated under the Odisha Prison Rules. During the training the DG Prisons encouraged NOVs to conduct surprise prison visits. CHRI received very good feedback from the NOVs and the Prison Department on the training conducted.
- v. **National Human Rights Commission:** CHRI continued its advocacy with the National Human Rights Commission, New Delhi to strengthen its role in monitoring the functioning of the Board of Visitors. CHRI also pursued the conversation on

framing of guidelines for search, guidelines for transgender prisoners, and for strengthening documentation practices of special rapporteurs appointed to monitor prisons. On 10th March, 2023, NHRC organised a Meeting of the Core Group on Criminal Justice Reforms in which CHRI was invited. During this half-day meeting, CHRI's Programme Head made a presentation to the Core Group on 'Strengthening the Prison Oversight Mechanism'.

II. Strengthening pre-trial safeguards

During this period, CHRI continued to engage with the Under Trial Review Committees (UTRCs), which are a district level body, mandated to periodically review cases of under trial prisoners.

- i. **Study on Functioning of Undertrial Review Committees: From April to June 2020**: CHRI disseminated its second watch report on the functioning of UTRCs across all State Legal Services Authorities (SLSAs) in the country. This report documents the gaps, challenges and good practices, across the 284 districts in 18 States and Union Territories. The report assesses the compliance of UTRCs with their mandate as well as their role in implementing the directions of the High Powered Committees constituted by the Supreme Court in 2020, in the respective States. The report also highlights certain good practices such as prison visits by UTRC members, emphasis on the implementation of Arnesh Kumar case guidelines, filing of appeal in cases of bail rejection, guidelines on appropriate treatment of children in prisons during the pandemic etc.
- ii. **'Guilty Till Proven Innocent - Safeguarding the Rights of Pre- Trial Detainees across the Commonwealth'**: CHRI's Report "Guilty Till Proven Innocent? Safeguarding the Rights of Pre-Trial Detainees Across the Commonwealth", was launched at the Commonwealth People's Forum as part of the 26th Commonwealth Heads of Government Meeting (CHOGM) in Kigali, Rwanda on 21st June 2022. Through biennial reports to CHOGM, CHRI continually draws attention to human rights progress and setbacks in the Commonwealth.

The report points to the ills of prolonged pre-trial detention and presents an analysis of statistical data on imprisonment trends as well as the legal frameworks of the 54 Commonwealth countries. It documents important international legal frameworks and reports published by organisations across the Commonwealth that highlight the causes and consequences of the use, and overuse, of pre-trial

detention. The report provides a comparative analysis of key pre-trial procedures that can effectively safeguard the rights of thousands of individuals who come into contact with the criminal justice system every year. It provides insights into the policy and legal frameworks, and highlights gaps that have led to the overuse of pretrial detention and its impacts on individuals. Through this report, CHRI calls upon Commonwealth Members and the international community to put in place strong legal provisions and implement them effectively to reduce the problem of pre-trial detention and consider the use of alternative non-custodial measures.

- iii. **West Bengal Consultation on strengthening the functioning of Undertrial Review Committees (UTRCs):** CHRI collaborated with the West Bengal State Legal Services Authority (WBSLSA) on a Consultation on Strengthening Access to Legal Services for Prisoners held on 10th April, 2022. The Member Secretary of NALSA was the chief guest. The key participants included the secretaries of all the District Legal Services Authorities (DLSAs) as well as the empaneled lawyers associated with each of the DLSAs. CHRI representatives addressed the participants on understanding challenges in the functioning of UTRCs, the NALSA's Standard Operating Procedure on the functioning of UTRCs, 2018 and strengthening the documentation, reporting and monitoring processes.
- iv. **Submission of the Final Report on the Zonal Consultations on the Functioning of Under Trial Review Committees in Madhya Pradesh:** CHRI conducted six consultations - one state-level and five zonal - on the functioning of the Undertrial Review Committees (UTRCs) in the state of Madhya Pradesh from May 2021 to February 2022. The consultations were co-organised with the Madhya Pradesh State Legal Services Authority (MPSLSA). In June 2022, CHRI submitted a comprehensive report to the MPSLSA on the theme-wise issues identified during its interaction with DLSA Secretaries and Prison Officers. The report outlined possible solutions and requested the MPSLSA to undertake necessary action.
- v. **Contribution to NALSA's Campaign 'Release_UTRC@75':** CHRI advocated with NALSA on the importance of the functioning of Under Trial Review Committees in regularly monitoring the status of detention of prisoners and applying correctives as required under the law. As a result, to commemorate the completion of 75 years of independence, NALSA launched a nation-wide campaign 'Release_UTRC@75' to identify undertrial prisoners eligible for release by the district-level Under Trial Review Committee in July 2022.

Impact: CHRI was instrumental in the conceptualisation, implementation and reporting of this campaign. CHRI not only succeeded in its advocacy with NALSA for the conduct of the campaign, but also contributed to the campaign outline and was also involved in conducting the nation-wide orientation of all SLSAs, DLSAs, Panel Lawyers, Paralegals for the implementation of this campaign, and subsequently in preparation of the Report. The recording of the Orientation Session with CHRI representatives addressing legal aid functionaries in the country is available on [NALSA's YouTube](#) channel. CHRI also shared its analytical tool 'EPIC: Evaluation of Prisoner Cases and Information' with all the DLSAs, which was used in preparing the lists of prisoners by all DLSAs and prisons across the country.

As a result of the campaign, 24,789 prisoners were released [which later increased to 34000+ prisoners in subsequent reporting by NALSA]. The overall prison population and proportion of undertrial population decreased by 4.47% and 5.8%, respectively. The prison occupancy in the country came down from 130% to 124.3%. A copy of the NALSA report can be downloaded [from the NALSA website](#).

- vi. **Course Guide on Role of Magistrates at First Production:** CHRI wrote a letter to the West Bengal Judicial Academy regarding a proposal to include the topic on 'Role of Judicial Magistrates at First Production of Arrested Persons' in the induction course as well as refresher courses. CHRI also shared a Course Guide with details about the proposed course, course schedule, important resources including case laws, reports and reference material.
- vii. **Department of Justice's (DoJ) National Webinar:** In order to improve legal awareness of field level functionaries of their DISHA initiative, DoJ has initiated a webinar series on national level socio-legal issues. The fourteenth webinar in the series was on 'Rights of Under Trial Prisoners in India' which was held on 30 January 2023. The head of Prison Reforms Programme was invited to be one of the guest speakers. The webinar was attended by Para Legal Volunteers (PLVs) and Village Level Entrepreneurs (VLEs) associated with the Tele-Law Programme throughout the country. Additionally, grassroots functionaries of the various ongoing community empowerment initiatives/ programmes/schemes of other Department/Ministries collaborating with DoJ in this initiative also attended. As requested by the DoJ during the discussion, CHRI shared its analytical tool 'EPIC: Evaluation of Prisoner Cases and Information' after the webinar.

III. Ensuring access to legal aid for persons in custody

i. Strengthening the functioning of the Prison Legal Aid Clinics:

- CHRI advocated with NALSA on the need to revise the existing procedures for functioning of the prison legal aid clinics. Subsequently, it assisted NALSA in drafting a Standard Operating Procedure (SOP) on Access to Legal Services to Prisoners and Functioning of the Prison Legal Aid Clinics in April 2022. After finalisation, the SOP was circulated to all SLSAs in August 2022.
- CHRI organised a three-day training on the Role of Jail Visiting Lawyers and Para-Legal Volunteers vis-a-vis Persons in custody, in collaboration with the Madhya Pradesh State Legal Services Authority in April 2022. Subsequently, CHRI prepared and submitted a comprehensive report suggesting recommendations to improve and strengthen the existing frameworks for ensuring legal aid for persons in custody.
- CHRI organised a three day training on the Role of Jail Visiting Lawyers and Para-Legal Volunteers vis-a-vis Persons in custody was conducted in collaboration with the Karnataka State Legal Services Authority in the month of July 2022. A detailed report suggesting recommendations which may be adopted to improve and strengthen the existing frameworks of ensuring legal aid for persons in custody was submitted to the SLA.
- CHRI and Karnataka State Legal Services Authority (KSLSA) co-organised a one-day virtual consultation with all the DLSA Secretaries on 16 December, 2022 to discuss the findings in relation to provision of legal aid for prisoners in CHRI's Inside Karnataka Prisons report. In the inaugural session, Hon'ble Justice B. Veerappa, the Executive Chairperson of the SLA, praised CHRI's efforts in completing the study and expressed willingness to address the issues highlighted in the report. Mr. Jaishankar, SLA Member Secretary and other officers of the SLA were present throughout the day. They were open to CHRI's recommendations. The findings of the study in regard to legal aid services were discussed in detail and the SLA agreed to work towards strengthening the functioning of Prison Legal Aid Clinics in the

state and coordination with High Court Legal Services Committees and Supreme Court Legal Services Committee.

- CHRI collaborated with the West Bengal State Legal Services Authority (WBSLSA) on a Consultation on Strengthening Access to Legal Services for Prisoners held on 10th April, 2022. The Member Secretary of NALSA was the chief guest. The key participants included the secretaries of all the DLSAs as well as the empaneled lawyers associated with each of the DLSAs. CHRI representatives addressed the participants on strengthening access to legal aid; improving monitoring and reporting processes; highlighted the issue of Rohingyas in detention in West Bengal and briefed the participants on their role in strengthening access to legal aid.
- CHRI conducted a training of Para-Legal Volunteers and Legal Aid Lawyers at Tamluk, Purba Medinipur on 5th July 2022.

- ii. **Special legal assistance in prisons and child care institutions:** CHRI advocated with NALSA for conducting a campaign to provide legal assistance and advice to all persons detained in prison and children in child care institutions. It aided in conceptualising and preparing campaign documents for NALSA's 'Haq Humara Bhi to Hai@75: A Campaign for Providing Basic Legal Assistance to Persons confined in Prisons and Child Care Institutions to commemorate the 75th Year of Independence', which ran from 31st October - 13th November 2022.

During this period, 5472 prison visits were conducted by the district teams formed by every DLSA and more than 4.2 lakhs prisoners were interacted with. As one of the activities involved providing each prisoner with a 'basic information card' outlining the details and status of their cases, a total of 4 lakh case information cards were distributed. Further, more than 89,000 grievances were received from prisoners throughout the country.

- iii. **NALSA's Manual for District Legal Services Authorities:** The Manual for District Legal Services Authorities (DLSA) aims to provide guidance to the District Legal Services Authorities on the day-to-day work and activities of DLSA, and related processes to ensure their smooth and efficient functioning. Representatives of the Prison Reforms Programme assisted NALSA in developing the manual during this period.

iv. Assessing documentation and reporting by legal services institutions:

- CHRI undertook analysis of the compliance of the adoption of the Handbook of Formats released by NALSA in June 2020. A letter was sent to all SLSAs requesting information on adoption of NALSA's 'Handbook of Formats: Ensuring Effective Legal Services' in their state. A rapid assessment of the responses was compiled and shared with the Member Secretary, NALSA ahead of the Annual Meet to discuss the same.
- CHRI conducted a series of trainings on quality of legal services with the State Legal Services Authorities of Chandigarh on 20 September, Arunachal Pradesh on 17 September and Andhra Pradesh on 28 September, 2022.

v. Capacity building of Legal Aid Defence Counsels:

- CHRI conducted an Orientation and Capacity Building Programme for the Assistant Legal Aid Defence Counsels in line with the Training Module - II of NALSA in collaboration with the West Bengal State Legal Services Authority on 24th-25th January 2023. CHRI addressed the topics of legal assistance at the stage of arrest and remand, and the do's and don'ts when interviewing the UT/convict during prison visits.

vi. Consultation on Strengthening Access to Legal Services for prisoners: A half-day consultation was co-organised by West Bengal State Legal Services, NALSA and CHRI, at Kolkata, on 10 April 2022.

vii. Training & Capacity Building:

- **Assam SLSA:** Three zonal trainings were held with the Assam State Legal Services Authority on 15th, 16th and 17th September 2022.
- **Meghalaya SLSA:** A webinar on Access to Justice to Persons in Custody was held on 15th November 2022.
- **J&K SLSA and Assam SLSA** - Received requests to share resources on working of the Under Trial Review Committees in order to effectively undertake activities under the NALSA's Release_UTRC@75 campaign.

IV. Securing rights of vulnerable groups of prisoners

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- i. **Short Report on Menstrual Hygiene Management in India's Women Prisons:** The study was initiated in collaboration with Boondh. Letters were sent to all the women prisons across the country to seek information regarding the menstrual hygiene management in their prisons. Responses were received from 11 prisons of seven states and the data was analysed. The report was finalised in November 2022.
- ii. **Dasra Grant Activities:** CHRI received a grant under 'D4GX 2022 India Empowerment Challenge from Dasra in December, 2022. Under this data innovation project CHRI is undertaking as a pilot in Alipore Women's Correctional Home, Kolkata and the women's enclosure of the Dum Dum Central Correctional Home that ensures better and sustainable menstrual hygiene management based on actual needs of women prisoners.

Initially CHRI focused on building relationships in regards to MHM with West Bengal Prison Department, BPRD, NCW, etc by arranging meetings with them. These meetings were conducted to understand steps that can be taken up by coordinating with them to raise awareness on the issue and even explore the issue further in prisons across the country.

After the prison visits to Alipore Women's Correctional Home and Women Enclosure of Dum Dum Central Correctional Home, CHRI submitted the preliminary recommendations note to West Bengal Correctional Services which required urgent assistance.

CHRI also engaged with MHM organisations and other civil society groups based out of Kolkata to seek support in creating awareness on MHM in prisons and to collaborate to provide some basic items like dustbins, water tanks, etc to improve WASH standards inside prisons in West Bengal.

iii. **Refugees and asylum seekers:**

- Continuous identification and follow-up of those in detention were done, to ensure support. For this, help was sought from the prison authorities, and the State and District Legal Services Authorities to verify the details and updates of the cases.
- CHRI's consistent engagement with the West Bengal State Human Rights Commission (WBSHRC) resulted in their drafting of a detailed recommendation

to the government. The recommendation, currently under consideration by the government, calls attention to the need for international principles to be reflected in policy guidelines to address the ambiguity surrounding the legal status of refugees in India and the remedies available to them. The recommendation included attachments of reports obtained from the Directorate of Child Rights and Trafficking, West Bengal, and from the Inspector General of Prisons, West Bengal. The reports included detailed lists of Rohingyas placed in Child Care Institutions across West Bengal and of Rohingyas placed in Dum Dum Central Correctional Home.

- Meetings and discussions were taken up jointly with UNHCR and with the Department of Child Rights and Trafficking, West Bengal to discuss reliefs such as restoration of minors to their families, and facilitating regular communications between children (confined in children's homes) and their parents (confined in prisons). Additionally, CHRI has had over 15 meetings with the superintendents of Correctional Homes, to seek facilitation of regular visitation and telephonic conversation between parents and children.
- A legal aid camp was jointly organised by CHRI, the Manipur State Legal Services Authority and the Churachandpur District Legal Services Authority at the Churachandpur Detention Centre on 8th December 2022. During the camp, CHRI addressed the detainees from Myanmar, heard their concerns, took note of the reliefs sought, and put them forth before the legal services authorities for aid in resolution.
- CHRI visited the Goalpara district of Assam on 16th March 2023, to obtain details on the transfer of Rohingyas (including 41 men, 28 women, and 29 minors) from Silchar to the Matia detention centre in Goalpara. During the visit, CHRI conducted several advocacy meetings with the prison authorities, the child welfare committee, and the district legal services authority and obtained necessary details of the PoCs transferred for verification purposes and to identify the next steps and the required reliefs.
- CHRI organised a virtual training workshop on the 1st of April 2023 in collaboration with the Tripura State Legal Services Authority on responding to cases of Foreign National Prisoners in Custody – Child Care Institutions and Prisons, with key participation from each of the District Legal Services Authorities, the empanelled lawyers and paralegal volunteers.

V. Other Activities

- i. **Developing BPR&D Manuals:** CHRI was selected as one of the consultants by BPR&D to assist in preparing training manuals for prison personnel. After multiple drafts, manuals are being finalised for the following:
 - Specialised Course on Engaging with Vulnerable/Special Needs of Prisoners for Prison Officers: Asst. Jailor to Superintendent of Prisons (1 week course)
 - Specialised Course on Custody of Prisoners & Search Procedures for Prison Warders: Warder to Chief Head Warder (1 week course)
 - Specialised Course on Stakeholder Coordination Courses for Prison Officers: Asst. Jailor to Superintendent of Prisons, Police, Lawyers, DLSA, and NGOs (1 week course)
 - Vertical Interaction Course on Senior Officers: Principles of Prison Management Constitutional Court directions-An update for Dy. Superintendent Prisons to IG Prisons, Lawyers, DLSA, Judicial Officers, Police Officers and NGOs (1 week course)
- ii. **BPR&D's Committee on Developing Parameters for the Ranking of Prisons** – An online presentation was made by a CHRI representative who is also a member of the Committee to the BPR&D officials on 14 December 2022. The report was further revised in March 2023 based on the inputs received from BPR&D.
- iii. **10-Point Plan on Prison Reforms:** A detailed note describing the 10-point plan on prison reforms was prepared on the request of the Regional Institute of Correctional Administration (RICA), Kolkata and submitted in September 2022.
- iv. **Conference on Legal Aid in Criminal Defence:** CHRI representative was invited to participate at the Conference on Legal Aid in Criminal Defence, organised by Project 39A on 18th March 2023 (Saturday) at the NLU Delhi campus.
- v. On 28th July letters sent to all Hon'ble Chief Justices with a humble prayer for appropriate orders and/or directions to the Learned District Judges to periodically inspect prisons in their jurisdiction guided by the enclosed resources, a) Note on

monitoring of prisons by judicial officers; and b) prison inspection format for judicial officers.

vi. Jail Mails:

- Prison Reforms in Karnataka: Our Impact Story - February 2023- This Jail Mail shares a positive story of reform in prisons of Karnataka - an example of successful collaboration between the prison department, State Legal Services Authority and civil society to initiate sustainable reforms within prisons.
- Menstrual Hygiene Awareness Week - May 2023 - 28th May is celebrated as 'Menstrual Hygiene Day' every year worldwide to highlight the importance of good Menstrual Hygiene Management (MHM). 'Periods in Prisons' is an overlooked issue. In this Jail Mail, CHRI shared the findings of its short study on Menstrual Hygiene Management in India's Women Prisons and urge the State Prison Departments to formulate a policy to ensure minimum MHM standards in prisons to address the needs of women prisoners.
- Prisons And Parliament – Budget Session 2022 - May 2022 - This Jail Mail on Prisons and Parliament brings to you summaries of responses tabled in the Parliament, in the Budget Session 2022, on questions relating to prisons and prisoners. The Budget Session 2022 began on 31st January 2022 and concluded on 7th April 2022. The session was held in two parts with a recess in between from 12th February till 13th March. The Parliament sat for a total of 27 days.

vii. Assessments of Credit Course on 'Criminal Justice Institutions': 16-hour credit course was conducted for 60 students in collaboration with the National Law University, Odisha, from 15th to 24th February, 2023. Final assessment of the assignments by participants was done in April 2023.

viii. WGHR's Thematic Factsheet: Edited the thematic fact sheet on Police Reform, Legal Aid and Criminal Justice System in August-September 2022 As part of the UPR IV process, WGHR was following up the Joint Stakeholders' Report with one page Thematic Fact sheets for advocacy purposes with permanent representations of member States.

ix. **India Justice Report 2021:**

Senior colleagues of the Prison Reforms Programme continued to contribute to the Prisons and Legal aid essays of the third edition of the India Justice Report 2021.

Representative of the Programme was invited to be a Speaker for the IJR-The Elephant in the Room Podcast on '**Decongesting Prisons: COVID 19 and beyond**' along with Justice Madan B. Lokur. It was recorded on 12 August 2022.

Representative of the Programme was invited to be the Moderator and Speaker at the International Colloquium on Criminal Justice in Numbers on 27-28 August at Patiala. Sessions were on understanding the Prison Statistics India and **Prison Reforms: Using Data to Identify Key Issues & Solutions**.

Representative of the Programme was invited to speak at the sessions on prisons and legal aid at the IJR Karnataka Meeting – Justice Capacity in Karnataka held on 21 Jan 2023. It was attended by representatives of Karnataka SLSA and prison department along with other experts on the subjects.

x. **National Forum for Prison Reforms (NFPR)** – The first meeting of 2023 was held on 11th January. It was attended by all the core group members to chalk out the plan for the year 2023. The secretariat of the Forum is based at CHRI.

VI. **Capacity Building:**

i. **Trainings at Haryana Institute of Public Administration (HIPA)** – CHRI's representative was invited to take sessions on the following topics during the year at HIPA, Gurgaon:

- Human Rights Violations in Prisons-Way Foreword – i. Monitoring agencies ii. assistance to Jail Administration, as part of the three-day training on "Human Rights of Prisoners, Violations and Way Forward" held on 20 May 2022;
- Session on "Court Judgements related to Prison" as part of the Induction training programme for Dy. Superintendent/ Asst. Superintendents held on 03 March 2023;

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- Session on "Duties of Prison Personnel in respect to Human Rights: Custodial Torture/ Death; Deaths in Police Action/ Disappearances; and Issues relating to under-trial prisoners" as part of the one day training programme on Human Rights for the officers/officials of Department of Prison, Government of Haryana held on 8 February 2023;
 - Session on "Human Rights Violations in Prisons – Way Forward: Monitoring Agencies, Assistance to Jail Administration, Improving Prison Conditions, Sensitisation & training of prison officials" as part of the 3-day training programme on Human Rights for Prison Department from 15-17 March 2023.
- ii. **Technology in Prisons:** CHRI representative was invited to moderate a session on technology in prisons at Central Detective Training Institute (CDTI) Ghaziabad on 9th Feb 2023.
- iii. **Course on Human Rights and Prison Administration at NEPA from 19 to 23 July, 2022** – Letter sent from the Course Director to CHRI requesting to prepare a module, along with the topics and list of speakers, for the 5-day course on ‘Human Rights and Prison Administration’ to be held from 19th to 23rd July 2022. Assisted NEPA in developing the agenda for the 5-day training and CHRI representatives took sessions on two days.
- iv. **Virtual Panel Discussion on the theme Imprisoned Motherhood and Childhood in Indian Prisons:** CHRI representative was invited by the Centre for Laws on Gender and Sexuality of Delhi Metropolitan Education, Noida, to be on the panel which was organised on 19th April 2022.
- v. **Discussions on Prisoners’ Rights:** The Programme Head was invited by NAMATI to moderate a session for their group discussion on Prisoners Rights, held on 10th May 2022.
- vi. **Speaker at PRI’s launch of Global Prison Trends:** The Programme Head was invited by Penal Reform International to be a part of the panel discussion during the launch of their publication ‘Global Prison Trends, held on 11th May 2022.

ACCESS TO INFORMATION – RIGHT TO INFORMATION PROGRAMME

The ATI Programme has not been able to attract dedicated programme funding since the adverse action taken by the Union Government against CHRI under the FCRA Act, 2020 in June 2021. Efforts to secure programme support from Indian donor agencies have not been successful either due to the stigma that has unfortunately attached to the organisation's name because of the adverse action or because this thematic is not a priority area for them. As a result, the ATI Programme has also not been able to recruit dedicated programme staff and the activities under the programme listed below have materialised primarily due to the efforts of the Director who also doubles up as the ATI Programme Head. Rationalising the use of the funds available from donors committed to supporting CHRI as an institution and CHRI's own general funds, the Programme has engaged in the following activities on its own and in collaboration with other organisations and institutions in the government and the non-government sector. While we continued to work on RTI-related issues, contemporary developments led us to focus on emergent needs of public education which we could not ignore as a human rights organisation.

The Young Lawyers' Forum and J&K RTI Movement organised a Virtual RTI sensitisation workshop on 3 April, 2022 which CHRI resourced. The workshop was attended by 100 young lawyers and law students in J&K including 35 women participants. Though the event was organised on a Sunday and on the first day of Ramadan it turned out to be a great success.

The Director, CHRI took part in the webinar on "Denial of information under Section 8, its impact and way ahead" organised by NCPRI on 12th May 2022 where Ms. Aruna Roy and Mr. Shailesh Gandhi have also attended as co-Speakers.

CHRI helped in drafting his mercy petition to one, Perarivalan who was incarcerated in jails for years and whose death sentence was commuted to life imprisonment by the Supreme Court of India. The individual approached CHRI for advice on his RTI interventions seeking permanent release for which CHRI rendered help and assistance. The individual was released later on exemplary behaviour in prison and he acknowledge CHRI's help and assistance in his fight for justice.

The Director, CHRI was invited to address a community meeting in Kerala where 60 RTI activists and lawyers took part about the use of RTI in relation to the criminal justice system in a two part webinar meeting on 22 and 29 May, 2022.

Conducted RTI training session for 25 differently abled persons and disability rights activists across 10 states on disability rights. This was part of a package of trainings on RPwD Act and budget analysis delivered by CHRI, CBGA and a couple of disability rights advocacy organisations on 6th and 18th June 2022.

The Director, CHRI took part as a resource person in a Hindi workshop on RTI use for investigative journalism organised by Global Investigative Journalism Network where more than 45 journalist took part in the workshop.

The Director, CHRI delivered a three hour session on Information in the Era of Globalisation at a UGC Refresher Course for Political Science and Economics Lecturers organised by Bangalore University on 23 August, 2022.

CHRI took part in a 2-day long sensitisation workshop for RTI activists in Karnataka which was jointly organised by HRD Alert, CHRI, NCPRI and the National Dalit Movement for Justice on 27th August, 2022.

On 27th September, 2022 CHRI resourced a workshop on the Training for Trainers at the Admin Training Institute of Government of Uttarakhand for deepening RTI implementation in the state.

CHRI has resourced a RTI training 2-day workshop organised by I-Probono where 30 lawyers and CSO representatives from several states participated on 22 and 23 September, 2022

The Director, CHRI attended as a Guest Speaker on a workshop on “Transparency of the Banking Sector in the Era of the Right to Information (RTI) organised by Citizens Forum India (CFI) on 17th December, 2022 along with Mr. Devidas Tuljapurkar, Joint Secretary, All India Bank Employees Association and Chairman, Banking Education Training Research Academy on 17th December, 2022 on webinar.

CHRI took part in a Webinar on “How are electoral bonds changing the political fund landscape?” organised by ADR on 5th January, 2023

The Director, CHRI attended as a Resource Person to a technical session on Right to Information at a National Level Workshop cum One Week Faculty Development Programme organised by the Guru Angad Dev Teaching Learning Centre (GAD-TLC), University of Delhi on 9th January, 2023 where representatives from 84 University and College teachers took part.

The Director attended as a guest speaker at a seminar on “Human Rights and Constitution” organised by a civil society where 150 teachers and educationists took in a Dakshin Kannada district on 16th and 17th January, 2023

Took part in a zoom conversation in a series, “Tareekh pe tareekh” on “Transparency in the Judiciary (RTI Act) with Manoj Raghuvanshi, Saurav Das, Anjali Bharadwaj on 25 February, 2023

India Justice Report: The programme continues to contribute to the India Justice Report. During the reporting period, the team was involved in the writing of the chapter on police capacity in India as part of the third edition of IJR.

Publications and Media Coverage

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<https://indianexpress.com/article/india/mha-allegations-vague-will-explore-all-legal-remedies-chri-on-fcra-cancellation-7891476/>
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- Perarivalan walk free, says RTI activist SS Venkatesh Nayak
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<https://www.deccanherald.com/opinion/cabinet-notes-are-not-meant-for-locked-cabinets-1111373.html>
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31 May 2022, The Indian Express
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 - RTI Anniversary: Multiple Barriers to Right to Information Persist in India.
www.factchecker.in where CHRI's Hall of Shame is quoted in their report.
13 October, 2022
https://www.factchecker.in/data-dive/rti-anniversary-multiple-barriers-to-right-to-information-persist-in-india-838707#google_vignette
 - Data Bill: Is it meant to protect our data or hide it?

Deccan Herald, 4 December, 2022

<https://www.deccanherald.com/opinion/data-bill-is-it-meant-to-protect-our-data-or-hide-government-s-secrets-1168207.html>

- Series of articles on the new IT blocking rules without Parliament scrutiny where CHRI mentioned.
<https://www.mid-day.com/mumbai/mumbai-news/article/ban-on-bbc-film-attempt-at-curbing-access-to-content-critical-of-govt-say-legal-experts-23267622>

<https://scroll.in/latest/1042451/centre-refused-to-share-blocking-order-to-remove-bbc-documentary-about-gujarat-riots-says-ngo>

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The New Indian Express, 08 March 2023
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