CIRCLE OF JUSTICE

A NATIONAL REPORT ON UNDER TRIAL REVIEW COMMITTEES

CHRI 2016
The Commonwealth Human Rights Initiative (CHRI) is an independent, non-partisan, international non-governmental organisation, mandated to ensure the practical realisation of human rights in the countries of the Commonwealth. In 1987, several Commonwealth professional associations founded CHRI. They believed that while the Commonwealth provided member countries a shared set of values and legal principles from which to work and provided a forum within which to promote human rights, there was little focus on the issues of human rights within the Commonwealth.

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

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

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Extracts from

CIRCLE OF JUSTICE

A National Report on Under Trial Review Committees

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Edited by:
Maja Daruwal & Sana Das
ACKNOWLEDGMENTS

The Commonwealth Human Rights Initiative (CHRI) produced this report as part of its concern to reduce pre-trial detention in India and monitor the measures taken towards this by the various agencies of the criminal justice system. This report is the result of the work of many people, both inside and outside CHRI.

CHRI thanks all the State Legal Services Authorities and District Legal Services Authorities who were very gracious with their time and provided useful information and data on the functioning of Under Trial Review Committees in their state/district.

CHRI expresses its sincere gratitude to Adv. Gaurav Agrawal, the Amicus Curiae in the writ petition Re-Inhuman Conditions in 1382 Prisons, who was instrumental in submitting the findings of the report to the Hon'ble Supreme Court and for believing in our work.

Many thanks to the entire Prison Reforms Programme team in putting the report together. The report was conceptualised, researched and written by Sugandha Shankar with care, excitement and dedication for the unique information being brought out. Kakoli Jadala painstakingly filed the right to information requests and provided managerial support; Madhurima Dhanuka, Raja Bagga and Mrinal Sharma were always there with the team support necessary to complete the national report. Deepest gratitude goes to Maja Daruwala for giving insightful editorial support and inspiring the team throughout the development of the report. This report would not have been possible without the invaluable support and guidance of Sana Das who edited the report and the editorial inputs from Sajan Kuriakos.

CHRI thanks its interns Mona Nooreyezdan and John Mascrinaus for assisting in data collation.

This report was designed and laid out by Gurnam Singh whose creative efforts have enhanced the presentation of the report before both technical and lay audience.

CHRI deeply appreciates the support of the Friedrich Naumann Stiftung für die Freiheit for its timely financial assistance in bringing this report into public domain. Lastly, CHRI assumes full responsibility for the report’s content.
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<td>Under Trial Review Committee</td>
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<td>Ministry of Home Affairs</td>
</tr>
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<td>National Legal Services Authority</td>
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<tr>
<td>Bail no surety</td>
<td>Where bail has been granted but person is unable to furnish surety</td>
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EXECUTIVE SUMMARY
EXECUTIVE SUMMARY

This report is the first watch report to check compliance on the formation and functioning of Under Trial Review Committees (UTRCs) as directed by the Supreme Court in its order dated 24 April 2015 in ‘Re-Inhuman Conditions in 1382 Prisons’. It is based on responses from 26 States and Union Territories that provided information under the Right to Information Act, 2005. The data collected is for the period May 2015 to October 2015, the first six months since the order. The mandate of the UTRCs has been expanded by the Hon’ble Court in its February 2016 and May 2016 orders to include nine more categories of prisoners under review. However, this report pertains to the original mandate set out in the 24 April 2015 order.

In 2013, based on a letter by the then Chief Justice of India, Justice R.C. Lahoti, the Supreme Court in a case named ‘Re-Inhuman Conditions in 1382 Prisons’ has suo moto taken up by writ petition the issue of prison conditions and particularly the situation of undertrial prisoners. To date it has passed a series of orders. One of its orders compels the National Legal Services Authority and the Ministry of Home Affairs to constitute Under Trial Review Committees in every district. With its insistence on the constitution of UTRCs in each district, regular prison visits, checking length of stay and legal representation of undertrials the Supreme Court has moved the periodic review of undertrials from the realm of uncertainty and discretion to the realm of the mandatory for every state.

UTRC is a district level committee headed by the District & Sessions Judge, with District Magistrate and Superintendent of Police and Secretary, District Legal Services Authority as members. The Supreme Court in its order, dated 24 April 2015, 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 the UTRC is formed in every district of the country and meets every quarter. The court relied on the MHA advisory issued on 17 January 2013 for the purpose of implementation of S.436A of the Code of Criminal Procedure, 1973 (the Code). Additionally, the court mandated these committees to review the cases of undertrials who are unable to furnish surety after being granted bail by the court and of those accused of compoundable offences.

The Need for UTRCs: Prisons in India are chronically overcrowded. This needs repair. Sixty-seven percent of the prison population comprises undertrials – those who are awaiting or undergoing trial and not yet proven guilty. Recently released figures show India’s 1401 jails house 4,19,623 inmates. Average overcrowding stands at 114.4 percent. The 10-year trend from 2006 to 2015 shows an increase of 15 per cent in undertrial population. Hon’ble Justice Madan B. Lokur in ‘Re-Inhuman Conditions in 1382 Prisons’ observed, “.... the situation continues to be not only tragic but also pathetic.... Learned Amicus has drawn our attention vide his Note dated 20.9.2016 to over-crowding to the extent of 150% or more in jails in Assam (8), Chhattisgarh (17), Jharkhand (3), Karnataka (7), Kerala (21), Madhya Pradesh (5), Maharashtra (16), Rajasthan (21), Uttar Pradesh (47) and Delhi (12)”.  

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1 Refer pg. 9 for the complete mandate of the UTRCs.
2 Writ Petition (Civil) 406/2013.
4 Refer Annexure B, pg. 62, No. V-13013/70/2012-IS (VI), Ministry of Home Affairs (CS Division), GOI on ‘Use of Section 436A of the Cr.P.C. to reduce overcrowding of prisons.’
5 S.436A – Maximum period for which an under trial prisoner can be detained.

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

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

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

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

6 National Crime Records Bureau’s Prison Statistics India 2015
This tells half the story. Prisoners awaiting trial have to wait longer than they did a decade ago before being released on bail and trials are taking an ever longer time to complete. In 2001, 19 percent spent more than a year in prison awaiting trial, now 25 percent do. One fourth of undertrial prisoners have been inside prison for more than a year. The proportion of prisoners who have spent less than three months in prison has decreased from 40 percent in 2001 to 35 percent in 2015.

**CHRI's work on undertrial review committees:** The Commonwealth Human Rights Initiative (CHRI) believes that the effective functioning of UTRCs directly impacts the conditions of overcrowding in prisons and complements the role of other oversight bodies. As part of our concern to reduce pre-trial detention and reform of prison oversight mechanisms, we have been monitoring the functioning of a similar mechanism in Rajasthan since 2009-10. CHRI, through its watch reports, has been able to demonstrate that in a span of five years with constant monitoring of the judiciary, executive and civil society, an earlier defunct mechanism in Rajasthan is revived to work efficiently to the cause of access to justice for all.

With this background, CHRI sought to intervene in the 'Re-Inhuman Conditions in 1382 Prisons' case. Instead, the court directed it to assist the amicus curiae which led to CHRI's submission on compliance to the court's 24 April 2015 order and recommendations to expand the mandate to cover other statutory eligibilities. In keeping with its work of monitoring the nature and effectiveness of India's prison oversight systems CHRI began monitoring compliance with the Supreme Court order dated 24 April 2015. CHRI filed right to information requests in early November 2015 to all State Legal Services Authorities. Twenty six states and union territories provided information from the time of formation of their Under Trial Review Committees to 4 November 2015 – the date when right to information requests were sent.

**Findings at a Glance:** Broadly, the report aims to evaluate the extent to which UTRCs are proving to be effective mechanisms in safeguarding the right to liberty of an individual behind bars. The report reveals that though there is some compliance it is patchy and partial and the impact is uncertain. Most importantly, it is not clear if the purpose – no one must be detained for more than the period required by law – is being achieved. While the report highlights some good practices prevalent in many districts which could be replicated in other places, it also points out implementation gaps observed during the analysis of the minutes of the meetings. The findings show that only 149 districts out of 357 districts which responded held meetings within three months. This means that 60 percent of the districts did not comply with the mandate of holding quarterly meetings. Only 54 districts followed the full mandate and reviewed all the three categories of cases as directed. UTRCs in 16 states recommended 2112 cases for release which led to the release of 515 undertrials. This report finds the follow-up action by the UTRCs to track the implementation of their own recommendations of release to be weak. Therefore, it becomes difficult to assess the number of beneficiaries and the impact of the functioning of UTRCs leaving the circle of justice incomplete.

Nevertheless, it is a good beginning. There is hope that these shortcomings are temporary and sustained attention from the court and the legal aid bodies will increase compliance. Our report provides detailed recommendations to ensure UTRCs conduct their reviews according to full mandate set by the court. CHRI recommends that UTRCs must also constantly review cases of those undertrials who do not have legal representation and are not produced physically in court due to lack of police escorts. Also, a large number of undertrials are charged with offences punishable with death sentence, and thus are beyond the purview of S.436A, CrPC. Therefore, we recommend that UTRCs must ensure that their trials are also completed within a reasonable period.

This report is presented to all stakeholders with the aim that progressive steps taken by the Hon'ble Court should be realised to their fullest potential. The major challenge is to embed the practice of accountability, to ensure that undertrials are not deprived of their rights, jails get less crowded and the situation improves incrementally.

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8 Rajasthan's Periodic Review Committees or Avadhik Samiksha Samitis were established in every district in 1979 by a government order mandated to review the cases of undertrials to check unnecessary detention. For further details see 'ROAD TO RELEASE': Third Watch Report on Rajasthan's Periodic Review Committees' http://www.humanrightsinitiative.org/download/1470051087Rajasthan%20Peri-

9 Refer Annexure C, pg. 64 for right to information queries filed by CHRI to SLSAs across the country.
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<th>Name of State/ Union Territories</th>
<th>Percentage of districts which provided information vis-à-vis which did not</th>
<th>Percentage of districts that formed UTRCs vis-à-vis which provided information</th>
<th>Percentage of districts in which all members attended all meetings vis-à-vis which provided information</th>
<th>Percentage of districts that followed full mandate vis-à-vis which provided information</th>
<th>Percentage of Undertrials released vis-à-vis found eligible</th>
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EVOLUTION OF THE CONCEPT

Right to life and liberty of a person are paramount. A balanced criminal justice system is one where this belief is respected and protected by custodians of law. Freedom from arbitrary arrest and presumption of innocence must prevail and unreasonable pre-trial detention must be condemned. The system must ensure that for every accused there is adequate legal assistance, protection of basic rights, no abusive treatment and above all, any incarceration must be minimal and according to due process. This imposes a duty on the various actors of the criminal justice system to be accountable and obligates them to ensure access to justice to the victim as well as the accused. With coordinated efforts of all the actors, the criminal justice system will emerge as the 'circle of justice'. The circle of justice creates balance and is the very foundation of a fair trial. Each actor plays a crucial role. The life and liberty of an undertrial in prison is directly linked to all actors in the system. Dereliction of duty and insensitivity on the part of actors impacts justice negatively and distorts the circle of justice. To restore equilibrium and stability in the criminal justice system there is a need to innovate for justice delivery in present times. One such mechanism which tries to bring access to justice full circle is the 'Under Trial Review Committee (UTRC)'. It is a multi-stakeholder mechanism, headed by a judicial officer and comprises representatives from other agencies of the criminal justice system.

The first glimpse of the concept was noticed in the Law Commission of India’s reports which recommended the creation of review bodies. The concept was formally recognized in April 1979 when a conference of Chief Secretaries, for the first time, recommended the constitution of District and State level review committees. It was the same year in which the Supreme Court recognized for the first time the right to speedy trial as inherent in Article 21 of the Constitution. Since then, the higher judiciary, central government as well as other oversight bodies have time and again re-emphasized the significance of this oversight mechanism.

11 Hussainara Khatoon & Ors. Vs Home Secretary, State of Bihar, AIR 1979 SC 1360.
These developments led to the formation of review committees, with varied names, composition and mandates, in a number of states which precede the existence of UTRCs under the order of the Supreme Court of 24 April 2015. There are 15 such states and union territories – Andaman & Nicobar Islands, Andhra Pradesh, Assam, Daman & Diu, Gujarat, Haryana, Himachal Pradesh, Jammu & Kashmir, Jharkhand, Karnataka, Kerala, Maharashtra, Meghalaya, Rajasthan and Tamil Nadu. CHRI filed right to information requests to all heads of prison department in 2012 to seek information regarding the formation, composition and mandate of such review committees.

With the setting up of UTRCs having a comprehensive mandate and engaging multiple stakeholders, a vital review mechanism intended to prevent unnecessary detention is revived.
WHAT'S ON PAPER

Mandate of the UTRC set by the Supreme Court in Re-Inhuman Conditions in 1382 Prisons
MEMBERS OF UTRC & THEIR PROFILE

District & Sessions Judge
CHAIRPERSON

- Presides over the highest court in each district – principal court of civil jurisdiction & court of sessions. Exercises control over all its subordinate courts functioning in its territorial jurisdiction.
- Chairman of the District Legal Services Authority.
- Since every undertrial is under judicial custody, UTRC allows District & Sessions Judge to monitor the proceedings of each case, identify obstacles to over-long incarcerations and gives an opportunity to ensure access to justice.

District Magistrate (DM)
MEMBER

- Administrative head of the district, directly or indirectly supervises and controls entire district administration.
- DM is the ex-officio visitor of the prison and is responsible for making regular visits to the prison. He is empowered to issue orders to ensure effective working of the prison administration.
- Executive Magistrates are appointed by the state government. All Executive Magistrates, other than the Additional DM, are subordinate to the DM. In metropolitan areas, Commissioner of Police is also conferred as Executive Magistrate. They have several powers under the Code of Criminal Procedure, 1973 (CrPC), including the powers of arrest in certain situations and therefore their presence in the review committee is crucial.

District Superintendent of Police (SP)
MEMBER

- SP is the policing head of the district and is mainly responsible for the maintenance of law and order.
- Police is also responsible for completing timely investigation and filing of chargesheet within the statutory limit (60/90 days) as provided under S.167 of the Code of Criminal Procedure, 1973.
- Ensures availability of police escorts or “chalanai guards” to ensure that every undertrial is produced before the court on the date specified in the warrant. It requires coordination with the prison authorities and the presence of SP at the UTRC is intended to facilitate this.

Secretary, District Legal Services Authority (DLSA)
MEMBER

- While in some districts a full-time Secretary is appointed, in others the Chief Judicial Magistrate (CJM) has an additional charge. DLSA coordinates the activities of Taluk Legal Services Committees and is mandated to –
  ✓ provide legal services free of cost to the needy
  ✓ organise legal awareness programmes in prison and community
  ✓ organise lok adalats
- Through UTRC, Secretary DLSA would be able to ensure that undertrials get prompt access to legal aid. And, also assist the State Legal Services Authority by providing regular reports in order to be submitted to NALSA and the Supreme Court.
<table>
<thead>
<tr>
<th>Condition</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>completed half or more than the maximum prescribed punishment for the offence charged</td>
<td>accused of bailable offences under S.436, CrPC</td>
</tr>
<tr>
<td>unable to furnish bail and are still in custody for that reason</td>
<td>accused of bailable offences under S.436, CrPC</td>
</tr>
<tr>
<td>accused of compoundable offences</td>
<td>imprisoned for offences which carry a maximum punishment of 2 years</td>
</tr>
<tr>
<td>eligible for bail under Section 167(2)(a)(i) &amp; (ii), CrPC</td>
<td>Convicts who have undergone their sentence or are entitled to release because of remission granted to them</td>
</tr>
<tr>
<td>detained under preventive arrest provisions i.e. under Sections 107, 108, 109 and 151 of Chapter VIII, CrPC</td>
<td>women offenders – S.437, CrPC</td>
</tr>
<tr>
<td>sick or infirm and require specialized medical treatment – S.437, CrPC</td>
<td>women offenders – S.437, CrPC</td>
</tr>
<tr>
<td>case triable by a magistrate and trial of a non-bailable offence has not been concluded within a period of sixty days from the first date fixed for taking evidence in the case – S.437(6), CrPC</td>
<td>women offenders – S.437, CrPC</td>
</tr>
</tbody>
</table>

* Refer Annexure E on pg. 69 for Guidance Note for Under Trial Review Committees.
WHAT'S ON GROUND

CHRI’s Findings on the Functioning of UTRCs vis-à-vis Supreme Court Directions in Re-Inhuman Conditions in 1382 Prisons
WHAT’S ON GROUND

The report primarily addresses the following questions:

- Whether Under Trial Review Committees are formed in all districts
- Whether meetings are held quarterly
- Whether all members attended all meetings
- Whether the mandate was followed – (i) whether cases under S.436A, CrPC reviewed; (ii) whether cases where bail have been granted and person is unable to furnish surety reviewed; and (iii) whether cases of compoundable offences reviewed
- How many undertrials were found eligible for release
- How many applications were moved by the panel lawyers
- How many undertrials were actually released

FINDINGS & RECOMMENDATIONS

The findings of this report are crucial for better understanding of how the mechanism functions on the ground, how is it different from what's on paper and how it could be further improved to fulfil its purpose.

- At present, there are 675 districts in the country.
- 26 states and union territories which responded to the RTI request have 478 districts.
- Out of the total 478 districts, 357 districts responded to the right to information request.
- Out of the 357 districts, 202 did not furnish the minutes of the meetings.
- Therefore, detailed analysis of minutes of the meetings could only be done for 155 districts.
- While nine State Legal Services Authorities (SLSAs) forwarded the right to information request under S.6(3) of the Right to Information Act, 2005, to all the District Legal Services Authorities, 13 SLSAs took the efforts of compiling information from various District Legal Services Authorities and provided consolidated information.
- The Bihar, Karnataka, Maharashtra and Odisha SLSAs though compiled the district-wise information but did not provide minutes of the meetings held in each district nor did they forward the right to information request to DLSAs.
- Though Kerala did forward the right to information requests to DLSAs, no replies were received.
I. Were Under Trial Review Committees formed in all districts

- UTRCs have been formed in all 357 districts observed.
- The Supreme Court directed, in the order dated 24 April 2015, that an UTRC be established in every district, within one month and the meeting of each such Committee should be held on or about 30th June 2015. The National Legal Services Authority (NALSA) sent numerous letters to ensure compliance by states and union territories. It was found that, despite NALSA’s five reminders, districts did not constitute and hold their first meeting on or before 30 June 2015.

II. Were meetings held quarterly

- Ideally between the six months from May 2015 to October 2015, two meetings should have taken place in each district. But the data shows that of a possible 714 mandated meetings only 527 were held.\textsuperscript{13}
- Dates of meetings not provided: Many districts provided information for meetings held beyond the specified time period requested. But where only the number of meetings were provided without dates, it was assumed that these meetings took place before 4 November 2015—the date of the RTI request—and meetings were not held beyond the specified time period.
- Mandate of quarterly meetings misunderstood: Though all replies claim that meetings are being held quarterly some discrepancies were found. The mandate of holding quarterly meetings is understood differently by the district committees. Only 149 districts\textsuperscript{14} followed the strict three-month pattern and held meetings within three months (with 10 days of grace period). This means that 60 percent of the districts did not comply to the mandate of holding quarterly meetings. On the other hand, there were districts which comprehended ‘quarterly meetings’ in a way that one meeting must be held in each of the four quarters not considering the time gap between the two meetings which ranged from four to six months. For instance, in Tiruvannamalai District of Tamil Nadu, a meeting was held on 14 July 2015, having considered it a meeting for the quarter July–September, the next meeting was held in the next quarter (October–December) on 02 December 2015—clearly exceeding three months. A similar situation was found in:

\begin{itemize}
\item Karnataka, Kerala, Maharashtra & Odisha did not provide the district-wise number and minutes of meetings.
\item Araria, Aurangabad, Banka, Begusarai, Bhagalpur, Bhojpur, Buxar, Darbhanga, East Champaran, Gaya, Gopalganj, Jamui, Jehanabad, Kaimur, Katihar, Kishanganj, Khagaria, Lakhisarai, Madhepura, Madhubani, Monghyr, Muzaffarpur, Nalanda, Nawada, Patna, Purba, Rohtas, Saharsa, Samastipur, Saran, Sheikhpura, Sheohar, Sitamarhi, Siwan, Supaul, Vaishali & West Champaran (Bihar SLSA mentioned this in their reply but did not provide dates of meetings); Balkh, Bastar, Dhamtari, Durg, Jagjeet-Champa, Kabirdham, Korea, Mahasamund, Raigarh, Surguja, Surajpur & Uttar Bastar Kanker (Chhattisgarh);
\item Central Delhi, North Delhi, North West Delhi & South Delhi (Delhi); North Goa & South Goa (Goa); Faridabad, Gurgaon, Hisar, Mahendragarh, Panipat, Rewari & Sonipat (Haryana); Hamirpur, Kangra, Kinnaur, kullu, Keylong, Solan & Una (Himachal Pradesh); Bokaro, Dhanbad, Gumla, Khunti, Pakur & Palamu (Jharkhand); East Khasi Hills, South West Khasi Hills & West Jaintia Hills (Meghalaya); Bathinda, Fatehgarh Sahib, Fazilka, Ferozepur, Hoshiarpur, Jalandhar, Kapurthala, Mukhtiar, Nawanshahr, Rupnagar & Sangrur (Punjab); Puducherry (Puducherry); Ajmer, Banswara, Baran, Barmer, Bharatpur, Bhilwara, Chittorgarh, Bikaner, Churu, Dausa, Dholpur, Dungarpur, Hanumangarh, Jaipur, Jaisalmer, Jalore, Jodhpur, Karauli, Nagaur, Pali, Pratapgarh, Rajasthan, Sawai Madhopur, Sikar, Tonk & Udaipur (Rajasthan);
\item North Sikkim, South Sikkim & West Sikkim (Sikkim); Coimbatore, Karur, Nammakal, Nilghiris, Pudukkottai, Thanjavur, Thiruvanaimalai, Tirunelveli, Tiruvallur, Viluppuram, & Virudhunagar (Tamil Nadu);
\item Karimnagar (Telangana); Gomati, North Tripura, South Tripura & Unakoti (Tripura); Ambedkar Nagar, Bulandshahar, Ghaziabad, Gazipur, Hathras, Kanpur Nagar, Lucknow, Mathura, Mirzapur, Siddharthnagar & Sonbhadra (Uttar Pradesh) and Birbhum & Dakshin Dinajpur (West Bengal).
\end{itemize}
in 24 districts\(^{15}\) where at least one meeting was held after more than four months, thereby delaying early identification and action on unnecessary detention cases.

So, even if the committee recommended the lawyer to follow up a compoundable case or represent an inmate who has been granted bail but does not have surety, without any review for four to five months, the undertrial would be at the mercy of the lawyer who might not be available for reasons of ill-health or any other personal or professional reasons.

- **Overly long gaps in meetings:** Then there are instances where there was a gap of more than six months between two meetings. In Silvassa (Dadra & Nagar Haveli) the first meeting took place on 24 June 2015 and the second meeting was held after eight months on 29 February 2016. Similarly in Patiala (Punjab), after the meeting in May end 2015 the next meeting took place in November end 2015. The worst case was in Godda (Jharkhand) where there was a gap of nearly nine months between two meetings from 06 July, 2015, to 29, March, 2016.

Overall the minutes show that constant tracking of directions of the committee have secured a few releases. Where there were no meetings or follow-ups there were no releases either.

- **Good practice of monthly and more frequent review meetings:** A good practice was noticed in 27 districts\(^{16}\) where monthly meetings took place. In Jamtara and Jamshedpur (Jharkhand), DLSAs issued orders to conduct UTRC meetings monthly. This helps in continuously tracking the progress of the recommended cases and ensures prompt action leading to release of undertrials. The minutes of one meeting of South West District of Delhi suggest that the meeting continued for two days. This indicates the kind of time needed to review individual cases carefully. Short duration meetings are likely to be cursory and when held infrequently as well are unlikely to achieve the purpose for which the Supreme Court constituted them.

Meetings were held more than once a month in six districts. These are Shimla (Himachal Pradesh); Khunti (Jharkhand); East Khasi Hills & West Garo Hills (Meghalaya); SBS Nagar (Punjab); Baran (Rajasthan). Here the meetings were held enthusiastically each month for the first few months of the formation of the UTRC but then reduced in frequency.

No fixed schedule was followed elsewhere.

- **No meetings because no eligible cases under S.436A CrPC:** A unique situation came to light in Sirsa (Haryana) and Chatra (Jharkhand) where no meeting has taken place till date as no prisoner was found entitled to benefit from S.436A CrPC as per the reports of the Courts and Superintendent of District Jail. A similar situation appeared in Chatra (Jharkhand) based on the report of the prison in-charge. This justification, however, clearly indicates that the other mandates of the UTRC are being ignored.

- **Reasons withheld for not holding meetings:** Replies received from Andaman & Nicobar Islands, Mansa district (Punjab) and six districts of Mizoram (Aizwal, Lunglei, Mamit, Serchhip, Lawngtlai & Saiha) mention that meetings were not held but they did not provide any reason for the same. Ramgarh (Jharkhand) mentioned in their response that the Jail of Ramgarh was relocated in January 2016 and no meetings of UTRC have been held since. The mere reason of relocation does not suffice for not holding the UTRC meeting.

\(^{15}\) Silvassa (Dadra & Nagar Haveli); South West (Delhi); Chamba (Himachal Pradesh); Ambala, Kurukshetra, Panipat & Fatehabad (Haryana); Bokaro, Dumka, Godda, Latehar & Pakur (Jharkhand); Ri Bhoi (Meghalaya); Barnala, Taran Taran, Pathankot, Patiala & SBS Nagar (Punjab); Pratapgarh (Rajasthan); East District (Sikkim); Tiruchirapalli & Perambalur (Tamil Nadu) and Mahbubnagar & Karim nagar (Telangana).

\(^{16}\) Araria, Aurangabad, Banka, Begusarai, Bhagalpur, Bhojpur, Buxar, Darbhanga, East Champaran, Gopalganj, Jehanabad, Kaimur, Kishanganj, Khagaria, Lakhisarai, Monghyr, Muzaffarpur, Patna, Purnea, Samastipur, Sitamarhi, Siwan, Sheohar & Supaul (Bihar); Mahendragarh & Sonepat (Haryana); and North District (Sikkim).
i. It is recommended that in order to keep a constant vigil on the action taken on the recommended cases, meetings of the UTRC be held monthly. This is particularly more important now with the expanded mandate which includes cases of undertrials eligible under S.436 and S.167 of the Code of Criminal Procedure (the Code). In the alternative, the quarterly UTRC meetings should be supplemented with monthly ‘tracking meetings’ of the DLSA with the panel lawyers to track the status of the directions/recommendations given. Since every case would require a follow up unique to the circumstances of the case, period of detention, and offence allegedly committed, the follow up of recommended cases should be prompt and accordingly done and NOT be left for the next quarterly meeting.

ii. Every UTRC meeting should have two elements- a) to look at the status of the directions of the previous meetings and b) the review of the new cases.17

iii. To ensure regularity the day/date of the meeting be pre-set by the members of the committee. For example, UTRC meeting be scheduled for the first Saturday of every month/quarter. The Chairperson must send a letter in this regard to all the members to fix a permanent day/date for the meeting or it must be mutually decided by all the members when the next meeting is to be held.

III. Did all members attend all meetings

- **Chairperson present in all meetings:** The attendance of members has been impressive across the country. The Chairperson, District & Session Judge is the indispensable part of the committee and was present in every meeting held except for meetings in three districts.18 In addition to the Chairperson, there were other judicial officers who occasionally attended the committee meetings.19

- **Frequent attendance by police representative:** Besides the Chairperson who had to be inevitably present, the most frequent attendance was by the Superintendent of Police. Superintendent of Police was represented by his subordinates in many committee meetings.20 Additionally, on many occasions it was seen that Superintendent of Police was accompanied by seniors or subordinates.21 It must be noted that in Ambala (Haryana), both Commissioners of Police (City and Rural) were made part of the committee.

- **District Magistrate present in most meetings:** The District Magistrate was found to be missing at least from eight meetings.22 The District Magistrate

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17 Refer Annexure D on pg. 65 for CHRI Suggested Format for Recording Minutes and Quarterly Reporting by DLSAs to SLSAs.
18 Except for Gumla (Jharkhand) and East Jaintia Hills (Meghalaya) where meetings were held under the Chairmanship of Deputy Commissioner. It is not clear whether District & Sessions Judge was a part of the meeting or not. Similarly, one meeting in Bikaner was presided by District Magistrate.
19 Assistant District & Sessions Judge, Senior Civil Judge, Judicial Magistrates, Metropolitan Sessions Judge.
20 North, North West & Central districts (Delhi); Ambala (Haryana); Sri Muktasar Sahib & Bhatinda (Punjab); Chittorgarh, Hanumangarh, Karauli, Nagaur/Merta & Sawai Madhopur (Rajasthan); Basti (Uttar Pradesh); Gomti Udaipur (Tripura) and Khammam (Telangana).
21 In West Jaintia Hills (Meghalaya) – Additional Superintendent of Police (ASP) and Deputy Superintendent of Police (DSP); in Jalandhar, Kapurthala, Tarn Taran & Hoshiarpur (Punjab) – Senior Superintendent of Police (SSP); in Amritsar (Punjab) – ASP Rural and SP/HQ cum Traffic; in Tiruchirapalli (Tamil Nadu) – Deputy Commissioner of Police also attended the meeting along with Superintendent of Police.
22 In Gomati Udaipur (Tripura) DM did not attend a meeting despite reminders and communication through phone. Other examples of absence - North West (Delhi); South West Khasi Hills (Meghalaya) and Faizabad and Ambedkar Nagar (Uttar Pradesh), Mahbubnagar and Khammam in Telangana.
was also represented by his subordinates in many committee meetings.23

**Presence of other officers:** Several of the more diligent committees such as Ambala, Hisar, Mahendragarh in Haryana, Bokaro, Koderma, Latehar in Jharkhand and Fatehpur in Uttar Pradesh invited other persons to attend the meetings. This assists in better coordination between the various actors and expedites the action taken on each case. The most prominent invitees were Superintendents or officers in-charge of Central/District/Women/Sub Jails, Probation Officers, Public Prosecutors, District Attorneys, Government Pleaders, President of the Advocates Bar Association and Advocate members of DLSA.

**Presence of subordinates:** The West Garo Hills (Meghalaya) made a clear direction that no subordinates be deputed to attend its meetings.

i. It is recommended that the prison in-charge be formally added as the member of the committee. The rationale is that it is in his/her physical custody that prisoners are kept and also because prison in-charge has access to the detailed record of each prisoner as well as familiarity with his personal demeanour and circumstances. Further, his presence in the committee will ensure updated status of releases in his prison.

ii. In many instances, a representative of the prosecution department was invited to the meetings. If added as member, they can assist in assessing the status of chargesheets.

iii. In states where probation/welfare officers have been appointed, they should be made part of the committee as they can draw attention to the situation of petty offenders and also bring their own specialised knowledge of the Probation of Offenders Act to the committee.

**IV. Was the full mandate followed**

**Irregularities in complying with mandate:** An analysis of minutes of the meetings show patterns of irregularity vis-à-vis the mandate prescribed by the Hon'ble Court in its 24 April 2015 order which clearly directed for the review of three categories of cases of undertrials – (i) detained under S.436A, CrPC; (ii) have been granted bail but could not furnish sureties; and (iii) detained under compoundable offences.24 Though now the mandate of these committees has been expanded by the order dated 5 February, 2016, this submission does not take it into account as the right to information requests were filed in early November 2015.25
■ Minutes not provided for all meetings: Of the 527 minutes only about half provided minutes (256 meetings). Out of these, 14 meetings were introductory where conduct of business for the UTRC was discussed and actual review of cases did not take place.

■ Only 35 percent districts fulfilled the mandate: Only 54 districts across the country followed the full mandate and reviewed all the three categories of cases as directed. This essentially means that 65 percent of the districts did not comply with the directions of the Hon’ble Court.

(i) were cases under S.436A, CrPC reviewed

■ Emphasis given to S.436A, CrPC: Of 256 review meetings, a majority of 252 meetings reviewed cases of undertrials under S.436A, CrPC.

■ S.436A, CrPC & multiple offences – In 23 districts, UTRCs specifically looked into cases of undertrials charged with multiple offences and checked if an undertrial is eligible under S.436A for the lesser offence. In all cases, though many undertrials were found eligible and in many cases panel lawyers were instructed to offer legal services, none of them were released. The reason given was that one of the offences was serious in nature. In Kabirdham and Uttar Bastar Kanker districts of Chattisgarh, the UTRC did not consider releasing the undertrials because they were involved in so called ‘naxal’ cases.

(ii) were cases of ‘bail no surety’ reviewed

■ 37.5 percent meetings fall short of mandate: Out of the 256 review meetings, in 160 meetings cases of undertrials who have been granted bail but were unable to furnish surety were considered for review. This suggests that less than two-third of the review meetings we examined do not follow the Court’s mandate.

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26 Silvassa (Dadar & Nagar Haveli); Janjir-Champa, Kabirdham & Korea (Chhattisgarh); Mahendragarh (Haryana); North Garo Hills, West Khadi Hills and West Jaintia Hills (Meghalaya); Amritsar, Jalandhar & Rupnagar (Punjab); Khammam (Telangana) and 2 meetings in Dakshin Dinaj (West Bengal).

27 Chandigarh; Bastar, Durg, Janjir-Champa, Kabirdham, Mahasamund, Raigarh & Surajpur (Chhattisgarh); Dadra & Nagar Haveli; South Delhi & South West Delhi (Delhi); North Goa & South Goa (Goa); Ambala, Hisar, Kurukshetra & Rewari (Haryana); Deoghar, Godda & Gumla (Jharkhand); East Garo Hills, East Khadi Hills, Ri Bhoi, West Khadi Hills & South West Khadi Hills (Meghalaya); Amritsar, Bathinda, Hoshiarpur, Kapurthala, Pathankot, Rupnagar, & Tarn Taran (Punjab); Dholpur, Jaipur & Nagaur (Rajasthan); Nilgiris, Perambalur, Theni, Thoothukudi, Tiruchirappalli & Tiruvallur (Tamil Nadu); Mahbubnagar & Warangal (Telangana); Gomati, South Tripura & West Tripura (Tripura); Basti, Bulandshahar, Ghaziabad, Hathras, Lucknow & Siddharthnagar (Uttar Pradesh); and Purulia (West Bengal).

28 In 23 districts, UTRCs specifically looked into cases of undertrials charged with multiple offences and checked if an undertrial is eligible under S.436A for the lesser offence. In all cases, though many undertrials were found eligible and in many cases panel lawyers were instructed to offer legal services, none of them were released. The reason given was that one of the offences was serious in nature. In Kabirdham and Uttar Bastar Kanker districts of Chattisgarh, the UTRC did not consider releasing the undertrials because they were involved in so called ‘naxal’ cases.

29 In the 24th April 2015 order, the Hon’ble Court has observed that, “it will be appropriate if in a case of multiple offences, a review is conducted after half the sentence of the lesser offence is completed by the under trial prisoner.” The same was clarified in the order, dated 17 September 2015 that, “there is no mandate that a person who has completed half the period of his sentence, in the case of multiple offences, should be released. This is entirely for the Under Trial Review Committee and the competent authority to decide and there is absolutely no direction given by this Court for release of such undertrials. Their case will have to be considered by the Under Trial Review Committee and the competent authority in accordance with law.”

30 Ministry of Home Affairs advisory on the ‘Guidelines on reckoning half-life of time spent in judicial custody of Under-trial prisoners under S.436A of Cr.P.C.’ also provides that, “For those UTPs arrested for more than one offence in the same case in case where each of those offences attract separate sentences of differing lengths, one lesser and the other larger, his period of half-life would be reckoned from the date of detention, and even when the half-life is over for the lesser offence he would continue in detention, till the half-life of the sentence is over for the other graver offence which attracts a longer sentence.” For those undertrials arrested and being tried for more than one offence in separate cases is explained with an illustration, “If A completes his half-life for the first offence where his detention is reckoned from 01-01-2012, his date of arrest, is released on bail and commits the second offence u/s 239 while on bail and is arrested again say on 01-08-2013, his half-life would now be considered from his second date of arrest without the benefit of setting off his earlier detention period.”
Nearly half of the meetings did not address compoundable offences (49 percent) – Of 256 review meetings, only in 139 meetings were cases of compoundable offences considered for review. Therefore, compoundable offences were not taken up by the UTRCs for review half the time.

V. Additional kinds of cases

Encouragingly, some of the UTRCs have been proactive in considering some more cases under review which are listed below:

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Additional Kinds of Cases</th>
<th>Name of District/s</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>S.436 of the Code of Criminal Procedure, 1976</td>
<td>Tarn Taran (Punjab), Nilgiris (Tamil Nadu), Bikaner, Karauli (Rajasthan); Birbhum, Cooch Behar, Malda, (West Bengal)</td>
</tr>
<tr>
<td>2</td>
<td>The Probation of Offenders Act, 1958</td>
<td>Hisar (Haryana) in its first meeting</td>
</tr>
<tr>
<td>3</td>
<td>S.167, CrPC Whether chargesheets filed within 60/90 days</td>
<td>Tiruvannamalai (Tamil Nadu); Rangareddy (Telangana)</td>
</tr>
<tr>
<td>4</td>
<td>Completed ¼ of prescribed imprisonment (as provided under the 2013 MHA advisory30)</td>
<td>Uttar Bastar Kanker (Chhattisgarh), South West (Delhi), North Goa (Goa); Sirmaur and Una (Himachal Pradesh), Dhanbad (Jharkhand), Jaipur (Rajasthan)</td>
</tr>
<tr>
<td>5</td>
<td>Preventive Arrest</td>
<td>Mahasamund (Chhattisgarh), South Goa (Goa), East Garo Hills (Meghalaya)</td>
</tr>
<tr>
<td>6</td>
<td>Speedy disposal of NDPS cases</td>
<td>Mahendragarh(Haryana)</td>
</tr>
<tr>
<td>7</td>
<td>Petty Offences</td>
<td>Sikar (Rajasthan), Fatehgarh Sahib (Punjab)</td>
</tr>
<tr>
<td>8</td>
<td>Mentally Ill</td>
<td>Bastar (Chhattisgarh)</td>
</tr>
<tr>
<td>9</td>
<td>Prisoners charged with offences up to 7 years imprisonment</td>
<td>Hisar (Haryana)</td>
</tr>
<tr>
<td>10</td>
<td>Prisoners above 70 years of age and terminally ill</td>
<td>Ambedkar Nagar (UP)</td>
</tr>
<tr>
<td>11</td>
<td>Identifying unrepresented prisoners</td>
<td>Hathras &amp; Mathura (UP), East Khasi Hills (Meghalaya), Ambedkar Nagar (Uttar Pradesh)</td>
</tr>
<tr>
<td>12</td>
<td>Inability to produce inmates due to shortage of police escorts</td>
<td>Dausa (Rajasthan); Rangareddy (Telangana)</td>
</tr>
<tr>
<td>13</td>
<td>Review as per the period of detention of undertrials – up to 6 months, 6 months to 1 year and more than 1 year</td>
<td>Rangareddy (Telangana)</td>
</tr>
<tr>
<td>14</td>
<td>Pending applications for parole/furlough</td>
<td>Mahendragarh, Fatehabad (Haryana)</td>
</tr>
<tr>
<td>15</td>
<td>Victims of acid attack</td>
<td>South East Delhi, Mahendragarh(Haryana), Baran (Rajasthan)</td>
</tr>
</tbody>
</table>

31 Refer Annexure B, pg. 62, No. V-13013/70/2012-IS (VI), Ministry of Home Affairs (CS Division), GOI on ‘Use of Section 436A of the Cr.P.C. to reduce overcrowding of prisons.’
(vi) **Good Practice set by UTRCs** –

Other than the directions given to panel lawyers or retainer lawyers regarding follow up of the cases recommended by UTRCs, many directions were issued by the UTRCs in streamlining the process. Some good practices noticed are listed below –

- **Where UTRC members, judicial officers, administrative officers and advocates regularly visit jails:** Korea (Chhattisgarh); South Delhi (Delhi); Rewari (Haryana); East Khasi Hills & Ri Bhoi (Meghalaya); Ballia (Uttar Pradesh); Rangareddy (Telangana); Gomati (Tripura)

- **Where Legal Services Authorities conduct periodic legal awareness programmes and educate undertrials on right to bail, compoundable offences and plea bargaining:** South West Delhi, South Delhi (Delhi); Rewari (Haryana); Jaipur (Rajasthan)

- **Where treatment is prescribed to a mentally ill undertrial unfit to stand trial:** Bastar (Chhattisgarh)

- **Where a list of details of witnesses, effective service of summons to witnesses & ensuring their presence is maintained:** Mahendragarh (Haryana); Dausa (Rajasthan), Siddharthnagar (UP), Bharatpur, Dausa, Sirohi (Rajasthan), Ambedkar Nagar (Uttar Pradesh); Rangareddy (Telangana)

- **Where the actual age of undertrials in the age group of 18-21 years is investigated:** Khammam (Telangana)

- **Where there is a report on attendance of panel lawyers with respect to cases of UTPs and regarding non-representation of the panel lawyers:** South Goa (Goa)

- **Where the SLSA used proformas for seeking a report from the DLSAs and the UTRC asked courts to track releases:** Meghalaya

- **Where there is a counter signature in the inner case diary on every date of extension of remand of the accused till filing of the chargesheet**

- **Where there is an IT Department, Jail Department to create the database of compoundable cases:** Hisar (Haryana)

- **Where there is tracking of total pendency and increase in crime rate** – Rangareddy (Telangana)

- **Where there is review as per the period of detention of undertrials** – up to six months, six months to one year and more than one year – Rangareddy (Telangana)

- **Where there is oversight on the general welfare of the UTPs in the jail** – Mahendragarh (Haryana); Ri Bhoi (Meghalaya); Sirohi (Rajasthan); Khammam (Telangana)

- **Where the Superintendent of Police can provide information about previous convictions and crime reports of undertrials** – Jodhpur Metropolitan (Rajasthan)

- **Where undertrials are detained, to the extent possible, in jails located near court** – Khammam (Telangana)

- **Where Investigation Officers file prompt final reports to expedite disposal** – Rangareddy (Telangana)

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32 This probably refers to the Explanation II under S.167(2) of the Code which provides – If any question arises whether an accused person was produced before the Magistrate as required under paragraph (b), the production of the accused person may be proved by his signature on the order authorising detention.
i. **Mandate Management:** It is recommended that UTRCs conduct their reviews by full mandate set by the court instead of partial. The discretion to go beyond mandate should be wisely applied as disparate concerns like victim compensation, etc. have been taken up during review time.

ii. **Suggested Additional Mandate** – Based on the good practice of reviewing additional categories of cases by the various UTRCs it is recommended that the mandate must include the following cases of undertrials who –

A. do not have a lawyer and are eligible for legal aid - this is mainly because Secretary, DLSA is the member of the URC and also our legal aid study has shown that the coordination between the DLSA and the prison is much needed to provide legal aid at the earliest to the accused;

B. have not been physically produced for the last two consecutive hearings due to lack of police escorts; and

C. are charged with offences punishable with death sentence, and thus are beyond the purview of section S.436A CrPC. Review be directed to ensure that their trials are also complete within a reasonable period. The Committee be directed to look into the reasons for delay in trial beyond 18 months and recommend for prompt disposal of their cases.

V. **Eligibilities, Applications Moved, Releases** –

(i) Undertrials who were found eligible for release

- Only 16 out of 26 states who responded to the RTI, could provide information on eligible cases. Andaman & Nicobar Islands, Bihar, Dadra & Nagar Haveli, Daman & Diu, Karnataka, Kerala, Maharashtra, Mizoram, Odisha, Puducherry were the 10 states that failed to provide the information.

- A total number of 2112 cases were found eligible for release by UTRCs in 16 states. Case eligibilities were clearly identified by the UTRCs in Chandigarh, Chhattisgarh, Delhi, Goa, Haryana, Himachal Pradesh, Jharkhand, Meghalaya, Punjab, Rajasthan, Sikkim, Tamil Nadu, Telengana, Tripura, Uttar Pradesh & West Bengal.

33 Chandigarh, Chhattisgarh, Delhi, Goa, Haryana, Himachal Pradesh, Jharkhand, Meghalaya, Punjab, Rajasthan, Sikkim, Tamil Nadu, Telengana, Tripura, Uttar Pradesh & West Bengal.

34 Chandigarh district.

35 Balod, Bastar, Janjir Champa, Kabirdham, Mahasamund, Raigarh, Surajpur & Uttar Bastar Kanker.

36 North West, Central, South East & South.

37 North Goa.

38 Ambala, Rewari & Sonipat.

39 Hamirpur & Kangra.

40 Bokaro, Dumka, Godda, Gumla & Sahibganj.

41 East Khasi Hills, Ri Bhoi & West Garo Hills.

42 Barnala, Bathinda, Fatehgarh Sahib, Jalandhar, Kapurthala, Muktsar, Pathankot, Rupnagar and Tarn Taran.

43 Bharatpur, Bhilwara, Bikana, Chittorgarh, Dungarpur, Hanumangarh, Jaipur, Jalore, Jodhpur, Nagaur, Pratapgarh, Raasamand, Sawai Madhopur, Siris & Sri Ganganagar.

44 East Sikkim, North Sikkim, South Sikkim & West Sikkim.

45 Karur, Thoothukudi, Tiruchirapalli, Tirunelveli, Tiruvallur & Tiruvarur.

46 Mahbubnagar & Warangal.

47 Gomati, North Tripura, Unakoti & West Tripura.

48 Bareilly, Bulandshahar, Ghaziabad, Hathras, Lucknow, Mathura, Mirzapur, Saharanpur, Siddharthnagar & Sonbhadra.

49 Cooch Behar, Dakshin Dinajpur, North 24 Parganas & Purulia.
The maximum eligible cases were those where applications for compoundable cases (931) were recommended followed by cases where bail was granted but no sureties could be furnished (636) followed by with applications for releases under S.436A, CrPC coming to (126). Additionally, ten UTRCs\(^{50}\) recommended 404 cases without specifying the eligibility criteria.

The identified number of eligible cases for release in the ascending order is as follows – Himachal Pradesh (3), Goa (4), Telangana (23), Meghalaya (27)\(^{51}\), Jharkhand (28)\(^{52}\), West Bengal (28), Tripura (47), Haryana (61), Chattisgarh (84)\(^{53}\), Chandigarh (86), Punjab (131), Delhi (321)\(^{54}\), Tamil Nadu (238)\(^{55}\), Uttar Pradesh (254)\(^{56}\), Sikkim (268)\(^{57}\), and Rajasthan (509).

Cases eligible under S.436A, CrPC were identified by UTRCs in the 9 states of Chhattisgarh (11)\(^{58}\), Delhi (22)\(^{59}\), Haryana (2)\(^{60}\), Himachal Pradesh (3)\(^{61}\), Jharkhand (7)\(^{62}\), Meghalaya (1)\(^{63}\), Rajasthan (11)\(^{64}\), Punjab (15)\(^{65}\) and Uttar Pradesh (54)\(^{66}\).

In as many as 15 states the UTRCs took into consideration cases where bail was already granted but the person continued in judicial custody as eligible for release under personal bond or release through relaxation of sureties. These were Chandigarh (10)\(^{67}\), Chhattisgarh (25)\(^{68}\), Delhi (70)\(^{69}\), Haryana (9), Jharkhand (19)\(^{70}\), Meghalaya (16)\(^{71}\), Punjab (46)\(^{72}\), Rajasthan (80)\(^{73}\), Tamil Nadu (205)\(^{74}\), Telengana (16)\(^{75}\).

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50 Mahasamund (Chhattisgarh); Central Delhi (Delhi); Sahibganj (Jharkhand); East Khasi Hills (Meghalaya); East Sikkim, North Sikkim, South Sikkim, West Sikkim (Sikkim); Karur (Tamil Nadu); Mirzapur (Uttar Pradesh).
51 In Meghalaya, in addition to the three categories of cases, 10 cases were also identified as eligible but the criteria is not clear.
52 In Jharkhand, in addition to the three categories of cases, 2 cases were also identified as eligible but the criteria is not clear.
53 In Chattisgarh, in addition to the three categories of cases, 10 cases under preventive detention were also found eligible.
54 In Delhi, in addition to the three categories of cases, 108 cases were also identified as eligible but the criteria is not clear.
55 In Tamil Nadu, in addition to the three categories of cases, 5 cases were also identified as eligible but the criteria is not clear.
56 In Uttar Pradesh, in addition to the three categories of cases, 11 cases were also identified as eligible but the criteria is not clear.
57 In Sikkim, the criteria for identifying eligibilities is not clear. It only provided the number of eligible cases.
58 Raigarh & Uttar Bastar Kanker.
59 North West, Central Delhi & South East Delhi.
60 Rewari & Sonipat.
61 Hamirpur & Kangra.
62 Bokaro & Gumla.
63 West Garo Hills.
64 Bhiwara, Dungarpur, Jaipur, Jalore & Sawai Madhopur.
65 Bhitinda & Tambaram.
66 Bulandshahr, Ghaziabad, Hathras, Lucknow & Siddharthnagar.
67 Chandigarh district.
68 Balod, Bastar, Janjgir Champa, Mahasamund, Raigarh & Surajpur.
69 Central, North West & South Delhi.
70 Dumka, Godda & Gumla.
71 Ri Bhoi & West Garo.
72 Barnala, Bathinda, Fatehgarh Sahib, Kapurthala, Muktsar, Pathankot & Tarn Taran.
73 Bharatpur, Bhiwara, Chittorgargh, Jaipur, Jalore, Jodhpur & Rajasthan.
74 Thoothukudi, Tirunelveli & Tiruvallur.
75 Mahububnagar & Warangal.
Tripura (47), Uttar Pradesh (79), West Bengal (19).

- Cases eligible under compoundable nature were identified by UTRCs in the states of Chandigarh (76), Chhattisgarh (38), Delhi (121), Goa (4), Haryana (50), Punjab (70), Rajasthan (418), Tamil Nadu (28), Telengana (7), Uttar Pradesh (110) and West Bengal (9).

- New and promising eligibilities were added by the UTRCs in the states of Meghalaya, Mizoram, Goa, Haryana, Jharkhand, Tripura, Telengana, Uttar Pradesh. These are elaborated in this report in the section titled ‘Additional Mandate’.

(ii) Applications moved by the panel lawyers

- Applications by legal aid advocates were urged by the UTRCs in far more number of cases than were actually moved or the minutes indicate. This points to several critical faults such as poor maintenance of minutes, lack of adequate reporting and monitoring by panel lawyers with regard to directions for visits and advice to UTPs and moving applications for them or informing families and relatives of the conditions and sureties applied.

- The SLSAs of Kerala, Karnataka, Maharashtra and Odisha who directly replied to the RTI request failed to furnish consolidated information on how many applications had been recommended by the UTRCs and how many applications had been eventually moved by the DLSA lawyers or the numbers of releases.

- The DLSAs of Andaman & Nicobar Islands, Bihar, Daman & Diu, Goa and Tripura provided no information on applications moved.

- The total number of applications moved as per minutes received were 1027.

- Maximum applications were moved in the state of Mizoram (671). The minimum were moved in Chandigarh (4) and West Bengal (1).

- The minutes of the meetings received show that applications were moved by advocates in only some districts of Chhattisgarh, Delhi, Gomati, North Tripurs, Unakoti & West Tripura, Ghaziabad, Hathras, Lucknow, Mathura & Son Bhadra, North 24 Parganas & Purulia, Chandigarh district, Bastar, Kabirdham, Mahasamund, Raigarh & Surajpur, Central Delhi, North West, South East & South, North Goa, Ambala, Bathinda, Jalandhar, Kapurthala & Pathankot, Bhilwara, Bikaner, Chittorgarh, Hanumangarh, Nagaur, Pratapgarh, Rajsamand, Sirohi & Sri Ganganagar, Tiruchirapalli, Warangal, Bareilly, Ghaziabad & Siddharthnagar, Purulia, Janjgir-Champa, Central & North West Delhi.
Haryana\textsuperscript{92}, Punjab\textsuperscript{93}, Rajasthan\textsuperscript{94}, Tamil Nadu\textsuperscript{95}, Uttar Pradesh\textsuperscript{96} and West Bengal.\textsuperscript{97} However, instructions by UTRCs to legal aid advocates to move bail applications were given in many more cases and in many meetings, districts and states.

- **Other Action Taken:** It is to be noted that the UTRCs did not only recommend the moving of applications by advocates.
  - They activated both judicial officers and legal aid panel lawyers to look into both unnecessary detentions as well as pendency.
  - They directed the advocates to have meetings with undertrials in jail to advise them on their cases or get their informed consent or seek reasons for not furnishing sureties.
  - They also asked lawyers to inform families and relatives of surety amounts.
  - Significantly, they sought information from both courts and prisons and gave directions to judicial magistrates or presiding officers of specific courts to relax sureties, to speed up progress of cases, particularly S.436A CrPC, or compoundable, and directed them to use the services of legal aid lawyers for effective release and case disposal.
  - In many cases, the UTRCs also recommended that compoundable cases or cases where UTPs were ready to plead guilty be looked into by the lok adalats.

(iii) **Undertrials actually released**

- The responses received show that total number of releases obtained in this time period were 514.
- Release related information was not received from the states of Andaman & Nicobar Islands, Bihar, Daman & Diu, Karnataka, Kerala, Maharashtra, Meghalaya, Odisha and Tripura.
- Releases took place in 11 states as per the minutes received from the DLSAs – Chandigarh (33), Chattisgarh (9), Delhi (5), Himachal Pradesh (1), Mizoram (265), Punjab (2), Rajasthan (15), Tamil Nadu (61), Telengana (44), Uttar Pradesh (73) & West Bengal (7).
- Amongst these 11 states, maximum releases were obtained in the state of Mizoram (265)\textsuperscript{98} and minimum in Himachal Pradesh (1) and Delhi (6) and none in Dadra & Nagar Haveli, Goa and Sikkim.

\textsuperscript{92} Ambala.
\textsuperscript{93} Ludhiana & Rupnagar.
\textsuperscript{94} Jaipur, Rajsamand & Sawai Madhopur.
\textsuperscript{95} Karur & Tirunelveli.
\textsuperscript{96} Bareilly, Ghaziabad, Mirzapur, Saharanpur, Siddharthnagar.
\textsuperscript{97} Dakshin Dinajpur.
\textsuperscript{98} Mizoram is a unique case where no meetings were held or eligibilities identified, the maximum number of applications for release were moved by the UTRCs in Mizoram (671) effecting the maximum number of releases 265.
### Table on Eligibilities, Applications Moved & Releases

<table>
<thead>
<tr>
<th>S.No.</th>
<th>State</th>
<th>Eligible cases</th>
<th>Total Eligible Cases</th>
<th>Application Moved/ Other Action Taken</th>
<th>Releases</th>
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<td>S.436A CrPC</td>
<td>Bail no Surety</td>
<td>Compoundable Cases</td>
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</table>

99. 10 UTRCs found other 414 cases eligible without specifying the eligibility criteria.
100. Releases to be read as inclusive of releases not only under section S.436A CrPC, or cases under compoundable offences and cases where bail is granted but person is in custody due to lack of sureties but other eligibilities that the UTRCs gave attention to beyond these. These eligibilities are covered in the report section ‘Additional Mandate’.
i. **Guidelines for judicial officers & lawyers** – A plan of action must be created for lawyers with specific timelines for mandatory visit to prisons, communication with the undertrials and applying strategies for different kinds of cases to try for release. Guidelines must be provided for procedures to be followed and safeguards to be ensured in compoundable cases. Similarly, guidelines must be provided for judicial officers in dealing with cases in their respective courts. For instance, judicial magistrates must be given directions to keep conditions and sureties reasonable as per S.440 of the Code of Criminal Procedure, 1973.

ii. **SLSA to have timely reporting back from DLSAs with minutes** for a consolidated picture and next steps for intervention and guidance.\(^{101}\)

iii. The SLSAs to develop reporting guidelines and formats for legal aid lawyers whose services are taken by the UTRCs so that there is timely delivery of relief and accountability.

iv. There should be no delay in getting panel lawyers to begin their responsibilities nor any attempt made to divert their responsibilities to jail officials as evidenced in Gumla (Jharkhand) where the UTRC first asked the jailor to furnish bail bond, failing which panel lawyers would then be assigned the task.

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101 Refer Annexure D on pg. 65 for CHRI Suggested Format for Recording Minutes and Quarterly Reporting by DLSAs to SLSAs. This format takes into account the expanded mandate with 14 eligibilities directed by the Supreme Court in its order dated 24th April 2015, 5th February 2016 and 6th May 2016.
OTHER RECOMMENDATIONS

1) Identification of Eligible Undertrials – UTRCs have either received information on undertrials from courts or prisons or both and accordingly made recommendations. Whether prisons or courts prepare the list of undertrials, two lists must be prepared and presented before the UTRC –

A. PRISON-WISE LIST OF UNDERTRIALS WITH A SINGLE CASE to be prepared prisoner-wise or court-wise in the following suggested proforma –
   i. Name of Undertrial/Father’s Name
   ii. Age
   iii. Case Reference Number
   iv. Police Station
   v. Name of Court
   vi. Offence
   vii. Type of Offence – Compoundable or not
   viii. Maximum Prescribed Imprisonment
   ix. Date of First Remand (To be provided by courts)
   x. Date of Filing of Chargesheet (To be provided by courts)
   xi. Date of Judicial Custody
   xii. Period of Judicial Custody (YY/MM/DD)
   xiii. Lawyer – Whether Private or Legal Aid (To be provided by courts)
   xiv. Whether Bail Granted & Unable to Furnish Surety (To be provided by courts)
   xv. Next Date of Hearing
   xvi. Current Status of the Case

B. PRISON-WISE LIST OF UNDERTRIALS WITH MULTIPLE CASES, to be prepared only prisoner-wise in the following suggested proforma –
   i. Name of Undertrial/Father’s Name
   ii. Age
   iii. Case Reference Number
   iv. Police Station
   v. Name of Court
   vi. Offence
   vii. Type of Offence – Compoundable or not
   viii. Maximum Prescribed Imprisonment
   ix. Date of Judicial Custody
   x. Period of Judicial Custody (YY/MM/DD)
   xi. Next Date of Hearing
   xii. Current Status of the Case

2) CHRI’s EPIC – Evaluation of Prisoners Information and Cases: To assist the prison staff and the courts in preparing the lists of undertrials, CHRI has prepared a specialised excel sheet providing a database of offences, whether compoundable, whether bailable and maximum prescribed punishment. Once the basic information of undertrials is entered, it automatically evaluates the data and analyses it under various heads, viz.: eligibility for bail under Sections 167, 436, 436A, CrPC; eligibility for plea bargaining; petty offences; and total period of detention. If used, it will assist the prison/court staff immensely in identifying eligible prisoners for review from every jail including sub-jails. We urge the prison departments and the district judiciary to select some staff members from each prison and train them in using EPIC.
3) Identifying eligible undertrials must be more frequent than the meetings of the UTRC. This practice was followed by many UTRCs – lists to be submitted bi-monthly in South district (Delhi); monthly periodical statement in Latehar (Jharkhand); before the 5th of every month – Mirzapur (Uttar Pradesh). There was a suggestion for a software to have proper database of prisoners to generate lists of eligible cases – Hisar (Haryana).

4) Progress Reports of the recommended cases were called for in Chandigarh; South Goa (Goa); Bhilwara (Rajasthan); Ghaziabad (Uttar Pradesh). Raigarh (Chhattisgarh) formed a sub-committee comprising of Collector, SDOP & CJM for the monitoring.

5) Regarding review of cases by UTRCs –
   a. There was a suggestion by the Collector in the South Goa district (Goa) to release accused in cases of S.151 on personal bond.
   b. UTRCs must be assisted by knowing the different responsibilities of different sets of legal aid advocates and entrusting responsibilities as per their competencies. It has been done in Mahasamund (Chhatisgarh).

6) Directions must be given to Investigating Officers regarding filing of chargesheets to be streamlined and expedited as was done in South West (Delhi); Kolasib (Mizoram). And, to file prompt final reports to expedite disposal as observed in Rangareddy (Telangana).

7) Taking a good practice from Dausa (Rajasthan), directions must be given by UTRCs to Superintendent of Police to provide adequate number of police escorts to be able to produce each UTP for every hearing.

8) In Ambedkar Nagar (Uttar Pradesh), undertrials were informed about the result of review conducted by the UTRC. This must be specifically directed to be done by all UTRCs.

9) Every small delay matters and this must be considered by the UTRCs. To overcome one of the delays, in Hathras (Uttar Pradesh) and Khammam (Telangana), Superintendent of Police was directed to present evidence on the fixed dates before the Court and expedite the verification of sureties report.

10) Good directions of UTRCs with regard to lawyers to inform families and relatives of surety conditions need to be standardized across UTRCs.

11) The Superintendent of Police should provide information about previous convictions and crime reports of undertrials and any information recorded about the accused’s family and roots as partly undertaken by the SP in the Jodhpur Metropolitan UTRC.

11) There must be a report on attendance of panel lawyers with respect to cases of UTPs and regarding non-representation of the panel lawyers as done by South Goa district (Goa).
NATIONAL REPORT CARD
Map Showing the Response of States and Union Territories to CHRI’s Right to Information Request

RESPONDED
Andaman and Nicobar Islands
Bihar
Chandigarh
Chhattisgarh
Dadra and Nagar Haveli
Daman and Diu
Delhi
Goa
Haryana
Himachal Pradesh
Jharkhand
Karnataka
Kerala
Maharashtra
Meghalaya
Mizoram
Odisha
Puducherry
Punjab
Rajasthan
Sikkim
Tamil Nadu
Telangana
Tripura
Uttar Pradesh
West Bengal

DID NOT RESPOND
Andhra Pradesh
Arunachal Pradesh
Assam
Gujarat
Jammu and Kashmir
Lakshadweep
Madhya Pradesh
Manipur
Nagaland
Uttarakhand
**A. DATA COLLECTION**

- 675 districts in India
- 357 districts of 26 States & UTs responded to the RTI
- 155 districts provided minutes of meetings

**B. INFORMATION ON MEETINGS HELD**

- Out of 714 Mandated Meetings, total 527 meetings were conducted
- Minutes were provided for 256 meetings
- 14 were introductory meetings

**C. FREQUENCY OF MEETINGS**

- 6 DISTRICTS HELD MEETINGS MORE THAN ONCE A MONTH
- 27 DISTRICTS HELD MONTHLY MEETINGS
- 149 DISTRICTS HELD MEETINGS WITHIN 3 MONTHS

**D. MANDATE OF THE UTRCs**

- Total number of meetings whose minutes were analyzed - 247

**E. NUMBER OF CASES FOUND ELIGIBLE FOR REVIEW**

- S.436A CrPC
- Bail Granted But Unable to furnish Surety
- Compoundable offences

- No. of meetings that Reviewed
- No. of meetings that did NOT Review
## F. ELIGIBILITY, APPLICATIONS MOVED & RELEASES

### Eligible Cases

<table>
<thead>
<tr>
<th>State/Territory</th>
<th>Andaman &amp; Nicobar Islands</th>
<th>Bihar</th>
<th>Chandigarh</th>
<th>Chhattisgarh</th>
<th>Dadra &amp; Nagar Haveli</th>
<th>Daman &amp; Diu</th>
<th>Goa</th>
<th>Gujarat</th>
<th>Haryana</th>
<th>Himachal</th>
<th>Jharkhand</th>
<th>Karnataka</th>
<th>Kerala</th>
<th>Madhya Pradesh</th>
<th>Maharashtra</th>
<th>Manipur</th>
<th>Meghalaya</th>
<th>Mizoram</th>
<th>Nagaland</th>
<th>Odisha</th>
<th>Punjab</th>
<th>Puducherry</th>
<th>Rajasthan</th>
<th>Sikkim</th>
<th>Tamil Nadu</th>
<th>Telangana</th>
<th>Tripura</th>
<th>Uttar Pradesh</th>
<th>West Bengal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eligible Cases NP</td>
<td>NP</td>
<td>86</td>
<td>84</td>
<td>0</td>
<td>NP</td>
<td>321</td>
<td>6</td>
<td>61</td>
<td>3</td>
<td>28</td>
<td>NP</td>
<td>NP</td>
<td>27</td>
<td>0</td>
<td>NP</td>
<td>131</td>
<td>509</td>
<td>268</td>
<td>238</td>
<td>23</td>
<td>47</td>
<td>254</td>
<td>28</td>
<td>NP</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Applications Moved

<table>
<thead>
<tr>
<th>State/Territory</th>
<th>Andaman &amp; Nicobar Islands</th>
<th>Bihar</th>
<th>Chandigarh</th>
<th>Chhattisgarh</th>
<th>Dadra &amp; Nagar Haveli</th>
<th>Daman &amp; Diu</th>
<th>Goa</th>
<th>Gujarat</th>
<th>Haryana</th>
<th>Himachal</th>
<th>Jharkhand</th>
<th>Karnataka</th>
<th>Kerala</th>
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<th>Puducherry</th>
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<th>Tamil Nadu</th>
<th>Telangana</th>
<th>Tripura</th>
<th>Uttar Pradesh</th>
<th>West Bengal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applications Moved NP</td>
<td>NP</td>
<td>4</td>
<td>4</td>
<td>0</td>
<td>NP</td>
<td>108</td>
<td>NP</td>
<td>59</td>
<td>NP</td>
<td>0</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>671</td>
<td>NP</td>
<td>0</td>
<td>37</td>
<td>NP</td>
<td>0</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>75</td>
<td>1</td>
<td>NP</td>
</tr>
</tbody>
</table>

### Undertaking Released

<table>
<thead>
<tr>
<th>State/Territory</th>
<th>Andaman &amp; Nicobar Islands</th>
<th>Bihar</th>
<th>Chandigarh</th>
<th>Chhattisgarh</th>
<th>Dadra &amp; Nagar Haveli</th>
<th>Daman &amp; Diu</th>
<th>Goa</th>
<th>Gujarat</th>
<th>Haryana</th>
<th>Himachal</th>
<th>Jharkhand</th>
<th>Karnataka</th>
<th>Kerala</th>
<th>Madhya Pradesh</th>
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<th>Mizoram</th>
<th>Nagaland</th>
<th>Odisha</th>
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<th>Puducherry</th>
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<th>Sikkim</th>
<th>Tamil Nadu</th>
<th>Telangana</th>
<th>Tripura</th>
<th>Uttar Pradesh</th>
<th>West Bengal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Undertaking Released NP</td>
<td>NP</td>
<td>33</td>
<td>9</td>
<td>0</td>
<td>NP</td>
<td>5</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>265</td>
<td>NP</td>
<td>0</td>
<td>2</td>
<td>NP</td>
<td>15</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>NP</td>
<td>73</td>
<td>7</td>
<td>NP</td>
</tr>
</tbody>
</table>
STATE REPORT CARDS
# How to Read a Report

## Number of Jails

<table>
<thead>
<tr>
<th>FORMATION</th>
<th>NAME OF THE STATE/UNION TERRITORY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Were UTRCs formed</td>
<td>No. of districts provided information vis-à-vis Total no. of districts</td>
</tr>
<tr>
<td>in all districts</td>
<td>that provided information</td>
</tr>
<tr>
<td>No. of districts where UTRC formed vis-à-vis Total no. of districts that provided information</td>
<td></td>
</tr>
</tbody>
</table>

## Periodicity

<table>
<thead>
<tr>
<th>PERIODICITY</th>
<th>COMPLIED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Were meetings held quarterly</td>
<td></td>
</tr>
<tr>
<td>No. of districts where quarterly meetings conducted vis-à-vis Total no. of districts that provided information</td>
<td></td>
</tr>
<tr>
<td>Mandated meetings</td>
<td>Names of districts where UTRC was formed</td>
</tr>
<tr>
<td>Meetings held</td>
<td></td>
</tr>
<tr>
<td>Minutes received</td>
<td></td>
</tr>
<tr>
<td>No. of districts x 2</td>
<td></td>
</tr>
<tr>
<td>(mandated meetings in two quarters)</td>
<td></td>
</tr>
</tbody>
</table>

## Attendance of Members

<table>
<thead>
<tr>
<th>ATTENDANCE OF MEMBERS</th>
<th>COMPLIED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Did all members</td>
<td>Names of districts where all members attended all meetings</td>
</tr>
<tr>
<td>attend all meetings</td>
<td></td>
</tr>
<tr>
<td>D&amp;S Judge</td>
<td></td>
</tr>
<tr>
<td>DM</td>
<td></td>
</tr>
<tr>
<td>Supdt. Police</td>
<td></td>
</tr>
<tr>
<td>DLSA Secy.</td>
<td></td>
</tr>
<tr>
<td>Presence of each member vis-à-vis Total no. of minutes</td>
<td></td>
</tr>
</tbody>
</table>

## Mandate

<table>
<thead>
<tr>
<th>MANDATE</th>
<th>COMPLIED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Was the full mandate followed</td>
<td>Names of districts where full mandate was followed</td>
</tr>
<tr>
<td>S.436A</td>
<td></td>
</tr>
<tr>
<td>Bail No Surety</td>
<td></td>
</tr>
<tr>
<td>Compoundable</td>
<td></td>
</tr>
<tr>
<td>No. of times cases</td>
<td></td>
</tr>
<tr>
<td>under each category</td>
<td></td>
</tr>
<tr>
<td>was reviewed</td>
<td></td>
</tr>
<tr>
<td>vis-à-vis Total no. of minutes</td>
<td></td>
</tr>
</tbody>
</table>

## Other Information

- Good Practices of districts
- Bad Practices of districts

---

Undertrials Found Eligible for Release

As provided in the minutes

Applications Moved by Panel Lawyers

As provided in the minutes

Undertrials Released

As provided in the minutes
# Andaman & Nicobar Islands

1/3 Districts provided information

<table>
<thead>
<tr>
<th>Formation</th>
<th>Complied</th>
<th>Did Not Respond</th>
</tr>
</thead>
<tbody>
<tr>
<td>Were UTRCs formed in all districts</td>
<td>South Andaman</td>
<td>Nicobar, North &amp; Middle Andaman</td>
</tr>
<tr>
<td>In 1/1 district which provided information</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Periodicity</th>
<th>Complied</th>
<th>Did Not Comply</th>
</tr>
</thead>
<tbody>
<tr>
<td>Were meetings held quarterly</td>
<td>X</td>
<td>South Andaman – No meeting held, no reasons provided</td>
</tr>
<tr>
<td>In 0/1 district</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mandated meetings</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Meetings held</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Minutes received</td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Attendance of Members</th>
<th>Complied</th>
<th>Did Not Comply</th>
</tr>
</thead>
<tbody>
<tr>
<td>Did all members attend all meetings</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>D&amp;S Judge</td>
<td>Not Applicable</td>
<td></td>
</tr>
<tr>
<td>DM</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supdt. Police</td>
<td></td>
<td></td>
</tr>
<tr>
<td>DLSA Secy.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Mandate</th>
<th>Complied</th>
<th>Did Not Comply</th>
</tr>
</thead>
<tbody>
<tr>
<td>Was the full mandate followed</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>S.436A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bail No Surety</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Compoundable</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Undertrials Found Eligible for Release: Not Provided
- Applications Moved by Panel Lawyers: Not Provided
- Undertrials Released: Not Provided
- Other Information: X
NUMBER OF JAILS – 58
Central – 7; District – 31; Sub-jails – 17; Other – 3

BIHAR
SLSA provided limited information on 37/38 Districts

**FORMATION**
Were UTRCs formed in all districts
In 37/38 districts

**PERIODICITY**
Were meetings held quarterly
In 37/37 districts
Mandated meetings 74
Meetings held 118
Minutes received 0

**ATTENDANCE OF MEMBERS**
Did all members attend all meetings
D&S Judge
DM
Supdt. Police
DLSA Secy.
Not Provided

**MANDATE**
Was the full mandate followed
S.436A
Bail No Surety Compoundable
Not Provided

**COMPLIED**
Araria, Aurangabad, Banka, Begusarai, Bhagalpur, Bhojpur,
Buxar, Darbhanga, East Champaran, Gaya, Gopalganj, Jamui,
Jehanabad, Kaimur, Kishanganj, Kharagpur, Lakhisarai,
Madhepura, Madhubani, Monghyr, Munafgarh, Nalanda,
Nawada, Patna, Purnea, Rohtas, Saharsa, Samastipur,
Saran, Sheikhpura, Sheohar, Sitamarhi, Siwan,
Supaul, Vaishali and West Champaran

**DID NOT RESPOND**
Arwal

**COMPLIED**
Monthly meetings - Araria, Aurangabad, Banka, Begusarai,
Bhagalpur, Bhojpur, Buxar, Darbhanga, East Champaran,
Gopalganj, Jehanabad, Kaimur, Kishanganj, Kharagpur, Lakhisarai,
Monghyr, Munafgarh, Patna, Purnea, Samastipur, Sitamarhi,
Siwan, Sheohar & Supaul Quarterly Meetings - Gaya, Jamui,
Kathiawar, Madhepura, Madhubani, Nalanda, Nawada, Rohtas,
Saharsa, Saran, Sheikhpura, Vaishali & West Champaran

**DID NOT COMPLY**
X

**COMPLIED**
Not Provided

**DID NOT COMPLY**
Not Provided

**COMPLIED**
Not Provided

**DID NOT COMPLY**
Not Provided

**UNDERTRIALS FOUND ELIGIBLE FOR RELEASE**
Not Provided

**APPLICATIONS MOVED BY PANEL LAWYERS**
Not Provided

**UNDERTRIALS RELEASED**
Not Provided

**OTHER INFORMATION**
- Information on Arwal district not provided by SLSA.
### CHANDIGARH
1/1 Districts provided information

#### FORMATION
Were UTRCs formed in all districts

- In 1/1 district which provided information

<table>
<thead>
<tr>
<th>District</th>
<th>Did Not Respond</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chandigarh</td>
<td>X</td>
</tr>
</tbody>
</table>

#### PERIODICITY
Were meetings held quarterly

- In 0/1 district

<table>
<thead>
<tr>
<th>Mandated meetings</th>
<th>2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meetings held</td>
<td>1</td>
</tr>
<tr>
<td>Minutes received</td>
<td>1</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>District</th>
<th>Did Not Comply</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chandigarh</td>
<td>(Date of only one meeting mentioned)</td>
</tr>
</tbody>
</table>

#### ATTENDANCE OF MEMBERS
Did all members attend all meetings

| D&S Judge | 1/1 |
| DM        | 0/1 |
| Supdt. Police | 1/1 |
| DLSA Secy. | NA  |

<table>
<thead>
<tr>
<th>District</th>
<th>Did Not Comply</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chandigarh</td>
<td></td>
</tr>
</tbody>
</table>

#### MANDATE
Was the full mandate followed

- S.436A: 1/1
- Bail No Surety: 1/1
- Compoundable: 1/1

<table>
<thead>
<tr>
<th>District</th>
<th>Did Not Comply</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chandigarh</td>
<td>X</td>
</tr>
</tbody>
</table>

#### UNDERTRIALS FOUND ELIGIBLE FOR RELEASE
- 86 (S.436A - 0, Bail no surety - 10, Compoundable - 76)

#### APPLICATIONS MOVED BY PANEL LAWYERS
- 4

#### UNDERTRIALS RELEASED
- 33

#### OTHER INFORMATION
- Member Secretary wrote multiple letters to D&SJ, advocates and the Superintendent Jail to identify inmates eligible for release and check the progress of the work done.
- Director, Chandigarh Transport Undertaking was present in place of DM.
- Meeting scheduled for September was called off as members were not present.
NUMBER OF JAILS – 28
Central – 5; District – 11; Sub-jails – 12; Other – 0

CHHATTISGARH
14/27 Districts provided information

FORMATION
Were UTRCs formed in all districts
In 14/14 districts which provided information

PERIODICITY
Were meetings held quarterly
In 12/14 districts
Mandated meetings – 28
Meetings held – 28
Minutes received – 22

ATTENDANCE OF MEMBERS
Did all members attend all meetings
D&S Judge – Not Provided
DM – Provided
Supdt. Police – Provided
DLSA Secy.

MANDATE
Was the full mandate followed
S.436A – 19/22
Bail No Surety – 18/22
Compoundable – 15/22

COMPLIED
Balod, Bastar, Bilaspur, Dantewada, Dhamtari, Durg, Janjgir-Champa, Kabirdham, Korea, Mahasamund, Raigarh, Surajpur, Surguja & Uttar Bastar Kanker

DID NOT RESPOND
Balod Bazar, Balrampur, Bemetara, Bijapur, Gariyaband, Jashpur, Kondagaon, Korba, Mungeli, Narayanpur, Raipur, Rajnandgaon, & Sukma

COMPLIED
Balod, Bastar, Dhamtari, Durg, Janjgir-Champa, Kabirdham, Korea, Mahasamund, Raigarh, Surguja, Surajpur & Uttar Bastar Kanker

DID NOT COMPLY
Though Bilaspur and Dantewada mentioned quarterly meetings but dates and minutes not provided

COMPLIED
Not Provided

DID NOT COMPLY
Not Provided

COMPLIED
Bastar, Durg, Janjgir-Champa, Kabirdham, Mahasamund, Raigarh & Surajpur

DID NOT COMPLY
Only 436A – Surguja, Uttar Bastar Kanker
Only Bail no surety – Balod
Only S.436A & Bail no surety – Korea
No Minutes – Bilaspur, Dantewada, Dhamtari

Undertrials Found Eligible for Release: 83
(S.436A – 11, Bail no surety – 25, Compoundable – 38, Preventive Detention – 10)

Applications Moved by Panel Lawyers: 4

Undertrials Released: 9

Other Information:
- In Kabirdham & Kanker UTRC did not consider releasing undertrials because they were involved in so-called ‘naka’ cases.
- Korea UTRC decided that URC members would conduct regular visits of both prisons.
- Raigarh UTRC decided to form a sub-committee comprising of Collector, SDOP & CJM for the monitoring of the three categories of cases.
NUMBER OF JAILS – 1
Central – 0; District – 0; Sub-jails – 1; Other – 0

DADRA & NAGAR HAVELI
1/1 Districts provided information

FORMATION
Were UTRCs formed in all districts
In 1/1 district which provided information

PERIODICITY
Were meetings held quarterly in 0/1 districts
- Mandated meetings: 2
- Meetings held: 1
- Minutes received: 1

ATTENDANCE OF MEMBERS
Did all members attend all meetings
- D&S Judge: 1/1
- DM: 1/1
- Supdt. Police: 1/1
- DLSA Secy.: NA

MANDATE
Was the full mandate followed
- S.436A: 1/1
- Bail No Surety: 1/1
- Compoundable: 1/1

COMPLIED
- Dadra & Nagar Haveli

DID NOT RESPOND
- X

DID NOT COMPLY
- Dadra & Nagar Haveli
  (Meeting took place after 8 months)

COMPLIED
- Dadra & Nagar Haveli

DID NOT COMPLY
- X

COMPLIED
- Dadra & Nagar Haveli

DID NOT COMPLY
- X

Undertrials Found Eligible for Release: 0
Applications Moved by Panel Lawyers: 0
Undertrials Released: 0
Other Information:
- Secretary, DLSA, was not part of the meeting as the meeting took place before the Supreme Court’s 7th August order which expanded the composition.
## NUMBER OF JAILS
- Central: 0
- District: 0
- Sub-jails: 2
- Other: 0

## DAMAN & DIU
1/2 Districts provided information

### FORMATION
- Were UTRCs formed in all districts
  - Yes

- In 1/1 district which provided information
  - Yes

### PERIODICITY
- Were meetings held quarterly
  - Yes

- In 0/1 district
  - Yes

- Mandated meetings: 2
- Meetings held: 1
- Minutes received: 0

### ATTENDANCE OF MEMBERS
- Did all members attend all meetings*
  - Yes

- D&S Judge: 1/1
- DM: 1/1
- Supdt. Police: 1/1
- DLSA Secy.: 1/1

### MANDATE
- Was the full mandate followed
  - Yes

- S.436A
  - Not Provided
- Bail No Surety
  - Not Provided
- Compoundable
  - Not Provided

### UNDERTRIALS
- Found Eligible for Release
  - Not Provided

- Applications Moved by Panel Lawyers
  - Not Provided

- Undertrials Released
  - Not Provided

### OTHER INFORMATION
- *Daman only provided attendance of members.
- In Daman, panel lawyer visits jail.
- Diu did not provide any information.
NUMBER OF JAILS – 10
Central – 8; District – 1; Sub-jails – 0; Other – 1

DELHI
6/11 Districts provided information

FORMATION
Were UTRCs formed in all districts
In 6/6 which provided information

COMPLIED
Central Delhi, North Delhi, North West Delhi, South Delhi, South East Delhi & South West Delhi

DID NOT RESPOND
East Delhi, New Delhi, North East Delhi, Shahdara & West Delhi

PERIODICITY
Were meetings held quarterly
In 4/6 which responded

COMPLIED
Central Delhi, North Delhi, North West Delhi & South Delhi

DID NOT COMPLY
South East Delhi & South West Delhi

MANDATE
Was the full mandate followed

COMPLIED
South Delhi & South West Delhi

DID NOT COMPLY
North Delhi, North-West Delhi, Central Delhi, South East Delhi

ATTENDANCE OF MEMBERS
Did all members attend all meetings

COMPLIED
North Delhi, Central Delhi

DID NOT COMPLY
North West Delhi, South East Delhi, South Delhi & South West Delhi did not provide attendance

APPLICATIONS
Undertrials Found Eligible for Release
321
(S.436A – 22, Bail no surety – 70, Compoundable – 121 & Others – 108)

Applications Moved by Panel Lawyers
108

Undertrials Released
5

OTHER INFORMATION
- South Delhi conducted one meeting to follow up recommended cases and no new cases were considered.
- South West Delhi UTRC recommended to file chargesheets under Arms Act, and 56, 279, 304, 337, 328, 354, 392, 927 within a week.
- Central Delhi URC directed Additional DCP to collect information on continued custody of UTPs who have been granted bail.
- During South East Delhi UTRC meeting other work taken up (Criminal Injuries Compensation Board discussed how to deal with acid attack victims).
### Number of Jails – 2
- Central – 1; District – 0; Sub-jails – 1; Other – 0

### Goa
- 2/2 Districts provided information

#### Formation
- Were UTRCs formed in all districts
  - In 2/2 districts which provided information

#### Periodicity
- Were meetings held quarterly
  - In 2/2 districts
  - Mandated meetings: 4
  - Meetings held: 4
  - Minutes received: 4

#### Attendance of Members
- Did all members attend all meetings
  - D&S Judge: 4/4
  - DM: 4/4
  - Supdt. Police: 4/4
  - DLSA Secy.: 2/4

#### Mandate
- Was the full mandate followed
  - S.436A: 4/4
  - Bail No Surety: 4/4
  - Compoundable: 4/4

#### Other Information
- North Goa - Jail Superintendent was directed to conduct a survey of all cases where UTPs have completed 1/4th of their maximum sentence to be submitted to the DLSA before the 5th of every month.
- South Goa - directed that report must be provided from the Sub-jail Sada regarding attendance of panel lawyers and UTPs be allowed to write regarding non-representation of the panel lawyers. DM suggested that accused under S131, CrPC, be informed that they can be released on personal bond.
### FORMATION
- Were UTRCs formed in all districts
- In 13/13 districts which provided information

### PERIODICITY
- Were meetings held quarterly
- In 7/13 districts
- Mandated meetings: 26
- Meetings held: 35
- Minutes received: 19

### ATTENDANCE OF MEMBERS
- Did all members attend all meetings
- D&S Judge: 19/19
- DM: 19/19
- Supdt. Police: 18/19
- DLSA Secy.: 5/19

### MANDATE
- Was the full mandate followed
- S.436A: 19/19
- Bail No Surety: 7/19
- Compoundable: 9/19

### UNDERTRIALS FOUND ELIGIBLE FOR RELEASE
- 61 (S.436A - 2, Bail no surety - 9, Compoundable - 50)

### APPLICATIONS MOVED BY PANEL LAWYERS
- 59

### UNDERTRIALS RELEASED
- 0

### OTHER INFORMATION
- No meeting held in Sirsa because no one found eligible under S.436A.
- Panipat did not provide attendance of members.
- Yamunanagar did not provide minutes.
- Hisar considered convicts eligible under Probation of Offenders Act, 1958.
- Rewari resolved that DLSA Secy would make fortnightly visits with a panel advocate to create awareness about plea bargaining.

### COMPLIED
- Ambala, Faridabad, Fatehabad, Gurgaon, Hisar, Jhajjar, Kurukshetra, Mahendragarh, Panipat, Rewari, Sirsa, Sonipat & Yamunanagar

### DID NOT RESPOND
- Bhiwani, Jind, Kaithal, Karnal, Mewat, Palwal, Panchkula & Rohtak

### COMPLIED
- Monthly – Mahendragarh & Sonipat though held monthly meetings formed UTRC late in August
- Quarterly – Hisar, Panipat & Rewari
- Gurgaon & Faridabad mentioned quarterly but did not provide minutes

### DID NOT COMPLY
- Ambala, Fatehabad, Jhajjar, Kurukshetra, & Sirsa

### COMPLIED
- Ambala, Fatehabad, Gurgaon, Mahendragarh, Jagadhri, Hisar, Kurukshetra, Rewari & Sonipat

### DID NOT COMPLY
- Hisar

### COMPLIED
- Ambala, Hisar, Kurukshetra & Rewari

### DID NOT COMPLY
- Mahendragarh, Jagadhri, Jhajjar, Panipat & Sonipat
**HIMACHAL PRADESH**
11/12 Districts provided information

### FORMATION
Were UTRCs formed in all districts
- In 11/11 districts which provided information

### PERIODICITY
Were meetings held quarterly
- In 7/11 districts
  - Mandated meetings: 22
  - Meetings held: 22
  - Minutes received: 19

### ATTENDANCE OF MEMBERS
Did all members attend all meetings
- D&S Judge: 19/19
- DM: 19/19
- Supdt. Police: 19/19
- DLSA Secy.: 9/19

### MANDATE
Was the full mandate followed
- S.436A: 15/19
- Bail No Surety: 0/19
- Compoundable: 0/19

---

**COMPLIED**
- Bilaspur, Chamba, Hamirpur, Kangra, Kinnaur, Kullu, Mandi, Shimla, Sirmaur, Solan & Una
- Hamirpur, Kangra, Kinnaur, Kullu, Sirmaur, Solan & Una
- Ambala, Fatehabad, Gurgaon, Mahendragarh, Jagadhri, Jhajjar, Kurukshetra, Rewari & Sonipat

**DID NOT RESPOND**
- Lahaul & Spiti
- Bilaspur & Chamba
- Mandi & Shimla did not provide minutes

**DID NOT COMPLY**
- Bilaspur, Chamba, Hamirpur, Kinnaur, Kangra, Kullu, Sirmaur, Solan & Una
- Mandi & Shimla did not provide minutes

**COMPLIED**
- X

**DID NOT COMPLY**
- Bilaspur, Chamba, Hamirpur, Kinnaur, Kangra, Kullu, Sirmaur, Solan & Una
- Mandi & Shimla did not provide minutes

---

**Undertrials Released**
- 1

---

**Other Information**
- Undertrials found eligible in Kangra (2) & Hamirpur (1).
- One Undertrial was released on personal bond from Hamirpur.
- Sirmaur & Una reviewed cases of UTPs who have completed more than 1/4th of the maximum sentence.

---

**Undertrials Found Eligible for Release**
- 3
  - (S.436A = 3, Bail no surety = 0, Compoundable = 0)

---

**Applications Moved by Panel Lawyers**
- Not Provided
### Number of Jails – 29
- Central – 5
- District – 17
- Sub-jails – 5
- Other – 2

### Jharkhand
- 24/24 Districts provided information

#### Formation
- Were UTRCs formed in all districts
  - In 24/24 districts

#### Periodicity
- Were meetings held quarterly
  - In 6/24 districts
  - Mandated meetings: 48
  - Meetings held: 38
  - Minutes received: 21

#### Attendance of Members
- Did all members attend all meetings
  - D&S Judge: 18/21*
  - DM: 21/21
  - Supdt. Police: 21/21
  - DLSA Secy.: 16/21

#### Mandate
- Was the full mandate followed
  - S.436A: 15/21
  - Bail no surety: 7/21
  - Compoundable: 9/21

#### Undertrials Found Eligible for Release
- 28 (S.436A – 7, Bail no surety – 19, Compoundable – 0, Others – 2)

#### Applications Moved by Panel Lawyers
- 0

#### Undertrials Released
- 0

#### Other Information
- *Three meetings in Gumla were presided by the Deputy Commissioner.
- East Singhbhum, Garhwa, Giridih, Hazaribagh, Jamtara, Lohardaga, Ramgarh, Ranchi, Seraikella Kharsawan, Simdega & West Singhbhum did not provide meeting dates & minutes.
- No meeting held in Charsa because no one found eligible under S.436A.
- Bokaro – Probation Officer was asked to submit report on undertrials eligible u/s 436A.
- Deoghar – legal literacy and awareness classes be conducted every month; resolved to take measures for functioning of legal aid clinics at the panchayat level.
**NUMBER OF JAILS – 102**
Central – 8; District – 19; Sub-jails – 70; Other – 5

---

**KARNATAKA**
SLSA provided limited information on 30/30 districts

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<thead>
<tr>
<th>COMPLIED</th>
<th>DID NOT RESPOND</th>
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<table>
<thead>
<tr>
<th>FORMATION</th>
<th>( \text{Were UTRCs formed in all districts} )</th>
</tr>
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<tr>
<td>( \text{In 30/30 districts} )</td>
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<tr>
<th>PERIODICITY</th>
<th>( \text{Were meetings held quarterly} )</th>
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<tr>
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<thead>
<tr>
<th>ATTENDANCE OF MEMBERS</th>
<th>( \text{Did all members attend all meetings} )</th>
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<tbody>
<tr>
<td>D&amp;S Judge, DM, Supdt. Police, DLSA Secy.</td>
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<table>
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<tr>
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<th>( \text{Was the full mandate followed} )</th>
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</thead>
<tbody>
<tr>
<td>S.436A, Bail No Surety, Compoundable</td>
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<table>
<thead>
<tr>
<th>Undertrials Found Eligible for Release</th>
<th>Applications Moved by Panel Lawyers</th>
<th>Undertrials Released</th>
<th>Other Information</th>
</tr>
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<tbody>
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<td>Not Provided</td>
<td>Not Provided</td>
<td>SLSA did not provide any information other than formation of UTRCs.</td>
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</table>
**NUMBER OF JAILS** – 54
Central – 3; District – 11; Sub-jails – 16; Other – 24

**KERALA**
SLSA provided limited information on 14/14 districts

**FORMATION**
Were UTRCs formed in all districts
In 14/14 districts

**PERIODICITY**
Were meetings held quarterly
Not Provided
Mandated meetings 28
Meetings held NP
Minutes received NP

**ATTENDANCE OF MEMBERS**
Did all members attend all meetings
D&S Judge Not Provided
DM NP
Supdt. Police NP
DLSA Secy. NP

**MANDATE**
Was the full mandate followed
S.436A Not Provided
Bail No Surety
Compoundable NP

**COMPLIED**
Alappuzha, Ernakulam, Idukki, Kannur, Kasargod, Kollam, Kottayam, Kozhikode, Malappuram, Palakkad, Pathanamthitta, Thiruvananthapuram, Thrissur & Wayanad

**DID NOT RESPOND**
Not Applicable

**COMPLIED**
Not Provided

**DID NOT COMPLY**
Not Provided

**COMPLIED**
Not Provided

**DID NOT COMPLY**
Not Provided

**COMPLIED**
Not Provided

**DID NOT COMPLY**
Not Provided

**UNDERTRIALS FOUND ELIGIBLE FOR RELEASE**
Not Provided

**APPLICATIONS MOVED BY PANEL LAWYERS**
Not Provided

**UNDERTRIALS RELEASED**
Not Provided

**OTHER INFORMATION**
- SLSA did not provide any information other than formation of UTRCs.
### Formation
- Were UTRCs formed in all districts?
  - Yes, in 36/36 districts.

### Periodicity
- Were meetings held quarterly?
  - Not Provided

#### Met as per requirement
- Mandated meetings
  - 72
- Meetings held
  - NP
- Minutes received
  - NP

### Attendance of Members
- Did all members attend all meetings?
  - Not Provided

#### Met as per requirement
- D&S Judge
  - Not Provided
- DM
  - Not Provided
- Supdt. Police
  - Not Provided
- DLSA Secy.
  - Not Provided

### Mandate
- Was the full mandate followed?
  - Not Provided

#### Met as per requirement
- S.436A
  - Not Provided
- Bail No Surety
  - Compoundable
  - Not Provided

### Complied
- Ahmedabad, Akola, Amravati, Aurangabad, Beed, Bhandara, Buldana, Chandrapur, Dhula, Gadchiroli, Gondia, Hongoli, Jalgaon, Jalna, Kolhapur, Latur, Mumbai City, Mumbai Suburban, Nagpur, Nanded, Nandurbar, Nashik, Osmanabad, Palghar, Parbhani, Pune, Raigad, Ratnagiri, Sangli, Satara, Sindhudurg, Solapur, Thane, Wardha, Washim & Yavatmal

### Did not respond
- Not applicable

### Did not comply
- Not provided

---

**Other Information**
- SLSA did not provide any information other than formation of UTRCs.
### Meghalaya

11/11 Districts provided information

#### Formation

- **Were UTRCs formed in all districts?**
  - **Complied:** East Garo Hills, East Jaintia Hills, East Khasi Hills, North Garo Hills, Ri Bhoi, South Garo Hills, South West Garo Hills, South West Khasi Hills, West Garo Hills, West Jaintia Hills & West Khasi Hills
  - **Did not respond:** Not Applicable

- **In 11/11 which provided information?**
  - **Complied:** East Garo Hills, East Jaintia Hills, East Khasi Hills, North Garo Hills, Ri Bhoi, South Garo Hills, South West Garo Hills, South West Khasi Hills, West Garo Hills, West Jaintia Hills & West Khasi Hills
  - **Did not respond:** Not Applicable

#### Periodicity

- **Were meetings held quarterly?**
  - **Complied:** East Khasi Hills, South West Khasi Hills & West Jaintia Hills
  - **Did not comply:** East Garo Hills, East Jaintia Hills, North Garo Hills, Ri Bhoi, South Garo Hills, South West Garo Hills, West Garo Hills & West Khasi Hills

- **In 3/11 districts:**
  - Mandated meetings: 22
  - Meetings held: 15
  - Minutes received: 12

#### Attendance of Members

- **Did all members attend all meetings?**
  - D&S Judge: 11/12*
  - DM: 12/12
  - Supdt. Police: 12/12
  - DLRA Secy.: 3/12

- **Did not comply:**
  - East Garo Hills, East Khasi Hills, North Garo Hills, Ri Bhoi, South Garo Hills, South West Khasi Hills & North Garo Hills

#### Mandate

- **Was the full mandate followed?**
  - S.436A: 12/12
  - Bail No Surety: 11/12
  - Compoundable: 8/12

- **Did not comply:**
  - East Garo Hills, East Khasi Hills, Ri Bhoi, West Khasi Hills & South West Khasi Hills
  - East Jaintia Hills, North Garo Hills, West Garo Hills & West Jaintia Hills

#### Other Information

- *One meeting in East Jaintia Hill was presided by Deputy Commissioner, Khliehriat.
- South Garo Hills, South West Garo Hills did not provide dates and minutes of meetings.
- East Garo Hills-UTRC may not recommend release on bail of UTPs who are detained under Meghalaya Preventive Detention Act unless the detention order is revoked or quashed.
- West Garo Hills sought from MLSPA whether foreign nationals are entitled to the benefit under 456A.*

### Undertrials Found Eligible for Release

- 27
  - S.436A – 1, Bail no surety – 16, Compoundable – 0, Others – 10

### Applications Moved by Panel Lawyers

- Not Provided

### Undertrials Released

- Not Provided
### MIZORAM

8/8 Districts provided information

#### FORMATION

- Were UTRCs formed in all districts
  - In 8/8 districts which provided information

#### PERIODICITY

- Were meetings held quarterly
  - In 0/8 districts
  - Mandated meetings: 16
  - Meetings held: 1
  - Minutes received: 1

#### ATTENDANCE OF MEMBERS

- Did all members attend all meetings
  - D&S Judge: 1/1
  - DM: 1/1
  - Supdt. Police: 1/1
  - DLSA Secy.: 1/1

#### MANDATE

- Was the full mandate followed
  - S.436A: 0/1
  - Bail No Surety: 0/1
  - Compoundable: 0/1

#### UNDERTRIALS RELEASED

- 265

#### OTHER INFORMATION

- Aizawl & Mamit – paralegals drafted applications and sent to DLSA Secy.
- In Kolasib, cases of undertrials detained for more than 2-3 months were reviewed; APP of Dist. Court and Inspector of Excise and Narcotics were also present.
- No meeting held in Lunglei because no one found eligible under S.436A and bail no surety.
- The Supdt. Police was requested to expedite the filing of chargesheets of 4 prisoners and CJM was requested to dispose off the cases in a time-bound manner.
### ODISHA
SLSA provided limited information on 30/30 districts

#### COMPLIED
- Angul, Balangir, Balasore, Bargara, Bhadrak, Boudh, Cuttack, Deogarh, Dhenkanal, Gajapati, Ganjam, Jagatsinghpur, Jajpur, Jharsuguda, Kalahandi, Kendrapara, Keonjhar, Khordha, Koraput, Malkangiri, Mayurbhanj, Nabarangpur, Nayagarh, Nuapatna, Puri, Rayagada, Sambalpur, Sonepur & Sundargarh

#### DID NOT RESPOND
- Not Applicable

### NUMBER OF JAILS – 91
- Central – 5; District – 9; Sub-jails – 73; Other – 4

### FORMATION
- Were UTRCs formed in all districts
  - In 30/30 districts

#### PERIODICITY
- Were meetings held quarterly
  - Not Provided
  - Mandated meetings: 60
  - Meetings held: NP
  - Minutes received: NP

#### ATTENDANCE OF MEMBERS
- Did all members attend all meetings
  - D&S Judge: Not Provided
  - DM: Not Provided
  - Supdt. Police: Not Provided
  - DLSA Secy.: Not Provided

### MANDATE
- Was the full mandate followed
  - S.436A
  - Bail No Surety
  - Compoundable
  - Not Provided

### UNDERTRIALS
- Found Eligible for Release
  - Not Provided

#### APPLICATIONS
- Moved by Panel Lawyers
  - Not Provided

#### OTHER
- Released
  - Not Provided

- SLSA did not provide any information other than formation of UTRCs.
## NUMBER OF JAILS – 4
- Central – 1
- District – 0
- Sub-jails – 1
- Other – 2

## PUDUCHERRY
2/4 Districts provided information

### FORMATION
- Were UTRCs formed in all districts
- In 2/2 districts which provided information

### PERIODICITY
- Were meetings held quarterly
- In 1/2 districts
  - Mandated meetings: 4
  - Meetings held: 3
  - Minutes received: 3

### ATTENDANCE OF MEMBERS
- Did all members attend all meetings
  - D&S Judge: 3/3
  - DM: 3/3
  - Supdt. Police: 3/3
  - DLSA Secy.: 0/3

### MANDATE
- Was the full mandate followed
  - S.436A: 3/3
  - Bail No Surety: 0/3
  - Compoundable: 0/3

### COMPLIED
- Puducherry & Karaikal

### DID NOT RESPOND
- Mahe & Yanam do not apply
- (no prison in these two districts)

### COMPLIED
- Karaikal

### DID NOT COMPLY
- X

### Undertrials Found Eligible for Release
- 0

### Applications Moved by Panel Lawyers
- 0

### Undertrials Released
- 0

### Other Information
- All four prisons of the UT are located in Puducherry & Karaikal.
### Number of Jails

- Central: 9
- District: 7
- Sub-Jails: 7
- Other: 3

### Punjab

19/22 Districts provided information

#### Formation

- Were UTRCs formed in all districts?
  - Yes: Amritsar, Barnala, Bathinda, Fatehgarh Sahib, Fazilka, Ferozepur, Hoshiarpur, Jalandhar, Kapurthala, Ludhiana, Mansa, Moga, Muktsar, Nawanshahr, Pathankot, Patiala, Rupnagar, Sangrur, Tarn Taran
  - No: Faridkot, Gurdaspur & Sahibzada Ajit Singh Nagar (Mohali)

#### Periodicity

- Were meetings held quarterly?
  - Yes: Bathinda, Fatehgarh Sahib, Fazilka, Ferozepur, Hoshiarpur, Jalandhar, Kapurthala, Muktsar, Nawanshahr, Rupnagar & Sangrur
  - No: Amritsar, Barnala, Ludhiana, Mansa, Moga, Pathankot, Patiala & Tarn Taran

- Mandated meetings: 38
- Meetings held: 37
- Minutes received: 25

#### Attendance of Members

- Did all members attend all meetings?
  - Yes: Amritsar, Bathinda, Hoshiarpur, Jalandhar, Muktsar, Patiala & Kapurthala
  - No: Fatehgarh Sahib

- D&S Judge: 25/25
- DM: 18/25
- Supdt. Police: 16/25
- DLSA Secy.: 14/25

#### Mandate

- Was the full mandate followed?
  - Yes: Amritsar, Bathinda, Hoshiarpur, Kapurthala, Pathankot, Rupnagar & Tarn Taran
  - No: Barnala, Fatehgarh Sahib, Fazilka, Ferozepur, Jalandhar, Ludhiana, Muktsar & Patiala & Sangrur

- S.436A: 25/25
- Bail No Surety: 19/25
- Compoundable: 18/25

### Undertrials Found Eligible for Release

- 131 (S.436A - 15, Bail no surety - 46, Compoundable - 70)

### Applications Moved by Panel Lawyers

- 4

### Undertrials Released

- 2

### Other Information

- Barnala, Ferozepur, Ludhiana, Moga, Pathankot, Rupnagar & Sangrur did not provide attendance.
- Nawanshahr did not provide minutes.
- In Mansa, though no meeting were held, letters were written from CJM to panel lawyers to identify cases under S.436A & compoundable offence.
- In a meeting in Muktsar discussions took place on victims of acid attack cases, publicity of lok adalat, mediation centre and infrastructure issues.
## Number of Jails – 126
- Central – 9
- District – 24
- Sub-jails – 60
- Other – 33

### Rajasthan
31/33 Districts provided information

#### Formation
- Were UTRCs formed in all districts
  - In 31/31 districts which provided information

#### Periodicity
- Were meetings held quarterly
  - In 26/31 districts
  - Mandated meetings: 62
  - Meetings held: 56
  - Minutes received: 53

#### Attendance of Members
- Did all members attend all meetings*
  - DBS Judge: 52/53
  - DM: 53/53
  - Supdt. Police: 53/53
  - DLSA Secy.: 23/53

#### Mandate
- Was the full mandate followed
  - S.436A: 53/53
  - Bail No Surety: 26/53
  - Compoundable: 26/53

### Compliance

<table>
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<tr>
<th>Districts</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>COMPLIED</strong></td>
<td>Ajmer, Alwar, Banswara, Baran, Barmer, Bharatpur, Bhilwara, Bikaner, Bundi, Chittorgarh, Churu, Dausa, Dholpur, Dungarpur, Hanumangarh, Jaipur, Jaisalmer, Jalore, Jhunjhunu, Jodhpur, Karauli, Nagaur, Pali, Pratapgarh, RAJSAMAND, Sawai Madhopur, Sikar, Sirohi, Sri Ganganagar, Tonk &amp; Udaipur</td>
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<tr>
<td><strong>DID NOT RESPOND</strong></td>
<td>Jhalawar &amp; Kota</td>
</tr>
<tr>
<td><strong>COMPLIED</strong></td>
<td>Ajmer, Banswara, Baran, Barmer, Bharatpur, Bhilwara, Chittorgarh, Bikaner, Churu, Dausa, Dholpur, Dungarpur, Hanumangarh, Jaipur, Jaisalmer, Jalore, Jodhpur, Karauli, Nagaur, Pali, Pratapgarh, RAJSAMAND, Sawai Madhopur, Sikar, Sirohi, Sri Ganganagar, Tonk &amp; Udaipur</td>
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<tr>
<td><strong>DID NOT COMPLY</strong></td>
<td>Sirohi &amp; Sri Ganganagar</td>
</tr>
<tr>
<td><strong>COMPLIED</strong></td>
<td>Ajmer, Banswara, Baran, Barmer, Bharatpur, Bhilwara, Chittorgarh, Bikaner, Churu, Dausa, Dholpur, Dungarpur, Hanumangarh, Jaipur, Jaisalmer, Jalore, Jodhpur, Karauli, Nagaur, Pali, Pratapgarh, RAJSAMAND, Sawai Madhopur, Sikar, Sirohi, Sri Ganganagar, Tonk &amp; Udaipur</td>
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<td>Chittorgarh &amp; Bikaner</td>
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<td><strong>COMPLIED</strong></td>
<td>Dholpur, Jaipur &amp; Nagaur,</td>
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<tr>
<td><strong>DID NOT COMPLY</strong></td>
<td>Ajmer, Banswara, Baran, Barmer, Bharatpur, Bhilwara, Bikaner, Chittorgarh, Churu, Dungarpur, Hanumangarh, Jaisalmer, Jalore, Jodhpur, Karauli, Pali, Pratapgarh, RAJSAMAND, Sawai Madhopur, Sikar, Sirohi, Sri Ganganagar, Tonk &amp; Udaipur</td>
</tr>
</tbody>
</table>

### Other Information
- Either the members or their representatives attended the meetings. One meeting in Bikaner was presided by the Deputy Commissioner.
- Alwar, Bundi, Jhunjhunu did not provide dates of meetings, attendance & minutes.
- One meeting in Bikaner was presided by District Magistrate, not clear if District & Sessions Judge was also present.
- Jaipur did an extensive follow up of cases recommended in the last meeting.

### Undertrials Found Eligible for Release
- 509
  - (S.436A – 11, Bail no surety – 80, Compoundable – 418)

### Applications Moved by Panel Lawyers
- 37

### Undertrials Released
- 15
### Number of Jails – 2
- Central – 1; District – 1; Sub-jails – 0; Other – 0

### Sikkim
- 4/4 Districts provided information

#### Formation
- Were UTRCs formed in all districts
  - In 4/4 districts which provided information

#### Periodicity
- Were meetings held quarterly
  - In 3/4 districts
  - Mandated meetings: 8
  - Meetings held: 12
  - Minutes received: 0

#### Attendance of Members
- Did all members attend all meetings
  - D&S Judge
  - DM
  - Supdt. Police
  - DLSA Secy.
  - Not Provided

#### Mandate
- Was the full mandate followed
  - S.436A: 4/4
  - Bail No Surety: 0
  - Compoundable: 0

### Compliance
- **Complied**
  - East Sikkim, North Sikkim, South Sikkim & West Sikkim

- **Did Not Respond**
  - X

- **Complied**
  - Monthly meetings – North Sikkim
  - Quarterly meetings – South Sikkim & West Sikkim

- **Did Not Comply**
  - East Sikkim

- **Complied**
  - Not Provided

- **Did Not Comply**
  - Not Provided

- **Complied**
  - X

- **Did Not Comply**
  - East Sikkim, North Sikkim, South Sikkim & West Sikkim

### Undertrials Released
- 0

### Other Information
- East Sikkim – 67 letters were issued by SLSA to panel lawyers instructing them to expedite the case through release on personal bond after meeting the prisoner urgently.
- Cases of Section 436A, S.4 POCSO Act, GR cases, Ss.380, 454 and 34 of IPC, ST (POCSO) and ST (FT) were reviewed in all districts.
### Tamil Nadu

**25/32 Districts provided information**

#### Formation

- **Were UTRCs formed in all districts**
  - In 25/25 districts which provided information

#### Periodicity

- **Were meetings held quarterly**
  - In 12/25 districts
  - Mandated meetings: 50
  - Meetings held: 69
  - Minutes received: 22

#### Attendance of Members

- **Did all members attend all meetings**
  - D&S Judge: 22/22
  - DM: 18/22
  - Supdt. Police: 18/22
  - DLSA Secy.: 14/22

#### Mandate

- **Was the full mandate followed**
  - S.436A: 18/22
  - Bail No Surety: 16/22
  - Compoundable: 13/22

### Undertrials Found Eligible for Release

- 238 (S.436A - 0, Bail no surety - 205, Compoundable - 28, Others - 5)

### Applications Moved by Panel Lawyers

- 38

### Undertrials Released

- 61

### Other Information

- Nammakal, Pudukkottai, Thanjavur, Thoothukudi (1), Vilappuram provided dates of meetings but did not provide minutes.
- Chennai, Dharapuri, Erode, Kanyakumari, Krishnagiri, Ramanathapuram, Salem, Sivaganga, Thanjavur, Tiruvarur, Vellore, did not provide dates of meetings and minutes.
NUMBER OF JAILS – 50
Central – 3; District – 7; Sub-jails – 33; Other – 7

TELANGANA
6/10 Districts provided information

**FORMATION**
Were UTRCs formed in all districts
In 6/6 districts which provided information

**PERIODICITY**
Were meetings held quarterly
In 1/6 districts
Mandated meetings 12
Meetings held 12
Minutes received 4

**ATTENDANCE OF MEMBERS**
Did all members attend all meetings*
D&S Judge 5/5
DM 3/5
Supdt. Police 5/5
DLSA Secy. 2/5

**MANDATE**
Was the full mandate followed
S.436A 2/4
Bail No Surety 2/4
Compoundable 2/4

**COMPLIED**
Adilabad, Karimnagar, Khammam, Mahabubnagar,
Rangareddy & Warangal

**DID NOT RESPOND**
Hyderabad, Medak, Nalgonda & Nizamabad

**COMPLIED**
Karimnagar

**DID NOT COMPLY**
Khammam, Mahabubnagar, Rangareddy, Warangal

**COMPLIED**
Karimnagar,
Khammam, Rangareddy

**DID NOT COMPLY**
Mahabubnagar

**COMPLIED**
Mahabubnagar & Warangal

**DID NOT COMPLY**
Khammam & Rangareddy

---

**Undertrials Found Eligible for Release**
23
(S.436A – 0,
Bail no surety – 16,
Compoundable – 7)

**Applications Moved by Panel Lawyers**
26

**Undertrials Released**
44

**Other Information**
- Karimnagar provided dates of meetings and attendance of members but did not provide minutes.
- Adilabad did not provide dates of meetings and minutes.
- Khammam also gave attention to legal aid, young offenders and directed facilities for pregnant women and children and detention of undertrials near trial courts to the extent possible.
- Rangareddy looked at Lok Adalats, non-bailable warrants, timely presence of witness and ID and production of inmates.
- Warangal did not provide attendance of members.
<table>
<thead>
<tr>
<th>FORMATION</th>
<th>Were UTRCs formed in all districts</th>
<th>In 5/5 districts which provided information</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>PERIODICITY</th>
<th>Were meetings held quarterly</th>
<th>In 4/5 districts</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>Mandated meetings</td>
<td>10</td>
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<tr>
<td></td>
<td>Meetings held</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>Minutes received</td>
<td>9</td>
</tr>
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<thead>
<tr>
<th>ATTENDANCE OF MEMBERS</th>
<th>Did all members attend all meetings</th>
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<tbody>
<tr>
<td></td>
<td>D&amp;S Judge</td>
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<tr>
<td></td>
<td>DM</td>
</tr>
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<td></td>
<td>Supdt. Police</td>
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<td></td>
<td>DLISA Secy.</td>
</tr>
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<tr>
<th>MANDATE</th>
<th>Was the full mandate followed</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>S.436A</td>
</tr>
<tr>
<td></td>
<td>Bail No Surety</td>
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<tr>
<td></td>
<td>Compoundable</td>
</tr>
</tbody>
</table>

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<tr>
<th>TRIPURA 5/8 Districts provided information</th>
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<thead>
<tr>
<th>COMPLIED</th>
<th>Gomati, North Tripura, South Tripura, Unakoti &amp; West Tripura</th>
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<tr>
<th>DID NOT RESPOND</th>
<th>Dhalai, Khowal &amp; Sepahijala</th>
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<table>
<thead>
<tr>
<th>COMPLIED</th>
<th>Gomati, North Tripura, South Tripura &amp; Unakoti</th>
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<tr>
<th>DID NOT COMPLY</th>
<th>West Tripura</th>
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<tr>
<th>COMPLIED</th>
<th>Gomati, North Tripura, Unakoti &amp; West Tripura</th>
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<th>DID NOT COMPLY</th>
<th>South Tripura</th>
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<tr>
<th>DID NOT COMPLY</th>
<th>North Tripura, Unakoti</th>
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</table>

**Undertrials Found Eligible for Release**
47
(S.436A – 0, Bail no surety – 47, Compoundable – 0)

**Applications Moved by Panel Lawyers**
Not Provided

**Undertrials Released**
Not Provided

**Other Information**
X
### NUMBER OF JAILS
- **Central**: 5
- **District**: 57
- **Sub-jails**: 2
- **Other**: 3

### UTTAR PRADESH
19/75 Districts provided information

#### FORMATION
- **Were UTRCs formed in all districts**
- In 19/19 districts which provided information

#### PERIODICITY
- **Were meetings held quarterly**
- In 11/19 district

#### ATTENDANCE OF MEMBERS
- Did all members attend all meetings

#### MANDATE
- Was the full mandate followed

---

| D&S Judge | 25/25 |
| DM | 9/25 |
| Supdt. Police | 12/25 |
| DLSA Secy. | 12/25 |

| S.436A | 24/25 |
| Bail No Surety | 18/25 |
| Compoundable | 15/25 |

---

#### COMPLIED
- **Ambedkar Nagar, Ballia, Balrampur, Banda, Bareilly, Basti, Bulandshahr, Chitrakoot, Fatehpur, Ghaziabad, Gazipur, Hathras, Kanpur Nagar, Lucknow, Mathura, Mirzapur, Saharanpur, Siddharth Nagar and Sonbhadra**

#### DID NOT RESPOND
- Agra, Allahabad, Amethi, Amroha, Auraiya, Azamgarh, Baghpat, Bagraich, Berabarpur, Bijnor, Budaun, Chandauli, Deoria, Etah, Etaul, Faizabad, Farrukhabad, Firozabad, Gautam Buddha Nagar, Gonda, Gorakhpur, Hamirpur, Hardoi, Jauna, Jhansi, Kannauj, Kanpur Dehat, Kanpurnam Nagar, Kaushambi, Kushinagar, Lakhimpur, Lalitpur, Maharajganj, Mahoba, Mainpuri, Mau, Meerut, Moradabad, Muzaffarnagar, Pilibhit, Pratapgarh, Rae Bareli, Rampur, Sambhal, Sant Kabir Nagar, Sant Ravidas Nagar, Shahjahanpur, Shamli, Shrawasti, Sitapur, Sultanpur, Unnao, Varanasi

#### DID NOT COMPLY
- **Ballia, Balrampur, Basti, Fatehpur**

#### COMPLIED
- **Ambedkar Nagar, Bulandshahr, Ghaziabad, Gazipur, Hathras, Kanpur Nagar, Lucknow, Mathura, Mirzapur, Siddharth Nagar & Sonbhadra**

#### DID NOT COMPLY
- **Ambedkar Nagar, Gazipur, Hathras, Sonbhadra**

#### COMPLIED
- **Ballia, Basti, Bulandshahr, Lucknow & Siddharthnagar**

#### DID NOT COMPLY
- **Ambedkar Nagar, Ballia, Banda, Bareilly, Gazipur, Mathura, Mirzapur, Sonbhadra**

#### COMPLIED
- **Basti, Bulandshahr, Ghaziabad, Hathras, Lucknow & Siddharthnagar**

#### DID NOT COMPLY
- **Ambedkar Nagar, Ballia, Banda, Bareilly, Gazipur, Mathura, Mirzapur, Sonbhadra**

---

#### UNDERTRIALS FOUND ELIGIBLE FOR RELEASE
- 254
  - (S.436A – 54, Bail no surety – 79, Compoundable – 110, Others – 11)

#### APPLICATIONS MOVED BY PANEL LAWYERS
- 75

#### UNDERTRIALS RELEASED
- 73

#### OTHER INFORMATION
- No meeting held in Balrampur & Fatehpur.
- Banda, Bareilly, Chitrakoot, Saharanpur did not provide dates of meetings, attendance & minutes.
- Ghaziabad, Mathura, Mirzapur did not provide attendance.
- Kanpur Nagar did not provide minutes.
<table>
<thead>
<tr>
<th>Category</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NUMBER OF JAILS</strong></td>
<td>Central – 7; District – 12; Sub-jails – 33; Other – 6</td>
</tr>
<tr>
<td><strong>WEST BENGAL</strong></td>
<td>6/19 Districts provided information</td>
</tr>
<tr>
<td><strong>FORMATION</strong></td>
<td>Were UTRCs formed in all districts</td>
</tr>
<tr>
<td></td>
<td>In 6/6 districts which provided information</td>
</tr>
<tr>
<td><strong>PERIODICITY</strong></td>
<td>Were meetings held quarterly</td>
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<td>In 2/6 districts</td>
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<tr>
<td></td>
<td>Mandated meetings 12</td>
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<td>Meetings held 11</td>
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<td>Minutes received 3</td>
</tr>
<tr>
<td><strong>ATTENDANCE OF MEMBERS</strong></td>
<td>Did all members attend all meetings</td>
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<td></td>
<td>D&amp;S Judge 3/3</td>
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<td>DM 3/3</td>
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<td>Supdt. Police 3/3</td>
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<td>DLSA Secy. 1/3</td>
</tr>
<tr>
<td><strong>MANDATE</strong></td>
<td>Was the full mandate followed</td>
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<tr>
<td></td>
<td>S.436A 3/3</td>
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<tr>
<td></td>
<td>Bail No Surety 3/3</td>
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<tr>
<td></td>
<td>Compoundable 2/3</td>
</tr>
<tr>
<td><strong>COMPLIED</strong></td>
<td>Birbhum, Cooch Behar, Dakshin Dinajpur, Malda, North 24 Parganas &amp; Purulia</td>
</tr>
<tr>
<td><strong>DID NOT RESPOND</strong></td>
<td>Bankura, Burdwan, Darjeeling, Hooghly, Howrah, Jalpaiguri, Kolkata, Murshidabad, Nadia, Paschim Medinipur, Purba Medinipur, South 24 Parganas &amp; Uttar Dinajpur</td>
</tr>
<tr>
<td><strong>COMPLIED</strong></td>
<td>Birbhum &amp; Dakshin Dinajpur</td>
</tr>
<tr>
<td><strong>DID NOT COMPLY</strong></td>
<td>Purulia</td>
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<tr>
<td></td>
<td>Dakshin Dinajpur &amp; Purulia</td>
</tr>
<tr>
<td><strong>COMPLIED</strong></td>
<td>Purulia</td>
</tr>
<tr>
<td><strong>DID NOT COMPLY</strong></td>
<td>Dakshin Dinajpur</td>
</tr>
</tbody>
</table>

**Undertrials Found Eligible for Release**
28
- S.436A – 0
- Bail no surety – 19
- Compoundable – 9

**Applications Moved by Panel Lawyers**
1

**Undertrials Released**
7

**Other Information**
- Cooch Behar, Malda & 24 North Parganas did not provide dates of meetings, attendance & minutes.
- Birbhum did not provide attendance and minutes.

ANNEXURES

A. Supreme Court Order dated 24 April 2015 in ‘Re-Inhuman Conditions in 1382 Prisons’

B. Ministry of Home Affairs (CS Division), GOI’s Advisory No. V-13013/70/2012-IS (VI) on ‘Use of Section 436A of the Cr.P.C. to reduce overcrowding of prisons.’

C. Right to information queries filed by CHRI to SLSAs across the country

D. CHRI Suggested Format for Recording Minutes and Quarterly Reporting from the District Legal Services Authorities to the State Legal Services Authority

E. Guidance Note: Revised Mandate For Under Trial Review Committees & Suggested Action
A. SUPREME COURT ORDER DATED 24 APRIL 2015 IN
‘RE-INHUMAN CONDITIONS IN 1382 PRISONS’

ITEM NO.304 COURT NO.9 SECTION PIL

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS
Writ Petition(Civil) No(s). 406/2013
RE-INHUMAN CONDITIONS IN 1382 PRISONS
Date : 24/04/2015

This petition was called on for hearing today.

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

UPON hearing the counsel the Court made the following

ORDER

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

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

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

1. A Prisoners Management System (a sort of Management Information System) has been in use in Tihar Jail for quite some time, as stated in the affidavit. The Ministry of Home Affairs should carefully study this application software and get back to us on the next date of hearing with any suggestions or modifications in this regard, so that the software can be improved and then deployed in other jails all over the country, if necessary.

2. We would like the assistance of the National Legal Services Authority (NALSA) in this matter of crucial importance concerning prisoners in the country. We direct the Member Secretary of NALSA to appoint a senior judicial officer as the nodal officer to assist us and deal with the issues that have arisen in this case.

3. For the purpose of implementation of Section 436A of the Code of Criminal Procedure, 1973 (for short “the Code”), the Ministry of Home Affairs has issued an Advisory on 17th January, 2013. One of the requirements of the Advisory is that an Under Trial Review Committee should be set up in every district. The composition of the Under Trial Review Committee is the District Judge, as Chairperson, the District Magistrate and the District Superintendent of Police as members.

The Member Secretary of NALSA will, in coordination with the State Legal Services Authority and the Ministry of Home Affairs, urgently ensure that such an Under Trial Review Committee is established in every District, within one month. The next meeting of each such Committee should be held on or about 30th June, 2015.
4. In the meeting to be held on or about 30th June, 2015, the Under Trial Review Committee should consider the cases of all under trial prisoners who are entitled to the benefit of Section 436A of the Code. The Ministry of Home Affairs has indicated that in case of multiple offences having different periods of incarceration, a prisoner should be released after half the period of incarceration is undergone for the offence with the greater punishment. In our opinion, while this may be the requirement of Section 436A of the Code, it will be appropriate if in a case of multiple offences, a review is conducted after half the sentence of the lesser offence is completed by the under trial prisoner. It is not necessary or compulsory that an under trial prisoner must remain in custody for at least half the period of his maximum sentence only because the trial has not been completed in time.

5. The Bureau of Police Research and Development had circulated a Model Prison Manual in 2003, as stated in the affidavit. About 12 years have gone by and since then there has been a huge change in circumstances and availability of technology. We direct the Ministry of Home Affairs to ensure that the Bureau of Police Research and Development undertakes a review of the Model Prison Manual within a period of three months. We are told that a review has already commenced. We expect it to be completed within three months.

6. The Member Secretary of NALSA should issue directions to the State Legal Services Authorities to urgently take up cases of prisoners who are unable to furnish bail and are still in custody for that reason. From the figures that have been annexed to the affidavit filed by the Ministry, we find that there are a large number of such prisoners who are continuing in custody only because of their poverty. This is certainly not the spirit of the law and poverty cannot be a ground for incarcerating a person. As per the figures provided by the Ministry of Home Affairs, in the State of Uttar Pradesh, there are as many as 530 such persons. The State Legal Services Authorities should instruct the panel lawyers to urgently meet such prisoners, discuss the case with them and move appropriate applications before the appropriate court for release of such persons unless they are required in custody for some other purposes.

7. There are a large number of compoundable offences for which persons are in custody. No attempt seems to have been made to compound those offences and instead the alleged offender has been incarcerated. The State Legal Services Authorities are directed, through the Member Secretary of NALSA to urgently take up the issue with the panel lawyers so that wherever the offences can be compounded, immediate steps should be taken and wherever the offences cannot be compounded, efforts should be made expedite the disposal of those cases or at least efforts should be made to have the persons in custody released therefrom at the earliest.

A copy of this order be given immediately to the Member Secretary, NALSA for compliance.
List the matter on 7th August, 2015 for further directions and updating the progress made.
For the present, the presence of leaned counsel for the States and Union Territories is not necessary. Accordingly, their presence is dispensed with.

(SANJAY KUMAR-I)
COURT MASTER

(RENU DIWAN)
COURT MASTER
To

The Home Secretaries
of all States/UTs

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

Sir/Ma’am,

The State Governments and Union Territories have been requested to adopt various measures related to reduction in overcrowding an advisory dated 9th May 2011 of the Ministry of Home Affairs. One of the initiatives taken by the Government of India has been the amendment of section 436 in the Cr.P.C through the Criminal Procedure Code Amendment Act 2005 and the insertion of a new section 436A. The section 436A is reproduced below:

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

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

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

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

1 http://mha.nic.in/pdfs/PrisonAdvisories-1011.pdf
Thus u/s 436A an under trial prisoner (UTP) has the right to seek bail on serving more than one half of the maximum possible sentence on their personal bond. No person can be detained in prison as an undertrial for a period exceeding the maximum possible sentence. This provision is, however, not applicable for those who are charged with offences punishable with the death sentence.

Although the percentage overcrowding in jails is steadily going down but even now in our prisons 67% of the inmates are undertrials as per 2011 data collected by NCRB. Invariably it has been found that only the poor and indigent who have not been able to put up the surety are those who have continued to languish as under-trials for very long periods and that too for minor offences. The lack of adequate legal aid and a general lack of awareness about rights of arrestees are principal reasons for the continued detention of individuals accused of bailable offences, where bail is a matter of right and where an order of detention is supposed to be an aberration. Thus a disproportionate amount of our prison-space and resources for prison maintenance are being invested on UTPs which is not sustainable.

States/UTs may hence consider taking the following actions:

1. Constitute a Review Committee in every district with the District Judge as Chairman, and the District Magistrate and District SP as members to meet every three months and review the cases.

2. Jail Superintendent should conduct a survey of all cases where the UTPs have completed more than one-fourth of the maximum sentence. He should prepare a survey list and send the same to the District Legal Service Authority (DLSA) as well as the UT Review Committee.

3. Prison authorities may educate undertrial prisoners on their rights to bail.

4. Provide legal aid - may be provided through empanelled lawyers of DLSA to cases presented for release on bail and reduction of bail amount.

5. The list should be made available to the non-official visitors as well as District Magistrates/Judges who conduct periodic inspections of the jails.

6. Home Department may also develop management information system to ascertain the progress made jail-wise in this regard.

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

Yours sincerely

(S. Suresh Kumar)
Joint Secretary to the Govt. of India
Tel: 23438100
Email: jscs@nic.in
C. RIGHT TO INFORMATION QUERIES FILED BY CHRI TO SLSAS ACROSS THE COUNTRY

1. **Whether Undertrial Review Committees are established** in every district of your state –
   a) in compliance with the abovementioned order of the Supreme Court
   b) by any other government/judicial order prior to the abovementioned order of the Supreme Court

2. Please provide the following information regarding undertrial review committees –
   a) **Certified copy** of the government/judicial order which established Undertrial Review Committee in every district of the state.
   b) **Date** of constitution of the committee
   c) **Composition** of the committee and designations of members
   d) **Periodicity** of committee meetings (eg. monthly/quarterly/other)
   e) **Mandate** of the committee mentioning kinds of cases that are to be reviewed (eg. S.436, 436A, compoundable, etc.)

3. **District-wise number** of all the Undertrial Review Committee meetings held from April 2015 till now.

4. **District-wise minutes** of all the Undertrial Review Committee meetings held from April 2015 till now.

5. **Certified copies** of all the orders/directions/guidelines issued by NALSA to the SLSA:
   a) For urgently taking up cases of prisoners who are unable to furnish bail and still in custody for that reason (Refer para 6 of the judgement)
   b) For panel lawyers to make urgent interventions for release/disposal of cases in compoundable offences (Refer para 7 of the judgement)
   c) Any other orders/directions/guidelines in regard to the abovementioned order of the Supreme Court.

6. **Certified copies** of all the orders/directions/guidelines issued by the SLSA instructing panel lawyers to urgently meet prisoners who are unable to furnish bail and still in custody for that reason (Refer para 6 of the judgement)
   a) **District-wise number of applications**, from April 2015 till now, moved before the appropriate court release of prisoners who are unable to furnish bail and still in custody for that reason.
   b) **District-wise number of undertrials released**, from April 2015 till now, by abovementioned interventions of panel lawyers.
D. CHRI SUGGESTED FORMAT FOR RECORDING MINUTES AND QUARTERLY REPORTING FROM THE DISTRICT LEGAL SERVICES AUTHORITIES TO THE STATE LEGAL SERVICES AUTHORITY

- Year ______________________________________________________________________
- Quarter ____________________________________________________________________
- Name of District: __________________________________________________________
- Name of Prisons: ___________________________________________________________
- Date of last meeting held ___________________________________________________
- Date of present meeting ____________________________________________________
- Meeting Time from.......am/pm to........am/pm:_______________________________
- Venue:______________________________________________________________________

1) Reasons, if meetings are not held quarterly, i.e. there is a gap of more than three months between the last meeting and the present meeting
________________________________________________________________________________________

PART 1: MINUTES OF PRESENT MEETING

2) Attendance of Members:

<table>
<thead>
<tr>
<th>Name of the Members</th>
<th>Designation</th>
<th>Present/Absent</th>
<th>Reasons for Non Attendance*</th>
</tr>
</thead>
<tbody>
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</table>

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

3) Total number of cases put up for review court-wise under each category:

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Name of the Court</th>
<th>Number of Cases as Per Categories</th>
<th>Total Number Of Cases Put Up for Review</th>
<th>Actual Cases Reviewed</th>
<th>No. of Recommendations Made</th>
<th>No. of Releases Made</th>
</tr>
</thead>
<tbody>
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</tr>
</tbody>
</table>
4) Details of undertrial cases recommended and directions issued in the present meeting under each category:

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Case Details of UTP cases RECOMMENDED under each category</th>
<th>Directions issued in each case to panel lawyers/ others</th>
</tr>
</thead>
<tbody>
<tr>
<td>I.</td>
<td>Under S.436A, CrPC</td>
<td>I. Under S.436A, CrPC</td>
</tr>
<tr>
<td>II.</td>
<td>Where bail granted but surety not furnished</td>
<td>II. Where bail granted but surety not furnished</td>
</tr>
<tr>
<td>III.</td>
<td>Under compoundable offences</td>
<td>III. Under compoundable offences</td>
</tr>
<tr>
<td>IV.</td>
<td>Under S.436, CrPC</td>
<td>IV. Under S.436, CrPC</td>
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<tr>
<td>VI.</td>
<td>Under S.167(2)(a)(i)&amp;(ii), CrPC</td>
<td>VI. Under S.167(2)(a)(i)&amp;(ii), CrPC</td>
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<tr>
<td>VII.</td>
<td>Under offences which carry a maximum punishment of 2 years</td>
<td>VII. Under offences which carry a maximum punishment of 2 years</td>
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<tr>
<td>VIII.</td>
<td>Under Ss.107, 108, 109 and 151, CrPC</td>
<td>VIII. Under Ss.107, 108, 109 and 151, CrPC</td>
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<td>IX.</td>
<td>Undertrials who are sick or infirm and require specialized medical treatment</td>
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<td>X.</td>
<td>Undertrial women offenders</td>
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<tr>
<td>XI.</td>
<td>First time male offenders between the ages 19 and 21 who are in undertrial custody for offences punishable with less than 7 years of imprisonment and have completed atleast 1/4th of the maximum sentence possible</td>
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<td>XII.</td>
<td>Undertrials of unsound mind</td>
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<td>XIII.</td>
<td>Under S.437(6), CrPC</td>
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<tr>
<td>XIV.</td>
<td>Convicts who are entitled to release because of remission granted to them</td>
<td>XIV. Convicts who are entitled to release because of remission granted to them</td>
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</tbody>
</table>

PART 2: FOLLOW-UP OF RECOMMENDED CASES OF THE LAST MEETING

5) Status of action taken reports

<table>
<thead>
<tr>
<th>Names of Courts which provided action taken reports</th>
<th>Names of Courts which DID NOT provide action taken reports</th>
</tr>
</thead>
<tbody>
<tr>
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</tbody>
</table>
6) Category-wise and prisoner-wise information of the action taken by panel lawyers or court or others and present status of the recommended cases of the last meeting:

<table>
<thead>
<tr>
<th>DETAILS of the Case</th>
<th>Action Taken by Panel lawyer/Court/Others</th>
<th>Reasons, if undertrial not released</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Under S.436A, CrPC</td>
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<tr>
<td>Accused’ Name:</td>
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<tr>
<td>Name of Prison:</td>
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<tr>
<td>Name of Court:</td>
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<tr>
<td>Case Reference No.:</td>
<td></td>
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<tr>
<td>Offence/s:</td>
<td></td>
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<tr>
<td>Stage of the Case:</td>
<td></td>
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<tr>
<td>Date of entry into prison:</td>
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<tr>
<td>II. Where bail granted but surety not furnished</td>
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<tr>
<td>III. Under Compoundable Offences</td>
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<td></td>
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<tr>
<td>IV. Under S.436, CrPC</td>
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<tr>
<td>V. Under Probation of Offenders Act, 1958</td>
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<tr>
<td>VI. Under S. 167(2)(a)(i)&amp;(ii), CrPC</td>
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<td>VII. Under offences which carry a maximum punishment of 2 years</td>
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<td>VIII. Under Sections 107, 108, 109 and 151, CrPC</td>
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<td>X. Undertrial women offenders</td>
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<tr>
<td>XI. First time male offenders between the ages 19 and 21 who are in undertrial custody for offences punishable with less than 7 years of imprisonment and have completed atleast 1/4th of the maximum sentence possible</td>
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</tbody>
</table>
7) Evaluation of action taken by Panel Lawyers in cases of compoundable and bail no surety (prepared by every panel lawyer and submitted to the DLSA) recommended in the last meeting:

<table>
<thead>
<tr>
<th>Names of Panel Lawyers</th>
<th>Dates of Visits to Jail</th>
<th>Name of Jail visited</th>
<th>No. of undertrials identified</th>
<th>No. of undertrials met</th>
<th>No. of cases recommended by UTRC</th>
<th>Action taken by Panel Lawyers in each case</th>
</tr>
</thead>
</table>
This document puts together the mandate of the UTRCs as has been envisaged by the Supreme Court in an ongoing writ petition titled, ‘Re Inhuman conditions in 1382 prisons’. The mandate of the committee has been further expanded by the Supreme Court by virtue of its order dated 5 February 2016 and 06 May 2016. With this document we not only put together all the categories of prisoners that are to be reviewed by the Under trial Review Committees (UTRCs) in their quarterly meetings, but also provide our humble suggestions on what action can be taken or recommended by the UTRC in each of the categories. These are based on our experiences from working closely with the periodic review committees in Rajasthan since the last 5 years; and are also in response to queries that have been raised to us, time and again, by members of some of the UTRCs in West Bengal. The table below lists down the various categories of cases that must be reviewed by every Under trial Review Committee as directed by the Hon’ble Supreme Court.

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Category</th>
<th>Process to establish eligibility</th>
<th>Suggested Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Undertrials eligible under Section 436A of the Code (Order dated 24 April 2015)</td>
<td>Half period of maximum prescribed imprisonment is calculated from the date of arrest and the maximum prescribed imprisonment provided in the First Schedule of the Code of Criminal Procedure, 1973 (the Code).</td>
<td>Recommend to the concerned court for release on personal bond with or without sureties.</td>
</tr>
</tbody>
</table>
| 2     | Undertrials released on bail by the Court but have not been able to furnish sureties (Order dated 24 April 2015) | This must be confirmed by the concerned court as this information is not provided to the prison. | • Direct a panel lawyer to meet the concerned prisoner and after seeking the necessary details to file an application before the concerned court under S.440 of the Code.  
• In cases where accused is represented by a private lawyer, direct prison authorities to inform the prisoner who can communicate to the lawyer to file for reduction of bail bond under S.440 of the Code.  
• Direct Probation Officer/ Welfare Officer, if appointed, to get in touch with the family of the accused in order to furnish sureties.  
• Committee could also recommend release of undertrial on personal bond according to the directions given under Moti Ram & Ors vs State of M.P. [1978 AIR 1594, 1979 SCR (1) 335] |

1 See order dated 24 April 2015.  
2 WP (Civil) No. 406/2013.  
3 Rajasthan’s Periodic Review Committees or Avadhik Samiksha Samitis were established as early in 1979, by a government order, mandated to review the cases of undertrials every month.  
4 For more information on our work on UTRC, please visit the below link: http://www.humanrightsinitiative.org/content/undertrial-review-committees.  
5 By the Supreme Court order dated 07 August 2015, the Secretary of the District Legal Services Authority was added as the fourth member of the Committee and therefore the directions given to the legal services bodies as regards to undertrials who are granted bail but unable to furnish sureties and those accused of compoundable offences form part of the mandate of the UTRC.
| 3 | **Undertrials accused of compoundable offences**<br>(Order dated 24 April 2015) | • The two lists of offences, corresponding sections and the person by whom offence may be compounded are provided under S.320 of the Code.  
• The offences mentioned in sub-section (1) can be compounded without the permission of the Court whereas the offences mentioned in sub-section (2) can be compounded only with the permission of the Court. | • **Direct the concerned court** to make efforts to compound the cases.  
• **Concerned Court to direct the prosecution** to consider the compounding of offence in consultation with the victim.  
• **Direct a panel lawyer** to visit the accused in prison and explain the provisions of S.320 of the Code. If accused is not represented, direct a panel lawyer to file an application before the concerned court. In cases where accused is represented by a private lawyer, after being informed of the provisions by a panel lawyer, the prisoner can communicate to the lawyer to file the application in his behalf.  
• Offence must be compounded according to the provisions of S.320 of the Code. |
| 4 | **Undertrials** eligible under Section 436 of the Code<br>(Order dated 05 February 2016) | • S.436 deals with cases of bailable offences  
• Whether an offence is bailable or non-bailable is provided in the First Schedule of the Code  
• The 2005 amendments to the Code provides that the person be considered indigent if he/she is unable to provide surety within seven days from the date of his/her arrest. | • **Direct a panel lawyer** to file an application for release on personal bond without sureties as soon as the person completes seven days in judicial custody.  
• If seven days have already been over, then recommend the concerned court to release on personal bond as per S. 436 of the Code. |
| 5 | **Implementation of Probation of Offenders Act, 1958**<br>(Order dated 05 February 2016) | • The benefit of S.3 could only be given to first time petty offenders convicted of offences punishable with not more than two years of imprisonment whereas S.4 could be applied, to all offenders, including repeat offenders, who are found guilty of committing any offence other than punishable with death or life imprisonment.  
• The benefit of S.3 could be given to any person who is found guilty of committing offence punishable under any of the sections mentioned herein:  
  o Section 379, 380, 381, 404, 420 of the IPC.  
  o Any offence punishable with imprisonment for not more than two years, or with fine, or with both, under the Indian Penal Code or any other law  
• Court have the power to release any offender on probation of good conduct under Section 4 if:  
  o A person is found guilty of committing any offence other than punishable with death or life imprisonment  
  o Court is of opinion that having regard to the circumstances of the case including the nature of the offence and the character of the offence, it is expedient to release him on probation of good conduct. | **Recommend to the concerned court** that if the person is found guilty in the course of trial, benefit of S.3 or S.4 of the Probation of Offenders Act, 1958, could be given to the accused. |

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6 By the Supreme Court order dated 07 August 2015, the Secretary of the District Legal Services Authority was added as the fourth member of the Committee and therefore the directions given to the legal services bodies as regards to undertrials who are granted bail but unable to furnish sureties and those accused of compoundable offences form part of the mandate of the UTRC.

7 While identifying eligible cases, please take note of state amendments.

8 In *Kuldeep Singh alias Pappi Singh alias Pappa v. State of Punjab, 1984 (1) Crimes 140 (P&H)*, it was provided that there is no bar in releasing a person on probation even if he had been convicted previously.
<table>
<thead>
<tr>
<th></th>
<th><strong>Convicts</strong> who have undergone their sentence or are entitled to release because of remission granted to them (Order dated 05 February 2016)</th>
<th>State rules contain provisions on premature release/shortening of sentence</th>
<th><strong>Direct the Superintendent of Prison</strong> to send the names of eligible convicts to the State Board, established for the purpose, as soon as they become eligible under the state rules.</th>
</tr>
</thead>
</table>
| 6 | **Undertrials** eligible to be released on bail under Section 167(2)(a) (i)&(ii) of the Code –  
   a. where investigation is not completed in 90 days;  
   b. where investigation is not completed in 60 days;  
   c. where investigation is not completed in 180 days  
   [S.167 read with Section 36A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (where persons accused of section 19 or section 24 or section 27A or for offences involving commercial quantity)] (Order dated 06 May 2016) |  
   • 60/90/180 days, calculated from the date of first remand and depends on maximum prescribed imprisonment in the First Schedule of the Code.  
   • This must be confirmed by the concerned court as the date of first remand is not provided to the prison. |  
   • **Recommend to the concerned court** to release on bail or personal bond.  
   • In case the presiding officer does not have requisite jurisdiction, UTRC must **recommend that a prisoner petition for bail be filed in the appropriate court** on next date of hearing of accused person. |
| 7 | **Undertrials** imprisoned for offences which carry a maximum punishment of 2 years (Order dated 06 May 2016) | Please refer to Annexure A which contains the list of IPC offences with the maximum imprisonment of 2 years. |  
   • **Recommend to the concerned court** that if the person is found guilty in the course of trial, benefit of S.3 or S.4 of the Probation of Offenders Act, 1958, could be given to the accused.  
   • Except for 11 offences (Ss. 153AA, 170, 229A, 241, 254, 267, 274, 295, 353, 354, 354-A, IPC) mentioned in the list, all other offences are bailable. Therefore, Committee must recommend the release of eligible persons under S.436 of the CrPC.  
   • For under trials found eligible under the abovementioned 11 offences, Committee could recommend their release on personal bond under the direction given under **Moti Ram & Ors vs State of M.P. [1978 AIR 1594, 1979 SCR (1) 335]** |  
   • **Recommend to the concerned court** to take action according to S.123 of the Code. S.123 empowers the District Magistrate, in the case of an order passed by an Executive Magistrate under Section 117, or the Chief Judicial Magistrate, in any other case either, to release/discharge such persons with or 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.  
   • It should be clear that these provisions are preventive and not punitive in nature. |
| 8 | **Persons** detained under Chapter VIII of the Code, i.e. under Sections 107, 108, 109 and 151 of the Code (Order dated 06 May 2016) | Sections are mentioned on the warrant of the court and Committee must seek this information from the prison authorities before the meeting. |  
   • **Recommend to the District Magistrate** to take action according to S.123 of the Code. S.123 empowers the District Magistrate, in the case of an order passed by an Executive Magistrate under Section 117, or the Chief Judicial Magistrate, in any other case either, to release/discharge such persons with or 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.  
   • It should be clear that these provisions are preventive and not punitive in nature. |
| 10 | Undertrials who are sick or infirm and require specialized medical treatment  
(Order dated 06 May 2016) | These cases could only be identified with the help of the prison authorities who must keep a watch on undertrials who are diagnosed with long or terminal illness or any disability at the time of admission or later. Committee must seek this information from the prison authorities before the meeting. | Seek report from medical board and recommend to the concerned court under S.437 of the Code which provides for a special consideration in granting bail for undertrials who are sick or infirm. |
|---|---|---|---|
| 11 | Undertrial women offenders  
(Order dated 06 May 2016) | • As there are separate reformatories/jails in some districts or separate wards within the prison premises, cases of women offenders must be considered by the Committee of that particular district.  
• Prison authorities must apprise the Committee members about specific cases that may merit consideration by the Committee. | Recommend to the concerned court to consider the case as per S.437 of the Code which provides for a special consideration for women undertrials in cases as deem fit by the Committee.  
• While considering cases the Committee may also take into account the directions given under R. D. Upadhyay vs State of A.P. & Ors. (AIR 2006 SC 1946). |
| 12 | Undertrials, first time male offenders between the ages 19 and 21 who are in undertrial custody for offences punishable with less than 7 years of imprisonment and have completed at least 1/4th of the maximum sentence possible  
(Order dated 06 May 2016) | • This is a special category which though does not find mention specifically under the Code or any other law but helps in keeping a check on unnecessary detention of young offenders.  
• A separate list of such offenders must be sought by the Committee from the prison authorities before the meeting. | Recommend to the concerned court to consider the case as per S.437 of the Code which provides for a special consideration for women undertrials in cases as deem fit by the Committee.  
• While considering cases the Committee may also take into account the directions given under R. D. Upadhyay vs State of A.P. & Ors. (AIR 2006 SC 1946).  
• Persons of unsound mind must be dealt under Chapter XXV (25) of the Code.  
• Recommend to the concerned court to release on bail mentally ill prisoners whose trial has been suspended and their family members are willing to take them in their care.  
• Recommend to the concerned court to take appropriate action as per section 328, 329 & 330 of the Code for mentally ill prisoners whose trials have been suspended for more than six months on account of their incapacity to stand trial.  
• In some cases the whereabouts of family are unknown. In such cases Committee must seek help from prison authorities/welfare officers in identifying the family of a mentally ill person. |
| 13 | Undertrials of unsound mind  
(Order dated 06 May 2016) | Committee must seek from the prison authorities the following before the meeting –  
• List of mentally ill prisoners whose trial has been suspended and their family members are willing to take them in their care  
• List of mentally ill prisoners whose trials have been suspended for more than six month on account of their incapacity to stand trial | Persons of unsound mind must be dealt under Chapter XXV (25) of the Code.  
• Recommend to the concerned court to release on bail mentally ill prisoners whose trial has been suspended and their family members are willing to take them in their care under S.330 of the Code.  
• Recommend to the concerned court to take appropriate action as per section 328, 329 & 330 of the Code for mentally ill prisoners whose trials have been suspended for more than six month on account of their incapacity to stand trial.  
• In some cases the whereabouts of family are unknown. In such cases Committee must seek help from prison authorities/welfare officers in identifying the family of a mentally ill person. |
| 14 | Undertrials eligible for release under S.437(6) of the Code, wherein in a case triable by a Magistrate, the trial of a person accused of any non-bailable offence has not been concluded within a period of sixty days from the first date fixed for taking evidence in the case  
(Order dated 06 May 2016) | • The first date fixed for taking evidence must be sought by all the Magistrate courts as the same is not provided to the prison.  
• Then, the calculation of sixty days must be done, taking one date of the month of the meeting as the basis. | Recommend to the concerned court to release the accused on bail under S.437(6) of the Code. |
CHRI PROGRAMMES

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

Access to Justice

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

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

Access to Information

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

Strategic Initiatives Programme: CHRI monitors member states’ compliance with human rights obligations and advocates around human rights exigencies where such obligations are breached. CHRI strategically engages with regional and international bodies including the Commonwealth Ministerial Action Group, the UN and the African Commission for Human and People's Rights. Ongoing strategic initiatives include: Advocating for and monitoring the Commonwealth's reform; Reviewing Commonwealth countries' human rights promises at the UN Human Rights Council and engaging with its Universal Periodic Review; Advocating for the protection of human rights defenders and civil society space; and Monitoring the performance of National Human Rights Institutions in the Commonwealth while advocating for their strengthening.
Yet another attempt has been made by the Hon'ble Supreme Court in the form of Under Trial Review Committee (UTRC) to transform the broken line of justice into a full circle. In the ongoing writ petition, ‘Re-Inhuman Conditions in 1382 Prisons’ Justice Madan B. Lokur has observed that, “Unfortunately, even though Article 21 of the Constitution requires a life of dignity for all persons, little appears to have changed on the ground as far as prisoners are concerned and we are once again required to deal with issues relating to prisons in the country and their reform.”

The lower judiciary and the state governments have been reminded to maintain accountability and protect liberty. The highest officials in the district from the judiciary, the executive and police are mandated to coordinate their energies to periodically review the cases of undertrials. This report is the first civil society initiative to measure the national level implementation and impact of the Supreme Court’s directions passed in 2015 to constitute UTRCs in every district that would conduct periodic reviews of detentions and ensure statutory releases that are due. The use of the right to information tool in gathering evidence towards this purpose immensely validates the findings about the actual performance of authorities mandated to implement and monitor the UTRCs.

The Commonwealth Human Rights Initiative (CHRI) believes that the efforts made by the Hon’ble Supreme Court will be extremely rewarding towards ensuring fair trial rights to prisoners, institutionalising solutions to the pathological problems in the criminal justice system, and making real the constitutional aspiration/dream to treat prisoners as ‘persons’ whose life and liberty are of eventual consequence to all.