

Release_UTRC@75

**A Campaign for the release of prisoners by
the Under Trial Review Committees to
commemorate the 75th Independence Day
of India**

A REPORT

**NATIONAL LEGAL SERVICES
AUTHORITY**

INTRODUCTION

To commemorate the completion of 75 years of independence, the National Legal Services Authority (NALSA) launched a nation-wide campaign ‘Release_UTRC@75’ to identify undertrial prisoners eligible for release by the district-level Under Trial Review Committee. This is a report on this campaign and its outcomes.

The duration of the campaign was from **16th July to 13th August 2022**.

The total number of releases of undertrial prisoners on bail during this period is **24,789**. These releases can be estimated to have resulted in the decrease in prison population across the country by **4.47%** and of **5.8%** in number of **undertrials**. This would have further led to decrease in prison occupancy rate by an estimated **5.7 percentage points** (from 130% to 124.3%), and a decrease in proportion of undertrials by **4.5 percentage points** (from 77.1% to 72.6%).

This report presents an analysis of the review process and subsequent impact on prison populations in all States/UTs based on the releases.

OBJECTIVES OF THE CAMPAIGN-

What did it aim to achieve?

To commemorate the completion of 75 years of independence, through this campaign the National Legal Services Authority, along with the State Legal Services Authorities and District Legal Services Authorities, aimed to:

Identify prisoners eligible to be considered by the UTRC under the mandated categories;

Organise UTRC meetings on the same day/s throughout the country in order to review all eligible cases of prisoners;

Recommend for release all such cases that the UTRC considers fit for consideration of release;

Urgently file bail or appropriate applications through panel lawyers for all prisoners recommended for release by the UTRC for seeking necessary relief;

Release as many prisoners recommended by UTRC, keeping liberty as paramount;

Update the status of UTRC recommendations based on action taken reports and documenting good practices;

Seek effective coordination among DLSA, prisons, lawyers and concerned courts and;

Make the UTRCs more vigilant in checking unnecessary pre-trial detention, secure the fair trial rights of prisoners and facilitate potential release of prisoners, during and even after the campaign.

TIMELINE OF THE CAMPAIGN

16 July 2022- Formal Launch of NALSA's Campaign Release _UTRC@75 in The 18th All India Legal Services Meet, Jaipur.

18 July 2022- Information material on the campaign was shared with all members of the Under Trial Review Committee, DLSAs, Panel Lawyers, PLVs and all judicial officers, prison headquarters, bar associations, prisons. Orientation of Secy, DLSAs and Data Operators, DLSA and Prison Superintendents was done by NALSA.

18 July 2022- Secretary DLSA sent prescribed format 'Data@75' for collation of data on All prisoners to each prison in their district/jurisdiction.

20 July 2022- Officer in charge of prison sent Secretary, DLSA the completed "Data@75" for all prisoners. Secy, DLSA reviewed "Data@75" information, and sought further information, as necessary, from court records like date of filing of chargesheet etc.

22 July 2022- DLSA office prepared individual lists of prisoners eligible under the 14 categories identified in the NALSA UTRC SOP, for consideration by UTRC. List was shared with NALSA for review.

25 July 2022- 1st Special Meeting of UTRCs conducted for each district. Each case was reviewed and recommendations were made. Secy, DLSA with assistance from data operator updated 'Data@75' with recommendations.

26 July 2022- Minutes of UTRC meeting was prepared and shared with all members of the committee. List of cases where lawyers were required to file petitions were prepared and individual lawyers were communicated to file petitions by 28th July 2022.

29 July 2022- DLSA Office regularly updated 'Data@75' list on progress of each application.

1 August 2022, 8 August 2022, 12 August 2022- UTRC conducted meetings to discuss progress, review additional cases and discuss further action including filing of bails in High Court and the Supreme Court, in case of rejection by lower courts.

13 August 2022- DLSA submitted updated 'Data@75' list to NALSA for preparation of final report on recommendations, releases etc.

CATEGORIES OF CASES REVIEWED

A total of 16 categories of cases of under trials were identified for review by the UTRCs under this campaign. These are listed below:

- 1) UTPs/Convicts falling under Section 436A Cr.P.C.
- 2) UTPs released on bail by the court, but have not been able to furnish sureties.
- 3) UTPs accused of compoundable offences.
- 4) UTPs eligible under Section 436 of Cr.PC.
- 5) UTPs that may be covered under Section 3 of the Probation of Offenders Act, namely accused of offence under Sections 379, 380, 381, 404, 420 IPC or alleged to be an offence not more than 2 years imprisonment.
- 6) UTPs who become eligible to be released on bail u/s 167(2)(a)(i) & (ii) of the Code read with Section 36A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (where persons accused of Section 19 or Section 24 or Section 27A or for offences involving commercial quantity) and where investigation is not completed in 60/90/180 days.
- 7) UTPs who are imprisoned for offences which carry a maximum punishment of 2 years.
- 8) UTPs who are detained under Chapter VIII of the Cr.PC. i.e. u/s 107, 108, 109 and 151 of Cr.PC.
- 9) UTPs who are sick or infirm and require specialized medical treatment.
- 10) UTPs who are women offenders.
- 11) UTPs who are first time offenders between the ages 19 and 21 years and in custody for the offence punishable with less than 7 years of imprisonment and have suffered at least 1/4th of the maximum sentence possible.
- 12) UTPs who are of unsound mind and must be dealt with Chapter XXV of the Code.

- 13) UTPs eligible for release under Section 437(6) of Cr.PC, 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 60 days from the first date fixed for taking evidence in the case.
- 14) Those undertrials who were granted interim bail by the court during the pandemic and they have adhered to all the conditions of the bond and have either returned to the prison on the stipulated date set out by the court/HPC or have regularly attended court on due hearings. The UTRC recommended such cases to the concerned court with the recommendation of granting bail (not interim but regular bail) to the undertrial.
- 15) Those undertrials who are accused of or charged with the offences for which the maximum imprisonment up to 7 years or less. This category was suggested by the Hon'ble Supreme Court in the petition In Re: Contagion of COVID-19 Virus in Prisons, vide order dated 23.03.2020.
- 16) Those undertrials who are above 65 years of age.

The process undertaken by the UTRCs in regard to identification of eligible undertrials, review of their cases, recommendation by UTRC and follow up for release can be seen from the campaign document, shared with all SLSAs and DLSAs, annexed herein as **Annexure A**.

IMPACT OF THE CAMPAIGN

The National Legal Services Authority (NALSA) continuously monitored the progress of the campaign by addressing the concerns of the State Legal Services Authorities (SLSAs) and District Legal Services Authorities (DLSAs) during the campaign. NALSA shared a Monitoring Sheet with all the SLSAs to document the process and the number of undertrials shortlisted by every DLSA; number of undertrials recommended by every UTRC; number of bail/ appropriate applications filed and listed; and number of undertrials finally released during the campaign. NALSA continued to collate data from States/UTs on releases till September 2022, to account for releases made under bail applications filed during the campaign period.

The time period of the campaign was from 16th July to 13th August, 2022. The analysis of the Monitoring Sheet (Table 7), in view of the Prison Statistics India 2021, published by the National Crime Records Bureau, Ministry of Home Affairs, Government of India, is given below.

The impact of the campaign can be better understood in the context of the figures laid down in the **Prison Statistics India 2021**. As per these statistics, there were **4,27,165** undertrials confined in various prisons in the country as on 31st December 2021, constituting **77.1%** of the total prison population. The occupancy rates were **130.2%**, indicating an increase of 12.2% from the previous year. The top five states with the highest number of undertrial population are Uttar Pradesh (90,606); Bihar (59,577); Maharashtra (31,752); Madhya Pradesh (29,094) and West Bengal (22,577).

A. Release of Undertrials:

- Based on the recommendation of the UTRC and the appropriate application filed, the concerned court decides if the undertrial could be released. **A total of 24,789 undertrials were released**, which constitute 4.47% of the total prison population by the concerned courts based on the UTRC recommendation during the campaign.
- **Overall, about 5.8% of the total undertrial population was released during the campaign** which in turn would have resulted in the reduction of the overall occupancy rate by **5.7 percentage points**¹ (from 130% to 124.3%) in the country.
- The **total decrease in proportion of undertrial prisoners** would have been an estimated **4.5 percentage points**² (from 77.1% to 72.6%).
- **The highest number of releases** took place in **Uttar Pradesh (8,409)**, followed by **West Bengal (2,107)**, **Maharashtra (1,717)**, **Punjab (1,531)** and **Delhi (1,152)**.
- It is prudent to analyse the releases by different States and UTs, in relation to the total population of undertrials in each State/UT. This analysis reveals that the highest proportion of cases released based on the recommendation by UTRCs (please refer to Table 1 and Graph 1) were in:

Large and Mid-size States³ and UTs:

1. Andhra Pradesh (10.5%)
2. Assam (9.4%)
3. West Bengal (9.3%)

¹ These are estimated figures, calculated as per the prison occupancy rates as on 31st December 2021.

² These are estimated figures, calculated as per the proportion of undertrials reported as on 31st December 2021.

³ States/UTs where the population is above 10 million. These are 20 states/ UTs – Andhra Pradesh, Assam, Bihar, Chhattisgarh, Delhi, Gujarat, Haryana, Jammu & Kashmir, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Odisha, Punjab, Rajasthan, Tamil Nadu, Telangana, Uttar Pradesh, Uttarakhand West Bengal.

4. Uttar Pradesh (9.2%)
5. Punjab (7.8%)

Small-size States⁴:

1. Arunachal Pradesh (63.6%)
2. Nagaland (23%)
3. Tripura (22.7%)
4. Mizoram (13.5%)
5. Meghalaya (5.4%)

Analysis: The data indicates that among the large and mid-size states and UTs, while the highest numbers of releases were reported from Uttar Pradesh, the real impact was seen in Andhra Pradesh which released the highest proportion of its undertrial population, i.e. 10.5%. Data also indicates that 19 states and UTs released less than 5% of their total undertrial population. Among the large and mid-size states, the lowest proportion of releases took place in Bihar (1.6%); Tamil Nadu (1.8%); Madhya Pradesh (2.7%); Gujarat (2.8%) and Kerala (3.4%).

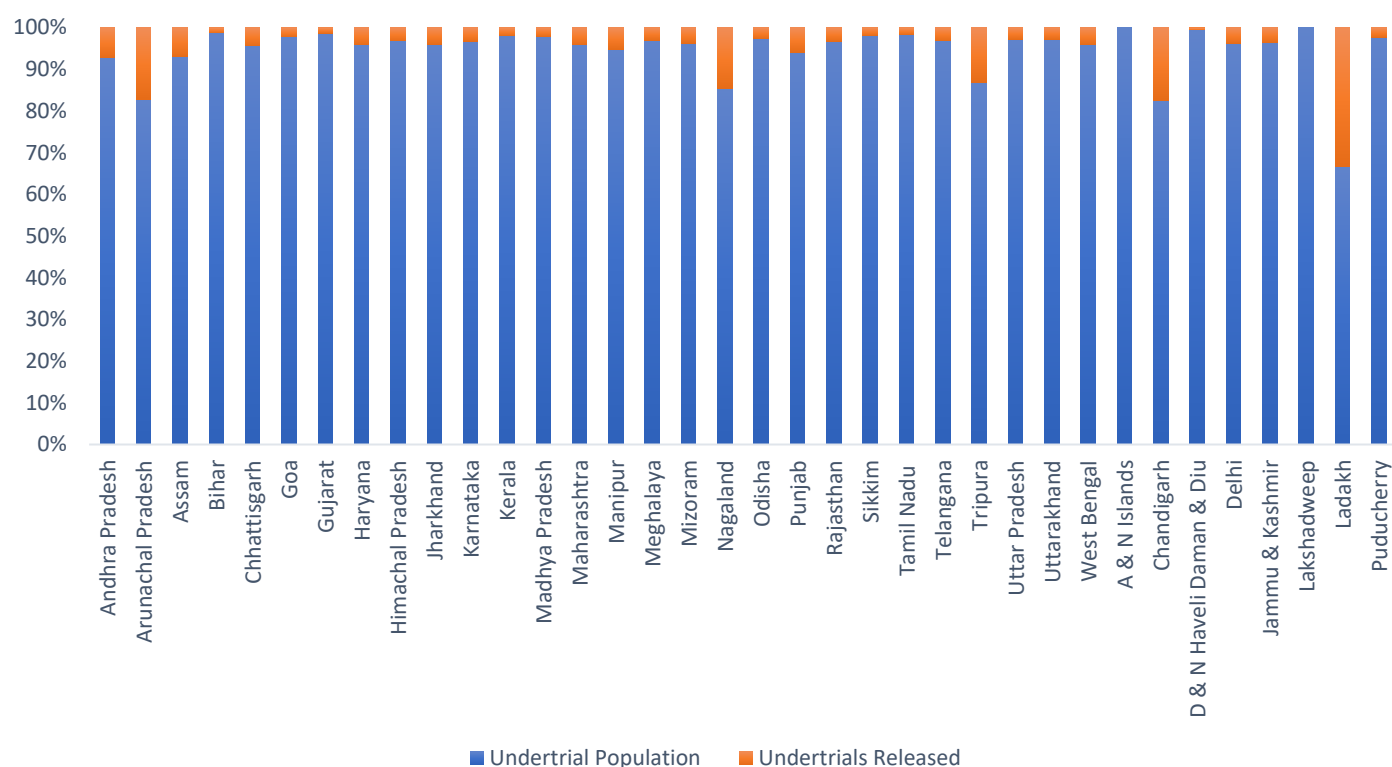
TABLE 1: Proportion of Released Undertrials vis-à-vis Total Undertrial Population – Highest to Lowest

S.No.	Name of the SLSA	Total Under trial Prisoners (PSI 2021)	Persons recommended for release during campaign period	Persons released during the campaign (Upto 13 August '22)	Identified persons released from 16th July, 2022 to till date	Ratio of Undertrials Released vis-à-vis Undertrial Population
1	Arunachal Pradesh	121	79	25	77	63.64
2	Nagaland	326	139	63	75	23.01
3	Tripura	598	269	91	136	22.74

⁴ States where the population is up to 10 million. These are 9 states – Arunachal Pradesh, Goa, Himachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim and Tripura.

4	Chandigarh	718	420	151	151	21.03
5	Mizoram	640	19	25	87	13.59
6	Ladakh	16	2	2	2	12.5
7	Andhra Pradesh	5831	1064	451	612	10.5
8	Assam	7620	1182	570	716	9.4
9	West Bengal	22577	1973	974	2107	9.33
10	Uttar Pradesh	90606	6253	2614	8409	9.28
11	Punjab	19510	4481	1228	1531	7.85
12	Delhi	16665	6451	653	1152	6.91
13	Haryana	18237	3481	780	1145	6.28
14	Jharkhand	16249	1567	671	1017	6.26
15	Chhattisgarh	12288	1539	563	700	5.7
16	Meghalaya	866	40	27	47	5.43
17	Maharashtra	31752	5800	1378	1717	5.41
18	Manipur	513	76	19	24	4.68
19	Uttarakhand	4674	1775	134	205	4.39
20	Himachal Pradesh	2024	145	67	83	4.1
21	Telangana	4796	266	155	196	4.09
22	Karnataka	11689	601	394	475	4.06
23	Rajasthan	17954	2514	604	725	4.04
24	Jammu & Kashmir	4531	255	168	175	3.86
25	Odisha	18164	1235	488	694	3.82
26	Kerala	4892	284	97	167	3.41
27	Sikkim	302	30	6	10	3.31
28	Dadra & Nagar Haveli & Daman & Diu	177	6	5	5	2.82
29	Gujarat	11599	741	153	325	2.8
30	Madhya Pradesh	29094	2264	632	800	2.75
31	Goa	481	43	11	12	2.49
32	Tamil Nadu	11706	402	199	221	1.89
33	Bihar	59577	2218	762	989	1.66
34	Puducherry	209	4	2	2	0.96
35	Andaman & Nicobar Islands	158	0	0	0	0
36	Lakshadweep	5	0	0	0	0
	TOTAL	427165	47618	14162	24789	5.8

GRAPH 1: Ratio of the Undertrials released vis-a-vis total number of Undertrials



B. Analysis of the review process and functioning of the UTRC

The monitoring data received by NALSA, can be analysed to evaluate the review process and functioning of the UTRCs during the campaign period. This analysis indicates some areas which require further attention to make the UTRC process more effective and robust.

(a) Functioning of the UTRC vis-à-vis previous years:

In the short duration of the campaign, the UTRCs recommendations led to a release of a higher number of prisoners, as compared to previous years (Table 2). These figures indicate that the campaign mode for conducting review and follow-up on recommendations has been effective, and resulted in better functioning of the UTRC mechanism.

TABLE 2: Data on UTRCs in 2019, 2020, 2021 and during the campaign

Year	No. of meetings held by UTRCs	No. of inmates recommended for release	No. of inmates released pursuant to UTRC recommendations
2019	3626	37309	12478
2020	9507	28357	15273
2021	9834	36983	17020
Campaign 2022	-	47618	24789

(b) Undertrial Cases Shortlisted by DLSA Secretaries vis-à-vis undertrial population in the state:

During the campaign, a total of **74,107 undertrials** were **identified** under the 16 categories of cases by the DLSA Secretaries across the country. An analysis of these figures indicates that,

- The **highest number of undertrials** shortlisted was in the **Delhi (9,601); Maharashtra (9,263); Uttar Pradesh (9,238); Punjab (4,845) and Haryana (4,346).**
- When analysed in terms of proportion of undertrial population, among the **large and mid-size states and UTs**, the highest proportion of undertrials were shortlisted by (Kindly refer to Table 3 below):
 1. Delhi (57.6%)
 2. Uttarakhand (43.4%)
 3. Maharashtra (29%)
 4. Gujarat (27%)
 5. Assam (25.4%)
- Among the **small-size states**, the highest proportion of undertrials were shortlisted by (Kindly refer to Table 3 below):
 1. Arunachal Pradesh (158%)⁵
 2. Nagaland (93.2%)
 3. Manipur (69.5%)
 4. Tripura (49%)
 5. Mizoram (26.8%)

Analysis: The proportion of shortlisted cases vis-à-vis the total population reveals the extent of cases eligible under the 16 mandated categories of the campaign. As per the data provided in Table 3 below, more than 50% of the undertrial population were found eligible in six States and UTs in the country,

⁵ Since the number of undertrials were taken as on 31st December 2021 as per the NCRB's Prison Statistics India 2021, it is estimated that the number of undertrials must have substantially increased in Arunachal Pradesh during January to June 2022, thus resulting in higher number of cases being shortlisted by the DLSAs than the figures available for 31st December 2021.

with Arunachal Pradesh and Nagaland shortlisting almost the entire undertrial population for review. This shows the need to continuously monitor and identify the eligible prisoners under the UTRC mandate so that it helps in checking the rising undertrial population in Indian prisons, and preventing unnecessary detention.

Noticeably, **Bihar** having the second highest undertrial population in the country, **identified only about 5%** of undertrials for the review before the UTRCs. It cannot be assumed that lower proportion of shortlisted cases mean lack of identification of cases by the DLSA Secretaries or vice versa. However, a closer look is required to understand the vast gaps in identification of prisoners in relation to the total undertrial population among states/UTs. The concerned High Court/State Legal Services Authority may expand the mandate of the UTRCs, over and above the categories specified by the Supreme Court. Towards this, the High Court may consider the categories of cases provided under 'Additional Suggestions' in 'NALSAs Standard Operating Procedures (SOP) on the functioning of UTRCs' to identify some special categories for review to address any state specific concerns regarding the detention of prisoners (as per additional suggestion no. 4 of NALSA's SOP).

**TABLE 3: Proportion of Shortlisted Undertrials vis-à-vis Total Undertrial
Population – Highest to Lowest**

S.No.	Name of the SLSA	Total Under trial Prisoners	Undertrials shortlisted during the campaign	Ratio of Shortlisted Undertrials vis-à-vis Total Undertrial Population
1.	Arunachal Pradesh	121	191	157.85
2.	Nagaland	326	304	93.25
3.	Manipur	513	357	69.59
4.	Dadra & Nagar Haveli & Daman & Diu	177	121	68.36
5.	Chandigarh	718	420	58.50
6.	Delhi	16665	9601	57.61
7.	Tripura	598	292	48.83
8.	Uttarakhand	4674	2029	43.41
9.	Maharashtra	31752	9263	29.17
10.	Gujarat	11599	3141	27.08
11.	Mizoram	640	172	26.88
12.	Assam	7620	1938	25.43
13.	Punjab	19510	4845	24.83
14.	Haryana	18237	4346	23.83
15.	Jharkhand	16249	3717	22.88
16.	Andhra Pradesh	5831	1320	22.64
17.	Jammu & Kashmir	4531	888	19.60
18.	Chhattisgarh	12288	2151	17.50
19.	Kerala	4892	846	17.29
20.	Himachal Pradesh	2024	324	16.01
21.	Rajasthan	17954	2622	14.60
22.	Uttar Pradesh	90606	11412	12.60
23.	Ladakh	16	2	12.50
24.	West Bengal	22577	2709	12.00
25.	Madhya Pradesh	29094	3341	11.48

26.	Telangana	4796	546	11.38
27.	Sikkim	302	31	10.26
28.	Tamil Nadu	11706	1185	10.12
29.	Goa	481	48	9.98
30.	Odisha	18164	1779	9.79
31.	Karnataka	11689	980	8.38
32.	Meghalaya	866	46	5.31
33.	Bihar	59577	3136	5.26
34.	Puducherry	209	4	1.91
35.	Andaman & Nicobar Islands	158	0	0.00
36.	Lakshadweep	5	0	0.00
	Total	427165	74107	17.35

(c) Percentage of cases recommended for release by UTRCs vis-à-vis cases identified:

Out of the total of **74,107** cases shortlisted by the DLSA Secretaries, **64.2%** (47,618) were recommended by the UTRC. Delhi recommended the **highest number of cases (6,451)**, which constituted 67.2% of the identified cases. Among the shortlisted cases, the highest proportion of cases which were successfully recommended by UTRCs was in:

Large and Mid-size States and UTs:

1. Rajasthan (96%)
2. Punjab (92.4%)
3. Uttarakhand (87.4%)
4. Andhra Pradesh (80.6%)
5. Haryana (80%)

Small-size States:

1. Sikkim (97%)
2. Tripura (92%)
3. Goa (89.5%)
4. Meghalaya (87%)
5. Nagaland (45.7%)

Analysis: As per the data provided in Table 4 below, UTRCs in seven States/UTs recommended more than 90% of the shortlisted undertrials for release/appropriate action. In Chandigarh, Ladakh and Puducherry, all the shortlisted undertrials were recommended for release by UTRCs. This clearly shows the importance of UTRC mechanism in identifying cases for release, and the efficient functioning of the UTRCs wherein it can be assumed that the DLSA Secretaries in these states made all efforts to get the required information from the respective prison and court which helped the UTRC to recommend higher proportion of cases for release.

On the other end, among the large and mid-size states/UTs, UTRCs in Telangana, Jharkhand, Tamil Nadu, Kerala, Jammu & Kashmir and Gujarat recommended less than 50% of the shortlisted cases. There is a need to assess the reasons to bridge this gap, and to ensure that the UTRCs gave reasoning for not recommending each of the cases.

**TABLE 4: Ratio of Recommended Undertrials vis-à-vis Shortlisted
Undertrials – Highest to Lowest**

S.No.	Name of the SLSA	Total Under trial Prisoners(PSI 2021)	Undertrial s Shortliste d during the campaign	Undertrials Recommended for release during the campaign	Ratio of Recommended Undertrials vis-à-vis Shortlisted Undertrials	Ratio of Recommended Undertrials vis-à-vis Total Undertrial Population
1	Chandigarh	718	420	420	100.00	58.50
2	Ladakh	16	2	2	100.00	12.50
3	Puducherry	209	4	4	100.00	1.91
4	Sikkim	302	31	30	96.77	9.93
5	Rajasthan	17954	2622	2514	95.88	14.00
6	Punjab	19510	4845	4481	92.49	22.97
7	Tripura	598	292	269	92.12	44.98
8	Goa	481	48	43	89.58	8.94
9	Uttarakhand	4674	2029	1775	87.48	37.98
10	Meghalaya	866	46	40	86.96	4.62
11	Andhra Pradesh	5831	1320	1064	80.61	18.25
12	Haryana	18237	4346	3481	80.10	19.09
13	West Bengal	22577	2709	1973	72.83	8.74
14	Chhattisgarh	12288	2151	1539	71.55	12.52
15	Bihar	59577	3136	2218	70.73	3.72
16	Odisha	18164	1779	1235	69.42	6.80
17	Madhya Pradesh	29094	3341	2264	67.76	7.78
18	Delhi	16665	9601	6451	67.19	38.71
19	Maharashtra	31752	9263	5800	62.61	18.27
20	Karnataka	11689	980	601	61.33	5.14
21	Assam	7620	1938	1182	60.99	15.51
22	Uttar Pradesh	90606	11412	6253	54.79	6.90
23	Telangana	4796	546	266	48.72	5.55
24	Nagaland	326	304	139	45.72	42.64
25	Himachal Pradesh	2024	324	145	44.75	7.16
26	Jharkhand	16249	3717	1567	42.16	9.64

27	Arunachal Pradesh	121	191	79	41.36	65.29
28	Tamil Nadu	11706	1185	402	33.92	3.43
29	Kerala	4892	846	284	33.57	5.81
30	Jammu & Kashmir	4531	888	255	28.72	5.63
31	Gujarat	11599	3141	741	23.59	6.39
32	Manipur	513	357	76	21.29	14.81
33	Mizoram	640	172	19	11.05	2.97
34	Dadra & Nagar Haveli & Daman & Diu	177	121	6	4.96	3.39
35	Andaman & Nicobar Islands	158	0	0	0.00	0.00
36	Lakshadweep	5	0	0	0.00	0.00
	Total	427165	74107	47618	64.26	11.15

(d) Filing of bail or other appropriate applications panel or private lawyers:

An important aspect of the UTRC process is the prompt filing of bail or other appropriate applications by the panel or private lawyers representing the accused, in every case recommended for release by the UTRC. Data indicates that **a total of 18,789 bail or other appropriate applications** were **filed** by the lawyers. This **falls short of 66.5%** of the **total** number of **cases recommended** by the UTRCs. Further analysis reveals that:

- Among all States/UTs, the **highest number of bail applications** under **S.437 CrPC**, were filed in **Delhi (3,883)**, followed by **Uttar Pradesh (1,363)**; **Jharkhand (1,279)**; **West Bengal (1,090)** and **Punjab (1,011)**.
- Among all States/UTs, the **highest number of bail applications** under **S.439 CrPC**, at the Sessions Courts and High Court, were filed in **Jharkhand (575)**;

followed by Uttar Pradesh (422); Bihar (317); Delhi (278) and Punjab (222). This might indicate that the coordination between the panel lawyers at the District Courts and High Court were better in these states.

- Among the recommended cases in large and mid-size states/UTs, the highest proportion of bail/appropriate applications under S.437, CrPC, were filed in:

1. Jharkhand (81.6%)
2. Karnataka (72.2%)
3. Delhi (60%)
4. Chhattisgarh (58.3%)
5. West Bengal (55.2%)

Analysis: In the campaign, it was suggested that a group of panel lawyers may be created by the DLSA Secretary to coordinate with private lawyers to ensure prompt filing of bail applications in all cases recommended for release by the UTRCs. As per the data provided in Table 5 below, in 15 States/UTs⁶ bail applications were filed in more than 50% of the recommended cases. It is a possible indication that the coordination among the DLSA Secretary and the lawyers in regard to timely filing of appropriate applications was better in these states/UTs than the rest. However, the gap between total number of cases identified and the number of cases where bails were filed must be assessed, and appropriate steps taken to ensure that for every case recommended by the UTRC, bail or other appropriate applications are promptly filed by the panel or private lawyers.

⁶ Some clarity is required for the data provided by Mizoram, for the 19 undertrials whose cases were recommended by the UTRCs, 100 bail applications were filed under S.437 of the CrPC and additionally 14 applications were filed in Sessions Court or High Court.

**Table 5: Ratio of Bail Applications under S.437 and S. 439 CrPC vis-à-vis
Recommended Undertrials – Highest to Lowest**

S.No.	Name of the SLSA	Persons recommended for release during campaign period	Number of Bail Applications filed under Section 437 Cr.PC		Total Number of Bail Applications filed under Section 437 Cr.PC	Ratio of Bail Applications u/s.437 vis-à-vis Recommended Undertrials	Number of Bails filed under Section 439 Cr.PC (Both Sessions Court and High Court)		Total Number of Bails filed under Section 439 Cr.PC (Both Sessions Court and High Court)
			Legal Aid	Private lawyer					
1.	Mizoram	19	21	79	100	526.32	1	13	14
2.	Ladakh	2	1	1	2	100.00	0	0	0
3.	Jharkhand	1567	206	1073	1279	81.62	59	516	575
4.	Karnataka	601	145	289	434	72.21	12	13	25
5.	Delhi	6451	3834	49	3883	60.19	253	25	278
6.	Arunachal Pradesh	79	24	23	47	59.49	12	2	14
7.	Chhattisgarh	1539	414	484	898	58.35	29	64	93
8.	West Bengal	1973	431	659	1090	55.25	20	85	105
9.	Himachal Pradesh	145	29	51	80	55.17	4	23	27
10.	Meghalaya	40	9	13	22	55.00	5	13	18
11.	Tamil Nadu	402	84	136	220	54.73	18	12	30
12.	Jammu & Kashmir	255	73	64	137	53.73	32	29	61
13.	Goa	43	14	9	23	53.49	0	0	0
14.	Manipur	76	38	1	39	51.32	2	0	2
15.	Nagaland	139	42	29	71	51.08	12	7	19
16.	Assam	1182	438	128	566	47.88	49	65	114
17.	Kerala	284	103	16	119	41.90	27	11	38
18.	Chandigarh	420	109	66	175	41.67	24	9	33
19.	Bihar	2218	190	723	913	41.16	31	286	317
20.	Madhya Pradesh	2264	321	593	914	40.37	73	99	172
21.	Odisha	1235	117	379	496	40.16	88	50	138

22.	Telangana	266	52	48	100	37.59	0	2	2
23.	Tripura	269	46	48	94	34.94	1	11	12
24.	Dadra & Nagar Haveli & Daman & Diu	6	0	2	2	33.33	0	0	0
25.	Uttarakhand	1775	389	63	452	25.46	8	9	17
26.	Punjab	4481	371	640	1011	22.56	123	99	222
27.	Uttar Pradesh	6253	588	775	1363	21.80	195	227	422
28.	Gujarat	741	55	106	161	21.73	5	48	53
29.	Haryana	3481	463	168	631	18.13	37	20	57
30.	Maharashtra	5800	53	295	348	6.00	34	79	113
31.	Andhra Pradesh	1064	20	35	55	5.17	5	35	40
32.	Sikkim	30	1	0	1	3.33	22	5	27
33.	Rajasthan	2514	7	7	14	0.56	11	0	11
34.	Puducherry	4	2	-	-	0.00	-	-	
35.	Andaman & Nicobar Islands	0	0	0	0	0	0	0	0
36.	Lakshadweep	0	0	0	0	0	0	0	0
	TOTAL	47618	8690	7052	15740	33.05	119 2	185 7	3049

(e) Percentage of cases released vis-à-vis cases recommended for release:

Of the total number of cases recommended for release by the UTRCs, an average **52%** were released. The highest proportion of cases which were successfully released among all States/UTs was in:

1. Mizoram (456%)
2. Uttar Pradesh (134.4%)
3. Meghalaya (117.5%)
4. West Bengal (106.7%)
5. Ladakh (100%)

Analysis: The variation between proportions of undertrials released in relation to the total number of cases recommended for release is substantive. One primary reason for this gap could be the difference between the number of persons recommended for release and number of bail or appropriate applications filed. Another reason could be that there was a delay and listing of the bail applications, therefore no decision for release could be reached by the Court. This is evidenced from the number of releases reported till 13th of August 2022, and the subsequent numbers reported till 14th September 2022. While it is necessary to review and ascertain the difference between the number of prisoners recommended for release and the number of prisoners released, it is important to ensure that bail applications filed as per UTRC recommendations are heard expeditiously and on a priority basis by each concerned court.

**TABLE 6: Ratio of Released Undertrials vis-à-vis Recommended
Undertrials – Highest to Lowest**

S.N o.	Name of the SLSA	Total Under trial Prisone rs	Persons recommen ded for release during campaign period	Persons released during the campaig n (Upto 13 August, 22)	Identifi ed persons release d from 16th July, 2022 to till date	Ratio of Released Undertrials vis-à-vis Recommen ded Undertrials	Ratio of Released Undertri als vis-à- vis Undertri al Populati on
1	Mizoram	640	19	25	87	457.89	13.59
2	Uttar Pradesh	90606	6253	2614	8409	134.48	9.28
3	Meghalaya	866	40	27	47	117.50	5.43
4	West Bengal	22577	1973	974	2107	106.79	9.33
5	Ladakh	16	2	2	2	100.00	12.50
6	Arunachal Pradesh	121	79	25	77	97.47	63.64
7	Dadra & Nagar Haveli & Daman & Diu	177	6	5	5	83.33	2.82
8	Karnataka	11689	601	394	475	79.03	4.06
9	Telangana	4796	266	155	196	73.68	4.09
10	Jammu & Kashmir	4531	255	168	175	68.63	3.86
11	Jharkhand	16249	1567	671	1017	64.90	6.26
12	Assam	7620	1182	570	716	60.58	9.40
13	Kerala	4892	284	97	167	58.80	3.41
14	Andhra Pradesh	5831	1064	451	612	57.52	10.50
15	Himachal Pradesh	2024	145	67	83	57.24	4.10
16	Odisha	18164	1235	488	694	56.19	3.82
17	Tamil Nadu	11706	402	199	221	54.98	1.89
18	Nagaland	326	139	63	75	53.96	23.01
19	Tripura	598	269	91	136	50.56	22.74
20	Puducherry	209	4	2	2	50.00	0.96
21	Chhattisgarh	12288	1539	563	700	45.48	5.70
22	Bihar	59577	2218	762	989	44.59	1.66

23	Gujarat	11599	741	153	325	43.86	2.80
24	Chandigarh	718	420	151	151	35.95	21.03
25	Madhya Pradesh	29094	2264	632	800	35.34	2.75
26	Punjab	19510	4481	1228	1531	34.17	7.85
27	Sikkim	302	30	6	10	33.33	3.31
28	Haryana	18237	3481	780	1145	32.89	6.28
29	Manipur	513	76	19	24	31.58	4.68
30	Maharashtra	31752	5800	1378	1717	29.60	5.41
31	Rajasthan	17954	2514	604	725	28.84	4.04
32	Goa	481	43	11	12	27.91	2.49
33	Delhi	16665	6451	653	1152	17.86	6.91
34	Uttarakhand	4674	1775	134	205	11.55	4.39
35	Andaman & Nicobar Islands	158	0	0	0		0.00
36	Lakshadweep	5	0	0	0		0.00
	TOTAL	427165	47618	14162	24789	52.05805	5.80

**TABLE 7: Monitoring Sheet of SLSAs for NALSA's
Release_UTRC@75 Campaign**

S.No.	Name of the SLSA	Persons identified in the State/UT during the campaign	Persons recommended for release during campaign period	Follow up meetings if organised (In number of DLSAs of State/UT)	Number of Bails filed under Section 437 Cr.PC		Number of Bails filed under Section 439 Cr.PC (Both Sessions Court and High Court)		Persons released during the campaign (Upto 13 August, 22)	Identified persons released from 16th July, 2022 to till date.
					Legal Aid Lawyer	Private Lawyer	Legal Aid Lawyer	Private Lawyer		
	1	2	3	4	5		6		7	8
1	Andhra Pradesh	1320	1064	13	20	35	5	35	451	612
2	Arunachal Pradesh	191	79	10	24	23	12	2	25	77

3	Assam	1938	1182	109	438	128	49	65	570	716
4	Bihar	3136	2218	99	190	723	31	286	762	989
5	Chhattisgarh	2151	1539	74	414	484	29	64	563	700
6	Goa	48	43	0	14	9	0	0	11	12
7	Gujarat	3141	741	57	55	106	5	48	153	325
8	Haryana	4346	3481	35	463	168	37	20	780	1145
9	Himachal Pradesh	324	145	25	29	51	4	23	67	83
10	Jharkhand	3717	1567	51	206	1073	59	516	671	1017
11	Karnataka	980	601	37	145	289	12	13	394	475
12	Kerala	846	284	28	103	16	27	11	97	167
13	Madhya Pradesh	3341	2264	91	321	593	73	99	632	800
14	Maharashtra	9263	5800	141	53	295	34	79	1378	1717
15	Manipur	357	76	6	38	1	2	0	19	24
16	Meghalaya	46	40	13	9	13	5	13	27	47
17	Mizoram	172	19	2	21	79	1	13	25	87
18	Nagaland	304	139	6	42	29	12	7	63	75
19	Odisha	1779	1235	98	117	379	88	50	488	694
20	Punjab	4845	4481	69	371	640	123	99	1228	1531
21	Rajasthan	2622	2514	14	7	7	11	0	604	725
22	Sikkim *	31	30	-	1	0	22	5	6	10
23	Tamil Nadu	1185	402	96	84	136	18	12	199	221
24	Telangana	546	266	15	52	48	0	2	155	196
25	Tripura	292	269	20	46	48	1	11	91	136
26	Uttar Pradesh	11412	6253	182	588	775	195	227	2614	8409
27	Uttarakhand	2029	1775	39	389	63	8	9	134	205

28	West Bengal	2709	1973	8	431	659	20	85	974	2107
29	Andaman & Nicobar Islands	0	0	0	0	0	0	0	0	0
30	Chandigarh	420	420	5	109	66	24	9	151	151
31	Dadra & Nagar Haveli	2	2	4	0	2	0	0	1	1
32	Daman & Diu	119	4	4	0	0	0	0	4	4
33	Delhi	9601	6451	42	3834	49	253	25	653	1152
34	Jammu & Kashmir	888	255	16	73	64	32	29	168	175
35	Lakshadweep	0	0	0	0	0	0	0	0	0
36	Ladakh	2	2	2	1	1	0	0	2	2
37	Puducherry	4	4	1	2	-	-	-	2	2
	Total	74107	47618	1412	8690	7052	1192	1857	14162	24789

FURTHER STEPS REQUIRED TO STREAMLINE THE FUNCTIONING OF UTRCs

The data collated indicates that campaign has been successful in achieving its desired objective of reducing the prison population across the country. However, the analysis also identifies areas which require attention and remedial action to improve the efficacy of the UTRCs. The further steps necessary for the effective functioning of UTRCs are:

- 1) Expedite shortlisting of cases by DLSAs:** To facilitate the expeditious identification of cases by the Secretary, DLSA directions may be issued
 - i. To the concerned authority for adoption of the Modified Custody Warrant as annexed in NALSA's SOP for Functioning of UTRCs. The usage of the custody warrant will ensure that all pertinent information relevant to prisoner's cases including details of private or legal aid lawyer are available to the prison and Secretary, DLSA.
 - ii. To the concerned authority to integrate a module in the ICJS/e-courts/e-prisons systems to enable automatic identification of eligible cases of prisoners. This will expedite the identification of cases by the DLSAs. Further, till the development of such a module, each DLSA should update the offence-punishment database of the analytical tool used for recording the data under the campaign - with state specific laws and special local laws - to ensure that cases are shortlisted for all eligible categories.
- 2) Expeditious filing of bail applications for each case recommended by the UTRC:** In order to reduce the gap in percentage of bail or appropriate applications filed vis-à-vis the number of cases recommended directions may be issued to:
 - i. State Judicial Academies in collaboration with the bar associations, and law universities to conduct training/sensitization for lawyers on the UTRC process and their roles;
 - ii. UTRCs to strengthen follow up action vis-à-vis filing of bail applications; deputing panel lawyers where the private lawyers fail to file appropriate bail applications in a timely manner.
- 3) Expeditious listing of bail or appropriate applications in the concerned courts:** In order to ensure timely disposal of applications filed for every case recommended by the UTRC, directions may be issued to
 - i. High courts to direct the district courts to prioritise the listing and hearing of all such applications, and ensure they are heard within a week of filing.
 - ii. State Judicial Academy to conduct trainings for judicial officers and persons-in-charge of the record rooms in the courts on the UTRC process, and the need for expediting listing and hearings as this is a special consideration for release
- 4) Identification of additional categories for review:** The UTRCs are empowered to look into other issues which can cause delay in trials or result in prolonged detention of undertrials. Additionally, the data indicates that the proportion of undertrial shortlisted for review in

certain states, is far less than in others, therefore directions may be issued to the concerned High Court/State Legal Services Authority, particularly in states where number of undertrials is high, to expand the mandate of the UTRCs, over and above the categories specified by the Supreme Court. Towards this, the High Court may consider the categories of cases provided under 'Additional Suggestions' in 'NALSA's Standard Operating Procedures (SOP) on the functioning of UTRCs' to identify some special categories for review to address any state specific concerns regarding the detention of prisoners (as per additional suggestion no. 4 of NALSA's SOP).

- 5) Need for effective coordination among the various functionaries at the district level:** If the UTRCs need to be more effective, coordination among the members of the UTRC, specially DLSA, Prisons and Courts is important. This coordination is required for timely:
- a. preparation of list of prisoners by prison officers;
 - b. gathering of additional information from courts by DLSA Secretaries;
 - c. convening of UTRC meetings;
 - d. filing of bail/ appropriate applications by panel lawyers and coordination with private lawyers;
 - e. listing of applications before the concerned court;
 - f. decision by the concerned court;
 - g. follow up from the concerned court;
 - h. filing of periodic reports to assess impact of the functioning of UTRCs;
 - i. Documenting the number of releases by concerned courts on recommendation of the UTRCs;
 - j. Filing of periodic reports to the SLSA.

As suggested in the campaign, the DLSA Secretary must take assistance from retainer lawyers, jail visiting lawyers and community paralegals appointed in prisons to ensure effective coordination between DLSA and the Prisons and between DLSA and the Courts.

Annexure A:
NALSA Release_UTRC@75 Campaign

1. Introduction

- 1.1. In 2013, the Hon'ble Supreme Court of India took upon itself a comprehensive nationwide review of prisoners' issues in the writ petition aptly named 'Re-inhuman conditions in 1382 jails. Amid concerns about the high proportion of undertrial population, delays at court, and consequent overcrowding, the court directed the National Legal Services Authority (NALSA), along with the Ministry of Home Affairs (MHA), to ensure that Under Trial Review Committees (UTRCs) were set up in every district, vide order dated 24 April 2015.
- 1.2. UTRC is a district level committee headed by the District & Sessions Judge, with District Magistrate; Superintendent of Police; Secretary, District Legal Services Authority and Officer in-charge of Prisons as members.
- 1.3. The Supreme Court order dated 24 April 2015 mandated the UTRCs to review three categories of undertrial prisoners – (i) eligible under Section 436A of Cr.P.C., (ii) undertrials released on bail but unable to furnish security and (iii) undertrials accused of compoundable offences. Subsequently, through orders dated 5 February 2016 and 6 May 2016, the court expanded the mandate of UTRCs from 3 categories to 14 categories of inmates, to be reviewed for recommendation for release by the UTRC.
- 1.4. In view of the discrepancies found in the functioning of UTRCs, the Hon'ble Supreme Court, through an order dated 31 October 2017, directed NALSA to prepare a Standard Operating Procedure (SOP) for smooth functioning of UTRCs towards ensuring that all 14 categories of prisoners get benefit without delay. Pursuant to the order, NALSA formulated the SOP and on 4 December 2018 Supreme Court directed all the States and UTs to adopt and follow NALSA's SOP for UTRCs.
- 1.5. At the outbreak of the pandemic, the Hon'ble Supreme Court vide order dated 23.03.2020 in Suo Motu Writ Petition (Civil) Bo. 1/2020, 'In Re: Contagion of COVID 19 Virus in Prisons' directed that "The Undertrial Review Committee contemplated by this Court in Re Inhuman Conditions in 1382 Prisons, (2016) 3 SCC 700, shall meet every week and take such decision in consultation with the concerned authority as per the said judgment."
- 1.6. Prisons in India are chronically overcrowded. At the end of 2020, 76% of the prison population comprises undertrials – those who are awaiting or undergoing trial and not yet proven guilty. The Prison Statistics India 2020 show India's 1306 prisons house 4,88,511 inmates. Average overcrowding stands at 118%. From 2018 to 2021, global prison population only increased by 0.25% while India's prison population increased at a rate 18 times higher with an increase of 4.6% during the same period (Dec. 2018 to Dec. 2020).

In 2020, the undertrial prisoners' population increased by 12%, three times higher than the average annual increase in the last 5 years.

- 1.7. Total number of persons released from prisons in 2020 decreased by 21% from 18.16 lakh in 2019 to 14.4 lakh in 2020. Among the releases, the number of convicts released in 2020 was 41% lower than in 2019 and releases of undertrial prisoners reduced by 19%. The number of undertrials released under Section 436A (release on completion of half period of the maximum sentence prescribed for the offence charged of) decreased by 30%.
- 1.8. The situation requires repair. Being a crucial oversight mechanism with the comprehensive mandate and multiple stakeholders, UTRC is the oversight mechanism which can regularly check unnecessary pretrial detention. Since the mandate of the UTRCs is to periodically review the cases of every prisoner awaiting trial and apply appropriate correctives, it can ensure no undertrial is held for unjustifiably long periods in detention or is simply lost in the system.
- 1.9. Taking forward the spirit of the directions of the Hon'ble Supreme Court and NALSA being the nodal body to monitor the functioning of UTRCs in the country, it proposes this campaign.

2. Objectives of the Campaign

To commemorate the completion of 75 years of independence, through this campaign the National Legal Services Authority, along with the State Legal Services Authorities and District Legal Services Authorities, aims to:

- 2.1. Identify prisoners eligible to be considered by the UTRC under the mandated categories;
- 2.2. Organise UTRC meetings on the same day/s throughout the country in order to review all eligible cases of prisoners;
- 2.3. Recommend for release all such cases that the UTRC considers fit for consideration of release;
- 2.4. Urgently file bail or appropriate applications through panel lawyers for all prisoners recommended for release by the UTRC for seeking necessary relief;
- 2.5. Release as many prisoners recommended by UTRC, keeping liberty as paramount;
- 2.6. Updating the status of UTRC recommendations based on action taken reports and documenting good practices;
- 2.7. Seeking effective coordination among DLSA, prisons, lawyers and concerned courts; and above all,

2.8. Making the UTRCs more vigilant in checking unnecessary pre-trial detention, secure the fair trial rights of prisoners and facilitate potential release of prisoners, during and even after the campaign.

16 July 2022	<ul style="list-style-type: none">• Formal Launch of NALSA's Campaign Release_UTRC@75
18 July 2022	<ul style="list-style-type: none">• Information material on the campaign to be shared with all members of the Under Trial Review Committee; DLSAs, Panel Lawyers, PLVs and all judicial officers, prison headquarters, bar associations, prisons.• Orientation of Secy, DLSAs and Data Operators, DLSA and Prison Superintendents by NALSA
18 July 2022	<ul style="list-style-type: none">• Secretary DLSA to send prescribed format 'Data@75' for collation of data on ALL prisoners to each prison in their district/jurisdiction
20 July 2022	<ul style="list-style-type: none">• Officer-in-charge of prison to send Secretary, DLSA the completed 'Data@75' for all prisoners.• Secy, DLSA to review 'Data@75' information, and seek further information, as necessary, from court records like date of filing of chargesheet etc.
22 July 2022	<ul style="list-style-type: none">• DLSA office to prepare individual lists of prisoners eligible under the 14 categories identified in the NALSA UTRC SOP, for consideration by UTRC. List to be shared with NALSA for review
25 July 2022	<ul style="list-style-type: none">• 1st Special Meeting of Under Trial Review Committees to be conducted for each district throughout the country.• Each case to be reviewed, and recommendations made as per discretion of committee.• Secy, DLSA with assistance from data operator to update 'Data@75' with recommendations of committee.
26 July 2022	<ul style="list-style-type: none">• Minutes of UTC meeting to be prepared and shared with all members of the committee• List of cases where lawyers are required to file petitions prepared and individual lawyers communicated to file petitions by 28 July 2022.
29 July 2022	<ul style="list-style-type: none">• DLSA office to regularly update 'Data@75' list on progress of each application as per prescribed format.
1 August 2022 8 August 2022 12 August 2022	<ul style="list-style-type: none">• UTRC to conduct meetings to discuss progress, review additional cases, and discuss further action including filing of bails in High Court and the Supreme Court, in case of rejection by lower courts.
13 August 2022	<ul style="list-style-type: none">• DLSA to submit updated 'Data@75' list to NALSA for preparation of final report on recommendations, releases etc.

4. Description of Activities

18th July 2022:

- Information material on the campaign to be shared with all members of the Under Trial Review Committee, DLSAs, Panel Lawyers, PLVs and all judicial officers, prison headquarters, bar associations, prisons.
- Orientation of Secretary, DLSAs and Data Operators, DLSA by NALSA.

4.1. Orientation of Stakeholders involved:

4.1.1. Each DLSA must mandatorily share on 18th July 2022 in print/ email / social media information material received from NALSA on the campaign to all members of the Under Trial Review Committee, DLSAs, Panel Lawyers, PLVs and all judicial officers, prison headquarters, bar associations, prisons.

4.1.2. On 18 July, 2022, NALSA will conduct a pan-India virtual orientation session for all:

- a) Member Secretaries of all SLSAs
- b) District and Session Judges
- c) Secretaries of all DLSAs
- d) Data Operators of all DLSAs
- e) Prison Superintendents/ Officer in-charge of prisons
- f) Representative of Prison Headquarters

4.1.3. It is mandatory for all the above mentioned stakeholders to attend the orientation session in which the various activities under the campaign and their time-lines will be discussed.

4.1.4. In case, a DLSA does not have a Data Operator, the Secretary, DLSA, must appoint a PLV who is competent in handling data and using excel sheets for the campaign to attend the orientation.

18th July 2022

- Secretary DLSA to send prescribed format 'Data@75' for collation of data on ALL prisoners to each prison in their district/jurisdiction

20th July 2022

- Officer-in-charge of prison to send Secretary, DLSA the completed 'Data@75' for all prisoners.
- Secretary, DLSA to review 'Data@75' information, and seek further information, as necessary, from court records like date of filing of chargesheet etc.

4.2. Collection of Data in the Prescribed Format:

- 4.2.1. The list of undertrials with necessary details need to be compiled by the DLSA for each prison in their jurisdiction, including Central Prison, District Prison, Sub-Jail, Women Prison, Special Prison, Borstal, or any other prison confining undertrials in the district.
- 4.2.2. DLSA Secretary shall send the prescribed format 'Data@75' for collation of data of ALL undertrials to each prison in their district/jurisdiction on 18 July, 2022.
- 4.2.3. For this purpose, all Prison Superintendents/ officer in-charge of prisons located within the jurisdiction of the DLSA, shall fully cooperate with the DLSA Secretary and the Data Operator. The Prison Superintendent of the biggest prison (Central/ District) in the district shall be responsible for coordinating with all the other prisons in the district and collecting the list of all undertrials within the prescribed time-period.
- 4.2.4. Prison Superintendent/ officer in-charge of prisons shall share the information of undertrials lodged in their prison as on 15 July 2022 with the DLSA Secretary in the prescribed format, preferably in the soft copy/excel sheet, by 20 July, 2022.
- 4.2.5. DLSA Secretary to review 'Data@75' information so compiled, and seek further information, as necessary, from court records like date of filing of chargesheet etc. The DLSA shall prepare, in advance, a team of required number of panel lawyers/PLVs, for seeking any required information from the concerned court on urgent basis.
- 4.2.6. The District and Sessions Judge shall direct the person in-charge of the court records room of the concerned district courts to cooperate with the DLSA in procuring all the relevant information from the case files.

22nd July 2022:

- DLSA office to prepare individual lists of prisoners eligible under the 14 categories identified in the NALSA UTRC SOP, for consideration by UTRC. List to be shared with NALSA for review.

4.3. Categories of Cases to be Reviewed by UTRC During the Campaign

- 4.3.1. There are 14 categories of cases that must be reviewed by the UTRC as laid down by the Hon'ble Supreme Court and reiterated in the NALSA's SOP on the Functioning of UTRCs. While the 13 categories relate to undertrials, there is one category of convicts that is also included in the mandate.

Note: For the purpose of this campaign, the focus will be on the 13 categories of undertrials and the category of convicts, i.e. 'Convicts who have completed their sentence or are entitled to be released on remission granted to them' will be excluded from review by the UTRC.

4.3.2. Following are the 13 categories of cases under which undertrials must be identified and their cases be reviewed by the UTRCs:

- 1) UTPs / Convicts falling under covered under Section 436A Cr.P.C.
- 2) UTPs released on bail by the court, but have not been able to furnish sureties.
- 3) UTPs accused of compoundable offences.
- 4) UTPs eligible under Section 436 of Cr.P.C.
- 5) UTPs who may be covered under Section 3 of the Probation of Offenders Act, namely accused of offence under Sections 379, 380, 381, 404, 420 IPC or alleged to be an offence not more than 2 years imprisonment.
- 6) UTPs become eligible to be released on bail u/s 167(2)(a)(i) & (ii) of the Code read with Section 36A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (where persons accused of Section 19 or Section 24 or Section 27A or for offences involving commercial quantity) and where investigation is not completed in 60/90/180 days.
- 7) UTPs who are imprisoned for offences which carry a maximum punishment of 2 years.
- 8) UTPs who are detained under Chapter VIII of the Cr.P.C. i.e. u/s 107, 108, 109 and 151 of Cr.P.C.
- 9) UTPs who are sick or infirm and require specialized medical treatment.
- 10) UTPs women offenders
- 11) UTPs who are first time offenders between the ages 19 and 21 years and in custody for the offence punishable with less than 7 years of imprisonment and have suffered at least 1/4th of the maximum sentence possible.
- 12) UTPs who are of unsound mind and must be dealt with Chapter XXV of the Code.
- 13) UTPs eligible for release under Section 437(6) of Cr.P.C, 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 60 days from the first date fixed for taking evidence in the case.

4.3.3. Additionally, during the campaign the UTRC must also identify the following categories of cases of undertrials for review and further action:

- 14) Those undertrials who were granted interim bail by the court during the pandemic and they have adhered to all the conditions of the bond and have either returned to the prison on the stipulated date set out by the court/HPC or have regularly attended court on due hearings. The UTRC must recommend such cases to the concerned court with the recommendation of granting bail (not interim but regular bail) to the undertrial.
- 15) Those undertrials who are accused of or charged with the offences for which the maximum imprisonment up to 7 years or less. This category was suggested by the Hon'ble Supreme Court in the petition In Re: Contagion of COVID-19 Virus in Prisons, vide order dated 23.03.2020.

16) Those undertrials who are above 65 years of age.

4.3.4. Therefore, a total of the above mentioned 16 categories of cases must be identified and reviewed by the UTRC during the campaign.

4.4. Shortlisting of Eligible Cases by DLSA Secretary and sharing it with NALSA:

4.4.1. DLSA office to prepare individual lists of prisoners eligible under the 14 categories identified in the NALSA UTRC SOP as well as the additional categories, for consideration by UTRC. List shall be shared with NALSA for review by 22 July, 2022.

4.3.4. Therefore, a total of the above mentioned 16 categories of cases must be identified and reviewed by the UTRC during the campaign.

4.4. Shortlisting of Eligible Cases by DLSA Secretary and sharing it with NALSA:

4.4.1. DLSA office to prepare individual lists of prisoners eligible under the 14 categories identified in the NALSA UTRC SOP as well as the additional categories, for consideration by UTRC. List shall be shared with NALSA for review by 22 July, 2022.

25th July 2022

- 1st Special Meeting of Under Trial Review Committees to be conducted for each district throughout the country.
- Each case to be reviewed, and recommendations made as per discretion of the committee.
- Secy, DLSA with assistance from data operator to update 'Data@75' with recommendations of committee.

26th July 2022

Minutes of UTC meeting to be prepared and shared with all members of the committee

- List of cases where lawyers are required to file petitions prepared and individual lawyers communicated to file petitions by 28 July 2022.

29th July 2022

- DLSA office to regularly update 'Data@75' list on progress of each application as per prescribed format.

1st, 8th and 12th August 2022

- UTRC to conduct meetings to discuss progress, review additional cases, and discuss further action including filing of bails in High Court and the Supreme Court, in case of rejection by lower courts.

4.5. Conduct of UTRC Meetings and Review of Cases:

- 4.5.1. 1st Special Meeting of Under Trial Review Committees shall be conducted for each district throughout the country on 25 July, 2022.
- 4.5.2. Each case to be reviewed, and recommendations made as per discretion of the committee. Please refer to the NALSA SOP on the Functioning of UTRCs for the kind of recommendations made by the UTRC in each case.
- 4.5.3. Secy, DLSA with assistance from the Data Operator shall update 'Data@75' with recommendations of the committee.
- 4.5.4. Three subsequent weekly meetings of the UTRC shall be conducted on 1 August, 8 August and 12 August to discuss progress, review additional cases, and discuss further action including filing of bails in High Court and the Supreme Court, in case of rejection by lower courts.

4.6. Sharing of Minutes of UTRC meetings:

- 4.6.1. Minutes of UTC meeting to be prepared and shared with the following stakeholders:
 - 1) All members of the committee
 - 2) Concerned Courts
 - 3) Person in-charge of the Record Room in district courts
- 4.6.2. The format in which the minutes of meetings shall be prepared is provided in Annexure C.
- 4.7. Filing of Bail/ Appropriate applications by Lawyers and Action by Concerned Court:
 - 4.7.1. Recommended cases where Undertrials are represented by panel lawyers: In such cases, the DLSA Secretary shall direct the concerned lawyer to file appropriate application in the concerned court by 28th July, 2022.
 - 4.7.2. Recommended cases where Undertrials are represented by legal aid lawyers: In such cases, the DLSA Secretary shall create a group of panel lawyers who would coordinate with the concerned private lawyers to ensure that bail/appropriate applications are filed by 28th July, 2022.

4.8. Action Taken on Recommended Cases and Updation of data:

- 4.8.1. Every District and Sessions Judge shall direct all the courts to hear the bail/appropriate applications in the UTRC recommended cases on urgent basis. The last hour of every day from 28th July to 12 August, 2022, could be dedicated for the purpose.
- 4.8.2. Every District and Sessions Judge shall direct the person-in-charge of the records room to make the case files of the recommended cases sent to the concerned courts on urgent basis so that the case can be heard and appropriate directions can be issued.

- 4.8.3. It is the duty of the panel lawyer representing the undertrial to note the action of the court on the application filed and must report to the DLSA the same day.
- 4.8.4. In case of undertrials represented by private lawyers, it will be the duty of the DLSA Secretary to seek information on action taken by the court either from the court or the concerned private lawyer. The DLSA Secretary may take the assistance of retainer/panel lawyers to be able to compile the information promptly.
- 4.8.5. Additionally, the District and Sessions Judge shall direct all the judicial officers to submit a copy of the order passed to the DLSA Secretary after considering the bail/appropriate application so filed.
- 4.8.6. As the action taken reports are received in each case, the progress/status of each application must be updated in the 'Data@75' list as per prescribed format by the DLSA office.

13th August 2022

- DLSA to submit updated 'Data@75' list to NALSA for preparation of final report on recommendations, releases etc.

4.9. Final Submission of List of Releases to NALSA by each DLSA:

- 4.9.1. It shall be the duty of every DLSA to submit the final updated 'Data@75' list to NALSA for preparation of final report on recommendations, releases etc.
- 4.9.2. NALSA will compile the final list of releases based on the reports shared by DLSAs

ANNEXURE-B

Format to Record Minutes of the UTRC Meeting

FORMAT TO RECORD MINUTES OF THE MEETING BY THE

UNDERTRIAL REVIEW COMMITTEE DURING THE CAMPAIGN

1.	Name of the State:
2.	Name of the District:
3.	Minutes of the UTRC Meeting dated: <ul style="list-style-type: none">• 25 July 2022• 1 August 2022• 8 August 2022• 12 August 2022
4.	If meeting could not be held on any of the dates mentioned above, please provide reasons:

5. Names of the Central/ District Prison and Sub-jails located in the district:

S.No .	Name & Type (Central/ District/ Sub-jail/ Women/ Special/ Borstal/ Other) of Prison <i>Add as many rows as required</i>	Total Number of Undertrials as on _____ (mention date)

6.Attendance of Members:

S.No.	Members PRESENT	S.No.	Members ABSENT	Reasons For Absence

Total Number of Cases Shortlisted, Reviewed, Recommended:

Total No. of Undertrial cases in the district	Total No. of Undertrial Cases Shortlisted for Review by DLSA Secretary	Total No. of Undertrial Cases Recommended by UTRC	Total No. of Applications filed either by legal aid or private lawyer	Total No. of Undertrials Released as on _____ (Mention date)

Details regarding Review of Cases and Action Taken

S.No	Category of Review	Total Number cases Reviewed for each category	Details of Review (Mention the details of each case reviewed in the below format)	Recommendation by the UTRC & Instructions to the Concerned Lawyer	Date of Hearing	Action Taken by the Concerned Court	Detention Status of UTP (Released/ Not Released) If UTP Not Released, please mention reasons briefly
(1)	UTPs falling under covered under Section 436A Cr.P.C.		1. UTP's name/Father's name: ▪ Court: ▪ Case Reference No.: ▪ Offence/s: ▪ Date of entry into prison: ▪ Stage of the Case: ▪ Name of the Lawyer (whether private or legal aid):				

			2. UTP's name/Father's name: <ul style="list-style-type: none"> ▪ Court: ▪ Case Reference No.: ▪ Offence/s: ▪ Date of entry into prison: ▪ Stage of the Case: ▪ Name of the Lawyer (whether private or legal aid): 				
(2)	UTPs released on bail by the court, but have not been able to furnish sureties.		1. UTP's name/Father's name: <ul style="list-style-type: none"> ▪ Court: ▪ Case Reference No.: ▪ Offence/s: ▪ Date of entry into prison: ▪ Stage of the Case: ▪ Name of the Lawyer (whether private or legal aid): 				
(3)	UTPs accused of compoundable offences.						
(4)	UTPs eligible under Section 436 of Cr.P.C.						
(5)	UTPs who may be covered under Section 3 of the Probation of Offenders Act, namely accused of offence under Sections 379, 380, 381, 404, 420 IPC or alleged to be an offence not more than 2 years imprisonment.						

(6)	UTPs become eligible to be released on bail u/s 167(2)(a)(i) & (ii) of the Code read with Section 36A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (where persons accused of Section 19 or Section 24 or Section 27A or for offences involving commercial quantity) and where investigation is not completed in 60/90/180 days.						
(7)	UTPs who are imprisoned for offences which carry a maximum punishment of 2 years.						
(8)	UTPs who are detained under Chapter VIII of the Cr.P.C. i.e. u/s 107, 108, 109 and 151 of Cr.P.C.						
(9)	UTPs who are sick or infirm and require specialized medical treatment.						
(10)	UTPs women offenders.						
(11)	UTPs who are first time offenders between the ages 19 and 21 years and in custody for the offence punishable with less than 7 years of imprisonment and have suffered at least 1/4th of the maximum sentence possible.						

(12)	UTPs who are of unsound mind and must be dealt with Chapter XXV of the Code.						
(13)	UTPs eligible for release under Section 437(6) of Cr.P.C, 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 60 days from the first date fixed for taking evidence in the case.						
(14)	UTPs who were granted interim bail by the court during the pandemic and they have adhered to all the conditions of the bond and have either returned to the prison on the stipulated date set out by the court/HPC or have regularly attended court on due hearings.						
(15)	UTPs who are accused of or charged with the offences for which the maximum imprisonment up to 7 years or less.						
(16)	UTPs who are above 65 years of age.						



NATIONAL LEGAL SERVICES AUTHORITY

B-Block, Additional Building Complex, Supreme
Court of India NEW DELHI