



Under Trial Review Committee Special Campaign 2023

18th September to 20th November 2023

REPORT

NATIONAL LEGAL SERVICES AUTHORITY
JAISALMER HOUSE, NEW DELHI

SUMMARY

The National Legal Services Authority, India conducted the '*Undertrial Review Committee Special Campaign 2023*' from **18th September to 20th November 2023**. The aim of the campaign was to accelerate the regular functioning of the Under Trial Review Committees and expedite the identification of undertrial prisoners (UTPs) eligible to be considered for release under thirteen categories specified under NALSA's Standard Operating Procedures for Under Trial Review Committees.

The campaign has resulted in the release of **21,304** UTPs across the country, with highest number of releases in Maharashtra (**3,556**), followed by Uttar Pradesh (**2,246**). The number of UTPs released under the campaign are approximately **5%** of the total UTP population (**4,34,302**).

This report documents the campaign process and outcome.

I. INTRODUCTION

The National Legal Services Authority, India (NALSA) organised the pan-India campaign ‘Undertrial Review Committee Special Campaign 2023’ from 18th September 2023 and 20th November 2023.

The Under Trial Review Committee (UTRC) is a district-level committee headed by the District & Sessions Judge, with the District Magistrate, Superintendent of Police, Secretary, District Legal Services Authority and Officer-in-charge of Prisons as members. NALSA was directed to prepare a Standard Operating Procedure for smooth functioning of the UTRC vide a Supreme Court order dated 31.10.2017 in *In Re Inhuman Conditions in 1382 Prisons* (WP Civil 406/2013). Subsequently, in December 2018, NALSA submitted ‘Standard Operating Procedures for Under Trial Review Committees’ to the Hon’ble Supreme Court, which were taken on record, and directions issued to UTRCs to adhere to these guidelines.

The objective of the campaign was to accelerate the regular functioning of UTRCs and review of all eligible undertrial prisoners (UTPs). The campaign sought to expedite the identification, review, recommendation and release of prisoners. The following thirteen categories of prisoners were to be identified and reviewed:

- i. UTPs covered under Section 436A of the Code of Criminal Procedure 1973 (Cr.P.C).
- ii. UTPs granted bail by the court, but have not been able to furnish sureties.
- iii. UTPs accused of compoundable offences.
- iv. UTPs eligible under Section 436 Cr.P.C.
- v. 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 Indian Penal Code 1860 or alleged to be an offence with not more than 2 years imprisonment.
- vi. UTPs become eligible to be released on bail u/s 167(2)(a)(i) & (ii) Cr.P.C, and 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.

- vii. UTPs who are imprisoned for offences which carry a maximum punishment of 2 years.
- viii. 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.
- ix. UTPs who are sick or infirm and require specialized medical treatment.
- x. Women UTPs
- xi. 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.
- xii. UTPs who are of unsound mind and must be dealt under Chapter XXV Cr.P.C.
- xiii. 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.

The campaign envisaged the following actions to be undertaken by the State and District Legal Services Authorities across India:

- Launch of the special campaign.
- SLSAs to conduct orientation of the Secretaries, DLSA; data operators and prison superintendents.
- DLSAs to share campaign material with the UTRC members.
- 5 meetings to be conducted by the UTRCs viz. 4th, 11th, 18th October and on 1st and 8th November 2023.
- DLSA to submit action taken reports to the SLA.
- SLA to submit consolidated action taken report for their respective State/Union Territory to NALSA.

II. CAMPAIGN PROCESSES & OUTCOMES

Constituted under the directive of the Hon'ble Supreme Court of India, the Under Trial Review Committees (UTRCs) have recommended the release of **1.73 lakh** prisoners, and led to the release of **80,251** prisoners across India from **2019 to 2022**. In a similar campaign (*Release_UTRC@75*) conducted in 2022, **24,879¹** prisoners were released.

This Campaign resulted in the UTRCs recommending release for 42,172 prisoners. Subsequent to the UTRC recommendations, bail applications were moved in these cases, resulting in the release of **21,304 prisoners** across India between September and November 2023.

TABLE A
Data on persons recommended and released by the UTRCs
from 2019 – 2023 and during campaigns

| 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 |
| 2022* | 10321 | 70780 | 35480 |
| Campaign 2022** | Information not recorded | 47618 | 24789 |
| 2023 | 7246 | 50669 | 26226 |
| Campaign 2023 | 3360 | 42172 | 21304 |

* The data for the year 2022 is higher as it also includes Campaign data of this year i.e. 2022.

** The 2022 Campaign included three additional categories of UTPs as eligible for review under the campaign.

¹ Further follow-up on the campaign outcome pegged the final release figure at 37,220 prisoners.

Note: The release data of campaigns only records the releases as of the reporting date and therefore the actual and overall release figures would be higher.

The Supreme Court of India in *In Re: Policy Strategy for Grant of Bail*, SMWP (Criminal) 4/2021 directed NALSA to identify and take steps for release of UTPs who have been granted bail but have not furnished sureties or bail bond leading to release of more than 5000 such prisoners. The previous campaign in the year 2022, was organised in the background of the COVID-19 pandemic and included three additional categories of prisoners based on age, offence severity and those given interim bail during the pandemic, for review and release under the campaign.

These figures indicate that special campaigns have led to review, recommendation, and release of higher number of prisoners in the last few years, and thus is an important initiative undertaken by the National Legal Services Authority. A brief analysis of process and outcome of the special campaign is given below:

1. Number of UTRC Meeting held during the special campaign:

TABLE B

State/UT wise list of number of UTRC meetings held during the campaign period

| S.No. | State/Union Territory | Total No. of DLSAs | Total No. of UTRC Meetings conducted during campaign period | Whether any deficit in number of meetings |
|-------|-----------------------|--------------------|---|---|
| | A | B | C | D |
| 1 | Andhra Pradesh | 13 | 65 | 0 |
| 2 | Arunachal Pradesh | 25 | 90 | 35 |
| 3 | Assam | 33 | 163 | 2 |
| 4 | Bihar | 37 | 181 | 4 |
| 5 | Chhattisgarh | 23 | 114 | 1 |
| 6 | Goa | 2 | 9 | 1 |
| 7 | Gujarat | 32 | 170 | -10** |
| 8 | Haryana | 22 | 110 | 0 |
| 9 | Himachal Pradesh | 11 | 55 | 0 |

| | | | | |
|----|-------------------------------------|------------|-------------|------------|
| 10 | Jharkhand | 24 | 120 | 0 |
| 11 | Karnataka | 30 | 150 | 0 |
| 12 | Kerala | 14 | 70 | 0 |
| 13 | Madhya Pradesh | 50 | 245 | 5 |
| 14 | Maharashtra | 34 | 165 | 5 |
| 15 | Manipur | 9 | 22 | 23 |
| 16 | Meghalaya | 11 | 45 | 10 |
| 17 | Mizoram | 8 | 15 | 25 |
| 18 | Nagaland | 11 | 37 | 18 |
| 19 | Odisha | 30 | 150 | 0 |
| 20 | Punjab | 22 | 116 | -6** |
| 21 | Rajasthan | 36 | 180 | 0 |
| 22 | Sikkim | 4 | 20 | 0 |
| 23 | Tamil Nadu | 32 | 158 | 2 |
| 24 | Telangana | 34 | 165 | 5 |
| 25 | Tripura | 8 | 40 | 0 |
| 26 | Uttar Pradesh | 74 | 370 | 0 |
| 27 | Uttarakhand | 13 | 53 | 12 |
| 28 | West Bengal | 23 | 110 | 5 |
| 29 | Andaman & Nicobar Islands | 1 | 0 | 5 |
| 30 | Chandigarh | 1 | 5 | 0 |
| 31 | Dadra & Nagar Haveli & Daman & Diu* | 1 | 10 | -5 ** |
| 32 | Delhi | 11 | 55 | 0 |
| 33 | Jammu & Kashmir | 20 | 85 | 15 |
| 34 | Lakshadweep | 0 | 0 | 0 |
| 35 | Ladakh | 2 | 7 | 3 |
| 36 | Puducherry | 2 | 10 | 0 |
| | TOTAL | 703 | 3360 | 155 |

*For the purpose of reporting, the data for Dadra & Nagar Haveli and Daman & Diu, though they have separate SLSAs, but being one Union Territory, has been clubbed together.

** Figures indicate the no. of meetings conducted over and above the stipulated mandate

ANALYSIS:

- a. The campaign envisaged the conduct of 5 meetings by the UTRCs, scheduled to be held on 4th, 11th, 18th October and on 1st and 8th November 2023.
- b. Across 36 States and Union Territories, the **UTRCs conducted 3360 meetings** during the campaign period. Table B depicts the state-wise list of meetings held.

- c. However, these were **155 meetings less** than the total meetings that should have been conducted.
- d. Data reveals that 17 states - Arunachal Pradesh (35), Mizoram (25), Manipur (23), Nagaland (18), Jammu & Kashmir (15), Uttarakhand (12), Meghalaya (10), Madhya Pradesh (5), Maharashtra (5), Telangana (5), West Bengal (5), Andaman & Nicobar Islands (5), Bihar (4), Ladakh (3), Assam (2), Tamil Nadu (2), Chhattisgarh (1) and Goa (1), conducted less than the stipulated meetings that were to be conducted.

2. Undertrial Cases Identified by UTRCs for consideration of review:

TABLE C
Percentage of Undertrials Identified out of the Total Undertrial Population

| S.No. | State/Union Territory | Total No. of Undertrial Prisoners (PSI 2022) | Persons identified in the State/UT during the campaign | Percentage of Undertrials Identified out of the Total Undertrial Population |
|-------|-----------------------|--|--|---|
| | A | B | C | D = C/B x 100 |
| 1 | Andhra Pradesh | 5123 | 1154 | 22.53 |
| 2 | Arunachal Pradesh | 184 | 147 | 79.89 |
| 3 | Assam | 8608 | 1747 | 20.30 |
| 4 | Bihar | 57537 | 4272 | 7.42 |
| 5 | Chhattisgarh | 12820 | 1389 | 10.83 |
| 6 | Goa | 572 | 226 | 39.51 |
| 7 | Gujarat | 11129 | 2128 | 19.12 |
| 8 | Haryana | 19279 | 2766 | 14.35 |
| 9 | Himachal Pradesh | 1926 | 227 | 11.79 |
| 10 | Jharkhand | 14786 | 1986 | 13.43 |
| 11 | Karnataka | 12605 | 1151 | 9.13 |
| 12 | Kerala | 5610 | 2025 | 36.10 |
| 13 | Madhya Pradesh | 26877 | 2905 | 10.81 |
| 14 | Maharashtra | 32883 | 6167 | 18.75 |
| 15 | Manipur | 592 | 159 | 26.86 |
| 16 | Meghalaya | 829 | 156 | 18.82 |
| 17 | Mizoram | 1049 | 367 | 34.99 |
| 18 | Nagaland | 302 | 147 | 48.68 |
| 19 | Odisha | 16058 | 1727 | 10.75 |
| 20 | Punjab | 24198 | 4438 | 18.34 |

| | | | | |
|----|-------------------------------------|---------------|--------------|--------------|
| 21 | Rajasthan | 19233 | 2414 | 12.55 |
| 22 | Sikkim | 268 | 19 | 7.09 |
| 23 | Tamil Nadu | 11564 | 2918 | 25.23 |
| 24 | Telangana | 4221 | 1376 | 32.60 |
| 25 | Tripura | 735 | 239 | 32.52 |
| 26 | Uttar Pradesh | 94131 | 6894 | 7.32 |
| 27 | Uttarakhand | 4722 | 1552 | 32.87 |
| 28 | West Bengal | 23706 | 3796 | 16.01 |
| 29 | Andaman & Nicobar Islands | 173 | 0 | 0 |
| 30 | Chandigarh | 832 | 315 | 37.86 |
| 31 | Dadra & Nagar Haveli & Daman & Diu* | 162 | 19 | 11.73 |
| 32 | Delhi | 16759 | 1025 | 6.12 |
| 33 | Jammu & Kashmir | 4587 | 405 | 8.83 |
| 34 | Lakshadweep | 6 | 0 | 0 |
| 35 | Ladakh | 26 | 0 | 0 |
| 36 | Puducherry | 210 | 67 | 31.90 |
| | TOTAL | 434302 | 56323 | 12.97 |

*For the purpose of reporting, the data for Dadra & Nagar Haveli and Daman & Diu, though they have separate SLSAs, but being one Union Territory, has been clubbed together

ANALYSIS:

- During the campaign, a total of **56,323 undertrials** were **identified for review** under the 13 categories of cases by the UTRCs across the country.
- An analysis of these figures indicates that, the **highest number of undertrials** identified were in **Uttar Pradesh (5,761), Maharashtra (6,167), Punjab (4,438) and Bihar (4272)**.
- Of the total prison population of 4,34,302 undertrial prisoners (as on 31.12.2022 as per the Prison Statistics India 2022 report published by the National Crime Records Bureau, Government of India), nearly 13% prisoners were identified for review. (See Table C)
- This shows the need for UTRCs to continuously identify and review cases of undertrial prisoners.

3. Percentage of cases recommended for release by UTRCs vis-à-vis cases identified:

TABLE D
Percentage of Recommended Undertrials vis-à-vis
No. of Undertrials Identified for Review

| S.No. | State/Union Territory | Persons identified for review | Persons recommended for release | Percentage of Recommended Undertrials out of the total Undertrials Identified |
|-------|-------------------------------------|-------------------------------|---------------------------------|---|
| | A | B | C | D = C/B x 100 |
| 1 | Andhra Pradesh | 1154 | 1039 | 90.03 |
| 2 | Arunachal Pradesh | 147 | 51 | 34.69 |
| 3 | Assam | 1747 | 1057 | 60.50 |
| 4 | Bihar | 4272 | 2724 | 63.76 |
| 5 | Chhattisgarh | 1389 | 1222 | 87.98 |
| 6 | Goa | 226 | 185 | 81.86 |
| 7 | Gujarat | 2128 | 1440 | 67.67 |
| 8 | Haryana | 2766 | 1646 | 59.51 |
| 9 | Himachal Pradesh | 227 | 180 | 79.30 |
| 10 | Jharkhand | 1986 | 1469 | 73.97 |
| 11 | Karnataka | 1151 | 633 | 55.00 |
| 12 | Kerala | 2025 | 1795 | 88.64 |
| 13 | Madhya Pradesh | 2905 | 2375 | 81.76 |
| 14 | Maharashtra | 6167 | 5752 | 93.27 |
| 15 | Manipur | 159 | 88 | 55.35 |
| 16 | Meghalaya | 156 | 136 | 87.18 |
| 17 | Mizoram | 367 | 59 | 16.08 |
| 18 | Nagaland | 147 | 79 | 53.74 |
| 19 | Odisha | 1727 | 1309 | 75.80 |
| 20 | Punjab | 4438 | 4013 | 90.42 |
| 21 | Rajasthan | 2414 | 2061 | 85.38 |
| 22 | Sikkim | 19 | 17 | 89.47 |
| 23 | Tamil Nadu | 2918 | 1715 | 58.77 |
| 24 | Telangana | 1376 | 953 | 69.26 |
| 25 | Tripura | 239 | 128 | 53.56 |
| 26 | Uttar Pradesh | 6894 | 5761 | 83.57 |
| 27 | Uttarakhand | 1552 | 1126 | 72.55 |
| 28 | West Bengal | 3796 | 1769 | 46.60 |
| 29 | Andaman & Nicobar Islands | 0 | 0 | - |
| 30 | Chandigarh | 315 | 315 | 100.00 |
| 31 | Dadra & Nagar Haveli & Daman & Diu* | 19 | 18 | 94.74 |
| 32 | Delhi | 1025 | 842 | 82.15 |

| | | | | |
|----|-----------------|--------------|--------------|--------------|
| 33 | Jammu & Kashmir | 405 | 194 | 47.90 |
| 34 | Lakshadweep | 0 | 0 | - |
| 35 | Ladakh | 0 | 0 | - |
| 36 | Puducherry | 67 | 21 | 31.34 |
| | TOTAL | 56323 | 42172 | 74.88 |

*For the purpose of reporting, the data for Dadra & Nagar Haveli and Daman & Diu, though they have separate SLSAs, but being one Union Territory, has been clubbed together.

ANALYSIS:

- Of the total of **56,323 cases identified** by the UTRCs, **74.8% (42,172)** were recommended for release by the UTRC.
- The **highest number of cases** were recommended for release in **Uttar Pradesh (5,761)**, which constituted 83.5% of the identified cases.
- The highest percentage of cases recommended from the cases identified was in **Chandigarh (100%)** and lowest was in **Mizoram (16.08%)**
[See Table D]

4. Number of bail applications filed:

TABLE E
Percentage of Bail or other Applications filed out of Recommended Undertrials

| S.No. | Name of the SLSA | Persons recommended for release during campaign period | Total Number of Bail Applications filed | Percentage of Bail Applications out of the no. of Recommended Undertrials |
|-------|-------------------|--|---|---|
| | A | B | C | D = C/B x 100 |
| 1 | Andhra Pradesh | 1039 | 341 | 32.82 |
| 2 | Arunachal Pradesh | 51 | 28 | 54.90 |
| 3 | Assam | 1057 | 891 | 84.30 |
| 4 | Bihar | 2724 | 1510 | 55.43 |
| 5 | Chhattisgarh | 1222 | 1165 | 95.34 |
| 6 | Goa | 185 | 125 | 67.57 |
| 7 | Gujarat | 1440 | 934 | 64.86 |
| 8 | Haryana | 1646 | 1144 | 69.50 |
| 9 | Himachal Pradesh | 180 | 159 | 88.33 |
| 10 | Jharkhand | 1469 | 1135 | 77.26 |
| 11 | Karnataka | 633 | 588 | 92.89 |
| 12 | Kerala | 1795 | 1624 | 90.47 |
| 13 | Madhya Pradesh | 2375 | 1660 | 69.89 |
| 14 | Maharashtra | 5752 | 4682 | 81.40 |
| 15 | Manipur | 88 | 55 | 62.50 |

| | | | | |
|----|-------------------------------------|--------------|--------------|--------------|
| 16 | Meghalaya | 136 | 92 | 67.65 |
| 17 | Mizoram | 59 | 56 | 94.92 |
| 18 | Nagaland | 79 | 74 | 93.67 |
| 19 | Odisha | 1309 | 534 | 40.79 |
| 20 | Punjab | 4013 | 1764 | 43.96 |
| 21 | Rajasthan | 2061 | 1121 | 54.39 |
| 22 | Sikkim | 17 | 5 | 29.41 |
| 23 | Tamil Nadu | 1715 | 148 | 8.63 |
| 24 | Telangana | 953 | 379 | 39.77 |
| 25 | Tripura | 128 | 117 | 91.41 |
| 26 | Uttar Pradesh | 5761 | 3634 | 63.08 |
| 27 | Uttarakhand | 1126 | 310 | 27.53 |
| 28 | West Bengal | 1769 | 1585 | 89.60 |
| 29 | Andaman & Nicobar Islands | 0 | 0 | 0 |
| 30 | Chandigarh | 315 | 285 | 90.48 |
| 31 | Dadra & Nagar Haveli & Daman & Diu* | 18 | 9 | 50.00 |
| 32 | Delhi | 842 | 683 | 81.12 |
| 33 | Jammu & Kashmir | 194 | 49 | 25.26 |
| 34 | Lakshadweep | 0 | 0 | 0 |
| 35 | Ladakh | 0 | 0 | 0 |
| 36 | Puducherry | 21 | 5 | 23.81 |
| | TOTAL | 42172 | 26891 | 63.77 |

*For the purpose of reporting, the data for Dadra & Nagar Haveli and Daman & Diu, though they have separate SLSAs, but being one Union Territory, has been clubbed together

ANALYSIS:

- 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 26,891 bail or other appropriate applications** were **filed** by lawyers.
- Thus, bail applications were moved for **63.7%** of the **total** number of **cases recommended** by the UTRCs.
- Further analysis reveals that the **highest number of applications were filed in Maharashtra (4,682)**, and the highest percentage of bail applications in relation to persons recommended for release

was filed in **Chhattisgarh (95.3%)**. However, data further reveals that the lowest percentage of bail applications filed were in **Tamil Nadu (8.63%)** [See Table E]

5. Percentage of cases released from the cases recommended for release:

TABLE F
Percentage of Undertrials Released from the Recommended Undertrials

| S.No. | State/Union Territory | Persons recommended for release during campaign period | Persons released pursuant to UTRC recommendation | Percentage of Undertrials Released from the Recommended Undertrials |
|-------|---------------------------|--|--|---|
| | A | B | C | D = C/B x 100 |
| 1 | Andhra Pradesh | 1039 | 467 | 44.95 |
| 2 | Arunachal Pradesh | 51 | 10 | 19.61 |
| 3 | Assam | 1057 | 994 | 94.04 |
| 4 | Bihar | 2724 | 941 | 34.54 |
| 5 | Chhattisgarh | 1222 | 1086 | 88.87 |
| 6 | Goa | 185 | 98 | 52.97 |
| 7 | Gujarat | 1440 | 998 | 69.31 |
| 8 | Haryana | 1646 | 729 | 44.29 |
| 9 | Himachal Pradesh | 180 | 97 | 53.89 |
| 10 | Jharkhand | 1469 | 833 | 56.71 |
| 11 | Karnataka | 633 | 500 | 78.99 |
| 12 | Kerala | 1795 | 1271 | 70.81 |
| 13 | Madhya Pradesh | 2375 | 1599 | 67.33 |
| 14 | Maharashtra | 5752 | 3556 | 61.82 |
| 15 | Manipur | 88 | 16 | 18.18 |
| 16 | Meghalaya | 136 | 46 | 33.82 |
| 17 | Mizoram | 59 | 48 | 81.36 |
| 18 | Nagaland | 79 | 36 | 45.57 |
| 19 | Odisha | 1309 | 532 | 40.64 |
| 20 | Punjab | 4013 | 1335 | 33.27 |
| 21 | Rajasthan | 2061 | 768 | 37.26 |
| 22 | Sikkim | 17 | 7 | 41.18 |
| 23 | Tamil Nadu | 1715 | 810 | 47.23 |
| 24 | Telangana | 953 | 499 | 52.36 |
| 25 | Tripura | 128 | 52 | 40.63 |
| 26 | Uttar Pradesh | 5761 | 2246 | 38.99 |
| 27 | Uttarakhand | 1126 | 259 | 23.00 |
| 28 | West Bengal | 1769 | 887 | 50.14 |
| 29 | Andaman & Nicobar Islands | 0 | 0 | 0 |
| 30 | Chandigarh | 315 | 150 | 47.62 |

| | | | | |
|----|-------------------------------------|--------------|--------------|--------------|
| 31 | Dadra & Nagar Haveli & Daman & Diu* | 18 | 10 | 55.56 |
| 32 | Delhi | 842 | 306 | 36.34 |
| 33 | Jammu & Kashmir | 194 | 114 | 58.76 |
| 34 | Lakshadweep | 0 | 0 | 0 |
| 35 | Ladakh | 0 | 0 | 0 |
| 36 | Puducherry | 21 | 4 | 19.05 |
| | TOTAL | 42172 | 21304 | 50.52 |

*For the purpose of reporting, the data for Dadra & Nagar Haveli and Daman & Diu, though they have separate SLSAs, but being one Union Territory, has been clubbed together

ANALYSIS:

- a. Of the total number of cases recommended for release by the UTRCs, an average **50.5%** prisoners were released.
- b. The highest percentage of undertrials from those recommended were released in **Assam (94%)**, followed by **Chhattisgarh (88.9%)**, whereas the lowest percentage of persons were released from **Manipur (18.18%)**. [See Table F]

6. Category-wise release of prisoners during the campaign:

TABLE G

Category-wise prisoners identified, reviewed and released during the campaign

| S. No | Category of Review | No. of UTPs identified for review | No. of UTPs recommended for release by the UTRC | No. of cases where bail/ other application moved | Percentage of cases where bail filed out of no. of UTPs recommended | No. of UTPs released pursuant to UTRC's recommendations | No. of cases where bail application disposed | Percentage of UTPs released out of no. of persons recommended by UTRC | No. of cases where bail/ other application is/was pending |
|-------|---|-----------------------------------|---|--|---|---|--|---|---|
| | A | B | C | D | E (D/C x 100) | F | G | H (F/C x 100) | I |
| 1. | UTPs covered under Section 436A Cr.P.C. | 1470 | 1223 | 1051 | 85.9 | 649 | 796 | 53.1 | 255 |
| 2. | UTPs granted bail by the court, but have not been able to furnish sureties. | 1219 5 | 10284 | 6860 | 66.7 | 5437 | 5492 | 52.9 | 1368 |

| | | | | | | | | | |
|----|---|-------|-------|------|------|------|------|------|------|
| 3. | UTPs accused of compoundable offences. | 13765 | 10884 | 7534 | 69.2 | 5845 | 6167 | 53.7 | 1367 |
| 4. | UTPs eligible under Section 436 of Cr.P.C. | 1053 | 851 | 515 | 60.5 | 422 | 336 | 49.6 | 179 |
| 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. | 8648 | 6522 | 4362 | 66.9 | 3734 | 3863 | 57.3 | 499 |
| 6. | UTPs become eligible to be released on bail u/s 167(2)(a)(i) & (ii) CrPC and 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. | 1740 | 1057 | 327 | 30.9 | 444 | 115 | 42.0 | 212 |

| | | | | | | | | | |
|-----|--|------|------|------|------|------|------|------|-----|
| 7. | UTPs who are imprisoned for offences which carry a maximum punishment of 2 years. | 1338 | 998 | 799 | 80.1 | 584 | 701 | 58.5 | 98 |
| 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. | 1988 | 1901 | 1283 | 67.5 | 1605 | 1251 | 84.4 | 32 |
| 9. | UTPs who are sick or infirm and require specialized medical treatment. | 2606 | 1468 | 803 | 54.7 | 520 | 601 | 35.4 | 202 |
| 10. | Women UTPs | 8230 | 4466 | 1971 | 44.1 | 1139 | 1172 | 25.5 | 799 |
| 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. | 940 | 746 | 499 | 66.9 | 393 | 449 | 52.7 | 50 |
| 12. | UTPs who are of unsound mind and must be dealt under Chapter XXV of the Code. | 602 | 477 | 268 | 56.2 | 97 | 161 | 20.3 | 107 |

| | | | | | | | | | |
|-----|---|------|------|-----|------|-----|-----|------|-----|
| 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. | 1748 | 1295 | 619 | 47.8 | 435 | 491 | 33.6 | 128 |
|-----|---|------|------|-----|------|-----|-----|------|-----|

ANALYSIS:

- a. Among the 13 categories of prisoners reviewed, the highest number of prisoners were released under **compoundable offences (5,845)** followed by those who had already been released on bail, but were **unable to furnish sureties (5,437)**.
- b. Further analysis of data reveals that the highest percentage of UTPs released out of those recommended were from the category of prisoners who were detained under Chapter VII of the CrPC, i.e. u/s 107, 108, 109 and 151 CrPC **(84.4 %)**.
- c. The lowest percentage of UTPs released were from the category of UTPs who are of unsound mind and must be dealt with under Chapter XXV of the Cr.P.C. **(20.3%)**.
- d. Other concerning aspects were the non-release of UTPs who were identified and recommended for release under categories linked to statutory bail. For instance, of the 1223 UTPs recommended for

release under **Sec 436A CrPC²**, only **649 (53.1%)** were released; of the 10,284 recommended UTPs who were **unable to furnish surety despite grant of bail**, only **5437 (52.9%)** were released; of the 851 recommended UTPs eligible for release under **Sec 436 CrPC³** only **422 (49.6%)** were released; of the 1057 recommended UTPs eligible for release **under Sec 167 CrPC**, **444 (42%)** were released.

- e. Further, data indicates, that cases where liberal bail provisions are prescribed⁴, viz. for the 1468 **sick and infirm UTPs** recommended, only **520 (35.4%)** were released; and of the 4466 **women UTPs** recommended, only **25.5%** were released. (See Table G)

7. Percentage of undertrials released during the campaign:

TABLE H
Percentage of undertrial prisoners released during the campaign

| S.No. | State/Union Territory | Total Under trial Prisoners PSI 2022 | Persons recommended for release during campaign period | Persons released pursuant to UTRC recommendation | Percentage of Released Undertrials out of total Undertrial Population |
|-------|-----------------------|--------------------------------------|--|--|---|
| | A | B | C | D | E (D/B x 100) |
| 1 | Andhra Pradesh | 5123 | 1039 | 467 | 9.12 |
| 2 | Arunachal | 184 | 51 | 10 | 5.43 |

² Section 436A Cr.P.C. states that no person shall be detained for more than the maximum period provided for the said offence, and that where a person has 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.

³ Section 436 Cr.P.C. states that where a person is unable to give bail within a week of his arrest, in bailable offences, it shall be sufficient ground for the officer or the court to presume that he is an indigent person, and the court may and shall instead of taking bail from such person, discharge him on his executing a bond without sureties for his appearance.

⁴ Section 437 Cr.P.C. lays down provisions for when bail may be taken in case of non-bailable offences, and includes a proviso for liberal consideration of bail for persons who are sick or infirm as well as for women, even where there are reasonable grounds for believing they are guilty of the offence punishable with death or imprisonment for life, or where the offence is cognizable and accused has been previously convicted.

| | | | | | |
|----|-------------------------------------|---------------|--------------|--------------|-------------|
| | Pradesh | | | | |
| 3 | Assam | 8608 | 1057 | 994 | 11.55 |
| 4 | Bihar | 57537 | 2724 | 941 | 1.64 |
| 5 | Chhattisgarh | 12820 | 1222 | 1086 | 8.47 |
| 6 | Goa | 572 | 185 | 98 | 17.13 |
| 7 | Gujarat | 11129 | 1440 | 998 | 8.97 |
| 8 | Haryana | 19279 | 1646 | 729 | 3.78 |
| 9 | Himachal Pradesh | 1926 | 180 | 97 | 5.04 |
| 10 | Jharkhand | 14786 | 1469 | 833 | 5.63 |
| 11 | Karnataka | 12605 | 633 | 500 | 3.97 |
| 12 | Kerala | 5610 | 1795 | 1271 | 22.66 |
| 13 | Madhya Pradesh | 26877 | 2375 | 1599 | 5.95 |
| 14 | Maharashtra | 32883 | 5752 | 3556 | 10.81 |
| 15 | Manipur | 592 | 88 | 16 | 2.70 |
| 16 | Meghalaya | 829 | 136 | 46 | 5.55 |
| 17 | Mizoram | 1049 | 59 | 48 | 4.58 |
| 18 | Nagaland | 302 | 79 | 36 | 11.92 |
| 19 | Odisha | 16058 | 1309 | 532 | 3.31 |
| 20 | Punjab | 24198 | 4013 | 1335 | 5.52 |
| 21 | Rajasthan | 19233 | 2061 | 768 | 3.99 |
| 22 | Sikkim | 268 | 17 | 7 | 2.61 |
| 23 | Tamil Nadu | 11564 | 1715 | 810 | 7.00 |
| 24 | Telangana | 4221 | 953 | 499 | 11.82 |
| 25 | Tripura | 735 | 128 | 52 | 7.07 |
| 26 | Uttar Pradesh | 94131 | 5761 | 2246 | 2.39 |
| 27 | Uttarakhand | 4722 | 1126 | 259 | 5.48 |
| 28 | West Bengal | 23706 | 1769 | 887 | 3.74 |
| 29 | Andaman & Nicobar Islands | 173 | 0 | 0 | 0.00 |
| 30 | Chandigarh | 832 | 315 | 150 | 18.03 |
| 31 | Dadra & Nagar Haveli & Daman & Diu* | 162 | 18 | 10 | 6.17 |
| 32 | Delhi | 16759 | 842 | 306 | 1.83 |
| 33 | Jammu & Kashmir | 4587 | 194 | 114 | 2.49 |
| 34 | Lakshadweep | 6 | 0 | 0 | 0.00 |
| 35 | Ladakh | 26 | 0 | 0 | 0.00 |
| 36 | Puducherry | 210 | 21 | 4 | 1.90 |
| | TOTAL | 434302 | 42172 | 21304 | 4.91 |


*For the purpose of reporting, the data for Dadra & Nagar Haveli and Daman & Diu, though they have separate SLSAs, but being one Union Territory, has been clubbed together.

ANALYSIS:


- a. The campaign resulted in the release of **21,304 undertrial prisoners** across the country, with the highest number of releases in **Maharashtra (3,556)**, followed by **Uttar Pradesh (2,246)** and **Madhya Pradesh (1,599)**.
- b. In terms of proportion of prisoners released vis-à-vis the total undertrial population in the State/UT concerned, highest percentage were released in **Kerala (22.66%)**, followed by Chandigarh (**18.03%**) and Goa (**17.13%**).
- c. The total proportion of undertrial prisoners released across India is **4.9%**. (See Table H)

CAMPAIGN OUTCOMES AT A GLANCE


| Number of UTRC Meetings Conducted | |
|-----------------------------------|-----------------------------------|
| 3,360 meetings | 155 meetings less than stipulated |



| No. of prisoners recommended by UTRC & % from those identified | |
|--|-----------------------------|
| 42,172 | 74.88 % of those identified |



| No. of bails filed and % from those recommended | |
|---|------------------------------|
| 26,891 | 63.77 % of those recommended |



| No. of persons released and % from bail applications filed | |
|--|-----------------------------------|
| 21,304 | 79.2 % of bail applications filed |

III. KEY OBSERVATIONS & ACTION POINTS

The Under Trial Review Committee Special Campaign 2023 has resulted in the release of **21,304 undertrial prisoners** across India. An assessment and evaluation of the data collated provides several insights into the processes linked with the functioning of the Under Trial Review Committees. Some of the key observations are highlighted below:

A. KEY OBSERVATIONS

- 1. Impact of the special campaign:** The data collated for the campaigns conducted in 2023 and in 2022 are indicative that they led to review, recommendation, and release of higher number of prisoners than those being released in the regular course of functioning of the UTRCs. This suggests that the functioning of the UTRCs can be more effective, if they are conducted as per a fixed schedule across the country.
- 2. Continued need for periodic review of prisoner cases:** During the campaign, nearly 13% undertrial prisoners out of the total undertrial prisoners in India were identified for review by the UTRC. This is indicative of the continued need for UTRCs to periodically identify and review cases of undertrial prisoners.
- 3. Gaps in identification of prisoners:** Data is indicative of possibility of lapses in the identification of prisoners for review, which constitutes a vital part of the entire UTRC process. For instance, cases of all women prisoners and all prisoners with mental illness are eligible for review, yet the figures of persons identified are lower than those reported annually in Prison Statistics India report. Another aspect in relation to identification has been the gap

between the total number of persons identified and the number of persons recommended which was 74.88%. This percentage varied across states with the highest percentage of cases recommended from the cases identified was in **Chandigarh (100%)** and lowest was in **Mizoram (16.08%)**. This means that there is variation in the methodology adopted for identification of prisoners.

- 4. Gaps in filing of bail:** Data indicates that bail or other appropriate applications were filed by lawyers in only 63.7% of the total number of cases recommended by the UTRCs. However, this percentage varied across states, with the highest percentage of bail applications in relation to persons recommended for release being filed in Chhattisgarh (95.3%), and the lowest in Tamil Nadu. (8.63%) One vital aspect of the UTRC functioning is to review action taken on the recommendations made by the committee. There is thus a need to strengthen the follow-up and review processes of the UTRCs.
- 5. Gaps in release of prisoners:** The difference between the number of persons recommended for release and the number of bails filed, meant that releases could not be secured for as many as 15281 persons. These constituted a substantive percentage of prisoners (**49.5%**) who were recommended for release. Thus, the state legal services authorities should improve monitoring over the UTRC process to make it more effective.
- 6. Insights into the functioning of the justice system:** An analysis of the category-wise data provides several insights into the functioning of the criminal justice system too. For instance, the continued detention of persons even where they are eligible for statutory bail under sections 436A, 436, 167(2) Cr.P.C.; the continued detention of persons with

mental illness despite statutory safeguards; the continued arrests and detentions of persons under offences carrying less than 7 years punishment despite Supreme Court directives; limited use of liberal bail provisions for women and sick or infirm persons and safeguards outlined under Sec 41A CrPC.

B. ACTION POINTS FOR STRENGTHENING UNDER TRIAL REVIEW COMMITTEES

1. To further enhance the efficacy of UTRCs, there should be a fixed quarterly schedule for conduct of UTRC meetings as is done for the National Lok Adalats.
2. To strengthen the process of identification, the State Legal Services Authority should conduct pre and post ‘Review meetings’ with the Secretary, DLSAs to:
 - i. review the list of cases identified to ascertain that cases under each category are considered.
 - ii. review the number of cases in which bail has been filed pursuant to the UTRC recommendations and where bails are pending or yet to be filed, seek responses.
 - iii. address any issues faced by DLSAs in the conduct of the UTRC.
3. To further strengthen the identification of eligible prisoners, the Secretary, DLSA should conduct an orientation session for jail visiting lawyers and paralegal volunteers to identify and report cases of eligible prisoners as per the SOP to the DLSA, as per the NALSA’s SOP on Access to Legal Aid Services to Prisoners and Functioning of Prison Legal Aid Clinics, 2022.
4. To strengthen the procedures adopted by the UTRC, the Chairman, DLSA should ensure that the UTRC meetings are conducted as per the SOP, and that minutes of the meeting are duly recorded, and follow up action is maintained as per formats provided.

5. To expedite filing of bail, the UTRC members should conduct follow-up and review of action taken as per the SOP at regular intervals.
6. The Secretary, DLSA should undertake capacity building of lawyers (private and legal aid) on the UTRC processes and their roles.
7. To raise awareness on the UTRC mechanism and its processes, SLSA and DLSA should ensure that the dates for the UTRC meetings, along with the list of eligible categories, and process of UTRC meeting are given due publicity through posters in local languages at appropriate locations including inside prison wards, prison legal aid clinics, mulaqaat area/visiting areas for prisoner's families, office of the DLSA, and bar association rooms.