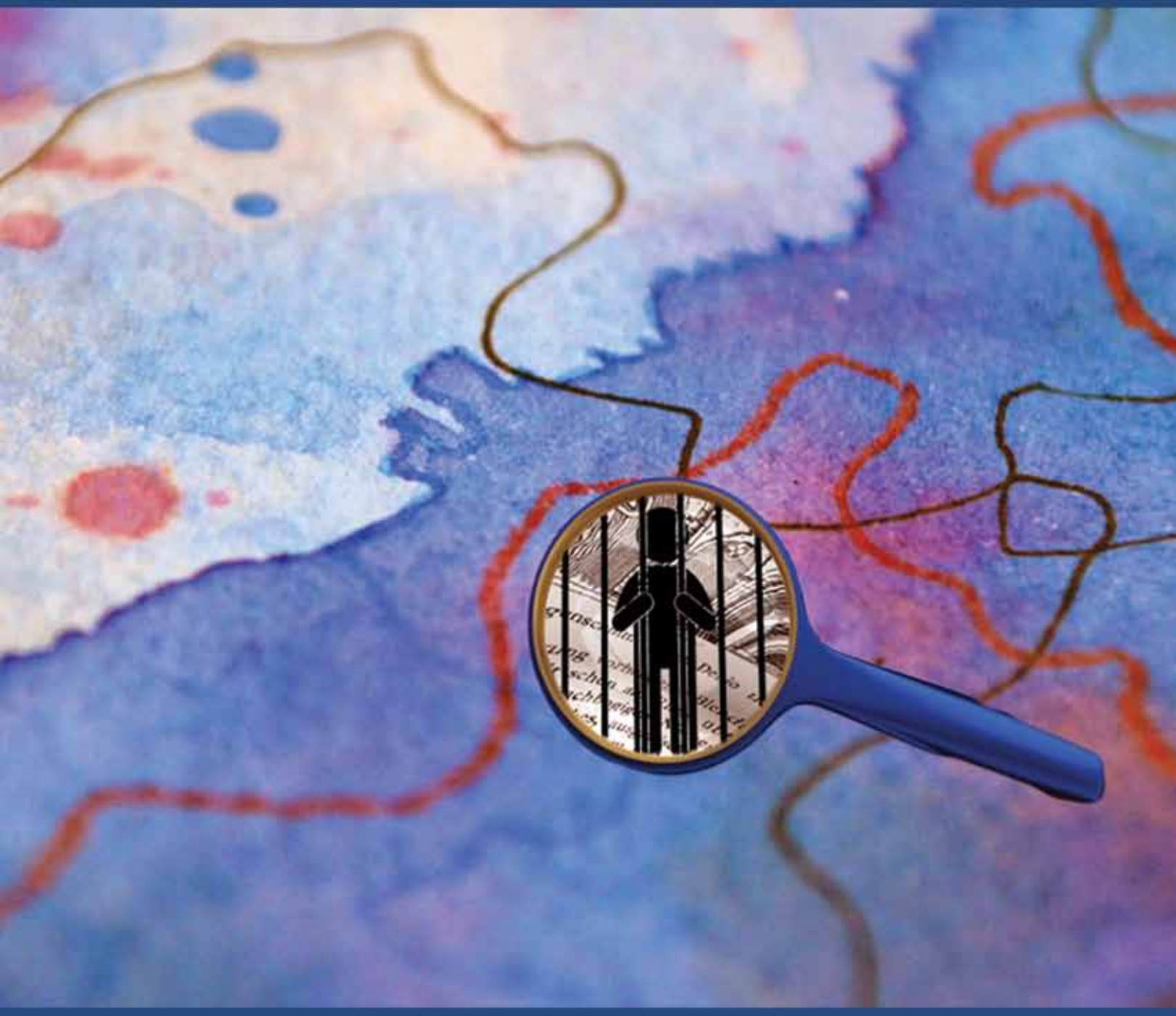
CHRI 2015

ROAD TO RELEASE

THIRD WATCH REPORT ON RAJASTHAN'S PERIODIC REVIEW COMMITTEES



CHRI
Commonwealth Human Rights Initiative

Working for the practical realisation of human rights in the countries of the Commonwealth

Commonwealth Human Rights Initiative

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

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THIRD WATCH REPORT ON RAJASTHAN'S PERIODIC REVIEW COMMITTEES

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WHAT'S THE IDEA OF THE REPORT

INTRODUCTION

This is the third watch report on Rajasthan's Periodic Review Committees (PRCs) by the Commonwealth Human Rights Initiative (CHRI). CHRI's first report on PRCs was published in 2011 which compiled data from June 2009 to June 2010 (2009-10). It was followed by the second report in June 2015 which provided information for eight months from September 2013 to April 2014 (2013-14). The present report provides an update since the second report, and is based largely on data gathered from May 2014 to April 2015 (2014-15). The report is divided into two main parts: Firstly, what is the mandate of the Rajasthan PRCs on paper? Secondly, how have these district-level committees performed on the ground since the second watch report and the advocacy done with critical stakeholders in the executive and judiciary? Broadly, the report aims to evaluate: Are they proving to be effective mechanisms of prison oversight?

In Rajasthan, Periodic Review Committees (PRCs) or *Avadhik Samiksha Samitis* are one of the prison oversight bodies which keeps a vigil on illegal and unnecessary detention in prisons. The performance of the PRCs has been tracked by CHRI through right to information requests since 2009-10. The information is collated and analysed vis-à-vis their mandate and guidelines provided by the High Court [1] and the prison department from time to time. This Watch Report is a comparative status of the PRCs as observed in 2013-2014 and progress made in 2014-2015. In 2013-2014 three districts, Ajmer, Baran and Bhilwara, failed to provide information while in 2014-2015 Dungarpur, Sirohi and Bhilwara did not provide information. Due to delay in sending information on the part of Barmer, Sikar and Karauli, their data could not be taken up for analysis in this report. The comparative report tracks the changes across a set of five indicators – (i) whether monthly meetings were held; (ii) whether lists of undertrials were prepared for every meeting; (iii) whether all members came to all meetings; (iv) the kinds of cases reviewed as per the mandate; and (iv) whether minutes were prepared for all meetings held.

The functioning of PRCs directly impacts the conditions of overcrowding[2] in prisons and complements the role of other oversight bodies. PRCs work on the premise that a person in prison is sent under the order of the court. Therefore, it is the duty of judiciary to oversee that no one is detained for more than the period required by law. This is precisely the mandate of this five-member district level committee, headed by the Chief Judicial Magistrate, since 1979. Unfortunately, neither the judiciary nor the executive realised its potential. CHRI, through its watch reports, has been able to demonstrate that in a span of five years with constant monitoring of the judiciary, executive and civil society, an earlier defunct mechanism in the state of Rajasthan is revived to work efficiently to the cause of access to justice for all.

S.436A of the Code of Criminal Procedure, 1973 (the Code) has been in focus since 2011 with the government and judiciary time and again emphasizing the need for institutionalising its implementation[3]. The Ministry of Home Affairs on 9 May 2011, issued an advisory suggesting that "a survey of all such cases covered under section 436 and 436A may be carried out every six months by the prison authorities and presented before the magistrate/ judges concerned in each district, by sending such lists to the District Legal Services Authorities (SLSAs)." Similarly, by another advisory[4] in January 2013, states were asked to "constitute a Review Committee in every district with the District Judge as Chairman, and the District Magistrate and District SP as members to meet every three months and review the cases." The Union Home Minister has written to the Chief Ministers of all States/UTs on 3 September 2014 regarding use of section 436A of the Code to reduce over-

1 A state-level consultation was held on 1 September 2013, under the aegis of the Rajasthan High Court led by the then Chief Justice Amitava Roy. He urged the Chief Judicial Magistrates to hold these meetings with greater diligence.

2 As on 31 July 2015, the overall occupancy rate in the prisons of Rajasthan was 115%. Among the central prisons it was highest in Jaipur with 174%. In district prisons, it varied from 47% (Jaisalmer) to 522.5% (Rajsamand). In sub-jails like Bayana and Aklera, overcrowding was more than 1200%.

3 In Rajasthan, three circulars, dated 22 September 2014, 8 October 2014 and 16 October were issued by the Directorate of Prisons directing prisons to prepare a list of undertrials eligible under S. 436A and to send it to District Magistrate, Superintendent of Police and Chief Judicial Magistrate and accordingly to inform the Directorate.

4 Refer Annexure E , p 59, No. V-13013/70/2012-IS (VI), Ministry of Home Affairs (CS Division), GOI on 'Use of Section 436A of the Cr.P.C. to reduce overcrowding of prisons.'

crowding in jails of the country. An advisory dated 27 September 2014 has also been issued by the Government of India to the States/UTs on reckoning half-life of time spent in judicial custody of undertrial prisoners under Section 436A of the Code.

On 5 September 2014, the Hon'ble Supreme Court of India in Writ Petition (Crl.) No. 310 of 2005 titled as 'Bhim Singh vs Union of India & Ors.' direct that, "jurisdictional Magistrate/Chief Judicial Magistrate/Sessions Judge shall hold one sitting in a week in each jail/prison for two months commencing from 1' October, 2014 for the purposes of effective implementation of 436A of the Code of Criminal Procedure….after complying with the procedure prescribed under Section 436A pass an appropriate order in jail itself for release of such under-trial prisoners who fulfill the requirement of Section 436A for their release immediately."

Most recently, the Supreme Court of India in its order[5] dated 24 April 2015 directed the Member Secretary of the National Legal Services Authority (NALSA) in coordination with the State Legal Services Authority (SLSA) and the Ministry of Home Affairs to "urgently ensure that Undertrial Review Committee is established in every District, within one month." The court relied on the Ministry of Home Affairs advisory issued on 17 January 2013 for the purpose of implementation of S.436A of the Code. The composition of the Undertrial Review Committee, as provided by the advisory and the Supreme Court order, is "the District Judge, as Chairperson, the District Magistrate and the District Superintendent of Police as members." The periodicity of the meeting is fixed for every quarter.

Apart from ensuring implementation of S.436A of the Code, the court asked NALSA to issue directions to the SLSAs to urgently take up, through its panel lawyers, cases of prisoners who are unable to furnish bail and are still in custody for that reason, "…. we find that there are a large number of such prisoners who are continuing in custody only because of their poverty. This is certainly not the spirit of the law and poverty cannot be a ground for incarcerating a person." Further, the court observed that, "There are a large number of compoundable offences for which persons are in custody."

With its insistence on the constitution of undertrial review committees in each district, the Supreme Court order moves the periodic review of undertrials from the realm of uncertainty and discretion to the realm of the mandatory for each and every state. However, a new concern emerges – what will be the fate of the undertrial review committees which existed much before the Supreme Court order? Having perhaps an expanded composition and mandate? In Rajasthan, PRCs were established way back in 1979. Due to the constant monitoring of the High Court and the executive since 2011 when CHRI drew their attention for the first time, the functioning of PRCs improved immensely. In fact since mid-2015 the Prison Department has begun to proactively disclose the information on meetings and number of cases taken up for review. The information shows that PRCs have become more regular than before from 26.3 per cent in 2009-10 to 53% in 2014-15. Complying with the Supreme Court order, a circular was issued by the Rajasthan State Legal Services Authority, dated 11 May 2015, to all the District Legal Services Authorities enclosing the directions issued by the National Legal Services Authority in this regard[6]. This essentially means while the PRCs are already functioning another committee has been constituted. We understand that the SLSA is duty bound to comply but a clarification in this regard from the apex court would have helped prevent duplication[7]. CHRI believes that it is of utmost importance that implementing authorities integrate some of the new specifications in mandate and composition of the committee directed by the Supreme Court which is already institutionalised and functional on the ground rather than replacing or duplicating it.

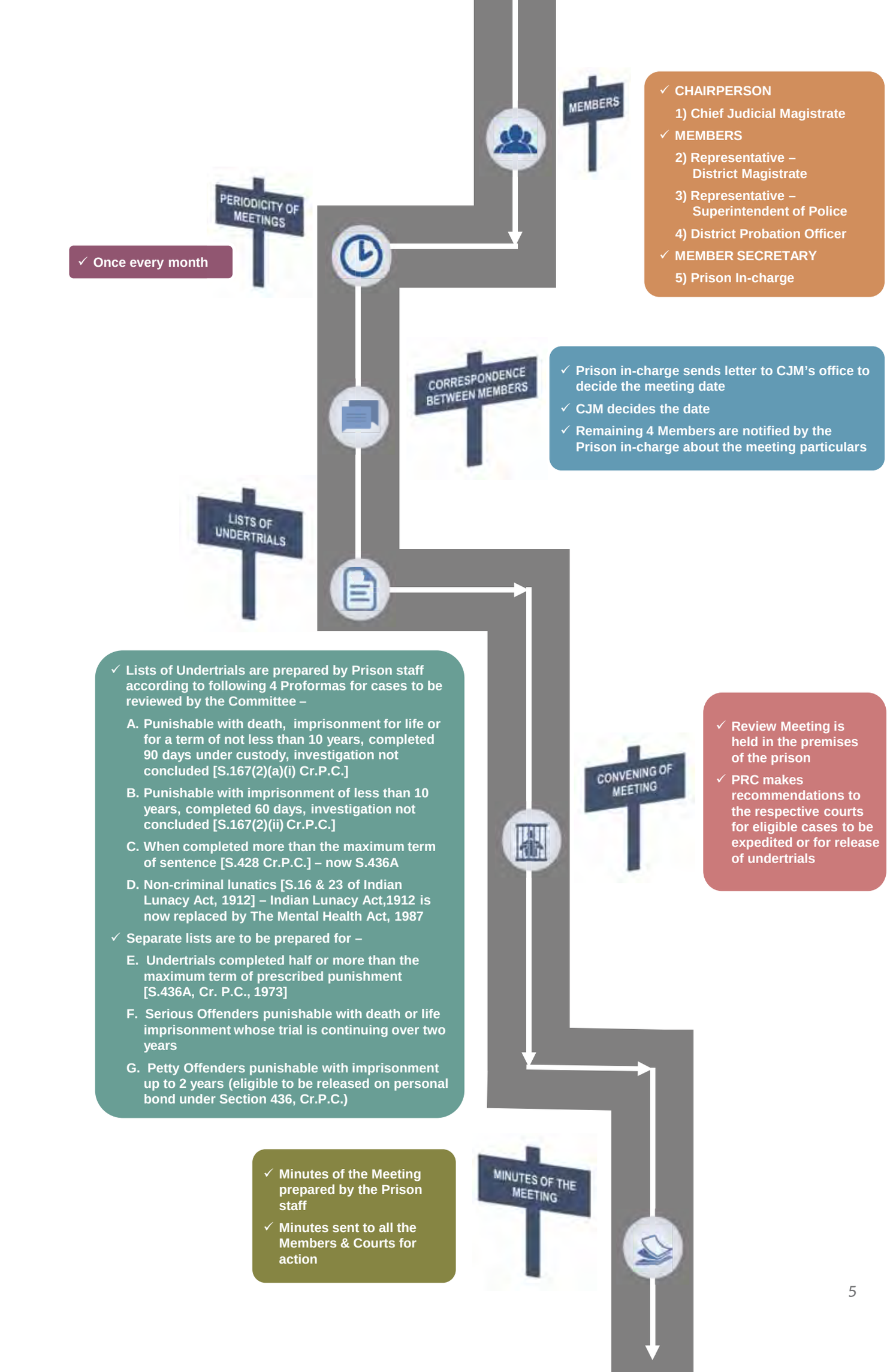
5 Refer Annexure D, p. 57, Suo Moto W.P. (Civil) No. 406 of 2013 titled 'Re: Inhuman Conditions prevailing in 1382 Prisons in India'

6 Refer Annexure F, p. 61, Rajasthan SLSA circular regarding W.P. (C) No. 406/2013 in the Supreme Court of India, Re – Inhuman conditions in 1382 prisons.

7 Based on the limited information received from right to information requests filed by CHRI after the Supreme Court order, it was found that at least in three districts Bharatpur, Dholpur and Jaisalmer Undertrial Review Committees have been established. This must be true for other districts.

WHAT'S ON PAPER

THE MANDATE



- ✓ CHAIRPERSON
  - 1) Chief Judicial Magistrate
- ✓ MEMBERS
  - 2) Representative – District Magistrate
  - 3) Representative – Superintendent of Police
  - 4) District Probation Officer
- ✓ MEMBER SECRETARY
  - 5) Prison In-charge

- ✓ Once every month

- ✓ Prison in-charge sends letter to CJM's office to decide the meeting date
- ✓ CJM decides the date
- ✓ Remaining 4 Members are notified by the Prison in-charge about the meeting particulars

- ✓ Lists of Undertrials are prepared by Prison staff according to following 4 Proformas for cases to be reviewed by the Committee –
  - A. Punishable with death, imprisonment for life or for a term of not less than 10 years, completed 90 days under custody, investigation not concluded [S.167(2)(a)(i) Cr.P.C.]
  - B. Punishable with imprisonment of less than 10 years, completed 60 days, investigation not concluded [S.167(2)(ii) Cr.P.C.]
  - C. When completed more than the maximum term of sentence [S.428 Cr.P.C.] – now S.436A
  - D. Non-criminal lunatics [S.16 & 23 of Indian Lunacy Act, 1912] – Indian Lunacy Act,1912 is now replaced by The Mental Health Act, 1987
- ✓ Separate lists are to be prepared for –
  - E. Undertrials completed half or more than the maximum term of prescribed punishment [S.436A, Cr. P.C., 1973]
  - F. Serious Offenders punishable with death or life imprisonment whose trial is continuing over two years
  - G. Petty Offenders punishable with imprisonment up to 2 years (eligible to be released on personal bond under Section 436, Cr.P.C.)

- ✓ Review Meeting is held in the premises of the prison
- ✓ PRC makes recommendations to the respective courts for eligible cases to be expedited or for release of undertrials

- ✓ Minutes of the Meeting prepared by the Prison staff
- ✓ Minutes sent to all the Members & Courts for action

WHAT'S ON GROUND

FINDINGS AND RECOMMENDATIONS

DISTRICT REPORT CARDS

FINDINGS & RECOMMENDATIONS

Rajasthan PRCs are on a trajectory of improvements as regards their periodicity, coordination between members and overall functioning. This is more so because of the efforts of the prison department in keeping a constant check on the regularity of PRC meetings in every central or district prison. On 28 February 2014[8], a circular was issued by the Prison Department directing the prison in-charge to ensure that details of PRC meetings are sent by fax in the given proforma – date of meeting; reasons if meeting not held. Also, it was directed to send information by fax if any PRC meetings were held in the sub-jails under their jurisdiction. Such a direction was given for the first time though no evidence could be found for meetings held in the sub-jails. Four circulars[9], dated 12 August 2014, 29 September 2014, 19 November 2014 and 12 December 2014, were issued from the office of Director General of Prisons to the prison in-charge of those prisons which did not send quarterly information on PRC meetings. It was further provided that deferment of sending information by prisons leads to delay in sending the report to the state government and, therefore, directed them to send the same at the earliest. The Directorate of Prisons sent a circular[10], dated 16 October 2014, directing the prison in-charge of 9 prisons[11] to conduct PRC meetings regularly under the Chief Judicial Magistrate/Chief Metropolitan Magistrate and accordingly inform the Directorate.

PERIODICITY OF MEETINGS

The table below shows the periodicity of meetings held during the time periods of three watch reports:

NAME OF CENTRAL/ DISTRICT JAILS	NO. OF MEETINGS HELD FROM JUNE 2009-JUNE 2010	NO. OF MEETINGS HELD FROM SEPTEMBER 2013-APRIL 2014	NO. OF MEETINGS HELD FROM MAY 2014 – APRIL 2015
AJMER	2	No data	10
ALWAR	3	6	8
BANSWARA	4	1	1
BARAN	3	No data	2
BARMER	3	7	No data
BHARATPUR	1	6	4
BHILWARA	1	No data	No data
BIKANER	2	6	9
BUNDI	1	2	12
CHITTORGARH	5	6	-
CHURU	6	5	5
DAUSA	1	4	No data
DHOLPUR	3	4	8
DUNGARPUR	1	1	No data
GANGAPUR CITY	No data	No data	1
HANUMANGARH	2	7	10
JAIPUR	4	3	5
JAISALMER	4	5	12
JALORE	No data	3	7
JHALAWAR	1	1	9
JHUNJHUNU	No data	6	5
JODHPUR	7	3	3
KARAULI	9	7	No data
KOTA	2	No data	3
NAGAUR	3	7	8
PALI	1	4	4
PRATAPGARH	7	6	7
RAJSAMAND	10	2	10
SIKAR	4	6	No data
SIROHI	2	3	No data
SRI GANGANAGAR	11	5	8
TONK	10	1	8
UDAIPUR	No data	4	5

8 Refer Annexure G, p. 63, for some of the circulars issued by the Directorate of Prisons.
9 Refer Annexure G, p. 63, for some of the circulars issued by the Directorate of Prisons.
10 Refer Annexure G, p. 63, for some of the circulars issued by the Directorate of Prisons.
11 Bharatpur, Jaipur, Alwar, Dausa, Dhaulpur, Jhunjhunu, Sikar, Karauli and Gangapurcity.

- As regards the regularity in meetings, from 26.3 per cent in 2009-10 it increased to 50.8 per cent in 2013-14. Now, it has risen to 53 per cent for May 2014 to April 2015 when 159 out of 300 mandated meetings were held in 27 districts in Rajasthan.

- It clearly shows that the regularity of meetings have increased in nine districts[12] with more than double the increase in Bundi, Dholpur, Hanumangarh, Jaisalmer and Nagaur. Bundi and Jaisalmer are exemplary in having conducted all monthly meetings – something of a record for this period (2014-15).

- The number has fallen in Banswara, Churu and Jodhpur over the three periods. Banswara and Gangapur city had the worst performance with only one meeting held in the entire year (2014-15).

CHRI has recommended in all the three watch reports to ensure regularity and that the day/date of the meeting is pre-set. For example, PRC meeting will be scheduled on the first Saturday of every month. The prison in-charge must send a letter in this regard to the Chief Judicial Magistrate to fix a permanent day/date for the meeting or it must be mutually decided by all the members in the next meeting to be held.

PREPARATION OF UNDERTRIALS' LISTS BY THE PRISON

- The assessment of the lists of undertrials from the three time periods indicates that prisons have not been preparing lists according to the mandated four proformas[13] or the proformas suggested by CHRI[14] in its first report. In 2014-15, minutes of Jaipur and Sri Ganganagar PRCs mention about the four proformas but lists were not prepared according to them.

- Considering that currently prisons neither have all the relevant information nor the capacity to present a computed list of undertrials it was recommended in the second report that instead of using proformas the format of the lists should be standardised[15]. However, this has not been achieved till now.

It is recommended that two lists must be prepared –

(i) List of Undertrials with a single case, to be prepared court-wise including the courts of Executive Magistrates; and

(ii) List of Undertrials with multiple cases, to be prepared prisoner-wise. Both lists must cover all the undertrials detained in the prison on the date of preparation of lists.

12 Alwar, Bikaner, Bundi, Dholpur, Hanumangarh, Jaisalmer, Jhalawar, Nagaur and Pali.

13 Proforma A: Undertrials standing trial in cases punishable with death, imprisonment for life or for a term of not less than 10 years, completed 90 days under custody, investigation not concluded [S.167(2)(a)(i)]
Proforma B: Undertrials standing trial in cases punishable with imprisonment of less than 10 years, completed 60 days, investigation not concluded [S.167(2)(ii) of the Code]
Proforma C: Undertrials under detention for a period more than the maximum term of sentence awardable to them in the case in which they are standing trial" [S.428 of the Code] – now S.436A
Proforma D: Non-criminal lunatics confined in prison for observation for more than thirty days [S.16 & 23 of Indian Lunacy Act, 1912] – Indian Lunacy Act,1912 is now replaced by The Mental Health Act, 1987

14 I. Undertrials who are charged with offences punishable with death or life imprisonment whose trial is continuing over two years
II. Petty Offenders who are charged with offences punishable with imprisonment up to two years
III. Undertrials who have completed half or more than the maximum term of the prescribed punishment
IV. Undertrials whose age is contested / Juveniles
V. Mentally Ill Undertrials

15 Refer Annexure A, p. 52 CHRI suggested formats for preparing Lists of Undertrials

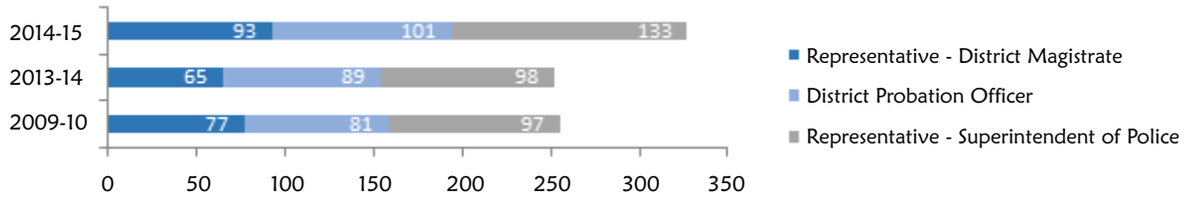
To overcome the critical information gap between courts and prisons, the following information must be provided by the court to the prison:

1. Date of arrest
2. Date of first production
3. Date of first remand
4. Offence, whether compoundable
5. Offence, whether bailable
6. Maximum prescribed imprisonment
7. Case reference number
8. Date when UTP eligible u/S.436
9. Date when UTP eligible u/S.167
10. Date when UTP eligible under S.436A (Half Term)
11. Date when UTP eligible under S.436A (Full Term)
12. Date of chargesheet
13. Date when bail was granted by court but undertrial unable to furnish surety
14. Lawyer, whether private or legal aid
15. Contact number of Lawyer

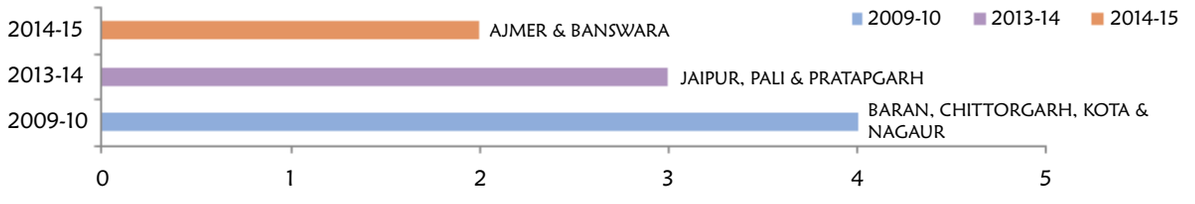
The above information could be provided by the court along with the warrant requiring production of an undertrial. It would assist the PRCs tremendously in identifying undertrials' eligibility to be released under the law. For example, the calculation of 60/90 days needs to be calculated from the date of first remand. It would also assist the PRCs in complying with the directions given by the Hon'ble Supreme Court for quick disposal of compoundable cases and cases of undertrials who were granted bail but are still detained due to their inability to furnish bail amount or surety.

ATTENDANCE OF MEMBERS & CORRESPONDENCE BETWEEN THEM

- Out of 155 meetings for which minutes were provided, besides the CJM and the prison in-charge who had to be inevitably present, the most frequent attendance was by the office of the Superintendent of Police (133 meetings), followed by the Probation Department (101 meetings). The lowest attendance was from the District Magistrate's office (93 meetings).



- The number of districts in which all five mandated members came to all the meetings that were held has seen a low trend over the three periods.



- While overall regularity of PRCs has improved, the lack of full attendance in the meetings and the fall in full attendance over the years does obstruct case disposal and final recommendations. For example, in Bikaner, in 2014-15, in the case of an undertrial detained under a petty offence and S.151, 107, 116(3) as the representative of District Magistrate was absent for five consecutive meetings, the reasons for not releasing him on personal bond could not be clarified. It is a classic example to show how the liberty of the person gets affected by the absence of PRC members.

- Additionally, a representative from the Prosecution Department has attended the Committee meetings in 19 districts[16]. Meetings were attended by the Director, Additional Director, Deputy Director, Assistant Public Prosecutor or Public Prosecutor in these districts.

- From 2013 to 2015, regular correspondence was observed for 13 districts[17]. Though in Jhalawar, correspondence was irregular, a letter was sent to the Superintendent of Police to ensure production of the accused by arranging adequate number of guards. Similarly, in Kota, the Chief Judicial Magistrate conveyed to the representative of Superintendent of Police and prosecution department that during every meeting it would be helpful if the information regarding filing of chargesheet is sent to the prison.

- The prisons in-charge must make efforts to improve the correspondence with all members to ensure full attendance and speedier expediting of cases.
- The issue of non-attendance must be taken seriously by the PRC. If a member has missed any two meetings consecutively or has been frequently missing the meetings, seniors must be informed and request should be made to nominate a more diligent person to attend the meetings.

REVIEWS & RECOMMENDATIONS MADE BY THE COMMITTEES

The 1979 order directs the PRCs to mandatorily review five categories of cases of undertrials eligible under S.167 of the Code; S.428, which is now S.436A of the Code; S.436 of the Code. or petty cases; long detention in serious offences and; the Indian Lunacy Act, 1912, which is now the Mental Health Act, 2000.

The table below provides for a comparative examination of the various categories of cases undertaken for review by the PRC of each district:

CENTRAL/ DISTRICT JAILS	FROM JUNE 2009-JUNE 2010	SEPTEMBER 2013-APRIL 2014	FROM MAY 2014 – APRIL 2015
AJMER	No Data	No Data	• S.436A
ALWAR	No Details	• S.436A (49 Cases) • S.167 (3 Cases) • S.436 (17 Cases) • S. 107 To 110 & 151 (7 Cases)	• S.436 (24 Cases) • S.436A (72 Cases)
BANSWARA	No Details	• S.436A • Below 18 Yrs • S. 107 To 110 & 151 • Need Legal Aid	• S.436A • Below 18 Yrs • S. 107 To 110 & 151 • Need Legal Aid
BARAN	• S.436A • Below 18 Yrs	No Data	• S.436A • Below 18 Yrs • S. 107 To 110 & Other Provisions of the Code

16 Ajmer, Alwar, Bharatpur, Bikaner, Churu, Dholpur, Gangapurcity, Hanumangarh, Jaipur, Jaisalmer, Jalore, Jhunjhunu, Jodhpur, Kota, Nagaur, Pali, Pratapgarh, Rajsamand & Udaipur.

17 Bharatpur, Bikaner, Churu, Dholpur, Hanumangarh, Jaipur, Jaisalmer, Jhunjhunu, Jodhpur, Kota, Pratapgarh, Rajsamand & Udaipur.

CENTRAL/ DISTRICT JAILS	FROM JUNE 2009-JUNE 2010	SEPTEMBER 2013-APRIL 2014	FROM MAY 2014 – APRIL 2015
BARMER	• S. 107 To 110 & 151 (2 Cases) • Long Detention (1 Case)	• S.436A • S.167 • Detention More Than 2 Yrs • Petty Cases • Mentally Ill • S.428 • S. 107 To 110 & 151 • Below 18 Yrs	No Data
BHARATPUR	• S.436A	• S.436A (8 Cases) • S.436 (5 Cases) • Long Detention (16 Cases) • S. 107 To 110 & 151 (10 Cases) • Unable To Furnish Surety (1) • Below 18 Yrs	• S.436A (5 Cases) • Long Detention (58 Cases) • S. 107 To 110 & 151 & Detained For 6 Months • Below 18 Yrs
BHILWARA	No Details	No Data	No Data
BIKANER	• S.436A • Below 18 Yrs • S. 107 To 110 & 151	• Petty Cases • Long Detention (9 Cases) • S. 107 To 110 & 151 (15 Cases)	• S436A (2 Cases) • Petty Offence & Long Detention (2 Cases) • Petty Offence & S.151, 107, 116(3) [17 Cases] • Below 18 Yrs • Non-Production (55 Cases)
BUNDI	• S.436A • Petty Offence & S.151, 107, 116 (5 Cases) • Below 18 Yrs	No Details	• S.436A (1 Case) • S. 107 To 110 & 151 (35 Cases) • Below 18 Yrs
CHITTORGARH	• Petty Cases • S. 107 To 110 & 151 (15 Cases)	• S.436A (8 Cases) • S.436 • Petty Offence & S. 107 To 110 & 151 (16 Cases)	No Details
CHURU	• S.167 • Petty Cases • Mentally Ill • Unable To Furnish Surety	• S.436A • Petty Case • Mentally Ill (2 Cases) • Long Detention (48 Cases) • S. 107 To 110 & 151 (1 Case) • Completed 1/3 Imprisonment (14 Cases)	• S.436A • Petty Offence With 6 Months Imprisonment & Long Detention (16 Cases) • S.107, 116, 151 (4 Cases)
DAUSA	No Details	No Details	No Details
DHOLPUR	No Details	• S.436A (2 Cases) • Long Detention (57 Cases)	• S.167 • Long Detention (80 Cases) • S.437(6)
DUNGARPUR	No Details	• S.436A • Long Detention (12 Cases) • Awaiting Committal (6 Cases)	No Data
GANGAPUR CITY	No Data	No Meetings Held	• S.436A
HANUMANGARH	• S.436A • Petty Cases • Below 18 Yrs • Plea Bargaining (1 Case)	• S.436A • Petty Cases • Below 18 Yrs • S. 107 To 110 & 151 (22 Cases)	• S.436A (1 Case) • Considered S.107, 116, 151 Cases As Bailable under S.436 (28 Cases) • Petty Offence & Long Detention • Illegal Detention • Below 16/18 Yrs
JAIPUR	• S.436A • Petty Cases • Long Detention (122 Cases) • Mentally Ill (1 Case) • Below 18 Yrs • S. 107 To 110 & 151 (23 Cases)	• S.436A • Below 18 Yrs	• S.436A (40 Cases) • Petty Cases (45 Cases) • Long Detention (More than 15 Cases) • Mentally Ill (10 Cases) • Below 18 Yrs
JAISALMER	• S.436A • S. 107 To 110 & 151 (4 Cases)	• S.436A (1 Case) • Petty Cases • Below 18 Yrs	• S.436A (6 Cases) • Petty Cases
JALORE	No Data	• S.436A (1 Case) • Petty Cases • Long Detention • S. 107 To 110 & 151 • Below 18 Yrs • Foreign National	• S.436A (11 Cases) • Petty Cases • Serious Offence & Long Detention • S. 107 To 110 & 151 • Below 18 Yrs
JHALAWAR	No Details	• Detention More than 6 Months • Below 18 Yrs • Foreign National	• S.436A (2 Cases) • Long Detention of more than 2 Yrs • S. 107 To 110 & 151 (69 Cases) • Below 18 Yrs • Foreign National

CENTRAL/ DISTRICT JAILS	FROM JUNE 2009-JUNE 2010	SEPTEMBER 2013-APRIL 2014	FROM MAY 2014 – APRIL 2015
JHUNJHUNU	No Data	• Detention More than 18 Months (19 Cases) • S. 107 To 110 & 151 (3 Cases)	• S.436A • Serious Offence & Long Detention • Below 18 Yrs • Illegal Detention
JODHPUR	• S.436A • Long Detention • Mentally Ill • Below 18 Yrs • S. 107 To 110 & 151	• S.436A (8 Cases) • S.436 (10 Cases) • S.167 (1 Case) • Mentally Ill • S. 107 To 110 & 151 (2 Cases) • Below 18 Yrs	• S.436A (8 Cases) • S.436 (3 Cases) • S.167 • Considered S.107, 116, 151 Cases As Bailable Under S.436 (25 Cases) • Mentally Ill • Below 18 Yrs
KARAULI	• S.436A • S.167	• S.436A • S.167 • S. 107 To 110 & 151 (7 Cases) • Below 18 Yrs • Compliance with Probation	No Data
KOTA	• Below 18 Yrs • Legal Aid (11 Cases)	No Details	• S.436A • S.167 • S. 107 To 110 & 151 • Below 18 Yrs
NAGAUR	• S.436A • Mentally Ill • S. 107 To 110 & 151 (7 Cases)	• S.436A • Mentally Ill • S. 107 To 110 & 151 (7 Cases)	• S.436A (13 Cases) • Mentally Ill
PALI	No Details	• S.436 (1 Case) • Long Detention (1 Case) • Mentally Ill • S. 107 To 110 & 151 (4 Cases) • Below 18 Yrs	• Petty Offence & S. 107 To 110 & 151 (1 Case) • Below 18 Yrs
PRATAPGARH	• S.436A • Petty Cases • S. 107 To 110 & 151 (7 Cases)	• S.436A • S. 107 To 110 & 151 (7 Cases) • Below 18 Yrs	• S.436A • Below 18 Yrs (1 Case) • Legal Aid (4 Cases)
RAJSAMAND	• S.167	• S.436A • S.167 (1 Case) • Long Detention (37 Cases) • S. 107 To 110 & 151 (9 Cases) • Below 18 Yrs	• S.436A • S.167 • Petty offences with up to 2 years imprisonment • Detention More than 2 Yrs (313 Cases) • Mentally ill. • S. 107 To 110 & 151 (2 Cases) • Below 18 Yrs • Illegal Detention
SIKAR	• S.167 • S.437(6) • Long Detention (42 Cases)	• S.167 • Long Detention (19 Cases) • S. 107 To 110 & 151 (3 Cases) • Below 18 Yrs • Foreign National	No Data
SIROHI	• Long Detention (14 Cases) • S. 107 To 110 & 151 (1 Case) • Below 18 Yrs • Non-Production (9 Cases)	• S.436	No Data
SRI GANGANAGAR	• Long Detention (56 Cases) • S. 107 To 110 & 151 (37 Cases) • S.437(6)	No Details	• S.436A • S.436 (3 Cases) • Petty Offence & S. 107 To 110 & 151 (60 Cases) – Considered bailable • Mentally Ill • Need Legal Aid • Non-Production (23 Cases) • Below 18 Yrs
TONK	• Petty Cases • Long Detention (179 Cases) • S. 107 To 110 & 151 • Below 18 Yrs	No Details	• Petty Offence & S. 107 To 110 & 151 & Long Detention (5 Cases) • Below 18 Yrs
UDAIPUR	No Data	• S.436A (9 Cases)	• S.436A (1 Case) • S.436 (12 Cases) • Petty Cases (2 Cases) • Long Detention • Below 18 Yrs

- In 2014-15, Rajsamand is the only district which reviewed all the mandated cases and in 2013-14 it was Barmer. No district in 2009-10 fulfilled the criteria of reviewing all mandated cases.

- A comparative analysis of information of the periods 2013-14 and 2014-15 reveals a positive development. The scope of review with regard to including more categories of cases for consideration increased in Baran, Bikaner, Hanumangarh, Jhalawar, Jhunjhunu, Kota, Rajsamand, Sri Ganganagar and Udaipur. At the same time, it reduced in Alwar, Bharatpur, Churu, Jaisalmer, Jalore, Nagaur and Pali which missed out one or the other category of cases. Banswara and Jodhpur PRCs deliberated on the same set of cases during meetings in both the time periods.

- Only 8 districts[18] have sparingly reviewed cases under Section 167, of the Code over the three periods and total recommendations made were merely 5 in 2013-14. In 2014-15, in Pali, though cases were not reviewed under S.167, it was stated by the Chief Judicial Magistrate that police department should give special attention to filing chargesheets within 60/90 days.

- In all, 7 districts (Bharatpur, Hanumangarh, Jaipur, Jaisalmer, Jodhpur, Nagaur and Pratapgarh) have been regular in checking unnecessary detention under S.436A. With the available numbers, total of 248 cases have been recommended for release – 86 in 2013-14 & 162 in 2014-15. While Dholpur reviewed cases under S.436A in 2013-14, unexpectedly it did not do so in 2014-15. The minutes fail to explicitly mention that this eligibility was taken into consideration by Pali, Sikar and Tonk[19].

- Since the term "long detention" is not defined in the mandate, districts have considered different time frames as long detentions which ranges from ten days to six years for different kinds of cases. In total, 789 cases were recommended on the basis of long detention over all periods – most in 2009-10 (414 cases) followed by 2013-14 (199 cases) and 2014-15 (176 cases). Over time, PRCs have become more methodical by including different categories of cases for review. For instance, undertrials who are unable to furnish surety, those accused of multiple offences, illegally detained persons, and those who have completed one-third of the prescribed imprisonment, foreign nationals, those awaiting committal, and those in need of legal aid. Such cases did not find mention in 2009-10 which could be attributed to high numbers of cases of long detention, in the period, including some of the mentioned categories.

- Regarding, petty cases, since the term has not been defined in the Code of Criminal Procedure, 1973, PRCs have interpreted it variously. While Churu defines petty cases as offences with prescribed imprisonment up to 6 months, Rajsamand considers offences up to 2 years of prescribed imprisonment. In 2014-15, 4 districts (Jaipur, Jalore, Rajsamand and Udaipur) considered cases of petty offences and long detention as separate categories but Bikaner, Churu and Hanumangarh considered petty cases along with long detention as one category. Another interesting review combination is that cases under S.107-110 and S.151 are considered as petty cases in 5 districts (Bikaner, Bundi, Chittorgarh, Pali and Sri Ganganagar). Further, in Jodhpur, Hanumangarh and Sri Ganganagar, petty cases are considered as bailable under S.436 of the Code. Interestingly, Tonk is the only district which considers all three categories – petty offence; S.107-110, S.151 and long detention – as one.

- Throughout the three periods, cases of undertrials with mental illness were considered for review by only two districts, Jodhpur and Nagaur. Churu included these cases in its review in 2009-10 and in 2013-14 but unfortunately did not continue in 2014-15. Similarly, Jaipur did not give due attention to these cases in 2013-14. Recently, Rajsamand and Sri Ganganagar took account of these cases in 2014-15.

- An interesting addition made by Dholpur PRC to include cases eligible under S. 437(6) of the Code.[20] In 2009-2010, Sikar and Sri Ganganagar recommended such cases but discontinued the practice in later years.

18 Alwar, Churu, Jodhpur, Karauli, Kota, Rajsamand, Sri Ganganagar & Sikar.

19 As regards Pali, Sikar and Tonk, the information from one of the three periods was not provided by these districts.

20 The Code of Criminal Procedure Code 1973, S. 437(6) - If, any case triable by a Magistrate, the trial of a person accused of any non bailable offence is not Concluded within a period of sixty days from the first date fixed for – taking evidence in the case, such person shall, if he is in custody during the whole of the said period, be released on bail to the satisfaction of the Magistrate, unless for reasons to be recorded in writing, the Magistrate otherwise directs.

Considering the 1979 mandate and the changes introduced in the Code over the past few years, it is recommended that the PRCs must examine the cases of the following categories of undertrials, including foreign nationals, who:

1) become eligible to be released on bail under Section 167(2)(a)(i) of the Code where investigation is not completed in 90 days;
2) become eligible to be released on bail under Section 167(2)(a)(ii) of the Code where investigation is not completed in 60 days;
3) become eligible to be released on bail under Section 167(2) 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 have completed 180 days in custody and chargesheet has not been filed in the case;
4) are declared indigent and become eligible to be released on personal bond under Section 436 of the Code;
5) are detained exceeding half or maximum period of prescribed imprisonment and become eligible to be released under Section 436A of the Code;
6) have been released on bail by the Court but have not been able to furnish sureties;
7) are charged with offences triable by Sessions Courts and are detained for more than 1.5 years;
8) are petty offenders, those who are accused of or charged of offences for which the prescribed imprisonment is up to 2 years;
9) are juvenile or are in the age-group of 18-21 years as they might actually be juvenile;
10) are of unsound mind and must be dealt under Chapter XXV of the Code;
11) are sick or infirm;
12) do not have a lawyer and are eligible for legal aid;
13) are detained under Chapter VII of the Code under Sections 107, 108, 109 and 151 as preventive detention cases;
14) are women offenders; and
15) have not been physically produced for the last two consecutive hearings due to lack of police escorts.

MINUTES OF MEETINGS

- In 2014-15, four districts (Bharatpur, Bundi, Tonk and Udaipur) failed to provide minutes of one meeting each.

- In 2014-15, except for Banswara, Churu and Dausa all prisons sent copy of all minutes to the Home Department. Hanumangarh, Jhunjhunu and Udaipur additionally sent the minutes to the Registrar General of the High Court, Jodhpur Bench. Jaipur PRC was the only one to send the minutes of its meetings to the State Human Rights Commission.

- In 2014-15, in Baran, minutes of one meeting provide that members discussed reform, welfare and legal aid issues especially in regard to prisoners who are drug addicts. Minutes of four districts (Bundi, Churu, Nagaur and Pali) provide that after most of the meetings members took round of the prison and interacted with prisoners. They also enquired about the food, sanitation and other facilities. Surprisingly, PRCs did not receive a single complaint in any of the districts. This perhaps raises questions about the quality of interaction between the members and prisoners.

- In Pali, one of the minutes provided that the Chief Judicial Magistrate addressed all the undertrials and informed them about the Mega Lok Adalat that was to take place from 14th July to 19th July 2014 and urged them to apply their case according to their eligibility.

- In 2014-15, minutes of Jaipur and Sri Ganganagar PRCs consistently mention that no undertrial is found eligible under the four proformas but lists were not prepared according to them.

- As part of minutes in Bikaner, Superintendent was directed after every meeting to take care of the safety and health issues of prisoners and to comply to the directions in this regard. Further, it was directed to note the age of the undertrials in the list.

- In Jodhpur and Rajsamand, the minutes of every meeting mention that Superintendent should send the date of next meeting in advance.

- In 2014-15, Sri Ganganagar was the only prison to follow CHRI's Minutes Style Guide[21] as recommended in its 2011 Study to record minutes of every meeting.

- In 2014-15, in Udaipur, minutes of two meetings provide that members discussed the issue of court production. They observed that there are many cases in which only warrants are sent to Court leading to delay in their cases. PRC believed that undertrials with more than one case should have hearing in all the cases on the same day so that the accused did not have to be taken to the court several times.

All prisons must record detailed minutes of the meetings which must include:

i. Details of the cases reviewed – undertrial's name, father's name, offence and period of detention – as done in 17 districts.
ii. Legal provisions under which undertrials were considered eligible for release or reasons where cases are recommended to be expedited.
iii. Recommendations made on cases and authorities to whom directions are given.
iv. All other directions given for effective functioning of the Committee.
v. If any undertrial person is met/interviewed in person by the Committee.

Minutes should be prepared during the review meeting and sent to the appropriate authorities within one week. Minutes must be sent by the prison to all the courts to whom the Committee has given directions regarding release or expediting of cases.

TRACKING RELEASES

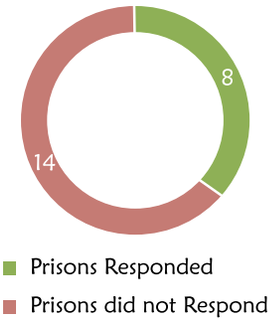
- The biggest shortcoming of the functioning of PRCs is that the tracking of releases are not done by them. Except for Bikaner and Rajsamand, no PRC made any efforts to find out whether the recommendations made by them were transformed into releases of undertrials. In 13 PRCs[22] a total number of 417 cases were found to be recommended for release more than once. However, their minutes do not indicate any action on the part of the PRC to seek reasons for why the person continues to be detained.

- In 2014-15, Bikaner was the only district to have some trace of tracking releases. One of the minutes provide that the Superintendent sent Compliance Report to the Chief Judicial Magistrate citing action taken on three cases after October meeting though not many details were provided.

- On the question of releases in the right to information request, Rajsamand responded that they have got good results on releases under the provisions of the Code but no further information was provided.

21 Refer Annexure B, p. 53, for CHRI Suggested Minutes Style Guide
22 Ajmer, Bharatpur, Bundi, Dholpur, Hnaumangarh, Jaisalmer, Jalore, Jhalawar, Jodhpur, Nagaur, Rajsamand, Sri Ganganagar and Udaipur.

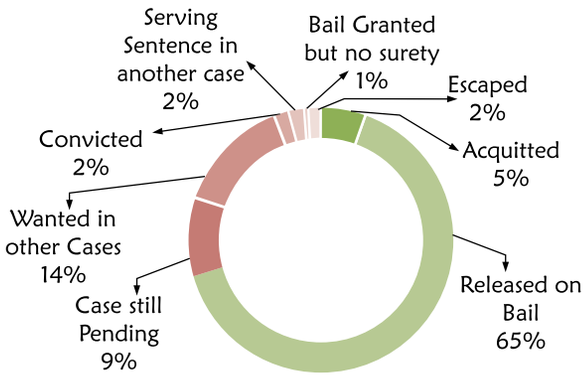
- Out of the 22 prisons where follow-up letters were sent to track the current status of undertrials, only 8 replied – District Jail Bundi, District Jail Dholpur, District Jail Jaisalmer, District Jail Jalore, District Jail Jhunjhunu, District Jail Pali, District Jail Pratapgarh and Central Jail Sri Ganganagar.



- Out of the total 1228 undertrials whose cases were recommended for release by 22 PRCs[23], 416 were recommended more than once. So out of the total 812 undertrials, CHRI could only track 171 cases from 8 prisons who responded to our follow up letters. The details are given below in the table –

Undertrials Released		Undertrials NOT Released					
Acquitted	Released on Bail	Case still pending	Wanted in other case/s	Convicted	Serving sentence in another case	Bail granted but couldn't furnish surety	Escaped
9	112	1	16	24	3	3	3
TOTAL - 121		TOTAL - 50					

- An encouraging fact is that the majority of the undertrials (112) have been released on bail and 9 got acquitted.



- One of the reasons where undertrials were not released from prison is that they were wanted in other cases. There were 24 such undertrials out of which 4 had been granted bail in another case and 11 were transferred to other prisons for their trials in other cases.

- 3 undertrials got convicted and 3 had more than one case against them and have been serving sentence in another case. Also, 3 undertrials escaped and therefore, technically they were not released from prison.

- What is worrisome is the fact that despite PRCs recommendations 16 undertrials were not released and it was provided that their cases are still pending.

- The courts must inform the Committee about action taken by them on any of the reviewed cases and the reasons for delay, if any, before the next monthly meeting. In this regard, a letter must be sent by the CJM to all the courts informing them that regular compliance will be sought from them in cases recommended by the Committee.
- Committee members too must report to the Committee on their compliance actions.
- Based on the responses from the complying authorities, prisons must prepare the Action Taken Report to be presented to the Committee.

23 Ajmer, Alwar, Bharatpur, Bikaner, Bundi, Churu, Dholpur, Hanumangarh, Jaipur, Jaisalmer, Jalore, Jhalawar, Jhunjhunu, Jodhpur, Kota, Nagaur, Pali, Pratapgarh, Rajsmand, Sri Ganganagar, Tonk and Udaipur

PERFORMANCE BASED RANKING OF DISTRICTS

The performance of each district is depicted in an interesting way with a scoring system against performance indicators purely based on the mandate of the PRCs. Each district earns a point for: (i) every monthly meeting held; (ii) every member who attended all meetings held; (iii) every meeting where the list of undertrials was prepared; (iv) each category of case recommended by mandate; (v) every meeting for which minutes were prepared and sent.

Regarding the lists of undertrials, it should be noted that in the second watch report the districts were evaluated by the preparation of lists according to the proformas. However, realising that certain critical information is not made available to the prisons, it was recommended that the lists of all undertrials must be prepared and the task of reviewing them under the mandated categories should be the collective responsibility of the PRC. Accordingly, for this report PRCs have been assessed by the preparation of the list of all undertrials. And that is one of the reasons for marked difference in score of most of the districts.

Maximum Points for each Performance Indicator could be 46: (i) No. of Meetings: 12; (ii) List of Undertrials prepared: 12 (iii) Attendance: 5; (iv) Mandated Type of Cases Recommended: 5; (v) Minutes of Meeting: 12.

PERFORMANCE	NAME OF DISTRICT*	SCORE of 2014-15	SCORE OF 2013-14
MOST ACTIVE (Above 36)	Bundi	39	2
	Jaisalmer	39	16
	Rajsamand	39	11
	Hanumangarh	37	20
VERY ACTIVE (26-36)	Ajmer	36	-
	Sri Ganganagar	32	5
	Jhalawar	31	7
	Bikaner	31	17
	Nagaur	29	19
	Dholpur	27	14
	Jalore	27	12
ACTIVE (15-25)	Pratapgarh	25	18
	Alwar	24	16
	Churu	22	17
	Jaipur	22	12
	Udaipur	19	12
	Pali	18	16
	Jodhpur	16	13
	Bharatpur	16	15
	Jhunjhunu	15	15
	Kota	14	-
MODERATELY ACTIVE (6-14)	Banswara	12	8
	Baran	11	-
	Gangapur city	9	0
	Tonk	9	6
	Dausa	8	12
INACTIVE (0-5)	Chittorgarh	-	17
	Barmer	-	23
	Dungarpur	-	10
	Karauli	-	18
	Sikar	-	17
	Sirohi	-	9
	Bhilwara	-	-

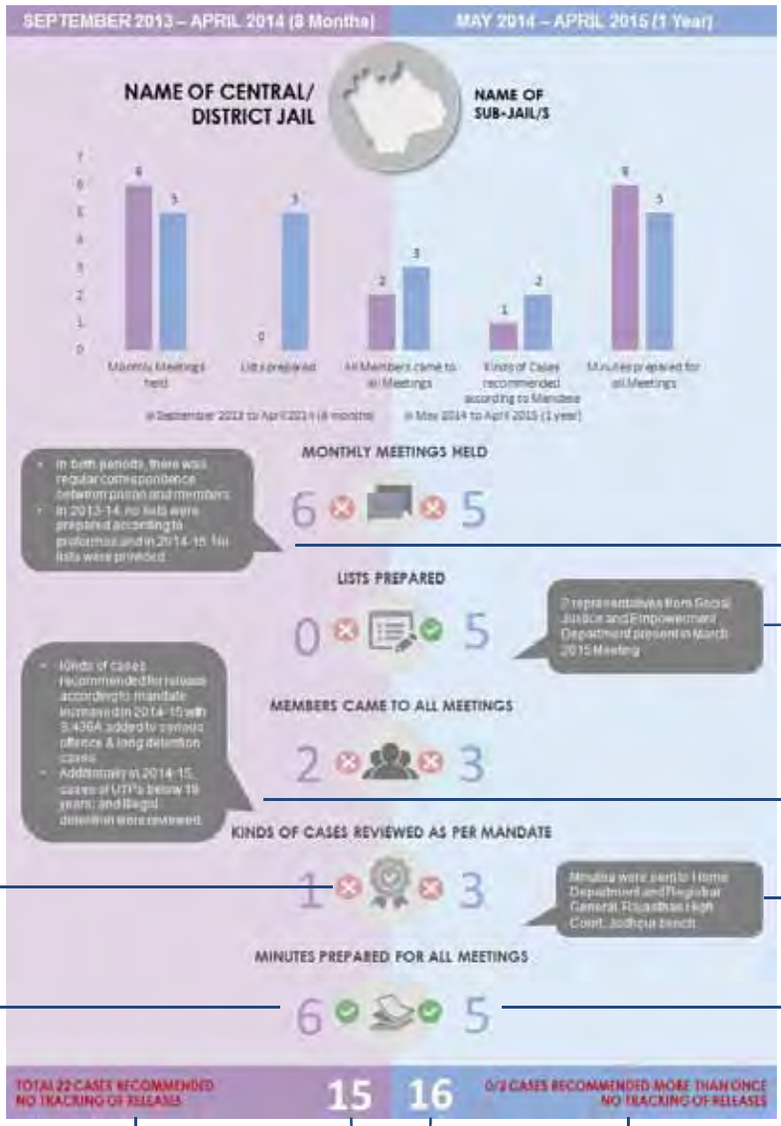
HOW TO READ A DISTRICT REPORT CARD

- The infographic is divided in two parts to present the information on the PRC of a particular district.
- Purple colour signifies the information of the period from September 2013 to April 2014.
- Blue colour signifies the information of the period from May 2014-April 2015.

All the grey call out boxes provide the following comparative information of the two periods:

- Whether regular correspondence existed
- If any peculiarity is observed in the attendance of members
- If there is a change in the kinds of cases recommended from the last period – under the mandate and additional kinds of cases
- Whether minutes were sent to the Home Department or High Court.
- Any other interesting information

A graphical representation of the performance of PRC in the two periods.



Tick or cross represents whether the mandate was fulfilled by the PRC under each of the five indicators.

Purple numbers represent the score of the PRC under each of the five indicators. Hyphen ' indicates that information was not provided. Zero '0' indicate that though the information was provided, it was Nil.

Blue numbers represent the score of the PRC under each of the five indicators. Hyphen ' -' indicates that information was not provided. Zero '0' indicate that though the information was provided, it was Nil.

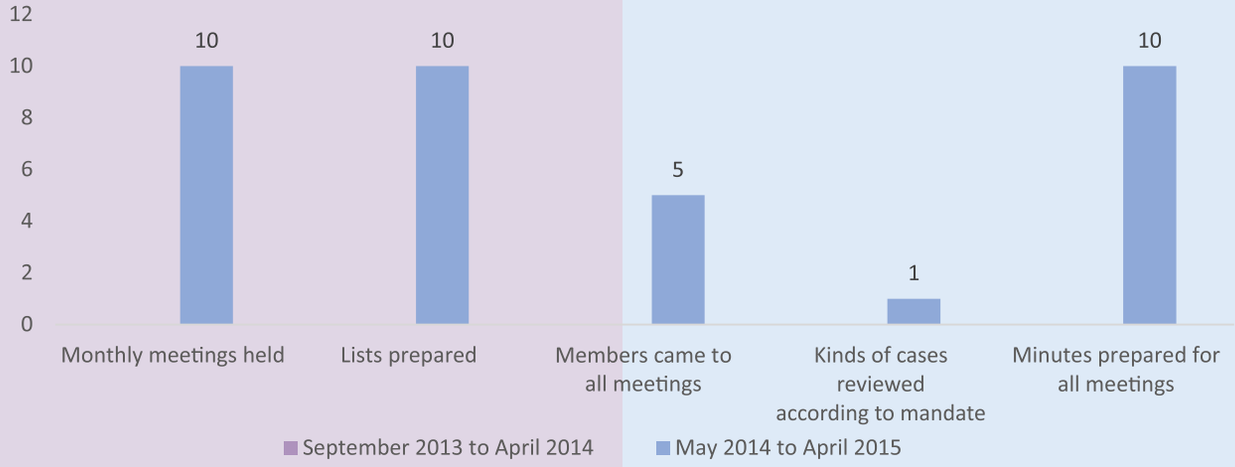
- Total number of cases that were recommended in the last period.
- Whether releases were tracked based on the recommendations made by the PRC.

Total comparative scores of the two periods.

- Out of the total number of cases recommended by the PRC how many cases were recommended more than once.
- Whether releases were tracked based on the recommendations made by the PRC.

CENTRAL JAIL AJMER

SUB-JAIL BEAWAR



MONTHLY MEETINGS HELD

- Ajmer failed to provide information for the period 2013-14.
- In 2014-15, regular correspondence between prison and members observed.
- Regular meetings from July 2014 to April 2015.

– 10

- All members came to all meetings.
- Additionally, ADP was present at all meetings.

LISTS PREPARED

– 10

MEMBERS CAME TO ALL MEETINGS

- 117/130 cases recommended were eligible u/s 436A.
- Additionally reviewed cases of juveniles.

– 5

KINDS OF CASES REVIEWED AS PER MANDATE

– 1

Minutes of meetings sent to Home Department.

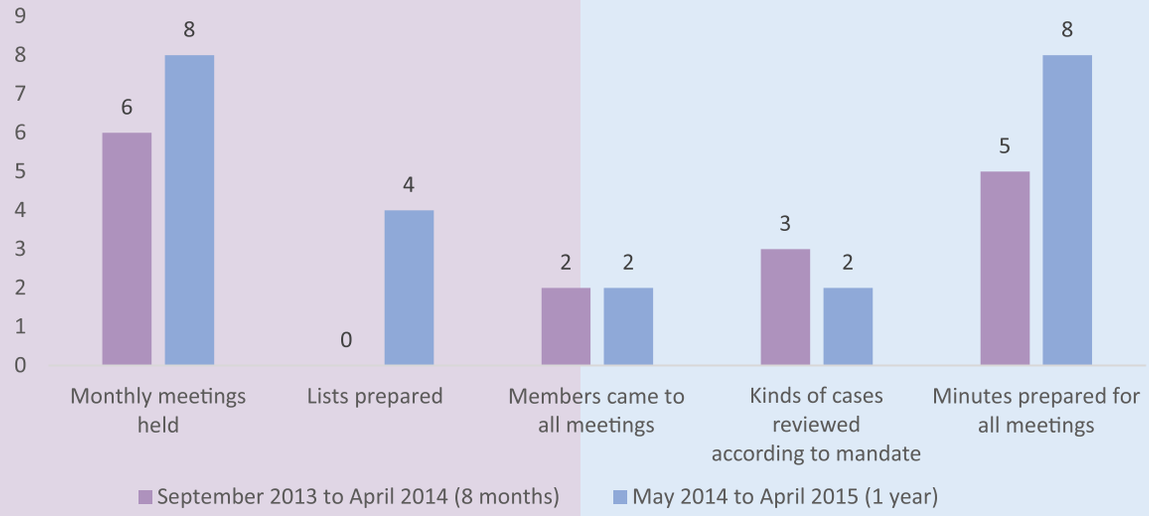
MINUTES PREPARED FOR ALL MEETINGS

– 10

46/130 CASES RECOMMENDED MORE THAN ONCE
NO TRACKING OF RELEASES

DISTRICT JAIL
ALWAR

SUB-JAIL
BEHROR
KISHANGARH BAS



MONTHLY MEETINGS HELD

6 — 8

In 2013-14, cases eligible under S.167, CrPC were also reviewed but not in 2014-15.

LISTS PREPARED

0 — 4

In 2013-14, there was regular correspondence between prison and members which became irregular in 2014-15. A good practice noticed in one of the meetings was correspondence with Superintendent of Police on the status of charge sheets. But it was not so in 2014-15.

MEMBERS CAME TO ALL MEETINGS

2 — 2

In 2013-14, additional cases reviewed under S.107, 151, CrPC and were considered bailable. No mention of these cases in 2014-15.

KINDS OF CASES REVIEWED AS PER MANDATE

3 — 2

Minutes of meetings sent to Home Department.

MINUTES PREPARED FOR ALL MEETINGS

5 — 8

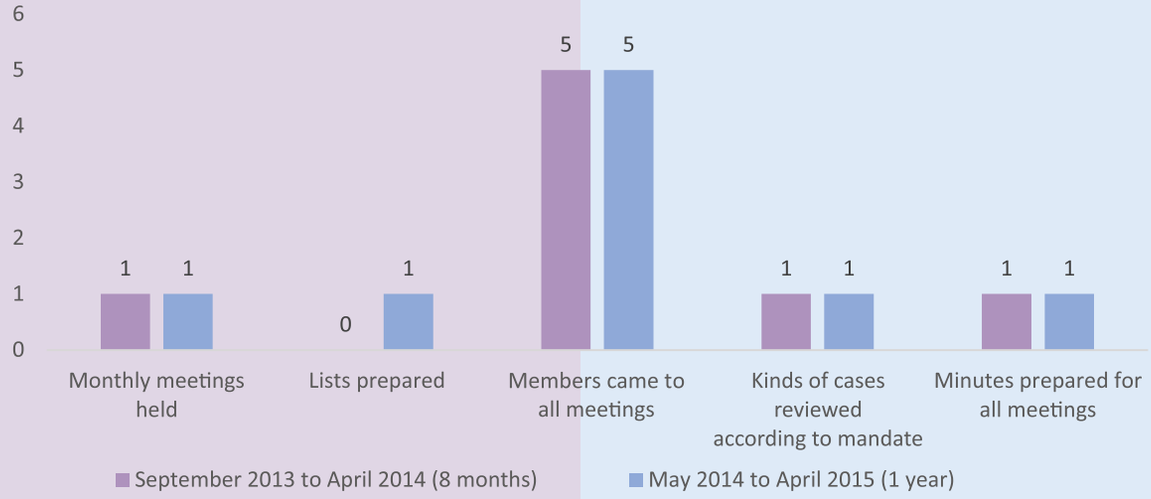
TOTAL 69 CASES RECOMMENDED NO TRACKING OF RELEASES

16 24

TOTAL 96 CASES RECOMMENDED NO TRACKING OF RELEASES

DISTRICT JAIL BANSWARA

SUB-JAIL KUSHALGARH



MONTHLY MEETINGS HELD

1 — 1

- No improvements in correspondence since 2013-14. In 2014-15, only one reminder was sent on 14 October 2014 from Deputy Superintendent to CJM.
- List of sub-jails not provided.

LISTS PREPARED

0 — 1

- In both the periods, since only one meeting was held and all members were present, they earned 5 points but it doesn't give a true picture.
- Additional Director, Prosecution, attended the meeting in both periods.

MEMBERS CAME TO ALL MEETINGS

5 — 5

In both periods, additional cases reviewed were : Below 18 years; u/s 107 to 110 and other provisions of CrPC; Undertrial prisoners requiring Free Legal Aid.

KINDS OF CASES REVIEWED AS PER MANDATE

1 — 1

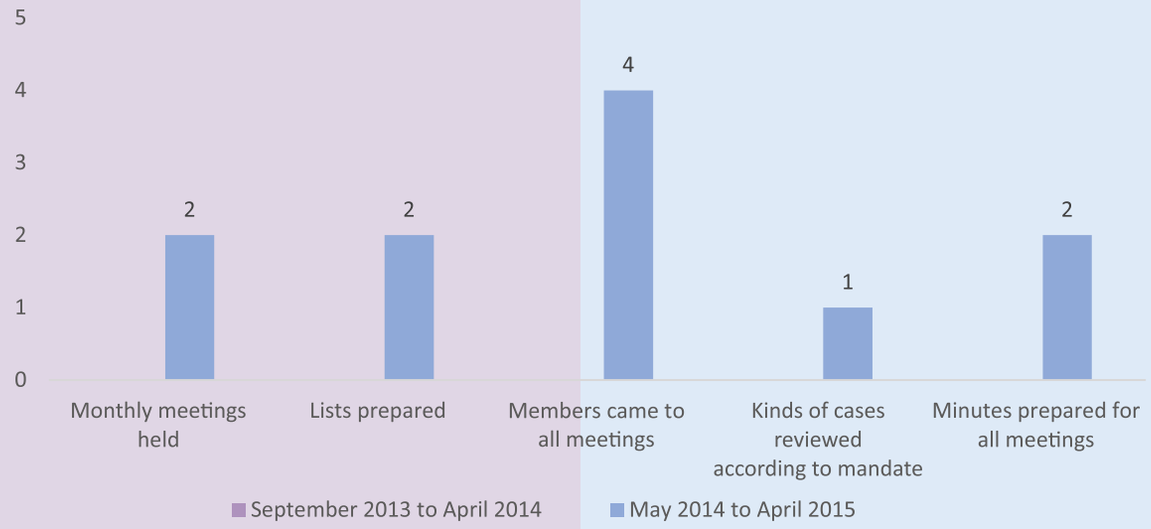
In both periods, the committee recommended that any application for legal aid should be forwarded to the DLSA.

MINUTES PREPARED FOR ALL MEETINGS

1 — 1

DISTRICT JAIL
BARAN

SUB-JAIL
ATRU
CHHABRA



MONTHLY MEETINGS HELD

\- 2

- Baran failed to provide information for the period 2013-14.
- Only two meetings held in November 2014 and February 2015 only.
- Correspondence improved between prison and members from 2013-14.

LISTS PREPARED

\- 2

DPO was not present for the November meeting.

MEMBERS CAME TO ALL MEETINGS

\- 4

- Under the mandate, only cases eligible u/s. 436A were reviewed.
- Additional cases reviewed : Juvenile; Cases in executive magistrate courts.

KINDS OF CASES REVIEWED AS PER MANDATE

\- 1

In the November 2014 meeting, members discussed reform, welfare and legal aid issues especially with regard to prisoners who are drug addicts.

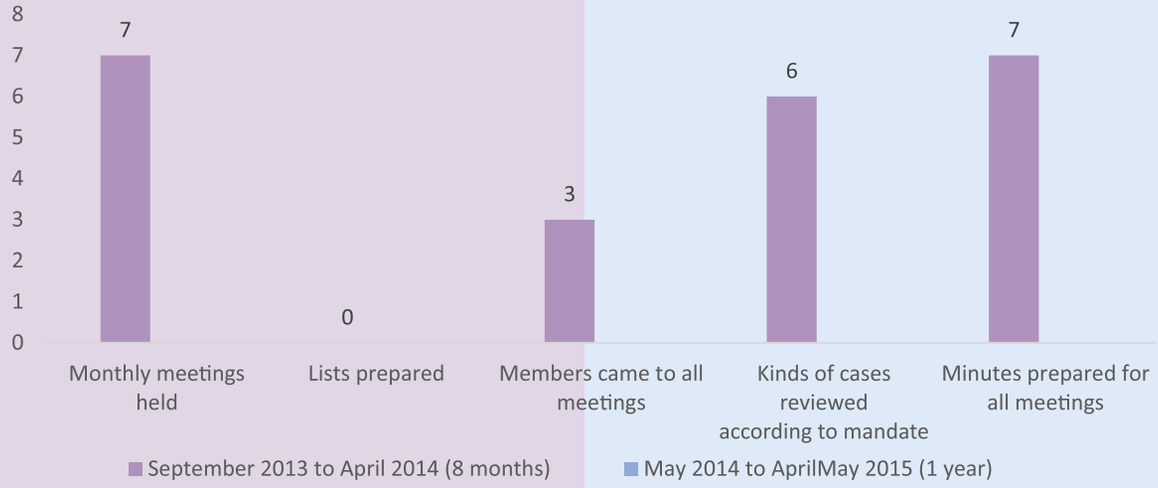
MINUTES PREPARED FOR ALL MEETINGS

\- 2

NO CASE RECOMMENDED
NO TRACKING OF RELEASES

DISTRICT JAIL BARMER

SUB-JAIL BALOTRA



MONTHLY MEETINGS HELD

7 – –

In 2013-14, Barmer had scored the highest among all districts.

LISTS PREPARED

0 – –

In 2014-15 there was a delay in providing information despite sending the required fees.

MEMBERS CAME TO ALL MEETINGS

3 – –

KINDS OF CASES REVIEWED AS PER MANDATE

6 – –

MINUTES PREPARED FOR ALL MEETINGS

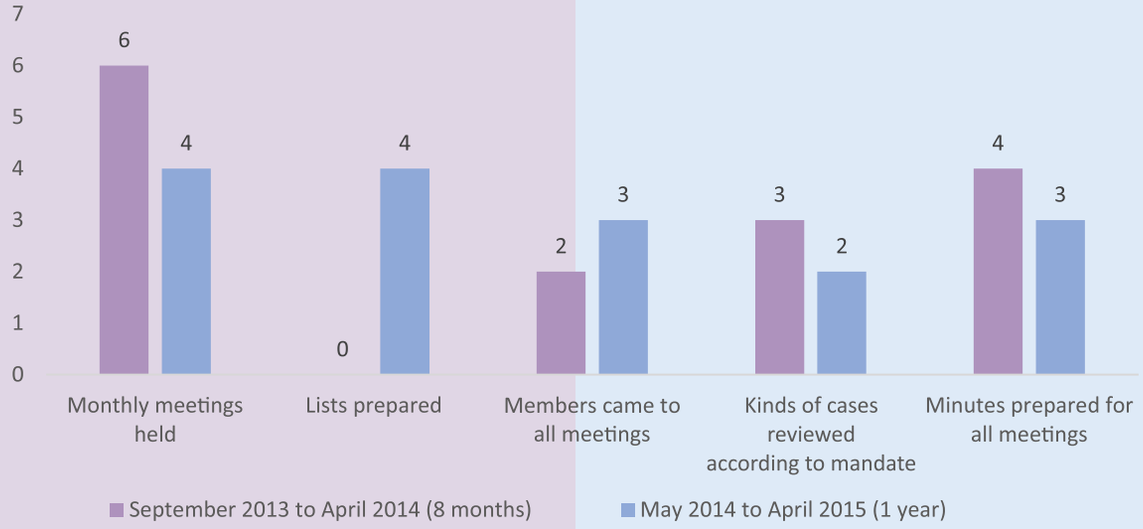
7 – –

TOTAL 25 CASES RECOMMENDED
NO TRACKING OF RELEASES

23 -

CENTRAL JAIL BHARATPUR

SUB-JAIL DEEG BAYANA



MONTHLY MEETINGS HELD

6 ✕ ✕ 4

- Fewer meetings held in 2014-15.
- In 2014-15, lists not provided for two meetings.
- In both periods, regular correspondence between prison and members existed.
- Representative of Prosecution Department was present in both periods.
- Attendance of November 2014 meeting not provided.

LISTS PREPARED

0 ✕ ✓ 4

- Review was done prison - wise and under that, court -wise.,
- In both periods, long detention cases & S. 436A cases were reviewed under the mandate. But in 2014-15, minutes do not mention S.436A cases though PRC paid attention to them. It was evident in the letters written to courts.

MEMBERS CAME TO ALL MEETINGS

2 ✕ ✕ 3

KINDS OF CASES REVIEWED AS PER MANDATE

3 ✓ ✓ 2

- In 2013-14. additional cases reviewed were :1) S.107, 109, 110, 151 & detained for more than 6 months; 2) Below 18 years and; 3) UTPs unable to furnish sureties.
- In 2014-15, the above third category cases were not reviewed.
- Minutes of meetings sent to Home Department.

In both periods, follow up letters were sent to concerned courts requesting necessary action. In an isolated case, an ACJM who was not aware of the functioning of PRC reprimanded the Superintendent for requesting action on recommended cases and directed not to send such correspondence in future.

MINUTES PREPARED FOR ALL MEETINGS

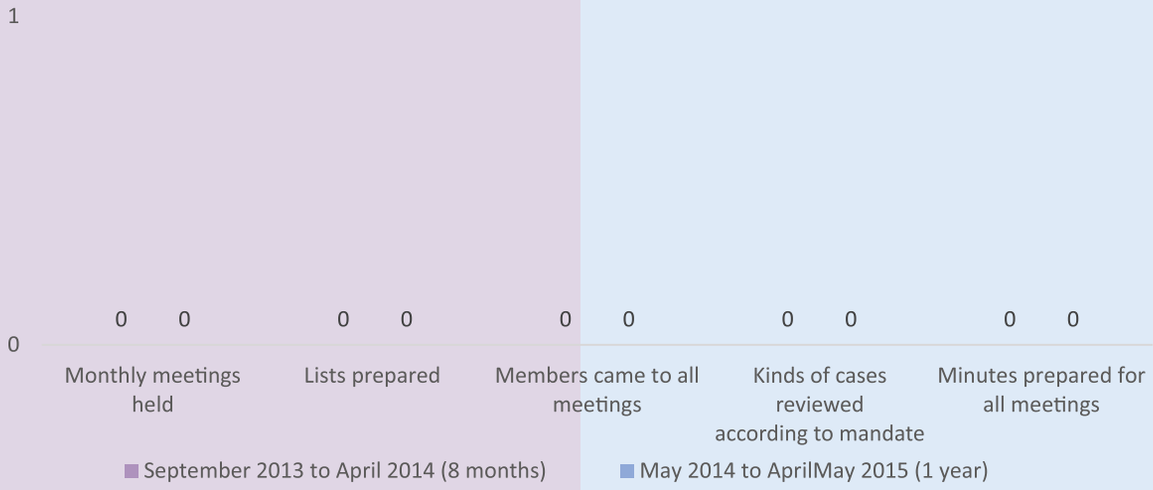
4 ✕ ✕ 3

TOTAL 40 CASES RECOMMENDED
NO TRACKING OF RELEASES

18/61 CASES RECOMMENDED MORE THAN ONCE
NO TRACKING OF RELEASES

DISTRICT JAIL BHILWARA

SUB-JAILS
GANGAPUR
SHAHPURA
GULABPURA
MANDALGARH
JAHAZPUR



MONTHLY MEETINGS HELD

– –

In both periods, Bhilwara failed to provide any information on the functioning of PRCs

LISTS PREPARED

– –

MEMBERS CAME TO ALL MEETINGS

– –

KINDS OF CASES REVIEWED AS PER MANDATE

– –

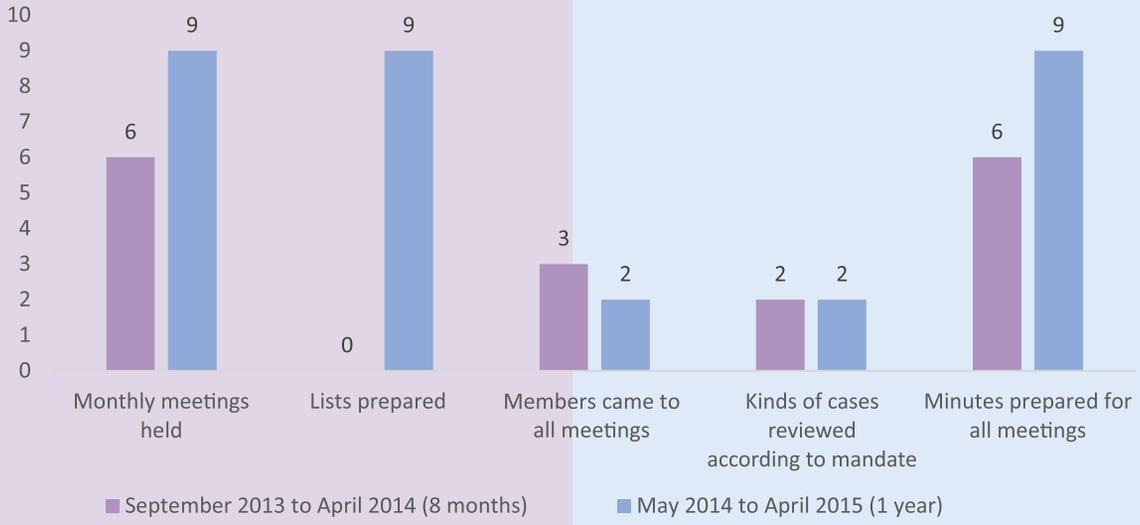
MINUTES PREPARED FOR ALL MEETINGS

– –

– –

CENTRAL JAIL BIKANER

SUB-JAIL NOKHA



MONTHLY MEETINGS HELD

6 — 9

Regular correspondence between prison and members in both periods. In 2014-15, Superintendent was directed to prepare a separate list of mentally ill UTPs. In both periods, the prison in-charge was directed to take care of the safety and health issues of prisoners.

LISTS PREPARED

0 — 9

3 UTPs whose age was written as 19 years by the police on entering jail were brought before the PRC. No valid educational certificate was found. It was directed to note the age of UTPs and to conduct medical examination at an early stage in cases where the UTP looked like a minor and there was no record to prove date of birth.

MEMBERS CAME TO ALL MEETINGS

3 — 2

- Minutes of the November 2014 meeting mention that 55 prisoners could not be produced due to shortage of police escorts. Superintendent of police was directed to provide required number of guards.
- Cases recommended according to mandate in 2014-15: S.436A and petty offences. Additional cases reviewed: Petty offence & S.151, 107, 116(3); Below 18 years.

KINDS OF CASES REVIEWED AS PER MANDATE

2 — 2

- A case recommended in September 2014, bail granted in October, but the UTP's detention continued in November due to inability to furnish sureties.
- In 2014-15, though follow-up letters were not sent to courts by the prison, Superintendent sent Compliance Report to CJM, citing action taken on 3 cases after October meeting. Not many details were provided.

MINUTES PREPARED FOR ALL MEETINGS

6 — 9

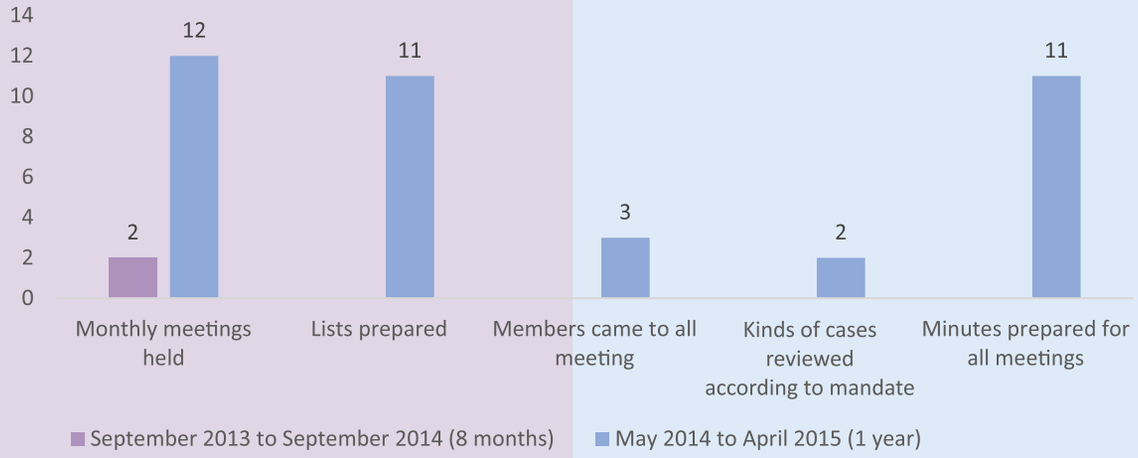
TOTAL 24 CASES RECOMMENDED
NO TRACKING OF RELEASES

17 **31**

0/21 CASES RECOMMENDED MORE THAN ONCE
RELEASES TRACKED FOR 3 CASES

DISTRICT JAIL BUNDI

SUB-JAIL NAINWA



MONTHLY MEETINGS HELD

2 → 12

- Bundi prison is an example of improved transparency. In 2013-14, other than number of meetings no information was provided, in 2014-15, all information was provided.
- In 2014-15, minutes of May 2014 meeting were not provided.
- In 2014-15, regular correspondence observed between prison and members.

LISTS PREPARED

– → 11

In 2014-15, in 6 out of 12 meetings, representative of DM and DPO were absent. It was directed to ensure attendance.

MEMBERS CAME TO ALL MEETINGS

– → 3

- In 2014-15, additional cases reviewed: Below 18 years; S.107, 151.
- Minutes sent to the Home Department.

KINDS OF CASES REVIEWED AS PER MANDATE

– → 2

Members took rounds of male and female wards. Kitchen, cleanliness and food found satisfactory. Members interacted with the prisoners who expressed satisfaction with the facilities provided.

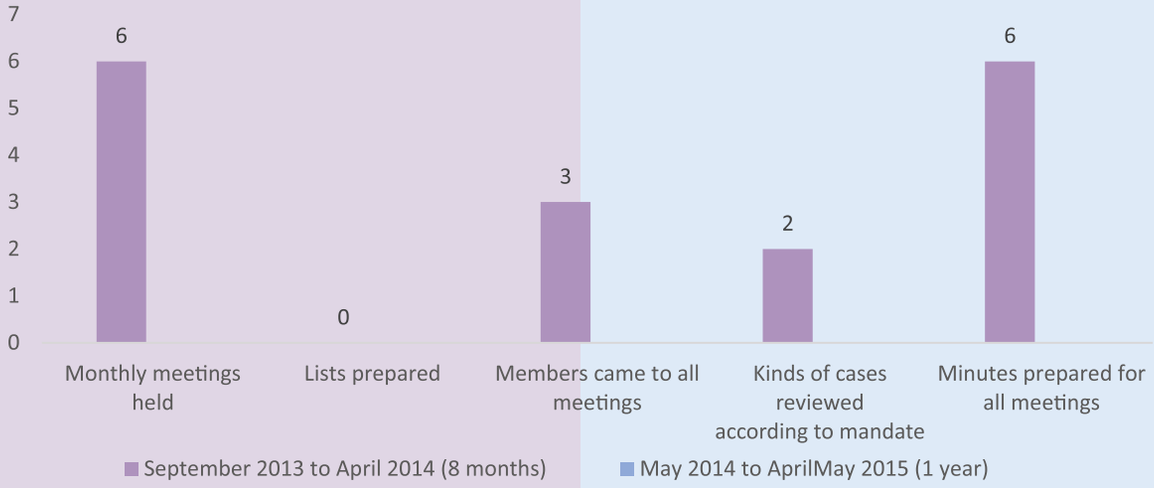
MINUTES PREPARED FOR ALL MEETINGS

– → 11

9/35 CASES RECOMMENDED MORE THAN ONCE
NO TRACKING OF RELEASES

DISTRICT JAIL CHITTORGARH

SUB-JAILS
BEGU
KAPASAN
NIMBAHERA



MONTHLY MEETINGS HELD

6 – –

- In 2014-15, other than the correspondence letters no further information as regards the meetings and minutes were provided.

LISTS PREPARED

0 – –

In both periods, there was regular correspondence between prison and members.

MEMBERS CAME TO ALL MEETINGS

In 2013-14, two kinds of cases were recommended as per the mandate under S.436 and S.436A. Additionally cases under the Cr.P.C. provisions, S.107-110 and 151 were reviewed and recommended.

3 – –

KINDS OF CASES REVIEWED AS PER MANDATE

2 – –

In 2014-15, it was provided that no undertrial was released as the PRC did not find any person eligible for release.

MINUTES PREPARED FOR ALL MEETINGS

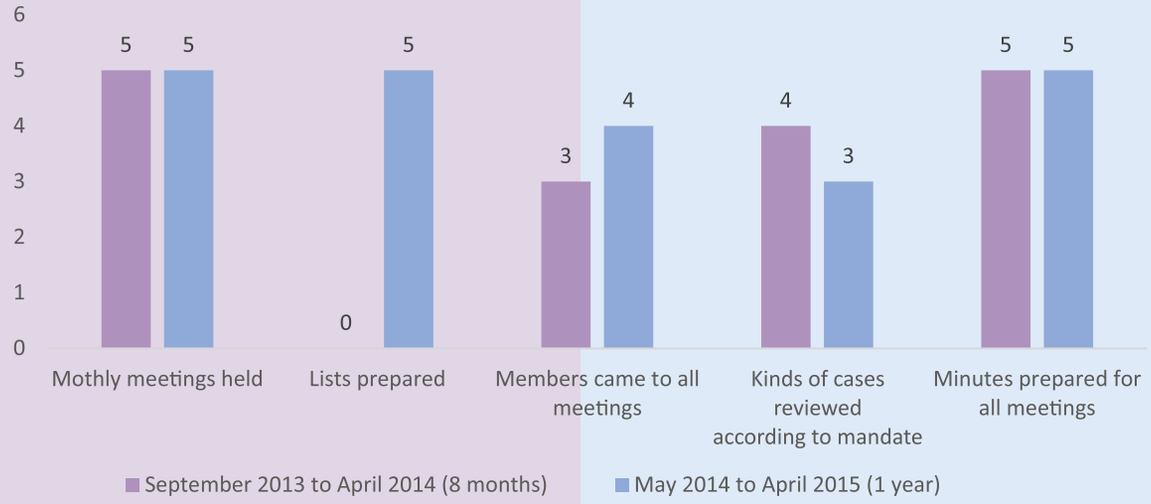
6 – –

TOTAL 24 CASES RECOMMENDED
NO TRACKING OF RELEASES

-

DISTRICT JAIL
CHURU

SUB-JAIL
RAJGARH
RATANGARH



MONTHLY MEETINGS HELD

5 — 5

- In both periods, 2 lists were prepared: cases with more than 10 years imprisonment and cases with up to 10 years imprisonment.
- Representative of DM was not present in 4 out of 5 meetings.
- In both periods, regular correspondence between prison and members was observed.

LISTS PREPARED

0 — 5

MEMBERS CAME TO ALL MEETINGS

3 — 4

- Additional cases reviewed were under S.107, 116, 151.
- Minutes of October meeting mention that a woman accused under S.302/34 is 75 years old.

- Three kinds of cases were reviewed under the mandate: S. 436A; long detention up to 6 months; and mentally ill.
- Minutes of July 2014 meeting mentioned a woman accused under S.307, 324 was mentally ill and undergoing treatment.
- Charge sheets for various cases were filed more or less regularly.
- In remand cases where investigation was still going on it was directed to speed up the investigation, so that charge sheets can be filed on time.

KINDS OF CASES REVIEWED AS PER MANDATE

4 — 3

MINUTES PREPARED FOR ALL MEETINGS

5 — 5

- In 2014-15, the Jailor stated that proper facilities exist for water, electricity, food, medical treatment, newspaper, etc. Members met the prisoners and did not receive any complaints.

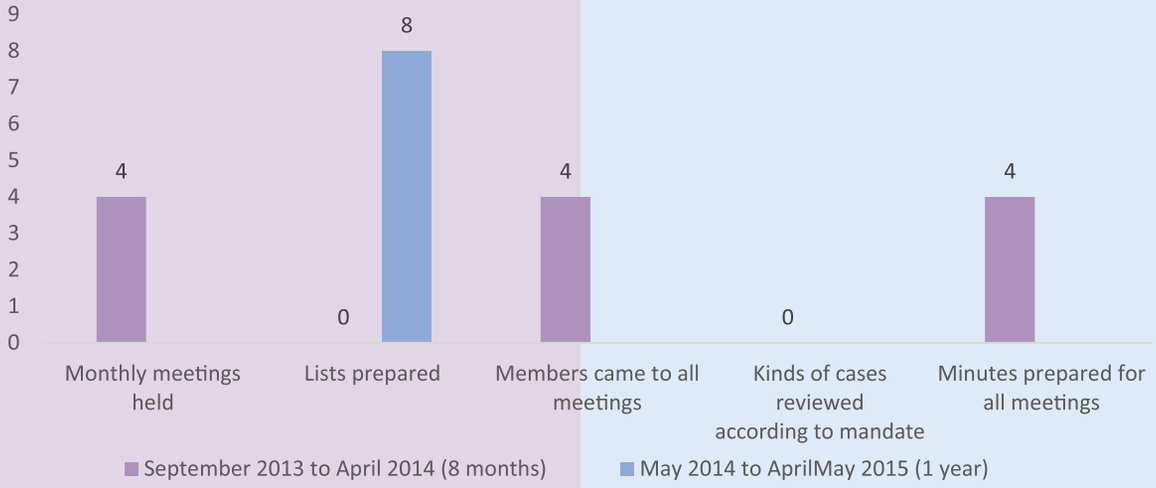
TOTAL 55 CASES RECOMMENDED NO TRACKING OF RELEASES

17 | **22**

0/22 CASES RECOMMENDED MORE THAN ONCE NO TRACKING OF RELEASES

DISTRICT JAIL DAUSA

SUB-JAIL BANDIKUI



MONTHLY MEETINGS HELD

4 – –

- In 2014-15, only lists of undertrials for eight months provided.
- Since no minutes were provided, it is not clear whether any meeting took place in the entire year.

LISTS PREPARED

0 8

In 2013-14, review of cases was done under a broad category 'illegal detention' and no sections of eligibilities were mentioned.

MEMBERS CAME TO ALL MEETINGS

4 – –

KINDS OF CASES REVIEWED AS PER MANDATE

0 – –

MINUTES PREPARED FOR ALL MEETINGS

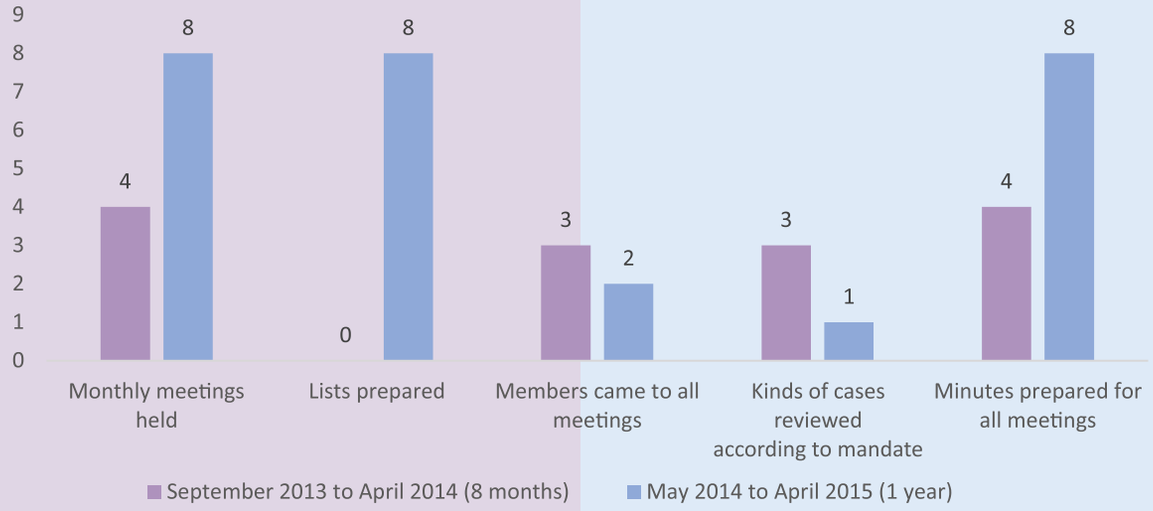
4 – –

NO CASE RECOMMENDED
NO TRACKING OF RELEASES

12 8

DISTRICT JAIL DHOLPUR

SUB-JAIL NO



MONTHLY MEETINGS HELD

4 → 8

- Periodicity of meeting increased from 4 to 8.
- Regular correspondence between prison and members in both periods.
- Court-wise lists continued to be prepared.

LISTS PREPARED

0 → 8

- Recommended to write to all courts for day-to-day hearing of cases where evidence is not complete within 60 days from the first date of evidence under S.437 (6) CrPC for the purpose of quick disposal or releasing on bail.
- PRC recommended to write to the Superintendent of Police to promptly file charge sheets in cases where these are not filed yet and to note the same on the warrant.

MEMBERS CAME TO ALL MEETINGS

3 → 2

- In both periods, cases of long detention were recommended. But provisions of eligibility not mentioned.
- In 2014-15, cases eligible under S.436A were not reviewed as done in 2013-14.

KINDS OF CASES REVIEWED AS PER MANDATE

3 → 1

Minutes of meetings sent to Home Department.

MINUTES PREPARED FOR ALL MEETINGS

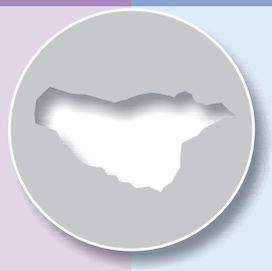
4 → 8

TOTAL 60 CASES RECOMMENDED
NO TRACKING OF RELEASES

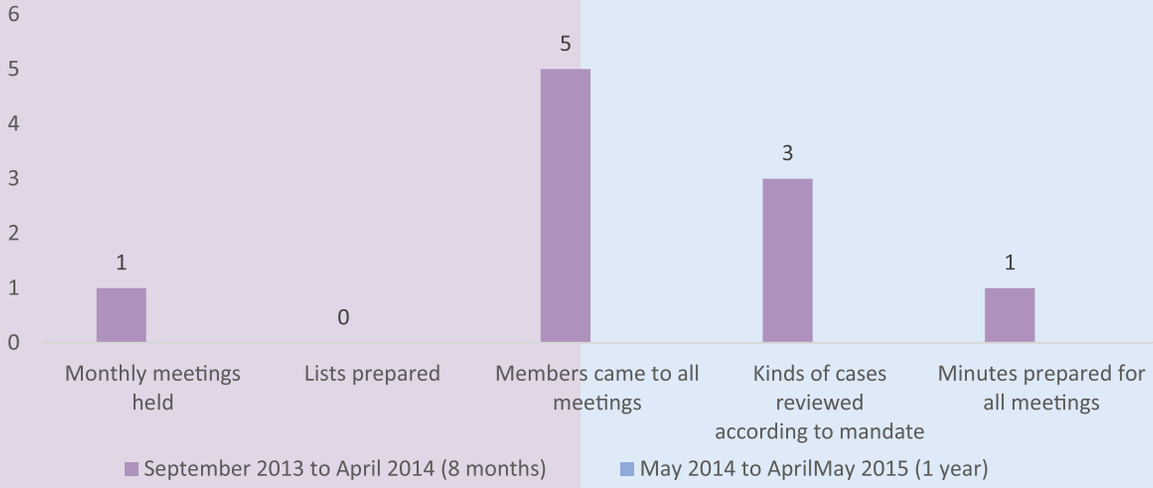
14 | **27**

22/80 CASES RECOMMENDED MORE THAN ONCE
NO TRACKING OF RELEASES

DISTRICT JAIL DUNGARPUR



SUB-JAIL SAGWARA



MONTHLY MEETINGS HELD

1 – –

In 2014-15, Dungarpur failed to provide any information on the functioning of PRCs.

LISTS PREPARED

0 – –

MEMBERS CAME TO ALL MEETINGS

5 – –

KINDS OF CASES REVIEWED AS PER MANDATE

3 – –

MINUTES PREPARED FOR ALL MEETINGS

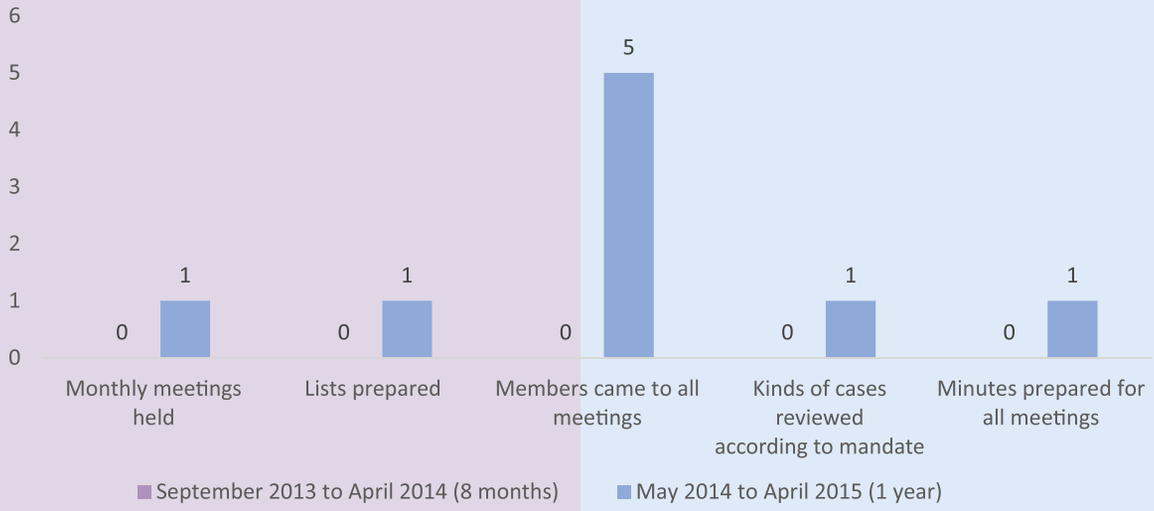
1 – –

TOTAL 18 CASES RECOMMENDED
NO TRACKING OF RELEASES

10 -

DISTRICT JAIL GANGAPUR CITY

SUB-JAIL SAWAIMADHOPUR



MONTHLY MEETINGS HELD

0 — 1

- No meetings held between September 2013 to April 2014.
- In 2014-15, despite many requests sent to CJM by the prison, no response was received and only one meeting could take place in the entire year.

LISTS PREPARED

0 — 1

In 2014-15, since only one meeting was held and all members were present, they earned 5 points but it doesn't give a true picture.

MEMBERS CAME TO ALL MEETINGS

0 — 5

Only the cases of UTPs eligible under S.436A were reviewed under the mandate.

KINDS OF CASES REVIEWED AS PER MANDATE

0 — 1

Sent minutes to the Home Department.

MINUTES PREPARED FOR ALL MEETINGS

0 — 1

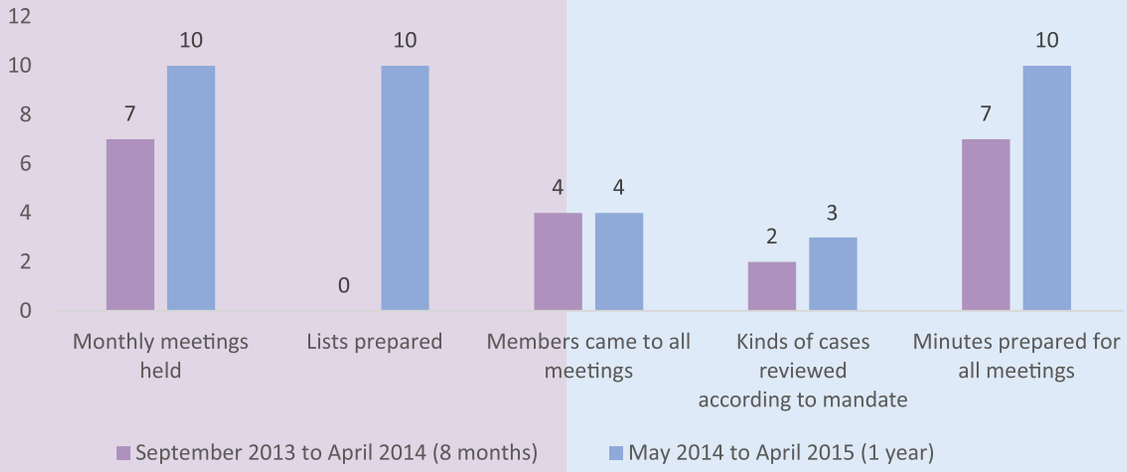
TOTAL 55 CASES RECOMMENDED
NO TRACKING OF RELEASES

0 9

NO CASE RECOMMENDED
NO TRACKING OF RELEASES

DISTRICT JAIL HANUMANGARH

SUB-JAIL NOHAR BHADRA



MONTHLY MEETINGS HELD

7 ✕ 10

- In both periods, court-wise lists were prepared and regular correspondence between the prison and CJM's office existed.
- Followed CHRI's suggested proformas of 2011 study in preparing lists.

LISTS PREPARED

0 ✕ ✓ 10

- In both periods, representative of Prosecution Department attended all meetings.
- In 2014-15, though in each meeting about 50 UTPs were found under offences punishable with death or life imprisonment and they had been detained for more than 2-5 years, no recommendation is given by the PRC.

MEMBERS CAME TO ALL MEETINGS

4 ✕ 4

- Kinds of cases recommended according to the mandate in 2014-15 increased from 2013-14 and included: S.436A; petty case & long detention; and considered S.107, 116, 151 as bailable.
- In both time periods, cases of below 18 years and illegal detention were additionally reviewed, though in 2014-15, attention was paid to boys below 18 and girls below 16 years. It is an old provision of the 1986 Act, which was amended in 2000 and prescribes 18 years for both boys and girls, as the age of majority while defining the term 'juvenile'.

KINDS OF CASES REVIEWED AS PER MANDATE

✓ 2 ✕ 3

Sent minutes to Registrar, Rajasthan High Court Bench, Jodhpur and Home Department.

MINUTES PREPARED FOR ALL MEETINGS

✓ 7 ✓ 10

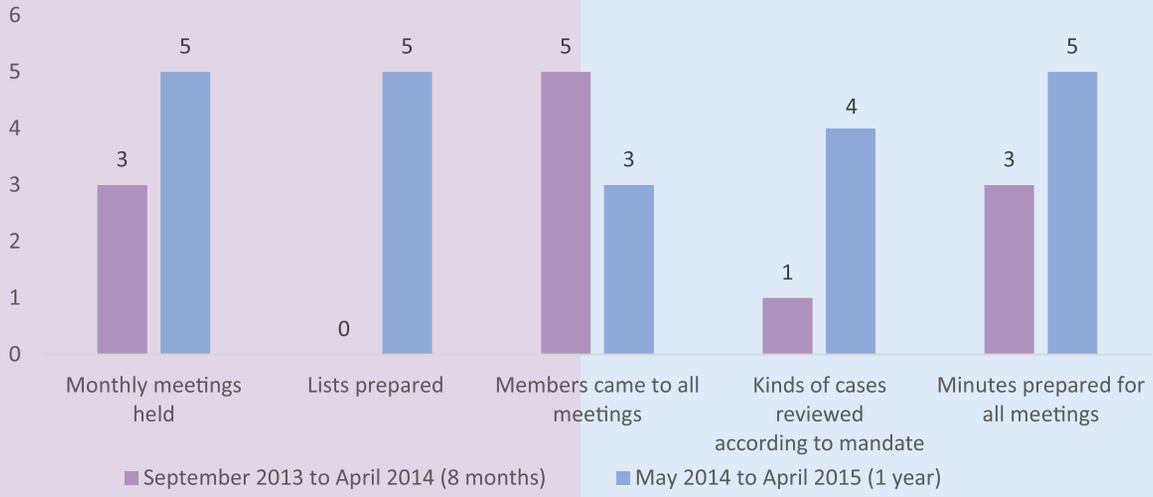
TOTAL 22 CASES RECOMMENDED NO TRACKING OF RELEASES

20 **37**

5/35 CASES RECOMMENDED MORE THAN ONCE NO TRACKING OF RELEASES

CENTRAL JAIL
JAIPUR

SUB-JAIL
KOTPUTLI
SAMBARLEK
MAHILA SUDHAR GRAH



MONTHLY MEETINGS HELD

3 → 5

- In both periods, court-wise lists were prepared and regular correspondence between the prison and CJM's office existed.
- Followed CHRI's suggested proformas of 2011 study in preparing lists.

LISTS PREPARED

0 → 5

- A representative of the Prosecution Department was present in all meetings in both periods.
- In 2014-15, a note was provided from the Jailor to the Convict Head Warder mentioning the date and time of the PRC meeting along with the list of undertrials whose cases would be reviewed by the PRC. It was directed to get all of them ready by 10:30 in drama hall so that they can be talked to, if required.

MEMBERS CAME TO ALL MEETINGS

5 → 3

KINDS OF CASES REVIEWED AS PER MANDATE

1 → 4

- Kinds of cases recommended according to mandate in 2014-15 increased and included: cases under S.436A; petty cases; mentally ill and long detention.
- In 2014-15, a list of "non-criminal lunatics" confined in prison for observation for a period exceeding 30 days was provided. This provision was part of the Indian Lunacy Act, 1912, which is now repealed and replaced by the Mental Health Act, 1987.
- In both periods, additional cases of undertrials below 18 years were reviewed.

MINUTES PREPARED FOR ALL MEETINGS

3 → 5

- After two meetings, a common letter was sent to all the courts attaching the list of all UTPs, highlighting those who have been detained for a long time and recommended for quick disposal or to conduct a hearing on bail application. Sent minutes to the Home Department and SHRC.