



Under Trial Review Committee Special Campaign 2023

18th September to 20th November 2023

NATIONAL LEGAL SERVICES AUTHORITY

JAISALMER HOUSE, NEW DELHI

1. Introduction

- 1.1. NALSA was directed to prepare a Standard Operating Procedure (SOP) for smooth functioning of Undertrial Review Committees (UTRC) vide the Supreme Court order dated 31.10.2017 in *In Re-Inhuman Conditions in 1382 Prisons* (WP Civil 406/2013). The UTRC is a district level committee headed by the District & Sessions Judge, with District Magistrate; Superintendent of Police; Secretary, District Legal Services Authority and Officer in-charge of Prisons as members.
- 1.2. The previous campaign titled '*Release_UTRC@75*' undertaken from 16th July to 13th August, 2022, led to identification of 74,107 prisoners who were eligible to be reviewed by the UTRC, out of which 47,618 were recommended for release and subsequently 37,220 prisoners were released in pursuance to this campaign.
- 1.3. In furtherance of the directions and observations of the Supreme Court of India, in *In Re Policy Strategy for Grant of Bail (SMWP Crl. No. 4/2021)* relating to timely release of undertrial prisoners who are languishing in prisons despite being eligible to be considered for release as per the provisions of law, NALSA had identified 5,480 undertrial prisoners who had been granted bail but were still in custody as on 27.01.2023. Out of these prisoners, 4,215 were subsequently released after the interventions of the Legal Services Authorities.
- 1.4. In view of the above, with the approval of Hon'ble Mr. Justice Sanjay Kishan Kaul, Judge, Supreme Court of India & Executive Chairman, NALSA, a campaign titled '**Undertrial Review Committee Special Campaign 2023**' is to be conducted from 18th September, 2023 to 20th November, 2023 by NALSA with the all the State Legal Services Authorities.

2. Objective of the Campaign

The present campaign aims to accelerate the regular functioning of UTRCs and review of all eligible undertrial prisoners (UTPs). This would expedite the identification and review of prisoners who are eligible to be considered for release.

3. Campaign at a Glance:

18th September, 2023

- Launch of NALSA's 'UTRC Special Campaign 2023'

20th September, 2023

- SLSAs to conduct orientation of the Secretaries, DLSAs, Data Operators, DLSAs and Prison Superintendents.
- DLSAs to share campaign material with the members of the Under Trial Review Committees.

4th October, 2023

- Special Campaign - 1st UTRC Meeting: To be conducted throughout the country as per NALSA's Standard Operating Procedure for UTRCs.
- Details of Individual Cases to be given in the format as prescribed in Annexure A of the NALSA's SOP for UTRCs.

11th October, 2023
18th October, 2023
1st November, 2023
8th November, 2023

- Special Campaign - Weekly UTRC Meetings: UTRC to conduct meetings to discuss progress, review additional cases, and discuss further action in cases where the bail applications have been rejected.
- Details of Individual Cases to be updated in the format as prescribed in Annexure A of the NALSA's SOP for UTRCs.

17th November 2023

- DLSA to submit 'UTRC Action Taken Report' to the SLISA by 17 November 2023 in the prescribed format (Format A).

20th November, 2023

- SLISA to submit consolidated 'UTRC Action Taken Report' of the respective State/UT to NALSA by 20 November 2023 in the prescribed format (Format B).

FORMAT - A

UTRC Action Taken Report

(DLSA to send to SLSA)

(Format as per NALSA SOP for UTRCs)

Name of DLSA:

Dates on which UTRC meetings were held:

Table 1: Consolidated figures on cases reviewed and action taken

S.No	Category of Review	Number of UTPs considered reviewed	Number of UTPs recommended	Number of cases where bail/ other application moved	Number of cases where bail/ other application is pending	Number of UTPs released pursuant to UTRC's recommendations
(1)	UTPs covered under Section 436A Cr.P.C.					
(2)	UTPs released on bail by the court, but have not been able to furnish sureties.					
(3)	UTPs accused of compoundable offences.					
(4)	UTPs eligible under Section 436 of Cr.P.C.					
(5)	UTPs who may be covered under Section 3 of the Probation of Offenders					

	Act, namely accused of offence under Sections 379, 380, 381, 404, 420 IPC or alleged to be an offence not more than 2 years imprisonment.					
(6)	UTPs become eligible to be released on bail u/s 167(2)(a)(i) & (ii) of the Code read with Section 36A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (where persons accused of Section 19 or Section 24 or Section 27A or for offences involving commercial quantity) and where investigation is not completed in 60/90/180 days.					
(7)	UTPs who are imprisoned					

	for offences which carry a maximum punishment of 2 years.					
(8)	UTPs who are detained under Chapter VIII of the Cr.P.C. i.e. u/s 107, 108, 109 and 151 of Cr.P.C.					
(9)	UTPs who are sick or infirm and require specialized medical treatment.					
(10)	Women UTPs					
(11)	UTPs who are first time offenders between the ages 19 and 21 years and in custody for the offence punishable with less than 7 years of imprisonment and have suffered at least 1/4th of the maximum sentence possible.					
(12)	UTPs who are of unsound mind and must be dealt under Chapter					

	XXV of the Code.					
(13)	UTPs eligible for release under Section 437(6) of Cr.P.C, wherein in a case triable by a Magistrate, the trial of a person accused of any non-bailable offence has not been concluded within a period of 60 days from the first date fixed for taking evidence in the case.					

FORMAT B

UTRC Action Taken Report

(SLSA to send to NALSA)

1. Name of the SLSA:

2. Total no. of UTRC meetings held across the state:

S.No	Name of DLSA	Total No. of Meetings	Dates on which meetings held

3. Consolidated figures on cases reviewed and action taken:

S.No	Category of Review	Total Number of UTPs considered reviewed	Total Number of UTPs recommended	Total Number of cases where bail/ other application moved	Total Number of cases where bail/ other application is pending	Total Number of UTPs released pursuant to UTRC's Recommendations
1.	UTPs covered under Section 436A Cr.P.C.					
2.	UTPs released on bail by the court, but have not been able to furnish sureties.					
3.	UTPs accused of compoundable offences.					
4.	UTPs eligible under Section 436 of Cr.P.C.					
5.	UTPs who may be covered under Section 3 of the Probation of Offenders Act, namely accused of					

	offence under Sections 379, 380, 381, 404, 420 IPC or alleged to be an offence not more than 2 years imprisonment.					
6.	UTPs become eligible to be released on bail u/s 167(2)(a)(i) & (ii) of the Code read with Section 36A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (where persons accused of Section 19 or Section 24 or Section 27A or for offences involving commercial quantity) and where investigation is not completed in 60/90/180 days.					
7.	UTPs who are imprisoned for offences which carry a maximum punishment of 2 years.					
8.	UTPs who are detained under Chapter VIII of the Cr.P.C. i.e. u/s 107, 108, 109 and 151 of Cr.P.C.					

9.	UTPs who are sick or infirm and require specialized medical treatment.					
10.	Women UTPs					
11.	UTPs who are first time offenders between the ages 19 and 21 years and in custody for the offence punishable with less than 7 years of imprisonment and have suffered at least 1/4th of the maximum sentence possible.					
12.	UTPs who are of unsound mind and must be dealt under Chapter XXV of the Code.					
13.	UTPs eligible for release under Section 437(6) of Cr.P.C, wherein in a case triable by a Magistrate, the trial of a person accused of any non-bailable offence has not been concluded within a period of 60 days from the first date fixed for taking evidence in the case.					