

**Training Manual of Specialised Course for Prison officer
(Asst. Jailor to Superintendent of Prisons, Police, Lawyer, DLSA
and NGOs)
on
Stakeholder Coordination
(One Week)
2022**



**Bureau of Police Research and Development
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Message

Capacity Building of the prison staff is one of the key components of Prison Reforms. This equips the Prison Officers and Staff with the essential knowledge, skills and attitude to diligently discharge their duties in varied and complex areas related to Prisons and Correctional Administration. The MHA has mandated the BPR&D to prepare Training Manuals which can be circulated to all States and UTs for training purposes.

Services of 11 Individual Consultants with subject matter expertise were hired in 2021 to prepare the 50 Prison Training Manuals for various categories of Staff in Prisons. Numerous rounds of stakeholder consultations were held to finalize the drafts. The Manuals have adopted the contemporary principles of training and learning for indoor and outdoor classes, field visits and practical sessions and these have been prepared in compliance with the national and international best practices, the laws of the land, and the technological advancements in Prisons & Correctional Administration. The drafts were also uploaded on the BPR&D website for inviting suggestions/feedback from the stakeholders and citizens.

I extend my special appreciation to the 11 Individual Consultants, the Special Consultant (Master Trainer, DoPT) and the members of the Monitoring Committee who were instrumental in the preparation of these 50 Prison Training Manuals.

I am sanguine that these Manuals will bring about standardization of the training procedures and contents to a large extent and also facilitate capacity building of the Officers and Staff of the Prisons and Correctional Administration in the country.

(Balaji Srivastava)

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Emergence of the Course

The BPR&D has prepared 50 Prison Training Manuals for various ranks of Staff and Officers in Prison Administration under the categories viz., 05 Basic Courses, 08 In-Service Courses, 30 Specialized Courses, 02 Vertical Interaction Courses and 05 Handbooks for improving the quality and standardizing training of all Prison Officers and Staff across the country and to augment professional competency and capacity building of Prison Officers and Staff.

These Prison Training Manuals are objective oriented, learner centric and are outcome of several brainstorming sessions, consultative meetings (Online and Offline) and workshops for conceptualizing the drafts. Comments of the Monitoring Committee, Reports of Training Needs Analysis (TNA) for Prisons & Correctional Administration, National Training Policy (2012) have also been taken into account. In addition, various national and international practices, MHA Advisories, Landmark Judgements of the Apex Court and the High Courts, Statutory Acts/Rules have also been referred to in course of preparation of these training manuals. The design perspective of the Department of Personnel & Training, Government of India, has been adopted.

Introduction

This is the training manual for the course on ‘**Stakeholder Coordination**’ is designed for Assistant Jailor to Superintendent of Prisons, Police, Lawyers, District Legal Services Authorities and NGOs’. The objective of the course is to impart knowledge on improving coordination among the functionaries of the criminal justice system.

It is important to understand the interlinkages in the functioning of the various criminal justice institutions and their impact on the prison population and management. The different functionaries that will be discussed in this manual are – police, judiciary, legal aid authorities, lawyers, probation or after-care services, human rights institutions, oversight bodies like the board of visitors, under-trial review committees and the civil society.

There are a total of 14 Learning Units. The course is designed in a way that it would encourage the participants to identify the various issues that require coordination between prisons and each of the other institution, challenges face d in coordinating with each other and deliberate on the possible ways of overcoming these challenges.

(For Trainers and Participants)



COURSE GUIDE

Training Manual of Specialised Course for Prison officer
(Asst. Jailor to Superintendent of Prisons, Police, Lawyer, DLSA and
NGOs)
on
Stakeholder Coordination
(One Week)

INTRODUCTION

Organizations need to continuously grow, develop and be prepared to face the ever-emerging challenges. The prisons and the role of prison officers is no exception to this. Training is an instrument to help the prison administration in meeting the twin challenges of continuous improvement and demands of change. Effective and sustainable reform efforts therefore require a holistic reform approach aimed at addressing the root causes of overincarceration and overcrowding, and shifting policies towards prevention and alternatives to imprisonment¹.

AIM

To impart knowledge on improving coordination among the functionaries of the criminal justice system.

DESIGNED FOR

Assistant Jailor to Superintendent of Prisons, Police, Lawyers, DLSA and NGOs.

FACILITATORS

In-house and Guest Faculty. The Guest Faculty may include serving / retired Senior Prison Officers, Judicial officers, Representatives of National or State Legal Services Authorities, National or State Human Rights Commissions, National Informatics Centre and Legal experts and experts on prison monitoring, etc.

STYLE OF THE COURSE

This course encompasses a series of practical learning activities. The Course is delivered through multiple media, styles and activities with a ‘self-directed learning approach’ simulated by the use of field-based situations and sharing of best practices in prison management.

OBJECTIVES-At the end of the training participants will be able to:

¹United Nations System Common Position on Incarceration, April 2021, can be accessed at – https://www.unodc.org/res/justice-and-prison-reform/nelsonmandelarules/UN_System_Common_Position_on_Incarceration_09-06-2021.pdf

Unit – 1

Training Objective

Explain the overview of the criminal justice system and the role of its functionaries.

Enabling Objectives

- 1.1 Explain the overall mandate of the Criminal Justice System' institutions - Police, Court, Prisons, Legal Aid, Prosecution, Probation, Human Rights Institutions, etc.

Unit – 2

Training Objective

Explain the importance of coordination between prisons and other functionaries of the Criminal Justice System.

Enabling Objectives

- 2.1 Explain the need for coordination between prisons and other institutions of the Criminal Justice System.

Unit – 3

Training Objective

Explain the the types of court proceedings leading to the judicial custody of a person.

Enabling Objectives

- 3.1 Explain the concept of judicial custody.
- 3.2 Explain the stages of a case or legal procedures in regard to court proceedings.

Unit – 4

Training Objective

Explain the role of judiciary in prisons.

Enabling Objectives

- 4.1 Explain the various legal procedures which require prisons to coordinate with district judiciary.

Unit – 5

Training Objective

Explain the issues that require coordination between Prisons and Police.

Enabling Objectives

5.1 Explain the role of Police in regard to prisoners and prison security.

Unit – 6

Training Objective

Demonstrate the main features of the technological tools used by Judiciary, Prisons and Police.

Enabling Objectives

6.1 Explain the main features of Crime and Criminal Tracking Network System (CCTNS), a technological tool used by police.

6.2 Explain the relevant features of E-courts, that would help prison authorities to help prisoners regarding information about their cases.

6.2 Explain the main features of ePrisons, a technological tool developed by National Informatics Centre.

Unit – 7

Training Objective

Demonstrate the functioning of legal services for prisoners.

Enabling Objectives

7.1 Explain the concept of ‘Free Legal Aid’.

7.2 Explain the role of DLSA in prisons and functioning of prison legal aid clinics, jail visiting lawyers and PLVs.

7.3 Explain the functioning of Under Trial Review Committees.

7.4 Explain the process by which prisoners can access legal aid at various stages of a criminal proceeding.

7.5 Demonstrate the tracking of online legal aid applications and seeking information for prisoners.

Unit – 8

Training Objective

Explain the role of prison authorities in facilitating lawyer-client interaction.

Enabling Objectives

9.1 Explain the importance of lawyer client relationship.

9.2 Explain the role of Prison Officers in facilitating lawyer-client interaction in prisons.

Unit – 9

Training Objective

Explain the concept of probation and the areas/issues that require coordination between prisons and probation and after-care services.

Enabling Objectives

8.1 Explain the concept of probation.

8.2 Explain the role of Probation Officers in release, after-care, rehabilitation and welfare of prisoners.

Unit – 10

Training Objective

Explain the functioning of human rights institutions in regards to prisons.

Enabling Objectives

10.1 Explain the functioning of Human Rights Institutions in India.

10.2 Explain the role of functionaries of Human Rights Institutions in prisons.

Unit – 11

Training Objective

Explain the functioning of Board of Visitors with regard to coordination with prisons.

Enabling Objectives

11.1 Explain the concept of prison visiting system.

11.2 Explain the role of prison officers/staff during and after prison visits.

Unit – 12

Training Objective

Explain the role of Civil Society Organisations in prisoners' welfare.

Enabling Objectives

12.1 Explain the concept of community participation in prisons.

12.2 Explain the work of Civil Society Organisations in prisons.

Unit – 13

Training Objective

Explain the main features of ICJS for coordination among functionaries.

Enabling Objectives

13.1 Explain the main features of ICJS, a technological tool developed by National Informatics Centre.

13.2 Demonstrate the main features of ICJS.

Unit – 14

Training Objective

Describe the good practices in regard to Prison Management and coordination with other functionaries.

Enabling Objectives

14.1 Describe the good practices observed during field visit.

ASSESSMENT

The priority during the course is to assist participants to develop their skills. Assessment is, therefore, concerned with informal feedback and advice to individual participants.

DAY-WISE TIME TABLE

DAY/TIME	CONTENT	OBJECTIVES
DAY-1 0915-1030	Registration Inauguration of the Course Ice Breaking Session & Ground Rules Course Objectives and Expectations of participants	
1030-1045	Tea Break	
1045-1200	Criminal Justice System and its Functionaries – ▪ Police, Courts, Prisons, Legal Aid, Prosecution, Probation, Human Rights Institutions, etc	1.1
1200-1215	Break	
1215 -1330	Need for coordination between prisons and other functionaries of the Criminal Justice System ▪ Relevant statistics from ‘Prison Statistics India’ and ‘Crime in India’ reports ▪ Recommendations of important Committees	2.1
1330-1430	Lunch	
1430 - 1530	Judicial custody and related court proceedings ▪ Concept of judicial custody ▪ Stages of a case or legal procedures in regard to court proceedings – Stages from arrest to criminal trial; Stages of a civil proceeding; Procedure of a case in a District Magistrate court for keeping peace (S.107/109 CrPC)	3.1 3.2
1530-1545	Tea Break	
1545 - 1700	Judicial custody and related court proceedings (cont.)	

	Stages of a case or legal procedures in regard to court proceedings –Procedure of a case under preventive detention; Procedure of a case under a Central law (particularly an NDPS case); Procedure of a case under court martial; Any other court proceeding under which a person may be sent to judicial custody	3.2
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DAY/TIME	CONTENT	OBJECTIVES
DAY-2 0915 –1030	Coordination between Prisons and District Judiciary - Procedures for production of accused, including production through video conferencing - Procedures for Test Identification Parade in prison - Procedures in case of jail adalats - Procedures in case of deaths in prison - Procedures in case of imposition of prison punishments including solitary confinement - Court hearings: statements and submissions in court by prison officers - Any other area of coordination	4.1
1030-1045	Tea Break	
1045 - 1200	Coordination between Prisons and District Judiciary (cont.)	4.1
1200-1215	Break	
1215 - 1330	Coordination between Prisons and Police	5.1

	▪ Procedure on production of undertrials, movement to hospitals and requisition of escorts ▪ Procedure on seeking police reports for parole, furlough and pre-mature release ▪ Procedure on Security Drills in Prisons	
1330-1430	Lunch	
1430 -1630 (Tea Break 1530-1545)	Technological tools used by Judiciary, Prisons and Police Demonstration of relevant features of: ▪ Crime and Criminal Tracking Network System (CCTNS) ▪ E-courts ▪ ePrisons	6.1 6.2 6.3

DAY – 3		
0915 – 1030	Coordination between Prisons and Legal Services Institutions ▪ Concept of ‘Free Legal Aid’ ▪ Role of DLSA in prisons and functioning of prison legal aid clinics, jail visiting lawyers and PLVs	7.1 7.2
1030-1045	Tea Break	
1045-1200	Coordination between Prisons and Legal Services Institutions (cont.) ▪ Functioning of Under Trial Review Committees ▪ Access to legal aid at various stages of a criminal proceeding: Trial, Bail, Appeal, Revision, Review, Reference and Writ Remedies	7.3 7.4

1200-1215	Break	
1215 -1330	Coordination between Prisons and Legal Services Institutions (cont.) Demonstration of: ▪ National Legal Services Authority 's (NALSA) portal ▪ Online filing of appeal on SCLSC portal ▪ Legal aid module of ePrisons, etc.	7.4
1330-1430	Lunch	
1430 – 1530	Coordination between Prisons and Lawyers ▪ Explain the importance of lawyer-client relationship ▪ Explain the role of Prison Officers in facilitating lawyer-client interaction in prisons	8.1 8.2
1530-1545	Tea Break	
1545 –1700	Coordination between Prisons, Probation and After-Care Services ▪ Concept of probation ▪ Role of Probation Officers in release, after-care, rehabilitation and welfare of prisoners	9.1 9.2

DAY/TIME	CONTENT	OBJECTIVES
DAY – 4 0915 – 1030	Coordination between Prisons and Human Rights Institutions ▪ Introduction to the functioning of Human Rights Institutions in India ▪ Functionaries of Human Rights Institutions in Prisons	10.1 10.2

1030-1045	Tea Break	
1045– 1200	Coordination between Prisons and the Board of Visitors (BOVs) ▪ Concept of Prison Visiting System ▪ Role of prison officers/staff during and after prison visits	11.1 11.2
1200-1215	Break	
1215 – 1330	Coordination between Prisons and the Civil Society Organisations ▪ Concept of community participation in prisons ▪ Work of Civil Society Organizations in prisons	12.1 12.2
1330-1430	Lunch	
1430– 1700 (Tea Break 1530-1545)	Use of Inter-Operable Criminal Justice System (ICJS) to ease coordination among functionaries ▪ Demonstration of the main features of ICJS, a technological tool developed by National Informatics Centre	13.1

DAY – 5		
0915 – 1030	Field Visit to the nearest Central/District prison	14.1
1045– 1330	Field Visit to the nearest Central/District prison (cont.)	14.1
1330-1430	Lunch	
1430 – 1530	Field Visit to the Videoconferencing facility at the nearest Court complex	14.1
1530 – 1600	Feedback Session	
1600	Valediction	

Note:

Session I	0915 - 1030
Session II	1045 – 1200
Session III	1215 – 1330
Session IV	1430 – 1530
Session V	1545 – 1645
Yoga	0630 – 0730
Library	1700 – 1730
Sports	1730 - 1830
Tea Break	1030 – 1045 1200 – 1215 (Break) 1530 – 1545
Breakfast	0800 - 0845
Lunch	1330 - 1430
Dinner	1930 – 2100

Indoor	6 hr 15 mins (including Sessions and Library)
Outdoor	2 hr 30 mins (including Yoga and Sports)
Breakfast	45 mins
Tea Break/ Break	30 mins
Lunch	1 hr
Dinner	1 hr 30 mins

(For Trainers Only)



TRAINER GUIDE

Training Manual of Specialised Course for Prison officer
(Asst. Jailor to Superintendent of Prisons, Police, Lawyer, DLSA and
NGOs)
on
Stakeholder Coordination
(One Week)

INTRODUCTION

The ‘Trainer Guide’ is a comprehensive overview of the content and process of the Course. It is designed in a structured format that presents the assembled information and the planned activities with learning outcomes. Trainer Guide serves as a “Map” for sequential implementation of various content segments.

The Trainer Guide also:

- Helps continuous recall;
- Provides scope for storing illustrations, faculty questions, anticipated participants’ questions and appropriate responses;
- Contains details of points for briefing & debriefing of case study, exercises, Films, etc.
- Serves as reminder to administer exercises; and
- Guides on the use of media

PRE-COURSE PREPARATION

The following must be ensured:

1. Get an idea on the number and list of participants from the course coordinator
2. Resource Kit, Name plates/ Name badges of participants be kept ready
3. Photocopies of Handout, exercises for participants should be kept separately and distributed before the session
4. Brief introduction about Resource Persons / Guest Speakers
5. Permissions for field visit to prison

For Trainer

- a. Trainer Guide
- b. Glossary of Terms
- c. Reference Material

For Participants

- Course Guide
- Resource Material – Handouts, Performance Aid (Posters)
- Reference Material
- Pre-evaluation Questionnaire
- Post-evaluation Questionnaire

DAY-WISE TIME TABLE

[illegible]

		Ans 1. 1. Registration of FIR 2. Commencement of investigation 3. Arrest of the Accused 4. First Production of the accused before Magistrate 5. Filing of Charge sheet 6. Framing of Charges 7. Commencement of trial 8. Statement of Accused 9. Defence Evidence 10. Final Arguments 11. Judgement by Court Ans 2. b. Ans 3. b. (d. can also be tried) Ans 4. c. Ans 5. b. Ans 6. b. Ans 7. a. Ans 8. c. (b. can also be tried) Ans 9. b. e. g. Ans 10. Responses may vary
		The Course Director to share these responses with other resource persons as well so that they can plan their sessions accordingly.
1045-1200	Session-II: Criminal Justice System and its Functionaries – Police, Courts, Prisons, Legal Aid, Prosecution, Probation, Human Rights Institutions, etc.	Provide the broad mandate and functions of each institution as part of the Criminal Justice System.
1200 - 1215	Stretch Break	
1215 – 1330	Session-III: Need for coordination between prisons and other functionaries of the Criminal Justice System	Use ‘Prison Statistics India’ and ‘Crime in India’ reports to share the latest statistics about the functioning of criminal justice institutions. Use PowerPoint slides as provided in Appendix 4.

1330 - 1430	Lunch	
1430 –1530	Session- IV: Judicial custody and related court proceedings ▪ Concept of judicial custody ▪ Stages of a case or legal procedures in regard to court proceedings –Stages from arrest to criminal trial; Stages of a civil proceeding; Procedure of a case in a District Magistrate court for keeping peace (S.107/109 CrPC)	Distribute HO-1 and HO-8. Participants may be selected to read the various parts of the handout. This will ensure that all participants read through the document.
1530 – 1545	Tea Break	
1545 – 1645	Session V: Judicial custody and related Court proceedings (cont.) ▪ Stages of a case or legal procedures in regard to court proceedings – Procedure of a case under preventive detention; Procedure of a case under a Central law (particularly an NDPS case); Procedure of a case under court martial; Any other court proceeding under which a person may be sent to judicial custody	

DAY – 2		
Time	Content	Remarks
0900 – 0915	Recap	
0915 – 1030	Session- I: Coordination between Prisons and District Judiciary	Team Work: Introduce the session and divide the participants in six groups and assign team work – Each group be assigned a topic to discuss within their group the (i) Write the procedure/process involved; (ii) List the challenges faced by participants; (iii) Brainstorm possible solutions: Group 1: Production of accused, including production through video conferencing Group 2: Test Identification Parade in prison Group 3: Jail Adalats Group 4: Death in prison Group 5: Imposition of prison punishments including solitary confinement Group 6: Court hearings: statements and submissions in court by prison officers
1030– 1045	Tea Break	
1045 – 1200	Session- II: Presentation of the Groups on Teamwork	

1200 – 1215	Break – Stretch Exercise	
1215 -1330	Session- III: Coordination between Prisons and Police ▪ Procedure on production of undertrials, movement to hospitals and requisition of escorts ▪ Procedure on seeking police reports for parole, furlough and pre-mature release ▪ Procedure on Security Drills in Prisons	Distribute HO-2. Participants may be selected to read the various parts of the handout. This will ensure that all participants read through the document.
1330 –1430	Lunch	
1430 – 1700 (Tea Break 1530-1545)	Session- IV: Technological tools used by Judiciary, Prisons and Police Demonstration of relevant features of: ▪ Crime and Criminal Tracking Network System (CCTNS) ▪ e-Courts ▪ e-Prisons	Coordinate with the NIC Representatives and ensure good internet connectivity for live/online demonstration.

DAY – 3		
Time	Content	Remarks
0900 – 0915	Recap	
0915 – 1030	Session- I: Coordination between Prisons and Legal Services Institutions ▪ Concept of ‘Free Legal Aid’ Role of DLSA in prisons and functioning of prison legal aid clinics, jail visiting lawyers and PLVs	Distribute HO-3. Participants may be selected to read the various parts of the handout. This will ensure that all participants read through the document. Distribute Performance Aid 1(CHRI’s Poster on Legal and You) and Performance Aid 2 (CHRI’s Precis on NALSA SOP for Representation of Persons in Custody. These could be displayed by the prison officers in their respective prison.
1030– 1045	Tea Break	
1045 – 1200	Session- II: Coordination between Prisons and Legal Services Institutions (cont.) ▪ Access to legal aid at various stages of a criminal proceeding: Trial, Bail, Appeal, Revision, Review, Reference and Writ Remedies ▪ Functioning of Under Trial Review Committee	Distribute HO-9 to all the participants. Participants may be selected to read the various parts of the handout. This will ensure that all participants read through the

		document. Distribute Performance Aid 3 (CHRI's poster on Under Trial Review Committee and You) to all the participants. It could be displayed by the prison officers in their respective prison.
1200 – 1215	Break – Stretch Exercise	
1215 -1330	Session- III: Coordination between Prisons and Legal Services Institutions (cont.) Demonstration of: ▪ NALSA portal ▪ Online filing of appeal on SCLSC portal ▪ Legal aid module of ePrisons, etc.	
1330 –1430	Lunch	
1430 – 1530	Coordination between Prisons and Lawyers ▪ Explain the importance of lawyer client relationship ▪ Explain the role of Prison Officers in facilitating lawyer-client interaction in prisons	Distribute HO-5. Participants may be selected to read the various parts of the handout. This will ensure that all participants read through the document.
1530 – 1545	Tea break	
1545 – 1700	Coordination between Prisons, Probation and After-Care Services ▪ Concept of probation ▪ Role of Probation Officers in release, after-care,	Distribute HO-4. Participants may be selected to read the various parts of the handout. This will ensure that all participants read through the document.

	rehabilitation and welfare of prisoners	
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DAY – 4		
Time	Content	Remarks
0900 – 0915	Recap	
0915 – 1030	Session- I: Coordination between Prisons and Human Rights Institutions ▪ Introduction to the functioning of Human Rights Institutions in India ▪ Functionaries of Human Rights Institutions in Prisons	Distribute HO-6. Participants may be selected to read the various parts of the handout. This will ensure that all participants read through the document.
1030– 1045	Tea Break	
1045 – 1200	Session- II: Coordination between Prisons and the Board of Visitors (BOVs) ▪ Concept of Prison Visiting System ▪ Role of prison officers/staff during and after prison visits	Distribute HO-7 and refer to HO-8, already distributed. Participants may be selected to read the various parts of the handout. This will ensure that all participants read through the document.
1200 – 1215	Break – Stretch Exercise	
1215 -1330	Session- III: Coordination between Prisons and the Civil Society Organisations ▪ Concept of community	Refer to HO-8, already distributed. Participants may be selected to read the various parts of the handout. This will ensure that all participants read through the

	participation in prisons ▪ Work of Civil Society Organizations in prisonsLegal aid module of e-Prisons, etc.	document.
1330 –1430	Lunch	
1430 – 1530	Use of Inter-Operable Criminal Justice System (ICJS) to ease coordination among functionaries ▪ Demonstration of the main features of ICJS, a technological tool developed by National Informatics Centre	Coordinate with the NIC Representatives and ensure good internet connectivity for live/online demonstration.
1530 – 1545	Tea break	
1545 – 1700	Use of Inter-Operable Criminal Justice System (ICJS) to ease coordination among functionaries (cont.) ▪ Demonstration of the main features of ICJS, a technological tool developed by National Informatics Centre	

DAY – 5		
Time	Content	Remarks
0915 – 1030	Field Visit to the nearest Central/District prison	Coordinate with the respective Central/District Prison
1045– 1330	Field Visit to the nearest Central/District prison (cont.)	
1330-1430	Lunch	
1430 – 1530	Field Visit to the Videoconferencing facility at the nearest Court complex	Coordinate with the respective DLSA Secretary to facilitate the visit
1530 – 1600	Post-Evaluation Exercise and Feedback Session	Distribute the Post-evaluation Exercise questionnaire as provided in Appendix 6 to all participants: Distribute the feedback form as provided in Appendix 7 to all participants.
1600	Valediction	

The Course Director/Coordinator to collect the post-evaluation exercise questionnaire and feedback forms from all participants and prepare a consolidated feedback for the Director of the Institute.

Key of the Post-evaluation Exercise

Ans 1.	1. Registration of FIR 2. Commencement of investigation 3. Arrest of the Accused 4. First Production of the accused before Magistrate 5. Filing of Charge sheet 6. Framing of Charges 7. Commencement of trial 8. Statement of Accused 9. Defence Evidence 10. Final Arguments 11. Judgement by Court
Ans 2.	b.
Ans 3.	b. (d. can also be tried)
Ans 4.	c.
Ans 5.	b.
Ans 6.	b.
Ans 7.	a.
Ans 8.	c. (b. can also be tried)
Ans 9.	b. e. g.
Ans 10.	Responses may vary

The Course Director to also prepare a Short Report on the training course in the format provided in **Appendix 8**.

DAY-WISE TASKS

5-DAY COURSE

Day – 1

- Registration
- Inauguration
- Detailed Introduction
- Expectations of the course
- Course Overview
- Ground Rules
- Course Guide
- Distribution of the training kit (Training material, Name badges, Course Guide, Note pads, etc.)
- Training

Day – 2

- Recap of Day-1
- Training

Post Lunch

- Training

Day – 3

- Recap of Day-2
- Training

Post Lunch

- Training

Day – 4

- Recap of Day-3
- Training

Post Lunch

- Mock Drill

Day – 5

- Field Visit

Post Lunch

- Field continued...
- Feedback session

The course coordinator should compile the feedback of the participants and submit to the Head of Training Institute.

End of Course

PART – B

COURSE GRID

LEARNING EVENTS

COURSE GRID

COURSE GRID

01 Criminal Justice System and its Functionaries	02 Need for Coordination between Prisons and other Functionaries of the Criminal Justice System	03 Judicial Custody and related court proceedings
04 Coordination between Prisons and the District Judiciary	05 Coordination between the Prisons and Police	06 Technological Tools (CCTNS, E-courts and ePrisons) used by judiciary, police and prisons
07 Coordination between Prisons and Legal Services Institutions	08 Coordination between Prisons and Lawyers	09 Coordination between Prisons and Probation and After-care Services
10 Coordination between Prisons and Human Rights Institutions	11 Coordination between Prisons and Board of Visitors	12 Coordination between Prisons and Civil Society Organisations
13 Use of Inter-Operable Criminal Justice System (ICJS) to ease coordination among functionaries	14 Field Visit	

LEARNING EVENTS

SPECIALISED COURSE FOR PRISON OFFICER
(ASST. JAILOR TO SUPERINTENDENT OF PRISONS, POLICE, LAWYER, DLSA AND NGOs)
ON
STAKEHOLDER COORDINATION
(ONE WEEK)
LEARNING EVENT

Unit	1							
Learning Unit	Criminal Justice System and its Functionaries							
Training Objective	At the end of training, participants will be able to explain the overview of the Criminal Justice System and the role of its functionaries							
Enabling Objectives At the end of training, participants will be able to –		Content	Method	Media	Time (Mins.)	Trainer	Performance Aid	Assessment
1	Explain the overall mandate of the Criminal Justice System institutions - Police, Court, Prisons, Legal Aid, Prosecution, Probation, Human Rights Institutions, etc.	- Legal Services Act, 1987 - The Police Act, 1861 - Relevant provisions of CrPC concerning role of police and prosecution - Relevant provisions of the Indian Evidence Act, 1872 - Relevant provisions of CrPC concerning role of magistrate, trial court and appellant courts. - The State Prison Act/Rules/Manual	Lecture-cum-Discussion	White Board, Marker, Projection System	75	In-House/ Guest Faculty		Q/A

LEARNING EVENT

Unit	2							
Learning Unit	Need for coordination between prisons and other functionaries of the Criminal Justice System							
Training Objective	At the end of training, participants will be able to explain the importance of coordination between prisons and other functionaries of the Criminal Justice System							
Enabling Objectives At the end of training, participants will be able to –		Content	Method	Media	Time (Mins.)	Trainer	Performance Aid	Assessment
1	Explain the need for coordination between prisons and other institutions of the Criminal Justice System	- Relevant statistics from ‘Prison Statistics India’ and ‘Crime in India’ - Observations and Recommendations of some of the Committees/ Commissions on the issue	Lecture-cum-Discussion	White Board, Marker, Projection System	75	In-House/ Guest Faculty		Q/A

LEARNING EVENT

Unit	3							
Learning Unit	Judicial custody and related court proceedings							
Training Objective	At the end of training, participants will be able to explain the types of court proceedings leading to theJudicial custody of a person							
Enabling Objectives At the end of training, participants will be able to –		Content	Method	Media	Time (Mins.)	Trainer	Performance Aid	Assessment
1	Explain the concept of judicial custody	- Sunil Batra v. Delhi Administration & others (1978) 4 SCC 494; - Sanjay Suri &Anr. v. Delhi Administration 1988 AIR 414, 1988 SCR (2) 234, etc.	Lecture-cum-Discussion	White Board, Marker, Projection System	15	Preferable senior Judicial officer		Q/A
2	Explain the stages of a case or legal procedures in regard to court proceedings	- Stages from arrest to criminal trial - Stages of a civil proceeding - Procedure of a case in a District Magistrate court for keeping peace (S.107/109 CrPC) - Procedure of a case under preventive detention - Procedure of a case under a Central law - Procedure of a case under court martial - Any other court proceeding under which a person may be sent to judicial custody	Team work and Presentation	White Board, Marker, Projection System	60 + 75	Preferable senior Judicial officer		Q/A

LEARNING EVENT

Unit	4							
Learning Unit	Coordination between Prisons and District Judiciary							
Training Objective	At the end of training, participants will be able to explain the concept of 'Judicial custody' and the role of Judiciary in prisons							
Enabling Objectives At the end of training, participants will be able to –		Content	Method	Media	Time (Mins.)	Trainer	Performance Aid	Assessment
1	Explain the various legal procedures which require prisons to coordinate with district judiciary	- Procedures for production of accused, including production through video conferencing - Procedures for Test Identification Parade in prison - Procedures in case of jail adalats - Procedures in case of deaths in prison - Procedures in case of imposition of prison punishments including solitary confinement - Court hearings: statements and submissions in court by prison officers - Any other area of coordination	Team Work and Discussion	White Board, Marker, Projection System	75 + 60	In-House/ Guest Faculty		Q/A

LEARNING EVENT

Unit	5							
Learning Unit	Coordination between Prisons and Police							
Training Objective	At the end of training, participants will be able to explain the issues that require coordination between Prisons and Police							
Enabling Objectives At the end of training, participants will be able to –		Content	Method	Media	Time (Mins.)	Trainer	Performance Aid	Assessment
1	Explain the role of Police in regard to prisoners and prison security	- Procedure on production of undertrials, movement to hospitals and requisition of escorts - Procedure on seeking police reports for parole, furlough and pre-mature release - Procedure on Security Drills in Prisons	Lecture-cum-Discussion	White Board, Marker, Projection System	75	In-House/ Guest Faculty		Q/A

LEARNING EVENT

Unit	6							
Learning Unit	Technological tools (CCTNS, E-courts and ePrisons) used by Judiciary, Prisons and Police.							
Training Objective	At the end of training, participants will be able to demonstrate the main features of the technological tools used by Judiciary, Prisons and Police.							
Enabling Objectives At the end of training, participants will be able to –		Content	Method	Media	Time (Mins.)	Trainer	Performance Aid	Assessment
1	Explain the main features of Crime and Criminal Tracking Network System (CCTNS), a technological tool used by police	- Relevant features of CCTNS	Demonstration (Live/ Online) of the technological tool	White Board, Marker, Projection System	30	Representative of CCTNS team in the state/ Guest Faculty		
2	Explain the relevant features of E-courts, that would assist prison authorities to inform prisoners regarding their case/s	- Relevant features of E-courts particularly on how to track status of case, access court orders, etc.	Demonstration (Live/ Online) of the technological tool		60	Representative of National Informatics Centre, in-charge of E-courts		Q/A
3	Explain the main features of ePrisons, a technological tool developed by National Informatics Centre	- Relevant features of ePrisons	Demonstration (Live/ Online) of the technological tool		60	Representative of National Informatics Centre, in-charge of ePrisons		Q/A

LEARNING EVENT

Unit	7							
Learning Unit	Coordination between Prisons and Legal Services Institutions							
Training Objective	At the end of training, participants will be able to demonstrate the functioning of legal services for prisoners							
Enabling Objectives At the end of training, participants will be able to –		Content	Method	Media	Time (Mins.)	Trainer	Performance Aid	Assessment
1	Explain the concept of 'Free Legal Aid'	- Article 39A, Constitution of India - Structure of legal services institutions	Lecture-cum-Discussion	White Board, Marker, Projection System	15	Preferably Member Secretary of the SLISA / Guest Faculty		Q/A
2	Explain the role of DLSA in prisons and functioning of prison legal aid clinics, jail visiting lawyers and PLVs	- Functioning of prison legal aid clinics and role of legal aid providers: jail visiting lawyers, convict and community para legal volunteers - Functioning of Under Trial Review Committees - NALSA SOP on Representation of persons in custody	Lecture-cum-Discussion		60			Q/A
3	Explain the functioning of Under Trial Review Committees (UTRCs)	- NALSA SOP on the functioning of UTRCs	Lecture-cum-Discussion		45			
3	Explain the process by which prisoners can access legal aid at various stages of a criminal proceeding	- Access to legal aid at various stages of a criminal proceeding: Trial, Bail, Appeal, Revision, Review, Reference and Writ Remedies	Lecture-cum-Discussion		30			
4	Demonstrate the tracking of online legal aid applications and seeking information for prisoners	- NALSA portal - Online filing of appeal on SCLSC portal - Legal aid module of ePrisons, etc.	Demonstration (live/online) of the technological tools		75			

LEARNING EVENT

Unit	8							
Learning Unit	Coordination between Prisons and Lawyers							
Training Objective	At the end of training, participants will be able to explain the role of prison authorities in facilitating Lawyer-Client interaction.							
Enabling Objectives At the end of training, participants will be able to –		Content	Method	Media	Time (Mins.)	Trainer	Performance Aid	Assessment
1	Explain the importance of lawyer client relationship	- Confidentiality of Lawyer-Client interaction	Lecture-cum-Discussion	White Board, Marker, Projection System	15	Lawyer/ Guest Faculty		Q/A
2	Explain the role of Prison Officers in facilitating lawyer-client interaction in prisons	- Infrastructure set up required to facilitate lawyer-client interaction in prisons - Important case laws - <i>Imtiyaz Ramzan Khan v. State of Maharashtra</i> (Supreme Court) - State Prison Manual/Act/Rules			30	Lawyer/ Guest Faculty		Q/A

LEARNING EVENT

Unit	9							
Learning Unit	Coordination between Prisons, Probation and After-Care Services							
Training Objective	At the end of training, participants will be able to explain the concept of probation and the areas/issues that require coordination between prisons and probation and after-care services							
Enabling Objectives At the end of training, participants will be able to –		Content	Method	Media	Time (Mins.)	Trainer	Performance Aid	Assessment
1	Explain the concept of probation	- Introduction to the Probation of Offenders Act	Lecture-cum-Discussion	White Board, Marker, Projection System	15	In-House/ Guest Faculty		Q/A
2	Explain the role of Probation Officers in release, after-care, rehabilitation and welfare of prisoners	- Role of Probation Officers during trial, preparation of Social Investigation Report, assistance given to court, etc. - Role of Probation Officers during supervision of probationers - Role of Probation Officers in after-care services			60	In-House/ Guest Faculty		Q/A

LEARNING EVENT

Unit	10							
Learning Unit	Coordination between Prisons and Human Rights Institutions							
Training Objective	At the end of training, participants will be able to explain the functioning of human rights institutions with regard to prisons							
Enabling Objectives At the end of training, participants will be able to –		Content	Method	Media	Time (Mins.)	Trainer	Performance Aid	Assessment
1	Explain the functioning of Human Rights Institutions in India	- The Protection of Human Rights Act, 1993	Lecture-cum-Discussion	White Board, Marker, Projection System	15	In-House Faculty/ Representative of HRC/ NHRC's Special Rapporteur		Q/A
2	Explain the role of functionaries of Human Rights Institutions in prisons	- The Protection of Human Rights Act, 1993 - State Prison Manual/Act/Rules - NHRC guidelines in regard to first medical examination of prisoners; deaths in prisons, custodial violence, etc. - Role of NHRC's Special Rapporteurs in prison monitoring			45			Q/A

LEARNING EVENT

Unit	11							
Learning Unit	Coordination between Prisons and the Board of Visitors (BoV)							
Training Objective	At the end of training, participants will be able to explain the functioning of Board of Visitors with regard to coordination with prisons							
Enabling Objectives At the end of training, participants will be able to –		Content	Method	Media	Time (Mins.)	Trainer	Performance Aid	Assessment
1	Explain the concept of prison visiting system	- Provisions of the Prisons Act, 1894; Model Prison Manual, 2016; State Prison Rules/Manual/Act - UN Standard Minimum Rules for the Treatment of Prisoners - Important Case laws	Lecture-cum-Discussion	White Board, Marker, Projection System	30	In-House/ Guest Faculty		Q/A
2	Explain the role of prison officers/staff during and after prison visits	- Duties of prison staff during visits by prison visitors - Model Prison Manual, 2016 - State Prison Rules/Manual/Act			30	In-House/ Guest Faculty		Q/A

LEARNING EVENT

Unit	12							
Learning Unit	Coordination between Prisons and the Civil Society Organisations							
Training Objective	At the end of training, participants will be able to explain the role of Civil Society Organisations in prisoners' welfare.							
Enabling Objectives At the end of training, participants will be able to –		Content	Method	Media	Time (Mins.)	Trainer	Performance Aid	Assessment
1	Explain the concept of community participation in prisons	- Importance of Community Participation in Prisons - Kinds of civil society organisations working in prisons for welfare of prisoners: monitoring, legal, recreational, education, healthcare, vocational trainings, skill development, reformation and rehabilitation	Lecture-cum-Discussion	White Board, Marker, Projection System	30	In-House/ Guest Faculty		Q/A
2	Explain the work of Civil Society Organisations in prisons	- Learning by sharing of information and good practices by participants on the kind of work done by civil society organisations in their prisons/districts			60	In-House/ Guest Faculty		Q/A

LEARNING EVENT

Unit	13							
Learning Unit	Use of Inter-Operable Criminal Justice System (ICJS) to ease coordination among functionaries							
Training Objective	At the end of training, participants will be able to explain the main features of ICJS for coordination among functionaries							
Enabling Objectives At the end of training, participants will be able to –		Content	Method	Media	Time (Mins.)	Trainer	Performance Aid	Assessment
1	Explain the main features of ICJS, a technological tool developed by National Informatics Centre.							
2	Demonstrate the main features of ICJS	Main features of Inter-Operable Criminal Justice System (ICJS)	- Demonstration (Live/ Online) - Lecture-cum-Discussion	Projection system	60	Representative of National Informatics Centre, in-charge of ICJS	Handout prepared by NIC	Q/A

LEARNING EVENT

Unit	14							
Learning Unit	Field Visit							
Training Objective	At the end of training, participants will be able to describe the good practices in regard to Prison Management and coordination with other functionaries							
<i>Enabling Objectives</i> At the end of training, participants will be able to –	Content	Method	Media	Time (Mins.)	Trainer	Performance Aid	Assessment	
1	Describe the good practices observed during field visit	- Nearby Central/District Prison - VC room in Court complex - Any other relevant place	Field Visit and Discussion		150	In-House / Guest Faculty		

Part - C

RESOURCE MATERIAL

Section 1: Handouts

Section 2: Performance Aid (Posters)

HANDOUTS

- HO-1:** Prison and District Courts: Understanding Judicial Custody and an Overview of the Role of Judiciary in Prisons
- HO-2:** Prison and Police: An Overview of the Role of Police in Prisons
- HO-3:** Prison and District Legal Services Authority (DLSA): An Overview of the Role of the Legal Service Institutions in Prisons
- HO-4:** Prison and Probation/After-Care Services: An Overview of the mandate of Probation and After-Care Officers in Prisons, and Implementation of the Probation of Offenders Act, 1958
- HO-5:** Prison and Lawyers: An Overview of the Lawyer-Client relationship and relevance of confidentiality
- HO-6:** Prison and Human Rights Institutions: An Overview of the mandate of human rights institutions in prisons
- HO-7:** Prison and Board of Visitors: An Overview of the role of Board of visitors (BoVs) - Official and Non-official Visitors
- HO-8:** Access to Justice: Legal Empowerment (An inmate perspective) by Mr.R.K. Saxena, Consultant, Commonwealth Human Rights Initiative
- HO-9:** Prison and Under Trial Review Committees: An Overview of its mandate and functioning

PRISON AND DISTRICT COURTS: Understanding Judicial Custody and an Overview of the Role of Judiciary in Prisons

A. OVERVIEW:

Under the legal framework, judiciary is a significant monitoring body for prisons responsible to uphold the right to life in a closed prison setting and keeping a constant check on illegal or unnecessary detention of persons behind bars. The senior judicial officers are also the *ex-officio* visitors to prisons and are mandated to conduct regular prison inspections. Over years, the need for and the significance of judicial oversight of prisons has also been reiterated by the Supreme Court and various High Courts.² The National Human Rights Commission has also written to all Chief Justices of states asking them to direct the Sessions Judge to visit the jails.

District Judges are key overseers of the judiciary who are mandated to inspect jails regularly and serve as an important functionary for inter-departmental supervision. They are part of committees that review and report on prison health, illegal detentions, and prisoner grievances, and that inquire into cases of injuries, deaths or punishments inside prison. Prisoners remanded to prisons are under judicial custody and since courts are their key custodians, they are mandated to ensure the statutory well-being of prisoners. They can also look into the implementation of directions that lay down standards for prison administration, treatment of prisoners especially vulnerable groups and access to legal processes.

B. STAGES OF A CRIMINAL TRIAL

²*Sunil Batra v. Delhi Administration & others* (1978) 4 SCC 494; *Sanjay Suri & Anr. v. Delhi Administration* 1988 AIR 414, 1988 SCR (2) 234; *Rakesh Kaushik v. B. L. Vig, Superintendents Central jail New Delhi* [1980] 3 S.C.R. 929; *Kishore Singh Ravinder Dev v. State of Rajasthan* 1981 AIR 625, para. 1003; *Ranchod v. State of M.P. and Anr.* 1986 16 Reports M.P. 147

1. Registration of FIR s. 154

2. Commencement of investigation and collection of evidence by investigating agency.

During this time, at any stage decided by investigating agency, accused persons can be arrested. S 156-173

3. Production of accused before Magistrate (within 24 hours)

- Remanded to police custody for further investigation; or
- Remanded to judicial custody.

4. Bail hearing before appropriate court – Arguments of the defence are denied by the public prosecutor.

5. After investigation is completed:

- If investigating agency feels a prima facie case is made out, charge sheet is filed in Court through the public prosecutor.
- If police feels that no prima facie case is made out, a final report filed in Court.

6. Decision is taken by the Court after hearing the public prosecutor and the counsel for defence:

On question of Charge sheet

- Court can reject charge sheet, in which case the accused is discharged.
- Court can accept that a prima facie case is made out, frame the charges, and post the case for trial. Case goes to next stage (7).

On Final Report:

- Court can accept the final report- case is closed and accused is discharged.
- Court can reject the final report, and:
- Direct the police to further investigate the case. Case goes back to Stage (2)
- Direct the case to be posted for trial. Case goes to next stage (7).

7. Framing of Charge by Court

- Accused pleads guilty to the Charge. Depending on the seriousness of the crime, the Court may either convict on the basis of plea or post the case for trial.
- Accused pleads not guilty. Case is posted for trial.

8. Trial commences – examination of witnesses and other evidence

- Examination of prosecution witnesses by public prosecutor, marking of exhibits, and cross-examination by defence counsel.

9. Statement of Accused under section 313, CrPC

10. Defence Evidence: if defence wants to, it examines defence witnesses, who are cross examined by the public prosecutor, and exhibits defence evidence.

11. Final Arguments – Public Prosecutor and the defence counsel present their arguments.

12. Judgment and sentence by the Court:

- (i) Acquittal of accused, or
- (ii) Conviction, in which case:
 - Arguments of public prosecutor and defence counsel on sentence.
 - Judgment of Court passing sentence.

13. Appeal (within specified period of limitation) - Can be filed by party aggrieved by judgment on acquittal/ conviction/ reduction of sentence. On notice being issued to the opposite parties, arguments are placed before Appeal court of defence counsel and the public prosecutor.

Judgment of Appeal Court

C. STAGES OF A CIVIL PROCEEDING

1. Filing of plaint- Name of Court, details of parties, facts of the case, relief or damages claimed, documents to substantiate the claim.
2. Issue of Summons to the Defendant
3. Appearance of the Parties
4. Interlocutory orders- interim measures to maintain the status quo till the pendency of the suit or for a specific time period
5. Written Statement- reply filed by the defendant against the plaint of the plaintiff.
6. Examination- culling out accepted and relevant portions from the written statements and plaint filed.
7. Framing of issues

8. Furnishing of Documents by the parties and collection of parties from third parties involved
9. Inspection and Discovery of Documents
10. Examination of witnesses
11. Cross Examination of witnesses
12. Arguments- parties to provide their arguments, summary of the case and list of evidence.
13. Judgment- adjudication of rights and obligations of parties involved.
14. Decree Execution

PRISON AND POLICE: An Overview of the Role of Police in Prisons

The district police, headed by a Superintendent of Police, is mainly responsible for the maintenance of law and order. Apart from the main policing functions, an important task of the police is to ensure the availability of police escorts to ensure that every undertrial reaches court in a timely manner on the date specified by the court warrant that asks for his appearance. The need to produce the accused before the court on each date requires coordination with the prison authorities.

NALSA's Standard Operating Procedure for Representation of persons in custody notes that, "In several districts across the country, the persons in custody are not produced before the courts for days together. This happens even at the stage where the charge sheet has still not been filed. There are many cases where the accused was produced before the court after arrest and was remanded to custody but thereafter was not produced on several dates meant for remand. The reasons given for the same are generally non availability of sufficient number of armoured vehicles and of personnel to produce the persons in custody before the courts and that at times the accused are required to be produced in other courts. This is contrary to the mandate of Code of Criminal Procedure and also violates the basic rights of the persons in custody as enshrined in the Constitution and enunciated by the Hon'ble Apex Court in several landmark cases and most importantly is an impediment to their liberty. Due to non-production of the persons in custody before the courts at regular intervals, the courts are unable to consider whether the persons in custody are facing any problems. Legal representation to them cannot also be ensured in such circumstances." This shows how crucial is the coordination between the police and the prison authorities.

Similarly, the reason of shortage of police escorts/guards is often taken when undertrials are required to be taken to local hospitals for treatment or other districts/ states to attend Court hearings or take exams or in case of emergency parole, temporary release on the order of the court, etc.

For convicts, seeking a favourable report from the concerned police station for grant of parole is a big challenge. Some states have taken initiative to address the issue but the same must be discussed with the functionaries of both the departments in order to understand each other challenges and effort must be made to devise practical solutions to these common problems.

Further, the prison authorities rely on the district police to assist them in case of a security issue in prison. Police authorities also conduct security drills to confiscate contraband items from prisoners, etc.

PRISON AND DISTRICT LEGAL SERVICES AUTHORITY (DLSA): An Overview of the Role of the Legal Service Institutions in Prisons

A. Overview:

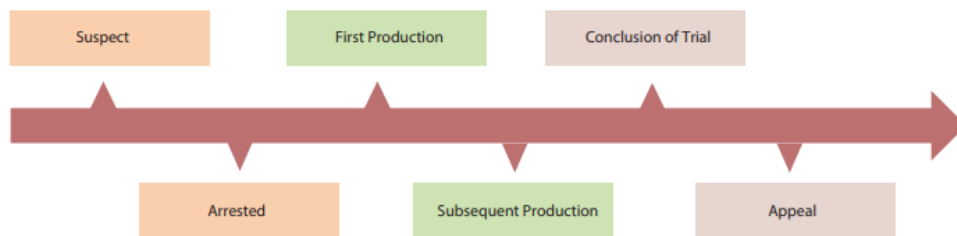
The District Legal Services Authority (DLSA) and prison needs to work in close coordination on many aspects. The foremost being to enable prisoners to access early and effective free legal services. The right to legal aid emanates from Articles 22 and 39A of the Constitution of India. Every “person in custody” is entitled for legal aid. Right to effective legal representation is one of the crucial fair trial rights. As per the Mandela Rules, “prisoners should have access to effective legal aid.” The practical realisation of the right of prisoners to access legal aid in prisons is directly proportional to the coordination between the legal services institutions, the Jail Legal Aid Clinic and the prison authorities. An effective functioning of the Jail Legal Aid Clinic by its functionaries (jail visiting lawyers, convict/community paralegal volunteers) ensures access to legal aid at various stages of a criminal proceeding: Trial, Bail, Appeal, Revision, Review, Reference and Writ Remedies. DLSA is also responsible to conduct legal awareness programmes inside prisons. There are innumerable challenges in the on both ends that must be freely discussed among the participants to further coordination between the two institutions.

B. Extract from CHRI's report 'Hope Behind Bars' (Volume 1)

The Legal Services Authorities Act, 1987 mandates the constitution of LSI in every sub-division, district, state, High Court and Supreme Court, with a central body at the helm. These LSI are mandated to provide free and competent legal services to the weaker sections of society, in order to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities. Section 12 of the LSA Act lays down the criteria for eligibility for legal aid services. In particular, Section 12(g) entitles all persons in custody to legal aid irrespective of their income. By virtue of this section, a person is entitled to legal aid if s/he is in custody. The term "custody" can be construed to mean all nature of detention, including in police stations and jails.

The standards have been divided into four themes, namely: a) First Access to Legal Aid: Police Station or Court? b) Prison Legal Aid Clinics: Effective Link? c) Application to Appointment: Timely Access to Legal Aid? and d) Legal Aid Watch: Effective Monitoring? All these elements are governed by different provisions and look at different elements of legal aid delivery. The first two themes look at access to legal aid at police stations, courts, and prisons. The third looks at the time it takes to actually receive legal services and eventually the last theme addresses how the quality of the representation is monitored.

THEME 1: FIRST ACCESS TO LEGAL AID: POLICE STATION OR COURT?



The early phase of the criminal justice process is the most crucial period for those arrested or detained for an offence. Decisions made during this period can have serious repercussions on the trial. Further, the suspect/accused is at a higher risk of being mistreated. Access to a lawyer right at the outset would go a long way in reducing the possibility of any bodily violation and ensuring that fair trial rights are safeguarded.

A. Commencement of the Right to Legal Representation & Legal Aid

The right of early access to legal representation is one of the fundamental elements of fair trial rights. This right should begin the moment a person comes in contact with the criminal justice system. Article 22(1) of the Indian Constitution clearly allows an arrestee to consult a lawyer. The Supreme Court in *Nandini Satpathy*,³⁹ 30 years before the UN Model Law was formulated, interpreted Article 22 to mean: "The right to consult an advocate of his choice shall not be denied to any person who is arrested. This does not mean that persons who are not under arrest or custody can be denied that right. The spirit and sense of Article 22(1) is that it is fundamental to the rule of law that the services of a lawyer shall be available for consultation to any accused person under circumstances of near custodial interrogation." Furthermore, Article 22 prohibits denial of the right to legal representation to an arrestee with the means to engage one. Giving it statutory recognition, Section 41D of the Code of Criminal Procedure 1973 guarantees to an arrestee, the right to meet an advocate of his choice during interrogation, though not throughout interrogation. Therefore, the right to a lawyer unambiguously begins at the police station.

The right to legal aid should be contemporaneous with the right to legal representation. However, the Supreme Court in the *Kasab*⁴⁰ judgement held that the right to legal aid starts when the person is first produced before the

39 *Nandini Satpathy v Dani (P.L.) And Anr 1978 AIR 1025.*

40 *Mohd. Ajmal Amir Kasab v. State of Maharashtra, (2012) 9 SCC 1.*

magistrate. This goes against the constitutional mandate. Article 39A of the Constitution of India 1950 ensures that the same protection is guaranteed to those who cannot afford a lawyer. With the objective to promote justice on the basis of principle of “equal opportunity” Article 39A categorically lays down that the state needs to ensure that citizens are “not denied opportunities to secure justice” due to economic or other disabilities. In fact, Section 12 (g) of the LSA Act enlists “persons in custody” to include persons in police custody as intended beneficiaries of legal aid. Looking at international standards, the *UN Principles and Guidelines on Legal Aid in the Criminal Justice System*⁴¹ and *UN Model Law on Legal Aid in the Criminal Justice System*⁴² clearly state that the right to legal aid arises from the moment a person is made aware that he is the subject of an investigation. The right exists not only while the person is being questioned but even before the questioning. The right exists not only with the arrestee but also with those detained before a formal arrest is made. Article 4, 6 and 12 of the UN Model Law reiterate the same.

UN Model Law on Legal Aid in Criminal Justice Systems

Article 4. Scope of application

4.1. Subject to the procedures established under the present Law, an individual is entitled to legal aid, regardless of his or her financial means, when he or she:

4.1.1. Is arrested, detained, suspected or accused of, charged with or sentenced for a crime punishable by a term of imprisonment [or the death penalty];

Article 6. Right to information

6.1. Anyone who is arrested, detained, suspected, accused of or charged with a criminal offence has the right to be promptly informed of his or her procedural rights, including the right to legal aid and of the process to obtain legal aid and the consequences of waiving such a right in a way and in language that is clearly understandable to him or her, prior to any interviewing and at the time of deprivation of liberty.

Article 12. Rights of legal aid beneficiaries

12.1. Any individual who is entitled to legal aid in accordance with Article 5 shall have the following rights:

12.1.3 The right to prompt and effective provision of legal aid throughout all the stages of the criminal justice process;

12.1.4. The right to have a legal aid provider present during questioning by any investigative authority and at all stages of the proceedings.

Therefore, a plain reading of the constitutional provisions, the statutory mandate and the Supreme Court’s decision in *Sheela Barse* and *Nandani Satpathy* suggest that in principle, in India, the right to legal aid commences at arrest.

If the person, however does not receive legal representation at the time of arrest, it is the responsibility of the magistrate, in front of whom the inmate has to be produced within 24 hours to inform them of this right and ensure that he is able to exercise this right. The Supreme Court in *Khatril*⁴³ stated that right to free legal aid would be “illusory” unless the trial judge informs the accused of such a right. The apex court in *Suk Das*⁴⁴ stated that “it would be mockery of free legal aid if it were left to a poor ignorant to ask for free legal aid. And in that case, it would merely become a paper promise, and its purpose would fail.” In fact, the Supreme Court in the *Kasab* judgement, reiterated the obligation of the court to provide the accused with legal assistance, and went ahead to say that any failure to discharge this duty would amount to dereliction in duty and would make the concerned magistrate liable to departmental proceedings.

Under the legal aid framework, NALSA in 1998 formulated a Model Scheme for ‘Legal Aid Counsel in all the Courts of Magistrates’ to appoint remand lawyers who would be assigned to each court to ensure that no person goes unrepresented during the first and subsequent productions before the court. The Scheme continues to function, albeit in different forms, across the country.

41 Principle 3 & Guideline 3 of the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, available at: http://www.unodc.org/documents/justice-and-prison-reform/UN_principles_and_guidelines_on_access_to_legal_aid.pdf.

42 Article 8 of the Model Law on Legal Aid in Criminal Justice Systems, available at: https://www.unodc.org/documents/justice-and-prison-reform/LegalAid/Model_Law_on_Legal_Aid.pdf.

43 *Khatril and Others v State Of Bihar & Ors* 1981 SCC (1) 627.

44 *Suk Das & Anr v Union Territory of Arunachal* 1986 AIR 991.

B. Obligation of the State to Provide Early Access to Legal Aid

International standards, constitutional mandates, statutory provisions, all become meaningless, if they don't translate into an implementation framework. In order to provide legal aid at police station, mechanisms need to be devised to ensure that at the time of interrogation, the legal aid lawyer is present.⁴⁵ It should be the responsibility of the police department or the LSI to ensure this. The Supreme Court in the 1983 *Sheela Barse*⁴⁶ case directed that the police must inform the nearest legal aid committee as soon as an arrest is made and the person is taken to the lockup. The legal aid committee should take immediate steps to provide legal assistance to the arrested person at the state's cost, provided such person is willing to accept legal assistance. The Supreme Court later in the 2005 *Afsan Guru*⁴⁷ case held that, "If the person in custody is not in a position to get the services of a legal practitioner by himself, such person is very well entitled to seek free legal aid either by applying to the court through the police or the concerned legal services authority, which is a statutory body." Article 19 and 30 of the UN Model Law also enlists the obligation of the state to safeguard the right to legal aid at police station.

The National Legal Services Authority (NALSA) has assigned PLVs⁴⁸ to provide legal representation at the police station, but has not mandated them to be stationed there. Rather, they should act "when the PLV receives information about the arrest of a person in the locality". There is no mechanism as to how the PLVs would be made aware of arrests taking place. Neither has the Authority developed any mechanism through which police stations can communicate directly with LSI.

The Ministry of Law & Justice, in response to a parliamentary question⁴⁹ in December 2017 stated: "At present legal aid is provided by legal services authorities to eligible persons at police stations as and when request for such services are received.... There is no specific scheme for providing free legal aid to persons at police stations. Yet all persons in police custody requiring legal aid are provided requisite services through lawyers whose panel is maintained by state and district legal services authorities."

Setting up of Legal Aid Clinics in Jails*

The District Authorities shall take appropriate action to establish Legal Aid Clinics in Jails. In big jails like Central Prisons, the Legal Aid Clinic shall function on all days with the help of PLVs selected and trained from amongst the long-term prisoners and the lawyers deputed by the District Legal Services Authority. At least one lawyer shall be deputed every day in the Legal Aid Clinics functioning in the Central Prisons for providing legal services like filing bail applications, for appearing on behalf of the undertrial prisoners who are not assisted by any legal practitioners, timely filing of the appeals of the convicted prisoners, preparing applications for remission, parole, etc. The District Legal Services Authority shall instruct the lawyers and the PLVs deputed to the Legal Aid Clinics in Central Prisons to have acquaintance with the jail manual and the other rules/regulations relating to prisons.

Honorarium for the lawyers attending to the Legal Aid Clinics in jails shall be fixed by the State Legal Services Authority in accordance with the nature and the volume of work done.

District Legal Services Authorities shall set up Legal Aid Clinics in the District Jails/Sub-jails also. The frequency of the visit of the lawyer to the District Jails/Sub-jails may be fixed by the District Legal Services Authority depending on the circumstances. However, one PLV can be deputed to such jails on daily basis to ascertain whether any newly admitted undertrial prisoner requires legal services. The PLV shall report back to the District Legal Services Authority with the information so collected from the jails. On receipt of the information, the District Legal Services Authority shall immediately take steps for appointing a panel lawyer or direct the Retainer lawyer to appear on behalf of the undertrial prisoners.

Free legal services shall be given to persons accused of any criminal offence to defend their cases. Such persons may also be provided with such services in connection with civil matters wherein such accused is not in a position to enter appearance on account of his incarceration. Free legal assistance may also be given to the family of the accused to initiate or defend cases of a civil nature on behalf of the accused lodged in the prison. The new project taken up by the Chhattisgarh State Legal Services Authority may be adopted as a model in this regard.

**NALSA's National Plan of Action for 2012-13 presented at the 10th All-India Meet of the State Legal Services Authorities, 2012; page 13.*

THEME 2: PRISON LEGAL AID CLINICS: EFFECTIVE LINK?

According to NALSA SOP 2016, every prison in India is mandated to setup a jail legal aid clinic (JLAC). NALSA 2011 Regulations regulate the functioning of legal aid clinics. This is to ensure that the geographical barriers do not restrict individuals from exercising their constitutional right under Article 39A. As per the NALSA 2011 Regulations, every person “who fulfils the criteria specified in Section 12 of the LSA Act shall be eligible to get free legal services in the legal aid clinics.”⁵⁰

Legal aid clinics are supposed to be manned by trained paralegal volunteers (PLVs) who are responsible for their functioning. They are expected to maintain registers to record the work done and the actions taken to help those seeking legal aid and advice. Panel lawyers are expected to visit the clinics periodically. Panel lawyers visiting prisons are known as jail visiting lawyers (JVL). The volunteers running the clinics are from the community, known as community paralegal volunteers (CoPLV) and long-term convicts, known as convict paralegal volunteers (CPLV).

The 2009 Ministry of Home Affairs’ Comprehensive Advisory on Prison Administration⁵¹ mentions the constitution of a legal aid cell in each prison. NALSA’s 2010 Quinquennial Vision Document⁵² mentions setting up of legal aid clinics in prisons as a key focus area, emphasising the need to provide legal aid to prisoners. The NALSA (Legal Services Clinics) Regulations, 2011 were formulated, and subsequent to an amendment in 2014 they too included provisions for setup of legal aid clinics in jails. NALSA’s National Plan of Action, 2012-2013,⁵³ under Provision 5, discussed setting up legal aid clinics in jails, directing district authorities to take appropriate action to establish these clinics in order to provide free legal services to persons accused of criminal offences. The Paralegal Scheme was introduced by NALSA in 2009, which aimed to train volunteers to ensure that legal aid services reached all people, thus removing barriers to access to justice. The duties of the PLVs under the scheme include education, awareness, oversight and jail visits. Additionally, some educated prisoners with good behaviour who are serving long-term sentences in prison may be trained as PLVs.

In March 2015, the Minister of Law & Justice at the 12th All India Meet of State Legal Services Authorities discussed the need to constitute legal aid clinics in prisons to provide necessary legal aid to undertrials. Pursuant to this meeting, NALSA’s Director wrote a letter to all the member secretaries of the state legal services authorities,⁵⁴ seeking the setup of legal services clinics in all the prisons in their respective states. A year later, the Model Prison Manual, 2016⁵⁵ included a separate chapter on legal aid, addressing the need to setup of legal services clinics in all prisons.

In 2016 NALSA framed the Standard Operating Procedure for Representation of Persons in Custody⁵⁶ to streamline the functioning of JLACs. The NALSA SOP 2016 addresses the lack of standardisation of the frequency of visits by JVLs to the jails and states: “Visits to the jails must be made at least twice every week.” However, in the all-India meet of the SLSAs in March 2017, the SLSAs resolved that “. The minimum number of visits of panel lawyers to the jail clinics should be at least four days in a week.”⁵⁷

THEME 3: APPLICATION TO APPOINTMENT: TIMELY ACCESS TO LEGAL AID?

NALSA 2010 Regulations formulates procedures to appoint a legal aid panel, receive legal aid applications, assign cases to panel lawyers and make payments to the lawyer based on the assessment of the quality of representation. As per Regulation 7, after the legal services authority receives the application for legal aid, it has to decide within eight weeks from the date of receipt of the application if the applicant is entitled to legal services. Rendering the accused unrepresented for eight weeks, essentially means continued detention for this period merely to decide whether the person is eligible for legal aid is unreasonable and against the principle of liberty guaranteed under Article 21 of the Constitution.

Article 30.4 of the UN Model law states that “Even when a means test is required by virtue of Articles 4.2 and 4.3, individuals in custody shall be presumed eligible for legal aid, and a legal aid provider shall be promptly appointed for them pending determination of eligibility.” The Supreme Court in the *Afsan*⁵⁸ case had also stated: “Not that the police should, in such an event, postpone investigation indefinitely till his request is processed, but what is expected of the police officer is to promptly take note of such request and initiate immediate steps to place it before the magistrate or legal services authority so that at least at some stage of interrogation, the person in custody would be able to establish contact with a legal practitioner.”

7. Scrutiny and evaluation of the application for free legal services:

(1) There shall be a committee to scrutinise and evaluate the application for legal services, to be constituted by the legal services institution at the level of taluk, district, state and above.

(4) The committee shall scrutinise and evaluate the application and decide whether the applicant is entitled to the legal services or not within a period of eight weeks from the date of receipt of the application.

Regulation 7 of NALSA (Free and Competent Legal Services) Regulation, 2010

THEME 4: LEGAL AID WATCH: EFFECTIVE MONITORING?

Across the globe, the quality of free legal services provided is a serious concern. NALSA, in its 2010 Regulations has provided a detailed mechanism to ensure effective monitoring of panel and retainer lawyers. The regulations require all LSI to set up a monitoring committee to review the progress of court-based legal aid cases. The committee's mandate includes:

- Maintaining a register for legal aid cases to record day-to-day postings, progress of cases and end results.
- Seeking reports from the lawyers about their legal aid cases to oversee the progress of cases.
- Seeking registers from the courts to take note of progress in legal aid cases.
- Advising lawyers to take appropriate steps if the progress of cases is unsatisfactory.
- Sending periodic reports to the SLSA on the progress of legal aid cases in their districts.
- Communicating the suggestions, if any, from the SLSA to the lawyers regarding their cases.

In order to review the functioning of legal aid clinics, NALSA, in its 2011 Regulation, has suggested multiple provisions. Regulation 20 mandates maintaining records and registers. These registers are to be maintained by the paralegals and lawyers and they are to be handed over to the LSI as and when called for. Regulation 26 directs SLSAs to conduct periodical reviews. They should collect monthly reports from the DLSA on the functioning of the clinic. These reviews may include seeking reports from the JVLs and PLVs or reviewing the registers maintained in the clinics.

To monitor the work of remand lawyers, the NALSA 1998 Model Scheme mandates that LSIs may insist on receiving an attendance certificate issued by the court to the remand lawyer before making a payment. The Scheme also suggests that a certificate of merit may be given to remand lawyers whose performance is found to be outstanding.

In NALSA's National Plan of Action 2012-2013, DLSAs are directed to monitor the activities of legal aid clinics and verify the records kept by the clinics at least once a month. It also provides for a social audit system regarding the services, gathering feedback from the community to improve the functioning of LSI.

**PRISON AND PROBATION/AFTER-CARE SERVICES: An Overview of
the mandate of Probation and After-Care Officers in Prisons, and
Implementation of the Probation of Offenders Act, 1958**

The District Probation Officer provides support to those petty offenders who could receive the benefit of the Probation of Offenders Act, 1958. This provides for the release of offenders on probation or after due admonition. The main purpose of the Act is: “to see that young offenders are not sent to jail for the commission of less serious offences mentioned therein because of grave risk to their attitude to life to which they are likely to be exposed as a result of their close association with the hardened and habitual criminals who may happen to be the inmates of the jail.” The Act directly corresponds to the duty of the Court to provide benefit to the offenders under the provisions in the CrPC (S.360 and 361).

In some States, probation officers also provide support to convicts in resuming life after release. Model Prison Manual, 2016, provides that, “There should be full coordination between the Correctional Services and the after-care services. It is the responsibility of the States to devise and develop mechanisms for rehabilitation of released convicts. While devising the mechanism and extending help, special attention will be paid to the protection and post-release care and help of children, adolescents, women, sick, old, infirm and handicapped persons. Special emphasis should be laid on the after-care of habitual offenders, if they so request.”

Further, “The participation of approved N.G.Os. in the rehabilitation programmes should be extensively encouraged. Voluntary organisations, which wish to help the government in rehabilitation projects, should be given necessary financial and other help. Their services should be given due appreciation by the Inspector General of Prisons. Continuous liaison should be maintained with the agencies/individuals which are willing to give employment to the released prisoners.” This requires extensive coordination among the prison authorities, released prisoners, probation/ welfare/ rehabilitation/ after care officers.

PRISON AND LAWYERS: An Overview of the Lawyer-Client relationship and relevance of confidentiality

The Constitution provides every arrested person with the right to consult and be defended by a legal practitioner of his/her choice. Right to legal counsel is especially essential at the pre-trial stage of criminal proceedings, since the investigation provides the foundation for the rest of the trial. Section 41D of the CrPC provides that the arrested person has the right to meet an advocate of his/her choice during interrogation. This is necessary so that the accused is informed about his/her rights as an arrestee, including the right to remain silent, and the right against duress or torture, amongst others.

When the accused is produced before the magistrate for the first time, he/she needs competent legal advice and representation to apply for bail and obtain his/her release and also to resist remand to police or judicial custody. The magistrate is under an obligation to inform the accused that if he/she is unable to engage a lawyer on account of poverty, he/she is entitled to obtain free legal services at the cost of the State. Even after the accused has been remanded and kept in detention for ninety or sixty days, as the case may be, the magistrate must, on the expiry of the statutory period for detention under Section 167, point out to him/her that he/she is entitled to be released on bail and ensure that the assistance of a lawyer at State cost is secured to him/her. Counsel representing the accused must be present when the court examines the charge sheet and takes cognizance of the offence. Counsel is also required to argue against the framing of charges; and beyond that, of course, for the trial.

Very rarely does a lawyer visit his/her client in prison. When they do, the confidentiality of communication between a lawyer and his client is often flouted in prisons for lack of adequate space/room. As per the NALSA SOP, “the panel lawyer who is appointed to represent a person in custody in the court should interact with the person in custody to have a better understanding of the case in hand.” It is often found that undertrials only get to meet with their lawyers when taken to court for hearing. This chance is also often taken from them when they are either produced through video-conferencing or not produced at all for shortage of police escorts.

Similarly, in case of convicts, while a letter of appointment of a legal aid lawyer along with the case number is sent to the convict, there is often little or no update provided to the convict on the status of the hearing, or an opportunity given to communicate with the lawyer. If a case has not yet been filed due to delay or defects, the convict is seldom aware of the same. Convicts have no means of being regularly informed of the progress of their appeals since they are not present for the hearing, and more importantly, there is little to no communication between lawyers and inmates.

The Supreme Court ruling in *Imtiyaz Ramzan Khan v. State of Maharashtra*, recognizing the directions of the Supreme Court Legal Services Committee, mandate consultation between legal aid lawyers and their clients in prison through video conferencing/phones. If implemented in letter and spirit, this practice can go a long way in ensuring effective communication between the lawyer and inmate.

PRISON AND HUMAN RIGHTS INSTITUTIONS: An Overview of the mandate of human rights institutions in prisons

National Human Rights Commission (NHRC) in India is an autonomous body, established by the Parliament in 1994 by The Protection of Human Rights Act, 1993 (PHR Act). It is constituted under Section 3 of the PHR Act “for better protection of human rights and for matters connected therewith or incidental thereto”. The term ‘human rights’ is defined in Section 2(d) of the Act as, “the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India”.

NHRC and the SHRCs are one of the important prison oversight bodies. S.12(c) of the Act provides for, “visit, notwithstanding anything contained in any other law for the time being in force, any jail or other institution under the control of the State Government, where persons are detained or lodged for purposes of treatment, reformation or protection, for the study of the living conditions of the inmates thereof and make recommendations thereon to the Government;” as one of its functions.

Among the various issues, NHRC deals with cases of custodial violence and deaths, both in police and judicial custody. *“The Commission has issued various guidelines in this regard. One of such guideline is that a death in custody has to be reported to the Commission within 24 hours. Though all custodial deaths may not be crimes or the results of custodial violence or medical negligence, it is important that no assumption is made without thorough enquiry and analysis of reports like inquest report, post mortem reports, initial health screening report, magisterial*

*enquiry report etc. Compliance of the guidelines of the Commission by the State authorities, therefore, plays a crucial role in quick disposal of cases relating to custodial deaths. However, it has been seen that some deaths are reported after considerable delay, and in many cases reports are forwarded to the Commission only after issuance of conditional summons to the authorities concerned.”*³

National Human Rights Commission has issued a number of guidelines, from time to time, to protect the rights of prisoners. It is important for every participant to be aware of these guidelines:

- **NHRC’s guidelines issued in regard to persons in custody:**

<https://nhrc.nic.in/acts-&-rules/guidelines-1>

³ [NHRC’s Annual Report 2015-16](#), Page 38-39

PRISON AND BOARD OF VISITORS: An Overview of the role of Board of visitors (BOVs) - Official and Non-official Visitors

The earliest law on prisons in India, the Prisons Act of 1894 recognised the concept of external monitoring of prisons and provided for the states to frame rules for prison visitors. Consequently, the states framed rules for prison visitors which mandated appointment of official and non-official visitors and constitution of a Board of Visitors (BOVs) for the prisons in states.

A Board of Visitors (BOV) includes official and non-official visitors who regularly visit prisons and hold meetings to address the issues of prisons and prisoners. Official visitors include judicial officers, district magistrate, medical officers, welfare officer, etc. and Non-Official Visitors (NOVs) are public spirited individuals having interest in prisons who are appointed as independent visitors to a prison. The isolation of prisons makes them opaque and NOVs can keep elements of transparency in their functioning. The existing rules in different states with slight variations mention the number of visitors to be appointed, their functions and minimum frequency of meetings and visits.

Prison visitors have an indispensable role of monitoring prison conditions, checking compliance with legal mandates and ensuring prisoners' rights. The appointed visitors can also assist the prison administration in the smooth management of jails. Unfortunately, it is not achieved in most prisons. The status of implementation of standards on BOVs and NOVs is dismal which reflects neglect on the part of the state governments in ensuring prison oversight and improving prison conditions in their states.

To understand your role as the Prison Monitor:

- **Read Chapter XXIX 'Board of Visitors' of the Model Prison Manual, 2016**

Landmark judgments on ‘Access to Justice for Prison Inmates’ to be discussed as case studies.

PRISON AND UNDER TRIAL REVIEW COMMITTEES: An Overview of its Mandate and Functioning

Prisons in India are chronically overcrowded. Sixty-seven percent of the prison population comprises undertrials – those who are awaiting or undergoing trial and not yet proven guilty. Overwhelmed by the concerns of high undertrial population and overcrowding in prisons, Hon'ble Supreme Court in 'In Re-Inhuman Conditions in 1382 Prisons', Writ Petition (Civil) No. 406/2013 directed National Legal Services Authority (NALSA), along with Ministry of Home Affairs and State Legal Services Authorities (SLSAs), to ensure formation of Undertrial Review Committees (UTRC) in every district, vide the order dated 24 April 2015.

UTRC is a district level committee headed by the District & Sessions Judge, with District Magistrate and Superintendent of Police and Secretary, District Legal Services Authority as members. It is an oversight body mandated to ensure periodic review of cases of prisoners identified based on the 14 categories of cases mandated by the Hon'ble Supreme Court. UTRC is empowered to recommend to the concerned trial court, release or appropriate action in every eligible case in order to prevent illegal or unnecessary detention of prisoners.

In view of the discrepancies found in the functioning of UTRCs, the Hon'ble Supreme Court, through an order dated 31 October 2017, NALSA was asked to prepare a Standard Operating Procedure (SOP) for smooth functioning of UTRCs towards ensuring that all 14 categories of prisoners get benefit without delay. There is a need for all stakeholders to coordinate better and fulfil their respective mandate as laid down by NALSA in the SOP and overcome the practical challenges.

To understand your role as part of the UTRC:

- Read the **NALSA's Standard Operating Procedure on the functioning of UTRCs** here – <https://nalsa.gov.in/acts-rules/guidelines/standard-operating-procedure-sop-guidelines-for-utrcs>
- Read **CHRI's Handbook for the Under Trial Review Committee** - <https://www.humanrightsinitiative.org/download/1612161422Handbook%20for%20the%20Undertrial%20Review%20Committee.pdf>

Performance Aid

**1. NALSA SOP ON REPRESENTATION OF PERSONS IN CUSTODY:
CHRI's Precip**

NALSA SOP on Representation of Persons in Custody 2016, and the responsibilities of each stakeholder be discussed as case study.

REFERENCE MATERIAL

LIST OF REFERENCE BOOKS/JOURNALS/REPORTS

- **Model Prison Manual, 2016 -**
<https://bprd.nic.in/WriteReadData/userfiles/file/5230647148-Model%20Prison%20Manual.pdf>
- **State Prison Manuals & Rules -**
https://www.mha.gov.in/Division_of_MHA/Women_Safety_Division/prison-reforms
- **The United Nations Standard Minimum Rules for Treatment of Prisoners (The Nelson Mandela Rules) -**
https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf
- **United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders with their Commentary (The Bangkok Rules) -** https://www.unodc.org/documents/justice-and-prison-reform/Bangkok_Rules_ENG_22032015.pdf
- **MHA Prison Advisories -**
<https://www.mha.gov.in/MHA1/PrisonReforms/advisory.html>
- **NHRC's guidelines issued in regard to persons in custody -**
<https://nhrc.nic.in/acts-&-rules/guidelines-1>
- **NCRB's Crime in India and Prison Statistics India (latest report) -**
<https://ncrb.gov.in/sites/default/files/PSI-2019-27-08-2020.pdf>
- **NALSA's Standard Operating Procedure on the functioning of UTRCs.**
- <https://nalsa.gov.in/acts-rules/guidelines/standard-operating-procedure-sop-guidelines-for-utrcs>
- **NALSA's Handbook of Formats: Ensuring Effective Legal Services. -**
<https://nalsa.gov.in/library/handbook>
- **NIC's National Prison Information Portal (NPIP) -**
<https://eprisons.nic.in/public/MyVisitStatus.aspx>
- **NIC's ePrisons -** <https://eprisons.nic.in/public/Home.aspx>
- **South Asian Human Rights Documentation Centre's (SAHRDC) publication Handbook on Human Rights and Criminal Justice in India – Third edition paperback -**
https://www.hrdc.net/index.php?option=com_content&view=category&id=41&Itemid=117

- **Commonwealth Human Rights Initiative's (CHRI) publication, 'Monitoring Prisons' -**
https://www.humanrightsinitiative.org/download/1463122956monitoring_prisons_visitor's_guide.pdf
- **CHRI's Guidebook for Prison Visitors -**
https://www.humanrightsinitiative.org/publications/prisons/handbook_for_prison_visitors.pdf
- **CHRI's Handbook for the Under Trial Review Committee -**
<https://www.humanrightsinitiative.org/download/1612161422Handbook%20for%20the%20Undertrial%20Review%20Committee.pdf>
- **Exploring the Role of the Police in Prisoner Re-entry -**
<https://www.ojp.gov/pdffiles1/nij/238337.pdf>
- **Use of technology in improving coordination between functionaries -**
https://www.unodc.org/documents/justice-and-prison-reform/HB_Ensuring_Quality_Legal_Aid_Services.pdf
- **Handbook for Probation Officers -**
<https://www.humanrightsinitiative.org/download/1457148409Ready%20Rekoner%20Series%20-%20Probation%20-%20West%20Bengal.pdf>
- **Human Rights and Prisons -**
<https://www.ohchr.org/documents/publications/training11en.pdf>
- **Circle Of Justice: A National Report on Under Trial Review Committees -**
<https://www.humanrightsinitiative.org/download/Circle%20of%20Justice%200%e2%80%93%20Functioning%20of%20Undertrial%20Review%20Committees%20at%20a%20glance.pdf>
- **Civil society and prisons: the “invisible bars” challenge -**
https://www.unodc.org/documents/ropan/Working_Papers/UNODC_ROPAN_Work_Paper_on_Prison_Reform.pdf

APPENDICES

- 1. REGISTRATION FORM**
- 2. PRE-COURSE ASSESSMENT**
- 3. POST-COURSE ASSESSMENT**
- 4. FEEDBACK FORM**
- 5. COURSE COORDINATOR'S REPORT**
- 6. FIELD-VISIT FORMAT**
- 7. NOTE FOR THE FACILITATOR ON PANEL DISCUSSION**
- 8. PRISON STATISTICS, 2021 (IN BRIEF)**

(Name of the Training Institute)

(Name of the Course)

(Dates)

REGISTRATION FORM

PARTICIPANT DETAILS

1. Name :
2. Date of birth :
3. Male/Female
- 4.. Qualifications :
(a) Academic
(b) Professional
5. Designation :

ORGANIZATION DETAILS

6. Department/Organization :
7. Address
8. Telephone No.
9. E-mail id :

RESIDENTIAL DETAILS

10. Address
11. Telephone No.
12. Mobile No.
13. Emergency contact details:

Signature
Name
Date

PRE-COURSE ASSESSMENT EXERCISE

Answer the following –

S. No.	Name of Unit (As given in the Course Grid)	Pre-Assessment (Knowledge-level before training)		
		Absolutely Yes	Not Sure	No knowledge
_____	_____	_____	_____	_____
1.	Are you aware of.....			
2.	Do you have an understanding of.....			
.....				

POST-COURSE ASSESSMENT EXERCISE

Answer the following –

S. No.	Name of Unit (As given in the Course Grid)	Post-Assessment (Knowledge-level after-training)		
		Absolutely Yes	Not Sure	No knowledge
_____	_____	_____	_____	_____
1.	Are you aware of.....			
2.	Do you have an understanding of.....			
.....				

APPENDIX- 4

(Name of the Training Institute)
(Title of the Course)
(Dates of the Course)

FEEDBACK FORM

(To be filled-in by individual participants at the end of the Course)

1. To what extent the Objectives of the Course were met

To a great extent 4	To some extent 3	To a limited extent 2	Not at all 1

2. Did you receive advance intimation from the Institution about the Course.if so, did you respond to the Institution?

Yes

No

3. What do you think about the structure and organization of the Course to meet the objectives?

Very well Structured 4	Well Structured 3	Some-what structured 2	Un-structured 1

4. How useful this training would be to you immediately in your job?

Very Useful 4	Quite Useful 3	Of limited Use 2	Not at all Useful 1

5. How useful this training is likely to be for the future jobs you may handle?

Very Useful 4	Quite Useful 3	Of limited use 2	Not at all Useful 1

6. Practical Orientation of the course.

Highly Practical Oriented 4	Practically Oriented to a Great extent 3	Practically Oriented to a Limited extent 2	Not Practically Oriented 1

7. How far have you been benefited from interaction with the other participants in the Course?

Substantially 4	Considerably 3	Fairly 2	Not at all 1

8. How far was the Course Material supplied relevant and related to the Course Contents?

Extremely Relevant 4	Considerably Relevant 3	Fairly Relevant 2	Not at all relevant 1

9. To what extent are you satisfied with the following:
(The Training Institution may please block the parameters not applicable)

Satisfied fully 4	Satisfied to a large extent 3	Satisfied to a limited extent 2	Not satisfied 1

a)	Reception & Transport				
b)	Residential Accommodation				
c)	Food Quality & Service				
d)	Classroom facilities				
e)	Library facilities				
f)	Computer facilities				
g)	Interaction with the staff of the Institute				

10. Feedback on the Training/Faculty:
(Kindly fill up the Annexure)

11. Which parts of the Course did you find most helpful?

12. Which parts of the Course did you find least helpful?

13. Your overall impression of the course:

Excellent 4	Very Good 3	Good 2	Fair 1

14. Did the Course give you any specific ideas Yes/No
about improvements in your working
situation when you get back.

15. If yes, kindly spell them out briefly?

16. Any other comments/observations you wish to make about the Course

Date:

Name:

Designation:

Place:

Organisation:

COURSE COORDINATOR'S REPORT
on
(Name of the Training Course)
(Duration)

1. Name of the Training Institution :
2. Whether the Course was conducted :
In the Institute's Campus or elsewhere
3. Title of the Course :
4. Duration of the Course :
5. Number of participants :
(Attach final list of participants)
6. Details of Training Facilitators :
(Name/Designation/Organization)
(In-House/Guest)
7. States/UTs represented :
8. Details of Sessions with working hours :
9. List of Training Material distributed :
10. Details of Methods/Methodology used:
11. Feedback of participants :
(Attach copies of Feedback Forms)
12. Summary of the Feedback :
13. Summary of the Pre/Post Assessments :
14. Any areas of improvement noticed :
15. Overall impression of the Course :
Coordinator

Signature
(Name of the Course Coordinator)
Designation
Date
(Mobile Number/E-mail)

FIELD VISIT REPORT FORMAT

Format of Field Visit Report

Name of the trainee officer :

Batch No. :

Officer in charge of the visit :

Name of the Institute/organization visited :

Time and Date of visit :

Subject for which visit is made :

Signature of the trainee

Signature of the officer in charge of the visit

Structure of the Report

1. Introduction about the institute
2. Origin and history of the institute
3. Primary duties and functions of the institute
4. Officer with whom interacted
5. Report of the Visit [write summary of learnings from the visit] \
9. Any other Comments/ remarks about the visit and the learnings from the visit.

NOTE FOR THE FACILITATOR ON THE PANEL DISCUSSION

Instructions to Course Coordinator

Invite a member from each of the agencies to have a panel discussion

While conducting the panel discussion, faculty should act as a Moderator

The Moderator should introduce the theme and then the panellists. Each panellist can be given around 15 minutes time to speak and discuss the role of their agencies and areas where coordination is required. After all panellists have spoken, the panel should be open for discussion with question from the participants. The key points of each speaker should be summed up by the moderator and the discussion should be concluded by the moderator well within time. The participants should be instructed to ask specific questions to the panellists.

Group Discussion :

Each Participant should be encouraged to participate. Establish Ground Rules first. Cull out the important points that emerge from the discussion

Action Plan : Group Work Activity

Prison based Rehabilitation programs

Participants should be divided into groups of 5-6 members of all ranks (warder, to Superintendent) and all should brainstorm and discuss what goals to set for prisoner rehabilitation programs in a particular prison. Action Plan should be time bound and can be short term, medium term and long term. Work Sheets, Flip chart sheets and sketch pen should be distributed to all the groups and facilitator should ensure that all contribute their ideas. Each goal should make clear the responsibility-what you can do at your level (e.g. at Deputy Superintendent level), what can be done by others (e.g. at headquarters). Further review of action is essential. Make clear that there is a start and end date to the action, so the Plan is time bound.

APPENDIX - 8

PRISON STATISTICS INDIA – 2021

Total Number of Prison Inmates as on 31.12.2021			
Male	:	5,31,025	
Female	:	22,918	
Transgender	:	91	
Prison Population	:	5,54,034	

Prisoner Types and Demography

Convicts		Undertrials		Detenues		Others	
Male	117846	Male	409346	Male	3381	Male	452
Female	4990	Female	17745	Female	88	Female	95
Transgender	16	Transgender	74	Transgender	01	Transgender	00
Total	122852	Total	427165	Total	3470	Total	547

Number of Jails, Capacity, Population and Occupancy Rate in India at the end of 2021

Type of Jail	Number	Authorized Capacity	Population of Inmates	Occupancy Rate (%)
Central Jail	148	193536	239311	123.7
District Jail	424	163606	254214	155.4
Sub Jail	564	45436	46736	102.9
Special Jail	41	7473	6582	88.1
Open Jail	88	5953	2178	36.6
Women Jail	32	6767	3808	56.3
Borstal School	19	1775	745	42.0
Others	03	1063	460	43.3
Total	1319	425609	554034	130.2

Source: NCRB, MHA (2021) <https://ncrb.gov.in/en/prison-statistics-india-2021>