

MINUTES OF THE MEETING TO DISCUSS MATTER RELATING TO  
TRANSPORTATION OF UNDER TRIAL PRISONERS TO AND FROM THE  
COURTS AND OTHER DESTINATIONS

**Date & Time** : 17.02.2020 (Monday) @ 12:30 p.m.  
**Venue** : Office Chamber of Secretary, Home Department  
**Chairman** : Pu Lalbiakzama, Secretary, Home Department

A meeting to discuss the problem of transportation of under trial prisoners (UTPs) from various District Jails to the Courts and back was convened by the Secretary, Home Department on 27.02.2020. The list of officers who attended the meeting is appended.

Welcoming the members, the Chairman stated that the problems and issues concerning the transportation of UTPs to and from the Courts has become a perennial issue for the department, and that it was high time to resolve matter. During the course of the discussion it was also mentioned that there had been instances of failure on the part of the prosecuting authorities to produce their UTPs to the Court on the scheduled dates of hearing fixed by the Courts. In one instance, the Chief Judicial Magistrate had even called up the Home Minister and conveyed displeasure over the failure of the district prosecuting authorities. The main reason for the failures was lack of transportation (*prison vans*). This has been a cause of embarrassment for the department on a number of occasions.

Inspector General of Prisons categorically stated that while the Directorate of Prisons has been mandated with several responsibilities with regard to the safety and welfare of prisoners, the transportation of UTPs to and from the Court and other destinations is the responsibility of the prosecuting authorities and not the jail authorities. She also pointed out the provision of the Mizoram Prison Manual, 2017 wherein the same has been clearly stated at para 24.26.

Police and Excise authorities also submitted their respective problems and constraints. It was mentioned that police have been providing most of the transportation in the districts but that due to problems of logistics and fund constraints, and the fact that Excise authorities do not have prison vans in districts other than Aizawl, there have been certain lapses occurring now and then.

After due deliberation, the following decisions and suggestions were made:

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It was clarified at the meeting that para 24.26 of Mizoram Prison Manual, 2017 which is based on the Model Prison Manual, 2016 issued by the Ministry of Home Affairs, states that necessary arrangement for transportation of UTPs to and from the Courts and other destinations should be made by police authorities. "Police authorities" in this context means the prosecuting authorities including Excise & Narcotics authorities. It was further explained that the Mizoram Prison Manual, 2017 as well as the Model Prison Manual, 2016 states that if a common conveyance is to be used, the same should at least have separate compartments for women UTPs and young under trial offenders. Therefore, the ideal situation is to have separate conveyance for all the 3 (three) categories (adult male UTPs, women UTPs and young UTPs).

2. In view of the aforesaid clarification, and the fact that Finance Department had regretted the proposal of Inspector General Of Prisons for purchase of 11 prison vans in October, 2019, it was decided that initiatives may be taken by PHQ or Excise & Narcotics Department or both, in consultation with each other, for purchase of the required number of prison vans for each district where jails have been constructed and are Operational. PHQ and Excise & Narcotics Department may take into consideration the number and condition of their existing prison vans while submitting the proposals. It was further decided that in view of the financial constraints of the State Government, Excise and Police authorities may plan their procurement and deployment of prison vans in such a manner that the assets can be pooled by their districts offices. Except for Aizawl District where the population of UTPs is substantial, other districts may not require more than 1(one) common prison van for Police and Excise UTPs.

**Action: PHQ and E&ND.**

3. It was also decided that Dy. Resident Commissioners of Mizoram House, Silchar, Guwahati and Shillong may be requested to study the practice followed for transporting Under Trial Prisoners in Assam and Meghalaya and to submit their report to Home Department as early as possible.

**Action: Home Deptt.**

The meeting ended with a vote of thanks from the chair.

**Sd/- Lalbiakzama**  
Secretary,  
Government of Mizoram

