Undertrial Review Mechanism in Other States

**Kerala**
- District Level Committee' headed by District & Sessions Judge, should meet once in three months, established in 1980 by a Government Order.
- Members – CJM, City Police Chief, District Police Chief, DSP (Crime Branch), Superintendents of Prison, Sub-Jails/Women jail, Assistant Excise Commissioner, District Probation Officer.

**Gujarat**
- "Core Committee" headed by the District Magistrate, should meet in first week of every quarter, established by Home Department on 6 Jan 2000.
- Members - Sessions Judge, Commissioner/SP of Police, Civil Surgeon, District Education Officer, Executive Engineer (PWD), Social Defence Officer, President of Municipal Corporation of Municipality.

**Himachal Pradesh**
- 'Undertrial Review Committee' headed by District & Sessions Judge.
- Members – Superintendent of Police and Superintendent of Prison.

**Andhra Pradesh**
- Review Meetings are held between Superintendent of Central/District Jail and District & Sessions Judge in his chamber at the end of every quarter.

About CHRI
The Commonwealth Human Rights Initiative (CHRI) is an international, independent non-profit organisation headquartered in India. Its objectives are to promote the practical realisation of human rights in the Commonwealth. In addition to a broad human rights advocacy programme, CHRI advocates access to information and access to justice.

Prison Reforms Programme
As part of its Access to Justice programme, the prison reforms programme focuses on increasing transparency of a traditionally closed system. The programme aims at ensuring accountability of the legal system towards reducing overcrowding and unnecessary long pre-trial detention and prison overstays. Strengthening review and prison oversight mechanisms towards fulfilling rights guaranteed by constitutional and international safeguards for prisoners is the major focus.

Suggested Proformas
Lists of –
- **a)** Serious Offenders punishable with death or life imprisonment whose trial is continuing over two years
- **b)** Petty Offenders punishable with imprisonment up to 2 years
- **c)** Undertrials completed half or more than the maximum term of prescribed punishment [S.436A, Cr. P.C., 1973]
- **d)** Juveniles whose age is contested
- **e)** Mentally ill [S.328–339, Cr. P.C., 1973]
- **f)** Persons detained under Chapter VII (Security For Keeping The Peace And Good Behaviour) & S.151, Cr. P.C., 1973

**Behind Bars Not Beyond Justice**

Undertrial Review Mechanism is an **oversight mechanism**, headed by a judicial officer in a district and comprising various duty holders, to:

- **ENSURE** periodic review of the cases of undertrial prisoners
- **CHECK** prolonged overstays and overcrowding in prisons
- **GUARANTEE** fair trial rights
In 1979, Rajasthan created *Avadhik Samiksha Samitis* or Periodic Review Committees for every district by a Government Order No. F/8/22/Grah-12/kara/79.

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### Mandated Proformas

**Lists of Undertrials standing trial in cases:**

A. Punishable with death, imprisonment for life or for a term of not less than 10 years, completed 90 days under custody, investigation not concluded [S.167(2)(a)(i)]

B. Punishable with imprisonment of less than 10 years, completed 60 days, investigation not concluded [S.167(2)(ii) Cr.P.C.]

C. When completed more than the maximum term of sentence [S.428 Cr.P.C.] – now S.436A

D. Non-criminal lunatics [S.16 & 23 of Indian Lunacy Act, 1912] – *Indian Lunacy Act, 1912* is now replaced by *The Mental Health Act, 1987*