

# THE UNDER TRIAL REVIEW COMMITTEES

Constituted in every district of the country by the directive of the Supreme Court of India in April 2015



## PURPOSE

An oversight mechanism mandated to:  
**ENSURE** periodic review of the cases of unsentenced prisoners  
**CHECK** prolonged detention and overcrowding in prisons  
**GUARANTEE** fair trial rights


## COMPOSITION



**District Magistrate**  
(Senior most Administrative Officer of the District)  
**MEMBER**




**Superintendent of Police**  
(Senior most Police Officer of the District)  
**MEMBER**



**District & Sessions Judge**  
(Senior most Judicial Officer of the District)  
**CHAIRPERSON**



**Secretary, District Legal Services Authority**  
(Officer in-charge of providing Legal Aid in the district )  
**MEMBER**



**Superintendent of Prison**  
(Officer in-charge of Prisons situated in the district)  
**MEMBER**

## MANDATE

**UTRC periodically reviews cases of unsentenced prisoners (termed as under trial prisoners in India) and is empowered to recommend to the concerned trial court, release or appropriate action in each case in order to prevent unnecessary detention of prisoners**



Under trials who completed half or more than the maximum prescribed punishment for the offence charged, must be released on bail – S.436A Code of Criminal Procedure (CrPC)



Under trials who are accused of a bailable offence, must be released on personal bond – S.436 CrPC



Under trials accused of unsound mind, must be dealt under Chapter XXV of the CrPC



Under trials who are accused of compoundable offences, their cases must be compounded expeditiously – S.320 CrPC



Under trials detained on apprehension of commission of offence, must be released on bail bond – S.107, 108, 109 and 151 CrPC



First time offenders, between 19-21 ages, detained for offences punishable with less than 7 years and have served at least 1/4th of the maximum sentence possible, must be considered for release under the Probation of Offenders Act, 1958

Under trials in whose cases investigation is not completed in 60/90 days depending on the offence accused of, must be released on bail – S.167(2)(a)(i) & (ii) CrPC



Under trials who are unable to furnish bail and are still in custody for that reason, must be released on personal bond



Under trials sick or infirm and requiring specialised medical treatment must be considered for bail under the special provision – S.437 CrPC



Women under trials must be considered for bail under the special provision – S.437 CrPC



Under trials imprisoned for petty offences which carry a maximum punishment of 2 years, must be considered for release under the Probation of Offenders Act, 1958



Under trials whose cases are triable by magistrate, if the trial of a person accused of a non-bailable offence has not been concluded within a period of 60 days from the first date fixed for taking evidence, must be released on bail – S.437(6) CrPC



# COMMONWEALTH HUMAN RIGHTS INITIATIVE

## ACCESS TO JUSTICE (PRISON REFORMS)

The Commonwealth Human Rights Initiative (CHRI) is an independent, non-partisan, non-profit, international non-governmental organisation, mandated to ensure the practical realisation of human rights across the Commonwealth. It was founded in 1987 by Commonwealth professional associations. Headquartered in New Delhi, India since 1993, it has offices in Accra, Ghana and London, UK.

CHRI believes that human rights are a universal value system and good governance is the means to ensure its realization. Its work sits at the transect of civil liberties and governance. CHRI works to reduce violations and promotes transparency, accountability, participation and the celebration of diversity. For more than two decades, CHRI has engaged on issues related to Access to Justice and Access to Information. Systemic reform of prisons and policing has always been a focal point. It has had a demonstrable impact in influencing policy change and ensuring fullest compliance by stakeholders.

### Prison Reforms Programme

Prisons in most Commonwealth countries are modelled on colonial laws and governed on similar lines. Prisons are generally not a priority area of concern for most governments especially those with budgetary challenges. This means that prisons often suffer neglect, are overcrowded, have acute shortfalls in staff and are poorly regulated. These are places which spawn more criminals than they rehabilitate. CHRI's work in India aims at righting some of these wrongs and its interventions lend themselves to replication in developing country jurisdictions.

CHRI's Prisons Reform Programme, which is now almost two decades old, is focused on increasing the transparency of a traditionally closed system and holding stakeholders accountable. The programme aims to strengthen oversight mechanisms, improve prison conditions, ensure effective access to legal aid for prisoners, enhance accountability and foster an attitude of cooperation between the various agencies of the criminal justice system in place of the prevailing indifference and discrimination.

It seeks to achieve its goals through research, legal analysis and advice, advocacy, capacity building and network building. Apart from these, CHRI has also engaged in strategic litigations both at High Courts and the Indian Supreme Court. Over the years CHRI has successfully obtained orders and directives on improving prison conditions and functioning of oversight bodies and changing court practices.

Bringing systemic change is a continuous process and for that CHRI constantly engages with functionaries of the criminal justice system at all levels. Our evidence-based periodic watch reports which evaluate data procured under Right to Information laws have built credibility for our work in the justice sector. We also engage to build capacity of the functionaries of the criminal justice system, especially judicial officers, prison officials, legal aid lawyers, members of prison oversight bodies, probation officers and paralegals. Such trainings and capacity building exercises are complemented with preparation of resource materials.

## CHRI KEY PUBLICATIONS ON UNDER TRIAL REVIEW COMMITTEES



**CIRCLE OF JUSTICE: A National Report on Under Trial Review Committees**



**UNDER TRIAL REVIEW COMMITTEES: Setup & Functioning in West Bengal**



**UNDER TRIAL REVIEW MECHANISMS: West Bengal**



**UNDER TRIALS: A Long Wait to Justice – A Report on Rajasthan's Periodic Review Committees**



**ROAD TO RELEASE: Second Watch Report on Rajasthan's Periodic Review Committees**



**ROAD TO RELEASE: Third Watch Report on Rajasthan's Periodic Review Committees**



**CHRI**  
Commonwealth Human Rights Initiative  
working for the practical realisation of human rights in the Commonwealth

**Commonwealth Human Rights Initiative**

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