

Under Trial Review Committees and You

What are Under Trial Review Committees?



An Under Trial Review Committee (UTRC) is a district level body which was formed under the directions of the Supreme Court in April 2015. It is mandated to review cases of prisoners at least once in three months. After reviewing the eligible cases, it makes appropriate recommendations in each case including release of prisoners to the concerned court.

Who are the members of this Committee?

It is a five-member committee headed by the senior most judicial officer of the district. It has the following members:

- ▶ District & Sessions Judge - Chairperson
- ▶ District Magistrate - Member
- ▶ Secretary, DLSA - Member
- ▶ Officer in Charge of all Prisons in the district - Member/s
- ▶ Superintendent of Police - Member



How does the committee function?

1 Preparation: Jail Superintendent sends the list of all prisoners to the Secretary, District Legal Services Authority who then prepares a list of eligible prisoners as per criteria listed in the box on the right.

2 Meeting: District & Sessions Judge chairs the meeting where the members of the committee review the shortlisted cases and make appropriate recommendations.

3 Recommendations and Action: Recommendations of the committee are documented and circulated to all members, and sent to concerned courts for consideration.

4 Follow-up: The committee reviews action taken upon its recommendations in subsequent meetings, and document the status of each case.

If your case is reviewed by the committee does it mean that you would be released?

No, if your case is reviewed by the committee, or where a recommendation is made by the committee does not mean that you will be released. It may also require your lawyer to file an application in court. The final decision to release is made by the concerned court, where your trial is going on. You may ask a prison officer or your lawyer on the status of your case, recommendations made and progress.



If your case has been considered previously can it be considered again?



Yes, there is no bar for multiple review of cases by the Committee. If the Committee did not make any recommendation in your case or the concerned court/ authority rejected the recommendation, your case could be reviewed again by the Committee.

If you are a convict, will the UTRC also review your case?

Yes, the UTRC may review your case if:

- you have completed your sentence, or
 - you are entitled to be released because of remission
- The committee can ascertain the reasons for non-release and recommend appropriate action to ensure release.



Whom can you approach if you want to know whether your case is eligible for consideration by the committee?



For any doubts or questions you may talk to your lawyer or ask your family members to speak to your lawyer or ask the jail visiting lawyer or the paralegal volunteer at the prison legal aid clinic.

If you are an UNDERTRIAL PRISONER and:



if you are accused of petty offences where maximum punishment is not more than 2 years; or

(Petty offence may include minor crime which are punishable by a small fine or a few months of imprisonment)



if you are between the age of 19 to 21 years and are accused of an offence with a maximum punishment* of less than seven years and have completed at least 1/4th of the maximum sentence under the offence accused of; or



if you are accused of a petty offence including theft or cheating (under Section 379, 380, 381, 404, 420 of IPC) or an offence for which the maximum punishment is up to 2 years; or



if you have been in prison for more than 60 days when the maximum prescribed sentence for the offence that you are accused of is less than 10 years and the chargesheet has not been filed yet; or



if you have been in prison for more than 90 days when the maximum prescribed sentence for the offence that you are accused of is 10 years or more and the chargesheet has not been filed yet; or



if you have been in prison for more than 180 days when you are accused of an offence under the Narcotics Drugs and Psychotropic Substances Act, 1985, for possessing commercial quantity and the chargesheet has not been filed yet; or



if the offence that you are accused of does not have the maximum punishment of death and you have undergone half of the maximum sentence; or



if you are accused of a 'bailable offence'* and detained in prison for more than 7 days; or

(Under bailable offences, the accused has a right to get bail on furnishing sureties)



if you are accused of a 'non-bailable offence triable by Magistrate*' and your trial has not completed within 60 days of the first date of recording of evidence; or

(Usually offences that do not carry a maximum punishment of less than 3 years are triable by Magistrate)



if your case can be compounded under the law; or

(Compoundable offences are usually non-serious offences with less than 2 years of punishment. S.320 of CrPC provides the list of offences that can be compounded)



if you are sick or infirm and require specialised medical treatment; or



if you are of unsound mind or are mentally ill; or



if you have been granted bail by the court but you are unable to furnish sureties; or



if you are detained under Section 107, 108, 109 or 151 of Cr.P.C.; or



if you are a woman.

* The Code of Criminal Procedure (Cr.P.C.) under the title of 'Classification of Offences' in the First Schedule contains offence wise information on 'bailable offences', 'maximum punishment', 'case triable by Magistrate', etc. You may request the PLV or jail visiting lawyer to help you understand whether the offence you are accused of is eligible for review by the Under Trial Review Committee.

Your case will be eligible for review by the Under Trial Review Committee of your district.



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