

Prisoners (Bihar Amendment) Act, 1956

23 of 1956

[10 October 1956]

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Prisoners (Bihar Amendment) Act, 1956

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An Act to Amend the Prisoners Act, 1900, in its application to the State of Bihar. Be it enacted by the Legislature of the State of Bihar in the Seventh Year of the Republic of India as follows: 1. For Statement of Objects and Reasons, see the Bihar Gazette, Extraordinary, dated the 23rd September, 1955.

1. Short Title :-

This Act may be called the Prisoners (Bihar Amendment) Act, 1956.

2. Insertion Of New Part Vi-A In Act Iii Of 1900 :-

After Part VI of the Prisoners Act, 1900 (III of 1900), the following Part shall be inserted, namely:-

"Part VI-A

31-A. Constitution of District Parole Board.-

There shall be established for each district a District Parole Board consisting of the District Magistrate, the Superintendent of Police, two members of the State Legislature to be nominated by the State Government and the Superintendent of the District Jail, or, if there is a Central Jail in the district, the Superintendent of that Jail.

31 -B. Release of Prisoners on Parole.-7-(1)

(1) The State Government, or any authority to which the State Government may delegate its powers in this behalf, may, on

recommendation of the District Parole Board, direct that a prisoner may be released, either without conditions or upon such conditions as may be specified in the direction, for any period not exceeding thirty days at a time, excluding the time required for journeys and the days of departure from, and the arrival at, the prison:

Provided that no prisoner shall be released under this sub-section, unless-

- (a) he has served a period of not less than one year excluding remission of his sentence;
- (b) his conduct in prison has been, in the opinion of the District Parole Board, uniformly good;
- (c) there is, in the opinion of the District Parole Board, reasonable probability that during the period of his release he shall not commit any crime; and
- (d) in the case of a second or subsequent release, not less than six months have elapsed from the date of the expiry of his previous release: Provided further that no prisoner shall be released under this sub-section more than three times.

(2) The provisions of sub-section (1) shall not apply to a prisoner,-

- (i) who has been convicted of an offence specified in the Schedule annexed to this Part; or
- (ii) who has been classified as a habitual criminal under the Rules made under the Prisons Act, 1894 (IX of 1894), and has had more than three previous convictions.

(3) The period of release of a prisoner under sub-section (1) shall count towards the total period of his sentence, provided that he surrenders on the due date and his conduct has been satisfactory during the period he was outside the jail on parole.

31-C. Power to release prisoners for special reasons.-

(1) Notwithstanding anything to the contrary contained in Section 31-B or any other law for the time being in force, the State Government, or any authority to which the State Government may delegate its powers in this behalf, may, for any special reasons, direct that a prisoner may be released for a period not exceeding fifteen days (excluding the time required for journeys and the days of departure from, or arrival at, the prison), either without conditions or upon such conditions specified in the direction as the prisoner accepts, and may, at any time cancel his release.

(2) The authority directing the release of any prisoner under sub-section (1) may require him to enter in bond with or without sureties for the due observance of the conditions specified in the direction.

(3) If any person released under sub-section (1) fails to fulfil any of the conditions imposed upon him under the said sub-section or in the bond entered into by him, the bond shall be declared to be forfeited and any person bound thereby shall be liable to the penalty thereof:

Provided that no prisoner shall, without the special sanction of the State Government, be released under this section, unless-

(i) he has served at least six months of his sentence including remissions;

(ii) his conduct has been, in the opinion of the Superintendent of the jail in which he is serving his sentence, uniformly good;

(iii) he is not a habitual criminal under the Rules made under the Prisons Act, 1894 (IX of 1894); and

(iv) the offence for which he has been convicted, does not, in the opinion of the authority directing the release, involve grave moral turpitude or mental depravity.

31 -D. Surrender of a prisoner on the expiry of the period of a temporary release.-

(1) Any prisoner released under Section 31 -B or Section from which he was released; and if the prisoner does not surrender himself, he may be arrested by any police officer without a warrant and shall be remanded to custody to undergo the un-expired period of his sentence.

(2) Any prisoner, who does not surrender himself as required by sub section (1) shall be liable, upon conviction, to be punished with imprisonment of either description for a term which may extend to two years or to a fine which may extend to five hundred rupees, or with both.

31 -E. Power to make Rules.-

(1) The State Government may make Rules for carrying out the purposes of this Part.

(2) In particular and without prejudice to the generality of the foregoing provision such Rules may provide for-

(a) the procedure to be followed in respect of the proceedings for the release of prisoners;

(b) the conditions of release of prisoner including conditions for supervision during the period of such release;

(c) travelling allowances of prisoners during the period of release;

(d) restrictions on movements of prisoners during the period of release; and

(e) travelling allowances for non-official members attending the meetings of the District Parole Board.

SCHEDULE 1

THE SCHEDULE

[See Section 31-B(2)]

1. An offence punishable under Section 119 of the Indian Penal Code.
2. An offence punishable under Sections 121, 121-A, 122, 123, 128 or 130 of the Indian Penal Code.
3. An offence punishable under Sections 131 or 132 of the Indian Penal Code.
4. An offence punishable under Sections 194 or 195 of the Indian Penal Code.
5. An offence punishable under Sections 232, 235, 238 or 240 of the Indian Penal Code.
6. An offence punishable under Sections 302, 303, 306 or 307 of the Indian Penal Code.
7. An offence punishable under Sections 313, 314, or 316 of the Indian Penal Code.
8. An offence punishable under Sections 364, 366, 366-A, 366-B, 367 or 372 of the Indian Penal Code.
9. An offence punishable under Sections 376 or 377 of the Indian Penal Code.
10. An offence punishable under Sections 392, 394, 395, 396, 397, 398, 399 or 400 of the Indian Penal Code.
11. Any conspiracy to commit or any abetment of any of the aforesaid offences."