

No.SJDM/PRE-RE/2017-2018/61

07
Date : 18/06/2017

READ: Notification No.SJMD/PRE-RE/2013-2014/233 dated 28/11/2013

NOTIFICATION

The Administrator of Daman & Diu is pleased to re-constitute a UT Level Committee (UTLC) consisting of the following members to recommend premature release of life convicts in appropriate cases:

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| 1. Secretary (Home) | Chairman |
| 2. Law Secretary Daman & Diu. | Member |
| 3. Collector/I.G.(Prisons),Daman | Member Secretary |
| 4. IGP/Deputy Inspector General of Police,
Daman & Diu | Member |
| 5. Director Social Welfare, Daman & Diu | Member |

The procedure for processing the cases for consideration of the UT Level Committee will be as under:-

Eligibility for Premature Release

(i) The following categories of life convict prisoners shall be eligible to be considered for premature release by the UTLC:-

- (a) Women offenders sentenced to life imprisonment on completion of eight years of imprisonment, including remission, except those covered under Section 433-A of Code of Criminal Procedure, 1973, whose cases will be considered only after completing 14 years of actual imprisonment.

- (b) Life convicts (men and young offenders) on completion of 10 years of imprisonment, including remission, except those covered under Section 433-A of Code of Criminal Procedure, 1973, whose cases will be considered after completing 14 years of actual imprisonment.
- (c) Prisoners convicted of offence such as rape, dacoity, terrorist crimes, kidnapping, kidnapping for ransom, crime against women & children, smuggling (including those convicted under NDPS Act), Prevention of Corruption Act, Immoral Traffic Prevention Act, offences against State, and undergoing life imprisonment of 14 years of sentence inclusive of remission.
- (d) Old and infirm offenders of 65 years of age on the day of the commission of offence, sentenced to life imprisonment on completion of 10 years of sentence or 75 years of age including remission, whichever is earlier subject to the conditions that they shall not be actually released unless they have undergone at least five years of imprisonment including remission.

(ii) Procedure :

For every life convict eligible for eventual consideration by the UTLC under the rules.

- (a) Every Superintendent of Sub Jail, in-charge of a prison shall intimate the case of a prisoner at least three months in advance of his/her becoming eligible for consideration for premature release as per the criteria laid down by the State Government in this behalf.
- (b) The Superintendent Sub Jail shall prepare a comprehensive note for each prisoner, giving his family and social background as per the record of the case, the offence for which he was convicted and sentenced, and the circumstance under which the offence was committed.
- (c) The Superintendent of Sub Jail shall reflect fully about the conduct and behavior of the prisoner in the prison during the period of his

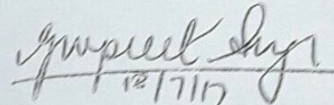
incarceration, and during his/her release on probation/leave, change in his/her behavioural/pattern and prison offence, if any committed by him/her and punishment awarded to him/her for such offences. A report shall also be made about his physical/mental health or any serious ailment with which the prisoner is suffering entitling him for premature release as a special case. The note shall also contain recommendation of the Superintendent Sub Jail whether he favours the premature release of the prisoner or not. In either case, it shall be supported by adequate reasons.

- (d) The Superintendent of Sub Jail shall make reference to the Sub Divisional Police Officer of the district where the prisoner was ordinarily residing at the time of commission of the offence, for which he was convicted and sentenced or where he is likely to resettle after his release from the jail. However, in case the place where the prisoner was ordinarily residing at the time of commission of the offence is different from the place where he committed the offence, reference shall also be made to the Sub Divisional Police Officer of the district in which the offence was committed. In either case, he shall forward a copy of the note prepared by him to enable the Sub Divisional Police Officer to express his views with regard to the desirability of the premature release of the prisoner.
- (e) On receipt of the reference, the concerned Sub Divisional Police Officer shall cause an inquiry to be made in the matter through senior Police Officer of appropriate rank and based on his own assessment shall make his recommendations. While making the recommendations the Sub Divisional Police Officer shall not act mechanically and oppose the premature release of the prisoner on untenable and hypothetical ground apprehensions. In case the Sub Divisional Police Officer is not in favour of the premature release of the prisoner, he shall justify the same with cogent reasons and materials. He shall return the reference to the Superintendent of the concerned Sub Jail not later than 30 days from the receipt of the reference.

- (f) The Superintendent of Sub Jail shall also make reference to the Chief Probation Officer/Director Social Welfare and shall forward to him a copy of his note. On receipt of the reference, the Chief Probation Officer/ Director Social Welfare shall either hold or cause to be held an inquiry through Social Welfare Officer in regard to the desirability of premature release of the prisoner having regard to his family and social background, his acceptability by his family members and the society, prospects of the prisoners for rehabilitation and leading a meaningful life as a good Citizen. He will not act mechanically and recommend each and every case for premature release. In either case he should justify his recommendation by reason/material. The Chief Probation Officer/Director Social Welfare shall furnish his report/recommendations to the Superintendent of Sub Jail not later than 30 days from the receipt of the reference.
- (g) On receipt of the report/recommendations of the Sub Divisional Police Officer and Chief Probation Officer/Director Social Welfare, the Superintendent of Sub Jail shall put up the case to the Inspector General of Prisons at least one month in advance of the proposed meeting of the Sentence Review Board. The Inspector General of Prisons shall examine the case bearing in mind the report/recommendations of the Superintendent of Sub Jail, Sub Divisional Police Officer and the Chief Probation Officer/Director Social Welfare and shall make his own recommendations with regard to the premature release of the prisoner or otherwise keeping in view the general or special guidelines laid down by the Government of the Sentence Review Board. Regard shall also be paid to various norms laid down and guidelines given by the Apex Court and various High Court in the matter of premature release of prisoners. Periodicity of the Board's meeting.
- (iii) The UTLC shall meet at least once in three months at the UT Headquarter on a date to be notified to its members at least 10 days in advance by the Member Secretary. The notice of such a meeting shall be accompanied by complete agenda.

- (iv) The cases put forward to the UTLC shall be considered even when one or more members of the Committee are not able to attend the meeting or when there is a vacancy on the Committee. The quorum shall comprise of 4 members and the UTLC shall not take any decisions when the quorum is not complete.
- (v) The Chairman of the UTLC can convene a meeting of the Committee more frequently, even at short notices, if necessary.

By order and in the name of the
Administrator of Daman & Diu
and Dadra & Nagar Haveli.



(Gurpreet Singh)

Deputy Secretary (Home)

Copy to:-

1. The Secretary (Home) Daman & Diu Secretariat, Daman
2. The District & Session Judge, Daman & Diu
3. The Law Secretary, Daman & Diu, Secretariat, Daman
4. The Collector/ Inspector General (Prison), Daman & Collector, Diu.
5. The Inspector General of Police, Daman & Diu
6. The Superintendent of Police, Daman & Diu
7. The Director Social Welfare Officer, Daman & Diu
8. The Sub Divisional Police Officer, Daman & Diu
9. The Superintendent Sub Jail, Daman & Diu
10. PPS to the Hon'ble Administrator.
11. The Deputy Director, Government Printing Press, Daman for publication in Official Gazette
- ✓ 12. The DIO for uploading in the official website.