

Administration of Daman & Diu
Home Department
Secretariat Moti Daman.

No.SJDM/PRE-RE/2013-2014/ 233

Date : 28/11/2013

READ: No.B (Gen)-1001/2013/240 dated 22nd April, 2013 from the Hon'ble
Registrar, High Court, Bombay.

NOTIFICATION

The Administrator of Daman & Diu is pleased to constitute a Sentence Review Board consisting of the following members for the review of sentence awarded to a prisoner and for recommending his premature release in appropriate cases:

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| 1. Secretary (Home) | Chairman |
| 2. District & Sessions Judge, Daman | Member |
| 3. Collector/I.G.(Prison),Daman | Member Secretary |

OR

His /Her representative

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|---|--------|
| 4. IGP/Deputy Inspector General of Police,
Daman & Diu | Member |
| 5. Law Secretary, Daman & Diu | Member |
| 6. Social Welfare Officer | Member |

The procedure for processing the cases for consideration of the Sentences Review Board will be as under:-

- (i) The Superintendent of Sub Jail, who has prisoner undergoing sentence of imprisonment for life, shall initiate the case of the prisoner at least 3 months in advance of the date when the prisoner would become eligible for consideration of premature release as per the criteria laid down by the State Government in behalf.
- (ii) The Superintendent of Sub Jail shall prepare a comprehensive note in each case giving out the family and social background of the prisoner, the offence for which he was convicted and sentenced and the circumstances under which the offence was committed. He will also reflect fully about the conduct and behavior of the prisoner in the jail during the period of his incarceration, behavior/conduct during the period he was released on probation/leave change in his behavioral pattern and the jail offences, if any committed by him and punishment awarded to him for such offence(s). A report shall also be made about his physical, mental health or any serious ailment with which the prisoner is suffering entitling his case special consideration for his

premature release. The note shall also contain recommendation of the jail Superintendent whether he favours for the premature release of the prisoner or not and in either case it shall be supported by adequate reasons.

- (iii) 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 in regard to the desirability of the premature release of the prisoner.
- (iv) 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.
- (v) The Superintendent of Sub Jail shall also make reference to the **Social Welfare Officer** and shall forward to him a copy of his note. On receipt of the reference, the Social Welfare Officer 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 Social Welfare Officer shall

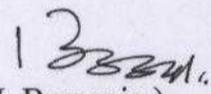
furnish his report/recommendations to the Superintendent of Sub Jail not later than 30 days from the receipt of the reference.

- (vi) On receipt of the report/recommendations of the Sub Divisional Officer and **Social Welfare Officer**, 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 Social Welfare Officer 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 had 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.

The Sentence Review Board shall meet at least once in a quarter at Daman on date to be notified to Members at least ten days in advance with complete agenda papers.

However, it shall be open to the Chairman of the Board to convene a meeting of the Board more frequently as may be deemed necessary.

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


(P. J. Bamania)
Joint Secretary (Home)

Copy to:-

1. The Secretary (Home) Daman & Diu Secretariat, Daman
2. The Law Secretary, Daman & Diu, Secretariat, Daman
3. The District & Session Judge, Daman & Diu
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 Social Welfare Officer, Daman & Diu
8. The Sub Divisional Police Officer, Daman & Diu
9. The Superintendent Sub Jail, Daman & Diu
10. S. O. 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.