

# Rajasthan Prisons (Shortening of Sentences) Rules, 1958

RAJASTHAN

India

## Rajasthan Prisons (Shortening of Sentences) Rules, 1958

### Rule

### RAJASTHAN-PRISONS-SHORTENING-OF-SENTENCES-RULES-1958 of 1958

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Rajasthan Prisons (Shortening of Sentences) Rules, 1958Published vide Notification No. D 4375(2) F. 18/215/Home (B) 57, dated 17-12-1958, Published in R.G. Gazette Part 4-C, dated 15-1-1959In exercise of the powers conferred by clause (5) of section 59 of the Prisons Act, 1894 (IX of 1894) as in force in the Ajmer and Abu areas and in the Pre-reorganisation State of Rajasthan excluding the subdivision of Sirohi by virtue of the Rajasthan Adoption of Central Laws Ordinance, 1950 and in the Sunel area by virtue of the United State of Gwalior, Indore and Malwa (Madhya Bharat) Indian Prisons, Adoption Act, Sambat 2006, the State Government, hereby makes the following rules namely:-

#### 1. Title and commencement.

(1)These rules may be called the Rajasthan Prisons (Shortening of Sentences) Rules, 1958.(2)They shall come into force with effect from the date of their publication in the Rajasthan Gazette.

#### 2. Definition.

- In these rules-(1)"Government" means the Government of the State of Rajasthan:(2)"habitual criminal" means a prisoner liable to be classified as such under the Rules for the time being in force made under the Prisons Act, 1894 (IX of 1894).

#### 3. Constitution of Advisory Board.

(1)Advisory Board shall be constituted for every Central Jail and District Jail to investigate and

recommend to the Government on sentences of certain classes of prisoners with a view to release a number of such reformed prisoners as have served a sufficiently deterrent period of their sentences.(2)[ For Advisory Board, Central Jail, Jaipur:] [Substituted by Notification dated 15-10-1990, Published in R.G. Gazette, Part IV-C, dated 28-5-1992, p. 217]

- |  |                   |
|--|-------------------|
| (i) Divisional Commissioner, Jaipur.   | Chairman          |
| (ii) Next seniormost Judicial Officer to the District and Sessions Judge within whose jurisdiction the Central Jail is situated. | Member            |
| (iii) Two non-official persons preferably legal member of the State Legislature or Parliament nominated by the Government.       | Member            |
| (iv) Superintendent of the Central Jail, Jaipur  | Member-Secretary. |
- (3) For Advisory Boards at all other Central Jails and District Jails 'A' 'B' Class:
- |  |                   |
|--|-------------------|
| (i) District Magistrate of the H. Quarter.   | Chairman          |
| (ii) Next Seniormost Judicial Officer to the District and Sessions Judge within whose jurisdiction the concerned Central or District Jail is situated. | Member            |
| (iii) Two non-official person preferably local members of the State Legislature or Parliament nominated by the Government.                             | Member            |
| (iv) The Supdt. or the Dy. Supdt. incharge of the concerned Central or Distt. Jail   | Member-Secretary. |
- (4)[x x x] [Deleted by Notification dated 15-10-1990, Published in R.G. Gazette, Part IV-C, dated 28-5-1992, p.217.].

#### **4. Terms of office of non-official members of the Advisory Board.**

- A non-official member of an Advisory Board shall be appointed for a period of one year but the Government may further extend the period by one year or less.

#### **5. Meetings of Advisory Board.**

- The meetings of an Advisory Board shall be convened by the Chairman at least twice a year in the Central Jail or the District Jail concerned as the case may be, on dates appointed for the purpose, normally in the months of January and July every year.

#### **6. Quorum.**

- The Chairman should be present at all the meetings of Advisory Board and the quorum for a meeting shall be 50% of the total number of members constituting the Advisory Board.

#### **7. Scrutiny by the Advisory Board.**

- The Advisory Board before recommending shortening of sentences or premature release of prisoners shall examine the following matters in full and accurate details:-(a) Circumstances in

which offence was committed and the punishment awarded by the court:(b)Details of the prisoner's previous history and character in the district where the prisoner was resident;(c)Prisoner's conduct in the Prison and the result of imprisonment already undergone by him:(d)Opinion of the District Magistrate and the Superintendent of Police of the districts in which the prisoner was convicted and was resident with special reference to the following points:-(i)the reaction in the locality, if the prisoner is released prematurely.(ii)the feelings of the relations of the victim or victims of the offence who suffered at the hands of the accused in case of premature release:(iii)whether the life of the accused itself will be safe, if he is to be released prematurely:(iv)any other information material to the case of the prisoner; and(v)whether the prisoner can be released with safety to the community.

## **8. Prisoners eligibility for consideration by the Advisory Board.**

- The Advisory Board shall be entitled to consider cases of the following types of prisoners only:-(i)A prisoner other than habitual criminal undergoing a substantive sentence of three years or over who has completed two years of imprisonment or half of his sentence whichever is greater, including remission;(ii)A prisoner being a habitual criminal who has served 2½ years of his substantive sentence, including the period of remission, or has served two thirds of sentence including the period of remission, whichever is greater.(iii)[ (a) a prisoner sentenced to transportation for life or to more than 14 years of imprisonment, except one specified in sub-rule (b) below, who has served 2/3rd of his sentence or 13 years 8 months of imprisonment, including remission, whichever is less, a sentence for transportation for life will be construed to be one of imprisonment for 20 years for this purpose. The period of imprisonment shall include sentence in default of payment of fine, if the same has not been paid. The remission actually earned by a prisoner shall be taken into account by the Advisory Board and not a special remission granted in celebration of public function for example. Independence Day, Republic Day etc. [Substituted by Notification dated 15-10-1990, Published in R.G.Gazette, Part IV-C, dated 28-5-1992, p.217.](iii)(b)A prisoner who has been sentenced to imprisonment for life after 18-12-1978 for an offence for which death penalty is one of the punishments provided by law or who has been sentenced to death but this sentence has been commuted under S.443 of Cr.P.C. into one of life imprisonment after 18-12-78, if he has served 14 years of imprisonment excluding remission but including the period of detention passed during enquiry, investigation or trial.](iv)Prisoners awarded long term sentences by Court-Martial and have served two-thirds of their sentences including the period of remissions.(v)Prisoners suffering from infectious diseases, such as Leprosy, tuberculosis: provided their disease is likely to be dangerous to other prisoners and conditions prescribed in rule 7 are fulfilled:(vi)[ Prisoners who have attained the age over 65 years in case of male prisoners and over 55 years in case of women prisoners, in whose case no public interest is likely to be served by keeping them in prison, provided they are serving sentences for their first and only conviction and are not covered under clauses iii(a) and iii(b) above.] [Substituted by Notification Published in R.G.Gazette, Part IV-C, Extraordinary dated 9-3-1993.][Explanation: - For the purpose of this rule, remission shall mean only that part of the remission which is actually earned by a prisoner in accordance with the provisions of the Jail Manual but shall not include any special remission that may be awarded to prisoners in general in connection with some celebrations like Independence Day, Republic Day, Centenary Celebrations of National Leaders, visit of some dignitary to the Jail, etc.] [Added vide Notification Published in

R.G.Gazette Part IV-C, dated 22-7-1971.]

## **9. Prisoners not eligible for consideration by the Advisory Board.**

- The Advisory Board shall not consider the cases of following types of prisoners:- (i) Prisoners convicted of [Dowry death (304-B IPC)] [Inserted by Notification Published in R.G.Gazette, Part IV-C, dated 11-9-1997, p. 14.], rape, forgery, dacoity or any offence against the State involving violence. For this purpose an offence punishable under secs. 466 to 469 and section 471 to 474 of the Indian Penal Code shall be deemed to be a variation of the offence of forgery and an offence punishable under section 396 to 402 of the Indian Penal Code shall be deemed to be a variation of the offence of dacoity and prisoners convicted of these offences as also those convicted of offences punishable under section 366, 366A, 366B, 372, 373, 489A, 489B, 489C and 489D of Indian Penal Code shall also be excluded from reference to Advisory Board. (ii) Prisoners who are habitual criminals and are homeless or having three or more convictions all of which are of such a nature as to justify their classification as "habitual criminals". (iii) Prisoners who are habitual criminal of the Goonda class. (iv) Prisoners detained under Preventive Detention Act, 1950. (v) [Prisoners convicted under TADA Act (Terrorist and Disruptive Activities (Prevention) Act)] [Inserted by Notification Published in R.G.Gazette, Part IV-C, dated 11-9-1997, p. 14.]. (vi) Prisoners convicted under Narcotic Drugs and Psychotropic Act.)

## **10. Procedure.**

- In order that all necessary information might be placed before the Advisory Board the following procedure shall be adopted:- (i) The Secretary of the Advisory Board shall collect full particulars regarding each prisoner eligible for consideration by the Board before the date appointed for the meeting of the Board and shall place full and accurate details regarding the prisoner's previous history and character, Judgment of the convicting court depicting circumstances in which the offence or offences were committed and sentences were awarded, his prison record together with the report of the District Magistrate and the District Superintendent of Police of the district containing information whether the prisoner is considered fit for premature release etc. before the Board. Any other information required by the Advisory Board shall also be made available from the record of the prison. (ii) The Advisory Board shall carefully scrutinize and consider the judgment of the court, reports of the police and Magistracy on the conduct and character of the prisoner recommended for release, any conditions suggested for release and the prisoner's conduct and behaviour in the prison before coming to a decision in each case whether a prisoner is entitled for release without any danger to himself and the community at large. The prisoner whose conduct has been exemplary in the prison should only deserve the consideration of the Advisory Board. (iii) Report about physical and mental conditions of prisoner fit for release will be obtained by the Secretary of the Advisory Board from the Medical Officer in-charge of the prison concerned and the same be placed before the Board for consideration for final recommendation is made to the Government. (iv) The Advisory Board shall then submit its recommendations with full history of each case along with relevant papers in the Form 1 given in the Appendix to these rules, to the Government. (v) In the case of a prisoner convicted by Court-Martial the prisoner's antecedents need not ordinarily be inquired into and it will be sufficient to enquire about his behaviour in prison.

## 11. Conditions for release.

- The Advisory Board may recommend release of a prisoner conditionally or unconditionally whenever a prisoner is to be released prematurely. Stringent conditions should be imposed on a prisoner recommended to be released conditionally and he should be made to enter into a bond in the Form 2 given in the Appendix to these rules.

## 12. Consideration by Government.

- On receipt of the proceedings of the Advisory Board, and other relevant papers, the Government shall order release of prisoner in cases for which, having regard to all the circumstances of the case, it considers that the prisoner may be released without any danger to the society. In case of a prisoner sentenced by Court-Martial the Government shall forward its recommendations to the Government of India for necessary orders.

## 13. Supersession and savings.

- The Rajasthan Advisory Board Rules, 1950 are hereby superseded but all orders passed and all other action taken under those rules shall, so far as they are consistent with these rules, be deemed to have been passed or taken under these rules. Appendix Form 1 [Rule 10(iv)] Recommendations of Advisory Board.....as on.....(Place)(date){||-| Convict Register No.| Name, parentage with husband's name, if female| Age on admission| Previous occupation| Residence|-| Village| Police Station| District| Division|-| 1| 2| 3| 4| 5| 6| 7| 8|-| |||||}

Offence with sections	Name of sentencing courts	Date of sentence	Sentences (in years and months)	Sentence served already in years and months
9	10	11	12	13
Remission already earned	Total of columns 13 and 14	Date of expiry of sentence	Previous convictions with dates, offences and place of each	
14	15	16	17	
Mental and Physical condition reported by Medical Officer (Jails)	Special service rendered, if any, such as detection of escape, impending mutiny, etc.		Character and conduct in Jail with Supdt's opinion reg. Release	Remarks
18	19		20	21

Checked with warrants and records of remission and certified as correct.

Full Signature of Jailor	Signature of Medical Officer	Full Signature of Superintendent Central/District.....Jail
Date.....	Date.....	Date.....

No. ....

Dated

Forwarded to the District Magistrate/Superintendent of Police for report on the following points as provided in Rule 7 of the Rajasthan Prisons (Shortening of Sentences) Rules, 1958:-(i)The reaction in the locality if the prisoner is released prematurely:(ii)The feelings of the relations of the victim or victims of the offence who suffered at the hands of the accused in the case of premature release:(iii)Whether the life of the accused itself will be safe if he is to be released prematurely:(iv)Any other information material to the case of the prisoner;(v)Whether the prisoner can be released with safety to the community and whether, they are of opinion that the prisoner may be released conditionally or unconditionally. If conditional release is recommended conditions to be imposed may also be indicated.

Secretary of the Advisory Board

(Superintendent of| Central| District| Jail

Report of| District Magistrate| Supdt. of Police| Jail

Signature of District Magistrate| Signature of Supdt. of Police|

of the Advisory Board No..... Date..... The Advisory Board considered the case this convict in its meeting held on..... (date) in..... (name) prison and after careful scrutiny of the relevant record and the opinion of the Superintendent, Jail, Medical Officer of Prison, District Magistrate and the Superintendent of Police of..... (name) district and taking into account all the factors given in rules 7 and 8 of the Rajasthan Prisons (Shortening of Sentences) Rules, 1958 does hereby make the following recommendations for the premature release of the convict..... (name and convict No.)

1. Circumstances in which offence was committed and sentences were awarded .....
2. Prisoner's previous history and character in the district where he was resident .....
3. Prisoner's conduct in the prison and result of sentence already undergone .....
4. Prisoner's mental and Physical condition in the prison .....
5. Sentence undergone in years and months .....
6. Remission earned .....
7. Total of 5 and 6 .....
8. Age of Prisoner on the date of report .....
9. Whether Board agrees with the opinion of DM/SP and Supdt. Central or Dist. Jail .....
10. Whether conditional/unconditional release recommended and in the former cases conditions to be indicated .....
11. Final remarks .....

Place..... Date..... Signature of the Advisory

Board..... Chairman..... Member..... Member..... Member..... Secy

2 (Rule 11) Bond Whereas I (name)..... son of..... inhabitant of (place)..... was sentenced to..... imprisonment for a period of..... from ..... and..... have been ordered to be released by the State Government before the date of expiry of my normal/period of imprisonment on condition of my entering into a bond to observe the conditions specified hereinafter, I hereby bind myself to the Governor of the State of Rajasthan for the unexpired period of my sentence as follows:-(1) That I will present myself, within fourteen days from the date of my

release, before the Superintendent of Police of the district to which I belong or before the Police Circle Officer who has jurisdiction over my place of residence and will produce copies of the order and the bond executed by me;(2)That I will submit myself to the supervision of the said Police officer;(3)That I will keep the said Police officer advised of my place of residence and means of livelihood;(4)That I will not quit the said district of without the written permission of the said Police officer;(5)That I will not associate with bad characters or lead a dissolute life:(6)That I will live honestly and peaceably and will endeavour to earn an honest livelihood;(7)That I will not commit any offence punishable by any law in force in the Indian Union;(8)That I will carry out such lawful directions as may from time to time be given by the said Police officer for the due observance of the conditions mentioned above;(9)That in the case of breach of any of the above conditions on my part, I hereby bind myself to forfeit to the Government of .....the sum of rupees.....and to render myself liable to be re-arrested to undergo the unexpired portion of my sentence of imprisonment on date of release.In witness whereof I have appended hereunto my signature/thumb impression this the.....day of.....Witnesses.....(1)(2)Signature/Thumb Impression