

The Prisoners (West Bengal Amendment) Act, 1955.

WEST BENGAL

India

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Act 13 of 1955

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The Prisoners (West Bengal Amendment) Act, 1955. West Bengal Act 13 of 1955 [19th April, 1955.] An Act to amend the Prisoners Act, 1900 in its application to West Bengal. Whereas it is expedient to amend the Prisoners Act, 1900 in its application to West Bengal for the purposes and in the manner hereinafter appearing; It is hereby enacted as follows :-

1. Short title.

- This Act may be called the Prisoners (West Bengal Amendment) Act, 1955.

2. Application of the Act.

- The Prisoners Act, 1900 (hereinafter referred to as the said Act), shall, in its application to West Bengal, be amended for the purposes and in the manner hereinafter provided.

3. Insertion of new Part VIA in Act 3 of 1900.

- After Part VI of the said Act the following Part shall be inserted, namely :- "Part VIA Temporary release of prisoners.

31A. Temporary release of prisoners. - (1) The State Government or such authority as the State Government may empower in this behalf may, subject to the provisions of this Part and to such conditions as may be prescribed by rules made under section 31C, at any time, release, temporarily for a period not exceeding one month excluding the time required for journey from and to the prison, any prisoner who, having been sentenced to imprisonment for a term of more than two years, has actually undergone imprisonment for not

less than one year :

Provided that before a prisoner is released under this sub-section he shall have to execute a bond, with or without sureties as the State Government or other authority making the order of release may determine, for good behaviour during the period of release and for observing the conditions of the release : Provided further that a prisoner who has previously been temporarily released under this sub-section shall not again be so released unless after his return to prison from the last temporary release there shall have elapsed -(a) in the case of a prisoner sentenced to imprisonment for a term of less than five years, a period of one year, or (b) in the case of a prisoner sentenced to imprisonment for a term of five years or more, a period of two years. Explanation. - In this Part "prisoner" does not include a person convicted of any offence under Chapter VI or Chapter VII or under any of sections 392 to 402 (inclusive), of the Indian Penal Code or classified as a habitual criminal for the purpose of the rules for the time being in force made under the Prisons Act, 1894. (2) No prisoner shall be released under sub-section (1) unless -(a) he shall have, after the expiry of the period of release, at least one year of further imprisonment to undergo; (b) he has undergone, with remission earned, imprisonment for -(i) in the case of a prisoner sentenced to imprisonment for a term of less than five years, half the period of his sentence, or (ii) in the case of a prisoner sentenced to imprisonment for a term of five years or more, half the period of his sentence or a period of three years, whichever is less; (c) the officer-in-charge of the prison certifies that the conduct of the prisoner in the prison has been good. (3) Every prisoner shall, when released under sub-section (1), remain within West Bengal during the period of such release. (4) The provisions of sections 514, 514A, 514B and 515 of the Code of Criminal Procedure, 1898 shall, as far as may be, apply in respect of bonds executed, with or without sureties, in pursuance of the first proviso of sub-section (1). (5) The order granting release may be cancelled by the State Government or other authority making the order for any reason considered sufficient by it and shall be so cancelled if, during the period of release, the prisoner contravenes any of the conditions of the release or commits any offence. (6) Subject to the provisions of sub-section (2) of section 31B, the period of release of a prisoner under sub-section (1) shall count towards the total period of his sentence.

31B. Surrender by prisoner after release period. - (1) On the expiry of the period for which a prisoner is released under sub-section (1) of section 31A, he shall surrender himself to the officer-in-charge of the prison from which he is released.

(2) If a prisoner does not surrender himself as required by sub-section (1), he may be arrested by any police officer without a warrant and shall be remanded to undergo the unexpired portion of his sentence (the period of release not being counted towards the total period of his sentence) and shall also be punishable under section 46 of the Prisons Act, 1894, as if he had committed a prison-offence referred to in section 45 of that Act.

31C. 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 under section 31A; (b) the conditions of release of prisoners under section 31A including conditions for supervision during the period of such release; (c) travelling allowances for prisoners during the period of release under section 31A; and (d) restrictions on the movements of prisoners during the period of release under section 31A."