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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
Department of Correctional Administration
Jessop Building, Kolkata-700001

NOTIFICATION

No.1395-DCA/O/4M-99/2021.— Dated Kolkata the 23rd November, 2021.— In exercise of the powers conferred by section 106 *read with* sub-section (3) of Section 62 of the West Bengal Correctional Services Act, 1992 (West. Ben. Act. XXXII of 1992), the Governor is pleased hereby to make the following rules:—

Chapter - I

PRELIMINARY

1. Short title and commencement: (1) These rules may be called the West Bengal Correctional Services (Release on Parole) Rules, 2021.

(2) They shall come into force on the date of their publication in the *Official Gazette*.

2. Definitions.- (1) In these rules, unless the context otherwise requires,—

- (a) “Act” means the West Bengal Correctional Services Act, 1992 (West Ben. Act XXXII of 1992);
- (b) “release on parole” means conditional release of a prisoner for a specified period subject to monitoring and supervision as per provisions under section 62 and rules made hereunder;
- (c) “sentence” shall mean and include a sentence of imprisonment or an aggregate of sentences of imprisonment passed by a court or an authority under any law for the time being in force;
- (d) “section” means a section of the Act.

(2) Words and expressions used but not defined in these rules shall have the same meaning as assigned to them in the Act.

CHAPTER II

RELEASE ON PAROLE

3. Release on Parole not a matter of Right.- Release of a Prisoner on parole shall not be claimed as a matter of right.

4. Authority to grant release on parole.- (1) Inspector General of Correctional Services shall be the competent authority for granting release on parole for a period not exceeding forty days subject to regulation of release on parole under rule 6.

Provided that for good and sufficient reasons the State Government may grant release on parole for more than forty days, if situation so arises.

(2) The competent authority may grant release on parole to meet an emergent situation for reasons to be recorded in writing as contained in the Act.

(3) The competent authority for grant of release on parole under these rules shall have the right to withdraw at any stage the release on parole so granted.

5. Parole Register.- (1) A register shall be maintained in the correctional home for all cases of prisoners released on parole either manually or in electronic form or both.

(2) A record of the release of prisoners on parole shall also be kept in the office of the Inspector General of Correctional Services.

(3) Appropriate entries regarding release on parole shall also be made in the History Tickets of the prisoners concerned.

6. Regulation of Release on Parole:- Subject to the provisions of rule 4 above, eligibility for release on parole shall be regulated in accordance with the provisions mentioned in the Table below:

Sentence	When due for first release on parole	When due for second release on parole	When due for subsequent releases on parole	Duration of Parole per year
Imprisonment for two years or more but not exceeding five years	On completion of one year of actual imprisonment -- to be counted from the date of admission to correctional home.	After completion of six months of actual imprisonment -- to be counted from the date of his return from 1 st parole subject to good behaviour.	After completion of six months of actual imprisonment --to be counted from the date his return from last parole.	15 days
Imprisonment exceeding five years but not exceeding fourteen years	On completion of two years of actual imprisonment -- to be counted from the date of admission to correctional home.	After completion of one year of actual imprisonment -- to be counted from the date of his return from 1 st parole subject to good behaviour.	After completion of six months of actual imprisonment -- to be counted from the date of his return from last parole.	21 days during the first five years of imprisonment and 30 days for the rest of term.
Imprisonment for Life or imprisonment exceeding fourteen years	On completion of three years of actual imprisonment – to be counted from the date of admission to correctional home.	After completion of one year of actual imprisonment – to be counted from the date of his return from 1 st parole subject to good behaviour.	After completion of six months of actual imprisonment–to be counted from the date of his return from last parole	40 days.

7. Procedure for granting release on parole.- (1) A prisoner desiring to avail release on parole shall submit his application to the Superintendent of the Correctional Home.

(2) The Superintendent of the correctional home shall examine each case carefully with regard to the eligibility of the prisoner for release on parole and then forward the application to the Inspector General of Correctional Services with his comments within a week of the receipt of the application.

(3) The Inspector General of Correctional Services, may, on receipt of such application, either pass appropriate orders for release on parole or refer the application to the concerned Superintendent of Police of the District or the Commissioner of Police as the case may be, for his opinion.

(4) The Superintendent of Police of the District or the Commissioner of Police as the case may be, shall submit the report to the Inspector General of Correctional Services within two weeks of receipt of such reference.

(5) On receipt of the report as sought for in clause (4) above, the Inspector General shall pass appropriate orders.

8. Conditions for granting release on parole:— The authority granting release on parole shall make an order for the release of a prisoner on parole subject to the following conditions:—

- (a) that the prisoner shall give cash security and execute a bond with or without sureties as per sub-section (1) of Section 62 of the Act;
- (b) that the prisoner shall reside at the place designated and shall not go beyond the specified limits;
- (c) that the prisoner shall keep good behaviour and shall not commit any offence during the period of release on parole;
- (d) that the prisoner shall report to the police station within whose jurisdiction the prisoner stays during the period of release on parole;
- (e) that the prisoner shall surrender himself to the Superintendent of the Correctional Home from which the prisoner was released on expiry of the period of release on parole granted.

9. Supervision by the Probation-cum-After Care Officer: A prisoner released on parole may be placed under the supervision of the Probation-cum-After Care Officer having jurisdiction who shall submit a report to the Inspector General of Correctional Services regarding the stay of the prisoner during the period of release on parole.

10. Release on Parole:— (1) On receipt of an order from the competent authority, the prisoner shall be released on parole after he has given security or executed the necessary bond and has agreed to the conditions of release.

(2) At the time of release on parole the prisoner shall be supplied with a certificate of release on parole having a photograph of the prisoner duly authenticated.

11. Authorities to be informed:— Release of a prisoner on parole shall be intimated to the following authorities:

- (a) the District Magistrate and Superintendent of Police of the District or the Commissioner of Police, as the case may be and the concerned police station in which the prisoner proposes to stay during the period of release on parole;
- (b) the District Magistrate and Superintendent of Police of the District or the Commissioner of Police, as the case may be and the concerned police station of the home district of the prisoner;
- (c) the Probation-cum-After Care Officer in whose jurisdiction the prisoner proposes to stay during the period of release on parole, if any.

By order of the Governor,

DR. RAVI INDER SINGH

Principal Secretary to the Government of West Bengal

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GOVERNMENT OF WEST BENGAL
Department of Correctional Administration
Jessop Building, Kolkata-700001

No. 1899-DCA/O/4M-99/2021

Dated: 25.01.2022

CORRIGENDUM

In Notification No.-1395-DCA/O/4M-99/2021, Dated Kolkata the 23rd November, 2021 of the Department of Correctional Administration, Government of West Bengal, published in the *Kolkata Gazette, Extraordinary*, Dated the 23rd November, 2021, in the first paragraph, in the second line, for the words, figures and brackets "sub-section (3)", read the words, figures and brackets "sub-section (6)".

By order of the Governor,

DR. RAVI INDER SINGH
Principal Secretary to the Govt. of West Bengal.