

THE GOOD CONDUCT PRISONERS' PROBATIONAL RELEASE RULES, 1927

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TEXT

**THE GOOD CONDUCT PRISONERS' PROBATIONAL RELEASE RULES,
1927**

[27th April, 1927]

(Notification of the Government of the Punjab, Home Department (Jail) vide No.13273, dated 27th April, 1927 as corrected up to 22nd May, 2008).

With reference to Punjab Government Notification No.10195 dated 30th March, 1927, and in exercise of the powers conferred by section 5, 6 & 8 of the Good Conduct Prisoners' Probational Release Act, 1926 the Governor in council is pleased to make the following rules which will come into force on the 1st May, 1927.

RULES

1. Short title.- These rules may be called the Good Conduct Prisoners, Probational Release Rules 1927.

2. Definition. In these rules unless the context otherwise, requires the following expressions shall have the meaning hereby respectively assigned to them i.e. to say:-

- a) "Act" means the Good Conduct Prisoners' Probational Release Act, 1926.
- b) "Director, "Reclamation and Probation" means the Director, Reclamation and Probation of the Punjab.
- c) "Government" means the Government of the Punjab.
- d) Parole Officer means an officer appointed by the Director, Reclamation and Probation, to assist the Assistant Director, Reclamation and Probation in the discharge of his duties under this act.
- e) "Superintendent" means the Superintendent of a prison in which any prisoner or prisoners to be released under the Act, or confined, or any other officer, specially authorized in this behalf by the Government and
- f) "Assistant Director" means the Assistant Director, Reclamation and Probation of a Division.

3. The status of the Assistant Director and Parole Officer.-The "Assistant Director and "Parole Officer" shall be taken to be "Government Officer" within the meaning of section 2, 7 and 8 of the Act.

4. Conditional Release.- The Assistant Director, Reclamation and Probation, may, at any time, after consultation with the Superintendent release of well or otherwise prepare a list of the prisoners, who are well behaved person. Their antecedents or conduct in prison appears to be likely, if released from prison, to abstain from crime and to lead a useful and industrious life, and may forward a list of such prisoners to the Government through the Director, Reclamation and Probation, with his recommendation for their release under the Act. The Government may thereupon permit all or any of such prisoners to be released by license under section 2 of the Act.

- (b) A license under section-2 of the Act shall in Form "A" (Form 2.1) herewith annexed, and shall contain the conditions stated therein.
- (c) No prisoner shall be released from a prison unless the conditions of the license are personally explained to him by The Superintendent and are accepted by him. The fact that the condition were so explained to the prisoner and were accepted by him shall be certified on the license by the Superintendent.

5. Powers and duties of the Assistant Director.- (a) The Assistant Director shall be generally responsibly for the supervision, direction and control of all prisoners released under the Act.

- (b) Subject to any general or special orders issued by the Director Reclamation and Probation, in this behalf the Assistant Director may place any prisoner released

under the Act under the authority of a Parole Officer and may delegate to him any of the duties in respect of such prisoners.

6. Duties of Parole Officers.- (a) Parole Officer shall work under the control of the Assistant Director and shall perform such duties and exercise such powers as may be assigned to them by that officer.

(b) With the permission of the Assistant Director a Parole Officer may allow any prisoner placed under his authority to be employed by any person on rates of wages approved by the Assistant Director and shall take from the employers an agreement (Form 3.14) in writing embodying the conditions of employment. The Parole Officer shall be responsible in such cases for seeing that suitable agreements are made for the lodging of the prisoners in sanitary conditions and for enforcing payment of the moderation and other conditions of the agreements.

(c) A Parole Officer shall be generally responsible for the conduct and discipline of every prisoner placed under his authority and for his due observance of the conditions of his license. He shall report any breach of conditions of a license by a prisoner to the Assistant Director.

Note— for the duties assigned to a Parole Officer, see executive orders 2, 3, 5, 16, 21-34, 40, 43-45, 47 and 49-56 annexed with these Rules.

7. Revocation of license.- (a). If on the report of a Parole Officer or otherwise, the Assistant Director finds that any prisoner has been guilty of a breach of conditions of his license or considers that he is unfit to be allowed to remain at large under the license, he shall report the matter through the Director, Reclamation and Probation and the Government may thereupon revoke his license.

(b) When the Assistant Director or Parole Officer decides to recommend the revocation of the license of a prisoner, he may order his arrest and detention in such place and subject to such restrictions as may be prescribed by the Government in this behalf, pending the receipt of the orders of Government, and if the license is revoked, may send him from the charge of a Parole Officer to the Superintendent of the jail mentioned in the revocation order, on or before the date specified therein.

(c) An order of revocation under section 6 of the Act, shall be in "Form B" (Form 2.2), herewith annexed and shall be served upon the prisoner by the Assistant Director, a Parole Officer or a Superintendent of jail. The Assistant Director, the Parole Officer, or the Superintendent of the Jail, as the case may be shall explain the order to the prisoner and shall certify the fact that the orders have been so explained, before the revocation order. A note as regards the revocation shall also be made on the original license.

8. Final release of prisoner on parole.- on the expiry of the period of a license, otherwise than by revocation, the Assistant Director or any other Parole Officer authorized by him in this behalf, shall forthwith inform the licensee that he is absolved from the observance of all the conditions of license and shall make a note to that effect on the license.

9. Classes of offenders eligible for conditional release.- (1) The following classes of offenders shall be eligible for conditional release under the Act:-

(a) First Offenders who have been convicted of the following Offences and sentenced to imprisonment exceeding 2 years, if the unexpired period of sentence is not more than 6 months;

i Offences under Chapter V-A, VI and VII and Section 216-A, 303, 311, 328, 364, 386 to 389, 392-402, 411, 455, 458 to 460 of the Pakistan Penal Code;

ii Offences under the Criminal Law Amendment Act, 1908; and

iii Offences under the Explosive Substances Act, 1908;

(b) Offenders who have been convicted of offences other than those mentioned in clause (a) above and sentenced to imprisonment for a period not exceeding 3 years;

- (c) Prisoners whose age on the date of their latest sentence does not exceed twenty one years.

Provided that in a case of his conviction for offences mentioned in (a) above he satisfies the conditions laid down therein.

- (d) offenders who have been convicted for offences other than those mentioned in clause (a) above and sentenced to imprisonment for a period shown below in Column-A and have undergone imprisonment for a period not less than that shown below in Column-B.

(A)	(B)
Term of Sentence	Minimum Period of imprisonment already undergone.
1. Exceeding 3 years but not exceeding 7 years.	1. One third of substantive sentence excluding remission
2. Exceeding 7 years but not exceeding 10 years.	2. One third of substantive sentence excluding remission
3. Exceeding 10 years but not exceeding 14 years including life imprisonment commuted to 14 years.	3. ¹ One third of the substantive excluding remission other than educational remission.
4. Life imprisonment exceeding 14 years.	4. ² Ten years of the substantive excluding remission other than educational remission.

- (2) Rule 9-A shall be omitted.

- Note* (i) Members of notified Criminal Tribes are not to be released even if eligible under rule -9 without the special permission of the Director.
- (ii) Police Rule 23.35 (3) provides that no surveillance should be exercised by the police over parole released convicts.

¹ Vide amendment in the Rules No. SO(R&P)21-1/2007 dated 22-5-2008

² Vide amendment in the Rules No. SO(R&P)21-1/2007 dated 22-5-2008