

**PART III**  
**GOVERNMENT OF PUNJAB**

DEPARTMENT OF JAILS

(Home-7 Branch)

**NOTIFICATION**

The 25th August, 2021

**No. S.O. 94/C.A.2/1974/S.432/Const./Art.161/2021.**-In pursuance of the provisions of sub-section (1) of section 432 of the Code of Criminal Procedure, 1973 (No. 2 of 1974) read with Article 161 of the Constitution of India and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following policy for award of State Government Remission to persons sentenced by criminal courts in the State of Punjab, namely:-

**POLICY**

**1. Short title, commencement and application.**-(1) This policy may be called the Punjab Grant of State Government Remission Policy, 2021.

(2) It shall come into force with immediate effect.

(3) It shall be applicable to all convicted criminal prisoners sentenced by the courts in the State of Punjab. It shall not apply to other prisoners, e.g., civil prisoners, detainees etc.

**2. Award of State Government Remission.**-(1) The State Government Remission to be granted by the State Government, from time to time in a calendar year, shall not exceed the following limit:-

- (a) Prisoners sentenced to imprisonment for more than 10 years including prisoners sentenced to imprisonment for life. : 1 year
- (b) Prisoners undergoing sentence of more than 7 years and upto 10 years : 9 months
- (c) Prisoners undergoing sentence of more than 5 years and upto 7 years : 6 months
- (d) Prisoners undergoing sentence of more than 3 years and upto 5 years. : 3 months
- (e) Prisoners undergoing sentence less than 3 years, but more than 3 months. : 1 month

(2) If a person is on parole or furlough, the remission shall be granted only if

he surrenders in the concerned jail on the due date of return, or before the expiry of period of parole or furlough.

**3. State Government Remission not to be awarded.**-(1) Notwithstanding anything contained in this policy, no remission shall be granted to a person convicted as under, namely:-

- (i) *For an offence investigated by the Delhi Special Police Establishment constituted under the Delhi Special Police Establishment Act, 1946 (25 of 1946), or by any other agency empowered to make investigation into an offence under any Central Act other than the Code of Criminal Procedure, 1973 (2 of 1974), except after consultation with the Central Government;*
- (ii) *For an offence which has been committed by a person in the service of the Central Government, while acting or purporting to act in the discharge of his official duty except after consultation with the Central Government;*
- (iii) *A person who has been convicted of offences, some of which relate to matters to which the executive power of the Union extends, and who has been sentenced to separate terms of imprisonment which are to run concurrently.*
- (iv) For an offence relating to destruction or damage to any property belonging to the Central or State Government under the Prevention of Damage to Public Property Act, 1984;
- (v) For an offence under sections 3,4,5,6 and 10 of the Official Secrets Act, 1923, or under sections 2 and 3 of the Criminal Law Amendment Act, 1961;
- (vi) Where the prisoner is sentenced under:-
  - (a) the Foreigners Act, 1946; or
  - (b) the Passport Act, 1967; and
  - (c) the Narcotic Drugs and Psychotropic Substances Act, 1985;
- (vii) Where the conviction is for an offence committed under any of the State or Central Acts, which bar the grant of remission;
- (viii) Where the sentence of death has been commuted into imprisonment for life either under section 433 of the Code of Criminal Procedure, 1973, or under Article 72 or Article 161 of the Constitution of India;

- (ix) Where an offence is committed under section 396 or under section 302 of the Indian Penal Code, 1860, read with sections 363, 364, 364-A, 392, 395, 397 or 398 of the said Code;
- (x) Where an offence is committed under sections 302 or 304 of the Indian Penal Code, 1860 read with sections 376 or section 377 of the Indian Penal Code, 1860;
- (xi) Where conviction is for an offence committed under section 376, 376-A, 376-AB, 376-C, 376-D, 376-DA, 376-DB or 376-E of the Indian Penal Code, 1860;
- (xii) Where an offence is committed under section 302 or 304 of the Indian Penal Code, 1860, and the victim is under the age of fourteen years;
- (xiii) Where an offence is committed under sections 4, 6, 8, 10, 14 or 17 of the Protection of Children from Sexual Offences Act, 2012;
- (xiv) Where an offence is committed under sections 4 and 5 of the Explosive Substances Act, 1908, along with an offence under the Terrorist and Disruptive Activities (Prevention) Act, 1987 or the Prevention of Terrorism Act, 2002, along with any offence under the provisions of the Indian Penal Code, 1860;
- (xv) ***Where an offence is committed under the Unlawful Activities (Prevention) Act, 1967;***
- (xvi) Where a prisoner has been convicted for any other cognizable offence committed in prison, as an undertrial or convict prisoner; while in custody in any prison in the State in the past in any case;
- (xvii) *The convict who has been convicted for acid attack offence;*
- (xviii) *The convict who has been convicted for murder of an elected representative during the tenure of such representative;*
- (xix) *Convicts convicted for kidnapping or abduction or adulteration of food or drugs;*
- (xx) *Where any court has ordered that the convict shall undergo life sentence till the end of his life without remission or commutation or it has been ordered that any convict will not be released before completion of 20 years or 25 years sentence or like or barred by any court;*

- (xxi) *Where the conviction is under the Prevention of Corruption Act, 1988;*
- (xxii) *Convicts under the Protection of Child from Sexual Offences Act, 2012 (POCSO Act) ; or*
- (xxiii) *Where conviction is under the Customs Act, 1962 (No. 52 of 1962);*
- (xxiv) *Where the conviction is under the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (Central Act 52 of 1974) ; and*
- (xxv) *Where the conviction is under section 120-B of the Indian Penal Code, 1860 for any of the offences, mentioned in this clause.*

(2) No State Government Remission shall be admissible to any foreign national convicted in India or to any prisoner transferred or repatriated to India under any arrangement as per provisions of the Repatriation of Prisoners Act, 2003 (Central Act No. 49 of 2003) or any bilateral treaty signed thereunder.

**4. Prisoners committing serious prison offences to be ineligible.**— Notwithstanding anything contained in this policy, a convict prisoner who, while in custody at any time in the past in any case, as an undertrial or convict prisoner in any prison of the State, commits a prison offence which is not a cognizable offence and the punishment for such offence has been upheld upon judicial appraisal, shall not be eligible for availing State Government Remission *in this case or any other case in which he has been convicted.*

**5. Prisoners committing other prison offences to be ineligible for certain period.**— The prisoners who have been convicted and awarded punishment for other prison offences not covered under para 3 (xv) and para (4) *supra*, as an undertrial or convict, while in custody at any time in the past in any case, as an undertrial or convict prisoner in any prison of the State, shall be ineligible for State Government Remission for such periods from the date of conviction as provided below, namely:-

- (i) Convicts sentenced to imprisonment upto five years, for a period of three years;
- (ii) Convicts sentenced to imprisonment for more than five years and upto ten years, for a period of five years; and
- (iii) Convicts sentenced to imprisonment for more than ten years, for a period of seven years.

**Note:** For the purpose of calculation of period of ineligibility, date of conviction shall be taken as the first day of the month in which the sentence was pronounced by the trial court.

**6. Prisoners surrendering late from parole or furlough to be ineligible for certain period.**-Any convict prisoner who surrenders after the due date of return from parole or furlough shall be ineligible for State Government Remission for such periods as provided below, namely:-

- (i) Convicts sentenced to imprisonment upto five years, for a period of two years;
- (ii) Convicts sentenced to imprisonment for more than five years and upto ten years, for a period of three years; and
- (iii) Convicts sentenced to imprisonment for more than ten years, for a period of five years.

**Note:** For the purpose of calculation of period of ineligibility, the date of return from parole or furlough shall be taken as the first day of the month in which the prisoner actually surrendered after availing parole or furlough.

**7. Limitation on total remission to be granted.**-(1) The remission to be granted in case of life convicts shall be subject to the provisions of section 433-A of the Code of Criminal Procedure, 1973, which reads as under:-

*"433-A. Restriction on powers of remission or commutation in certain cases.- Notwithstanding anything contained in section 432, where a sentence of imprisonment for life is imposed on conviction of a person for an offence for which death is one of the punishment provided by law, or where a sentence of death imposed on a person has been commuted under section 433 into one of the imprisonment for life, such person shall not be released from prison unless he had served atleast fourteen years of imprisonment."*

(2) The sum total of all remissions to be granted to the prisoners other than life convicts, shall be as per the maximum limits as prescribed under the Punjab Prison Rules or Manual.

**D.K. TIWARI,**

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Department of Jails.