

GOVERNMENT OF PUNJAB
DEPARTMENT OF HOME AFFAIRS AND JUSTICE
(HOME-VII BRANCH)

NOTIFICATION

The 8 Augst,2011

No.2 /183/89-1H7/2040 In supersession of the policy circulated vide Government of Punjab, Department of Home Affairs and Justice vide Memo No.1/889/88-1H/23536, dated 8 July, 1991 and all other relevant policies, the Governor of Punjab is please to frame the following policy for laying down the guidelines for the pre-mature release of like convicts, namely:-

POLICY

1. (1) This policy may be called the Punjab Pre-mature Release of Life Convicts Policy, 2011.
- (2) It shall come into force on and with effect from the date of its publication in the Official Gazette.
2. **Definitions:-** In this policy, unless the context otherwise requires-
 - (a) "Public Servant" means a person defined as such under section 21 of IPC;
 - (b) "Elected representative" means any person duly elected under any person duly elected under any State or Central Act; and
 - (c) "Adult" means a person above the age of 18 years.
3. (1) Subject to the provisions of clause 6 of this policy, before submitting an application for pre-mature release under article 161 of the Constitution of India, a convict shall have to undergo actual

sonment for a period specified in the schedule given below:-

SCHEDULE
(period in years)

	A		B		C			D	E	
	For convicts whose death sentence has been commuted to life imprisonment.		For Convicts who have been imprisoned for offences for which death is one of the punishments and have committed heinous crime.		For Convicts who have been imprisoned for life for offences for which death is one of punishments but crimes are not considered heinous.			Other life convicts imprisoned for life for offences for which the death is not one of the punishments and have committed heinous crime.	Other life convicts	
	Actual Imprisonment	Imprisonment with remissions	Actual imprisonment	Imprisonment with remissions	Actual imprisonment	Imprisonment with remissions	Actual imprisonment	Imprisonment with remissions	Actual imprisonment	Imprisonment with remissions
Adults	14	20	12	18	10	14	10	14	8 1/2	14
Female/Miner	10	14	8	12	8	12	8	12	6	10
Prisoners of eighty years or above age	7	10	6	9	5	8	6	9	5	8

(2) Heinous Crimes referred to in column 'B' of the said schedule are as follows:

- (i) Offence under Section 302 IPC alongwith 347 of the IPC i.e. murder with wrongful confinement for extortion;
- (ii) Section 302 IPC with 376 IPC i.e murder with rape;
- (iii) Offence under section 396 of IPC i.e dacoity with murder;
- (iv) Offence under section 302 IPC alongwith offence under the Terrorist and the Disruptive Activities (Prevention Act, 1987);
- (v) Offence under Section 302 IPC alongwith offence under the Scheduled Castes and Scheduled Castes and Scheduled Tribes(Prevention of Atrocities) Act, 1989 or unlawful Activities (Prevention) Act, 1967;

(3)

- (vi) Offence under Section 302 IPC where murder has been committed in connection with any dispute over dowry and this is indicated in the judgement of the trial court.
 - (vii) Offence under section 302 IPC where the victim is a child under the age of 14 years; and
 - (viii) Any conviction under section 120-B of the IPC in connection with any of the said offences.
- (3) Heinous Crimes referred to column "D" of the said schedule are as follows:
- (i) Offence under section 304(B) of the IPC i.e. dowry death;
 - (ii) Offence under section 304 IPC alongwith section 347 of the IPC i.e. culpable homicide not amounting to murder with wrongful confinement for extortion;
 - (iii) Offence under section 304 IPC alongwith section 376 of the IPC i.e. culpable homicide not amounting to murder with rape.
 - (iv) Offence under section 304 IPC alongwith offence under the Terrorist and Disruptive Activities (Prevention) Act, 1987 or Unlawful Activities (Prevention) Act, 1967;
 - (v) Offence under section 304 IPC culpable homicide not amounting to murder has been committed in connection with any dispute on dowry and this is indicated in the judgement of the trial court.
 - (vi) Offence under section 304 IPC where the victim is a child under the age of 14 year; and
 - (vii) Any conviction under section 120-B of the IPC in connection with any of the said offences .
- (4) Notwithstanding anything contained in sub- clause (1) the Government shall be competent to exercise its power in respect of pre-mature release of a convict in any deserving case, as it may deem appropriate.
4. (1) Subject to the provisions of clause 6 of this policy, before submitting an application for pre-mature release under section 432 and 433 of the Criminal Procedure Code, 1973 (Central Act 2 of 1974), a convict shall have to undergo actual imprisonment for a period .

Specified in the schedule given below :-

SCHEDULE

(period in years)

A		B		C			D	E		
For convicts whose death sentence has been commuted to life imprisonment		For Convicts who have been imprisoned for offences for which death is one of the punishments and have committed heinous crime		For Convicts who have been imprisoned for life for offences for which death is one of punishments but crimes are not considered heinous.			Other life convicts imprisoned for life for offences for which the death is not one of the punishments, and have committed heinous crime	Other life convicts		
	Actual Imprisonment	Actual imprisonment	Imprisonment with remissions	Actual imprisonment	Imprisonment with remissions	Actual imprisonment	Imprisonment with remissions	Actual imprisonment	Imprisonment with remissions	
Adults	14	20	14	20	14	20	10	14	8 - 1/2	14
Female /Miner	14	20	14	20	14	20	8	12	6	10

(2) Heinous crimes referred to in column (B) and (D) of the said Schedule, shall be the same as have been categorized in sub-clauses (1) and (2) of clause 3 of this Policy.

5. (1) No pre-mature release shall be considered before the expiry of actual imprisonment of 18 years or 20 years imprisonment with remissions in following cases:-

- (a) Murder of an elected representative during his/her tenure;
- (b) Murder of a public servant in connection with the discharge of his official duty; and
- (c) Murder of a minor girl after committing rape with her forcibly, ghastly murders by cutting of body in to pieces, dowry death cases etc.

(2) Pre-mature release shall not be ordered in following cases:-

- (a) Convicts who cannot for some definite reasons, be prematurely released without danger to public order and safety; and
- (b) Cases of life convicts covered under section 435 and the code of Criminal procedure, 1973;

(5)

6. Cases for premature release will be considered only if the Government is satisfied that in the event of release of the convict, there is no likelihood of the convict committing a crime or breach of peace in any way connected with the circumstances of the crime, for which he was originally convicted.

7. (1) On becoming eligible for consideration for premature release under clause 3 or clause 4 of this policy as the case may be the convict may submit a petition to the Government or Inspector General of Prisons or Superintendent of Jail concerned, indicating the grounds on which he desires his case to be considered for premature release.

(2) The petition shall be referred by the Government within 15 days to the Inspector General of Prisons and by Inspector General of Prisons to Superintendent of Jail within 15 days for preparing the case in the prescribed format for verification of details of imprisonment as well as for a report of good behavior. On receipt of such petition from any source, the Superintendent of Jail concerned shall within 15 days submit premature release case of life convict along with his recommendation and record of remissions/parole etc. duly signed and authenticated to the Inspector General of Prisons keeping in view the convict's conduct during the last 5 years. Overall conduct may be categorized as good if the convict has not been punished for any jail offence during the last five years and has not received any adverse report during last parole.

(3) A copy of such petition shall simultaneously be forwarded to the District Magistrate for verification of the contentions made in the petition and a report regarding the likelihood of commission of breach of peace or crime by the convict, which is connected with the circumstances of the crime originally committed by him. For this purpose inter-alia, the following will be taken into account:-

- (a) The behavior of convict during period parole.
- (b) The views of the local Panchayat.

The actual verification and report regarding likelihood of commission of breach of peace or crime shall be made personally by the concerned Station House Officer within 7 days and the report shall be sent under his signatures to the District S.P. (SSP). Further the District S.P. (SSP) shall within 15 days forward it under his own signatures to the District Magistrate who shall further send it within 15 days to the Government. In case the verification report from the concerned District Magistrate and S.S.P. is not received within one month it will be presumed that they have no objection to the premature release of the convict.

8. On receipt of the report from the Superintendent of Jail, the Inspector General of Prisons shall put up within 15 days all such premature release cases along with his comments and recommendations to the Principal Secretary to Government of Punjab, Department of Home Affairs and Justice. If as per report received from the Inspector General of Prisons, Prisons, prisoner's overall conduct is good, Principal Secretary Home Affairs and Justice after consideration within 15 days shall send it to the appropriate

authority for appropriate orders. In case, overall conduct of the prisoner is reported not good, the matter shall be considered after receipt of the report from the District Magistrate.

9. This policy will supersede instructions contained in the following Government circulars:-

- I. Memo No. 13311-6JJ-71/39656, DATED 10-11-1971
- II. Memo No. 403-6JJ-76/3456, DATED 30-1-1976
- III. Memo No. 2874-6JJ-77/17811, DATED 12-5-1977
- IV. Memo No. 8530-6JJ-78/21313, DATED 9-6-1978
- V. Memo No. 12/456/81-5JL/22279, DATED 3-12-1982
- VI. Memo No. 12/152/83-5J/32987, DATED 12-12-1985
- VII. Memo No. 12/49/84-4J-71/34888-90, DATED 29-12-1986
- VIII. Memo No. 1/889/881H7/23526, DATED 8-7-1991

10. Para 516-B of the Punjab jail Manual will be deemed to have been amended accordingly.

11. This policy does not confer any legal right for premature release of any convict despite the fulfillment of various conditions mentioned in the policy.

Dated, 2.8.2011
D. S. Bains
Principal Secretary to Government of Punjab
Department of Home Affairs and Justice

Endst.No.1/183/89-1H7 Dated, Chandigarh the

A copy is forwarded to the Director General of Police/ Prisons, Punjab, Chandigarh with the request that a copy of policy may be sent to the all Superintendents of jails for necessary action accordingly to this policy.

Under Secretary Home

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