

PRC Policy, 2013

(14)

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

**NOTIFICATION**

Dated 4 April, 2013

No.2/183/89-1H7/476

In supersession of the policy circulated vide Government of Punjab, Department of Home Affairs and Justice vide Memo No.2/183/89-1H/2040, dated 8 August, 2011 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 which are follows :-

**POLICY**

1. (1) This policy will be called as "2013 policy" regarding premature release of the life convicts.
- (2) This will be implemented from the date as and when the same will be published in the Government Gazettes

**2. Definitions:-**

In accordance with this policy if may not be considered otherwise :-

- (a) "Public Servant" means a person defined as such under section 21 of IPC;
  - (b) "Elected representative" means the person who is elected in a proper manner as per Act of State Government or Central Government.
  - (c) "Adult" means a person above the age of 18 years.
3. (1) The prisoner shall have to undergo the sentence as mentioned in the following **Schedule** before application for Pre-mature release under article 161 of the constitution is submitted:-

**SCHEDULE**

(period in years)

	A		B		C		D		E	
	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	8½	14
Female/Minor	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) In column "B" of the above mentioned schedule, "heinous crime" means :

- (i) Offences committed under Section 302 IPC readwith 347 of the IPC i.e. murder with wrongful confinement for extortion;
- (ii) Offence committed under Section 302 IPC and 376 IPC i.e murder with rape;
- (iii) Offence committed under section 396 of IPC i.e dacoity with murder;
- (iv) Offences under section 302 IPC alongwith the offences under the Terrorist and the Disruptive Activities (Prevention Act, 1987);
- (v) Offences under Section 302 IPC alongwith offences under the 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 a 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 above mentioned offences.

(3) In column 'D' of the above mentioned schedule "heinous crime" means:

- (i) Offence under section 304B 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 readwith offence under the Terrorist and Disruptive Activities (Prevention) Act, 1987 or Unlawful Activities (Prevention) Act, 1967; Offence under section 304 I-P C 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.
- (v) Offence under section 304 IPC where the victim is a child under the age of 14 year; and
- (vi) Any conviction under section 120-B of the IPC in connection with any of the above mentioned offences.

(4) Notwithstanding anything contained in this Policy, the Government shall be competent to exercise its power in respect of pre-mature release of a convict in any manner, 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 as mentioned in the following Schedule:-

SCHEDULE

(period in years)

A		B		C		D		E	
For convicts whose death sentence has been commuted to life imprisonment		Those convicted for murder or for heinous crime in which life imprisonment is one of the punishments.		Those convicted for murder but not for heinous crime, in which life imprisonment is one of the punishments.		Those convicted for heinous crime, other than murder and in which life imprisonment is one of the punishments.		Other life convicts	
Actual imprisonment	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 /Minor	14 20	14	20	14	20	8	12	6	10

(2) The Heinous crimes shall have the same meaning as mentioned in Sub para (2) of para 3 of this policy.

5. (1) In the following cases no request for pre-mature release shall be considered before completion of sentence undergone for 18 or 20 years period:-

(a) To cause death of any elected representative during his/her tenure of such representation.

(b) To cause death of public servant at the time when he was discharging his official duty and

(2) The convicts of the following categories shall not be granted any remission, special remission or pardon or any kind of such relief and shall not be released pre-maturely for any reason:-

(a) Prisoners convicted under sections 376, 376-A, 376-B, 376-C, 376-D and 377 of IPC or any other offence under any law for the time being in force relating to sexual offences involving Girls/women.

(b) prisoners convicted under NDPS Act will not be granted any kind of remission notwithstanding the date of conviction meaning thereby whether such conviction was before the notification of this policy or after the notification of this policy.

(3) in the following cases orders for pre-mature release shall not be made:-

(a) The convicted prisoners in view of the public security except due to some specific reasons.

(b) The convicted prisoners where section 435 of Cr.P.C. is applicable.

6. The case of pre-mature release shall not be considered where the Government is satisfied that convicted prisoner on his release shall attempt to commit any offence or shall violate his undertaking for maintaining peace or shall commit an offence for the second time in the circumstances in which the first offence was committed.

7. (1) A petition for the pre-mature release under para 3 and 4 shall be presented for consideration to the government or Superintendent jails or Inspector General of Prisons. The reasons and facts on which basis the pre-mature release is being requested shall be mentioned in the application/petition.

(2) When the prisoner becomes eligible for pre-mature release the Superintendent Jail shall send it to the Director General of Police (Jails). With a view to simplifying the system it is decided that the cases of those prisoners who had earned good records of five parole periods, no report of District Magistrate, Senior Superintendent of Police and Sarpanch will be required. The superintendent jail shall certify that the prisoner had completed latest five parole periods or furlough periods without any complaint and no adverse report was received from the District Magistrate or Senior Superintendent of Police. The Government shall send the petition to the Inspector General (Jails) in 15 days and the Inspector General (Jails) shall send the petition to the Jail Superintendent in 15 days so that the latter may prepare a report in detail about the good conduct of the prisoner. This information shall be examined and verified minutely. This report should be in prescribed form. The Superintendent Jail shall make his recommendation in 15 days from the date of receipt of petition from any source. He shall also send, under his signature, the report of remissions and parole periods.

This report shall be prepared on the basis of conduct of the convicted during last 5 years and shall be sent to the Inspector General (Jails). The conduct of the convict will be deemed good if the convict was not guilty of any offence during last 5 years and there had been no occasion for complaints.

(3) A copy of such petition shall be forwarded with facts mentioned in the copy of the petition to the District Magistrate for verification/investigation and the said report will also be perused in which the accused had undertaken the oath not to commit any breach of promise and to maintaining peace. The circumstances in which offence was committed previously will be kept in view. The following facts, inter alia, shall also be kept in view :-

- (a) The conduct of convict during period parole.
- (b) Opinion of the local Panchayat.

The station House Officer shall enquire and verify the report of the convict related to possibility of breach of peace. This report shall be sent to the Senior Superintendent of Police. The Senior Superintendent of Police further send it to the District Magistrate. The District Magistrate shall forward it to the government in 15 days.

8. On receipt of the report from the "Jail" Superintendent, the Inspector General (Jails) will send all the pre-mature release cases with comments and recommendation to the Principal Secretary, Home Affairs and Justice, Government of Punjab in 15 days. If the overall conduct of convict is found satisfactory, the Principal Secretary, Home affairs and Justice shall put up the case to the competent authority for appropriate orders. If the conduct report of convict is not satisfactory, the matter will be considered on receipt of report of the District Magistrate.

9. This policy shall substitute 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-78/21318, 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. 1/889/88-1H7/23526, DATED 8-7-1991
- IX. Memo No. 2/183/89-1H7/2040, DATED 8-8-2011

10. Para 428 to 455 of chapter -14 of the Punjab jail Manual shall be deemed to have been amended accordingly.

11. No second application for pre-mature release shall be received by any authority/officer/official for pre-mature release within two years from the date of previous order rejecting such a request.

12. This policy is only an enabling provision and does not create a right to premature release for a prisoner. Even if the prisoner fulfils the conditions for premature release, he may not be released if the competent authority keeping in view the facts and circumstances of the case, is satisfied that the prisoner does not deserve such release.

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