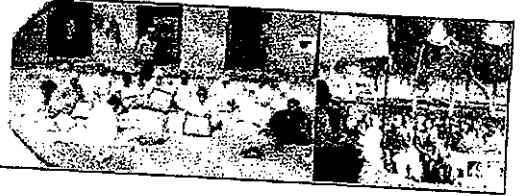




# Haryana Prisons



## PAROLE OF PRISONERS

a) The powers to sanction parole/ furlough under the Haryana Good Conduct Prisoners (Temporary release) Act- 1988 have been given to the following authorities:

The Divisional Commissioner of the concerned Division is authorized to exercise the powers of the State Government under the above Act for the offences of murder, dacoity, rape with murder, dowry death cases and NDPS Act.

The District Magistrate of the concerned District is authorized to exercise all the powers under the above Section except those where Divisional Commissioner or Superintendent of Jails has been authorized.

**HARYANA GOVERNMENT**  
**JAILS AND JUDICIAL DEPARTMENT**

**Notification**

The 13th August, 2008

**No. 36/135/91-1JJ(II).**—In exercise of the powers conferred by Sub-section (1) of Section 432 read with Section 433 of the Code of Criminal Procedure, 1973 (Act 2 of 1974) and in supersession of Haryana Government Memo No. 36/135/91-1JJ(II), dated the 12th April, 2002 and all other earlier policies, the Governor of Haryana hereby frames the following policy regarding premature release of life convicts, namely :—

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                       |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>(a) Convicts whose death sentence has been commuted to life imprisonment and convicts who have been imprisoned for life having committed a heinous crime such as —</p> <ul style="list-style-type: none"><li>(i) murder with rape/unnatural offences;</li><li>(ii) murder with intention to collect ransom/robbery/dacoity/kidnapping/abduction;</li><li>(iii) murder of more than two persons;</li><li>(iv) persons convicted for second time for murder;</li><li>(v) sedition;</li><li>(vi) sedition with murder;</li><li>(vii) murder while undergoing life sentence;</li><li>(viii) murder with offence under TADA Act, 1987;</li><li>(ix) murder of a child under the age of 14 years;</li><li>(x) convicts who cannot for some definite reasons be prematurely released without danger to public order and safety;</li><li>(xi) any other crime that the State Level Committee considers to be 'heinous' for reasons to be recorded in writing.</li></ul> | <p>Their cases for pre-mature release may be considered after completion of 20 years actual sentence and 25 years total sentence with remissions.</p>                                                                                 |
| <p>(b) Convicts who have been imprisoned for life having committed any crime which is defined in IPC and/or NDPS Act as punishable with death sentence.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p>Their cases for pre-mature release may be considered after completion of 14 years actual sentence including undertrial period; provided that the total period of such sentence including remissions is not less than 20 years.</p> |
| <p>(c) Convicts who have been imprisoned for life having committed a crime which is defined in IPC as punishable with life imprisonment but not with death sentence.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p>Their cases may be considered after completion of 10 years actual sentence including undertrial period; provided that the total period of such sentence including remissions is not less than 14 years.</p>                        |

**3. The formula for calculating period of sentence undergone shall be as follows :—**

A person convicted and sentenced for life imprisonment on 1st January, 1990, had completed his 14 years actual sentence on 31st December, 2003 and during the above said sentence period he had availed parole for 14 months. his actual sentence undergone will be treated as 14 years and not as 12 years 10 months. If during this period he has earned five years total remission his total sentence period will be calculated as under :—

	Y	M	D
Under Trial Period	0	0	0
Period of sentence undergone	14	00	00
Add Remission earned	05	00	00
	19	00	00
Less parole period	01	02	00
Total sentence undergone	17	10	00

His case will be eligible for premature release only when he completes 20 years of total sentence.

4. All pre-mature release cases under this policy shall be subject to Section 433-A Cr. P.C.
5. As per Para 645 of Punjab Jail Manual, remissions granted under the Jail Manual shall not exceed 25% of the total sentence of 20 years unless specifically ordered by Director General of Prisons who may enhance the remissions up to one third of the total sentence period in exceptional and suitable cases (Para 645 of Punjab Jail Manual). The remissions if granted by the State Government under 432 Cr. P.C. would be in addition to the remissions granted as per the Jail Manual.
6. The premature release cases shall be considered by the State Level Committee comprising the following :—
- |                                                                                            |                  |
|--------------------------------------------------------------------------------------------|------------------|
| 1. Minister of Jails                                                                       | Chairman         |
| 2. Financial Commissioner and Principal Secretary to Government Haryana, Jails Department. | Member           |
| 3. Legal Remembrancer, Haryana                                                             | Member           |
| 4. Director General of Prisons, Haryana                                                    | Member-Secretary |

Overall conduct of the life convicts during his/her confinement in the Jail shall be taken into consideration while preparing the case for premature release of a life convict.

7. The Superintendent of the Jails concerned shall submit premature release cases of life convicts three months before the date they are deemed eligible for consideration for premature release along with their comments and record of remissions duly signed and authenticated to the Director General of Prisons, Haryana keeping in view the following points :—

- The Convict's conduct for the last five years from the date of his/her eligibility for consideration of premature release shall be specifically taken into consideration.
  - His/Her overall conduct may be categorized as 'Good' if he/she has not been punished for any Jail offence, during the last five years.
  - The conduct may be categorized as 'Satisfactory' if he/she has been punished with only one minor jail punishment during the last five years for any Jail offence.
  - The conduct of a life convict who has been punished with a major punishment or more than one minor punishments for jail offences during the last five years shall be categorized as 'not satisfactory'.
8. The Director General of Prisons, Haryana shall put up all such premature release cases to the State Level Committee for consideration. The Committee will meet once in three months, so that cases of review under this policy are not delayed. The Director General of Prisons, Haryana will forward a copy of the decision taken by the Committee along with the commutation roll of each of the life convict to the State Government within one week for further action. Such cases will be put up to the Chief Minister, Haryana along with full background of the convicts and recommendations of the Committee and a copy of the Court judgement etc. for orders under Section 432 Cr. P.C. It is reiterated that no convict has fundamental right of remission or shortening of sentence. The State Government in exercise of its executive/ discretionary power of remission is to consider each individual case keeping in view all the relevant factors. This policy is issued in exercise of the power of the State in such a way that no discrimination is made while considering the case of life convicts for premature release. This policy shall be applicable to all premature release cases of life convicts with effect from date of notification irrespective of their date of conviction.

The date for consideration of premature release of a convict would be the date of completion of his requisite sentence mentioned in the policy.

However, the powers of pre-mature release of a life convict in cases covered under Section 435 of the Cr. P.C. shall not be exercised by the State Government except after consultation with the Central Government.

FIROZA MEHROTRA,  
Financial Commissioner and Principal Secretary to  
Government Haryana, Jails Department.

(2) Notwithstanding anything contained in sub-section (1), a hardcore prisoner, who has not been awarded death penalty, may be entitled for temporary release or furlough only if he has completed five years of sentence as a convict in jail excluding the under trial period and has not been awarded any minor or major penalty by the Superintendent of Jail, as judicially appraised by the concerned District and Sessions Judge :

Provided that if the prisoner so released under this sub-section violates any condition of temporary release or furlough, he shall be debarred from such release in future."

RAJ RAHUL GARG,  
Secretary to Government Haryana,  
Law and Legislative Department.

THE HARYANA GOOD CONDUCT PRISONERS (TEMPORARY RELEASE)  
ACT, 1988

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(5)

**THE HARYANA GOOD CONDUCT PRISONERS (TEMPORARY  
RELEASE) ACT, 1988**

(Haryana Act No. 28 of 1988)

(Received the assent of the Governor of Haryana on the 8th September, 1988, and first published for general information in the Haryana Government Gazette (Extraordinary), Legislative Supplement Part I of 13th September, 1988).

1	2	3	4
Year No.	Short title		Whether repealed or otherwise affected by legislation.
1988 28	The Haryana Good Conduct Prisoners (Temporary Release) Act, 1988.		—

AN

ACT

*to provide for the temporary release of prisoners for good conduct on certain conditions.*

Enacted by the Legislature of the State of Haryana in the Thirty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988.

Short title  
extent and  
commencement.

(2) It extends to the whole of the State of Haryana.

(3) It shall come into force on such date as the State Government may, by notification, in the Official Gazette, appoint in this behalf.

Definitions,

2. In this Act, unless the context otherwise requires,—

(a) "District Magistrate" means the District Magistrate of the district within whose jurisdiction the prisoner after his temporary release under this Act, is likely to reside during the period of his release

(1) For Statements of objects and reasons, see Haryana Government Gazette (Extra.), Dated 21st August, 1988 page 1272.

- (b) "member of prisoner's family" means the husband, wife, son, daughter, father, mother, brother or sister of the prisoner;
- (c) "prescribed" means prescribed by the rules made under this Act;
- (d) "prisoner" means a person confined in prison or jail or other institution of like nature under a sentence of imprisonment for life or imprisonment by any court in India or the Court martial or any other authority exercising the powers of a Criminal Court;
- (e) "Superintendent of Jail" means the officer incharge of the prison or jail or other institution of like nature in which the prisoner is undergoing his sentence of imprisonment for life or imprisonment.

Temporary  
release of  
prisoners on  
certain grounds.

3. (1) The State Government may, in consultation with the District Magistrate or any other officer appointed in this behalf, by notification in the Official Gazette and subject to such conditions and in such manner as may be prescribed, release temporarily for a period specified in sub-section (2), any prisoner, if the State Government is satisfied that—

- (a) a member of the prisoner's family had died or is seriously ill or the prisoner himself is seriously ill; or
- (b) the marriage of prisoner himself, his son, daughter, grandson, granddaughter, brother, sister, sister's son or daughter is to be celebrated; or
- (c) the temporary release of the prisoner is necessary for ploughing, sowing or harvesting or carrying on any other agricultural operation on his land or his father's undivided land actually in possession of the prisoner; or
- (d) it is desirable to do so for any other sufficient cause.

(2) The period for which a prisoner may be released shall be determined by the State Government so as not to exceed—

- (a) where the prisoner is to be released on the grounds specified in clause (a) of sub-section (1), three weeks;
- (b) where the prisoner is to be released on the ground specified in clause (b) or clause (d) of sub-section (1), four weeks; and
- (c) where the prisoner is to be released on the grounds specified in clause (c) of sub-section (1), six weeks :

Provided that the temporary release under clause (c) can be availed more than once during the year, which shall not, however, cumulatively exceed six weeks.

(3) The period of release under this section shall not count towards the total period of the sentence of a prisoner.

(4) The State Government may, by notification, authorise any officer to exercise its powers under this section in respect of all or any other ground specified thereunder.

4. (1) The State Government or any other officer authorised by it in its behalf may, in consultation with such other officer as may be appointed by the State Government, by notification, and subject to such conditions and in such manner as may be prescribed, release temporarily, on furlough, any prisoner who has been sentenced to a term of imprisonment of not less than four years and who—

Temporary  
release of  
prisoners on  
furlough.

- (a) has, immediately before the date of his temporary release, undergone continuous imprisonment for a period of three years, inclusive of the pre-sentence detention, if any;
- (b) has not during such period committed any jail offence (except an offence punished by a warning) and has earned at least three annual good conduct remissions;

Provided that nothing herein shall apply to a prisoner who—

(i) is a habitual offender as defined in sub-section (3) of section 2 of Punjab Habitual Offenders (Control and Reform) Act, 1952;

or

(ii) has been convicted of dacoity or such other offence as the State Government may, by notification, specify.

(2) The period of furlough for which a prisoner is eligible under sub-section (1) shall be three weeks during the first year of his release and two weeks during each successive year thereafter.

(3) Subject to the provisions of clause (d) sub-section (3) of section 8 the period of release referred to in sub-section (1) shall count towards the total period of the sentence undergone by a prisoner.

5. For the purpose of calculating the period of temporary release of a prisoner under sections 3 and 4, the dates of departure from and arrival at the prison shall be excluded.

Exclusion of  
certain days  
in computing  
period under  
sections 3 and  
4.

6. Notwithstanding anything contained in sections 3 and 4, no prisoner shall be entitled to be released under this Act if, on the report of the District Magistrate, the State Government or an officer authorised by it in this behalf is satisfied that his release is likely to endanger the security of the State or the maintenance of public order.

Prisoners not  
entitled to be  
released in  
certain cases.

7. If on the report of the District Magistrate, the State Government is satisfied that prisoner's family cannot bear the expenses of his journey from and to the prison after his temporary release under this Act, the expenses may be borne by the State Government to such extent and in such manner as may be prescribed.

Journey  
expenses of  
poor prisoners  
to be borne by  
State Govern-  
ment.



Liability of  
prisoner to  
surrender on  
expiry of  
release period  
and consequen-  
ces of  
overstaying.

8. (1) On the expiry of the period for which a prisoner is released under this Act, he shall surrender himself to the Superintendent of the Jail from which he was released.

(2) If a prisoner does not surrender himself as required by sub-section (1) within a period of ten days from the date on which he should have so surrendered, he may be arrested by any Police Officer or Prison Officer without a warrant and shall be delivered over to the officer incharge of the prison from which he was released to undergo the unexpired portion of his sentence.

(3) If a prisoner surrenders himself to the Superintendent of the Jail from which he was released within a period of ten days of the date on which he should have so surrendered, but fails to satisfy the Superintendent of the Jail that he was prevented by any sufficient cause from surrendering himself immediately on the expiry of the period for which he was released, all or any of the following penalties shall, after affording the prisoner a reasonable opportunity of being heard, be awarded to him by the Superintendent of the Jail, namely:—

- (a) a maximum out of five days remission for each day of overstay;
- (b) stoppage of canteen concession for a maximum period of one month;
- (c) withholding concession of either interviews or letters or both for a maximum period of three months;
- (d) the period of temporary release on furlough of the prisoner under section 4 shall not be counted towards his sentence;
- (e) warning;
- (f) reduction from higher to a lower class or grade.

Penalty for  
failure to  
surrender.

9. (1) Any prisoner who is liable to be arrested under sub-section (2) of section 8, shall be punishable with imprisonment of either description which may extend to three years and with fine.

(2) An offence punishable under sub-section (1) shall be deemed to be cognizable and non-bailable.

Explanation.—The punishment in this section is in addition to the punishment awarded to the prisoner for the offence for which he was convicted.

Power to  
make rules.

10. (1) The State Government may, by notification, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the execution by the prisoner (including his sureties) of bond for his good behaviour during the release period and for his surrender on the expiry of such period;
- (b) the amount for which and the form and manner in which such bonds shall be furnished;

- (c) the forfeiture of the amount of bonds in case of breach of any of its terms;
- (d) the conditions on which and the manner in which prisoners may be released temporarily under this Act;
- (e) the manner in which the District Magistrate or any other officer may be consulted in the matter of temporary release of a prisoner;
- (f) the extent to which and the manner in which journey expenses of poor prisoner shall be borne by the State Government;
- (g) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid.

11. The Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 (Punjab Act No. 11 of 1962), in its application to the State of Haryana, is hereby repealed :

Repeal and savings.

Provided that such repeal shall not affect,—

- (a) the previous operation of the Act so repealed or anything duly done or suffered thereunder; or
- (b) any right, privilege, obligation or liability acquired or incurred under the Act so repealed; or
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the Act so repealed, or
- (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid :

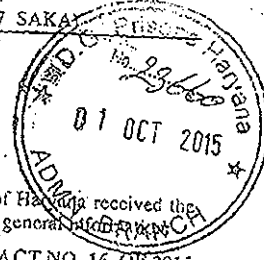
and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if this Act had not been passed;

Provided further that anything done or any action taken under the Act so repealed shall be deemed to have been done or taken under the corresponding provision of this Act and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under this Act.

HARYANA GOVERNMENT  
LEGISLATIVE DEPARTMENT.

Notification

The 18th September, 2015



No. Leg. 23/2015.—The following Act of the Legislature of the State of Haryana received the assent of the Governor on the 15th September, 2015, and is hereby published for general information.

HARYANA ACT NO. 16 OF 2015

THE HARYANA GOOD CONDUCT PRISONERS  
(TEMPORARY RELEASE) AMENDMENT ACT, 2015

AN

ACT

*Further to amend the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988.*

Be it enacted by the Legislature of the State of Haryana in the Sixty-sixth Year of the Republic of India as follows :-

Short title

1. This Act may be called the Haryana Good Conduct Prisoners (Temporary Release) Amendment Act, 2015.

Amendment of  
section 5A of  
Haryana Act 28  
of 1988

2. For sub-section (2) of section 5A of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988, the following sub-section shall be substituted, namely:-

"(2) Notwithstanding anything contained in sub-section (1), a convicted hardcore prisoner who has not been awarded death penalty, may be entitled for temporary release or furlough only if he has completed his five years imprisonment and has not been awarded any major punishment by the Superintendent of Jail, as judicially appraised by the concerned District and Sessions Judge:

Provided that the five year imprisonment period shall not include imprisonment during trial period for more than two years, while counting five years of imprisonment:

Provided further that if the prisoner so released under this sub-section violates any condition of temporary release or furlough, he shall be debarred from such release in future."

KULDIP JAIN,  
Secretary to Government,  
Haryana, Legislative Department.