

From

The Financial Commissioner & Secy. to
Government, Haryana, Jails Department.

To

The Director General & Inspector General of Prisons,
Haryana, Chandigarh.

Memo No. 36/11/86-JJ(2)
Dated, Chandigarh the 28th Sept., 1988.

Subject:

Premature release of life convicts-Issuance
of consolidated instructions.

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Please refer to Government Memo of even No. 11 dated 24th July, 1987 and earlier correspondence on the subject noted above.

2. The matter regarding premature release of life convicts has further been considered by the Government and in supersession of all previous instructions, the following policy is laid down on the subject:-

a) Convicts whose death sentence has been commuted to life imprisonment by the President of India or by the Governor of Haryana on acceptance of mercy petition.

Their cases will be reviewed after completion of 14 years actual sentence including under-trial/detention period. In case of very good conduct in Jail for 12 years, their cases will be considered after 12 years of actual imprisonment including under trial/detention period.

b) Juvenile life convicts below the age of 18 years at the time of commission of offence and female life convicts.

Their cases may be considered after 6 years of actual sentence including under-trial/detention period, provided the total of such period of detention including remissions is not less than 10 years.

c) Adult life convicts (above 18 years) not convicted for heinous crimes as defined in (d) below.

Their cases may be considered after completion of 8½ years of substantive detention including under-trial/detention period, provided that the total period of such detention including remissions is not less than 14 years.

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d) Adult life convicts involved in heinous crimes such as dowry deaths, bride burning, husband killing and cases disclosing great depravity of character and greed and those involving extreme brutality, murder with rape, murder while undergoing life sentence, organised and professional crimes of heinous nature like dacoity with murder, and life convicts, who are dangerous and hardened criminals as evidenced for example from cumulative sentences, persistent bad conduct in the prison and those who could not for some definite reasons be prematurely released without danger to public safety.

e) persons sentenced to life imprisonment inclusive of those convicted of crimes under (d) above and in whose cases death sentence has been commuted to life imprisonment but who are suffering from terminal illness like cancer or tuberculosis likely to result in death in the near future.

f) Physically handicapped.

After undergoing 14 years actual detention including under-trial/detention period.

These prisoners may be considered for release irrespective of the detention undergone, on report of Medical Board designated by the Government. Medical re-examination of the convict should be done 3 months after such release for the confirmation of the disease. Conditions of release should contain the provision regarding medical re-examination and re-admission to the prison if patient is not found to be suffering from such a disease or is on the road to recovery.

If the handicap existed before the crime, no special consideration should be given. In case handicap developed after the crime, the release may be considered after undergoing detention of 5 years, provided the handicap is of such a nature as to render him incapable of committing a serious offence and further renders him incapable of looking after himself in the prison.

3. As in the past, the cases for premature release will be reviewed by the State Level Committee comprising of the following:-

1. Minister for Jails
2. Financial Commissioner and Secretary to Govt., Haryana, Jails Department.

Chairman

Member.

Contd..3/-

3. Legal Remembrancer, Haryana..... Member.
4. Inspector General of Prisons, Haryana. Member Secretary..

4. The Superintendents of the Jail concerned shall submit cases of life convicts 2 months before they complete the sentence mentioned above alongwith their comments to the Inspector General of prisons, Haryana, who will put ^{up} all such cases alongwith his recommendation for consideration before the State Level Committee. In ^{the} case of category (e) and (f) above, it shall be the responsibility of the Superintendent of the Jail to arrange for medical examination by the Medical Board designated by the Government well in time and forward the medical report to the Inspector General Prisons, who will place the matter before the State Level Committee alongwith his comments for consideration. The Committee will meet once a month according to the convenience of Minister for Jails Haryana. The Inspector General, Prisons, Haryana, will forward a copy of the decisions taken by the State Level Committee alongwith the roll of each of life convict to the Government within one week for further action.

4. The Policy, as enunciated in paragraphs 2, 3 and 4 above, will also apply in the case of life convicts falling within the purview of section 433-A of Cr.P.C. However, their premature release will be considered on individual basis. Such cases will be put up to the Governor through the Minister for Jails and the Chief Minister, with full background of the prisoner and recommendations of State Level Committee, alongwith the copy of judgement etc. for order under Article 161 of the Constitution of India.

Handwritten signature
Deputy Secretary Home,
for Financial Commissioner & Secretary to Govt.,
Haryana, Jails Department.

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