

PART I

HARYANA GOVERNMENT

LAW AND LEGISLATIVE DEPARTMENT

Notification

The 3rd October, 2013

No. Leg. 24/2013.— The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 30th September, 2013, and is hereby published for general information:—

HARYANA ACT NO. 21 OF 2013

THE HARYANA GOOD CONDUCT PRISONERS
(TEMPORARY RELEASE) AMENDMENT
ACT, 2013

AN

BILL

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

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

1. This Act may be called the Haryana Good Conduct Prisoners (Temporary Release) Amendment Act, 2013. Short title.
2. For clause (aa) of section 2 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988, the following clause shall be substituted, Amendment of section 2 of Haryana Act 28 of 1988.
namely :—

“(aa) “hardcore prisoner” means a person,—

(i) who has been convicted of—

- (1) robbery under section 392 or 394 IPC;
- (2) dacoity under section 395, 396 or 397 IPC;
- (3) kidnapping for ransom under section 364-A IPC;
- (4) murder or attempt to murder for ransom or extortion under section 387 read with 302 or section 387 read with 307 IPC;

- (5) rape with murder under section 376 read with 302 IPC;
 - (6) rape with a woman below sixteen years of age;
 - (7) rape as covered under section 376-A, 376-D or 376-E IPC;
 - (8) serial killing i.e. murder under section 302 IPC in two or more cases in different First Information Reports;
 - (9) murder under section 302 IPC, if the offender is a contract killer as apparent from the facts mentioned in the judgment of the case;
 - (10) lurking house trespass or house breaking where death or grievous hurt is caused under section 459 or 460 IPC;
 - (11) either of offence under sections 121 to 124-A IPC;
 - (12) immoral trafficking under section 3, 4 or 5 of the Immoral Traffic (Prevention) Act, 1956 (104 of 1956) involving minors or under section 366-A, 366-B, 372 or 373 IPC;
 - (13) offence under section 17(c) or 18(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Central Act 61 of 1985); or
 - (14) offence under section 14 of the Protection of Children from Sexual Offences Act, 2012 (Central Act 32 of 2012); or
- (ii) who during a period of five years immediately before his conviction has earlier been convicted and sentenced for commission of one or more offences mentioned in Chapter XII or XVII of IPC, except the offences covered under clause (i) above, committed on different occasions not constituting part of the same transaction and as a result of such conviction has undergone imprisonment at least for a period of twelve months :

Provided that while counting the period of five years, the period of actual imprisonment or detention shall be excluded :

Provided further that if a conviction has been set-aside in appeal or revision, then any imprisonment undergone in connection therewith shall not be taken into account for the above purpose; or

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- (iii) who has been sentenced to death penalty; or
 - (iv) who has been detected of using cell phone or in possession of cell phone/SIM card inside the jail premises; or
 - (v) who failed to surrender himself within a period of ten days from the date on which he should have so surrendered on the expiry of the period for which he was released earlier under this Act :

Provided that the State Government may, by notification include any offence in the list of offences mentioned above.

Explanation.— For the purposes of this section, “IPC” means the Indian Penal Code, 1860 (Central Act 45 of 1860).’

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