

From

The Home Secretary to Government, Punjab.

To

The Inspector General of Prisons, Punjab,  
Chandigarh.

Memo. No. 13311-603-71/39356

Dated, Chandigarh, the 10th November, 1971.

Subject:- Premature release of prisoners  
under Para 516-B of the Punjab  
Jail Manual.

Reference Pb. Govt. Memo. No. 8534-603-71/30250  
dated the 6th August, 1971, on the subject noted  
above.

2. It has been decided that the cases of  
Premature release of prisoners who were more  
than 20 years of age at the time of conviction  
should be sent to Government after they have  
actually undergone 8½ years of actual sentence  
and 14 years of sentence including remission  
under para 516-B of the Punjab Jail Manual.  
Under the aforesaid para cases of women prisoners  
and the prisoners who were below 20 years of age  
at the time of conviction should be referred to  
Govt. when they have undergone 6 years of actual  
sentence and 10 years of sentence including remissions.

3. The cases of prisoners may please be  
sent in the light of the above policy with effect  
from the 2nd November, 1971

Sd/-  
Superintendent Jails &  
Official,  
for Home Secretary to Govt. Punjab.

ATTACHED

Copy of letter No. 403-6JJ-76/3456 dated 30 January, 1975, from the Home Secretary to Government Punjab to the Inspector of Prisons Punjab, Chandigarh.

Subject: - Premature release of life convicts under Section Cr.P.C. read with Para 515-B of the Punjab Jail Rules.

Reference your Memo No. 3220-GI/G.2/T-19-A-I (Part IV), dated the 15th September, 1975, on the subject above.

2. You may be aware of the recent shift re-awarding of death sentence in murder cases whereby life imprisonment is the normal sentence in such cases and the extreme penalty of death is given only in cases of premeditated murders of heinous nature. According to the existing policy of the State Government, cases of all life convicts, including those whose death sentence was commuted to life imprisonment on mercy petitions, are considered for premature release when they complete 81 years substantive imprisonment and 14 years imprisonment including remission. In view of the above judicial trend, which has been legally formalised by Section 354(3) of the Criminal Procedure Code, it is considered that prisoners whose death sentence is commuted to life imprisonment on mercy petitions should at least undergo the full term of 81 years imprisonment as per Section 57 of the Cr.P.C. and 14 years substantive imprisonment (excluding remission).

3. After careful consideration of the matter the Government have taken the following decisions, in this regard:

a) Life convicts whose death sentence is commuted on mercy petition should, ordinarily, serve at least 20 years substantive imprisonment, excluding remission;

b) the cases of such life convicts may, however, be considered for premature release when they complete 14 years actual imprisonment and 20 (including remission) provided their conduct in the Jail remains 'Good' throughout and

- c) In cases where the State Government decides to order premature release of such life convicts before completion of 20 years actual sentence, the convict would be put under bond for the remaining period falling short of 20 years.

4. You are requested to convey the above decisions to the Superintendents of all Jails in the State. The roll of such life convicts whose death sentence has been commuted on mercy petition should be submitted to Government for consideration, on the completion of 14 years: substantive imprisonment after getting the requisite reports from the district authorities and the Superintendent of the Jail concerned. The Superintendents of the Jails may also be directed to indicate, in red ink, about the commutation of death sentence on mercy petition, in the relevant column of the roll.

OFFICE OF THE INSPECTOR GENERAL OF PRISONS PUNJAB CHANDIGARH.  
IMMEDIATE  
CUT TO DAY

Enclt.No. 4760 CI/G.2/T.19-A-I(Part II)

Dated: 5/2/76

A copy is forwarded to:-

1. The Superintendents of all Jails in the Punjab State for information and necessary action. These instructions may be got noted from all concerned and compliance reported to this office within 4 days of the receipt of this letter.
2. All District Probation Officers in the State for information.
3. Steno to A.I.G.(G) & A.I.G.(I) in Head Office for information of their officers.
4. H.A.G.13.1/G.2/G.3/G.4/G.5 and Record Keeper (10 copies) in general Branch for information. One copy each may be placed in all the files of T-19 by Record Keeper (General Branch).

Enclt.No. 4761 for Inspector General of Prisons Punjab  
CI/G.2/T.19-A-I(Part-II) Dated: 5/2/76

A copy is forwarded to the Home Secretary to Government Punjab for information.

U.H.  
4.2.76

for Inspector General of Prisons Punjab.