

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 :—

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| (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 :— | Their cases for pre-mature release may be considered after completion of 20 years actual sentence and 25 years total sentence with remissions. |
| <ul style="list-style-type: none">(i) murder with rape/unnatural offences;(ii) murder with intention to collect ransom/robbery/dacoity/kidnapping/abduction;(iii) murder of more than two persons;(iv) persons convicted for second time for murder;(v) sedition;(vi) sedition with murder;(vii) murder while undergoing life sentence;(viii) murder with offence under TADA Act, 1987;(ix) murder of a child under the age of 14 years;(x) convicts who cannot for some definite reasons be prematurely released without danger to public order and safety;(xi) any other crime that the State Level Committee considers to be 'heinous' for reasons to be recorded in writing. | |
| (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. | 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. |
| (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. | 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. |

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 :—

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| 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.