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Haryana Government Gazette

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CHANDIGARH, FRIDAY, FEBRUARY 21, 2014
(PHALGUNA 2, 1935 SAKA)

HARYANA VIDHAN SABHA SECRETARIAT

Notification

The 21st February, 2014

No. 5—HLA of 2014/6.—The Haryana Good Conduct Prisoners (Temporary Release) Amendment Bill, 2014 is hereby published for general information under proviso to Rule 128 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly :—

Bill No. 5—HLA of 2014

THE HARYANA GOOD CONDUCT PRISONERS (TEMPORARY RELEASE) AMENDMENT BILL, 2014

A

BILL

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

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

1. This Act may be called the Haryana Good Conduct Prisoners Short title.

Price : Rs. 5.00

(617)

(Temporary Release) Amendment Act, 2014.

Amendment of
section 5A of
Haryana Act 28 of
1988.

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

“5A. Special provisions for temporary release of hardcore prisoners.—

(1) Notwithstanding anything contained in sections 3 and 4, no hardcore prisoner shall be entitled to temporary release or furlough:

Provided that a hardcore prisoners may be released on temporary basis to attend the marriage of his grand child or sibling, or death of his grand parent, parent, grand parent-in-laws, parent-in-laws, sibling, spouse, child or grand child under an armed police escort, for a period of forty-eight hours, to be decided by the concerned Superintendent of Jail:

Provided further that a hardcore prisoner may be released on temporary basis to attend the marriage of his daughter for ninety-six hours and for the marriage of his son for seventy-two hours under an armed police escort, to be decided by the concerned Superintendent of Jail. He shall intimate within twenty-four hours, the concerned District Magistrate and Superintendent of Police in this regard with full particulars of the hardcore prisoner being so released.

(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.”.

STATEMENT OF OBJECTS AND REASONS

The Haryana Good Conduct Prisoners (Temporary Release) Amendment Act, 2012 & 2013 was notified on 01.10.2012 & 02.01.2013 respectively in order to prevent commission of crimes during the period of parole/furlough and to reduce/eliminate the possibility of absconding during parole/furlough. Beside, Criminal Law Amendment Act, 2014 has been enforced to clarify provisions of section 5 A for special provisions for grant of Temporary Release and furlough for "hardcore prisoner" there is need to further amend the Act.

Hence the Bill.

PT. SHIV CHARAN LAL SHARMA,
Minister of State for
Labour & Employment, Haryana.

Chandigarh :
The 21st February, 2014.

SUMIT KUMAR,
Secretary.

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HARYANA VIDHAN SABHA SECRETARIAT

Notification

The 21st February, 2014

No. 6—HLA of 2014/7.—The Prisons (Haryana Amendment) Bill, 2014 is hereby published for general information under proviso to Rule 128 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly :—

Bill No. 6—HLA of 2014

THE PRISONS (HARYANA AMENDMENT) BILL, 2014

A

BILL

*further to amend the Prisons Act, 1894, in its
application to the State of Haryana.*

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

1. This Act may be called the Prisons (Haryana Amendment) Act, 2014. Short title.

Price : Rs. 5.00

(623)

Amendment of
section 3 of
Central Act 9 of
1894.

2. In section 3 of the Prisons Act, 1894 (hereinafter called the principal Act),—

(i) in clause (8), the word “and” shall be omitted;

(ii) in clause (9), for the sign “.”, existing at the end, the sign and word; “and” shall be substituted; and

(iii) after clause (9), the following clause shall be added, namely:—

“(10) “wireless communication device” includes mobile phone, wi-fi for personal computer, tablet personal computer, computer, laptop, palmtop and their use for communication like verbal, non verbal, internet, General Packet Radio Service (GPRS), e-mail, Short Message Service (SMS), Multimedia Message Service (MMS) or any such device, which is available for similar purpose.”.

Insertion of
section 42A in
Central Act 9 of
1894.

3. After section 42 of the principal Act, the following section shall be inserted, namely :—

“42A. Prohibition of possession of wireless communication device.— (1) Notwithstanding anything contained in this Act, if any prisoner is found guilty of possessing, operating or using a wireless communication device or its components like sim card, memory card, battery or charger or any other component of such device or if the prisoner or any other person assists or abets or instigates in the supply thereof, he shall be punished with imprisonment for a minimum period of two years which may extend to three years or with fine not exceeding twenty-five thousand rupees or with both.

(2) If the prisoner is found using the wireless communication device for attempting, abetting, conspiring or committing an offence inside or outside the jail premises and as a consequence thereof an offence is committed, he shall be punished with imprisonment provided in the Indian Penal Code, 1860 (Central Act 45 of 1860) for the offence so committed.

(3) The prisoner shall undergo the sentence awarded under sub-section (1) or sub-section (2) after the completion of the sentence already undergoing.”.

STATEMENT OF OBJECTS AND REASONS

At present Prisons Act, 1894 is applicable for the Haryana Jails administration. In this Act, there is no adequate provision to stop the misuse of mobile phones in the jails. Therefore, it is necessary in the public interest to make stringent provisions in the law to curb this crime, there is need to further amend the Act.

Hence the Bill.

PT. SHIV CHARAN LAL SHARMA,
Minister of State for
Labour & Employment, Haryana.

Chandigarh :
The 21st February, 2014.

SUMIT KUMAR,
Secretary.