

From

The Commissioner & Secy. to Govt., Haryana,
Jails Department,

To

The Addl. Director General of Prisons,
Haryana, Manimajra, Chandigarh.

Memo.No.36/135/91-1JJ(II)

Dated Chandigarh, the 4-2-1995

Subject:- Policy regarding premature release of Life convicts.

Reference Haryana Govt. Memo. No. of even/ dated 19-11-91
on the subject cited above.

2. In para-2(C) of the instructions issued vide Memo.No.36/35/91-1JJ(II), dated 19-11-91, a juvenile life convict and a female life convict are treated at par and are considered for premature release after completion of actual sentence of 8 years including under trial period provided that the total period of such sentence including remission is not less than 10 years. It has been seen that many juveniles are progressively resorting to heinous crimes and there is ~~xxx~~ need to adopt a more strict and deterrent policy towards them. In view of this, the matter has been reconsidered by the Govt. and it has been decided that the juvenile convicts who commit a heinous crime should be treated at par ~~xxxxxx~~ with adult life convicts and they will be considered for premature release only after completion of 14 years actual sentence, including undertrial period, and after earning at least 6 years remission. After incorporating this decision in the instructions dated 19-11-91, the policy for consideration of cases for premature release of life convicts henceforth will be as under:-

- a) Convicts whose death sentence has been commuted to life imprisonment and convicts who have been imprisoned for life for having committed a heinous crime, such as, murder with wrongful confinement for extortion/robbery, murder with rape, murder while undergoing life sentence, murder with dacoity, murder under T.D. Act, 1987, murder with Untouchability (offences) Act, 1955, murder in connection with dowry, bride burning, murder of a child under the age of 14 years, murder after abduction or kidnapping, murder on professional/hired basis, murder exhibiting brutality such as cutting the body into pieces or burning/dragging the body as evident from Judgement of sentence, persistent bad conduct in the prison and those who can not for some definite reasons be prematurely released without danger to public safety; or convicts who have been imprisoned for life under Section 120-B of IPC or life convicts who have been awarded life imprisonment a second time under NDPS Act or life convicts who have been imprisoned for life second time under any offence.
- Their cases may be considered after completion of 14 years actual sentence including under-trial period and after earning at least 6 years remission.

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- b) Adults life convicts who have been imprisoned for life but whose cases are not covered under (a) above and who have committed crime which are not considered heinous as mentioned in clause (a) above. Their cases may be considered after completion of 10 years of actual sentence including under-trial period, provided that the total period of such sentence including remissions is not less than 14 yrs.
- c) Juvenile life convicts below the age of 18 years at the time of commission of offence and whose cases are not covered under (a) above and who have committed crimes which are not considered heinous as mentioned in clause (a) and female life convicts. Their cases may be considered after completion of actual sentence of 8 years including under-trial period, provided that the total period of such sentence including remission is not less than 10 years.

- d) Persons sentenced to life imprisonment inclusive of those convicted of crimes Under (a) above and in whose cases death sentence has been commuted to life imprisonment but who suffer from a terminal disease like cancer or AIDS and 3rd stage of TB likely to result in death in the near future.

These prisoners may be considered for release on the report of Medical Board designated by the Govt. Medical re-examination of the convicts should be done 3 months after such release for the confirmation of the disease. Conditions of release should contain a provision regarding periodic medical re-examination and re-admission to the prison if the patient is not found to be suffering from such a disease any longer or is on the road to recovery. If the handicap existed before the crime, no special consideration will be given. In case a handicap develops after the sentence, the release may be considered after the convict has undergone detention of 6 years provided the handicap is of such a nature to render him totally incapable of committing any offence and further renders him incapable of looking after himself in the prison.

- e) Physically handicapped.

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

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| i) Minister for Jails | Chairman |
| ii) Financial Commissioner & Secy. to Govt., Haryana, Jails Deptt. | Member |
| iii) Legal Rememberancer, Hr., | Member |
| iv) Addl-Director General of Prisons, Haryana. | Members Secretary. |

4. The Superintendents of the Jails concerned shall submit cases of life convicts 2 months before they complete the sentence mentioned above alongwith their comments to the Addl. Director General/Inspector General of Prisons, Haryana, who will put up all such cases alongwith his recommendations for consideration before the State Level Committee. In the case of category (d) and (e) 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 Additional Director General/Inspector General of Prisons, Haryana, who will place the matter before the State Level Committee alongwith his comments for consideration. He will very clearly indicate the category under which each case is covered. The Committee will meet once in 3 months according to the convenience of the Minister of Jails, Haryana so that cases of review under this policy are not delayed. The Additional Director General/Inspector General of Prisons, Haryana, will forward a copy of the decision taken by the State Level Committee alongwith the roll of each of the life convicts to the Government within one week for further action.

5. 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 the State Level Committee, alongwith the copy of judgement etc, for orders under article 161 of the Constitution of India.

Atam Lal Bhatia
Superintendent, Jail & Judicial
for Commissioner & Secretary to Govt.,
Haryana, Jails Department. *4/3/93*

No. 36/135/91-1JJ(II)

Dated Chandigarh, the *4-3-1993*

A copy each is forwarded for information and necessary action to:-

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- 2) The Legal Remembrancer & Secretary to Govt., Haryana
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- 7) All the DIG's of Police in Haryana.
- 8) All the Deputy Commissioners in Haryana.
- 9) All the Superintendents of Police in Haryana.
- 10) All the District Attorneys in Haryana.
- 11) All the Superintendents of Central Jails, District
Jails and Sub Jails in the State.

Atam Lal Bajaj
Superintendent, Jails & Judicial
for Commissioner & Secretary to Govt.,
Haryana, Jail Department.

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