

From

The Financial Commissioner & Principal
Secretary to Govt., Haryana, Jails Department.

To

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

Memo No. 36/135/91-1JJ(II)
Dated, Chandigarh the 12-4-2002.

Sub:- Policy regarding premature release of life convicts.

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Reference your memo No. 29896-GI/G-3, dated
29-10-2001 on the subject noted above.

2. In supersession of Haryana Government memo No.
36/135/91-1JJ(II), dated 8-8-2000 which was further
substituted bearing same number and date on 23-2-2001, the
Government have decided to revise the policy regarding
premature release of life convicts as follows:-

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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 may be considered after completion of 20 yrs. actual sentence and 25 years total sentence with remissions. |
| (i) | Murder after rape repeated/ chained rape/unnatural offences. | |
| (ii) | Murder with intention for the ransom. | |
| (iii) | Murder of more than two persons. | |
| (iv) | Persons convicted for second time for murder. | |
| (v) | Sedition with murder. | |
| (a) | Convicts who have been imprisoned for life having committed a heinous crime such as:- | Their cases 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. |

- (i) Murder with wrongful confinement for extortion/robbery.
- (ii) Murder while undergoing life sentence.
- (iii) Murder with dacoity.
- (iv) Murder with offence under TADA Act, 1987.
- (v) Murder with untouchability (Offences) Act, 1955.
- (vi) Murder in connection with dowry.
- (vii) Murder of a child under the age of 14 years.
- (viii) Murder of a woman.
- (ix) Murder after abduction or kidnapping.
- (x) Murder exhibiting brutality such as cutting the body into piece of burning/dragging the body as evident from judgement of the court.
- (xi) Persistent bad conduct in the prison.
- (xii) Convicts who cannot for some definite reasons be prematurely released without danger to public safety.
- (xiii) Convicts who have been imprisoned for life under section 120-B of IPC.
- (xiv) Any other crime that the State Level Committee considers to be 'heinous' for reasons to be recorded in writing.
- (b) Adult life convicts who have been imprisoned for life but whose cases are not covered under (aa) and (a) above and who have committed crime which are not considered heinous as mentioned in clause (aa) & (a) above. 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.

(c) Juvenile life convicts below the age of 18 years at the time of commission of offence and whose cases are not covered under (aa) and (a) above and who have committed crimes which are not considered heinous as mentioned in clause (aa) and (a) and female life convicts. Juvenile life convicts who committed heinous crime as mentioned clause (aa) and (a) above, will be treated at par with adult life convicts and they will be considered as per provisions mentioned against (aa) and (a) above.

Their cases may be considered after completion of 8 years actual sentence including undertrial period provided that the total period of such sentence including remissions is not less than 10 years.

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

Their cases may be considered for release on the report of a Medical Board designated by the Govt., Medical re-examination of the convicts should be done every three months after such release for the confirmation of the disease. Condition of the release should contain a provision regarding periodical 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.

(e) Physically handicapped.

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 actual sentence of 6 years provided that the handicap is of such a nature as to render him totally incapable of committing any offence and further render him incapable of looking after himself in the prison.

NOTE:†

The period spent on parole will be counted towards the period of Actual Sentence, but has to be excluded from the total period of sentence, as per judgement of the Hon'ble Punjab and Haryana High Court in Criminal Writ Petition No. 108/1987 titled as Faquir Singh vs. State of Punjab and another reported in 1988(1) Recent Criminal Reports 558.

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

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| 1. | Minister for Jails | Chairman |
| 2. | Financial Commissioner & Principal Secretary to Govt., Haryana, Jails Department. | Member |
| 3. | Legal Remembrancer, Haryana | Member |
| 4. | Director General of Prisons, Haryana. | Member Secretary |

4. The Superintendent of the Jails concerned shall submit premature release cases of life convicts two months before they complete the sentence mentioned above alongwith their comments to the Director General of Prisons, Haryana keeping in view the following points:-

i) Overall conduct of the life convicts during his/her confinement in the jail with specific emphasis, however on his conduct for the last five years from the date of his/her eligibility for consideration of premature release under para 2(aa) to 2(a) may be termed as under:-

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| a) If he/she has not been punished for any jail offence, during the last five years. | Good |
| b) If he/she has been punished with a minor punishment during the last five years. | Satisfactory |

c) If he/she has been
punished with a major
punishment during the last
five years.

Not satisfactory.

ii) If any discrepancy is found in the age of a convict in the warrent or in the copy of judgement, proof of age (certificate of examination or birth certificate) should be obtained and be got verified from the concerned authority, if any convict cannot produce any proof of age, he can be examined by the Medical Board for determining his age for considering him for premature release.

iii) In case of category(d) and (e) it shall be the responsibility of the Superintendent Jail concerned to arrange for medical examination by the Medical Board designated by the Govt., well in time and forward the Medical report alongwith the premature release case to the Director General of Prisons, Haryana.

5. 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 according to the convenience of the Minister for jails, Haryana so that cases of review under this policy are not delayed. The Director General of Prisons, Haryana further will forward a copy of the decision taken by the committee alongwith the 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 Governor through

the Minister for Jails and the Chief Minister, Haryana with full background of the prisoner and recommendations of the committee alongwith the copy of judgement etc. for orders under article 161 of the Constitution of India.

177P-946
Under Secretary Jails & Judicial,
for Financial Commissioner & Principal
Secretary to Govt., Haryana, Jails
Department.

Endst No. 35/135/91-1JJ(II) Dated, Chandigarh the 12-04-02.

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

1. The Secretary to Governor of Haryana.
2. The Advocate General, Haryana, Chandigarh.
3. The Director General of Police, Haryana, Chandigarh.
4. The Director Prosecution, Haryana, Chandigarh.
5. The Legal Remembrancer & Secretary to Govt., Haryana Law Department, Chandigarh.
6. Senior Secretary to the Hon'ble Chief Minister, Haryana.
7. Private Secretary to the Hon'ble Chief Minister, Haryana.
8. The Commissioner of Divisions at Ambala, Hissar, Rohtak and Gurgaon.
9. All the DIG's of Police in Haryana,
10. All the Deputy Commissioners in Haryana.
11. All the Superintendents of Police in Haryana.
12. All the Districts Attorney in Haryana.
13. All the Superintendents/Dy. Superintendents of Jails in Haryana.

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