

(TO BE SUBSTITUTED MEMO BEARING SAME NUMBER AND DATE)

FROM

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

TO

The Director General of Prisons,
Haryana, Chandigarh.

Memo No. 36/135/91-1JJ(II)
Dated, Chandigarh the 8th August, 2000.

Sub:- Policy regarding premature release of life convict.

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Reference your memo No. 10872-GI/G-3, dated
9-5-2000 on the subject noted above.

2. The Haryana Government has from time to time
amended the policy regarding premature release of life
convicts. There is a need to incorporate all the amendments
made from time to time in the policy at one place. As such,
in view of this, it has been decided that the premature
release case of life convicts will be considered hereafter
as per policy laid down below. All earlier instructions
issued in this regard, shall stand superseded.

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 consi-
dered 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 with rape.

iii) Murder while undergoing
life sentence.

iv) Murder with dacoity.

v) Murder with offence under TADA
Act, 1987.

- vi) Murder with untouchability (offences) Act, 1955.
- vii) Murder in connection with dowry.
- viii) Murder of a child under the age of 14 years.
- ix) Murder of a woman.
- x) Murder after abduction or kidnapping.
- xi) Murder on professional/hired basis.
- xii) Murder exhibiting brutality such as cutting the body into pieces or burning/dragging the body as evident from judgement of the court.
- xiii) Persistent bad conduct in the prison.
- xiv) Convicts who cannot for some definite reasons be prematurely released without danger to public safety.
- xv) Convicts who have been imprisoned for life under section 120-B IPC.
- xvi) Convicts who have been awarded life imprisonment a second time under any offence.
- xvii) 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 (a) above and who have committed crime which are not considered heinous as mentioned in clause (a).

Their cases may be considered after completion of 10 years actual sentence including under-trial 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 (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 8 years actual sentence including under-trial period provided that the total period of such sentence including remissions 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.

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 3 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 Faqir Singh v/s 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 & Secretary to Govt., Haryana Jails Department. | Member |
| 3. | Legal Remembrancer, Haryana. | Member |
| 4. | Director General of Prisons, Haryana. | Member Secretary. |

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(a) to 2(e) 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 warrant 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.


Superintendent Jails & Judicial-II,
for Financial Commissioner & Secretary to
Govt., Haryana, Jails Department.

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

Dated, 8th August, 2000.

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 of Jails in Haryana.


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for Financial Commissioner & Secretary to Govt.
Haryana, Jails Department.