

**GOVERNMENT OF NAGALAND
HOME DEPARTMENT: HOME BRANCH
NAGALAND: KOHIMA**

NO. HOME/JL-46/99(Pt-I)/291

Dated, Kohima the 15th September, 2026

NOTIFICATION

Subject: Procedures and Guidelines for Premature Release of Prisoners undergoing Life Imprisonment.

The premature release of prisoners undergoing life imprisonment as per the provisions for remission of sentence under Section 473 of BNSS, 2023 [erstwhile Sections 432 of the Code of Criminal Procedure, 1973] is being considered by the State Government, as per the procedures and guidelines laid down vide its Notification No. HOME/J-46/99 (Pt-I)/38 dated 16.05.2024, and further in accordance with the guidelines of the National Human Rights Commission.

Pursuant to the Hon'ble Supreme Court judgement dated 18.02.2025 in Suo Motu Writ Petition (Crl.) No.4 of 2021 In Re: Policy Strategy for Grant of Bail with Special Leave Petition (Crl.) No. 529 of 2021, there is a requirement for bringing in revised procedures and guidelines for premature release of prisoners under Section 473 of BNSS, 2023 [erstwhile Sections 432 of the Code of Criminal Procedure, 1973] by the State Government so as to be in conformity with the directions given by the Hon'ble Supreme Court in the aforesaid matter.

Accordingly, in supersession of this Department's Notification No. HOME/J-46/99 (Pt-I)/38 dated 16.05.2024, the Governor of Nagaland is pleased to lay down the following procedures and guidelines for considering premature release of life convicts: -

1. COMPOSITION OF THE STATE SENTENCE REVIEW BOARDS

A Review Board is hereby constituted for the review of sentence awarded to a prisoner and for recommending his/her premature release in the concerned cases.

The Review Board shall be a permanent body having the following constitution:

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|---|--------------------|
| 1. Minister in-charge, Jail Department | - Chairman |
| 2. Home Commissioner | - Member |
| 3. Secretary, Law (Remembrancer) | - Member |
| 4. A District & Session Judge nominated by the High Court | - Member |
| 5. A senior police officer nominated by the Director General of Police (not below the rank of IG) | - Member |
| 6. Inspector General of Prisons | - Member Secretary |

The recommendation of the Sentence Review Board shall not be invalid merely by reason of any vacancy in the Board or the inability of any Member to attend the Board meeting. The meeting of the Board shall not however be held, if the quorum is less than four Members including the Chairman.



2. PERIODICITY OF THE BOARD'S MEETINGS

The State Sentence Review Board shall meet at least once quarterly. However, it shall be open to the Chairperson of the Board to convene a meeting of the Board more frequently as may be deemed necessary.

3. ELIGIBILITY FOR PREMATURE RELEASE

3.1 Every convicted prisoner whether male or female undergoing sentence of life imprisonment and covered by the provisions of Section 475 of BNSS, 2023 [erstwhile Section 433A Cr.PC] shall be eligible to be considered for premature release from the prison immediately after serving out the sentence of 14 years of actual imprisonment i.e. without the remissions. It is, however, clarified that completion of 14 years in prison by itself shall not entitle a convict to automatic release from the prison and the Sentence Review Board shall have the discretion to release a convict, at an appropriate time in all cases considering the circumstances in which the crime was committed and other relevant factors like:

- a) whether the convict has lost his potential for committing crime considering his overall conduct in jail during the 14 year's incarceration;
- b) the possibility of reclaiming the convict as a useful member of the society; and
- c) Socio-economic condition of the convict's family.

3.2 Certain prisoners convicted of capital offence under the following categories would be entitled to be considered for premature release only after undergoing imprisonment for 20 years including remissions.

- a) Convicts who have been imprisoned for life for murder in heinous cases such as murder with rape, murder with dacoity, murder involving an offence under the Protection of Civil Rights Act 1955, murder for dowry, murder of a child below 14 years of age, multiple murder, murder committed after conviction while inside the jail, murder during parole, murder in a terrorist incident, murder in smuggling operation, murder of a public servant on duty.
- b) Gangsters, contract killers, smugglers, drug traffickers, racketeers awarded life imprisonment for committing murders as also the perpetrators of murder committed with pre-meditation and with exceptional violence or perversity.
- c) Convicts whose death sentence has been commuted to life imprisonment.

3.3 All other convicted male prisoners not covered by Section 475 of BNSS, 2023 [erstwhile Section 433A Cr.PC] undergoing the sentence of life imprisonment would be entitled to be considered for premature release after they have served at least 14 years of imprisonment inclusive of remission but only after completion of 10 years actual imprisonment i.e. without remissions.

3.4 The female prisoners not covered by Section 475 of BNSS, 2023 [erstwhile Section 433A Cr.PC] undergoing the sentence of life imprisonment would be entitled to be considered for premature release after they have served at least 10 years of imprisonment inclusive of remissions but only after completion of 7 years actual imprisonment i.e. without remissions.

3.5 Cases of premature release of persons undergoing life imprisonment before completion of 14 years of actual imprisonment on grounds of terminal illness or old age etc. may be dealt with under the provisions of Art. 161 of the Constitution.



4. PROCEDURE FOR PROCESSING OF THE CASES FOR CONSIDERATION OF THE REVIEW BOARD

- 4.1 Every Superintendent of Central/District Jail who has prisoner(s) eligible for premature release under the appropriate cases shall initiate the case of the prisoner at least 3 months in advance of the date when the prisoner would become eligible for consideration of premature release as per the criteria laid down above.
- 4.2 The Superintendent of Jail shall prepare a comprehensive note in each case giving out the family and societal background of the prisoner, the offence for which he was convicted and sentenced and the circumstances under which the offence was committed. He will also reflect fully about the conduct and behaviour of the prisoner in the jail during the period of his incarceration, behaviour/conduct during the period he was released on probation leave, change in his behavioural pattern and the jail offences, if any, committed by him and punishment awarded to him for such offence(s). A report shall also be made about his physical/mental health or any serious ailment with which the prisoner is suffering entitling his case for special consideration for his premature release. The note shall contain recommendation of the jail Superintendent whether he favours for the premature release of the prisoner or not and in either case it shall be supported by adequate reasons.
- 4.3 The Superintendent of Jail shall make reference to the Superintendent of Police of the district/Commissioner of Police as the case may be where the prisoner was ordinarily residing at the time of the commission of the offence, for which he was convicted and sentenced, or where he is likely to resettle after his release from the jail. However, in case the place where the prisoner was ordinarily residing at the time of commission of the offence is different from the place where he committed the offence, a reference shall also be made to the Superintendent of Police or Commissioner of Police of the district in which the offence was committed. In either case, he shall forward a copy of the note prepared by him to enable the Superintendent of Police or Commissioner of Police to express his views in regard to the desirability of the premature release of the prisoner.
- 4.4 On receipt of the reference, the concerned Superintendent of Police or Commissioner of Police shall cause an inquiry to be made in the matter through senior police officer of appropriate rank and based on his own assessment shall make his recommendations. While making the recommendations the Superintendent of Police or Commissioner of Police shall not act mechanically and oppose the premature release of the prisoner on untenable and hypothetical grounds/apprehensions. In case the Superintendent of Police or Commissioner of Police is not in favour of the premature release of the prisoner he shall justify the same with cogent reasons and material. He shall return the reference to the Superintendent of the concerned jail not later than 30 days from the receipt of the reference.
- 4.5 The Superintendent of Jail shall furnish the collected report/recommendation to the Regional Probation Officer. On receipt of the report/recommendation, the Regional Probation Officer shall hold an inquiry in regard to the desirability of premature release of the prisoner having regard to his family and social background, his acceptability by his family members and the society, prospects of the prisoner for rehabilitation and leading a meaningful life as a good citizen. He will not act mechanically and recommend each and every case for premature release. In either case he should justify his recommendation by reasons/material. The Regional Probation Officer shall furnish his report /recommendations not later than 30 days from the receipt of the report/recommendation from the Superintendent of Jail and put up the case to the Inspector General of Prisons at least one month in advance of the proposed meeting of the Sentence Review Board.



4.6 The Inspector General of Prisons shall examine the case bearing in mind the report/recommendations of the Superintendent of Jail, Superintendent of Police or Commissioner of Police and the Regional Probation Officer and shall make his own recommendations with regard to the premature release of the prisoner or otherwise keeping in view the general or special guidelines laid down by the Government of the Sentence Review Board. Regard shall also be had to various norms laid down and guidelines given by the Apex Court and various High Courts in the matter of premature release of prisoners.

5. **PROCEDURE AND GUIDELINES FOR THE REVIEW BOARD:**

5.1 The Inspector General of Prisons shall convene a meeting of the Sentence Review Board on a date and time at the State Headquarters, an advance notice of ten days shall be given to the Chairman and Members of the Board and it shall be accompanied by the complete agenda papers i.e. the note of the Superintendent of Jail, recommendations of Superintendent of Police or Commissioner of Police, Regional Probation Officer and that of the Inspector General of Prisons along with the copies of other documents, if any.

5.2 A meeting shall ordinarily be chaired by the Chairman and if for some reasons he is unable to be present in the meeting, it shall be chaired by the Judicial Secretary-cum-Legal Remembrancer. The Member Secretary (Inspector General of Prisons) shall present the case of each prisoner under consideration before the Sentence Review Board. The Board shall consider the case and take a view. As far as practicable, the Sentence Review Board shall endeavour to make a unanimous recommendation. However, in case of dissent the majority view shall prevail and will be deemed to be the decision of the Board.

5.3 While considering the case of premature release of a particular prisoner the Board shall keep in view the general principles of amnesty/remission of the sentences as laid down by the State Government or by Courts as also the earlier precedents in the matter. The paramount consideration before the Sentence Review Board being the welfare of the prisoner and the society at large. The Board shall not ordinarily decline a premature release of a prisoner merely on the ground that the police has not recommended his release on certain farfetched and hypothetical premises. The Board shall take into account the circumstances in which the offence was committed by the prisoner and whether he has the propensity and is likely to commit similar or other offence again.

5.4 Rejection of the case of a prisoner for premature release on one or more occasions by the Sentence Review Board will not be a bar for reconsideration of his case. However, the consideration of the case of a convict already rejected shall be done only after the expiry of a period of one year from the date of last consideration of his case.

5.5 The recommendations of the Sentence Review Board shall be placed before the competent authority without delay for consideration. The competent authority may either accept the recommendations of the Sentence Review Board or reject the same on the grounds to be stated or may ask the Sentence Review Board to reconsider a particular case. The decision of the competent authority shall be communicated to the concerned prisoner and in case the competent authority has ordered to grant remission and order his premature release, the prisoner shall be released forthwith with or without conditions provided that in case the competent authority decides to impose conditions, they shall be reasonable in nature and being capable of being complied with. The conditions cannot be vague and oppressive and must be such that the criminal tendency of the convicts remain in check, that they do not indulge in the commission of crimes and are rehabilitated in the society.



6. REVOCATION OF ORDER:

- 6.1 In the event of breach on terms and conditions on which remission is granted by the convict, the order granting permission can be revoked by the competent authority. While revoking the permission granted earlier, the competent authority shall follow the principles of natural justice. Prior to the withdrawal/cancellation of the remission the competent authority shall serve show cause notice to the convict, shall give opportunity to file a reply and of being heard and shall pass speaking orders.

7. REJECTION OF GRANT OF PERMANENT REMISSION:

- 7.1 The competent authority while rejecting the prayer for permanent remission shall communicate the reason to the convict immediately. In addition, a copy of the order rejecting the prayer for remission shall be immediately provided to the Secretary of the concerned District Legal Services Authority.

This is issued with the approval of the Cabinet conveyed vide **NO. CAB-1/14/2023** dated **25.08.2026**

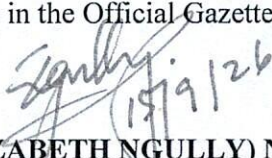
Sd/- ABHIJIT SINHA, IAS
Principal Secretary to the Govt. of Nagaland

NO. HOME/JL-46/99(Pt-I)/291

Dated, Kohima the 15th September, 2026

Copy to: -

1. The Commissioner & Secretary to Governor of Nagaland, Lok Bhavan, Nagaland, Kohima.
2. The Principal Secretary to Chief Minister, Nagaland, Kohima.
3. The Sr. PS to Deputy Chief Ministers, Nagaland, Kohima.
4. The Sr. PS to Speaker/Deputy Speaker, Nagaland Legislative Assembly, Nagaland, Kohima.
5. The Sr. PS to all Ministers/Advisors, Nagaland, Kohima.
6. The Sr. PS to the Chairperson, National Human Rights Commission, Manav Adhikar Bhavan, Block-C, CPO Complex, INA, New Delhi-110 023.
7. The Secretary, Ministry of Home Affairs, Govt. of India, North Block, New Delhi-110 001.
8. The Joint Secretary to Chief Secretary, Nagaland, Kohima.
9. The Deputy Secretary, Cabinet Secretariat (Cabinet Cell), Nagaland, Kohima for information with reference to NO. CAB-1/14/2023 dated 25.08.2026.
10. The Director General of Police, Nagaland, Kohima.
11. The Commissioner, Nagaland, Kohima.
12. All Administrative Heads of Department, Nagaland, Kohima.
13. The Director General of Prisons, Nagaland, Kohima.
14. All Deputy Commissioners, Nagaland.
15. The Commissioner of Police, Dimapur/All Superintendent of Police, Nagaland.
16. The Member Secretary, Nagaland State Legal Services Authority, Nagaland, Kohima.
17. The Chairman/Secretary, District Legal Services Authority, Kohima/ Dimapur/ Mokokchung/ Mon/Longleng/ Kiphire/ Phek/ Peren/ Wokha/ Tuensang/ Zunheboto/ Noklak/ Shamator/ Tseminyu/Niuland/Chumoukedima, Nagaland.
18. The Sr. Superintendent of Jails, Central Jail, Dimapur/All Superintendent of Jails/Deputy Superintendent of Jails, Kohima/ Dimapur/ Mokokchung/ Mon/ Longleng/ Kiphire/ Peren/ Phek/Tuensang/Wokha/Zunheboto.
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(ELIZABETH NGULLY) NCS
Secretary to the Government of Nagaland