

# **The Punjab Good Conduct Prisoners (Temporary Release) Act, 1962**

PUNJAB

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### **Act 11 of 1962**

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The Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 Punjab Act No. 11 of 1962 An Act to provide for the temporary release of prisoners for good conduct on certain conditions. Be it enacted by the Legislature of the State of Punjab in the Thirteenth Year of the Republic of India as follows :-

### **1. Short title, extent and commencement.**

(a) The Act may be called the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962. (b) It extends to the whole State of Punjab. (c) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

### **2. Definitions.**

- In this Act, unless the context otherwise requires, -(a) "District Magistrate" means the District Magistrate of the District within whose jurisdiction the prisoner after his temporary release under this Act, is likely to reside during the period of his release; (aa) [ "hardcore prisoner" means a person confined in prison under a sentence of imprisonment, who has been convicted of - [Inserted by Punjab Act No. 1 of 2016, dated 7.1.2016.](i) an offence of rape with murder under section 376 read with section 302 of the Indian Penal Code, 1860; (ii) an offence punishable under section 14 of the Protection of Children from Sexual Offences Act, 2012;] (b) [ "member of prisoner's family" means the husband, wife, son, daughter, father, mother, brother, sister, grand-father, grandmother, grand-son, grand-daughter, father-in-law, mother-in-law, brother-in-law, sister-in-law, father's brother, father's sister, mother's brother or mother's sister of the prisoner;] [Substituted by Punjab Act No. 1 of 2016, dated 7.1.2016.](c) "prescribed" means prescribed by the rules made under this Act; (d) "prisoner" means a person confined in prison under a sentence of

imprisonment;(e)"Superintendent of Jail" means the Superintendent of the Jail in which the prisoner is undergoing his sentence of imprisonment.

### **3. Temporary release of prisoners on certain grounds.**

(1)The State Government may, in consultation with the District Magistrate and subject to such conditions and in such manner as may be prescribed, release temporarily for a period specified in sub-section (2) any prisoner if the State Government is satisfied that -(a)[ a member of the prisoner's family has died; or [Substituted by Punjab Act No. 1 of 2016, dated 7.1.2016.](aa)husband or wife or son or daughter or father or mother or brother or sister or grand-father or grand-mother or grandson or grand-daughter or father-in-law or mother-in-law of the prisoner is seriously ill; or](b)the marriage of the prisoner's son or daughter is to be celebrated; or(c)the temporary release of the prisoner is necessary for ploughing, sowing or harvesting or carrying on any other agricultural operation on his land and no friend of the prisoner or a member of the prisoner's family is prepared to help him in this behalf in his absence;(cc)[ a lady prisoner is pregnant and is likely to deliver a child; or] [Inserted by Punjab Act No. 1 of 2016, dated 7.1.2016.](d)it is desirable to do so for any other sufficient cause.[Explanation. [Added by Punjab Act No. 1 of 2016, dated 7.1.2016.] - The expression "sufficient cause" includes -(1)serious damage to life or property of the member of the family caused by any natural calamity; or(2)critical condition of any member of the family on account of accident; or(3)delivery of child by the wife of the prisoner.](2)[ The period for which a prisoner may be released shall be determined by the State Government so as not to exceed -(a)where the prisoner is to be released on the ground specified in clause (a) of sub-section (1), fifteen days;(b)where the prisoner is to be released on the ground specified in clause (aa) or clause (b) or clause (c) or clause (d) of sub-section (1), [eight weeks]; and(c)where the prisoner is to be released on the ground specified in clause (cc) of sub-section (1), one hundred and twenty days (sixty days prior to the date of delivery of child and sixty days after the date of delivery of child).][(2-A) The total period of temporary release of the prisoner, excluding the release availed of, -(i)on the death of a family member of the prisoner; or(ii)by a female prisoner on account of delivery of child, as the case may be,shall not exceed sixteen weeks, during a calendar year and shall be availed of on quarterly basis:Provided that a prisoner, may avail such release for a continuous period of sixteen weeks, during the period falling between the 23rd day of November, 2018 to the 23rd day of November, 2019, as a onetime measure on pro-rata basis, however, subject to the other provisions of the Act:Provided further that any prisoner, who is on temporary release for a specified period and wants to surrender before the expiry of his temporary release period, he shall be allowed to do so.] [Substituted by Punjab Act No. 2 of 2019, dated 16.1.2019.](3)The period of release under this section shall not count towards the total period of the release of a prisoner.(4)The State Government may by notification authorise any officer to exercise its power under this section in respect of all or any of the grounds specified therein.

### **4. Temporary release of prisoners on furlough.**

(1)The State Government or any other officer authorised by it in this behalf may, in consultation with the District Magistrate and subject to such conditions and in such manner as may be prescribed, release temporarily, on furlough, any prisoner who has been sentenced to a term of

imprisonment of not less than five years, and who -(a)has, immediately before the date of his temporary release undergone imprisonment for a period of three years, excluding remissions; and(b)has not during such period committed any jail offence and has earned at least three annual good conduct remissions:Provided that nothing herein shall apply to a prisoner who -(i)is a habitual offender as defined in clause (3) of section 2 of the Punjab Habitual Offenders (Control and Reform) Act, 1952, or(ii)has been convicted of robbery or dacoity or such other offences as the State Government may, by notification, specify.(2)The period of furlough for which a prisoner is eligible under sub-section (1) shall be three weeks during the first year of his release and two weeks during each successive year thereafter.(3)Subject to the provisions of clause (d) of sub-section (3) of section 8 the period of release referred to in sub-section (1) shall count towards the total period of sentence of a prisoner.

## **5. Exclusion of certain days in computing period under sections 3 and 4.**

- For the purpose of calculating the period of temporary release of a prisoner under sections 3 and 4, the days of departure from and arrival at the prison shall be excluded.

### **5A. [ Prisoner not entitled to be released in certain cases. [Inserted by Punjab Act No. 1 of 2016, dated 7.1.2016.]**

- Notwithstanding anything contained in sections 3 and 4, -(a)no prisoner shall be entitled to be released under this Act to whom the death sentence has been awarded or is a hardcore, prisoner;(b)Notwithstanding anything contained in clause (a), hardcore prisoner may be allowed to be released temporarily on the ground specified in clause (a) or clause (b) of sub-section (1) of section (3). However, extra conditions may be imposed on the prisoner at the time of temporary release or furlough after considering all the facts and circumstances of the case.]

## **6. Prisoners not entitled to be released in certain cases.**

- Notwithstanding anything contained in sections 3 and 4, no prisoner shall be entitled to be released under this Act if, on the report of the District Magistrate, the State Government or any officer authorised by it in this behalf is satisfied that his release is likely to endanger the security of the State Government or the maintenance of public order.

## **7. Journey expenses of poor prisoners to be borne by State Government.**

- If, on the report of the District Magistrate, the State Government is satisfied that a prisoner's family cannot bear the expenses of his journey from and to the prison after his temporary release under this Act the expenses may be borne by the State Government to such extent and in such manner as may be prescribed.

## **8. Liability of prisoners to surrender on expiry of release period and consequences of over-staying.**

(1)On the expiry of the period for which a prisoner is released under this Act, he shall surrender himself to the Superintendent of the Jail from which he was released.(2)If a prisoner does not surrender himself as required by sub-section (1) within a period of ten days from the date on which he should have so surrendered, he may be arrested by any police officer without a warrant and shall be remanded to undergo the unexpired portion of his sentence.(3)If a prisoner surrenders himself to the Superintendent of the Jail from which he was released within a period of ten days of the date on which he should have so surrendered, but fails to satisfy the Superintendent of Jail that he was prevented by any sufficient cause from surrendering himself immediately on the expiry of the period for which he was released, all or any of the following penalties shall, after affording the prisoner reasonable opportunity of being heard, be awarded to him by the Superintendent of the Jail, namely:(a)a maximum cut of five days' remission for each day of overstay;(b)stoppage of canteen concession for a maximum period of one month;(c)withholding concession of either interviews or letters or both for a maximum period of three months;(d)the period of temporary release on furlough of the prisoner under section 4 shall not be counted towards his sentence;(e)warning;(f)reduction from the status and grade of "Convict Watchman" or "Convict Overseer".

## **9. [ Penalty for failure to surrender. [Substituted by Punjab Act No. 1 of 2016, dated 7.1.2016.]**

- Any prisoner who is liable to be arrested under sub-section (2) of section 8, shall be punishable with imprisonment of either description which may extend to three months or with fine not exceeding one thousand rupees or with both and such offence shall be cognizable and non-bailable.] [Substituted by Punjab Act No. 1 of 2016, dated 7.1.2016.]

## **10. Power to make rules.**

(1)The State Government may by notification make rules for carrying out the purposes of this Act.(2)In particular, and without prejudice to the generality of the foregoing power, such rules may provide for -(a)the execution by the prisoner (including the sureties) of bond for his good behaviour during the release period and for his surrender on the expiry of such period;(b)the amount for which and the form and manner in which such bonds shall be furnished;(c)the forfeiture of the amount of bonds in case of breach of any of its terms;(d)the conditions on which and the manner in which prisoners may be released temporarily under this Act;(e)the manner in which the District Magistrate shall be consulted before a prisoner is released;(f)the extent to which and the manner in which journey expenses of poor prisoners shall be borne by the State Government.

## **11. Repeal and Savings.**

- The Pepsu Good Conduct Prisoner (Temporary Release) Act, 1954 (Pepsu Act No. 11 of 1954), is hereby repealed; is hereby repealed: Provided that such repeal shall not affect - (a) the previous operation of the Act so repealed or anything duly done or suffered thereunder; or (b) any right, privilege, obligation or liability acquired or incurred under the Act so repealed; or (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the Act so repealed; or (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed: Provided further that anything done or any action taken under the Act so repealed shall be deemed to have been done or taken under the corresponding provision of this Act and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under this Act.