

The Good Conduct Prisoners' Probational Release Act, 1926

PUNJAB

India

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Act 10 of 1926

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The Good Conduct Prisoners' Probational Release Act, 1926 Punjab Act No. 10 of 1926 Statement of Objects and Reasons. - Under the existing law contained in section 401(1) of the Criminal Procedure Code, the release of a prisoner on probation is subject to the acceptance by him of the conditions of release, the continuance of the period of probation depends on his continued acceptance of the conditions. This is difficult to work in such a manner as to make release upon standard conditions systematic and as to foster any system of after care. It is sought to remove from jail influences those prisoners, whether adolescent or adult, whose antecedents or conduct while under restraint give promise that they will justify the privilege of conditional release, with opportunities of earning their own livelihood and of having their families with them. It is hoped that private philanthropic societies or individuals will be forthcoming to take charge of such persons and find them employment but Government proposes to set the example by establishing two farms of its own in the Nili Bar Colony on which conditionally released prisoners will be employed in agricultural work. Punjab Government Gazette, 1926, Part I, page 543. Received the assent of the Governor of Punjab on the 21st July, 1926, and that of the Governor-General on the 16th August, 1926, and was first published in the Punjab Gazette, dated the 27th August 1926. The Act came into force on 1st May 1927 vide Punjab Government (Jails) Notification No. 13212 dated 27-4-1927 Whereas it is expedient to provide for the conditional release from prison of good conduct prisoners in certain cases before the completion of the term of imprisonment to which they have been sentenced, and whereas the previous sanction of the Governor-General under sub-section (3) of section 80-A of the Government of India Act has been obtained. It is hereby enacted as follows -

1. Short title, extent and commencement.

(1) This Act may be called the Good Conduct Prisoners' Probational Release Act, 1926. (2) It extends to Punjab. (3) [It shall come into force on such date as the State Government may by notification appoint in this behalf.] [The Act come into force on 1st May 1927 vide Punjab. Government (Jails) Notification No. 13212 dated 27.4.1927.]

2. Power of Government to release by license on conditions imposed by it.

- Notwithstanding anything contained in section 401 of the Code of Criminal Procedure, 1898 (V of 1898) when a person is confined in prison under a sentence of imprisonment, and it appears to the State Government from his antecedents or his conduct in the prison that he is likely to abstain from crime and lead useful and industrious life, if he is released from prison, the State Government may by license permit him to be released on condition that he be placed under the supervision or authority of a Government officer or a secular institution or of a person or society, named in the license and willing to take charge of him. Explanation - The expression "sentence of imprisonment" in this section shall include imprisonment in default of payment of fine and imprisonment for failure to furnish security under Chapter VIII of the Code of Criminal Procedure, 1898 (V of 1898).

3. Period for which license is to be in force.

- A license granted under the provisions of section 2 shall be in force until the date on which the person released would, in the execution of the order or warrant authorising his imprisonment, have been discharged from prison had he not been released on license, or until the license is revoked, whichever is sooner.

4. Period of release to be reckoned as imprisonment for computing period of sentence served.

- The period during which a person is absent from prison under the provisions of this Act on a license which is in force shall be reckoned as a part of the period of imprisonment to which he was sentenced, for the purpose of computing the period of his sentence and for the purpose of computing the amount of remission of his sentence which might be awarded to him under any rules in force relating to such remission.

5. Form of license.

- A license granted under the provisions of section 2 shall be in such form and shall contain such conditions as the State Government may, be general or special order or by rules made in this behalf direct.

6. Power to revoke license.

(1) The State Government may at any time revoke a license granted under the provisions of section 2. (2) An order of revocation passed under the provisions of sub-section (1) shall specify the date with effect from which the license shall cease to be in force and shall be served in such manner as the State Government may by rule prescribe, upon the person whose license has been revoked. (3) A Government officer under whose authority or supervision the prisoner was released under section 2 of the Act, may order his arrest and detention until the order of revocation of a license is passed, in such place and subject to such conditions as may be prescribed by the State Government.

7. Released absconders who escape from supervision to be punishable.

(1) If any person escapes from the supervision or authority of a Government officer or secular institution or a society or person in whose charge he has been placed under the provisions of section 2, or if any person whose license has been revoked under the provisions of sections 6, fails without lawful excuse, the burden of proving which shall be upon him, to return to the prison from which he was released, on or before the date specified in the order of revocation, such person shall on conviction be punishable with imprisonment for a term which may extend to two years or with fine, or with both. (2) An offence punishable under the provisions of sub-section (1) shall be deemed to be a cognizable offence within the meaning of clause (f) of sub-section (1) of sub-section 4 of the Code of Criminal Procedure 1898, V of 1898.

8. Power to make rules.

- The State Government may make rules consistent with this Act - (1) for the form and conditions of licenses on which prisoners may be released, (2) for defining the powers and duties of Government officers, societies or persons, under whose authority or supervision conditionally released prisoners may be kept, (3) for defining the classes of offenders who may be conditionally released and the period of imprisonment after which they may be so released, (4) generally for carrying into effect all the purposes of this Act.