

# Good Conduct Prisoners' Probational Release Act, 1938

ASSAM

India

## Good Conduct Prisoners' Probational Release Act, 1938

### Act 2 of 1938

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Good Conduct Prisoners' Probational Release Act, 1938 Assam Act 2 of 1938 Last Updated 12th February, 2020 Published in the Assam Gazette of the 21st September, 1938. An Act to provide for the release of good conduct prisoners on conditions imposed by the State Government Preamble. - Where as 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 ; 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, 1938. (2) It extends to the whole of Assam. (3) It shall come into force on such date as the State Government may, by publication in the Assam Gazette, specify in this behalf.

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

(1) Notwithstanding anything contained in Section 401 of the Code of Criminal Procedure, 1898, where 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 a useful and industrious life, if he is released from prison, the State Government may by licence permit him to be released on conditions- (a) that he be placed under the supervision or authority of a servant of the Government or a secular institution or of a person, or society professing the same religion as the prisoner, named in the licence and willing to take charge of him ; and (b) that he gives an undertaking in writing to conform to the terms of his licence. Explanation. - The expression "sentence of imprisonment" in the section shall in case of person under 21 years of age, 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. (2) The State Government may grant leave by

a licence to a person who has been confined in prison under a sentence of imprisonment for such period as may be specified in the licence and for such purposes as may be prescribed by rules made under this act, on being satisfied, after taking into consideration his antecedents, conduct in prison, nature, of the offence and the manner in which he committed it, that he is released from prison, not likely to commit a crime within the period of the leave.

### **3. Period for which licence is to be in force.**

- A licence 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 licence, or until the licence 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 licence 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. Explanation. - Any period of remission earned under existing rules while undergoing imprisonment shall be added to the period actually served in jail when computing the total period of prisoner's sentence.

### **5. Form of licence.**

- A licence granted under the provisions of Section 2 shall be in such form and all contain such conditions as the State Government may, by rules, or in special cases, orders made in this behalf, direct.

### **6. Power to revoke licence.**

(1)The State Government may, at any time, revoke a licence 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 licence 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 licence has been revoked.(3)Notwithstanding anything contained in Section 4 of this Act released prisoner, whose licence is revoked for failure to comply with the terms of his licence shall be recommitted to prison and shall serve the unexpired term of the original sentence/and in case of such revocation he will not be granted any remission for the time during which he was out of prison on probation.

### **7. Power to make rules.**

- The State Government may make rules consistent with this Act-(1)for the form and conditions of licence on which prisoners may be released ;(2)for defining the powers and duties of servants of the

Government, societies or persons under whose authority or supervision conditionally released prisoners may be kept;(3)for defining the classes of offenders who may conditionally released, and the periods of imprisonment after which they may be so released ;(4)generally for carrying into effect all the purposes of this Act.Adapted by the State of Meghalaya-This Act has been adapted in its application to the State of Meghalaya, vide Meghalaya Adaptation and Application of Laws Act, 1971, to come into effect on and from the 2nd April, 1970 and by Meghalaya Adaptation of Laws Order (No. 3), 1973, having come into force on and from the 21st day of January, 1972, whereby sub-Sections (2) and (3) of Section 1 of the original Act were omitted.