

Himachal Pradesh Good Conduct Prisoners Probational Release Act, 1968

22 of 1968

[06 March 1969]

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An Act to provide for the release of good conduct prisoners on conditions imposed by the Government. BE it enacted by the Legislative Assembly of Himachal Pradesh in the Nineteenth Year of the Republic of India as follows:- 1. For statement of Objects and Reasons see R.H.P.Extra., dated 21.8.1968, p.879 and for authoritative Hindi text see R.H.P.Extra., dated 19.9.1991, p. 2003.

1. Short Title, Extent And Commencement :-

- (1) This Act may be called the Himachal Pradesh Good Conduct Prisoners Probational Release Act, 1968.
- (2) It extends to the whole of Himachal Pradesh.

(3) It shall come into force at once.

2. Definitions :-

In this Act, unless the context otherwise requires;-

(a) "Government" means the Government of Himachal Pradesh; and

(b) "Notification" means Notification published under proper authority in the Rajpatra, Himachal Pradesh.

3. Power Of Government To Release By Licence On Conditions Imposed By It :-

Notwithstanding anything contained in section 401 of the Code of Criminal Procedure, 1898 (5 of 1898)¹ where a person is confined in prison under a sentence of imprisonment and it appears to the 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 Government may, by licence, permit him to be released on condition that he be placed under the supervision of authority of a Government Officer 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.

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 (5 of 1898)¹.

1. Now see the Code of Criminal Procedure, 1973 (2 of 1974).

4. Period For Which Licence Is To Be In Force :-

A licence granted under the provisions of section 3 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.

5. 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 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.

6. Form Of Licence :-

A licence granted under the provisions of section 3 shall be in such form and shall contain such conditions as the Government may, by general or special order or by rules made in this behalf, direct.

7. Power To Revoke Licence :-

(1) The Government may, at any time, revoke a licence granted under the provisions of section 3.

(2) An order of revocation passed under the provision 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 Government may, by rule, prescribe, upon the person whose licence has been revoked.

(3) A Government Officer under whose authority or supervision the prisoner was released under section 3 of the Act, may order his arrest and detention, until the order of revocation of a licence is passed, in such place and subject to such conditions as may be prescribed by the Government.

8. 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 3, or if any person whose licence has been revoked under the provisions of section 7, 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 by a magistrate, 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 section 4 of the Code of Criminal Procedure, 1898 (5 of 1898)¹.

1. Now see Code of Criminal Procedure, 1973 (2 of 1974).

9. Power To Make Rules :-

(1) The Government may, by Notification, make rules¹ consistent with this Act,-

(a) for the form and conditions of licence on which prisoners may be released;

(b) for defining the powers and duties of Government officers, societies or persons, under whose authority or supervision conditionally released prisoners may be kept;

(c) for defining the classes of offenders who may be conditionally released and the period of imprisonment after which they may be so released; and

(d) generally for carrying into effect all the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of not less than fourteen days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session in which it is so laid or the sessions aforesaid, the Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

1. Rules framed vide Not. No. 22-4/69. Wel Sectt., dated 20th January, 1970, (appended).

10. Repeal And Savings :-

The Good Conduct Prisoners Probational Release Act, 1926 (10 of 1926) as applied to Himachal Pradesh by the Himachal Pradesh (Application of Laws) Order, 1948, and also as in force in the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966 (31 of 1966), is hereby repealed:

Provided that anything done or any action taken including any licence granted, rules made, notification issued or proceedings commenced or continued, under the provisions of the Act hereby repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.