

Regarding the amendment of
policy for Pre-mature release

Government of Gujarat
Home department
Circular no.JLK/392022/2493/J
Sachivalaya, Gandhinagar
Date: 06/04/2023

Read:

1. Circular, Home Department no. JLK/822012/1859/J, Dated 23/01/2014
2. Opinion of Public Prosecutor, Dated 31/01/2003
3. Opinion of the Law Department, Dated 22/02/85

Preamble:

The cases regarding Pre-mature release of state's prisoners are considered as per the policy formed in the year of 2014 and due to rejection of some cases, the decisions of the Government were challenged in the Hon. Supreme Court and the Hon. High Court. Orders are made to consider the case under the policy which is in vogue when the conviction of the prisoner has taken place or which is beneficial to the prisoner. In this regard, the opinion of the Public Prosecutor and the Law Department was received, in view of which the issue of revising the existing Pre-mature release policy by the Home Department's Resolution vide no.(1) was under consideration. The following amendment has been made in the existing policy vide said resolution of 2014's policy of the Home Department of the Government.

Amended Resolution:-

“When considering cases for Pre-mature release of prisoners, the policy in force at the time of consideration of the prisoner's application shall not be considered, the case has to be considered according to the policy in force on the date of conviction of the prisoner or any subsequent policy which is beneficial to the prisoner.

By order and in the name of the Governor of Gujarat.

Sd/-
(MayurSinh Vaghela)
Under secretary
Home Department
Government of Gujarat

Copy to:

- Secretary of Hon. Governor, Rajbhavan, Gujarat State, Gandhinagar (By Letter)
- Secretary of Hon. Chief Minister, Office of Hon. Chief Minister, Gujarat State, Gandhinagar.
- Personal Secretary of Hon. Minister of State(Home)(Jail), Gujarat State, Gandhinagar.
- Additional Director General of Police and Inspector General of jails, Gujarat State, Gandhinagar
- Director General of Police ,Police Bhavan, Gujarat State, Gandhinagar

- Registrar, Gujarat High Court, Sola, Ahmedabad(By Letter)
- Chief Metropolitan Magistrate, Ahmedabad.
- All Commissioners of Police
- All District Magistrates
- All District Sessions Judges
- All Superintendents of Police
- All Superintendents, Central Jails/District Jails/Special Jails/Open Jails/ Sub Jails (Via Inspector General (Jail))
- Section Officer Select File/ Dy. Section Officer Select File/ Select File

The cases regarding the premature release of some prisoners are considered as per the policy framed in the year of 2014 and due to rejection of some cases, the decision of the Government was challenged in the Hon. Gujarat High Court and the Hon. High Court Orders are made to consider the case under the policy which is in vogue when the conviction of the prisoner has taken place or which is beneficial to the prisoner. In this regard, the opinion of the Public Prosecutor and the Law Department was received in view of which the issue of revising the existing premature release policy by the Home Department's Resolution vide no. () was under consideration. The following amendment has been made in the existing policy vide said resolution of 2014's policy of the Home Department of the Government.

Amended Resolution:-

"When considering cases for premature release of prisoners, the policy in force at the time of conviction of the prisoner's application shall not be considered, the case has to be considered according to the policy in force on the date of conviction of the prisoner or any subsequent policy which is beneficial to the prisoner."

By order and in the name of the Governor of Gujarat.

20/11/2019
(Signature)
Under Secretary
Home Department
Government of Gujarat

Copy to:-
• Secretary of Home Department, Gandhinagar, Gujarat State, Gandhinagar (By E-mail)
• Secretary of Home Minister, Office of Home Minister, Gandhinagar, Gandhinagar
• Personal Secretary of Hon. Minister of State (Home), Gandhinagar, Gandhinagar
• Additional Director General of Police and Inspector General of Jails, Gandhinagar, Gandhinagar
• Director General of Police, Police Bhavan, Gandhinagar, Gandhinagar