

Premature release of prisoners who have completed
net 14 years of imprisonment after they were
sentenced for life imprisonment -regarding

Government of Gujarat
Home department
Circular no.JLK/3390/CM/16/Part/2/J
Sachivalaya, Gandhinagar
Dt: 9/7/1992

Read:

1. Cr.P.C. section 432 and 433 (A) and 428.
2. Circular, Home Department no. JLK/3383/7849/J dated 11/5/84
3. Circular, Home Department no. JLK/3383/3610/J dated 7/8/85

Circular:

In exercise of the powers conferred on the State Government under Cr.P.C. section 432, the policy regarding state remission and premature release of prisoners has been laid down vide the Government Resolution of Home Department cited at (2) above subject to the good conduct of the prisoners, the opinions of A.B. committee and the Inspector General of Jails about the prisoner who has been sentenced for life imprisonment after 18/12/78 and who have completed 14 years of imprisonment with remission.

Section 433(A) of the Cr.P.C. came into force on 18/12/78. According to the provision of this section, prisoners who are sentenced for life imprisonment are required to complete net 14 years of imprisonment. Considering this provision, the powers conferred on the State Government under section 432 of the CRPC are restricted to that extent. Therefore, the State Government can grant premature release to prisoners who have been sentenced for life imprisonment on or after 18/12/78, only in the wake of their completing net 14 years of imprisonment. In order to allow premature release of such prisoners under the powers conferred on the State Government, following policy decision is taken.

"For the prisoners subjected to sentence of life imprisonment on or after 18/12/78, the decision of premature release from prison may be taken if they have completed net 14 years of imprisonment with set off, only after verifying the report including the opinion of the Inspector General of Jails."

For this, the Inspector General of Jails shall follow following proceedings:

The Inspector General of Jails shall initiate proceedings for premature release of prisoners who have been sentenced for life imprisonment on or after 18/12/78 and have completed imprisonment of net 13 years with set off. Under this procedure, the Inspector General of Jails should obtain the opinions of the Superintendent of Police of the relevant district, the District Magistrate, the Jail Superintendent and the A.B. (Advisory Board) committee and send a self-explanatory proposal to the Government along with his own opinion, the nominal roll of the prisoner, the judgement copy of the prisoner. The proposal should be sent in a manner that it reaches the Government 3 months before the scheduled date of completion of 14 years of imprisonment of the concerned prisoner.

The above mentioned policy of the Government should be brought to the notice of all the members of the Jail Advisory Committee so that they can make timely recommendations in line with this policy in respect of the prisoners who were sentenced for life imprisonment on or after 18/12/78.

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

Sd/-

(J.G. Sangadeep)

Deputy secretary

Home Department

Government of Gujarat

Copy to:

- Inspector General of Jails, Gujarat State, Ahmedabad
- All District Magistrates
- All Commissioners of Police
- All Superintendents of Police
- All Superintendents, Central Jails/District Jails
- Special Jails, Open Jails, Headquarter Sub Jails
- Branch select file
- Assistant select file