

The Good Conduct Prisoners' Probational Release Rules, 1927

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1. These rules may be called the Good Conduct Prisoners' Probational Release Rules.

2. Definitions. - In these rules, unless there is anything repugnant in the subject or context, -

(1) "The Act" means the Good Conduct Prisoners' Probational Release Act, 1926;

(2) "Reclamation Officer" means an officer appointed by the State Government for the superintendence, direction and control of persons released from prison under the provisions of the Act;

(3) "Probation Officer" means an officer appointed by the State Government to assist the Reclamation Officer in the discharge of his duties.

(4) "Superintendent" means the Superintendent of a prison in which any prisoners to be released under the Act are confined, or any other officer specially authorised in this behalf by the State Government.

3. The Reclamation Officer and the Probation Officer shall be taken to be the Government within the meaning of sections 2, 7 and 8 of the Act.

4. Conditional release of well-behaved prisoners. - (a) The Reclamation Officer may, at any time after consultation with the Superintendent, prepare a list of prisoners, who, from their antecedents or conduct in prison, appear to be likely, if released from prison, to abstain from crime and to lead a useful and industrious life, and may forward a list of such prisoners to the State Government with a recommendation for their release under the Act.

The State Government may thereupon permit all or any of such prisoners to be released by licenses under section 2 of the Act.

(b) A license under section 2 of the Act shall be in Form A herewith annexed, and shall contain the conditions stated therein.

(c) No prisoner shall be released from a prison unless the conditions of the license are personally explained to him by the Superintendent and are accepted by him. The fact that the conditions were so explained to the prisoner and were accepted by him shall be certified on the license by the Superintendent.

5. Powers and duties of the Reclamation Officer. - (a) The Reclamation Officer shall be generally responsible for the supervision, direction and control of all prisoners released under the Act.

(b) Subject to any general or special orders issued by the State Government in this behalf, the Reclamation Officer may place any prisoner released under the Act under the authority of a Probation Officer and may delegate to him any of his duties in respect of such prisoners.

✓ **6. Duties of Probation Officer.** - (a) Probation Officer shall work under the control of the Reclamation Officer and shall perform such duties and exercise such powers as may be assigned to them by that Officer.

- (b) With the permission of the Reclamation Officer a Probation Officer may allow any prisoner placed under his authority to be employed by any persons and take from the employer an agreement in writing embodying the conditions of employment. The Probation Officer shall be responsible in such cases for seeing that suitable arrangements are made for the lodging of the prisoner in sanitary conditions and for enforcing the payment of the remuneration and other conditions of the agreement.
- (c) A Probation Officer shall be generally responsible for the conduct and discipline of every prisoner placed under his authority and for his due observance of the conditions of his license. He shall report any breach of the conditions of a license by a prisoner to the Reclamation Officer.

7. Revocation of licenses. - (a) If on the report of the Probation Officer or otherwise, the Reclamation Officer finds that any prisoner has been guilty of a breach of the conditions of his license or considers that he is unfit to be allowed to remain at large under the license, he shall report the matter to the State Government and the State Government may thereupon revoke his license.

(b) When the Reclamation Officer or the Probation Officer decides to recommend the revocation of the license of a prisoner, he may order his arrest and detention in such place and subject to such restrictions as may be prescribed by the State Government and if the license is revoked, may send him in charge of a Police Officer to the Superintendent of the Jail mentioned in the revocation order on or before the date specified therein.

(c) An order of revocation under section 6 of the Act shall be in Form B herewith annexed, and shall be served upon the prisoner by the Reclamation Officer, a Probation Officer or a Superintendent of a Jail. The Reclamation Officer, the Probation Officer, or the Superintendent of Jail, as the case may be, shall explain the order to the prisoner and shall certify the fact that the order has been so explained, below the revocation order. A note as regards the revocation shall also be made on the original license.

8. Final release of prisoners on probation. - On the expiry of the period of license, otherwise than by revocation, the Reclamation Officer, or any Probation Officer authorised by him in this behalf, shall forthwith inform the licensee that he is absolved from the observance of all the conditions of the license and shall make a note to that effect on the license.

9. Classes of offenders not eligible for conditional release. - The following classes of offenders shall not be eligible for conditional release under the Act:-

(a) Persons who have been convicted for offences under the following Acts, or provisions thereof;-

(i) Chapters VI and VII sections 216A, 302, 303, 311, 328, 364, 376, 377, 382, 386 to 389, 392 to 402, 413, 455, 458 to 460 of the Indian Penal Code;

(ii) The Indian Criminal Law Amendment Act, 1908;

(iii) The Explosives Substances Act, 1908;

(iv) The Prevention of Corruption Act, 1947;

(v) The Prevention of Food Adulteration Act, 1954;

(vi) The Drugs and Cosmetics Act, 1940;

(vii) Offence of criminal conspiracy as defined in section 120-A of the Indian Penal Code in so far as it relates to any of the offences mentioned in sub-clause (i) or under the Acts mentioned in sub-clause (ii), (iii) (v) and (vi) above.

- (b) Except in the case of prisoners committed to prison on default of furnishing security, prisoners, the unexpired term of whose term of imprisonment is less than six months.
- (c) Prisoners who have been sentenced to imprisonment for a term exceeding three years and have not completed 8 months of their sentence of imprisonment in prison.

Note. - The prohibition in clause (c) shall not apply to a prisoner whose age on the date of his latest sentence, was not above 21 years.

- (d) Prisoners, who have been convicted of an offence under section 7 of the Act, or whose license has been previously revoked on account of a breach of the conditions of the license.

FORM A

Licence of conditional release under section 2 of the Good Conduct Prisoners' Release Act, 1926.

In exercise of the powers conferred by section 2 of the Good Conduct Prisoners' Probational Release Act, 1926, the Governor of Punjab is pleased, subject to the observance of the conditions hereinafter set forth, to grant to and direct the release of _____ son of _____, caste _____, aged _____, resident of _____, Prisoner No. _____ at present confined in the _____ Jail, in pursuance of warrant of which a certified copy/copies is/are attached thereto.

The period during which this license shall remain in force shall be calculated in accordance with the provisions of sections 3 and 5 of the aforesaid Act. On the expiry of the period of this license (except when it is revoked), the prisoner shall be released from the observance of all the conditions set forth hereafter.

Conditions to be observed by the licensee.

1. The licensee shall proceed forthwith to _____ and report himself to _____ Probation Officer.
2. He shall remain under the supervision of the said Probation Officer or of any other Probation Officer to whose supervision he may be transferred by the Reclamation Officer during the period of the license. He shall obey all the instructions of the Probation Officer issued to him either verbally or in writing regarding his residence, employment or conduct.
3. He shall not proceed beyond the limits of the places within which he may be restricted from time to time by the Probation Officer, without the permission in writing of the said Officer. He shall proceed to any place indicated by the Probation Officer and by the route prescribed by him.
4. He shall report himself at such times and places and to such persons as Probation Officer may from time to time direct.
5. He shall apply himself with due industry, to the satisfaction of the Probation Officer to the work upon which the said Officer may permit him to be employed.
6. He shall not commit any criminal offence punishable by the law of India.
7. He shall receive such remuneration for his work as the said Probation Officer may direct.
8. If in the opinion of the State Government he is found to have committed a breach of the conditions numbered (1) to (6) of this licence, the State Government may revoke the

license and direct his re-admission to prison to serve the rest of his sentence subject to the provisions of section 4 of the Good Conduct Prisoners' Probational Release Act, 1926.

9. On the revocation of this license, the licensee shall return to the prison named in the order of revocation on or before the date specified for him to report himself in the order of revocation.

Home Secretary to Government of Punjab.

I, _____ hereby acknowledge that I have understood the conditions specified in the above order of conditional release as the conditions subject to which I am to be conditionally released and I accept them.

Sd/-

Signature or mark of the convict.

Certified that the conditions specified in the above order of conditional release have been read over and explained to the prisoner named in the said order, and that he has acknowledged that he understands and accepts the same as the conditions under which he is to be released before the expiry of the term of his sentence. I believe that he understands and accepts them.

Sd/-,

Superintendent of Jail

Dated _____

FORM B

Order of revocation of a license under section 6 of the Good Conduct Prisoners' Probational Release Act, 1926.

In exercise of the power conferred by section 6 of the Good Conduct Prisoners' Probational Release Act, 1926, the Governor of Punjab is hereby pleased to revoke, with effect from _____, the license under section 2 of the said Act granted on _____ to _____ son of _____ caste _____, aged _____, resident of _____ convict No. _____ of _____ Jail, and to direct that he be re-admitted into the _____ Jail to serve the rest of his sentence subject to the provisions of section 4 of the said Act. ¹ The said convict is directed to report himself to the Superintendent of the _____ Jail at _____ on or before the _____.

Sd/-

Home Secretary to Government, Punjab.

Certified that the contents of this order have been explained by me personally to convict _____ described above.

Dated _____

Reclamation/Probation Officer,
Superintendent, Jail.

¹ The portion within the bracket should be omitted in the case of a convict who has escaped from the supervision or authority of the Reclamation Officer or the Probation Officer.