

THE GOOD CONDUCT PRISONERS' PROBATIONAL RELEASE ACT, 1926¹

(Punjab Act No. 10 of 1926)

Preamble

Whereas 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, and whereas the previous sanction of the Governor-General under sub-section (3) of Section 80-A of the Government of India Act has been obtained, 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, 1926.

(2) It extends to the Union territory of Delhi.

(3) It shall come into force on such date as the Chief Commissioner may by notification appoint in this behalf.

2. Power of the Chief-Commissioner to release by license on conditions imposed by it.

Notwithstanding anything contained in section 401 of the Code of Criminal Procedure, 1898 (V of 1898), where a person is confined in prison under a sentence of imprisonment, and it appears to the Chief Commissioner 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 Chief Commissioner may by license permit him to be released on condition that he be placed under the supervision or 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 license 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 (V of 1896).

3. Period for which license is to be in force.

A license granted under the provisions of section 2 shall be in force until the date off which the person released would, in the execution of the order or warrant authorizing his imprisonment, have been discharged from prison had he not been released on license or until the license is revoked, whichever is sooner.

1. Extended to the Union territory of Delhi vide Government of India Deptt. Notification No. 189/38 dated the 30th May, 1939.

4. Period of release to be reckoned as imprisonment for commuting period of sentence served.

The period during which a person is absent from prison under the provisions of this Act on a license 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 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 remissions.

5. Form of license.

A license granted under the provisions of section 2 shall be in such form and shall contain such conditions as the Chief Commissioner may, by general or special order or by rules made in this behalf, direct.

6. Power to revoke license.

(1) The Chief Commissioner may at any time revoke a license granted under the provision 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 license shall cease to be in force, and shall be served in such manner as the Chief Commissioner may by rule prescribe upon the person whose license has been revoked.

7. 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 2, or if any person whose license has been revoked under the provisions of section 6, 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.

8. Power to make rules.

The Chief Commissioner may make rules¹ consistent with this Act—

- (1) for the form and conditions of license on which prisoners may be released;
- (2) for defining the powers and duties of Government officers, societies or persons, under whose authority or supervision conditionally released prisoners may be kept;
- (3) for defining the classes of offenders who may be 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.

1. For good conduct Prisoners Probational Release Rules, vide Notification No. 5329/A-Home dated 22-7-1927.