

GOOD CONDUCT PRISONER'S PROBATIONAL RELEASE ACT, 1926

1926 : Pb. Act X.] GOOD CONDUCT PRISONERS' PROBATIONAL RELEASE 855 THE GOOD CONDUCT PRISONERS' PROBATIONAL RELEASE ACT, 1926. Arrangement of Sections. SECTIONS 1. 2. 3. 4. 5. 6. 7

8. Short title, extent and commencement.Power of Government to release by license on conditions imposed by it. Period for which license is to be in force. Period of release to be reckoned as imprisonment for computing period of sentence served. Form of license. Special powers of District Magistrates. Released absconders who escape from supervision to be punishable. Power to make rules. 1926 : Pb. Act X.] GOOD CONDUCT PRISONERS' PROBATIONAL RELEASE 857 THE GOOD CONDUCT PRISONERS' PROBATIONAL RELEASE ACT, 1926. PUNJAB ACT X or 1926. (Received the assent of the Governor of the Punjab on the 21st July, 1926, and that of the Governor-General on the 16th August, 1926, and was first published in the Punjab Gazette of the 27th August, 1926.] year 1 1926 NO. 2 X Short title 3 The Good Conduct prisoners' Probational Release Act, 1926. whether repealed or otherwise affected by legislation 4 Amended in part by the Government of India (Adaptation of Indian Laws) order, 1937. Amended by the Indian Independence (Adaptation of Bengal and Punjab Acts) order, 1948 G. G. 0.40). Amended by the Adaptation of Laws Order, 1950. Amended by the (Adaptation of Laws Order Amendment) Order, 1951. Amended by Punjab Act No. 33 of 1956'. Extended to the territories which, immediately before the 1st November, 1956, were comprised in the State of Patiala and East Punjab States Union by Punjab Act No. 18 of 1958'. Amended by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) order, 1968. For Statement of Objects and Reasons, see Punjab Gazette, 1926, Part I, page 543, and for Proceedings in Council, see Punjab Legislative Council Debates, Volume IX-B, pages 1109—11. 'See Punjab Gazette, 1926, Part I, pages 808—09. For Statement of Objects and Reasons, see Punjab Government Gazette, (Extraordinary), 1950, page 1088. 'For Statement of Objects and Reasons, see Punjab Government Gazette, (Extraordinary), 1958, pages 564 K to 540L. 858 GOOD CONDUCT PRISONERS' [1926 : Pb. Act X. PROBATIONAL RELEASE Preamble. An Act to provide for the release of good conduct prisoners on conditions imposed by the 1[State Government.] 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 Short Title, ex- 1. (1) This Act may be called the Good Conduct and Commencement Prisoners' Probational Release Act, 1926. (2) It extends to 2[Union territory of Chandigarh]. (3) It shall come into force on such date as the 4[Central Government] may by notification appoint in this Power of Gov- 2. Notwithstanding anything contained in section 401 in relation to release by license of the Code of Criminal Procedure, 1898, where a person 1898. on conditions imposed is confined in prison under a sentence of imprisonment, and it appears to the 1[Central 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 4[Central Government] may by license permit him to be released on condition that he be placed under the Supervision or authority of a 6[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. iSubstituted for the words "Provincial Government" by the Adaptation of Laws (Third Amendment) Order, 1951. 'Substituted for the word "Punjab" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968. This Act came into force on 1st May, Punjab Government (Jails) notification No. J 3272, dated 27th April, 1927. 'Substituted for the words "State Government" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1988. 5Substituted for the words "servant of the crown" by the Adaptation of Laws (Third Amendment) Order, 1951, 1926 : Act X.] GOOD CONDUCT PRISONERS' PROBATIONAL RELEASE 859 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 1898. Criminal Procedure, 1898

3. A license granted under the provisions of Section Period for which license Is to 2 shall be in force until the date on which the person re- be In force.leased 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

4. The period during which a person is absent from Period of re- prison under the provisions of this Act on a license which is lease to be re- ckoned as im- in force shall be reckoned as a part of the period of imprison- prisonment for ment to which he was sentenced, for the purpose of com- computing period of sentence putting the period of his sentence and for the purpose of com• putting the amount of remission of his sentence which might be awarded to him under any rules in force relating to such remission

5. A license granted under the provisions of section Form of license.2 shall be in such form and shall contain such conditions as the 1[Central Government] may, by general or special order or by rules made in this behalf direct. 6. (1) The I(Central Government] may at any time Power to re- revoke a license granted under the provisions of section 2. voke license. (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 svch manner as the If Central Governmentl mav by rule prescribe, upon the person whose license has been revoked. A Government officer under whose authority or sunervision the prisoner was released under section 2 of the Act, may order his arrest and detention, until the order of revocation of a license is passed, 'in such place and subject to such conditions as may be prescribed by the 1[Central Government]. *Substituted for the words "State Government" by the Punjab Reorganasation (Chandigarh) (Adaptation of Laws on State and Con- current Subjects) Order, 1968. 'Sub-section (3) added and deemed always to have bout added by Pun3ab Act No. 33 of 1956. 860 GOOD CONDUCT PRIBONERB' (1920 : Pb. Act X. PROBATIONAL RELEASE 7. (I) If any person escapes from the Isupervlsion or Released ab•eon• from eupervlsion authority of a I(Government omcerl or secular institution, to be punlghnb10•or a society or person in whose charge he has been placed under the provisions of section 2, or if any prison 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 released, on or before the date specified in the order of revocation, such person shall on conviction by a magis- trate 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) tshall be deemed to be a cognizable offence with- in the meaning of clause (f) of sub-section (1) of section 4 of the Code of Criminal Procedure, 1898. 1898. power to make S• The 2(Central Government] may make rules' con- sistent with this Act— (1) for the form and conditions of licenses on which prisoners may be released ; (2) for defining the powers and duties of Govern- ment officers, societies or persons, under whose authority or supervision conditionally released prisoned; may be kept ; (3) for defining the classes of offenders who may be conditionally released and the period of im- prisonment after which they may be so released; (4) generally for carrying into effect all the pur• poses of this Act. 1Substituted for the words "servants of the Crown" by the Adapta• tion of Laws (Third Amendment) Order 1951. 2Substituted for the words "State dovernment" by the Punjab Reorganisation (Chandigarh) (Adaptation ot Laws on State and Con- current Subjects) Order, 196B. 'For rules, see notification No. 13273, dated 27th April, 1927, punjab Gazette, 1927, Part 1, pages 395—08.