

1
2
3

Appendix Sixteen

THE UTTAR PRADESH (SUSPENSION OF SENTENCES OF PRISONERS) RULES, 2007 (1) These rules shall come into force with effect from the 1st day of January, 2007.

- (2) They shall come into force with effect from the 1st day of January, 2007.
- (3) They shall extend to the whole of Uttar Pradesh.
- (4) These rules shall apply to the prisoners convicted for an offence to which the executive power of the State is exercisable within the State of Uttar Pradesh or outside the State of Uttar Pradesh.
- (a) The prisoners convicted for an offence to which the executive power of the State is exercisable outside the State of Uttar Pradesh does not extend.
- (b) The prisoners who have filed any appeal or application for revision during pendency thereof.
- (c) The prisoners against whom any other criminal proceeding is pending.
- (d) The prisoners convicted for an offence for which the sentence of death is not admissible in any law.
- (i) In these rules, unless the content otherwise requires, the word "Commissioner" means the Commissioner of Prisons, Uttar Pradesh.
- (ii) "Governor" means the Governor of Uttar Pradesh.
- (iii) "Government" means the State Government of Uttar Pradesh.
- (iv) "State" means the State of the Uttar Pradesh; (v) "Prison" means any place where persons are confined under the provisions of these rules.
- (1) The Government may suspend the sentences of prisoners on the following grounds -
- (a) illness of prisoner's parents, husband or wife;
- (b) death of any one of the relative mentioned in sub-rule (1);
- (c) Marriage of son, daughter, brother or sister;
- (d) for sowing or harvesting of agricultural crop or for any other purpose for which alternative arrangement for the same is available;
- (e) for the essential repair of his house provided the same is available.
- (2) The Government may in special circumstances suspend the sentence referred to in sub rules (1) for a period not exceeding three months.

	4 5 6	(1) The period of suspension of a sentence of a prisoner in exceptional circumstances, be increased with period of sentence. (2) The total period of suspension of sentence of a prisoner shall not exceed twelve months, but in exceptional circumstances the period may exceed twelve months with prior approval of the Government. (1) The application for suspension of sentence may be made by the prisoner himself or by a member of the family of the prisoner to duplicate through the Superintendent of the Jail concerned, a copy of it along with his comments and Jail reports to be submitted in duplicate copy to the District Magistrate concerned. (2) The Government may call for the report from the Superintendent of Police concerned on the desirability of the suspension of sentence who after conducting such enquiry as deemed necessary shall submit the report within 30 days to the Government. In appropriate cases the Government may act under sub-section (2) of section 432 of the Code of Criminal Procedure. (3) The Government shall call for report from the Superintendent of Police regarding age, condition of health, sentence and conduct of the prisoner. (4) No prisoner shall be released on suspension of sentence without personal bond to the satisfaction of the District Magistrate. He shall surrender in Jail concerned on expiry of the period of suspension and shall maintain peace and good conduct during the period of suspension. (1) Suspension of sentence shall not be granted to a prisoner sentenced to imprisonment for an offence of murder unless he has served minimum four years' sentence without remission, and for those sentenced to life sentence shall not be granted unless the prisoner has served minimum four years' sentence without remission. (2) Suspension of sentence may not be granted to a habitual offender if the District Magistrate is of the opinion that the release of the prisoner may be dangerous to the public. (3) The period of suspension of sentence shall not exceed the period of sentence served. (4) The sentence of a prisoner may be suspended for a period not exceeding one year. Provided that in exceptional circumstances the period may be extended. Husband or wife, son, daughter, brother or sister of the prisoner or brother or sister or in natural calamities. The period shall not be more than the second time in a calendar year.
--	----------------------------	--

- (1) The Superintendent of Jail shall inform to the and the Director General/Inspector General of unauthorized absence of a prisoner from the Jail of the sentence and request the District Magistrate concerned to cause the arrest of the said prisoner.
- (2) Any prisoner whose sentence has been suspended
- (a) If surrenders in Jail after upto seven days to roll.
 - (b) If surrenders after upto twenty nine days and suspension of sentence shall not be granted year from the date of surrender to the jail.
 - (c) if surrenders after one month, indiscipline of sentence shall not be granted to him unless to the jail.
 - (d) if surrenders after two months, indiscipline of sentence shall not be granted to him until from the date of surrender to the jail.
 - (e) if surrenders after more than two months suspension of sentence shall not be granted month's delay after one year from the date of s
 - (f) if overstay for more than twelve months, s not ordinarily be granted.
 - (g) if the suspension of sentence has been obtained facts, no suspension of sentence shall be granted

In pursuance of the provisions of clause (3) of Article 3 pleased to order the publication of the following English 2013-21G/1989, January 29, 2013.

No- 104 JL/22-3-2013

Dated Lucknow, January

In exercise of the powers conferred by sub Criminal Procedure, 1973 (Act no. 2 of 1974) read v 1897 (Act no.10 of 1897) the Governor is pleased amending the Uttar Pradesh (Suspension of Sentences of THE UTTAR PRADESH (SUSPENSION OF SENT

(FIRST AMENDMENT)

1. Short title and commencement- (1) These rules may be called the Uttar Pradesh (Suspension of Sentences of Prisoners) Rules, 2007.
 (2) They shall come into force with effect from the date of their publication in the Official Gazette.
 2. In the Uttar Pradesh (Suspension of Sentences of Prisoners) Rules, 2007, the word "prisoners" shall mean persons who are under sentence of imprisonment in any prison or other place of detention.

called the
 OF SENTENCES
 AMENDMENT
 Sentences
 out in col
 II below s

n

Column-I			
Existing rules		Rules as amended	
3.(1)	The Government may suspend the sentences of a prisoners up to one month on the following grounds:-	3.(1)	The Government may suspend the sentences of a prisoners up to one month on the following grounds:-
(a)	Illness of prisoner's parents, husband or wife, son, daughter, brother or sister, or	(a)	husband or
(b)	Death of any one of the relative mentioned in sub-clause (a), or	(b)	Death of any one of the relative mentioned in sub-clause (a), or
(c)	Marriage of son, daughter, brother or sister	(c)	Marriage of son, daughter, brother or sister
(d)	For sowing or harvesting of agricultural	(d)	
	crops on his own land provided no other alternative arrangement for the same is available.		agricultural crops on his own land provided no other alternative arrangement for the same is available.

	(e)	For the essential repair of his house provided no other alternative arrangement for the same is available.	(e)	For the essential repair of his house provided no other alternative arrangement for the same is available.	
	(2)	The Government may in special circumstances extend the period of suspension of sentence referred to in sub-rule (1) for a period not exceeding one month.	(2)	The Government may in special circumstances extend the period of suspension of sentence referred to in sub-rule (1) for a period not exceeding one month.	
			(3)	The District Magistrate of the district to which prisoner belongs may suspend the sentence of a prisoner up to 72 hours on the following grounds:-	
			(a)	Death of mother, father, husband or wife, son, daughter, brother or sister.	
			(b)	Marriage of son, daughter, brother or sister.	

Appendix Seventeen

Copy of Grih Vibhag (Karagar) G.O. No. 4815/XXII-1714(38)/1947

dated November 18, 1959 to the Pradhan Karagar Nirikshak, Uttar Pradesh.

Subject:- Panchayat System in Jails.

With reference to your letter No. 68659/GSI(1) dated Oct., 7, 1959, I am directed to say that as recommended by you, the Governor has been pleased to order that the Panchayat system may be extended to all the jails in the State.

RULES FOR THE WORKING OF PANCHAYATS IN JAILS.

Short Title.

1. These Rules shall be called as “Rules for panchayat system in Jails”.

Definitions.

2. In these Rules unless there is anything repugnant in the subject or context:-

Government- means the Government of Uttar Pradesh,

Inspector General- means the Inspector General of Prisons, Uttar Pradesh,

Jail- means a prison as defined in section 3 of the prisons Act, 1894 (Act No. IX of 1984),

Panchayat- means a Panchayat in a jail,

Prisoner- means a person confined in jail,

Superintendent- means superintendent of a jail.

Aims & Objects :-

3. The aims and objects of the panchayat are:-

- (a) to train prisoners in the practice of democracy;
- (b) to help the jail authorities in the maintenance of discipline among prisoners inside the jail; and
- (c) to look after the welfare activities of prisoners such as sanitation, fooding, recreation, etc.
- (d) to manage library under the supervision of jail officials.

Panchayats for separate classes of prisoners.

4. There shall be at least one Panchayat in every jail.

Provided that where a jail has more than one circle, there shall be one Panchayat in every circle.

Provided further that where different classes of prisoners as given in section 27 of the Prisons Act, 1894 (Act IX of 1894) are confined in the same jail, separate Panchayat shall be formed for each class of prisoners, but where the number of a particular class of prisoners is not sufficiently large, the Superintendent may not allow the Panchayat to be formed for that class.

Name of members.

5. (i) Every Panchayat shall consist of five members, called “Panches”, to be elected by and from amongst the prisoners of the circle or the class to which they belong. The Panches shall attend and participate in the work and meetings of the respective Panchayat.

- (ii) The status of Panches shall be that of ordinary prisoners in all matters of jail discipline, rules and regulations and they shall obey every lawful order issued by an office of the jail or a convict officer.

Sarpanch-

6. The Panches shall elect a “Sarpanch” from amongst themselves. The Sarpanch shall preside over the meetings of the Panchayat and shall sign the proceedings of the panchayat. He shall be responsible for maintaining order and discipline during the Panchayat meeting.

Term of Panchayat.

7. The term of Panchayat shall be for one calendar year starting from the first day of January and ending on the last day of December. The election of the Panches shall be held once every year in the month of December on the dates fixed by the Superintendent.

Provided that if a vacancy occurs at any time other than the time of general elections, the Superintendent shall arrange the vacancy to be filled by a bye election within a period of one month.

Provided further that if the circumstances so demand, the Superintendent with the previous sanction of the Inspector General may extend the term of a Panchayat or Panchayats in his jail for such period as the Inspector General may allow.

Mode of election of Panches and Srpanches.

8. The election of Panches and Sarpanch shall be direct by show of hands and shall be conducted by the Superintendent or in his absence by the the Jailor in-charge.

The decision of the Superintendent in all matters arising out of the Superintendent in all matters arising out of the election of Panches and Serpanches shall be final.

Prisoners ineligible for election.

9. The following categories of prisoners shall not be eligible for election as Panches:-

(1) Security Prisoners,

(2) Civil Prisoners,

(3)

Prisoners confined for terrorist activities, (4) Prisoners under sentence of death,

(5) Those who are to be released within six months of the election,

(6) Those who are to be associated with political parties outside,

(7)

Those whose conduct in jail has not been satisfactory, (8) Those who are of unsound mind.

Sitting member.

10. An outgoing Panch may seek re-election if otherwise eligible.

Meeting of Panchayats.

11. Every Pachayat shall meet once in a month. The date of monthly meetings of the Panchayat shall be fixed by the Sarpanch with the prior approval of the Superintendent. The Superintendent may call upon a Pnachayat to hold additional meetings at any time during the month and thereupon the Panchayat shall hold a meeting. The proceedings of every sitting shall be reduced to writing. For this purpose the Superintendent shall depute a suitable jail officer to attend a Panchayat meeting as an observer.

Duties of the Panchayat.

12. The Panchayat Shall consider and record its opinion on all matters referred to it by the Superintendent.

Matters to be referred to Panchayats.

13. The Superintendent shall refer to the Panchayat for advice, (1)

All cases of minor disputes among the prisoners.

(2) All cases of minor prison offences in which he is authorized to award punishment.

Superintendent to give weight to Panchayat's advice Superintendent to give weight to Panchayat's advice in matters of punishments.

14. In awarding punishment, the Superintendent shall give due weight to, but shall not be bound by, the advice of the Panchayat.

Other matters to be referred to Panchayats.

15. The Superintendent shall, ordinarily consult the Panchayat on all matters relating to the welfare activities of the prisoners and in particular on such matters as

(i) Arrangements for proper sanitation in jails.

- (ii) Distribution of fooding, clothing's and other articles to prisoners, and,
- (iii) Organizing games for and arranging other recreational activities of prisoners.

Yearly report to Inspector General.

16. The Superintendent shall furnish to the Inspector General by the end of January each year, a report on the working of the Panchayat in his jail during the preceding year.

Yearly report to Government.

17. The Inspector General shall furnish to Government by the end of March following a consolidated report on the working of the Panchayat in all the jails in Uttar Pradesh.

Powers of Inspector General to withhold Panchayat system and make variations in rules relating to a particular jail.

18. (i) The Inspector General may withhold the operation of Panchayat system in any jail or circle of a jail for such period as he may consider necessary.

(ii) The Inspector General may, with the sanction of Government, make such variations in the rules relating to a particular jail as may be required by the special conditions prevailing in that jail.

Sd/- Anup Singh
Upa Sachiv,
Uttar Pradesh Shasan.

