

PART I

GOVERNMENT OF PUNJAB

DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS, PUNJAB

NOTIFICATION

The 7th January, 2016

No. 1-Leg./2016.-The following Act of the Legislature of the State of Punjab received the assent of the Governor of Punjab on the 18th day of December, 2015, is hereby published for general information :-

**THE PUNJAB GOOD CONDUCT PRISONERS (TEMPORARY
RELEASE) AMENDMENT ACT, 2015.**

(Punjab Act No. 1 of 2016)

AN

ACT

further to amend the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962.

BE it enacted by the Legislature of the State of Punjab in the Sixty-sixth Year of the Republic of India as follows:-

1. (1) This Act may be called the Punjab Good Conduct Prisoners (Temporary Release) Amendment Act, 2015. Short title and commencement.

(2) It shall come into force on and with effect from the date of its publication in the Official Gazette.

2. In the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 (hereinafter referred to as the principal Act), in section 2,- Amendment of section 2 of Punjab Act 11 of 1962.

(i) after clause (a), the following clause shall be inserted, namely:-

"(aa)"hardcore prisoner" means a person confined in prison under a sentence of imprisonment, who has been convicted of-

(i) an offence of rape with murder under section 376 read with section 302 of the Indian Penal Code, 1860;

(ii) an offence punishable under section 14 of the Protection of Children from Sexual Offences Act, 2012;" and

(ii) for clause (b), the following clause shall be substituted, namely:-

"(b) "member of prisoner's family" means the husband, wife, son, daughter, father, mother, brother, sister, grand-father, grand-mother, grand-son, grand-daughter, father-in-law, mother-in-law, brother-in-law, sister-in-law, father's brother, father's sister, mother's brother or mother's sister of the prisoner;"

3. In the principal Act, in section 3,-

Amendment of
section 3 of
Punjab Act 11 of
1962.

(i) in sub-section (1),-

(A) for clause (a), the following clauses shall be substituted, namely:-

"(a) a member of the prisoner's family has died; or

(aa) husband or wife or son or daughter or father or mother or brother or sister or grand-father or grand-mother or grand-son or grand-daughter or father-in-law or mother-in-law of the prisoner is seriously ill; or";

(B) after clause (c), the following clause shall be inserted, namely:-

"(cc) a lady prisoner is pregnant and is likely to deliver a child; or";
and

(C) after clause (d), the following explanation shall be added, namely:-

"*Explanation.*- The expression "sufficient cause" includes-

(1) serious damage to life or property of the member of the family caused by any natural calamity; or

(2) critical condition of any member of the family on account of accident; or

(3) delivery of child by the wife of the prisoner.";

(ii) for sub-section (2), the following sub-section shall be substituted, namely:-

"(2) The period for which a prisoner may be released shall be

determined by the State Government so as not to exceed-

- (a) where the prisoner is to be released on the ground specified in clause (a) of sub-section (1), fifteen days;
- (b) where the prisoner is to be released on the ground specified in clause (aa) or clause (b) or clause (c) or clause (d) of sub-section (1), six weeks; and
- (c) where the prisoner is to be released on the ground specified in clause (cc) of sub-section (1), one hundred and twenty days (sixty days prior to the date of delivery of child and sixty days after the date of delivery of child)."; and

(iii) for sub-section (2-A), the following sub-section shall be substituted, namely:-

"(2-A) The total period of temporary release of the prisoner, excluding the temporary release availed of on the death of a family member of the prisoner and the temporary release availed of by a female prisoner on account of delivery of child, shall not exceed twelve weeks during a calendar year and shall be availed of on quarterly basis:

Provided that any prisoner who is on temporary release for a specified period and wants to surrender to jail before the expiry of his temporary release period, he shall be allowed to do so."

4. In the principal Act, after section 5, the following section shall be inserted namely:-

Insertion of new section 5-A in Punjab Act 11 of 1962.

"5-A Notwithstanding anything contained in sections 3 and 4,-

Prisoner not entitled to be released in certain cases. (a) no prisoner shall be entitled to be released under this Act to whom the death sentence has been awarded or is a hardcore, prisoner;

(b) Notwithstanding anything contained in clause (a), hardcore prisoner may be allowed to be released temporarily on the ground specified in clause (a) or clause (b) of sub-section (1) of section (3). However, extra conditions may be imposed on the prisoner at the time of temporary release or furlough after considering all the facts and circumstances of the case."

5. In the principal Act, for section 9, the following section shall be substituted, namely:-

Substitution of
section 9 in
Punjab Act 11 of
1962.

"9. Any prisoner who is liable to be arrested under sub-section (2) of section 8, shall be punishable with imprisonment of either description which may extend to three months or with fine not exceeding one thousand rupees or with both and such offence shall be cognizable and non-bailable."

Penalty for
failure to
surrender.

H.P.S. MAHAL,
Secretary to Government of Punjab,
Department of Legal and Legislative Affairs.

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