

The Good Conduct Prisoners' Probational Release Act, 1926

Act 10 of 1926

Keyword(s):

Prisoner, Superintendent of Jail, Good Conduct



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**THE GOOD CONDUCT PRISONERS' PROBATIONAL
RELEASE ACT, 1926.**

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**THE GOOD CONDUCT PRISONERS' PROBA-
TIONAL RELEASE ACT, 1926**

PUNJAB ACT 10 OF 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.]

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Year	No.	Short title	Whether repealed or otherwise affected by legislation
1926	10	The Good Conduct Prisoners' Probational Release Act, 1926	Amended in part by Government of India (Adaptation of Indian Laws) Order, 1937. Amended by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948 (G.G.O. 40). Amended by the Adaptation of Laws Order, 1950. Amended by the Adaptation of Laws (Third Amendment) Order, 1951. Amended by Punjab Act 33 of 1956. ³ Extended to Pepsu Territory by Punjab Act 18 of 1958. ⁴ Amended by Punjab Act 25 of 1964. ⁵ Amended by Punjab Act 27 of 1969. ⁶

¹For 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. It came into force on 1st May, 1927.

²See *Punjab Gazette*, 1926, Part I, pages 808-09.

³For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1956, page 1088.

⁴For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1958, page 546K.

⁵For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1964, pages 935-937.

⁶For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1969, pages 1067-68.

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PUNJAB ACT 10 OF 1926

An Act to provide for the release of good conduct prisoners
on conditions imposed by the ¹[State Government].

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 subsection (3) of section 80-A of the Government of India Act has been obtained ;

It is hereby enacted as follows :—

Short title, extent
and commence-
ment.

1. (1) This Act may be called the Good Conduct Prisoners' Probational Release Act, 1926.

(2) It extends to ²Punjab.

(3) It shall come into force on such ³date as the ⁴[State] Government may by notification appoint in this behalf.

Power of Govern-
ment to release by
license on condi-
tions imposed by
it.

2. Notwithstanding anything contained in section 401 of the Code of Criminal Procedure, 1898, where a person is confined in prison under a sentence of imprisonment, and it appears to the ⁴[State] 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[State] Government may by license permit him to be released on condition that he be placed under the supervision or authority of a ⁵[Government officer] or a secular institution or of a person or society, 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.

¹Substituted for the words “Provincial Government” by the Adaptation of Laws (Third Amendment) Order, 1951.

²Substituted for the words “East Punjab” (which had been inserted for words “the Punjab”), by Adaptation of Laws Order, 1950.

³This Act came into force on 1st May, 1927,—*vide* Punjab Government (Jails) notification No. 13272, dated 27th April, 1927.

⁴Substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.

⁵Substituted for the words “servant of the Crown” by the Adaptation of Laws (Third Amendment) Order, 1951.

⁶The words “professing the same religion as the prisoner” omitted by Punjab Act 27 of 1969, section 2.

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3. A license granted under the provisions of section 2 shall be in force until the date on 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.

Period for which licence is to be in force.

4. 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 remission.

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

5. A license granted under the provisions of section 2 shall be in such form and shall contain such conditions as the ¹[State] Government may, by general or special order or by rules made in this behalf direct.

Form of license.

6. (1) The ¹[State] Government may at any time revoke a license granted under the provisions of section 2.

Power to revoke 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 such manner as the ¹[State] Government may by rule prescribe, upon the person whose license has been revoked.

²(3) A Government officer under whose authority or supervision 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 State Government.]

7. (1) If any person escapes from the supervision or authority of a ³[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

Released absconders who escape from supervision to be punishable.

¹Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

²Added and shall always be deemed to have been added by Punjab Act 33 of 1956, section 2.

³Substituted for the words "servants of the Crown" by the Adaptation of Laws (Third Amendment) Order, 1951.



of revocation, such person shall on conviction ¹ 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.

Power to make
rules.

8. The ²[State] Government may make rules³ consistent 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 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 period of imprisonment after which they may be so released,
- (4) generally for carrying into effect all the purposes of this Act.

¹The words "by a Magistrate" omitted by Punjab Act 25 of 1964.

²Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

³For rules, see notification No. 13273, dated 27th April, 1927, *Punjab Gazette*, 1927, Part I, pages 395—98.