

प्रकाशन सं०-8

कारागार प्रशासन एवं सुधार सेवायें विभाग उत्तर  
प्रदेश



बन्दियों की समयपूर्व रिहाई सम्बन्धित

# हस्तपुस्तिका

(जिलाधिकारियों, वरिष्ठ पुलिस अधीक्षकों, कारागार अधिकारियों के उपयोगार्थ)

(प्रथम संस्करण 2010)

महानिरीक्षक, कारागार प्रशासन एवं सुधार सेवायें,  
उत्तर प्रदेश, लखनऊ

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1. प्रिजन्स लॉ इन इण्डिया ; उच्चतम बचपसंजपवद उनकी बेवसाइट से)
2. प्रिजन बुलेटिन— त्रैमासिक विभागीय समाचार/संवाद पत्रक
3. उत्तर प्रदेश के गैर सरकारी वीक्षकों के लिये दिग्दर्शिका
4. कारागार कम्पेन्डियम भाग—1 (विभागीय सेवानियमावलियों एवं विभिन्न सेवानियमावलियों का संग्रह)
5. वार्षिक प्रशासनिक रिपोर्ट (वार्षिक)
6. च्त्तपेवद `जंजपेजपबे ; ।ददनंस पदबम 2007द्ध
7. केस स्टडी संग्रह भाग—1
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## सिद्धदोष बन्दियों की समय पूर्व रिहाई

विगत दिनों जनपदीय अधिकारियों के साथ बैठकों में कार्यकारी मजिस्ट्रेटों/पुलिस अधिकारियों द्वारा यह अनुरोध किया गया था कि बंदियों की समयपूर्व रिहाई के बारे में एकीकृत निर्देश यदि उपलब्ध करा दिये जायें तो उन्हें इन मामलों के सम्यक निस्तारण में आसानी होगी ।

इस उद्देश्य से कारागार मुख्यालय स्तर पर शासनादेशों, जेल मैनुअल के सुसंगत उद्धरण, अधिनियम तथा उच्च न्यायालय/उच्चतम न्यायालय के निर्णयों का सार संकलित करके यह हस्त पुस्तिका तैयार की गयी है। आशा है कि यह हस्त पुस्तिका सर्व सम्बन्धित को सम्यक मार्गदर्शन प्रदान करेगी।

समय पूर्व रिहाई निम्नवत चार श्रेणियों में सामान्यतया होती है –

- (1) उ०प्र० प्रिजनर्स रिलीज आन प्रोबेशन एक्ट 1938 के अन्तर्गत लाइसेंस पर रिहाई (फार्म-ए)
- (2) धारा 432 दं०प्र०सं० के अन्तर्गत राज्य सरकार द्वारा सजा का परिहार (14 वर्षीय नामिनल रोल एवं रिवीजन शीट)
- (3) संविधान के अनुच्छेद 161 के अन्तर्गत पार्डन/दया रिहाई (दया याचिका)
- (4) इनफर्मिटी रोल (सी०आर०पी०सी० की धारा- 432)

नोट:- पैरोल उत्तर प्रदेश (बंदियों के दण्डादेश का निलम्बन) नियमावली 2007 के अन्तर्गत विशेष जरूरत पर स्वीकृत किया जाता है। पैरोल इस हस्त पुस्तिका का विषय नहीं है।

### (1) प्रोबेशन/लाइसेंस पर रिहाई : (फार्म-ए)

उत्तर प्रदेश प्रिजनर्स रिलीज आन प्रोबेशन एक्ट 1938 (उ०प्र० एक्ट सं० 8 वर्ष 1938) के अन्तर्गत सिद्धदोष बन्दियों को राज्य सरकार द्वारा लागू की गई कतिपय शर्तों के अधीन रिहा किये जाने का प्रावधान है। धारा 2 के अनुसार यदि "बन्दी के पूर्व चारित्रिक इतिवृत्त एवं कारागार में उसके चाल-चलन" से राज्य सरकार को ऐसा लगे कि वह रिहा होने पर *अपराध से दूर रहेगा और शान्तिपूर्ण जिन्दगी बितायेगा* तो उसे किसी सरकारी अधिकारी, व्यक्ति या संस्था के पर्यवेक्षण या प्राधिकार के अन्तर्गत रिहा कर सकती है। इस अधिनियम के अन्तर्गत रिहाई हेतु पात्र बन्दियों के आवेदन पत्र निर्धारित प्रारूप (फार्म-ए) पर अधीक्षक/वरिष्ठ अधीक्षक कारागार द्वारा जिलाधिकारी को भेजे जाते हैं। उस पर जिला प्रोबेशन अधिकारी एवं पुलिस अधीक्षक की रिपोर्ट के साथ जिलाधिकारी अपनी रिपोर्ट अंकित करके महानिरीक्षक कारागार को भेजते हैं।

**विशेष :** (1) यदि जिलाधिकारी/पुलिस अधीक्षक द्वारा रिहाई का विरोध किया जाता है तो उन्हें स्पष्ट कारण और आधार देने होंगे।

(2) यदि प्रोबेशन बोर्ड रिहाई की संस्तुति नहीं करता है तो उसे भी कारण देने होंगे।

इस अधिनियम के अन्तर्गत लाइसेंस पर रिहाई के मामलों में उच्चतम न्यायालय एवं उच्च न्यायालय, इलाहाबाद के कतिपय महत्वपूर्ण निर्णयों के उद्धरण जिलाधिकारी/पुलिस अधीक्षक/प्रोबेशन अधिकारी के मार्ग दर्शन हेतु नीचे दिये जा रहे हैं।

***"The order must be based on facts and not on mere opinion of the concerned authorities" -***

- Mehandi Hasan Vs State of U.P. & others, 1996-Cr. LJ-687- Allahabad H.C.
- Dunna Vs State of U.P. - Writ petition No. 125(H.C.) of 1992 dated on 31.01.95, by Allahabad High court.

" ..... The formation of opinion by the State Government as to whether or not the convict shall ***abstain from crime or lead peaceable life after release from prison*** must be based on the ***consideration of the ascertainable facts relating the antecedents and conduct in prison and not on mere opinion of the District Magistrate, Supdt. of Police, Probation officer*** ..... for forming an opinion against release on licence, ***there must normally be some more ascertainable facts, besides the fact of committing the offence for which the convict is undergoing sentence.*** In considering the conduct in jail, mere award of some punishment will not be sufficient for holding opinion against the convict's release on licence."

- Mehandi Hasan Vs State of U.P. & others, 1996-Cr. LJ-687- Allahabad H.C.
- Dunna Vs State of U.P. - Writ petition No. 125(H.C.) of 1992 dated on 31.01.95, by Allahabad High court.

"If an adverse opinion regarding prisoner's ***abstaining from crime or leading peaceable life*** is formed, it must be shown to have been formed ***on some actual facts or incidents and not on vague feelings or unconfirmed reports.*** The District Magistrate or the Supdt. of Police and Probation officer, as also the board ***must indicate as to what conduct, if any, of the prison disentitles him from being released on licence. Merely stating that he will not lead a peaceable life or will not abstain from crime or that the crime committed by him for which he is undergoing sentence is a heinous one is not sufficient.***"

- Mehandi Hasan Vs State of U.P. & others, 1996-Cr. LJ-687- Allahabad H.C.
- Dunna Vs State of U.P. - Writ petition No. 125(H.C.) of 1992 dated on 31.01.95 by Allahabad High court.

"The premature release on licence under the Probation Act and the Probation Rules ***should be considered rather liberally with a reformative zeal.*** The concerned authorities and the State Government need not take technical view of the matter but must apply their mind keeping in view the broad objects of such premature release. ***If, for example, a person has conducted himself satisfactorily in jail and there is***

*nothing adverse, by way of tangible fact, against his antecedents, apart from the offence for which he has been convicted, if he is considered to be fit enough to be sent to the model jail or to the open farms or on home leave without any adverse report against him and family members of the deceased state no objection to such release, it would do violence to commonsense if a report were to come from the superintendent of Police or the District Magistrate that, if released, he may create law and order problem or his release on license will not be in the interest of the habitants of the village or that, if released he may wreck vengeance or vengeance may be wrecked against him.”*

- Mehandi Hasan Vs State of U.P. & others, 1996-Cr. LJ-687- Allahabad H.C.

### रिपोर्ट अंकित करते समय ध्यान देने योग्य:—

जिलाधिकारी एवं पुलिस अधीक्षक को अपनी रिपोर्ट देते समय ध्यान देना चाहिये कि रिहाई का विरोध मात्र विधि आधार होने पर ही किया जाये। थाना प्रभारियों को इस विषय में भली भाँति ब्रीफ कर दिया जाना चाहिये कि वे बिना आधार अंकित किये हर मामले में विरोध न करें। यदि कोई विशेष तथ्य प्रतिकूल हों तभी विरोध किया जाये और तब उन प्रतिकूल तथ्यों को आधार सहित अंकित किया जाये।

### (2) धारा 432 दण्ड प्रक्रिया संहिता के अन्तर्गत शेष सजा का परिहार – (14 वर्षीय नामिनल रोल एवं रिवाइजिंग बोर्ड)

धारा 432 सी.आर.पी.सी. के अन्तर्गत राज्य सरकार को सजा में छूट (परिहार) देने का अधिकार है। यह छूट अवशेष सजा का आंशिक या पूर्ण हो सकती है। शेष सजा का परिहार करके रिहाई दो श्रेणियों में रखी जा सकती है – (क) आजीवन कारावास के मामले (ख) निश्चित अवधि के कारावास के मामले।

### (क) आजीवन कारावास के मामले :- (14 वर्षीय नामिनल रोल)

दण्ड प्रक्रिया संहिता तथा जेल मैनुअल के अनुसार जिन मामलों में धारा 433-ए लागू होती है उनमें बन्दी 14 वर्ष वास्तविक (अपरिहार) तथा अन्य मामलों में 14 वर्ष सपरिहार सजा भोग लेने पर रिहाई पर विचार किये जाने का पात्र हो जाता है। पात्र व्यक्तियों के नामिनल रोल (14 वर्षीय) अधीक्षक/वरिष्ठ अधीक्षक कारागार द्वारा टिप्पणी हेतु जिलाधिकारी को भेजे जाते हैं। जिलाधिकारी सम्बन्धित न्यायालय से निर्णय की प्रति प्राप्त करेंगे। वे पुलिस अधीक्षक से रिपोर्ट प्राप्त करके अपनी रिपोर्ट अंकित करने के बाद नामिनल रोल महानिरीक्षक कारागार को भेज देंगे तथा पृष्ठांकन पत्र (**Covering letter**) की एक प्रति अधीक्षक, कारागार को भी देंगे।

शासनादेश संख्या 1658/22-2-2004-25(94)/97 दिनांक 06 सितम्बर, 2004 में जिलाधिकारी/पुलिस अधीक्षक की रिपोर्ट हेतु निम्नवत् समय अवधि तय की गयी है।—

- नामिनल रोल/फार्म—ए प्राप्त होने के 15 दिन के भीतर सम्बन्धित पुलिस अधीक्षक तथा जिला प्रोबेशन अधिकारी (यथा स्थिति) द्वारा अपनी आख्या/संस्तुति सहित नामिनल रोल/फार्म—ए सम्बन्धित जिला मजिस्ट्रेट को उपलब्ध करा दिया जायेगा।
- पुलिस अधीक्षक तथा जिला प्रोबेशन अधिकारी की आख्या/संस्तुति प्राप्त होने के एक सप्ताह के भीतर सम्बन्धित जिला मजिस्ट्रेट द्वारा अपनी आख्या/संस्तुति सहित नामिनल रोल/फार्म—ए महानिरीक्षक, कारागार प्रशासन एवं सुधार सेवायें, उ0प्र0, लखनऊ को प्रेषित कर दिये जायेंगे।

धारा 432 सी.आर.पी.सी. के अन्तर्गत रिहाई के मामलों में उच्चतम न्यायालय एवं उच्च न्यायालय, इलाहाबाद के कतिपय महत्वपूर्ण निर्णयों के उद्धरण जिलाधिकारियों एवं पुलिस अधीक्षकों के मार्ग दर्शन हेतु नीचे दिये जा रहे हैं।

***“The conduct of the prisoner while in jail is an important factor to be considered as to whether he has lost his potentiality in committing crime due to long period of detention. The views of the witnesses who were examined during trial and the people of the locality cannot determine whether prisoner would be a danger to the locality, if released prematurely. This has to be considered keeping in view the conduct of the Prisoners during the period they were undergoing sentence.”***

- Zahid Hussain and other Vs State of W.B. & others AIR 2001 SC 1312: (2001) 3 SCC 750

***"That the convict has" no source of means of living" is not a valid ground for refusal for premature release"***

***“The prisoner” may commit a crime after release" is a hypothetical ground and not a valid ground for refusal"***

- Kanshi Ram Vs State of U.P-1990 SCC (cri) 536

***"In a case the request for premature release was rejected by the Review Board on the following grounds, it was held that the grounds of rejection were not sustainable.***

- a. police report is adverse;***
- b. the convicts are not over-aged persons and as such have not lost the potentiality in committing crime;***

- c. *since other co-convicts were trying to come out from jail, there was a possibility of regrouping for antisocial activities;*
- d. *the offence was not an individual act of crime but was affecting society at large;*
- e. *convicts were anti-social; and*
- f. *the witnesses who had deposed at the trial as well as local people were Apprehensive of retaliation in the event of premature release."*

- Zahid Hussain Vs State of W.B.-2001 SCC(Cri) 631

रिहाई में उम्र बाधक नहीं होनी चाहिये। उम्र धारा 432 दं०प्र०सं० के अन्तर्गत शर्त नहीं रही है मात्र काटी गई कारावास की अवधि एवं आचरण ही ध्यान में रखे जाते रहे हैं।

***"Age alone can not be a factor while considering whether the prisoner has still potentiality of committing crime or not....."***

- Zahid Hussain and other Vs State of W.B. & others AIR 2001 SC 1312: (2001) 3 SCC 750

बन्दी को कारागार के अंदर बूढ़ा करके बेकार कर देना सजा का उद्देश्य नहीं है। बन्दी को ***"Reclaiming as a useful member of society"*** भी एक महत्वपूर्ण आधार है। राष्ट्रीय मानव अधिकार आयोग ने समस्त राज्यों के मुख्य सचिवों/प्रशासकों को अपने दिनांक 26 सितम्बर, 2003 के पत्र में भी ऐसी ही संस्तुतियों की हैं।

### **रिपोर्ट अंकित करते समय ध्यान देने योग्य:—**

जिलाधिकारी एवं पुलिस अधीक्षक को अपनी रिपोर्ट देते समय ध्यान देना चाहिये कि रिहाई का विरोध मात्र विधि आधार होने पर ही किया जाये। थाना प्रभारियों को इस विषय में भली भाँति ब्रीफ कर दिया जाना चाहिये कि वे बिना आधार अंकित किये हर मामले में विरोध न करें। यदि कोई विशेष तथ्य प्रतिकूल हों तभी विरोध किया जाये और तब उन प्रतिकूल तथ्यों को आधार सहित अंकित किया जाये।

**(3) रिवाइजिंग बोर्ड** :— रिवाइजिंग बोर्ड की प्रक्रिया जेल मैनुअल के अध्याय-10 प्रस्तर-233 से 250 में दी गयी है जिसमें जिलाधिकारी की अध्यक्षता में सत्र न्यायाधीश एवं एक गैर सरकारी सदस्य नामित होता है। रिवाइजिंग बोर्ड की बैठकों में सीमित अवधि की सजा से दण्डित बन्दियों के मामलों पर विचार किया जाता है। जिन बन्दियों के मामलों में बोर्ड द्वारा मुक्त करने की सिफारिश की जाती है उनके प्रस्ताव शासन को प्रेषित किये जाते हैं। कारागार के अधीक्षक द्वारा रिवाइजिंग बोर्ड के सदस्यों के जनपद के जिला मजिस्ट्रेट को भेजी जाती है।

### रिपोर्ट अंकित करते समय ध्यान देने योग्य:—

जिलाधिकारी एवं पुलिस अधीक्षक को अपनी रिपोर्ट देते समय ध्यान देना चाहिये कि रिहाई का विरोध मात्र विधि आधार होने पर ही किया जाये। थाना प्रभारियों को इस विषय में भली भाँति ब्रीफ कर दिया जाना चाहिये कि वे बिना आधार अंकित किये हर मामले में विरोध न करें। यदि कोई विशेष तथ्य प्रतिकूल हों तभी विरोध किया जाये और तब उन प्रतिकूल तथ्यों को आधार सहित अंकित किया जाये।

**(4) इन्फरमिटी रोल :-** यह रिहाई भी सी0आर0पी0सी0 की धारा- 432 के अन्तर्गत होती है। जेल मैनुअल के प्रस्तर-195, 196 तथा 197 के अन्तर्गत इन्फरमिटी रोल के आधार पर बन्दियों की समयपूर्व रिहाई के सम्बन्ध में कार्यवाही की जाती है जिसमें गम्भीर एवं घातक बीमारी से पीड़ित बन्दियों का मेडिकल बोर्ड से परीक्षण करा कर रिपोर्ट कारागार द्वारा पुलिस अधीक्षक तथा जिलाधिकारी की आख्या हेतु भेजी जाती है। जिलाधिकारी अपनी आख्या संस्तुति सहित एक सप्ताह के अन्दर कारागार को भेजते हैं जहाँ से यह महानिरीक्षक, कारागार को उपलब्ध करायी जाती है। महानिरीक्षक कारागार द्वारा इसे निर्णय हेतु प्रेषित किया जाता है।

**(5) दया याचिका (अनुच्छेद 161 संविधान) –** इस प्रावधान के अन्तर्गत भोगी गई सजा, इत्यादि का कोई प्रतिबन्ध नहीं है। इसमें मात्र यह आवश्यक है कि यह शक्ति जनहित में युक्ति युक्त रूप से प्रयोग की जाये।

***“12. in our view, penal humanitarianism and rehabilitative desideratum warrant liberal paroles, subject to security safeguards, and other humanize strategies for inmates so that the dignity and worth of the human person are not desecrated by making mass jails anthropoid zoos. Human rights awareness must infuse institutional reform and search for alternatives.”***

- Maruram's case 1981 (1) Supreme Court Cases 107

भारत के संविधान के अनुच्छेद 161 की शक्ति के विषय में उच्चतम न्यायालय के एक निर्णय का सुसंगत उद्धरण निम्नवत् है –

***“The power under Articles 72 and 161 of the Constitution can be exercised by the Central and State Governments, not by the President or Governor on their own. The advice of the appropriate Government binds the Head of the State. No separate order for each individual case is necessary but any general order made must be clear enough to identify the group of cases and indicate the application of mind to the whole group.”***

- Maruram's case 1981 (1) Supreme Court Cases 107

***“The power of granting pardon under act 161 is very wide and do not contain any limitation as to the time on which and the occasion on***

***which and the circumstances in which the said power could be exercised.”***

- Satpal & another Vs State of Haryana & others-2000(5) SCC 170 :,2000 Cr LJ 2297 SC

60. Even so, we must remember the constitutional status of Arts. 72/161 and it is common ground that ***s. 433A does not and cannot affect even a wee-bit the pardon power of the Governor or the President.*** The necessary sequel to this logic is that notwithstanding s. 433A the President and the Governor continue to exercise the power of commutation and release under the aforesaid Articles.

- Maruram’s case 1981 (1) Supreme Court Cases 107

***The wide power of executive clemency cannot be bound down even by self-created rules.***

- Maruram’s case 1981 (1) Supreme Court Cases 107

इस विषय में जनहित वाले आधार निम्नवत हो सकते हैं –

- (1) अत्यधिक वृद्धावस्था – जैसे 75 वर्ष से अधिक आयु
- (2) अत्यधिक युवावस्था – जैसे 30 वर्ष से कम उम्र
- (3) भारतीय समाज के परिवेश को देखते हुये अविवाहित बालिकायें।
- (4) गम्भीर बीमारी या अंग शैथिल्य/अशक्तता
- (5) राज्य के मामले (Affairs of state)

**रिपोर्ट:-** दया याचिका के मामलों में ध्यान देने वाली बात यह है कि इसमें संस्तुति करने का स्पष्ट आधार होना चाहिये जब कि अन्य रिहाई के मामलों में संस्तुति न करने का आधार होना चाहिये।

**रिहाई की शर्तें :-** एक और समस्या समय पूर्व रिहाई के मामलों में आ रही है। यह है जिलाधिकारियों द्वारा बहुत भारी जमानत मांगना। कई मामलों में जमानत न भर पाने के कारण रिहाई के आदेशों के बाद भी कैदी रिहा नहीं हो पाये एवं जेल में ही उनकी मृत्यु हो गई। अतः इस विषय में ध्यान रखा जाना चाहिये कि जमानत की राशि अधिक न हो अन्यथा रिहाई का आदेश निष्फल ही रह जायेगा।

**संलग्नक:-** जिलाधिकारी/पुलिस अधीक्षक/प्रोबेशन अधिकारी के संदर्भ हेतु निम्नवत् उद्धरण संलग्न किये जा रहे हैं –

- (1) उ0प्र0 प्रिजनर्स रिलीज आन प्रोबेशन एक्ट 1938
- (2) उ0प्र0 प्रिजनर्स रिलीज आन प्रोबेशन रूल्स 1938
- (3) धारा 432 एवं 433-ए सी0आर0पी0सी0
- (4) जेल मैनुअल अध्याय VIII (प्रस्तर 195 से 207-ए)
- (5) जेल मैनुअल अध्याय X (प्रस्तर 233 से 250)
- (6) जेल मैनुअल अध्याय XI (प्रस्तर 251 से 270)

- (7) राष्ट्रीय मानवाधिकार आयोग द्वारा समयपूर्व मुक्ति के सम्बन्ध में जारी दिनांक 26.9.2003 निर्देश
- (8) समयपूर्व रिहाई से सम्बन्धित महत्वपूर्ण शासनादेश

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संलग्नक-1

**THE U.P. PRISONER'S RELEASE ON PROBATION ACT<sup>1</sup>**  
**(U.P. Act No. VIII of 1938)**

*(Received the assent of the Governor on September 14, 1938, and was  
 Published under section 75 of the Government of India Act,  
 1935, on September 24, 1938.)*

**An  
 ACT**

*to provide for the release of certain prisoners on conditions imposed by  
 the  
 State Government*

Whereas it is expedient to provide for the conditional release from prison of prisoners in certain cases before the completion of the term of imprisonment to which they have been sentenced : it is hereby enacted as follows:

1. **Short title, extent and commencement.**- (1) This Act may be called the United Provinces Prisoners' Release on Probation Act, 1938.

(2) It extends to the whole of the Uttar Pradesh.

(3) It shall come into force on such date<sup>3</sup> as the State Government may by notification appoint in this behalf.

2. **Power of Government to release by licence on conditions imposed by them** – Notwithstanding anything contained in section 401<sup>4</sup> of the Code of Criminal Procedure, 1898 (Act V of 1898),<sup>5</sup> where a person is confined in prison under a sentence of imprisonment and it appears to the State Government from his antecedents and his conduct in the prison that he is likely to abstain from crime and lead a peaceable life,

if he is released from prison, the State Government may by licence permit him to be released on condition that he be placed under the supervision or authority of a Government Officer or of a person professing the same religion as the prisoner, or such secular institution or such society belonging to the same religion as the prisoner as may be recognized by the State Government for this purpose, provided such other person, institution or society is 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<sup>5</sup> (Act V of 1898).

**3. Period for which licence is to be in force** – A licence 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 of warrant authorizing his imprisonment have been discharged from prison had he not been released on licence, or until the licence is revoked, whichever is earlier.

**4. Period of release to be reckoned as imprisonment for computing period of sentence served.** – The period during which a person is absent from prison under the provisions of this Act on a licence which is in force shall be reckoned as 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 sentence which might be awarded to him under any rules in force relating to such remissions.

**5. Form of licence.** – A licence granted under the provisions of section 2 shall be in such form and shall contain such conditions as the State

Government may by general or special order or by rules made in this behalf, direct.

**6. Power to revoke licence** – The State Government may at any time for reasons to be recorded in writing revoke a licence granted under the provisions of section 2:

Provided that no licence shall be revoked on the ground of the breach of a condition of the licence without giving an opportunity to the person concerned to represent his case before the District Magistrate of the district in which he residing at the time.

(2) An order of revocation passed under the provisions of subsection (1) shall specify the date with effect from which the licence shall cease to be in force, and shall be served, in such manner as the State Government may by rule prescribe, upon the person whose licence has been revoked.

**7. Released absconders who escape from the 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 licence 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 liable to serve the unexpired portion of his original sentence and shall also be punishable with imprisonment for a further term which may extend to two years or with fine not exceeding rupees two hundred, or with both.

(2) An offence punishable under sub-section (1) shall be deemed to be a cognizable offence within the meaning of clause (f) of sub-section (1) of section 4<sup>1</sup> of the Code of Criminal Procedure, 1898 (Act V of 1898).<sup>2</sup>

**8. Power of Government to remit sentence.** – (1) The State Government may remit the whole or a part of the sentence of a person sentenced to imprisonment for an offence under any Act, on such person entering into a bond, with one or more sureties, in such amount and for such period as the State Government may, direct, to be of good behaviors and to observe such conditions as to residence or otherwise as the State Government may impose.

(2) The provisions of sections 126, 126-A, 514, 514-A, 514-B and 515 of the Code and Criminal Procedure, 1898 (Act V of 1898),<sup>1</sup> shall, so far as they may be, apply in the case of sureties offered and bonds given under this section as if they had been offered and given under Chapter VIII of the said Code:

Provided that if any person, required under section 126-A or 514-A<sup>2</sup> of the said Code to furnish fresh security, fails to furnish the same, the State Government may cancel the order passed under sub section(1) and order that such person shall serve the whole or so much of his unexpired sentence as the State Government may direct.

(3) If any person released under sub-section (1) fails to observe the conditions of his bond, the State Government may direct that he be re-arrested and sent to prison to serve the whole or such part of his unexpired sentence as it may direct, in addition to any proceeding that may be taken against him or his surety or sureties in respect of such bond under the said code.

**9. Power to make rules** – The State Government may make rules<sup>3</sup> consistent with this Act –

- 1) for the form and conditions of licences on which prisoners may be released.
- 2) for the appointment of Government officers, the recognition of institutions and societies referred to in section 2:
- 3) for defining the powers and duties of Government officers, institutions of persons, under whose authority or supervision conditionally released prisoners may be kept;
- 4) for defining the classes of offenders who may be conditionally released, and periods of imprisonment after which they may be so released ;
- 5) for prescribing the manner in which an order of revocation of a licence shall be served on the person whose licence is revoked ;
- 6) generally for carrying into effect all the purposes of this Act.

संलग्नक-2

**JUDICIAL (CRIMINAL) DEPARTMENT**

No. 3436(1)/VI-1651(7)-37

17<sup>th</sup> December, 1938

In exercise of the power conferred by sections 5, 6 and 9 of the VIII of 1938 United Provinces Prisoners' Release on Probation Act, 1938, the United Province Government are hereby please to make the following rules which shall come into force on the 15<sup>th</sup> day of January, 1939.

**RULES**

1. **Name** These rules may be called the Uttar Pradesh Prisoners' Release on Probation Rules.
2. **Definitions.** In these rules, unless there is anything repugnant in the subject .

or context-

- (1) "The Act" means the Uttar Pradesh Prisoners' Release on Probation Act, 1938;
- (2) "Guardian" means a Government officer, or a person professing the same religion as the prisoner, or a secular institution, or a society belonging to the same religion as the prisoner, under whose supervision or authority the prisoner released under Section 2 of the Act is placed by the State Government. A Probation Officer appointed by the Uttar Pradesh

Discharged Prisoners Aid Society is entitled , on behalf of that institution, to act as the guardian of a prisoner; and

(3) “Superintendent” means the Superintendent of a prison in which a convict to be released under the Act is confined.

3. **Ineligibility for release.-** The following classes of prisoners shall not be released under the Act:

(a) Those convicted of offences under the following Chapters or Sections of the Indian Penal Code:

**Chapter V-A, VI and VII**

216-A, 224 and 225 (if it is a case of escape from a jail), 231, 232, 303, 311, 328, 364, 376, 382, 386 to 389, 392 to 402, 413, 459, 460, 589-A and Section 511 read with any of the aforesaid sections ;

(b) Those convicted under sections 7 and 8 of the Act or whose licence has been previously revoked on account of the breach of the conditions of the licence;

(c) Those whose applications for release, other than an application under section 8 of the Act, were on a previous occasion rejected by the State Government;

*Explanation-* The rule in clause (c) precludes a convict from himself applying a second time for release under section 2 of the Act, But the State Government may direct the Inspector-General of Prisons to place any case, which has already been once rejected, for reconsideration before the Board referred to in rule 6 (5).

3-A Prisoners sentenced to imprisonment for a period of one year or less under any section of the Indian Penal Code or under any other Act may be probation under section 8 of the Act.

4. **Eligibility for release.-** Any prisoners other than a prisoners specified in rule 3, may be eligible for consideration by the State Government for release on license-

(i) if he is a prisoners to whome section 433-A of the Code of criminal Procedure, 1973 applies and has served imprisonment for a total period of fourteen years.

- (ii) if he is a prisoners sentenced to imprisonment for the whome section 433-A of the Code of criminal Procedure,1973 does not apply and has served imprisonment for a total period of fourteen years with remissions, and
- (iii) in any other case if he has served one- third without remissions of the period of imprisonment to which he was sentenced.

5. **Computation of sentence.**- For the purposes of these rules, the following principles shall be observed in computing the period of sentence of imprisonment, namely-

- (a) when a prisoner has been sentenced to sentence to several terms of imprisonment for several offences and the sentences of imprisonment have been ordered to run concurrently, then the longest single sentence which the prisoner is undergoing shall be deemed to be the term of his imprisonment;
- (b) When a prisoner has been sentenced to several terms of imprisonment for several offences and the sentences of imprisonment have been ordered to run consecutively, the total period which the prisoner has to undergo shall be deemed to be the term of his imprisonment;
- (c) remissions already earned by the prisoner shall be counted as imprisonment served by him, and
- <sup>1</sup>(d) Life sentence shall be reckoned as sentence of imprisonment for twenty years.

**Explanation-** The expression “sentence of imprisonment” in these rules shall include imprisonment in default of the payment of fine and imprisonment for failure to furnish security under Chapter VII of the Code of Criminal procedure, 1898.

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 1- Substituted by Notification No. 546-P/XXII 1052-59, dated November 30, 1967.  
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6. **Procedure.**- (1) Any prisoner eligible for release under Section 2 of the Act may make an application in the Form- A to the Superintendent. Such forms shall be printed at the cost of the Government and supplied free of charge to prisoners, to their relatives and to persons offering themselves as their guardians.

(2) On the receipt of the application, the superintendent shall examine the application to see if the prisoner and his proposed guardian have duly filled in the column of the application meant to be filled in by them. If the application is in order, the Superintendent shall entertain it and cause it to be entered in a register maintained in Form B. If the prisoner is ineligible under rule 3, he shall reject the application and inform the prisoner of his order. If the prisoner is eligible for release under rule 4, he shall fill in the columns in the application meant to be filled in by him and forward the same as soon as may be, to the District Magistrate of the district in which the prisoner was convicted through the Superintendent of Police. If the application is not in order, the Superintendent shall return it to the prisoner for necessary correction or supplying the omissions.

(3) In cases where there is probation officer, the Superintendent of the jail shall forward the application to the Probation officer, sending a copy thereof to the Superintendent of Police who shall send his report to the Probation officer. The Probation officer shall make his independent inquiry and then submit his report direct to the District Magistrate in the following form after incorporating therein the report of the Superintendent of police.

(1) Name of convict.....

(2) Convicted under section.....

(3) Sentence.....

(4) Relationship of guardian.....

(5) The application received from the districts by the Inspector- General of Prisons shall be considered by a Board consisting of the following namely:-

(1) Inspector General of Prisons Uttar Pradesh-----Chairman

(2) Special or joint secretary of the government of Uttar Pradesh in the Department of Home, nominated by the Home secretary-----Member

(3) Special or joint secretary of the government of Uttar Pradesh in the Judicial Department, nominated by the Judicial secretary-----Member

(4) Chief Probation Officer----- Member

- (5) Additional Inspector General of Prisons Uttar Pradesh-----Member secretary
- (6) Recommendation regarding release (state reasons when release opposed)-
- (a) Jail .....
- (b) Police .....
- (c) Probation Office .....
- (7) District Magistrate's order.....

Immediately on receipt of an application under sub-rule (2) and this rule, the District Magistrate shall move the courts concerned for supplying him with the certified copies of the relevant judgments in the case, free of cost, and shall, if necessary, simultaneously consult, through the Superintendent of Police concerned, the District Magistrate of the district in which the prisoner ordinarily resides. On receipt of the copies of the judgments and the report of the District Magistrate of the district of residence of the prisoner, he shall attach the copies of the judgments to the application, fill in the entries therein meant to be filled in by him, and shall, without delay forward the same to the Inspector-General of Prisons.

(3-A). On receipt of an intimation about the death of his guardian along with the proposal for appointment of another guardian from a licensee, the District Magistrate of the district in which the licensee resides, shall refer the case to State Government for appointment of a fresh guardians in place of the deceased one along his opinion about the suitability of the proposed guardian. In case, the licensee does not send his proposal for appointment of another guardian the District Magistrate shall require the licensees do so before making a reference to Government. If no guardian in place of the deceased one is proposed within 15 days of the receipt of the District Magistrate's order by the licensee, the case would be reported by the District Magistrate to Government for orders.

(4) The District Magistrate shall maintain a register in Form C, in which all applications received from the Superintendent under sub-rule (2) shall be duly entered.

(5) The applications received from the districts by the Inspector-General of Prisons shall be considered by a Board consisting of the Home Secretary to the Uttar Pradesh Government or any other officer empowered in this behalf by the State Government, the Inspector-General of Prisons or the Deputy Inspector-General of prisons, as the case may be, the Parliamentary Secretary to the Hon'ble Minister of Jails, if there is one. If there is no Parliamentary Secretary, a non-official may be appointed to work on the Board for a term of one year, provided that he shall cease to function as such in the event of a Parliamentary Secretary being appointed in the mean time. Parliamentary Secretary or, in his absence, the Home Secretary or the officer empowered by the State Government, as above, shall be the chairman of the board. Meetings of the Board shall be held at least once every month to make necessary recommendations.

(6) The State Government shall, on the receipt of report of recommendation of the Board pass such orders as it may deem proper.

(7) The State Government shall, on the receipt of report of District Magistrate regarding the appointment of a fresh guardian of licensee in place of the deceased one, pass such orders as it may deemed proper.

(7) **Licence.**- A prisoner whose release on licence is sanctioned by the State Government shall be granted a licence in Form D. Three copies of such a license shall be prepared for each prisoner. One shall be retained by the Government, another shall be sent to the Superintendent for delivery to the guardian of the prisoner and the third shall be forwarded to the District Magistrate for information.

**8. Information to the prisoner and guardian.**- As soon as the Superintendent receives the orders of the Government, he shall communicate the same to the prisoner and the District Magistrate concerned and in the case of an order of release shall, through the District Magistrate, inform the guardian also of the order and call upon

him to present himself to take charge of the prisoner. On the guardian presenting himself, the Superintendent shall deliver to him the copy of the licence received from the State Government, hand over to him the prisoner and take his signature in the register (Form B) in token of his having taken charge of the prisoner.

9. **Guardian's duty.**- (a) It shall be the duty of the guardian to see that the conditions of the licence are fulfilled. He shall look after the conduct and welfare of the licensee and generally act in *loco- parentis*. If the licensee's conduct is found to be bad, it shall be the duty of the guardian to report the fact to the District Magistrate.

(b) In debating with the licensee the guardian, when he is a probation officer appointed by the Uttar Pradesh Discharge Prisoners' Aid Society, will be governed by any rules framed by the Society for guidance of probation officers, with the approval of the State Government.

10. **Revocation.**- (1) The District magistrate, on receiving information from the guardian or any other source, of the breach by the licensee of the conditions of the licence, shall cause a notice to be served on the licensee to show cause why his licence should not be revoked. If the licensee presents himself in response to the notice, then, after hearing him personally and, if he does not present himself, then without hearing him, the District Magistrate shall consider whether or not to recommend to the State Government for the revocation of the prisoner's licence and shall act accordingly. While making his recommendation to Government for revocation of the licence, the District Magistrate shall state the condition or conditions which, in his opinion, have been breached by the licensee and how they have been breached.

(2) in case the District Magistrate decides to recommended the revocation of the licence, he may, at the same time, if he considers that the licensee is unfit to be allowed to remain at large under the licence, order his arrest and detention in the prison pending the receipt of the orders of the State Government.

(3) The State Government shall on receipt of the District Magistrate's recommendation pass such orders as it may deem proper.

(4) An order of revocation of licence shall be in Form E and shall be served upon the licensee if detained in prison by the Superintendent of the Prison, and, if not detained in prison by the officer in charge of police station.

(5) The order of revocation shall be noted on the license and in the registers maintained by the District Magistrate and the Superintendent.

(6) If a prisoner released on licence under the Act escapes from the supervision or authority of a guardian or fails to return to prison on revocation of his licence, the guardian shall immediately inform the District Magistrate and Superintendent and report to the nearest police station and action shall be taken against the prisoner as in a cognizable case.

**11. Warrant of Commitment.** On the release of a prisoner under the Act, the Superintendent shall retain the warrant under which the prisoner was committed to prison by court which sentenced him until the period of his sentence with remission, if any, earned by him during the period of his confinement in jail, has expired. The period during which a prisoner is absent from prison under the provisions of this Act on a licence 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. When the convict released on licence has finished the sentence, the Superintendent shall return the warrant effect on the license and shall return it to the Superintendent shall return the warrant or warrants to the court which issued them.

**12. Final Release.-** On the expiry of the period of licence otherwise than by revocation, the guardian shall forthwith inform the licensee that he is absolved from the observation of conditions of the licence, shall make a note to that effect on the licence and shall return it to the Superintendent.

**13. Police Registered Convicts.-** When a prisoner released on licence under the Act happens to be a police registered convict, the Superintendent of the prison shall inform the Superintendent of Police of the district of which such convict is a resident

of his release on licence together with the name and address of the guardian and shall, at the same time, inform him of the date on which the final release of the licensee is likely to take place. On the final release of the prisoner the police register slip shall be forwarded to the Superintendent of Police.

**14. Guardian.-** (1) In each case the District Magistrate shall determine whether or not the proposed guardian is fit to act as such having regard to his status, antecedents and the degree of control that he may exercise on the prisoner, and inform the State Government.

(2) Parents or relatives of a prisoner may be appointed guardians if the District Magistrate is satisfied that they are fit to act as such guardians.

(3) An officer of a prisoner shall in no case be eligible to act as guardian, unless the Inspector-General of Prisons sanctions it.

**15. Remission of Sentence-**(1) An application for remission of sentence under section 8 of the Act shall be made by the prisoner or by the person offering himself as his surety to the District Magistrate of the district in which he was convicted or where he was convicted in more than one district then to the District Magistrate of any such district.

(2) The District Magistrate shall, on a consideration of the antecedents of the prisoner, his conduct in jail and his environments and after consulting Probation Officer where one is appointed and such other authorities as he may think proper, within one month of the receipt of the application forward it to the State Government stating his opinion whether the prisoner is likely to abstain from crime and lead a peaceable life if released from prison.

(3) The State Government may, on receipt of such application release the prisoner on his entering into a bond with one or more sureties for such amount and for such period as the State Government may direct, to be of good behavior and to observe such conditions as the State Government may impose.

(4) If any prisoner released under sub-section (1) of section 8 of the Act fails to observe the conditions of the bond, the District Magistrate or the Sub- Divisional

Magistrate, if authorized by the District Magistrate may take proceedings under section 514 of the Code of Criminal Procedure 1898, and report to the State Government for the cancellation of the order remitting the sentence passed under sub-section(1) of section-8 of the Act, and the State Government may pass such orders in accordance with sub-rule (3) of section 8 as may deem fit.

संलग्नक-3

## CODE OF CRIMINAL PROCEDURE, 1973

### **432. Power to suspend or remit sentences.**

(1) When any person has been sentenced to punishment for an offence, the appropriate Government may, at any time, without conditions or upon any conditions that the person sentenced accepts, suspend the execution of his sentence or remit the whole or any part of the punishment to which he has been sentenced.

(2) Whenever an application is made to the appropriate Government for the suspension or remission of a sentence, the appropriate Government may require the presiding Judge of the court before or by which the conviction was had or confirmed, to state his opinion as to whether the application should be granted or refused, together with his reasons for such opinion and also to forward with the statement of such opinion a certified copy of the record of the trial or of such record thereof as exists.

(3) If any condition on which a sentence has been suspended or remitted is, in the opinion of the appropriate Government, not fulfilled, the appropriate Government may cancel the suspension or remission, and thereupon the person in whose favour the sentence has been suspended or remitted may, if at large, be arrested by any police officer, without warrant and remanded to undergo the, unexpired portion of the sentence.

(4) The condition on which a sentence is suspended or remitted under this section may be one to be fulfilled by the person in whose favour the sentence is suspended or remitted, or one independent of his will.

(5) The appropriate Government may, by general rules or special orders, give directions as to the suspension of sentences and the conditions on which petitions should be presented and dealt with:

Provided that in the case of any sentence (other than a sentence of fine) passed on a male person above the age of eight years, no such petition by the person sentenced or by any other person on his behalf shall be entertained, unless the person sentenced is in jail, and,

-

(a) Where such petition is made by the person sentenced, it is presented through the officer in charge of the jail; or

(b) Where such petition is made by any other person, it contains a declaration that the person sentenced is in jail.

(6) The provisions of the above sub-Sections shall also apply to any order passed by a Criminal Court under any section of this Code or of any other law, which restricts the liberty of any person or imposes any liability upon him or his property.

(7) In this section and in section 433, the expression "appropriate Government" means, -

(a) In cases where the sentence is for an offence against, or the order referred to in sub-section (6) is passed under, any law relating to a matter is passed under, any law relating to a matter to which the executive power of the Union extends, the Central Government.

(b) In other cases the Government of the State within which the offender is sentenced or the said order is passed.

### **433. Power to commute sentence.**

The appropriate Government may, without the consent of the person-sentenced commute-

(a) A sentence of death, for any other punishment provided by the Indian Penal Code (45 of 1860);

(b) A sentence of imprisonment for life, for imprisonment for a term not exceeding fourteen years or for fine;

(c) A sentence of rigorous imprisonment for simple imprisonment for any term to which that person might have been sentenced, or for fine;

(d) A sentence of simple imprisonment, for fine.

### **433A. Restriction on powers of remission or commutation in certain cases.**

<sup>1</sup>[433A. Restriction on powers of remission or commutation in certain cases.

Notwithstanding anything contained in section 432, where a sentence of imprisonment for life is imposed on conviction of a person for an offence for which death is one of the punishment provided by laws or where a sentence of death imposed on a person has been commuted under section 433 into one of imprisonment for life, such person shall not be released from prison unless he had served at least fourteen years of imprisonment.]

**1. Ins. by Act 45 of 1978, Sec. 32 (w.e.f. 18-12-1978).**

संलग्नक-4

## **JAIL MANUAL, UTTAR PRADESH**

### **CHAPTER VIII**

#### **THE REMISSION SYSTEM AND PREMATURE RELEASE.**

##### **PREMATURE RELEASE**

- 195. Recommendation for release of a sick convict.-** (a) The superintendent shall recommend for consideration and orders of the State Government the cases of a convict suffering from disease which is likely to prove fatal if the convict remains in prison, but from which there is a reasonable chance of recovery if he is released, provided that-
- (i) the disease has not been produced or aggravated by any willful act on the part of the convict;
  - (ii) the Medical Board consisting of the following recommends the release that the disease is of the nature described.
    1. Chief Medical Officer of the district.
    2. Senior Medical Superintendent of the District Hospital.
    3. A Specialist to be nominated by the Principal of the nearest Government Medical College.
    4. A Specialist to be nominated by the Principal of the nearest Government Ayurvedic, College. The Chief Medical Officer or the Senior Medical Superintendent whoever be senior, shall be the Chairman of the Board and remaining other officers will be the members of the Board.

The medical Officer of the Jail will be Convenor.
  - (iii) the District Magistrate of the district of the district of conviction has no objection to the release of convict; and
  - (iv) the convict is willing to be released and has relatives or friend to look after him, if released.

(b) After forwarding the case to the district magistrate of the district of conviction through the superintendent of police and obtaining from him a report that he has no objection to the release of the convict the superintendent shall submit the case to the State Government in the prescribed form in duplicate through the Inspector General. If the convict is undergoing imprisonment in default of furnishing security under section 122<sup>1</sup> of the Code of Criminal Procedure, 1973, he shall, instead of forwarding the case to the State Government, refer it, through the superintendent of Police, to the District magistrate of the district of conviction under section 123<sup>2</sup> of the said Code. The provisions of para. 207-A shall also be observed. In the case of convicts convicted in other States, the provisions of para. 206 shall also be observed.

Provided that the cases of the convicts covered under Section 433-A of the said Code can be considered under these paragraphs after they have undergone imprisonment for at least fourteen years.

- 196. Release of convicts on grounds of old age, infirmity or illness.-** (a) The Superintendent shall on the 1st of May every year, submit a list to the Medical Board referred to in Para 195 containing the name of every convict who owing to old age, infirmity or illness is permanently incapacitated from the commission of further crime of the nature of that for which he has been convicted. Medical Board shall consider the cases given in the list and submit its report to the Inspector General of Prisons.

In cases which appear to him suitable for reference to Government the Inspector General, shall, after forwarding the cases to the district magistrates of the district of conviction through the superintendents of police and obtaining their views whether there is any objection to the conditional or unconditional release of the convicts, report the names of such convicts to the State Government with his recommendation whether the convicts would be released.

The provisions of paragraph 207-A shall also be observed.

In the case of convicts convicted in other States the provision of paragraph 206 shall also be observed.

(b) This paragraph does not preclude superintendents from making special recommendations at any time for release on account of bodily infirmity under the orders contained in the preceding paragraph.

Provided that cases of the convicts covered under Section 433-A of the said Code of Criminal Procedure, 1973 can be considered under this paragraph only after they had served at least fourteen years of imprisonment.

- 197. Recommendation for release of convicts suffering from fatal illness.-** (a) The superintendent may recommend for release a convict who is suffering from a fatal illness or infirmity, whatever its nature, and is, as far as can be foreseen, within three months of death, provided the convict is willing to be released and has friends or relations who are willing to take him and look after him and he is not in a condition that makes it impossible for him to be taken to his home.

(b) The Medical Board referred to under Para 195 shall certify in the prescribed form that the convict is approaching death and is likely to die within not more than three months and that he is fit to be taken to home.

(c) The superintendent shall, after referring the case to the district magistrate of the district of residence through the superintendent of police and obtaining a report whether there is any one capable of looking after the convict, if released, submit the case to State Government through the Inspector General.

In the case of convicts convicted in other States, the provisions of para. 206 shall also be observed.

(d) In case in which all requisite conditions are fulfilled and in which delay is likely to imperil the convict's life the superintendent may release the convict in anticipation of the orders of the State Government.

(e) If the convict is undergoing imprisonment in default of furnishing security under section 122 of the code of Criminal Procedure, 1973, the case shall, instead of being submitted to Government, be referred to the district magistrate of the district of conviction through the superintendent of police under section 123 of the said Code.

(f) The names of prisoners released under this paragraph shall be communicated to the District Magistrate of the district where the convict, reside and the District Magistrate shall report to the Inspector General on the expiry of four months from the date of release of each prisoner whether the man is living or dead. In case he is alive the report shall indicate in a general way the condition of the man's health.

The number of convicts released under these orders shall be shown in the Annual Report along with the death rates in jail.

The provisions of paragraph 207-A shall be observed.

Provided that the cases of the convicts covered under Section 433-A of the Code of Criminal Procedure, 1973 can be considered under this paragraph only after they had served at least fourteen years of imprisonment.

**198-A Nomination rolls of convicts under fourteen year rule.-** (a) The superintendent shall submit through the Superintendent of Police and the district magistrate of the District of conviction for the consideration and the orders of the State Government under section 432 of the Code of Criminal Procedure, 1973, the nominal roll in duplicate of every life-convict as soon as the term of imprisonment undergone by the convict together with any remission earned by him under the rules amounts to fourteen years. Immediately on receipt of the roll, the District Magistrate shall move the court concerned for supplying him with roll after consulting through the Superintendent of Police or the District Magistrate of the district of residence, if such district of residence is other than the district of conviction.

(1) his opinion whether there is any objection to the immediate release of the convict ;

(2) if there is any objection to the immediate release of the convict, his suggestion to the total period of imprisonment inclusive of remissions which the convict should serve ; and

(3) a brief account of the circumstances of the crime or crimes for which the convict was convicted.

In the case of convicts convicted in other State the provisions of paragraph 206 shall be observed.

Provided that the Superintendent shall not be required to submit the nomination roll as aforesaid, in case of a prisoner who has already been released on licence or otherwise under the provisions of the U.P. Prisoners Release on Probation Act, 1938 and the rules made thereunder or who has applied for such release under the said Act of 1938 and the rules made thereunder :

Provided further that in cases of convicts covered under Section 433-A of the said Code, the fourteen years of imprisonment shall be counted excluding the period of remission.

(b) The District Magistrate shall forward the roll to the Inspector General of Prisons. The rolls received from the district by the Inspector General of Prisons shall be considered by an Advisory Conumittee consisting of—

- |  |           |
|--|-----------|
| (1) Inspector General of Prisons, U.P.   | Chairman  |
| (2) A Special or Joint Secretary to the Government of Uttar Pradesh, in Home Department nominated by the Home Secretary.         | Member    |
| (3) A Special or Joint Secretary to the Government of Uttar Pradesh, in Judicial Department nominated by the Judicial Secretary. | Member    |
| (4) Chief Probation Officer.   | Member    |
| (5) Additional Inspector General of Prisons, Uttat Pradesh.  | Secretary |

### AMENDMENT

(1) **Short title and commencement-** (1) These rules may be called the Uttar Pradesh Jail Manual (Seventh Amendment) Rules, 1992.

(2) They shall come into force immediately.

2. **Amendment of rules contained in Para 198.-** In the rules relating to Remission system and Premature release contained in Chapter VIII of the U.P. Jails Manual in the rule contained in Paragraph 198. in Clause (6), the following note shall be *inserted* at the end, namely :--

**Note—** Three members shall form the Quorum of a meeting of the advisory committee.”

(c) If the State Government in any case direct that such convict shall be released after he has served a specified period of sentence or that his case should be re-submitted for consideration after a specified period, then the period should be counted from the date of commencement of the convict including the remission, if any.

**Note -** A life sentence should always be shown as such and not converted into years of imprisonment in the nominal rolls submitted to the State Government.

**199. Cases of military convicts.-** When the case of a military convict sentenced to imprisonment or transportation by a court-martial is submitted to the State Government for consideration of the question of remission or reduction of sentence, the fact that the sentence was passed by a court-martial shall be prominently brought to the notice of the State Government.

**200. Procedure when Government has postponed consideration of the case.-** If on first submission of a case under the fourteen years rule the State Government pass orders for the release of a convict after a certain stated period, the superintendent shall not refer the case to the district magistrate again when re-submitting it to Government for the issue of necessary orders ; but if the State Government direct that the case shall be re-considered after a certain specified period, the roll shall at the proper time be re-submitted through the superintendent of police and the district magistrate who shall record a fresh opinion as in paragraph 198(a).

In the case of convicts convicted in other States, the provisions of paragraph 206 shall also be observed.

**200-A.** The district magistrate, while forwarding the nominal rolls of prisoners to Government either under paragraph 198 or 200 of the Jail Manual, will at the same time intimate the superintendent of the jail concerned of his having done so to enable the latter to check any delay or loss in transmission of the rolls or the orders of Government thereon. The Superintendent shall bring to the notice of Government any case in which orders have not been received by him after two months from the date the roll was forwarded to Government by the District Magistrate.

**201. Life convicts.-** [On receipt of the case a life convict on the recommendation of the Advisory Committee (Paragraph 198) or under Paragraph 190, the State Government may pass one of the following orders :

- (1) that the convict shall be released immediately conditionally or unconditionally ;
- (2) that the convict shall be released conditionally or unconditionally after serving a stated period of sentence inclusive of remissions ; or
- (3) that the case shall be re-considered after a stated period or after the convict has served a specified period of sentence inclusive of remissions.

In the second case when the release is to be unconditional the convict shall be released without further reference to the State Government when he has served the period specified in the order provided his conduct continue to be satisfactory.

If the order is that the release shall be conditional the superintendent shall re-submit the case the State Government for orders at least two months before the expiry of the specified period of sentence. In such case and also when an order has been passed by the Government as at (3) above, the re-submission of the case should be initiated by the jail at least two months before the date fixed for its re-submission in order to avoid any possible delay in the receipt of the case by Government.

<sup>2</sup>[201-A- Eleted

**202.** Eleted

**203. Procedure in case of conditional release.-** When a convict resident in Uttar Pradesh has been ordered to be released conditionally by the State Government, the superintendent of the jail shall at least two days before the date of release inform the superintendent of police of the district in which he is confined (which will also be his district of residence, vide paragraph 123) of the date of release and shall request him to depute a guard as provided in rule 165 of the Rules for Guards and Escorts. The superintendent of the Jail shall deliver to the convict a translation in Urdu or Hindi of the order of release in Form A given in Appendix B and shall ask him to sign the agreement on the back of Form A. The superintendent of the jail shall then sign the certificate that the agreement has been duly executed.

**204. Convicts unwilling to abide by the conditions of release to serve full sentence.-** A convict who is unwilling to abide by the prescribed conditions of release shall not be released till the expiry of his sentence. The most ordinary case of this sort would be that of a convict belonging to a wandering tribe, members of which are frequently unwilling to settle down in a place where police surveillance can be exercised over them.

**205. Procedure of conditional release of a convict.-** <sup>1</sup>[On the day of release the superintendent of the jail shall in cases where conditional release has been ordered make the convict over to the guard deputed for the purpose by the superintendent of police together with his descriptive roll and a copy of the order of release, with the

date of expiry of the sentence duly endorsed there, The original order of release shall be retained by the superintendent of the jail. The guard shall take the convict to the superintendent of police who shall thereon proceed in accordance with paragraph 276, Police Regulations.

A prisoner, whose conditional release has been ordered, should be released, as soon as possible, but the superintendent of the Jail shall not select for the date of release a court holiday.

The date of the expiry of sentence is the date on which the sentence reckoned in the case of like convicts as 20 or 25 years, *vide* paragraph 170 (e), would expire, if no remissions were allowed, and shall, unless the order of conditional release otherwise directs, be the date on which the conditions of release shall cease to be imposed.

- 206. Procedure when the convict is resident of another State.-** In the case of a convict convicted in another State the superintendent shall not enter into any correspondence with the district magistrate of the district of the conviction, but shall forward the roll in duplicate to the State Government through the Inspector General. But if such a convict is a resident of this State, the superintendent shall forward the roll through the district magistrate of the district in which the convict resides. The district magistrate shall record on the roll his opinion about the home surroundings of the prisoner, his antecedents and his likely occupation after release, and then forward it to the State Government. While forwarding the nominal roll in such a case to district magistrate, the superintendent shall also endorse a copy of his reference to Government direct.

Except in the case of recommendations under paragraphs 195, 196 and 197 of this Manual, rolls of convicts convicted in other States shall be forwarded to the state Government at least four months in advance.

- 207. Rules for submitting petitions for clemency.-** Rules governing petitions for clemency submitted by, or on behalf of, convicted prisoners confined in jail, other than condemned prisoners, are contained in the Manual of Government Orders and should be seen. Such petitions, when presented by convicted prisoners confined in jail, shall be forwarded direct by the superintendent to the district magistrate of the district in which the prisoner was convicted along with a brief report as to the prisoner's age, health and conduct in jail, the period of imprisonment to which he was sentenced and the period of imprisonment with remissions already undergone by him. No reference to the Inspector General is necessary. Such petitions must be accompanied by copies of the relevant judgments or orders.

- 207-A.** When the case of a convict is submitted to the State Government for consideration of the question of his premature release under this or any other chapter of this Manual, the number and the date of any previous reference, made to the State Government on the subject of premature release, in the case, the number, date and substance of such orders shall invariably be noted on the convict's nominal roll or revision of sentence sheet.

संलग्नक-5**CHAPTER X.  
REVISING BOARDS.**

- 233. Revising boards.**-Revising boards have been constituted for the purpose of revising the sentences of convicts confined in Uttar Pradesh as specified in paragraph 235 as follows :

*For central prisons*

The District Magistrate within whose jurisdiction  
the central prison is situated --- *Chairman.*

The Sessions judge within whose jurisdiction  
the central prison is situated ... } *Members.*  
A non-official gentleman ... ..

**NOTE** - The non-official gentleman, preferably a local member of the State Legislature, shall be nominated annually by the district magistrate of the district in which the meetings of the board are held.

*For district jails*

There shall be five revising boards situated at the headquarters of the following divisions :

- (1) *Agra*-for revising the sentences of convicts in the district jail situated in the Agra and Meerut Divisions.
- (2) *Allahabad*-for revision the sentences of convicts in the district jails situated in the Allahabad and Jhansi Divisions.
- (3) *Bareilly*-for revising the sentences of convicts in the district jail situated in the Rohilkhand and Kumaun Divisions.
- (4) *Varanasi*-for revising the sentences of convicts in the district jails situated in the Varanasi and Gorakhpur Divisions.

- (5) Lucknow-for revising the sentences of convicts in the district jail situated in the Lucknow and Faizabad Divisions.

The constitution of these boards shall be as follows :-

The District magistrate of the headquarters  
district ----- Chairman.

The Sessions judge of the district within which  
the board meets ... } Members.  
A non-official gentleman ... }

**NOTE** - The non-official gentleman, preferably a local member of the State Legislature, shall be nominated annually by the district magistrate of the district in which the board meets.

The superintendent of the central prison or the district jail, as the case may be, where the meeting is held shall act as secretary of the revising board. The meetings of the revising board for central prisons shall be held at the central prison concerned, while the meetings of the revising boards for district jails shall be held at the district jail, or where there is no district jail, at the central jail situated at the divisional headquarters where the meeting is held.

The revision sheets of prisoners confined in district jails shall be sent by the superintendents in the third week of December and June every year to the superintendent of the jail where the meeting of the revising board will be held.

- 234. Dates of meetings.-** Meetings of the revising boards shall be convened by the chairman in the months of January and July every year.
- 235. Cases to be considered by boards-** The revising board shall consider the cases of-

#### *Casuals*

- (i) all casual convicts with sentences of not less than three years and not more than four years when they have served two years of their sentences ; and  
(ii) all casual convicts with sentences of over four years when they have served half of their sentences.

#### *Habituals*

The cases of habitual convicts shall be eligible for the consideration of the board when--

- (i) the convicts have served two-thirds of their sentences and have completed at least two and half years' of imprisonment ; and  
(ii) the superintendent having regard to the word and conduct of the convicts and their mental and physical condition considers them to be suitable for premature release.

**[Explanation-** The provisions of this paragraph shall not apply to a convict to whom Paragraph 198 of Chapter VIII applies.

- 236. Calculation of revising board dates.-** (a) No remissions shall be taken into consideration in the calculations under the preceding paragraph.  
(b) Sentences in default of the payment of fine when the fine has not been paid, shall be included when calculating revising board dates.  
(c) The period of imprisonment served by a convict in an Indian State jail does not count as part of imprisonment served and shall be excluded in calculation the period of sentence undergone.

- 237. Deleted**
- 238. Convicts undergoing several sentences.-** In case of several sentences of imprisonment for definite terms, if the sentences are concurrent, they shall be treated as one sentence for the period of the longest of such sentences. But if the sentences are consecutive, the total of all such sentences shall be taken into consideration for fixing the date for the revising board, subject to the condition that if the total period which a term-convict has to serve in respect of two or more consecutive sentences, exceeds twenty years, the case of a casual convict shall be referred to the revising board after he has served ten years; and that of an habitual convict after he has served thirteen years and four months.
- 239. Concessions not to apply in certain classes of prisoners.-** The following classes of prisoners shall not be allowed the benefit of these concessions :-
- (1) internees and other prisoners detained without trial;
  - (2) convicts imprisoned for offences under section 2 of the Frontier Murderous Outrages Regulation, 1901 (Regulation IV of 1901);
  - (3) convicts who have been released conditionally under section 401<sup>1]</sup> of the Code of Criminal Procedure, 1898, or on license under the Prisoners Release on Probation Act, 1938 (U.P. Act VIII of 1938); and
  - (4) convicts who have been re-admitted to jail on revocation of their licence under section 6 of the U.P. Prisoners' Release on Probation act, 1938 or for having violated any of the conditions of their release ordered under section 401<sup>1</sup> of the Code of Criminal Procedure, 1973..
- 240. Date of revision.-** The date on which the case of a convict becomes due for consideration by the revising board is hereinafter called the date of revision. The cases of convicts whose dates of revision fall between the 1st of August and the 31st of January of the succeeding year shall come up for consideration by the revising board, during the winter months, while the cases of convicts whose dates of revision lie between the 1<sup>st</sup> of February and the 31<sup>st</sup> of July of any year shall come up for consideration by the revising boards during the summer months.
- 241. Register of dates of revision.-** The jailer shall maintain a revising board register in which he shall enter the dates of revision of all convicts at the time of their admission. A sufficient number of pages shall be set apart of each half-year and the name and number of each convict with the date of revision shall be entered in its appropriate half year.
- 242. Postponed cases.-** When a case has been postponed for reconsideration, a fresh date for consideration shall be fixed. On the date on which the case is due for reconsideration the superintendent shall endorse fresh remarks as to conduct, etc., on slips to be pasted on the margin of the revision sheet, but a fresh report need not be called for from the district magistrate.
- 243. Particulars to be entered on revision sheets.-** It shall be the duty of office jailers in central prisons and of jailers in district jails to see that revision sheets of convicts are forwarded in the prescribed form in duplicate, for completion to the district magistrate of the district of conviction six months prior to the date of revision, with correct and legible written particulars as to caste, parentage and the place of abode of the convict, stating clearly the names of the village the thana and the district.

**NOTE 1-** A convict's caste shall be given in Indian words, e.g., Barhai, Nai, etc., and their English equivalents e.g., Carpenter, Barber, etc., shall only be used to denote occupation.

**NOTE 2-** In the case of convict sentenced in more cases than one full particulars of each case, such as the name of the sentencing officer, case number, crime section, sentence and date of sentence shall be entered on the revision sheet.

**NOTE 3-** convicts whose cases are about to be put up before the revising board for consideration shall not be transferred to other jails unless their transfers are absolutely necessary, or, in the case of convicts confined in district jails other than district jails at the divisional headquarters where their cases are due to be considered, their transfer to the district jail at such divisional headquarters is required by the chairman of the revising board. When a convict has been so transferred the superintendent of the receiving jail shall see that the revision sheet of the convict is put up before the board with a note indicating that the convict has been so transferred.

**NOTE 4-** In case of convict convicted in other States the revision of sentence sheet shall be forwarded to the district magistrate of the district in which the convict resides, if he is a resident of this State, who will record on it his opinion in terms of paragraph 244. The revision sheet shall be then placed before the Revising Board and forwarded to Government, along with its recommendations in accordance with the provisions contained in paragraph 247.

The provisions of paragraph 207-A shall also be observed.

In the case of convicts convicted in other States the provisions of paragraph 206 shall also be observed and the superintendent shall forward the revision of sentence sheet in duplicate to the State Government through the Inspector General.

**243-A. Military convicts.**-The power of remitting sentences of persons convicted by the court-martial rests with the Central Government or authorities prescribed by that Government, *vide* section 112, Indian Army Act and section 110, Indian Air Force Act. Such cases should not be sent to district magistrates or revising boards. The superintendent should forward the revising sheets direct to the Adjutant General in India, General Headquarters, after recording his opinion as to the convict's fitness for release and his physical and mental condition. The orders of release will be communicated direct to the jail, *vide* section 109, Indian Army Act and section 116, Indian Air Force Act.

**244. Opinion of district magistrate and particulars about fine, etc.**- The district magistrate of the district of conviction shall record his opinion supported, particularly in the case of professional dacoits, by detailed reasons, on the revision sheet as to the advisability of releasing the convict in advance of the expiry of his sentence and also a brief account of the crime for which he was convicted, containing details, as full and accurate as possible, of the convict's history, his conduct and association previous to conviction and other similar matters with special reference to the possibility of his home environments leading to a relapse into crime.

In the case of prisoners sentenced to rigorous imprisonment or transportation for a period of five years or more the district magistrate should, before giving his opinion, consider the brief history of the convict, prepared at the time of conviction and entered in paragraph 3 of the form of classification referred to in paragraph 47.

If a convict has been sentenced to a fine, the revision sheet shall show whether the fine has been paid or not. If the fine has not been realized the district magistrate shall state whether there is any possibility of the fine being realized.

- 245. Recommendations of the revising board.-** The board may in each case after considering the material before it and the effect on the convict of the period of imprisonment already undergone, either direct that the case be postponed for a definite period to be specified, or make one of the following recommendations ;
- (1) that the convict be released conditionally or unconditionally; and
  - (2) that the premature release be refused.
- 246. Scrutiny of cases of professional dacoits.-** Revising boards should scrutinize cases of professional dacoits, i.e., dacoits with more than one conviction, with special care and should not recommend the premature release of such prisoners unless they are satisfied that there is no likelihood of the prisoners resuming their previous criminal activities.
- 247. Transmission of revision sheets to Government.-** (a) The revision sheets of all convicts recommended for release by a revising board shall be forwarded by the secretary to the board direct to the State Government. The revision sheets in other cases shall be attached to the conviction warrants of the convict's concerned and in the case of convicts confined in other jails shall be forwarded to those jails to be so attached to their conviction warrants.
- 248.** \* \* \* \* \*
- 249. Recommendations and orders to be entered in the register.-** A note of the recommendations of the revising board and the orders of the State Government in each case shall be made in the revising board register.
- 250. Revision sheet to be attached to commitment warrant.-** In the case of every convict released under the provisions of this chapter, the convict's revision sheet shall be attached to the commitment warrant or warrants which shall, after proper endorsement, be returned to the court concerned.

संलग्नक-6**CHAPTER XI.****RELEASE ON PROBATION.**

- 251. Release on probation.-** (1) Certain convicts are eligible for release on probation under the U.P. Prisoners' Release on Probation Act, 1938 (U.P. Act VIII of 1938), under the following two sections of the said Act :
- (i) Under section 2, when the convict agrees to pass the remainder of his sentence under the supervision of a guardian.
  - (ii) Under section 8 when the convict enters into a bond with one or more sureties for his good behavior for the observance of such conditions as the State Government may impose.
- (2) The rules made under the above Act which contain all the necessary directions in respect of such releases are printed in Appendix C.
- 252. Applications under section 8.-** Action under section 8 of the Act is generally taken only in cases in which the sentences do not exceed one year and the offence is not of a serious nature. In cases in which the sentence does not exceed one year and the offence is not of a serious nature it is essential that the applications should be forwarded with as little delay as possible. No form is prescribed for such applications it may be submitted to the district magistrate of the district of conviction. The district magistrate shall satisfy himself that the application contains all the necessary particulars. He shall make such inquiries as he considers necessary within as short a time as possible. Particulars in regard to the convict's age and conduct, shall be obtained by the district magistrate from the superintendent of jail direct. The district magistrate shall forward the application with his recommendation to the State Government. It is not necessary for the district magistrate to send such applications through the Inspector General or the Commissioner.
- 253. Eligibility on the score of offence.-** When a convict is admitted into jail, the fact that he is eligible or not for release on probation in respect of the offences [*vide* rule 5 of U.P. Prisoners Release on Probation Rules,], 1938, hereinafter referred to as the

Probation Rules], of which he has been convicted, shall be entered in the admission register of convicts as well as on his history ticket. The entry shall be "Eligible for R.P." or "Not eligible for R.P."

- 254. Register of releases on probation.-** The names of convicts eligible for release on probation shall also be entered in a register of releases on probation and appropriate entries made in the columns provided therein.
- 255. Final date when no good conduct remissions are admissible.-** In the case of a convict eligible for release on probation, who is not entitled to good conduct remissions, the final date of submission of the case shall be the date of expiry of one-third of the total term of imprisonment, and shall be entered under the month in which such date falls and no trial date need be recorded.
- 256. Trial date when good conduct remissions are admissible.-** For a convict who is entitled to the benefits of the remission system, a trial date shall be fixed in the first instance according to the instructions given below -
- (a) If the period of the sentence of a convict calculated in accordance with rule 5 of the Probation Rules amounts to fifteen years or more, the trial date shall be the date on which the convict completes three years and nine months actual from the date of admission.
- (b) If the period of the sentence of a convict amounts to less than fifteen years, the trial date shall be the date on which the convict completes one-fourth of his actual sentence.
- 257. Fixing of final date.-** When the trial date arrives, the remission card of the convict, shall be carefully examined and the final date for the submission of the case shall be fixed on the basis of the remissions earned and the remissions which the convict is expected to earn according to the information available at that time. The final date shall be the date on which the period of imprisonment actually undergone plus the remissions earned up to the last day of the preceding calendar month is equal to five years or to one-third of the period of sentence, whichever is less.
- 258. List of cases due for submission.-** A list of all cases due for submission in a certain calendar month shall be drawn up three months before that month. Extracts from this list shall be sent to the Secretary of the District Committee of the Apradh Nirodhak Samiti of the district of residence of the convict with full details as to the names and addresses of the relatives of the convict, so as to reach him at least six weeks before the final date of submission of the case of each convict. The convicts shall also be informed of their date of eligibility to apply for release on probation and the purport of the rules should be explained to them on parade as soon as the list has been completed.
- 259. Facilities to convicts.-**(a) Special facilities shall be afforded to convicts in respect of letters to enable them to communicate with their relatives or friends with a view to arrange for their guardians as required by the Probation Rules. Special interviews with relatives or proposed guardians may also be allowed for the same purpose at the discretion of the superintendent.
- (b) Any prisoner eligible for release under rule 4 of the probation rules may apply to the Superintendent in the prescribed form one month before the date of such eligibility.
- 260. Convicts serving sentences within and without the purview of the Act.-** When a convict is convicted of several offences, some of which render him ineligible for release on probation while other entitle him to such release and the sentence for the

former offences is less than the sentence for the latter, his case shall be put up on the expiry of the sentence for the former offences or as soon thereafter as he has served the requisite portion of his sentence for the latter offences which entitles him to such release. In such cases necessary particulars regarding the commencement and the expiry of the periods of sentences awarded for these two classes of offences shall invariably be noted on the form of application.

- 261. Form A.-** Form A appended to the Probation Rules shall be carefully prepared and all particulars shall be legibly written. The names and addresses of convicts and guardians shall be complete, police reports shall not be written on the form but may be written on separate paper, and attached to the form, if necessary.
- 262. Forms to be stored.-** A sufficient stock of these forms shall be kept in every jail for supply free of charge to convicts, their relatives or persons offering themselves as their guardians.  
Indents for form, prescribed in the Probation Rules should be placed direct with the Superintendent, Printing and Stationery, Allahabad.
- 263. Applications from convicts due for early release.-** The superintendent and the district magistrate should not accept applications from convicts whose normal dates of release fall due within three months from the date of their application, as by the time the orders are passed by the State Government the convicts are likely to have been released from jail.
- 264. Reasons for unsuitability of guardian.-** The district magistrate shall briefly give his reasons when he considers a particular guardian unsuitable.
- 265. Meetings of the board.** (a) The meeting of the board referred to in rule 6(5) of the Probation Rules shall ordinarily be held twice a months.  
(b) The Inspector General shall be the Secretary of the board and convene its meetings. As far as possible all applications received up to a week before the date of the meeting shall be put up before the board for consideration.  
(c) Cases of convicts who are obviously ineligible for release under the rule shall be returned by the Inspector General without being placed before the board.  
(d) Any delays in the receipt of applications should be brought to the notice of the authorities concerned by the Inspector General.  
(e) The Inspector General shall forward the proceedings of the board to the State Government so as to reach them as far as possible within a week of the meeting.
- 266. Release after expiry of certain period.-** When the State Government directs that a convict shall be released on license after the expiry of a certain period, the superintendent shall resubmit shortly before the expiry of that period, the original application in form A on which the orders of Government were endorsed, when asking for the issue of the license in form D. When the release is postponed by the board for a fixed period or when the case is recommended for release on license after a fixed period, that period shall count from the date on which the meeting of the board was held.
- 267. Transfer of convicts for release.-** The transfer of convicts to districts of their residence for the purpose of release under the Probation Rules, when necessary, does not require the sanction of the Inspector General.

**268. Cases of convicts released on license not within the purview of revising boards.-** The cases of the convicts who have been released on license shall not be placed before the revising Board.

**269. Guardians.-** The superintendent shall satisfy himself about the identity of the guardian before he delivers the convict to his charge.

When the guardian is not a Probation Officer or a person well known to the authorities of the jail, the district magistrate may issue a letter of authority to the prospective guardian in order that there may be no difficulty in the handing over of the convict to his rightful guardian.

**270. Procedure when guardian does not appear to take charge of convict.-** If the guardian does not appear at the jail to take charge of the convict within four weeks of the receipt of the order, the license in form D may be returned to the Inspector General with the reasons recorded thereon. The Inspector General shall retain the License of the convict for a further period of three months. If the guardian appears within this further period, the Inspector General shall be informed.

Where the guardian is unwilling to take charge of the convict the license shall be returned to the State Government by the Inspector General.

संलग्नक-7

**PROCEDURE/ GUIDELINES ON PREMATURE RELEASE OF PRISONERS**

The Commission vide its Letter No. 233/10/97-98(FC) dated 26.9.2003 issued a circular containing procedure/ guidelines on premature release of prisoners to all the Chief Secretaries/ Administrators of the States/ UTs.

All the States/ UTs were requested to review the existing practice and procedure governing premature release of life convicts and bring it in conformity with the guidelines issued by the Commission.

**By Speed Post**

**Case No.233/10/97-98(FC)  
NATIONAL HUMAN RIGHTS COMMISSION  
(LAW DIVISION – IV)**

>|<

**M.L. ANEJA  
JOINT REGISTRAR(LAW)  
Tel. No.011 336 1764  
Fax No.011 336 6537**

**Sardar Patel Bhavan  
Sansad Marg, New Delhi**

Dated the September 26, 2003

To

**All the Chief Secretaries/Administrators of States/UTs**

**Sub : Procedure/Guidelines on premature release of prisoners.**

**Ref. : Commission's letter of even number dated 8.11.99**

Sir,

The National Human Rights Commission has received a number of representations pointing out that the State Governments are applying differing standards in the matter of premature release of prisoners undergoing life imprisonment. After examining the vexed question of disparities and differing standards applied by the various States in considering the cases of prisoners serving life imprisonment for premature release under the provisions of section 432, 433 and 433 A of Cr.P.C., the Commission had issued broad guidelines vide its letter of even number dated 8.11.1999 for the purpose of ensuring uniformity in the matter. After considering the response received from a number of States/UTs, the Commission vide their letter of even number dated 4 April 2003 put these guidelines on hold for the time being pending re-examination of the entire issue. The Commission has now decided to modify paras 3 & 4 of its guidelines issued vide its letter of even number dated 8.11.99. Para 3 as modified is as follows:

3. Eligibility for premature release

3.1 Every convicted prisoner whether male or female undergoing sentence of life imprisonment and covered by the provisions of Section 433A Cr.PC shall be eligible to be considered for premature release from the prison immediately after serving out the sentence of 14 years of actual imprisonment i.e. without the remissions. It is, however, clarified that completion of 14 years in prison by itself would not entitle a convict to automatic release from the prison and the Sentence Review Board shall have the discretion to release a convict, at an appropriate time in all cases considering the circumstances in which the crime was committed and other relevant factors like;

- a) whether the convict has lost his potential for committing crime considering his overall conduct in jail during the 14 year's incarceration;
- b) the possibility of reclaiming the convict as a useful member of the society; and
- c) Socio-economic condition of the convict's family.

With a view to bring about uniformity, the State/UT Governments are, therefore, advised to prescribe the total period of imprisonment to be undergone including remissions, subject to a minimum of 14 years of actual imprisonment before the convict prisoner is released. The Commission is of the view that total period of incarceration including remissions in such cases should ordinarily not exceed 20 years.

Section 433A was enacted to deny premature release before completion of 14 years of actual incarceration to such convicts as stand convicted of a capital offence. The Commission is of the view that within this category a reasonable classification can be made on the basis of the magnitude, brutality and gravity of the offence for which the convict was sentenced to life imprisonment. Certain categories of convicted prisoners undergoing life sentence would be entitled to be considered for premature release only after undergoing imprisonment for 20 years including remissions. The period of incarceration inclusive of remissions even in such cases should not exceed 25 years. Following categories are mentioned in this connection by way of illustration and are not to be taken as an exhaustive list of such categories:

- a) Convicts who have been imprisoned for life for murder in heinous cases such as murder with rape, murder with dacoity, murder involving an offence under the Protection of Civil Rights Act 1955, murder for dowry, murder of a child below 14 years of age, multiple murder, murder committed after conviction while inside the jail, murder during parole, murder in a terrorist incident, murder in smuggling operation, murder of a public servant on duty.
  - b) Gangsters, contract killers, smugglers, drug traffickers, racketeers awarded life imprisonment for committing murders as also the perpetrators of murder committed with pre-meditation and with exceptional violence or perversity.
  - c) Convicts whose death sentence has been commuted to life imprisonment.
- 3.2 All other convicted male prisoners not covered by section 433A Cr.PC undergoing the sentence of life imprisonment would be entitled to be considered for premature release after they have served at least 14 years of imprisonment inclusive of remission but only after completion of 10 years actual imprisonment i.e. without remissions.
- 3.3 The female prisoners not covered by section 433A Cr.PC undergoing the sentence of life imprisonment would be entitled to be considered for premature release after they have served at least 10 years of imprisonment inclusive of remissions but only after completion of 7 years actual imprisonment i.e. without remissions.
- 3.4 Cases of premature release of persons undergoing life imprisonment before completion of 14 years of actual imprisonment on grounds of terminal illness

or old age etc. can be dealt with under the provisions of Art. 161 of the Constitution and old paras 3.4 and 3.5 are therefore redundant and are omitted.

4. Inability for Premature Release

Deleted in view of new para 3.

All the States/UTs are requested to review their existing practice and procedure governing premature release of life convicts and bring it in conformity with the guidelines issued by the Commission.

Yours faithfully,

Sd/-

Joint Registrar(Law)

**संलग्नक-8**

महत्वपूर्ण

संख्या 5127/प्रो0/22-2191/84

प्रेषक,

श्री विश्वनाथ बाजपेयी,  
अनुसचिव,  
उत्तर प्रदेश शासन।

सेवा में,

कारागार महानिरीक्षक,  
उत्तर प्रदेश लखनऊ।

गृह(कारागार) अनुभाग-2

लखनऊ: दिनांक : मई 18, 1987

विषय: यू0पी0 प्रिजनर्स रिलीज आन प्रोबेशन ऐक्ट, 1938 की धारा 2 के अंतर्गत बंदियों की लाइसेंस पर मुक्ति सरकारी अधिकारी को अभिवावक नियुक्त किये जाने के सम्बन्ध में।

महोदय,

उपरोक्त विषयक पर शासनादेश संख्या 355 प्रो0/22-2191/84, दिनांक 9 सितम्बर, 1985 की ओर आपका ध्यान आकृष्ट करते हुये मुझे यह कहने का निर्देश हुआ है कि उक्त शासनादेश में बंदियों के फार्म 'ए' के प्रार्थना पत्रों पर समयबद्ध कार्यवाही सुनिश्चित करने एवं बन्दियों द्वारा प्रस्तावित अभिभावक के अनुपयुक्त पाये जाने अथवा बन्दी द्वारा उपयुक्त अभिभावक प्रस्तुत किये जाने में असमर्थता व्यक्त करने की स्थिति में नियमानुसार किसी सरकारी अधिकारी को बन्दी का अभिभावक नियुक्त करने के निर्देश जारी किये गये थे। शासनादेश में यह

भी स्पष्ट कर दिया गया था कि इस प्रयोजन के लिए संबंधित अधिकारी की रजामंदी प्राप्त करना आवश्यक नहीं है।

आपके पत्र संख्या 2484/पर (रिट-एच0सी0) 11886/85, दिनांक 22-1-86 तथा संख्या 34188/प्रो0 अनु0, दिनांक 22-10-1986 में बिना रजामंदी के किसी सरकारी अधिकारी को बन्दी का अभिभावक नियुक्त करने के संबंध में कुछ शंकाये प्रकट की गई थी तथा कुछ सुझाव भी दिये गये थे। शासन द्वारा इस मामले पर पुनः गहराई से विचार करके यह निर्णय लिया गया है कि किसी सरकारी अधिकारी को बन्दी का अभिभावक नियुक्त करने का निर्णय औचित्य और उपयुक्तता के आधार पर लिया जाना चाहिए। यदि बन्दी द्वारा प्रस्तुत अभिभावक जिला अधिकारी द्वारा उपयुक्त नहीं पाया जाता है अथवा बन्दी द्वारा लिखित रूप में अभिभावक प्रस्तुत करने में असमर्थता प्रकट की जाती है, तो ऐसे मामलों में सरकारी अधिकारी को बन्दी का अभिभावक नियुक्त किया जा सकता है। इस प्रयोजन के लिए प्रत्येक जिले में हरिजन एवं समाज कल्याण विभाग के अधीन जिला प्रोवेशन अधिकारी उपलब्ध है, जिन्हें बन्दी का अभिभावक नियुक्त करने के

(2)

समय विचार में लिया जा सकता है। जिला प्रोवेशन अधिकारी को बन्दी का अभिभावक उस स्थिति में नियुक्त किया जाय जब बन्दी को अभिभावक प्रस्तावित करने हेतु उसके रिश्तेदार, परिजन व मित्र न मिल सकें अथवा उसके द्वारा प्रस्तावित अभिभावक को उपयुक्त न पाया जाय और बन्दी द्वारा अपना अभिभावक प्रस्तावित करने में असमर्थता व्यक्त की जाय।

यू0पी0 प्रिजनर्स रिलीज आन प्रोवेशन ऐक्ट, 1938 की धारा 2 तथा प्रोवेशन रूल्स के नियम 2(2) के प्रावधानों से यह स्पष्ट है कि किसी सरकारी अधिकारी के अलावा किसी ऐसे व्यक्ति, जो उसी धर्म का मानने वाला हो जिस धर्म का बन्दी है, अथवा किसी धर्म निरपेक्ष संस्था अथवा किसी सोसाइटी, जो उसी धर्म की हो, को भी बन्दी का अभिभावक नियुक्त किया जा सकता है। जहाँ तक सरकारी अधिकारी का संबंध है, उसे बन्दी का अभिभावक नियुक्त करने के लिए यह आवश्यक नहीं है कि वह उसी धर्म का हो जिस धर्म का बन्दी है। अभिभावक बनने के लिए रजामंदी की शर्त उक्त तीनों संवर्ग के अभिभावकों के संबंध में तो लागू होती है किन्तु सरकारी अधिकारी के संबंध में उसकी रजामंदी प्राप्त करना आवश्यक नहीं है।

जिला प्रोवेशन अधिकारी को अभिभावक नियुक्त करने में स्थानान्तरण के कारण कोई कठिनाई भी नहीं होना चाहिए। क्योंकि उत्तराधिकारी उसी स्थिति में बन्दी के अभिभावक का

कार्य सम्भाल लेगा। यह सही है कि अन्य विभागों के अधिकारियों को बंदी का अभिभावक नियुक्त करने में व्यवहारिक कठिनाई हो सकती है परन्तु कोई विधिक कठिनाई नहीं है।

कृपया भविष्य में उपरोक्तानुसार कार्यवाही सुनिश्चित कराने का कष्ट करें।

भवदीय,

विश्वनाथ बाजपेयी,  
अनुसचिव।

प्रेषक,

श्री के0 के0 रन्धर,  
विशेष सचिव  
उत्तर प्रदेश शासन।

सेवा में,

- (1) कारागार महानिरीक्षक,  
उत्तर प्रदेश, लखनऊ।
- (2) समस्त जिला मजिस्ट्रेट (नाम से)  
उत्तर प्रदेश
- (3) समस्त पुलिस अधीक्षक,  
उत्तर प्रदेश

गृह (कारागार) अनुभाग-2

दिनांक: लखनऊ : सितम्बर 30, 1988

विषय: सिद्धदोष बन्दियों की समय से पूर्व मुक्ति।

महोदय,

शासन ने समय-समय पर इस आशय के आदेश प्रसारित किये हैं कि जेल मैनुअल के प्रस्तर-198 के अन्तर्गत 14 वर्षीय नामिनल रोल/20 वर्षीय रोल अथवा प्रोबेशन एक्ट की धारा 2 के अधीन लाइसेंस पर सिद्ध दोष बन्दियों की समय से पूर्व मुक्त किये जाने अथवा न किये जाने के बारे में जिलाधिकारी, पुलिस अधीक्षक एवं प्रोबेशन अधिकारी (जैसी कि नियमानुकूल स्थिति हो) स्पष्ट मत व्यक्त किया करें और उन कारणों, जिनके आधार पर बन्दी को मुक्त करने अथवा मुक्त न करने की संस्तुति की जाये, का भी स्पष्ट उल्लेख विवरणों सहित किया जाये। उपरोक्त आदेशों के बावजूद यह देखने में आया है कि प्रायः सम्बन्धित अधिकारियों द्वारा प्रेषित अपनी आख्या/संस्तुति में बन्दियों द्वारा पैरोल/गृह अवकाश अथवा जमानत पर रहने की अवधि में उनकी गतिविधियों एवं आचरण के बारे में कोई सूचना नहीं दी जाती है। उक्त सुसंगत सूचना के अभाव में शासन स्तर पर बन्दियों की समय से पूर्व मुक्ति के मामलों में निर्णय लेने में कठिनाई उत्पन्न होती है।

2. अतएव पुनः यह अनुरोध है कि बन्दियों के 14 वर्षीय/20 वर्षीय नामिनल रोल तथा फार्म "ए" आदि भेजते समय उनके समय से पूर्व मुक्त करने के समस्त मामलों में निम्न सूचनायें भी अनिवार्य रूप से दी जाये:-

(2)

- (1) कारावास की अवधि में बन्दी कब-कब और कितनी-कितनी अवधि के लिये पैरोल अथवा गृह अवकाश पर मुक्त किया गया।
- (2) पैरोल अथवा गृह अवकाश की स्वीकृत अवधि की समाप्ति पर बन्दी निश्चित तिथि को जेल में उपस्थिति हुआ अथवा नहीं ?
- (3) यदि बन्दी अनधिकृत रूप से जेल से बाहर रहा है, तो उक्त अवधि का भी उल्लेख किया जाये तथा उसके सम्बन्ध में प्रदत्त दण्ड को भी अंकित किया जाये
- (4) यदि बन्दी को उसकी रिट याचिकाओं के संदर्भ में न्यायालय द्वारा जमानत/मुचलका पर मुक्त किया गया हो, तो बन्दी की मुक्ति की तिथि तथा जमानत पर रहने की अवधि का भी उल्लेख किया जाये।
- (5) पैरोल/गृह अवकाश अथवा जमानत की अवधि में बन्दी की गतिविधियाँ एवं आचरण कैसा रहा? उसके द्वारा शान्ति व्यवस्था भंग की गई अथवा कोई अपराध किया गया या नहीं?
- (6) विवाद यदि कोई हो, जिसके कारण, बन्दी द्वारा अपराध किया गयाथा और जिसमें वह सजा भुगत रहा है, वह अन्तिम रूप से पक्षों के मध्य समाप्त हो गया है अथवा नहीं?

3. कारागार अधीक्षक बन्दियों के 14/20 वर्षीय नामिनल रोल तथा फार्म "ए" पर उपरोक्त (1) से (4) बिन्दुओं में वांछित सूचनाओं का अनिवार्य रूप से उल्लेख करेंगे तथा सम्बन्धित जिला मजिस्ट्रेट/पुलिस अधीक्षक/प्रोबेशन अधिकारी द्वारा उपरोक्त (5) तथा (6) बिन्दुओं में वांछित सूचनाओं का अपनी आख्या/संस्तुति में स्पष्ट एवं अनिवार्य रूप से समावेश किया जायेगा।

4. कारागार महानिरीक्षक कृपया बन्दियों के नामिनल रोल्स तथा फार्म "ए" शासन को प्रेषित करने से पूर्व यह सुनिश्चित कर लें कि उपरोक्तानुसार सूचना संबंधित अधिकारियों द्वारा उपलब्ध करा दी गई है।

कृपया इस आदेश की प्राप्ति स्वीकार करें तथा उसका कड़ाई से पालन सुनिश्चित करायें।

भवदीय,

(के0 के0 रन्धर)  
विशेष सचिव

प्रेषक,

श्री राम सेवक मिश्र,  
संयुक्त सचिव  
उत्तर प्रदेश शासन

सेवा में,

समस्त जिलाधिकारी  
उत्तर प्रदेश शासन

गृह (कारागार), अनुभाग-2

दिनांक : लखनऊ : 25 नवंबर, 1991

विषय: सिद्ध दोष बन्दियों की यू0 पी0 प्रिजनर्स रिलीज आन प्रोबेशन एक्ट 1934 के अन्तर्गत लाइसेंस पर मुक्ति तथा उनका जेल मैनुअल के प्रस्तर 192 के अन्तर्गत उनके 14 वर्षीय नामिनल रोल का प्रेषण।

महोदय,

उपर्युक्त विषय पर शासनादेश संख्या 2342 प्रो0 / 22-2521 / 86 दिनांक 22 जुलाई, 1986 एवं समसंख्यक शासनादेश दिनांक 1-8-86 द्वारा यह अनुरोध किया गया था कि कृपया बन्दियों की समय पूर्व मुक्ति के प्रस्तावों प्रथा फार्म "ए" तथा 14 वर्षीय नामिनल रोल पर अभिभावक की अनुपयुक्ता एवं मुक्ति के विरोध के पर्याप्त एवं ठोस कारणों का स्पष्ट उल्लेख किया जाय और रिपोर्ट स्वयं जिला मजिस्ट्रेट द्वारा हस्ताक्षरित की जाय परन्तु अब भी यह देखने में आ रहा है कि जिलाधिकारियों द्वारा नैतिक (routine) रिपोर्ट शासन के विचारार्थ भेज दी जाती है जो उचित नहीं है।

2- कतिपय जनपदों से इस आशय के प्रस्ताव प्राप्त हुए हैं कि फार्म "ए" तथा नामिनल रोल पर संस्तुति एवं आख्या हेतु जिला मजिस्ट्रेट की आरे से अपर जिला मजिस्ट्रेट अथवा अन्य किसी अधिकारी को प्राधिकृत करने की अनुमति प्रदान की जाय। शासन में भलीभाँति विचारोपरान्त यह पाया गया है कि ऐसा करना विधिक दृष्टि से उपयुक्त नहीं होगा। अतः मुझे पुनः यह कहने का निदेश हुआ है कि कृपया सिद्ध दोष बन्दियों के समय पूर्व मुक्ति के प्रस्ताव अपनी संस्तुति के लिये समुचित एवं पर्याप्त ठोस कारणों का उल्लेख करते हुये स्वयं हस्ताक्षरों से ही प्रेषित करें। उन प्रस्तावों पर उनकी ओर से अन्य किसी अधिकारी के हस्ताक्षर मान्य न होंगे।

3- चूँकि बन्दियों के 14 / 20 वर्षीय नामिनल रोल के प्रस्तावों में पुलिस रिपोर्ट विशेष महत्व रखती है। अतः पुलिस रिपोर्ट ज्येष्ठ / पुलिस अधीक्षक द्वारा हस्ताक्षर होना आवश्यक है, अतः यह भी कहने का निदेश हुआ है कि कृपया यह सुनिश्चित कर लें कि बन्दियों की समय पूर्व मुक्ति के प्रस्तावों पर पुलिस रिपोर्ट ज्येष्ठ / पुलिस अधीक्षक द्वारा ही हस्ताक्षरित हों।

4- कृपया इन आदेशों का कड़ाई से पालन किया जाय तथा सम्बन्धित समस्त अधिकारियों / कर्मचारियों की जानकारी में ला दिया जाय।

भवदीय

ह0 / -  
(राम सेवक मिश्र)  
संयुक्त सचिव

संख्या-2 एचआर/22-2-96-2मा0आ0/96

प्रेषक,

श्री वी० के० मित्तल  
प्रमुख सचिव,  
उत्तर प्रदेश शासन ।

सेवा में,

महानिरीक्षक कारागार  
उत्तर प्रदेश

गृह (कारागार) अनुभाग-2

लखनऊ : दिनांक : 10 मई, 1996

विषय: सिद्धदोष बन्दियों के फार्म "ए" 14 वर्षीय नामिनल रोल एवं अन्य संबंधित प्रकरणों को तत्परता के साथ निस्तारित किए जाने के सम्बन्ध में।

महोदय,

आप अवगत हैं कि भारतीय दण्ड संहिता में धारा-433 "ए" दिनांक 18-12-78 से प्रभावी हुआ है, जिसके अनुसार अब समय पूर्व मुक्ति के प्रकरणों, जिसमें आजीवन कारावास से दण्डित अपराधों में 14 वर्ष की अपरिहार सजा इनकी समयपूर्व मुक्ति के पूर्व अपेक्षित है। अतः यह आवश्यक है कि जिन बन्दियों को 14 वर्ष वास्तविक सजा पूर्ण हो जाए, उनके मामलों पर तत्परता से व समय से समस्त प्रक्रिया व औपचारिकतायें पूर्ण कर, विचार किया जाय।

2- उ० प्र० की कारागारों में निरूद्ध बन्दियों की समय पूर्व मुक्ति के संबंध में वर्तमान समय में निम्नलिखित व्यवस्था/प्राविधान उपलब्ध है:-

(क) प्रोबेशन एक्ट, 1938 के अन्तर्गत लाइसेन्स पर:-

इस एक्ट के अन्तर्गत दण्ड प्रक्रिया संहिता की धारा-433 "क" से आच्छादित बन्दियों द्वारा 14 वर्ष की वास्तविक सजा तथा दण्ड प्रक्रिया संहिता की धारा-433 "क" से अनाच्छादित बन्दियों द्वारा 14 वर्ष की सपरिहार सजा भोगे जाने के उपरान्त एवं किसी अन्य स्थिति में बन्दी द्वारा कुल सजा की 1/3 सजा (छूटों को छोड़कर) भोग लेने के उपरान्त उसके फार्म (ए) पर सम्बन्धित जिला मजिस्ट्रेट, पुलिस अधीक्षक तथा प्रोबेशन बोर्ड की "संस्तुति" प्राप्त कर शासन द्वारा उसकी समयपूर्व मुक्ति पर विचार किये जाने का प्राविधान है।

(ख) जेल मैनुअल के प्रस्तर-198 के अन्तर्गत नामिनल रोल पर:-

इस प्राविधान के अन्तर्गत दण्ड प्रक्रिया संहिता की धारा 433 "क" से आच्छादित बन्दियों द्वारा 14 वर्ष की वास्तविक सजा तथा दण्ड प्रक्रिया संहिता की धारा-433 "क" से आच्छादित बन्दियों द्वारा 14 वर्ष की सपरिहार सजा भोगे जाने के उपरान्त उसके नामिनल रोल पर सम्बन्धित जिला मजिस्ट्रेट, पुलिस अधीक्षक तथा सलाहकार समिति की संस्तुति प्राप्त कर शासन द्वारा नामिनल रोल पर उसकी समय पूर्व मुक्ति पर विचार किए जाने का प्राविधान है।

(2)

(ग) जेल मैनुअल के प्रस्तर-195/196/197 के अन्तर्गत इनफरमिटी रोल के आधार पर:-

इस प्राविधान के अनुसार शासन द्वारा कारागार अधीक्षकों एवं सम्बन्धित अधिकारियों की संस्तुति पर घातक बीमारी से ग्रसित, ऐसे सिद्धदोष बन्दी, जिनकी बीमारी, कारागार में घातक सिद्ध हो सकती है, ऐसे बन्दी, जो वृद्धावस्था, अंग शैथिल्य आदि से ग्रसित हो तथा अपराध करने में पूर्णतया असमर्थ हो गये हों, तथा ऐसे बन्दी, जो घातक रोगों से पीड़ित हों, जिसमें पहले से ही अनुमान लगाया जा सकता हो कि बन्दी की मृत्यु 3 माह के अन्दर होने वाली है, के इनफरमिटी रोल पर चिकित्सा बोर्ड, सम्बन्धित जिलाधिकारी तथा महानिरीक्षक कारागार की संस्तुतियाँ प्राप्त करके शासन द्वारा बन्दियों की समय पूर्व मुक्ति पर विचार किया जाता है।

3- बन्दियों के फार्म (ए), नामिनल रोल, इनफरमिटी रोल, आदि के प्रकरणों में शासन को आख्या भेजने में विलम्ब न हो तथा उनका समय से निस्तारण किया जा सके। इसके लिए शासन के पत्र संख्या-2418/22-2-95-25(143)/94, दिनांक 17-7-95 तथा पत्र संख्या 3569/22-2-95-25 (143)/94, दिनांक 31-8-95 के द्वारा पूर्व ही आवश्यक निर्देश जारी किए जा चुके हैं।

4- मुझे आपका ध्यान इस ओर पुनः आकर्षित करते हुए यह कहने का निदेश हुआ है कि जिन बन्दियों के समय पूर्व मुक्ति के प्रकरण विचार हेतु निधारित अवधि के पश्चात नियमानुसार विचारणीय हों, उन पर समय से ही कार्यवाही आरम्भ की जाए तथा समस्त औपचारिकताएं पूर्ण कर शासन को संस्तुतियाँ शीघ्रता से प्रेषित की जायें। इसके अतिरिक्त ऐसे बन्दियों के प्रकरणों की सामायिक समीक्षा भी की जाये। इसके लिए आवश्यक है कि इस प्रकार के मामलों की प्रत्येक वर्ष दो बार (जून के अन्त में व दिसम्बर के अन्त में) समीक्षा की जाये और कारागारों में ऐसे बन्दी, जिनकी समय पूर्व मुक्ति के प्रकरण विचारणीय हों, के बारे में समीक्षात्मक टिप्पणी, जिसमें यह इंगित किया गया हो कि किन बन्दियों के मामलों पर विचार किया जाना है और किन पर नहीं किया जाना है, कारणों सहित महानिरीक्षक कारागार, उ० प्र० को उपलब्ध कराया जाए। महानिरीक्षक कारागार द्वारा इसकी समीक्षा कर शासन को भी अवगत कराया जाए।

5- कृपया उक्त निर्देशों का कड़ाई से अनुपालन सुनिश्चित किया जाए लम्बित फार्म (ए), नामिनल रोल, इनफरमिटी रोल, आदि प्रकरणों में वांछित आख्यायें तत्परता से भेजना सुनिश्चित किया जाये।

भवदीय,

ह०/-

(वी० के० मित्तल)

प्रमुख सचिव

संख्या: 904 / 22-2-2004-25(94) / 97डी.सी.

प्रेषक,  
राके"ा कुमार मित्तल,  
प्रमुख सचिव,  
उत्तर प्रदेश शासन।

सेवा में,  
महानिदेशक,  
कारागार प्रशासन एवं सुधार सेवायें,  
उ०प्र०, लखनऊ।

कारागार प्रशासन एवं सुधार अनुभाग-2 लखनऊ: दिनांक: 14 जुलाई, 2004  
विषय: सिद्धदोष बन्दियों, जिनकी दण्ड के विरुद्ध अपील मा० न्यायालय अथवा मा० उच्चतम न्यायालय में लम्बित/विचाराधीन हों, के फार्म-ए तथा नामिनल रोल पर विचार किया जाना।

महोदय,  
उपर्युक्त विषय पर मुझे यह कहने का निर्देश हुआ है कि शासनादेश संख्या 5724पी/22-2146/75, दिनांक 22 दिसम्बर 1975 में यह निर्देश है कि ऐसे बन्दियों, जिनकी अपीलें निर्णीत न हो, उनके फार्म-ए जिला मजिस्ट्रेट को जांच के लिये न भेजा जाय। शासनादेश संख्या 3724/22-2-92-18जी/90, दिनांक 03 जुलाई, 1992 में निदेश है कि यदि किसी सिद्धदोष बन्दी द्वारा उसे दिये गये दण्ड के विरुद्ध मा० उच्च न्यायालय/मा० उच्चतम न्यायालय में अपील दायर की गयी है तो जब उसकी अपील निस्तारित नहीं हो जाती तब तक जेल मैनुअल के प्रस्तर -198 के अन्तर्गत समयपूर्व मुक्ति के प्रस्ताव शासन के विचारार्थ न भेजे जाय।

2- उक्त शासनादेशों पर पुनर्विचारोपरान्त शासन द्वारा यह निर्णय लिया गया है कि जिन सिद्धदोष बन्दियों, जिनके द्वारा दण्ड के विरुद्ध मा० उच्च न्यायालय/मा० उच्चतम न्यायालय में अपीलें दायर की गयी हैं तथा उनकी अपीलें लम्बित हो उनकी लाइसेंस पर मुक्ति हेतु उनके फार्म-ए तथा समयपूर्व मुक्ति हेतु नामिनल रोल पर भी विचार किया जायेगा।

3- तदनुसार उक्त शासनादेश दिनांक 22 दिसम्बर, 1975 तथा शासनादेश दिनांक 03 जुलाई, 1992 को संशोधित समझा जाय।

भवदीय  
ह०/-  
(राकेश कुमार मित्तल)  
प्रमुख सचिव।

प्रेषक,

राकेश कुमार मित्तल,  
प्रमुख सचिव  
कारागार प्रशासन एवं सुधार विभाग  
उत्तर प्रदेश शासन ।

सेवा में,

- 1- महानिदेशक  
कारागार प्रशासन एवं सुधार सेवायें  
उत्तर प्रदेश, लखनऊ ।
- 2- समस्त जिला मजिस्ट्रेट, उ० प्र०
- 3- समस्त जनपदों के वरिष्ठ पुलिस अधीक्षक/पुलिस अधीक्षक, उ० प्र०
- 4- समस्त जिला प्रोबेशन अधिकारी, उ० प्र०
- 5- समस्त वरिष्ठ अधीक्षक/अधीक्षक, आदर्श कारागार/केन्द्रीय कारागार/जिला कारागार, उ० प्र० ।

कारागार प्रशासन व सुधार अनुभाग-2

लखनऊ : दिनांक : 6 सितम्बर, 2004

विषय: कारागारों में निरूद्ध सिद्धदोष बन्दियों की समयपूर्व रिहाई हेतु फार्म-ए, नामिनल रोल तथा इनफरमिटी रोल पर विचारण/निस्तारण के सम्बन्ध में प्रत्येक स्तर पर समयबद्ध एवं प्रभावी कार्यवाही ।

महोदय,

उपर्युक्त विषय के सम्बन्ध में मुझे यह कहने का निदेश हुआ है कि दण्ड प्रक्रिया संहिता, 1973 की धारा-432 सपठित उ० प्र० जेल मैनुअल के प्रस्तर-195, 196 व 197 के अन्तर्गत इनफरमिटी रोल तथा प्रस्तर-198 के अन्तर्गत नामिनल रोल एवं यू०पी० प्रिजनर्स रिलीज ऑन प्रोबेशन एक्ट 1938 के अन्तर्गत फार्म-ए के आधार पर सिद्धदोष बन्दियों की समयपूर्व रिहाई के मामलों पर विचारण एवं उनके निस्तारण के सम्बन्ध में प्रत्येक स्तर पर समयबद्ध एवं प्रभावी कार्यवाही सुनिश्चित किये जाने हेतु शासन द्वारा निम्नवत निर्णय लिए गये हैं:-

- 1- नामिनल रोल के आधार पर सिद्धदोष बन्दियों की समयपूर्व रिहाई हेतु बन्दी की पात्रता होने पर पात्रता तिथि पूरी होने के एक सप्ताह के भीतर सम्बन्धित कारागार अधीक्षक द्वारा बन्दी का नामिनल रोल निकालकर सभी औपचारिकताएं पूर्ण करते हुए उसे न्यायालय के निर्णय की प्रति सहित सम्बन्धित जिला मजिस्ट्रेट तथा पुलिस अधीक्षक को प्रेषित कर दिया जायेगा ।
- 2- फार्म-ए पर समयपूर्व रिहाई के सम्बन्ध में बन्दी की पात्रता तिथि के तीन माह पूर्व से ही बन्दी का अभिभावक नामित किये जाने के सम्बन्ध में कार्यवाही कारागार अधीक्षक द्वारा प्रारम्भ कर दी जायेगी, ताकि पात्रता होने पर अभिभावक की सहमति उपलब्ध रहे। पात्रता होने के एक सप्ताह के भीतर बन्दी का फार्म-ए

(2)

सभी औपचारिकताएं पूर्ण करते हुए न्यायालय के निर्णय की प्रति सहित सम्बन्धित जिला मजिस्ट्रेट, पुलिस अधीक्षक तथा जिला प्रोबेशन अधिकारी को उपलब्ध करा दिया जायेगा।

3- नामिनल रोल/ फार्म-ए प्राप्त होने के 15 दिन के भीतर सम्बन्धित पुलिस अधीक्षक तथा जिला प्रोबेशन अधिकारी (यथा स्थिति) द्वारा अपनी आख्या /संस्तुति सहित नामिनल रोल / फार्म-ए सम्बन्धित जिला मजिस्ट्रेट को उपलब्ध करा दिया जायेगा।

4- पुलिस अधीक्षक तथा जिला प्रोबेशन अधिकारी की आख्या/संस्तुति प्राप्त होने के एक सप्ताह के भीतर सम्बन्धित जिला मजिस्ट्रेट द्वारा अपनी आख्या/संस्तुति सहित नामिनल रोल/फार्म-ए महानिदेशक कारागार प्रशासन एवं सुधार सेवायें, उ0प्र0 लखनऊ को प्रेषित कर दिये जायेंगे।

5- जिला मजिस्ट्रेट से नामिनल रोल/फार्म-ए प्राप्त होने के 15 दिन के भीतर महानिदेशक, कारागार की अध्यक्षता में गठित सलाहकार समिति/प्रोबेशन बोर्ड द्वारा इस पर विचार किया जायगा तथा सलाहकार समिति/प्रोबेशन बोर्ड की संस्तुति सहित प्रस्ताव महानिदेशक, कारागार द्वारा शासन को तत्काल उपलब्ध करा दिये जायेंगे।

6- उ0 प्र0 जेल मैनुअल के प्रस्तर-195, 196 व 197 के अन्तर्गत इनफरमिटी रोल के आधार पर सिद्धदोष बन्दियों के समयपूर्व रिहाई की पात्रता की श्रेणी में आने पर बन्दियों की रिहाई के सम्बन्ध में तत्परतापूर्वक कार्यवाही निम्नवत की जायेगी :-

- (i) जेल मैनुअल के प्रस्तर-195 के अन्तर्गत कारागार अधीक्षक द्वारा बीमारी के आधार पर रिहाई हेतु पात्र बन्दियों का मेडिकल बोर्ड से परीक्षण 15 दिन के अन्दर अनिवार्यतः करा लिया जायेगा तथा बन्दी का इनफरमिटी रोल मेडिकल बोर्ड की संस्तुति एवं मा0 न्यायालय के निर्णय की प्रति सहित सम्बन्धित पुलिस अधीक्षक को अगले 01 सप्ताह के अन्दर उपलब्ध करा दिया जायेगा। पुलिस अधीक्षक अपनी संस्तुति अंकित करते हुए इनफरमिटी रोल सम्बन्धित जिला मजिस्ट्रेट को 01 सप्ताह के भीतर प्रेषित कर दिया जायेगा तथा जिला मजिस्ट्रेट द्वारा अपनी आख्या संस्तुति सहित इनफरमिटी रोल को सम्बन्धित कारागार अधीक्षक को 01 सप्ताह के भीतर वापस कर दिया जायेगा। कारागार अधीक्षक द्वारा इनफरमिटी रोल मेडिक बोर्ड, पुलिस अधीक्षक, जिला मजिस्ट्रेट की संस्तुति तथा न्यायालय के निर्णय की प्रति सहित महानिदेशक कारागार को 01 सप्ताह के भीतर अनिवार्यतः उपलब्ध करा दिया जायेगा। महानिदेशक, कारागार द्वारा अपनी संस्तुति सहित प्रस्ताव शासन को 01 सप्ताह के भीतर उपलब्ध करा दिया जायेगा।
- (ii) जेल मैनुअल के प्रस्तर-196 के अन्तर्गत सम्बन्धित कारागार अधीक्षक द्वारा अधिक आयु, अंग शैथिल्य अथवा बीमारी के आधार पर समयपूर्व रिहाई हेतु पात्र बन्दियों को परीक्षण हेतु मेडिकल

(3)

बोर्ड के समक्ष प्रत्येक वर्ष की 01 मई को अनिवार्य रूप से प्रस्तुत किया जायेगा। मेडिकल बोर्ड की संस्तुति प्राप्त कर इनफरमिटी रोल मा0 न्यायालय के निर्णय हेतु उपयुक्त समझा जाय, उन्हें सम्बन्धित पुलिस अधीक्षक को उनकी आख्या एवं संस्तुति हेतु 01 सप्ताह के भीतर प्रेषित/सन्दर्भित कर दिया जायेगा। पुलिस अधीक्षक द्वारा अपनी आख्या/संस्तुति सहित इनफरमिटी रोल सम्बन्धित जिला मजिस्ट्रेट को 01 सप्ताह के भीतर उपलब्ध करा दिया जायेगा। जिला मजिस्ट्रेट द्वारा अपनी आख्या एवं संस्तुति सहित इनफरमिटी रोल महानिदेशक, कारागार को 01 सप्ताह के भीतर प्रेषित कर दिया जायेगा। महानिदेशक, कारागार द्वारा अपनी संस्तुति सहित प्रस्ताव शासन को 01 सप्ताह के भीतर उपलब्ध कराया जायेगा।

- (iii) जेल मैनुअल के प्रस्तर-197 के अन्तर्गत घातक बीमारी से पीड़ित ऐसे बन्दियों जिनकी मृत्यु 03 माह के भीतर सम्भावित हो, के चिन्हित होने के 01 सप्ताह के भीतर उनका मेडिकल बोर्ड से परीक्षण कारागार अधीक्षक द्वारा कराया जायेगा तथा बन्दी का इनफरमिटी रोल मेडिकल बोर्ड की संस्तुति एवं मा0 न्यायालय की प्रति सहित सम्बन्धित पुलिस अधीक्षक को अगले 01 सप्ताह के अन्दर उपलब्ध करा दिया जायेगा। पुलिस अधीक्षक अपनी संस्तुति अंकित करते हुए इनफरमिटी रोल सम्बन्धित जिला मजिस्ट्रेट को 01 सप्ताह के भीतर प्रेषित कर दिया जायेगा तथा जिला मजिस्ट्रेट द्वारा अपनी आख्या संस्तुति सहित इनफरमिटी रोल को सम्बन्धित कारागार अधीक्षक को 01 सप्ताह के भीतर वापस कर दिया जायेगा। कारागार अधीक्षक द्वारा इनफरमिटी रोल मेडिकल बोर्ड पुलिस अधीक्षक, जिला मजिस्ट्रेट की संस्तुति तथा न्यायालय के निर्णय की प्रति सहित महानिदेशक, कारागार को 01 सप्ताह के भीतर अनिवार्यता उपलब्ध करा दिया जायेगा। महानिदेशक, कारागार द्वारा अपनी संस्तुति सहित प्रस्ताव शासन को 01 सप्ताह के भीतर उपलब्ध करा दिया जायेगा।

7— महानिदेशक कारागार से प्रस्ताव शासन में प्राप्त होने पर प्रशासकीय अनुभाग द्वारा परीक्षण करते हुए इन्हें एक सप्ताह में निर्णय हेतु प्रस्तुत कर दिया जायेगा।

8— बन्दियों के नामिनल रोल तथा फार्म-ए पुनः निकाले जाने के सम्बन्ध में प्रस्ताव महानिदेशक, कारागार द्वारा अपनी संस्तुति सहित शासन की अनुमति हेतु निम्नलिखित शर्तों के अधीन प्रस्तुत किये जायेंगे :-

- (I) पूर्व में बन्दी का नामिनल रोल/फार्म-ए शासन द्वारा अस्वीकार किये जाने के उपरान्त 03 वर्ष की अवधि व्यतीत हो गयी हो।
- (II) इस बीच बन्दी कारागार से अनाधिकृत रूप से बाहर न रहा हो।

(4)

(III) इन अवधि में बन्दी द्वारा जेल अनुशासन का पालन किया गया हो तथा उसका आचरण संतोषजनक रहा हो।

9— उपर्युक्तानुसार समयपूर्व रिहाई के मामलों में दण्ड प्रक्रिया संहिता, 1973 की धारा-433-ए के प्राविधान का पालन किया जायेगा।

2. सिद्धदोष बन्दियों की समयपूर्व रिहाई पर विचार किये जाने के सम्बन्ध में लक्ष्मण नास्कर बनाम यूनियम आफ इण्डिया, 2000 क्रि0एल0जे0 1471 मा0 उच्चतम न्यायालय द्वारा निम्नलिखित बिन्दुओं पर गम्भीरतापूर्व विचार किये जाने पर बल दिया गया है:-

- (1) क्या सम्बन्धित अपराध समाज को व्यापक रूप से प्रभावित किये बिना व्यक्ति विशेष तक सीमित अपराध की श्रेणी में आता है?
- (2) क्या बन्दी द्वारा भविष्य में अपराध करने का कोई अवसर है ?
- (3) क्या सिद्धदोष बन्दी पुनः अपराध करने में अशक्त हो गया है,
- (4) क्या बन्दी को जेल में और आगे निरुद्ध करने का कोई सार्थक प्रयोजन है ?
- (5) बन्दी के परिवार की सामाजिक, आर्थिक दशा बन्दी की समयपूर्व रिहाई हेतु उपयुक्त है ?

नामिनल रोल/फार्म-ए/इनफरमिटी रोल के आधार पर सिद्धदोष बन्दियों की समयपूर्व रिहाई के सम्बन्ध में जिला मजिस्ट्रेट, पुलिस अधीक्षक तथा जिला प्रोवेशन अधिकारी द्वारा अपनी आख्या/संस्तुति देते समय पूर्व निर्धारित प्रारूप के बिन्दुओं के अतिरिक्त मा0 उच्चतम न्यायालय द्वारा प्रतिपादित उक्त बिन्दुओं पर भी गम्भीरतापूर्वक विचार किया जायेगा और तत्पश्चात ही अपनी आख्या/संस्तुति अंकित की जायेगी। जिला मजिस्ट्रेट, पुलिस अधीक्षक एवं जिला प्रोवेशन अधिकारी द्वारा यदि बन्दी की समयपूर्व रिहाई का विरोध किया जाता है अथवा संस्तुति नहीं की जाती है, तो इसके आधारभूत कारणों का स्पष्ट उल्लेख अपनी आख्या में किया जायेगा। समयपूर्व रिहाई की संस्तुति न किये जाने अथवा विरोध किये जाने के जो भी कारण अंकित किये जायं, उनके युक्तियुक्त आधार और उनके सम्बन्ध में की गयी छानबीन अथवा पूछताछ का भी स्पष्ट उल्लेख आख्या में किया जायेगा। बन्दियों की समयपूर्व रिहाई का विरोध नितान्त सरसरी तौर पर तथा केवल विरोध के लिए विरोध नहीं किया जायेगा।

फार्म-ए के आधार पर रिहाई के प्रकरणों में बन्दी द्वारा नामित अभिभावक को यदि जिला मजिस्ट्रेट द्वारा अनुपयुक्त पाया जाता है तो अनुपयुक्तता का आधार जिला मजिस्ट्रेट की आख्या में स्पष्ट किया जायेगा तथा विकल्प स्वरूप जिला प्रोवेशन अधिकारी को अभिभावक नामित किये जाने के सम्बन्ध में जिला मजिस्ट्रेट द्वारा अपना अभिमत स्पष्ट रूप से अंकित किया जायेगा।

(5)

3. रिहाई के लिए पात्र सिद्धदोष बन्दियों के फार्म-ए, नामिनल रोल तथा इनफरमिटी रोल के विभिन्न मामले महानिदेशक, कारागार, जिला मजिस्ट्रेट, वरिष्ठ पुलिस अधीक्षक/पुलिस अधीक्षक तथा जिला प्रोवेशन अधिकारी के स्तर पर इस समय लम्बित है। इन प्रकरणों में ऐसे बन्दियों के प्रकरण भी शामिल हैं जिनके द्वारा 14 वर्ष की सजा काट ली गयी है तथा इन बन्दियों में से कतिपय बन्दी 70 वर्ष या इससे अधिक आयु के हो गये हैं। अतः ऐसे प्रकरणों की छानबीन/जांच पड़ताल विहित प्राधिकारियों द्वारा अपने स्तर से अविलम्ब कर ली जाय तथा अपनी आख्या एवं संस्तुति सम्बन्धित जिला प्रोवेशन अधिकारी/वरिष्ठ पुलिस अधीक्षक/पुलिस अधीक्षक तथा जिला मजिस्ट्रेट द्वारा जैसी भी स्थिति हो तत्काल अंकित की जाय। जिला मजिस्ट्रेट द्वारा प्रकरणों में आख्या एवं संस्तुति महानिदेशक, कारागार को विलम्बतम 15 दिन के अन्दर अवश्य उपलब्ध करा दी जाय। महानिदेशक, कारागार द्वारा यथा स्थिति सलाहकार समिति/प्रोबेशन बोर्ड की संस्तुति सहित प्रस्ताव शासन को विलम्बतम 15 दिन के अन्दर अवश्य उपलब्ध करा दिये जाय।

भवदीय,  
ह0/—  
(राकेश कुमार मित्तल)  
प्रमुख सचिव, कारागार

प्रेषक,

जगजीत सिंह  
प्रमुख सचिव  
उत्तर प्रदेश शासन

सेवा में,

- 1- महानिदेशक  
कारागार प्रशासन एवं सुधार सेवायें,  
उ० प्र० लखनऊ।
- 2- समस्त जिला मजिस्ट्रेट, उत्तर प्रदेश
- 3- समस्त वरिष्ठ अधीक्षक / अधीक्षक, कारागार, उत्तर प्रदेश।

कारागार प्रशासन एवं सुधार अनुभाग-2

लखनऊ : दिनांक : 13 अप्रैल, 2005

विषय: प्रदेश की विभिन्न कारागारों में निरुद्ध सिद्धदोष बन्दियों द्वारा संविधान के अनुच्छेद-161 के अन्तर्गत सजा घटाने, क्षमादान देने या सजा में अन्य प्रकार की कटौती किये जाने के सम्बन्ध में दिये गये प्रार्थना-पत्रों के निस्तारण हेतु नियामक प्रक्रिया का निर्धारण।

महोदय,

उपर्युक्त विषय पर शासनादेश संख्या 2287पी/22-4-91-91/1991, दिनांक 06 फरवरी, 1992 के सम्बन्ध में मुझे यह कहने का निदेश हुआ है कि शासनादेश दिनांक 06 फरवरी, 1992 पर सम्यक विचारोपरान्त राज्यपाल महोदय उक्त शासनादेश दिनांक 06 फरवरी, 1992 को एतद्द्वारा निरस्त करते हैं।

2- यह आदेश तत्काल प्रभावी होंगे।

भवदीय,  
ह०/-  
(जगजीत सिंह)  
प्रमुख सचिव

शीर्ष प्राथमिकता  
मा0 उच्च न्यायालय-प्रकरण  
संख्या: 865/22-2-2005-25(94)/97टी.सी.-5

प्रेषक,

जगजीत सिंह  
प्रमुख सचिव  
उत्तर प्रदेश शासन ।

सेवा में,

समस्त जिला मैजिस्ट्रेट  
उत्तर प्रदेश ।

कारागार प्रशासन एवं सुधार अनुभाग-2

लखनऊ, दिनांक 06 जून, 2005

विषय: क्रिमिनल रिट पिटीशन संख्या 2357/97 बच्चे लाल बनाम उ0 प्र0 राज्य तथा अन्य में मा0 उच्च न्यायालय द्वारा पारित अन्तरिम आदेश दिनांक 16-08-2004 का समयबद्ध अनुपालन ।

महोदय,

उपर्युक्त विषय पर मुझे यह कहने का निदेश हुआ है कि

(1) क्रिमिनल रिट याचिका संख्या 2357/97 बच्चे लाल बनाम उ0 प्र0 राज्य तथा अन्य में मा0 उच्च न्यायालय द्वारा पारित अन्तरिम आदेश दिनांक 16.08.2004 में मा0 उच्च न्यायालय द्वारा यह आदेशित किया गया कि केन्द्रीय कारागार, वाराणसी के पात्र सिद्धदोष बन्दियों के लम्बित फार्म-ए तथा नामिनल रोल का निस्तारण प्रत्येक दशा में 03 माह में तथा प्रदेश के समस्त पात्र सिद्धदोष बन्दियों के फार्म-ए तथा नामिनल रोल का निस्तारण 04 माह में प्रत्येक दशा में कर दिया जाय। मा0 उच्च न्यायालय द्वारा यह भी आदेशित किया गया है कि फार्म-ए तथा नामिनल रोल के आधार पर सिद्धदोष बन्दियों की रिहाई का विरोध सरसरी तौर पर न किया जाय।

(2) मा0 उच्च न्यायालय के उक्त आदेशों के अनुपालन में शासनादेश संख्या 1658/22-2-2004-25(94)/97, दिनांक 06 सितम्बर, 2004 निर्गत किया गया है जिसमें निर्देश है कि फार्म-ए तथा नामिनल रोल/इनफरमिटी रोल पर सम्बन्धित पुलिस अधीक्षक एवं जिला प्रोबेशन अधिकारी 15 दिन के अन्दर आख्या/संस्तुति अंकित करेंगे और तदुपरान्त सम्बन्धित जिला मैजिस्ट्रेट अपनी आख्या एवं संस्तुति एक सप्ताह के अन्दर अंकित करते हुए फार्म-ए तथा नामिनल रोल/इनफरमिटी रोल महानिदेशक, कारागार प्रशासन एवं सुधार सेवायें, उ0 प्र0 को प्रेषित करेंगे। इस शासनादेश में यह भी निदेश है कि फार्म-ए तथा नामिनल रोल/इनफरमिटी रोल पर आख्या/संस्तुति तथ्यों के आधार पर अंकित की जायेगी तथा बन्दियों की रिहाई का विरोध सरसरी तौर पर नहीं किया जायेगा।

(2)

(3) मा0 उच्च न्यायालय के उक्त आदेशों तथा शासनादेश दिनांक 06 सितम्बर, 2004 के उपरान्त भी यह देखने में आ रहा है कि सिद्धदोष बन्दियों के फार्म-ए तथा नामिनल रोल इनफरमिटी रोल पर विहित प्राधिकारियों के स्तर से समयबद्ध आख्या/संस्तुति अंकित नहीं हो रही है और प्रायः इन अधिकारियों द्वारा अभी भी अपनी आख्या एवं संस्तुति समग्र तथ्यों एवं प्रमाणों के आधार पर अंकित नहीं की जा रही है। ऐसी स्थिति में मा0 उच्च न्यायालय के आदेशों की अवमानना हो सकती है और इससे शासन एवं प्रशासन के कार्य में असमंजस की स्थिति उत्पन्न हो सकती है।

(4) अतः कृपया अपने जनपद से सम्बन्धित लम्बित फार्म-ए तथा नामिनल रोल/इनफरमिटी रोल पर शासनादेश दिनांक 06 सितम्बर, 2004 के अनुसार अपनी आख्या एवं संस्तुति महानिदेशक, कारागार को अविलम्ब उपलब्ध कराने तथा कृत कार्यवाही से शासन को तत्काल अवगत कराने का कष्ट करें।

भवदीय,  
ह0/-  
(जगजीत सिंह)  
प्रमुख सचिव