

PART I

HARYANA GOVERNMENT

LAW AND LEGISLATIVE DEPARTMENT

Notification

The 1st October, 2012

No. Leg.25/2012.—The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 14th September, 2012, and is hereby published for general information:—

HARYANA ACT NO. 20 OF 2012

**THE HARYANA GOOD CONDUCT PRISONERS (TEMPORARY
RELEASE) AMENDMENT ACT, 2012.**

AN

ACT

*further to amend the Haryana Good Conduct Prisoners
(Temporary Release) Act, 1988.*

Be it enacted by the Legislature of the State of Haryana in the Sixty-third Year of the Republic of India.

1. This Act may be called the Haryana Good Conduct Prisoners (Temporary Release) Amendment Act, 2012. Short title.

2. In the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 (hereinafter called the principal Act), in section 2, after clause (a), the following clause shall be inserted, namely:— Amendment of
section 2 of
Haryana
Act 28 of 1988.

“(aa) “hardcore prisoner” means a person, who—

- (i) has been convicted of dacoity, robbery, kidnapping for ransom, murder with rape, serial killing, contract killing, murder or attempt to murder for ransom or extortion, causing grievous hurt, death or waging or attempting to wage war against Government of India, buying or selling minor for purposes of prostitution or rape with a woman below sixteen years of age or such other offence as the State Government may, by notification, specify; or
- (ii) during any continuous period of five years has been convicted and sentenced to imprisonment twice or more

for commission of one or more of offences mentioned in chapter XII or XVII of the Indian Penal Code, except the offences covered under clause (i) above, committed on different occasions not constituting part of same transaction and as a result of such convictions has undergone imprisonment atleast for a period of twelve months :

Provided that the period of five years shall be counted backwards from the date of second conviction and while counting the period of five years, the period of actual imprisonment or detention shall be excluded.

Explanation.—A conviction which has been set-aside in appeal or revision and any imprisonment undergone in connection therewith shall not be taken into account for the above purpose; or

- (iii) has been sentenced to death penalty; or
- (iv) has been detected of using cell phone or in possession of cell phone/SIM card inside the jail premises; or
- (v) failed to surrender himself within a period of ten days from the date on which he should have so surrendered on the expiry of the period for which he was released earlier under this Act;”.

Amendment of section 4 of Haryana Act 28 of 1988.

3. Proviso to clause (b) of sub-section (1) of section 4 of the principal Act, shall be omitted.

Insertion of section 5A of Haryana Act 28 of 1988.

4. After section 5 of the principal Act, the following section shall be inserted, namely:—

“5A. Special Provisions for hardcore prisoners.— Notwithstanding anything contained in sections 3 and 4, a hardcore prisoner shall not be released on temporary basis or on furlough :

Provided that a hardcore prisoner may be allowed to attend the marriage of his child, grand child or sibling; or death of his grand parent, parent, grand parent in-laws, parent-in-laws, sibling, spouse or child, under the armed police escort, for a period of forty eight hours to be decided by the concerned Superintendent Jail and intimation in this regard with full particulars of hardcore prisoner being released, shall be sent to the concerned District Magistrate and Superintendent of Police within twenty four hours. ”.

5. For section 6 of the principal Act, the following section shall be substituted, namely:—

Substitution of
section 6 of
Haryana
Act 28 of 1988.

- “6 (1) Notwithstanding anything contained in sections 3 and 4, no prisoner shall be entitled to be released under this Act if, on the report of the District Magistrate, the State Government or an officer authorized by it in this behalf is satisfied that his release is likely to endanger the security of the State or the maintenance of public order or cause reasonable apprehension of breach of peace.
- (2) The District Magistrate, the State Government or the officer authorized to release the prisoner as provided in sections 3 and 4 of the Act shall take report from the Police within a specified time frame.
- (3) In case of non-recommendation for release by the Police, the release granting authority shall pass a speaking order, if he disagrees with the report submitted to him.”

6. In sub-section (1) of section 9 of the principal Act, for the words “three years and with fine”, the words “three years but shall not be less than two years” shall be substituted.

Amendment of
section 9 of
Haryana
Act 28 of 1988.

MANJIT SINGH,
Secretary to Government, Haryana,
Law and Legislative Department.