

THE GOOD CONDUCT PRISONERS' PROBATIONAL RELEASE ACT, 1926.

(Punjab Act No. X of 1926)

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**¹THE GOOD CONDUCT PRISONERS' PROBATIONAL RELEASE
ACT, 1926**

(Punjab Act No. X of 1926).

[27th August, 1926].

**An Act to provide for the release of good conduct prisoners on
conditions imposed by the ²[Provincial Government].**

WHEREAS it is expedient to provide for the conditional release from prison of good conduct prisoners in certain cases before the completion of the term of imprisonment to which they have been sentenced, and whereas the previous sanction of the Governor-General under sub-section (3) of section 80-A of the Government of India Act has been obtained ;

Preamble.

It is hereby enacted as follows:—

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

Short title, extent and commencement.

³(2) It extends to the whole of the Province of the ⁴[Khyber Pakhtunkhwa] except ⁵(Tribal Areas).

(3) It shall come into force ⁶on such date as the ⁷[Provincial Government] may by notification appoint in this behalf.

2. Notwithstanding anything contained in section 401 of the Code of Criminal Procedure, 1898, where a person is confined in prison under a sentence of imprisonment, and it appears to the ⁸[Provincial Government] from his antecedents or his conduct in the prison that he is likely to abstain from crime and lead useful and industrious life, if he is released from prison, the ⁹[Provincial Government] may by license permit him to be released on condition that he be placed under the supervision or authority of a ¹⁰[servant of the state] or a secular , institution or of a person or society professing the same religion as the prisoner, named in the license

Power of Government to release by licence on conditions imposed by it.

¹. For Statement of Objects and Reasons see *Punjab Gazette* 1926 Pt. 1 p. 543; and for Proceedings in Council see *Punjab Legislative Council Debates* Volume IX-B pp. 1109-11.

This Act received the assent of the Governor of the Punjab on 21st July, 1926; that of the Governor-General on 16th August, 1926 and was published in the *Punjab Gazette (Extraordinary)* dated 27th August, 1926.

². Subs., for the words "Local Government" by A. o. . 1937.

³. Subs., for the original sub-section (2) by W. P. Act VII of 1958 s. 2.

⁴. Subs., for the words "West Pakistan", by Khyber Pakhtunkhwa A. L. O., 1975, and then subs. Vide Khyber Pakhtunkhwa Act No. IV of 2011.

⁵. Subs., for the words "Federal Capital and the Special Areas", by W.P. ord. XXV of 1964.

⁶. This Act came into force on 1st May, 1927 vide Pb. Government (Jails) Notification No. 13272. dated 27th April, 1927.

⁷. Subs., for the words "Local Government" by A. o. . 1937.

⁸. Subs., for the words "Local Government" by A. o. . 1937.

⁹. Subs., for the words "Local Government" by A. o. . 1937.

¹⁰. Subs. for the words, "Servant of the Crown", by W. P. Laws (Adaptation) Order, 1964 s.2 (1) Sch. Pt. II which were previously subs., for the words "Government Officer", by A. O., 1937.

and willing to take charge of him.

¹[Provided that a prisoner convicted and sentenced under any of the sections in Chapter XVI of the Pakistan Penal Code (XLV of 1860) shall not be released on parole without the consent of the victim or, the case may be, his heirs.]

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.

3. A license granted under the provisions of section 2 shall be in force until the date on which the person released would, in the execution of the order or warrant authorising his imprisonment, have been discharged from prison had he not been released on license, or until the license is revoked, whichever is sooner.

Period for which license is to be in force.

4. The period during which a person is absent from prison under the provisions of this Act on a license which is in force shall be reckoned as a part of the period of imprisonment to which he was sentenced, for the purpose of computing the period of his sentence and for the purpose of computing the amount of remission of his sentence which might be awarded to him under any rules in force relating to such remission.

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

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

Form of license.

6. (1) The ³[Provincial Government] may at any time revoke a license license granted under the provisions of section 2.

Power to revoke license.

(2) An order of revocation passed under the provisions of subsection (1) shall specify the date with effect from which the license shall cease to be in force and shall be served in such manner as the ⁴[Provincial Government] may by rules prescribe, upon the person whose license has been revoked.

7. (1) If any person escapes from the supervision or authority of a ⁵[servant of the state] or secular institution, or a society or person in whose whose charge he has been placed under the provisions of section 2, or if any person whose license has been revoked under the provisions of section 6, fails without lawful excuse, the burden of proving which shall be upon him, to return to the prison from which he was released, on or before the

Released absconders who escape from supervision to be punishable.

¹ Ins. by Khyber Pakhtunkhwa Act No. V of 1996.

² Subs., for the words "Local Government" by A. o. . 1937.

³ Subs., for the words "Local Government" by A. o. . 1937.

⁴ Subs., for the words "Local Government" by A. o. . 1937.

⁵ Subs for the words, "Servant of the Crown", by W. P. Laws (Adaptation) Order, 1964 s.2 (1) Sch. Pt. II which were previously subs., for the words "Government Officer", by A. O., 1937.

date specified in the order of revocation, such person shall on conviction by Magistrate be punishable with imprisonment of a term which may extend to two years or with fine, or with both.

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

8. The ¹[Provincial Government] may make rules ²consistent with this Act— Power to make rules.

- (1) for the form and conditions of licenses on which prisoners may be released;
- (2) for defining the powers and duties of Government officers, societies or persons, under whose authority or supervision conditionally released prisoners may be kept;
- (3) for defining the classes of offenders who may be conditionally released and the period of imprisonment after which they may be so released;
- (4) generally for carrying into effect all the purposes of this Act.

¹. Subs., for the words "Local Government" by A. o. . 1937.

². For rules, *see* Notification No. 13272, dated 27th April, 1927, *Punjab Gazette* 1927 part I, pp. 395-98.