

**CHAPTER - XVII
(REMISSION)**

480. REMISSION

The Rules in this chapter apply only on remission to be granted by Sansodhanagar authorities under the provisions of the Prisons Act, 1894.

- (1) Remission system aims at the reformation of a prisoner. The scheme is intended to ensure Sansodhanagar discipline and good conduct on the part of the prisoners, and to encourage learning and better work culture, with the prospect of their early release from Sansodhanagar as an incentive.
- (2) Remission is a concession, which can be granted to prisoners by Head of the State, appropriate Government or by the Head of the Sansodhanagar Department or by the Superintendent of Sansodhanagar. Notwithstanding anything contained in these Rules, the State Government may by notification reserve the right to debar/withdraw any prisoner, or category of prisoners, from the concession of remission. The Remission other than that granted by the Head of the State may be withdrawn or forfeited if the prisoner commits specified Sansodhanagar offences or conditions as may be prescribed in the relevant order of remitting the sentence.

481. PURPOSE

Remission shall be granted on the basis of an inmate's overall good behaviour during the stay in the Jail, willingness to take-up work while in custody, cooperation and help to the Sansodhanagar administration in Sansodhanagar management and general response to various institutional activities.

In the context of this chapter :

- (1) 'Prisoner' includes a person committed to Sansodhanagar in default of furnishing security for maintaining peace or good behaviour and also includes persons convicted by a Military Court;
- (2) 'Sentence' means a sentence as finally fixed on appeal or revision or otherwise, and includes an aggregate of more sentences than one, and an order of imprisonment in default of furnishing security for maintaining peace or good behaviour.

482. KINDS OF REMISSION BY SANSODHANAGAR AUTHORITIES

Remission by Sansodhanagar authorities can be of the following types:

- (1) Ordinary remission ;
- (2) Special remission.

ORDINARY REMISSION

483. Authority to grant ordinary remission : The Superintendent of Sansodhanagar, or an Officer nominated by him on his behalf, is authorized to grant ordinary remission.

- (1) **Eligibility :** The following types of convicted prisoners shall be eligible for ordinary remission :
 - (a) Prisoners having substantive sentences of two months and more ;
 - (b) Prisoners employed on Sansodhanagar maintenance services requiring them to work on Sundays and Holidays, e.g. sweeping, cooking etc., irrespective of the length and nature of their sentence i.e., simple or rigorous imprisonment ;
 - (c) Prisoners admitted for less than one month in hospital for treatment or convalescence after an ailment or injury not caused wilfully. (Those admitted for such purpose for more than one month shall be entitled to remission for good conduct only),

Note: It will be the responsibility of the Sansodhanagar administration to provide work to all eligible prisoners. If for any reason the Sansodhanagar administration fails to do so, the prisoner who are otherwise eligible for remission for work shall be granted remission as per their normal entitlement under the orders of the Inspector General of Correctional Services.

(2) Non-eligibility : The following types of prisoners shall not be eligible for ordinary remission :

- (a) Prisoners having substantive sentence of less than two months;
- (b) Prisoners sentenced in default of payment of fine only ;
- (c) Prisoners whose sentence is reduced to less than two months (in such cases remission already earned, if any, shall stand forfeited);
- (d) In the case of prisoners who are convicted of an offence committed after admission to the Sansodhanagar under Sections 147/148/152/224/302/304/304A/306/307/308/323/324/325/326/332/333/352/353 or 377 of IPC or of an assault committed after admission to the Sansodhanagar on a warder or other officer or under any other law for misusing the concession of parole granted under that law. The remissions of whatever kind earned by him under these rules up to the date of the said conviction may, with the sanction of Head of the Sansodhanagar Department, be cancelled ;
- (e) Prisoners debarred from remission as punishment for committing prescribed Sansodhanagar offences ;
- (f) Prisoners specifically debarred from remission under any law or rule, and
- (g) Prisoners out on special leave like medical leave, temporary release on parole, release on bail etc. for the duration of such leave.

484. SCALE OF REMISSION FOR CONVICTED PRISONERS :

Ordinary remission may be granted to prisoners who are eligible for it at the scale shown below :

- (1) Three days per calendar month for good behaviour, discipline and participation in institutional activities ;
- (2) Three days per calendar month for performance of work according to the prescribed standards ;
- (3) Two days per calendar month for prisoners employed on Sansodhanagar maintenance services requiring them to work even on Sundays and Holidays e.g. sweeping, cooking etc. ;
- (4) Eight days per calendar month for those working as night watchmen. Night Watchmen shall not be eligible for remission if they satisfy condition of non-eligibility listed at 19.06 (i), (ii) and (iii) above ;
- (5) 10 days per calendar month to convict overseers and convict warders (until these two categories are abolished). Convict overseers and convict warders shall not be eligible for remission if they satisfy conditions of non-eligibility listed at 515 (i), (ii) and (iii) above ;
- (6) One day for each month's stay in open institutions to prisoners sentenced to imprisonment of one year or more and transferred to such institutions ;
- (7) Any prisoner eligible for ordinary remission, who for a period of one year from the date of his sentence, or the date on which he was last punished (except by way of warning) for a Sansodhanagar offence, has not committed any Sansodhanagar offence, shall be awarded 30 days annual good conduct remission in addition to any other remission.

SPECIAL REMISSION

485. AUTHORITY TO GRANT SPECIAL REMISSION

Head of the Sansodhanagars Department, on the recommendation of the Superintendent of Sansodhanagar, shall be the competent authority to grant special remission.

486. CRITERIA TO GRANT SPECIAL REMISSION

Meritorious work by inmates shall be rewarded by grant of special remission in addition to the annual good conduct remission to create a spirit of healthy competition among prisoners. Such special remission may be granted to prisoner eligible for ordinary remission on the following considerations :

- (1) Saving the life of a government employee, a Sansodhanagar visitor or an inmate ;
- (2) Protecting a government employee or Sansodhanagar visitor or inmate from physical violence or danger ;
- (3) Preventing or assisting in prevention of escape of prisoners, apprehending prisoners attempting to escape, or giving material information about any plan or attempt by a prisoner, or a group of prisoners, to escape ;
- (4) Assisting Sansodhanagar official in handling emergencies like fire, outbreak of riots and strike ;
- (5) Reporting of, or assisting in, prevention of serious breach of Sansodhanagar regulations ;
- (6) Outstanding contribution in cultural activities or education or acquiring an additional education qualification (such as a degree or diploma) or teaching Art & Craft and special skills to fellow inmates ;
- (7) Specially good work in industry, agriculture or any other skill development programme, or in vocational training.

487. SCALE OF SPECIAL REMISSION :

Subject to the fulfilment of any one or more of the conditions aforementioned, special remission not exceeding 30 days in a calendar year completed by the prisoner in a Sansodhanagar may be granted by the Head of the Sansodhanagar Department on the recommendation of Superintendent of Sansodhanagar to those prisoners who are eligible for ordinary remission.

488. REMISSION BY HEAD OF THE STATE

Remission granted by the Head of the State under Article 161 of the Constitution of India, acting on the aid and advice of the Cabinet of Ministers, shall be called Remission by Head of State. Remission by Head of the State may be granted on occasion of National importance or public rejoicing.

Note : No Rules can be prescribed for the Head of the State for grant of this type of remission.

489. ELIGIBILITY

Eligibility for remission by Head of the State are given below:

- (1) The remission by Head of State can be awarded to such prisoners, or categories of prisoners, as the Head of the State may decide.
- (2) In case of prisoners who, at the time of general grant of remission by Head of the State, are released on temporary or emergency release like on parole etc. specific orders of the Head of the State about the award of this remission to such prisoners are necessary.

490. REMISSION COMMITTEE:

The Remission Committee for remissions to be granted by the Sansodhanagar authorities. The Remission Committee of each institution shall consist of:

- (1) Chief Judicial Magistrate – Chairman.

- (2) Superintendent-In Charge of the Institution – Member Secretary ;
- (3) Deputy Superintendent or Senior most Sansodhanagar Officer available in the institution ;
- (4) Jailor/Deputy Jailor/Assistant Jailor in charge of remission section ;
- (5) Officer-In-charge of Industries/Vocational training.

491. FUNCTIONS OF REMISSION COMMITTEE

The functions of this committee are :

- (1) To attend to all matter pertaining to remission ;
- (2) To recommend cases of prisoners to Head of Sansodhanagars Department for the grant of special remission as per provisions of this manual.

492. PROCEDURE

The members of the committee shall assist the Superintendent in all matters pertaining to the award of remission. The decision of the Superintendent shall be treated as final. The Remission Committee shall meet every Monday in the first week of every month or as and when required. Monday means Monday or next working day, if Monday is a holiday.

- Notes :
- (1) In view of the importance of remission work, it is essential that the committee meet as per fixed schedule so that remission may be granted in time. Special remission shall be granted leaving a margin of at least seven days prior to a prisoner's release ;
 - (2) Entries regarding remission shall be made, under proper attestation of the Superintendent, in the Remission Register and the History Ticket of the prisoner concerned as soon as it is granted ;
 - (3) Prisoners with substantive sentences from two months to five years shall be sanctioned remission each month while those sentenced to more than five years (including life convicts) shall be granted remission once in a quarter ;
 - (4) Ordinary remission shall be calculated for full calendar months. It shall not be granted for a fraction of a calendar month ;
 - (5) Special remission may be granted for any fraction of a year accordingly ;
 - (6) Maximum limit of ordinary and special remission which a prisoner can earn shall not be more than one fourth of a substantive sentence (to be calculated from the date of his conviction). The remission granted by the Head of the State shall be in addition to the ordinary and special remissions which the prisoner has earned. However, in no circumstances, maximum limit of all types of remissions earned by a prisoner shall not exceed one third of the substantive sentence;
 - (7) Grant of remission to prisoners sentenced by court martial shall be on the same principles as those applicable to other prisoners.

493. LIFE CONVICTS

Life sentence shall be taken as imprisonment for twenty years for the purpose of calculation of remission (as per Section 57 of the Indian Penal Code, 1860). In the case of a prisoner serving more than one life sentence, twenty years shall be treated as the total of all his sentences for calculating remission. Grant of remission to a life

convict shall not mean actual remission in his sentence. When his case shall be examined by the review Board for pre-mature release, the remission to his credit will be one of the factors on the basis of which the review of his sentence shall be considered.

494. MISCELLANEOUS

- (1) Prisoners sentenced by court martial shall be granted ordinary remission of the period they pass in transit, or in military custody, before their admission in Sansodhanagar on the same scale as laid down in these rules.
- (2) In the case of a prisoner, transferred from one Sansodhanagar to another while undergoing imprisonment, the period spent by him in the first Sansodhanagar, excluding the period spent as an undertrial prisoner, shall be calculated along with the period spent by him in the second Sansodhanagar, for remission.
- (3) Ordinary remission shall be calculated from the first day of the calendar month after the date of the prisoner's sentence. Ordinary remission shall not be granted for the broken period of a calendar month. A prisoner, unless sentenced on the first day of a month, will not get remission for the month in which he has been sentenced.
- (4) Period spent outside the Sansodhanagar, such as release on furlough, period spent in hospital in custody etc. which are included as part of a sentence, shall not be treated as broken periods. During such periods the prisoner shall be eligible for earning ordinary remission. For periods spent outside the Sansodhanagar which are not included as part of a sentence (such as parole, bail, emergency release, escape and extradition etc.) prisoners shall not be eligible for earning remission. In such cases, the prisoners shall be considered as eligible to earn remission from the first day of the calendar month following the date of their re-admission.

Note : In all such cases the date for eligibility for annual good conduct remission shall be duly postponed. prisoners who have been released on bail, or whose sentence have been temporarily suspended, shall, on their readmission to Sansodhanagar, be credited with any remission they may have earned before their release on bail, or to the suspension of the sentence. They shall be brought under the remission system again on the first day of the calendar month after their readmission.

495. REMOVAL AND REVOCATION OF PRISONER FROM REMISSION

- (1) The Head of the Sansodhanagars Department, on the recommendation of Superintendent of Sansodhanagar, may remove any prisoner from remission for a period of six months for committing any specified Sansodhanagar offence. Similarly, the Superintendent of Sansodhanagar may remove a prisoner from remission for three months. However, the sanction of the Inspector General shall be necessary for such removal from remission for any period exceeding three months in total.
- (2) With prior sanction of the Head of the Sansodhanagars Department, the Superintendent of Sansodhanagar may re-admit any prisoner to remission who has been removed from there. The prisoner who is re-admitted to remission shall earn remission under these rules from the commencement of the month following his re-admission.

496. CONDITIONS FOR FORFEITURE OF REMISSION

Remission earned by a prisoner may be forfeited by the Head of the Sansodhanagars Department on the recommendation of Superintendent of Sansodhanagar.

- (1) If the prisoner is convicted of an offence committed after admission to Sansodhanagar, under sections 147, 148, 152, 224, 302, 304, 304A, 306, 307, 308, 323, 324, 325, 326, 332, 333, 352, 353 or 377 of IPC or convicted of an assault committed on a Sansodhanagar official, a Sansodhanagar visitor, a prisoner, or any other government employee or on conviction for any offence committed in violation of the law providing for temporary release of the prisoner on parole after admission to Sansodhanagar, all the ordinary and special remission, of whatever kind, earned by him under these rules up to the date of the said conviction may be forfeited in part, or in whole ;
- (2) For Sansodhanagar offences Superintendent is empowered to forfeit earned remission up to 30 days for one offence. Earned remission beyond 30 days may be forfeited with the sanction the Head of the Sansodhanagars Department.

Note :All entries about forfeiture of remission shall be promptly made in the history ticket or remission sheet and in the remission or in any other relevant document/record.

497. RECORD

Following records will be maintained by the Sansodhanagar authority :

- (1) Jailor or any other official in charge of yards or sections, shall maintain sheets for prisoner eligible to earn remission. On the appointed days, these sheets shall be forwarded to the officer dealing with remission work and to the Deputy Superintendent, or to any other officer in charge of admission and release of prisoner for inspection. These sheets shall be attached to the remission sheet of the prisoners.
- (2) A remission register shall be maintained in a prescribed Form (Appendix 10) in which all entries about grant and forfeiture, if any, of remission shall be promptly made and duly attested by the officers concerned.
- (3) Entries in the remission register shall be made at the end of each quarter. In case a prisoner is due for release before the completion of a quarter, these entries shall be made during relevant months, and action regarding his/her release may be taken accordingly.
- (4) At the end of each quarter, prisoners shall be informed about the remission they have earned during the quarter and also the total of their remission.
- (5) Grant or forfeiture, if any, of all types of remission shall be recorded in the remission sheet.
- (6) The Deputy Superintendent, or officer in charge of admission and release, shall inspect the Remission Register or Remission Sheets at fixed intervals.
- (7) Remission record shall be treated as confidential. It shall not be allowed to be handled by the prisoners.
- (8) Prisoners shall be released on such dates, as would be worked out, after allowing for the remission granted.