

OFFICE OF THE DIRECTOR GENERAL (PRISONS)
PRISON HEADQUARTERS : TIHAR : NEW DELHI

F.10(7832)/CJ/Legal/2012/ 2201

Dated : 03/05/21

STANDING ORDER NO-34

Sub: Grant of Remission to the convicts

It has been found that Jail staff are not properly conversant with the remission provisions in Delhi Jail Manual as a result of which a number of irregularities have been noticed while considering the remission requests of a convict. The rules governing the grant of remission are contained in Delhi Prisons (Admission, Classification, Separation, Reward and Release of prisoners) Rules, 1988 of Delhi Jail Manual. Rule 67 says that remission will be of four kinds namely :-

- (a) Ordinary remission;
- (b) Annual good conduct remission;
- (c) Special remission; and
- (d) State remission.

A) Ordinary Remission :-

i) Authority to grant ordinary remission

As per rules Superintendent Jail is the authority to grant ordinary remission. Rule 68 govern this aspect and speaks as under :-

"68. 1. The superintendent shall be the authority to grant ordinary remission under these rules.

2. The grant of remission shall be made every month."

ii) Eligibility for Ordinary Remission

The following class of prisoners are eligible for ordinary remission as per rule 69 which reads as under :-

"69. Subject to the provisions of these rules, ordinary remission may be granted to the following classes of prisoners :-

- 1) Non-habitual prisoners having a substantive sentence of rigorous imprisonment of three months and more ;

- 2) prisoners sentenced to simple imprisonment of three months who have opted for labour;
- 3) prisoners undergoing imprisonment (whether simple or rigorous) irrespective of the length of imprisonment, whether substantive or in lieu of payment of fine, who are working on conservancy job;
- 4) prisoners undergoing imprisonment in lieu of fine which immediately follows and is in continuation of the sentence which makes the prisoner otherwise eligible to remission;
- 5) ex-military prisoners for the period they pass while in transit or in military custody before their admission to prisons in the State of Delhi."

iii) Non-eligibility for Ordinary Remission

As per rule 71 the following categories of prisoners are not eligible for ordinary remission :-

"71. Non-eligibility for ordinary remission :-

- a) if he is undergoing a sentence of imprisonment in lieu of fine;
- b) if term of sentence of the aggregate of sentences passed against him is reduced on appeal or otherwise to a period of less than three months;
- c) in whose case, the Administrator has ordered that remission should not be granted;
- d) who, due to self-inflicted injuries, is detained in hospital as indoor patient, or who has resorted to hunger-strike or work-strike (for such periods as may be decided by the Superintendent);
- e) during out-periods which are not reckoned as part of sentence (being periods during bail, escape, extradition and other periods which are treated as out-periods and not reckoned as part of sentence under specific orders of the Administrator issued in that behalf)."

iv) Scale of award of remission

The following scale is prescribed for the award of ordinary remission for which rule 72, 73 and 76 are relevant and reads as under :-

72. Ordinary remission be awarded on the following scales:-

(c) two days per month for thoroughly good conduct and scrupulous attention to all prison regulation;

(d) two days per month for industry and the due performance of the daily task imposed.

73. (2) Prisoners who volunteer for sweeper's work shall, in addition to the existing scale of remission, be granted a special remission of 3 days per month.

76. Prisoners employed on prison services, such as cooks and sweepers, who work on Sundays and Holidays, may be awarded three days ordinary remission per quarter in addition to any other remission earned under these rules.

B) Annual Good Conduct Remission

A prisoner is eligible for annual good conduct remission at the scale of 15 days for first two years and 60 days for third year if no prison offence committed by him and he has maintained good conduct. This aspect is governed by Rule 77 which reads as under :-

“77. Remission for good conduct

1) Any prisoner eligible for remission under these rules who for a period of one year reckoned from the first day of the month following the date of sentence of the date on which he was last punished for a prison offence, has committed no prison offence, committed no prison whatever, shall be awarded fifteen days' ordinary remission in addition to any other remission earned under these rules.

2) If, however, a prisoner completes three years of his sentence and is not punished during that period for any prison offence, he shall be granted 60 days' remission for good conduct at the end of the third year. In such cases the prisoner shall, in addition be granted 15 days good conduct remission for each of the first two years only. The total remission earned

shall not in any case exceed the maximum remission permissible under the rules.”

C) Special Remission :-

This remission is awarded to the prisoner for their special services which are described in rule 80 of the remission rules which reads as under :-

“80. (1) Special remission may be given to any prisoner whether entitled to ordinary remission or not for special services as for example:-

(a) assisting in detecting or preventing breaches of prison discipline or regulations;

(b) success in teaching handicrafts;

(c) special excellence in, or greatly increased outturn of, work of good quality;

(d) protecting an officer of the prison from attacks;

(e) assisting an officer of the prison in the case of outbreak of fire or similar emergency;

(f) economy in wearing clothes;

(g) donating blood to the Blood Bank, provided that the scale of special remission for this service shall be 15 days for each occasion on which blood is donated subject to the limit laid down in sub-para (2) the remission on account of blood donation shall not be granted more than twice in one convict year.”

The scale of special remission and the competent authority to grant the same are described in rule 80 (2) which speaks as under :-

“80 (2) Special remission may be awarded

(a) by the Superintendent to a period not exceeding thirty days in one year;

(b) by the Deputy Inspector General of Prison to a period not exceeding 45 days in one year;

(c) by the Director General or the Administrator for a period not exceeding sixty in one year;”

The reasons for grant of special remission are to be mentioned on the history ticket of the prisoner so that his eligibility may suitably be assessed by the Competent Authority.

D) State Remission :-

The State remission is presently awarded to the prisoner on the occasion of Republic Day on a prescribed scale. This remission is over and above the jail remissions.

E) Procedure in making award of remission :-

The procedure of entering the remission is prescribed in rule 78 which speaks as under :-

"78. (1) An Officer awarding ordinary remission shall, before making the award, consult the prisoner's history ticket in which every offence proved against the prisoner must be carefully recorded.

(2) If a prisoner has not been punished during the quarter otherwise than by a formal warning, he shall be awarded the full ordinary remission for that quarter under paragraph 72 or, if he is a convict officer, under paragraph 74.

(3) If a prisoner has been punished during the quarter otherwise than by a formal warning, the case shall be placed before the Superintendent, who after considering the punishments awarded, shall decide what amount of remission shall be granted under paragraph 72, or, if the convict is a convict officer under paragraph 74, all remissions recorded on the prisoner's history ticket shall be entered quarterly on the remission sheet (or card) are not marked in the general remission register."

F) Total Remission not to exceed one fourth part of sentence :

Total jail remission awarded to a convict should not exceed one fourth part of the sentence or four month in a convict year. However, this can exceed one fourth upto one third of the sentence if sanctioned by the Director General (Prisons). The relevant rule in this regard is rule 81 which reads as under :-

"81. The total remission awarded to a prisoner under all these rules shall not, without the special sanction of the Inspector General of Prisons

Provided that in every exceptional and suitable cases the Inspector General of Prisons may grant remissions amounting to not more than one-third of the total sentence or four months in one year.

Provided also that for convicts under going imprisonment for life, no restrictions as aforesaid shall be imposed on remissions awarded."

G) Transfer of Remission records on transfer :-

A prisoner when is transferred to another jail of Delhi or outside Delhi his remission record should also be sent alongwith other records. The relevant rule in this regard is rule 83 speaks as under :-

"83. 1) When a prisoner is transferred to another jail the total amount of remission earned by him into the end of previous month shall be endorsed on his warrant and entered on his history ticket, these entries being signed by the Superintendent.

2) The receiving jail shall be responsible that the above information is duly obtained. Each jail at which a prisoner serve a portion of his sentence shall be held responsible for the correct calculation of the remission earned in that jail."

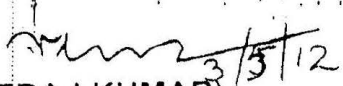
Remission records are to be retained in the office of a jail for a period of one year after the release of a prisoner.

COMMON ERRORS NOTICED AND GENERAL INSTRUCTIONS TO RECTIFY THEM IN THE GRANT OF REMISSION :-

1. It is noticed that remission is being granted in a routine way without ascertaining the labour allotted to a convict prisoner or elaborating the reasons for grant of special remission which is highly objectionable and against the remission rules. It may be mentioned here that grant of remission is only a matter of concession and not of right of a prisoner. It is contingent upon the good conduct of a prisoner and can be withdrawn or forfeited for prison offences.
2. Cases are being sent to the PHQ for regularization of excess remission without giving details of remission earned in a particular convict year, the reasons for grant of special remission under the provision of remission rules (80 (1)), the reason for giving excess remissions etc. Further, remission sheet PMS of the convict etc. are not enclosed. This delays the

proper appreciation of the case. The case for regularization of excess remission by the Director General (Prisons) should be sent as an exception rather than as a rule.

3. There has been instances where it is found that a convict has not been awarded remission at all or if remission is awarded that is not as per the provisions of remission rules. The Superintendent Jail should ensure that no prisoner is deprived of remission provisions under the rules and while visiting the wards the convict should be told to bring their history tickets for random checking.
4. Files for regularization of excess remission are being sent when the sentence of a convict is nearing completion. This is against remission rules which stipulate that the excess remission of a convict should be regularized in that particular conviction year itself. Conviction year commences from the date of sentence. Henceforth, the request for regularization of excess remission should be sent to PHQ on yearly basis.
5. It has been found that remission sheets of prisoners are not properly maintained and the signature of AS/DS/ SCJ are missing. This reflects casual attitude of the concerned officer in grant of remission. This is against the provision of remission rules. It is directed that the remission sheet of a prisoner should be properly maintained and should be periodically signed by the Asst. Superintendent/Dy. Superintendent/Superintendent


(NEERAJ KUMAR)
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DELHI

All Superintendent Jails

Copy for information to:-

1. D.I.G.(P), for information
2. Law Officer, for information