



# The Mizoram Gazette

EXTRA ORDINARY

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## NOTIFICATION

No. C. 18014/1/83-HMJ, the 24th July, 1986. Whereas it has been found that the provision for remission as contained in Chapter XIX of the Assam Jail Manual which is applicable to Mizoram is not adequate to cover various cases of remissions of sentences which are to be sanctioned to the convicts by the Government of Mizoram.

Now, therefore, Lt. Governor (Administrator) of Mizoram, in exercise of the powers under provisions of 59 (5) of the Prisons Act 1894, of the Assam Jail Manual, is pleased to amend the said Manual as applicable in Mizoram as follows:—

### REMISSION SYSTEM

1. (1) These rules may be called the Assam Jail Manual as applicable in Mizoram (Amendment) Rules, 1986.
- (2) They shall have the like extent as Assam Jail Manual (hereinafter referred to as the principal Rules) as applicable in Mizoram.
- (3) They shall come into force at once.
2. In the principal rules chapter XIX under the caption, remission system, appearing in rules, the following shall be substituted; namely :—

### REMISSION SYSTEM DEFINITIONS :

- (i) "Remission" means a concession granted to Prisoners with a view to shortening their sentences. It is concession and cannot be treated or claimed as a right.

- (ii) "Prisoner" includes a person committed to Prison in default of furnishing security to keep the peace or be of good behaviour, and also an ex-military person convicted by a Court Martial.
- (iii) "Sentence" means a sentence as finally fixed on appeal or remission or otherwise and includes an aggregate of more sentences than one an order of committal to prison in default of furnishing security to keep the peace or be of good behaviour.
- (iv) "Life Sentence" shall be reckoned as twenty years for purposes of calculation of remission (vide section 57, Indian Penal Code). In the case of a Prisoner having more than one life sentence, twenty years shall be treated as the total of his sentences for the purpose of calculating remission. Grant of remission to a life convict shall not mean actual remission in his sentence. When his case will be examined by the Review Board, the remission to his credit will be one of the factors on the basis of which the review of his sentence will be done.
- (v) "Transportation for life" shall be construed as "Imprisonment for life".
- (vi) "Government" means the Government of Mizoram.

### 3. KINDS OF REMISSION :

Remission may be of the following kinds, that is to say :

- (a) Ordinary Remission.
- (b) Annual Good Conduct Remission.
- (c) Special Remission and
- (d) State Remission.

### 4. ORDINARY REMISSION :

- (a) The Superintendent or any other Officer empowered by the Superintendent on his behalf shall be the authority to grant ordinary remission.
- (b) The grant of remission shall be made every month by the authorities mentioned in Sub-Rule (a) above.

### 5. ELIGIBILITY :

The following Prisoners will be eligible for earning ordinary remission :-

- (a) Non-habitual Prisoners having a substantive sentence of three or more months.
- (b) Prisoners sentenced to simple Imprisonment of less than three months and who volunteer to work and actually work.
- (c) 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 jobs.

- (d) Prisoners undergoing imprisonment in lieu of fine which immediately follows and is in continuation of the sentence which makes the prisoner other-wise eligible to remission.
- (e) Ex-military Prisoners convicted by court martial.
- (f) Habitual Prisoners having substantive sentence of rigorous imprisonment of 6 months and more.
- (g) Habitual Prisoners sentenced to simple imprisonment who volunteer to work and actually work and whose unexpired portion of sentence on the date they so volunteer to work is 6 months or more.

#### 6. NON-ELIGIBILITY :—

Ordinary Remission may not be granted to the Prisoners who have :—

- (a) Substantive sentence of imprisonment of less than three months or 90 days in the aggregate.
- (b) If he is undergoing a sentence of imprisonment in lieu of fine which is not annexed to a term of substantive sentence for which the Prisoners is other-wise eligible for remission.
- (c) If term of sentence or the aggregate of sentence passed against him is reduced on appeal or otherwise to a period of less than three months or 90 days.
- (d) In whose case, the Government has ordered that remission should not be granted.
- (e) Prisoners transferred to special Prison on disciplinary grounds for the period he is confined in that prison on those grounds.
- (f) Who has resorted to hunger strike or work strike, or hospitalised owing to self inflicted injuries, for such periods as may be decided by the Superintendent.

#### 7. SCALE OF ORDINARY REMISSION :

Ordinary remission shall be awarded at the following scales :—

- (a) Three days per month for thoroughly good conduct and scrupulous attention to all prison regulations.
- (b) Three days per month for Industry and due performance of the daily task imposed.

- 8. In lieu of ordinary remission allowed under Rule 7 above the prisoner mentioned in column 1 of the table below (being prisoner who are

eligible for remission under Rule 5) shall be granted ordinary remission for the number of days not exceeding those shown against them in column 2 there of :-

T A B L E

CATEGORY OF PRISONERS	SCALE OF REMISSION
1	2
(a) Convict Warder	(1) Four days per month for good behaviour discipline and attention to all prison regulations. (2) Five days per month for satisfactory performance of the allotted work in accordance with the prescribed standards.
(b) Convict Overseer.	(1) Three days per month for good behaviour discipline and attention to all prison regulations. (2) Four days per month for satisfactory performing the allotted work in accordance with the prescribed standards.
(c) Convict Night Watchmen.	(1) Three days per month for good behaviour, discipline and attention to all prison regulations. (2) Three days per month for satisfactorily performing the allotted work in accordance with prescribed standards.
(d) Prisoners working on conservancy jobs or employed on above jobs i.e. a, b, c, or other works where they are required to work on Sundays and Government Holidays.	(1) Four days per month being a remission in addition to the remission earned under Rule 7.

#### 9. PROCEDURE FOR CALCULATING ORDINARY REMISSION :

Subject to the provisions of paragraph/Rule II ordinary Remission under Rule 7 shall be calculated from the first day of the Calendar month next following the date on which the convict is committed to Jail, or if he was in Jail as

an Industrial prisoner on the date of sentence, the date of such sentence. Any convict who, because of his having been released on bail or if his sentence having been temporarily suspended, is afterwards re-admitted to Jail, shall be brought under the remission system on the first day of calendar-month next following such readmission, but shall be credited with any remission which he may have earned as a convict previous to his release on bail or the suspension of his sentence. Remission under Rule 8 shall be calculated from the first day of the calendar month following the appointment of the convict as a convict Warder, convict Overseer or convict night Watchman.

#### 10. PROCEDURE OF AWARD :

- (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 month otherwise than by a formal warning, he shall be awarded the full ordinary remission for the month under Rule 7 or if he is convict Officer under Rule 8.
- (3) If a prisoner has been punished during the month otherwise than by a formal warning, the case shall be placed before the Superintendent, who, after considering the punishment or punishment awarded, shall decide what amount of remission shall be granted under Rule 7, or if the convict is a convict Officer, under Rule 8. All remission recorded on the prisoners history ticket shall be entered monthly on the remission card, or if remission cards are not maintained, in a general remission register.

#### 11. RECORD OF AWARD :

The award of ordinary remission shall be made, as early as possible, on the first of the month following and the amount shall be intimated to the prisoner and recorded on his history ticket. Remission granted to a prisoner under Rule 15 shall be recorded on his history ticket as soon as possible after it is awarded.

#### 12. EXCLUSION OF LAST CALENDAR MONTH :

No prisoner shall receive ordinary remission for the calendar month in which he is released.

#### 13. ANNUAL GOOD CONDUCT REMISSION :

When any prisoner eligible for ordinary remission has not committed any prison offence (not being a warning) for a period of one year (excluding the period during which the prisoner is removed from the remission system), reckoned from the date on which he was last punished for a prison offence, he may be granted thirty days' annual good conduct remission, in addition to any other remission.

**EXAMPLE :**

A prisoner sentenced and admitted to a prison on 1st July, 1984, was removed from remission system for a period of three months from 4th November, 1984. He will not be eligible for annual good conduct on 4th November, 1985 but on 4th February, 1986.

**14. SPECIAL REMISSION :**

Special remission may be granted to any convict, whether entitled to ordinary remission or not other than a convict undergoing a sentence referred to in Rule 6 (d) for special services, such as —

- (1) Mark diligence in teaching to read and write.
- (2) Special proficiency in learning to read and write or passing an examination with credit.
- (3) Marked success in teaching handicrafts.
- (4) Special excellence in work, or greatly increase out-turn of work of good quality.
- (5) Protecting an Officer/prison visitor or inmate of the prison from attack.
- (6) Special assistance to an Officer of the prison in case of an outbreak of fire or outbreak of riot, strike or other similar emergency.
- (7) Special economy in wearing clothes.
- (8) Assisting in detecting or preventing breaches of prison discipline or regulations.

**15. SCALE OF SPECIAL REMISSION :**

Special remission may be awarded :—

- (1) by the Inspector General, to an amount not exceeding sixty days in a year.
- (2) by the Superintendent, to an amount not exceeding thirty days in a year.

**EXPLANATION :**

For the purpose of this rule the year shall be reckoned from the date of sentence, and any fraction of a year shall be reckoned as a complete year.

## 16. RECORD OF SPECIAL REMISSION —

An award of special remission shall be entered on the history ticket of the prisoner as soon as possible after it is made, and the reasons for every award of special remission by a Superintendent shall be briefly recorded.

## 17. STATE REMISSION —

- (1) Remission granted by the Government shall be called state remission.
- (2) The Government may determine grant of remission to such prisoners up to any extent of scale on any such occasions of public/national importance or public rejoicing like Independence Day/Republic Day/Christmas and New Year day. It is subject to withdrawal/forfeiture/revocation, and it is not a right. The Government reserves the right to debar/ withdraw any prisoner or category of prisoners from the concession of state remission.

### (3) ELIGIBILITY :—

- (a) The State remission may be awarded to such prisoner or categories of prisoners as the Government may decide.
- (b) In case of prisoners who, at the time of general grant of State Government remission, are released on temporary or emergency release, specific orders of the State Government about the award of this remission to such prisoners are necessary;

### (4) SCALE OF STATE REMISSION :

Though the Government has the unfettered discretion under the law to grant such remission upto any extent on any occasion, however keeping in view the requirement of law, the quantum of such remission should not be too large and should be normally as below :—

- (a) 30 days for sentence exceeding one year.
- (b) 15 days for sentence exceeding 6 months but less than one year.
- (c) 10 days for sentence exceeding 3 months but less than 6 months.
- (d) 5 days for sentence exceeding 1 month but less than 3 months.

## 18. LIMIT OF TOTAL REMISSION :

The total of ordinary remission, Annual Good conduct Remission and special remission but excluding State remission granted to a prisoner shall not exceed one third of the sentence.

**19. FORFEITURE OF REMISSION :**

If a convict is sentenced for an offence committed after his admission to Jail, under sections 147, 148, 152, 224, 302, 304, 304 A, 306, 307, 308, 323, 324, 325, 326, 332, 333, 352, 353 or 377 of the Indian penal Code or for assault committed after his admission to Jail on a warder or other officer, the Inspector General may order the whole or part of any remissions earned by the convict upto the date of the said conviction to be cancelled.

**20. RE-ADMISSION TO THE REMISSION SYSTEM :**

The Superintendent may with the previous sanction of the Inspector General, re-admit to the remission system any convict who has been removed therefrom under the rules of offences and punishments. Such convict shall begin to earn remissions from the commencement of the calendar month following the date of such re-admission.

**21. REMISSION TO LIFE CONVICTS :**

A life convict shall be reckoned as a sentence of twenty years for the purposes of granting remission. A life convict, except where the life sentence is awarded after commuting a death sentence, shall earn remission under these rules till he completes twenty years' imprisonment including remission earned under these rules, whereafter he shall cease to earn any remission. (In the case of a prisoner having more than one life sentence, twenty years shall be treated as the total of his sentences for the purpose of calculating remission. Grant of remission to a life convict shall not mean actual remission in sentence). Grant of remission shall not, however entitle a life convict to be released without specific orders from the Government for his release.

**22. RELEASE IN OTHER CASES**

Same as provided by Rule 21 when a prisoner has earned such remission as entitled him to release, the Superintendent shall release him.

**23. TOTAL REMISSION TO BE ENDORSED ON WARRANT ON RELEASE :**

When a convict is released without reference to the Government, the total amount of remissions earned by him shall be endorsed on his warrant and the endorsement shall be signed by the Superintendent.

**24. PROCEDURE ON TRANSFER :**

When a prisoner is transferred to another Jail, the total amount of remission earned by him upto the end of the preceding month shall be endorsed on his warrant and entered in history ticket. The entries being



signed by the Superintendent. The remission sheet shall be sent with the convict alongwith other documents and the receiving Jail shall be responsible for seeing that the above information is duly obtained.

Every Jail in which a convict serves a portion of his sentence shall be responsible for the correct calculation of the remission earned by him in that Jail.

25. PRESERVATION OF REMISSION CARDS/SHEETS :

The remission sheet of a convict shall be retained in the Jail for a period of one year after his release.

26. REMISSION RULES TO BE DISPLAYED :

An abstract of the above remission rules translated into the vernacular shall be displayed in every barrack of the Jails.

By order and in the name of  
Lt. Governor, (Administrator),  
Mizoram.

V. A. Vasudevaraju,  
Secretary to the Govt. of Mizoram,  
Home Department.