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Fourteenth Kerala Legislative Assembly

Bill No. 68

**THE KERALA PRISONS AND CORRECTIONAL SERVICES
(MANAGEMENT) AMENDMENT BILL, 2017**

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(MANAGEMENT) AMENDMENT BILL, 2017

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to amend the Kerala Prisons and Correctional Services (Management) Act, 2010.

Preamble.—WHEREAS, it is expedient to amend the Kerala Prisons and Correctional Services (Management) Act, 2010 for the purposes hereinafter appearing;

BE it enacted in the Sixty-eighth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Prisons and Correctional Services (Management) Amendment Act, 2017.

(2) It shall come into force at once.

2. *Amendment of section 72.*—In the Kerala Prisons and Correctional Services (Management) Act, 2010 (9 of 2010) (hereinafter called the principal Act), after sub-section (2) of section 72, the following sub-section shall be inserted, namely:—

“(3) All kinds of remission that may be granted to the prisoners as per sub-section (1) shall in no case exceed one third of the sentence.”.

3. *Amendment of section 78.*—Sub-section (2) of section 78 of the principal Act shall be omitted.

STATEMENT OF OBJECTS AND REASONS

In sub-section (2) of section 78 of the Kerala Prisons and Correctional Services (Management) Act, 2010 it has been provided that all kinds of parole, remission and leave granted to the prisoners shall in no case exceed one third of the sentence. But, as per the existing provisions, in respect of prisoners who have complied the prison laws properly, the remissions and leave available to them exceed one third of the sentence. While complying the said provisions, there will be reduction of benefits being availed by the life time prisoners and long term prisoners. In this circumstance Government intends to omit sub-section (2) of section 78 and to make provision to the effect that all kinds of remission shall in no case exceeds one-third of the sentence, as sub-section (3) to section 72, which refers remission.

2. The Bill seeks to achieve the above object.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any additional expenditure from the Consolidated Fund of the State.

PINARAYI VIJAYAN.

EXTRACT FROM THE KERALA PRISONS AND CORRECTIONAL
SERVICES (MANAGEMENT) ACT, 2010
(9 OF 2010)

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72. *Remission to prisoners.*—(1) Remission may be granted to convicted prisoners as may be prescribed in the rules. There shall be a Remission Committee consisting of the Superintendent and such other officers as may be prescribed to oversee the calculation and computation of remission to convicted prisoners in the Central Prison, Open Prison and Women's Prison.

(2) The kinds of remission and the criteria for granting remission shall be such as may be prescribed.

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78. *Leave.*—(1) Leave may be granted to well behaved, eligible, convicted prisoners with the objective of their better rehabilitation and re-socialisation as an incentive for good behaviour and responsiveness to correctional treatment in such manner and subject to such conditions as may be prescribed.

(2) All kinds of parole, remission and leave granted to the prisoners shall in no case exceed one third of the sentence.

(3) Kind of leave and matters related thereto shall be, such as may prescribed.

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