



The Gazette of Meghalaya
EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 5

Shillong, Tuesday, January 6, 2026

16th Pausha, 1947 (S. E.)

PART-IIA
GOVERNMENT OF MEGHALAYA
DEPARTMENT OF PRISONS & CORRECTIONAL SERVICES

NOTIFICATION

The 2nd January, 2026.

REMISSION POLICY, 2026

No.PDS.23/2021/Part/797. – Whereas the Hon'ble Supreme Court, in various Orders passed in the case of *Suo Moto Writ (Criminal) No. 4 of 2021* titled as *In Re: Policy Strategy for Grant of Bail* has directed all the States to frame/modify their policies for grant of remission or additional remission under Section 473 of the *Bharatiya Nagarik Suraksha Sanhita, 2023* or Section 432 of the *Code of Criminal Procedure, 1973*, as may be applicable, in accordance with the Judgments and Orders passed by the Hon'ble Supreme Court from time to time to bring uniformity to the policies throughout the country; and

Whereas the Hon'ble Supreme Court in the Judgment of *Laxman Naskar versus Union of India* [Judgment dated 15. 02. 2000 in Writ Petition (Criminal) No. 64 of 1999] passed directions laying down certain norms and guidelines to be followed by the appropriate Government for grant of remission of sentence of convicts under Section 473 of the *Bharatiya Nagarik Suraksha Sanhita, 2023* or Section 432 of the *Code of Criminal Procedure, 1973*; and

Whereas the Hon'ble Supreme Court in the Judgment of *Sangeet & Anr. versus State of Haryana* [Judgment dated 20.11.2012 in Criminal Appeal No. 490-491 of 2011] passed directions laying down certain additional norms and guidelines to be followed by the appropriate Government for grant of remission of sentence of convicts under Section 473 of the *Bharatiya Nagarik Suraksha Sanhita, 2023* or Section 432 of the *Code of Criminal Procedure, 1973*; and

Whereas the Hon'ble Supreme Court in the Judgment of *Mafabhai Motibhai Sagar versus State of Gujarat* [Judgment dated 21. 10. 2024 in Criminal Appeal No. 4307 of 2024] passed further directions as to guidelines to be followed by the appropriate Government for grant of remission of sentence of convicts under Section 473 of the *Bharatiya Nagarik Suraksha Sanhita, 2023* or Section 432 of the *Code of Criminal Procedure, 1973*; and

Whereas, in the light of the various directions passed by the Hon'ble Supreme Court, the Government of Meghalaya has decided to consolidate all the guidelines and to bring into place a comprehensive and objective policy for grant of remission of sentence of convicts under Section 473 of the *Bharatiya Nagarik Suraksha Sanhita, 2023*.

Therefore, the Governor of Meghalaya is pleased to notify the "**Remission Policy, 2026**", for the purpose of granting permanent remission to convicts, which shall come into force from the date of its publication in the Gazette of Meghalaya.

The Remission Policy, 2026 is as follows:

ELIGIBILITY OF CONVICTS:

The following categories of convicts who have consistently maintained overall good conduct in the prison throughout their incarceration and have not committed any offence while lodged in the prison and who do not fall in the categories of convicts who are not eligible for remission in the present policy, shall be eligible for consideration of remission and pre- mature release:

A. Convicts with sentence of life imprisonment or death sentence commuted to life imprisonment or convicted for an offence for which a sentence of death or life imprisonment may be awarded:

- a) Convicts certified with terminal or major illnesses and recommended for pre-mature release from prison due to such illnesses, by the State Standing Medical Board constituted by the State Government, irrespective of age and period undergone.
- b) Convicts certified with severe disabilities, resulting in total dependence or inability to perform activities of daily living, and recommended for pre-mature release from prison due to such disabilities, by the State Standing Medical Board constituted by the State Government, irrespective of age and period undergone.
- c) All other convicts under this category, if they have completed at least 14 (fourteen) years of the sentence (without counting the period of remission earned under the applicable rules or the Meghalaya Prisons Manual, 2022).

B. All other convicts not falling in category 'A' above, i.e. with sentence less than life imprisonment and convicted for an offence for which sentence of death or life imprisonment may not be awarded:

- a) Convicts certified with terminal or major illnesses and recommended for pre-mature release from prison due to such illnesses, by the State Standing Medical Board constituted by the State Government, irrespective of age and period undergone.
- b) Convicts who have completed at least 50% of their sentence (without counting the period of remission earned under the applicable rules or the Meghalaya Prisons Manual, 2022, as may be amended from time to time), irrespective of their age, and certified with benchmark disabilities of 40% or more, including physical, sensory, intellectual, mental, and multiple disabilities as defined under the Rights of Persons with Disabilities Act, 2016, besides recommendation by the State Standing Medical Board constituted by the State Government.
- c) Female or Transgender convicts of more than 55 years of age, who have completed at least 2/3rd of the sentence awarded (without counting the period of remission earned under the applicable rules or the Meghalaya Prisons Manual, 2022, as may be amended from time to time).
- d) Male convicts of more than 60 years of age, who have completed at least 2/3rd of the sentence awarded (without counting the period of remission earned under the applicable rules or the Meghalaya Prisons Manual, 2022, as may be amended from time to time).
- e) All other convicts of this category who are not fulfilling the age criteria if they have completed at least 3/4th of the sentence awarded (without counting the period of remission earned under the applicable rules or the Meghalaya Prisons Manual, 2022, as may be amended from time to time).

C. The following categories of convicts SHALL NOT BE ELIGIBLE for grant of remission under this policy:

- a) Convicts who are convicted for murder of two or more persons in one incident or in separate incidents.
- b) Convicts who are convicted of murder in mob lynching as prescribed under Sub-Section 2 of Section 103 of the Bharatiya Nyaya Sanhita, 2023.
- c) Convicts against whom any case of murder and/or rape or gang-rape is pending at any stage, whether at the investigation stage or trial stage, till he/she is acquitted in all such other cases.
- d) Convicts of rape and/or murder cases who are convicted with a sentence which is not a life sentence.
- e) Convicts for offence/s under Sections 3 to 6 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.
- f) Convicts convicted under the Terrorist and Disruptive Activities (Prevention) Act, 1985; The Prevention of Terrorism Act, 2002; Unlawful Activities (Prevention) Act, 1967; The Explosive Substances Act, 1908; The National Securities Act, 1982; Official Secrets Act, 1923; Anti Hijacking Act, 2016; the Arms Act, 1959; Section 113 of the Bharatiya Nyaya Sanhita, 2023.
- g) Convicts for offences under Section 489 (A to E) of the India Penal Code, 1860 or Sections 178 to 182 of the Bharatiya Nyaya Sanhita (BNS), 2023.
- h) Convicts for offences of Human Trafficking under the Immoral Traffic (Prevention) Act, 1956.
- i) Convicts for offences under the Narcotics Drugs and Psychotropic Substances Act, 1985.
- j) Convicts for offences under the Weapons of Mass Destruction and their Delivery Systems (Prevention of Unlawful Activities) Act, 2005.
- k) Convicts of Offences under Chapter VI of the Indian Penal Code, 1860 or Sections 147 to 158 of the Bharatiya Nyaya Sanhita (BNS), 2023.
- l) Convicts for offences under the Drugs and Cosmetics Act, 1940.
- m) Convicts for offences under the Prevention of Food Adulteration Act, 1954.
- n) Convicts for offences under the Essential Commodities Act, 1955.
- o) Convicts for offences under the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974.
- p) Convicts who have been found to be absconders during any period of parole/ furlough, bail granted to them, for a period of more than 7 days from the stipulated period.
- q) Convicts who have history of attempt(s) to escape/escape while serving the sentence for which they were convicted.
- r) Convicts who are habitual offenders, notorious criminals, dangerous and involved in gangster activities and organized crime or inter-state criminal activity or offences having international ramifications.
- s) Convicts for offences under Sections 392 to 402 of the Indian Penal Code, 1908 or Sections 309 to 313 of the Bharatiya Nyaya Sanhita (BNS), 2023.
- t) Convicts belonging to any banned organization by the State Government or the Government of India.
- u) Convicts who have been granted conditional remission previously but have been re-arrested and sent back to prison to undergo the remaining sentence because of violation of conditions of remission/pre-mature release or failure to fulfill conditions of grant of remission/pre-mature release.

- v) Convicts of offences which have been investigated by the Delhi Special Police Establishment constituted under the Delhi Special Police Establishment Act, 1946.
- w) Convicts of offences which involve misappropriation of property or damage or destruction of property belonging to the Government.
- x) Convicts who were employees of the Government and convicted for offences under the Prevention of Corruption Act, 1988 in connection with their services under the Government.
- y) Convicts of offences to which the executive authority of the State Government does not extend and where the Government of India is the appropriate Government for considering such requests.

Provided that none of the clauses of ineligibility from C(a) to C(x) will be applicable to convicts who are above 70 (seventy) years of age, subject to fulfillment of the eligibility conditions under "ELIGIBILITY OF CONVICTS" - A or B, as applicable.

PROCEDURE TO BE FOLLOWED:

For the exercise of powers of grant of remission of a convict under Section 473 of the Bharatiya Nagarik Suraksha Sanhita, 2023 or Section 432 of the Code of Criminal Procedure, 1973, as may be applicable, the following procedure shall be followed:

1. Convict prisoners who are already entitled to be considered for remission or those who are entitled to be considered for remission in the next six months as per this Remission Policy shall be provisionally considered as eligible convicts. They will be informed in writing by the Superintendent of the concerned District Prison & Correctional Home of their eligibility and the acknowledgment of the convict is to be taken on such intimation. The record of all such intimation to eligible convicts shall be maintained by the prison authorities till remission is granted or rejected by the competent authority.
2. After such intimation and without the necessity of an eligible convict or his/her relatives to make a specific application to the concerned Superintendent of the prison for grant of remission, the concerned Superintendent of the prison shall within 15 days submit a proposal for remission of a convict to the Department of Prisons & Correctional Services, Government of Meghalaya, through the Director/Inspector General of Prisons & Correctional Services, Meghalaya, along with his/her report indicating, inter-alia, the following points:
 - a) Conduct of the convict prisoner during the period of incarceration.
 - b) Details of pendency of any other case against the convict prisoner either at the investigation stage or the trial stage.
 - c) Period of absconding, if any, during the incarceration or jumping of bail, if granted, during the period of investigation or trial.
 - d) Report of the psychologist of the prison (visiting or permanent) on the mental state and behaviour of the convict prisoner.
 - e) Any other information which the Superintendent of the prison believes to have any effect on the decision of remission of the convict prisoner.
3. Upon receipt of a proposal for grant of remission, along with the report of the Superintendent of the prison, the Department of Prisons & Correctional Services shall scrutinize the proposal for eligibility of the applicant and if found ineligible under the policy, shall inform the Director/Inspector General of Prisons & Correctional Services, Meghalaya, forthwith with reasons to be recorded, in writing.
4. If the Department finds that the convict is eligible for grant of remission under this policy, it shall request the Presiding Officer of the Convicting Court or the Confirming Court with all the relevant records for the opinion of that Court.

5. The Presiding Officer of the Convicting Court or the Confirming Court shall render his/her opinion on the proposed remission, with reasons to be recorded in writing, for the opinion given.
6. Upon receipt of the opinion of the Convicting Court or the Confirming Court, the Department should place such opinion and all other relevant records before the Sentence Review Committee, which shall consider all the materials available on record, including the opinion of the Convicting Court or the Confirming Court and that of the Superintendent of the prison.
7. The Sentence Review Committee shall take a decision in accordance with the guidelines laid down by the Hon'ble Supreme Court of India in the case *Laxman Naskar versus Union of India*, as follows:-
 - a) Whether the offence is an individual act of crime without affecting the society at large.
 - b) Whether there is any chance of future recurrence of committing the crime.
 - c) Whether the convict has lost his potentiality in committing the crime.
 - d) Whether there is any fruitful purpose of confining this convict anymore.
 - e) Socio-economic condition of the convict's family.

Besides, the Sentence Review Committee shall also abide by any other directions issued by the Hon'ble Supreme Court of India from time to time, on the issue of grant of remission to convicts.
8. If the Sentence Review Committee decides to reject the application for grant of remission of a convict, it shall record all the reasons in writing for such rejection and the order of the Sentence Review Committee shall be served on the convict within 15 days of passing of such order with intimation that he/she has the right to challenge the order of rejection before the competent Court of law. A copy of the rejection order shall also be served to the concerned District Legal Services Authority (DLSA), within 15 days of passing of such order, for providing legal assistance to the convict, if required.
9. If the Sentence Review Committee decides to accept the application for grant of remission of a convict, its recommendation along with conditions to be imposed, if any, for grant of remission of the convict, shall be taken up by the State Government within a period of 15 (fifteen) days.
10. When conditions are recommended to be imposed by the Sentence Review Committee for grant of remission of a convict, the following have to be taken into consideration:-
 - a) Consideration of factors such as the nature of the crime committed by a convict, the motive for committing the crime for which a convict was punished, criminal background of a convict, public safety, impact on society, impact on victims of the offence, etc. are necessary before finalizing the terms and conditions;
 - b) The conditions must aim at ensuring that the criminal tendencies, if any, of the convict remain in check and the convict rehabilitates himself in society;
 - c) The conditions should not be so oppressive or stringent that the convict is not able to take advantage of the order granting remission; and
 - d) The conditions cannot be vague and should be capable of being performed.
11. The State Government shall take a decision on the recommendation of the Sentence Review Committee within a period of 30 (thirty) days from the date on which the recommendation was communicated, by considering all the relevant material.
12. If the State Government decides to grant the relief of remission of a convict, the order to do so must contain brief reasons. The order containing reasons should be immediately communicated to the convict through the office of the concerned prison. The copies thereof should also be forwarded to the Secretary of the concerned District Legal Services Authority for information.

13. If the State Government decides to reject the grant of remission of a convict, it shall record all the reasons in writing for such rejection and the order of the State Government shall be served on the convict within 15 days of passing of such order with intimation that she/he has the right to challenge the order of rejection before the competent Court of law. A copy of the rejection order shall also be served to the Secretary of the concerned District Legal Services Authority, within 15 days of passing of such order, for providing legal assistance to the convict, if required.
14. Cases of convicts with terminal or major illnesses shall be processed on priority basis by all concerned authorities.
15. Cases of convicts with disabilities shall be processed on priority basis by all concerned authorities and with due consultation with the Commissioner for Persons with Disabilities, Meghalaya.
16. The State Government may take action under sub-section (3) of Section 473 of the Bharatiya Nagarik Suraksha Sanhita, 2023 or sub-section (3) of Section 432 of the Code of Criminal Procedure, 1973, as applicable, and cancel the order granting remission of a convict. However, such cancellation can be only on the grounds of the breach of the terms and conditions on which the remission was granted. It shall also be necessary to give the convict an opportunity to be heard prior to withdrawal/cancellation of the order granting remission. Further, an order of cancellation of remission must contain brief reasons for cancellation. The convict will have the right to challenge the order of cancellation before the competent Court of law.
17. Upon issue of an order cancelling the grant of remission of a convict, the Department of Prisons & Correctional Services shall inform the Home (Police) Department for re-arrest of the convict who shall be sent to prison for serving the remaining sentence. In such a case, the period during which the convict was on remission shall not be counted for the purpose of calculating the sentence undergone by the convict.
18. The concerned Superintendent of the prison may at his discretion, for a convict whose grant of remission was rejected by the Sentence Review Committee or the State Government, move another proposal for remission, based on continued good conduct of the convict, after the expiry of one year from the passing of the rejection order.

REPEAL AND SAVINGS:

The Remission Policy, 2025 issued vide Notification No. PDS. 23/2021/Part/564 dated 31. 01. 2025 is hereby repealed.

R. RAPTHAP,

Commissioner & Secretary to the Government of Meghalaya,
Department of Prisons and Correctional Services.