The M.P. Prisoner's Leave Rules, 1989

MADHYA PRADESH India

The M.P. Prisoner's Leave Rules, 1989

Rule THE-M-P-PRISONER-S-LEAVE-RULES-1989 of 1989

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The M.P. Prisoner's Leave Rules, 1989Published vide Notification No. F. 12-2-82-3-Jail, dated 13-2-1990, M.P. Rajpatra Part 4 (Ga), dated 30-3-1990 at pages 146-154In exercise of the powers conferred by Section 31 of the Prisoners Act, 1900 (No. III of 1900), in its application to the State of Madhya Pradesh, the State Government hereby makes the following rules, namely:-

1. Short title and commencement.

- These rules may be called the Madhya Pradesh Prisoner's Leave Rules, 1989.

2.

- These rules shall come into force with effect from the date of their publication in the "Madhya Pradesh Gazette".

3. Application.

- They shall apply to the prisoners sentenced by the Courts in Madhya Pradesh and undergoing sentence in the Jails of Madhya Pradesh.

4. Conditions of Leave.

- The prisoners shall be granted leave under sub-section (1) of Section 31-A of the Act on the following conditions, namely:-(a)He fulfils the conditions laid down in Section 31-A of the Act;(b)He has not committed any offences in jail between the date of application for leave and receipt of the order of such leave;(c)The releasing authority must be satisfied that the leave may be granted without detriment to the public interest;(d)He gives in writing to the Releasing Authority the place or places which he intends to visit during the period of his leave and undertake not to visit any other place during such period without obtaining prior permission of the Releasing Authority in

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that behalf; and(e)He should furnish security to the satisfaction of the Releasing Authority if such security is demanded by the Releasing Authority.

4A. [Eligibility for Leave. [Inserted by Notification F. No. 3-5-2009-III-Jail-335, dated 5-2-2009.]

- Notwithstanding anything contained in Sections 31-A and 31-B of the Prisoners Act, 1900, eligibility criteria for leave for prisoners, undergoing sentences in the prisons of the State shall be as follows:-(1)Prisoner who has undergone at least 6 months of actual sentence out of total sentences (excluding undertrial period and remission) shall be eligible for general leave, but for emergency leave, eligibility for leave shall be calculated from the date of admission into prison.(2)Prisoner has shown good conduct in Jail during the period of his undertrial confinement and has not been punished for any other Jail offence or punishable offence.(3)Prisoner has shown good conduct during the period of the year in which prisoner submits his application for leave.

4B. Category of prisoners, who are not eligible for leave.

(1)Prisoners who have been accorded with any punishment for a jail offence other than punishment of warning while undergoing their sentences, and such punishment has not been imposed upon them 3 years prior to them the date of his application for leave.(2)Such prisoner who has been punished with deferment of privilege of leave for not more than one year under Section 724 of Jail Rules, shall not be eligible for leave till the completion of the period of such order.(3)In case of a prisoner who has been sentenced to any punishment owing to his escape during his previous leave such prisoner shall not be eligible for general leave, for the rest of his term of sentence.(4)Such prisoner who has been prosecuted in any other case or cases when are undertrial in the Court, in spite of his release on security in that case.

4C. Duration of general leave.

- Eligibility criteria for leave for prisoners as per Rules 4-A and 4-B shall be as follows; -During the year (agriculture year from month June to May) prisoner shall be eligible for maximum leave of 60 days, which shall be sanctioned in four parts of not more than 15 days in the following duration:-(1)For sowing the Kharib Crop - from the month of June to month of August - 15 days.(2)For harvesting the Kharib Crop - from the month of September to month of November - 15 days.(3)For sowing the Rabi Crop - From the month of December to month of February - 15 days.(4)For harvesting the Rabi Crop - from the month of Mach to month of May - 15 days.Note:- (1) It shall be compulsory to keep an interval of at least 01 month between two general leaves.(2)The duration of leave shall include the expected time to travel and days of departure from and arrival to the prison.(3)The duration of leave shall be included while calculating the duration of the prisoner's total sentence.

4D. Duration of emergency leave.

- Apart from general leave, convicted prisoner shall he eligible for emergency leave from the date of his admission into prison as follows:-(1)Emergency Leave for Marriage. - Prisoner shall be eligible for leave for a period of 15 days for the marriage of himself, his/her daughter/son, sister and brother(2)Emergency leave in case of death. - Prisoner shall be eligible for leave for a period of 15 days in the event of death of his/her son/daughter, his/her mother/father as well as mother or father of his/her wife/husband.Note:-(1) The duration of emergency leave shall not be included while calculating the duration of the prisoner's total sentence.(2)No prisoner shall lie sanctioned more than one emergency leave for marriage in a year.]

5. Application for Grant of Leave.

(a)Request from prisoners for leave, under Section 31-A of the Act, shall be made in writing in Form 'F' to the Superintendent of the Jail (hereinafter called Superintendent) at the parade on Monday.(b)The Superintendent shall personally examine the records of the prisoner making the request for leave and satisfy himself that the prisoner fulfils the conditions for grant of leave.(c)If the prisoner fulfils the conditions of the leave, the Superintendent shall report the first request of the prisoner to the District Magistrate of the concerning district where the prisoner resided before conviction.

6. Sanctioning Authority for first leave.

(a) II the District Magistrate, after making such enquiry as he may consider necessary, is satisfied that the request for grant of leave can be granted without detriment to public interest, he shall issue to the Superintendent a duly signed and sealed warrant in Form 'A' to the prisoner. The District Magistrate shall enter in the warrant the number of days that will be required for the journeys by the shortest practicable route to and from the place at which during his leave the prisoner proposes to reside or if he proposes to visit more than one place, the fartherest place from the Jail which he proposed to visit. Note. - The District Magistrate is responsible for the proper carrying out of these instructions. He may of course, consult the District Superintendent of Police on the advisability of granting the leave. The Superintendent of Police should also obtain the opinion of the Gram Panchayat of the village, where the prisoner resided before conviction and send to the District Magistrate alongwith his report. But the responsibility for the action is that of the District Magistrate. He should use his discretion and should refuse to grant leave only in cases in which he is satisfied that release is fraught with danger to the public safety. Security should be demanded only when it is really necessary, for example, when there is reasonable apprehension that the prisoner will break leave. When security is required, the District Magistrate of the place where the surety resides should be asked by the releasing District Magistrate to accept the surely and not call the surety to his own headquarters. If the prisoner intends to visit another district, where his near relatives reside, the concerning District Magistrate shall make necessary enquiries from the District Magistrate of that District before sanctioning the leave.(b)If the District Magistrate considers that the grant of leave to the prisoner is undesirable in the public interest, he shall intimate his opinion to the Superintendent, who shall inform the prisoner that his request has been rejected.

7.

The examination of request of a prisoner for leave shall be treated as urgent at all stages and orders on the request shall be communicated to the prisoner expeditiously as far as possible.

8. Sanctioning Authority for subsequent leaves.

(a)Once the prisoner has availed of the leave, the Inspector General of Prisons (hereinafter called 'Inspector General') shall be competent to grant leave as per rule subsequently on fulfilment of the conditions laid down in Rule 4.(b) Request by the prisoner for subsequent leave shall be made in the same manner as in the first leave.(c)[(i) If after the examination of prisoner's records shown that prisoner is eligible for temporary leave, his personal bond/surety, bond/ solvency and affidavit shall be sent to concerned Tahsildar for verification and above record shall be sent back to Superintendent after verification. [[Substituted by Notification F. No. 3-5-2009-III-Jail-335, dated 5-2-2009. Prior to substitution it was as under:-'(c) If the examination of the records of the prisoner shows that the prisoner is eligible for subsequent leave, the Superintendent of the Jail shall obtain the enquiry report of the Probation Officer/Welfare Officer concerned, and thereafter shall sent the case to the Inspector General.']](ii)Information regarding whether prisoner's freedom was abused by him during his previous leave, shall be gathered by Jail Superintendent from Station House Officer of the concerned Police Station in case of subsequent leave for the prisoner.(iii)Primary report shall be collected by Jail Superintendent from Probation and Welfare Officer of his jail on the prisoner's first leave of the agriculture year thereafter case shall be submitted to Inspector General of Prisons.(iv)Director General of Prisons may on receiving the report from Superintendent of Jail, may sanction all the four leaves in that agriculture year according to their eligibility.](d)On receipt of the case from the Superintendent of Jail, the Inspector General shall pass such orders as he may consider necessary.(e)The prisoner whose leave is sanctioned by the Inspector General shall be granted a release order in Form 'B'.

9. [Conditions for release on leave. [[Substituted by Notification F. No. 3-5-2009-III-Jail-335, dated 5-2-2009. Prior to substitution it was as under:-

'9. The time required for journey, the days of departure from and arrival at the prison shall not be counted towards the period of leave.']]- After satisfaction regarding prisoner's eligibility for leave, Competent Authority shall release such prisoner on leave on the following conditions:-(1)During the period of his leave, he shall not go to any place other than those places which have been mentioned in his leave application.(2)During his leave he shall neither commit any crime nor involve in any such act that may have its bearing on public interest.(3)After spending his leave he shall present himself at the Jail from where he was released, but in the event of accident, disease, natural calamity, such prisoner can surrender himself at any other nearest Police Station with proper ground.Note:- Provided that no prisoner shall claim leave as a right for leave granted under these rules.]

10. Procedure for release on leave.

(a)On receipt of the Warrant/ Order for grant of leave from the District Magistrate or the Inspector General, the Superintendent shall fix in consultation with the prisoner, the dale of his release which shall not be later than 10 days from the date of receipt of the Warrant/Order. In the case of a female prisoner the date of release shall be so fixed as to allow time for her transfer to the jail from which she is to be released. If a prisoner who has been granted leave is ill, the Superintendent may postpone the date of his/her release for such time as he considers to be necessary till the prisoner's recovery from his/her illness: [Provided that in case of guarantors inability to present himself taking the prisoner of his/her custody within 10 days, Jail Superintendent shall be able to extend the duration for further period of upto 10 days to release the prisoner on the security of guarantor.] [Inserted by Notification I. No. 3-5-2009-III-Jail-335, dated 5-2-2009.](b)[Omitted.] [[Omitted by Notification I. No. 3-5-2009-III-Jail-335, dated 5-2-2009. Prior to omission it was as under: '(b) Payment of travelling expenses, amount of gratuity/wages earned.- At the time of his leave, the prisoner shall be paid the gratuity/wages earned by him in jail up to the date of his release and shall also be given Railway warrant to and from his place of residence during his leave and diet money at the rate of Rs. 3.00 (Rupees three) only per day for the days of his absence from jail.']](c)Issue of clothing and Bedding at the time of Leave.- A prisoner, who has no private clothing and bedding and is unable to purchase them, shall be supplied on loan with a blanket and unmarked prison clothing which shall consist of a kurta, a cap and a pair of pajamas for a male prisoner and saree and kurta for a female prisoner.(d)Release certificate. The prisoner shall also be given release certificate in Hindi containing the date of his release, the date on which he has to return to the jail, the full address or addresses of the place or places which he has been allowed to visit during his leave, a description of three prominent marks of identification of the prisoner and his left hand thumb impression. A duplicate copy of the release certificate shall be kept in the jail records. (e) Before the prisoner leaves the jail, he shall be informed in the presence of the Superintendent, on the date on which he has to return to jail and that if he fails to do so he should be informed of the consequences therefor.(f)Whenever a prisoner is released on leave, an intimation of his release shall forthwith be given to the Superintendent of Police and Station House Officer concerned. The Superintendent of Police shall report about the conduct of the prisoner during the period the prisoner was on leave immediately after the expiry of the leave. If no report is received within a period of two months from the date of return of prisoner from leave, it shall be presumed that there is nothing against the prisoner.

11. [Arrest of a prisoner in event of breach of conditions. [[Substituted by Notification F. No. 3-5-2009-III-Jail-335, dated 5-2-2009. Prior to substitution it was as under:-

'11. Arrest of prisoners in the event of breach of conditions.- A prisoner who does not return to the jail before the evening lock-up of the date fixed for his return shall be deemed to have escaped and intimation of such escape, with a descriptive roll of the prisoner, information regarding his usual address and the addresses which he intended to visit during the leave and such other available information as will facilitate his capture, shall be given by the Superintendent immediately to the

District Magistrate and the District Superintendent of Police of the District in which the jail is situated and the District Mug rale and the District Superintendent of Police shall be requested to arrest the prisoner. If the prisoner belongs to a district other than one in which the jail is situated, a similar intimation shall also be given to the District Magistrate and the District Superintendeni of Police of that District.']](1)If any prisoner does not present himself on the evening of fixed dale of his return, he shall he treated as prisoner at large and an FIR shall be registered against him at the Police Station in whose jurisdiction concerning jail (where prisoner was expected to surrender) is situated, and concerned Station House Officer shall put up challan against escaped prisoner. Station House Officer shall initiate necessary actions as per provisions contained in Sections 82 and 83 of Criminal Procedure Code and information regarding such actions shall be sent to Jail Superintendent by him.(2)If negligence regarding registering the FIR in case of such offence has been shown by police in spite of having received information from Superintendent of Jail under Rule 11 of the Madhya Pradesh Prisoner's Leave Rules, 1989, Police Superintendent shall inform Inspector General of Prisons after registration of such crime of the concerned Police Officer under Section 221 of Criminal Procedure Code.(3)In the event of escape of prisoner during the period of leave, case shall be registered against the guarantor at concerned Police Station for abetment.(4)In the event of escape of prisoner during leave Jail Superintendent shall submit application before the Court of Tahsildar for initiating actions regarding forfeiture of his security as well as attachment of gurantor's assets. On this application. Tahsil Court shall take necessary actions for attachment of assets.]

12. Penalty for overstay.

- If the prisoner returns to the jail of his own accord after the date fixed for his return he shall be admitted to the jail and the prisoner's return and the reason for the delay shall be reported immediately to the District Magistrate of the district in which the jail is situated, for his orders where the prisoner should be prosecuted. If it is not considered to prosecute, the Superintendent should hold an enquiry and may for good and sufficient reasons, award one of the following punishments:-(a)Formal Warning.(b)Forfeiture for a period not exceeding 3 months privileges of interview, receiving and sending letters.(c)Degradation from higher to lower grade.(d)Forfeiture of 5 days remission for each day's overstayal on leave which shall not exceed total period of his sentence inclusive of unexpired period of sentence.

13.

- A female prisoner to be granted leave shall be transferred to the jail nearest to place which she intends to visit during her leave. She shall be released from that jail and shall return to that jail. If she so desires, the Superintendent of the Jail from which she is transferred shall intimate to her relatives, the date of her release and the jail from which she is to be released.

14.

- the Superintendent can recall a prisoner as soon as he receives a report that the prisoner misbehaves. For this purpose, the Superintendent shall address the police who shall take immediate

action in the matter and produce the prisoner.

15. Authority competent to sanction emergency leave.

- [(a) The District Magistrate shall be the Competent Authority for the sanctioning of the emergency leave. But in cases of prisoners who have availed themselves of general leave sanctioned by Inspector General of Prisons previously. Inspector General of Prisons, shall be Competent Authority to sanction emergency leave.] [[Substituted by Notification F. No. 3-5-2009-III-Jail-335, dated 5-2-2009. Prior to substitution it was as under; '(a) The District Magistrate shall be competent to grant emergency leave Hut if a prisoner has availed of leave previously the Superintendent shall be competent to grant emergency leave. The Warrant/Order for Emergency Leave shall be in Form 'C'.']](b)Period of emergency leave. - The period of emergency leave shall not exceed 15 days in case of death and 10 days in case of marriage, excluding the time required for journey on release, the prisoners shall be granted release certificate in the manner laid down in clause (d) of Rule 10 of these rules.(c) Eligibility for emergency release. - Prisoners who are eligible for release on leave should ordinarily be considered as eligible for emergency leave.(d)Petition/application for emergency leave. - Application for emergency leave shall be addressed to the Superintendent of Jail where the prisoner is confined either by the prisoner or by his relative. Each application shall be accompanied by certificate of correctness of the ground stated in the application for emergency leave from local Tahsildar and a statement of names of two sureties with the certificates from a Tahsildar regarding solvency of the sureties. The amount of surety shall be fixed by the authority competent to sanction emergency leave.(e)Execution of bonds. - A surety bond and a personal recognizance in Form 'D' and 'E' shall be executed before emergency leave. In cases where exemptions are granted from furnishing sureties, the prisoner shall be released on his own recognizance bond. The surety bond shall be executed before a Tahsildar who may send the same to the Superintendent duly attested and affixing his office seal. The personal recognizance bond shall be executed before the Superintendent.(f)Travelling expenses. - The to and from travelling expenses of a prisoner in an emergency leave, who is unable to meet his expenses and who has no money to his credit in the prison on any account shall be met by the Government for the purpose of this rule. Any money earned by way of gratuity or wages in the jail shall be taken as money to his credit.(g)Pending cases. - No prisoner who has another case pending on trial shall be granted emergency leave.(h)Time for release on emergency leave. - Release on emergency leave shall be effected any day after sunrise and before lock-up. The rule preventing the release of prisoners on Sundays and other holidays does not apply to the release on emergency leave.(i)Power to recall. -The Superintendent can recall a prisoner as soon as he receives a report that the prisoner misbehaves. For this purpose, the Superintendent shall address the police who shall take immediate action in the matter and produce the prisoner.(j)If a prisoner released on emergency leave docs not return to the prison on the due date or surrenders late or violates any of the conditions he shall be dealt with as per provisions contained in foregoing Rules 11 and 12.

16.

In case of prisoner sentenced by the Courts in Madhya Pradesh and undergoing sentences in the jails of other States or Union Territories of India, the leave and emergency leave may be granted by

the District Magistrate of the District of residence, Inspector General of Prisons and the Superintendent of Jail of that State as the case may be in accordance with the provisions contained in the foregoing rules.

17.

Any rules corresponding to these rules in force immediately to prisoners to whom these rules apply are hereby repealed provided that any orders made or action taken under the rules so repealed, shall be deemed to have been made or taken under the corresponding provisions of these rules.

18. Removal of doubt.

- If any doubt arises as to the interpretation of any of the provision of these rules, the matter shall be referred to the Government whose decision thereon shall be final.

19. Power to relax rules.

- The Government may relax any of the provisions of these rules hereinbefore mentioned or issue
such special order as may deem fit.Form 'A'[See sub-rule (a) of Rule 6]Warrant for Release on Leave
Granted to the Prisoner by the District Magistrate Under Section 31-A of the Prisoners Act,
1900To,The Superintendent of theJailWhereas(Name and
description of the prisoner) at present confined in the Jail under Warrant,
dated theday of19signed byhas applied for his/her leave;And
where, I, the District Magistrate, being the releasing authority, am duly satisfied that the application
can be granted without detriment to public interest.Now, therefore, Ithe District
Magistratehereby, authorise and require you to release on leave the said prisoner from
custody for a period ofdays subject to the conditions specified below :-(i)[] [Here specify
the places, if any, the prisoner is allowed to visit.] the prisoner shall during the period of his/her
leave reside at (village or town) TahsilDistrict. He/She may also during the said period
visit and shall not without obtaining the prior permission of the District Magistratevisit any
other place during the said period.(ii)The prisoner shall on the expiry of the said period report to the
Superintendent of the Jail.(iii)[] [This should be scored out, if no security is to be demanded.] The
prisoner shall furnish security as described below before his/her release (details of security).
2 number of days required for the journeys by the shortest
practicable route to and from the place at which the prisoner proposes to
reside or which he/she proposes to visit during his/her release on leave, (to
be entered by the District Magistrate) Given under my hand and the seal of
the Court, thisday at19
the bourt, thisday attimine 15
(Seal)SignatureDistrict Magistrate andReleasing
Authority.NoDatedReturned to the District Magistrate
intimation that the said prisoner was released from the with the Jail on the and that
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he/she returned to the Jail on the.Superintendent of the Jail.Form 'B'[See sub-rule (e) of Rule
8]Order for Release on Leave Granted to the Prisoner by the Inspector General of Prisons Under
Section 31-A of the Prisoners Act, 1900To, The Superintendent ofJail
(Name and description of the prisoner) at present confined in
theday of the19signed
byhas applied for his/her leaveAnd whereas, I, Inspector General of Prisons, Madhya
Pradesh, Bhopal being the releasing authority, am duly satisfied that the application can be granted
without detriment to public interest.Now, therefore, I the Inspector General of
Prisons, Madhya Pradesh, Bhopal hereby authorise and require you release on leave the said
prisoner from custody for a period of days subject to the conditions specified below
:-(i)[The prisoner shall during the period of his/her leave reside at (village or town)
TahsilDistrictHe/she may also during the said period visitand
shall not without obtaining the prior permission of the undersigned visit any other place during the
said period.] [Here specify the places, if any, the prisoner is allowed to visit.](ii)The prisoner shall
on the expiry of the said period report to the Superintendent of the Jail(iii)[The
$prisoner\ shall\ furnish\ security\ as\ described\ below\ his/her\ release\ (details\ of\ security)]\ [This\ should$
be scored out, if no security is to be demanded.].

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......day required for the journey by the shortest practicable route to and from the place at which the prisoner proposes to reside or which he/she proposes to visit during his/her release on leave. (To be entered by the Inspector General of Prisons, Madhya Pradesh, Bhopal). Given under my hand and the seal of this office this......day of......19......SignatureInspector General of Prisons, Madhya Pradesh, Bhopal and Releasing Prisons, Madhya Pradesh, Bhopal.....with the intimation that the said prisoner was released from......the jail on the......SignatureSuperintendent of Jail.Form 'C'[See sub-rule (a) of Rule 15]Warrant/order for Emergency Leave Under Section 31-B of the Prisoners the.....day of.......19....signed by......has applied for his/her emergency leave on the ground of.......And, whereas, I, the District Magistrate/Superintendent, Central/District Jail...... being the Releasing Authority, am duly satisfied that the application can be granted without detriment to public interest. Now, therefore, I the District Magistrate/Superintendent, Central/District Jail being the Releasing Authority authorise you to release on emergency leave the said prisoner from the custody for a period of......days subject to the conditions specified below:-(i)[The prisoner shall during the period of his/her emergency leave reside at (village or allowed to visit.](ii)He shall on the expiry of the said period report to the Superintendent of the Jail.(iii)[The prisoner shall furnish security as described below before his/her release (details of security).] [This should be scored out, if no security is to be demanded.]

2.

The M.P. Prisoner's Leave Rules, 1989

1. Village	Post	Police	
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4			
Signed before Welfare	e OfficerSi	ignature of Prisoner(For Jail Office)	
	Name		
		nSentenced	
toDa	ate of sentence	Name of Sentencing	
Court	Leave/emergency leave a	availed ofPreviously, if	
anv Yea	rMonth	days. Sentence undergor	1e
	rned up to total sentence		
	emaining sentence.	, undergone	
011	maining Sentence.		
Prisoner's conduct in	iailSuperintendent	JailOffice of the	
		Dated19Applicatio	n
-		riginal to :-(1)The District Magistrate,	
		isons, Madhya Pradesh, Bhopal for necessar	y
	-	gency leave. His case for leave/emergency le	-
	erintendentCentral/District/Sub		