

The Orissa Release of Prisoners on Parole Rules, 1983

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Rule

THE-ORISSA-RELEASE-OF-PRISONERS-ON-PAROLE-RULES-1983 of 1983

- Published on 21 March 1983
- Commenced on 21 March 1983
- [This is the version of this document from 21 March 1983.]
- [Note: The original publication document is not available and this content could not be verified.]

The Orissa Release of Prisoners on Parole Rules, 1983Published vide Notification No. 16596-Jls., dated 21st March, 1983, Orissa Gazette Part 3-A, No. 16/22.4.1983Notification No. 16596-Jls., dated 21st March, 1983. - In exercise of the powers conferred by Sub-section (5) of Section 432 of the Code of Criminal Procedure, 1973 (Act 2 of 1974) and in supersession of the rules issued by Government vide Home Department Notification No. 12833-Jls., dated the 16th August, 1956, the State Government do hereby make the following general rules, namely :

1.

(1)These rules may be called the Orissa Release of Prisoners on Parole Rules, 1983.(2)They shall come into force on the date of their publication in the Official Gazette.

2.

Where a petition for suspension of the sentence of imprisonment is made by or on behalf of a person sentenced to imprisonment for an offence against any law relating to matter to which the executive power of the State Government extends and the person sentenced to such imprisonment is in jail, the execution of the sentence may be suspended and such person may be released on parole, subject to the conditions specified in Rule 2 for such period not exceeding 30 days in a year, if the State Government are satisfied that the immediate release of such person on parole is necessary by reason of any serious illness or death or any member of the prisoner's family or, his close relatives or for attending a marriage in his family or for construction, reconstruction or repair of the dwelling house of the prisoner's family, if there is none in the prisoner's family to attend to it or for any other sufficient cause. The order of release shall be in Form I of Schedule 'A' appended to these rules

:Provided that where the District Magistrate is satisfied that it is urgently necessary to release a prisoner on parole for reasons of serious illness or death of any member of the prisoner's family or his close relatives or for enabling him to attend a marriage ceremony in his family or for construction, reconstruction or repair of the dwelling house of the prisoner's family, if there is none in the prisoner's family to attend to it and the District Magistrate is further satisfied that any delay in release of the prisoner would cause serious hardship to him, the District Magistrate may, by order of release in Form III of Schedule 'A' appended to these rules, authorise release of a prisoner on parole in anticipation of the approval of the State Government for a period of thirty days, subject to the conditions specified in Rule 2. The District Magistrate shall forthwith submit his proposal with all the relevant records such as the bond executed by the prisoner in Form II of Schedule 'A', the prisoner's application for release on parole in Form I of Schedule 'B' and recommendations of Superintendent of Jails concerned in Form II of Schedule 'B' and his order in Form III of Schedule 'A' together with the report of the concerned S.P., for approval of the action taken by him. On receipt of the application for parole together with other documents specified herein Government may make an order approving or disapproving the order made by the District Magistrate releasing the prisoner on parole with or without any modification in the conditions imposed by the District Magistrate. Where the Government do not approve the proposal of the District Magistrate, the prisoner shall be directed by the District Magistrate to surrender himself to the Superintendent of Jails concerned failing which steps shall be taken by him for his apprehension.

3.

A prisoner before being released on parole under Rule 2 shall enter into a bond in Form II in Schedule 'A' to these rules undertaking to reside during the period of his parole at a place specified therein and not to depart therefrom without the permission of the District Magistrate of the district where he resides during parole or of such other officer as that District Magistrate may appoint in that behalf and to return to the Jail in which he was confined on expiry of the period of his parole and to confirm to such other conditions as may be specified in the order of release by the State Government, or as the case may be, by the District Magistrate when he authorises release on parole in exercise of powers under proviso to Rule 2.

4.

The following categories of prisoners will be eligible for release on parole, namely : (a) A prisoner, who is sentenced to more than one year but less than five years and has actually undergone one year's imprisonment. (b) A prisoner, who is sentenced to more than five years and has actually undergone two years of imprisonment.

5.

The following categories of prisoners shall not ordinarily be eligible for release on parole, namely : (a) those convicted of offences under Chapter VI (Offence against the State) of the Indian Penal Code; (b) dangerous habitual criminals; (c) such convicts whose presence is considered to be dangerous or prejudicial to public peace and tranquillity.

6.

The following categories of persons are eligible for becoming sureties of a prisoner for purpose of their release on parole : (a) parents or relatives of the prisoner, whom the District Magistrate concerned considers to be proper persons for the purpose; (b) an official of a prison in exceptional cases : Provided that he has received the prior sanction of Inspector-General of Prisons to be such surety.

7.

(i) Application for release on parole shall be in Form I of Schedule 'B' and recommendation of the Superintendent of Jail and District Magistrate of the district, where the prisoner is lodged shall be in Forms II and III respectively of the said Schedule. (ii) On receipt of the application from or on behalf of prisoner, the Superintendent of the Prison concerned shall forward the same furnishing necessary information in the prescribed form to the District Magistrate where the prisoner is lodged and will state the amount of money the prisoner has in his credit which he has earned during imprisonment. (iii) The cost of the journeys of prisoners who are released on parole shall be borne by themselves. If in the opinion of the District Magistrate the prisoner is not able to bear the expenses of his journey to the place of his residence during parole as specified in the order of release in Form I or Form III of the Schedule 'A', as the case may be, or his return journey therefrom, or the journeys both ways, the expenses shall be borne by the State Government. (iv) The District Magistrate shall forward the petition to the State Government with his recommendations.

8.

The period of parole shall not be deducted from the sentence.

9.

As soon as the prisoner released on parole surrenders to a prison authority, his order of release and the bond executed by him will become inoperative. But where a prisoner, who is released on parole has applied for the extension of the period of parole and before his application has been sanctioned surrenders himself to the prison authority, his earlier order of release and the bond shall not be. Inoperative after such surrender until a fresh release order is obtained from the State Government.

10.

Release and surrender reports shall be immediately submitted by the Superintendent to the State Government and copies thereof sent to the District Magistrate concerned, the District Superintendent of Police and the Inspector-General of Prisons.

'A'

Form I Dated Bhubaneswar, the.....No.....Jails. In exercise of the powers conferred by Section 432 of the Criminal Procedure Code, 1973 (Act 2 of 1974), the Government of Orissa is hereby pleased to suspend for a period of..... days with effect from the date of release, the execution of the sentence of imprisonment accorded to the prisoner No..... subject to the following conditions, namely: (1) That the said prisoner shall reside at..... P.S..... District during the period of suspension and will not go beyond the limits of the said district without the permission of the District Magistrate..... or such officer as the said District Magistrate may appoint in this behalf. (2) That the said prisoner shall be of good behaviour and shall also not commit any offence punishable by any law in force in India. (3) That the said prisoner shall not associate with notoriously bad characters or lead a dissolute life. (4) That the said prisoner shall surrender himself to the Superintendent of the..... on the expiry of the period of suspension. (5) That the said prisoner shall report himself once a day to the Officer-in-charge of the nearest Police Station if the station is within 2 miles from his residence and to the village Choukidar if the station is more than 2 miles from his residence. In the latter case he shall also report once a week to the Officer-in-charge of the nearest Police Station. (6) That the said prisoner will enter into a bond for cash security of Rs..... (with two sureties for an equal amount) to be of good behaviour during the period of his release and to surrender himself to the Superintendent of the..... on due date.

'A'

Form II Form of personal bond and sureties to be filled in by the prisoner and his sureties under the Orissa Release of Prisoners on Parole Rules, 1983 Know all men by these presents that we..... AB son of resident of..... P.S..... District..... (the Principal) and CD..... son of..... resident of..... P.S..... District..... and..... EF..... son of..... resident of..... P.S..... District..... (The Sureties) hereby bind ourselves jointly to the Governor of Orissa for the payment to him of the sum of Rs..... (Rupees.....)

(Sureties) Signed by (Principal)

(1)

(2)

on the..... day..... of..... 20..... Whereas the above bounded AB..... a prisoner has been ordered to be released for a period of..... under the Orissa Release of Prisoners on Parole Rules, 1983 framed under Sub-section (5) of Section 432 of the Code of Criminal Procedure, 1973 (Act 2 of 1974) on his furnishing a bond for his personal appearance when ordered to do so to be of good behaviour towards the Union of India, citizens and other residents of the Union of India for the aforesaid period and also to reside at the place specified in the order of release No..... date..... of the State Government in Home Department/District Magistrate during the aforesaid period and not to depart therefrom without the permission of the District Magistrate of the district where he resides during that period; And, whereas the said AB and the said CD and the said EF as his sureties have entered into the above bond in the penal sum of Rupees..... conditioned for the said AB's personal appearance when ordered to do so, his being of good behaviour and residing at the place as referred to above and for observing all other conditions mentioned in the aforesaid

order of release for a period of..... as aforesaid;Now, the condition of the above written bond is such that if the said AB appears when ordered to do so remains of good behaviour and resides at the place referred to above and observes all other conditions mentioned in the aforesaid order of release during the period as aforesaid, then the above written bond or obligation shall be void and of no effect, otherwise the same shall be and remain in full force.In witness to the above written bond and the conditions thereof we AB, CD and EF have signed hereunder this day of..... 20.....

Signed AB Witnesses-

Signed CD 1.

Signed EF 2.

'A'

Form IIIDated, Bhubaneswar, the.....No...../J/s.In exercise of the powers under the proviso to Rule 2 of the Orissa Release of Prisoners on Parole Rules, 1983 the undersigned is hereby pleased to authorise, subject to approval of the State Government release on parole for a period of..... days with effect from the date of release of the prisoner No..... subject to the following conditions, namely :(1)That the said prisoner shall reside at..... P.S..... District..... during the period of suspension and will not go beyond the limit of the said district without the permission of the District Magistrate the undersigned or such office as the said District Magistrate undersigned may appoint in this behalf.(2)That the said prisoner shall be of good behaviour and shall also not commit any offence punishable by any law in force in India.(3)That the said prisoner shall not associate with notoriously bad characters or lead a dissolute life.(4)That the said prisoner shall surrender himself to the Superintendent of the..... on the expiry of the period of suspension.(5)That the said prisoner shall report himself once a day to the Officer-in-charge of the nearest police station if the station is within 2 miles from his residence and to the Village Chowkidar if the station is more than 2 miles from his residence. In the latter case he shall also report once a week to the officer-in-charge of the nearest police station.That the said prisoner has entered into a bond for cash security of Rs..... (with two sureties for an equal amount) to be of good behaviour during the period of his release and to surrender himself to the Superintendent of the.....on due date.(6)That the said prisoner shall surrender himself to the Superintendent of..... Jail before the expiry of the aforesaid period if so directed by the District Magistrate in the event of the disapproval of the order of release by the State Government.

'B'

Form I(To be supplied to a prisoner, his relatives or guardian free of charges)Application by prisoner to the Superintendent of Jail for release on parole(To be filled in by prisoner, his relatives of guardians)

1. Name of the relative or guardian.....

2. Relative's or guardian's occupation.....

3. Name of the father or the relative.....

4. Relative's or guardian's age.....

5. Relative's age.....

6. Relative's or guardian's residence-Village, Police Station and District.....

7. How is the relative or guardian related to the prisoner.....

8. Name or names of the persons who are prepared to stand surety or sureties.....

Declaration by prisoner I do hereby declare that I desire to be released on parole for a period of.....days on account of..... which is to my knowledge and belief genuine and for which I have got no other member in the family and relation who can be entrusted with the work. I also hereby do declare that I bind myself to return to the prison on the expiry of the period of my release on parole which will be sanctioned to me by the State Government. I further declare that should I fail to comply, with any of the conditions on which I may be released I shall be liable to be arrested by any Police Officer without warrant and remanded to undergo the expired portion of my sentence without prejudice to the rights of the State Government under the bond. Signature of the Prisoner Registered Number..... Jail Declaration by the relative or guardian of the prisoner We, do hereby agree to undertake the supervision of..... prisoner named above and shall comply faithfully with the conditions that may be imposed on the prisoner..... for his release on parole by the State Government. Signature of the relative or guardian

'B'

Form II (To be filled in by the Superintendent of Jail)

1. Name and Registered No. of the prisoner.....

2. Name of the Prisoner's father.....

3. Prisoner's residence (village, Police station and district).....

4. Prisoner's age.....

5. Sentencing authority with case No.....

6. Crime with section.....

7. Sentence.....

8. Date of sentence.....

9. (a) If casual, whether classified as 'Star' of general.....

(b) If habitual, give details of previous convictions.....

10. Periods spent in jail up to the date of application since the date of conviction to the jail after last release on parole.....

11. Date of eligibility for release.....

12. Physical and mental conditions of the prisoner.....

13. Conduct in jail (if punished for any jail offence, how many occasions and for what offences and what punishment were awarded to him).....

14. Do you recommend the release of the prisoner on parole ? If so, for what period and do you consider him to be a suitable person for such release.....

(To be Written by the Superintendent in his own hand) Superintendent of Jail

'B'

Form III (To be filled in by the District Magistrate)

1. Date of receipt, of the application in the District Magistrate's Office.....

2. Brief history of the case (Motive of the crime, if determined by the Court should be mentioned).....

3. Is the proposed relative or guardian fit to undertake the supervision of the prisoner.....

4. Amount of personal bond and sureties to be furnished.....

5. Having regard to the prisoner's antecedents and his conduct in the prison, is he likely to abstain from crime and lead peaceful life released on parole

District Magistrate