

The Punjab Good Conduct Prisoners' (Temporary Release), Rules 1963

PUNJAB

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Rule

THE-PUNJAB-GOOD-CONDUCT-PRISONERS-TEMPORARY-RELEASE of 1963

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The Punjab Good Conduct Prisoners' (Temporary Release), Rules 1963 Published vide Notification Punjab Government, Home Department, Notification No. G.S.R. 49/P.A. 11/62/S. 10/63, dated the 14.2.1963.

1. Short title

(1) These rules may be called the Punjab Good Conduct Prisoners' (Temporary Release) Rules, 1963. (2) These rules shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Definitions.

- In these rules, unless the context otherwise requires, -(a)'Act' means the Punjab Good Conduct Prisoners' (Temporary Release) Act, 1962 (Act 11 of 1962); (b)'Form' means a form appended to these rules; (c)'Inspector-General' means the Inspector-General of Prisons, Punjab; (d)'Releasing Authority' means the State Government or such other authority to whom the powers of the State Government are delegated under sub-section (4) of section 3 or sub-section (1) of section 4 of the Act; (e)'Section' means a section of the Act.

3. Procedure for temporary release. [Sections 3,4,10(1), 10(2) (b), 10(2) (d) and 10(2)(e)].

(1) A prisoner desirous of seeking temporary release under section 3 or section 4 of the Act shall make an application in Form A-1 or Form A-2, as the case may be, to the Superintendent of Jail. Such an application may also be made by an adult member of the prisoner's family. (2) The Superintendent of Jail shall forward the application along with his report to the District Magistrate, who after consulting the Superintendent of Police of his District, shall forward the case with his recommendations to the Inspector General. The Inspector General will then record his views on the case whether the prisoner is to be released or not and submit the same to the Releasing Authority for orders. The District Magistrate, before making any recommendation, shall verify the facts and grounds on which release has been requested and shall also give his opinion whether the temporary release on parole or furlough is opposed on grounds of prisoner's presence being dangerous to the security of State or prejudicial to the maintenance of public order. (3) If after making such enquiry as it may deem fit, the Releasing Authority is satisfied that the prisoner is entitled to be released under the Act, the Releasing Authority may issue to the Superintendent of Jail through the Inspector-General a duly signed and sealed warrant in Form B ordering the temporary release of the prisoner, specifying therein (i) period of release, (ii) the place or places which the prisoner is allowed to visit during the period of such temporary release, and the amount for which the security bond and the surety bond shall be furnished by the prisoner in Forms C and D respectively: Provided that the amount of the security bond and the surety bond shall not exceed twenty thousand rupees in each case. (4) On receipt of the release warrant the Superintendent of Jail shall inform the prisoner concerned and such member of the prisoner's family as the prisoner may specify in that behalf for making arrangements for execution of the security and surety bonds in Forms C and D respectively for securing the release of the prisoner. A copy of the release warrant shall also be sent by the Superintendent of Jail to the District Magistrate. (5) On receipt of the information from the District Magistrate that the necessary bonds have been furnished, the Superintendent of Jail shall release the prisoner for such period as is specified in the release warrant. (6) The Superintendent of Jail shall also immediately forward to the Officer-in-charge of the Police Station within whose jurisdiction the place or places to be visited by the prisoner is or are situated, a copy of the warrant and the release certificate in Form E. The Officer in charge of the Police Station shall keep a watch on the conduct and activities of the prisoner and shall submit a report relating thereto to the Superintendent of Jail who shall forward the same to the Inspector-General. (7) The date of release as well as the date on which the prisoner surrenders himself under sub-section (1) of section 8 of the Act shall be reported by the Superintendent of Jail to the Inspector-General who will inform the Government accordingly.

4. Committing of any offence during temporary release. [Section 10].

(1) If the prisoner commits any offence during the period of his temporary release, the Officer-in-charge of the Police Station shall forthwith, and in any case not later than twenty-four hours of his coming to know of the commission of the offence, send report thereof to the Superintendent of Jail, and to the Superintendent of Police of the district. (2) On receipt of a report under sub-rule (1), the Superintendent of Jail shall forthwith send the same to the Inspector-General for being forwarded to the Releasing Authority, who may thereafter cancel the

release warrant.

5. Warrant to be cancelled where prisoner commits an offence. [Section 10(1)].

- If any major jail offence is committed by the prisoner between the date of application for release and the receipt of the warrant for such release the prisoner shall not be released by the Superintendent without the previous approval of the Inspector-General. In case the approval is not given the Superintendent of Jail shall return the release warrant to the Releasing Authority through the Inspector-General for cancellation indicating the details of the offence committed by the prisoner. The Releasing Authority may, on receipt of such report, cancel the release warrant.

6. Expenses of journey. [Section 10(2)(f)]

. Third Class Railway passes for journey both ways to the Railway Station nearest to the place of destination will be issued by the Superintendent of Jail if on the report of the District Magistrate, the State Government is satisfied that the prisoner's family cannot bear the expenses of his journey from and to the prison after his temporary release.

7. Prisoner to be informed of the date of surrender and consequences of failure thereof. [Sections 8 and 10(2)(d)]

. - (1) Before a prisoner is allowed to leave the jail on temporary release under the Act, he shall be informed by the Superintendent of Jail personally, about the date on which he has to surrender himself to the jail and of the consequences of his failure to do so, as provided in sections 8 and 9 of the Act.(2)The Superintendent of Jail shall, on the failure of a prisoner released temporarily under the Act, to surrender on due date, intimate the fact to the Superintendent of Police of the district concerned and the officer in charge of the Police Station within whose jurisdiction the place of residence of the prisoner during his temporary release is situated, who would take necessary action against the prisoner in accordance with the provisions of the Act.

8. Release of female prisoners. [Section 10(2)(d)].

- A female prisoner ordered to be temporarily released under the Act shall be transferred to the Jail which is nearest to the place which she intends to visit during her temporary release. 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 such member of her family as she may specify in that behalf the date of her release and the jail from which she is to be released.

9. Release certificate. [Section 10(1)].

- A prisoner who is temporarily released under these rules shall be given a release certificate in Form E, a copy whereof shall be retained in the jail record.

10. Forfeiture of bonds and credit of amounts forfeited. [Sections 10(1) and 10(2)(c)].

- The forfeiture of the amounts of security/surety bonds shall be regulated under the provisions of Code of Criminal Procedure, 1898, and the amount so forfeited shall be credited under receipt head "XVII-A - Administration of Justice - General Fees, Fine and Forfeiture - Other General Fees, Fines and Forfeiture".

11. Expenditure on railway fares. [Section 10(1)]

. - The expenditure on account of railway fares of deserving prisoners shall be met out of the contingencies of respective Jails under Major Head 22 - Jails. Form A-1 (See rule 3) (To be supplied to a prisoner or any adult member of family free of charge) Application by the prisoner to the Superintendent of Jail for release (under section 3 parole) of the Punjab Good Conduct Prisoners' (Temporary Release) Act, 1962.----- (To be filled in by the prisoner or a member of his family) Central Jail _____ District Jail _____

1. No. and name of prisoner.

2. Father's name.

3. Caste.

4. Residence, Viillage/Mohallah or Town.

Police Station District.

5. Reasons for release.

(Signature or thumb-impression of the applicant)