

The M.P. Prisoners' Release on Probation Rules, 1964

MADHYA PRADESH

India

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Rule

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1. Short title.

- These Rules may be called the Madhya Pradesh Prisoners' Release on Probation Rules, 1964.

2. Definitions.

- In these Rules, unless the context otherwise requires, -(1)"Act" means the Madhya Pradesh Prisoners' Release on Probation Act, 1954;(2)"Board" means the Board constituted under sub-rule (5) of Rule 6;(3)"Form" means a form appended to these rules;(4)"Guardian" means a Probation Officer appointed by the Government or such other Government Officer who may be appointed for the purpose, or a person professing the same religion as the prisoner, or a secular institution, or a society belonging to the same religion as the prisoner, under whose supervision or authority the prisoner released under Section 2 of the Act is placed by the Government;(5)"Superintendent" means the Superintendent of a prison in which the convict to be released under the Act is confined.

3. Classes of prisoners not to be released.

- The following classes of prisoners shall not be released under Act, -(a) Those convicted of offences under the Madhya Bharat Vagrants and Habitual Offenders and Criminals (Restrictions and Settlement) Act, 1952, or any law in force in any region of the State corresponding to the said Act, or the Explosive Substances Act, 1903, or under the following chapters or sections of the Indian Penal Code : "Chapters V-A, VI and VII and Sections 216-A, 224 and 225 (if it is a case of an escape from a

jail), 231, 232, 303, 311, 328, 364, 376, 382, 386 or 389, 392 to 402, 413, 549, 460 and 489-A".(b)Those convicted under Section 7 of the Act or who are serving the unexpired sentence under sub-section (3) of Section 8 of the Act or whose licence has been previously revoked on account of the breach of the conditions of the licence;(c)[* * *] [Omitted by Notification No. F. 12-1-87-III-Jail, dated 12-6-1989.](d)Those convicted by a Court-martial;(e)Those whose applications for temporary release under Section 31-A of the Prisoners Act, 1900 or rules thereunder have been rejected;(f)Those who have been prosecuted and convicted for the breach of the rules under Section 31-A of the Prisoners Act, 1900.Explanation. - [Omitted] [Omitted by Notification No. F. 12-1-87-III-Jail, dated 12-6-1989.].

4. Eligibility for release.

- Save the prisoners specified in Rule 3 any other prisoner who has served one-third of his sentence of imprisonment or a total period of five years [without remission] [Substituted by Notification No. F. 12-1-87-III-Jail, dated 12-6-1989.], whichever is less, may be released by the Government on licence [:] [Substituted by Notification F. No. 3-40-2007-III-Jail, dated 24-3-2008.][Provided that in case of such prisoners who have been sentenced for life imprisonment, under Sections 302 and 305 of the Indian Penal Code, 1860 (No. 45 of 1860) or under the provisions of other penal laws in which death sentence is also one of the punishments subject to the conditions that such prisoners are not barred for such consideration under the provisions of such laws, will be considered for premature release from the prison. The eligibility for release shall be after undergoing the sentence of 14 years of actual imprisonment without remission of his sentence :Provided further that all other prisoners, undergoing the sentence of life imprisonment, will be considered for premature release only after they have undergone at least 10 years of imprisonment with remission and after the completion of 7 years of actual imprisonment without remission in sentence :Provided also that nothing in the above provisions shall apply to the prisoners whose cases are being sent to the Hon'ble Governor for consideration under Article 161 of the Constitution of India, on special reasons of humanitarian grounds] [Inserted by Notification F. No. 3-40-2007-III-Jail, dated 24-3-2008.].

5. Computation of sentence.

- For the purposes of these Rules, the following principles shall be observed in computing the period of sentence of imprisonment, namely :-(a)When a prisoner has been sentenced to several terms of imprisonment for several offences and the sentences of imprisonment have been ordered to run concurrently, the longest single sentence which the prisoner is undergoing shall be deemed to be the term of his imprisonment;(b)When a prisoner has been sentenced to several terms of imprisonment for several offences and the sentence of imprisonment have been ordered to run consecutively, the total period which the prisoner has to undergo shall be deemed to be the terms of his imprisonment;(c)Remissions already earned by the prisoner shall be counted as imprisonment served by him; and(d)Sentence of transportation for life or of imprisonment for life shall be reckoned as twenty years.Explanation. - the expression "sentence of imprisonment" in these Rules shall include imprisonment in default of the payment of fine and imprisonment for failure to furnish security under Chapter VIII of the Code of Criminal Procedure, 1898.

6. Procedure.

(1) Any prisoner eligible for release under these Rules may make an application in Form A to the Superintendent. Such forms shall be printed at the cost of the Government and supplied free of charge to prisoners, to their relatives and persons offering themselves as their guardians. (2) On receipt of the application, the Superintendent shall examine the application to see if the prisoner and his proposed guardian have duly filled in the columns of the application, meant to be filled in by them. If the application is in order, the Superintendent shall entertain it and cause it to be entered in a register maintained in Form B. If the prisoner is ineligible under Rule 3 he shall reject the application and inform the prisoner of his order. If the prisoner is eligible for release under Rule 4 he shall fill in the columns in the application meant to be filled in by him and forward the same as soon as may be, to the District Magistrate of the district in which the prisoner was convicted. If the application is not in order, the Superintendent shall return it to the prisoner for necessary correction or supplying the omissions. (3) On receipt of an application under sub-rule (2) the District Magistrate shall immediately consult the Superintendent of Police and the Probation Officers, where one is appointed and, if necessary, the District Magistrate of the district in which the prisoner ordinarily resides and on receipt of their reports fill in the entries meant to be filled in by him and shall, without delay, forward the same to the Inspector General of Prisons, Madhya Pradesh. (4) The District Magistrate shall maintain a register in Form 'C' in which all applications received from the Superintendent under sub-rule (2) shall be duly entered. (5) The applications received from the district, by the Inspector General of Prisons shall be considered by a Board consisting of the Home Secretary to the Government of Madhya Pradesh in the Home Department or any other officer empowered in this behalf by the Government, the Inspector General of Prisons, Madhya Pradesh, or the Deputy Inspector General of Prisons, as the case may be, and a non-official member to be appointed by the Government. Meeting of the Board shall be held at least once every month to make necessary recommendations. The Secretary to the Government in the Home Department or any other officer empowered in this behalf by the Government, shall be the Chairman of the Board. A non-official member shall, unless the State Government terminates his appointment earlier, hold office for a term of three years. (6) The Government shall, on the receipt of recommendation of the Board, pass such orders as it may deem proper. (7) [A prisoner, whose application for release on licence is rejected by the Government, may again make an application, in Form 'A', to the Superintendent, after a period of two years, such application will be considered in accordance with the procedure prescribed under these rules.] [Inserted by Notification No. F. 12-1-87-III-Jail, dated 12-6-1989.]

7. Licence.

- A prisoner, whose release on licence is sanctioned by the Government, shall be granted a licence in Form 'D'. Three copies of such licence shall be prepared for each prisoner. One shall be retained by the Government, another shall be sent to the Superintendent for delivery to the guardian of the prisoner and the third shall be forwarded to the District Magistrate for information.

8. Information to the prisoner and guardian.

- As soon as the Superintendent received the orders of the Government he shall communicate the same to the prisoner concerned and in the case of an order of release shall, through the District Magistrate inform the guardian also of the order and call upon him to present himself to take charge of the prisoner. On the guardian presenting himself, the Superintendent shall deliver to him the copy of the licence received from the Government, and place the prisoner in his charge and take his signature in a Register in Form 'B' in token of his having taken charge of the prisoner.

9. Guardian's duty.

(1) It shall be the duty of the guardian to see that the conditions of the licence are fulfilled. He shall look after the conduct and welfare of the licensee and generally act in loco parentis. If the licensee's conduct is found to be bad it shall be the duty of the guardian to report the fact to the District Magistrate. (2) In dealing with the licensee the guardian, when he is a Probation Officer appointed by the Government, shall be governed by the rules, if any, framed by the Government for the guidance of Probation Officers. (3) If on enquiry by the District Magistrate it is found that the guardian has failed in his duties and does not generally act in loco parentis, the District Magistrate may propose to the Government a new guardian whose name may be substituted in the licence after making necessary enquiries about his fitness to act as such. Before the old guardian is replaced by a new one, the District Magistrate shall cause a notice to be served on the guardian to show cause as to why he should not be replaced. If the guardian presents himself then after hearing him and if he does not present himself, then without hearing him, the District Magistrate shall consider and decide whether or not to recommend to the Government for the replacement of the guardian and shall act accordingly.

10. Revocation.

(1) The District Magistrate, on receiving information from the guardian or any other source, of the breach by the licensee of the conditions of the licence, shall cause a notice to be served on the licensee to show cause why his licence should not be revoked. If the licensee presents himself in response to the notice, then, after hearing him and, if he does not present himself, then without hearing him, the District Magistrate shall consider and decide whether or not to recommend to the Government for the revocation of the prisoner's licence and shall act accordingly. (2) In case the District Magistrate decides to recommend the revocation of the licence, he may, at the same time, if he considers that the licensee is unfit to be allowed to remain at large under the licence, order his arrest and detention in the prison pending the receipt of the orders of the Government. (3) The Government shall on receipt of the District Magistrate's recommendation pass such orders as it may deem proper. (4) An order of revocation of licence shall be in Form 'E' and shall be served upon, the licensee if detained in prison by the Superintendent, and, if not detained in prison by the officer in charge of police station. (5) The order of revocation shall be noted on the licence and in the registers maintained by the District Magistrate and the Superintendent. (6) If a prisoner released on licence under the Act escapes from the supervision or authority of a guardian or fails to return to prison on revocation of his licence, the guardian shall immediately inform the District Magistrate and the

Superintendent and report to the nearest police station, and action shall be taken against the prisoner as in a cognizable case.

11. Warrant of commitment.

- On release of a prisoner under the Act the Superintendent shall retain the warrant under which the prisoner was committed to a prison by the Court which sentenced him until the period of his sentence with remissions, if any, earned by him during the period of his confinement in jail has expired. The period during which a prisoner is absent from prison under the provisions of the Act on a licence which is in force shall be reckoned as part of the period of imprisonment to which he was sentenced for the purpose of computing the period of his sentence. When the convict released on licence has finished the sentence, the Superintendent shall return the warrant or warrants to the Court which issued it or them.

12. Returning of licence to the Superintendent on its expiry.

- On the expiry of the period of licence otherwise than by revocation, the guardian shall forthwith inform the licensee that he is absolved from the observation of conditions of the licence, shall make a note to that effect on the licence and shall return it to the Superintendent.

13. Police registered convicts.

- When a prisoner released on licence under the Act happens to be a police registered convict the Superintendent of the Prison shall inform the Superintendent of Police of the district of which such convict is a resident of his release on licence together with the name and address of the guardian and shall, at the same time, inform him of the date on which the final release of the licensee is likely to take place. On the final release of the prisoner the police register slip shall be forwarded to the Superintendent of Police.

14. Guardian.

(1) In each case the District Magistrate shall determine whether or not the proposed guardian is fit to act as such having regard to his status, antecedents and the degree of control that may be exercised on the prisoner, and inform the Government of his opinion. (2) Parents or relatives of a prisoner may be appointed guardians if the District Magistrate is satisfied that they are fit to act as such guardians. (3) An officer of a prison shall in no case be eligible to act as guardian, unless the Inspector-General of Prisons, Madhya Pradesh, sanctions it.

15. Remission of sentence.

(1) An application for remission of sentence under Section 8 of the Act shall be made by the prisoner or by the person offering himself as his surety to the District Magistrate of the district in which he was convicted or where he was convicted in more than one district then to the District Magistrate of

any such district.(2)The District Magistrate shall, on a consideration of the antecedents of the prisoner, his conduct in jail and his environments and after consulting the Probation Officer where one is appointed and such other authorities as he may think proper, within one month of the receipt of the application forward it to the Government stating his opinion whether the prisoner is likely to abstain from crime and lead a peaceable life if released from prison.(3)The Government may, on receipt of such application release the prisoner on his entering into a bond with one or more sureties for such amount and for such period as the Government may direct, to be of good behaviour and to observe such conditions as the Government may impose.(4)If any prisoner released under sub-section (1) of Section 8 of the Act fails to observe the conditions of the bond, the District Magistrate or the Sub-Divisional Magistrate, if authorised by the District Magistrate, may take proceedings under Section 514 of the [Code of Criminal Procedure, 1898] [See now the Code of Criminal Procedure, 1973 (2 of 1974).] and report to the Government for the cancellation of the order remitting the sentence passed under sub-section (1) of Section 8 of the Act, and the Government may pass such orders in accordance with sub-section (3) of Section 8 as it may deem fit.

16. Repeal and saving.

- The Madhya Bharat Prisoners' Release on Probation Rules, 1954 are hereby repealed :Provided that anything done or any action taken under the rules so repealed shall, unless such thing or action is inconsistent with the provisions of these rules, be deemed to have been done or taken under the corresponding provisions of these rules. Form A[See sub-rule (1) of Rule 6][To be supplied to a prisoner, his relative (or his) guardian free of charge]. Application by the Prisoner to the Superintendent of A Prison for Release Under Section 2 of the Madhya Pradesh Prisoners' Release on Probation Act, 1954 (To be filled in by the prisoner and his guardian) Jail.....

1. Name and No. of Prisoner.....

2. Father's name.....

3. Caste.....

4. Residence-Village, mohalla or town.....Police Station.....District.....

5. Name of the proposed guardian with his father's name.....

6. Guardian's caste.....

7. Guardian's age.....

8. Guardian's occupation.....

**9. Guardian's residence-Village, mohalla or town Police
Station.....District.....**

10. Is the guardian literate ?.....

11. Is the guardian related to the prisoner? If so, how?.....

Declaration by the prisoner I hereby declare that I desire to be released on licence under the Madhya Pradesh Prisoners' Release on Probation Act, 1954, and shall faithfully comply with the conditions of the licence.....Signature of the Prisoner, Left

thumb-impression. Dated.....19.....Declaration by the Guardian* I on behalf of.....Institution/Society agree to undertake the supervision of.....prisoner mentioned above and shall comply with the provisions of the Madhya Pradesh Prisoners' Release on Probation Act, 1954, the rules framed thereunder and the conditions of the licence.....Signature of the Prisoner, Left thumb-impression. Dated.....19.....Note : - The rest of this line shall be scored out if the proposed guardian is not a society or an institution. (To be filled in by the Superintendent of Jail, casual habitual) No. of previous convictions, if any.....

1. Prisoner's Name and No.....

2. Prisoner's age.....years, offence

3. Sentencing Officer and Case No.....

**4. Period of sentence.....fine, if any.....line
realised.....**

5. Date of sentence.....

**6. Period actually spent in jail up to the date of
application.....years.....months.....days.....**

7. Remissions earned years months days.....

**8. Total of columns 6 and 7
years.....months.....days.....**

9. Prisoner's date of release after allowing probable remission under the rule.....

10. Physical and mental condition of the prisoner.....

11. Conduct in Jail.....

***12. Effect of imprisonment undergone.....**

13. Is the prisoner eligible in every way. If not, the Superintendent shall in his own hand record here the order rejecting this application with reasons.....

****14. It is advisable to release the prisoner on licence. Entries checked with warrants.....Superintendent of Jail.Jailors.Date....., Name of Jail.....(To be filled in by the District Magistrate)**

1. Date of receipt in the District Magistrate's office.....

2. Brief history of the case.....

3. Is the proposed guardian fit to act as such?.....

4. Having regard to the prisoner's antecedents and his conduct in prison, is he likely to abstain from crime and lead a peaceable life if released on licence?.....

District Magistrate, Name of District.*Note :- These entries should be in the hand of the Superintendent.**Note :- If not, please state reasons in brief.Recommendation of the Board

1. Recommended for release on licence.....

2. Recommended for release on licence after.....months in default of payment of fine or sooner if fine or portion of fine is paid.

3. Recommended for release on licence provided a suitable guardian is available.

4. Recommended for release on licence after.....months if prisoner's conduct is satisfactory.

5. Postponed till.., if prisoner's conduct is satisfactory.

6. Postponed till a suitable guardian is forthcoming.....

7. Rejected.....

8. Name of guardian to be recognized.....

Member Member Chairman

Dated..... 19..... Order of Government Board's recommendation
accepted Dated..... 19..... Secretary to Government Endorsement of revocation of
licence. Dated..... 19..... Secretary to Government. Form B [See sub-rule (2) of Rule
6] Jail Register of Applications for Release under the Madhya Pradesh Prisoners' Release on
Probation Act, 1954

Serial Number	Date of application	Name of Prisoner	Prisoner's number	Whether application rejected by the Superintendent	Whether returned by the Superintendent to the prisoner
(1)	(2)	(3)	(4)	(5)	(6)

Date of the expiry of licence if granted	Date of despatch of the application to the District Magistrate	Order of the Government	Name of the guardian	Date giving the licence and delivery of the prisoner to the guardian
(7)	(8)	(9)	(10)	(11)

Date of readmission of the prisoner of the jail	Date, if any, of the revocation of the licence	Signature of the guardian in token of the receipt of the licence and delivery to him of the prisoner	Date of final release	Remarks
(12)	(13)	(14)	(15)	(16)

Form C [See sub-rule (4) of Rule 6] Register of Applications for Release under the Madhya Pradesh
Prisoners' Release on Probation Act, to Be Maintained in the Office of the District Magistrate

Serial Number	Date of receipt of application from the Superintendent	Name of Prisoner	Name of convicting Court
(1)	(2)	(3)	(4)

Whether recommended to	Date of despatch of application to	Order of the
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Government for release	the Inspector-General of Prisons	Government
(5)	(6)	(7)

Name of guardian	Date, if any, of revocation of licence	Whether action taken under Section 7 of the Act	Remarks
(8)	(9)	(10)	(11)

Form D(See Rule 7) Licence of Conditional Release Under Section 2 of the Madhya Pradesh Prisoners' Release on Probation Act, 1954 In exercise of the powers conferred by Section 2 of the Madhya Pradesh Prisoners' Release on Probation Act, 1954, the Government is pleased, subject to the observance of the conditions hereinafter set forth to grant and direct the release of.....son of/daughter of/wife of....., caste, aged., r/o....., police station....., district....., convict number....., at present confined in the..... jail and place him under the supervision and authority of....., son of. :....., caste....., resident of....., police station....., district....., Probation Officer or Society/Institution hereby appointed as the guardian of the said prisoner. The licence shall expire on the..... day of..... 19 unless previously revoked. Conditions to be observed by the Licensee

- 1. the licensee shall remain under the supervision and authority of the above-mentioned guardian during the period of the licence. He shall obey all the instructions of the guardian issued to him either verbally or in writing regarding his residence, employment or conduct.**
- 2. He shall not proceed beyond the limits of the places within which he may be restricted by his guardian without his permission and shall proceed to any place directed by the guardian and by the route prescribed by the guardian.**
- 3. He shall report himself at such times and places and to such persons as the guardian may from time to time direct.**
- 4. He shall himself with due industry and to the satisfaction of the guardian, as the guardian may direct him to employ himself.**
- 5. He shall not commit in the Indian Union any criminal offence punishable by any law for the time being in force in Indian Union or any part thereof.**

6. He shall not in any way associate with persons known to be of bad character or lead dissolute or evil life.

7. If in the opinion of the Government he is found to have committed a breach of the above mentioned conditions, the Government may, after the person concerned has been given opportunity to represent his case before the District Magistrate of the district in which he is residing at the time, revoke a licence and direct his recommitment to prison to serve the rest of the sentence, subject to the provision of Section 4 of the Madhya Pradesh Prisoners' Release on Probation Act, 1954.

8. On revocation of this licence, the licensee shall return to the prison named in the order of revocation on or before the date specified therein.

Guardian's Duty It shall be the duty of the guardian to see that the conditions of the licence are fulfilled. He shall look after the conduct and welfare of the licensee and generally act in loco parentis; if the licensee's conduct be bad, it shall be the duty of the guardian to report the fact to the District Magistrate. If a prisoner released on licence under the Act escapes from the supervision or authority of a guardian or fails to return to prison on revocation of his licence the guardian shall immediately inform the District Magistrate and the Superintendent and report to the nearest police station, and action shall be taken against the prisoner as in a cognizable case. On the expiry of the period of licence otherwise than by revocation, the guardian shall forthwith inform the licensee that he is absolved from the observations of all conditions of the licence, shall make a note to that effect on the licence and shall return it to the Superintendent. Dated.....19..... Secretary to Government, Madhya Pradesh, Home Department. Form E [See sub-rule (4) of Rule 10] Order of Revocation of Licence Under Section 6 of the Madhya Pradesh Prisoners' Release on Probation Act, 1954 In exercise of the powers conferred by Section 6 of the Madhya Pradesh Prisoners' Release on Probation Act, 1954, the Government hereby revokes with effect from the licence under the said Act granted on.....to.....son of/daughter of/wife of.....resident of.....Convict No.....of.....prison, under the guardianship of.....son of.....resident of.....district and direct that he be re-admitted into the prison, to serve the rest of his sentence subject to the provisions of Section 4 of the said Act. (The said convict is directed to report himself to the Superintendent of the.....prison at.....on or before the.....) Dated.....19..... Secretary to Government, Madhya Pradesh, Home Department.