

Himachal Pradesh Good Conduct Prisoners (Temporary Release) Rules, 1969

HIMACHAL PRADESH

India

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Rule

HIMACHAL-PRADESH-GOOD-CONDUCT-PRISONERS-TEMPORARY-R of 1969

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Himachal Pradesh Good Conduct Prisoners (Temporary Release) Rules, 1969Published vide Notification No 1-9/69-Home(Jails), dated 01.12.1969Last Updated 3rd January, 2019No 1-9/69-Home(Jails). - In exercise of the powers conferred by section 10 of the Himachal Pradesh Good Conduct Prisoners (Temporary Release) Act, 1968 (Act No.12 of 1969) the Administrator of Himachal Pradesh is pleased to make the following rules :-

1. Short title.

(1)These rules may be called the Himachal Pradesh Good Conduct Prisoners (Temporary Release) Rules, 1969.(2)These rules shall come into force at once.

2. Definitions.

- In these rules, unless the context otherwise requires,-(a)"Act" means the Himachal Pradesh Good Conduct Prisoners (Temporary Release) Act, 1968 (Act No. 12 of 1969);(b)"Form" means a Form appended to these rules;(c)"Inspector General" means the Inspector General of Prisons, Himachal Pradesh;(d)"Releasing Authority" means the Government or such other authority to whom the powers of the 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.

(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', 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 prisoners' family. (2) [The Superintendent of Jail shall forward the application of a prisoner within 24 hours of its receipt along with his report to the District Magistrate of the district to which the convict belongs. The District Magistrate before making any recommendations shall, with the consultation of the Superintendent of Police, verify the facts and grounds on which temporary release has been requested and shall also give their opinion whether the temporary release on parole/furlough is opposed on ground of prisoner's presence being dangerous to the security of State or prejudicial to the maintenance of Public Order. The District Magistrate shall complete the process of consultation with the Superintendent of Police and forward his recommendations within one week to the Inspector General of Prisons (Releasing Authority) together with report of Superintendent Jail, who shall decide the parole/ furlough case ordinarily within a period of three days from the date of receipt of the recommendations of the District Magistrate. In the event of the serious illness of close relation i.e. father, mother, brother, sister, spouse or child of the prisoner, the application should be processed more expeditiously. However in the event of death of the close relation i.e. father, mother, brother, sister, spouse or child of the prisoner, the Superintendent of the Jail shall also be the competent authority to release a prisoner on parole for a period not exceeding fifteen days. The Superintendent of Jail should release a prisoner on parole immediately on receipt of a death certificate, provided he satisfies himself independently within reasonable time about the genuineness of the certificate. For satisfying himself he will approach the concerned Police Station by wireless and verify about the truth of the death and the exact relation of the prisoner with the deceased in order to ascertain the nearness of the relationship. The Superintendent of Jail shall also take into consideration the prisoner's past criminal history and behaviour in the prison since admission as recorded in his case file and the likelihood of his not abusing the concession of parole, if granted. The Superintendent of Jail shall without fail submit the case file of the prisoner to whom parole is thus granted, to the Inspector General of Prisons enabling him to ensure that the Superintendent has used proper discretion in effecting the release. (3) The District Magistrate, while recommending the parole/ furlough cases of Prisoners will specify whether the prisoner shall be required to furnish the security bond or personal bond or both. He shall also indicate the amount of such bond(s) with due regard to the circumstances of cases. Such amount shall not in any event be excessive and shall not be mechanically fixed. While recommending release of the prisoner on his furnishing a personal bond, his family ties and relationships, his reputation, character and monetary conditions and his roots in the community shall be taken into consideration. If after making such enquiry as it may be deemed 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 a duly signed and sealed warrant in Form 'B' ordering the temporary release of the prisoner, specifying therein, (1) the period of release of the prisoner, (2) the place or places which the prisoner is allowed to visit during the period of such temporary release and the amount, as may be specified by the District Magistrate for which the security bond or personal bond shall be furnished by the prisoner in Form 'C' or 'D' respectively. In case of second and subsequent release on parole/furlough the Releasing Authority shall be competent to order release of the prisoner on the recommendation of

Superintendent of Jail concerned provided that the convict/ prisoner maintained good behaviour during the previous release(s) and nothing adverse was reported against him.] [Sub-rules (2) and (3) substituted vide Not. No. Home-B(A) 3-38/75 -Jails, dated 5.10.1985, published in R.H.P. 15.9.1990, p. 1051-1052.](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.

(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 a report thereof to the Superintendent of Jail and to the Superintendent of Police of the District.(2)On receipt of 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 any offence.

- 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 of 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.

- Third class railway passes for journey both ways to the railway station nearest to the place of destination or the bus fare to the place of residing both ways will be issued by the Superintendent of Jail on the report of the District Magistrate if the 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.

(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).....

8. Release of Female Prisoners.

- 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.

(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 * * * Jail record.

10. Forfeiture of Bonds and credit of amounts forfeited.

- The forfeiture of the amounts of security/surety bonds shall be regulated under the provisions of Code of Criminal Procedure, 18984, and the amount so forfeited shall be credited under Receipt Head XVIII-Misc. Jails Receipt Fines and Forfeitures.

11. Expenditure of Railway or Bus fares.

- The expenditure on account of railway or bus fares, as the case may be, of deserving prisoners shall be met out of the contingencies of respective Jails under Major Head 22-Jails.