

THE PUNJAB GOOD CONDUCT PRISONERS' (TEMPORARY RELEASE) RULES, 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 require,--
 - (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 of 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 Returning Authority for order. 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) the 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

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 security 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 a 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 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.**--Sections 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 on the date of surrender and consequences of failure thereof.**--Sections 8 and 10(2)(c) : (1) Before a prisoner is allowed to leave the jail or

temporarily released 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 Office-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 Jail from which she is transferred shall intimate to such members 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.-- section 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 prisoner 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 Panjab Good Conduct Prisoners' (Temporary Release) Act, 1962.

(To be filed 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. Address
4. Name of the Jail from which released
5. Date of release

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District.

5. Reasons for release.

(Signature or thumb-impression of the applicant).

DECLARATION BY THE PRISONER

I hereby declare that I request to be released temporarily under section Punjab Good Conduct Prisoner' (Temporary Release) Act, 1962 and on being so released shall faithfully comply with the conditions of my release.

Date _____ Signature or thumb-impression of the prisoner.

(To be filled in by the Superintendent of Jail) Casual/Habitual--

No. of previous convictions, if any--

1. No. and name of Prisoners
2. Age. Years Offence
3. Sentencing Court.
4. Period of sentence.
Fine, if any.
Fine realized or not.
5. Date of sentence.
6. Period actually spent in jail up to the
Date of application Years Months Days
7. Remission earned, Years Months Days
8. Unexpired period. Years Months Days
9. Probable date of release.
10. Physical and mental condition of the prisoner.
11. Conduct in jail.
Date of last jail offence.
(Details of offence committed in jail are enclosed).
12. Date when parole was last granted.
Date when parole was last rejected.
13. Is the prisoner eligible for release in every respect?
14. Superintendent, Jail's recommendations.
15. Any additional remarks.

Entries checked with warrant.

Dated _____ Superintendent.

Central

Jail

District

FORM A-2

(See rule 3)

(To be supplied to a prisoner, or any adult member of his family free of charge)

Application by the prisoner to the Superintendent of Jail for release under section 4 (furlough) 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. Fathers' name.
3. Caste
4. Residence, Village/Mohallah or Town.
Police Station.
District.
5. Reasons for release.

(Signature or thumb-impression of the prisoner)

DECLARATION BY THE PRISONER

I hereby declare that I desire to be released temporarily under section 4 of the Punjab Good Conduct Prisoners' (Temporary Release) Act, 1962 and on being so released shall faithfully comply with the conditions of my release.

Date. Signature or thumb-impression of
the prisoner.

(To be filled in by the Superintendent of Jail) Casual/Habitual--

No. of previous convictions, if any--

1. No. and name of Prisoners
2. Age. Years Offence
3. Sentencing Court.
4. Period of sentence.
Fine, if any.
Fine realized or not.
5. Date of sentence.
6. Period actually spent in jail up to the
Date of application Years Months Days
7. Remission earned. Years Months Days
8. Unexpired period. Years Months Days
9. Probable date of release
10. Physical and mental condition of the prisoner.

Number of consecutive

A.G.C.Rs. earned

11. Conduct in jail.

Date of last jail offence.

(Details of offence committed in jail are enclosed).

12. Date when furlough was last granted.

Date on which furlough was last rejected.

13. Is the prisoner eligible for release in every respect?

14. Superintendent, Jail's recommendations.

15. Any additional remarks.

Entries checked with warrant

Dated. 19 _____ Superintendent.

Central Jail

District

Recommendations of the Inspector-General of
Prisons, Punjab.

FORM 'B'

(See rule 3)

**Warrant for temporary release of prisoners under sections 3 or 4 of the Punjab
Good Conduct Prisoners' (Temporary Release) Act, 1962**

Whereas _____

(Name and description of the prisoner)

at present confined in _____ Jail _____ under warrant dated
the _____ day of _____ 19 _____ signed _____ has applied for his/her tem-
porary release;

And whereas the Releasing Authority is satisfied that the applicant is entitled to be
released under the Act;

Now, therefore, the Releasing Authority hereby authorises the temporary release of
the said prisoner, from custody, for a period of _____ weeks/days subject to the
conditions specified below :-

(1) The prisoner shall during the period of his/her temporary release reside at
Village/Town _____ Tahsil _____ District _____. He/she
may also during the said period visit _____ and shall not without obtain-
ing the prior permission of the District Magistrate visit any place not specified in the
release warrant during the said period

(2) At the time of his release on parole/furlough the prisoner shall give to the District Magistrate _____ full particulars of the place where he intends to reside during the period of temporary release and shall keep the District Magistrate informed of any subsequent changes of his residence during the said period.

(3) The prisoner shall during the period his temporary release keep peace and maintain good behaviour.

(4) At the expiry of the period of _____ weeks/days for which the prisoner has been temporarily released the said prisoner _____ son of _____ shall surrender himself to the Superintendent of Jail from which he is so released, to undergo the unexpired portion of his sentence.]

(5) The prisoner shall, before his release on parole/furlough, furnish to the satisfaction of the District Magistrate _____ or an Executive Magistrate of the first class _____ specified by him in this behalf, a bond and a surety bond for a sum of _____ for faithful observance of the conditions specified in the release warrant.]

(6) When the surety furnished becomes insolvent or dies, the Government may order the prisoner to furnish fresh security immediately and if such security is not furnished, the Government may proceed as if there had been a non-compliance of the conditions of this order.

(7) In addition to the action under sub-sections (2) and (3) of section 8 of the Act, the amount of the bond shall stand forfeited to Punjab Government in case any condition of the bond, is, in the opinion of the Government, not fulfilled.

Given under my hand this _____ day of _____
Signature of Releasing Authority

Seal

I, _____, son of _____, hereby acknowledge the receipt of the above warrant and I understand the conditions specified in the above warrant of release and I accept them.

Signature or thumb-impression
of the prisoner

FORM C

(See rule 3)

Personal Bond

In the Court of the District Magistrate _____

This Bond is made on the _____ by me _____ (name of the prisoner).

Whereas the Governor of Punjab (hereinafter referred to as "the Government") is pleased to order my release on parole/furlough for a period of _____ weeks/days commencing from _____ and ending on _____ under section _____ of the Punjab Good Conduct Prisoners' (Temporary Release) Act, 1962, on the condition of my furnishing a personal bond as a surety bond, each for a sum of Rs. _____, to observe the conditions specified below :

Now, therefore, I do hereby bind myself to faithfully observe all the conditions mentioned here below and in case of my making default in observing any of them, I bind myself to forfeit to the Government the sum of Rs. _____

(1) I shall during the period of my temporary release reside at village/town _____, Tahsil _____, District _____ and shall not without obtaining the permission of the District Magistrate _____ visit any place not specified in the release warrant.

(2) I shall during the period of my temporary release keep peace and maintain good behaviour.

(3) At the expiry of the period of _____ weeks/days, for which I have been temporarily released I shall surrender myself to the Superintendent _____ Jail to undergo the unexpired portion of my sentence

(4) At the time of my release on parole/furlough I shall give to the District Magistrate _____ full particulars of the place which I intend to reside during the period of my temporary release and shall keep him duly informed of any subsequent change of my residence during the said period.

(5) In case any of my sureties becomes insolvent or dies, I shall furnish fresh surety immediately.

Signature or thumb-impression of the prisoner

Accepted for and on behalf of
Governor of Punjab

FORM D
(See rule 3)
Surety Bond

In the Court of the District Magistrate _____

This Bond is made on the _____ by _____ (1st surety) and _____ (2nd surety) hereinafter collectively referred to as the "sureties").

Whereas the Governor of Punjab (hereinafter referred to as the Government) is pleased to order the release of _____ (hereinafter referred to as the prisoner) on parole/furlough for a period of _____ weeks/days commencing from _____ and ending on _____ under section _____ of the Punjab Good Conduct Prisoners' (Temporary Release) Act, 1962, on the condition of the prisoner, furnishing a bond as well as a surety bond each for the sum of Rs. _____ to observe the conditions on which the prisoner has been temporarily released :

And whereas the prisoner has on _____ executed a personal bond for the sum of Rs. _____ to observe the conditions specified therein.

Now, therefore, the sureties jointly and severally do hereby bind themselves to forfeit to government the sum of Rs. _____ in case the prisoner make a default in observing any of the conditions specified in his personal bond.

Signature of the first surety.

Accepted for and on behalf of the
Governor of Punjab.

Signature of the second surety.

FORM E
(See rule 3)

Certificate of conditional release under section 3 or 4 of the Punjab
Good Conduct Prisoners, (Temporary Release) Act, 1962

In exercise of the powers conferred by section _____ of the Punjab Good Conduct Prisoners' (Temporary Release) Act, 1962 the Releasing Authority has, subject to the conditions hereinafter set forth, directed, the release of prisoner _____, son of _____, Caste _____, Age _____, Resident of village _____, Police Station _____, District _____, Prisoner No. _____, at present confined in the Jail for _____ days in pursuance of warrant dated _____. He has been permitted to visit the below-noted places following the specified route :

proceed from _____ (to) _____ return _____

33. The Punjab Prison Conduct Prisoners' (Temporary Release) Rules, 1964, No. 100 of 1964.

From _____ to _____
for _____ via _____

Condition _____ by the released prisoner:

1. He shall proceed forthwith to _____
2. He shall report back to _____ Jail on _____
3. He shall not proceed to any place, other than those he has been authorised to visit.
4. He shall keep peace and maintain good behaviour during the period of his temporary release.
5. If in the opinion of the Releasing Authority he is found to have committed a breach of any of these conditions, it may cancel his release, warrant and direct his re-admission to jail.

_____ Superintendent

_____ Jail

Certified that the conditions specified in the above order of temporary release have been read-over and explained to the prisoner named in the said order and that he has acknowledged that he understands and accepts the same as the conditions under which he is to be released before the expiry of the term of his sentence. I believe that he understands and accepts them.

Signature

Superintendent

_____ Jail

Date of temporary release of the prisoner on parole/furlough

No. _____ Dated _____

Copy forwarded to

- (1) The Superintendent of Police _____
- (2) S.H.O., Police Station _____, District _____ for information and necessary action.

Superintendent,

_____ Jail