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विशेषांक

साधिकार प्रकाशित

RAJASTHAN GAZETTE
Extraordinary

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राज्य सरकार तथा अन्य राज्य प्राधिकारियों द्वारा जारी किये गये कानूनी आदेश तथा

अधिसूचनाएं

HOME (Gr-12) DEPARTMENT

Notification

Jaipur, June 29, 2021

S.O.562 .-In exercise of the powers conferred by clause (27-a) of section 59 of the Prisons Act, 1894 (Central Act No. 9 of 1894), the State Government hereby makes the following rules, namely:-

1. Short title, commencement and application.- (1) These rules may be called the Rajasthan Prisoners Release on Parole Rules, 2021.

(2) They shall come into force on the date of their publication in the Official Gazette.

(3) They shall not apply to persons who have been convicted by a Court Martial or a court of other State.

2. Definitions.- (1) In these rules unless, the context otherwise requires,-

- (a) "Act" means the Prisons Act, 1894 (Central Act. No. 9 of 1894);
- (b) "Appellate Authority" means Divisional Commissioner of the division concerned, for the appeal against the decision of the District Committee;
- (c) "Code" means the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974);
- (d) "District Committee" means District Parole Advisory Committee constituted under rule 4 of these rules;
- (e) "Form" means Form appended to these rules;
- (f) "Government" means the Government of Rajasthan;
- (g) "Parole" means conditional enlargement of a prisoner from the jail under these rules;
- (h) "Probation Officer/Chief Probation Officer" means any officer or a person so appointed by the Government for the purpose of looking after a prisoner who had been released on parole;
- (i) "State Committee" means State Parole Advisory Committee constituted under rule 3 of these rules;
- (j) "Superintendent of Jail means" means the Superintendent of a Jail in which a convict to be released on parole is confined and includes a Deputy Superintendent; and
- (k) "Superintendent of Police" means the Superintendent of Police of the district and includes the Deputy Commissioner of Police of the Metropolitan area.

(2) Words and expression used in these rules but not defined shall have the same meaning assigned to them in the Act.

3. Constitution and functions of the State Parole Advisory Committee.- (1) The State Parole Advisory Committee shall consist of the following, namely:-

- | | | |
|---|---|------------------|
| (1) Director General of Prisons, Rajasthan | - | Chairman |
| (2) Joint/Dy. Secretary,
Home (Jails) Department | - | Member |
| (3) Inspector General/ | - | Member Secretary |

Deputy Inspector General of Prisons,

- | | | |
|-----------------------------|---|--------|
| (4) Prison Psychologist | - | Member |
| (5) Chief Probation Officer | - | Member |
- (2) The State Committee shall make recommendation to the Government for the release of those prisoners on parole whose cases do not fall within the purview of the District Committee.
- (3) The State Committee shall decide the release of those prisoners on parole in respect of whom the functions of the District Committee have been assigned to the State Committee.
- (4) The State Committee may revoke the order of release of prisoner on parole in appropriate case.
- (5) The State Committee shall decide other like matters arising under these rules which State Committee is required to deal with.
- (6) The quorum for transaction the business of the State Committee shall be three including the Chairman. The committee shall meet at least once in two months.

4. Constitution and functions of the District Parole Advisory Committee.- (1) The District Parole Advisory Committee shall consist of the following, namely:-

- | | | |
|--|---|------------------|
| (1) District Magistrate | - | Chairman |
| (2) Superintendent of Police | - | Member |
| (3) Deputy Superintendent/
Superintendent, Jail | - | Member Secretary |
| (4) Probation Officer | - | Member |

- (2) The District Committee shall decide as to release of the prisoners on First, Second, Third and further periodic parole.
- (3) The District Committee may revoke the order of release of Prisoner on parole in appropriate case.
- (4) The District Committee shall decide other like matters arising under these rules which the District Committee is required to deal with.
- (5) The quorum for transacting the business of the committee shall be two including the Chairman. Where the Chairman is unable to attend the meeting of the Committee, the proceedings of the Committee shall be forwarded to the Chairman for his approval. The Chairman may approve the proceeding or decides to place it for consideration of the committee in the next meeting, the same shall be attended by the Chairman also. The meeting of committee shall be convened at least once in a month.

5. Application for release on parole.- A prisoner sentenced to imprisonment for not less than one year may, subject to good behavior, be allowed to submit an application for parole in quadruplicate in Form-I by the Superintendent of Jail in which he is confined.

6. Disposal of Parole application.- (1) The Superintendent of Jail concerned shall enter the application in a register in Form-II and put his remarks on the application regarding condition of release and the prisoner's conduct in the jail etc. and within fifteen days forward the copy of it to the District Magistrate of the District in whose jurisdiction the prisoner is serving the sentence along with his comments regarding condition of release and the prisoner's conduct in the jail etc. and the District Magistrate, Superintendent of Police and Probation Officer of the district in whose jurisdiction the prisoner wants to spend the parole period. The

District Magistrate of the District in whose jurisdiction the prisoner is serving the sentence shall enter the application in a register in Form-III.

(2) After receipt of report from the District Magistrate, Superintendent of Police and Probation Officer on above application the Superintendent Jail shall forward all the papers in original, along with his comments, to the State Committee or the District Committee, as the case may be, for their consideration and orders.

(3) If a prisoner is not eligible for parole under these rules and the Committee keeping in view the condition and circumstances of the prisoner, thinks it proper to release the prisoner on parole on humanitarian grounds, it may recommend the case to the Government. The Government may grant parole to such prisoner as a special case in relaxation of rules. Decision taken by the Government shall be final in such cases.

(4) A person sentenced to imprisonment of an offence under any law relating to matter to which the executive power of the Union extends shall not be entitled for any kind of parole, except suspension of sentence under sub-rule (3) of rule 11 of these rules.

7. Conditions of Release.- If the State Government on recommendation of the State Committee or District Magistrate on recommendation of the District Committee, decides to release the prisoner on parole, the prisoner shall be released on parole on such conditions and for such period as the State Government or District Committee may direct. The order of release shall be in form-IV.

8. Release on Bond and Security.- The Superintendent of Jail shall release the prisoner on parole when he has furnished personal bond and security to the District Magistrate and has thoroughly understood the conditions of his release while on parole or any other condition which the District Magistrate may like to impose on such prisoner.

9. Journey expenses on parole.- The prisoner shall bear the journey expenses from and to the Jail. In cases of destitute prisoners the Government may bear the cost of the prisoner's journey from and to the Jail. This concession shall only be granted when the prisoner's family is so poor that they cannot meet his travelling expenses. In such cases the District Magistrate may cause enquiries to be made as regards the prisoner's financial position and state whether the concession should be allowed or not.

10. Parole Period.- A prisoner, who has completed with remission, if any, one-fourth of his sentence and subject to good conduct in the Jail, may be released on first parole for twenty days including days of journey to home and back and for thirty days on second parole if his behaviour has been good during the first parole and for forty days on third parole if his behaviour has been good during the second parole. If during the third parole also the prisoner has behaved well and his character has been exceedingly well and if the prisoner's conduct has been such that he is not likely to relapse into crime, his case may be recommended to the Government through the State Committee for permanent release on parole if he has served two-thirds of sentence including remission on such conditions as deemed fit by the State Committee. The State Government may, on recommendation of the State Committee, grant parole on such conditions as deemed necessary by it among them the main condition being that if the prisoner while on parole commits any offence or abets, directly or indirectly, commission of any offence, he has to undergo the unexpired portion of the sentence in addition to any sentence imposed upon him for such an offence. In case the permanent release on parole is rejected, the prisoner shall be eligible for release on parole for forty days every year on the same conditions for the remaining period of his sentence:

Provided that the cases of prisoners who have been sentenced to imprisonment for life, for an offence for which death penalty is one of the punishments provided by law or who have been sentenced to death but this sentence has been commuted under section 433 of the Code of Criminal Procedure, 1973 into one of life imprisonment shall not be placed before the State Committee for permanent release on parole unless he has served fourteen years of imprisonment excluding remission, but including the period of detention during enquiry,

investigation or trial. Such prisoners may be released on parole for forty days every year for the remaining period of their sentence subject to the conditions as stated above.

Provided further that if a prisoner has not applied any regular periodic parole or not availed any regular parole for any reason shall not be disqualified for permanent parole.

Provided also that no second and subsequent release on parole, except release on permanent parole, shall be made unless eleven months have elapsed from the date of the expiry of the period of release on parole immediately preceding.

11. Emergent cases.- (1) Notwithstanding anything contained in rule 5,6, and 10, in emergent cases, involving humanitarian consideration, such as,-

- (i) critical condition on account of illness of any close relative i.e. father, mother, wife, husband, children, brother or un-married sister;
- (ii) death of any such close relative;
- (iii) serious damage to life or property from any natural calamity;
- (iv) Marriage of a Prisoner, his/her son or daughter or his/her brothers/sister in case his/her parents are not alive; and
- (v) delivery of Prisoners wife, a prisoner,

may be released on parole for a period not exceeding seven days by the Superintendent of the Jail and for a period not exceeding fifteen days by the Inspector General of Prisons or District Magistrate on such terms and conditions as they may, consider necessary to impose for the security of the prisoner including a guarantee for his return to the Jail, acceptance or execution whereof would be a condition precedent to the release of such a prisoner on parole.

(2) Notwithstanding anything contained in these rules, where a pregnant woman prisoner applies for parole to have her delivery outside the prison, the Director General of Prisons may grant parole to such a woman prisoner for a period not exceeding ninety days on such terms or conditions as he may consider necessary to impose for the security of the prisoner including a guarantee for her return to Jail, acceptance or execution whereof shall be a condition precedent to the release of such prisoner on parole:

Provided that no parole shall be granted and no prisoner shall be released on parole under this sub-rule, if in the opinion of the Director General of Prisons, that the prisoner is under high security risk or is undergoing sentence for committing a grave offence.

(3) Where a petition for suspension of the execution of a sentence of imprisonment or for remission of the whole or part of a sentence of imprisonment is made by or on behalf of a person sentenced to imprisonment of an offence under any law relating to matter to which the executive power or the Union extends and the person sentenced to an imprisonment is in jail, the execution of the sentence shall be suspended and such person released on parole, not exceeding fifteen days, if the Government of the State in which such person is detained in jail is satisfied that the immediate release of such person on parole is rendered necessary by reason of any illness constituting a grave threat to the life of such person or of a parent, wife husband or child of such person. Such prisoner shall not entitled for any other kind parole under these rule.

(4) A person released on parole under sub-rule (3) above, shall enter into a bond, undertaking to reside during the period of the parole at a place specified therein and not depart therefrom, without the previous permission of the State Government and to return to the jail in which he is confined on expiry of the period of his parole, and to conform to such other conditions as the Stated Government may consider necessary.

(5) A copy of the order for release of prisoners on parole shall be endorsed to the next higher authority giving full circumstances under which the parole has been allowed.

(6) In case the next higher authority does not approve the grant of parole, he may ask the authority granting the parole to revoke the same who shall act accordingly.

12. Supervision of the Probation Officer.- (1) During the period of parole except permanent release on parole, the prisoner shall remain under supervision of a guardian approved by the State Committee/District Committee, such guardian shall report any breach of the conditions of parole to the District Magistrate concerned in whose Jurisdiction the prisoner is spending the parole and in whose Jurisdiction the prisoner is serving the sentence.

(2) In case of permanent release on parole the prisoner should be under the supervision of a probation officer. The supervision of the Probation officer shall be for the unexpired period of sentence allowed to be spent on parole.

13. Special Parole in the grave situation such as Natural Calamity or Pandemic or Epidemic.- (1) Notwithstanding anything contained in rule 5, 6, 7, 8 and 11, where the State Government being of the opinion that there exist grave situation such as Natural Calamity or Pandemic or Epidemic which warrants immediate easing of population of prisoners in the prison, the State Government in order to secure the interest of prisoners, on the recommendation of the Prisoners Parole Advisory Committee, may grant Special Parole, for a period not exceeding 90 days, to a prisoner who has already availed first, second or third Parole peacefully and his behavior has been good during the period of such parole or extend the period of parole of the prisoners who are availing first, second or third parole or the parole of forty days granted every year, as the case maybe. The Special Parole under this rule shall be granted or period of parole extended on such terms and conditions as may be considered necessary by the State Government:

Provided that special parole under this rule shall not be granted to the prisoner who has been convicted for the offence related to Acid Attack, Rape, Dacoity, Murder, section 4 or 6 of the Protection of Children from Sexual Offence Act, 2012, the Narcotic Drugs and Psychotropic Substances Act, 1985, Economic Offences, the Prevention of Corruption Act, 1988, the Prevention of Money Laundering Act, 2002, Anti National Activities, the Unlawful Activities (Prevention) Act, 1967 or any other offence of similar nature or the cases investigated by any central investigating Agencies.

(2) The period of special parole granted or extended under sub-rule (1), may be further extended by the State Government, from time to time, if such emergent situation persists.

14. Parole period regarded as imprisonment served.- The period for which a prisoner stays on parole under rule 10, without violating the conditions laid down for the purpose, shall be treated as imprisonment served by him. All other kinds of parole shall be treated as sentence suspended.

15. Aim of parole to encourage good conduct.- The grant of parole should be regarded as occasion to encourage good conduct and it shall not be claimed by prisoners as a matter of right.

16. Ineligibility for release.- (1) The following categories of prisoners shall not be eligible for release on parole unless they have not served half of the sentence including remission:-

- (a) Prisoners who have escaped from the Jail or Police/ Judicial custody or attempted to escape;
- (b) Prisoners who have been convicted for offences under sections 121 to 134, 216A, 302, 311, 328, 332, 386, 387, 388, 389, 392, 393, 394, 395, 397, 398, 399, 400, 401, 402, 413, 455, 458, and 459 of the Indian Penal Code, 1860;
- (c) Prisoner convicted for the offences punishable with imprisonment of 7 years or more under any other law:

Provided that in granting parole to prisoners sentenced under section 302 of Indian Penal Code 1860, the circumstances of the case under which the murder was committed, such as

murder committed for possession of land or over honour of women or as a result of family feuds shall be kept in view and favorably considered for parole.

(2) The following categories of prisoners shall not be eligible for release on parole:-

- (a) Prisoners convicted under the Protection of Children from Sexual Offences Act, 2012.
- (b) Prisoners convicted under section 326A, 364, 364A, 376A, 376B, 376E, 396, 460 of the Indian Penal Code 1860 and section 376 connected with 302 of the Indian Penal Code 1860 (rape with murder).
- (c) Prisoners convicted under the Unlawful Activities (Prevention) Act, 1967 (Central Act No. 37 of 1967).

17. Computation of Sentences.- For the purpose 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, then the longest single sentence which the prisoner is undergoing shall be deemed to 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 is to undergo shall be deemed to be the term of his imprisonment;
- (c) Remission already earned by the prisoners shall be counted as imprisonment served by him; and
- (d) Life sentences shall, for the purposes of these rules, be reckoned as 20 years.

Explanation: The expression "Sentence of imprisonment" in these rules shall include imprisonment in default of payment of fine and imprisonment for failure to furnish security under Chapter VIII of the Code of Criminal Procedure, 1973.

18. Appeals against the orders/decision of the District Committee.- An appeal against the orders/decision of the District Committee shall be filed to the Divisional Commissioner of the division concerned, within a period of sixty days from the communication of such order/decision.

19. Revocation.- (1) The District Magistrate, on receipt of information from the probation officer or any other source about the breach of the conditions of parole by the prisoner, the District Magistrate shall serve a notice on the prisoner, to show cause why his parole should not be revoked. If the prisoner presents himself in response to the notice then after hearing him and if he does not present then without hearing him, the District Magistrate may request the State Government in the case of permanent parole and to the District Committee in case of regular parole for revocation of the prisoner's parole.

(2) In case the District Magistrate decides to recommend the revocation of the parole, he may, at the same time, if he considers that prisoner is unfit to be allowed to remain on parole, order his arrest and detention in the Jail from which he was released pending the receipt of the order of the State Government or District Committee, as the case may be.

(3) The State Government or District Committee shall, on receipt of the District Magistrates recommendation, pass such orders as it may deem proper. The order of revocation of grant of parole shall be issued in Form-V.

(4) The District Committee or the State Government may at any time during the period of parole, whenever thinks proper to do so, revoke the order of grant of parole.

20. Punishment for breach of conditions of Parole.- In addition to punishment specified in the Act, the following punishments may be awarded to the prisoners for over staying their sanctioned parole period or for breach of any other conditions laid down, namely:-

- (a) Prisoner should not be let off on parole in future at least two years and after two years if the Superintendent of Jail is fully satisfied that Prisoner shall not commit any breach of condition in future, the prisoner may be released on the recommendation of the Superintendent of Jail concerned, the period of release on parole shall be seven days excluding days of journey to home and back. The period of next parole shall be fifteen days in the second parole and thirty days in the third parole, if prisoner has behaved well during the previous parole period.
- (b) If the prisoner again over-stays or commits any breach of the conditions of the parole, prisoner shall be permanently debarred from the concession of release on parole.

21. General.- If a prisoner does not surrender himself on the expiry of the parole period or at such earlier time as may be directed by the State Government or any authority empowered by it in this behalf without sufficient reasons therefore, prisoner may be arrested by any police officer without a warrant and shall be remanded to undergo the unexpired portion of his sentence.

22. Offence during parole period.- If the prisoner commits any fresh offence during parole period, he shall be re-arrested and shall undergo the unexpired portion of sentence besides any other sentence that may be awarded to the prisoner.

23. Immediate disposal of application.- (1) For the immediate disposal of application regarding release of prisoners on parole on the ground of serious illness of their near relations i.e. Father, Mother, Daughter, Son, Husband or Wife, the District Magistrate shall deal with the application expeditiously and cause immediate enquiries to be made and communicate his recommendations to the State Committee or District Committee within four days of the date of receipt of the application for parole.

(2) In case of death of near relations i.e. Father, Mother, Daughter, Son, Husband or Wife of a Prisoner, parole under Police Custody may be sanctioned by the Superintendent of Jail for maximum six hours excluding journey period after due verification of the facts to attend the final rituals. He may impose such terms and conditions as he may considers necessary to impose for the security of the prisoner including a guarantee for his return to the Jail. Acceptance or execution where of would be a condition precedent of the release of such prisoner on custody parole.

(3) Where the State Government considers it expedient in the interest of effective and quick disposal of application to release of prisoners on parole or it appears to the State Government that the District Committee is not able to function properly, it may assign the functions of the District Committee to the State Committee.

24. Power to remove difficulties.- (1) If any difficulty arises in giving effect to the provisions of these rules, the State Government may, by notification in the Official Gazette, make such provisions, not inconsistent with these rules, as it deems necessary or expedient for the removal of the difficulty:

Provided that no order under this rule shall be made after expiry of three years from the date of the commencement of these rules.

(2) Every notification issued under this rule shall, as soon as may be after it is issued, be laid before the House of State Legislature.

25. Repeal and Saving.- (1) The Rajasthan Prisoners Release on Parole Rules, 1958 are hereby repealed.

(2) The repeal under sub-rule (1) shall not affect the previous operation of the rules so repealed and anything done or action taken or deemed to have been done.

FORM-1

(see rule 5)

(To be filled in by the prisoner and submitted in quadruplicate)

1. Name
2. Father's name and caste
3. Village, Tehsil, Sub-Division and District
4. Name of the guardian
5. Name of persons who are prepared to stand as sureties
6. Nature of parole & days

Declaration by the Prisoner

I hereby declare that I desire to be released on Parole under section 58-A of the Prisons Act, 1894 (Central Act No. 9 of 1894) and shall faithfully comply with the conditions of the parole, if released. I further agree to render myself liable to punishment for breaches of the conditions of parole under section 58-B of the said Act and the Rajasthan Prisoners Release on Parole Rules, 2021.

Dated

Signature of the prisoner

Convict Register No. ...

(To be filled in by the Jail Superintendent)

1. Name and register No. of Prisoner
2. Name of Prisoner's father
3. Prisoner's residence, Mohalla and
Village, Police Station, District
4. Prisoner's age
5. Sentencing authority with case No.
6. Law under which sentenced
7. Sentence
8. Date of Sentence
9. (a) if causal, whether "STAR"
(b) if habitual, whether professional
10. (a) Period spent in Jail up to the date of application
(b) Period spent in Jail up to the date of re-admission after the last release on parole, if any.
11. Conduct during the last release on parole.
12. (a) Date of eligibility for release
(b) Period of parole for which eligible.
13. Physical and mental condition.
14. Conduct in Jail.
15. Is it advisable to release the prisoner on parole, if so, on what conditions.
16. Any other remarks by the Superintendent.

Date

Superintendent

Jail

FROM-II

(see rule 6)

Jail Register of Application for release on parole

S. No.	Date of application	Name & No. of prisoner	date on which application forwarded	Date of eligibility
1	2	3	4	5

decision of Committee & date	Actual date of release	Date of expiry of parole	Date of re-admission to Jail	Date of revocation of order	Remarks if any
6	7	8	9	10	11

FROM-III

(see rule 6)

Register of Application for release on parole maintained in the office of the District Magistrate

S.No	Date of receipt of application from Superintendent	Name & No. of prisoner	Whether recommended
1	2	3	4

Orders of Government/Distt. Committee	Amount of sureties	Date of revocation of order if any	Remarks if any
5	6	7	8

FROM-IV

(see rule 7)

(Order of Release under section 58-A of the Prisons Act, 1894 (Central Act No. 9 of 1894)

In exercise of the power conferred by section 58-A of the Prisons Act, 1894 (Act No. 9 of 1894), the Governor of Rajasthan is pleased, subject to the convict hereinafter described furnishing a personal bond and two sureties of Rs. each for the observance of the conditions hereinafter set forth, to order the release on parole for a period of days ofS/O.....age..... resident of village Police Stationdistrict at present confined in the Central/District Jail Jail Register No

The period of this parole shall expire on the day of the release of the convict who shall on such expiry return to the prison.

Conditions to be observed by the convict

(1) The convict shall remain under the supervision and authority of the Probation Officer during the period of parole. He shall obey all the instructions of the said officer issued to him either verbally or in writing regarding his residence, movement, conduct, etc.

(2) He shall not proceed beyond the limits of the places within which is movements may be restricted by the Probation Officer without his permission and shall proceed to any place directed by the Probation Officer and by the route prescribed by him.

(3) He shall report himself at such times and places and to such persons as the Probation Officer may from time to time direct.

(4) He shall not commit within the Union of India any criminal offence punishable by any law for the time being in force in the Union of India or any part thereof.

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

(6) If in the opinion of the State Government, he is found to have committed a breach of the above mentioned conditions, the State Government may, after the person concerned has been given an opportunity to represent his case before the District Magistrate, revoke the parole and direct his recommitment to the prison to serve the rest of the sentence.

For and on behalf of the Governor

FROM-V

Order of Revocation of Parole under 58-B of the Prisons Act, 1894 (Central Act No. 9 of 1894) read with rule 19 of the Rajasthan Prisoners Release on Parole Rules, 2021

In exercise of the powers conferred by section 58-B of the Prisons Act, 1894 (Central Act No. 9 of 1894) read with rule 19 of the Rajasthan Prisoners Release on Parole Rules, 2021, the Governor of Rajasthan hereby revoke, with effect from, the parole, granted tos/o.....resident of.....convict No..... Central/District Jail and directs that he be re-admitted into the prison to serve out his sentence.

For and on behalf of the Governor

[F.8(32)Home-12/Kara/2019]

By Order of the Governor,

Suresh Gupta,
Secretary to the Government.

Government Central Press, Jaipur.