

330. *Procedure during Treatment outside Jail Hospital.*—When a prisoner is sent to an outside hospital for prolonged treatment his Prison records shall be maintained in the Prison. Those prisoners may be given ordinary remission as envisaged for good conduct, if there is no adverse remarks from the hospital on his conduct.

330A. *Preservation of Remission Sheets or Cards.*—Remission sheets (or cards) shall be retained in the Office of a jail for a period of one year after the unconditional release of the prisoner to whom they relate, or for a period of one year after his death. When prisoner is transferred to another jail, his remission sheet (or card) where such sheets are maintained or where they are not maintained, a statement, certified by the Superintendent, of the total remission earned up to the date of transfer, shall be sent with the prisoner:

Provided that in addition to individual remission sheets or card, a common remission register shall be maintained. Form No. 14.

331. Government will recommend to the Governor the premature release of life convicts under Article 161 of the Constitution of India subject to the conditions and criterion prescribed from time to time.

CHAPTER 23

LEAVE

332. *Kinds of Leave.*—Leave shall be of two kinds—Ordinary and Emergency.

333. *Ordinary Leave.*—Ordinary leave shall be granted subject to the conditions specified below:—

(1) *Eligibility for Leave:*—(a) Well behaved prisoners sentenced to imprisonment for one year and above and who have served out actually $\frac{1}{3}$ rd of the sentence or two years, whichever is less, are eligible for ordinary leave.

(b) A prisoner is eligible for sixty days of ordinary leave in a calendar year. The leave can be availed four times in a year. The leave period shall not be less than fifteen days and more than thirty days at a time. Ordinary leave shall not exceed fifteen days in a quarter and thirty days in a half year. He/She will be eligible for availing journey time and journey fare for such number of days which he/she would have enjoyed had he/she been released on leave for two times only during a calendar year.

The total number of release on leave of all kinds (ordinary/emergency leave) shall not exceed four times in a calendar year except the prisoners in Open Prison, where the permission is limited to five, including home leave. A prisoner who availed emergency leave for more than 10 days is eligible for ordinary leave only on completion of 6 months of actual imprisonment to be counted from the date of return from last emergency leave.

Journey fare of a prisoner released on leave who is unable to meet his expense and who has no money to his credit in the prison on any account shall be met by the Government. For the purpose of this rule prisoners cash property and any money earned by way of gratuity or wages in the jail shall be taken as money to his credit.

For calculating the eligibility for ordinary leave during a fraction of a year the prisoner is entitled for five days per completed months of imprisonment. When there is fraction of month fifteen days and more shall be calculated as one month.

The first ordinary leave shall be granted by Director General of Prisons and Correctional Services and the subsequent leave shall be granted by the Superintendent. If the prisoner violates any conditions of leave, the subsequent leave shall be considered by Director General of Prisons and Correctional Services only.

(c) In reckoning the eligibility for leave, the period spent by a prisoner under judicial custody may be counted as period of sentence undergone for the purpose of granting the leave.

(d) Every petition for leave under these rules shall be accompanied with a report from the Sub Inspector of Police concerned on the repercussions on the law and order situation if the prisoner is released on leave, particularly his own safety as well as that of others, the possibility if any, of the prisoner absconding instances of previous misconduct on his part when on leave earlier and on such other relevant points. The Superintendent of the Jail shall give his specific recommendation with due reference of the conduct of the prisoner in Prison, his previous history in relation to leave and also the aggregate number of days of leave he has already enjoyed. Along with this, a detailed report of his family and other social backgrounds regarding his social acceptance during the leave period shall be obtained from the District Probation Officer. These reports are necessary only for sanctioning first ordinary leave.

(e) Before a prisoner is released on leave, he shall execute a bond with two sureties for Rs. 500 for each undertaking to produce the prisoner to the prison on expiry of leave.

(f) A person who fails to return to the prison after leave on the due date shall not be eligible for sanction of leave for a period of one year from the date of return from such unauthorised absence, unless the Government have regularised such absence.

(g) No person who has absconded while on leave earlier shall be eligible for sanction of leave under any circumstances unless regularized by Government.

(h) The following categories of prisoners shall not be eligible for being released on leave, namely:—

(i) Offenders classified as habituals;

(ii) prisoners sentenced under Section 392 to 402 Indian Penal Code:

Provided that lifers having concurrent sentence under the, above rules shall be granted leave on completion of the sentence under these rules.

(iii) Prisoners who are considered dangerous or who are involved in serious prison violation like assault, out break, mutiny, escape, instigators to serious violation, strike etc. and the like;

(iv) Prisoners suffering from unsoundness of mind or contagious diseases.

Note:—Provided that the eligibility shall be decided in accordance with the opinion of the Medical Officer attached to the prison.

(v) Any person convicted in respect of any offence relating to any law relating to smuggling or violation of foreign exchange regulations or national security or counterfeiting of currency and coins shall not be eligible for leave.

(2) *Maximum period*.—(a) Ordinary leave shall be granted up to a maximum of thirty days at a time.

(b) In computing the period of leave, the period for the to and fro journeys from the prison to the prisoner's home shall be excluded as specified below:—

If the distance from the prison to the prisoner's home is,—

(i) Sixteen kilometers or below : Nil

(ii) Above sixteen kilometers but

does not exceed 100 kilometers : Half day each for to and fro journey.

(iii) Above 100 kilometers but

does not exceed 200 kilometers : One day each for to and fro journey

(iv) Above 200 kilometers

: One day each for every 200 kilometers or start portion thereof for to and fro journey subject to a maximum of 3 days.

(3) *Authority to Grant Leave*:—First ordinary leave shall be granted by the Director General of Prisons and Correctional Services and the subsequent leave by the Superintendent of Prisons.

334. *Case in which a Prisoner falls Seriously Ill*.—If a prisoner falls seriously ill during the period of his release on leave, as to prevent him from surrendering himself after the period allowed or if he is otherwise incapacitated, due intimation shall be sent by the sureties or relatives to the nearest Police Station, to the District Medical Officer of the District and the Superintendent of the Prison concerned. The Officer in charge of the Police Station concerned shall satisfy himself about the facts and furnish a report to the Superintendent of the Prison. Likewise the District Medical Officer or his deputy after visiting the prisoner furnish his opinion both to the Officer-in-charge of the Police Station concerned and the Superintendent of the Prison intimating the number of days required to enable the prisoners to surrender himself. If there is no valid reason, he shall be immediately arrested by the Police and produce before the Magistrate and thereupon be prosecuted.

335. *Review Committee.*—A Committee shall be constituted to review the cases of convicted prisoners who are not going on leave due to adverse police/probation reports. A prisoner who has completed three years of actual imprisonment and having three adverse reports may be considered by the Committee for leave. The members of the Committee are as follows:—

- | | | |
|---|---|----------|
| (a) The District Collector | : | Chairman |
| (b) The Commissioner/Superintendent of Police | : | Member |
| (c) The Deputy Inspector General of Prisons of the region | : | Member |
| (d) The Superintendent of Prisons concerned | : | Convener |
| (e) The Chief Welfare Officer | : | Member |
| (f) The Probation Officer concerned | : | Member |

336. *Emergency Leave.*—Emergency Leave shall be granted subject to the following conditions:—

(1) *Eligibility for Leave.*—(a) Any well behaved convicted prisoner other than a person convicted in respect of any offence relating to National Security shall be eligible for emergency leave under any of the very exceptional circumstances specified below, namely:—

(i) Death or terminal illness of father, mother, son, daughter, wife, husband, brother, half brother, half sister, sister, grand son, grand daughter, grand father, grand mother, father-in-law, mother-in-law, son-in-law, daughter-in-law, mother's brother, father's brother, mother's sister, father's sister, brother-in-law, sister-in-law, direct nephew, direct niece.

(ii) Marriage of Son, daughter, brother and sister, grandson, grand daughter, brother-in-law, sister-in-law, direct nephew, direct niece.

(iii) Partial or complete loss of residential building.

(b) Each application for emergency leave shall be considered on merits with reference to the report of the Station House Officer concerned and the recommendation of the Superintendent of the Prison.

(c) Every petition for leave under the rule shall be accompanied with a report from the Station House Officer concerned on the repercussions on the law and order situation if the prisoner is released on leave, particularly his own safety as well as that of others, the possibility if any, of the prisoner absconding, instances of previous misconduct on his part when on leave earlier and on such other relevant points. The Superintendent of the Jail shall give his specific recommendation with due reference of the conduct of the prisoner in prison, his previous history in relation to leave and also the aggregate number of days of leave he has already enjoyed.

(d) Before a prisoner is released on leave, he shall execute a bond with two sureties for ₹ 5,000 each undertaking to produce the prisoner to the prison on expiry of leave.

(e) A person who fails to return to the prison after leave on the due date shall not be eligible for sanction of leave for a period of one year from the date of return from such unauthorised absence, unless the Government have regularised such absence.

(f) No person who has absconded while on leave earlier shall be eligible for sanction of leave under any circumstances unless regularised by Government.

(g) The following categories of prisoners shall not be eligible for being released on leave, namely:—

(i) Offenders classified as habituals;

(ii) Prisoners sentenced under section 392 to 402 Indian Penal Code.

Provided that lifers having concurrent sentence under the above Section shall be granted parole on completion of the sentence under these sections.

(iii) prisoners who are considered dangerous or who are involved in serious prison violation like assault, out break, mutiny, escape, instigators to serious violation, strike etc., and the like;

(iv) Prisoners suffering from unsoundness of mind or contagious diseases.

Note.—In the case of prisoners mentioned in the above item the eligibility should be decided in accordance with the opinion of the Medical Officer attached to the prison.

(2) *Maximum Period.*—(i) Emergency Leave shall be granted up to a maximum period of fifteen days at a time.

(b) in computing the period of leave, the period for the to and fro journeys from the prisons to the prisoner's home shall be excluded as specified below:

If the distance from the prison to the prisoner's home is,—

- | | | |
|-----------------------------------|---|---|
| (i) Sixteen kilometers or below | : | Nil |
| (ii) Above sixteen kilometers but | : | Half day each for to and does not exceed 100 kilometers fro journey |
| (iii) Above 100 kilometers but | : | One day each for to and does not exceed 200 kilometers fro journey |
| (iv) Above 200 kilometers | : | One day each for every 200 kilometers or portion thereof for to and fro journey subject to a maximum of 3 days. |

(c) If the journey time expires after 5.00 p.m. on any day the prisoner shall return to the jail before 8.00 a.m. on the next day.

(3) *Authority to Grant Leave.*—The Superintendent of the Jail shall be competent to grant emergency leave up to a period of ten days, and by the Head of the Prisons Department up to a period of fifteen days and by the Secretary, Home Department up to a period of fifteen days at a time.

(4) *Ground for the Grant of Leave.*—Emergency leave may be granted on the recommendation of Station House Officer in detail regarding the necessity to grant such leave on any of the grounds of death or terminal illness of father, son, daughter, wife, husband, brother, sister, grandson, grand daughter, grand father, grand-mother, father-in-law, mother-in-law, mother's brother, marriage of son or daughter, brother, sister, grandson, grand-daughter, brother-in-law, sister-in-law, direct nephew, direct niece, partial/complete loss of residential building or any other extraordinary reasons.

337. *Extension of Emergency Leave.*—Any extension of emergency leave subject to a maximum of forty five days in the aggregate shall be aide red only by the Government.

338. *Petitions for Leave.*—(1) Petitions for ordinary leave shall be addressed to the Head of the Prisons Department.

(2) Petitions for emergency leave shall be addressed to the Superintendent of the Jail where the prisoner, to whom leave is to be granted is confined.

339. *Who may Present.*—(1) The petitions shall be presented by the prisoner or by a relative of the prisoner. No stamp is to be affixed on the petition. Petitions for emergency leave shall be accompanied by a Certificate of correctness of the ground stated in the petition for the grant of the leave from the local Tahsildar, in the case of partial or complete loss of residential building due to natural calamities and certificate from the Government Medical Officer not below the rank of Civil Surgeon in the case of terminal illness of near relatives.

(2) Sureties shall produce proof of their solvency in the form of Solvency Certificate/Demand Draft/ Cash Deposit/Security Deposit Receipt at the time of granting leave. Security shall be released to the sureties when the prisoner returns after leave and if leave conditions are not violated. Provided that cash deposits shall be accepted only on exceptional cases particularly on holidays where there is no other option for furnishing Solvency Certificate.

(3) Well behaved prisoners whose sentence is three years and above and those sentenced to rigorous imprisonment for life and have undergone one-fourth of the actual sentence or more (excluding remission of sentence) need execute before the Superintendent of the Prison only the personal recognisance bond in Form No. 144, and a similar bond by a relative or a friend:

Provided that when a prisoner is going on leave for the first time, this exception shall not be applicable.

(4) Any person convicted in respect of any offence relating to any law relating to smuggling or violation of foreign exchange regulations or national security or counterfeiting of currency and coins shall not be eligible for leave:

Provided further that well behaved prisoners of open prison whose sentence is three years and above, and those sentenced to rigorous imprisonment for life need execute before the Superintendent of the Prison only the personal recognisance bond in Form No. 144.

340. *Appeal*.—There shall be lie an appeal,—

- (i) to the Deputy Inspector General of Prisons against an order of the Superintendent refusing leave; and
- (ii) to the Inspector General of Prisons against an order of the Deputy Inspector General of Prisons refusing grant of emergency or ordinary leave.
- (iii) to the Director General of Prisons and Correctional Services against an order of the Inspector General of Prisons refusing grant of emergency or ordinary leave.
- (iv) to the Government against an order of the Director General of Prisons and Correctional Services refusing grant of emergency or ordinary leave.

341. *Exemptions from furnishing Security*.—Exemptions from furnishing the security shall be granted by the Director General of Prisons and Correctional Services/Inspector General of Prisons/Deputy Inspector General of Prisons in very exceptional and rare cases when the prisoner is unable to furnish the security and the reason for the grant of leave is death or serious illness of a near relative, provided the Superintendent of the Jail certifies that the prisoner is of a very good character and he has the full confidence that he would wholly abide by the conditions on which he is released on leave. The Superintendent of Prison concerned may order release on leave on the personal security of prisoners in very emergent cases such as unexpected death of their relatives.

342. *Execution of Bonds*.—A surety bond and a personal recognisance in Form Nos. 10 and 16 shall be executed before release. In cases where exemptions are granted from furnishing sureties the prisoner shall be released on his own recognisance bond. The surety bond shall be executed before a Tahsildar/Village Officer who may send the same to the Superintendent of the Jail, duly attested and affixing his office seal. The personal recognisance bond shall be executed before the Superintendent of the Jail "The execution of a fresh bond shall not be insisted on extension of leave after the release of the prisoners on the basis of the surety bond already executed".

Provided that a photograph of the prisoner shall be taken and affixed on the surety bond when a prisoner is released on leave for the first time the photograph shall be renewed on completion of every two years.

343. *Decision on Petitions*.—Petitions for the grant of leave shall be decided on the merits of each case and the authority competent to grant the leave shall have power to reject any application without assigning any reason.

344. *Treatment of the period of leave*.—The period of leave shall be taken as period of sentence undergone provided the conditions of leave are not violated. If any or all of the conditions are violated the period spent on leave shall be taken as on bail:

Provided that leave in excess of ninety days excluding home leave in a calendar year shall not be counted as sentence undergone:

Provided further that the Government shall have the power to regularise any period over stayed/absconded after leave if the Government are satisfied that such failure was not intentional but due to reasons beyond the control of the Prisoner.

345. *Travelling Expenses*.—The to and fro travelling expenses of a prisoner released on leave who is unable to meet his expenses and who has no money to his credit in the prison on any account shall be met by the Government. For the purpose of this rule prisoners cash property and any money earned by way of gratuity or wages in the jail shall be taken as money to his credit.

346. *Pending Cases*.—No prisoner who has a case pending trial and not on bail shall be granted leave.

The sentence for the purpose of these rules shall be taken as sentence as finally fixed on appeal, revision or otherwise and includes an aggregate of more sentence than one and an imprisonment in default of furnishing security or payment of fine.

347. *Supervision*.—The local Sub Inspector of Police shall keep a close watch over the prisoner during the period of his leave. The Superintendent of the Jail shall intimate the local Sub Inspector of Police when a prisoner is released on leave.

A prisoner released on leave shall report before his local Station House Officer if possible on the date of release or on the next day and obtain an endorsement on the release order from the Station House Officer when he returns to jail on expiry of leave.

348. *Power to Recall*.—The Superintendent can recall a prisoner as soon as he receives a report that he misbehaves. For this purpose the Superintendent shall address the police who shall take immediate action in the matter and produce the prisoner.

349. *Time for Release*.—Release on leave shall be effected on any day after sun rise and before lock-up.

CHAPTER 24

HOME LEAVE

350. *Grant of Home Leave.*—(1) Well behaved prisoners in the open prison who have undergone a term of actual sentence for one year in that prison shall be eligible for home leave on the strength of a report from the Probation Officers concerned on the family environments of the prisoner.

(2) The maximum period of home leave that may be granted at a time is fifteen days and a prisoner once released on home leave shall not be eligible for a subsequent release on the same leave until the completion of twelve months of actual imprisonment to be counted from the date of his last return from home leave.

Note.—In computing the period of home leave, emergency leave or ordinary leave the period for the to and fro journeys from the prison to the prisoners home shall be excluded as specified below:—

If the distance from the prison to the prisoner's home is,—

- (i) Sixteen kilometres or below: Nil.
- (ii) Above sixteen kilometres but does not exceed one hundred kilometres: Half day each for to and fro journeys.
- (iii) Above 100 kilometres does not exceed 200 kilometres: fro Journeys One day each for to and fro Journeys.
- (iv) Above 200 kilometres: One day each for every 200 kilometres or portion there of for to and fro journeys subject to a maximum of 3 days.

Note.—If the journey time expires after 5 p.m. on any day, the prisoner shall return to the Jail before 8 a.m. on the next day.

(3) Home leave shall be granted first time by the Director General of Prisons and Correctional Services and subsequent home leave by the Superintendent. Bus fare or 2nd class Train fare for to and fro journey shall be paid to the prisoners released on home leave.

(4) Application for first home leave shall be addressed to the Director General of Prisons and Correctional Services by the prisoners through the Superintendent.

(5) In the case of release on home leave a personal recognisance bond in Form No. 16 prescribed under these rules shall be executed by the prisoner before the Superintendent of the Open Prison.

351. *Grant of Escort Visit.*—(1) The category of prisoners not eligible for emergency leave may be granted permission for visit under police escort for a maximum period of 24 hours excluding journey time. Whenever the prisoner has to halt a night, en-route at a place where there is a Prison he shall be confined therein and where there is no Prison at the nearest Police lockup.

(2) The category of prisoners not eligible for any leave may be granted permission to visit their father, mother, wife, husband, children, brother and sister under police escort for a period of 24 hours excluding journey time. The permission may be granted only once in six months on the strength of a favourable police report relating to his/her visit from the local police station where he/she wishes to visit.

(3) No escort visit shall be permitted out side the State of Kerala except in the case of death of a near relative of the prisoner.

CHAPTER 25

PETITIONS TO GOVERNMENT FROM CONVICTS

352. *Facilities for preparing petition.*—(1) Every convict shall be provided with writing materials and be given proper facilities to enable him to petition Government for clemency should he desire to do so.

(2) The petition may be drafted by the convict himself or by his friends or legal advisers, in the latter case and for this purpose he shall be permitted to communicate by letter or interview with such persons as he may desire to consult.

(3) If a convict cannot write, and has no friends or relatives who are able and willing to help him, the petition shall be drawn up by an Officer of the Jail, or by another prisoner at the convicts, own dictation, and if by an Officer of the Prison without suggestion on the part of the writer, or additions to what the prisoner himself desires to state. Convict sentenced in the same case may adopt a joint petition.

necessary, with railway warrants for his to and fro journey subsistence allowance and bus-fare. The railway warrant subsistence or any other allowances, for the return journey may be sent to the officer-in-charge of the civil hospital or asylum to be delivered to the prisoner on discharge. At the time of removal from the jail, the prisoner should be provided with private clothing which will be withdrawn on his re-admission. If the medical officer considers the case so serious as to require an attendant, the Superintendent shall provide a proper prisoner attendant. Women prisoner shall be provided with women prisoner attendants.

(3) In the case of prisoners of a dangerous type who are sent to district hospital or asylum for special treatment, a regular police guard shall be arranged. Such a prisoner shall be sent to the Taluk Hospital/District Hospital/Medical College Hospital/Ayurveda College Hospital/Government Specialised Hospitals such as, Sree Chitra Tirunal Institute for Medical Science and Technology/Regional Cancer Centre, etc., or, asylum only after ascertaining from the authority concerned that separate accommodation is available. In an emergent case, necessitating the immediate removal of a sick prisoner to a district hospital or asylum in which delay in sending the prisoner to such an institution is in the opinion of the medical officer of the jail, likely to prove fatal, the prisoner shall be sent without delay to the district hospital or asylum and the authority concerned shall make the best possible arrangements irrespective of the fact that separate accommodation is or not available in the hospital or asylum.

Provided that the prisoners for treatment for serious illness in private hospitals in case of utmost emergency may be permitted at their own cost as per the recommendation of Medical Board.

CHAPTER 28

COMMITTEE FOR ADVICE TO PREMATURE RELEASE

387. *Advisory Committee.*—There shall be an Advisory Committee to examine and make appropriate recommendations to the Government relating to the premature release of prisoners confined in each Central Prison, Open Prison and the Prison for women.

388. *Composition of the Board.*—(1) The Committee shall consist of the following members, namely:—

- | | | |
|--|----|-----------|
| (a) The Head of Prisons Department | .. | Chairman |
| (b) The District Collector of the District in which the prison is situated | .. | Member |
| (c) The District and Sessions Judge | .. | Member |
| (d) The Commissioner of Police/District Superintendent of Police | .. | Member |
| (e) The District Probation Officer | .. | Member |
| (f) Three non-official members appointed by the Government | .. | Member |
| (g) The Superintendent of the concerned prison | .. | Secretary |

(2) The term of office of the non-official members will ordinarily be fixed as five years. The board shall sit at least once in six months. The quorum of the meeting shall be six, out of which at least one shall be a non-official member:

Provided that the Government may, if they so desire, cancel the nomination of any or all the non-official members at any time during such term, for good and sufficient reasons.

389. *Functions of the Committee.*—(1) The Committee shall consider the cases of prisoners and make appropriate recommendations to the Government relating to the premature release of prisoners subject to the criteria specified against each class below, namely:—

(i) *Women offenders sentenced for infanticide.*—Their cases shall be reviewed immediately on admission in prison and they shall be sent to the care of voluntary organizations of good repute for a reasonable period of time.

(ii) *Women offenders who have committed crime under compulsion and or under social and cultural pressures.*—Their cases shall be reviewed immediately on admission in prison, sending them to the care of voluntary organizations.

(iii) *Women offenders sentenced to life imprisonment.*—On completion of seven years of imprisonment; including remission, except those covered under section 433A of the Code of Criminal Procedure, 1973, their cases shall be considered only after completing fourteen years of actual imprisonment.

(iv) *Life convicts (men and young offenders).*—On completion of ten years of imprisonment, including remission, except those covered under section 433A of the Code of Criminal Procedure, 1973, their cases shall be considered after completing fourteen years of actual imprisonment.

(v) *Non-habitual male and young offenders.*—In the case of such offenders, other than those sentenced to imprisonment for life, sentenced to undergo more than one year of imprisonment, on undergoing half of their substantive sentence, including remission, subject to the condition that they shall, not be actually released unless they have undergone at least one year of sentence including remission.

(vi) *Non-habitual women offenders.*—In the case of such offenders, other than those sentenced to imprisonment for life, sentenced to a term of imprisonment for more than one year, on undergoing half or seven years of their substantive sentence, including remission, whichever is less. This would be subject to, the condition that they shall not be actually released unless they have undergone at least one year imprisonment including remission.

(vii) *Habitual offenders.*—In the case of habitual offenders, other than those sentenced to imprisonment for life or to five years and above of imprisonment, on completion of two-third of their sentence including remission, subject to the condition that they shall not be released unless they have undergone at least five years of imprisonment including remission.

(viii) *Old age above 65 years for male prisoner and 55 years for female prisoner and infirm offenders.*—In the case of such offenders, except those covered under section 433A of Code of Criminal Procedure, 1973, sentenced to imprisonment for one year and more, on completion of one-third of the substantive sentence including remission, subject to the condition that they shall not be actually released unless they have undergone at least one year of sentence including remission.

(ix) Offenders certified by a designated Medical Board to be suffering from incurable diseases likely to prove fatal, whenever such a situation arises.

(2) The Committee shall submit recommendations with a view to the release of as many of this class as can be released without injury to the community.

390. *Records and information to be made available to the Committee.*—To enable the Advisory Committee to judge the fitness of prisoners for release, it is necessary in every case that the judgement of the court, full and accurate details of the prisoner's previous history and his prison records should invariably be placed before them. This duty will devolve on the Member Secretary of the Committee but the police, judiciary and social welfare department should render him every assistance in collecting the information. The Member Secretary of the Advisory Committee shall place the following documents in respect of each case, namely:—

(a) *Pro forma containing the following details:—*

1. Name:
2. Convict number:
3. Date of sentence:
4. Case number:
5. Name of Court:
6. Date of admission:
7. Actual sentence:
8. Set off:
9. Remission earned:
10. Bail atlarge if any:
11. Total sentence:
12. Result of appeal, if any:
13. Fulfillment of eligibility conditions as laid down:
14. Report of Police:
15. Report of District Probation Officer, with social impact assessment:
16. Report of Jail Superintendent:
17. Reasons for overruling negative comments:
18. References, if any, from the Government of India and or courts:

(b) *Feed back on Victim Reaction*.—While considering the case the feed back on victim reaction shall also be taken into account. For this purpose enquiry shall be made by contacting the relatives of the victims, their neighbours, public men in the area like members of the local bodies etc. Such enquiries shall be made with the relatives of the prisoner as well. The confidential verification made by the police officer and the probation officer shall be used for assessing the feed back on victim reaction.

The Superintendent of the concerned correctional institution shall obtain comments on the victim's reaction from the District Probation Officer and place the same for consideration of the Committee with his comments.

If the Committee feels that victim's reaction report received is inadequate or improper the Committee can arrange to get further enquiry conducted in the manner they consider suitable and get the necessary report. The Committee may also request the victim/s to be present for examination. On the basis of the reports and on the examination of the victim/s, if that was done, the Committee may recommend the premature release of the inmate with or without conditions, as the Committee may find appropriate.

391. *Meeting of the Committee*.—(1) The meeting of the Committee shall be convened on a fixed date, time and venue. Notice for the meeting will be given to the Chairman and Members of the Committee at least ten days advance and the complete agenda papers shall accompany such notice i.e., the note of the Superintendent of the Prison along with the copies of the prescribed documents.

(2) The Member Secretary shall present the case of each prisoner under consideration before the Committee. The Committee shall consider each case and give, as far as practicable, unanimous recommendations. However, in case of dissent, the majority view shall prevail and shall be deemed to be the decision of the Committee. If equal number of members is of opposite views, the decision of the Chairman shall be final.

(3) While considering the case of premature release of a particular prisoner, the Committee shall keep in view, the general principles of remission of sentences as laid down by the Government or by the courts as also the earlier precedents in the matter, the paramount consideration being the welfare of the prisoner and the society at large. The Committee shall not ordinarily decline a premature release of a prisoner, merely on the ground that the police have not recommended his release on certain far-fetched and hypothetical assumptions. It shall take into account the circumstances, in which the offence was committed by the prisoner and whether he has the propensity to commit similar or other offences again.

(4) Rejection of a prisoner for premature release on one or more occasions by the Committee will not be a bar for its reconsideration. However, the reconsideration of the case of a convict rejected once, shall be done only after a period of one year. A fresh report from the Superintendent of Prison will be necessary for reconsideration. Reconsideration of the case will be done on the basis of the conduct of prisoner in the intervening period, rather than on the material on the basis of which his case was rejected earlier.

392. *Nature of the Recommendation*.—The recommendations of the Committee shall include a detailed analysis of the case, the nature of inputs/reports, and the grounds for recommendations made.

393. *Final Decision*.—The recommendation of the Committee shall be placed before the Government for consideration without any delay. The Government may either accept or reject the recommendations or may ask the Committee to reconsider a particular case.

394. *Additional Functions of the Committee regarding leave*.—(1) Notwithstanding anything contained in any other provisions of these rules, the Committee may consider the cases of any prisoner who has been denied, on more than one occasion, the leave applied for on the ground of non-receipt of a recommendatory report from the concerned Station House Officer regarding the repercussions on Law and Order situation and recommend to the Government for grant of leave applied for, if he is otherwise eligible and the Government may grant the leave applied for.

(2) The Member Secretary of the Committee shall place before the Committee such cases as and when the Committee meets.

395. *Discharges*.—The prisoner who is released on the advice of the Committee and who conducts himself satisfactorily during the probation period shall be deemed to be finally discharged with effect from the date of expiry of the period of supervision as noted in the bond. But in the event of his failure to observe, any of the conditions under which he is released, within the period of surveillance, the District Probation Officer concerned, after satisfying himself that there is violation of conditions on the part of the said prisoner shall report the matter to the Director General of Prisons and Correctional Services, the Director-Social Welfare, the concerned Chief Judicial Magistrate and the Superintendent, Central Prison from which the prisoner was released prematurely and the Director General of Prisons and Correctional Services shall take up the matter with the Government and the Government may issue appropriate orders revoking their earlier orders of conditional remittance of the unexpired portion of sentence which enabled his premature release under section 432 of the Criminal Procedure Code, so that the said prisoner can be arrested by any police officer without warrant and produce him before the Chief Judicial Magistrate concerned. The Chief Judicial Magistrate shall immediately call for the records from the concerned District Probation Officer and shall issue a warrant committing the said prisoner to jail to undergo the unexpired portion of the original sentence.