

NOTIFICATION

Home Department, Mantralaya
 Madam Cama Marg,
 Hutatma Rajguru Chowk,
 Second Floor, Main Build
 Mumbai- 400 032
 Dated -1st December, 2015

Prisons Act, 1894.

No. JLM-1013/C.R. 115/13/PRS-2- In exercise of the powers conferred by clause (5) and (28) of section 59 of Prisons Act, 1894 (IX of 1894), in its application to the State of Maharashtra, and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules further to amend the Maharashtra Prisons (Bombay Furlough and Parole) Rules, 1959, as follows, namely:-

1. These rules may be called the Maharashtra Prisons (Bombay Furlough and Parole) (Amendment) Rules, 2015,
2. In the Maharashtra Prisons (Bombay Furlough and Parole) Rules, 1959 (hereinafter referred to as "the principal Rules"), for the word "Bombay" the word "Mumbai" shall be substituted.
3. In the principal Rules, for the words "Inspector General of Prison" the words "Additional Director General of Police and Inspector General of Prison and Correctional Services" shall be substituted.
4. In the principal Rules, for the word "Jail" the word "Prison" shall be substituted.
5. In the principal Rules, for the word "woman" the word "female" shall be substituted.
6. After the rule 1 of the principal Rules, following rule 1-A shall be inserted:-
 "(1-A) Objectives: - Furlough and Parole leaves to inmates are progressive measures of correctional services. The objectives of releasing a prisoner on leave are :-
 (a) To enable the inmate to maintain continuity with his family life and deal with family matters,
 (b) To save him from evil effects of continuous prison life,
 (c) To enable him to maintain and develop his self-confidence,
 (d) To enable him to develop constructive hope and active interest in life."
7. For the Rule 2 of the principal Rules, following rule shall be substituted :-
 "2. (1) Sanctioning and Appellate Authority:-The Deputy Inspector General of Prisons (Regional) (hereinafter referred to as "the Sanctioning

- Authority”) shall subject to these rules be competent to grant furlough to convicted prisoners.
- (2) If an application of release on furlough is refused by the Sanctioning Authority, an appeal shall lie to the Additional Director General of Police and Inspector General of Prison and Correctional Services.
- (3) The convicted prisoner may against the order of the Sanctioning Authority make an appeal to the Additional Director General of Police and Inspector General of Prison and Correctional Services within thirty days from the receipt of the refusing order:
Provided that, the appellate authority may, admit the appeal after the expiry of the period of thirty days, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.
- (4) The decision of the appellate authority shall be final.”

8. For the Rule 3 of the principal Rules, following rule shall be substituted, namely :-

“3. *When prisoner may be granted furlough*:- Subject to the provisions of rule 2 above the convicted prisoners shall be eligible for furlough as per following criteria:

- (A) A prisoner, sentenced to imprisonment for a period exceeding one year but not exceeding five years,
1. Shall become eligible for furlough on completion of one year of actual imprisonment.
 2. Shall become eligible for second release on furlough after completion of six months of actual imprisonment from the date of last return from furlough.
 3. Shall become eligible for subsequent releases completion of six months of actual imprisonment from the date of last return from furlough.
 4. Prisoner shall not be given furlough exceeding 21 days in a calendar year six months of actual imprisonment from the date of last return from furlough.
 5. Prisoner shall not be given furlough exceeding 21 days in a calendar year.
- (B) A prisoner, sentenced to imprisonment for a period exceeding five years but not exceeding fourteen years,
1. Shall become eligible for furlough on completion of two years of actual imprisonment.
 2. Shall become eligible for second release on furlough after completion of one year of actual imprisonment.
 3. Shall become eligible for subsequent releases on furlough after completion of six months of actual imprisonment from the date of last return from furlough.

4. Prisoner shall not be given furlough exceeding 21 days in a calendar year for the first five years of his imprisonment and thereafter for the period not exceeding 28 days.
- (C) A prisoner, sentenced to imprisonment for a period exceeding fourteen years,
1. Shall become eligible for furlough on completion of three years of actual imprisonment.
 2. Shall become eligible for second release on furlough after completion of one year of actual imprisonment from the date of last return from furlough.
 3. Shall become eligible for subsequent releases on furlough after completion of six months of actual imprisonment from the date of last return from furlough.
 4. Prisoner shall not be given furlough exceeding 21 days in a calendar year for the first five years of his imprisonment and thereafter for the period not exceeding 28 days.

Note 1.—The period of imprisonment in this rule includes the sentence or sentences awarded in lieu of fine in case of amount of fine is not paid.

Note 2.— For calculation of sentences for the purposes of eligibility for leave, 'sentence' shall mean a sentence as finally fixed on appeal, or revision, or otherwise, and includes an aggregate of one or more sentences. However, the actual imprisonment shall be inclusive of set-off period undergone in that specific case.

Note 3.—An order sanctioning the release of a prisoner on furlough shall cease to be valid if not given effect to within a period of two months from the date thereof. However sanctioning authority may extend such validity for further two months.

Note 4.— A register shall be maintained in the prison in the prescribed form in which all cases of prisoners eligible for leave shall be posted three months in advance of the date on which they become eligible for it. Appropriate entries in this regard shall also be made in the History Tickets of the inmates concerned."

9. In the Rule 4 of the principal Rules,--
- (a) In the sub-rule (2), after the words "under Sections" the numbers and word "376, 377 and" shall be inserted.
 - (b) For the sub-rule (4), following sub-rule shall be substituted, namely:--
 "(4) Prisoners whose release is not recommended in Police Commissionerate area by the Assistant Commissioner of Police and elsewhere, by the Deputy Superintendent of Police on the grounds of public peace and tranquility."
 - (c) In the sub-rule (9), for the word "class", the word "category" shall be substituted."

10. For the Rule 5 of the principal Rules, the following rule shall be substituted, namely:-
"5. Ordinarily furlough shall not be granted to a prisoner within a period as prescribed in rule 3."
11. For the Rule 6 of the principal Rules, the following rule shall be substituted, namely:-
"6. *Furlough not to be granted without surety*: - A prisoner shall not be granted furlough unless he can provide a suitable surety willing to receive him. Family members, relatives or friends of the prisoner, if of good antecedents, may stand for him or the Member of local bodies, Police Patil or Registered Medical Practitioner of the home town may if willing and acceptable also be allowed to stand surety. The surety chosen must be willing to enter into a surety bond as in 'Form A' appended to these rules for such amount as may be fixed by the sanctioning authority.
Provided that the sanctioning authority may dispense with the requirement for a surety where prisoners are confined in open prisons as defined in clause (b) of rule 2 of the Maharashtra Open Prison Rules 1971."
12. In the Rule 8 of the principal Rules,
(a) for the sub-rule (2) "District Magistrate concerned through the District Superintendent of Police of that District or to the Commissioner of Police, Greater Bombay" shall be substituted as "Assistant Commissioner of Police or Deputy Superintendent of Police"
(b) In the sub-rule (2), the entire text after the clause (f), shall be substituted, namely:-
"(2-A) The Assistant Commissioner of Police/Deputy Superintendent of Police as the case may be, should be requested to furnish, along with his opinion the following information regarding the relatives of the prisoner with whom he intends to stay while on furlough :—
(a) Their relationship with the prisoner concerned.
(b) Whether such relatives are willing to keep the prisoner while on furlough.
(c) Whether they (viz., relatives) are willing to enter into surety bond.
(c) After the sub-rule 2-A, following sub-rule shall be inserted, namely:-
"(2-B) The report from the Assistant Commissioner of Police/Deputy Superintendent of Police, as the case may be, shall be collectively called for the period of initial furlough period and possible period of extension. No fresh report shall be called from the Assistant Commissioner of Police/Deputy Superintendent of Police, as the case may be, in case of processing possible extension.
(d) In the sub-rule (3), for the words "District Magistrate or the Commissioner of Police Bombay" the words "Assistant Commissioner of Police or Deputy Superintendent of Police" shall be substituted.
(e) In the sub-rule (4), for the words "The District Superintendent of Police", the words "The Assistant Commissioner of Police/Deputy Superintendent

of Police" shall be substituted.

- (f) After the sub-rule (6), following new sub-rule shall be inserted, namely:-
 "(7) While rejecting furlough leave requests, the reasons shall be communicated to the prisoner on which ground(s) his request for leave has been rejected. The Superintendent shall convey the cause of the rejection of his application and ensure that a copy of the same is duly received by the prisoner."

13. In the Rule 10 of the principal Rules,

- (a) after the words "cash security", the bracket and words "(the prisoners private cash and wages may be taken as cash security)" shall be inserted.
- (b) In the sub-rule (1), for the words "District Magistrate,..... /Commissioner of Police, Greater Bombay, or such Officer as the said District Magistrate/Commissioner of Police may appoint in this behalf", the words "Assistant Commissioner of Police.....or Deputy Superintendent of Police.....or such Officer as the said Assistant Commissioner of Police.....or Deputy Superintendent of Police..... may appoint in this behalf;" shall be substituted.
- (c) In the sub-rule (4), for the words "District Magistrate,..... /Commissioner of Police" the words "The Assistant Commissioner of Police/Deputy Superintendent of Police" shall be substituted.
- (d) In the sub-rule (6), for the words "once a day" the words "twice a week or as ordered by sanctioning authority" shall be substituted.
- (e) After the sub-rule (6), following new sub-rules shall be inserted, namely:-
 "(7) that the prisoner shall be de-barred from visiting
 (insert place) such as the place where the offence was committed for which the person was convicted or to restrict the movement of the prisoner.
 (8) such other conditions that are imposed in the furlough or parole release order (list.....)."

14. For the Rule 11 of the principal Rules, the following rules shall be substituted namely:-

" 11. Before releasing a prisoner on furlough, declaration as under shall be taken as on the release order itself,
 I hereby accept and abide by the conditions of release of the release order and I acknowledge that the application of the extension of furlough, if required, shall be submitted by me before the seven days of expiry of the furlough period granted to me. I further acknowledge that should I fail to fulfill these conditions or any portion of them the sanctioning authority may revoke the order of release and forfeit the amount of security furnished by me, and I may be arrested the any police officer without warrant and remanded to undergo the unexpired portion of my sentence and I further acknowledge should I fail to fulfill these conditions or nay portion of them, I am liable to punished on conviction with imprisonment for the term which may extend to two years or

with fine which may extend to Rs, 1000/- or with both, under section 51-B of the Prison Act 1894 as applicable to the State. I further acknowledge that should I fail to surrender on the due date after the expiry of furlough period then I shall be liable to prosecuted under I.P.C 224.

15. After Rule 13 of the principal Rules, the following sub-rules shall be inserted namely:-

"1. The extension application for the furlough shall directly be submitted by the prisoner to the sanctioning authority.

2. Onus of the deciding the furlough extension application of the prisoner before the expiry of the original furlough period shall be on sanctioning authority."

16. In the Rule 14 of the principal Rules,--

(a) In the sub-rule (1), for the clause (ii), (iii) and (iv), following clauses shall be substituted, namely:-

“(ii) to the Deputy Superintendent of Police in which the prisoner intends or agreed to spend his furlough and if the prisoner intends or agreed to spend his furlough in Mumbai, to the Assistant Commissioner of Police,
(iii) to the Deputy Superintendent of Police in which the prisoner was convicted and if the prisoner was convicted in the Commissionerate area to the Assistant Commissioner of Police concerned,

(iv) if the prisoner belong to this State, to the Deputy Superintendent of Police from which the prisoner hails and if the prisoner hails from Commissionerate area, to the Assistant Commissioner of Police.

(b) After the sub-rule (2), following new sub-rule (3) shall be inserted, namely:-

“(3) Where a prisoner does not return from either furlough or parole the prison authorities shall place his photograph and details on the website of the State Crime Record Bureau and inform the State CID and the prison authority shall a case under section 224 I.P.C. After registering such case if the prisoner is not arrested, concerned police station shall initiate procedures under section 82 & 83 of the CrPC 1973.”

17. The Rule 16 of the principal Rules, the following rule shall substituted namely:-

"The furlough period shall be counted as remission of sentence."

18. For the Rule 20 of the principal Rules, following new Rule shall be substituted, namely:-

“20. Parole to be counted as remission of sentence:- The period spent on sanctioned parole shall be counted as remission of the sentence.”.

19. In the sub-rule (2) of Rule 22 of the principal Rules the text "the District Superintendent of Police concerned or the Commissioner of Police Bombay"

shall be substituted as "Deputy Superintendent of Police or Assistant Commissioner of Police". The following sub-rule (3) after sub-rule (2).

(3) The Police verification report shall be not essential for extending the parole period initially granted, if no adverse report about the prisoners is received from the police during the period of prisoners stay on parole.

20. The following sub-rule (1) and (2) shall be added after Rule 23 of the principal Rules.

(1) The onus of submitting Police enquiry report within a period of fifteen days shall lie on related Police authority and electronic modes of communication such as e-mail/fax shall be used for communicating the enquiry report

(2) The medical certificate submitted by prisoners for parole leave shall be verified and attested by Civil Surgeon/Medical Superintendent/Local Medical Officer of Public Health Centre.

21. After the Rule 24 of the principal Rules, the following new Rule 24-A shall be substituted, namely:-

"24-A. Conditions subject to which prisoners may be granted parole:- The Competent Authority may grant parole to a prisoner subject to his executing a surety bond, a personal bond and cash security in Forms A, B and C respectively to observe all or any of the conditions mentioned therein and also subject to such other conditions, if any, as may be specified by the Competent Authority :

Provided that when prisoners convicted of serious offences are released on parole, a condition shall be included in the parole order directing or requiring the prisoner to report at the Police Station nearest to the place where he intends to spend his parole, twice a week or as ordered by sanctioning authority:

Provided that, if prisoner has not applied for extension of parole before fifteen days of his expiry of sanctioned parole his application of extension shall be liable for rejection. If he does not surrenders on due date, the prison authority shall register a case under section 224 I.P.C. After registering such case if the prisoner is not arrested, concerned police station shall initiate procedures under section 82 and 83 of the Criminal Procedure Code, 1973."

22. In the Rule 27 of the principal Rules,

(a) in the sub-rule (1) clause (ii), for the words "District Magistrate and the District Superintendent of Police of the District", the words "Deputy Superintendent of Police or Assistant Commissioner of Police, as the case may be" shall be substituted.

(b) in the sub-rule (2), for the words "may arrest the prisoner, if at large, and remand him to undergo the unexpired portion of his sentence", the words "shall arrest the prisoner, under section 224 of I.P.C., if at large, and remand him to undergo the unexpired portion of his sentence after registering the case under section 224 I.P.C. if prisoner is not arrested by

the police concerned police carries out action as per under section 82 and 83 of Criminal Procedure Code, 1973" shall be substituted.

By order and in the name of the Governor of Maharashtra,

(J.L.Pawara)
Deputy Secretary to Government.

(17)

HNI No. MAHBIL/2009/31733
Reg. No. MCS/173/2016-13



महाराष्ट्र शासन राजपत्र
असाधारण भाग चार-अ

वर्ष २, अंक ६०]

शुक्रवार, ऑगस्ट २६, २०१६/भाद्रपद ४, शके १९३८

[पृष्ठ ३, किंमत : रुपये १५.००

असाधारण क्रमांक १२३

प्राधिकृत प्रकाशन

महाराष्ट्र शासनाने केंद्रीय अधिनियमांखे तयार केलेले
(भाग एक, एक-अ आणि एक-स यांमध्ये प्रसिद्ध केलेले नियम व आदेश यांव्यतिरिक्त) नियम व आदेश.

HOME DEPARTMENT

2nd Floor, Main Building, Madam Cama Marg, Mantralaya
Mumbai 400 032, dated 26th August 2016

NOTIFICATION

PRISONS ACT, 1894.

No. MIS. 1316/C.R. 660/16/PRS-3.— In exercise of the powers conferred by clauses (5) and (28) of section 59 of the Prisons Act, 1894 (IX of 1894) in its application to the State of Maharashtra and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules further to amend the Maharashtra Prisons (Mumbai Furlough and Parole) Rules, 1959 (hereinafter referred to as "the Principal Rules"), as follows namely :—

1. These Rules may be called the Maharashtra Prisons (Mumbai Furlough and Parole) (Amendment) Rules, 2016.
2. These Rules shall come into force from the date of their publication in the *Official Gazette*.
3. In Rule 4 of the Principal Rules,—
 - (a) for the words "The following categories of prisoners shall not be considered for release on furlough" the words, "All Indian prisoners except from following categories whose annual conduct reports are good shall be eligible for furlough" shall be substituted.
 - (b) after sub-rule (10), the following sub-rules shall be added namely,—
 - "(11) Whose appeal in conviction in Higher Court or any other cases filed against them either by Central Government or any of the State Governments in any of the Courts are pending and for which bail is not granted to him/ her by the related Courts ;
 - (12) Who doesn't have sound mental health as per his medical report unless the psychiatrist recommends his release ;

(13) Who is sentenced for offences such as dacoity, terrorist crimes, mutiny against state, kidnapping for ransom, smuggling of narcotic or psychotropic substances, rape or rape with murder ;

(14) Who is sentenced for life imprisonment till death ;

(15) Who is involved in serious prison crime such as assault, outbreak of riot, mutiny or escape, instigating violation of prison discipline ;

(16) Who in the opinion of police/ prison authorities are likely to jump furlough ;

(17) Whose immediate presence in society may be dangerous and may disturb public peace ;

(18) Those involved in sexual offences against minor and human trafficking. "

4. In Rule 11 of the Principal Rules, for the words and figures "with fine which may extend to Rs. 1,000 or with both" the words and figures "with fine which may extend to Rs. 20,000 or with both" shall be substituted.

5. For the Rule 19 of the Principal Rule, following rules shall be substituted, namely :—

"19. When a prisoner may be released on parole—

(1) *Emergency Parole.*—(A) All convicted prisoners may be eligible for emergency parole for following reasons—

(a) Death of parental grandfather or grandmother/father/ mother/ spouse/ son/ daughter/ brother/ sister ;

(b) Serious illness of father/ mother/ spouse/ son/ daughter ;

(c) Marriage of son/ daughter/ brother/ sister.

(B) (a) Emergency Parole may be granted for the maximum period of seven days at a time on confirmation of emergency situation.

(b) No extension can be granted to emergency parole.

(2) *Regular Parole.*—All prisoners eligible for furlough shall be eligible for regular parole.

(A) In case of Regular Parole—

(a) When average sentence of prisoner is not exceeding 5 years,—

(i) Prisoner may be considered for first release on regular parole after completion of one year of imprisonment counted from the date of admission to prison under convicted crime ;

(ii) Prisoner shall be eligible for subsequent release on regular parole after completion of six months of actual imprisonment to be counted from his last return either from furlough or regular parole ;

(iii) Prisoner shall be eligible for maximum of 45 days of parole in a year which can be extended up 60 days once in three years only under exceptional circumstances.

(B) When average sentence of prisoner exceeds 5 years but not more than 14 years,—

(i) Prisoner may be considered for first release on regular parole after completion of two years of imprisonment counted from the date of admission to prison under convicted crime ;

(ii) Prisoner shall be eligible for next release on regular parole after completion of one year of actual imprisonment and subsequent releases then onwards after completion of six months of actual imprisonment to be counted from his last return every time either from furlough or regular parole ;

(iii) Prisoner shall be eligible for maximum of 45 days of parole in a year which can be extended up 60 days, once in a period of three years only under exceptional circumstances.

(C) When prisoner is sentenced to life or whose average sentence exceeds 14 years,—

(i) Prisoner may be considered for first release on regular parole after completion of three years of imprisonment counted from the date of admission to prison under convicted crime ;

(ii) Prisoner shall be eligible for next release on regular parole after completion of one year of actual imprisonment and subsequent releases then onwards after completion of six months of actual imprisonment to be counted from his last return every time either from furlough or regular parole ;

(iii) Prisoner shall be eligible for maximum of 45 days of parole in a year which can be extended up 60 days once in three years only under exceptional circumstances.

6. For the Rule 20 of the Principal Rule, following rule shall be substituted, namely :—

" Parole is not an incentive and thus shall not be counted towards the remission of the sentence. "

7. In Rule- 24A- After the words " as may be specified by the competent authority " following portion shall be inserted, namely :—

" and also upon the prisoner making a refundable deposit of adequate amount (not less than Rs. 15,000) and execute a surety bond, with atleast two sureties from following categories, namely :—

(i) Central or State Government employee ;

(ii) Elected Local representative ;

(iii) Family members having good antecedents ; or

(iv) Friends and relatives having good antecedents.

The amount of deposit shall be forfeited if the prisoner jumps parole."

By order and in the name of the Governor of Maharashtra,

J. L. PAWAR,
Deputy Secretary to Government.

NOTIFICATION

Home Department, Mantralaya
Madam Cama Marg,
Hutatma Rajguru Chowk,
Second Floor, Main Build
Mumbai- 400 032
Dated -1st December, 2015

Prisons Act, 1894.

No. JLM-1013/C.R. 115/13/PRS-2- In exercise of the powers conferred by clauses (5) and (27) of section 58 of the Prisons Act, 1894 (IX of 1894), in its application to the State of Maharashtra, and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules further to amend the Maharashtra Prisons (Review and Remission of Sentences) Rules, 1970, as follows, namely :-

1. These rules may be called the Maharashtra Prisons (Review and Remission of Sentences) (Amendment) Rules, 2015.
2. In the Maharashtra Prisons (Review and Remission of Sentences) Rules, 1970 (hereinafter referred to as "the principal Rules"), for the words "Inspector General of Prison" the words "Additional Director General of Police (Prisons) or Inspector General of Prisons" shall be substituted.
3. In the principal Rules, for the word "woman" wherever it occur, the word "female" shall be substituted.
4. In the principal Rules, for the word "Bombay" wherever it occur, the word "Mumbai" shall be substituted.
5. In the Rule 2 of the principal Rules, sub rule (2), after the words "set out", the words "to her and the rules of the home." shall be inserted.

By order and in the name of the Governor of Maharashtra,

(J.L.Pawara)
Deputy Secretary to Government.

NOTIFICATION

Home Department, Mantralaya
Madam Cama Marg,
Hutatma Rajguru Chowk,
Second Floor, Main Build
Mumbai- 400 032
Dated -1st December, 2015

Prisons Act, 1894.

No. JLM-1013/C.R. 115/13/PRS-2-In exercise of the powers conferred by clauses (5), (7) and (27) of section 59 of the Prisons Act, 1894 (IX of 1894), in its application to the State of Maharashtra, and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules further to amend the Maharashtra Prisons (Review of Sentences) Rules, 1972, as follows, namely :-

1. These rules may be called the Maharashtra Prisons (Review of Sentences) (Amendment) Rules, 2015.
2. In the Maharashtra Prisons (Review of Sentences) Rules, 1972 (hereinafter referred to as "the principal Rules"), for the word "Bombay" wherever it occur, the word "Mumbai" shall be substituted.
3. In the principal Rules, for the word "Inspector General" or Inspector General of Prison" wherever it occur, the words Additional Director General of Police (Prisons) or Inspector General of Prisons shall be substituted.
4. In rule 3 of the principal Rules, in sub-rule (1), clause (a) shall be deleted.
5. For rule 4 of the principal Rules, the following rule shall be substituted, namely:-
"4. *Members of Advisory Board.*- (1) The Advisory Board to review sentences awarded to prisoners and to recommend premature release constituted under the Code of Criminal Procedure, 1973 constituted as follows:-

Sr. No.	Advisory Board Member	Position
1	Regional Special Inspector General of Prisons or Deputy Inspector General of Prisons as the case may be.	Chairman;
2	Any Judicial Magistrate nominated by the District Sessions Judge (Principal Sessions Judge in Greater Mumbai).	Member;
3	The District Superintendent of Police (Commissioner of Police in Greater Mumbai).	Member;
4	The concerned Superintendent of the Prison.	Secretary;
5	Non Official Member No 1 (see rule 5).	Member;
6	Non Official member No 2 (see rule 5).	Member;
7	Non Official member No 3 (see rule 5).	Member.

(2) Where a male prisoners are being reviewed for premature release as being over sixty-five years of age and weak or infirmed or female prisoners over the age of sixty also being weak or infirmed, the following Medical Committee members shall be the part of the Committee:-

Sr. No.	Medical Committee Member	Position
1	District Civil Surgeon.	Member;
2	District Health Officer.	Member;
3	The Chief Medical Officer of the concerned prison.	Member.

Note. - If the District Civil Surgeon is not present at the meeting of the above Committee then the District Health Officer shall be in attendance. It is obligatory in every situation where the release of old, weak or infirmed prisoners or other prisoners with serious medical conditions are being discussed for premature release that either the Civil Surgeon or Health Officer are present together with the Prison's Chief Medical Officer. The decision to release old and infirmed prisoners shall be taken on the basis of the certificate issued by the above Medical Committee."

6. In rule 6 of the principal Rules,-

(a) for the existing Table, the following Table shall be substituted, namely:-

Sr. No.	Category of prisoners	Terms of Imprisonment	Completion of period of imprisonment
(i)	Female Prisoners.	More than 3 years.	On undergoing half of substantive sentence or at least three years whichever period is more including set off period but excluding remission.
(ii)	Old and infirm prisoners. (See rule 4 (2))	More than 3 years.	On undergoing half of substantive sentence or at least three years whichever period is more including set off period but excluding remission.
(iii)	Prisoners other than those mentioned in entry (ii) above.	5 years or more.	On undergoing two-thirds of substantive sentence including set off period but excluding remission.
(iv)	Prisoners sentenced to life imprisonment.	Imprisonment for life.	See rule 25 (d) Tables 1 and 2.";

(b) after sub-rule (2), the following sub-rules shall added, namely:-

"(3) Special consideration shall be given to the premature release of casual female prisoners particularly in cases where she has been the sole breadwinner, or where no surrogate care is possible for her dependents. Where possible the expectant mothers shall be released on suspended sentences, or otherwise to

avoid having their child inside the prison.

- (4) Prisoners serving a sentence of imprisonment for offences under any of the following Acts shall not be considered by the Advisory Board for premature release including old and infirmed prisoners:-

The Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug Offender and Dangerous Persons Act, 1981 (Mah. LV of 1981), the Maharashtra Control of Organised Crime Act, 1999 (Mah. XXX of 1999), the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985), and the Prisoners detained and punished under the Central Government jurisdictions detention rules.”

7. In rule 7 of the principal Rules,-
- (a) for the portion beginning with the words “There shall be maintained a Review File” and ending with the words “The File shall contain-”, the following paragraph shall be substituted, namely:-
- “A computerised database record of all convicted prisoners serving sentences shall be maintained in every prison as well as in the office of the Regional Deputy Inspector General of prisons. This system shall allow for the review of prisoners eligible for premature release and for a record to be kept of previous applications for release under these rules. Monitoring of cases shall be done every month at prison level and every three months at Regional level. This record or file shall contain-”;
- (b) in clause (i), for the words “to the jury” the words “from the Court” shall be substituted;
- (c) in clause (v), for the words “Medical Officer” the words “Chief Medical Officer” shall be substituted.
8. In rule 16 of the principal Rules, sub-rule (1) shall be re-numbered and sub-rule (1)(a) as after sub-rule (1)(a) as so re-numbered the following clause shall be inserted, namely:-
- “(b) While considering the case of premature release of a particular prisoner the Board shall keep in view the general principles of 'amnesty' remission of sentences, as laid down by the State Government or by the courts, as earlier precedents in this matter. The paramount consideration before the sentence review, the Board being the welfare of the prisoner and the society at large, the Board shall not ordinarily decline a premature release of a prisoner merely on the grounds that the police have not recommended his release on certain far-fetched and hypothetical assumptions. The Board 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.”
9. In rule 21 of the principal Rules, in sub-rule (1), for the words and figures “not less than 16 years and not more than 23 years” the words and figures “not less than 18 years and not more than 21 years” shall be substituted.
10. In rule 22 of the principal Rules, in sub-rule (2), in clause (b), for the figures “23” the

figures "21" shall be substituted.

11. In rule 23 of the principal Rules, in sub-rule (3), for the figures "23" the figures "21" shall be substituted.

12. For rule 25 of the principal Rules, the following rule shall be substituted, namely :-

"25. Documents to be sent with report.- The Superintendent shall report cases of all prisoners who have completed their sentence to the Additional Director General of Police (Prisons) or Inspector General of Prisons, one month in advance of the completion period. The following documents shall be sent along with the report, namely:-

(a) Nominal Roll (in duplicate) in Form VIII.

(b) Copy of the Judgement.

(c) Copy of the warrant (in duplicate).

(d) The register of prisoner (Review Board) in Form IX.

(e) The statement of character and antecedents of the prisoner".

13. In rule 27 of the principal Rules,-

(a) for the words "Medical Officer" wherever it occur, the words "Chief Medical Officer" shall be substituted;

(b) for the word "Presidency" wherever it occur, the word "Metropolitan" shall be substituted.

14. In rule 28 of the principal Rules, in the *Explanation*,-

(a) for the words "Medical Officer" wherever it occur, the words "Chief Medical Officer" shall be substituted;

(b) for the word "Presidency" wherever it occur, the word "Metropolitan" shall be substituted.

15. In rule 30 of the principal Rules,-

(a) for clause (a), the following clause shall be substituted, namely:-

"(a) If a prisoner is detained solely under a sentence of imprisonment in default of furnishing security to maintain the peace or to be of good behaviour, is so seriously ill that he is likely to die, whatever the term of his imprisonment, shall be referred immediately to the Magistrate of the District (Chief Metropolitan Magistrate in respect of Greater Mumbai), in case the order was passed by an Executive Magistrate, or to the Court of Session, in case the order had been passed by a Judicial Magistrate, for the necessary orders for the prisoners release under section 123 of the Code of Criminal Procedure, 1973.";

(b) in clause (ii),-

(A) for the word "Presidency" the word "Metropolitan" shall be substituted.

(B) for the figure "124" the figure "123" shall be substituted.

16. In FORM I of the principal Rules,-

(i) before the word "social" the words "a social" shall be inserted;

(ii) for the word "ordinary" the words "an ordinary" shall be substituted.

17. In FORM II of the principal Rules, for the words "Gradation in" the words "Level of" shall be substituted.

By order and in the name of the Governor of Maharashtra,

(J.L.Pawara)
Deputy Secretary to Government.