Appendices
THE HIMACHAL PRADESH GOOD CONDUCT PRISONERS (TEMPORARY RELEASE) ACT, 1968

(Act No. 12 of 1969)

CONTENTS

I. Sections

1. Short title, extent and commencement.

2. Definitions.

3. Temporary release of prisoners on certain grounds.

4. Temporary release of prisoners on furlough.

5. Exclusion of certain days in computing period under section 3 and 4.

6. Prisoners not entitled to be released in certain cases.

7. Journey expenses of poor prisoners to be borne by the Government.

8. Liability of prisoner to surrender on expiry of release period and consequences of over-staying.

9. Penalty for failure to surrender.


11. Appeal and savings.
An Act to provide for the temporary release of prisoners for good conduct on certain conditions

Be it enacted by the Legislative Assembly of Himachal Pradesh in the Nineteenth Year of The Republic of India as follows:-

(1) Short title, extent, and commencement: -

(1) This Act may be called the Himachal Pradesh Good Conduct Prisoners' (Temporary Release) Act, 1968.

(2) It extends to the whole of the (State Of Himachal Pradesh.)

(3) It shall come into force on such date as the Government may, by notification, in the official Gazette, appoint.

2. Definitions : In this Act, unless the context otherwise requires:-

a) "District Magistrate" means the District Magistrate of the District within whose jurisdiction the prisoner after his temporary release under this Act, is likely to reside during the period of his temporary release;

b) "Government" means the government of Himachal Pradesh;

c) "member of prisoner's family" means the husband, wife, son, daughter, father, mother, brother or sister of the prisoner;

d) "notification" means notification published under proper authority, in the "Official Gazette;"

e) "Official Gazette" means the Rajpatra, Himachal Pradesh ;
f) "prescribed" means prescribed by rule made under this Act;

g) "Prisoner" means a person confined in prison under a sentence of imprisonment;

h) "Superintendent of Jail" means the Superintendent of the jail in which the prisoner is undergoing his sentence of imprisonment.

3. Temporary release of prisoners on certain grounds

(1) The Government may, in consultation with the District Magistrate and subject to such conditions and in such manner as may be prescribed, release temporarily for a period specified in sub section (2) any prisoner if Government is satisfied that,-

a) a member of prisoner's family has died or seriously ill; or

b) the marriage of prisoner's son or daughter is to be celebrated; or

c) the temporary release of the prisoner is necessary for ploughing, sowing or harvesting or carrying on any other agricultural operation on his land and no friend of the prisoner or a member of the prisoner's family is prepared to help him in this behalf in his absence; or

d) It is desirable so to do for any other sufficient cause.

(2) The period for which a prisoner may be released shall be determined by the Government so as not to exceed-
a) Where the prisoner is to be released on the ground specified in clause (a) of sub-section (1), two weeks; 

b) Where the prisoner is to be released on the ground specified in clause (b) or clause (d) of sub-section (1), four weeks; and 

c) Where the prisoner is to be released on the ground specified in clause (c) of sub-section (1), six weeks. 

(3) The period of release under this section shall not count towards the total period of the sentence of a prisoner. 

(4) The Government may, by notification, authorise any officer to exercise its power under this section in respect of all or any of the grounds specified therein. 

4. Temporary release of prisoners on furlough 

(1) The Government or any other officer authorised by it in this behalf may, in consultation with District Magistrate and subject to such conditions and in such manner as may be prescribed, release temporarily, on furlough, any prisoner who has been sentenced to a term of imprisonment of not less than five years, and who:- 

a) has, immediately before the date of his temporary release, undergone imprisonment for a period of three years, excluding remission; 

b) has not during such period committed any jail offence and has earned at least three annual good conduct remissions:
Provided that nothing herein shall apply to a prisoner who,—

i. is a habitual offender as defined in [Clause(d) of section 2 of the Himachal Pradesh Habitual Offenders Act, 1969] (8 of 1970); or

ii. has been convicted of robbery or dacoity or such other offence as the Government may, by notification, specify.

(2) The period of furlough for which a prisoner is eligible under sub-section (1) shall be three weeks during the first year of his release and two weeks during each successive year thereafter.

(3) Subject to the provisions of clause (d) of sub-section (3) of section 8, the period of release referred to in sub-section (1) shall count towards the total period of the sentence of a prisoner.

5. Exclusion of certain days in computing period under section 3 and 4

For the purpose of calculating the period of temporary release of a prisoner under sections 3 and 4, the days of departure from and arrival at the prison shall be excluded.

6. Prisoners not entitled to be released in certain cases

Notwithstanding anything contained in sections 3 and 4, no prisoner shall be entitled to be released under this Act, if, on the report of the District Magistrate, the Government or an officer authorised by it in this behalf is satisfied that his release is likely to endanger the security of the state or the maintenance of public order.
7. **Journey expenses of poor prisoners are to be borne by the Government**

If, on the report of the District Magistrate, the government is satisfied that a prisoner's family cannot bear the expense of his journey from and to the prison after his temporary release under this Act, the expenses may be borne by the Government to such extent and in such manner as may be prescribed.

8. **Liability of prisoner to surrender on expiry of release period and consequences of overstaying.**

(1) On the expiry of the period for which a prisoner is released under this Act, he shall surrender himself to the Superintendent of the jail from which he was released.

(2) If a prisoner does not surrender himself as required by sub-section(1) within a period of ten days from the date on which he should have so surrendered, he may be arrested by any police officer without a warrant and shall be remanded to undergo the unexpired portion of his sentence.

(3) If a prisoner surrenders himself to the Superintendent of the Jail from which he was released within a period of ten days of the date on which he should have so surrendered, but fails to satisfy the Superintendent of Jail that he was prevented by any sufficient cause from surrendering himself immediately on the expiry of the period for which he was released, all or any of the following penalties shall, after affording the prisoner a reasonable opportunity of being
heard, be awarded to him by the Superintendent of the Jail, namely,-

a) a maximum cut of five days' remission for each day of overstay;

b) Stoppage of canteen concession for a maximum period of one month;

c) Withholding concession of either interviews or letters or both for a maximum period of three months;

d) the period of temporary release on furlough of the prisoner under section 4 shall not be counted towards his sentence;

e) warning; and

f) reduction from the status and grade of "Convict Watchman" or "Convict overseers"

9. **Penalty for failure to surrender.** - Any prisoner who is liable to be arrested under sub-section (2) of section 8, shall be punishable with imprisonment of either description which may extend to two years or with fine or both.

*Explanation.* - The punishment in this section is in addition to the punishment awarded to the prisoner for the offence for which he was convicted.

10. **Power to make rules** (1) The Government may, by notification, make rules for carrying out the purposes of this Act.
(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for:-

a. the execution by the prisoner (including his sentence) of bond for his good behaviour during the release period and for his surrender on expiry of such period;

b. the amount for which and the form and manner in which such bonds shall be furnished;

c. the forfeiture of the amount of bond in case of breach of any of its terms;

d. the conditions on which and the manner in which prisoners may be released temporarily under this Act;

e. the manner in which district magistrate shall be consulted before a prisoner is released; and

f. the extent to which and the manner in which journey expenses of poor prisoners shall be borne by the government.

(3) All rules under this section, shall, as soon as may be after they are made, be laid before the Legislative Assembly.

Provided that anything done or any action taken under the said Act, shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under this Act.
THE HIMACHAL PRADESH GOOD CONDUCT PRISONERS' (TEMPORARY RELEASE) RULE, 1969


1. **Short Title.**-(1) these rules may be called the Himachal Pradesh Good Conduct Prisoners' (Temporary Release) Rules, 1969.

(2) These rules shall come into force at once.

2. **Definitions.** - In these rules, unless the context otherwise requires,-

a) "Act" means the Himachal Pradesh Good Conduct Prisoners' (Temporary Release) Act, 1968 (12 of 1969);

b) "Form" means a form appended to these rules;

c) "Inspector General" means the Inspector General of Prisons, Himachal Pradesh;

d) "Releasing Authority" means the Government or such other authority to whom the powers of the Government are delegated under sub-section(4) of section 3 or sub-section (1) of section 4 of the Act;
e) "Section" means a section of the Act.

3. **Procedure for temporary release.**-(1) A prisoner desirous of seeking temporary release under section 3 or section 4 of the Act shall make an application in Form 'A-1', Form 'A-2', as the case may be, to the Superintendent of Jail. Such an application may also be made by an adult member of prisoners, family.

(2) The Superintendent of Jail shall forward the application along with his report to the District Magistrate of the District to which the prisoner belongs, who after consulting the Superintendent of Police of his District shall forward the case with his recommendations to the Inspector General. The Inspector General will then record his views on the case whether the prisoner is to be released or not and submit the same to Releasing Authority for orders. The District Magistrate, before making any recommendations, shall verify the facts and the grounds on which release has been requested and shall also give his opinion whether temporary release on parole or furlough is opposed on grounds of prisoner's presence being dangerous to the security of the State or pre-judicial to the maintenance to public order.

(3) If, after making such enquiry as it may deem fit, the Releasing Authority is satisfied that the prisoner is entitled to be released under the Act. The Releasing Authority may issue to the Superintendent of Jail, through the [Inspector...
General) a duly signed and sealed warrant in Form-B ordering the temporary release of the prisoner, specifying therein,(i) the period of release of the prisoner,(ii) The place or places which the prisoner is allowed to visit during the period of such temporary release and the amount for which [ security bond or the surety ] bond shall be furnished by the prisoner in Forms ‘C’ and form ‘D’ respectively :

Provided that the amount of the security bond and the surety bond shall not exceed twenty thousand rupees in each case.

(4) On receipt of the release warrant the Superintendent of Jail shall inform the prisoner concerned and such member of the prisoner’s family as the prisoner may specify in that behalf for making arrangements for execution of the security and surety bonds in Forms ‘C’ and ‘D’ , respectively for securing the release of the prisoner . A copy of the release warrant shall also be sent by the Superintendent of Jail to the District Magistrate.

(5) On receipt of the information from the District Magistrate that the necessary bonds have been furnished, the Superintendent of Jail shall release the prisoner for such period as is specified in release warrant.

(6) The Superintendent of Jail shall also immediately forward to the officer in charge of the Police station with in whose jurisdiction the place or places to be visited by the prisoner
is or are situated, a copy of the warrant and the release certificate in Form ‘E’ . The officer in charge of the police station shall keep a watch on the conduct and activities of the prisoner and shall submit a report relating thereto to the Superintendent of Jail who shall forward the same to the Inspector General.

(7) The date of release as the date on which the prisoner surrenders himself under sub-section (1) of section 8 of the Act shall be reported by the Superintendent of jail to the Inspector General who will inform the Government accordingly.

4. Committing of any offence during the period of temporary release

(1) If the prisoner commits any offence during the period of his temporary release, the officer in charge of the Police station shall forthwith, and in any case not later than 24 hours of his coming to know of the commission of the offence, send a report thereof to the Superintendent of Jail and to the Superintendent of Police of the District.

(Section 10(1))

(2) On receipt of report under sub-rule (1) the Superintendent of Jail shall forthwith send the same to the Inspector General for being forwarded to Releasing Authority, who may thereafter cancel the release warrant.

5. Warrant to be cancelled where prisoner commits any offence.- If any major jail offence committed by the prisoner
between the date of application for release and the receipt of the warrant for such release the prisoner shall not be released by Superintendent without the previous approval of the Inspector General. In case the approval is not given, the Superintendent of Jail shall return the release warrant to the Releasing Authority through the Inspector General for cancellation indicating the details of the offence committed by the prisoner. The Releasing Authority may on receipt of such a report, cancel the release warrant.

(Section 10 (1))

6. **Expenses of Journey.** - Third class railway passes for journey both ways to the railway station nearest to the place of destination or the bus fare to the place of residing both ways will be issued by the Superintendent of Jail on the report of the District Magistrate. [if] The Government is satisfied that the prisoner's family cannot bear the expenses of his Journey from and to the prison after his temporary release.

(Section 10 (1)(f))

7. **Prisoner to be informed of the date of surrender and consequences of failure thereof**

(1) Before a prisoner is allowed to leave the jail on temporary release under the Act, he shall be informed by the Superintendent of the Jail personally, about the date on which he has to surrender himself to the Jail and the
consequences of his failure to do so, as provided in sections 8 and 9 of the Act.

(2)........................................

(Sections 8&10 (2)(d))

8. **Release of Female Prisoners** - A female Prisoner ordered to be temporarily released under the Act shall be transferred to the jail which is nearest to the place which she intends to visit during her temporary release. She shall be released from that jail and shall return to that jail. If she so desires, the Superintendent of the Jail from which she is transferred shall intimate to such member of her family as she may specify in that behalf that date of her release and the Jail from which she is to be released.

Section 10 (2) (d)

9. **Release Certificate.** -(1) A prisoner who is temporarily released under these rules shall be given a release certificate in Form ‘E’, a copy whereof shall be retained in the jail records.

Section 10 (1)

10. **Forfeiture of Bonds and Credit of Amounts Forfeited**-
The forfeiture of the amounts of security/surety bonds shall be regulated under the provisions of code of criminal procedure, 1898 and the amount so forfeited shall be credited under receipt head XVIII-Misc. Jail Receipt Fines and forfeitures.
11. **Expenditure of Railway Bus Fares** - The expenditure on account of railway bus fare deserving prisoners shall be met out of the contingencies of respective jails under major Head 22-Jails

**FORM A-I**
(See Rule 3)
(To be supplied to a prisoner or any adult member of his family free of charge)

Application by the prisoner to the Superintendent of Jail for release under section 3 (Parole) of the Himachal Pradesh Good Conduct Prisoners' (Temporary Release) Act, 1968.

(To be filled in by the prisoner or a member of his family)

..................................................Jail..................................................

1. No. and name of prisoner.

2. Father’s Name.

3. Caste.

4. Residence: Village/ Mohalla or Town, Police Station, District.

5. Reason for release.

(Signature or thumb impression of the applicant).

**Declaration by the Prisoner**

I hereby declare that I request to be released temporarily under section 3 of the Good Conduct prisoners’ (Temporary
Appendix-II

Release) Act, 1968 and on being so released shall faithfully comply with the conditions of my release.

Dated ____________________________ (Signature or thumb impression of the Prisoner)

(To be filled in by Superintendent of Jail)

Casual/Habitual

No. of Previous convictions, if any-

1. No. and name of prisoner.

2. Age................................. Years................................
   Offence..............................

3. Sentencing Court

4. Period of sentence.
   Fine, if any.
   Fine realised or not.

5. Date of sentence.

6. Period actually spent in Jail up to the date of application.

7. Remission earned years Months Days.

8. Unexpired period years Months Days.

9. Probable date of release. years Months Days.
10. Physical and mental condition of the Prisoner.
11. Conduct in Jail.
   Date of last Jail offence.
   (Details of offence committed in Jail are enclosed).
12. Date when parole was last granted.
   Date when parole was last rejected.
13. Is the prisoner eligible for release in every respect?
15. Any additional remarks.

Dated
Entry checked with warrant
Superintendent Jail

FORM A-2

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


(To be filled in by prisoner or a member of his family)

Jail

1. No. and name of prisoner.
2. Father’s Name.
3. Caste.
4. Residence: Village/ Mohalla or Town, Police Station, District.

5. Reason for release.

(Signature or thumb impression of the Prisoner).

Declaration by the Prisoner

I hereby declare that I desire to be released temporarily under section 4 of the Himachal Pradesh Good Conduct prisoners’ (Temporary Release) Act, 1968 and on being so released shall faithfully comply with the conditions of my release.

Dated
(Signature or thumb impression of the Prisoner)

(To be filled in by Superintendent of Jail)

(Casual/Habitual)

No. of previous convictions, if any.

1. Number and name of prisoner.

2. Age................................. Years.................................
   Offence.................................

3. Sentencing Court

4. Period of sentence.
   Fine, if any.

Fine, realised or not.

5. Date of sentence.
6. Period actually spent in Jail up to the date of application.

7. Remission earned years Months Days.

8. Unexpired period years Months Days.

9. Probable date of release years Months Days.

10. Physical and mental condition of the Prisoner.

11. Conduct in Jail, Number consecutive A.G.C.R.'s earned

   (Date of last Jail offence.)

   (Details of offence committed in Jail are enclosed).

12. Date when furlough was last granted.

    Date when furlough was last rejected.

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


15. Any additional remarks.

   Dated, Entries checked
   with warrant.

Superintendent, Central/District Jail.


FORM 'B'
(See Rule 3)

Warrant for the temporary release of prisoner under section 3 or 4 of the Himachal Pradesh Good Conduct Prisoners' (Temporary Release) Act, 1968
Whereas ........................................... (Name and description of the prisoner) at present confined in ........................................... Jail ........................................... Under warrant dated the ........................................... day of ........................................... 19.............., Signed by ........................................... has applied for his/her temporary release;

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

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

(1) The prisoner shall during the period of his/her temporary release reside at Village/Town ........................................... Tehsil ........................................... District ........................................... He/she may also during the said period visit ........................................... and shall not ........................................... Without obtaining the prior permission of the District Magistrate, Visit any place not specified in the release warrant during the said period.

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

(4) At the expiry of period of ...........................................
Weeks/days for which the prisoner temporarily released the said prisoner ................................ son of ........................................ Shall surrender himself to the Superintendent ............ Jail ........................................ to undergo the unexpired portion of his sentence.

(5) The prisoner shall, before his release on parole/furlough, furnish, to the satisfaction of the District Magistrate ................................ a bond and a surety in the sum of Rs...........(Rupees ....................... thousand only) each for faithfully observance of the conditions specified in the release warrant.

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

(7) In addition to the action under sub sections (2) and (3) of section 8 of the Act, the amount of the bond shall stand forefitted to Himachal Pradesh Government in case any conditions of the bonds is, in the opinion of the Government, not fulfilled.

Given under my hands this ............ day of ...................... 19 /
I........................................... Son of ................................ hereby acknowledge the receipt of the above warrant and I understand the conditions specified in the above warrant of release and I accept them.

(Signature or thumb impression of the prisoner).

FORM 'C'

(See Rule 3)

Personnel Bond

In the Court of the District Magistrate ................. This bond is made on the ............... by me............................. (Name of Prisoner); whereas the Administrator of Himachal Pradesh (hereinafter referred to as “the Government”) is pleased to order my release on parole /furlough for a period of .......... Weeks/days commencing from ....................... and ending on ....................... Under section ......................... of the Himachal Pradesh Good Conduct Prisoners’ (Temporary Release ) Act, 1968 on the condition of my furnishing personal bond as well as a surety bond each for a sum of Rs ....................., to observe the conditions specified below;
Now, therefore, I do hereby bind myself to faithfully observe all the conditions mentioned herebelow and in case of my making default in observing any of them, I bind myself, to forfeit to the Government the sum of Rs.....................,

(1) I shall during the period of my temporary release reside at Village/Town ................. Tehsil ....... District.
................. and shall nor without obtaining the permission of the District Magistrate
................. Visit any place not specified in the release warrant.

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

(3) At the expiry of the period of ................. weeks/days for which I have been temporarily released I shall surrender myself to the Superintendent, .................

Jail to undergo the unexpired portion of my sentence.

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

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

Accepted for and on behalf of the
FORM ‘D’
(See rule 3)
Surety Bond

In the court of the District Magistrate

This bond is made on the ........................................

by ................................................ (1st Surety) and .................. (2nd surety) (hereinafter collectively referred to as “the sureties”).

Whereas the Administrator of Himachal Pradesh (hereinafter referred to as “The Government”) is pleased to order the release of .......... ....(hereinafter referred to as “the prisoner”) on parole/ furlough for a period of .................... weeks/days commencing from ...................... and ending on ...................... under section .................. of the Himachal Pradesh Good Conduct Prisoners' (Temporary Release) Act, 1968 on the condition of the prisoner furnishing a bond as well as a surety bond each for the sum of Rs .................... to observe the conditions on which the prisoner has been temporarily released;

and where as the prisoner has on .................. executed personnel bond for the sum of Rs. ...................... To observe the conditions specified therein.
Now, therefore, the sureties jointly and severally do here
bind themselves to forfeit to the Government the sum of Rs
....................... in case the prisoner makes a default in observing
any of the conditions specified in his personal bond.

Accepted for and on behalf of the

Signature of the

Administrator, Himachal Pradesh First surety.

Signature of the

Second surety.

FORM 'E'
(See Rule 3)
Certificate of conditional release under section 3 and 4 of the
Himachal Pradesh Good conduct prisoners' (Temporary
Release) Act, 1968

In exercise of the powers conferred by section .................... of
the Himachal Pradesh Good Conduct Prisoners (temporary
Release) Act, 1968, the Releasing Authority has, subject to the
conditions herein after set forth, directed the release of prisoner
....................... Sono ........................................
Caste.............................. age...................... Resident of village
Police Station...................... District ...................... Prison
No. ....................... at present confined in the jail for..................
days in pursuance of warrant, dated.............................. has been
permitted to visit the below-noted places following the specified route:

Proceed from.............. to ...................... for........................ Via
................................. return from .............................. To
................................. for........................ Via.................................

Conditions to be observed by the released Prisoner:-

1. The released prisoner shall proceed forthwith to

2. He shall report back to.............. Jail......................... On

3. He shall not proceed to any place other than those he has been authorised to visit.

4. He shall keep peace and maintain good behaviour during the period of his temporary release.

5. If in the opinion of the Releasing Authority he is found to have committed a breach of any of these conditions, It may cancel his release warrant and direct his readmission to jail.

Superintendent,

.....................Jail.........................

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

(Signature)
Superintendent,

..........................Jail....................

Date of temporary release of the prisoner on parole/furlough.

No. .................................. dated..................................

Copy forwarded to :-
1. The Superintendent of Police,......................
2. S.H.O. Police Station .......................... District
........................................ for Information and necessary action.

Superintendent...........Jail......................
PAROLE/FURLOUGH: GUIDELINES 2010

1. The Lt. Governor, GNCT Delhi has approved the following guidelines to be followed in matters of parole/furlough. The guidelines will apply to convicts i.e. those who have been convicted by a court of competent jurisdiction of offences under various laws and are undergoing sentences in prison.

2. The present guidelines may be called the "Parole/Furlough: Guidelines 2010" and shall come into force immediately.

3. The present guidelines are intended to regulate applications for parole and to ensure that they are considered in a fair and transparent manner. The guidelines have been framed to achieve the objectives of parole which could amongst others:

3.1 To enhance continuity with family members.

3.2 To maintain a minimum level of self-worth and confidence.
3.3 To develop a positive attitude and interest in life.

3.4 To combat inner stress.

3.5 To protect social ties.

4. There shall be two kinds of parole to which a convict would be eligible:

(i) Custody parole and

(ii) Regular parole.

CUSTODY PAROLE

5. "Custody parole" would be granted in emergent circumstances as follows:-

5.1 Death of a family member;

5.2 Marriage of a family member;

5.3 Serious illness of a family member; or

5.4 Any other emergent circumstances.

6. The Superintendent of Jail will verify the existence of the circumstances mentioned in Clause 5 above from the concerned police station immediately on receipt of the application/request to that effect.

7. "Custody Parole" will be granted by an order in writing, issued by the Superintendent of Jail, for a period of not more than six hours, excluding the time taken to reach destination and return to Jail.

8. The prisoner would be escorted to the place of visit and return there from, ensuring the safe custody of the
prisoner. Such prisoner would be deemed to be in prison for the said period which would also be treated as period spent in prison.

9.7 To pursue the filing of a Special Leave Petition before the Supreme Court of India against a judgment delivered by the High Court convicting or upholding the conviction, as the case may be.

10. It is clarified that where an appeal of a convict is pending before the High Court, parole will not be granted since the convict can seek appropriate orders from the High Court.

11. In order to be eligible for release on parole in terms of para 9 above:-

**REGULAR PAROLE**

9. It would be open to the Government to consider applications for parole on other grounds such as:

9.1 Serious illness of a family member;

9.2 Critical conditions in the family on account of accident or death of a family member

9.3 Marriage of any member of the family of the convict;

9.4 Delivery of a child by the wife of the convict if there is no other family member to take care of the spouse at home;

9.5 Serious damage to life or property of the family of the convict including damage caused by natural calamities;

9.6 To maintain family and social ties.
11.1 A convict must have served at least one year in prison excluding any period covered by remission;

11.2 The conduct in prison must have been uniformly good;

11.3 During the period of release on parole, if granted earlier, the convict should not have committed any crime;

11.4 The convict should not have violated any terms and conditions of the parole granted previously;

11.5 A minimum of six months ought to have elapsed from the date of termination of the previous parole.

12. The following prisoners/convicts would not be eligible for being released on parole:-

12.1 Convicts whose release on parole is considered dangerous or a threat to national security or there exists any other reasonable ground such as a pending investigation in a case involving serious crime;

12.2 Prisoners who have been involved in crimes and offences against the State, like sedition or who have been found to be instigating serious violation of prison discipline;

12.3 Prisoners who have escaped from jail.

12.4 The prisoner is not a citizen of India;

12.5 In the following cases, parole would ordinarily be not granted except, if in the discretion of the competent authority special circumstances exist for grant of parole;
(a) If the prisoner is convicted of murder after rape;
(b) If the prisoner is convicted for murder and rape of children;
(c) If prisoner is convicted for multiple murders.

13. If there are more than one convicts in a case who are lodged in the same prison, the co-accused convicts would not be released simultaneously except upon special circumstances to be mentioned in the order granting parole.

14. The period of release on parole shall not, ordinarily, exceed one month at a time except in special circumstances to be mentioned in the order granting parole.

15. The Government shall decide the period of release on the merits of each case, for reasons to be specified in the order granting parole.

Procedure for disposal of Applications

16. The following procedure would be followed while processing the application for parole and thereafter:-

16.1 An application for grant of parole may be submitted by the convict or relative to the Superintendent of Jail;

16.2 The application must contain the following details:

1. Name of the applicant;
2. Name of the father of the applicant;
3. Address of the applicant;
Appendix-III

4. In case the application is being moved by a relative, the details of relationship with the convict;
5. Family details of the convict if known to the applicant (if the applicant is not a member of the family of the convict);
6. **Last confirmed** address of the convict; and
7. Reasons for seeking parole.

16.3 The Superintendent of Jail will maintain a Parole Register. Upon receipt of the application, the Superintendent of Jail would make an entry in the Parole Register immediately. The Superintendent would verify the grounds stated in the application upon an oral interview with the prisoner.

16.4 The Superintendent of Jail would then forward a copy of the application to the concerned police station for its report.

16.5 The report from the police station will be based upon a fair enquiry.

16.6 The report by the police station (if within NCR) shall be furnished by the concerned police station in the format prescribed in the schedule, **within 7 days from the date** of receipt of the **copy of the** said application at the police station.

16.7 If the report is not received within 7 days, **from the concerned police station**, the Superintendent of Jail will send a communication in writing to the Deputy Commissioner of Police of the concerned District with a
copy to the concerned police station requiring the submission of a report within 5 working days from the date of receipt of the communication.

16.8 In case verification report is required from the police of any other State, the same should be sought from the concerned Deputy Commissioner of Police/Senior Superintendent of Police of the District concerned. The said report shall be furnished by the concerned authority in accordance with the form prescribed in the Schedule within 10 days of the receipt of the copy of the application for parole.

16.9 In case a report from the concerned police station through the Deputy Commissioner of Police/Senior Superintendent of Police of the District is not received within 10 days, the Superintendent of the Jail shall forward a communication in writing to the Director General of Police of the State concerned for submission of the report within 7 working days from the date of receipt of the said communication.

16.10 If no report is received by the Superintendent of Jail within the periods aforementioned, it shall be presumed that the concerned police authorities have no objection to parole being granted.

16.11 The application, would then have to be immediately forwarded to the Deputy Secretary Home (General), Govt. of NCT of Delhi with a forwarding note to the
effect that since no report had been received from the concerned police authorities, it is presumed that they

16.12 had no objections to the grant of parole, and the application be disposed on merits.

17. The Superintendent of Jail shall maintain a separate register which shall contain entries to record where a report is not received from the concerned police station or SSP/DCP as the case may be within the stipulated time. The details of such entries would be communicated by the Superintendent of Jail to the Commissioner of Police, Delhi or Director General of Police of the State concerned as the case may be.

18. The Superintendent of Jail will forward to the Deputy Secretary Home (General) the following in two sets:

18.1 Application of the convict;
18.2 Police report, if any;
18.3 Forwarding note in case no police report has been received within the prescribed period.
18.4 Specific recommendation of the Superintendent of Jail;
18.5 Nominal rolls of the convict;
18.6 Medical report of the convict where parole is sought on medical grounds;
18.7 Any other relevant documents.

19. The office of Deputy Secretary, Home (General), GNCT will maintain a record including computerized register to enter
the receipt of the applications and other details of the applications.

20. The Deputy Secretary, Home (General), GNCT would scrutinize the application and would ensure that the Home Department (including approvals at all levels) decides the application of parole within 3 weeks. The decision will be communicated to the Superintendent of Jail who in turn will communicate the same to the prisoner/convict. In addition, the Superintendent of Jail will ensure that a copy of the order is served on the convict/prisoner.

21. While granting parole, it would be open to the competent authority to impose suitable conditions such as execution of personal bonds with or without sureties and including conditions to report to the local police station and/or restricting the movement of the convict to a limited area.

22. While rejecting an application for parole, the order shall contain reasons.

23. Where a prisoner has been released on parole subject to his furnishing personal and/or surety bonds, it shall be to the satisfaction of the Superintendent of Jail.

FURLOUGH

24. A prisoner who is sentenced to 5 years or more or rigorous imprisonment but has undergone 3 years of imprisonment excluding remission can be released on furlough.
25. A prisoner, as described above, would be entitled to 7 weeks of furlough in a year. The first spell could consist of 3 weeks, while the subsequent spells would consist of 2 weeks each.

26. In order to be eligible to obtain furlough, the prisoner must fulfill the following criteria:-

26.1 Good conduct in the prison and should have earned three "Annual Good Conduct Remissions' and continues to maintain good conduct;

26.2 The prisoner should not be a habitual offender;

26.3 **The prisoner should be a citizen of India.**

26.4 The prisoner should not have been convicted of robbery, dacoity, arson, kidnapping, abduction, rape and extortion;

26.5 The prisoner should not have been convicted of any offence relating to any offence against the State such as sedition;

26.6 The release of the prisoner should not be considered dangerous or deleterious to the interest of national security or there exists reasonable ground to believe that the convict is involved in a pending investigation in a case involving serious crime;

26.7 **The convict is not such a person whose presence is considered highly dangerous or prejudicial to the public peace and tranquility by the District Magistrate by his home district.**
27. If an appeal of a convict is pending before the High Court or the period for filing an appeal before the High Court has not expired, furlough will not be granted and it would be open to the convict to seek appropriate directions from Court.

28. While forwarding an application for furlough, the Superintendent of Jail will submit the following:-

1. Name of the convict
2. Father's name
3. Last address
4. Conduct in prison
5. Nominal roll

29. The sanctioning authority for furlough would be the Director General, Prisons with an intimation to the Home Department, Government of NCT.

30. The cases of furlough will be completed on a fast-track basis by the Superintendent of Jail (in coordination with the Department of Home) within a period of 2 weeks.

31. It would be open to the competent authority to impose suitable conditions while granting furlough in exceptional cases.

32. In the event a prisoner being released on furlough belongs to any other State, then the local police station of that State shall be requested to keep a watch on the prisoner so released.
33. The DG, Prisons will maintain a computerized database to deal with all cases/applications for grant of parole/furlough.

MISCELLANEOUS

34. While disposing of an application for parole or furlough, the competent authority will assess the behavior and trustworthiness of the convict on the one hand as well as any adverse repercussions which may exist if parole is granted. The authority will act fairly and state reasons if the application is rejected.

35. The definition of a family of a prisoner means grand parents, parents, brothers, sisters, spouse, children and grand children.

36. The expenses of journey from and to the prison would be borne by the prisoner unless the family of the prisoner is extremely poor, in which case the government would meet the cost of journey of the prisoner, provided this fact is verified by the District Magistrate of the District where the family resides.

37. The period of parole/furlough will count as sentence undergone unless the prisoner commits an offence during the period he is released on furlough/parole in which event the period will not be counted as sentence undergone.

38. Any of the following punishments may be awarded to the prisoner for overstaying the parole or furlough:
(i) **Parole**: The prisoner may be deemed to have committed an offence under Section 224 IPC and may be prosecuted with Govt. sanction, in which case he will forfeit all remissions earned.

(ii) **Furlough**: (a) Warning.

(b) Withholding of concessions of either interviews or letters or both for a maximum period of six months.

(c) A deduction of up to 5 days remission for each day of overstay.

(d) Reduction from the grade of convict.

(e) Furlough period should not be counted towards sentence i.e. the prisoner should undergo furlough period on return from furlough.

(iii) The Superintendent of Jail may award one or more of the punishments mentioned above at his discretion.

39. At the time of admission of a convict as a prisoner, the prisoner would be furnished with a booklet which would contain the present guidelines. The said guidelines would be available both in English/Hindi. In case the convict does not know either English or Hindi, suitable assistance would be provided to explain the contents of these guidelines.

(G.L. MEENA)
JOINT SECRETARY HOME
## Appendix-IV

### SOCIAL PERCEPTION ON PAROLE

1. **Effect of Gender on Desirability of Parole**

<table>
<thead>
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2. **Effect of Education on parole Beneficial to Prisoner**

<table>
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<tr>
<th>S. No</th>
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<th>Matric</th>
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<th>Graduation</th>
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3. **Effect of Profession on Advantages of Parole**

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<th>Business class</th>
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### Appendix-IV

#### 4 Effect of Profession on Grounds for Granting Parole

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<th>Business class</th>
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#### 5 Effects of Profession on Ground of Refusal of Parole

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<th>Business class</th>
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#### 6 Effect of Education on Parole Conditions

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<th>P.G/ Above</th>
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8 Effect of Gender on Addition of Parole Period to Awarded Punishment

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9 Effect of Age on Effect of Parole Period on Total Punishment

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10 Effect of Education on Parole to Habitual Offenders

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11 Effect of Gender on Parole to Women Offenders

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338
### Effect of Education on Parole as Danger to Security of Society

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### Effect of Profession on Parole to Lifers

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<tr>
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<th>Business class</th>
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Interview Schedules
(English version)
Interview Schedule-I
(For Social Perception on Parole)

The questions mentioned below have been asked in relation to parole which means release of prisoners for some time. The objective is academic and research only. The information provided by you shall be used only for academic purpose and not for any other purpose. The information provided by you shall be kept secret. All the questions carry many answers. You have to put (√) mark against the answer which you feel to be correct

(Ambika)
(Interviewer)

Q.1. Whether parole is desirable step for releasing prisoner?
   A. Yes
   B. No
   C. Indefinite

Q.2. Whether parole is beneficial to prisoner?
   A. Yes
   B. No
   C. Indefinite

Q.3. What are the Advantages of parole?
   A. Reformation of Prisoner.
   B. Rehabilitation of Prisoner
   C. Humanitarian treatment
Q.4. On which of the following grounds parole should be granted?

A. Death of family member
B. Marriage of family member
C. For Agricultural purpose
D. Construction of House or for Examination
E. All above

Q.5. Whether parole can be refused on following grounds:

A. Security of the Society
B. Security of Prisoner
C. On both Grounds
D. Indefinite

Q.6. What conditions should be imposed while granting parole?

A. Remaining in own area
B. To surrender within time period to Jail authority
C. Free from bad associates
D. No new work without the permission of Jail authority
E. All above

Q.7. Whether parole should be granted to those prisoners who have violated parole conditions earlier?

A. Yes
B. No
C. Indefinite
Q.8. Whether period of parole should be reduced or excluded in the total punishment?
   A. Yes
   B. No
   C. Indefinite

Q.9. What is the effect of parole period on punishment?
   A. Yes
   B. No
   C. Indefinite

Q.10. Whether parole should be granted to all prisoners convicted of serious or non serious offence?
   A. Yes
   B. No
   C. Not to hardend criminals
   D. Indefinite

Q.11. Whether parole should be granted to habitual offenders?
   A. Yes
   B. No
   C. On the basis of their behavior
   D. Keeping in mind the security of society
   E. Indefinite

Q.12. Whether parole should always be granted to women offenders?
   A. Yes
   B. No
   C. It should be given according to crime.
   D. Indefinite
Q.13. Whether parole is danger to security of the society?
   A. Yes
   B. No
   C. Indefinite

Q.14. Whether parole should be granted to lifers?
   A. Yes
   B. No
   C. Indefinite

Q.15. What should be the basis of parole on medical ground?
   A. Statement of the prisoner
   B. Medical certificate
   C. Health of the prisoner
   D. Indefinite

Q.16. If the medical certificate is produced in support of seeking parole?
   A. Validity of medical certificate should be checked.
   B. It should be accepted as it is
   C. Only on suspicion
   D. Indefinite

Q.17. What should be the procedure of granting parole?
   A. On the application of prisoner
   B. Authority should decide on in own
   C. both grounds
   D. Indefinite

Q.18. Which of the following measures should be taken if parole condition/s are violated:
Appendix-V

A. Enhancement of punishment.
B. Release after counseling.
C. No parole thereafter or subsequently.
D. If the reason is satisfactory then forgive him.
E. Indefinite

Q.19. Whether parole is helpful in reforming prisoner?
A. Yes
B. No
C. Indefinite

1. Name.................................................................
2. Address............................................................
3. Age.................................................................
4. Sex.................................................................
5. Religious.........................................................
6. Education......................................................
7. Profession.....................................................
8. Income (PM) ..................................................
Interview Schedule-II

(For Prisoners)

The questions mentioned below have been asked in relation to parole which means release of prisoners for some time. The objective is academic and research only. The information provided by you shall be used only for academic purpose and not for any other purpose. The information provided by you shall be kept secret. All the questions carry many answers. You have to put (✓) mark against the answer which you feel to be correct

(Ambika)

(Interviewer)

Q.1. Have you availed of parole?
A. Yes
B. No
C. Indefinite

Q.2. How many times you have availed parole?
A. Once
B. Twice or more
C. Whenever get opportunity
D. Never
E. Indefinite

Q.3 What are the reasons for not getting parole?
A. Not given by authorities
B  Did not apply.
C  Not eligible according to law
D  Not interested.
E  Indefinite

Q.4. Whether conditions are imposed while granting parole?
   A. Yes
   B. No
   C. Indefinite

Q.5. What conditions are imposed while granting parole?
   A. To stay in own area.
   B. To surrender before jail authority on time
   C. To stay away from bad associates
   D. No work without permission
   E. Indefinite

Q.6. Have you violated any condition?
   A. Yes
   B. No
   C. Indefinite

Q.7. What action was taken by Jail Authority for the breach of condition/s?
   A. Enhancement of punishment
   B. Release by counseling
   C. No further parole.
   D. Any other punishment
   E. Not applicable

Q.8. What was the reason for violating condition?
A. Illness of family member
B. Illness of prisoner himself
C. Any other reason
D. Construction of house or for examination
E. Indefinite

Q.9. Have you availed of parole on the basis of following grounds:
A. False excuses
B. Corruption
C. Political or other influence
D. Other
E. Not applicable

Q.10. Whether parole is beneficial?
A. Yes, to solve the household problems
B. Yes, to reform himself
C. No, no benefit accrues
D. Little bit benefit accrues
E. Indefinite

Q.11. Who grants parole?
A. Jail Authority
B. Parole Board
C. DM/DC
D. ADGP/IG
E. Indefinite

Q.12. Whether parole is given to all?
A. Yes
B No
C Parole is easily available by all.
D Parole is not easily available by all.
E Indefinite

Q.13. What do you feel after release on parole?
A. Family members become happy.
B Family members feel scary.
C They remain neutral
D Indefinite

Q.14. Which of the following statements is correct on availing parole?
A. Neighbors become happy
B Neighbors feel scary
C They remain neutral
D Indefinite

Q.15. Whether parole is given to every convict irrespective of amount of imprisonment?
A. Yes
B No
C Indefinite

Q.16. Whether parole is granted to habitual offenders?
A. Yes
B No
C Indefinite

Q.17. Have you availed parole on the death of family member?
A. Yes
Appendix-V

Q.18. Have you availed parole for agricultural purpose if male member is absent?

A. Yes
B. No
C. Indefinite

Q.19. Have you availed of parole for marriage of family member?

A. Yes
B. No
C. Indefinite

Q.20. Have you availed parole for construction of House?

A. Yes
B. No
C. Indefinite

Q.21. Have you availed parole for examination?

A. Yes
B. No
C. Not applicable

Q.22. Have you availed parole on false medical ground?

A. Yes
B. No
C. Indefinite

Q.23. How much punishment is imposed on you?

A. More than 2 years less than 5 years.
B. More than 5 years less than 7 years
C. More than 7 years less than 10 years
D. More than 10 years
Q.24. Whether parole is refused on the basis of following grounds?
   A. Security of the society
   B. Security of prisoner
   C. On both grounds
   D. Without any basis
   E. Other

Q.25. Whether parole period is included in punishment?
   A. Yes
   B. No
   C. Indefinite

Q.26. What do you feel on availing parole?
   A. Better than Jail
   B. Worse than Jail
   C. Feel respected
   D. Disrespected

1. Name
2. Address
3. Age
4. Sex
5. Religion
6. Education
7. Offence Committed
8. Punishment awarded
9. Status before commission of crime
   (1) Service
   (2) Business/other
Interview Schedule III  
(Staff Members of Prisons )

The questions mentioned below have been asked in relation to parole which means release of prisoners for some time. The objective is academic and research only. The information provided by you shall be used only for academic purpose and not for any other purpose. The information provided by you shall be kept secret. All the questions carry many answers. You have to put (√) mark against the answer which you feel to be correct.

(Ambika)  
(Interviewer)

Q.1. Whether parole is availed in prison?
   A. Yes
   B. No
   C. Indefinite

Q.2. Who gives parole?
   A. Jail Authority
   B. DM/DC
   C. Parole Board
   D. ADGP.IG
   E. All above

Q.3. What is the procedure of granting parole?
   A. On the application by prisoner
   B. At the instance of authority
   C. On both Grounds
   D. Indefinite
Q.4. How many number of prisoners avail of parole?

A. 25%
B. 50%
C. 75%
D. 100%
E. Indefinite

Q.5. What action is taken for breach of parole conditions?

A. Punishment is increased
B. Release after counseling
C. No parole thereafter or subsequently
D. Indefinite

Q.6. What is the basis of parole on medical ground?

A. Statement of prisoner
B. Medical Certificate
C. Health of Prisoner
D. Indefinite

Q.7. If the medical certificate is given than?

A. Validity of medical certificate is checked
B. It is accepted as it is
C. Checked only on suspicion
D. Indefinite

Q.8. What are the grounds for grating parole?

A. Death of the family members
B. Marriage of the family member
C. For Agricultural purpose
D. Construction of House or for examination
E. All above
Q.9. Whether parole is granted to habitual offenders?
A. Yes
B. No
C. On the basis of conduct
D. Taking into consideration the security of society
E. Indefinite

Q.10 What are the grounds for refusal of parole?
A. Security of the Society
B. Security of the prisoner
C. On both grounds
D. All this is not seen
E. Indefinite

Q.11. Whether parole is beneficial to prisoner?
A. Yes, for solving the household problems
B. Yes, for prisoner's reformation
C. No, no benefit occurs
D. A & B, both

Q.12. Whether parole is granted to lifers?
A. Yes
B. No
C. Indefinite

Q.13. Whether parole is granted after maintaining balance between security of society and liberty of individuals?
A. Yes
B. No
C. Indefinite
Q.14. What is object of granting parole?

A. Reformation of prisoner
B. To reduce overcrowding in prison
C. To reduce financial burden on state
D. Rehabilitation of prisoner
E. As alternative to prison

Q.15. Whether parole is granted to the prisoners who earlier violated parole conditions?

A. Yes
B. No
C. Indefinite

Q.16. Whether parole period is included in total punishment?

A. Yes
B. No
C. Indefinite

Q.17. Whether parole is granted to women offenders?

A. Yes, in the same way as male offenders
B. Always
C. Not on strict conditions
D. It is given according to crime
E. Indefinite

1. Name
2. Address
3. Age
4. Sex
5. Religion
6. Education
7. Profession
8. Income(PM)
## JAILWISE CAPACITY AND POPULATION OF PRISONERS AS ON 31/03/2013.

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<tr>
<th>Sr. No</th>
<th>Name of Jail</th>
<th>Authorized Capacity</th>
<th>Prisoners Population</th>
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