

**ASSAM PRISON (LEAVE AND EMERGENCY RELEASE)  
RULES, 1968**

**GOVERNMENT OF ASSAM Notification No. HJL. 8/63/68  
dt. 12-8-68)**

(As amended by the Assam Prisons (Leave and Emergency Release) First Amendment Rules, 1986, vide Government of Assam Notification No. HMB. 181/86/31, dated 1-9-86)

**1. SHORT TITLE, EXTENT AND COMMENCEMENT: -**

- (1) These rules may be called the Assam Prisons (Leave and Emergency Release) Rules, 1968.
- (2) These rules extend to the whole of the State of Assam.
- (3) They shall take effect from the date of publication.

**2. DEFINITIONS: -** In these rules: -

- (a) **'emergency release'** means temporary release of a prisoner that may be granted on ground of emergencies like death or serious illness of father/mother/father-in-law/mother-in-law/Uncle/aunt/brother/sister/spouse/children or marriage of son, daughter and brother sister etc.

- (a) **'Government'** means the Government of Assam.
- (c) **'leave'** means a concession of temporary release that may be granted to a prisoner.
- (b) **'prisoner'** means a person confined in prison under a sentence of imprisonment.
- (c) **'sanctioning authority'** means the Inspector General of Prisons or the Joint Inspector General of Prisons (Head quarters) when the former is out of Headquarters.
- (f) **'sentence'** means a sentence of imprisonment as finally fixed on appeal or revision or other wise and include a aggregate of more sentence than one but not include sentence in default of fine.

### **3. SANCTIONING AUTHORITY. -**

Subject to the provisions of these rules and notwithstanding anything contained in Section 1(Section 432 of the code of Criminal Procedure, 1973) a prisoner may be granted leave or emergency release by the sanctioning authority.

**4. WHEN PRISONERS SHALL NOT BE GRANTED LEAVE/RELEASE: -**

The following categories of prisoners shall not eligible fro being granted leave or emergency release: -

- (i) Offenders classified as habituals;
- (ii) Prisoners sentenced under Sections 392 to 402 the Indian Penal Code;
- (iii) <sup>2</sup>(Deleted)
- (iv) Prisoners who are considered dangerous, or who are involved in serious prison violations like assault, out break, riot, mutiny, escape, instigation to serious violations, strike etc.,

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**Note:** In case of prisoners mentioned in (iv) the Inspector General of Prisons will pass orders debarring them from concessions of leave.  
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- (v) Prisoners transferred to special prisons of disciplinary grounds, for the period of their incarceration in such prisons;
- (vi) Prisoners committed to prisons in default of furnishing security to keep the peace or be of good behaviors;

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

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**Note.** - In case of prisoners mentioned at (vii) the eligibility may be decided in accordance with the opinion of the Civil Surgeon.

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(viii) Prisons convicted of offence under the Assam Opium Prohibition Act, <sup>3</sup>(the Prevention of Food Adulteration Act or the Suppression of Immoral Traffic in Women and Girls Act);

(ix) Prisoners or class of Prisoners whose leave or Emergency release is not permitted under special or general orders of the Government.

1. Substituted by the Assam Prisons (Leave and Emergency Release) First Amendment Rules, 1986.
2. Deleted by the Assam Prisons (Leave & Emergency Release) 1st Amendment Rules, 1986.

**5. WHEN PRISONERS NOT TO BE RELEASE: -**

Prisoners who are imprisoned for offences against law relating to a matter to which executive power of the Union Government extends or whose release is likely to have repercussion elsewhere in the country shall not be granted approval of Government.

**6. ELIGIBILITY FOR LEAVE: -**

- (i) Subject to provisions of Rule 44, eligibility for leave for <sup>47</sup>(twenty days in case of first release and thirty days incase of subsequent release)” shall be regulated as shown in Appendix ‘A’.
- (ii) Leave shall not be granted to a prisoner within a period of six months from the date of his surrender after the expiry of emergency release;
- (iii) A register shall be maintained as in Appendix ‘B’ in which all cases of prisoners eligible for leave shall be posted at least three months, in advance of the date on which they become eligible for being release on leave and shall be placed before the Jail Superintendent.

3. Added by the Assam Prisons (L & E R) 1st Amendment Rules, 1986.

4. Substituted by *ibid.*

**7. PROCEDURE FOR APPLICATION: -**

- (i) The Jail Superintendent shall examine the case of each prisoner who is eligible for leave to find out whether the prisoner is fit for being released on leave. The cases shall be considered on the following points –
  - (a) Conduct,
  - (b) Work,
  - (c) Progress achieved in various spheres,
  - (d) Effort for introspection and self improvement,
  - (e) Attitude towards family and community,
  - (f) The manner in which previous period of leave or emergency release was utilized; such examination shall be completed at least before 60 days of the date on which a prisoner becomes eligible for leave.
  
- (ii) Prisoners whose conduct has been found to be unsatisfactory or prisoners who are punished for prison offences shall be considered as unfit for being considered for release on leave. In such cases the period after which the case will be reviewed shall

decided by the Superintendent of Jails and the prisoners informed accordingly.

<sup>5</sup>[Provided that the period after which such cases are renewed shall not exceed six months.

(iii) A prisoner, whose case the Superintendent of Jail has decided to recommend for release on leave, shall be informed to submit to him an application in triplicate to the Inspector General of Prisons in the prescribed forms as in appendix 'C'. In his application the prisoners shall state, amongst other things, the name and addresses of his relative or friend with whom he wished to stay during the period of leave.

(iv) <sup>6</sup>(One copy of the application shall be retained in the office of the Superintendent of Jail, and one copy together with the descriptive roll of the prisoner shall be forward along with the recommendation of the Superintendent of Jail concerned to the Inspector General of Prisons for orders – <sup>7</sup>).

5. Added by the Assam Prisons (L & E R) 1st Amendment Rules, 1986

6. Substituted by the Assam Prisons (L & E R) 1<sup>st</sup> Amendment Rules, 1986.

## **8. GRANT OF RELEASED ON LEAVE: -**

7” If on receipt of the application with the recommendation of the Superintendent of Jail concerned and, in case of a prisoner whose ordinary place of residence is outside the State of Assam, also the recommendation of the Superintendent of police 7” the Inspector General of prisons is satisfied that there is no objection to grant the leave applied for, he shall make an order for release of the prisoner on leave for 8” twenty days (in case first release) or thirty days (in case of subsequent release) and suspension of the execution of sentence on such condition as may be specified in the order. The following condition shall invariably be laid down in addition to such other condition, if an, as maybe deemed necessary.

7.Substitued by ibid.

8.Substitued by ibid.

(a)<sup>9</sup> (That the prisoner shall execute a personal recognizance bond in the prescribed form as in appendix ‘E’ to these rules )”

(b) That the said prisoner shall reside at the place designated by the Inspector General of Prisons and shall not go beyond the limits of that place.

(a) That the said prisoners shall be of good behaviors and shall not commit any offence.



- (d) <sup>10</sup>(Deleted).
- (b) That the prisoner shall not associate with bad characters or lead a dissolute life.
- (f) That the prisoners shall be liable to be recalled immediately to prison in case he violets any of the conditions.
- (g) That the prisoner shall surrender himself to the Superintendent of the Jail on expiry of the leave period or on recall.

9. Substituted by the Assam Prisons (Leave & Emergency Release) 1st Amendment Rules, 1986.

10. Deleted by ibid.

**9. POSTPONMENT OF RELEASE ON LEAVE: -**

- (i) If the prisoner commits serious violations of prison discipline after the despatch of the application and prior to his actual release on leave from the prison, the Superintendent of the Jail may postpone his release on leave. In such cases, the Superintendent, shall forward a report along with his recommendations to the Inspector General of Prisons for the further orders.
- (ii) On the application of the prisoner, the Superintendent of the Jail may postpone the prisoner's release on leave ordered by the Inspector General of Prisons so

that the leave period may synchronise with agricultural operations like sowing, harvesting or such work as repairing the homestead or attending marriage in the Prisoner's family, etc. In such a case, a report shall be submitted to the Inspector General of Prisons for information.

- (iii) Prior to being released on leave, the inmate should be oriented and prepared for his leave.
- 10.**
- (i) On receipt of orders of the Inspector General of Prisons the prisoners shall be released on leave, provided he executed the necessary bond and signs the required conditions. At the time of release the prisoners shall be supplied with an identification card and a certificate of release on leave. The prisoner shall be ordered to report at the Jail on the due date before lock up.
  - (ii) Whenever any prisoner is released on leave, intimation of his release shall be given to: -
    - (a) District Magistrate and the Superintendent of Police of the District within whose jurisdiction the prisoner proposes to spend his leave.

(b) The District Magistrate and the Superintendent of Police within whose jurisdiction the prisoner was convicted.

(c) The District Magistrate and the Superintendent of Police from whose jurisdiction the prisoner Jails.

(d) The Probation Officer/Aftercare Officer if any of the area where the prisoner will be spending his period of leave.

(iii) The Probation Officer/Aftercare Officer if any, of the area where the prisoner was staying during his leave period shall, wherever possible, contact the prisoner and send to the Superintendent of Police a report about the prisoner's behaviour during leave period.

**11.** (i) The period of release on leave shall count towards sentence.

(ii) The period stated in the release order shall not be extended and no application for such extension of leave shall be entertained.

(iii) The prisoner shall return from leave on the due dates before lock-up.

- (iv) If a prisoner release on leave does not return to the prison on the due date, police authorities should immediately be telegraphically requested to arrest and bring him back to the prison. In each case of late surrender or breach of any of the conditions of leave, the Superintendent of Jail shall record the statement of the prisoner and hold an enquiry for punishment to be warded in cases of late surrender.
- 12.** (i) When a prisoner returns from leave, a report in the prescribed form as in Appendix “F” shall be forwarded to the Inspector General of Prisons. Similar intimations shall also be sent to the District Magistrate and Superintendent of Police.
- (ii) On return from leave, the prisoner’s response to the release on leave should be evaluated by the Superintendent of Jail. All these observations should be kept in the inmate’s file for being further studied.
- 13.** A leave <sup>11</sup>(and emergency release)” register with prescribed form as in <sup>12</sup>(Appendix ‘B’)” showing details of applications for leave, dates of orders, dates of release and surrender, etc., shall be maintained.

11. Inserted by the Assam Prisons (L & E R) 1<sup>st</sup> Amendment Rules, 1986.

12. Inserted by *ibid.*

**14. EMERGENCY RELEASE: -**

The sanctioning authority may subject to the provisions of Rule 15 grant emergency release <sup>13</sup>(not exceeding thirty days including any extensions)” to a prisoner on the following grounds: -

- (i) to facilitate the inmate’s presence in his family during a period of grave emergency like death or serious illness of father/mother/brother/sister/spouse/children;
- (ii) to facilitate the inmate in specialized treatment for diseases like tuberculosis, cancer, etc., in accordance with the opinions of the prison Medical Officer to be approved by the Civil Surgeon.
- (iii) To facilitate attending the marriage ceremony of his daughters, sons brothers and sisters.

13. Inserted by <i>ibid.</i>
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**15.** Prisoners who are eligible for release on leave shall be considered as eligible for emergency release. <sup>14</sup>(The sanctioning authority may, if he considers it necessary, granted emergency release to a prisoner of this category even before his availing of the first leave, subject to the execution of a bond by a surety in addition to the execution of a personal bond by the prisoner). Under very special circumstances, Government may consider emergency release on such conditions as may be deemed necessary according to the requirements of each individual case of other category of prisoners who are not eligible for release on leave.

**16. PROCEDURE FOR OBTAINING RELEASE: -**

A prisoner who desires to be release for emergency purposes shall submit his application in the prescribed form as in Appendix 'C' to the Superintendent of the Jail who shall endorse his remarks thereon and forward the same direct to Inspector General of Prisons along with the descriptive roll. In case of prisoners required to be released for medical reasons, a certificate from the prison Medical Officer to be countersigned by the Civil Surgeon shall be attached to the application. A copy of this application shall be sent to the Inspector General of prisons.

<p>14. Inserted by the Assam Prisons (L &amp; E R) 1<sup>st</sup> Amendment Rules, 1986.</p>
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Prisoner who applies for emergency release on false grounds or who abuse the concession or commits breaches of any of the conditions of emergency release shall be liable to be punished. <sup>15</sup>(Provided that in the case of a prisoner whose ordinary place of residence is outside the State of Assam, the same procedure as prescribed in the provision to clause (iv) of Rule 7 shall be observed before granting emergency release)".

**17. CONDITIONS OF EMERGENCY RELEASE: -**

<sup>16</sup>(The sanctioning authority may grant emergency release to a prisoner subject to his executing a personal recognizance bond in the prescribed form as in Appendix 'E' and, in case of emergency release granted to a prisoner before his availing of the first leave, also subject to a surety executing a bond in the prescribed form as in Appendix 'D' to these rules.)" The release may further be subject to any of the following conditions: -

- (i) That the prisoner shall reside at the place to be designated by the Inspector General of Prisons or the

15. Inserted by the Assam Prisons (L & E R) 1st Amendment Rules, 1986.

16. Inserted by *ibid.*

Government as the case may be during the period of emergency release and shall not go beyond the limits of the said place without the permission of the District Magistrate / Sub-divisional Magistrate.

- (ii) That the prisoner shall be of good behaviour and shall not commit any offence punishable by or under any law in force in India.
- (iii) That the prisoner shall not associate with bad character or lead a dissolute life.
- (iv) That the prisoner shall surrender himself to the Superintendent of Jail on expiry of the period of emergency release.
- (v) That the prisoners shall be immediately recalled to prison in case of violation of conditions.
- (vi) That the prisoner shall stay in a T.B. Sanatorium or hospital or any other specified place as the case may be in the interest of his health, if so required.



**18.** On receipt of orders sanctioning the emergency release of a prisoner, he shall be released immediately after observing all the conditions laid down in Rule 10.

**19.** (i) The period of release on emergency grounds shall not count towards sentence. It shall be treated as out period.

(ii) A report shall be submitted by the Superintendent of Jail to the Government and copies thereof sent to the Inspector General of Prisons. The District Magistrate, the Superintendent of Police and the probation officer of Aftercare officer, if any, when a prisoner is released and when he returns to the Jail.

**20. EXTENSION: -**

If a prisoner on emergency release requires extension he may apply for the same to the authority sanctioning the emergency release. Such authority after fully satisfying itself may grant extension for such period as may appear to it to be absolutely essential in the circumstances of the case. If orders authorising the extension are not received before the expiry of the emergency release period, the prisoner shall report back to the Jail.

**<sup>17</sup>[21. JOURNEY: -**

A prisoner, at the time of release on leave or emergency release shall be given passage warrant /fare and diet money as on release on expiry of sentence for his journey from the prison and also passage warrant /fare for his return journey to the prison on expiry of leave or emergency release.]”

<p>17. Inserted by the Assam prisons (L &amp; E) 1<sup>st</sup> Amendment Rules, 1986.</p>
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## APPENDIX 'A'

### [Rule 6 (1)]

Sentence including sentence in default of payment of fine.	When due for first release on leave.	[Deleted]	When due for second and subsequent release
Exceeding one year but not exceeding five year	On completion of one year of actual imprisonment to be counted from the date of admission not prison		completion of one year of actual imprisonment to be counted from date of his last return from leave.
Exceeding five years but not exceeding fourteen years	On completion of two years of actual imprisonment to be counted from the date of admission		completion of one year of actual imprisonment to be counted from date of his last return

	to prison		from leave.
Prisoner's sentences to life imprisonment and to periods of imprisonment exceeding fourteen years.	completion of three years of actual imprisonment to be counted from the date of admission to prison		completion of one year of actual imprisonment to be counted from date of his last return from leave.

18. Added by the Assam Prison (L & E) 1<sup>st</sup> Amendment Rules, 1986.

19. Deleted by *ibid*.

20. Substituted by *ibid*.

**<sup>21</sup>APPENDIX 'B'**

**Leave and emergency Release Register**

**[Rules 6 (iii) and 13]**

Name of the prisoner:

Sentence including fine sentence:

Section of crime:

Dated of sentence:

Dated of admission into Jail:

Home Address:

Surviving Relatives

Father/Mother/Brother/Sister/Spouse/Children) :

Due date of first leave:

Date of application for leave:

21. Substituted by the Assam Prison (L & E R) 1st Amendment Rules, 1986.
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Number and date of order sanctioning leave:

Date of release on leave:

Date of surrender from leave:

Due date of second leave:

Date of reasons of application for emergency release:

(and so on)

**[Note:** The above proforma is only illustrative]”

**<sup>22</sup>APPENDIX 'C'**

**APPLICATION FOR LEAVE/ EMERGENCY RELEASE**

**UNDER THE ASSAM PRISONS (LEAVE & EMERGENCY  
RELEASE) RULES, 1986**

**[Rules, 7 (iii) and 16]**

To

The Inspector General of Prisons, Assam.

Sir,

In (Regd. NO. & Name of Prisoner)  
\_\_\_\_\_ confined in (name of  
prison) \_\_\_\_\_ hereby apply for release  
on leave/emergency release for \_\_\_\_\_ days to go to  
my native place at (full address to be given here)  
\_\_\_\_\_ for the

22. Substituted by the Assam prisons (L & E R) 1<sup>st</sup> Amendment  
Rules, 1986

following reasons, and will stay with my relative/friend Shri/Smti.  
\_\_\_\_\_ during the leave/emergency  
release.

Reason: -

SIGNED BEFORE ME

Jailer

\_\_\_\_\_ (Prison)

Signature of prisoner

Memo No. \_\_\_\_\_ dated \_\_\_\_\_

Forwarded to the Inspector General of Prisons, Assam. A Descriptive Roll of the prisoner is enclosed. The prisoner confirms that the facts stated by him are true. He is prepared for the action that may be taken against him if they prove to be false. His application is recommended/not recommended on the basis of his conduct and performance in prison. The due /proposed date of his release on leave/emergency release is \_\_\_\_\_.

Superintendent

\_\_\_\_\_ (Prison)

Memo No. \_\_\_\_\_ Dated, \_\_\_\_\_



(Application only to residents of other States)

Forwarded to the Superintendent of Police, \_\_\_\_\_  
\_\_\_\_\_, with Descriptive Roll, and with a request to  
make immediate enquiries and furnish his report to the Inspector  
General of Prisons, Assam, with (date ) \_\_\_\_\_  
mentioning inter-alia (i) whether he recommends the grant of  
release on leave/emergency release and if so, for what period; (ii)  
whether there is likelihood of breach of peace if the prisoner is  
released on leave/emergency release; (iii) whether his  
relative/friends above named is willing to keep him during  
leave/emergency release and (in case of emergency release only)  
(iv) whether the ground or grounds on which emergency release is  
applied for is or are genuine.

Superintendent

\_\_\_\_\_ (Prison)

## **APPENDIX 'D'**

### **Surety Bond**

#### **Rule 8(a)**

I, \_\_\_\_\_ inhabitant of \_\_\_\_\_  
\_\_\_\_\_ hereby declare myself surety for  
\_\_\_\_\_ prisoner \_\_\_\_\_ No.  
\_\_\_\_\_ and give the guarantee that he shall  
observe the conditions of release on <sup>23</sup>[emergency release] set out  
in schedule \* 'A' and shall appear himself before the  
Superintendent of \_\_\_\_\_ prison at  
\_\_\_\_\_ on the expiration of the period of his release  
on <sup>23</sup>[emergency release] end in case of his making default herein, I  
hereby bind myself to pay to the Government of Assam the sum of  
Rs. \_\_\_\_\_.

And I agree that any extension of time given to  
prisoner \_\_\_\_\_ shall not discharge me from my  
liability to pay the said amount.

Date this \_\_\_\_\_ day of \_\_\_\_\_  
19 \_\_\_\_\_

Signed by the above-named surety in \_\_\_\_\_ in  
presence of \_\_\_\_\_.

- 1.
- 2.

Signature of the Surety.

\* The conditions of release should be attached to this bond as a  
schedule.

23. Substituted by the Assam prisons (L& E R) 1st Amendment Rules, 1986.
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## **APPENDIX 'E'**

### **Personal Bond**

#### **Rule 8 (a) 17.**

Whereas I (name \_\_\_\_\_ inhabitant of place \_\_\_\_\_ have been sentenced to undergo imprisonment for the term of \_\_\_\_\_ years.

And whereas the Government of Assam/ Inspector General of Prisons, State of Assam/Joint Inspector General of Prisons (Head Quarters has been pleased to release me on leave/emergency release for the term of ( ) commencing from \_\_\_\_\_ and ending on \_\_\_\_\_ on condition of my executing a personal Recognition Bond fro my appearance of on the following date, *viz.*, \_\_\_\_\_ I hereby agree, with and bind myself into the Government of Assam to abide by the conditions mentioned in the schedule \* attached and further agree to appear and surrender myself before the Superintendent of \_\_\_\_\_ prison at \_\_\_\_\_ o'clock on the following date, *viz.*, \_\_\_\_\_ and in case the period of release on leave/emergency release is extended then on the date following the date of expiry of such extended period of leave/emergency release

and in case of my making default herein I bind myself to pay the Government of Assam a sum of Rs. \_\_\_\_\_

and I agree that the Government of Assam may without prejudice to any other rights or remedies, recover the said sum from me as an arrear of a revenue.

Dated this                      Date of                      19\_\_\_\_\_

Before me

Superintendent prisons.

Signature of the prisoner.

\* Schedule (to be filled in).

## **APPENDIX 'F'**

### **(Rule 120**

The Inspector General of Prisons/District Magistrate/Superintendent of Police.

Sir,

I have the honour to say that Shri \_\_\_\_\_ prisoner who was granted leave/release on emergency vide order No. \_\_\_\_\_ Dated \_\_\_\_\_ has since returned to the prison within due date and time.

Superintendent of Jail

## **APPENDIX 'G'<sup>24</sup> & 'H'<sup>25</sup>**

**[Deleted]**

24. Deleted by the Assam prison (L & E R) 1st Amendment Rules, 1986.

25. Deleted by ibid.

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