



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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No. 197 Dispur, Thursday, 11th September, 2014, 20th Bhadra, 1936 (S.E.)

GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
HOME (B) DEPARTMENT

NOTIFICATION

The 3rd September, 2014

No.HMB.240/2012/29.- In exercise of the powers conferred by clauses (5) and (28) of section 59 of the Prisons Act, 1894 (Central Act IX of 1894), the Governor of Assam is pleased to make the following Rules to amend the Assam Prisons (Leave and Emergency Release) Rules, 1968, hereinafter referred to as the principal Rules, namely :-

Short title and commencement 1. (1) These rules may be called the Assam Prisons (Leave and Emergency Release) (Amendment) Rules, 2013.

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

Amendment of rule 4 2. In the principal Rules in rule 4, for clause (viii), the following shall be substituted, namely :-

"(viii) Prisoners convicted of offence under the Assam Opium Prohibition Act, the Prevention of Food Adulteration Act, the Suppression of Immoral Traffic in Women and Girls Act and the Narcotic Drugs and Psychotropic Substances Act;"

Amendment of
rule 7

3. In the principal Rules in rule 7, for clause (iv), the following shall be substituted, namely :-

“(iv) One copy of the application shall be retained in the office of the Superintendent of Jail, and the other two copies together with the descriptive roll of the prisoner shall be forwarded respectively to the Inspector General of Prisons, Assam and the Superintendent of Police of the native district of the prisoner, indicating his due date of release on leave. The Superintendent of Police in his turn shall forward the application under his seal and signature to the District Magistrate along with his report as to (i) whether he recommends the grant of release on leave and, if so, for what period; (ii) whether there is likelihood of breach of peace if the prisoner is released on leave; and (iii) whether the relative or friend with whom the prisoner wishes to stay is willing to keep him during the period of leave. If the Superintendent of Police does not recommend the prisoner's release on leave, detailed reasons thereof shall be given by him. The District Magistrate shall forward the aforesaid report along with his recommendation under his seal and signature to the Inspector General of Prisons, Assam, sufficiently before the due date of release on leave of the prisoner as mentioned above, for making necessary orders regarding grant of release on leave of the prisoner.”

Amendment of
rule 8

4. In the principal Rules, for rule 8, the following shall be substituted, namely :-

“8. GRANT OF RELEASE ON LEAVE: - If on receipt of the recommendation of the District Magistrate, 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 twenty days (in case of first release) or thirty days (in case of subsequent release) on such conditions as may be specified in the order. The following conditions shall invariably be laid down in addition to such other conditions, if any, as may be deemed necessary:-

(a) That the prisoner shall execute a personal bond in the prescribed form as in Appendix 'E' and also furnish a surety who shall execute a bond in the prescribed form as in Appendix 'D' to these rules for such amount as may be ordered by the Inspector General of Prisons.

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

(c) That the prisoner shall be of good behaviour and shall not commit any offence.

(d) That the prisoner shall not associate with bad characters or lead a dissolute life.

(e) That the prisoner shall be liable to be recalled immediately to the prison in case he violates any of the conditions.

(f) That the prisoner shall surrender himself to the Superintendent of the Jail on expiry of the leave period or on recall."

Amendment of 5
rule 11

In the principal Rules, in rule 11, clause (iv) shall be substituted, namely :-

"(iv) If a prisoner released on leave does not return to the prison on the due date, police authorities should immediately be telegraphically/ telephonically or by any means intimated and requested to arrest and bring him back to the prison. Further an FIR shall be filed by the Superintendent of Jail in the concerned Police Station. 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 awarded in cases of late surrender. Also, a report shall be sent to Inspector General of Prisons for passing necessary orders to debar such prisoners to go on leave or emergency release for the succeeding period of his remaining term of imprisonment."

Amendment of rule 14 6. In the principal Rules, in rule 14, clause (ii) shall be deleted and clause (iii) shall be renumbered as clause (ii).

Amendment of rule 16 7. In the principal Rules, for rule 16, the following shall be substituted, namely :

"16. PROCEDURE FOR OBTAINING RELEASE: - A prisoner who desires to be released for emergency purposes shall submit to the Superintendent of Jail an application in triplicate addressed to the Inspector General of Prisons in the prescribed form as in Appendix 'C', whereupon the same procedure shall be observed as laid down in clause (iv) of rule 7 before granting emergency release to the prisoner."

Amendment of rule 17 8. In the principal Rules, in rule 17, -

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

" The sanctioning authority may grant emergency release to a prisoner subject to his executing a personal bond in the prescribed form as in Appendix 'E' and also subject to a surety executing a bond in the prescribed form as in Appendix 'D' to these rules for such amount as may be ordered by the sanctioning authority. ";

(b) clause (vi) shall be deleted.

Memo. No. Dated

Forwarded to:-

1. The Superintendent of Police, with a Descriptive Roll of the prisoner, and with a request to make immediate enquiries and forward the application to the District Magistrate along with his report 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; and (iii) whether the relative or friend with whom the prisoner wishes to stay is willing to keep him during the period of leave / emergency release; and also (iv) (in case of emergency release only) whether the ground or grounds on which emergency release is applied for is or are genuine; so as to enable the District Magistrate to furnish his recommendation to the Inspector General of Prisons, Assam, sufficiently before the due / proposed date of release of the prisoner as mentioned hereinabove.

2. The Inspector General of Prisons, Assam, Guwahati, with a Descriptive Roll of the prisoner, for information and necessary orders in due course.

Superintendent

..... (Prison)"

Amendment of Appendix 'D' 10. In the principal Rules, in Appendix D, for the words "emergency release", wherever they appear, the words "release on leave / emergency release" shall be substituted and provision for photograph of the surety shall be made.

Amendment of Appendix 'E' 11. In the principal Rules, in Appendix F, provision for photograph of the prisoner shall be made.

M. G. V. K. BHANU,
Principal Secretary to the Govt. of Assam,
Home & Political Department.