

Prisons Department, U.T., Chandigarh.

Parole Matter

Standing Order No. 2

Proceed
As per standing
order.
JA-

PBL
6/6/14

The Hon'ble Punjab and Haryana High Court's double bench in Criminal Writ Petition No. 603 of 2014 Manjit Singh son of Sh. Niranjan Singh, Flat No. 1080, Ground Floor, Gillco Hights, Gillco valley, sector 127, Police Station Kharar, Tehsil Kharar, Mohali, District SAS Nagar (Punjab) Versus Union Territory, Chandigarh through Home Secretary, U.T. Chandigarh had made certain very serious observations regarding grant of parole.

The Chandigarh Administration Vide Memo No. 12238 - HIII (6) -97/ 27284 Dated the 1st December, 1997 had ordered that a prisoner's request to release him on parole shall be entertained twice a year in case of agriculturist prisoners as well as in the case of non-agriculturist prisoner. Further, as per the Chandigarh Administration Notification No. 8356-HIII(6)-91/5879 Dated the 14th March, 1991 and Notification No. 7372-HIII(6)-94/17035 Dated the 11th August, 1994, in exercise of the powers conferred by sub-section (4) of Section 3 of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962, the Administrator, Union Territory, Chandigarh has authorized the Superintendent, Model Jail, Chandigarh to exercise the power of the State Government, in respect of the ground specified in clause (a) of Sub- section (1) of section 3 of the aforesaid Act, in the Union Territory, Chandigarh and further authorized the Inspector General of Prisons, Union Territory, Chandigarh to exercise the powers of the State Government, in respect of the grounds specified in clauses (b), (c) and (d) of Sub- section (1) of Section 3 of the aforesaid Act, in the Union territory, Chandigarh.

Accordingly, it is absolutely clear that any prisoner is entitled to a maximum of two paroles only in one year, for any ground specified in the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962. Therefore, the Jail Superintendent and the Inspector General of Prisons combined can grant only a total of two paroles in one year to a prisoner, in accordance with the law. Accordingly, it is hereby ordered that in addition to all other verifications, precautions, etc. being taken in parole cases, the following steps shall also be necessarily taken:

(1) While processing a parole application Under Section 3(a) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962, the Jail Superintendent must write to the District Magistrate of the district where the prisoner intends to go on parole asking him to verify the following things:

- (a) In the case of the first ever temporary release case (i.e. parole or furlough) of the prisoner:
- (i) Whether the release of the prisoner is likely to endanger the security of the state or maintenance of public order or not?
 - (ii) Whether the address given by the prisoners is correct or not?
 - (iii) Whether the grounds mentions by the prisoners for availing the parole i.e. a specific member of the prisoner's family having died or being seriously ill is true or not? In case of illness, it should be mandatorily got verified from a recognized Govt. institute, so as to the rule out a false certificate being procured from a private hospital.

- (b) In case the prisoner had earlier availed any kind of parole or furlough and thus it is his second or subsequent temporary release case and there exists the report from the concerned District Magistrate clearly stating that the prisoner maintained good conduct during the period of his earlier release as well as stating that grounds on the basis of which he had got his earlier parole under clause (a) to (d) of section 3 (1) of Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 were ultimately followed through and complied with by the said prisoner:

(For Example: If the prisoners had gone on parole earlier on the ground that is his wife was seriously ill and needed an operation, then the conduct report of the District Magistrate should also report whether the said operation indeed took place or not? If not, whether it was not done due to some medical complication, etc. or was not done for no solid reason.)

Although as per the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 the consultation with the District Magistrate is not mandatory where the prisoner maintained good conduct during the period of his earlier release, it is extremely important to at least verify the following points in view of the Hon'ble High Court's Orders:

- (i) Whether the address given by the prisoners is correct or not?
- (ii) Whether the grounds mentions by the prisoners for availing the parole i.e. a specific member of the prisoner's family having died or being seriously ill is true or not? In case of illness, it should be mandatorily got verified from a recognized Govt. institute, so as to the rule out a false certificate being procured from a private hospital.

Note:- In case the prisoner had earlier absconded or he did not maintain good conduct during his any previous parole or furlough or the grounds on the basis of which he had got his previous parole were ultimately not followed through and complied with during his any previous parole then its details also must be mentioned in the letter to the concerned District Magistrate.

- (c) In case the prisoner had earlier availed any kind of parole or furlough and thus it is his second or subsequent temporary release case and there exists the report from the concerned District Magistrate stating that the prisoner's conduct was not good during his earlier release period or the grounds on the basis of which he had got his earlier parole under clause (a) to (d) of section 3 (1) of Punjab Good Conduct Prisoners (Temporary Release) Act, 1962, were not ultimately followed through and complied with by the said prisoner:

- (i) In this case the same procedure as in 1 (a) i.e. in the case of first ever temporary release case of the prisoner will be followed. However, while writing to the District Magistrate regarding verification about the prisoner's parole application, the District Magistrate must be told that as per the previous District Magistrate's report the prisoner's conduct during the earlier release period was not good or the grounds on the basis of which he had got his earlier parole under clause (a) to (d) of section 3 (1) of Punjab Good Conduct Prisoners (Temporary Release) Act, 1962, were not ultimately followed through and complied with by the said prisoner, as the case may be.

Note:- In case the prisoner had earlier absconded or he did not maintain good conduct during his any previous parole or furlough or the grounds on the basis of which he had got his previous parole were ultimately not followed through and complied with during his any previous parole then its details also must be mentioned in the letter to the concerned District Magistrate.

(2) While processing a parole application Under Section 3(b), (c), or (d) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962, the Jail Superintendent must write to the District Magistrate of the district where the prisoner intends to go on parole asking him to verify the following things:

- (a) In the case of the first ever temporary release case (i.e. parole or furlough) of the prisoner:
- (i) Whether the release of the prisoner is likely to endanger the security of the state or maintenance of public order or not?
 - (ii) Whether the address given by the prisoners is correct or not?
 - (iii) Whether the grounds mention by the prisoners for availing on the parole is true or not?
- (b) In case the prisoner had earlier availed any kind of parole or furlough and thus it is his second or subsequent temporary release case and there exists the report from the concerned District Magistrate clearly stating that the prisoner maintained good conduct during the period of his earlier release as well as stating that grounds on the basis of which he had got his earlier parole under clause (a) to (d) of section 3 (1) of Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 were ultimately followed through and complied with by the said prisoner:

Although as per the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 the consultation with the District Magistrate is not mandatory where the prisoner maintained good conduct during the period of his earlier release, it is extremely

important to at least verify the following points in view of the Hon'ble High Court's Orders:

- (i) Whether the address given by the prisoners is correct or not?
- (ii) Whether the grounds mentioned by the prisoners for availing the parole is true or not?

Note:- In case the prisoner had earlier absconded or he did not maintain good conduct during his any previous parole or furlough or the grounds on the basis of which he had got his previous parole were ultimately not followed through and complied with during his any previous parole then its details also must be mentioned in the letter to the concerned District Magistrate.

- (c) In case the prisoner had earlier availed any kind of parole or furlough and thus it is his second or subsequent temporary release case and there exists the report from the concerned District Magistrate stating that prisoner's conduct was not good during his earlier release or the grounds on the basis of which he had got his earlier parole under clause (a) to (d) of section 3 (1) of Punjab Good Conduct Prisoners (Temporary Release) Act, 1962, were not ultimately followed through and complied with by the said prisoner:

- (i) In this case the same procedure as in 2 (a) i.e. in the case of first ever temporary release case of the prisoner will be followed. However, while writing to the District Magistrate regarding verification about the prisoner's parole application, the District Magistrate must be told that as per the previous District Magistrate's report the prisoner's conduct during the earlier release period was not good or the grounds on the basis of which he had got his earlier parole under clause (a) to (d) of section 3 (1) of Punjab Good Conduct Prisoners (Temporary Release) Act, 1962, were not ultimately followed through and complied with by the said prisoner, as the case may be.

Note:- In case the prisoner had earlier absconded or he did not maintain good conduct during his any previous parole or furlough or the grounds on the basis of which he had got his previous parole were ultimately not followed through and complied with during his any previous parole then its details also must be mentioned in the letter to the concerned District Magistrate.

Further, the Additional Inspector General of Prisons while forwarding the file regarding parole application of the prisoner along with the said reports of the concerned District Magistrate as well as the reports of the Jail Superintendent regarding the prisoners

conduct and other details in the prison, the Additional Inspector General of Prisons will also incorporate the following in the file:

- (i) The total number of paroles availed by the prisoner till date.
- (ii) The latest parole application being the first or the second, etc. parole in the current year for the said prisoner.
- (iii) If his earlier parole application, just before this one, was rejected, the details of the same be also given.
- (iv) The details of the last time the prisoner was released on parole and furlough be given.
- (v) The point wise report of the District Magistrate along with whether District Magistrate has recommended parole or not.
- (vi) The report of the Jail Superintendent regarding the conduct of the prisoner in prison and details of the prisoner, along with whether the Jail Superintendent recommends the parole of the prisoner or not. Further, the Deputy Superintendent Jail and the Superintendent Jail should not routinely state that "the conduct is good in prison" but should thoroughly verify the prisoner's conduct in prison and report there after on merits.
- (vii) As per the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962, rules, notifications, standing order, etc. whether the prisoner is entitled to parole or not, in all respects.
- (viii) Whether the prisoner had absconded during his any previous temporary release or not? If yes, its details be given. Further, it be certified that it was brought to the notice of the concerned DM while processing his latest parole application.
- (ix) Whether the grounds on the basis of which the prisoner had got his previous parole were ultimately not followed through and complied with during his any previous parole or not? If not followed through, then was there a justifiable reason for the same or not? Further, it be certified that it was brought to the notice of the concerned DM while processing his latest parole application.
- (x) Whether the prisoner did not maintain good conduct during his any previous temporary release? If not, then it be certified that it was brought to the notice of the concerned DM while processing his latest parole application.

In case the above mention reports of concerned District Magistrate or Superintendent Jail are incomplete or there is any ambiguity, then a clarification must be taken from the concerned.

(3) Further, if a prisoner fails to surrender back in the Model Prison after completing his parole period, then the Senior Superintendent of Police and Station House officer of the district where the prisoner had gone on parole be also asked to register a FIR immediately, under intimation to Chandigarh Prison Department. Reminders be sent very regularly till the said FIR is registered.

(4) Further, once a prisoner returns back from his parole or furlough, the Jail Superintendent must write to the concerned District Magistrate asking for a report on the following things:

- (i) Whether the prisoner maintained good conduct or not during his said parole or furlough.
- (ii) The grounds on the basis of which he had got his parole under clause (a) to (d) of section 3 (1) of Punjab Good Conduct Prisoners (Temporary Release) Act, 1962, were ultimately followed through and complied with or not along with detailed reasons, if any, in case of non compliance.

Repeated reminders should be written till the said report is received.

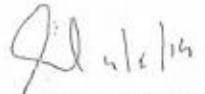
Chandigarh, dated
the 4th June, 2014

Inspector General of Prisons
U.T., Chandigarh.

Endst. No. D-15/R/I.G.Prs.Chandigarh dated the 04.06.2014

A copy is forwarded to the following for information and necessary action please:-

1. The Home Secretary, Chandigarh Administration, Chandigarh.
- ✓ 2. The Additional Inspector General (Prisons)-cum- The Superintendent, Model Jail, U.T., Chandigarh.
3. The Deputy Superintendent Jail, Model Jail, U.T., Chandigarh.


Inspector General of Prisons,
U.T., Chandigarh.