

**GOVERNMENT OF JAMMU AND KASHMIR,  
HOME DEPARTMENT, JAMMU**

**NOTIFICATION**

JAMMU, THE 6<sup>TH</sup> December 1978.

SRO-755.—in exercise of the powers conferred by section 10 of the Jammu and Kashmir Good Conduct Prisoners (Temporary Release) Act, 1978, the Government hereby make the following rules, namely:—

1. **Short title.**—(1) These rules may be called the Jammu and Kashmir Good Conduct Prisoners (Temporary Release) rules, 1978.

(2) These rules come into force on the date of their publication in the Government Gazette.

2. **Definition.**—In these rules, unless the context otherwise requires—

- (a) “Act” means the Jammu and Kashmir Good Conduct Prisoners (Temporary Release) Act, 1978;
- (b) “Form” means a form appended to these rules;
- (c) “Releasing Authority” means the Government or such other officer to whom the powers of the
- (d) “Section” means section of the Act.

**Procedure for temporary release.**—(1) Prisoner desirous of seeking temporary release under section 3 of resolution 4 of the Act shall make an application in Form A-1 or 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 the Prisoner’s family.

(2) The superintendent of Jail shall forward the application along with his report to the District Magistrate, who after consulting the Superintendent of Police of his District, shall forward the case with his recommendations to the Controller of Prisons. The Controller of Prisons shall then record his views on the case whether the Prisoner is to be released or not and submit

the same to the Releasing Authority for orders. The District Magistrate, before making any recommendations, shall verify the facts and grounds on which release has been requested and shall also give his opinion whether the temporary release on parole or furlough is opposed on grounds of prisoner's presence being dangerous to the security of the state or prejudicial to the maintenance of public order.

(2) If, after making such enquiry as it may deem fit, the releasing authority is satisfied that the Prisoners is Releasing Authority may issue to the Superintendent of Jail as duly signed and sealed warrant in Form B ordering the temporary release of the Prisoner specifying therein:

- (i) the period of release;
- (ii) the place or places which the prisoner is allowed to visit during the period of such temporary release; and
- (iii) the amount for which the security bond and the surety bond shall be furnished by the prisoner in Forms C and D, respectively :

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

(3) On receipt of the release warrant the Supdt. of Jail shall 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 security the release of the prisoner. A copy of the release warrant shall also be sent by the Superintendent of Jail to the District Magistrate and District Superintendent of Jail to the District Magistrate and District Superintendent of Police concerned.

(4) 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 the release warrant.

(5) The Superintendent of Jail shall also immediately forward to the officer Incharge of the Police Station within whose jurisdiction the place or places to be visited by the Prisoners is or are situated, a copy of the warrant and the release certificate in Form "E". The officer- Incharge 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 supdt. of Jail through District Superintendent of Police and District Magistrate.

(6) The date of release as well 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 Controller of Prisons who shall inform the Government accordingly.

**2. Committee of any offence during 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 is not later than twenty four 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.

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

**3. Warrant to the cancelled where prisoner commits an offence.**—If any major Jail offence is 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 the Superintendent of Jail without the previous approval of the Controller of Prisons. In case the approval is not given, the Superintendent of Jail shall return the release warrant to the Releasing Authority through the Controller of Prisons for cancellation indicating the details of the offence committed by the prisoner. The relating Authority may, on receipt of such report, cancel the release warrant.

**4. Expences of Journey.**—Third class Railway passes for Railway Journeys of both ways to the Railway Station to the place of destination or actual Bus fare to the bus Terminus nearest to the place of destination, will be issued/ paid by the Superintendent of Jail, if on the report of the District Magistrate, the Releasing authority is satisfied that the Prisoner's family cannot bear the expenses of the prisoner's journey from and to the prison after his temporary release.

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

(2) The Superintendent of Jail shall, in the failure of a prisoner released temporarily, under the Act, to surrender on due date, intimate the fact to the Superintendent of Police of the District concerned and the officer-in-charge of the Police Station within whose jurisdiction the place of residence of the prisoner during his temporary release is situated, who would take necessary action against the prisoner in accordance with the provisions of the Act.

6. **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 the jail and shall return to that Jail. If she so desires, the Supdt. Of Jail; from which she is transferred shall intimate to such member of her family as she may specify in that behalf the date of her release and the jail from which she is to be released.

7. **Release certificate.**—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 record.

8. **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 1989 and the amount so forfeited shall be credited under the receipt head “056-Jails”

9. **Expenditure on Railway or Bus Fares.**—The expenditure on account of Railway or bus Fares of deserving prisoners shall be met out of the contingencies of respective Jails under Major Head. “256-Jails”.

By order of the Government of Jammu and Kashmir.

(Sd.) I. D. SHARMA,  
Secretary to Government,  
Home Department

No. Home-IS-63-J/78

Dated:- 06-12-78

*Copy to the :—*

1. Secretary to Government Law Department.(W.5.S.C)
2. Divisional Commissioner Jammu/ Srinagar.
3. All District Magistrates.

4. Controller of Prisons, J&K, Jammu.
5. Inspector General of Police J&K Jammu.
6. All District Superintendent of Police.
7. Superintendent Central Jail, Jammu/Srinagar.
8. Superintendent 'Sub'-Jail, \_\_\_\_\_
9. Director of Information.
10. Manager Government Press Jammu for Publication in the Government  
in Gazette

Deputy Secretary to Government,  
Home Department,  
Jammu.