

**(TO BE PUBLISHED IN PART IV OF THE DELHI GAZETTE)
(ORDINARY)**

Government of National Capital Territory of Delhi
Home Department, Level 5, "Wing C", Delhi Sachivalaya,
I.P. Estate, New Delhi

Order No.F.18/91-2009/HG
Dated 17TH February 2010

NOTIFICATION

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 therefrom, ***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.

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;
 - 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:-

- 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;
 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 upto 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)

SCHEDULE

- (i) Whether the residential address is verified?
- (ii) Whether the grounds given in the application are genuine?
- (iii) What would be the likely impact on law and order and the security in the area on account of the proposed release of the convict on parole?
- (iv) What would be the likely impact on the victim party/witness involved on account of proposed release?
- (v) Is there any possibility of jumping the parole and detailed reasons thereof?
- (vi) Whether any other criminal cases are pending against the convict?
- (vii) What is the social and financial status of the family of the convict?
- (viii) Whether the convict is a habitual offender?
- (ix) Details of involvement in criminal activities of other family members and gang members, if any.
- (x) Past conduct of the prisoner while being enlarged on bail/Interim bail/parole.
- (xi) Whether there is any threat to the life of the convict during the parole period from other criminals?
- (xii) Whether there is any possibility of committing similar offences by the convict either himself or by engaging in gang activity with robbers, dacoits/kidnappers/extortionists?

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45. 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.
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- 9.9 Critical conditions in the family on account of accident **or death** of a family member;
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5. Nominal roll

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- (f) ***Withholding of concessions of either interviews or letters or both for a maximum period of six months.***
- (g) ***A deduction of upto 5 days remission for each day of overstay.***
- (h) ***Reduction from the grade of convict official.***
- (i) ***Furlough period should not be counted towards sentence i.e. the prisoner should undergo furlough period on return from furlough.***

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Yours faithfully,

**(G.L. MEENA)
JOINT SECRETARY (HOME)**

SCHEDULE

- (xiii) Whether the residential address is verified?
- (xiv) Whether the grounds given in the application are genuine?
- (xv) What would be the likely impact on law and order and the security in the area on account of the proposed release of the convict on parole?
- (xvi) What would be the likely impact on the victim party/witness involved on account of proposed release?
- (xvii) Is there any possibility of jumping the parole and detailed reasons thereof?
- (xviii) Whether any other criminal cases are pending against the convict?
- (xix) What is the social and financial status of the family of the convict?
- (xx) Whether the convict is a habitual offender?
- (xxi) Details of involvement in criminal activities of other family members and gang members, if any.
- (xxii) Past conduct of the prisoner while being enlarged on bail/Interim bail/parole.
- (xxiii) Whether there is any threat to the life of the convict during the parole period from other criminals?

(xxiv) Whether there is any possibility of committing similar offences by the convict either himself or by engaging in gang activity with robbers, dacoits/kidnappers/ extortionists?