

Government of Odisha
Home Department

NOTIFICATION

Bhubaneswar, Dated, 1. 11 ~~Oct~~, 2012

No. 42455 /In exercise of the powers conferred by clause (5)
HOME-JAIL-RULE-0002-2012

and clause (28) of section-59 of the Prisons Act,1894 (09 of 1894) as amended by Orissa Act 29 of 1958 in its application to the State of Odisha ,the Governor of Odisha is pleased to make the following rules further to amend the Prisoners(Release on Furlough) Odisha, Rules, 1963, namely :-

1.(1) These rules may be called the Prisoners (Release on Furlough) Odisha, Amendment Rules, 2012.

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

2. In the Prisoners(Release on Furlough) Odisha, Rules,1963, for rule-3, the following rule shall be substituted, namely:-

"3(i) Grant of Furlough to Prisoner - A prisoner who is sentenced to imprisonment for a period exceeding one year but not exceeding five years, shall on completion of a period of one year of actual imprisonment from the date of admission into prison or six months from the date of his last return from furlough as the case may be , be eligible for release on furlough for a period of three weeks in a year .The first spell would consist of one week, while the subsequent spell would consist of two weeks.

(ii) A prisoner who is sentenced to imprisonment for a period exceeding five years shall, on completion of a period of two years of actual imprisonment

(27)
NIE Coordinator

from the date of admission into prison or six months from the date of his last return from furlough as the case may be, be eligible for release on furlough for a period of five weeks in a year. The first spell would consist of two weeks, while the subsequent spell would consist of three weeks.

Note: In case of prisoners sentenced to both imprisonment and fine the total length of sentence including the period for default of fine shall be taken into account for the purpose of calculating the date of eligibility of their release on furlough.

(iii) The period for which a prisoner is to be released on furlough shall not exceed three weeks at a time;

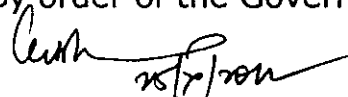
Provided that a prisoner who desires to spend his furlough at a place outside the State may be granted furlough for a period of four weeks at a time subject to the total period of furlough as available to him.

(IV). The eligibility criteria for availing furlough shall be as follows-

- (a) the prisoner is not a habitual offender;
- (b) the prisoner is not convicted of any offence of robbery, dacoity under any of the sections from 392 to 402 of the Indian Penal Code and offence against the State such as sedition whose presence is not considered dangerous or prejudicial to public peace and tranquility; and
- (c) the release of the prisoner is not 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 of a case involving serious crime.

- (v) The grant of furlough shall be rejected on the following grounds, namely:-
- (a) The prisoners involved in serious violence like assault, outbreak, riot, mutiny or escape and agitating fellow prisoners for indiscipline activities.
 - (b) Prisoners convicted for offences like murder, rape, robbery, dacoity, extortion, terrorism, kidnapping, smuggling including narcotic drug peddler or People of Foreign origin.
 - (c) Prisoners remaining for failure to give security for maintaining peace and good behaviour .
 - (d) Prisoners having mental illness, if not certified by the Medical Officer to have recovered at least to the extent that his presence in the Society is not likely to be dangerous.
 - (e) Prisoners whose work and conduct were not good during last one year
 - (f) Prisoners convicted of an offence against any law relating to matters to which the executive power of the Union Government extends, unless approved by the Union Government.
 - (g) Prisoners whose release on furlough is likely to have repercussions elsewhere in the country."

By order of the Governor

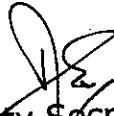


Principal Secretary to Government

Memo No 42456 /Dt. 1.11.12


Copy forwarded to the Director, Printing, Stationery and Publication, Odisha, Madhupatna, Cuttack for publication of the Notification in the next issue of Odisha Gazette.

An S.R.O. No. may please be allotted.


Deputy Secretary to Government


Memo No 42457 /Dt. 1.11.12

Copy forwarded to the Addl. D.G.P.-Cum- I.G. of Prisons & D.C.S, Odisha, Bhubaneswar for information and necessary action. He is requested to please circulate the notification to all concerned for necessary action.


Deputy Secretary to Government

Memo No 42458 /Dt. 1.11.12

Copy forwarded to the Co-ordinator, NIC, Home Department for placement of the notification in the Department website .


Deputy Secretary to Government