

CHAPTER III

OPEN COLONIES FOR TEMPORARILY RELEASED PRISONERS*SECTION I : NIL**SECTION II : NON-STATUTORY RULES*

[Framed under Government Resolution, Home Department No. RJM, 1070/23139-XVI, dated 30th November 1971]

1. (i) These rules may be called the Maharashtra Open Colonies for Temporarily Released Prisoners Rules, 1971.

(ii) These Rules shall be applicable to all selected prisoners, whose sentences are suspended by the Government under Section 401 Criminal Procedure Code in the manner and on the conditions mentioned in rule 6 (vi).

2. In these rules the following words and expressions have the following meanings, unless a different intention appears from the subject or context:—

(a) “Family” for the purpose of the rules includes, parents, wife/wives, children and any other dependents of inmates (as defined in clause (c) below, approved as such by the I. G. of Prisons.

(b) “Government” means appropriate Government as defined in Section 402 (3) Criminal Procedure Code.

(c) “Inmates” means prisoners who are conditionally released by Government on suspension of execution of their sentences under Section 401 Criminal Procedure Code for staying at an Open Colony under sub-rule (vi) of rule 6 of these rules.

(d) “Liaison Officer”—denotes an officer appointed as Officer in charge of an Open Colony.

(e) “Open Colony” means any place so used under orders of Government under rule 3.

3. Subject to the approval of Government Open Colonies may be set up in the Maharashtra State at or near places, where selected prisoners may reside and be gainfully employed after suspension of execution of their sentences under Section 401 Criminal Procedure Code.

4. (i) The following prisoners may be selected for being released to the Open Colony by suspension of their sentences under Section 401, Criminal Procedure Code.

Convicted criminal prisoners who :

(a) are found to be good behaviour and are physically and mentally sound, and

(b) are willing to accept and undertake such work or employment as may be provided in the Open Colony and agree to abide by the rules and regulations prescribed for the governance of the Open Colony,

and

(c) are sentenced to terms of imprisonment of seven years or more and have undergone half of their sentences without remission, on the date of their selection.

or

are sentenced to imprisonment for life or more than 14 years in the aggregate and who have undergone seven years of the sentence excluding remission,

or

have spent at least two years of their imprisonment in an Open Prison.

Provided the Government may relax this condition on the recommendations of I. G. of Prisons.

(ii) Normally the following categories of prisoners shall not be considered eligible for being released to the Open Colony.

(a) Habituals classified as such by Courts,

(b) known habituals,

(c) Those who have been awarded three or more major punishments for prison offences during the last two years as on the date of selection,

(d) Prisoners having any case pending in a Court of law,

(e) Prisoners suffering from mental disease or any other serious disease,

(f) Prisoners having previous history of serious mental illness,

(g) Prisoners convicted and sentenced for offences under Sections 121, 121-A, 122, 123, 124, 124-A, 125, 126, 128, 129, 130, 131, 132, 133, 134, 135, 376, 392 to 402 of the Indian Penal Code or for offences under the Bombay Prevention of Gambling Act, 1887, or for offences under the Sea Customs Act.

(h) Escapees and escape risks.

(i) Hired and professional murderers.

(j) Prisoners convicted of offences connected with narcotics.

(k) Prisoners, who have been transferred from an open prison to a closed prison.

(1) Class I prisoners.

(m) Women prisoners.

(n) Any other prisoner or category of prisoners whom the Inspector General of Prisons considers unfit for being sent to an open colony.

(iii) Notwithstanding anything contained in sub-rule (ii) the Inspector General of Prisons, may, on the recommendation of the Selection Committee, consider the cases of prisoners falling under sub-rule (ii) for the purposes of confinement in an open colony.

5. For the purpose of selecting such prisoners as are eligible for being kept in the Open Colony, there shall be a committee consisting of:—

Section
Committee

(1) The Inspector General of Prisons or his nominee (Chairman).

(2) The Deputy Inspector General of Prisons in charge of the Regions.

(3) The Superintendent of the Prison from which the prisoners are to be selected.

(4) A Medical Officer.

6. (i) The Superintendents of prisons shall prepare separate lists of prisoners falling under sub-rule (1) of rule 4, and who are willing to stay in an open colony.

Procedure for
Selection.

(ii) The Superintendent shall prepare case histories of such prisoners in the Form 1 appended to these rules and then forward such lists together with case histories to the Selection Committee.

(iii) The Selection Committee shall examine the said lists along with the case histories and files of the prisoners at the respective Central Prisons and District Prisons.

(iv) The case of each prisoner shall be screened regard being had to the following factors, namely:—

(a) Health, Physical and mental to with and stay in an open colony;

(b) Behaviour and conduct in prison and sense of responsibility displayed ;

(c) Progress in work, vocational training, education and in other like matters;

(d) Group adjustability;

(e) Character and self discipline;

(f) Extent of institutional impacts (whether he has reached peak points of training and treatment) ;

(g) Whether he is fit for being trusted for stay in an Open Colony.

(v) The Selection Committee shall select such prisoners as are eligible for being kept in Open Colony under rule 4.

(vi) The Superintendent of the prison shall submit to the Inspector General of Prisons the list of selected prisoners along with their nominal rolls and the decisions of the Selection Committee, for obtaining necessary orders of Government for releasing the prisoners to the Open Colony. Upon considering the recommendations of the Selection Committee and of the Inspector General of Prisons, Government may suspend the execution of sentences of deserving prisoners in exercise of the powers vested in it under Section 401 Criminal Procedure Code on the following conditions namely:—

(a) That the prisoner shall reside in the colony during the period of suspension of his sentence and shall not go beyond the limits of the specified area of the colony under any pretext without the permission of the Liaison Officer.

(b) That the prisoner shall obey all lawful orders and reasonable directions of the Liaison Officer.

(c) That the prisoner shall be of good behaviour and shall not commit any offence punishable by or under any law in force in India.

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

(e) That the prisoner shall perform the assigned work diligently by putting at least 8 hours of work in a day, and earn his livelihood and that of his family members, who may come to stay with him with the permission of the Inspector General of Prisons.

(f) That the prisoner shall make his own arrangements for clothing of himself and his family members who may come to stay with him.

(g) That the prisoner shall ensure that his family members who may come to stay with him in the colony will be of good behaviour and will not commit any offence punishable by or under any law in force in India and that their stay in the colony will not in any way pose any threat to the community life of the colony.

(vii) Nothing in these rules shall be construed to confer on any prisoner any right to be selected for residence in an open colony and the I. G. of Prisons may reject all or any prisoners without assigning any reason although otherwise eligible for selection under rule 4 (i).

7. *Should the Liaison Officer find that the presence of the prisoner himself or of the prisoners family members in the colony is or is likely to be harmful to the social life of the Colony, the Liaison Officer shall report the matter to the Inspector General of Prisons and till the final orders of the Inspector General of Prisons are received the prisoner is isolated from other inmates of colony.*

8. (i) Suspension of execution of sentence of an inmate ordered by Government under sub-rule (6) of rule 6 of these rules may be cancelled by Government at any time without assigning any reasons and on such cancellation the inmate shall be sent back to a prison to undergo unexpired portion of his sentence after allowing remission in accordance with the provision of rule 9 of these rules.

(ii) An inmate may, at any time in writing request for termination of his residence in the open colony and on such request being received by Government, the order of suspension of execution of his sentence shall be cancelled and he shall be sent to a prison after allowing remission in accordance with the provisions of rule 9 of these rules.

9. (i) The inmates of an Open Colony shall be eligible for remission under Section 401 Cr. P. C. of the unexpired period of their sentences as follows :—

(1) Remission of sentence equal to the period spent in the Open Colony and in addition.

(2) Subject to good behaviour, remission at the scale mentioned in the following table:—

Table

| Category of inmates | Scale of remission |
|--|---|
| 1 | 2 |
| (i) Inmates sentenced to life imprisonment and inmates sentenced to more than 14 years in aggregate, | 30 days for the stay in the Open Colony for a calendar month. |
| {ii) Inmates sentenced to more than 5 years and upto 14 years. | 20 days for the stay in the Open Colony for a Calendar month. |
| (iii) Other inmates | 15 days for the stay in the Open Colony for a Calendar month. |

Note.—No remission shall be granted for broken period or Periods in a calendar month.

... Substituted by Government Resolution, Home Department. No, RJM-1070/23197-XVI, dated 23rd July 1975.

(ii) Where any inmate has not committed breach of any of the conditions under which his sentence is suspended by Government under rule 6 (vi) of these rules, during a period of one year reckoned from the date of suspension of his sentence, he may be held eligible to sixty days annual good conduct remission in addition to the remission admissible under sub-rule (i) above.

†(iii) The aforesaid periods shall be remitted by Government under Section 401 Criminal Procedure Code, when the inmates become due for release from the prison on expiry of the term of imprisonment including all remissions.

- Maintenance of Record of remission. 10. Record of remission which the prisoners would have earned under rule 9 of these rules and that of all other matter shall be maintained at the Prison, from which he is released as if the prisoner continued to be confined therein.
- History Sheet. 11. The Liaison Officer shall maintain history sheet of each inmate in the form as may be prescribed by the Inspector General of Prisons, of each inmate in the colony, wherein he shall note all important incidents relating to the life of the inmate and members of his family.
- Employment of members of families of inmates. 12. (i) Subject to such conditions as may be prescribed by the Inspector General of Prisons, inmates if they so desire may bring members of their families and dependents to stay and to work with them in the colony.
- (ii) Without assigning any reasons, the I. G. of Prisons shall have the right to ask any or all of the family members of an inmate to leave the Open Colony within a reasonable time limit.
- Accommodation. 13. (i) The I. G. of Prisons may provide for the period of their residence in the Open Colony to the inmates and their family members accommodation at such scale as may be considered suitable and reasonable subject to such terms and conditions as he may specify.
- (ii) On termination of the residence of the inmates in the Open Colony the inmates and the members of their families shall vacate the accommodation within such period as the I. G. of Prisons may specify and on their failure to do so the Liaison Officer may take such steps as may be necessary and lawful to evict them and secure vacant possession of the accommodation.

... Inserted by Government Resolution, Home Department, No. RJM-1070/23199-XVL dated 31st July 1973.

† Renumbered as sub-rule (iii) by Government Resolution, Home Department, No. RJM 1070/23199-XVI, dated 2nd November 1974.

14. With the prior approval of the I. G. of Prisons, inmates shall ordinarily be employed on the works sponsored by Government or Semi-Government or local bodies or private parties on such terms and conditions as may be approved by Government.

Employment of inmates on Government, Semi-Government, local Bodies or Private Work.

15. (i) Members of the families of inmates staying with them in the colony may be provided with work on the farms/lands etc. on which the prisoners are employed.

Employment for members of families of inmates.

(ii) Inmates and/or members of their families may be allowed to augment their income by pursuing cottage industries such as dairy, poultry farming, horticulture, etc.

(iii) In the event of work not being provided as in (i) above, it will be open for the family members staying with the inmates in the colony to take up any employment other than that specified in sub-rule (1) above.

16. Inmates will be entitled to wages at such rates as ordinarily prevailing in the area in which an open Colony is located for the work assigned to them. Inmates will be entitled to receive and appropriate the entire amount of remuneration from the employer for the work they do.

Remuneration to inmates.

*17. (i) Inmates staying in the Open Colony for Temporarily Released Prisoners, Kanhargaon, District Chandrapur and Swantantrapur Colony, Atpadi, District Sangli may be permitted by the Deputy Inspector General of Prisons, Eastern Region and Western Region respectively to visit their native places once a year for a period of 15 days in consultation with the District authorities.

Permission to inmates to visit native places.

(ii) Inmates staying in the Open Colony for Temporarily Prisoners, Kanhargaon and Swantantrapur Colony, Atpadi may be granted extension of leave by the Inspector General of Prisons, if such prisoners who are granted leave, surrender to the colony late on account of illness of their family members or for some other reason*

18. The daily routine and maintenance of discipline and inter personal relationship amongst the inmates of the Open Colony shall be governed by the instructions as may be issued by the I. G. of Prisons from time to time.

Discipline and Routine.

19. (i) An Open Colony will be put in the overall charge of a Liaison Officer assisted by adequate staff. It will be the main responsibility of Liaison Officer and the staff working under him to ensure strict observance of the prescribed rules and instructions and maintain

Supervisory Staff.

- Substituted by Government Resolution, Home Department, No. RJM-1070/23139-XVI, dated 11th March 1974.

orderliness and discipline among the inmates of the colony including members of families of the inmates. Subject to orders issued by the Inspector General of Prisons, or Deputy Inspector General of Prisons, the Liaison Officer may also render all possible help to provide gainful employment to such of the adult family members of the inmates as are allowed to stay in the Open Colony by the I. G. of Prison.

(ii) The Superintendent of the nearest Central or District Prison as may be nominated by the I. G. of Prisons shall visit the colony once a month or as frequently as necessary to supervise the work and for giving guidance to the Liaison Officer in such matter and problems as are referred to him by the Liaison Officer or others.

FORM I

[See rule 6 (ii)]

HISTORY SHEET

1. Name of the prisoner.
2. Number of the prisoner.
3. Age.
4. Sentence.
5. Section.
6. Habitual or casual.
7. Criminal history and statement of the prisoner regarding present and previous crimes, if any.
8. *Social History*.—
 - (a) Childhood.
 - (b) Health history.
 - (c) Neighbourhood.
 - (d) Educational background.
 - (e) Adolescence.
 - (f) Economic background.
 - (g) Employment history.
 - (h) Associations, companionship, etc.
 - (i) Habits, attitudes, etc.
9. Personality (general) impressions only.
10. Clues regarding sequence of criminal behaviours.
11. Is he a social or individualised criminal ? Is he an ordinary criminal careerist or professional criminal or organised criminal ?

Is his criminal act, behaviour of the moment or eruptive behaviour ?

- 12. Is his mal-adjustment at the surface level or at the deep emotional level ?
- 13. His defects and weaknesses.
- 14. His assets.
- 15. Which are the favourable and unfavourable points for his rehabilitation ?
- 16. Suggestions about reference to experts like psychologist, psychiatrist, etc.
- 17. Indications about other sources from where information about the inmate's social background can be available. Suggestions about additional material to be collected.

Date on which the case history was prepared

Prison
