

Registered with the Registrar  
of Newspapers for India under  
No. 10410



Registered No.  
PY/44/2021-23

**புதுச்சேரி மாநில அரசிதழ்**  
**La Gazette de L'État de Poudouchéry**  
**The Gazette of Puducherry**

**PART - II**

**சிறப்பு வெளியீடு**      **EXTRAORDINAIRE**      **EXTRAORDINARY**  
அதிகாரம் பெற்ற  
வெளியீடு      Publiée par  
Autorité      Published by  
Authority

எண் } No. } 20 No. }	புதுச்சேரி Poudouchéry Puducherry	செவ்வாய்க்கிழமை Mardi Tuesday	2021 ஆகஸ்ட் 17 17 17th	ஆகஸ்ட் 17 Août August	2021 2021 2021
----------------------------	---	-------------------------------------	------------------------------	-----------------------------	----------------------

(26 Sravana 1943)

**GOVERNMENT OF PUDUCHERRY**  
**HOME DEPARTMENT**

(G.O. Ms. No. 73, Puducherry, dated 3rd August 2021)

**NOTIFICATION**

In exercise of the powers conferred under section 59 of the Prison Act, 1894 (Central Act IX of 1894) and in supersession of the existing Government of Puducherry, Home Department's Notification issued in G.O. Ms. No.7, dated 1st March 1969 and published in the Gazette of Puducherry, Extraordinary No. 23, dated 1st March 1969, except as respects things done or omitted to be done before such supersession, the Lieutenant-Governor, Puducherry, hereby makes the following rules, namely, "The Puducherry Prison Rules, 2021" and published for the general information.

(By order of the Lieutenant-Governor)

**M.V. HIRAN,**

Under Secretary to Government (Home).

**PUDUCHERRY PRISON RULES, 2021****CHAPTER-1****PRELIMINARY**

1. *Short title, extent and commencement.*— (1) These rules may be called Puducherry Prison Rules, 2021.

(2) They shall extend to the Union territory of Puducherry.

(3) They shall come into force immediately.

2. *Definitions.*— In these rules unless the context otherwise requires:- (i) “Act” means, the Prisons Act, 1894 (Central Act IX of 1894) and the Prisoners Act of 1900 (Central Act 3 of 1900);

(ii) “Adult Prisoner” means, any inmate who is more than 21 years of age;

(iii) “Assistant Jailer” means, Assistant Superintendent;

(iv) “Casual Prisoner” means, a convicted criminal prisoner other than a habitual offender;

(v) “Chief Superintendent of Jails” means, the Head of the office of the Jails Department for the purpose of Rule 14 of the Delegation of Financial Powers Rules, 1978 and such other rules made applicable in the Union Territory from time to time;

(vi) “Civil Prisoner” means, any prisoner who is not committed to custody under a writ, warrant or order of any Court or authority exercising criminal jurisdiction or by order of a Court martial and who is not a detainee;

(vii) “Competent Authority” means, any officer having jurisdiction and due legal authority to deal with a particular matter in question;

(viii) “Convict” means, any prisoner under sentence of a Court exercising criminal jurisdiction or Court martial and includes a person detained in prison under the provisions of Chapter VIII of the Code of Criminal Procedure, 1973 and the Prisoners Act, 1900 (Central Act 3 of 1900);

(ix) “Correctional Administration” means, the administration of services aimed at the reformation and rehabilitation of the offenders;

(x) "Correctional Officers" means, who works as a guard at a Prison;

(xi) "Court" means, any officer lawfully exercising civil, criminal or revenue jurisdiction;

(xii) "Detenue" means, any person detained in prison at the order of the Competent Authority under the relevant preventive laws;

(xiii) "District Magistrate" means, the District Collector of the District, where the prison is located;

(xiv) "Government" means, the Administrator of the Union territory of Puducherry appointed by the President of India under Article 239 of the Constitution;

(xv) "Geriatric Prisoner" means, a prisoner who has attained 60 years and above and medically unable to manage his/her daily affairs independently without assistance;

(xvi) "Habitual Offender" means, a convicted criminal prisoner classified by the Court as such in accordance with provision of law or rules;

(xvii) "High Risk Offender" means, a prisoner with high propensity towards violence, escape, self-harm, disorderly behavior, and likely to create unrest in the jail and threat to public order. Also includes persons intermittently suffering from suicidal tendencies and persons with substance-related and addictive disorders suffering from intermittent violent behavior;

(xviii) "History Ticket" means, the ticket exhibiting such information as is required in respect of each prisoner by the Act or the Rules thereunder;

(xix) "Imprisonment" means, imprisonment as defined in the Indian Penal Code, 1860;

(xx) "Inmate" means, any person kept in an Institution;

(xxi) "Institution" means, a place where prisoners are lawfully confined;

(xxii) "Inspector-General of Prisons" means, an officer appointed as such by the Government under section 5 of the Prisons' Act, 1894;

(xxiii) "Law Officer" means, any officer appointed by Government of Puducherry representing the Prison Department before various Courts and rendering advice in the matters relating to management of prison and prisoners liaison with Government Counsels;

(xxiv) "Magistrate" shall include every person exercising all or any of the power of a Magistrate under the Code of Criminal Procedure, 1973;

(xxv) "Medical Officer" means, in relation to prisons, a gazetted officer of the Government and includes qualified medical practitioners declared by general or special orders of the government to be a medical officer;

(xxvi) "Military Prisoner" means, a prisoner convicted by Court Martial;

(xxvii) "Offence" means, any act or omission made punishable by any law for the time being in force;

(xxviii) "Offender" includes a young offender and adult convicted prisoner;

(xxix) "Parent Prison" means, Central Prison, Puducherry, to which District Jails are attached for purposes of administration;

(xxx) "Prisoner" means, any person confined in prison under the orders of a Competent Authority;

(xxxi) "Prisoner with Mental Illness" means, a person with mental illness who is an under-trial or convicted of an offence and detained in a jail or prison by an order (referred to in section 27 of the Mental Healthcare Act, 2017);

(xxxii) "Prison" means, a goal or any place used permanently or temporarily under the general or special orders of the Government for the detention of prisoners, under section 417 of the Code of Criminal Procedure, 1973 and includes all land and buildings thereto, but, does not include.

- (a) Any place for the confinement of prisoners who are exclusively in the custody of Police.
- (b) Any place specially appointed by the Government under section 541 of the Code of Criminal Procedure, 1882 (10 of 1882);

(xxxiii) "Probation Officer" means, an officer appointed as such by the Government to undertake probation work under the Probation of Offenders Act of 1958 or any other law;

(xxxiv) "Prohibited Articles" means, an article which is prohibited and declared as such under the Prisons Act of 1894 or Rules made thereunder;

(xxxv) "Remission System" means, the rules in force for regulating the shortening of sentence of prisoners;

(xxxvi) "Remand Prisoner" means, a person who has been remanded by Court to prison custody, pending investigation by the Police;

(xxxvii) "Rules" means, the Puducherry Prison Rules, 2021;

(xxxviii) "Superintendent" means, a person who is appointed by the Competent Authority to be in charge of a person with such designation as it may specify;

(xxxix) "Union Territory" means, the Union territory of Puducherry;

(xl) "Under-trial Prisoner" means, a person who has been committed to prison custody pending investigation or trial by a Competent Authority; and

(xli) "Young Offender" means, a person who has attained the age of 18 years and has not attained the age of 21 years.

## CHAPTER-2

### CENTRAL PRISON AND PRISONERS TO BE CONFINED

3. *Central Prison.*— The Central Prison at Puducherry will be the Central Prison for the Union Territory.

4. *Confinement of Prisoners.*— The following cases of prisoners shall be confined in the Central Prison, Puducherry.

(a) All under-trial prisoners remanded to custody and pending trial or preliminary investigation before any Criminal Court in Puducherry Region.

(b) All under-trial prisoners from Karaikal, Mahe and Yanam regions whose cases have been committed to Sessions Court.

(c) All classes of prisoners convicted and sentenced to imprisonment for below one week and for three months and above in Puducherry region.

(d) All classes of prisoners convicted and sentenced to imprisonment for more than one month by the Court in Mahe region.

(e) All classes of prisoners convicted and sentenced to imprisonment for above six months by the Court in Karaikal and Yanam regions.

(f) All young offenders convicted and sentenced to imprisonment for whatever term by the Court in Puducherry region.

(g) All young offenders convicted and sentenced to imprisonment for more than six month by the Court in Karaikal, Mahe and Yanam regions.

(h) All cases of women prisoners convicted and sentenced to imprisonment for whatever term by the Court in Puducherry region.

(i) All classes of women prisoners convicted and sentenced to imprisonment awarded by any Courts and are kept in Puducherry, Karaikal, Mahe and Yanam regions.

(j) All civil prisoners committed to Prison by Civil Court in the Puducherry, Karaikal, Mahe and Yanam regions.

(k) Prisoners in custody en-route from one station to another.

(l) Prisoner summoned to answer a charge or evidence before the Court in Puducherry.

(m) Prisoners sent by transfer under order of the Inspector-General of Prisons or Court.

(n) Prisoners convicted by Court Martials and transfer by Competent Authority.

(o) Prisoners transferred under section 3 of the Transfer of Prisoners Act, 1950 (Central Act XXIX of 1950).

(p) Prisoners sent to Prison under the Puducherry Prevention of Anti-Social Activities Act, 2008, Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974, the Prevention of Terrorism Act, 2002, Narcotic Drugs and Psychotropic Substances Act, 1985, National Security Act, 1980 and any other form of Preventive Detention Act and Security prisoners.

(q) Such other prisoners by General or Special Order by Government or Courts to be detained.

(r) Mentally Ill prisoners with approval of the Courts for observation.

### CHAPTER-3

#### INSTITUTIONAL FRAMEWORK

5. *Prison structure.*— (i) A diversified prison system is imperative to meet the custodial and correctional needs of various categories of prisoners. Each prison has to be constructed and maintained on the basis of certain well-defined norms. The prison structure shall be designed to provide all the necessary facilities for prisoners to be treated as human beings and expose them to an environment conducive for their reformation.

6. *Criteria for the Establishment of Prison.*— (i) The Government will establish sufficient numbers of prisons, as far as possible, and provide minimum needs essential to maintain standards of living in consonance with human dignity.

(ii) Prisons will ensure that prisoners retain all their rights as human beings within the limitations of imprisonment as per Article 21 of the Constitution of India.

(iii) Prisons will ensure separation of the following categories of prisoners:

- (a) Women prisoners
- (b) Young offenders
- (c) Under-trials
- (d) Convicts
- (e) Civil prisoners
- (f) Detenués(Goondas)
- (g) High risk prisoners
- (h) Prisoners under POCSO Act
- (i) Prisoners under NDPS Act
- (j) Prisoners under COFEPOSA Act and other laws in force.

(iv) The prisons' administration will endeavour to prepare prisoners to lead a law abiding, self-supporting, reformed and socially rehabilitated life.

(v) Diversified Institutions will be set up according to requirements.

(vi) In order to make prisons efficiently manageable units, norms regarding maximum population for different types of prisons will be laid down.

(vii) Service conditions of prison personnel shall be such as to secure and retain the best- suited and qualified persons.

(viii) Efforts will be made to enlist community participation in effective administration of prison programmes.

7. *Institutional Pattern.*— (1) Government will adequately provide for the diversification of institutional resources to cater to the differential requirements of prisoners in terms of custody and correction. The factors to be considered will include age, sex, legal status of the prisoner, nature of crime, length of sentence, security requirements, state of health and correctional needs. Such a course implies the setting up of separate institutional facilities for different categories of prisoners, such as:

- (a) Prisons/Annexes/Yards for under-trial prisoners;
- (b) Maximum security prisons/annexes/yards for High risk prisoners and habitual or hardened offenders;
- (c) Open prisons, semi-open prisons and open colonies/camps;
- (d) Prisons/Annexes/Separate prison for women prisoners;
- (e) Prisons/Annexes/Yards for young offenders;
- (f) Prisons/Annexes/Special yards for those suffering from infectious diseases;
- (g) Prisons/Annexes/Yards for drug addicts;
- (h) In prisons separate places for those arrested during non-violent socio-political and economic agitation for a declared public cause.



(2) A mechanism will be established by the Government for the classification of prisoners to be housed in various types of institutions as enumerated in sub-rule (1) and shall lay down the procedure to be followed. Authorized population for each type of institution and norms with regard to area/space for prisoners as well as the number of prisoners to be housed, have also to be specified as suggested in these rules. This may also include facilities for education, vocational training, work programmes/place and cultural activities, library, recreation, both indoor and outdoor, yoga and meditation. Specifications for the staff to be appointed in each type of institution may also be outlined. Apart from various types of prisons for specific categories of prisoners, Government may create temporary prisons to deal with emergent situations.

8. *Prison Architecture:-Prison Architecture has to be based on the following.*— (i) The location of a new institution will be decided on the basis of :-

- (a) the functions which the institution has to perform;
- b) the training and treatment emphasis; and
- (c) programme content of the institution

(ii) New institutions will not be constructed near easily flooded and inundated areas, frontiers and international borders, sub-marginal land areas, sea-faces, airports and congested urban localities;

(iii) While selecting the site for new institutions, factors like transport facilities, water supply, electric lighting, connections with high power electric transmission lines, drainage and sewage, communication facilities (such as posts, telegraphs, telephones and internet) climatic conditions, facilities for the purchase of institutional supplies, have to be taken into consideration. Also, institutions like Courts, Civil Hospitals, Mental Health Centers, educational facilities for children of prison personnel, should as far as possible be within easy reach;

(iv) No building, other than the prison, will be constructed within 150 mtrs. of the prison wall of a Central Prisons, within 100 mtrs. of the prison wall of a District Prison and within 50 mtrs. of the prison wall of Sub-Prison;

(v) The architecture of institutions will be governed by two principles *viz.*

- (a) adequate protection to society through the establishment of security conditions; and
- (b) adequate resources which would be necessary for the successful implementation of various correctional programmes. Institutional design and architecture have to be functional.

(vi) The plan of an institution will be based on a careful analysis of inmate population, age group, custodial requirement, diversified work, educational programmes, *etc.*

(vii) Closed prisons are classified into three categories, namely, central prison, district prisons (special sub-jail) and Sub-jail. Authorized population for these prisons will not exceed 1000,300 and 100 prisoners, respectively.

(viii) There will be enough open space inside the perimeter wall to allow proper ventilation and sunlight. The area enclosed within the four walls of a prison will not be less than 83.61 sq. mtrs. per head of total capacity. Where, land is scarce the minimum area will be 62.70 sq. mtrs. per prisoner.

(ix) No building inside a prison will be nearer than 50 mtrs. to the perimeter wall.

(x) The area of an institution will be fixed in accordance with the needs of an institutional programme.

(xi) The requirements of segregation of inmate groups within an institution in accordance with the prescribed principles of classification will be provided for in every building plan. The requirements of administration and supervision will also be taken into account while planning buildings.

(xii) Each region/division will have an institution for women prisoners according to local requirements. Each central, district and sub-prison will have an enclosure for women-prisoners.

(xiii) The existing enclosures for women in common prisons will be renovated to ensure that women prisoners do not come in view of male prisoners during their passage to and from these enclosures. These enclosures will have a double lock system-one lock outside and the other inside, the keys of the latter always remaining with a woman guard inside. The institutions/enclosures for women prisoners will have all the requisite facilities with reference to their special needs such as segregation, protection, pregnancy, child-birth and family care, health care, training and rehabilitation, *etc.*

(xiv) Under-trials and detenues will be lodged in separate institutions away from convicted prisoners.

(xv) Accommodation for prisoners will provide adequate cubic contents of air, floor space, lighting, ventilation and climatic protection. All constructions in prison department will adhere to ISI standards.

(xvi) A special cell with adequate technical staff will be set up at the prison headquarter of the Union territory to plan, monitor and supervise all constructions and repair works in the department.

(xvii) CCTV cameras shall be installed in worksheds, kitchens, hospitals, main gate, interview rooms, high security enclosures and in the premises of the barracks for monitoring purposes

9. *Norms for Prison Buildings.*— Prison buildings have to be constructed on the following norms:-

(1) **Main Gate:-** (i) The minimum dimension of the main gate and second gate of all the closed prisons will be 3 mtrs. in width and 4 mtrs in height. Dimension of main and rear gates should be wide that in case of fire exigencies a fire tender, a bore well rig to dig bore well, a lorry to transport raw material/logs for factory and ration articles could pass through these gates. The gate will be made up of a strong steel frame having vertical round or square steel bars of 25 mm. dia or thickness. Each gate will have a wicket-gate of atleast of 0.6 mtr. in width and 1.5 mtrs in height. The main gate and the wicket-gates will have strong locking arrangements from inside. Both gates will have arrangements for easy opening and closing of shutters. The gates will be covered with iron sheet from outside up to the height of 2.5 mtrs. The wicket-gates will have peepholes covered with lead at eye level. The main gate may be painted with colours identical to that of departmental flag if prescribed by the Government.

(ii) Space between two gates will not be less than 16 mtrs. in length and 6 mtrs. in width to facilitate gate operations. It will have the following facilities:

- (a) A cabin;
- (b) Gatekeeper;
- (c) Search.

(iii) Entry to the prison will only be through a single point, that is the main gate, and all other entry points, if existing, will be closed permanently.

(iv) There will be a properly designed administrative block within the prison complex for efficient functioning of the administration.

(v) A Court room should be setup within the prison complex.

(vi) The reception unit will have necessary facilities for proper implementation of admission-quarantine-orientation-classification programme. Physical facilities will be setup in accordance with the number and type of inmates to be received, and the programme to be followed for proper segregation of various types of inmates. The unit will have dormitory and single room type accommodations. Provision will also be made for following facilities:

- (a) a building where the inmates will be initially received,
- (b) office-room,
- (c) Interview room and exercise and recreational areas, *etc.*  
The buildings and areas where the admission programme has to be carried out will be located in close proximity of the hospital.

(2) **Housing:-** (i) There will be three types of living accommodations as mentioned below:

- (a) Barracks with accommodation for not more than 20 prisoners;
- (b) Single room accommodation for prisoners needing privacy for pursuing studies, *etc.*;
- (c) Cells for segregation of prisoners for the purpose of security and contagious diseases.

(ii) A plate indicating the authorized accommodations will be attached to the housing unit. Ordinarily, the number of prisoners confined in a housing unit will not exceed its authorized accommodation.

(iii) An individual secure storage compartment, sufficient in size to hold personal belongings of the prisoners, shall be provided to each prisoner.

(iv) Arrangements for appropriate heating facilities in barracks as well as for washrooms and laundry shall be made for prisoners during winters.

(v) An individual secure storage compartment, sufficient in size to hold personal belongings of the prisoners, shall be provided to each prisoner.

(vi) Arrangements for appropriate heating facilities in barracks as well as for washrooms and laundry shall be made for prisoners during winters.

(3) **Barracks and Cells:-** (i) If, a barrack is flat-roofed, there will be ceiling ventilation that is, opening at intervals close to the junction of wall and ceiling 30 x 12.5 mtrs. If, the barrack is gable-roofed, there will be a ridge ventilator. The minimum height of roofs or ceilings will not be less than 15 feet from the floor.

(ii) The floor of the barrack will be made of impermeable material such as cement concrete.

(iii) All barracks will, if possible, be provided with verandas not less than 2 mtrs. in width.

(iv) Though ventilation of the sleeping barracks is of the greatest importance, prisoners will not be permitted to close the windows and ventilation openings with shutters or curtains at their discretion. In new barracks, the ventilating area per head will be half a window. As standard grated window is 7 feet x 3 ½ feet, half a window will mean 1 sq. mtrs. The ventilation will, however, be controlled according to the season wherever necessary; otherwise the barracks will be too cold and damp during winter and rainy season.

(v) Where accommodation is overcrowded and does not meet the prescribed standards, secure corridors/verandas and worksheds may be used for accommodating short term prisoners and under-trials

involved in minor and petty offences during night. If, at any prison over-crowding is likely to continue, the excess number of prisoners will be transferred to other institutions or camps as the case may be, with prior approval of the Government/Inspector-General of Prisons/Judicial Officers.

(vi) The structural arrangements of fittings and fixtures and locking devices of barracks will be secure enough to prevent escapes. The existing wooden frames of the doors, windows and ventilators will be replaced by iron/steel frames. The iron bars used in doors, windows and ventilators will be of 25 mm. dia. and the clear distance between two bars will be 7.5 cm.

(vii) A barrack will have only one door of 2.2 x 1 mtrs. and will have a single shutter. The door of a barrack will have clear opening of 1 mtr. The iron frame will be made of angle-iron of minimum of 10 mm. thickness.

(viii) The measurement of each berth in the ground floor will normally be 2 x 0.75 mtrs. with a height of 0.45 mtrs.

(ix) A fixed or in-built shelf will be provided for each inmate so that he may keep his belongings there.

(x) Sufficient artificial light will be provided to enable the prisoners to work and read without difficulty in their barracks after dusk.

(xi) Each cell/barrack will be provided with a flush toilet, first-aid kit.

(5) **Latrines:-** (i) Each barrack used for sleeping will have sufficient number of attached Water Closets, urinals and wash places. The ratio of such Water Closets will be one unit per 10 prisoners. The ratio of the Water Closets which can be used during day time will be one unit per six prisoners, disinfections should be made twice in a week.

(ii) Latrines will be of the sanitary type with arrangements for flushing. They will be placed on an impermeable base which will be higher than the surrounding ground and will be so built that the sun's rays can easily enter the latrines and rain is kept out. The partitions separating the latrines will be high enough to provide a reasonable degree of privacy. Latrines will be so designed that all excreta and wash materials will get into the receptacles without fouling the sites. Every seat will be provided with foot rests with an impermeable surface which

will be in the right position and not too far apart. The inside walls of latrine will be fitted with glazed ceramic tiles up to the height of 1 mtr. from the floor level, as far as possible. In hospital, 50% of toilets should be western type.

(4) **Cells:-** (i) There will be thorough ventilation of every cell. At the back of the cell there may be a clerestory window.

(ii) The floor of the cell will be made of impermeable material.

(iii) Each cell will have a yard attached to it where a prisoner can have the benefit of sufficient air and light.

(iv) It will be provided with a flush latrine. Existing cells will not be put into use till this facility is provided in them.

(v) Cells will be provided with sleeping berths as prescribed.

(vi) Disinfection should be made twice in a week.

(6) **Bathing places:-** (i) Every prison will provide covered cubicles for bathing, at 1:10 ratio of prisoner, with proper arrangements to ensure privacy. Every prisoner will be required to have bath as frequently as necessary for general hygiene according to climatic conditions.

(ii) Taking into consideration that the daily requirement of water of an individual is about 135 ltrs., there will be an arrangement for the adequate supply of water in every prison. If feasible, new prisons will have arrangements for rainwater harvesting and recycling of water, keeping in view its cost effectiveness.

(iii) Each prison will have an independent standby arrangement for water supply.

(iv) All prison building shall have rain water harvesting system to improve the water supply to prison.

(7) **Kitchen:-** (i) The general kitchen will ordinarily be located at a central place inside the prison so that the distribution of food among the prisoners may be finished quickly. The kitchen will not be built close to the sleeping barracks. It will be well ventilated and lighted. It must always be kept clean and tidy. The oven will be of the type in which the heat does not escape outside and the smoke is let out by a suitable chimney regardless of the type of fuel used. The kitchen will be protected

by a fly proof wire mesh all around. Sufficient number of exhaust fans will be installed and artificial ventilation may be provided, if necessary. The kitchen must be provided with fly-proof automatic closing doors. It will have floors made of an impermeable material. Each kitchen shed will be provided with adequate supply of pure water which will be used for both cooking and washing. The water will be collected from taps inside the kitchen. It is desirable that no single kitchen caters for more than 250 prisoners. Cooking and serving utensils will be made of stainless steel. Management of kitchen or cooking of food on caste or religious basis will be totally banned in prisons.

(ii) There will be a provision for covered dining space in prisons so that prisoners may take their meals under a roof and on a platform.

(iii) There will be two shifts of workers in the kitchen.

(iv) The minimum space requirement in the kitchen will be 150 sq. mtrs. per 100 prisoners. It will facilitate sufficient space for storage of provision articles, vegetables, dressing and cutting food, containers and cooking utensils, *etc.*

(v) The walls of the kitchen will be provided tiles up to a height of 2 metres for easy cleaning.

(vi) The kitchen complex shall have a barrack to house the inmates employed for cooking, *etc.*

(vii) The prisoners working in the kitchen will be provided with suitable clothing, such as apron, caps, gloves, *etc.* and also with 250 ml. each of liquid soap and detergent on a fortnightly basis for cleaning and washing utensils.

(viii) Prison kitchens will be modernized by introducing LPG, hot plates and steam cooking. Kneading machines, chapati making machines, mixers and grinders, will also be introduced.

(ix) Adequate fire safety systems shall be installed in the kitchen.

(8) **Hospital:-** (i) In every prison, there will be separate hospitals with the necessary number of beds for indoor treatment with separate ward for men and women. All central prisons will provide hospital accommodation for 5% of the authorized inmate population. The location



of the hospital will be as far away from the barracks as possible. Every hospital ward will be so constructed as to allow sufficient light and air. The floors and walls will be made of impermeable material. Latrines and baths will be provided close to the wards so that the sick prisoners do not have to walk far to use them. There will be arrangements for continuous supply of potable water in the hospitals.

(ii) The prison hospital will be situated near the main gate of the prison, the accommodation provided will include:

- (a) Ward for patients;
- (b) Toilet and bathing facilities at the rate of one for every five patients;
- (c) Store room for hospital furniture and equipment;
- (d) Dressing-*cum*-injection room;
- (e) Room for minor surgery;
- (f) Room for laboratory;
- (g) Room for the Medical Officer;
- (h) Isolation rooms for accommodating patients with infections and contagious diseases (such as T.B., Leprosy and H.I.V +/AIDS);
- (i) Isolation rooms for accommodating mentally ill patients.

(iii) Adequate fire safety systems will be installed in prison hospitals.

(9) **Worksheds:-** Areas where prisoners work will have a minimum space of 500 cubic feet per prisoner in structures that will be constructed as workshops or factory buildings; for efficient ventilation, the window area will not be less than 20% of the floor area subject to such variations as are found necessary in relation to particular industries or locations to be organized.

(ii) As far as possible, work sheds should be located in a single enclosure for gate control and security.

(iii) Adequate precautionary measures shall be taken to guard against health and safety hazards at the worksheds, including provision of first aid kit in the work shed which will remain in the custody of an authorised prisoner.

Adequate fire safety systems will be installed in the work sheds.

(10) **Recreational Facilities:-** Proper recreational facilities like, grounds for outdoor games, auditorium for cultural activities, library, indoor games, yoga, meditation and music, *etc.*, may be provided.

#### CHAPTER-4

##### CONSTITUTION OF BOARD OF VISITORS

10. The Government shall, by notification, constitute a Board of Visitors comprising official and Non-Official Members at District and Subdivisional level. The functions of the Board of visitors shall include:

To visit the prison periodically and attend to individual or collective grievances of prisoners and providing redressal in consultation with the prison authorities. Infrastructure or facilities in the prisons.

Monitoring the correctional work in prisons, with special attention to the degree and quality of training and the effectiveness of infrastructure or facilities in the prisons. Suggesting new avenues leading to improvement in correctional work.

11. *Board of Visitors.*— The Board of Visitors shall comprise of the following Official Members or their nominee:-

(a) Principal District and Sessions Judge, Additional Sessions Judges, Chief Judicial Magistrate and Magistrates.

(b) District Magistrate.

(c) Member-Secretary of the Union territory of Puducherry Legal Services Authority (UTPLSA)

(d) Senior Supdt. of Police (Law and Order)

(e) Chief Engineer (Public Works Department)

(f) Director of Health and Family Welfare Services

(g) Director of Agriculture

(h) Director of Industries and Commerce

(i) Commissioner of Labour

(j) Director of School Education

(k) Director of Collegiate and Technical Education

(l) Director of Social Welfare

(m) Director Local Administration Department/Health Officer of Puducherry region.

12. *Appointment of non-official Visitors.*— The Board of Visitors shall also comprise the following Non-Official Members:-

(a) Three Members of the Legislative Assembly of which one should be a woman.

(b) A nominee of the State Human Rights Commission.

(c) Two Social Workers of the District one of them shall be a woman for welfare of prisoners.

(d) A retired officer of prison service of the State.

(e) An elected Members of Parliament of the Union territory of Puducherry.

(f) The Honorarium of ₹ 1,000 can be given to the Social Worker.

13. *Term of appointment.*— A Non-Official Member of the Board of Visitors shall hold office for a period of two years from the date of his appointment to the Board, and may be considered for reappointment.

14. *Vacation of office by the Non-Official Members and the appointment of a substitute.*— A Non-Official Member who is not able to attend to the duties assigned to him shall report the circumstances to the Chairman of the Board within a period of three months from the date of his last visit and in the event of his failure to report, he shall be regarded as having vacated office on the expiry of three months from the date of his last visit. The Superintendent of Jail shall keep a watch over the attendance of all the Non-Official Members and shall report to the Chairman and the Inspector-General, the absence, if any, of such Members, indicating the date from which they are absent, who shall, if necessary, recommend to Government for the appointment of a substitute.

15. *Cancellation of the appointment of a Non-Official Member.*— The Government reserves the right of cancelling the appointment of any Non-Official Member at any time without any notice.

16. *Chairman of the Board of Visitors.*— The Principal District and Sessions Judge shall be the Chairman of the Board of Visitors at District level and the Subdivisional Judicial Magistrate shall be the Chairman at Subdivisional level. The Non-official Visitors after their appointment must be sensitized and trained about their duties, roles and responsibilities.

17. *Meeting of the Board of visitors.*— (1) The Board of visitors shall meet in the office of the Chief Superintendent of Jails at least once in every three month, on such day as the Chairman may decide which shall be attended by all official and non-official Visitors.

(2) For the purpose of a meeting of the Board of Visitors, one Official Visitor and two Non-Official Visitors shall form a quorum.

(3) The minute of every meeting of the Board of Visitors shall be recorded in the visitor's minute book and the same shall be forwarded to the Inspector-General of Prisons with comments of the Chief Superintendent of Jails. A copy of the minutes shall also be dispatched to every Member of the Board of Visitors. The Inspector-General of Prisons shall place a copy of the minute of the last meeting of the Board of Visitors of the prison before the State Advisory Board for Correctional Administration.

(4) Any observations or comments made in the visitors minutes book, by any Member of the Board, shall be forthwith brought to the notice of the Inspector-General of Prisons by the Chief Superintendent of Jails, along with his own comments. The copy of the same shall also be sent to the Visitor concerned and the Chairman of the Board of Visitors.

18. *Visits by official and Non-official Visitors.*— (1) The Chairman of the Board of Visitors shall make a monthly roster of visits to be paid by the Members of the Board to the Prison, in consultation with the Chief Superintendent of Jails. The roster shall be made in such a manner as will envisage at least one visit by a Member in every month.

(2) When a non-official visitor of the Board of Visitors visits a prison, he shall be accompanied by at least one more Member (Official or Non-official).

(3) Every Non-official Visitor is expected to interest himself in the upkeep of prisoners and visit the prison of which he is a Visitor, once a month, and oftener, if possible. Intimation of the intended visit need not be given.

**Explanation:** (1) The roster for weekly visits and the attendance at the meeting of the Board shall not apply to officers having jurisdiction all over the State.

(2) Nothing in these rules shall prevent the Members or Visitors from visiting the prisons on dates other than those fixed by the Chairman of the Board.

(3) Except in exceptional circumstances, a Visitor shall not visit the prison after lock up or on Sundays and any other Jail Holidays.

19. *Duties of Superintendent.*— (1) The Superintendent shall present before the visiting Member or Members of the Board of Visitors any paper or document pertaining to correctional work, recreation and trainings of prisoners, prison diets, medicines, grievances of prisoners and follow redressal of such grievance, whenever sought for by a visiting Member of the Board.

(2) The Superintendent shall not be bound to present any register or document or paper pertaining to financial accounts before a Member of the Board of Visitors without written approval of the Inspector-General, Prisons.

(3) The Superintendent shall ensure that the prisoners lodging complaints with the visiting member of the Board of Visitors do not subsequently fall prey to vendetta of the accused or prison staff complained against.

(4) Soon after visits by Members of the Board of Visitors, the Superintendent shall inform to the Inspector-General, Prisons regarding the details of the visit.

20. *Powers and Duties of the Visitors.*— (1) All Visitors, Official and Non-official, at every visit shall:-

- (i) examine the cooked food,
- (ii) inspect the barracks, wards, work sheds and other buildings of the prison generally,
- (iii) ascertain whether consideration of health, cleanliness and security are attended to, whether proper management and discipline is maintained in every respect and whether any prisoner is illegally detained or its for undue length of time while awaiting trial;

- (iv) examine prison registers and records, except secret records and records pertaining to accounts;
- (v) hear and attend to all representation and petitions made by or on behalf of the prisoners and
- (vi) Direct, if deemed advisable, that any such representation or petition is forwarded to the Government.
- (vii) Suggesting new avenues for improvement in correctional work.

(2) The Members of the Board of Visitors shall specially attend to the quality and quantity of prison diet, condition of the kitchen and hospital management, medical treatment of prisoners, sanitary arrangements, aspects of vocational training, literacy program and library facility for the prisoners. A copy of questionnaire containing the notable points which a visitor may direct his enquiries shall be supplied to each visitor on appointment.

(3) During visits, a visitor shall enjoy the right to converse secretly and separately with any prisoner who is willing to take to the visitor. However, such separate interaction between a Visitor and a prisoner shall be held in a place within the prison well within sight of a Prison Officer. The visitor, immediately after such conversation with a prisoner, shall inform the Chairman of the Board in writing about what transpired in the conversation with the prisoner. The Chairman, if, he thinks it necessary, shall take up the matter with the Superintendent of Jail.

(4) Every Visitor should have the power to call for and inspect any book or other record, in the prison unless the Superintendent, for reasons to be recorded in writing, declines on the grounds that its production is undesirable. Similarly, every Visitor should have the right to see any prisoner and to put any question to him out of hearing of any Prison Officer.

(5) All visitors shall be afforded every facility for observing the state of the prison and the management thereof, and shall be allowed access, under proper regulations, to all parts of the prison and every prisoner confined therein. They shall ordinarily not visit high security areas unless the instructions in this behalf are given by the Inspector-General Prisons.

*Note:* A spare copy of the list of Visitors will be kept at the main gate and handed over to a Visitor on the occasion of his visit to the prison. Each non official visitor will be supplied with a copy of appointment.

21. *Visit to female yard.*— The Members of the Board may visit the female portion of the prison correctively. Individual male visitors shall not be permitted to enter the female portion of the prison unless it is necessary to pass through it in order to reach the male yard.

22. *Lady Visitor.*— Lady Visitors shall have the same powers and duties as male Visitors except that their functions shall extend only to female prisoners and the female yard. They shall not enter the male portion of the prison unless it is necessary to pass through it in order to reach the female yard.

23. *Principal District and Sessions Judge to visit and inspect Prisons.*— It shall be the duty of the Principal District and Sessions Judge to visit and inspect high security and other prisons and to satisfy him that all rules, regulations, directions and orders made or issued to such prisons, are duly observed and enforced.

24. *Record of Inspection.*— A record of the result of each visit and inspection made shall be made in a register to be maintained by the Superintendent for this purpose.

25. *Principal District and Sessions Judge to communicate only with the Superintendent of Jail.*— (1) The Principal District and Sessions Judge shall not ordinarily address any communication or order to any officer of any prison below the Superintendent. All orders issued by the Principal District and Sessions Judge shall be in writing.

(2) The Principal District and Sessions Judge's orders should ordinarily be issued in the form of an entry in the Visitor's Book. The Judge is not required to interfere in matters of detail effecting management of a prison. He should refrain from any action which may tend to weaken the authority of the Superintendent over subordinate prison officers and prisoners.

(3) If, the Principal District and Session Judge gives an order to which the Superintendent of Jail or his senior takes exception, the concerned office may represent the matter through the Inspector-General of Prisons to the Government, but, he shall forthwith obey any order which is not inconsistent with the Prison Act or any rule made there under, and does not involve any immediate risk or danger.

26. *Visitor to record date of his visit and remarks.*— (1) Every Visitor shall, after he has completed his visit to the prison, record in the Visitors' Book, the date and hour of his visit, and may enter therein any remarks or suggestions which he may wish to make. Such remarks or suggestions be treated as confidential at all stages by all the concerned and shall not be communicated to the prisoners. The Visitors' Book shall not be removed from the prison.

(2) No visitor may issue any order or instruction to any Subordinate Prison Officer.

(3) A copy of the remarks made by every Visitor, together with Superintendent's reply thereto or the action taken by the Superintendent thereon shall be forwarded to the Inspector-General. In case, the remarks relate to the long detention of an under-trial prisoner, a copy of such remark shall also be forwarded to the Sessions Judge.

27. *Visitor to record date of his Visit and remarks.*— (1) Every Visitor shall, after he has completed his visit to the prison, record in the Visitors' Book, the date and hour of his visit, and may enter therein any remarks or suggestions which he may wish to make. Such remarks or suggestions be treated as confidential at all stages by all the concerned and shall not be communicated to the prisoners. The Visitors' Book shall not be removed from the prison.

(2) No Visitor may issue any order or instruction to any Subordinate Prison Officer.

(3) A copy of the remarks made by every Visitor, together with Superintendent's reply thereto or the action taken by the Superintendent thereon shall be forwarded to the Inspector-General. In case the remarks relate to the long detention of an under-trial prisoner, a copy of such remark shall also be forwarded to the Sessions Judge.

28. *Disposal of the remarks made by a Visitor.*— (1) Any remarks made by a Visitor under the preceding section should be limited to a statement and fair criticism of actual facts, which may come to his knowledge, and to such suggestions, as he may desire the Superintendent or Inspector-General to consider. Criticism should be confined to such aspects of the ordinary administration and management of the prison which, in the opinion of the Visitor, can be improved. On no account, the Visitor should directly or indirectly reflect, either favorably or adversely, on the character or conduct of any of the prison



staff. If, the visitor wants to bring to notice the good or bad work of any prison official he should do so by a letter addressed to the Inspector-General of Prisons.

(2) The Inspector-General of Prisons may pass orders on any remarks made by a Visitor, and shall, if, any issue of importance requires the orders of the Government, forward such record to the Government.

(3) A copy of any order passed by the Inspector-General or by the Government on any record made by a Visitor shall be communicated to the Visitor concerned through the Superintendent of Jail.

29. *Other Visitors.*— The following officers will also visit the Prison and confine their inspection to those branches of work which some within the purview of their ordinary official duties.

(1) **Fire Officer:-** The Senior Fire Officer of the town where the fire station is functioning shall be an ex-officio visitor to the Prison. He shall confine his inspection to these branches of work which come within the purview of his ordinary official duties.

(2) **Probation Officer:-** (a) The Probation Officers of the District in which the Prison is situated shall have free access to the prison on any day including Sundays and holidays between unlocking in the morning and lock up in the evening in connection with the discharge of their official duties. They shall be afforded all responsible facilities for their interview with the prisoners. The prison officials in attendance shall withdraw out of hearing, if, required to do so by the Probation Officers.

(b) The Probation Officers will also look after all matters relating to premature release including probation service under the supervision of the concerned officer of the Correctional services.

(c) The Probation Officer will function as per the Probation of Offender Act, 1958. The four Probation Officers may be appointed for Puducherry, Karaikal, Mahe and Yanam regions separately. They will submit the report to the concerned Court through the Chief probation office.

(3) **Officials and subordinates of PWD:-** The Executive Engineers and Assistant Engineer together with their employees shall, during business hours have free access to the prison to the extent necessary for purposes connected with the discharge of their official duties.

30. *Admission of Police Officers and the interrogation of prisoners by them.*— (1) Any Police Officer authorized to investigate a cognizable offence committed in the prison shall, for any purpose connected with the discharge of his duty as such Police Officer, be permitted to enter the prison at any time between unlocking in the morning and lock up in the evening. Such Police Officer shall be allowed full facilities to interview prisoners but, only in the presence of a responsible Prison Officer not below the rank of Assistant Superintendent.

(2) Any Police Officer who is in uniform and who produces a written authority from the Collector or Senior Superintendent of Police of the District for the purpose, shall be permitted to enter the prison for the purpose of recognizing old offenders or for conducting operations for the identification of prisoners or for interviewing any prisoners during working hours on any week day provided that such visits shall not be allowed to interfere with the labour or routine of the prison. The identification or interview shall take place in the presence of a responsible officer not below the rank of Assistant Superintendent, who shall, if required to do so, keep at such a distance that he may or hear the conversation that takes place.

(3) Any Police Officer not below the rank of Inspector of Police who is in uniform and who produces a written authority from the Collector or SSP of the District, shall be permitted to interview any remand or convicted prisoner in the prison during working hours on any week day for the purpose of examining the prisoner in a departmental enquiry as a defence witness, in the presence of a Judicial Magistrate.

31. *Escort to accompany to visitors.*— The Superintendent shall ensure that every visitor to the Prison is attended by a responsible Prison Officer, as well as by an escort of two warrants armed with batons. The escort and the officer accompanying a visitor shall withdraw out of hearing but, not out of sight, if required to do so by the visitor, when he questioning a prisoner.

32. *Admission to prison is to be restricted to others.*— Except the Ministers, other person shall be allowed access to the prison unless accompanied by the IG Prisons & CSJ or the Superintendent of Jail or granted with the written permission by the appropriate Court.

## STATE ADVISORY BOARD FOR CORRECTIONAL ADMINISTRATION

33. *Advisory Board.*— There shall be an Advisory Board to advise the Government and the Prison Administration on matters relating to correctional work in prisons, rehabilitation of inmates and redressal of grievances of prisoners.

The Advisory Board shall also act as a meeting ground of departmental heads of Prison, Law and Justice, Police, Education, Technical Education, Health and Public Works Department of the Government, in order to bring about effective inter-departmental cooperation and co-ordination.

The Advisory Board shall also play the role of opinion leaders creating Social awareness in all walks of life and stressing the need for rehabilitation of offenders.

The Advisory Board shall comprise of the following officials or their nominee:-

- |   |                       |
|---|-----------------------|
| (a) Minister in-charge of Prisons   | . . Chairman          |
| (b) Principal District and sessions Judge   | . . Member            |
| (c) Inspector-General of Prisons  | . . Member-Secretary. |
| (d) Inspector-General of Police   | . . Member            |
| (e) Director, School of Education   | . . Member            |
| (f) Chief Engineer of Public Works Department   | . . Member            |
| (g) Director, Health and Family Welfare Services  | . . Member            |
| (h) Director of Agriculture   | . . Member            |
| (i) Director of Industries  | . . Member            |
| (j) Director of Social Welfare  | . . Member            |
| (k) Chief Superintendent of Jails   | . . Member            |
| (l) The Under/Deputy/Joint Secretary to Government dealing With the Jail Department shall be the Ex-officio of the Board. | . . Secretary         |

34. *Powers and duties of Members of Board.*— (1) The Members of the State Advisory Board shall enjoy the right to pay visit to any prison of the Union Territory, individually or in a group, with or without prior notice to the Superintendent of the Prison.

(2) The Members of the State Advisory Board, however, shall refrain themselves from visiting any prison during the period between evening locking-up and morning un-locking.

35. *Duties of Superintendent.*— (1) The Superintendent shall present before the visiting Members of the State Advisory Board any paper or document in connection with the correctional work, recreation, training of prisoners, prison diet, health-care of prisoners, grievances of prisoners and redressal of prisoners, whenever sought for by the visiting Members of the State Advisory Board.

(2) The Superintendent shall not be bound to present any Register/Document paper pertaining to financial accounts, before the visiting Member/Members of the State Advisory Board without written approval of the Inspector-General of Prisons.

(3) The Superintendent shall ensure that the prisoners lodging complaints with the visiting Member/Members of the State Advisory Board do not subsequently fall prey to vendetta of the persons complained against.

(4) Soon after visit by a Member of the State Advisory Board, the Superintendent shall inform the Inspector-General of Prisons.

36. *Quorum of meeting.*— For the purpose of the meetings of the State Advisory Board six Members, including at least two official and two non-official Members, shall comprise a quorum.

37. *Failure to attend the meetings of board by a Non-Official Member.*— If, a Non-Official Member of the State Advisory Board fails to attend the meetings of the Board, despite prior intimation and notice, on three successive occasions, his/her membership of the Advisory Board shall stand cancelled automatically and the Member-Secretary of the Board shall move the Government for appointing a new non-official Member in his/her place.

38. *Term of office of Non-official Member.*— A Non-Official Member of the State Advisory Board shall hold office for a period of three years from the date his/her appointment to the Board, and may be considered for reappointment.

39. *Right to cancellation of appointment of a Non-Official Member.*— The Government reserves the right to cancel the appointment of any Non-Official Member of the State Advisory Board at any time.

40. *Grant of allowances to a Non-official Member.*— A Non-Official Member of the Board shall receive allowances, as prescribed by the Government from time to time, for attending the meetings of the Board.

## CHAPTER-5

### HEADQUARTERS ORGANISATION

41. The effectiveness of prison administration depends largely on the quality of literacy and supervision at various institutions and the implementation of programmes therein, which in turn, depends on the manpower deployed at various levels of hierarchy. It is therefore, imperative that the organizational structure be carefully planned and constantly reviewed to identify and review deficiencies in service delivery. With this objective, the structure and organizational hierarchy of the Prisons and Correctional Services Department has been set forth in this chapter.

Prisons and Correctional Services will be under the control of the Home Department, being the department responsible for the services in this field. There will be a separate division within the Home Department for dealing with all matters connected with prisons and correctional services.

The Government will appoint the Inspector-General of Prisons and correctional services who will exercise general control and Chief Superintendent of Jails over all prisons situated in the State. The Inspector-General will ensure the implementation of the provisions of the Prisons Act through other officers as appointed by the government for assisting him at the headquarters, regional organization, at the prisons and at other institutions under his control. The Inspector-General will have such administrative authority as is laid down in this manual and as may be determined by the government from time to time.

42. *There shall be a Executive Wing at the headquarters level.*— The Executive Wing will be headed by an officer not below the rank of Inspector-General or equivalent rank and such officer may be assisted by officers of different ranks from the prison Department.

AUTHORITY AND POWERS OF THE INSPECTOR-GENERAL  
OF PRISONS

43. *Appointment of the IG Prisons.*— The Government shall by notification appoint an IG Prisons to be in-charge of the Administration and management of all the Prisons in the Union Territory of Puducherry. The statutory authority of the IG Prisons will be as per the provisions of the Prisons Act and other related Acts.

44. *The general functions of the Inspector-General shall be.*—  
(i) To implement prison policies as laid down by the Government.

(ii) To plan organize, direct, coordinate and control the various prison and correctional services.

(iii) To define the functions and fix lines of authority and channels of command of the prison personnel.

(iv) To inspect institutions with special reference to care, welfare, training and treatment of inmates, staff training, discipline and welfare, *etc.*

45. *Authority and Power of the IG Prisons.*— The Inspector-General of Prisons and Correctional Services shall be Head of Department of Prison and Correctional Services. He will exercise general control and superintendent of all prisons situated in the Union territory of Puducherry. The Inspector-General Prisons will ensure the implementation of the provisions of the Prisons Act, 1894 through other officers as appointed by the Government for assisting him at the headquarters, regional organization, at the prisons and at other institutions under his control. He will have such administrative authority as is laid down in these rules and as may be determined by the Government from time to time.

46. *Financial and other powers.*— As the Head of the Department, the Inspector-General will have all necessary financial, administrative and disciplinary powers.

The Inspector-General will prepare the budget for the various services under his control. Subject to the rules and orders of the Government and the requirements of the Accountant-General, the expenditure of the Department of Prisons and Correctional Services will be controlled by the Inspector-General.

The Inspector-General will manage the personnel in the department and exercise disciplinary powers, including powers of redeployment of staff, on par with the powers of the Director-General of Police.

47. *Power to sanction expenditure.*— (1) The Inspector-General Prisons may sanction:

- (i) any item of expenditure approved and provided for in the budget.
- (ii) With the sanction of Government, any special and unusual item of expenditure for which no distinct provision has been made.

(2) Subject to provisions of this rule, an adequate grant will be placed at the disposal of Inspector-General to meet expenditure of a special nature.

48. *Power to sanction reward.*— (1) The Inspector-General of Prison may sanction the payment of reward to any subordinate prison official, up to a limit of ₹ 2,000 for any service of special merit.

(2) He may sanction rewards to private persons effecting or assisting the re-capture of an escaped prisoner as follows:

- (i) If, the sentence was one of death or life imprisonment- ₹ 5,000.
- (ii) If, the sentence was two years and upwards or confinement in security for the same period- ₹ 2,000.
- (iii) If, the prisoner was an under trial, a reward equal to what would be payable where the prisoner convicted of an offence charged and sentenced to the maximum penalty.

49. *Institution of civil suits.*— The Inspector-General Prisons is authorized to sanction the institution of any Civil Suit for money due to the manufacturing Department of the prisons, provided that he is satisfied that the claim is well founded and that the debtor is possessed of property against which a decree, if obtained, could be executed. He may also sanction the institution of Civil Suits against defaulting contractors and others, provided that no such suit shall be instituted except on the advice of the Government Pleader, to whom a concise and clear statement of the case shall be submitted for opinion. No Civil Suit shall be instituted until all other means of obtaining satisfaction have been tried and have failed. Every case, in which notice of suit against the Prison Department or against any Prison Officer for acts done in his official capacity is received, shall be reported to Government, for orders.

50. *Inspection of Prisons.*— (1) The Inspector-General of Prison shall visit the Central Prison and also district Jails and Sub-Jail frequently, but, not less than twice in a calendar year. During each visit, he shall carryout a full inspection in accordance with the questionnaire approved by Government.

(2) During each inspection, he shall examine whether the classification of prisoners has been done on proper lines and whether the labour to which each prisoner is put is such as to train him for eventual rehabilitation, reformation and resocialisation in society after his release.

(3) He shall personally see every prisoner then in confinement in the prison, he shall give every prisoner a reasonable opportunity of making any application or complaint and shall investigate and dispose of the same properly.

(4) He shall inspect the yards, wards, cells workshed, and other enclosures, shall examine the gardens, enquire into the adequacy and fitness of the water supply, the conservancy arrangements and the medical administration, shall see the food and ascertain that it is of proper quality and quantity and generally satisfy himself that the building and premises are in proper order

(5) He shall inspect all journals, registers and books maintained in every part of the prison and initial or countersign therein in token that he is satisfied that they are maintained in accordance with the rules. He shall satisfy himself that the order of the Government regarding the arrangement and periodical destruction of records are observed.

(6) He shall examine whether the prison staff is adequate and whether discipline amongst the staff has been properly maintained.

(7) He shall examine whether sufficient labour is available for prisoners sentenced to rigorous imprisonment, and if so whether adequate task is extracted from the prisoners; and if not what the reasons are for the insufficiency of the labour available.

51. *Transfer of Prisoners.*— The Inspector-General of Prisons shall have the power to order the transfer of any prisoner from prison to another prison within the Union territory of Puducherry and shall also have the authority to order the removal of prisoners from the permanent buildings of any prison into temporary accommodation during epidemics.



52. *Review of Disciplinary Action.*— The Inspector-General of Prisons should review all disciplinary actions taken by the Chief Superintendent of Jails and punishments imposed by him appealed against by the subordinate official, and pass such orders in accordance with the provisions of the Central Civil Services (Classification, Control and Appeal) Rules, 1965.

53. *Orders to be obeyed.*— All Officers of the Prison shall obey the orders issued by the Inspector-General of Prison.

54. *Transfer of Subordinates.*— The Inspector-General of Prisons is competent to transfer any subordinates of the Jail Department between any Prisons in the Union territory of Puducherry.

55. *Control of expenditure.*— Subject to the rules and orders of the Government, the expenditures of the Prison Department will be controlled by the Inspector-General of Prisons/CSJ.

56. *Memorandum of inspection to be supplied to the Superintendent of Jail.*— Immediately after the inspection, the Inspector-General shall communicate to the Chief Superintendent of Jails concerned, a copy of the questionnaire duly filled in together with such further suggestions or orders as he thinks fit for the guidance of the Superintendent. He shall also simultaneously forward a copy of the duly filled in questionnaire to the Government.

57. *Annual Administration Report.*— The Inspector-General shall prepare the annual Administration Report of the Prison Department and submit it to Government within the due date prescribed by Government. It shall contain prison statistics, show the inspections made during the year by the Inspector-General and all other matters of importance. He shall review in the administration report the general condition of the management of prison.

#### CHIEF SUPERINTENDENT OF JAILS (CSJ)

58. *Chief Superintendent of Jails at headquarters.*— (1) The Government shall, by notification, appoint a Chief Superintendent of Jails and correctional services in the headquarters to assist the Inspector-General of Prisons in his work.

(2) **Head of Office:-** He shall be the Head of Office of the Department of Prisons and Correctional Services under Rule 14 of the Delegation of Financial Powers Rules, 1978.

**(3) Financial and other powers:-**

- (a) The Chief Superintendent of Jails and correctional services as Head of Office under the preceding rule shall exercise all powers derived from such delegations.
- (b) Subject to the rules order and directions of the Government and of the Finance Department, Puducherry, the Chief Superintendent of Jails shall exercise all powers conferred on him as Head of Office, under various rules made applicable in this Union Territory, from time to time.
- (c) The Chief Superintendent of Jails will be the appointing authority for all Group 'C' employees including erstwhile Group 'D' Government employees of the Department of Prisons and Correctional Services. It shall be competent to the Chief Superintendent as appointing authority to make all appointment to Group 'C' posts on the sanctioned establishment of the Department of Prisons and Correctional Services, subject to the recruitment rules in force from time to time in this Union Territory.
- (d) The Chief Superintendent is a competent to dispose of all questions of Pay and Allowances, leave, *etc.*, in accordance with the service regulations or rules in force from time to time in this Union Territory. When, the Chief Superintendent has any doubt he shall refer the matter to the Inspector-General of Prisons/Government and comply with the instructions issued by the Inspector-General of Prisons/Government.
- (e) It shall be competent to the Chief Superintendent as Head of Office and appointing authority to take disciplinary actions and to impose punishments on any of the staff, in accordance with the relevant rules in force in the Union Territory, Puducherry.

**(4) Condemnation of articles:-** He shall be the authority to verify the articles in prisons set apart for condemnation and to certify as to the fitness for their condemnation.

(5) **Stock verification:-** He shall conduct the annual stock verification in the Central Prison and in District Jails of Union territory of Puducherry. In addition to this, he shall also conduct surprise stock verification of all institutions in the Department.

(6) **Inspection of Sub-Jail and special Sub-Jails:-** He shall inspect all district Jails and Sub-Jail and connected registers, register of prisoners, cash accounts, stores, *etc.*, in detail and report the result of inspection to Inspector-General of Prisons for submission to Government.

(7) **To hold charge of correctional institutions and programmes:-** He shall be in-charge of all correctional institutions and programmes for adult and young offenders in the Union Territory.

(8) **To assist the Inspector-General:-** He shall assist the Inspector-General for management and Superintendent of Jail and in addition, he shall also attend the other items of work connected with, as may be assigned to him by the Inspector-General of Prisons from time to time.

59. *Staff Functions of the officers at the Headquarter.*— The Chief Superintendent of Jails shall assist the Inspector-General of Prisons in all matters connected with prison administration and correctional services. The Government from time to time will fix their powers and duties.

60. *Law Officer.*— He shall be responsible for -

(i) Advising prison authorities on the protection of human rights of prisoners within the limitations of imprisonment;

(ii) Interpreting legal and procedural rights of prisoners;

(iii) Assisting prison authorities in dealing with all prison matters pending in Courts;

(iv) Arranging free legal aid for indigent prisoners;

(v) Preparing petition and appeals for deserving cases;

(vi) Assisting prison authorities in holding special Courts, Lok Adalat and video-conferencing;

(vii) Advise prison administration in all matters having legal bearing including agreements, contracts, affidavits and Court documents keeping prison authorities abreast with judicial pronouncements and directives on all prison matters.

**CHAPTER-6****INSTITUTIONAL PERSONNEL**

61. *Fixation of strength of the Institution.*— (1) Each institution will have personnel in accordance with the requirements of security, discipline and programme emphasis. The personnel strength will be determined according to the duty posts, taking hours of duty per day as the basis for each category of staff. The institutional set-up will be fixed in accordance with the size of the institution, the inmate population, workload and distribution of functions.

(2) The strength of custodial/guarding shall will be determined keeping in view of the requirements of security, discipline, programme emphasis, duty posts, workload and distribution of functions. In principle, there has to be one guarding staff for every six prisoners. Institutional personnel will comprise of the following:-

(i) **Executive personnel:-**

- (a) Superintendent
- (b) Deputy Superintendents
- (c) Assistant Superintendents

(ii) **Guarding staff:-**

- (a) Principal warders
- (b) Warders

(iii) **Medical personnel:-**

- (a) Medical Officers
- (b) Nursing staff

(iv) **Welfare Unit Personnel:-**

- (a) Welfare Officer
- (b) Counsellor
- (c) Social Worker
- (d) Probation Officer
- (e) Psychologist

**(v) Educational Personnel:-**

- (a) Teachers
- (b) Physical Training Instructor

**(vi) Technical Personnel:-**

- (a) Instructors
- (b) Foremen
- (c) Electricians
- (d) Plumbers
- (e) Mason
- (f) Drivers
- (g) Motor Mechanic

**(vii) Agricultural:-**

- (a) Supervisors
- (b) Agricultural Assistants

*Note:* Due to financial constraints if, these technical posts are not created or when created, such posts are not filled up, suitable guarding personnel shall be trained for these purposes and their services shall be availed of by sanctioning them special allowances. If, emergency arises the outside cook may be appointed on contract basis.

**(iv) Ministerial:-**

- (a) Office Superintendent
- (b) Assistant
- (c) Upper Division Clerk
- (d) Lower Division Clerk-*cum*-Cashier
- (e) Storekeeper
- (f) Computer Operator
- (g) Multi-Tasking Staff/Record clerk.

62. *General duties, functions and responsibilities of the Institutional personnel.*— (1) The statutory duties and responsibilities of institutional personnel will be as per the provisions of the laws and rules governing prisons.

(2) Custody, security, discipline and preventive and control action during an emergency, are the fundamental duties and responsibilities of every staff member. The duties, responsibilities and functions shall be assigned in writing to every staff member on his initial appointment.

(3) The executive shall ascertain that the compliance of human rights which the prisoners are entitled to, are not impinge upon and restricted beyond the limit inherent in the process of incarceration itself; and ensure that prison programmes are geared towards the overall objective of imprisonment in terms of reform and rehabilitation of prisoners.

#### SUPERINTENDENT

63. *Appointment of Superintendent of Jail.*— The Superintendent of Jail shall be officer specially appointed by name. The Superintendent of Jail shall be the Head of the Prison and all officers will be subordinate to him.

64. *Alternative arrangements during the absence of the Superintendent.*— During the absence of the Superintendent, the powers and duties conferred on him by law shall be exercised and performed by the Deputy Superintendent of Jail.

65. *Superintendent of Jail to be in charge of the executive management of the Prison.*— The Superintendent shall, subject to any order of the Government or IG of Prison and CSJ of Prison, be in charge of the executive management of the prison in all matters relating to executive of sentence, admission and release, remission, parole, economy, discipline, labour, expenditure, punishment and control in general, among other things. The Superintendent thus is responsible for developing an atmosphere that is conducive and correctional in nature and providing leadership in every aspect of prison management. He shall take care of the duties, suggestions, planning organizing, directing, guiding, coordinating, supervising and controlling all prison activities. He should obey all the Court orders.

66. *Functions and duties of the Superintendent of Jail in detail.*—

(1) make himself thoroughly acquainted with these rules and with the Prisons Act, regulations and orders relating to the prison and be responsible for due observance thereof and for the correct execution of all sentences of prisoners committed to his charge;

(2) generally supervise over security and custody arrangements of prisons and prisoners;

(3) be responsible for the implementation of the policy of the Government pertaining to correctional administration and the role they have to play in a welfare state; organizing personnel training programmes at the institutional level;

(4) have custody of secret and confidential documents and ensure that all statutory and other records are correctly and systematically maintained and are preserved;

(5) plan organize, guide, co-ordinate, supervise and control the implementation of all Institutional programmes and operations for training and treatment of prisoners;

(6) be responsible for care and welfare of the prisoners like counseling, education and guidance required for correctional administration, as per the orders of the Inspector-General Prison;

(7) endeavour to develop an institutional atmosphere conducive to the correctional role and providing leadership in every aspect of institutional management;

(8) inspect and supervise work and employment of prisoners and production programmes;

(9) under his control, safety of the prison personnel, protection of human dignity, rights and providing decent work conditions;

(10) be responsible for acquainting institutional personnel with current policies of correctional administration;

(11) supervise the work of his subordinate officers in respect of executive work attached to them along with the supervision of all the registers being maintained by them and initial them in token of having checked them and to ensure that pages in all registers and books of Forms, *etc.*, in use in prison are numbered and bear a certificate of pages at the end of such registers and books under his signatures;

(12) inspect the warder establishment and satisfy himself as to its proficiency in drill and musketry and test ability of Deputy Superintendent, Assistant Superintendents and Principal warder to drill the guard;

(13) inspect the prison activities in every part of the prison including kitchen, canteen, barracks, yards, cells, latrines atleast once a week on any day. He shall visit the prison garden frequently to see that the vegetables supplied to the prisoners are perfectly fresh and wholesome;

(14) Visit the prison atleast once every working day and on Sundays and holidays also whenever special circumstances render it desirable that he should do so. If from any reason, he is prevented from visiting the prison on any day on which he is by this rule required to do so, he shall record the fact and the reason of his absence in his journal. Atleast once in a week, he shall visit the prison at night and satisfy himself that the guarding is being properly performed and that everything is in order;

(15) monitor the sick prisoners to ensure that preventive and curative measures are taken for the good health of prisoners and see that proper arrangements are made for the safe custody of the sick prisoners and others and that discipline is maintained, as far as it is consistent with the medical treatment prescribed.

67. *Representation or appeal from prison subordinates.*— It shall be open to Prison officers subordinate to the Superintendent to represent or to appeal against an order or order of punishment to the Inspector-General of Prisons. Every representation or appeal must be forwarded through the Superintendent who shall forward the same with his remarks and any necessary orders.

68. *Maintenance of Journal.*— (1) The Superintendent shall maintain on half-margin foolscap and in his own handwriting, a journal, in which he shall record as soon after the event as possible:-

- (a) the times at which he enters and leaves the prison daily, and the result of his weekly inspection of the prisoners, guard and premises;
- (b) the matters relating to inspection referred to in these rules;



- (c) every occurrence of importance connected with the management of the prison which is not otherwise disposed of in the registers or correspondence and which it is desirable to note for future reference;

(2) The Journal shall be forwarded to the Inspector-General of Prisons on the first day of the month following that to which it relates or as soon after as possible and shall be returned after perusal by him, with such remarks as he may find necessary.

69. *Weekly inspection of prisoners.*— (1) On one morning in every week, which shall usually be Monday, the Superintendent shall hold an inspection parade of all prisoners, at which the Medical Officer shall also be present.

(2) At each such parade the Superintendent shall satisfy himself:-

- (a) that every prisoner is properly classified as provided in the rules in that behalf;
- (b) that every prisoner is provided with proper clothing and bedding;
- (c) that the provisions of the Remission Rules are understood by the prisoners;
- (d) generally that the rules and orders applicable to prisoners are being duly carried out.

(3) The Superintendent shall at every such parade, hear and inquire into any complaints that the prisoners may wish to make, it shall be his duty to listen to complaints and petitions of prisoners in a patient and considerate manner, and to afford prisoners reasonable facilities for making such representations.

(4) Nothing in this rule shall debar a prisoner from making a complaint or application to the Superintendent at other times than the weekly parade and it shall be the duty of every prison official to produce before the Superintendent without delay any prisoner desiring to see him.

70. *Procedure regarding civil suits.*— No Civil Suits shall be instituted or defended by the Superintendent on behalf of Government without the previous sanction of the Inspector-General of Prisons. Upon the Superintendent receiving notice of suit, he shall immediately forward the notice with a full statement of the facts of the case, to the Inspector-General of Prisons.

71. *Maintenance of Records.*— The Superintendent of Jail shall be responsible for the correct maintenance of the records prescribed in section 12 of the Prisons Act, 1894 (Central Act IX of 1894) and of such other records as are prescribed by these rules, and at least once a month shall examine every such record and shall satisfy himself that it is up-to-date and shall affix his signature in such record as a token of verification. When no provision exists in these rules prescribing the officer by whom any register or record shall be maintained, the Superintendent shall, by order, in the order book, from time to time assign the maintenance of every such register or record to a specified subordinate.

72. *Death or Serious illness of prisoners.*— When a prisoner dies or is seriously ill, the Superintendent shall immediately intimate the fact of such death or illness to the relatives and nearest Police Station of such prisoner by e-mail or by post or by messenger and also can be informed over phone and the fact reported to the Inspector-General of Prison.

73. *Presence at inspection.*— The Superintendent shall accompany the Inspector-General of Prisons or Deputy Superintendent of Jail during his inspection of the prison and shall also accompany official visitors if, they request his presence during their visits.

74. *Report of important occurrences.*— Any outbreak of epidemic disease or unusual sickness, all serious breaches of prison discipline, escapes, attempts to escape, re-capture, accidents, suicides, attempts to suicide or deaths from violent or unnatural causes shall be at once reported by the Superintendent to the Chief Superintendent of Jails and Inspector-General of Prison.

75. *Punishment Book.*— Prisoners punishment book always on the table of Superintendent of Jail.

76. *Grievance meeting.*— He should arrange the staff grievance meeting once in a quarter and forward to the Inspector-General of Prison for necessary action.

## DEPUTY SUPERINTENDENT

77. *Functions and duties of Deputy Superintendent.*— The Deputy Superintendent of Jail is the Chief Executive Officer of the Prison and is immediately subordinate to the Superintendent. He is generally responsible for the observance of all prescribed rules and orders. His duties and functions shall be:-

(i) Maintenance of discipline among prisoners and subordinates. For this purpose, he must be always present at the prison during the day except when he leaves it for his meals, to attend a Court of Justice or on permission from the Superintendent.

(ii) Supervision over personnel matters, staff welfare, assisting the Superintendent in all matters pertaining to institutional management.

(iii) Supervision over security, custody and discipline, care and welfare of prisoners;

(iv) He shall attend to classification of prisoners and their training;

(v) Inspect every part of the prison daily and shall see every prisoner at least once in every 24 hours.

(vi) He shall see that the prisoners are clean in their persons and clothes and those they have the authorized amount of clothing and bedding and no more with hygiene.

(vii) He shall be responsible for all sentence at irregular intervals, but, at least once a week cause every prisoner, and all clothing, bedding, workshops, wards and cells to be thoroughly searched.

(viii) He shall be responsible for the execution of sentence and all orders regarding the labour of prisoners. He shall assign to each prisoner his work on the recommendation of the Classifying Committee constituted in the Central Prison for the purpose. The Board shall consist of the Superintendent of the Prison, Medical Officer and the Deputy Superintendent. He shall ensure that the prescribed tasks are performed.

(ix) He shall supervise the cultivation of the garden and be responsible for the adequacy of the supply of vegetables. He shall likewise supervise the prison farm and all the other outside operations.

(x) He shall, jointly with the Medical Officer, be responsible for the proper preparation and distribution of the food to prisoners.

(xi) He shall supervise the working of the guards. At least once a week, at irregular interval, he shall visit the prison after 10.00 p.m. and satisfy himself that the standing guard is present, the sentries posted are on the alert, and that the rounds are being properly maintained.

(xii) He shall be responsible for the custody of all warrants and for the strict enforcement of their terms and that no prisoner is on any account released before his time or kept in prison beyond the termination of his sentence.

78. *Presence of Deputy Superintendent or Assistant Superintendent.*— The Deputy Superintendent and Assistant Superintendent shall not be absent from the prison at the same time during the day. The hours for meals should be so arranged that either the one or the other is present at the prison.

79. *Check of warrants.*— The Deputy Superintendent shall, every year usually in December, go through all the warrants in his possession, compare them with the registers and satisfy himself that they are correct. He shall enter in his report book and to be submitted to the Superintendent every day.

80. *Supervision of prison office and manufactory section.*— The Deputy Superintendent shall exercise frequent and periodical check over all the registers and other records of the Remission Section of the office as well as the stock, indents order book for supply of finished goods, transit registers and other connected records of the Manufactory section.

81. *Maintenance of report book.*— (1) The Deputy Superintendent shall keep a report book in which he shall duly record:-

- (a) the hour of unlocking and locking and by what officers they were performed;
- (b) the number of prisoners admitted, discharged and locked up;
- (c) all reports made against subordinates and prisoners, the offence charged, the time of its occurrence and other circumstances connected with it;
- (d) all cases in which he may have found it necessary to use restraint on any prisoner;
- (e) how far he has omitted any of the duties required by these rules, and the reasons thereof;

- (f) the absence of any subordinate officer from duty and requests for leave of absence;
- (g) request for sanction of unusual expenditure;
- (h) request for the employment of prisoners in any special manner;
- (i) any representations or recommendations he may deem proper to make;
- (j) any unusual occurrence or matter of importance;
- (k) any matter on which he may require orders.

(2) Each day's report shall be dated and a consecutive serial number running through the calendar year shall be given to the subjects dealt with.

(3) He can officiate as a Superintendent of Jail in is absent.

82. *Superintendent to peruse report book.*— The Deputy Superintendent's report book shall be laid daily and oftener if necessary, before the Superintendent for his perusal and the issue of such orders as may be necessary. If, the Superintendent has no remarks to make or orders to give, he shall append his initials with the date.

83. *Execution of Medical Officer's orders.*— The Deputy Superintendent shall carryout forthwith emergent written orders of the Medical Officer regarding the sick in hospital or regarding sanitary arrangements, entering all such orders and the action taken thereon in his report book for the information of the Superintendent.

84. *Holiday to the Deputy Superintendent.*— The Deputy Superintendent may be allowed to avail all holidays.

#### ASSISTANT SUPERINTENDENT

85. *General duty of the Assistant Superintendent.*— (1) The Assistant Superintendent is the immediate subordinate to the Deputy Superintendent's and assistant, whose duty is to take his place whenever he is absent and to undertake whatever portion of the Deputy Superintendent's duties as are delegated to him under proper authority and shall make an entry of the performance of his duties in his report book which he shall maintain in form similar and shall submit it daily to the Superintendent.

86. *Duties of Assistant Superintendent in detail.*— The following are the duties of Assistant Superintendent and if, there be more than one Assistant Superintendent, they shall be apportioned by the Superintendent by an order book, name:

(i) To assist the Deputy Superintendent in studying the psychological and mental makeup of prisoners and taking steps to reform them;

(ii) To be in charge of the ration stores as generally stated;

(iii) To be directly responsible for the storing and custody of ration and other articles purchased and their issue from the stores;

(iv) To place indents and get supplies of all articles of diet and non-diet articles required for the prisoners;

(v) To attend to the day-to-day maintenance of stock registers and other connected records and to the proper maintenance of stock;

(vi) To attend to the maintenance of accounts for extra articles purchased by civil debtors;

(vii) To check the correctness of the kitchen slips, hospital indents and other indents placed on him for issue of ration and miscellaneous articles;

(viii) To maintain separate accounts and to be responsible for the safe custody of empty gunnies and other receptacles received and disposed of;

(ix) To weigh and issue ration and other articles for consumption;

(x) To supervise the cleaning of grains, vegetables and other dietary articles and their grinding, if any;

(xi) To ensure that all ration articles taken to the kitchen are actually utilized for the purpose they are meant;

(xii) To be custodian of all civil store articles entrusted to the ration stores;

(xiii) To assist the Deputy Superintendent and to be present with him at the time of supply of food to condemned prisoners;

(xiv) To assist the Deputy Superintendent in searching the condemned prisoners and examining the cells where condemned prisoners are locked-up;

(xv) To conduct interviews with condemned prisoners;

(xvi) To assist the Deputy Superintendent in supervising the work of all guarding staff in the gardens;

(xvii) To assist the Deputy Superintendent in supervision over searches, counting opening and closing of prisons;

(xviii) Admission and search of prisoners on their admission;

(xix) Custody of prisoner's property except cash;

(xx) The removal of private clothing from prisoners on their admission, the issue of prison clothing and bedding, the correct making of metal identification discs; and the placing of prisoners in quarantine soon after their admission;

(xxi) The custody of prisoner's private clothing and prison clothing stores; and the issue of fresh clothing to the prisoners;

(xxii) The maintenance of the clothing and registers in the prescribed form;

(xxiii) Conducting prisoners' interview, if, conversant with the language spoken at the interview;

(xxiv) The supervision over the proper maintenance of dairy and poultry units in prisons except the maintenance of accounts which shall be attended to by the live-stock assistant. The Assistant Superintendent shall, however, maintain the stock and the stock register for paddy straw, *etc.*

(xxv) The charge of the quarantine and of the civil and leper annexes where such annexes exist;

(xxvi) The censoring of letters addressed to and sent by the prisoners and the disposal of such letters under the order of the Superintendent;

(xxvii) To assist the Deputy Superintendent in all matters pertaining to institutional management, including weekly parades;

(xxviii) To attend to any other duty that may be assigned to him by the Superintendent;

87. *Specific areas to which guarding personnel shall be assigned duties.*— The guarding personnel will consist of Principal Warder (Principal Warder) and Warders. Specific duties of each member of the guarding staff on various sections/points will be assigned by the Superintendent on a rotation basis in keeping with his/her status within the cadre in the following areas:-

- (i) The main duty of the guarding personnel to supervise the movement of the prisoner;
- (ii) Security custody, discipline;
- (iii) Searches and counting of prisoners;
- (iv) Opening and locking-up of the prison;
- (v) Reporting defects and short comings in prison buildings, walls, locks, lighting arrangements, bars taking immediate action for rectifying these and taking care of the custody of locks and keys, handcuffs and other security equipment;
- (vi) Care and welfare of prisoners;
- (vii) Maintenance of discipline in institutional premises, gates, quarantine, barracks, dormitories, cells, worksheds, punishment yards, segregation yards, hospital, kitchen, farm and in every other section of the institution;
- (viii) Sanitation and hygiene in areas under his charge;
- (ix) Guarding and sentry duties;
- (x) Escorting prisoners for work, supervision of their work, care and custody of tools, property, equipment, dead stock and livestock;
- (xi) Supervision of distribution of food, canteen articles and inmate equipment;
- (xii) Helping the technical personnel in worksheds, management and discipline, helping agricultural personnel in all related matters;
- (xiii) Discipline in areas where educational, cultural and recreational activities are conducted;
- (xiv) Reporting violations of discipline to appropriate officers for taking immediate action as per rules;



(xv) Observing habits and behaviour patterns of inmates and reporting the same to the authorities concerned, helping inmates improve their habits and attitudes;

(xvi) Taking preventive and control measures for all emergency situations;

(xvii) Discipline in staff quarters;

(xviii) P.T., drill parades and emergency practice.

88. *Assistant Superintendent to officiate for Deputy Superintendent during his absence.*— On days when the Deputy Superintendent is allowed the off-duty in a week and on other occasions when the Deputy Superintendent is absent, the Assistant Superintendent shall officiate for him keeping the report book for the day and performing all other prescribed duties. On every such occasions whenever the Assistant Superintendent officiates for the Deputy Superintendent, he shall possess all the powers and responsibilities of the Deputy Superintendent.

89. *Absence.*— On days when the Deputy Superintendent is allowed the off-duty in a week and on.

90. *Inspection of guard.*— The Assistant Superintendent shall visit the guard at night at least once a week preferably after 10.00 p.m. and satisfy himself that the standing guard is present, the sentries posted are on the alert, and that the rounds are being properly maintained. It shall be so arranged that the Deputy Superintendent and Assistant Superintendent make night visit on different days within a week

91. *Check of valuable property.*— The Assistant Superintendent shall, in the month of December, every year go through all the valuable property in his possession, compare them with the registers and satisfy himself that they are correct. He shall enter a certificate to that effect in his report book and a copy of it shall be submitted to the Inspector-General of Prisons by the 15th January next through the Superintendent.

92. *Maintenance of Report Book.*— With the registers and satisfy himself that they are correct. He shall enter a certificate to that effect in his report book and a copy of it shall be submitted to the Inspector-General of Prisons by the 15th January next through the Superintendent.

93. *Joint responsibilities with the Deputy Superintendent.*— The Assistant Superintendent shall share the Deputy Superintendent's responsibilities for carrying out of rules for the maintenance of security, custody and discipline. He shall not be absent from his quarters at night without the written permission of the Superintendent or Deputy Superintendent.

94. *Delegation of Deputy Superintendent's duties to Assistant Superintendent.*— The Superintendent may by an order to be recorded in the order book allot to Assistant Superintendent any portion of the Deputy Superintendent's duties.

95. *Executive work and drill.*— Every Assistant Superintendent shall be liable to be required to undertake executive functions and shall learn the drill and to take the drill.

96. *Duties of Assistant Superintendent in absence.*— The duties of the Assistant Superintendent shall be performed by the Principal Warder during his absence, on leave, off days or on other occasions.

#### PRINCIPAL WARDER

97. *Principal Warder and his duties.*— (1) The Principal Warder is equal to Principal Warder shall, subject to the general control of the Deputy Superintendent and Assistant Superintendent, be responsible for the work of the guarding/warder establishment and for the due carrying out of all rules relating to it and to the guarding of the prison. The Principal Warder will look after the Principal Warder work and Gatekeeper work.

(2) He shall have charge of the uniform and equipment's of every description of the warders establishment and shall maintain all accounts and registers relating thereto. He shall supervise the attendance of the standing guard, the mounting of sentries, relief, *etc.*

(3) He shall assist the Deputy Superintendent at unlocking and lock-up. He shall visit the guards and sentries frequently by day and at least twice a week at night and shall make an entry of the hour of these visits, and of any irregularities, he may discover, and report to the Deputy Superintendent of jails. He shall be exempted from the duties specified above during his absence on weekly off-days.

(4) He shall be responsible for the smartness and cleanliness of the warders and for their being properly dressed at all times. He shall perform such other duties as the Superintendent may, by order to be recorded in the Superintendent's Order Book, assign to him. He/she are the responsible personnel for the incident occur at the duty point.

#### THE GATEKEEPER

98. *A Gatekeeper to be on duty.*— In every prison, there shall be a Gate-keeper of the rank of Principal warder and he shall be under the immediate control of the Deputy Superintendent. He shall be on duty at the main gate between the hours of opening the prison in the morning and closing it at night, his place being taken during temporary absence for meals, weekly off-days or the like by Principal Warder.

99. *Record of Relief.*— The Gatekeeper is incharge of outgoing diet and non-diet items and incoming and also he has to note outgoing person and incoming person hours and signature should be noted in the Gatekeeper register. At every relief of a Gatekeeper, a note of the hour of such relief shall be recorded and signed by both the relieved and relieving officers.

100. *Persons allowed to enter and leave the prison.*— (1) The Gatekeeper shall admit or pass out of the prison, as the case may be:-

- (a) Ministers, all official and non-official visitors and officers of Government Departments on duty;
- (b) officers of the prison going on or coming off, duty inside;
- (c) prisoners duly authorized to enter and leave;

(2) With the exception of the persons mentioned in sub-rule (1) no person shall be permitted to enter or leave the prison, unless under a written order from or when accompanied by the Superintendent, Inspector-General of Prisons, Minister or Chief Secretary to Government.

(3) A list of the official and non-official visitors entitled to admission shall be pasted between the gates.

(4) The staff in charge of the gate shall extend all due courtesies to visitors, members of the public and Government servants and every visitors shall be properly accommodated in a room or convenient place near the gate until the escort is arranged.

101. *Power to search such persons.*— (1) All official and non-official visitors, casual visitors admitted with or under the orders of the Superintendent, respectable merchants, pleaders and the superior subordinates of other departments visiting the prison on business or on duty, and prison officers of the rank of Principal Warder and above, shall ordinarily be exempt from being searched.

(2) If, the Gatekeeper have reasons to suspect that any person ordinarily exempt from search is introducing or removing prohibited articles, he shall detain such person between the gates, and send notice to the Deputy Superintendent who shall himself, if he thinks necessary, conduct a search.

(3) Females shall be searched only by a female warder, in private, and without the presence of any male officer.

(4) The Deputy Superintendent shall occasionally and at least once a week at unexpected times, search some of the officials of the prison, subordinate in rank to himself, and who are ordinarily exempt from search, on their way into or out of or when inside the prison, and shall report the circumstances under which he has done so, with the results, in his report book.

(5) The search of all officers ordinarily exempt from search shall be conducted by the Deputy Superintendent with as much privacy as possible.

(6) Should any person, other than a prison officer or prisoner, decline to submit to be searched or decline to deliver up any transferable articles in his possession to the temporary custody of the Gatekeeper, when required to do so, he shall be denied admission.

**Explanation:**—This rule must be enforced with circumspection so as not to offend the feelings of officers and others.

102. *General duties of Gatekeeper.*— (1) In addition to the duty prescribed for Gatekeepers in section 21 of the Prisons Act, 1894 the Gatekeeper shall maintain such registers and enter therein such particulars as the Superintendent may from time to time prescribe.

(2) The Gatekeeper shall comply with all rules, regulations, directions and orders for the time being in force, regulating the persons who may be permitted ingress to, and egress from, and the articles which may be taken into, and brought out of the prison.

103. *Record of persons and things entering and leaving prison.*—

(1) The Gatekeeper shall keep a record in the register of the name of every person, and a brief description of every article of whatever kind, that passes into or out of the prison, with the hour and a minute of such passage and in the case of articles, the name of the person in whose custody they passed through.

(2) He shall require the production of a pass signed by competent authority, by every person not entitled to admission without one, and in respect of every article without exception that he allows into or out of the prison, and shall file all such passes as his authority for action.

104. *Particulars of records.*— (1) The record of all persons who pass into or out of the prison, shall be kept in separate registers.

(2) The description of articles shall be no more than sufficient to permit of subsequent check. In the case of factory parcels, packed and sealed, description of their contents is unnecessary.

(3) All entries relating to persons or articles shall be made at the time of their passage through the gateway and in consecutive

105. *Gatekeeper responsible for condition of main gate.*— The Gate-keeper shall be responsible-

(a) For the cleanliness and tidiness of the passage between the gates and the security of articles placed therein, which shall, for the time being, be in his charge;

(b) That the gates and wickets of the main gate, except when it is necessary to open them for the purpose of passing any person or thing into or out of the prison, are kept, shut and locked; and

(c) For the safety and correctness of the keys entrusted to his charge.

106. *Working of double gate system.*— In prisons provided with double gates with or without wickets, the Gatekeeper shall open only one gate or wicket at a time and before doing so, shall satisfy himself that the other means of entry and exit are secure. Ingress and egress for ordinary purposes shall take place through the wicket doorways.

107. *Method of passing prisoners into or out of prison.*— (1) On passing prisoners out of the prison, the Gatekeeper shall first let them through the inner gate or wicket should be checked by the male prisoners by male warders and female prisoners by female warders and, having locked it shall write in full in the register provided for the purpose names or register numbers of all the prisoners and the warders in charge. He shall then open the wicket in the outer gate and count the prisoners as they pass out, to verify the total.

(2) Every change in the constitution of a gang passed out of the prison must be noted and attested in the gate register by the signature or seal of the officer responsible for making the change, as well as by that of the Gatekeeper who shall on the first opportunity report the circumstances to the Deputy Superintendent.

(3) On passing prisoners into the prison the Gatekeeper shall open the outer wicket and admit the gang to the passage between the gates. He shall then lock the outer wicket and call out the name or number of each prisoner and warder, as recorded in the registers. The gang having been found correct, he shall open the inner gate or wicket gate and count the prisoners as they pass into the prison to verify the total.

(4) The Gatekeeper shall be responsible to ensure that every prisoner or gang taken out of the prison is incharge of a guard of the proper strength duly authorized for this purpose.

108. *Gate register to be submitted to Deputy Superintendent.*— The Gatekeeper shall submit the gate register daily to the Deputy Superintendent, for scrutiny and initial and shall submit once a fortnight to the Superintendent.

109. *Power to detain persons committing offence.*— Pending the making of a report to the Deputy Superintendent, Gatekeeper may detain or cause to be detained in custody any person who may, in his presence, sight or hearing, commit any criminal or prison offence at or in the vicinity of the prison gate.

110. *Delivery of keys at lockup.*— When the prisoners are locked up for the night, the keys of the gates and wickets shall be locked into the fixed key-almirah at the main gate. Duplicate keys of the lock used on the outer gate or wicket shall be given by the Deputy Superintendent to the visiting officers for the night, and the duplicate key of the lock used on the inner gate or wicket to the warder detailed to sleep between the gates.

111. *Keys to be kept in bunch.*—The keys of the main gates and wickets of every prison shall be kept in one or two bunches, as may be convenient and on a chain or ring, for safety and easy attachment to the waist belt.

112. *Bright light in night.*— A light shall be kept burning brightly in the passage between the gates throughout the night.

113. *Articles to be kept between gates.*— (1) In the passage between the main gates, the following articles shall ordinarily be kept, namely:-

- (a) a clock;
- (b) a weighing machine;
- (c) spare handcuffs in a secure place;
- (d) a desk with lock and key for the Gatekeeper's books and writing materials;
- (e) a wall almirah or box for keys with glass frames;
- (f) apparatus for extinguishing fire;
- (g) a telephone;
- (h) a siren;
- (i) a first aid box;
- (j) a notice-board;
- (k) scanning machine and metal detector;

(2) The warder on night duty in-between the gates shall be in-charge of the gate after lockup.

(3) Entries of ingress and egress or of any article entering and leaving the prison between lock-up and unlocking shall be made by the guard officer in his night report for the information of the Gatekeeper, who shall incorporate these next day in the appropriate registers.

(4) A printed copy of these rules shall be pasted in the main gate-way of every prison close to the Gatekeeper's desk.

## MEDICAL PERSONNEL

114. The Government shall appoint a Medical Officer (In Charge) for every prison. During the absence of the Medical Officer (In Charge), other officers like Staff Nurse shall attend to his duties in the prison. These Medical Officers shall be under the administrative control of the Chief Superintendent of Jails.

115. *Functions of the medical personnel.*— The medical personnel shall be directly responsible for the medicare and health of prisoners. They shall also ensure the maintenance of minimum standards of hygienic conditions in the prison premises. The specific duties of each of the medical personnel shall be assigned in the following areas:-

(i) **Preventive Service:-** Examination of all inmates on admission and release periodical re-examination, immediate provision of whatever treatment is indicated, immunization, segregation and treatment of those having contagious or infectious conditions, inspection and advice regarding diet, clothing, equipment, industrial safety, environmental and institutional sanitation and hygiene, health education for inmates and personnel.

(ii) **Curative Services:-** Treatment of diseases, dental care, treatment of skin ailments, correction of defects of sight, hearing, speech and posture, provision of artificial limbs, glass eyes, trusses and other prosthetic devices, prescription of special diets and exercise and physiotherapy.

(iii) **General:-** Hospital administration, hospital discipline, classification of prisoners, assessing work and employment potential of inmates, suggesting special precautionary measures where necessary for certain types of offenders, daily visit to prisoners under punishment, prisoners under sentence of death, inspection of kitchen, canteen provisions and supplies, medical treatment of personnel, assisting the Superintendent in matters pertaining to institutional management, liaison with local officers of Medical and Health Departments. The main responsibility of the Medical Officer is to take-care of the sick prisoners.

116. *Residential Quarters of the Medical Officer.*— The Medical Officer deputed to a prison hospital, shall be entitled for staff quarters as per rules and entitlement.

117. *Terms of Appointment.*— The Medical Officer, Staff Nurse and nursing orderlies should be appointed by the Prison/Directorate of Health and Family Welfare Services, Puducherry.



## WELFARE UNIT PERSONNEL

118. *Welfare Unit.*— Prison welfare officer should be appointed in each central and district prison to look after the welfare and reintegration programs of prisoners. It is advisable to have at least one welfare officer for every 300 prisoners in a central prison and at least one for each district prison.

119. *Duties of Welfare Officer.*— Government may appoint a Welfare Officer in central prison based on requirement whenever needed should be appointed on deputation through welfare Department, Puducherry. It shall be duty his duty.

- (a) To coordinate the work of the welfare unit;
- (b) To help the inmates in overcoming problems of institutional adjustment;
- (c) To arrange for correspondence by every prisoner with his relatives outside;
- (d) Facilitate understanding between the inmates and administration;
- (e) To assist inmates in dealing with problems faced by their families and dependents;
- (f) Participating in the orientation, classification and reclassification programmed;
- (g) To assist the prison authorities in maintaining prison security discipline;
- (h) To identify the resources for rehabilitation of prisoners;
- (i) Participating in the pre-release programme and helping the inmate establish contacts useful to him after release.

120. *Duties of Counsellor.*— Government may place services of a counsellor full time based on requirement in Central Prison.

- (i) Dealing with emotional and psychological problems of inmates;
- (ii) Providing counselling to prisoners facing problems of adjustment within the prison and in relation to their families outside;

(iii) Helping inmates develop their self-image, self-confidence and motivation for correctional treatment;

(iv) Helping the staff in understanding the problems faced by the inmates;

(v) Aiding the psychiatrist in related matters.

121. *Probation officer.*— Government shall appoint a Probation Officer in the Central Prison or empower any of the prison officers to discharge the functions of Probation Officer. He shall look after all matters relating to pre-mature release including probation service and release of prisoners on leave and emergency leave, under the supervision of Chief Superintendent of Jail. He shall discharge the functions as required under the Probation of Offenders Act, 1958. Probation Officer shall perform any other work assigned to him by the Inspector-General of Prisons, Chief Superintendent of Jails and Superintendent of Jail in correctional matters.

122. *Duties of Social Worker.*— Government may appoint a Social Worker (Master of Social worker with Psychology) place services of qualified person from other Department as per requirement in Central Prison. His duties shall be:-

(a) To make a social study through personal interview in the case of prisoners sentenced for a period of one year and above within a week of their admission and to prepare a Social Case Study Report for each prisoner and submit it to the Superintendent; to attend to cases of prisoners sentenced to less than one year also within a week, if so ordered by the Superintendent of Jail;

(b) To classify the problems of the inmates and deal with their difficulties in institutional life;

(c) To be a member of the Classification Committee and to assist the Superintendent in the classification of prisoners and in their reclassification; to participate in the orientation process;

(d) To establish Co-operation and understanding between the prisoners and the administration and to deal with all correspondence relating to it;

(e) To assist the prisoner in developing his contact with his family and to provide assistance to the prisoner and his family members and to deal with all correspondence relating to it;

(f) To conduct individual counselling for not less than two prisoners per day and to send reports to the Superintendent;

(g) To hold not less than two sessions in a week for group counselling and each group shall contain not exceeding ten selected prisoners. He may hold such sessions after lock-up and before they go to bed. At the time of group counseling, an Assistant Superintendent shall be present representing the executive side and to take precautionary measures from the security point of view;

(h) To assist the Superintendent in the preparation of pre-release programme for prisoners sentenced to one year and above;

(i) To be responsible for the maintenance of prisoner's case files in connection with the classification by the Committee;

(j) To maintain a report book, wherein he shall report his daily work and to send a special weekly report to the Superintendent. The report book shall be placed before the Superintendent once in a week on a day convenient to the Superintendent or oftener, if necessary;

(k) To submit monthly assessment report to the Superintendent for transmission to the Chief Probation Officer (Philosophy in sociology or Psychology) and forward it to the Inspector-General of Prisons with his remarks. The report shall be returned to the Superintendent with the orders of the Inspector-General for necessary action;

(l) To perform any other work assigned to him by the Superintendent of Jail in correctional matters.

123. *Duties of Psychologist.*— Government may appoint a psychologist in central prison. It shall be the duty of a Psychologist.

(a) to administer intelligence quotient test and personality test to every prisoner sentenced to a period of one year and above:

Provided that the above tests shall also be administered in the case of prisoners sentenced to less than one year, if so ordered by the Superintendent or Assistant Director of Correctional Services.

(b) to be a member of the Classification Committee and to assist the Superintendent in classification and re-classification.

(c) to conduct individual counseling for not less than two prisoners per day and to send reports to the Superintendent.

124. *Other duties of welfare functionaries.*— (1) Welfare Officer, Probation Officer, Psychologist and Social Worker shall act in immediate subordinate to the Superintendent of Jail and Chief Superintendent of Jails and shall be subject to the general control of the Inspector-General of Prisons. They shall co-operate with the custodial staff in matters relating to security, custody, discipline or day-to-day functioning and administration of the prison and also in building prison morale.

(2) Requests shall be made by these officers to the Superintendent of Jail in writing to arrange for interview or administering the tests, *etc.* In no case, the interview of a prisoner after lockup shall be allowed and there shall be no objection to the presence of the guarding personnel within sight, but out of hearing, if so desired.

(3) They shall be present at the Superintendent's weekly inspection parade.

(4) The Superintendent of Jail shall equally distribute the work among them.

125. *Maintenance of registers and records.*— (1) There shall be a common dispatch register for Welfare Unit Personnel. The Psychologist, Social Worker, Welfare Officer and the Probation Officer, shall maintain separate current/receipts' registers.

(2) Such of the records maintained by the Psychologist, Social Worker, Welfare Officer and the Probation Officer shall also be inspected by the Superintendent of Jail and Chief Superintendent along with the other records of the Prison.

#### EDUCATIONAL PERSONNEL

126. *Duties of educational personnel.*— Education in prisons has to be pursued as an important means of reformative treatment. It not only implies providing literacy but also inculcating values among prisoners as are considered conducive to their social mainstream. Therefore, education personnel have to offer a comprehensive programme of education to prisoners in which various educational functionaries will perform their specific duties in the following areas:-

(i) Conducting diversified educational programmes for health, academics, social and moral education;

(ii) Linking prison education with mainstream education;

- (iii) Screening of newly admitted inmates for the determination of their educational aptitude, abilities and interests;
- (iv) Participation in Classification Committee's work;
- (v) Conducting literacy, socio-cultural and spiritual development programme;
- (vi) Arranging tests and examinations; periodically assessing educational progress of inmates, changing educational programmes when necessary;
- (vii) Maintenance of a library with sufficient reading material;
- (viii) Audio-visual facilities;
- (ix) daily 1 hour counselling programme to be given for all the prisoners.

#### TECHNICAL PERSONNEL

127. *Duties of Technical personnel.*— The technical personnel are responsible for the development of vocational training and diversified programmes of productive work as an important component of the reformatory process. While technically qualified and trained staff has to provide knowledge and skills for economic rehabilitation, the other technical staff like Electrician and Plumber should be on round the clock and they can be deputed from Public Works Department and Electricity Department will have to ensure proper maintenance of the prison infrastructure. The specific duties to be discharged by them are:-

- (a) **Instructors:-** The specific duties of the Instructors shall include:-
  - (i) Giving vocational aptitude test to inmates, interviewing and collecting data about inmates' vocational history, skills abilities and interests;
  - (ii) Suggesting work and vocational training programmes for inmates;
  - (iii) Preparing plans for vocational training projects;
  - (iv) Imparting apprenticeship, on-the-job and vocational training to inmates;

- (v) Utilizing resources of service and maintenance unit for training purposes;
- (vi) Arranging arts and handicrafts projects;
- (vii) Arranging vocational examinations for inmates;
- (viii) Training of newly admitted prisoners;
- (ix) Maintaining progress reports about the training of prisoners;
- (x) Suggesting improvements in work methods;
- (xi) Keeping the equipment and machines in the workshop in good working condition, custody and maintenance of shops and factories;
- (xii) Ensuring safety measures in workshops and factory areas;
- (xiii) Maintenance of discipline in the area under their charge, attending to emergency situations;
- (xiv) Distribution of work to inmates;
- (xv) Maintaining muster rolls of inmates working in various sections;
- (xvi) Supplying inmates with production tools and materials;
- (xvii) Supervision over quality and quantity of production;
- (xviii) Maintaining task sheets;
- (xix) Measuring tasks and apportioning wages;
- (xx) Indenting raw material from the Storekeeper, storing raw material in their charge, maintaining an account of raw material and manufactured articles in their charge, dispatch of manufactured articles to the Storekeeper, monthly checking of stores under their charge and reporting the same to the authorities concerned;
- (xxi) Preparing work plans for worksheds under their control and forwarding them to the officer in charge.

(b) **Maintenance Staff:-** The specific duties of the maintenance staff shall include:-

- (i) Maintenance and repairs of prison buildings;
- (ii) Maintenance and service of machines, tools and equipment and transport;
- (iii) Maintenance and service of electric lines, plumbing facilities, water supply plant and power plant;
- (iv) Periodical testing of emergency equipment likes firefighting equipment and accident prevention measures.

#### AGRICULTURAL PERSONNEL

128. *Agricultural personnel.*— (a) Whenever if necessary, the agricultural qualified person may be required from the Agricultural Department, Puducherry on deputation basis.

(b) Keeping in view, the rural background of most of the prisoners, training and development of agriculture in prisons, the agricultural personnel have to be responsible for the upgradation of their skills in this field. The specific duties to be performed by them are indicated as under:

- (i) Dealing with all matters pertaining to agriculture and horticulture;
- (ii) Distribution of agricultural work to prisoners, maintenance of muster rolls, assessing the work done and apportioning of wages;
- (iii) Planning of training projects, imparting training to inmates in improved methods and practices of agriculture and horticulture;
- (iv) Maintaining progress reports about the training of inmates;
- (v) Indenting of material from the Storekeeper; storing of material, maintaining an account of the equipment, material and produce, monthly stock taking;
- (vi) Preparing plans for agriculture and related work;

- (vii) Security and maintenance of tools and equipments, livestock;
- (viii) Maintenance of discipline in area in their charge, daily inspection rounds, weekly night inspection of forms and attending to all emergency situations.

#### MINISTERIAL STAFF

129. *Duties of ministerial staff.*— Ministerial staff shall be so organized as not to leave any scope for sharing their duties with prisoners. The members of ministerial staff will be assigned duties by the Chief Superintendent of Jails as per the position he/she holds and the requirements. The specific duties of the Cashier and Storekeeper shall be:-

(a) **Accountants/Cashier:-** He shall be responsible for preparation of budget, maintenance of accounts of all branches and stores, accounts and cash, daily checking of all stores and accounts registers, financial returns, periodicals and statistics, monthly stock taking of all stores.

(b) **Storekeeper:-** In charge of all stores that is, grain, provision, supplies, raw material, accessories, manufactured articles, inmate equipment, personnel equipment, dead stock and miscellaneous stores.

#### CHAPTER-7

##### PRISON STAFF DISCIPLINE

130. *Division of staff into two parts.*— The subordinate establishment of the Prison Department exclusive of the Medical Branch is divided into upper subordinate and the lower subordinate.

131. *Liability to serve in any prison.*— Every subordinate officer shall be liable to be employed wherever it seems fit to the Inspector-General to employ him. Whenever a warder is recommended for transfer, the names of the Prisons in which he has previously served shall be stated.

132. *Knowledge of rules.*— Every subordinate officer shall make himself fully acquainted with the rules and regulations relating to his office, and no plea of ignorance will be accepted as an excuse for neglect. The rules prescribed by the Government regulating the conduct of public officers are applicable to all subordinate officers.



133. *Duties towards superior officers.*— Every subordinate officer shall yield prompt and strict obedience to all orders of the superior officers and shall treat all superior officers at all times with respect.

134. *Absent without permission.*— No subordinate officer shall be absent during the hours fixed for his attendance without the permission of the Superintendent or Deputy Superintendent. Any subordinate officer disabled from the performance of duty by illness shall give or send immediate notice to the Deputy Superintendent who shall make such arrangements as may be necessary for the performance of the duty of the disabled officer.

135. *Restrictions on prison staff.*— No member of the staff of Prison Establishment shall, without the express sanction of the Government of Puducherry or of the prescribed authority:-

(a) be a member of or be associated in any way with any Trade Union, Labour Union, Political Association or with any class of trade unions, of Political Associations; or

(b) be a member or be associated in any way with, any other society, institution, association or organization that is not recognized as part of Prison Administration of which he is a member or is not of a purely social, recreational or religious nature; or

(c) communicate with the press or mass media or publish or cause to be published any book, letter or other document except where such communication or publication is in the *bona fide* discharge of his/her duties or is of purely literary, artistic or scientific in character or is of a prescribed nature.

136. *Dress and personal appearances.*— All members of staff shall be clean in person and dress and those for whom a uniform is prescribed shall at all times wear it while on duty and shall further conform to such regulations concerning their personal appearance as may be established by authority.

137. *No officer to smoke or drink in the jail.*— No officer shall smoke or drink while on duty or introduce liquor, tobacco or any other drug, mobile phone/cell phone or any other prohibited articles into the prison.

138. *No officer to receive private visitors.*— No subordinate officer shall receive any private visitor within the Prison, except with the written sanction of the Superintendent.

139. *Conditions as to residence.*— (1) All officers, both gazetted and non-gazetted shall reside in the prison premises or in such quarters as may be approved by the Government in the case of gazetted officers, and the Inspector-General of Prisons in the case of non-gazetted officer.

(2) Every gazetted and non-gazetted member of the prison establishment shall be entitled to rent-free residential accommodation on modern lines with adequate community services and facilities. Each institution should have provisions for lodging officials, guests and other visitors, visiting the institutions.

(3) No officer shall, except with the written permission of the Government, allow any person other than the members of his family to reside with him/her, either temporarily or permanently, in his/her quarters in the prison premises. Prison personnel who are entitled to rent free accommodation but, are not provided with such accommodation should be paid house-rent allowance at par with Government employees in other departments.

**Explanation:-** (a) In this rule, the expression 'members of the family' includes:-

- (i) the wife or husband, as the case may be, of the official;
- (ii) son, daughter or step-son or step-daughter of the official and wholly dependent on him/her;
- (iii) Any other person related, whether by blood or marriage, to the official's wife or husband and wholly dependent on the official.

(b) The following facilities should also be extended to staff quarters and premises:-

- (a) Periodical disinfection.
- (b) Conservancy and sanitation services in staff quarters.
- (c) Maintenance of parks and other utilities on the premises.

140. *Prohibition against quarrelling.*— Quarrel between Prison Officers is strictly prohibited. Any disagreement between subordinates relating to their duties shall be referred to the Superintendent or Chief Superintendent of Jails or Inspector-General of Prisons. Any complaint made by one officer against an equal or superior officer shall be made to the Superintendent. Officers making frivolous or false complaints shall be severely punished.

141. *Officers to prevent escapes and introduction of prohibited articles:*— Every prison officer shall:—

- (a) exert the utmost vigilance to prevent escapes;
- (b) prevent to the best of his power the introduction into the Prison and the giving to any prisoner of any prohibited articles; and
- (c) prevent any communication between prisoners and outsiders except as permitted by rules.

142. *Prohibition against entering a ward or cell at night.*— Except as elsewhere provided, no subordinate officer shall enter a ward or cell at night. Provided that in case of sickness or other emergency he may so enter along with another authorized officer Provided further that the Superintendent may by order in writing relax this rule during the presence in the prison of an epidemic disease.

143. *Responsibility of Warder for charge of gang.*— No Warder shall be deemed to be free of responsibility for the charge of a gang of prisoners until he is relieved by another Warder detailed for the duty, in the presence, and under the signature made at the time of relief of the Warder whose duty is to conduct such relief.

144. *Duties of officer in charge of gang.*— Every officer in charge of a gang shall make his prisoners march in file and shall prevent all straggling and disorderly conduct, the holding of unauthorized communications with each other or with any unauthorized person or the procuring of any prohibited articles.

145. *Care of Keys.*— No subordinate officer entrusted with prison keys shall remove them from the prison, leave them lying about or lend them to any person on any pretence whatever, but shall, when leaving the prison or going off duty, deliver them to such officer as may be authorized to receive them. The keys of wards, cells or outer gates are not on any account to be delivered to any prisoner.

146. *Care of Government property.*— (1) When an officer entrusted with the care of Government property, such as warrants, cash, stores, machinery, *etc.*, is transferred, proceeds on leave (other than casual leave), resigns, is suspended or discharged, he shall make over all property in his care to the officer appointed to relieve him and the relieving officer shall compare all articles thus made over with the entries in the prescribed registers and satisfy himself that they are correct and

shall then initial each register in its proper place in token of having correctly received charge of the articles entered therein. Until charge is thus taken and the registers initialed by the relieving officer, the officer relieved shall be wholly responsible for all errors and deficiencies in the property.

(2) All officers shall, on relief, hand over all current files, accounts and registers in their charge and obtain the signatures of the relieving officers in the list maintained by them, in token of the correct handing over and taking over of the various records.

147. *Officers to instruct their successors.*— All officers, on being relieved from any particular duty or transferred to another part of the prison, shall point out to their successors, all matters of special importance connected with their charge and explain any directions of any superior officer affecting any particular prisoner or matter.

148. *Prisoners to be treated to with good temper.*— All prison officers shall treat prisoners with good temper, humanity and strict impartiality, and shall listen patiently and without irritability to any complaint or grievance, while at the same time maintaining strict discipline and enforcing observance of the rules and regulations. It is important that every complaint made by a prisoner should be heard with attention, in order that grievances may be redressed and no cause for discontent may be allowed to remain. The directions issued by the National Human Rights Commission, from time to time, in such matters, shall be strictly complied with.

149. *Prohibition against punishing or abusing prisoners.*— No prison officer shall, in any circumstances, punish any prisoner except under the Superintendent's order or threaten any prisoner with punishment or use violent, abusive or insulting language to any prisoner. All conduct intended merely to irritate or annoy any prisoner shall be avoided. Prisoners shall be addressed by their proper names or numbers.

150. *Prisoner not to be struck.*— No prison officer shall on any pretext strike a prisoner except in self-defence or in the repression of disturbance, and no more force shall then be used than is absolutely necessary.

151. *Immediate report of misconduct to be made.*— No subordinate officer shall, either through favor or a mistaken notion of kindness, fail to make an immediate report to his superior officer of any misconduct or willful disobedience of the prison rules.

152. *Familiarity with prisoners forbidden.*— No prison officer shall unnecessarily converse with or treat him with familiarity or allow any familiarity between a prisoner and any other officer in the prison nor shall he discuss matters of discipline or prison duties or arrangements with or in the hearing of prisoners.

153. *Officers not to have dealings with prisoners or their friends.*— No prison officer shall lend money to, borrow money from or incur any obligation in favor of any other prison officer or any prisoner or correspond with or hold any intercourse with the friends or relatives of any prisoner or have any unauthorized communication with any prisoner or with any person whatever as to matters concerning the prison.

154. *Officers not to receive prisoners' property.*— No prison officer or other person in any way connected with the prison shall receive or use any article belonging to a person who either is or has been confined in the prison.

155. *Intercourse with discharged prisoners forbidden.*— No prison officer shall correspond with or have any interaction with any discharged prisoner or with the friends or relatives of such prisoner or allow any such prisoner, friend or relative to visit or remain in his quarters, except with the written special permission of the Superintendent.

156. *Officer not to be interested in jail contract.*— No prison officer shall, directly or indirectly be concerned in any contract or agreement for the supply of any article for the use of the prison. No prison officer shall receive directly or indirectly any fee, gratuity, present or loan from any contractor or person tendering for any contract with the prison or from any prisoner, prisoner's friend or any person visiting the prison.

157. *Officers not to engage in trade.*— No prison officer shall, either directly or indirectly engage in any trade, business or employment other than his legitimate prison duties.

158. *Permission to subordinate officers to maintain a cow.*— The Superintendent may permit the maintenance of a cow each by subordinate officers and guarding personnel who apply for it and also allow them to sell the surplus milk.

159. *Inspector-General Prisons to decide when prosecution should be instituted.*—(1) The Inspector-General of Prisons shall decide whether or not a prosecution shall be instituted in respect of any offence punishable under section 54 of the Prisons Act, 1894 (Central Act IX of 1894). Whenever a prosecution is determined on the officer concerned shall be suspended from duty.

(2) For minor offences and in cases of more serious misconduct when a subordinate officer has a previous good record, the punishments of censure and fine may be held in abeyance for a stated period ranging from three to six months at the end of which period the order of punishment shall be cancelled, if, the officer's conduct while on duty during the period of postponement has been good. If, the subordinate officer's conduct is found to be unsatisfactory at any time during the period of postponement, the punishment may at once be confirmed. A deferred punishment shall be entered in the defaulter sheet or the confidential report, as the case may be, if it is confirmed.

(3) When the punishment held in abeyance is a censure and is subsequently confirmed, it shall have effect from the date of offence to which it relates.

160. *Prosecution of Prison Officials.*— For the following offences, if, committed by any prison officer or subordinate officer, a prosecution shall be instituted unless the Inspector-General of Prisons otherwise orders, in which case the offender shall be punished departmentally, namely:-

(1) Willfully or negligently permitting an escape;

(2) Committing any offence punishable under section 42 of the Prisons Act IX of 1894 relating to the introduction of or supply to prisoners of prohibited articles, unauthorized communication with prisoners and abetment of such offences;

(3) Receiving any presents directly or indirectly, receiving any monetary gain from contractors and private persons who have business dealing with the prison;

(4) Immoral conduct with regard to any prisoner;

(5) Any offence punishable under the Indian Penal Code, 1860 or other Criminal Law.

(6) Issuing cell phone to the prisoners by the officials will be treated as per G.O. No. 5/V-17013/18/2010-PR of Government of India and also Punishment will be awarded as per the Order of the Joint Secretary No. 140/Home/P.II/2011, dated 01-04-2011 of Government of Puducherry.

161. *Acquitted officers to be reinstated.*— (1) A prison officer acquitted of a charge by a Criminal Court shall be reinstated in the service, unless the Inspector-General of Prisons, for reasons to be recorded in writing, otherwise directs.

(2) If, any directions issued by the Court regarding the reinstatement of the acquitted officer in service, it shall be complied with.

162. *Offences ordinarily punishable by dismissal.*— All prison officials who commit any of the following offences shall ordinarily be punished by dismissal, unless the previous character of the offender and the circumstances of the case render a milder punishment sufficient:-

(1) Appearing on duty in a state of intoxication from liquor or any drug;

(2) Striking a prisoner, except in self-defence or to suppress an outbreak or unlawfully punishing any prisoner;

(3) Sleeping on duty;

(4) Entering or permitting any person to enter the female enclosure without proper authority;

(5) Committing or conniving at irregularities in the supply or distribution of food;

(6) Being concerned, directly or indirectly, in a prison contract or receiving a present from contractor;

(7) Having dealings with any prisoner or prisoner's friend;

(8) Supplying any prohibited articles or money to the prisoners;

(9) Insubordination towards any superior officer; and

(10) Any other breach of Prison Rules.

163. *Procedure prior to inflicting punishment.*— (1) In every case, where it is proposed to inflict on a member of the service any punishment, he shall be given a reasonable opportunity of making any

representation that he may desire to make and such representation, if any, shall be taken into consideration before the orders imposing the penalty is passed:

Provided that the requirement of this sub-rule may, for sufficient reasons, to be recorded in writing, be waived when there is genuine difficulty in observing them and they can be waived without injustice to the person concerned.

(2) In every case, where it is proposed to inflict on a member of the service any punishment, the procedure laid down in the Central Civil Services (Classification, Control and Appeal) Rules, 1965 and the procedure laid down by the Government from time to time shall be followed.

164. *Officer to quit the Prison on termination of appointment.*—

(1) Every subordinate officer or servant, dismissed, discharged or allowed to resign his appointment, shall be required at once to quit the prison and the quarters occupied by him, and shall give up any uniform or other property of Government, entrusted to him. Every subordinate officer or servant suspended shall be required to give up any uniform or other property of Government entrusted to him and quit the prison forthwith. He shall also quit the quarters occupied by him within one month from the date of such suspension.

(2) Any subordinate officer transferred from one prison to another shall also be required to quit the quarters occupied by him, unless otherwise ordered by the Superintendent or higher authority.

(3) Where a subordinate officer dies while in service, his family shall be permitted to occupy the quarters for a period of not exceeding six months from the date of his death, subject to the payment of rent as prescribed by Government from time to time.

(4) The conditions mentioned under sub-rule (1), (2) and (3) shall equally apply to all officers of the Prison Department.

165. *Caution to officers under suspension.*— (1) When a Government servant is suspended, he shall remain at the Headquarters fixed in the order. He shall leave the Headquarters only on obtaining prior permission of the appropriate authority.

(2) He must obey all orders to attend an inquiry into his conduct, and if he fails to do so, the inquiry may be held in his absence.



166. *Prison Officials convicted by Court.*— Any prison official sentenced to imprisonment by a Court shall be dismissed from service, except when retention is authorized by Government and or the Inspector-General on account of consideration such as long service, good character, and the petty nature of the offence for which he was convicted. The order of dismissal shall not, however, be passed till expiration of the period allowed for appeal and till decision of the appeal in case an appeal is filed and in the meanwhile, the convicted official shall be continued under suspension.

## CHAPTER-8

### CUSTODIAL MANAGEMENT

167. *Objective of prison custody.*— Secure custody of inmates is the primary responsibility of the prison. The overall objective of reform and rehabilitation has to be pursued within the framework of custody. Further, prison custody implies certain restrictions on the basic rights of prisoners as human beings under the process of incarceration that prisoners are required to undergo.

168. *Security and Custody.*— Security measures in each prison shall be adopted in accordance with its specific requirements. The norms in respect of security and custody are:-

(i) Demarcation of an 'out-of-bound' area as a sterile zone of at least 150 metres around the prison premises-Central prison 150 mtrs., District prison 100 mtrs., Special sub-prison and sub-prison 50 mtrs;

(ii) Secure walls, building gates, barracks, cells, hospital areas and other places, daily inspection of the same and proper maintenance of prison buildings and premises.

(iii) A system of good lighting inside and around the prison;

(iv) A system of thorough searches of all incoming and outgoing prisoners, articles and vehicles. Daily searches and periodical surprise searches of all prison sections and equipment;

(v) A central-point monitoring for the control of the movement of prisoners;

(vi) A thorough system of the control of prohibited articles;

(vii) A thorough system of counting prisoners;

(viii) A system of custody and control and inspection of locks, keys, handcuffs and other security equipment, maintenance and service of all security equipment;

(ix) A system of custody, control, inspection and counting of tools equipment;

(x) A system of accident prevention and of meeting requirements during emergencies such as escapes, riots, assaults and fires;

(xi) A system of fire arms control, quarter guard, magazine and weaponry practice;

(xii) Adequate guarding and security measures by adopting proper norms for staff and equipment, and periodical testing and inspection thereof, by executive personnel;

(xiii) Effective system of censoring prisoners' mail and checking of interviews;

(xiv) Utilization of local intelligence branches wherever necessary and maintaining an intelligence system to collect information within the prison;

(xv) Installation of close circuit television system and other electronic gadgets to effectively monitor and maintain a close watch for any breach of security inside the prisons;

(xvi) Watch towers, wherever necessary, to watch inside and outside of the prison, to be constructed and search lights and binoculars made available; The Prison infrastructure consists of 3 tier wall security, the 1st wall should be guard by the Armed Police by Police Department, 2nd and 3rd wall will be guarded by the Prison Department;

(xvii) Installing power fencing on the walls of prisons wherever necessary to prevent escapes, ensuring safety of the prisoners' lives;

(xviii) A system of thorough search for unearthing explosives and narcotic substances among prisoners;

(xix) Effective wireless communication system and intercoms to be established within the prison and also from one prison to another;

(xx) Constructing a second security wall in every prison, making the prison building as inaccessible an area to the general public as possible, and also to avoid trespassing also;

(xxi) A good road inside and outside the main walls for better patrolling;

(xxii) A modern interview room with sound absorption to ensure smooth conversation and human dignity, without overlooking the security;

(xxiii) Effective segregation of prisoners on the basis of security requirements;

(xxiv) Installation of high pitch sirens to alert prison staff, public and nearby Police Stations about any untoward happening;

(xxv) Untrained personnel not to be posted inside the prison, prison premises, under any circumstances for guarding purposes;

(xxvi) Electronic gadgetry may be used for guarding purposes.

169. *Guarding establishment.*— There will be a guarding establishment in every prison, responsible for the guarding of prisoners, prison premises, gate and carrying out any other duties which may be assigned to them. The guarding establishment includes the Warders performing their duties in rotation.

170. *Quick Reaction Team.*— (i) In all Central and District Prisons, there will be a Quick Reaction Team consisting of eight to twenty warders, who have undergone commando training, with use of modern weapons and unarmed combat. This Quick Reaction Team shall be under the charge of the Assistant Superintendent and will always be ready in the guard room to meet any emergency. The SOP on the Quick Reaction Team should be available in each prison.

(ii) The Quick Reaction Team will be divided into two groups used on alternate days to handle any emergency in the prison. They will be kept on alert with facilities for fast movement. The Quick Reaction Team will be used for its specified duties only. As far as possible, the Quick Reaction Team must be selected from young warders.

(iii) The Quick Reaction Team will always be commanded by an officer during day and night. There will be two officers in the rank of Assistant Superintendent to look after the operations.

(iv) Personnel in the Quick Reaction Team will carry the required modern weapons like pistols, carbines, S.L.R., pump action guns and authorised quality of rubber bullets, plastic bullets and live ammunition so that these can be used in emergencies.

(v) The Superintendent will personally satisfy himself that the Quick Reaction Team is properly trained, equipped and alert all the time. When the Quick Reaction Team is detailed, each man under it will carry the authorised ammunition.

(vi) When one set of the guard is relieved, all arms and ammunition will be handed over to the relieving guards. The Assistant Superintendent (Quick Reaction Team) in command will be responsible for the correct handing over of arms and ammunition.

171. *Armed Sentry and his duties.*— (1) The watchtowers at the surrounding of the prison will be guarded by armed sentries and other portions of inside the prison will be guarded by Warders without arms. The Reserve Guard shall furnish sentry at the main gate and such other sentries as the Superintendent may direct. All these guards and sentries will perform their duties in rotation.

(2) Armed sentries will perform duties in two hourly shifts. It is the duty of a sentry, both in day and night, to challenge all unknown or suspicious persons approaching his beat, forbidding them to approach nearer unless they can satisfactorily account for themselves or, at night, give the password. No convict will be permitted to approach within 5 mtrs. of any sentry. It is the duty of a sentry to resist all attempts to break into or out of the prison or of any part of it and to prevent escapes or illicit communication with prisoners. At night every sentry will report to the Patrolling Officer if, anything suspicious or unusual comes to his knowledge. He will give the required assurance that all is well each time the Patrolling Officer passes by.

(3) The sentry on duty will carry the required arms and ammunition, which will later be handed over to the relieving sentry.

172. *Morning and Evening Muster of Reserve Guard.*— Before the prison is unlocked in the morning, the Reserve Guard and Warders whose duties for the day have not been fixed will be mustered under arms outside the main gate, and the Assistant Superintendent will at once post the day sentries. The guard will be drilled and afterwards shall remain under arms till the entire team is marched out and dismissed to the guard-room. The Reserve Guard will again be under arms from the hour fixed for the cessation of work till the prisoners are locked up for the night.

173. *General guarding duties.*— The general guarding will be undertaken by the Warder establishment. They will carry on the internal and external (Main gate) guarding of the prison, the supervision of the prisoners during labour and at other times as well as the work of guarding and maintaining security of wards, blocks, workshops, tools and plants and other Government properties, posts and tower. The arms guard of the prison staff should be the main gate during the round the clock. They must be trained Commando and bomb blasting training. The Reserve Warders to serve inside the Jail, if it is necessary.

174. *Conditions to be observed by the guarding personnel.*—

(1) The sentry or guard shall, on no account, quit his post without being relieved. In case, he finds himself incapacitated due to sudden illness or any other reason to perform his duties, he shall send intimation to the officer in charge who shall make necessary arrangements.

(2) No sentry or guard while on duty will take off his uniform and this does not apply while taking his meals or while resting.

(3) Guards and sentries will be made to understand their duties and responsibilities. They shall not hold any communication with any prisoner, unless it is required as a part of their official duty.

(4) The officers and men of the Guard are strictly prohibited to bring anything from outside the prison to any prisoner and from receiving anything from a prisoner to be conveyed outside the prison.

(5) In case, any prisoner attempts to escape, the guard will at once raise an alarm and will also prevent damage to Government property.

(6) All guarding personnel, being part of essential services, will be deemed to be on duty round the clock and will not to be allowed to leave the premises without permission of the Competent Authority.

(7) The Assistant Superintendent shall maintain a daily report book in which they shall record all important events and reports of disposals or incorporation to be shown for appropriate action.

(8) In case of any emergency in prison, Police Personnel may interact inside the prison.

175. *Maintenance of Duty Roster.*— (1) A Duty Roster shall be maintained in each prison. The Deputy Superintendent and Assistant Superintendent will be responsible for the proper maintenance of this register. The register will contain all the names of guards on duty with

their hours of duty and their signature for having understood the duty hours. The register will be put up to the Superintendent through proper channel every day for checking and signature.

(2) It shall be the responsibility of the Assistant Superintendent and the Deputy Superintendent to ensure that the Warders stick to their post according to the Duty Roster and any violation in this regard shall be immediately brought to the notice of the Superintendent. The Superintendent shall also verify this during his surprise visits to different parts during day and night. Care shall be taken that the night duty is allotted in rotation.

#### WARDER ESTABLISHMENT

176. *Government to fix permanent strength.*— The permanent strength of the guarding/warder establishment in each prison shall be determined from time to time by the Government in accordance with ordinary requirements. There has to be at least one guarding staff for every six prisoners.

177. *Power to sanction temporary addition.*— The Government may sanction the entertainment of such temporary establishment in addition to the permanent establishment provided for in the last preceding rule as may, at any time, if urgently necessary.

178. *Sanction of temporary establishment.*— The Government may sanction the temporary guarding or Warder establishment in the following special cases where the ordinary prison establishment is insufficient to supply the necessary guards:-

- (i) A staff not exceeding one Principal Warder and three Warders to guard a prisoner under sentence of death provided that when there is more than one such prisoner in the prison at the same time one extra Principal Warder shall suffice for all;
- (ii) A staff of one more Warder, as may be necessary to guard any mentally ill prisoner or other persons required to be kept under observation or specially guarded;
- (iii) Staff not exceeding one Principal Warder and three Warders in all to guard a prisoner or prisoners removed to segregation sheds outside the prison as decided by the Deputy Superintendent.

179. *Assignment of duty to warders.*— Every Warden shall have a particular duty assigned to him by the Superintendent or Deputy Superintendent or Assistant Superintendent or Principal Warden, such as the charge of a particular ward or set of wards or a particular workshop or set of workshops or of a particular gang of prisoners inside or outside the prison.

180. *Summary of duties of warden.*—The Warders prime duties are, to look after the movement of the prisoners:-

(a) to see that all convicts sentenced to labour in their charges are steadily at work and to report to higher authority all cases of idleness, short work or breaches of prison rules;

(b) to prevent all unnecessary talking, laughing, singing, playing, quarrelling and other unseemly behaviour and to report the offender;

(c) to see that the prisoners keep order in moving about and do not loiter about the prison;

(d) to see that no prisoner leaves his own enclosure or communicates in any way with any prisoner in a different enclosure or with any person outside the prison;

(e) to abstain from all familiarities and unnecessary communication with prisoners;

(f) to see that there is no dirt or litter in any part of the prison of which they are in charge, and that the drains are kept properly clean;

(g) to see to the cleanliness of the persons and clothes of the prisoners in their gangs, that the prisoners bathe as often and at such hours as may be ordered, and that the bedding and clothing are well aired according to order;

(h) to bring at once to the notice of the Deputy Superintendent any signs of sickness or any prisoner complaining of sickness;

(i) to prevent any breaking up of the gang of the prisoners entrusted to their special charge, except only when any prisoner desiring to go to the latrine and to see that he is not too long away from his work and is not permitted to go to any place hidden from view whence, he may affect his escape; to report any prisoner urinating in or otherwise fouling any drain or any part of the prison not set apart for the purpose;

(j) to report any case of willful injury to clothing or materials for work or other Government property;

(k) to prepare the prisoners for morning and evening muster by the Deputy Superintendent, to report at once to that officer any prisoner who may be absent; to see that each prisoner comes to his proper place in proper order and behaves well and keeps silent during meals;

(l) to examine the wards, cells, bedding and clothing directly the prisoners have turned out, and to report at once any prohibited articles found therein;

(m) to see that each prisoner gets a proper amount of food, and that no food is secreted by the prisoners;

(n) to bring at once to the notice of the Deputy Superintendent if, any prisoner is in possession of any contraband articles or having any unauthorized prison property in his custody;

(o) to ensure the care and welfare of the prisoners.

(p) All the inmates have to be watched closely, if they feel ill or mentally absent then the duty Warder have to inform to the concerned Prison Officer through hierarchy.

(q) the warders should maintain proper register for the prisoner who feel ill or commit any assault inside the yard, and a written letter should be submitted to the superior officer regarding the assault or ill of a prisoner.

(r) Warders are the first responsible personnel for the incident occur in the duty point.

181. *Duty of Warders on relief.*— (1) No warder shall, in any circumstances, leave his post till properly relieved, and his responsibility shall continue till so relieved. Provided that he may leave his beat to prevent or to assist in subduing a disturbance taking place within his sight when he is on main wall patrol duty or when he is in charge of prisoners, if, he can do so without serious risk to the safe custody of those prisoners.

(2) If, the Warder concerned fails to do all in his power to prevent an escape or to assist in subduing a disturbance taking place within his sight, it rests with him to show that the circumstances were so exceptional as to justify his abstaining from preventing such an escape or refusing to assist in subduing such a disturbance.



(3) A Warder relieved by another Warder shall explain to his successor his duties and any special orders that may have been given to him by his superior officers. The relieving officer shall satisfy himself that the property or number of prisoners made over to him is correct.

182. *Duty of Warders in charge of work-shed.*— (1) Warders in charge of work sheds shall see that all tools and property kept in them are carefully put away or stored on cessation of labour and that no ropes, bamboos, ladders or other things likely to facilitate escape, are left about or secreted by prisoners. Similarly, it shall be ensured that no sharp instrument or materials that will facilitate not only escape by prisoners but also causing injury to them or other should be left about or secreted by prisoners.

(2) It shall be the responsibility of Warders to report to the Superintendent or Deputy Superintendent immediately when such articles as mentioned in (1) above are noticed by them outside the workshed, taking care to see that they are not in the meantime removed by the person concerned to escape from punishment.

(3) It shall also be the responsibility of Warders to report defects in prison buildings, wall locks lighting arrangements, bars, *etc.*, to the Superintendent or Deputy Superintendent.

183. *Relief and supervision of sentries.*— As a rule, sentries will be relieved at the end of every two hours. During the day, the Assistant Superintendent will conduct the relief and at the same time check and satisfy himself that the sentries are alert and attending to their duties properly. To discharge these functions during the night, two Patrolling Officers will be appointed from among the senior Warders. Each Patrolling Officer will record the hour of his visits by appropriate means.

184. *Duty to disclose relations with prisoners.*— If, any co-Warder has relations or connections among the prisoners or has had any pecuniary dealings or close acquaintance with any of them, it is his duty to inform the Superintendent or Deputy Superintendent of the fact, immediately.

185. *Guarding establishment.*— There will be a guarding establishment in every prison, responsible for the guarding of prisoners, prison premises, gate and carrying out any other duties which may be assigned to them. The guarding establishment includes the Warders performing their duties in rotation.

186. *Armed Reserve Guard and its functions.*— (1) The Reserve Guard shall consist of eight to twenty Warders, who have undergone commando training, with use of modern weapons and unarmed combat. The guarding of the main gate outside shall devolve on the Reserve Guard as with arms sentry. This Reserve Guard shall always be ready in the guard room to meet any emergency.

(2) The Reserve Guard shall be divided into two or three groups, used on alternate shifts of round the clock to handle any emergency in the prison. They will be kept on alert with facilities for fast movement. The Reserve Guard shall be used for its specified duties only.

(3) The Reserve Guard shall always be commanded by an officer during day and night. There will be two officers in the rank of Assistant Superintendent to look after the operations.

(4) Personnel in the Reserve Guard shall carry the required modern weapons like pistols, carbines, S.L.R., pump action guns and authorized quality of rubber bullets, plastic bullets and live ammunition so that these can be used in emergencies.

(5) The Superintendent of Jail shall personally satisfy himself that the Reserve Guard is properly trained, equipped and alert all the time. When the Reserve Guard is detailed, each man under it shall carry the authorized ammunition.

(6) When one set of the guard is relieved, all arms and ammunition shall be handed over to the relieving guards. The Assistant Superintendent (Reserve Guard) in command shall be responsible for the correct handing over of arms and ammunition.

(7) The Reserve guard may also be used for emergency of Hospital guard, Court guards, *etc.*

(8) The duty of guarding the main gate outside shall devolve on the Armed Reserve Police. For this purpose, sufficient number of Reserve Police Constables and Head Constables shall be deputed by the Police Authorities. They will be governed by the guard rules issued by the Police Department. They shall obey all orders of the Superintendent of Jail. They should be on round the clock duty. The interior guarding of the main gate shall be done by warders.

187. Salutes by Armed Guards.— (1) Guards and sentries are required to salute the persons mentioned in column (1) of the table below in the manner mentioned in column (2) thereof:-

Person	Manner of salute
(1)	(2)
The Chief Secretary, Secretaries to Government, Inspector-General of Prisons, Chief Superintendent of Jails (CSJ), Official and Non-official Visitors, the Medical Officer, the Superintendent	By presenting arms
All other Gazetted Officers of Government and Deputy Superintendent	By sloping arms and placing the right hand smartly on the butt, fingers extended
Assistant Superintendent, Principal Warder	By coming to in attention with ordered arms.

**Explanation:-** (1) The Guard Officer will always bring it to the notice of the Deputy Superintendent, any failure on the part of the sentry to comply with this rule.

(2) As a rule the guard will not be turned out under arms for saluting purposes after sunset.

188. *Condition for the Award of good conduct stripes.*— Good conduct stripes may be awarded to Principal Warder and Warders by the Inspector-General of Prisons on the recommendation of Superintendent of Jail subject to the following conditions:

(a) for conspicuous good service like preventing escapes by special intelligence or alertness or detection of jail offence of serious nature = I stripe.

(b) For two years of uninterrupted good conduct = I Stripe,

(c) for every further two years of uninterrupted good conduct = I Stripe.

(d) without any punishment for Warders and Principal Warders total of 10 years of service shall be given good conduct with 2 stripes alongwith incentives of ₹ 1,000.

189. *Award of good conduct allowance.*— The Inspector-General of Prisons shall sanction good conduct allowance to the Principal Warder and Warder at the rate of ₹ 500 per mensem who have earned three good conduct stripes under the last preceding rules and an additional allowance of ₹ 500 per mensem on their securing six stripes.

190. *Loss of good conduct stripes.*— The Inspector-General of Prisons may withdraw the good conduct stripes awarded to the Principal Warder and Warder on the interruption of good conduct as detailed below:-

(a) One good conduct stripe last awarded shall be withdrawn when the Principal Warder or Warder receives two minor punishments as defined in the Central Civil Services (Classification, Control and Appeal) Rules, 1965.

(b) Two good conduct stripes last awarded shall be withdrawn when the Principal Warder or the Warder receives one major punishment as defined in the Central Civil Services (Classification, Control and Appeal) Rules, 1965.

191. *Future award of good conduct stripes.*— The loss of good conduct stripes under the preceding rule will not debar an officer from future award of good conduct stripes according to rule.

192. *Withdrawal of good conduct allowance.*— As soon as the number of good conduct stripes is reduced below six and three respectively, the second and the first good conduct allowance shall also be withdrawn respectively.

193. *Treatment of good conduct allowance.*— The good conduct allowance shall be treated as personal allowance not counting for pension and any other purposes. The Principal Warders and Warders are entitled for the good conduct allowance even when they are on privilege leave but not when they are on extraordinary leave or on leave without pay.

194. *Wearing stripes.*— The good conduct stripes awarded will be worn by Principal Warder and Warders on both sides of their upper arms, but not more than three stripes shall be worn. The stripes will be of white cloth.

195. *Recording in service book.*— (a) The award and withdrawal of good conduct stripes and rewards shall be recorded in the service book of the concerned officer.

(b) The extraordinary service and bravery services may be considered for State and Central award.

**CHAPTER- 9****UNIFORM OF PRISON OFFICERS**

196. Uniform should be prescribed for all custodial and executive staff, including the Inspector-General of Prisons. Badges of rank for all uniformed cadres in the Correctional service.

197. *Uniform of Inspector-General and other Prison Officers:-*

(1) Where the Inspector-General and Chief Superintendent of Jails both are from Correctional service, they shall wear the badges of ranks as prescribed in the Correction service Uniform rules and shall be governed by those rules. Working dress and ceremonial dress as prescribed as mentioned correctional service.

*Note:* In case any IAS/IPS/PCS officers are appointed as Inspector-General of Prisons and Chief Superintendent of Jails they should wear coat suit with tie along with name badge.

*Uniform of Inspector-General of Prison:-*

<b>A - Ceremonial :</b>	
Pant	Khaki
Shirt	Khaki
Head wear	Peak cap Khaki serge with khaki peak of the same material.
Belt	Sambrown regulation pattern with PJS silver mountings.
Whistle	Metropolitan with blue lanyard and carrying in the left breast pocket.
Button	Khakki Button
Tie	Dark blue silk
Shoe	Plain brown leather with plain toe caps
Socks	Nylon

<b>Badges and Rank :</b>	
Cap badge	In silver similar to the pattern initials PJS (Puducherry Jail Service) in centre surrounded by laurel wreath surrounded by the State Emblem
Shoulder badges	Crossed sword, baton and one star
Shoulder side badges	PJS name with side badge of colour red and blue
Working dress	Khaki dress with two breast pockets with flats, Name plate and button, shoulder strap with badges, pant, nylon socks, brown shoes, sambrown belt, and whistle with cord, peak cap or pith hat, bush coat can also be used in place of shirts.

*Uniform of Chief Superintendent of Jails (CSJ):-*

<b>A - Ceremonial :</b>	
Pant	Khaki
Shirt	Khaki
Head wear	Peak cap Khaki serge with khaki peak of the same material
Belt	Sambrown regulation pattern with PJS silver mountings.
Whistle	Metropolitan with blue lanyard and carrying in the left breast pocket.
Button	Plain Khakki Button
Tie	Dark blue silk
Shoe	Plain brown leather with plain toe.
Socks	Nylon

<b>Badges and Rank :</b>	
Cap badge	In silver similar to the pattern initials PJS (Puducherry Jail Service) in centre surrounded by laurel wreath surrounded by Ashoka State Emblem
Shoulder badges	Crossed sword and baton
Shoulder side badges	PJS name with side badge of colour red and blue
Working dress	Khaki dress with two breast pockets with flats, Name plate and button, shoulder strap with badges, Pant, nylon socks, brown shoes, sambrown belt, whistle with cord, peak cap or pith hat, bust coat can also be used in place of shirts.

198. *Uniform of the Superintendent of Jail.—*

<b>A - Ceremonial :</b>	
Pant	Khaki
Shirt	Khaki
Head wear	Peak cap Khaki serge with khaki peak of the same material
Belt	Sambrown regulation pattern with PJS silver mountings.
Whistle	Metropolitan with Blue lanyard and carrying in the left breast pocket.
Button	Plain Khakki Button
Shoe	Plain brown leather with plain toe
Tie	Dark blue silk
Socks	Nylon

<b>Badges and Rank :</b>	
Cap badge	In silver similar to the pattern initials PJS (Puducherry Jail Service) in centre surrounded by laurel wreath surrounded by Ashoka State Emblem
Shoulder badges	Silver PJS (Puducherry Jail Service) monogram with three silver five pointed stars.
Shoulder side badges	PJS name with side badge of colour red and blue
Working dress	Khaki dress with two breast pockets with flats, Name plate and button, shoulder strap with badges, pant, nylon socks, brown shoes, sambrown belt, and whistle with cord (Blue), peak cap or pith hat, bush coat can also be used in place of shirts.

199. *Uniform of Deputy Superintendent of Jail.—*

<b>A - Ceremonial :</b>	
Pant	Khaki
Shirt	Khaki
Head wear	Peak cap Khaki serge with khaki peak of the same material
Belt	Sambrown regulation pattern with PJ silver mountings.
Whistle	Metropolitan with brown lanyard and carrying in the left breast pocket.
Button	Plain Khakki Button
Shoe	Plain brown leather with plain toe caps
Socks	Nylon



<b>Badges and Rank :</b>	
Cap badge	White metal Ashoka State Emblem occupying the centre and top of the badges with words "PJ (Puducherry Jail)" around.
Shoulder badges	Silver PJ (Puducherry Jail) monogram with three silver five pointed stars.
Shoulder side badges	PJ name with side badge of colour Red and blue
Working dress	Khaki dress with two breast pockets with flats, Name plate and button, shoulder strap with badges, pant, nylon socks, brown shoes, sambrown belt, and whistle with cord (brown), peak cap or pith hat, bush coat can also be used in place of shirts.

200. *Uniform to be worn on duty.*— Officers borne on the cadre of Prison Department shall wear uniforms. All officers shall, when on duty, always appear in the uniform prescribed for them.

201. (i) *Uniform of Assistant Superintendent.*—

<b>(i) Ceremonial :</b>	
Pant	Khaki
Shirt/full arm	Khaki with pockets and shoulder straps
Head wear	Khaki peak cap with khaki peak of the same material.
Belt	Sambrown with brass mounting
Whistle	Metropolitan with khaki silk cord
Button	Plain Khakki Button
Shoe	Plain brown leather with plain toe caps
Socks	Nylon
Name plate	In plastic

<b>Badges of Rank :</b>	
Cap badge	White metal Ashoka State Emblem occupying the centre and top of the badges with words "PJ (Puducherry Jail)" around.
Shoulder badges	Two five-pointed white metal stars with PJ (Puducherry Jail) monogram in white metal.
Shoulder side badges	PJ name with side badge of colour red and blue
<b>Working Dress :</b>	
Peak cap or pith hat	
Pant	
Khaki shirt full arm with pockets, Name plate and shoulder straps	
Nylon socks	
Brown shoes	
Web belt	
Metropolitan whistle with khaki cord	
Rank badges	

*(ii) Uniform of Principal Warder:-*

<b>(i) Ceremonial :</b>	
Pant	Khaki
Shirt/full arm	Khaki with pockets and shoulder straps
Head wear	Khaki Barrehecap
Belt	Sambrown with brass mounting brown leather
Whistle	Metropolitan with khaki silk cord
Button	Plain Khakki Button
Shoe	Plain Brown leather with plain toe
Socks	Nylon
Name plate	In plastic

<b>Badges of Rank :</b>	
Cap badge	White metal Ashoka State Emblem occupying the centre and top of the badges with words PJ (Puducherry Jail) around.
Shoulder badges	One five-pointed white metal stars with PJ (Puducherry Jail) monogram is white metal.
Shoulder side badges	PJ name with side badge of colour Red and blue
<b>Working Dress :</b>	
Barreh cap	
Pant	
Khaki shirt full arm with pockets and shoulder straps	
Nylon socks	
Brown shoes	
Web belt	
Metropolitan whistle with khaki cord	
Rank badges	

(iii) *Uniform of Warders:-*

Pant	Khaki
Shorts	Khaki
Shirts	Khaki half arm with two breast pockets
Shoe	Plain black with plain toe
Belt	Black leather waist belt with Jail Department clasp with Ashoka State Emblem surrounded by words "PJ" (Puducherry Jail), Puducherry.
Whistle	Regulation pattern with Khakki lanyard
Button	Plain Khakki button
Head wear	Kepi cap (French pattern) khaki woolen glazed black peak with brass Ashoka State Emblem
Baton	Warders will be provided with male bamboo baton 75 cms, lon and weighing not more than 625 gms.
Canvas shoe	Brown

<b>Badges of Ranks:</b>	
Shoulder badges	Warders will wear PJ (Puducherry Jail) monogram in white metal in the shoulder straps and numerals
Shoulder side badges	PJ name with side badge of colour Red and blue

(iv) *Uniform of the Female Warders:-*

Saree/pant	Plain khaki colour
Blouse/shirts	Plain white colour/Khakki colour with shoulder straps
Badge	“PJ” letters in white metal to be worn on both the shoulders
Sandals/shoe	Black leather

202. *Arms to be carried on duty.*— Every member of the Warder establishment shall, when on duty inside the Jail carry a baton or a male bamboo lathi.

203. *Prison Officers to be smartly dressed.*— The Superintendent shall always see that the Jail Officers are smartly dressed and that their uniform is kept clean and properly put on.

204. *Washing allowance to the non-gazetted executive personnel of the prison.*— Every non-gazetted executive personnel of the prison shall be paid washing allowance every month at the rate as fixed by Government from time to time.

205. *Uniform to be looked upon as badge of service.*— The Superintendent will impress upon the staff that they should look upon their uniform as the badge of their service and not as a penal dress to be thrown aside the moment the duty is over.

**CHAPTER-10****ADMISSION OF PRISONERS**

206. *Time of admission.*— (1) Civil Debtors shall be admitted to the prison at any hour at which they may be brought.

(2) No other prisoner shall be admitted to the prison on any of the recognized prison holidays, except with the written orders of the District and Sessions Judge/Judicial Magistrate.

(3) No prisoner except such as may have been temporarily absent attending Court, shall be admitted to any prison before sun rise (unlocking of the prison) on any day or after lockup. Provided that a prisoner:-

(a) On the special written order of a Sessions Judge or a Judicial Magistrate or a District Magistrate or the Superintendent; or

(b) On transfer after due intimation, shall be admitted into the prison after the hour of its lockup.

(4) Before admitting a transgender, the Medical officer should check whether he/she has undergone surgery or not. If, surgery is done, they should thoroughly search by the Female Warder or else they should be check by the Male warder if, they are not done surgery. After checking is over for the Transgenders, they should be kept in separate yard and they should not communicate with other yard prisoners.

(5) The admitting after sunset prisoner may be kept in separate place near the main gate after sunrise the Gatekeeper and other Warders can do their thorough checkup and then send inside the jail.

(6) Prisoners who are admitted in the prison after the hour of its lockup shall be kept in a separate cell specially earmarked for such purpose.

207. *Warrant to accompany of every prisoner for admission.*— No person will be admitted in a prison as a prisoner unless accompanied by a warrant or order in the prescribed form, signed, dated and sealed by the Competent Authority. There will be a separate warrant or order for every prisoner, even if two or more prisoners have been jointly charged.

208. *Verification as to the identity of a prisoner.*— (1) Before admitting a prisoner, the Assistant Superintendent or Deputy Superintendent shall examine the warrant and by questioning the prisoner regarding his name and other particulars and by verifying the identification marks of the prisoner with those mentioned in the warrant, shall satisfy himself that he is the person referred to in the warrant.

(2) In the event of a prisoner refusing to answer the Assistant/Deputy Superintendent or denying the accuracy or the particulars entered in the warrant, may not be admitted.

209. *Examination of warrant for every prisoner.*— (1) Before admitting the prisoner the officer acting as a Gatekeeper or Assistant Superintendent shall examine the warrant and by questioning the prisoner as to his name and other particulars shall satisfy himself that he is the person referred to in the warrant.

(2) Jail officers receiving the prisoners shall also examine the warrants and see whether there are any discrepancies in it making the warrant irregular or illegal. If, any discrepancies are noticed in the warrant the officer concerned shall bring the same to the notice of the Jailor or Superintendent immediately.

210. *Classification of warrant as irregular and illegal.*— Warrants with discrepancies shall be classified as irregular and illegal warrant.

211. *Irregular warrants.*— Warrants with the following discrepancies should be considered as irregular warrants:

- (a) Warrant/Order not issued in the prescribed Form,
- (b) Warrant written in pencil,
- (c) Warrant with incomplete and/or incorrect name of the offender,
- (d) Warrant without the seal of the appropriate Court,
- (e) Warrant without the signature of the appropriate Court or other Competent Authority,
- (f) Undated warrant,
- (g) Warrant not stating whether fine is paid or not,

(h) Warrant without mention of previous convictions in case of a habitual prisoner,

(i) Warrant with incomplete columns,

(j) Warrant with any other omission or discrepancy.

212. *Illegal warrants.*— Warrants with the following discrepancies should be treated as illegal warrants.

(a) Warrant awarding sentence beyond the competency of the awarding Court,

(b) Warrant awarding sentence more than what is prescribed by law,

(c) Warrant awarding sentence less than the minimum laid down by law,

(d) Warrant issued contrary to the provision of law.

213. *Procedure if warrants are irregular and illegal.*— (1) If, the Superintendent Classifies a warrant as irregular due to discrepancies therein he shall bring such irregularities to the notice of the Court with a request to send a fresh warrant correctly drawn up. On receipt of such correct warrant the irregular warrant shall be returned to the Court for cancellation.

(2) If, the Superintendent considers a warrant to be illegal, he shall make a reference to the Government together with a copy of such warrant.

214. *Identification of prisoners.*— (1) It is the duty of the authority issuing the warrant to see that the identification roll in the warrant contains at least three specific permanent identification marks like deep scars, birth marks, moles, *etc.*, indicating their exact location on the body.

(2) The Officer on duty at the gate shall initially scrutinize the documents and verify the identification marks mentioned therein on the prisoner.

(3) The Officer on duty is authorised to refuse admission to a prisoner in whose case the warrant is found to contain discrepancies in name or identification marks or if the warrant has not been signed by the Competent Authority. In such cases, immediate report shall be sent to the concerned authorities.

(4) In the event of a prisoner refusing to answer to the name or denying the accuracy of the particulars entered in the warrant the officer on duty should request the officer-in-charge of the Police Escort to identify the prisoner on the basis of information at his disposal, as the person is the name person named in the warrant.

215. *Acknowledgment of prisoner and their property.*— (1) If, the officer of the escort delivering the prisoner request for a receipt acknowledging the receipt of the prisoner, the Gatekeeper shall issue a receipt to the effect.

(2) The Gatekeeper shall furnish the officer who delivers a prisoner at the Jail with a receipt noting therein the properties received with the prisoners. The property shall be carefully examined and shown to the prisoner and an acknowledgment obtained from the prisoner to the effect that he has seen the property and it is correct.

216. *Search of prisoners on admission.*— Prisoners will be thoroughly searched by a prison official. Female prisoners will be searched by female staff. Prisoners will wash and be searched in their yard or respective cell and not in the presence of other prisoners. Searchers of prisoners will be made, due regard to decency and with reasonable privacy.

217. *Removal of articles from Prisoners.*— During the search, every article, whether clothing, bedding, jewellery, money documents or otherwise, shall be taken away from the prisoners to whom prison clothing and bedding will be issued in accordance with the rules. From prisoners every article shall be taken away except personal clothing. Other necessities of life such as bedding will be permitted by Inspector-General of Prisons.

218. *Prisoners to wash themselves and their clothing.*— On admission to prison, every prisoner will be required to wash his person and his clothing thoroughly. If, an epidemic disease exists in the neighbourhood from which he comes, his clothing shall also be disinfected. In such cases, special care shall also be taken to cleanse the prisoner's person especially his/her hair.

219. *Entry in admission register.*— After enter into the Jail the entry should be made entry in the gate register.



220. *Registering and serial numbering of prisoners.*— The name of every convicted prisoner shall be entered in Convict Register, the entries being numbered serially from 1 to 5,000 or such number as shall be fixed by the Inspector-General of Prisons and the name of every undertrial prisoner shall be entered in the Register of Undertrial prisoners, the entries being serially numbered. The number of each Civil Prisoner shall be entered in the Register of Civil Prisoners in the entries in which shall be numbered serially from 1 to 5,000. This register will be maintained by Assistant Superintendent or equivalent in prescribed Form. The entries in this register will be numbered serially.

221. *Use of Register number.*— The register number thus given will be the means of identifying the prisoner—a fresh number being given on every transfer to another prison. The articles of clothing and bedding of each prisoner sentenced to rigorous imprisonment for life will be marked with his number, and in all official communications, the number will precede the name, *e.g.*, Convict No. 1736, Ashok. If, a prisoner has to undergo two or more sentences under different warrants, it is not necessary to re-enter him in the Convict Register on the expiry of one sentence or to give him another number. However, every prisoner will be called by his name and not by his number in the register.

222. *Reception Ward.*— Prisoners, on first admission to prison shall be kept in a separate reception ward until the initial formalities for his placement there are completed. The procedure to be adopted on their admission shall be as under:-

- (i) Haircut and shave, issue of soap and disinfecting lotion;
- (ii) Disinfection and storing of prisoners' personal clothes and other personal items;
- (iii) Issue of disinfected prison clothing, bedding and utensils;
- (iv) Issue of authorized personal belongings;
- (v) Housing as per the principles of basic segregation;
- (vi) A thorough medical examination within 24 hours;
- (vii) Attending to immediate and urgent needs of prisoners, like letters, interviews, family welfare, immediate personal problems, *etc.*;

(viii) Verification by the Assistant Superintendent in-charge of admission of committal papers, identification marks, entries in registers, prisoners' cash property, appeal and other legal matters, *etc.*;

(ix) Finger printing and photograph as per rules;

(x) Identification of drug addicts.

223. *Orientation of prisoner on admission.*— Every newly admitted prisoner shall be subjected to a programme of orientation so as to inform him about the rules and regulations. His rights and duties as a prisoner shall be clearly displayed at each part of the prison and explained to him in a language he understands. A general assessment of his background and needs shall also be made by the officials to decide the appropriate placement within the prison.

224. *Entries to be made by Medical Officer in History Tickets.*—

(1) In the History Ticket of every prisoner, the Medical Officer shall enter or have entered under his supervision the following:-

(i) The prisoner's weight on admission;

(ii) His state of health;

(iii) The class of labour for which he is fit, if sentenced to labour;

(iv) Whether he has been protected by vaccination/inoculation for smallpox.

(2) The Medical Officer shall also subsequently enter or have entered the following:

(i) Details of the vaccination given and the result;

(ii) Admission to and discharge from hospital on every occasion, with the disease for which admitted;

(iii) Admission to and discharge from convalescent group.

(3) The Medical Officer shall himself enter such other directions or recommendations, as he may from time to time, consider necessary, for the maintenance of the health of the prisoner.

225. *Particulars to be entered and the officers who shall make entries in the History Ticket.*— (1) On the History Ticket of every prisoner, following entries, as may be applicable, shall be made by the Assistant Superintendent:-

- (i) The date of admission into prison;
- (ii) The number and name of every article of clothing and equipment issued on admission and later;
- (iii) Any complaint made by the prisoner of sickness or report of his sickness;
- (iv) Application for a copy of judgment, if, the prisoner desires to appeal;
- (v) Receipt of the copy of judgment;
- (vi) Substance of the order of the Appellate Court;
- (vii) The fact of an appeal not having been made before the expiration of the term allowed for appealing;
- (viii) The amount of remission awarded quarterly;
- (ix) The total remission in days earned up to the end of each quarter;
- (x) Every prison-offence alleged to have been committed;
- (xi) Every interview allowed and the receipt or dispatch of private letters;
- (xii) Dispatch to a Court or transfer, discharge, escape or death;
- (xiii) The number of cells in which placed on account of warrant confinement;
- (xiv) The fortnightly or weekly measurement of weight;
- (xv) The total confinement undergone on warrant on each occasion of removal, *etc.*

(2) The under mentioned particulars shall be made by the Deputy Superintendent:-

- (i) The particular work and task in weight, number or measurement, to which the prisoner is put;
- (ii) Every change of work or task for reasons other than medical;
- (iii) The action taken on any direction or recommendation of the Medical Officer;
- (iv) Dispatch of appeal;
- (v) Action taken on any order entered by the Superintendent.

226. *Entries to be made by the Superintendent on the History Ticket.*— On the History Ticket of every convict, the Superintendent shall record:-

- (i) Any special order he may have to give related to any prisoner, *e.g.*, permission to hold an interview or write a letter, separation by night;
- (ii) The award of every punishment;
- (iii) Sanction for employment on extra-mural work;
- (iv) The award of special remission.

227. *Retention of History Ticket after release or death.*— The History ticket of every prisoner shall be retained in safe custody:-

- (i) In the event of his escape, for one year,
- (ii) The event of his release, for one year,
- (iii) In the event of his death, for two years after it occurs, and
- (iv) In the event of release on bail, for a year after the result of appeal is known.

228. *Preparation and maintenance of History Tickets, Medical sheet and Weighment chart.*— Immediately on reception of a prisoner into prison, a History Ticket and nominal roll (Undertrial prisoner) shall be prepared for and provided to him. Such History Ticket shall be maintained in the manner hereinafter provided, throughout the period during which such prisoner remains in confinement. His records will also be entered in the digital database of the prison.

- Every History Ticket shall contain the following particulars:-
  - (i) The name, prisoner number and other particulars necessary for the identification of the prisoner.
  - (ii) A brief entry of every order passed and direction given relating to, and punishment inflicted on, the prisoner.
  - (iii) A brief record of every other occurrence of any importance, affecting the prisoner, which takes place while he remains in confinement.

The History Ticket of every convict shall also contain the following:-

- (i) The nature of the offence of which he has been convicted and the provision of the law applicable thereto.
- (ii) The date, nature and extent of the sentence passed.

Every entry made on the History Ticket shall be done at the time of or as soon as possible after, the occurrence of the event to which it relates, and shall be dated and signed by the officer who makes it.

■ Every History Ticket shall contain the following particulars:-

1. The name of the prisoners, address.
2. Crime number and Police Station.
3. Identification marks.

(2) Every entry made on the History Ticket shall be done at the time of or as soon as possible after the occurrence of the event to which it relates, and shall be dated and signed by the officer who makes it.

(3) A duplicate history ticket will be issued when original history ticket is lost. The new history ticket will be marked duplicate and signed by Competent Authority. The ticket will be reconstructed by registering all previous entries.

*229. Prisoners to be brought before Medical Officer and Superintendent.*— After a prisoner's admission, he shall be brought before the Medical Officer for entries to be made by him in the relevant register and also to be produced before the Superintendent of Jail and other entries should be made. Superintendent shall be personally responsible that no undue delay is allowed to occur in this matter.

*230. Custody of History tickets, Medical sheets and Weighment charts.*— The History tickets, Medical sheets and Weighment charts shall be kept under the custody of a subordinate to whom the Superintendent may assign the work and he shall maintain them. He shall produce the History Tickets of prisoners whenever required by an officer of the prison. At the weekly parades, each prisoner shall hold his ticket in his hand for inspection. The History Ticket shall be produced, with the prisoner, whenever he is reported for an offence or is brought before the Superintendent or Medical Officer for any reason. The Medical sheets, weighment charts shall be issued to prisoners for weighment parades, inspections, attendance at hospital and the like.

*Note 1:* Every under-trial and civil prisoner may be allowed to retain possession of his History Ticket.

*Note 2:* At weekly inspections the tickets will be issued just before, and removed immediately after, the inspection of the Superintendent.

231. *Superintendent to check entries.*— When the prisoner is produced before him, the Superintendent shall compare the entries in the Registers and History Ticket with those in the warrant and initial the Convict Register or Register of under-trial prisoners or Register of civil prisoners, as the case may be, in token of its correctness.

232. *Record of date of release, etc.*— In the case of convicts, the date on which the sentence will expire shall be entered in the Convict Register. If, the convict is under sentence of less than two months, an entry of his number shall be made in the Register of Prisoners to be released under that date, but, if the sentence is two months or more, the date of expiry shall be entered on his Remission Sheet. At the same time, the prisoners' register number, name, sentence, date of sentence and date of release shall be endorsed on his warrant and the endorsement signed by the Deputy Superintendent and Superintendent after examination and comparison with the body of the warrant and with the entries in the Convict Register. In cases, where imprisonment is awarded in default of payment of fine, the alternative dates of release shall both be included in the endorsement on the warrant, in the Convict Register, and in the Register of Prisoners to be released or Remission Sheet.

233. *Custody of Warrants.*— Prisoners' warrants shall be arranged according to dates of release and kept in monthly bundles, the warrants of prisoners to be released in a particular month being placed in one bundle and each bundle being docketed outside with the month and year. They shall be kept in a locked drawer or almirah of which the Deputy Superintendent shall keep the key. Copies of judgments orders of Appellate Courts and orders of Government, disposing of prisoner's petitions, together with correspondence relating to payment of fine, classification and the other connected records shall be filed and kept with the warrant of the prisoner to whose case they relate. The final disposal of warrants shall be made as prescribed in the rules.

234. *Medical examination of prisoners.*— (1) The weight of prisoners on admission shall be taken in the presence of the Medical Officer and be verified by him. If, the Medical Officer is not present when prisoners are admitted to prison, they will be weighed by the medical subordinate on duty during admission if possible and in any case not later than the following morning. Their weight shall be noted at the time in a book kept at the main gate, so as to be subsequently verified by the Medical Officer when their examination takes place. The Medical Officer shall carefully examine the prisoner and shall himself record relating to health screening on admission and shall simultaneously record in the appropriate register, as the case may be, his weight, age and state of health. The Medical Officer shall also supervise the entry of the prisoners' identification marks. Medical Examination of prisoners shall be made with due regard to decency and with reasonable privacy.

(2) If, a prisoner looks younger than his age, the matter shall be referred back to the Court concerned after the due Medical Examination on the determination of his/her age for further directions, as no juvenile shall be kept in prison in any case and they are sent to the juvenile institution laid down in the Juvenile Justice Act.

235. *Certification of appropriate class of labour.*— In the case of convicts sentenced to rigorous imprisonment or imprisonment for life, the Medical Officer shall enter the class of labour on which he will be employed in the appropriate column of the Convict Register and History Ticket. A corresponding entry shall also be made in the History Ticket of the convict.

236. *Tickets to be worn by convicts.*— (1) Every convicted prisoner shall wear a metal, plastic or card breast ticket attached to a brass wire or hook which will be hung on the left breast of the jacket.

(2) Female prisoners shall suspend the ticket to the neck by a string.

(3) On the face of the ticket the register number and the name of the convict, the crime, date of sentence and date of release shall be stamped as under:-

5001  
Kumaran  
xxx, yyy, I.P.C  
14-06-2010  
13-03-2021.

(4) No other particulars such as stars denoting health or the like shall be entered thereon, and nothing shall be entered on the back of the ticket. For convictions under sentence for life, date of release shall be taken as 20 years from the date of sentence. In the case of a convict having a term of alternative imprisonment, the alternative date of release should also be shown.

#### CHAPTER-11

#### CLASSIFICATION, SEPARATION AND TREATMENT OF PRISONERS

237. *Convict to be separated.*— All convicts shall, as far as the requirements of labour and the cell accommodation of the prison shall allow, be kept separate from each other both by day and night.

238. *Separation of categories.*— Subject to the availability of accommodation, the prisoners; shall be segregated as follows:-

- (a) “A” class prisoners from “B” class prisoners;
- (b) Civil prisoners from Criminal prisoners;
- (c) Female prisoners from male prisoners;
- (d) Adult prisoners from adolescents;
- (e) Convicted prisoners from under-trial prisoners;
- (f) Habitual prisoners from non-habitual prisoners
- (g) Prisoners suffering from communicable diseases;
- (h) Prisoners suspected to be suffering from mental disorders;
- (i) Homosexuals;
- (j) Sex perverts;
- (k) Drug addicts and traffickers in narcotics;
- (l) Inmates having suicidal tendencies;
- (m) Inmates exhibiting violent and aggressive tendencies;
- (n) Inmates having escape discipline risks;
- (o) Known bad characters.

*Note:* No criminal or non-criminal mentally ill prisoner will be kept in the prison. Such prisoners shall be immediately transferred to appropriate Psychiatric hospital or Psychiatric nursing home with the sanction of the Competent Authority.



239. *Occupation of vacant cells.*— Whenever all the cells are not occupied by prisoners undergoing solitary confinement on warrant or by prisoners under sentence of death, mentally ill persons or lepers, the vacant cells shall ordinarily be occupied in the following order, namely:-

(a) by adolescents, if, there are adolescents in the prisons and there are no sufficient means of separating them by night in the adolescent ward;

(b) by approvers whom, under the orders of a Court or in the opinion of the Superintendent, it is desirable to keep apart;

(c) by prisoners of any class who, in the opinion of the Superintendent, are of a bad or desperate character or who have escaped or attempted to escape from lawful custody or whom it is considered desirable for any other reason to keep apart from others;

(d) by prisoners convicted under section 376 or section 377 of the Indian Penal Code, 1860.

(e) by prisoners of the habitual class; and

(f) by other prisoners.

*Explanation (1):*- Separation under this rule is distinct from solitary and separate confinement, and as it is a disciplinary measure only and not a punishment, it shall not have irksome conditions attached to it other than such as are necessary to secure the ends in view.

*Explanation (2):*- The age of the prisoners for the purposes of their segregation and treatment under the Prisons Act, 1894 (Central Act IX of 1894) shall be fixed by the Medical Officer of the prison.

240. *Procedure when separation by day is not feasible.*— A convict who would ordinarily come under the operation of the preceding rules relating to the separation of prisoners but, who cannot owing to the requirements of labour, technical and vocational training and reformatory treatment to be given to them, be confined in a cell by day, shall be confined in a cell by night.

241. *Division of convicts into habitual and others.*— In addition to the foregoing provisions all convicted prisoners shall be divided into two main divisions, namely, habitual convicts and others. They shall be further divided into two divisions or classes, namely, “A” and “B”.

242. *Gradation of under-trial prisoners.*— There shall be two divisions of classes of under-trial prisoners, namely, special and ordinary. The definition of under-trial prisoners falling within special or ordinary class and the treatment accorded to them are laid down in Chapter-34.

243. *Definition of habitual Criminal.*— The following persons shall be liable to be classified as habitual criminals, namely:-

(i) Any person convicted of an offence punishable under chapters XII, XVII, XVIII of the Indian Penal Code, 1860 whose previous conviction or convictions, taken in conjunction with the facts of the present case, show that he is by habit a robber, house breaker, dacoit, thief or receiver of stolen property or that he habitually commits extortion, cheating, counterfeiting coin, currency notes or stamps or forgery;

(ii) Any person convicted of an offence punishable under Chapter XVI of the Indian Penal Code, 1860 or under the Suppression of Immoral Traffic in Women and Girls' Act, 1956 whose previous conviction or convictions, taken in conjunction with the facts of the present case, show that he habitually commits offences against the person or is habitually engaged in immoral traffic in women or girls;

(iii) Any person committed to or detained in prison under section 122, read with sections 109 or 110 of the Code of Criminal Procedure, 1973;

(iv) Any person convicted of any of the offences specified in clauses (i) and (ii) above when it appears from the facts of the case, even though no previous conviction has been proved, that he is by habit a member of a gang of dacoits or of thieves or a dealer in stolen property or a trafficker in women or girls for immoral purposes;

(v) Any person convicted of an offence and sentenced to imprisonment under the corresponding sections of the Indian Penal Code, 1860 and the Code of Criminal Procedure, 1973;

(vi) Any person convicted by a Court or Tribunal acting outside India, of an offence which would have rendered him liable to be classified as a habitual offender if, he had been convicted in a Court established in India.

(vii) Any person who is a habitual offender under the Habitual Offenders Act or other corresponding Acts;

(viii) If, a prisoner was previously classified as habitual prisoner by a Court, he shall be continued to be classified as habitual prisoner whatever be the nature of offences for which he is later convicted.

*Explanation:-* For the purposes of this definition, the word conviction shall include an order made under section 117, read with section 110 of the Code of Criminal Procedure, 1973.

244. Classification of convicts as habitual Criminal.— (1) The classification of a convicted person as a habitual criminal shall ordinarily be made by the convicting Court, but, if, the convicting Court omits to do so, such classification may be made by the Chief Judicial Magistrate or in the absence of an order by the convicting Court or Chief Judicial Magistrate, and pending the result of a reference to the Chief Judicial Magistrate, by the Officer in charge of the prison where such convicted person is confined, Provided that any person classed as a habitual criminal may apply for a revision of the order.

(2) The convicting Court or the Chief Judicial Magistrate may, for reasons to be recorded in writing, direct that any convicted person or any person committed to or detained in prison under section 122, read with section 109 or section 110 of the Code of Criminal Procedure, 1973, shall not be classed as a habitual criminal and may revise such direction.

(3) Convicting Courts or Chief Judicial Magistrate, as the case may be, may revise their own classification, and the Chief Judicial Magistrate may alter any classification of a prisoner made by a convicting Court or any other authority provided that the alteration is made on the basis of facts which were not before such Court or Authority.

(4) Every habitual criminal shall, as far as possible, be confined in a special prison in which no prisoner other than habitual criminals shall be kept. Provided that the Inspector-General may transfer to this special prison any prisoner, not being a habitual criminal, whom for reasons to be recorded in writing, he believes to be of so vicious or depraved a character and to exercise or to be likely to exercise, so evil an influence on his fellow prisoners that he ought not to be confined with other non-habitual prisoners. But, a prisoner so transferred shall not otherwise be subject to the special rules affecting habitual criminals.

245. Duty of Superintendent in regard to classification.— (1) In order to facilitate the identification of habitual criminals, special care shall be taken in filling up the column relating to character in the Convict

Register. The Superintendent and Deputy Superintendent shall on receipt of a prisoner, endeavor to ascertain from prison subordinates and long term convicts, as well as from prison records, whether he has more convictions than as recorded against him in the warrant.

(2) In cases in which there is room to occasion doubt whether a prisoner should be classed as a habitual or not, the Superintendent may refer the case for the orders of the convicting Court or of the District Magistrate.

(3) When the Superintendent discovers that a prisoner has a previous conviction against him which has not been recorded, he shall immediately communicate the fact to the Court which convicted the prisoner, and to the Superintendent of Police.

246. *Separation of habituals.*— When not confined in special prison, habitual criminals shall, as far as possible, be separated from others. A separate barrack or ward shall be set apart for habitual criminals, and by these means separation at meals, parades, *etc.*, shall be generally affected. If, it is impossible to separate the classes entirely during work, Superintendents shall do as much as can be done in this direction by locating habitual criminals in a definite part of the several worksheds or otherwise.

247. *Superintendent to discover and report previous conviction of under-trials.*— If, it shall come to the notice of the Superintendent from the prison records or otherwise that an under-trial prisoner or a convict committed to his prison has previously served a sentence of imprisonment, he shall, if, he has reason to believe that the local Police are unaware of the fact, immediately inform the Superintendent of Police concerned.

248. *Classification of casual offenders.*— (1) Casual offender shall be divided into two classes, namely:-

- (a) Star Class; and
- (b) Ordinary.

The Star Class shall include such prisoners as may be selected by the Superintendent (subject to the control of the Inspector-General) on the ground that their previous character has been good, that their antecedents are not criminal and that their crimes do not indicate grave cruelty or gross moral turpitude or depravity of mind.

(2) The mere fact that a casual prisoner has been previously convicted once or oftener for petty offences shall not ordinarily be sufficient reason in itself for excluding him from the Star Class; nor shall a previous conviction for serious crime be held to debar him for such classification, if, it was committed several years before, and during the intervening period he had led generally an honest life.

(3) In determining whether a prisoner is already of so corrupt a mind or disposition as to render it likely that he may contaminate others and cannot be much further corrupted himself, regard shall be had to his age at the time of his last offence and on the dates of any previous convictions; the whole circumstances of the case shall be duly considered and the question of his classification shall be decided on general grounds and not of any hard and fast lines.

(4) Prisoners of the Star Class shall, as far as possible, be separated from others at all times, both day and night.

(5) When a Star Class prisoner prefers to be confined in a cell at night, and such accommodation can be provided for him, his wishes shall be complied with; but, where only association wards exist in the prison for separation at night, members of this class shall be confined together apart from other offenders.

249. *Classes of prisoners.*— (1) Convicted prisoners are divided into two divisions or classes, A and B.

(i) Prisoners shall be eligible for Class A, if, they by social status, education or habit of life have been accustomed to a superior mode of living. Habitual prisoners may, at the discretion of the classifying authority, be included under this class on grounds of character and antecedents;

(ii) Class B shall consist of prisoners who are not classified in Class A;

(iii) Notwithstanding anything contained in sub-rule (i), any person convicted of an offence involving gross indecency or exhibiting grave depravity of character may not be placed in Class A.

250. *Classification by Courts.*— (1) The High Court, Sessions Judges, Additional Sessions Judges, Assistant Sessions Judges, Chief Judicial Magistrates, Subdivisional Judicial Magistrates, Judicial First Class Magistrates (the last two through the Chief Judicial Magistrate)

in cases tried by them originally or in any other case the Inspector-General of Prisons, shall make the initial recommendation for classification of prisoners in Class A to the Government by whom these recommendations shall be confirmed or reviewed.

(2) Prisoners recommended by Courts for classification in Class A shall be tentatively treated as belonging to the class recommended till the orders of Government confirming or reviewing the recommendations are received.

(3) Notwithstanding anything contained in sub-rule (1), the Chief Judicial Magistrate may, before making their recommendations to the Government for classification of prisoners refer the cases for report to the appropriate Police or Revenue Officers direct and shall consult the Collector of the District.

(4) On the admission into the prison of any ex-military prisoner convicted by a Court-Martial or a Naval Court, the Superintendent of the Prison shall bring the case to the notice of the Chief Judicial Magistrate. The Chief Judicial Magistrate after making such enquiries as may be necessary including, if necessary, a reference to the local Brigade Area Commander, shall make the initial recommendation for classification in Class A to the Government by whom the recommendations shall be confirmed or reviewed.

(5) It is open for the Court to recommend and the Government to classify such of those prisoners who have taken part in violent agitation against the Union Territory as 'A' or 'B' class, prisoners on their conviction or place such undertrial prisoners in special or ordinary class, as the case may be. In any case, they shall be segregated and shall not be permitted to mix with ordinary criminal prisoners.

251. *Petition to Government for Classification.*— The Government may also act on a reference from the Superintendent of the prison on a petition from the prisoner. The Superintendent shall forward the petition through the Inspector-General to the Government. The Government may also act *suo motu* or on a representation by the prisoner's relatives and friends. The Superintendent shall place every convicted prisoner in Class 'B'.

252. *Treatment of 'A' Class prisoners.*— (1) **Separation from other prisoners:**— Separate cellular accommodation shall be provided to 'A' Class prisoners, wherever available. Sick prisoners in hospital or prisoners requiring assistance or supervision at night may, at any time, on the recommendation of the Medical Officer be placed in association wards.

(2) **Diet:-** They shall be given the diet prescribed for this class mentioned in dietary, but, shall be allowed to buy fruits and supplement their food with articles which have food value such as biscuits, cocoa and oval tins, at their own cost, subject to medical advice. The food so imported shall be of a simple character and the concession shall not be made an excuse for the importation of luxuries. Cooked food shall, in no case, be allowed to be imported from outside the prison.

(3) **Clothing:-** They shall be allowed to wear their own clothing at their own cost during non-working hours, but, this concession shall not cover the wearing of political symbols. Clothing supplied at Government expense shall be prison clothing prescribed in the rules.

(4) **Bedding:-** They shall be allowed to use their own bedding. Bedding supplied at Government expense shall be that prescribed in rules.

(5) **Prison tasks:-** The tasks allotted in the case of those sentenced to rigorous imprisonment shall be assigned after due consideration on medical grounds and with careful regard to the capacity, character, previous mode of life and antecedents of the prisoners.

(6) **Furniture:-** Articles of furniture of the following description shall be supplied to prisoners free of costs, namely:-

- (i) One cot;
- (ii) One table;
- (iii) One chair;
- (iv) One commode with pan and chamber pot;
- (v) Table fan;
- (vi) Quilt.

*Explanation:-* Prisoners shall be allowed to supplement their furniture at their own expense subject to the Superintendent of the Prison being satisfied that there is room for it in the quarters provided.

(7) **Private cooking and eating vessels:-** If, so desired, private feeding utensils may also be permitted at the discretion of the Superintendent of the prison.

(8) **Razors:-** They shall, subject to the discretion of the Superintendent, be permitted to use their own razors provided that the razors shall be kept with the prison authorities when not in use.

(9) **General application:-** In other respects, prisoners of this class shall be treated in the same way as ordinary prisoners, subject to these rules.

253. *Duties and privileges of 'A' Class prisoners.*— (1) 'A' class prisoners shall keep their cells, utensils, clothing and bedding clean and neatly arranged. They shall also be required to take their food in their own cells. The sweeping or washing down of their cells shall be done by the prison sanitary or sweeping gangs. All 'A' class prisoners shall be allowed the use of a mirror one in each cell and one or two in each ward. 'A' class prisoners shall be allowed the use of mosquito nets purchased at their own cost.

(2) Every prisoner placed in class 'A' who is required to work in his cell shall be allowed such exercise daily in the open air as the Medical Officer considers necessary.

## CHAPTER-12

### DAILY PRISON ROUTINE

254. *Unlocking wards at daybreak.*— The barracks and cells shall be unlocked at day break throughout the year. Previous to the opening of the wards, the night duty Warder on duty shall awake all the prisoners and keep them in readiness to march out in files with their bedding, as provided hereunder. The night patrolling should be made by the Superintendent of Jail or Deputy Superintendent of Jail twice in a month surprisely.

255. *Assistant Superintendent to be present.*— The Assistant Superintendent shall be present at the opening of the wards and cells every morning and shall personally superintend the unlocking of a portion of them, that of the remainder being carried out by the Principal Warders and Warders.

256. *Treatment of bedding.*— As soon as the wards and cells are unlocked, each prisoner shall take his bedding outside, and shake it well. He shall then fold it, and except on rainy days, leave it outside to air for some hours, when it shall be taken in and put in its proper place. The Superintendent and the Medical Officer shall occasionally examine the bedding to see if, it is properly aired.



257. *Cleaning of wards and cells.*— As soon as the wards and cells are vacated, the toilets shall be flushed and the sweepers shall then thoroughly sweep and clean every part, dust and dirt of every description being carefully removed from the roofing corners and elsewhere. The yard shall also be swept.

258. *Wards and cells to be ventilated and locked.*— The sleeping wards and cells shall be thoroughly ventilated during the day and kept locked to prevent prisoners from re-entering them. The keys shall be kept in the key box or almirah, until it is necessary to reopen the cells and wards in the afternoon.

259. *Counting of prisoners.*— As the prisoners leave the wards and cells, they shall, after depositing their bedding in the manner and form into fours, and shall thus be counted by the officer unlocking the ward, who shall satisfy himself that their number is correct and shall report the same to the Deputy Superintendent.

260. *Latrine and bathing parade.*— After the enumeration of the prisoners is completed, they shall be marched to the latrine and when they have been given an opportunity of resorting to it, they shall be marched to the bathing platform and shall be required to wash their hands and faces. Tooth brush, toothpaste and bathing soap shall be provided to prisoners for the purpose of cleansing their teeth and taking bath.

261. *Early meal and formation of gangs.*— (1) After the latrine and washing parade is completed, arrangements shall be made to conduct group prayers. After that, the prisoners shall be allowed to do either physical exercises or yogasanas or be given Transcendental Meditation. Thereafter, the early morning meal shall be distributed. The prisoners shall then be divided into gangs, according to the nature of the labour on which it is proposed to employ them, each gang being placed in charge of a warder. The numbers of the prisoners in each extramural gang and gang working in workshops outside the Prison and the names of the officers in-charge shall be recorded in the register in the prescribed form and the signature of the officer or officers in-charge of each gang taken in the register. For gangs working inside the prison and in workshops inside the prison, it will be sufficient if, the number of men in a gang is noted in the rough distribution statement maintained by the Deputy Superintendent or Principal Warder and the acknowledgment of the officer in-charge taken.

(2) A gang detailed for extramural work shall in no case exceed ten prisoners, and shall be in-charge of a Warder whose signature shall be taken in the register in the prescribed form in acknowledgment of his responsibility.

262. *Distribution of work.*— The gangs shall then be marched to their work, the prisoners being ranked in fours and required to keep steps. The distribution of labour will be made by the Deputy Superintendent in accordance with any general or special rules laid down by the Superintendent. The Deputy Superintendent shall see that no prisoner is put to or kept on work for which he is unfit or which is likely to be prejudicial to his health or contrary to the decisions of the Classification Committee.

263. *Educational classes.*— (a) All the prisoners shall be required to attend educational classes in the morning at the specified hours, according to their classifications and programme schedule drawn up for the purpose by the Classification Committee and the educational personnel

(b) The Psychological classes regarding reformative should be given daily for all the prisoner. Especially Philosopher in Sociology, Psychologist or MSW holders can give their classes.

264. *Procedure in cases of illness.*— If, a prisoner in a gang working outside is injured or taken ill, he shall be sent back to the Prison. If necessary, the whole gang may be marched back to the Prison with the sick prisoner.

265. *Mid-day meals.*— At 11.00 hours, the gang shall be sounded and the gangs marched back to the yards when the prisoners shall be given an opportunity of using the latrine and at 11.30 a.m. the midday meal shall be issued. A bell shall be rung as the signal for the distribution of the meals and of the evening meals.

266. *Resumption of work in afternoon.*— After the meal, the prisoners shall be given an opportunity of using the latrine and the gangs shall then be reformed and marched back to their work which shall continue till 4.30 p.m. in the cold weather and 5.00 p.m. in the warmer weather. In the height of the hot weather, an interval of 2 hours for rest shall generally be allowed at some time after the mid-day meal and at all seasons, a similar rest shall be allowed to weak and infirm prisoners.

267. *Procedure on cessation of work.*— Upon cession of work, the convicts having been taken back to their yards, shall proceed first to the latrine and then to the bathing place where they shall be required to bath, unless excused by the Superintendent or the Medical Officer.

268. *Evening meal and lock-up.*— (1) When the day's work is completed, the latrine visited and a bath taken, the prisoners may be allowed games, recreational and cultural activities according to a weekly time table and subject to availability of facilities. Thereafter, the evening meal shall be distributed. The prisoners shall then be locked-up, the hours being from 5.30 to 6.00 p.m. in the cold weather and from 6.00 to 6.30 p.m. in the warmer months.

(2) After lock-up, the prisoners may utilize the time till 9.30 p.m. in reading newspaper, magazines or books for which lights shall be allowed and in listening to radio music or watching television. They shall also attend any cultural programme arranged for them by the Superintendent. They shall go to bed at 9.30 p.m. Before the prisoners go to bed, they shall be allowed to meditate, if they so desire.

269. *Daily routine on Sundays and prison holidays.*— On Sundays and prison holidays, there shall be a deviation in the daily routine detailed herein. During the hours specified for work, the prisoners shall attend to their hair cut, washing of their clothes and bathing. They may also listen to the radio, watch television, read newspapers, magazines and books.

270. *Men who work together not to sleep together.*— As a general rule and subject to the rules as to classification in Chapter-11, men who work together, shall as far as possible, sleep in the different block so as to avoid the formation of gangs, prevent inter-communication among prisoners and the like. Prisoners imprisoned in the same case shall not be confined in the same yard or employed in the same gang as far as possible.

271. *Prisoners outside to be brought in for meals.*— Prisoners working extramurally shall be brought in for feeding purposes. Every prisoner shall be searched each time he leaves or enters the prison. All prisoners shall be counted and searched on return to the yards from labour.

272. *Strict discipline to be enforced.*— Every detail of the daily routine shall be carried out systematically, the prisoners being marched about by word of command. Strict silence shall be maintained and prisoners shall on no account be allowed to wander or loiter in the yards unattended.

273. *Conduct of gangs.*— Gangs when halted shall ordinarily be required to sit down. At the hour for turning out for work, when the gangs have been formed, the officer in-charge shall see that they are properly arranged and if necessary, equipped with tools, and shall then give orders 'Rise and March'— At the first order, the gang shall rise and at the second, move off at a steady pace to their work. The same procedure shall be followed when moving gangs at other times. Care shall be taken to instruct prisoners to understand and obey the words of command and march with regularity.

274. *Search before lock-up.*— Every convict shall be thoroughly searched before being locked up and every cell and ward shall also be searched. The officer making the search shall be responsible that all bolts, bars and fastenings are in order and that no contraband article or articles likely to facilitate escape is left with any prisoner or in any ward or cell.

275. *Disposal of keys and their use at night.*— (1) During the day, the keys of the wards and cells, when not in use, shall be kept, in a fixed key-box or almirah either at the main gate or at the office, as may be most convenient. The key-box or almirah shall be kept locked, its key being retained either by the Gate-keeper or Principal Warder, as the case may be.

(2) After lockup, the keys of the wards and cells shall be collected and shall be counted in the presence of the Deputy Superintendent by the night Guard Officer. They shall then be placed in the box provided for this purpose which shall be a fixture in the guard room. The box shall be locked-up and the key of it and those of the main gate and several compartments of the Prison be made over to the night Guard Officer.

(3) If, a prisoner requires medical attention during the night or if for any other reason, it becomes necessary to open a ward or cell, the Deputy Superintendent or Assistant Superintendent or Principal Warder shall be sent for, and, except in cases of emergency, such as fire or attempt to commit suicide or any other untoward incident, no ward or cell, shall be opened except in the presence of one of these officers.

276. *Letting out cooks to prepare early meals.*— When it is necessary to let the cooks out before the general body of prisoners, they shall be locked-up together in a single ward, the key of which shall be entrusted to the Guard Officer, who may unlock this ward at the prescribed hour, as per the orders of Superintendent of Jail.

277. *Lighting of wards and cells at night.*— A light which shall, as far as possible, be out of the reach of the prisoners, shall be kept burning in every sleeping ward throughout night. If, it goes out, the matter shall be reported at once to the sentry who will have it re-lit. cells shall be lighted by lanterns or electric lights placed at intervals outside.

278. *Latrine accommodation in wards and cells.*— Every ward and cell shall be provided with water closet pan with flush type toilet with water connection to enable the prisoners to use the same during the period of lock-up. The Superintendent of Jail shall ensure that water closets in the cells are maintained neat and tidy.

279. *Visits to latrine out of hours.*— If, during the day any prisoner wishes to visit the latrine out of the usual parade time, he shall make a request to the warder. If, a prisoner unnecessarily visits the latrine, without permission, the warder shall report the matter to his superior authority. If, it appears that a prisoner is suffering from diarrhea or dysentery, a report shall be made to the Deputy Superintendent, who shall send him to hospital for observation.

280. *General.*— (1) The time schedule of the daily duty shall be adjusted to seasonal changes, climatic condition and also to conditions of work both intramural and extramural.

(2) While fixing up details of the daily routine, factors like requirements for custody, inmate discipline, staff strength, hours of work, educational classes, work-load, *etc.*, shall be taken into consideration.

(3) Timing for operations like washing, bathing, *etc.*, shall be fixed in accordance with the available facility and number of inmates in the prison.

(4) The Superintendent of Jail may, with the approval of Inspector-General of Prisons, draw up a well-defined daily routine according to the requirements of the prison other than those specified in this Chapter and for Sundays and Prison holidays. Such routine shall be conducive to good institutional management and discipline.

**CHAPTER-13****MAINTENANCE OF PRISONERS****DIETARY**

281. *Scales of diet.*— The scales of diet for prisoners may be prescribed by the Government following the scales prescribed below (drawn from the ICMR guidelines on the same). The scales may vary according to local customs and dietary habits in each State but should, so far as possible, be in compliance with the prescribed standards. Due consideration is to be given to the principles mentioned above, to the classified needs, habits and modes of living of prisoners and the climatic conditions of the place, while prescribing the scale of diet for prisoners. The Government may also modify the scales at any time if, it deems fit.

282. *Scale of diet of 'A' class prisoners and special class under-trial prisoners (non-vegetarians).*— (1) The scales of diet for 'A' class prisoners and special class under-trial prisoners (non-vegetarians) are as follows:

Sl. No.	Name of the article	Quantity	Remarks
(1)	(2)	(3)	(4)
1	Rice or wheat flour	500 gms.	
2	Chicken/Fish	150 gms.	Once in a week
3	Egg	1	Once in a week
4	Potatoes	110 gms.	(non-chicken days)
	Potatoes	30 gms.	chicken and fish days
5	Vegetables	250 gms.	(non-chicken days)
	Vegetables	200 gms.	chicken and fish days
6	Dhal	150 gms.	(non-chicken days)
	Dhal	70 gms.	chicken and fish days
7	Groundnut or Roasted gram	60 gms.	
8	Jaggery	20 gms.	
9	Poppy seeds	1 gm.	chicken days only

---

(1)	(2)	(3)	(4)
10	Salt	40 gms.	
11	Gingelly oils	30 gms.	
12	Onion	30 gms.	
13	Coriander powder	5 gms.	
14	Chilly powder	5 gms.	
15	Turmeric powder	1 gm.	
16	Pepper	3 gms.	
17	Coconut without shell	30 gms.	
18	Tamarind	30 gms.	
19	Mustard	2 gms.	
20	Cumin seeds	5 gms.	
21	Garlic	2 gms.	
22	Dry chillies	2 gms.	
23	Ginger	2 gms.	
24	Curry leaf	1 gm.	
25	Curd	100 ml.	
	or Butter milk	200 ml.	
26	Tea or Coffee powder	15 gms.	
27	Palm oil/Sunflower oil	30 ml.	
28	Sugar	40 gms.	
29	Bread	250 gms.	
	or Idlies	6 Nos.	
30	Milk	100 ml.	
31	Butter, Jam or Jelly	20 gms.	
32	Fruit (Banana or sweet lime)	1 No.	
33	Gas/dead wood	100 gms.	

---

*Note (i):-* For three days in a week (Monday, Wednesday and Friday), the issue of Perumpayar/Kadalai or Roasted gram and jaggery shall be substituted by the issue of Bengalgram in the form of 'Sundal' with the following ingredients, namely:-

- Bengal gram-60 gms.
- Gingelly oil-4 gms.
- Salt-2 gms.
- Mustard-1 gm.

(2) **Distribution of diet for 'A' Class prisoners:-** The non-vegetarian diet of 'A' class prisoners and special class undertrial prisoners shall be distributed as follows:-

Sl. No.	Meals	Days	Name of the article	Quantity
(1)	(2)	(3)	(4)	(5)
1	Morning	Ordinary days	Bread or Hoppers Butter, Jam Tea dust or coffee powder Sugar Milk	250 gms. 6 Nos. 20 gms. 15 gms. 40 gms. 100 ml.
2	Mid day	Chicken or fish days	Rice or wheat flour Potatoes (3 days a week) Vegetables Dhal Poppy seeds (chicken days only) Chicken or fish Curd or butter milk Pepper water rasam	250 gms. 15 gm. 100 gms. 35 gms. 1 gm. 150 gm. 50 ml. 100 ml.



(1)	(2)	(3)	(4)	(5)
3	Mid-day	Ordinary days	Rice or wheat flour	250 gms.
			Potatoes (4 days a week)	55 gms.
			Vegetables	125 gms.
			Dhal	75 gms.
			Curd	50 ml.
			or Butter milk	100 ml.
			Pepper water rasam	100 ml.
4	Evening	Chicken or fish days	Rice or wheat flour	250 gms.
			Potatoes (3 days a week)	15 gms.
			Vegetables	100 gms.
			Dhal	35 gms.
			Curd or Butter milk	50 ml.
			Pepper water rasam	100 ml.
5	Evening	Ordinary days	Rice or wheat flour	250 gms.
			Potatoes (4 days a week)	55 gms.
			Vegetables	125 gms.
			Dhal	75 gms.
			Curd or Butter milk	50 ml.
			Pepper water rasam	100 ml.

*Note* (i) A portion of groceries like mustard, Cumin seeds, pepper, garlic, tamarind, chilly powder, coriander powder, turmeric powder, *etc.*, issued for the mid-day and evening meals shall be used for preparation of pepper water (rasam).

(ii) The actual food supplied may vary within the cost of the standard scale at tender rates.

283. *Scale of diet for 'A' Class prisoners and special class undertrial prisoners (vegetarians).*— (1) The following will be the diet scale of 'A' class prisoners and special class undertrial prisoners (vegetarian):-

Sl. No.	Name of the article	Quantity	Remarks
(1)	(2)	(3)	(4)
1	Rice or wheat flour	500 gms.	
2	Potatoes	150 gms.	
3	Vegetables	250 gms.	
4	Dhal	170 gms.	
5	Onion	30 gms.	
6	Salt	40 gms.	
7	Groundnut oil or Gingelly oil	40 gms.	
8	Coconut without shell	30 gms.	
9	Coriander powder	12 gms.	
10	Chilly powder	8 gms.	
11	Turmeric powder	1 gm.	
12	Pepper	3 gms.	
13	Tamarind	30 gms.	
14	Mustard	2 gms.	
15	Cumin seeds	5 gms.	
16	Garlic	8 gms.	
17	Asafoetida	1 gm.	
18	Dry chillies	2 gms.	

(1)	(2)	(3)	(4)
19	Ghee	30 gms.	
20	Pappadam	2 Nos.	
21	Ginger (fresh)	2 gms.	
22	Curry leaf	2 gms.	
23	Curd	200 ml.	
	or Butter milk	400 ml.	
24	Bread	250 gms.	
	or Idlies	6 Nos.	
25	Jam, Jelly or butter	20 gms.	
26	Sugar	40 gms.	
27	Tea or Coffee	15 gms.	
28	Milk	100 ml.	
29	Kadalai or Roasted gram	60 gms.	
30	Jaggery	20 gms.	
31	Fruit (banana or sweet lime)	1 Nos.	
32	Gas/dead wood	100 gms.	

*Note :* For three days in a week (Monday, Wednesday and Friday), the issue of groundnut or roasted gram and jaggery shall be substituted by the issue of Bengal gram in the form of 'Sundal' with the following ingredients, namely:-

- Bengal gram-60 gms.
- Gingelly oil-4 gms.
- Salt-2 gms.
- Mustard-1 gm.

(2) The vegetarian diet of 'A' class prisoners and special class undertrial prisoners shall be distributed as follows:-

Sl. No.	Meals	Name of the article	Quantity
(1)	(2)	(3)	(4)
1	Morning	Bread	250 gms.
		or Idlies	6 Nos.
		Butter, Jam	20 gms.
		Tea dust or coffee powder	15 gms.
		Sugar	40 gms.
		Milk	100 ml.
2	Mid-day	Rice or wheat flour	250 gms.
		Potatoes	75 gms.
		Vegetables (one sambar and one curry)	125 gms.
		Dhal	85 gms.
		Curd	100 gms.
		or butter milk	200 ml.
3	Evening	Pepper water rasam	100 ml.
		Rice or wheat flour	250 gms.
		Potatoes	70 gms.
		Vegetables	125 gms.
		Dhal	85 gms.
		Curd	100 ml.
		or Butter milk	200 ml.
Pepper water rasam	—		
Tomato	30 gm.		

*Note:* (i) A portion of groceries like mustard, Cumin seeds, pepper, garlic, tamarind, chilly powder, coriander powder, turmeric powder, *etc.*, issued for the mid-day and evening meals shall be used for preparation of pepper water (rasam).

(ii) The actual food supplied may vary within the cost of the standard scale at tender rates.

284. *Scale of diet for 'A' Class prisoners and special class undertrial prisoners accustomed to take bread.—*

Sl. No.	Name of the article	Quantity
(1)	(2)	(3)
1	Bread	500 gms.
2	Rice	200 gms.
3	Butter, Jam or Jelly	50 gms.
4	Tea dust or coffee powder	30 gms.
5	Sugar	50 gms.
6	Milk	200 ml.

*Note :* Other ration articles like dhal, vegetables, chicken, fish, groceries and other ingredients will be supplied at the same rate as for non-vegetarian A & B class prisoners.

285. *Instructions on supply of ration.—* The following instructions shall be observed while issuing the ration:-

(1) The morning meals shall be issued immediately after unlocking.

(2) Idlies issued for morning meal should weigh 60 gms. each.

(3) Sugar and milk are to be issued for tea or coffee for the morning meal.

(4) The potatoes may be used in the curry or separately.

(5) Articles of groceries like mustard, pepper, cumin seeds, garlic, tamarind, *etc.*, shall be equally distributed for both mid-day and evening meals.

(6) Twenty-five per cent of the vegetables supplied daily shall be leafy vegetables.

286. *Pattern of diet for 'B' Class prisoners and ordinary undertrial prisoner in a week.*— The following is the pattern of diet for the 'B' Class prisoners and ordinary undertrial prisoners:-

Day (1)	Morning (2)	Mid-day (3)	Evening (4)	Night (5)
Sunday	Idli/Dosai sambar	Rice, Chicken Gravy, Chicken curry Veg rice, meal maker gravy	Bengal gram (Brown) Sundal and tea	Rice with sambar, rasam, vegetable kootu or porial
Monday	Rice uppma/ Rava uppma with coconut chutney	Lemon rice, rice with buttermilk, vegetable poriyal or kootu	Kondakadalai (sundal) and tea	Rice with sambar, vegetable kootu or poriyal and buttermilk
Tuesday	Pongal with coconut chutney/ sambar	Rice with sambar and buttermilk and vegetable kootu or poriyal	Roasted gram with jaggery and tea	Rice with sambar, vegetable kootu or poriyal and buttermilk
Wednesday	Idli/Dosai sambar	Veg pulao, rice with rasam, egg Veg: one banana	Bengal gram (Brown) Sundal and tea	Rice with sambar, rasam, vegetable kootu or poriyal
Thursday	Rice uppma/ Rava uppma with coconut chutney	Rice with sambar and buttermilk and vegetable kootu or poriyal	Perumpayaru (Sundal) and tea	Rice with sambar, vegetable kootu or poriyal and buttermilk

(1)	(2)	(3)	(4)	(5)
Friday	Pongal with coconut chutney/ sambar	Veg pulao, rice with rasam, egg Veg: one banana	Kadalai (Brown) Sundal and tea	Rice with sambar, rasam, vegetable kootu or poriyal
Saturday	Wheat uppma with groundnut chutney	Rice with sambar and buttermilk and vegetable kootu or poriyal	Roasted gram with jaggery and tea	Rice with sambar, vegetable kootu or poriyal and buttermilk

*Note :* (1) The class of diet whether rice or wheat in the case of newly sentenced prisoners, shall be determined by the convicting Court and be entered in the commitment warrants issued by it. The Magistrate or Judge shall make personal enquiries as to the habits and status of the prisoner before deciding on the class of diet to be allowed to him and shall note in his own hand the flowing particulars at the foot of the warrant, namely:-

- (a) The diet to which the prisoner was accustomed according to his own statement;
- (b) The diet recommended by the Magistrate or Judge;
- (c) Brief reasons if, rice or wheat is recommended.

*Note:* (2) The classification as referred to above shall not be liable to any change whatever by the prison authorities except on medical grounds and on the written recommendation of the Medical Officer.

Provided that the Government may alter the classification if, in their opinion, it has been wrongly made or if, it cannot be observed because of undue difficulty in obtaining supplies.

*Note :* (3) If, the Superintendent of the Prison has reason to believe that the Court has made a mistake in classification of diet, he shall refer the matter to the Court.

*Note :* (4) Any prisoner may, while in prison, if, dissatisfied with the diet allowed, apply to the Superintendent of the Prison for a revision of the classification. Where, the application is merely for a change of diet from one dry grain to another, notwithstanding anything contained in Note (2), the Superintendent shall allow the change only once with the previous sanction of the Inspector-General. In all other cases, the Superintendent shall refer the matter to the Court which committed the prisoner and the decision of the Court shall be final.

*Note :* (5) In order to ensure that prisoner get the full benefit of fats in the issue of buttermilk, care shall be taken to see that the cream or butter is not removed from either the milk or curd. For this purpose, the Medical Officer shall supervise the entire process of the boiling of the milk and its conversion into buttermilk. The Superintendent and the Medical Officer shall independently satisfy themselves that the prisoners receive the full benefits of buttermilk by frequent surprise checks which should be noted in their journals.

(2) Scale and distribution of diet for 'B' Class prisoners and ordinary undertrial prisoners in a week:-

(i) **Sundays:-**

Class of diet	Breakfast	Mid-day	Evening	Dinner
Rice	100 gms.	220 gms. (Rice-170 gms. and wheat- 50 gms.)	Kadalai or Roasted gram.	180 gms. (Rice-130 gms. and wheat 50 gms.)
Wheat	100 gms.	220 gms.	Kadalai or Roasted gram.	180 gms.
Non-veg: Chicken		150 gms.		
Veg: Meal Maker				



Sl. No.	Name of the article	Morning	Mid-day	Evening	Night	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)
(1)	Salt	6	12	-	12	30
(2)	Tamarind	-	8	-	7	15
(3)	Chillies	1	1	-	1	3
(4)	Curry powder	-	5	-	5	10
(5)	Onion	15	15	-	10	40
(6)	Vegetables	-	150	-	100	250
(7)	Black gram (only on idli or dosa days)	40	-	-	-	40
(8)	Gingelly oil (only dosa days)	4 ml.	-	-	-	4 ml.
(9)	Fenugreek	½	-	-	-	½
(10)	Groundnut oil or Palmoil, 2 (Palmoil whichever is cheaper)		10		10	22
(11)	Toor dhal	-	50	-	50	100
(12)	Curd	-	50 ml.	-	50 ml.	100 ml.
(13)	Mustard	½	1	-	½	2
(14)	Curry leaves	-	1	-	1	2
(15)	Kadalai or Roasted gram	-	-	50	-	50
(16)	Jaggery	-	-	20	-	20
(17)	Banana or sweet lime	-	-	-	1 No.	1 No.
(18)	Gas/dead wood	30	35	-	35	100

(ii) **Mondays:-**

Class of diet	Breakfast	Mid-day	Evening	Dinner
Rice/Rava	100 gms.	220 gms. (Rice-170 gms. and wheat- 50 gms.)	Bengal Gram (Sundal)	180 gms. (Rice-130 gms. and wheat 50 gms.)
Wheat	100 gms.	220 gms.	Bengal Gram (Sundal)	180 gms.

Sl. No.	Name of the article	Morning	Mid-day	Evening	Night	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)
(1)	Salt	6	12	2	12	32
(2)	Tamarind	-	13	-	7	20
(3)	Chillies	1	2	2	1	6
(4)	Curry powder	-	5	-	0	5
(5)	Onion	10	-	-	15	25
(6)	Vegetables	-	150	-	100	250
(7)	Groundnut oil or (Palmoil whichever is cheaper)	7	15	4	10	36
(8)	Toor dhal	-	50	-	50	100
(9)	Curd	-	50 ml.	-	50 ml.	100 ml.
(10)	Mustard	½	1	1	½	3
(11)	Curry leaves	1	1	1	1	4
(12)	Bengal Gram	-	-	50	-	50
(13)	Turmeric (Manjal powder)	-	½	-	-	½

(1)	(2)	(3)	(4)	(5)	(6)	(7)
(14)	Roasted Gram (Pottu kadalai)	15	-	-	-	15
(15)	Dhall for curry (split bengal gram)	10	20	-	-	30
(16)	Coconut (without shell)	10	-	-	-	10
(17)	Banana or sweet lime	-	-		1 No.1 No.	
(18)	Gas/dead wood	30	35	35	-	100

## (iii) Tuesdays and Saturdays:-

Class of diet	Breakfast	Mid-day	Evening	Dinner
Rice	100 gms.	220 gms. (Rice-170 gms. and wheat- 50 gms.)	Groundnut, Kadalai or Roasted gram	180 gms. (Rice-130 gms. and wheat 50 gms.)
Wheat	100 gms.	220 gms.	Kadalai or Roasted gram	180 gms.

Sl. No.	Name of the article	Morning	Mid-day	Evening	Night	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)
(1)	Salt	6	12	-	12	30
(2)	Tamarind	-	8	-	7	15
(3)	Chillies	1	1	-	1	3
(4)	Curry powder	-	5	-	5	10
(5)	Onion	-	15	-	15	30
(6)	Vegetables	-	150	-	100	250

(1)	(2)	(3)	(4)	(5)	(6)	(7)
(7)	Groundnut oil or Palmoil, (whichever is cheaper)	8	12	-	10	30
(8)	Toor dhal	-	50	-	50	100
(9)	Roasted gram (Pottu kadalai)	20	-	-	-	20
(10)	Whole green gram (pasiparuppu)	20	-	-	-	20
(11)	Curd	-	50 ml.	-	50 ml.	100 ml.
(12)	Mustard	½	1	-	½	2
(13)	Coconut (without shell)	10	-	-	-	10
(14)	Curry leaves	1	1	-	1	3
(15)	Pepper	1	-	-	-	1
(16)	Kadalai or Roasted gram	-	-	50	-	50
(17)	Jaggery	-	-	20	-	20
(18)	Banana or sweet lime	-	-	-	1 No.	1 No.
(19)	Gas/dead wood	30	35	-	35	100

(iv) **Wednesday:-**

Class of diet	Breakfast	Mid-day	Evening	Dinner
Rice	100 gms.	220 gms. (Rice-170 gms. and wheat- 50 gms.)	Bengal Gram (Sundal)	180 gms. (Rice-130 gms. and wheat 50 gms.)
Wheat	100 gms.	220 gms.	Bengal Gram (Sundal)	180 gms.
Non-veg: Egg		1 No.		
Veg: Banana				

Sl. No.	Name of the articles	Morning	Mid-day	Evening	Night	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)
(1)	Salt	6	15	2	19	42
(2)	Tamarind	-	12	-	14	26
(3)	Chillies	1	4	2	3	10
(4)	Pepper	-	2	-	2	4
(5)	Curry powder	-	3	-	5	8
(6)	Onion	15	5	-	15	35
(7)	Black gram (only on idly or dosa days)	40	-	-	-	40
(8)	Gingelly oil (only dosa days)	4	-	-	-	4
(9)	Fenugreek	½	-	-	-	½
(10)	(i) Vegetables	-	-	-	150	150
	(ii) Green leafy	-	30	-	-	30
(11)	Groundnut oil or Palmoil (whichever is cheaper)	2	10	4	10	26
(12)	Toor dhal	-	-	-	50	50
(13)	Potatoes	-	60	-	-	60
(14)	Mustard	½	1 ½	1	1	4
(15)	Cumin seeds	-	½	-	½	1
(16)	Garlic	-	½	-	½	1
(17)	Curry leaves	-	1	1	1	3
(18)	Bengal gram	-	-	50	-	50
(19)	Coconut (without shell)	-	20	-	-	20
(20)	Banana or sweet lime	-	-	-	1 No.	1 No.
(21)	Gas/dead wood	30	35	-	35	100

(v) **Thursday:-**

Class of diet	Breakfast	Mid-day	Evening	Dinner
Rice	100 gms.	220 gms. (Rice-170 gms. and wheat- 50 gms.)	Kadalai or Roasted gram	180 gms. (Rice-130 gms. and wheat 50 gms.)
Wheat	100 gms.	220 gms.	Kadalai or Roasted gram	100 gms.

Sl. No.	Name of the articles	Morning	Mid-day	Evening	Night	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)
(1)	Salt	6	12	-	12	30
(2)	Tamarind	-	7	-	7	14
(3)	Chillies	1	1	-	1	3
(4)	Curry powder	-	5	-	5	10
(5)	Onion	10	15	-	15	40
(6)	Vegetables	-	50	-	100	150
(7)	Green leafy	-	100	-	-	100
(8)	Groundnut oil or Palmoil	7	10	-	10	27
(9)	Toor dhal	-	50	-	50	100
(10)	Curd	-	50 ml.	-	50 ml.	100 ml.
(11)	Mustard	½	1	-	½	2
(12)	Curry leaves	1	1	-	1	3
(13)	Roasted gram	15	-	-	-	15
(14)	Dhall for curry (split bengal gram)	10	-	-	-	10
(15)	Coconut	10	-	-	-	10

(1)	(2)	(3)	(4)	(5)	(6)	(7)
(16)	Kadalai or Roasted gram	-	-	50	-	50
(17)	Jaggery	-	-	20	-	20
(18)	Banana or sweet lime	-	-	-	1 No.	1 No.
(19)	Gas/dead wood	30	35	35		100

**(vi) Friday:-**

Class of diet	Breakfast	Mid-day	Evening	Dinner
Rice	100 gms.	220 gms. (Rice-170 gms. and wheat- 50 gms.)	Bengal Gram (Sundal)	180 gms. (Rice-130 gms. and wheat 50 gms.)
Wheat	100 gms.	220 gms.	Bengal Gram (Sundal)	180 gms.

Sl. No.	Name of the articles	Morning	Mid-day	Evening	Night	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)
(1)	Salt	6	8	2	12	28
(2)	Tamarind	-	5	-	7	12
(3)	Chillies	1	2	2	1	6
(4)	Curry powder	-	5	-	5	10
(5)	Onion	15	5	-	15	35
(6)	Vegetables	-	150	-	100	250
(7)	Groundnut oil or Palmoil	2	15	4	10	31
(8)	Toor dhal	-	50	-	50	100
(9)	Curd	-	100 ml.	-	50 ml.	150 ml.

(1)	(2)	(3)	(4)	(5)	(6)	(7)
(10)	Mustard	½	1	1	½	3
(11)	Curry leaves	-	1	1	1	3
(12)	Bengal Gram	-	-	50	-	50
(13)	Banana or sweet lime	-	-	-	1 No.	1 No.
(14)	Gas/dead wood	30	35	-	35	100

*Note :-* (1) The actual food supplied may vary within the cost of the standard scale at tender rates.

(2) Pepper water may be issued *in lieu of* buttermilk on Sunday or Thursday or on both days. The ingredients for the preparation of pepper water for 16 prisoners shall be as follows:-

Tamarind	60 gms.
Pepper	30 gms.
Chillies	30 gms.
Salt	115 gms.
Mustard	10 gms.
Cumin seeds	10 gms.
Garlic	10 gms.

(3) Coffee or tea may be issued to the prisoners in the morning. The ingredients for the preparation of coffee or tea for each prisoners shall be as follows:

Milk	40 gms.
White sugar	10 gms.
Tea or coffee powder	4 gms.
Gas	8 gms.



- (4) For two days in a week (Wednesday and Saturday), chicken or fish will be issued additionally to the prisoners. The following ingredients required for its preparation for each prisoner shall be issued on those days:-

Chicken or fish	150 gms.
Pepper	4 gms.
Cumin seeds	5 gms.
Garlic	2 gms.
Coconut	5 gms.
Curry powder	3 gms.
Poppy seeds (for chicken day)	½ gm.
Assorted spices (for chicken day)	½ gm.

*Note:* If, fish is to be supplied, the cost of which shall not exceed the cost of chicken of the quantity specified.

287. *Vegetarian diet for 'B' class prisoners.*— Full amount of vegetables and other ingredients admissible to this class of prisoners on ordinary days shall be issued to 'B' class prisoners who are accustomed to vegetarian diet, *in lieu of* chicken on the days specified.

288. *Diet for children.*— Children allowed to stay with female prisoners shall be also supplied such diet in accordance with the scale.

289. *Diet for state prisoners.*— Every prisoner confined in prison shall receive dietary in accordance with the orders of the Government passed relating to him.

290. *Food ration.*— (1) Every prisoner shall have three meals a day according to the scale prescribed. A light meal in the morning before the hour of work, a midday meal and an evening meal before prisoners are locked-up for the night. The time of each meal shall be fixed by the Superintendent.

(2) The day's ration shall be issued by the officer in-charge of stores during the previous evening on the basis of ration indent prepared.

(3) The number of rations to be issued shall be arrived at on the basis of the strength existing at the time of lockup.

(4) If, there are admissions during the late in the evening without having fed evening meal, ration for one evening meal for every prisoner so admitted shall be issued for the day.

291. *Special diet on festive days.*— Prisoners shall be given feast on the following days costing at the rates to be fixed by the Government from time to time:-

- (a) Republic Day or Independence Day
- (b) Deepavali or Onam or Vishnu festival or Pongal.
- (c) Christmas
- (d) Ramzan

292. *Feast for the executive staff.*— The executive staff shall also be given feast on the above festival days. The cost of feast shall be the same as fixed for prisoners.

293. *Permission for observing religious fast.*— Subject to the advice of the Medical Officer, the Superintendent may permit any prisoner to observe religious fast according to the customs of the religion to which the prisoner belongs.

294. *Food of prisoners observing religious fast.*— Prisoners who are permitted to observe religious fasts shall receive their whole or a part of their meal at a place and time of day, as may be permitted by Superintendent for proper observance of fasts by them.

295. *Cleaning, Storage and Issue of Food Items.*— (1) Care should be taken to see that all grains are properly cleaned before issuing to the mill-house for grinding and that the flour is carefully sieved and kept in covered bins.

(2) Rice should be separated from husk, dust or other particles, before issuing for cooking. The quality and seasoning of rice should be such that weight of the cooked rice is be about 3 times its weight in uncooked state. This should be frequently tested by weighing.

(3) All items of diet, as well as the fuel for cooking, shall be weighed daily at the time of being issuing to the cooks by a responsible officer not below the rank of an Assistant Superintendent, especially

appointed for the purpose by the Superintendent. They shall be issued in a fully prepared state or, if, this is not possible, with a full allowance for any loss which might occur during preparation. The Superintendent shall, however, be responsible for seeing that the correct weight and quality of the ration is issued. The quality of these items should be regularly checked by the Medical Officer.

(4) Where chapatti/bread is given to prisoners, the same should be prepared in prescribed weights for different classes of prisoners, and cooks should be informed beforehand of the prescribed weights.

(5) Dal should be husked and unhusked grains properly cleaned out before cooking.

(6) Vegetables issued shall be free from stalks and leaves and shall be cut for cooking before being weighed and delivered to the cooks. Potatoes or other root vegetables should form at least one-third of the total quantity of vegetables. All vegetables should be examined daily by the Medical Officer.

(7) An allowance of 25% extra shall be given for heads, tails, fins, scales and entrails when whole fish is issued and for bones when chicken is used.

(8) Antiscorbutics, in the requisite quantity, shall be issued daily with the mid-day and evening meals to all prisoners. There should be standing instructions for the preparation and issue of different kinds of antiscorbutics which are commonly available.

(9) Milk shall be stored in a properly cleaned and well-ventilated place. Milk shall be issued to prisoners on special/medical diet only after boiling. Boiling should be done in the hospital enclosure under the supervision of a responsible officer who shall be responsible for its proper usage from the time it is obtained till its final distribution.

(10) In preparing curds, no water should be mixed with the milk before boiling.

296. *Cooking.*— (1) Cooking may be done in stainless steel vessels. All cooking utensils must be kept clean and shining and the kitchen and eating area too must be clean and tidy.

(2) Special care shall be taken to ensure that all vessels, in which milk is kept, are perfectly clean. All vessels should be scalded and cleaned with boiling water immediately after use. These must not be left uncleaned.

(3) All cooked food should be kept covered until it is distributed, and appropriate arrangements (in the form of freezers, refrigerators, *etc.*) shall be made for storage of perishable items.

(4) The Superintendent and the Medical Officer shall exercise utmost vigilance in the supervision of food supplies, and when the food is cooked and is ready for distribution to prisoners, they shall make surprise inspections, at least once a week, in addition to routine inspections. At these inspections the weight and taste of the food distributed shall also be checked.

(5) Measuring equipment used for issuing ration to the mills, and that used in the kitchen, shall be checked by the Superintendent at least once a month if not more often.

(6) Cooks found tampering with food or scales shall be severely punished.

297. *Appointment of cooks.*— Civil and State prisoners shall be allowed to cook for themselves. For all other prisoners, paid cooks shall be employed. If necessary, convict cooks in the proportion of one cook to every 25 prisoners shall be appointed. Only those persons who have been certified to be free from carriers shall be employed as cooks.

298. *Cooks.*— (1) Cooks shall carry out all preparations and processes necessary after being issued the daily supplies and shall prepare the food with due care and attention. They should wear clean aprons while preparing/handling food.

(2) Inmates undergoing imprisonment for six months or less, wherever available, may be employed to clean rice, peel and cut vegetables, clean cooking utensils and keep the kitchen clean and tidy.

299. *Distribution and service of food.*— (1) Inspector-General of Prisons shall prescribe the time for serving morning, mid-day and evening meals in prisons.

(2) Meals should be served fresh and hot. The receptacles used for carrying food shall be provided with well fitting lids. All food shall be carefully protected from flies and other insects.

(3) Fifteen minutes before the distribution of each meal, a bell may be sounded. Prisoners should then cease work, wash their hands and face and queue up for food distribution, after which the cooked food

shall be distributed by the cooks in the presence of a responsible prison officer not below the rank of an Assistant Superintendent. They shall see that food issued to any prisoner is not taken away by another or is otherwise wasted.

(4) After service of food at least twenty minutes time shall be allowed to prisoner to eat the food.

(5) Except with the permission of the supervising officer, no food is to be taken away from the dining area by any prisoner to eat it elsewhere.

(6) When the meal is finished, the prisoners shall proceed to the washing platform where two tubs shall be placed. Prisoners shall put any refuse food left in his plate into these tubs, separating rice or chapattis from curried food. They shall then wash their hands and mouths as well as their utensils.

(7) The floors and platforms shall be cleansed immediately after the prisoners finish their meals.

300. *Eating and drinking vessels.*— Every prisoner shall be provided with a set of eating and drinking vessel. All vessels will be made of stainless steel and shall be of a uniform material and pattern.

301. *Complaint about food.*— Any complaint regarding food shall be enquired into on the spot by the supervising officer. He shall decide whether the complaint is well founded or not and then take necessary action. Every complaint regarding food shall be reported to the Superintendent. If, the complaint is valid and is due to the fault of any prison official, the Superintendent shall take such action as he deems fit and shall record his orders. Any prisoner making false or malicious complaints shall be punished.

302. *Daily inspection of food.*— The Superintendent and the Medical Officer (in charge) shall exercise utmost vigilance in the supervision of the food supplies and all articles issued for consumption shall be inspected daily by the Medical Officer or in his absence by his medical subordinates. The inspecting officer shall especially see that the vegetables issued are of good quality. He shall bring to the notice of the Superintendent of Jail any defects in quality detected during such inspections.

303. *Inspection of cooked food.*— It is highly important that the food is properly cooked, and that its full quantity reaches the prisoners. Once a week, when the food is cooked and is ready for being served, it shall be inspected, without prior notice, and its quality and weight shall be checked by the Prison Superintendent and the Medical Officer. They shall record the result of their inspection in their journal.

304. *Weighing of articles of food.*— All articles of food issued for consumption shall be weighed daily by the officer in charge of diet. He shall ensure that proper quantity of food is issued for every prisoner. From time to time, the Superintendent shall himself check the issue of ration. Metric weights and measures shall be used for weighing or measuring rations and food and a proper set of scales, weights and measures shall be maintained in every prison. These shall be frequently tested by the Superintendent for their correctness.

305. *Disposal of complaint by prisoner.*— The officer in-charge of a Block must ensure maintenance of a register (which may be electronic form) for recording feedback of inmates related to the quantity, quality or preparation of food being served to them. If, any complaint is made by a prisoner regarding the food, it shall be at once inquired into by an Assistant Superintendent. If the complaint relates to the quantity of food received, the ration shall atonce be weighed in front of the prisoner making such complaint.

306. *Power to sanction change in diet.*— The Government may direct a change in the diet, prescribed by the convicting courts, in the case of individual prisoners. Other than that change in the prescribed diet shall be made only in unavoidable circumstances when the prescribed food items are not available. In such events all changes in the prescribed diet shall be reported to the Inspector-General of Prisons.

(2) When a prisoner is hospitalized, his diet may be changed or modified by the Superintendent on the recommendation of the Medical Officer. In case this change of diet has to continue for more than a month, the concurrence of the Inspector-General of Prisons shall be obtained by the Superintendent.

#### HOSPITAL DIET

**Hospital diet:** A suitable hospital diet may be prescribed by the Government according to local food habits on the advice of Medical Officers I Medical Officer (in charge). When meat is recommended by the Medical Officer as an extra diet, the weight of meat shall ordinarily be taken without bones.

Sl. No.	Name of articles	varieties of diet and quantity			Ordinary
		Milk	Mixed		
(1)	(2)	(3)	Veg (4)	Non-Veg (5)	(6)
1	Rice	50 ml	400 gms	200 gm	
2	Bread	500 ml	375 gms	500 gms	
3	Chicken	-	-	200 gms	
4	Dhal	-	100 gms	-	
5	Vegetables	-	250 gms	50 gms	
6	Milk	1 Lr.	200 ml	200 ml	
7	Sugar	75 gms	50 gms	50 gms	
8	Tea or coffee	30 gms	30 gms	30 gms	
9	Salt	5 gm	30 gms	30 gms	
10	Butter	45 gms	15 gms	45 gms	
11	Coriander powder	-	6 gms	6 gms	
12	Chilly powder	-	5 gms	5 gms	
13	Turmeric powder	-	1 gm	1 gm	
14	Tamarind	-	8 gms	8 gms	
15	Pepper	-	5 gms	5 gms	
16	Gingely Oil	-	20 gms	-	
17	Butter milk	-	200 ml	-	
18	Gas	50 gms	100 gms	100 gms	

Medical Officer may prescribe ordinary jail diet in deserving cases.

The Hospital diet of 'A' class prisoners and Special Class under-trial prisoners shall be distributed as follows:-

Sl. No.	Name of articles	varieties of diet and quantity			Ordinary
		Milk	Mixed Veg	Non-Veg	
(1)	(2)	(3)	(4)	(5)	(6)
<b>Morning</b>					
1	Tea or coffee	15 gms	15 gms	15 gms	
2	Sugar	25 gms	25 gms	25 gms	
3	Milk	450 ml	100 ml	100 ml	
4	Bread or	125 gms	125 gms	125 gms	
5	Butter	15 gms	15 gms	15 gms	
<b>Midday</b>					
1	Rice	50 gms	200 gms	200 gms	
2	Bread	125 gms	-	125 gms	
3	Chicken	-	-	200 gms	
4	Dhal	-	100 gms	-	
5	Vegetables	-	150 gms	-	
6	Butter milk	-	200 ml.	50 ml	
7	Milk	450 ml	-	-	
8	Sugar	25 gms	-	-	
<b>Evening</b>					
1	Rice	-	200 gms	-	
2	Bread	250 gms	125 gms	250 gms	
3	Vegetables	-	100 gms	-	
4	Butter	30 gms	-	30 gms	
5	Tea or Coffee	15 gms	15 gms	15 gms	
6	Milk	100 ml	100 ml	100 ml	
7	Sugar	25 gms	25 gms	25 gms	

Medical Officer may prescribe ordinary jail diet in deserving cases.



307. *Hospital diet for 'B' class prisoners.*— (1) The following shall be the hospital diet for 'B' class prisoners:-

Kanjeer		Milk		Full		Ordinary
Article	Qty	Article	Qty	Article	Qty	
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Rice	500 gms	Bread	500 gms	Bread	250 gms	Medical Officer may prescribe ordinary jail diet in deserving cases.
Salt	40 gms	Milk	1 Lr	Rice	250 gms	
Papadam	6 Nos	Sugar	60 gms	Rice for Kanjee	100 gms	
Lime pickle	15 gms	Rice for Kanjee	100 gms	Chicken	100 gms	
		Salt	10 gms	Veg.	100 gms	
				Salt	30 gms	
				Milk	500 ml	
				Sugar	30 gms	
Gas	50 gms	Gas	50 gms	Gas	100 gms	

(2) The hospital diet of 'B' class prisoners shall be distributed as follows:

Kanjeer		Milk		Full		Ordinary
Article	Qty	Article	Qty	Article	Qty	
(1)	(2)	(3)	(4)	(5)	(6)	(7)

**Morning**

Rice	100 gms	Rice for Kanjee	100 gms	Rice for Kanjee	100 gms
Salt	10 gms	Milk	250 ml	Milk	250 ml
Pappadam	2 Nos	Sugar	15 gms	Sugar	15 gms
Lime pickle	5 gms	Salt	10 gms	Salt	10 gms

(1)	(2)	(3)	(4)	(5)	(6)	(7)
<b>Midday</b>						
Rice for Kanjee	200 gms	Bread	250 gm	Rice	250 gms	
Salt	15 gms	Milk	500 ml	Chicken	100 gms	
Pappadam	2 Nos	Sugar	30 gms	Vegetable	100 gms	
Lime pickle	5 gms			Potatoes	100 gms	
				Salt	20 gms	
<b>Evening</b>						
Rice for Kanjee	200 gms	Bread	250 gms	Bread	250 gms	
Salt	15 gms	Milk	250 ml	Milk	250 ml	
Pappadam	2 Nos.	Sugar	15 gms	Sugar	15 gms	
Lime pickle	5 gms					

308. *Vegetarian hospital diet.*— 200 gms of vegetables shall be issued *in lieu of* chicken to prisoners accustomed to vegetarian diet.

309. *Allowance of ingredients.*— The ingredients for full diet for a day shall be the same as for an ordinary prisoner.

#### CLOTHING AND BEDDING

310. *Clothing.*— (1) Every convict under sentence of rigorous imprisonment or of imprisonment for life shall be required to wear prison clothing as prescribed in these rules and shall be supplied with prison bedding. Other prisoners, such as undertrial prisoners and detenues, shall be supplied with clothing and bedding if, they make an application to the Prison Superintendent for this purpose. Such clothing shall be of a colour different from that issued to convicts so that the distinction between convicts and other prisoners is visible.

(2) The Government will fix the scale of clothing and bedding according to climatic conditions taking into account security and discipline of the prison. Adequate winter clothing will be provided to inmates in cold regions/during winter.

311. *Clothes of convicts.*— The clothes of convicts shall have no pockets or openings in the lining. All clothing will be according to the custom of the State. The prisoners shall be provided with dresses to suit their physical measurement.

312. *Clothing of any category of prisoners not covered in these rules.*— The clothing of any other category of prisoners, not covered in these rules, shall be decided by the Inspector-General, provided that the expenditure involved in it does not exceed the cost that would otherwise be incurred if the articles admissible under the rules are supplied to the class to which the prisoner belongs.

313. *Clothing of convicts attending courts.*— (1) Convicts in custody when sent to a Court, either as a witness or as an accused, shall wear ordinary private clothing. For this purpose, the private clothes of convicts deposited in the prison, or those provided by friends or relatives, shall be issued to them before they are taken to the Court, such clothes shall be taken back on their return from court attendance.

(2) In other cases, the Superintendent shall provide suitable clothing.

314. *Issue of sandals to prisoners.*— The sanction of the Superintendent of Jail is necessary for the issue of sandals to prisoners.

315. *In charge of clothing store.*— The Assistant Superintendent shall be in charge of the clothing store and shall be held responsible for custody and maintenance of all clothing's and beddings. He shall be allowed to take the help of sufficient number of prisoners to clean and expose the clothing to sun and air regularly. Due attention shall be paid to getting the clothes washed thoroughly before being returned to the store.

*Explanation:* Used clothes, before being issued to prisoners, shall be thoroughly fumigated and washed in hot water to exterminate bugs, fleas, etc.

316. *Repair, Maintenance and inspection of clothing and bedding.*— A day shall be fixed for weekly maintenance and inspection of clothing. At the weekly parade of prisoners the Superintendent shall pay special attention to their clothing and bedding and shall satisfy himself that each man's kit is complete and is in proper condition. Suitable arrangements shall be made for washing and cleaning of every article of prisoners' clothing and bedding.

317. *Prisoners to wash their clothing once every week.*— Every prisoner shall be required to wash his clothing at least once a week, usually on the Sunday mornings, and at any other time as the Superintendent may direct. The Superintendent may ask prisoners to wash specific items of prison clothing and may authorize the issue of the necessary washing materials for the purpose.

*Explanation 1:* All male prisoners shall be supplied with half a bar of washing soap weighing approximately 500 g. each per month and 50 gms of washing powder every week for washing their clothes.

*Explanation 2:* All female prisoners shall be supplied with a bar of washing soap weighing approximately 1Kg. each per month and 50 gms. of washing powder per week for washing their clothes. All female prisoners with children may be supplied with an extra bar of washing soap weighing approximately 500 gms and 50 gms of washing powder per week for washing the clothes of their children.

318. *Prison laundry.*— All at least Central and District prisons to have their own mechanized laundry to wash items of clothing and bedding at the time of return of these items to the clothing store.

319. *Disposal of Irreparable clothing.*— Irreparable clothing shall be struck off from the register under the signature of the Superintendent once a month and need as rags for cleaning the kitchen and for cleaning machinery in the workshop. If, the accumulation of such clothing is in excess, it shall be sold, after being shredded into small pieces, to the paper making units of the Khadi or other such agencies.

Unserviceable clothing shall be stocked separately and a proper stock register shall be maintained for this purpose.

320. *Disposal of clothing of discharged prisoners.*— Prison clothing shall not be given to discharged prisoners. Care shall be taken to ensure that prisoners surrender their full kit at the time of their release.

If, fit for further use such clothing shall be thoroughly laundered and repaired, and taken into stock. Items of unserviceable clothing shall be duly entered in the stock register of such clothing and shall be disposed of in the manner prescribed in the previous paragraph.

321. *Submission of clothing and bedding indents.*— Indents for the clothing and bedding likely to be required during the next six, nine or 12 months, shall be prepared in duplicate and submitted to the Deputy Inspector-General of Prisons for sanction.

No clothing or bedding shall be issued from the manufacturing department of any prison unless the indent is approved by the Deputy Inspector-General of Prisons and no clothing or bedding shall be purchased in the local market except in very special circumstances and with the sanction of the Inspector-General of Prisons.

#### ACCOMMODATION AND VENTILATION

322. *Capacity of ward to be inscribed near the door.*— (1) Near the door of every ward, the size of the room, and the number of prisoners it is capable of accommodating, shall be recorded on a plaque embedded in the outer wall of the ward. No ward shall accommodate prisoners beyond its prescribed capacity. The Lock-up Register which shall be maintained in Form No.29 shall show the maximum accommodation of every ward.

(2) The names and numbers of the blocks and other important buildings and enclosures shall be displayed on them in a conspicuous and suitable position. The date of white-washing shall also be shown in distinct figures.

The minimum accommodation capacity of barracks, cells, and hospitals per prisoner will ordinarily be according to the following scale:

Sleeping barracks			Cells			Hospital	
Sq. mtrs. of ground areas	Cu mtrs of air space	Sq. mtrs. of lateral ventilation	Sq. mtrs. of ground areas	Cu mtrs. of air space	Sq. mtrs. of lateral ventilation	Sq. mtrs. of ground area	Cu mtrs. of air space
3.71	15.83	1.12	8.92	33.98	2.23	5.58	23.75

323. *Ventilation of wards and workshops.*— (1) The Superintendent and the Medical Officer shall pay special attention to the ventilation of the wards. In all cases, care shall be taken that there is sufficient lateral as well as roof ventilation. As the condition of the atmosphere breathed by prisoners can only be judged by visiting the wards a few hours after the prisoners have been locked-in, the Superintendent and the Medical Officer shall visit the prison at night in all seasons, and at irregular intervals, to satisfy themselves that the ventilation is adequate, and that the prisoners have not blocked the ventilation in any way. The results of these visits shall be recorded by them in their respective journals. The Deputy Superintendent shall also be deputed for this purpose.

(2) Every possible arrangement shall be made for thorough ventilation of the wards for several hours during the day. This is necessary to remove organic matter from the walls, which gets slowly oxidized. It is necessary that the beddings are removed out of the barracks for several hours every day.

324. *Walls to be colour or white-washed.*— The exterior walls of prison buildings shall be colour-washed, and the interior walls white-washed from time to time. The interior of barracks, wards and cells in which prisoners are confined, shall be white-washed once in a year.

325. *Planting of trees.*— (1) Grass shall be grown and trees planted and kept neatly trimmed in and near the prison wherever possible. Gardens shall also be maintained in each prison to have a salutary effect on the minds of prisoners. However, trees shall not be planted too close to walls and buildings as these may be used for escape from the prison.

(2) After the rainy season, the inner and outer sides of the perimeter wall, if the prison and wall of the wards shall be scrubbed. Pathways inside the prison compound shall be de-weeded and re-laid. Wherever the paths are made of tarmac, the uneven surface shall be leveled properly.

#### CONSERVANCY

326. *Responsibility of all officers.*— It is also the duty of all prison officers to pay special attention to conservancy, and official and non-official visitors are expected to satisfy themselves that it is properly carried out.

327. *Responsibility of Health Officer.*— The Municipal Health Officer or District Health Officer, as the case may be, shall visit the prison under their jurisdictions once a month and offer suggestions for sanitation and hygiene.

328. *Prison area to be kept clean.*— The prison area shall be cleaned daily and kept free from all unwanted plants and weeds, accumulation of broken bricks, manufacturing waste, *etc.* Kitchen waste shall not be permitted to be thrown on the ground, nor shall garbage of any kind be allowed to accumulate in or near the prison.

329. *Prohibition of cess pools and open drains.*— Cess pools, and open drains for accumulation and disposal of sewage are prohibited inside or near a prison.

330. *Precaution against malaria.*— All pits and pools of water stagnant, near the prison shall be covered or filled up. Open drains, if any around the prison shall be carefully attended to and drainage cuts shall be cleaned wherever necessary, to prevent accumulation of water.

331. *Medical Officer to approve drainage.*— The Medical Officer shall bring to notice of the Prison Superintendent any defects in the drainage within or around the prison. If he does not do so, it shall be presumed that he is satisfied with it. All drainage in prison should be underground which should be connected directly to the public drainage system.

332. *Injurious conditions in the prison neighbourhood.*— (1) If, anything occurs or is likely to happen in the prison neighbourhood, that might injuriously affect the health of the prisoner, it shall be reported immediately to the Inspector-General of Prisons. The construction of public latrines and sewage drains near a prison is objectionable and measures shall be taken to prevent such constructions.

(2) No sewage or effluent drains from mills and factories or other public sources, that may affect the health of the prisoners, should be allowed near any prison.

333. *Cleaning of latrines.*— The latrines shall be thoroughly cleaned twice a day or more often if necessary, with disinfectants.

334. *Kitchen.*— The inmates engaged in cooking should be regularly examined to make sure that they are not carrying of any infection. There should be adequate arrangements for cooks to wash

their hands with soap and water before they start cooking. Cooks should change into clean uniforms before they are permitted to cook or serve food. Manual handling of food is undesirable and must be avoided.

335. *Stores.*— Stores or godowns must be kept clean, well arranged, and well ventilated. Their contents should be aired as often as possible. Godowns or grain stores should be treated with suitable insecticides to prevent the growth of weevil.

336. *Baths.*— All prisoners should be required to bathe as frequently as necessary. In the temperate climate they should be encouraged to have daily baths unless medically exempted from doing so. In hot climate, facilities should be provided for the prisoners to have a bath in the afternoon as well.

#### WATER SUPPLY

337. *Selection of source of water supply.*— (1) Wherever municipal, panchayat or public works and Fire service may provide water supply exists, arrangements shall be made to connect the prison with it by a pipe line.

(2) If, water from a well or tube-well is in use in a prison, such wells should be well-protected from being polluted by percolation of surface water.

(3) The mouth of every drinking water well shall be completely closed and the water shall be raised by a pump. The surface surrounding the well at its mouth shall be covered with a sloping cement platform with a drain around it to carry spilt water, and the well shall be lined to a sufficient depth to render the tube impermeable.

(4) Every well shall be cleaned out once a year, and the date on which it is done shall be recorded.

(5) Once a week, the depth of water in each drinking water well shall be tested and a record of the results maintained.

338. *Filtration of Water.*— (1) Drinking water may be filtered as per the directions of the Inspector-General, on the advice of medical and municipal authorities.

(2) There shall not be any garbage dump or sanitary wastes within a radius of 15 mtrs of any ring well or tube well.



339. *Drawing of water.*— Distribution of clean water is of paramount importance. Buckets used for filling water for drinking and for use in kitchen shall not be used for any other purpose. Water vessels, barrels, tanks and reservoirs shall be frequently cleaned. Every water storage receptacle shall be covered and the lid fastened after it is filled. These shall also be fitted with taps to facilitate drawing of water from them.

340. *Supply of Drinking Water.*— (1) Suitable arrangements shall be made to supply every inmate of a ward and cell with sufficient quantity of fresh drinking water through taps during day and night. It shall be the responsibility of the warder on duty to see that sufficient drinking water is available before the prisoners are locked-in.

(2) Prisoners at work shall be supplied with an adequate quantity of purified drinking water. If water is to be stored, it shall be done in covered receptacles which must be thoroughly cleaned every day.

341. *Analysis of water.*— (1) Samples of the water in use for domestic purposes in every prison shall ordinarily be submitted to the Water Analysing Authority (Department of Food and Drugs Testing) twice a year, for both chemical and bacteriological examination.

(2) In the event of outbreak of an epidemic in any prison, which might be due to contamination of the water supply, and which calls for an immediate examination of drinking water, the Medical Officer should immediately make a written request to the Director of Health and Family Welfare Services who shall make arrangements to obtain the necessary samples for analysis. In addition to that, immediate steps shall be taken to ensure supply of water from an alternative source at such prison.

(3) The Water Analyzing Authority (Department of Food and Drugs Testing) shall, in due course, forward a copy of its report of analysis, through the Director of Health and Family Welfare Services to the Superintendent of Jail and another to the Inspector-General.

342. *Disinfection of wells.*— Whenever there is reason to believe that any of the wells, from which drinking water is obtained, is a source of contamination, it shall be treated at intervals of three days with Potassium Permanganate and other disinfectants, as may be deemed necessary, in consultation with the local Health Officer.

343. *Provision of water to staff quarters.*— Adequate supply of water shall also be ensured to the residential quarters of the prison staff. The conditions of the cleanliness of water mentioned in the preceding rules shall apply to residential quarters as well. Every officer occupying staff quarters shall be held responsible for the cleanliness of his premises. The Superintendent and the Medical Officer shall periodically inspect the staff quarters to check general cleanliness.

#### CHAPTER-14

##### MEDICAL ADMINISTRATION AND HOSPITAL MANAGEMENT

344. *Medical administration.*— Medical administration is one of the most important concerns of prison management. The Medical Officer of a prison has to give careful attention not only to the treatment of sick prisoners but also to every matter connected with the health of prisoners and over all hygiene of the prison. Nothing will count more to the credit of the Medical Officers of prisons than their success in maintaining best health standards in the prisons under their charge. The newly admitting prisoners should be inspected by the Jail Medical Officer at once.

345. *Prison hospitals.*— Hospital accommodation shall be provided on the scale of 5% of the daily average of the inmate population in the Central Prison. The staff personnel for the prison hospital shall be:-

Medical Officer-1

Staff Nurse-1

Psychiatric Counselor-1 (appointed by the Government or NGO's)

*Note:* One Ambulance shall be provided in each prison hospital.

346. *Appointment of Medical Officers and allocation of duties.*— (1) One male Medical Officer not below the rank of Assistant Surgeon shall be appointed on full-time basis to look after the health of the prisoners lodged in the Central Prison, Puducherry, on round-the-clock basis. The Medical Officer shall be ordinarily under the general administrative control of the Inspector-General of Prisons except while performing medical/clinical functions when he shall be subordinate to the Medical Officer. The duties of the Medical Officer shall be allocated in such a way that a Medical Officer shall always be available in prison to provide medical care to the prisoners and to attend all emergencies.

(2) Whenever the emergency arises on information, the Medical officer should be present at once. Female doctor should be available when information given through telephone through Jail Department in case of any urgent situation. The Medical officer should reside in premises of the Jail Department (Rent free accommodation).

347. *Terms of appointment.*— (1) The Medical Officer shall be appointed to the prison service from the Directorate of Health and Family Welfare Services and their postings and transfers shall be made by the Director of Health and Family Welfare Services in consultation with the Inspector-General of Prisons.

(2) Subject to the discretion of Director of Health and Family Welfare Services and the exigencies of public service, the Medical Officer appointed to the prison shall continue to be in charge of his office. In case the emergency arises in the Prison the Medical Staff (Doctors and Staff Nurses) can be appointed on Contract basis.

348. *Channel of communication.*— (1) The Medical Officer will be in charge of the entire Medical Administration. He along with his subordinates will be jointly responsible for the health-care of the prisoners. All correspondence to the Director of Health and Family Welfare Services shall be routed through the Inspector-General of Prisons. All leave, except earned and medical leave, pertaining to the Medical Officers will be regulated by the Inspector-General of Prisons.

(2) The Medical Officer shall submit indents for medicines to the Inspector-General/Chief Superintendent of Jail. In all administrative matters, he will act in consultation with the Superintendent of Jail. He may, however, correspond directly with the Inspector-General, on matters relating to sanitation, sick prisoners' food and clothing and discipline in the prison hospital. The Medical Officer shall also correspond direct with Inspector-General if, he notices on the person of any prisoner injuries which are alleged to have been caused by prison officials. He shall accompany the Inspector-General during his inspection of the prison.

349. *General duties of Medical Officer.*— The general duties of the Medical Officer shall cover every matter connected with the health of the prisoners, their treatment when sick, and the sanitation and hygiene of the prison.

350. *Daily visits to prison.*— (1) The Medical Officer shall visit the prison and shall see sick prisoners every day. He shall be available for call duty on all holidays as and when required by the Prison authorities.

(2) He shall inspect every part of the prison and check all prisoners at least once in a week and record his observations in his Journal to be sent to the Superintendent of Jail and Inspector-General of Prisons periodically.

(3) He shall also make a full medical inspection of all the prisoners once a month.

(4) If, any epidemic or unusual sickness prevails or any serious case of illness occurs, he shall visit the prison as often as may be necessary.

(5) If, he is unable to himself undertake these inspections for any reason, he shall record the fact and the reason for it in his journal.

351. *Special needs of aged prisoners.*— The Medical Officer shall ensure that the medical needs of aged prisoners in terms of ophthalmological care, dental care, physiotherapy, and clinical testing for diabetics are regularly attended to.

352. *Treatment of drug addicts.*— The Medical Officer shall organize de-addiction programmes for such prisoners who are known to be drug-addicts. He shall also organize training in Transcendental Meditation and Yoga for them. The Superintendent of Jail may use de-addiction NGOs for Counselling.

353. *Attendance at weekly inspection.*— (1) The Medical Officer shall be present during the Superintendent's weekly inspection and shall oversee the general health and hygienic conditions prevailing in the prison. He shall pay special attention to any signs of a scorbutic or anemic tendency, any deterioration in health conditions, and skin diseases. He shall also examine the prisoner's clothing and bedding to see that they are adequate and cleaned. He will examine the drainage, ventilation, drinking water and conservancy arrangements of the prison.

(2) He shall, at the same time, examine the record of prisoners' weights, to satisfy himself that the weight test is being properly done. He shall thoroughly examine all prisoners who have lost their weight substantially and take appropriate action in such cases.

354. Attending to prison officers.— (1) The Medical Officer shall attend to the medical needs of all prison officials and their families residing in the prison's staff quarters and barracks.

(2) The Medical Officer shall bring to the notice of the Superintendent any facts about the cause of illness of the officers and subordinate prison staff that may be of importance, and which shall enable him to determine their fitness for continued employment in the prison.

(3) The Medical Officer shall maintain a minute book in which he shall enter all directions given by him concerning the duties of the medical staff under him, the management of the hospital, and any other instruction of importance regarding the treatment of patients or any other matter.

(4) The Medical officer shall also be responsible for conducting medical examination of candidates selected for appointment to various posts in the prison.

355. *Maintenance of journals.*— (1) The Medical Officer shall keep a journal in which he shall record every visit he pays to the prison, time of entering and leaving the prison, the parts of the prison or classes of prisoners visited, the number of sick persons in prison and any other point which he considers should be brought to the notice of the Superintendent. While doing so he shall make specific note of the following:-

- (i) Any defects in the food, clothing or bedding of prisoners or in the cleanliness, drainage, ventilation, water supply or other arrangements of the prison which the Medical Officer considers likely to be injurious to the health of prisoners, together with suggestions for removing such defects;
- (ii) Any occurrence of importance connected with the hospital administration;
- (iii) Any marked increase in the number of in or out door patients and its apparent causes.

(2) After each visit this journal shall be sent immediately to the Superintendent for his perusal. Thereupon the Superintendent may issue any directions as he thinks fit.

356. *Submission of Returns.*— The Medical Officer shall punctually submit the prescribed returns and shall furnish any other information regarding the medical administration of the prison, which the Inspector General may call for. A report regarding the sanitary condition prevailing in prison shall also be furnished to the Inspector-General along with the annual returns.

357. *Maintenance of Registers.*— The Medical Registers and Forms other than the Journal shall be kept under the orders of the Medical Officer, who is responsible for their correctness. At the Inspector Generals' inspection, the Medical Officer shall produce before him, every register and record, connected with the Medical Administration of the Prison.

358. *Clinics and Labs for Prison Hospitals.*— The following equipment shall be made available to prison hospitals. If, possible, otherwise the prisoners will be provided with these facilities as per need, in nearest Government Hospital.

- (i) Dental clinic with all equipment;
- (ii) Ophthalmology Clinic with all equipment;
- (iii) Minor operation theatre with all surgical equipment;
- (iv) Clinical laboratory with required equipment;
- (v) X-ray lab with dark room and equipment;
- (vi) Physiotherapy unit with equipment;
- (vii) De-toxification unit;
- (viii) Psychiatric unit with equipment and

However all basic need equipments required for dealing with emergencies should be made available in the Prison Hospital, as far as possible.

359. *Conditions of Service.*— Medical Officer, staff nurse, pharmacist and other medical personnel attached to prison shall not, while on duty, leave the prison premises without the permission of the Superintendent of Jail/Inspector-General of Prisons.

360. *Uniform.*— The Medical Officers shall be supplied with four coats per year as uniform. These coats shall be made from a prison-made drill and tailored in the tailoring section of the prison. The coats shall be the property of the Prison Department and will be kept in the prison.

361. *Leave.*— (1) All leave, except casual leave, will be granted by the Director of Health and Family Welfare Services on the recommendation of the Inspector-General. The Inspector-General shall also address the Director of Health and Family Welfare Services for the posting of a substitute, except where the absence is short and local arrangements can be made.

362. *Hours of Duty.*— (1) The duties of Medical Officer shall be distributed as follows:-

- (a) The hours of duty during the day shall be equally distributed between the Medical Officer, ensuring that one of them is always present in the prison;
- (b) One of the Medical Officer shall be on night duty on rotation basis to attend to the prisoners in the event of an emergency.

(2) Where there is only one Medical Officer, he shall remain inside the prison throughout the day, except when permitted to absent him for meals or other valid reasons. He shall visit the hospital occasionally at nights and may, if required by the Prison authorities, remain on duty there, if, there are any cases under treatment which are likely to render his presence necessary.

363. *Custody of Keys.*— (1) The Medical Officer on duty inside the prison at night shall be responsible for the safe custody of the keys of the hospital and of any other place in which prisoners are confined for medical treatment. But, he shall not unlock any door except in the presence of the Assistant Superintendent. Only in a case where unlocking of the hospital ward is urgently required, he shall unlock doors in the presence of the patrolling officer on duty.

(2) Every Medical Officer entrusted with the keys shall be held responsible for making sure that they are kept in his personal possession and are not improperly used. He shall report at the earliest opportunity to the Superintendent every instance in which he has had occasion to unlock the door of any compartment occupied by the prisoners during his term of duty at night.

364. *Duties of the Medical Officer.*— It shall be the duty of an Medical Officer:-

(i) to examine all newly admitted prisoners and to record in the admission register and history sheets particulars regarding their health, and the kind of labour which they can perform in view of their health conditions;. In case the Medical Officer finds variation of wound in the Medical certificate of the inmate, then the prisoner immediately referred to the Government Hospital to get a proper wound certificate;

(ii) to be available to attend to any prisoner who complains of illness or who appears to be ill, and have him removed to the hospital or the place for medical examination, as the case may be;

(iii) to attend to sick prisoners and out-patients visiting the hospital and supervise the preparation and issue of medicines, food and extra diet;

(iv) to make a daily round of the prison cells and to see whether the conditions in the prison have any bearing on the health of the inmates;

(v) to bring to the notice of the Superintendent any female whom he may suspect to be pregnant;

(vi) to bring promptly to the notice of the Superintendent any case of suspected cholera or other contagious or infectious diseases that may appear amongst the staff or inmates of the prison;

(vii) to examine the wells and other sources of water supply, to bring to notice any defects with regard to the quantity or quality of water supplied, to examine every day all tanks and vessels in which water is stored or conveyed, and to prepare samples of water for analysis as and when required;

(viii) to inspect the surroundings of the prison at least once a week. He shall pay particular attention to manner in which filth is trashed or otherwise disposed of;

(ix) to attend to the ventilation, with due regard to the season of the hospital, sleeping wards and workshops and to satisfy himself that prisoners are not unnecessarily exposed to draught or rain;



(x) He shall inspect the medicines kept in store once in every six months and satisfy himself that their weights and quantities are entered correctly in the stock register. He shall also ensure that the medicines are used before their date of expiry. He shall also inspect the instruments and equipment to see that they are being maintained properly and sufficient stock is kept in reserve;

(xi) He shall examine all cases coming for release on medical grounds;

(xii) to ensure that all medicines indented for the hospital are properly arranged, labeled and stored in a safe place;

(xiii) to see that sick prisoners are clean and tidy;

(xiv) to see that the hospital clothing and bedding are marked in a distinctive manner;

(xv) to see that all articles in use in the hospital are safely stored and kept clean;

(xvi) to allow no property in his charge to leave the prison premises;

(xvii) not to permit any convict attendant to handle instruments or distribute drugs whose misapplication may be dangerous;

(xviii) to ensure that the pharmacist attends to the clerical work connected with the hospital, such as the upkeep of registers, the preparation of returns and the punctual submission of indents;

(xix) to satisfy himself that the food for the sick is properly prepared and distributed;

(xx) to be responsible that order, cleanliness and discipline is maintained in and around the hospital, that the staff nurses and others employed in the hospital perform their duties properly, that any excess or deficiency of attendants is brought to the notice and to report any relaxation or violation of the rules;

(xxi) to visit the prison kitchen every day, inspect the food supplied, both raw and cooked (both in bulk and after distribution) and see that the salt, oil and condiments are added and thoroughly mixed, satisfy himself that the food is of good quality and that the quantity of each article is according to the sanctioned scale. He shall also see that

the kitchen and its surroundings are maintained in a sanitary condition, that the drains are flushed and free from refuse, that the water stored in the tanks for cooking and washing utensils is changed frequently, and that the utensils in use are clean and in good condition;

(xxii) to supervise the supply of milk to the hospital, to test the milk in the prescribed manner, to see that it is properly boiled before issue;

(xxiii) to inspect the food supplied to civil and un-convicted criminal prisoners by their friends;

(xxiv) to keep a watch on prisoners suspected of malingering and to report the result of his observations;

(xxv) to be present at various parades and separate for examination and treatment any prisoner who appears to be in need of attention or who is known or suspected of leaving part of his food uneaten;

(xxvi) to see the bathing of prisoners suffering from skin infections;

(xxvii) to satisfy himself that the person, and private clothing, of newly admitted prisoners are properly cleaned, and that the clothing is, if necessary, disinfected before keeping in the store rooms;

(xxviii) to vaccinate newly admitted prisoners, and (if so directed) infants admitted with their mothers or born in prison;

365. *Medical Aid to Prison Officers.*— The Medical Officer shall, under the direction of the Inspector-General of Prisons, accord medical aid to all members of the prison establishment and others living on the prison premises.

366. *To assist Medical Officer.*— The medical subordinates shall render assistance to the Medical Officer by reporting to him all matters affecting health, such as:

- (a) Overcrowding;
- (b) Unsuitable, worn out or dirty clothing;
- (c) Neglect of personal cleanliness;
- (d) Undue exposure to weather;
- (e) Unpunctuality of meals;
- (f) Neglect to air-dry or clean clothes and bedding;
- (g) Unsuitable tasks.

367. *Appointment of Staff Nurse and Pharmacist.*— (1) As far as practicable, only staff nurses and pharmacists, who have passed the tests prescribed by the Department of Health and Family Welfare Services, shall be employed in prisons.

(2) Staff nurses and pharmacists shall be posted to prison duty for a period of three years exclusive of any long leave availed by them and then reverted to their parent Department. The said period of three years may either be extended at the option of the individual, and with the approval of the Director of Health and Family Welfare Services and the Inspector-General of Prisons, by such further period that these officers may consider desirable. This period can also be reduced on the recommendation of the Director of Health and Family Welfare Services or of the Inspector-General of Prisons. All leave, excepting casual leave, shall be granted by the Director of Health and Family Welfare Services on the recommendation of the Medical Officer of the prison. If, necessary the staff nurse may be appointed on the contract basis by the Jail Department.

(3) Casual leave may be granted to the Staff nurses and Pharmacists by the Medical Officer of the prison in accordance with the rules relating to the grant of such leave.

368. *Duties of the Staff Nurse and the Pharmacist.*— (1) The Staff nurse and the Pharmacist shall obey the lawful orders of the Medical Officer in all matters connected with the medical work of the prison and of the Superintendent in other matters. The Tablet/Medicine should be properly given by the staff nurse to the Inmates on time as prescribed by the Medical Officer.

(2) Their duties shall be to help the in the maintenance of the health of the staff and prisoners by compounding and distributing medicines, vaccinating and weighing prisoners, performing clerical work, maintaining order and discipline in the hospital and by carrying out such other duties as may be allocated to them by the Medical Officer.

369. *The weighing of Prisoners.*— (1) The Assistant Surgeon shall be present during the fortnightly weighing of prisoners. He shall record each prisoner's weight in his weight chart and shall parade, as soon afterwards as possible, for inspection by the Chief Medical Officer all prisoners who are losing weight to any noticeable extent.

(2) In cases when the subordinate medical establishment is small for the number of prisoners, or in cases where the medical work is heavy, an officer of the executive staff of the prison may be deputed by the Superintendent of the prison to assist the Assistant Surgeon in carrying out the work of recording the weight of prisoners.

370. *Examination of Prisoners complaining of illness.*— (1) Every prisoner complaining of illness or appearing to be ill, shall be sent to the prison hospital for immediate examination and further treatment by the Medical Officer.

(2) On the advice of the Medical Officer, and with due approval of the Inspector-General of Prisons, the Superintendent may transfer any sick prisoner to the local government hospital. If the Medical Officer is of opinion that prior approval of the Inspector-General of Prisons will take such time as will endanger the life of a sick prisoner, the transfer may be made in anticipation of sanction of the Inspector-General of Prisons. No prisoner should be allowed to stay in an outside hospital except on ground of dire medical needs. In deserving cases, the opinion of Medical Board constituted by the Director of Health and Family Welfare Services shall be obtained while sending prisoners outside the prison on medical grounds.

371. *Control of hospital diet.*— The control of diet of a prisoner in hospital shall be the responsibility of the Chief Medical Officer control and he may order such extras, as he considers necessary, while doing to be shall also keep in mind the costs involved, which should not be excessive.

372. *Preparation of Hospital Diets.*— Hospital diets requiring special preparation shall be cooked in the kitchen, and the Medical Officer shall examine the diet frequently and satisfy him by weighing that the full quantities of the prescribed articles are present, and are well cooked.

373. *Precaution regarding Milk.*— Special care shall be taken with articles such as milk that can easily be adulterated or stolen. Fresh milk shall be used, wherever it can be obtained, in preference to tinned milk. Milk shall be frequently tested to ensure that it is pure. If, the specific gravity of the milk supplied is below 1,025 Kg/Litre the milk should not be accepted.

374. *Special Diet for Prisoners not in Hospital.*— The Medical Officer may recommend special diet for any prisoner in the invalid group after recording reasons for recommending that in his register. But such recommendations shall not be made as a matter of routine. Issue of special diet shall always be *in lieu of* the regular diet to which a prisoner is otherwise eligible. If it is continued for more than a fortnight, it shall be reported to the Inspector General. The Medical Officer owns the responsibility to economise the expenditure on this account and shall exercise utmost care in recommending special diet to the prisoners.

375. *Indent for Hospital Diets.*— An indent showing the number of hospital diets and extras required, shall be sent not later than by 9.00 a.m. every day to the officer in charge of ration and care shall be taken that diets and extras reach the prisoners promptly. Emergent indents, in cases of urgency, may be sent at any hour of the day. This shall be generally avoided except in cases of extreme urgency.

376. *Detention of a Prisoner for Observation.*— A prisoner may be detained for observation in the hospital for 24 hours without his name being noted down in any register if, his disease has not been diagnosed. After the expiry of that period, whether or not his disease is diagnosed, his name shall be entered in the proper register. The number of prisoners detained under observation shall be recorded in the Hospital Roll and the treatment prescribed for them in the prescription book. If, the Medical Officer finds a prisoner to be malingering, he shall at once report the fact to the Superintendent for punishment.

377. *Medical Treatment of Sick Prisoners.*— Every prisoner suffering from any active disease shall be brought under medical treatment, either as an out-patient or an in-door patient, and his name shall be recorded in the register of out-patients or in the register of in-patients in.

378. *Maintenance of Case-Book.*— (1) The number of sick in hospital shall be daily recorded in the Hospital Roll of Sick. Their treatment and diet shall be recorded in the Case Sheet.

(2) In addition to these records, there shall be maintained in every hospital, a case-book in which the history of every case admitted into hospital shall be recorded.

(3) The case-book is intended to be a contemporaneous record or diary of each prisoner's symptoms, treatment and diet. All entries in it shall, therefore, be immediate and direct. The practice of keeping notes, to be afterwards copied into the case-book, is prohibited.

(4) The entries in the case-book will usually be made by the Medical Subordinate, as symptoms appear or treatment is applied. The Medical Officer will add notes of his own observations and orders as and when he examines the patient. The Medical Officer shall see the case-book every day and initial the entries regarding each case in token of him having seen them.

(5) As a general rule the entries in the case-book shall be made every day, but in chronic cases, where there is little or no change from one day to another, the Medical Officer may, by entry in his own hand in the case-book, record that daily entries are not necessary.

379. *Bathing of Patients.*— Prisoners who are not too ill shall be required to bathe daily, at such time as the Medical Officer may direct.

380. *Proper Place of Washing.*— A proper place for washing and boiling dirty clothing and sheets shall be provided. Blankets and work clothing's too shall be frequently washed in boiling water.

381. *Cleanliness of the Hospital.*— Every hospital shall be kept clean and well ventilated. The walls of the hospital shall be scraped and white washed once in six months or more often necessary.

382. *Disinfection of Wards.*— A ward or a cell in which a case of infectious disease has occurred or been treated shall be immediately cleared thoroughly using disinfectants as prescribed.

*Explanation:*- The disinfection or disinfestations shall be carried out under the personal direction of Medical Officer.

383. *Supply of Medicines when under treatment at Hospitals outside the Prison.*— Where a prisoner is undergoing special treatment in a hospital outside the prison and any medicine prescribed by the Medical Officer of such outside hospital, which is absolutely necessary, and is not available at the said hospital, the same shall be purchased by the hospital authorities locally and the cost reimbursed by the Superintendent, immediately.

384. *Allotment of Labour on Medical Opinion.*— When the Medical Officer is of the opinion that the health of any prisoner suffers from employment of any kind or class of labour, he shall record such opinion in the prisoner's sheet and the prisoner shall not be employed on that labour. But he shall be placed on another kind or class of labour as he may consider suitable for him.

385. *Medical Officer to supervise treatment of Out-patients.*—

(1) The Medical Officer shall daily inspect the out-patients Register, and shall order the admission of a patient to prison hospital, if, in his opinion the patient's medical condition necessitates such hospitalization.

(2) Prisoners suffering from only minor ailments shall be treated as out-patients. The Medical Officer shall be responsible that all other patients are admitted to the prison hospital. Under no circumstances prisoners suffering from dysentery shall be treated as out-patients.

386. *Medical Officer to treat sick in Hospital.*— The treatment of sick in hospital is the personal duty of the Medical Officer and shall not in any circumstances be delegated by him to any subordinate.

387. *Medical officer's daily visit.*— The Medical Officer shall daily visit all prisoners in hospital and under observation and shall decide whether any prisoner shall be admitted into or discharged from hospital.

388. *Segregation of Infectious Cases.*— Every case or suspected case, of infectious diseases shall immediately be segregated and the strictest isolation shall be maintained until the Medical Officer considers it safe to discontinue the precautions. The Medical Officer shall give written instructions as to the clearing, disinfecting or destroying of any infected clothing or bedding, and shall satisfy him that the same are carried out.

389. *Segregation of Prisoners in the Prison Hospital.*— (1) Cases of dysentery and diarrhea shall be treated in a separate ward, if possible. Loose stool of such patients shall be disinfected and destroyed by fire. All wards, beds, bedding, clothes and latrine vessels used by them shall be thoroughly disinfected.

(2) Prisoners suffering from venereal diseases shall be segregated.

(3) All cases of pulmonary tuberculosis shall be segregated in special wards. All necessary precautions shall be taken to guard against the spread of infection to other prisoners.

(4) All prisoners suffering from malarial fever shall be segregated and provided with mosquito nets.

(5) All cases with abnormally enlarged spleen shall have boundaries marked on the skin and shall be provided with some distinctive clothing. Care shall be taken that the spleen is not hurt.

(6) Minor infectious diseases such as scabies, mumps, measles, *etc.*, must on no account be neglected. Segregation for the full period must be enforced. Cases of scabies need not, as a rule be admitted into hospital, but segregated from other prisoners.

(7) Prisoners showing signs of mental illness shall not, if they are dangerous, noisy or filthy, be kept in the hospital but shall be kept in a separate cell.

(8) In some cases, it may be considered for prisoners in hospital to be given some employment. Light work shall, therefore, be provided for them.

(9) Wherever necessary, cases of inmates shall be referred to specialized medical institution with the prior sanction of the competent authority.

390. *Treatment of Malingerers.*— If, the Medical Officer is of opinion that a prisoner is malingering, he shall at once report the fact to the Superintendent. No treatment shall be given to prisoners feigning illness.

391. *Treatment of Prisoners discharged from Hospital.*— Every prisoner on discharge from hospital shall either be put to labour or placed in the 'Invalid Group', as the Medical Officer may direct.

392. *Composition of the Invalid Group.*— The invalid group shall consist of:-

(i) Those who are permanently incapacitated from performing hard or medium labour because of age or bodily infirmity. They will be the permanent members of the group;

(ii) Those who have been discharged from hospital as convalescents, but are temporarily unfit to perform hard or medium labour;

(iii) Men who are generally out of health even if, not falling under the above two categories. This category shall include prisoners passed as fit for light labour only, prisoners exhibiting scorbutic or malaric scorbutic gums, prisoners found to be steadily failing in weight, and prisoners who are anemic.



393. Treatment of the Invalid Group:- Prisoners in the invalid group shall be given some light work suited to their strength and shall, as far as possible, be kept together for the purpose of diet and observation, both by day and night. A register of such prisoners shall be kept and no prisoner shall be placed in or discharged from this group without the permission of the Medical Officer. They shall be examined atleast once a week by the Medical Officer.

#### HOSPITAL CLOTHING AND BEDDING

394. *Supply of Hospital Clothing and Bedding.*— (1) Every prisoner shall be supplied with hospital clothing and bedding on admission to hospital. His convict clothing and bedding will be taken from him. These shall be returned to him on his discharge from hospital. Care shall be taken that clothing and bedding is changed regularly to maintain cleanliness and that in cases of infections disease all clothings and beddings are thoroughly disinfected.

(2) If, any epileptic is placed in a cell, he shall be provided with a mat of a thicker pattern and shall sleep on the floor. He shall not be made to sleep on a raised masonry berth.

(3) Every patient-prisoners admitted in Hospital for treatment shall be provided with:-

Clothing – Pyjoma	:	2
Shirt	:	2
Towel	:	2
Bedding – Cot	:	1
Mat or bedsheet	:	1
Matress	:	1
Pillow	:	1
Blanket	:	1

395. *Indent for Clothing and Bedding.*— The quantities of clothing and bedding required for hospital use shall be reported in fixed time by the Medical Officer to the Superintendent who shall include them in the general indent of prison clothing.

396. *Indent for other Articles.*— For articles other than diet, clothing and bedding, the Medical Officer shall indent by letter or by entry in his journal.

397. *Local Purchase of Medicines.*— (1) Local purchase of medicines will be affected by the Medical Officer as per the norms laid down by the State Health Services.

(2) The disposal of other medical articles like clinical waste, medicines whose validity has expired, *etc.*, will be dealt in accordance with norms laid down by the State Medical Services.

398. *Placing Indents for Supply of Medicines.*— The Medical Officer shall procure medicines required for the prison hospitals in accordance with the procedure laid down by the State Medical Services.

399. *Stock Verification of Medicines and Medical Appliances.*— (1) The Medical Officer shall for himself conduct an annual stock verification of medicines, medical appliances, in July every year and report the difference to the Inspector-General through the Superintendent of Jail. He shall also make surprise checks at least once a month and record the differences in the report book, and intimate the fact to the Superintendent of Jail for necessary action.

(2) There shall also be an annual stock verification of these stores by the Inspector-General of Prisons (HQs).

400. *Appointment of Attendants and Training of Nursing Orderlies.*— For the purpose of attending to sick prisoner a few educated convicts of good conduct and undergoing long sentences shall be selected by the Superintendent in consultation with the Medical Officer and trained as nursing orderlies. A brief syllabus for their training shall be prepared as a guide to the Medical Officer who shall be responsible for conducting such training. The number of convicts employed as nursing orderlies shall ordinarily be in the ratio of one for every ten patients. In times of epidemics and other emergencies, this proportion may be increased and special orderlies may be allowed for very serious cases or for bed-ridden patients. Convict nursing orderlies who perform their duties satisfactorily, shall be awarded extra remission and wages at the rates prescribed.

401. *Appointment of prisoners to perform unskilled tasks at the Hospital.*— The Superintendent shall detail sufficient number of convict to perform the menial duties at the hospital. Such convicts shall work under the orders of the Medical Officer. Only prisoners serving long sentences, and who are of good conduct, shall be sent for such duties.

402. *Case Sheet.*— A case sheet and temperature chart shall be prepared as per the norms laid down in the State Medical Services.

403. *Vaccinations of Prisoners on Admission.*— Every prisoner admitted to prison shall be vaccinated on admission or as soon as possible afterwards as per the norms laid down in the State Medical Service.

404. *Vaccination Register.*— A vaccination register shall be maintained and the particulars of those vaccinated shall be entered in it. When a failure is not attributed to immunity arising from previous vaccination or from previous occurrence of small-pox, the operation shall be repeated. All attempts to render the operation unsuccessful shall be brought to the notice of the Superintendent.

405. *Medical Examination of the Members of the Staff.*— Full medical check up or examination of the members of the staff may be done at least once a year in consultation with the Superintendent of the Prison. Reports of such medical examination shall be kept in the office of the Superintendent.

406. *Fortnightly Weighing.*— (1) The Medical Officer shall be present during the fortnightly weighing of prisoners. He shall record each prisoner's weight in his weight chart.

(2) Care shall be taken that the fortnightly weighings, under Section 35(2) of the Prisons Act, 1894 are done at approximately the same time of day to avoid as far as possible, the variations that naturally take place throughout the day.

(3) Since no labour is done on Sundays, Sundays will be most suitable for taking weights. When the number of labouring prisoners is large, they can be divided into two groups, with each group being weighed on alternate Sundays. Assistance of the pharmacist and a member of the executive staff detailed by the Superintendent may be taken for the purpose.

*Explanation:* The body weight varies to a certain extent from time to time under normal conditions. Therefore, small differences of weight up to 1 kg. would not necessarily indicate that the weights were taken carelessly.

407. *Record of weights.*— (1) The initial weight on admission to prison and the final weight before release shall be recorded in the Convict Register and these, as well as all the intermediate fortnightly weights, shall be recorded in the prisoner's History Ticket and weight chart.

(2) Before recording the prisoner's weights, it shall be ascertained that the weighing machines are accurate.

408. *Treatment of prisoners losing weight.*— (1) All prisoners who have lost more than 1.5 kg. since the last fortnightly weighing or more than 3.0 kg. since admission to prison, shall be paraded with their weight charts for the inspection of the Superintendent and the Medical Officer on the day following the day the weighing is done.

(2) Special care shall be taken in case of prisoners with a poor physique on admission, for whom even small loss of weight may be of serious concern.

409. *Check by Medical Officer.*— The Medical Officer shall, as soon as possible after the fortnightly weighing, check the weights of a dozen or more prisoners picked randomly to satisfy himself of their accuracy and shall record in his journal any remarks he may consider necessary.

410. *Inspection of Prison Medical Administration.*— The Director of Health and Family Welfare Services or his Deputy shall visit the Prison at least once in a quarter usually at the time when the weekly inspection parades of prisoners are conducted by the Superintendent, see every prisoner, hear and enquire into any complaint of sickness.

#### DEATH OF PRISONERS

411. *Procedure on Death of a Prisoner.*— (1) In the event of death of any prisoner, the Medical Officer shall see and, if necessary, examine the body of the deceased prisoner so that he may be in a position to certify the fact and cause of death. When the Medical Officer is in any

doubt as to the cause of death or if, the death appears to have been the result of an offence punishable under the Indian Penal Code, 1860, he shall make a complete and regular post-mortem examination of the body of the deceased. In the event of several deaths resulting from any prevailing epidemic, post-mortem examinations shall be made in one or more cases to be selected by the Medical Officer. The Superintendent of Jail immediately sends a message to the nearest Police station, District Magistrate, the concerned Judicial Officers and to the relatives of prisoners.

(2) Whenever the mortality in the prison during a month exceeds 1% per annum, he shall record an explanation of the cause of such excess of mortality in the monthly return. In cases of unusual mortality, he shall make a special report on the subject for the Government through the Inspector-General.

(3) The provisions of sub-rule (1) shall, with necessary changes, apply to the case of a death of an officer of the prison while employed on duty.

(4) The record required by Section 15 of the Prisons Act, 1894 shall be made by the Medical Officer in the case-book.

412. *Death of Prisoners Transferred on Ground of Health-Filing of Returns.*— If, any prisoner transferred to another prison hospital for the benefit of his health, dies of the disease with which he was transferred within three months of his transfer or if, he dies of T.B. at any time, his death shall be borne on the return by the transferring prison. But, if, he dies from a different disease or after the lapse of three months, then it shall be borne by the receiving prison.

413. *Registration of Birth or Death in Prison.*— The Deputy Superintendent of Jail shall send intimation of birth or death in a prison in writing to the Registrar of the locality appointed for the purpose under the Registration of Births and deaths Act, 1969.

414. *Death in Custody.*— (1) Deaths of all prisoners whose fingerprints have been taken and if, known in prisons, shall be intimated immediately to the Finger Print Bureau.

(2) When a military prisoner dies in prison, immediate report thereof shall be given to the Commanding Officer who sent him to the prison.

(3) When a foreign prisoner dies in prison immediate report shall be sent to the District Magistrate of the district and the Inspector-General for further communication to the Government. The Government shall inform the embassy or the appropriate authority about the death.

(4) Where a woman prisoner dies in prison and leaves a child behind, notice shall at once be sent to the District Magistrate of the district who shall make arrangements for further care of the child as may be deemed fit.

(5) Where a convicted prisoner dies in prison his warrant shall be returned to the Court from which it was issued with an endorsement certifying the cause and date of death. Where a remand or an under-trial prisoner dies in prison, the Court or Courts in which the case or cases are pending, against the deceased shall immediately be informed of the fact of death in writing.

415. *Recording of Death.*— Entries relating to the death of a prisoner shall be made in the concerned registers, in the History Ticket in detail and in the hospital records. All records relating to the death of a prisoner shall be preserved for at least two years.

416. *Disposal of the Dead Bodies of Prisoners.*— (1) The body of any prisoner, including that of a child residing with a female prisoner, who dies in a prison or in a Civil Hospital or asylum, shall be disposed:-

- (i) Only after a post-mortem in the hospital, the body may be handed over to the relatives if, available. For this purpose it may be kept in the hospital mortuary for 24 hours.
- (ii) If, there is no chance of relatives or friends reaching within 24 hours, the prison authorities shall dispose of the body in accordance with the hospital rules.
- (iii) The delivery of a body to relatives or friends shall be subject to the conditions that there shall be no public demonstration of any nature in regard to its removal.
- (iv) The Superintendent of the prison in every case shall conduct an identification test to ensure that the dead body is the body of the particular prisoner and satisfy that the marks of identification mentioned in the convict register tally with those on the dead body and furnish a certificate to that effect in the register.

(2) The relatives of prisoners, if poor, may be paid a maximum amount of ₹ 2,000 for transporting the dead body of the prisoner to their native place or for performing last rites.

417. *Intimation to inquiring Magistrates and Police Officers.*—

(1) Intimation of all deaths, including that of children residing with female prisoners, occurring from whatever cause in the prison shall be sent within 24 hours to:-

- (a) the nearest Magistrate empowered under sub-section (4) of section 174 of the Code of Criminal Procedure, 1973 to hold inquests;
- (b) the officer in charge of the police station having jurisdiction, who is required to make a preliminary investigation.
- (c) National and State Human Rights Commission.

(2) The body of the deceased prisoner or the deceased child of the female prisoner shall be kept for inspection and orders of the officer holding the inquests. No prison officers shall be a member of a panchayat formed to express an opinion as to the cause of death of any prisoner or deceased child of the female prisoner.

418. *Report on Death of Prisoners.*— A full report on the circumstances of the death of a prisoner shall be sent by the Superintendent without any delay to the Inspector-General of Prisons for submission to the Government. Reports made by the police and Magistrate, the nominal roll, copies of judgements, the reports required by Section 15 of the Prisons Act, 1894 and the deposition of witnesses with this report, shall be submitted. The post-mortem examination shall be videographed as per the guidelines of the NHRC.

419. *Post-mortem Examination.*— (1) A post-mortem examination shall be carried out by the Medical Officer for all cases of death of prisoners or their children who reside with them, occurring inside the prison premises, in prison hospitals, in transit from one prison to another or from the prison to an outside hospital or in an outside hospital.

(2) A full report on the circumstances of the death shall be sent by the Superintendent without any delay, to the Inspector-General of Prisons for submission to the Government. Reports made by the Police and Magistrate, the nominal roll, copies of judgments, the reports required by Section 15 of the Prisons Act, 1894 and the deposition of witnesses with this report, shall be submitted.

**CHAPTER-15****CONTACT WITH THE OUTSIDE WORLD****INTERVIEW AND LETTERS**

420. *Reasonable facilities to be allowed for interviews.*— (1) Every prisoner shall be allowed reasonable facilities for seeing or communicating with, his/her family members, relatives, friends and legal advisers for the preparation of an appeal or for procuring bail or for arranging the management of his/her property and family affairs. He/she shall be allowed to have interviews with his/her family members, relatives, friends and legal advisers once in a fortnight. The number of letters a prisoner can write in a month shall be fixed by the Government under the rules.

(2) The same facilities shall be allowed to every prisoner committed to the prison in default of payment of a fine or furnishing security under Chapter VIII of the Code of Criminal Procedure, 1973, to enable him to arrange for payment of the fine or furnishing security.

(3) On admission, every prisoner should submit a list of persons who are likely to interview him/her and the interview shall be restricted to such family members, relatives and friends. The conversation at the interviews shall be limited to private and domestic matters and there shall be no reference to prison administration and discipline and to other prisoners or politics.

(4) The number of persons who may interview a prisoner at one time shall ordinarily be limited to three and in exceptional cases, this may be relaxed and maximum of five persons may be allowed to interview a prisoner, at the discretion of the Superintendent.

421. *Privileges contingent to good conduct.*— (1) The contents of all letters shall be limited to private matters. Postage stamps may be allowed to be purchased for letters addressed by prisoners to their relatives in foreign countries at their cost. If, the prisoners have no cash in credit, it shall be supplied at Government cost in deserving cases, and at reasonable intervals, at the discretion of the Superintendent of Jail. The prisoners shall not be allowed to misuse such privileges. In addition to the number of letters allowed in a month, the prisoners shall be allowed, if they so desire, a special letter in order to inform their friends or relatives of their transfer from one prison to another. This



shall be in addition to the letters allowed to them. Ex-prisoners and habitual prisoners, who apply to see their friends lodged in a prison, may not be permitted such interview by the Superintendent unless and until there exist a genuine reason for such interview.

*Explanation (1):* Every prisoner shall be given the option of informing his/her family of his/her committal to the prison immediately on his/her admission, he/she shall be provided with a post card or inland letter for this purpose.

*Explanation (2):* A letter merely arranging an interview shall not be counted as a letter for the purpose of this rule.

*Explanation (3):* A prisoner may substitute a letter with a reply for an interview or *vice versa* with the permission of the Superintendent.

*Explanation (4):* Prisoners shall not be allowed to correspond with prisoners in other prisons. If, however, a prisoner has got his/her relatives in another prison, he/she may be permitted to write to them, subject to the restrictions contained in these rules.

422. *Superintendent's discretion to grant privileges at shorter intervals.*— If, he considers that special or urgent grounds exist for such concession, the Superintendent may at his discretion, grant interviews or allow the dispatch or receipt of letters at shorter intervals than provided in spite of a prisoner's misconduct. This could be in the event of the prisoner being seriously ill or the death of a near relative or when his/her friends or relatives have come from a distance to see the prisoner and it would inflict undue hardship on them if they are refused an interview or if the prisoner is nearing release and wishes to secure employment or for any other sufficient cause. Matters of importance, such as the death of a relative may also be communicated at any time to the Superintendent who will, if he thinks it expedient, inform the prisoner about it.

423. *Prisoners allowed to sign a Power of Attorney.*— Every convicted prisoner may at the discretion of the Superintendent be permitted to sign and attest a power of attorney or other statements/conveyances concerning his/her properties.

424. *Interview with Prisoners in the same Prison or in Hospitals Outside the Prison.*— (1) Subject to the provisions of the above rules, the Superintendent shall also permit interviews between men and women

prisoners who are related to each other by marriage or blood, when they happen to be confined in the same prison or when one is in the Central Prison and the other in the Special Prison for Women. If a prisoner is to be sent out of the prison for the purpose of such interviews, he/she shall be sent under adequate escort.

(2) The Superintendent shall permit a prisoner, other than a condemned prisoner, to see a prisoner in a hospital outside the prison subject to the following conditions:-

- (i) The prisoner in the hospital is a relative and is seriously ill;
- (ii) The hospital is situated in the same city or town;
- (iii) The prisoner is sent under adequate escort as the Superintendent decides;
- (iv) The prisoner shall return to the prison immediately after seeing the prisoner in the hospital.

Provided that nothing contained in this rule shall apply to persons detained under preventive detention laws or prisoners who habitually commit offences punishable under sections 224, 376, 396 to 400, 402, 467, 471, 472, 474, 489, 489-A, 489-B and 489-D of the Indian Penal Code, 1860 and who are convicted under the above-mentioned sections of the Indian Penal Code.

425. *Interviews-pre-requisites.*— (1) Unless the persons desiring interviews are illiterate, applications for interviews shall be in writing. If, the prisoner is not entitled to have an interview, the applicant shall be informed at once. Cellphone use is prohibited in Prison.

(2) Where an interview is permissible, but if the authority concerned refuses the same, the reasons for such refusal shall be recorded in the Interview Register.

(3) Prior consent of the prisoner shall be obtained before granting an interview with him.

(4) No prisoner shall be allowed to have an interview without the permission of the Superintendent of Jail. Such permission shall be recorded in writing.

(5) The Superintendent shall scrutinize every day the entries regarding interviews recorded in the Interview Register before he signs it.

426. *Record of interview.*— A register for recording the requests for interviews shall be maintained in the prison. All applications for interviews shall be entered in order of their receipt in the register along with the details of addresses of the interviewers. All entries pertaining to prisoner's interviews shall also be recorded.

427. *Waiting Rooms.*— Suitable waiting rooms may be provided in every prison to enable visitors to await their turn for interview. They may be given a token to await their turn.

428. *Interviews on Prison Holidays.*— Interviews shall not ordinarily be granted on Sundays and other government holidays. The Superintendent may, however, under very exceptional circumstances, grant interviews on these days as well. The reasons for granting such interviews on Sundays or Holidays shall be recorded by the Superintendent in the report book.

429. *Time for Interviews.*— The Superintendent shall fix the days and hours at which all interviews shall be allowed. No interviews shall be allowed at any other time, except with the special permission of the Superintendent. A notice indicating the interview hours shall be posted outside the prison.

430. *Place of Interview.*— (1) Every interview shall take place in a special part of the prison appointed for this purpose. If, possible such a place should be at or near the main gate to ensure the safety and security of prisoners. The interview room will have fibre glass partition with intercom facilities, so that the prisoners can have a peaceful interview. The interview room shall be divided into cubicles and should have sound-proofing materials covering its walls and ceiling.

(2) Interviews with female prisoners shall, if practicable, take place in the female enclosure/ward.

(3) If, a prisoner is seriously ill, the Superintendent shall permit the interview to take place in the prison hospital. A condemned prisoner shall ordinarily be interviewed in his cell.

(4) The Superintendent may, however, for special reasons to be recorded in writing, permit an interview to take place in any other part of the prison.

(5) The interview should be conducted twice a week according to alphabetical order of names.

431. *Prevention of passage of prohibited articles during interview.*— Screens or wire mesh partitions shall be put up, if necessary, between the prisoners and the persons interviewing them, to prevent the passage or exchange of any prohibited articles between them.

432. *Interview to take place in the presence of a prison officer.*— Every interview with a convicted prisoner shall take place in the presence of an experienced prison Officer, who shall be positioned at a place from where he can see and hear what passes between the prisoner and his interviewer and he shall prevent any article being passed between the two parties. A lady Deputy or Assistant Superintendent or a female warder shall be present when female prisoners are interviewed.

*Note:* Every interview with a terrorist or militant, whether serving a sentence or kept as an under-trial, prisoner or a prisoner detained under Preventive Detection Laws, shall take place in the presence of an Intelligence Officer or an Investigating Officer conversant with the case against the prisoner. An experienced prison officer shall also be present during such interview. Relatives and friends of such prisoners, who desire to interview them, shall produce a certificate from the head of the concerned Village Panchayat or a member of the State Legislative Assembly, as proof of their residence and relationship with the prisoners or duly authenticated identity documents like a family ration card, voter's identification card, driving licence and/or passport.

433. *Communication with or visit to foreign nationals.*— (1) If, any foreign national is committed to prison or to custody pending trial or is detained in any other manner, the Superintendent of Jail shall, immediately inform the Inspector-General of Prisons who shall, in turn, inform the Government of the fact. Any communication addressed to a Consulate, by a prisoner or detainee, shall be forwarded to the Ministry of External Affairs through proper channel without undue delay. Such communication shall be subject to scrutiny/censorship as per rules. The particulars of incoming and outgoing letters of a foreign national, if, found objectionable shall be censored and also furnished to the Government.

(2) Whenever Consulate Officials of a foreign country seek permission to visit or interview a prisoner for arranging legal representation for them or for any other purpose, the Superintendent of Jail shall inform the Government of such request from the Consulate. Only on receipt of orders from the Government, the Superintendent of Jail shall permit Consulate officials to visit the prisoner.

*Note:* The right to interview a foreign national in prison does not mean a private interview and does not include the right to inspect the living quarters of the prisoner/detenué. This is also subject to general regulations regarding interviews in prisons.

434. *Termination of Interview.*— An interview may be terminated at any moment if the prison officer present considers that there is sufficient cause for terminating it. In every such case, the reasons for terminating the interview shall be reported at once to the senior most prison officer present in the prison.

435. *Duration of Interview.*— Ordinarily, the time allowed for an interview shall not exceed half an hour. However, this may be extended by the Superintendent of Jail at his discretion.

436. *Search before and after Interview.*— Every prisoner shall be carefully searched before and after an interview.

437. *Powers to refuse an Interview.*— The Superintendent of Jail may refuse to allow any interview, to which a prisoner would ordinarily be entitled under these rules, if in his opinion it is not in public interest to allow a particular person to interview the prisoner or if, there are other sufficient reasons to refuse an interview. In every such case, the Prison Superintendent shall record his reasons for such refusal in his journal.

438. *Under mentioned facilities may be granted to under trial and civil prisoners.*— Under-trial and civil prisoners shall be granted all reasonable facilities to interview or write letters to their family members, relatives, friends, and legal advisers.

(1) Every interview between an under-trial prisoner and his legal adviser shall take place within sight, but, out of hearing, of a prison official. A similar concession shall be allowed by the Superintendent in the case of an interview with any near relative of an undertrial.

(2) When any person desires an interview with an under-trial prisoner in the capacity of the prisoner's legal adviser, he shall apply in writing, giving his name and address and specifying the purpose of the interview. He must satisfy the Superintendent of Jail that he is the *bona-fide* legal adviser of the prisoner with whom he seeks interview and that he has legitimate business with him.

(3) Any *bona-fide* written communication prepared by an under-trial prisoner as instructions to his legal adviser (*i.e.*, a legal practitioner within the meaning of the Advocates Act, 1961, may be caused to be delivered personally to such legal advisor or to his authorized nominee, by the Superintendent of Jail. If such communication is confidential it shall be delivered without being previously examined.

(4) Civil prisoners may see their family members, friends, relations and legal advisers at such time, and under such restrictions, as the Superintendent may decide and the presence of a prison officer shall not be necessary. No such visitor shall, however, be allowed to take eatables without the permission of the Superintendent inside the prison

439. *Superintendent's Permission for Interviews Required.*— No prisoner shall be allowed to have an interview without the permission of the Superintendent of Jail. Such permission shall be recorded in writing.

Applications for interviews with prisoners may be either oral or in writing. If, the prisoner is not entitled to have an interview, the applicant shall be informed at once.

440. *Supply of writing materials and other facilities.*— (1) Writing material, including service post cards, shall be supplied in reasonable quantities to any convict, who has permission to write letters. All letters by prisoners shall be written at such time and place as the superintendent may appoint. A fixed day of the week, preferably Sunday, shall be set apart for letter writing. Service postage stamps shall also be provided to prisoners.

(2) Prisoners shall be allowed to purchase writing material at their own expense. All note books provided to them should have their pages numbered to keep a check on their misuse and to prevent secret correspondence.

441. *Prisoners may keep letters.*— A prisoner may retain any letter which has been delivered to him under due authority under supervision of the Prison Officials.

442. *Withholding of letters and their disposal.*— (1) Criteria for withholding of letters of prisoners is as under:-

- (i) Prisoners may be allowed to write letters only to their family members, relatives and close friends. In case it is found that the prisoner is corresponding with undesirable persons or receiving letters from them or if, any correspondence is found detrimental to the prisoner's rehabilitation, such letters, and both incoming and outgoing, shall be withheld. Prisoners should be informed of such action without divulging the contents of the letters received. If necessary, they may also be warned in this regard.
- (ii) There may be no limit on the number of incoming letters to a prisoner.
- (iii) Prisoners shall not be allowed to correspond with inmates of other prisons. However, if a prisoner has his/her relative lodged in another prison he may be permitted to send letters to them informing them to his/her welfare.
- (iv) The Superintendent of Jail shall have the right to disallow letters to prisoners for reasons of security and discipline or during periods of emergencies, if he considers it necessary.
- (v) For the purpose of these rules applications sent by prisoners should not be treated as letters.

(2) No letter shall be delivered to or sent by a prisoner, until the Superintendent has satisfied himself that its transmission is not objectionable. No letter written in a secret language shall be allowed. The Superintendent may withhold any letter which seems to him to be, in any way, improper or objectionable. He may also cause such passages in the letters to be erased. If, a letter is written in a local language and cannot be satisfactorily translated in the prison concerned, it shall be sent to some other officer for translation, in accordance with the procedure laid down for this purpose by the Inspector-General of

Prisons. Subject to the approval of the Government, arrangements may also be made to send such letters for translation to other Government Departments. If, a letter is written in a language not ordinarily used in the State, it shall be sent for translation to the Criminal Investigation Department of the State. A slip marked Urgent shall be attached to any letter sent outside the prison for translation so that unnecessary delay does not take place in their translation and examination.

(3) If, a letter addressed to a prisoner is improper or objectionable it may be withheld under intimation to the prisoner and kept in the custody of the Superintendent of Jail or it may be returned to the sender under intimation to that prisoner. The Superintendent of Jail may, if he deems it necessary, communicate the contents of such a letter to the prisoner.

443. *Exclusion from Privileges.*— If, any prisoner abuses any privilege relating to the holding of an interview or writing of letters or of communication with persons outside the prison, he shall be liable to be excluded from such privileges and may be subjected to other restrictions as the Prison Superintendent may consider necessary. Facilities to be granted to Under Trial and Civil Prisoners for Interviews and for writing and receiving letters.

444. *Facilities to be granted to unconvicted criminal prisoners and civil prisoners in the matter of interviews and letter.*—

(1) Unconvicted criminal prisoners and civil prisoners shall be granted all reasonable facilities at proper times and under proper restrictions for interviewing or otherwise, communicating either orally or in writing, with their family members, relatives, friends and legal advisers.

(2) Every interview between an unconvicted prisoner and his legal adviser shall take place within sight, but out of hearing, of a prison official. A similar concession shall be allowed by the Superintendent in the case of an interview with any near relative of an unconvicted prisoner.

(3) When any person desires an interview with an unconvicted criminal prisoner in the capacity of the prisoner's legal adviser, he shall apply in writing, giving his name and address and specifying the purpose of the interview. He must satisfy the Superintendent of Jail that he is the *bona-fide* legal adviser of the prisoner with whom he seeks interview and that he has legitimate business with him.



(4) Any *bona-fide* written communication prepared by an unconvicted criminal prisoner as instructions to his legal adviser may be caused to be delivered personally to such legal advisor or to his authorized nominee, by the Superintendent of Jail. For this purpose, the term legal adviser means a legal practitioner within the meaning of the Legal Practitioners Act, 1879 (Central Act XVIII of 1879). If, such communication is confidential it shall be delivered without being previously examined.

(5) Civil prisoners may see their family members, friends, relations and legal advisers at such time, and under such restrictions, as the Superintendent may decide and the presence of a prison officer shall not be necessary. No such visitor shall, however, be allowed to take eatables without the permission of the Superintendent inside the prison.

445. *Communications from a prisoner who is a Member of the State Legislature or of Parliament.*— All communications addressed by a prisoner, who is a member of the State Legislature or of the Parliament, to the Speaker or Chairman of the House of which he is a member or to the Chairman of Committee (including a Committee on Privileges) of such a House or of a Joint Committee of both houses of the State Legislature or of Parliament, as the case may be, shall be immediately forwarded by the Superintendent of Jail to the government to deal with it in accordance with the rights and privileges of the prisoner as a Member of the House to which he belongs.

446. *Telephone facilities.*— At the discretion of the Superintendent of Jail, a prisoner may be allowed the use of telephones, on payment, to contact his family and lawyers, wherever such facility is available. Ordinarily, a prisoner may be allowed to use the telephone facility once in a fortnight. The prisoner can use this facility under the supervision of a prison officer to be designated by the Superintendent. While permitting a prisoner the use of telephone the Superintendent shall ensure that such permission is not given to prisoners who have a record of unruly behaviour and bad conduct.

447. *Other amenities relating to prisoners and restrictions thereof.*— (1) A copy of the rules relating to prisoners shall be placed in each cell and one copy of the Do's and Don'ts for prisoners shall be given to them. An abstract of the rules shall also be displayed inside the prison gate and on the walls of important prison buildings.

(2) All prisoners, who by their good conduct, are found deserving, shall be allowed to receive soap, oil and tooth powder, fruits and sweet from their friends and relatives, subject to the condition that the quantity to be received shall be limited to their personal requirements for a fortnight and that a thorough examination of the articles, to be passed to the prisoners, is done by a senior officer of the prison and if necessary, medical examination of any food article shall also be conducted. The Superintendent shall ensure that quantity of articles permitted to be received by a prisoner shall in no case exceed the limit specified. No prisoner shall be allowed to share any of the articles received by him with other prisoners.

#### APPEALS BY PRISONERS

448. *Facilities for appeal shall be explained.*— All relevant rules about appeals, and the facilities available in the prison for preparing and sending appeals, shall be explained to the prisoners at the time of their admission by the Welfare Officer.

449. *Welfare officer shall record the desire of the prisoner to prefer an appeal.*— Upon conviction, the Legal Aid Cell/Clinic/the Probation/Welfare/Rehabilitation Officer shall ascertain whether the prisoner desires to file an appeal or not and record it in the convict register and on the History Ticket of the prisoner and the prisoner shall be required to sign the History Ticket or affix his left-thumb impression thereon. This shall be verified and confirmed by the Deputy Superintendent and Assistant Superintendent at the time of the prisoner's physical verification.

450. *Application for copy of judgment.*— If the copy of the judgment is not received by the prisoner, the Superintendent shall immediately address the Court, on his behalf, for sending its transcript. In the event of any such transcript of the judgment being sent to the prison authorities for delivery to a prisoner by the appellate, revisional or other Court, the official concerned shall get it delivered to the prisoner and obtain a written acknowledgement thereof from the prisoner. If, before the receipt of the transcript of the judgment, the prisoner had been transferred to another prison or to the custody of any other officer, the transcript of the judgment shall on receipt, be forwarded without delay to the Superintendent of such prison or such officer, as the case may be. Till such time as the copy/transcript of the judgment is received by the prisoner, the Superintendent of Jail shall ensure that a reminder for sending a copy of the judgment is sent to the concerned Court every

week. If, the copy of the judgment is not received within one month of forwarding the application to the Court, the Superintendent of Jail shall detail a prison officer to visit the Court personally and collect a copy of the judgment and have it delivered to the prisoner.

451. *Prisoners to be assisted in preferring appeals.*— (1) Where the prisoner seeks help to file an appeal or revision petition, every facility for the exercise of this right shall be provided to the prisoner by the Superintendent of Jail. If a prisoner desires to file an appeal and declares that he has no friends or relatives or agents who can file an appeal on his behalf, he/she shall be provided with writing materials and allowed to write his own petition or appeal.

(2) If a prisoner cannot write, the Legal Aid Cell attached to the prison shall prepare his/her appeal petition. The Superintendent shall not be obliged to give assistance in the preparation of appeals of prisoners who omit to give notice of their intention to appeal before the period of limitation has expired. A prisoner, whose petition or appeal is written by someone else on his/her behalf shall be given full opportunity of expressing himself/herself and his/her case shall, as far as possible, be recorded in his/her own words. Printed forms of appeal petitions shall not be used.

452. *Emergency leave to Appeal.*— (1) The procedure governing the submission of petitions of Emergency leave to appeal is contained in rules 1, 2, 3 and 4 of Order XIII and rules 1 and 4 of Order XVIII read with Rule 2 of Order XXI of the Supreme Court Rules of 2013. These rules lay down that a petition for Emergency leave to appeal should be drawn up in the proper form and should be accompanied by the following documents:

- (i) Certified copy of the judgment of the Court appealed from;
- (ii) An affidavit to the effect that notice of the intended petition for Emergency leave to appeal has been served upon the respondents;
- (iii) An affidavit in support of the petition as required by Rule 4 of Order XVII of the Supreme Court Rules, 2013;
- (iv) An application for condonation of delay in filing the petition, if it is presented after the expiry of the period of limitation prescribed by Rule 1 of Order XIII read with Rule 2 of Order XXI;
- (v) Certified copies of the judgments of the lower Courts.

(2) The Superintendent shall communicate a list of prisoners of the following categories to the Duty Counsel, State Legal Services Authority at the High Court, and Legal Services at Supreme Court, in addition to contacting with District Legal Services Authority on continuous basis, for providing of legal aid and assistance to them:-

- (i) Under-trial prisoners who are old and infirm, including women who are pregnant or have babies to be nourished;
- (ii) Under-trials who have spent more than three months in prisons and who have no means to engage a counsel;
- (iii) Persons arrested on suspicion under Section 41 of the Code of Criminal Procedure Code, 1973 who have been in prison beyond a period of 15 days;
- (iv) Under-trials who, the Superintendent has reasons to think, have not completed 18 years of age should not be admitted inside the Central Prison or District Prison;
- (v) Any convicted prisoner who has already filed an appeal through prison authorities, as provided in the Code of Criminal Procedure Code, 1973 and who has given in writing his/her desire to avail free legal aid. The Superintendent shall also supply information to the Duty Counsel regarding such appeal along with a copy of memorandum of appeal, if available;
- (vi) Prisoners or the members of their family, requiring legal assistance in any civil or criminal matters.

(3) Information regarding seeking of legal aid may be passed on by the Superintendent to the Duty Counsel if the concerned prisoner has given in writing his/ her desire to avail of free legal aid. If the Duty Counsel so desires, he/she may interview the prisoner with regard to these matters.

(4) The provisions which are applicable to petitions for Emergency leave to appeal to the Supreme Court on behalf of the condemned prisoners, shall also apply to such petitions on behalf of other convicts.

453. *Superintendent to forward petitions of appeal.*— Under section 383 of the Code of Criminal Procedure, 1973 an appellant, who is in prison, may present his petition/appeal, and the documents accompanying it, to the Superintendent who shall, thereupon,

countersign and forward them to the proper Appellate Court at Government cost. All such appeals shall always be sent by registered post.

454. *Exclusion of time taken in obtaining copy of judgment.*—

(1) The date on which a prisoner expresses his intention to appeal shall be entered at the appropriate space in his/her History Ticket. The time between that date, and the date on which the copy of judgment is delivered to the prisoner, shall be treated as the time required for obtaining a copy of the order or sentence appealed against, within the meaning of Section 12 of the Limitation Act, 1963.

(2) The period allowed under the Limitation Act, 1963 (Central Act 36 of 1963) for filing of appeals to different Courts are as follows:-

Sl. No.	Description of appeal	Period of limitation	Limitation starts from
	(1)	(2)	(3)
a	Under the Code of Criminal Procedure Code, 1973 From a sentence of death passed by a Court of Session or by a High Court in the exercise of its original criminal jurisdiction	30 days	The date of the sentence
b	From any other sentence or any order not being an order of acquittal	60 days 30 days	The date of the sentence or order
	(i) to the High Court		
	(ii) to any other Court		

(3) In order to enable the appellate courts to calculate the period of limitation prescribed for criminal appeals under the Limitation Act, 1963 every appeal petition shall be endorsed with the following notice, signed by the Superintendent of Jail, namely:- “The period requisite for obtaining a copy of the order appealed against to be excluded from the period of limitation under section 12 of the Limitation Act, 1963 (Central Act 36 of 1963), was ..... days.”

455. *Delay in preparing appeal to be noted.*— If any delay has occurred in preparing the appeal or revision petition after the receipt of the copy of judgment, a note of such delay shall also be made on the appeal or revision petition.

456. *Notice of the date of hearing shall be communicated to the prisoners.*— When notice of the date of hearing of an appeal or petition is received, it shall be communicated to the convict who shall affix his/her signature or left-thumb impression is token of receipt of such his/her signature or left-thumb impression is token of receipt of such notice, on the notice. The notice shall then be attested by the Superintendent and returned to the concerned Court.

457. *Personal appearance of the prisoner in the appellate Court.*— When notice to show cause why a prisoner's sentence should not be enhanced is received from the appellate Court, the prisoner shall be asked whether he/she wishes to apply for permission to appear in person before the Court concerned. If he/she says so, the Superintendent shall forward his/her application to the Court for orders. Arrangements shall be made for his/her personal appearance in the Court if such permission is granted.

458. *Appeal procedure with regard to persons convicted by Court Martial.*— No appeal lies from a sentence passed by a court martial under the Army Act, 1950. The prisoner has a right to submit one petition only, against the judgment or sentence, for disposal by the highest authority to whom he/she is authorized to apply. His/her legal rights to submit a petition and the authority to which a petition shall be addressed are explained to every accused at the time of the pronouncement of sentence. Such a petition shall be forwarded to the authority to whom it is addressed. Appeals or petitions addressed to the Government of India or to any civil authority, shall be forwarded to the Central Headquarters of the concerned Armed Force for disposal.

459. *Communication of appellate orders.*— On receipt of an order disposing of an appeal, the purport thereof shall be communicated to the prisoner concerned in the presence of the Superintendent who shall enter on the order a certificate to the effect that it has been so communicated. Whenever a prisoner has been transferred before the receipt of orders on his/her appeal, such orders shall be forwarded, without delay, to the Superintendent of the prison in which the prisoner is confined.

460. *Maintenance of Appeals Register by the Welfare Officer.*—

(1) The Welfare Officer shall maintain an Appeal Register. He shall cause the register to be placed before the Superintendent of Jail as frequently as may be necessary. Starting from the date on which the prisoner expresses his/her desire to file an appeal, till the date of receipt of the order of the appellate Court disposing of the appeal, all such dates on which action is taken during the entire process shall be entered in the Appeals Register and attested by the Superintendent or Additional Superintendent. This would include dates on which requisition for judgment copy is sent, the date of the receipt of judgment copy; the date of delivery of the judgment copy to the prisoner or other nominated party, and date of receipt of appeal from the prisoner.

(2) The Superintendent or Deputy Superintendent shall ensure that there is no delay in the process of disposing of appeals/petitions. The Welfare Officer is directly responsible to the Superintendent or Assistant Superintendent in these matters. After forwarding the appeals/petitions, the superintendent shall send reminders to the Clerk/Registrar of the appellate Court as under:-

Session Court      —————> Once in 15 days

High Court or Supreme Court      —————> Once in a month

461. *Record of the appellate order.*— The order and judgment of the Appellate Court, the copy of the original judgment, and other connected records, shall be filed and kept along with the prisoner's warrant.

462. *Record of the result of appeal.*— (1) In every case in which a sentence is modified or reversed on appeal, the Superintendent of Jail concerned, on receiving the warrant prepared by the Appellate Courts in terms of the order passed, shall inform the prisoner of the decision of the appellate Court and make a note of it in the History Ticket and the other connected records. The sentences shall be accordingly corrected and the revised dates of release shall be entered and got attested by the Deputy Superintendent and the Superintendent.

(2) In every case in which a sentence is confirmed on appeal, the Superintendent of Jail shall receive information to this effect from the Appellate Court. The confirmation of sentence or appeal shall be entered in the History Ticket and other connected records and attested by the Deputy Superintendent and the Superintendent.

PETITIONS TO GOVERNMENT FROM PRISONERS OTHER THAN  
THOSE WHO ARE UNDER SENTENCE OF DEATH

463. *Permission to petition to Government.*— Every prisoner shall be permitted to submit petition to Government or to the appropriate authorities through proper channel concerning his problem.

464. *Facilities for preparing petitions.*— Every prisoner shall be provided with required writing materials and also be given adequate facilities to enable him to prefer petition to Government or other appropriate authorities should he desire to do so.

465. *Preparation and submission of petition.*— (1) The petition may be drafted by the prisoner himself or by his friends or relatives or legal advisers.

(2) If a prisoner cannot write and has no friends or relatives who are able and willing to help him, the petition shall be drawn up by a prison official or by another prisoner at the prisoner's own dictation, and if, by a prison official without suggestion on the part of the writer or addition, to what the prisoners himself desires to state. When the petition is prepared other than the prisoner himself, it shall be seen that the prisoner understands the gist of its contents before signing the petition. In such case, the contents of the petition shall be read over to the prisoner and his acknowledgement obtained to the effect that he understood the contents in the presence of the Deputy Superintendent who shall also certify accordingly.

(3) Every petition shall be submitted on full-scale paper/A4 Paper, folded lengthwise and properly numbered and docketed.

(4) Prisoners shall not be permitted to submit petitions jointly provided they are convicted and sentenced in one and the same case.

466. *Authentication and submission of petition.*— Every petition whether prepared inside or outside the prison shall after counter-signature by the Superintendent, be forwarded to the Inspector-General of Prisons for transmission to Government.

467. *Documents to accompany the petition.*— (1) Every petition shall be accompanied by a covering letter and a nominal roll of the prisoner concerned.



(2) A copy of the judgment passed in the case shall accompany every petition and if, an appeal has been lodged and decided, a copy of the judgment of the appellate Court shall also accompany it.

(3) In cases where a prisoner in his petition assigns his state of health as a reason for remission of sentence, a detailed report drawn up by the Medical Officer shall accompany the petition containing information on the following points, namely:-

- (i) condition of health;
- (ii) probability of life of the prisoner being seriously endangered by prolonged imprisonment;
- (iii) Whether the life of the prisoner is likely to be prolonged if he be set at liberty.

468. *Warrant to accompany petition of Military prisoner.*— Every petition from a military prisoner convicted and sentenced by court martial shall be accompanied by a copy of the warrant on which the prisoner was committed to prison.

469. *Maintenance of Register of Petitions.*— A separate register shall be maintained in the prison to record the particulars of petitions received from and on behalf of the prisoners and the nature of action taken on each of them. In this register, particulars of petitions referred by the prisoners relating to grant of suspension of sentences, remission of sentences, transfer from one prison to another and other miscellaneous matters relating to their welfare shall be legibly recorded. This register shall be maintained in the Remission Section of the prison. The date of disposal of each petition shall be indicated in this regard and the entries made in this regard shall be duly attested in ink either by the Superintendent or by the Deputy Superintendent who shall ensure that there is no delay in the disposal of the petition. The Inspector-General at the time of his inspection of the prison, shall inspect this register also to satisfy himself that it is properly maintained and prompt action taken for the disposal of the petitions registered therein.

470. *Procedure for forwarding second petition to Government.*— In case the petition to Government has been rejected, a second petition of the same prisoner on the same subject shall not be forwarded unless in the opinion of the Superintendent, it contains further information or material warranting its reconsideration.

471. *Memoranda by prisoners to President, Prime Minister, etc.*— Memoranda by the prisoners including undertrial prisoners in prisons, addressed to the President, Prime Minister or any other dignitary of the Central or Government shall be forwarded to the addressee unless the statements contained in the memoranda are untrue or the memoranda in question are couched in objectionable language. In case of withholding such memoranda, the Superintendent of Jail shall inform the petitioner as well as the authorities to whom the memoranda are addressed the reason for such withholding.

472. *Communication of orders on Petitions.*— The orders passed on every petition to Government shall be communicated to the prisoner concerned, in the presence of the Superintendent or Deputy Superintendent, as soon as practicable, after its receipt, and the purport of them, with the date of communication shall be recorded on the History Ticket and also in the appropriate column of the Convict Register.

## CHAPTER-16

### TRANSFER OF PRISONERS

473. *Reasons and circumstances for transfer.*— Prisoners may be transferred from one prison to another for the following reasons:-

- (i) For custody and treatment in a suitable institution in accordance with the classification procedure;
- (ii) For attendance in court for the purpose of standing trial or giving evidence;
- (iii) On medical grounds;
- (iv) On humanitarian grounds, in the interest of their rehabilitation;
- (v) For post-release vigilance by the police;
- (vi) For providing essential services;
- (vii) On grounds of security, expediency, etc;
- (viii) To be nearer to his/her home district;
- (ix) For other special reasons, if any.

474. *Powers of Inspector-General.*— Inspector-General of Prisons has following powers:-

(1) Subject to the order and control of the Government, the Inspector-General is authorized to sanction the transfer of such prisoners as are referred to in section 29 of the Prisoners Act, 1900 (except those under sentence of death), from one prison to another within the Union Territory

(2) The powers to transfer any prisoner under sentence of death from one prison to another shall rest with the Government.

(3) The sanction of the Inspector General, however, will not be necessary for transfer of prisoners in the following cases, where the Superintendent of Jail can order such transfer:-

- (i) Transfer of prisoners required to give evidence or to undergo trial for an offence in another State;
- (ii) Transfer of prisoners en-route;
- (iii) Transfer of prisoner to a classified institution in accordance with a standing order issued for this purpose.

Transfer of prisoners on administrative grounds by the Chief Superintendent of Jails/Superintendent of Jails to prisons within their jurisdiction.

*Explanation:* Copy of Intimation regarding the transfer of a prisoner in the above three circumstances shall, however, be submitted to the Inspector-General, immediately.

475. *Transfer of sick Prisoners.*— Prisoners may be transferred from one prison to another prison on following grounds;

(i) No prisoner who is sick shall be transferred except for the benefit of his/her health;

(ii) When the Medical Officer is of the opinion that the transfer of a sick prisoner to another prison is likely to lead to his/her recovery or will help in prolonging his/her life, he shall forward a brief statement of the case to the Superintendent, mentioning the prison to which a transfer is desirable. The Superintendent shall thereafter submit the case to the Inspector-General for his orders;

(iii) The Superintendent shall, on a requisition in writing from the Medical Officer, supply extra food, clothing and bedding to prisoners for such journeys. Medicines, with instructions for their use, shall if necessary, be supplied to the officer escorting such prisoner;

(iv) The Medical Officer shall be responsible to ensure that the medical case sheet of a prisoner is up-to-date at the time of his/her transfer;

(v) No prisoner, who is incapable of ordinary hard labour on account of age, sickness or infirmity, shall be recommended for transfer except under special circumstances.

(vi) Guarded/Escort Police shall be made available within the Jail Premises to meet out the emergency/special circumstances.

(vii) During emergencies, the transfer of sick person for treatment in Hospital outside the Campus of Prison shall be guarded/ Escorted by the Police.

476. *Prisoners convicted in the same case.*— Prisoners convicted in the same case may be transferred to different prisons if, in the opinion of the Superintendent, it is absolutely essential to do so in the interests of discipline and maintenance of order in the prison.

477. *Transfer of habitual prisoners.*— The Superintendent may apply to the Inspector General for transfer of a habitual prisoner from the prison on the ground that the prisoner is familiar with the locality and surroundings because of previous imprisonment there or otherwise. However, the Inspector-General shall order transfer of such prisoners only in special cases, treating every such application on its merit, and after satisfying him that sufficient reasons for transferring the prisoner exist.

478. *Transfer of Young Offenders.*— Young offenders (in the age group of 18 to 21) admitted to a prison shall be transferred to suitable institutions for young offenders, under the orders of the Inspector-General of Prison. They shall be transferred back to the prisons of their origin after they attain the age of 21 years if, their sentence of imprisonment is not complete. Special arrangements must be made for them in such cases to continue getting the borstal treatment, till their normal release.

479. *Transfer of prisoners convicted by civil Courts of competent jurisdiction on reciprocal basis.*— (1) Every prisoner convicted by a civil Court of competent jurisdiction in a State, other than that of his/her origin, may be transferred to his State of origin, if his/her unexpired portion of sentence is at least three months at the time of his/her transfer. He/she would be moved either to a prison in the district to which he/she belongs or to a prison nearest to his/her native place. In the case of any such prisoner to be transferred to his/her native State, the Superintendent of Police of the district of that State shall confirm the fact that the prisoner is native of that district of the State.

(2) In the case of any such prisoner to be transferred to another State, the Superintendent of the prison, where the prisoner is confined, shall obtain from the prisoner a written declaration giving details of his/her address as also addresses of his/her relatives in his/her State of origin and send a nominal roll to the Inspector-General of Prisons of that State. The Inspector-General shall also ascertain the name of the prison, in the State of origin to which the prisoner has to be transferred from the Inspector-General of that State and then issue orders for the transfer of the prisoner.

*Explanation:* (i) Due consideration shall be given to the wishes of a prisoner regarding transfer to his/her home State, unless there are adequate reasons against it—for instance, his/her being out of mind or obstreperous or an aged parent wishing to be able to see his/her children during the last days.

*Explanation:* (ii) The transferring State shall bear the cost of transfer of the prisoner. The cost of maintenance of the prisoner shall be borne by the State of his/her origin from the date he/she is received.

*Explanation:* (iii) The prisoners' property and wages earned by him/her in the prison till the date of his/her transfer shall be sent, along with the prisoner, to the prison to which he/she is transferred.

480. *Transfer of prisoners convicted by Court martial overseas or in India on reciprocal basis.*— Every ex-military prisoner convicted by a court martial overseas or in India, and confined in any prison, other than a prison in his/her State of origin, may be transferred to a prison in his/her State of origin. The Superintendent of Jail, where the prisoner is confined, shall immediately after his/her admission, send the nominal roll and written declaration of the ex-military prisoner in duplicate to

the Inspector-General of Prisons, Puducherry who shall, in consultation with the Inspector-General of the State of origin of the prisoner, decide that the prisoner shall be transferred and issue orders to this effect. The Inspector-General of Prisons, Puducherry shall also entertain requests from prisoners of his State confined in prisons of other states, and after proper verification by the Superintendent of Police of the district to which the prisoner belongs, inform the respective Inspector-General about the prisons to which such prisoner should be transferred.

*Explanation:* (i) Ex-military prisoners should be transferred immediately to their State of origin irrespective of the unexpired portion of their sentence.

*Explanation:* (ii) The cost of maintenance of ex-military prisoners shall be borne by the States of their origin from the date they are received in their prisons and the cost of transfer should be borne by the Central Government from the Defence Service Estimates.

481. *Transfer of prisoners prior to release.*— (1) Every habitual prisoner, police registered prisoner, prisoner ordered to pay a fine, a prisoner required to notify residence subsequent to his/her release, a person ordered to undergo imprisonment in default of furnishing security for maintaining peace or good behaviour, a prisoner certified to be mentally ill, and a female or juvenile prisoner, if, confined in a far away prison, shall be transferred to the prison nearest to his/her home, one clear week before the date of the expiry of his/her substantive sentence.

(2) The prisoners so transferred shall be confined in the outer quarantine block of the receiving prison and released there from. The release list shall, however, be sent by the Superintendent of the transferring prison to the Superintendent of Police of the district in which the prisoner will be released one month prior to his/her transfer.

(3) This rule is subject to the condition that the prison to which the transfer is ordered is on or near the route which the prisoner would ordinarily take to his/her home and contains accommodation for his reception.

(4) The provisions of this rule may be relaxed in the case of prisoners willing to receive help from the local Discharged Prisoners' Aid Society on release, and for habitual and police registered prisoners, and for those who are leprosy patients.

482. *Transfer during epidemics or pandemic.*— Prisoners shall not be transferred while Cholera or any other epidemic or pandemic disease (like Corona) is present in either the transferring or receiving prison. Transfer along a route where Cholera or any other epidemic is prevalent, shall also be avoided as far as possible.

483. *Grounds of re-transfer to be stated.*— When a prisoner has been transferred for any special reason by the Inspector-General, the Superintendent shall, bring to notice the special reason for which the original transfer was made, when proposing the re-transfer of such prisoner. There shall not be any suppression of facts.

484. *Grounds for transferring of prisoners belonging to other States.*— Prisoners belonging to other States may be transferred on following grounds:-

(i) As a general rule Police registered criminals, not being natives of the State in which they are undergoing sentence, shall be removed, without regard to their wishes in the matter at any time if, they are sentenced to imprisonment for three months or less, and two months before their release if, they are sentenced to imprisonment for more than three months, either to the prison of the District to which they belong or to the prison nearest to their native place, provided that such prison is declared by the Government concerned as the receiving depot for prisoners removed from the Union territory of Puducherry. A prisoner sentenced to more than three months of imprisonment shall be transferred to a prison in his/her home District earlier than two months if he/she is willing or if, there are adequate reasons requiring such transfer. All such cases, as mentioned above, shall ordinarily be intimated by the Police to the Superintendent of Jail in the form of a Police Registered Slip. When a Police Registered Slip is received, the details to be filled in at the prison shall be completed and the slip attached to the prisoner's warrant and sent with him/her to any prison to which he/she may be transferred. At the same time an entry of the letters "P.R.T.", signifying Police Registered Prisoners for Transfer shall be made in red ink in the Convict Register and Register of Prisoners to be released. The Superintendent shall forward to the Inspector-General a nominal roll of such prisoner with an application for his/her transfer one month before the date on which the transfer is to be effected in accordance with the rules. The Inspector-General is authorized to order the removal of such prisoner, as required above, and shall pass a formal

order sanctioning the transfer in consultation with the Inspector-General of the State with the consent of that Government to which the prisoner is to be removed. On the death or escape of a Police Registered Prisoner, the Police Registered Form attached to his warrant shall be returned to the Superintendent of Police of his District with an endorsement showing the date of his death or escape. Similarly, any prisoner, whose detention in a prison of the State in which he/she is undergoing sentence, is deemed inexpedient; he/she may be removed with the previous consent to the Inspector-General of the State and the Government of that State to which it is proposed to remove him;

(ii) Police Registered Prisoners for transfer (or briefly P.R.T. Prisoners) belonging to Jammu and Kashmir, Nepal and Bhutan shall be transferred to the prisons in India nearest to their native places, at anytime not exceeding two months prior to their release, the prisons to which they are to be transferred being decided in consultation with the Inspector-General of Prisons of the respective State, and after verification of the facts. Intimation regarding release of P.R.T. Prisoners belonging to Jammu and Kashmir shall be sent direct to Jammu and Kashmir Government. In the case of P.R.T. prisoners belonging to Bhutan and Nepal, such intimation shall be sent to the Government of these countries through India's Political Officers or the Indian Embassy, as the case may be.

485. *Home State.*— In the case of a prisoner, who has long ceased to have any link with the State of his/her birth, and who is domiciled in the State where he/she is imprisoned and where his/her close relatives live, the latter State may be treated as his/her home State for the purpose of transfer. This shall be ascertained from his/her antecedents or by enquiries regarding his/her relatives, before deciding to transfer such prisoner.

486. *Police to escort prisoners.*— Police escort to the prisoners is given on following grounds:-

(a) The responsibility of escorting prisoners rests with the Police. The Superintendent of Jail shall endeavor to reduce the calls upon the Police as far as possible, by transferring prisoners in batches. Prisoners shall not ordinarily be dispatched so as to reach the prison of destination on any of the recognized holidays for prisons. If, such a contingency is likely to arise due to unavoidable circumstances, the Superintendent of the transferring prison shall forward a written request



to the Superintendent of the receiving prison. The Superintendent of the receiving prison shall, however, entertain such admission on holidays even in the absence of any such request, but, bring the irregularity to the notice of the Inspector-General of Prisons;

(b) The authorities at the transferring prison shall, as far as possible, avoid sending prisoners of different categories in the same batch. However, if, circumstances make this unavoidable, they shall give clear instructions to the officer in charge of the escort to prohibit communication amongst such prisoners.

487. *Precautionary measures.*— (1) Full details of the following types of prisoners shall always be supplied to the escorting party before they are handed over to the Police by the Superintendent of the transferring prison, namely:-

- (a) Prisoners with sentence of five years and above;
- (b) Prisoners whose conduct in prison is bad or who have been found to be dangerous;
- (c) Prisoners involved in heinous offences;
- (d) Prisoners sentenced under section 224 of the Indian Penal Code, 1860 and those who are known to have escaped or have attempted to escape in the past.
- (e) Any other important information.

(2) The District Collector, Superintendent of Police and the Superintendent of Jail shall be informed in advance when prisoners likely to attract public attention and cause a stir, are being transferred.

488. *Provision of female warders.*— When a female prisoner is transferred, a female Warder/Woman Police Constable shall accompany her. But, her presence does not relieve the responsibility of the Police for the safe custody of the prisoner in transit.

489. *Application for escort.*— When prisoners are to be transferred, the Superintendent shall apply to the Superintendent of Police of the District where the Central Prison is located, sufficiently in advance for the requisite guard, intimating the number of prisoners and the date and hour of their intended dispatch and the station they are being transferred to.

490. *Intimation of prisoners transferred to be given.*— The Superintendent shall furnish to the officer in charge of escort, a memorandum showing the number of prisoners being dispatched, their state of health, the route they are to take, and the date of dispatch. He shall also send all these details to the Superintendent of the receiving prison, along with the probable date of their arrival well in advance, and if necessary, by telegram.

491. *Procedure prior to transfer.*— The Superintendent shall, before transferring a prisoner, verify all the entries regarding him/her and certify on the back of the warrant, the number and date of the order directing the transfer and the date of transfer.

492. *Disposal of prisoners property.*— On the transfer of a prisoner, the Jailor/Deputy Superintendent of the dispatching prison shall get a list of the prisoner's property prepared in triplicate, as entered in the Convict Register, and obtain the signature of the officer in charge of the escort for the property on the counterfoil as a token of receipt. The duplicate and triplicate forms, the former signed by the Jailor of the dispatching prison, together with the property, shall be given to the officer in charge of the escort to be handed over to the receiving prison, where the duplicate list shall be retained and filed. The triplicate shall be signed by the Jailor of the receiving prison and handed over to the officer in charge of the escort.

If, it is found that there is any discrepancy in the cash, jewellery or property, immediate notice of the same shall be given to the Superintendent of the dispatching prison who shall begin an enquiry into the matter.

493. *Documents to accompany prisoners.*— (1) The following documents relating to each transferred prisoner shall be given to the officer in charge of the escort to be delivered to the Superintendent of the receiving prison, namely:-

- (i) His/Her original warrant or warrants duly endorsed;
- (ii) A copy of the committing Court's judgment, if available, the order of any Appellate Court and of the Government on any petition made by the prisoner;
- (iii) A nominal roll;
- (iv) His/Her history ticket;

- (v) His/Her remission sheet, if any;
- (vi) His/Her medical case sheet;
- (vii) Duplicate and triplicate lists of all private property belonging to the prisoner;
- (viii) A list of clothing, bedding and other Government property sent with the prisoner.

(2) The total amount of remission earned by every transferred prisoner up to the end of the preceding month shall be endorsed on his/her History Ticket, remission sheet and on the warrant, and the entries shall be signed by the Superintendent. The Deputy Superintendent of the transferring prison shall be responsible that the above information is duly and correctly supplied and that all documents to accompany the prisoners are correctly sent.

494. *Supply of food and clothing on journey.*— (1) Every prisoner, during transit, shall be allowed to wear his private clothing. Whenever the private clothing of a prisoner has been destroyed or sold, he/she shall, on transfer, be provided with clothing as supplied on release.

(2) When the journey to be made is short, sufficient supply of rations shall be given to the Police Officer in charge for distribution at a suitable time. In other cases, the warder or Police officer in charge shall be provided with funds sufficient to purchase the prescribed dietary.

(3) Subsistence allowance shall be paid to the prisoners at the rates as fixed by Government from time to time.

495. *Prisoners to be searched before dispatch.*— Every prisoner shall be searched in the presence of the Deputy Superintendent and escort party before dispatch.

496. *Duty of the escorting officer.*— (1) The officer in charge of escort shall see that prisoners do not communicate with outsiders and have no opportunity of obtaining forbidden articles, including cash, from their friends or relatives while in transit. During the transit period, the prisoner shall not be allowed to handle any cash, jewellery or other private property, except his/her private clothing.

(2) If, any breach or neglect of duty on the part of the officer in charge of escort is noticed, the Superintendent of the receiving prison shall send a report to the Inspector-General of Prisons.

497. *Not to be admitted to Central Prisons en route.*— Prisoners in transit shall not be admitted into Central Prisons. They may, however, be admitted to a transit yard if, such a facility is attached to Central Prisons for the purpose.

498. *Search during transit.*— Male prisoners shall be searched by the officer in charge of the escort daily during transit.

499. *Custody of females and Young Offenders.*— During transit, female and young offenders shall be separated from adult male prisoners.

500. *Transfer by rail or water.*— (1) Prisoners shall ordinarily be transferred by rail where facilities for travel by rail exist. The fares of prisoners and of the warder, if any in-charge, shall be included in the railway warrant prepared by the Police Department. The accommodation to be provided shall be of the lowest class.

(2) When prisoners are to be transferred by rail, timely notice shall be given to the Police of the intended date and hour of dispatch with a view to make suitable arrangements with the railway authorities for their safe custody in transit, and for the provision of necessary accommodation.

501. *Transfer by road.*— The Police escort party, which is transporting prisoners by road, shall provide necessary conveyance even for a shorter distance. Taking into consideration the safety and security of the prisoners, the Police shall chalk out the routes and places of halt, in advance. Any accident on transit should be promptly intimated to the Superintendent of the Prison from where the prisoner has been moved

502. *Procedure if prisoner falls sick.*— If, during such transfer by road, a prisoner becomes so ill as to be unable to continue his/her journey, he/she shall be taken to the nearest hospital or to any place where there is a public dispensary, for treatment by a Medical Officer. A report of the circumstances shall immediately be made to the Superintendent of the dispatching prison and of the prison to which the prisoner was being moved.

503. *Procedure in case of death of a prisoner in transit.*— When a prisoner dies in transit, the officer in charge of the escort shall at once report the circumstances to the nearest Police Station, which in turn will inform the Executive Magistrate. The Executive Magistrate shall enquire into the case and submit his/her report directly to the Inspector-General

and shall arrange for the disposal of the dead body. The officer in charge of the escort shall also intimate the death of a prisoner to the Superintendent of the prison to which the prisoner was being transferred, and the Superintendent of the transferring prison immediately. The latter shall inform the deceased prisoner's relatives, the Government, and the National Human Rights Commission, of the death of the prisoner.

504. *Procedure if prisoner escapes.*— If, during transit, a prisoner escapes, intimation shall at once be given by the officer in charge of the escort to the nearest Police Station to enable them to take steps for recapture of the prisoner. The Superintendent of the prison to which the convict was being taken and of the transferring prison, shall also be informed of the escape; and the latter shall take the prescribed measures for the prisoner's re-apprehension. On recapture, such a prisoner shall be sent to the prison from where he was originally being transferred.

505. *Admission of transferred prisoners.*— On arrival at the receiving prison, the usual procedure for the admission of prisoners shall be followed. The Superintendent shall satisfy himself that the correct number of prisoners has been received and that they have been properly fed and cared for during transit.

506. *Verification of lists accompanying prisoners.*— When the authorized Prison Officer of the receiving prison has satisfied himself that the prisoner's documents and property have been correctly received, he shall countersign the memorandum and the triplicate copy of the list of property and shall return them, together with any clothing and item issued at Government cost, to the transferring prison.

507. *Facilities in the matter of letter writing.*— Special facilities for writing letters to family, before and after transfer, may be extended to prisoners at the discretion of the Superintendent of Jail.

508. *Remission or suspension of sentence to the convicts transferred to prisons outside State.*— (1) When persons are convicted by any Court, they are under the responsibility of the Government of the State in whose jurisdiction they are convicted and sentenced. Transfer of prisoners from the State of conviction to their home State does not deprive the State of conviction of ultimate authority of custody or remission of sentence vested in them with regard to the prisoners. The prisoners are to be regarded as undergoing sentences during absence from the prison in the State of conviction.

(2) Ordinary remission which is prescribed for the purpose of controlling the work and conduct of a prisoner shall be granted by the Superintendent of the prison in which he is confined, in accordance with the scale laid down in the prison manual of the State. But, any special remission for which a scale is not provided for in the prison manual of the State, Government remission or other remission under section 432 of the Code of Criminal Procedure, 1973 shall be as sanctioned by the appropriate Government. The appropriate Government for ordering remission or suspension of sentence under section 432 of the Code of Criminal Procedure, 1973 is the Government of the State where the prisoner was convicted. In the case of conviction for offence relating to a matter to which the executive power of the Union extends, the "appropriate Government" is the Central Government.

(3) When it is considered desirable to release a transferred prisoner before he completes his term of sentence inclusive of remission earned and sanctioned under section 432 of the Code of Criminal Procedure, 1973 is required, his case with the necessary documents shall be sent to the Inspector-General who shall forward it with his recommendations along with the recommendations of the Advisory Board, if any, to the Inspector-General of the State of conviction for obtaining orders of that Government. In the case of Court-martial, prisoners or others convicted for offence relating to matters to which the executive power of the Union extends, the orders of the Central Government shall be obtained.

## CHAPTER-17

### REPATRIATION OF PRISONERS

509. (1) A number of Indian prisoners are lodged in various countries undergoing their sentences while, a number of foreign prisoners are similarly lodged in Indian prisons (Current number of foreign prisoners is 2,495 as per NCRB Prison Statistics 2014). These prisoners are unable to meet with their families due to long distances and this loss of contact with family members hinders their rehabilitation and reformation. Such prisoners may be brought back for undergoing the remaining period of their sentences under the various bilateral and multilateral agreements entered into by India, through the process of repatriation under the aegis of Repatriation of Prisoners Act, 2003 and Repatriation of Prisoners Rules, 2004.

(2) Presently, India has entered into bilateral agreements with 27 Countries (listed below) and has also acceded to one multilateral treaty *i.e.*, the Inter-American Convention on Serving Criminal Sentences Abroad (IAC), which is signed by the Member States of the Organization of American States (OAS) but, is also open to accession by non-OAS countries. Currently, India has functional arrangements with 36 Countries (20 Countries under bilateral agreement and 16 Countries under Inter-American Convention on Serving Criminal Sentences Abroad) for transfer of sentenced persons. These Countries are United Kingdom, Mauritius, France, Bulgaria, Egypt, South Korea, Saudi Arabia, Bangladesh, Sri Lanka, Cambodia, Israel, UAE, Iran, Italy, Maldives, Turkey, Thailand, Russian Federation, Kuwait, Hong Kong Special Administrative Region and Argentina, Belize, Canada, Czech Republic, Chile, Costa Rica, Ecuador, El Salvador, Guatemala, Mexico, Nicaragua, Panama, Paraguay, United States, Uruguay, Venezuela.

(3) Out of these, India has operational agreements with the following 20 countries: United Kingdom, Mauritius, Bulgaria, France, Egypt, Sri Lanka, Cambodia, South Korea, Saudi Arabia, Iran, Bangladesh, Israel, UAE, Italy, Turkey, Maldives, Thailand, Russian Federation, Kuwait and HKSAR. Indian prisoners undergoing a sentence in the prisons of these Countries may be brought back in terms of these agreements, and nationals of such Countries can be repatriated to their native countries in accordance with the agreements.

(4) India has also acceded to multilateral convention of the Organization of American States (a regional organization having 35 Member States). The Inter-American Convention on Serving Criminal Sentences Abroad was adopted on 9th June 1993 and came into force on 12th April, 1996. It is a multilateral treaty, which lies under the framework of Organization of American States. India is also in the process of acceding to the Council of Europe Convention on Transfer of Sentenced Persons. The Council of Europe Convention on Transfer of Sentenced Persons came into being on 12th April, 1983 and is effective since 1 July 1985. So far; the total 64 Countries have ratified the convention. Out of these, 45 Countries are the member States of the Council of Europe - Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, Montenegro, Netherlands,

Norway, Poland, Portugal, Romania, Russia, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Turkey, Ukraine and United Kingdom. The rest 19 Countries namely, Australia, Bahamas, Bolivia, Canada, Chile, Costa Rica, Ecuador, Honduras, Israel, Japan, Korea, Mauritius, Mexico, Panama, Philippines, Tonga, Trinidad and Tobago and United States of America, Venezuela are non-member States of the Council of Europe (CoE).

510. (1) The procedure for processing such repatriation requests is briefly described below and is detailed in guidelines issued by way of Advisory by Ministry of Home Affairs on 10th August, 2015:

- (a) The request for transfer should be made by the prisoner or anyone acting on his/her behalf voluntarily.
- (b) This request should be forwarded by the prison authorities of the Country where he is lodged to the prison authorities of the Country where he is to be repatriated.
- (c) The prisoner should be undergoing a sentence after being convicted by the Court of law for an act which is an offence in both the countries *i.e.*, the Transferring Country as well as the Receiving Country.
- (d) There should not be any other cases pending in a Court of law at the time of making such a request and the prisoner should not be wanted in any other proceedings by any investigating agency.
- (e) At least 6 months period of his sentence should remain for such request to be considered.
- (f) On transfer the prisoner would undergo either the remaining period of his sentence or his sentence would be adapted in terms of existing provisions of law in the Receiving Country without aggravating the period of his sentence. The period of sentence so adapted should closely be in line with the sentence awarded to him in the Court of law in the country where convicted and can be modified to bring it in line with similar provisions in the Receiving Country.



(2) All the Missions of the Country abroad and the prison administrations in the States/UTs have been apprised about the guidelines for repatriation of eligible inmates who can be considered for such repatriations.

## CHAPTER-18

### EXECUTION OF SENTENCES

511. *Method of calculating a sentence.*— (1) The duration of a sentence shall be calculated in calendar years, months, a fortnight, a week or days. The term 'year' means, a year according to the British calendar, a 'month' means, thirty days, a 'fortnight' means, fourteen days and a 'week' means, seven days.

(2) When a prisoner's sentence includes a fraction of a month, the date of release shall be calculated by reducing such fraction to days. A month, for this purpose, shall consist of thirty days. For example, if, a prisoner is sentenced to one and half months' imprisonment on 2nd February, the date of his/her release shall be 16th March.

512. *Serving of sentences.*— (1) In whatever order the sentences are served, a prisoner is liable to serve the aggregate of the terms of all the sentences, provided that under no circumstances shall a prisoner be detained in prison beyond the period indicated by the terms of the warrant of commitment.

(2) In case of doubt, as to the order in which the sentences shall take effect, instructions shall be taken from the Court imposing the last sentence.

513. *Commencement of, and breaks in, imprisonment how reckoned.*— (1) In calculating the date of expiry of a sentence of imprisonment in a criminal case, the day on which the sentence was passed and the day of release shall both be included as days of imprisonment. A prisoner who is punished till the rising of the Court only, shall be released from the Court itself and not admitted to prison. In the case of a prisoner who is punished till the rising of the Court and is awarded another sentence on the same day, the latter sentence shall start from the date on which the sentence is awarded. If, a prisoner is sentenced to imprisonment for 24 hours, he must be kept in prison for the exact number of hours. In such cases, the sentence shall be deemed to commence from the hour indicated in the warrant. Prisoners sentenced to one day's imprisonment shall be admitted in prison and released on the same day.

(2) If, the date of release falls due on Sunday or a prison holiday, prisoners shall be posted for release on the previous working day.

*Illustration 1:* A prisoner sentenced on 1st January to one month's imprisonment shall be released on 31st January and not on 1st February.

*Illustration 2:* A prisoner sentenced on 28th February to one month's imprisonment shall be released on 27th March.

*Illustration 3:* A prisoner sentenced on 1st January to one day's imprisonment shall be released on the same day. But, if, he is sentenced to imprisonment for 24 hours, he shall be kept in confinement for that period and not released before the hours are up on 2nd January.

(3) The period of imprisonment to be undergone shall be reckoned from the date on which the sentence is passed, except in cases which fall under sections 31, 426 and 427 of the Code of Criminal Procedure, 1973 where the directions of the Court shall be followed.

*Explanation (For Fine sentence):-* In the case of a prisoner sentenced to imprisonment in default of fine, the period of imprisonment shall be reckoned from the day on which he was re-arrested for failing to pay the fine imposed.

(4) If, the month in which the sentence of a prisoner expires has no date corresponding to the date of sentence, the last day of the said month shall be taken as the day of expiry of sentence. The same principle shall apply when the sentence is reduced due to reduction in sentence or payment of fine or grant of remission.

514. *Date of release when two or more sentences run consecutively.*— When a prisoner is sentenced to two or more periods of imprisonment to be served consecutively, the date of release shall be calculated as though the sum of the terms was awarded in one sentence.

*Illustration 1:* A prisoner sentenced on 21st November, 2000 to two substantive terms of imprisonment of one year each shall be released on 20th and not on 19th November, 2002.

*Illustration 2:* A prisoner is sentenced on 1st January to two months imprisonment and a fine of ₹ 200 or, in default, to one month's imprisonment. If, the fine is not paid, he shall be released on 31st March, but, if, the fine is paid, then on the last day of February.

515. *Date of release in the case of prisoners sentenced to imprisonment for life.*— (1) The imprisonment for life technically means imprisonment for the whole life. The sentence of all prisoners sentenced to imprisonment for life or to more than twenty years imprisonment in the aggregate, shall, for administrative purposes of calculation of the normal date of release, be deemed to be sentences of imprisonment for twenty years under section 57 of IPC 1860.

(2) If, a sentence of death is commuted to one of imprisonment for life or imprisonment for a term, the sentence of imprisonment for life or imprisonment for a term shall be deemed to commence from the date on which the sentence of death was passed.

516. *Procedure when sentence is suspended.*— When an Appellate Court directs that the execution of a sentence or order appealed against, be suspended, the appellant shall, if, detained in prison pending further orders of such Courts, be treated in all respects as an undertrial prisoner. Should the appellant be ultimately sentenced to imprisonment or imprisonment for life, the period during which the original sentence was suspended shall-

(a) if, passed while the prisoner in prison, be included, and

(b) if, passed when the prisoner was at large be excluded, in computing the term for which he is sentenced by the Appellate Court.

517. *When retrial is ordered.*— When a Court passes a sentence after a retrial or after original sentence is reversed and retrial (fresh trial) is ordered on appeal, the previous sentence or portion thereof, already undergone by the prisoner before the fresh trial, should also count, unless otherwise specifically directed, towards the sentence imposed after the fresh trial, excluding any period during which the prisoner was at large. If, a convicted prisoner is to be handed over to Police for the purpose of investigation, Government orders suspending his sentence are necessary.

518. *Procedure when a sentence is modified or reversed on appeal.*— When a sentence on a prisoner is reversed or modified on appeal by a Court, other than the High Court, a fresh warrant will be issued by the Appellate Court to the officer in charge of the prison and such order will also be communicated to the lower Court:

Provided that when the Appellate Court orders the retrial or committal for trial, of a prisoner under section 386 of the Code of Criminal Procedure, 1973 it shall communicate its order to the Court whose decision has been reversed and that Court shall thereupon make such orders as are conformable to the judgment of the Appellate Court.

When a case is decided on appeal or revision by the High Court, the Court or Magistrate to which the High Court certifies its order will proceed, under the provisions of section 388 or 405 of the Code of Criminal Procedure, 1973 to issue, when necessary, fresh warrant or order to the prison officer.

In all cases, in which a sentence or order is modified or reversed, whether in appeal or revision, a separate warrant shall be issued as regards each prisoner whose sentence has been so modified or reversed.

519. *Unexpired Sentence of an escaped convict.*— (1) In the case of an escaped prisoner, subsequently arrested in connection with another offence, any period spent on that account in Police custody or as an undertrial prisoner, shall not be reckoned as imprisonment under the original sentence.

(2) Necessary entries shall be made in the Register of Prisoners to be released in place of the original date of release in respect of all such prisoners.

520. *Date of release of prisoners sentenced for escape.*— (1) If, a prisoner receives a sentence for escape from prison, the date of release shall be re-calculated in accordance with Section 426 of the Code of Criminal Procedure, 1973 and entered in the Register of Prisoners to be released in place of the original date of release.

521. *Periods that will not count towards sentence.*— In the following cases, the period spent by prisoners outside the prison, known as at large period, shall not count towards sentence:-

- (i) Escape.
- (ii) Bail.
- (iii) Suspended period of sentence, leave including emergency leave.
- (iv) Unauthorized extension of temporary release.
- (v) Suspended period of sentence if, directed by the Court.

- (vi) Suspension of sentence for Police investigation.
- (vii) Violation of conditional release.
- (viii) Extradition.

(2) A prisoner released on bail in Court on the day he is sentenced without having been sent to prison, shall not be deemed to have served any part of his sentence.

(3) Convicted prisoners removed from a prison in one State to a prison in another State under the provisions of the Transfer of Prisoners Act, 1950 (Central Act XXIX of 1950) shall be deemed to be undergoing their original sentence in the prison where they have been transferred.

When a conditionally released prisoner is readmitted in prison owing to an infringement of the terms on which he was released, the unexpired portion of his sentence shall be carried out without waiting for the receipt of the Government orders, which shall be applied for through the Inspector-General immediately on admission of such prisoner. In such cases, the unexpired portion of sentence shall be deemed to have commenced from the date of the prisoner's readmission in prison.

In the case of a prisoner released on bail on a day subsequent to that on which he/she was committed to prison, but, who is again committed to undergo sentence in the same case, every day of admission and every day of release shall be counted as days of imprisonment in respect of such sentence.

In cases, where there are more than one "at large" periods, the aggregate total of all such periods shall be worked out in terms of days and added to the substantive sentence. The date on which the sum of these periods elapses, counting from the date of conviction, shall be the date of expiry of sentence.

In the case of a convict who has to attend the Court on the very day of his/her release, for a case for which he is not on bail, he shall be treated as released in the morning and sent to Court as an under-trial prisoner. If, the prisoner is sentenced to further imprisonment, on that very date, the sentence shall be calculated from the following day.

522. *When a foreigner is sentenced to a term of imprisonment.—*

If, a foreigner apprehended and detained under section 4 of the Foreigners Act, 1946 has to undergo a term of imprisonment, the period of detention under the Foreigners' Act shall be exclusive of and additional to the period of any sentence of imprisonment which may be imposed upon him/her.

523. *Calculation of date of release on re-arrest and recapture of a prisoner.—* The following method shall be adopted in calculating the date of release of a prisoner who, after conviction, is released on bail but, is afterwards recommitted to prison to serve his sentence or who escapes and is subsequently recaptured:-

(i) Add the number of days for which the prisoner was on bail or was at large, to the term of the sentence, exclusive of the day of release and re-arrest or of escape and re-capture. The date on which the sum of these periods will elapse, counting from the date of conviction, shall be the date of expiry of sentence.

*Example:* A prisoner sentenced on 1st January to one month's imprisonment escapes on 15th January and is re-captured on the 16th. He shall be entitled on the original warrant to be released on the 31st January.

(ii) If, a convicted prisoner, who has been released on bail, commits an offence during his/her bail period and is readmitted to the prison, the at large period shall be counted up to his date of re-admission.

524. *Imprisonment in default of giving security plus a substantive sentence.—* When a person, in respect of whom an order requiring him to furnish security is made under section 106 or 117 of the Code of Criminal Procedure, 1973 is at the time of such order is sentenced to or is undergoing a sentence of imprisonment, the period for which such security is required shall commence on the expiry of such sentence. In other cases, such period shall commence on the date of such order being passed, unless the Magistrate, for sufficient reasons, fixes a later date. If, such a person fails to give security on or before the date of expiry of his substantive sentence, he shall be detained in prison until the expiry of the period for which security is required to be furnished or until the requisite security is furnished. It is not necessary in such cases that a formal warrant shall be issued by the Magistrate for the detention of such person in the prison after the expiry of the substantive sentence.

*Illustration:-* A prisoner, while undergoing three months imprisonment, is ordered by a Competent Court to execute a bond under section 106 of the Code of Criminal Procedure, 1973 for keeping peace for a term of six months and execute a bond on a sum prescribed, with one surety for a like amount, fails to give security on or before the date on which the three months substantive imprisonment expires, he/she shall be detained in prison until he furnishes the required security or until the term for which such security is to be given is completed, but, no formal warrant is necessary for such detention.

(2) If, a person while undergoing imprisonment under an order under section 122 of the Code of Criminal Procedure, 1973 in default of furnishing security, is convicted of an offence committed prior to the making of such order, and is sentenced to undergo imprisonment, such sentence shall commence from the date on which it was passed; and if, such sentence expires before the period for which the person is undergoing imprisonment in default of giving security, he/she shall be detained for the remainder of such period. If, however, a person while undergoing imprisonment in default of furnishing security is convicted of an offence committed after issue of the order under section 122 of the Code of Criminal Procedure, 1973 and is sentenced to imprisonment, such sentence shall commence at the expiration of imprisonment for failure to furnish security, unless the Court directs that such Sentence shall run concurrently with the imprisonment for failure to furnish security.

(3) Sentences awarded under section 52 of the Prisons Act, 1894 shall commence on the expiry of imprisonment in default of furnishing security or from the date of receipt in the prison of an intimation that the security has been furnished.

(4) Where a prisoner, who is already undergoing substantive sentence of imprisonment, has been ordered to undergo a further sentence in default of furnishing security for keeping peace or good behavior under Chapter VIII of the Code of Criminal Procedure, 1973, the order shall be brought to the notice of the Sessions Judge to whom such Judicial Magistrate is subordinate.

(5) The period mentioned in section 122 (2) of Code of Criminal Procedure, 1973 shall be counted from the date of the order of the Sessions Judge or High Court, unless the latter specially directs in the warrant that it is to be counted from some other date. In such a case, the direction of the Superior Court shall be complied with.

(6) Detention for failure to give security is not a substantive sentence of imprisonment, within the meaning of section 427 of Code of Criminal Procedure Code, 1973.

525. *Procedure when a sentence is confirmed.*— (1) When an appeal is rejected or a sentence is confirmed by an Appellate Court other than the High Court, intimation to that effect will be sent to the Officer in charge of the prison by such Appellate Court and such order will also be communicated to the Lower Court for record.

(2) When the rejection by the High Court of an appeal or revision application from a prisoner is communicated to the Court by which such prisoner was convicted, such Court shall at once cause the intimation of such decision to be given to the prisoner.

(3) In cases referred by the Court of Sessions for the confirmation of a sentence of death by the High Court, the High Court will send a copy of its order to the Court of Sessions which will then issue warrants to the Officer in charge of the prison.

526. *Prisoner shall be informed of the result of his/her appeal or application.*— In all cases, the Superintendent of Jail shall acknowledge by a letter the receipt of any warrant or order or intimation, and shall also inform the prisoner of the result of his appeal or application.

527. *Calculation of sentence modified on appeal.*— When an Appellate Court simply modifies a sentence passed by a Lower Court without change of section or when an Appellate Court passes a new sentence by changing the conviction section or the punishment section or otherwise, the sentence finally passed shall count, unless otherwise specially directed, from the first day of imprisonment under the original sentence.

528. *Effect of annulling the first of two sentences.*— (1) When a prisoner has been committed to prison at one trial under two separate warrants, and the sentence in one warrant is to take effect from the expiry of the sentence in the other warrant, the date of the second sentence shall, in the event of the first sentence being set aside in appeal, be presumed to take effect from the date on which he was committed to prison under the first or original sentence.



(2) When separate sentences have been passed in separate trial and the sentences run consecutively under section 427 of the Code of Criminal Procedure, 1973, the operation of the second sentence will, in the event of the first sentence being set aside on appeal, shall commence from the date of conviction in the second case.

*Illustration 1:-* A prisoner is sentenced on 1st July to two periods of six months' imprisonment for two offences. On appeal, the first sentence is quashed on 31st August, the prisoner will be entitled to be released on 31st December.

*Illustration 2:-* A prisoner is sentenced on 1st July to six months imprisonment and on 1st August to another period of six months imprisonment. On appeal the first sentence is quashed on 31st August. The prisoner will be entitled to release on 31st January.

(3) If, however, an appeal is also filed in the second case, it will be within the powers of the Court hearing the second appeal to direct that credit shall be given for such period as is covered between the date of the second conviction and the date on which the first appeal was accepted.

(4) No credit, however, shall be given in the second case for any period passed in prison under the first sentence prior to the date of the conviction in the second case by the court of original jurisdiction.

529. *When an Appellate Court annuls a sentence and orders retrial.*— When an Appellate Court annuls a sentence and directs that the prisoner be retried, and a warrant for the prisoner's release on bail is not received, the prisoner shall be remanded to the undertrial yard (unless he be undergoing some other sentence), and the Superintendent shall apply to the committing Court for warrant for his custody pending trial if, such warrant is not at the same time furnished. Such warrant should set forth the Court by which the prisoner is to be tried and the date on which he is to be produced before the Court.

530. *Reckoning remission earned for the purpose of calculating the date of release.*— (1) In calculating the exact date of release of a prisoner, the number of days of remission earned shall be converted into years, months and days at the rate of 30 days to each month and the remission earned should be deducted from the fixed date of release as follows:

(2) Years shall be subtracted first and then months and days; when a prisoner has earned such remission as entitles him to release, he shall be released except in case of prisoners in whose case specific Government Orders are necessary for final release.

#### PRISONERS SENTENCED TO FINE

531. Calculation of sentence of imprisonment in default of payment of fine: Sentences awarded in default of payment of fine shall be calculated as follows:

(i) Sentences imposed in default of payment of fines cannot run concurrently and also Detention Period is not entailed.

(ii) If, a prisoner sentenced to imprisonment in default of payment of fine receives another sentence while undergoing such imprisonment, the second sentence shall begin from the date on which the first sentence expires or if, the fine is paid, from the date of payment.

*Example:* A prisoner is sentenced on 31st January to pay a fine of Rs. 300 or in default to two months' rigorous imprisonment and on 12th February of the same year, he is sentenced on another account to an additional imprisonment for four months. The fine is paid in full on 28th February. The sentence of four months of imprisonment shall begin from 28th February and not from 31st January.

(iii) If, a prisoner sentenced to a term of imprisonment in default of payment of fine is also, either at the same time or subsequently, sentenced to another term or terms of imprisonment, the initial sentence shall be kept in abeyance till the expiration of all the absolute sentences of imprisonment. It shall be annulled wholly or partially by the payment of the fine in whole or in part, before the expiry of that period or so long as imprisonment continues.

*Explanation:* This rule covers the case of a prisoner whose first sentence of imprisonment is only in default of payment of fine. The substantive sentences of imprisonment, subsequently imposed, shall count from the date of the first sentence and the imprisonment in default of payment offline shall take effect last, although a portion of it may have been already served when the substantive sentence were awarded, unless the imprisonment is of a different denomination to that of the substantive sentences. In such a case, the imprisonment in default of payment of fine shall be completed before the substantive sentences take effect.

(iv) The imprisonment, which is imposed in default of payment of a fine, shall terminate whenever that fine is either paid or levied by the process of law.

(v) If, a prisoner is sentenced to imprisonment, of which the whole or any portion thereof is in default of the payment of any fine, and if, the fine or a portion of it is not immediately paid, the dates of release shall be calculated and entered on the prisoner's warrant and History Ticket and in the Registers so as to correspond both with payment and with non-payment of fine.

(vi) If, a prisoner who is sentenced to a fine and in default to imprisonment, pays a portion of the fine, the date of release shall be proportionally altered. If, the imprisonment in default of payment of fine is expressed in calendar months, reduction of imprisonment to be made in consequence of such payment shall be calculated in calendar months and not in days. Any fraction of a month obtained by such calculation shall be reduced to days. When the fraction thus obtained is not exactly equal to any number of days or is less than a single day, the portion of a day which results shall be considered and treated as being equal to a full day.

*Example:* A prisoner is sentenced on 1st January to a fine of Rs. 300 or in default to six months' imprisonment. No part of the fine is realized except a sum of 75 paise. He shall be released on 29th June, even though the amount realized is less than the full amount due for a single day.

(vii) When a prisoner is sentenced to fine and the fine is paid in installments, the period of sentence to be remitted shall not be calculated on the individual payments, but, on the aggregate of the several previous payments.

*Example:* If, a prisoner is sentenced on 1st January to six months' imprisonment and to a fine of ₹ 300 and it is ordered that if, the fine is not paid he shall be imprisoned for a further period of six months, then if, the prisoner immediately on conviction pays ₹ 100, the date of release shall be first fixed at 31st October (six months plus four months as equivalent of the fine unpaid) or if, he afterwards pays another ₹ 100, the date will be changed to 31st August and on his paying the entire amount of the fine, to 30th June.

(viii) If, a prisoner who is sentenced to a fine and in default imprisonment for a certain number of years, months and days, pays a part of the fine, the remission for the payment shall be calculated in year and months and not in days, and any fraction of a month, obtained by such calculation shall be reduced to days. When the fraction thus obtained is not exactly equal to any number of days or is less than a single day, the portion of a day which results shall be considered and treated as being equal to a full day, in favour of the prisoner.

532. *Payment of fines to prison.*— If, a fine or its portion, imposed on a prisoner as a sentence or part of a sentence by a Magistrate, is tendered at the prison it shall be received by the concerned officers during office working hours, except on Sundays and holidays, provided the prisoner is due for immediate release. The Superintendent shall at once remit the sum received to the Court or Treasury and send intimation of the payment to the adjudicating Court.

533. *Liability of prisoner to payment.*— If an offender, who has undergone the full term of imprisonment to which he was sentenced, in default of payment of fine, is still liable to have the fine levied by distress and sale, the Superintendent of Jail shall accept the whole fine, if tendered, even though, a part of the alternative imprisonment has been undergone.

534. *Intimation of payment of fine.*— (1) When fines imposed on prisoners are recovered by a Court, intimation of the same will be received by the Superintendent from the Court. If, the convict has been transferred elsewhere, the Superintendent shall forward such intimation by registered post to the prison in which the convict is confined. All fine intimations shall be acknowledged.

(2) No action shall be taken on fine intimations which do not bear the seal of the Court. Such intimation shall be returned to the Court for proper authentication and affixing seal of the Court. Telegrams shall not be accepted as intimations of recovery of fine. When intimation of payment of fine by a prisoner is received from a Police Officer, it shall be returned to that Officer with a request that it may be forwarded through the Court awarding the sentence.

535. *Prisoners to be informed.*— When the fine has been paid, the prisoner concerned shall be informed and the payment shall be duly noted in the register, on the warrant and on the prisoner's History Ticket. The entries in the register and the warrants and History Tickets shall be signed by the Superintendent and the Deputy Superintendent. A separate Inward Register for the receipt of the fine intimation shall be maintained.

## PRISONERS SENTENCED TO SIMPLE IMPRISONMENT

536. *Application of remission and labour rules.*— (1) Prisoners sentenced to simple imprisonment shall not ordinarily be governed by the rules regarding remission system and convict labour.

(2) Such of those prisoners of this class who elect to do work and who are provided with work and who complete such work to the satisfaction of the Superintendent may be allowed earn remission as admissible under the rules contained in Chapter-28 which is liable for forfeiture for any prison offence committed by them: Provided that prisoners who, having elected to do work desire to discontinue to do the work, shall do so after giving notice in advance to this effect to the Superintendent.

(3) The Simple imprisonment prisoners no penalty shall be imposed, who has elected to work, for neglect of work or short work or refusal to work other than removal from the work system.

537. *Disciplinary restrictions.*— (1) Prisoners sentenced to simple imprisonment shall clean their own wards and wash their own clothes and shall keep their clothing and bedding neatly arranged and folded. They may be compelled to cook their own food or the food of other prisoners sentenced to simple imprisonment, provided they belong to class as accustomed in their own houses to perform such duties.

(2) They shall not be compelled to perform menial duties for others, nor shall they be compelled to perform any duties of a degrading character.

(3) They shall remain during the day in the part of the prison assigned to them and shall not wander about the prison, nor enter the labour yards or worksheds.

538. *Exercise.*— Prisoners sentenced to simple imprisonment who are not doing any work may be allowed to take walking exercise or any other physical exercise within the prison for not more than an hour in the morning and an hour in the evening if, the Medical Officer considers it advisable.

539. *Hair-cutting and clothing.*— Prisoners sentenced to simple imprisonment shall be permitted to retain their hair as worn on admission and it shall not be cut closer than is necessary for the purposes of health and cleanliness. They shall be allowed to wear their own clothing,

which, if insufficient, may be supplemented by prison clothing; Provided that military prisoners who are sentenced to simple imprisonment shall not be allowed to wear military uniform while in prison.

540. *Ban on wearing symbols of political party.*— Prisoners sentenced to simple imprisonment under no circumstances shall be allowed to wear or display in any manner a symbol or thing of a political party on their body, clothing, bedding or otherwise.

541. *Application of other rules.*— In all other respects, the rules herein contained shall apply to the prisoners sentenced to simple imprisonment, but, they shall, as far as possible, be kept separate from other convicted prisoners.

#### JUDICIAL SOLITARY CONFINEMENT

542. *Method of executing sentence.*— A prisoner sentenced to solitary confinement shall be placed in a separate cell, as far as possible, out of sight and hearing of what is going on outside and he shall be so confined for the periods laid down in section 74 of the Indian Penal Code, 1860 and such periods shall not be broken except upon the recommendation of the Medical Officer.

543. *Calculation of term.*— (1) A sentence of imprisonment for a year and a day, of which three months shall be undergone in solitary confinement, though legal under section 73 of the Indian Penal Code, 1860 cannot be executed under section 74 of the said Code because not more than eighty-four days of solitary confinement can be inflicted in any one year, and the Superintendent shall inform the Court accordingly. A similar discrepancy occurs if, a prisoner is sentenced to four months' imprisonment of which one is to be solitary or to seven months imprisonment of which two are to be solitary.

(2) The execution of a sentence of solitary confinement need be postponed on account of an appeal having been lodged.

544. *When two sentences are imposed.*— When a prisoner is sentenced to imprisonment under two separate warrants, of which the second alone awards any period of solitary confinement, the solitary confinement shall not be executed during the duration of the first-term of imprisonment. Similarly, if, the term of solitary confinement under one warrant is too long to be executed completely during the term of

imprisonment awarded under that warrant, the balance shall not be carried out during any subsequent term of imprisonment undergone under a second warrant.

545. *Restriction in similar prison punishment.*— A period of separate confinement awarded as a prison punishment under the Prisons Act, 1894 shall not be carried out in continuation of a period of solitary confinement forming part of a judicial sentence.

546. *Medical examination.*— (1) No prisoner shall be placed in solitary confinement as a judicial punishment until the Medical Officer has certified that he is in a fit state of health to undergo the said punishment.

(2) If, a prisoner sentenced to solitary confinement be declared by the Medical Officer to be permanently unfit to undergo such confinement, the fact shall be reported to the Court which awarded the sentence. The declaration should be recorded in the history ticket and the warrant.

547. *Search of prisoner and cell.*— Every prisoner before being placed in solitary confinement shall be thoroughly searched and any article which it is considered dangerous or inexpedient for him to retain shall be removed. Both the cell and the person of the prisoner shall be carefully searched daily so long as the solitary confinement continues.

548. *Ticket outside cell-door.*— Outside the cell-door of every prisoner undergoing solitary confinement, a ticket showing the particulars mentioned shall be suspended.

549. *Exercise.*— Prisoners undergoing solitary confinement as per Court orders shall be permitted to take such exercise in the open air inside the prison as the Medical Officer shall consider to be necessary for their health.

550. *Airing of bedding.*— The bedding of prisoners in solitary confinement shall be taken out of the cells during the day and exposed to the sun and air for as long a period as the weather permits.

551. *Occupant to clean Cell.*— Prisoners in a solitary confinement shall keep their respective cells scrupulously clean.

552. *Guarding.*— A warder shall be on duty continuously throughout day and night to guard the cell where any prisoner is undergoing solitary confinement and every such prisoner shall be inspected whenever the officer on guard is changed.

553. *Removal in case of sickness.*— In the case of sickness, immediate notice shall be given to the Medical Officer on duty who shall visit the cell without delay and examine the prisoner. If necessary, the Deputy Superintendent may cause such prisoner in solitary confinement to be removed to the hospital, reporting his action to the Superintendent in his report book for the day.

554. *Record of confinement.*— On each occasion a prisoner undergoes solitary confinement as a judicial punishment, the Deputy Superintendent shall note on the reverse of the prisoner's warrant and also on his history ticket, the date on which the prisoner was placed in the cell, the date on which he was removed and the number of days he spent in such confinement. The entries thus made by the Deputy Superintendent in the warrant and the history ticket shall bear his initials with date and they shall also be duly attested by the Superintendent, with initial and date.

#### CHAPTER-19

#### PRISONERS SENTENCED TO DEATH

555. *Search of prisoners sentenced to death on admission.*—

(1) On admission of a convict in a prison, the Superintendent shall report the admission to the Government, the Superintendent shall also report to the Government, the date fixed for his execution by the Court of Session on confirmation of the sentence of death by the High Court, and solicit orders of the Government regarding stay of his execution.

(2) On admission a convict shall be thoroughly searched by the Jailor or by order of the Jailor as provided in Section 30 of the Prisons Act whereas. a female convict shall be searched by a female Deputy Superintendent of Jail or under her orders, by a Matron and in the absence of a female Deputy Superintendent of Jail or Matron, such search may be made by any other suitable female or by a Female Guard an convict officer as ordered by the Female Deputy Superintendent of Jail, Subject to the provisions of Section 30, all private property shall be removed from the convict.

556. *Issue of Articles on Admission.*— The Senior Jailor shall ensure that the following articles are issued to a convict; on his admission to a prison:-

- (a) a pant without cord;



- (b) two all wool blankets or two cotton wool blankets, one for spreading and another for coverage;
- (c) a pot, plate and a mug of thin light aluminium;
- (d) A thin Kasti may be issued to a Parsee convict.

Two cotton sarees/salwarkameez and bodices may be issued to female convicts. However, if, it is considered unsafe to issue sarees to any such convicts; pyjamas without cord and a kurta may be issued to her.

557. *Confinement in cell in special yard.*— (i) Every convict shall (whether or not the sentence of death has been confirmed by the High Court), from the date of his admission to a prison, be confined in a cell in a special yard, apart from all other prisoners as required by section 30 of the Prisons Act. The cell or room in which a convict is confined shall before he is placed in it, be always examined by the Senior Jailor who shall satisfy himself about its fitness and safety. No prisoners except convicts under sentence of death shall be kept in the special yard.

(ii) Where, there is more than one such cell in the special yard, the prisoner sentenced to death shall be changed daily from one cell to another.

558. *Cell to be examined.*— (1) Every cell in which a convict under sentence of death is to be confined, shall, before such convict is lodged in it, be examined by the Deputy Superintendent or by an officer appointed in that behalf, who shall satisfy himself that it is secure and contains no article of any kind which the prisoner could, by any possibility, use as a weapon of offence or as an instrument with which to commit suicide or which is, in the opinion of that officer, it is inexpedient to be permitted to remain in such cell.

(2) When two or more cells are occupied, the Sentry shall walk up and down past them, so that each prisoner guarded by him comes into his view at short intervals.

(3) The Sentry guarding these cells shall be relieved every two hours.

559. *Guarding.*— (1) Every prisoner sentenced to death shall be under observation of the guarding staff on a twenty-four hour basis, Convict officers shall not be employed on this duty.

(2) A guard shall in no case be given more than two hours duty at a stretch and every guard shall be equipped with a regulation baton and shall be so posted that the convict shall be under continuous watch and should not be armed with a firearm, bayonet or any sharp weapon.

(3) The Sentry shall be posted in front of the grated door of the cell, the key of the cell lock shall be kept with the Sentry/prison guard on duty so as to be immediately available in case of emergency. The lock must be such which cannot be opened by any other key in use in the prison. The Sentry/Woman prison guard shall be so posted that the prisoner sentenced to death is under continuous watch. A prisoner sentenced to death shall not be taken out of his cell unless the requisite numbers of guards are present. If, the guard on duty notices a prisoner attempting to commit suicide he shall raise alarm for help and enter the cell. The special guard in whose charge prisoners sentenced to death is put shall allow no one to approach the cell or communicate with the prisoners in any manner except the Superintendent of Jail and any other officer authorized by the Superintendent in that behalf.

(4) A prisoner under sentence of death shall not be handcuffed or placed in any form of restraint unless he is so violent as to be dangerous to the guard or to himself. If it is deemed necessary to put on handcuffs, the reason for such action shall be reported to The Inspector-General and the Regional D.I.G.

560. *Restriction on removal to prison hospital.*— (1) Prisoners sentenced to death shall not be removed to the prison hospital for treatment without the special sanction of the Inspector-General.

(2) The Superintendent may, however order the removal of a prisoner to the prison hospital, in anticipation of sanction; if, the Medical Officer of the prison certifies that the prisoner is in danger of dying and requires treatment in the prison hospital.

(3) If, a prisoner, who is sentenced to death, is removed to a prison hospital, he shall be segregated from all other prisoners in the hospital and a special guard should be posted according to requirements.

561. *Search.*— Prisoner under sentence of death shall be thoroughly searched:-

- (i) Every time he is taken out of or is put inside his cell;
- (ii) Every time the contingent of guards on the duty is changed in the presence of the guard commander; and

562. *Special Treatment.*— (1) A prisoner sentenced to death shall not be put in fetters or handcuffed unless he is so violent as to be dangerous to the guard or to himself. If, it is deemed necessary to put on fetters or handcuffs, the reasons for such action shall be reported to the Inspector-General.

(2) The Superintendent is authorized to issue suitable diet to prisoners sentenced to death after consultation with the Medical Officer.

(3) A prisoner may, on the recommendation of the Medical Officer, be allowed exercise in open air and within the prison walls, morning and evening, under the care of the guard.

(4) If, the Superintendent considers it expedient so to do, the convict may be handcuffed, when he is taking exercise.

563. *Diet.*— The Superintendent is authorized to issue suitable diet to prisoners sentenced to death after consultation with the Medical Officer.

564. *Exercise.*— Prisoners sentenced to death should be allowed facilities of exercising in the open air in the Court, one hour in the morning and one hour in the evening under proper security arrangements. The guard should be present when the prisoner is taking exercise. The period of exercise should be regulated in accordance with the opinion of the Medical Officer.

565. *Interviews.*— The Superintendent may permit prisoners under sentence of death to have interviews with their relatives, friends or legal advisors, once a week or more often when the Superintendent is of the opinion that such interviews may be granted for good reason.

The Jailor shall before granting interviews, ensure that all precautionary and security measures are taken before hand.

The prisoner shall be brought from the cell to the interview room under proper escort at the time of interview and the interviewers and the prisoner shall be separated by expanded metal barriers.

A religious priest or a faith-based head (of the religion/faith to which a prisoner belongs) may be summoned once a week at the cost of Government, if, the prisoner so desires.

The Superintendent may permit a Minister to be summoned more often for adequate reasons to be recorded in the History Ticket of the convict.

566. *Facilities.*— Facilities: A prisoner sentenced to death may be allowed the following facilities with the approval of the Superintendent of Jail:-

- (i) Religious books;
- (ii) Religious pictures;
- (iii) Rosary and essential religious emblems subject to security requirements;
- (iv) Newspapers and books;

The Superintendent is authorized to incur expenditure up to an amount to be fixed by Government in a deserving case for the purpose of giving reasonable solace to the prisoner, for instance securing the presence of his near relatives before his execution.

The Inspector-General may allow further expenditure on a prisoner sentenced to death in urgent, compassionate and deserving cases.

567. *Observation.*— (i) The prison officer in-charge should carefully observe the behaviour of prisoners' sentenced to death with special focus on his mental status.

(ii) The notes of psychological observation kept by the Jailor should be checked daily by the Superintendent who should ensure that the data required for the compilation of the notes is collected by the Jailor in an intelligent manner and that the same have a factual base. Two copies of the case history of the prisoner and the notes shall be sent by the Superintendent to The Inspector-General immediately after the final disposal of the case.

(iii) A copy of the case history and psychological notes shall be sent by The Inspector-General to the Government immediately on receipt together with his own remarks thereon if any. Such record may prove useful for psychological study and research purposes.

568. *Insanity.*— (1) If, any prisoner awaiting sentence of death shows signs of mental illness which, in the opinion of the Medical Officer, are not feigned or which require observation to determine whether they are feigned or not, the circumstance shall at once be reported to Government, through the Inspector-General of Prisons under intimation to the Regional Chief Superintendent for orders along with the following documents:-

- (i) The Nominal Roll of the prisoner;
- (ii) A copy of the warrant under which he is confined (in duplicate);
- (iii) The Medical Officer's certificate in the prescribed form; and
- (iv) The medical history sheet (in duplicate).

*Note:* A copy of the judgment should also be sent as soon as possible.

(2) If, Government orders, the appointment of a Special Medical Board, for the purpose of examining the mental condition of a convict sentenced to death, he shall be kept under observation in the prison by the psychiatrist in charge of the nearest psychiatric or similar institution or the Civil Surgeon for a period of ten days or longer if, considered necessary prior to an examination by the Medical Board.

(3) The Superintendent and the Medical Officer of the prison, in which the convict may be confined, shall give all facilities to the Psychiatrist or the Civil Surgeon for a physical examination of the convict including serological tests and for observation of the convict without his knowledge.

(4) As soon as possible, after the Medical Board is appointed and the convict is placed under observation, the Superintendent of the prison shall collect information about the convict through the Police or other sources and place it at the disposal of the Psychiatrist or Civil Surgeon.

(5) Where Government orders, the appointment of Special Medical Board for examining the mental condition of a convict under sentence of death under any relevant State rules, the Superintendent shall obtain the history of such convict from institutions or individuals with whom he has had contacts. The Psychiatrist under whose observation the convict is kept pending examination by the Special Medical Board, shall furnish the Superintendent with a questionnaire for collecting the information. Factual material concerning the mental condition of the convict shall be obtained either from records or from eye-witnesses including the officer who arrested him. For the purpose of an estimation of the convicts state of mind just prior to, at the time of and soon after the commission of the offence, reports shall be obtained from eye-witnesses including relatives of the convict.

*Note:-* Evidence regarding the behaviour of the prisoner at the time of the trial and especially during examination in Court will be available from the proceedings of the Court including the evidence and the summing up and judgment. Reports on the convict shall be obtained from individuals who have been in contact with him during his remand and subsequent detention in the prison. While collecting this information, utmost care shall be taken to see that the object within which it is collected is not divulged. It should also be remembered that the relatives of the convict are likely to be specially interested and the information supplied by them shall be used with the greatest care.

(6) As soon as the Medical Specialist or Civil Surgeon is ready with his report, he shall request the Director of Health Services to fix a date for the meeting of the Special Medical Board.

(7) The Medical Specialist or Civil Surgeon shall place all the records before the Medical Board. The President of the Board shall forward the proceedings of the Medical Board together with their own opinion to the Secretary, Home Department, through the Inspector-General of Prisons and the Director of Health Services.

569. *Appeal facilities.*— (1) Immediately on receipt of a warrant of execution from the convicting Court, consequent of the confirmation by the High Court of the sentence of death, the Superintendent shall inform the convict that if, he wishes to appeal to the Supreme Court or to make an application for Emergency leave to appeal to the Supreme Court under any of the relevant provisions of the Constitution of India (hereinafter referred to as “appeal and application” respectively), he may do so within the period prescribed by the Supreme Court Rules.

(2) If, the prisoner under sentence of death so desires, the Deputy Superintendent or the Law Officer as the case may be, shall at once get his appeal prepared for him as far as possible in his own words and it shall be forwarded either under registered cover or hand delivered by a prison official to the Registrar of the appropriate Court under intimation to the Government and the IG/CSJ.

(3) Whenever a sentence of death has been passed by any Court or Tribunal, the sentence shall not be executed until after the dismissal of the appeal or of the application or, in case no such appeal has been preferred or no such application has been made, until after the expiry of the period allowed for an appeal or for making of such application:

Provided that if, a petition for mercy has been submitted by or on behalf of a convict, the execution of the sentence shall further be postponed, pending the orders of the President thereon:

Provided further that if, the sentence of death has been passed on more than one person in the same case, and if, an appeal or an application is made by or on behalf of only one or more but, not all of them, the execution of the sentence shall be postponed in the case of all such persons (convicts) and not only in the case of the person or persons by whom or on whose behalf, the appeal or the application is made.

570. *Petition for mercy-Role of prison authority.*— (1) Immediately on receipt of intimation of the confirmation by the High Court of a sentence of death on a prisoner or of the dismissal by the Supreme Court of the appeal or the application for Special Leave to appeal to it lodged by or on behalf or on the convict, in case the convict concerned has made no previous petition for mercy, the Jail Superintendent shall forthwith inform him (the convict) that if, he desire to submit a petition for mercy it should be submitted in writing within seven days of the date of such intimation.

(2) A convict under sentence of death shall be allowed, if, he has not already submitted a petition for mercy, for the preparation and submission of a petition for mercy, seven days after, and exclusive of, the date on which the Superintendent of Jail informs him of the dismissal by the Supreme Court of his appeal or of his application for special leave to appeal to the Supreme Court.

*Note:-* In cases, where, no appeal to the Supreme Court or no application for Special Leave to it, has been lodged by or on behalf of the convict, the said period of seven days shall be counted from the date next after the date on which the time allowed for an appeal to the Supreme Court or for lodging an application for Special Leave to

appeal to it, expires. On expiry of such time, if, the convict has made no previous petition for mercy, it shall be the duty of the Jail Superintendent to inform the convict concerned that if, he desires to submit a petition for mercy he should do so in writing within seven days of the date of such intimation.

(3) If, the convict submits a petition within the period of seven days, it should be addressed to the Administrator and the President of India. The Superintendent of the Jail shall forthwith dispatch it to the Secretary to Administrator concerned, together with a covering letter reporting the date fixed for the execution and shall certify that the execution has been stayed pending receipt of the orders of the Government on the petition. If, no reply is received within 15 days from the date of the dispatch of the petition, the Superintendent shall by express letter (Fax/e-mail/Special messenger) to the Secretary to the Administrator, drawing attention to the fact, but, he shall in no case carry out the execution before the receipt of the Government's reply.

(4) If, the convict submits a petition after the period, the Superintendent of the Jail shall at once forward it to the Government by Fax letter and at the same time the substance of it, requesting orders whether the execution should be postponed and stating that, pending a reply, the sentence will not be carried out. If, such petition is received by the Superintendent later than noon on the day preceding that fixed for the execution, he shall at once forward it to the Government and at the same time by Fax/e-mail/Special messenger letter inform the substance of it, giving the date of execution and stating that the sentence will be carried out unless orders to the contrary are received.

(5) In the event of it coming to the knowledge of the Superintendent at any time before the execution of the sentence that altogether exceptional circumstances have arisen which plainly demand a reconsideration of the sentence, he is at liberty, notwithstanding anything in the foregoing clauses, to report the circumstances by Fax letter to the Government and ask for its orders and to defer execution till they are received. In such instances, assistance of the Union territory of Puducherry Legal Services Authority (UTPLSA) should be sought.



(6) The Superintendent shall at once repeat back to the Secretary to the Administrator all correspondence communicating orders to him regarding petitions for mercy, by way of acknowledgment of their receipt.

(7) Legal aid should be provided to the convict at all stages even after the rejection of a mercy petition. Hence, Superintendent of Jails are directed to intimate the rejection of mercy petitions to the nearest Legal Aid Centre apart from intimating the convicts.

(8) Death convicts are entitled as a rights to receive a copy of the rejection of the mercy petition by the President.

(9) Mental Health Evaluation: As it is quite possible that some death row convicts might lose their mental balance, there should be regular mental health evaluation and appropriate medical care should be given to those in need.

(10) Physical and Mental Health Reports: After the execution warrant is issued, the Prison Superintendent should satisfy himself on the basis of medical reports by Government Doctors and Psychiatrists that the prisoner is in a fit physical and mental condition to be executed. If, the Superintendent is of the opinion that the prisoner is not fit, he should forthwith stop the execution, and produce the prisoner before a Medical Board for a comprehensive evaluation and shall forward the report of the same to the Government for further action.

(11) Furnishing documents to the convict: Death row convicts should be provided with copies of relevant documents within a week of conviction by the prison authorities to assist in making mercy petition and petitioning the Courts.

(12) Final Meeting between convict and his family: It would be mandatory for prison authorities to facilitate and allow a final meeting between the prisoner and his family and friends prior to the execution.

(13) Post-mortem reports. After the execution of death penalty, post-mortem would need to be mandatory performed to ascertain the exact cause of death.

571. *Petition for mercy-Action by the Government.*— (i) If, the convict submits a petition within the above period, it shall be addressed to the Administrator and the President of India. The execution of sentence shall in all cases be postponed pending receipt of their orders.

(ii) The petition shall in the first instance be sent to the Administrator for consideration and orders of the Administrator. It shall be forwarded to the Secretary to the Government of India, Ministry of Home Affairs.

*Note:* The Petition made in case, where the sentence of death is for an offence against any law exclusively relatable to a matter to which the executive power of the Union extends, shall not be considered by the Government, but, shall forthwith be forwarded to the Secretary to the Government of India, Ministry of Home Affairs.

(iii) If, the convict submits the petition after the period prescribed by 568 (2) above, it will be within the discretion of the Government to consider the petition and to postpone execution pending such consideration till a decision is taken on or not to withhold the petition by the President.

- if, the sentence of death was passed by an appellate Court on an appeal against the convict acquittal or as a result of an enhancement of sentence by the appellate Court, whether on its own motion or on an application for enhancement of sentence, or

- when there are any circumstances about the case, which, in the opinion of the Government, render it desirable that the President should have an opportunity of considering it, as in cases of a political character and those in which for any special reason considerable public interest has been aroused. When the petition is forwarded to the Secretary to the Government of India, Ministry of Home Affairs, the execution shall simultaneously be postponed pending receipt of orders of the President thereon.

(iv) In all cases in which a petition for mercy from a convict under sentence of death is to be forwarded to the Secretary to the Government of India, Ministry of Home Affairs, or the Government, shall forward such petition as expeditiously as possible along with the records of the case and his or its observations in respect of any of the grounds urged in the petition.

(v) Upon the receipt of the orders of the President, an acknowledgment shall be sent to the Secretary to the Government of India, Ministry of Home Affairs, immediately in the manner hereinafter provided. In the case of, if, the petition is rejected, the orders will be

communicated by express letter and receipt thereof shall be acknowledged by express letter. Orders commuting the death sentence will be communicated by express letter receipt thereof shall be acknowledged by express letter.

(vi) A petition submitted by a convict shall be withheld by the Government, if, a petition containing a similar prayer has already been submitted to the President. When a petition is so withheld the petitioners shall be informed of the fact and of the reason for withholding it.

(vii) Petitions for mercy submitted on behalf of a convict under sentence of death shall be dealt with *mutatis mutandis*, in the manner provided herein for dealing with a petition from the convict himself. The petitioners on behalf of a concerned convict shall be informed of the orders passed in the case. If, the petition is signed by more than one person, it shall be sufficient to inform the first signatory, the convict himself shall also be informed of the submission of any petition on his behalf and of the orders passed thereon.

(viii) Whenever a sentence of death has been passed by any Court or Tribunal, the sentence shall not be executed until after the dismissal of the appeal to the Supreme Court or of the application for special leave to appeal to the Supreme Court or, in case no such appeal has been preferred or no such application has been lodged, until after the expiry of the period allowed for an appeal to the Supreme Court or for lodging of an application for Special Leave to appeal to the Supreme Court. Provided that if, a petition for mercy has been submitted by or on behalf of the convict, execution of the sentence shall further be postponed pending the orders of the President thereon.

*Note:* If, the sentence of death has been passed on more than one person in the same case and if an appeal to a higher Court or an application for special leave to appeal to the Supreme Court is lodged by, or on behalf of, only one or more but, not all of them, the execution of the sentence shall be postponed in the case of all such persons and not only in the case of the person or persons by whom, or on whose behalf, the appeal or the application is lodged.

(ix) On receipt of the intimation of the lodging of an appeal to the Supreme Court or of an application for special leave to appeal to that Court or of an intention to do so, the Government concerned, shall forthwith communicate by e-mail to the Government Advocate, Ministry of Law, and also to the Secretary to the Government of India, Ministry of Home Affairs:

- the name of the convict under sentence of death, and
- particulars relating to the appeal or the application.

(x) If, it is desired to oppose the appeal or the application, three copies of the paper book and of the judgment of the High Court or the Judicial Commissioners Court or the Tribunal, as the case may be, (one copy of each being a certified copy) a power of attorney in the form prescribed by the Supreme Court and instructions, if any, for the purpose of opposing the appeal or the application shall be immediately sent to the Government Advocate, Ministry of Law. Notice of the intended appeal or application, if, and when served by or on behalf of the convict, shall also be transmitted to him without delay. If, the intended appeal or application is not lodged within the period prescribed by the Supreme Court Rules, the Government Advocate shall intimate the fact by express letter to the Government. The execution of the sentence shall not thereafter be postponed, unless a petition for mercy has been submitted by or on behalf of the convict.

(xi) If, an appeal or an application for special leave to appeal has been lodged in the Supreme Court on behalf of the convict, the Government Advocate, Ministry of Law will intimate the fact to the Government and also to the Secretary to the Government of India, Ministry of Home Affairs. The Government Advocate will keep the aforesaid authorities informed of all developments in the Supreme Court, in those cases which present unusual features. In all cases, however, he will communicate the result of the appeal or application for special leave to appeal, he will communicate the result of the appeal or application for special leave to appeal, to the Government, by express letter, endorsing a copy of his communication to the Secretary to the Government of India, Ministry of Home Affairs, the Government, as the case may be, shall forthwith acknowledge the receipt of the communication received from the Government Court in each case will be supplied by the Government Advocate, Ministry of Law, in due course to the Government, who shall acknowledge the receipt thereof.

The execution of the sentence of death shall not be carried until after the receipt of the certified copy of the judgment of the Supreme Court dismissing the appeal or the application for Special Leave to appeal and until an intimation has been received from the Ministry of Home Affairs about the rejection by the President of India, of the petition for mercy submitted, if any, by or on behalf of the convict.

(xii) Minimum period of execution of death sentence. A minimum period of 14 days was stipulated by the Supreme Court between the receipt of the communication of the rejection of the mercy petition and the scheduled date of execution. This is to enable the convict to prepare himself and settle his affairs and meet his family members for one last time or to avail any judicial remedy.

572. *Stay of execution-petition for mercy.*— (1) Execution of a prisoner sentenced to death should be stayed in the following cases after the date of execution has been fixed by the Government:-

- (i) If, the prisoner desires to send an appeal to a higher Court, if he/she has not done so previously,
- (ii) In the case of a prisoner desiring to send mercy petition, if, he has not done so previously, and
- (iii) In the case of a telephonic order for execution received from competent authority, if, confirmation thereof has not been received.

(2) On receipt of an intimation from the Government that the appeal or application to the Supreme Court, has not been lodged within the period prescribed by the Supreme Court Rules, the execution of the sentence shall not thereafter be postponed, unless a petition for mercy has been submitted by or on behalf of the convict.

(3) Immediately on receipt of intimation of the confirmation by the High Court of a sentence of death on a prisoner or of the dismissal by the Supreme Court of the prisoner's appeal or his application for Emergency leave to appeal, the Superintendent shall personally inform the prisoner that if, he desires to submit a petition for mercy, it should be submitted in writing within seven days.

(4) If, the prisoner submit a petition within the period of seven days, it should be addressed to the Government and to the President of India and dispatched by registered post with acknowledgment due,

to the Secretary to Government, Home Department, together with a covering letter bearing in red ink, the words 'Death Sentence', 'Petition for Mercy' and 'Urgent' reporting the date fixed for the execution and certifying that the execution has been stayed pending receipt of the orders of the Government on the petition. If, no reply is received within 15 days from the date of dispatch of the Petition, the Superintendent shall send an express letter to the Secretary to Government, Home Department drawing attention to the fact. He shall in no case carry out the execution before receipt of a reply from the Government.

(5) If, at any time before the execution of the sentence, it comes to the knowledge of the Superintendent that exceptional circumstances have arisen which plainly demand a reconsideration of the sentence, he should report the circumstances by wireless to the Government and ask for its orders. In such a case, the Superintendent shall defer execution of the prisoner till Government orders are received

573. *Execution of death sentence.*— All executions shall take place at the prison to which the warrant is directed, unless expressly ordered otherwise in the warrant and they shall usually be carried out in a special enclosure attached to or within the walls of the prison, no convict shall be executed on a day which has been notified as a public holiday.

574. *Communications to have special marking.*— (1) The words 'Death sentence' should be inserted before the address in communication relating to capital sentence.

(2) In all cases receipts of orders communicating the rejection of petitions shall invariably be acknowledged by registered letter. The orders of the Government postponing the execution shall immediately be acknowledged by wireless message. Telephonic orders regarding prisoners shall be got confirmed by telephoning back to the concerned authority in the Government.

(3) A distinctive red envelope with the words 'Death Sentence' and 'Immediate' marked on the top left and right hand corners respectively, shall be used in death sentence cases. All Superintendents shall make special arrangements to ensure that communication received in these distinctive envelopes are received in the prison at any time of the day or night either by the Deputy Superintendent or in his absence by the senior most officer in-charge of the Prison at the time the communication is delivered who:-

- (i) shall note the time and date of receipt of the communication in the receipt register, and
- (ii) Shall immediately place, the communication before the Superintendent or in his absence the officer next below him, for orders.

(5) The Superintendent shall see that prompt replies and acknowledgments are furnished where these are required and that in the case of orders staying execution acknowledgments are promptly sent to the Government by special messenger or telegram and well in advance of the time fixed for execution of the sentence.

*575. Action on final confirmation of Death Sentence.*— The Government shall fix the date of the execution of a convict, if, his Mercy Petition is rejected. On receipt from the Government of the final confirmation and the date of execution of a convict.

(i) the convict and his relatives shall be informed about the date of execution by the Superintendent;

(ii) the convict, if he so desires, be permitted to prepare his will in his will, his statement to that effect shall be recorded by the Senior Deputy Superintendent of Jail.

*576. Postponement on medical grounds.*— (1) The execution of a convict shall not be carried out on the date fixed if he is physically unfit to receive the punishment, but, in determining the degree of physical disability sufficient to justify postponement of the execution, the illness shall be both serious and acute (not chronic) before postponement is considered.

(2) The Superintendent shall at once submit to the Inspector-General a detailed report of such cases together with the medical opinion regarding the degree of physical disability of the prisoner and the probable date, if any, on which the prisoner is likely to become physically fit for execution.

*577. Delay in capital sentence.*— Should any extraordinary or unavoidable delay occur in carrying out a capital sentence into execution from any cause other than the submission of an appeal or application, the Superintendent shall immediately report the circumstances to the Sessions Judge and return the original warrant either for the issue of a fresh warrant, or for an endorsement upon the same warrant, of an order containing a definite date for carrying the postponed sentence into effect.

578. *Pregnancy.*— Where a female convict is certified by the Medical Officer to be pregnant, the Medical Officer shall inform the Superintendent of the same, and the Superintendent shall make a note to that effect on the warrant, and return the warrant to the Sessions Judge for endorsing thereon, an order for the suspension of the execution of the sentence, until the orders of the High Court have been taken under section 416 of the Code of Criminal Procedure, 1973.

When a woman prisoner sentenced to death declares herself to be pregnant, and the Medical Officer is unable to certify the truth or otherwise of the statement, immediately, he shall state the interval of time necessary to enable him to satisfy himself on the point. The Superintendent should immediately report the case to the Government through the DG/IG for postponing the date of the execution. If, the Medical Officer confirms the fact of pregnancy, the provisions of paragraph shall apply.

When execution of a capital sentence on a woman prisoner has been suspended under either of the situations mentioned above, the sentence shall not afterwards be executed without the express order of the Government for which the Superintendent shall apply immediately through the IG/CSJ.

579. *Witnessing the execution of death.*— Prisoners shall never be made to attend an execution, in such cases, it shall rest with the Superintendent with the prior sanction of the DG/IG to determine what prisoners shall be selected to witness the execution.

580. *Arrangement for execution.*— On receipt of the date of execution of the prisoner, the Superintendent shall be authorized to fix the time of execution sufficiently in advance. A report intimating the time of the execution shall be sent to the Inspector-General, the Sessions Judge and the Government.

*Note:-* (1) The execution shall take place early in the morning before it gets bright. The latest time of the day for different seasons will be in accordance with orders passed separately by the Government.

(2) The Executive Engineer (PWD) shall arrange the inspection of the gallows every quarter and before the date of a hanging as and when intimated by the Superintendent. The gallows shall be inspected and the



rope tested in the presence of the Superintendent the evening before the execution, he being personally responsible that these arrangements are properly made. A new rope need not necessarily be used for every execution, but the Superintendent shall see that the rope is carefully tested. As a rule, a bag of sand weighing IV times the weight of the prisoner to be hanged and dropped between 1.830 and 2.440 metres will afford a safe test of the rope. Two spare ropes for each prisoner sentenced to death shall be kept ready in reserve on the scaffold in the event of accidents.

- (3) Wax or butter shall be applied to the loop of the rope. After testing, the rope and other equipment shall be securely locked and sealed in steel box and shall be kept in charge of Deputy Superintendent.
- (4) The gallows shall be inspected and the rope tested in the presence of the Superintendent on the evening before the execution; he being personally responsible that these arrangements are properly made. A new rope need not necessarily be used for every execution, but, the Superintendent shall see that the rope is carefully tested. As a rule, a dummy or a bag of sand weighing 172 times the weight of the prisoner, hung and dropped between 6 and 8 feet or 1.83 and 2.50 mtrs. Will afford a safe test of the rope. Two spare ropes for each prisoner shall always be kept ready in reserve on the scaffold to meet any contingency.
- (5) Wax or butter shall be applied to the loop of the rope. After testing, the ropes and other equipment shall be securely locked and sealed in steel box and shall be kept in charge of the Deputy Superintendent.
- (6) The Medical Officer shall report in the medical report about the drop to be given to the prisoner at least four days before the date on which the prisoner is to be executed. The Medical Officer of the prison shall work out the details of the length of the drop to be given to a prisoner on principles shown below:-

- (i) If, the prisoner weighs less than 45.360 kgs, he should be given a drop of 2.440 metres.;
- (ii) If, the prisoner weighs from 45.330 to 60.330 kgs, he should be given a drop of 2.290 metres.
- (iii) If, the prisoner weighs more than 60.330 kgs, but, not more than 75.330 kgs, he should be given a drop of 2.130 metres;
- (iv) If, the prisoner weighs more than 75.330 kgs. but, not more than 90.720 kgs, he should be given a drop of 1.980 metres.;
- (v) If, the prisoner weighs more than 90.720 kgs, he should be given a drop of 1.830 metres.

Provided that so long as the extreme limits of 1.830 metres on the one hand and 2.440 metres on the other hand are adhered to if, owing to physical peculiarity of the prisoner, the Medical Officer is of opinion that the drop should be increased or decreased, effect should be given to the Medical Officer's opinion.

- Note:- (1) The above calculations are based on the assumption that the execution rope will be made of cotton yam/manila of 2.59 to 3.81 cms Diameter.
- (2) The following measures shall be adopted regarding the fixing of the length of the rope to permit the required drop:
    - (i) The height of the prisoner to the angle of the jaw immediately below the left ear shall be accurately measured, as well as,
    - (ii) The height from the drop shutter, when fixed in position, to the lower portion of the ring in the beam to which the rope will be affixed.
  - (3) These two measurements will determine the distance when the prisoner is standing in position on the drop, from the point of the latter's jaw to the ring in the beam. The measurement of the prisoners neck shall also be carefully taken, the neck measurement and the height measurement to angle of jaw being carried out

immediately after the prisoner has been sentenced to death. The length of rope for any given drop shall be the length of the drop plus the distance from the angle of the prisoner's jaw to the ring in the beam.

- (4) That is to say, that assuming the distance between the angle of the jaw and the iron ring to be 1.220 metres and the desired drop to be 2.130 metres, the amount of free hanging from the ring shall be 3.350 metres from the ring to the leather washer maintaining the loop in position on a pillow of gunny cloth, filled with sand, of the same thickness as the neck of the prisoner.

581. *Venue and presence of officers and others.*— (1) All executions shall take place at the prison to which the warrant is directed, unless expressly ordered otherwise. Executions shall usually be carried out in a special enclosure attached to or within the walls, of the prison.

(2) The Superintendent, Deputy Superintendent, Assistant Superintendent in-charge and Medical Officer shall be present at all executions.

(3) An Executive Magistrate deputed by the District Magistrate shall attend the execution and countersign the warrant.

(4) If, the prisoner so desires, a priest of his faith may be allowed, at the discretion of the Superintendent, to be present at the place of execution, subject to the requirements of security and prison discipline.

(5) Relatives of the prisoner and other prisoners shall not be allowed to witness the execution. The Superintendent may, however, permit social scientists, psychologists, psychiatrists, etc. who are conducting research to be present, the Superintendent's discretion shall prevail in the matters relating to grant of permission to witness execution. As a matter of general policy, other persons shall not be permitted to be present, a Police Guard of not less than ten Constables and two Head Constables or an equal number from the prison Armed Guards, shall be present at every execution. The Superintendent of Police will supply the guard on application, where no Armed Guard of the prison exists.

(6) Prisoners of all categories shall be kept locked up until the execution is over.

582. *Execution.*— (1) The Superintendent, Executive Magistrate, Medical Officer and the Deputy Superintendent will visit the prisoner in his cell before the hour fixed for execution, the Superintendent and the Executive Magistrate shall then identify the prisoner as the person named in the warrant and read over to him a translation of the warrant in his mother tongue. Any other documents requiring attestation by the prisoner such as his will, *etc.*, shall be signed and attested in the presence of Superintendent and the Executive Magistrate. The hands of the convict shall be pinioned behind his back.

(2) A cotton cap with flap shall be put on the prisoners face just before he enters the gallows-enclosures. The prisoner should not be allowed to see the gallows.

(3) On the arrival of the prisoner at the scaffold, he shall be made over to the batch of executioners.

*Note :-* The required number of executioners may always be posted at the Prison where execution has to be carried out. The executioners shall be trained in all matters pertaining to execution of prisoners. At fixed intervals, the executioners shall be required to practice on dummies.

583. *Duty of Executioners.*— (1) The duty of the executioner or executioners shall be:-

- (i) to place the prisoner exactly under the part of the beam to which the rope is attached;
- (ii) to strap the prisoner's hand tightly; and
- (iii) to put the noose round the neck tightly, the knot or metal eye being just in front of and below the angle of the jaw, so as to run up behind the ear when the prisoner falls and receives the jerk. Care must be taken to adjust the rope so that the part to which the metal eye belongs shall pass in front of the throat. The noose should be kept tight, having been adjusted by means of a stiff leather washer on the rope. The flap of the cap should hang in front free from the rope.

(2) The Superintendent shall see that the rope round the neck of the prisoner is adjusted properly and the knot is in proper position.

(3) The operations mentioned-above should be done simultaneously and as quickly as possible. On completion of all these operations the Superintendent shall give a signal, on seeing which the executioner in-charge shall push the lever to let down the trap-door.

(4) The body shall remain suspended for half an hour and shall then be taken down only after the Medical Officer has certified that life is extinct.

584. *Hangman's fees.*— The hangman shall be paid at the rates fixed by the Government for the execution of each convict.

585. *Disposal of body.*— (1) Subject to the provisions of this paragraph, the body of the executed prisoner shall be disposed of according to the requirements of the religion to which the executed convict belonged.

(2) If, the executed prisoner's relatives make a written application for performing the last rites, the Superintendent may, in his discretion, allow such request, provided that the relatives give an undertaking in writing that they will not make a public demonstration of any kind in relation to the cremation or burial of the executed convict. In cases where the Superintendent thinks that there is a likelihood of a public demonstration, he has the authority to refuse such permission. In cases of disposal of the body of executed prisoner, in whose case there is likelihood of public demonstration, the Superintendent shall consult the District Magistrate and arrangements for the disposal of the body shall be made according the requirements of the situation. In such event, the Superintendent shall act in accordance with the instructions of the District Magistrate.

(3) Except as provided in this chapter, the body of the executed prisoner shall be taken out of the prison with all solemnity. A municipal hearse or ambulance shall be used for the transportation of the body to the cremation or burial ground. The Superintendent is authorized to incur all reasonable expenditure required for the transportation and disposal of the dead body.

586. *Report of execution of death sentence.*— The Superintendent shall, immediately after each execution, send a report thereof to the DG/IG and he shall return the warrant duly endorsed to the Court which issued it.

587. *Application of rules.*— (1) All rules made in this chapter will

apply only if, the prisoners are to be executed in the Central Prison, Puducherry.

(2) If, there are no facilities in the Central Prison, Puducherry for the execution of the prisoners sentenced to death, such prisoners may be transferred to a Prison in another State under reciprocal arrangements made and in such cases, the prisoners will be governed, in the matter of treatment and execution, *etc.*, by the rules and regulations in force in the State to which they are transferred.

## CHAPTER-20

### EMERGENCIES

588. *Situations to be handled on an emergency basis.*— The following situations shall be handled as emergencies:-

- (i) Escape from prison;
- (ii) Outbreak;
- (iii) Riots;
- (iv) Strikes;
- (v) Assault;
- (vi) Suicide;
- (vii) Accidents;
- (viii) Fire;
- (ix) Epidemic/Viral disease;
- (x) Hunger Strikes (individual or mass);
- (xi) Food poisoning;
- (xii) Overcrowding;
- (xiii) Failure of water supply, electric lighting arrangements, and other essential prison services like conservancy and plumbing;
- (xiv) Non-supply of food or raw materials resulting in the interference of prison routine;
- (xv) Flood;

- (xvi) Earthquake;
- (xvii) Terrorist Attack;
- (xviii) Bomb Explosion;
- (xix) War/Bombing;
- (xx) Chemical Disasters;
- (xxi) Nuclear Disasters.

589. *Measures to prevent and control emergency situations.*— It is the responsibility of the Superintendent to take sufficient measures for preventing and controlling emergency situations. These measures may include:-

- (i) demarcation of an out-of-bound area around the perimeter wall of the prison;
- (ii) adequate guarding and security measures and periodical inspections;
- (iii) system of thorough searches;
- (iv) proper maintenance of the prison building and premises;
- (v) proper custody of tools and equipment;
- (vi) proper control of movement of prisoners;
- (vii) timely segregation of prisoners who are instigators or of bad character, and are potential risks to prison discipline;
- (viii) prompt and strong, but, considerate handling of all discipline problems;
- (ix) attending to care and welfare requirements of prisoners;
- (x) system of good discipline;
- (xi) careful handling of plant and equipment;
- (xii) periodical inspection of plant equipment and emergency operation;
- (xiii) accident preventive measures;
- (xiv) fire preventive measures;
- (xv) fire fighting equipment at all vulnerable points;

- (xvi) good environmental and institutional sanitation and hygiene;
- (xvii) proper procedure of quarantine for newly admitted prisoners;
- (xviii) segregation of prisoners suffering from contagious diseases;
- (xix) proper storage and inspection of articles of food;
- (xx) observance of the required minimum standards in kitchen and canteen operations, service of food and eatables;
- (xxi) wire guards on trees to discourage prisoners climbing them for escape;
- (xxii) standby arrangements for water storage, power plant, and emergency lighting;
- (xxiii) concealing all drainage and water pipes in the buildings;
- (xxiv) Delegation of powers to prison officers (Assistant Superintendent, Deputy Superintendent and Superintendent of Jail) to use force in emergent situations as is given to the Police.

590. *Equipment for emergencies.*— (1) Each prison shall be properly equipped with the following to meet various types of emergencies, namely:-

- (i) Fire fighting equipment;
- (ii) Emergency lighting arrangements like electric torches, gas lights, electronic lamps;
- (iii) Search lights;
- (iv) Steel helmets;
- (v) Canes;
- (vi) Tear gas equipment;
- (vii) Water hoses;
- (viii) Telephones, inter-communication system and walkie-talkies;
- (ix) Arms and ammunition;



(x) Ladders, axes, knives, ropes, chains, handcuffs, alarms and sirens;

(xi) First Aid kit.

(2) The Superintendent shall obtain the necessary sanction of the Inspector-General of Prisons for the purchase of articles listed in sub-rule (1) above.

(3) It shall be the responsibility of the Superintendent of Jail to ensure that all these equipments are always kept in good condition for use in emergency.

591. *Preparations for emergencies.*— (1) Institutions where dangerous prisoners are kept or where there is a likelihood of any kind of serious disturbances, should be fully equipped in all respects. In such Institutions, the security arrangements should also be very strict.

(2) Each central prison should organize an Emergency Squad. This squad should consist of personnel below forty years of age. The personnel of this squad should be given special training in handling various emergencies or unforeseen situations. The squad should also be properly equipped and ready for action.

(3) Drills for handling emergencies should be held at fixed intervals and a report should be submitted to the Inspector-General of Prisons in the prescribed Form.

592. *General instructions for handling emergencies.*— The general instructions to be followed in handling emergencies shall be as follows:-

(i) Giving immediate first aid to the injured;

(ii) Preventing entry into the affected area;

(iii) Immediate action to counter the spread of trouble to other areas;

(iv) Quick intimation to all authorities concerned;

(v) Reporting to authorities concerned for help, if necessary;

(vi) If, the Superintendent is not present in the prison when the problem occurs, he shall reach there as soon as he gets its information of such emergency and take suitable measures for controlling it. Information should also be sent to the Deputy Superintendent who shall reach the prison immediately and either assists the Superintendent or take charge of the situation;

(vii) Use of control measures, such as handcuffing, locking prisoners, segregating the trouble makers and mob dispersal;

(viii) Tightening all security measures according to the requirements of the situation;

(ix) Mustering all possible help for effective handling of the emergency;

(x) Obtaining all necessary assistance from the District Collector, the Police and the Fire Brigade.

#### ESCAPE

593. *Sounding an alarm.*— (1) A siren (or an alarm bell) that can be easily heard at the quarters of the subordinate officials, shall be kept near the main gate of every prison, and in places where prisoners are employed in large numbers. In the latter case, the alarm should be loud enough to be heard at the main gate.

(2) The sequence of alarms starting with the blowing of a whistle followed by the sounding of the bugle and then striking of the alarm gong shall indicate the need for urgent help because of an escape or its attempt.

594. *Escape attempts.*— Should any prisoner attempt to escape, the Guard or Sentry shall at once raise the alarm if, the help of other Guards is essential to prevent the prisoner's escape. He shall, at the same time, take all necessary steps to prevent the prisoner's escape. The Armed Guard shall be ready at a moment's notice to prevent any group attempt to escape from the prison.

595. *When an escape takes place from an extramural group.*— (1) On the alarm being sounded because of an escape from a work site from outside the prison, the officer in-charge of the standing guard at the main gate shall dispatch as many Warders as he can spare for assistance. The remaining warders shall wait for orders from the senior officer present.

(2) The Warder in charge of the outside group, from which a prisoner has escaped, shall, after sounding the alarm, send one of his escorts to apprehend the prisoner and after collecting the remaining prisoners shall march them back to the main gate of the prison where he shall report the escape to the senior officer on duty.

596. *Duty of the Deputy Superintendent.*— As soon as a report of an escape is received, the Deputy Superintendent or another senior officer on duty shall:-

(i) dispatch a party of sufficient strength to search the locality where the escape has occurred; and

(ii) Inform the Superintendent of the escape who in turn shall take suitable action for apprehending the escaped prisoner/prisoners.

597. *Escape during night.*— If, the escape takes place during night and there is possibility of the prisoner still being inside the prison, search shall be made with torch lights inside the prison.

598. *Duty of Superintendent.*— The Superintendent shall, with the knowledge of Inspector-General of Prisons, give prompt notice of the escape to the nearest Police Station, the Executive Magistrate of the area and the District Magistrate. Such information shall be accompanied by a nominal roll giving a description of the escaped prisoner. He shall also send immediate intimation, by telegraph, to the Police Station near the prisoner's home. If, the prisoner belongs to a region other than that in which he was in prison, intimation shall be sent to the Magistrate of his region or to the Superintendent of Police of that area.

599. *Report to the Inspector-General.*— If a prisoner escapes, the Superintendent or in his absence the Deputy Superintendent, shall immediately convey the message over phone to the Inspector-General and in his absence to the next officer available in the headquarters, followed by a detailed report within 24 hours from the time of escape. A copy of this report shall also be sent to the Government. It shall contain information on the time and circumstances in which the escape occurred, the party or parties by whose neglect it occurred, whether the prisoner has been recaptured and if not, the measures taken to recapture him. When the prisoner is recaptured, another report shall be sent to the Inspector-General of Prisons.

600. *Publication of escapes.*— Notice of escape of prisoners and of the rewards offered for their recapture shall be published in the Official Gazette, if so ordered by the Inspector-General.

601. *Power to sanction reward.*— The Inspector-General of Prisons may take decisions regarding the sanctioning of rewards in such cases which shall not more than ₹ 10,000.

602. *Reward to prisoners preventing an escape.*— All cases in which prisoners prevent an escape, either by warning the officials about any plot or preparation or by seizing a prisoner attempting to escape or in any other manner, shall be brought to the notice of the Inspector-General, with a view to giving them suitable rewards.

603. *Punishment for facilitating an escape.*— Every officer of the prison, because of whose assistance, connivance or neglect, an escape takes place, shall be prosecuted under sections 222, 223 or 225 A of the Indian Penal Code (Central Act XLV of 1860) unless very extenuating circumstances are present or the Superintendent considers the evidence insufficient to procure a conviction.

604. *Procedure on recapture.*— (1) The recapture of the prisoner shall be informed to all those who were informed of the escape originally.

(2) A recaptured prisoner may be received back into prison on his original warrant.

605. *Disposal of warrants of escaped prisoners.*— The warrant of a prisoner who escapes from prison shall be retained in the prison for 10 years from the date of his escape. If, he is not recaptured within that period, it shall be returned to the committing Court with an endorsement giving the reasons.

#### OUT - BREAKS

606. *Alarm to be sounded on outbreak.*— (1) Whenever there is a prison outbreak or and agitation inside a prison, the concerned Superintendent or Deputy Superintendent of Jail should inform the Senior Superintendent of Police (Law and Order) who will take necessary action to control the situation and bring order inside the prison. However, till the arrival of the Police personnel, the Prison Guards and security personnel guarding the prison shall initiate steps to control the situation and prevent further untoward incidents.

(2) In the event of an outbreak or disturbance, the prison official present at the scene of occurrence shall raise an alarm by blowing his whistle and on hearing which the warder staff shall blow their own whistles. It will be followed by sounding of gong or siren at the main gate. Every prison official outside the prison shall proceed at once to the Guard room and arm himself with a baton. A messenger shall be sent by the senior officer present to the Superintendent and Deputy Superintendent who shall summon every available man.

607. *When the alarm is sounded.*— At the sound of the alarm, the Reserve Guard shall arm themselves with firearms, fully loaded and fixed with bayonets and stand outside the prison on alert. The main gate sentry along with other Warders shall be posted between gates and unless the prisoners are actually threatening the main gate, the rest of the force available shall enter the prison armed with batons and proceed at the double to the scene of the disturbances. But, if, the prisoners are threatening the main gate, it must be defended until the guard is strong enough to enter and drive the prisoners back. The armed Reserve Guard shall not enter the prison or arrive at the scene of the disturbance until specially sent for by the officer in command.

608. *Duty of convicts on hearing an alarm.*— When the alarm is given it shall be the duty of every convict to run at once to previously defined places of security, usually the nearest sleeping barrack, where they shall be locked in by the warders inside the prison. Prisoners should be warned in advance that neglect of this rule shall render them liable to be treated as participating in the outbreak.

609. *Methods of quelling disturbances.*— (1) On reaching the scene of disturbance, the Guard shall proceed to quell it by using batons or tear gas, if available, as the officer in command may decide. Action shall first be directed to prevent any attempt at escape, to isolate the rioters from other convicts, and to rescue any prison officer who may be in danger. If, the disturbance is accompanied by an attack on any prison official or by a combined attempt to escape, the officer in command shall warn the prisoners that they will be fired upon if, they do not submit. If, circumstances permit, this warning shall be repeated three times. If, the prisoners do not submit or the outbreak or disturbance cannot be quelled, the officer in command may summon the Reserve Guard and open fire on these prisoners. He shall stop the firing as soon as the prisoners cease resistance or submit. Only minimum force necessary shall be used in all circumstances.

(2) On arrival of the Superintendent, his orders shall be taken and all officers from the rank of Deputy Superintendent and below shall act as per his orders.

(3) Prison officials shall not attempt to disperse a mob outside the prison unless the prison staff is threatened.

(4) Enquiries on incidents like assaults on prison officials shall be conducted by the Superintendent or such other officer as the Inspector-General may direct.

610. *Defence of main gate.*— The main gate sentry and the additional Warders posted between gates shall defend the main gate. If, prisoners cannot be driven back by any other means, firing shall be resorted to after due warning. It shall be stopped as soon as the prisoners are driven back.

611. *Disturbance within wards.*— If, the disturbance occurs within the wards, the available force shall enter the prison armed with batons and shall proceed at the double to the yard gate. A party shall be detached to enter the ward and quell the disturbance while the remaining force waits at the yard gate.

612. *Treatment of extramural groups.*— Groups which are outside the prison when the alarm is sounded shall at once be collected and made to sit close together under the charge of their escort till the disturbance is over. If, the situation permits these groups shall be taken in and locked up in a ward so that the Warders in charge of the group can be released for other duty.

613. *Rehearsal of procedure on alarm.*— It is of importance that if, an outbreak occurs, every man knows precisely what he has to do. In order to perfect this procedure, an alarm parade shall be held once in two months or more often in each prison. All steps laid down in the rules shall be rehearsed as accurately and promptly as possible. The convicts too shall be trained to run at once to the assigned place of security when the alarm is sounded. No arms shall be taken inside the prison during practice alarm parades. The Superintendent shall make a record of each practice session and its results in his register

#### ACCIDENTS AND SUICIDES

614. *Procedure when unnatural death occurs.*— (1) Whenever a sudden or violent death or suicide takes place in a prison, immediate notice shall be sent to the Superintendent and the Medical Officer. The body shall be left untouched in the position in which it was found for inspection by these officers.

(2) If, there are chances that the person is still alive, measures shall be taken at once for the prisoner's first-aid and treatment and revival.

(3) In the case of a prisoner found suspended by a rope in an attempt to commit suicide, and there is reason to believe that he may still be alive, the body shall be raised at once to relieve pressure and laid gently on the grounds. All measures shall be taken to restore consciousness, without waiting for assistance, which however shall be called for without delay. In all events of a death procedure laid down in the Chapter on death should be followed.

615. *Custody of articles used for suicide.*— Knives and tools used in workshops and barber's or tailor's equipment shall be counted and locked by the Warders every day. Ropes for wells shall be properly secured or locked up, and the wells themselves protected to prevent persons falling or throwing themselves in. Care shall be taken that nothing is left about in the prison that may be used for suicidal purposes.

616. *Precautions against the prisoners with apparently suicidal tendencies.*— Prisoners with apparently suicidal tendencies shall be carefully watched and not left alone in a cell.

617. *Employment of convicts on dangerous work.*— When prisoners are employed in blasting, excavation or other work of a dangerous character, it shall be the duty of the officer conducting the work to take every reasonable precaution to guard against accidents. In blasting operations, no convict shall be employed to fire the charge. In excavations, the walls shall be sloped or cut in steps.

618. *Custody of poisons.*— Poisonous drugs and drugs inducing drowsiness, surgical instruments and other similar things shall not be left within the reach of prisoners. Every receptacle containing any poisonous drug shall be labeled "Poison" in large printed characters. All these shall be kept under lock and key. Under no circumstances, such key shall be entrusted to a prisoner.

619. *Precaution against drowning.*— A strong rope and grappling irons shall be kept in the guard room of every prison, to be at hand in case of accidents in wells.

#### FIRE

620. *Prevention of fire.*— (1) Special care shall be taken while using kerosene and gas lights in any office or store room. Even in the maintenance of electric lights, any leakage shall be immediately brought to the notice of the Deputy Superintendent and rectified without delay.

(2) All staff in charge of offices and stores shall take a round of the offices and store rooms before they are closed for the night and satisfy themselves that everything is safe.

(3) Fire shall be used in the workshops in properly constructed fire-places and the senior officer, who locks up the prison, shall satisfy himself before leaving that these fires are properly extinguished. The concerned senior technical staff of the section shall also be responsible in this regard.

(4) No burning coal, wood or other fuel used in kitchen shall be allowed to be taken out. Those in charge of the kitchen shall be responsible for any violation. If, liquefied petroleum gas is used in kitchen, it shall be ensured that gas cylinders are stored in a secured room in accordance with the safety rules for storage of LPG cylinders and that no prisoner has access to such place. If, any fire occurs, nobody should be allowed near the gas room until the fire is completely quelled.

(5) There shall be fire hydrants and fire fighting equipment (sand and water buckets) in all parts of the prison, and especially at all vulnerable points decided in consultation with the Divisional Fire Officer.

(6) Electric installations in the prison shall be inspected at regular intervals.

(7) In extramural camps and open institutions, precautions such as provision of a large supply of water and fire fighting equipment shall be kept ready at hand.

(8) Superintendent shall draw up instructions on fire safety and the drill to be adopted in his prison, showing the respective duties of all members of the prison establishment on an alarm of fire being given. He shall make the staff rehearse the fire drill at least once in six months. This would include fire fighting safety measure and evacuation techniques.

(9) In the event of a fire, immediate information to fire brigade shall also be sent. Till help from the fire brigade is received, every attempt to quell the fire shall be made. In the event of fire breaking out in the prison by day or night, the alarm shall be sounded.

(10) Steps shall be taken to ensure that fire does not spread to other parts of the prison and the lives of prisoners and of members of



the staff are not endangered. In the event of an injury to a prisoner or a member of the staff on duty, because of fire

- (a) medical attention to the injured shall be given and
- (b) an inquiry shall be immediately held and statements of the injured prisoner or member of the staff and other witnesses shall be recorded.

#### EPIDEMIC

621. *Epidemics diseases.*— Epidemics which are likely to occur in prisons are Covid-19 cholera, enteric fevers, gastro-enteritis, chicken pox, measles, mumps, influenza, cerebrospinal meningitis, pneumonia, plague, beriberi, scurvy and epidemic dropsy.

622. *When a disease shall be deemed epidemic.*— If, three or more cases occur within one week of the occurrence of the first case of cholera, it shall be concluded that the disease has assumed an epidemic form.

623. *Precautions against outbreak.*— When an epidemic is present in the vicinity of a prison, communication between the staff and the infected locality shall be, as far as possible, prevented and special care shall be taken that all arrangements to meet an outbreak are completed.

624. *Removal to a segregation shed.*— Every prison shall be provided with two permanent segregation sheds outside the prison walls. On the occurrence of a case or a suspected case, of cholera or any other infectious disease, the patient shall not be taken to hospital, but, shall be immediately removed to one of these sheds while all orderlies and scavengers attending on the case shall be strictly isolated in another shed. On no pretext shall they be allowed to enter the prison or communicate with other prisoners until all risk of infection is over. If, possible, the prisoners shall be removed to an infectious disease hospital outside the prison.

625. *Treatment of prisoners after contact with infection.*— All prisoners employed in cleaning a ward in which a case of suspected infectious disease has occurred or who have been in contact with the patient, shall be detained under medical observation in a separate building to prevent their mingling with other prisoners. Special care shall be taken that they bathe and feed separately.

626. *Disposal of Prison officers' clothing, if infected.*— If, there is any reason to think that the clothing of any Warder or other prison officer is likely to have been polluted by any cholera discharge, it shall be at once withdrawn from use and disinfected.

627. *Treatment of the infected barrack.*— The barrack in which a case occurs shall be immediately vacated and the inmates kept together and not allowed to go near other prisoners. The vacated barrack shall be thoroughly disinfected.

628. *Vaccination or inoculation.*— Whenever a case of an epidemic occurs, the Medical Officer shall at once arrange for vaccination or inoculation, as the case may be, of all prisoners, prison personnel and members of their families.

629. *Accommodation of patient.*— Overcrowding must be strictly avoided both in the hospital as well as in every cell and ward. If the epidemic is severe then it may be desirable use the entire hospital for treatment of epidemic cases, removing all other cases to a temporary hospital that can be set-up in a ward or workshed, (if, no better place is available). Minor cases of colic or ordinary diarrhea shall also be treated separately and not admitted to the hospital until the characteristic symptoms of cholera and diarrhea have disappeared.

630. *Sterilisation of drinking water.*— (1) On the recommendation of the Medical Officer drinking water shall be thoroughly boiled. Gas or Firewood shall be made available for this purpose to the minimum extent necessary as decided by the Inspector General of Prisons. Care shall also be taken to ensure that sufficient appliances for boiling of water are also provided.

(2) As far as possible, reverse osmosis plants should be in place in prisons to prevent water borne diseases.

631. *Observation of prisoners.*— The general condition of prisoners shall be carefully watched to detect incipient cases. Any person attacked by premonitory symptoms shall be removed for treatment at once. Warders shall be required to report any sign of sickness at once. A prisoner visiting the latrine more often than usual shall be placed under observation.

632. *Treatment of hospital floor.*— The floor of the segregation hospital shall be washed or sprinkled liberally with 2% saponified cresol or izal lotion.

633. *Disposal of dejecta.*— The dejecta shall be placed in a vessel with a close fitting cover containing an equal part of 4% cresol or izal lotion for two hours and then buried. The dejecta can also be incinerated with saw dust, paddy husk or kerosene.

634. *Cleanliness of prisoners.*— Special attention shall be given to the cleanliness of prisoners and their clothing. The water used for washing shall not be allowed to remain within the prison walls.

635. *Treatment of clothing and bedding.*— The clothing and bedding of the inmates of an infected ward shall be either immersed for 30 minutes in boiling water or kept in 20% carbolic or cresol lotion and then aired and returned to them after they have bathed. Hospital clothing and bedding used by infected patients shall be burnt.

636. *Disposal of a infected corpse.*— The body of a person who has died of an infectious disease shall be wrapped completely in a sheet saturated with 2% carbolic or cresol lotion and buried or cremated with the least possible delay.

637. *Report to the Inspector General.*— (1) The first occurrence of a case of cholera or any other infectious disease shall be at once reported to the Inspector General by telegram which shall be followed by a written report on the same day, stating the circumstances of the case and the measures taken to arrest the progress of the disease.

(2) The next two cases too shall likewise be reported by telegram to the Inspector General. On the occurrence of the second case, the Superintendent shall submit a report stating whether he proposes a large scale segregation of prisoners within the prison premises. If he does, then he shall elaborate the measures he is taking for it. If he does not plan segregation, he shall record reasons for that as well. If the Inspector General is absent from the Headquarters, the report shall be telegraphed to him.

638. *Rules generally applicable to epidemics.*— The above rules relate for segregation are also applicable to other disease, such as small pox and plague. In these cases, the necessity for segregation is equally important. In case of typhoid fever, changing the water supply is of primary importance.

639. *Daily report during epidemic.*— Whenever an epidemic prevails in a prison, a daily report shall be furnished to the Inspector General. In this report the Medical Officer shall briefly note the progress of the epidemic, the measures he is taking to arrest it, and any information he may consider of importance. A copy of this report shall also be sent to the Director of Health and Family Welfare Services.

640. *Special epidemiological inquiry.*— The Inspector-General, in consultation with the Director of Director of Health and Family Welfare Services, may call for an epidemiological inquiry or report from the Superintendent whenever he considers it advisable. A copy of such an inquiry report shall be furnished to the Director-General of Health Services, Government of India, New Delhi.

#### HUNGER STRIKE

641. *Procedure to be followed in cases of hunger strikes.*— (1) Prisoners who go on hunger strike has to be treated firmly, it shall be warned that no redress of any alleged grievances shall be allowed as long as the strike continues and that they shall be liable to any prison punishment or to prosecution under Section 52 of the Prisons Act, 1894.

(2) After sufficient warning, and before the refusal to take food has adversely affected them, and if, any other punishment appears unlikely to deter them, they may be prosecuted under Section 52 of the Prisons Act, 1894. The usual concession in the matter of interviews and letters of such prisoner shall be restricted to members of the legal profession only. If, any such prisoner proposes to engage a member of the legal profession to represent him, a vakalat nama shall be executed by the prisoners in favor of the member of the legal profession and only that member shall be permitted to interview the prisoner in this regard.

(3) In the event of mass hunger strike by the prisoners, the Superintendent shall permit reasonable number of members of the legal profession to interview the prisoners. For easy identification, the members of the legal profession should be in their formal lawyers' dress and give requisition for interview on their letter-heads. If a mass hunger strike amounts to mutiny, the prisoners shall be isolated from each other, and from other prisoners, as far as possible.

(4) When prosecutions are instituted under Section 52 of the Prisons Act, 1894 the proceedings shall be held within the prison and shall be started and completed with as little delay as possible.

642. *Forcible feeding of prisoners on hunger strike.*— It is the duty of the prison authorities to do what they reasonably can to keep prisoners in their charge in good health and to save them from death. Therefore, if, a prisoner is likely to cause his own death by continuously refusing to take food, the Medical Officer may direct that the prisoner be forcibly fed to keep him alive. Forcible feeding shall not be attempted with unnecessary violence. But, till such a stage is reached, food approved by the Medical Officer shall be regularly placed beside the prisoner on hunger strike for his consumption.

643. *Daily report to the Government.*— The Medical Officer shall furnish daily reports to the Superintendent on the health of the prisoner who is on a hunger strike. He in turn shall forward it to the Government through the Inspector-General. The Superintendent shall send a report to the Collector and the Superintendent of Police concerned.

#### OVERCROWDING

644. *Overcrowding shall be reported to the Inspector-General.*— If, a prison becomes overcrowded, the Superintendent shall take suitable action for accommodating all the prisoners properly, duly reporting the circumstances leading to overcrowding to the Inspector-General. Any other matter pertaining to overcrowding shall always be referred to the Inspector-General for orders.

645. *Measures to relieve overcrowding.*— As soon as prisoners in excess of the available accommodation are received in any prison or hospital, the Superintendent shall submit a report to the Inspector-General with a statement of the measures which he proposes to adopt to relieve the overcrowding, and such temporary arrangements, as he thinks best, shall, at once, be adopted for this purpose.

646. *Keeping prisoners in sheds or tents.*— Prisoners in excess of the accommodation shall not, except as a temporary measure, be placed in worksheds or verandas, but, shall be kept in sheds or tents inside the prison. The Superintendent shall always obtain prior sanction, whenever necessary, for incurring expenditure in this regard and shall ensure economy in every aspect.

647. *Earth Quake.*— In the event of an earthquake, the following action shall be taken:-

- (i) The prisoner shall be asked to take cover (kneel down and cover head with arms);

(ii) The prisoners shall be asked to remain in the same position for a few minutes, due to after-shocks;

(iii) The prisoners shall be kept at least 14 feet away from windows, mirrors, chimneys, tall book cases, furniture, old and high buildings, poles, trees and electric wires;

(iv) The prisoners shall be asked to walk towards an open place, in a calm and composed manner;

(v) Evacuation and rescue measures should be undertaken on instructions from an evacuation team and unnecessary crowding of affected area should be avoided.

648. *Other emergencies.*— Suitable action shall be taken according to the requirements in cases of other emergencies, as well. The Superintendent shall report the circumstances to the Inspector-General, wherever necessary.

## CHAPTER-21

### EDUCATION OF PRISONERS

649. *Education as a tool for overall development of prisoners.*—

(1) Education is vital for the overall development of prisoners. Through education their outlook, habits and total perspective of life can be changed. Education of prisoners benefits the society as well as it leads to their rehabilitation and self-sufficiency. Education reduces the tendency to crime. This would mean less crime, fewer victims, fewer prisoners, more socially productive people, and less expenditure on criminal justice and law enforcement.

(2) Education is harmonious and all round development of human faculties mental as well as physical. It is a tool by which the knowledge, character and behaviour of the inmate can be moulded. It helps a prisoner to adjust to the social environment and his ultimate resettlement in society. Prisoners are stimulated to study correspondence courses from various Universities.

(3) Life in prison tends to be monotonous and regimented. There is a need to provide prisoners with adequate educational opportunities in order to enable them to lead a law-abiding and self-supporting life following their release. It must be understood that placing offenders inside prison cells without any attempt to reform them is an unproductive exercise.

650. *Objective.*— The objective behind educational programmes in prisons shall be to channelize prisoners' energies into constructive and creative pursuits, instilling in them a sense of confidence, developing amongst them social responsibility and consciousness, fostering amongst them habits and attitudes necessary for adjusting in the community, creating amongst them an awareness of the futility of leading a criminal life and uplifting them morally, mentally and socially. A comprehensive educational programme in a prison shall aim at:-

(i) providing opportunities to the illiterate inmates to achieve at least a certain minimum level of education;

(ii) extending facilities to literate inmates to advance their educational standards;

(iii) developing a better understanding of the duties and obligations of a citizen;

(iv) improving the attitude of inmates towards society and fostering a desire to live as good citizens;

(v) assisting the development of good social and ethical habits and attitudes so that the inmates may properly adjust their lives in the community;

(vi) helping them to improve their personalities and ability for social adjustment through individual and group guidance in social living;

(vii) developing point of view which will make the futility of a criminal way of life apparent to the inmates, making them aware of the advantages of a law abiding life,

(viii) stimulating sustained interest and effort towards self-improvement; and

(ix) developing social consciousness and a sense of social responsibility and obligations.

651. *Planning for education.*— Educational plan for prisoners will be such that:-

(i) Each prisoner shall be given a programme of education which will help the process of his socialization and rehabilitation. In order to achieve these objectives, an adequately trained educational staff and minimum facilities like class rooms and library may be provided in the prison;

(ii) Education of illiterate adolescents and adult prisoners shall be compulsory. Correctional services will pay special attention to educational programmes;

(iii) Due to wide variations in intelligence level and individual interests of inmates, it is essential to organize diverse educational programmes to suit the needs of the larger groups;

(iv) Educational programmes shall cover subjects which would help develop the inmate as affective members of social groups. The programmes shall also help develop insight on the part of the inmates;

(v) The nature of the educational programmes in an institution shall be related to the size and type of the inmate population and the time earmarked for these programmes. Educational activities shall be developed in conjunction with the overall programme of an institution;

(vi) As far as practicable, the education of prisoners shall be integrated with the educational system of the Union Territory, so that after their release they may continue their education without difficulty. These programmes shall be related to after-care programmes also;

(vii) The education policy shall be formulated in a manner which is adjustable to social environment, leading to ultimate resettlement of a prisoner in the society. Education shall be organized at three levels:-

- (a) For the beginners and illiterate inmates;
- (b) For the intermediates; and
- (c) For advanced education.

(viii) Educational personnel shall be oriented, through special Training courses, to correctional policies, programmes and methods as far as practicable;

(ix) Non-Governmental Organizations may be extensively involved in the educational programmes

652. *Nature of an educational programme.*— (1) The educational programme shall consist of:-

- (i) Physical and health education;
- (ii) Academic education;
- (iii) Social education;



- (iv) Vocational education;
- (v) Moral and spiritual education;
- (vi) Cultural education.
- (vii) Computer education
- (viii) Legal education/awareness

653. *Educational policy for inmates*.— (1) On admission to the prison, the criteria for initial classification of prisoners shall be done on the basis of their educational background, their aptitude to follow further studies, their social background and vocational education.

(2) The policy behind academic education shall at:-

- (i) Making every illiterate prisoner literate;
- (ii) Developing educational qualifications of prisoners.

(3) If a prisoner, who was pursuing studies before his imprisonment, expresses his intention to continue his studies and appear for an examination of any Board or University or Institution, he may be given due facilities for it. He may be allowed to receive books and writing material from his friends and relatives from outside and purchase books and such materials out of his personal cash kept in the custody of the prison or at Government expense. Such facilities may also be extended to a prisoner who has given up his studies before his imprisonment, but, expresses his intention to proceed with it with a view to appear in an examination conducted by any university or other Statutory Body or a recognized institution.

(4) A prisoner may also be encouraged and provided with facilities for enabling him to appear in competitive examinations conducted by various Government Departments.

654. *Classification of prisoners*.— (1) Prisoner shall be classified on the basis of their academic/educational qualification and their aptitude for further learning at the time of admission in the prison. It shall be made compulsory for each prisoner to sit in the educational classes, arranged as per their qualification, for at least two hours in the day, preferably in the morning hours.

(2) The classification committee and educational personnel shall together decide the amount of time to be devoted for academic education, vocational education and work for each inmate. As there will be variations in the educational level, intelligence and interests, diverse educational programmes shall be organized for different groups of inmates.

655. *Compulsory education.*— (1) The help of educated prisoners shall be liberally obtained for carrying out educational programmes, in addition to the help taken from regularly employed Teachers, and utilizing similar facilities offered by Non-Governmental Organisations.

656. *Language classes.*— (1) Language classes shall be encouraged. These classes could be run by the educated prisoners, regular Teachers and Non-Governmental Organisations. This will help the prison administration in harmonizing relations between prisoners of different cultures and communities and would improve discipline in the prison.

(2) Keeping in view the special needs of prisoners, a booklet may be prepared which would enlist various educational programmes being carried out in the prison.

657. *Schools for Young Offender prisoners.*— (1) Every prison may have a regular School where Young prisoners can attend regular classes in shifts. This School could be a branch of any Government School being run by the Education Department of the Union Territory, with the Education Department providing Teachers, equipment and material for teaching young prisoners. The School shall provide education for primary, secondary and senior secondary levels. It shall be mandatory for each young to attend classes. The staff posted in the prison may be paid special incentive for maintaining prisoners' interest in attending School.

(2) The prisoners who pass various examinations shall be given certificates as are given to students studying in regular Schools. Care shall be taken to ensure that there is no mention of the young offender's imprisonment on such certificates.

658. *Education for short-term prisoners.*— For under-trial prisoners and prisoners sentenced to short-term imprisonment, educational classes could be organized in the yards or enclosures where

such prisoners are kept. This would facilitate better organization of regular classes for prisoners who are required to undertake educational programmes on a short, medium or long term basis.

659. *Personnel and equipment:- Following personnel and equipment for educational programme for prisoners are to be provided.*— (i) Teachers shall be appointed for running and guiding the adult educational programmes in prisons. Teachers from Education Department could be posted to the prison on transfer on deputation basis. Inmates, who are educated and whose conduct has been good, may be given training in imparting education to others. These trained inmates may assist the regular Teachers in organizing diversified educational programmes. The services of retired Teachers or Non-Governmental Organisations could also be obtained in running the educational programmes.

(ii) Necessary equipment for education like books, stationery, writing material, furniture, *etc.*, may be provided at Government cost. In each prison, a building shall be earmarked or constructed as a School for carrying out educational activities. Buildings and areas for educational programmes shall be earmarked in accordance with the minimum standards as fixed by the Education Department for similar purposes.

(iii) Study or examination centres of National Open School and or Indira Gandhi National Open University or Pondicherry University and Annamalai University may be established in the Central Prison. The strength of educational personnel may be fixed in accordance with the inmate population and the educational programmes to be organized.

(iv) The educated prisoners, who help the prison administration in conducting educational programmes, may be given wages/honorarium.

(v) Audio-visual equipment may be used for educational purposes.

(vi) The lodging arrangement of prisoners can also be done as per their educational requirements so that suitable environment is created in the barrack/cell to enable them to carry out the assignments given to them by their Teachers.

660. *Curriculum.*— Curriculum shall be drawn up in accordance with the needs of each inmate group. It may be in line with the educational programmes conducted in other educational institutions

in the Union Territory. It shall be planned in such a way as to synchronize with the length of sentence of the inmates. Educational schedules and time-tables shall be drawn to fit the total programme of the prison.

661. *Tests and examinations.*— Following concessions may be given to prisoners for pursuing their higher education:-

(i) At the end of each educational project, inmates shall be given tests and examinations. These tests and examinations shall be conducted inside the prison by the Education Department or National Open School or Indira Gandhi National Open University, as the case may be;

(ii) No fees, including examination fee, shall be charged from students appearing in various examinations. Cases of brilliant students may be recommended to Education Department and other agencies for grant of scholarship.

662. *Liaisons.*— The prison shall establish liaison with the Department of Education, National Open School or Indira Gandhi National Open University and other approved educational institutions for obtaining educational material and other help.

663. *Library.*— (1) Following facilities in prison library may be provided for use of books, newspapers and periodicals by the prisoners:-

(i) Books in the library shall cater to the needs of different educational standards, satisfaction of intellectual needs, and development of knowledge, of the inmates;

(ii) The prison library shall be properly equipped with an ample library of approved books, magazines, and newspapers and periodicals in English and Tamil. Prisoners should be encouraged to develop reading habits;

(iii) A librarian may be posted for the management of books and other reading material. Help of educated prisoners could also be obtained, under the supervision of the librarian, to run the library. The librarian shall arrange for and make available books on various subjects for satisfying the needs of prisoners. The Librarian in charge of the prison library shall allow the use of the books, periodicals and journals to the prisoners subject to the orders of the Superintendent. Any book introduced otherwise than in accordance with the rule may be destroyed;

(iv) Donation of books by NGOs. should be encouraged and welcomed. Public and Government Schools should be encouraged to adopt the educational programmes being run inside the prison for prisoners.

(v) A digitalised library with e-learning materials may also be provided, to the extent possible.

664. *Social, Moral, Cultural and Spiritual Education.*— Meditational Therapy should be used for holistic healing.

665. *Prison publication.*— There may be a monthly or quarterly publication for the inmates in the institution for internal circulation. The publication may be printed or cyclostyled according to the facilities available.

666. *Accountabilitys.*— It shall be one of the primary responsibilities of the prison Superintendent and other prison personnel that the programme of education is implemented in its proper spirit. The success or failure of the programme, and the extent of the educational activities in each institution, shall be one of the principal factors on which the performance of these officers may be evaluated.

## CHAPTER-22

### VOCATIONAL TRAINING AND WORK PROGRAMMES

667. *Objectives of Work Programmes and Vocational Training.*— Vocational training and work programmes shall be treated as essential features of the correctional programmes. The objective of such programmes shall be:-

- (i) Imparting discipline and work culture among inmates;
- (ii) Developing right attitudes towards work and dignity of labour;
- (iii) Promoting
  - (a) physical and mental well-being of inmates;
  - (b) proper development of mind through intelligent manual labour;
  - (c) spirit of fellowship and a co-operative way of living; and
  - (d) a sense of group adjustment.

- (iv) Developing capacity for sustained hard work;
- (v) Building habits of concentration, steadiness, regularity and exactness in work;
- (vi) Imparting and improving work-skills;
- (vii) Awakenning the self-confidence and self-reliance of inmates;
- (viii) Training and preparing inmates for achieving lasting social readjustment and rehabilitation;
- (ix) Imparting an occupational status and thus creating a sense of economic security among inmates;
- (x) Keeping inmates usefully employed in meaningful and productive work;
- (xi) Preventing idleness, indiscipline and disorder amongst them;
- (xii) Maintaining a good level of morale amongst them and thus promoting a sense of self, as well as institutional discipline among them.

668. *Policy of work programmes and employment of prisoners.*—

(1) The first objective of prison labour and prison industries is that it shall devote to supply prison requirements. After having fulfilled the prison requirements, prison labour and prison industries shall be utilized as much as possible to meet the requirements of the various other Government Departments. Once the said sources of employment are exhausted, prison labour shall then be devoted to producing articles for general sale.

(2) The employment and production policy in prison shall be designed to cater to the needs of prisoners coming from both rural and urban areas. The emphasis shall be on the kinds of skills and jobs that would ensure employment or self-employment when the inmate is released from prison.

(3) A “Board of Work Programme and Vocational Training”, shall be set up under the chairmanship of Inspector-General of Prisons at the Prison Headquarters and he may be vested with full fiscal and administrative powers. The functions of the Board shall be to:-

- (i) plan and implement programmes of work and vocational training,
- (ii) arrange funds required to run such programmes,
- (iii) fix a policy of production,
- (iv) examine the economic aspects of the work programmes,
- (v) put prison work, programmes on a sound commercial footing,
- (vi) ensure coordination at all levels,
- (vii) evaluate the performance of the work programme each institution,
- (viii) introduce practices and procedures of modern management of production,
- (ix) guide, supervise, direct and control all matters relating to institutional work programmes and vocational training,
- (x) Organize workshops in after-care homes for discharged prisoners, and
- (xi) promote marketing of prison products.

(4) Government Departments, Semi-Government Departments, co-operatives and public undertakings shall purchase articles produced in prison industries as per requirements from the Department of Prisons and Correctional Services.

(5) A policy may be laid down for the employment of carefully selected prisoners in public undertakings, co-operative farms of the State, and agro-based industries organized in the co-operative sector after their release from prison.

669. *Vocational Training.*— (1) Vocational training programmes can be in self-employing trades and occupations, shall be organized in every central prison for employable convicts. Vocational training programmes can also be given by well knowledgeable prison personnel to inmates.

- (i) Such programmes be open to under-trial prisoners who volunteer to undergo such training;
- (ii) The help of local Industrial Training Institutes could be obtained in training the prisoners;

- (iii) The prison shall have adequate staff for efficient organization of various training projects. It should be properly equipped with training aids and classrooms for conducting multifarious projects to suit the training needs of its inmates;
- (iv) The prison shall have a properly defined organization for training projects in terms of formation of homogeneous groups and setting down routine and time schedule of projects;
- (v) The cost incurred in the training projects, expenditure on staff, equipment and material shall be treated as essential investment for the purpose of training and resettlement of offenders;
- (vi) Special emphasis may be given to vocational training of adolescent offenders, young adult offenders, and others who may derive benefit from the training projects.

(2) Qualified technical personnel shall be appointed in adequate numbers in every production unit and for every programme of vocational training. Such personnel could be posted in the prison on a *transfer-cum-deputation* basis from the Industrial Training Institutes of the Union Territory.

(3) Vocational training programmes shall be designed to suit the needs of prisoners sentenced to short, medium and long-term imprisonment.

(4) Liaison shall be established with the Department of Technical Education, Directorate of Industries, Industrial Training Institutes, Polytechnics and Vocational Training Institutions to develop vocational training programmes on a practical and pragmatic basis.

(5) On the completion of vocational training courses, inmates shall be examined by the Department of Technical Education of the Union Territory and on passing the examination, they shall be awarded a regular Certificate or Diploma by that Department.

(6) As a measure of incentive inmates demonstrating good progress in work programmes and vocational training shall be allowed to visit important undertakings and other Government owned industries.



(7) The prison industry should be given preferential treatment in the matter of granting permission to run various industrial/production units by the Government.

(8) The executive and supervisory personnel shall be given training in modern methods of management.

(9) Diversification of programmes of vocational training shall be given due priority when the master plan for diversification of work programmes is designed.

670. *Employment of prisoners.*— (1) All convicted prisoners sentenced to rigorous imprisonment shall be required to work subject to their physical and mental fitness as determined medically. It shall be seen that sufficient labour is provided in the prison for employing all convicts who can labour.

(2) Apart from convicts, under-trial prisoners, who volunteer to work, shall also be employed on work programmes and be given vocational training. The under-trial prisoners employed in prison industry or agriculture shall be given fair and equitable remuneration on the same scale as prescribed for convicts.

(3) No criminal prisoner sentenced to labour or employed on labour at his own desire or under-trial doing labour, shall, except in an emergency, and with the sanction in writing of the Superintendent, be made to labour for more than nine hours in a day.

(4) The Medical Officer shall, from time to time, examine the prisoners while they are employed, and shall, at least once in every fortnight, get their weights recorded in their history tickets.

(5) When the Medical Officer is of the opinion that the health of a prisoner suffers from employment on any kind or class of labour, he shall not be employed on that labour, but, shall be placed on such other kind or class of work as the Medical Officer may consider suitable for him.

(6) Prisoners sentenced to medium and long-terms of imprisonment shall be given training in multiple skills so that they are able to compete with the conditions in the labour market outside the prisons.

(7) For planned employment of inmates, the following factors shall be taken into consideration while organizing work programmes:

- (i) Mental and physical health;
- (ii) Requirements of security, custody and discipline
- (iii) Age;
- (iv) Length of sentence;
- (v) Inmates' skills and abilities and also potential for acquiring skills;
- (vi) Urban and rural background of the inmate.

(8) Prisoners sentenced to less than one year of imprisonment shall be employed in prison maintenance services, gardening, work-centres and work camps.

(9) Prisoners sentenced to imprisonment for one year or more shall be employed in production units in closed or open prisons.

(10) Every prisoner sentenced to undergo simple imprisonment shall ordinarily be employed on hard labour of a kind that is most suitable for him and for which he/she is, for the time being, fit. No convict shall be put on medium labour if he/she is fit to perform hard labour or on light labour as long as he/she is fit to perform either hard or medium labour. Provided that no prisoner of the casual class shall ordinarily be required to perform hard labour during the first month after his/her admission to prison. Every convict of the habitual class shall, throughout the period of imprisonment to which he/she is sentenced, be required to perform the severest form of hard labour which he/she is capable of performing, with due regard to his/her health.

(11) Every prisoner, on being first put to do any kind of work with which he is not acquainted, shall be allowed a reasonable time to acquire the necessary skills, to enable him to perform the task. Mental and physical capabilities must be taken into consideration. The time will vary from a few days to three to four months. In every case, when allotting new work, the Superintendent or subject to his control the Deputy Superintendent, shall note the task of prisoners begins, and every subsequent progress, in his/her History Ticket.

(12) No consideration of profit or convenience shall be permitted to influence the class or form of labour which any convict sentenced to undergo rigorous imprisonment is at any time required to perform. It shall be fixed with reference solely to the health of the convict and the regulations of the prison regarding the employment of prisoners.

671. *Selection of employment for convict.*— (1) When the Medical officer has certified the class of labour for which a convict is fit, the Classification Committee shall determine the particular employment to which such convict shall be put. If, it is found that the initial allotment of work was not suited to the abilities of a prisoner, the Classification Committee shall consider the question of reallocation of work.

(2) All prisoners who are classified as fit for medium or light labour only shall once in a month be produced before the Classification Committee with the recommendations of the Medical Officer, so as to examine them with a view to their reclassification, if necessary. Such changes shall be recorded first by the Deputy Superintendent in the History Ticket and signed by the Superintendent and then copied in the remission sheet. If any prisoner passed for hard labour subsequently becomes permanently unfit to perform it, such case shall be placed before the Classification Committee with the remarks of the Medical Officer and the revised labour to which the prisoner is fit shall be similarly recorded by the Deputy Superintendent in the History Ticket and signed by the Superintendent.

672. *Restriction of extramural employment of prisoners.*— No convicts shall at any time be employed on any labour outside the prison or be permitted to pass out of the prison for the purpose of being so employed except under the written orders of the Inspector-General of Prisons.

673. *Drafting the prisoners to do menial works in official quarters.*— (1) A small number of convicts may under the written order of the Superintendent be detailed to scavenge, to keep clean and assist in supplying of water, *etc.*, to the quarters occupied by the Superintendent and other subordinate officials residing in prisons premises.

(2) They shall be detailed only for such limited period as may be necessary to enable them to perform the duties.

(3) The Superintendent shall be responsible that the number of convicts employed under sub-section (1) is fixed at the minimum number requisite and restricted to such definite hours of duty as are absolutely necessary for the performance of the work.

(4) If, the privileges accorded under this rule are being abused, the Superintendent shall withdraw them altogether.

674. *Employment of prison services.*— (1) The Superintendent shall see that prisoners employed on untasked labour for prison services shall be the absolute minimum number required for the purpose.

(2) The following shall be the percentage of prisoners to be employed as cooks, scavengers, sweepers, cleaners-

Cooks —————▶ 5 per cent of the prison population

Cleaners of latrines —▶ 5 per cent of the prison population

Sweepers —————▶ 5 per cent of the prison population

(3) During the prevalence of epidemics or for other emergencies, the Superintendent shall appoint more persons for the tasks mentioned in sub-section (2) as a temporary measure, in excess of the percentage mentioned thereto. The cooks and cleaners of latrines appointed for the prison hospital shall be in addition to the percentage fixed.

675. *Safeguards for prisoners engaged in work.*— (1) The following facilities shall be provided in work-sheds and other places where prisoners work:-

- (i) Protection from heat, cold, rain, dust, smoke, fumes, gases and chemicals;
- (ii) Protection from seepage and dampness;
- (iii) Safe drinking water;
- (iv) Spittoons, urinals and latrines;
- (v) Washing and bathing facilities;
- (vi) First-aid facilities;
- (vii) Fire extinguisher and other firefighting equipment;
- (viii) Sufficient ventilation and lighting;
- (ix) Safety equipment and accident prevention measures.

*Note:* The standards adopted in outside factories in this respect should be adopted in prison factories. These should be fixed in consultation with the Chief Inspector of Factories.

(2) Periodical medical examination of prisoners, working in production units having hazards of occupational diseases, should be carried out.

(3) When convicts are employed in blasting, well-sinking, excavations or other work of a dangerous character, it shall be the duty of the officer conducting the work to take every reasonable precaution to guard against accidents. In blasting operations, no convicts shall be employed to fire the charges. In excavations, the sides shall be sloped or cut in steps.

(4) Payment of compensation to prisoners, who meet with accidents resulting in physical or mental disability, serious injury, death or loss of health due to occupational diseases, shall be as certified by the Medical Officer.

676. *Tasks to be imposed on female and adult convicts.*— Female prisoners shall ordinarily be employed in cooking or in the preparation of articles of food such as pounding, husking or sifting grain and the like, but, shall not be employed in grinding grain except as a punishment. The tasks to be imposed on females or adult convicts respectively shall not in any case exceed two thirds of the maximum task for hard and medium labour, prescribed in respect of adult male convicts.

677. *Female Prisoners not to work outside female enclosures.*— No female prisoner shall, under any pretext, be employed outside the female enclosure of any prison.

678. *Restriction on employment of prisoners.*— (1) No prisoner shall, at any time, be employed by any officer of the prison or any other person, for any private work or service of any kind whatsoever.

(2) No convict shall be employed on public works other than prison building without the special sanction of the Government. When the prison construction work or repairs to prison building are undertaken by private contractors other than Public Works Department, the services of prisoners may be lent to such private contractors provided they are willing to pay wages at the rate paid to a normal worker for such work outside. The wages so collected shall be treated as 'Revenue Receipt' and be credited to Government account.

679. *Execution of work for outside agencies.*— Private parties/ industrial units can be allowed to approach prisons to get their manufacturing work done by prison labour inside the prisons if, capacity and know-how for such manufacture is available. It should be ensured that appropriate wages and other expenses are paid by such private parties and industrial units.

680. *Yearly audit of the accounts.*— The accounts of the production/work unit will be systematically audited by the Government auditors for each financial year.

681. *Agriculture.*— Following infrastructural facilities in terms of agriculture shall be made available to the prisoners:-

(i) Agriculture, agro-based industries and other allied activities should be given high priority in the planned development of work programmes and vocational training in correctional institutions;

(ii) The land available with an institution shall be thoroughly surveyed in terms of soil analysis, availability, fertility, salinity, and requirement of drainage, so that it is put to optimum use. The help of Block Development Officers, officers of the Agriculture Department and other allied agencies shall be taken in this regard;

(iii) Each new prison building in rural areas should have a properly fenced farm wherever land for this purpose is available;

(iv) It should be ensured that proper irrigation facilities are available at the farmland;

(v) The required building structure should be constructed on each farm and internal roads should be laid;

(vi) All required farming equipment and spare parts should be made available at each farm. A maintenance shop should also be set up in large farms;

(vii) Prisoners detailed for labour at agricultural farms should be distributed at various places in the farm by forming groups, with a leader nominated for each group;

(viii) Guidelines should be issued by the Prison Headquarters stating the eligibility criteria of an inmate who may be deployed on open agricultural farms;

(ix) The subsidy available to the farmers for purchasing fertilizer, equipment and electricity should also be made available to prison farms;

(x) Adequate funds should be provided for development of agriculture and allied activities and its accounts should be maintained separately;

(xi) Requisite security personnel should be provided at each agricultural unit and their duties and responsibilities should be clearly laid down;

(xii) The farm products should be first consumed in the prison and the remaining should be sold to the Government Departments and in the open market;

(xiii) The efficiency of each unit should be evaluated annually in terms of the targets fixed and achieved;

(xiv) The number of prisoners employed in farming activities in closed prisons should not exceed 5% of total prison population;

(xv) Prison personnel should be imparted training in various aspects of agricultural and allied activities;

(xvi) Bio-gas plants, windmills, solar-cooking ranges, *etc.*, should be introduced in the prison farms;

(xvii) Costing of agricultural and other produce should be done on strict commercial basis;

(xviii) Open agricultural institutions, and institutions having attached agricultural farms, should diversify work programmes according to cropping schemes such as mixed farming, irrigated crops, dry farming, *etc.* In some open prisons, work can be diversified into agricultural activity, industrial units and agro-based production units.

682. *Assessing and checking the task.*— (1) A daily task sheet shall be maintained for each prisoner for noting the particulars of each prisoner, such as the nature of task on which employed, the standard task prescribed, the task actually done and the wages earned. Entries shall be made daily in these sheets by the Foreman or Assistant Superintendent which shall be checked and duly attested by the Deputy Superintendent. It shall be the personal responsibility of the Superintendent to ensure that this is done every day.

*Illustration:-* For works spread over for more than one day which is incapable of satisfactory measurement until completion, entries shall be completed as soon as the item of work is over.

683. *Prison industries and work programmes.*— (1) Prison industries shall be organized on business-cum-commercial basis. Preference to prison products, while purchasing articles for office use, shall be given by the various Government Departments.

(2) The work programmes shall also include essential institutional maintenance services like culinary, sanitary and hygienic services, prison hospital, other prison services, repairs and maintenance services.

(3) Prison work programmes shall consist of services required by the community such as construction work, masonry, carpentry, plumbing, electric fitting, tailoring, fabrication of ready-made garments, leather work, driving, prison servicing, agriculture, horticulture, dairy, poultry, floriculture, maintenance of diesel engines, maintenance of electric pumps, tractor repairing, automobile servicing and repairing, cane work, basket making, pottery, book binding, typing, computer-operating, handicrafts, stenography, cloth printing, embroidery, hosiery, bakery, namkeen making, paper making, printing, tailoring, weaving, soap making, candle making, toy making, sewing machine repair, food processing, etc.

(4) Every inmate shall be given training and work experience in the use of hand tools in different services, jobs and production units.

(5) A standard list of equipments, tools, accessories and spare parts, which each production unit must always have, shall be prepared and maintained.

(6) In every institution, there shall be a separate and properly organized maintenance workshop to repair the machinery and equipment in time and to prevent breakdown.

(7) Products manufactured by Prison Industries shall be varied/changed depending on market trends and demands.

684. *Sanction of Government for new industry.*— No new industry shall be started in any prison without the previous sanction of the Government.



685. *Advice on technical matters.*— The officers of the Department of Industries shall provide, free of cost, any expert advice that may be required by prisons on technical matters of equipment and management of industries.

686. *Dairy and Poultry Farms.*— (1) Dairies shall be developed on open prison farms on commercial lines under proper technical guidance. These shall not be operated from closed prisons.

(2) Poultry farms shall also be organized at open farms. These shall be run on commercial lines under proper technical supervision.

687. *Standardization of Products.*— (1) Various products of prison industries should be standardized. A handbook containing details of standardization, and the manufacturing process of various production units, should be prepared for the guidance of personnel.

(2) Catalogues of standardized products of prison industries should be prepared for securing orders from the market for various production units.

(3) Technical supervision should be improved and a system of quality control introduced at every stage of production, so that market competitiveness can be maintained.

(4) Costing of prison products should be done on a rational basis taking into account various limitations and handicaps of prison management. The percentage of profit should not be the motive behind production by prison industries.

(5) Showrooms should be opened outside the prison gates, and at other places, for promoting sale of products of prison industry. A brochure should also be kept in which information is provided to the public about the products being sold along with their rates.

688. *Targets of production for prison industries.*— (1) The targets of production for each unit for the ensuing year should be fixed in accordance with the employable inmate population and production potential of the unit. These targets should be communicated to the respective institutions in advance. The unit's production, according to the target, should be reviewed on a monthly basis.

(2) It should be the responsibility of the Superintendent of Jail to meet the targets of production as set above.

(3) The task sheet of each prisoner should be correctly maintained by the technical personnel in-charge of the production units.

689. *Training.*— Prisoners selected for employment in a trade shall be given preliminary training for a period of three months.

690. *Classification.*— For the purpose of payment of wages, the prisoners shall be classified into three categories for the purpose of labour as defined below:-

(i) 'Skilled' means, those employed on work which involves either physical or mental or both kinds of skill in its execution and cannot be accomplished by ordinary labour with proficiency without sufficient skill.

(ii) 'Semi-skilled' means, those engaged on task which cannot be performed by untrained hands, but, which can be executed with some training and practice, but, does not require any strict standard of precision.

(iii) 'Un-skilled' means, those engaged on a task which does not require any skill or training.

691. *Amount of wages, deductions and method of payment of wages.*— (1) Wages may be paid to the prisoner as per the Supreme Court Judgment. Wages shall be fair and equitable and not merely nominal and paltry. The wages for skilled, semi-skilled, unskilled and trainees shall be as fixed by Government from time to time for the full task. With a view to keep the wage system in prisons in harmony with that in the free community, the wages shall be reviewed once in every three years and revised whenever necessary.

(2) The wages shall be paid to workers of various categories on the basis of the task prescribed by the Superintendent with the approval of Inspector-General of Prisons, from time to time.

(3) A prisoner who performs the task of standard quality in excess of the prescribed task shall be entitled to payment of additional wages in proportion to the additional work turned out by him at the rate prescribed for the purpose.

(4) A portion of wages payable to the convict shall be deducted for Common Victims' Compensation Fund for which detailed regulations shall be drawn by the Government. In addition to the aforesaid

deduction, a portion of wages earned by a prisoner shall be deducted towards Prisoners' Upkeep Fund and Prisoners' Welfare Fund at the rate prescribed for the purpose.

(5) The net wages payable to a prisoner shall be deposited in his Savings Bank Account on a fixed date every month and the passbook shall be kept with prisoner concerned. Signature or thumb impression shall also be obtained of every prisoner in the respective registers every time the earnings in prison are credited in his account.

692. *Utilizing wages earned.*— (1) The prisoner who is under the wage earning scheme shall be given the discretion to have his/her earnings at his/her credit or to have it sent to his/her next of kin outside the prison. If, he exercises his/her option to have his/her earnings at his/her credit, he/she shall be given the option to revise his/her discretion at any time in favor of sending his/her total or part of his/her earnings to his/her next of kin.

(2) The prisoner shall be permitted to draw a part of their earnings for purchase of articles required for his/her personal use such as soap, tooth paste, snacks, *etc.* The list of the articles required shall always be got approved by the Superintendent.

(3) No prisoner shall be permitted to transfer his/her earnings at credit to another prisoner.

693. *Amount of wages, deductions and method of payment of wages.*— (1) Wages shall be fair and equitable and not merely nominal and paltry. The wages for skilled, semi-skilled, unskilled and trainees shall be as fixed by Government from time to time for the full task. With a view to keep the wage system in prisons in harmony with that in the free community, the wages shall be reviewed once in every three years and revised whenever necessary.

(2) The wages shall be paid to workers of various categories on the basis of the task prescribed by the Superintendent with the approval of Inspector-General of Prisons, from time to time.

(3) A prisoner who performs the task of standard quality in excess of the prescribed task shall be entitled to payment of additional wages in proportion to the additional work turned out by him at the rate prescribed for the purpose.

(4) A portion of wages payable to the convict shall be deducted for Common Victims' Compensation Fund for which detailed regulations shall be drawn by the Government. In addition to the aforesaid deduction, a portion of wages earned by a prisoner shall be deducted towards Prisoners' Upkeep Fund and Prisoners' Welfare Fund at the rate prescribed for the purpose.

(5) The net wages payable to a prisoner shall be deposited in his Savings Bank Account on a fixed date every month and the passbook shall be kept with prisoner concerned. Signature or thumb-impression shall also be obtained of every prisoner in the respective registers every time, the earnings in prison are credited in his account.

694. *Maintenance of accounts and records.*— (1) At the end of the month, the wages earned by each prisoner shall be worked out on the task sheets by the Accounts wing and checked by the Accounts clerk. The wages earned shall be abstracted in the wages register.

(2) The total earning of the prisoner shall be carried over from the wages register into his personal ledger account. Personal ledger accounts and the index shall be according to convict number. In April of every year, fresh ledgers shall be opened. After the postings, the task sheets shall be bundled ledger-wise and filed carefully which shall be subjected to audit.

695. *Authority for granting wages.*— The Inspector-General of Prisons shall be the authority to grant the wages as provided in the foregoing rules.

696. *Hours of work.*— (1) For the purpose of calculating wages, the working hours a day shall be fixed as 8 hours. Prisoners who are mentally and physically fit for work should be required to work for 8 hours.

(2) The Superintendent shall prescribe the hours of work for prisoners mentally or physically handicapped and for prisoners advanced in age.

(3) Employment of women and adolescent prisoners between periods of locking and opening is prohibited.

(4) Hours of work for each group of prisoners should be prescribed in accordance with the programme content of the institution, but, total hours of work shall not exceed nine hours in a day.

(5) A daily time schedule shall be worked out for the institution.

(6) Prisoners may be allowed to work in the production unit after the locking time depending upon the work-load.

697. *Rest days.*— (1) After six days of work, prisoners shall be allowed one day rest from their usual employment.

(2) In essential service unit and maintenance unit, a system of shifts and rotations shall be so established as to enable prisoners working in these units to get one day's rest in a week. Wherever necessary, reserve pool of workers for these units shall be built up.

698. *Labour not to be extracted on certain days.*— (1) No prisoner shall ordinarily be required to perform any labour other than such as may be necessary for the conduct of the internal management and domestic economy of the prison or to meet any call of emergency, on Sundays and other holidays.

(2) No Jewish prisoner shall be required to labour on Saturdays, the Jewish New Year (2 days), the day of Atonement; the first and last days of the Feast Tabernacles (two days each); the feast of the Passover (four days) and the feast of the Pentecost (two days), provided he elects to labour on Sundays and other holidays.

(3) On days on which labour is not extracted from convicts, those prisoners who are not employed on any domestic or other duties connected with the management of the prison shall be locked into wards or cells, unless there is reason to leave them outside on account of recreational or cultural activities or if, they are otherwise engaged in washing their clothes and the like.

(4) The Inspector-General of Prisons may, with the previous sanction of Government, exempt all or any particular class of prisoners from labour on any day or days other than those specified in sub-rules (1) and (2) of this rule.

699. *Holidays for prison.*— Any of the days declared by the Government as public holidays shall be deemed to be holiday for the prison.

**CHAPTER-23****LEGAL AID**

700. *Constitution of Legal Services Authorities.*— (1) Article 39A of the Constitution of India provides for free legal aid to the poor and weaker sections of the society and ensures justice for all. Articles 14 and 22(1) of the Constitution also make it obligatory for the State to ensure equality before law and a legal system which promotes justice on the basis of equal opportunity to all. In furtherance of these, the Legal Services Authorities Act was enacted by the Parliament in 1987 to establish a nationwide uniform network for providing free and competent legal services to the weaker sections of the society on the basis of equal opportunity.

Under the Act, the National Legal Services Authority (NALSA) has been constituted under the Legal Services Authorities Act, 1987 (LSA Act) to monitor and evaluate implementation.

(2) In Puducherry, a Union Territory of Puducherry Legal Services Authority (UTPLSA) and in High Court, a High Court Legal Services Committee has been constituted. Union Territory of Puducherry Legal Services Authority have been constituted in the Districts to give effect to the policies and directions of the NALSA and to provide free legal services to the people and conduct Lok Adalats in the Union Territory.

(3) Supreme Court Legal Services Committee has been constituted to administer and implement the legal services programme insofar as it relates to the Supreme Court of India.

(4) The Chief Justice of India is the Patron-in Chief of NALSA and the senior-most Judge of the Supreme Court is the Executive Chairman. The Central Government in consultation with Chief Justice of India has also appointed an officer of the Higher Judicial Services as the Member-Secretary of the NALSA.

(5) Similarly, at the Union Territory level, the Chief Justice of the High Court is the Patron-in Chief of State Legal Services Authority and Senior Most Judge of the High Court is the Executive Chairman. There is a Member-Secretary for each UTPLSA.

(6) At the Union Territory level, District Judge is the chairman of the Legal Services Authority and chief Judicial Magistrate or equivalent judicial officer is the Secretary of Legal Services Authority.

701. *Functioning of Legal Services Institutions.*— (1) NALSA lays down policies, principles, guidelines and frames effective and economical schemes for the Union Territory of Legal Services Authorities to implement throughout the Country.

(2) The Union Territory of Legal Services Authority, has been entrusted with the following primary functions:

- (i) To provide free and competent legal services to the eligible persons;
- (ii) To organize Lok Adalats for amicable settlement of disputes;
- (iii) To organize legal awareness camps; and
- (iv) To implement the Schemes and policy directions of the NALSA through strategic and preventive Legal Services Programmes.

(3) Free legal services would include:

- (a) Payment of Court fee in appropriate cases, process fees and all other charges payable or incurred in connection with any legal proceedings;
- (b) Providing service of Lawyers in legal proceedings;
- (c) Obtaining and supply of certified copies of orders and other documents in legal proceedings.
- (d) Preparation of appeal, paper book including printing and translation of documents in legal proceedings.

(4) Under the Legal Services Authorities Act, the persons eligible for getting free legal services include:—

- ❖ Women and children;
- ❖ Members of SC/ST;
- ❖ Industrial workmen;
- ❖ Victims of mass disaster, violence, flood, drought, earthquake, industrial disaster;
- ❖ Disabled persons;

- ❖ Persons in custody;
- ❖ Persons whose annual income does not exceed ₹ 1 lakh (in the Supreme Court Legal Services Committee the limit is ₹ 1,25,000);
- ❖ Victims of trafficking in human beings or beggars;
- ❖ Transgenders.

The following practices should be adopted so as to ensure provision of free and competent legal services to persons in custody.

702. *Appointment of Jail Visiting Advocates.*— The Union Territory should adopt the practice of nominating Jail Visiting Advocates to visit different prisons regularly on fixed days of the week to help the poor and unrepresented inmates. Any inmate should be able to seek aid and advice, file any bail/parole application, appeal(s), etc., through these advocates.

703. *Legal Aid Clinic in every prison.*— Legal services clinic should be set up in every prison across the country, with sufficient number of panel Lawyers and paralegal volunteers deputed to such clinics for providing free legal services to inmates on all working days. States may train certain inmates as Para-Legal Volunteers (PLVs) for assisting the Legal Aid Clinics established at prisons.

704. *Legal literacy classes in prisons.*— Legal literacy classes may be conducted in prisons in order to educate prisoners about their rights and duties as well as about the availability of free legal aid services. Services of law students, Para-Legal Volunteers and Legal Aid Lawyers could be taken to ascertain legal aid needs of inmates.

705. *Maximum period for which under-trials can be detained.*— According to Section 436A Cr.PC., under-trial prisoners who have undergone detention in prison for a period extending upto half of the maximum sentence specified for that offence under law (except offences attracting death sentence and life imprisonment), shall be released on their personal bond, with or without sureties. In other words, it means pending investigation, inquiry or trial, no person shall be detained in the prison for a period more than half of the prescribed maximum sentence under that offence. However, Courts, for special reasons to be recorded in writing, may extend the detention in prison or release on bail instead of personal bond with or without sureties.



706. *Constitution of Under-trial Review Committee.*— (1) A Committee consisting of the District Judge as Chairperson, Chief Judicial Magistrate, the District Magistrate, the District Superintendent of Police and Secretary, District Legal Service Authority, as Members, should be constituted to identify under-trial prisoners who have completed half of the maximum period or maximum period of imprisonment provided for the said offence under the law.

(2) The Legal Services Authorities should instruct the panel Lawyers to urgently meet such prisoners, discuss their cases with them and move appropriate applications before the appropriate Court for their release unless they are required in custody for some other purpose.

707. *Cases which are compoundable in nature.*— The Legal Services Authorities should secure that for offences which are compoundable, appropriate steps are taken for compounding, and where the offences cannot be compounded, efforts should be made to expedite the disposal of those cases or at least efforts made to have the persons in custody released there from at the earliest.

708. *Right to free legal representation or legal aid.*— (1) Article 22 (1) of the Constitution entitles arrested persons to be represented by a legal practitioner. It is the fundamental right of all prisoners/arrested person to be provided with free legal aid in the prosecution of their case at different levels of their trial. The Magistrate is duty bound to offer the facility to the accused the moment she/he is produced before him or her/his for the first time even if, the accused has not asked for it out of ignorance.

(2) Even if, the accused does not ask for a Lawyer or he remains silent, it is the Constitutional duty of the Court to provide him with a Lawyer before commencing the trial. The obligation to provide him with a Lawyer at the commencement of trial is absolute and failure to do so would vitiate the trial and resultant conviction and sentence, if any, given to the accused

(3) To ensure that arrested persons have free legal representation, panel Lawyers have been deputed as remand/duty Advocate in every Court dealing with criminal cases. Such Advocates are available in the Court even on holidays. When an accused is produced before the Court and does not a legal Counsel, the Court shall provide the Counsel free of cost.

(4) The Superintendent should inform convicts of their right of appeal against conviction.

#### CHAPTER-24

##### WELFARE OF PRISONERS

709. *Basic elements of welfare programmes.*— (1) The objects of welfare programmes in prisons shall be to:-

- (i) Develop a relaxed, positive and constructive atmosphere in the institution;
- (ii) Ensure good personnel-inmate relationship based on mutual trust and confidence;
- (iii) Ensure care and welfare of inmates;
- (iv) Ensure firm and positive discipline;
- (v) Attend to immediate and urgent needs and problems of inmates;
- (vi) Attending to long-term needs of prisoners;
- (vii) Help the inmates maintain regular contact with their families, and communities in the outside world;
- (viii) Ensure a good system of incentives for self-discipline such as remission, leave transfer to semi-open and open institutions and premature release;
- (ix) Provide individual guidance and counselling;
- (x) Encourage group activities, group guidance, group work;
- (xi) Implant proper habits, attitudes and approaches and prepare them for a normal social life;
- (xii) Provide supportive therapy including psychotherapy.

(2) The starting point of all welfare programmes shall be the initial classification of the prisoner and the study of individual inmates. The welfare programme shall include periodical review of progress and re-classification of prisoners, review of sentence and pre-mature release, planning for release, pre-release preparation and after-care. Positive influence of institutional personnel will play an important role in this process. Community participation will be an important feature of welfare programmes.

710. *Counselling.*— Counseling facilities should be extended to the prisoners as follows:

(i) The mental health status of a prisoner should be studied before his classification at the time of admission in the prison. Prisoners certified as mentally ill should not be confined in prisons and instead appropriate measures should be taken for their transfer to special institutions.

(ii) Professionally qualified Counselors should be engaged by the Prison department to provide counseling to the needy prisoners, particularly those suffering from substance-related addictive disorders and victims of abuse.

(iii) Proper and regular evaluation of prisoner's mental health should be done to enable the requisite psycho social support services by the prison department.

(iv) Severe mental disorders would require appropriate psychiatric treatment and dealt under the provisions of Mental Health Act, 1986.

711. *Psychotherapy.*— Psychotherapy may be used in prisons as it has been recognized as an effective measure for the treatment of prisoners suffering from some degree of mental disorder and defects.

712. *Guidance.*— (1) Pamphlets containing the rights, duties, entitlement, discipline and daily routine of a prisoner shall be printed and distributed so that a prisoner may follow the 'dos' and 'don'ts' and maintain discipline during his/her confinement.

(2) The literature mentioned in sub-rule (1) shall also be kept in the prison library and issued to prisoners who can read.

(3) Illiterate prisoners shall be made to understand the contents of the literature by the prison staff themselves or with the help of other literate prisoners engaged for educational programmes.

713. *Recreation, sports, cultural activities, films and Library.*— (1) Cultural and recreational activities may be organized in all institutions for maintaining the mental and physical health of prisoners. These activities are the basic elements of rehabilitation programmes for prisoners. These shall form the integral part of an institutional regime.

(2) Recreational and cultural activities may be organized depending upon various conditions such as availability of space, the climate and weather, composition of inmates and arrangements for security. Such activities can include:-

- (i) Outdoor games like cricket, kabaddi, wrestling, volley ball, badminton, football and basket-ball;
- (ii) Gymnastics;
- (iii) Indoor games like chess, ring ball and carrom;
- (iv) **Film Shows:** Historical, patriotic, biographical, scientific and educational films, travelogues, documentaries, newsreel, and films dealing with social themes may be shown. Films depicting crime, sex, violence, suspense, and such other subjects that may have a damaging effect on the minds of inmates and shall not be shown to them. A film projector may be provided for showing films to the prisoners/inmates. A library of good films may be developed at the headquarters of the Inspector-General of Prisons and these films may be circulated to various institutions. Close liaison shall be established between the Department of Prisons and Correctional Services and the Films Division, Department of Information and Broadcasting, Film and T.V. Institutions, Film Societies and other organisations which can supply good films for the inmates;
- (v) **Music:** Music has a special significance in the confined atmosphere of a prison. It can bring relief to lonely, distressed and unhappy inmates. It can relieve boredom and promote interest in institutional programmes. Music programmes could consist of radio music, recorded music, group singing, folk music, instrumental music and orchestra;
- (vi) **Community and folk dances:** Group and Folk dances could be performed on festivals and social occasions;

- (vii) **Drama:** Useful social values and models of behaviour can be presented before the inmates through dramatic performances. Dramas dealing with social problems, pageants, musical dramas, tableau, soliloquies, dialogues, radio plays and humorous skits could be performed for the benefit of inmates. Inmates themselves can be encouraged to take part, and organize these activities;
  - (viii) **Arts and crafts:** Arts and crafts can play an important role in imparting useful values to prisoners. The prisoners can maintain their individuality through these activities. Such activities can also serve as supportive therapeutic measures in the monotonous life of a prison;
  - (ix) Prisoners can be provided with necessary facilities for pottery, basket making, wood carving, carpentry, marquetry and veneers, wood turning, fret-work, leather-work, home decoration, lamp-shade making, metal-craft, plastics, toy- making, artificial flower making, horn-craft, clay-modelling, lacquer-work, drawing, painting, stencilling, paper-craft, paper-mache, rug making, felt-work, knitting, embroidery, needle-work, crochet, *etc.*;
  - (x) **Reading:** Inmates can be encouraged to read books, newspapers and magazines. Group reading and guided reading can also be useful for them;
  - (xi) **Television:** This is the biggest entertainer for prisoners. The channels to be shown and their timings should be carefully selected by the Superintendent of Jail;
- (3) Every prison and allied institution may have an annual sports/cultural meet. Inter-Institution and Inter-State sports meets of inmates may also be organized. The sports groups from outside could be invited into the prison for playing various games with the prisoners.
- (4) Yoga and vibasana meditation shall be daily practiced for which the hours may be fixed. Permanent centres of meditation could be opened inside the prison. The services of Non-governmental

organisations could be availed for giving yoga and meditation practice. It shall be ensured that discourses during meditation sessions are secular in nature.

(5) Well known personalities in the fields of art, sports, literature, culture and music may also be invited to the prison as guests on various occasions to inspire the prisoners and be role-models for them.

(6) There shall be a play ground for outdoor games and a community hall for cultural programmes in the prison.

714. *Role of Non-governmental Organisations.*— (1) Non-governmental Organisations may be extensively involved in organizing sports and cultural meets. They could be encouraged to lend various items and equipment for the smooth conduct of such events.

(2) Care shall be exercised in the selection of welfare agencies/ Non-governmental organisations for carrying out welfare programmes. Only those Non-governmental organisations / welfare agencies which have a proven track record, and which are known for their dedication and selfless service, should be selected for associating in prison programmes.

(3) No Member of a welfare agency/Non-governmental organisations shall be associated with a prison if, he/she has a criminal record. For this purpose, an undertaking may be obtained from the Agency/Non-governmental organization.

(4) The good work done by welfare organizations and Non-governmental organisations in prisons may be publically appreciated.

(5) The minimum honorarium to be paid to the Counsellors.

715. *Prisoners' Panchayat.*— (1) Every prison and allied institution shall have prisoners' panchayats. These panchayats shall consist of very carefully selected inmates, who are of good conduct and who have the potential and ability to organize events and activities. These panchayats shall plan and execute daily recreational programmes for inmates. This will give the prisoners a sense of participation in the prison management, which is an important component of any policy of welfare and reformation. These panchayats may also be used for giving the prisoners an opportunity to express their problems and seek redressal.

(2) The working of these panchayats shall be continuously monitored by the prison administration. The Superintendent or Deputy Superintendent of Jail shall as far as possible personally participate in the panchayat meetings.

(3) A 'Mahapanchayat' of all the panchayats may be held in the presence of the Superintendent at least once in a quarter for the redressal of prisoners' grievances and implementation of their suggestions. The Inspector-General of Prisons may also participate in such Mahapanchayat in different prisons in the Union territory from time to time.

716. *Celebration of festivals.*— (1) Independence Day, Republic Day and Mahatama Gandhi's birthday shall be celebrated in each prison to inculcate a feeling of the patriotism among the prisoners. Cultural programmes could also be organized on such occasions and special food can be served to the prisoners.

(2) The main festivals of all religions should be celebrated. In these every prisoner should be encouraged to participate.

717. *Spiritual development.*— (1) Well known personalities from all religions may be invited to deliver lectures to prisoners for their moral upliftment. The help of Non-governmental organisations and welfare agencies could be taken in this regard. It shall be ensured beforehand that the content and tenor of such lectures is not such as would cause resentment among people of other religions.

(2) No undue interference with the religion or caste prejudices of prisoners shall be permitted. Every prisoner shall be allowed to perform his/her devotions in a quiet and orderly manner.

718. *Implementation of welfare activities.*— (1) The Superintendent shall be responsible for the smooth and orderly implementation of welfare activities in the prison.

(2) The Superintendent shall submit quarterly reports of welfare activities being conducted in his prison to the Inspector-General of Prisons.

(3) Prison administration shall endeavour to access funds available under Corporate Social Responsibility for conducting various welfare activities for inmates and prison staff.

**CHAPTER-25****FACILITIES TO PRISONER**

719. *Matters affecting caste or religion.*— (1) No undue interference with religion or caste prejudices of prisoners shall be permitted. Prisoners shall be allowed to wear their religious symbols such as the sacred thread and renew them if necessary, and shall be allowed to perform their devotions in a quiet and orderly manner without undue interference with prison routine and discipline.

(2) Water for ablution and a blue cotton carpet shall be provided in cells or wards where Mohammadan prisoners are confined and facilities shall be given to them for saying their prayers individually four times a day, namely, at 5.00 a.m., midday recess, 6.00 p.m. and 8.00 p.m. and for eating food kept overnight according to the custom in the month of Ramzan, if, they desire it. They shall be allowed a recess of two hours for saying their prayers on Fridays and on the three Mohammadan festival days, namely, Bakrid, Milad-Un-Nabi and Shab-e-Barath, if, those days do not happen to be Fridays or holidays.

(3) Sikh prisoners shall be permitted to wear in prison a pagri of suitable size, Kachh (short drawers) to reach to the knees and a miniature, kirpan (dagger) made of steel 25 mm. in length and to retain their relations symbols, namely—

- (1) The Kes (long Hair),
- (2) Kanga (comb) and
- (3) Kara (Iron bangle).

(4) No gathering together of prisoners for the purpose of performing any religious function or caste ceremony shall be permitted.

(5) Every prisoner who expresses a desire to keep a religious fast, and in the opinion of the Medical Officer is in a fit State of Health, may be permitted to do so. As far as practicable, the convenience of such prisoners shall be met with regard to the disposal of the food and the hours of its distribution.

(6) The festivals during which alone religious fast may be permitted are:-

- (i) In the case of Hindus:-
  - (a) Mahasivarathri
  - (b) Sri Jayanthi



- (c) Vaikuntayekadasi
- (d) Sri Rama Navami
- (e) MahalyaAmavasaya
- (f) Pongal day
- (ii) In the case of Christians:-
  - (a) All Fridays during Lent
  - (b) Christmas Eve (24th December)
  - (c) Assumption Eve (14th August)
- (iii) In the case of Mohammadans:-
  - (a) Ramzan period (30 days)
  - (b) Moharram (10th May)
  - (c) Shab-e-Barath (15th day of Shabhan)
  - (d) Bakrid (9th day of Lilhaj)

(7) If, offered by any religious or charitable body or individual, the Superintendent may at his discretion, receive and distribute to well behaved prisoners on festival occasions, small luxuries in the shape of fruits, sweets and meats, subject to the approval and strict control of the Medical Officer.

*Explanation:-* (1) The Superintendent may also receive cash from Religious or Charitable bodies or individuals for expenditure on the purpose mentioned above when those Bodies or individuals find it inconvenient to present actual fruits, sweet and meats. Such of the amounts should be properly accounted for like Government money. All documents such as vouchers, receipts and other connected records shall be properly preserved and produced for audit.

(2) Articles such as radios and television sets useful to the prisoners, offered as gifts to them may be accepted by the Superintendents with the permission of the Inspector-General. On receipt of such gifts, the Superintendent shall bring the same to stock, make entries in the Civil Stores Articles Registers and send a report to the Inspector-General. The Inspector-General shall then send a report to the Government about the presentation of the articles. Any three festival (1) Deepavali or Onam or Vishnu Festival or Pongal, (2) Christmas and (3) Ramzan may be celebrated by the Government expenditure.

720. *Conditions of admission of religious Ministers.*— (1) At the discretion of the Superintendent of the Prison, religious Ministers of the several religionists of the inmates of the prison shall be admitted to prison for the purpose of religious ministrations collective or individual on any appointed day of the week or other special days on previous arrangement made in communication with the Superintendent. Conveyance charges shall be paid by the Superintendent from the prison funds at the prescribed rates.

(2) The Superintendent may refuse to admit any Minister whose admission he considers inconsistent with the maintenance of discipline in the prison; such refusal and therefore, the reasons shall be recorded in his journal.

(3) Religious Ministrations shall be subject to such conditions as to time, place, duration, *etc.*, as the Superintendent considers necessary.

(4) On days other than those mentioned in sub-rule (1), Ministers shall have access to prisoners who are dangerously ill or under sentence of death and desire to see them.

721. *Religious instruction and moral lectures.*— (1) Religious and moral lectures to all convicts in prison shall be allowed only on condition that no proselytizing is carried on under the cloak of religious and moral instruction, and that Lecturers confine their attention to prisoners of their own faith.

(2) The selection of Lecturers shall be made by the Inspector-General of Prisons and approved by Government.

(3) Superintendents shall endeavour to secure the services of honorary lecturers and in their absence the senior members of the prison staff, preferably the Teachers, should be deputed to lecture weekly to the prisoners.

(4) Any Lecturer, who for any reason, finds himself unable to attend the prison for a period of three months or more shall report the reasons for his inability in advance to the Inspector-General through the Superintendent of the Prison, in order that a suitable substitute may be appointed in his place, if necessary. Any Lecturer who shall have absented himself from the prison for a period of three months or more,

without thus reporting the circumstances of his absence, shall be deemed to have vacated his office, and his name shall be removed from the list of Lecturers.

(5) The Inspector-General may remove from the list, the name of any Lecturer without assigning any reason.

(6) The Teachers and Lecturers shall draw conveyance allowance at the rate allowed to moral and religions Lecturers.

722. *Change of religion in prisons.*— (1) No Minister of Religion shall be allowed to have access to any prisoner other than a prisoner sentenced to death who does not belong to his own denomination unless the prisoner voluntarily and spontaneously expresses a wish to see such a Minister, in which case the matter shall be reported to the Inspector-General for orders.

(2) Before permitting any prisoner to see a Minister of Religion who belongs to a denomination of persuasion other than his own, great caution shall be exercised to avoid all outside suggestion or colour of proselytize. If, however, the spontaneity of the prisoner's wish is established beyond doubt, it is not desirable to interfere with its fulfillment even though it extends to a change of religion.

723. *Facilities for reading books, newspapers and keeping photographs.*— (1) Literate prisoner shall be allowed to read books or periodicals in the prison library. Newspapers other than those from the approved list may be allowed in special circumstances and with the approval of the Government. Newspapers and magazines shall be censored by the Superintendent before they are delivered to the prisoners. The prisoners shall be permitted to keep two religious and ten approved books of their own and any number of text books if they desire to prosecute higher studies subject to the approval of the Inspector-General and that steps are taken to ensure security in the prison.

(2) Prisoners shall be permitted freely to keep the photographs either of their family member or of deities of their religion with approval of the Inspector-General and subject to the conditions that steps are taken to ensure security in the prison. Such pictures and photographs shall not, however, be allowed to be pasted or hung in dormitories or cells or on other buildings.

(3) Prisoners shall be permitted to take photographs at their own cost and send the same to their near relatives subject to the condition that such permission shall be granted at the discretion of the Inspector-General on the merits of each case and that steps are taken to ensure security in the prison.

724. *Issue of Magazines, periodicals and newspapers.*— (1) 'B' class prisoners shall be issued the Tamil dailies, from the list approved by the Government, at the rate of one copy of any one of the dailies for every 50 prisoners or part thereof at Government cost:-

(2) One copy of an English daily, from the list approved by Government, shall be made available for the benefit of the literate convicts at Government cost.

(3) All prisoners irrespective of their classification shall be permitted to purchase at their own cost any of the Newspapers or magazines of their choice, from the list approved by Government.

(4) All prisoners irrespective of their classification shall be issued the periodicals, as approved by Government, at the rate of one copy in any one of the periodicals for every 200 prisoners.

(5) Detenus shall be permitted to purchase at their own cost any newspaper of their choice.

*Explanation:-* The list of newspapers, magazines and periodicals to be permitted in the prison shall be reviewed once in two years by the Inspector-General of Prisons.

725. *Barbering.*— (1) All convicted male prisoners shall be given a proper hair cut once in two months and shaving once a week.

(2) Every male prisoner sentenced to rigorous imprisonment for a longer term than one month or to imprisonment for life shall, on final confirmation of the sentence or expiry of the period of appeal without an appeal having been preferred (provided the unexpired term of such prisoner's sentence at that time exceeds one month), have the hair of his head cut or trimmed only to such an extent and at such times, as may be necessary for the purposes of health and cleanliness, unless he desires that it should be cut shorter. Hindus shall be allowed to retain the kudumi, dzuttu or top knot, the size of which shall be 152 cms. Long and 75 cms. In diameter as nearly as possible. The beard and moustaches of all such prisoners shall be either shaved or clipped closely. The beard

of Muhammadan prisoners may be left if so desired by them. In this rule, "final confirmation of sentence" means, the decision of an appeal under Chapter XXIX of the Code of Criminal Procedure, 1973.

(3) No prisoner sentenced to rigorous imprisonment for month or less shall be subjected, against his wish, to the operation of hair-cutting except to get rid of vermin or dirt or when the Medical Officer deems it necessary on the ground of health and cleanliness and then the hair shall not be cut closer than may be necessary for the purpose in view.

(4) Nothing in this rule shall prevent the cutting, trimming or shaving of the hair of any prisoner at any time at his own request and under the written orders of the Superintendent or if necessary, on medical grounds and underwritten directions of the Medical Officer.

(5) Barbering instruments shall be properly cleaned and thoroughly disinfected before and after every use, and got inspected frequently.

726. *Photographs.*— (1) Prisoners shall be permitted freely to keep the photographs either of their family member or of deities of their religion with approval of the Inspector-General and subject to the conditions that steps are taken to ensure security in the prison. Such pictures and photographs shall not, however, be allowed to be pasted or hung in dormitories or cells or on other buildings.

(2) Prisoners shall be permitted to take photographs at their own cost and send the same to their near relatives subject to the condition that such permission shall be granted at the discretion of the Inspector-General on the merits of each case and that steps are taken to ensure security in the prison.

727. *Dental hygiene.*— (1) The Superintendent shall see that twigs or some other means of cleaning teeth is provided for daily use.

(2) Prisoners shall be supplied with 50 grams of tooth powder, every month at Government cost. They may also be permitted to purchase tooth paste, tooth powder, and tooth brush, at their own cost.

728. *General hygiene.*— (1) Prisoners shall be supplied with sufficient quantity of washing soap on admission.

(2) Washing powder 50 grams for male prisoners and 100 grams for female prisoners shall be supplied once a week.

(3) Washing soap 200 grams for male prisoners and 400 grams for female prisoners shall be supplied once in a month.

(4) Prisoners shall be supplied with 75 grams of bathing soap, every month, at Government cost.

(5) Sufficient quantity of washing soap and bathing soap shall be issued to prisoners working in conservancy and kitchen jobs.

(6) Gingelly or coconut oil, 50 grams for male prisoners and 100 grams for female prisoners shall be issued once a week.

(7) Additional oil may be issued to children allowed to stay with women prisoners.

(8) Soap-nut powder or seekai powder, 30 grams for male prisoners and 60 grams for female prisoners shall be issued once a week.

729. *Purchase and receipt of articles.*— Prisoners may be permitted to purchase articles like hair oil, shaving cream and soap (both washing and toilet) and snack items may also be permitted to receive the same if, tendered by relatives and friends.

730. *Canteen for prisoners.*— (1) A canteen may be run on self-supporting basis in the prison premises.

(2) The following articles may be stocked in the canteen, namely:-

- (a) tea, coffee and milk;
- (b) any eatables as are approved by Inspector-General of Prisons, from time to time;
- (c) soap, oil, combs and the like;
- (d) fruits like bananas, mangoes;
- (e) tooth paste, tooth powder, tooth brush;
- (f) Stationery articles like pencil, exercise books and papers; and
- (g) Any other item(s) or article(s) as approved by the Inspector-General of Prisons.

(3) No prisoner other than one working in the canteen shall have access to the canteen. Arrangements shall be made to sell the articles to prisoners from the canteen by means of trolleys kept outside the canteen at the places selected by the Superintendent during such hours as may be fixed by him.

(4) No short term prisoner with sentence of less than three months and no long term prisoner before completion of three months of his sentence shall be allowed to work in the canteen.

(5) Subject to the provisions of this sub-rule, prisoners may be permitted to purchase articles mentioned in sub-rule (2) from the canteen, either from the amount available at their disposal or from their private cash or both in accordance with the following provisions:-

- (a) Prisoners under substantive sentence of rigorous imprisonment or simple imprisonment for a term of three months or more and who have completed the first three months of their sentence may purchase any of the articles specified in sub-rule (2) from the amount available at their disposal on account of wages earned by them;
- (b) All prisoners during the first three months of their sentence may purchase only soap and other articles of toilet from their private cash;
- (c) Prisoners who volunteer and actually perform conservancy work may purchase any of the articles referred to in sub-rule (2) from the canteen either from the amount available at their disposal or from their private cash or from both;

*Explanation:-* For the purpose of this clause, conservancy work means the work of cleaning latrines, cesspool and the like.

- (d) The Superintendent may permit the prisoners to purchase tea, coffee and eatables from their private cash in the following cases:-
  - (i) Even though the prisoner is entitled to work, he cannot be suitably employed; or
  - (ii) Prisoner is unable to work due to physical or other disability; or
  - (iii) Prisoner does work, but, he does not earn sufficient wages for reasons beyond his control to purchase tea, coffee and eatables from his private cash.

- (e) An unconvicted criminal prisoner or a Civil prisoner may be permitted to purchase any of the articles specified in sub-rule (2) either from the amount available at his disposal or from his private cash:

Provided that no prisoner shall be in possession of more than one cake of soap or any other article of toilet at any one time.

(6) The Superintendent shall cause maintenance of a record of the reasons for which he has granted permission under clause (d) of sub-rule (5) and shall keep such record in the canteen. He shall also make or cause to be made a note of such reasons and restrictions in the wage sheet of the prisoner concerned.

731. *Restriction in granting amenities.*— All the amenities, facilities and privileges granted to prisoners under the rules prescribed in this Chapter shall be granted to prisoners subject to good behaviour and discipline.

732. *Exclusion from privileges.*— Any prisoner who abuses the privileges, facilities and concessions granted under this Chapter shall be liable to be excluded from such privileges, facilities and concession for such time or to such further restrictions as the Superintendent may direct.

## CHAPTER-26

### PRISONERS PROPERTY

733. *Disposal of property other than money.*— The property other than money delivered with or found on a prisoner on admission or subsequently sent to him through the Superintendent shall be dealt with according to the following provisions, namely:-

(i) Prohibited articles such as tobacco, snuff, opium, ganja or any other drug or liquor, obscene pictures or literature shall be destroyed;

(ii) Perishable articles shall be sold and the proceeds credited to prisoners cash property and entered in the prisoners' cash property register.

(iii) If, the clothing of a prisoner is so damaged or filthy as not to be worth-keeping or fit for sale, it shall be destroyed;



(iv) If, the Medical officer considers that there are objections from the sanitary point of view to the retention of a prisoner's clothing or if, a prisoner on admission is suffering from any infections or contagious disease, the clothing shall, under the written direction of the Medical Officer, be destroyed;

(v) The clothing of every prisoner sentenced to a substantive term of rigorous imprisonment of three years or more shall, if, not liable to be destroyed under the preceding provisions, be sold on confirmation of the sentence or expiry of the time allowed for appeal and the proceeds shall be dealt with in accordance and that the prisoner be required to attend a Court as a witness or as an accused, his clothing shall not be disposed off until no longer required in this connection.

(vi) In other cases, the clothing of a prisoner sentenced to rigorous imprisonment as also the excess or surplus clothing of an 'A' class prisoner if, it is not possible to return the same to the friends or relatives of the prisoner, shall be washed, tied up in a bundle and stored.

(vii) Metal vessels and other non-perishable and bulky articles including high frequency materials shall be included in the clothing bundle. Jewellery or other valuable property shall be made up into a separate packet which shall be sealed by the Deputy Superintendent in the presence of the Superintendent and the prisoner.

(viii) Every packet and bundle shall be labelled with the number and name of the prisoner to whom it belongs, together with the date of release, and shall be kept by the Assistant Superintendent, arranged according to the date of release or number. He shall be responsible for the safe custody of the articles entrusted to him till they are returned to the prisoners on their discharge.

(ix) Only such property shall be kept as can be conveniently stored. If, livestock or cumbersome articles, such as charpoys and the like are brought or sent to the prison for the prisoner, they shall be handed over to the prisoner's friends or relatives, if the prisoner so desires, otherwise they may be sold and the proceeds credited to prisoner's cash property.

734. *Periodical verification of prisoner's valuable property.*— The Superintendent shall verify the prisoner's valuable property in the custody of Assistant Superintendent not less than once in three months and even frequently if necessary.

735. *Responsibility on all prison Officers.*— All prison officers are liable to make good any loss to Government occasioned by failure to comply with these rules or neglect of duty in connection therewith. This direction applies to articles of civil stores also.

736. *Grant of permission to receive property from outside.*— The Superintendent shall always use his discretion properly to grant permission to the prisoner to receive any property from outside.

737. *Disposal of money.*— Cash property found on the person of prisoner at the time of their admission to prison shall be remitted into the Treasury to be credited to a personal deposit account opened in the name of the Superintendent of the prison. Repayments which it is not found convenient to make from the personal deposit account shall be made from the permanent advance of the prison in the first instance. The permanent advance may be recouped when found necessary by drawing a cheque for the amount disbursed on the personal deposit account at the Treasury.

738. *Maintenance of accounts.*— (1) There shall be a separate cash book for accounting the cash of prisoners received on admission and on subsequent occasion by money order or from the relatives of the prisoners.

(2) There shall be a separate individual ledger book called “Prisoners Cash property Register” for convicted prisoners for maintaining day to day cash transactions of each prisoner separately. A similar individual ledger book shall also be maintained separately for the undertrial prisoners. These registers shall be signed by the Superintendent while checking cash book. Every day's balance in the Prisoner's Cash Property as accounted for in its cash book shall be indicated in the abstract of the Main Cash book also.

(3) The Superintendent shall maintain an Abstract Register of Prisoners Cash Property for operating the prisoners' cash property. It shall be written as and when transactions take place and checked and initialed by the Superintendent invariably along with the cash book. At the close of every month, an abstract shall be drawn, checked and signed by the Superintendent.

(4) The prisoner's cash property shall also be reconciled for the financial year with reference to the individual ledger account and Abstract Register of Prisoner's Cash Property before 15th April and a certificate of reconciliation shall be submitted to the Inspector-General.

739. *Deposit of cash of prisoners in the Bank account.*— Prisoners of all classes may deposit their cash property in the Post Office Savings Bank Account or fixed deposit or Savings Bank Account of any one of the Nationalized Banks if, they so desire subject to the following conditions, namely:-

(i) The amount to be deposited, shall not be less than ₹ 500 (Rupees five hundred only), for Savings Bank Account either in a Post Office or Nationalized Bank and in the case of fixed deposit in a Nationalized Bank, the amount shall be in multiples of hundred only;

(ii) Forms presented by the prisoner for the withdrawal of money from the abovesaid Savings Bank Account or fixed deposit account shall be countersigned by the Superintendent or the Deputy Superintendent of the Prison; and

(iii) Withdrawal of money from savings bank account by the prisoners shall be permitted only once in a month.

740. *Record of prisoners' property.*— An entry shall be made in the proper column of the Admission (Prisoners Property) Register describing the property delivered with or found on a prisoner on admission or that may be afterwards received upon his account. Such entry shall specify the nature of the property, the number or quantity and the approximate value of each item. In respect of jewellery, nature of articles, its weight and cost shall be noted and signed by the prisoner and also the Superintendent. If, any property is sold, the amount of the proceeds shall be entered to the prisoner's credit in the Register, the actual money being dealt.

*Explanation (1):*- The genuine value of each article must be shown. So much description of an article as will facilitate identification and prevent pilferage must be given namely, whether shirt is cotton or silk, white or coloured and the like.

*Explanation (2):*- Remuneration paid to prisoners for extra labour and wages earned under the wage earning scheme need not be entered in the Convict Register. Such earnings shall be maintained (Register of Cash property of prisoners).

741. *List of property to be read over to prisoner.*— When a prisoner on admission is brought before the Superintendent for verification, the latter shall check whether all money, jewellery, clothing

and property brought with or found upon the prisoner have been duly entered in Admission (Prisoners Property) Register in the manner provided above. These entries shall be read over to the prisoner in the presence of the Superintendent and his property shall at the same time be shown to him. If, the entries and articles are acknowledged to be corrected, the prisoner shall be required to sign or impress his left thumb-print in the Register in token thereof. The Assistant Superintendent shall also initial the entry in token of having received the property into his charge.

742. *Disposal on transfer or release of prisoner.*— On the transfer or release of a prisoner, all property entered as in the Admission (Prisoners Property) Register shall be shown to him in the presence of the Superintendent and if, he admits that it is correct, he shall be required to sign or impress his left thumb-print in the Register in token thereof, and, if, he is to be released, the property shall be then and there made over to him. If, he is to be transferred, the Superintendent shall see that the property is correctly described in the list to be sent with the prisoner and if, it includes valuables, the Superintendent shall have it securely sealed up in his presence for delivery to the officer in charge of the escort. On the transfer of a prisoner, all the property shall be sent with him.

743. *Circumstances when money or property of a prisoner may be delivered to his relatives or friends.*— The Superintendent may at his discretion, make over money or property belonging to a prisoner to whomsoever such prisoner may indicate provided that no property shall be made over which the prisoner himself will need on release. Whenever property is made over to others at a prisoner's request, a receipt for the property shall be taken and the prisoner's signature or left thumb-impression consenting to the arrangements shall be recorded in the Admission (Prisoners Property) Register.

744. *Use of private cash.*— Civil prisoners shall be allowed to draw on the money to their credit for purposes approved by the Superintendent.

745. *Provision of clothing on release.*— Whenever the private clothing of a prisoner has been destroyed or sold, he shall, on release be provided with a cheap cloth (not convict cloth) or in the case of 'A' class prisoners who are accustomed to European made of dress, with a coat, a pair of Pants, braces, shirt, collar, pair of cut shoes, hat and neck-tie. The value of the outfit supplied shall be deducted from

any private money other than batta, gratuity or subsistence allowance, belonging to the prisoner and if, he has none or the amount is insufficient, the cost shall be debited to Government account. Any convict, whose circumstances require it, shall be supplied with suitable clothing free of charge.

746. *Disposal of property of deceased prisoner and executed prisoner.*— When a prisoner dies in prison, his property shall be sent to the Magistrate of the District to which the prisoner belonged for disposal. The wishes expressed by any dying prisoner including the prisoner executed about his property, together with full particulars shall be communicated to the Magistrate to trace the relations of the deceased prisoner.

747. *Disposal of escaped prisoners property.*— The property of an escaped prisoner shall be retained for one year from the date of his escape. If, he is not recaptured within the said period of one year, the Superintendent shall on completion of one year from the date of escape, cause a notice to be sent to the prisoner, by registered post acknowledgment due for claiming his property within a specified period unless the property is one of a value of not less than ₹ 250. If, the property is not claimed within a period of three months, it shall be forwarded to the Police for disposal.

748. *Disposal of property found after original search.*—  
(1) Unauthorized property found on a prisoner on any occasion subsequent to the search to which he is subjected on admission shall be forfeited to the Government and the money or the sale proceeds of any articles sold, shall be paid into the Treasury in full under “Miscellaneous Prison Receipts”.

(2) The Superintendent may at his discretion, award to the officer discovering the unauthorized property not more than one half of any sum of money so found or realized. The reward amount shall be separately drawn debiting it to the head “Rewards, etc.”

## CHAPTER-27

### THE ATTENDANCE OF PRISONERS BEFORE COURTS

749. *Statutory power.*— The rules contained in this Chapter are made in virtue of power conferred under section 9 of the Prisoners (Attendance in Courts) Act, 1955 (Central Act 32 of 1955).

750. *Definition.*— In the Rules under this Chapter unless there is anything repugnant in the subject or context-

(i) “Act” means, the Prisoners (Attendance in Courts) Act, 1955 (Central Act 32 of 1955).

(ii) “Officer in-charge of the prison” means, the Superintendent of Jail.

751. *Countersigning of Order.*— (1) A Chief Judicial Magistrate or a Session Judge or a District Judge as the case may be, who receives an order for countersignature under section 3 of the Act shall satisfy himself that the order was issued by a person having lawful authority to issue it and that it is duly authenticated. If, the Chief Judicial Magistrate or Sessions Judge or District Judge is not satisfied as to the authenticity of any such order, it is open to him to require the Officer who brought the order to give evidence on oath as to the genuineness of the signature. If, the Chief Judicial Magistrate or Sessions Judge or District Judge is satisfied that the order has been properly signed and authenticated, he should countersign it in the manner prescribed in the First or the Second Schedule to the Act, as the case may be, and the order so countersigned shall be sent to the Officer in-charge of the Prison concerned.

(2) The Officer in-charge of the prison, on receipt of such order shall act in accordance therewith and shall provide for the safe custody of the person during his absence from the prison for the purpose aforesaid.

752. *Escort.*— The escort of prisoners under the Act shall be undertaken by the police.

753. *Police guard.*— Whenever an order for the production of a prisoner to give evidence or to answer a charge is received from a competent Court by the Officer in-charge of the prison, such Officer shall send a copy of the Court's order to the head of the local police, who thereupon shall cause the necessary police guard to be detailed in accordance with the terms of the order, and the prisoner shall be made over to the custody of this guard. Whenever a prisoner is produced before a Court situated outside the district in which he is confined, the Officer in-charge of the prison shall report the fact of such production to the Chief Judicial Magistrate and the Superintendent of Police of the District from which the prisoner is so produced.

754. *Attendance and prison ration.*— Whenever the Court and the prison are in the same station, the prisoner shall be taken from the prison to the Court and back daily, until his attendance is dispensed with. On every day he attends the Court he shall receive the full prison ration and shall be allowed to take his midday meal with him for consumption at any convenient hour.

755. *Confinement.*— Whenever a prisoner is sent for examination to or has to halt a night enroute at a station where there is a central prison, he shall be confined therein. Where there is no central prison, he shall be confined in the subsidiary prison, and where there is no subsidiary prison, he shall be confined in the police lock-up.

756. *Safe custody.*— If, the escort is unable to reach a central prison or subsidiary prison or police lock-up before sunset, the police shall make the necessary arrangements for the safe custody of the prisoner.

757. *Strength of police guard.*— (1) the minimum strength of the police guard shall be: -

“For not more than four prisoners - two constables, for five or six prisoners - three constables, for seven to ten prisoners - one head constable and four constables. A female warder shall, wherever possible, accompany a female prisoner instead of one of the constables.

(2) When prisoners are of desperate character or are likely to attempt to escape or when the number to be escorted exceeds ten, the strength of the guard shall be increased at the discretion of the Officer in-charge of the police. Whenever necessary extension for guard it may be extended as per direction of the Superintendent of Jail.

758. *Responsibility for the custody.*— If, the prisoner is taken to a central prison or subsidiary prison, the prison or police establishment guarding it shall be responsible for the custody of the prisoner. Whenever, the escort desires to proceed, the prisoner shall be handed over for the purpose:

Provided that no prisoner escorted under these rules shall be admitted into a prison after sunset, nor handed over to the escort before sunrise.

759. *Procedure in lock-up.*— (1) If, the prisoner is taken to a police lock-up as per Court order, in which there are no other prisoners, the police in-charge of the lock-up shall permit the prisoner escorted under

these rules to occupy a ward in the lock-up, the key of which shall be handed over to the escort and the prisoner shall be entirely under the charge of the escort as regards safe custody, supply of food, *etc.* On the departure of the escort with its prisoner, the key of the ward occupied shall be returned to the police in-charge of the lock-up. In the event of any prisoner committing damage to a ward occupied by him, the fact shall be reported to the Officer in-charge of the prison hence, he was brought, who shall defray the cost of repairing the damages.

(2) In the event of a police lock-up being occupied by other prisoners, the prisoner shall be confined with them, the police in-charge of the lock-up being then responsible for his safe custody. The duty of supplying the prisoner with food and watching him cook and eat shall rest with the police escorting him.

(3) Police escorts shall conform to the rules in force at lock-ups as regards hours for cooking and meals. For example, when the custody of the prisoner devolves upon the police in-charge of the lock-up, the escort shall not demand that he be let out at unauthorized hours to cook his food, *etc.*

760. *Conveyance.*— A prisoner shall ordinarily be moved about either by rail or by road or by water, but, when neither of these modes of conveyance is available, he shall go on foot, unless he is certified by the Medical Officer to be physically unfit to march, in which case, it shall be left to the discretion of the escort party to arrange for a suitable conveyance of their choice so as to suit the health condition of the prisoner. No prisoner shall be compelled to march on foot more than 24 kilometres in twenty-four hours. When travelling by rail, the accommodation to be provided shall be of the lowest class in the case of “B” class prisoners and first class in the case of “A” class prisoners. Prisoners whose confessions are to be recorded shall be taken to the Court from the prison in a police van or lorry, when available, escorted by warders as an exceptional case.

*Explanation:-* (1) Prisoners escorted by the police between two places which are over 16 kilometres apart and are wholly or partly connected by motor bus service may be conveyed by motor bus, provided that the number of prisoners so escorted at a time is small and can be controlled easily, and provided that their presence in the motor bus does not cause inconvenience or annoyance to members of the public using it. Actual conveyance charges in the case of such prisoners may be paid.



(2) Women prisoners, escorted by the police, shall be provided with conveyances where the distance to be traversed by them exceeds 1.6 kilometres. Conveyances may also be provided for shorter distances in cases in which, for reasons of health or custom or other valid reasons, failure to make such provision would cause undue hardship to them.

(3) The prisoners shall not be allowed to claim the mode of conveyance of their choice or to walk the distance to the Courts at their discretion. The decision of the police escort party shall be final

761. *Cost of conveyance.*— (1) The cost of conveyance (if any) and of maintaining prisoners while absent from the prison shall be advanced by the Officer in-charge of the prison to the Officer in-charge of the escort:

Provided that, whenever possible, the escort shall be given articles of diet sufficient for the prisoner's rations during his absence, instead of money. If, a prisoner is admitted into any prison, he shall be supplied with rations by that prison during the period he spends there.

(2) The cost of conveyance of prisoners to and from the Court shall be recovered by the Officer in-charge of the prison from the Court before which the prisoner's attendance is required. No recovery need, however, be made from a criminal Court before which a prisoner is produced in cases where such cost is less than ₹ 10. Conveyance and other incidental charges of undertrial prisoners sent from this Union Territory to other State and *vice versa* should be borne by the State sending such prisoners.

(3) The scale of charges for the conveyance of prisoners required to be produced to give evidence in civil or criminal Courts shall be as follows:-

(i) All prisoners, civil or criminal, the lowest fare admissible for journeys by rail, boat or steamer and actual expenses by road.

(ii) Subsistence allowance:- The scale at which subsistence allowance payable to the "A" and "B" class prisoners, shall be as fixed by Government from time to time.

(4) The dietary charges of the prisoners who are sent from a criminal Court to a prison shall be borne by the criminal Court concerned. conveyance charges other than railway and bus warrants in such cases shall be borne by the criminal Court. No recovery need, however, be made from a criminal Court where such charges are less than ₹ 10.

*Explanation:-* (i) "A" class prisoners, if escorted, singly, shall be permitted to travel, if they so desire, in any class of accommodation higher than that which is permitted to them, at their own expense, which shall include any extra cost on account of the escort accompanying them.

(ii) In the case of a prisoner falling ill or escape or death in transit, the responsibility to inform the relatives of prisoner's illness or death or to take necessary measures to apprehend the prisoner in case of escape rests with the Officer in-charge of the prison from where the prisoners was taken to Court.

762. *Prisoner under sentence of death.*— No prisoner under the sentence of death shall be removed under the Act from the prison in which he may be confined without the special sanction of Government, except when his presence is required by a Sessions or High Court for the purpose of taking additional evidence in the case.

763. *Warrant to accompany.*— When a prisoner is sent from one prison to another under these rules, his original warrant or warrants of commitment and a nominal roll shall be sent with him.

764. *Maintenance of Register.*— A register showing the prisoners sent under the Act, as in the specimen form specified below, shall be maintained by the Officer in-charge of the prison.

## CHAPTER-28

### THE REMISSION SYSTEM

765. *Definition.*— Remission is a concession, which can be granted to prisoners by Head of the Administration, appropriate Government or by the Head of the Prison Department or by the Superintendent of Jail. The appropriate Government reserves the right to debar/withdraw any prisoner or category of prisoners, from the concession of remission. The remissions other than that granted by the Head of the Administration may be withdrawn or forfeited if, the prisoner commits specified jail offences or conditions prescribed in the relevant order of remitting the sentence.

766. *Remission as an incentive.*— (1) Remission system aims at the reformation of a prisoner. The scheme is intended to ensure prison discipline and good conduct on the part of the prisoners, and to encourage them to learning and better work culture, with the prospect of their early release from prison as an incentive. But, the prisoner has no right to claim as a matter of right.

767. *Objective.*— Remission is intended to be an incentive for good behaviour and work. It should be granted on the basis of an inmate's behaviour, work and general response to various institutional activities.

In the context of this chapter:

- (i) 'Prisoner' includes a person committed to prison in default of furnishing security for maintaining peace or good behaviour and also includes persons convicted by a Military Court,
- (ii) 'Sentence' means, a sentence as finally fixed on appeal or revision or otherwise, and includes an aggregate of more sentences than one, and an order of imprisonment in default of furnishing security for maintaining peace or good behaviour.

768. *Kinds of Remission.*— Remission will be of the following types:

- (i) Ordinary remission
- (ii) Special remission
- (iii) Government remission
- (iv) *In Lieu of wages*

#### ORDINARY REMISSION

769. *Authority to grant ordinary remission.*— The Superintendent or an officer nominated by him on his behalf is authorized to grant ordinary remission under these rules.

770. *Eligibility.*— The following types of convicted prisoners shall be eligible for ordinary remission:

- (i) Prisoners having substantive sentences of two months and more,

(ii) Prisoners, sentenced to simple imprisonment for two months or more, who volunteer to work,

(iii) Prisoners employed on prison maintenance services requiring them to work on Sundays and Holidays, *e.g.* sweeping, cooking *etc.*, irrespective of the length and nature of their sentence *i.e.*, simple or rigorous imprisonment,

(iv) Prisoners admitted for less than one month in hospital for treatment or convalescence after an ailment or injury not caused willfully. (Those admitted for such purpose for more than one month should be entitled to remission for good conduct only).

*Note:* It will be the responsibility of the prison administration to provide work to all eligible prisoners. If, for any reason the prison administration fails to do so the prisoners who are otherwise eligible for remission for work should be granted it as per their normal entitlement under the orders of the Inspector General of Prisons.

771. Non-Eligibility.— The following types of prisoners should not be eligible for ordinary remission:

(i) Prisoners having substantive sentence of less than two months,

(ii) Prisoners sentenced in default of payment of fine only,

(iii) Prisoners whose sentence is reduced to less than two months (in such cases remission already earned, if any, should stand forfeited),

(iv) In the case of prisoners who are convicted of an offence committed after admission to the prison under sections 147/ 148/ 152/ 224/ 302/ 304/ 304A/ 306/ 307/ 308/ 323/ 324/ 325/ 326/ 332/ 333/ 352/ 353 or 377 of IPC or of an assault committed after admission to the prison on a warder or other officer or under any other law for misusing the concession of parole/furlough granted under that law. The remissions of whatever kind earned by him under these rules up to the date of the said conviction may, with the sanction of Head of the Prison Department, be cancelled.

(v) Prisoners debarred from remission as punishment for committing prescribed prison offences;

(vi) Prisoners specifically debarred from remission under any law or rule or by the judgment of Court and

(vii) Prisoners out on Emergency leave like medical leave, temporary release on parole, release on bail *etc.*, for the duration of such leave.

772. *Scale of ordinary remission.*— (1) Ordinary remission may be granted to prisoners who are eligible for it at the scale shown below:

- (a) Three days per calendar month for good behaviour, discipline and participation in institutional activities,
- (b) Three days per calendar month for performance of work according to the prescribed standards,
- (c) Two days per calendar month for prisoners employed on prison maintenance services requiring them to work even on Sundays and holidays *e.g.* sweeping, cooking *etc.*,
- (d) 10 days per calendar month to convict overseers and convict warders (until these two categories are abolished). Convict overseers and convict warders will not be eligible for remission mentioned in (a), (b) and (c) above,
- (e) One day for each month's stay in open institutions to prisoners sentenced to imprisonment of one year or more and transferred to such institutions,

(2) Total remission should not be exceeded to a prisoner for one-third of total imprisonment.

773. *Remission to prisoners sentenced by Court Martial.*— Prisoners sentenced by Court martial shall be granted ordinary remission for the period they pass in transit or in military custody, before their admission in prison on the same scale as laid down in these rules.

774. *Scale applicable to nursing orderlies.*— (1) *In lieu of* the remission allowed, convict nursing orderlies shall receive eight days remission per calendar month.

(2) Remission under these rules shall be calculated from the first day of the next calendar month following the appointment of the prisoner as convict nursing orderly.

775. *Additional remission to prisoners employed on prison services.*— Prisoners employed on prison maintenance services such as cooks, scavengers and sweepers who work on Sundays and holidays may be awarded one day ordinary remission per calendar month in addition to any other remission under these rules.

776. *Prisoners in Open institution.*— Prisoners sentenced to imprisonment of one year or more transferred to Open Institution may be granted extra remission at the rate of one day for each day's stay in that Institution in addition to three days for good behaviour.

#### SPECIAL REMISSION

777. *Authority to grant special remission.*— The following authorities may award special remission at such scale they are empowered below:

(a) The IG Prisons is authorised to grant special remission under the recommendation of Chief Superintendent of Jails up to 40 days during one year.

(b) The Superintendent of Jail is authorised to grant special remission up to twenty (20) days during one year.

778. *Criteria to grant special remission.*— Meritorious work by inmates should be rewarded by grant of special remission in addition to the annual good conduct remission to create a spirit of healthy competition among prisoners. Such special remission may be granted to prisoners eligible for ordinary remission on the following considerations:

(i) Saving the life of a Government Employee, a prison visitor or an inmate,

(ii) Protecting a Government Employee or prison visitor or inmate from physical violence or danger,

(iii) Preventing or assisting in prevention of escape of prisoners, apprehending prisoners attempting to escape or giving material information about any plan or attempt by a prisoner or a group of prisoners, to escape,

(iv) Assisting prison officials in handling emergencies like fire, outbreak of riots and strike,

(v) Reporting of or assisting in, prevention of serious breach of prison regulations,

(vi) Outstanding contribution in cultural activities or education or acquiring an additional education qualification (such as a degree or diploma) or teaching art and craft and special skills to fellow inmates,

(vii) Specially good work in industry, agriculture or any other skill development programme or in vocational training.

779. *Scale of Special Remission.*— Subject to the fulfillment of any one or more of the conditions aforementioned, special remission not exceeding 60 days (including Award of Annual good Conduct) in a calendar year completed by the prisoner in a Jail may be granted by the Head of the Prison Department on the recommendation of Superintendent of Jail to those prisoners who are eligible for ordinary remission.

780. *Award of Annual Good Conduct Remission.*— Any prisoner eligible for ordinary remission, who has not committed any prison offence for a period of one year reckoned from the date of his sentence or the date on which he was last punished for a prison offence, shall be awarded 30 days annual good conduct remission in addition to any other remission.

*Explanation:*- For the purpose of this rule, prison offences punished only with warning shall not be taken into account.

781. *Procedure in making award.*— (1) An officer awarding ordinary remission shall, before making the award, consult the prisoner's history-ticket in which every offence proved against the prisoner must be carefully recorded.

(2) If, a prisoner has not been punished during the month otherwise than by a formal warning, he shall be awarded the full ordinary remission for that month.

(3) If, a prisoner has been punished during the month otherwise than by a formal warning, the case shall be placed before the Superintendent, who, after considering punishments awarded, shall decide what amount of remission shall be granted. All remissions recorded on the prisoner's history ticket shall be entered on the remission sheet (or card) and Remission Register.

- Note:* (i) Prisoners with substantive sentences from two months to five years should be sanctioned remission each month while those sentenced to more than five years (including life convicts) should be granted remission once in a quarter.
- (ii) Entries regarding remission should be made, under proper attestation of the Superintendent, in the Remission Register and the History Ticket of the prisoner concerned as soon as it is granted.
- (iii) Grant of remission to prisoners sentenced by Court martial should be on the same principles as those applicable to other prisoners.

#### GOVERNMENT REMISSION

782. *Grant of Government Remission.*— Remission granted by the Government under 432 of the Code of Criminal Procedure, 1973 acting on the aid and advice of the Council of Ministers shall be called Remission by the Government. Remission by the Government may be granted on occasions of National importance or public rejoicing.

*Note :-* No Rules can be prescribed for the Government for grant of this type of remission.

783. *Eligibility.*— The remission by the Government can be awarded to such prisoners or categories of prisoners, as the Government may decide. In case of prisoners who, at the time of general grant of remission by the Government, are released on temporary or emergency release like on parole or furlough *etc.*, specific orders of the Government about the award of this remission to such prisoners are necessary;

784. *Scale.*— The Government remission will be granted at such scale or in such quantum, as may be fixed by the Government from time to time.

785. *Remission Committee.*— (1) The Remission Committee of each institution shall consist of:-

- (a) Superintendent in-charge of the institution Chairman
- (b) Deputy Superintendent or senior most prison officer Member available in the institution



(c) Assistant Superintendent or the prison Officer in-charge of remission section, Member

(d) Officer in-charge of Industries/Vocational Training Member

(2) The functions of this Committee shall be:-

(i) to attend to all matters pertaining to remission;

(ii) to recommend cases of prisoners to the Inspector General of Prisons for the grant of special remission; and

(iii) to recommend other remissions.

(3) The members of the Committee shall assist the Superintendent in all matters pertaining to the award of remission. The decision of the Superintendent should be treated as final. The Remission Committee shall meet on fixed days in the last week of every month or as and when required.

*Note:* In view of the importance of remission work, it is essential that the Committee meets as per fixed schedule so that remission may be granted in time. Special remission should be granted leaving a margin of at least seven days prior to a prisoner's release.

786. *Grant of remission to life convicts serving more than one life sentence.*— Life sentence shall be taken as imprisonment for twenty years for the purpose of calculation of remission, under Section 57 of the Indian Penal Code, 1860. In the case of a prisoner serving more than one life sentence, twenty years shall be treated as the total of all his sentences for calculating remission. Grant of remission to a life convict shall not mean actual remission in his sentence. When the Sentence Review Board will examine his case, the remission to his credit will be one of the factors on the basis of which the review of his sentence will be considered.

787. *Procedure for calculating various remissions.*— The method of calculation of the various kinds of remission shall be as follows:-

(1) Ordinary Remission:

(a) Ordinary remission shall be calculated from the first day of the calendar month after the date of the prisoner's sentence. Ordinary remission shall not be granted for the

broken period of a calendar month. A prisoner, unless sentenced on the first day of a month, will not get remission for the month in which he has been sentenced.

- (b) In the case of a prisoner, transferred from one prison to another while undergoing imprisonment, the period spent by him in the first prison, excluding the period spent as an under trial prisoner, shall be calculated along with the period spent by him in the second prison, for remission.
- (c) Period spent outside the prison, such as release on leave which are included as part of a sentence, should not be treated as broken periods. During such periods the prisoner shall be eligible for earning ordinary remission. For periods spent outside the prison which are not included as parts of a sentence (such as, bail, emergency release, escape and extradition) prisoners shall not be eligible for earning remission. In such cases, the prisoners should be considered as eligible to earn remission from the first day of the calendar month following the date of their re-admission.
- (d) No prisoner shall receive ordinary remission for the calendar month in which he is released. If, by the award of remission for a particular month, the date of release would fall in that month, full remission due for that month shall not ordinarily be given, but, a portion of the remission shall be given so that the release may fall on the 1st of the following month;
- (e) Prisoners who have been released on bail or whose sentence have been temporarily suspended, shall, on their re-admission to prison, be credited with any remission they may have earned before their release on bail or to the suspension of the sentence. They will be brought under the remission system again on the first day of the calendar month after their re-admission.

(2) Annual good conduct remission:-

The annual good conduct remission shall be reckoned from the date on which the prisoner is eligible for ordinary remission. In all such cases mentioned under

clause (c) of para (1) above, the date of eligibility for annual good conduct remission will also be duly postponed.

(3) **Special remission:-** Special remission for the year shall be reckoned from the date of sentence. Special remission may be granted for any fraction of a year accordingly.

788. *Removal and Revocation of Prisoner from Remission.*— The Head of the Prisons Department, on the recommendation of Superintendent of Jail, may remove any prisoner from remission for a period of six months for committing any specified prison offence. Similarly, the Superintendent of Jail may remove a prisoner from remission for three months. However, the sanction of the Inspector-General will be necessary for such removal from remission for any period exceeding three months. With prior sanction of the Head of the Prisons Department, the Superintendent of Jail may re-admit any prisoner to remission who has been removed from there. The prisoner who is re-admitted to remission shall earn remission under these rules from the commencement of the month following his re-admission.

789. *Conditions for Forfeiture of Remission.*— Remission earned by a prisoner may be forfeited by the Head of the Prisons. Department on the recommendation of Superintendent of Jail;

(i) If, the prisoner is convicted of an offence committed after admission to prison, under sections 147, 148, 152, 224, 302, 304, 304-A, 306, 307, 308, 232, 324, 325, 326, 327, 332, 333, 352, 353 or 377 of the India Penal Code or convicted of an assault committed on a prison official, a prison visitor, a prisoner or any other Government employee or on conviction for any offence committed in violation of the law providing for temporary release of the prisoner on parole/ furlough *etc.*, after admission to prison. All the ordinary and special remission, of whatever kind, earned by him under these rules up to the date of the said conviction may be forfeited in part or in whole.

(ii) For prison offences Superintendent is empowered to forfeit earned remission up to 30 days for one offence. Earned remission beyond 30 days may be forfeited with the sanction the Head of the Prisons Department.

*Note:* All entries about forfeiture of remission shall be promptly made in the history ticket or remission sheet and in the Remission Register or in any other relevant document/ record.

790. *Power to remove from remission system.*— (1) The Government, the Inspector-General of Prisons and the Superintendent of Jail may remove any prisoner from remission, for a specified period, for committing prison offences.

(2) The Superintendent may remove a prisoner from remission for three months. For removal from remission system beyond three months, prior sanction of the Inspector-General shall be obtained.

791. *Re-admission of excluded prisoner.*— The Superintendent may, with prior sanction of the Inspector-General, re-admit to remission any prisoner who has been removed from there. The prisoner who is re-admitted to remission shall earn remission under these rules from the commencement of the month following his re-admission.

792. *Records.*— Following records will be maintained by the prison authority:-

(i) Assistant Superintendent or any other official in-charge of yards or sections shall maintain sheets for prisoners eligible to earn remission. On the appointed days, these sheets shall be forwarded to the officer dealing with remission work and to the Deputy Superintendent or to any other officer in-charge of admission and release of prisoners for inspection. These sheets shall be attached to the remission sheet of the prisoners.

(ii) A Remission Register shall be maintained and all entries about grant and forfeiture, if any, of remission shall be promptly made and duly attested by the officers concerned.

(iii) Entries in the Remission Register shall be made at the end of each quarter. In case a prisoner is due for release before the completion of a quarter, these entries shall be made during relevant months, and action regarding his/her release may be taken accordingly.

(iv) At the end of each quarter, prisoners should be informed about the remission they have earned during the quarter and also the total of their remission.

(v) Grant or forfeiture, if any, of all types of remission should be recorded in the remission sheet.

(vi) The Deputy Superintendent or Officer in-charge of admission and release shall inspect the Remission Register or Remission Sheets at fixed intervals.

(vii) Except for the communication mentioned in clause (iv), remission record shall be treated as confidential. It shall not be allowed to be handled by the prisoners.

(viii) Prisoners should be released on such dates, as would be worked out, after allowing for the remission granted.

793. *Maximum limit of remission.*— The aggregate of the ordinary, annual good conduct and special remission granted to a prisoner shall not exceed half of the substantive sentence (to be calculated from the date of his conviction).

794. *Method of converting the remission into year, months and days.*— In calculating the date of release of a prisoner, the number of days of remission earned shall be converted into months and days, at the rate of thirty days a month, provided that where the remission earned exceeds 365 days, it shall be converted into years at the rate of 365 days, the balance, if any, being converted into months and days at the rate of thirty days a month.

795. *Endorsement of remission on warrant.*— Prisoner should be released on such dates, as would be worked out, after allowing for the remission granted. The total amount of remission earned by him shall be endorsed on his warrant and the endorsement shall be signed by the Superintendent.

796. *Record of prisoner transferred.*— (1) When a prisoner is transferred to another prison or Psychiatric Hospital or Psychiatric Nursing Home or Leper Asylum or T.B. Hospital or Pandemic disease, the total amount of remission earned by him up to the end of the preceding month shall be endorsed on his warrant and entered on his history ticket, these entries being signed by the Superintendent.

(2) The receiving Prison or Psychiatric Hospital or Psychiatric Nursing Home or Leper Asylum or T.B Hospital or Pandemic Hospital shall be responsible that the above information is duly obtained. Each prison or Psychiatric Hospital or Psychiatric Nursing Home or Leper Asylum or T.B. Hospital or Pandemic Hospital at which a prisoner serves a portion of his sentence shall be held responsible for the correct calculation of the remission earned in that prison or asylum or hospital.

797. *Preservation of remission sheets or cards.*— Remission sheets shall be retained in the office of a prison for a period of one year after the unconditional release of the prisoner to whom they relate

or for a period of one year after his death. When a prisoner is transferred to another prison, his remission sheet or card shall be sent with prisoner.

798. *Report on over-detention and premature release.*— The Superintendent shall bring to the notice of the Inspector-General the cases of violation of these rules resulting in over-detention or premature release of a prisoner for further action as he deems fit.

799. *Maintenance of record of remission.*— (1) All remissions awarded to prisoners shall be recorded on the prisoner's history sheet and shall be entered on the remission sheet or card.

(2) A remission register shall be maintained in which he all entries about grant and forfeiture, if any, of remission shall be promptly made and duly attested by the officers concerned.

(3) Entries in the Remission Register shall be made at the end of each quarter. In case a prisoner is due for release before the completion of a quarter, these entries shall be made during relevant months, and action regarding his release may be taken accordingly.

(4) At the end of each quarter, prisoners should be informed about the remission they have earned during the quarter and also the total of their remission.

(5) The remission records shall be inspected by the Deputy Superintendent at fixed intervals.

(6) Except for the communication mentioned in clause (4) above, remission records shall be treated as confidential. It shall not be allowed to be handled by the prisoners.

800. *Gratuity to convicts.*— Convicts who come under the purview of remission rules and who have earned 60 days remission shall, if well conducted, and perform the prescribed task of standard quality, be entitled to payment of gratuity as prescribed for the trade or work in which they are employed.

801. *Convict unable to work.*— Convicts who are unable to work due to ill-health, shall also if well-conducted, be granted gratuity.

802. *Calculation of remission for the purpose of gratuity.*— Government remission granted on important occasions shall not be counted for the purpose of calculating gratuity.

803. *Remission in lieu of gratuity.*— All convicts prisoner entitled to the benefit of gratuity under rule 827 shall, at their option, be granted remission *in lieu of* the amount of gratuity earned by them.

804. *Option.*— The convict shall express their option to earn remission *in-lieu-of* gratuity within three months from the date on which the convicts become entitled to the benefit of gratuity under the rules. The option once exercised shall ordinarily be final, but, may be revoked with the permission of the Superintendent.

805. *Acknowledgement.*— The exercise and revocation of the option referred to above shall be recorded in writing in the convict's remission sheet over his signature or left-thumb print.

806. *Calculation of amount of remission in-lieu-of gratuity.*— The remission granted *in-lieu-of* gratuity shall be calculated in days at the rate of one day remission for one month's gratuity as admissible or at the rates as may be fixed by Government from time to time.

807. *Addition to normal remission.*— The remission granted *in-lieu-of* gratuity shall be in addition to the remission earned by convicts under the rules in this Chapter.

808. *Unspent balance of gratuity.*— The unspent balance of gratuity shall be allowed to accumulate and paid to prisoners on their release in addition to any other money they may be entitled to under the rules.

809. *Lapse of gratuity.*— If, convicts dies before his release, the gratuity earned by him shall lapse to Government

810. *Restriction to the grant of remission in lieu of wages.*—  
(1) The total remission granted by the Inspector-General of Prisons and the Superintendent together under the preceding rule shall not exceed 60 days in a year.

(2) Remission earned by prisoners *in lieu of* wages shall be in addition to all other remissions earned by the convicts under the rules in this chapter.

811. *Remission in lieu of wages.*— If, a prisoner wishes to have remission of sentence *in lieu of* wages, he may purchase the remission at the rate of two days wages per day or at the rates as may be fixed by Government from time to time, subject to the condition that not more

than 30 days special remission by the Superintendent of the Prison and 60 days by the Inspector-General of Prisons shall be so granted to any one convict in a year.

812. *Maximum remission awardable.*— The total remission, but, excluding Government Remission awarded to a prisoner under the rules in this chapter shall not be exceeding one-third of his sentence.

## CHAPTER-29

### PAROLE LEAVE

813. *Leave is not a right.*— Leave means an emergency or ordinary leave. Leave cannot be claimed as a matter of right. It is a concession granted to the prisoner.

814. *Right of withdrawal and debarring.*— The Government, the Inspector-General of Prisons, the Chief Superintendent of Jails and the Superintendent of Jail reserve the right to debar or withdraw any prisoner or categories of prisoners from the concession of leave.

815. *Kinds of leave.*— Leave shall be of two kinds, namely emergency leave and ordinary leave.

816. *Grounds for the grant of emergency leave.*— Emergency leave may be granted for attending the death or illness of father, mother, wife, husband, son, daughter, full brother or full sister or the wedding of son, daughter, full brother or full sister of the prisoner.

817. *Eligibility for Emergency leave.*— No emergency leave shall be granted to a prisoner unless:-

(a) He has been sentenced by a Court in the Union territory of Puducherry to imprisonment for a term of imprisonment for life for an offence against any law other than a relating to a matter to which the executive power of the Union Government extends.

(b) His conduct in prison has been satisfactory.

818. *Mode of request.*— The petition containing the request for the grant of emergency leave shall be submitted to the Superintendent of Jail, in which the prisoner is confined by the prisoner or by a relative of the said prisoner.



819. *Certificate of correctness to accompany the petition.*— The petition shall be accompanied by a certificate in support of the serious illness or the funeral or the proposed wedding obtained from the Karnam or the Medical Officer of the nearby Government Hospital/Dispensary/ Primary Health Centre or Member of the Legislature or Member of the Parliament or Chairman of the Municipal Council or President of the Panchayat or Revenue Inspector or Tahsildar or Deputy Tahsildar or Sub-Inspector of Police or the Probation Officer having jurisdiction or from any responsible office jurisdiction, subject to verification.

820. *Authority who may grant Emergency Leave.*— The Superintendent of Jail shall grant emergency leave to prisoners subject to the other conditions laid down in these rules.

821. *Verification of certificates.*— The Superintendent of Jail shall at his discretion verify the genuineness of the certificates produced along with the petition for emergency leave with the Probation Officers or Police from the concerned before releasing the prisoner on emergency leave. In case the prisoner is to attend the funeral urgently, the Superintendent shall contact the Probation Officer or Police Concerned by wire or by phone and get the matter confirmed.

822. *Right to grant or reject emergency leave and appeal thereupon.*— The Superintendent of Jail reserves the right either to grant or to reject the emergency leave for special reasons to be recorded in writing which shall always be treated as strictly confidential. The reasons for such rejection shall not be communicated to the prisoner but, shall be reported to the higher authorities if called upon to do so. The petition preferred by the prisoner against such rejection shall always be submitted to the Chief Superintendent of Jails with the remarks of the Superintendent of Jail for his orders and the Chief Superintendent of Jails may either grant or reject the emergency leave.

823. *Maximum period of emergency leave.*— The total period of emergency leave to be granted to a prisoner by the Superintendent of Jail or the Chief Superintendent of Jails, as the case may be, shall be fifteen days in a year to be spread over four spells, the first spell being six days and the remaining three spells being nine days, each spell not exceeding three days at a time. However, in exceptional cases, the Government may extend the period of emergency leave following the Procedure prescribed in the Chapter-29. Application for emergency leave for the fifth time in a year shall be submitted to Government for prior orders.

824. *Police escorts.*— (1) Police escort shall be provided at the discretion of the Superintendent of Jail in the case of a prisoner who is released on Emergency leave, if he is really dangerous to the community and the decision of the Superintendent shall be final.

(2) No person shall be granted Emergency leave under police escort unless the prisoner or the relatives of the prisoner applying for the grant of such leave to the prisoner, has agreed to meet the entire cost of the police escort calculated in terms of Travelling Allowance Rules in force in the Union territory of Puducherry. An approximate amount equivalent to a sum so calculated shall be deposited by the prisoner or by his relatives on behalf of the prisoner in advance with the Superintendent of Jail.

825. *Request for escort and report to Police.*— Where Emergency leave is granted, Superintendent of Jail shall forthwith apply to the Inspector of Police or Superintendent of Police of the region in which the prison is situated requesting him to furnish a police escort immediately. The Superintendent of Jail shall also send to the Inspector of Police or Superintendent of Police, as the case may be, the nominal roll of the prisoner, application of the person applying for the grant of leave to the prisoner, the amount recovered in advance from the relative of the prisoner or the prisoner and a copy of the bond executed by the prisoner and other connected documents.

826. *Escort at Government cost.*— The cost of the escort shall be borne fully by the Government, if, the relative of the prisoner who makes the petition produces a poverty certificate from an officer of the Revenue Department not below the rank of a Tahsildar. In such cases, the amount if deposited in advance with the Superintendent of Jail shall be refunded.

827. *Adjustments on accounts on payments.*— The Superintendent of Police or Inspector of Police of the District concerned shall forward the statement of expenditure to the Superintendent of Jail who shall arrange to credit the amount to the Police Department through challan to the concerned Superintendent of Police or Inspector of Police, as the case may be. If, the amount already deposited in advance, is found to be less than the amount due, the Superintendent of Jail shall arrange to recover the balance amount from the prisoner and affect its remittance.

828. *Report to the Government.*— The Superintendent of Jail or the Chief Superintendent of Jails, as the case may be ordering the grant of leave to a prisoner shall forthwith report the full facts and circumstances of the case to the Government while forwarding the petition to the Government and the Government may, on consideration of the report and petition order that the period of absence from the prison be treated as suspension of the sentence.

829. *Authority who may grant ordinary leave.*— The Government, is the competent authority to issue order of release of prisoners on ordinary leave.

830. *Grounds for the grant of ordinary leave.*— The grounds for the grant of ordinary leave to a prisoner shall be:-

(i) To make arrangements for the livelihood of his family and for the settlement of life after release.

(ii) To make arrangements for the admission of his children in the school or college.

(iii) Construction or repair, work of the homestead;

(iv) To make arrangements or to participate in the marriages of sons, daughters, full brothers or full sisters;

(v) To settle family disputes like partition *etc.*,

(vi) To undertake agricultural operations like sowing, harvesting *etc.*, and

(vii) For any other extraordinary reasons.

831. *Non-eligibility for ordinary leave.*— The following categories of prisoners shall not be eligible for being released on leave:

(i) Offenders classified as habituals;

(ii) Prisoners sentenced under section 392 to 402 of the Indian Penal Code (Central Act 45 of 1860);

(iii) Prisoners whose presence is considered dangerous or otherwise prejudicial to public peace and so ordered by the District Magistrate and Superintendent of Police;

(iv) Prisoners who are considered dangerous or have been involved in serious prison violence like assault, outbreak, riot, mutiny or escape or who have been found to be instigating serious violation of prison discipline,

(v) Prisoners committed for failure to give security for maintaining peace or good behaviour;

(vi) Prisoners suffering from mental illness, if not, certified by the Medical Officer to have recovered;

(vii) Prisoners whose work and conduct have not been good during the preceding 12 months;

(viii) 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;

(ix) Prisoners whose release on leave is likely to have repercussions elsewhere in the country.

832. *Eligibility for ordinary leave.*— (1) No prisoner shall be granted ordinary leave unless he has been sentenced by a Court in the Union territory of Puducherry for a term of imprisonment or for life for an offence against any law, other than a law relating to a matter to which the executive power of the Union Government extends and he/she has completed five years of imprisonment from the date of admission to Prison as convict.

(2) The period of ordinary leave shall not exceed one month at a time, unless it is extended by the Government.

(3) The prisoner shall be granted the second spell of leave not exceeding one month after completion of two years of imprisonment from the date of his/her last return from leave.

(4) In case of prisoner who have got a balance of three years to service ordinary leave not exceeding one month for each of three years, the year being calculated from the date of his return to prison from last leave, shall be granted so as to enable him to make arrangements for settling the family life after release.

833. *Petition for ordinary leave.*— (1) The petition for ordinary leave shall be submitted by the prisoner or by a relative of the prisoner to the Government direct or sent through the Superintendent of Jail where the prisoner to whom leave is to be granted is confined.

(2) Each petition for ordinary leave shall be accompanied with a statement of the names of two sureties who are willing to execute the bond for the prisoner's release on leave and take care of the prisoners during the period of leave. In the petition, it shall be stated among other things, the names and addresses of the prisoner's relatives with whom he wishes to stay during his leave period.

834. *Process of petition.*— All petitions for the grant of ordinary leave submitted to the Government or to the Superintendent of Jail shall be referred to the Probation Officer concerned for the reports on the advisability of the ordinary leave of the prisoners in question. The Probation Officer shall personally enquire into and send his report to the Government or to the Superintendent of Jail. If, the Probation Officer feels that the release on leave of a prisoner is likely to involve breach of peace in the locality, he shall consult the local Sub-Inspector of Police solely with a view to avoid any breach of peace and record the views of the Sub-Inspector of Police in the said forms. In respect of other cases in which there is no likelihood of breach of peace, the Probation Officer shall send his report direct to the Government or to the Superintendent of Jail without consulting the local Sub-Inspector of Police. Where the petition has been submitted to the Superintendent of Jail, he shall forward the petition along with the reports expeditiously to the Government for orders. The Government may on consideration of the petition and reports pass such orders as it deems fit.

835. *General conditions governing grant of Ordinary Leave and Emergency Leave.*— The following conditions shall invariably be laid down while granting leave or emergency leave, in addition to such other conditions, if any, specified by the Government, Inspector-General of Prisons or the Superintendent of Jail, as the case may be, as deemed necessary:-

(a) That the prisoner will execute a surety bond for the amount ordered by the Inspector-General of Prisons with two sureties for a like sum each;

(b) That he shall report at the Police Station daily once;

(c) That the prisoner shall reside at the place designated by the Superintendent of Jail, Inspector General of Prisons or the Government, as the case may be, and shall not go beyond the specified limits;

(d) That the prisoner will keep good behaviour and will not commit any offence during leave;

(e) That the prisoner will report to the Probation Officer, if any, of the area of his stay during leave;

(f) That the prisoner will neither associate with bad characters nor lead a dissolute life;

(g) That the prisoner will be liable to be recalled immediately to prison in case he violates any of the conditions;

(h) That the prisoner will surrender himself to the Superintendent of the prison on expiry of the leave granted or on recall.

Subject to the above, eligibility for parole should be regulated as follows:-

<b>Sentence</b>	<b>When due for first release</b>	<b>When due for second release</b>	<b>When due for subsequent releases</b>	<b>Duration of Leave per year</b>
Not exceeding five years	On completion of one year of actual imprisonment to be counted from the date of admission to prison as convict	After completion of six months of actual imprisonment to be counted from the date his last return from leave	After completion of six months of actual imprisonment to be counted from the date his last return from leave	15 days
Exceeding five years, but, not more than 14 years	On completion of one year of actual imprisonment to be counted from the date of admission to prison as convict	After completion of six months of actual imprisonment to be counted from the date his last return from leave	After completion of six months of actual imprisonment to be counted from the date his last return from leave	15 days
Prisoners sentenced to life or imprisonment exceeding 14 years	On completion of one year of actual imprisonment to be counted from the date of admission to prison as convict	After completion of six months of actual imprisonment to be counted from the date his last return from leave	After completion of six months of actual imprisonment to be counted from the date his last return from leave	15 days

836. *Execution of bonds.*— The surety bond of the sureties shall be executed before a Tahsildar who may send the same to the Superintendent of Jail duly attested and affixing his office seal. The surety bond of the prisoner shall be executed before the Superintendent of Jail who may duly attest and affix his office seal.

837. *Postponement of leave.*— (1) If, the prisoner commits serious violations of prison discipline after the sanction of ordinary leave, but, prior to his actual release on leave from the prison, the Superintendent shall forward a report along with his recommendations to the Inspector-General of Prisons for further orders.

(2) On the application of the prisoner, the Superintendent may postpone the grant of leave to the prisoner ordered by the Inspector General of Prisons, so that the leave period may synchronize with the purpose for which the prisoner seeks ordinary leave. In such a case, a report shall be submitted to the Inspector-General of Prisons for information.

838. *Time for release.*— The leave shall be affected on any day after sunrise and before lock-up. The rule preventing the release of prisoners on Sundays and other holidays does not apply to the release on leave and emergency leave.

839. *Intimation of leave and readmission.*— The Superintendent of Police, the Probation Officer and the Sub-Inspector of Police having jurisdiction over the place where the prisoner has proposed to spend his leave may be intimated about the date of leave and readmission of the prisoner.

840. *Supervision.*— (1) The Probation Officer, the Sub-Inspector of Police having jurisdiction over the place where the prisoner is staying shall keep a close watch over the prisoner during his period of leave.

(2) They shall also intimate the Superintendent of Jail any breach of the conditions of bond executed or any adverse remarks that may come to their notice regarding the prisoner on leave.

841. *Power to recall.*— The Superintendent of Jail is empowered to recall any prisoner on leave, if:-

- (a) a report is received that the prisoner on leave misbehaves,
- (b) There is any breach of any of the conditions of leave.

842. *Action to be taken for recall.*— If, the Superintendent of Jail decides to recall any prisoner from leave for any of the reasons stated in the previous rules or when the prisoner released fails to return to the prison on the date of expiry of the leave, the Police authorities shall immediately be telegraphically requested to arrest and bring the prisoner back to the prison.

843. *Punishment.*— (1) Prisoners shall be punished according to the Prison Rules for breach of any of the conditions of leave and for late surrender.

(2) If, the Superintendent is satisfied that the overstayal was for reasons beyond the prisoner's control, such as breakdown in the transport system and the like, a report shall be submitted to the Inspector-General of Prisons for getting orders of the Government treating the period of overstayal as leave period.

844. *Extension of period of Emergency leave.*— (1) If, a prisoner released on emergency leave wants extension of the period, he may apply for the same to the appropriate authority sufficiently in advance. The extension in the period of Emergency leave may be granted by an order in writing for such further period as may be specified in such order on the same conditions on which the prisoner was originally granted emergency leave or on such other conditions as the authority granting extension may determine.

(2) The Superintendent shall not grant any extension where the Superintendent issued the initial order granting emergency leave.

(3) Where the prisoner has applied for extension for such period, which does not make the total period more than 30 days, the Inspector-General may by an order extend the period of emergency leave for such further period as may be specified in such order, subject to sub-rule (1).

(4) Where the initial order is issued by the Superintendent or by the Inspector-General and the prisoner has applied for extension for such further period which exceeds thirty days, the Inspector-General shall submit the case to the Government and the Government may, by order, extend the period of emergency leave for such period as may be specified in such order subject to sub-rule (1).



(5) If, orders authorizing the extension are not received before the expiry of his emergency leave period, the prisoner shall report back to the prison. As soon as a prisoner on emergency leave surrenders to the Prison authorities, his original order of release and the bond executed by him shall become inoperative. Where a prisoner who is released on emergency leave, surrenders to the prison authorities before his application for extension of the period of emergency leave has been sanctioned, he shall not be released after such surrender without obtaining a fresh release order from appropriate authority.

845. *Pending cases.*— No prisoner on whom a case is pending trial or shall be granted Leave.

846. *Treatment of leave period.*— The period spent on leave will be counted as sentence served, while that spent on emergency leave will not count as sentence served. The period spent on emergency leave will be treated as 'out days' or sentence suspended for all purposes. The day on which the prisoner sent from the prison and returning to the prison will not be considered as "out days".

847. *Decision on applications for ordinary leave.*— Petitions for the grant of ordinary leave shall be decided on the merits of each case and the Inspector-General of Prisons shall have power to reject any application without assigning any reason. The decision of the authority competent on an application for the release on Ordinary Leave shall be communicated within a maximum period of six weeks from the date of receipt of such application.

848. *Maintenance of record.*— A register in shall be maintained in the prison in which all cases of prisoners eligible for leave shall be posted and the due date of surrender watched and action pursued, wherever necessary. Appropriate entries in this regard will also be made in the History Tickets of the inmates concerned.

849. *Grant of Emergency leave to prisoners convicted in the Union territory of Puducherry and undergoing sentence in another State.*—

(1) Where an application for suspension of the execution of a sentence of imprisonment is made by or on behalf of a person sentenced to imprisonment for an offence against any law relating to a matter to which the executive power of the Union territory of Puducherry extends and the person is sentenced to such sentences of imprisonment by the Courts in the Union territory of Puducherry and that person is in prison outside

the Union territory of Puducherry, the execution of the sentence shall be suspended and such person released on leave by the Government of the State where such person is confined to prison, subject to the conditions specified in sub-rule (2), for such period not exceeding fifteen days as may be necessary for obtaining the orders of the Government of the Union territory of Puducherry where such person was sentenced, if, the Government of the State in which such person is detained in prison, is satisfied that the immediate release of such person on leave is rendered necessary by reason of any illness constituting a grave threat to the life of such person or of a parent, wife, husband or child of such person.

(2) The Government ordering the release on leave under sub-rule (1) shall forthwith report the full facts and circumstances of the case, while forwarding the application to the Government of the Union territory of Puducherry and the Government of Puducherry on consideration of the report and petition, may make such order as it deems fit.

850. *Power to exempt.*— The Government may exempt any person from all or any of the provisions of the rules in this Chapter.

### CHAPTER-30

#### PREMATURE RELEASE

851. *Objective.*— The primary objective underlying premature release is reformation of offenders and their rehabilitation and integration into the society, while at the same time ensuring the protection of society from criminal activities. These two aspects are closely interlinked. Incidental to the same is the conduct, behaviour and performance of prisoners while in prison. These have a bearing on their rehabilitative potential and the possibility of their being released by virtue of remission earned by them or by an order granting them premature release. The most important consideration for premature release of prisoners is that they have become harmless and useful member of a civilized society.

Premature release of prisoners can be of following four types -

- (i) By way of commutation of sentence of life convict and other convict under Section 433 of the Code of Criminal Procedure, 1973 by the appropriate Government.

- (ii) By way of remitting term sentence of a prisoner under Section 432 of the Code of Criminal Procedure, 1973 by the appropriate Government.
- (iii) By order of the President of India by exercising power under Article 72 of the Constitution of India.

Premature release under any special law enacted by the Government providing for release on probation of good conduct prisoners after they have served a part of the sentence.

No guidelines need to be prescribed here for premature release of convicts falling under sub clause 2 (ii) to 2 (iv) above because the relevant provisions of the Code of Criminal Procedure, 1973, the Constitution of India and the special legislation of the Government are to be followed. For premature release of convicts falling under sub clause 2 (i) above, guidelines or policy for premature release of life convicts as prescribed in this chapter may be followed.

852. *Composition of the Sentence Review Board.*— There shall be Sentence Review Board to recommend premature release of life convicts in appropriate cases *vide* G.O. Ms. No. 44, dated 02-08-2007 of Office of the Home Department, Puducherry. This shall be a permanent body having the following members:

- |   |        |                   |
|---|--------|-------------------|
| 1. Minister in-charge of Prison                     | —————▶ | Chairman          |
| 2. Chief Secretary to Government                    | —————▶ | Member            |
| 3. Director-General of Police                       | —————▶ | Member            |
| 4. Secretary to Government (Law)                    | —————▶ | Member            |
| 5. Principal District and Session Judge, Puducherry | —————▶ | Member            |
| 6. Chief Probation Officer                          | —————▶ | Member            |
| 7. Inspector-General of Prisons                     | —————▶ | Member-Secretary. |

853. *Presiding Officer in the absence of the Chairman.*— In the absence of the Minister of the Prison, the Chief Secretary shall preside over the meeting.

854. *Quorum.*— The cases put forward to the Sentence Review Board shall be considered even when one or more members of the Committee are not able to attend the meeting or when there is a vacancy on the Committee. The quorum shall comprise of 4 members and the Sentence Review Board shall not take any decisions when the quorum is not complete.

855. *Periodicity of the Sentence Review Board Meetings.*— (1) The Sentence Review Board shall meet at least once in three months at the Headquarter on a date to be notified to its members at least 10 days in advance by the Member Secretary. The notice of such a meeting shall be accompanied by complete agenda papers.

(2) However, the Chairman of the Sentence Review Board can convene a meeting of the Committee more frequently, even at short notices, if, necessary.

856. *Nominees of official members in their absence.*— In the absence of any of the official members, their nominees will be the member of the Board.

857. *Eligibility for Premature Release.*— The following categories of life convict prisoners shall be eligible to be considered for premature release by the Sentence Review Board:

(i) *Women offenders sentenced to life imprisonment:* on completion of eight years of imprisonment, including remission, except those covered under Section 433-A of the Code of Criminal Procedure, 1973, whose cases will be considered only after completing 14 years of actual imprisonment.

(ii) Life convicts (men and young offenders) on completion of 10 years of imprisonment, including remission, except those covered under Section 433-A of the Code of Criminal Procedure, 1973, whose cases will be considered after completing 14 years of actual imprisonment.

(iii) Prisoners convicted of offences such as rape, dacoity, terrorist crimes, kidnapping, kidnapping for ransom, crime against women and children, smuggling (including those convicted under NDPS Act), Prevention of Corruption Act, Immoral Traffic Prevention Act, offences against State, and undergoing life imprisonment, after completion of 14 years of sentence inclusive of remission.

(iv) Old and infirm offenders of 65 years of age on the day of the commission of offence, sentenced to life imprisonment on completion of 10 years of sentence or 75 years of age including remission, whichever is earlier subject to the condition that they shall not be actually released unless they have undergone at least five years of imprisonment including remission.

858. *Non-Eligibility.*— The following categories of life convict prisoners shall not be eligible to be considered for premature release by the Sentence Review Board:

(i) A life convict prisoner shall not be eligible for premature release when the sentence of imprisonment for life to mean the remainder of natural life.

(ii) When the sentence of imprisonment is not life imprisonment and more than 14 years for a specified number of years by of judicial procurement or commutation.

859. *Procedure.*— For every life convict eligible for eventual consideration by the Sentence Review Board under the rules

(i) Every Superintendent in charge of a prison shall initiate the case of a prisoner at least three months in advance of his/her becoming eligible for consideration for premature release as per the criteria laid down by the Government in the guidelines to be notified separately for eligibility of premature release of life convicts.

(ii) The Superintendent of Jail shall prepare a comprehensive note for each prisoner, giving his family and societal background as per the record of the case, the offence for which he was convicted and sentenced, and the circumstances under which the offence was committed. The Superintendent shall also reflect fully on the conduct and behaviour of the prisoner in the prison during the period of his incarceration, and during his/her release on probation/leave, change in his/her behavioural pattern, and prison offences, if any, committed by him/her and punishment awarded to him for such offences. A report shall also be made about his physical and mental health or any serious ailment with which the prisoner is suffering, entitling him for premature release as a special case. The note shall also contain recommendation of the Superintendent, *i.e.*, whether he favors the premature release of the prisoner or not. In either case such recommendation shall be supported by adequate reasons.

860. *Cases of ex-military prisoners.*— Subject to the rules laid down in the prison rules, the prisoners convicted by Court-Martial shall be placed before the Board for consideration.

861. *Duties of the Superintendent of Jail.*— (1) On admission into a prison of a prisoner eligible for eventual consideration by the Board under the rules, the Superintendent of Jail shall write to the convicting Court for copies of the judgment of the original Court as well as the appellate Courts. He shall also write to the District Magistrate of the District in which the prisoner's home is situated or in which the prisoner usually resides, for information regarding his/her antecedents.

(2) He shall initiate the case of a prisoner at least three months in advance of his/her becoming eligible for consideration for premature release as per the criteria laid down by the Government.

(3) The Superintendent of Jail shall prepare a comprehensive note for each prisoner, giving his/her family and societal background, the offence for which he/she was convicted and sentenced, and the circumstances under which the offence was committed. The Superintendent of Jails shall also reflect fully on the conduct and behavior of the prisoner in the prison during the period of his/her incarceration, and during his/her release on probation/leave, change in his/her behavioral pattern, and prison offences, if any, committed by him/her and punishment awarded to him/her for such offences. A report shall also be made about his/her physical and mental health or any serious ailment with which the prisoner is suffering, entitling him/her for premature release as a special case. The note shall also contain recommendation of the Superintendent of Jail, *i.e.*, whether he favors the premature release of the prisoner or not. In either case, such recommendation shall be supported by adequate reasons.

(4) **Police report:**- The Superintendent of Police shall see that Police Officers not lower in rank than Sub-Inspector of Police enquire into and report on the advisability of premature release of the prisoner. The Superintendent of Police shall scrutinize the reports and give his considered opinion and forward it to the Superintendent of Jail within one month.

(5) The Superintendent of Jail shall also make a reference to the Probation Officer in-charge of the District by giving particulars like native place of the prisoner, the names and addresses of the relatives

of the prisoner and the place where the prisoner proposes to settle on his release. The Probation Officer shall enquire into the life of the prisoner outside the Jail and submit a report to the Superintendent of Jail within one month.

(6) On receipt of the Police report from the Superintendent of Police and Probation Officer report, the Superintendent of Jail shall forward the report along with a judgment copy of the case of the prisoner concerned to the Chief Judicial Magistrate. After scrutinizing these records, the Chief Judicial Magistrate shall forward the police report and judgment copy and his report to the Superintendent of Jail giving his considered opinion on the advisability of premature release of the prisoner within one month.

(7) The Superintendent of Jail shall submit the abovesaid report for consideration of the advisory board to the Inspector-General of Prisons through Chief Superintendent of Jails.

862. *Examination of the case by the Inspector-General of Prisons (Member-Secretary).*— On receipt of the report of the Chief Judicial Magistrate, Superintendent of Police and the Probation Officer, the Inspector-General of Prisons at least 15 days in advance to the Chairman of the Board, shall examine the case, bearing in mind the report/recommendations of the Chief Judicial Magistrate, Superintendent of Police and the Probation Officer, and make his/her recommendations regarding the premature release of a prisoner or otherwise. While doing so he/she shall keep in view the general or special guidelines laid down by the government for the Sentence Review Board. The various norms laid down and guidelines given by the Supreme Court of India and various High Courts in the matter of premature release of prisoners shall also be given due consideration.

#### OTHER CASES OF PREMATURE RELEASE

863. *Prisoners in danger of death with no hope of recovery.*— (1) Where a convicted prisoner is suffering from illness, other than an acute infectious disease, that there is no hope of recovery within or outside the prison and it is considered desirable to allow him the comfort of dying out of prison, the Medical Board shall send a Certificate together with a detailed report of the case to the Superintendent.

(2) On receipt of the certificate, the Superintendent shall immediately forward the papers to the Inspector-General together with a nominal roll of the prisoner showing the amount of remission earned, if any and any remarks relevant to the case, which the Superintendent may desire to, add. A certificate to the effect that the convict will, if released, be suitably cared for by his friends or relatives shall accompany the documents.

(3) If, the un-expired period of sentence of a prisoner-

(a) does not exceed six months, the Inspector-General may direct his/her immediate release, after making personal inquiries into the case and consulting the District Magistrate of that District;

(b) exceeds six months; the Inspector-General shall, after consulting the concerned District Magistrate, immediately report the facts of the case with his recommendations, to the Government for orders.

(4) Great care shall be exercised in recommending release of prisoners under this rule and the report to the Government shall contain full particulars showing that on humanitarian grounds the balance of advantage lies in allowing the prisoner to die at home. In such cases, the nature of medical relief which the prisoner is likely to be able to command at his home is an important consideration which should not be overlooked.

(5) All release under this rule shall be counted as death in the statistical records of the Prison.

(6) All references under this rule shall be treated specially urgent at all stages by the officers concerned.

(7) This rule shall not apply to a prisoner who goes on a hunger strike. A prisoner on hunger strike shall in no circumstances be released.

864. *Cases of recovered mentally ill prisoners.*— The cases of recovered mentally ill prisoners from Puducherry transferred to mentally ill hospital shall be dealt with by the Review Board like that of any other long-term non- habitual prisoners, provided that they are quite sane and will not be a danger either to themselves or to the community, if released.



865. *Referring the case of prisoner who is undergoing imprisonment in default of furnishing of security if, he is seriously ill.*— If, a prisoner detained solely under a sentence of Imprisonment in default of furnishing security to maintain peace or for good behaviour, is so seriously ill that he/she is likely to die, whatever be the term of his unexpired sentence, the Superintendent shall refer the case to the District Magistrate of the District, in case the order is passed by an Executive Magistrate or to the Court of Sessions, in case the order has been passed by a Judicial Magistrate, for necessary orders of release under Section 123 of the Code of Criminal Procedure, 1973.

866. *Conditions of release on grounds of health.*— In the absence of any instructions to the contrary, every release from prison on the medical grounds shall be subject to the condition that the prisoner agrees and subscribes to the conditions set forth in the form prescribed for the purpose before the Superintendent of Jail. The form shall be printed in English and in the language of the region to which the prisoner belongs to. The prisoner shall sign copies of the form both in English and in the language of his region and the copy signed in the latter language shall be delivered to him on his release, the copy in English being retained in the prison.

867. *Reporting the cases of release.*— Every case of release under these rules shall immediately be reported to the Inspector-General, who shall report to the Government all such releases that have been made without the special sanction of the Government. A descriptive roll of the prisoner released shall also be submitted in duplicate along with such report.

868. *Transfer of a sick or dying prisoner whose release has been sanctioned.*— (1) If, the sick or dying prisoner, whose release has been sanctioned under above rules, express their inability to meet the expenses of a journey to the prison, the prisoner may be transferred, if fit to travel, in anticipation of sanction of the Inspector-General, to the prison of the District where he/she shall stay, provided that no prisoner shall be so transferred to any District beyond the jurisdiction of the State without the special sanction of the Government.

(2) In the event of such a prisoner dying before he/she can be released, the death shall be recorded in the records of the prison from which he/she was transferred.

## PROCEDURE AND GUIDELINES FOR THE REVIEW BOARD

869. *Convening the meeting of the Board.*— The Inspector-General of Prisons shall convene a meeting of the Sentence Review Board on a fixed date and time at the Headquarters. Notice of such meeting shall be given to the Chairman and Members of the Board at least ten days in advance and such notice shall be accompanied by complete agenda papers consisting of:-

- (i) Copies of judgments;
- (ii) Report of the Chief Judicial Magistrate;
- (iii) Note of the Superintendent of Jail;
- (iv) Report of the Superintendent of Police;
- (v) Report of the Probation Officer;
- (vi) Recommendations of the Inspector-General of Prison;
- (vii) Report of the Medical Officer of the Prison about the mental and health condition of the offender for premature release;
- (viii) Copies of other necessary documents, History sheet, Work sheet, Summary receipt, Nominal roll of Convict, Parole leave detail and if any.

870. *Guidelines for the Sentence Review Board.*— (1) The Member-Secretary shall convene a meeting of the Sentence Review Board on a fixed date and time at the Headquarters. Notice of such meeting shall be given to the Chairman and Members of the Board at least ten days in advance and such notice shall be accompanied by complete agenda papers, *i.e.*, the note of the Superintendent of Jail along with copies of other necessary documents, if any.

(2) The meeting shall ordinarily be chaired by the Chairman and if, for some reasons, he/she is unable to be present, it shall be chaired by the Judicial Secretary-*cum*-Legal Remembrance. The Member-Secretary shall present the case of each prisoner under consideration before the Sentence Review Board. The Sentence Review Board shall consider each case and give its views. As far as practicable, the Sentence Review Board shall make unanimous recommendations. However, in case of dissent, the majority view shall prevail and will be deemed to be the decision of the Sentence Review Board. If, equal numbers of members are of opposing views, the decision of the Chairman will be final.

(3) While considering the case of premature release of a particular prisoner the Sentence Review Board shall keep in view the guidelines issued by the Union Territory Administration in this regard. The paramount consideration before the Sentence Review Board being the welfare of the prisoner and the society at large. The Sentence Review Board shall take into account the circumstances in which the offence was committed by the prisoner and whether he/she has the propensity to commit similar or other offences again.

(4) Rejection of the case of a prisoner for premature release on one or more occasions by the Sentence Review Board will not be a bar for its reconsideration. However, the reconsideration of the case of a convict, rejected once, shall be done only after a period of six months or as specified by the Sentence Review Board, but, not more than one year from the date of its last consideration. A fresh report from the Superintendent will be necessary for such reconsideration. It is prescribed that rejection of the case of a prisoner of premature release should be based on sound reasons conforming to the guidelines issued by the Government in this regard. The prisoner so affected shall be intimated about the rejection of the case by the Sentence Review Board, in writing by the Superintendent of Jail.

(5) The recommendation of the Sentence Review Board shall be placed before the Union Territory Administration without any delay for consideration. The Chief Minister or Executive Head of the Union Territory may either accept the recommendations of the Sentence Review Board or reject the same on the grounds to be stated or may ask the Sentence Review Board to reconsider a particular case. The decision of the Union Territory Administration shall be communicated to the concerned prisoner and in case the Chief Minister or Executive Head of the Union Territory has ordered for his premature release, the prisoner shall be released forthwith, with or without conditions, as prescribed in the guidelines issued by the Government in this regard.

871. *Placing the recommendation of the Board before the Competent Authority.*— The recommendation of the Sentence Review Board shall be submitted to the Government without any delay for consideration. The Government may either accept the recommendations of the Sentence Review Board or reject the same on the grounds to be stated or may ask the Sentence Review Board to reconsider a particular case. The decision of the Government shall be communicated to the concerned

prisoner and in case the competent authority has ordered to grant remission, and order his premature release, the prisoner shall be released forthwith, with or without conditions.

872. *Release.*— Subject to the condition laid down by the Government in the release order, the prisoner shall be released according to rules, and the release intimated to the Government.

873. *Bond to be executed by the prisoners granted conditional release.*— All prisoners granted conditional release shall be released from the jail subject to the conditions that the prisoners agree and subscribe to the conditions set forth in the bond prescribed for the purpose.

The Bond shall be printed both in English and in the language of region to which the prisoner belongs. The prisoner shall execute the bond both in English and in his own language. The copy of the bond executed in the mother tongue on the prisoner shall be delivered to the prisoner on his release. One copy of the bond in English shall be forwarded to the Supervising Officer or agency under whose supervision the prisoner is placed during his period of release and one copy retained in the Jail.

874. *Supervision of prisoners granted conditional release.*—  
(1) Prisoners granted conditional release are subject to supervision as laid down hereunder -

- (a) **Period of Supervision:-** Prisoner granted conditional release shall be under supervision for such period or whole period of the unexpired period of sentence as may be directed by the Government.
- (b) **Authority of Supervision:-** Prisoners granted conditional release shall be under the supervision of the Probation Officer or an agent of after care association having jurisdiction over the place where the prisoner has taken his abode.

(2) The Executive Magistrate having jurisdiction over the place where the prisoner has taken abode should himself undertake the work of supervision over the prisoner. He may make use of the service of the private persons and different officers other than those belonging to the Police Department such as officers of the Block Development and Officers of the Co-operative Department.

875. *Nomination of Supervising Officer.*— The Superintendent of Jail shall nominate the Supervising Officer in consultation with the District Magistrate (Independent) of the District in which the prisoner is likely to settle after his release, on the arrangement which may be practicable for the supervision of the prisoner.

876. *Duties of the Supervising Officer.*— Such of those officers entrusted with the duty of the supervision of the prisoner shall be in constant touch with the prisoner and observe their behaviour. It is the duty of the Supervising Officer or agency to see that the conditions of release are not broken by the prisoner and give the prisoner any protection, assistance or advice he may need.

877. *Action on violation of Conditions.*— (1) It shall be the duty of the Supervising Officer to bring the notice of the Chairman or to the Executive Magistrate, if the prisoner is relapsing into crime or in the event of his failure to observe any of the conditions under which he was released.

(2) On the receipt of any adverse report from the Supervising officer and if the Chairman, is satisfied that there are serious breach of any of the conditions under which prisoner was released and the prisoner remaining outside will in noway be useful for his rehabilitation, he shall refer the matter to the IG Prisons, who in turn, through the Judicial Authority concerned, take steps to arrest bring him back to the prison to undergo the unexpired period of his sentence.

(3) No appeal shall lie on any orders passed for breach or violation of conditions.

878. *Monitoring of Cases.*— A computerized record of all the prisoners serving sentence in the prisons, for a follow up of their cases, shall be maintained in every prison as well as at the Prisons Headquarters and at the Home or Prison Department of the Government. The monitoring system should be based on the following guidelines:-

(i) There should be a single file system for the case of every prisoner. Such files shall be maintained at the prison institution;

(ii) This file will have a complete record of information regarding the consideration of a prisoner's premature release on any grounds on previous occasions and the date of reconsideration of the case;

(iii) Only one ground for a prisoner's premature release shall be considered at a time;

(iv) Full record of information regarding the stage of each prisoner's premature release shall be kept in a register prescribed for the purpose as well as in computers;

(v) Monitoring of all cases shall be done every month at the prison level, every three months at Prisons Headquarter level and every six months at the government level.

879. *Record Relating to Review of Sentences and Premature Release.*— (1) Immediately on admission of a convict eligible for being considered for premature release, a copy of the judgment in his/her case shall be obtained from the Court and a file shall be opened. This file should contain:

(i) Copies of the judgments of the original Court and the Appellate Court;

(ii) A data sheet containing information, *viz.*, name of the convict, his/her number, age at the time of the sentence, previous occupation, offences, sentences, date of sentence, sentencing Court, sentence undergone, unexpired sentence and remission earned;

(iii) Report of the Superintendent of Jail giving particulars about the educational progress, performance at work and vocational training, interest in recreational and cultural activities, discipline, group adjustability, conduct, attitude towards society and family members, conduct during release on leave, need for an after-care programme, and the manner in which the convict proposes to resettle after his/her premature release;

(iv) Medical report about the physical and mental condition of the offender, serious illness, if any, suffered by him/her, and his/her fitness for premature release;

(v) Opinion of the Chief Judicial Magistrate and Superintendent of Police of District of residence or of the place of committing the crime, about the suitability of the offender for premature release;

- (vi) Report from the Probation Officer or any other agency, about the after-care programme for the convict;
  - (vii) Recommendation of the Institutional Classification Committee;
  - (viii) Recommendation of the Review Board;
  - (ix) Order of the Government;
  - (x) Bond furnished by the prisoner;
  - (xi) Conditions of release duly signed by the prisoner.
- (2) Premature release of convicts other than life convicts -
- (i) Under Section 432 of the Cr.P.C., the Government may remit the sentence of any convict other than the life convict on case to case basis on the request of the convict. The procedure prescribed under Section 432 Cr.P.C. shall be adhered to while remitting such sentence.
  - (ii) Under Section 433 of the Cr.P.C., the Government may commute the sentence of any convict as prescribed subject to the provisions of the Section 433A of the Code of Criminal Procedure on case to case basis on the request of the convict or without the consent of the person.
- (3) *Premature release of Convicts convicted in the State/Union Territories other than where they are confined:-* The case of premature release of convicts convicted in the State/Union Territories other than where they are confined shall be undertaken by the Sentence Review Board of the State/ Union Territory where the convict was convicted but, the case shall be prepared and forwarded by the Superintendent of the Prison where the convict is confined at the relevant time through the Head of the Prison Department.
- (4) The cases of convicts falling under the provisions of Section 435 Cr.P.C. shall be processed by the Government concerned after consultation with the Central Government

**CHAPTER-31****RELEASE**

880. *Superintendent to arrange for a pre-release programme.*— The Superintendent shall arrange for a pre-release programme which is meant for:-

- (i) reorienting the inmate about his responsibilities and social obligations;
- (ii) re-affirming the need for self-respect;
- (iii) setting in an attitudinal preparation for smooth return and readjustment to the inmate's family and community life;
- (iv) preparing the inmate for his conditional release and for his post-release adjustment.

881. *Pre-release preparation.*— The pre-release programme shall preferably be conducted on every Sunday or frequently as may be possible for a period of one month, by assembling all the prisoners due for release the next month and lecturing to them on common subjects which are indicated below:-

- (a) Health and mental hygiene;
- (b) Family planning;
- (c) Conditions and requirements of living in the society; likely problems and realities which the inmate may have to face after release and how to face them;
- (d) The economic problem, job opportunities;
- (e) Suitably advising them to get admitted in the After Care Homes for Males;
- (f) Budgeting and balancing family income;
- (g) Proper use of leisure, utilization of facilities and resources available in the society, *e.g.* libraries, night schools, vocational guidance centres and vocational training institutions;
- (h) Dangers of drinking, gambling, bad companionship, venereal diseases and the like;



(i) Informal discussions aiming at group guidance; individual counseling and guidance. Either the Superintendent or any other prison official shall conduct the programme. The Chief Probation Officer shall have his turn on a day in consultation with the Superintendent.

882. *Date of release.*— The date of release of all convicts shall be arrived at by following the rules under Chapter-18 (Execution of Sentences) and by deducting the remission earned by the prisoners according to remission rules. The date of release of the convicts shall be recorded in the release register and diary of convicts released.

883. *Names of convicts due for release to be read out at parade.*— The names of convicts due for release during any month, as recorded in the Register, shall be read out by the Deputy Superintendent at a general parade to be held on the last day of the preceding month, and any complaint of omission shall be at once inquired into by the Deputy Superintendent and, if necessary, brought to the notice of the Superintendent.

884. *When the date of release falls on a prison holiday.*— Should the date on which a convict is entitled to release fall on any of the prison holidays, he shall be liberated on the preceding day, an entry to that effect being made in the Convict Register and on the warrant.

Provided that this rule shall not apply to prisoners sentenced to two days' imprisonment either substantively or in default of payment of a fine.

885. *Completion and verification of accounts relating to prisoners.*— The Deputy Superintendent shall see that all accounts such as prisoners' private cash property, gratuity and wages relating to the prisoners are properly verified and completed by the respective officers on the day previous to the release of the prisoner.

886. *Prisoners suffering from acute or dangerous diseases.*— (1) No prisoner who is certified by the Medical Officers as unfit for travel shall be released from the prison against his will on the expiry of sentence, but, shall be detained in prison hospital until the Medical Officer considers that he can be safely released. Such events shall be recorded in the Superintendent's order book.

(2) A prisoner discharged from prison, if, suffering from any contagious or dangerous disease, shall ordinarily be removed to the nearest hospital until he is in a fit state to be sent home. In case removal

would endanger his life, the prisoner may, but, only with his own consent, be detained in the prison hospital. Such events shall be recorded in the Superintendent's order book.

887. *Procedure prior to releasing convicts.*— (1) On the day of release, the convict's state of health and weight shall be recorded by the Medical officer in the Convict Register and the convict's personal marks of identification shall be duly verified by the Deputy Superintendent. The convict shall then be produced before the Superintendent together with his warrant, Convict Register, History ticket, Register of Prisoners to be released, diary of convicts released and the amounts paid to him and his private clothing and other private property, if any.

(2) The Superintendent shall compare the entries in the warrant with those in the registers, and shall satisfy himself that they agree and that the sentence passed on the prisoner has been duly executed. He shall then sign the endorsement for release on the warrant, certifying to the execution of the sentence and the date of release and shall affix his initials together with the date in the proper column of the Convict Register.

(3) The procedure laid down shall then be carried out and the gratuity, subsistence allowance, *etc.*, to which the prisoner is entitled shall be paid to the prisoner in the presence of the Superintendent.

(4) All government properties such as clothing, bedding and other equipments issued to the prisoner such as clothing, bedding and other equipments issued to the prisoner shall be withdrawn after verification.

(5) A prisoner who is due for release but, has another case pending against him for which he is not on bail, shall be treated as released as a convict, but, detained as an undertrial prisoner if, a remand warrant for the second case has been received from the Court. If, the prisoner is on bail for the second case, he shall be informed before release, of the date on which he has to appear before Court and a written undertaking to this effect shall be taken from him.

(6) When the prisoner is released on leave, emergency or conditional release, the conditions of release and his obligations to abide by the conditions laid down shall be fully explained to him.

888. *Facilities to be extended to prisoners released.*— Every prisoner shall before his release be:-

- (a) given a full meal,
- (b) issued one set of suitable clothing if, he has no private clothing,
- (c) provided with railway/motor/steamer travel warrant to enable him to reach either his home or the place where he was arrested,
- (d) provided with subsistence money at rates prescribed by the Government.

889. *Issue of release certificate.*— Each released prisoner shall be given a certificate of release showing details such as date and time of release from prison, if, it is required by the prisoner.

890. *Treatment of e-mail orders of release.*— No action shall be taken on an e-mail directing the release of a prisoner, unless it has been sent by the Chief Secretary to Government or the Registrar of the High Court. If, doubt is felt as to genuineness of a message, a cyber crime enquiry shall be made.

891. *Treatment on order of High Court.*— When an order of release is received direct from the High Court by the Superintendent or Officer in-charge of the prison, the prisoner or prisoners concerned shall be released immediately without waiting for the receipt of the formal warrant of release from the lower Court. The same procedure shall be followed in cases where sentences are reduced or modified by the High Court and where, as a result of such reduction or modification, a prisoner is due for immediate release.

892. *Release of prisoners in danger of death.*— On receipt of the orders of competent authority directing the release of a prisoner, the prisoner shall be placed before the Medical Officer for examination before effecting the actual release and the Medical Officer shall certify that the prisoner's state of health continues to be the same as it was when his case was originally recommended to competent authority, justifying his release. If, the Medical Officer considers that the condition of the prisoner, on the day of receipt of the order of release, does not justify his release as originally recommended, he shall issue a certificate to that effect to the Superintendent of the Prison who shall not release the prisoner but, forward the certificate to the Inspector-General of Prisons for submission to Government.

893. *Time and method of release.*— Every convict to whom prison clothing has been issued shall be required to wash it clean on the morning of his release and every prisoner shall be given the usual food before release. Ordinarily, prisoners shall be released as soon as possible after the mid-day meal or earlier if, the train or bus to their home starts earlier. All prisoners shall be released at the prison gates. No prisoner shall be released after the lock-up of the prison.

894. *Compliance with orders for release of prisoners.*— If, an order for the release of a prisoner otherwise than on medical grounds is received before 6.00 p.m. or on any of the prison holidays, it shall be acted upon forthwith. If, such an order is received after 6.00 p.m. on any day, whether it is a prison holiday or not, it shall be acted upon on that day itself, if, possible and in any event on the morning of the next day.

895. *Release of a prisoner in Superintendent's absence.*— If, an order for the unconditional release of a prisoner is received at the prison before 6.00 p.m. and in the absence of the Superintendent, the prisoner shall be released by the Deputy Superintendent or other senior prison officer present who shall strictly carry out the procedure laid down in rule, but, shall not sign the endorsement on the warrant which, together with the convict register or register of undertrial prisoners, as the case may be, shall be put up before the Superintendent for signature later on.

896. *Grant of travelling expenses.*— (1) All prisoners shall be supplied with a railway warrant or bus warrant or with railway ticket or bus ticket or paid a reasonable fare for any mode of conveyance to the station

- (a) nearest to his home or
- (b) to the place where he was convicted or
- (c) to the station nearest the place at which the prisoner is to be employed after release as the Superintendent may decide, according to the class of accommodation they are eligible under the following rules.

(2) **“A” class prisoner:-** Train warrant or ticket of second class or bus warrant or ticket or fare of express bus.

(3) **“B” class prisoner:-** Train warrant or ticket of second class or bus warrant or ticket or fare of ordinary bus.

(4) When a journey has to be made by boat or steamer, the prisoner shall be provided with passage money to the halting place nearest his destination at the lowest rate.

(5) If "A" class prisoners and "B" class prisoners desire to travel by higher class of accommodation other than that they are entitled, they shall be allowed to do so provided they themselves pay all additional expenses.

(6) Indian military prisoners who are not enlisted out of India shall be issued railway warrant or ticket or bus warrant or ticket or conveyance charges to the place at which they were convicted, if, their regiment is for the time being quartered there, unless such place happens to be their home, according to their class.

897. *Prisoners unable to walk.*— Sick prisoners on release if, unable to travel on foot, shall be provided with conveyance charges as may be necessary. In such cases, their families shall be informed of the date of release and about their sickness and asked to receive the prisoner on release at the prison gates.

898. *Grant of subsistence allowance.*— Every prisoner who has to proceed a distance of more than 8 kms. or more than three hours journey by rail or other mode of conveyance shall be paid subsistence allowance at the rates fixed by Government from time to time.

899. *Grant of travelling expenses to undertrial prisoners.*— Ordinary undertrial prisoners and special class undertrial prisoners if, unable to meet their own travelling expenses, may be given travelling expenses as provided for ordinary prisoners in the case of ordinary undertrial prisoners and as provided for special class prisoners in the case of Special class undertrials.

900. *Release of prisoners convicted under security proceedings in danger of death.*— If, a prisoner detained solely under a sentence of imprisonment in default of furnishing security to keep the peace or of good behaviour is so seriously ill as to be likely to die whatever the term of his unexpired sentence, the Superintendent shall refer the case immediately to the Chief Judicial Magistrate, as the case may be, of the district in which the prisoner was ordered to give security, who should exercise the discretion allowed to him under section 123 of the Code of Criminal Procedure, 1973 to release the prisoner.

901. *Return of warrant to Court.*— On the release of a convict, the warrant under which he was confined shall, within 36 hours, be returned to the Court from which it was issued with the certificate to the effect that the manner in which the sentence has been executed or the reasons such as remission, pardon, reversal of the sentence (with the number and date of any orders of Government or any Court authorizing the same), why the convict has been discharged from custody before his sentence had fully expired. The date of the return of the warrant shall be recorded in the Convict Register. The endorsement shall be in the following form namely:-

“I hereby certify that the sentence passed on the prisoner named in this warrant has been executed according to law and that he has this day been released from custody on appeal or expiry of sentence or bail, he having earned ..... days of remission, dated .....  
Deputy Superintendent/Superintendent of Jail

*Explanation:-* (1) Warrants of commitment of prisoners sentenced by

- (i) General Court-Martial
- (ii) Summary General Courts-Martial or
- (iii) District Courts-Martial, should be sent to the Judge, Advocate-General in India and those of prisoners sentenced by
- (iv) Summary Courts Martial to the Officer Commanding the Unit in which the Court was held after the sentences have been executed. The discharge certificate of these prisoners shall be delivered to them at the time of their release.

(2) In case of release on bail, reversal or modification of the sentence, the warrant of commitment shall be returned to the original Court through the Appellate Court except in case of orders issued by the High Court.

902. *Return of warrant of prisoners undergoing more than one sentence.*— When a convict has to undergo two or more sentences under different warrants, each warrant shall, except where an order under section 356 of the Code of Criminal Procedure, 1973 has been made against the convict, be returned to the Court immediately on expiry of a

sentence to whom it relates. The warrant of commitment on which an order under section 356 of the Code of Criminal Procedure, 1973 is entered shall not be returned to the committing Court until such time as the prisoner has undergone all the sentences under different warrants and has been served with the copy of the order of the Court for notification of his residence and any change of or absence from, such residence under section 356 of the Code of Criminal Procedure, 1973.

903. *Return of warrant of a prisoner who dies.*— The warrant of a prisoner who dies in prison shall be returned to the Court within 36 hours of his death with an endorsement certifying to the date and cause of death.

904. *Return of warrant of commitment for trial.*— Warrants of commitment for trial shall, as soon as the trial is over, be returned to the committing Court with an endorsement signed by the Superintendent, in one of the following forms, as may be applicable, namely:-

(i) Prisoner was acquitted and discharged by the Court this day;  
or

(ii) Prisoner was convicted this day and is now in my custody under a warrant of the ..... Court sentencing him to .....; or

(iii) Prisoner died in prison this day on the .....  
(state cause of death)

905. *Conditional release for treatment outside the prison.*—  
(1) If, in the opinion of the Medical Officer, a convicted prisoner required special treatment in a hospital outside the prison or in a psychiatric nursing home as defined in the Mental Health Act, 1987 (Central Act No. 14 of 1987), which is likely to lead to his recovery or materially to prolong his life, he shall certify to the necessity of transferring the prisoner to such hospital or psychiatric nursing home, record a full statement of the case and forward the same to the Superintendent who, after getting order from the Inspector-General, shall send the prisoner to such hospital or psychiatric nursing home subject to the prisoner or any relative or friend of the prisoner executing a bond in the form prescribed for the purpose.

(2) This form shall be in English and in the language of the region. The prisoner or his relative or friend as the case may be, shall sign two copies of which one shall be retained in the prison and the other delivered to the person concerned for production before the Officer in charge of the hospital or psychiatric nursing home where the prisoner is to undergo treatment and again on the discharge of the prisoner from the hospital or psychiatric nursing home before the Superintendent of the prison in which he was originally confined. Before removing the prisoner, the Superintendent of the prison shall inform the Superintendent of hospital or asylum of the removal and relatives or friends of the prisoner and then shall make necessary arrangements to send him to the hospital or psychiatric nursing home for treatment. The prisoner shall be provided if, necessary with railway warrants for his journey, to and fro subsistence allowance and bus fare. The railway warrant, subsistence or any other allowance for the return journey may be sent to the Officer in charge of the civil hospital or psychiatric nursing home to be delivered to the prisoner on discharge. At the time of removal from the prison, the prisoner shall be provided with private clothing which will be withdrawn on his re-admission. If, the Medical Officer considers the case so serious as to require an attendant, the Superintendent shall provide a proper attendant, women prisoners shall be provided with women attendant.

(3) In the case of prisoners of a dangerous type who are sent to outside hospitals or psychiatric nursing home for special treatment, a regular police guard shall be arranged. Such a prisoner shall be sent to such hospitals or psychiatric nursing home only after ascertaining from the authority concerned that separate accommodation is available. In an emergent case, necessitating the immediate removal of a sick prisoner to a outside hospital or psychiatric nursing home in which a delay in sending the prisoner to such an institution is in the opinion of the Medical Officer of the prison, likely to prove fatal, the prisoner shall be sent without delay to the hospital or psychiatric nursing home and the authority concerned shall make the best possible arrangements irrespective of the fact that separate accommodation is or is not available in the hospital or psychiatric nursing home.

906. *Intimation to Police of impending release.*— Not later than the 25th of each month, the Superintendent shall send to the Superintendent of Police of the District in which the prison is situated a list of -



(i) Prisoners convicted for offences covered under chapters XII to XVII of the Indian Penal Code, 1860.

(ii) Prisoners who have to notify residence under section 356 of Code of Criminal Procedure, 1973.

(iii) Those imprisoned under the bad livelihood sections, who will be released during the following month, and a similar list shall also be sent to the Superintendent of Police of any other District in which the prisoners homes may be situated or in which they may have been convicted. When necessary, a supplemental list containing the names of prisoners admitted after the 25th of each month and who will be released during the following month shall be sent to the Superintendent of Police. The name of the probable railway station of destination shall be given against the name of each convict who is expected to travel by train.

907. *Report to police of convict's death.*— At the end of each month, the Superintendent shall forward to the Superintendent of Police, a list of all convicts who died in the prison during the month. If, a deceased convict belongs to any other District/State, his roll shall be sent to the Superintendent of Police of the District to which the prisoner belongs.

## CHAPTER-32

### PRISON DISCIPLINE

908. *Principles.*— (1) Prison discipline is the prime mover of a dynamic and interactive human mechanism called the correctional process, which an offender undergoes to get reformed into a law-abiding and dignified citizen, who can become self-reliant after his/ her release and deserve a rightful place in the mainstream of the society. Prison is to be as reformative center.

(2) An offender, after release, always faces cold treatment and rejection from the society at large. On account of such rejection and dislike, the gap between an offender and the society becomes wider. This sends the offender back into the world of crime, and from there again to custody, making a vicious circle. This is how crime recurs. Correctional work aims to bridge the gulf between the offender and the mainstream society.

(3) Prison discipline should not be retributive but reformative; not repressive but curative; and should be carried on with a view to foster the basic values and virtues of life and humanity.

(4) Prison discipline is the collective responsibility of all the prison personnel who are actually supposed to usher in reformation to the offender.

(5) Prison discipline shall also ensure impeccable security in the prison so that the safe custody and well being of the prisoners is not in jeopardy.

(6) Prison discipline shall also envisage a tidy ambience in the premises, which is conducive to creative work in the field of culture, literacy and vocational training.

(7) Prison discipline shall be supported and given a human face by:-

- (i) Sympathetic and patient understanding of the predicaments of the inmates, with follow-up guidance and counselling, which will act as an emotional support base to them. Counselling will also act as a preventive measure against dependency in their psyche;
- (ii) Introducing a system of incentives and rewards which will be accorded to the deserving inmates making rapid progress on the path of correction;
- (iii) Exemplary conduct on the part of the Superintendent, Deputy Superintendent and other prison personnel will go long way to encourage prisoners to return to the society at large and make it a better place for posterity.

909. *Scope.*— Prison discipline shall cover all aspects of Institutional life such as:-

- (i) Discipline of good health;
- (ii) Discipline of work;
- (iii) Discipline of proper behaviour;
- (iv) Discipline of education and learning; and
- (v) Discipline of interest in finer aspects of life.

910. *Ban on smoking in prison premises.*— Smoking in prison premises is prohibited. The sale of tobacco and its products in prison premises shall also be forbidden.

911. *Reference to Magistrate.*— When in the opinion of the Superintendent any of the following offences are established against any prisoner, he shall refer the case to the Magistrate exercising jurisdiction for enquiry in accordance with the Code of Criminal Procedure, 1973:-

(1) Offences punishable under Section 147, 148 and 152 of the Indian Penal Code, 1860;

(2) Offences punishable under Section 222, 223 and 224 of the Indian Penal Code, 1860;

(3) Offences punishable under section 304-A, 309, 325 and 326 of the Indian Penal Code, 1860; and

(4) Any offence triable exclusively by the Court of Sessions.

*Note:* The offences specified in the above rule are:- Section 147 - rioting; Section 148 - rioting armed with a deadly weapon; Section 152 - assaulting or obstructing or using criminal force to a public servant, when suppressing riot or threatening or attempting to do so; Section 222 - Intentional omission to apprehend on the part of a public servant or intentionally siding or suffering to escape any person lawfully committed to custody; Section 223 - escape negligently suffered by a public servant; Section 224 - resistance or obstruction to lawful apprehension or escape or attempt to escape from lawful custody; Section 304-A - causing death by a rash or negligent act; Section 309 - attempt to commit suicide; Section 325 - voluntarily causing grievous hurt; and Section 326 - voluntarily causing grievous hurt by dangerous weapons or means.

912. *Enquiry before punishment.*— (1) Prisoners are liable to be punished for prison offences as per rules irrespective of the class in which they are placed.

(2) No prisoner shall be punished for any statement or complaint made to a visitor.

(3) Whenever prisoners are produced before the Superintendent for punishment, the Superintendent shall conduct a thorough enquiry in a fair manner. It shall not become a mechanical process for the mere awarding of punishments. Enquiry shall be conducted as promptly as possible. During the enquiry, the accused shall be present. Witnesses shall be brought in one at a time.

(4) Every precaution shall be taken to ensure that the enquiry is conducted in an orderly manner. Prisoners shall be thoroughly searched before being brought before the Enquiry Officer. Violent prisoners may be properly secured during enquiry.

(5) In case of serious violation of prison discipline, the Superintendent may order the recording of statements of the persons concerned. When the Superintendent thinks that recording of statement is not necessary, he shall briefly record the salient facts of the case in the appropriate column in the punishment book. If, a prisoner has committed any infringement of the prison rules through ignorance or excusable carelessness, the Superintendent, shall admonish him without recording in the said Forms.

(6) The officer, who conducts the preliminary investigation, shall present his report and witnesses, if any. The report shall be presented in a language that is commonly understood in the locality or by the accused. Where necessary and available, an interpreter may be provided. The accused and his witnesses, if any, shall be heard.

(7) After the Superintendent is satisfied that all relevant facts of the case have come to light, he shall record his decision in the register. After enquiry, the punishment shall be promptly implemented as per rules.

913. *Medical opinion for certain punishments.*— (1) The punishment of separate confinement or change of labour shall not be implemented unless the Medical Officer has examined the prisoner and certified in writing in the punishment book that he is fit, to sustain it. The same rule shall apply to any other punishment that may be prejudicial to the physical or mental health of a prisoner.

(2) The Medical Officer or his medical subordinate shall daily visit prisoners undergoing any such punishments and shall advise the Superintendent if, he considers the termination or alteration of the punishment necessary on the ground of physical or mental health.

914. *Duties of Prisoners.*— At the time of admission, prisoners should be asked to obey the rules and their duties shall be explained to them. Their duties shall include:-

(i) obey the orders of all officers of prison (including clerks, medical and technical staff);

(ii) Remain strictly with their groups and within the part of the prison in which they are confined, unless ordered by proper authority to leave it;

(iii) Abstain from talking when in a file at unlocking or at latrine and bathing or other parades or at any time when ordered by an officer of the prison to desist; also abstain from abusing, singing, quarrelling, laughing loudly, talking loudly and indecent behaviour at any time;

(iv) Not hold any communication with outsiders, women, civil or undertrial prisoners or prisoners of a class different from their own or with the guards, beyond what is absolutely necessary;

(v) Not receive or possess ganja or other drugs, money or jewellery or mobile phone or any article of food or clothing prohibited by the rules, books, papers, writing materials of any description, rope, knife or other implement (except during working hours and when the implement is required for work) and, where they find any of these articles in the prison or know of any other prisoner having possession of any such articles, report the matter to the Deputy Superintendent or Warder;

(vi) Report any plot or conspiracy, and any attempt to escape or any planned attack upon any prisoner or officer of the prison;

(vii) Help the officers of prison in the event of any attack upon them;

(viii) Keep their clothes, blankets, beddings, and utensils clean and in proper order;

(ix) Keep their persons clean;

(x) Perform their assigned tasks willingly and carefully and take proper care of any property of Government entrusted to them for any purpose;

(xi) Be orderly in their behaviour; march when moving about the prison; when addressing or being addressed by an officer of the prison or visitor stand at attention with their hands down; and salute when ordered;

(xii) Not to remove provisions from the kitchen or food servicing platforms without authority or conceal any article of food in the wards or cells;

(xiii) Not to remove any unconsumed food from the place where the meal is taken;

(xiv) Stick to the bed, ward, yard, and the seat assigned to them while at meals or at work;

(xv) Not to loiter about the yards or in the wards, after the doors have been opened or bathe or visit the latrine beyond the specified hours;

(xvi) Not commit any nuisance or urinate in any part of the prison which has not been assigned for that purpose or spoil any part of the prison or any article in the prison in any way;

(xvii) Show respect to all officers; Not to strike, assault or threaten any officer or prisoner;

(xviii) Not to gamble or barter or play any game (unless specially permitted by the Superintendent) within the prison; nor keep animals, birds or other pets;

(xix) Wear the clothing given to them and not to exchange clothing or any part of their prison kit, with any other prisoner.

915. *Grievance Redressal System.*— The following system shall be maintained for grievance redressal of the prisoners:-

(i) There shall be one or more complaint boxes in every prison installed in centrally located and convenient places, within easy reach of the inmates. Such complaint box shall also be installed in an easily accessible place in the female ward;

(ii) The inmates may drop their complaints in the form of written petitions addressed to the Superintendent or to the higher authorities, into such boxes;

(iii) The box shall remain under lock and key and the key shall remain in the custody of the Sessions Judge having jurisdiction over the prison, who shall unlock the complaint box on the days fixed by him;

(iv) The complaint box shall be opened at appointed time before the evening locking up of the prison;

(v) The Superintendent shall form a permanent committee of Grievance Redressal System, comprising of the Superintendent, Deputy Superintendent, Medical Officer and the Welfare Officer;

(vi) The committee shall meet as and when necessary, but at least twice a week to look into all the complaints of the inmates;

(vii) The Superintendent shall preside over the Committee which shall enquire into all the complaints at the earliest.

(viii) The decision of the Committee shall be executed forthwith.

(ix) Complaints and letters addressed by the prisoners to the higher authorities in the Government, Judiciary, Inspector-General of Prisons or other high functionaries should be forwarded to them immediately;

(x) The District Judge shall visit each prison in his jurisdiction once a month and give an opportunity to all the prisoners to present their grievances or requests, if they so desire, in the absence of prison offices. This should be a statutory function of the District Judge;

(xi) The Superintendent shall take weekly rounds of inspection of the prison. If, a prisoner is not satisfied by the action taken by the Superintendent on his complaint, he shall be allowed to approach higher authorities for redressal of his grievances;

(xii) The Board of visitors shall be activated. The visitors shall receive and enquire into prisoners' complaints and grievances and send their suggestions to appropriate authorities

#### OFFENCES AND PUNISHMENT

916. *Acts constituting Prison Offences.*— The following acts are forbidden and every prisoner who willfully commits any of the following acts shall be deemed to have willfully disobeyed the regulations of the prison, and to have committed a prison offence within the meaning of Section 45 (1) of the Prison Act, 1894:-

(1) Endangering the security of the prison in any way, by a willful or negligent act and shall include tampering in any way with prison walls, building, bars, locks and keys, lamps or lights or with any other security and custody measure;

(2) Doing any act calculated to create unnecessary alarm in the minds of other prisoners;

(3) Doing or omitting to do any act with intent to cause to oneself any illness, injury or disability;

(4) Omitting to report the Commission of any prison offence;

(5) Breaking law and order and prison discipline;

(6) Planning, instigating and abetting, directly or indirectly, the Commission of any prison offence;

(7) Refusing, omitting to abide by standards of behaviour, rules and regulations and lawful instructions and orders;

(8) Failing to assist in the maintenance of prison discipline;

(9) Failing to give assistance to a prison official when called to do so;

(10) Making false, malicious and groundless, written or verbal complaints, using filthy words against prison officials;

(11) Committing nuisance or mischief of any sort;

(12) Quarrelling with other prisoners;

(13) Smoking in prison premises;

(14) Attacking, assaulting, and causing injuries to others;

(15) Participating in a riot or mutiny, abetting another prisoner to do the same

(16) Escaping or attempting to escape from prison or legal custody or failing to report to prison officials about attempted escapes;

(17) Possessing, hiding, smuggling, attempting to smuggle, obtaining, giving or receiving and bartering contraband articles;

(18) Failing to report to prison officials about contraband articles;



(19) Stealing/damaging/destroying/disfiguring/misappropriating any government property or another prisoners' articles and property;

(20) Failing to report at once any loss, breakage or injury, which the prisoner may accidentally have caused, to prison property or implements.

(21) Tampering with or defacing identity cards, records or documents;

(22) Breach of the conditions of leave and emergency release;

(23) Refusing to eat food or going on a hunger-strike;

(24) Eating or apportioning any food not assigned to him or taking from or adding to the portions assigned to another prisoner.

(25) Willfully or negligently destroying or spoiling food or throwing it away without orders;

(26) Introducing into food or drink anything likely to render it unpalatable, unwholesome or dangerous for human consumption;

(27) Cooking unauthorized;

(28) Violating rules and regulations framed for the systematic running of the canteen.

(29) Bartering canteen articles;

(30) Being idle, careless or negligent at work, refusing to work, malingering, disturbing other prisoners at work or in barracks;

(31) Manufacturing any article without the knowledge or permission of a Prison Officer;

(32) Performing any portion of the task allotted to another prisoner or obtaining unauthorized assistance of another prisoner in the performance of one's own task;

(33) Apportioning to any prisoner any part of the task to be performed by him/her.

(34) Mixing or adding a foreign substance to the materials issued for work;

(35) Willfully disabling and maligning himself from labour;

(36) Converting or attempting to convert, a prisoner to a different religious faith;

(37) Willfully hurting other's religious feelings, beliefs and faiths;

(38) Agitating or acting on the basis of caste or religious prejudices;

(39) Having any communication using Cellphone and other transmission materials, in writing or by word or by signs, without permission, with any outsider, an under trial prisoner, detunes, civil prisoners, and approvers;

(40) Sending messages surreptitiously by writing or verbally;

(41) Participating in or organizing, unauthorized activities like gambling and betting;

(42) Using indecent, abusive, insolent, threatening or improper language; being disrespectful, making indecent or vulgar acts or gestures;

(43) Soiling or befouling any place or article;

(44) Loitering or lingering, leaving the appointed area or work-group without permission;

(45) Failing to assist or preventing another person from assisting, prison officials in suppressing violence, assault, riot, mutiny, attack, gross personal violence or any other emergencies.

917. *Powers of Superintendent in other cases.*— In respect of offence committed by the prisoners which are punishable both under the existing criminal laws or prison offences, it shall be the discretion of the Superintendent either to use his own powers of punishments or to prosecute the offender before a Court of law.

918. *Punishments.*— The Superintendent may award any one of the punishments specified in the under mentioned rules to prisoners committing prison offence:

Provided that no solitary confinement, no hard labour, no dietary change as a painful additive, no other punishment or denial of privileges and amenities or no transfer to other prisons with penal consequences, shall be imposed on a prisoner without judicial appraisal of the Sessions

Judge or Judicial Magistrate. Where such intimation, on account of emergency is difficult, such information shall be given within two days of taking such action.

919. *Imposition of separate or Solitary Confinement as per Court order.*— (1) Over the door of each cell in which a prisoner is undergoing separate or solitary confinement shall be placed a ticket in the prescribed form signed by the Deputy Superintendent, showing the number and name of the prisoner, the offence for which he is being punished, the period of confinement awarded, the date of his being placed in the cell and the date on which he is to be removed, and the labour which he is to perform meantime.

(2) Every prisoner before being placed in solitary or separate confinement shall be thoroughly searched and any articles which it is considered dangerous or inexpedient for him to retain shall be removed. Both the cell and the person of the prisoner shall be carefully searched daily during his continuance in solitary or separate confinement.

(3) Prisoners in solitary or separate confinement shall be provided with suitable work and a regulated task shall be extracted from them.

(4) They shall be permitted to take such exercise in the open air as the Medical Officer shall consider being necessary for their health.

(5) The bedding of prisoners in solitary or separate confinement shall be taken out of the cells during the day and exposed to the sun and air for as long as the weather permits.

(6) The occupant of each cell shall be required to keep it scrupulously clean.

920. *Minor Punishments.*— The following punishment shall be considered as minor punishment:-

(1) Formal warning ;

(2) Fatigue drill/work for a period not exceeding one hour a day up to seven days subject to prisoner's physical fitness being certified by the Medical Officer;

(3) Forfeiture of wages up to earnings of three days once in a Month;

(4) Loss of privileges given to the prisoners in detention for a maximum of one month;

(5) Forfeiture of earned remission up to ten days.

(6) Damaging Government property, the cost of damaged property can be recovered from the concerned inmate wages.

921. *Major Punishments.*— The following punishments shall be considered as major punishments:

(i) Loss of privileges given to the prisoners in detention from one month to three months.

(ii) Transfer to greater security prisons and consequent loss of privileges.

(iii) Not counting period of leave towards sentence in case of breach of conditions of leave.

(iv) Forfeiture of earned remission beyond 10 days.

(v) Postponement of privileges of leave for a period not exceeding one year starting from the date of the inmate's next eligibility for release on leave.

(vi) Prisoners can be kept in Punishment Cell between 24 hours to 48 hours and monitoring under watch and security.

(vii) In case of huge damage to Government property, judicial process can be adopted.

(vii) Interviews shall not be granted to prisoners who are on hunger-strike.

(viii) Visits can be stopped for three months, Parole leave will not be granted for one to six months.

(ix) Planning and committing the offence in outside from the prison can be dealt by the Judiciary.

In case of a minor offence which is committed more than twice, the same will be treated as a major offence and punishment shall be awarded accordingly.

922. *Prohibited articles*:— The following shall be deemed to be prohibited articles within the meaning of section 42 of and clause (12) of section 45 of the Prisons Act, 1894 (Central Act IX of 1894), namely:-

- (a) Poisons;
- (b) Alcohol and spirits in any form and of every description.
- (c) Tobacco or the implements for smoking, snuff and the like;
- (d) Bhang, ganja, opium and other hemp drugs and intoxicants;
- (e) Betel nuts and leaves and pawn parag;
- (f) Unauthorized food, fruits, sweets, condiments and the like;
- (g) Unauthorized clothing;
- (h) Gold, silver, copper or any metal in any form;
- (i) Bank notes and cash;
- (j) Jewellery ornaments, currency notes, securities and articles of value of every description, except wedding ring;
- (k) Fire arms and explosive materials;
- (l) All arms, weapons, knives and cutting implements of every kind and articles which are capable of being used as weapon, of whatever description;
- (m) Tools for working wood, metal or leather;
- (n) Matches and materials for producing fire;
- (o) Unauthorized writing materials;
- (p) Postage stamps and unauthorized letters;
- (q) Books other than those approved by prison authorities;
- (r) Playing cards or other gambling material;
- (s) Wood, Bamboos, ladders, bricks, stones, clubs, sticks, ropes, string, chains and any materials which can be used to assist in the escape of a prisoner or as implements for causing hurt;
- (t) Mobile phone/cellphone and any other communication device;

(u) Tape recorder, typewriter and other equipment that can be misused;

(v) Any other article whatsoever not specially permitted by the prison rules and articles received, possessed or transferred otherwise than by due authority.

923. *Disposal of prohibited articles.*— All prohibited articles found or seized from prisoners shall be destroyed or confiscated to Government or disposed of as per Superintendent's Orders.

924. *Procedure for Awarding Punishment.*— For award of major punishment the prisoner should be given notice in writing, calling him to show cause with reference to the alleged violation of the jail rule. The order of punishment should also be communicated to the concerned prisoner.

In respect of offence committed by the prisoners which are punishable both under the existing criminal laws and prison offences, it should be the discretion of the Superintendent either to use his own powers of punishments or to prosecute the offender before a Court of law.

No prisoner should be punished twice for the same offence. Provided that any security measure taken such as separate confinement, for the safe custody of a refractory and dangerous prisoner or for preventing him from committing mischief or the stoppage of privileges which are otherwise admissible to well behaved prisoners only, shall not be construed as prison punishment for this purpose.

925. *Medical opinion for certain punishments.*— (1) The punishment of separate confinement or change of labour shall not be implemented unless the Medical Officer has examined the prisoner and certified in writing in the punishment book that he is fit, to sustain it. The same rule shall apply to any other punishment that may be prejudicial to the physical or mental health of a prisoner.

(2) The Medical Officer or his medical subordinate shall daily visit prisoners undergoing any such punishments and shall advise the Superintendent if, he considers the termination or alteration of the punishment necessary on the ground of physical or mental health.

926. *Punishment yard.*— (1) As far as possible, the prison shall have completely segregated areas where punishments of solitary or separate confinement can be effectively implemented. These areas shall have adequate facilities for baths, exercise yards and the like.

(2) No inmates excepting those employed for sweeping, conservancy work and barbering shall be allowed to enter the punishment yard. Inmate workers allowed to enter the yard shall be under the constant supervision of the guarding personnel. They shall be thoroughly searched before entering and leaving the punishment yard. They shall not be allowed to communicate with prisoners kept in the punishment yard. As soon as their work is over, they shall be withdrawn from the yard.

927. *Security.*— (1) Security and discipline shall be strictly maintained in areas where prisoners undergoing punishments have been kept. The movement and activities of prisoners shall be strictly controlled.

(2) Every prisoner undergoing punishment and the cell where he is kept shall be searched at least once a day. The Officer in-charge of the punishment yard shall conduct surprise searches under his personal supervision at least twice a week.

(3) Special care shall be taken to see that prisoners undergoing punishment do not have any article with which they can harm themselves or others.

928. *Noting of punishment in the Punishment Book.*— The punishment awarded to prisoners shall be noted down in the punishment book. The Deputy Superintendent shall certify that the punishments have been carried out. The punishment book shall be placed before the Superintendent for his perusal as soon as the punishment has been carried out.

### CHAPTER-33

#### AFTER-CARE AND REHABILITATION

929. *Need for after-care and rehabilitation of prisoners.*— (1) The process of after-care and rehabilitation of offenders is an integral part of institutional care and treatment. These two should never be de-linked. The aftercare of a prisoner is an extension of the institutional treatment

programme; hence, the administrative machinery for carrying out these programmes should be effectively integrated with the Department of prisons.

(2) It is clear that after-care, and follow-up service is not required by each and every inmate leaving the prison. A large number of prisoners coming from the rural areas and agrarian and business communities are generally accepted back into their family. They are re-assimilated in the social milieu without much difficulty. They require only some continued contact with their kin and some pre-release counselling to bridge the gap between their life in the prison and that in the free society.

(3) There are other prisoners who resist follow-up action as they consider it a kind of surveillance on them. But, majority of the inmates would welcome such programmes which help them settle in the society after their release, and get themselves rehabilitated beyond the possibility of reverting to crime.

930. *Objectives.*— The objectives of the after-care services are:-

(i) Extending help, guidance, counselling, support and protection to all released prisoners, whenever necessary.

(ii) Helping a released person to overcome his/her mental, social and economic difficulties.

(iii) Helping in the removal of any social stigma that may have been attached to the inmate or his/her family because of his incarceration.

(iv) Impressing upon the individual the need to adjust his/her habits, attitudes, approaches and values to a rational appreciation of social responsibilities and obligations and the requirements of community living.

(v) Helping the individual in making satisfactory readjustment with his/her family, neighbourhood, work group, and the community.

(vi) Assisting in the process of the individual's physical, mental, vocational, economic, social and attitudinal post-release readjustment and ultimate rehabilitation.



931. *Process.*— (1) After-care services should be extended to all needy persons released from prisons, conditionally or unconditionally or on licence. While after-care services should be provided to all needy prisoners, at the very least, prisoners having served a minimum of five years of imprisonment shall necessarily be entitled to after-care services.

(2) After-care problems of an individual should be treated in their totality and not in isolation. Not only the individual but, his/her whole social situation must be tackled at the same time.

(3) After-care work should broadly be phased as follows:

(i) While the individual is under institutional care and treatment

(ii) Immediately after release from the institution

(iii) Post-release period.

(4) There should be full coordination between the Correctional Services and the after-care services.

(5) It is the responsibility of the States to devise and develop mechanisms for rehabilitation of released convicts. For this purpose, Discharged Prisoners' After Care and Rehabilitation Committees will be set up at the district or State level. Such committees will *inter alia* devise the mechanism for rehabilitation and after-care assistance for released prisoners. While devising the mechanism and extending help, special attention will be paid to the protection and post-release care and help of children, adolescents, women, sick, old, infirm and handicapped persons. Special emphasis should be laid on the after-care of habitual offenders, if, they so request.

932. *Planning.*— (1) Planning for after-care should be initiated immediately after an inmate's admission in the institution.

(2) After-care should be in the interest of the individual, and based on his needs. While planning post-release assistance, factors like the inmate's personality, his weaknesses and strengths, limitations and capabilities, and his rehabilitation needs should be taken into consideration. The inmate's desires for post-release help should be considered on a practical and realistic basis.

(3) The inmate should be told what type of assistance would best suit his needs. He should be encouraged to plan his post-release life, as this would be helpful in his willing acceptance of the after-care plan. He should be prepared for his post-release life.

(4) From the time of a prisoner's admission into prison, consideration should be given to his post-release needs and he should be encouraged and assisted to maintain or establish such relations (with persons or agencies outside the institution) as may promote the best interests of his family and his/her own social rehabilitation. Special attention should be paid to the maintenance and improvement of such relations between a prisoner and his family, as are desirable in the best interest of both.

933. *Functioning of a Probation/Welfare/Rehabilitation Officer.*—(1) An Officer of appropriate rank is to be appointed as Probation/Welfare/Rehabilitation Officer in each prison. The Probation/Welfare/Rehabilitation Officer should contact the inmate during his/her admission-quarantine period. Such an early contact will be helpful in planning over-all help for the inmate and his family. The Probation/Welfare/Rehabilitation Officer should meet the inmate at least once a month throughout his stay in the institution.

(2) The Probation/Welfare/Rehabilitation Officer should extend all possible assistance in maintaining the inmate's continued relationship with his family, employer and community. The welfare of the family members and dependants of offenders, as well as of their victims, should be looked after.

(3) The Probation/Welfare/Rehabilitation Officer should be associated with the prisoner's welfare services at the headquarter level.

934. *The Role of N.G.Os/Industry Associations.*— (1) The participation of approved N.G.Os. in the rehabilitation programmes should be extensively encouraged. voluntary organisations, which wish to help the government in rehabilitation projects, should be given necessary financial and other help. Their services should be given due appreciation by the Inspector-General of Prisons.

(2) The public should be educated about the need for rehabilitation of ex-prisoners through print and audio-visual media.

(3) Continuous liaison should be maintained with the agencies/ individuals which are willing to give employment to the released prisoners.

(4) Companies that are required to spend 2% of their net profit on CSR activities under the Companies Act, 2013 should be encouraged to contribute funds towards rehabilitation of prisoners. Appropriate steps may also be taken by the Government to facilitate tax-deductibility of donations made for this purpose in terms of Section 80G of the Income Tax Act, 1961.

935. *Scope of after-care assistance.*— The scope of after-care assistance will be determined by the District Committee and may include the following matters:

(i) Subsistence money to cover initial expenditure after release, till such time as the released person reaches his/her family or obtains employment.

(ii) Provision of food.

(iii) Temporary accommodations till housing arrangements are made.

(iv) Stay in a District Shelter/After-care Hostel/State Home, wherever available.

(v) Assistance in securing housing in urban areas.

(vi) Assistance in securing apprenticeship in a workshop/ technical institute/ industry/trade.

(vii) Supply of artisan's tools or trade equipment.

(viii) Assistance in starting a cottage industry, any small business trade, a small or a stall.

(ix) Assistance in getting employment.

(x) Assistance in getting land, agricultural equipment, draught or milk cattle, and seeds for those opting to take up agriculture.

(xi) Assistance in starting a small dairy, poultry, duck or sheep farm/piggery/vegetable gardening/sericulture/bee-keeping.

(xii) Liaison with and assistance to prisoner's family during the period he/she is serving a prison sentence.

(xiii) Help in maintaining continuity in relationship with family, neighbours, employers and community.

(xiv) Preparing the family, employer and neighbours for receiving the individual after release.

(xv) Guidance in getting married and setting up a home and resettling in life.

(xvi) Liaison with local police so that he/she is not harassed unnecessarily.

936. *Family or Marital Adjustments.*— The following adjustments would be required:

(i) Explaining to the police the background and problems of the individual and getting help and cooperation from the police in the process of resettlement.

(ii) Communicating to the Panchayat/Community Development authorities about the background, problems and needs of the released person. Getting the cooperation and help of the Panchayat, Community Development Officer, National Extension Service Worker, and Gram Sevak, in the resettlement of a prisoner.

(iii) Reference to a Social Service Organization in the neighbouring area where the prisoner is likely to settle after release.

(iv) Assistance in continuation of education and vocational training.

(v) Creating interest in education and study. Motivating them to acquisition and improvement of skills, healthy recreation, and constructive use of leisure.

(vi) Encouragement in building good habits.

(vii) Help in planning and balancing his budget.

(viii) Encouraging thrift and savings. Making them leave costly habits.

(ix) Medical treatment on long-term basis for tuberculosis, venereal diseases, leprosy and cancer, in an outside hospital.

(x) Posting the released person under the care of a person or family interested in his welfare and resettlement.

(xi) Protection from getting associated with anti-social groups, agencies of moral hazards (like gambling dens, drinking places and brothels) and with demoralized and deprived persons. Help in establishing contacts, acquaintance and friendship with reliable neighbours, co-residents or co-workers.

937. *Legal Aid and Protection.*— (1) The following aid and protection may be required:-

- (i) Help in all matters relating to the resettlement and rehabilitation of the released person.
- (ii) The After-care agency should be closely associated with the planning of the after-care programme for the inmate.

(2) The plan of after-care of a prisoner should be subject to such changes as would be found necessary by the after-care service.

(3) The Probation/Welfare/Rehabilitation Officer should intensify his work during the pre-release period. He should maintain all the prescribed records under the direction of the Superintendent.

(4) After release from the institution, the case of a released person should be followed up for a period ranging from one to five years according to the requirements of each case.

(5) The Probation/Welfare/Rehabilitation Officer shall establish follow-up study through interviews or correspondence. A six monthly report evaluating the released person's adjustments and resettlement should be prepared by him and copies of it should be sent to the correctional institution where the individual had undergone treatment and to the record branch in the headquarters organization.

(6) The record branch in the headquarters should maintain all the case files and follow-up reports according to the central indexing system.

938. *Eligibility.*— Only a convict who is sentenced to five or more years of imprisonment shall be brought under the ambit of after-care and rehabilitation programmes.

939. *Formulation of Schemes.*— (1) The Industries Department of the Government should formulate schemes for the employment of released convicts in small scale industrial units.

(2) Big industrial houses should be motivated at the level of the Prisons Headquarters to give preference in jobs to released prisoners in the interest of their rehabilitation and social adjustment.

### CHAPTER-34

#### OPEN INSTITUTIONS

940. *Definition.*— All Open and Semi-open institutions are intended to put into practice the contemporary ideology of reformation, correction and rehabilitation of convicted prisoners so that they may lead a self-disciplined and cultured life after their release. These institutions provide the prisoners opportunities of employment and living a life in the open. This restores dignity of the individual and develops in him /her self-reliance, self-confidence and social responsibility, which are necessary for his/her, rehabilitation in the society.

Government should frame detailed rules regarding the administration of Open Work Camps, Semi-open Training Institutions, Open Training Institutions and Open Colonies. The contents of this chapter are of a general nature and are only illustrative. The details regarding the administration of Open Institutions should be fixed by each State in accordance with the local conditions.

941. *Objectives of Open and Semi-open Institutions.*— The objectives of the Open Institutions are:-

(i) To put into practice the contemporary ideology of reformation, correction and rehabilitation of convicted prisoners so that they may lead a self-disciplined and cultured life after release;

(ii) To provide the prisoners opportunities of employment and living a life in the open;

(iii) To restore dignity of the individual and develop in him/her self-reliance, self-confidence and social responsibility, which are necessary for his/her rehabilitation in the society.

942. *General Provisions.*— The below mentioned categories of prisoners shall not be eligible for transfer to any of the open institutions:

(a) Offenders classified as habitual, provided they have not earned a higher grade in the proposed progressive system.

(b) Prisoners who are considered dangerous or are involved in serious prison violence like assault, outbreak, riot, mutiny or escape or who have been found instigating serious violation of prison discipline.

(c) Prisoners convicted for offences such as dacoity, terrorist crimes, kidnapping, and smuggling including those convicted under NDPS Act, foreigners, escape risks and members of organized criminal gangs.

(d) Prisoners committed for failure to give security for maintaining peace or good behaviour.

(e) Prisoners convicted of offences against any law relating to matters to which the executive power of the Union Government extends, unless approved by the Union Government.

(f) Convicts under POCSO Act.

(g) Prisoners whose transfer is likely to have repercussions elsewhere in the country

(h) Facing trial in other cases

(i) Prisoners who have been transferred from an Open Prison to a Closed Prison.

943. *Procedure for selection.*— The Selection Committee should thoroughly screen the case of each casual prisoner on the following points before recommending them for transfer to an open institution:

(a) Physical fitness and mental health required for living in a semi-open or open institution.

(b) Behaviour and conduct in the prison.

(c) Number of paroles availed and his conduct during that period.

(d) Progress in work vocational training and education.

(e) Group adjustability.

(f) Character and self-discipline.

(g) Verification of his address/relatives.

(h) Extent of institutional impact (Whether the inmate has reached peak points of training and treatment).

(i) Whether the inmate can be further helped in the institution. Whether he will benefit by training and treatment in Semi-open or Open Institutions.

(j) Whether the inmate is getting institutionalized.

(k) Sense of responsibility.

*Note:* (i) If, there is no Semi-open Training Institution or Semi-open Institution in the State, prisoners may be transferred directly to Open Institutions as per directions laid down by the Government. The Government may also lay down directions for direct admission to other institutions.

(ii) Only such prisoners, whose behaviour and progress in the institution has been good, and who are fit for a regime based on trust, responsibility and self-discipline, should be considered for transfer to a semi-open or Open Institution. Prisoners who are dangerous to society, who are members of professional and organized criminal gangs, who are habitual offenders or who are suffering from mental unsoundness or physical diseases, and those who are an escape or discipline risks, should not be transferred to Semi-open or Open Institutions.

944. *Criteria for selection of a prisoner to Semi-open or Open Institution.*— The selection of prisoner to Semi-open or Open Institution will depend upon his response to the programme in a closed prison and whether he is fit for a regime based on trust, confidence, responsibility and self-discipline;

945. *Grounds for transfer of prisoners to Semi-open or Open Institutions, Work camps, Colonies.*— (1) The Classification Committee shall examine in detail the case of every convict with reference to the specific points for transfer of prisoners to Semi-open or Open Institutions, Work Camps, Colonies, as detailed below:-

946. *Transfer to Semi-open Institutions.*— On completion of two years of actual imprisonment in case of a life convict, and six months or one-fourth of sentence as convict, whichever is more but, subject to not more than two years in case of a terminal convict the Selection/ Classification Committee shall examine in detail, the case of every convict on the points.



If, the Selection/Classification Committee is of the opinion that the inmate is fit for being transferred to a Semi-open institution, a report in the prescribed form should be submitted to the Inspector General. On receipt of sanction from the Inspector-General, the inmate should be oriented to his new responsibilities in a Semi-open institution.

(iii) On admission at a Semi-open Institution, the inmate should be kept in the reception yard for at least six months. During this period, he should be further acquainted with the requirements of living standards, standards of behaviour under Semi-open conditions, basic education and work skills.

(iv) A programme suitable for the inmate's training should be organized at the Semi-open Institution. He should be given necessary facilities to further improve his educational and cultural level and vocational skills. Suitable work should be given to him so that he may further improve his work habits and skills.

*947. Transfer to an Open Training Institution/Open Work Camp.—*

(1) On completion of five years of imprisonment, excluding remission, in the case of a life convict, and one year or one-fourth of the sentence as a convict excluding remission, whichever is more but, not more than two years in case of a terminal convict, the Selection/Classification Committee should study the inmate's case for his eligibility for an open institution. If, the Selection/Classification Committee are convinced that the inmate is fit for treatment in an open institution, a report in the prescribed form should be sent to the Inspector General for his transfer. On receipt of sanction of the Inspector-General, the inmate should be oriented for his life in the open institution. He should be made to understand that any failure in maintaining satisfactory behaviour at the open institution would entail his retransfer to the Semi-open or Closed Institution.

(2) On admission to the Open Institution, the inmate should be kept in the reception yard of the Institution for at least three months. During this period he should be further educated to the requirements of living under open conditions and a regime based on self-discipline.

(3) A Programme suitable for the inmate's needs should be organized at the open institution. He should be given necessary facilities to further improve his educational and cultural levels and vocational skills. Suitable work should be given to him so that he further may improve his work habits and skills.

948. *Transfer to Open Colony.*— (1) On completion of seven years' of imprisonment in case of a life convict or in the case of a convict sentenced to seven years of imprisonment or more after the convict having undergone half of the sentence, excluding remission as a convict, the Selection/Classification Committee shall examine the inmate's case for being transferred to an Open Colony. If, there is no Semi-open or Open Institution in the State, a prisoner may be transferred directly to an Open Colony after completion of 10 years stay in a closed Institution with remission in case of a life convict or on completion of three-fourth of the sentence in the case of other convicts. If the Selection/Classification Committee are satisfied that the inmate is fit for a transfer to an Open Colony, a report in the prescribed form, along with the inmate's case file, should be forwarded to the Inspector General. On receipt of sanction from the Inspector-General of Prisons the inmate should be transferred to an Open Colony.

(2) Inmates should initially be treated in Semi-open Institutions and then in Open Institutions. Transfer to an Open Colony should be made only after ensuring that the inmate has satisfactorily responded to the treatment in Semi-open and Open Institutions. These transfers should be done on a highly selective basis. Care should be taken to see that selection for treatment in an Open Colony does not become reutilized and mechanical.

(3) Before being transferred to an Open Work Camp/Semi-open or Open Institutions/Open Colony, the inmate should be informed about the requirements and responsibilities of living in the new institution. On admission at these institutions, the inmate should be kept in the reception yard under observation. During this period he should be further oriented to institutional standards of behaviour and other requirements of institutional life.

949. *Conditions apply.*— The conditions which an inmate shall have to observe at these places should be laid down. Before being transferred to these institutions the inmate will be required to sign a bond prescribed by the Inspector General.

950. *Prescription of standards.*— Minimum standards, as prescribed for the Closed Institutions, regarding accommodation, equipment, sanitation, hygiene, medical services, diet and welfare services, shall be maintained at each Semi-open Training Institution, Open Training Institution, Open Work Camp and Open Colony. These

institutions should have good communication and transport facilities. Emergency equipment shall be provided in accordance with the requirements of each institution.

951. *Security.*— Security arrangements in these institutions shall be established in a way that the possibility of escape gets minimized and a sense of security prevails in the neighbouring community.

952. *Planning.*— The programmes at these institutions should be very carefully planned so that the inmates remain occupied in useful activities. Special attention should be devoted to:-

- (a) Care and welfare of inmates
- (b) Individual attention to inmates' problems
- (c) Education, work, vocational training and cultural activities
- (d) Self-discipline and character training,
- (e) Release planning, pre-release preparation, and after-care.

953. *Extra concessions.*— (1) Wages should be paid at the rates as fixed by the Government from time to time. Wages at the Semi-open, Open Training Institutions, Open Work Camps and Open Colonies should be higher than those at the Closed Institutions.

(2) The prisoners in all Open Institutions shall be eligible for the following additional amenities over and above those ordinarily admissible to the 'B' Class prisoners under the rules, namely:-

- (i) 100 grams of extra rice per day;
- (ii) 30 grams gingelly oil once in 10 days;
- (iii) 150 grams of washing soap per month.

(3) The prisoners in at Semi-open/Open Training Institutions, Open Work Camps and Open Colonies shall be eligible for one day's remission for a day's work and three days, for good behaviour per month.

(4) Inmates should be encouraged to maintain their family contacts. The Superintendent may use his discretion in granting the facility of additional letters and interviews according to the merits of each case.

(5) While an inmate is living in open conditions in a Semi-Open or Open Training Institution or Open Work Camp, he should be allowed to stay with his family members for one week of every six months. Arrangements for such stay should be made in a family hutment in a suitable place outside the Semi-open or Open Training Institution. These huts should be so located that the inmate and his family members get the required privacy while at the same time the requirements of discipline and security are also fulfilled. The period of stay in the family hutments should be treated as leave period and should count towards the sentence.

*Note:* Such a periodical stay with his family will be helpful in keeping the inmate close to his family group. This concession should, however, be granted on a selective basis and after a thorough study of each inmate's case. Initially this concession should be tried on an experimental basis. In due course, and after having gained enough experience, it may be further developed to suit local conditions in each State. The Government should issue detailed instructions in this respect.

954. *Prisoners in Semi-open Prisons to get concessions.*— Inmates working in open conditions in Semi-open Prisons will get concessions as permissible in Open Work Camps.

955. *Review of case of inmates.*— The Classification Committee should examine the case of every inmate in all Open Institutions at least once in three months.

956. *Demarcation of all open or semi-open Institutions.*— All the Open or Semi-open institutions shall have a properly demarcated area beyond which inmates shall not be allowed to go. Standards of behaviour and discipline in these institutions shall be maintained at a high level. Emphasis should be laid on the development of sense of responsibility and self-discipline.

957. *Posting of personnel.*— (1) Only personnel who have the capacity for handling inmates under semi-open or open conditions and have the requisite calibre and leadership for imparting training and treatment in these conditions should be posted at these institutions.

(2) Unless they volunteer to do so, personnel should not be required to remain at these institutions for more than two years at a time. Staff members posted at these institutions shall be given all necessary

facilities for the education of their children and welfare of their families. Medical and transport facilities should be granted according to requirements. The staff posted at these institutions should be given an additional allowance of about 25% of the basic salary to be fixed by the Government.

958. *Scope and Working pattern.*— (1) The Semi-open or Open Institutions, Work Camps, Colonies shall be so established as to achieve the desired purposes. The scope and pattern of working of each of these Institutions are broadly outlined below:-

(a) Semi-open Training Institutions:-

- (i) The main criteria for selecting prisoners for these Institutions shall be how he has responded to the programme in a closed prison and whether he is fit for a regime based on trust, confidence, responsibility and self-discipline;
- (ii) Prisoners should mainly be employed in suitable industries, agriculture and allied work. Emphasis shall be laid on programmes like literacy projects, social education, cultural and recreational activities;
- (iii) Inmates will be gradually relaxed from the condition of closed prison in the beginning to that of an Open Institution in the final stage.

(b) Open Work Camps or Open Training Institutions:-

- (i) Open Work Camps should be started in places where nation building activities, like digging canals, water channels, construction of dams, roads, government buildings and prison buildings, projects of land reclamation, land development and bringing uncultivated land under cultivation, soil conservation and afforestation, can be organized. Open Training Institutions should be situated in place where land and vocational training facilities are available for inmates' training and after that for work either in collaboration of some Industry/Organization/Department or by Prison Department. In addition to nation building work, the programme should consist of literacy projects, social education, recreational and cultural activities.

- (ii) Temporary hutments should be provided in the Open Work Camps or Open Training Institutions.
  - (iii) Prisoners who do not respond properly to the standard of discipline in these camps should be transferred back to Closed Institutions or Semi-open Institutions.
- (c) Open Colonies:-
- (i) The main emphasis should be given on work, literacy projects, social education, training in agriculture and allied fields and cultural activities.
  - (ii) Inmates should be allowed to bring their family members to the Open Colony. Inmates and their family members should be given opportunities to work in agriculture or allied fields or in such cottage industries or other allied suitable means of livelihood as can be conveniently organized. Work programmes in the colony should be organized on a cooperative basis. Inmates and their family members who will be working in the colony shall be paid wages as prescribed by the Government. These wages shall be at par with outside wages. The inmates should maintain themselves and their families with the wages earned by them in the colony.
  - (iii) As an Open Colony shall consist of huts built on a family unit basis, it shall have adequate land and other facilities for agricultural and allied activities or other suitable means of livelihood.
- (2) The prisoners confined in Open Institutions/Open Colonies shall be permitted in the open space just as agricultural laborers do in villages. They shall stay in the dormitories during nights.
- (3) Open-air camps planned and set up in urban areas should select service and trades keeping in view their market relevance, as indicated by demand, supply of raw material, marketability of produce, *etc.*
- (4) In addition to basic facilities, including shelter, food, clothing, Medicare, *etc.*, all the inmates of Open or Semi-open Institutions should be given literacy and educational programmes.

(5) For promoting literacy and education, collaborative arrangements may be worked out with competent authorities involved in adult education, continuing education and such literacy campaigns as Sarva Shiksha Abhiyan.

(6) Vocational training programmes should be organized in the trades going on in the Open or Semi-Open Institutions, so as to help the inmates to learn to work. Towards this, help and cooperation of such organizations as Industrial Training Institutes and Polytechnics will also be enlisted.

(7) The educated inmates of open institutions, may be given orientation or training in entrepreneurship, so as to encourage and promote self-reliance and self-employment, after their release from Open Institutions. (8) Whether agriculture, service or manufacturing, work programmes in Open or Semi- open Institutions should be organized or re-organized with due regard to modern management practices.

(9) In order to improve adjustive efficiency and personality development of the inmates of Open Institutions, they should be given such services as social case work, counselling and guidance on a regular basis.

(10) In the functioning of open institutions, non-government organizations, including university departments of social work, law and psychology, should be involved. This is likely to augment manpower resources of open institutions, and bring about quantitative as well as qualitative changes in correctional services.

(11) The unlockup and lockup in the Open Institution or Semi-open Institutions shall be so arranged that the prisoners work in the fields for atleast 8.00 hours per day. They shall not, in any case, be unlocked before 5.30 a.m. and they shall not remain outside after 7.30 p.m.

(12) Specific guidelines shall be laid down for the administration of Semi-open or Open Institutions in the Union Territory, which shall *inter alia* include service and trades to be introduced, supply of raw material, marketability of produce, *etc.*

959. *Application of rules.*— Except in so far as they are inconsistent with the rules in this chapter, all the rules in these Rules shall apply to prisoners confined in the Open or Semi- open Institutions.

960. *Superintendent, Medical Officer and the subordinates to visit Open or Semi-open Institutions.*— (1) The Superintendent of the Central Prison shall be the Superintendent of the Open or Semi-open Institution and shall visit the Open or Semi-Open Institution as frequently as may be necessary but, not less than twice in a week. He shall perform all the duties of the Superintendent of the Central Prison in respect of Open or Semi-open Institution under his control. He shall be equally responsible for the proper administration of the Open or Semi-open Institution. The Medical Officer nominated for the purpose shall also visit the Open or Semi-open Institution not less than twice in a week and also at times of necessity to attend on the sick in times of emergency.

(2) The number of guarding and other staff employed in the Open or Semi-open Institution shall be regulated from time to time according to the actual requirement under the specific orders of the Inspector-General of Prisons and the Government.

961. *Assessment of yield.*— (1) The Superintendent shall assess the growth of the plants and the expected probable yield and record his views in the Garden and Plot Register at regular intervals. If necessary, the Superintendent shall also depute a Responsible Officer of the Central Prison for assessment and report at frequent intervals.

(2) The Superintendent or a Responsible Officer of the Central Prison deputed by the former shall be present at the time of harvest until the articles are brought into stock and properly accounted for. The quantity in the yield shall also be recorded in the Garden and Plot Register and the reasons for variations between the earlier assessment and the actual yield shall also be properly accounted for and recorded.

962. *Disposal of produce.*— The vegetables, grains and the like grown in the lands shall be properly accounted for and disposed of as may be ordered by the Government.

963. *Development of Dairy.*— (1) Dairies shall be developed on Open Prison farms on commercial lines with proper technical guidance from Department of Animal Husbandry and Animal Welfare.

(2) There shall be a periodical assessment of the running of the dairy and if, such a review shows any loss and the maintenance of such a dairy is found to be not economical, it is the responsibility of the Superintendent to improve the dairy with the sanction of the Inspector



General. If, there are no improvements, it is always open to the Superintendent to close down the dairy under the orders of Inspector-General of Prisons.

(3) Scale of diet for the dairy animals shall always be regulated in consultations with the Department of Animal Husbandry and Animal Welfare and under the orders of the Inspector-General. If the feeding charges are found uneconomical when compared to the yield, the matter shall be immediately brought to the notice of the Inspector General who shall deal with such matters expeditiously.

(4) Uneconomical cows shall always be culled out without any loss of time under the orders of Inspector-General.

964. *Conduct of auction of animals.*— The Superintendent, after obtaining the approval of the Inspector-General shall cull out particular animals and accept the highest bid provided it is advantageous to Government and higher than the book value of the animal. In cases, where the highest bid for a particular animal is lower than the book value, the Superintendent shall accept the bid amount after obtaining the written opinion and the recommendation of the rate by the Director of Animal Husbandry and Animal Welfare on the reasonableness of the highest bid.

## CHAPTER-35

### UNDERTRIAL PRISONERS

965. *Categorization of under-trial prisoners.*— The undertrial prisoners shall be categorized on the basis of security, discipline and institutional programme. They shall be categorized as under:-

*Category 'I'* : Prisoners involved in terrorist and extremists activities (special security Prisoners) Detenues (limited and with the permission of Inspector General of Prisons);

*Category 'II'* : Dangerous prisoners involved in murders, dacoity, robbery, rape cases, habitual offenders, previous escapes and drug peddlers, offences attracting COFEPOSA Act, POCSO Act, NDPS Act etc.

*Note:* (i) Mentally sick prisoners, young offenders and women under protective custody will not be lodged with undertrial prisoners although classified as under trial.

- (ii) Courts will send intimation to prison authorities about under trial prisoners who have turned approvers or have made confessions.
- (iii) An accused person detained under section 122 (2) of the Criminal Procedure Code, must be treated as an undertrial prisoner until his case has been decided by the Sessions Court or High Court or Supreme Court.

966. *Admission of Undertrial Prisoner.*— An Assistant Superintendent should be in-charge of all work pertaining to undertrial prisoners. No person shall be admitted into a prison as an undertrial prisoner unless accompanied by the following documents:-

- (a) A remand warrant in the prescribed form, signed dated and sealed by the competent authority. There should be separate writ, warrant or order for every prisoner, even if, two or more prisoners have been jointly accused;
- (b) Identification roll containing at least two specific permanent identification marks like deep scars, birth marks, moles indicating their exact location on the body;
- (c) Person courting arrest during non-violent socio political economic agitation for declares public cause shall not be confined in prisons alone with other prisoner, they have to keep in separate place.

967. *Discrepancies in remand warrant.*— The officer on duty is authorized to refuse admission of an undertrial prisoner in whose case the remand warrant is not sent in the appropriate form or the warrant is found to contain.

- (i) discrepancies in name or identification,
- (ii) Omissions of the signature of the competent authority. In such a case, a report should be sent in the prescribed form to the authorities concerned;

The Personal property of an undertrial prisoner shall remain in the Jail.

968. *Children.*— Children of women undertrial prisoners may be admitted if, suitable arrangements for their care cannot be easily made outside.

969. *Food.*— (1) If, an undertrial prisoner has not been in the prison previously, it is the duty of the police or the military Escort Officer, to see that the undertrial prisoner is given food before he is taken to the prison, if he is likely to arrive there too late for the prison meal. If, the police or military escort reports that the undertrial prisoner has not been supplied with food, prison authorities should make necessary arrangements for the issue of food to him. In case the undertrial prisoner is admitted after the prison meals have been served or after lock-up, food stuff like parched rice, parched gram, groundnuts, *etc.*, should be issued to him as per prescribed scale.

(2) It is the duty of every Prison Officer to endeavour to ascertain whether an undertrial prisoner has been previously convicted. Such information, as and when it is available, should be immediately forwarded to the Superintendent of Police for necessary action.

970. *Admission hours.*— (a) Undertrial prisoners should be admitted during usual working hours of the prison. If, an undertrial prisoner admitted into to the prison after sunset he/she may be retain in lock up near the main gate, on next day after sunrise he/she may be after thorough check can be admitted into the prison. Before admitting such a prisoner into the prison he/she must be produced before the nearest Government Hospital and necessary certificate must be obtained by the Escorting Police.

971. *Classification by Court.*— Undertrial prisoners shall be of two classes, *viz.*, special class and ordinary class, according to the classification made by the Court, subject to approval of the District Magistrate. The former class shall consist of those who by social status, education and habit of life have been accustomed to a superior mode of living.

972. *Application of other rules.*— The provisions apply to unconvicted criminal prisoners equally with civil prisoners, except that the former are not exempted from handcuffs, however, they are to be handcuffed only in exceptional circumstances with the judicial permission.

Provided that the provisions of Chapter-22 will also apply to the undertrial prisoners who volunteer to work.

973. *Treatment of approvers.*— (1) When an undertrial prisoner has been admitted by the Court as an approver or a confessing accused, he shall be kept separate from others concerned in the same case. Where there are separate cells or compartment in the undertrial ward, it shall be utilized for the purpose. If, there is no separate compartment, such prisoners may be kept in separate cells by day and in separate wards by night, but, care must be taken that they are not kept in solitary confinement.

(2) Any special direction as to the separation of an undertrial prisoner given by the Judge or Magistrate shall be carried out. Such separation shall be unaccompanied by any irksome condition beyond those necessary to secure the object in view, namely, to prevent him from communicating directly or indirectly with other prisoners concerned in the same or other case

974. *Identification for Court purposes.*— (1) Undertrial prisoners shall not be allowed to cut or shave their hair on their heads or faces or in any way to alter their personal appearance, so as to make it difficult to recognize them. They shall not, however, be prevented from changing their clothes, provided that their appearance is not materially altered when they are presented for identification in the prison or sub-prison or when sent to Court for trial. If necessary, with the approval of Court concerned, hair of an undertrial prisoner may be cut or altered solely on medical grounds.

(2) The Police shall give intimation to prison authorities of cases in which identification of under trial prisoners is to be carried out and shall give full description of growth of hair, moustache, beard, *etc.*, which the undertrial prisoners had at the time of arrest.

(3) Test identification shall be held as per the regulations framed for this purpose.

975. *Police interrogation.*— Only such Police Officers as have been authorized by the Judge or Magistrate, should be allowed to interrogate an undertrial prisoner while in prison custody. Such interviews should be held in the presence and within the hearing of a Prison Officer.

976. *Facilities.*— The following facilities should be extended to all undertrial prisoners:-

- (a) Legal defence,
- (b) Interviews with Lawyers or family members (for legal purposes)
- (c) Signing Vakalatnama,
- (d) Delegation of power of attorney,
- (e) Execution of Will,
- (f) Essential religious necessities as per rules,
- (g) Applications to Courts for legal aid at Government cost as per provisions of law.
- (h) Other applications to Courts,
- (i) Application to Legal Aid Societies for free legal aid,

*Note:* The Superintendent of Jail may carefully select well-behaved prisoners to avail family interview after giving due consideration to security and other aspects.

Such facilities as are sanctioned by the Government should be extended to undertrial prisoners.

977. *Home meals (as per the Court order).*— Food from outside may be allowed subject following conditions:-

(a) A written undertaking shall be given by the undertrial prisoner and the supplier of food that they are entirely responsible for the wholesomeness of such food and that prison administration will not be responsible for any mishap that may happen. Food for only one day's requirement of the undertrial prisoner shall be allowed at one time. Food articles will be tasted by the person who delivers the food. The food will be delivered at hours prescribed by the prison authorities. Food shall be eaten in the prescribed area and during prescribed hours only. During emergencies or epidemics or for reasons of health of the undertrial prisoner, outside food may be disallowed. The Superintendent has the authority to disallow or discontinue this concession at any time.

(b) Prisoners allowed to receive outside food, shall not be given prison food.

(c) Undertrial prisoners should not be allowed to cook their food separately in the Institution;

978. *Clothing*.— Usual private clothing to meet reasonable requirements should be allowed to undertrial prisoners. Such articles of clothing as will affect the security requirements of the Institution should not be allowed. An undertrial prisoner who has no sufficient clothing of his own may be provided with the same at Government cost at the prescribed scale. Such clothing may be allowed to be retained by the undertrial prisoner even after his release. Private articles bearing marks or symbols of political affiliations shall not be allowed to be kept or used by undertrial prisoners.

979. *Canteen*.— An undertrial prisoner shall be allowed to make purchases from the canteen up to amounts as may be fixed by the Government.

980. *Additional concessions to undertrial prisoners of category*.— All facilities given to Category-II undertrial prisoners shall be extended to undertrial prisoners placed in category-I. The following additional concessions may be granted to undertrial prisoners placed in category-I:-

(a) Permission to make purchases from the canteen facilities up to ₹ 500 per month as per Canteen Rules;

(b) Getting clothes laundered from the prison laundry once a week at their own cost;

(c) One additional interview per Calendar week.

981. *Use of books*.— (1) They shall be allowed the use of such books as is in the prison library. They shall also be allowed to provide at their own cost, such books as the Superintendent may approve.

(2) Undertrial prisoners shall further be permitted if they desire, to purchase at their own cost newspapers, magazines and periodicals approved by the Superintendent. Books (other than those from prison library), newspapers, magazines and periodicals shall be censored by the Superintendent before issue.

982. *Work*.— (1) Undertrial prisoners shall clean the yards, barracks and cells where they are kept. Undertrial prisoners shall be detailed for this work. Such work may be allotted on a group basis, so that through the cumulative work of all the undertrial prisoners, the

yards, barracks, cells will get cleaned up. It will also be incumbent on all undertrial prisoners to keep their own clothing, bedding and equipment properly washed, cleaned, and disinfected;

(2) If, undertrial prisoner volunteer to work, suitable work, if possible, be given to them. Wages shall be paid to them according to schedules of standard tasks and wages, as fixed by the Government from time to time. Employment of under trial prisoners on extramural work is strictly prohibited. In no case, should undertrial prisoners be employed outside their own enclosure or in work-sheds and areas where other convicted prisoners are working.

983. *Discipline.*— No convicted prisoner shall be kept in the same area in which undertrial prisoners are kept or be allowed to have contact with undertrial prisoners. Except prisoners working in essential prison services like conservancy, *etc.*, no convicted prisoner shall be allowed to enter the under trial yard or block. As soon as the work is over, these prisoners shall be withdrawn from the yard or block. In all matters where undertrial prisoners are concerned, no convicted prisoner shall be used for supervision or similar purpose. All such matters shall be handled by staff members.

984. *Initiating action against erring undertrial prisoners.*— If, an undertrial prisoner commits any offence or violates the prison rules/discipline while in custody, it shall be reported to the prosecution agency concerned and action shall be taken against him as per the provisions of the Indian Penal Code, 1860 or the Criminal Procedure Code, 1973 as the case may be.

985. *Handcuffing.*— (1) Undertrial prisoners are liable to be handcuffed with the Magistrate's permission, except

- (a) undertrial prisoners who are seriously ill, with Doctor prescribed.
- (b) undertrial prisoners in whose case Government Orders have been issued directing that such prisoner or group of prisoners should not be handcuffed:

(2) Undertrial prisoners should not normally be handcuffed except:-

- (a) Prisoners involved in serious and violent offences;
- (b) Prisoners having notorious or dangerous background;

- (c) Violent, aggressive and refractory prisoners;
- (d) Prisoners who have previously escaped.

(3) No undertrial prisoner shall be handcuffed when he is produced before the Court, except with the permission of the Court.

986. *Production before Court.*— (1) An undertrial prisoner shall be produced before the Court, on the due date of hearing, in person. The Superintendent is responsible for the production in Court, at the appointed time, of a prisoner remanded pending a magisterial inquiry or trial and shall make suitable arrangements with the Police for the provision of the necessary escort. When possible, a prisoner shall be conveyed to and from the Court in a special conveyance. However, for extension of detention in custody, the prisoner may be produced before the Court either in person or through electronic media like, video-linkage. For this purpose, a Court diary shall be maintained in which all relevant entries of production before various Courts shall be made. These entries shall be made daily by the officials concerned and should be daily supervised by the officer in-charge of undertrial work.

(2) A receipt shall be obtained from the senior Police Officer of the escort whenever a prisoner, whether committed to the Sessions or under remand, is made over to the charge of such Police Officer for production in Court.

(3) The Police are responsible for the safe custody of any prisoner committed to their charge under the preceding sub-rule of this rule, till he is returned to the prison or discharged from custody in due course of law.

(4) When an undertrial prisoner has to be brought back to the prison even in the event of his acquittal or discharge, the Senior Police Officer of the escort should be informed of the fact and the receipt substituted.

(5) When female undertrial prisoners are taken from Courts to prisons or *vice-versa*, they shall be provided with conveyance where the distance to be traversed by them exceeds 1.6 km. Conveyances may also be provided for shorter distances in cases in which, for reasons of health or custom or other valid reason failure to make such provision would cause undue hardship to them.



987. *Requisition of escort.*— On the basis of the Court diary, requisition for police escort should be sent sufficiently in advance. Information about women, adult, juvenile undertrial prisoners and as far as possible about violent, dangerous and notorious undertrial prisoners should be sent to the police authorities while requisitioning the escort.

988. *Sick prisoners.*— If an undertrial prisoner is sick and the Medical Officer certifies the prisoner's inability to attend the Court, he should not be produced before the Court. In such an event, the Medical Certificate should be forwarded to the Court.

989. *Feeding.*— Before undertrial prisoners are sent to the Court, the usual morning meals should be served.

990. *Articles allowed to be taken while going to the Court.*— While going to the Court, the undertrial prisoner should return all prison articles issued to him. Excepting clothes on his person and papers pertaining to his case, the undertrial prisoner shall not be allowed to carry any other articles with him. In case the undertrial prisoner wants to take his cash for legal purposes, the same should be forwarded to the Court through the police escort. This amount may be utilized by the undertrial prisoner under orders of the Court for purpose like legal defence, cost of copies, *etc.* The disposal of this amount should be certified by the Police and the prisoner in the appropriate column of the register prescribed for such purpose. Under no circumstances, should the undertrial prisoner be allowed to carry cash or valuable, if any, on his person. The abovesaid matters should be entered in the prison property registers.

991. *Search.*— Before being sent to the Court, the Police escort party has to search thoroughly the undertrial prisoners. After having been received back from the Court, the Prison Officials should make thorough search.

992. *Transport.*— For transporting undertrial prisoners to and from the Court and other destinations, necessary arrangements for conveyance should be made by the police authorities. If not, a separate conveyance, the common conveyance should at least have separate compartments for women undertrial prisoners and young undertrial offenders.

993. *Conditions to be observed in court premises.*— (1) Only on written orders of the Court, undertrial prisoners may be granted interviews for legal purposes by the officers in-charge of Police escort on the Court premises. Proper record of such interviews shall be maintained at the Courts concerned and intimation sent to prison authorities in the prescribed form.

(2) Undertrial prisoners shall not be allowed directly to receive any cash valuable articles while under escort or while on the Court premises. Such cash or articles should be credited, under proper authorization.

(3) The Police escort shall not allow any eatables or prohibited articles to undertrial prisoners during their journey between the Court and the Prison or on the Court premises.

(4) Undertrial prisoners shall be thoroughly searched before being taken into the Court-room.

994. *Return to the prison.*— (1) As soon as the Court work is over, such undertrial prisoners as have been remanded to prison custody should be brought back to the prison immediately.

(2) On return of an undertrial prisoner from the Court to the prison gate, if any unauthorized article is found or a special circumstance or an irregularity is noted by the Prison Officer on duty, he shall forthwith report the matter to the Senior Officer on duty and if necessary, to the Superintendent of Police for action. Such cash as is brought by the Police escort should be recorded in the register and deposited in the prison office under intimation to the undertrial prisoner.

995. *Production of undertrial prisoners in other States.*— When an undertrial prisoner is required to be sent to another State for trial, the State from where the undertrial prisoner is sent should arrange for the escort. Travel and other incidental expenses of the escort and of the undertrial prisoner should be borne by the dispatching State.

996. *Production of undertrial prisoners before Court in civil suit proceedings.*— Unless ordered by the District Judge, no undertrial prisoner shall be produced before Court for civil suit proceedings and summon.

997. *Prevention of undue detention.*— (1) An undertrial prisoner whose case is being tried by a Magistrate shall be produced before the Magistrate at least once in fifteen days for the purpose of further order. Upon the expiry of each period of remand, the prisoner shall be placed before the Magistrate;

(2) A statement in the prescribed form showing details of undertrial prisoner whose cases have been pending for more than three months should be sent on the fifth day of each month to the Sessions Judge or District Magistrate with relevant extracts to the Court concerned.

998. *Pending cases against prisoners.*— (a) Entries of additional cases in red ink on the remand warrant in appropriate columns of undertrial register and Court diary should be made;

(b) Intimation to the Court/Courts concerned about pending cases stating whether the prisoner is on bail or not in connection with that case or those cases should be sent;

(c) Intimation to Police escort in the prescribed form should be sent;

(d) When an undertrial prisoner is wanted for trial in other case/cases for which he is not on bail, the Court concerned will issue separate remand warrants. In the event of grant of bail in the second case or other cases, due intimation shall be sent by the Courts to the prison authorities;

(e) When an undertrial prisoner confined in a prison or sub-prison is required for another case/cases for which he is on bail, the Court concerned will duly intimate the prison authorities;

(f) In the case of an undertrial prisoner having two cases pending against him, for whom he is not on bail, an endorsement on the nominal roll in red ink should be made each time he is sent to the Court.

999. *Transfer.*— During an emergency or on administrative grounds, the Inspector-General is authorized to transfer undertrial prisoners from one prison to another within the State, provided that if, a prisoner is transferred to a place outside the jurisdiction of the Court concerned, prompt intimation should be sent to the Court. The prisoner shall be produced before the Court on the due date.

1000. *Serious illness.*— When an undertrial prisoner is seriously ill, the Superintendent shall send a report, along with a medical report, to the court concerned in order that if, the law permits and the Court think fit, the prisoner may be released on bail.

1001. *Transfer to an Outside Hospital.*— When the prison Medical Officer recommends that in the interest of the health of the undertrial prisoner, he should be transferred to a hospital outside the prison, immediate action should be taken and the matter reported to the Court concerned.

1002. *Death.*— The death of an undertrial prisoner shall be promptly reported to the Court and other concerned agencies as required.

1003. *Conviction.*— When an undertrial prisoner is convicted, the officer in-charge of undertrial prisoners should hand over all connected papers and records together with cash and private property if any, to the officer in-charge of admission of convicted prisoners who will attend to the usual routine in this respect. On conviction, an undertrial prisoner should be transferred to the yard meant for newly admitted convicts.

1004. *Release from the Court.*— (1) When an undertrial prisoner is discharged or released from the Court, he shall be brought to the prison for completing the usual formalities in the prison, including making entries in the appropriate columns of the undertrial register and such formalities shall be completed quickly.

(2) If, the undertrial prisoner is released from the Court, he should claim his personal property, if any, from the prison authorities within three months, failing which the same shall be forwarded to the Police for disposal.

1005. *Release from prison.*— (1) Release orders and bail bonds will be sent through post or through the peon of the Court. If any, private person brings such documents, the same should not be accepted at the prison office;

(2) On receipt of a bail bond or release order prompt action should be taken. In a Central or a large District prison, an undertrial prisoner should normally be released within four hours of the receipt of the bail bond or release order.

1006. *Release Procedure.*— (1) While releasing an undertrial prisoner the officer in-charge should attend to the following points:-

- (a) Scrutiny of the bail bond or release order with relevant original papers and record,
- (b) Checking whether any other case is pending against the undertrial prisoner,
- (c) Checking of the identity of the undertrial prisoner,
- (d) Handing over of the cash and property of the undertrial prisoner;

(2) The undertrial prisoner should be informed of the contents of the bail bond prior to his release;

(3) If, the undertrial prisoner has not got sufficient money, he/she may be given travel warrant and if, his/her journey home is likely to take more than 12 hours; he may be given subsistence money;

(4) After release the bail bond should be duly returned to the Court concerned along with a certificate of release.

1007. *Women under trial prisoners.*— (1) Women undertrial prisoner shall normally be escorted by women Police. When there are no women Police available, she shall be accompanied by woman Prison Guard. As far as is practicable, separate conveyance shall be provided for the transport of women undertrial prisoners.

(2) Women staff members shall be in-charge of women undertrial prisoners. The female Assistant Superintendent or female Principal Warder shall be present at the time of admission and release of women undertrial prisoner. She shall attend to all work pertaining to the women undertrial prisoners.

(3) As far as possible, women undertrial prisoners shall be handed over to their relatives after release. If, this is not possible, a woman Police or woman prison guard shall escort the released woman undertrial prisoner to the nearest station or transport Bus Stand.

1008. *Daily Routine and Programme for Undertrial Prisoners.*— The following daily routine should be adjusted to suit local conditions:

- 
- (i) Early Morning  
Toilet, Meditation,  
Preparation for opening,  
Unlocking according to conditions of visibility,  
Counting,  
Search,  
Leaving the barrack or cell.
- (ii) Morning  
Toilet,  
Prayers,  
P.T.drill, individual and group exercise,  
Morning light meal,  
Cleaning of barracks cells, yards, open spaces,  
Cleaning of equipment,  
Work on voluntary basis,  
Educational classes, Washing of clothes and bath, Meal and rest.
- (iii) Afternoon  
Newspapers, library books,  
Educational classes,  
Social education,  
Toilet,  
Games and reaction for one hour according to institutional facilities.
- (iv) Early evening  
Wash, Evening meal,  
Preparation for lock-up,  
Counting,  
Search,  
Lock-up at dusk.

## (v) Evening

Reading newspapers,

library books,

TV/Radio music,

Meditation,

To bed.

1009. *Interviews.*— (1) One interview per calendar week with family members or relatives or close friends may be allowed. In deserving cases, additional interviews for legal purposes may be granted at the discretion of the Superintendent. When a legal adviser desires an interview with an undertrial prisoner, he shall apply in writing, giving his name, address and profession and satisfy the Superintendent as to his *bona fides*. Every interview between an undertrial prisoner and his legal adviser shall take place within the sight but, out of hearing of a prison official.

(2) Undertrial prisoners shall not be granted interviews with convicted prisoners unless they are very close relatives.

*Note :* The general rules regulating interview and communications in Chapter 15 shall apply to under trials.

1010. *Letters.*— (1) On the initial admission of a prisoner, a printed card shall be sent at Government cost to his family and the card shall contain information pertaining to the inmate's institutional number and address, brief summary of rules regarding interviews, letters, *etc.*

(2) Four letters per calendar month, two at his cost, and two at Government cost, shall be allowed to be written by an undertrial prisoner,

(3) Additional letters for legal purposes such as arranging defence, bail, and security may be allowed normally at the prisoner's own cost,

(4) Undertrial prisoners may be allowed to purchase a reasonable quantity of stationery and writing material which shall be marked and serially numbered by the prison authorities.

**CHAPTER-36****HIGH SECURITY PRISONERS AND DETENUES**

1011. High risk offenders, including prisoners classified under categories I and II (indicated below), will be lodged in separate enclosures demarcated as high security enclosures within the existing prisons. If possible, separate high security prisons may be constructed in every District with the lodging capacity of 50-100 inmates. Under no circumstances should the High risk offenders be kept with other undertrial prisoners and convicts.

1012. *Classification of High risk offenders.*— All prisoners, including undertrials and detenues, shall be classified into following categories to determine the level of security for effective surveillance, safe custody and prevention of escapes:

(i) **Security Category - 1 (S1-Red):** Fundamentalists, Naxalites, extremists and terrorists or any other individual characteristics warranting confinement in Security Zone-1.

(ii) **Security Category - 2 (S2-Blue):** Gangsters, hired Assassins, dacoits, serial killers I rapists I violent robbers, drug offenders, habitual grave offenders I communal fanatics and those highly prone to escapes/previous escapees/attack on Police and other dangerous offenders/including those prone to self harm/posing threat to public order, warranting confinement in Security Zone-2.

(iii) **Security Category - 3 (S3-Yellow):** Those who do not pose any threat to the society, upon release, like those involved in murders on personal motives, other bodily offences, theft/property offences, prohibition offences, other special and local laws, railway offences and other minor offences. The above three categorization shall be done on the basis of the inputs provided by the Police/intelligence agencies at the time of admission.

(iv) **Security Category - 4 (S4-White):** Prisoners who are eligible for Open Prisons.

(v) **Security Category - 5 (S5-Green):** Elders, sickly, students, etc. The above two categorization shall be done by the prison authorities.

1013. *Building Structure.*— (1) High security enclosures/prisons should have a thick outer masonry wall at least 20 feet in height, with watch towers at all its comers and one central tower within the enclosure.



The enclosures/prisons should be provided with anti-tunneling slabs and all spaces open to the sky should be covered with iron grill. These enclosures can be divided into security zone Grade I and security zone Grade II.

(2) Security zone grade I should have a cellular type of accommodation with a minimum space of 10' x 9' which will have the facility of an inbuilt WC and bath and a strong dividing wall. Front portion of cells should be of iron grill, the flooring should be of RCC slab, high ventilators should be provided instead of windows. The building should have a separate entry lobby with visitors' room on one side, MI room, and food distribution room. The hardcore militants, terrorists, professional killers, habitual offenders of heinous crimes, violent and dangerous prisoners and prisoners who pose great threat of escape will be lodged in security zone Grade I.

(3) Security zone Grade II will have a single room accommodation (cellular and the association barracks). This accommodation can be of 16' x 9' size where two or three prisoners can be lodged at a time. The barracks should have a maximum capacity of lodging 10 to 15 prison inmates. They should also have an inbuilt toilet and bath. The size of one barrack can be 27' x 10'. This security zone can have a common kitchen. Security zone Grade II will also have a separate entry lobby; the space open to the sky should be covered with iron grills.

(4) The building pattern should be oval and covered with watch towers on all sides. In this zone, first offender militants and terrorists both convicts and under-trial prisoners, who pose lesser threat of escape, can be lodged.

1014. *Staff Pattern.*— Well trained staff should be detailed for watch and ward duty of High Security enclosures. An officer not below the rank of Deputy Superintendent should be in charge of these enclosures. Provisions should be made that no staff on duty comes in direct contact with the prisoners except as a requirement of duty.

1015. *Facilities (Interviews, Letters, and Communication).*— High-risk offenders will enjoy all the facilities admissible to the under-trial prisoners or convicts, but the interviews will be held in the presence of an officer. It will be advisable if Dose Circuit Televisions with sound recording facilities are fitted in the interview room. Moreover,

the room should be near the entrance lobby and within the high security enclosure. In any case, high risk offenders will not be allowed in the main interview blocks. Interviews should be allowed with only blood relations and authorised lawyers. All letters should be properly censored.

1016. *Food, Toilet, Clothing and Bedding.*— No cooked food from outside shall be allowed for high risk offenders. No individual shall be allowed to cook for himself. However, the high risk offenders can have a common kitchen. No under-trial, detainee or convict should be allowed to enter the high security enclosure. Admissibility to toilet articles, clothing and bedding shall be the same as that given to other undertrials and convicts.

1017. *Medical Care.*— Medical care shall be the same as for other inmates, but, within the enclosures of the inbuilt MI room. In case of an emergency, with the permission of the Inspector-General of Prison, they can be shifted to the local hospital for treatment but under proper Police escort and guard.

1018. *Sports, Games and Recreation.*— (1) Subject to prison security and discipline, prisoners lodged in Grade I security zone can be provided with books, newspapers and journals. Writing material can also be provided as and when required. If possible, TV/Radio sets can be provided outside the cells with such restrictions as found necessary from the view point of security. Regular physical exercise and yoga can be allowed within the cell itself. Prisoners can be allowed to stroll within the place inside the block in the evening before being locked-up.

(2) Similarly, prisoners lodged in security zone Grade II can be provided with radio and television in their barracks, indoor games like carom and chess can be given to them. Books, newspapers, journals and magazines along with stationery can be provided to them. At intervals, seeing their behaviour, cultural programmes can also be allowed.

1019. *Money.*— High security prisoners shall not be allowed to receive any money from their families or friends.

1020. *Canteen Facility.*— High risk offenders may be allowed to avail of canteen facilities only if adequate security precautions are taken to prevent untoward behaviour.

1021. *Reform and Treatment Programmes.*— The reform and treatment programmes can be extended to the prisoners lodged in the security area Grade II. Minimum technical education with primary focus on handicraft work should be given. Basic education should form an essential part of the programme. These activities and programmes should be conducted within the enclosure itself. These prisoners shall not be taken out to mix with other inmates.

1022. *Security.*— (1) A double ring of security shall be provided to all security enclosures. Inner security of the enclosures should be manned by highly trained staff of the prison, while the outer security, including the watch towers and security wall, should be the duty of a special armed guard.

(2) The enclosures should be equipped with walkie-talkies, alarms and jammers and state-of-the-art electronic surveillance system of interception and interruption.

- (i) ID machines hand-held and doorframe, metal detectors and all other electronic devices should be made available.
- (ii) The armory of the prison should be well equipped with all types of sophisticated and automatic weapons.
- (iii) Every barrack and cell, especially the interview room, should be fitted with closed circuit T.V. cameras.
- (iv) The sentries guarding the watch tower should always be alert.
- (v) A no man's area should be identified near the high security enclosures which should not be accessed by any prison inmate and the staff, except those who are detailed for duties.
- (vi) Proper search of barracks, cells and prisoners should be conducted every day. The high security prisoners of category T and 'II' should be searched twice a day whereas category TH' at least once a day.
- (vii) The locking up and opening should be conducted in the presence of the officer in charge and no barrack cell should be opened during night hours except in the presence of the Superintendent of the prison.

- (viii) Besides checking the locks, bars, grills, mess, ventilator, floors, walls of barrack/cells, its ceiling should also be checked.
- (ix) The guards posted in the yards of the enclosure should not hold conversation with each other more than what may be required to perform their duty. The entrance door of the yard should always be kept locked from inside.
- (x) The keys of the locks of the cells/barracks doors shall always be carried by the person entrusted with the duty. They shall under no circumstances be handled by any unauthorized person.
- (xi) The cells and barracks should be well lighted to avoid dark spots and comers inside.
- (xii) The guard on duty should be thoroughly searched while going in and coming out. He should be briefed adequately from time to time about no acceptance of articles like eatables, articles for smoke, even water from these prisoners.
- (xiii) The inmates of high security enclosures should be counted at least twice in a day besides the counting done during locking up and opening.
- (xiv) Necessary gadgets such as breath analyzer, canine unit, *etc.*, may also be procured and utilized to check any breach of prison discipline.

1023. *Court Hearing.*— Video linkage should be provided to these high security enclosures. In any case no under-trial, convict or convict officer or detenu should be allowed to enter these enclosures. The regular prison staff or the paramedical staff will not have access to these enclosures unless they are accompanied by the officer in charge of the block.

1024. *Convicts for Rigorous Imprisonment.*— High risk offenders who are undergoing rigorous imprisonment, will do all sort of work assigned to them inside the security enclosures.

1025. *Punishment.*— All high risk offenders can be punished by the Superintendent in case of breach of discipline and security of prison in the manner set forth in Chapter-32 (Prison Discipline) of this Manual.

The Superintendent may take appropriate legal action against such prisoners and in case a high risk offender commits an offence which is punishable under any law in addition to being a prison offence, appropriate criminal process may be initiated against him by moving the local police station. In addition to the major and minor punishments provided in Chapter-32:-

(i) If a high risk offender commits frequent breaches, the Superintendent can recommend his shifting to any other prison to the Inspector-General of Prisons.

(ii) Facilities like interviews/letters/canteen facilities can be withdrawn for a limited time or otherwise.

(iii) Forfeiture of earned remission and any other punishments as laid down by the Inspector-General may also be imposed.

1026. *Provision of modern gadgets.*— All necessary gadgets such as breath analyzer, lie detector, dog squad may also be procured as per the requirements to check any breach of prison discipline.

### CHAPTER-37

#### WOMEN PRISONERS

1027. *Establishment of separate prison for women prisoners.*—

(1) Separate enclosures/ prisons within district or central prisons are also required to be established for housing female inmates where there are no exclusive jails for women. Till separate prisons for women are established, both male and female inmates can be confined in the same prison on the condition that female offenders are to be kept in a strictly secluded female enclosure within the prison complex. The existing enclosures for women in common prisons may be renovated to ensure that the women inmates do not come in contact with male inmates during their passage to and from these enclosures. Separate Yards like UT and Convicts must be available inside the confined female complex. Such enclosure should be, to the extent possible, independent in terms of infrastructural set-up. These enclosures should have a double lock system; one lock outside and the other inside. The keys of the inside should always remain in the custody of women guard inside.

(2) The enclosures for women prisoners should have all the requisite facilities with reference to their special needs such as segregation, security, pregnancy, child birth and family care, health care and rehabilitation, *etc.*

(3) Care should be taken to ensure that women inmates are protected against any form of exploitation. The work and treatment programmes for female inmates should be devised giving due consideration to their special needs. Female prisoners should be granted equal access to work, vocational training and education as male prisoners.

1028. Classification and Separation:- Women prisoners shall be classified and kept separately as under:-

- (i) Under-trial prisoners shall be kept completely separated from convicted offenders, even when their number is small;
- (ii) Habitual prisoners shall be separated from casual offenders;
- (iii) Habitual offenders, sex workers and brothel keepers must also be confined separately;
- (iv) In no circumstances, should adolescent girls be confined with adult women prisoners;
- (v) Political and civil prisoners shall be kept separately from convicts and under-trial prisoners;

*Note:* No criminal or non-criminal mentally ill prisoners will be kept in the prison. Such prisoners shall be immediately transferred to appropriate psychiatric hospital or psychiatric nursing home.

1029. *Register.*— A register (which may be in electronic form) shall be maintained in every place of imprisonment with numbered pages where the following details of women prisoners shall be entered:

- (i) Information concerning their identity.
- (ii) The reasons for their imprisonment and the authority ordering such imprisonment with full details of such order.
- (iii) The day and hour of their admission and release.
- (iv) Details of children of the prisoner, if any, including names, ages, location and custody status.

Details of the children of women prisoners, including names, ages, location and custody status, shall also be recorded in the register. Such information regarding the identity of the children shall be kept strictly confidential and may be shared only with the mother's express permission.

*Note:-* No person shall be received in an institution without a valid commitment order.

1030. *Restriction on Women Prisoners.*— (1) No female prisoner shall, on any pretext, leave or be removed from the female enclosure except for release, transfer or attendance at Court or under the order of the Superintendent for other legitimate purposes.

(2) Every female prisoner authorized to leave her enclosure will ordinarily be accompanied by a matron or assistant matron, chief warden or female warden from the time she leaves till she returns.

1031. *Exclusion of males.*— (1) No male shall be permitted to enter the female ward of any prison, at any time, unless he has a legitimate duty to attend therein. No adult male shall enter it at all by night except in an emergency, and even then only along with the female warden or female officer. He shall thereafter record a clear report of his visit with the reasons for such visit, and the hour thereof, in his report book.

(2) Male warders and other male staff, acting as escort to lady visitors and officials, shall remain outside the enclosure.

(3) If at any time a male prison officer or warden or prisoner enters or of attempts to enter, any ward or portion of a prison reserved for female prisoners, without proper authority, it shall be reported to the Deputy Superintendent forthwith.

1032. *Training of staff for gender-sensitivity.*— (1) All staff assigned to work with women prisoners shall receive training relating to the gender-specific needs and human rights of women including on sexual misconduct and discrimination. Such staff shall also be sensitized regarding situations and instances where a woman inmate may feel particularly distressed, so as to be sensitive to their situation and ensure that the women are provided appropriate support.

(2) Where children are allowed to stay with their mothers in prison, awareness-raising on child development and basic training on the health care of children shall also be provided to prison staff, in order for them to respond appropriately in times of need and emergencies.

1033. *Locks of female enclosures.*— (1) The locks of enclosure and barracks, where women are confined shall, be different from those in use in other parts of the prison, so that there is no possibility of keys for locks of other enclosures being misused for opening enclosures of women prisoners.

(2) Suitable measures may be taken (including the provision of alarm bells) to ensure minimum delay in opening barracks in case of an emergency.

1034. *Photography and Fingerprints.*— Photographs, foot-prints, finger-prints and measurements of women prisoners shall be done in the presence, and with the assistance of women prison officers or women warders.

1035. *Inspection.*— (1) Daily visits shall be made by women prison officers and staff in all women barracks and enclosures, and particular attention will be paid to health and hygiene-related problems of women prisoners.

(2) Night inspection rounds shall be made by women officers and warders. Reports of such night inspections shall be recorded in the report book immediately on completion of such Inspection.

1036. *Prisoners Requiring Mental Health Care.*— Female prisoners needing treatment for mental diseases shall not be admitted in prison. They shall be kept in separate enclosures for female patients at the mental health hospital or in other mental health facilities, under the supervision of a lady Medical Officer.

1037. *Custody of the Female Enclosure.*— There shall be round the clock duty of female Principal warders and female warders in the female enclosures.

1038. *Admission of Under-Trial Prisoners.*— The admission rules for under-trial and convicted prisoners in the prison Manual shall be applicable to under trial and convicted women prisoners also.

1039. *Search of Women Prisoners on Admission.*— Women prisoner shall be searched by female warders in the presence of other senior women personnel/women officer with due regards to consideration of privacy and decency. Such search shall not be conducted in the presence of any male.



1040. *Quarantine on Admission to Prison and Medical Aid.*—

(1) Women prisoners on admission to prison shall be medically examined and, if the examining lady Medical Officer deems it necessary, kept separately in the female enclosure on medical grounds for the period prescribed by the Medical Officer.

(2) After admission to prison, all women prisoners shall be required to wash themselves and their clothing thoroughly as soon as possible. Their personal clothing shall be disinfected before being stored.

(3) Part-time lady Medical Officers of the District Government Hospital shall be engaged for medical examination of female prisoners on admission. Only lady doctors shall look after the medical care of women prisoners during their stay in prison.

(4) Every woman prisoner shall be examined by a lady Medical Officer. Such examinations shall also be conducted on readmission after bail, parole and furlough. In case a woman officer/matron/female warder suspects a prisoner to be pregnant, the woman prisoner shall be sent to the District Hospital for detailed examination and report.

1041. *Pregnancy.*— (1) When a woman prisoner is found or suspected, to be pregnant at the time of admission or later, the lady Medical Officer shall report the fact to the Superintendent. Arrangements shall be made at the earliest to get her medically examined at the female wing of the District Government Hospital for ascertaining the state of her health, pregnancy, duration of pregnancy and the probable date of delivery. After ascertaining all necessary particulars, a detailed report shall be sent to the Inspector-General of prisons.

(2) Gynecological examination of the female prisoner shall be performed in the District Government Hospital. Proper pre-natal and ante-natal care shall be provided to the prisoner as per the advice of qualified Medical Officer.

(3) Adequate and timely food including supplemental nutrients, a healthy environment and opportunities for regular exercise shall be provided to pregnant women, babies, children and breast-feeding mothers.

1042. *Child Birth in Prison.*— (1) As far as possible (provided the prisoner has a suitable option) arrangements for temporary release (or suspension of sentence in the case of a casual offender) will be made to enable a prisoner to deliver child in a hospital outside the prison. Only when there is high security risk in the case of any particular woman prisoner, the facility to deliver child outside the prison shall be denied.

(2) Births in prison shall be registered at the local birth registration office. The fact that the child has been born in prison shall not be recorded as the place of birth. Only the address of the locality shall be mentioned. As far as the circumstances permit, all facilities for performing the naming rights of the child born in a prison shall be extended to the mother.

1043. *Property of Women Prisoners.*— All money, jewellery, and articles of clothing, received with or found on the person of a woman prisoner on her admission to the prison or sent subsequently by the police or tendered by her relatives or friends on her behalf prior to her release, shall be received and taken over by the Deputy Superintendent or other officer on duty. A list of all such articles shall be entered in the Admission Register and in the convict's warrant and read over to the convict in the presence of the Superintendent who shall countersign the entries in the register and in the warrant. Method of storing the prisoner's money, etc., shall be according to the general rules laid down in the Prison Manual of respective state.

1044. *Certain Ornaments to be allowed to Women Prisoner.*— Female prisoners shall be allowed to retain, in moderation, certain ornaments of small value such as mangal sutras and toe rings. The Superintendent may, however, at his discretion, refuse to allow the retention of these ornaments in any particular case for disciplinary/ security reasons.

1045. *Children of Women Prisoners.*— (1) A child up to six years of age shall be admitted to prison with his mother if no other arrangements, for keeping him with relatives or otherwise, can be made. Children born in prison may remain with their mothers up to six years of age, if they cannot otherwise be suitably placed. The Medical Officer shall determine the age of children not born in prison for the purpose of this provision.

(2) No child shall be admitted into or retained in prison if he has attained the age of six years. The Superintendent shall inform the Directorate of Social Welfare about all children of that age for placing them in a home run by the Social Welfare Department. Such children shall be kept in protective custody until their mother is released or the child attains such an age as to be able to earn his own livelihood.

(3) Children kept under protective custody in a home of the Department of Social Welfare shall be allowed to meet their mothers at least once a week. The Director, Social Welfare Department will ensure that such children are brought to the prison on the dates fixed for this purpose by the Superintendent of Jail.

1046. *Welfare of the children of the Women Prisoners.*— (1) Prison administration should ensure holistic development of children of inmates confined in the prisons. To the extent possible, prison administration shall strive to create a suitable environment for children's upbringing which is as close as possible to that of a child outside prison. The Board of visitors shall inspect these facilities at regular intervals.

**Education:-** (1) The children of women prisoners living in the prison shall be given proper education and recreational opportunities. There shall be a well-equipped creche and a nursery school attached to a prison for women where the children of women prisoners shall be looked after while the mothers work in prison. Children below three years of age shall be allowed in the creche and those between three and six years shall be looked after in the nursery school. These facilities may also be extended to the children of warders and other female prison staff.

(2) The creche and nursery school shall be run by the prison administration preferably outside the prison with the assistance of NGOs or state welfare services. In the event the prison administration considers it difficult to run a creche, arrangements should be made to send the children to a privately run creche under proper security. The transportation charges involved in the process and creche fee shall be borne by the prison administration. Clean drinking water shall be provided to the children. The water shall be periodically checked.

(3) Children in prison shall be provided with adequate clothing suiting the local climatic requirements. For this the Government shall lay down appropriate scales. Articles, like diapers and others as required, should be provided to women prisoners who are caring for their infant children.

**Diet/Food:-** (1) Scales of diet for children shall be decided keeping in view the calorific requirements of growing children as per medical norms and climatic conditions. Separate utensils of suitable size and material should also be provided to each mother prisoner for feeding her child.

(2) In the event a woman prisoner with children falls ill, alternative arrangements should be made by the prison staff for looking after any children falling under her care.

**Healthcare:-** Adequate health facilities shall be provided to children of women prisoners (in collaboration with community health services). Children shall be regularly examined by a Lady Medical Officer to monitor their physical growth who shall also be vaccinated for various diseases including polio and small-pox at the appropriate time. Extra clothing and diet may also be provided to such children on the written recommendations of the Medical Officer.

1047. *Diet and Food.*— (1) Management of kitchens or cooking food on caste or religious basis should be strictly banned in prisons for women.

(2) Adequate and nutritious diet should be given to nursing women and to children accompanying women prisoners.

(3) Food articles should be of a good quality.

(4) Pregnant and nursing women prisoners should be prescribed a special diet.

(5) Women prisoners should get special diet on festivals and national days, as may be specified in the rules.

(6) Medical Officer should ensure that food is cooked under hygienic conditions and is nutritious.

(7) There should be a separate kitchen for every 100 prisoners.

(8) Special arrangements for warming food I milk shall be made for women with children.

(9) Some women staff should be given special training in management of diet and kitchens and such trained staff should supervise the kitchens and cooking in prisons for women.

(10) Prison officers, including the Superintendent, must supervise every aspect of the prison diet system, *i.e.*, issue of rations, management of kitchens and distribution of food. There should be a separate kitchen for women prisoners.

(11) Women prisoners should not be allowed to have their own mini kitchens inside the prison barracks.

(12) Clean drinking water should be supplied to prisoners and it should be tested periodically.

1048. *Scale of Diet.*— The Government shall lay down dietary scales for women prisoners keeping in view their calorie requirements as per medical norms. The diet shall be in accordance with the prevailing dietary preferences and tastes of the local area in which the prison is located.

1049. *Prisoner to Receive Diet According to Scale.*— (1) Every prisoner shall be entitled to receive every day food at prescribed times and according to the scale laid down.

(2) The Government may, at any time, vary either temporarily or permanently, the scale laid down in the Prison Manual of the respective state, provided reasons for doing that are recorded in writing by the authorities concerned.

1050. *Special Extra Diet on Medical Grounds.*— (1) Where the lady Medical Officer, for reasons of health, considers the prescribed diet to be unsuitable or insufficient for a women prisoner or her child, she may order in writing a special diet or extra diet, for a specific period of time. Special consideration shall be given in this regard to pregnant/nursing prisoners.

(2) Rules relating to diet of prisoners, those on specific medical advice for expectant and nursing mothers, and infants and children, shall be scrupulously observed.

1051. *Clothing.*— (1) Women prisoners sentenced to six months imprisonment or below should be issued two sarees, two blouses, two petticoats, a towel and two sets of customary undergarments.

(2) Women prisoners sentenced to more than six months of imprisonment should be issued three sarees, three petticoats, three blouses, two towels and three sets of customary undergarments.

(3) The clothing requirements provided above may be prescribed by each State in accordance with the prevailing climate and cultural norms. Adequate warm clothings, according to local conditions and change of seasons, shall also be provided.

(4) Children allowed to stay with women prisoners should be given suitable clothing similar to what is normally used by children in the local community.

(5) Every women prison should maintain a repair unit where prisoner's clothing can be repaired.

(6) Sterilised sanitary pads should be issued to women prisoners as per their requirements.

(7) Clothing of prisoners should be sterilised at government cost once in two months. Prisoners should be allowed to get their clothes washed through prison laundries at their own cost.

(8) All clothing shall be cleaned and kept in a proper condition. Underclothing shall be changed and washed as often as necessary for maintenance of hygiene.

1052. *Bedding.*— (1) Every woman prisoner shall be provided with a sleeping berth and sufficient bedding in accordance with local standards and climatic conditions. These shall be clean when issued, kept in good order, and changed often enough to ensure their cleanliness.

(2) Women prisoners should be given one pillow with pillow cover and woollen blankets according to climatic conditions.

(3) Women prisoners shall be provided two cotton sheets for every six months.

(4) All articles of prisoner's bedding, clothing and other equipment should be inspected by a women officer at least once a week to ensure that proper standards are maintained.

1053. *Accommodation.*— (1) There should be four types of living accommodation:

- (a) Barracks with accommodation for 20 women prisoners.
- (b) Dormitory accommodation for four to six women prisoners each.

(c) Single room accommodation for women prisoners needing privacy for pursuing studies.

(d) Cells for segregation of women prisoners for the purpose of security and punishment.

(2) All accommodation provided for women prisoners, and in particular all sleeping accommodation, shall meet basic requirements of health. Due regard being paid to climatic conditions, the cubic content of air, minimum floor-space, lighting and ventilation.

(3) Prisoners kept in dormitories shall be carefully selected, so that they are able to adjust with one another in those conditions. There shall be regular supervision by night, in keeping with the nature of the institution.

(4) Sleeping berths in the women's barracks shall not be at a height beyond the comfortable reach of women prisoners.

(5) There should be sufficient number of toilets and that should be maintained in a clean and decent state.

(6) Where women prisoners they are required to live or work, the windows shall be large enough to enable the prisoners to read or work by natural light. The place should be sufficiently ventilated to allow the entrance of fresh air.

(7) Sufficient artificial light too shall be provided for the prisoners to read or work.

(8) Adequate number of baths and showers shall be provided so that every prisoner may have a bath or shower at a temperature suitable for the climate, as frequently as may be necessary, for maintaining general hygiene according to season and climate.

All parts of the institution, regularly used by prisoners, shall be properly maintained and kept scrupulously clean at all times.

1054. *Cleanliness of Women Enclosure.*— (1) All parts of the women's enclosure in a prison shall be properly maintained and kept scrupulously clean at all times.

(2) No menial duties or conservancy work, connected with the women's enclosure shall be carried out by the women prisoners. Specific staff for this purpose shall be employed.

1055. *Personal Hygiene.*— (1) Women prisoners shall be required to keep their persons dean, and to this end they shall be provided with toilet articles, including sanitary towels, necessary for maintaining health and cleanliness. Sufficient water shall also be made available for the use of women prisoners and their children, and those prisoners, in particular, who are involved in cooking and those who are pregnant, breastfeeding or menstruating.

(2) A woman prisoner's hair shall not be cut without her consent. However if, on account of vermin or dirt, the lady Medical Officer deems cutting of hair necessary on the ground of health and cleanliness. Even then it shall not be cut any shorter than required.

1056. *Amenities.*— (1) All valuable ornaments should be removed from women in custody and should be safely deposited. They should be permitted to retain their mangal sutra and toe-rings.

(2) Clothing and linen provided to women should include undergarments, upper and other clothes, towels and socks in cold climates. Adequate quantity of toilet and washing soap should be provided to them. A sachet of shampoo may be provided to women prisoners on a weekly basis.

(3) Each adult woman prisoner shall be supplied suitable number of sanitary napkins for use during menstruation.

(4) Women prisoners shall be provided kumkum according to their custom, sufficient quantity of hair oil and a comb.

(5) Sufficient number of looking glasses should be fitted in their barracks. At least one looking mirror (1.6 feet x 3.0 feet) should be installed in the barrack.

1057. *Interview.*— (1) The number of interviews for convicts and under trial prisoners should be liberalized in the case of women. Women prisoners' contact with their families, including their children, their children's guardians and legal representatives shall be encouraged and facilitated by all reasonable means. Where possible, measures shall be taken to counterbalance disadvantages faced by women detained in institutions located far from their homes.



(2) Every women prisoner shall be allowed, assisted and encouraged to write a letter and have interview with her relatives/ neighbours once a week during her term of imprisonment. A senior female officer in charge of interviews should be responsible for grant of interviews as per rules. In view of women prisoners disproportionate experience of domestic violence, they shall be properly consulted as to whom, including which family members, is to be allowed to visit them.

(3) Visits involving children should take place in an environment that is conducive to a positive visiting experience for the visiting children, including with regard to staff attitudes, and should allow open contact between mother and child. Where possible, visits involving extended contact with children should be encouraged.

(4) The prison inmates shall be afforded opportunity as prescribed in the rules, to have reasonable contact including visits, telephone contact, electronic communication contact, interviews through video-conferencing and correspondence with the family inside the prison.

(5) There should be no limit on incoming letters for women prisoners.

(6) Illiterate or semi-illiterate prisoners should be provided help in writing letters.

(7) A waiting room for visitors should be provided at each prison for women.

(8) Every newly admitted prisoner shall be allowed facilities for seeing or communicating with her relatives/friends/legal advisors, with a view to preparation of an appeal or revision petition or for procuring bail. She shall be allowed to have interviews with or write letters to, her relatives more often, if the Superintendent considers it necessary, to enable her to arrange for the management of her property and other family affairs.

(9) In case, close relatives of women are detained in the same prison, interview of both shall be facilitated by the Deputy Superintendent between the two gates in presence of Deputy Superintendent/Assistant Superintendent, once a week.

1058. *Books.*— Every institution shall have a separate library and a reading room for women with both recreational and instructional books. Prisoners shall be encouraged to make full use of these facilities.

1059. *Religious Books.*— A woman prisoner shall be allowed to keep, at a time, up to five books with her. The restriction on the number of the books is on account of administrative convenience only (*i.e.* consideration of space per prisoner) and not for any other reason.

1060. *Education.*— Every woman prisoner should be offered a suitable educational programme during her stay in prison to improve her employment prospects. Education shall be a compulsory activity in prisons for at least one-hour every day. It shall aim to enhance their functional capability. Every prison should organize adult education, social, moral and health education, family welfare programmes, and training in various skills for making women self-reliant. For interested prisoners, appropriate facilities for formal and advanced education shall also be provided.

1061. *Recreational and Cultural Programmes.*— Recreational programmes should be organized for women prisoners which may include simple outdoor games, bhajans, music, folk dances, drama, TV, radio and film shows. Women prisoners shall be provided facilities for meditation and yoga for stress management and for improving their mental and physical health.

1062. *Application of rules.*— Except in so far as they are inconsistent with the rules in this chapter, all the rules in these Rules shall apply to women prisoners.

1063. *Vocational Training.*— Vocational training programme should be designed to suit the needs of prisoners sentenced to short, medium and long term imprisonment. As far as possible women prisoners shall be imparted training suited to their aptitude and background, making them economically self-reliant. The selection of vocational programmes shall be made in accordance with the marketability and profitability of the product, enhancing the prisoner's ability to earn their livelihood after release. The wages earned by the women prisoners should be deposited in the bank account of the women inmates. Sufficient work or vocational trades shall be provided to keep prisoners actively employed for a normal working day. These may include:

- 
- |                         |  |
|-------------------------|--|
| 1. Tailoring            | 15. Cottage industries                           |
| 2. Embroidery           | 16. Gardening                                    |
| 3. Needle-craft         | 17. Sewing machine repair                        |
| 4. Spinning             | 18. Typing                                       |
| 5. Handloom             | 19. Computer training                            |
| 6. Weaving              | 20. Beautician's work                            |
| 7. Soap making          | 21. Telephone operation and Secretarial practice |
| 8. Hosiery work         | 22. Agricultural, horticultural, diary projects  |
| 9. Cane and bamboo work | 23. Poultry                                      |
| 10. Candle making       | 24. Sericulture                                  |
| 11. Toy making          | 25. Fishery                                      |
| 12. Pottery             | 26. Mushroom cultivation                         |
| 13. Stationery articles | 27. Fruit preservation                           |
| 14. Local handicrafts   | 28. Local projects                               |

1064. *Labour*.— (1) Prisoners shall be paid equitable remuneration for their work and no disparity in wages shall accrue on account of gender differences.

(2) The system should also provide that a part of the earnings is set aside by the administration to constitute a savings fund to be handed over to the prisoners on their release.

(3) Under the system the prisoners shall be allowed to spend at least a part of their earnings on approved articles for their own use and to send a part of it to their family.

(4) Unless medically advised not to work, all prisoners shall be engaged in work and activity in the prison, for which they will be paid proper wages.

1065. *Health/Medical Facilities*.— (1) Every woman prison shall have a 10 bed hospital for women. Treatment programmes should be properly planned and developed in every woman's prison. At least one

and more woman gynecologist and psychiatrist shall be provided. Modern equipments for X-ray, ECG, ultrasound and sonography should be available.

(2) In addition to the details required to be recorded after health screening in accordance with, the health screening of women prisoners shall also include a comprehensive screening to determine primary health care needs, and to determine:

- (a) The presence of sexually transmitted diseases or blood-borne diseases; and, depending on risk factors, women prisoners may also be offered testing for HIV, with pre- and post-test counseling;
- (b) Mental health care needs, including post-traumatic stress disorder and risk of suicide and self-harm;
- (c) The reproductive health history of the woman prisoner, including current or recent pregnancies, childbirth and any related reproductive health issues;
- (d) The existence of drug dependency;
- (e) Sexual abuse and other forms of violence that may have been suffered prior to admission.

(3) Female prisoners suffering from psychosomatic and psychological disorders, victims of sexual abuse and those having mental health issues, should get proper counseling and medical treatment.

(4) The right of women prisoners to medical confidentiality, including specifically the right not to share information and not to undergo screening in relation to their reproductive health history, shall be respected at all times. [Rule 8 of the UN Bangkok Rules]

(5) Women prisoners shall receive education and information about preventive healthcare measures, including on HIV, sexually transmitted diseases and other blood borne diseases, as well as gender-specific health conditions. [Rule 17 of the UN Bangkok Rules]

1066. *Legal Aid.*— (1) To ensure access to justice to all, timely legal aid services should be provided to needy prisoners at State expenses as prescribed by the Government. Prison Administration should be assisted by the State/District Legal Service Authority for this purpose through a panel of advocates earmarked for the Jails/Courts.

(2) For this purpose, socio-legal counseling cell shall be set up in each institution to be managed by volunteers from a designated law school, school of social work or a non-governmental voluntary agency. Work done by students while working in such a cell shall be given academic credit and shall form a part of the student's graded curriculum.

(3) Assistance of lady members of the district legal aid committee shall be made available to women prisoners to help them with their procedural and legal problems.

(4) The practice of fortnightly or weekly naribandisabhas (women prisoner's councils) shall be utilized as a modality for orientation of, and interaction with, prisoners and for training in participative custodial living.

(5) In the event existence of sexual abuse or other forms of violence before or during detention is discovered, the woman prisoner shall be informed of her right to seek recourse from judicial authorities. The woman prisoner should be fully informed of the procedures and steps involved. If the woman prisoner agrees to take legal action, appropriate staff shall be informed and the case immediately referred to the competent authority for investigation. Prison authorities shall help such women to access legal assistance.

(6) In such cases, regardless of whether the woman chooses to take legal action, prison authorities shall endeavour to ensure that she has immediate access to specialized psychological support or counseling.

(7) In such cases, regardless of whether the woman chooses to take legal action, prison authorities shall endeavour to ensure that she has immediate access to specialized psychological support or counseling.

1067. *Premature Release.*— In line with gender-sensitive management policy, a liberal approach would be allowed while determining cases of premature release of women prisoners particularly in cases where she has been the sole breadwinner or where no surrogate care is possible for the dependents of women prisoners. As far as possible, expectant mothers may be release on suspended sentences or otherwise, to avoid delivery of their child inside the prison.

1068. *Probation of Offenders Act, 1958.*— (1) Probation of Offenders Act, 1958, shall be extensively used in case of women offenders to provide suitable non-institutional corrective treatment to them.

(2) The probation system should be strengthened in close coordination with the judiciary. Probation Services should be brought under the administrative control of the Directorate of Prisons and Correctional Services only.

1069. *Transfer of women convicts to women prison.*— Women prisoners sentenced for three or more months of imprisonment shall be transferred to a women's prison to facilitate their rehabilitation.

1070. *Transfer of Women Convicts for Release.*— Every woman confined in a prison other than that of the district of her residence, shall be transferred to such prison in the district of her residence 10 days before her release. The sanction of Inspector-General of Prisons for such transfers within the State shall not be required.

1071. *Release of Women Prisoners.*— Before a woman prisoner is released, sufficient advance notice shall be given to her relatives or friends to be present at the prison and receive her. If no relative appears on the day of her release, she shall be sent to her home under the charge of female escort. The Deputy Superintendent shall record in her report book about arrangements made for the safe release and escort of woman prisoner to her home.

1072. *After care, Rehabilitation and Follow-up.*— (1) Prison authorities shall utilize options such as home leave, open prisons, halfway houses and community-based programmes and services to the maximum possible extent for women prisoners, to ease their transition from prison to liberty, to reduce stigma and to re-establish their contact with their families at the earliest possible stage.

(2) Prison authorities, in cooperation with probation and/or social welfare services, local community groups and non-governmental organizations, shall design and implement comprehensive pre- and post-release reintegration programmes which take into account the gender-specific needs of women. After care services/programmes should include all kinds of help which could result in proper readjustment of the released women prisoners in the society.

(3) Women prisoners willing to get married after their release should be rendered all necessary help.

(4) There shall be at least one designated voluntary organization in each district to which the work of extending help to a released prisoner could be entrusted.

(5) The approved representatives of such agencies shall have necessary access to the institutions and to women prisoners, and shall be taken into confidence from the start of their sentences.

(6) It is desirable that the activities of such agencies are centrally monitored and coordinated in order to secure the best use of their services.

(7) After-care of women prisoners, discharged from prisons and allied institutions, should be the statutory function of the Department of Prisons and Correctional Services.

(8) There should be women staff in the aftercare and follow-up units in the headquarters of the Department of Prisons and Correctional Services in each UT.

(9) Woman Probation Officers should be in charge of after-care and follow-up work.

(10) The after-care and follow-up unit should evolve an objective method of assessing the post -release needs of women prisoners.

(11) Restriction on employment of women released from prisons in government or public service undertakings should be removed by suitable amendment of the rules.

1073. *Linkages with Outside Welfare Agencies.*— (1) Prison reforms can be achieved through participation of the Government, private enterprises and non-profit organisations who could collectively facilitate implementation of various processes and systems to encourage prison industries. The representatives from other districts and other prisons in the State, representative from the industry, representative from N.G.Os for training and skill development can be considered as members of the Jail industry Board.

(2) The Superintendent of Jail shall establish a functional linkage and co-operational relation with a select group of social activists/N.G.Os serving and taking up the cause of women in general and women offenders in particular, so that the prison administration and the N.G.Os can together wage a war against social stigma attached to women in custody. As this is a battle to be fought more in minds than in fields, frequent seminars/symposia shall be conducted to elaborate on the need of after-release rehabilitation of women offenders, and to create a favorable public opinion.

(3) Comprehensive, intensive and incessant counseling of women offenders and members of their families shall be carried out by these groups of social activists/ N.G.Os to pre-empt/overcome the aversion of the society to women prisoners, which otherwise might deter and derail proper rehabilitation of women in custody.

(4) Counselling programmes should focus on the emotional and psychological issues of women prisoners, particularly for those who have been victims of domestic violence, sexual abuse and substance abuse. The counseling programmes should:

- (i) help address any mental health issues that she may be suffering from and suggest effective coping strategies;
- (ii) facilitate her re-integration into society after release;
- (iii) focus on removing any further damaging impact that imprisonment could have on women inmates, and seek to enhance self-worth, autonomy and self- efficacy.

(5) Special programmes may be initiated to address underlying factors that lead to criminal behaviour, for instance, separate programmes addressing substance addiction-related issues.

(6) The literacy and vocational training for women offenders shall be conducted in such a manner that it:

- (i) endows woman inmates with professional capabilities and expertise in one or more than one, vocation, so as to enable them to earn a living and lead a self-supporting life after release;
- (ii) eradicate the poverty-crime nexus;



- (iii) empower women to make positive lifestyle changes within the context of education, support and recovery. Special programmes should be initiated for women prisoners with physical or mental disabilities. The programmes should also involve imparting life skill-based education, and disseminating information about preventive health care measures, including prevention from HIV, sexually transmitted diseases and other blood borne diseases, as well as gender-specific health conditions.

(7) Arrangements for public display of the products made by the women prisoners will boost their morale, instill confidence into them, and rekindle the flames of hope for a normal life at large. Moreover, it will pave the way for the much needed social awareness, supportive and sympathetic to the women living behind the bars.

1074. *Prisoners suffering from mental illnesses.*— (1) Women who are found mentally ill shall not be detained in prison. Arrangements shall be made for the removal to mental homes/institutions for mentally ill prisoners who happen to be admitted in prisons.

(2) When transferring a mentally ill woman prisoner to a mental home and back to the prison, a female warder shall accompany the police escort, provided to such prisoner, wherever possible. The families of such prisoners shall be traced and informed of the prisoners' whereabouts and health status.

(3) Steps shall be taken, by arrangement with the appropriate agencies, to ensure the continuation of psychiatric treatment after release and provisions of social psychiatric after-care, wherever it is deemed necessary.

1075. *Escort of insane women.*— When transferring a insane women prisoner to a Psychiatric Hospital or Psychiatric Nursing Home and back to the prison, a female warder shall accompany the police escort, provided to such prisoner, wherever possible. The families of such prisoners shall be traced and informed of the prisoners' whereabouts and health status.

1076. *Discipline and punishment.*— (1) Discipline and order shall be maintained with firmness but with no more restriction than is necessary for safe custody and well ordered institutional life.

(2) No woman prisoner shall be punished in the prison until she has been informed of the offence alleged against her and given proper opportunity of presenting her defence. The competent authority shall conduct a thorough investigation of the case before awarding punishment.

1077. *Requests and Complaints.*— (1) During the weekly parades, every woman prisoner shall have an opportunity of making requests/complaints to the Superintendent who in turn, shall promptly deal with such complaints/requests.

(2) A complaint box shall be fixed at a prominent place in the woman's enclosure which shall be opened in the presence of the Superintendent at least twice a week. Every complaint or request found in it shall be registered and properly dealt with and replied to without undue delay. The prison social welfare and legal aid counseling staff or literate prisoners, shall be utilized to assist illiterate prisoners in recording their complaints. All such complaints shall be received and tackled in an understanding manner without the risk of retribution to the complainant. Women prisoners who report abuse shall be provided immediate protection, support and counseling and their claims shall be investigated by competent and independent authorities, with full respect for the principle of confidentiality. Protection measures shall take into account specifically the risks of retaliation.

(3) Appropriate guidance and assistance should be given to women prisoners for filing complaints against sexual harassment with the internal complaints committee constituted under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

The Board of Visitors shall monitor the conditions of detention and treatment of women prisoners in particular.

1078. *Women Personnel.*— (1) In a prison for convicted women prisoners there shall be one post of a Assistant Superintendent of Jail.

(2) The woman's enclosures attached to the District prisons, and they shall be in the charge of a lady Assistant Superintendent. They will be assisted by a female Principal Warder and female Warders.

(3) The following officials shall be posted in every prison for women as per recruitment in accordance with the direction of State/Government:-

- (i) Assistant Superintendent
- (ii) Female Principal warder (Female Principal Warder)
- (iii) Female Warders.

1079. *Terms of Service and Training.*— (1) Women warders and all other women prison officers shall be provided, basic initial training, in-service training and refresher courses to keep them in touch with contemporary developments in the field of their work.

(2) Every woman member of prison staff shall be provided training in Human Rights and various aspects of correctional work.

(3) All promotions up to the level of Deputy Superintendent should be made subject to a pre-promotional qualifying examination. All those who qualify in this examination should be eligible for promotion to the next higher post.

(4) Physical fitness and psychological tests should be essential prerequisites for direct recruitment.

(5) All new recruits should be given basic initial in-service training. Officers and staff on deputation should be put through short duration orientation courses.

(6) Adequate training reserve should be provided in each cadre of the prison service.

(7) Basic initial training, in-service training, refresher courses should be organized by the training institutions for various categories of personnel.

1080. *Other facilities for Women Staff.*— (1) Study teams of senior women officers should be deputed to visit prison institutions in various states in the country as also those in other countries.

(2) Staff meetings and conferences should be regularly held.

(3) A welfare fund should be established in each State IUT.

(4) Proper forum should be provided at the institutional and state levels for women prison staff to ventilate their grievances.

(5) All good work done by women prison personnel should be given proper publicity and should be highlighted through the media.

(6) Adequate leave-reserve should be provided while fixing staffing norms.

(7) Every member of the women staff shall be allowed a day off once a week.

(8) In case of death of a women prison staff in lawful discharge of her duties, a lump sum of ₹ 2 lakh should be paid to her survivors/family.

(9) Residential quarters should be provided to all members of the women prison.

(10) Women prison personnel should be paid salaries and allowances at par with those of equivalent ranks in the police department.

(11) Every direct recruit in service should have opportunities of at least three promotions during the span of her career.

(12) Proper forum should be provided at the prisons, and the state level, for women prison personnel to ventilate their problems/grievances common to them.

1081. *Creche and Canteen Facilities to Staff.*— (1) Some prison female staff should be given special training in the management of canteen and such officials should be put in charge of supervising the canteen.

(2) Female staff shall be provided services of creche for proper care of their young children while they are on duty.

(3) Canteen facilities should be made available.

(4) Female prison staff shall be allowed the option to take their meals during duty hours with prisoners free of cost.

1082. *Escorting of Women Prisoners.*— (1) The matron or one female Principal warder shall escort every female prisoner leaving the women's enclosure, and shall remain with the prisoner until the prisoner returns to the enclosure. She shall accompany the female prisoner under transfer. Wherever necessary, services of women police will be utilized for escort duty with due regard to security considerations.

(2) Separate escort vans for escorting women prisoners shall be made available.

1083. *Search of women prisoners.*— The female Principal Warder shall conduct the search of women prisoners. Such search shall not be conducted in the presence of any male person.

1084. *Matrons or Women Warders not to allow a Male to Enter Woman Enclosure.*— The matrons or women warder shall not allow any male prison officer or male prisoner, to enter the women's enclosure without proper authority. If, any male prison officer I warder I prisoner, without proper authority, at any time enters or attempts to enter, any ward or portion of the prison reserved for occupation by female prisoners, the Matron/Warder shall make a report forthwith to the Deputy Superintendent/ Superintendent of Jail.

1085. *Matron or Female Principal warder not to Communicate with Male Prisoners.*— No matron I female Principal Warder shall at any time, and on any pretext, hold any interview or communicate/interact in any way, with any male prisoner or visit any part of the prison allotted, reserved for or occupied by male prisoners, except in the discharge of her duties.

1086. *Keys of Woman's Enclosure.*— The Matron or the Woman Warder shall have custody of the keys of the wards and enclosures in which female prisoners are confined during the day. After the locking up, she shall deliver the keys to the Lady Deputy/Assistant Superintendent who shall lock them up in the key chest. The Lady Deputy/Assistant Superintendent shall hand over the keys again to the matron or female Principal warder in the morning at the time of unlocking.

## CHAPTER-38

### YOUNG OFFENDERS

1087. *Need for adopting scientific and progressive approach towards young offenders.*— A young offender of today can be a hardened recidivist of tomorrow. Such offenders can be reclaimed as useful citizens and can have better prospects for being re-educated to a socially useful way of life. A scientific and progressive approach needs to be adopted if, these offenders are to be saved from the damaging and traumatic experiences of incarceration.

1088. *Segregation of young offenders.*— (1) As far as possible, young offenders should not be kept in institutions meant for adult and habitual offenders. In case, if it becomes necessary to keep young offender in an institution meant for adult and habitual offenders, measures shall be taken to enforce the requirements of section 27(2) of the Prisons Act, 1894 both by day and night so as to prevent any communication between him and any prisoner of another class.

(2) Institutions for young offenders should be so classified that diverse training programmes, designed to suit each homogeneous group, can be conveniently organized.

1089. *Training and Treatment.*— Special emphasis should be given on a studied evaluation of individual offender's personality and careful planning of training and treatment programmes, to suit the needs of each inmate. Training and treatment shall include education, work and vocational training, recreational and cultural activities, discipline, case-work approach, group work activities, group guidance, individual guidance, counselling, character building, periodical review, release planning, pre-release preparation, after-care on a comprehensive basis, and follow-up study. The personal influence of the members of the prison staff will have considerable bearing on the reformation of young offenders.

1090. *Non-Institutionalized Treatment.*— (1) It is necessary to save the young offenders from evils of incarceration. Noncustodial treatment for young offenders should be preferred to imprisonment. Under mentioned process should be followed for young offenders:

(A) When any young offender is found guilty and is likely to be punished with imprisonment not exceeding one year, the Court should take recourse to any of the following non-custodial measures:

- (i) Release on admission
- (ii) Release on taking a bond of good conduct, with or without conditions from the young offenders and from parents/guardians/approved voluntary agencies.
- (iii) Release on probation under the Probation of Offenders Act on any of the following conditions:-
  - (a) continuation of education/vocational training/employment;

- (b) obtaining guidance from probation officer/teacher/counsellor:
  - (c) getting work experience in work camps during week-ends and on holidays;
  - (d) doing useful work in work centers (agricultural farms, forestry, housing projects, road projects and apprenticeship in work-shops.)
  - (e) Young offenders released on probation shall be kept under constant supervision. Note: Suitable cases of young offenders likely to be sentenced to periods above one year of imprisonment should also, as far as possible, be processed through the above-mentioned non institutional approach. "Young offenders should be sent to prison only as a last resort.
- (B) (i) Young offenders involved in minor violations should not be kept in police custody. Instead, they should be kept with their families/guardians/approved voluntary agencies on the undertaking that they will be produced before the police, as and when required, for investigation.
- (ii) Young offenders involved in serious offences, while in police custody, should be kept separate from adult criminals and the police custody should be only for the minimum period required for investigation.
- (iii) The investigation of cases of young offenders must be expeditiously completed.
- (iv) Bail should be liberally granted in cases of young offenders.
- (v) When it is not possible to release a young offender on bail, he should be kept in a Reception Centre/Kishore Sadan/YuvaSadan during the pendency of his trial.
- (vi) In case it becomes necessary to keep young offenders in a sub-prison during investigation and trial, it should be ensured that they do not come in contact with adult criminals there.

1091. *Reception Centres/Reception Units.*— (1) There should be separate institutions for young offenders, to be called Reception Centres and Kishore/YuvaSadans. There should be separate Reception Centres for young female offenders.

(2) Reception Centres should be organized at district or regional level as per the requirements of each State/Union Territory to provide safe custody for young offenders, who cannot be released on bail or probation for their initial classification and subsequent placement.

*Note:* The period of detention in a Reception Centre should be from two to eight weeks. It should not exceed eight weeks.

(3) Young offenders sentenced to periods of imprisonment of six months and above should be collected at the Reception Centres/Reception Units.

*Note:* States having a large number of prisoners under admission on a regular basis should establish separate institutions as reception centers. “When is not practicable, to set up a reception centre part of an institution for young offenders should be earmarked as reception centre.

1092. *Programmes in the reception center/reception unit should consist of.*— (a) Admission, quarantine and orientation

(b) Study and evaluation of individual offender’s personality.

*Note:* As far as possible, inmates admitted in the reception centres should be studied by a team consisting of Correctional Administrators, Sociologists, Psychologists and Social-Case Workers. Whenever necessary, the inmate may be referred to a psychiatrist.

(c) Initial classification

After initial classification is over, the inmate should be transferred to a suitable institution. The Superintendent in charge of the reception centre/reception unit will only indicate the lines of training and treatment. The discretion as to how to implement the suggestions given by the reception center, and also to make necessary modifications therein, rests with the Superintendent in charge of the institution where the inmate has been transferred.



1093. *Annexes for young offenders.*— Each Central/District Prison should have an annexes for young offenders. Young offenders sentenced to periods of imprisonment up to six months may be kept in this annexe.

1094. *Reception Center and Kishore Yuva Sadan.*— The Government will make effort to setup Kishore Yuva Sadans based on necessity and requirement and they should be categorized on the following lines:-

(a) An institution recognized as an approved Kishore Yuva Sadan by the Government.

- (i) a hostel run by Government;
- (ii) a hostel run by a voluntary agency;
- (iii) a hostel of an Industrial Training Institute;
- (iv) a hostel of an Agricultural School.

(b) Open Kishore Yuva Sadan

(c) Semi-open Kishore Yuva Sadan.

(d) Special Kishore Yuva Sadan (medium security institution).

1095. *The following treatment should be given to young offenders at Reception Centre/Kishore Yuva Sadan.*—

- (i) Initial admission.
- (ii) A system of proper custody and positive, constructive and firm discipline.
- (iii) Care and welfare of inmates.
- (iv) Basic segregation according to requirements.
- (v) Attending to immediate and urgent needs and problems of inmates.
- (vi) Orientation to institutional life.
- (vii) Study of the individual offender-History taking, case-recording, tests and observation.
- (viii) Scientific classification.

- (ix) Attending to long-term needs of inmates like education and vocational training.
- (x) Inmates shall be properly assessed both at the time of admission and regularly thereafter, with the specific objective of looking into their criminogenic factors and providing help to enable them to lead a law-abiding and socially productive life after release.
- (xi) Guidance, counseling and support.
- (xii) Release planning.
- (xiii) After-care.
- (xiv) Follow-up.

(2) Use should be made of resources of the community and outside agencies in providing such treatment. The personal influence of prison personnel will play a very positive role in this process.

(3) Initially, all young offenders, offering good prognosis, may be kept in institutions recognized as approved Kishore YuvaSadans or in semi-open Kishore YuvaSadans. Later, on the basis of their responses to training and treatment, suitable young offenders should be transferred to Open Kishore YuvaSadans. Difficult, disciplinary and problem cases, and escape risks, should be sent to special Kishore/ YuvaSadans. In due course, after observing their responses to institutional programme, these young offenders may be transferred to semi-open Kishore YuvaSadans and later to open Kishore YuvasSadans. By adopting this approach many young offenders can be spared the bad experience of living with hardened criminals in closed institutions.

(4) Decisions about placement of young offenders in the diversified Kishore YuvaSadans should be taken by the classification committee which may comprise trained and experienced correctional administrators.

(5) Young offenders should be sent to special Kishore YuvaSadans as a last resort.

1096. At each institution there should be a Review Board consisting of the following:

- (i) The District Judge - Chairman
- (ii) Two Members of the State Legislature

- (iii) The Superintendent of Police
- (iv) The District Medical Officer/Civil Surgeon/Medical Superintendent of the Government Hospital.
- (v) Two Social Workers interested in the welfare of young offenders may be providing from NGOs.
- (vi) The District Education Officer
- (vii) The Prison Welfare Officer
- (viii) The Superintendent of the Kishore YuvaSadan Member-Secretary.

1097. (1) The Review Board should meet once in every two months to examine the case of each young offender. The Review Board will review the cases from the point of view of the progress and response of young offenders. The Review Board must decide the case of every young offender as to whether it is necessary to continue him under institutional treatment. In suitable cases, the question of his conditional release on license should also be examined. The members of the Review Board should visit the Kishore YuvaSadan to see that the care and welfare of inmates are properly attended to. In deserving cases, even such young offenders should be conditionally released on license. However, a young offender, in whose case prognosis is not favourable, should be transferred to a suitable prison. Only such young offenders, as are intractable, violent, psychopaths and hardened or dangerous criminals, should be transferred to prisons.

(2) The problem of young offenders, who are sentenced to imprisonment for periods above 5 years, will have to be considered in a different perspective. In deserving cases, even such young offenders should be conditionally released on license. However, a young offender, in whose case prognosis is not favorable, should be transferred to a suitable prison. Only such young offenders, as are intractable, violent, psychopaths and hardened or dangerous criminals, should be transferred to prisons.

(3) Specially selected and adequately trained personnel should be made available for implementing various programmes for young offenders.

1098. *Staff Organization.*— Based on necessity and requirement as well as availability the Department of Prisons and Correctional Services, of qualified staff, the Government will try and setup as a separate wing should be created under a senior officer of the rank of Deputy Director of Correctional Services for dealing with the problems of young offenders. In so far as the work of treatment and training of young offenders is concerned, he shall work independently. However, for purposes of co-ordination and integration with other wings of the Department, he shall be under the control of the Head of the Prisons Department.

1099. The following staff should be provided at institutions for young offenders:

- (a) Principal.
- (b) Senior Vice-Principal.
- (c) Vice-Principal.
- (d) House Master Grade-I.
- (e) House Master Grade-II.
- (f) Chief Supervisor.
- (g) Senior Supervisor.
- (h) Supervisor.
- (i) Psychologist.
- (j) Psychiatric social workers/case-workers.
- (k) Staff for education, physical training, vocational training, industrial training and agricultural training.
- (l) Staff for medical and psychiatric care.
- (m) Ministerial, accounts, and other staff.
- (n) Security Staff.

1100. *House system.*— There should be a House system for institutions for young offenders. Each House should be under the control and supervision of a House Master. Normally each House should normally comprise of not more than 40 inmates.

*Note:* Suitable age groups of offenders should be organized within the Houses. As far as possible each House should have a mixed group.

1101. *The House staff should consist of.*— House Master, Assistant House Master and Supervisors. House Master and Assistant House Masters can be from among Teachers or Vocational Teachers or P.T. and Game Instructors.

1102. *Leaders.*— Each House should elect three inmate leaders every quarter. These leaders should help the administration in matters like cleanliness, sanitation, distribution of food and in organizing games, recreational and cultural activities.

*Note :* The system of house leaders aims at giving the inmate an opportunity to share responsibility.

1103. *House Committees.*— Each House should have a House Committee consisting of House staff members.

This Committee should meet once a week. The functions of this Committee shall be:-

- (a) To study each inmate individually and understand the various problems presented by him.
- (b) To assist and advise the Superintendent and the Classification Committee in all matters pertaining to the inmates.
- (c) To gauge inmates' response to training and treatment.
- (d) To extend help and guidance to inmates at the individual level.
- (e) To look after the welfare and discipline of inmates.
- (f) To associate the inmate leaders with House problems like sanitation, hygiene, welfare and planning of recreational and cultural activities.

1104. *Education.*— (1) Educational need of young offenders must be adequately met. To this end, prison authorities may collaborate with 'open schools' for developing educational programmes for young offenders. Special emphasis should be laid on the following aspects in education of young offenders: -

- (a) Physical and health education.
- (b) Social and moral education.
- (c) Literary education.
- (d) Vocational education.
- (e) Arts and handicrafts education.

(2) Necessary facilities for the overall educational development of young person's should be provided in institutions. The educational programmes should be so designed that young offenders of various age groups and intelligence levels can derive benefit from them. For illiterate and educationally backward young offenders special educational classes should be organized.

(3) Necessary opportunities for the self-education of young offenders should be provided in the institutions. Those who have the requisite capacity and desire to appear at examinations conducted by the State Education Department or by a University or by any other recognized institution should be permitted to do so.

1105. *Vocational Training.*— Special emphasis should be laid on the vocational training of young offenders in trades suitable for their rehabilitation in the society.

1106. *Cultural Activities.*— Special emphasis should be given on the cultural development of young offenders. Programmes of recreational nature and cultural activities should be so planned as to suit the needs of various groups of young offenders. The following activities can be selected for organizing recreational and cultural programmes: indoor games, outdoor games, gymnastics, athletics, films, music, community and folk dances, dramatics arts and crafts, reading, writing, debating, quiz programmes, sports meet, participation in local tournaments and matches, excursions and camps, scouting, philately and gardening.

1107. *Diet.*— Adolescence being the age of growth and development, proper attention shall be given to provide balanced diet to such prisoners.

1108. *Discipline.*— Special emphasis shall be given on the discipline of young offenders. As far as possible, minor offences should be dealt with by withdrawal of concessions. When this approach fails, recourse should be taken to other forms of punishment.

1109. *Work and employment.*— (1) Young offender shall be taught such crafts, skills and vocations, as would be useful to them after release.

(2) Young offenders may be employed, by rotation, as assistants in running the institution's essential services like sanitation and hygiene, kitchen and canteen, laundry and plumbing services. Such engagements shall aim at imparting vocational training to the inmates in these areas of work.

1110. *Application of rules.*— Except in so far as they are inconsistent with the rules in this chapter, all the rules in these Rules shall apply to young offenders. An adolescent prisoner or young offender refusing or neglecting to learn the lessons or to perform the tasks prescribed shall be held to have committed an offence under section 45 of the Prisons Act, 1894 (Central Act IX of 1894). Though section 46 of the Prisons Act, 1894 (Central Act IX of 1894) applies to such prisoners, reduction of diet shall be avoided in their cases.

1111. *Pre-release and release.*— (1) Provisions of Chapter-30 (Premature release) should be applied for pre-release preparations and release of young offenders.

(2) At least a fortnight before a young offender is due for release, a letter shall be sent to his relatives/friends intimating the date of his release and asking them to be present at the prison to receive him after release. As far as possible, young offenders should be handed over after their release to their relatives, friends or a recognized After-care Agency. If the Principal of the Institution or Superintendent of Jail thinks it necessary, the released young offender may be sent to his home or after-care agency under the care of a Prison Guard or a Supervisor.

1112. *Aftercare and Rehabilitation.*— After-care facilities should be extended as per provisions of Chapter 33 (After-care and Rehabilitation). Special attention should be given to all aspects of aftercare of young offenders.

1113. *Programme and Daily Routine.*— Programme and daily routine should consist of the following:-

(a) Early morning

Preparation for opening.

Unlocking according to conditions of visibility.

Counting and searching. Leaving the barrack or cell. Toilet.

Prayers and meditation in group.

P.T., drill, individual and group exercises, light Yogasanas, *etc.*

Morning light meal.

Educational classes. Vocational training.

Bath.

Meal and rest.

(b) Afternoon Work.

Toilet.

Outdoor games or gymnastics.

(c) Evening

Wash.

Evening meal.

Social education.

Newspapers, books, radio, T.V.

Group music, dramatics, educational films and other cultural activities according to weekly programme for each group.

Group prayers.

Preparation for lock-up.

Searching and counting.

Lock-up.

*Note:* Agricultural work should preferably be done in the morning. Inmates engaged in agricultural work should attend the educational and vocational training classes in the afternoon. Details of work and education schedules should be fixed by each institution in accordance with available facilities.

Programme on Sundays and prison holidays

(a) Morning Toilet, Prayers in group, Morning light meal, General cleaning of barracks, cells, open spaces, *etc.* Cleaning of equipment, Washing clothes, Bath, Inspection of equipment, Meal and rest.



- (b) Afternoon Education films, Group Music, Folk dances, Dramatics, Newspapers, books, radio, games and TV., Toilet.
- (c) Evening Wash, Evening meal, Preparation for lockup, Searching and counting, Lock-up.

- Note:* (1) Subject to the approval of the Head of the Prisons Department the Principal/Superintendent is authorised to make necessary changes in the daily routine/programme to suit the needs of the institution.
- (2) Non-institutional approach should be the main thrust of the programmes for the treatment of young offenders so that they are saved from unhealthy experience of incarceration. Where incarceration is imperative, young offenders should be exposed for reasonable lengths of time to programmes of re-education, vocational training, social adjustment and positive discipline through a diversified system of Kishore YuvaSadans.

### CHAPTER-39

#### CIVIL PRISONERS

1114. *Civil prisoners to form separate category.*— Civil prisoners shall form a separate category for purpose of confinement and they shall be segregated from the undertrial prisoners and the convicted prisoners. Mostly they are connected with 125 Cr.Pc.

1115. *Application of rules.*— No civil prisoners shall be compelled to work against his will and nothing in Chapter-22(Vocational training and work programme) applies to such prisoners. The provisions relating to Dietary, Bedding and Clothing in Chapter-13 (Maintenance of Prisoners) do not refer to any civil prisoner who is able to supply his food, clothing and bedding and such of the provisions of Chapter-12 (Daily Prison Routine) as are incompatible with exemption from labour and prison clothing are similarly inapplicable. With these exceptions, all the foregoing rules in these Rules shall apply to civil prisoners.

1116. *Clothing to be clean.*— Civil prisoners who supply their own clothing and bedding shall be required to dress themselves properly. Thorough cleanliness shall also be insisted on and the Superintendent may decline to allow any clothing or bedding to be introduced into the prison or used until it is, in his opinion, clean.

1117. *Scale of clothing and bedding.*— When clothing and bedding is not provided by a civil prisoner or by the decree-holder, so much as may be necessary, shall be supplied at Government cost. The scale of clothing and bedding for a civil prisoner shall be two cotton clothes or one cotton suit consisting of Pant and coat, one cotton carpet, one bedsheet and in the cold months, one woolen crumbly.

1118. *Disposal of clothing supplied by decree-holder.*— Whenever articles of clothing and bedding are supplied for the use of a civil prisoner at the cost of the decree holder, the latter shall be given an opportunity of taking possession of them within one month from the date of the civil prisoner's release. If there be no such claim within a month, they may be sold or destroyed.

1119. *Bathing facility.*— Civil prisoners shall bathe at such times as the Superintendent may fix.

1120. *Restrictions on supply of food from outside.*— The supply of food to civil prisoners from outside the prison shall be of raw rations only and shall be subject to the following restrictions, namely:-

(i) It shall be admitted only between such hours after examination by the Superintendent or by any officer authorized by the Inspector-General in this behalf and shall be cooked inside the prison at such places as the Superintendent may prescribe;

(ii) It shall be subject to such restrictions for the prevention of unnecessary, unsuitable and unduly luxurious articles of food as the Superintendent may impose;

(iii) No civil prisoner shall be allowed to receive, consume or use liquor or intoxicating drug unless prescribed by the Medical Officer on medical grounds.

1121. *Supply of food on medical grounds.*— If the Medical Officer recommends on medical grounds, any food which a civil prisoner is unable to provide, such articles shall be supplied by the Superintendent at Government cost.

1122. *Supply of food by prison.*— If any civil prisoner is unable to provide his own food, he shall receive food in accordance with the scale laid down for criminal prisoners undergoing imprisonment and the cost of food so supplied or of food supplied to a civil prisoner whose subsistence allowance has not been paid and who is detained over a

Sunday or other holiday shall be debited to dietary charges. Civil prisoners shall be permitted to cook their own food at such place as the Superintendent may direct and to use their own cooking, eating and drinking vessels.

1123. *Utilization of charitable donations.*— All charitable donations and bequests of money or other approved articles received inside the prison for the benefit of civil prisoners shall be distributed by the Superintendent at his discretion provided that the specific conditions or directions imposed by the donors shall be observed, if not contrary to the prison rules; and that article liable to damage by keeping shall be distributed as soon as possible after receipt.

1124. *Provision of books and amenities.*— (1) Civil prisoners shall be allowed the use of books in the prison library and to provide at their own cost such books and newspapers or to engage in such harmless indoor games or other means of occupation as the Superintendent considers unobjectionable.

(2) The rules contained in Chapter-15 (Contact with the Outside world) which regulate interviews and communication shall apply to the civil prisoners as well.

1125. *Release on grounds of illness.*— (1) In accordance with section 59 of the Code of Civil Procedure, 1908 (Central Act V of 1908), a civil prisoner may be released from prison:-

- (i) by the Government on the ground of existence of any infectious or contagious disease; or
- (ii) by the committing Court or any Court to which that Court is subordinate, on the ground of his suffering from any serious illness.

(2) The period of imprisonment of a civil prisoner thus released and rearrested shall not in the aggregate exceed that prescribed in section 58 of the Code of Civil Procedure, 1908.

(3) If it is desired to move the Government or the Court under the preceding rule, the Superintendent shall, without delay, forward direct to Government or to the Court as the circumstances may require, a report from the Medical Officer showing the nature of the illness of the civil prisoner and a nominal roll with particulars of the amount of the decree and the name of the creditor. The orders of Government or the Court shall then be awaited.

(4) Pending receipt of orders from Government or the Court, the civil prisoner shall, if suffering from a contagious or infectious disease, be segregated inside the prison and if the means of segregation within the prison are not available or the disease is of a particularly infectious character, he shall be provided with accommodation outside the prison and such temporary establishment as may be necessary for his custody and treatment shall be entertained in anticipation of the sanction of the Government.

(5) In cases of serious illness or where operative skill is required, the Superintendent may in anticipation of the sanction of the Civil Court remove such civil prisoners to outside hospital for treatment. Temporary establishments as indicated in sub-rule (3) may be provided for the safe custody of the prisoner, in anticipation of the approval of the Government until orders are passed by the Court concerned. A brief statement of the case and a certificate as to the necessity for the transfer shall be furnished to the Government forthwith.

1126. *Condition for detention.*— No civil prisoner shall be received into a prison unless the preliminary payment of the monthly subsistence allowance, cost of conveyance for his journey and feeding charges during transit from the civil prison to his usual place of residence according to the rate mentioned in the Court's warrant of committal, has been made, and no civil prisoner shall be detained when the time-limited for any subsequent payment lapses without its being duly made.

1127. *Transfer from one prison to another.*— If for the sake of convenience, a civil prisoner is, after commitment to the civil prison appointed under section 55 of the Code of Civil Procedure, 1908 for his detention, transferred from that prison to another, he shall be released direct from the prison in which he finds himself at the expiry of the period of detention. As regards the subsistence allowance and journey fare for the return journey in such cases, the amount already collected from the decree-holder for the purpose, and which would have sufficed had he been released at the original place of detention, shall be utilized and the balance if any, met by the Government. The escort of the civil prisoner from one prison to another shall be carried out by the regular warder establishment.

1128. *Scales of subsistence allowance.*— (1) The monthly scales of subsistence allowance for civil prisoners are prescribed by Government from time to time under section 57 of the Code of Civil Procedure, 1908.

(2) On medical or other special grounds to be recorded in each case, the Court may order such increased allowance as it may think fit and may from time to time cancel or modify such order.

1129. *First payment of subsistence allowance.*— The first payment of the monthly subsistence allowance fixed by the Court shall be for such portion of the current month as remains unexpired when the civil prisoner is committed to prison. The payment shall be made to the proper officer of the committing Court and shall be transmitted to the Superintendent.

1130. *Subsequent payment of allowance.*— Subsequent payments of the monthly subsistence allowance shall be paid to the Superintendent by the detaining creditor by monthly payments in advance before the first day of each month and each payment shall be the full amount due for the ensuing month or for as many days less than a month as the civil prisoner may have to be detained to complete the full period of his imprisonment. Payment by installments shall not be permitted.

1131. *Latest date for payment.*— If any monthly payment of the subsistence allowance is not received by the Superintendent in advance before the first day of each month and if it is afterwards tendered, it shall be refused. Every payment shall be made during ordinary business hours, and money tendered after lock-up or on Sundays or other prison holidays shall not be received until the next working day.

1132. *Release of civil prisoners other than on medical grounds or by transfer.*— Under section 58 of the Code of Civil Procedure, 1908 a civil prisoner shall be immediately discharged from prison:-

- (i) on the amount mentioned in the warrant of committal being paid to the Superintendent; or
- (ii) on the detaining creditor omitting to pay the monthly subsistence allowance in accordance with the two last preceding rules; or
- (iii) on the term of imprisonment as limited by the same section being fulfilled; or
- (iv) on an order of the Court. Provided that Superintendents and Deputy Superintendents are not required to accept payment of the amount mentioned in the warrant of committal or to release civil prisoners on an order of a

Court after lock-up or on Sundays or other prison holidays: Provided further that in the case of the subsistence allowance paid by a detaining creditor becoming exhausted on a Sunday or other prison holiday and not being renewed, the civil prisoner shall not be released on the preceding day but on the following Monday or working day, as the case may be.

(2) In case of non-payment of the monthly subsistence allowance in the prescribed manner, the civil prisoner shall be produced before the Superintendent on the morning of the first working day of the month for which the monthly subsistence allowance has not been duly paid. The Superintendent shall satisfy himself by examining the entries, in the Civil Prisoners' Register, by checking those entries with the entries relating to the civil debtors' account in the cash book and by questioning the Deputy Superintendent that the monthly subsistence allowance has not been duly paid and shall then release the civil prisoner.

1133. *Disposal of subsistence allowance.*— Each payment of subsistence allowance shall be entered in the Civil Prisoners' Register together with the date of receipt. If the civil prisoner supplies his own food, the amount of subsistence allowance shall be made over to such persons outside the prison as he may indicate; in other cases, the allowance shall be paid in daily installments to the civil prisoner who shall arrange with a Prison officer, deputed for the purpose, to purchase therewith such articles or raw rations, *etc.*, as he may require.

1134. *Disposal of money on release of civil prisoners.*— (1) On the discharge of a civil prisoner, any amount paid to the Superintendent under clause (i) of the first provision to section 58 of the Code of Civil Procedure, 1908 shall be forwarded to the committing Court.

(2) The unexpended balance, if any, of the first payment of subsistence allowance forwarded by the committing Court with the civil prisoner shall be returned to the Court, but, any balance of subsistence allowance subsequently received at the prison from the decree-holder in the suit shall be refunded direct to the said decree-holder.

1135. *Escorting.*— The duty of escorting civil prisoners to or from any Civil Court or Family Court.

**CHAPTER-40****POLITICAL PRISONERS**

1136. *Definition of political prisoners.*— (1) Anyone who, for the purpose of furthering any political cause or for any general public benefit and not for his personal advantage, contravenes the law and thereby is detained or is sentenced to imprisonment for an offence without either instigating or abetting in the commission of any act involving using of force or violence and without having acted either dishonestly or fraudulently and without causing loss or damage to any property and his speech and action have been throughout non-violent shall be called a political prisoner and classified as a political prisoner.

*Explanation:*—The expression “dishonestly and fraudulently” will have the same meaning as is given in sections 24 and 25 of the Indian Penal Code, 1860.

(2) All such political prisoners, on their conviction, shall be classified as “A” class prisoners and undertrial political prisoners shall be placed in “Special Class”.

1137. *Classification of convicted political prisoners.*— (1) The High Court, Sessions Judges, Additional Sessions Judges, Assistant Session Judges, Chief Judicial Magistrates, Subdivisional Judicial Magistrates, Judicial Magistrates of the First Class (the last two through the Chief Judicial Magistrates) in cases tried by them originally or in any other case, the Inspector-General of Prisons shall make the initial recommendation for classification of convicted political prisoners in Class ‘A’ to the Government by whom those recommendations shall be confirmed or reviewed.

(2) Prisoners recommended by Courts for classifications “A” shall be tentatively treated as belonging to the class recommended till the orders of Government confirming or reviewing the recommendations are received.

1138. *Classification of undertrial political prisoners.*— (1) Courts shall make the initial recommendation for classification of undertrial political prisoners in the special class to the Chief Judicial Magistrate by whom the recommendation shall be approved or reviewed.

(2) Such prisoners recommended for classification in the special class shall be tentatively treated as belonging to that class until the orders of the Chief Judicial Magistrate approving or reviewing the recommendation is received.

(3) Political prisoners not classified on their conviction as "A" class prisoners and the undertrial prisoners not placed in special class shall be treated as "B" class prisoners and ordinary class undertrial prisoners respectively.

1139. *Police verification.*— Notwithstanding anything contained in the above rules, the competent authority may before making their recommendation to Government for classification of prisoners, refer the cases for report to the appropriate police authorities to assess whether the prisoner's case falls within the purview of the conditions prescribed in the rules for classification as such.

1140. *Segregation of political prisoners.*— The political prisoners so classified as "A" class prisoners on their conviction and the undertrial prisoners placed in "Special class" shall be completely segregated from other prisoners and lodged preferably in a separate building or in camp prison outside the main prison as a temporary arrangement, apart from segregating the convicted political prisoners from the under trials, subject to availability of suitable accommodation.

1141. *Treatment.*— Political prisoners on their classification as "A" class prisoners shall be entitled to all privileges accorded by the Government to that class of prisoners. "Special Class" undertrial political prisoners shall be treated in the same way as "A" class political prisoners subject to the rules and orders for the time being in force.

1142. *Representation.*— Any such prisoner, who desires to make representation against the classification awarded to him, shall be allowed to prefer his representation to the appropriate authority.

1143. *Application of other rules.*— Except in so far as they are inconsistent with the rules in this Chapter, all the rules in these rules shall equally apply to the political prisoners, wherever necessary.



**CHAPTER-41****MENTALLY ILL PRISONERS**

1144. *Definition.*— Unless the context otherwise refers to in the rules under this Chapter, “Medical Officer” means, a Gazetted Medical Officer in the service of Government and includes a medical practitioner declared, by a general or special order of the Government under relevant section of the Mental Health Care Act, 2017 (Central Act 10 of 2017).

1145. *Classification of mentally ill prisoners.*— (1) Mentally ill prisoners shall be classified as follows:-

(i) Prisoners incapable of making their defence owing to unsoundness of mind and detained under sections 328 and 330 of the Code of Criminal Procedure, 1973 pending transfer to psychiatric hospital or psychiatric nursing home;

(ii) Prisoners who have been tried for a criminal offence and found to have committed the act alleged but, who have been acquitted on the ground of having been insane when the act was committed and who are detained under section 335 of the Code of Criminal Procedure, 1973 either permanently or pending transfer to the psychiatric hospital or psychiatric nursing home;

(iii) Recovered mentally ill prisoners;

(iv) Prisoners who have become mentally ill after their conviction and admission to prison;

1146. *Procedure to be followed when a prisoner becomes mentally ill.*— (1) If any, convict becomes mentally ill after admission to prison, a report of his case shall immediately be submitted to the Inspector-General with a view to the Government being moved to order his removal to the psychiatric hospital or psychiatric nursing home under section 30 of the Prisoners Act, 1900. The prisoners with mental illness may, however, be removed to psychiatric hospital or psychiatric nursing home in anticipation of the issue of the Government order of removal as soon as a report as required under sub-section (2) of section of 201 the Mental Health Care Act, 2017 has been given by the Medical Officer.

(2) The report referred in sub-section (2) of section 201 shall be accompanied by a Medical Officer or mental health professional’s assessment history sheet and the documents listed below:-

- (i) His/her original warrant or warrants duly endorsed;
- (ii) A copy of the committing Court's judgment, if available, the order of any appellate Court and of the Government on any petition made by the prisoner
- (iii) A nominal roll;
- (iv) His/Her history ticket;
- (v) His/Her remission sheet, if any;
- (vi) His/Her medical case sheet;
- (vii) Duplicate and triplicate lists of all private property belonging to the prisoner;
- (viii) A list of clothing, bedding and other Government property sent with the prisoner.

(3) This rule will not apply to prisoners under sentence of death subject to confirmation by the High Court, who becomes mentally ill in the prison.

1147. *Procedure when the alleged mentally ill person is an under trial.*— If, an alleged mentally ill person is an undertrial prisoner, the Superintendent shall follow the National Human Rights Commission's directions and at the same time, report the circumstances to the trying or committing Magistrate for necessary action under section 328 of Code of Criminal Procedure, 1973. If, the Magistrate orders under section 330 of the Code of Criminal Procedure, 1973 that the person shall be detained in prison custody, the Superintendent shall inform the Inspector General and forward to him the necessary documents. Thereupon, the Inspector General shall move the Government for the issue of an order section 30 of the Prisoners Act, 1900, for the removal of the prisoner to the Psychiatric Hospital or Psychiatric Nursing Home as soon as accommodation is available. Pending the availability of such accommodation in the Psychiatric Hospital or Psychiatric Nursing Home, the Inspector General shall order the retention of the prisoner in the prison itself with necessary precautionary measures duly taken to avoid any untoward incident. In cases of emergency, the Inspector-General may also order the transfer of the prisoner to the Psychiatric Hospital or Psychiatric Nursing home in anticipation of Government orders, provided that accommodation is previously assured by the Superintendent of the Psychiatric Hospital or Psychiatric Nursing Home.

1148. *Prisoners confined under certain provisions of the Criminal Procedure Code, 1973.*— Prisoners confined under section 330 or 335 of the Code of Criminal Procedure, 1973 shall be dealt with in accordance with the orders which Government or the Court as the case be, may pass on their case.

1149. *Assessment report under Mental Health Care Act to be sent to Psychiatric Hospital.*— When any prisoner confined under sections 330 and 335 of the Code of Criminal Procedure, 1973 is transferred to a Psychiatric Hospital or Psychiatric Nursing Home, under orders of Government or of a Court, the Medical Officer's assessment report as required under sub-section (2) of section of 201 the Mental Health Care Act, 2017 shall be sent with him, in addition to the other documents, listed under sub-rule (2) of rule 1146.

1150. *Certificate under section 337 of the Criminal Procedure Code, 1973.*— When a prisoner confined in a prison under section 330 of the Code of Criminal Procedure, 1973 is certified to be capable of making his defence, the prisoner shall be sent, together with the certificate made under section 337 of the said Code and a medical history of the case, which shall include information as to his conduct while in prison, to the Magistrate or Court before whom or which he is to be tried, in view to the Magistrate or Court appointing a time for inquiry or trial.

1151. *Transfer of a recovered mentally ill prisoner to the Central Prison.*— The Superintendent, Psychiatric Hospital or Psychiatric Nursing Home, in anticipation of orders of the Government and on prior intimation to the Inspector General, transfer a recovered mentally ill prisoner to the Central Prison from where he is sent, to undergo the unexpired portion of his sentence. Where a recovered mentally ill prisoner is so transferred from the Psychiatric Hospital or Psychiatric Nursing Home to a prison, the Superintendent of the Psychiatric Hospital or Psychiatric Nursing Home will forward to the Superintendent of the Prison a copy of the recovered mentally ill person's medical history sheet together with a statement showing the manner in which he has been employed in the Psychiatric Hospital or Psychiatric Nursing Home up to the time of his transfer. The Inspector General shall thereupon move the Government for their orders in respect of his retransfer, retention and treatment in prison which includes premature release of such prisoner on medical grounds on the basis of the recommendation made by the Superintendent, Psychiatric Hospital or Psychiatric Nursing Home.

1152. *Relapse of Mental illness.*— (1) Where a recovered mentally ill prisoner undergoing imprisonment in a prison has a relapse of mental illness, he shall be immediately retransferred to the Psychiatric Hospital or Psychiatric Nursing Home in anticipation of the orders of the Government. In such a case, the documents listed under sub-rule (2) of rule 1146 of this rules shall be forwarded with him.

(2) The Superintendent shall forthwith apply through the Inspector General for the confirmation of his action by the Government.

1153. *Employment to be provided on recovery.*— A mentally ill prisoner believed to have recovered shall, if possible, ordinarily be given some employment with or without wages and with such amount of liberty as the Superintendent may think safe, in consultation with the Medical Officer.

1154. *Special precautions in confining mentally ill persons.*— (1) Whenever a person is suffering from or is under observation for insanity, he shall be confined in a cell, and placed under the charge of a guard both day and night.

(2) The principal warder or Patrolling Officer, for the time being, on duty, if within easy call or if not, the warder in actual charge shall be provided with the key of the cell in which the mentally ill person or person under observation is confined.

(3) On the occurrence of any incident which may lead the sentry on duty to suspect that the person contemplates suicide or when help is otherwise needed, such officer shall raise the alarm by blowing his whistle.

(4) On the arrival of assistance or before if, the circumstances call for it, the cell door shall be opened and such measures taken as may appear to be necessary.

(5) The sentry on duty (in case there is more than one person in his charge) shall keep on the move, visiting each prisoner at short intervals and shall not leave his beat till properly relieved. If necessary, from sunset to sunrise, he shall carry a lighted lantern.

(6) As far as circumstances will allow, all insane persons and those under observation for insanity shall be kept in contiguous cells near the hospital and under the orders of the Medical Officer, and shall be allowed only such clothing as, while sufficient in amount for purpose of health and decency, is least likely to be used for the commission of suicide.

1155. *Precautions on transfers.*— No mentally ill person shall be transferred to the Psychiatric Hospital or Psychiatric Nursing Home until the Medical Officer of the prison has examined him and has certified that he is in a fit state to travel. Every precaution shall be taken by the Superintendent and Medical Officer to ensure that the mentally ill person is properly cared for whilst in transit to the Psychiatric Hospital or Psychiatric Nursing Home.

1156. *Clothing on transfer.*— The Medical Officer shall see that the mentally ill person is provided before he is dispatched, with sufficient clothing, special attention being paid to the covering of the chest and abdomen, and that, in the cold months of the year, the mentally ill person is also provided with a cumby.

1157. *Food.*— The Superintendent shall see that sufficient food for mentally ill person's consumption during the journey is sent with him or that the escort is provided with sufficient funds to purchase food and with clear instructions as to what to purchase.

1158. *Procedure in case of illness.*— The escort shall be distinctly instructed if, the mentally ill person falls ill or refuses food enroute, he shall be taken to the nearest hospital for treatment.

1159. *Female to accompany female mentally ill person.*— Every female mentally ill person, when sent to the Psychiatric Hospital or Psychiatric Nursing Home, shall be accompanied by a female warder attendant or relative, in addition to the usual escort.

1160. *Property of mentally ill person.*— When a prisoner is sent to a Psychiatric Hospital or Psychiatric Nursing Home, all property in the prison belonging to him shall be sent with him and a receipt for the same obtained.

1161. *Half-yearly return.*— The Inspector-General of Prisons shall submit a consolidated return to Government on the mentally ill prisoners confined in the prisons under sections 330 and 335 of the Code of Criminal Procedure, 1973 by 1st February and 1st August, respectively, each year. The names of mentally ill persons dying during the half year shall be entered in the return, the cause of death being stated. When no mentally ill person remain in confinement on the above dates, a nil return shall be submitted.

1162. *Discipline and punishment of mentally ill prisoners.*—

(1) A mentally ill prisoner cannot be punished for any act committed by him, but, such restraints can be imposed as are necessary to prevent him injuring himself or others or causing inconvenience.

(2) A person who is confined under observation is liable to prison discipline.

1163. *Mentally ill prisoners to be inspected.*— The Inspector-General shall, once in every month, visit a mentally ill prisoner confined in a prison, in order to assess the state of his mind and make a report thereon to the authority under whose order such person is confined. If, a prisoner is confined in a Psychiatric Hospital or Psychiatric Nursing home, Inspector General of Prisons or visitors or any three of the visitors shall visit the prisoner at the place where he is confined, once in every three months, and make a report to the authority under whose order such person is confined.

## CHAPTER-42

### LEPERS

1164. *Definition of criminal leper ward.*— Criminal Leper Ward for the purpose of these rules shall mean a place allotted in the Government Leper Hospital or Leper Asylum for the purpose of treatment and detention of Criminal Leper Prisoners.

1165. *Submission of case to Inspector General.*— On the admission to a prison of any convict suffering from leprosy, his nominal roll shall be submitted to the Inspector-General together with his medical case to arrange for his transfer to the Criminal Leper Ward.

1166. *Order of transfer.*— If, the disease is in an advance stage or is for other reasons it seems advisable, the Inspector-General shall order the transfer of the convict from the Central Prison to the Criminal Leper Ward, provided that no such transfer shall be made unless accommodation is available in the ward.

1167. *Segregation of the leper convict.*— When a leper convict received into prison is not transferred to the Criminal Leper Ward or until he is so transferred, he shall be segregated from all other convicts, a cell, ward or temporary shed being set apart for this purpose. The instructions given by the National Human Rights Commission from time to time regarding treatment of leper prisoners shall be complied with.

1168. *Other precautions.*— Any cell or other building occupied by a leper prisoner shall be thoroughly disinfected and the walls scraped and whitewashed and the floor if earth, renewed, before it is used for any other purpose. Clothing and bedding used by a leper prisoner shall never be re-issued to another prisoner under any circumstances but, they shall be totally destroyed.

1169. *Certain documents to accompany the leper convict.*— When a leper convict is transferred to the Criminal Leper Ward, the following documents shall be sent with the convict transferred:-

- (i) Prisoner's original warrant or warrants duly endorsed.
- (ii) Copy of the convicting Court's judgment (if available), the order of any Appellate Court and any order of Government on any petition made by the prisoner.
- (iii) Prisoner's History Ticket.
- (iv) Prisoner's remission sheet (if, he is under Remission System).
- (v) List of all private property belonging to the prisoner.
- (vi) List of clothing, bedding and other Government property sent with the prisoner.
- (vii) The prisoner's medical history.

### CHAPTER-43

#### T.B. AND HIV/AIDS PATIENTS/VIRAL DISEASES

1170. *Submission of case to Inspector-General.*— On the admission to a prison of any convict suffering from T.B or HIV/AIDS/ other viral disease or any convict found to be suffering from T.B or HIV/AIDS after admission to the prison, his nominal roll shall be submitted to the Inspector-General together with his medical case, which shall state among other things whether the disease is in an advanced stage or not and whether the Medical officer recommends his transfer to the T.B. Hospital or Government General Hospital, in the case of HIV/AIDS/other viral disease patients.

1171. *Order of transfer.*— The Inspector-General shall order the transfer of the T.B. convict from the Central Prison to the T.B. Hospital or Government General Hospital, in the case of HIV/AIDS/other viral disease convicts.

1172. *Transfer in urgent cases.*— If, the disease is in an advanced stage and the Superintendent of the Central Prison considers the transfer of the patient immediately to the T.B Hospital or Government General Hospital, as the case may be, he may do so, subject to ratification of the action from the Inspector-General of Prisons.

1173. *Documents to accompany the T.B or HIV/AIDS/other viral disease convict.*— When a T.B or HIV/AIDS /other viral disease convict is transferred to the Hospital, the following documents shall be sent with the convict transferred:-

- (i) prisoner's original warrant or warrants duly endorsed.
- (ii) copy of the convicting Court's judgment (if available), the order of any Appellate Court and any order of Government on any petition made by the prisoner.
- (iii) prisoner's History Ticket.
- (iv) prisoner's remission sheet (if, he is under Remission System).
- (v) list of all private property belonging to the prisoner.
- (vi) list of clothing, bedding and other Government property sent with the prisoner.
- (vii) the prisoner's medical history.

1174. *Segregation of the T.B or HIV/AIDS/Other Viral Disease convict.*— When a T.B convict or HIV/AIDS/other viral disease convict in a Central Prison is not transferred to Criminal T.B. Ward or HIV/AIDS/ other viral disease Ward, until he is so transferred, he shall be segregated from all other convicts, a cell, ward or temporary shed being set apart for this purpose.

1175. *Other precautions.*— Any cell or other building occupied by a T.B prisoner or HIV/AIDS/other viral disease prisoner shall be thoroughly disinfected, the walls scraped and white washed and the floor if earth, renewed before it is used for any other purpose. Clothing and bedding used by a T.B patient or HIV/AIDS/other viral disease patient shall never be re-issued but, shall be destroyed.



**CHAPTER-44****PROCUREMENT OF RATIONS**

1176. *Ration required for Prison to be raised on Prison Ground.*— As far as possible, the rations required for prisoners shall be raised on prison ground and prepared by prison labour.

1177. *Method of procuring rations from outside.*— (1) Ration articles, other than those raised on prison ground, shall be purchased by the auction system, by calling for tenders through public advertisement, unless it is otherwise ordered by Government.

2 (i) In all cases in which a contract is made for the supply of articles of rations, it shall be in the prescribed form and sealed samples showing the quality of the articles to be supplied shall be annexed to the tender and the agreement as well.

(ii) Whenever practicable and advantageous, contracts shall be placed only after tenders have been openly invited, and in cases where the lowest tender is not accepted, reasons shall be recorded.

(3) In selecting the tender to be accepted, the financial status of the individuals and firms tendering must be taken into consideration in addition to all other relevant factors.

(4) Even in cases where a formal written contract is not made, no order for supplies shall be placed without at least a written agreement as to price.

(5) The contractor shall be required to deposit a sum of money equal to 10 per cent of the total value of the contract as security for its due fulfillment.

(6) The security amount shall be deposited in such manner as the Government may direct.

1178. *Notice inviting tenders for dietary articles.*— In the month of February, notice will be published in the e-tenders for the supply of articles of diet required for the prison for the ensuing financial year as far as possible the tenders may call for through online..

1179. *Recommendation of tenders.*— The tenders will be opened by the committee consisting of:-

- Inspector-General of Prisons being the chairman and to other officers of this Administration as approved by the Chief Secretary, the date fixed in the notice and the tender's chosen will be recommended to the Government for acceptance.

1180. *Acceptance of tenders and execution of agreement thereof.*— Those whose tenders are accepted shall be notified of the acceptance and they shall within ten days of the notice of acceptance of the tender make the required deposit and execute an agreement binding them to fulfill the terms of the contract.

1181. *Procedure on dealer's default.*— (1) If a dealer, whose offer has been accepted, fails to supply the article in accordance with the terms agreed on, the article shall be purchased in the open market at the prevailing market rates at the risk of the defaulting dealer, who shall be liable for any difference between the price which he offered and that ultimately obtained. To render a defaulting dealer responsible for the purchase of the articles which he has failed to supply, the purchase must be made in the open market, and the sum for which he is liable shall be the difference between the price at which he agreed to supply and that prevailing in the open market at the time his supply should have been made.

(2) The terms and conditions of the contract if any, shall always be invoked to deal with a contractor in the case of his failure to execute the contract as entered into.

1182. *Resale of contract on his responsibility.*— It is further open to Inspector-General of Prisons to cancel of the unfulfilled portion of the contract and hold the defaulter responsible for any losses which may arise from a resale of contract either by public auction or private arrangement at the discretion of the Superintendent of Jail. The defaulting contractor will not, however, be entitled to any profits arising from such resale. It is further open to Inspector General of Prisons to cancel of the unfulfilled portion of the contract and hold the defaulter responsible for any losses which may arise from a resale of contract either by public auction or private arrangement at the discretion of the Superintendent of Jail. The defaulting contractor will not, however, be entitled to any profits arising from such resale.

1183. *Allowance of wastage permitted.*— Percentage of wastage allowed for various ration articles shall be as follows:-

Sl. No.	Articles	Percentage of wastage (%)
(1)	(2)	(3)
1	Rice	3
2	Dhall	4
3	Dhalgram	2
4	Bangalgram	2
5	Groundnut kernals	1
6	Pottukadalai	1
7	Garlic	5
8	Cumin seeds	2
9	Mustard	2
10	Pepper	2
11	Tamarind	10
12	Vegetables	10
13	Potato	10
14	Onion	7
15	Wheat	10
16	Green firewood	33 ½
17	Dry firewood	10

1184. *Action if wastage is found excess.*— If wastages are noticed in cleaning and drying the articles to be in excess than the percentage allowed in the last preceding rule, the Superintendent shall arrange to get from the contractor the quantity of articles found and calculated to be excess wastage or pass the bill for payment disallowing the amount or value of articles so found and calculated to be excess wastage.

**CHAPTER-45****PRISON GARDEN**

1185. *Raising crops in the prison land.*— As far as possible, the rations required for the prisoners shall be raised on prison grounds. If it is not possible, reasons shall be recorded and next preference shall be given to such of the crops grown in the surrounding area and those crops shall be raised on the prison grounds.

1186. *Garden to supply all vegetables.*— In particular, vegetables required for prisoner's consumption shall be grown in the prison garden, and the Deputy Superintendent or the Assistant Superintendent if, he is in charge of the garden shall be responsible that this is done. The aim shall be to utilize the available prison gardens to the best advantage to grow more vegetables and to avoid purchase of vegetables from outside. When it is not achieved, the explanation for the failure shall be recorded by the Deputy Superintendent in his report book and submitted to the Superintendent. An extract of it shall also be sent to the Inspector-General of Prisons.

1187. *Cultivation of garden.*— The prison garden shall be kept clean, free from weeds and under growth, and as far as possible under cultivation. It shall be enclosed by thick hedge, preferably of aloes or a high wall sufficient to prevent prisoners from seeing over and to hinder escapes.

1188. *Charge of garden.*— An Officer not below the rank of a Principal Warder who knows gardening shall be placed in immediate charge of the gardens and may be specially recruited for the purpose if, otherwise qualified.

1189. *Whole land shall be brought under cultivation.*— Whole of the prison land between the outer and inner walls as well as the outside the prison walls that may available for cultivation shall be cultivated to the best advantage.

1190. *Utilization of all prison lands.*— All spare lands shall also be utilized for growing grain, fodder for the cattle or the fuel or such other crops suitable for cultivation. No prison lands shall be left unutilized unless it is incapable of being put to any use.

1191. *Employment of prisoners.*— The number of prisoners employed for the cultivation of vegetables and condiments for prison use shall not exceed ten per cent of the total average strength. If, more are employed, the Deputy Superintendent shall be required to show a reasonable profit by the sale of vegetables in relation to the number of prisoners employed in excess of ten percent.

1192. *Water supply to garden.*— All available sources of water supply in prison gardens shall be utilized to the extent necessary. The main irrigation channels shall be built of stone or brick and leakages shall be promptly repaired. It is responsibility of the Deputy Superintendent and the Superintendent to take necessary steps to install bore wells wherever necessary. It shall be a continuous process to bring it to the notice of the Inspector-General all such place fit for cultivation and to submit suitable proposals to facilitate regular water supply in all parts of the prison lands and till all such lands are brought under cultivation.

1193. *Planting of tamarind and moringa trees.*— Tamarind and moringa trees shall be planted inside the prison, if, space is available, and on the prison grounds.

1194. *Nursery.*— The nursery shall be located on the best land which is not likely to remain damp or water logged. It shall be within a reasonable distance from the source of water and shall be hedged from the rest of cultivation.

1195. *Adoption of improved methods.*— As far as possible, improved methods of cultivation shall be adopted and the use of modern tools and implements encouraged in all prisons.

1196. *Advice of Agriculture Department to be obtained.*— For eradicating plant diseases and use of insecticide and other matters connected with gardening and farming, the advice of the authorities of Agriculture Department shall be obtained by the Superintendent.

1197. *Maintenance of prison lands and accounting procedure for the crops cultivated therein.*— All available lands shall be laid out into plots of convenient size which shall be serially numbered. There shall be a Garden and Plot Register with not less than two pages duly allotted to each plot. The details of each plot such as its area, the date of sowing, quantity of seeds utilized, progress in the growth and total quantity harvested shall find place in its page so as to assess the position at a

glance. Such details shall be recorded as and when the new crops are sown in every season. Deputy Superintendent shall periodically visit the prison gardens and an assessment shall be made on the exceeded yield which shall be recorded in the Deputy Superintendent's report book. The vegetables and grains which are grown in the garden shall be properly accounted for in the Garden and Plot register before they are handed over to the Assistant Superintendent where it shall be brought on into Ration Stock Register for issues to prisoners. The Deputy Superintendent shall satisfy himself that all the quantities grown in the lands are brought into stock. Proper precautions shall always be taken against loss or misuse and a responsible Officer shall always be present at the time of harvest. If, there is any short fall in the output, the Deputy Superintendent shall record the reasons for himself in his report book and submit it to the Superintendent. The Superintendent shall also visit the garden once in a week and record the fact in his journal.

1198. *Storage of seeds.*— The Superintendent shall see that seeds are gathered for future use from fully developed, disease free and properly maintained plants. Before storing them in air tight in cases or bottles, they shall be dried in the shades for three or more days as may be necessary.

1199. *Duty of the prison staff.*— It is the duty of the Superintendent and others concerned not merely to observe complete integrity in matters specified in this chapter, but also to be constantly watchful to see that the best possible value is obtained for all the expenditure incurred and to guard scrupulously against every kind of wasteful expenditure.

1200. *Debiting of expenditure.*— Expenditure on the garden shall be debited to other charges of the Budget Allotment for the prisons.

## CHAPTER-46

### MANUFACTURING DEPARTMENT

1201. *Manufactory to be kept separate.*— The manufacturing department in the prison shall be distinct from the general department and with distinct registers, accounts and returns. Neither manufactory receipts nor charges shall be entered in the General Cash book.

1202. *Separate permanent advance.*— Separate permanent advance shall be sanctioned to, by the Government for the purpose of meeting expenditure such as purchase of raw- materials and to cover the incidental expenditure of the manufacturing department.

1203. *Drawal of advance.*— Large payments which cannot be met from the permanent advance shall be met by funds drawn on advance bills with previous sanction of the proper authority and the vouchers shall be submitted to the Director of Accounts and Treasuries soon after payments are made.

1204. *Officer in-charge.*— The Inspector-General of Prisons shall entrust the charge of the manufacturing department to any official. Such official shall be under the control and supervision of the Superintendent.

1205. *Duties of the official in-charge of manufacturing department.*— The official in-charge of the manufacturing department shall be responsible for the proper maintenance of all registers and accounts connected with the manufacturing department.

1206. *Duties of store-keeper.*— In every prison, the raw materials required for manufactures, manufactured articles and all books and accounts relating to this department shall be in the custody of the Store-keeper in charge of stores who may have one or more Assistants to assist him.

1207. *Duties of Cashier.*— An official who is performing duties of cashier in the prison is also responsible for the cash transaction of the manufacturing department.

1208. *Separate Cash Book.*— The cashier shall maintain a separate and distinct cash book for the manufacturing department. All money and financial transaction pertaining to manufacturing department shall be recorded in this cash book.

1209. *Purchase of stores.*— (1) The Chief Superintendent of Jails may incur expenditure in the purchase of stores including raw materials up to the financial limits delegated to him under the rules in force from to time, up to the budget allotment. Sanction of the Inspector General of Prisons or the Government, as the case may be, shall be obtained wherever the financial limits of the Chief Superintendent of Jails exceeds.

*Explanation:-* (i) Stocking of finished materials shall not be criterion for the purchase of raw materials.

- (ii) If, the orders for the supply of prison-made articles are not encouraging in view of the rising competition for such supplies, the Superintendent shall restrict the production to the level of keeping the prisoners engaged and imparting them intensive training with the available technical staff. Such contingencies shall always be reported to the Inspector-General for his orders.
- (iii) The source of purchase as prescribed by the Government or Inspector-General of Prisons shall always be adhered to, when it is found to be economical.

(2) The Chief Superintendent of Jails shall purchase all stores, including raw materials, machinery and equipments for the manufacturing department. All purchases shall be made, after full inquiry, in the market where the prices are found to be cheapest as far as practicable. In the case of large purchases, tender shall be called for or a letter of enquiry shall be addressed to the producing firms. Frequent petty purchases shall as a rule be avoided. Sufficient stocks shall be purchased at the cheapest seasons and generally the transactions shall be carried on in a business like manner. It shall be ensured that unnecessary accumulation of stock is avoided.

(3) The Inspector-General of Prisons shall invite tenders for the supply of raw materials and the like required for the manufactory sections of the Prisons by public advertisement or otherwise. Contracts shall be made in the prescribed form and sealed samples of the articles to be supplied shall be annexed to the agreement.

1210. *Purchase Committee.*— When the Chief Superintendent could not assess the quality and standard of the materials to be purchased; he shall act according to the advice and the recommendations of the Stores Purchase Committee.

1211. *Constitution of the Store Purchase Committee.*— The Government will constitute the Store Purchase Committee consisting of the following:-



- 
- |  |               |
|--|---------------|
| (i) Chief Superintendent of Jails  | . . Chairman  |
| (ii) One Stores Superintendent,<br>as nominated by Government  | . . Member    |
| (iii) Assistant Director of Industries Department  | . . Member    |
| (iv) One local non-official of good standing,<br>who has got good exposure in the materials to<br>be purchased, as nominated by Government | . . Member    |
| (v) Superintendent of Jail   | . . Secretary |

1212. *Meeting of the purchase Committee.*— The Chief Superintendent of Jails shall convene the meeting of the Store Purchase Committee as and when he requires the advice of the Committee for the purchase of stores. The quorum for this Committee shall be three members.

1213. *Chief Superintendent of Jails to sanction purchase.*— Whenever the purchase of raw materials becomes necessary, the Store-keeper shall obtain the sanction of the Chief Superintendent of Jails. On receipt of such sanction, the articles shall be indented for and passed by the Superintendent. Raw materials when received in the manufactory shall be carefully inspected by the Deputy Superintendent in the presence of the Store-keeper and then passed over to the Store-keeper who will then be responsible for the stock and its issue and maintenance of accounts.

1214. *Examination of raw materials.*— Raw materials received into prison shall be examined by the Deputy Superintendent before being handed over to the Store-keeper concerned who shall be jointly responsible with the Deputy Superintendent that their quality and quantity are correct.

1215. *Record of raw material.*— When raw materials are taken over by the store-keeper, he shall enter it at once in the stock book of raw materials. Before payment is made for materials received, the Chief Superintendent shall satisfy himself that it has been brought to account in the stock book and that the price charged corresponds with the rate entered therein.

1216. *Issue of raw material.*— (1) All raw materials shall be issued from stores on an indent signed by the Officer in-charge of the workshop where the raw materials are required and countersigned by the Deputy Superintendent. These indents shall be the Store-keeper's voucher for issue and shall be retained by him and carefully filed.

(2) The cloth for stitching garments by the Tailoring Workshops shall be issued both in terms of length and weight.

(3) Indents for raw materials shall be made daily, if necessary, or at short intervals as required and only materials required for the completion of each item shall be issued from the stores.

1217. *Indent form.*— Indents shall be bound together in books of a certain number, which shall be noted on the cover. Each indent and counterfoil shall bear a serial number, and the counterfoils shall be carefully preserved by the Officer in-charge of the workshop.

1218. *Entry in stock book.*— Wherever raw materials are issued, the Store-keeper shall enter the details in the appropriate columns of the stock-book of raw materials and shall strike the balance off the stock remaining.

1219. *Deputy Superintendent to examine articles manufactured.*— The manufactured articles completed each day shall, before they are delivered to the Store-keeper, be examined by the Deputy Superintendent who shall be responsible that they are of good workmanship and up to the sample, if any, or the required standard, as the case may be. If, there is any defect, the Deputy Superintendent shall bring it to the notice of the Superintendent, who shall enforce responsibility against the Officer in-charge of the workshop.

1220. *Record of manufactured articles.*— As manufactured articles are received back from the workshops by the Store-keeper, he shall enter the quantity, weight or number of articles so received from time to time on the right hand portion of the indent, until the whole of the raw materials issued is accounted for, and the indent fully satisfied. It may not be possible to ensure that the manufactured articles thus entered as a set off against raw materials issued, have been made with that identical issue, but, if raw materials are thus regularly accounted for, it shall be easy to check the outstanding balance in the workshops and the number of indents not satisfied.

1221. *Record of issue of manufactures.*— All sales or issues of manufactured articles shall be entered in the appropriate columns of the stock book. They shall also be entered in day-books of realizations.

1222. *Weekly check by Superintendent.*— Once a week or oftener, the Superintendent shall check all indents and their counterfoils with the entries in the Stock-book of raw materials and shall satisfy himself that all issues have been made only on a countersigned indent and a corresponding counterfoil. At the same time, he shall check the entries of manufactured articles on the right hand portion of the indents with those in the stock book of manufactured articles and satisfy himself that they correspond. He shall also satisfy himself that the issues of raw materials are accounted for by the entries of manufactured articles and shall initial the books in token of having checked them as prescribed.

1223. *Superintendent's monthly check up of materials in workshops.*— At the end of each month, the Store-keeper shall make out a list of all indents of raw materials which have not yet been satisfied by the receipts of manufactured articles. This list shall, after being checked by the Deputy Superintendent to see that it is correct and complete, be submitted to the Superintendent who shall satisfy himself by personal verification of the stock of raw materials in the workshops that there is sufficient material to satisfy the indents. He shall also see that no undue delay occurs in the completion of the manufactured articles for which raw materials have been issued.

1224. *Register of orders.*— The Store-keeper shall maintain a Register of Orders for Execution in the Manufactory Department in which shall be recorded all orders including articles to be manufactured for stock. The Superintendent shall examine this Register once in a fortnight and shall satisfy himself that no undue delay occurs in the execution of orders and that they are carried out as far as possible in the order in which they are received or booked.

1225. *Agreement upon sample.*— The contract for the supply of articles to a Government Department shall be entered into only after the approval of the samples of the articles and acceptance of the rates.

1226. *Fixation of price of manufactured articles.*— The cost of the manufactured articles in prisons shall be arrived at as follows:-

(1) In the case of articles the manufacture of which requires no elaborate machinery, the cost shall include-

- (a) The cost of raw materials (to be fixed at the nearest round figure on the 1st April and only to be revised when the replacement value varies by ten per cent) inclusive of allowance for waste and incidental charges;
  - (b) Five per cent of the cost of raw materials for depreciation on account of plant and renewals, which may be reduced by the Inspector-General in individual cases do not less than two and a half per cent for special reasons to be recorded by him. Plant shall include any transport or share of transport used for collection of raw materials;
  - (c) Value of convict labour per head for skilled, semi-skilled and unskilled worked out at the rate to be fixed by the Inspector-General of Prisons with the approval of Government.
- (2) In the case of articles manufactured by power driven machinery, the cost shall include-
- (a) Cost of raw materials issued (to be fixed at the nearest round figure on the last April and only to be revised when the replacement value varies by ten per cent);
  - (b) Cost of convict labour per head for skilled, semi-skilled and unskilled worked out at the rate to be fixed by the Inspector-General of Prisons with the approval of Government;
  - (c) Supervision charges to cover the cost of staff directly employed in the industry and proportionate charge of pay and allowance of Store-keeper and any other staff who are solely employed for the Manufactory Department;
  - (d) Store charges to cover running expenses, power and office expenses;
  - (e) Wear and tear to cover the cost of depreciation of machinery, shall be charged at five per cent of the cost of raw materials in respect of all the machineries;
  - (f) Depreciation at two per cent on the value of buildings which have been specially erected for the industry.

(3) The price of an article originally fixed shall not be altered if, some raw materials issued for its manufacture are returned as unused provided that the difference between the price fixed in the first instance and the actual price arrived at after taking into account the cost of raw materials actually used does not exceed five per cent.

1227. *Percentage on account of profit.*— (1) The sale price of prison-made articles shall be fixed by adding a percentage to the cost of production, as defined in the preceding rule, on account of profit. The percentage to be added to the cost of production to arrive at the sale price shall be-

- (a) Ten per cent of the cost of raw materials and labour in the case of articles supplied to State and Central Government Departments, including Prison Department, Local Bodies, Boards and Corporations;
- (b) Fifteen per cent of the cost of raw materials and labour in the case of articles supplied to private parties.

(2) In the event of dispute as to the price of articles supplied to the Departments of Government, the decision of an Expert Officer of the Department of Industries nominated by its Director shall be final.

1228. *Revision of price fixed.*— If, on account of long storage or for any other cause, it is found necessary to revise the sale price of an article once fixed in accordance with the preceding rule, the Superintendent shall submit a report to the Inspector-General explaining fully the reasons for the revision and obtain his sanction for the disposal of the articles at the revised price.

1229. *Entry of receipts.*— (1) All receipts shall be divided into two classes, namely, those received in cash and those received by book adjustment.

(2) Payments for work done or articles supplied by the Prison for Government Department shall be credited to Prison Account by book adjustment.

(3) Every sum received in cash on account of the Manufactory Department shall be entered at once in the Day-book of realizations. This amount shall be remitted into the bank through chalan with least possible delay noting the appropriate head of account to which the money is to be credited.

1230. *Head of Account to be credited.*— All receipts shall be credited under budget head “Miscellaneous Jail receipts”.

1231. *Payments to be receipted.*— On the payment of any sum due to the manufactory, receipt signed by the Superintendent or Deputy Superintendent shall be given or sent to the person making payment. This form shall be bound in books of 50 forms each, in triplicate one below the other and machine numbered.

1232. *Pass for articles removed from prison.*— No manufactured articles shall be sold or removed from the prison except on a pass (printed and serially numbered) initialed by the Superintendent and Deputy Superintendent. In urgent cases, the Deputy Superintendent's initials alone suffice, but, the pass shall be subsequently submitted to the Superintendent for his initials at the first opportunity. The pass shall be presented at the gate to the Gate-keeper who shall thereupon permit the articles in question to be taken out and shall retain the pass as a voucher. The Store-keeper shall prepare the pass to accompany all articles issuing from the Manufacturing Department which are to leave the prison and shall post the entries at the same time in the Day Book of Realizations. These entries shall be daily verified by the Superintendent by comparison with the gate passes, and the initials of the verifying officer appended in token of the correctness of the entries.

1233. *Stock verification.*— (1) At the close of each year, the Superintendent shall check the stock of manufacturing plant and raw materials and shall satisfy himself that the stock and cash accounts are correct in every respect.

(2) Before stock staking, all issues of raw materials shall be stopped and the materials already in the workshops shall be worked up and the manufactured articles brought into store for inclusion in the stock taking. Any materials remaining in the works sheds at the end of the year shall be brought into store and accounted for in the stock-books before the annual accounts are closed.

(3) After stock-taking, any depreciation in the value of raw materials of manufactured articles or loss from any cause, shall be reported to Inspector-General with particulars of the circumstances and the value of the articles.

(4) After stock-taking, a statement of return shall be submitted to the Inspector-General showing all old stores of raw materials and manufactured articles remaining in stock for over a year with their quantities, numbers, values, dates of purchase or manufacture and reasons for accumulation. A copy of this statement together with the orders passed by the Inspector-General shall be produced before the auditors for scrutiny.

1234. *Stock book of Manufactory Plant.*— A stock book of Manufacturing Plants shall be maintained and an annual return of the Manufacturing Plants shall be submitted to the Government.

#### CHAPTER-47

##### ARMS AND AMMUNITION

1235. *Executive force to be provided with arms and ammunitions.*— All the members of the executive force from the rank of warder shall be provided with sufficient numbers of arms and ammunitions according to the scales to be fixed by the Inspector-General of Prisons.

1236. *Type of arms to be provided.*— The Deputy Superintendent and Assistant Superintendents shall be provided with 0.9 mm. Pistol or 380 Revolvers and all other members of the executive force below the rank of Assistant Superintendent shall be provided with self loading Rifle.

1237. *Indent for arms and ammunition.*— (1) A consolidated indent for arms, ammunition, accoutrements, component parts, lubricant materials, *etc.*, required for the Prison Department shall be placed with the Inspector-General of Police, Puducherry.

(2) The Inspector-General of Police shall arrange to supply the required quantities of arms and ammunition either from the Police Magazine or by indenting separately.

1238. *Expenditure.*— The cost of arms and ammunitions so supplied by the Police Department shall be met out of the budget allocation of the Prison Department through book adjustment.

1239. *Defects to be reported.*— Any defects noted in the arms and ammunitions supplied or stored at the time of receipt or subsequently, shall be immediately brought to the notice of the Inspector-General of Police, who shall arrange to depute a Police Officer to rectify or remedy the defects or make arrangements for the withdrawal and replacement of the defective arms and ammunitions.

1240. *Inspection of arms and ammunitions.*— (1) The Inspector-General of Police shall arrange to depute a Police Officer periodically for the inspection of the arms and ammunitions of the Prison Department for every 2 years.

(2) The inspecting Police Officer shall examine all the arms and ammunitions and shall submit his observations and recommendations to the Inspector-General of Police and the Superintendent of Jail.

1241. *Custody of Arms.*— The concerned Assistant Superintendent will be responsible to make sure that arms are never left within the reach of prisoners. All necessary arms when not in use will be kept in the Bell of Arms. The approach to the guard room / Bell of Arms will be from outside the main gate.

1242. *Custody and charge of Arms.*— (1) All arms and ammunitions shall be under the custody of the Assistant Superintendent or Deputy Superintendent.

(2) He shall be responsible for the proper maintenance, storage and issues of all arms and ammunitions. He shall maintain a register of ammunition.

(3) He shall once a week verify and examine all the arms and ammunitions and report to the Superintendent of Jail.

1243. *Storage of arms and ammunitions.*— (1) Where no proper storehouse is available, small arm cartridges may be stored in any substantially constructed building or in any room, cupboard or other compartment in such a building, provided that the following conditions are fulfilled:-

(i) The 'lock-up' must be free from easily inflammable material, and must be subject to no undue risk of fire: Provided that these conditions are fulfilled, it is not necessary that the 'lock-up' should be detached from other buildings.

(ii) The building must be weather-proof and be kept dry;

(iii) The 'lock-up' must be in-charge of a responsible person, be kept scrupulously clean and devoted exclusively to such storage;



(iv) The safe custody of the ammunition must be provided for at all times and Superintendent of Jail will be responsible that the places selected are suitable in all the above respects.

(2) Boxes containing ammunition will be raised atleast 6 inches from the floor by means of battens or other suitable supports.

(3) The boxes should be arranged according to date of manufacture and stacked headers and stretchers; each stack to be a few inches away from the neighbouring stack. Boxes must be stored away from the wall.

(4) To prevent deterioration of ammunition, care must be taken to exclude damp from the place of storage and the minimum number of boxes only opened at one time; loose ammunition must be kept at a minimum.

(5) The oldest date of ammunition in the store must always be used first for expenditure. Where ammunition must be held loose, ready for use, it should, as far as possible, be of the latest date of manufacture available. This means that ammunition for practice, *etc.*, should always be taken from that held loose and replaced by new ammunition from the Central Store.

(6) Loose ammunition referred to above should be turned over at least once annually and replaced by new ammunition from sealed box, with the old ammunition being expended at the earliest opportunity

1244. *Securing self-loading rifles.*— All self-loading rifles belonging to Guarding/Warder Establishment will be secured to the arms rack by means of chain running through the trigger guards and fastened on to the stand by staples and pad-locks.

1245. *Custody of articles facilitating escape.*— The Deputy Superintendent, Assistant Superintendent and guards shall be responsible to ensure that no ladders, planks, bamboos and ropes, which are likely to facilitate escape, are left lying about. If, such materials are to be taken inside for use, these will be properly escorted and will be sent out of the prison after use. Every warder in-charge of a workshop will be responsible to see that all such articles are properly secured and put away when work ceases and give a certificate to that effect in the lock-up register.

1246. *Transport of Arms and ammunition.*— (1) All consignments of arms and ammunition sent by any means of transport shall be put in sealed boxes and escorted by an appropriate armed guard. It shall be the duty of the escort to guard the arms and ammunition against any contingency.

(2) When the arms of the Prison Department are to be dispatched to stations outside the Union Territory for repairs, they shall be entrusted to the Police Department. A police party shall escort these arms along with the arms of the Police Department, if any. When there are no arms of the Police Department to be escorted and a Police party has to be provided exclusively for escorting the arms of the Prison Department, the expenditure incurred in connection with the journey of the escort shall be borne by the Prison Department.

1247. *Security of Locks and Bars.*— (1) All locks and bars and other fastenings must be regularly checked by the warder in-charge and a report to the effect must be given to the Assistant Superintendent or Deputy Superintendent.

(2) All duplicate keys for the locks must be kept in a sealed box under the custody of the concerned Deputy Superintendent. No keys should be left behind unaccounted for and no prisoner will have any access to the prison keys. All the block keys when not in use must be kept in an almirah or key box at the gate or at the tower in the custody of the Gate-keeper or Principal Warder, as the case may be.

(3) Every prison shall be equipped with a generator with an automatic switch so that if power fails, the generator automatically switches on and all security gadgets will function without any interruption.

1248. *Dynamic Security.*— Prisons shall be run on the basis of dynamic security. Dynamic security depends on the use of alternative methods for which interaction with prisoners will be a pre-requisite to make them aware of what is going on and to ensure them that they are being kept in safe and humane environment. It is not only means of preventing escape but, also maintaining constructive relations with prisoners. The staff will also be made to understand that security not merely implies guarding the wall and fence and electronic surveillance, but, also action engendering a sense of protection and mutual trust.

1249. *Use of Weapons against Prisoners.*— (1) Any Officer or Member of the guarding staff, of a prison may use bayonet or any other weapon, against any prisoner when he is found to be:-

- (a) Escaping or attempting to escape if, the officer or member of the guarding staff has responsible ground to believe that he cannot otherwise prevent the escape;
- (b) Engaged in any outbreak or attempt to force or break open the outer gate or enclosure wall of the prison individually or collectively, provided that he may use the weapon only if such an outbreak or attempt continues;
- (c) Using violence against officers of the prison or other persons, provided that there is reasonable ground to believe that the officer of the prison or any other person is in danger of loss of life or limb or that serious injury is likely to be caused to such officer/person.

(2) Before using firearms against prisoner, the officer or the member of the guarding staff, shall give a loud and clear warning to the prisoner that he is about to fire on him.

(3) No officer of the prison shall use arms of any sort against a prisoner in the presence of his Superior Officer, except under the orders of such a Superior Officer or if it is in self-defence.

(4) In all cases requiring the use of force only minimum force, in the given circumstance, shall be used.

#### CHAPTER-48

##### REGISTERS AND RECORDS

1250. *Registers and forms.*— The important registers and forms required to be maintained in the Prison under the Act and Rules are:-

- (1) Register of convicted prisoners
- (2) Register of under trial prisoners
- (3) Register of civil prisoners
- (4) Visitors Book
- (5) Superintendents Journal

- (6) Medical Officers Journal
- (7) Report Book
- (8) Superintendents Order book
- (9) Prisoners property register
- (10) Prisoners cash property Register
- (11) Prisoners entry and exit Register
- (12) Prisoners punishment book
- (13) Fetters Register
- (14) Lock up Register
- (15) History ticket
- (16) Remission card
- (17) Nominal roll of under trial prisoners
- (18) Registers of prisoners to be released/produced before Court
- (19) Nominal roll of convicts
- (20) General ration indent
- (21) Hospital ration indent
- (22) Prescription book
- (23) Vaccination Register
- (24) Register of in-patients
- (25) Register of out-patient
- (26) Register of Initial verification and recommendations
- (27) Medical history sheet
- (28) Temperature chart
- (29) *Proforma* for health screening of prisoners on admission to prison
- (30) Gate Register
- (31) Admission Register
- (32) Vehicle Register

- (33) Court Register
- (34) Rounds Register
- (35) In and Out Register
- (36) Case sheet
- (37) Register of petitions from prisoners
- (38) Incident Register
- (39) Daily Report of prisoner on hunger strike
- 40) Stock book of civil stores and dead stock/Manufacturing plant implements
- (41) Wages Register
- (42) Parole Leave Register (Ordinary/Emergency)
- (43) Medical Case Form for Lepers/T.B and HIV/AIDS patients
- (44) Stock Book of Rations/Raw Materials/Manufactured Articles
- (45) Prisoner Movement Register
- (46) Ammunition Register
- (47) Inspection Register

1251. *Prescribed forms.*— The registers and forms shall be maintained in the format as given in Appendix.

1252. *Additional forms and registers.*— (1) In addition to the forms and registers specified under the rules, the Inspector-General of Prisons may, with the approval of the Government prescribe such other forms, registers, *etc.*, under the Puducherry Prison rules to be maintained for the proper and effective implementation of the Prisons Act and the rules made thereunder. Subject to the requirement of the rules, the Inspector-General may also, with the approval of the Government, amend or modify the forms and registers prescribed in these rules.

(2) Apart from the forms and registers prescribed in these rules, all prison officers shall maintain other forms and registers connected with accounts, financial transactions, establishment, *etc.*, as prescribed under the relevant rules by the Government from time to time.

1253. *Maintenance of registers and files.*— Every officer shall maintain an up-to-date list of all accounts, registers and files entrusted to his custody or assigned to him for maintenance by the Superintendent.

1254. *Prohibitions of erasure.*— Erasures in prison registers are prohibited. If, a correction is necessary, the original entry shall be scored through and the correct entry made in red ink and initialed and dated by the officer responsible for the maintenance of the register. Pencil entries and signatures or initials impressed by a stamp are prohibited.

1255. *Initials to be dated.*— In every case in which the Superintendent, Deputy Superintendent or any other Prison Officer is required to initial any register or book, the initials shall invariably be accompanied by the date on which it was actually entered.

#### CHAPTER-49

##### INSPECTION OF PRISONS

1256. Inspections play an important role in improving the working conditions of prison inmates and prison staff. Inspections are an important tool to ensure that the prison staff is operating strictly in accordance with applicable rules and regulations and that all records pertaining to matters related to prison inmates are maintained and updated as per the relevant rules. Inspections are of two types:-

(a) **Informal Inspection:** Informal inspections are to be conducted by every officer of the Prisons Department of the rank of CSJ (Prisons) and above, as and when they visit a prison while discharging their official duties. The Visiting Officer shall prepare an informal inspection report containing the following:-

- (i) Security and lighting arrangements;
- (ii) Mess and canteen facilities;
- (iii) Vacancy position of staff;
- (iv) Medical facilities;
- (v) Prisoners strength;
- (vi) All Jail buildings;
- (vii) Interview with prisoners;

- (viii) Grievances of prison staff;
- (ix) Pending references with the prison headquarters;
- (x) Female prisoners and infants;
- (xi) Prisoner Management Software/Video Conferencing facility;
- (xii) Any other administrative issues.

(b) **Formal Inspection:** Formal inspection shall be carried out in detail by an Inspecting Officer (as may be designated by the Government). The Inspecting Officer should spent minimum of two nights and two days at the prison, while carrying out the inspection. The Inspecting Officer should draw a detailed inspection report covering the following:-

- (i) Comments on the compliance of the observations made/ directions issued by the Director-General of Prisons on the previous inspection note;
- (ii) Authorized prison population and actual prison population;
- (iii) Vacancy position of staff;
- (iv) Security and lighting arrangements during day time and night/generator sets;
- (v) Jail alarm system;
- (vi) Mess and Canteen Facilities;
- (vii) Interview facilities for prisoners;
- (viii) Stores;
- (ix) Jail record to be maintained for the prison inmates;
- (x) Record relating to parole, furlough, remission and pre-mature release *etc.*;
- (xi) Women prisoners and infants;
- (xii) Medical facilities;
- (xiii) Work opportunities in jail;
- (xiv) Remission system;

- (xv) Wages to prisoners;
- (xvi) Library;
- (xvii) Hygienic condition in barrack including water and sewerage facilities;
- (xviii) Recreation facilities/Sports/Religious activities/Spiritual activities;
- (xix) Jail farms;
- (xx) Jail Factory/Workshop;
- (xxi) Prison Panchayat;
- (xxii) High security ward;
- (xxiii) High risk prisoners;
- (xxiv) Computerization/Video Conferencing facility/CCTVs *etc.*;
- (xxv) Prison staff colony/Wardens Hostel *etc.*;
- (xxvi) Interviews with prison staff;
- (xxvii) Other administrative matters related to prisons, prisoners and staff.

Action Taken Report (ATR) on

- (i) Grievances Redressal Meeting, if any;
- (ii) Canteen Management.

1257. Every Central Prison, district prison and sub-prison/other prison (Women) shall be inspected by the Chief Superintendent of Jails at least twice in a month. At least one such inspection shall be carried out by the officer of the rank of Jail Superintendent on weekly basis. The Inspector-General of Prisons shall appoint Inspecting-Officers for different prisons, in advance, by 15th January every year and all the Inspecting-Officers shall maintain details of their inspection conducted in a register and also submit inspection reports to the Inspector-General of Prisons on monthly or weekly basis, as the care may be.



1258. The Inspector-General of Prisons shall issue directions to the Superintendent of the prison concerned for complying with the observations made by him on the inspection report. The compliance report on the directions issued on the inspection note shall be submitted by the Superintendent Jail concerned before the next inspection is due. The Inspecting-Officer shall write a paragraph in his report about the compliance by/response of the Jail Superintendent on the points raised/ observations made in the previous inspection report.

1259. The Inspector-General of Prisons or any other officer of the rank of CSJ from the Prisons Headquarters shall inspect minimum of 50% of the prisons in the Union Territory every year.

#### CHAPTER-50

##### STAFF DEVELOPMENT

1260. A concerted approach towards staff development should be made an integral part of the legal framework that regulates prisons. Correctional work being a specialized field, and a social service of great importance, all posts in the Department of Prisons and Correctional Services, except where supporting staff is required, should be manned by persons belonging to the Prison Department.

1261. *Prison Cadre.*— (1) The prison personnel should comprise of following staff cadres:

- (i) Executive.
- (ii) Custodial/Guarding.
- (iii) *Technical:* Technical Supervisors and Instructors borne on prison establishment.
- (iv) *Ministerial:* From Administrative Officer down to the Lower Division Clerk.
- (v) Class IV Government Servant: As per the nomenclature in each State.

(2) Cadre strength of various categories of personnel should be fixed in accordance with the needs of the department. While fixing the strength of each cadre, care should be taken to see that enough openings for promotions become available to the personnel. With this in view the following ratio for determining cadre strength of various posts should be laid down:

Provided that these provisions if, require creation of new posts or cadre restructuring and would require concurrence of/consultation with Administrative Reforms Department/Services Department/Finance Department/Planning Department for the said purpose then these provision will be implemented only after such concurrence of/consultation with the Concerned Department.

1262. *Recruitment and Selections.*— (1) There should be an inbuilt mechanism in the Prison Department for continuous and systematic study of manpower needs, so that there should be a regular intake of new recruits in order to maintain a continuous flow of qualified and trained personnel in the Department

(2) In order to maintain the necessary level of morale, discipline and efficiency of the prison staff, only those persons possessing requisite aptitude and attributes should be appointed on various posts in the Prison Department.

(3) The recruitment of personnel of both Gazetted and Non-Gazetted ranks will be done through the Department of Personnel and Administrative Reforms Boards (DP & AR), Puducherry.

(4) The fundamental requirements for recruitment of the correctional personnel shall be as under:

- (a) Physical fitness.
- (b) Capacity for endurance and hard work.
- (c) Courage, leadership and trust-worthiness.
- (d) Balanced personality.
- (e) Capacity for man management.

- (f) Capacity for maintaining and developing constructive and firm discipline.
  - (g) Interest in human welfare, desire to help and guide inmates; belief in the philosophy of correctional treatment.
- (5) Physical fitness should be made essential pre-requisite for direct recruitment at each of the three levels mentioned above.
- (6) The posts of Assistant Superintendents and Superintendents shall be filled by promotion failing which direct recruitment.
- (7) A directly recruited warder/officer should not be placed on job until he successfully completes the prescribed basic initial training.
- (8) Psychologist, social workers/case-workers and correctional staff should also be recruited directly.

*Note* (i) The recommendations with regard to direct recruitment and promotion quota have been made to ensure that deserving persons, with requisite qualification training, experience, and professional competence, are available in the service at all levels and that they get at least three promotions during the entire span of their service.

- (ii) Promotion to the post of Assistant Superintendent will be done on the basis of the following criteria:
  - (a) 100% of promotion quota posts will be filled from among Principal Warders on merit-*cum*-seniority basis.
- (iii) Similarly, the recruitment for the post of Superintendent of Jail will be made both by direct recruitment and by promotion.
- (iv) Educational qualifications for various categories of posts will be prescribed keeping in view job requirements for each post.

- (v) Basic initial training, in-service training and refresher courses, prescribed with a view to keep personnel in touch with contemporary development in the field of their work, shall be given weightage.
- (vi) The general policy as laid down by the Government regarding the relaxation of the upper age limit in case of deserving departmental candidates should be followed.

1263. *Service Conditions.*— (1) Personnel assume paramount importance in an effective system of correctional administration. The conditions of service in the Prison Department shall be such that they attract and retain the best suited persons.

(2) Secondly, the effectiveness and utility of correctional institutions will largely depend upon the level of satisfaction that prevails in the service. A contented staff will be able to implement correctional policies in the proper spirit. Better service conditions will produce better personnel which, in turn, will develop better institutions.

1264. *Salary and allowances.*— (a) Salaries and other employment benefits should not be arbitrarily fixed but, should be related to the work to be performed in a modern correctional system, which is complex and arduous and is in the nature of an important social service. The correctional staff should be paid salaries and allowances at par with those of equivalent ranks in the Police Department.

(b) Risk Allowance should be given to all Officers and Staff members at the rate of ₹ 300 per month.

(c) Washing Allowance also be given to all officers and staff members equivalent to Police Department.

1265. *Uniform.*— Uniform should be prescribed for all custodial and executive staff, including the Inspector General of Prison. Badges of rank for all uniformed cadres in the prison service should be similar to that in the police service.

1266. *Service Board.*— Each State should set up a Service Board under the Chairmanship of the Principal Secretary, Prison Department, for a periodic review of all matters pertaining to the service conditions of prison staff.

1267. *Probation period.*— (1) Persons directly appointed to any post in the prison service shall be on probation for two years. Wherever necessary the Appointing Authority may extend the probation period.

(2) On selection, each incumbent shall sign the oath of allegiance in the prescribed form.

(3) Probation period will include the period of institutional and practical training and the period during which the probationer will be given an opportunity to display his capacity for wielding responsibility and exercise judgment.

(4) During, and at the end of the probation period, the probationer should be evaluated on the following points

- (a) Physical fitness and capacity for physical endurance and hard-work.
- (b) Courage and leadership.
- (c) Interest evinced in work.
- (d) Efficiency.
- (e) Attitude towards the public, senior personnel, colleagues, subordinates and inmates.
- (f) Capacity for correctional work.
- (g) Character and integrity.

*Note :* The question of extending the period of probation or of confirming, reverting or discharging an incumbent, should be decided invariably before the expiry of the period of probation.

1268. *Appointment.*— (1) On the successful completion of training, and after the probationer has been tried and tested through a phased programme of assigning responsibilities, his initial appointment and posting orders should be issued.

(2) As and when appointments are made on purely temporary basis, they should be made under specific orders.

1269. *Confirmation.*— (1) There should be a system of departmental examinations for various categories staff categories for the purpose of confirmation. These examinations should be organized to suit each cadre.

(2) For being confirmed in service, the probationer should fulfill the following conditions:

- (a) Passing various tests and examinations during the training period.
- (b) Successful completion of the probationary period.
- (c) Passing the departmental examinations.

1270. *Seniority.*— Seniority should be fixed on the basis of the date of appointment in the cadre, and date of promotion to a higher cadre in accordance with guidelines issued by the Government. Cadre-wise seniority and gradation lists of the prison personnel should be published annually.

1271. *Promotions.*— Special care should be taken in giving timely promotion to eligible personnel. Efficiency merit, integrity and trustworthiness of every incumbent should be evaluated and reflected in his annual confidential report. The mechanism indicated under the caption 'Recruitment and Selections' in this chapter should be followed while giving promotions to the personnel in the respective cadre. Incumbents who qualify for higher jobs should be listed in accordance with merit in the eligibility lists for promotions. Promotions to higher cadres should be based on seniority-*cum*-merit.

1272. *Transfer.*— The minimum tenure of Non-Gazetted and Gazetted Staff, at one station, should be five years and three years, respectively.

While deciding on transfers, factors like:

- (i) needs of the department and the institution,
- (ii) suitability of the incumbent to the post to which he is being transferred, and
- (iii) reasonable needs of the Government Servant such as availability of educational facilities for his children, domestic difficulties of a special nature, *etc.*, should be considered.

1273. *Hours of Work.*— (1) There should be a well-planned and properly regulated timetable of work hours for every category of personnel. Normally no staff member, including guarding personnel, shall be required to work for more than eight hours a day. There should be a schedule of institutional duty, day duty, night duty, sectional duty, premises duty, off duty, *etc.* Responsibilities pertaining to premises duty, duty-on holidays, *etc.*, should be clearly defined. Every incumbent should get 24 hours off-duty once a week.

(2) Guarding personnel should be allowed at least four night's rest each week. As far as possible, duty on consecutive nights should be avoided. Night patrol duty should not exceed two hours at one time. After every such duty, the guard should be given at least two hours of rest. In one night a guard should not be given more than three patrol duties.

*Note* (i) The Superintendent of Jail is authorized to make all reasonable adjustments in hours of work.

*Note* (ii) In times of emergencies like escapes, riots, assaults, fire, *etc.*, all personnel on the premises, whether off-duty or otherwise, will instantaneously report for duty.

1274. *Additional Staff during Emergencies.*— In the event of sudden influx of inmates or epidemics, additional staff, according to recruitment rules should be appointed on purely temporary basis.

1275. *Facilities While on Duty.*— The following facilities should be extended to the personnel on duty:

- (i) Rest rooms with beds for the use of staff members who are required to wait in the institution between their duty periods.
- (ii) Staff canteen.
- (iii) Bathrooms, lavatories and western commodes.
- (iv) Lockers.
- (v) First-aid boxes including necessary equipment for snakebites, at remote duty points/prison farms/outposts, *etc.*
- (vi) Torches and boots for night duty personnel.
- (vii) Raincoats, umbrellas, overcoats, gumboots, *etc.*

1276. *Holidays.*— (a) Holidays will be observed in accordance with the local custom in each State as specified by the Government.

(b) Those who work on holidays should be allowed additional off days with the approval of the Competent Authority or extra pay *in lieu of* work on holidays.

1277. *Housing.*— (1) Rent free residential accommodation for all prison personnel should be provided in the prison campus.

(2) Housing for prison staff should be developed on modern lines with adequate community services and facilities.

(3) Each institution should have provisions for lodging officials, guests, and other visitors, visiting the institutions.

(4) Prison personnel who are entitled to rent free accommodation, but, are not provided with such accommodation, should be paid house-rent allowance at par with government employees in other Departments.



(5) The following facilities should also be extended to staff quarters and premises:

- (a) Periodical disinfection.
- (b) Conservancy and sanitation services in staff quarters.
- (c) Maintenance of parks and other utilities on the premises.

(6) In case an institution is located at a distance from the city or town, the administration shall make necessary arrangements for the housing of staff members within the prison premises.

1278. *Transport facilities.*— In case an institution is located at a distance from the city or town, the administration shall make necessary arrangements for the transportation of staff members for to and fro official journey purpose.

1279. *Medical Facilities.*— The following medical facilities should be extended to the staff and their families:

(i) A properly equipped hospital and maternity ward, with ambulance facilities.

(ii) Free medical attendance and treatment at the institutional hospital, at the Civil Hospital and at special institutions like T.B. sanatoria, Infirmaries, *etc.*

(iii) Special medical facilities to prison personnel suffering from tuberculosis, leprosy, cancer, heart disease, *etc.*, at par with other Government Servants.

(iv) Facilities during convalescence period such as leave, medical aid and concession in hours of work.

(v) Anti-rabies treatment

1280. *Educational Facilities.*— The following educational facilities for the benefit of children of prison personnel should be extended:

(i) Schools near the institutional premises.

(ii) A school bus for children of the staff in institutions situated at a distance from the duty.

(iii) Transport at government cost for educational needs of children of the staff or an alternative suitable Transport Allowance for School/College-going children of the staff.

(iv) Hostel accommodation for children of transferred and other staff members, in institutional premises.

1281. *Miscellaneous Facilities.*— (1) In case an institution is located at a distance from the city or town, the administration shall make necessary arrangements for the housing of staff members within the prison premises.

(2) Medical facilities should be provided in cases of medical emergencies and sickness.

(3) Mess for unmarried staff members.

(4) Use of institutional transport on payment at the time of transfer.

(5) Leave travel concession to all categories of prison personnel to their home town or village once in two years, along with their family members. Such concession should also be given to all staff members to travel anywhere in India once in four years.

(6) Sports facilities, annual sports meets, and travelling allowance incidental to the above.

1282. *Rewards.*— (1) The Government of India should institute medals for rewarding prison personnel in recognition of acts of gallantry and meritorious and distinguished services. All good work done by prison personnel should be given proper publicity and highlighted through the media.

(2) The Inspector-General/Chief Superintendent of Jails should have powers to sanction suitable cash rewards to deserving staff members in appreciation of outstanding work and special services such as capture of escaped prisoners, exhibition of high degree of courage, loyalty and trustworthiness, devotion to duty and initiative and resourcefulness during times of emergency, and other meritorious services. For this purpose adequate funds should be made in the annual budget of the Department.

1283. *Financial Assistance and Compensation.*— (1) In the event of prison personnel suffering serious injury and accident in the discharge of their duties, the Inspector-General of Prisons should have powers to sanction immediate financial assistance up to ₹ 10,000. In deserving cases, where assistance beyond this limit is necessary, the Inspector-General of Prisons should refer the matter to the Government.

(2) In case of death of prison personnel in lawful discharge of his duties, appropriate compensation should be paid to survivors in his family apart from other compensation by the Government as per the policies/rules.

1284. *Protection from Threats and Damages.*— (a) While *bona fide* discharge of duties by the prison personnel, if, any threat has been received from the prisoner or from any corner then the matter be reported to the Inspector General of Prisons who shall make the arrangements for protection of the said prison personnel along with their family and shall take the requisite action in the matter.

(b) Necessary facilities at Government cost should be extended to staff members to defend themselves in the event of criminal prosecution/civil proceedings arising out of *bona fide* discharge of official duties. Legitimate protection should be extended to personnel in matters related with recovery of damages for *bona fide* delays, errors of judgment and false allegations

1285. *Pension.*— All pension formalities should be completed fairly in advance of the date superannuation of a Prison Officer. Delays in completion of pension papers should be avoided in all cases.

1286. *Staff meetings.*— The Superintendent will convene a monthly meeting of the institutional staff members. The objectives of this meeting should be:

- (a) Coordination in institutional activities.
- (b) To improve methods of work.
- (c) To interpret Governmental policies to staff members.

(d) To explain new procedures, rules and regulation and policies regarding inmate discipline, treatment of prisoners and institutional management.

(e) To explain policies relating to personnel management, staff discipline and morale in the staff lines.

(f) To explain welfare programmes chalked out by the Staff Welfare Committee.

(g) To give opportunities to staff members to discuss their common problems.

(h) To communicate appreciation of good work as and when necessary.

(i) To reward staff members as and when necessary.

Minutes of the proceedings of the meeting should be recorded and a copy of it should be forwarded to the Inspector General/Chief Superintendent of Jails with the remarks of the Superintendent.

1287. *Conference.*— (1) Conferences of Departmental personnel should be held annually. The objective of such conferences should be:

(a) To take stock of achievements.

(b) To evaluate current procedures, practices and methods of the organization.

(c) To plan for future development of the department.

(d) To understand staff problems and staff aspirations.

(e) To promote best practices in custodial management.

(2) Minutes of the conferences should be recorded and the Inspector-General should forward the same to the Government, along with his suggestions and appropriate proposals. Action taken on these minutes and a proposal will be communicated to the institutional personnel by the Prison Headquarter.

1288. *Staff Welfare Committee.*— (1) There will be a Welfare Committee at each Institution consisting representatives of executive, technical, ministerial and guarding/custodial personnel. The Chief Superintendent of Jails will be the *ex-officio* Chairman of the Committee. The Welfare Committee will meet at least once a month. Minutes of its meetings will be recorded.

(2) There will also be a Central Welfare Committee in the Inspector-General's Office with the Inspector-General of Prisons as its President and the following as its members:

- (i) Chief Superintendent of Jails (Headquarters) - Vice-President.
- (ii) Superintendent of Jail.
- (iii) Deputy Superintendent of Jail.
- (iv) Medical Officer.

1289. *Functions.*— The functions of the Welfare Committee shall be:

- (i) To chalk out a programme for staff welfare.
- (ii) To build a welfare fund.
- (iii) To prepare an annual budget for the utilization of the welfare fund.
- (iv) To run a staff canteen
- (v) To organize a Cooperative Credit Society and a multipurpose cooperative shop for the institutional staff.
- (vi) To impress upon the staff members the necessity of programmes of postal savings, small saving schemes, postal insurance, Janata Insurance policy, *etc.*
- (vii) To supervise the maintenance of the welfare fund, its accounts, and to get them audited annually.
- (viii) To prepare an annual report about welfare work.

(ix) To advise the Central Committee regarding the utilization of the fund.

(x) Cultural programme and Sports competition.

1290. *Welfare Fund.*— A welfare fund will be created at each institution for providing amenities to staff members and their families. The fund will be developed from the following sources:

(i) Monthly subscriptions from staff members.

(ii) Voluntary donations subject to rules framed by the Government.

(iii) Interest accruing from investments.

(iv) Benefit performances by artists, theatrical parties, cinema, *etc.*

(v) Donations from a Co-operative Credit Society.

(vi) Profits from of the Co-operative shop.

(vii) Subsidies from the Government.

1291. *Welfare Unit.*— In large institutions there will be a separate staff unit which will attend to all aspects of welfare work such as staff canteen, cooperative society, *etc.*

1292. *Welfare benefits.*— (1) The following benefits will be provided to the personnel out of the welfare fund:

(i) Relief in the case of sudden illness.

(ii) Medical aid where more than ordinary medical help is required and which is beyond the economic capacity of the staff member.

(iii) Aid for the education of children of the staff.

(iv) Facilities to family members of the staff for running cottage industries and handicrafts like sewing, spinning, manufacture of matches, *etc.*

(v) Reservation of seats in hostels and educational institutions for children of staff members.

- (vi) Staff canteen.
- (vii) Recreational and cultural activities.
- (viii) Staff club,
- (ix) Staff libraries.
- (x) Staff sports, institutional and inter-institutional fixtures, *etc.*

(2) A proper forum should be provided at the institutional and the State level for prison personnel to ventilate their grievances common to the entire service/cadre and to hold meaningful discussions for their redressal.

*Note:-* Detailed rules for the collection and operation of this fund should be embodied in the prison manual of each Government.

#### TRAINING OF PERSONNEL

1293. *Staff Training.*— Correctional Administration shall constantly seek to awaken and maintain in the minds of the personnel the conviction that correctional work is a social service of great importance, and to this end all appropriate means should be used.

1294. *Correctional work is a specialised field.*— (1) The principle job of the correctional personnel is social re-education of offenders. The effectiveness of correctional administration, institutional discipline and the impact of treatment mainly depend on the quality of the correctional staff. Untrained and uninstructed personnel are not only ineffective, but quite often become detrimental to the proper implementation of correctional policies. The training of correctional personnel is, therefore, of paramount importance in any system of Correctional Administration. Training programmes will aim at:

(i) Acquainting correctional personnel with scientific and progressive methods of Correctional Administration.

(ii) Making them conscious of their responsibilities, and the role they have to play in a Welfare State.

(iii) Broadening their cultural and professional interests, expanding their experience, refining their abilities and skills, improving their performance of administrative duties and providing them with experience to meet future needs of the department in positions of higher responsibility.

(iv) Inculcating an esprit-de-corps amongst the correctional personnel.

(2) Correctional personnel should be properly trained in the theory and practice of correctional work. After entering the service and during their career, the personnel shall maintain and improve their knowledge and professional capacity by attending various training programmes, and through their own individual efforts.

(3) Correctional personnel shall be given special training (in P.T., drill, unarmed combat, cane drill and mob-dispersal drill) to enable them to restrain aggressive prisoners by the means prescribed by the authorities in accordance with the relevant rules and regulations. Personnel who are provided with arms shall be trained in their use and instructed in the regulations governing their use.

(4) Training is a continuous process. The initial basic training imparted at the training school shall be continued at the correctional institutions. Suitable training programmes should be organized so that the institutional personnel are in constant touch with current development in the field of corrections.

(5) Training of correctional personnel will not only be helpful in creating a proper cultural atmosphere in the department but, will go a long way in establishing good traditions and practices of institutional management and correctional processes. A properly trained staff will be an asset for the proper implementation of prison reforms. With the impact of training, the attitudes and abilities of the personnel will improve. The expenditure incurred for staff training will ultimately result not only in departmental gains but, also in social gains in terms of better institutional impact and ultimate rehabilitation of offenders.



(6) All new recruits to the Prison Department, whether inducted as security, custodial, executive, treatment or supervisory staff should be imparted basic training of sufficient duration appropriate to their job requirements. All officers and staff taken on deputation from other departments should be given a short orientation course for one week with regard to the functioning of the prison department.

(7) No Prison personnel shall discharge any official duty without completion of basic training. Adequate training reserve should be provided in each cadre of the Prison and correctional service so that in-service training can be organized for them. The number of such staff can be assessed in each State/Union Territory as per local requirement.

1295. *Training Institutes.*— (1) Training of staff should be taken up at three levels: State, Regional, and National.

(i) For training of security and ministerial staff, a training school should be set up in each State by the Government. Smaller States and Union Territories can avail the training facilities of the training schools of neighbouring States

(ii) For training of executive staff Regional Institutes of correctional administration should be set up.

(iii) A National Academy of correctional administration should be established by the Ministry of Home Affairs, Government of India under the control of BPR&D to cater to the training needs of supervisory staff and other senior officers concerned with planning and policy formulation. When the Indian Prisons and correctional service is constituted, this academy would meet the training needs of the members of that service.

1296. *Functions.*— The functions of a Training School will be:

- (a) Training,
- (b) Research,
- (c) Studies on Organization and methods, and
- (d) Publication of pamphlets, papers, hand books, Correctional Services Journals.

- Only qualified persons with an aptitude for training and teaching should be posted at these institutions.

- Experts invited to deliver lectures at the training institutes should be provided with a set of guidelines about the content of training. Permanent academic staff of the training institutes should also be oriented to the training requirements of various aspects of correctional work. Teaching facilities and faculty at the training schools of other States, Universities and Schools of Social Sciences should also be utilized for training purposes. The visiting Lecturers should be paid suitable honorarium and travelling allowances.

- Details of syllabi, course content, methods of examination and the mode of awarding certificates/diplomas on successful completion of training, should be evolved by the training institutions at various levels. These matters should be reviewed once every three years.

- Proper literature should be prepared for meeting the training needs of various categories of personnel of the Department of Prisons and correctional services.

1297. *Training courses.*— (1) Training courses for correctional services should be organized on the basis of Training Needs Analysis to be conducted by the experts in this field. The following training courses should be organized at the training institutes:

(i) On recruitment all correctional officers *i.e.*, Superintendent Grade-II, Assistant Superintendent and warder shall undergo an initial basic training course which will be phased as shown below:

(a) Initial basic training at the Training School/Institute for one year.

(b) After the successful completion of basic in training the trainee officers should be posted for duration of six months for practical training in various branches of institutional management at a Central Prison in their respective States/Union Territories.

(c) On completion of practical training, the trainee officers should be given independent charge of the post for which they have been recruited, for a period of six months.

(ii) Serving officers, who have had no opportunity to get the initial training as stated in sub-rule (a), shall undergo a training course for three months. For such officers, placement for practical training and holding of independent charge as stated in sub-rules (b) and (c) will not be necessary.

(iii) Serving Superintendents, Deputy Superintendent, Assistant Superintendent, and other correctional officers of all grades will undergo refresher courses of one month duration once in every three years.

(iv) Vertical Interaction Courses (thematic) for prison officers.

(v) Short-term courses on various aspects of Correctional Administration and Treatment of Offenders.

(vi) All newly recruited and untrained serving warders shall undergo an initial basic training course for six months. During this period they will be given practical training in every aspect of institutional management.

(vii) Refresher courses of two months duration for custodial/security personnel. It should be obligatory for them to undergo such training once in every five years.

(viii) The Inspector-General of Prisons and Director of correctional services should prepare a panel of officers having special merit and capabilities for attending conferences and special training courses, within the country and abroad.

(ix) The Bureau of Police Research and Development should organize regional meetings/conferences of Inspectors-General of Prisons and other senior officers of the Department of Prisons and correctional services at regular intervals at the national level.

(x) Study teams of senior officers should be deputed to visit other States in the country. Such teams may also visit countries where innovative correctional programmes and practices have been successfully introduced. Officers with outstanding performance in the department should be given preference for such visits.

(xi) The Retired Prison Officers with law knowledgeable person can be engaged for conducting the Law classes for the Prison Officials whenever necessary.

1298. *Facilities during training.*— The following facilities should be extended to personnel undergoing training:

- (i) Full pay for newly recruited personnel.
- (ii) Usual emoluments for in-service personnel.
- (iii) Training allowance for in-service personnel.
- (iv) Rent-free quarters.
- (v) Mess arrangements.
- (vi) Free medical aid.
- (vii) T.A. and D.A. facilities for travel incidental to training.
- (viii) Grant for purchase of books.
- (ix) Study leave for going abroad or to another State, for training.
- (x) Periods of training should be counted as on duty for all purposes

1299. *Discipline.*— (a) The Inspector General of Prisons in consultation with head of training institution will frame necessary rules regarding discipline and will be authorized to take disciplinary action in the event of breach of discipline.

(b) The trainees will wear the prescribed uniform during the training period.

1300. *Tests and Examinations.*— The Head of training institution will fix details about examinations and tests. Trainees for all cadres shall be required to pass the prescribed examinations and tests. In case a trainee fails to reach the required standards during a training course, the head of training institution will forward a report to the Inspector-General for suitable action. Failure to pass the examination and to complete the training courses satisfactorily will make the trainee liable for such disciplinary action as the Inspector General may think fit. In case of newly recruited personnel, such failure may result in discharge from service. The evaluation of a trainee should be made on the basis of his total performance in all the tests and examinations. The trainees will be evaluated in respect of the following, amongst other points:

- (a) Turn-out and discipline.
- (b) Capacity for hard work and physical endurance.
- (c) Performance in each test and examination.
- (d) Special capacities shown during the training course.
- (e) Leadership.
- (f) Conduct, integrity and trustworthiness.

1301. *Library-journal-recreational facilities.*— (a) Training schools will have a good library and reading room facilities. Provision for purchase of books and periodicals, should be made in the annual budget of the institution.

(b) A Correctional Services Journal should be published by the training schools.

(c) Recreational facilities will be organized.

(d) A museum showing the historical development of Prison Administration and other aspects of institutional management should be set-up at the training schools.

1302. *Continuation of training at the place of work.*— (1) The following training facilities should be organized at the institutions:

- (i) Interpretation of policy by senior officers from the Headquarters during visits.
- (ii) Library and reading room facilities for staff members.
- (iii) Lectures by Professors from the Universities and Schools of social work on subjects related to correctional work.
- (iv) Fortnightly talk on correctional methods by the Superintendent or any other officer.
- (v) Reading of papers, case histories, *etc.*, by institutional staff members.
- (vi) Monthly discussions on improvement in administrative procedures, methods and organization, *etc.*

(2) In order to keep the officers and men in good shape, the training given at the training school in drill, parades, musketry, unarmed combat, cane-drill and mob dispersal drill should be continued at the institution also. Particular attention should be paid to games. Efforts should be made to instill interest and enthusiasm in the personnel by the introduction of new items and methods of training. Opportunities should be provided to stimulate initiative, intelligence, independent judgment and resourcefulness among the personnel.

(3) Subject to general or specific orders, which may be issued in this behalf by the Inspector-General of Prisons, the training programme will consist of physical exercises, squad drill, weapon training, bayonet fighting, ceremonial parade, unarmed combat, baton and cane drill, mob-dispersal, obstacle course, inspection of guard and sentry duties, saluting, kit inspection and emergency drill.

(4) Musketry practice for officers and guarding personnel shall be held once every six months. All security measures shall be adopted on such occasions. An officer well versed in all these matters shall be made in-charge of such training. Wherever required, necessary assistance may be obtained from the local police authorities.

(5) Assistant Superintendents will do physical training and drill at least twice a week. They shall participate in the weekly parades.

(6) The following training programmes will be conducted for the guarding personnel:

- (a) Physical training and drill for 45 minutes a day, four days a week.
- (b) Instruction in rules, procedures, *etc.*, once a week to be given by an Assistant Superintendent or a senior member of the guarding personnel.
- (c) Practice in preventing and controlling emergency situations once a month.
- (d) Games like cricket, hockey, volleyball, basketball, may be organized in accordance with available facilities at each institution.

(7) The Superintendent will send the following reports to the Inspector-General of Prisons:

- (a) Monthly report about training in P.T. drill, lectures, discussions, emergency practice, *etc.*
- (b) Six monthly report on musketry practice.

## CHAPTER-51

### PRISONS DEVELOPMENT

1303. *Prisons development board.*— (1) A high powered prison development board may be set up in Union Territory of Puducherry, if needed to have an institutional arrangement conducive to speedy decision making and to take full advantage of modern technology and managerial practices, in order to improve and modernize the infrastructural facilities in prisons.

## (2) The Board may consist of the following Members:

- (a) Minister In-charge of Prison . . . Chairman
- (b) Chief District Judge . . . *Ex-officio*  
Director
- (c) Secretary to Government (Home) . . . *Ex-officio*  
Director
- (d) Secretary to Government (Finance) . . . *Ex-officio*  
Managing  
Director
- (e) Secretary to Government (Revenue) . . . *Ex-officio*  
Managing  
Director
- (f) Secretary to Government (Law) . . . *Ex-officio*  
Managing  
Director
- (g) Director-General of Police . . . *Ex-officio*  
Managing  
Director
- (h) Two persons to be nominated by the . . . Members  
Government, out of whom one shall  
be a woman, from among non-officials,  
who have distinguished themselves in  
the field of prison administration or  
prison reforms or services to prisoners  
or human rights
- (k) Inspector-General of Prisons . . . *Ex-officio*  
Managing  
Director



(3) The functions of the Board shall be:

- (a) to examine the living conditions of prisoners in all the prisons, with specific reference to their basic needs and provision of facilities compatible with the dignity of human life.
- (b) to build new prisons where the existing prisons are not in a satisfactory condition or are beyond repairs.
- (c) to review and suggest measures for the development of programmes for the treatment of prisoners, including research, education, vocational training and skill development, with a view to developing prisons as correctional centres.
- (d) to efficiently manage prisons by inducting modern technology, methods and apparatus.
- (e) to collaborate with corporate houses for Corporate Social Responsibility (CSR) funding for above purposes.

(4) The Board shall have, and maintain, its own fund as the Prisons Development Fund to which shall be credited:

- (a) all money received by the Board from the State and Central Government by way of grants, loans, advances, *etc.*
- (b) all money borrowed by the Board by way of loans or debentures.
- (c) all money generated by the agricultural, horticultural, industrial or manufacturing activities undertaken by prisoners.
- (d) all fees, charges and profits received by the Board.
- (e) all money received by the Board from the disposal of lands, buildings and other properties (movable or immovable), and

- (f) all money received by the Board by way of rents or profits or in any other manner or from any other source. The concerned Government shall frame detailed rules for the functioning of the Board.

1304. *Publication of Annual Report.*— An annual report on the functioning and progresses achieved by the Department of Prisons and Correctional Services shall be laid, as soon as may be after it made, before the State legislature.

1305. *Exchange of Expertise.*— The exchange of technical know-how and professional expertise with other States to be able to adopt the best practices in the administration of prisons and correctional services in various parts of the country, either on its own initiative or with the assistance of the Central Government shall be promoted.

1306. *Inclusion of prisons in development plans.*— Prison administration has a direct bearing on the improvement of the quality of life of those who deviate from the accepted social norms and keeping this in view, the development of prisons shall be pursued as an integral part of the National Development Plans. Investment on prisons shall lead not only to the reformation and rehabilitation of offenders as law-abiding citizens, but, also to safeguarding the life of those adversely affected by crime. Taking a larger perspective of the aforesaid aspects, steps shall be taken to formulate schemes for development of prisons in their entirety in the Central and State Plans. Such schemes shall not only relate to the correctional content of prison programmes, but, also to improvement in the quality of prison staff, which is the main tool of correctional administration.

1307. *Planning, Research And Development Mechanism.*— Each State shall evolve a mechanism for providing the necessary feedback on the efficacy of prisons and correctional services in achieving their objectives and goals through monitoring, study, analysis and research, and to keep the system abreast of the new trends and developments in the field. Such a mechanism should clearly spell out the specific objectives and goals not only for the organization, but, also for individual institutions, in terms of functional renovation and

reconstruction of prison buildings, diversification of correctional institutions, classification of prisoners, rehabilitative reorientation of prisons industries, correctional content of prison programmes, recruitment and training of prison personnel and modalities of coordination with other branches of the Criminal Justice System. It should set quantitative targets for the correctional system such as: number of criminals rehabilitated; number of ex-offenders; number of prisoners educated; increase in productivity of prisons; sale proceeds of prison manufacture; amount of loan extended to inmates/ex-inmates under innovative banking schemes and other sources, *etc.*, there shall be an established procedure for reviewing the organizational and institutional goal by the department at least once a year.

## CHAPTER-52

### PRISON COMPUTERISATION

1308. The entire prison administration needs to be computerized so that databases can be accessed easily and managed more efficiently. This is also part of the mandate of the Integrated Criminal Justice System (ICJS) which seeks to interlink prisons, Courts and the Police Stations as a triad. This would enable integrated data sharing with the police and the Courts enabling efficient and comprehensive tracking of criminals and faster law enforcement responses. There are several stakeholders involved in processes of prisons, including the Police, Courts and external agencies like hospitals, medical authorities *etc.*, and it is extremely important to develop suitable interfaces that can help in seamless sharing of information amongst different agencies.

1309. The major challenges faced by prisons' administration presently in performing their mandated activities effectively and efficiently are:

- ✓ Unavailability of real time information at central level;
- ✓ Non-centralized information repository of prisoners; § Improper tracking of prisoner activities; § Inadequate interaction with various stakeholder agencies;

- ✓ Improper data analysis;
- ✓ Multiple stand alone IT systems available at majority of prisons;
- ✓ Inadequate tracking of prisoner out on parole/ furlough;
- ✓ Lack of efficient alarm system in case of under-trials detention under 436/ 436A;
- ✓ Inadequate information pertaining to release of prisoner once completion of sentence.

1310. Computerization seeks to enable prisons to have the following core facilities and have a unified data sharing platform:

- (a) A comprehensive web based prison software with interlinkages with Courts and police stations;
- (b) Integrated data sharing with Courts and police as per a tentative matrix.
- (c) Comprehensive video conference facilities;
- (d) Biometric access for in and out movement of inmates;
- (e) State level training labs for induction and refresher training courses;
- (f) Touch screen kiosks at the prisons for inmates to access their case details.

1311. The following outcomes are expected after successful implementation of prison computerization:

- ✓ Seamless and integrated flow of information across all the prisons and police department, Ministry of Home Affairs (MHA) thereby enabling real time availability of information that is easy to search and quick retrieval of prisoner information from a centralized database of prisoners.

✓ Availability of Dashboards/Statistical reports/ MIS reports for senior level officers with information such as Probable Date of Release (PDR), Prison occupancy, Prisoner availing Parole/Furlough, *etc.*

✓ Complete record of prisoners' activities such as bail, escape, fine payment, incident punishment, prisoner income, Court appeals, Court production, remission, remand, wages, work allocation, release and transfer, *etc.*

✓ Workflow based solution for approval processes like parole/furlough and real time reflection of the same in the system.

✓ Automatic PDR (Probable Date of Release) calculation thus ensuring no delays in release of prisoners without the need for manual validation.

✓ Better visitor management procedure thus helps officials in managing visitors, keeping a track of the number of visitors for a particular prisoner, frequency of visit, *etc.*

Creation of a Centralized Prisoner Registry that can be accessed by Police Departments and other key Law Enforcement Agencies for verification and validation purposes of individuals through Data Digitization of records.

1312. Implementation of ICJS is a key component that has to be achieved in the revamped Crime and Criminal Tracking Network System (CCTNS) project. It comprises the following components:-

- (a) Roll out of prisons software in all the States/UTs;
- (b) Assessment based provisioning hardware and network for prisons;
- (c) Provisioning of hardware for prosecution offices and forensic labs;
- (d) Development of Modules for Forensic laboratories and Prosecution offices;
- (e) Integration of CCTNS with all these applications.

For successful implementation of centralized prisons management system, provisioning of office hardware and adequate network connectivity at each prison is required. The roll out of software application and its sustainability is dependent on the availability of requisite office hardware and network connectivity at each state prison. All the States/UTs are being engaged by the Government of India for assistance in these matters in a time bound manner to complete the process in a year.

1313. As part of the ICJS implementation all components of ICJS *i.e.*, Prisons, Courts, Police Stations, prosecution offices and forensic laboratories need to share data as per the data sharing matrix given in the Annexure. This data sharing matrix has been approved by Committee headed by Justice Mr. Madan B. Lokur of the Supreme Court of India.

### CHAPTER-53

#### REPEAL AND SAVINGS

1314. *Repeal and savings.*— (1) The following rules are hereby repealed:-

(i) The Puducherry Prison Rules, 1969.

(ii) The Puducherry Suspension of Sentence Rules, 1987.

(2) Notwithstanding such repeal, anything done or any action taken under any of the rules so repealed shall, in so far as such thing or action is not inconsistent with the provision of these rules, be deemed to have been done or taken under the corresponding provisions of these rules and shall continue in force until superseded by anything done or any action taken under these rules.

(By order of the Lieutenant-Governor)

**M.V. HIRAN,**

Under Secretary to Government (Home).

APPENDIX – 1  
PUDUCHERRY PRISON RULES, 2021

Form - 1  
Register of Convicted Prisoners

Register Number	1	
Name of the prisoner with that of father or husband (if female)	2	
Date of admission	3	
Whether admitted by direct committal or by transfer	4	
If transferred from what Jail and serial number in that Jail Register	5	
Sex and whether married or single, widower, widow or prostitute	6	
Race, religion and caste	7	
Previous occupation	8	
Residence-Town or village, Taluk and district	9	
Distance from home to nearest rail way station	10	
State of education whether (a) able to read & write (b) able to read only (c) Illiterate	11	
Age	12	
Description with height and identification marks	13	
Date on which finger print impressions were taken by Police at Jail	14	
Number and particular of previous convictions	15	
Previous character as far as is known	16	
Class whether habitual or casual, if casual whether star	17	
Section and code under which imprisoned and police station and crime number	18	
Calendar number of case and sentencing authority	19	
Sentence or order	20	
Date of sentence or order	21	
Date of expiry or imprisonment	22	
Result of appeal (if any) and date of communication to prisoner	23	
Date of petition to Government (if any) and result with date of order and communication to the prisoner	24	
Date or receipt of fine or intimation or payment	25	
Remission earned, number of days.	26	
Disposal with date	27	
Date of returns of warrant to court	28	
Whether any valuable property was delivered with or found on the prisoner on admission or subsequently received on his account. If so give reference to the folio or Property Register in which the property have been accounted for	29	
Initial of the Jailer and Superintendent certifying the verification of entries	30	

Form - 2  
Register of Undertial Prisoner

Register Number	1	
Name of the prisoner with that of father or husband (if female)	2	
Date of admission	3	
Sex and whether married or single, widower, widow or prostitute	4	
Race, religion and caste	5	
Previous occupation	6	
Residence-Town or village, Taluk and district	7	
State of education, whether literate or not.	8	
Age	9	
Description with height and identification marks	10	
Court by which remanded or committed	11	
Number and date of warrant	12	
Offence of which accused	13	
Disposal with date- (a) Conviction                      (b) Released on bail (c) Acquitted                        (d) Escaped (e) Died                                (f) Transferred etc.	14	
Authority	15	
Number in Convict Register, if Convicted	16	
Note the page number of the Prisoner's Private Property Register, if the prisoner delivers any valuable property on admission or subsequently	17	
Initials of the Jailer and Superintendent certifying verification of entries.	18	



Form - 3  
Register of Civil Prisoners

Register number	1	
Name of prisoner, with that of father	2	
Date of admission	3	
Race, religion and caste	4	
Previous occupation	5	
State of education whether literate or not	6	
Residence - Town or village, taluk and district	7	
Age	8	
Description with height and marks of identification	9	
Name and address of judgment creditor	10	
Amount for which detained	11	
No. of suit in which imprisoned	12	
Court ordering detention	13	
Maximum period of detention	14	
Date of commencement of imprisonment	15	
Date on which eligible for release	16	
Cause of release with authority when necessary 1. Satisfaction of decree 2. Default of payment of subsistence allowance 3. Completion of period of imprisonment 4. Furnishing security, etc.	17	
Date of disposal	18	
(1) Particulars of prisoners property (2) Cost of conveyance and feeding charges for his return home.	19	
Subsistence allowance	Monthly rate fixed	20
	Respective months for which paid in advance	21
	Amounts	22
	Date of receipt from	23
Balance (if any) on date of prisoner's discharge and date of return to court	24	
Initials of Jailer and Superintendent certifying verification of entries	25	

Form - 4  
Visitors Book

Date and hour of visit	Observation and recommendations of visitors	Remarks of explanation of the Superintendent	Orders of the Inspector General of Prisons

Form - 5  
Superintendent's Journal

For the month of

Date	Journal	Remarks of the Inspector General

Form-6  
Medical Officer's Journal

Month and date	Observations and directions of the Medical Officer	Remarks of the Superintendent

Form-7  
Report Book

Serial Number and date	Report	Orders/ Remarks of the Superintendent

Form - 8  
Superintendent's Order Book

Serial number and date	Orders and minutes	Acknowledgment of the Subordinates

Form - 9  
Prisoners Property Register

Serial number	1	
Prisoner's number	2	
Name and father's name	3	
Date of entry and deposit of the article	4	
Article deposited	5	
Description of articles	6	
Signature of the prisoners in token of correctness	7	
Date of receipt of the article	8	
Signature of prisoner in token of receipt	9	
Initial of the jailer	10	
Remarks	11	

Form - 10

## Prisoners cash property Register

Serial Number		1	
Jail No.		2	
Date.		3	
Name of the Prisoner		4	
Source of receipt		5	
Amount deposited		6	
Signature of the prisoner		7	
Attestation		8	
Remittance to treasury Bank/post office	Amount	9	
	Ref. No. and date.	10	
Disbursement / withdrawals	Balance	11	
	Amount	12	
	Vr. No. and date.	13	
Signature of prisoner.		14	
Attestation		15	
Remarks		16	



Form - 11  
Prisoners Entry and Exit Register

Entry		Exit	
remarks	10	Serial number	6
Number allotted	9	Remarks	5
Classification	8	Number allotted	4
Name and father's name	7	Classification	3
		Name and father's name	2
		Serial Number	1

Form - 12  
Prisoner's Punishment Book

Serial Number		1	
Register number of prisoner		2	
Name		3	
Class	Habitual	4	
	Casual	5	
Offence		6	
Date of Offence		7	
Name of witnesses in case of serious offences		8	
Number of previous offences and date of the last		9	
Punishments awards		10	
Date of award		11	
Certificate of Medical Officer in cases of whipping Penal diet and change of labour		12	
Date of intimation		13	
Initials of	Superintendent	14	
	Jailer	15	



Form - 15  
History Ticket

Date of convicts	Class	Register No. Habitual / Casual
Name of convict Father's name Residence Previous occupation Education Name of nearest relative Relationship Address Number of previous convictions		
DIET		
		LABOUR

Production of prisoner to other Jails/Courts/Police	Remarks	
	Whether to be handed over to Jails/ Courts/ Police on release	
	When received	
	If required, back reference number and date	
	Authority	
	Where handed over	
	When handed over	

Form - 15 ----contd.  
History Ticket----contd.

Register No.

Sentencing Court	:
Calendar Case No.	:
Section and Code number under which imprisoned	:
Sentence	:
Fine	:
In default	:
Date of sentence	:
Date of release not counting remission	:
Date of release, if fine not paid.	:
Date of application to appeal	:
Date of application for Judgment copy.	:
Date of despatch of appeal	:
Date of receipt of appellate order	:
Result of appeal	:
Date of communication to the prisoner.	:
<b>Fine---</b>	
Date of receipt or of intimation of payment	:
Amount paid	:
Days remitted	:
<b>Bail</b>	
Date of release	:
Date of re-arrest	:
Number of days at large	:

Form - 15 ----contd.

History Ticket----contd.

Register No.

History in Jail, Offences and Punishments, etc.			
Date	Entries	Initials	
		of entering officer	of Superintendent
Particulars of escapes and suspensions of sentence.			
Petitions.			
Date of petition			
To whom addressed			
Result of petition			

Advisory Board

- Date of eligibility
- Date of meeting of the board
- Recommendations
- Government orders.





Form - 17

(To be returned in the jail)

Nominal roll of remand and under trail prisoner

Register No.

- 1. Name
- 2. Case or warrant number and date
- 3. Whether any personnel property has been deposited, if so note the folio number.

Jailor

Disposal to be filled in by the Court with initial of the Judge or Magistrate	

Certified that the Prisoner No. \_\_\_\_\_ Named \_\_\_\_\_ son of \_\_\_\_\_ has been informed that he should claim the properties from the Superintendent of Jail within three months from the date of release, failing which properties will be confiscated.

Judge / Magistrate

Form - 18

Register of prisoners to be release produced before Court

Month.

Date.	Number borne on Prisoners' Register
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	
29	
30	
31	

Form – 19  
Nominal roll of Convict No.

Name	:			
Residence (Village, taluk and district)	:			
Religion	:			
Age	:			
Occupation	:			
Section and Code under which Imprisoned and police station and crime number	:			
Original sentence or order and date	:			
Adjudicating Court and Calendar number of case	:			
Unexpired term of sentence after deducting remission earned	Year (s)	Month(s)	day(s)	
Present state of health and Fitness to undertake a journey	:			
Result of appeal (if any)	:			
Conduct in jail	:			
Personal and descriptive marks	:			
Remarks	:			

## Form - 20

## General Ration Indent

Different Classes	'C' Class prisoners		Undertrail prisoners		Date:
	Rice	Wheat	Vegetarian	Non-vegetarian	
Varieties of diet	Vegetarian	Non-Vegetarian	Vegetarian	Non-Vegetarian	
Number of prisoners					
Name of articles					
			Quantity	Total	Remarks

Form - 21  
Hospital Ration Indent

	Date:	
Different Classes	{ 'C' Class prisoners { Kanjee      Milk      Full	{ A & B Class and special Class Undertrail prisoners { Spoon      Milk      Mixed
Varieties of diet		{ Vegetarian      Non-vegetarian
Number of prisoners	Quantity to be issued	Total
Name of articles		Remarks

Form - 22  
Prescription Book

Serial Number	Jail Number	Name of the Prisoner	Diagnosis	Prescription	Quantity	Diet recommended	Observation
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Form- 23  
Vaccination Register

Remarks-such as number if vesicles primary or secondary vaccination and if subject has sign of former smallpox	By whom verified and date of verification	Result			Date of Vaccination	Name of prisoner	Serial Number
		Successful	Unsuccessful	Unknown	3	2	1
		4	5	6			
		7					
8							

Form - 24

## REGISTER OF IN-PATIENTS

## Register of In-patients in the Prison Hospital

Serial number	1	
Register number	2	
Name	3	
Class	4	
Sex	5	
Age	6	
Block, ward or cell	7	
Sentence of order	8	
Date of sentence, order or committal	9	
Length of imprisonment undergone	10	
Work on which to be entered and in employed	11	
Disease (to be enfeathered and initialed by Medical Officer)	12	
Date on which brought under observation	13	
Date on which admitted to hospital	14	
Result whether discharged, cured, placed in invalid gang	15	
Date on which discharged from hospital	16	
The date, in case of death	17	
Reference to page of Hospital Case Book	18	
Initials of Medical Officer in token of correctness of entries	19	





## Form - 27

## MEDICAL HISTORY SHEET

Register number and name of patient-

Present disease	<p>Class of prisoner with nature and length of sentence (if convicted)</p> <p>State of health on admission to prison</p> <p>Weight on admission to prison</p> <p>Weight on admission to hospital</p> <p>If sentenced to R.I., whether admitted from invalid gang or otherwise</p> <p>If previously and out-patient, refer to last page of Case-Book</p>
Month and Date	<p>INSTRUCTION - In the event of death, closing entries should contain a record of the particulars required by section 15 of the Prison Act, 1894 under the Medical Officer's signature.</p> <p>Particulars of patient's previous health, state on present admission, treatment and diet with daily initials of Medical Officers</p>

Form-29

**PROFORMA****For Health Screening of Prisoners on Admission to Prison**

Case No:

Name: Age: Sex: Thumb impression:

Father's/Husband's Name: Occupation:

Date and Time of admission in the prison:

Identification marks:

## Previous History of illness

Are you suffering from any disease? Yes/No

If so, the name of the disease:

Are you now taking medicines for the same?

Are you suffering from cough that has lasted for 3 weeks or more? Yes/No

History of drug abuse, if any:

Any information the prisoner may volunteer:

## Physical examination

Height.....cms. weight..... kg Last menstruation period .....

1. Paller : Yes/No

2. Lymph node enlargement: Yes/No

3. Clubbing: Yes/No

4. Cyanosis: Yes/No

5. Icteres: Yes/No

6. Injury, if any .....

7. Blood test for Hepatitis/STD including HIV, (with the informed consent of the prisoner whenever required by law)

8. Any other .....

Systemic Examination

1. Nervous system
2. Cardio Vascular system
3. Respiratory system
4. Eye, ENT
5. Gastro Intestinal system abdomen
6. Teeth and Gum
7. Urinal system

The Medical examination and investigations were conducted with the consent of the prisoner after explaining to him/her that it was necessary for diagnosis and treatment of the disease from which he/she may be suffering.

Date of commencement of medical investigation

Date of completion of medical investigation

**MEDICAL OFFICER**

Form - 36

**CASE SHEET**

Class of prisoner with register number and name      Date when first brought under treatment  
 Address      Date of Admission to hospital  
 Age      Date of discharge from hospital  
 Disease

Month and Date	Particulars of the case and treatment adopted	Diet and extras ordered