

MODEL PRISON MANUAL

2016

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INTRODUCTION

Prison administration is an important element of the criminal justice system in India. Even though prison reforms is a State subject as per the Constitution of India, considering its importance, the Government of India has over the years been providing the State Governments all requisite support and assistance to modernise prisons across the country and facilitate the task of rehabilitation and reformation of prisoners. The Model Prison Manual is a step in this direction and strives to serve as a benchmark that all States should emulate and seek guidance from.

The necessity of formulating a model prison manual such as this was stressed upon by the Supreme Court in 1996 in *Ramamurthy v. State of Karnataka*.¹ In *Ramamurthy*, highlighting the need for uniformity in laws relating to prisons, the Supreme Court had directed the formulation of a new All India Jail Manual. Prior to this, the All India Committee on Jail Reforms (1980-83) had also recognised the need for a consolidated law on prisons. With this objective in mind, a Model Prison Manual was prepared in 2003 by evolving national consensus on relevant issues relating to prison reforms in India.

The Model Prison Manual prepared in 2003 has, over the years, sought to be a guide for States to draw from and adopt best practices. With passage of time and after having gained a better understanding of ground realities, a need was felt to revise and update the Manual to reflect developments of the past decade or so. The Supreme Court has also issued directions in respect of prison reforms which deserve recognition in the Manual.

To this end, MHA had constituted an expert committee on 11.12.2014 to revamp and update the Model Prison Manual prepared in 2003. The Committee was constituted in a manner so as to ensure representation from across States and to gain a holistic perspective of the issues faced in prison administration. Thereafter the committee was reconstituted including the members from National Legal Service Authority (NALSA), National Human Rights Commission (NHRC) and civil society groups on 27.8.2015 on the directives of Hon'ble Supreme Court in the matter of *Suo Moto Writ Petition (Civil) No. 406/2013* titled *Re: Inhuman Conditions prevailing in 1382 prisons in India*.

The expert committee has extensively reviewed the existing model prison manual and come up with a new draft of the Model Prison Manual.

I wish to thank all the committee members and support staff for their invaluable contributions towards the task of preparing the Model Prison Manual 2016.

The Model Prison Manual 2016 represents best practices from across the country and strives to reflect the understanding behind constitutional provisions, Supreme Court directions on prison administration and international instruments. The key features of the new Manual include emphasis on prison computerization, special provisions for women prisoners, focus

¹ AIR 1997 SC 1739

on after care services, prison inspections, rights of prisoners sentenced to death, repatriation of prisoners from abroad, enhanced focus on prison correctional staff to name a few.

It is hoped that the manual is adopted by States so as to ensure uniformity in basic principles governing prisons, and as a useful tool for prison administration in India.

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PERSPECTIVE

Crime is the outcome of a diseased mind and jail must have an environment of hospital for treatment and care.

- Mahatma Gandhi

Imprisonment has been the customary mode of dealing with offenders since time immemorial. Though the foundations of the contemporary prison administration in India were laid during the British period, the system has drastically changed over the years, especially since the dawn of independence. Apart from the principles embodied in the Fundamental Rights and Directive Principles of State Policy enshrined in the Constitution of India, new ideas and correctional practices in various countries have considerably influenced the texture of prison reforms in the country.

India shares the universally held view that a sentence of imprisonment would be justifiable only if it ultimately leads to the protection of society against crime. Such a goal could be achieved only if incarceration motivates and prepares the offender for a law-abiding and self-supporting life after his release. It further accepts that, as imprisonment deprives the offender of his liberty and self-determination, the prison system should not be allowed to aggravate the suffering already inherent in the process of incarceration. Thus, while certain categories of offenders, who endanger public safety, have to be segregated from the social mainstream by way of imprisonment, all possible efforts have to be made to ensure that they come out of prisons as better individuals than what they were at the time of their admission thereto.

REFORMATION AS THE ULTIMATE OBJECTIVE

As early as 1920, the Indian Jails Committee had unequivocally declared that the reformation and rehabilitation of offenders was the ultimate objective of prison administration. This declaration was subsequently echoed in the proceedings of various Prison Reforms Committees appointed by the Central and State Governments over the years and various international instruments. The United Nations Standard Minimum Rules for the Treatment of Prisoners, formulated in 1955, provides the basic framework for achieving the goal of reformation and rehabilitation of offenders. The international Covenant on Civil and Political Rights, propounded by United Nations in 1977, to which India is a party, has clearly brought out that the penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. While the proclaimed principles are laudable, an assessment of actual practices presents the deep divide between intent and on-ground realities.

JUDICIAL INTERVENTION

Prison administration in India has been subjected to intense review by the higher judiciary in the last few decades. In *Sunil Batra v. Delhi Administration and Others* (1978), Justice V. R. Krishna Iyer pronounced: "prisoners have enforceable liberties, devalued may be but not demonetised; and under our basic scheme, Prison Power must bow before Judge Power, if fundamental freedoms are in jeopardy". Again in *Sunil Batra v. Delhi*

Administration (1979), the Court asked and affirmed: "Are prisoners persons? Yes, of course. To answer in the negative is to convict the nation and the Constitution of dehumanisation and to repudiate the world legal order, which now recognises rights of prisoners in the International Covenant on Prisoners' Rights to which our country has signed assent".

In a number of judgments on various aspects of prison administration, the Supreme Court of India has laid down three broad principles:

- (i) A person in prison does not become a non-person.
- (ii) A person in prison is entitled to all human rights within the limitations of imprisonment.
- (iii) There is no justification in aggravating the suffering already inherent in the process of incarceration.

These principles have serious implications for prison administration. They call for a thorough restructuring of the prison system in terms of the humanisation of prison conditions, minimum standards for institutional care, reorientation of prison staff, reorganisation of prison programmes and rationalisation of prisons rules and regulations. From this viewpoint, among the various directives issued by the Supreme Court of India, in *Sunil Batra v. Delhi Administration* (1979), the following deserve a special mention:

"It is imperative, as implicit in article 21, that life or liberty shall not be kept in suspended animation or congealed into animal existence without the freshening flow of fair procedure. Fair procedure in dealing with the prisoners calls for another dimension of access of law-provision, within the easy reach of the law which limits liberty to persons who are prevented from moving out of prison gates".

"No prisoner can be personally subjected to deprivation not necessitated by the fact of incarceration and the sentence of court. All other freedoms belong to him – to read and write, exercise and recreation, meditation and chant, creative comforts like protection from extreme cold and heat, freedom from indignities like compulsory nudity, forced sodomy and other unbearable vulgarity, movement within the prison campus subject to requirements of discipline and security, the minimum joys of self-expression, to acquire skills and techniques and all other fundamental rights tailored to the limitations of imprisonment".

"Inflictions may take protean forms, apart from physical assaults, pushing the prisoner into a solitary cell, denial of a necessary amenity, and, more dreadful sometime transfer to a distant prison where visits or society of friends or relations may be snapped, allotment of degrading labour, assigning him to desperate or tough gang and the like, may be punitive in effect. Every such affliction or abridgement is an infraction of liberty or life in its wider sense and cannot be sustained unless Article 21 is satisfied. There must be a corrective legal procedure fair and reasonable and effective. Such infraction will be arbitrary, under Article 14, if it is dependent on unguided discretion; unreasonable, under Article 19 if it is irremediable and unappealable; and unfair under Article 21 if it violates natural justice...."

"The prison authority has duty to give effect to the court sentence. To give effect to the sentence means that it is illegal to exceed it and so it follows that prison official who goes beyond mere imprisonment or deprivation of locomotion and assaults or otherwise compels the doing of things not covered by the sentence acts in violation of Article 19. Punishments of rigorous imprisonment oblige the

inmates to do hard labour, not harsh labour. 'Hard labour' in section 53, Prisons Act to receive a humane meaning. So a vindictive officer victimising a prisoner by forcing on him particularly harsh and degrading jobs, violates the law's mandate. The prisoner cannot demand soft jobs but may reasonably be assigned congenial jobs".

"The Prisons Act needs rehabilitation and Prison Manual total overhaul, even the Model Manual being out of focus with healing goals. A correctional-cum-orientation course is necessitous for the prison staff in calculating the correctional values; therapeutic approaches and tension-free management".

RIGHTS AND DUTIES OF PRISONERS

In light of the observations made by the Supreme Court, it was imperative for the rights and duties of prisoners to be clearly spelt out. In this respect, the All India Committee on Jail Reforms (1980-83) headed by Justice A.N. Mulla ('**Mulla Committee**') had identified the following:

RIGHTS OF PRISONERS:

(A) *Right to Human Dignity*

- (i) Right to be treated as a human being and as a person; this right has been stressed and recommended by the Supreme Court of India which has categorically declared that prisoners shall not be treated as non-persons;
- (ii) Right to integrity of the body; immunity from use of repression and personal abuse, whether by custodial staff or by prisoners;
- (iii) Right to integrity of the mind; immunity from aggression whether by staff or by prisoners;
- (iv) Right to non-deprivation of fundamental rights guaranteed by the Constitution of India, except in accordance with law prescribing conditions of confinement.

(B) *Right to Basic Minimum Needs*

Right to fulfillment of basic minimum needs such as adequate diet, health, medical care and treatment, access to clean and adequate drinking water, access to clean and hygienic conditions of living accommodation, sanitation and personal hygiene, adequate clothing, bedding and other equipment.

(C) *Right to Communication*

- (i) Right to communication with the outside world;
- (ii) Right to periodic interviews; and
- (iii) Right to receive information about the outside world through communication media.

(D) *Right to Access to Law*

- (i) Right to effective access to information and all legal provisions regulating conditions of detention;
- (ii) Right to consult or to be defended by a legal practitioner of prisoner's choice;

- (iii) Right to access to agencies, such as State Legal Aid Boards or similar organisations providing legal services;
- (iv) Right to be informed on admission about legal rights to appeal, revision, review either in respect of conviction or sentence;
- (v) Right to receive all court documents necessary for preferring an appeal or revision or review of sentence or conviction;
- (vi) Right to effective presentation of individual complaints and grievances during confinement in prison to the appropriate authorities;
- (vii) Right to communicate with the prison administration, appropriate Government and judicial authorities, as the case may be, for redressal of violation of any or all of prisoners' rights and for redressal of grievances.

(E) *Right against Arbitrary Prison Punishment*

Right to entitlement in case of disciplinary violation (i) to have precise information as to the nature of violation of Prisons Act and Rules, (ii) to be heard in defence, (iii) to communicate of the decision of disciplinary proceedings, and (iv) to appeal as provided in rules made under the Act.

(F) *Right to Meaningful and Gainful Employment*

- (i) Right to meaningful and gainful employment

Note 1: No prisoner shall be required to perform 'begar' and other similar forms of forced labour which is prohibited as a fundamental right against exploitation under Article 23 of the Constitution.

Note 2: Undertrial prisoners volunteering to do work may be given suitable work wherever practicable. Such prisoners should be paid wages as per rules.

Note 3: No prisoner shall be put to domestic work with any official in the prison administration. Such work shall not be considered as meaningful or gainful, even if some monetary compensation is offered.

Note 4: Prisoners shall, in no case, be put to any work which is under the management, control, supervision or direction of any private entrepreneur working for profit of his organisation. This will not apply to open prisons and camps.

- (ii) Right to get wages for the work done in prison.

(G) *Right to be released on the due date.*

DUTIES OF PRISONERS:

It shall be the duty of each prisoner —

- (a) to obey all lawful orders and instructions issued by the competent prison authorities;
- (b) to abide by all prison rules and regulations and perform obligations imposed by these rules and regulations;
- (c) to maintain the prescribed standards of cleanliness and hygiene;

- (d) to respect the dignity and the right to live of every inmate, prison staff and functionary;
- (e) to abstain from hurting religious feelings, beliefs and faiths of other persons;
- (f) to use Government property with care and not to damage or destroy the same negligently or wilfully;
- (g) to help prison officials in the performance of their duties at all times and maintain discipline and order;
- (h) to preserve and promote congenial correctional environment in the prison.

UNIFORMITY IN LAW

In *Ramamurthy v. State of Karnataka*,² the Supreme Court of India strongly emphasized the need to bring some level of uniformity in laws and regulations governing prisons in the country. The apex Court specifically directed the authorities to deliberate about enacting a new Prison Act to replace the century old Prisons Act, 1894 and to examine the question of framing of a new model All India Jail Manual.

To further this object, the Model Prison Manual Committee was set up to formulate a new Model Prison Manual. In preparing the Model, the Committee was guided by the principles set forth by the Mulla Committee, and the rights of prisoners identified by the Supreme Court in various decisions. The Committee also took note of the draft national policy on prisons suggested by the Mulla Committee, the brief details of which are set forth below:

GOALS AND OBJECTIVES

- (i) Prisons in the country shall endeavour to reform and reassimilate offenders in the social milieu by giving them appropriate correctional treatment.

MODALITIES

- (i) Incorporation of the principles of management of prisons and treatment of offenders in the Directive Principles of the State Policy embodied in Part IV of the Constitution of India;
- (ii) Inclusion of the subject of prisons and allied institutions in the Concurrent List of the Seventh Schedule to the Constitution of India; and
- (iii) Enactment of uniform and comprehensive legislation embodying modern principles and procedures regarding reformation and rehabilitation of offenders.
- (iv) There shall be in each State and Union Territory a Department of Prisons and Correctional Services dealing with adult and young offenders – their institutional care, treatment, aftercare, probation and other non-institutional services.
- (v) The State shall endeavour to evolve proper mechanism to ensure that no undertrial prisoner is unnecessarily detained. This shall be achieved by speeding up trials, simplification of bail procedures and periodic review of cases of undertrial prisoners. Undertrial prisoners shall, as far as possible, be confined in separate institutions.

² AIR 1997 SC 1739.

- (vi) Since it is recognized that imprisonment is not always the best way to meet the objectives of punishments the government shall endeavour to provide in law new alternatives to imprisonment such as community service, forfeiture of property, payment of compensation to victims, public censure, etc., in addition to the ones already existing and shall specially ensure that the Probation of Offenders Act, 1958 is effectively implemented throughout the country.
- (vii) Living conditions in every prison and allied institution meant for the custody, care, treatment and rehabilitation of offenders shall be compatible with human dignity in all aspects such as accommodation, hygiene, sanitation, food, clothing, medical facilities, etc. all factors responsible for vitiating the atmosphere of these institutions shall be identified and dealt with effectively.
- (viii) In consonance with goals and objectives of prisons, the State shall provide appropriate facilities and professional personnel for the classification of prisoners on a scientific basis. Diversified institutions shall be provided for the segregation of different categories of inmates for proper treatment.
- (ix) The State shall endeavour to develop the field of criminology and penology and promote research on the typology of crime in the context of emerging patterns of crime in the country. This will help in proper classification of offenders and in devising appropriate treatment for them.
- (x) A system of graded custody ranging from special security institutions to open institutions shall be provided to offer proper opportunities for the reformation of offenders according to the progress made by them.
- (xi) Programmes for the treatment of offenders shall be individualized and shall aim at providing them with opportunities for diversified education, development of work habits and skills, change in attitude, modification of behaviour and implantation of social and moral values.
- (xii) The State shall endeavour to develop vocational training and work programmes in prisons for all inmates eligible to work. The aim of such training and work programmes shall be to equip inmates with better skills and work habits for their rehabilitation.
- (xiii) Payment of fair wages and other incentives shall be associated with work programmes to encourage inmate participation in such programmes. The incentives of leave, remission and premature release to convicts shall also be utilized for improvement of their behaviour, strengthening, of family ties and their early return to society.
- (xiv) Custody being the basic function of prisons, appropriate security arrangements shall be made in accordance with the need for graded custody in different types of institutions. The management of prisons shall be characterized by firm and positive discipline, with due regard, however, to the maintenance of human rights of prisoners. The State recognizes that a prisoner loses his right to liberty but maintains his residuary rights. It shall be the endeavour of the State to protect these residuary rights of the prisoners.
- (xv) The State shall provide free legal aid to all needy prisoners.

- (xvi) Prisons are not the places for confinement of children. Children (under 18 years of age) shall in no case be sent to prisons. All children confined in prisons at present shall be transferred forthwith to appropriate institutions, meant exclusively for children with facilities for their care, education, training and rehabilitation. Benefit of non-institutional facilities shall, whenever possible, be extended to such children.
- (xvii) Young offenders (between 18 to 21 years) shall not be confined in prisons meant for adult offenders. There shall be separate institutions for them where, in view of their young and impressionable age, they shall be given treatment and training suited to their special needs of rehabilitation.
- (xviii) Women offenders shall, as far as possible, be confined in separate institutions specially meant for them. Wherever such arrangements are not possible they shall be kept in separate annexes of prisons with proper arrangements. The staff for these institutions and annexes shall comprise of women employees only. Women prisoners shall be protected against all exploitation. Work and treatment programmes shall be devised for them in consonance with their special needs.
- (xix) Mentally ill prisoners shall not be confined in prisons. Proper arrangements shall be made for the care and treatment of mentally ill prisoners.
- (xx) Persons courting arrest during non-violent socio-political economic agitation for declared public cause shall not be confined in prisons along with other prisoners. Separate prison camps with proper and adequate facilities shall be provided for such non-violent agitators.
- (xxi) Most of the persons sentenced to life imprisonment at present have to undergo at least 14 years of actual imprisonment. Prolonged incarceration has a degenerating effect on such persons and is not necessary either from the point of view of individual's reformation or from that of the protection of society. The term of sentence for life in such cases shall be made flexible in terms of actual confinement so that such a person may not have necessarily to spend 14 years in prison and may be released when his incarceration is no longer necessary.
- (xxii) Prison services shall be developed as a professional career service. The State shall endeavour to develop a well-organized prison cadre based on appropriate job requirements, sound training and proper promotional avenues. The efficient functioning of prisons depends undoubtedly upon the personal qualities, educational qualifications, professional competence and character of prison personnel. The status, emoluments and other service conditions of prison personnel should be commensurate with their job requirements and responsibilities. An all India service namely the Indian Prisons and Correctional Service shall be constituted to induct better qualified and talented persons at higher echelons. Proper training for prison personnel shall be developed at the national, regional and State levels.
- (xxiii) The State shall endeavour to secure and encourage voluntary participation of the community in prison programmes and in non-institutional treatment of offenders on an extensive and systematic basis.

Such participation is necessary in view of the objective of ultimate rehabilitation of the offenders in the community. The government shall open avenues for such participation and shall extend financial and other assistance to voluntary organisations and individuals willing to extend help to prisoners and ex-prisoners.

- (xxiv) Prisons are hitherto a closed world. It is necessary to open them to some kind of positive and constructive public discernment. Selected eminent public-men shall be authorised to visit prisons and give independent report on them to appropriate authorities.
- (xxv) In order to provide a forum in the community for continuous thinking on problems of prisons, for promoting professional knowledge and for generating public interest in the reformation of offender, it is necessary that a professional non-official registered body is established at the national level. It may have its branches in the States and Union Territories. The Government of India, the State Governments and the Union Territory Administrations shall encourage setting up of such a body and its branches, and shall provide necessary financial and other assistance for their proper functioning.
- (xxvi) Probation, aftercare, rehabilitation and follow-up of offenders shall form an integral part of the functions of the Department of Prisons and Correctional Services.
- (xxvii) The development of prisons shall be planned in a systematic manner keeping in view the objectives and goals to be achieved. The progress of the implementation of such plans shall be continuously monitored and periodically evaluated.
- (xxviii) The governments at the Centre and in the States / Union Territories shall endeavour to provide adequate resources for the development of prisons and other allied services.
- (xxix) Government recognizes that the process of reformation and rehabilitation of offenders is an integral part of the total process of social reconstruction, and, therefore, the development of prisons shall find a place in the national development plans.
- (xxx) In view of the importance of uniform development of prisons in the country the Government of India has to play an effective role in this field. For this purpose the Central Government shall set up a high status National Commission on Prisons on a permanent basis. This shall be a specialized body to advise the Government of India, the State Governments and the Union Territory Administrations on all matters relating to prisons and allied services. Adequate funds shall be placed at the disposal of this Commission for enabling it to play an effective role in the development of prisons and other welfare programmes. The Commission shall prepare an annual national report on the administration of prisons and allied services, which shall be placed before the Parliament for discussion.
- (xxxi) As prisons form part of the criminal justice system and the functioning of other branches of the system – the police, the prosecution and the judiciary have a bearing on the working of prisons, it is necessary to effect

proper coordination among these branches. The government shall ensure such coordination at various levels.

- (xxxii) The State shall promote research in the correctional field to make prison programmes more effective.

SCOPE OF THE MODEL PRISON MANUAL

For developing prison system in the country as an effective instrument for the reformation and rehabilitation of offenders, the draft Model Prison Manual aims at:

- (i) Bringing in basic uniformity in laws, rules and regulations governing the administration of prisons and the management of prisoners all over the country;
- (ii) Laying down the framework for both sound custody and treatment of prisoners;
- (iii) Rationalisation of prison practices to cater effectively to various categories of prisoners;
- (iv) Spelling out minimum standards of institutional services for the care, protection, treatment, education, training and resocialisation of incarcerated offenders;
- (v) Evolving such procedures for the protection of human rights for prisoners as they are entitled to within the limitations imposed by the process of incarceration.
- (vi) Individualisation of institutional treatment of prisoners in keeping with their personal characteristics, behavioural patterns and correctional requirements;
- (vii) Providing a scientific basis for the treatment of special categories of prisoners such as women, adolescents and high-risk offenders;
- (viii) Outlining an organisation of the Department of Prisons and Correctional Services which is conducive to its declared objective and to delineating the duties and functions of the staff at various levels
- (ix) Developing coordination between the Department of Prisons and Correctional Services and other components of the criminal justice system;
- (x) Ensuring availability of the necessary service inputs from other public departments in an efficient functioning of prisons;
- (xi) Forging constructive linkages between prison programmes and community-based welfare institutions in achieving the objective of the reformation and rehabilitation of prisoners;
- (xii) Leaving flexibility in the suggested provisions so as to allow for adaptation to local conditions without undermining uniformity in rights and duties of prisoners.

RECENT DEVELOPMENTS

In recent years, steps have been taken by some State Governments to update their existing Prison Manuals and usher in prison reforms. However, a lot is left to be desired and the plight of prisons and prisoners across the country requires continued focus and attention.

The Supreme Court has continued playing an active role in the process of improving prison administration in the country and has issued directions in respect of various aspects of prison management. With a view to incorporating the directions/ guidelines issued by the Supreme Court, removing existing lacunae and further developing the Manual into an ideal instrument, the Government saw it fit to undertake a review of the 2003 Model and

continue its engagement in the process of prison reforms. This process also allowed for a platform to engage further with States and encourage them to adopt the Model in line with the sentiment shared by the Supreme Court regarding uniformity. The revisions and additions made to the Model chiefly cover the following:

Access to free legal services

A new chapter on legal aid (Chapter XVI) has been incorporated in the Model Manual. Article 39A of the Constitution calls for free legal aid to the poor and weaker sections of society and seeks to ensure justice for all. In line with this Directive Principle, the Legal Services Authorities Act was enacted in 1987 and National Legal Services Authority (NALSA) and State Legal Services Authorities (SLSAs) established thereunder. Within this regime, persons in custody are also entitled to free legal services. Recognising these principles, the Manual seeks to create a mechanism to ensure access to legal aid to prisoners. The chief additions include:

- Appointment of jail visiting advocates;
- Setting up of a legal aid clinic in every prison;
- Legal literacy classes in prisons;
- Constitution of under-trial review committee and provisions to ensure legal services for under-trial prisoners who have undergone half of the maximum sentence for that offence.

Additional provisions for women prisoners

Safety and reformation of women prisoners are of utmost importance in prison administration. Not only is it essential that women offenders be guarded against exploitation while in prisons, it is also imperative that special programmes be initiated aimed specifically at their rehabilitation and to impart life-skills that would enable them to be self-reliant after release. Health of women prisoners has also been recognised as a focus area warranting special attention. With this in mind, Chapter XXVI of the revised Manual (Chapter XXIV of the 2003 Manual) has been revised to provide additional safeguards and protections, including the following:

- Comprehensive health screening for women prisoners, including to determine presence of sexually transmitted or blood-borne diseases, mental health concerns, existence of drug dependency, etc. This is drawn from the United Nations Rules for the Treatment of Female Prisoners and Non-Custodial Measures for Women Offenders adopted by the UN General Assembly (UN Bangkok Rules);
- Sensitising the staff and imparting training relating to gender issues and sexual violence;
- Educating women about preventive health-care measures;
- Enabling proper counselling and treatment for those suffering from psychological disorders;
- Focussed after-care and rehabilitation measures to ease women's re-integration into society;
- Restrictions on certain kinds of punishments being awarded to women, for instance, punishment by close confinement should not be awarded to pregnant women, women with infants, etc.;

- Counselling programmes focussed on women, especially those who have been victims of abuse and focus on removing any further damage that imprisonment may have on a female inmate.

Rights of prisoners sentenced to death

The Supreme Court, in *Shatrughan Chauhan v. Union of India and Others*,³ observed that “... the legal procedure adopted to deprive a person of his life or liberty must be fair, just and reasonable and the protection of Article 21 of the Constitution of India inheres in every person, even death-row prisoners, till the very last breath of their lives.” To this end, the Court laid down certain guidelines in respect of prisoners sentenced to death which have been echoed in the Manual recognising the necessity of ensuring the human rights of such prisoners. These have been incorporated in Chapter XII (Chapter XI of the 2003 Manual) and broadly include:

- Provision of legal aid to prisoners sentenced to death at all stages, even after rejection of mercy petitions;
- Regular mental health evaluation for death row prisoners;
- Physical and mental health reports to certify that the prisoner is in a fit physical and mental condition;
- Procedure and channels through which mercy petitions are to be submitted;
- Communication of rejection of mercy petitions;
- Furnishing necessary documents, such as court papers, judgments, etc. to the prisoners;
- Facilitating and allowing a final meeting between a prisoner and his family.

Modernisation

Additions have been made to the Manual to encourage use of technology/ software systems where possible, including introduction of a Personal Information System for recording information relating to inmates (incorporated in Chapter V – Custodial Management). Also, any register required to be maintained by the prison authorities can now also be in electronic form.

In line with the Supreme Court’s directions in *D.K. Basu v. State of West Bengal and Ors*,⁴ provisions have been included (in Chapter II – Institutional Framework) for installation of CCTV cameras in work sheds, kitchens, high security enclosures, main gate, etc. of prisons to prevent violation of human rights.

Focus on after-care services

The Manual recognises that it is the States’ responsibility to devise and develop mechanisms for rehabilitation of released convicts (in Chapter XXII – After-Care and Rehabilitation). It is envisaged that special committees known as Discharged Prisoners’ After-Care and Rehabilitation Committees should be set up at the district or State level for planning and devising appropriate mechanisms for rehabilitation and after-care assistance to prisoners.

³ (2014) 3 SCC 1.

⁴ 2015 (3) RCR (Criminal) 848.

Provisions for children of women prisoners

In *R.D. Upadhyaya v. State of A.P. and Others*,⁵ the Supreme Court issued guidelines in respect of children of women prisoners. While acknowledging some positive steps taken in this regard, the Court noted that “a lot more is required to be done in the States and Union Territories for looking after the interest of the children” and went on to issue guidelines to ensure holistic development of children of women prisoners inside prisons and pregnant prisoners. While certain guidelines already found mention in the 2003 Model Manual, several States are yet to have adopted these. Additional provisions (in line with the Supreme Court guidelines) have been incorporated in Chapter XXVI – Women Prisoners (Chapter XXIV of the 2003 Manual) and include:

- Provisions for holistic development of children, including provision of food, medical care, clothing, education, and recreational facilities;
- Providing pre-natal and post-natal care to pregnant women offenders;
- Taking care of nutritional requirements of children and provision of clean drinking water;
- Ensuring a well-equipped crèche and a nursery school for children to be looked after.

Organisational uniformity and increased focus on prison correctional staff

The organisational hierarchy set forth in Chapter III (Headquarters Organisation) has been streamlined with increased focus on the Correctional Wing, and engagement of professionally qualified counsellors/ psychiatrists for counselling needy prisoners, especially those suffering from substance-related addictive disorders.

Inspection of Prisons

A new chapter on inspection of prisons has been incorporated as Chapter XXVIII providing for (a) informal inspections to be carried out by senior prison officers, and (b) formal inspection to be carried out by a designated Inspector Officer. The formal inspection (which is more detailed) covers aspects such as mess facilities, medical facilities, hygiene, high security enclosures, etc. and would be a thorough review of the prison. This could help identify existing issues and deficiencies which could then be remedied through appropriate action.

Other revisions

- Insertion of a new chapter on repatriation of prisoners (Chapter X) in line with the advisory issued by the Ministry of Home Affairs on the subject dated 10th August, 2015;
- Bringing uniformity and clarifying provisions regarding remission (Chapter XVIII),
- Usage of the commonly used terms ‘parole’ and ‘furlough’ in place of leave and special leave (Chapter XIX) and setting out in detail the objective behind parole and furlough and the procedure for the same;
- Bringing medical services within the domain of the State Medical Services/ Health Department instead of the prison department (Chapter VII);

⁵ AIR 2006 SC 1946.

- A more comprehensive and relevant security classification for high-risk offenders (Chapter XXV);

It is hoped that the present draft provides a satisfactory framework for enabling reforms and impels States to take this process forward with vigour.

Chapter I

DEFINITIONS

Unless a different intention appears from the subject or context:

- (1) **Act**
The Prisons Act of 1894 (Central Act IX of 1894).
- (2) **Adult prisoner**
Any prisoner who is more than 21 years of age.
- (3) **Casual prisoner**
A prisoner other than a habitual offender.
- (4) **Civil prisoner**
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.
- (5) **Competent Authority**
Any officer having jurisdiction and due legal authority to deal with a particular matter in question.
- (6) **Convict**
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 of 1973 (Central Act 2 of 1974) and the Prisoners Act of 1900 (Central Act 3 of 1900).
- (7) **Correctional Administration**
The administration of services aimed at the reformation and rehabilitation of the offender.
- (8) **Correctional personnel**
Personnel engaged for Correctional purposes in the prison department.
- (9) **Detainee**
Any person detained in prison on the orders of the competent authority under the relevant preventive laws.
- (10) **Director General/ Inspector General of Prisons and Correctional Services**
An officer designated as such by the State Government/ Union Territory Administration.
- (11) **Government**
Government as defined in the Indian Penal Code, 1860 (Central Act XLV of 1860).

(12) **Geriatric prisoner**

A prisoner who is 60 years of age or above and medically unable to manage his/her daily affairs independently without assistance

(13) **Habitual offender**

A prisoner classified as such in accordance with the provisions of applicable law or rules.

(14) **High-risk offender**

A prisoner with high propensity towards violence, escape, self-harm, disorderly behaviour, 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 behaviour.

(15) **History ticket**

The ticket exhibiting such information as is required in respect of each prisoner by the Prisons Act or the rules thereunder.

(16) **Imprisonment**

As defined in the Indian Penal Code, 1860.

(17) **Inmate**

Any person lawfully kept in an institution.

(18) **Institution**

A place where prisoners are lawfully confined.

(19) **Magistrate**

Any person exercising all or any of the powers of a Magistrate under the Code of Criminal Procedure, 1973.

(20) **Chief Medical officer**

In relation to prisons, this is 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.

(21) **Military prisoner**

A prisoner convicted by court martial.

(22) **Offence**

Any act or omission made punishable by any law for the time being in force.

(23) **Open prison, semi-open prison and open colonies**

Any place declared as such for the detention of prisoners under any Act or rules for the time being in force.

(24) **Prescribed**

As prescribed by rules.

(25) Prison

Any place used permanently or temporarily under the general or special orders of a State 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 the police,
- (b) any place specially appointed by the State government under Section 541 of the Code of Criminal Procedure, 1882 (10 of 1882).

(26) Prisoner

Any person confined in prison under the order of a competent authority.

(27) Probation officer

An officer appointed as such by the State government to undertake probation work under the Probation of Offenders Act of 1958, or any other law.

(28) Prohibited article

An article which is prohibited and declared as such under the Prisons Act of 1894 or Rules made thereunder.

(29) Remand prisoner

A person who has been remanded by court to prison custody, pending investigation by the police.

(30) Remission system

The rules in force for regulating the shortening of sentence of prisoners.

(31) Superintendent

An officer who is appointed by the competent authority to be in charge of a prison with such designation as it may specify.

(32) Under-trial prisoners

A person who has been committed to judicial custody pending investigation or trial by a competent authority.

(33) Young offender

Any prisoner who has attained the age of 18 years and has not attained the age of 21 years.

Chapter II

INSTITUTIONAL FRAMEWORK

- 2.01 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 should be designed to provide all the necessary facilities for prisoners to be treated as human beings and subject them to an environment conducive for their reformative treatment.
- 2.02 The following criteria must be adopted for the establishment of prisons:
- i) The State Government or the Union Territory Administration 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' administration will ensure that the prisoners' human rights are respected.
 - iii) Prisons' administration will ensure separation of the following categories of prisoners: a) Women (b) Young offenders (c) Under-trials (d) Convicts (e) Civil prisoners (f) Detenues (g) High-risk offenders
 - iv) 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 by each State/ Union Territory according to its 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 will 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.

Institutional Pattern

- 2.03 State governments 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:
- Prisons/annexes/yards for under-trial prisoners
 - Maximum security prisons/annexes/yards for high-risk prisoners and hardened or habitual offenders
 - Open prisons, semi-open prisons and open colonies/camps
 - Prisons/annexes/enclosures for women prisoners

- Prisons/annexes/yards for young offenders
 - Prisons/annexes/yards for those suffering from infectious diseases
 - Prisons/annexes/yards for drug and substance abuse offenders
- 2.04 State Governments will establish a mechanism for the classification of prisoners to be housed in various types of institutions as enumerated above and will lay down the procedure to be followed. They will also specify the authorised 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 as suggested in this Model Prison Manual. This may also include facilities for education, vocational training and skill development programmes, and cultural activities, library and recreation, both indoor and outdoor. It may also give specifications for the staff to be appointed in each type of institution. Apart from various types of prisons for specific categories of prisoners, State governments may declare any place as temporary prisons to deal with emergent situations.

Prison Architecture

- 2.05 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, 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 centres, educational facilities for children of prison personnel, should as far as possible be within easy reach.
 - iv) No building or temporary structure or any installation or any electronic towers etc., 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 that is central prisons, district prisons and sub-prisons. Authorised population for these prisons should not normally exceed 1000, 500 and 200 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 complex should be nearer than 50 mtrs to the perimeter wall.
- x) 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.
- xi) 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.
- xii) 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 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 enclosures away from convicted prisoners.
- xv) All accommodation provided for use of prisoners, particularly for sleeping, will meet basic requirements of healthy living. Accommodation shall be built in a manner so as to ensure 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 each State 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.

Norms for Prison Buildings

The following norms are to be followed in construction of prison buildings:

2.06 *Main Gate*

- 2.06.1 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 at least 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 lid at eye level. The main gate may be painted with colours identical to that of departmental flag if prescribed by the State Government.
- 2.06.2 Space between two gates will not be less than 16 mtrs in length and 6 mtrs in width to facilitate gate operations and movement of fire tenders/ transport vehicles. It will have the following facilities:
- (a) A cabin
 - (b) Gatekeeper enclosures
 - (c) Search room
 - (d) Space for search and security equipments
- 2.06.3 Entry to the prison will only be through a single point.

2.07 *Administrative blocks and other units*

- 2.07.1 There will be a properly designed administrative block within the prison complex for efficient functioning of the administration.
- 2.07.2 A court room should be set up within the prison complex.
- 2.07.3 The reception unit will have necessary facilities for proper implementation of admission-quarantine and orientation-classification programmes. Physical facilities will be set up 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: (i) a building where the inmates will be initially received, (ii) office room, (iii) interview room, (iv) store room, (v) medical officer's examination room and (vi) 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.

2.08 *Housing*

- 2.08.1 There will be three types of living accommodations as mentioned below:
- (i) Barracks with accommodation for not more than 20 prisoners
 - (ii) Single room accommodation for prisoners needing privacy for pursuing studies, etc.

- (iii) Cells for segregation of prisoners for the purpose of security and contagious diseases.

2.08.2 The minimum accommodation capacity of barracks, cells, and hospitals per prisoner will ordinarily be according to the following scale:

SLEEPING BARRACKS			CELLS			HOSPITALS	
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

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

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

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

2.09 *Barracks and Cells*

2.09.1 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 11 feet from the floor.

2.09.2 The floor of the barrack/ cell will be made of impermeable material such as cement concrete. In prisons situated in cold regions or during cold seasons, appropriate flooring should be provided to ensure habitable conditions in the barracks.

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

2.09.4 Each cell will have a yard attached to it where a prisoner can have the benefit of sufficient air and light. Adequate air circulation and proper ventilation shall be maintained in the barrack/cell. 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 1/2 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.

2.09.5 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 Inspector General of Prisons.

- 2.09.6 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.
- 2.09.7 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.
- 2.09.8 The barrack windows and doors must be provided with fly / mosquito proof wire mesh. The doors will also be provided with polyethylene sheets or chick blinds, as may be necessary.
- 2.09.9 All barracks or wards should have two rows of berth only. The measurement of each berth will normally be 2 x .75 mtrs with a height of 0.45 mtrs.
- 2.09.10 Sufficient artificial light will be provided to enable the prisoners to work and read without difficulty in their barracks after dusk.
- 2.09.11 Each barrack will be provided with a first-aid kit which will be in the custody of an authorised prisoner. The first-aid kits supplied to each barrack should not have any sharp-edged items, long gauze rolls/ tapes or other such items.
- 2.09.12 A looking mirror may be fixed outside each barrack for use of prisoners.
- 2.09.13 Adequate fire safety systems will be installed in the barracks/ cells.
- 2.09.14 The barracks shall be free from tobacco, smoke and excessive noise.
- 2.09.15 Each cell/barrack will be provided with a flush toilet.

2.10 *Toilets*

- 2.10.1 Each barrack used for sleeping will have sufficient number of attached WCs, urinals and wash places. The ratio of such WCs will be one unit per 10 prisoners. The ratio of the WCs which can be used during day time will be one unit per six prisoners.
- 2.10.2 Toilets will be of the sanitary type with arrangements for flushing. The standard size shall be 5' x 5' (length and breadth). 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 toilets and rain is kept out. The partitions separating the toilets will be high enough to provide a reasonable degree of privacy. Toilets 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 the toilets

will be fitted with glazed ceramic tiles up to the height of 1 mtr from the floor level, as far as possible.

- 2.10.3 In each barrack, where two toilets are provided, one should be of western type. In the hospital, 50% of toilets should be western type.

2.11 *Bathing places*

- 2.11.1 Every prison will provide covered cubicles for bathing, at the rate of one for every 10 prisoner, with proper arrangements to ensure privacy. The standard size of each bathroom shall be 5'x5' (length and breadth). Every prisoner will be required to have bath as frequently as necessary for general hygiene according to climatic conditions.

- 2.11.2 Taking into consideration that the daily requirement of water of an individual is about 135 ltrs., there will be an arrangement for the adequate running 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.

- 2.11.3 Each prison will have an independent stand by arrangement for water supply.

- 2.11.4 All prison building should have rain water harvesting system and sewerage treatment plant.

2.12 *Kitchen*

- 2.12.1 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 to more than 500 prisoners. Cooking and serving utensils will be made of stainless steel.

- 2.12.2 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.

- 2.12.3 There will be a provision for covered dinning space in prisons so that prisoners may take their meals under a roof and on a platform.

- 2.12.4 There will be two shifts of workers in the kitchen. Management of kitchen or cooking of food on caste or religious basis shall be prohibited in prisons.

- 2.12.5 The kitchen complex shall have a barrack to house the inmates employed for cooking etc.
- 2.12.6 The walls of the kitchen will be covered with tiles up to a height of 2 meters for easy cleaning.
- 2.12.7 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.
- 2.12.8 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.
- 2.12.9 Adequate fire safety systems shall be installed in the kitchen.

2.13 *Hospital*

- 2.13.1 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 and district prisons will provide hospital accommodation for 5% of the authorised 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. The hospitals will be provided with polyethylene sheets, fly proof wire mesh and fly proof automatic closing doors. Attached toilets should be provided in 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.
- 2.13.2 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 pathological laboratory
 - g) Room for the Medical Officer.
 - h) Isolation rooms for accommodating patients with infectious and contagious diseases (such as T.B., Leprosy and H.I.V./AIDS).
 - i) Isolation rooms for accommodating mentally ill patients.

- 2.13.3 Adequate fire safety systems will be installed in prison hospitals.

2.14 *Worksheds*

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

2.14.2 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.

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

2.15 ***Recreational Facilities***

Proper recreational facilities like, grounds for outdoor games, auditorium for cultural activities, library, indoor games, yoga, etc.

Chapter III

HEADQUARTERS ORGANISATION

- 3.01 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 organisational hierarchy of the Prisons and Correctional Services Department has been set forth in this chapter.
- 3.02 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.
- 3.03 State Government will appoint the Director General/ Inspector General of Prisons and Correctional Services who will exercise general control and superintendence over all prisons situated in the State. The Director General/ 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 organisation, at the prisons and at other institutions under his control. The Director General/ 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.
- 3.04 There shall be two main wings at the headquarters level: (i) the Executive Wing; and (ii) the Correctional Wing.
- 3.04.1 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.
- 3.04.2 The Correctional Wing will be headed by a Joint Director (Correctional Services), assisted by Deputy Director/Assistant Directors, Chief Psychologist and Chief Welfare Officer. The Joint Director (Correctional Services) and other officers in the Correction Wing may be appointed from amongst academicians either on deputation / transfer / transfer on deputation from academic institutions of repute.

Components of the Headquarter Staff

- 3.05 The organisational set-up of the Headquarters of the Department of Prisons and Correctional Services will be as follows:
- The Director General of Prisons and Correctional Services
 - Joint Director General and Joint Director of Correctional Services
 - Deputy Inspectors General of Prisons, Headquarters & Ranges and Deputy Director of Correctional Services

- Deputy Inspector General of Prisons for women (preferably a woman officer)
- Assistant Inspector General of Prisons and Assistant Director of Correctional Services (Education / Vocational Trainings etc.)
- Assistant Director (Industries) (on deputation)
- Assistant Director (Medical Services) (on deputation)
- Superintending Engineer (Prisons Building) (on deputation)
- Chief Welfare Officer
- Chief Probation Superintendent.
- Chief Psychologist
- Law Officer (on deputation)
- Statistical officer for ongoing collection, interpretation and presentation of factual information and data with computer back-up (on deputation)
- Accounts Officer (Budget and Audit cell) (on deputation)
- Intelligence -cum-vigilance Officer (deputation from police)
- Administrative Officers
- Senior Assistants
- Junior Assistant
- Stenographers
- Typists/ Computer operators
- Attendants
- Other supporting staff.

Each State/Union Territory will fix the organisational set-up of Headquarters office in accordance with its area, number of inmates and number of institutions.

Authority and Powers of the Director General/Inspector General of Prisons

- 3.06 The general functions of the Director General/Inspector General shall be:
- (i) To implement prison policies as laid down by the State Government
 - (ii) To plan, organise, 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.
- 3.07 As the Head of the Department, the Director General/Inspector General will have all necessary financial, administrative and disciplinary powers.
- 3.08 The Director General/Inspector General will prepare the budget for the various services under his control. Subject to the rules and orders of the State Government and the requirements of the Accountant-General, the expenditure of the Department of Prisons and Correctional Services will be controlled by the Director/Inspector General.
- 3.09 The Director General/Inspector-General may sanction any item of expenditure provided in the budget, but the sanction of State Government will be obtained

to all special and unusual charges for which distinct provision may not have been made or which are newly entered in the budget. Subject to provisions of this rule, an adequate grant will be placed at the disposal of Director General/Inspector General to meet expenditure of a special nature.

- 3.10 The Director General/ 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.

Correctional Wing

- 3.11 The Joint Director (Correctional Service) will be responsible for probation services, welfare services, educational services, vocational training/ skill development, premature release, recommendation of parole, leave, rehabilitation services, etc. in all prisons in the State. All officers in the Correctional Wing will assist the Head of the Prison Administration in all matters connected with prison administration and correctional services. Their powers and duties will be fixed by the State Government from time to time.
- 3.12 The Joint Director (CS) will not be from the uniformed prison cadre but will enjoy the rank status of the Addl. Director General/ Addl. Inspector General of Prisons in the State headquarters in all respects. He will be assisted by the Deputy Director, Assistant Director and Administrative Officer at the headquarters and the Range/Regional levels. Their powers and duties will be fixed by the State Governments from time to time.

Range/Regional Headquarters Organisation

- 3.13 Each large state will be divided into convenient ranges/regions and all correctional institutions and programmes for adult prisoners and young offenders in the range will be placed under the charge of a Deputy Inspector General of Prisons. The range/regional Deputy Inspector General of Prison will be vested with sufficient powers of direction, control, inspection, supervision, and guidance through substantial delegation of financial and administrative and disciplinary powers, including the following powers:
- To conduct inspections and make visits of all institutions under his control.
 - To transfer convicted prisoners from one prison to another, within his jurisdiction.
 - Power to accord permission to religious and moral tutors.
 - Power to permit research scholars and law and P.G students to visit prisons for academic and research purposes at the recommendation of the Head of the Department of the Academic Institute.
 - The DIG may exercise all financial powers conferred on him by the relevant provisions of Financial Code.
- 3.14 The Range/Regional Deputy Inspector General of Prisons will be assisted by the following staff and officers:
- Superintendents of Prisons – Head of Unit Institutional setup.

- Assistant Director of Correctional Services
- Regional Probation and Aftercare Officer.
- Assistant Engineer (Building)
- Ministerial, Accounting and other staff.

Training of staff

- 3.15 Training Institutes should impart training to the Prison Officers to acquire necessary knowledge and techniques. The senior and middle level officers shall be imparted basic/ in service and refresher training in the regional institutes established at four regions of the country.
- 3.16 Every State/UT shall establish a State Academy of Correctional Administration.

Chapter IV

INSTITUTIONAL PERSONNEL

4.01 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.

4.02 The strength of custodial/guarding staff will be determined keeping in view 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.

4.03 Institutional personnel will comprise of:

I) Executive

- a) Superintendents
- b) Additional Superintendent
- c) Deputy Superintendents
- d) Assistant Superintendents

II) Guarding staff

- a) Chief Head Warders
- b) Head Warders
- c) Warders

III) Medical personnel

- a) Medical Officers
- b) Psychiatrist
- c) Nursing staff
- d) Pharmacist

IV) Welfare Units

- a) Assistant Director, Correctional Services
- b) Welfare Officer
- c) Law Officer
- d) Counsellor
- e) Probation Officer
- f) 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 are not filled up, suitable guarding personnel should be trained for these purposes and their services should be availed of by giving them special allowances.

VIII) Ministerial

- a) Administrative Officer
- b) Office Superintendent
- c) Accountant
- d) Store Keepers
- e) Cashier
- f) Office Assistants
- g) Stenographers
- h) Typist/Computer Operators
- i) Miscellaneous Staff

Duties and Functions of Institutional Personnel:

- 4.04 The statutory duties and responsibilities of institutional personnel will be as per the provisions of the laws and rules governing prisons. The number of personnel will be determined on the basis of requirements of security, discipline and programme emphasis. The institutional setup will be fixed in accordance with the size of the institution, the inmate population, category of inmates, workload and distribution of functions.
- 4.05 Custody, security, discipline and preventive and control action during an emergency, are the fundamental duties and responsibilities of every staff member.
- 4.06 The duties, responsibilities and functions will be assigned in writing to every staff member on his initial appointment. Care will be taken to ensure that the rules, regulations, and instructions to be followed by institutional personnel are interpreted from time to time.
- 4.07 A well-planned and properly regulated time-table of work hours should be prepared for each category of institutional personnel, and no staff member should be required to work for more than eight hours a day. It should also be ensured that every incumbent gets 24 hours off-duty once a week.

- 4.08 The general duties, functions and responsibilities of the institutional personnel are detailed below:

I) Executive

To ascertain that the human rights that the prisoners are entitled to, are not impinged upon and restricted beyond the limit inherent in the process of incarceration itself and to ensure that prison programmes are geared towards the overall objective of imprisonment in terms of reform and rehabilitation of prisoners.

a) Superintendent Grade I and Grade II

The Superintendent will, subject to any order of the State Government/ Director General/ Inspector General of Prisons and the Regional DIG (Prisons), be in charge of the executive management of the prison in all matters relating to 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, organising, directing, guiding, coordinating, supervising and controlling all prison activities.

The Superintendent will be the head of the prison and will be assisted by officers subordinate to him, including Additional Superintendents, Deputy Superintendents, Assistant Superintendents, Chief Head Warders, Head Warders, Warders and other technical and supportive staff. The Superintendent may supervise a Central Prison, District prisons, Sub-prisons, Open Air Prisons and other institutions within his territorial jurisdiction/district. Duties of Superintendent:

- (i) General supervision over security and custody arrangements;
- (ii) Custody of secret and confidential documents;
- (iii) Supervision over care and welfare of inmates;
- (iv) Supervision over office administration;
- (v) Control over financial matters;
- (vi) Implementing State policy pertaining to correctional administration;
- (vii) Planning, organising, directing, guiding, coordinating, supervising and controlling all institutional programmes and operations;
- (viii) Inmate discipline and morale;
- (ix) Classification of prisoners, training and treatment programmes and correctional activities;
- (x) Inspection and supervision of work, employment and production programmes;
- (xi) Inspection of the prison activities, prison hospital, kitchen, canteen, etc.;
- (xii) Personnel matters, staff welfare and staff discipline, allocation of duties to personnel under his control, safety of the prison personnel, protection of human dignity, rights and providing decent work conditions, acquainting

institutional personnel with current policies of correctional administration and the role they have to play in a welfare state; organizing personnel training programmes at the institutional level;

- (xiii) Reports to the Director General/Inspector General and liaison with other government agencies for the purpose;
- (xiv) Developing an institutional atmosphere conducive to the correctional role and providing leadership in every aspect of institutional management;
- (xv) Daily inspection round and weekly night inspection round;
- (xvi) Control of stock and stores, maintenance.

b) Additional Superintendent

In the absence of Superintendent of prisons, the Additional Superintendent will perform all the functions attached to the post of a Superintendent.

- (i) Admission and release of prisoners after verification and checking of committal warrants;
- (ii) Disbursement of batta, subsistence allowance bus and railway fares, etc., to release prisoners and attesting of entries in the cash book, permanent advance register and prisoner's cash property register;
- (iii) Minor correspondence relating to prisoners;
- (iv) Checking of Appeal Registers;
- (v) Attending to release on bail, appeals, fine payment, etc.;
- (vi) Attending to correction of sentences;
- (vii) Production of prisoners in courts;
- (viii) Checking the issue of raw materials to various workshops according to data;
- (ix) Checking of stock book of raw materials and stock book of manufactured articles;
- (x) Attending weekly inspection parade of prisoners along with the Superintendent;
- (xi) Checking the Ration Stock Book;
- (xii) Weightment of ration articles on purchase, subject to supervision by the Superintendent;
- (xiii) Any other work assigned by the Superintendent from time to time;
- (xiv) Visit to the prison once in the forenoon and once in the afternoon every working day and on Sundays and Holidays when special circumstances render it desirable that he shall do so;
- (xv) Visit to the prison at night once in a week to satisfy him that the guarding is being properly done and that everything is in order, and submit a compliance report to the Superintendent;
- (xvi) Attend to unlocking and lockup once in a week, and check all the aspects

normally checked by the Deputy Superintendent on the other days. It shall be so arranged in consultation with the Deputy Superintendent under the specific orders of the Superintendent;

- (xvii) Check that all rules, instructions etc. are being followed at locking time, that sufficient guards are posted for the security, and that there is adequate lighting.
- (xviii) Supervise once in a fortnight the lock up of high security prisoners like condemned prisoner, naxalite, terrorist prisoners etc.;
- (xix) Segregate prisoners having escape or discipline risks and prisoners of known bad character, and report to the Superintendent;
- (xx) See that the walls, buildings, gates, dormitories, cells, hospitals area and other places of the prison are properly secured and ensure a system of good lighting in and around the prison;
- (xxi) Ensure to place the sentry in blocks in which notorious prisoners are confined;
- (xxii) Bring it to the notice of the Superintendent, wherever the guarding arrangements are not satisfactory through his report book;
- (xxiii) Visit to the prison hospital two days in a week other than those on which the Superintendent makes such visits. Such an arrangement shall be made in consultation with the Superintendent as part of duty allotment;
- (xxiv) Bring it to the notice of the Superintendent any defalcation on the part of the Prison Staff, if it be shown that such defalcation were rendered possible by negligence on the part of the staff;
- (xxv) At least twice in a week he should check the rations issued to the kitchen and satisfy him that correct quantity is issued;
- (xxvi) Go around the prison at least twice in a week, at odd hours and check that the sentries are posted correctly and alert. He will also check that the other checking/supervisory officers have made proper rounds of check of these sentries;
- (xxvii) Keep a report book in which he shall
 - (a) Record the duties performed by him on every day and submit the same to the Superintendent
 - (b) Bring it to the notice of the Superintendent that his assessment in general on the discipline among the staff and prisoners
 - (c) Record any inadequacy on the security arrangements and suggest guidelines to set right things, wherever necessary and
 - (d) Bring it to the notice of the Superintendent any other matter of importance

Supervise general supervision of the Remission Branch in the Prison Office and frequent and periodical check over all the registers and other records of the Remission Section.

- (xxviii) Supervise the work of his subordinate officers' viz., the Deputy Superintendent & the Assistant Superintendent in respect of the 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;
- (xxix) Since the Prisons Act 1894 defines the word "Jailor", the word "Deputy Superintendent" may be replaced for "Jailor" in Prison Act and all Prison Rules and his duties may be as follows:

c) Deputy Superintendent/ Jailor

The Deputy Superintendent is the chief executive office of the Prison and is subordinate to the Superintendent. The Deputy Superintendent shall also be subordinate to the Additional Superintendent and assist him wherever necessary. He shall be generally responsible for observance of all prescribed rules and orders. Duties include:

- (i) Supervision over security, custody and discipline, supervision over care and welfare of prisoners;
- (ii) Supervision over personnel matters, staff discipline and staff welfare assisting the Superintendent in all matters pertaining to institutional management;
- (iii) Inspecting kitchen and canteen visit to hospital;
- (iv) Admission and release work prison manufacturers;
- (v) Classification of prisoners and their training;
- (vi) Deputy Superintendent shall see that prisoners are clean in their persons and clothes and that they have the authorized amount of clothing and bedding and no more;
- (vii) Shall, at uncertain times but at least once a week, cause every prisoner and all clothing, bedding workshops, wards and cells to be thoroughly searched;
- (viii) Shall be responsible for the execution of all orders regarding the labour of prisoners. He shall assign to each prisoner his work on the recommendation of the classifying Committee constituted in each Central Prison for the purpose. The said Board shall consist of the Superintendent of the concerned prison, Medical Officer and the Deputy Superintendent. He shall ensure that the assigned works are performed by the prisoner.
- (ix) He shall supervise the cultivation of the garden and be responsible for the adequacy of the supply of vegetables. He shall supervise the prison farm and all other outside operation.
- (x) He shall jointly with the Medical subordinate be responsible for the proper preparation and distribution of food to prisoners.
- (xi) He shall supervise the working of the guards. At least once a week, at

uncertain time, 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 properly maintained.

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

d) Assistant Superintendent

- (i) To assist the Deputy Superintendent in studying the psychological and mental make-up 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 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 purchase 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 warders in the gardens;
- (xvii) To assist the Deputy Superintendent is supervision over searches, counting opening, and closing of prisons;
- (xviii) To assist the Deputy Superintendent in all matters pertaining to institutional

management;

- (xix) To attend to any other duty that may be assigned to him by the Superintendent;
- (xx) Admission and search of prisoners on their admission;
- (xxi) Custody of prisoner's property except cash;
- (xxii) 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;
- (xxiii) The custody of prisoner's private clothing and prison clothing stores; and the issue of fresh clothing to the prisoners;
- (xxiv) The maintenance of the clothing and registers in the prescribed form;
- (xxv) Conducting prisoners' interview, if conversant with the language spoken at the interview;
- (xxvi) 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, cholam stalk, grass, etc;
- (xxvii) The charge of the quarantine and of the civil and leper annexes where such annexes exist;
- (xxviii) The censoring of letters addressed to and sent by the prisoners and the disposal of such letters under the order of the Superintendent.

II) Guarding personnel

The guarding personnel will consist of Chief Warder, Head Warder and Warders. There shall be at least one guarding staff for every six prisoners and this ratio shall be followed in all three shifts. [Note: The staff who are engaged in the industries and other welfare activities shall be excluded while calculating the ratio.] 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) Security, custody, discipline
- (ii) Searches and counting of prisoners
- (iii) Opening and locking-up of the prison
- (iv) 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
- (v) Care and welfare of prisoners
- (vi) Maintenance of discipline in institutional premises, gates, quarantine, barracks, dormitories, cells, workshops, punishment yards, segregation yards, hospital, kitchen, farm and in every other section of the institution

- (vii) Sanitation and hygiene in areas under his charge
- (viii) Guarding and sentry duties
- (ix) Escorting prisoners for work, supervision of their work, care and custody of tools, property, equipment, dead stock and livestock
- (x) Supervision of distribution of food, canteen articles and inmate equipment
- (xi) Helping the technical personnel in workshops, management and discipline, helping agricultural personnel in all related matters
- (xii) Discipline in areas where educational, cultural and recreational activities are conducted
- (xiii) Reporting violations of discipline to appropriate officers for taking immediate action as per rules
- (xiv) Observing habits and behaviour patterns of inmates and reporting the same to the authorities concerned, helping inmates improve their habits and attitudes
- (xv) Taking preventive and control measures for all emergency situations
- (xvi) Discipline in staff quarters
- (xvii) P.T., drill parades and emergency practice

III) Medical Personnel

The medical personnel will be directly responsible for the medicare and health of prisoners. They will also advise the maintenance of minimum standards of hygienic conditions in the prison premises. There shall be at least one Medical Officer for every 300 prisoners. In central prisons, there should be one doctor at all times. The specific duties of each of the medical personnel will be assigned by the prison authorities in the following areas:

a) Preventive Service

Examination of all inmates on admission and periodical reexamination, immediate provision of whatever treatment is indicated, immunisation, segregation and treatment of those having contagious or infectious conditions,⁶ inspection and advice regarding diet, clothing, equipment, industrial safety, environmental and institutional sanitation and hygiene, health education for inmates and personnel.

b) 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

⁶ *T.N. Mathur v. State of U.P.* (1993) Supp 1 SCC 722: It is the responsibility of the medical officer and the Superintendent to ensure that prisoners suffering from contagious diseases like tuberculosis are separated from the healthy population and treated appropriately so that the infection does not spread to other healthy prisoners.

exercise and physiotherapy, and treatment of substance-related and addictive disorders and psychological disorders.

c) 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.

IV) Welfare Unit

The welfare personnel will primarily be concerned with the wellbeing of prisoners, undertaking individualised care for those needing institutional adjustment and responsiveness through correctional programmes. There should be one Correctional Officer for every 200 hundred prisoners and one psychologist/ counselor for every 500 prisoners. The specific duties and welfare functionalities will relate to the following areas:

a) Assistant Director, Correctional Service

He will be the officer in charge of this unit and all officers in this unit will be subordinate to him. He will directly report to Superintendent of Prisons and Joint Director (Correctional Services) in the prisons headquarters.

b) Welfare Officer

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 500 prisoners in a central prison and at least one for each district prison.

- (i) Coordinating the work of the welfare unit
- (ii) Helping inmates in overcoming problems of institutional adjustment
- (iii) Assisting inmates in dealing with problems faced by their families and dependents
- (iv) Connecting correctional needs of prisoners with the resources available within and outside the prison
- (v) Participating in the orientation, classification and reclassification programme
- (vi) Facilitating understanding between the inmate and administration
- (vii) Assisting prison authorities in maintaining prison security discipline
- (viii) Participating in the pre-release programme and helping the inmate establish contacts useful to him after release
- (ix) Identifying the resources for rehabilitation of prisoners.

c) Law Officer

- (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) To 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.

(d) Counsellor

- (i) Dealing with emotional and psychological problems of inmates
- (ii) Providing counseling 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.

(e) Probation Officer

He will look after all matters relating to pre-mature release including probation service under the supervision of Assistant Director, Correctional Services.

V) 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

VI) 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 will have to ensure proper maintenance of the prison infrastructure. Requisite staff may also be engaged for working and maintenance of prison management software, documentation, digitization of records and other related work. The specific duties are indicated below:

a) Instructors

- (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 work sheets

- (xix) Measuring tasks and apportioning wages
- (xx) Indenting raw material from the Store Keeper, storing raw material in their charge, maintaining an account of raw material and manufactured articles in their charge, dispatch of manufactured articles to the Store Keeper, 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

- (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 like fire fighting equipment and accident prevention measures,

VII) Agricultural

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 Store Keeper; 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.

VIII) Ministerial Staff

Ministerial staff will be so organised as not to leave any scope for sharing their duties with prisoners. The members of ministerial staff will be assigned by the Superintendent as per the position he/she holds and the requirements.

a) Accountants/ Cashier

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) Store Keeper

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 V

CUSTODIAL MANAGEMENT

- 5.01 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.

Security and Custody

- 5.02 Following norms in respect of security and custody in prisons are given as under:-
- (i) Security measures will be adopted in accordance with the specific requirements of each prison.
 - (ii) Demarcation of an 'out-of bound' area as a sterile zone around every prison premises - central prison 150 mtrs., district jails 100 mtrs, special sub-prisons and sub-prisons 50 mtrs.
 - (iii) Secure walls, building gates, barracks, cells, hospital areas and other places, daily inspection of the same and proper maintenance of prison buildings and premises
 - (iv) A system of good lighting inside and around the prison
 - (v) A system of thorough searches of all incoming and outgoing prisoners and articles vehicles. Daily searches and periodical surprise searches of all prison sections and equipment
 - (vi) A central-point monitoring for the control of the movement of prisoners
 - (vii) A thorough system of the control of prohibited articles
 - (viii) A thorough system of counting prisoners
 - (ix) A system of custody and control and inspection of locks, keys, handcuffs and other security equipment, maintenance and service of all security equipment
 - (x) A system of custody, control, inspection and counting of tools equipment
 - (xi) A system of accident prevention and of meeting requirements during emergencies such as escapes, riots, assaults and fires
 - (xii) A system of fire arms control, quarter guard, magazine and weaponry practice
 - (xiii) Adequate guarding and security measures by adopting proper norms for staff and equipment, and periodical testing and inspection thereof, by executive personnel
 - (xiv) Effective system of censoring prisoners' mail and checking of interviews
 - (xv) Utilization of local intelligence branches wherever necessary and

maintaining an intelligence system to collect information within the prison

- (xvi) 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.
- (xvii) Watch towers, wherever necessary, to watch inside and outside of the prison, to be constructed and searchlights and binoculars made available
- (xviii) Installing power fencing on the walls of prisons wherever necessary to prevent escapes, ensuring safety of the prisoners' lives.
- (xix) A system of thorough search for unearthing explosives and narcotic substances among prisoners
- (xx) Effective wireless communication system and intercoms to be established within the prison and also from one prison to another
- (xxi) 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
- (xxii) A good road inside and outside the main walls for better patrolling
- (xxiii) A modern interview room with sound absorption to ensure smooth conversation and human dignity, without overlooking the security
- (xxiv) Effective segregation of prisoners on the basis of security requirements
- (xxv) Installation of high pitch sirens to alert prison staff, public and nearby police stations about any untoward happening
- (xxvi) Untrained personnel not be posted inside the prison, prison premises, under any circumstances for guarding purposes
- (xxvii) Electronic gadgetry may be used for guarding purposes.

Guarding Establishment

- 5.03 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 warder performing their duties in rotation.

Quick Reaction Team

- 5.04 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 Jailor/ 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.
- 5.05 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.

- 5.06 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.
- 5.07 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.
- 5.08 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.
- 5.09 When one set of the guard is relieved, all arms & 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 & ammunition.

Armed Sentry

- 5.10 The watch towers at the main gate will be guarded by armed sentries and other portions of the prison will be guarded by warders without arms. The warder establishment that will supply sentries and guards to the internal and external posts. All these guards and sentries will perform duties in rotation.
- 5.11 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.
- 5.12 The sentry on duty will carry the required arms & ammunition, which will later be handed over to the relieving sentry.

Relief and Supervision of Sentries

- 5.13 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 second grade warders. Each Patrolling Officer will record the hour of his visits by appropriate means.

Morning and Evening Muster of Reserve Guard

- 5.14 Before the prison is unlocked in the morning the Quick Reaction Team 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 guardroom. The Quick Reaction Team will again be under arms from the hour fixed for the cessation of work till the prisoners are locked up for the night.

Salutes by Armed Guards

- 5.15 Guards and sentries will necessarily salute to the persons mentioned in column (1) of the table below in the manner mentioned in column (2) thereof:-

TABLE

Person	Manner of salute
(1)	(2)
The Inspector General, the Deputy Inspector General of Prisons, Official and the Superintendent, Additional Superintendent	By presenting arms
All other gazetted officers, Official Visitors and Deputy Superintendent.	By sloping arms and placing the right hand smartly on the butt, fingers extended
Assistant Superintendent, Social Workers, Welfare Officer Ministerial staff	By coming to in attention with ordered arms.

Explanation: The Guard Officer will always bring it to the notice of the Dy. Supdt., any failure on the part of the sentry to comply with this rule.

- 5.16 As a rule the guard will not be turned out under arms for saluting purposes after sunset.

General Guarding Duties

- 5.17 The general guarding will be undertaken by the warder establishment. They will carry on the internal and external guarding of the prison, the supervision of the prisoners during labour hours as well as the work of guarding and maintaining security of wards, blocks, workshops, tools and plants and other government properties, posts and tower.

Guarding Requirements

- 5.18 The charter of functions of the guarding staff shall be:
- The sentry or guard will 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 will send an intimation to the officer in charge who will make necessary arrangements.
 - No sentry or guard while on duty will take off his uniform - this does not apply while taking his meals or while resting.

- (iii) Guards and sentries will be made to understand their duties and responsibilities. They will not hold any communication with any prisoner, unless it is required as a part of his official duty.
- (iv) 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.
- (v) In case any prisoner attempts to escape, the guard will at once raise an alarm and will also prevent damage to government property.
- (vi) 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.
- (vii) The Assistant Superintendent and Chief Head Warder will maintain a daily report book in which they will record all important events and reports of disposals or incorporation to be shown for appropriate action.

Maintenance of Duty Roster

- 5.19 A Duty Roster will be maintained in each prison and institutions for young offenders. The authorised officer 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 sent to the Superintendent through proper channel every day for checking and getting his signature.
- 5.20 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 will be immediately brought to the notice of the Superintendent. The Superintendent will also verify this during his surprise visits to different parts during day and night. Care will be taken that the night duty is allotted in rotation.

Custody of Arms

- 5.21 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 guardroom. The approach to the guard room will be from outside the main gate.

Custody of Articles Facilitating Escape

- 5.22 The Dy. Supdt., Asstt. Supdt. and guards will 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 lockup register.

Use of Weapons against Prisoners

- 5.23 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 reasonable 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
- 5.24 Before using firearms against prisoner, the officer, or the member of the guarding staff, will give a loud and clear warning to the prisoner that he is about to fire on him.
- 5.25 No officer of the prison will 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.
- 5.26 In all cases requiring the use of force only minimum force, in the given circumstance, shall be used.

Transport of Arms and ammunition

- 5.27 All consignments of arms and ammunition sent by any means of transport will be put in sealed boxes and escorted by an appropriate armed guard. It will be the duty of the escort to guard the arms and ammunition against any contingency.
- 5.28 When the arms of the Prison Department are to be dispatched to stations outside the State for repairs they will be entrusted to the Police Department. A police party will 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 will be borne by the Prison Department.

Security of Locks and Bars

- 5.29 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/Deputy Superintendent.
- 5.30 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 Chief Head Warder (Tower), as the case may be.

- 5.31 Every prison will 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.

Dynamic Security

- 5.32 Prisons will 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.

Admission of Prisoners

- 5.33 No person will be admitted in a prison as a prisoner unless accompanied by a writ, warrant or order in the prescribed form, signed, dated and sealed by the competent authority. There will be a separate writ, warrant or order for every prisoner, even if two or more prisoners have been jointly charged.
- 5.34 Before admitting a prisoner, the Assistant/Deputy Superintendent will 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, will satisfy himself that he is the person referred to in the warrant. In the event of a prisoner refusing to answer the Assistant/Deputy Superintendent, or denying the accuracy or the particulars entered in the warrant, the officer on duty will request the officer in charge of the Police or Military escort to identify the prisoner on the basis of information at his disposal as the person named in the warrant.
- 5.35 A manual/ handbook containing rights and duties of the prisoners as provided in Appendix – 1 shall be handed to the prisoner upon admission. Each State may formulate its own manual/ handbook for this purpose.

Procedure of Warrant

- 5.36 If, in any case, the Superintendent is in doubt as to the legality of any warrant or order of commitment received by him with any prisoner admitted to the prison, or as to the competency of the person whose official seal and signature are affixed thereto, to pass the sentence and issue such warrant, he shall proceed in the manner provided below.
- 5.37 If any error of omission, which in the opinion of the Superintendent is due to mere oversight or mistake, is found in any warrant or order or, if the sentence or order passed, though within the competency of the tribunal or authority which passes it, is in any way defective in form or otherwise irregular, he may receive the prisoner subject to reference to such tribunal or authority, as the case may be, for orders.

Examination of Warrant

5.38 All warrants shall be examined to ascertain whether these conform to the Code of Criminal Procedure, 1973 and the Orders of the Supreme Court of India.

Note 1: A warrant ordering imprisonment without specifying whether it is simple or rigorous imprisonment, or an undated, unsigned or unsealed warrant shall be returned for correction.

Note 2: The amount of solitary confinement ordered on a warrant is dependent on the term of sentence and should not be more than what is allowed under Section 73 of the Indian Penal Code, 1860.

Note 3: The Superintendent of a prison is justified in refusing to receive or detain a prisoner in prisons on a warrant to which a signature is not affixed with a stamp.

Note 4: All warrants should be signed in full (not initials) by the judge or magistrate who issues it and should have the seal of the court.

Note 5: In the case of persons, on whom separate sentences are passed, care should be taken to state the dates from which each sentence is to have effect in the warrant of commitment.

Note 6: In the case of under-trial prisoners, the warrant of commitment for intermediate custody should be prepared with the greatest care possible with reference to the above instructions.

Note 7: The Superintendent of a prison should not refuse to admit a person where the above instructions have not been carried out, but he should draw the immediate attention of the magistrate concerned to the defect, and ask for its rectification at once. He should also send a copy of his letter to the magistrate of the district for his information.

Note 8: Warrants for the release or remission of sentences of prisoners confined in prison and for the release of prisoners on bail and intimations of payment of fines sent to prison authorities should always be prepared in the vernacular of the officer issuing the order and should be signed in full by such an officer and sealed with the seal of his court. They should be sent to the prison authorities through an official messenger of the court or through the agency of the post and not through the friends or relatives of prisoners.

Note 9: There should be a separate warrant or notice for every prisoner even if two or more prisoners have been jointly charged or convicted.

Copy of Warrant returned for correction to be kept

5.39 When a warrant is returned for correction, a copy shall be retained in the appropriate compartment of the warrant almirah until the original is returned. Blank forms of warrants shall be kept for this purpose.

Procedure when the legality of a Warrant is in doubt

5.40 When an officer in charge of a prison doubts the legality of a warrant or order sent to him for execution, or the competency of the person whose official seal and signature are affixed thereto to pass the sentence and issue such warrant or order,

he shall refer the matter to the government, by whose order on the case he and all other public officers shall be guided as to the treatment of the prisoner.

- 5.41 Pending a reference made under sub-section (1), the prisoner shall be detained in such manner and such restrictions or mitigation as may be specified in the warrant or order.

Checking of Prisoner's Property

- 5.42 The concerned prison officer/Superintendent will give a receipt in a printed form to the officer who delivers a prisoner at the prison noting therein the property received with the prisoner, which will be carefully examined and shown to the prisoner at the time of his admission. The prisoner's acknowledgement that he has seen the property and that it is correctly recorded in the relevant register will, at the same time, be noted in the Admission Register.

Prisoners to wash themselves and their clothing

- 5.43 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 will also be disinfected. In such cases special care will also be taken to cleanse the prisoner's person.

Search of Prisoners on Admission

- 5.44 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. Searches of prisoners will be made, with due regard to decency and with reasonable privacy.

Removal of Articles from Prisoners

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

Reception Ward

- 5.46 Prisoners, on first admission to prison will 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 will 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 Deputy Superintendent/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 and capturing of biometric coordinates.
- x. Identification of prisons suffering from substance related and addictive disorder.

Orientation

- 5.47 Every newly admitted prisoner will be subjected to a programme of orientation so as to inform him about the rules and regulations. His rights and duties as a prisoner will 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 will also be made by the officials to decide the appropriate placement within the prison.

Preparation and Maintenance of History Tickets

- 5.48 Immediately on reception of a prisoner into prison, a History Ticket 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.
- 5.49 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.
- 5.50 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.
- 5.51 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.
- 5.52 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.

Recording of entries by Medical Officer

- 5.53 In the heading of 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
 - (ii) The class of labour for which he is fit, if sentenced to labour
 - (iv) Whether he has been protected by vaccination/ inoculation for smallpox.
- 5.54 The Medical Officer shall maintain a Medical History Sheet to record the following details pertaining to the day-to-day medical condition and treatment provided to prisoners in the prison hospital:
- (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 the convalescent group.
 - (iv) Any complaint made by the prisoner of sickness or report of his sickness
 - (v) The action taken on any direction or recommendation of the Medical Officer or Medical Subordinate
 - (vi) The fortnightly or weekly measurement of weight

Particulars to be entered and the officers to enter them

- 5.55 On the History Ticket of every prisoner, the following entries may be recorded:
- (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) The particular work and task in weight, number or measurement, to which the prisoner is put
 - (iv) Every change of work or task for reasons other than medical
 - (v) Application for a copy of judgement, if the prisoner desires to appeal
 - (vi) Receipt of the copy of judgement
 - (vii) Dispatch of appeal
 - (viii) Substance of the order of the appellate court
 - (ix) The fact of an appeal not having been made before the expiration of the term allowed for appealing
 - (x) The amount of remission awarded quarterly
 - (xi) The total remission in days earned up to the end of each quarter
 - (xii) Every prison-offence alleged to have been committed
 - (xiii) Every interview allowed and the receipt or dispatch of private letters
 - (xiv) Dispatch to a court, or transfer, discharge, escape or death

- (xv) Any recommendation of the Factory Manager or the Deputy Superintendent
 - (xvi) Action taken on any order entered by the Superintendent
 - (xvii) The number of cells in which placed on account of warrant confinement
 - (xviii) The total confinement undergone on warrant on each occasion of removal, etc.
- 5.56 Entries relating to point (i), (ii), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), (xiii), (xiv), (xviii) above may be entered by the Senior Assistant Superintendent or Assistant Superintendent. Entries relating to point (vii) may be entered by the Senior Assistant Superintendent or any other officer authorised to award remission, and point (xviii) by the Medical Subordinate or by an Assistant Superintendent or Dispenser if deputed to assist him. Entries relating to point (iii) shall be entered by the Factory Manager, when there is not an officer of this grade, it shall be entered by the Deputy Superintendent, but in large jails a portion of the duty may, under the orders of the Superintendent, be performed by the Senior Assistant or Assistant Superintendent. The duty of making entries regarding point (iv) and (xvi) shall not be delegated to any officer subordinate to the Deputy Superintendent.
- 5.57 Entries to be made by the Superintendent: 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. the imposition or removal of fetters, 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) Promotion to the grade of Convict-watchman, Convict-overseer or Convict-warder
 - (v) The award of special remission.

Custody and Management of History Tickets:

- 5.58 The History Ticket of each prisoner shall be kept in safe custody of the in-charge prison officer, and shall be produced by him whenever required by senior officers. The History Ticket shall accompany the prisoner whenever he is transferred from one group to another, or from one kind of work to another or is sent to a hospital.
- 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.

Retention of History Ticket after release or death:

- 5.59 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.

Admission Register

- 5.60 There will be an Admission Register for all prisoners admitted to the prison. Where possible, this register will be maintained in electronic form. The admission register will contain basic description of the prisoners in terms of name, parentage, home address, legal status, date of admission and committal courts. This register will be maintained by Assistant Superintendent or equivalent in prescribed form. The entries in this register will be numbered serially.

Personal Information System

- 5.61 The use of advanced technology/ software systems in the form of Personal Information System (PIS) should be encouraged for recording personal details of inmates including for maintaining a record of their personal belongings and property (as mentioned in para 5.42).

Use of Register number

- 5.62 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.

Record of date of release, etc.

- 5.63 In the case of convicts, the date on which the sentence will expire will be entered in the Convict Register. If the convicts are under sentence for less than three months, an entry of his number will be made in the release diary to be released under that date, but if the sentence is for three months or more, the date of expiry will be entered on his Remission Sheet. At the same time, the prisoners' register number, name, sentence, date of sentence and date of release will be endorsed on his warrant and the endorsement will be signed by the Competent Officer 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 will both be included in the endorsement on the warrant, in the Convict Register, release diary and Remission Sheet.

Custody of Warrants

- 5.64 Prisoners' warrants will 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 will be kept in a locked drawer or almirah of which the

Assistant/Deputy Superintendent will keep the key. Copies of judgements, 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 will be filed and kept with the warrant of the prisoner to whose case they relate. The final disposal of warrants will be made as prescribed in the rules.

Medical Examination of Prisoners

- 5.65 The weight of prisoners on admission will 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 will be noted at the time in a book kept at the main gate, to be subsequently verified by the Medical Officer when their examination takes place. The Medical Officer will carefully examine the prisoner and will himself record the findings in the proforma (see Appendix - 2) for health screening on admission. The Medical Officer will also supervise the entry of the prisoners' identification marks, which may be noted by the Medical Subordinate. Medical Examination of prisoners will be made with due regard to decency and with reasonable privacy.
- 5.66 If a prisoner looks younger than his age, the matter may 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.

Certification of Appropriate Class of Labour

- 5.67 In the case of convicts sentenced to rigorous imprisonment or imprisonment for life, the Medical Officer will 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 will also be made in the History Ticket of the convict.

Chapter VI

MAINTENANCE OF PRISONERS

Food

- 6.01 States should prescribe the diet plans for prisoners in such a manner that the energy requirements given below are met:

Energy requirements of Indians

	Category	Body weight kg.	Net energy (kcal/d)
Man	Sedentary Work	60	2320
	Moderate Work		2730
Woman	Sedentary Work	55	1900
	Moderate Work		2230
	Pregnant Women		+350
	Lactation 0-6 months		+600
	6-12 montsh		+520

Reference: Indian Council for Medical Research, Nutrient Requirements and Recommended Dietary Allowances for Indians

Requirements of pregnant and nursing women

- 6.02 During pregnancy and lactation, a woman needs more protein and minerals than otherwise. The extra protein can be obtained by substituting a part of the cereal portion of the diet with more milk, fish, meat and eggs, and in the case of vegetarians by concentrating more on milk and milk products. This would also ensure the necessary additional supply of minerals.

Nutrients required

- 6.03 The nutrients required in a person's daily diet, their quantities and the common sources of nutrients are indicated in the table below:

	Nutrient	Requirement	Sources
1.	Protein	1g. per kg. of body weight	Pulses, rice, wheat, milk, fish meat, eggs, etc.
2.	Fat	50 g.	Oils, butter, ghee, milk, eggs, etc.

3.	Carbohydrate	300 g.	Cereals, sugar, jaggery, milk, root vegetables such as potato, etc.
4.	Minerals: a. Calcium	0.65 g. for adult, 1 g. for child	Milk, milk products, eggs, green, vegetables, unhusked cereals and whole gram
	b. Iron	12.15 mg.	Vegetables, fruits, fish and meat
5.	Vitamins : a. Vitamin A	3,000 to 4,000 I.U.	Leafy vegetables, milk, fish, liver oils, yellow vegetables, eggs, carrot and yellow sweet potato
	b. Vitamin C	50 mg.	Tamarind, amla, guava, all citrus fruits, eggs, lime, orange etc., and
	c. Vitamin D	400 I.U.	Fish, liver oils, milk
	d. Vitamin group		
	i. Thiamin	1 to 2 mg.	Undermilled cereals and pulse, parboiled rice, whole wheat
	ii. Riboflavin	1.8 to 3.0 mg	Leafy vegetables, eggs, fish, milk and milk products
	iii. Nicotinic acid	10 to 15 mg.	Undermilled cereals, pulses and parboiled rice

Scales of diet

- 6.04 The scales of diet for prisoners may be prescribed by the State 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 State government may also modify the scales at any time if it deems fit.
- 6.05 The scales of diet schedules to be followed per prisoner per day:

(a) For all prisoners

	Items of diet	Quantity
1.	Cereals (including millet)	600 g.
2.	Pulses	100 g.
3.	Vegetables a. Green Leafy b. Roots and tubers c. Other	250 g
4.	Fish or meat or Milk Ghee Groundnut	100 g 500 ml week 15 g 100 g Twice a week
5.	Milk Curd	50 ml. 100 ml.
6.	Grams (Roasted)	60 g.
7.	Jaggery	20 g.
8.	Oil	30 g.
9.	Salt	30 g.
10.	Tamarind	15 g.
11.	Jeera or Tejpata	5 g.
12.	Turmeric	2 g.
13.	Coriander	5 g.
14.	Chillies	5 g.
15.	Onion	25 g.
16.	Coffee or tea	
17.	White sugar	50 g.

18.	Pepper	3 g.
19.	Mustard	2 g.
20.	Garlic	2 g.
21.	Coconut	1/20 Nos

All prisoners may be provided ascorbates like lemons, pickles, Chutney etc.

(b) For Pregnant and nursing women prisoners, add the following special diet to the above diet:-

	Items of diet	Quantity
1	Milk	250 m.
2	Sugar	60 g.
3	Vegetables	100 g.
4	Fish/Meat or Curd	300 or 200 g 50 ml.

Fresh Fruit be also provided to the pregnant and lactating mothers as per the quantity prescribed by the Medical Officer.

Arrangements for heating and boiling water/milk shall be made available for lactating mothers.

(c) For children between three and six years:

	Items of diet	Quantity
1	Cereals	300 g.
2	Pulses	60 g.
3	Vegetables i. Leafy ii. Roots and Tubers iii. Other	125 g.
4	Fish or meat or Curd	150 g. or 100 g. 50 ml
5	Milk	150 ml.

6	Salt	20 g.
7	Oil	30 ml.
8	Jaggery	30 g.
9	Tamarind	10 g.

Fresh Fruit be also provided to the children between 3 to 6 years of age as per the quantity prescribed by the Medical Officer.

(d) Children below three years age may be allowed such diet as the Medical Officer may order for them.

- 6.06 No reduction or alteration in the prescribed diet and scales shall be made except under special circumstances and with the prior approval of the Inspector General. If, on the recommendation of the Medical Officer, the Superintendent considers the prescribed diet to be unsuitable or insufficient for a prisoner for reasons of his health or his peculiar mode of living, he may order, in writing, a special diet, or add extra calories in the diet of such a prisoner, subject to formal approval of the Inspector General.

Food ration

- 6.07 Every prisoner shall have three meals a day according to the scales prescribed. These shall be:
- (i) A light meal in the morning before the hour of work;
 - (ii) A midday meal; and
 - (iii) An evening meal before prisoners are locked up for the night.
- 6.08 The quantity of ration to be issued for each meal shall be as prescribed by the Inspector General. The articles of diet provided for midday and evening meals may be suitably divided between the two meals.
- 6.09 The diet may be fixed as per each State's local customs but should be within the prescribed nutritional requirements. Variety in the diet may be introduced by issuing different kinds of pulses, vegetables and antiscorbutics on different days of the week or for different meals. The Superintendent may lay down menu for different days of the week.
- 6.10 On the occasion of festivals, as specified by the State governments, extra items of dietary articles may be given to every prisoner.
- 6.11 Prisoners who observe religious fasts may receive extra articles of food suitable for such fasts as per local practices [such as potatoes, fruits, etc.], or may have the whole or a part of their meal at a place and time of day, as may be allowed by orders of the government for proper observance of fasts by them.

Hospital diet

- 6.12 A suitable hospital diet may be prescribed by the State Governments according to local food habits on the advice of Medical Officers / Medical Officer (in charge).
- 6.13 When meat is recommended by the Medical Officer as an extra diet, the weight of meat shall ordinarily be taken without bones.

Cleaning, Storage and Issue of Food Items

- 6.14 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.
- 6.15 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 about 3 times its weight in uncooked state. This should be frequently tested by weighing.
- 6.16 All items of diet, as well as the fuel for cooking, shall be weighed daily at the time of being issued 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.
- 6.17 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.
- 6.18 Dal should be husked and unhusked grains properly cleaned out before cooking.
- 6.19 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 Chief Medical Officer or his subordinate Medical Officer.
- 6.20 An allowance of 25% extra shall be given for heads, tails, fins, scales and entrails when whole fish is issued and for bones when mutton is used.
- 6.21 Antiscorbutics, in the requisite quantity, shall be issued daily with the midday 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.
- 6.22 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.

- 6.23 In preparing curds no water should be mixed with the milk before boiling.

Cooking

- 6.24 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.
- 6.25 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.
- 6.26 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.
- 6.27 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.
- 6.28 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. Surprise checks of the measuring equipment should be made by duty officers at least four to five times a month.
- 6.29 Cooks found tampering with food or scales shall be severely punished.

Cooks

- 6.30 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.
- 6.31 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.

Distribution and service of food

- 6.32 Inspector General of Prisons shall prescribe the time for serving morning, mid-day and evening meals in prisons. Such timing would be prescribed depending on the temperature of the region and other local factors.
- 6.33 Meals should be served fresh and hot. In cold regions/ during winter season, appropriate heating methods will be utilized to keep food warm and suitable for consumption. The receptacles used for carrying food shall be provided with well fitting lids. All food shall be carefully protected from flies and other insects.
- 6.34 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.

- 6.35 After service of food at least twenty minutes time shall be allowed to prisoner to eat the food.
- 6.36 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.
- 6.37 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.
- 6.38 The floors and platforms shall be cleansed immediately after the prisoners finish their meals.

Eating and drinking vessels

- 6.39 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.

Complaint about Food

- 6.40 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.

Daily inspection of food

- 6.41 The Superintendent and the Chief Medical Officer / 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 Prison any defects in quality detected during such inspections.

Inspection of cooked food

- 6.42 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.

Weighing of articles of food

- 6.43 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.

Disposal of complaint by prisoner

- 6.44 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 at once be weighed in front of the prisoner making such complaint.

Power to sanction change in diet

- 6.45 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.
- 6.46 When a prisoner is hospitalised, his diet may be changed or modified by the Superintendent on the recommendation of the Chief Medical Officer. In case this change of diet has to continue for more than a month, the concurrence of the Director / Inspector General of Prisons shall be obtained by the Superintendent.

Control of hospital diet

- 6.47 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 so shall also keep in mind the costs involved, which should not be excessive.

Clothing

- 6.48 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.
- 6.49 The State 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.

Clothes of convicts

- 6.50 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.

Clothing of any category of prisoners not covered in these rules

- 6.51 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.

Clothing of convicts attending courts

- 6.52 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.
- 6.53 In other cases, the Superintendent shall provide suitable clothing.

Issue of sandals to prisoners

- 6.54 The sanction of the Superintendent of Prisons is necessary for the issue of sandals to prisoners.

In charge of clothing store

- 6.55 The Assistant Superintendent shall be in charge of the clothing store and shall be held responsible for custody and maintenance of all clothings 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.

Repair, Maintenance and inspection of clothing and bedding

- 6.56 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.

Prisoners to wash their clothing once every week

- 6.57 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 authorise 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.

Prison laundry

- 6.58 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.

Disposal of Irreparable clothing

- 6.59 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.
- 6.60 Unserviceable clothing shall be stocked separately and a proper stock register shall be maintained for this purpose.

Disposal of clothing of discharged prisoners

- 6.61 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.

Submission of clothing and bedding indents

- 6.62 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.
- 6.63 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.

I. ACCOMMODATION AND VENTILATION

Capacity of ward to be inscribed near the door

- 6.64 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.
- 6.65 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.

Ventilation of wards and workshops

- 6.66 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 Additional Superintendent shall also be deputed for this purpose.
- 6.67 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 oxidised. It is necessary that the beddings are removed out of the barracks for several hours every day.

Walls to be colour or white-washed

- 6.68 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, will be white-washed once in a year.

Planting of trees

- 6.69 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.
- 6.70 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.

II. CONSERVANCY RESPONSIBILITY OF ALL OFFICERS

- 6.71 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.

Responsibility of Health Officer

- 6.72 The Municipal Health Officer, District Health Officer or the health officers of the corporation, as the case may be, shall visit the all prisons under their jurisdictions once a month and offer suggestions for sanitation and hygiene.

Prison area to be kept clean

- 6.73 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.

Prohibition of cess pools and open drains

- 6.74 Cess pools, and open drains for accumulation and disposal of sewage are prohibited inside or near a prison.

Precaution against malaria

- 6.75 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.

Medical Officer to approve drainage

- 6.76 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.

Injurious conditions in the prison neighbourhood

- 6.77 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.
- 6.78 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.

Cleaning of latrines

- 6.79 The latrines shall be thoroughly cleaned twice a day or more often if necessary, with disinfectants.

Kitchen

- 6.80 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.

Stores

- 6.81 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.

Baths

- 6.82 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.

III. WATER SUPPLY

Selection of source of water supply

- 6.83 Wherever corporation, municipal, panchayat, township or cantonment water supply exists, arrangements shall be made to connect the prison with it by a pipe line.
- 6.84 If water from a well or tube-well is use in a prison such wells should be well-protected from being polluted by percolation of surface water.
- 6.85 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.
- 6.86 Every well shall be cleaned out once a year, and the date on which it is done shall be recorded.
- 6.87 Once a week, the depth of water in each drinking water well shall be tested and a record of the results maintained.

Filtration of Water

- 6.88 Drinking water may be filtered as per the directions of the Inspector General, on the advice of medical and municipal authorities.
- 6.89 There shall not be any garbage dump or sanitary wastes within a radius of 15 mtrs of any ring well or tube well.

Drawing of water

- 6.90 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.

Supply of Drinking Water

- 6.91 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.
- 6.92 Prisoners at work shall be supplied with an adequate quantity of drinking water. If water is to be stored, it shall be done in covered receptacles which must be thoroughly cleaned every day.

Analysis of water

- 6.93 Samples of the water in use for domestic purposes in every prison shall ordinarily be submitted to the State Water Analysing Authority twice a year, for both chemical and bacteriological examination.
- 6.94 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 Public Health and Preventive Medicine who shall make arrangements to obtain the necessary samples for analysis. In addition immediate steps shall be taken to ensure supply of water from an alternative source at such prisons.

- 6.95 The State Water Analysing Authority shall, in due course, forward a copy of its report of analysis, through the Director of Public Health and Preventive Medicine to the Superintendent of prison and another to the Inspector General.

Disinfection of wells

- 6.96 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.

Provision of water to staff quarters

- 6.97 Adequate supply of water shall also be ensured to the residential quarters of the prison staff. The conditions of the cleanliness of water mentioned above shall apply here 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 VII

Medical Care

Medical Administration

- 7.01 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 overall 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.
- 7.02 The Prison medical administration may form part of the State Health Services/ Medical Department instead of the prison administration.

Prison Hospitals

- 7.03 Hospital accommodation should be provided on the scale of 5% of the authorised capacity of all Central and District Prisons. The prison hospitals may be of Types 'A' and 'B'. Big hospitals, with 50 beds and above shall be called 'A' type hospitals. Other hospitals, with less than 50 beds, shall be called 'B' type hospitals. The staff and equipment for the two types of hospital shall be:

	Officers	'A' Type	'B' Type
1	Chief Medical Officer (in the rank of Civil Surgeon with Post Graduate Qualification)	1	1
2	Assistant Civil Surgeons	7	4
3	Staff Nurses	6	3
4	Pharmacists	4	2
5	Male/Female Nursing assistants	6	3
6	Laboratory Technicians (to be trained in handling all equipments including E.C.G., X-ray and portable X-ray machines)	3	1
7	Psychiatric Counsellors	2	1
8	Junior Assistant	1	1

- 7.04 All the Assistant Civil Surgeons in the two types of hospital shall be from different specialties as under:

	Specialty	'A' Type	'B' Type
1	M.D. General Medicine	1	1
2	M.S. General Surgery	1	1
3	M.S. Orthopedics	1	-

4	M.D. Dermatology	1	-
5	M.D. Psychiatry	1	1
6	M.D.S. Dentistry	1	-
7	M.D. Gynecology	1	1

Note: One ambulance shall be provided in each prison hospital.

Appointment of Chief Medical Officer/ Medical Officer (In Charge)

- 7.05 The Government shall appoint a Chief Medical Officer/ Medical Officer (In Charge) for every prison. During the absence of the Chief Medical Officer/ Medical Officer (In Charge), other officers shall attend to his duties in the prison. These Chief Medical Officers shall be under the administrative control of the Superintendent of Prisons.
- 7.06 The Chief Medical Officer/Medical Officer (In Charge) shall be assisted by Assistant Civil Surgeons attached to the prison hospital. These Assistant Civil Surgeons shall be under the administrative control of the Superintendent of the prison, except while performing medical/clinical functions when they shall be subordinate to the Medical Officer.
- 7.07 The Chief Medical Officer and Assistant Civil Surgeons, deputed to a prison hospital, shall be entitled for rent 'free staff quarters'.

Channel of Communication

- 7.08 The Chief Medical Officer will be the technical head of all the medical officers and 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. The superintendents of prisons will be the administrative head. All correspondence to the Inspector General of Prisons or to the Director of Medical Services and Director of Medical Education will be routed through him. All leave, except earned and medical leave, pertaining to the Medical Officer will be regulated by the Chief Medical Officer.
- 7.09 The Chief Medical Officer/ Medical Officer (in charge) shall submit indents for medicines to the Inspector General through the Superintendent of prison. In all administrative matters he will correspond with the Inspector General through the Superintendent of Prison. 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. He may also do so 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.

General Duties

- 7.10 The general duties of the Chief Medical Officer/ Medical Officer (In Charge) shall cover every matter connected with the health of the prisoners, their treatment when sick, and the sanitation and hygiene of the prison.

Daily visits to prison

- 7.11 The Chief Medical Officer/ Medical Officer (In Charge) shall visit the prison and shall examine sick prisoners every day. He shall visit the prison on Sundays and holidays as well, whenever necessary.
- 7.12 He shall inspect every part of the prison and check all prisoners at least once in a week and record his observations in his report to be sent to the Superintendent of Prisons and Inspector General of Prisons periodically.
- 7.13 He shall also make a full medical inspection of all the prisoners once a month.
- 7.14 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.
- 7.15 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. At the same time he shall depute an Assistant Civil Surgeon to conduct such inspections.

Special Needs of Aged Prisoners:

- 7.16 The Chief 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.

Treatment of Drug Addicts

- 7.17 The Chief Medical Officer shall organise de-addiction programmes for such prisoners who are known to be drug-addicts. He shall also organise training in Transcendental Meditation and Yoga for them.

Attendance at Weekly Inspection

- 7.18 The Chief Medical Officer/ Medical Officer (In Charge) 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 anaemic 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 clean. He will examine the drainage, ventilation, drinking water and conservancy arrangements of the prison.
- 7.19 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 give necessary instructions to the Assistant Civil Surgeon of the prison regarding the action to be taken in such cases.

Attending to Prison Officers

- 7.20 The Chief Medical Officer/ Medical Officer (In Charge) shall attend to the medical needs of all prison officials and their families residing in the prison's staff quarters and barracks.
- 7.21 The Chief Medical Officer/ Medical Officer (In Charge) 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.
- 7.22 The Chief Medical Officer/ Medical Officer (In Charge) 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.

Duties of Chief Medical Officer / Medical Officer (In Charge)

- 7.23 The Chief Medical Officer/ Medical Officer (in charge) shall verify the accuracy of the records made by the Assistant Civil Surgeons of the prison.
- 7.24 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.
- 7.25 All indents by the Assistant Civil Surgeons shall be scrutinised and countersigned by the Chief Medical Officer/ Medical Officer (In Charge).
- 7.26 He shall examine all cases coming for release on medical grounds.
- 7.27 Whenever the mortality of a prison in a month exceeds 1% per annum, he shall record an explanation of the cause of such excess of mortality in the monthly return. In the event of unusual mortality, he shall make a special report on the subject for transmission to the government through the Inspector General.
- 7.28 The Chief Medical officer/Medical Officer In-charge shall also be responsible for conducting medical examination of candidates selected for appointment to various posts in the prison.

Maintenance of Journals

- 7.29 The Chief 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 Chief 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.

- 7.30 After each visit this journal shall be sent immediately to the Superintendent for his perusal. Thereupon the Superintendent may issue any orders he thinks fit. When the Chief Medical Officer himself is the Superintendent of the Prison the points required to be referred to in his journal shall be recorded in the journal maintained by the Superintendent of Prison.

Submission of Returns

- 7.31 The Chief 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.

Maintenance of Registers

- 7.32 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 Department of the Prison.

Clinics and Labs for Prison Hospitals

- 7.33 The following equipment shall be made available to prison hospitals.
- (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.

Appointment of Assistant Civil Surgeons

- 7.34 In prisons other than Central and District prisons, one or more Assistant Civil Surgeons, as may be necessary, shall be appointed by the State Health Services/ Medical Department.

Terms of Appointment

- 7.35 The Assistant Surgeon shall be appointed by the State Health Services/ Medical Department from the State Directorate of Medical Services and his postings and transfers shall be made by the Director of Medical Services in consultation with the Inspector General of Prisons.

Conditions of Service

- 7.36 Assistant surgeons, staff nurses, pharmacists, nursing assistants and lab technicians attached to prisons shall not, while on duty, leave the prison premises without the permission of the Chief Medical Officer prison.

Uniform

- 7.37 The medical staff posted to the prison hospitals shall wear the uniform prescribed by the State Health Services/ Medical Department.

Leave

- 7.38 The medical staff posted the prison hospitals shall be governed by the leave rules of the State Health Services/ Medical Department.

Maintenance of Report Book

- 7.39 Every Assistant Surgeon shall maintain a report book in which he shall record all matters of importance that he wishes to bring to the notice of the Chief Medical Officer.
- 7.40 This report book shall be produced for inspection and orders of the Chief Medical Officer. The Chief Medical Officer will sign his report book every day.

Hours of Duty

- 7.41 In prisons where there are more than one assistant surgeons -
- (i) The hours of duty during the day shall be equally distributed between them by the Medical Officer, ensuring that one of them is always present in the prison
 - (ii) One of the assistant surgeons shall be on night duty on rotation basis to attend to the prisoners in the event of an emergency.
- 7.42 In prisons where there is only one Assistant Surgeon he shall remain inside the prison throughout the day, except when permitted to absent himself for meals or other valid reasons. He shall visit the hospital occasionally at nights and may, under the orders of the Chief Medical Officer, be required to remain on duty there if there are any cases under treatment which are likely to render his presence necessary.

Custody of Keys

- 7.43 An Assistant Surgeon 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.
- 7.44 Every Assistant Surgeon 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 Deputy Superintendent and Medical Officer 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.

Duties of the Assistant Surgeon

7.45 It shall be the duty of an Assistant Surgeon

- (i) 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 by Chief Medical Officer, as the case may be,
- (ii) to attend to sick prisoners and out-patients visiting the hospital and supervise the preparation and issue of medicines, food and extra diet. He shall satisfy himself that the Chief Medical Officer's orders in their regard are properly carried out,
- (iii) to make a daily round of the prison cells and report to the Chief Medical Officer the conditions in the prison which have any bearing on the health of the inmates and every such complaint made to him.
- (iv) to ensure that all medicines indented for the hospital are properly arranged, labelled and stored in a safe place.
- (v) to take proper care of instruments, appliances, and equipment in his charge.
- (vi) to see that sick prisoners are clean and tidy.
- (vii) to see that the hospital clothing and bedding are marked in a distinctive manner.
- (viii) to see that all articles in use in the hospital are safely stored and kept clean.
- (ix) to allow no property in his charge to leave the prison premises.
- (x) not to permit any convict attendant to handle instruments or distribute drugs whose misapplication may be dangerous,
- (xi) 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,
- (xii) to satisfy himself that the food for the sick is properly prepared and distributed.
- (xiii) to ensure that order, cleanliness and discipline is maintained in and around the hospital.
- (xiv) to ensure that the staff nurses and others employed in the hospital perform their duties properly.
- (xv) to ensure that any excess or deficiency of attendants is brought to the notice of the Chief Medical Officer.
- (xvi) 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,

- (xvii) 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.
- (xviii) to inspect the food supplied to civil and un-convicted criminal prisoners by their friends,
- (xix) to keep a watch on prisoners suspected of malingering and to report the result of his observations,
- (xx) 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.
- (xxi) To bring to the notice of the Chief Medical Officer any female whom he may suspect to be pregnant,
- (xxii) to see the bathing of prisoners suffering from skin infections,
- (xxiii) to examine all newly admitted prisoners and to record in the admission register and medical sheets particulars regarding their health, and the kind of labour and they can perform in view of their health conditions,
- (xxiv) 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,
- (xxv) to vaccinate newly admitted prisoners, and (if so directed) infants admitted with their mothers or born in prison,
- (xxvi) to bring promptly to the notice of the Superintendent and Chief Medical Officer any case of suspected cholera or other contagious or infectious diseases that may appear amongst the staff or inmates of the prison,
- (xxvii) 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,
- (xxviii) to inspect the surroundings of the prison at least once a week. He shall pay particular attention to manner in which filth is trench or otherwise disposed of,
- (xxix) 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.

The weighing of Prisoners

- 7.46 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.
- 7.47 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.

Examination of Prisoners Complaining of Illness

- 7.48 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 Chief Medical Officer or, in his absence, by the Medical Subordinate. The facility of consulting medical officers over the telephone may also be encouraged, where relevant.
- 7.49 On the advice of the Chief Medical Officer, the Superintendent may transfer any sick prisoner to the local government hospital. For transfer which is required on medical grounds to any specialised hospital outside the jurisdiction of the prison, the approval of the Director General/Inspector General should be obtained. If the Chief Medical Officer is of opinion that prior approval of the Director General/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 Director General/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 Chief Medical Officer of the district shall be obtained while sending prisoners outside the prison on medical grounds.

Diet of a Prisoner Control of Hospital Diets

- 7.50 The diet of prisoners in hospital shall be entirely under the control of the Chief Medical Officer who may either keep the prisoner on the ordinary prison diet, or may place him on one of the regular hospital diets, or may order any modifications of the prison or hospital diet, or may prescribe extra diet he may think necessary, according to the scales of diet prescribed, if any, under the rules.

Preparation of Hospital Diets

- 7.51 Hospital diets requiring special preparation shall be cooked in the hospital kitchen, and the Chief Medical Officer shall examine the diet frequently and satisfy himself by weighing that the full quantities of the prescribed articles are present, and are well cooked.

Precaution Regarding Milk

- 7.52 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, the milk should not be accepted.

Special Diet for Prisoners not in Hospital

- 7.53 The Chief Medical Officer may recommend special diet for any prisoner in the invalid group after recording reasons for recommending that in his register. Such recommendations shall not be made as a matter of routine. The Medical Subordinate can recommend the issue of special diet to a prisoner in the absence of the Chief Medical Officer, but he shall report this to him and obtain his approval. 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 Chief Medical Officer owns the responsibility to economise the expenditure on this account and shall exercise utmost care in recommending special diet to the prisoners.

Indent for Hospital Diets

- 7.54 An indent showing the number of hospital diets and extras required, shall be sent not later than by 9 AM 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.

Detention of a Prisoner for Observation

- 7.55 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 Chief Medical Officer finds a prisoner to be malingering, he shall at once report the fact to the Superintendent for punishment.
- 7.56 Prisoners who require mental health care should be attended to by an authorised medical attendant.

Medical Treatment of Sick Prisoners

- 7.57 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 in a prescribed form (Appendix - 3) or in the register of in-patients in a prescribed form (Appendix - 4).

Maintenance of Case Book

- 7.58 The number of sick in hospital shall be daily recorded in the Hospital Roll of Sick in a prescribed form (Appendix - 5). Their treatment and diet shall be recorded in the Case Sheet in a prescribed form (Appendix - 6).
- 7.59 In addition to these records, there shall be maintained in every hospital a case book in a prescribed form (Appendix - 7) in which the history of every case admitted into hospital shall be recorded.
- 7.60 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.

- 7.61 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.
- 7.62 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.

Bathing of Patients

- 7.63 Prisoners who are not too ill shall be required to bathe daily, at a time the Medical Officer may direct.

Proper Place of Washing

- 7.64 A proper place for washing and boiling dirty clothing and sheets shall be provided. Blankets and work clothings too shall be frequently washed in boiling water.

Cleanliness of the Hospital

- 7.65 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.

Disinfections of Wards

- 7.66 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: Disinfestation shall be carried out under the personal direction of one of the Assistant Surgeons to be nominated by the Chief Medical Officer.

Allotment of Labour on Medical Opinion

- 7.67 When the Assistant Surgeon 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 the Chief Medical Officer may consider suitable for him.

Duty of Assistant Surgeon on Occurrence of Death

- 7.68 The Assistant Surgeon shall immediately report every death that occurs in the prison to the Chief Medical Officer and shall assist him at the postmortem examination. He shall ensure that the body is suitably prepared for burial/cremation before removal from the mortuary.

Medical Aid to Prison Officers

- 7.69 The Assistant Surgeon shall, under the direction of the Chief Medical Officer, accord medical aid to all members of the prison establishment and others living on the prison premises.

To assist Medical Officer

7.70 He shall render assistance to the Chief Medical Officer by reporting to him all matters affecting health, such as:

- (i) Overcrowding
- (ii) Unsuitable, worn out or dirty clothing
- (iii) Neglect of personal cleanliness
- (iv) Undue exposure to weather
- (v) Unpunctuality of meals
- (vi) Neglect to air-dry or clean clothes and bedding
- (vii) Unsuitable tasks.

Appointment of Staff Nurse and Pharmacist

7.71 Staff nurses and pharmacists should be appointed as per the norms of the State Health Services/ Medical Department.

Duties of the Staff Nurse and the Pharmacists

7.72 The Staff nurses and the pharmacists shall obey the lawful orders of the Chief Medical Officer and the Assistant Surgeon in all matters connected with the medical work of the prison and of the Superintendent, Additional Superintendent and Dy. Supdt. in other matters.

7.73 Their duties shall be to help the Assistant Surgeon 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 Chief Medical Officer.

Chief Medical Officer to Supervise Treatment of Out-patients

7.74 The Chief 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 hospitalisation. The Medical Officer shall himself examine all outpatients at least once a week.

7.75 Prisoners suffering from only minor ailments shall be treated as out-patients. The Chief 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.

Assistant Civil Surgeons to Treat Out-Patients

7.76 Subject to the foregoing provisions, the examination and treatment of out-patients may be conducted by Assistant Civil Surgeons.

Treatment of Sick Prisoners in the Hospital

7.77 The treatment of sick prisoners in the prison hospital shall be under over all supervision of the Medical Officer. If, in his absence, the Assistant Civil Surgeon takes any action for the treatment of a prisoner, he shall record the action taken in his Report Book and submit it to the Medical Officer immediately on his return.

Chief Medical Officer's Daily Visit

- 7.78 The Chief Medical Officer shall visit all prisoners kept in hospital under observation every day and shall decide whether a prisoner needs to be discharged from hospital.

Supply of Hospital Clothing and Bedding

- 7.79 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 are changed regularly to maintain cleanliness, and that in cases of infectious disease all clothings and beddings are thoroughly disinfected.
- 7.80 Every patient in hospital shall be provided with a proper mattress, a pillow and white sheets.
- 7.81 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.

Segregation of Infectious Cases

- 7.82 Every case, or suspected case, of infectious diseases shall immediately be segregated and the strictest isolation shall be maintained until the Chief 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 himself that the same are carried out.

Segregation of Prisoners in the Prison Hospital

- 7.83 Cases of dysentery and diarrhoea 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.
- 7.84 Prisoners suffering from venereal diseases shall be segregated.
- 7.85 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.
- 7.86 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.
- 7.87 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.
- 7.88 Prisoners showing signs of lunacy shall not, if they are dangerous, noisy or filthy, be kept in the hospital but shall be kept in a separate cell.
- 7.89 In some cases, it may be considered for prisoners in hospital to be given some employment. Light work shall, therefore, be provided for them.

- 7.90 Wherever necessary, cases of inmates shall be referred to specialised medical institution with the prior sanction of the competent authority.

Treatment of Malingerers

- 7.91 If the Chief 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.

Treatment of Prisoners discharged from Hospital

- 7.92 Every prisoner on discharge from hospital shall either be put to labour or placed in the 'Invalid Group', as the Chief Medical Officer may direct.

Composition of the Invalid Group

- 7.93 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 anaemic.

Treatment of the Invalid Group

- 7.94 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 Chief Medical Officer. They shall be examined daily by the Medical Subordinate, and once a week by the Chief Medical Officer.

Procedure on Death of a Prisoner

- 7.95.1 The death of any prisoner, which is a custodial death, shall be handled as per the procedure laid down in the Code of Criminal Procedure, 1973, and the guidelines issued by the National Human Rights Commission from time to time.
- 7.95.2 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.
- 7.95.3 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.
- 7.95.4 The record required by Section 15 of the Prisons Act, 1894 shall be made by the Chief Medical Officer in the case book.

Registration of Birth or Death in Prison

- 7.96 The Deputy Superintendent of Prisons 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 (Central Act XVIII of 1969).

Death in Custody

- 7.97.1 Deaths of all prisoners whose fingerprints have been taken and if known in prisons, shall be intimated immediately to the Finger Print Bureau.
- 7.97.2 When a military prisoner dies in prison, immediate report thereof shall be given to the Commanding Officer who sent him to the prison.
- 7.97.3 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.
- 7.97.4 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.
- 7.97.5 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.

Recording of Death

- 7.98 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.

Disposal of the Dead Bodies of Prisoners

- 7.99 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) The body may be handed over to the relatives only after a post-mortem in the hospital, 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.

- 7.100 The relatives of prisoners, if poor, may be paid a maximum amount of Rs. 5000/- for transporting the dead body of the prisoner to their native place or for performing last rites.

Intimation to inquiring Magistrates and Police Officers

- 7.101 Intimation of all deaths, including that of children residing with female prisoners, occurring from whatever cause in the prison shall be sent to:
- (i) the nearest Magistrate empowered under sub-section (4) of Section 174 and 176 of the Code of Criminal Procedure, 1973 to hold inquests;
 - (ii) the officer in charge of the police station having jurisdiction, who is required to make a preliminary investigation.
 - (iii) National and State Human Right Commission within 24 hours of death.
- 7.102 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.

Report on Death of Prisoners

- 7.103 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.

Indent for Clothing and Bedding

- 7.104 The quantities of clothing and bedding required for hospital use shall be reported in fixed time by the Chief Medical Officer to the Superintendent who shall include them in the general indent as the case may be of prison clothing submitted for sanction by the Inspector General.

Indent for Other Articles

- 7.105 For articles other than diet, clothing and bedding, the Chief Medical Officer shall indent by letter to the concerned authority of the State Health Services.

Local Purchase of Medicines

- 7.106 Local purchase of medicines will be effected by the Chief Medical Officer as per the norms laid down by the State Health Services.
- 7.107 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.

Placing Indents for Supply of Medicines

- 7.108 The Chief Medical officer/Medical Officer shall procure medicines required for the prison hospitals in accordance with the procedure laid down by the State Medical Services.

Stock Verification by the Superintendents of Prisons

- 7.109 The stock verification of medicines and medical instruments shall be carried out by the Chief Medical Officer/Medical Officer in accordance with the procedure laid down in the State Medical Services.

Appointment of Attendants and Training of Nursing Orderlies

- 7.110 For the purpose of attending to sick prisoner a few educated convicts of good conduct and undergoing long sentences shall be selected by the Superintendents 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 Assistant Surgeons who, under the direction of the Medical Officer, 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 allowed extra remission and gratuity at the same rate and scale as prescribed for a convict night watchman.

Appointment of prisoners to perform unskilled tasks at the Hospital

- 7.111 The Superintendent shall detail sufficient number of convict to perform unskilled tasks 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.

Case Sheet

- 7.112 A case sheet and temperature chart shall be prepared as per the norms laid down in the State Medical Services.

Vaccinations of Prisoners on Admission

- 7.113 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 Services.

Vaccination Register

- 7.114 A vaccination register shall be maintained and the particulars of those vaccinated shall be entered in it as per the norms laid down by the State Medical Services.

Medical Examination of the Members of the Staff

- 7.115 Medical 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.

Fortnightly Weighing

7.116 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.

7.117 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.

Record of weights

7.118 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 Medical History Sheet and weight chart.

7.119 Before recording the prisoner's weights, it shall be ascertained that the weighing machines are accurate.

Treatment of Prisoners Losing Weight

7.120 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 Chief Medical Officer on the day following the day the weighing is done.

7.121 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.

Check by Chief Medical Officer

7.122 The Chief 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.

Chapter VIII

CONTACT WITH OUTSIDE WORLD

Reasonable facilities to be allowed for interviews and letters

- 8.01 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.⁷ The number of letters a prisoner can write in a month shall be fixed by the Government under the rules.
- 8.02 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.
- 8.03 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. The number of persons who may interview a prisoner at one time shall ordinarily be limited to three.

Privileges Contingent on Good Conduct

- 8.04 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 Prison. 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.

⁷ *Sunil Batra v. Delhi Administration* (1980) 3 SCC: "Visits to prisoners by family and friends are a solace in insulation, and only a dehumanized system can derive vicarious delight in depriving prison inmates of this humane amenity".

Also, *Francis Coralie Mullin v. The Administrator, Union Territory of Delhi and others*, AIR 1981 SC 746: "Personal liberty would include the right to socialize with members of the family and friends subject, of course, to any valid prison regulations and under Art. 14 and 21 such prison regulations must be reasonable and non-arbitrary".

- 8.05 These privileges of interviews with visitors, and of writing and receiving letters, are contingent to good conduct. These privileges may be suspended or withdrawn by the Superintendent of Prison on grounds of bad conduct.

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.

Superintendent's Discretion to Grant Privileges at Shorter Intervals

- 8.06 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.

Prisoners Allowed to Sign a Power of Attorney

- 8.07 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.

Interview with Prisoners in the Same Prison or in Hospitals Outside the Prison

- 8.08 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.
- 8.09 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.

8.10 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, 1860.

Superintendent's Permission for Interviews Required

- 8.11 No prisoner shall be allowed to have an interview without the permission of the Superintendent of Prison. Such permission shall be recorded in writing.
- 8.12 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.

Waiting Rooms

- 8.13 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.

Interviews on Prison Holidays

- 8.14 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.

Time for Interviews

- 8.15 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.

Place of Interview

- 8.16 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 fiber 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. However, the Superintendents of Prisons may allow well-behaved prisoners to have face-to-face interviews after giving due consideration to security and other related aspects.
- 8.17 Interviews with female prisoners shall, if practicable, take place in the female enclosure/ward.
- 8.18 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.

- 8.19 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.
- 8.20 The interview should be conducted twice a week according to alphabetical order of names.

Prevention of Passage of Prohibited articles during interview

- 8.21 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.

Interview to take place in the presence of a prison officer

- 8.22 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 Superintendent, a Matron, an Assistant Matron 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, voters identification card, driving license and/or passport.

Communication with or Visit to Foreign Nationals

- 8.23 If any foreign national is committed to prison, or to custody pending trial, or is detained in any other manner, the Superintendent of Prison shall, immediately inform the Inspector General of Prisons. 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.
- 8.24 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 Prison shall inform the Government of such request from the Consulate. Only on receipt of orders from the government the Superintendent of Prison 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/detainee. This is also subject to general regulations regarding interviews in prisons.

Termination of Interview

- 8.25 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.

Duration of Interview

- 8.26 Ordinarily, the time allowed for an interview shall not exceed half an hour. However, this may be extended by the Superintendent of Prison at his discretion.

Search before and after Interview

- 8.27 Every prisoner shall be carefully searched before and after an interview.

Powers to refuse an interview

- 8.28 The Superintendent of Prison 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.

Withholding of Letters and their disposal

- 8.29 Criteria for withholding of letters of prisoners is as under:

- 8.29.1 Prisoners may be allowed to write letters only to their family members, relatives and close friends. Prisoners should also be allowed to correspond with the counsels handling their cases. 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, 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.
- 8.29.2 There may be no limit on the number of incoming letters to a prisoner.
- 8.29.3 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.
- 8.29.4 The Superintendent of Prisons 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.
- 8.29.5 For the purpose of these rules applications sent by prisoners should not be treated as letters.
- 8.30 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.

- 8.31 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 Prison, or it may be returned to the sender under intimation to that prisoner. The Superintendent of Prison may, if he deems it necessary, communicate the contents of such a letter to the prisoner.

Prisoners May Keep Letters

- 8.32 A prisoner may retain any letter which has been delivered to him under due authority.

Supply of Writing Materials and Other Facilities

- 8.33 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.
- 8.34 Prisoners shall be allowed to purchase writing material at their own expense. All notebooks provided to them should have their pages numbered to keep a check on their misuse and to prevent secret correspondence.

Exclusion from Privileges

- 8.35 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

8.36 Under mentioned facilities may be granted to under trial and civil prisoners:

- 8.36.1 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.
- 8.36.2 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.
- 8.36.3 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 Prison that he is the bona-fide legal adviser of the prisoner with whom he seeks interview and that he has legitimate business with him.

8.36.4 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 (Central Act XXVI of 1961) may be caused to be delivered personally to such legal advisor, or to his authorized nominee, by the Superintendent of Prison. If such communication is confidential it shall be delivered without being previously examined.

8.36.5 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

Communications from a Prisoner who is a Member of the State Legislature or of Parliament

8.37 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, shall be immediately forwarded by the Superintendent of prison 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.

Telephonic and Electronic Communication

8.38 The Superintendent of Prisons may allow a prisoner the use of telephones or electronic modes of communication on payment, to contact his family and lawyers, from time to time, in accordance with the State policy. 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 such facilities, the Superintendent shall ensure that such permission is not given to prisoners who have a record of unruly behaviour and bad conduct.

Other Amenities Relating to Prisoners

8.39 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.

8.40 All prisoners 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 received is 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.

Facilities for Appeal shall be explained

- 8.41 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.

Welfare Officer shall Record the Desire of the Prisoner to Prefer an Appeal

- 8.42 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 the Superintendent or Additional Superintendent at the time of the prisoner's physical verification.

Superintendent to Forward Petitions of Appeal

- 8.43 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.

Application for Copy of Judgement

- 8.44 If the copy of the judgement 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 judgement 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 judgement, the prisoner had been transferred to another prison, or to the custody of any other officer, the transcript of the judgement 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 judgement is received by the prisoner, the Superintendent of Prison shall ensure that a reminder for sending a copy of the judgement is sent to the concerned court every week. If the copy of the judgement is not received within 1 month of forwarding the application to the court, the Superintendent of Prison shall detail a prison officer to visit the court personally and collect a copy of the judgement and have it delivered to the prisoner.

Prisoners to be assisted in Preferring Appeals

- 8.45 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 Prison. 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.

- 8.46 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.

Special Leave to Appeal

- 8.47 The procedure governing the submission of petitions of special 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 1950. These rules lay down that a petition for special leave to appeal should be drawn up in the proper form and should be accompanied by the following documents:

- i. certified copy of the judgement of the court appealed from
- ii. An affidavit to the effect that notice of the intended petition for special 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, 1950
- iv. An application for condonation of delay in filling 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 judgements of the lower courts.

- 8.48 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 and who should ordinarily be kept away from adults
- 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.

- 8.49 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.
- 8.50 The provisions which are applicable to petitions for Special Leave to appeal to the Supreme Court on behalf of the condemned prisoners, shall also apply to such petitions on behalf of other convicts.

Exclusion of Time Taken in Obtaining Copy of Judgement

- 8.51 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 judgement 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, 1 963 (Central Act 36 of 1 963).
- 8.52 The period allowed under the Limitation Act 1 963 (Central Act 36 of 1 963) for filing of appeals to different courts are as follows:

	Description of appeal (1)	Period of limitation (2)	Limitation starts from (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		
	i. to the High Court	60 days	The date of the sentence or order
	ii. to any other Court	30 days	The date of the sentence or order

- 8.53 In order to enable the appellate courts to calculate the period of limitation prescribed for criminal appeals under the Limitation Act, 1 963 (Central Act 36 of 1 963), every appeal petition shall be endorsed with the following notice, signed by the Superintendent of Prison :

"The period requisite for obtaining a copy of the order appealed against to be excluded from the period of limitation under section 12 of Limitation Act 1963 (Central Act 36 of 1963), was days."

Delay in Preparing Petition to be Noted

- 8.54 If any delay has occurred in preparing the appeal or revision petition after the receipt of the copy of judgement, a note of such delay shall also be made on the appeal or revision petition.

Maintenance of Appeals Register by the Welfare Officer

- 8.55 The Welfare Officer shall maintain an Appeal Register in Form No. 8.1. He shall cause the register to be placed before the Superintendent of Prison or Additional Superintendent 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 judgement copy is sent, the date of the receipt of judgement copy; the date of delivery of the judgement copy to the prisoner or other nominated party, and date of receipt of appeal from the prisoner.
- 8.56 The Superintendent or Additional 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 Additional 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

Notice of the Date of Hearing shall be Communicated to the Prisoners

- 8.57 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 notice, on the notice. The notice shall then be attested by the Superintendent or Additional Superintendent and returned to the concerned court.

Personal Appearance of the Prisoner in the Appellate Court

- 8.58 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.

Appeal Procedure with Regard to Persons Convicted by Court Martial

- 8.59 No appeal lies from a sentence passed by a court martial under the Army Act, 1950 (Central Act XLVI of 1950). The prisoner has a right to submit one petition only, against the judgement 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.

Record of the Result of Appeal

- 8.60 In every case in which a sentence is modified or reversed on appeal, the Superintendent of Prisons 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 or Additional Superintendent.
- 8.61 In every case in which a sentence is confirmed on appeal, the Superintendent of Prison 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 or Additional Superintendent.

Communication of Appellate Orders

- 8.62 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.

Record of the Appellate Order

- 8.63 The order and judgement of the Appellate Court, the copy of the original judgement, and other connected records, shall, be filed and kept along with the prisoner's warrant.

Chapter IX

TRANSFER OF PRISONERS

Reasons and Circumstances for Transfer

9.01 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.

Home State

9.02 In the case of a prisoner, who has long ceased to have any link with the State of his birth, and who is domiciled in the State where he is imprisoned and where his close relatives live, the latter State may be treated as his home State for the purpose of transfer. This shall be ascertained from his antecedents, or by enquiries regarding his/her relatives, before deciding to transfer such prisoner.

Powers of Inspector General

9.03 Inspector General of Prisons has following powers:

- 9.03.1 Subject to the order and control of the State 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 State.
- 9.03.2 The powers to transfer any prisoner under sentence of death from one prison to another shall rest with the State Government.
- 9.03.3 The sanction of the Inspector General however will not be necessary for transfer of prisoners in the following cases, where the Range Deputy Inspector General of Prisons and the Superintendent of Prison 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.

Explanation: Copy of Intimation regarding the transfer of a prisoner in the above three circumstances shall, however, be submitted to the Inspector General immediately.

- (iv) Transfer of prisoners on administrative grounds by Deputy Inspector General of Prisons/Superintendent of Prisons to prisons within their jurisdiction.

Transfer of sick Prisoners

9.04 Prisoners may be transferred from one prison to another prison on following grounds:

- 9.04.1 No prisoner who is sick shall be transferred except for the benefit of his/ her health.
- 9.04.2 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.
- 9.04.3 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.
- 9.04.4 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.
- 9.04.5 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.

Prisoners convicted in the same case

9.05 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.

Transfer of habitual prisoners

9.06 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 himself that sufficient reasons for transferring the prisoner exist.

Transfer of young offenders

9.07 Young offenders (in the age group of 18 to 21) admitted to a prison shall be transferred to a suitable institutions for young offenders, under the orders of the Inspector General. 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.

Transfer of prisoners convicted by civil courts of competent jurisdiction on reciprocal basis

9.08 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 unexpired portion of sentence is at least three months at the time of his transfer. He would be moved either to a prison in the district to which he belongs or to a prisoner nearest to his native place. In the case of any such prisoner to be transferred to his native State, the Superintendent of Police and the Probation/ Welfare/ Rehabilitation Officer of that district of the state shall confirm the fact that the prisoner is native of that district of the state.

9.09 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 address as also addresses of his relatives in his 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 home State, unless there are adequate reasons against it - for instance, his being out of mind or obstreperous or an aged parent wishing to be able to see his 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 origin from the date he is received.

Explanation: (iii) The prisoners' property and wages earned by him in the prison till the date of his transfer shall be sent, along with the prisoner, to the prison to which he is transferred.

Transfer of prisoners convicted by court martial overseas or in India on reciprocal basis

9.10 Every ex-military prisoner convicted by a court martial overseas, or in India, and confined in any prison, other than a prison in his State of origin, may be transferred to a prison in his State of origin. The Superintendent of Prison, where the prisoner is confined, shall immediately after his admission, send the nominal roll and written declaration of the ex-military prisoner in duplicate to the Inspector General, 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 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.

Transfer of prisoners prior to release

- 9.11 Every habitual prisoner, police registered prisoner, prisoner ordered to pay a fine, a prisoner required to notify residence subsequent to his release, a person ordered to undergo imprisonment in default of furnishing security for maintaining peace or good behaviour, a prisoner with mental health concerns, and a female or young offender, if confined in a distant prison, shall be transferred to the prison nearest to his home, one clear week before the date of the expiry of his substantive sentence.
- 9.12 The prisoners so transferred shall be confined in the outer quarantine block of the receiving prison and released therefrom. 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 transfer.
- 9.13 This provision 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 home and contains accommodation for his reception.
- 9.14 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.

Transfer of prisoners belonging to other States

- 9.15 Prisoners belonging to other States may be transferred on following grounds:
 - 9.15.1 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 State Government concerned as the receiving depot for prisoners removed from the State. A prisoner sentenced to more than three months of imprisonment shall be transferred to a prison in his home district earlier than two months if he 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 Prison 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 to any prison to which he 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 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 Superintendents 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 is undergoing sentence, is deemed inexpedient; he 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.

- 9.15.2 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 any time 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 belong to Bhutan and Nepal, such intimation shall be sent to the Governments of these countries through India's Political Officers or the Indian Embassy, as the case may be.

Transfer during epidemics

- 9.16 Prisoners shall not be transferred while cholera or any other epidemic disease is present in either the transferring or the receiving prison. Transfer along a route where cholera or any other epidemic is prevalent, shall also be avoided as far as possible.

Grounds of re-transfer to be state

- 9.17 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.

Police to escort prisoners

- 9.18 Police escort to the prisoners is given on following grounds:
- 9.18.1 The responsibility of escorting prisoners rests with the police. The Superintendent of Prison shall endeavour 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.

- 9.18.2 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.

Application for escort

- 9.19 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.

Precautionary measures

- 9.20 Criteria for precautionary measures is as under:

- 9.20.1 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:

- (i) Prisoners with sentence of five years and above
- (ii) Prisoners whose conduct in prison is bad or who have been found to be dangerous
- (iii) Prisoners involved in heinous offences.
- (iv) Prisoners sentenced under section 224 (Indian Penal Code, 1860), and those who are known to have escaped or have attempted to escape in the past.
- (v) Any other important information.

- 9.20.2 The District Collector, Superintendent of Police and the Superintendent of Prison shall be informed in advance when prisoners likely to attract public attention and cause a stir are being transferred.

Provision of Female Warders

- 9.21 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.

Intimation of prisoners transferred to be given

- 9.22 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.

Procedure prior to transfer

- 9.23 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.

Dispatch of prisoner's property

- 9.24 Prisoner's property is transferred:

- 9.24.1 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.
- 9.24.2 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.

Documents to accompany prisoners

- 9.25 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 judgement, 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.
- 9.26 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 Jailor 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.

Prisoners to be searched before dispatch

- 9.27 Every prisoner shall be searched in the presence of the Deputy Superintendent and escort party before dispatch.

Supply of food and clothing on journey

- 9.28 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 civilians clothing at government cost.
- 9.29 Subsistence allowance shall be paid to all remand and under-trial prisoners, at rates as fixed by government from time to time.

Duty of the escorting officer

- 9.30 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.
- 9.31 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.

Not to be admitted to Central Prisons en route

- 9.32 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.

Custody of females and juveniles

- 9.33 During transit, female and young offenders shall be separated from adult male prisoners.

Search during transit

- 9.34 Male prisoners shall be searched by the officer in charge of the escort daily during transit.

Transfer by rail or water

- 9.35 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.
- 9.36 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.

Transfer by road

- 9.37 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.

Procedure if prisoner falls sick

- 9.38 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.

Procedure in case of death of a prisoner in transit

- 9.39 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 judicial 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.

Procedure if prisoner escapes

- 9.40 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.

Admission of transferred prisoners

- 9.41 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.

Verification of lists accompanying prisoners

- 9.42 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.

Facilities in the matter of letter writing

- 9.43 Special facilities for writing letters to family, before and after transfer, may be extended to prisoners at the discretion of the Superintendent of Prison. Stationery for the same shall be provided by the prison authorities.

Chapter X

REPATRIATION OF PRISONERS

- 10.1 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.
- 10.2 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 Organisation 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.
- 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.
- 10.3 India has also acceded to multilateral convention of the Organisation 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 Organisation 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).

10.4 The procedure for processing such repatriation requests is briefly described below and is detailed in guidelines issued by way of Advisory by MHA 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.

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 XI

EXECUTION OF SENTENCES

Method of calculating a sentence

- 11.01 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.
- 11.02 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 release shall be 16th March.

Serving of sentences

- 11.03 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.
- 11.04 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.

Commencement of, and breaks in, imprisonment how reckoned

- 11.05 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.

Example 1: A prisoner sentenced on 1st January to one month's imprisonment shall be released on 31st January and not on 1st February.

Example 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.

- 11.06 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: 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.

- 11.07 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 or remission.

Date of release when two or more sentences run consecutively

- 11.08 When a prisoner is sentenced to two or more periods of imprisonment to be served consecutively, the date of release shall be calculated considering both terms as one.

Example 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 1st 9th November 2002.

Example 2: A prisoner is sentenced on 1st January to two months imprisonment and a fine of Rs. 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.

Date of release in the case of prisoners sentenced to imprisonment for life

- 11.09 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.
- 11.10 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.

Unexpired Sentence of an escaped convict

- 11.11 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 under-trial prisoner, shall not be reckoned as imprisonment under the original sentence.
- 11.12 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.

Date of release of prisoners sentenced for escape

- 11.13 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.

Periods that will not count towards sentence

- 11.14 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, 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.
- 11.15 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.
- 11.16 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.
- 11.17 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.
- 11.18 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.
- 11.19 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.
- 11.20 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.

When a foreigner is sentenced to a term of imprisonment

- 11.21 If a foreigner, apprehended and detained under Section 4 of Foreigners Act, 1946 (Central Act 31 of 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

Calculations of date of release on re-arrest and recapture of a prisoner

11.22 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:

11.23 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.

11.24 If a convicted prisoner, who has been released on bail, commits an offence during his bail period and is readmitted to the prison, the at large period shall be counted up to his date of readmission.

Calculation of sentence of imprisonment in default of payment of fine

11.25 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
- (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 of fine 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 2^{9th} 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 Rs. 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 Rs.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 Rs.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.

Payment of fines to prison

- 11.26 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 prison 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.

Liability of prisoner to payment

- 11.27 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 Prison shall accept the whole fine, if tendered, even though a part of the alternative imprisonment has been undergone.

Intimation of payment of fine

- 11.28 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.
- 11.29 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.

Prisoners to be informed

- 11.30 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 or the Additional Superintendent and the Dy. Supdt. A separate Inward Register for the receipt of the fine intimation shall be maintained.

Imprisonment in default of giving security plus a substantive sentence

- 11.31 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

- 11.32 A prisoner, while undergoing three month's 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 in a sum of Rs.25 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.
- 11.33 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 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.
- 11.34 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.
- 11.35 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 behaviour 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.
- 11.36 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 specifically 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.
- 11.37 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 .

Procedure when sentence is suspended

- 11.38 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.
- 11.39 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.

When retrial is ordered

- 11.40 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.
- 11.41 If a convicted prisoner is to be handed over to police for the purpose of investigation, Government orders suspending his sentence are necessary.

Procedure when a sentence is modified or reversed on appeal

- 11.42 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.
- 11.43 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 judgement of the appellate Court.
- 11.44 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.
- 11.45 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.

Procedure when a sentence is confirmed

- 11.46 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.
- 11.47 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.
- 11.48 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 warrant's to the Officer in charge of the prison.

Prisoner shall be informed of the result of his appeal or application

- 11.49 In all cases the Superintendent of Prison 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.

Calculation of sentence modified on appeal

- 11.50 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.

Effect of annulling the first of two sentences

- 11.51 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;
- 11.52 When separate sentences have been passed in separate trial and the sentences run consecutively under section 427 of the Code of Criminal Procedure Code, 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:

- 11.53 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 release on 31st December.

Illustration:

- 11.54 A prisoner is sentenced on 1st July to six month's 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.
- 11.55 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.
- 11.56 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.

When an Appellate Court annuls a sentence and orders retrial

- 11.57 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.

Chapter XII

PRISONERS SENTENCED TO DEATH

Chapter Definitions

12.01 For the purposes of this chapter,

- i) “prisoner” means a prisoner who is sentenced to death.
- ii) “relative” in relation to a prisoner means spouse, children, grandchildren, parents, grand-parents, parent’s brother or sisters, parents-in-law, grand-parents-in-law, brothers or sisters of spouse, children of brothers or sisters and children of brothers or sisters of the spouse;

Search of prisoners sentenced to death on admission

12.02 On admission of a convict in a prison the Superintendent shall report the admission to the State Government. The Superintendent shall also report to the State 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 State Government regarding stay of his execution.

12.03 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. A female convict shall be searched by a female Jailor or under her orders, by a Matron. In the absence of a female Jailor or Matron, such search may be made by any other suitable female or by a Female Guard an convict officer as ordered by the Jailor.

12.04 Subject to the provisions of Section 30, all private property shall be removed from the convict.

Issue of Articles on Admission

12.05 The Senior Jailor shall ensure that the following articles are issued to a convict; on his admission to a prison:—

- i) a pant without cord;
- ii) two all wool blankets or two cotton wool blankets, one for spreading and another for coverage;
- iii) a pot, plate and a mug of thin light aluminium.
- iv) A thin Kasti may be issued to a Parsee convict.

12.06 Two cotton sarees/ salwar kameez 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.

12.07 A sheet in Appendix – 8 shall be maintained by the Superintendent for every convict.

Confinement in cell in special yard

- 12.08 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 Jailer who shall satisfy himself about its fitness and safety. No prisoners except convicts under sentence of death shall be kept in the special yard.
- 12.09 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.

Cell to be examined

- 12.10 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.
- 12.11 When there are two or more condemned prisoners confined in a prison at the same time, in cells situated at some distance from one another, a separate guard shall be posted for each cell. However, if the cells are contiguous one Warder shall be posted to guard a maximum of four such prisoners. For any number of cells in excess of four, an extra guard shall be posted even when the cells are contiguous.
- 12.12 With two rows of cells facing and within a reasonable distance of each other, one Sentry may be given charge of up to four cells on one side and four on the other.
- 12.13 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.
- 12.14 The Sentry guarding these cells shall be relieved every two hours.

Guarding

- 12.15 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.
- 12.16 A guard shall in no case be given more than two hours duty at a stretch.
- 12.17 Every guard shall be equipped with a regulation baton and shall be so posted that the convict shall be under continuous watch. He should not be armed with a fire-arm, bayonet or any sharp weapon. 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.
- 12.18 If the guard on duty notices a prisoner attempting to commit suicide he shall raise alarm for help and enter the cell.

- 12.19 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 Prison and any other officer authorized by the Superintendent in that behalf.
- 12.20 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 Director General/ Inspector General and the Regional D.I.G.

Observation

- 12.21 The prison officer incharge should carefully observe the behaviour of prisoners sentenced to death with special focus on his mental status.
- 12.22 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 Director General/ Inspector General immediately after the final disposal of the case.
- 12.23 A copy of the case history and psychological notes shall be sent by the Director General/ Inspector General to State Government immediately on receipt together with his own remarks thereon if any. Such record may prove useful for psychological study and research purposes.

Search

- 12.24 Prisoner under sentence of death shall be thoroughly searched in the presence of the Jailor-in-charge:-
- i) immediately on opening of the cell in the morning when guards on duty are changed and before lockup;
 - ii) every time he is taken out of or is returned to his cell.

Restriction on removal

- 12.25 Prisoners sentenced to death shall not be removed to the prison hospital for treatment without the special sanction of the Deputy Inspector General of Prisons.
- Provided that 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 immediate treatment in the prison hospital. 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.

Special Treatment

- 12.26 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.

- 12.27 The Superintendent is authorized to issue suitable diet to prisoners sentenced to death after consultation with the Medical Officer.

A prisoner may, on the recommendation of the Chief Medical Officer, be allowed exercise in open air and within the prison walls, morning and evening, under the care of the guard. If the Superintendent considers it expedient so to do, the convict may be handcuffed, when he is taking exercise.

Interviews

- 12.28 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.
- 12.29 The Jailor shall before granting interviews, ensure that all precautionary and security measures are taken before hand.
- 12.30 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.
- 12.31 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 State 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.

Facilities

- 12.32 A prisoner sentenced to death may be allowed the following facilities with the approval of the Superintendent of Prison:-
- i) Religious books;
 - ii) Religious pictures;
 - iii) Rosary and essential religious emblems subject to security requirements;
 - iv) Newspapers and books;
- 12.34 The Superintendent is authorized to incur an 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.
- 12.35 The DG/ IG may allow further expenditure on a prisoner sentenced to death in urgent, compassionate and deserving cases.

Observation

- 12.36 A case history in Appendix – 9 shall be compiled in respect of each convict.

Insanity

12.37 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 Deputy Inspector General 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 judgement should also be sent as soon as possible.

12.38 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.

12.39 The Superintendent and the Chief 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.

12.40 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.

12.41 Where State Government orders 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.

- 12.42 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.
- 12.43 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.

Pregnancy

- 12.44 Where a female convict is certified by the Chief Medical Officer to be pregnant, the Chief 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.
- 12.45 When a woman prisoner sentenced to death declares herself to be pregnant, and the Chief 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 State Government through the DG/IG for postponing the date of the execution. If the Chief Medical Officer confirms the fact of pregnancy, the provisions of paragraph shall apply.
- 12.46 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 State Government for which the Superintendent shall apply immediately through the DG/IG.

Appeal facilities

- 12.47 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 special 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.
- 12.48 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 State Government and the DG/IG.
- 12.49 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.

Petition for mercy - Role of prison authority.

12.50 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.

12.51 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.

12.52 If the convict submits a petition within the period of seven days prescribed by 12.51, it should be addressed to the Governor of the State and the President of India. The Superintendent of the Jail shall forthwith dispatch it to the Secretary to the State Government in the Department 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/email/special messenger) to the Secretary to the State Government in the Department concerned, drawing attention to the

fact, but he shall in no case carry out the execution before the receipt of the State Government's reply.

- 12.53 If the convict submits a petition after the period prescribed by 12.51, the Superintendent of the Jail shall at once forward it to the State 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 State Government and at the same time by fax/email/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.
- 12.54 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 State Government and ask for its orders and to defer execution till they are received. In such instances, assistance of the District Legal Services Authority should be sought.
- 12.55 The Superintendent shall at once repeat back to the Secretary to the State Government in the Department concerned all correspondence communicating orders to him regarding petitions for mercy, by way of acknowledgment of their receipt.
- 12.56 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.
- 12.57 Death convicts are entitled as a rights to receive a copy of the rejection of the mercy petition by the President and the Governor.
- 12.58 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.
- 12.59 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 State Government for further action.
- 12.60 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.

- 12.61 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.
- 12.62 Post-mortem reports. After the execution of death penalty, post-mortem would need to be mandatory performed to ascertain the exact cause of death.

Petition for mercy –Action by Government

- 12.63 If the convict submits a petition within the above period, it shall be addressed to the Governor of the State and the President of India. The execution of sentence shall in all cases be postponed pending receipt of their orders.
- 12.63 The petition shall in the first instance be sent to the State Government for consideration and orders of the Governor. If after consideration it is rejected it shall be forwarded to the Secretary to the Government of India, Ministry of Home Affairs.
- 12.64 If it is decided to commute the sentence of death, the petition addressed to the President of India shall be withheld and an intimation of the fact shall be sent to the petitioner:-

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 State Government but shall forthwith be forwarded to the Secretary to the Government of India, Ministry of Home Affairs.

- 12.65 If the convict submits the petition after the period prescribed by 12.52 above, it will be within the discretion of the State Government to consider the petition and to postpone execution pending such consideration and also to withhold or not to withhold the petition addressed to the President. In the following circumstances, however, the petition shall be forwarded to the Secretary to the Government of India, Ministry the Home Affairs.

i) 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

ii) when there are any circumstances about the case, which, in the opinion of the State 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.

- 12.66 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 State Government, the petition 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. In the case of other States, the Government of the State concerned shall, if it had previously rejected any petition addressed to itself or the Governor, also forward a brief statement of the reasons for the rejection of the previous petition or petitions.

- 12.67 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.
- 12.68 A petition submitted by a convict shall be withheld by the Government of the State, 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.
- 12.69 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.
- 12.70 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.

- 12.71 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 State Government concerned, shall forthwith communicate by telegram to the Government Advocate, Ministry of Law, and also to the Secretary to the Government of India, Ministry of Home Affairs:
- i) the name of the convict under sentence of death, and
 - ii) particulars relating to the appeal or the application.

- 12.72 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 State 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.
- 12.73 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 State 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 State Government of the State concerned, by express letter, endorsing a copy of his communication to the Secretary to the Government of India, Ministry of Home Affairs. The State Government of the State concerned, 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 State 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.
- 12.74 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.

Communication to have special marking

- 12.75 The words 'Death sentence' should be inserted before the address in communication relating to capital sentence.
- 12.76 In all cases receipts of orders communicating the rejection of petitions shall invariably be acknowledged by registered letter. The orders of Government postponing the execution shall immediately be acknowledged by wireless message.

12.77 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.

Action on final confirmation of Death Sentence

12.78 The State Government shall fix the date of the execution of a convict if his Mercy Petition is rejected.

12.79 On receipt from the State 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 Jailor.

Execution of death sentence

12.80 All executions shall take place at the prison to which the warrant is directed, unless expressly ordered otherwise in the warrant. 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.

Postponement on medical grounds

12.81 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.

12.82 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.

Delay in capital sentence

12.83 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.

Witnessing the execution of death

- 12.84 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.

Arrangement for execution

- 12.85 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:- 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.

- 12.86 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 1½ 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.
- 12.87 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 meters.;
 - (ii) If the prisoner weighs from 45.330 to 60.330 kgs, he should be given a drop of 2.290 meters.
 - (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 meters;
 - (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 meters.;
 - v) If the prisoner weighs more than 90.720 kgs, he should be given a drop of 1.830 meters.
- 12.88 Provided that so long as the extreme limits of 1.830 meters on the one hand and 2.440 meters 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:- The above calculations are based on the assumption that the execution rope will be made of cotton yarn / manila of 2.59 to 3.81 cms Diameter.

- 12.89 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.
- 12.90 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.
- 12.91 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.
- 12.92 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.
- 12.93 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 dummy or a bag of sand weighing 1½ 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.
- 12.94 Wax / butter shall be applied to the loop of the rope. After testing, the ropes and other equipment shall be securely locked and sealed in a steel box and shall be kept in charge of the Deputy Superintendent.

Presence of officers at execution of prisoner

- 12.95 The Superintendent, Deputy Superintendent, Senior Jailor and Chief Medical Officer shall be present at all executions. An Executive Magistrate deputed by the District Magistrate shall attend the execution and countersign the warrant. 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.

- 12.96 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.
- 12.97 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.
- 12.98 Prisoners of all categories shall be kept locked up until the execution is over and the body removed from the prison.

Execution

- 12.99 The Superintendent, the Executive Magistrate, The 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.
- 12.100 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. The Superintendent shall invariably see that the rope round the neck of the prisoner is adjusted properly and the knot is placed in the proper position.
- 12.101 The operations mentioned above should be done simultaneously and 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 release the trap-door.
- 12.102 The body shall remain suspended for half an hour before being taken down or until the Chief Medical Officer has certified that the life is extinct.

Hangman's fees

- 12.103 The hangman shall be paid at the rates fixed by the State Government for the execution of each convict.

Disposal of body

- 12.104 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.

- 12.105 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.
- 12.106 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.

Report of execution of death sentence

- 12.107 The Superintendent shall, immediately after each execution, send a report thereof to the DG/IG in Appendix – 10 and he shall return the warrant duly endorsed to the Court which issued it.

Chapter XIII

EMERGENCIES

Situations to be handled on an emergency basis

13.01 The following situations shall be handled as emergencies:

- i. Escape from prison
- ii. Outbreak
- iii. Riots
- iv. Strikes
- v. Hunger Strikes (individual or mass)
- vi. Assault
- vii. Suicide
- viii. Accidents
- ix. Fire
- x. Epidemic
- 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. Nuclear, biological and Chemical Disasters
- xxi. Any other man-made/ natural disasters

Measures to prevent and control emergency situations

13.02 It is the responsibility of the Superintendent to take sufficient measures for preventing and controlling emergency situations, in conformity with the Disaster Management Act, 2005 and any other Act, that may be relevant and all other instructions/orders issued by the competent authority from time to time, it. These measures may inter alia 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 Prisons) to use force in emergent situations as is given to the police.

Equipment for emergencies

13.03 Each prison shall be properly equipped with the following to meet various types of emergencies:

- i. Fire fighting equipment
- ii. Emergency lighting arrangements like electric torches , gas lights, kerosene lamps and oil torches

- 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
- xii. Video camera/ Digital camera/ any other electronic equipment for photography/ modern equipment suitable to tackling any of the above emergencies

The State Government may consult SDRF/ NDRF/ MHA for revision of list of equipments from time to time.

- 13.04 The Superintendent shall obtain the necessary sanction of the Inspector General of Prisons for the purchase of articles listed above.
- 13.05 It shall be the responsibility of the Superintendent of Prisons to ensure that all these equipments are always kept in good condition for use in emergency.

Preparations for emergencies

- 13.06 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.
- 13.07 Each central and district prison should have a Quick Reaction Team as provided in Chapter V (Custodial Management). The personnel of this squad should be given special training in handling various emergencies or unforeseen situations and should also be properly equipped and ready for action.
- 13.08 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.

General instructions for handling emergencies

- 13.09 The general instructions to be followed in handling emergencies:
 - 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 Additional or Deputy Superintendent who shall reach the prison immediately and either assists the Superintendent or take charge of the situation.

ESCAPE

Sounding an alarm

- 13.10 A siren or an alarm bell (which may be electronic, electric or manual) 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.
- i. Use of control measures, such as handcuffing, locking prisoners, segregating the trouble makers and mob dispersal
 - ii. Tightening all security measures according to the requirements of the situation
 - iii. Mustering all possible help for effective handling of the emergency
 - iv. Obtaining all necessary assistance from the District Collector, the Police and the Fire Brigade.
- 13.11 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.

Escape attempts

- 13.12 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.

When an escape takes place from an extramural group

- 13.13 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.
- 13.14 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.

Duty of the Deputy Superintendent

- 13.15 As soon as a report of an escape is received, the Deputy Superintendent or another senior officer on duty shall:
- 13.15.1 dispatch a party of sufficient strength to search the locality where the escape has occurred, and

- 13.15.2 inform the Superintendent and the Additional Superintendent of the escape who in turn shall take suitable action for apprehending the escaped prisoner/prisoners.

Escape during night

- 13.16 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.

Duty of Superintendent

- 13.17 The Superintendent shall 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 district other than that in which he was in prison, intimation shall be sent to the Magistrate of his district or to the Commissioner of Police of that area.

Report to the Inspector General

- 13.18 If a prisoner escapes, the Superintendent, or in his absence the Additional Superintendent or 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.

Publication of escapes

- 13.19 Notice of escape of prisoners and of the rewards offered for their recapture shall be published in the District Gazette, if so ordered by the Inspector General.

Power to sanction reward

- 13.20 The Inspector General of Prisons may take decisions regarding the sanctioning of rewards in such cases.

Reward to prisoners preventing an escape

- 13.21 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.

Punishment for facilitating an escape

- 13.22 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, 1860 unless very extenuating circumstances are present or the Superintendent considers the evidence insufficient to procure a conviction.

Procedure on recapture

13.23 The recapture of the prisoner shall be informed to all those who were informed of the escape originally.

13.24 A recaptured prisoner may be received back into prison on his original warrant.

Disposal of warrants of escaped prisoners

13.25 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.

OUTBREAKS

Alarm to be sounded on outbreak

13.26 Whenever there is a jail outbreak, or and agitation inside a prison, the concerned Superintendent / Addl. Superintendent of Prison should inform the District Police who will take necessary action to control the situation and bring order inside the prison. However, till the arrival of the District Police, the prison guards and security personnel guarding the prison shall initiate steps to control the situation and prevent further untoward incidents.

13.27 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 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, Additional Superintendent and Deputy Superintendent who shall summon every available man.

When the alarm is sounded

13.28 At the sound of the alarm the reserve guard shall arm themselves with service weapons arms 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.

Duty of convicts on hearing an alarm

13.29 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.

Methods of quelling disturbances

- 13.30 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.
- 13.31 On arrival of the Superintendent, or Additional Superintendent, their orders shall be taken and all officers from the rank of Deputy Superintendent and below shall act as per their orders.
- 13.32 Prison officials shall not attempt to disperse a mob outside the prison unless the prison staff is threatened.
- 13.33 Enquiries on incidents like assaults on prison officials shall be conducted by the Superintendent, or such other officer as the Inspector General may direct.

Defence of main gate

- 13.34 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.

Disturbance within wards

- 13.35 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.

Treatment of extramural groups

- 13.36 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.

Rehearsal of procedure on alarm

- 13.37 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

Procedure when unnatural death occurs

- 13.38 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.
- 13.39 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.
- 13.40 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 procedures laid down in the chapter on death should be followed.

Custody of articles used for suicide

- 13.41 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.

Precautions against the prisoners with apparently suicidal tendencies

- 13.42 Prisoners with apparently suicidal tendencies shall be carefully watched and not left alone in a cell. Such prisoners should also be referred to counselors and psychiatrists and should be supervised closely.

Employment of convicts on dangerous work

- 13.43 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.

Custody of poisons

- 13.44 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 labelled "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.

Precaution against drowning

- 13.45 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

Prevention of fire

- 13.46 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.
- 13.47 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.
- 13.48 Fire shall be used in the workshops in properly constructed fireplaces 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.
- 13.49 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.
- 13.50 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 District Fire Officer.
- 13.51 Electric installations in the prison shall be inspected at regular intervals.
- 13.52 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.
- 13.53 Each 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.
- 13.54 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.
- 13.55 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.

EPIDEMICS

Epidemics and precautions against them

- 13.56 Epidemics which are likely to occur in prisons are cholera, enteric fevers, gastro-enteritis, chicken pox, measles, mumps, influenza, cerebrospinal meningitis, pneumonia, plague, beriberi, scurvy and epidemic dropsy.
- 13.57 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.

Removal to a segregation shed

- 13.58 Every prison shall be provided with a permanent segregation shed 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.

Treatment of prisoners after contact with infection

- 13.59 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.

Prison officers' clothing, if infected

- 13.60 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.

Treatment of the infected barrack

- 13.61 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.

Vaccination or inoculation

- 13.62 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.

Accommodation of patient

- 13.63 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 diarrhoea shall also be treated separately and not admitted to the hospital until the characteristic symptoms of cholera and diarrhoea have disappeared.

Sterilisation of drinking water

- 13.64 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. As far as possible, reverse osmosis plants should be in place in prisons to prevent water borne diseases.

Observation of prisoners

- 13.65 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. Convict officers 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.

Treatment of hospital floor

- 13.66 The floor of the segregation hospital shall be washed or sprinkled liberally with 2% saponified cresol or izal lotion.

Disposal of dejecta

- 13.67 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.

Cleanliness of prisoners

- 13.68 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.

Treatment of clothing and bedding

- 13.69 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.

Disposal of a infected corpse

- 13.70 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/cremated without the least delay.

Report to the Inspector General

- 13.71 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 diseases.
- 13.72 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 reasons for that as well. If the Inspector General is absent from the Headquarters, the report shall be telegraphed to him.

When shall a disease be deemed epidemic

- 13.73 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.

Rules generally applicable to epidemics

- 13.74 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.

Daily report during epidemic

- 13.75 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 Medical Services.

Special epidemiological inquiry

- 13.76 The Inspector General, in consultation with the Director of Public Health and Preventive Medicine, may call for an epidemiological inquiry or report from the Chief Medical Officer/ Medical Officer 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 STRIKES

Procedure to be followed in cases of hunger strikes

- 13.77 Prisoners who go on hunger strike 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.
- 13.78 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 *vakalatnama* shall be executed by the prisoners in favour of the member of the legal profession and only that member shall be permitted to interview the prisoner in this regard.
- 13.79 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.

- 13.80 When prosecutions are instituted under Section 52 of the Prisons Act of 1894, the proceedings shall be held within the prison and shall be started and completed with as little delay as possible.

Forcible feeding of prisoners on hunger strike

- 13.81 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.

Daily report to the government

- 13.82 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

Overcrowding shall be reported to the Inspector General

- 13.83 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.

Measures to relieve overcrowding

- 13.84 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.

Keeping prisoners in sheds or tents

- 13.85 Prisoners in excess of the accommodation shall not, except as a temporary measure, be placed in worksheds or verandahs, 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.

Earth Quake

- 13.86 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.

Other emergencies

- 13.87 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. A Contingency plan be in place at every jail to tackle any emergency situation such as attacks and similar. Senior officers should review such contingency plans during their visits/inspections.

Chapter XIV

EDUCATION OF PRISONERS

- 14.01 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 re-integration. Education reduces the tendency to commit crimes. This would mean less crime, fewer victims, fewer prisoners, more socially productive people, and less expenditure on criminal justice and law enforcement.
- 14.02 Education is harmonious and necessary for the 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 adjust to the social environment and facilitate his ultimate re-integration in society.
- 14.03 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.

Objective

- 14.04 The objective behind educational programmes in prisons may be to channelise 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 may aim at:
- (i) providing opportunities to 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 when they are released,
 - (vi) helping them to improve their personalities and ability for social adjustment through individual and group guidance in social living, planning,
 - (vii) developing a 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.

Planning

14.05 Educational plan for prisoners will be such that:

- (i) The purpose of education is to facilitate transformation, reformation and re-integration of prisoners into society. In order to achieve these objectives, an adequately trained educational staff and minimum facilities like class rooms and libraries should be provided in every prison.
- (ii) Education of illiterate young offenders and adult prisoners shall be compulsory. Correctional Services will pay special attention to educational programmes.
- (iii) Because of wide variations in intelligence level and individual interests of inmates, it is essential to organise diverse educational programmes to suit the needs of the larger groups.
- (iv) Educational programmes should cover subjects which would help develop the inmate as affective members of social groups. The programmes should also help develop insight on the part of the inmates.
- (v) The nature of the educational programmes in an institution should be related to the size and type of the inmate population and the time earmarked for these programmes. Educational activities should 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 State so that after their release they may continue their education without difficulty. These programmes should be related to after-care programmes also.
- (vii) The education policy should be formulated in a manner which is adjustable to social environment, leading to ultimate resettlement of a prisoner in the society. Education should be organised at three levels:
 - (a) For the illiterate inmates
 - (b) For the intermediates
 - (c) For advanced education.
- (viii) Educational personnel should be oriented, through special training courses, to implement correctional policies, programmes and methods as far as practicable.
- (ix) Non-Governmental Organisations should be extensively involved in the educational programmes.

Nature of an Educational Programme

14.06 The educational programme should consist of:

- (i) Physical including yoga and health/hygiene 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

Educational Policy for Inmates

- 14.07 On admission to the prison, the criteria for initial classification of prisoners should be done on the basis of their educational background, their aptitude to follow further studies, their social background and vocational education.
- 14.08 The policy behind academic education should aim at:
- (i) Making every illiterate prisoner literate
 - (ii) Developing educational qualifications of prisoners
- 14.09 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/University or institution, he should be given due facilities for it. He should 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 should 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.

Classification of Prisoners

- 14.10 Prisoners should be classified on the basis of their academic/educational qualifications and their aptitude for further learning at the time of admission in the prison. It should be made compulsory for each prisoner to sit in educational classes, arranged as per their qualification, for at least two hours in the day, preferably in the morning hours.
- 14.11 The classification committee and educational personnel should 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 should be organised for different groups of inmates.

Help of educated prisoners

- 14.12 The help of educated prisoners should be liberally obtained for carrying out educational programmes, in addition to the help taken from regularly employed teachers, and utilising similar facilities offered by N.G.Os.

Language Classes

- 14.13 Language classes should be encouraged. These classes could be run by the educated prisoners, regular teachers and NGOs. This will help the prison administration harmonise relations between prisoners of different cultures and communities and would improve discipline in the prison.
- 14.14 Keeping in view the special needs of prisoners, a booklet should be prepared which would enlist various educational programmes being carried out in the prison.

Schools for Young offenders

- 14.15 Every prison should have a regular school where young offenders can attend regular classes in shifts. This school could be a branch of any government school being run by the Education Department of the State, with the Education Department providing teachers, equipment and material for teaching young offenders. The school should provide education for primary, secondary and senior secondary levels. It should be mandatory for each young offender to attend classes. The staff posted in the prison should be paid special incentive for maintaining prisoners' interest in attending school.
- 14.16 The prisoners who pass various examinations should be given certificates as are given to students studying in regular schools. Care should be taken to ensure that there is no mention of the young offender's imprisonment on such certificates.

Education for Short Term Prisoners

- 14.17 For under-trial prisoners, and prisoners sentenced to short term imprisonment, educational classes could be organised in the yards/enclosures where such prisoners are kept. This would facilitate better organisation of regular classes for prisoners who are required to undertake educational programmes on a short, medium or long term basis.

Personnel and Equipment

- 14.18 Following personnel and equipment for the educational programme for prisoners should be provided:
- (i) Teachers should be provided for running and guiding the adult educational programmes in prisons. Teachers from the Education Department could be posted to the prison on transfer/deputation basis. Inmates, who are educated and whose conduct has been good, should be given training in imparting education to others. These trained inmates should assist the regular teachers in organising diversified educational programmes. The services of retired teachers or NGOs. could also be obtained in running the educational programmes.
 - (ii) Necessary equipment for education like books, stationery, writing material, furniture, etc., should be provided at Government cost. In each prison, a building should be earmarked/constructed as a school for carrying out

educational activities. Buildings and areas for educational programmes should be earmarked in accordance with the minimum standards as fixed by the Education Department for similar purposes.

- (iii) Study/examination centres of National Open School/Indira Gandhi National Open University should be established in every Central/District Prison. The strength of educational personnel should be fixed in accordance with the inmate population and the educational programmes to be organised.
- (iv) The educated prisoners, who help the prison administration in conducting educational programmes, should be given wages/honorarium by the Prison Authorities.
- (v) Audio-visual equipment should 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.

Curriculum

- 14.19 Curriculum should be drawn up in accordance with the needs of each inmate group. It should be in line with the educational programmes conducted in other educational institutions in the state. It should be planned in such a way as to synchronise with the length of sentence of the inmates. Educational schedules and time tables should be drawn to fit the total programme of the prison.

Tests and Examinations

- 14.20 Following concessions shall be given to prisoners for pursuing their higher education.
- (i) At the end of each educational project, inmates should be given tests and examinations. These tests/examinations should be conducted inside the prison by the Education Department/National Open School/Indira Gandhi National Open University.
 - (ii) No fees, including examination fee, should be charged from students appearing in various examinations. Cases of brilliant students should be recommended to Education Department and other agencies for grant of scholarship.

Liaison

- 14.21 The institution should establish liaison with the Department of Education/NOS/IGNOU and other approved educational institutions for obtaining educational material and other help.

Library

- 14.22 Following facilities in the prison library should be provided:
- (i) Books in the library should 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 books, magazines, and newspapers. These shall be issued to the prisoners. Prisoners should be encouraged to develop reading habits.
- (iii) A librarian should be employed 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 should keep details of books and periodicals available in the library subject/title wise for use by prisoners and for the information of the Superintendent of Prison.
- (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.

Social, Moral, Cultural and Spiritual Education

14.23 Meditational therapy should be used for holistic healing.

Prison Publication

14.24 There should be a monthly/quarterly publication for the inmates in select institutions for information dissemination.

Accountability

14.25 It should 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, should be one of the principal factors on which the performance of these officers should be evaluated.

Chapter XV

VOCATIONAL TRAINING AND SKILL DEVELOPMENT PROGRAMMES

Objectives of Skill Development Programmes and Vocational Training

- 15.01 Vocational training and skill development programmes should be treated as essential features of prison correctional programmes. The objectives of such programmes should 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 cooperative way of living; and
 - (d) a sense of group adjustment
 - (iv) Developing the 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 re-adjustment 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.

Policy of the Government

- 15.02 Every State and Union Territory should have a clear policy for skill development programmes and vocational training of prisoners. This policy should be incorporated in the Prison Manual/Rules.
- 15.03 The employment and production policy in prison should be designed to cater to the needs of prisoners coming from both rural and urban areas. The emphasis should be on the kinds of skills and jobs that would ensure employment, or self-employment once the inmate is released from prison.

- 15.04 A "Board of Skill Development Programme and Vocational Training", under the chairmanship of Inspector General of Prisons, should be set up at the Prison Headquarters and vested with full fiscal and administrative powers. The function of the Board should be to:
- (i) plan and implement programmes of skill development and vocational training,
 - (ii) arrange funds required to run such programmes,
 - (iii) fix a policy of production,
 - (iv) examine the economic aspects of the skill development programmes,
 - (v) put prison skill development programmes on a sound commercial footing,
 - (vi) ensure coordination at all levels,
 - (vii) evaluate the performance of the skill development programme each institution,
 - (viii) introduce practices and procedures of modern management of production,
 - (ix) guide, supervise, direct and control all matters relating to institutional skill development programmes and vocational training,
 - (x) organise workshops in after-care homes for discharged prisoners, and
 - (xi) promote marketing of prison products.
 - (xii) In consultation with the Ministry of Skill Development and Entrepreneurship, the Government of India may identify certain trades as suitable for the inmates to be trained in so that once they are released, they may be gainfully employed.
- 15.05 Government departments, semi-government departments, cooperatives and public undertakings should purchase articles produced in prison industries as per requirements from the Department of Prisons and Correctional Services.
- 15.06 Clear rules for the purchase of raw material, consumable articles, tools and equipment should be laid down to eliminate chances of misappropriation or waste.
- 15.07 A policy should be laid down for the employment of carefully selected prisoners in public undertakings, co-operative farms of the State, and agro-based industries organised in the cooperative sector when they are released from prison.

Vocational Training

- 15.08 Vocational training programmes, in self-employing trades and occupations, should be organised in every central and district prison for employable convicts.
- (i) Such programmes should be open to under-trial prisoners who volunteer to undergo such training after testing their vocational ability.
 - (ii) Wherever possible in larger prisons, an Industrial Training Institute should be established and where it is not possible to establish one, the help of local Industrial Training Institutes could be obtained in training the prisoners.

- (iii) The prison should have adequate staff for efficient organisation 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 should have a properly defined organisation 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, should be treated as essential investment for the purpose of training and resettlement of offenders.
 - (vi) Special emphasis should be given to vocational training of young offenders, young adult offenders, and others who may derive benefit from the training projects.
- 15.09 Qualified technical personnel should 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 State.
- 15.10 Vocational training programmes should be designed to suit the needs of prisoners sentenced to short, medium and long term imprisonment.
- 15.11 Active linkages should be established with the department of Technical Education, Directorate of Industries (including Cottage Industries), Industrial Training Institutes, Polytechnics and Vocational Training Institutions as well as approved NGOs to develop vocational training programmes on a practical and pragmatic basis.
- 15.12 On the completion of vocational training courses, inmates should be examined by the Department of Technical Education of the State/Union Territory concerned and on passing the examination they should be awarded a regular Certificate/ Diploma by that department.
- 15.13 As a measure of incentive, inmates demonstrating good progress in skill development programmes and vocational training should be allowed to visit important undertakings and other government owned industries.
- 15.14 The prison industry should be given preferential treatment in the matter of granting permission to run various industrial/production units by the State Government.
- 15.15 The executive and supervisory personnel should be given training in modern methods of management.
- 15.16 Diversification of programmes of vocational training should be given due priority when the Master Plan for diversification of skill development programmes is designed.

Employment of Prisoners

- 15.17 Apart from convicts, under-trial prisoners, who volunteer to work, should also be employed on skill development programmes and be given vocational training in

their enclosures. The under-trial prisoners employed in the prison industry, or agriculture, should be given fair and equitable remuneration on the same scale as prescribed for convicts. They should also be given labouring diet and other facilities. Under no circumstances should undertrials and remand prisoners be allowed to interact with convicted prisoners.

- 15.18 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.
- 15.19 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.
- 15.20 When the Medical Officer is of the opinion that the health of a prisoner is suffering due to 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.
- 15.21 Prisoners sentenced to medium and long terms of imprisonment should be given training in multiple skills so that they are able to compete with the conditions in the labour market outside the prisons.
- 15.22 For planned employment of inmates the following factors should be taken into consideration while organising skill development 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.
- 15.23 Prisoners sentenced to less than one year of imprisonment should be employed in prison maintenance services, gardening, work-centres and work camps and paid suitable wages for their work.
- 15.24 Prisoners sentenced to imprisonment for one year or more should be employed in production units in closed or open prisons.

Prison Industries and Skill development Programmes

- 15.25 Prison industries should be organised on business-cum-commercial basis. Preference to prison products, while purchasing articles for office use, should be given by the various government departments.
- 15.26 The skill development programmes should also include essential institutional maintenance services like culinary, sanitary and hygienic services, prison hospital, other prison services, repairs and maintenance services. Prisoners may also be employed in the service of maintenance and construction of prison buildings, for

which they will receive adequate remuneration or wages in accordance with the rules of the Public Works Department.

- 15.27 Prison skill development programmes should 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.
- 15.28 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 Factory Manager or Deputy Superintendent, shall note the task the prisoners begins, and subsequent progress, in his History Ticket.
- 15.29 Every inmate should be given training and work experience in the use of hand tools in different services, jobs and production units.
- 15.30 Every prisoner sentenced to undergo simple imprisonment who opts to do labour 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 is fit to perform either hard or medium labour.
- 15.31 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.
- 15.32 A standard list of equipments, tools, accessories and spare parts, which each production unit must always have, should be prepared and maintained.
- 15.33 In every institution there should be a separate and properly organised maintenance workshop to repair the machinery and equipment in time and to prevent breakdown.
- 15.34 Products manufactured by Prison Industries should be varied/changed depending on market trends and demands.
- 15.35 The organisation of accounts and inventory should be modernised on business lines.

Standardisation of Products

- 15.36 Various products of prison industries should be standardised. A handbook containing details of standardisation, and the manufacturing process of various production units, should be prepared for the guidance of personnel.
- 15.37 Catalogues of standardised products of prison industries should be prepared for securing orders from the market for various production units.
- 15.38 Technical supervision should be improved and a system of quality control introduced at every stage of production, so that market competitiveness can be maintained. The percentage of profit should not be the motive behind production by prison industries.
- 15.39 Costing of prison products should be done on a rational basis taking into account various limitations and handicaps of prison
- 15.40 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.
- 15.41 Prisoners who have been discharged and are found suitable shall be employed in show rooms and prison product outlets, as far as possible.

Targets of Production for Prison Industries

- 15.42 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.
- 15.43 It should be the responsibility of the Superintendent of Prison to meet the targets of production as set above.
- 15.44 The task sheet of each prisoner should be correctly maintained by the technical personnel-in-charge of the production units.

Wages

- 15.45 Wages should be fair and equitable and not merely nominal and paltry. These rates should be standardised keeping in view the minimum wages given as notified by the government from time to time.
- 15.46 With a view to keep the wage system in prisons in harmony with that in the free community, the wages should be reviewed every three years and revised whenever necessary.
- 15.47 A portion of wages payable to the convicts should be deducted towards his general maintenance in prison (including diet, clothing and bedding) along with a portion towards victim compensation fund and other amounts in accordance with rules to be framed for this purpose by the State Government.
- 15.48 The wages should be deposited in the prisoner's saving bank account on a fixed date every month and the passbook shall be kept with prisoner concerned.

Safeguards for Prisoners Engaged in Work

- 15.49 The following facilities should 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;
- 15.50 Periodical medical examination of prisoners, working in production units having hazards of occupational diseases, should be carried out.
- 15.51 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, as certified by the Chief Medical Officer.
- 15.52 Hours of work for each group of prisoners should be prescribed in accordance with the programme content of each institution, but total hours of work should not exceed nine hours in a day.
- 15.53 A daily time schedule should be worked out for each institution.
- 15.54 Prisoners may not be allowed to work in the production unit after the locking time unless absolutely necessary.

Tasks to be Imposed on Female Prisoners and Young Offenders

- 15.55 The tasks to be imposed on females or young offenders 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.

Female Prisoners not to Work Outside Female Enclosures

- 15.56 Female prisoners may be deployed to work in open prisons exclusively established for women prisoners subject to the condition that adequate security measures are taken and no male staff are deployed.

No Prisoner to be Employed for Private Work

- 15.57 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.

Execution of Work for Outside Agencies

- 15.58 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.

Yearly Audit of the Accounts

- 15.59 The accounts of the production/work unit will be systematically audited by the government auditors for each financial year.

Agriculture

- 15.60 Following infrastructural facilities in terms of agriculture should 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 skill development programmes and vocational training in correctional institutions.
 - (ii) The land available with an institution should 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 State Agriculture Department and other allied agencies should 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 fertiliser, equipment and electricity should also be made available to prison farms.
 - (x) Adequate funds should be provided for the 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 shall be decided by the Prison authorities as per the requirement..
- (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 skill development 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 agrobased production units.
- (xix) Measures shall be taken to develop horticulture, floriculture and cultivation of medicinal plants and similar activities wherever feasible.

Dairy and Poultry Farms

- 15.61 Dairies should be developed on open prison farms on commercial lines under proper technical guidance. These should not be operated from closed prisons.
- 15.62 Poultry farms should also be organised at open farms. These should be run on commercial lines under proper technical supervision.

CHAPTER XVI

LEGAL AID

Constitution of Legal Services Authorities

- 16.01 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.
- 16.02 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.
- 16.03 In every State, a State Legal Services Authority (SLSA) and in every High Court, a High Court Legal Services Committee has been constituted. District Legal Services Authorities and Taluk Legal Services Committees have been constituted in the Districts and most of the Taluks 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 State.
- 16.04 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.
- 16.05 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.
- 16.06 Similarly, at the State 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 SLSA.
- 16.07 At the District level, District Judge is the chairman of District Legal Services Authority and chief Judicial Magistrate or equivalent judicial officer is the Secretary of District Legal Services Authority.

Functioning of Legal Services Institutions

- 16.08 NALSA lays down policies, principles, guidelines and frames effective and economical schemes for the State Legal Services Authorities to implement throughout the country.

- 16.09 The State Legal Services Authorities, District Legal Services Authorities, Taluk Legal Services Committees, etc. have been entrusted 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.
- 16.10 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.
- 16.11 Under the LSA 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 Rs. 1 lakh (in the Supreme Court Legal Services Committee the limit is Rs. 1,25,000/-);
 - Victims of trafficking in human beings or begar;
 - Transgenders.

The following practices should be adopted so as to ensure provision of free and competent legal services to persons in custody.

Appointment of Jail Visiting Advocates

- 16.12 States 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.

Legal Aid Clinic in every prison

- 16.13 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.

Legal literacy classes in prisons

- 16.14 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.

Maximum period for which under-trials can be detained

- 16.15 According to Section 436A CrPC, 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.

Constitution of Under-trial Review Committee

- 16.16 A committee consisting of the District Judge, as Chairperson, 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.⁸
- 16.17 The State 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.

Cases which are compoundable in nature

- 16.18 The State 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 therefrom at the earliest.

Right to free legal representation or legal aid

- 16.19 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

⁸ *Bhim Singh v. Union of India*, Writ Petition No. 310 of 2005.

- moment s/he is produced before him or her for the first time even if the accused has not asked for it out of ignorance.⁹
- 16.20 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.¹⁰ 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.
- 16.21 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.
- 16.22 The Superintendent should inform convicts of their right of appeal against conviction.

⁹ *M.H. Hoskot v. State of Maharashtra* AIR 1978 SC 1548; Also, *Hussainara Khatoon v. Home Secretary, State of Bihar* (1980) 1 SCC 98: *The right to free legal service is ... clearly an essential ingredient of 'reasonable, fair and just' procedure for a person accused of an offence and it must be held implicit in the guarantee of Art. 21. This is a Constitutional right of every accused person who is unable to engage a lawyer and secure legal services on account of reasons such as poverty, indigence or incommunicado situation and the State is under a mandate to provide a lawyer to an accused person if the circumstances of the case and the need of justice so required, provided ofcourse the accused person does not object to the provision of such lawyer.*

¹⁰ *Suk Das v. UT of Arunachal Pradesh*, (1986) 2SCC 401.

Chapter XVI

WELFARE OF PRISONERS

Basic Elements of Welfare Programmes

- 17.01 The objectives of welfare programmes in prisons should 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 counseling,
 - (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,
- 17.02 The starting point of all welfare programmes shall be the initial classification of the prisoner and the study of individual inmates. The welfare programme should 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.

Counseling

- 17.03 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 dept. 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.

In *Re: Illegal Detention of Machang Lalung* (WP No. 296 of 2005), the Supreme Court issued the following directions to avoid mentally ill persons languishing in psychiatric hospitals for long periods:

- Whenever a person of unsound mind is ordered to be detained in any psychiatric hospital/nursing home under Section 330(2) of the CrPC, the periodic progress reports as contemplated under Section 39 of the Mental Health Act, 1987 shall be submitted to the concerned Court/Magistrate to ascertain the mental condition of the accused and pass appropriate orders wherever necessary.
- Wherever any undertrial prisoner is in jail for more than the maximum period of imprisonment prescribed for the offence for which he is charged (other than those charged for offences for which life imprisonment or death is the punishment), the Magistrate/Court shall treat the case as closed and report the matter to the medical officer incharge of the psychiatric hospital, so that the Medical Officer incharge of the hospital can consider his discharge as per Section 40 of the Mental Health Act.
- In cases where, the under trial prisoners (who are not being charged with offence for which the punishment is imprisonment for life or death penalty), their cases may be considered for release on bail in accordance with sub-section (1) of Section 330 of the CrPC, if they have completed five or more years as inpatients.
- As regards the undertrial prisoners who have been charged with grave offences for which life imprisonment or death penalty is the punishment, such persons shall be subjected to examination periodically so as to ascertain whether the under trial prisoner is fit enough to face the trial to defend the charge. The Sessions Judge shall commence the trial of such cases as soon as it is found that such mentally ill person has been found fit to face trial.

Psychotherapy

- 17.04 Psychotherapy and cognitive behaviour therapies may also be used in prisons as they have been recognised as effective for the treatment of prisoners suffering from mental disorders.

Guidance

- 17.05 Pamphlets containing the rights, duties, entitlement, discipline and daily routine of a prisoner (including a handbook on Rights and Duties as provided in Appendix – 1) should be printed and distributed so that a prisoner may follow the 'dos' and 'don'ts' and maintain discipline during his confinement.
- 17.06 The above literature should also be kept in the prison library and issued to prisoners who can read.
- 17.07 Illiterate prisoners should 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.

Recreation, Sports, Cultural Activities, Films, Library

- 17.08 Cultural and recreational activities should 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 should form the integral part of an institutional regime.
- 17.09 Recreational and cultural activities should be organised 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, ludo and carrom.
 - (iv) Film Shows: Historical, patriotic, biographical, scientific and educational films, travelogues, documentaries, newsreel, and films dealing with social themes should be shown. Films depicting crime, sex, violence, suspense, and such other subjects that may have a damaging effect on the minds of inmates and should not be shown to them. Each Central and District prison, should have facilities for showing films to the prisoners/ inmates. A library of good films should be developed at the headquarters of the Inspector General of Prisons and Director of Correctional Services and these films should be circulated to various institutions. Close liaison should 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) Handicrafts and art work: 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, stenciling, paper-craft, papier-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 Prison.
- 17.10 Every prison and allied institution should have an annual sports/cultural meet. Inter-Institution and Inter-State sports meets of inmates should also be organised. The sports groups from outside could be invited into the prison for playing various games with the prisoners.
- 17.11 Yoga and meditation should be practised daily for which the hours should be fixed. Meditation centres may be opened and NGO support may be availed for this purpose. It should be ensured that discourses during meditation sessions are secular in nature.
- 17.12 Well known personalities in the fields of art, sports, literature, culture and music should be invited to the prison as guests on various occasions to inspire the prisoners and be role-models for them.
- 17.13 There shall be a play ground for outdoor games and a community hall for cultural programmes in every prison.

Role of N.G.Os.

- 17.14 Approved N.G.Os. should be extensively involved in organising sports and cultural meets and other welfare activities.
- 17.15 Care shall be exercised in the selection of welfare agencies/N.G.Os. for carrying out welfare programmes. Approved N.G.O.s/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.

- 17.16 No member of a Welfare agency/N.G.O. shall be associated with a prison if he/she has a criminal record. For this purpose an undertaking may be obtained from the Agency/N.G.O.
- 17.17 The good work done by welfare organizations and N.G.O. in prisons should be publicly appreciated.

Prisoners' Panchayat

- 17.18 Every prison and allied institution should have prisoners' panchayats. These panchayats should consist of very carefully selected inmates, who are of good conduct and who have the potential and ability to organise events and activities. These panchayats should 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 should also be used for giving the prisoners an opportunity to express their problems and seek redressal.
- 17.19 The working of these panchayats should be continuously monitored by the prison administration. The Superintendent or Dy. Superintendent of Prison should as far as possible should personally participate in the panchayat meetings.
- 17.20 A 'Mahapanchayat' of all the panchayats should 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 should also participate in such Mahapanchayat in different prisons in the State from time to time.

Celebration of Festivals

- 17.21 Independence Day, Republic Day and Mahatama Gandhi's birthday should be celebrated in each prison to inculcate a feeling of the patriotism among the prisoners. Cultural programmes could also be organised on such occasions and special food can be served to the prisoners.
- 17.22 The main festivals of all religions should be celebrated. In these every prisoner should be encouraged to participate. Any special treatment to a group of prisoners belonging to a particular caste or religion is strictly prohibited.

Spiritual Development

- 17.23 Well known personalities from all religions should be invited to deliver lectures to prisoners for their moral upliftment. Assistance from approved N.G.Os. and welfare agencies may be sought in this regard. It should be ensured beforehand that the content and tenor of such lectures is not such as would cause resentment among people of other religions.
- 17.24 Every prisoner should be allowed to perform his devotions in a quiet and orderly manner.

Implementation of Welfare Activities

- 17.25 The Superintendent shall be responsible for the smooth and orderly implementation of welfare activities in the prison.

- 17.26 The Superintendent shall submit quarterly reports of welfare activities being conducted in his prison to the Inspector General of Prisons.
- 17.27 Prison administration shall endeavour to access funds available under Corporate Social Responsibility for conducting various welfare activities for inmates and prison staff.

Chapter XVI

REMISSION

18.01.1 Remission can be of three types,

(a) firstly, remission under the provision of the Prisons Act, 1894 or respective Prisons Act of the State and Rules made thereunder. This can be earned by all eligible prisoners if they fulfill the required conditions provided hereinafter.

(b) secondly, remission in sentence granted by the appropriate Government under Section 432 of the Code of Criminal Procedure, 1973. The appropriate Government may remit the sentence of a prisoner, other than life convict, on case to case basis by following the procedure laid down in Section 432 of the Code of Criminal Procedure, 1973. It cannot deviate from the procedure prescribed under Section 432 of the Code of Criminal Procedure, 1973 while remitting the sentence of the prisoner on his request.

(c) thirdly, remission by the Head of the State under Article 72 or 161 of the Constitution of India. The Head of the State has all the powers to grant remission to any prisoner on his request as well as grant general remission to the specified category of prisoners on special occasions on the recommendation of the Council of Ministers. No rules can be laid down for the Head of the State for exercising powers under Article 72 or 161 of the Constitution of India.

The Rules in this chapter therefore apply only on remission to be granted by Prison authorities under sub-paragraph (a), that is, the provisions of the Prisons Act, 1894 or respective Prisons Act of the State and the Rules made thereunder.

18.01.2 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 learning and better work culture, with the prospect of their early release from prison as an incentive.

18.02 Remission is a concession, which can be granted to prisoners by Head of the State, appropriate Government or by the Head of the Prison Department or by the Superintendent of Prison. 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 State may be withdrawn or forfeited if the prisoner commits specified jail offences or conditions prescribed in the relevant order of remitting the sentence.

Purpose

18.03 Remission should be granted on the basis of an inmate's overall good behaviour during the stay in the Jail, willingness to take work while in custody, cooperation and help to the prison administration in prison management and general response to various institutional activities.

18.04 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.

Kinds of Remission by prison authorities

18.05 Remission by Prison authorities can be of the following types:

(i) Ordinary remission

(ii) Special remission

Ordinary Remission

18.06 Authority to grant ordinary remission: The Superintendent of Prison, or an officer nominated by him on his behalf, is authorized to grant ordinary remission

18.07 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 & 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 wilfully. (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.

18.08 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, and

vii) Prisoners out on special leave like medical leave, temporary release on parole, release on bail etc. for the duration of such leave.

18.09 Scale of remission for convicted prisoners: Ordinary remission may be granted to prisoners who are eligible for it at the scale shown below:

i) Three days per calendar month for good behaviour, discipline and participation in institutional activities,

ii) Three days per calendar month for performance of work according to the prescribed standards,

iii) 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.,

iv) Eight days per calendar month for those working as night watchmen. Night watchmen will not be eligible for remission mentioned in (a), (b) and (c) above,

v) 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,

vi) 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,

vii) Any prisoner eligible for ordinary remission, who for a period of one year from the date of his sentence, or the date on which he was last punished (except by way of warning) for a prison offence, has not committed any prison offence, should be awarded 30 days annual good conduct remission in addition to any other remission.

Special Remission

18.10 Authority to grant special remission: Head of the Prisons Department, on the recommendation of the Superintendent of Prison, will be the competent to grant special remission.

18.11 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 & craft and special skills to fellow inmates,
- vii) Specially good work in industry, agriculture or any other skill development programme, or in vocational training.

18.12 Scale of Special Remission: Subject to the fulfilment of any one or more of the conditions aforementioned, special remission not exceeding 30 days 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 Prison to those prisoners who are eligible for ordinary remission.

Remission by Head of the State

18.13 Remission granted by the Head of the State under Article 161 of the Constitution of India, acting on the aid and advice of the Cabinet of Ministers, shall be called Remission by Head of the State. Remission by Head of the State may be granted on occasions of National importance or public rejoicing.

Note - No Rules can be prescribed for the Head of the State for grant of this type of remission.

Eligibility

18.14 The remission by Head of the State can be awarded to such prisoners, or categories of prisoners, as the Head of the State may decide.

18.15 In case of prisoners who, at the time of general grant of remission by Head of the State, are released on temporary or emergency release like on parole or furlough

etc., specific orders of the Head of the State about the award of this remission to such prisoners are necessary;

Remission Committee

- 18.16 Remission by Head of the State may be granted at such scale, or in such quantum, as may be decided by the Head of the State.
- 18.17 The Remission Committee for remissions to be granted by the Jail authorities – The Remission Committee of each institution will consist of:
- i) Superintendent-in charge of the institution – Chairman,
 - ii) Deputy Superintendent or senior most prison officer available in the institution,
 - iii) Assistant Superintendent/Deputy Jailor/Assistant Jailor in charge of remission section,
 - iv) Officer in charge of Industries/ Vocational Training.

Functions of Remission Committee

- 18.18 The functions of this committee are:
- i) to attend to all matter pertaining to remission,
 - ii) to recommend cases of prisoners to Head of Prisons Department for the grant of special remission as per provisions of this manual.

Procedure

- 18.19 The members of the committee should 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 should meet every Monday in the first week of every month or as and when required. Monday means Monday or next working day, if Monday is a Jail holiday.

Notes: (i) 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.

(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) 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.

(iv) Ordinary remission should be calculated for full calendar months. It should not be granted for a fraction of a calendar month.

(v) Special remission may be granted for any fraction of a year accordingly

(vi) Maximum limit of ordinary and special remission which a prisoner can earn should not be more than one fourth of a substantive sentence (to be calculated from the date of his conviction). The remission granted by the Head of the State shall be in addition to the ordinary and special remissions which the prisoner has earned. However, in no circumstances, maximum limit of all types of remissions earned by a prisoner should not exceed one third of the substantive sentence.

(vii) Grant of remission to prisoners sentenced by court martial should be on the same principles as those applicable to other prisoners.

Life Convicts

18.20 Life sentence shall be taken as imprisonment for twenty years for the purpose of calculation of remission (as per the logic given in 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 his case will be examined by the Review Board for pre-mature release, the remission to his credit will be one of the factors on the basis of which the review of his sentence will be considered.

Miscellaneous

18.21 Prisoners sentenced by court martial shall be granted ordinary remission of 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.

18.22 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.

18.23 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.

18.24 Period spent outside the prison, such as release on furlough, period spent in Hospital in custody etc. 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 parole, bail, emergency release, escape and extradition etc.) 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.

Note- In all such cases the date for eligibility for annual good conduct remission will be duly postponed. Prisoners who have been released on bail, or whose sentence have been temporarily suspended, shall, on their readmission 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 readmission.

Removal and Revocation of Prisoner from Remission

- 18.25 The Head of the Prisons Department, on the recommendation of Superintendent of Prison, may remove any prisoner from remission for a period of six months for committing any specified prison offence. Similarly, the Superintendent of Prison 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.
- 18.26 With prior sanction of the Head of the Prisons Department, the Superintendent of Prison 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.

Conditions for Forfeiture of Remission

- 18.27 Remission earned by a prisoner may be forfeited by the Head of the Prisons Department on the recommendation of Superintendent of Prison;
- 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.

Record

- 18.28 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 in a prescribed Form (Appendix 11) in which 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 Rule 13 (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.

Chapter XIX

PAROLE AND FURLOUGH

- 19.01 Parole and furlough to inmates are progressive measures of correctional services. The release of a prisoner on parole not only saves him from the evils of incarceration but also enables him to maintain social relations with his family and the community. It also helps him maintain and develop a sense of self-confidence. Continued contacts with family and the community sustain in him a hope for life. The release of prisoner on furlough motivates him to maintain good conduct and remain disciplined in the prison. The provisions relating to release of the prisoner on parole and furlough should be liberalised to help a prisoner maintain a harmonious relationship with his family and the society and to be of good conduct during the period of incarceration. The privilege of release on parole and furlough should, of course, be allowed to selective prisoners on the basis of well-defined norms of eligibility and propriety.
- 19.02 The objectives of releasing a prisoner on parole and furlough are:
- i) To enable the inmate to maintain continuity with his family life and deal with familial and social matters,
 - ii) To save him from the evil effects of continuous long prison life,
 - iii) To enable him to maintain and develop his self-confidence,
 - iv) To enable him to develop constructive hope and active interest in life,
 - v) To help him remain in touch with the developments in the outside world,
 - vi) To help him remain physiologically and psychologically healthy,
 - vii) To enable him to overcome/ recover from the stress and evil effects of incarceration, and
 - viii) To motivate him to maintain good prison and disciplined in the prison.

Parole

- 19.03 Parole means temporary release of a prisoner for short period so that he may maintain social relations with his family and the community in order to fulfil his familial and social obligations and responsibilities. It is an opportunity for a prisoner to maintain regular contact with outside world so that he may keep himself updated with the latest developments in the society. It is however clarified that the period spent by a prisoner outside the Jail while on parole in no way is a concession so far as his sentence is concern. The prisoner has to spend extra time in prison for the period spent by him outside the Jail on parole. Parole may be of the following two types, depending upon the purpose behind it –
- i) Emergency parole under police protection: to cater to the familial and social responsibilities of emergent nature like death/ serious illness/ marriage of a family member or other close relative.

- ii) Regular parole: to take care of the familial and social obligations and responsibilities of regular nature as well as for the psychological and other needs of the prisoner to maintain contact with the outside world like house repair, admission of children to school/ college, delivery of wife, sowing and harvesting of crops, etc.

Furlough

19.04 Furlough means release of a prisoner for a short period of time after a gap of certain qualified number of years of incarceration by way of motivation for him maintaining good conduct and remaining disciplined in the prison. This is purely an incentive for good conduct in the prison. Therefore the period spent by the prisoner outside the prison on furlough shall be counted towards his sentence.

Emergency Parole

19.05 Emergency parole may be granted to the convict by the competent authorities as well as to the under trial prisoners by the trial court concerned, under adequate police protection, for a period extending up to 48 hours, in the following eventualities:

- i) Death or serious illness of father/ mother/ brother/s/ sister/s/ spouse/ children.
- ii) Marriage of brother/s/ sister/s/ children/ children of sister/s.

Eligibility

- 19.06.1 Convicts are entitled to emergency parole, regular parole and furlough, subject to the fulfilment of eligibility criteria and other conditions prescribed in this regard by the State Government under any local and special law or instructions etc.
- 19.06.2 Undertrial prisoners are not eligible for regular parole and furlough, and may be released only on emergency Parole, that too by the order of the concerned trial court.
- 19.06.3 The respective State Government/ Union Territory may enact a local and special law or issue instructions providing for temporary release of prisoners on parole and furlough. The eligibility criteria, competent authority to sanction parole/ furlough, liability for not surrendering at due time and date after availing parole/ furlough, grounds and frequency for release on parole/ furlough, procedures, duration of release on parole/ furlough, eligibility for release on furlough along with its duration and frequency and conditions relating to other connected matters etc. shall be properly laid down in the law/ instructions so provided.
- 19.06.4 Release on parole is not an absolute right, though, it is a legal right of every eligible prisoner as per the conditions laid down. This concession is subject to cancellation. The State Government/ Head of the Prison Department/ the Competent Authority reserves the right to debar/ withdraw any prisoner, or category of prisoners, from the concession of parole and furlough if the prisoner becomes ineligible or violates of the prescribed conditions in this regard.

Restriction on release of a prisoner on regular parole and furlough

19.07 The following categories of prisoners may not be eligible for release on parole or furlough:

- i) Prisoners whose immediate presence in the society may be considered dangerous or otherwise prejudicial to public peace and order by the District Magistrate and Superintendent of Police,
- ii) Prisoners who are considered dangerous or have been involved in serious prison violence like assault, outbreak of riot, mutiny or escape, or who have been found to be instigating serious violation of prison discipline as per the reports in his/ her annual good conduct report,
- iii) Prisoners convicted for heinous offences such as dacoity, terrorist crimes, kidnapping for ransom, smuggling of commercial quantity of narcotic and psychotropic substances and, in the opinion of the District Magistrate/ District Superintendent of Police, there is such prisoners they may not report back to the Prison after the completion of the parole or furlough period,
- iv) Convicted foreigners,
- iv) Prisoners committed for failure to give security for maintaining peace or good behaviour
- v) Prisoners suffering from mental illness, if not certified by the Medical Officer to have recovered
- vi) Prisoners whose work and conduct have not been good during the preceding 12 months.

19.08 Subject to the above, eligibility for parole should be regulated as follows:

Sentence	When due for first release on parole	When due for second release	When due for subsequent releases.	Duration of Leave per Year
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.	21 days
Exceeding five years but not more than 14 years	On completion of two years of actual imprisonment – to be counted from the date of admission to prison as	After completion of one year of actual imprisonment -- to be counted from the date of his last return from leave.	After completion of six months of actual imprisonment- to be counted from the date of his last return	21 days during the first five years of confinement and 28 days for the rest

	convict.		from leave.	of term.
Prisoners sentenced to life or imprisonment exceeding 14 years	On completion of three years of actual imprisonment — to be counted from the date of admission to prison as convict	After completion of one year of actual imprisonment— to be counted from the date of his last return from leave	After completion of six months of actual imprisonment to be counted from the date of his last return from leave	21 days during the first five years of confinement and 28 days for the rest of term

19.09 For calculation of sentences for the purpose of eligibility for parole and furlough, 'sentence' shall mean a sentence as finally fixed on appeal, or revision, or otherwise, and includes an aggregate of one or more sentences.

19.10 A register shall be maintained in the prison in the prescribed form in which all the details relating to release of prisoners on parole and furlough shall be maintained. This record shall also be maintained on computers wherever the computerisation of record has taken place. The prisoners shall be kept informed of his eligibility and right to release on parole and furlough on regular basis by updating the record in the history ticket of the prisoner.

Duration and Frequency of Regular Parole and Furlough

19.11.1 Prisoners eligible for the grant of regular parole should not get it for a period of more than 30 days at a time and not more than two times in a calendar year. However in exceptional circumstances such parole can be extended up to a maximum period of 45 days with the approval of the Head of the Prison Department, but in no case such parole should be extended further. It is clarified that a convict can avail the extended release on parole upto 45 days only once in a block of three years.

19.11.2 Prisoners eligible for grant of furlough should not get it for a period of more than 21 days in the first year after the completion of three years of incarceration in prison after the date of conviction. After that the prisoner shall be eligible for 14 days release on furlough every year for every year spent by him/ her the prison.

Competent Authority to Sanction Regular Parole or Furlough

19.12 The Head of the Prisons Department or any other competent authority as mentioned in the law/ instructions on the subject should be the competent authority for grant of regular parole or furlough to convict prisoners. Under-trial prisoners are not eligible for regular parole and furlough.

Competent Authority to Sanction Emergency Parole

19.13.1 The Superintendent of Prisons should be the competent authority to grant emergency parole to convict prisoners under police protection.

19.13.2 Only the trial court concerned shall be competent to grant emergency parole to under trial prisoners.

Procedure

- 19.14 A prisoner desiring to avail parole or furlough will submit his application in the prescribed form to the Superintendent of the prison. The Superintendent will examine each case carefully with regard to the eligibility for leave with particular reference to conduct, work, attitude towards family and community, and the manner in which the previous period of leave, if any, was utilized. He will then forward the application to the concerned competent authority authorised to sanction parole/ furlough within 3 days of receipt of the application from the prisoner along with his recommendation.
- 19.15 The competent authority shall forward the application so received to the Superintendent of police of the concerned district within 3 days of receipt of the application along with recommendation of Superintendent of Prison for his report through the District Magistrate concerned. The Superintendent of Police shall send his report to the competent authority through the District Magistrate within 14 days from the date of receipt of the reference of the competent authority. The District Magistrate is allowed a period of 3 days to forward the report of the Superintendent of Police so received to the competent authority. In case the police disagree with the proposed release of a prisoner on leave, reasons for such disagreement should be specified. The competent authority is allowed a period of 7 days to decide on the application from the date of receipt of the report of District Magistrate was received by him.
- 19.16 The prisoner shall be kept informed of all the decision on his application. If his request for release on parole or furlough is rejected, he shall be informed of the grounds of such rejection.
- 19.17 The opinion of the district authorities should be obtained every time a prisoner is released on parole or furlough. The Probation Officer may be asked to submit a report about the conduct of a prisoner during the release on parole or furlough.
- 19.18 Prisoners whose conduct is found unsatisfactory during his/ her release on parole or furlough may be debarred for this concession for a specified period of time by Head of the Prison Department on a report/ recommendation received from the Superintendent of Prison concerned. However, the concession so barred may be reviewed by the Head of Prison Department after 6 months from the date of the bar coming in to force, on a representation from the affected prisoner.
- 19.19 The prisoner shall be informed of the ground of the bar as per sub-section (1) above and the period for which he/ she shall not eligible for release on parole/ furlough.

Conditions of Parole/ Furlough

- 19.20 The competent authority authorised to sanction parole/ furlough may make an order for the release of a prisoner subject to the following conditions:
- i) That the prisoner shall furnish cash security for the amount fixed by the competent authority and execute a personal recognisance bond, or

execute a bond with one or more sureties according to the directions of the competent authority,

- ii) That the prisoner shall reside at the place designated by the competent authority and will not go beyond the specified limits,
- iii) That the prisoner will keep good behaviour and will not commit any offence during the period of release,
- iv) That the prisoner will report to the Probation Officer, if any, of the area of his stay during the period of release,
- v) That the prisoner will neither associate with bad characters nor lead a dissolute life,
- vi) That the prisoner will be liable to be recalled immediately to prison in case he violates any of the conditions,
- vii) That the prisoner will surrender himself to the Superintendent of the prison on expiry of the release period as granted, or on recall.

Release on parole/ furlough

- 19.21 On receipt of an order from the competent authority, the prisoner should be released on Parole/ furlough after he has executed the necessary bond and has signed the conditions of release. At the time of release the prisoner should be supplied with an identity card and certificate of release on parole/ furlough.

Authorities to be informed

- 19.22 Release of prisoner on parole/ furlough should be intimated to the following authorities:
- i) District Magistrate and Superintendent of Police of the district in which the prisoner proposes to spend the period of parole/ furlough,
 - ii) District Magistrate and the District Superintendent of Police of the home district of the prisoner,
 - iii) Probation Officer in whose jurisdiction the prisoner proposes to spend the period of parole/furlough.

Sureties

- 19.23 For release of prisoners surety should be secured in one of the following ways:
- i) On executing a personal bond,
 - ii) The wages earned by the prisoners may be taken as cash security,
 - iii) The Probation Officer may be asked to arrange necessary surety,
 - iv) Panchayat of the home village of the prisoner may stand surety for him,
 - v) Family members/relatives/friends of the prisoners, if of good antecedents, may stand surety for him.

Travel Expenses

- 19.24 The prisoner will himself meet all expenses, including those on journey to and from the place of his stay, after his release on parole/ furlough from prison.

Chapter XX

PREMATURE RELEASE

- 20.01 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 pre-mature release of prisoners is that they have become harmless and useful member of a civilised society.
- 20.02 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 State Government.
 - (ii) By way of remitting term sentence of a prisoner under Section 432 of the Code of Criminal Procedure, 1973 by the State Government.
 - (iii) By order of the Head of the State passed exercising power under Article 72 or Article 161 of the Constitution of India, as the case may be.
 - (iv) Pre mature release under any special law enacted by the State providing for release on probation of good conduct prisoners after they have served a part of the sentence.
- 20.03 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 State 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.

Composition of the State Level Committee (SLC)

- 20.04 Each State shall constitute a State Level Committee (SLC) to recommend premature release of life convicts in appropriate cases. This shall be a permanent body having the following members:
- (i) Principal Secretary/Secretary - Chairman
In-charge of Prisons
 - (ii) Judicial Secretary/Legal - Member
Remembrancer
 - (iii) Head of the Department of Prisons - Member Secretary
 - (iv) A Senior police officer nominated by the DGP/IGP of the State not below the rank of IG of Police. - Member

Quorum

- 20.05 The cases put forward to the SLC 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 SLC shall not take any decisions when the quorum is not complete.

Periodicity of the SLC's Meetings

- 20.06 The SLC shall meet at least once in three months at the State 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.
- 20.07 However, the Chairman of the SLC can convene a meeting of the Committee more frequently, even at short notices, if necessary.

Eligibility for Premature Release

- 20.08 The following categories of life convict prisoners shall be eligible to be considered for premature release by the SLC:
- (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 & 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.

Procedure

- 20.09 For every life convict eligible for eventual consideration by the SLC 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 State Government in the guidelines to be notified separately for eligibility of pre mature release of life convicts.
- (ii) The Superintendent of prison 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 favours the premature release of the prisoner or not. In either case such recommendation shall be supported by adequate reasons.

Other Cases of Premature Release

- 20.10 When a convicted prisoner, in the opinion of a Medical Board, is in danger of death from sickness (not due to an infectious disease) with no hope of recovery within or outside the prison, the Superintendent shall report the fact to the Director General of Prisons if it is considered desirable to allow such prisoner the comfort of dying at home.
- 20.11 If the unexpired period of the prisoner's sentence does not exceed six months, the Inspector General of Prisons may direct his/her immediate release, after making personal inquiries into the case and consulting the District Magistrate of that district.
- 20.12 If the unexpired period of the prisoner's sentence exceeds six months, the Inspector General of Prisons shall immediately report the facts of the case, along with his recommendations, to the Government.
- 20.13 No prisoner, without any friends or relatives willing to take charge of him/her, shall be released under this rule.
- 20.14 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.
- 20.15 If a Medical Board considers that a convicted prisoner is in danger of dying from illness (not due to an infectious disease), and that there is a probability of his/her recovery when released, he shall furnish a certificate to that effect. On receipt of the certificate the Superintendent shall immediately report the fact to the Inspector General of Prisons. He shall also at the same time send for the prisoner's relatives or friends and ascertain whether they are willing to look after him. If so, he shall take from them a security bond to the effect that in the event of the prisoner being

- prematurely released on account of illness, they will give him/her up at any time they may be required to do.
- 20.16 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.
- 20.17 Every case of release under these rules shall immediately be reported to the Head of the Prison Department by the Superintendent of Prison. The District Magistrate and Superintendent of Police of the district of the convict so released shall also be informed accordingly by the Superintendent of Prisons.
- 20.18 If the friends or relatives of a 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 Head of Prisons Department/ 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 State Government concerned.
- 20.19 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.

Guidelines for the SLC

- 20.20 The Member Secretary shall convene a meeting of the SLC on a fixed date and time at the State 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 Prison along with copies of other necessary documents, if any.
- 20.21 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 Remembrancer. The Member Secretary shall present the case of each prisoner under consideration before the SLC. The SLC shall consider each case and give its views. As far as practicable, the SLC shall make unanimous recommendations. However, in case of dissent, the majority view shall prevail and will be deemed to be the decision of the SLC. If equal numbers of members are of opposing views, the decision of the Chairman will be final.
- 20.21 While considering the case of premature release of a particular prisoner the SLC shall keep in view the guidelines issued by the State Government in this regard. The paramount consideration before the SLC being the welfare of the prisoner and the society at large. The SLC 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.

- 20.22 Rejection of the case of a prisoner for premature release on one or more occasions by the SLC 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 SLC, 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 pre mature release should be based on sound reasons conforming to the guidelines issued by the State Government in this regard. The prisoner so affected shall be intimated about the rejection of the case by the SLC, in writing by the Superintendent of Prison.

- 20.23 The recommendation of the SLC shall be placed before the State Government/ UT Administration without any delay for consideration. The Chief Minister or Executive Head of the State/ UT may either accept the recommendations of the SLC or reject the same on the grounds to be stated or may ask the SLC to reconsider a particular case. The decision of the State Government/ UT Administration shall be communicated to the concerned prisoner and in case the Chief Minister or Executive Head of the State/ UT has ordered for his premature release, the prisoner shall be released forthwith, with or without conditions, as prescribed in the guidelines issued by the State Government in this regard.

Monitoring of Cases

- 20.24 A computerised record of all the prisoners serving sentence in the prisons, for a follow up of their cases, is extremely desirable in every prison as well as at the Prisons Headquarters and at the Home or Prison Department of the State 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 in computers.
 - (v) Monitoring of all cases shall be done every month at the prison level and every three months at Prisons Headquarter level.

Record Relating to Review of Sentences and Premature Release

- 20.25 Immediately on admission of a life convict, eligible for being considered for premature release, the Superintendent of the institution should get a copy of the judgement in his/her case from the court and open a file. This file should contain:
- (i) Copies of the judgements 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 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) Rejection of his pre mature release case by the SLC on previous occasions, if any.
 - (vi) Order of the government.
 - (vii) Bond furnished by the prisoner.
 - (viii) Conditions of release duly signed by the prisoner.
- 20.26 Pre mature release of convicts other than life convicts –
- (i) Under Section 432 of the CrPC, the State 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 CrPC shall be adhered to while remitting such sentence.
 - (ii) Under Section 433 of the CrPC, the State 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.
- 20.27 Pre mature release of Convicts convicted in the State/ Union Territories other than where they are confined –
- The case of pre mature release of convicts convicted in the State/ Union Territories other than where they are confined shall be undertaken by the SLC 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 of that State.
- 20.28 The cases of convicts falling under the provisions of Section 435 CrPC shall be processed by the State Government concerned after consultation with the Central Government.

Chapter XXI

PRISON DISCIPLINE

- 21.01 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.
- 21.02 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.
- 21.03 Prison discipline should not be retributive but reformatory; not repressive but curative; and should be carried on with a view to foster the basic values and virtues of life and humanity.
- 21.04 Prison discipline is the collective responsibility of all the prison personnel who are actually supposed to usher in reformation to the offender.
- 21.05 Prison discipline should also ensure impeccable security in the prison so that the safe custody and well-being of the prisoners is not in jeopardy.
- 21.06 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.
- 21.07 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 despondency 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 a long way to encourage prisoners to return to the society at large and make it a better place for posterity.

Scope

- 21.08 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.

Prison Offences and Punishments

21.09 Following acts of the prisoners shall constitute prison offences:

- (i) Endangering the security of the prison in any way, by a wilful 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.
- (ii) Doing any act calculated to create unnecessary alarm in the minds of other prisoners.
- (iii) Doing or omitting to do any act with intent to cause to oneself any illness, injury or disability.
- (iv) Omitting to report the commission of any prison offence.
- (v) Breaking law and order and prison discipline.
- (vi) Planning, instigating and abetting, directly or indirectly, the commission of any prison offence.
- (vii) Refusing, omitting to abide by standards of behaviour, rules and regulations and lawful instructions and orders.
- (viii) Failing to assist in the maintenance of prison discipline.
- (ix) Failing to give assistance to a prison official when called to do so.
- (x) Making false, malicious and groundless, written or verbal, complaints against prison officials.
- (xi) Committing nuisance or mischief of any sort.
- (xii) Quarrelling with other prisoners.
- (xiii) Smoking at places, or at times, other than appointed places.
- (xiv) Attacking, assaulting, and causing injuries to others.
- (xv) Participating in a riot or mutiny, abetting another prisoner to do the same.
- (xvi) Escaping or attempting to escape from prison or legal custody or failing to report to prison officials about attempted escapes.
- (xvii) Possessing, hiding, smuggling, attempting to smuggle, obtaining, giving or receiving and bartering contraband articles.
- (xviii) Failing to report to prison officials about contraband articles.
- (xix) Stealing/ damaging/ destroying/ disfiguring/ misappropriating any government property or another prisoners' articles and property.
- (xx) Failing to report at once any loss, breakage or injury, which the prisoner may accidentally have caused, to prison property or implements.
- (xxi) Tampering with or defacing identity cards, records or documents.
- (xxii) Breach of the conditions of leave and emergency release.

- (xxiii) Refusing to eat food or going on a hunger-strike.
- (xxiv) Eating or apportioning any food not assigned to him or taking from or adding to the portions assigned to another prisoner.
- (xxv) Wilfully or negligently destroying or spoiling food, or throwing it away without orders.
- (xxvi) Introducing into food or drink anything likely to render it unpalatable, unwholesome, or dangerous for human consumption.
- (xxvii) Cooking unauthorisedly.
- (xxviii) Violating rules and regulations framed for the systematic running of the canteen.
- (xxix) Bartering canteen articles.
- (xxx) Being idle, careless or negligent at work, refusing to work, malingering, disturbing other prisoners at work, or in barracks.
- (xxxi) Manufacturing any article without the knowledge or permission of a prison officer.
- (xxxii) Performing any portion of the task allotted to another prisoner or obtaining unauthorised assistance of another prisoner in the performance of one's own task.
- (xxxiii) Apportioning to any prisoner any part of the task to be performed by him/her.
- (xxxiv) Mixing or adding a foreign substance to the materials issued for work.
- (xxxv) Wilfully disabling himself from labour.
- (xxxvi) Converting, or attempting to convert, a prisoner to a different religious faith.
- (xxxvii) Wilfully hurting other's religious feelings, beliefs and faiths.
- (xxxviii) Agitating or acting on the basis of caste or religious prejudices.
- (xxxix) Having any communication, in writing or by word or by signs, without permission, with any outsider, an under trial prisoner, detenue, civil prisoners, and approvers.
- (xl) Sending messages surreptitiously by writing or verbally.
- (xli) Participating in, or organising, unauthorised activities like gambling and betting.
- (xlii) Using indecent, abusive, insolent, threatening or improper language; being disrespectful, making indecent or vulgar acts or gestures.
- (xliii) Soiling or befouling any place or article.
- (xliv) Loitering or lingering, leaving the appointed area or work-group without permission.
- (xlv) 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.

Punishments for prisoners of all categories

21.10 No punishment or denial of privileges and amenities, or no transfer to other prisons with penal consequences, shall be imposed on prisoners without judicial appraisal.¹¹

21.11 The following punishment(s) may be awarded by the Superintendent to prisoners for committing any prison offence. These are classified into minor punishments and major punishments.

21.11.1 Minor Punishments

- (i) Formal warning
- (ii) Loss of privileges given to the prisoners in detention for a maximum of one month
- (iii) Forfeiture of earned remission up to ten days.

21.11.2 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) Monitoring under watch and security
- (vii) In case of any damage to Government property, recovery of cost for such damage after proper enquiry effective with judicial appraisal

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.

Procedure for Awarding Punishment

21.12 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.

¹¹ Principle laid down by the Supreme Court in *Sunil Batra v. Delhi Administration* (1978) 4 SCC 494; Also, see *Charles Sobhraj v. Superintendent of Tihar Jail* (supra) and *Kishore Singh v. State of Rajasthan*, 1981 Cr LJ 17 where the Supreme Court vehemently condemned solitary confinement and putting cross-bar fetters and declared that flimsy grounds, such as behaving insolently and in an uncivilised manner, tearing off the history ticket, etc. cannot be the foundation for solitary confinement and cross bar fetters.

21.13 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.

21.14 No prisoner should be punished twice for the same offence.

Duties of Prisoners

21.15 At the time of admission, prisoners should be provided with a manual/ handbook outlining their duties inside the prison as provided in Appendix - 1. The duties broadly include the following:

- (i) Obey the orders of all officers of prison (including clerks, medical and technical staff) and convict officers
- (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 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). When they find any of these articles in the prison or know of any other prisoner having possession of any such articles, they shall 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 in the yards/wards, , after the doors have been opened, or bathe 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.
- (xx) Not to undertake any agitation, organized protest or hunger strike.

Grievance Redressal System

21.16 Voicing resentment/grievance is an elementary human instinct. If it is suppressed, it can lead to an aberrant frame of mind which will be detrimental to natural and healthy growth of body and mind.

- (i) Therefore, there shall be an active Grievance Redressal System (G.R.S.) in every prison which will provide every inmate the legitimate opportunity to voice his grievances.
- (ii) The system will also act as a safety valve against any possibility of sudden outbursts of suppressed grievances.
- (iii) 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.
- (iv) The inmates may drop their complaints in the form of written petitions addressed to the Superintendent, or to the higher authorities, into such boxes.
- (v) The box shall remain under lock and key and the key shall remain in the custody of the Deputy Superintendent, who shall unlock the complaint box at least twice a week on the days fixed and approved by the Superintendent.
- (vi) The complaint box shall be opened at appointed time before the evening locking up of the prison.
- (vii) The Superintendent shall form a permanent Committee of G.R.S., comprising himself, the Deputy Superintendent (the senior most Deputy Superintendent in the event of more than one Deputy Superintendent being posted there), the Medical Officer, and the Welfare Officer. If the prison happens to have a female enclosure then a senior lady officer of appropriate

rank shall be included in the committee.

- (viii) The committee shall meet as and when necessary, but at least twice a week to look into all the complaints of the inmates.
- (ix) The Superintendent shall preside over the committee which shall enquire into all the complaints at the earliest.
- (x) The decision of the committee shall be executed forthwith.
- (xi) Complaints addressed to the higher authorities shall be forwarded to the addressee with comments of the Superintendent without delay.
- (xii) Letters addressed by prisoners to the Government, Judiciary, Inspector General of Prisons or other high functionaries should be forwarded to them immediately without being censored and a dated receipt of it should be given to the prisoner. The receiving authority should acknowledge letters immediately and look promptly into them.
- (xiii) The District Judge should 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.
- (xiv) The system of taking weekly rounds of inspection of prisons by the Superintendents should be made statutory by including it in Prisons Act. If a prisoner is not satisfied by the action taken by the Superintendent on his complaint, he should be allowed to approach higher authorities for redressal of his grievances.
- (xv) The Board of Visitors should be activated. The visitors should receive and enquire into prisoners' complaints and grievances and send their suggestions to appropriate authorities.

Chapter XXII

AFTER-CARE AND REHABILITATION

- 22.01 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 after-care 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.
- 22.02 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.
- 22.03 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.

Objectives

- 22.04 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.

Process

- 22.05 After-care services should be extended to all needy persons released from prisons, conditionally or unconditionally or on license. 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.

- 22.06 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.
- 22.07 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.
- 22.08 There should be full coordination between the Correctional Services and the after-care services.
- 22.09 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.

Planning

- 22.10 Planning for after-care should be initiated immediately after an inmate's admission in the institution.
- 22.11 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.
- 22.12 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.
- 22.13 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.

Functioning of a Probation/ Welfare/ Rehabilitation Officer

- 22.14 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.

- 22.15 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.
- 22.16 The Probation/ Welfare/ Rehabilitation Officer should be associated with the prisoner's welfare services at the headquarter level.

The Role of N.G.Os/Industry Associations

- 22.17 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.
- 22.18 The public should be educated about the need for rehabilitation of ex-prisoners through print and audio-visual media.
- 22.19 Continuous liaison should be maintained with the agencies/individuals which are willing to give employment to the released prisoners.
- 22.20 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 State Government to facilitate tax-deductibility of donations made for this purpose in terms of Section 80G of the Income Tax Act, 1961.

Scope of after-care assistance

- 22.21 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 h/she is not harassed unnecessarily.

Family or Marital Adjustments

22.22 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 Organisation 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

demoralised and deprived persons. Help in establishing contacts, acquaintance and friendship with reliable neighbours, co-residents or co-workers.

Legal Aid and Protection

- 22.23 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.
- 22.24 The plan of after-care of a prisoner should be subject to such changes as would be found necessary by the after-care service.
- 22.25 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.
- 22.26 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.
- 22.27 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 organisation.
- 22.28 The record branch in the headquarters should maintain all the case files and follow-up reports according to the central indexing system.

Formulation of Schemes

- 22.29 The Industries Department of the government should formulate schemes for the employment of released convicts in small scale industrial units.
- 22.30 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 XXIII

OPEN INSTITUTIONS

- 23.01 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.
- 23.02 State Governments 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.

1. GENERAL PROVISIONS

- 23.03 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 organised criminal gangs.
 - (d) Prisoners committed for failure to give security for maintaining peace or good behaviour.
 - (e) Prisoners suffering from mental illness.
 - (f) 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.
 - (g) Convicts in POCSO case.
 - (h) Prisoners whose transfer is likely to have repercussions elsewhere in the country
 - (i) Facing trial in other cases
 - (j) Prisoners who have been transferred from an Open Prison to a Closed Prison.

Selection/ Classification Committee

23.03.1 For the purpose of selecting prisoners for confinement in any Open Prison, there shall be a Selection/ Classification Committee consisting of the following members-

- (a) The Deputy Inspector General of Prisons or any other officer nominated by the head of the Prisons department shall be the Chairman.
- (b) The Superintendent of the Prisoners from which the Prisoners are to be selected for confinement in an Open Prison.
- (c) Medical Officer of the concerned Prison
- (d) Probation/ Welfare/ Rehabilitation officer of the concerned Prison or other officer in-charge of welfare work.

The Selection/ Classification Committee shall, subject to the provisions of these rules, prepare a list of prisoners and shall submit the same to the Head of the Prisons for his Orders.

23.03.2 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 institutionalised.
- (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 State Government. The State 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 organised 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.

2. Transfer

23.04 Transfer to Semi-open/Open Institutions, Work Camps, Colonies will be governed by the following guidelines:

(i) Transfer to Semi-open Institutions

23.05 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 mentioned in note (ii) to Para 23.03.2 above.

23.06 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.

23.07 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.

23.08 A programme suitable for the inmate's training should be organised 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.

(ii) Transfer to an Open Training Institution/Open Work Camp

23.09 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 is 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 re-transfer to the Semi-open or Closed Institution.

23.10 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.

- 23.11 A Programme suitable for the inmate's needs should be organised 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.

(iii) Transfer to Open Colony

- 23.12 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 is 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.
- 23.13 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 reutilised and mechanical.
- 23.14 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.
- 23.15 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.
- 23.16 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.

- 23.17 Security arrangements in these institutions should be established in a way that the possibility of escape gets minimised and a sense of security prevails in the neighbouring community.
- 23.18 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:
- (i) Care and welfare of inmates
 - (ii) Individual attention to inmates' problems
 - (iii) Education, work, vocational training and cultural activities
 - (iv) Self-discipline and character training
 - (v) Release planning, pre-release preparation, and after-care.
- 23.19 Wages should be paid as prescribed by the State Government. The wages at Semi-open institutions, Open Training Institutions, Open Work Camps and Open Colonies may be higher than those at the Closed Institutions.
- 23.20 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.
- 23.21 While an inmate is living in open conditions in a Semi-Open or Open Training Institution or Open Work Camp, he may be allowed to stay with his family members for one week every six months. Arrangements for such stay may be made in a family hutment in a suitable place outside the Semi-open or Open Training Institution. These huts may 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 State Government should issue detailed instructions in the respect.
- 23.22 Inmates working in open conditions in Semi-open Prisons will get concessions/remissions as permissible in Open Work Camps.
- 23.23 The Superintendent should examine the case of every inmate at least once in three months.
- 3. Personnel**
- 23.24 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.

23.25 Unless they volunteer to do so, personnel should not be required to remain at these institutions for more than two years at a time. The staff posted at these institutions may be given an additional allowance of about 25% of the basic salary to be as fixed by the government.

4. Open Work Camps/Open Training Institutions

23.26 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 forestation, can be organised. 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/Organisation/Department or by Prison Department.

23.27 Prisoners who do not respond properly to the standard of discipline in these camps should be transferred back to Closed Institutions.

5. Semi-open Training Institutions

23.28 Prisoners should mainly be employed in suitable industries, agriculture and allied work. Emphasis shall be laid on programmes like literacy project, social education, cultural and recreational activities;

23.29 Inmates will be gradually relaxed from the condition of closed prison in the beginning to that of an Open Institution in the final stage.

6. Open Colonies

23.30 In open colonies, emphasis should be on work, literacy projects, social education, training in agriculture and allied fields and cultural activities.

Chapter XXIV

UNDERTRIAL PRISONERS

Classification of Undertrial prisoners

- 24.01 The classification of undertrial prisoners should be done only on the basis of security, discipline and institutional programme. No classification on the basis of social status should be attempted. The entitlement of diet, clothing, bedding and interview will be the same as applicable to other categories of prison. Undertrial prisoners should be classified as under:
- (i) Category - 1 (S1-Red): Fundamentalists, Naxalites, extremists and terrorists or any other individual characteristics warranting confinement in Security Zone-1.
 - (ii) Category - 2 (S2-Blue): Gangsters, hired Assassins, dacoits, serial killers / rapists / violent robbers, drug offenders, habitual grave offenders / 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) 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.

- Note: (i) Persons suffering from mental ailments and young offenders shall be lodged separately.
- (ii) Courts will send intimation to prison authorities about under trial prisoners who have turned approvers or have made confessions.
- (ii) 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.

Admission

- 24.02 An Assistant Superintendent should be in charge of all work pertaining to undertrial prisoners.
- 24.03 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;

24.03.1 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;

22.03.2 The property of an undertrial prisoner shall remain in the court.

22.03.3 Children. - Children of women undertrial prisoners may be admitted if suitable arrangements for their care cannot be easily made outside.

22.03.4 Food - 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.

22.03.5 Admission hours

- (a) Undertrial prisoners should be admitted during usual working hours of the prison. Prisoners received after the lock-up hour should be confined in a separate place specially earmarked for such purpose.
- (b) While undertrial prisoners are being escorted, care should be taken to see that they reach the destination before the lock-up hour. If undertrial prisoners are likely to reach the destination after lock-up hour, the transferring prison or sub-prison or the police or military officials should send sufficient advance intimation to the prison where the undertrial prisoners are being escorted.

22.03.6 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.

Approvers

24.04 When an undertrial prisoner has been admitted by the court as an approver or a confessing accused he should be kept separate from others concerned in the

same case. Where there are separate cells or compartment in the undertrial ward, these should 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.

- 24.05 Any special direction as to the separation of an undertrial prisoner given by the Judge or Magistrate should be carried out. Such separation should 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.

Identification for court purposes

- 24.06 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;
- 24.07 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;
- 24.08 Test identification should be held as per rules framed for this purpose.

Police interrogation

- 24.09 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.

Facilities

- 24.10 The following facilities should be extended to all undertrial prisoners:-

- (a) Legal defence,
- (b) Interviews with lawyers or family members (for legal purposes)

Note: The Superintendent of Prisons may carefully select well-behaved prisoners to avail family interview after giving due consideration to security and other aspects.

- (c) Signing Vakalatnama,
- (c) Delegation of power of attorney,
- (d) Execution of will,
- (e) Essential religious necessities as per rules,
- (f) Applications to courts for legal aid at Government cost as per

provisions of law.

(g) Other applications to courts,

(h) Application to Legal Aid Societies for free legal aid,

24.11 Such facilities as are sanctioned by the State Government should be extended to undertrial prisoners.

Food

24.12 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;

Clothing

24.13 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.

Letters

24.14 On the initial admission of a prisoner, a printed card should be sent at Government cost to his family. This card should contain information on the following points; the inmate's institutional number and address, brief summary of rules regarding interviews, letters, etc.,

24.15 Four letters per calendar month, two at his cost, and two at Government cost, shall be allowed to be written by an undertrial prisoner,

24.16 Additional letters for legal purposes such as arranging defence, bail, and security may be allowed normally at the prisoner's own cost,

- 24.17 Undertrial prisoners may be allowed to purchase from the prison canteen, a reasonable supply of stationery and writing material which should be marked and serially numbered by the prison authorities.

Interviews

- 24.18 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. 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 in the discretion of the Superintendent. Undertrial prisoners should not be granted interviews with convicted prisoners unless they are very close relatives;

Canteen

- 24.19 An undertrial prisoner shall be allowed to make purchases from the canteen up to amounts as may be fixed by the State Government.

Production before court

- 24.20 An undertrial prisoner shall be produced before the court, on the due date of hearing, in person. 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 court shall be made. These entries should be made daily by the officials concerned and should be daily supervised by the officer in charge of undertrial work.

Requisition of escort

- 24.21 On the basis of the court diary, requisition for police escort should be sent sufficiently in advance. Information about women, adolescent, 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.

Sick prisoners

- 24.22 If an undertrial prisoner is sick and the Medical Officer certifies the prisoners 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.

Feeding

- 24.23 Before undertrial prisoners are sent to the court, the usual morning meals should be served.

Articles allowed to be taken while going to the court

- 24.24 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.

Search

- 24.25 Before being sent to the court, and after having been received back from the court, all undertrial prisoners shall be thoroughly searched.

Transport

- 24.26 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.

Handcuffing

- 24.27 Handcuffing should be resorted to when there is no other reasonable way of preventing escape of the prisoner, in the given circumstances.¹²
- 24.28 The following categories of undertrial prisoners may be handcuffed for reasons recorded in writing and with approval of the court:-
- (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.
- 24.29 Handcuffing of undertrial prisoners may be done in the court premises with the permission of the court.

Court Premises

- 24.30 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.

¹² *Prem Shanker Shukla v. Delhi Administration* AIR 1980 SC 1535. *Citizens For Democracy through its President v. State Of Assam And Ors* AIR 1996 SC 2193: No prisoner shall be handcuffed or fettered routinely or merely for the convenience of the escort... Even in cases where, in extreme circumstances, handcuffs have to be put on the prisoner, the escorting authority must record contemporaneously the reasons for doing so. Otherwise, under Art. 21 the procedure will be unfair and bad in law. Nor will mere recording the reasons do, as that can be a mechanical process mindlessly made. The escorting officer, whenever he handcuffs a prisoner produced in court, must show the reasons so recorded to the Presiding Judge and get his approval. Otherwise, there is no control over possible arbitrariness in applying handcuffs and fetters.

- 24.31 Undertrial prisoners should be thoroughly searched before being taken into the court-room.

Return to the prison

- 24.32 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.
- 24.33 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 District Superintendent to 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.

Production of undertrial prisoners in other States

- 24.34 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.

Production of undertrial prisoners before court in civil suit proceedings

- 24.35 Unless ordered by the District Judge, no undertrial prisoner shall be produced before court for civil suit proceedings.

Prevention of undue detention

- 24.36 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;
- 24.37 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.

Additional Cases

- 24.38 When additional case/cases are pending against a prisoner, the following action should be taken:-
- (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;

- 24.39 When an undertrial prisoner is wanted for trial in another 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;
- 24.40 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;
- 24.41 In the case of an undertrial prisoner having two cases pending against him, for which he is not on bail, an endorsement in red ink should be made each time he is sent to the court.

Discipline

- 24.42 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 should 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 should be handled by staff members.

Work

- 24.43 Undertrial prisoners shall clean the yards, barracks and cells where they are kept. Undertrial prisoners should 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;
- 24.44 If undertrial prisoner volunteer to work, suitable work, if possible, be given to them. Wages may be paid to them according to schedules of standard tasks and wages, as fixed by the State Government. 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.

Transfer

- 24.45 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.

Serious Illness

- 24.46 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 thinks fit, the prisoner may be released on bail.

Transfer to an Outside Hospital

- 24.47 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.

Death

- 24.48 The death of an undertrial prisoner shall be promptly reported to the court and other concerned agencies as required.

Conviction

- 24.49 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.

Release

Release from the court

- 24.50 When an undertrial prisoner is discharged or released from the court, an endorsement to that effect will be made by the court in the prescribed form. On receipt of such intimation, entries in the appropriate columns of the undertrial register should be made;
- 24.51 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 should be forwarded to the police for disposal.

Release from prison

- 24.52 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;
- 24.53 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.

Release Procedure

- 24.54 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;
- 24.55 The undertrial prisoner should be informed of the contents of the bail bond prior to his release;
- 24.56 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;
- 24.57 After release the bail bond should be duly returned to the court concerned along with a certificate of release.

Women Undertrial Prisoners

- 24.58 Women undertrial prisoner shall be escorted by women police. As far as is practicable, separate conveyance should be provided for the transport of women undertrial prisoners.
- 24.59 Women staff members shall be in charge of women undertrial prisoners. The Lady Assistant Superintendent or Senior Matron should be present at the time to admission and release of women undertrial prisoner. She should attend to all work pertaining to the women undertrial prisoners.
- 24.60 As far as possible, women undertrial prisoners should be handed over to their relatives after release. If this is not possible, a woman police or woman prison guard should escort the released woman undertrial prisoner to the nearest station or transport bus stand.

Daily Routine and Programme For Undertrial Prisoners

- 24.61 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.

Programmes on Sundays and Prison Holidays

24.62 On Sundays and prison holidays the following routine should be followed subject to adjustment to suit local conditions:-

- (i) Early morning
 - As in rule 24.64.(i)
- (ii) Morning Toilet,
 - Exercise, Light meal,
 - General cleaning of barracks, cells open spaces,
 - Cleaning of equipment,
 - Washing of clothes and bath,
 - Inspection of equipment,
 - Meal and rest.
- (iii) Afternoon
 - Educational Films : As per schedule for each group and in accordance with institutional facilities.

Group Music,
Newspapers, Library books, radio/TV
Toilet,
Games (one hour).

- (i v) Early evening
As in para 24.61(iv)
- (v) Evening
As in para 24.61(v)

Chapter XXV

HIGH-RISK OFFENDERS AND DETENUES

- 25.01 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.

Classification of High risk offenders

- 25.02 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 / rapists / violent robbers, drug offenders, habitual grave offenders / 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.

Building Structure

- 25.03 High security enclosures/prisons should have a thick outer masonry wall at least 20 feet in height, with watch towers at all its corners and one central tower within the enclosure. The enclosures/prisons should be provided with anti-tunnelling 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.

- 25.04 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.
- 25.05 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.
- 25.06 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.

Staff Pattern

- 25.07 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.

Facilities (Interviews, Letters, Communication)

- 25.08 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 close 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.
- 25.09 All letters should be properly censored.

Food, Toilet, Clothing and Bedding

- 25.10 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.

Medical Care

- 25.11 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.

Sports, Games and Recreation

- 25.12 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.
- 25.13 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 stationary can be provided to them. At intervals, seeing their behaviour, cultural programmes can also be allowed.

Canteen Facility

- 25.14 High risk offenders may be allowed to avail of canteen facilities only if adequate security precautions are taken to prevent untoward behaviour.

Reform and Treatment Programmes

- 25.15 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.

Security

- 25.16 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 an special armed guard.
- 25.17 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 armoury 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 'I' and 'II' should be searched twice a day whereas category 'III' 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 unauthorised person.
- (xi) The cells and barracks should be well lighted to avoid dark spots and corners 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 non-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 analyser, canine unit, etc. may also be procured and utilised to check any breach of prison discipline.

Court Hearing

- 25.18 Video linkage should be provided to these high security enclosures. In any case no under-trial, convict or convict officer or detainee 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.

Convicts for Rigorous Imprisonment

- 25.19 High risk offenders who are undergoing rigorous imprisonment, will do all sort of work assigned to them inside the security enclosures.

Punishment

25.20 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 XXI (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 XXI:

- (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.

Chapter XXVI

WOMEN PRISONERS

- 26.01 To ensure safety of women prisoners and guard them against any form of exploitation, it is desirable that at least one women's jail be established in each State. While exclusive prisons far from central areas may hinder a woman prisoner's proximity from home, such exclusive prisons may at times be necessary from a safety perspective. In any case, 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 enclosures 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. 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.
- 26.02 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.
- 26.03 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.

Classification and Separation

- 26.04 Women prisoners shall be classified and kept separately as under:
- (i) Under-trial prisoners shall be kept completely separated from convicted prisoners, even when their number is small.
 - (ii) Habitual offenders shall be separated from casual prisoners.
 - (iii) Habitual offenders, prostitutes and brothel keepers must also be confined separately.
 - (iv) Under no circumstance should female young offenders be confined with adult women prisoners. Given their young and impressionable nature, female young offenders should be kept in separate enclosures and should be given treatment and training suited to their special needs for rehabilitation.
 - (v) Civil prisoners and detenues, including those under preventive provisions, should be kept separately from convicts and undertrial prisoners, and

from other prisoners, as far as possible.

- (vi) Political prisoners and those courting arrest due to their participation in non-violent socio-political/ economic agitations for declared public causes should not be confined in prisons along with other prisoners. Separate prison camps with adequate facilities should be provided for such non-violent agitators.

Notes:

- (i) No criminal or non-criminal lunatic will be kept in the prison. Those currently there shall be immediately transferred to appropriate mental health institutions.
- (ii) No classification of prisoners shall be allowed on grounds of socio-economic status, caste or class.

Register

- 26.05 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.
- 26.06 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.

Restriction on Women Prisoners

- 26.07 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.
- 26.08 Every female prisoner authorised to leave her enclosure will ordinarily be accompanied by a matron or assistant matron, chief warder or female warder from the time she leaves till she returns.

Exclusion of Males

- 26.09 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

warder/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.

- 26.10 Male warders and other male staff, acting as escort to lady visitors and officials, shall remain outside the enclosure.
- 26.11 If at any time a male prison officer or warder 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.

Training of staff for gender-sensitivity

- 26.12 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.
- 26.13 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.

Locks of Female Enclosures

- 26.14 The locks of enclosure and barracks, where women are confined shall, be different from those in use in other parts of the prisons, so that there is no possibility of keys for locks of other enclosures being misused for opening enclosures for women prisoners.
- 26.15 Suitable measures may be taken (including the provision of alarm bells) to ensure minimum delay in opening barracks in case of an emergency.

Photography and Fingerprints

- 26.16 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.

Inspections

- 26.17 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.
- 26.18 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.

Prisoners Requiring Mental Health Care

- 26.19 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.

Custody of the Female Enclosure

- 26.20 There shall be round the clock duty of female head warders and female warders in the female enclosures.

Admission of Under- Trial Prisoners

- 26.21 The admission rules for under-trial and convicted prisoners in the prison Manual shall be applicable to under trial and convicted women prisoners also.

Search of Women Prisoners on Admission

- 26.22 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.

Quarantine on Admission to Prison and Medical Aid

- 26.23 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.
- 26.24 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.
- 26.25 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.
- 26.26 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.

Pregnancy

- 26.27 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.
- 26.28 Gynaecological 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.

- 26.29 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.

Child Birth in Prison

- 26.30 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.
- 26.31 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 rites of the child born in a prison shall be extended to the mother.

Property of Women Prisoners

- 26.32 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.

Certain Ornaments to be allowed to Women Prisoner

- 26.33 Female prisoners shall be allowed to retain, in moderation, certain ornaments of small value such as mangal sutras, bangles 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.

Children of Women Prisoners

- 26.34 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.
- 26.35 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.

- 26.36 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 Prison.

Guidelines issued by the Supreme Court for children of women prisoners (*R.D. Upadhyay v. State of A.P.*, AIR 2006 SC 1946)

- A jail must have adequate facilities for prenatal and post-natal care for female prisoners as well as their children.
- Gynaecological examination of female prisoners shall be performed in the District Government Hospital. Proper prenatal and post-natal care shall be provided to the prisoner as per medical advice
- As far as possible and provided she has a suitable option, arrangements for temporary release/parole (or suspended sentence in case of minor and casual offender) should be made to enable an expectant prisoner to have her delivery outside the prison. Only exceptional cases constituting high security risk or cases of equivalent grave descriptions can be denied this facility.
- Pregnant women in jails should be able to give birth outside the prison facility (except in some extreme cases), so as to ensure that the new-born is given proper care.
- The fact that the child has been born in the prison shall not be recorded in the certificate of birth that is issued. Only the address of the locality shall be mentioned
- Within the prisons, children should be able to have access to food, shelter medical assistance when required, education and a recreational space.
- Children shall be regularly examined by the lady Medical Officer to monitor their physical growth and shall also receive timely vaccination. Vaccination charts regarding each child shall be kept in the records. Extra clothing, diet and so on may also be provided on the recommendation of the Medical Officer.
- Women can keep their children with them until the children reach the age of six. Then they should be handed over to welfare institutions maintained by the Social Welfare Department, preferably within the same city or town.
- The child can remain in such an institution until the mother is released or the child is capable of earning a livelihood.
- Children kept under the protective custody in a home of the Department of Social Welfare shall be allowed to meet their mother at least once a week. The Director, Social Welfare Department, shall ensure that such children are brought to the prison for this purpose on the date fixed by the Superintendent of Prisons
- The State Legal Services Authorities shall take necessary measures to periodically inspect jails to monitor that the directions regarding children and mothers are complied with in letter and spirit.

Welfare of the children of the Women Prisoners

- 26.37 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

- 26.38 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.
- 26.39 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 crèche, arrangements should be made to send the children to a privately run crèche under proper security. The transportation charges involved in the process and crèche fee shall be borne by the prison administration.
- 26.40 Children in prison shall be provided with adequate clothing suiting the local climatic requirements. For this the State/UT 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.
- 26.41 In addition to regular requirement, two cakes of 150 grams each of soaps/ detergent shall be provided to women prisoners with children.

Diet/ Food:

- 26.42 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.
- 26.43 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.

Health care

- 26.44 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.

Diet and Food

- 26.45 Management of kitchens or cooking food on caste or religious basis should be strictly banned in prisons for women.

- 26.46 Adequate and nutritious diet should be given to nursing women and to children accompanying women prisoners.
- 26.47 Food articles should be of a good quality.
- 26.48 Pregnant and nursing women prisoners should be prescribed a special diet.
- 26.49 Women prisoners should get special diet on festivals and national days, as may be specified in the rules.
- 26.50 Medical Officer should ensure that food is cooked under hygienic conditions and is nutritious.
- 26.51 There should be a separate kitchen for every 100 prisoners.
- 26.52 Special arrangements for warming food / milk shall be made for women with children.
- 26.52 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.
- 26.53 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.
- 26.54 There should be a separate kitchen for women prisoners.
- 26.55 Women prisoners should not be allowed to have their own mini kitchens inside the prison barracks.
- 26.56 Clean drinking water should be supplied to prisoners and it should be tested periodically.

Scale of Diet

- 26.57 State/UT 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.

Prisoner to Receive Diet According to Scale

- 26.58 Every prisoner shall be entitled to receive every day food at prescribed times and according to the scale laid down.
- 26.59 The State/UT 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.

Special Extra Diet on Medical Grounds

- 26.60 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.

- 26.61 Rules relating to diet of prisoners, those on specific medical advice for expectant and nursing mothers, and infants and children, shall be scrupulously observed.

Clothing

- 26.62 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.
- 26.63 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.
- 26.64 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.
- 26.65 Children allowed to stay with women prisoners should be given suitable clothing similar to what is normally used by children in the local community.
- 26.66 Every women prison should maintain a repair unit where prisoner's clothing can be repaired.
- 26.67 Sterilised sanitary pads should be issued to women prisoners as per their requirements.
- 26.68 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.
- 26.69 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.

Bedding

- 26.70 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.
- 26.71 Women prisoners should be given one pillow with pillow cover and woolen blankets according to climatic conditions.
- 26.72 Women prisoners shall be provided two cotton sheets for every six months.
- 26.73 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.

Accommodation

- 26.74 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.
- 26.75 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.
- 26.76 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.
- 26.77 Sleeping berths in the women's barracks shall not be at a height beyond the comfortable reach of women prisoners.
- 26.78 There should be sufficient number of toilets and that should be maintained in a clean and decent state.
- 26.79 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.
- 26.80 Sufficient artificial light too shall be provided for the prisoners to read or work.
- 26.81 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.
- 26.82 All parts of the institution, regularly used by prisoners, shall be properly maintained and kept scrupulously clean at all times.

Cleanliness of Women Enclosure

- 26.83 All parts of the women's enclosure in a prison shall be properly maintained and kept scrupulously clean at all times.
- 26.84 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.

Personal Hygiene

- 26.85 Women prisoners shall be required to keep their persons clean, 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.
- 26.86 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.

Amenities

- 26.87 All valuable ornaments should be removed from women in custody and should be safely deposited. They should be permitted to retain their mangal sutra, plastic bangles and toe-rings.
- 26.88 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.
- 26.89 Each adult woman prisoner shall be supplied suitable number of sanitary napkins for use during menstruation.
- 26.90 Women prisoners shall be provided kumkum according to their custom, sufficient quantity of hair oil and a comb.
- 26.91 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.

Interview

- 26.92 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.
- 26.93 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 who, including which family members, is to be allowed to visit them.
- 26.94 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.
- 26.95 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.
- 26.96 There should be no limit on incoming letters for women prisoners.
- 26.97 Illiterate or semi-illiterate prisoners should be provided help in writing letters.
- 26.98 A waiting room for visitors should be provided at each prison for women.

- 26.99 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.
- 26.100 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 / Assist. Superintendent, once a week.

Books

- 26.101 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.

Religious Books

- 26.102 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.

Education

- 26.103 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 organise 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.

Recreational and Cultural Programmes

- 26.104 Recreational programmes should be organised 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.

Vocational Training

- 26.105 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
2. Embroidery
3. Needle-craft
4. Spinning
5. Handloom
6. Weaving
7. Soap making
8. Hosiery work
9. Cane and bamboo work
10. Candle making
11. Toy making
12. Pottery
13. Stationery articles
14. Local handicrafts
15. Cottage industries
16. Gardening
17. Sewing machine repair
18. Typing
19. Computer training
20. Beautician's work
21. Telephone operation and secretarial practice
22. Agricultural, horticultural, diary projects
23. Poultry
24. Sericulture
25. Fishery
26. Mushroom cultivation
27. Fruit preservation
28. Local projects

Labour

- 26.106 Prisoners shall be paid equitable remuneration for their work and no disparity in wages shall accrue on account of gender differences.
- 26.107 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.
- 26.108 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.
- 26.109 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.

Health/ Medical Facilities

- 26.110 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.

- 26.111 In addition to the details required to be recorded after health screening in accordance with Appendix - 2, 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 counselling;
 - (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.
- 26.112 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.
- 26.113 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]
- 26.114 Women prisoners shall receive education and information about preventive health-care 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]

Legal Aid

- 26.115 To ensure access to justice to all, timely legal aid services should be provided to needy prisoners at State expenses as prescribed by the State 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.
- 26.116 For this purpose, socio-legal counselling 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.
- 26.117 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.

- 26.118 The practice of fortnightly or weekly *nari bandi sabhas* (women prisoner's councils) shall be utilised as a modality for orientation of, and interaction with, prisoners and for training in participative custodial living.
- 26.119 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.
- 26.120 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 counselling.

Facilities for Foreign Nationals

- 26.121 Women prisoners, who are foreign nationals, shall be allowed reasonable facilities to communicate with their diplomatic and consular representatives. Those who are nationals of other countries, or refugees, shall be allowed similar facilities to communicate with any agency whose task is to protect such persons.

Premature Release

- 26.122 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.

Probation of Offenders Act, 1958

- 26.123 Probation of Offenders Act, 1958, shall be extensively used in case of women offenders to provide suitable non-institutional corrective treatment to them.
- 26.124 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.

Transfer of Women Convicts for Release

- 26.125 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.

Release of Women Prisoners

- 26.126 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.

After care, Rehabilitation and Follow-up

- 26.127 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.
- 26.128 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.
- 26.129 Women prisoners willing to get married after their release should be rendered all necessary help.
- 26.130 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.
- 26.131 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.
- 26.132 It is desirable that the activities of such agencies are centrally monitored and coordinated in order to secure the best use of their services.
- 26.133 After-care of women prisoners, discharged from prisons and allied institutions, should be the statutory function of the Department of Prisons and Correctional Services.
- 26.134 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 State/UT.
- 26.135 Woman Probation Officers should be in charge of after-care and follow-up work.
- 26.136 The after-care and follow-up unit should evolve an objective method of assessing the post -release needs of women prisoners.
- 26.137 Restriction on employment of women released from prisons in government or public service undertakings should be removed by suitable amendment of the rules.

Linkages with Outside Welfare Agencies

- 26.138 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 NGOs for training and skill development can be considered as members of the Jail industry Board.

- 26.139 The Superintendent of Prison 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 favourable public opinion.
- 26.140 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 preempt/overcome the aversion of the society to women prisoners, which otherwise might deter and derail proper rehabilitation of women in custody.
- 26.141 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 counselling 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;
 - (ii) focus on removing any further damaging impact that imprisonment could have on women inmates, and seek to enhance self-worth, autonomy and self-efficacy.
- 26.142 Special programmes may be initiated to address underlying factors that lead to criminal behavior, for instance, separate programmes addressing substance addiction-related issues.
- 26.143 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.

- 26.144 Arrangements for public display of the products made by the women prisoners will boost their morale, instil 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.

Prisoners suffering from mental illnesses

- 26.145 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.
- 26.146 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.
- 26.147 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.

Prison Discipline

- 26.148 Discipline and order shall be maintained with firmness but with no more restriction than is necessary for safe custody and well ordered institutional life.
- 26.149 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.
- 26.150 Prison offences and indiscipline may be dealt with in the manner provided in Chapter XXI (Prison Discipline) subject to the following conditions:
- (i) Punishment by close confinement or disciplinary segregation shall not be applied to pregnant women, women with infants and breastfeeding mothers in prison.
 - (ii) Disciplinary sanctions for women prisoners shall not include a prohibition of family contact, especially with children.
 - (iii) Instruments of restraint shall never be used on women during labour, during birth and immediately after birth.

Requests and Complaints

- 26.151 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.
- 26.152 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.

- 26.153 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.
- 26.154 The Board of Visitors shall monitor the conditions of detention and treatment of women prisoners in particular.

Women Personnel

- 26.155 In a prison for convicted women prisoners there shall be one post of a lady Superintendent.
- 26.156 The woman's enclosures attached to the sub-prisons and district prisons shall be in the charge of a lady Deputy/Assistant Superintendent. They will be assisted by a female Chief Head Warder, Head Warder and female Warders.
- 26.157 The following officials shall be posted in every prison for women as per recruitment in accordance with the direction of State / UT Government.
- (i) Lady Superintendent,
 - (ii) Deputy Superintendent,
 - (iii) Assistant Superintendent,
 - (iv) Chief Welfare Officer,
 - (v) Welfare Officer,
 - (vi) Law Officer,
 - (vii) Probation Officer,
 - (viii) Chief Head Warder,
 - (ix) Head Warder,
 - (x) Warder/Matrons,
 - (xi) Teachers,
 - (xii) Instructors,
 - (xiii) Psychiatrist,
 - (xiv) Doctor, specially gynecologist,
 - (xv) Clerks,
 - (xvi) Aftercare Officer, and
 - (xvii) Warders.

Lady DIG at the headquarter

- 26.158 There shall be one post of lady DIG attached to the prison Department's Headquarters to look after women prisons, women prison staff and women

prisoners. Inquiries pertaining to women prisoners shall be conducted by the lady DIG, who shall submit her finding to the Inspector General of Prisons with her recommendations.

Terms of Service and Training

- 26.159 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.
- 26.160 Every woman member of prison staff shall be provided training in Human Rights and various aspects of correctional work.
- 26.161 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.
- 26.162 Physical fitness and psychological tests should be essential prerequisites for direct recruitment.
- 26.163 All new recruits should be given basic initial in-service training. Officers and staff on deputation should be put through short duration orientation courses.
- 26.164 Adequate training reserve should be provided in each cadre of the prison service.
- 26.165 Basic initial training, in-service training, refresher courses should be organized by the training institutions for various categories of personnel.

Other facilities for Women Staff

- 26.166 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.
- 26.167 Staff meetings and conferences should be regularly held.
- 26.168 A welfare fund should be established in each State / UT.
- 26.169 Proper forum should be provided at the institutional and state levels for women prison staff to ventilate their grievances.
- 26.170 In case of death of a women prison staff in lawful discharge of her duties, a lump-sum of Rs. 2 lakh should be paid to her survivors/ family.
- 26.171 All good work done by women prison personnel should be given proper publicity and should be highlighted through the media.
- 26.172 Residential quarters should be provided to all members of the women prison.
- 26.173 Adequate leave-reserve should be provided while fixing staffing norms.
- 26.174 Every member of the women staff shall be allowed a day off once a week.
- 26.175 Women prison personnel should be paid salaries and allowances at par with those of equivalent ranks in the police department.
- 26.176 Every direct recruit in service should have opportunities of at least three promotions during the span of her career.

- 26.177 Proper forum should be provided at the prisons, and the state level, for women prison personnel to ventilate their problems grievances common to them.

Creche and Canteen Facilities to Staff

- 26.178 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.
- 26.179 Female staff shall be provided services of creche for proper care of their young children while they are on duty.
- 26.180 Canteen facilities should be made available.
- 26.181 Female prison staff shall be allowed the option to take their meals during duty hours with prisoners free of cost.

Escorting of Women Prisoners

- 26.182 The matron / female Head 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.
- 26.183 Separate escort vans for escorting women prisoners shall be made available.

Matrons or Women Warders not to allow a Male to Enter Woman Enclosure

- 26.184 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 / warder / 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 Prison.

Matron or Female Head Warder not to Communicate with Male Prisoners

- 26.185 No matron / female Head 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.

Keys of Woman's Enclosure

- 26.186 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 Head warder in the morning at the time of unlocking.

Chapter XXVII

YOUNG OFFENDERS

Guiding principles

- 27.01 Young persons are impressionable. 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.
- 27.02 As far as possible, young offenders should not be kept in institutions meant for adult and habitual offenders.
- 27.03 Institutions for young offenders should be so classified that diverse training programmes, designed to suit each homogeneous group, can be conveniently organised.

Training and Treatment

- 27.04 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.

Non-Institutionalised Treatment

- 27.05 It is necessary to save the young offenders from evils of incarceration. Non-custodial 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/counselor;

- (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/Yuva Sadan 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.

Reception Centres/Reception Units

27.06 There should be separate institutions for young offenders, to be called Reception Centres and Kishore/Yuva Sadans. There should be separate Reception Centres for young female offenders.

27.07 Reception Centres should be organised 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.

27.08 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.

27.09 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: 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

27.10 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.

Annexes for young offenders

27.11 Each Central/District Prison should have an annexe for young offenders. Young offenders sentenced to periods of imprisonment up to six months may be kept in this annexe.

Reception Center and Kishore Yuva Sadan

27.12 Kishore Yuva Sadans should be categorised on the following lines:-

- (a) An institution recognised as an approved Kishore Yuva Sadan by the State 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).

27.13 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, counselling and support.
 - (xii) Release planning.
 - (xiii) After-care.
 - (xiv) Follow-up.
- 27.14 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.
- 27.15 Initially, all young offenders, offering good prognosis, may be kept in institutions recognised as approved Kishore Yuva Sadans or in semi-open Kishore Yuva Sadans. Later, on the basis of their responses to training and treatment, suitable young offenders should be transferred to Open Kishore Yuva Sadans. Difficult, disciplinary and problem cases, and escape risks, should be sent to special Kishore/Yuva Sadans. In due course, after observing their responses to institutional programme, these young offenders may be transferred to semi-open Kishore Yuva Sadans and later to open Kishore Yuvas Sadans. By adopting this approach many young offenders can be spared the bad experience of living with hardened criminals in closed institutions.
- 27.16 Decisions about placement of young offenders in the diversified Kishore Yuva Sadans should be taken by the classification committee which may comprise trained and experienced correctional administrators.
- 27.17 Young offenders should be sent to special Kishore Yuva Sadans as a last resort.
- 27.18 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 District Magistrate
 - (iv) The Superintendent of Police
 - (v) The District Medical Officer/Civil Surgeon/Medical Superintendent of the Government Hospital
 - (vi) The Deputy Director of Correctional Services (Young Offenders)
 - (vii) Two social workers interested in the welfare of young offenders
 - (viii) The District Education Officer

(ix) The Prison Welfare Officer

(ix) The Superintendent of the Kishore Yuva Sadan Member-secretary

- 27.19 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 Yuva Sadan 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.
- 27.20 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 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.
- 27.21 Specially selected and adequately trained personnel should be made available for implementing various programmes for young offenders.

Staff Organisation

- 27.22 At the headquarters of the Department of Prisons and Correctional Services a separate wing should be created under a senior officer of the rank of Dy. 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.
- 27.23 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.

House system

- 27.24 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 organised within the Houses. As far as possible each House should have a mixed group.

- 27.25 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.

- 27.26 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 organising games, recreational, and cultural activities.

Note: The system of house leaders aims at giving the inmate an opportunity to share responsibility.

- 27.27 House Committees: Each House should have a House Committee consisting of House staff members.

- 27.28 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.

Education

- 27.29 Educational needs 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.

- 27.30 Necessary facilities for the overall educational development of young persons 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 organised.
- 27.31 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 recognised institution should be permitted to do so.

Work and Employment

- 27.32 Young offenders should be taught such crafts, skills and vocations, as would be useful to them after release.
- 27.33 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 should aim at imparting vocational training to the inmates in these areas of work.

Vocational Training

- 27.34 Special emphasis should be laid on the vocational training of young offenders in trades suitable for their rehabilitation in the society.

Cultural Activities

- 27.35 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 organising 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.

Diet

- 27.36 Adolescence being the age of growth and development, proper attention should be given to provide balanced diet to such prisoners.

Discipline

- 27.37 Special emphasis should 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

Pre-release and Release

- 27.38 Provisions of Chapter XVIII (Premature Release) should be applied for pre-release preparations and release of young offenders.
- 27.39 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 recognised After-care Agency. If the Principal of the Institution or Superintendent of Prison 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.

Aftercare and Rehabilitation

- 27.40 After-care facilities should be extended as per provisions of Chapter XX (After-care and Rehabilitation). Special attention should be given to all aspects of aftercare of young offenders.

Programme and Daily Routine

- 27.41 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: 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.

- 27.42 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 Yuva Sadans.

Chapter XXVIII

INSPECTION OF PRISONS

28.01 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 DIG (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 State Government). The Inspecting Officer should spend 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.

28.02 Every central prison, district prison and sub-prison/ other prison (Women) shall be inspected by a Gazetted Officer twice in a calendar year. At least one such inspection shall be carried out by the officer of the rank of Jail Superintendent. The first inspection shall be carried out in the month of January/ February on the working of the prison for the period from 1st of July to 31st of December of the previous year. The inspection to be carried out in the month of July shall cover the working period from 1st January to 30th June of the same year. The report of the first inspection shall be submitted by 28th February and the report of the second inspection shall be submitted by the 31st of July every year, to the Director General/ Inspector General of Prisons for issuing appropriate directions. The Director

General / Inspector General of Prisons shall appoint Inspecting Officers for different prisons, in advance, by 15th January every year.

- 28.03 The Director General/ 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.
- 28.04 The Director General/ Inspector General of Prisons or any other officer of the rank of DIG and above from the Prisons Headquarters shall inspect minimum of 25% of the prisons in the State every year. This allotment shall also be done by the Director General of Prisons in advance by 15th of January every year.

Chapter XXIX

BOARD OF VISITORS

29.01 The State Government shall, by notification, constitute a Board of Visitors comprising Official and Non-official members at District and Sub-divisional level.

29.02 The task of the Board of Visitors shall include:-

- a) Monitoring the Correctional work in Prisons, with special attention to the degree and quality of training and the effectiveness of infrastructure/facilities in the Prisons.
- b) Suggesting new avenues leading to improvement in correctional work.
- c) Going into individual or collective grievances of Prisoners and providing redressal in consultation with the Prison authorities.

29.03 The Board of Visitors shall comprise the following official members:

- a) The District Judge at the District level, or the Sub-Divisional Judicial Magistrate exercising Jurisdiction, at Sub-Division level
- b) The District Magistrate, at the District level or Sub-Divisional officer at Sub-Divisional level
- c) District Superintendent of Police
- d) The Chief Medical Officer of the Health Department, at the District level or the Sub-Divisional Medical Officer at Sub-Division level
- e) The Executive Engineer, PWD at the District level, or Assistant Engineer PWD at Sub-Divisional level
- f) The District Education Officer dealing with literacy programmes.
- g) District Social Welfare Officer
- h) District Employment Officer
- i) District Agricultural Officer
- j) District Industrial Officer

The Board shall make at least one visit per quarter and for this purpose, presence of three members and the chairman shall constitute quorum.

29.04 The Board of Visitors shall also comprise the following Non-Official Members:-

- a) Three Members of the Legislative Assembly of the state of which one should be a woman.
- b) A nominee of the State Human Rights Commission
- c) Two social workers of the District/Sub-Division; one of them shall be a woman having an interest in the administration of prisons and welfare of prisoners.

- 29.05 The District Judge shall be the Chairman of the Board of visitors at District level and the Sub-Divisional Judicial Magistrate shall be the Chairman at Sub-Division level. The Non-official visitors after their appointment must be sensitised and trained about their duties, roles and responsibilities.
- 29.06 The Board of Visitors shall meet in the office of the Superintendent of prisons at least once in every quarter.
- 29.07 The minute of every meeting of the Board of Visitors shall be recorded in the Visitors' Minute Book, and the same shall be forwarded to the Inspector General of Prisons with comments of the Superintendent. 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/meetings of the Board of Visitor of all the prisons before the State Advisory Board.
- 29.08 When a non-official member of the Board of Visitors visits a prison he shall be accompanied by at least one more member (official or non-official). 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 Superintendent.
- 29.09 The roster shall be made in such a manner as will envisage at least one visit by a member in every month.
- 29.10 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.
- 29.11 During visits, a Visitor (Member of the Board of Visitors) shall enjoy the right to converse secretly and separately with any prisoner who is willing to talk 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 Prison.
- 29.12 Any observations/comments made in the Visitors' Minute Book, by any member of the Board, shall be forthwith brought to the notice of the Inspector General of Prisons by the Superintendent, 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.
- 29.13 The Members of the Board of Visitors shall specially attend to the quality and quantity of Prison diet, condition of the kitchen and hospital, availability of medicines, hospital management, medical treatment of the prisoners, sanitary arrangements, aspects of vocational trainings, literacy program, and library facility for the prisoners.
- 29.14 The Superintendent shall present before the visiting member/members of the Board of Visitors any paper /document pertaining to correctional work, recreation and trainings of prisoners, prison diets/ medicines, grievances of prisoners and follow redressal of such grievance, if it is sought by a visiting member of the Board.

- 29.15 The Superintendent shall not be bound to present any Register/Document/paper pertaining to financial accounts before a member of the Board of Visitors without written approval of the Inspector General of Prisons.
- 29.16 The Superintendent shall ensure that the prisoners lodging complaints with the visiting member/members of the Board of visitor do not subsequently fall prey to vendetta of the accused or prison staff complained against.
- 29.17 Following any such visits by member/members of the Board of Visitors, the Superintendent shall inform the Inspector General of Prison regarding the details of the visit.
- 29.18 For the purpose of a meeting of the Board of Visitors One official Visitor and two non-official Visitors shall form a quorum.
- 29.19 A Non-official Member of the Board of Visitors shall hold office for a period of two years from the date his appointment to the Board, and may be considered for reappointment.
- 29.20 The appointing authority may cancel the appointment of any non-official visitor for reasons to be recorded in writing. Removal of non-official visitors must not be arbitrary and should be based on a sound reasoning. In particular, any removal must be made after following principles of natural justice.
- 29.21 A non-official member of the Board of Visitors shall receive allowances as may be sanctioned by the government from time to time, for attending meetings of the Board of Visitors.

Duties of Visitors

- 29.22 All Visitors, official and non-official, at every visit shall:
- (a) examine the cooked food;
 - (b) inspect the barracks, wards, work-sheds and other buildings of the prison generally;
 - (c) ascertain whether considerations 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 is detained for undue length of time while awaiting trial;
 - (d) examine prison registers and records, except secret records and records pertaining to accounts;
 - (e) hear and attend to all representation and petitions made by or on behalf of the prisoners;
 - (f) direct, if deemed advisable, that any such representation or petition be forwarded to the Government;
 - (g) suggest new avenues for improvement in correctional work.

Note: A spare copy of the list of duties of the 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 on his appointment.

Board of Visitors to Records Remarks

29.23 The Board of Visitors should record their remarks in the Visitors' Book after every visit. A copy of these remarks shall be forwarded to the Inspector General who should pass such orders as he thinks necessary. A copy of the Inspector General's order should be sent to the visitor concerned.

Visitors to be facilitated

29.24 The Board of 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 of Prisons.

29.25 The Board of Visitors 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.

29.26 Non-official visitors shall not visit prisoners who are not allowed to be interviewed on medical grounds.

29.27 Visits shall not ordinarily be made after prisoners have been locked for the night and on prison holidays.

Visit to High Security Prison

District & Session Judge to Visit and Inspect Prisons

29.28 It shall be the duty of the District & Session Judge to visit and inspect high security and other prisons and to satisfy himself that all rules, regulations, directions and orders made or issued to such prisons, are duly observed and enforced.

Record of Inspection

29.29 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.

District & Sessions Judge to Communicate only with the Superintendent of Prisons

29.30 The District & Sessions Judge shall not ordinarily address any communication or order to any officer of any prison below the Superintendent. All orders issued by the District & Sessions Judge shall be in writing.

29.31 The District & Session 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.

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

Date of Visit to be Recorded and Copy of Remarks to be sent to Certain Officers

- 29.33 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 he may wish to make.
- 29.34 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.

Disposal of the Remarks Made by a Visitor

- 29.35 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 favourably 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.
- 29.36 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 State Government.
- 29.37 A copy of any order passed by the Inspector General, or by the State Government on any record made by a Visitor shall be communicated to the Visitor concerned through the Superintendent of Prison.

Chapter XXX

STAFF DEVELOPMENT

- 30.01 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.

Prison Cadre

- 30.02 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.
- 30.03 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:
- i) Warders, Head Warders and Chief Head Warders should be in the ratio of 25:5:1
 - ii) Assistant Superintendent and Deputy Superintendent should be in the ratio of 3:1
 - iii) For Superintendent Grade II, Superintendent Grade I and Deputy Inspector General of Prisons the ratio should be 9:3:1

Recruitment and Selections

- 30.04 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
- 30.05 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.
- 30.06 The recruitment of personnel of non-gazetted ranks will be done through the State Uniformed Services Recruitment Boards while recruitment of personnel of gazetted ranks will be through the State Public Service Commissions.

- 30.07 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.
- 30.08 Direct entry into prison service should be restricted to three levels viz.
- (a) Warders.
 - (b) Assistant Superintendents.
 - (c) Superintendent, Grade II / Assistant Director, Correctional Services.
- 30.09 Physical fitness and psychological tests should be made essential pre-requisite for direct recruitment at each of the three levels mentioned above.
- 30.10 Fifty percent of the posts of Assistant Superintendents and Superintendents Grade II shall be filled by direct recruitment and the remaining fifty percent by promotion.
- 30.11 A directly recruited warder/officer should not be placed on job until he successfully completes the prescribed basic initial training.
- 30.12 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) 50% of promotion quota posts will be filled from among Chief Head Warders on merit cum seniority basis.
 - b) The remaining 50% of promotion quota posts will be filled in from among the Warders, and Head Warders who have completed minimum three years of service in the department along with requisite amount of training and have educational qualifications prescribed for direct recruitment to the post of Assistant Superintendent. They should have good service

record and reputation for integrity. They shall be selected on the basis of a written test conducted by the Departmental Promotion Committee.

- iii) Similarly the recruitment for the post of Superintendent of Prison will be made both by direct recruitment and by promotion on 50:50 basis.
- (iv) Promotions to the post of Superintendent Grade II will be made on the basis of the following criteria:
 - a) 25% of the promotion quota posts will be filled in from among the Deputy Superintendents on the basis of merit cum seniority and the remaining 25% promotion quota will be filled in from among the Assistant Superintendents who have completed minimum three years service in the cadre of Assistant Superintendent along with requisite amount of training and have educational qualifications prescribed for direct recruitment to the post of Superintendent of Prison, Grade II. They must have good service record and reputation for integrity and remarkable performance in the written test conducted by the Departmental Promotion Committee
 - v) Educational qualifications for various categories of posts will be prescribed keeping in view job requirements for each post.
 - vi) 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.
 - vii) The general policy as laid down by the State Government regarding the relaxation of the upper age limit in case of deserving departmental candidates should be followed.

Creation of National Prison Service Cadre

- 30.13 With a view to bringing in uniform development of prison personnel in the country and making correctional services an All India Service to be called as Indian Prisons and Correctional Services, should be constituted by the Union Government under Article 312 of the Constitution of India.

Service Conditions

- 30.14 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.
- 30.15 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.

Salary and allowances

- 30.16 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.

Uniform

- 30.17 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 prison service should be similar to that in the police service.

Service Board

- 30.18 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.

Probation period

- 30.19 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.
- 30.20 On selection, each incumbent shall sign the oath of allegiance in the prescribed form.
- 30.21 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 judgement.
- 30.22 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.

Appointment

- 30.23 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.
- 30.24 As and when appointments are made on purely temporary basis, they should be made under specific orders.

Confirmation

- 30.25 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. Each State should fix details of such examinations.
- 30.26 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.

Seniority

- 30.27 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.

Promotions

- 30.28 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.

Transfer

- 30.29 The minimum tenure of non-gazetted and gazetted staff, at one station, should be five years and three years, respectively.
- 30.30 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.

Hours of Work

- 30.31 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-onholidays, etc should be clearly defined. Every incumbent should get 24 hours off-duty once a week.
- 30.32 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 Prison 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.

Additional Staff during Emergencies

30.33 In the event of sudden influx of inmates or epidemics, additional staff, according to recruitment rules should be appointed on purely temporary basis.

Facilities While on Duty

30.34 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 w.c.s.
- 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.

Holidays

30.35 Holidays will be observed in accordance with the local custom in each State as specified by the State Government.

30.36 Those who work on holidays should be allowed additional off-days.

Housing

30.37 Rent free residential accommodation for all prison personnel should be provided in the prison campus.

30.38 Housing for prison staff should be developed on modern lines with adequate community services and facilities.

30.39 Each institution should have provisions for lodging officials, guests, and other visitors, visiting the institutions.

30.40 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.

30.41 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.

Medical Facilities

- 30.42 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, Infirmarys, 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

Educational Facilities

- 30.43 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 city.
 - (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.

Miscellaneous Facilities

- 30.44 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.
- 30.45 Medical facilities should be provided in cases of medical emergencies and sickness.
- 30.46 Mess for unmarried staff members.
- 30.47 Use of institutional transport on payment at the time of transfer.
- 30.48 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.
- 30.49 Sports facilities, annual sports meets, and travelling allowance incidental to the above.

Rewards

- 30.50 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

- 30.51 The Inspector General/Deputy Inspector General of Prisons (range) and the heads of institutions 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.

Financial Assistance and Compensation

- 30.52 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 Rs. 10,000/-. In deserving cases, where assistance beyond this limit is necessary, the Inspector General of Prisons should refer the matter to the State Government/Union Territory Administration.
- 30.53 In case of death of prison personnel in lawful discharge of his duties, a sum of Rs. Two lakh should be paid to survivors in his family.

Protection from Damages

- 30.54 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 judgement and false allegations.

Pension

- 30.55 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.

Staff meetings

- 30.56 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.
- 30.57 Minutes of the proceedings of the meeting should be recorded and a copy of it should be forwarded to the Inspector General/Deputy Inspector General of Prisons (Range) with the remarks of the Superintendent.

Conference

- 30.58 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.
- 30.59 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.

Staff Training

- 30.60 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.
- 30.61 Correctional work is a specialised field. 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.

- 30.62 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.
- 30.63 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.
- 30.64 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.
- 30.65 The training process will reveal individual capabilities. Through such knowledge, the right person can be given the right job. This will ultimately lead to proper utilisation of human resources.
- 30.66 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.
- 30.67 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.
- 30.68 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.

Training Institutes

- 30.69 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 State 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.

Functions

- 30.70 The functions of a Training School/Regional Institute of Correctional Services will be:
 - a) Training,
 - b) Research,
 - c) Studies on Organization and methods, and
 - d) Publication of pamphlets, papers, hand books, Correctional Service Journals.
- 30.71 Only qualified persons with an aptitude for training and teaching should be posted at these institutions.
- 30.72 Directors of Regional Institutes of Correctional Administration should be from the Prisons and Correctional Service and should be of the rank of Additional Inspector General of Prisons. Principals of State level training schools should be of the rank of Superintendent of Central Prisons.
- 30.73 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 be utilized for training purposes. The visiting lecturers should be paid suitable honorarium and travelling allowances.
- 30.74 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 Bureau of Police Research and Development in consultation with the training institutions at various levels. These matters should be reviewed once every three years.
- 30.75 Proper literature should be prepared for meeting the training needs of various categories of personnel of the Department of Prisons and Correctional Services.

Training courses

- 30.76 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 five 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.

Facilities during training

30.77 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

Discipline

- 30.78 The Director/Principal of the Training Institution will frame necessary rules regarding discipline and will be authorised to take disciplinary action in the event of breach of discipline.
- 30.79 The trainees will wear the prescribed uniform during the training period.

Tests and Examinations

- 30.80 The Director/Principal will fix details about examinations and tests. Trainees of 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 Principal 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.
- 30.81 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) (f). Conduct, integrity and trustworthiness.

Library-journal-recreational facilities

- 30.82 Training schools should 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.
- 30.83 A Correctional Services Journal should be published by the training schools.
- 30.84 Recreational facilities should be organized.

- 30.85 A museum showing the historical development of Prison Administration and other aspects of institutional management should be set up at the training schools.

Continuation of training at the place of work

- 30.86 The following training facilities should be organised 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 organisation, etc.
- 30.87 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 judgement and resourcefulness among the personnel.
- 30.88 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.
- 30.89 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.
- 30.90 Assistant Superintendents will do physical training and drill at least twice a week. They shall participate in the weekly parades.
- 30.91 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.

- 30.92 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.

Staff Welfare Committee

- 30.93 There will be a Welfare Committee at each Institution consisting representatives of executive, technical, ministerial and guarding/custodial personnel. The Superintendent 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.
- 30.94 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) Deputy Inspector General (Headquarters) - Vice President
 - (ii) All Range Deputy Inspector Generals.
 - (iii) Principal, Prison Officers Training School.
 - (iv) Superintendent of the Prison located at the Department's Headquarters.

Functions

- 30.95 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 advice the Central Committee regarding the utilization of the fund.

Welfare Fund

- 30.96 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.

Welfare Unit

30.97 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.

Welfare benefits

30.98 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.

30.99 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 State.

Chapter XXXI

PRISON COMPUTERISATION

- 31.01 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.
- 31.02 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 standalone 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.
- 31.03 Computerisation 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 given in Appendix - 12;
 - (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.
- 31.04 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.

31.05 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 & 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.

31.06 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 XXXII

MISCELLANEOUS

Inclusion of Prisons in Development Plans

- 32.01 Since prison administration has a direct bearing on the improvement of the quality of life of those who deviate from the accepted social norms, 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. Therefore, each State shall take steps to formulate schemes for development of prisons in their entirety in the Central and State Plans. Such schemes should 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.

State Advisory Board

- 32.02 There shall be a State Advisory Board to advise the State Government and the Prison Administration on matters relating to correctional work in prisons, rehabilitation of inmates and redressal of grievances of prisoners.
- 32.03 The state 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 State Government, in order to bring about effective inter-departmental cooperation and co-ordination.
- 32.04 The State 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.
- 32.05 The State Advisory Board shall comprise of the following officials of the State:-
- a) Minister in-charge of Prisons – as Chairman
 - b) Secretary in-charge of Prisons – Vice Chairman
 - c) Principal Secretary , Department of Prisons
 - d) Inspector General of Prisons as Member Secretary.
 - e) Law Secretary or any of his nominee not below the rank of Joint Secretary.
 - f) Inspector General of Police (HQ).
 - g) Director, Education.
 - h) Director, Technical Education.
 - i) Director, Health Service.
 - j) Chief Engineer, Public Works Department.
 - i) The Director of Industries or any other member appointed by the Government.
 - i) Special Secretary Finance, as nominated by Secretary Finance Department.
 - j) Director, Social Welfare.

- 32.06 The following Non-Officials shall also be appointed by the Government as Members of the State Advisory Board:-
- a) Three members of the Legislative Assembly of the State, of whom one shall be a woman and one belonging to the principal opposition parts in the State Legislature Assembly.
 - b) Two elected Members of Parliament from the State.
 - c) Three eminent members of the public working in the field of prison administration and welfare. Among them one shall be a woman.
 - d) A retired officer of prison service of the State, not below the rank of Deputy Inspector General.
- 32.07 The Minister in-charge of Prisons shall be the Chairman of the State Advisory Boards, the Secretary in-charge of Prisons shall be the Vice Chairman and the Inspector General of Prisons shall be the Member Secretary.
- 32.08 The State Advisory Board shall hold at least one meeting in a calendar year. In the wake of any extraordinary situation, the Member Secretary is authorized to convene a special meeting of the Members of the State Advisory Board to apprise the Members of details of the situation warranting such meetings.
- 32.09 The proceeding of every meeting of the State Advisory Board shall be recorded in the Minute Book, and a copy of the same shall be forwarded to the Minister in-charge of Prisons and the Principal Secretary/Secretary of the Prison Department.
- 32.10 The Members of the State Advisory Board may visit to any prison of the State.
- 32.11 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.
- 32.12 The Superintendent shall present before the visiting Member/Members of the State Advisory Board any paper/document in connection with the correctional work, recreation, training of prisoners, prison diet, health-care of prisoners, grievances of prisoners and redressal of prisoners, if the same is sought for by the visiting Member/Members of the State Advisory Board.
- 32.13 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.
- 32.14 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 State Government for appointing a new nonofficial member in his/her place.
- 32.15 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.

- 32.16 The State government reserves the right to cancel the appointment of any non-official member of the State Advisory Board at any time.
- 32.17 A non-official Member of the Board shall receive allowances, as prescribed by the State Government from time to time, for attending the meetings of the Board.

Planning, Research and Development Mechanism

- 32.18 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 organisation, 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 prison 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 organisational and institutional goals by the department at least once a year.

Prisons Development Board

- 32.19 In order to improve and modernise the infrastructural facilities in prisons, a high powered Prison Development Board may be set up in each State to have an institutional arrangement conducive to speedy decision making and to take full advantage of modern technology and managerial practices.
- 32.20 The Board may consist of the following members:
- | | | |
|-----|---|---------------------|
| (a) | Chief Minister | Chairman |
| (b) | Minister for Prisons | Vice-Chairman |
| (c) | Registrar of the High Court | Ex-officio Director |
| (d) | Prl. Secretary to Govt., Home
(Prisons) Department | Ex-officio Director |
| (e) | Prl. Secretary to Govt., Finance
Department | Ex-officio Director |
| (f) | Prl. Secretary to Govt., Revenue
Department | Ex-officio Director |
| (g) | Secretary to Government, Law
Department | Ex-officio Director |
| (h) | Director General and Inspector
General of Police | Ex-officio Director |
| (i) | Director of Prosecution | Ex-officio Director |
| (j) | Two persons to be nominated by the
Govt., out
of whom one shall be a woman, | Members |

from among
non-officials who have
distinguished themselves
in the field of prison administration
or prison
reforms or service to prisoners or
human rights

(k) Inspector General of Prisons Ex-officio Managing Director

32.21 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.

32.22 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 Governments 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.

32.23 The concerned State Government shall frame detailed rules for the functioning of the Board.

Publication of Annual Report

32.24 Each State shall publish an annual report on the functioning and progresses achieved by the Department of Prisons and Correctional Services and place the same before the legislature.

Formulation of State Prison Manual

- 32.25 Each State Government shall formulate its own vision and mission statement which should be incorporated in the State Prison Manual on the lines indicated in this Model Prison Manual, to adequately cater to the indigenous conditions, without diluting the concept of basic uniformity in law and procedure.

Exchange of Expertise

- 32.26 Each State Government shall promote 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.

Right to information

- 32.27 The Prison Act and other relevant Acts, applicable rules, regulations and the State Prison Manual shall be kept in the prison library for the benefit of all prisoners.
- 32.28 The prison administration in the State shall strictly adhere to the requirements contained in the Right to Information Act, 2005.

APPENDICES

APPENDIX – 1

HANDBOOK FOR PRISONERS

(See Chapter V)

[Source: Bureau of Police Research & Development]



PRISONERS' RIGHTS AND OBLIGATIONS

A Handbook for Prisoners



BUREAU OF POLICE RESEARCH & DEVELOPMENT
MINISTRY OF HOME AFFAIRS
GOVERNMENT OF INDIA

Introduction

The preparation of this handbook is a modest step towards lending credence to human rights initiatives in prisons. An attempt has been made to clearly and lucidly inform and explain to the prisoners their rights and duties within the framework of the prison walls. This handy manual will not just meet a long-felt prisoners' need but also move the authorities towards further streamlining prison procedures and functions. While on the one hand it will make the prisoners more alive and aware about their rights, on the other it will help the prison authorities to become more sensitive and alert to prisoners' human needs. Similarly, a clear understanding of their duties shall help the prisoners to know their limitations and make the day-to-day functioning of the prison administration smoother.

The intention is to protect human rights and dignities in a prison; yet it is also being effectively conveyed that facilities and privileges in a prison cannot be taken for granted. Thus while an effective grievance redressal procedure is put in place, the prisoner is also clearly told that his privileges and other facilities are contingent on his good conduct. While all human and civil rights are extended to him, it is also incumbent upon him to abide by the prison rules and regulations.

Though it would have been proper to make a clear distinction between absolute rights and discretionary rights, the privileges and the amenities, it would have been a little confusing for the prisoner. On the premise that any conflict would be resolved by further referring to the exhaustive jail manuals and prison rules and regulations, rights and duties have been listed under convenient headings that can be easily understood by an average prisoner. Since the prisoner is the audience here, all efforts have been made to make the handbook

simple, readable and pleasing to the eye. To avoid reader fatigue, the text has been peppered with appropriate and communicable illustrations.

Finally, though it will be in bad taste to refer to happiness in a prison setting, a certain level of contentment can be created through a humane and congenial atmosphere, where the rights are met and obligations are fulfilled. This handbook strives to make a move just towards that.

Admission

At the time of admission a prisoner shall

- be treated with courtesy.
- submit to thorough search.
- notify details of his identity, family members, close relatives, friends, legal representatives and diplomatic mission in case of foreigners so that they can be informed about his admission or transfer.
- submit a list of persons who are likely to seek interviews with him.
- deposit his personal belongings with the jail authorities, which shall be registered in the prison record and returned to him on release.
- be informed of the rules, regulations, his rights and obligations and his legal status in prison.
- be classified for the purpose of segregation according to his

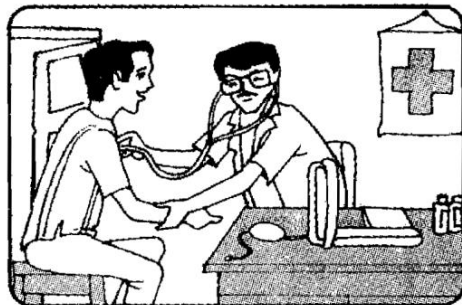


status like undertrial, detainee, convict, juvenile, woman, habitual, high risk etc.

Classification and Medical Examination

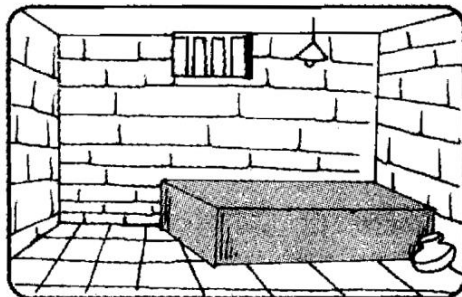
A prisoner after admission shall be kept separately for some time, according to his classification, in the reception ward

- for medical examination, observation etc.
- to get his injuries, if any, examined.
- to have a medical screening where he will give truthfully and freely his medical history, including correct information about blood group, allergies, etc.
- to be vaccinated, if needed.



Accommodation

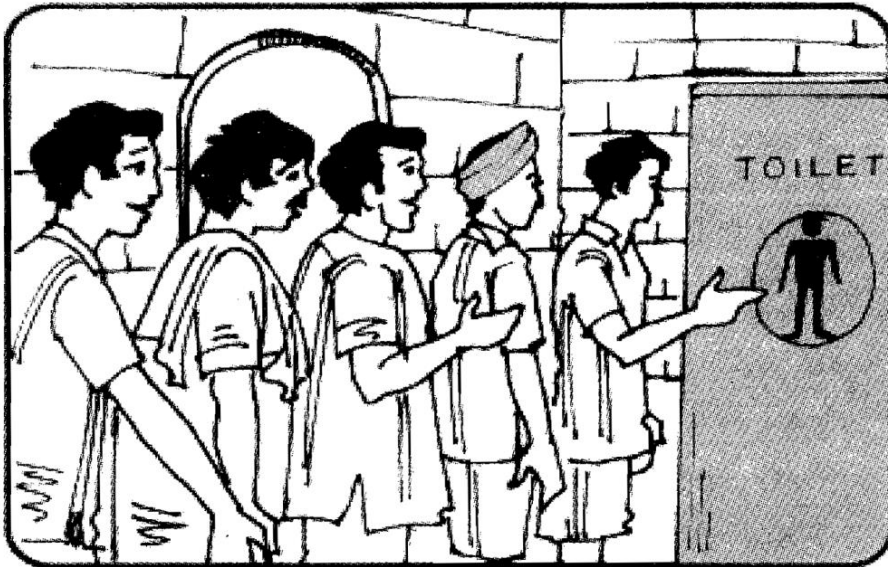
- Every prisoner shall be provided adequately ventilated, clean and sufficient living space with good lighting system.
- He shall be accommodated separately according to the classification and socio-cultural background.



Sanitation and Hygiene

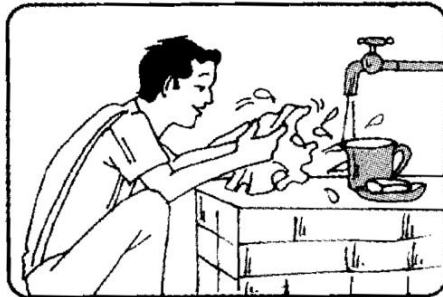
A prisoner shall

- maintain personal cleanliness and all-round hygiene at all times.
- keep his clothes, blankets, bedding, utensils and his surroundings clean and orderly.
- ensure that he and his fellow inmates keep their living place neat and clean and they do not spit around.



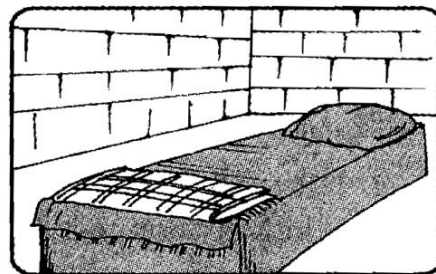
- make separate queues for latrines and urinals.
- shall wait for his turn in the queue for nature's call.
- shall ensure that the previous user flushes the latrine/urinal after use, and he shall do the same.
- shall only spend as much time in the bathroom as is absolutely necessary and be sensitive to the fact that others are waiting for their turn.
- not litter the surroundings.

- keep his nails clean and trim them regularly.
- wash his hands before working in the cook house or before touching food articles.
- bathe and wash his clothes everyday.
- be provided with adequate water supply for bathing and washing, sufficient toilets and a good drainage system with periodical repairs and maintenance.
- be provided shaving and other soaps, brush etc. at Government cost.
- be provided the services of the barber for shaving or clipping.



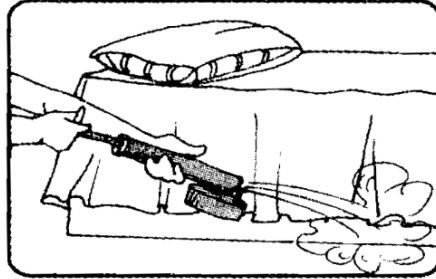
Clothing and Bedding

- A prisoner shall be provided sufficient, proper, neat and clean clothing and bedding, according to season.
- Undertrials and those awarded simple imprisonment can wear their own clothes. If they do not have sufficient clothing or bedding, the same shall be provided at Government cost if the Superintendent permits.
- A prisoner can wear his own clothes whenever authorized to move out of the prison.
- He shall wear the clothing given to him and not exchange it



or any part of the prison kit with that of any other prisoner.

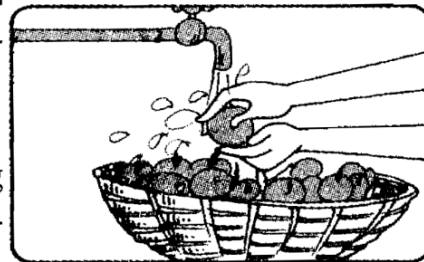
- He shall be provided the facility for washing, proper aeration and periodic fumigation of clothing and bedding.



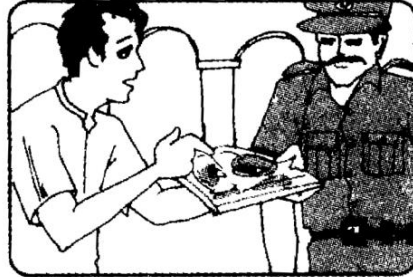
Food

A prisoner shall be provided

- three meals a day according to the prescribed diet.
- timely, hygienic, nutritious and medium quality food in sufficient quantity.
- properly inspected food, cooked and served in appropriate utensils.
- food articles, which are properly cleaned, carefully sifted, inspected and preserved in good and wholesome condition.
- fresh vegetables.
- potable and sufficient drinking water, made available conveniently at all times.
- a special diet as prescribed by the medical officer, if he is sick.
- extra nutrition in case of a nursing or pregnant woman or a juvenile.
- extra or reduced scale of diet only on the medical officer's advice.
- special diet on religious festivals and national holidays.
- food suitable to the occasion if he is observing fast or *rozās*. However, a medically unfit prisoner is not allowed to fast without permission of the medical officer.



- the entire daily ration at evening meal if he is fasting. He is allowed to take it to his barrack or cell for use during night or the following morning.

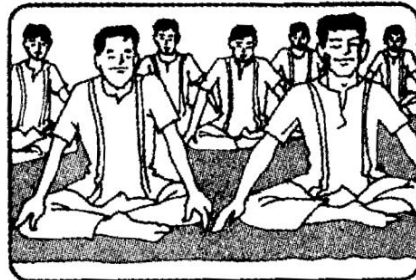


- If food is insufficient or inferior in quality, a prisoner can complain to the jailor in charge of the kitchen, who will promptly investigate and report the facts to the Superintendent.

Health Care

A prisoner is entitled

- to proper and free health care, including specialist treatment and dental care.
- to second medical opinion and access to all medical information concerning him.
- to space and material for daily physical exercise to help him keep a good physical and mental health.



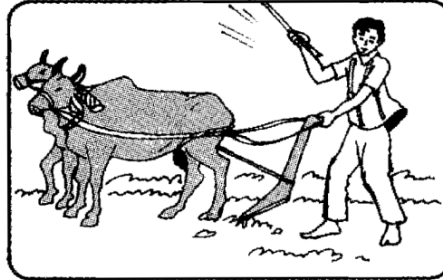
Work and Wages

A prisoner

- who is medically fit shall work to gain skills for rehabilitation after release.
- cannot be subjected to forced labour.
- who is an undertrial or a prisoner under simple imprison-

ment cannot be allotted any work unless he so desires.

- shall not be employed on labour for more than the stipulated hours in any one day, except in case of an emergency and by the order in writing of the Superintendent.
- has the right to protest or complain if the officers and the prison staff employ him for private work at their residences and attached gardens.
- has the right to weekly off. No work except menial and other necessary work shall be done on sundays and other prison holidays.
- will be protected from undue exposure to the vagaries of weather while at work.
- who works shall be paid fixed wages on condition that he completes his daily quota of work to the satisfaction of the prison authorities.
- shall have his wages credited to his wage account.
- can spend a part and send a part of his wages to his family.
- shall get the saved amount on his release.



Facilities and Amenities

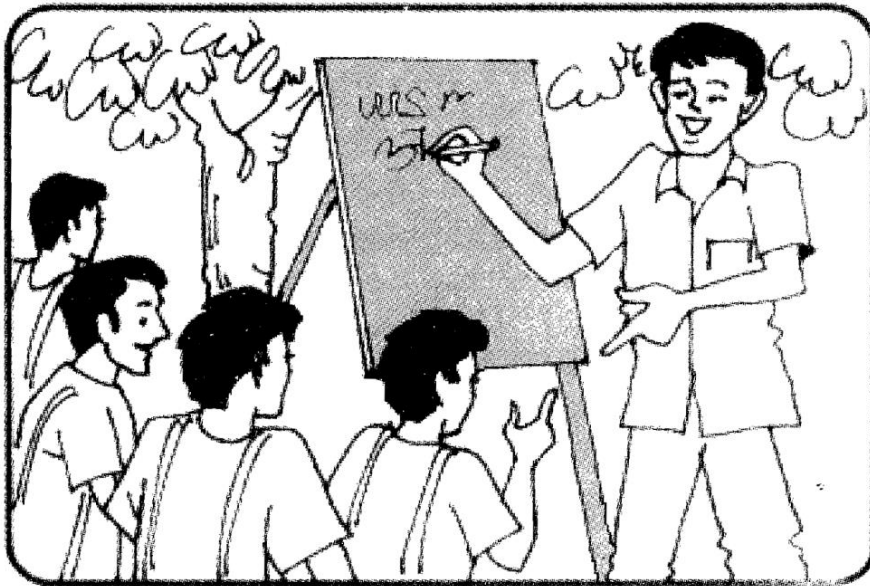
- A prisoner can spend part of his earnings on postcards, envelopes and the likes, books and other approved items and payment of fine or other legal obligations.
- He has canteen facilities for purchase of foodstuffs, articles of daily use like soap, toothpaste, oil, comb, tea, coffee, milk,



stationery etc.

- He can participate in recreational and cultural activities, yoga classes and sports organised from time to time.
- He can keep postcard size family photos.

Education



A prisoner

- has the right to education.
- shall be provided facilities for literacy classes and vocational training.
- has the right to pursue higher studies.
- is entitled to the same standards and contents of education as prevalent in the state of his imprisonment.
- has the right to access the prison library.
- desirous of higher studies or otherwise may possess any number of books with the Superintendent's permission.

Religion

- A prisoner has the right to observe the tenets of his religion, attend religious functions and have access to representatives of their religion.
- He can keep with him religious books and pictures.
- He is to be provided with place of worship.

Appeal, Petition and Legal Aid

A prisoner

- desiring to appeal is granted every facility for appealing to the proper appellate court.
- is entitled to free legal assistance of his choice.
- is entitled to appeal and petition according to the provisions of law and for legal defence.
- can delegate power of attorney to settle property, land, civil suits, business etc. and execute his will.
- can make representations and complaints on matters such as appeals, assaults or ill treatment, when the Superintendent visits prisoners during the day.

Contact With Outside World

A prisoner has the right to communicate with the outside world through media, letters and interviews. He can communicate and interview in privacy with legal advisers, diplomats (in case of foreigners), his family members and friends.

Letters

A prisoner

- can write letters at government cost.
 - can write to his near relatives and friends only.
 - can write the number of letters per month as notified.
 - can receive unlimited number of letters.
 - can be allowed additional letters for legal purposes at the Superintendent's discretion.
 - can be extended facilities for sending telegrams or registered letters in suitable cases at his own cost.
 - cannot correspond with inmates of other prisons, except with those who are his close relatives with the permission of the Superintendent.
 - can be disallowed letters for reasons of security, discipline or during emergency.
 - can be permitted by the Superintendent to substitute a letter for an interview or visa-versa.
 - will only correspond on personal or private matters.
 - is forbidden to include any matter likely to become subject of political propaganda or any strictures on the administration of the prison.
- 
- Letters both incoming and outgoing are censored according to prison rules and recorded in the history ticket of the prisoner. Those with objectionable cryptic or suspicious contents shall be withheld under intimation to the prisoner. But he shall receive the censored letters without delay.

Interviews

Interviews are granted only to near relatives, friends and legal adviser of a prisoner with the permission of the prison officials and consent of the prisoner.

- Every undertrial or convicted prisoner, during the period of appeal, is entitled to see his relatives or friends or the legal adviser and communicate with them as and when required, at the discretion of the Superintendent, to enable him to prepare or file an appeal, arrange for bail or surety, payment of fine or to manage his property and other family affairs.
- The visitor and the prisoner shall be subjected to search



and strict vigil during interview.

- Interviews between prisoners are only allowed if they are members of their families, that is, spouse, children, father, mother, brother and sister.
- Interviews are ordinarily granted on working days and

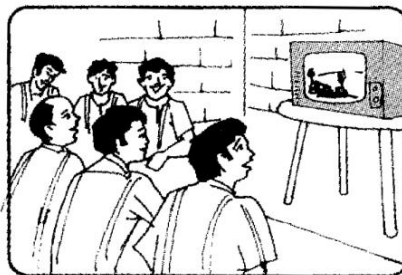
during the hours notified in front of the prison gate, the visitors' waiting room and the inquiry office.

- Interviews are granted on Sundays and prison holidays in exceptional cases only and with the permission of the Superintendent.
- The duration of an interview shall normally not exceed the prescribed time limit.
- During an interview with father, mother, children, wife, sister, brother or a joint interview with his friends and relatives, up to five persons are permitted.
- A prisoner is entitled to only stipulated number of interviews every month.
- A prisoner on hunger strike shall not be granted interviews and other facilities.
- No political matters shall be discussed during an interview.
- An interview may be terminated at any moment if the Jailor present considers there is sufficient cause to do so.

Media

A prisoner

- can access news through books, newspapers, television, radio etc.
- may be allowed by the Superintendent to have at his own cost any newspaper or periodical approved by the state government.
- is provided newspapers and periodicals approved in the prison library.



- ❑ All privileges such as interviews, letters and facilities for reading are contingent on the good behaviour of the prisoner and the Superintendent may withdraw or postpone privileges of an individual for misbehaviour and unsatisfactory conduct or use them as reward for good behaviour.

Security

- Prisoners are classified according to the risk they pose to others and kept accordingly.
- They can be subjected to restraint as a precaution (i) against escape during transfer; (ii) while attempting damage to property or physical attack on others or self; (iii) on medical grounds.
- Prisoners shall be provided protection from other prisoners.

Duties and Obligations

A prisoner shall

- maintain discipline and obey all prison rules and regulations.
- maintain strict silence at all times except when any enquiry or instructions relating to work are necessary.
- not keep *bidis* or cigarettes in his possession.
- smoke only at such places and during such periods as specified by the Superintendent.
- not leave his work or his line to make any representation.
- not destroy the equipment of the cell or damage buildings or prison property.

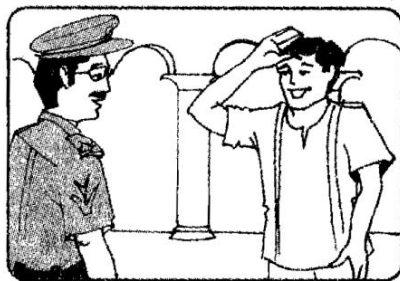


- report any plot or conspiracy, and any attempt to escape or preparation for escape, or for an attack upon any prisoner or prison officer.
- perform his allotted tasks willingly and carefully and take proper care of any Government property entrusted to them for the purpose.
- not receive or possess any prohibited article like alcohol



and other intoxicants, cash, ornaments, arms and ammunition, ropes and strings etc.

- not loiter outside the wards or in the wards after the doors have been opened, or bath or visit the latrine at awkward hours.
- not commit any nuisance or dirty any article in the prison or any part of the prison.
- not gamble, barter or play any game in the prison (unless permitted by the Superintendent).
- remain strictly within their gangs and within the part of the jail in which they are confined, unless ordered by proper authority to leave it.
- keep in file when not at work, and strictly carry out regular parades.
- show respect to all prison officers and not strike, assault or threaten them or any prisoner.



- help prison officers in case of any attack on them.
 - abstain from abuse, quarrelling, loud laughing, loud talking and indecent behaviour.
- On refusal to observe the legitimate rules a prisoner can be subjected to disciplinary action and punishment. However, he shall be informed of his offence before being punished and given the opportunity to present his defence and appeal to the higher authorities.

Prison Offences

The following activities are considered offences inside the jail premises. A prisoner indulging in any of these is liable to be punished;

- not following the prison rules and regulations.
- attack anyone or use undue force.
- use insulting or abusive language.
- show unwillingness to work.
- uncivilised or immoral conduct.
- deliberate refusal to work.
- attempt to break open handcuffs or fetters.
- unwillingness or refusal to work by those undergoing rigorous imprisonment.
- deliberately destroy or damage prison property.
- damage or destroy the history ticket.
- possession of a prohibited article.
- pretence to illness.
- plot or abet any prison offence.
- failure to report any fire outbreak or plot or conspiracy about attempted escape or preparations for escape, or an attack upon any prisoner or prison officer.
- any other action or activity that can be considered as offence under prison rules.

Prison Panchayat

All prison inmates have to participate in prison panchayats, wherever they are constituted. The purpose of the panchayat is to help the administration

- maintain proper sanitation, hygiene and cleanliness.
- establish an efficient cooking service and proper distribution of food.
- extend facilities and amenities to inmates such as medical help.
- organise recreational activities.
- maintain good behaviour among the inmates in barracks and workshops.
- help the prison administration in all matters, which are conducive for establishing a proper atmosphere in the prisons.

Leave

- Every prisoner is entitled to temporary release or leave according to rules.
- Ordinarily, leave is not granted to a prisoner within a period of six months from the date of his return from special leave or earlier leave.
- A prisoner desirous of leave will furnish personal bond of the amount fixed under the rules. In case of abuse of trust the prisoner is liable to stipulated penalty or punishment.
- Leave is not granted unless a prisoner has a relative willing to receive him while on temporary release and ready to furnish the required surety bond.
- The cost of journey both ways is borne by the prisoner released on leave. If he is not in a position to do so, and the

sanctioning authority so directs, a portion or whole of expense might be borne by the state government.

- As soon as a prisoner released on leave surrenders himself to the prison authorities, his order of release becomes inoperative. Thus if a prisoner who is released on leave has applied for extension of the period of leave, and before his application is sanctioned he surrenders to the prison authorities, he shall not be released after such surrender without obtaining a fresh order from the sanctioning authority.
 - The leave period is counted as a remission of sentence, subject to certain rules.
- A prisoner has no legal right to claim release on leave.

Special Leave

A prisoner

- is sanctioned special leave (parole) for such period as the competent authority may order in case of serious illness, or death of any member of his family or of his nearest relative or for any other sufficient cause.
- can be allowed special leave by the IG of prisons to appear in an examination.
- convicted of serious offences, when allowed special leave, is to report regularly at the police station nearest to the place where he intends to spend his time.
- is granted special leave subject to his executing a surety and personal bond and to observe all conditions, which apply.
- who abuses the concession or commit breach of any of the conditions of special leave shall be punished.
- is granted special leave either on his own application, or

made by his relative or friends, or the legal adviser.

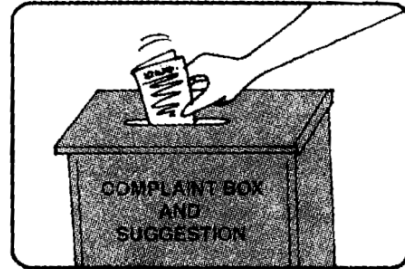
- ❑ The special leave order becomes ineffective on a prisoner's surrender.
- ❑ The period spent on special leave shall not count as remission of the sentence.

Remission

- Remission is an incentive to a prisoner for his good behaviour and work.
 - Ordinary remission is granted subject to rules and as per the scale fixed for good conduct and standard performance of allotted work.
 - A prisoner who has not committed any prison offence during the period of one full year is eligible for annual good conduct ordinary remission in addition to any other remission granted to him.
 - Special remission may be granted to a prisoner for such service as protecting from attack or saving the life of prison officials, prison visitors or inmates, preventing an attempt to escape, assisting prison officials in fire outbreak, riot, strike etc.
 - The State Government remission can be awarded from time to time on special occasions.
 - The total of ordinary and special remission, excluding the State Government remission, granted to a prisoner, shall not exceed one third of the sentence.
-
- ❑ Remission is not a right but a concession that can be granted or withdrawn.

Redressal System

- There is a proper redressal system in place in the prison, wherein a prisoner can convey to the authorities his grievances and problems.
- He can request or complain on any working day to the prison authorities, normally through the complaint and suggestion boxes in the prison.
- He can complain if discriminated on the basis of race, colour, gender, language, religion, origin etc.
- He can put an anonymous note in these boxes regarding any personal or institutional complaints or give any suggestions on improvements in jail. They shall all be considered unless they are evidently frivolous or groundless.
- His complaints shall be redressed within the stipulated time and a note taken of his suggestions.
- He is allowed a request or a complaint, without censorship, in the proper form to the central prison administration, judicial authorities and other appropriate authorities through proper channel.
- He can personally approach the inspecting authorities during prison inspection and make requests or complaints in the absence of the prison officials.
- A joint petition or complaint by a group of prisoners is not entertained by the prison administration.



Women Prisoners

- The women prisoners shall be kept in a separate enclosure

within the prison.

- Habitual women offenders shall be segregated from other women prisoners.
- They shall be looked after and searched by the women staff only.
- Every woman prisoner shall be examined by the medical officer in the presence of a woman Jailor/Matron. Such



examinations shall also be conducted on readmission after bail, parole or leave.

- Their special needs like pregnancy, childbirth and family care shall be adequately met and attended by lady doctors
- The deliveries of expectant mothers shall be conducted in maternity homes outside the prison. If per chance a birth takes place in the prison, this fact shall not be mentioned in the birth certificate of the child.
- A woman prisoner admitted to a prison with a child depending on her for nursing or otherwise can retain the child with



her till the child is six years of age. She can also retain a child whom no friend or relative can be found to take charge; or a child is born while in prison.

- Women prisoners shall be provided a nursery for their children whenever they are not able to look after them.
- They shall be supplied with *shikakai* or soap to wash hair.
- They can retain their bangles, wear vermilion mark to their foreheads and wear earrings, nose ring and a *mangalsutra* or its equivalent.
- They shall be provided suitable clothes for sanitary and

hygienic purposes. Any woman prisoner who so desires is permitted to buy sanitary napkins at her own cost.

- They will be provided literacy and other vocational training classes.
- They will be provided facilities for recreational and cultural activities.

Accompanying Children

- Children below six years, who accompany their mothers in the prison, are entitled to special crèches, where trained ayahs will look after them.
- Such crèches shall be within the premises but outside the walls of the prison.
- These children shall remain in the crèche while their mothers are at work.
- Infants who take their mother's feed shall be taken to their mothers at appropriate times. If it is deemed proper the mother can be allowed in the crèche at the time of the infant's feed.
- The accompanying children should be provided with educational facilities
- If need be, provision shall be made to send them to a school outside the prison.
- School books, bags and uniform shall be provided to the school going children.
- Special arrangements are made for a play school within the crèche for small children.
- These children will have periodic and regular medical check up.



- They shall be given special diet as recommended by the Medical Officer.
- These children have the right to proper security, safety and protection.

Undertrial Prisoners

- The undertrial prisoners are entitled to separate accommodation.
- They have the right to bail, to prompt court hearing, access to lawyer and friends in preparation of defence and special rights relating to food, clothing, work and visits.
- They are entitled to their own clothing and food. If they cannot afford, they shall be provided the same. The clothing in such cases is different from the convicted inmates.
- They cannot be allotted any work unless they so desire.
- They can consult their own doctors.
- No restraint can be imposed on them beyond what is absolutely necessary to prevent escape or unauthorized communication with persons within or outside the prison.

High Security Prisoners

- The prisoners who pose a high risk to the society or the country at large shall be kept in special high security enclosures away from other prison wards.
- They shall not be allowed out of their cells except at the time of distribution of food.
- Only one prisoner at a time will be taken out to distribute food and he shall be locked in immediately after the food has been given.
- The facilities and privileges extended to prisoners undergoing simple imprisonment are denied to them.

Appendix – 2

PROFORMA FOR HEALTH SCREENING OF PRISONERS ON ADMISSION TO JAIL

(See Chapter V)

Case No.
Name Age Sex..... Thumb impression
Father's/Husband's Name.....Occupation
Date & 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. Icterus: YES/NO 6. Injury, if any.....

4. Blood test for Hepatitis/STD including HIV, (with the informed consent of the prisoner whenever required by law)

5. Any other

Systemic Examination

1. Nervous System

2. Cardio Vascular System
3. Respiratory System
4. Eye, ENT
5. Gastro Intestinal system abdomen
6. Teeth & 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

[illegible]

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.	15.	16.	17.	18.	19.

[illegible]

APPENDIX – 6
CASE SHEET
(See Chapter VII)

Class of prisoner with register number and name Address Age	Date when first brought under treatment Date of Admission to hospital Date of discharge from hospital Disease

Month and Date	Particulars of the case and treatment adopted	Diet and extras ordered

APPENDIX – 7

CASE BOOK

(See Chapter VII)

Register number and name of patient –

Present disease	Class of prisoner with nature and length of sentence (if convicted) State of health on admission to prison. Weight on admission to prison. Weight on admission to hospital. If sentenced to R.I., whether admitted from invalid gang or otherwise. If previously an out-patient, give dates. If previously an in-patient, refer to last page of Case-Book. 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.
Month and Date	Particulars of patient's previous health, state on present admission, treatment and diet, with daily initials of Medical Officer.

APPENDIX – 8

SHEET FOR A PRISONER SENTENCED TO DEATH

(See Chapter XII)

Date of execution by Sessions Judge

1. Register No.
2. Name
3. Neck measurement
4. Weight
5. Result of medical examination, special points, etc.
6. Date of sentence by the Court of Sessions
7. Date of appeal to the High Court of Judicature at Mumbai
8. Date of decision of the High Court
9. Date of petition for special leave for appeal to the Supreme Court
10. Date of appeal to the Supreme Court
11. Date of decision of the Supreme Court
12. Date of submission of mercy petition
13. Date of result of mercy petition
14. Final date of execution
15. Length of drop required

APPENDIX – 9
CASE HISTORY OF CONVICT

(See Chapter XII)

[to be inserted from Maharashtra Rules if format is acceptable]

1. Name
 2. Number
 3. Age
 4. Sentence
 5. Section
 6. Habitual or casual
 7. Legal history and statement of the prisoner regarding present and previous crimes, if any
 8. Social History
 - (a) Childhood
 - (b) Family History
 - (c) Health history
 - (d) Neighbourhood
 - (e) Educational background
 - (f) Adolescence
 - (g) Economic background
 - (h) Employment history
 - (i) Associations, companionship, etc.
 - (j) Habits, aptitude, etc.
 9. Personality (general impression only)
 10. Clues regarding sequence of criminal behaviour
- Date on which case history was prepared
- Prison

APPENDIX – 10
REPORT OF EXECUTION
(See Chapter XII)

I hereby certify the sentence of death passed on _____ by the Court of Sessions and confirmed by the High Court, has been duly executed and the said _____ was hanged by the neck until he was dead at _____ on the _____ .

(Sd.)

Medical Officer

(Sd.)

Superintendent

(Sd.)

Executive Magistrate

Police		Details (IIF-V) ▪ Witness verification details ▪ Charge sheet/ Final report (IIF-V) Supplementary charge-sheet ▪ Bail by Police Details	finger prints of accused ▪ Police custody and transit remand order ▪ Post mortem report (for prisoner who dies in prison custody) on request basis	of the investigation ▪ The service of process on the witnesses ▪ The status & details of the defence witnesses	crime report ▪ Any further examination required in the case ▪ Info about lie detection examination

		▪ Case property disposal form ▪ Preventive Action (Kalandras) ▪ Details of Personal Search ▪ Case Property release and Personal Search release		

	- Act & Sections with Nature of case if different from the FIR/Charge-sheet and Charges framed - FIR/Charge-sheet and Charges framed - Summons/Notices/ warrant - Prosecution/Defence/Court Witnesses appeared - Prosecution/ Defence/		- already undergone Act & Sections with Nature of case (as per Court Record) and Charges framed - Details of hearing with	- Act & Sections with Nature of case if different from the FIR/Charge-sheet and Charges framed - Summons/Notices/ warrant - Proceeding details	(under-trial, senior citizen etc.) - Intimation of judgments in cases where experts were examined

			compensation)		
Prisons	▪ Accused Prison Details ▪ Bail/Parole/furlough release and reporting details ▪ Escape/misconduct/ crime in jail ▪ Details for lodging FIR ▪ Transfer of Final release details	▪ Details of Prison where Accused is kept or shifted to ▪ Reason for non-production of the inmate ▪ Other conviction			

	Case proceeding briefing Status of the case in higher court	witnesses - Service of processes on witnesses - Details of Pre-occupation of Govt. witnesses with other courts			
FSL	Examination report of	FSL reports		FSL Reports	

