



## MANUAL 2010

### FOR THE SUPERINTENDENCE AND MANAGEMENT OF PRISONS IN THE STATE OF SIKKIM

#### SIKKIM PRISON MANUAL

#### INTRODUCTION

This Prison Manual has been prepared in line with Model Prison Manual which was formulated on the basis of national consensus evolved through a cross section of prison administration and experts drawn from various parts of the country by Bureau of Police Research and Development.

The guiding principles were laid down by the Hon'ble Supreme Court in Sunil Batra Vs Delhi Administration and other (1978) in which the Hon'ble Supreme Court has laid down three broad principles: -

1. A person in prison does not become a non-person.
2. A person in prison is entitled to all human rights within the limitations of imprisonment
3. There is no justification of aggravating the suffering already inherent in the process of incarceration.
4. The rights of prisoners are broadly defined as:-
  - a) Right to human dignity.
  - b) Right to basic minimum needs like nutrition, clothing, medical care and treatment to access.
  - c) Right to communication
  - d) Right to access to law.
  - e) Right against arbitrary prison punishment.
  - f) Right to meaningful and gainfull employment.
  - g) Right to be released on due date.
5. The duties of prisoners are broadly defined as:-
  - a) to obey all lawful orders and instructions issued by the prison authorities;
  - b) to abide by all prison rules, regulations and obligations;
  - c) to maintain the prescribed standards of cleanliness and hygiene including sanitation;
  - d) to respect the dignity and right to live of every inmate and prison staff;
  - e) to abstain from hurting religious feelings and faiths of other persons;
  - f) to use government property with care and not to damage or destroy it;

- g)** to help prison officials in the performance of their duties and maintain discipline and order;
- h)** to maintain congenial correctional environment in the prison.

Retribution, deterrence, and legal incapacitation have very limited application for offenders. Social reconstruction and rehabilitation of offenders have come to assume place of great importance among the diverse objectives of punishment in a welfare state.

**6.** The basic features of Correctional Services are: -

- a)** A system of good custody and positive, constructive and firm discipline.
- b)** Care and welfare of inmates.
- c)** Basic segregation.
- d)** Attending to immediate and urgent problems of inmates.
- e)** Orientation to institutional life.
- f)** Study of the offender.
- g)** Classification.
- h)** Attending to the long-term needs of inmates.
- i)** Use of agencies and resources judiciously.
- j)** Reprocessing of the inmate from admission till release, social implantation of habits, attitudes, and psychotherapy.
- k)** Guidance, counseling, support.
- l)** Release planning.
- m)** Aftercare.
- n)** Follow up study.

Provisions of the manual have been so drafted so as to facilitate the smoothest possible implementation of these features.

## CHAPTER I

### Short Title, extension and commencement

1. (1) This Manual may be called the Sikkim Prisons Manual 2010.
- (2) It shall extend to the whole of Sikkim.
- (3) It shall come into force on such date as the State Government may, by notification, in the Official Gazette appoint.

### Definitions

2. In this Manual, unless the context otherwise requires: -
  - (a) “**ACT**” means the Sikkim Prisons Act of 2007;
  - (b) “**ADOLESCENT PRISONER**” means a person: -
    - (i) who has been convicted of any offence punishable with imprisonment, or who has failed to give security under section 117, Code of Criminal Procedure, 1973 (Centre Act of 2 of 1974), and who at the time of such conviction is not less than 18 years, but not more than 21 years of age;
    - (ii) who has been committed to prison custody during the pendency of his trial, and who at the time of his commitment, is not less than 18 years, but not more than 21 years of age.
  - (c) “**ADULT PRISONER**” means a prisoner who is more than 21 years of age
  - (d) “**CASUAL PRISONER**” means a convicted criminal prisoner other than a habitual offender;
  - (e) “**CIVIL PRISONER**” means a prisoner who is not committed to custody under Writ, warrant or order of any Court or authority exercising criminal jurisdiction, or by order of a court martial and who is not a detenué;
  - (f) “**COMPETENT AUTHORITY**” means a officer having jurisdiction and legal authority to deal with a particular matter in question;
  - (g) “**CONVICTED CRIMINAL PRISONER**” means a criminal prisoner under sentence of court or court martial, and includes a person detained in prison under the provision of Code of Criminal Procedure, 1973;
  - (h) “**COURT**” means Civil, Criminal or Revenue Jurisdiction;
  - (i) “**CRIMINAL PRISONER**” means a prisoner duly committed to custody under the writ, warrant or order of any court or authority exercising criminal jurisdiction, or by order of a court-martial;
  - (j) “**CENTRAL PRISON**” means a Prison in which criminal, convicted prisoners are received, for the purpose of undergoing their sentences, by transfer from any other Prison and in which such prisoners are not, when committed to prison, in the first instance ordinarily received;
  - (k) “**DEPUTY INSPECTOR GENERAL OR SENIOR SUPERINTNDENT OF PRISONS**” means the head of

Prisons, whoever is appointed by the Government “hereinafter referred as Deputy Inspector General / Sr. Superintendent of prisons”;

- (l) **“DISTRICT PRISON”** means a prison to which prisoners from one or more district are in the first instance, ordinarily committed and includes every prison other than a Central prison or a Special Prison;
- (m) **“DETENU”** means a person ordered to be detained and committed to a place of detention in the State by any authority acting in exercise of the powers conferred by such act in the State;
- (n) **“HABITUAL OFFENDER”** means A person who during any continuous period of five years whether before or after the commencement of the Act, has been convicted and sentenced to imprisonment more than twice on account of the following offences namely: -
  - i) Offence mentioned in chapter XII of the IPC, 1860 (Act 45 of 1860)
  - ii) Offence punishable under the following section of the IPC (Act, 45 of 1860) U/S 379, 380, 381, 382, 384, 385, 386, 387, 392, 393, 394 395 396, 397, 398, 399, 400, 402,406, 407, 409, 411, 412, 413, 416, 417, 420, 421, 423, 436, 468, 498(A).
- (o) **“HISTORY TICKET”** means the ticket exhibiting such information as is required in respect of each prisoner by this act or the rules made thereunder;
- (p) **“IMPRISONMENT”** means the rigorous and simple imprisonment;
- (q) **“INMATES”** means a person kept in an institution;
- (r) **“INSTITUTION”** means a place where offenders are kept;
- (s) **“GOVERNMENT”** means the State Government of Sikkim;
- (t) **“PRISON MANUAL”** means the manual for the superintendence and management of Prisons in the State of Sikkim;
- (u) **“MEDICAL OFFICER”** means a doctor designated as such and appointed under this act;
- (v) **“OFFENDER”** means a person who is accused of having committed an offence punishable under the law.
- (w) **“OFFENCE”** means an act or omission made punishable by any law for the time being in force and shall also mean any act or omission contrary to the provisions of law, which has been made punishable;
- (x) **“PROHIBITED ARTICLES”** means an article that cannot be introduced or removed into or out of prison under this Act and rules framed thereunder;
- (y) **“PLACE OF DETENTION”** means a prison or other place in the state in which a Detenu is ordered to be detained;

- (z) **“PRISON”** means a prison or place used permanently or temporarily under the general or special order of the state government for the detention of prisoners and includes all lands and buildings appurtenant thereto but does not include:-
- i) a place for the confinement of the prisoner who are exclusively in the custody of the police;
  - ii) a place specially declared by the State Government under section 417 of the Code of Criminal Procedure, 1973; or
  - iii) a place, which has been declared by the State Government by general or special order, to be a subsidiary prison;
- (aa) **“REMAND PRISONER”** means a person who has been remanded by court to prison custody, pending investigation by the police;
- (bb) **“REMISSION”** means the rule for the time being in force regulating the award of marks to and the consequent shortening of the sentences of prisoners in prison;
- (cc) **“RULES”** means the rule framed under the Act;
- (dd) **“SPECIAL PRISON”** means a prison provided for the confinement of a particular class or classes of prisoners and classified as Special Jail by the Government;
- (ee) **“SUPERINTENDENT”** means the Superintendent of the Prisons as may be appointed by the State Government;
- (ff) **“UNDER TRIAL PRISONER”** means a person who has been committed to prison custody with pending investigation or trial by a competent authority;

## CHAPTER II

### MAINTENANCE AND OFFICERS OF PRISON

#### ACCOMMODATION OF PRISONERS

- 2.01** The State Government shall establish sufficient number of prisons as far as possible, and provide minimum needs essential to maintain standards of living in keeping with the principles of human dignity. Prisons shall ensure separation of the following categories of prisoners: -
- (a) Women
  - (b) Adolescent offenders
  - (c) Under – trials
  - (d) Convicts
  - (e) Civil prisoners
  - (f) High security prisoners.
- 2.02** It shall be ensured that women prisoners do not come into view of male prisoners during their passage to and fro from their enclosures.
- 2.03** Accommodation for prisoners shall provide adequate cubic contents of air, floor space, lighting, ventilation and climatic protection.
- 2.04** The State Government may set up special prisons for those arrested during non- violent socio- political and economic agitation for a declared public cause. Apart from various types of prisons for specific categories of prisoners, State Government may create temporary prisons to deal with emergent situations especially for those, who cannot be conveniently or safely kept in existing prisons.
- 2.05** The State Government shall specify the authorized population for each type of prison institution in the State of Sikkim and the norms with regard to area for prisoners to be housed.
- 2.06** Whenever it appears to the State Government that the number of prisoners in any prison is greater than can conveniently or safely be kept therein, and it is not convenient to transfer the excess number to some other prison, or whenever from the outbreak of epidemic disease within any prison, or for any other reason, it is desirable to provide for the temporary shelter and safe custody of any prisoner, for the shelter and safe custody in temporary prison of so many of the prisoners as cannot be conveniently or safely kept in the prison.
- 2.07** All accommodation provided for use of prisoners, particularly for sleeping, will meet requirements of healthy living. There will be three types of living accommodations as mentioned below: -
- a) Barracks with accommodation for not more than 25 prisoners.
  - b) Single room accommodation.
  - c) Cells for segregation of prisoners for purpose of security or contagious diseases.

#### PRISON ARCHITECTURE

- 2.08** The architecture of the prison institution should be governed by two principles namely: -
- i) adequate protection to society through the establishment of security conditions, and
  - ii) adequate resources, which would be necessary for the successful implementation of various correctional programmes.
- 2.09** While selecting the site for new institutions factors like accessibility, water and electricity supply, drainage and sewage, communication facilities, climatic conditions, market facilities for purchase of institutional supplies, proximity to civil hospital, mental hospitals, Court, educational facilities for children of prison personnel should be taken into consideration.
- 2.10** Closed prisons are classified into two categories i.e. Center and District Prisons. Authorised population of these prisons will not exceed 500 and 200 respectively.

- 2.11 There will be enough open space inside the perimeter wall to allow proper ventilation and sunlight.
- 2.12 The area of an institution will be fixed in accordance with the need of an institutional programme.
- 2.13 The requirement of segregation of inmate groups within an institution in accordance with the prescribed principle of classification will be provided for in every building plan.
- 2.14 Centre and District Prison will have separate enclosure for women prisoners.
- 2.15 Under Trials, Civil prisoners and Detenues will be lodged in separate barracks away from convicted prisoner.
- 2.16 Accommodation for prisoners will be provided with adequate contain of air, floor space, lightning, ventilation and climatic protection.
- 2.17 All the construction will adhere to ISI standard.

**NORMS FOR PRISON BUILDING** – The prison buildings have to be constructed on the following norms; -

#### **MAIN GATE**

- 2.18 The minimum dimension of the main gate and the second gate of all the closed prisons will be 3 meters in width and 4 meters in height. The gate will be made up of strong steel frame. Each gate will have a wicket gate. The main gate and the wicket gate will have strong blocking arrangements from inside. The gate will be covered with iron sheets from outside. The wicket gates will have peep holes.
- 2.19 Sufficient space should be kept between two gates in order to facilitate search of prisoners on its admission and to check visitors.
- 2.20 Entry to the prison will only be through a single point i.e. the main gate.
- 2.21 There will be proper design administrative block having sufficient rooms for office, record room, conference hall, common rooms, enquiry cabin and control room for efficient functioning of the administration.
- 2.22 A court room to dispose off cases of under trials in petty offences.
- 2.23 There will be a reception unit to facilitate for proper implementation of admission formalities. This unit will also have interview room and recreational area.

#### **HOUSING**

- 2.24 The accommodation provided for use of the prisoners particularly for sleeping, will meet basic requirements of healthy living. Due regards shall be paid to climatic conditions, cubic content of air, minimum floor space, lighting and ventilation.
- 2.25 A plate indicating the authorized accommodation will be attached to the housing unit with other details as feels appropriate by the Prison Authority.

#### **BARRACKS**

- 2.26 The minimum height of the roofs of the barracks will be approximately 10 feet from the floor. The floor of the barrack will be made of cement concrete and all barracks will have verandahs with sufficient space. Each barrack will have only one door made of strong angle iron frames. A fixed, in built shelf will be provided to each inmate so that he may keep his belongings there. Also sufficient artificial light will be provided to enable the prisoners to work and read without difficulty in their barracks after dusk.

**CELLS**

- 2.27** Each cell will have thorough ventilation. The floor of the cell will also be of cement concrete and each cell will have a yard attached to it for air and light. Each cell will be provided with a flush latrine and sleeping berths as prescribed.

**TOILETS AND BATHROOMS**

- 2.28** Each barrack used for sleeping will have sufficient number of attached Water Closets, urinals and wash places. The ratio of such Water Closets will be one unit per 10 prisoners. Latrines will be of sanitary type with enough sunlight and with a concrete roof. There will be partitions high enough to provide privacy. The inside walls of latrines will be fitted with glazed ceramic tiles upto of one meter above floor level. Every seat in a latrine shall be provided with a proper footrest, which will not be too far away from each other.

- 2.29** For bathing purposes each prison will be provided with covered cubicles for bathing at the rate of one for every 10 prisoners with adequate water supply of water. Each prison will have independent stand- by arrangement for water supply.

**KITCHEN**

- 2.30** The general Kitchen will ordinarily be located at a central place inside the prison so that the distribution of food among prisoners may be finished quickly. The kitchen will be well ventilated and lighted. It must always be kept neat and tidy. Each kitchen shed will be provided with adequate supply of pure water to be used for both cooking and washing. A fly- proof wire mesh all around will protect the kitchen. Introducing LPG, hot plates, mixer grinders etc, will modernize the kitchens. The walls of the kitchen will be provided tiles upto a height of 2 meters for easy cleaning.

**WORK SHED**

- 2.31** Area where prisoners work will have to have sufficient cubic feet per prisoner in the work shop or any factory building, with sufficient ventilation and lights.

**RECREATIONAL FACILITIES**

- 2.32** Proper recreational facilities like ground for outdoor games, auditorium for cultural activities, library, indoor games, yoga, prayer centre.

## CHAPTER III

### HEAD QUARTERS ORGANIZATION

- 3.01** Prison and correctional service will be under the control of the Home Department as it is responsible for the services in this field.
- 3.02** The organization setup of the Prison Head Quarters of the Prison Administration and Correctional Service operating from the Central Prison Complex, Rongyek shall be as follows:
- (i) The Deputy Inspector General / Senior Superintendent of Prisons and correctional service,
  - (ii) Superintendent / Additional Superintendent of Prisons and correctional service,
  - (iii) Jailer,
  - (iv) Sub-Jailer,
  - (v) Assistant Sub-Jailer,
  - (vi) Head Warders,
  - (vii) Warders,
  - (viii) Accounts Clerks,
  - (ix) Ministerial Staffs and
  - (x) Followers

The Head Quarter staff except sl. no. (i), (viii), (ix) and (x) will function as executive as well as correctional officers.

#### **AUTHORITY AND POWER OF THE DEPUTY INSPECTOR GENERAL/ SENIOR SUPERINTENDENT OF PRISONS**

- 3.03** The State Government shall appoint Deputy Inspector General or Senior Superintendent of Prisons as Head of the Prison to exercise the general control and superintendence of all prisons in the State, subject to the orders of the State Government. He shall ensure the implementation of the provisions of the Sikkim Prisons Act 2007, through other officers as appointed by Government for assisting him at the headquarters and other institutions under his control. His general functions shall be:-
- (i) to implement prison policies as laid down by the State Government;
  - (ii) to plan, organize, direct, coordinate and control the various prison/ correctional services;
  - (iii) to define the functions and fix lines of authority and channels of command of the prison personnel;
- 3.04** He shall in respect of financial matter follow the Sikkim Financial Rules.
- 3.05** As the Head of Prison Administration, he will have all the necessary financial, administrative and disciplinary powers.
- 3.06** It shall be the duty of the Deputy Inspector General / Sr. Superintendent of Prisons to personally visit and inspect every Prison at least once a month and to satisfy himself that the provision of Sikkim Prisons Act and all rules and regulations, directions and orders made or issued are duly obeyed and enforced and the management of such prison is in all respects efficient and satisfactory. A note regarding each visit and inspection shall be made in the register maintained for this purpose by the Superintendent of the prison.
- 3.07** In accordance with the law and rules the Deputy Inspector General / Sr. Superintendent of Prisons of Prisons during his inspection shall: -
- a) see all yards, barracks, cells, work sheds, store rooms, kitchen and latrines noting their state of repairs, sanitary condition and efficiency;
  - b) examine the prison garden and note its conditions as to its capabilities to supply vegetables in sufficient quantities to all the prisoners.
  - c) note any defects in the water supply and conservancy arrangements and see that the food is of proper quantity and quality.

- d) see every prisoner in prison, noting any circumstances of importance requiring attention; see the sufficiency of clothing, employment of prisoners, awards of punishments etc.
- e) inspect the Warder establishment as to its proficiency.
- f) satisfy himself that the arrangements for guards both by day and by night are satisfactory, to plan, organize, direct, coordinate and control various correctional services.
- g) satisfy himself that all accounts and registers are maintained according to the rules in force, and that proper arrangements are made for the safe custody of all records.
- h) record his opinion of the manner in which the prison is administered, together with any suggestions he may wish to make and any orders he may desire to issue to the Superintendent.

**3.08** He shall submit to the Government annually a detailed report of the prison administration for the previous calendar year, giving statistics of the prisoners together with any necessary comments thereon and his remarks on every part of prison management.

**3.09** The Deputy Inspector General / Sr. Superintendent of Prisons shall be the medium of communication between Government and every officer of the department and every communication from any officer of the department, intended for the perusal of the Government shall be submitted through him.

## CHAPTER IV

### INSTITUTIONAL PERSONNEL

**4.01** For every prison there shall be a Superintendent, a Jailer, a Medical officer and such other officers as may be appointed by the Government from time to time who shall be under the administrative control of the Deputy Inspector General / Sr. Superintendent of Prisons.

**4.02** The institutional set up will be fixed in accordance with the size of the institution, the inmate population, workload and distribution of functions. In principle, there has to be one guarding staff for every six prisoners.

#### **DUTIES OF PRISON OFFICERS**

**4.03** The duties of the Deputy Inspector General or Senior Superintendent of Prisons shall be as prescribed in Rule 3.03 to 3.09.

**4.04** The Deputy Inspector General / Sr. Superintendent of Prisons shall carry out all the instructions and directions of the State Government as may be issued from time to time and all officers subordinate to him shall perform all such duties as may be imposed on them. All officers shall also function both as executive and correctional officers.

**4.05** Custody, security, discipline, preventive and control action during an emergency are the fundamental duties and responsibilities of every staff member.

**4.06** No officer or staff of prison shall do or commit any acts of omission or commission that will give undue and illegal benefit either to a prisoner or to any officer or staff.

**4.07** All officers shall obey the directions of the Deputy Inspector General / Sr. Superintendent of Prisons, all officers subordinate to the Jailer shall perform such duties as may be imposed on them by the Jailer with the sanction of the Superintendent.

**4.08** No officer shall sell or let any person employed by him sell or derive any benefit from selling or letting article to any prisoner or have any money or business dealings, directly or indirectly, with any prisoner, even when he is released from the prison. No officer or staff of the prison shall derive any undue benefit what so ever from any prisoner. Such an act shall tantamount to acceptance of bribes and strict legal and departmental action shall be initiated against such erring official or staff.

**4.09** No officer of a prison shall, nor any person employed by him, have any interest direct or indirect, in any contract for any supplies to the prison; nor shall he derive any benefit directly or indirectly from the sale or purchase of any article on behalf of the prison or belonging to a prisoner.

**4.10** The institutional personnel shall also ascertain that the compliance of human rights, which the prisoners are entitled to, are not impinged upon and restricted beyond the limit inherent in the process of incarceration itself. They will also ensure that prison programmes are geared towards the overall objective of imprisonment in terms of reform and rehabilitation of prisoners.

**4.11** Every officer of a prison shall at all times avoid all conducts calculated to unduly irritate or annoy any prisoner and shall treat every prisoner with tact, good temper, humanity and strict impartiality.

**4.12** No officer of any prison shall at any time under any circumstances or any pretext, strike any prisoner otherwise than in exercise of the right of private defence or in pursuance of his duty in giving effect to a punishment lawfully inflicted. Similarly, no officer of the prison shall in the discharge of his duties at any time use more force than is absolutely necessary for the purpose of enforcing law and carrying out his duties.

**4.13** No officer of a prison shall at any time enter any barrack or cell occupied by prisoners, from the hour such barrack or cell has been locked up for the night, till sunrise the

following morning unless he's accompanied by at least one other officer and that too only in case of emergency.

- 4.14** It shall be the duty of every officer of a prison at all times to do lawful acts which may be necessary and to exercise the utmost vigilance for the purpose of preventing any prisoner from breaking out of prison or from creating or attempting to create any disturbance or riot or from doing any other violent or disorderly act.
- 4.15** No officer shall absent himself without leave and procedure for granting short leave. Whenever leave is granted, the Jailer shall at the time leave is granted, enter the fact and period from which such leave is to commence, in his general diary. Similarly, on his return from leave, such entry shall be made in the general diary. The Jailer shall record in a proper register all leave granted by the Superintendent and all reports made of return from leave so granted.
- 4.16** The general diary shall be maintained separately at the Jailer's office, and at the chamber where CCTV cameras are maintained. The general diaries shall be a printed in a prescribed format and all entries in the diaries shall be entered as ordered by the Deputy Inspector General / Sr. Superintendent of Prisons. Any alteration or willful negligence in maintenance of the general diaries shall amount to sabotaging the system of the prison and shall invite departmental action under major penalties. In addition, the duty registers of prison staff, maintained outside the barracks or cells of the prisoners shall also be kept upto date with all the requisite entries at any point of time. Only authorised personnel are permitted to enter into the control room.
- 4.17** No subordinate officer shall, except with the special permission of a superior officer, correspond or hold any communication of any kind whatever with any relative or friend of any prisoner, or with the prisoner himself. He shall not hold any intercourse with any discharged prisoner nor shall he permit any discharged prisoner to visit or remain at his quarters.
- 4.18** No subordinate officer shall at any time consume alcohol; or sleep while on duty; nor display cowardice while in the discharge of any duty of his office or be guilty of any act of insubordination, disobedience or breach of faith or malingering or render himself unable or unfit to discharge his duties.
- 4.19** No officer shall wear any unauthorized ornaments or emblem with the uniform. Their hair shall be kept short and they shall not appear in uniform in unshaven condition. No officer shall be permitted to wear any caste marks. All ranks shall appear in uniform whenever they are on duty. Smoking / carrying of cell phones beyond the designated place and use of tobacco on duty in uniform is strictly prohibited.

#### **SUPERINTENDENT**

- 4.20** Subject to the orders of the Deputy Inspector General / Sr. Superintendent of Prisons, the Superintendent / Additional Superintendent shall manage the prison in all matters relating to discipline, labour, expenditure, punishment and control. It shall be his duty to prepare and render any accounts or returns in respect of public funds or stores and shall be personally responsible for their completeness and strict accuracy and their dispatch within the prescribed date. He shall afford all reasonable facilities to the Accountant General for the discharge of his functions and furnish fullest possible information for the preparation of any official account or report without withholding any information, books or other documents required.
- 4.21** The Government of Sikkim shall make all appointments to and changes in the office of Superintendent of Prison.
- 4.22** All officers of a prison below the Superintendent shall obey his directions and all officers subordinate to the Jailer shall perform such duties as may be imposed on them by the Jailer with the approval of the Superintendent.

- 4.23** All or any of the powers and duties conferred and imposed on a Superintendent shall be in his absence exercised and performed by any such officer as the Government may appoint.
- 4.24** Subject to such general or special directions as may be given by the State Government the Superintendent of a prison shall obey all orders not inconsistent with the Sikkim Prison Act, 2007 or any rule and shall report to the Deputy Inspector General / Sr. Superintendent of Prisons, all such orders and the action taken thereon.

#### **MAINTENANCE OF RECORD**

- 4.25** The Superintendent shall keep, or cause to be kept, the following records: -
- a) a register of prisoners admitted;
  - b) a book showing when each prisoner is to be released;
  - c) a punishment book for the entry of punishments inflicted on prisoners for prison offences;
  - d) a visitor's book for the entry of any observations made by the visitors, touching any matters connected with the administration of the prison;
  - e) a record of money and other articles taken from the prisoners and all such other records as may be prescribed by the rules;

#### **DUTIES OF THE SUPERINTENDENT**

- 4.26** It shall be the duty of the Superintendent of a prison to: -
- i) provide for the support, care and custody of and control over all prisoners at any time confined in a prison;
  - ii) maintain order and discipline amongst the prisoner's confined and the subordinate officers employed in the prison;
  - iii) control all expenditure relating to prison under directions of the DIG/ Sr. S.P.;
  - iv) inquire into and adjudicate upon all alleged prison offences and breaches of discipline and to punish all those who are found guilty, in due course of law;
  - v) generally to take all such measures as may be necessary for the proper protection and management of prison and of all prisoners and to give effect and to enforce the Sikkim Prisons Act, 2007 and all rules, regulations, orders and directions made or issued thereunder;
  - vi) visit the prison at least once every working day and on Sundays and holidays whenever special circumstances render it desirable;
  - vii) on the occasion of his daily visit to a prison shall release time expired convicts, in accordance with the provisions of the law. He shall also observe the rules regulating the return of their private property and grant of proper subsistence allowance to such convicts;
  - viii) see every prisoner in his charge in a district prison daily and a Superintendent of a Central Prison shall likewise see every prisoner in his charge once in two days;
  - ix) visit the prison after lock up at least once a fortnight and satisfy himself at each such visit that the prison is properly secured and guarded and that all rules and regulations orders relating to rightly disposition of prisoners, warders and officers of the prison are duly observed and carried out;
  - x) frequently visit and inspect every barracks, cell, workshop, latrines and every other part of prison and satisfy himself that all these are secure and maintained in the best possible state of repair;
  - xi) carry into effect or cause to be carried into effect all written advice given by the medical officer in regard to proper registration of prisoners suffering from infections and contagious disease. He shall also take immediate steps to cleanse and disinfect the barracks, cell, apparel, bedding etc suspected to be infected;
  - xii) visit the prison garden at least once a week and satisfy himself that all necessary measures are being taken therein for the purpose of cultivating and producing ample supply of vegetables for consumption by the prisoners; that the garden is properly de-weeded; that the refuse from the prison is effectively conducted; that manure is suitably disposed off and that the premises are maintained in good sanitary condition;
  - xiii) see that sufficient quantities of dietary articles for consumption by the prisoners are stored and proper arrangements are made for their preservation. The Superintendent are ensured that the articles procured are of good quality and stored after proper survey by a board of officers nominated by Deputy Inspector

- General / Sr. Superintendent of Prisons, which will invariably include medical officer of the prison;
- xiv)** hold a weekly parade of all prisoners for the time being confined in the prison for the purpose of muster and inspection. The parade shall ordinarily be held on Monday of each week. At such parade he shall hear every request or complaint which any prisoner desires to make;
  - xv)** cause the prisoner to be checked and counted at least twice a day namely at the hour of opening the barracks in the morning and of locking up of the prisoners in the evening;
  - xvi)** transact all business relating to the prison on the premises thereof and shall not require the attendance of the Jailer or Sub- Jailer or Assistant Sub-Jailer at any place without and beyond such premises;
  - xvii)** forthwith proceed to the prison to investigate the case and take such measures as may be necessary when the Jailer reports any unusual occurrence requiring immediate action. He shall make a report of the matter in his journal.
  - xviii)** inquire into and record his opinion on the conduct of any subordinate officer under guidance of the provisions of the rule in that behalf;
  - xix)** immediately inform the Deputy Inspector General / Sr. Superintendent of Prisons about: -
    - b)** all serious breaches of prison discipline;
    - c)** every case in which any prisoner escapes or attempts to escape or is recaptured or commits suicide or dies from a serious injury;
    - d)** all outbreaks of epidemic diseases amongst prisoners or officials of the prison and measures taken to prevent the spread thereof;
    - e)** all serious cases of overcrowding and all other such matters directed to be reported upon by the Deputy Inspector General / Sr. Superintendent of Prisons;
  - xx)** at all the time exercise a vigilant supervision and control over all moneys and property of whatever kind received by him, for, or on account of the Government prison or any prisoner and overall expenditure of every kind incurred by him or under his authority and on the upkeep and management of the prison and maintenance of prisoners. He shall cause proper accounts and vouchers of all such receipts and expenditure and property to be regularly kept and audited in accordance with the Sikkim Financial Rules 1979. He shall be held wholly responsible for the above-mentioned clause.
- 4.27** The Superintendent shall be personally liable for all defalcations, loss or damage in any way attributable to any negligence, disobedience or misconduct on his part.
- 4.28** The Superintendent shall satisfy that all supplies are paid for at the time they are purchased or as soon afterwards as possible.
- 4.29** The Superintendent shall submit regularly and punctually to the concerned authority, all:
- a)** returns of statistical information;
  - b)** statements of accounts in respects of receipts, expenditure and property;
  - c)** bills, vouchers and other original documents;
  - d)** reports and other information required as per special provisions of rules and orders of the Government;
  - e)** by the 31<sup>st</sup> January of each year furnish a general report on the administration of the prison during the preceding year;
- 4.30** The Superintendent shall take proper precautions to guard against fire breaking incidents. This will include installation of gadgets, drills and pasting of guidelines in conspicuous places in the prison.
- 4.31** The Superintendent shall attend to all minor correspondence relating to prisoners; attend to their release on bail, appeals, fine payment etc.; attend to the correction of sentences and to the production of prisoners in courts.
- 4.32** The Superintendent shall follow the guidelines laid down by the National Human Rights Commission in full letter and spirit.

**4.33** When any officer is about to take charge of the office of Superintendent of any prison, before doing so he shall satisfy himself that all records and registers are upto date and that cash balances and accounts are complete. In case of any defects or irregularities he shall make a note in writing and inform the Deputy Inspector General / Sr. Superintendent of Prisons.

**4.34** The Superintendent shall discharge his duties subject to the control of the Deputy Inspector General / Sr. Superintendent of Prisons and all orders passed by him shall be subject to revision by the Deputy Inspector General / Sr. Superintendent of Prisons.

#### **JAILER**

**4.35** The Jailer is the Chief Executive Officer of the prison and shall discharge his duties under the immediate direction of the Superintendent.

**4.36** It shall be the duty of the Jailer to strictly enforce all laws, rules, regulations, directions and orders relating to the management of the prison and prisoners.

**4.37** The Jailer shall directly be responsible for the safe custody of the records, commitment warrants and all other documents entrusted to him including money and other articles taken from the prisoners.

**4.38** The Jailer shall do all acts and things, which may be necessary or expedient for ensuring the safe custody of all prisoners received into or confined in the prison as well as for enforcing and maintaining discipline and order amongst such prisoners and all subordinate officers of the prison at any time serving under his control.

**4.39** The Jailer shall once in every twenty-four hours: -

- (i) himself see every prisoner for the time being confined in the prison;
- (ii) visit every barrack, cell and every other part of the prison and the premises thereof and shall, save as provided in the rules, regulations, directions and orders for the time being in force, always remain present within the prison or the premises thereof.

**4.40** The Jailer shall regularly maintain a journal (the General Diary) in which he shall from time to time record, as they occur, all events of importance affecting the prison and shall daily record the general state of the prison. He shall enter in his General Diary all reports and representations which it may be his duty to make to the Superintendent, and all other matters which by any provisions of rules, regulations, directions and orders, he is required to enter therein.

**4.41** If the Jailer is at any time unable to perform any duty imposed on him by his superior officers, he shall take immediate measures to have the duty performed by the next junior officer in rank present and report the fact to the Superintendent. He shall not without previous permission of the Superintendent at any time delegate any duty to any other officer. The Jailer shall be held directly responsible for escape of prisoners.

**4.42** The Jailer shall reside in the prison, unless the Deputy Inspector General / Sr. Superintendent of Prison permit him, in writing, to reside elsewhere. The Jailer shall not be concerned in any other employment or supplies to the establishment. The Jailer shall not be absent from the prison for a night without permission in writing from the Superintendent; but if absent without leave for a night from unavoidable necessity, he shall immediately report the fact and cause of it to the Superintendent and regularize it.

**4.43** It shall be the duty of the Jailer to: -

- a) be present every evening when the prisoners are locked up for the night and every morning when the prisoners are taken out of the sleeping barracks, cells;
- b) satisfy himself both night and morning that all the prisoners are present in safe custody;
- c) allot to each prisoner sentenced to undergo rigorous imprisonment or other prisoners willfully opting to work, a befitting task and visit the workshops frequently while the prisoners are at work;

- d)** to be present at and supervise the daily weighing and serving out of rations; satisfy himself that foodstuffs are of good quality, upto weight and properly cleaned and cooked;
- e)** supervise the distribution of food and satisfy himself that each prisoner receives his proper quantity at the prescribed time;
- f)** examine the order under which such prisoner is committed to the prison and satisfy himself that it is in order, complete and valid in all respects upon the admission of every prisoner;
- g)** be the custodial of all money or other articles in respect whereof, no order of a competent court has been made;
- h)** obey and carry out all lawful warrants and orders of commitment;
- i)** cause the name of every prisoner, on his admission to be duly entered in the register of release under the date on which such prisoner is, in due course of law, entitled to be released;
- j)** give effect to all remissions of sentence lawfully earned and to revise and enter the correct date of release in the register of release;
- k)** ensure that no prisoner is released before he's legally entitled to be released;
- l)** give effect to the sentence of special confinement awarded to prisoners in due course of law;
- m)** cause at uncertain times, each prisoner including his clothing and bedding and all barracks, cells, workshops, latrines bathrooms to be thoroughly searched for prohibited articles;
- n)** regulate all interviews and communications between prisoners and persons who are not prisoners and also arrange that a proper officer of the prison is present during all interviews held and prevent all persons, who are not duly authorized in that behalf by competent authority, from entering the prison premises or having access of any kind to, or communication with, any kind of prisoner;
- o)** exercise proper control over all officers of the prison subordinate to him and to satisfy himself that every such officer is at all times efficient and that he discharges his duties regularly. He shall at all times maintain strict discipline amongst subordinate officers, ensure that they are orderly, neat and clean, and properly dressed in the prescribed uniform;
- p)** maintain a roster of attendance and duties of his subordinates and shall enter every instance of dereliction of duty and breach of discipline in his General Diary and bring it to the notice of the Superintendent;
- q)** grant leave of absence upto four hours at one time to any subordinate officer;
- r)** call the attention of the medical officer without delay if a prisoner is ill or whose state of mind or body requires attention. The observations and directions given by the medical officer shall be entered day by day in the prisoners History Ticket. Upon the death of a prisoner the Jailer shall give immediate information thereof to the Deputy Inspector General / Sr. Superintendent of Prisons, Superintendent, Medical Officer, and to the District Magistrate. The District Magistrate on receipt of such information shall hold an inquest or cause to hold an inquest and cause to be conducted a video graphed post – mortem examination. The information of such death shall be communicated to the National Human Rights Commission within 24 hours. The Jailer shall collect the relevant documents from the District Magistrate and shall submit to the prison authorities without delay;
- s)** daily enter in the General Diary, besides other things, the time the barracks were opened; the members of the staff who were absent; the time the prisoners began work; the time the work was stopped in the forenoon and for the day; the number of prisoners barrack wise who did not come out for work; and the time the lock up was completed;
- t)** enter in the General Diary all instances in which he may have found it necessary to use restraint on any prisoner, any outbreak of a serious offence, accident, death or other occurrence out of the ordinary routine;
- u)** place or cause to be placed daily, before the Superintendent, the General Diary on which the Superintendent shall endorse his orders against each entry, or if no orders are necessary, append his initials;
- v)** not put any prisoner in iron or under mechanical restraint by his own authority, except in case of urgent necessity, in which case prior permission of the Superintendent shall have to be taken;

- w) not accept any prisoner into the prison, after lock up of the prisoners has been completed. Similarly he shall not release any prisoner after lock up till next day morning when the wards are reopened;

#### **SUB- JAILER AND ASSISTANT SUB- JAILER**

- 4.44** Subject to orders of the Superintendent the Sub-Jailer or Assistant Sub-Jailer shall be competent to perform any duties of a Jailer under the Sikkim Prisons Act, 2007.
- 4.45** A definite share of the jailors duties shall be assigned to the Sub– Jailer and Assistant Sub–Jailer under the written orders of the Deputy Inspector General / Sr. Superintendent of Prisons. These duties should be changed from time to time so as to afford them every opportunity of becoming acquainted with all the details of prison management.
- 4.46** They will be responsible for: -
- (i) security, custody and discipline of the prisoners in the prison;
  - (ii) admission and search of prisoners on their admission;
  - (iii) custody of prisoner’s property except cash;
  - (iv) the removal of private clothing from prisoners on their admission, the issue of prison clothing and bedding and placing of prisoners in quarantine soon after admission;
  - (v) supervision over sanitation and hygiene of the area under his charge;
  - (vi) discipline at the gate, in barracks, cells, workshops etc. in the area under his charge;
  - (vii) supervision over searches, counting of inmates, opening and closing of prison;
  - (viii) attending to interviews, applications, health needs, complaints, personal problems of inmates;
  - (ix) collection of social history of the offender and preparing case histories;
  - (x) supervision over work of inmates;
  - (xi) organizing and conducting educational training, cultural and recreational activities;
  - (xii) implementation of Supervision over kitchen and distribution of food; canteen and distribution of canteen articles;
  - (xiii) to be custodian of all civil store articles entrusted to the ration stores;
  - (xiv) to attend to day-to-day maintenance of stock registers and other connected records and to the proper maintenance of stocks;
  - (xv) to assist the Jailer in all matters pertaining to institutional management and to attend to any other duty that may be assigned to him by any superior officer;
  - (xvi) to assist the Jailer in taking psychological steps in reforming the prisoners;
  - (xvii) to implement various instructions, issued by the Superior Officers pertaining to the programmes chalked out for the inmates;
  - (xviii) arranging pre – release programmes;
  - (xix) inmate mail censoring, distribution, clearance;
  - (xx) preliminary inquiries pertaining to violation of discipline and reporting the same to appropriate authority, implementing punishments awarded to inmates for institutional violations;
  - (xxi) inspection of guards and sentries on duty;
  - (xxii) daily inspection rounds and weekly night inspection rounds schedule;
  - (xxiii) supervision over the work of all the staff members working under him, discipline and welfare of staff;
  - (xxiv) to be responsible for the safe custody of gunny bags and other receptacles received and disposed off;
  - (xxv) to ensure that all ration articles taken to the kitchen are actually utilized for the purpose they are meant;
  - (xxvi) to supervise the cleaning of grains, vegetables and other dietary articles;
- 4.47** The Sub-Jailer and the Assistant Sub-Jailer on night duty shall go on as many surprise-checking rounds as possible inspecting every part of the prison. They shall make the first entry regarding their inspection, in the Jailer’s General Diary; the second entry in the duty registers maintained outside the wards by the duty warders and the third corresponding entry in the General Diary maintained in the CCTV camera room. During their inspection rounds they should so position themselves that their movement is

recorded in the CCTV cameras. Any escape during night the officer duly will be held first responsible.

### **HEAD WARDER**

**4.48** It shall be the duty of every Head Warder to :-

- (i) superintend the warders subordinate to him. He shall satisfy himself that each sentry knows and understands the orders for his post;
- (ii) assist in every possible manner, in the management of the prison, in the prevention of any escape and maintenance of order and discipline amongst subordinate officials and prisoners;
- (iii) comply with the requirements of all laws, regulations, rules, directions and orders for the time being in force as to the duties, which he has to perform;
- (iv) obey the orders of all officers superior to him;
- (v) open, in the presence of the jailor or a subordinate officer, the sleeping wards, cells each morning and count the prisoners. Also to count, search and lock in the prisoners in their respective wards, cells and other compartments, at the prescribed time, each evening in the presence of the jailor or subordinate officer. He shall report immediately to the next senior officer any matter of importance which has come to his notice;
- (vi) distribute the prisoners, who are liable to labour each morning, to their respective work groups;
- (vii) issue all necessary tools, implements, raw materials and other articles required for the daily's work and to make a record of all articles so issued;
- (viii) collect all such articles, after the period prescribed for work is over each evening. He shall satisfy himself that all articles issued have been duly returned to him;
- (ix) check and measure the task performed by each prisoner and note the same in the labour register;
- (x) cause all gratings, doors and the like to be secured and satisfy himself from time to time that they are secured;
- (xi) cause all bamboos, scantlings, poles, ladders, ropes and other articles, which can facilitate the escape of any prisoner to be removed and placed beyond the reach of prisoners;
- (xii) keep constantly moving about while on duty, amongst the prisoners, supervising the work and discipline of and keeping the warders and convict functionaries on the alert;
- (xiii) superintend the use of toilets and all bathing places and feeding parades;
- (xiv) give effect to any punishment drill ordered by the superior officers

**4.48.1** Every Head Warder shall, at least ten minutes before the hour fixed for relieving the guard on duty, collect the warders of the relieving guard at office of the prison. At the proper time he shall march the relieving guard of warders to their respective posts and remove the guard to be relieved.

**4.48.2** When relieving the warders, the Head Warder must, muster the prisoners and satisfy himself that the group is complete and is made up in the manner recorded in the duty register.

**4.48.3** Every Head Warder shall ordinarily be on duty for eight hours daily, exclusive of the period spent on night duty and at the time of opening the wards, cells in the morning and locking of prisoners at night.

**4.48.4** The period of duty shall be so arranged that a Head Warder shall be present at every relief of warders from duty of any kind through day and night.

**4.48.5** In case of female wards and other compartments, at each change of warders, the Head Warder, without entering the wards, cells or compartments or enclosures occupied by the female prisoners, ascertain from the female warders, that all female prisoners confined, are present.

**4.48.6** The keys of the prison shall, when not in use or in the personal custody of any officer of the jail be kept in a locked receptacle in the Jailer's office. The key of such receptacle be

retained by day by a Head Warder and by night, by the patrolling officer for the time being on duty.

- 4.48.7** Any keys, which any officer may have to carry about his person while on duty, shall be attached to his person by means of a stout chain.

#### **GUARDING PERSONNEL**

- 4.49** Each warder shall have a specific duty assigned to him by the Superintendent or the Jailer on a rotation basis so as to prevent him from forming any relations with any of the prisoners.

- 4.50** It shall be the general duty of every warder at all times to: -

- (i) render all assistance in his power in the management of the prison, maintain order and discipline amongst the prisoners and guard and defend the prison and all persons against the use of criminal force by any person;
- (ii) to take preventive and control measures for all emergency situations;
- (iii) obey the legal orders of all officers superior to him in rank;
- (iv) comply with the requirements of all laws, rules, regulations, directions and orders regulating the duties, which he is to perform;
- (v) take proper care of all property of whatever kind at any time entrusted to him and duly account for the same whenever called upon so to do. To be at all times in a state of readiness and to do all lawful acts and things necessary for the purpose of maintaining order, quelling any disturbance, preventing any combined attempt to escape or prison break, defending the prison and all property therein from attacks from within or without the prison;
- (vi) guarding and sentry duties not to take off his uniform, or lie or sit down while on duty;
- (vii) to know the number of prisoners in his charge; to count them frequently during his turn of duty;
- (viii) to search all prisoners he received in his charge or made over to the charge of any other officer, at the time of receiving and making over charge respectively;
- (ix) to report every prisoner in his charge who has been idle or who has not completed his task or who has committed any other prison offence;
- (x) to bring to the notice of the Jailer any prisoner appearing to be ill or complaining of sickness;
- (xi) to report any plots for the purpose of escaping or of assault or outbreak or of obtaining forbidden articles;
- (xii) to prepare prisoners for muster and parade and see that each prisoner comes to his proper place in proper place and behaves well;
- (xiii) opening and lock up of prison;
- (xiv) reporting defects and shortcomings in prison building walls, locks, lighting arrangements, bars; taking immediate action in removing these defects; custody of locks and keys;
- (xv) to look after the sanitation and hygiene in areas under his charge and also care and welfare of the prisoners. Supervision over distribution of food, inmate equipment;
- (xvi) observing habits and behavior patterns of inmates and reporting the same to the authorities concerned. Helping inmates to improve their habits and attitudes;
- (xvii) escorting prisoners for work, supervision of their work, care and custody of tools, property, and equipment;

- 4.51** No warder shall, while on duty, at any time, under any circumstance, on any pretext, leave his post or absent himself from duty until relieved in due course and released from duty.

- 4.52** No relief shall, whether by day or night, be effected otherwise than in the presence of both the relieved and the relieving officer and also of a third officer who shall ordinarily be the in-charge Head Warder.

- 4.53** A Sub-Jailer or Assistant Sub-Jailer will function as a welfare officer for the welfare of the inmates and any other duty assigned to him by the prison authorities.

- 4.54** Ministerial staff will be so organized as not to leave any scope for sharing their duties with the prisoners. The member of the ministerial staff will be assigned by the Superintendent as per position he or she holds and their requirements.
- 4.55** Accounts / Cashiers will prepare budget, maintenance of accounts and cash, daily checking of all account register, financial returns, periodical and static monthly stock taking of all stationery stores.
- 4.56** A store keeper will be incharge of all stores i.e. grain, provisions, supplies, raw materials, accessories, manufacture articles, inmate equipments, personnel equipments, dead stocks and miscellaneous stores.

#### **GATE KEEPER**

- 4.57** The main gate of the prison shall consist of two main partitions made of thick iron / steel and separated by a distance of minimum 10 feet.
- 4.58** There shall be an armed guard of one head constable and four constables drawn from the State Armed Police. This number can be increased if need arises, by the Government.
- 4.59** The sentry on duty outside the first partition will be armed with a semi automatic weapon and shall be stationed at a fixed place with his arms tied to his waist with an iron chain. He shall mount guard with a fixed bayonet; keep his rifle at “the slope” and not to order arms or “stand at ease” for more than fifteen minutes in every two hours.
- 4.60** He shall not enter into conversation with any one except when questioned by a superior officer. He shall also not interfere with any prisoner or prison officer. He shall not leave his post without regular relief upon any pretence whatsoever. He shall not allow any person to approach near his post after dark without challenging. He shall not allow persons to crowd around him.
- 4.61** If he sees a prisoner attempting to escape, he shall call on him to stand and if he refuses to do so and there is no superior officer present, he may fire on the prisoner, provided he cannot otherwise prevent the escape.
- 4.62** When on duty at the main gate at night, he should not allow any person to enter or leave the prison, who is not on official duty.
- 4.63** The sentries shall have a duty change after every four hours.
- 4.64** There shall be sufficient lighting arrangements outside the main gate. There shall be a clock, a warning system, a gatekeeper’s book and writing materials, torches, fire extinguishers in the kiosk where the sentry is posted.
- 4.65** The sentry shall present arms to visitors or officials to whom such action is warranted.
- 4.66** The head constable in charge of this armed guard will be detailed on duty on the outer gate from 900 hrs to 1600 hrs. He shall be the first person to come into contact with the visitors and thus he’s the person who has to behave properly, with good turn out and ensure proper identity of the visitors whether official or non official.
- 4.67** He shall frisk the visitors, except female visitors, and examine anything carried in or out of the prison and may stop and search any person suspected of bringing any prohibited article into or out of the prison, or carrying out any property belonging to the prison, and if any such property is found, shall immediately bring it to the notice of the Jailer or any other superior officer present in the prison.
- 4.68** The inner partition, which will be at least 10 feet away from the outer main gate partition, shall also be made of solid iron and both the partitions shall have windows to allow passage of visitors. The inner partition door shall be guarded on the inside by unarmed prison warders on a eight-hour shift basis.

- 4.69** The outer gate keeper on receipt of a visitor and after satisfying himself about his identity and his being fit in all respects, to enter prison premises, shall inform the Jailer, on wireless, about the details about the visitors, the inmate they want to meet and the purpose of their visit. The gatekeeper shall not allow more than three visitors to enter the gate at one time. Due provision shall be made for the admission, at proper times and under proper restrictions, of persons with whom the prisoners may desire to communicate, care being taken that so far as may be consistent with the interests of justice, prisoners under trial may see their duly legal advisors without the presence of any other person.
- 4.70** The Jailer may demand the name and address of any visitor to a prisoner and when the Jailer has any ground for suspicion, he may cause to be searched any visitor, but not in the presence of any prisoner or any other visitor. In case the visitor refuses to permit himself to be searched, the Jailer may deny admission from the outer gate itself.
- 4.71** Once the Jailer is satisfied, he may allow the entry of the visitor, on which he shall communicate with the warder stationed in the inner side of the second partition, to open the window of the gate, for allowing entry of the visitor. The inner warder sentry shall check the articles carried by the visitor and frisk all male visitors. He shall also issue a visitors card to all the visitors that will be returned to him after the visit.
- 4.72** He shall keep a record, in the prescribed register, of the names of all persons, who at any time pass into or out of the prison, with the hour and minute of the entrance and exit of the persons.
- 4.73** The sentry or warder 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 intimation to the Jailer who will make necessary arrangements.
- 4.74** No sentry or warder while on duty will take off his uniform. He will not hold any communication with any prisoner. He's strictly prohibited to bring anything from outside the prison for any prisoner or for receiving anything from a prisoner to be conveyed outside the prison.
- 4.75** All vehicles approaching the prison shall be stopped at a specified place and parked at a space specially provided for them, in an orderly manner. Not more than three persons shall be allowed to alight from the vehicle at a time.

#### **GENERAL SECURITY MEASURES FOR THE PRISON**

- 4.76** Every prison premises may be demarcated as an "out of bound area" as a sterile zone. Every prison must have excellent system of lighting both on it's inside and outside.
- 4.77** All locks and bars and other fastenings must be regularly checked by the warder incharge and a report to the effect must be given to the Jailer.
- 4.78** All duplicate keys for the locks must be kept in a sealed box under the custody of the concerned Jailer. 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 the tower in the custody of the gate keeper or the duty personnel, as the case may be.
- 4.79** Every prison will be equipped with generator with an automatic switch so that if power fails, the generator automatically switches on and all security gadgets will function without any interruption.
- 4.80** All tools, implements, sharp edged instruments used in the vocational programmes should be kept under proper supervision, and these should be issued to prison officials incharge of any work entrusted to him with proper entries in the General Diary so that they can be held wholly responsible for any misuse of these items. Similarly, any articles such as ladders, planks, bamboos and ropes which are likely to facilitate escapes are to be taken for use will properly be escorted and will be sent out of prison after use or kept in proper safe custody under lock and key. Every warder incharge of such work will be

responsible to see that all such articles are properly secured and put away when works ceases and give a certificate to that effect in the lock up register.

- 4.81** A duty roster will be maintained in each prison. The authorised officer will be responsible for proper maintenance entries of all relevant issues and also to contain all the names of guard on duty with their hours of duty.
- 4.82** The Jailer to ensure that the warders stick to their posts according to their duty roster.
- 4.83** The Jailer will be responsible to make sure that arms are never left within the reach of the prisoners.
- 4.84** The approach to the guard room will be from outside the main gate.
- 4.85** There should be an installation of close circuit television system and other electronic gadgets to effectively monitor and maintain a close watch for any breach of security or discipline inside the prison.
- 4.86** Watchtowers should be constructed wherever necessary to watch inside and outside of the prison and searchlights and binoculars made available. Fencing shall also be installed wherever necessary to prevent escapes, and ensuring safety of prisoner's lives.
- 4.87** There should be an effective wireless communication system and intercoms established within the prison and also from the prison to the police head quarters and other prisons. High-pitched sirens to alert prison staff and public should also be installed.
- 4.88** Untrained personnel should never be posted as gatekeepers, warders or for guarding purposes.
- 4.89** Stun guns designed to stun temporarily. The delinquent inmates who try to escape or attempt an outbreak, with mild electric shocks, and provision of guns which fire rubber bullets should be procured for the prisons to cater to any such emergency situations.

## CHAPTER V

### MEDICAL OFFICER AND HEALTH OF PRISONERS

- 5.01** The object of medical administration in prisons is mainly to restore and maintain the physical and mental health of prisoners and to keep up the general hygiene and sanitation of the institution to a satisfactory standard.
- 5.02** He will be subject to the control of the Superintendent and shall perform his duties as may be directed by the Superintendent, or as may be prescribed by the rules.
- 5.03** There shall be at least one whole time medical officer for every institution, which has a population upto 150 (one hundred and fifty) prisoners. When there is more than 300 (three hundred) prisoners, necessary additional staff shall be provided. The medical officer in the prison shall be appointed by the Health Department on deputation basis.
- 5.04** It shall be the duty of the medical officer to visit the prison once a day except on holidays. He shall visit every part of the prison and its premises frequently. He shall take all such measures as may be necessary for the maintenance of the prison and its surroundings in a thoroughly sanitary state and the prisoners in sound health.
- 5.05** Whenever the medical officer has reason to believe that the mind of a prisoner is likely to be injuriously affected by the discipline or treatment to which he's subjected, the medical officer shall report the case in writing to the Superintendent, together with such observations as he may think proper. This report with the orders of the Superintendent thereon shall forthwith be sent to the Deputy Inspector General / Sr. Superintendent of Prisons for information.
- 5.06** In every prison there shall be a medical care unit or a proper place for reception of sick prisoners. The names of prisoners desiring to see the medical officer or appearing out of health in mind or body shall, without delay, be reported by the officer in immediate charge of such prisoners to the Jailer.
- 5.07** The Superintendent and the Jailer along with the medical officer shall ensure that a psychiatrist or psychiatric counselor visits the prison on regular basis. He shall maintain a history ticket of lunatics, depressed and mentally unstable prisoners. The psychiatrist shall make proper entries regarding the progress of such patients and whether they need to be incarcerated in separate cells. He shall also make a regular check up of all prisoners to ascertain their mental condition and accordingly advise the Jailer as to the level of work the prisoner should be made to perform.
- 5.08** The duties of a medical officer shall be as under, namely: -
- (i) He shall visit the prison and cover every matter connected with the health of the prisoners, their treatment when sick, and the sanitation and hygiene of the prison.
  - (ii) He shall make a full medical inspection of all the prisoners once a month or as and when called for.
  - (iii) If an epidemic or unusual sickness prevails or any serious case of illness occurs, he shall visit the prison the prison as often as possible.
  - (iv) He shall segregate and isolate serious infection diseases suffering patients. Cases of diarrhea and dysentery shall be treated in a separate ward and all wards, clothes, toilets be thoroughly disinfected. Prisoners suffering from venereal diseases should be segregated. All cases of pulmonary tuberculosis shall be segregated in special barracks. Infectious diseases like scabies, mumps, and measles must also never be neglected.
  - (v) He shall ensure the medical needs of aged prisoners in terms of ophthalmologic care, dental care, physiotherapy and regular clinical testing of diabetes.
  - (vi) He shall organize de-addiction programmes for such prisoners who are known to be drug addicts.
  - (vii) He shall fortnightly weigh all the prisoners and record their weights and mark out prisoners who are persistently losing weight.

- (viii) He shall inspect water supply, drains, trenching ground and report any defect to the Superintendent.
  - (ix) He shall inspect the kitchen daily and feeding parades frequently and see the standard of cooking and the hygiene maintained.
  - (x) He shall attend to all members of the prison staff and their families who reside in the prison premises.
  - (xi) He shall keep a proper account of medicines, instruments; keep poisons separate from other medicines properly labeled under lock and key; examine the medicines in store from time to time to assure himself that these are in a fit condition to use, and submit for the sanction of the Deputy Inspector General / Sr. Superintendent of Prisons a yearly indent for medicines.
- 5.09** Urgent cases requiring immediate surgical or other treatment shall be transferred to an outside Government hospital under orders of the Deputy Inspector General / Sr. Superintendent of Prisons. The Superintendent shall depute a prison officer who will keep in touch with prisoners admitted in Government hospital and ascertain the progress and condition of the prisoner.
- 5.10** The prison authorities without delay shall provide any medicine prescribed by the medical officer of an outside hospital, which is not available with the said hospital.
- 5.11** The prison authority will provide all the medical facilities if the treatment of prisoners is referred by the State Medical Board outside the state. Such treatment will be done only in the Government institution. In case, the prisoner willing to undergo further treatment apart from the Government institution, all expenses on such treatment is to be borne by the prisoner himself. The normal transportation of such sick prisoners far distance institutions like AIIMS of New Delhi will be through trains under proper police escort.
- 5.12** Prisoners who are seriously ill may be permitted to see their relatives. Intimation of the condition of the prisoner who is seriously ill shall promptly be given to the Magistrate and also directly to the relatives of the prisoner, by special messenger or signal.
- 5.13** The medical officer may recommend special diet for any prisoner suffering from any illness after recording reasons for recommending that in his register. But such recommendations should not be made as a matter of routine.
- 5.14** On the death of any prisoner, the medical officer shall forthwith record in a register the following particulars, so far as they can be ascertained, namely:-
- (i) the day on which the deceased first complained of illness or was observed to be ill;
  - (ii) the day on which he was admitted to hospital;
  - (iii) the day on which the medical officer was informed of his illness;
  - (iv) the nature of his disease;
  - (v) when the medical officer last saw the deceased before his death;
  - (vi) the post mortem conducted in the Government hospital after necessary inquest and other formalities completed by the District Magistrate;
- 5.15**
- (i) The body of any prisoner, including that of a child residing with a female prisoner, who dies in a prison or a civil hospital, shall be disposed only after a post mortem in the hospital
  - (ii) If no relatives or friends reach within 72 (seventy-two) hours, the prison authorities shall dispose off the body in accordance to hospital rules.
  - (iii) The delivery of a body to the relatives or friends shall be subject to the conditions that there shall be no public demonstration of any nature in regards 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 dead body of the particular prisoner, and furnish a certificate to that effect.
  - (v) The relatives of prisoners, who are poor, may be paid a maximum amount of Rs.5000/- for transporting the dead body of the prisoner to their native place for

performing last rites, by the Deputy Inspector General / Sr. Superintendent of Prisons.

- (vi) When a foreign prisoner dies in prison, immediate report shall be sent to the District Magistrate, Director General of Police and the Home Department for further communication to the Government. The Government shall inform the embassy about the death.
- (vii) Where a woman prisoner dies in prison and leaves a child behind, notice shall be sent at once to the District Magistrate and Social Welfare Department who shall make arrangements for further care of the child as may be deemed fit.
- (viii) When a military prisoner dies, immediate report thereof shall be given to the Commanding Officer who sent him to the prison.
- (ix) When a convicted prisoner dies, his warrant shall be returned to the court from which it was issued with an endorsement certifying the cause and the date of death and same with that of the under trial prisoners and also to make details in the history tickets.
- (x) The Jailer shall send intimation of birth or death directly to the local registering authority.
- (xi) All death in the prison shall be intimated to the District Magistrate concerned to hold inquest and other inquires as deems fit and also to the local officer incharge of the police station for taking necessary steps from their end.
- (xii) All post mortems of any type of deaths mentioned above shall be videotaped and kept for record for at least ten years.

## CHAPTER VI

**PRISONER INCHARGE OF BARRACKS / CELLS**

- 6.01** Prisoners who have been appointed as in charge of the barracks or cells shall be deemed to be public servant within the meaning of section 21 of the Indian Penal Code 1860 (45 of 1860).
- 6.02** The prisoner in charge of the barrack or cells shall be appointed or removed by the Jailer with the permission of Superintendent. The prisoner in charge shall be appointed on the basis of exemplary behavior, leadership qualities and term of sentence to be still served.
- 6.03** It shall be the duty of every prisoner in-charge of the barrack or cells to -
- (i)** maintain discipline in the barrack / cells;
  - (ii)** ensure that no contraband articles are smuggled into the barrack / cells. In case such contraband articles do manage to enter the cells then, report the same immediately to the prison officials;
  - (iii)** ensure that the inmates do not make an attempt to escape, assault the prison officials;
  - (iv)** ensure that proper cleanliness and dirt free environment is maintained in the barracks;
  - (v)** ensure that the toilets, bathrooms, courtyards, verandahs are properly maintained by the inmates;
  - (vi)** report the sickness of any inmate or any other problems being faced by them;
  - (vii)** ensure that all the inmates are properly lined up on the blowing of whistle for counting of heads by the warders. He shall also write the daily number of inmates present along with their offences on the board put up outside each cell / barrack for this purpose;
  - (viii)** constantly check the locks, bars, clothing, blankets, lighting inside the barracks / cells to ensure that nothing is amiss;
  - (ix)** develop an intelligence system about the inmates and keep the Jailer informed about the activities of each inmate;
  - (x)** inform the prison authorities about idle, careless, malingering and problem creating inmates;
  - (xi)** ensure that all convicts have been issued their personal clothing, beddings on their entry into prison and that they have deposited the same with the prison authorities after their discharge from the prison. He shall report any discrepancies to the prison authorities;
  - (xii)** ensure that all inmates get an equal and fair chance to enjoy the recreational activities provided in the barracks / cells by the Prison authorities.

## CHAPTER VII

ADMISSION, REMOVAL AND DISCHARGE OF PRISONERS**ADMISSION OF PRISONERS**

- 7.01** 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 or convicted. All warrants shall be examined to ascertain whether these conform to the Code of Criminal Procedure and the orders of the highest courts of the country.
- 7.02** Before admitting the prisoner, the Jailer or Sub-Jailer 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, satisfy himself that he's the person referred to in the warrant.
- 7.03** If any error or omission is due to mere oversight or mistake and is found in any warrant or order or is in anyway defective in form or otherwise irregular, the Superintendent may receive the prisoner, subject to reference to such issuing authority, for orders.
- 7.04** A warrant ordering imprisonment without specifying whether it is simple or rigorous or an undated, unsigned or unsealed warrant shall be returned for correction.
- 7.05** The amount of solitary confinement ordered in a warrant is dependent on the term of the sentence and should not be more than what is allowed under section 73 of Indian Penal Code.
- 7.06** The Superintendent or Jailer 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 of the issuing authority or where the signature affixed is by means of a stamp.
- 7.07** All warrants should be signed in full and not initials, by the Judge or Magistrate who issues it and should have seal of the court.
- 7.08** 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.
- 7.09** Warrants with following discrepancies shall be considered as irregular warrants:-
- (i) Warrant / order not issued in the prescribed form.
  - (ii) Warrant written in pencil.
  - (iii) Warrant with incomplete and/ or incorrect name of the offender.
  - (iv) Warrant without the seal of the appropriate court.
  - (v) Warrant without signature of the appropriate court or other competent authority.
  - (vi) Undated warrant.
  - (vii) Warrant not stating whether fine has been paid or not.
  - (viii) Warrant with incomplete columns.
  - (ix) Warrant with any other omission or discrepancy.
- Such irregularities should be brought to the notice of the court with a request to send a fresh warrant correctly drawn up.
- 7.10** Warrants with the following discrepancies should be treated as illegal warrants:-
- (i) Warrant awarding sentence beyond the competency of the awarding court.
  - (ii) Warrant awarding sentence more than what is prescribed by law.
  - (iii) Warrant awarding sentence less than the minimum laid down by law.
  - (iv) Warrant issued contrary to the provisions of law.

In these illegal warrant cases, a reference will be made to the State Government through the Deputy Inspector General / Sr. Superintendent of Prisons, together with a copy of the warrant. When the Jailor 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, he shall refer the matter to the Government through the

Deputy Inspector General / Sr. Superintendent of Prisons by whose order he shall be guided how to treat the prisoner.

- 7.11** In the case of under trial prisoners the warrant of commitment for intermediate custody should be prepared with the greatest care possible.
- 7.12** Warrants for the release or remission of sentences of prisoners confined in prison and for the release of prisoners on bail an intimation of payment of fines, sent to the prison authorities should always be prepared in vernacular of the officer issuing the order. These should be sent to the prison authorities through an official messenger and not through post or relatives of the prisoner.
- 7.13** When a warrant is returned for correction, a copy shall be retained with the Superintendent until the original is returned.
- 7.14** As per Sanjay Suri vs. Delhi AIR 1988SC414, every warrant must specify the age of the Detenu. The Jailer can refuse to honour a warrant if age is not specified. This is a safeguard against wrongful juvenile detention.
- 7.15** The date of a prisoner's admission into prison and the register number given to him shall be endorsed on his warrant and signed by the Jailer; the warrants shall be arranged according to the date of release and docketed outside with the month and year.

#### **SEARCH OF PRISONERS ON ADMISSION**

- 7.16** Prisoners will be thoroughly searched on admission by a prison official. Female staff will search female prisoners. 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 shall be permitted by the Deputy Inspector General / Sr. Superintendent of Prisons depending upon the education, status, medical condition etc. of the prisoner. However, all types of sharp edged weapons, instruments, and prohibited articles shall be seized from the prisoners.
- 7.17** The concerned prison officer / Superintendent will give a receipt in a printed form to the officer who delivers the prisoner at the prison, noting therein the property received with the prisoner, which will be shown to the prisoner and his acknowledgement recorded in the relevant register as well as in the Admission register. A list of all property of a prisoner taken from him or afterwards received on his account shall in the case of a civil or convicted prisoner be endorsed on his warrant and signed by the Jailer. In case of under trial prisoners, the property shall be entered in the Admission Register of the Under Trial Prisoners. Any property or money belonging to a prisoner may at any time during the imprisonment be delivered to his friends or relatives, with the approval of the Superintendent, under an authority signed by the prisoner. However, no prisoner shall be permitted to make over any of his property to any other prisoner either during imprisonment or on his release.
- 7.18** The effects (property) of a prisoner shall be dealt with, by the Jailer under the following rules, namely: -
- (a) Prohibited articles such as tobacco, drugs, intoxicating substances shall be destroyed.
  - (b) Perishable articles such as grain or food, if of any value, shall be sold and proceeds kept as cash of the prisoner.
  - (c) If the Medical Officer considers there are sanitary objections to the retention of clothing of any prisoner or if the prisoner is suffering from any infectious / contagious disease, the clothing, under written order of the Medical Officer be destroyed.
  - (d) If the clothing of the prisoner is ragged and absolutely worthless it shall be destroyed and entry made regarding this in the history ticket.
  - (e) Valuable jewellery shall be folded in a separate paper packet for each prisoner on which the prisoner's number, name, and date of release shall be written and kept in a secure box with the Jailer under his responsibility.

- (f) Cash belonging to the prisoners shall be kept in Jailer's cash chest. If the prisoner so wishes, his money may be invested in post office or bank fixed deposits and the documents regarding the fixed deposits be kept with the valuable jewellery. The receipt and disposal of all money belonging to prisoners shall be entered in a cash book and the date of entry of every receipt and disbursement shall be noted on prisoner's history ticket.
- (g) On transfer of a prisoner from one prison to another, all his property shall be sent with him and no property shall be sent to a prison for a prisoner after such transfer.
- (h) On the release of a prisoner, his property shall be delivered to him and a no claim certificate taken.
- (i) In the event of a prisoner dying in prison, the property should be disposed off as per his dying wishes. In absence of such wishes, the nearest kith and kin should be handed over the property under receipt certificate.
- (j) The property of an escaped prisoner shall be retained for one year. If he's not recaptured within that period, his property shall be sold and the proceeds be paid into the Government. Treasury as unclaimed prisoner's property.

**RECEPTION: -**

- 7.19 On admission to prison, every prisoner will be required to wash his person and his clothing thoroughly. If an epidemic disease exists in the neighborhood from which he comes, his clothing will also be disinfected. Prisoners will be washed and searched in their respective yard and not in the presence of other prisoners. Searches of prisoners will be made with due regard to decency and with reasonable privacy.
- 7.20 After admission, all prisoners shall be given a haircut and shave, issue of soap, toothbrush and toothpaste; issue of disinfected prison clothing, bedding and utensils; housing as per the principles of basic segregation; a thorough medical examination within 24 hours; attending to immediate and urgent needs of prisoners like letters, interviews, immediate personal problems; fingerprinting and photograph as per rules; identification of drug addicts.
- 7.21 Each newly admitted prisoner would be subjected to an orientation programme so as to inform him about the rules and regulations.

**HISTORY TICKET**

- 7.22 Every prisoner shall, immediately on his reception into prison be provided with a history ticket which shall be maintained throughout the period during which such prison remains in confinement.
- 7.23 Each history ticket shall contain the following particulars: -
  - (a) the date of admission into prison and the date, month and year of release;
  - (b) the number and name of every article of clothing and equipment issued on admission and later;
  - (c) the particular work and task in weight, number or measurement to which a prisoner is put;
  - (d) the fortnightly measurement of weight;
  - (e) every change of task for reasons other than medical;
  - (f) any complaint made by the prisoner of sickness;
  - (g) the action taken on any direction or recommendation of the medical officer;
  - (h) application made by the prisoner, for a copy of judgment if the prisoner desires to appeal;
  - (i) receipt of copy of judgment;
  - (j) dispatch of appeal;
  - (k) substance of the order of the appellate court;
  - (l) the fact of an appeal not having been made before the expiration of the term allowed for appealing;
  - (m) the amount of remission awarded quarterly or yearly;
  - (n) the total remission in days earned upto the end of each quarter;
  - (o) every prison offence alleged to have been committed;
  - (p) dispatch to a court or transfer, discharge, escape or death;
  - (q) any recommendation of the Jailer;

- (r) the name, photograph, prisoner number, and other particulars necessary for the identification of the prisoner;
  - (s) a brief entry of every order passed and direction given, relating to punishment given to the prisoner;
  - (t) a brief record of every other occurrence of any importance affecting the prisoner, which takes place while he remains in confinement;
  - (u) the nature of the offence of which he has been convicted and the provision of law applicable thereto;
  - (v) the date, nature and extent of the sentence passed;
- 7.24** 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.
- 7.25** A duplicate history ticket will be issued when original history ticket is lost. It will be marked duplicate and signed by a competent authority.
- 7.26** In the heading of the history ticket of every prisoner, the medical officer shall enter: -
- (i) the prisoner's weight on admission;
  - (ii) his state of health;
  - (iii) the class of labour for which he's fit, if sentenced to labour;
  - (iv) whether he has been protected by vaccination, inoculation against smallpox;
- 7.27** Subsequently, the medical officer shall enter: -
- (a) details of any vaccinations given to the prisoner after entry into the prison;
  - (b) admission and discharge from hospital on every occasion and disease for which admitted;
  - (c) any other observations, which the inspection of the prisoner may disclose;
- 7.28** The history ticket of each prisoner shall be retained in a proper receptacle in the Jailer's office. The history ticket shall be produced with the prisoner, whenever he's reported for an offence or is brought before the superintendent or medical officer for any reason.
- 7.29** The history ticket of each prisoner shall be retained in safe custody, in the event of escape, release on bail or death of the prisoner for one year.
- 7.30** The history ticket is an all-purpose document of the prisoner. It has to be kept upto date in all respects. The prisoner's sentence, the date of admission, and the date of release are to be entered on the very first entry in the ticket. Subsequently, the time spent by the prisoner on bail is not to be calculated in the time spent under imprisonment, but the remission earned by the prisoner is to be deducted from the sentence as and when the remission is granted and accordingly a fresh date of release has to work out on regular basis.
- 7.31** Prisoner's warrants shall be kept arranged according to dates of release, in a locked almirah with the Jailer. Copies of judgments, orders of appellate courts, disposing of prisoner's petitions, correspondence relating to payment of fine, classification and other connected records will be filed and kept with the warrant of the prisoner.
- 7.32** If a prisoner looks younger than his quoted age, the matter may be referred back to the concerned court, which may order a proper medical examination for determination of his/her age. No juvenile shall be kept in prison in any case as per Juvenile Justice Act.
- 7.33** In 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.
- 7.34** No prisoner shall be released or admitted between sunset and sunrise, except the prisoners who have been taken to the courts. The prisoners being transported to the Central Prison from other districts shall inform about their movement to the Central Prison authorities prior to their movement. In exceptional cases, it shall be the prerogative of Superintendent to accept or reject the admittance or release of a prisoner between sunset and sunrise.

- 7.35** It's the duty of the Court Officer to inform the Jailer when any prisoner sent to prison is a desperate character, or he's accused of a very heinous offence. This information should always be given in writing.
- 7.36** The state of every prisoners education shall be ascertained on admission and the entries in the admission register be made as: -
- (i) can read and write English, Nepali or any other vernacular language;
  - (ii) can read and write only vernacular language;
  - (iii) Illiterate
- 7.37** The Jailer shall also write any special order regarding the treatment of any prisoner that may be necessary, in his history ticket

### **REMOVAL, DISCHARGE, RELEASE OF PRISONERS EXECUTION OF SENTENCES**

- 7.38** The duration of a prisoner's sentence shall be calculated by the calendar year or month unless stated in days. The day on which the sentence is passed and the day of release, shall both be included and considered as days of imprisonment. The remission of sentence shall be calculated in years, months and 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.
- 7.39** If a prisoner, who is sentenced to fine and in default, to imprisonment for a certain number of months, pays any part of his fine, the remission for the 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; a fraction of a day shall not be counted.
- 7.40** If such fine or any portion of it were paid immediately on conviction, the Magistrate issuing the warrant shall endorse upon the warrant of the fact of such payment.
- 7.41** The Superintendent or Jailer is not authorized to receive fines at the prison and will refer any persons tendering them to the court, which imposed the fine.
- 7.42** The Medical officer shall examine all prisoners prior to their removal to any other prison. No prisoner shall be discharged from the prison to be transferred to another prison unless the Medical Officer certifies that the prisoner is free from any illness rendering him unfit for removal.
- 7.43** Sentence of imprisonment passed by a criminal court may be concurrent or consecutive. In absence of any such direction as to the manner in which such sentences shall be carried out, it should be assumed that they are consecutive.
- 7.44** When a convict has been committed to prison under two or more separate warrants and the first warrant is set aside on appeal or revision, the second sentence shall take effect from the date on which it was passed.
- 7.45** If the month in which the sentence of a prisoner expires has no date corresponding to the sentence, the last day of the said month shall be taken as day of expiry of sentence.
- 7.46** If the date of release falls due on Sunday or a Government holiday, prisoners should be posted for release on the previous working day.
- 7.47** In case of a convict who has to attend the court on the very day of his release, for a case for which he's not on bail, he shall be treated as released in the morning and sent to court as an under trial prisoner. If he receives additional sentences on that very date he shall be treated as fresh admission.
- 7.48** A prisoner sentenced to one day's imprisonment shall be admitted in the prison and released on the same day.

- 7.49** When an appellate court directs that the execution of a sentence or order appealed against be suspended, appellant shall, if detained in prison pending further orders of the appellate court, be treated in all acts as an under trial prisoner.
- 7.50** In all cases in which a sentence or order is modified or reversed by the appellate court, whether in appeal or revision, separate warrant shall be issued as regards each prisoner whose sentence has been so modified or reversed. In all such cases the Superintendent of the prison shall acknowledge by letter, the receipt of any order or warrant or intimation and shall inform the prisoner of the result of his appeal or application.
- 7.51** 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.
- 7.52** 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.
- 7.53** In the case of an escape 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.
- 7.54** If a prisoner receives a sentence for escape from prison the date of release shall be recalculated in accordance with the provisions of the Code of Criminal Procedure and entered in the register of prisoners to be released in place of original date of release.
- 7.55** In the following cases the period spent by prisoners outside the prison shall not count towards sentence:-
- (i) Escape
  - (ii) Bail
  - (iii) Suspended period of sentence including emergency leave
  - (iv) Suspended period of sentence if directed by the court.
  - (v) Suspension of sentence for police investigation
  - (vi) Violation of conditional release
  - (vii) Extradition
- 7.56** A prisoner released on bail in court on the day he's sentenced without having been sent to prison, shall be deemed not to have served any part of his sentence.
- 7.57** Convicted prisoners removed from a prison in one state to a prison in another State under the provisions of the Act, shall be deemed to be undergoing their original sentence in the prison where they have been transferred.
- 7.58** 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 Government orders, which shall be applied for through the Deputy Inspector General / Sr. Superintendent of Prisons, 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 prisoners readmission in prison.
- 7.59** All out periods shall be calculated upto the date of readmission in prison.
- 7.60** A prisoner released on bail on a day subsequent to that on which he was committed to prison, but who is again committed to undergo a 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.
- 7.61** In case there are more than one "out 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 this period elapses, counting from the day of conviction, shall be the date of expiry of sentence.

- 7.62** In case of a convict who has to attend the court on the very day of his release for a case which he's not on bail, he shall be treated as released in the morning and sent to court as an under trial prisoner.
- 7.63** 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 jumps bail and is subsequently recaptured: -  
Add the number of days for which the prisoner was on bail to the term of the sentence, exclusive of the day of release and re-arrest. The date, on which the sum of these periods will elapse, counting from the day of conviction, shall be the date of expiry of sentence. E.g. A prisoner sentenced on 1<sup>st</sup> January to one month's imprisonment, escapes / is bailed out on 15<sup>th</sup> January, and is incarcerated on the 16<sup>th</sup> January. He shall be entitled on the original warrant to be released on 31<sup>st</sup> January.

#### **DEFAULT OF PAYMENT OF FINE**

- 7.64** 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.
- (iii) If a prisoner sentenced to a term of imprisonment in default of payment of fine, is also sentenced to another term of imprisonment, the initial sentence shall be kept in abeyance till the expiration or 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.
- (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, the dates of release shall be calculated and entered in the prisoner's Warrant, History Ticket and in the registers so as to correspond both with the payment and non- payment of fine.
- (vi) If a prisoner, who is sentenced to fine and in default to imprisonment, pays a portion of the fine, the date of release shall be proportionally altered.
- (vii) When a court recovers fines imposed on prisoners, the Superintendent from the court will receive intimation of the same. All fine payment intimations shall be acknowledged.
- (viii) No action shall be taken on fine intimations, which do not bear the seal of the court. Such information 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.
- (ix) After the fine is paid, the prisoner concerned shall be informed and payment duly noted in the register, on the warrant and on the prisoners History Ticket. The Jailer shall sign these entries. A separate inward register for the fine intimation shall be maintained.

#### **WHEN RETRIAL IS ORDERED**

- 7.65** When a court passes a sentence after a retrial, or after original sentence is reversed and retrial is ordered on appeal, the previous sentence already undergone by the prisoner before the fresh trial, should also count towards the sentence imposed after the fresh trial, excluding any period during which the prisoner was at large.
- 7.66** In all cases in which a sentence or order is modified or reversed by any appellate court, whether in appeal or revision, a separate warrant shall be issued as regards each prisoner whose sentence has been so modified or reversed.
- 7.67** In all cases the Superintendent 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.

- 7.68** When an appellate court simply modifies a sentence passed by a lower court without change of section or it passes a new sentence by changing the conviction section or the punishment section, the sentence finally passed shall count from the first day of imprisonment under the original sentence.
- 7.69** When separate sentences have been passed in separate trial and sentences run consecutively, 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.
- 7.70** However no credit shall be given in the second case for any period passed in prison under the first sentence prior to the date of conviction in the second case by the court of original jurisdiction.
- 7.71** When the appellate court annuls a sentence and directs that that the prisoner be re-tried and a warrant for the prisoners release on bail is not received, the prisoner shall be remanded to the under trial yard and the Superintendent shall apply to the committing court for warrant for his custody pending trial if such warrant is not at same time furnished.

#### **ADMISSION REGISTER**

- 7.72** There will be an Admission Register for all prisoners admitted to the prison. The admission register shall contain basic description of the prisoners in terms of name, parentage, home address, legal status, date of admission and committal courts. The Jailer / Sub-Jailer will maintain this register in a prescribed form. The entries in the register will be numbered serially. Their height and weight shall be entered in the register.
- 7.73** This register number thus given will be the means of identifying a 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. 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.
- 7.74** However, every prisoner shall be addressed by his name and not by his register number.

#### **CONVICT REGISTER**

- 7.75** In 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 his release diary to be released under that date, but if the sentence is for three months or more, the date of expiry shall be entered in his remission sheet.
- 7.76** The prisoner's register number, name, sentence, date of sentence, date of release will be endorsed on his warrant after calculation of deduction of set up as per Code of Criminal Procedure and the endorsement will be signed by the Jailer 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.

#### **MILITARY PRISONERS**

- 7.77** All military prisoners sentenced by the Court Martial shall be transferred to the prison located in their native home districts, escort being provided by the State Government in which the prisoners were sentenced.
- 7.78** The Inspector General of Prisons of the receiving state shall verify the residential and other particulars of the prisoners proposed to be transferred, before accepting the transfer.
- 7.79** No special remission shall be granted to any military prisoner except the ordinary remission earned under relevant provisions of the Prison Manual and Act.

- 7.80** Whenever a court martial sentences any person, the term of his sentence shall be reckoned to commence on the day on which the presiding officer signed the original proceedings.

#### **CIVIL PRISONERS**

- 7.81** Civil prisoners of all categories should be kept in civil prisons, which will be under the control of judicial department. Civil prisoners can be admitted to prisons specially notified by the State Govt. (Reference sec. 55 of the Civil Procedure Code 1908)
- 7.82** In case the civil prisoners are admitted into prisons housing criminal prisoners, they shall be:
- (i) segregated from under trial prisoners as well as convicts;
  - (ii) allowed to get their food, clothing and bedding from outside, subject to such restrictions, searches and controls as may be prescribed by the State Government from time to time;
  - (iii) supplied, where necessary, sufficient clothing and bedding from the prison, the cost being recovered from the decree holder (Reference sec. 58 of the Code of Criminal Procedure 1908);
  - (iv) treated like under trial prisoners with regard to discipline, work, exercise, facilities and other matters;
- 7.83** When the Deputy Inspector General / Sr. Superintendent of Prisons considers it desirable that a prisoner should be released on the ground of: -
- (a) his suffering from serious illness;
  - (b) the existence of any infectious or contagious disease
- he should in the case of (a) move the court and in the case of (b) move the Government for orders.
- 7.84** A civil prisoner shall be released:-
- (a) on the amount mentioned in the warrant for his detention being paid by the prisoner to the Superintendent
  - (b) on the omission by the person, on whose application the prisoner has been detained, to pay the subsistence allowance, which shall be fixed by the State Government from time to time, in the court, in advance. (Reference sec. 57 and 58 of Code of Criminal Procedure 1908)
  - (c) On receipt of an order of release from the court
  - (d) On the expiry of the term of the sentence mentioned in the warrant.

#### **RELEASE AND RELEASE PROCEDURE**

- 7.85** A prisoner in whose case a specific date of release has been fixed shall be released on such date.
- (i) In calculating the exact date of release of a prisoner, the number of days of remission earned shall be converted into years, months and days at the rate of 30 days to each month and the remission earned should be deducted from the date of release. Years should be subtracted first, then months then days. When a prisoner has earned such remission as entitles him to release, he shall be released except in case of a prisoner where specific Government orders are necessary for final release.
  - (ii) The Medical officer should examine a prisoner's health and record his weight on the day previous to his release.
  - (iii) All accounts of the prisoner shall be completed in the respective branches, at 7 days earlier, before the prisoner is produced for release. All matters relating to prisoners cash, private property, and wages should be properly verified.
  - (iv) Orders to release a prisoner issued telephonically or telegraphically or by wireless shall not be affected till orders in writing and duly sealed and signed by the competent authority are received.
  - (v) Prisoners should be released on the morning before 1000hrs provided that such prisoners who have become eligible for release during the day should normally be released within four hours of receipt of release order.
  - (vi) No prisoner shall be released after lock up of the prison
  - (vii) Orders received after 1700 hrs shall be executed next morning. (Timings may suitably adjusted according to the changing local conditions. The Deputy

Inspector General / Sr. Superintendent of Prisons shall issue standing instructions in this respect.)

- (viii) A prisoner who is due for release but has another case pending against him for which he's not on bail, shall be treated as released as a convict but detained as an under trial prisoner if a remand warrant for the second case has been received from the court. However if the prisoner is already on bail in the second case, and the prison authorities have been served with a production warrant, the prisoner shall be released after being informed of the date on which he has to appear before the court for the second case. The production warrant shall be returned to the issuing court with the release details of the prisoner.
- (ix) Every prisoner shall, before his release be:-
  - (a) given a full meal
  - (b) issued one set of suitable clothing if he has no clothing
- (x) A prisoner discharged from prison, if suffering from any contagious, infectious or dangerous disease, shall ordinarily be removed to the nearest hospital until he's in a fit condition to be sent home. Such events should be recorded in Superintendents Order Book.
- (xi) Each released prisoner shall be given a certificate of release showing details such as date and time of release from the prison.
- (xii) The Jailer shall be the officer in charge of release and he shall ensure:-
  - (a) The prisoner bears the identification marks recorded in the admission register of convicted prisoners.
  - (b) That the entries in the warrant agree with those in the register and the sentence passed on the prisoner by the court has been duly executed.
  - (c) That the private property and the amount due to the prisoner under different accounts are given to the prisoner in his presence
  - (d) That all documents are properly completed.
- (xiii) After the release of the convict, his convict uniforms, blankets and bedding shall be disinfected and properly packed to be used for future purposes.

## CHAPTER VIII

### MAINTENANCE OF PRISONERS FOOD, CLOTHING AND BEDDING FOR PRISONERS

#### FOODING OF THE PRISONERS

In order to protect prisoners from nutrient deficiency, balanced diet consisting of nutrients must be provided.

- 8.01** Scale of diet for prisoners prescribed according to local needs & climatic conditions by the State Government is as under: -

Sl. No.	Name of Articles	Scale per Diet (Per Prisoner)	Scale per day for One Prisoner
01	Rice	250 Gms	500 Gms
02	Atta	240 Gms	480 Gms
03	Potato / Green Vegetables	200 Gms	400 Gms
04	Masur Dal	100 Gms	200 Gms
05	Iodized Salt	020 Gms	040 Gms
06	Mustard Oil	015 Gms	030 Gms
07	Chilies	02.5 Gms	005 Gms
08	Spices	003 Gms	006 Gms
09	Onion	010 Gms	020 Gms
10	Turmeric Powder	003 Gms	006 Gms
11	Tea Leaf	004 Gms	008 Gms
12	Milk Powder	010 Gms	020 Gms
13	Sugar	014 Gms	028 Gms
14	Flattened Rice (Chewra)	087 Gms	As Breakfast
15	Jaggery (Goor)	010 Gms	As Breakfast

In addition to the above prescribed scales meat shall be given twice a month of a single diet and also the egg bhujia. For the vegetarian additional paneer with green vegetables will be provided in the same scale.

- 8.02** Menu will be made by the Superintendent depending on vegetable availability and nutritional requirements in diet which shall be approved on monthly basis by the Deputy Inspector General / Sr. Superintendent of Prisons. For any unforeseen crisis sufficient food storage should be kept in stock as a contingency plan to meet the daily diet requirement.
- 8.03** No reduction or alteration in the prescribed diet and scale shall be made except under special circumstances like blockage of ration supplies due to landslides on road or strike, on the recommendation of the Medical Officer and on any other reasonable reasons on the written approval of the Deputy Inspector General / Sr. Superintendent of Prisons. 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 under approval of the Deputy Inspector General / Sr. Superintendent of Prisons.

#### DAILY MEAL ROUTINE

8.04	MORNING	AFTERNOON	EVENING
	Breakfast	Lunch	Dinner

#### DIET FOR SPECIAL OCCASION

- 8.05** On the occasion of festivals special diet will be provided as prescribed by the Head of the Prison Administration and Superintendent of the District Prison.

#### CIVIL AND UNDER TRIAL PRISONERS

- 8.06** A civil or an un-convicted prisoner shall be permitted to maintain himself and to purchase or receive from private sources at proper hours food, clothing, bedding or other necessaries but subject to examination and such other rules as may be prescribed by the Deputy Inspector General / Sr. Superintendent of Prisons.

**8.07** No part of any food, clothing, bedding or other necessities belonging to any civil or un-convicted criminal prisoners, transgressing the provisions of this section shall lose the privilege of purchasing food or receiving it from private sources, for such time as the Superintendent considers appropriate.

**8.08** If any prohibited articles are found concealed in any food or other things supplied to an under trial or civil prisoner such food or thing will be confiscated and all privileges to the prisoner shall be withdrawn.

**GENERAL RULES REGARDING FOOD SUPPLY, DISTRIBUTION, STORAGE, COOKING, SCALE**

**8.09** A convicted criminal prisoner, an un-convicted criminal prisoner or a civil prisoner who does not maintain himself shall, when not placed on special diet, daily receive the scale of prison diet admissible to him in accordance with rules of the prison.

**8.10** The stock of dry food supplies should be bought by calling for tenders, which will be invited by advertisements in the press. The tender shall be opened on the date fixed in presence of Selection Committee which should comprise of officers from the Finance Department and Home Department. The Committee shall have right to reject any tender without assigning any reasons if it thinks appropriate.

**REQUIREMENTS FOR SUPPLIED VEGETABLE FOR COOKING**

**8.11** (a) Preferably from prison kitchen garden if available. If left over and excess then sold outside.  
 (b) Succulent and fresh  
 (c) Free from stalks, fibrous portion & rotten leaves.  
 (d) The Officer In-charge of Mess will inspect the vegetables before cooking.

**8.12** - All grains to be properly cleaned.  
 - Flour to be sieved & kept in covered bin  
 - Ready made flour – whole flour in minimum maida quantity  
 - Level of maida quantity to be noted in issue register

**8.13** Rice to be separated from husk, dust before issuing for cooking. Weight of the cooked rice in about 3 times more than uncooked state should be tested frequently.

**8.14** All items of diet being issued to the cook should be weighed daily in a fully prepared state, full allowances for any loss during preparation, correct weight & quantity of ration issued to be checked by the Superintendent or Medical Officer.

**8.15** Chapatti & bread should be prepared in prescribed weight & cooks to be informed accordingly.

**8.16** Dal to be cleaned properly. Dal is cooked first in oil & condiments added later which is followed by boiling with water. Cooked Dal appears as amalgamated mass.

**COOKING**

**8.17** Done in stainless steel vessels. Cooking utensils kept clean and shining & kitchen area clean and tidy.

**8.18** Vessels used for cooking will be kept perfectly clean. Vessels scalded and cleaned with boiling water after use. Must not be left un-cleaned.

**8.19** Cover cooked food before distribution with surprise routine supervision.

**8.20** Superintendent, the Jailer and Medical Officer Supervision of food supplies, whole cooking, distributing food to the prisoners at least once a week. Weight and taste of the food to be supervised.

**8.21** Measuring equipments for issuing ration to the kitchen, prisoner's scales to be checked at least once a month by the Superintendent.

- 8.22 Food to be prepared with due care and attention by the cook.
- 8.23 Cooks to be medically examined monthly.
- 8.24 Only prisoner's food to be cooked in prison kitchen.
- 8.25 Inmates with lesser imprisonment terms and good records employed as kitchen helper. Clean rice, peel and cut vegetables, clean utensils and keep kitchen neat and tidy. Kitchen helpers wears clean blue apron below knee length.

#### **DISTRIBUTION AND SERVICE OF FOOD**

- 8.26 Fixed serving time prescribed by Deputy Inspector General / Sr. Superintendent of Prisons or Superintendent.
- 8.27 Meals served fresh and hot, to be protected from insects / flies. Receptacles for carrying food should be with well fitted lids.
- 8.28 Bell to be sounded 15 minutes before meal. Prisoners cease work – wash hand / face, queue for food distribution. Cooked food distribution inside the cell by specially appointed prisoners on rotation basis by prison inmate in charge.
- 8.29 Food eating time at least 20 minutes
- 8.30 Left over refuel food – transferred to tubs specially placed – fed to prison cattle and animals.
- 8.31 Floors, platforms – cleaned after eating food, utensils cleaned with soap and water.
- 8.32 Complaint on food – enquired on spot by supervision officer. He verifies the complaint and takes action. If the complaint is valid Superintendent takes action, if false, the prisoner is punished.
- 8.33 Complaint on food regarding quantity, quality and preparation of food – enquiry at once by Superintendent & make note in his report book. If the complaint is about quantity of food received, ration is checked at once.
- 8.34 Food is given before un-convicted or convicted prisoners goes to the court & arrangements to be made to have his food after he returns.
- 8.35 Prisoner on transfer, full meal to be given before leaving. During short journey, he shall carry ordinary cooked food for consumption on the way.
- 8.36 Special diet for nursing mother & pregnant women & children recommended by Medical Officer.
- 8.37 It shall be the duty of the Superintendent & Medical Officer and Jailer to satisfy themselves individually that: -
- (i) Potable water supplied to prisoner for consumption should be freely available.
  - (ii) Food supplied in prison should be whole some fit for human consumption.
  - (iii) Proper hygiene should be maintained while cooking.
  - (iv) Every food article cooked / uncooked to be inspected before giving them to the prisoners.
  - (v) All food stuffs stored first should be used first (FIFO method to be used, First In – First Out). Frequent inspection in stored food items required.
  - (vi) Buffer stocks to be kept for emergency. For convenient & orderly distribution of food, proper place required.

#### **CLOTHING AND BEDDING: -**

- 8.38 The clothes of convicts shall have no pockets or openings in the lining. All clothing will be according to prescribed design and climatic condition the State. The prisoners shall be provided with dresses to suit their physical measurement.

- 8.39** The Sub-Jailer / Assistant Sub-Jailer shall be in charge of the clothing store and shall be held responsible for custody and maintenance of all clothing 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. Used clothes before being issued to prisoners shall be thoroughly fumigated and washed in hot water and disinfecting lotions to exterminate bugs, fleas.
- 8.40** The last Sunday of the month shall be the fixed for maintenance and inspection of clothing of the prisoners. At the monthly parade of prisoners the Superintendent / Jailer shall pay special attention to their clothing and bedding and shall satisfy himself that each man's kit is complete and in proper condition.
- 8.41** Every prisoner shall be required to wash his clothing at least once a week, usually on the Sunday mornings. The Superintendent may ask the prisoners to wash specific items of prison clothing and may authorize the issue of the necessary washing materials for the purpose.
- 8.42** All prisoners shall be supplied with washing soap weighing approximately 500 grams each per month, and 50 grams of washing powder every week for washing their clothes. For bathing purposes each prisoner shall be supplied one bathing soap bars weighing 150 grams each every month. Each prisoner shall be supplied with a toothbrush and also with 200 gms of toothpaste every month.
- 8.43** 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.
- 8.44** 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 then taken into stock. Items of unserviceable clothing shall be duly entered in the stock register of such clothing and disposed off as described earlier.
- 8.45** Civil prisoners and un-convicted prisoners are permitted to provide themselves with clothing, bedding and other necessaries. A civil prisoner and un-convicted prisoner shall be permitted to maintain himself and to purchase or to receive from proper sources at proper hours, food, clothing, bedding or other necessaries, but subject to examination and such other rules as may be prescribed by the Deputy Inspector General / Sr. Superintendent of Prisons.
- 8.46** No part of any food, clothing, bedding or other necessaries belonging to any civil or un-convicted criminal prisoner shall be hired or sold to any other prisoner; and any prisoner transgressing the provisions of this section shall lose the privilege of purchasing food or receiving it from private sources, for such time as the Superintendent considers appropriate.
- 8.47** Every Civil and un-convicted criminal prisoner unable to provide himself with sufficient clothing and bedding shall be supplied by the Superintendent with such clothing and bedding as may be necessary.
- 8.48** When any civil prisoner has been committed to prison in execution of a decree in favour of a private person, such person or his representatives, shall within forty eight hours after receipt by him of demand in writing, pay to the Superintendent the cost of clothing and bedding of such payment the prisoner may be released.
- 8.49** All articles of clothing, bedding and equipment, shall be of standard patterns approved by the Deputy Inspector General / Sr. Superintendent of Prisons.

**8.50** In the case of convicted prisoners, the prison authorities shall provided them with adequate uniform clothing and bedding and other necessities of equipment with the previous sanction of the Government.

**8.51** The scale of clothing items admissible to the prisoners: -

MEN			WOMEN		
1	Shirts	02 Nos. (for 6 months)	1	Salwar / kameez	02 Nos
2	Trousers	02 Nos. (for 6 months)	2	Petticoats/blouse	02 Nos
3	Towels	01 No (for 1 year).	3	Towels	02 Nos
4	Woolen cap	01 No. (for 1 year)	4	Woolen cap	01 No.
5	Thick wool shirt and trouser (15 <sup>th</sup> October to 1 <sup>st</sup> March)	02 Nos.	5	Thick woolen salwar / kameez	02 Nos

**8.52** The following scale of bedding shall be admissible to the prisoners: -

- (i) One thermocol mattress
- (ii) One durrie
- (iii) Two bed sheets
- (iv) Three blankets for summers
- (v) Four blankets for winters

**8.53** Convicts in custody when sent to a court either as a witness or as an accused or to the hospital shall wear ordinary private clothing.

**8.54** Every prisoner, to whom an article of clothing or bedding or other equipment is supplied, shall conform to all such orders as to the care, custody and use as the case may be as may from time to time be issued by the Superintendent.

**8.55** The Medical Officer is full empowered, on medical grounds, for the benefits of the health of any prisoner, the issue of extra clothing to any such prisoner for any specified period.

**8.56** Each article of prison clothing and bedding supplied to every convict shall be marked legibly with a separate consecutive number.

**8.57** The allowance of cotton clothing prescribed in each scale for prisoners should ordinarily last for six months, the winter uniform, the blankets and durrie should give at least three years wear.

**8.58** Clothes used by patients suffering from infectious and contagious diseases should be marked separately and treated as per Medical Officer's orders.

**8.59** Prisoners in the convalescent group should be provided with extra blankets during coldest seasons of the year as also to the sick, infirm and aged prisoners.

**8.60** A sufficient stock of clothing to meet all possible requirements shall be kept in store in prison.

**8.61** Every prisoners clothing and equipment shall be renewed as the necessity arises: no prisoner shall be allowed to remain in tattered and unserviceable condition. No prisoner shall destroy / damage or in any way make unserviceable any article of clothing bedding or other equipment at any time supplied to him.

**8.62** Indents for clothing, bedding shall be submitted in duplicate to the Deputy Inspector General / Sr. Superintendent of Prisons before the 1<sup>st</sup> October of each year. The requirements should be carefully considered so as to obviate the necessity of submitting a supplementary indent.

**8.63** The clothing godown shall be placed in the charge of a trustworthy official, subject to the supervision of the Jailor. Every care must be taken to protect the clothing from damp and ravages of vermin and insect pests by airing it in the sun at least once a month and by free use of neem leaves, naphthalene balls, etc.

- 8.64** The articles of clothing and bedding sent with prisoners on transfer are to be returned to the transferring jail.
- 8.65** Men employed on work which specially spoils their clothing such as gardening, scavenging and the like, may be supplied with old suits for wear during working hours.
- 8.66** Prison clothing shall not be given to discharged prisoners and care should be taken that prisoners on release shall surrender their fall outfit.
- 8.67** The purchase of prisoner's clothes / beddings shall be made preferably from the SIMFED or Khadi & Village Industry Board or otherwise calling through open tenders subject to approval by the Purchase Selection Committee.

## CHAPTER IX

### PRISON DISCIPLINE

#### PRINCIPLES

- 9.01** 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.
- 9.02** 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.
- 9.03** 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.
- 9.04** Prison discipline is the collective responsibility of all the prison personnel who are actually supposed to usher in reformation to the offender.
- 9.05** 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.
- 9.06** 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.
- 9.07** 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 counseling, which will act as an emotional support base to them. Counseling 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

- 9.08** 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 fine aspects of life.

#### PRISON OFFENCES AND PUNISHMENTS

- 9.09** Following acts of the prisoners shall constitute prison offences under Sikkim Prison Act 2007;
- (i) endangering the security and custody of a prison in any way, by a willful or negligent act and shall include tampering in anyway with prison walls, building, bars, locks and keys, lamps or lights or with any other security and custody measures;
  - (ii) doing any act calculated to create unnecessary alarm in the minds of other prisoners;
  - (iii) doing or omitting to 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 discipline;
  - (vi) planning, instigating, abetting, directly or indirectly, in the commission of any

- prison offence;
- (vii) refusing, omitting or conniving to abide by standards of behavior, 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 complaint against prison officials;
  - (xi) committing nuisance or mischief of any kind;
  - (xii) quarrelling with other prisoners;
  - (xiii) smoking;
  - (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 or attempting to smuggle, obtaining, giving or receiving or bartering contraband articles, failing to report to prison officials about contraband articles;
  - (xviii) stealing / damaging / destroying / disfiguring / misappropriating any Government property or another prisoners' articles and property;
  - (xix) failing to report at once any loss, breakage or injury which the prisoner may accidentally have caused, to prison property or implements;
  - (xx) tempering with or defacing identity cards, records or documents;
  - (xxi) breach of the conditions of leave and emergencies release;
  - (xxii) refusing to eat food or going on hunger strike;
  - (xxiii) eating or apportioning any food not assigned to him or taking from or adding to the portions assigned to another prisoner;
  - (xxiv) willfully or negligently destroying or spoiling food or throwing it away without orders;
  - (xxv) introducing into food or drink anything likely to render it unpalatable;
  - (xxvi) cooking unauthorized;
  - (xxvii) violating rules and regulations framed for the systematic running of the canteen;
  - (xxviii) bartering canteen articles;
  - (xxix) being idle, careless or negligent at work, refusing to work, malingering, disturbing other prisoners at work or in barracks;
  - (xxx) manufacturing any article without the knowledge or permission of a prison officer;
  - (xxxi) performing any portion of the task allotted to another prisoner or obtaining unauthorized assistance of another prisoner in the performance of one's own task;
  - (xxxii) apportioning to any prisoner any part of the task to be performed by him / her;
  - (xxxiii) mixing or adding a foreign substances to the materials issued for work;
  - (xxxiv) willfully disabling himself from labour;
  - (xxxv) converting or attempting to convert, a prisoner to a different religious faith;
  - (xxxvi) willfully hurting other's religious feeling, beliefs and faiths;
  - (xxxvii) agitating or acting on the basis of caste or religious prejudices,
  - (xxxviii) having any communication, in writing or by word or by signs, without permission, with any outsider, an under-trial prisoner, detenus, civil prisoner and approvers;
  - (xxxix) sending messages surreptitiously by writing or verbally;
  - (xl) participating in or organizing unauthorized activities like gambling and betting;
  - (xli) using indecent, abusive, insolent, threatening or improper language, being disrespectful, making indecent or vulgar acts or gestures;
  - (xlii) soiling or befouling any place or article;
  - (xliii) loitering or lingering, leaving the appointed area or work-group without permission;
  - (xliv) 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**

- 9.10** The Superintendent may award punishment as noted below, provided that no solitary confinement, no hard labour, no dietary change as a painful additive, no other punishment

or denial of privileges and amenities, or no transfer to other prisons with penal consequences, shall be imposed on a prisoner without judicial appraisal of the Sessions Judge. Where such intimation, on account of emergency is difficult, such information shall be given within two days of taking such action.

*Note: Reference Rule of the Supreme Court in Sunil Batra vs. Delhi Administration Case.*

**9.11** Punishments may be classified into minor and major punishments.

#### **MINOR PUNISHMENTS**

**9.11.1** Formal warning.

**9.11.2** Loss of privileges given to the prisoners in detention for a maximum of one month.

**9.11.3** Forfeiture of wages up to earnings of three days once in a month.

**9.11.4** Forfeiture of earned remission up to ten days.

**9.11.5** Fatigue drill / work for a period not exceeding one hour a day up to seven days subject to the prisoner's physical fitness being certified by the Medical Officer.

#### **MAJOR PUNISHMENT**

**9.11.6** Loss of privileges given to the prisoners in detention from one month to three months.

**9.11.7** Forfeiture of wages up to earnings of four to seven days in a month.

**9.11.8** Transfer to greater security prisons and consequent loss of privileges.

**9.11.9** Not counting period of leave towards sentence in case of breach of conditions of leave.

**9.11.10** Forfeiture of earned remission beyond 10 days.

**9.11.11** 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.

**9.11.12** Solitary confinement up to 30 days.

#### **PROCEDURE FOR AWARDING PUNISHMENT**

**9.12** 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 prison rule. The order of punishment should also be communicated to the concerned prisoner.

**9.13** In respect of offence committed by the prisoners which are punishable both under the existing criminal laws or 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.

**9.14** No prisoner should be punished twice for the same offence.

#### **DUTIES OF PRISONERS**

**9.15** At the time of admission, prisoners should be asked to obey the rules and their duties shall be explained to them as below: -

- (i) Obey the orders of all officers of prison (including clerks and medical staffs).
- (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, taking loudly and indecent behaviour at any time.
- (iv) Not hold any communication with outsiders, women, civil or under trial prisoners or prisoners of a class different from their own, or with the guards, beyond what is absolutely necessary.

- (v) Not receive or possess any 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 Jailer or any prison personnel on duty.
- (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 ward or cells.
- (xiii) Not to remove any unconsumed food from the place where the meal is taken.
- (xiv) Stick to the bed, ward, yard, and the seat assigned to them while at meals or at work.
- (xv) Not to loiter about the yards, or in the wards, after the doors have been opened, or bathe or visit the latrine beyond the specified hours.
- (xvi) Not commit any nuisance or urinate in any part of the prisons 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.

#### **GRIEVANCE REDRESSAL SYSTEM**

**9.16** 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 outburst 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 head of Prison Administration., who shall unlock the complaint box at least once a fortnight on the day fixed.
- (vi) The complaint box shall be opened at appointed time before the evening locking up of prison.
- (vii) The Superintendent shall form a permanent Committee of Grievance Redressal System (G.R.S.), comprising himself, Jailer and one each from the rank of Sub-Jailer and Assistant Sub-Jailer. If the prison happens to have a female enclosure then one lady officer, not below the rank of Sub-Jailer or Assistant Sub-Jailer, shall be included in the committee.
- (viii) The committee shall meet as and when necessary.
- (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, Deputy Inspector General / Sr. Superintendent of Prisons or other high functionaries should be forwarded to them immediately without being censored and a date receipt of it should be given to the prisoner. The receiving authority should acknowledge letter immediately and look promptly into them.
- (xiii) The District Judge should visit each prison in his jurisdiction once in three months and give an opportunity to all the prisoners to present their grievances or requests, if they so desire, in the absence of prison officers. This should be a statutory function of the District Judge.
- (xiv) The general meeting of Board of Visitors should be held at least twice in a year. The Chairman shall regulate the visits of other members as decided in the general meeting. The visitors should receive and enquire into prisoners' complaints and grievances and send their suggestions to appropriate authorities.

## CHAPTER X

### AFTER-CARE AND REHABILITATION

- 10.01** 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, for carrying out these programmes effectively integrated with the department of prisons.
- 10.02** 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 families. They are re-assimilated in the social milieu without much difficulty. They require only some continued contact with their kin and some pre-release counseling to bridge the gap between their life in the prison and that in the free society.
- 10.03** 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**

- 10.04** The objectives of the after-care services are: -
- (i) Extending help, guidance, counseling, 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**

- 10.05** After-care services should be extended to all needy persons released from prisons, conditionally or unconditionally. A minimum of five years of imprisonment should be necessary to enable a prisoner to avail after-care services.
- 10.06** 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.
- 10.07** 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-released period.
- 10.08** While extending help, the after-care services should devote special attention 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**

- 10.09** Planning for after-care should be initiated immediately after an inmate's admission in the institution.

- 10.10** After-care should be in the interest of the individual, and based on his / her needs. While planning post-release assistance, factors like the inmate's personality, his weaknesses and strengths, limitations and capabilities, and his / her rehabilitation needs should be taken into consideration. The inmate's desires for post-release help should be considered on a practical and realistic basis.
- 10.11** The inmate should be told what type of assistance would best suit his / her needs. He / she should be encouraged to plan his / her post-release life, as this would be helpful in his / her willing acceptance of the after-care plan. He/she should be prepared for his post-release life.
- 10.12** From the time of a prisoner's admission into prison, consideration should be given to his / her post-release needs and he / she 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 / her 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 / her family, as are desirable in the best interest of the both.

#### **THE ROLE OF NON GOVERNMENT ORGANISATIONS (N.G.Os)**

- 10.13** The participation of N.G.Os in the rehabilitation programmes should be extensively encouraged. Voluntary organizations, 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 Prison Administration.
- 10.14** The public should be educated about the need for rehabilitation of ex-prisoners through print and audio-visual media.
- 10.15** Continuous liaison should be maintained with the agencies / individuals which are willing to give employment to the released prisoners.

#### **SCOPE OF AFTER-CARE ASSISTANCE**

- 10.16** The following matters should be kept in view while planning after-care assistance or help to released prisoners.
- (i) Subsistence money to cover initial expenditure after release, till such time as the released person reaches his / her family or obtains employment.
  - (ii) Assistance in securing apprenticeship in a workshop / technical institute / industry / trade.
  - (iii) Supply of artisan's tools or trade equipment.
  - (iv) Assistance in starting a cottage industry, any small business trade, or a stall.
  - (v) Assistance in getting employment.
  - (vi) Assistance in starting a small dairy, poultry, duck, or sheep farm / piggery / vegetable gardening / sericulture / bee-keeping through Government Departments.
  - (vii) Liaison with and assistance to prisoner's family during the period he / she is serving a prison sentence.
  - (viii) Help in maintaining continuity in relationship with family neighbours, employers and community.
  - (ix) Preparing the family, employer and neighbours for receiving the individual after release.
  - (x) Liaison with local police so that he / she is not harassed unnecessarily.

#### **FAMILY OR MARITAL ADJUSTMENTS**

- 10.17** 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 / Block Development authorities about the background, problems and needs of the released person. Getting the cooperation and help of the Panchayats, Block Development Officer and Gram Sevak in the resettlement of a prisoner
  - (iii) Reference to a Panchayat in the neighbouring area where the prisoner is likely to settle after release.
  - (iv) Assistance in continuation of vocational training.
  - (v) Creating interest in education and vocational training, 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) Posting the released person under the care of a person or family interested in his welfare and resettlement.
- (ix) Protecting from getting associated with anti-social groups, agencies of moral hazards (like gambling, dens, drinking places and brothels) and with demoralized and deprived persons. Help in establishing contacts, acquaintance and friendship with reliable neighbours, co-residents or co-workers.

#### **LEGAL AID AND PROTECTION**

- 10.18** 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.
- 10.19** The plan of after-care of a prisoner should be subject to such changes as would be found necessary by the after-care service.
- 10.20** A prescribed record should be maintained under the direction of the Head of the Prison Administration
- 10.21** 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.
- 10.22** A system of follow-up study through interviews or correspondence should be established to evaluate the after-care assistance and rehabilitation of the individual.
- 10.23** A record branch in the headquarters organization should maintain all case file and follow up reports.

#### **ELIGIBILITY**

- 10.24** Only a convict who is sentenced to five or more years of imprisonment should be brought under the ambit of after-care and rehabilitation programmes.

#### **FORMULATION OF SCHEMES**

- 10.25** The Industries Department of the Government should formulate schemes for the employment of released convicts in small scale industrial units.
- 10.26** Big industrial houses should be motivated at the level of the Principal Secretary, Home Department to give preference in jobs to released prisoners in the interest of their rehabilitation and social adjustment.

## CHAPTER XI

UNDER TRIAL PRISONERS**CLASSIFICATION OF UNDER TRIAL**

**11.01** The classification of under trial prisoners should be done only on the basis of security, discipline and institutional programme. No classification on the basis of status should be attempted. The entitlement of diet, clothing, bedding and interview will be the same as applicable to other categories of prison. Under trial prisoners should be classified as under:

**Category 'P':** Prisoners involved in terrorist and extremists activities (special security prisoners) limited and with the permission and higher authority.

**Category 'II':** Dangerous prisoners involved in murders, dacoity, robbery, rape cases, habitual offenders, previous escapes and drug peddlers.

**SEGREGATION**

**11.02** In a prison containing female as well as male prisoners, the female shall be imprisoned in separate building or separate part of the same building in such a manner as to prevent their seeing or conversing.

**11.03** Un-convicted criminal prisoners shall be kept separate from the convicted criminal prisoner.

**11.04** Civil prisoner shall be kept apart from criminal prisoners.

**11.05** Mentally sick prisoners, young offender and women under protective custody will not be lodged with the under trial prisoner although classified as under trial.

**11.06** Courts will send intimation to prison authorities about under trial prisoners who have turned approvers or have made confessions.

**11.07** An accused person detained under section 122(2) of the Criminal Procedure Code, must be treated as an under trial prisoner until his case has been decided by the Sessions Court or High Court.

**ADMISSION**

**11.08** The Jailer or any designated Officer shall be in charge of all works pertaining to under trial prisoners.

**11.09** No person shall be admitted into a prison as an under trial 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) Discrepancies in remand warrant: - The Jailer or Officer on duty is authorised to refuse admission of an under trial 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 other particulars, (ii) omissions of the signature of the competent authority. In such case, a report should be sent to the authorities concerned.

(c) Children: - Children of women under trial prisoners may be admitted, if suitable arrangements for their care cannot be easily made outside.

(d) Food: - If an under trial prisoner has not been in the prison previously, it is the duty of the police, or the military escort officer, to see that the under trial 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 under trial prisoner has not been supplied with food, prison authorities should make necessary arrangements for the issue of food to him.

- (e) Admission hours: -
- (i) Undertrial prisoners should be admitted during usual working hours of the prison. After lock-up, no under trial prisoners should be admitted except women offenders and prisoners in whose case identification parade is to be held.
  - (ii) While under trial 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 the military officials should send sufficient advance intimation to the prison where the under trial prisoners are being escorted.
- (f) It is the duty of every prison officer to endeavor to ascertain whether an under trial 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**

- 11.10** 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 compartments in the under trial ward, these should be utilized for the purpose. If there is no separate compartment, such prisoners may be kept in separate wards by night, but care must be taken that they are not kept in solitary confinement.
- 11.11** Any special direction as to the separation of an under trial 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**

- 11.12** 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.
- 11.13** The police shall give intimation to prison authorities of cases in which identification of under trial prisoner is to be carried out and shall give full description of growth of hair, moustache, beard, etc. which the under trial prisoner had at the time of arrest.
- 11.14** Test identification should be held as under: -
- (a) No police officer will be allowed to present during the Identification Parade.
  - (b) Minimum 10 (ten) prisoners having same appearance to be mingled with the suspect for Identification.
  - (c) The line-up of the suspect to be changed whenever the other witnesses to identify the suspect.
  - (d) Full security to the Magistrate and the witness to be provided.

### **POLICE INTERROGATION**

- 11.15** Only such police officers as have been authorised by the Judge or Magistrate, should be allowed to interrogate an under trial prisoner while in prison custody. Such interviews should be held in the presence and within the hearing of a prison officer.

### **FACILITIES**

- 11.16** The following facilities should be extended to all under trial prisoners.
- (a) Legal defence,
  - (b) Interviews with lawyers or family members (for legal purpose),
  - (c) Signing Vakalatnama,
  - (d) Delegation of power of attorney,
  - (e) Execution of will,
  - (f) Essential religious necessities as per rules,

- (g) Applications to courts for legal aid at Government cost as per provisions of law,
- (h) Other applications to courts,
- (i) Application to Legal Aid Societies for free legal aid.

### **FOOD**

**11.17** Food from outside may be allowed subject to 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 under trial 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 prisoner should not be allowed to cook their food separately in the institution.

### **CLOTHING**

**11.18** Usual private clothing to meet reasonable requirements should be allowed to under trial prisoners. Such articles of clothing as will affect the security requirements of the institution should not be allowed. An under trial 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 under trial prisoner even after his release. Private articles bearing marks or symbols of political affiliations shall not be allowed to be kept or used by under trial prisoner.

### **LETTERS**

**11.19** On the initial admission of a prisoner, a printed card should be sent at Government cost to his family. This card should contain information such as the inmate's institutional number and address, brief summary of rules regarding interviews, letters and any other information as approved.

**11.20** Two letters per calendar month, one at his cost, and one at Government cost, shall be allowed to be written by an under trial prisoner.

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

**11.22** Under trial prisoners may be allowed to purchase from prison canteen, a reasonable supply of stationery and writing materials which should be marked and serially numbered by the prison authorities.

### **INTERVIEWS**

**11.23** When a legal adviser desires an interview with an under trial 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**

**11.24** An undertrial prisoner may make purchases from the canteen up to Rs.50/- per month as per canteen rules.

### **PRODUCTION BEFORE COURT**

**11.25** 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 courts shall be made. These entries should be made daily by the officials concerned and should be daily supervised by the Jailer.

#### **REQUISITION OF ESCORT**

- 11.26** On the basis of the court diary, requisition for police escort should be sent sufficiently in advance. Information about women, adolescent and as far as possible about violent, dangerous and notorious under trial prisoners should be sent to the police authorities while requisitioning the escort.

#### **SICK PRISONERS**

- 11.27** If an under trial 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**

- 11.28** 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**

- 11.29** While going to the court, the under trial prisoner should return all prison articles issued to him. Except 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 under trial 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. Under no circumstances, should the under trial prisoner be allowed to carry cash or valuable, if any, on his person.

#### **SEARCH**

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

#### **TRANSPORT**

- 11.31** For transporting undertrial prisoners to and from the court and other destinations, necessary arrangements for conveyance should be made by the prison authorities. If a separate conveyance is not provided for women and adolescent undertrial prisoners, the common conveyance should have separate compartments for women and adolescent under trial prisoners.

#### **HANDCUFFING**

- 11.32** All undertrial prisoners are liable to be handcuffed except (a) women, (b) under trial prisoners who are seriously ill, (c) undertrial prisoners in whose case Government orders have been issued directing that such prisoner or group of prisoners should not be handcuffed.

- 11.33** Undertrial prisoners should not normally be handcuffed except: -

- (a) Prisoners involved in serious and violent offences,
- (b) Prisoners having notorious or dangerous background,
- (c) Violent, aggressive and refractory prisoners,
- (d) Prisoners who have previously escaped.

- 11.34** Handcuffing of undertrial prisoners may be done in the discretion of the produced before the court, except with the permission of the court.

#### **COURT PREMISES**

- 11.35** Only under written orders of the court, undertrial prisoners may be granted interviews for legal purposes by the officer in charge of police escort on the court premises. Proper record of such interviews should be maintained at the courts concerned and intimation sent to prison authorities.

**11.36** Undertrial prisoners shall not be allowed directly to receive any cash valuable articles while under escort or while on the court premises. Such cash or articles should be credited, under proper authorization.

**11.37** 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.

**11.38** Undertrial prisoners should be thoroughly searched before being taken into the courtroom.

#### **RETURN TO PRISON**

**11.39** As soon as the court work is over, such under trial prisoner as have been remanded to prison custody should be brought back to the prison at least one hour before lock-up.

**11.40** 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 of Police for action. Such cash as is brought by the police escort should be recorded in the register and deposited in the prison office under intimation to the under trial prisoner.

#### **PRODUCTION OF UNDER TRIAL PRISONER IN OTHER STATES**

**11.41** When an under trial 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.

#### **PRODUCTION OF UNDER TRIAL PRISONER BEFORE COURT IN CIVIL SUIT PROCEEDINGS**

**11.42** Unless ordered by the Court, no undertrial prisoners shall be produced before court for civil suit proceedings.

#### **PREVENTION OF UNDUE DETENTION**

**11.43** An undertrial prisoner whose case is being tried by a Magistrate shall be produced before the Magistrate at least once in thirty days for the purpose of further order. Upon the expiry of each period of remand, the prisoner shall be placed before the Magistrate.

**11.44** 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 with relevant extracts to the court concerned.

#### **ADDITIONAL CASES**

**11.45** 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 under trial 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;

**11.46** 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.

**11.47** When an undertrial prisoner confined in a prison is required for another case/cases for which he is on bail, the court concerned will duly intimate the prison authorities.

**11.48** 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**

- 11.49** 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 undertrial yard or block. As soon as the work is over, these prisoners should be withdrawn from the yard or block. In all matters where under trial prisoners are concerned, no convicted prisoners shall be used for supervision or similar purpose. All such matters should be handled by staff members.

**WORK**

- 11.50** Undertrial prisoners shall clean the yards, barracks, cells and toilets 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 under trial prisoners, the yards, barracks, cells, toilets and kitchen will get cleaned up. It will also be incumbent on all under trial prisoners to keep their own clothing, bedding and equipment properly washed, cleaned, and disinfected.
- 11.51** If the 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**

- 11.52** During an emergency or on administrative grounds, the Head of the Prison Administration is authorised 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**

- 11.53** 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 courts thinks fit, the prisoner may be released on bail.

**TRANSFER TO OUTSIDE HOSPITAL**

- 11.54** When the prison Medical Officer recommends that in the interest of the health of the undertrial prisoners, he should be transferred to a government hospital outside the prison, immediate action should be taken and the matter reported to the court concerned.

**TREATMENT OUTSIDE THE STATE**

- 11.55** Any specialized treatment outside the State for the undertrial prisoners should be recommended by the State Medical Board and all such treatments so recommended would be done in the government hospital or institutions. In case the undertrial prisoners prefers his treatment in any private institutions, all the medical expenses and classes of transportation as per the choice of the prisoner including that of the escorting party shall be borne by the undertrial prisoners.

**DEATH**

- 11.56** The death of an undertrial prisoner shall be promptly reported to the court under whose orders he was detained.

**CONVICTION**

- 11.57** When an undertrial prisoner is convicted, should be transferred to the yard meant for to admit convicts.

**RELEASE****RELEASE FROM THE COURT**

- 11.58** 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 under trial register should be made.

- 11.59** 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**

- 11.60** On receipt of a bail bond or release order prompt action should be taken to release the prisoner within 02 (two) hours of the receipt of the bail bond or release order. A bail bond or release order reaching the prison after lock-up should not be received.

#### **RELEASE PROCEDURE**

- 11.61** While releasing an undertrial prisoner the Jailer or officer so detailed 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

- 11.62** After release the bail bond should be duly returned to the court concerned along with a certificate of release.

#### **WOMEN UNDER TRIAL PRISONERS**

- 11.63** Women undertrial prisoners should normally be escorted by women police. When there are no women police available, they should be accompanied by women Prison Guard.

- 11.64** Women staff members shall be in charge of women undertrial prisoners. She should be present at the time of admission and release of women undertrial prisoner and during the all work pertaining to the women undertrial prisoners. She should attend to all work pertaining to the women undertrial prisoners.

- 11.65** As far as possible, women undertrial prisoners should be handed over to their relatives after release. If this is not possible, a women police or woman prison guard should escort the released women undertrial prisoner to the nearest station or transport bus stand.

#### **DAILY ROUTINE AND PROGRAMME FOR UNDER TRIAL PRISONERS**

- 11.66** 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 tea,
  - Cleaning of barracks, cells, yards, open spaces,
  - Cleaning of equipment,
  - Morning meal,
  - Movement to Courts,
  - 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 recreation 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  
TV/Radio music,  
Meditation,  
To bed.

#### **PROGRAMMES ON SUNDAYS AND PRISON HOLIDAYS**

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

- (i) Early morning  
As in rule 11.66 (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  
Group music, with institutional facilities  
Newspapers, Library books, radio/TV  
Toilet,  
Games (one hour)
- (iv) Early evening  
As in rule 11.66 (iv)
- (v) Evening  
As in rule 11.66 (v)

## CHAPTER XII

### HIGH SECURITY PRISONERS AND DETENUES

**12.01** High security prisoners will include the under trial prisoners and detenues involved in terrorist and militant activities. These types of prisoners will be lodged in separate enclosures demarcated as high security enclosures within the existing prisons. If possible, separate high security prisons can be constructed in every district with the lodging capacity of 10–20 inmates. Under no circumstances should the High Security Prisoners be kept with other under trial prisoners and convicts.

#### **CLASSIFICATION OF HIGH SECURITY PRISONERS**

**12.02** High Security prisoners can be classified on the basis of factors like class of prisoners, criminal behaviour, escape risk, requirement of gradation in custody, and educational and vocational needs. They can be categorized as below: -

**Category “I”:** Will include the under trials, convicts and detenues involved in terrorist and extremist activities, violent and habitual criminals and those prisoners who have escaped earlier.

**Category “II”:** Under trials, convicts and detenues involved in murder, dacoity, robbery, rape and prisoners who are professional killers / organizers, drug peddlers. In this category violent and indiscipline inmates and inmates who are an escape risk should also be included.

#### **BUILDING STRUCTURE**

**12.03** 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-tunneling slabs and all spaces open to the sky should be covered with iron grill. These enclosures can be divided into security zone grade I and security zone grade II.

**12.04** 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 or heinous crimes, violent and dangerous prisoners and prisoners who pose great threat of escape will be lodged in security zone grade I.

**12.05** Security zone grade II will have a single room accommodation (cellular and the association barracks). The 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’. Security zone grade II will also have a separate entry lobby; the space open to the sky should be covered with iron grills.

**12.06** The building pattern should be oval and covered with watch towers on all sides. In this zone, first offender militant and terrorists both convicts and under trial prisoners, who pose lesser threat of escape, can be lodged.

#### **STAFF PATTERN**

**12.07** Well trained staffs should be detailed for watch and ward duty of High Security enclosures. An officer not below the rank of Sub-Jailor should be in charge of these enclosures. No staff on duty comes in direct contact with the prisoners except as a requirement of duty.

#### **FACILITIES (INTERVIEWS, LETTERS, COMMUNICATION)**

**12.08** They 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 security prisoners will be allowed in the main interview blocks. Interviews should be allowed to only blood relations and authorised lawyers.

**12.09** All letters should be properly censored.

#### **FOOD, TOILET, CLOTHING AND BEDDING**

**12.10** No cooked food from outside shall be allowed for the high security prisoners. No under trial, detinue or convict shall be allowed to enter the high security enclosure. Admissibility to toilet articles, clothing and bedding shall be the same as that given to other under trials and convicts.

#### **MEDICAL CARE**

**12.11** Medical care shall be the same as for other inmates but within the enclosures of the inbuilt MI room. In case of emergency, with the permission of the Deputy Inspector General / Sr. Superintendent of Prisons, they can be shifted to the local hospital for treatment but under proper police escort and guard.

#### **SPORTS, GAMES AND RECREATION**

**12.12** 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.

**12.13** 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.

**12.14** High security prisoners should not be allowed to receive any money from their families or friends.

#### **CANTEEN FACILITY**

**12.15** No canteen facility shall be provided to high security prisoners. The main aim of these restrictions is to minimize movement of the officials and other working staff, giving them minimum access to these enclosures except for those who are detailed for duties.

#### **REFORM AND TREATMENT PROGRAMMES**

**12.16** The reform and treatment programmes can be extended to the prisoners lodged in the security area grade II. Minimum technical education with the main stress 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 enclosures itself. The prisoners shall not be taken out to mix with other inmates.

#### **SECURITY**

**12.17** A double ring of security shall be provided to all security enclosures. Inner security enclosures should be manned by highly trained staff of the prison, while the outer security, including the watch towers and security wall, should be duty of a special armed guard.

**12.18** The enclosures should be equipped with walkie-talkies, alarms and jammers with remote control device.

- (i) ID machines hand-held and doorframe, metal detectors and all other electronic devices should be made available.
- (ii) The armory of the prison should be well equipped with all types of sophisticated and automatic weapons.
- (iii) Every barrack and cell, especially the interview room, should be fitted with close 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 everyday. The high security prisoners of category "I" and "II" should be searched twice 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, ventilators, 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 cells / barracks doors shall always be carried by the person entrusted with the duty. They shall under no circumstances be handled by any unauthorized person.
- (xi) The cells and barracks should be well lighted to avoid dark spots and 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.

### **COURT HEARING**

**12.19** Video linkage should be provided to these high enclosures. In any case no under-trial, convict or detenu should be allowed to enter these enclosures. The regular prison staff or the paramedical staff will not have access to these enclosures unless they are accompanied by the officer in charge of the block.

### **CONVICTS FOR RIGOROUS IMPRISONMENT**

**12.20** High security convicts who are undergoing rigorous imprisonment, will do all sort of work assigned to them inside the security enclosures.

### **PUNISHMENT**

**12.21** All high security prisoners can be punished in case of breach of discipline and security of prison by the Superintendent. If he commits frequent breaches, the Superintendent can recommend his shifting to any other prison to the Deputy Inspector General / Sr. Superintendent of Prisons. Facilities like interviews and letters can be drawn for a limited time, or forever, by the Deputy Inspector General / Sr. Superintendent of Prisons.

## CHAPTER XIII

### WOMEN PRISONERS

**13.01** The State Government shall establish separate prisons for women offenders. Till separate prisons for women are established, both male and female inmates can be confined in the same prison on the condition that female offenders are to be kept in a strictly secluded female enclosure. Such enclosure should be, to the extent possible, independent in terms of infrastructural set-up.

#### **CLASSIFICATION AND SEPARATION**

**13.02** Women prisoners shall be classified and kept separately as under: -

- (i) Under-trial prisoners shall be kept completely separated from convicted offenders, even when their number is small.
- (ii) Habitual prisoners shall be separated from casual offenders.
- (iii) Habitual offenders, prostitutes and brothel keepers must also be confined separately.
- (iv) In no circumstances should adolescent girls be confined with adult women prisoners.
- (v) Political and civil prisoners shall be kept separately from convicts and under trial prisoners.

*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**

**13.03** A register 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 orders.
- (iii) The day and hour of their admission and release.

*Note: No person shall be received in an institution without a valid commitment order.*

#### **RESTRICTION ON WOMEN PRISONERS**

**13.04** 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.

**13.05** 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**

**13.06** 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.

- 13.07** Male Warders and other male staff, acting as escort to lady visitors and officials, shall remain outside the enclosure.
- 13.08** 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.

#### **LOCKS OF FEMALE ENCLOSURE**

- 13.09** 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.

#### **PHOTOGRAPHY AND FINGERPRINTS**

- 13.10** 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.

#### **NIGHT INSPECTION**

- 13.11** 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 inspections.

#### **PRISONERS REQUIRING MENTAL HEALTH CARE**

- 13.12** Female prisoners needing treatment for mental disease shall not be admitted in prison. They shall be kept in separate enclosures for female patients at the mental hospital or in other mental health facilities.

#### **CUSTODY OF THE FEMALE ENCLOSURE**

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

#### **ADMISSION OF UNDER TRIAL PRISONERS**

- 13.14** 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**

- 13.15** 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.

#### **QUARANTINE ON ADMISSION TO PRISON AND MEDICAL AID**

- 13.16** Women prisoners on admission to prison shall be medically examined.

- 13.17** After admission to prison, all women prisoners shall be required to wash themselves and their clothing thoroughly as soon as possible.

#### **PREGNANCY**

- 13.18** When a woman prisoner is found or suspected to be pregnant at the time of admission or later, the Prison Administration shall make necessary arrangement for detail examination in the Government Hospital for a report. After ascertaining all necessary particulars, a detailed report shall be sent to the Deputy Inspector General / Sr. Superintendent of Prisons.

#### **CHILD BIRTH IN PRISON**

- 13.19** 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 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.

- 13.20** 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**

**13.21** 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 Jailer 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.

#### **CERTAIN ORNAMENTS TO BE ALLOWED TO WOMEN PRISONER**

**13.22** 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.

#### **CHILD OF WOMEN PRISONERS**

**13.23** 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.

**13.24** 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.

**13.25** 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 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.

#### **WELFARE OF THE CHILDREN OF THE WOMEN PRISONERS**

**13.26** There shall be a crèche and a nursery school attached to a prison for women where the children of women prisoners shall be looked after. Children below three years of age shall be allowed in the crèche and those between three and six years shall be looked after in the nursery school.

**13.27** The crèche and nursery school shall be run by the Prison Administration preferably outside the prison.

**13.28** Children in prison shall be provided with adequate clothing suiting the local climatic requirements. For this the State Government shall lay down appropriate scales.

**13.29** Scales of diet for children shall be decided keeping in view the calorific requirements of growing children as per medical norms and climatic conditions.

**13.30** Children shall be regularly examined by a Medical Officer to monitor their physical growth who shall also be vaccinated for various diseases including polio and small-pox at the appropriate time.

#### **EDUCATION AND RECREATION FOR CHILDREN OF WOMEN PRISONERS**

**13.31** The children of women prisoners living in the prison shall be given proper education and recreational opportunities. While their mothers work in prison, the children shall be kept in crèches / nursery schools under the charge of a female warder.

#### **DIET**

- 13.32** Management of kitchens or cooking food on caste or religious basis should be totally banned in prison for women.
- 13.33** Adequate and nutritious diet should be given to nursing women and to children accompanying women prisoners.
- 13.34** Food articles should be of a good quality.
- 13.35** Pregnant and nursing women prisoners should be prescribed a special diet.
- 13.36** Women prisoners should get special diet on festivals and national days, as may be specified in the rules.
- 13.37** Medical Officer should ensure that food is cooked under hygienic conditions and is nutritious.
- 13.38** There should be a separate kitchen for every 50 prisoners.
- 13.39** 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.
- 13.40** Prison Officers, including the Superintendent, must supervise every aspect of the prison diet system, i.e., issue of rations, managements of kitchens and distribution of food.
- 13.41** There should be a separate kitchen for women prisoners.
- 13.42** Women prisoners should not be allowed to have their own mini kitchens inside the prison barracks.
- 13.43** Clean drinking water should be supplied to prisoners and it should be tested periodically.

#### **SCALE OF DIET**

- 13.44** The dietary scale for women prisoner shall be the same with that of other prisoners except for pregnant and nursing female prisoner as prescribed by the Medical Officer.
- 13.45** The State Government may, at any time vary either temporarily or permanently, the scale laid down in the Prison Manual, provided reasons for doing that are recorded in writing by the authorities concerned.

#### **CLOTHING**

- 13.46** Women prisoners sentenced to six months and above imprisonment or below may be issued two sarees / bakkhu and other related clothing in the same scale. The supply of the clothing will be according to the local conditions and change of seasons.
- 13.47** Children allowed to stay with women prisoners should be given suitable clothing similar to what is normally used by children in the local community.
- 13.48** Every women prisoner should maintain a repair unit where prisoner's clothing can be repaired.
- 13.49** 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.

#### **ACCOMMODATION**

- 13.50** There should be two types of living accommodation.
- (a) Barracks with accommodation for 20 women prisoners.
  - (b) Cells for segregation of women prisoners for the purpose of security and punishment.
- 13.51** All accommodation provided for women prisoners, and in particular all sleeping accommodation, shall meet basic requirement of health. Due regard being paid to

climatic conditions, the cubic content of air, minimum floor-space, lighting and ventilation.

**13.52** There should be sufficient number of toilets and that should be maintained in a clean and decent state.

**13.53** All parts of the institution, regularly used by prisoners, shall be properly maintained and kept scrupulously clean at all times.

#### **PERSONAL HYGIENE**

**13.54** Women prisoners shall be required to keep their persons clean, and to this end they shall be provided with sufficient water and toilet articles necessary for maintaining health and cleanliness.

**13.55** A woman prisoner's hair shall not be cut without her consent. However, if, on account of vermin or dirt, the Medical Officer deems cutting her hair necessary on the ground of health and cleanliness. Even then it shall not be cut any shorter than required.

#### **INTERVIEW**

**13.56** The number of interviews for convicts and under trial prisoners should be liberalized in the case of women.

**13.57** There should be no limit on incoming letter of women prisoners.

**13.58** Illiterate or semi-illiterate prisoners should be provided help in writing letters.

**13.59** 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 writer 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.

#### **BOOKS**

**13.60** 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**

**13.61** A woman prisoner shall be allowed to keep, at a time, upto 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**

**13.62** Every women prisoner should be offered a suitable educational programme during her stay in prison. Education shall be a compulsory activity in prisons for at least one-hour everyday. It shall aim to enhance their functional capability. Every prison should organize adult education, social, moral and health education, family welfare programmes, and training in various skills for making women self-reliant. For interested prisoners, appropriate facilities for formal and advanced education shall also be provided.

#### **RECREATIONAL AND CULTURAL PROGRAMMES**

**13.63** Recreational programmes should be organized for women prisoners which may include simple outdoor games, bhajans, music, folk dances, drama, TV, radio and film shows. Women prisoners shall be provided facilities for meditation and yoga for the benefit or their mental and physical health.

#### **VOCATIONAL TRAINING**

**13.64** As far as possible women prisoners shall be imparted training suited to their aptitude and background, making them economically self-reliant. Vocational training in useful trades shall be provided to women prisoners. 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. Sufficient work or vocational

trades shall be provided to keep prisoners actively employed for a normal working day. These may include.

- a) Tailoring
- b) Embroidery
- c) Needle-craft
- d) Spinning
- e) Handloom
- f) Weaving
- g) Soap making
- h) Hosiery work
- i) Cane and bamboo work
- j) Candle making
- k) Stationery articles
- l) Local handicrafts
- m) Gardening
- n) Typing
- o) Computer training
- p) Agricultural, horticulture, diary projects
- q) Mushroom cultivation

### **LABOUR**

**13.65** Prisoners shall be paid equitable remuneration for their work and no disparity in wages shall accrue on account of gender differences.

**13.66** The women 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.

**13.67** 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.

### **MEDICAL FACILITIES**

**13.68** There shall be a separate bed in the prison dispensary for treatment of women prisoners.

**13.69** Female offenders suffering from mental disorders, anxiety and drug addiction should get proper medical treatment and psychotherapy.

### **FACILITIES FOR FOREIGN NATIONALS**

**13.70** 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**

**13.71** Special consideration shall be given to 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 to release on suspended sentences, or otherwise, of expectant mothers shall be ensured avoid delivery of their child inside the prison.

### **SEGREGATION OF WOMEN CONVICTS**

**13.72** No convict women prisoners shall not be kept with the under trial women prisoners.

### **RELEASE OF WOMEN PRISONERS**

**13.73** Before a women 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 Jailer 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**

- 13.74** After care services should include all kinds of help which could result in proper readjustment of the released women prisoners in the society.
- 13.75** Women prisoners willing to get married after their release should be rendered all necessary help.
- 13.76** Any voluntary organization willing to extend help to a released women prisoner will have necessary access to the institution and to the women prisoners in order to gain confidence from the start of their sentences.
- 13.77** It is desirable that the activities of such organization are centrally monitored and coordinated in order to secure the best use of their services.

#### **LINKAGES WITH OUTSIDE WELFARE AGENCIES**

- 13.78** The Superintendent of Prison shall establish a functional linkage and co-operational relation with a selected 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.
- 13.79** 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 society.
- 13.80** Counseling of women prisoners in prisons shall be taken up in such a manner that it will:
- (i) Give her the right feeling that a prison is not a dumping ground where she has been thrown; rather it is a residential center for occupational therapy wherefrom her return journey to the free world shall begin.
  - (ii) Adjust / rectify her pro-crime attitude into an inclination and resolve towards lawful and decent living.
  - (iii) Help her in convincing herself that all the ingredients required for a normal life in the mainstream are still intact in her, awaiting manifestation.
- 13.81** The literacy and vocational training for women offenders shall be conducted in such a manner that it will:
- (i) Dismantle the stubborn web of criminality in her psyche.
  - (ii) Endow her with professional capabilities and expertise in one, or more than one, vocation, so as to enable her to earn a living after her release.
  - (iii) Eradicate the poverty-crime nexus.
  - (iv) Finally germinate the seeds of desire in her mind to her tryst with mainstream life, a tryst that will unfold new vistas in the exploration of a colossal pool of human resources hitherto untapped.
- 13.82** Arrangements for public display of the products made by the women prisoners will boost their morale, instill confidence into them, and rekindle the flames of hope for a normal life at large. Moreover, it will pave the way for the much needed social awareness, supportive and sympathetic to women living behind the bars.

#### **LUNATICS**

- 13.83** Women who are found insane and mentally ill shall not be detained in prison. Arrangements shall be made for the removal to mental homes / institutions of mentally ill prisoners who happen to be admitted in prisons.

#### **ESCORT OF INSANE WOMEN**

- 13.84** When transferring an insane women prisoner to a mental home and back to the prison, a female warder shall accompany the police escort, provided to such prisoner, whenever possible. The families of such prisoners shall be traced and informed of the prisoners' whereabouts and health status.

**DISCIPLINE AND PUNISHMENT**

**13.85** Discipline and order shall be maintained with firmness but with no more restriction than is necessary for safe custody and well ordered institutional life.

**13.86** 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 through investigation of the case before awarding punishment.

**REQUESTS AND COMPLAINTS**

**13.87** A complaint box shall be fixed at a prominent place in the woman's enclosure which shall be opened by the Deputy Inspector General / Sr. Superintendent of Prisons at least once a week. Every complaint or request found in it shall be registered and properly dealt with and replied to without undue delay. All such complaints shall be received and tackled in an understanding manner without the risk of retribution to the complainant.

**LADY SUPERINTENDENT AT THE HEAD QUARTER**

**13.88** There shall be one post of lady Superintendent 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 Superintendent who shall submit her finding to the Deputy Inspector General / Sr. Superintendent of Prisons with her recommendations.

**ESCORTING OF WOMEN PRISONERS**

**13.89** The Female Head Warder / 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.

**SEARCH OF WOMEN PRISONER**

**13.90** The Female Head Warder / Warder shall conduct the search of women prisoners. Such search shall not be conducted in the presence of any male person.

**FEMALE HEAD WARDER OR WARDER NOT TO ALLOW A MALE TO ENTER WOMAN ENCLOSURE**

**13.91** The female Warder on duty shall not allow any male prison officer or male prisoner, to enter the women's enclosure without proper authority. If any male prison officer / warden, 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 person on duty shall make a report forthwith to the Superintendent of Prisons.

**KEYS OF WOMAN'S ENCLOSURE**

**13.92** The women Warder on duty shall have custody of the keys of the wards and enclosures in which female prisoners are confined during the day and after lock-up.

## **CHAPTER XIV**

### **ADOLESCENT OFFENDERS**

**14.01** Adolescent persons are impressionable. An Adolescent 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.

#### **GUIDING PRINCIPLES**

**14.02** As far as possible adolescent offenders should not be kept in barracks or wards meant for adult and habitual offenders.

**14.03** Institutions for adolescent offenders should be so classified that diverse training programmes, designed to suit each homogenous group, can be conveniently organized.

#### **TRAINING AND TREATMENT**

**14.04** 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, counseling, character building, periodical review, release planning, prerelease 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 adolescent offenders.

#### **ANNEXES FOR YOUNG OFFENDERS**

**14.05** Each Central and District Prison should have an annexure for the adolescent offenders. Adolescent offenders sentenced to period of imprisonment should be kept in these annexures.

#### **EDUCATION**

**14.06** Necessary facilities for the overall educational development of young person should be provided in these annexures. For illiterate and educationally backward adolescent offenders special educational classes should be organized.

**14.07** Those who have the requisite capacity and desires to appear at the examinations conducted by the State's Human Resource Development Department or by a University should be permitted to do so.

#### **VOCATIONAL TRAINING**

**14.08** Special emphasis should be laid down on the vocational training of adolescent offenders like wood turning, wood carving, brick laying and masonry, painting and decoration, plumbing, furniture making, horticulture, cane and bamboo works.

#### **CULTURAL ACTIVITIES**

**14.09** Special emphasis should be given on the cultural development of adolescent offenders. Programmes of recreational nature and cultural activities should be so planned as to suit the needs of various groups of adolescent offenders. The following activities can be selected for organizing recreational and cultural programmes: -  
Indoor games, outdoor games, gymnastics, athletics, films, music, community and folk dances, dramatics arts and crafts, reading, writing, debating, quiz programmes, sports-meet, participation in local tournaments and matches.

#### **DIET**

**14.10** Adolescence being the age of growth and development, proper attention should be given to provide balanced diet to such prisoners.

#### **DISCIPLINE**

**14.11** Special emphasis should be given on the discipline of adolescent 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**

**14.12** At least a fortnight before an adolescent 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, adolescent offenders should be handed over after their release to their relatives, friends or a recognized After-care Agency.

#### **AFTER CARE AND REHABILITATION**

**14.13** After care facilities should be extended as per provisions of Chapter X. Special attention should be given to all aspects of after care adolescent offenders.

#### **PROGRAMME AND DAILY ROUTINE**

**14.14** 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 exercise, light Yogasanas, etc.
  - Morning light meal

- Educational classes
- Bath
- Meal and rest.
- (b) Afternoon
  - Work
  - Toilet
  - Outdoor games or gymnastics
- (c) Evening
  - Wash
  - Evening meal
  - Social education
  - Newspapers, books, radio, TV
  - 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 of clothes
  - Bath
  - Inspection of equipment
  - Meal and rest
- (b) Afternoon
  - Educational films, Group Music, Folk dances, Dramatics
  - Newspapers, books, radio and TV
  - Toilet
  - Games
- (c) Evening
  - Wash
  - Evening meal
  - Preparation for lock-up
  - Searching and counting
  - Lock-up

### **CHAPTER XV**

#### **BOARD OF VISITORS**

**15.01** The State Government shall, by notification, constitute a Board of Visitors comprising Official and Non-Official members at District level.

**15.02** 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.

**15.03** The Board of Visitors shall comprise the following official members: -

- (a) The District Magistrate of the concerned District as Chairman.

- (b) The Chief Medical Officer / Medical Superintendent of the concerned District as Member.
  - (c) Joint Director, Horticulture Department of the concerned District as Member
  - (d) The Divisional Engineer, Buildings and Housing Department of the concerned District as Member.
  - (e) The Superintendent of Prisons of the concerned District as Member Secretary.
- 15.04** The Board of Visitors shall also comprise the following Non-Official Members: -
- a) One Members of the Legislative Assembly of the State.
  - b) A nominee of the State Council for Women
  - c) Two social workers of the District of whom one shall be a woman
- 15.05** The District Magistrate shall be the Chairman of the Board of visitors at District Level.
- 15.06** The Board of Visitors shall meet in the office of the Superintendent of Prisons at least twice in every year.
- 15.07** 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 Deputy Inspector General / Sr. Superintendent of Prisons with the comment of the In-Charge of the District Prison. A copy of the minutes shall be dispatched to every member of the Board of Visitors.
- 15.08** The Deputy Inspector General / Sr. Superintendent of Prisons shall place a copy of the minutes of the meeting of the Board of Visitors of all the Prisons before the State Advisory Board.
- 15.09** The Chairman of the Board of Visitors if so desires will make a monthly rooster of visits to be paid by the Member of the Board to the Prison in consultation with the Superintendent of Prisons.
- 15.10** During the visits a Visitor will enjoy right to converse 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 wall within the sight of the Prison Officer.
- 15.11** The visitor, immediately after such conversation with the prisoner shall inform the Chairman of the Board in writing about what transpired in the conversation with the Prisoner. The Chairman, if he thinks necessary shall take up the matter with the Superintendent of Prisons.
- 15.12** The member of the Board of Visitor shall especially attend to the quality and quantity of Prison diet, condition of the kitchen, medical treatment of prisoners and sanitary arrangement for the prisoners.
- 15.13** The Superintendent of Prisons shall present before the visiting Member / Members of the Board of Visitors any paper, documents pertaining to correctional works, recreation, prison diet, medicines, grievances of prisoners and follow redressal of such grievances, if it is sought by a visiting Member of the Board.
- 15.14** The Superintendent of Prisons shall not be bound to present any register / documents / papers pertaining to financial account before the member of the Board of Visitors.
- 15.15** Following any such visits by the Member / Members of the Board of Visitors, the Superintendent of Prisons shall inform the Deputy Inspector General / Sr. Superintendent of Prisons regarding the details of the visit.
- 15.16** A Non-Official Member of the Board of Visitors shall hold office for a period of three years from the date of his appointment to the Board and may be considered for reappointment.

- 15.17** The State Government reserves the right to cancel appointment of any Non-Official visitor at any time without assigning any reasons thereof.
- 15.18** A Non-Official Member of the Board of Visitors shall receive allowances as may be prescribed by the State Government from time to time for attending meeting of the Board of Visitors.
- 15.19** The Board of Visitors shall ordinarily not to visit high security cell unless the instruction in this behalf is granted by the Deputy Inspector General / Sr. Superintendent of Prisons except for the Chairman.
- 15.20** Every non-official visitor is expected to interest himself in the upkeep of prisoners and visit the prison of which he is a visitor as advised by the Chairman.
- 15.21** The Superintendent shall ensure that the prisoners lodging complaints with the visiting member / members of visitor do not subsequently fall prey to vendetta of the accused or prison staff complained against.

#### **DUTIES OF VISITORS**

- 15.22** 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 healthy, 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; and
  - f) direct, if deemed advisable, that any such representation or petition be forwarded to the Government.

#### **VISITORS TO RECORDS REMARKS**

- 15.23** The Visitors should record their remarks in the Visitors' Book after every visit. A copy of these remarks shall be forwarded to the Deputy Inspector General / Sr. Superintendent of Prison who should pass such orders as he think necessary. A copy of the Deputy Inspector General's / Sr. Superintendent of Prison's order should be sent to the visitor concerned.

#### **VISIT TO HIGH SECURITY PRISON**

##### **DISTRICT AND SESSION JUDGE**

- 15.24** It shall be the duty of the District and 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**

- 15.25** 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 AND SESSION JUDGE TO COMMUNICATE ONLY WITH THE SUPERINTENDENT OF PRISONS**

- 15.26** The District and Session Judge shall not ordinarily address any communication or order to any officer of any prison below the Superintendent. All orders issued by the Session Judge shall be in writing.
- 15.27** The District and 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 officer and prisoners.

**15.28** If the District and Session Judge gives an order to which the Superintendent of Prison or his senior takes exception, the concerned officer may represent the matter through the D.I.G. / Sr. S.P. to the State Government, but he shall forthwith obey and 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 CERTAIN OFFICERS**

**15.29** Every visitor shall, after he has completed his visit to the prison recorded in the visitors' book, the date and hour of his visit, and may enter therein any remarks or suggestions he may wish to make.

**15.30** 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 Deputy Inspector General / Sr. Superintendent of Prisons. In case the remarks relate to the long detention of an under trial prisoner, a copy of such remarks shall also be forwarded to the concerned Court.

**DISPOSAL OF THE REMARKS MADE BY A VISITOR**

**15.31** 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 Deputy Inspector General / Sr. Superintendent of Prisons to consider. Criticism should be confined to such aspects of the ordinary administration and management of the prison which, in the opinion of the visitor, can be improved. On no account the visitor should directly or indirectly reflect, either favorably or adversely, on the character or conduct of any of the prison staff. If the visitor wants to bring to notice the good or bad work of any prison official he should do so by a letter addressed to the Deputy Inspector General / Sr. Superintendent of Prisons.

**15.32** The Deputy Inspector General / Sr. Superintendent 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.

**15.33** A copy of any order passed by the Deputy Inspector General / Sr. Superintendent of Prisons or by the State Government on any record made by a Visitor shall be communicated to the Visitor concerned through the Superintendent of Prisons.

**CHAPTER XVI**

**STAFF DEVELOPMENT**

**16.01** A concreted approach towards staff development should be made an integral part of the legal framework that regulates prisons. Although, correctional work being a specialized field, and a social service of great importance, all programmes shall be manned by Prison staff itself.

**16.02 PRISON CADRE**

The prison personnel should comprise of the following staff cadres:

- (i) Executive
- (ii) Custodial / Guarding
- (iii) Technical.
- (iv) Ministerial and Accounts Staff.
- (v) Group D Government Servant as per the nomenclature of the State.

**16.03** 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 view the following ratio for determining the cadre strength of various posts is laid down:

- (i) Leave reserve @ 10% of the total strength
- (ii) Training reserve @ 5% of the total strength

The composition of the cadre for determining the above ratio would be as follows: -

- (i) Jailers
- (ii) Sub-Jailers
- (iii) Assistant Sub-Jailers
- (iv) Head Warders
- (v) Warders and Warder Drivers

**RECRUITMENT AND SELECTIONS**

**16.04** 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.

**16.05** 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 in various posts in the prison department.

**16.06** The fundamental requirements for recruitment of the prison 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.

**16.07** The recruitment procedure will be as per the Sikkim State Jail Employees (Recruitment, Promotion and Seniority) Rules, 2002

**16.08** The Selection Committee shall consists of the following members: -

- |       |  |   |          |
|-------|--|---|----------|
| (i)   | Dy. I.G. / Sr. Supdt. of Prison            | - | Chairman |
| (ii)  | S.P.'s of Central Prison & District Prison | - | Member   |
| (iii) | A nominee from the Department of DOPART    | - | Member   |

**16.09** The physical endurance test for eligible candidates shall be as prescribed for the recruitment to the post of Constable in the Sikkim Police.

**16.10** The written test shall be on an objective type based on the syllabus prescribed for Class VIII Board Examinations which includes letter writing and essay. The total marks

allotted for written test shall be 100 and the candidate shall have to secure minimum of 45% mark in the qualifying test to be called for an interview.

- 16.11** The recruitment selection committee will follow general policies / orders of the Government in respect of any matter not provided herein the rules pertaining to the same in Sikkim Police.

*Note: Absolute secrecy shall be maintained in this test. The custody of the test result shall be in the responsibility of the Chairman of the selection board. The candidates who qualify in the written test will be interviewed by a selection board on the date and a place decided by the chairman of the board. Calling letters should be issued to the selected candidates intimating the date of the interview giving sufficient notice.*

- 16.12** A directly recruited Warder / Officer should not be placed on job until he successfully completes the prescribed basic initial training.

### **SENIORITY**

- 16.13** Seniority should be fixed on the basis of the date of appointment in order of merit 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.

### **PROMOTION**

- 16.14** The promotion to the personnel in the respective grade shall be taken into consideration of efficiency, merits, integrity and the trustworthiness every incumbent evaluated and reflected in the Annual Confidential Report. The requisite qualifying length of service will be governed by the Sikkim State Jail Employees (Recruitment, Promotion and Seniority) Rules, 2002. Promotion to higher grade will be based on seniority cum merit.

### **TRANSFER**

- 16.15** The minimum tenure of non-gazetted and gazetted staff, at one station, should be five years and three years, respectively.
- 16.16** 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 will be considered.

### **HOURS OF WORK**

- 16.17** There should be 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, etc should be clearly defined. Responsibility pertaining to premises duty and duty-on-holiday will be as under: -

#### Premises Duty: -

- (i) Patrolling outside the security wall once in a day and in night;
- (ii) To check all the equipments and tools taken for various institutional works are not left behind;
- (iii) To check proper locking system in all the workshops and other structures;
- (iv) To ensure storage of any materials / tools / equipments only at the identified place;
- (v) All prison vehicles are properly parked in the secured identified parking places;
- (vi) To check any persons including the staff having reasonable doubt to carry any prison property out of the main gate un-authorizedly;
- (vii) To check day and night all the duty personnel deployed on custodial and on other various correctional programmes;

*Notes:-*

- i) *The Superintendent of Prison is authorised to make all reasonable adjustments in hours of work.*
- ii) *In times of emergencies like escapes, riots, assault, fire, etc., all personnel on the premises, whether off-duty or otherwise, will instantaneously report for duty.*

**FACILITIES WHILE ON DUTY**

**16.18** The following facilities should be extended to the personnel on duty: -

- i) Rests rooms with beds for the use of staff members who are required to wait in the institutions between their duty periods.
- ii) Bathrooms, lavatories and W. Cs
- iii) Lockers
- iv) Torches for night duty personnel
- v) Raincoats.

**HOLIDAYS**

**16.19** Holidays will be observed in accordance to the local customs as specified by the State Government. .

**16.20** Those who work on holidays will be allowed additional off days.

**HOUSING**

**16.21** Rent free residential accommodation for all prison personnel should be provided in the prison campus.

**16.22** Housing for prison staff should be developed on modern lines with adequate community services and facilities.

**16.23** Each institution should have provisions for lodging officials, guests, and other visitors, visiting the institutions.

**16.24** 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.

**MISCELLANEOUS FACILITIES**

**16.25** Medical facilities should be provided in cases of medical emergencies and sickness during duty hours.

**16.26** Use of institutional transport on payment at the time of transfer / death or any other purpose as deems fit by the Prison Authority.

**REWARDS**

**16.27** 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.

**16.28** The Deputy Inspector General of Prisons / Senior Superintendent of Prisons and the heads of institutions shall have powers to sanction suitable cash rewards to deserving staff members in appreciation of outstanding work 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.

**FINANCIAL ASSISTANCE AND COMPENSATION**

**16.29** In the event of prison personnel suffering serious injury and accident in the discharge of their duties, the Deputy Inspector General of Prisons / Senior Superintendent of Prisons shall have special powers to sanction immediate financial assistance up to Rs.10000/- (Rupees Ten Thousand) only which is apart from ex-gratia payment entitled as per State Government's existing Rules.

**PROTECTION FROM DAMAGES**

**16.30** 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.

**STAFF MEETINGS**

- 16.31** The Superintendent will convene a monthly meeting of the institutional staff members. The objective of this meeting should be: -
- (a) Coordination in institutional activities.
  - (b) To improve methods of work
  - (c) To interpret government 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 line.
  - (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.

**16.32** Minutes of the proceedings of the meeting should be recorded and a copy of it should be forwarded to the Head of the Prison Administration with the remarks of the Superintendent.

## **STAFF WELFARE**

### **WELFARE COMMITTEE**

**16.33** There will be a Welfare Committee at each Institution consisting representatives from all the ranks. The Superintendent will be the ex-officio Chairman of the committee. The Welfare Committee will meet at least once in three month. Minutes of the meetings will be recorded.

### **FUNCTIONS**

- 16.34** The functions of the Welfare Committee shall be: -
- (1) To chalk out a programme for staff welfare.
  - (2) To build a welfare fund
  - (3) To prepare an annual budget for the utilization of the welfare fund.
  - (4) To organize a Cooperative Credit Society and a multipurpose cooperative shop for the institutional staff.
  - (5) To supervise the maintenance of the welfare fund, its account and to get them audited annually.
  - (6) To prepare an annual report welfare work.

### **WELFARE FUND**

- 16.35** A welfare fund under the name and style "The Sikkim Prison Employees and Family Welfare Fund" will be created at the 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, etc.
  - v) Donations from a Co-operative Credit Society
  - vi) Profits from the cooperative shop.
  - vii) Subsidies from the Government.

## CHAPTER XVII

### TRANSFER OF PRISONERS

- 17.01** Prisoners may be transferred from one prison to another for the following reasons:
- (i) for custody and treatment in 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;
  - (viii) to be nearer to his / her home district;
  - (ix) for other special reasons.
- 17.02** Where any person is confined in a prison in a State: -
- (a) under sentence of death; or
  - (b) under or in lieu of a sentence of imprisonment or transportation; or
  - (c) in default of payment of fine; or
  - (d) in default of giving security for keeping the peace; or
  - (e) for maintaining good behaviour;
- 17.03** The Government of the State, with the consent of the Government of any other state, by order, provide for the removal of the prisoner from the prison to any prison in the other States under this Act or rule made there-under.
- 17.04** In the case of a prisoner who has long ceased to have any link with the State of his birth and in domiciled in the State where his imprisoned and / or where his close relatives live, the latter State may be treated as his home State for the purpose of transfer. This should be ascertained from his antecedents, enquiries regarding his relatives, etc. before deciding to transfer him.
- 17.05** Subject to the orders and control of the State Government, the Deputy Inspector General / Sr. Superintendent of Prisons is authorized to transfer of such prisoners as are referred to in section 40 of the Sikkim Prisons Act, 2007 (Act No. 16 of 2007) to any prison in other states. However, in case of transfer of prisoners within the state for any reasons is specified in section 39 of the Sikkim Prisons Act, 2007 no prior approval of the Government is required.
- 17.06** The power to transfer any prisoner under sentence of death from one prison to another shall rest with the State Government.
- 17.07** No transfer of prisoners from one prison to another shall be made without the previous sanction of the Deputy Inspector General / Sr. Superintendent of Prisons.
- 17.08** The sanction of the Deputy Inspector General / Sr. Superintendent of Prisons will not be necessary for transfer of prisoners in the following cases where the Superintendent of Prisons can order such transfer: -
- (a) Transfer of prisoners required to give evidence or to undergo trial for an offence in another State.

- (b) Transfer of prisoners en-route
- (c) Transfer of prisoner to a classified institution in accordance with a standing order issued for this purpose.

**EXPLANATION:** - Copy of Intimation regarding transfer of a prisoner in the above three circumstances shall, however be submitted to the Deputy Inspector General / Sr. Superintendent of Prisons immediately.

**17.09** 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 / her address as also addresses of his / her relatives in his / her State of origin and send a nominal roll to the Inspector General of Prisons of that State. The Inspector General shall also ascertain the name of the prison, in the State of origin to which the prisoner has to be transferred from the Inspector General of that State and then issue orders for the transfer of the prisoner.

**EXPLANATION:** - (i) Due consideration shall be given to the wishes of a prisoner regarding transfer to his / her home State, unless there are adequate reasons against it. The Superintendent of Prison where the prisoner is transferred shall not release unless consent is sought from where the prisoner is transferred. In case of life convict, the provision of Section 433 A of Cr.P.C. to be followed and directions of the National Human Rights Commission.

**EXPLANATION:** - (ii) The transferring State shall bear the cost of transfer of the prisoner. The cost of maintenance of the prisoner shall be borne by the State of his / her origin from the date he / she is received.

**EXPLANATION:** - (iii) The prisoners' property and wages earned by him / her in the prison till the date of his / her transfer shall be sent, alongwith the prisoner, to the prison to which he / she is transferred.

#### **TRANSFER OF PRISONERS CONVICTED BY COURT MARTIAL IN INDIA ON RECIPROCAL BASIS**

**17.10** Every ex-military prisoner convicted by a court martial and confined in prison, other than a prison in his / her State of origin. The Superintendent of Prison, where the prison is confined, shall immediately after his / her admission, send the nominal roll and written declaration of the ex-military prisoner in duplicate to the Deputy Inspector General / Sr. Superintendent of Prisons, 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 Deputy Inspector General / Sr. Superintendent 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 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.

#### **POLICE TO ESCORT PRISONERS**

**17.11** The responsibility of escorting prisoners rests with the police. The Superintendent of Prisons shall endeavor to reduce the calls upon the police as far as possible, by transferring prisoners in batches. Prisoners shall not ordinarily be dispatched so as to reach the prison of destination on any of the recognized holidays for prisons. If such a contingency is likely to arise due to unavoidable circumstances, the Superintendent of the transferring prison shall forward a written request to the Superintendent of the receiving prison. The Superintendent of the receiving prisoner shall, however entertain such admission on holidays even in the absence of any such request, but bring the irregularity to the notice of the Deputy Inspector General / Sr. Superintendent of Prison.

**17.12** The authorities at the transferring prison shall, as far as possible, avoid sending prisoners to 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**

**17.13** When prisoners are to be transferred, the Jailer 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.

#### **PROVISION OF FEMALE WARDERS**

**17.14** 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**

**17.15** 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**

**17.16** 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**

**17.17** Prisoner's property is transferred:

**17.17.1** On the transfer of a prisoner, the Jailer 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 Jailer 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 Jailer of the receiving prison and handed over to the officer in charge of the escort.

**17.17.2** 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**

**17.18** 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.

**17.19** 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 Jailer 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**

**17.20** Every prisoner shall be searched in the presence of the Jailer and escort party before dispatch.

#### **SUPPLY OF FOOD AND CLOTHING ON JOURNEY**

**17.21** 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.

**17.22** 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**

**17.23** 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.

**17.24** 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.

#### **SEARCH DURING TRANSIT**

**17.25** Male prisoner shall be searched by the officer in charge of the escort daily during transit.

#### **TRANSFER BY RAIL OR WATER**

**17.26** Prisoners shall ordinarily be transferred by rail where facilities for travel by rail exist.

**17.27** 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.

#### **PROCEDURE IF PRISONER FALL SICK**

**17.28** 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**

**17.29** When a prisoner dies in transit, the officer in charge of the escort shall at once report the circumstances to the nearest police station, which in turn will inform the Executive Magistrate. The Executive Magistrate shall enquire into the case and submit his / her report directly to the Inspector General of Police 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**

**17.30** 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**

**17.31** 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**

**17.32** When the authorised 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**

**17.33** Special facilities for writing letters to family, before and after transfer, may be extended to prisoners at the discretion of the Superintendent of Prison.

### **CHAPTER XVIII**

#### **PREMATURE RELEASE**

**18.01** The primary objective underling premature release is reformation of offenders and their rehabilitation and integration into the society, while at the same time ensuring the protection of society from criminal activities. These two aspects are closely interlinked. Incidental to the same is the conduct, behaviour and performance of prisoners while in prison. These have a bearing on their rehabilitative potential and the possibility of their being released by virtue of remission earned by them, or by an order granting them premature release. The most important consideration for premature release of prisoners is that they have become harmless and useful member of a civilized society. For this purpose of recommending the premature release of prisoner a Sentence Review Board should be constituted to advise the Government for release of prisoner and the procedure thereof in a prescribed manner under this Act or rule made thereunder.

**18.02** The Sentence Review Board shall consists of the following permanent body to review the sentence awarded to the prisoners and for recommending premature release in appropriate cases.

- |           |  |   |          |
|-----------|--|---|----------|
| <b>1.</b> | Principal Secretary, Home Department                                 | - | Chairman |
| <b>2.</b> | Law Secretary / Legal Remembrancer                                   | - | Member   |
| <b>3.</b> | Head of Prisons Department   | - | Member   |
| <b>4.</b> | A senior officer nominated by DGP of the State                       | - | Member   |
| <b>5.</b> | A senior officer nominated by Head of Prisons<br>from his Department | - | Member   |
| <b>6.</b> | District Magistrate  | - | Member   |

**18.03** The cases put forward to the Sentence Review Board shall be reviewed even when one or more members of the Board are not able to attend the meeting or when there is a vacancy of the Board. The quorum shall consist of four members and the Board shall not take any decisions if the quorum is not complete.

**18.04** The State Sentence Board shall meet at least once in a quarter at the State Head Quarters on a date to be notified to its members at least ten days in advance by the Deputy Inspector General / Sr. Superintendent of Prison. The notice of such meeting shall be accompanied by complete agenda papers.

**18.05** However, the Chairman of the Board can convene a meeting of the Board more frequently even at short notices, if necessary.

**18.06** The functions of the Review Board shall be: -

- (i) to review cases of inmates
- (ii) to evaluate inmates response to imprisonment, training and treatment.
- (iii) to recommend to Government: -
  - (a) conditional release
  - (b) unconditional release
  - (c) release on grounds of de mercy

#### **ELIGIBILITY FOR PREMATURE RELEASE**

**18.07** The following category of convicted prisoner shall be eligible to be considered for premature release by the State Sentence Review Board.

- (1) Every convicted prisoner whether male or female undergoing sentence of life imprisonment and covered by the provisions of Section 433A of Criminal Procedure Code, 1973 shall be eligible to be considered for premature release from the prison immediately after serving out the sentence of 14 (fourteen) years of actual imprisonment, i.e. without remission. It is, however, clarified that completion of 14 (fourteen) years in prison by itself would not entitle a convict to automatic release from the Prison and the State Sentence Review Board shall have the discretion to release a convict, at an appropriate time in all cases considering the circumstances on which the crime was committed and other relevant factors namely: -
  - (a) whether the convict has lost his potential for committing crime considering his overall conduct in prison during the 14 (fourteen) year incarceration;
  - (b) the possibility of reclaiming the convict as a useful member of the society; and
  - (c) socio-economic condition of the convict's family.
- (2) In no case, the total period of incarceration including remission shall exceed twenty years.
- (3) Section 433A of the Code of Criminal Procedure, 1973 was enacted to deny premature release before completion of 14 (fourteen) years of actual imprisonment to such persons who have been sentenced to imprisonment for life on being convicted for an offence for which the death is one of the punishments provided by law or where a sentence of death imposed on a person has been commuted into one of imprisonment for life under section 433 of the Code. With this category a reasonable classification can be made on the basis of the magnitude of brutality and gravity of the offence for which the convict was sentenced to life imprisonment. Certain categories of convicted prisoners undergoing life sentence would be entitled to be considered for premature release only after undergoing imprisonment for 20 (twenty) years including remission. The period of incarceration inclusive of remission in such cases should not exceed 25 (twenty five) years. Following categories of cases which are not to be taken as exhaustive but illustrative may kept in view, namely: -
  - (a) Convicts who have been imprisoned for life for murder in heinous cases such as murder with rape, murder with dacoity, murder involving an offence under Protection of Civil Rights Act, 1955, murder for dowry, murder of a child below 14 (fourteen) years of age, multiple murder, murder committed after conviction while inside the prison, murder during parole, murder in a terrorist incident, murder in smuggling operation, murder of a public servant on duty;
  - (b) Gangsters, contract killers, smugglers, drug traffickers, racketeers awarded life imprisonment for committing murders as also the perpetrators of murder committed with pre-medication and with exceptional violence or perversity;
  - (c) Convicts whose sentence has been commuted to life imprisonment.
- (4) All other convicted male prisoner not covered by section 433 A of Criminal Procedure Code, 1973 undergoing the sentence of life imprisonment would be entitled to be considered for premature release after they have served at least 14 (fourteen) years of imprisonment inclusive of remission but only after completion of 10 (ten) years actual imprisonment i.e. without remission.

- (5) The female prisoners not covered by section 433 A Criminal Procedure Code, 1973 undergoing the sentence of life imprisonment would be entitled to be considered for premature release after they have served at least 10 (ten) years of imprisonment inclusive of remissions but only after completion of 7 (seven) years actual imprisonment i.e. without remission.
- (6) Cases of premature release of persons undergoing life imprisonment before completion of 14 (fourteen) years of actual imprisonment on grounds of terminal illness or old age, etc. can be dealt with under the provisions of Article 161 of the Constitution and old paras 3, 4 and 3.5 are therefore redundant and omitted.
- (7) Women offenders sentenced for infanticide; their cases should be reviewed immediately on admission in prison and they should be sent to the care of voluntary organizations of good repute for a reasonable period of time.
- (8) Women offenders who have committed crime under compulsion and / or under social and cultural pressures: their cases should also be reviewed immediately on admission in prison for sending them to the care of voluntary organizations of good repute.
- (9) Women offenders sentenced to life imprisonment: on completion of seven years of imprisonment, including remission, except those covered under Section 433 of Cr. P.C. 1973, whose cases will be considered only after completing 14 (fourteen) years of actual imprisonment.
- (10) Non-habitual male and adolescent offenders (other than those sentenced to imprisonment for life), sentenced to undergo more than one year of imprisonment, on undergoing half of their substantive sentence, including remission, subject to condition that they shall not be actually released unless they have undergone at least one year of sentence including remission.
- (11) Non-habitual women offenders (other than those sentenced to imprisonment for life), sentenced to a term of imprisonment of more than one year, on undergoing half of their substantive sentence, including remission, whichever is less. This would be subject to the condition that they shall not be actually released unless they have undergone at least one year's imprisonment including remission.
- (12) Habitual offenders (other than those sentenced to imprisonment for life) sentenced to five years or more of imprisonment, on completion of two-third of their sentence including remission, subject to the condition that they shall not be released unless they have undergone at least five years of imprisonment, including remission.
- (13) Prisoners convicted of offences such as rape, dacoity, terrorist crimes, kidnapping, 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 (fourteen) years of sentence inclusive of remission.
- (14) Prisoners convicted of offences mentioned in para (viii), other than those sentenced to imprisonment for life, or to a term of imprisonment of 5 (five) years and above, after completing three-fourths of the sentence including remission, subject to the condition that they shall not be released unless they have undergone at least 5 (five) years of sentence including remission.
- (15) Old (above 65 years of age) and infirm offenders (other than those serving life imprisonment) sentenced to imprisonment for one year and more on completion of one third of the substantive sentence including remission, subject to the condition that they shall not be actually released unless they have undergone at least one year of imprisonment including remission.
- (16) Offenders certified by a designated Medical Board to be suffering from incurable diseases likely to prove fatal, whenever such a situation arises.
- (17) Convicted prisoners undergoing the sentence of life imprisonment on attaining the age of 65 (sixty five) years provided he / she has served at least 7 (seven) years of imprisonment including the remissions.
- (18) The convicted prisoner undergoing the sentence of imprisonment for life and who are suffering from terminal diseases like cancer, T.B., AIDS, irreversible kidney failure, cardio respiratory disease, leprosy and any other infections disease, etc. as certified by a Board of Doctors on completion of 5 (five) years of actual sentence or 7 (seven) years of sentence including remission.

## **PROCEDURE FOR PROCESSING OF THE CASES FOR CONSIDERING OF THE REVIEW BOARD**

- 18.08** Every Superintendent of Prison who has prisoners undergoing sentence of imprisonment for life, shall initiate the case of the prisoner at least 6 (six) months in advance of the date when the prisoner would become eligible for considering of premature release as per the criteria laid down by the State Government in that behalf.
- 18.09** The Superintendent of Prison shall prepare a comprehensive note in each case giving out the family and society background of the prisoner, the offence for which he was convicted and sentenced and the circumstances under which the offence was committed. He will also reflect fully about the conduct and behaviour of the prisoner in the prison during the period of his incarceration, behaviour conducted pattern and prison offences, if any, committed by him and punishment awarded to him for such offence(s). A report shall also be made about his physical or mental health or any serious ailment with which the prisoner is suffering entitling his case special consideration for his premature release. The note shall also contain recommendation of the Prison Superintendent whether he favours for the premature release of the prisoner or not and in either case it shall be supported by adequate reasons.
- 18.10** The Superintendent of Prison shall make reference to the District Magistrate / Superintendent of Police of the District where the prisoner was ordinarily residing at the time of the commission of the offence for which he was convicted and sentenced or where he is likely to resettle after his release from prison. However, in case the place where the prisoner was ordinarily residing at the time of commission of the offence is different from the place where he committed offence, a reference shall also be made to the District Magistrate / Superintendent of Police to express his views in this regard to the desirability of the premature release of the prisoner.
- 18.11** On receipt of the reference the concerned District Magistrate / Superintendent of Police shall cause an inquiry to be made in the matter through senior police officers of appropriate rank and based on his own assessment shall make his recommendations. While making the recommendations the District Magistrate / Superintendent of Police shall not act mechanically and oppose the premature release of prisoner on untenable and hypothetical grounds apprehensions. In case the District Magistrate / Superintendent of Police is not in favour of the premature release of the prisoner, he shall justify the same with cogent reasons and material reasons. He shall return the reference to the Superintendent of the concerned prison not later than 30 (thirty) days from the receipt of the reference.
- 18.12** The Superintendent of Prison shall also make a reference to the Probation Officer In-Charge of the District and shall forward to him a copy of his notice. On receipt of the reference, the Probation Officer In-Charge shall either hold an enquiry, or get an inquiry done, for the desirability of premature release of the prisoner taking into the consideration his family and social background, his acceptability by his / her family members and the society, prospects of the prisoner for rehabilitation and leading a meaningful life as a good citizen. He will not act mechanically and recommend each and every case for premature release. In either case he should justify his recommendations by reasons material. The Probation Officer shall furnish his report / recommendations to the Superintendent of Prison not later than 30 (thirty) days from the receipt of the reference.
- 18.13** On receipt of the report / recommendations of the District Magistrate / Superintendent of Police and the Probation Officer, the Superintendent of Prison shall put up the case to the next higher authority of Prison at least 3 (three) month in advance of the proposed meeting of the Sentence Review Board. The said authority shall examine the case bearing in mind the report / recommendations of the Superintendent of Prison, District Magistrate / Superintendent of Police and the Probation Officer and shall make his own recommendations with regard to the premature release of the prisoner or otherwise keeping in view the general or special guidelines laid down by the Government of the Sentence Review Board. Regard shall also be had to various norms laid down and guidelines given by the Apex Court and various High Courts in the matter of premature release of prisoner shall also be given due consideration.

## **PROCEDURE AND GUIDELINES FOR THE REVIEW BOARD**

- 18.14** The Chairman shall convene a meeting of the Sentence Review Board on a fixed date and time at the State Head Quarters and advance notice of which shall be given to the Chairman and Members of the Board at least ten days in advance of the scheduled meeting and it shall accompany the complete agenda papers i.e. the note of the Superintendent of Prison, recommendations of the District Magistrate / Superintendent of Police, Probation Officer and that of the superior prison authority along with the copies and documents, if any.
- 18.15** A meeting shall ordinarily be chaired by the Chairman and if for some reasons he is unable to be present in the meeting it shall be chaired by the Secretary, Law cum Legal Remembrancer. The Member Secretary shall present the case of each prisoner under consideration before the Sentence Review Board. The Board shall consider the case and give its view. As far as practicable, the Sentence Review Board shall endeavor to make unanimous recommendation. However, in case of dissent, the majority view shall prevail and will be deemed to be decision of the Board. If equal number of members is of opposing views the decision of the Chairman will be final.
- 18.16** While considering the case of premature release of a particular prisoner, the Board shall keep in view the general principles of amnesty remission of the sentences as laid down by the State Government or by Courts as also the earlier precedents in the matter. The paramount consideration before the Sentence Review Board being the welfare of the prisoner and the society at large. The Board shall not ordinarily decline a premature release of a prisoner merely on the ground that the police has not recommended his release on certain farfetched and hypothetical assumption. The Board shall take into account and the circumstances in which the offence was committed by the prisoner and whether he has the propensity and is likely to commit similar or other offence again.
- 18.17** Rejection of the case of the prisoner for premature release on one or more occasion by the Sentence Review Board will not be a bar for reconsideration of his case. However, the reconsideration of the case of a convict already rejected shall be done only after the expiry of a period of one year from the date of last consideration of his case.
- 18.18** The recommendations of the Sentence Review Board shall be placed before the competent authority without delay for consideration. The competent authority may either accept the recommendations of the Sentence Review Board or reject the same on the grounds to be stated or may ask the Sentence Review Board to reconsider a particular case. The decision of the competent authority shall be communicated to the concerned prisoner and in case the competent authority has ordered for his premature release, the prisoner shall be released forthwith with or without condition.

## **CHAPTER XIX**

### **REMISSION**

The Sikkim Prisons Act, 2007, Chapter I, clause 2 (w) defines remission as “the rules for the time being in force regulating the award of marks to the consequent shortening of the sentences of Prisoners in prisons”.

- 19.01** The Remission system aims at the reformation of a prisoner. The scheme is intended to ensure prison discipline and good conduct on the part of the prisoners and to encourage them to learning and better work culture with the prospects of their early release from prison as an incentive.
- 19.02** Remission is a concession and not a right and is subject to subsequent withdrawal / forfeiture / revocation. It can be granted by the State Government or the Head of the Prison Department.
- 19.03** Remission should be granted on the basis of the inmate’s behaviour, work and general response to various institutional activities.
- 19.04** 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 on order of committal to prison in default of furnishing security for maintaining peace or good behaviour.

Provided that all prisoners who are convicts including life convicts and convicts whose appeals are pending in appellate courts of law shall be eligible for remission, subject to section 433A Cr. P.C. which shall apply to life convicts and for other convicts, who have appealed against the trial courts conviction order against them, the accumulated remission shall come into effect only after the verdict of the appellate court is received by the prisoner. The remission sheet and the History Ticket of prisoner whose sentence is of such prisoner shall carry upto date details of remission earned till the disposal of all appellate court shall not eligible for ordinary remission. In such cases remission already earned, if any shall be forfeited.

**19.05** Remission will be of the following types

- (i) Special remission
- (ii) State Government remission

**SPECIAL REMISSION**

**19.06** Authority to grant special remission shall be Deputy Inspector General / Sr. Superintendent of Prisons.

**19.07** The criteria to grant special remission: - Special remissions should be granted on a selective basis to deserving prisoners only. Special remission may be granted as reward for any special services achieved or conduct shown below: -

- (a) saving the life of a Government employee or prison visitor or inmate
- (b) protecting Government employee or visitor or inmate from attacks.
- (c) preventing or assisting in preventing escape of a prisoner or apprehending a prisoner attempting to escape or intimating the attempted escape of a prisoner.
- (d) assisting prison officials in emergencies like fire outbreak, riot, strike, etc.
- (e) assisting in preventing / detecting serious breach of prison regulations.
- (f) marked diligence and success in imparting education and other such related activities.
- (g) outstanding contribution in cultural and other activities.
- (h) special good work in service unit of the prison department.

**19.08** If a prisoner is undergoing two consecutive sentences, one of which for a term of three months or upwards, he may, if one of the sentences is not less than three months, be allowed the benefit of special remission that may be to his credit at the time of reversal of the sentence above referred to. Such special remission should be treated as awarded during the second sentence.

**19.09** Subject to the fulfillment of any one or more of the conditions aforementioned, the Deputy Inspector General / Sr. Superintendent of Prisons is authorized to grant special remission up to 30 (thirty) days in a year. This could also be fractioned up in a calendar month not less than 3 (three) days.

**STATE GOVERNMENT REMISSION**

**19.10** Remission granted by the State Government shall be called as State Government Remission.

**19.11** The State Government Remission can be awarded to such prisoners or categories of prisoners, as the State Government may decide.

**19.12** In case of prisoners who at the time of general grant of State Government Remission, are released on temporary or emergency release, specific orders of the State Government about the award of this remission to such prisoners are necessary.

**19.13** State Government remission will be granted at such scale or in such quantum as may be fixed by the State Government from time to time.

#### **THE REMISSION COMMITTEE, ITS FUNCTIONS AND PROCEDURE**

**19.14** The Remission Committee of each institution will consists of: -

- |              |   |   |                  |
|--------------|---|---|------------------|
| <b>(i)</b>   | Superintendent of Prisons   | - | Chairman         |
| <b>(ii)</b>  | Jailer  | - | Member Secretary |
| <b>(iii)</b> | Sub-Jailer or Assistant. Sub-Jailer                                   | - | Member           |
| <b>(iv)</b>  | Officer in charge of vocational training of the level of Head Warder. |   |                  |

**19.15** The functions of this committee are: -

- (i)** to attend all matters pertaining to remission
- (ii)** to recommend special remission as per relevant provisions

**19.16** The members of the Committee should assist the Superintendent of Prisons in all matters pertaining to award of remission. The decision of the Deputy Inspector General / Sr. Superintendent of Prisons shall be treated as final. The Remission Committee should meet on fixed days in the last week of every month or as and when required.

**19.17** In view of the importance of remission work, it's essential that the committee meets as per fixed schedules 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.

**19.18** Entries regarding remission should be made under proper attestation of the Jailer, in the Remission Register and the History Ticket of the prisoner concerned as soon it is granted.

**19.19** Ordinary remission should be calculated for full calendar months and not granted for a fraction of a calendar month.

**19.20** Special remission may be granted for any fraction of a year accordingly.

**19.21** Maximum limit of remission which a prisoner can earn should be half of the substantive sentence (to be calculated from the date of his conviction).

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

**19.23** 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 on under trial prisoner, shall be calculated alongwith the period spent by him in the second prison, for remission.

**19.24** Period spent outside the prison, such as release on leave / parole, which is included as a part of a sentence, should not be treated as broken periods. During such periods the prisoner shall be eligible for earning special remission. For periods spent outside the prison which are not included as parts of a sentence (such as bail, escapes, emergency release) prisoners shall not be eligible for earning remission.

**19.25** Prisoners who have been released on bail or whose sentence has 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**

**19.26** The State Government, the Deputy Inspector General / Sr. Superintendent of Prisons may remove any prisoner from remission, for a specified period for committing prison offences. The Deputy Inspector General / Sr. Superintendent of Prisons shall be empowered to readmit any prisoner to remission who has been removed there. The prisoner who is readmitted to remission shall earn remission under the rules from the commencement of the month following his readmission.

**FORFEITURE OF REMISSION**

**19.27** Remission earned by a prisoner may be forfeited by the State Government or the Head of the Prison Administration on commission of any Prison Offences.

**19.28** State Government remission is granted on occasions of national importance or public rejoicing under 432 Cr.P.C. An order of unconditional remission of such sentence under this section cannot be rescinded except in cases of fraud or mistake in its grant.

**RECORD**

**19.29** The following records will be maintained by the Prison authority: -

- (i) Assistant Sub – Jailer or any other official in charge of yards or sections, shall maintain sheets for prisoners eligible to earn remission. On appointed days these sheets shall be forwarded to the Jailer and these sheets shall be attached to the remission sheet of the prisoners.
- (ii) A remission register shall be maintained in a prescribed form in which all entries about grant and forfeiture, if any of remission shall be promptly made and duly attested by the Jailer.
- (iii) Entries in the remission register shall be made soon after the remission is granted.
- (iv) The prisoner shall be informed of the remission informed on any given occasion.
- (v) Grant or forfeiture of any remission shall be informed to the prisoners during any given occasion.
- (vi) The Jailer shall maintain the remission register and ensure its upto date maintenance.
- (vii) The Jailer shall be responsible in releasing the prisoner on such dates, as would be worked out, after allowing the remission granted.

**CHAPTER XX****LEAVE AND EMERGENCY (SPECIAL) LEAVE**

**20.01** Leave and Special leave to inmates are progressive measures of correctional services. The release of a prisoner on leave not only saves him from evils of incarceration but also enables him to maintain social relations with his family and community. It also helps him maintain and develop a sense of self confidence.

**20.02** the objective of releasing a prisoner on leave are: -

- (i) to enable the inmate to maintain continuity with his family life and deal with family matters.
- (ii) to save him from the evil effects of continuous prison life.
- (iii) to enable him to maintain and develop self confidence.
- (iv) to enable him to develop constructive hope and active interest in life.

### LEAVE

**20.03** Leave is not a right but a concession which may be granted to convicts. The leave is subject to cancellation. The State Government and the Deputy Inspector General / Sr. Superintendent of Prisons reserves the right to debar / withdraw any prisoner from the concessions of leave.

### ELIGIBILITY

**20.04** The following categories of prisoners shall NOT be eligible for being released on leave.

- (i) Prisoners whose presence is considered dangerous or otherwise prejudicial to public peace and order by the District Magistrate / Superintendent of Police.
- (ii) Prisoners who are considered dangerous or who have been involved in serious prison violation like assault, out break, riot, meeting, escape, strike, etc.
- (iii) Offenders classified as habituals.
- (iv) Prisoners convicted for offences such as dacoity, terrorist crimes, kidnapping, smuggling, NDPS Act and foreigners.
- (v) Prisoners committed to prisons in default of furnishing security to keep the peace or good behaviour.
- (vi) Prisoners suffering from unsoundness of mind (if not certified by the Medical Officer to have recovered).
- (vii) Prisoners whose work and conduct are not good.

**20.05** The Deputy Inspector General / Sr. Superintendent of Prisons shall refer to Government, the cases of the under mentioned categories of prisoners when they apply for leave: -

- (i) Persons convicted if offences against law relating to a matter to which the executive power of the Union Government extends.
- (ii) Persons whose release on leave is likely to have repercussion elsewhere in the country.

**20.06** Prisoner may be entitled to 16 (sixteen) days in one or two spells during a year or the completion of half of his sentence or a minimum period of three years of imprisonment, whichever is less. Such a leave may be earned by a prisoner on the basis of his good behaviour and conduct in the prison.

**20.07** The eligibility for leave should be regulated as follows: -

SENTENCE	WHEN DUE FOR FIRST RELEASE ON LEAVE	WHEN DUE FOR 2 <sup>ND</sup> RELEASE	WHEN DUE FOR SUBSEQUENT RELEASE	DURATION OF LEAVE
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.	16 (sixteen)days.
Exceeding five years but not more than fourteen years	On completion of two 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	16 (sixteen) days during the first five years of confinement and 20 (twenty) days for the rest of term.

Prisoners sentenced to life or imprisonment exceeding fourteen 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.	16 (sixteen) days during the first five years of confinement and 20 (twenty) days for the rest of term.
--	--	--	--	---

- 20.08** For calculation of sentences of the purposes of eligibility for leave “Sentence” shall mean a sentence as finally fixed on appeal or revision or otherwise and includes an aggregate or more sentences than one. Sentences in default of fine shall not be taken into consideration while fixing eligibility for being released on leave.
- 20.09** Leave should not be granted to a prisoner within a period of six months from the date of his surrender after the expiry of emergency leave.
- 20.10** A register shall be maintained in a prescribed form in which all cases of prisoners eligible for leave shall be posted three months in advance of the date on which they become eligible for being released on leave. On due dates all such cases shall be placed before the classification Committee.
- 20.11** The Committee shall examine the case of each prisoner who is eligible to leave to find out whether the prisoner is fit for being released on leave. His case will be considered on the basis of his: -
- (a) Conduct
  - (b) Work
  - (c) Progress achieved in various spheres
  - (d) Efforts for introspection and self improvement
  - (e) Attitude towards family and community
  - (f) The manner in which the previous period of leave or emergency leave was utilized
- 20.12** Prisoners whose conduct has been found to be unsatisfactory or prisoners who are punished for prison offences shall be considered as unfit for being considered for release on leave.
- 20.13** A prisoner in whose case the Classification Committee decides to recommend for release on leave should be allowed to submit his application to the Deputy Inspector General / Sr. Superintendent of Prisons in prescribed form. In the application, he shall state, amongst other things, the name and address of his relative or friend with whom he wishes to stay during his leave period.
- 20.14** A copy of this application shall be forwarded to the District Superintendent of Police who in turn will forward the papers to the District Magistrate, alongwith the requisite information and his recommendations. The Police authorities shall specially state whether the relatives or friends of the prisoner are willing to keep him during the leave period. If the District Superintendent of Police / District Magistrate does not recommend release on leave, detailed reasons thereof shall be given by him. The recommendation shall be forwarded to Deputy Inspector General / Sr. Superintendent of Prisons. The police of the concerned District shall submit its report through the D.M. within four weeks of receipt of such reference.
- 20.15** If on the receipt of the recommendations of the District Magistrate / Superintendent of Police the Deputy Inspector General / Sr. Superintendent of Prisons is satisfied that there is no objection to grant the leave applied for, he shall make an order for release of the prisoner on leave for a maximum of 16 (sixteen) days and suspension of the execution of sentence on such condition as may be specified in the order.
- 20.16** The following conditions should invariably be laid down in addition to such other conditions if any, as may be deemed necessary.

- (i) That the prisoner may give cash security for the amount ordered by the Deputy Inspector General / Sr. Superintendent of Prisons. The wages earned by the prisoner may be taken as cash surety.
- (ii) That the said prisoner shall reside at the place designated by the Deputy Inspector General / Sr. Superintendent of Prisons and shall not go beyond the limits of that place.
- (iii) That the said prisoner shall be of good behaviour and shall not commit any offence.
- (iv) That the prisoner shall not associate with bad characters or lead a dissolute life.
- (v) That the prisoner shall be liable to be recalled immediately to prison in case he violates any of the conditions.
- (vi) That the prisoner shall surrender himself to the Superintendent of the Prison on expiry of the leave granted or on recall.
- (vii) Panchayat of the home village of the prisoner may stand surety for him.
- (viii) Family members / relatives / friends of the prisoner, if of good antecedents, may stand surety for him.

**20.17** If the prisoner commits serious violation of prison discipline after the dispatch of the application and prior to his actual release on leave from the prison, the Superintendent is authorized to postpone his release on leave. In such case the Superintendent shall forward his report alongwith the recommendations to the Deputy Inspector General / Sr. Superintendent of Prisons for further orders.

**20.18** On the application of the prisoner, the Deputy Inspector General / Sr. Superintendent of Prisons may postpone the prisoners release on leave, so that the leave period may coincide with agricultural operations like sowing, harvesting or repair of their homes, attending marriage in his family, etc.

**20.19** Prior to being released on leave, the inmate should be oriented and prepared for his leave.

**20.20** On receipt of the orders of the Deputy Inspector General / Sr. Superintendent of Prisons, the prisoner shall be released on leave, provided he executes the necessary bond and signs the required conditions. At the time of release the prisoner should be supplied with an identification card and a certificate of release on leave. The prisoner should be ordered to report at the prison on the due date before lock-up.

**20.21** Release of prisoner on leave should be intimated to the following authorities: -

- (i) The District Magistrate and the District Superintendent of Police of the District within whose jurisdiction the prisoner proposed to spend his leave.
- (ii) The District Magistrate / District Superintendent of Police or the Deputy Inspector General of Police within whose jurisdiction the prisoner was convicted.
- (iii) The District Magistrate / Superintendent of Police or the Deputy Inspector General of Police (Range) from whose jurisdiction the prisoner hails.

**20.22** The prisoner will himself meet all expense, including those on journey to and from the place of his stay, during leave.

**20.23** The period of release shall count towards sentence.

**20.24** Prisoners are not allowed to apply for extension of leave period.

**20.25** Prisoner returning from leave shall not be admitted after lock-up.

**20.26** If a prisoner released on leave does not return to the prison on the due date, police authorities shall immediately be telegraphically requested to arrest and bring him back to the prison. In each case of late surrender or breach of any of the conditions of leave, the Superintendent shall hold an inquiry and put it up to the Deputy Inspector General / Sr. Superintendent of Prisons.

**20.27** When a prisoner returns from leave, a report in the prescribed form shall be forwarded to the Deputy Inspector General / Sr. Superintendent of Prisons. So also intimation to the

District Magistrate / Superintendent of Police / Deputy Inspector General of Police (Range) etc. shall be sent.

- 20.28** On return from leave, the prisoner response to the release on leave shall be evaluated. All these observation shall be kept in the inmates file.
- 20.29** A leave register showing details of release and surrender, etc. shall be maintained.
- 20.30** The opinion of the District authorities should be obtained only for the first release of a prisoner on leave. For the second and subsequent releases no such opinion would be necessary provided that the prisoner had surrendered in time and there had been no adverse report from the police about the behaviour of the prisoner during the earlier leave period.
- 20.31** Prisoners whose conduct is found unsatisfactory should not be considered for this concession.

### **SPECIAL (EMERGENCY) LEAVE**

- 20.32** The head of the Prisons Department will be the competent authority for granting release on special leave for a maximum period of Fourteen days at a time. For the extension of such leave beyond 14 (fourteen) days, order of the State Government will be obtained by the Head of the Prison Department.
- 20.33** Release of prisoner for special leave on emergent grounds may be ordered to: -
- (i) facilitate the inmates presence in his family during a period of grave emergency like death or serious illness of his father / mother / brother / sister / spouse / children and
  - (ii) to facilitate the inmate in specialized treatment for diseases like Cancer, AIDS or as recommended by the State Medical Board outside the State.
  - (iii) marriage of brother / sister / children.
- 20.34** Prisoners who are eligible for release on leave should ordinarily be considered as eligible for emergency release.
- 20.35** Special leave may be granted after verifying the facts of the case by contacting the concerned Police authority by the quickest mode of communication available.
- 20.36** The procedures for applying sureties, release return, etc. for special leave shall be the same as those laid down for leave. However, in case of prisoners required to be released for medical reasons, a certificate from the Medical Officer and Chief Medical Officer should be attached to the applications.
- 20.37** Prisoners who apply for emergency release on false grounds or who abuse the concession or commits breaches of any of the conditions of emergency releases will be liable to be punished.
- 20.38** A prisoner applying for special leave on health grounds shall stay in a T.B. sanatorium or hospital or any other specified place in the interest of his health.
- 20.39** The period of release on special leave will be treated as out days or sentence suspended for all purpose and for the other leave will be counted as sentence served.
- 20.40** If a prisoner released on emergency grounds, wants extension of the period, he may apply to the Deputy Inspector General / Sr. Superintendent of Prisons in good time. For an extension of such leave beyond 14 (fourteen) days, the Deputy Inspector General / Sr. Superintendent of Prisons shall obtain the order of the State Government.
- 20.41** If orders authorizing the extension are not received before the expiry of his special leave period, the prisoner shall report back to prison.

## CHAPTER XXI

### CONTACT WITH OUTSIDE WORLD

#### **REASONABLE FACILITIES TO BE ALLOWED FOR INTERVIEWS AND LETTERS**

- 21.01** 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 week. The prisoner can write letter twice in a month as fixed by the Prison Authorities.
- 21.02** 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.

#### **PREVILEGES CONTINGENT TO GOOD CONDUCT**

- 21.03** 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 Prisons. In addition to the number of letters allowed in a month the prisoner shall be considered if urgent grounds exists, for such concession the Jailer may at his discretion grant interview or allow the dispatch or receive of letter at a shorter interval. This could be in the event of prisoner being seriously ill, or death of near relative, or when his friends or relatives have come from a distance to see the prisoner. Matter of importance, such as the death of a relative may also communicate at any time to the Jailer who will, if he thinks it expedient, inform the prisoner about it. The prisoners shall not be allowed to misuse such privileges. 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 exists a genuine reason for such interview.
- 21.04** The same facilities shall be allowed to every prisoner committed to Judicial Custody.
- 21.05** The Jailer may demand the name and address of any visitor to a prisoner and may search any visitor if he has any ground for suspicious. The Jailer may deny entry to any visitor who refuses to permit himself to be searched, entering the grounds of his action in the General Diary.
- 21.06** Every prisoner under sentence of death shall be allowed such interviews and to have such other communications with his relatives, friends and legal advisers as the Superintendent thinks reasonable.
- 21.07** The number of persons who may interview a prisoner one time shall ordinarily be limited to three.
- 21.08** The Jailer shall also permit regular 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. If a prisoner is to be sent out of the prison for the purpose of such interviews he shall be sent under proper escort.
- 21.09** The Jailer shall permit a prisoner, other than a condemned prisoner, to see a prisoner in a hospital outside the prison if : -
- (i) the prisoner in the hospital is a relative and is seriously ill.
  - (ii) the hospital is situated in the same town.
  - (iii) the prisoner is sent under proper escort.
  - (iv) the prisoner shall return to the prison immediately after seeing the prisoner in the hospital.

- 21.10** No prisoner shall be allowed to have any interview without the permission of the Jailer. Such permission shall be recorded in writing.
- 21.11** Applications for interviews with prisoners may either be oral or in writing. If the prisoner is not entitled to have an interview, the application shall be informed at once.
- 21.12** Interviews shall not ordinarily be granted on Sundays or other Government holidays. The Superintendent may, however, under exceptional circumstances, grant interviews on these days as well. The reasons for granting such interviews on holidays shall be recorded in the record book.
- 21.13** The Superintendent shall fix the days and hours at which all interviews shall be allowed. A notice regarding the interview hours shall be posted outside the prison. No interviews shall be allowed at any other time, except with the special permission of Jailer.

#### **PLACE OF INTERVIEW**

- 21.14** Every interview shall take place in a special part of the prison appointed for this purpose. The safety and security of prisoners must be ensured. The interview room should be properly partitioned and as far as possible should be divided into cubicles so that prisoners can have a peaceful interview.
- 21.15** Interviews with female prisoner shall, if practicable, take place in female enclosure in presence of female warder.
- 21.16** If a prisoner is seriously ill, the Jailer shall permit the interview to take place in prison medical care unit. A condemned prisoner shall ordinarily be interviewed in his cell.
- 21.17** Every interview with a convicted prisoner shall take place in the presence of an experienced prison officer, who shall be positioned at a place 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.
- 21.18** Every interview with a terrorist or militant whether serving a sentence or kept as an under trial or a prisoner detained under Preventive Detection Laws, shall take place in the presence of an Intelligence Officer or the Investigating Officer conversant with the case of the prisoner. Relatives and friends of each prisoner shall have to produce a certificate from the head of a Village Panchayats or a Member of State Legislative Assembly, as proof of their residence and relationship with the prisoner, or duly authenticated identity documents like a family ration card, voters' identification card, driving license or passport.
- 21.19** If a foreign national is committed to prison, any communication addressed to a consulate 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 shall be censored.
- 21.20** Whenever Consulate Officials of a foreign country seek permission for themselves, or relatives of imprisoned foreign national, the Deputy Inspector General / Sr. Superintendent of Prisons shall inform the Government of such request from the Consulate. Only on receipt of orders from the Government, the Deputy Inspector General / Sr. Superintendent of Prisons shall permit the visit.
- 21.21** The Jailer may refuse to allow any interview, to which a prisoner may be entitled ordinarily, 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 do so. In every such case the Jailer shall record his reasons for such refusal in his journal.
- 21.22** Every prisoner shall be carefully searched before and after interviews.
- 21.23** Ordinarily the time allowed for an interview shall not exceed forty five minutes. However, this may be extended by the Jailer in his discretion.

- 21.24** An interview may be terminated at any moment if the prison officer present considers that there is sufficient cause for terminating it. In very such case the reasons for terminating the interview shall be reported at once to the Jailer.
- 21.25** Regarding communication by letters prisoners may be allowed to write letters only to their family members, relatives and close friends. Prisoners shall not be allowed to correspond with inmates of other prisons except if the prisoner has a relative lodged in another prison and has to ask or inform about his welfare. However, applications sent by prisoners may not be treated as letters.
- 21.26** There may be no limit on the number of incoming letters to a prisoner. The Superintendent of Prisons / Jailer shall have the right to disallow letters to prisoners for reasons of security, undesirability or discipline.
- 21.27** No letter shall be delivered to or sent by a prisoner until the Superintendent of Prisons / Jailer has satisfied himself that its transmission is not objectionable. No letter written in secret languages shall be allowed. Any letter which is objectionable may be withheld by the Superintendent / Jailer.
- 21.28** If a letter is written in a local language and cannot be satisfactorily translated in the prison concerned it shall be got translated by some other officer, agency or CID Department of the State and without undue delay translation and examination of the letter shall be conducted.
- 21.29** If the letter addressed to a prisoner is improper or objectionable, it may be kept in custody of the Superintendent / Jailer or returned to the sender under intimation to that prisoner.
- 21.30** A prisoner may retain any letter which has been delivered to him under due authority.
- 21.31** Prisoner may be allowed post cards, inland letters or writing materials, envelopes and postage stamps at their own costs. Sundays may be kept apart for the prisoners for letter writing. Their letters after scrutiny may be posted without delay. If a prisoner is found to convey improper and objectionable information he may be warned and if communication withheld.
- 21.32** All communications addressed by a prisoner who is a Member of Legislative Assembly or a Member of Parliament to the State Legislature or to the Parliament shall be immediately forwarded by the Superintendent of Prisons / Jailer 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.
- 21.33** At the discretion of the Superintendent / Jailer a prisoner may be allowed the use of telephones on payment, to contact his family and lawyers. The prisoner can use this facility under the supervision of a prison officer. Such facility shall not be granted to prisoners having a record of bad conduct.
- 21.34** A copy of the rules relating to prisoners relating to do's and don'ts shall be placed in every cell and walls of important prison buildings.
- 21.35** Prisoners' application for preferring appeal / copy of judgment / revisions and special leave may be forwarded by the Superintendent to the appropriate authority without delay.
- 21.36** The designated welfare officer of the prison will follow up all such appeal cases in the concerned court or appellant authority without delay. The welfare officer is directly responsible in this matter.
- 21.37** No appeal lies from a sentence passed by a court martial under the Army Act, 1950 (Central Act XLVII of 1950). The prisoner has a right to submit one petition only against the judgment or sentence for disposal by the highest authority to whom he / she is authorised to apply. Appeal or petitions addressed to the Government of India, or to any

civil authority, shall be forwarded to the Centre Head Quarters of the concerned Armed Force for disposal.

- 21.38** The Jailer shall ascertain whether a 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 tickets or affix his left thumb impression thereon.
- 21.39** Under section 383 of the Code of Criminal Procedure, 1973 (Centre Act 2 of 1974), an appellant who is in prison may present his petition / appeal and the document accompany it to the Superintendent who shall, thereupon, countersign and forward them to the proper appellate court at Government Cost.
- 21.40** Any communications of appellate order shall be communicated to the prisoner concerned by the Jailer who shall enter all the order a certificate to the effect that it has been so communicated.
- 21.41** All prisoners shall be allowed to receive soaps, oil, tooth brushes, toothpastes, clothes, chapattis, shoes, shaving kits with disposable razors only and cold cream, etc in winter and fruits, sweets and dry food stuffs subject to the condition that the quantity received is limited to their personal requirements of a fortnight only. A through examination of the articles, to be passed to the prisoner is to be conducted by the prison officials.

#### **APPLICATION FOR COPY OF JUDGEMENT**

- 21.42** If the copy of the judgement is not received by the prisoner, the Jailer 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 (one) 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**

- 21.43** 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.

#### **SPECIAL LEAVE APPEAL**

- 21.44** 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 rule 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.
- 21.45** Information regarding seeking of legal aid may be passed on by the Superintendent to State Legal Services Authority if the concerned prisoner has given in writing his / her desire to avail off free legal aid.

#### **EXCLUSION OF TIME TAKEN IN OBTAINING COPY OF JUDGEMENT**

**21.46** 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 copy of the order or sentence appealed against, within the meaning of Section 12 of the Limitation Act, 1963 (Central Act 36 of 1963).

**21.47** The period allowed under the Limitation Act 1963 (Central Act 36 of 1963) for filing appeals to different courts are as follows:

Description of appeal (1)	Periods of limitation (2)	Limitation starts from (3)
Under the Code of Criminal Procedure Code, 1973 (Central Act 2 of 1974)		
a. From a sentence of death passed by a Court of Sessions or by a High Court in 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

**21.48** In order to enable the appellate courts to calculate the period of limitation prescribed for criminal appeals under the Limitation Act, 1963 (Central Act 36 of 1963), 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**

**21.49** 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.

**21.50** The Superintendent or Additional Superintendent shall ensure that there is no delay in the process of disposing of appeals / petitions. The Jailer 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: -

Sessions Court	--	Once in 15 (fifteen) days
High Court or Supreme Court	--	Once in a month

**NOTICE OF THE DATE OF HEARING SHALL BE COMMUNICATED TO THE PRISONER**

**21.51** 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 in token of receipt of such notice, on the notice. The notice shall then be attested by the Superintendent or Additional Superintendent and return to the concerned court.

**PERSONAL APPEARANCE OF THE PRISONER IN THE APPELLATE COURT**

**21.52** 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 say 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.

**RECORD OF RESULT OF APPEAL**

**21.53** 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 Superintendent or Additional Superintendent.

**21.54** 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 Superintendent or Additional Superintendent.

**COMMUNICATION OF APPELLATE ORDERS**

**21.55** On receipt of an order disposing of an appeal, the purport thereof shall be communicated to the prisoner concerned in the presence of the Jailer 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**

**21.56** 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 XXII

### VOCATIONAL TRAINING AND WORK PROGRAMMES

- 22.01** Vocational training and work programmes should be treated as essential features of the correctional programmes for the purpose of: -
- (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 cooperative way of living and
    - (d) a sense of group adjustment.
  - (iv) developing capacity for sustained hard work.
  - (v) building habits of concentration, steadiness, regularity and exactness of work
  - (vi) imparting and improving work-skills
  - (vii) awakening the self-confidence and self-reliance of inmates
  - (viii) training and preparing inmates for achieving lasting social readjustment and rehabilitation
  - (ix) imparting an occupational status and thus creating a sense of economic security among inmates.
  - (x) keeping inmates usefully employed in meaningful and productive work
  - (xi) preventing idleness, indiscipline and disorder amongst them
  - (xii) maintaining a good level of morale amongst them and thus promoting a sense of self-as well as institutional discipline among them.
- 22.02** The employment and production policy in prison should be designed to cater 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 when the inmate is released from prisons.
- 22.03** The interests of prisoners and of vocational training shall not be subordinate to the principles of making the financial project from an industry in any institution.
- 22.04** All work program and vocational training will be under the charge of Head of the Prison Administration at Prison Head Quarter and vested with full financial administrative power.
- 22.05** Government Departments, Semi Government Departments, Cooperatives and public under takings should purchase articles produced in prison industry as per requirements from the State Central Prisons.

- 22.06** Any purchase of raw material, consumable articles, tools and equipments should be made from open market after making cost analysis duly observing all the financial norms. The cost of prison products should be based on “NO LOSS NO PROFIT”.
- 22.07** Vocational training programmes, in self employing trades and occupations shall be organized in the Central Prisons and District Prison for employable inmates.
- 22.08** Such programmes shall also be open to under trial prisoners who volunteer to undergo such training or work.
- 22.09** The help of local Industrial Training Institutes should be taken to train the staff of the prison for efficient organization of training projects in the prison.
- 22.10** Special emphasis should be given to vocational training of adolescent offenders. Vocational training programmes should be designed to suit the needs of prisoners sentenced to short, medium and long term imprisonment.
- 22.11** A policy should be laid down for the employment of carefully selected prisoners in public undertakings, cooperative farms of the State and agro-based industries organized in the cooperative sector when they are released from prison.
- 22.12** Qualified technical personnel in adequate numbers could be posted in the prison on a deputation basis from the Industrial Training Institute of the State to train both the staff and the prisoners in technical vocations.
- 22.13** The prison industry should be given preferential treatment in the matter of granting permission to run various industrial / production by the State Government.
- 22.14** While planning training projects for inmates the following factors should be taken into account:
- (i) requirements of security and discipline
  - (ii) age
  - (iii) length of period available for training
  - (iv) physical and mental abilities
  - (v) results of intelligence and aptitude tests
  - (vi) previous occupational experience
  - (vii) educational level
  - (viii) ability for deriving benefits from training projects
  - (ix) areas (urban – rural) where inmate is likely to settle after release
  - (x) rehabilitation needs
- 22.14** The training projects should be phased as: -
- (a) Apprenticeship training which shall comprise of short term demonstration, class room instruction and practical work.
  - (b) On the job training: while inmates are working in industries or in agriculture and allied fields, technical personnel in charge of each section should impart on the job instruction aiming at improving inmates work skills.
  - (c) Vocational training which should be designed in accordance with the rehabilitation needs of inmates and available facilities at each institution.
- 22.15** Minimum standards for attendance in vocational projects should be adapted in accordance with local conditions and available facilities. In suitable cases hours of vocational training projects may be increased as would be necessary and practicable.
- 22.16** Inmates having long sentences and requisite abilities should be afforded opportunities for acquiring multiple vocational training.
- 22.17** The Central Prison has a sprawling land area the following infrastructural facilities in terms of agriculture should be made available: -
- (i) Agriculture, agro-based industries, horticulture and other allied activities should be given high priority in the planned development of work programmes and vocational training.

- (ii) The land available in the prison should be thoroughly surveyed in terms of soil analysis, fertility, salinity, etc so that it is put to optimum use. The help of Block Development Officer, State Agriculture Department / Horticulture Department and other allied agencies should be taken in this regard.
- (iii) Proper irrigation facilities including drip irrigation, step irrigation, etc should be made available.
- (iv) All required farming equipment and spare parts should be made available along with maintenance facilities.
- (v) The subsidy available to the farmers for purchasing fertilizers, equipments, etc. should be made available by the prison farms.
- (vi) Requisite security personnel should look after the agricultural units and ensure that there is no pilferage.
- (vii) The farm products should be first consumed in the prison and the remaining should be sold to the Government Departments and in open market.
- (viii) The efficiency of each unit should be evaluated annually in terms of targets fixed and achieved.
- (ix) Bio-gas plants, solar cooking ranges, etc. should be introduced in the prison farms.
- (x) Costing of agricultural and other produce should be done on strict commercial basis.
- (xi) Diaries, piggery, goatery should be opened and development on commercial basis under proper technical guidance. Regular visits from veterinary doctors should be fixed up to maintain healthy farming.
- (xii) Poultry farms can also be organized in open farms. These should be run on commercial basis under proper technical supervision.

#### **EMPLOYMENT OF PRISONERS**

- 22.18** Apart from the Convicts, under trial prisoner who volunteer to work should also be employed on work programmes and be given vocational training. The under trial prisoners employed in 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.
- 22.19** No criminal prisoner sentenced to labour or employed or labour at his own desire shall, except on an emergency, with the sanction in writing of the Superintendent, be kept to labour for more than eight hours in any one day.
- 22.20** The Medical Officer shall from time to time examine the labouring prisoners while they are employed and shall not at least once in a fortnight cause to be recorded on the history ticket of each prisoner, their respective weights.
- 22.21** When the Medical Officer is of the opinion that the health of any prisoner suffers from employment on any kind or class of labour, he shall not be employed on that labour, but shall be placed on such other kind or class of work as the Medical Officer may consider suitable for him.
- 22.22** Upon admission of every convict sentenced to rigorous imprisonment, the Medical Officer, shall enter the class of labour for which such convict is fit in the history ticket of the prisoner.
- 22.23** The Medical Office shall, from time to time cause to be entered in the history tickets of every prisoner, any direction as to the employment of such prisoner or the class or form of labour on which he's to be employed which he may deem fit to give.
- 22.24** The hours of working in Sikkim Prisons considering the special weather condition shall be from 0900 hours to 1600 hours with half an hour break from 1230 hours to 1300 hours for tea and special labouring diet which shall consist of germinated gram or flattened rice / murai.
- 22.25** No female prisoner, shall, under any pretext, be employed outside the female enclosure of the prison.

- 22.26** Prisoners labour shall be utilized to the fullest extent in the erection and repair of all prison buildings and for the preparations of materials for the same.
- 22.27** No convict shall at any time be employed on any work outside the prison walls for the purpose of being so employed unless with the written sanction and purpose by the Deputy Inspector General / Sr. Superintendent of Prisons.
- 22.28** Frequent change of work, except on Medical grounds, shall be avoided, but the same form of hard labour shall not be executed indefinitely without variation and sedentary work should occasionally be changed with active work.
- 22.29** Whenever the material is given to a prisoner to work upon, it shall be measured or weighed out to him before he begins to work.
- 22.30** Before the prisoners leave their places of work in the afternoon, the Head Warded in charge shall measure the work done by each prisoner and note the same against his name in the labour register.
- 22.31** No prisoner shall at any time be employed by an officer of the prison or other person, on any private work or service of any kind whatsoever, except with the written sanction of the Superintendent / Jailer and on payment of wages as would usually be charged for such a work.
- 22.32** The raw material for manufactories shall be under the charge of a responsible officer, who shall issue each morning what is required for the day's work and receive into store in the evening the unused material.
- 22.33** All accounts relating to prison manufactory shall be kept by the Superintendent or any Officer authorized by the Head of the Prison Administration.
- 22.34** No Officer of any prison shall at any time retain in his possession, or dispose off: -
- (i) any article at any time supplied for use in any industry carried on in the prison or manufactured by any prisoner, or grown in the agricultural or produced in the other sectors of the prison.
  - (ii) any sum of money realized from or received on account of the sale of any such article or of the earnings of any prisoner.
- 22.35** The following facilities shall be provided in places where prisoners work: -
- (i) protection from heat, cold, rain, dust, smoke, fumes, gases and chemicals.
  - (ii) adequate ventilation and light
  - (iii) safe drinking water
  - (iv) urinals and latrines
  - (v) first aid facilities and accident prevention measures.
- 22.36** In case a prisoner, despite taking precautions, meets with an accident resulting in physical or mental disability or serious injury or death or loss of health due to occupational disease or certified by the Medical Officer, suitable compensation shall be paid to the prisoners or his dependents on the report recommended by the Deputy Inspector General / Sr. Superintendent of Prisons and decided by the State Government.
- 22.37** The Deputy Inspector General / Sr. Superintendent of Prisons, is the final authority to make suitable changes relating to hours of work, changes in shifts, periods of rest, intervals, weekly rest days, etc. in accordance with requirements of the prison or the weather conditions.
- 22.38** Every prisoner, on being first put to do any kind of work with which he's not acquainted, shall be allowed a reasonable time to acquire the necessary skills, to enable him to perform the task. The time will vary from a few days to 3 to 4 months. In every case when allotting new work, the Superintendent or the Jailer, shall note the task the prisoner begins and every subsequent progress in his History Ticket.

- 22.39** A standard list of equipment tools, accessories and spare parts which each production unit must always have, should be prepared and maintained.
- 22.40** Products manufactured by Prison Industries should be varied / changed depending on market trends and demands.
- 22.41** Technical supervision should be improved and a system of quality control introduced at every stage of production, so that market competitiveness is maintained.
- 22.42** Showrooms should be opened outside / inside prison gates and at other places, for promoting scale 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. Categories of standard products of prison industries should be prepared for securing order from the market for various production units.

#### **PRISONERS WAGE EARNING SCHEME**

- 22.43** The principal aims and objectives of the scheme shall be: -
- (i) to provide financial incentives to the prisoners
  - (ii) increase national production
  - (iii) provide vocational training to the prisoners in trades and crafts
  - (iv) impart reformatory education to the prisoners during their stay in the prison so that their mental build up oriented for rehabilitation and
  - (v) introduce a follow up programme after the prisoner is released to ensure that he take up some profession, in line with the task taken up in the Prison.
- 22.44** The working hours of prison labour shall be as under: -
- (i) adult criminal offenders not more than eight hours a day
  - (ii) woman offenders not more than six hours a day
- 22.45** The Superintendent / Jailer shall be competent to suitably adjust the hours of working in accordance with conditions of each institutions requirement of additional training and seasonal variations, with the approval of Deputy Inspector General / Sr. Superintendent of Prisons.
- 22.46** The scale of wages should be standardized keeping in view the minimum wages given as notified by the Government from time to time for skilled and unskilled workers. The wages should be reviewed once in every three years and revised whenever necessary.
- 22.47** The wages should be deposited in the prisoners' savings bank account on a fixed date every month and a month wise credit roll be provided by the prison office with upto date monthly entries to the prisoners.
- 22.48** All credit and debit entries pertaining to prisoner's wages shall be done by the prisons account branch. Prisoners shall not be used for computation of tasks and wages, entries in wage accounts.
- 22.49** At the time of prisoners release on leave or release, the balance of his wages may be paid in cash to the prisoner if he so desires.
- 22.50** To ascertain the price of prison made articles, calculations may be done by including: -
- (i) the price of raw materials
  - (ii) the wages of prison labour, related according to the minimum wages
  - (iii) a percentage for wear and tear of the plant
  - (iv) percentage on account of profits
- 22.51** Care should be taken to price the products little lesser than market rate, of similar items and to supply a better quality product.
- 22.52** 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.

**22.53** The State Government should encourage Prison Administration to enter into agreement for various trades with private individuals / firms in the interest of the Government for the following trades: -

- (a) Bakery Unit
- (b) Printing Unit
- (c) Iron Fabrication Works
- (d) Furnitures
- (e) Tailoring
- (f) Orchid Farming
- (g) Nurseries
- (h) Dairy

**22.54** The accounts of the production / work unit will be systematically audited by the Government auditors' for each financial year.

## **CHAPTER XXIII**

### **EDUCATION**

Education is vital for overall development of prisoners. Through education their outlook, habits and total perspective of life can be changed. Education of prisoners benefits the society as well as it leads to their rehabilitation and self-sufficiency. Education reduces the tendency to crime. This would mean less crime, fewer victims, fewer prisoners, more socially productive people and less expenditure on criminal justice and law enforcement.

Life in prison is extremely monotonous, reutilized and regimented. The education activities offer opportunity to a prisoner to remove from his mind depressing thoughts leading to relaxation and joy. Reality must be accepted that to confine offenders behind walls, without trying to change them through education and other activities, is an expensive folly.

**23.01** The objectives behind educational programmes in prison should be to channelize prisoners' energies into constructive and creative pursuits, instilling in them a sense of confidence, developing amongst them social responsibility and consciousness, fostering amongst them habits and attitudes necessary for adjusting in the community, creating amongst them an awareness of the futility of leading a criminal life and uplifting them morally, mentally and socially. A comprehensive educational programme in a prison should aim at: -

- (i) providing opportunities to the illiterate inmates to achieve at least a certain minimum level of education.
- (ii) extending facilities to literate inmates to advance their educational standards.
- (iii) developing a better understanding of the duties and obligations of a citizen.
- (iv) improving the attitude of inmates towards society and fostering a desire to live as good citizens.

- (v) assisting the development of good social and ethical habits and attitudes so that the inmates may properly adjust their lives in the community.
- (vi) helping them to improve their personalities and ability for social adjustment through individual and group guidance in social living.
- (vii) developing social consciousness and sense of social responsibility and obligations
- (viii) stimulating sustained interest and effort towards self improvement.

**23.02** For the achievement of these aims the following may be followed: -

- (i) education of illiterate adolescents and adult prisoners shall be compulsory. The prison authorities shall pay special attention to educational programmes.
- (ii) because of wide variations in intelligence level and interests of inmates, it is essential to organize diverse educational programmes to suit the needs of larger groups.
- (iii) educational programmes should cover subjects which would help develop the inmate as affective members of social groups.
- (iv) 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.
- (v) N.G.O.'s should be organized at three levels: -
  - (a) for the beginners and illiterate inmates
  - (b) for the intermediates
  - (c) for advanced education

**23.03** The education programme should consist of: -

- (i) Physical and health education: -  
P.T., drill exercise, light yougasans, first aid, fundamentals of hygiene, sanitation, environment, balanced diet, etc.
- (ii) Academic education: -  
Adult literacy, primary and high school grade subjects.
- (iii) Social Education: -  
Civics, gram-panchayat, cooperation, community development projects, social legislation, small saving schemes, shramdam, cottage industries, improved methods of agriculture.
- (iv) Vocational education: -  
As outlined in Vocational Training chapter.
- (v) Moral Education: -  
Meditation, group prayers, devotional prayer songs which can be recited by persons of all religions: study of the lives of saints, moral teachings and social reformers, etc.
- (vi) Cultural education: -  
Meditational therapy should be used to erase the memory of past bad experiences among prisoners.

**23.04** There should be sufficient variety for choice in cultural and recreational opportunities so that inmates of various age groups and interests can participate in these programmes.

**23.05** Recreation has to be a guided and supervised activity. Grant of wider recreational facilities should work as incentives for good behaviour, self discipline and attainment or progress. The following cultural and recreational opportunities should be suitably extended to each inmate or group of inmates in accordance with available facilities, local conditions and requirements of security and discipline.

- (a) Games: - Games offer opportunities for physical exertion and relaxation. They provide opportunities for social recreation promote team work cooperation and fair play and help inmate maintain physical and mental fitness.
  - (i) Indoor games: Chess, carom, ludo, Chinese checkers.
  - (ii) Outdoor games: Volley ball, ring tennis, badminton
  - (iii) Yoga and P.T.
- (b) Films: - Films can play an important role in education cum recreational activities of the institution. Precautions should be taken to see that the thrillers, erotic, suspense, crime and stunt films are not shown in the prison. Films dealing with social theme, or films having educational value shall be shown. The prison should build up its own film library, mythological, biographical, scientific

travelogues, documentaries, newsiest, crime – does not pay series, cartoons, comedies etc. These movies can be shown to the inmates on holidays.

- (c) Music: - Music has universal appeal. Properly utilized, music can have important values in the abnormal atmosphere of a prison. Musical programmes may consist of radio music, recorded music, group singing, folk music, instrumental music (for which some instruments may be allowed to the inmates), etc. Inmates should be allowed to prepare for formal functions performances in national and state level festivals.
- (d) T.V. and Radio: - Colour TV's showing news channels, sports channels, religious channel, and informative channels should be provided to the inmates to keep them abreast of the latest developments in the world and also to educate them in all walks of life.  
Similarly transistor radio run on battery should be allowed to inmates to keep them abreast of state and national level programmes and to keep their intellect sharp.
- (e) Sports and cultural meets: - Annual or Biannual sports meets may be arranged in the prison premises in the sports being pursued in the prison. Carefully selected prisoners may be allowed to take part in such tournaments and matches.  
Similarly quiz contests, declamation and debate contests may be organized amongst the inmates. Also sole and group singing and poetry recitation contest can be held on annual basis in the prison.
- (f) Library : - Following facilities in prison library shall 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 should be properly equipped with books, magazines and newspapers. Prisoners should be encouraged to develop reading habits.
  - (iii) A librarian should be employed for management of books, etc. Help of educated prisoner could also be obtained to run the library.
  - (iv) Donation of books by NGO's should be encouraged and welcomed. There should be a quarterly publication for the inmates for internal circulation. The publication may be cyclostyled according to facilities available.

## **EDUCATIONAL POLICY FOR INMATES**

**23.06** 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.

**23.07** 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 facilities for it. He should be allowed to purchase books and writing materials out of his personal cash kept in prison custody or at Government expenses. 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 an organized institution.

**23.08** 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 examinations should be conducted inside the prison by the Education Department / National Open Schools / 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.

**23.09** The education of all adult prisoners shall be compulsory and a time frame should be laid down under which illiterate prisoner will be able to write his name at least.

**23.10** The help of educated prisoners should be liberally obtained for carrying out educational programmes.

- 23.11** Similarly the service of retired teachers or NGO's could also be obtained in running the educational programmes.
- 23.12** Necessary equipment for education like books, stationery, writing material, computers, furnitures, etc. should be provided at Government costs. A building may be earmarked / constructed as a school for carrying out educational activities.
- 23.13** The educated prisoners who help the prison administration in conducting educational programmes should be given wages by the prison authorities.
- 23.14** Audio visual equipment should be used for educational purposes.
- 23.15** 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 educational activities in each institution, should be one of the principal factors on which the performance of these officers should be evaluated.

## **CHAPTER XXIV**

### **EMERGENCIES**

- 24.01** The following situation shall be handled as emergencies namely: -
- (i) escape from prison;
  - (ii) outbreak;
  - (iii) riot;
  - (iv) strike;
  - (v) hunger strike (individual or mass);
  - (vi) assault;
  - (vii) suicide;
  - (viii) fire;
  - (ix) epidemic;
  - (x) earthquake;
  - (xi) terrorist attack;

**24.02** It shall be the responsibility of the Superintendent or any officer present to take sufficient measures for preventing and controlling emergency situations. These measures shall include all such necessary and immediate actions and use of necessary force as per need.

**24.03** These measures may include: -

- (i) Demarcation of an out of bound area around the perimeter wall of the prison.
- (ii) Adequate guarding, security measures, periodical inspections, and system of thorough searches.
- (iii) Proper maintenance of prison building and premises.
- (iv) Proper custody of tools and equipments.
- (v) Timely segregation of prisoners who are instigators or of bad character or are potential risks to prison discipline.
- (vi) Attending to case and welfare of prisoners and system of good discipline.
- (vii) Accident preventive measures.
- (viii) Fire preventive measures including provision of fire fighting equipment.
- (ix) Good environmental and institutional sanitation and hygiene.
- (x) Segregation of prisoners suffering from contagious diseases, proper storage and inspection of articles of food.
- (xi) Standby arrangements for water storage, power plant and emergency lighting.
- (xii) Concealing all drainage and water pipes in the buildings.
- (xiii) Delegations of powers to prison officers (Superintendent and Jailor) to use force in emergent situations as is given to the police.
- (xiv) The guarding staff and the officers on duty shall use reasonable force in emergent situation.

#### **EQUIPMENT FOR EMERGENCIES**

**24.04** 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, torches, etc.
- (iii) Search lights
- (iv) Steel helmets
- (v) Canes
- (vi) Tear gas equipment
- (vii) Telephones, inter communication system, walkie talkies.
- (viii) Ladders, axes, ropes, chains, handcuffs, alarms, sirens.
- (ix) First Aid Kit.

**24.05** It shall be responsibility of the Superintendent of Prisons to ensure that all these equipments are always in good condition for use in emergency.

**24.06** When dangerous prisoners are kept in the prison, it should be fully equipped in all respects. In such eventualities, the security arrangements should also be very strict.

**24.07** There should be constitution of an Emergency Squad in the cell which shall consist of personnel below forty years of age and should be fully trained and equipped to handle various emergencies. Drills for handling emergencies should be held at fixed intervals.

**24.08** In case an emergency occurs, the following instructions should be followed: -

- (i) The injured should be given immediate first aid.
- (ii) Prevention of 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) If the Superintendent is not present in the prison when the problem occurs, he shall reach there as soon as he gets information of such emergency and take suitable measures to control it.
- (vi) Use of control measures such as handcuffing, locking prisoners, segregating trouble makers and mob dispersal.
- (vii) Tightening all security measures according to requirements of the situation.
- (viii) Mustering all possible help for effective handling of emergency and obtaining all necessary assistance from the District Magistrate, the Police and the Fire Brigade.

**ESCAPE**

- 24.09** A siren or an alarm bell capable of being heard at the quarters of the subordinate officials shall be kept near the main gate of every prison and in strategic places inside the prison especially watch towers. The alarms at strategic places should be loud enough to be heard at the main gate.
- 24.10** The signal that assistance is urgently needed, owing to an escape or attempt to escape, shall be the blowing of a whistle and the striking of the alarm gong. If the alarm gong is not originally sounded at the main gate, it shall be repeated there.
- 24.11** Should any prisoner attempt to escape, the warder shall at once raise the alarm and call other warders to help prevent the prisoner escape. The armed guard at the main gate shall be ready at a moments notice to prevent any combined attempt to escape. If the escape takes place during night, first search shall be made with torch light inside the prison.
- 24.12** As soon as the report of an escape is received, the Officer on Night Duty or the Jailer if he is present on duty shall: -
- (i) dispatch a party of sufficient strength to search the locality where the escape occurred.
  - (ii) inform the Superintendent of the escape immediately who shall take suitable action from apprehending the escaped prisoner.
- 24.13** The Superintendent shall give prompt notice of the escape to the nearest police station, the Executive Magistrate of the Area, the District Magistrate and the border check posts. Such information shall be accompanied by a nominal roll giving a description of the escaped prisoner. He shall also send immediate intimation to the police station near the prisoner's house. If the prisoner belongs to a district or State other than in which he was in prison, intimation shall be sent to the Magistrate and Superintendent of Police of his District.
- 24.14** If a prisoner escapes, the Superintendent or in his absence any next senior officer available, shall immediately convey the message on phone to the Deputy Inspector General / Sr. Superintendent of Prisons and in his absence to the next available officer, followed by a detailed written report. 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, whether the prisoner has been recaptured and the measures taken to recapture him.
- 24.15** In case of an escape or an attempt to escape, the entire responsibility shall be laid on the Head Warder / Warders on duty of the particular cell / barrack from which the prison break occurred. Also the Warder or any other officer monitoring the CCTV camera shall be held equally responsible. Responsibility shall also be laid squarely on the Sub-Jailer or Assistant Sub-Jailer or any other officer who are the duty officers of that particular time of escape or attempt to escape.
- 24.16** In case of an attempt to escape or an escape by a prisoner during day time, the responsibility of the escape / attempt to escape shall be laid down on the Warders / Head Warders who are in-charge of that group from where the prisoner escapes or attempts to escape. The duty officer of the day shall be also held responsible for the escape / attempt to escape.
- 24.17** The officer on reserve guard duty or officers not present in the prison at the time of jail break or attempt to do so shall not be held responsible for escape.
- 24.18** If the attempt to escape is foiled by the concerned warder or any other warder or any other officers of the prison, they shall be handsomely rewarded. In cases where the 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 given suitable rewards in cash, kind and remission by the Deputy Inspector General / Sr. Superintendent of Prisons.
- 24.19** Notice of escape of prisoners and rewards offered for their recapture, as sanctioned by Deputy Inspector General / Sr. Superintendent of Prisons shall be published in the local

newspapers if deemed fit by the Deputy Inspector General / Sr. Superintendent of Prisons.

- 24.20** The recapture of the prisoner shall be informed to all those who were informed of his escape originally. A recaptured prisoner may be received back into prison on his original warrant.
- 24.21** The warrant of a prisoner who escapes from prison shall be retained in the prison for ten 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.
- 24.22** Every officer of the prison, because of whose assistance, connivance or neglect, an escape takes place shall be prosecuted under sections 222, 223 or 225A of the Indian Penal Code unless very extenuating circumstances are present or the Superintendent considers that there is not enough evidence against the officer.

### **OUTBREAKS**

- 24.23** Whenever there is prison outbreak or an agitation inside the prison, the concerned Jailer or Officer on Duty shall inform the District Police who will take necessary action to control the situation.
- 24.24** In the event of an outbreak or agitation, the prison warder 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 siren at the main gate. Immediate messages will be sent to all the senior Officers of Prisons who on receipt of information make themselves available at the spot. The sentry on the main gate shall secure the gate firmly and keep himself along with the reserve guard in readiness with fully loaded arms, fixed with bayonets.
- 24.25** On reaching the scene of disturbance the guard shall proceed to control it by using batons or tear gas, if available. Action shall first be directed to prevent any escape, to isolate the rioters from other convicts and to rescue any prison official who may be in danger. If the disturbance is accompanied by an attack or any prison official or by a combined attempt to escape the duty officer shall warn the prisoners that they will be subjected to force if they do not submit. The duty officer may use stun guns, guns firing rubber bullets or use batons or any other type of force to control the situation.
- 24.26** On arrival of the any senior official on the spot, shall take over all the actions and officers below his rank shall act as per his orders.
- 24.27** Enquiries on incidents like assaults on prison officials shall be conducted by the Superintendent / Jailer.
- 24.28** The main gate sentry and the additional warders shall defend the main gate. If prisoners cannot be driven back by any other means, firing shall be restored to after due warning. It shall be stopped as soon as the prisoners are driven back.
- 24.29** If this situation arises, when groups are working outside their barracks, the groups outside the barracks shall be collected at once when the alarm is sounded and taken in and locked up in the nearest ward.
- 24.30** If the disturbance occurs within the ward, the available force shall enter the prison armed with batons and shall proceed at the double to the yard gate. A party shall be dispatched to enter the ward and quell the disturbance while the remaining force waits at the yard gate.
- 24.31** An alarm parade shall be held once in two months in the prison to emphasize the importance of this drill. All steps laid down in the rules shall be rehearsed and the convicts also be trained to act as ordered. No arms shall be taken inside the prison during practice alarm parades.

### **EARTHQUAKE**

- 24.32** In the event of an earthquake, the following action shall be taken: -

- (i) The prisoner shall be taught to take cover by kneeling down and covering head with arms.
- (ii) The prisoners shall remain in the same position for a few minutes due to after shocks.
- (iii) The prisoners shall remain away from windows, poles, electric wires, high walls, etc.
- (iv) The prisoner shall be addressed on a public address system and asked to walk towards an open space in a calm and composed manner.
- (v) In case of fall of high rise outer wall the warders shall immediately guard the gaps and make the area around the affected area as sterile.
- (vi) In case of injuries, vehicles of the prison shall quickly transport the injured to the hospital in the guard of the prison itself and requisition police escort for the hospital.

### **HUNGER STRIKE**

**24.33** 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.

**24.34** After sufficient warning and before refusal to take food has adversely affected them, and if any other punishment appears unlikely to deter them, they may be prosecuted to comply with the lawful order under the Indian Penal Code. The usual concessions in the matter of interviews and letters shall be withdrawn from prisoners who are on hunger strike. If the prisoner proposed to engage a member of the legal profession to represent him a vakalatnama shall be executed by the prisoner in the favour of the advocate and only that advocate shall be permitted to interview the prisoner in this regard.

**24.35** In the event of mass hunger strike by the prisoners, the Superintendent shall permit reasonable members of advocates to interview the prisoner. If the mass hunger strike amounts to meeting the prisoners shall be isolated from each other and from other prisoners as far as possible.

**24.36** When persecutions are instituted, the proceedings shall be held within the prison and shall be started and completed with as little delay as possible.

**24.37** It is the duty of the prison authorities to do what they reasonably can to keep the prisoners in their charge in good health and to save them from death. Thus, if a prisoner is likely to cause his own death by continuously refusing to take food, the Medical Officer may direct the prisoners be forcibly fed to keep him alive.

**24.38** The Medical Officer shall furnish daily report to the Superintendent on the health of the prisoner who is on hunger strike, who in turn shall forward it to the Deputy Inspector General / Sr. Superintendent of Prisons. The Superintendent shall also send a report to the District Magistrate and the Superintendent of Police concerned.

### **SUICIDES AND UN-NATURAL DEATHS**

**24.39** Whenever a sudden or violent death or suicide takes place in a prison, immediate notice shall be sent to the Deputy Inspector General / Sr. Superintendent of Prisons and the Medical Officer. The body shall be left untouched in the position in which it was found for inspection by these officers.

**24.40** If there are chances that the person is still alive immediate measures shall be taken for the prisoner first aid and revival.

**24.41** 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, laid gently on the ground and give all measures including mouth to mouth sustenance to restore consciousness.

**24.42** In all events of a death, the matter shall be intimated to the District Magistrate and the local police who shall take necessary legal procedure laid down procedures. Intimation

of all deaths, including the deaths of children who reside with female prisoners occurring from whatever cause in the prisons shall be sent to: -

- (i) the nearest Magistrate empowered under sub-section (4) of section 174 of the Cr.P.C., 1978 to hold inquests.
- (ii) the officer in charge of the Police station having jurisdiction who is required to make a preliminary investigation.

**24.43** The body of the deceased prisoner or the deceased child of the female prisoner shall be kept for the inspection and orders of the officer holding the inquests.

**24.44** A post mortem examination shall be carried out by the Medical Officer in respect of all cases of death of prisoners or their children who reside with them occurring inside the prison premises or in prison hospital or in transit from one prison to another or from the prison hospital. A vide recording of the post mortem shall be arranged as per the recommendations of National Human Rights Commission.

**24.45** Sharp edged instruments and tools used in workshops and barbers or tailor's equipment shall be counted and locked by the Warders every day. Care shall be taken that nothing is left about in the prison that may be used for suicidal purposes. The responsibility for this shall lie with the Jailer.

**24.46** When prisoners are employed in excavation or other work of a dangerous character, it shall be the duty of the officers conducting the work to take every reasonable precaution to guard against accidents.

**24.47** Poisonous drugs and drugs inducing drowsiness, surgical instruments and other similar things shall not be left within the reach of prisoners. The word "Poison" in large printed alphabets shall be affixed to each receptacle containing any poisonous drug. All these shall be kept under lock and key and the key shall not be entrusted to any prisoner.

#### **FIRE**

**24.48** Special care shall be taken while using any 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 Jailer and rectified without delay.

**24.49** Fuel for prison generator should be stored in a proper place and care should be taken against any spilling of fuel.

**24.50** No burning coal or wood or other fuel like LPG used in the kitchen shall be allowed to be taken out. It shall be ensured that LPG cylinders are stored in a secured room in accordance with safety rules for storage of LPG cylinders and that no prisoner has access to such place. Those in charge of kitchen and the officers maintaining the kitchen shall be responsible for any violation.

**24.51** All the staff in charge of offices and stores shall go round the offices and store rooms before they are closed for the night and shall satisfy themselves that everything is safe.

**24.52** Fire shall be used in the workshops in properly constructed fire places and the senior officer who locks up the prison, shall satisfy himself before leaving that these fires are properly extinguished.

**24.53** There shall be fire-hydrants and fire fighting equipment (sand, water buckets, fire extinguishers) in all parts of the prison and especially at all vulnerable points.

**24.54** Electric installations in the prison shall be inspected at weekly basis. The provision of room heaters should be carefully monitored for any leakage of electricity, carelessness of warders while using it, overheating of plugs, heater.

**24.55** Fire fighting safety measures and evacuation drills should be held once in a quarter and all staff members and prisoners shall participate in it.

- 24.56** In event of fire breaking out in the prison by day or night, the alarm shall be given as laid down in earlier pages.
- 24.57** On an outbreak of fire, immediate information to the fire brigade shall be sent. Till help from the fire brigade is received, every attempt to put out the fire shall be made.
- 24.58** In the event of an inquiry to a prisoner or a member of the staff on duty because of fire
- (i) medical attention to the injured shall be given.
  - (ii) an inquiry shall be immediately held and statements of the injured persons or members of the staff or other witnesses shall be recorded.
- 24.59** The Deputy Inspector General / Sr. Superintendent of Prisons shall draw up instructions on fire safety and the drill to be adopted in the prison, showing the respective duties of all members of the prison establishment on an alarm of fire being given.

### **EPIDEMICS**

- 24.60** The chief epidemic diseases which are likely to occur in prisons are cholera, enteric fevers, gastroenteritis, chicken pox, measles, mumps, influenza, cerebrospinal meningitis, pneumonia, plague, beriberi, scurvy and epidemic dropsy.
- 24.61** When epidemic disease 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 be taken to ensure that an outbreak is prevented inside the prison.
- 24.62** On the occurrence of a case of a suspected infectious disease the patient prisoner shall be immediately segregated in a separate segregation cell if he is not taken to a hospital. The prisoner shall not be allowed to communicate with other prisoners on any pretext till the risk of infection is over.
- 24.63** If there is reason to believe that the clothing of any warder or prisoner is polluted by the infection, it shall be at once withdrawn from use and disinfected.
- 24.64** The barracks in which a case occurs shall be immediately vacated and the inmate kept together and not mingled with other prisoners. The vacated barrack shall be thoroughly disinfected.
- 24.65** Whenever a case of epidemic disease occurs, the Medical Officer shall at once arrange for vaccination or inoculation, as the case may be, of all prisoners, prison personnel and their families.
- 24.66** On the recommendation of the Medical Officer, drinking water shall be thoroughly boiled to sterilize it.
- 24.67** The general condition of prisoners shall be carefully watched to detect incipient cases. Special attention shall be given to the cleanliness of prisoners and their clothing. The clothing and bedding of the inmates of an infected ward shall be immersed in boiling water or dipped in carbolic or cresol lotion, dried and returned.
- 24.68** The body of a person who has died of an infectious disease shall be entirely wrapped in a sheet saturated with carbolic or cresol lotion and buried / cremated without delay.
- 24.69** If within one week after the occurrence of the first case of cholera, three or more cases occur, it shall be concluded that the disease has assumed an epidemic form. In outbreaks of typhoid fever the changing of the water supply is of first importance.
- 24.70** Whenever epidemic sickness prevails in a prison, a daily return shall be furnished to the Deputy Inspector General / Sr. Superintendent of Prisons. In this return 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 return should also be submitted to the Director of Health Services.

## CHAPTER XXV

### MISCELLANEOUS

#### **INCLUSION OF PRISONS IN DEVELOPMENT PLANS**

**25.01** 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**

**25.02** 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 or of their relatives.

**25.03** 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 coordination.

**25.04** 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.

**25.05** The State Advisory Board shall comprise of the following officials of the State: -

- (a) Home Secretary as Chairman
- (b) Secretary, Law Department or his nominee not below the rank of Joint Secretary as Member
- (c) Inspector General of Police (HQ) as Member
- (d) Director, Human Resource Development Department as Member
- (e) Director, Health Care, Human Service & Family Welfare Department as Member
- (f) Chief Engineer, Buildings and Housing Department as Member
- (g) Director, Social Justice Empowerment & Welfare Department as Member
- (h) Dy. Inspector General / Sr. Supdtt. of Prisons as Member Secretary

**25.06** The following Non-Officials shall also be appointed by the Government as members of the State Advisory Board: -

- (i) One members of the Legislative Assembly of the State.
- (j) Two eminent members of the public working in the field of social reform. Among them one shall be a woman.
- (k) A retired officer of prison service of the State, not below the rank of Superintendent.

**25.07** The Secretary of the Home Department shall be the Chairman of the State Advisory Board, where as the Deputy Inspector General / Sr. Superintendent of Prisons shall be the Member Secretary.

**25.08** The State Advisory Board shall meet at least once in a year in the office of the chairman. In the awake of any extraordinary situation, the Member Secretary is authorised 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.

- 25.09** 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 Principal Secretary / Secretary of the Home Department.
- 25.10** The Members of the State Advisory Board shall enjoy the right to pay visit to any prison of the State, individually or in a group, with or without prior notice to the Superintendent of Prison.
- 25.11** The members of the State Advisory Board, however, shall refrain themselves from visiting any prison during period between evening locking-up and morning un-locking.
- 25.12** The Superintendent / Jailer 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 prisoner, if the same is sought for by the visiting Member / Members of the State Advisory Board.
- 25.13** The Superintendent / Jailer shall not be bound to present any Register / Document paper pertaining to financial accounts, before the visiting Member / Members of the State Advisory Board without the approval of the Deputy Inspector General / Sr. Superintendent of Prisons.
- 25.14** Following any such visit by the Member / Members of the State Advisory Board, the Superintendent shall inform the Inspector General of Prisons.
- 25.15** For the purpose of the meeting of the State Advisory Board five members, including at least four officials and one non-official member, shall comprise a Quorum.
- 25.16** If a non-official member of the State Advisory Board fails to attend the meeting 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 non-official member in his / her place.
- 25.17** 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.
- 25.18** The State Government reserves the right to cancel the appointment of any non-official member of the State Advisory Board at any time.
- 25.19** A Non-Official Member of the Board shall receive allowances, as prescribed by the State Government from time to time, for attending the meeting of the Board.
- 25.20** During visits to a prison, a member of the State Advisory Board shall not carry any arm / firearms, nor shall he / she be accompanied by his official / personal security guard, armed or unarmed. The Superintendent / Jailer shall provide proper security to the visiting Member / Members of the State Advisory Board.

#### **PUBLICATION OF ANNUAL REPORT**

- 25.21** The Prison Administration shall submit an annual report on each financial year on the functioning and progresses achieved to the Government.

#### **EXCHANGE OF EXPERTISE**

- 25.22** The 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.

