

PRISON MANUAL
2021

FOR THE
SUPERINTENDENCE
AND

MANAGEMENT
OF THE JAILS
IN

HIMACHAL PRADESH

FOREWORD

In Himachal Pradesh, the provisions of H.P. Prison Manual, 2021 are followed generally in administering the Jails/Sub Jails. The present Himachal Pradesh Jail Manual, 2000 is repealed and New H.P. Prison Manual, 2021 is adopted for management and Superintendence of Jails in the State on the directions of the Hon'ble Supreme Court to bring the manual in line with the current requirements.

To bring uniformly in Superintendence of the Jails across the country, a draft of Model Prison manual 2016 was circulated by the Ministry of Home Affairs, Government of India to all States/UT's of the country. Some changes/modifications have been done in this Model Prison Manual, keeping in view the weather, geographical conditions and food habits of the local inhabitants. The manual has laid stress on reformations & rehabilitations of the prisoners and by adopting new technologies to make the prisons more transparent and efficient, so that they may play a more constructive role in the reformation and rehabilitation activities for the prisoners.

However, this manual has been prepared within the limitation of Prisons Act, 1894(Act IX of 1894). It is hoped that present manual will meet the current needs to achieve the aims & objectives for reformation and rehabilitations of the prisoners.

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Chapter I

DEFINITIONS

Unless a different intention appears from the subject or context:

- (1) **“Act”** means the Prisons Act, 1894 (Central Act IX of 1894);
- (2) **“Adult prisoner”** means any prisoner who is more than 21 years of age;
- (3) **“Casual prisoner”** means a prisoner other than a habitual offender;
- (4) **“Civil prisoner”** means any prisoner who is not committed to custody under a writ, warrant or order of any court or authority exercising criminal jurisdiction, or by order of a court martial and who is not a detenué;
- (5) **“Central Jail”** means any prison in which criminal convicted prisoners are received, for the purpose of undergoing their sentence, by transfer from any other jail and in which such prisoners are not, when committed to prison, in the first instance ordinarily received. Provided that no jail shall be deemed to be a central Jail unless and until the State Government has declared it to be such;
- (6) **“Compartment”** means any room, work shop, godown or other area covered in enclosed and protected place in a jail, other than a cell or ward;
- (7) **“Competent Authority”** means any officer having jurisdiction and due legal authority to deal with a particular matter in question;
- (8) **“Convict”** means any prisoner under sentence of a court exercising criminal jurisdiction or court martial and includes a person detained in prison under the provisions of chapter VIII of the Code of Criminal Procedure of 1973, (Central Act 2 of 1974) and the Prisoners Act of 1900 (Central Act 3 of 1900);
- (9) **“Correctional Administration”** means the administration of services aimed at the reformation and rehabilitation of the offender;
- (10) **“Correctional personnel”** means the personnel engaged for Correctional purposes in the prison department;
- (11) **“Detenué”** means any person detained in prison on the orders of the competent authority under the relevant preventive laws;
- (12) **“Director General/ Inspector General of Prisons and Correctional Services”** means an officer designated as such by the State Government;
- (13) **“District Jail or Medium Security Jail”** means any prison to which prisoners from one or more districts are, in the first instance, ordinarily committed and includes every jail other than a Central Jail or a Special Jail;

Note: A temporary prison provided under section 7 of the Prisons Act, 1894 shall unless constituted a central or special Jail, be a District Jail.

- (14) **“District Probation Officer”** means an officer appointed as such by the State Government to look after the probation work in a District under the Probation of Offenders Act, 1958;
- (15) **“The Government”** means the Government as defined in the Indian Penal Code, 1860 (Central Act XLV of 1860);
- (16) **“Geriatric prisoner”** means a prisoner who is 60 years of age or above and medically unable to manage his/her daily affairs independently without assistance;
- (17) **“Habitual offender”** means a prisoner classified as such in accordance with the provisions of applicable law or rules;
- (18) **“Habitual Criminal”** means any person who since his attaining the age of eighteen years during any consecutive period (whether before or after the commencement of this Act, or partly before and partly after such commencement) of five years, has been sentenced on conviction, on not less than three occasions, to a substantive term of imprisonment for one or more of the scheduled offences committed on separate occasions, being offences which are not so connected together as to form part of the same transaction;

Note 1:- The classification of convicted person as a habitual criminal should ordinarily be made by the convicting court, but if the convicting court omits to do so, such classification may be made by the District Magistrate, in the absence of an order by the convicting court or District Magistrate and pending the result of a reference to the District Magistrate, by the Officer incharge of the jail where such convicted person is confined. Any person classed as a habitual criminal may apply for a revision of the order;

Note 2:- Convicting courts or District Magistrates, as the case may be, may revise their own classification and the District Magistrate may after any classification of a prisoner made by convicting court or any other authority provided that the alteration is made on the basis of facts which were not before such court or authority;

Note 3:- The expression “District Magistrate” wherever it occurs in Notes 1 and 2 above means the District Magistrate of the District in which the criminal was convicted, committed or detained; and

Note 4:- Every habitual criminal shall as far as possible be confined in a special Jail in which no prisoner other than habitual criminal are kept:

Provided that the Director General of Prisons may, transfer to this special jail any prisoner, not being a habitual criminal, whom, for reason to be recorded in writing, he believes to be of so vicious or depraved character and to exercise, or likely to exercise, so evil an influence on his fellow prisoners, that he ought not to be confined with other non habitual prisoners, but a prisoner so transferred shall not otherwise be subject to the special rules affecting habitual criminals;

- (19) **“High-risk offender”** means a prisoner with high propensity towards violence, escape, self-harm, disorderly behaviour, and likely to create unrest in the jail and threat to public order. Also includes persons intermittently suffering from suicidal tendencies, and persons with substance-related and addictive disorders suffering from intermittent violent behaviour;
- (20) **“History ticket”** means the ticket exhibiting such information as is required in respect of each prisoner by the Prisons Act or the rules made thereunder;
- (21) **“Imprisonment”** shall have the same meaning as has been defined in the Indian Penal Code, 1860;
- (22) **“Inmate”** means any person lawfully kept in an institution;
- (23) **“Institution”** means a place where prisoners are lawfully confined;
- (24) **“Juvenile”** means a boy who has not attained the age of sixteen years; or a girl who has not attained the age of eighteen years;
- (25) **“Maximum Security Prison”** means any prison meant for confinement of dangerous, habitual, professional, terrorist, organized and sophisticated types of criminals;
- (26) **“Magistrate”** means any person exercising all or any of the powers of a Magistrate under the Code of Criminal Procedure, 1973;
- (27) **“Chief Medical Officer”** shall be in relation to prisons, a gazetted officer of the government and includes qualified medical practitioners declared by general or special orders of the government to be a medical officer;
- (28) **“Medical Officer”** means a Medical Officer which shall include the Additional Medical Officer or any other Official especially authorized to act as such;
- (29) **“Military Prisoner”** means a prisoner convicted by court martial;
- (30) **“Notification”** means a notification published in the Official Gazette;
- (31) **“Offence”** means any act or omission made punishable by any law for the time being in force;
- (32) **“Open prison, semi-open prison and open colonies”** means any place declared as such for the detention of prisoners under any Act or rules for the time being in force;
- (33) **“Prescribed”** means as prescribed by rule;
- (34) **“Prison”** means any place used permanently or temporarily under the general or special orders of the State government for the detention of prisoners, under section 417 of the Code of Criminal Procedure, 1973 and includes all land and buildings used thereto, but does not include;

- (a) any place for the confinement of prisoners who are exclusively in the custody of the police;
 - (b) any place specially appointed by the State government under section 541 of the Code of Criminal Procedure, 1882 (10 of 1882); and
- (35) **“Prisoner”** means any person confined in prison under the order of a competent authority;
- (36) **“Criminal Prisoner”** means any prisoner duly committed to custody under the writ, warrant or order of any Court or authority exercising criminal jurisdiction, or by order of court-martial;
- (37) **“Convicted criminal Prisoner”** means any criminal prisoner under sentence of a court or Court martial, and includes a person detained in prison under the provision of Chapter VIII of the Code of Criminal Procedure, 1973, or under the prisoners Act, 1900;
- (38) **“Probation officer”** means an officer appointed as such by the State government to undertake probation work under the Probation of Offenders Act, 1958, or any other law;
- (39) **“Prohibited article”** means an article which is prohibited and declared as such under the Prisons Act, 1894 or rules made thereunder;
- (40) **“Remand prisoner”** means a person who has been remanded by the court to prison custody, pending investigation by the police;
- (41) **“Remission system”** means the rules in force for regulating the shortening of sentence of prisoners;
- (42) **“Section”** means a section of Act;
- (43) **“Special Jail”** means any prison provided for the confinement of a particular class, or classes of prisoners and classed as a special jail by the State Government;
- (44) **“State Government”** means the Government of Himachal Pradesh;
- (45) **“Subordinate Officer”** shall mean and include every officer of a prison other than the Superintendent and the Medical Officer;
- (46) **“Under Sentence”** means under sentence of imprisonment of either description;

- (47) **“Dangerous Prisoner”** means any prisoner declared to be such by the Superintendent with reference to the character of such prisoner in pursuance of the provisions of section 56 of the Prisons Act, 1894;
- (48) **Words importing** the masculine gender shall be taken to include females, and the word in the singular shall include the plural and vice versa;
- (49) **“Open Air Jail” or “Minimum Security Jail”** means a prison meant for keeping well-behaved prisoners, where there is no material and physical precaution against escape (such as walls, locks, bars, armed or other special security guard) which is governed by a system based on self discipline and sense of responsibility of the inmates towards the groups in which he lives;
- (50) **“Sub Jail” or Subsidiary Jail”** means any place so declared by the State Government, by general or special order and used permanently or temporarily under the authority for the detention of prisoners. It include all lands and buildings appurtenant thereto;
- (51) **“Superintendent”** means an officer who is appointed by the competent authority to be in-charge of a prison with such designation as it may specify;
- (52) **“Under-trial prisoner”** means a person who has been committed to judicial custody pending investigation or trial by a competent authority; and
- (53) **“Young offender”** means any prisoner who has attained the age of 18 years and has not attained the age of 21 years.

Chapter II

INSTITUTIONAL FRAMEWORK

- 2.01 A diversified prison system is imperative to meet the custodial and correctional needs of various categories of prisoners. Each prison has to be constructed and maintained on the basis of certain well-defined norms. The prison structure should be designed to provide all the necessary facilities for prisoners to be treated as human beings and subject them to an environment conducive for their reformatory treatment.
- 2.02 The following criteria must be adopted for the establishment of prisons:
- (i) The State Government or the Union Territory Administration will establish sufficient numbers of prisons, as far as possible, and provide minimum needs essential to maintain standards of living in consonance with human dignity.
 - (ii) Prisons administration will ensure that the prisoners' human rights are respected.
 - (iii) Prisons' administration will ensure separation of the following categories of prisoners: a) Women (b) Young offenders (c) Under-trials (d) Convicts (e) Civil prisoners (f) Detenues (g) High-risk offenders.
 - (iv) Prisoners under TADA and COFEPOSA be kept separate from other prisoners.
 - (v) Inmates suspected to be suffering from mental disorders.
 - (vi) Homosexuals be kept separate from other prisoners.
 - (vii) Sex pervert be kept separate from other prisoners.
 - (viii) Smokers and non-smokers should be segregated.
 - (ix) Special Kitchen for ill-prisoners.
 - (x) Drug addicts and traffickers in narcotics be kept separate from other prisoners.
 - (xi) Inmates having suicidal tendencies be kept separate from other prisoners.

- (xii) Inmates exhibiting violent and aggressive tendencies be kept separate from other prisoners.
- (xiii) Inmates having escape or discipline risks be kept separate from other prisoners.
- (xiv) A committee of Superintendent/Deputy Superintendent, Medical Officer and Welfare Officer of the jail will determine classification of each prisoner.
- (xv) Prisons' administration will endeavour to prepare prisoners to lead a law abiding, self-supporting, reformed and socially rehabilitated life.
- (xvi) Diversified institutions will be set up by each State/ Union Territory according to its requirements.
- (xvii) In order to make prisons efficiently manageable units, norms regarding maximum population for different types of prisons will be laid down.
- (xviii) Service conditions of prison personnel will be such as to secure and retain the best-suited and qualified persons.
- (xix) Efforts will be made to enlist community participation in effective administration of prison programmes.
- (xx) The requisition of the Prisons Act, 1894 with respect to the separation of prisoners are as follows:-
 - a) In a prison containing female as well as male prisoners, the females shall be imprisoned in separate buildings, or separate in the same building, in such manner as to prevent their seeing or conversing or holding any intercourse with, the male prisoners.
 - b) In a prison where male prisoners under the age of twenty one are confined, means shall be provided for separating them altogether from the other prisoners and for separating those of them who have arrived at the age of puberty from those who have not.
 - c) Unconvicted criminal prisoners shall be kept apart from convicted criminal prisoners.

Institutional Pattern

- 2.03** State government will adequately provide for the diversification of institutional resources to cater to the differential requirements of prisoners in terms of custody and correction. The factors to be considered will include age, sex, legal status of the prisoner, nature of crime, length of sentence,

security requirements, state of health and correctional needs. Such a course implies the setting up of separate institutional facilities for different categories of prisoners, such as:

- Prisons/annexes/yards for under-trial prisoners.
- Maximum security prisons/annexes/yards for high-risk prisoners and hardened or habitual offenders.
- Open prisons, semi-open prisons and open colonies/camps.
- Prisons/annexes/enclosures for women prisoners.
- Prisons/annexes/yards for young offenders.
- Prisons/annexes/yards for those suffering from infectious diseases.
- Prisons/annexes/yards for drug and substance abuse offenders.

2.04 State Government will establish a mechanism for the classification of prisoners to be housed in various types of institutions as enumerated above and will lay down the procedure to be followed. They will also specify the authorised population for each type of institution and norms with regard to area/space for prisoners as well as the number of prisoners to be housed as suggested in this Prison Manual. This may also include facilities for education, vocational training and skill development programmes, and cultural activities, library and recreation, both indoor and outdoor. It may also give specifications for the staff to be appointed in each type of institution. Apart from various types of prisons for specific categories of prisoners, State government may declare any place as temporary prisons to deal with emergent situations.

Prison Architecture

2.05 Prison architecture has to be based on the following:

- i) The location of a new institution will be decided on the basis of (a) the functions which the institution has to perform, (b) the training and treatment emphasis, and (c) programme content of the institution.
- ii) New institutions will not be constructed near easily flooded and inundated areas, frontiers and international borders, sub-marginal land areas, sea-faces, airports and congested urban localities.
- iii) While selecting the site for new institutions, factors like transport facilities, water supply, electric lighting, connections with high power electric transmission lines, drainage and sewage, communication facilities (such as posts, telephones and internet) climatic conditions, facilities for the purchase of institutional supplies, have to be taken into consideration. Also, institutions like courts, civil hospitals, mental

health centres, educational facilities for children of prison personnel, should as far as possible be within easy reach.

- iv) No building or temporary structure or any installation or any electronic towers etc., other than the prison, will be constructed within 150 mtrs of the prison wall of a Central Prisons, within 100 mtrs of the prison wall of a District Prison and within 50 mtrs. of the prison wall of Sub-Prison.
- v) The architecture of institutions will be governed by two principles viz. (a) adequate protection to society through the establishment of security conditions; and (b) adequate resources which would be necessary for the successful implementation of various correctional programmes. Institutional design and architecture have to be functional.
- vi) The plan of an institution will be based on a careful analysis of inmate population, age group, custodial, requirement, diversified work, educational programmes, etc.
- vii) Closed prisons are classified into three categories that is central prisons, district prisons and sub-prisons. Authorised population for these prisons should not normally exceed 1000, 500 and 200 prisoners, respectively.
- viii) There will be enough open space inside the perimeter wall to allow proper ventilation and sunlight. The area enclosed within the four walls of a prison will not be less than 83.61 sq. mtrs per head of total capacity. Where land is scarce the minimum area will be 62.70 sq. mtrs.
- ix) No building should be nearer than 4.90 meters to an enclosure wall.
- x) The requirements of segregation of inmate groups within an institution in accordance with the prescribed principles of classification will be provided for in every building plan. The requirements of administration and supervision will also be taken into account while planning buildings.
- xi) Each region/division will have an institution for women prisoners according to local requirements. Each central, district and sub-prison will have an enclosure for women prisoners.
- xii) The existing enclosures for women in common prisons will be renovated to ensure that women prisoners do not come in view of male prisoners during their passage to and from these enclosures. These enclosures will have a double lock system - one lock outside and the

other inside, the keys of the latter always remaining with a woman guard inside. The institutions/enclosures for prisoners will have all the requisite facilities with reference to their special needs such as segregation, protection, pregnancy, child-birth and family care, health care, training and rehabilitation, etc.

- xiii) Under-trials and detenues will be lodged in separate enclosures away from convicted prisoners.
- xiv) All accommodation provided for use of prisoners, particularly for sleeping, will meet basic requirements of healthy living. Accommodation shall be built in a manner so as to ensure adequate cubic contents of air, floor space, lighting, ventilation and climatic protection. All constructions in prison department will adhere to ISI standards.
- xv) A special cell with adequate technical staff will be set up at the prison headquarter of each State to plan, monitor and supervise all constructions and repair works in the department.
- xvi) CCTV cameras shall be installed in worksheds, kitchens, hospitals, main gate, interview rooms, high security enclosures and in the premises of the barracks for monitoring purposes.

Norms for Prison Buildings

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

2.06 Main Gate

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

2.06.2 Space between two gates will not be less than 16 mtrs in length and 6 mtrs in width to facilitate gate operations and movement of fire tenders/ transport vehicles. It will have the following facilities:

- (a) A cabin
- (b) Gatekeeper enclosures
- (c) Search room
- (d) Space for search and security equipments

2.06.3 Entry to the prison will only be through a single point.

2.07 *Administrative blocks and other units*

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

2.07.2 A court room should be set up within the prison complex having the facility of video conferencing and other state of the art gadgets.

2.07.3 The reception unit will have necessary facilities for proper implementation of admission-quarantine and orientation-classification programmes. Physical facilities will be set up in accordance with the number and type of inmates to be received, and the programme to be followed for proper segregation of various types of inmates. The unit will have dormitory and single room type accommodations. Provision will also be made for following facilities: (i) a building where the inmates will be initially received, (ii) office room, (iii) interview room, (iv) store room, (v) medical officer’s examination room and exercise and recreational areas, etc. The buildings and areas where the admission programme has to be carried out will be located in close proximity of the hospital.

2.08 Housing

2.08.1 There will be three types of living accommodations as mentioned below:

- (i) Barracks with accommodation for 20 prisoners in each barrack.
- (ii) Single room accommodation for prisoners needing privacy for pursuing studies, etc.
- (iii) Cells for segregation of prisoners for the purpose of security and contagious diseases.

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

SLEEPING BARRACKS			CELLS			HOSPITALS	
Sq. mtrs	Cu mtrs	Sq. mtrs of lateral	Sq. mtrs	Cu mtrs	Sq. mtrs of Lateral	Sq. mtrs	Cu mtrs

of ground area.	of air space .	ventilation .	of ground areas	of air space .	ventilation .	of ground area.	of air space .
3.71	15.83	1.12	8.92	33.98	2.23	5.58	23.75

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

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

2.09 Barracks and Cells

2.09.1 If a barrack is flat-roofed, there will be ceiling ventilation that is, opening at intervals close to the junction of wall and ceiling 30 x 12.5 mtrs. If the barrack is gable-roofed, there will be a ridge ventilator. The minimum height of roofs or ceilings will not be less than 11 feet from the floor.

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

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

2.09.4 Each cell will have a yard attached to it where a prisoner can have the benefit of sufficient air and light. Adequate air circulation and proper ventilation shall be maintained in the barrack/cell. Though ventilation of the sleeping barracks is of the greatest importance, prisoners will not be permitted to close the windows and ventilation openings with shutters or curtains at their discretion. In new barracks, the ventilating area per head will be half a window. As standard grated window is 7 feet x 3 1/2 feet, half a window will mean 1 sq. mtrs. The ventilation will, however, be controlled according to the season wherever necessary; otherwise the barracks will be too cold and damp during winter and rainy season.

2.09.5 Where accommodation is overcrowded and does not meet the prescribed standards, secure corridors/verandas and worksheds may be used for accommodating short term prisoners and under-trials involved in minor and petty offences during night. If at any prison over-crowding is likely to continue, the excess number of prisoners will be transferred to other

institutions or camps, as the case may be, with prior approval of the Director General of Prisons.

- 2.09.6 The structural arrangements of fittings and fixtures and locking devices of barracks will be secured enough to prevent escapes. The existing wooden frames of the doors, windows and ventilators will be replaced by iron/steel frames. The iron bars used in doors, windows and ventilators will be of 25 mm. dia. and the clear distance between two bars will be 7.5 cm.
- 2.09.7 A barrack will have only one door of 2.2 x 1 mtrs and will have a single shutter. The door of a barrack will have clear opening of 1 mtr. The iron frame will be made of angle- iron of minimum of 10 mm. thickness.
- 2.09.8 The barrack windows and doors must be provided with fly / mosquito proof wire mesh. The doors will also be provided with polyethylene sheets or chick blinds, as may be necessary.
- 2.09.9 All barracks or wards should have two rows of berth only. The measurement of each berth will normally be 2 x .75 mtrs with a height of 0.45 mtrs.
- 2.09.10 Sufficient artificial light will be provided to enable the prisoners to work and read without difficulty in their barracks after dusk.
- 2.09.11 Each barrack will be provided with a first-aid kit which will be in the custody of the barrack warder on duty. The first-aid kits supplied to each barrack should not have any sharp-edged items, long gauze rolls/ tapes or other such items.
- 2.09.12 A looking mirror of unbreakable material e.g. acrylic may be fixed outside each barrack for use of prisoners.
- 2.09.13 Adequate fire safety systems will be installed in the barracks/ cells.
- 2.09.14 The barracks shall be free from tobacco, smoke and excessive noise.
- 2.09.15 Each cell/barrack will be provided with a flush toilet. All the toilets (day or night) must have atleast one washbasin installed with proper water supply per 20 prisoners.
- 2.09.16 Each bathroom should also have a system of supplying hot water through geyser or solar heater.
- 2.09.17 All prisons unless extremely unavoidable situation must have atleast one bore well installed for water supply.

2.10 *Toilets*

2.10.1 Each barrack used for sleeping will have sufficient number of attached WCs, urinals and wash places. The ratio of such WCs will be one unit per 10 prisoners. The ratio of the WCs which can be used during day time will be one unit per six prisoners.

2.10.2 Toilets will be of the sanitary type with arrangements for flushing. The standard size shall be 5'x5' (length and breadth). They will be placed on an impermeable base which will be higher than the surrounding ground and will be so built that the sun's rays can easily enter the toilets and rain is kept out. The partitions separating the toilets will be high enough to provide a reasonable degree of privacy. Toilets will be so designed that all excreta and wash materials will get into the receptacles without fouling the sites. Every seat will be provided with foot rests with an impermeable surface which will be in the right position and not too far apart. The inside walls of the toilets will be fitted with glazed ceramic tiles up to the height of 1 mtr from the floor level, as far as possible.

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

2.11 *Bathing places*

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

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

2.11.3 Each prison will have an independent standby arrangement for water supply.

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

2.12 *Kitchen*

- 2.12.1 The general kitchen will ordinarily be located at a central place inside the prison so that the distribution of food among the prisoners may be finished quickly. The kitchen will not be built close to the sleeping barracks. It will be well ventilated and lighted. It must always be kept clean and tidy. The oven will be of the type in which the heat does not escape outside and the smoke is let out by a suitable chimney regardless of the type of fuel used. The kitchen will be protected by a fly proof wire mesh all around. Sufficient number of exhaust fans will be installed and artificial ventilation may be provided if necessary. The kitchen must be provided with fly-proof automatic closing doors. It will have floors made of an impermeable material. Each kitchen shed will be provided with adequate supply of pure water which will be used for both cooking and washing. The water will be collected from taps inside the kitchen. It is desirable that no single kitchen caters to more than 500 prisoners. Cooking and serving utensils will be made of stainless steel.
- 2.12.2 The minimum space requirement in the kitchen will be 150 sq. mtrs per 100 prisoners. It will facilitate sufficient space for storage of provision articles, vegetables, dressing and cutting food, containers and cooking utensils etc.
- 2.12.3 There will be a provision for covered dinning space in prisons so that prisoners may take their meals under a roof and on a platform.
- 2.12.4 There will be two shifts of workers in the kitchen. Management of kitchen or cooking of food on caste or religious basis shall be prohibited in prisons.
- 2.12.5 The kitchen complex shall have a barrack to house the inmates employed for cooking etc.
- 2.12.6 The walls of the kitchen will be covered with tiles up to a height of 2 meters for easy cleaning.
- 2.12.7 The prisoners working in the kitchen will be provided with suitable clothing, such as apron, caps, gloves, etc. and also with 250 ml each of liquid soap and detergent on a fortnightly basis for cleaning and washing utensils.
- 2.12.8 Prison kitchens will be modernized by introducing LPG, hot plates and steam cooking. Kneading machines, chapati making machines, mixers and grinders, will also be introduced.
- 2.12.9 Adequate fire safety systems shall be installed in the kitchen.

2.13 Hospital

2.13.1 In every prison there will be separate hospitals with the necessary number of beds for indoor treatment with separate ward for men and women. All central and district prisons will provide hospital accommodation for 5% of the authorised inmate population. The location of the hospital will be as far away from the barracks as possible. Every hospital ward will be so constructed as to allow sufficient light and air. The floors and walls will be made of impermeable material. The hospitals will be provided with polyethylene sheets, fly proof wire mesh and fly proof automatic closing doors. Attached toilets should be provided in the wards so that the sick prisoners do not have to walk far to use them. There will be arrangements for continuous supply of potable water in the hospitals.

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

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

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

2.14 Worksheds

2.14.1 Areas where prisoners work will have a minimum space of 500 cubic feet per prisoner in structures that will be constructed as workshops or factory buildings; for efficient ventilation the window area will not be less than 20% of the floor area subject to such variations as are found necessary in relation to particular industries or locations to be organized. As far as possible, work sheds should be located in a single enclosure for gate control and security.

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

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

2.15 Recreational Facilities

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

Chapter III

ORGANISATIONAL AND HUMAN RESOURCE DEVELOPMENT STRUCTURE OF HEADQUARTERS/JAILS

- 3.01 The Directorate of Prisons & Correctional Services will be under the administrative control of the State Government.
- 3.02 State Government will appoint the Director General who will exercise general control and superintendence over all prisons situated in the State. The Director General/Inspector General of Prisons & Correctional Services will ensure the implementation of the provisions of the Prisons Act, 1894 through other officers as appointed by the government for assisting him at the headquarters, regional organisation, at the prisons and at other institutions under his control. The Director General will be the head of the department in respect of the Directorate of Prisons & Correctional Services and will have such administrative authority as is laid down in this Manual and as may be determined by the government from time to time.
- 3.03 There shall be two main wings at the headquarters level: (i) the Executive Wing; and (ii) the Correctional Wing.
- 3.04 The Executive Wing will be headed by an officer not below the rank of Deputy Inspector General and such officer may be assisted by officers of different ranks from the prison department. He will report to the Director General of Prisons and Correctional Services.
- 3.05 The Correctional Wing will also be headed by a Deputy Inspector General (Correctional Services), assisted by as many Officers as decided by the State Government.

Components of the Headquarter Staff

- 3.06 The organizational set-up of the Headquarters of the Department of Prisons and Correctional Services will be as follows:
- The Director General
 - Inspector General of (Police) Prisons/Deputy Inspector General of (Police)Prisons,
 - Assistant Inspector General of Prisons/ Superintendent of Police (Prisons).
 - Chief Welfare Officer (Prisons).
 - Section Officer (Audit)
 - **Deputy District Attorney/Assistant District Attorney**

- Private Secretary to DGP (Prisons).
- Superintendent Gr-I
- Superintendent Gr-II
- Deputy Superintendent Jail (Training Officer)
- Personal Assistant to IGP/ DIG Police/Prisons.
- Assistant Superintendent Jail (Prison Branch)
- Senior Assistant (Establishment)
- Senior Assistant (Accounts)
- Senior Assistant (Trg)
- Sr. Scale Stenographer/Jr. Scale Stenographer
- Head Warder (Prisoners Branch)
- Clerk/ Junior Assistant
- Steno Typist
- Warder (Prisoners Branch)
- Driver
- Motorcycle Rider
- Chowkidar
- Peon
- Other Control Room WT Staff HQ i.e. Head Warder/ Warder

Note:- The strength of the above staff shall be such as may be determined from time to time by the State Govt. in consultation with the Director General of Prisons and Correctional Services, Himachal Pradesh.

Components of the Jail Staff

3.07.1 The organizational set-up of the Department of Prisons and Correctional Services at the Jail level will be as follows:

- Jail Superintendent Gr-I
- Addl Superintendent of Jail (Gazetted Class-I)
- Deputy Superintendent Jail
- Assistant Superintendent Jail
- Welfare Officer cum Assistant Superintendent Jail
- Head Warder (Male/ Female)
- Warder (Male/Female)
- Motor Cycle Rider
- Office Superintendent Gr- II
- Senior Assistant
- Clerk/ Junior Assistant
- Store Keeper
- Driver

- Sweeper
- Peon
- Mali
- Medical Officer
- Medic/ Pharmacist
- Factory Supervisor
- Carpenter Master
- Weaving Master
- Tailor Master
- TGT
- JBT
- Male Social Worker
- Female Social Worker
- Other Supporting Staff

3.07.2 The State Government will fix the organizational set-up of Headquarters office in accordance with its area, number of inmates and number of institutions in consultation with the Director General of Prisons and Correctional Services.

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

3.08.1 The general functions of the Director General/Inspector General shall be:

- (i) to implement prison policies as laid down by the State Government;
- (ii) to plan, organize, direct, coordinate and control the various prison and correctional services;
- (iii) to define the functions and fix lines of authority and channels of command of the prison personnel; and
- (iv) to ensure inspection of Institutions with special reference to care, welfare, training and treatment of inmates, staff training, discipline and welfare, etc;

3.08.2 As the Head of the Department, the Director General/Inspector General will have all necessary financial, administrative and disciplinary powers.

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

3.08.4 The Director General/ Inspector-General may sanction any item of expenditure provided in the budget, but the sanction of State Government

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

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

Correctional Wing

- 3.09 The Deputy Inspector General will be responsible for probation services, welfare services, educational services, vocational training/skill development, premature release, recommendation of parole, leave, rehabilitation services, etc. in all prisons in the State. All officers in the Correctional Wing will assist the Head of the Prison Administration in all matters connected with the prison administration and correctional services. Their powers and duties will be fixed by the Director General of Prisons and Correctional Services from time to time.

Training of staff

- 3.10 Training Institutes shall impart training to the Prison Officers to acquire necessary knowledge and techniques. The senior and middle level officers shall be imparted basic/in service and refresher training in the regional institutes established at four regions of the country.
- 3.11 **Organization Chart of Directorate of Prisons an Correctional Services (at table 1below).**

Organization Chart of Jails.

- 3.12.1 Organization Chart of Model Central Jails (at table 2 below).
- 3.12.2 Organization Chart of District Jails Dharmshala and Chamba (at table 3 below).
- 3.12.3 Organization Chart of other District Jails/Sub Jails/Borstal Jail (at table below).

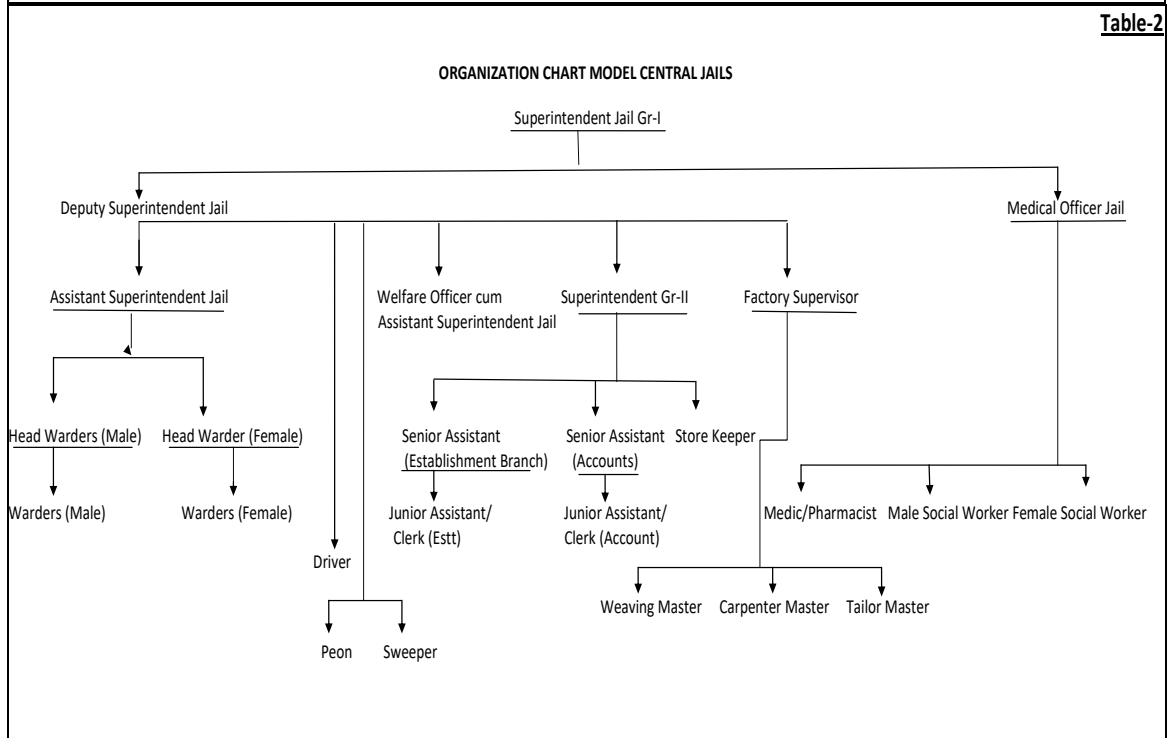
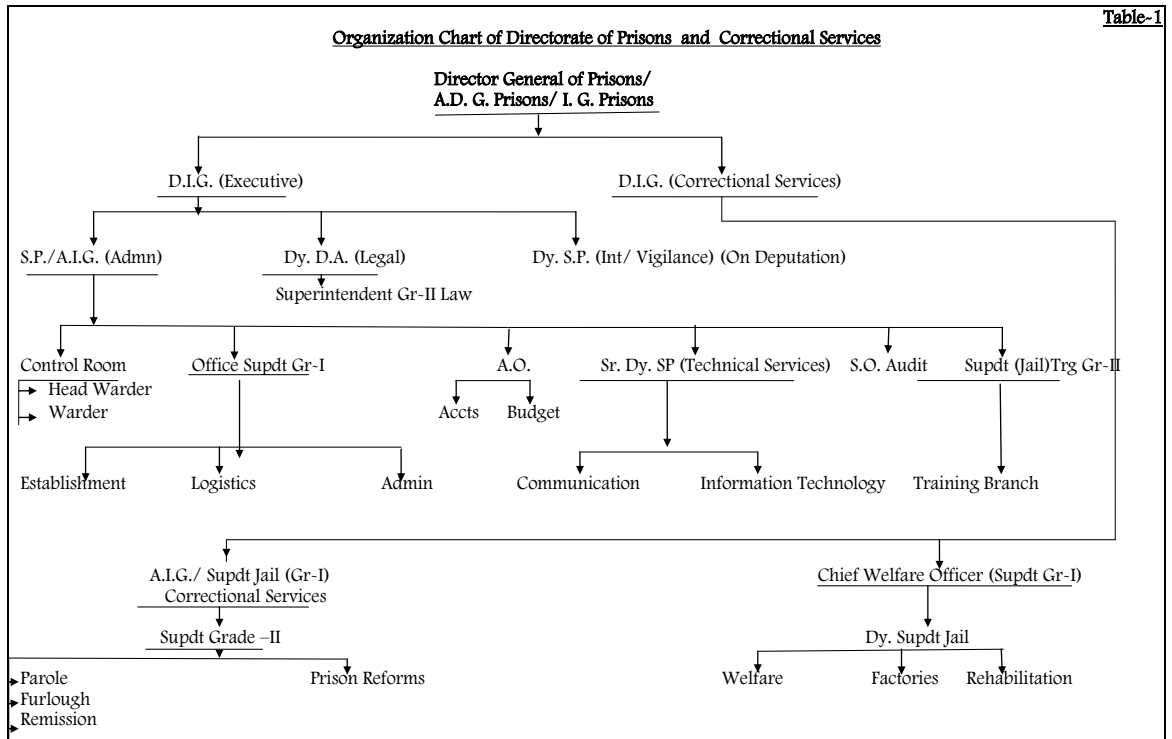


Table-3

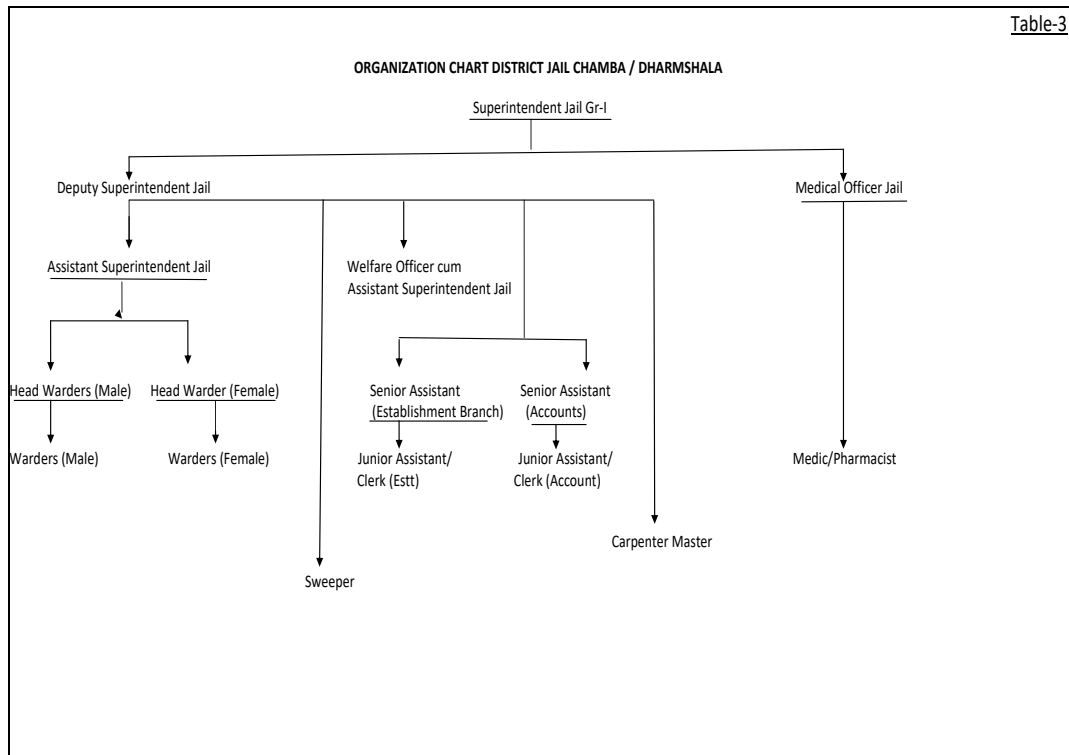
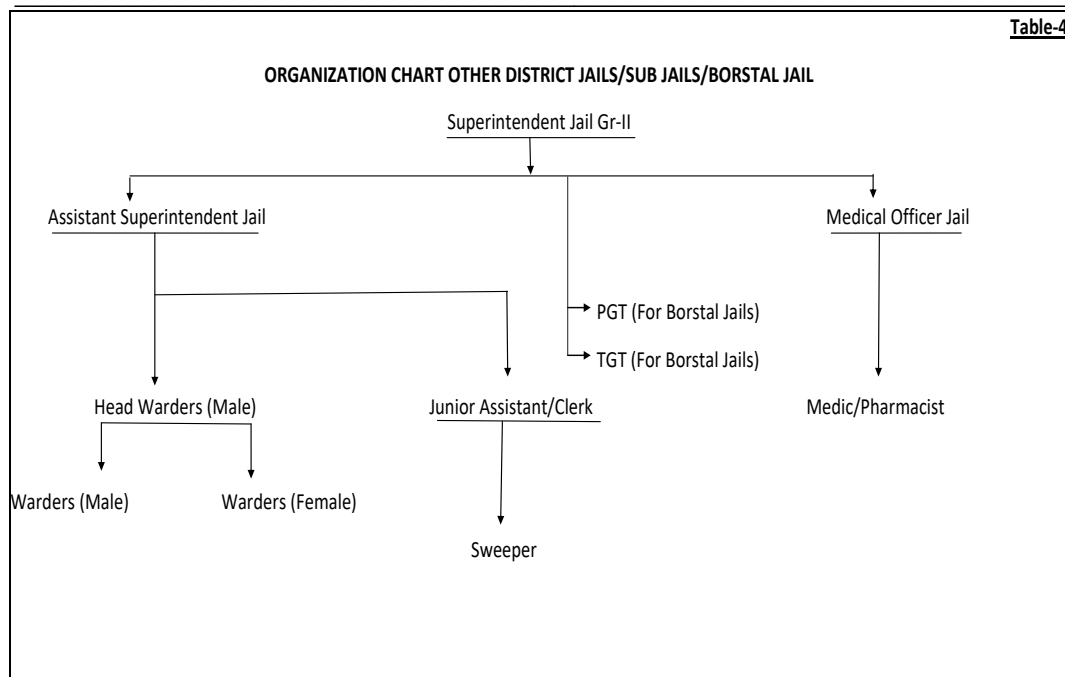


Table-4



Chapter- IV

INSTITUTIONAL PERSONNEL

- 4.01 Each institution will have personnel in accordance with the requirements of security, discipline and programme emphasis. The personnel strength will be determined according to the duty posts, taking hours of duty per day as the basis for each category of staff. The institutional set-up will be fixed in accordance with the size of the institution, the inmate population, workload and distribution of functions.
- 4.02 The strength of custodial/guarding staff will be determined keeping in view the requirements of security, discipline, programme emphasis, duty posts, workload and distribution of functions. In principle there has to be one guarding staff for every six prisoners.
- 4.03 Institutional personnel will comprise of:
- I) Executive**
 - a) Jail Superintendents Grade-I
 - b) Addl. Superintendent of Jail
 - c) Deputy Superintendent Jail
 - d) Assistant Superintendent Jail
 - II) Guarding staff**
 - a) Head Warder (Male/Female)
 - b) Warder (Male/Female)
 - III) Medical personnel**
 - a) Medical Officers
 - b) Medic/ Pharmacist
 - IV) Welfare Units**
 - a) DIG/ Sr. AIG (Prisons)/ Superintendent of Police (Prisons)
 - b) Chief Welfare Officer
 - c) Deputy District Attorney/ Assistant District Attorney
 - d) Welfare Officer/ Assistant Superintendent Jail.
 - e) Male Social Worker
 - f) Female Social Worker
 - V) Educational Personnel**
 - a) T.G.T.

b) J.B.T.

VI) Technical Personnel

- a) Factory Supervisor
- b) Carpenter Master
- c) Weaving Master
- d) Tailor Master
- e) Drivers
- g) Motor Cycle Rider

Note: Due to financial constraints if these technical posts are not created or when created are not filled up, suitable guarding personnel should be trained for these purposes and their services should be availed of by giving them special allowances.

VIII) Ministerial

- a) Office Superintendent Gr-I
- b) Office Superintendent Gr-II
- c) Sr. Assistant (Establishment)
- d) Sr. Assistant (Accountant)
- e) Store Keepers
- f) Clerk/ Jr. Assistant
- g) Miscellaneous Staff

Duties and Functions of Institutional Personnel:

- 4.04.1 The statutory duties and responsibilities of institutional personnel will be as per the provisions of the laws and rules governing prisons. There shall be at least one guarding staff for every 6 prisoners and this ratio shall be followed in all three shifts. (Note: the staff who are engaged in the industry, welfare and office shall be excluded while calculating the ratio). The number of personnel will be determined on the basis of requirements of security, discipline and programme emphasis. The institutional setup will be fixed in accordance with the size of the institution, the inmate population, category of inmates, workload and distribution of functions.
- 4.04.2 Custody, security, discipline and preventive and control action during an emergency, are the fundamental duties and responsibilities of every staff member.
- 4.04.3 The duties, responsibilities and functions will be assigned in writing to every staff member on his initial appointment. Care will be taken to ensure that

the rules, regulations, and instructions to be followed by the institutional personnel are interpreted from time to time.

- 4.04.4 A well-planned and properly regulated time-table of working hours should be prepared for each category of institutional personnel, and no staff member will be required to work for more than eight hours a day. It shall also be ensured that every incumbent gets 24 hours off-duty once a week.
- 4.04.5 The general duties, functions and responsibilities of the institutional personnel shall be as are detailed below:-

Executive

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

Superintendent of Jail Grade I and Addl. Superintendent of Jail

- 4.06.1 The Superintendent will, subject to any order of the State Government/ Director General, be in charge of the executive management of the prison in all matters relating to economy, discipline, labour, expenditure, punishment and control in general, among other things. The Superintendent, thus is responsible for developing an atmosphere that is conducive and correctional in nature and providing leadership in every aspect of prison management. He shall take care of the duties, suggestions, planning, organising, directing, guiding, coordinating, supervising and controlling all the prison activities.
- 4.06.2 The Superintendent Gr-I will be the head of the Model Central Prisons at Nahan and Kanda and will be assisted by the officers subordinate to him, including Deputy Superintendents, Assistant Superintendents, Head Warders, Warders and other technical and supportive staff. The Addl. Superintendent of Jail shall supervise the District Jail at Dharmshala and Deputy Superintendent of Jails shall supervise the remaining Sub-Jails, Open Air Jails and other institutions within his territorial jurisdiction/district. Duties of Superintendent of Jail posted in charge of Jails:
- (i) General supervision over security and custody arrangements;
 - (ii) Custody of secret and confidential documents;
 - (iii) Supervision over care and welfare of inmates;
 - (iv) Supervision over office administration;
 - (v) Control over financial matters;
 - (vi) Implementing State policy pertaining to correctional administration;

- (vii) Planning, organizing, directing, guiding, coordinating, supervising and controlling all the institutional program and operations;
- (viii) Inmate discipline and morale;
- (ix) Classification of prisoners, training and treatment program and correctional activities;
- (x) Inspection and supervision of work, employment and production program's;
- (xi) Inspection of the prison activities, prison hospital, kitchen, canteen, etc.;
- (xii) Personnel matters, staff welfare and staff discipline, allocation of duties to personnel under his control, safety of the prison personnel, protection of human dignity, rights and providing decent work conditions, acquainting institutional personnel with current policies of the correctional administration and the role they have to play in a welfare state; organizing personnel training programmes at the institutional level;
- (xiii) Reports to the Director General/Inspector General and liaison with other government agencies for the purpose;
- (xiv) Developing an institutional atmosphere conducive to the correctional role and providing leadership in every aspect of institutional management;
- (xv) Daily inspection round and weekly night inspection round;
- (xvi) Control of stock and stores, maintenance.

Deputy Superintendent Jail posted in Central Jails and District Jail Dharamshala:

4.07 The Deputy Superintendent is the chief executive officer of the Prison and is subordinate to the Superintendent. The Deputy Superintendent shall also be subordinate to the Additional Superintendent and assist him wherever necessary. He shall be generally responsible for observance of all prescribed rules and orders. His duties shall be as under:-

- (i) supervision over security, custody and discipline, supervision over care and welfare of prisoners;
- (ii) supervision over personnel matters, staff discipline and staff welfare assisting the Superintendent in all matters pertaining to institutional management;
- (iii) inspection of kitchen, canteen and visit to hospital;
- (iv) admission and release work, prison manufacturing;
- (v) classification of prisoners and their training;
- (vi) to see that the prisoners are clean in their persons and clothes and that they have the authorized amount of clothing and bedding;
- (vii) to ensure that at least once a week, he shall cause every prisoner and all clothing, bedding, workshops, wards and cells to be thoroughly searched;

- (viii) the execution of all orders regarding the labour of prisoners. He shall assign to each prisoner his work on the recommendation of the classifying Committee constituted in each Prison for the purpose. He shall also assist the Superintendent of the concerned prison and the Medical Officer. He shall ensure that the assigned works are performed by the prisoner;
- (ix) supervision of the cultivation of the garden and he shall be responsible for the adequacy of the supply of vegetables. He shall supervise the prison farm and all other outside operation;
- (x) he shall jointly with the Medical subordinate be responsible for the proper preparation and distribution of food to prisoners;
- (xi) supervise the working of the guards. At least once a week, at uncertain time, he shall visit the prison after 10.00 P.M. and satisfy himself that the standing guard is present, the sentries posted are on the alert, and that the rounds are properly maintained; and
- (xii) shall be responsible for custody of all warrants and for the strict enforcement of their terms and that no prisoner on any account is released before his due time or kept in prison beyond the termination of his sentence;

Note:- These functions and responsibilities will be discharged by the Assistant Superintendent Jails in other District Jails and Sub Jails).

4.08 Assistant Superintendent Jail

The duties of Assistant Superintendent of Jail shall be;

- (i) to assist the Deputy Superintendent in studying the psychological and mental make-up of the prisoners and taking steps to reform them;
- (ii) to be in charge of the ration stores as generally stated;
- (iii) to be directly responsible for the storing and custody of ration and other articles purchased and their issue from the stores;
- (iv) to place indents and get supplies of all articles of diet and articles required for the prisoners;
- (v) to attend to the day-to-day maintenance of stock registers and other connected records and to the proper maintenance of stock;
- (vi) to attend to the maintenance of accounts for extra articles purchased by civil debtors;
- (vii) to check the correctness of the kitchen slips, hospital indents and other indents placed on him for issue of ration and miscellaneous articles;

- (viii) to maintain separate accounts and to be responsible for the safe custody of empty gunnies and other receptacles received and disposed of;
- (ix) to weigh and issue ration and other articles for consumption;
- (x) to supervise the cleaning of grains, vegetables and other dietary articles and their grinding, if any;
- (xi) to ensure that all ration articles taken to the kitchen are actually utilized for the purpose they are meant;
- (xii) to be custodian of all civil store articles entrusted to the ration stores;
- (xiii) to assist the Deputy Superintendent and to be present with him at the time of supply of food to condemned prisoners;
- (xiv) to assist the Deputy Superintendent in searching the condemned prisoners and examining the cells where condemned prisoners are locked-up;
- (xv) to conduct interviews with condemned prisoners;
- (xvi) to assist the Deputy Superintendent in supervising the work of all guarding staff warders in the gardens;
- (xvii) to assist the Deputy Superintendent in supervision over searches, counting, opening, and closing of prisons;
- (xviii) to assist the Deputy Superintendent in all the matters pertaining to institutional management;
- (xix) to attend to any other duty that may be assigned to him by the Superintendent;
- (xx) admission and search of prisoners on their admission;
- (xxi) custody of prisoner's property except cash;
- (xxii) the removal of private clothing from prisoners on their admission, the issue of prison clothing and bedding, the correct making of metal identification discs; and the placing of prisoners in quarantine soon after their admission;
- (xxiii) the custody of prisoner's private clothing and prison clothing stores; and the issue of fresh clothing to the prisoners;
- (xxiv) the maintenance of the clothing and registers in the prescribed form;
- (xxv) conducting prisoners' interview, if conversant with the language spoken at the interview;
- (xxvi) The supervision over the proper maintenance of dairy and poultry units in prisons except the maintenance of accounts which shall be attended to by the live-stock assistant. The Assistant Superintendent shall, however, maintain the stock and the stock register for paddy straw, cholam stalk, grass, etc;
- (xxvii) The charge of the quarantine and of the civil and leper annexes where such annexes exist; and
- (xxviii) The censoring of letters addressed to and sent by the prisoners and the disposal of such letters under the order of the Superintendent.

Guarding personnel

4.09 The guarding personnel will consist of Chief Warder, Head Warder and Warders. There shall be at least one guarding staff for every six prisoners and this ratio shall be followed in all three shifts. [Note: The staff which is engaged in the industries and other welfare activities shall be excluded while calculating the ratio.] Specific duties of each member of the guarding staff on various sections/points will be assigned by the Superintendent on a rotation basis in keeping with his/her status within the cadre in the following areas:-

- (i) Security, custody, discipline
- (ii) Searches and counting of prisoners
- (iii) Opening and locking-up of the prison
- (iv) Reporting defects and shortcomings in prison buildings, walls, locks, lighting arrangements, bars taking immediate action for rectifying these and taking care of the custody of locks and keys, handcuffs and other security equipment
- (v) Care and welfare of prisoners
- (vi) Maintenance of discipline in institutional premises, gates, quarantine, barracks, dormitories, cells, worksheds, punishment yards, segregation yards, hospital, kitchen, farm and in every other section of the institution
- (vii) Sanitation and hygiene in areas under his charge
- (viii) Guarding and sentry duties
- (ix) Escorting prisoners for work, supervision of their work, care and custody of tools, property, equipment, dead stock and livestock
- (x) Supervision of distribution of food, canteen articles and inmate equipment
- (xi) Helping the technical personnel in worksheds, management and discipline, helping agricultural personnel in all related matters
- (xii) Discipline in areas where educational, cultural and recreational activities are conducted
- (xiii) Reporting violations of discipline to appropriate officers for taking immediate action as per rules
- (xiv) Observing habits and behavior patterns of inmates and reporting the same to the authorities concerned, helping inmates improve their habits and attitudes
- (xv) Taking preventive and control measures for all emergency situations
- (xvi) Discipline in staff quarters
- (xvii) P.T., drill parades and emergency practice.

Medical Personnel

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

Preventive Service

- 4.10.2 Examination of all inmates on admission and periodical reexamination, immediate provision of whatever treatment is indicated, immunization, segregation and treatment of those having contagious or infectious conditions, inspection and advice regarding diet, clothing, equipment, industrial safety, environmental and institutional sanitation and hygiene, health education for inmates and personnel.
- 4.10.3 *T.N. Mathur v. State of U.P.* (1993) Supp 1 SCC 722: It is the responsibility of the medical officer and the Superintendent to ensure that prisoners suffering from contagious diseases like tuberculosis are separated from the healthy population and treated appropriately so that the infection does not spread to other healthy prisoners.

Curative Services

- 4.10.4 Treatment of diseases, dental care, treatment of skin ailments, correction of defects of sight, hearing, speech and posture, provision of artificial limbs, glass eyes, trusses and other prosthetic devices, prescription of special diets and exercise and physiotherapy, and treatment of substance-related and addictive disorders and psychological disorders.

General

- 4.10.5 Hospital administration, hospital discipline, classification of prisoners, assessing work and employment potential of inmates, suggesting special precautionary measures where necessary for certain types of offenders, daily visit to prisoners under punishment, prisoners under sentence of death, inspection of kitchen, canteen provisions and supplies, medical treatment of personnel, assisting the Superintendent in matters pertaining to institutional management, liaison with local officers of medical and health departments.

Welfare Unit

- 4.11.1 The welfare personnel will primarily be concerned with the wellbeing of prisoners, undertaking individualized care for those needing institutional adjustment and responsiveness through correctional programs. There shall

be one Correctional Officer for every 200 hundred prisoners and one psychologist/ counselor for every 500 prisoners. The specific duties and welfare functionaries will relate to the following areas:-

Assistant Superintendent Jail, Correctional Service

4.11.2 He will be the officer in charge of this unit and all officers in this unit will be subordinate to him. He will directly report to Superintendent of Prisons in the prisons headquarters.

Welfare Officer

4.11.3 One Officer may be may be earmarked as Prison welfare officer in each central and district prison to look after the welfare and re-integration programs of prisoners. It is advisable to have at least one welfare officer for every 500 prisoners in a central prison and at least one for each district prison.

His specific duties will be as under :-

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

4.12 Deputy District Attorney/ Assistant Deputy District Attorney

The duties shall be as under:-

- (i) Advising prison authorities on the protection of human rights of prisoners within the limitations of imprisonment
- (ii) Interpreting legal and procedural rights of prisoners
- (iii) Assisting prison authorities in dealing with all prison matters pending in courts
- (iv) Arranging free legal aid for indigent prisoners
- (v) Preparing petition and appeals for deserving cases
- (vi) Assisting prison authorities in holding special courts, lok adalat and video-conferencing

- (vii) To advise prison administration in all matters having legal bearing including agreements, contacts, affidavits and court documents keeping prison authorities abreast with judicial pronouncements and directives on all prison matters.
- (viii) Attending to all legal work and other work assigned by the Director General

Psychologist/Counselor

4.13 These Counselors will be appointed in the Central Jails at Nahan & Kanda and District Jail Dharamshala.

Their duties shall be as under:-

- (i) Dealing with emotional and psychological problems of inmates
- (ii) Providing counseling to prisoners facing problems of adjustment within the prison and in relation to their families outside
- (iii) Helping inmates develop their self-image, self-confidence, and motivation for correctional treatment
- (iv) Helping the staff in understanding the problems faced by the inmates
- (v) Aiding the psychiatrist in related matters.

Educational Personnel (T.G.T./ J.B.T.)

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

- (i) Conducting diversified educational programmes for health, academics, social and moral education
- (ii) Linking prison education with mainstream education
- (iii) Screening of newly admitted inmates for the determination of their educational aptitude, abilities and interests
- (iv) Participation in Classification Committee's work
- (v) Conducting literacy, socio-cultural and spiritual development programme
- (vi) Arranging tests and examinations; periodically for assessing educational progress of inmates, changing educational programmes when necessary
- (vii) Maintenance of a library with sufficient reading material
- (viii) Audio-visual facilities

Technical Personnel

4.15.1 The technical personnel shall be responsible for the development of vocational training and diversified programmes of productive work as an important component of the reformatory process. While technically qualified and trained staff has to provide knowledge and skills for economic rehabilitation, the other technical staff will ensure proper maintenance of the prison infrastructure. Requisite staff may also be engaged for working and maintenance of prison management software, documentation, digitization of records and other related work. Their specific duties are indicated below: -

4.15.2 **Instructors**

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

Ministerial Staff

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

Accountants/ Cashier

- 4.16.2 Preparation of budget, maintenance of accounts of all branches and stores, accounts and cash, daily checking of all stores and accounts registers, financial returns, periodicals and statistics, monthly stock taking of all stores.

Store Keeper

- 4.16.3 He shall be In charge of all stores that is, grain, provision, supplies, raw material, accessories, manufactured articles, inmate equipment, personnel equipment, dead stock and miscellaneous stores.

Chapter-V

CUSTODIAL MANAGEMENT

5.01 Secure custody of inmates is the primary responsibility of the prisons. The overall objective of reform and rehabilitation has to be pursued within the framework of custody

Security and Custody

5.02 Following norms in respect of security and custody in each of prisons in Himachal Pradesh may be adhered to/implemented which are as under:-

- (i) Security measures will be adopted in accordance with the specific requirements of each prison.
- (ii) Demarcation of an 'out-of bound' area as a sterile zone around every prison premises - central prison 150 mtrs., district jails 100 mtrs, special sub-prisons and sub-prisons 50 mtrs.
- (iii) Secure walls, building gates, barracks, cells, hospital areas and other places, daily inspection of the same and proper maintenance of prison buildings and premises.
- (iv) A system of good lighting inside and around the prison with patrolling paths.
- (v) A system of thorough searches of all incoming and outgoing prisoners, articles and vehicles. Daily searches and periodical surprise searches of all prison sections and equipment.
- (vi) A central-point monitoring for the control of the movement of prisoners.
- (vii) A thorough system of the control of prohibited articles.
- (viii) A thorough system of counting prisoners.
- (ix) A system of custody and control and inspection of locks, keys, handcuffs and other security equipment, maintenance and service of all security equipment
- (x) A system of custody, control, inspection and counting of tools, equipment etc and patrolling in the factory area.

- (xi) A system of accident prevention and of meeting requirements during emergencies such as escapes, riots, assaults and fires
- (xii) A system of fire arms control, quarter guard, magazine and weaponry practice.
- (xiii) Adequate guarding and security measures by adopting proper norms for staff and equipment, and periodical testing and inspection thereof, by executive personnel.
- (xiv) Effective system of censoring prisoners' mail and checking of interviews.
- (xv) Utilization of local intelligence branches wherever necessary and maintaining an intelligence system to collect information within the prison.
- (xvi) Installation of close circuit television system and other electronic gadgets to effectively monitor and maintain a close watch for any breach of security inside the prisons.
- (xvii) Watch towers, wherever necessary, to watch inside and outside of the prison, to be constructed and searchlights and binoculars shall be made available.
- (xviii) Installing power fencing on the walls of prisons wherever necessary to prevent escapes, ensuring safety of the prisoners' lives.
- (xix) A system of thorough search for unearthing explosives and narcotic substances among prisoners.
- (xx) Effective wireless communication system and intercoms to be established within the prison and also from one prison to another.
- (xxi) Constructing a second security wall in every prison, making the prison building as inaccessible an area to the general public as possible, and also to avoid trespassing.
- (xxii) A good road inside and outside the main walls for better patrolling.
- (xxiii) Effective segregation of prisoners on the basis of security requirements.

- (xxiv) Installation of high pitch sirens to alert prison staff, public and nearby police stations about any untoward happening.
- (xxv) Untrained personnel not be posted inside the prison, prison premises, under any circumstances for guarding purposes.
- (xxvi) Electronic gadgetry may be used for guarding purposes, anti sabotage check and surveillance purposes.

Guarding Establishment

- 5.03 There will be a guarding establishment in every prison, responsible for the guarding of prisoners, prison premises, gate and carrying out any other duties which may be assigned to them. The guarding establishment shall include the Warders, Head Warders and higher ranks performing their duties in rotation.

Quick Reaction Team

- 5.04 In all the Central Jail at Nahan, Kanda and District Jail at Dharamshala, there will be a Quick Reaction Team consisting of eight to twenty warders, who have undergone commando training, with use of modern weapons and unarmed combat. This Quick Reaction Team shall be under the charge of the Assistant Superintendent and will always be ready in the guard room to meet any emergency. The SOP on the Quick Reaction Team shall be available in each prison.
- 5.05 The Quick Reaction Team will be divided into two groups used on alternate days to handle any emergency in the prison. They will be kept on alert with facilities for fast movement. The Quick Reaction Team will be used for its specified duties only. As far as possible, the Quick Reaction Team must be selected from young warders.
- 5.06 Personnel in the Quick Reaction Team will carry the required modern weapons like pistols, carbines, S.L.R., pump action guns and authorised quality of rubber bullets, plastic bullets and live ammunition so that these can be used in emergencies.
- 5.07 The Superintendent of Prison will personally satisfy himself that the Quick Reaction Team is properly trained, equipped and alert at all the time. When the Quick Reaction Team is detailed, each man under it will carry the authorized ammunition.
- 5.08 When one set of the guard is relieved, all arms and ammunition will be handed over to the relieving guards. The Assistant Superintendent on duty will be responsible for the correct handing over of arms & ammunition.

Armed Sentry

- 5.09 The watch towers and the main gate will be guarded by armed sentries and other portions of the prison will be guarded by warders without arms. The warder establishment will supply sentries and guards to the internal and external posts. All these guards and sentries will perform duties in rotation.
- 5.10 Armed sentries will perform duties in two hourly shifts. It shall be the duty of a sentry, both in day and night, to challenge all unknown or suspicious persons approaching his beat, forbidding them to approach nearer unless they can satisfactorily account for themselves or, at night, give the password. No convict will be permitted to approach within 5 mtrs of any sentry. It shall be the duty of a sentry to resist all attempts to break into or out of the prison or of any part of it and to prevent escapes or illicit communication with prisoners. At night every sentry will report to the Patrolling Officer if anything suspicious or unusual comes to his knowledge. He will give the required assurance that all is well each time the Patrolling Officer passes by.
- 5.11 The sentry on duty will carry the required arms and ammunition and wireless equipments which will later be handed over to the relieving sentry.

Relief and Supervision of Sentries

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

Morning and Evening Muster of Reserve Guard

- 5.13 Before the prison is unlocked in the morning the Quick Reaction Team and warders whose duties for the day have not been fixed will be mustered under arms outside the main gate, and the Assistant Superintendent will at once post the day sentries. The guard will be drilled and afterwards shall remain under arms till the entire team is marched out and dismissed to the guardroom. The Quick Reaction Team will again be under arms from the hour fixed for the cessation of work till the prisoners are locked up for the night.

Salutes by Armed Guards

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

TABLE

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

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

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

General Guarding Duties

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

Guarding Requirements

- 5.17 The charter of functions of the guarding staff shall be as under:-
- (i) The sentry or guard will on no account quit his post without being relieved. In case he finds himself incapacitated due to sudden illness or any other reason to perform his duties, he will send intimation to this effect to the officer in charge who will make necessary arrangements.
 - (ii) No sentry or guard while on duty will take off his uniform, except while taking his meals or while resting.

- (iii) Guards and sentries will be made to understand their duties and responsibilities. They will not hold any communication with any prisoner, unless it is required as a part of his official duty.
- (iv) The officers and men of the Guard are strictly prohibited to bring anything from outside the prison to any prisoner and from receiving anything from a prisoner to be conveyed outside the prison.
- (v) In case any prisoner attempts to escape, the guard will at once raise an alarm and will also prevent damage to government property.
- (vi) All guarding personnel, being part of essential services, will be deemed to be on duty round the clock and will not to be allowed to leave the premises without permission of the competent authority.
- (vii) The Assistant Superintendent and Chief Head Warder will maintain a daily report book in which they will record all important events and reports of disposals or incorporation to be shown for appropriate action.

Maintenance of Duty Roster

- 5.18 A Duty Roster will be maintained in each prison and institutions for young offenders. The authorized officer will be responsible for the proper maintenance of this register. The register will contain all the names of guards on duty with their hours of duty and their signature for having understood the duty hours. The register will be sent to the Superintendent through proper channel every day for checking and getting his signature.
- 5.19 It shall be the responsibility of the Assistant Superintendent and the Deputy Superintendent to ensure that the warders stick to their post according to the Duty Roster and any violation in this regard will be immediately brought to the notice of the Superintendent. The Superintendent will also verify this during his surprise visits to different parts during day and night. Care will be taken that the night duty is allotted in rotation.

Custody of Arms

- 5.20 The concerned Assistant Superintendent will be responsible to make sure that arms are never left within the reach of prisoners. All necessary arms when not in use will be kept in the guardroom. The approach to the guard room will be from outside the main gate.

Custody of Articles Facilitating Escape

- 5.21 The Dy. Supdt., Asstt. Supdt. and guards will be responsible to ensure that no ladders, planks, bamboos and ropes, which are likely to facilitate escape, are left lying about. If such materials are to be taken inside for use these will be properly escorted and will be sent out of the prison after use. Every warder in charge of a workshop will be responsible to see that all such articles are

properly secured and put away when work ceases and give a certificate to that effect in the lockup register.

Use of Weapons against Prisoners

- 5.22 Any officer, or member of the guarding staff, of a prison may use non lethal arms and bayonet, or any other weapon, against any prisoner when he is found to be;
- (i) escaping or attempting to escape if the officer or member of the guarding staff has reasonable ground to believe that he cannot otherwise prevent the escape;
 - (ii) engaged in any outbreak or attempt to force or break open the outer gate or enclosure wall of the prison individually or collectively, provided that he may use the weapon only if such an outbreak or attempt continues; and
 - (iii) using violence against officers of the prison or other persons, provided that there is reasonable ground to believe that the officer of the prison or any other person is in danger of loss of life or limb or that serious injury is likely to be caused to such officer/person.
- 5.23 Before using firearms against prisoner, the officer, or the member of the guarding staff, will give a loud and clear warning to the prisoner that he is about to fire on him.
- 5.24 No officer of the prison will use arms of any sort against a prisoner in the presence of his superior officer, except under the orders of such a superior officer, or if it is in self defence.
- 5.25 In all cases requiring the use of force only minimum force, in the given circumstance, shall be used.

Security of Locks and Bars

- 5.26 All locks and bars and other fastenings must be regularly checked by the warder in charge and a report to this effect must be given to the Assistant/Deputy Superintendent.
- 5.27 All duplicate keys for the locks shall be kept in a sealed box under the custody of the concerned Deputy Superintendent. No keys shall be left behind unaccounted for and no prisoner will have any access to the prison keys. All the block keys when not in use shall be kept in an almirah or key box at the gate or at the tower in the custody of the gate keeper or Chief Head Warder (Tower), as the case may be.

- 5.28 Every prison will be equipped with a generator with an automatic switch so that if power fails, the generator automatically switches on and all security gadgets will function without any interruption.

Dynamic Security

- 5.29 Prisons will be run on the basis of dynamic security. Dynamic security depends on the use of alternative methods for which interaction with prisoners will be a pre-requisite to make them aware of what is going on and to ensure them that they are being kept in safe and humane environment. It is not only means of preventing escape but also maintaining constructive relations with prisoners. The staff will also be made to understand that security not merely implies guarding the wall and fence and electronic surveillance, but also action engendering a sense of protection and mutual trust.

Admission of Prisoners

- 5.30 No person will be admitted in a prison as a prisoner unless accompanied by a writ, warrant or order in the prescribed form, signed, dated and sealed by the competent authority. There will be a separate writ, warrant or order for every prisoner, even if two or more prisoners have been jointly charged.
- 5.31 Before admitting a prisoner, the Assistant/Deputy Superintendent will examine the warrant and by questioning the prisoner regarding his name and other particulars, and by verifying the identification marks of the prisoner with those mentioned in the warrant, will satisfy himself that he is the person referred to in the warrant. In the event of a prisoner refusing to answer the Assistant/Deputy Superintendent, or denying the accuracy or the particulars entered in the warrant, the officer on duty will request the officer in charge of the Police or Military escort to identify the prisoner on the basis of information at his disposal as the person named in the warrant. All such information will be recorded in the relevant window of e-prison software implemented in the Prisons in Himachal Pradesh.
- 5.32 A manual/ handbook containing rights and duties of the prisoners as provided in Appendix – 1 shall be handed to the prisoner upon admission.

No prisoner to be admitted at night

No prisoner shall except on transfer from another jail, be admitted into any jail before sunrise and after sunset.

Provided that this restriction will not apply in the case of-

- (i) women under-trial prisoners, who may be admitted in jails at whatever time presented for admission by the police and on all days including Sunday and jail holidays; and

- (ii) male under-trial prisoners, in respect of whom it is reported by the Police on their warrants by a red ink entry that they have got to be identified in an identification parade, who shall be admitted in jails at all hours on all days including Sunday and Jail Holidays.

NOTE: All prisoners including under-trials returning from courts will be admitted in the jails after lockout till half an hour after the working hours of the courts as prescribed by the Government from time to time. In case of courts situated in mofussil Towns involving long journey, the jail may be opened to admit convict and under-trial prisoners between sun-set and sunrise.

Food of prisoners on transfer

Prisoners on transfer or about to be sent to Court shall receive a meal of cooked ration before starting.

Where a journey exceed 18 hours and the transfer is from or to a sub jail in the hills the warder in charge, or the officer-in-command of the Police escort, as the case may be, shall receive subsistence allowance for each person at the rate of normal diet expenses of food per prisoner for the purchase of food, similarly when the transfer is from any other jail the subsistence allowance shall be at normal diet expenses on food per prisoner for the purchase of food. All advances for subsistence allowance or for contingent requirements shall be accounted for by the officer to whom the money is entrusted.

It will be the duty of the police escort to see that prisoners who have not been in jail previously have their food before they are taken to the jail if they are likely to arrive there too late for meals. Unfed prisoner shall not be admitted in to a jail after-

- (i) 3 p.m. during winter from 1st October to 31st March.
- (ii) 4 p.m. during summer from 1st April to 30th September.

Procedure of Warrant

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

irregular, he may receive the prisoner subject to reference to such tribunal or authority, as the case may be, for orders.

Examination of Warrant

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

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

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

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

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

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

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

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

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

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

Copy of Warrant returned for correction to be kept

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

Procedure when the legality of a Warrant is in doubt

- 5.37 When an officer in charge of a prison doubts the legality of a warrant or order sent to him for execution, or the competency of the person whose official seal and signature are affixed thereto to pass the sentence and issue such warrant or order, he shall refer the matter to the government, by whose order on the case he and all other public officers shall be guided as to the treatment of the prisoner.
- 5.38 Pending a reference made under para 5.37, the prisoner shall be detained in such manner and such restrictions or mitigation as may be specified in the warrant or order.

Checking of Prisoner's Property

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

Prisoners to wash themselves and their clothing

- 5.40 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. In such cases special care will also be taken to clean the prisoner's person.

Search of Prisoners on Admission

- 5.41 Prisoners will be thoroughly searched by a prison official. Female prisoners will be searched by female staff. Prisoners will wash and be searched in their yard or respective cell and not in the presence of other prisoners. Searches of prisoners will be made, with due regard to decency and with reasonable privacy.

Removal of Articles from Prisoners

- 5.42 During the search, every article, whether clothing, bedding, jewellery, money documents or otherwise, will be taken away from the prisoners to whom prison clothing and bedding will be issued in accordance with the

rules. From prisoners every article will be taken away except personal clothing. Other necessities of life such as bedding will be permitted by Director General/Inspector General of Prisons.

Reception Ward

5.43 Prisoners, on first admission to prison will be kept in a separate reception ward until the initial formalities for his placement there are completed. The procedure to be adopted on their admission will be as under:

- (i) Haircut and shave, issue of soap and disinfecting lotion
- (ii) Disinfection and storing of prisoners' personal clothes and other personal items
- (iii) Issue of disinfected prison clothing, bedding and utensils
- (iv) Issue of authorized personal belongings
- (v) Housing as per the principles of basic segregation
- (vi) A thorough medical examination within 24 hours
- (vii) Attending to immediate and urgent needs of prisoners, like letters, interviews, family welfare, immediate personal problems, etc.
- (viii) Verification by the Deputy Superintendent/Assistant Superintendent in charge of admission of committal papers, identification marks, entries in registers, prisoners' cash property, appeal and other legal matters, etc.
- (ix) Finger printing and photograph as per rules and capturing of biometric coordinates and Adhaar details.
- (x) Identification of prisoners suffering from substance related and addictive disorder.

Orientation

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

Preparation and Maintenance of History Tickets

5.45 Immediately on reception of a prisoner into prison, a History Ticket shall be prepared for and provided to him. Such History Ticket shall be maintained in the manner hereinafter provided, throughout the period during which such prisoner remains in confinement. His records will also be entered in the digital database of the prison.

5.46 Every History Ticket shall contain the following particulars:

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

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

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

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

5.49 A duplicate history ticket will be issued when original history ticket is lost. The new history ticket will be marked duplicate and signed by competent authority. The ticket will be reconstructed by registering all previous entries.

Recording of entries by Medical Officer

5.50 In the heading of the History Ticket of every prisoner, the Medical Officer shall enter, or have entered under his supervision the following:

- (i) The prisoner's weight on admission
- (ii) His state of health
- (iii) The class of labour for which he is fit, if sentenced to labour
- (iv) Whether he has been protected by vaccination/ inoculation for smallpox.

5.51 The Medical Officer shall maintain a Medical History Sheet to record the following details pertaining to the day-to-day medical condition and treatment provided to prisoners in the prison hospital:

- (i) Details of the vaccination given and the result.
- (ii) Admission to and discharge from hospital on every occasion, with the disease for which admitted.
- (iii) Admission to and discharge from the convalescent group.
- (iv) Any complaint made by the prisoner of sickness or report of his sickness.
- (v) The action taken on any direction or recommendation of the Medical Officer or Medical Subordinate.
- (vi) The fortnightly or weekly measurement of weight.

Particulars to be entered and the officers to enter them

5.52 On the History Ticket of every prisoner, the following entries may be recorded:

- (i) The date of admission into prison
- (ii) The number and name of every article of clothing and equipment issued on admission and later
- (iii) The particular work and task in weight, number or measurement, to which the prisoner is put
- (iv) Every change of work or task for reasons other than medical
- (v) Application for a copy of judgement, if the prisoner desires to appeal
- (vi) Receipt of the copy of judgement
- (vii) Dispatch of appeal
- (viii) Substance of the order of the appellate court
- (ix) The fact of an appeal not having been made before the expiration of the term allowed for appealing
- (x) The amount of remission awarded quarterly
- (xi) The total remission in days earned up to the end of each quarter
- (xii) Every prison-offence alleged to have been committed
- (xiii) Every interview allowed and the receipt or dispatch of private letters
- (xiv) Dispatch to a court, or transfer, discharge, escape or death
- (xv) Any recommendation of the Factory Manager or the Deputy Superintendent
- (xvi) Action taken on any order entered by the Superintendent
- (xvii) The number of cells in which placed on account of warrant confinement
- (xviii) The total confinement undergone on warrant on each occasion of removal, etc.

5.53 Entries relating to points (i), (ii), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), (xiii), (xiv), above may be entered by the Dy. Superintendent or Assistant Superintendent. Entries relating to point (vii) may be entered by the Assistant Superintendent or any other officer authorised to award remission, and point (xviii) by the Medical Subordinate or by an Assistant Superintendent or Dispenser if deputed to assist him. Entries relating to point (iii) shall be entered by the Factory Manager, when there is not an officer of this grade, it shall be entered by the Deputy Superintendent, but in large jails a portion of the duty may, under the orders of the Superintendent, be performed by the Assistant Superintendent, Chief Head Warder/Head Warder. The duty of making entries regarding point (iv) and (xvi) shall not be delegated to any officer subordinate to the Deputy Superintendent.

5.54 Entries to be made by the Superintendent: On the History Ticket of every convict, the Superintendent shall record;

- (i) any special order he may have to give related to any prisoner, e.g. the imposition or removal of fetters, permission to hold an interview or write a letter, separation by night;
- (ii) the award of every punishment;
- (iii) sanction for employment on extra - mural work;
- (iv) Promotion to the grade of Convict-watchman, Convict-overseer or Convict-warder; and
- (v) the award of special remission.

Custody and Management of History Tickets:

- 5.55 The History Ticket of each prisoner shall be kept in safe custody of the in-charge prison officer, and shall be produced by him whenever required by senior officers. The History Ticket shall accompany the prisoner whenever he is transferred from one group to another, or from one kind of work to another or is sent to a hospital.
- 5.56 At the weekly parades, each prisoner shall hold his ticket in his hand for inspection. The History Ticket shall be produced, with the prisoner, whenever he is reported for an offence, or is brought before the Superintendent or Medical Officer for any reason.

Retention of History Ticket after release or death:

- 5.57 The History Ticket of every prisoner shall be retained in safe custody;
- (i) in the event of his escape , for one year;
 - (ii) the event of his release, for one year;
 - (iii) in the event of his death, for two years after it occurs; and
 - (iv) in the event of release on bail, for a year after the result of appeal is known.

Admission Register

- 5.58 There will be an Admission Register for all prisoners admitted to the prison. Where possible, this register will be maintained in electronic form. The admission register will contain basic description of the prisoners in terms of name, parentage, home address, Adhar number of Indian Prisoners/ passport details in case of Foreign National prisoners and any other identity proof in the absence of Adhar/Passport, legal status, date of admission, committal courts. This register will be maintained by Assistant Superintendent or equivalent in prescribed form. The entries in this register will be numbered serially.

Personal Information System

- 5.59 The use of advanced technology/ software systems in the form of Personal Information System (PIS) should be encouraged for recording personal

details of inmates including for maintaining a record of their personal belongings and property (as mentioned in para 5.39).

Use of Register number

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

Record of date of release, etc.

5.61 In the case of convicts, the date on which the sentence will expire will be entered in the Convict Register. If the convicts are under sentence for less than three months, an entry of his number will be made in the release diary to be released under that date, but if the sentence is for three months or more, the date of expiry will be entered on his Remission Sheet. At the same time, the prisoners' register number, name, sentence, date of sentence and date of release will be endorsed on his warrant and the endorsement will be signed by the Competent Officer after examination and comparison with the body of the warrant and with the entries in the Convict Register. In cases where imprisonment is awarded in default of payment of fine, the alternative dates of release will both be included in the endorsement on the warrant, in the Convict Register, release diary and Remission Sheet.

Custody of Warrants

5.62 Prisoners' warrants will be arranged according to dates of release and kept in monthly bundles, the warrants of prisoners to be released in a particular month being placed in one bundle and each bundle being docketed outside with the month and year. They will be kept in a locked drawer or almirah of which the Assistant/Deputy Superintendent will keep the key. Copies of judgements, orders of appellate courts and orders of government, disposing of prisoner's petitions, together with correspondence relating to payment of fine, classification and the other connected records will be filed and kept with the warrant of the prisoner to whose case they relate. The final disposal of warrants will be made as prescribed in the rules.

Medical Examination of Prisoners

5.63 The weight of prisoners on admission will be taken in the presence of the Medical Officer and be verified by him. If the Medical Officer is not present when prisoners are admitted to prison, they will be weighed by the medical

subordinate on duty during admission if possible and in any case not later than the following morning. Their weight will be noted at the time in a book kept at the main gate, to be subsequently verified by the Medical Officer when their examination takes place. The Medical Officer will carefully examine the prisoner and will himself record the findings in the proforma (see Appendix - 2) for health screening on admission. The Medical Officer will also supervise the entry of the prisoners' identification marks, which may be noted by the Medical Subordinate. Medical examination of prisoners will be made with due regard to decency. The medical officer will also take blood sample of jail inmates on admission for DNA profiling to make common data base of Jail inmates.

- 5.64 If a prisoner looks younger than his age, the matter may be referred back to the court concerned after the due medical examination on the determination of his/her age for further directions, as no juvenile shall be kept in prison in any case and they are sent to the juvenile institution laid down in the Juvenile Justice Act.

Certification of Appropriate Class of Labour

- 5.65 In the case of convicts sentenced to rigorous imprisonment or imprisonment for life, the Medical Officer will enter the class of labour on which he will be employed in the appropriate column of the Convict Register and History Ticket. A corresponding entry will also be made in the History Ticket of the convict.

Chapter VI

MAINTENANCE OF PRISONERS

Food

Prisoners not to possess, receive or consume any article not prescribed.

- 6.01 Subject to the provision of section 31 of the prisons Act, 1894, and the rules made thereunder, as to civil prisoners and un-convicted criminal prisoners who are permitted to maintain themselves no criminal or civil prisoner shall at any time receive or possess, or be permitted to receive consume or possess any article of food or drink not provided for or supplied to him in the manner hereinafter in these rules provided in that behalf.

Daily issue of prison diet in three meals.

- 6.02 Every convict and every un-convicted criminal or civil prisoner who does not maintain himself shall, when not lawfully subjected to punishment by penal diet, or placed on special diet, on medical grounds by proper authority, daily receive the scale of prison diet provided for prisoners of the class to which he belongs.

Food to be issued as diet in three meals.

- 6.03 The food of prisoners other than those sick in hospital, shall ordinarily be issued in three meals as follows-
- (i) Early morning meal-half the bread, half the vegetable ghee and the whole of the dal;
 - (ii) middle meal Buns etc.,
 - (iii) evening meal the remainder of the bread and oil with the whole of the vegetables.
- 6.04 The early morning and mid day meals may be inter changed at the discretion of the medical officer.

Power to fix scales of prison diet.

- 6.05 The Director General /Additional Director General/Inspector General with the previous sanction of the State Government shall fix the scale of prison diet to be provided in respect of each class of prisoners and, with the like sanction may, from time to time-
- a) vary the scale of prison diet generally or that prescribed in respect of prisoners of any class;

- b) prescribe a special scale of prison diet in respect of the prisoner confined in any jail or in the jails situated within any specified local area; and
- c) prescribe a special scale of prison diet in respect of any period or periods of time during any season of the year.

Scales of diet for prisoners of various classes.

6.06 The scales of prison diet from time to time prescribed, shall contain provision in respect of prisoners of each of the following classes namely:-

(A) convicted criminal prisoners and unconvicted criminal prisoners who do not maintain themselves,

- (1) Adult male
 - (a) when subjected to labour;
 - (b) when not subjected to labour;

- (2) adult females
 - (a) when subjected to labour;
 - (b) when not subjected to labour;

(B) Civil prisoners: when diet money is not provided;

(C) Civil or criminal: prisoners when in hospital;

(D) Female Prisoners: when nursing infants which are permitted to reside in the jail.

6.07 Provision shall also be made in the scales prescribed under clause (1), for the diet to be allowed in respect of any infant permitted to reside in jail with its mother (who is a prisoner) or after the death of its mother.

6.08 Copies of the scales of diet for the time being in force in any jail, shall be exhibited in the manner provided, in regard to the exhibition of copies of rules in section 61 of the prisons Act, 1894.

Powers reserved to medical officer to vary prison diet.

6.09 Nothing contained in the foregoing para shall be deemed in any way to limit or restrict the power of the Medical Officer, in his discretion, at any time, to prescribe any special diet in respect of any prisoner or to direct the manner in, extent to, and period for, which the prescribed scale of prison diet shall be varied or supplemented in the case of any such prisoner:

Provided that it shall not be lawful for the Medical Officer to vary in any case, the scale of prison diet for the time being prescribed by way of punishment, or otherwise than in the manner in, to the extent, and for the period for which may, in such Medical Officer's opinion, be expedient to do so on medical grounds and for

the benefit of the prisoner concerned, except with the sanction of the Director General/Inspector General.

Scale of diets

6.10 The following scales of diet are prescribed for prisoner in the jails of Himachal Pradesh.

6.11. When Ghee is issued to convalescents in lieu of oil, one-fourth of 60 gm per prisoner per day is allowed.

Class of Prisoner	Dal Urad	Dal Masur	Dal Moong	Dal Gram	Wheat Atta	Gram for parching	Salt	Condi-ments	Vegeta-ble	Vege-table Ghee	LPG
1.	2. Gm.	3. Gm.	4. Gm.	5. Gm.	6. Gm.	7. Gm.	8. Gm.	9. Gm.	10. Gm.	11. Gm.	12. Gm.
Labouring diet Male convicts over 18 years of age sentenced to rigorous imprisonment.											
	85	85	85	85	580	60	15	16	250	15	130 in summer /135 in winter
Male convicts over 18 years of age sentenced to simple imprisonment who labour voluntarily. Adult male unconvicted criminal prisoners.											

NOTE 1: Adult labouring prisoners in the Female Jail shall receive grains on the scale allowed to adult labouring male Prisoners.

NOTE 2: The dietary of adolescent convicted prisoners will be 115gm of flour daily in excess of the scale.

NOTE 3: Dal of the same kind should not be issued on two consecutive days.

NOTE 4: Atta or Rice @ 580 gms, per day for Male and Female and Children @ 465 gms. will be issued.

Halva shall be issued to all prisoners in the following festivals:-

- (i) Independence day,
- (ii) Republic day,
- (iii) Holi,
- (iv) Buddha purnima,
- (v) Janama -Ashtami
- (vi) Diwali,
- (vii) Id –ul fitter,
- (viii) Id-ul Zuha
- (ix) Guru Nanak Birthday,
- (x) Guru Gobind Singh’s birthday,
- (xi) Christmas day,
- (xii) Easter Sunday.

The Halwa should be cooked out of their rations of Gur ghee and atta.

NOTE 5 : Seasonal vegetables such as carrot cucumber and radish may be issued to prisoners in raw form in addition to cooked vegetables up to a maximum of 250 grams per prisoner or less subject to their availability in the jail garden if grown voluntarily by the prisoners.

NOTE 6 : Parched gram may be purchased from the market.

- 6.12 Each prisoner shall be issued a cup of tea twice daily measuring 250 grams (1/4 litre) which will be prepared according to the following formula:

40 cups (250 grams each) of tea.

Milk	1 Kg.
Sugar	800 Grams.
Tealeaves	60 Grams.

Grains that may be issued in the dietary

- 6.13 Wheat of good quality suitable for consumption, shall be issued to all prisoners throughout the year.

Diet of convalescent prisoners

- 6.14 Every prisoner in the convalescent group shall ordinarily receive wheaten bread daily. He may, on the order of the Medical Officer, receive up to 450 ml. of milk with 30 gms. of Gur or 120 gms. of meat or dahi daily in addition to the diet to which he is ordinarily entitled. More diet should only be given in lieu of an equivalent of dal in the diet scale.

Scale of diet in hospital

6.15 The prisoners admitted to hospital shall be provided diet as per recommendation of the Medical Officer.

Extra articles of diet for the sick.

6.16 The medical officer is authorized to order such extra articles of diet to sick prisoner in the hospital, as may, in his opinion appear to be necessary and to fix the hours at which the food is to be distributed.

NOTE : Whenever meat is prescribed as or included in the extra diet of a prisoner sick in Hospital fuel and condiments at the following scales shall be allowed, in addition to be issued as under:-

Fuel 240 Gms. ----- for each 240 gms. of meat.

Salt 7 Gms. ----- Ditto

Condiment 3-1/2 gms. ----- Ditto

Extra diet for nursing mother.

6.17 A nursing mother admitted to jail with her child shall receive, in addition to the ordinary diet sanctioned for a female prisoner, 120 gms. of flour baked into bread and 30 gms. of dal daily.

Diet scales for children.

6.18 A child admitted to jail with its mother shall receive according to age one or other of the following allowances of food fairly:-

a) If under 12 months 360-ml. of milk, 15 gms. of sugar.

b) If over 12 and under 18 months 460 ml. of milk, 120 gm. of rice, 30 gm of dal and 7gms of salt.

c) If over 18 months 230 ml of milk, 230 gms of flour, 30 gms. of dal and 7 gms. of salt.

6.19 Extra diet when necessary shall be given as the Medical Officer may direct.

6.20 Every prisoner shall receive daily in the food supplied to him, such quantity of salt and other condiments as may be necessary to render the food wholesome and reasonably palatable or for the benefit of the health of the prisoner, and the daily scale of such condiments to be allowed shall be specified in the scales of diet from time to time prescribed under these rules.

6.21 Between the 1st day of April and the 31st day of October in each year, every prisoner shall be supplied daily with such antiscorbutic in such quantity, as the Director General/ Inspector General may from time to time, by general or special order in that behalf, prescribe, provided that nothing herein

contained shall be deemed to limit the power of the Medical Officer at any time to direct the supply to any prisoner or class of prisoner of such antiscorbutics as may, in his opinion, be necessary.

Constituents of condiments.

6.22 The condiments to be issued daily to all prisoners throughout the year, shall consist of the following articles in the proportion specified below for each prisoner:-

Turmeric	--	2 gms.
Chillies	--	2 gms.
Garlic	--	2 gms.
Onion	--	8 gms.
Coriander	--	2 gms.
Total	--	16gms.

6.23 If turmeric is not supplied the other three ingredients may be increased, but the portion of chillies should never exceed 2gms. per prisoner.

Condiments in extra mural labour jails.

6.24 In extra mural labour jails the condiments shall also be mixed in the same proportions as specified in paragraph 6.22. If turmeric is not supplied the other three ingredients may be increased but the proportion of chillies should never exceed 2 gms. per prisoner.

Antiscorbutics and the period of issue

6.25 From the 1st April to the 31st October one or other of the following Antiscorbutics shall be issued daily in the jail dietary to all prisoners in the quantity per prisoner given against each kind and in addition to the condiments:-

Lime Juice	--	30 gms.
Amchur	--	5 gms.
Tamarind (free from husk and seed).	--	3-1/2 gms.

Food to be varied

- 6.26 The food of prisoners keeping in view the economy measures may be varied occasionally, with the different kinds of dals, vegetables and antiscorbutics which may from time to time be issued.

Duty of Director General /Inspector General to ensure adequate supplies.

- 6.27 It shall be the duty of the Director General/Inspector General from time to time to take all such measures as may be necessary to ensure that every prisoner is at all times supplied with food and drink so as to maintain him in good physical health and vigour.

Supervision of food stuffs and water supply.

- 6.28 It shall be the duty of the superintendent, the Medical Officer and the Duty Superintendent at all times to satisfy themselves respectively, that:-

- a) pure and wholesome water is provided for consumption by the prisoners and that a supply of such water is at all times freely available to every prisoner for drinking purposes;
- b) every article at any time issued or intended to be issued for the food of any prisoner is of the prescribed quantity and quality and is good, wholesome and fit for human consumption;
- c) every article of food which is required to be cooked before being so supplied to the prisoners is properly and cleanly cooked in such a manner so as to be wholesome and reasonably palatable;
- d) every article of food whether cooked or uncooked, is subjected to proper examination and inspection before it is issued for consumption by any prisoner;
- e) all food-stuffs at any time obtained and stored in the jail are frequently inspected and that all articles which are unwholesome or in any respect unfit for human consumption are forthwith rejected and are not issued for the use of the prisoners; and that
- f) proper places for the convenient and orderly distribution and suitable utensils and other appliances for the consumption for food are duly provided.

Offences connected with food supply. Time and place of consumption.

- 6.29 No prisoner shall conceal, waste or transfer to any other prisoner any article of food or drink at any time supplied to him, and every prisoner shall consume his food at the times specified for the purpose.

- 6.30 The time at which meals are to be served out to prisoners, and within which prisoners are to consume their food, and the manner in, and places at, which the distribution of food is to take place and the like, shall, from time to time, be specified by the superintendent, subject to the direction (if any), in that behalf, of the Director General/ Inspector General.

6.31 In the event of the refusal of food by a prisoner the Medical Officer shall adopt methods of artificial feeding if, in his judgment, the physical condition is such that artificial feeding is the only method of keeping the prisoner alive. The actual operation of artificial feeding shall be carried out by the medical officer or his Medical Subordinate.

Examination of food by Medical Officer

6.32 For the purpose of paragraph 6.28 the Medical Officer shall-

- a) ordinarily examine the food daily and when the same is defective in quantity and make a note of the fact in his journal; and
- b) at uncertain times and at least once a week when the food is cooked and ready for issue and occasionally after distribution to the prisoner, cause such food to be weighed in his presence and note the result in his journal.

Inspection of food by superintendent

6.33 The superintendent of a jail shall inspect the food prepared for prisoners meals at least three times in each week.

Food of prisoners on transfer.

6.34 Prisoners on transfer or about to be sent to Court shall receive a meal of cooked ration before starting the journey.

6.35 If a journey exceeds 12 hours but is less than 18 hours each prisoner shall receive 240 gms. of parched gram and 120 gms. of gur to eat in transit.

6.36 If a journey exceeds 18 hours and the transfers is from or to a sub jail in the hills the warder in charge, or the officer-in-command of the Police escort, as the case may be, shall receive subsistence allowance for each person at the rate of normal diet expenses of food per prisoner for the purchase of food. Similarly when the transfer is from any other jail the subsistence allowance shall be at normal diet expenses on food per prisoner for the purchase of food. All advances for subsistence allowance or for contingent requirements shall be accounted for by the officer to whom the money is entrusted.

6.37 It shall be the duty of the police escort to see that prisoners who have not been in jail previously have their food before they are taken to the jail or they are likely to arrive there too late before meals. Unfed prisoner shall not be admitted into a jail after-

- (i) 3 p.m. during winter from 1st October to 31st March.
- (ii) 4 p.m. during summer from 1st April to 30th September.

PREPARATION OF FOOD

All articles to be weighed for being supplied to the cooks. Details of the preparation of food

6.38 All articles of diet as far as possible be weighed out before supplying to the cooks in a state ready for cooking. The following instructions shall be attended to-

- 1) Wheat before being ground into flour should be thoroughly freed from dirt, unsound grain and any other deleterious substances. The flour shall be sifted through a fine perforated zinc sifter (No. 6 guage) or equally fine wire gauge.
- 2) One part wheat flour gives 1.45 part of bread, provided no more fuel is required for the purpose.

NOTE : The estimate of the total bread to be obtained from 50 kgs. of flour should be 69 kgs. of bread.

- 3) To ensure that this result is obtained, the weights of uncooked and cooked rations, should at unexpected intervals be checked by the Superintendent.
- 4) Antiscorbutics must be used in the fuel weight of the edible parts, proper allowance being made for husk, seed and fiber. That can be done by finding out by experiment that proportion the edible part bears to the whole.
- 5) Succulent fresh vegetables when available should be used in the dietary in preference to dried vegetables. These should be freed from stalks, decayed and fibrous portions and cut up ready for the pot before being weighed out. Arrangements shall be made for an ample and continuous supply of vegetables during the hot and rainy months more especially those kinds which are of anti scorbutic value such as onions. Roman cabbages potatoes when obtainable and country radishes, Brinjals, melons, pumpkins and sags have very little nutritive or anti-scorbutic properties.
- 6) The ghee should be well heated before being mixed with the vegetables and heated and flavored with fried onions before being mixed with the dal.
- 7) The condiments and salt should be added in the presence of the Deputy Superintendent or Medical Subordinate or other superior official, to the dal and vegetables while they are being, or immediately after they have been cooked. A large quantity of condiment mixture should be prepared at one time, so as to preserve the due proportion of the ingredients and avoid the necessity of weighing them in small quantities.
- 8) The maximum loss allowed for cleaning and winnowing the various grains and pulses is:-

Loss per quintal

		Kgs.	Gms
Wheat	--	03	750
Dal Urd	--	04	440
Dal mung, moth, rowan and masur.	--	03	750
Gram for bullocks or parching or boiling.	--	01	250
Dal gram	--	12	500
Tamarind	--	50	000
Wheat for Dalia	--	01	250

- 6.39 When the actual loss in cleaning is less, it and not the maximum loss allowed, should be calculated in the accounts.
- 6.40 Bran over and above the requirements of the jail cattle should be sold at short intervals and not allowed to accumulate.

Scales weights and measure, complaints concerning food

- 6.41 Properly adjusted beam scales and correct weights shall be used in every jail for weighing supplied in bulk and individual rations. These shall be frequently tested by the superintendent. Pieces of brick stone or any other articles shall not be substituted for proper weights. Measure frequently tested shall be kept in sufficient number for the distribution for all food that has to be given out by measuring. All complaints of prisoner respecting the quantity, quality of cooking of the rations shall in the first instance be brought to the notice of the superintendent.

The issue of food.

- 6.42 The uncooked food shall be weighed out to the cooks in the presence of the Deputy Superintendent, Senior Assistant Superintendent or Medical Officer who shall be held responsible that proper quantity is issued and also in the presence of the Assistant Superintendent or Head Warder, specially appointed to keep the god owns in which the food stuffs are stored. The vegetable ghee should not be issued until it is actually required and one of the above higher officials shall be present when it is being mixed with the dal and vegetables.

Well conducted cooks to be chosen.

- 6.43 The cooks should always be well conducted and as far as possible short termed men. No convict shall be permitted to cook his own food separately. When possible the cooks should be changed now and again and always carefully watched to prevent any theft or tampering with the food.

The cooking of food, cleanliness of vessels etc.

- 6.44 The cooks shall perform the duty of preparing the food with care and attention. The dough should be slowly and thoroughly kneaded with portion of the salt and not more water than is necessary. Each Chapatti should be of the same thickness throughout. The cooking should be slowly done so that the surfaces may not get burned, while the inner part remain uncooked. All cooking vessels must be kept clean and bright and the cooks are clean and tidy.

Protection from the weather during meals.

- 6.45 Prisoners should be protected from rain and intense heat during meals. If there are no roofs over the ordinary feeding places they may be allowed to sit in verandas, or, if necessary in the work sheds or wards or wherever shelter can be found.

THE PURCHASE AND STORAGE OF GRAIN

Responsibility for purchase and storage.

- 6.46 The superintendent and Deputy superintendent shall be held responsible for proper arrangements in due time for the purchase and storage of grain subject to the limits of (with the stock in hand), 15 months supply and of the storage room available.

The purchase of grain

- 6.47 The stock of grains should be bought either by tender in writing called for by public advertisement or by public auction. Before holding an auction or opening the tenders the superintendent should ascertain by local enquiries, by reference to official price lists or other means what the ruling prices are, samples to fix quality.

Examination of grain, prompt payment to be made.

- 6.48 The medical officer shall examine every delivery of grain brought to the jail and satisfy himself that it is of good quality before it is stored. There should be no delay between delivery and weighment and payment should be made at once after approval by the Superintendent, otherwise it cannot be expected that the most favorable terms will be obtained.

The storage and subsequent care of grain

- 6.49 Grain should not be finally stored until it is thoroughly dried, if it is damp it should be spread out and turned over frequently in the sun for a few days but must not be left uncovered at night. All grain should be protected from birds vermin and insect and secured under lock and key. It should be separated from the walls and floor of the store or pit by at least one foot of bursa examined at intervals to see that it is not being damaged. If it shows signs of damage or decay it should all turned out, exposed to the sun, cleaned and restored with fresh dry bhusa, if necessary. Immediately, if any loss is discovered a full report of the circumstances should be made to the Director General/ Inspector General.

Utilization of prison labour. Comparison of output with raw material issued.

- 6.50 As far as practicable, all articles of diet required for feeding prisoners should be raised on jail land and prepared by jail labour. The amount of every kind of food-stuff issued for preparation should be frequently compared with the return of prepared material received therefrom and both the Superintendent and Deputy Superintendent should satisfy themselves that there is no wastage and no unauthorized loss is permitted. This applies more particularly in the output of flour and oil which commensurate with the grains issued.

All articles to be passed as fit for food.

- 6.51 All articles of diet shall be passed by the superintendent and medical Officer as fit for food, before being taken inside the jail for storage or consumption.

Hospital diet

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

Cleaning, Storage and Issue of Food Items

- 6.54 (i) Care should be taken to see that all grains are properly cleaned before issuing to the mill-house for grinding and that the flour is carefully sieved and kept in covered bins.
- (i) Rice should be separated from husk, dust, or other particles, before issuing for cooking. The quality and seasoning of rice should be such that weight of the cooked rice is about 3 times its weight in uncooked state. This should be frequently tested by weighing.
- (ii) All items of diet, as well as the fuel for cooking, shall be weighed daily at the time of being issued to the cooks by a responsible officer not below the rank of an Assistant Superintendent, especially appointed for the purpose by the Superintendent. They shall be issued in a fully prepared state or, if

this is not possible, with a full allowance for any loss which might occur during preparation. The Superintendent shall, however, be responsible for seeing that the correct weight and quality of the ration is issued. The quality of these items should be regularly checked by the Medical Officer.

- (iii) Where chapatti/bread is given to prisoners, the same should be prepared in prescribed weights for different classes of prisoners, and cooks should be informed beforehand of the prescribed weights.
- (iv) Dal should be husked and unhusked grains properly cleaned out before cooking.
- (v) Vegetables issued shall be free from stalks and leaves and shall be cut for cooking before being weighed and delivered to the cooks. Potatoes or other root vegetables should form at least one-third of the total quantity of vegetables. All vegetables should be examined daily by the Chief Medical Officer or his subordinate Medical Officer.
- (vi) An allowance of 25% extra shall be given for heads, tails, fins, scales and entrails when whole fish is issued and for bones when mutton is used.
- (vii) Antiscorbutics, in the requisite quantity, shall be issued daily with the midday and evening meals to all prisoners. There should be standing instructions for the preparation and issue of different kinds of antiscorbutics which are commonly available.
- (viii) Milk shall be stored in a properly cleaned and well-ventilated place. Milk shall be issued to prisoners on special/medical diet only after boiling. Boiling shall be done in the hospital enclosure under the supervision of a responsible officer who shall be responsible for its proper usage from the time it is obtained till its final distribution. In preparing curds no water should be mixed with the milk before boiling.

Cooking

6.55

- (i) Cooking may be done in stainless steel vessels. All cooking utensils shall be kept clean and shining and the kitchen and eating area too must be clean and tidy.
- (i) Special care shall be taken to ensure that all vessels, in which milk is kept, are perfectly clean. All vessels should be scalded and cleaned with boiling water immediately after use. These shall not be left uncleaned.
- (ii) All cooked food should be kept covered until it is distributed, and appropriate arrangements (in the form of freezers, refrigerators, etc.) shall be made for storage of perishable items.
- (iii) The Superintendent and the Medical Officer shall exercise utmost vigilance in the supervision of food supplies, and when the food is cooked and is ready for distribution to prisoners, they shall make surprise inspections, at least once a week, in addition to routine inspections. At these inspections the weight and taste of the food distributed shall also be checked.

- (iv) Measuring equipment used for issuing ration to the mills, and that used in the kitchen, shall be checked by the Superintendent at least once a month if not more often. Surprise checks of the measuring equipment should be made by duty officers at least four to five times a month.
- (v) Cooks found tampering with food or scales shall be severely punished.

Cooks

6.56

- (i) Cooks shall carry out all preparations and processes necessary after being issued the daily supplies and shall prepare the food with due care and attention. They should wear clean aprons while preparing/ handling food.
- (ii) Inmates undergoing imprisonment for six months or less, wherever available, may be employed to clean rice, peel and cut vegetables, clean cooking utensils and keep the kitchen clean and tidy.

Distribution and service of food

6.57

- (i) Director General/Inspector General of Prisons shall prescribe the time for serving morning, mid-day and evening meals in prisons. Such timing shall be prescribed depending on the temperature of the region and other local factors.
- (ii) Meals shall be served fresh and hot. In cold regions/ during winter season, appropriate heating methods will be utilized to keep food warm and suitable for consumption. The receptacles used for carrying food shall be provided with well fitting lids. All food shall be carefully protected from flies and other insects.
- (iii) Fifteen minutes before the distribution of each meal, a bell may be sounded. Prisoners should then cease work, wash their hands and face and queue up for food distribution, after which the cooked food shall be distributed by the cooks in the presence of a responsible prison officer not below the rank of an Assistant Superintendent. They shall see that food issued to any prisoner is not taken away by another or is otherwise wasted.
- (iv) After service of food at least twenty minutes time shall be allowed to a prisoner to eat the food.
- (v) Except with the permission of the supervising officer, no food shall be taken away from the dining area by any prisoner to eat it elsewhere.
- (vi) When the meal is finished, the prisoners shall proceed to the washing platform where two tubs shall be placed. Prisoners shall put any refuse food left in his plate into these tubs, separating rice or chapattis from curried food. They shall then wash their hands and mouths as well as their utensils.

- (vii) The floors and platforms shall be cleansed immediately after the prisoners finish their meals.

Eating and drinking vessels

6.58

- (i) Every prisoner shall be provided with a set of eating and drinking vessel. All vessels will be made of stainless steel and shall be of a uniform material and pattern.

Complaint about Food

6.59

- (i) Any complaint regarding food shall be enquired into on the spot by the supervising officer. He shall decide whether the complaint is well founded or not and then take necessary action. Every complaint regarding food shall be reported to the Superintendent. If the complaint is valid and is due to the fault of any prison official, the Superintendent shall take such action as he deems fit and shall record his orders. Any prisoner making false or malicious complaints shall be punished.

Daily inspection of food

6.60

- (i) The Superintendent and the/Medical Officer shall exercise utmost vigilance in the supervision of the food supplies and all articles issued for consumption shall be inspected daily by the Medical Officer, or in his absence by his medical subordinates. The inspecting officer shall especially see that the vegetables issued are of good quality. He shall bring to the notice of the Superintendent of Prison any defects in quality detected during such inspections.

Inspection of cooked food

6.61

- (i) It is highly important that the food is properly cooked, and that its full quantity reaches the prisoners. Once a week, when the food is cooked and is ready for being served, it shall be inspected, without prior notice, and its quality and weight shall be checked by the Prison Superintendent and the Medical Officer. They shall record the result of their inspection in their journal.

Weighing of articles of food

6.62

- (i) All articles of food issued for consumption shall be weighed daily by the officer in charge of diet. He shall ensure that proper quantity of food is issued for every prisoner. From time to time, the Superintendent shall himself check the issue of ration. Metric weights and measures shall be used for weighing or measuring rations and food and a proper set of scales, weights and measures shall be maintained in every prison. These shall be frequently tested by the Superintendent for their correctness.

Disposal of complaint made by the prisoner

6.63

- (i) The officer in-charge of a Block must ensure maintenance of a register (which may be in electronic form) for recording feedback of inmates related to the quantity, quality or preparation of food being served to them. If any complaint is made by a prisoner regarding the food, it shall be at once inquired into by an Assistant Superintendent. If the complaint relates to the quantity of food received, the ration shall at once be weighed in front of the prisoner making such complaint.

Power to sanction change in diet

6.64

- (i) The government may direct a change in the diet, prescribed by the convicting courts, in the case of individual prisoners. Diet other than that change in the prescribed diet shall be made only in unavoidable circumstances when the prescribed food items are not available. In such events all changes in the prescribed diet shall be reported to the Director General/ Inspector General of Prisons.
- (ii) When a prisoner is hospitalised, his diet may be changed or modified by the Superintendent on the recommendation of the Medical Officer. In case this change of diet has to continue for more than a month, the concurrence of the Director / Inspector General of Prisons shall be obtained by the Superintendent.

Control of hospital diet

6.65

- (i) The control of diet of a prisoner in hospital shall be the responsibility of the Medical Officer (control) and he may order such extra diet, as he considers necessary. While doing so he shall also keep in mind the costs involved, which should not be excessive.

Clothing

6.66

- (i) Every convict under sentence of rigorous imprisonment or of imprisonment for life shall be required to wear prison clothing as prescribed in these rules and shall be supplied with prison bedding. Other prisoners, such as undertrial prisoners and detenues, shall be supplied with clothing and

bedding if they make an application to the Prison Superintendent for this purpose. Such clothing shall be of a colour different from that issued to convicts so that the distinction between convicts and other prisoners is visible.

- (ii) The State will fix the scale of clothing and bedding according to climatic conditions taking into account security and discipline of the prison. Adequate winter clothing shall be provided to inmates in cold regions/ during winter.

Clothes of convicts

6.67

- (i) The clothes of convicts shall have no pocket or openings in the lining. All clothing will be according to the custom of the State. The prisoners shall be provided with dresses to suit their physical measurement.

Clothing of any category of prisoners not covered in these rules

6.68

The clothing of any other category of prisoners, not covered in this manual, shall be decided by the Director General /Inspector General, provided that the expenditure involved in it does not exceed the cost that would otherwise be incurred if the articles admissible under the rules are supplied to the class to which the prisoner belongs.

Clothing of convicts attending courts

6.69

- (i) Convicts in custody when sent to a court, either as a witness or as an accused, shall wear ordinary private clothing. For this purpose, the private clothes of convicts deposited in the prison, or those provided by friends or relatives, shall be issued to them before they are taken to the court, such clothes shall be taken back on their return from court attendance.
- (ii) In other cases, the Superintendent shall provide suitable clothing.

Issue of sandals to prisoners

6.70

- (i) The sanction of the Superintendent of Prisons is necessary for the issue of sandals to prisoners.

In charge of clothing store

6.71

- (i) The Assistant Superintendent shall be in charge of the clothing store and shall be held responsible for custody and maintenance of all clothings and beddings. He shall be allowed to take the help of sufficient number of prisoners to clean and expose the clothing to sun and air regularly. Due attention shall be paid to getting the clothes washed thoroughly before being returned to the store.

Explanation: Used clothes, before being issued to prisoners, shall be thoroughly fumigated and washed in hot water to exterminate bugs, fleas etc.

Repair, Maintenance and inspection of clothing and bedding

6.72

- (i) A day shall be fixed for weekly maintenance and inspection of clothing. At the weekly parade of prisoners the Superintendent shall pay special attention to their clothing and bedding and shall satisfy himself that each man's kit is complete and is in proper condition. Suitable arrangements shall be made for washing and cleaning of every article of prisoners' clothing and bedding.

Prisoners to wash their clothing once every week

6.73

- (i) Every prisoner shall wash his clothing at least once a week, usually on the Sunday mornings, and at any other time as the Superintendent may direct. The Superintendent may ask prisoners to wash specific items of prison clothing and may authorize the issue of the necessary washing materials for the purpose.

Explanation 1: All male prisoners shall be supplied with half a bar of washing soap weighing approximately 500 g. each per month and 50 gms of washing powder every week for washing their clothes.

Explanation 2: All female prisoners shall be supplied with a bar of washing soap weighing approximately 1Kg. each per month and 50 gms. of washing powder per week for washing their clothes. All female prisoners with children may be supplied with an extra bar of washing soap weighing approximately 500 gms and 50 gms of washing powder per week for washing the clothes of their children.

Prison laundry

6.74

- (i) All at least Central and District prisons to have their own mechanized laundry to wash items of clothing and bedding at the time of return of these items to the clothing store.

Disposal of Irreparable clothing

6.75

- (ii) Irreparable clothing shall be struck off from the register under the signature of the Superintendent once a month and used as rags for cleaning the kitchen and for cleaning machinery in the workshop. If the accumulation of such clothing is in excess, it shall be sold, after being shredded into small pieces, to the paper making units of the Khadi or other such agencies.
- (iii) Unserviceable clothing shall be stocked separately and a proper stock register shall be maintained for this purpose.

Disposal of clothing of discharged prisoners

6.76

- (i) Prison clothing shall not be given to discharge prisoners. Care shall be taken to ensure that prisoners surrender their full kit at the time of their release. If the clothing is fit for further use such clothing shall be thoroughly laundered and repaired, and taken into stock. Items of unserviceable clothing shall be duly entered in the stock register of such clothing and shall be disposed of in the manner prescribed in the previous paragraph.

Submission of clothing and bedding indents

6.77

- (i) Indents for the clothing and bedding likely to be required during the next six, nine or 12 months, shall be prepared in duplicate and submitted to the Senior Assistant Inspector General of Prisons for sanction.
- (ii) No clothing or bedding shall be issued from the manufacturing department of any prison unless the indent is approved by the Senior Assistant Inspector General of Prisons and no clothing or bedding shall be purchased in the local market except in very special circumstances and with the sanction of the Director General /Inspector General of Prisons.

ACCOMMODATION AND VENTILATION

Capacity of ward to be inscribed near the door

6.78

- (i) Near the door of every ward the size of the room, and the number of prisoners it is capable of accommodating, shall be recorded on a plaque embedded in the outer wall of the ward. No ward shall accommodate prisoners beyond its prescribed capacity.
- (ii) The names and numbers of the blocks and other important buildings and enclosures shall be displayed on them in a conspicuous and suitable position. The date of white-washing shall also be shown in distinct figures.

Ventilation of wards and workshops

6.79

- (i) The Superintendent and the Medical Officer shall pay special attention to the ventilation of the wards. In all cases, care shall be taken that there is sufficient lateral as well as roof ventilation. As the condition of the atmosphere breathed by prisoners can only be judged by visiting the wards a few hours after the prisoners have been locked-in, the Superintendent and the Medical Officer shall visit the prison at night in all seasons, and at irregular intervals, to satisfy themselves that the ventilation is adequate, and that the prisoners have not blocked the ventilation in any way. The results of these visits shall be recorded by them in their respective journals. The Additional Superintendent shall also be deputed for this purpose.

- (ii) Every possible arrangement shall be made for thorough ventilation of the wards for several hours during the day. This is necessary to remove organic matter from the walls, which gets slowly oxidised. It is necessary that the beddings are removed out of the barracks for several hours every day.

Walls to be coloured or white-washed

6.80

- (i) The exterior walls of prison buildings shall be colour-washed, and the interior walls white-washed from time to time. The interior of barracks, wards and cells in which prisoners are confined, will be white-washed once in a year.

Planting of trees

6.81

- (i) Grass shall be grown and trees planted and kept neatly trimmed in and near the prison wherever possible. Gardens shall also be maintained in each prison to have a salutary effect on the minds of prisoners. However, trees shall not be planted too close to walls and buildings as these may be used for escape from the prison.
- (ii) After the rainy season, the inner and outer sides of the perimeter wall, of the prison and wall of the wards shall be scrubbed. Pathways inside the prison compound shall be de-weeded and re-laid. Wherever the paths are made of tarmac, the uneven surface shall be leveled properly.

CONSERVANCY RESPONSIBILITY OF ALL OFFICERS

6.82 It is also the duty of all prison officers to pay special attention to conservancy, and official and non-official visitors are expected to satisfy themselves that it is properly carried out.

Responsibility of Health Officer

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

Prison area to be kept clean

6.84 The prison area shall be cleaned daily and kept free from all unwanted plants and weeds, accumulation of broken bricks, manufacturing waste, etc. Neither kitchen waste shall be thrown on the ground, nor shall garbage of any kind be allowed to accumulate in or near the prison.

Prohibition of cesspools and open drains

6.85 Cesspools, and open drains for accumulation and disposal of sewage are prohibited inside or near a prison.

Precaution against malaria

- 6.86 All pits and pools of water stagnant, near the prison shall be covered or filled up. Open drains if any around the prison shall be carefully attended to and drainage cuts shall be cleaned wherever necessary, to prevent accumulation of water.

Medical Officer to approve drainage

- 6.87 The Medical Officer shall bring to notice of the Prison Superintendent any defects in the drainage within or around the prison. If he does not do so, it shall be presumed that he is satisfied with it. All drainage in prison shall be underground which shall be connected directly to the public drainage system.

Injurious conditions in the prison neighbourhood

- 6.88 If anything occurs, or is likely to happen in the prison neighbourhood, that might injuriously affect the health of the prisoner, it shall be reported immediately to the Director General/ Inspector General of Prisons. The construction of public latrines and sewage drains near a prison shall not be allowed and measures shall be taken to prevent such constructions.
- 6.89 No sewage or effluent drains from mills and factories or other public sources, that may affect the health of the prisoners, shall be allowed and near any prison.

Cleaning of latrines

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

Kitchen

- 6.91 The inmates engaged in cooking shall be regularly examined to make sure that they are not carrying of any infection. There shall be adequate arrangements for cooks to wash their hands with soap and water before they start cooking. Cooks shall change into clean uniforms before they are permitted to cook or serve food. Manual handling of food is undesirable and shall be avoided.

Stores

- 6.92 Stores or godowns shall be kept clean, well arranged, and well ventilated. Their contents shall be aired as often as possible. Godowns or grain stores shall be treated with suitable insecticides to prevent the growth of weed.

Baths

- 6.93 All prisoners should be required to bathe as frequently as necessary. In the temperate climate they should be encouraged to have daily baths unless medically exempted from doing so. In hot climate, facilities should be provided for the prisoners to have a bath in the afternoon as well.

WATER SUPPLY

Selection of source of water supply

- 6.94 Wherever corporation, municipal, panchayat, township or cantonment water supply exists, arrangements shall be made to connect the prison with it by a pipe line.

- 6.95 If water from a well or tube-well is used in a prison such wells shall be well-protected from being polluted by percolation of surface water.
- 6.96 The mouth of every drinking water well shall be completely closed and the water shall be raised by a pump. The surface surrounding the well at its mouth shall be covered with a sloping cement platform with a drain around it to carry spilt water, and the well shall be lined to a sufficient depth to render the tube impermeable.
- 6.99 Every well shall be cleaned out once a year, and the date on which it is done shall be recorded.
- 6.100 Once a week, the depth of water in each drinking water well shall be tested and a record of the results maintained.

Filtration of Water

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

Drawing of water

- 6.103 Distribution of clean water is of paramount importance. Buckets used for filling water for drinking and for use in kitchen shall not be used for any other purpose. Water vessels, barrels, tanks and reservoirs shall be frequently cleaned. Every water storage receptacle shall be covered and the lid fastened after it is filled. These shall also be fitted with taps to facilitate drawing of water from them.

Supply of Drinking Water

- 6.104 Suitable arrangements shall be made to supply every inmate of a ward and cell with sufficient quantity of fresh drinking water through taps during day and night. It shall be the responsibility of the warder on duty to see that sufficient drinking water is available before the prisoners are locked-in.
- 6.105 Prisoners at work shall be supplied with an adequate quantity of drinking water. If water is to be stored, it shall be done in covered receptacles which shall be thoroughly cleaned every day.

Analysis of water

- 6.106 Samples of the water in use for domestic purposes in every prison shall ordinarily be submitted to the State Water Analysing Authority twice a year, for both chemical and bacteriological examination.
- 6.107 In the event of outbreak of an epidemic in any prison, which might be due to contamination of the water supply, and which calls for an immediate examination of drinking water, the Medical Officer shall immediately make a written request to the Director of Public Health and Preventive Medicine, who shall make arrangements to obtain the necessary samples for analysis. In addition immediate steps shall be taken to ensure supply of water from an alternative source at such prisons.

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

Disinfection of wells

- 6.109** Whenever there is reason to believe that any of the wells, from which drinking water is obtained, is a source of contamination, it shall be treated at intervals of three days with Potassium Permanganate and other disinfectants, as may be deemed necessary, in consultation with the local health officer.

Provision of water to staff quarters

- 6.110** Adequate supply of water shall also be ensured to the residential quarters of the prison staff. The conditions of the cleanliness of water mentioned above shall apply here as well. Every officer occupying staff quarters shall be held responsible for the cleanliness of his premises. The Superintendent and the Medical Officer shall periodically inspect the staff quarters to check general cleanliness.

Chapter VII

Medical Care

Medical Administration

- 7.01 Medical administration is one of the most important concerns of prison management. The Medical Officer of a prison has to give careful attention not only to the treatment of sick prisoners but also to every matter connected with the health of prisoners and overall hygiene of the prison. Nothing will count more to the credit of the Medical Officers of prisons than their success in maintaining best health standards in the prisons under their charge.
- 7.02 The Prison medical administration may form part of the State Health Services/ Medical Department instead of the prison administration.

Prison Hospitals

- 7.03 10 bedded hospital shall be provided in the Central Jails at Nahan, Kanda, Open Air Jail Bilaspur and Distt. Jail at Dharmshala

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

Appointment of Medical Officer (In Charge)

- 7.04 The Government shall appoint a Medical Officer (In Charge) for the above prisons. For the remaining prisons the local Chief Medical Officer/Block Medical Officer shall depute one Medical Officer in forenoon on daily basis.
- 7.05 The Medical Officer, shall be entitled for rent 'free staff quarters'.

Channel of Communication

- 7.06 The Medical Officer (in charge) shall submit indents for medicines to the Director General through the Superintendent of prison. In all administrative matters he will correspond with the Director/ Inspector General through the Superintendent of Prison. He may, however, correspond directly with the Director /Inspector General, on matters relating to sanitation, sick prisoners' food and clothing and discipline in the prison hospital. He may also do so if he notices on the person of any prisoner injuries which are alleged to have been caused by prison officials. He shall accompany the Director /Inspector General during his inspection of the prison.

General Duties

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

Daily visits to prison

- 7.08 Medical Officer (In Charge) shall visit the prison and shall examine sick prisoners every day. He shall visit the prison on Sundays and holidays as well, whenever necessary.
- 7.09 He shall inspect every part of the prison and check all prisoners at least once in a week and record his observations in his report to be sent to the Superintendent of Prisons and Director/ Inspector General of Prisons periodically.
- 7.10 He shall also make a full medical inspection of all the prisoners once a month.
- 7.11 If any epidemic or unusual sickness prevails, or any serious case of illness occurs, he shall visit the prison as often as may be necessary.
- 7.12 If he is unable to himself undertake these inspections for any reason, he shall record the fact and the reason for it in his journal. At the same time he shall depute an Assistant Civil Surgeon to conduct such inspections.

Special Needs of Aged Prisoners:

- 7.13 The Medical Officer shall ensure that the medical needs of aged prisoners in terms of ophthalmological care, dental care, physiotherapy, and clinical testing for diabetics are regularly attended to.

Treatment of Drug Addicts

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

Attendance at Weekly Inspection

- 7.15 The Medical Officer (In Charge) shall be present during the Superintendent's weekly inspection and shall oversee the general health and hygienic conditions prevailing in the prison. He shall pay special attention to any signs of a scorbutic or anaemic tendency, any deterioration in health conditions, and skin diseases. He shall also examine the prisoner's clothing and bedding to see that they are adequate and clean. He will examine the drainage, ventilation, drinking water and conservancy arrangements of the prison.
- 7.16 He shall, at the same time, examine the record of prisoners' weights, to satisfy himself that the weight test is being properly done. He shall thoroughly examine all prisoners who have lost their weight substantially and give necessary instructions to the Assistant Civil Surgeon of the prison regarding the action to be taken in such cases.

Attending to Prison Officers

- 7.17 The Medical Officer (In Charge) shall attend to the medical needs of all prison officials and their families residing in the prison's staff quarters and barracks.
- 7.18 The Medical Officer (In Charge) shall bring to the notice of the Superintendent any facts (about the cause of illness of the officers and subordinate prison staff) that may be of importance, and which shall enable him to determine their fitness for continued employment in the prison.
- 7.19 The Medical Officer (In Charge) shall maintain a minute book in which he shall enter all directions given by him concerning the duties of the medical staff under him, the management of the hospital, and any other instruction of importance regarding the treatment of patients, or any other matter.

Duties of Medical Officer

- 7.20 He shall inspect the medicines kept in store once in every six months and satisfy himself that their weights and quantities are entered correctly in the stock register. He shall also ensure that the medicines are used before their date of expiry. He shall also inspect the instruments and equipment to see that these are being maintained properly and sufficient stock is kept in reserve.
- 7.21 All indents shall be scrutinized and countersigned by the Medical Officer.
- 7.22 He shall examine all cases coming for release on medical grounds.
- 7.23 Whenever the mortality of a prison in a month exceeds 1% per annum, he shall record an explanation of the cause of such excess of mortality in the monthly return. In the event of unusual mortality, he shall make a special report on the subject for transmission to the government through the Director General.
- 7.24 The Medical Officer In-charge shall also be responsible for conducting medical examination of candidates selected for appointment to various posts in the prison.
- 7.25 It shall also be the duty of Medical Officer;
- (i) to be available to attend to any prisoner who complains of illness or who appears to be ill, and have him removed to the hospital or the place for medical examination by Chief Medical Officer, as the case may be;
 - (ii) to attend to sick prisoners and out-patients visiting the hospital and supervise the preparation and issue of medicines, food and extra diet;

- (iii) to make a daily round of the prison cells and report to the Superintendent of Prisons the conditions in the prison which have any bearing on the health of the inmates and every such complaint made to him;
- (iv) to ensure that all medicines indented for the hospital are properly arranged, labelled and stored in a safe place;
- (v) to take proper care of instruments, appliances, and equipment in his charge;
- (vi) to see that sick prisoners are clean and tidy;
- (vii) to see that the hospital clothing and bedding are marked in a distinctive manner;
- (viii) to see that all articles in use in the hospital are safely stored and kept clean;
- (ix) to allow no property in his charge to leave the prison premises;
- (x) not to permit any convict attendant to handle instruments or distribute drugs whose misapplication may be dangerous;
- (xi) to ensure that the pharmacist attends to the clerical work connected with the hospital, such as the upkeep of registers, the preparation of returns and the punctual submission of indents;
- (xii) to satisfy himself that the food for the sick is properly prepared and distributed;
- (xiii) to ensure that order, cleanliness and discipline is maintained in and around the hospital;
- (xiv) to ensure that the staff nurses and others employed in the hospital perform their duties properly;
- (xv) to ensure that any excess or deficiency of attendants is brought to the notice of the Superintendent of Prisons;

- (xvi) to visit the prison kitchen every day, inspect the food supplied, both raw and cooked (both in bulk and after distribution) and see that the salt, oil and condiments are added and thoroughly mixed, satisfy himself that the food is of good quality and that the quantity of each article is according to the sanctioned scale. He shall also see that the kitchen and its surroundings are maintained in a sanitary condition, that the drains are flushed and free from refuse, that the water stored in the tanks for cooking and washing utensils is changed frequently, and that the utensils in use are clean and in good condition;
- (xvii) to supervise the supply of milk to the hospital, to test the milk in the prescribed manner, to see that it is properly boiled before issue;
- (xviii) to inspect the food supplied to civil and un-convicted criminal prisoners by their friends;
- (xix) to keep a watch on prisoners suspected of malingering and to report the result of his observations;
- (xx) to be present at various parades and separate for examination and treatment any prisoner who appears to be in need of attention or who is known or suspected of leaving part of his food uneaten;
- (xxi) to bring to the notice of any female whom he may suspect to be pregnant;
- (xxii) to see the bathing of prisoners suffering from skin infections;
- (xxiii) to examine all newly admitted prisoners and to record in the admission register and medical sheets particulars regarding their health, and the kind of labour and they can perform in view of their health conditions;
- (xxiv) to satisfy himself that the person, and private clothing, of newly admitted prisoners are properly cleaned, and that the clothing is, if necessary, disinfected before keeping in the store rooms;
- (xxv) to vaccinate newly admitted prisoners, and (if so directed) infants admitted with their mothers or born in prison;

- (xxvi) to bring promptly to the notice of the Superintendent and Chief Medical Officer any case of suspected cholera or other contagious or infectious diseases that may appear amongst the staff or inmates of the prison;
- (xxvii) to examine the wells and other sources of water supply, to bring to notice any defects with regard to the quantity or quality of water supplied, to examine every day all tanks and vessels in which water is stored or conveyed, and to prepare samples of water for analysis as and when required;
- (xxviii) to inspect the surroundings of the prison at least once a week. He shall pay particular attention to manner in which filth is trenched or otherwise disposed of; and
- (xxix) to attend to the ventilation, with due regard to the season, of the hospital, sleeping wards and workshops and to satisfy himself that prisoners are not unnecessarily exposed to drought or rain;

Maintenance of Journals

- 7.27 The Medical Officer shall keep a journal in which he shall record every visit he pays to the prison, time of entering and leaving the prison, the parts of the prison or classes of prisoners visited, the number of sick persons in prison and any other point which he considers should be brought to the notice of the Superintendent. While doing so he shall make specific note of the following:-
- 7.28 Any defects in the food, clothing or bedding of prisoners or in the cleanliness, drainage, ventilation, water supply or other arrangements of the prison which he considers likely to be injurious to the health of prisoners, together with suggestions for removing such defects.
- 7.29 Any occurrence of importance connected with the hospital administration.
- 7.30 Any marked increase in the number of in or out door patients and its apparent causes.
- 7.31 After each visit this journal shall be sent immediately to the Superintendent for his perusal. Thereupon the Superintendent may issue any orders he thinks fit. When the Medical Officer himself is the Superintendent of the Prison the points required to be referred to in his journal shall be recorded in the journal maintained by the Superintendent of Prison.

Submission of Returns

- 7.32 The Medical Officer shall punctually submit the prescribed returns and shall furnish any other information regarding the medical administration of the

prison, which the Director/ Inspector General may call for. A report regarding the sanitary condition prevailing in prison shall also be furnished to the Director General along with the annual returns.

Maintenance of Registers

7.33 The Medical Registers and Forms other than the Journal shall be kept under the orders of the Medical Officer, who is responsible for their correctness. At the Director/ Inspector Generals' inspection, the Medical Officer shall produce before him, every register and record, connected with the Medical Department of the Prison.

Clinics and Labs for Prison Hospitals

7.34 The following equipment shall be made available to prison hospitals:-

- (i) Minor operation theatre with all surgical equipment
- (ii) Clinical laboratory with required equipment

The weighing of Prisoners

7.35 The Medical Officer shall be present during the fortnightly weighing of prisoners. He shall record each prisoner's weight in his weight chart.

Examination of Prisoners Complaining of Illness

7.36 Every prisoner complaining of illness, or appearing to be ill, shall be sent to the prison hospital for immediate examination and further treatment by the Medical Officer. The facility of consulting medical officers over the telephone may also be encouraged, where necessary.

7.37 On the advice of the Medical Officer, the Superintendent may transfer any sick prisoner to the local government hospital. For transfer which is required on medical grounds to any specialised hospital outside the jurisdiction of the prison, the approval of the Director General/Inspector General should be obtained. If the Medical Officer is of opinion that prior approval of the Director General/ Inspector General of Prisons will take such time as will endanger the life of a sick prisoner, the transfer may be made in anticipation of sanction of the Director General/ Inspector General of Prisons. No prisoner should be allowed to stay in an outside hospital except on ground of dire medical needs. In deserving cases, the opinion of Medical Board constituted by the Chief Medical Officer of the district shall be obtained while sending prisoners outside the prison on medical grounds.

Diet of a Prisoner Control of Hospital Diets

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

Special Diet for Prisoners not in Hospital

- 7.39 The Medical Officer may recommend special diet for any prisoner in the invalid group after recording reasons for recommending that in his register. Such recommendations shall not be made as a matter of routine. The Medical Subordinate can recommend the issue of special diet to a prisoner in the absence of the Medical Officer, but he shall report this to him and obtain his approval. Issue of special diet shall always be in lieu of the regular diet to which a prisoner is otherwise eligible. If it is continued for more than a fortnight, it shall be reported to the Director General/Inspector General. The Medical Officer owns the responsibility to economise the expenditure on this account and shall exercise utmost care in recommending special diet to the prisoners.

Indent for Hospital Diets

- 7.40 An indent showing the number of hospital diets and extras required, shall be sent not later than by 9 AM every day to the officer in charge of ration and care shall be taken that diets and extras reach the prisoners promptly. Emergent indents, in cases of urgency, may be sent at any hour of the day. This shall be generally avoided except in cases of extreme urgency.

Detention of a Prisoner for Observation

- 7.41 A prisoner may be detained for observation in the hospital for 24 hours without his name being noted down in any register if his disease has not been diagnosed. After the expiry of that period, whether or not his disease is diagnosed, his name shall be entered in the proper register. The number of prisoners detained under observation shall be recorded in the Hospital Roll and the treatment prescribed for them in the prescription book. If the Medical Officer finds a prisoner to be malingering, he shall at once report the fact to the Superintendent for punishment.
- 7.42 Prisoners who require mental health care should be attended to by an authorised medical attendant.

Medical Treatment of Sick Prisoners

- 7.43 Every prisoner suffering from any active disease shall be brought under medical treatment, either as an out-patient or an in-door patient, and his name shall be recorded in the register of out-patients in a prescribed form

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

Maintenance of Case Book

- 7.44 The number of sick in hospital shall be daily recorded in the Hospital Roll of sick in a prescribed form (Appendix - 5). Their treatment and diet shall be recorded in the Case Sheet in a prescribed form (Appendix - 6).
- 7.45 In addition to these records, there shall be maintained in every hospital a case book in a prescribed form (Appendix - 7) in which the history of every case admitted into hospital shall be recorded.
- 7.46 The case book is intended to be a contemporaneous record or diary of each prisoner's symptoms, treatment and diet. All entries in it shall, therefore, be immediate and direct. The practice of keeping notes, to be afterwards copied into the case-book, is prohibited.
- 7.47 The entries in the case-book will usually be made by the Medical Subordinate, as symptoms appear or treatment is applied. The Medical Officer will add notes of his own observations and orders as and when he examines the patient. The Medical Officer shall see the case-book every day and initial the entries regarding each case in token of him having seen them.
- 7.48 As a general rule the entries in the case-book shall be made every day, but in chronic cases, where there is little or no change from one day to another, the Medical Officer may, by entry in his own hand in the case-book, record that daily entries are not necessary.

Bathing of Patients

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

Proper Place of Washing

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

Cleanliness of the Hospital

- 7.51 Every hospital shall be kept clean and well ventilated. The walls of the hospital shall be scraped and white washed once in six months, or more often necessary.

Disinfections of Wards

- 7.52 A ward or a cell in which a case of infectious disease has occurred or been treated shall be immediately cleared thoroughly using disinfectants as prescribed.

Allotment of Labour on Medical Opinion

- 7.53 When the Medical Officer is of the opinion that the health of any prisoner suffers from employment of any kind or class of labour, he shall record such opinion in the prisoner's sheet and the prisoner shall not be employed on that labour. But he shall be placed on another kind or class of labour as the Medical Officer may consider suitable for him.

Duty of Medical Officer on Occurrence of Death

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

Medical Aid to Prison Officers

- 7.55 The Medical Officer shall accord medical aid to all members of the prison establishment and others living on the prison premises.

Appointment of Staff Nurse and Pharmacist

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

Duties of the Staff Nurse and the Pharmacists

- 7.57 The Staff nurses and the pharmacists shall obey the lawful orders of the Medical Officer in all matters connected with the medical work of the prison and of the Superintendent, Additional Superintendent and Dy. Supdt. in other matters.
- 7.58 Their duties shall be to help the Medical Officer in the maintenance of the health of the staff and prisoners by compounding and distributing medicines, vaccinating and weighing prisoners, performing clerical work, maintaining order and discipline in the hospital and by carrying out such other duties as may be allocated to them by the Medical Officer.

Segregation of Infectious Cases

- 7.59 Every case, or suspected case, of infectious diseases shall immediately be segregated and the strictest isolation shall be maintained until the Medical Officer considers it safe to discontinue the precautions. The Medical Officer shall give written instructions as to the clearing, disinfecting or destroying

of any infected clothing or bedding, and shall satisfy himself that the same are carried out.

Segregation of Prisoners in the Prison Hospital

- 7.60 Cases of dysentery and diarrhoea shall be treated in a separate ward, if possible. Loose stool of such patients shall be disinfected and destroyed by fire. All wards, beds, bedding, clothes and latrine vessels used by them shall be thoroughly disinfected.
- 7.61 Prisoners suffering from venereal diseases shall be segregated.
- 7.62 All cases of pulmonary tuberculosis shall be segregated in special wards. All necessary precautions shall be taken to guard against the spread of infection to other prisoners.
- 7.63 All cases with abnormally enlarged spleen shall have boundaries marked on the skin and shall be provided with some distinctive clothing. Care shall be taken that the spleen is not hurt.
- 7.64 Minor infectious diseases such as scabies, mumps, measles, etc., must on no account be neglected. Segregation for the full period must be enforced. Cases of scabies need not, as a rule be admitted into hospital, but segregated from other prisoners.
- 7.65 Prisoners showing signs of lunacy shall not, if they are dangerous, noisy or filthy, be kept in the hospital but shall be kept in a separate cell.
- 7.66 In some cases, it may be considered for prisoners in hospital to be given some employment. Light work shall, therefore, be provided for them.
- 7.67 Wherever necessary, cases of inmates shall be referred to specialized medical institution with the prior sanction of the competent authority.

Treatment of Malingerers

- 7.68 If the Medical Officer is of opinion that a prisoner is malingering he shall at once report the fact to the Superintendent. No treatment shall be given to prisoners feigning illness.

Treatment of Prisoners discharged from Hospital

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

Composition of the Invalid Group

- 7.70 The invalid group shall consist of:

- (i) Those who are permanently incapacitated from performing hard or medium labour because of age, or bodily infirmity. They will be the permanent members of the group,
- (ii) Those who have been discharged from hospital as convalescents, but are temporarily unfit to perform hard or medium labour,
- (iii) Men who are generally out of health even if not falling under the above two categories. This category shall include prisoners passed as fit for light labour only, prisoners exhibiting scorbutic or malaric scorbutic gums, prisoners found to be steadily failing in weight, and prisoners who are anaemic.

Treatment of the Invalid Group

7.71 Prisoners in the invalid group shall be given some light work suited to their strength and shall, as far as possible, be kept together for the purpose of diet and observation, both by day and night. A register of such prisoners shall be kept and no prisoner shall be placed in or discharged from this group without the permission of the Medical Officer. They shall be examined daily by the Medical Subordinate, and once a week by the Medical Officer.

Procedure on Death of a Prisoner

7.72 The death of any prisoner, which is a custodial death, shall be handled as per the procedure laid down in the Code of Criminal Procedure, 1973, and the guidelines issued by the National Human Rights Commission from time to time.

7.73 Whenever the mortality in the prison during a month exceeds 1% per annum, he shall record an explanation of the cause of such excess of mortality in the monthly return. In cases of unusual mortality, he shall make a special report on the subject for the government through the Director / Inspector General.

7.74 The provisions of sub-rule (1) shall, with necessary changes, apply to the case of a death of an officer of the prison while employed on duty.

7.75 The record required by Section 15 of the Prisons Act, 1894 shall be made by the Medical Officer in the case book.

Registration of Birth or Death in Prison

7.76 The Deputy Superintendent of Prisons shall send intimation of birth or death in a prison in writing to the Registrar of the locality appointed for the purpose under the Registration of Births and deaths Act, 1969 (Central Act XVIII of 1969).

Death in Custody

- 7.77 Deaths of all prisoners whose fingerprints have been taken and if known in prisons, shall be intimated immediately to the Finger Print Bureau.
- 7.78 When a military prisoner dies in prison, immediate report thereof shall be given to the Commanding Officer who sent him to the prison.
- 7.79 When a foreign prisoner dies in prison immediate report shall be sent to the District Magistrate of the district and the Director General for further communication to the government. The government shall inform the embassy or the appropriate authority about the death.
- 7.80 Where a woman prisoner dies in prison and leaves a child behind, notice shall at once be sent to the District Magistrate of the district who shall make arrangements for further care of the child as may be deemed fit.
- 7.81 Where a convicted prisoner dies in prison his warrant shall be returned to the court from which it was issued with an endorsement certifying the cause and date of death. Where a remand or an under-trial prisoner dies in prison, the court or courts in which the case or cases are pending, against the deceased shall immediately be informed of the fact of death in writing.

Recording of Death

- 7.82 Entries relating to the death of a prisoner shall be made in the concerned registers, in the History Ticket in detail and in the hospital records. All records relating to the death of a prisoner shall be preserved for at least two years.

Disposal of the Dead Bodies of Prisoners

- 7.83 The body of any prisoner, including that of a child residing with a female prisoner, who dies in a prison or in a civil hospital or asylum, shall be disposed
- 7.84 The body may be handed over to the relatives only after a post-mortem in the hospital, if available. For this purpose it may be kept in the hospital mortuary for 24 hours.
- 7.85 If there is no chance of relatives or friends reaching within 24 hours, the prison authorities shall dispose of the body in accordance with the hospital rules.
- 7.86 The delivery of a body to relatives or friends shall be subject to the conditions that there shall be no public demonstration of any nature in regard to its removal.

- 7.87 The Superintendent of the prison in every case shall conduct an identification test to ensure that the dead body is the body of the particular prisoner and satisfy that the marks of identification mentioned in the convict register tally with those on the dead body and furnish a certificate to that effect in the register.
- 7.88 The relatives of prisoners, if poor, may be paid a maximum amount of Rs. 5000/- for transporting the dead body of the prisoner to their native place or for performing last rites.

Intimation to inquiring Magistrates and Police Officers

- 7.89 Intimation of all deaths, including that of children residing with female prisoners, occurring from whatever cause in the prison shall be sent to:
- (i) the nearest Magistrate empowered under sub-section (4) of Section 174 and 176 of the Code of Criminal Procedure, 1973 to hold inquests;
 - (ii) the officer in charge of the police station having jurisdiction, who is required to make a preliminary investigation; and
 - (iii) National and State Human Right Commission within 24 hours of death.
- 7.90 The body of the deceased prisoner or the deceased child of the female prisoner shall be kept for inspection and orders of the officer holding the inquests. No prison officers shall be a member of a panchayat formed to express an opinion as to the cause of death of any prisoner or deceased child of the female prisoner.

Report on Death of Prisoners

- 7.91 A full report on the circumstances of the death of a prisoner shall be sent by the Superintendent without any delay to the Director General of Prisons for submission to the government. Reports made by the police and magistrate, the nominal roll, copies of judgements, the reports required by Section 15 of the Prisons Act, 1894 and the deposition of witnesses with this report, shall be submitted. The post-mortem examination shall be videographed as per the guidelines of the NHRC.

Indent for Clothing and Bedding

- 7.92 The quantities of clothing and bedding required for hospital use shall be reported in fixed time by the Medical Officer to the Superintendent who

shall include them in the general indent as the case may be of prison clothing submitted for sanction by the Director/ Inspector General.

- 7.93 Local purchase of medicines will be effected by the Superintendent of Prisons as per the norms laid down by the State Govt.
- 7.94 The disposal of other medical articles like clinical waste, medicines whose validity has expired etc., will be dealt in accordance with norms laid down by the State Medical Services.
- 7.95 The Chief Medical officer/Medical Officer shall procure medicines required for the prison hospitals in accordance with the procedure laid down by the State Medical Services.

Stock Verification by the Superintendents of Prisons

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

Appointment of Attendants and Training of Nursing Orderlies

- 7.97 For the purpose of attending to sick prisoner a few educated convicts of good conduct and undergoing long sentences shall be selected by the Superintendents in consultation with the Medical Officer and trained as nursing orderlies. A brief syllabus for their training shall be prepared as a guide to the Assistant Surgeons who, under the direction of the Medical Officer, shall be responsible for conducting such training. The number of convicts employed as nursing orderlies shall ordinarily be in the ratio of one for every ten patients. In times of epidemics and other emergencies this proportion may be increased and special orderlies may be allowed for very serious cases or for bed-ridden patients. Convict nursing orderlies, who perform their duties satisfactorily, shall be allowed extra remission and gratuity at the same rate and scale as prescribed for a convict night watchman.

Appointment of prisoners to perform unskilled tasks at the Hospital

- 7.98 The Superintendent shall detail sufficient number of convict to perform unskilled tasks duties at the hospital. Such convicts shall work under the orders of the Medical Officer. Only prisoners serving long sentences, and who are of good conduct, shall be sent for such duties.

Case Sheet

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

Vaccinations of Prisoners on Admission

- 7.100 Every prisoner admitted to prison shall be vaccinated on admission, or as soon as possible afterwards as per the norms laid down in the State Medical Services.

Vaccination Register

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

Medical Examination of the Members of the Staff

- 7.102 Medical examination of the members of the staff may be done at least once a year in consultation with the Superintendent of the Prison. Reports of such medical examination shall be kept in the office of the Superintendent.

Fortnightly Weighing

- 7.103 Care shall be taken that the fortnightly weighings, under Section 35(2) of the Prisons Act, 1894, are done at approximately the same time of day to avoid as far as possible, the variations that naturally take place throughout the day.
- 7.104 Since no labour is done on Sundays, Sundays will be most suitable for taking weights. When the number of labouring prisoners is large, they can be divided into two groups, with each group being weighed on alternate Sundays. Assistance of the pharmacist and a member of the executive staff detailed by the Superintendent may be taken for the purpose.
- 7.105 Explanation: The body weight varies to a certain extent from time to time under normal conditions. Therefore, small differences of weight up to 1 kg would not necessarily indicate that the weights were taken carelessly.

Record of weights

- 7.106 The initial weight on admission to prison and the final weight before release shall be recorded in the Convict Register and these, as well as all the intermediate fortnightly weights, shall be recorded in the prisoner's Medical History Sheet and weight chart.
- 7.107 Before recording the prisoner's weights, it shall be ascertained that the weighing machines are accurate.

Treatment of Prisoners Losing Weight

- 7.108 All prisoners who have lost more than 1.5 kg since the last fortnightly weighing, or more than 3.0 kg since admission to prison, shall be paraded with their weight charts for the inspection of the Superintendent and the Medical Officer on the day following the day the weighing is done.

7.109 Special care shall be taken in case of prisoners with a poor physique on admission, for whom even small loss of weight may be of serious concern.

Check by Chief Medical officer

The Chief Medical Officer shall, as soon as possible after the fortnightly weighing, check the weights of a dozen or more prisoners picked randomly to satisfy of their accuracy and shall record in his journal any remarks he may consider necessary.

Chapter VIII

CONTACT WITH OUTSIDE WORLD

Reasonable facilities to be allowed for interviews and letters

- 8.01 Every prisoner shall be allowed reasonable facilities for seeing or communicating with, his/her family members, relatives, friends and legal advisers for the preparation of an appeal or for procuring bail or for arranging the management of his/her property and family affairs once in a fortnight, however the legal adviser of an undertrial may meet twice a week and the convicts whose appeal is pending in the higher court.
- 8.02 The same facilities shall be allowed to every prisoner committed to the prison in default of payment of a fine, or furnishing security under Chapter VIII of the Code of Criminal Procedure, 1973, to enable him to arrange for payment of the fine or furnishing security.
- 8.03 On admission, every prisoner should submit a list of persons who are likely to interview him/her and the interview shall be restricted to such family members, relatives and friends. The conversation at the interviews shall be limited to private and domestic matters and there shall be no reference to prison administration and discipline and to other prisoners or politics. The number of persons who may interview a prisoner at one time shall ordinarily be limited to three.

Rules for grant of interviews and communications to and by convict.

- 8.04 Every convicted prisoner shall be allowed to have an interview with his relatives or friends and to write a letter once a week during the term of his imprisonment.
- 8.05 The exercise of this privilege shall be contingent on good conduct and may be withdrawn or postponed by the Superintendent for bad conduct.
- 8.06 There will be no restriction on the number of letters a prisoner may receive.
- NOTE 1: A letter merely arranging an interview shall not be counted for the purpose of this rule.
- NOTE 2: Prisoner shall be allowed to send a special letter notifying their relations on their transfer from one jail to another.
- NOTE 3: A prisoner may with the permission of the Superintendent write any number of letters at his own cost.

Person granting an interview may be searched.

- 8.07 Every person desiring to hold an interview with any prisoner shall, before such interview is allowed to take place or he is allowed to enter the jail, is called upon by the Deputy Superintendent/Asstt. Supdt. so to do, give his name and address and submit to be searched.
- 8.08 No such search shall be made in the presence of any prisoner or person other than the proper officer of the jail, and, in the case of a female visitor, that such search shall be conducted by the female head warder or a female warder. If the visitor refuses to submit to be searched or to give his name or address, he shall not be permitted to enter the jail or to interview any prisoner.

Search of visitors (Section 41 of Act IX 1894)

- 8.09 The Superintendent of Jail may demand the Aadhar Card etc. from the visitor to ascertain the name and address of any visitor to a prisoner, and, when the Superintendent has any ground of suspicion, may search any visitor, or cause him to be searched, but the search shall not be made in the presence of any prisoner or another visitor.
- 8.10 In case of any such visitor refusing to permit himself to be searched, the Deputy Superintendent may deny him admission, and the grounds of such proceeding, with the particulars thereof, shall be entered in such record as the State Government may direct.

NOTE: The record required shall be made in the Deputy Superintendent's journal/interview register.

Search of prisoner before and after interview.

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

Interview and communication of civil and unconvicted prisoners.

- 8.12 Un-convicted criminal and civil prisoners shall be granted facilities for writing two interviews with their legal advisers; provided that the Superintendent of Jail with the approval of Director General may in any particular case for reasons to be recorded in writing impose such restrictions on the interviews as it may deem necessary.
- 8.13 All reasonable facilities shall be granted at proper time and reasonable restrictions for interviewing or otherwise communicating either orally or in writing with their legal advisers may be imposed.

Privileges Contingent on Good Conduct

8.14 The contents of all letters shall be limited to private matters. Postage stamps may be allowed to be purchased for letters addressed by prisoners to their relatives in foreign countries at their cost. If the prisoners have no cash in credit, it shall be supplied at Government cost in deserving cases, and at reasonable intervals, at the discretion of the Superintendent of Prison. The prisoners shall not be allowed to misuse such privileges. In addition to the number of letters allowed in a month the prisoners shall be allowed, if they so desire, a special letter in order to inform their friends or relatives of their transfer from one prison to another. This shall be in addition to the letters allowed to them. Ex-prisoners and habitual prisoners, who apply to see their friends lodged in a prison may not be permitted such interview by the Superintendent unless and until there exist a genuine reason for such interview.

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

Explanation (1): Every prisoner shall be given the option of informing his/her family of his/her committal to the prison immediately on his/her admission, he/she shall be provided with a post card or inland letter for this purpose.

Explanation (2): A letter merely arranging an interview shall not be counted as a letter for the purpose of this rule.

Explanation (3): A prisoner may substitute a letter with a reply for an interview or vice versa with the permission of the Superintendent.

Explanation (4): Prisoners shall not be allowed to correspond with prisoners in other prisons. If, however, a prisoner has got his/her relatives in another prison, he/she may be permitted to write to them, subject to the restrictions contained in these rules.

Superintendent's Discretion to Grant Privileges at Shorter Intervals

8.16 If he considers that special or urgent grounds exist for such concession, the Superintendent may at his discretion, grant interviews or allow the dispatch or receipt of letters at shorter intervals than provided in spite of a prisoner's misconduct. This could be in the event of the prisoner being seriously ill, or the death of a near relative, or when his/her friends or relatives have come from a distance to see the prisoner and it would inflict undue hardship on them if they are refused an interview, or if the prisoner is nearing release and wishes to secure employment, or for any other sufficient cause. Matters of importance, such as the death of a relative may also be communicated at any time to the Superintendent who will, if he thinks it expedient, inform the prisoner about it.

Prisoners Allowed to Sign a Power of Attorney

- 8.17 Every convicted prisoner may at the discretion of the Superintendent be permitted to sign and attest a power of attorney or other statements/conveyances concerning his/her properties.

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

- 8.18 Subject to the provisions of the above rules, the Superintendent shall also permit interviews between men and women prisoners who are related to each other by marriage or blood, when they happen to be confined in the same prison, or when one is in the Central Prison and the other in the Special Prison for Women. If a prisoner is to be sent out of the prison for the purpose of such interviews, he/she shall be sent under adequate escort.
- 8.19 The Superintendent shall permit a prisoner, other than a condemned prisoner, to see a prisoner in a hospital outside the prison subject to the following conditions:
- (i) The prisoner in the hospital is a relative and is seriously ill
 - (ii) The hospital is situated in the same city or town
 - (iii) The prisoner is sent under adequate escort as the Superintendent decides.
 - (iv) The prisoner shall return to the prison immediately after seeing the prisoner in the hospital.
- 8.20 Provided that nothing contained in this rule shall apply to persons detained under preventive detention laws or prisoners who habitually commit offences punishable under sections 224, 376, 396 to 400, 402, 467, 471, 472, 474, 489, 489-A, 489-B and 489-D of the Indian Penal Code, 1860 and who are convicted under the above mentioned sections of the Indian Penal Code, 1860.

Superintendent's Permission for Interviews Required

- 8.21 No prisoner shall be allowed to have an interview without the permission of the Superintendent of Prison. Such permission shall be recorded in writing.
- 8.22 Applications for interviews with prisoners may be either oral or in writing. If the prisoner is not entitled to have an interview, the applicant shall be informed at once.

Waiting Rooms

- 8.23 Suitable waiting rooms may be provided in every prison to enable visitors to await their turn for interview. They may be given a token to await their turn.

Interviews on Prison Holidays

- 8.24 Interviews shall not ordinarily be granted on Sundays and other government holidays. The Superintendent may, however, under very exceptional circumstances, grant interviews on these days as well. The reasons for granting such interviews on Sundays or Holidays shall be recorded by the Superintendent in the report book.

Time for Interviews

- 8.25 The Superintendent shall fix the days and hours at which all interviews shall be allowed. No interviews shall be allowed at any other time, except with the special permission of the Superintendent. A notice indicating the interview hours shall be posted outside the prison.

Place of Interview

- 8.26 Every interview shall take place in a special part of the prison fixed for this purpose. If possible such a place should be at or near the main gate to ensure the safety and security of prisoners. The interview room will have fiber glass partition with intercom facilities, so that the prisoners can have a peaceful interview. The interview room shall be divided into cubicles and should have sound-proofing materials covering its walls and ceiling. However, the Superintendents of Prisons may allow well-behaved prisoners to have face-to-face interviews after giving due consideration to security and other related aspects.
- 8.27 Interviews with female prisoners shall, if practicable, take place in the female enclosure/ward.
- 8.28 If a prisoner is seriously ill, the Superintendent shall permit the interview to take place in the prison hospital. A condemned prisoner shall ordinarily be interviewed in his cell.
- 8.29 The Superintendent may, however, for special reasons to be recorded in writing, permit an interview to take place in any other part of the prison.
- 8.30 The interview should be conducted twice a week according to alphabetical order of names.

Prevention of Passage of Prohibited articles during interview

- 8.31 Screens or wire mesh partitions shall be put up, if necessary, between the prisoners and the persons interviewing them, to prevent the passage or exchange of any prohibited articles between them.

Interview to take place in the presence of a prison officer

- 8.32 Every interview with a convicted prisoner shall take place in the presence of an experienced prison officer, who shall be positioned at a place from where he can see and hear what passes between the prisoner and his interviewer

and he shall prevent any article being passed between the two parties. A lady Deputy Superintendent, a Matron, an Assistant Matron or a female warder shall be present when female prisoners are interviewed. CCTV Cameras should be installed in each cubicle/interview room to ensure that no illegal activity takes place.

Note: Every interview with a terrorist or militant, whether serving a sentence or kept as an under-trial, prisoner, or a prisoner detained under Preventive Detection Laws, shall take place in the presence of an Intelligence Officer or an Investigating Officer conversant with the case against the prisoner. An experienced prison officer shall also be present during such interview. Relatives and friends of such prisoners, who desire to interview them, shall produce a certificate from the head of the concerned Village Panchayat or a member of the State Legislative Assembly, as proof of their residence and relationship with the prisoners, or duly authenticated identity documents like a family ration card, voter's identification card, driving license and/or passport.

Communication with or Visit to Foreign Nationals

8.33 If any foreign national is committed to prison, or to custody pending trial, or is detained in any other manner, the Superintendent of Prison shall, immediately inform the Director General of Prisons. Any communication addressed to a Consulate, by a prisoner or detainee, shall be forwarded to the Ministry of External Affairs through proper channel without undue delay. Such communication shall be subject to scrutiny/ censorship as per rules. The particulars of incoming and outgoing letters of a foreign national, if found objectionable shall be censored and also furnished to the government.

8.34 Whenever Consulate Officials of a foreign country seek permission to visit or interview a prisoner for arranging legal representation for them, or for any other purpose, the Superintendent of Prison shall inform the Government of such request from the Consulate. Only on receipt of orders from the government the Superintendent of Prison shall permit Consulate officials to visit the prisoner.

Note: The right to interview a foreign national in prison does not mean a private interview and does not include the right to inspect the living quarters of the prisoner/detainee. This is also subject to general regulations regarding interviews in prisons.

Termination of Interview

8.35 An interview may be terminated at any moment if the prison officer present considers that there is sufficient cause for terminating it. In every such case, the reasons for terminating the interview shall be reported at once to the senior most prison officer present in the prison.

Duration of Interview

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

Search before and after Interview

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

Powers to refuse an interview

- 8.38 The Superintendent of Prison may refuse to allow any interview, to which a prisoner would ordinarily be entitled under these rules, if in his opinion it is not in public interest to allow a particular person to interview the prisoner, or if, there are other sufficient reasons to refuse an interview. In every such case, the Prison Superintendent shall record his reasons for such refusal in his journal.

Withholding of Letters and their disposal

- 8.39 Criteria for withholding of letters of prisoners are as under:
- (i) Prisoners may be allowed to write letters only to their family members, relatives and close friends. Prisoners should also be allowed to correspond with the counsels handling their cases. In case it is found that the prisoner is corresponding with undesirable persons or receiving letters from them, or if any correspondence is found detrimental to the prisoner's rehabilitation, such letters, both incoming and outgoing, shall be withheld. Prisoners should be informed of such action without divulging the contents of the letters received. If necessary, they may also be warned in this regard.
 - (ii) There may be no limit on the number of incoming letters to a prisoner.
 - (iii) Prisoners shall not be allowed to correspond with inmates of other prisons. However, if a prisoner has his/her relative lodged in another prison he may be permitted to send letters to them informing them to his/her welfare.
 - (iv) The Superintendent of Prisons shall have the right to disallow letters to prisoners for reasons of security and discipline or during periods of emergencies, if he considers it necessary.
 - (v) For the purpose of these rules applications sent by prisoners should not be treated as letters.
- 8.40 No letter shall be delivered to, or sent by a prisoner, until the Superintendent has satisfied himself that its transmission is not objectionable. No letter written in a secret language shall be allowed. The Superintendent may withhold any letter which seems to him to be, in any way, improper or

objectionable. He may also cause such passages in the letters to be erased. If a letter is written in a local language and cannot be satisfactorily translated in the prison concerned, it shall be sent to some other officer for translation, in accordance with the procedure laid down for this purpose by the Director General of Prisons. Subject to the approval of the government, arrangements may also be made to send such letters for translation to other Government departments. If a letter is written in a language not ordinarily used in the State, it shall be sent for translation to the Criminal Investigation Department of the State. A slip marked Urgent shall be attached to any letter sent outside the prison for translation so that unnecessary delay does not take place in their translation and examination.

- 8.41 If a letter addressed to a prisoner is improper or objectionable it may be withheld under intimation to the prisoner and kept in the custody of the Superintendent of Prison, or it may be returned to the sender under intimation to that prisoner. The Superintendent of Prison may, if he deems it necessary, communicate the contents of such a letter to the prisoner.

Prisoners May Keep Letters

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

Supply of Writing Materials and Other Facilities

- 8.43 Writing material, including service post cards, shall be supplied in reasonable quantities to any convict, who has permission to write letters. All letters by prisoners shall be written at such time and place as the superintendent may appoint. A fixed day of the week, preferably Sunday, shall be set apart for letter writing. Service postage stamps shall also be provided to prisoners.
- 8.44 Prisoners shall be allowed to purchase writing material at their own expense. All notebooks provided to them should have their pages numbered to keep a check on their misuse and to prevent secret correspondence.

Exclusion from Privileges

- 8.43 If any prisoner abuses any privilege relating to the holding of an interview, or writing of letters, or of communication with persons outside the prison, he shall be liable to be excluded from such privileges and may be subjected to other restrictions as the Prison Superintendent may consider necessary.
- 8.44 Facilities to be granted to Under Trial and Civil Prisoners for Interviews and for writing and receiving letters
- 8.45 Under mentioned facilities may be granted to a under trial or civil prisoner:-

- (i) Under-trial and civil prisoners shall be granted all reasonable facilities to interview, or write letters to their family members, relatives, friends, and legal advisers.
- (ii) Every interview between an under-trial prisoner and his legal adviser shall take place within sight, but out of hearing, of a prison official. A similar concession shall be allowed by the Superintendent in the case of an interview with any near relative of an under-trial.
- (iii) When any person desires an interview with an under-trial prisoner in the capacity of the prisoner's legal adviser, he shall apply in writing, giving his name and address and specifying the purpose of the interview. He must satisfy the Superintendent of Prison that he is the bona-fide legal adviser of the prisoner with whom he seeks interview and that he has legitimate business with him.
- (iv) Any bona-fide written communication prepared by an under-trial prisoner as instructions to his legal adviser (i.e. a legal practitioner within the meaning of the Advocates Act, 1961 (Central Act XXVI of 1961) may be caused to be delivered personally to such legal advisor, or to his authorized nominee, by the Superintendent of Prison. If such communication is confidential it shall be delivered without being previously examined.
- (v) Civil prisoners may see their family members, friends, relations and legal advisers at such time, and under such restrictions, as the Superintendent may decide and the presence of a prison officer shall not be necessary. No such visitor shall, however, be allowed to take eatables without the permission of the Superintendent inside the prison

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

8.46 All communications addressed by a prisoner, who is a member of the State Legislature or of the Parliament, to the Speaker or Chairman of the House of which he is a member, or to the Chairman of Committee (including a Committee on Privileges) of such a House, or of a Joint Committee of both houses of the State Legislature, or of Parliament, shall be immediately forwarded by the Superintendent of prison to the Government to deal with it in accordance with the rights and privileges of the prisoner as a Member of the House to which he belongs.

Telephonic and Electronic Communication

- 8.47 The Superintendent of Prisons may allow a prisoner the use of telephones or electronic modes of communication on payment, to contact his family and lawyers, from time to time, in accordance with the State policy. The prisoner can use this facility under the supervision of a prison officer to be designated by the Superintendent. While permitting a prisoner the use of such facilities, the Superintendent shall ensure that such permission is not given to prisoners who have a record of unruly behaviour and bad conduct.

Other Amenities Relating to Prisoners

- 8.48 A copy of the rules relating to prisoners shall be placed in each cell and one copy of the Do's and Don'ts for prisoners shall be given to them. An abstract of the rules shall also be displayed inside the prison gate and on the walls of important prison buildings.
- 8.49 All prisoners shall be allowed to receive soap, oil and tooth powder, fruits and sweet from their friends and relatives, subject to the condition that the quantity received is limited to their personal requirements for a fortnight and that a thorough examination of the articles, to be passed to the prisoners, is done by a senior officer of the prison.

Facilities for Appeal shall be explained

- 8.50 All relevant rules about appeals, and the facilities available in the prison for preparing and sending appeals, shall be explained to the prisoners at the time of their admission by an officer of the prison who is earmarked as the Welfare Officer.

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

- 8.51 Upon conviction, the Legal Aid Cell/Clinic/ the Probation/ Welfare/ Rehabilitation Officer shall ascertain whether the prisoner desires to file an appeal or not and record it in the convict register and on the History Ticket of the prisoner and the prisoner shall be required to sign the History Ticket or affix his left thumb impression thereon. This shall be verified and confirmed by the Deputy Superintendent and the Superintendent or Additional Superintendent at the time of the prisoner's physical verification.

Superintendent to Forward Petitions of Appeal

- 8.52 Under section 383 of the Code of Criminal Procedure, 1973, an appellant, who is in prison, may present his petition/appeal, and the documents accompanying it, to the Superintendent who shall, thereupon, countersign and forward them to the proper appellate court at government cost. All such appeals shall always be sent by registered post.

Application for Copy of Judgment

- 8.53 If the copy of the judgment is not received by the prisoner, the Superintendent shall immediately address the court, on his behalf, for sending its transcript. In the event of any such transcript of the judgment being sent to the prison authorities for delivery to a prisoner by the appellate, revisional or other court, the official concerned shall get it delivered to the prisoner and obtain a written acknowledgement thereof from the prisoner. If, before the receipt of the transcript of the judgment, the prisoner had been transferred to another prison, or to the custody of any other officer, the transcript of the judgment shall on receipt, be forwarded without delay to the Superintendent of such prison or such officer, as the case may be. Till such time as the copy/transcript of the judgment is received by the prisoner, the Superintendent of Prison shall ensure that a reminder for sending a copy of the judgment is sent to the concerned court every week. If the copy of the judgment is not received within 1 month of forwarding the application to the court, the Superintendent of Prison shall detail a prison officer to visit the court personally and collect a copy of the judgment and have it delivered to the prisoner.

Prisoners to be assisted in Preferring Appeals

- 8.54 Where the prisoner seeks help to file an appeal or revision petition, every facility for the exercise of this right shall be provided to the prisoner by the Superintendent of Prison. If a prisoner desires to file an appeal and declares that he has no friends or relatives or agents who can file an appeal on his behalf, he/she shall be provided with writing materials and allowed to write his own petition or appeal.
- 8.55 If a prisoner cannot write, the Legal Aid Cell attached to the prison shall prepare his/her appeal petition. The Superintendent shall not be obliged to give assistance in the preparation of appeals of prisoners who omit to give notice of their intention to appeal before the period of limitation has expired. A prisoner, whose petition or appeal is written by someone else on his/her behalf shall be given full opportunity of expressing himself/herself and his/her case shall, as far as possible, be recorded in his/her own words. Printed forms of appeal petitions shall not be used.

Special Leave to Appeal

- 8.56 The procedure governing the submission of petitions of special leave to appeal is contained in rules 1, 2, 3 and 4 of Order XIII and Rules 1 and 4 of Order XVIII read with Rule 2 of Order XXI of the Supreme Court Rules of 1950. These rules lay down that a petition for special leave to appeal should be drawn up in the proper form and should be accompanied by the following documents:
- (i) Certified copy of the judgment of the court appealed from

- (ii) An affidavit to the effect that notice of the intended petition for special leave to appeal has been served upon the respondents
- (iii) An affidavit in support of the petition as required by Rule 4 of Order XVII of the Supreme Court Rules, 1950
- (iv) An application for condonation of delay in filling the petition, if it is presented after the expiry of the period of limitation prescribed by Rule 1 of Order XIII read with Rule 2 of Order XXI
- (v) Certified copies of the judgements of the lower courts.

8.57

The Superintendent shall communicate a list of prisoners of the following categories to the Duty Counsel, State Legal Services Authority at the High Court, and Legal Services at Supreme Court, in addition to contacting with District Legal Services Authority on continuous basis, for providing of legal aid and assistance to them:

- (i) Under-trial prisoners who are old and infirm, including women who are pregnant or have babies to be nourished.
- (ii) Under-trials who have spent more than three months in prisons and who have no means to engage a counsel.
- (iii) Persons arrested on suspicion under Section 41 of the Code of Criminal Procedure Code, 1973 who have been in prison beyond a period of 15 days.
- (iv) Under-trials who, the Superintendent has reasons to think, have not completed 18 years of age and who should ordinarily be kept away from adults.
- (v) Any convicted prisoner who has already filed an appeal through prison authorities, as provided in the Code of Criminal Procedure Code, 1973 and who has given in writing his/her desire to avail free legal aid. The Superintendent shall also supply information to the Duty Counsel regarding such appeal along with a copy of memorandum of appeal, if available.
- (vi) Prisoners, or the members of their family, requiring legal assistance in any civil or criminal matters.
- (vii) Information regarding seeking of legal aid may be passed on by the Superintendent to the Duty Counsel if the concerned prisoner has given in writing his/ her desire to avail of free legal aid. If the Duty Counsel so desires, he/she may interview the prisoner with regard to these matters.
- (viii) The provisions which are applicable to petitions for Special Leave to appeal to the Supreme Court on behalf of the condemned prisoners, shall also apply to such petitions on behalf of other convicts.

Exclusion of Time Taken in Obtaining Copy of Judgement

8.58 The date on which a prisoner expresses his intention to appeal shall be entered at the appropriate space in his/her History Ticket. The time between that date, and the date on which the copy of judgement is delivered to the prisoner, shall be treated as the time required for obtaining a copy of the order or sentence appealed against, within the meaning of Section 12 of the Limitation Act, 1 963 (Central Act 36 of 1963).

8.59 The period allowed under the Limitation Act 1 963 (Central Act 36 of 1 963) for filing of appeals to different courts are as follows:

	Description of appeal (1)	Period of limitation (2)	Limitation Starts (3)
a	Under the Code of Criminal Procedure Code, 1973. From a sentence of death passed by a Court of Session or by a High Court in the exercise of its original criminal jurisdiction.	30 days	The date of the sentence.
b	From a sentence or any order not being an order of acquittal	60 days	The date of sentence or order
	i. to the High Court		
	ii. to any other Court	30 days	The date of the sentence or order

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

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

Delay in Preparing Petition to be Noted

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

Maintenance of Appeals Register by the Welfare Officer

8.62 The Welfare Officer shall maintain an Appeal Register. He shall cause the register to be placed before the Superintendent of Prison or Additional Superintendent as frequently as may be necessary. Starting from the date on

which the prisoner expresses his/her desire to file an appeal, till the date of receipt of the order of the appellate court disposing of the appeal, all such dates on which action is taken during the entire process shall be entered in the Appeals Register and attested by the Superintendent or Additional Superintendent. This shall include dates on which requisition for judgment copy is sent, the date of the receipt of judgment copy; the date of delivery of the judgment copy to the prisoner or other nominated party, and date of receipt of appeal from the prisoner.

8.63 The Superintendent or Additional Superintendent shall ensure that there is no delay in the process of disposing of appeals/petitions. The Welfare Officer shall be directly responsible to the Superintendent or Additional Superintendent in these matters. After forwarding the appeals/petitions, the Superintendent shall send reminders to the Clerk/Registrar of the appellate court as under:

Session Court	..	Once in 15 days
High Court or Supreme Court	..	Once in a month

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

8.64 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 returned to the concerned court.

Personal Appearance of the Prisoner in the Appellate Court

8.65 When notice to show cause why a prisoner's sentence may not be enhanced is received from the appellate court, the prisoner shall be asked whether he/she wishes to apply for permission to appear in person before the court concerned. If he/she says to do so, the Superintendent shall forward his/her application to the court for orders. Arrangements shall be made for his/her personal appearance in the court if such permission is granted.

Appeal Procedure with regard to Persons Convicted by Court Martial

8.66 No appeal shall lie from a sentence passed by a court martial under the Army Act, 1950 (Central Act XLVI of 1950). The prisoner will have a right to submit one petition only, against the judgment or sentence, for disposal by the highest authority to whom he/she is authorized to apply. His/her legal rights to submit a petition and the authority to which a petition shall be addressed shall be explained to every accused at the time of the pronouncement of sentence. Such a petition shall be forwarded to the authority to whom it is addressed. Appeals or petitions addressed to the

Government of India, or to any civil authority, shall be forwarded to the Central Headquarters of the concerned Armed Force for disposal.

Record of the Result of Appeal

- 8.67 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 other connected records. The sentences shall be accordingly corrected and the revised dates of release shall be entered and got attested by the Deputy Superintendent and the Superintendent or Additional Superintendent.
- 8.68 In every case in which a sentence is confirmed on appeal, the Superintendent of Prison shall receive information to this effect from the Appellate Court. The confirmation of sentence or appeal shall be entered in the History Ticket and other connected records and attested by the Deputy Superintendent and the Superintendent or Additional Superintendent.

Communication of Appellate Orders

- 8.69 On receipt of an order disposing of an appeal, the purport thereof shall be communicated to the prisoner concerned in the presence of the Superintendent who shall enter on the order a certificate to the effect that it has been so communicated. Whenever a prisoner has been transferred before the receipt of orders on his/her appeal, such orders shall be forwarded, without delay, to the Superintendent of the prison in which the prisoner has been confined.

Record of the Appellate Order

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

Chapter IX

TRANSFER OF PRISONERS

Reasons and Circumstances for Transfer

- 9.01 Prisoners may be transferred from one prison to another for the following reasons:-
- (i) For custody and treatment in a suitable institution in accordance with the classification procedure
 - (ii) For attendance in court for the purpose of standing trial or giving evidence
 - (iii) On medical grounds
 - (iv) On humanitarian grounds, in the interest of their rehabilitation
 - (v) For post-release vigilance by the police
 - (vi) For providing essential services
 - (vii) On grounds of security, expediency, etc
 - (viii) To be nearer to his/her home district
 - (ix) For other special reasons, if any.

Home State

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

Powers of Director General/ Inspector General

- 9.03 Director General/Inspector General of Prisons has following powers:
- (i) Subject to the order and control of the State Government, the Director General/ Inspector General is authorized to sanction the transfer of such prisoners as are referred to in section 29 of the Prisoners Act, 1900 (except those under sentence of death), from one prison to another within the State.

- (ii) The powers to transfer any prisoner under sentence of death from one prison to another shall rest with the State Government.

9.04 The sanction of the Director General/ Inspector General however will not be necessary for transfer of prisoners in the following cases, where the Range Deputy Inspector General of Prisons and the Superintendent of Prison can order such transfer:

- (i) Transfer of prisoners required to give evidence or to undergo trial for an offence in another State
- (ii) Transfer of prisoners en-route
- (iii) Transfer of prisoner to a classified institution in accordance with a standing order issued for this purpose.

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

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

Transfer of sick Prisoners

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

- (i) No prisoner who is sick shall be transferred except for the benefit of his/ her health.
- (ii) When the Medical Officer is of the opinion that the transfer of a sick prisoner to another prison is likely to lead to his/her recovery, or will help in prolonging his/her life, he shall forward a brief statement of the case to the Superintendent, mentioning the prison to which a transfer is desirable. The Superintendent shall thereafter submit the case to the Director General/Inspector General for his orders.
- (iii) The Superintendent shall, on a requisition in writing from the Medical Officer, supply extra food, clothing and bedding to prisoners for such journeys. Medicines, with instructions for their use, shall if necessary, be supplied to the officer escorting such prisoner.
- (iv) The Medical Officer shall be responsible to ensure that the medical case sheet of a prisoner is up-to-date at the time of his/her transfer.
- (v) No prisoner, who is incapable of ordinary hard labour on account of age, sickness or infirmity, shall be recommended for transfer except under special circumstances.

Prisoners convicted in the same case

- 9.06 Prisoners convicted in the same case may be transferred to different prisons if, in the opinion of the Superintendent, it is absolutely essential to do so in the interest of discipline and maintenance of order in the prison.

Transfer of habitual prisoners

- 9.07 The Superintendent may apply to the Director General/ Inspector General for transfer of a habitual prisoner from the prison on the ground that the prisoner is familiar with the locality and surroundings because of previous imprisonment there or otherwise. However, the Director General/Inspector General shall order transfer of such prisoners only in special cases, treating every such application on its merit, and after satisfying himself that sufficient reasons for transferring the prisoner exist.

Transfer of young offenders

- 9.08 Young offenders (in the age group of 18 to 21) admitted to a prison shall be transferred to a suitable institutions for young offenders, under the orders of the Director General/ Inspector General. They shall be transferred back to the prisons of their origin after they attain the age of 21 years if their sentence of imprisonment is not complete. Special arrangements must be made for them in such cases to continue getting the borstal treatment, till their normal release.

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

- 9.09 Every prisoner convicted by a civil court of competent jurisdiction in a State, other than that of his/her origin, may be transferred to his State of origin, if his unexpired portion of sentence is atleast three months at the time of his transfer. He would be moved either to a prison in the district to which he belongs or to a prison nearest to his native place. In the case of any such prisoner to be transferred to his native State, the Superintendent of Police and the Probation/ Welfare/ Rehabilitation Officer of that district of the state shall confirm the fact that the prisoner is native of that district of the state.
- 9.10 In the case of any such prisoner to be transferred to another State, the Superintendent of the prison, where the prisoner is confined, shall obtain from the prisoner a written declaration giving details of his address as also addresses of his relatives in his State of origin and send a nominal roll to the Director General/ Inspector General of Prisons of that State. The Director General/ 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 Director General/Inspector General of that State and then take up the matter with the Government for removal/transfer of prisoner from one state to

another state as per provisions contained in Section 3 of “The Transfer of Prisoners Act,1950”.

Explanation: (i) Due consideration shall be given to the wishes of a prisoner regarding transfer to his home State, unless there are adequate reasons against it - for instance, his being out of mind or obstreperous or an aged parent wishing to be able to see his children during the last days.

Explanation: (ii) The transferring State shall bear the cost of transfer of the prisoner. The cost of maintenance of the prisoner shall be borne by the State of his origin from the date he is received.

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

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

9.11 Every ex-military prisoner convicted by a court martial overseas, or in India, and confined in any prison, other than a prison in his State of origin, may be transferred to a prison in his State of origin. The Superintendent of Prison, where the prisoner is confined, shall immediately after his admission, send the nominal roll and written declaration of the ex-military prisoner in duplicate to the Director General/Inspector General, who shall, in consultation with the Director General /Inspector General of the State of origin of the prisoner, decide that the prisoner shall be transferred and issue orders to this effect. The Director General/Inspector General of Prisons shall also entertain requests from prisoners of his State confined in prisons of other states, and after proper verification by the Superintendent of Police of the district to which the prisoner belongs, inform the respective Director General/ Inspector General about the prisons to which such prisoner should be transferred.

Explanation: (i) Ex-military prisoners should be transferred immediately to their State of origin irrespective of the unexpired portion of their sentence.

Explanation: (ii) The cost of maintenance of ex-military prisoners shall be borne by the States of their origin from the date they are received in their prisons and the cost of transfer should be borne by the Central Government from the Defence Service Estimates.

Transfer of prisoners prior to release

9.12 Every habitual prisoner, police registered prisoner, prisoner ordered to pay a fine, a prisoner required to notify residence subsequent to his release, a person ordered to undergo imprisonment in default of furnishing security for maintaining peace or good behaviour, a prisoner with mental health concerns, and a female or young offender, if confined in a distant prison,

shall be transferred to the prison nearest to his home, one clear week before the date of the expiry of his substantive sentence.

- 9.13 The prisoners so transferred shall be confined in the outer quarantine block of the receiving prison and released therefrom. The release list shall, however, be sent by the Superintendent of the transferring prison to the Superintendent of Police of the district in which the prisoner will be released one month prior to his transfer.
- 9.14 This provision is subject to the condition that the prison to which the transfer is ordered is on or near the route which the prisoner would ordinarily take to his home and contains accommodation for his reception.
- 9.15 The provisions of this rule may be relaxed in the case of prisoners willing to receive help from the local Discharged Prisoners' Aid Society on release, and for habitual and police registered prisoners, and for those who are leprosy patients.

Transfer of prisoners belonging to other States

- 9.16 Prisoners belonging to other States may be transferred on following grounds:
- (i) As a general rule police registered criminals, not being natives of the State in which they are undergoing sentence, shall be removed, without regard to their wishes in the matter at any time if they are sentenced to imprisonment for three months or less, and two months before their release if they are sentenced to imprisonment for more than three months, either to the prison of the district to which they belong or to the prison nearest to their native place, provided that such prison is declared by the State Government concerned as the receiving depot for prisoners removed from the State. A prisoner sentenced to more than three months of imprisonment shall be transferred to a prison in his home district earlier than two months if he is willing, or if there are adequate reasons requiring such transfer. All such cases, as mentioned above, shall ordinarily be intimated by the police to the Superintendent of Prison in the form of a Police Registered Slip. When a Police Registered Slip is received, the details to be filled in at the prison shall be completed and the slip attached to the prisoner's warrant and sent with him to any prison to which he may be transferred. At the same time an entry of the letters "P.R.T.", signifying Police Registered Prisoners for Transfer shall be made in red ink in the Convict Register and Register of Prisoners to be released. The Superintendent shall forward to the Director General / Inspector General a nominal roll of such prisoner with an application

for his transfer one month before the date on which the transfer is to be effected in accordance with the rules. The Director General/Inspector General is authorized to order the removal of such prisoner, as required above, and shall pass a formal order sanctioning the transfer in consultation with the Director General/Inspector General of the State with the consent of that Government to which the prisoner is to be removed. On the death or escape of a Police registered prisoner, the Police Registered Form attached to his warrant shall be returned to the Superintendents of Police of his district with an endorsement showing the date of his death or escape. Similarly any prisoner, whose detention in a prison of the State in which he is undergoing sentence, is deemed inexpedient; he may be removed with the previous consent to the Director / Inspector General of the State and the Government of that State to which it is proposed to remove him.

- (ii) Police Registered Prisoners for transfer (or briefly P.R.T. Prisoners) belonging to Jammu and Kashmir, Nepal and Bhutan shall be transferred to the prisons in India nearest to their native places, at any time not exceeding two months prior to their release. The prisons to which they are to be transferred being decided in consultation with the Director/Inspector General of Prisons of the respective State, and after verification of the facts. Intimation regarding release of P.R.T. Prisoners belonging to Jammu and Kashmir shall be sent direct to Jammu and Kashmir Government. In the case of P.R.T. prisoners belonging to Bhutan and Nepal, such intimation shall be sent to the Governments of these countries through India's Political Officers or the Indian Embassy, as the case may be.

Transfer during epidemics

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

Grounds of re-transfer to be state

- 9.18 When a prisoner has been transferred for any special reason by the Director /Inspector General, the Superintendent shall, bring to the notice the special reason for which the original transfer was made when proposing the re-transfer of such prisoner.

Police to escort prisoners

- 9.19 Police escort to the prisoners is given on following grounds:

- (i) The responsibility of escorting prisoners rests with the police. The Superintendent of Prison shall endeavour to reduce the calls upon the police as far as possible, by transferring prisoners in batches. Prisoners shall not ordinarily be dispatched so as to reach the prison of destination on any of the recognized holidays for prisons. If such a contingency is likely to arise due to unavoidable circumstances, the Superintendent of the transferring prison shall forward a written request to the Superintendent of the receiving prison. The Superintendent of the receiving prison shall, however, entertain such admission on holidays even in the absence of any such request, but bring the irregularity to the notice of the Director/Inspector General of Prisons.
- (ii) The authorities at the transferring prison shall, as far as possible, avoid sending prisoners of different categories in the same batch. However, if circumstances make this unavoidable, they shall give clear instructions to the officer in charge of the escort to prohibit communication amongst such prisoners.

Application for escort

9.20 When prisoners are to be transferred, the Superintendent shall apply to the Superintendent of Police of the district where the Central Prison is located, sufficiently in advance for the requisite guard, intimating the number of prisoners and the date and hour of their intended dispatch and the station they are being transferred to.

Precautionary measures

9.21 Criteria for precautionary measures is as under:

9.22 Full details of the following types of prisoners shall always be supplied to the escorting party before they are handed over to the police by the Superintendent of the transferring prison, namely:

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

prisoners likely to attract public attention and cause a stir are being transferred.

Provision of Female Warders

- 9.23 When a female prisoner is transferred, a female Warder/Woman Police Constable shall accompany her. But, her presence does not relieve the responsibility of the police for the safe custody of the prisoner in transit.

Intimation of prisoners transferred to be given

- 9.24 The Superintendent shall furnish to the officer in charge of escort a memorandum showing the number of prisoners being dispatched, their state of health, the route they are to take, and the date of dispatch. He shall also send all these details to the Superintendent of the receiving prison, along with the probable date of their arrival well in advance, and if necessary, by telegram.

Procedure prior to transfer

- 9.25 The Superintendent shall, before transferring a prisoner, verify all the entries regarding him/her and certify on the back of the warrant, the number and date of the order directing the transfer and the date of transfer.

Dispatch of prisoner's property

- 9.26 Prisoner's property is transferred:
- 9.27 On the transfer of a prisoner, the Jailor/Deputy Superintendent of the dispatching prison shall get a list of the prisoner's property prepared in triplicate, as entered in the Convict Register, and obtain the signature of the officer in charge of the escort for the property on the counterfoil as a token of receipt. The duplicate and triplicate forms, the former signed by the Jailor of the dispatching prison, together with the property, shall be given to the officer in charge of the escort to be handed over to the receiving prison, where the duplicate list shall be retained and filed. The triplicate shall be signed by the Jailor of the receiving prison and handed over to the officer in charge of the escort.
- 9.28 If it is found that there is any discrepancy in the cash, jewellery or property, immediate notice of the same shall be given to the Superintendent of the dispatching prison who shall begin an enquiry into the matter.

Documents to accompany prisoners

- 9.29 The following documents relating to each transferred prisoner shall be given to the officer in charge of the escort to be delivered to the Superintendent of the receiving prison namely:
- (i) His/her original warrant or warrants duly endorsed
 - (ii) A copy of the committing court's judgement, if available, the order of any appellate court and of the government on any petition made by the prisoner
 - (iii) A nominal roll
 - (iv) His/her history ticket
 - (v) His/her remission sheet, if any
 - (vi) His/her medical case sheet
 - (vii) Duplicate and triplicate lists of all private property belonging to the prisoner
 - (viii) A list of clothing, bedding and other government property sent with the prisoner.
- 9.30 The total amount of remission earned by every transferred prisoner up to the end of the preceding month shall be endorsed on his/her History Ticket, remission sheet and on the warrant, and the entries shall be signed by the Superintendent. The Jailor of the transferring prison shall be responsible that the above information is duly and correctly supplied and that all documents to accompany the prisoners are correctly sent.

Prisoners to be searched before dispatch

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

Supply of food and clothing on journey

- 9.32 Every prisoner, during transit, shall be allowed to wear his private clothing. Whenever the private clothing of a prisoner has been destroyed or sold, he/she shall, on transfer, be provided with civilians clothing at government cost.
- 9.33 Subsistence allowance shall be paid to all remand and under-trial prisoners, at rates as fixed by government from time to time.

Duty of the escorting officer

- 9.34 The officer in charge of escort shall see that prisoners do not communicate with outsiders and have no opportunity of obtaining forbidden articles, including cash, from their friends or relatives while in transit. During the transit period, the prisoner shall not be allowed to handle any cash, jewellery or other private property, except his/her private clothing.
- 9.35 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 Director/ Inspector General of Prisons.

Not to be admitted to Central Prisons en route

- 9.36 Prisoners in transit shall not be admitted into Central Prisons. They may however be admitted to a transit yard if such a facility is attached to Central Prisons for the purpose.

Custody of females and juveniles

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

Search during transit

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

Transfer by rail or water

- 9.39 Prisoners shall ordinarily be transferred by rail where facilities for travel by rail exist. The fares of prisoners and of the warder, if any in charge, shall be included in the railway warrant prepared by the Police Department. The accommodation to be provided shall be of the lowest class.
- 9.40 When prisoners are to be transferred by rail, timely notice shall be given to the police of the intended date and hour of dispatch with a view to make suitable arrangements with the railway authorities for their safe custody in transit, and for the provision of necessary accommodation.

Transfer by road

- 9.41 The police escort party, which is transporting prisoners by road, shall provide necessary conveyance even for a shorter distance. Taking into consideration the safety and security of the prisoners, the police shall chalk out the routes and places of halt, in advance. Any accident on transit should be promptly intimated to the Superintendent of the Prison from where the prisoner has been moved.

Procedure if prisoner falls sick

- 9.42 If, during such transfer by road, a prisoner becomes so ill as to be unable to continue his/her journey, he/she shall be taken to the nearest hospital, or to any place where there is a public dispensary, for treatment by a Medical Officer. A report of the circumstances shall immediately be made to the Superintendent of the dispatching prison and of the prison to which the prisoner was being moved.

Procedure in case of death of a prisoner in transit

- 9.43 When a prisoner dies in transit, the officer in charge of the escort shall at once report the circumstances to the nearest police station, which in turn will inform the judicial Magistrate. The Executive Magistrate shall enquire into the case and submit his/her report directly to the Director / Inspector General and shall arrange for the disposal of the dead body. The officer in charge of the escort shall also intimate the death of a prisoner to the Superintendent of the prison to which the prisoner was being transferred, and the Superintendent of the transferring prison immediately. The latter shall inform the deceased prisoner's relatives, the Government, and the National Human Rights Commission, of the death of the prisoner.

Procedure if prisoner escapes

- 9.44 If, during transit, a prisoner escapes, intimation shall at once be given by the officer in charge of the escort to the nearest police station to enable them to take steps for recapture of the prisoner. The Superintendent of the prison to which the convict was being taken and of the transferring prison, shall also be informed of the escape, and the latter shall take the prescribed measures for the prisoner's re-apprehension. On recapture such a prisoner shall be sent to the prison from where he was originally being transferred.

Admission of transferred prisoners

- 9.45 On arrival at the receiving prison, the usual procedure for the admission of prisoners shall be followed. The Superintendent shall satisfy himself that the correct number of prisoners has been received and that they have been properly fed and cared for during transit.

Verification of lists accompanying prisoners

- 9.46 When the authorized prison officer of the receiving prison has satisfied himself that the prisoner's documents and property have been correctly received, he shall countersign the memorandum and the triplicate copy of the list of property and shall return them, together with any clothing and item issued at government cost, to the transferring prison.

Facilities in the matter of letter writing

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

Chapter X

REPATRIATION OF PRISONERS

- 10.01 A number of Indian prisoners are lodged in various countries undergoing their sentences while, a number of foreign prisoners are similarly lodged in Indian prisons. These prisoners are unable to meet with their families due to long distances and this loss of contact with family members hinders their rehabilitation and reformation. Such prisoners may be brought back for undergoing the remaining period of their sentences under the various bilateral and multilateral agreements entered into by India, through the process of repatriation under the aegis of Repatriation of Prisoners Act 2003 and Repatriation of Prisoners Rules 2004.
- 10.02 Presently, India has entered into bilateral agreements with 27 countries (listed below) and has also acceded to one multilateral treaty i.e. the Inter-American Convention on Serving Criminal Sentences Abroad (IAC), which is signed by the Member States of the Organisation of American States (OAS) but is also open to accession by non-OAS countries. Currently, India has functional arrangements with 36 countries (20 countries under bilateral agreement and 16 countries under Inter-American Convention on Serving Criminal Sentences Abroad) for transfer of sentenced persons. These countries are United Kingdom, Mauritius, France, Bulgaria, Egypt, South Korea, Saudi Arabia, Bangladesh, Sri Lanka, Cambodia, Israel, UAE, Iran, Italy, Maldives, Turkey, Thailand, Russian Federation, Kuwait, Hong Kong Special Administrative Region and Argentina, Belize, Canada, Czech Republic, Chile, Costa Rica, Ecuador, El Salvador, Guatemala, Mexico, Nicaragua, Panama, Paraguay, United States, Uruguay, Venezuela.
- 10.03 Out of these, India has operational agreements with the following 20 countries: United Kingdom, Mauritius, Bulgaria, France, Egypt, Sri Lanka, Cambodia, South Korea, Saudi Arabia, Iran, Bangladesh, Israel, UAE, Italy, Turkey, Maldives, Thailand, Russian Federation, Kuwait and HKSAR. Indian prisoners undergoing a sentence in the prisons of these countries may be brought back in terms of these agreements, and nationals of such countries can be repatriated to their native countries in accordance with the agreements.
- 10.04 India has also acceded to multilateral convention of the Organisation of American States a regional organization having 35 member States). The Inter American Convention on Serving Criminal Sentences Abroad was adopted on 9th June 1993 and came into force on 12th April, 1996. It is a multilateral treaty, which lies under the framework of Organisation of American States. India is also in the process of acceding to the Council of Europe Convention on Transfer of Sentenced Persons. The Council of Europe

Convention on Transfer of Sentenced Persons came into being on 12th April, 1983 and is effective since **1 July 1985**. So far, the total 64 countries have ratified the convention. Out of these, 45 countries are the member States of the Council of Europe – Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Russia, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Turkey, Ukraine and United Kingdom. The rest **19 countries** namely, Australia, Bahamas, Bolivia, Canada, Chile, Costa Rica, Ecuador, Honduras, Israel, Japan, Korea, Mauritius, Mexico, Panama, Philippines, Tonga, Trinidad and Tobago and United States of America, Venezuela are non-member states of the Council of Europe (CoE).

10.05 The procedure for processing such repatriation requests is briefly described below and is detailed in guidelines issued by way of Advisory by MHA on 10th August, 2015:

- (i) The request for transfer should be made by the prisoner or anyone acting on his/her behalf voluntarily.
- (ii) This request should be forwarded by the prison authorities of the country where he is lodged to the prison authorities of the country where he is to be repatriated.
- (iii) The prisoner should be undergoing a sentence after being convicted by the court of law for an act which is an offence in both the countries i.e. the Transferring country as well as the Receiving country.
- (iv) There should not be any other cases pending in a court of law at the time of making such a request and the prisoner should not be wanted in any other proceedings by any investigating agency.
- (v) At least 6 months period of his sentence should remain for such request to be considered.
- (vi) On transfer the prisoner would undergo either the remaining period of his sentence or his sentence would be adapted in terms of existing provisions of law in the Receiving country without aggravating the period of his sentence. The period of sentence so adapted should closely be in line with the sentence awarded to him in the court of

law in the country where convicted and can be modified to bring it in line with similar provisions in the Receiving country.

10.06 All the Missions of the country abroad and the prison administrations in the States/UTs have been apprised about the guidelines for repatriation of eligible inmates who can be considered for such repatriations.

Chapter XI

EXECUTION OF SENTENCES

Method of calculating a sentence

- 11.01 The duration of a sentence shall be calculated in calendar years, months, a fortnight, a week or days. The term 'year' means a year beginning 1st of January and concluding on 31st of December of Gregorian calendar, a 'month' means thirty days, a 'fortnight' means fourteen days and a 'week' means seven days.
- 11.02 When a prisoner's sentence includes a fraction of a month, the date of release shall be calculated by reducing such fraction to days. A month, for this purpose, shall consist of thirty days. For example, if a prisoner is sentenced to one and half months' imprisonment on 2nd February. The date of his release shall be 16th March.

Serving of sentences

- 11.03 In whatever order the sentences are served, a prisoner is liable to serve the aggregate of the terms of all the sentences, provided that under no circumstances shall a prisoner be detained in prison beyond the period indicated by the terms of the warrant of commitment.
- 11.04 In case of doubt, as to the order in which the sentences shall take effect, instructions shall be taken from the court imposing the last sentence.

Commencement of, and breaks in, imprisonment how reckoned

- 11.05 In calculating the date of expiry of a sentence of imprisonment in a criminal case, the day on which the sentence was passed and the day of release shall both be included as days of imprisonment. A prisoner who is punished till the rising of the court only, shall be released from the court itself and not admitted to prison. In the case of a prisoner who is punished till the rising of the court and is awarded another sentence on the same day, the latter sentence shall start from the date on which the sentence is awarded. If a prisoner is sentenced to imprisonment for 24 hours, he must be kept in prison for the exact number of hours. In such cases, the sentence shall be deemed to commence from the hour indicated in the warrant. Prisoners sentenced to one day's imprisonment shall be admitted in prison and released on the same day.

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

Example 2: A prisoner sentenced on 28th February to one month's imprisonment shall be released on 27th March at the time of every roll call.

Illustration 3: A prisoner sentenced on 1st January to one day's imprisonment shall be released on the same day at the time of every roll call. But if he is sentenced to imprisonment for 24 hours he shall be kept in confinement for that period and not released before the hours are up on 2nd January.

- 11.06 The period of imprisonment to be undergone shall be reckoned from the date on which the sentence is passed, except in cases which fall under sections 31, 426 and 427 of the Code of Criminal Procedure, 1973, where the directions of the Court shall be followed.

Explanation: In the case of a prisoner sentenced to imprisonment in default of fine, the period of imprisonment shall be reckoned from the day on which he was re-arrested for failing to pay the fine imposed.

- 11.07 If the month in which the sentence of a prisoner expires has no date corresponding to the date of sentence, the last day of the said month shall be taken as the day of expiry of sentence. The same principle shall apply when the sentence is reduced due to reduction in sentence or payment of fine or grant or remission.

- 11.08.1 Regarding the manner in which two or more sentences inflicted at the same time or at different times on the same person are to take effect, provisions of Section 31, 426 and 427 of the Code of Criminal Procedure, 1973, shall be followed.

- 11.08.2 In case of doubt to the order in which sentences shall take effect, the instructions of the court imposing the latest sentence shall be taken

- 11.08.3 In case of doubt to the order in which sentences shall take effect, the instructions of the court imposing the latest sentence shall be taken

Date of release when two or more sentences run consecutively

- 11.09 When a prisoner is sentenced to two or more periods of imprisonment to be served consecutively, the date of release shall be calculated as if the sum of fines was awarded in one sentence.

Example 1: A prisoner sentenced on 21st November, 2000 to two substantive terms of imprisonment of one year each shall be released on 20th and not on 19th November 2002.

Example 2: A prisoner is sentenced on 1st January to two months imprisonment and a fine of Rs. 200 or, in default, to one month's imprisonment. If the fine is not paid, he shall be released on 31st March, but if the fine is paid, then on the last day of February.

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

- 11.10 The imprisonment for life technically means imprisonment for the whole life. The sentence of all prisoners sentenced to imprisonment for life or to more than twenty years imprisonment in the aggregate, shall, for administrative purposes of calculation of the normal date of release, be deemed to be sentences of imprisonment for twenty years.
- 11.11 If a sentence of death is commuted to one of imprisonment for life, or imprisonment for a term, the sentence of imprisonment for life or imprisonment for a term shall be deemed to commence from the date on which the sentence of death was passed.
- 11.12 When an additional sentence of imprisonment is passed on an escaped convict who has been recaptured, such sentence shall take effect according to the following rules:-
- (i) If the new sentence is severer in its kind than the sentence which such convict was undergoing when he escaped, the new sentence shall take effect immediately, and the unexpired portion of sentence he was undergoing when he escaped, shall be served subsequently. When the new sentence is not more severe, it shall take effect after he has served the portion of his original sentence which at the time of his escape remained unexpired.
 - (ii) A sentence of rigorous imprisonment is severe than one of the simple imprisonment.
- 11.13 In the case of an escaped prisoner, subsequently arrested in connection with another offence, any period spent on that account in police custody, or as an under-trial prisoner, shall not be reckoned as imprisonment under the original sentence.
- 11.14 Necessary entries shall be made in the Register of Prisoners to be released in place of the original date of release in respect of all such prisoners.

Date of release of prisoners sentenced for escape

- 11.15 If a prisoner receives a sentence for escape from prison the date of release shall be re-calculated in accordance with Section 426 of the Code of

Criminal Procedure, 1973 and entered in the Register of Prisoners to be released in place of the original date of release.

Periods that will not count towards sentence

- 11.16 In the following cases, the period spent by prisoners outside the prison, known as at large period, shall not count towards sentence:
- (i) Escape.
 - (ii) Bail.
 - (iii) Suspended period of sentence, including emergency leave.
 - (iv) Unauthorized extension of temporary release.
 - (v) Suspended period of sentence if directed by the court.
 - (vi) Suspension of sentence for police investigation.
 - (vii) Violation of conditional release.
 - (viii) Extradition.
- 11.17 A prisoner released on bail in court on the day he is sentenced without having been sent to prison, shall not be deemed to have served any part of his sentence.
- 11.18 Convicted prisoners removed from a prison in one State to a prison in another State under the provisions of the Transfer of Prisoners Act, 1950 (Central Act XXIX of 1950) shall be deemed to be undergoing their original sentence in the prison where they have been transferred.
- 11.19 When a conditionally released prisoner is readmitted in prison owing to an infringement of the terms on which he was released, the unexpired portion of his sentence shall be carried out without waiting for the receipt of the government orders, which shall be applied for through the Director/Inspector General immediately on admission of such prisoner. In such cases, the unexpired portion of sentence shall be deemed to have commenced from the date of the prisoner's readmission in prison.
- 11.20 In the case of a prisoner released on bail on a day subsequent to that on which he/she was committed to prison, but who is again committed to undergo sentence in the same case, every day of admission and every day of release shall be counted as days of imprisonment in respect of such sentence.
- 11.21 In cases where there are more than one "at large" periods, the aggregate total of all such periods shall be worked out in terms of days and added to the substantive sentence. The date on which the sum of these periods elapses, counting from the date of conviction, shall be the date of expiry of sentence.

- 11.22 In the case of a convict who has to attend the court on the very day of his/her release, for a case for which he is not on bail, he shall be treated as released in the morning and sent to court as an under-trial prisoner. If the prisoner is sentenced to further imprisonment, on that very date, the sentence shall be calculated from the following day.
- 11.23 When a period has been excluded from a sentence under the preceding rule, the mode to be adopted in calculating the date of release is to take the full term of sentence as commencing from the date of readmission and deduct from it the number of days already passed in jail; the date so arrived at will be the date on which the sentence expires.
- 11.24 In calculating the day on which any prisoner is entitled to be released, the day on which the sentence is passed and the day on which the prisoner is released, respectively , shall be deemed to be days of imprisonment.
- 11.24.1 Provided that if, in the case of any prisoners, two or more sentences are to be undergone otherwise than concurrently, no day shall be counted as a day of imprisonment in respect of more than one such sentence, and that a sentence of imprisonment for one day or twenty four hours shall be deemed to expire on the morning of the day following that on which the sentence was passed.
- 11.24.2 In calculating periods of imprisonment expressed in months, a month shall be deemed to be a calendar month.
- Example 1:** A prisoner sentenced to one year's imprisonment on the 15th January, 1980, shall be released on the 14th January, 1981, A prisoner sentenced on the 1st January to one month's imprisonment shall be released on the 31st of the same month.
- Example 2:** A. B. and C are sentenced respectively to one month's imprisonment on the 29th, 30th and 31st January, 1980, all three sentences expire on the morning of the 28th February.
- 11.25 Sentences awarded in default of payment of fine shall be calculated as follows:
- (i) Sentences imposed in default of payment of fines cannot run concurrently;
 - (ii) If a prisoner sentenced to imprisonment in default of payment of fine receives another sentence while undergoing such imprisonment, the second sentence shall begin from the date on which the first sentence expires or if the fine is paid, from the date of payment.

Example: A prisoner is sentenced on 31st January to pay a fine of Rs. 300 or in default to two months' rigorous imprisonment and on 12th

February of the same year he is sentenced on another account to an additional imprisonment for four months. The fine is paid in full on 28th February. The sentence of four months of imprisonment shall begin from 28th February and not from 31st January.

- (iii) If a prisoner, sentenced to a term of imprisonment in default of payment of fine is also, either at the same time or subsequently, sentenced to another term or terms of imprisonment, the initial sentence shall be kept in abeyance till the expiration of all the absolute sentences of imprisonment. It shall be annulled wholly or partially by the payment of the fine in whole or in part, before the expiry of that period or so long as imprisonment continues.

Explanation: This rule covers the case of a prisoner whose first sentence of imprisonment is only in default of payment of fine. The substantive sentences of imprisonment, subsequently imposed, shall count from the date of the first sentence and the imprisonment in default of payment of fine shall take effect last, although a portion of it may have been already served when the substantive sentence were awarded, unless the imprisonment is of a different denomination to that of the substantive sentences. In such a case the imprisonment in default of payment of fine shall be completed before the substantive sentences take effect.

- (iv) The imprisonment, which is imposed in default of payment of a fine, shall terminate whenever that fine is either paid or levied by the process of law.
- (v) If a prisoner is sentenced to imprisonment, of which the whole or any portion thereof is in default of the payment of any fine, and if the fine or a portion of it is not immediately paid, the dates of release shall be calculated and entered on the prisoner's warrant and History Ticket and in the Registers so as to correspond both with payment and with non-payment of fine.
- (vi) If a prisoner, who is sentenced to a fine and in default to imprisonment, pays a portion of the fine, the date of release shall be proportionally altered. If the imprisonment in default of payment of fine is expressed in calendar months, reduction of imprisonment to be made in consequence of such payment, shall be calculated in calendar months and not in days. Any fraction of a month obtained by such calculation shall be reduced to days. When the fraction thus obtained is not exactly equal to any number of days or is less than a single day, the portion of a day which results shall be considered and treated as being equal to a full day.

(vii) When a prisoner is sentenced to fine and the fine is paid in installments, the period of sentence to be remitted shall not be calculated on the individual payments but on the aggregate of the several previous payments.

(vii) If a prisoner who is sentenced to a fine and in default imprisonment for a certain number of years, months and days, pays a part of the fine, the remission for the payment shall be calculated in year and months and not in days, and any fraction of a month, obtained by such calculation shall be reduced to days. When the fraction thus obtained is not exactly equal to any number of days, or is less than a single day, the portion of a day which results shall be considered and treated as being equal to a full day, in favour of the prisoner.

11.26 If a prisoner be sentenced to imprisonment of which the whole or any portion is in default of payment of any fine, if the fine or a portion of it be not immediately paid, the date of release shall be fixed and entered in the release diaries on such dates as shall correspond to payment as well as non-payment of fine. When any portion of fine is subsequently paid, the date of release shall be altered accordingly.

Example : If a prisoner be sentenced on the 1st January, to six months imprisonment and to pay a fine of Rs. 300, or in default of payment to be imprisoned for a further period of six months, then supposing that the prisoner, immediately on conviction, pays Rs 100, the date of release shall be first fixed at the 31st October, that is, six months plus four months (being the term of proportionate to the amount of fine unpaid), the entries shall be made in the release register on the 30th June and 31st October . If he afterwards pays another Rs 100 the latter date shall be changed to 31st August, on his paying the whole, the fact shall be noted opposite the entry on the 30th June.

When a foreigner is sentenced to a term of imprisonment

11.27 If a foreigner, apprehended and detained under Section 4 of Foreigners Act, 1946 (Central Act 31 of 1946), has to undergo a term of imprisonment, the period of detention under the Foreigners' Act shall be exclusive of and additional to the period of any sentence of imprisonment which may be imposed upon him.

11.28 When a prisoner has been committed to jail at one trial under two separate warrants, the sentence in the one to take effect from the expiry of the sentence in the other, the date of such second sentence shall, in the event of first sentence being set aside on appeal, be presumed to take effect from the date on which he was committed to jail under the first or original sentence.

(b) “When separate sentences have been passed in separate trials and the sentences are to run consecutively under section 427 of the Code of Criminal Procedure, 1973, the operation of second sentence will, in the event of first sentence being set aside on appeal, commence from the date of conviction in the second case.

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

11.29 The following method shall be adopted in calculating the date of release of a prisoner who, after conviction, is released on bail but is afterwards recommitted to prison to serve his sentence, or who escapes and is subsequently recaptured.

11.30 Add the number of days for which the prisoner was on bail, or was at large, to the term of the sentence, exclusive of the day of release and re-arrest, or of escape and re-capture. The date on which the sum of these periods will elapse, counting from the date of conviction, shall be the date of expiry of sentence.

Example: A prisoner sentenced on 1st January to one month's imprisonment escapes on 15th January and is re-captured on the 16th, he shall be entitled on the original warrant to be released on the 31st January.

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

Payment of fines to prison

11.32 If a fine or its portion, imposed on a prisoner as a sentence or part of a sentence by a magistrate, is tendered at the prison it shall be received by the concerned officers during office working hours, except on Sundays and prison holidays, provided the prisoner is due for immediate release. The Superintendent shall at once remit the sum received to the court or treasury and send intimation of the payment to the adjudicating court.

Liability of prisoner to payment

11.33 If an offender, who has undergone the full term of imprisonment to which he was sentenced in default of payment of fine, is still liable to have the fine levied by distress and sale, the Superintendent of Prison shall accept the whole fine, if tendered, even though a part of the alternative imprisonment has been undergone.

Intimation of payment of fine

- 11.34 When fines imposed on prisoners are recovered by a court, intimation of the same will be received by the Superintendent from the Court. If the convict has been transferred elsewhere, the Superintendent shall forward such intimation by registered post to the prison in which the convict is confined. All fine intimations shall be acknowledged.
- 11.35 No action shall be taken on fine intimations which do not bear the seal of the court. Such intimation shall be returned to the court for proper authentication and affixing seal of the court. Telegrams shall not be accepted as intimations of recovery of fine. When intimation of payment of fine by a prisoner is received from a Police Officer, it shall be returned to that officer with a request that it may be forwarded through the court awarding the sentence.

Prisoners to be informed

- 11.36 When the fine has been paid, the prisoner concerned shall be informed and the payment shall be duly noted in the register, on the warrant and on the prisoner's History Ticket. The entries in the register and the warrants and History Tickets shall be signed by the Superintendent or the Additional Superintendent and the Dy. Supdt. A separate Inward Register for the receipt of the fine intimation shall be maintained.

Imprisonment in default of giving security plus a substantive sentence

- 11.37 When a person, in respect of whom an order requiring him to furnish security is made under section 106 or 117 of the Code of Criminal Procedure 1973, is at the time of such order is sentenced to or is undergoing a sentence of imprisonment, the period for which such security is required shall commence on the expiry of such sentence. In other cases such period shall commence on the date of such order being passed, unless the Magistrate, for sufficient reasons, fixes a later date. If such a person fails to give security on or before the date of expiry of his substantive sentence, he shall be detained in prison until the expiry of the period for which security is required to be furnished, or until the requisite security is furnished. It is not necessary in such cases that a formal warrant shall be issued by the Magistrate for the detention of such person in the prison after the expiry of the substantive sentence.

Illustration

- 11.38 A prisoner, while undergoing three months imprisonment, is ordered by a competent Court to execute a bond under section 106 of the code of

Criminal Procedure, 1973 for keeping peace for a term of six months and execute a bond in a sum of Rs.25 with one surety for a like amount, fails to give security on or before the date on which the three months substantive imprisonment expires, he/ she shall be detained in prison until he furnishes the required security, or until the term for which such security is to be given is completed, but no formal warrant is necessary for such detention.

- 11.39 If a person while undergoing imprisonment under an order under section 122 of the Code of Criminal Procedure, 1973 in default of furnishing security, is convicted of an offence committed prior to the making of such order, and is sentenced to undergo imprisonment, such sentence shall commence from the date on which it was passed; and if such sentence expires before the period for which the person is undergoing imprisonment in default of giving security, he shall be detained for the remainder of such period. If, however, a person while undergoing imprisonment in default of furnishing security is convicted of an offence committed after issue of the order under section 122 of the Code of Criminal Procedure 1973, and is sentenced to imprisonment, such sentence shall commence at the expiration of imprisonment for failure to furnish security, unless the Court directs that such Sentence shall run concurrently with the imprisonment for failure to furnish security.
- 11.40 Sentences awarded under section 52 of the Prisons Act, 1894 shall commence on the expiry of imprisonment in default of furnishing security or from the date of receipt in the prison of an intimation that the security has been furnished.
- 11.41 Where a prisoner, who is already undergoing substantive sentence of imprisonment, has been ordered to undergo a further sentence in default of furnishing security for keeping peace or good behaviour under Chapter VIII of the Code of Criminal Procedure, 1973, the order shall be brought to the notice of the sessions Judge to whom such Judicial Magistrate is subordinate.
- 11.42 The period mentioned in section 122(2) of Code of Criminal Procedure, 1973 shall be counted from the date of the order of the Sessions Judge or High Court, unless the latter specifically directs in the warrant that it is to be counted from some other date. In such a case, the direction of the superior court shall be complied with.
- 11.43 Detention for failure to give security is not a substantive sentence of imprisonment within the meaning of section 427 of Code of Criminal Procedure Code, 1973 .

Procedure when sentence is suspended

- 11.44 When an Appellate Court directs that the execution of a sentence, or order appealed against, be suspended, the appellant shall, if detained in prison pending further orders of such Courts, be treated in all respects as an under trial prisoner.
- 11.45 Should the appellant be ultimately sentenced to imprisonment or imprisonment for life, the period during which the original sentence was suspended shall-
- a. if passed while the prisoner in prison, be included, and
 - b. if passed when the prisoner was at large be excluded, in computing the term for which he is sentenced by the Appellate Court.

When retrial is ordered

- 11.46 When a court passes a sentence after a retrial, or after original sentence is reversed and retrial (fresh trial) is ordered on appeal, the previous sentence, or portion thereof, already undergone by the prisoner before the fresh trial, should also count, unless otherwise specifically directed, towards the sentence imposed after the fresh trial, excluding any period during which the prisoner was at large.
- 11.47 If a convicted prisoner is to be handed over to police for the purpose of investigation, Government orders suspending his sentence are necessary.

Procedure when a sentence is modified or reversed on appeal

- 11.48 When a sentence on a prisoner is reversed or modified on appeal by a court, other than the High Court, a fresh warrant will be issued by the Appellate Court to the officer in charge of the prison and such order will also be communicated to the lower court.
- 11.49 Provided that when the Appellate Court orders the retrial, or committal for trial, of a prisoner under section 386 of the Code of Criminal Procedure, 1973 it shall communicate its order to the Court whose decision has been reversed and that court shall thereupon make such orders as are conformable to the judgement of the appellate Court.
- 11.50 When a case is decided on appeal or revision by the High Court, the Court or Magistrate to which the High Court certifies its order will proceed, under the provisions of section 388 or 405 of the Code of Criminal Procedure, 1973 to issue, when necessary, fresh warrant or order to the prison officer.
- 11.51 In all cases in which a sentence or order is modified or reversed, whether in appeal or revision, a separate warrant shall be issued as regards each prisoner whose sentence has been so modified or reversed.

Procedure when a sentence is confirmed

- 11.52 When an appeal is rejected, or a sentence is confirmed by an Appellate Court other than the High Court, intimation to that effect will be sent to the Officer in charge of the prison by such Appellate Court and such order will also be communicated to the lower court for record.
- 11.53 When the rejection by the High Court of an appeal or revision application from a prisoner is communicated to the court by which such prisoner was convicted, such court shall at once to cause the intimation of such decision to be given to the prisoner.
- 11.54 In cases referred by the Court of Sessions for the confirmation of a sentence of death by the High Court, the High Court will send a copy of its order to the Court of sessions which will then issue warrant to the Officer in charge of the prison.

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

- 11.55 In all cases the Superintendent of Prison shall acknowledge by a letter the receipt of any warrant or order or intimation, and shall also inform the prisoner of the result of his appeal or application.

Calculation of sentence modified on appeal

- 11.56 When an Appellate Court simply modifies a sentence passed by a lower court without change of section, or when an appellate court passes a new sentence by changing the conviction section or the punishment section or otherwise, the sentence finally passed shall count, unless otherwise specially directed, from the first day of imprisonment under the original sentence.

Effect of annulling the first of two sentences

- 11.57 When a prisoner has been committed to prison at one trial under two separate warrants, and the sentence in one warrant is to take effect from the expiry of the sentence in the other warrant, the date of the second sentence shall, in the event of the first sentence being set aside in appeal, be presumed to take effect from the date on which he was committed to prison under the first or original sentence;
- 11.58 When separate sentences have been passed in separate trial and the sentences run consecutively under section 427 of the Code of Criminal Procedure Code, 1973, the operation of the second sentence will, in the

event of the first sentence being set aside on appeal, shall commence from the date of conviction in the second case.

Illustration:

- 11.59 A prisoner is sentenced on 1st July to two periods of six months' imprisonment for two offences. On appeal the first sentence is quashed on 31st August the prisoner will be entitled to be release on 31st December.

Illustration:

- 11.60 A prisoner is sentenced on 1st July to six months imprisonment and on 1st August to another period of six months imprisonment. On appeal the first sentence is quashed on 31st August. The prisoner will be entitled to release on 31st January.
- 11.61 If however an appeal is also filed in the second case, it will be within the powers of the court hearing the second appeal to direct that credit shall be given for such period as is covered between the date of the second conviction and the date on which the first appeal was accepted.
- 11.62 No credit, however, shall be given in the second case for any period passed in prison under the first sentence prior to the date of the conviction in the second case by the court of original jurisdiction.

When an Appellate Court annuls a sentence and orders retrial

- 11.63 When an Appellate Court annuls a sentence and directs that the prisoner be retried, and a warrant for the prisoner's release on bail is not received, the prisoner shall be remanded to the under trial yard (unless he be undergoing some other sentence), and the Superintendent shall apply to the committing court for warrant for his custody pending trial if such warrant is not at the same time furnished. Such warrant should set forth the Court by which the prisoner is to be tried and the date on which he is to be produced before the Court.

Chapter XII

PRISONERS SENTENCED TO DEATH

INTRODUCTION:

As soon as a prisoner is sentenced to death, the Police Officer who attends the trial will inform the Superintendent of the jail of the fact. If the sentence is passed by a Sessions Judge that Judge issues a Warrant of Commitment pending confirmation of the sentence by the High Court. When the sentence of death is confirmed by the High Court or is passed by the High Court in appeal or revision, the Session Judge to whom the decision of the High Court is certified, issues the warrant for the execution of the sentence of death, to the Superintendent of the jail to which the prisoner was originally committed. If the condemned prisoner has been or should be transferred to another jail, the Superintendent to whom the original warrant of Commitment was addressed, should return the warrant for the execution of the sentence of the death to the Sessions Judge, intimating to him at the same time the Jail to which the prisoner has been transferred. The Sessions Judge then issues a revised warrant for the execution of the sentence of death to the Superintendent of the jail in which the condemned prisoner is confined.

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

Search of prisoners sentenced to death on admission

- 12.02 On admission of a convict in a prison the Superintendent shall report the admission to the State Government. The Superintendent shall also report to the State Government the date fixed for his execution by the Court of Session on confirmation of the sentence of death by the High Court, and solicit orders of the State Government regarding stay of his execution.
- 12.03 On admission a convict shall be thoroughly searched by the Jailor or by order of the Jailor as provided in Section 30 of the Prisons Act. A female convict shall be searched by a female Jailor or under her orders, by a Matron. In the absence of a female Jailor or Matron, such search may be made by any other suitable female or by a Female Guard as ordered by the Jailor.

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

Cell to be examined

- 12.05 Every cell in which a convict under sentence of death is to be confined, shall, before such convict is lodged in it, be examined by the Deputy Superintendent, or by an officer appointed in that behalf, who shall satisfy himself that it is secure and contains no article of any kind which the prisoner could, by any possibility, use as a weapon of offence or as an instrument with which to commit suicide, or which is, in the opinion of that officer, it is inexpedient to be permitted to remain in such cell.
- 12.06 When there are two or more condemned prisoners confined in a prison at the same time, in cells situated at some distance from one another, a separate guard shall be posted for each cell. However, if the cells are contiguous one Warder shall be posted to guard a maximum of four such prisoners. For any number of cells in excess of four, an extra guard shall be posted even when the cells are contiguous.
- 12.07 With two rows of cells facing and within a reasonable distance of each other, one Sentry may be given charge of up to four cells on one side and four on the other.
- 12.08 When two or more cells are occupied, the Sentry shall walk up and down past them, so that each prisoner guarded by him comes into his view at short intervals.
- 12.09 The Sentry guarding these cells shall be relieved every two hours.

Guarding

- 12.10 Every prisoner sentenced to death shall be under observation of the guarding staff on a twenty four hour basis. Convict officers shall not be employed on this duty.
- 12.11 A guard shall in no case be given more than two hours duty at a stretch.
- 12.12 Every guard shall be equipped with a regulation baton and shall be so posted that the convict shall be under continuous watch. He should not be armed with a fire-arm, bayonet or any sharp weapon. The Sentry shall be posted in front of the grated door of the cell. The key of the cell lock shall be kept with the Sentry/prison guard on duty so as to be immediately available in case of emergency. The lock must be such which cannot be opened by any other key

in use in the prison. The Sentry/Woman prison guard shall be so posted that the prisoner sentenced to death is under continuous watch. A prisoner sentenced to death shall not be taken out of his cell unless the requisite numbers of guards are present.

- 12.13 If the guard on duty notices a prisoner attempting to commit suicide he shall raise alarm for help and enter the cell.
- 12.14 The special guard in whose charge prisoners sentenced to death is put shall allow no one to approach the cell or communicate with the prisoners in any manner except the Superintendent of Prison and any other officer authorized by the Superintendent in that behalf.
- 12.15 A prisoner under sentence of death shall not be handcuffed or placed in any form of restraint unless he is so violent as to be dangerous to the guard or to himself. If it is deemed necessary to put on handcuffs, the reason for such action shall be reported to the Director General/ Inspector General and the Regional D.I.G.

Confinement in cell in special yard

- 12.15.01 **Solitary confinement is by itself a substantive punishment. The prison authority, therefore, has no power to impose solitary confinement upon a prisoner under sentence of death. After the death sentence becomes executable by a warrant (i.e. after exhaustion of appellate or constitutional remedies including the disposed of mercy petition), He/she may be kept in a cell guard but even in this case, He/she must be within the sight and sound of the prisoner and be able to take food in their company.**
- 12.16 Every convict shall (whether or not the sentence of death has been confirmed by the High Court), from the date of his admission to a prison, be confined in a cell in a special yard, apart from all other prisoners as required by section 30 of the Prisons Act. The cell or room in which a convict is confined shall before he is placed in it, be always examined by the Senior Jailor who shall satisfy himself about its fitness and safety. No prisoners except convicts under sentence of death shall be kept in the special yard.
- 12.17 Where there is more than one such cell in the special yard, the prisoner sentenced to death shall be changed daily from one cell to another.

Issue of Articles on Admission

- 12.18 The Senior Jailor shall ensure that the following articles are issued to a convict; on his admission to a prison:—
- i) a pant without cord;

- ii) two all wool blankets or two cotton wool blankets, one for spreading and another for coverage;
- iii) a pot, plate and a mug of thin light aluminium.
- iv) A thin Kasti may be issued to a Parsee convict.

12.19 Two cotton sarees/ salwar kameez and bodices may be issued to female convicts. However, if it is considered unsafe to issue sarees to any such convicts; pyjamas without cord and a Kurta may be issued to her.

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

12.21 The date fixed for the execution the periods within which petitions must be dispatched and the result of the petition in each case, shall be intimated to the condemned prisoner by the Deputy Superintendent.

Observation

12.22 The prison officer incharge should carefully observe the behaviour of prisoners sentenced to death with special focus on his mental status.

12.23 The notes of psychological observation kept by the Jailor should be checked daily by the Superintendent who should ensure that the data required for the compilation of the notes is collected by the Jailor in an intelligent manner and that the same have a factual base. Two copies of the case history of the prisoner and the notes shall be sent by the Superintendent to the Director General/ Inspector General immediately after the final disposal of the case.

12.24 A copy of the case history and psychological notes shall be sent by the Director General/ Inspector General to State Government immediately on receipt together with his own remarks thereon if any. Such record may prove useful for psychological study and research purposes.

Search

12.25 Prisoner under sentence of death shall be thoroughly searched in the presence of the Jailor-in-charge:-

- i) immediately on opening of the cell in the morning when guards on duty are changed and before lockup;
- ii) every time he is taken out of or is returned to his cell.

Restriction on removal

12.26 Prisoners sentenced to death shall not be removed to the prison hospital for treatment without the special sanction of the Deputy Inspector General of Prisons.

Provided that the Superintendent may, however, order the removal of a prisoner to the prison hospital, in anticipation of sanction, if the Medical Officer of the prison certifies that the prisoner is in danger of dying and requires immediate treatment in the prison hospital. If a prisoner, who is sentenced to death, is removed to a prison hospital, he shall be segregated from all other prisoners in the hospital and a special guard should be posted according to requirements.

Special Treatment

12.27 A prisoner sentenced to death shall not be put in fetters or handcuffed unless he is so violent as to be dangerous to the guard or to himself. If it is deemed necessary to put on fetters or handcuffs, the reasons for such action shall be reported to the Director General/Inspector General.

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

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

Interviews

12.29 The Superintendent may permit prisoners under sentence of death to have interviews with their relatives, friends or legal advisors, once a week, or more often when the Superintendent is of the opinion that such interviews may be granted for good reason.

12.30 The Jailor shall before granting interviews, ensure that all precautionary and security measures are taken before hand.

12.31 The prisoner shall be brought from the cell to the interview room under proper escort at the time of interview and the interviewers and the prisoner shall be separated by expanded metal barriers.

12.31.01 Confidentiality of communication during meetings/interviews with their lawyers must be maintained i.e. the meetings/interviews should be conducted within sight but not hearing of prison authorities.

Social workers and mental health professionals engaged by the lawyer of the prisoner should also be allowed to meet the prisoner. Such professionals can collect mitigating circumstances, necessary for the sentencing process in death penalty cases.

Advocates, social workers and mental health professional should be allowed to meet the prisoner up to thrice a week. It is submitted that looking at the complications in cases of prisoners sentenced to death, it should be extended to 3 meetings/ interviews.

The duration of each interview should be permitted up to 30 minutes, but may be extended by the Superintendent at his discretion

- 12.32 A religious priest or a faith-based head (of the religion/ faith to which a prisoner belongs) may be summoned once a week at the cost of State Government, if the prisoner so desires. The Superintendent may permit a Minister to be summoned more often for adequate reasons to be recorded in the History Ticket of the convict.

Facilities

- 12.33 A prisoner sentenced to death may be allowed the following facilities with the approval of the Superintendent of Prison:-
- i) Religious books;
 - ii) Religious pictures;
 - iii) Rosary and essential religious emblems subject to security requirements;
 - iv) Newspapers and books.

- 12.34 The Superintendent is authorized to incur an expenditure up to an amount to be fixed by Government in a deserving case for the purpose of giving reasonable solace to the prisoner, for instance securing the presence of his near relatives before his execution.

- 12.35 The DG/ IG may allow further expenditure on a prisoner sentenced to death in urgent, compassionate and deserving cases.

Observation

- 12.36 A case history in Appendix – 9 shall be compiled in respect of each convict.
- 12.37 Should any delay occur in executing a sentence of death, other than that arising from the submission of a petition for mercy, the Superintendent shall forthwith report the circumstances to the sessions judge and return the original warrant either for the issue of a new one or for the endorsement upon the same warrant of an order fixing another date for the execution.

Insanity

- 12.38 If any prisoner awaiting sentence of death shows signs of mental illness which, in the opinion of the Medical Officer, are not feigned, or which

require observation to determine whether they are feigned or not, the circumstance shall at once be reported to Government, through the Director General/Inspector General of Prisons under intimation to the Regional Deputy Inspector General for orders along with the following documents:-

- i) The Nominal Roll of the prisoner;
- ii) A copy of the warrant under which he is confined (in duplicate);
- iii) The Medical Officer's certificate in the prescribed form; and
- iv) The medical history sheet (in duplicate).

Note: A copy of the judgement should also be sent as soon as possible.

12.39 If Government orders the appointment of a Special Medical Board, for the purpose of examining the mental condition of a convict sentenced to death, he shall be kept under observation in the prison by the psychiatrist in charge of the nearest psychiatric or similar institution or the Civil Surgeon for a period of ten days or longer if considered necessary prior to an examination by the Medical Board.

12.40 The Superintendent and the Chief Medical Officer of the prison, in which the convict may be confined, shall give all facilities to the psychiatrist or the Civil Surgeon for a physical examination of the convict including serological tests and for observation of the convict without his knowledge.

12.41 As soon as possible, after the Medical Board is appointed and the convict is placed under observation, the Superintendent of the prison shall collect information about the convict through the police or other sources and place it at the disposal of the psychiatrist or Civil Surgeon.

12.42 Where State Government orders appointment of Special Medical Board for examining the mental condition of a convict under sentence of death under any relevant state rules, the Superintendent shall obtain the history of such convict from institutions or individuals with whom he has had contacts. The psychiatrist under whose observation the convict is kept pending examination by the Special Medical Board, shall furnish the Superintendent with a questionnaire for collecting the information. Factual material concerning the mental condition of the convict shall be obtained either from records or from eye-witnesses including the officer who arrested him. For the purpose of an estimation of the convicts state of mind just prior to, at the time of and soon after the commission of the offence, reports shall be obtained from eye-witnesses including relatives of the convict.

Note:- Evidence regarding the behaviour of the prisoner at the time of the trial and especially during examination in court will be available from the proceedings of the court including the evidence and the summing up and judgment. Reports on the convict shall be obtained from individuals who

have been in contact with him during his remand and subsequent detention in the prison. While collecting this information, utmost care shall be taken to see that the object within which it is collected is not divulged. It should also be remembered that the relatives of the convict are likely to be specially interested and the information supplied by them shall be used with the greatest care.

12.43 As soon as the Medical Specialist or Chief Medical Officer is ready with his report, he shall request the Director of Health Services to fix a date for the meeting of the Special Medical Board.

12.44 The Medical Specialist or Chief Medical Officer shall place all the records before the Medical Board. The President of the Board shall forward the proceedings of the Medical Board together with their own opinion to the Secretary, Home Department, through the Director General /Inspector General of Prisons.

Pregnancy

12.45 Where a female convict is certified by the Chief Medical Officer to be pregnant, the Chief Medical Officer shall inform the Superintendent of the same, and the Superintendent shall make a note to that effect on the warrant, and return the warrant to the Sessions Judge for endorsing thereon an order for the suspension of the execution of the sentence, until the orders of the High Court have been taken under Section 416 of the Code of Criminal Procedure, 1973.

12.46 When a woman prisoner sentenced to death declares herself to be pregnant, and the Chief Medical Officer is unable to certify the truth or otherwise of the statement, immediately, he shall state the interval of time necessary to enable him to satisfy himself on the point. The Superintendent should immediately report the case to the State Government through the DG/IG for postponing the date of the execution. If the Chief Medical Officer confirms the fact of pregnancy, the provisions of paragraph shall apply.

12.47 When execution of a capital sentence on a woman prisoner has been suspended under either of the situations mentioned above, the sentence shall not afterwards be executed without the express order of the State Government for which the Superintendent shall apply immediately through the DG/IG.

Appeal facilities

12.48 Immediately on receipt of a warrant of execution from the convicting court, consequent of the confirmation by the High Court of the sentence of death,

the Superintendent shall inform the convict that if he wishes to appeal to the Supreme Court or to make an application for special leave to appeal to the Supreme Court under any of the relevant provisions of the Constitution of India (hereinafter referred to as “appeal and application” respectively), he may do so within the period prescribed by the Supreme Court Rules.

12.49 If the prisoner under sentence of death so desires, the Deputy Superintendent or the law officer as the case may be, shall at once get his appeal prepared for him as far as possible in his own words and it shall be forwarded either under registered cover or hand delivered by a prison official to the Registrar of the appropriate court under intimation to the State Government and the DG/IG.

12.50 Whenever a sentence of death has been passed by any Court or Tribunal, the sentence shall not be executed until after the dismissal of the appeal or of the application or, in case no such appeal has been preferred, or no such application has been made, until after the expiry of the period allowed for an appeal or for making of such application:

Provided that, if a petition for mercy has been submitted by or on behalf of a convict, the execution of the sentence shall further be postponed, pending the orders of the President thereon:

Provided further that, if the sentence of death has been passed on more than one person in the same case, and if an appeal or an application is made by or on behalf of only one or more but not all of them, the execution of the sentence shall be postponed in the case of all such persons (convicts) and not only in the case of the person or persons by whom, or on whose behalf, the appeal or the application is made.

Petition for mercy - Role of prison authority.

12.51 Immediately on receipt of intimation of the confirmation by the High Court of a sentence of death on a prisoner or of the dismissal by the Supreme Court of the appeal or the application for special leave to appeal to it lodged by or on behalf or on the convict, in case the convict concerned has made no previous petition for mercy, the Jail Superintendent shall forthwith inform him (the convict) that if he desire to submit a petition for mercy it should be submitted in writing within seven days of the date of such intimation.

12.52 A convict under sentence of death shall be allowed, if he has not already submitted a petition for mercy, for the preparation and submission of a petition for mercy, seven days after, and exclusive of, the date on which the Superintendent of Jail informs him of the dismissal by the Supreme Court of his appeal or of his application for special leave to appeal to the Supreme Court.

Note- In cases where no appeal to the Supreme Court or no application for special leave to it, has been lodged by or on behalf of the convict, the said period of seven days shall be counted from the date next after the date on which the time allowed for an appeal to the Supreme Court or for lodging an application for special leave to appeal to it, expires. On expiry of such time, if the convict has made no previous petition for mercy, it shall be the duty of the Jail Superintendent to inform the convict concerned that if he desires to submit a petition for mercy he should do so in writing within seven days of the date of such intimation.

- 12.53 If the convict submits a petition within the period of seven days prescribed by 12.51, it should be addressed to the Governor of the State and the President of India. The Superintendent of the Jail shall forthwith dispatch it to the Secretary to the State Government in the Department concerned, together with a covering letter reporting the date fixed for the execution and shall certify that the execution has been stayed pending receipt of the orders of the Government on the petition. If no reply is received within 15 days from the date of the dispatch of the petition, the Superintendent shall by express letter (fax/email/special messenger) to the Secretary to the State Government in the Department concerned, drawing attention to the fact, but he shall in no case carry out the execution before the receipt of the State Government's reply.
- 12.54 If the convict submits a petition after the period prescribed by 12.51, the Superintendent of the Jail shall at once forward it to the State Government by fax letter and at the same time the substance of it, requesting orders whether the execution should be postponed and stating that, pending a reply, the sentence will not be carried out. If such petition is received by the Superintendent later than noon on the day preceding that fixed for the execution, he shall at once forward it to the State Government and at the same time by fax/email/special messenger letter inform the substance of it, giving the date of execution and stating that the sentence will be carried out unless orders to the contrary are received.
- 12.55 In the event of it coming to the knowledge of the Superintendent at any time before the execution of the sentence that altogether exceptional circumstances have arisen which plainly demand a reconsideration of the sentence, he is at liberty, notwithstanding anything in the foregoing clauses, to report the circumstances by fax letter to the State Government and ask for its orders and to defer execution till they are received. In such instances, assistance of the District Legal Services Authority should be sought.
- 12.56 The Superintendent shall at once repeat back to the Secretary to the State Government in the Department concerned all correspondence

communicating orders to him regarding petitions for mercy, by way of acknowledgment of their receipt.

- 12.57 Legal aid should be provided to the convict at all stages even after the rejection of a mercy petition. Hence, Superintendents of Jails are directed to intimate the rejection of mercy petitions to the nearest Legal Aid Centre apart from intimating the convicts.
- 12.58 Death convicts are entitled as a rights to receive a copy of the rejection of the mercy petition by the President and the Governor.
- 12.59 Mental Health Evaluation: As it is quite possible that some death row convicts might lose their mental balance, there should be regular mental health evaluation and appropriate medical care should be given to those in need.
- 12.60 Physical and Mental Health Reports: After the execution warrant is issued, the Prison Superintendent should satisfy himself on the basis of medical reports by Government doctors and psychiatrists that the prisoner is in a fit physical and mental condition to be executed. If the Superintendent is of the opinion that the prisoner is not fit, he should forthwith stop the execution, and produce the prisoner before a Medical Board for a comprehensive evaluation and shall forward the report of the same to the State Government for further action.
- 12.61 Furnishing documents to the convict: Death row convicts should be provided with copies of relevant documents within a week of conviction by the prison authorities to assist in making mercy petition and petitioning the courts.
- 12.62 Final Meeting between convict and his family: It would be mandatory for prison authorities to facilitate and allow a final meeting between the prisoner and his family and friends prior to the execution.
- 12.63 Post-mortem reports. After the execution of death penalty, post-mortem would need to be mandatory performed to ascertain the exact cause of death.

Petition for mercy –Action by Government

- 12.64 If the convict submits a petition within the above period, it shall be addressed to the Governor of the State and the President of India. The execution of sentence shall in all cases be postponed pending receipt of their orders.
- 12.65 The petition shall in the first instance be sent to the State Government for consideration and orders of the Governor. If after consideration it is rejected

it shall be forwarded to the Secretary to the Government of India, Ministry of Home Affairs.

12.66 If it is decided to commute the sentence of death, the petition addressed to the President of India shall be withheld and an intimation of the fact shall be sent to the petitioner:-

Note- The Petition made in case where the sentence of death is for an offence against any law exclusively relatable to a matter to which the executive power of the Union extends, shall not be considered by the State Government but shall forthwith be forwarded to the Secretary to the Government of India, Ministry of Home Affairs.

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

- i) if the sentence of death was passed by an appellate court on an appeal against the convict acquittal or as a result of an enhancement of sentence by the appellate court, whether on its own motion or on an application for enhancement of sentence, or
- ii) when there are any circumstances about the case, which, in the opinion of the State Government, render it desirable that the President should have an opportunity of considering it, as in cases of a political character and those in which for any special reason considerable public interest has been aroused. When the petition is forwarded to the Secretary to the Government of India, Ministry of Home Affairs, the execution shall simultaneously be postponed pending receipt of orders of the President thereon.

12.68 In all cases in which a petition for mercy from a convict under sentence of death is to be forwarded to the Secretary to the Government of India, Ministry of Home Affairs, or the State Government, the petition shall forward such petition as expeditiously as possible along with the records of the case and his or its observations in respect of any of the grounds urged in the petition. In the case of other States, the Government of the State concerned shall, if it had previously rejected any petition addressed to it or the Governor, also forward a brief statement of the reasons for the rejection of the previous petition or petitions.

- 12.69 Upon the receipt of the orders of the President, an acknowledgment shall be sent to the Secretary to the Government of India, Ministry of Home Affairs, immediately in the manner hereinafter provided. In the case of, if the petition is rejected, the orders will be communicated by express letter and receipt thereof shall be acknowledged by express letter. Orders commuting the death sentence will be communicated by express letter receipt thereof shall be acknowledged by express letter.
- 12.70 A petition submitted by a convict shall be withheld by the Government of the State, if a petition containing a similar prayer has already been submitted to the President. When a petition is so withheld the petitioners shall be informed of the fact and of the reason for withholding it.
- 12.71 Petitions for mercy submitted on behalf of a convict under sentence of death shall be dealt with mutatis mutandis, in the manner provided herein for dealing with a petition from the convict himself. The petitioners on behalf of a concerned convict shall be informed of the orders passed in the case. If the petition is signed by more than one person, it shall be sufficient to inform the first signatory, the convict himself shall also be informed of the submission of any petition on his behalf and of the orders passed thereon.
- 12.72 Whenever a sentence of death has been passed by any Court or Tribunal, the sentence shall not be executed until after the dismissal of the appeal to the Supreme Court or of the application for special leave to appeal to the Supreme Court or, in case no such appeal has been preferred or no such application has been lodged, until after the expiry of the period allowed for an appeal to the Supreme Court or for lodging of an application for special leave to appeal to the Supreme Court. Provided that if a petition for mercy has been submitted by or on behalf of the convict, execution of the sentence shall further be postponed pending the orders of the President thereon.
- Note-** If the sentence of death has been passed on more than one person in the same case and if an appeal to a higher Court or an application for special leave to appeal to the Supreme Court is lodged by, or on behalf of, only one or more but not all of them, the execution of the sentence shall be postponed in the case of all such persons and not only in the case of the person or persons by whom, or on whose behalf, the appeal or the application is lodged.
- 12.73 On receipt of the intimation of the lodging of an appeal to the Supreme Court or of an application for special leave to appeal to that Court or of an intention to do so, the State Government concerned, shall forthwith communicate by telegram to the Government Advocate, Ministry of Law, and also to the Secretary to the Government of India, Ministry of Home Affairs:

- i) the name of the convict under sentence of death, and
- ii) particulars relating to the appeal or the application.

12.74 If it is desired to oppose the appeal or the application, three copies of the paper book and of the judgment of the High Court or the Judicial Commissioners Court or the Tribunal, as the case may be, (one copy of each being a certified copy) a power of attorney in the form prescribed by the Supreme Court and instructions, if any, for the purpose of opposing the appeal or the application shall be immediately sent to the Government Advocate, Ministry of Law. Notice of the intended appeal or application, if and when served by or on behalf of the convict, shall also be transmitted to him without delay. If the intended appeal or application is not lodged within the period prescribed by the Supreme Court Rules, the Government Advocate shall intimate the fact by express letter to State Government. The execution of the sentence shall not thereafter be postponed, unless a petition for mercy has been submitted by or on behalf of the convict.

12.75 If an appeal or an application for special leave to appeal has been lodged in the Supreme Court on behalf of the convict, the Government Advocate, Ministry of Law will intimate the fact to the State Government and also to the Secretary to the Government of India, Ministry of Home Affairs. The Government Advocate will keep the aforesaid authorities informed of all developments in the Supreme Court, in those cases which present unusual features. In all cases, however, he will communicate the result of the appeal or application for special leave to appeal, he will communicate the result of the appeal or application for special leave to appeal, to the State Government of the State concerned, by express letter, endorsing a copy of his communication to the Secretary to the Government of India, Ministry of Home Affairs. The State Government of the State concerned, as the case may be, shall forthwith acknowledge the receipt of the communication received from the Government Court in each case will be supplied by the Government Advocate, Ministry of Law, in due course to the State Government, who shall acknowledge the receipt thereof. The execution of the sentence of death shall not be carried until after the receipt of the certified copy of the judgment of the Supreme Court dismissing the appeal or the application for special leave to appeal and until an intimation has been received from the Ministry of Home Affairs about the rejection by the President of India, of the petition for mercy submitted, if any, by or on behalf of the convict.

12.76 Minimum period of execution of death sentence. A minimum period of 14 days was stipulated by the Supreme Court between the receipt of the communication of the rejection of the mercy petition and the scheduled date of execution. This is to enable the convict to prepare himself and settle his

affairs and meet his family members for one last time or to avail any judicial remedy.

Action on final confirmation of Death Sentence

- 12.77 The State Government shall fix the date of the execution of a convict if his Mercy Petition is rejected.
- 12.78 On receipt from the State Government of the final confirmation and the date of execution of a convict,
- i) the convict and his relatives shall be informed about the date of execution by the Superintendent;
 - ii) the convict, if he so desires, be permitted to prepare his will in his will, his statement to that effect shall be recorded by the Senior Jailer.

Execution of death sentence

- 12.79 All executions shall take place at the prison to which the warrant is directed, unless expressly ordered otherwise in the warrant. They shall usually be carried out in a special enclosure attached to, or within the walls of the prison. No convict shall be executed on a day which has been notified as a public holiday.

Postponement on medical grounds

- 12.80 The execution of a convict shall not be carried out on the date fixed if he is physically unfit to receive the punishment, but in determining the degree of physical disability sufficient to justify postponement of the execution, the illness shall be both serious and acute (not chronic) before postponement is considered.
- 12.81 The Superintendent shall at once submit to the Director General/Inspector General a detailed report of such cases together with the medical opinion regarding the degree of physical disability of the prisoner and the probable date, if any, on which the prisoner is likely to become physically fit for execution.

Witnessing the execution of death

- 12.82 Prisoners shall never be made to attend an execution. In such cases, it shall rest with the Superintendent with the prior sanction of the DG/IG to determine what prisoners shall be selected to witness the execution.

Arrangement for execution

12.83 On receipt of the date of execution of the prisoner, the Superintendent shall be authorized to fix the time of execution sufficiently in advance. A report intimating the time of the execution shall be sent to the Director General/ Inspector General, the Sessions Judge and the Government.

Note:- The execution shall take place early in the morning before it gets bright. The latest time of the day for different seasons will be in accordance with orders passed separately by the Government.

12.84 The Executive Engineer (PWD) shall arrange the inspection of the gallows every quarter and before the date of a hanging as and when intimated by the Superintendent. The gallows shall be inspected and the rope tested in the presence of the Superintendent the evening before the execution, he being personally responsible that these arrangements are properly made. A new rope need not necessarily be used for every execution, but the Superintendent shall see that the rope is carefully tested. As a rule, a bag of sand weighing 1½ times the weight of the prisoner to be hanged and dropped between 1.830 and 2.440 metres will afford a safe test of the rope. Two spare ropes for each prisoner sentenced to death shall be kept ready in reserve on the scaffold in the event of accidents.

12.85 The Medical Officer shall report in the medical report about the drop to be given to the prisoner at least four days before the date on which the prisoner is to be executed. The Medical Officer of the prison shall work out the details of the length of the drop to be given to a prisoner on principles shown below:-

- (i) If the prisoner weighs less than 45.360 kgs, he should be given a drop of 2.440 meters.;
- (ii) If the prisoner weighs from 45.330 to 60.330 kgs, he should be given a drop of 2.290 meters.
- (iii) If the prisoner weighs more than 60.330 kgs, but not more than 75.330 kgs, he should be given a drop of 2.130 meters;
- (iv) If the prisoner weighs more than 75.330 kgs. but not more than 90.720 kgs, he should be given a drop of 1.980 meters.;
- v) If the prisoner weighs more than 90.720 kgs, he should be given a drop of 1.830 meters.

12.86 Provided that so long as the extreme limits of 1.830 meters on the one hand and 2.440 meters on the other hand are adhered to if, owing to physical peculiarity of the prisoner, the Medical Officer is of opinion that the drop should be increased or decreased, effect should be given to the Medical Officer's opinion.

Note:- The above calculations are based on the assumption that the execution rope will be made of cotton yarn / manila of 2.59 to 3.81 cms Diameter.

- 12.87 The following measures shall be adopted regarding the fixing of the length of the rope to permit the required drop:
- i) The height of the prisoner to the angle of the jaw immediately below the left ear shall be accurately measured, as well as,
 - ii) The height from the drop shutter, when fixed in position, to the lower portion of the ring in the beam to which the rope will be affixed.
- 12.88 These two measurements will determine the distance when the prisoner is standing in position on the drop, from the point of the latter's jaw to the ring in the beam. The measurement of the prisoners neck shall also be carefully taken, the neck measurement and the height measurement to angle of jaw being carried out immediately after the prisoner has been sentenced to death. The length of rope for any given drop shall be the length of the drop plus the distance from the angle of the prisoner's jaw to the ring in the beam.
- 12.89 That is to say, that assuming the distance between the angle of the jaw and the iron ring to be 1.220 metres and the desired drop to be 2.130 metres, the amount of free hanging from the ring shall be 3.350 metres from the ring to the leather washer maintaining the loop in position on a pillow of gunny cloth, filled with sand, of the same thickness as the neck of the prisoner.
- 12.90 Wax or butter shall be applied to the loop of the rope. After testing, the rope and other equipment shall be securely locked and sealed in steel box and shall be kept in charge of Deputy Superintendent.
- 12.91 The gallows shall be inspected and the rope tested in the presence of the Superintendent the evening before the execution; he being personally responsible that these arrangements are properly made. A new rope need not necessarily be used for every execution but the Superintendent shall see that the rope is carefully tested. As a rule, a dummy or a bag of sand weighing 1½ times the weight of the prisoner, hung and dropped between 6 and 8 feet or 1.83 and 2.50 mtrs. will afford a safe test of the rope. Two spare ropes for each prisoner shall always be kept ready in reserve on the scaffold to meet any contingency.
- 12.92 Wax / butter shall be applied to the loop of the rope. After testing, the ropes and other equipment shall be securely locked and sealed in a steel box and shall be kept in charge of the Deputy Superintendent.

Presence of officers at execution of prisoner

- 12.93 The Superintendent, Deputy Superintendent, Senior Jailor and Chief Medical Officer shall be present at all executions. An Executive Magistrate deputed by the District Magistrate shall attend the execution and countersign the warrant. If the prisoner so desires, a priest of his faith may be allowed, at the discretion of the Superintendent, to be present at the place of execution, subject to the requirements of security and prison discipline.
- 12.94 Relatives of the prisoner and other prisoners shall not be allowed to witness the execution. The Superintendent may, however, permit social scientists, psychologists, psychiatrists, etc. who are conducting research to be present. The Superintendent's discretion shall prevail in the matters relating to grant of permission to witness execution. As a matter of general policy, other persons shall not be permitted to be present.
- 12.95 A police guard of not less than ten constables and two Head Constables or an equal number from the prison Armed Guards, shall be present at every execution. The Superintendent of Police will supply the guard on application, where no armed guard of the prison exists.
- 12.96 Prisoners of all categories shall be kept locked up until the execution is over and the body removed from the prison.

Execution

- 12.97 The Superintendent, the Executive Magistrate, The Medical Officer and the Deputy Superintendent will visit the prisoner in his cell before the hour fixed for execution. The Superintendent and the Executive Magistrate shall then identify the prisoner as the person named in the warrant and read over to him a translation of the warrant in his mother tongue. Any other documents requiring attestation by the prisoner such as his will etc. shall be signed and attested in the presence of Superintendent and the Executive Magistrate. The hands of the convict shall be pinioned behind his back.
- 12.98 A cotton cap with flap shall be put on the prisoners face just before he enters the gallows-enclosures. The prisoner should not be allowed to see the gallows. The Superintendent shall invariably see that the rope round the neck of the prisoner is adjusted properly and the knot is placed in the proper position.
- 12.99 The operations mentioned above should be done simultaneously and quickly as possible. On completion of all these operations the Superintendent shall

give a signal, on seeing which the executioner in charge shall push the lever to release the trap-door.

12.100 The body shall remain suspended for half an hour before being taken down or until the Chief Medical Officer has certified that the life is extinct.

Hangman's fees

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

Disposal of body

12.102 Subject to the provisions of this paragraph, the body of the executed prisoner shall be disposed of according to the requirements of the religion to which the executed convict belonged.

12.103 If the executed prisoner's relatives make a written application for performing the last rites, the Superintendent may, in his discretion, allow such request, provided that the relatives give an undertaking in writing that they will not make a public demonstration of any kind in relation to the cremation or burial of the executed convict. In cases where the Superintendent thinks that there is a likelihood of a public demonstration, he has the authority to refuse such permission. In cases of disposal of the body of executed prisoner, in whose case there is likelihood of public demonstration, the Superintendent shall consult the District Magistrate and arrangements for the disposal of the body shall be made according the requirements of the situation. In such event, the Superintendent shall act in accordance with the instructions of the District Magistrate.

12.104 Except as provided in this chapter, the body of the executed prisoner shall be taken out of the prison with all solemnity. A municipal hearse or ambulance shall be used for the transportation of the body to the cremation or burial ground. The Superintendent is authorized to incur all reasonable expenditure required for the transportation and disposal of the dead body.

Report of execution of death sentence

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

Chapter XIII

EMERGENCIES

Situations to be handled on an emergency basis

- 13.01 The following situations shall be handled as emergencies:
- i. Escape from prison
 - ii. Outbreak
 - iii. Riots
 - iv. Strikes
 - v. Hunger Strikes (individual or mass)
 - vi. Assault
 - vii. Suicide
 - viii. Accidents
 - ix. Fire
 - x. Epidemic
 - xi. Food poisoning
 - xii. Overcrowding
 - xiii. Failure of water supply, electric lighting arrangements, and other essential prison services like conservancy and plumbing ;
 - xiv. Non-supply of food or raw materials resulting in the interference of prison routine
 - xv. Flood
 - xvi. Earthquake
 - xvii. Terrorist Attack
 - xviii. Bomb Explosion
 - xix. War/Bombing
 - xx. Nuclear, biological and Chemical Disasters
 - xxi. Any other man-made/ natural disasters

Measures to prevent and control emergency situations

- 13.02 It is the responsibility of the Superintendent to take sufficient measures for preventing and controlling emergency situations, in conformity with the

Disaster Management Act, 2005 and any other Act, that may be relevant and all other instructions/orders issued by the competent authority from time to time, it. These measures may inter alia include:

- i. demarcation of an out-of-bound area around the perimeter wall of the prison,
- ii. adequate guarding and security measures and periodical inspections,
- iii. system of thorough searches,
- iv. proper maintenance of the prison building and premises,
- v. proper custody of tools and equipment,
- vi. proper control of movement of prisoners ;
- vii. timely segregation of prisoners who are instigators, or of bad character, and are potential risks to prison discipline,
- viii. prompt and strong but considerate handling of all discipline problems,
- ix. attending to care and welfare requirements of prisoners,
- x. system of good discipline,
- xi. careful handling of plant and equipment,
- xii. periodical inspection of plant equipment and emergency operation,
- xiii. accident preventive measures,
- xiv. fire preventive measures,
- xv. fire fighting equipment at all vulnerable points,
- xvi. good environmental and institutional sanitation and hygiene,
- xvii. proper procedure of quarantine for newly admitted prisoners,
- xviii. segregation of prisoners suffering from contagious diseases,
- xix. proper storage and inspection of articles of food,
- xx. observance of the required minimum standards in kitchen and canteen operations, service of food and eatables,
- xxi. wire guards on trees to discourage prisoners climbing them for escape,
- xxii. standby arrangements for water storage, power plant, and emergency lighting,
- xxiii. concealing all drainage and water pipes in the buildings.
- xxiv. Delegation of powers to prison officers (Assistant Superintendent, Deputy Superintendent and Superintendent of Prisons) to use force in emergent situations as is given to the police.

Equipment for emergencies

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

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

- iv. Steel helmets
- v. Canes
- vi. Tear gas equipment
- vii. Water hoses
- viii. Telephones, inter-communication system and walkie-talkies
- ix. Arms and ammunition
- x. Ladders, axes, knives, ropes, chains, handcuffs, alarms and sirens
- xi. First Aid kit
- xii. Video camera/ Digital camera/ any other electronic equipment for photography/ modern equipment suitable to tackling any of the above emergencies

13.04 The Superintendent shall obtain the necessary sanction of the HOD, Department of Prisons & Correctional Services for the purchase of articles listed above.

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

Preparations for emergencies

13.06 Institutions where dangerous prisoners are kept, or where there is a likelihood of any kind of serious disturbances, should be fully equipped in all respects. In such institutions, the security arrangements should also be very strict.

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

13.08 Drills for handling emergencies should be held at fixed intervals and a report should be submitted to the Director General/Inspector General of Prisons in the prescribed form.

General instructions for handling emergencies

- 13.09 The general instructions to be followed in handling emergencies:
- i. Giving immediate first aid to the injured
 - ii. Preventing entry into the affected area,

- iii. Immediate action to counter the spread of trouble to other areas
- iv. Quick intimation to all authorities concerned
- v. Reporting to authorities concerned for help, if necessary
- vi. If the Superintendent is not present in the prison when the problem occurs, he shall reach there as soon as he gets its information of such emergency and take suitable measures for controlling it. Information should also be sent to the Additional or Deputy Superintendent who shall reach the prison immediately and either assists the Superintendent or take charge of the situation.

ESCAPE

Sounding an alarm

- 13.10 A siren or an alarm bell (which may be electronic, electric or manual) that can be easily heard at the quarters of the subordinate officials shall be kept near the main gate of every prison, and in places where prisoners are employed in large numbers. In the latter case the alarm should be loud enough to be heard at the main gate.
- i. Use of control measures, such as handcuffing, locking prisoners, segregating the trouble makers and mob dispersal
 - ii. Tightening all security measures according to the requirements of the situation
 - iii. Mustering all possible help for effective handling of the emergency
 - iv. Obtaining all necessary assistance from the District Collector, the Police and the Fire Brigade.
- 13.11 The sequence of alarms starting with the blowing of a whistle, followed by the sounding of the bugle and then striking of the alarm gong shall indicate the need for urgent help because of an escape or its attempt.

Escape attempts

- 13.12 Should any prisoner attempt to escape, the guard or sentry shall at once raise the alarm if the help of other guards is essential to prevent the prisoner's escape. He shall at the same time take all necessary steps to prevent the prisoner's escape. The armed guard shall be ready at a moment's notice to prevent any group attempt to escape from the prison.

When an escape takes place from an extramural group

- 13.13 On the alarm being sounded because of an escape from a work site from outside the prison, the officer in charge of the standing guard at the main

gate shall dispatch as many warders as he can spare for assistance. The remaining warders shall wait for orders from the senior officer present.

- 13.14 The warder in charge of the outside group, from which a prisoner has escaped, shall, after sounding the alarm, send one of his escorts to apprehend the prisoner and after collecting the remaining prisoners shall march them back to the main gate of the prison where he shall report the escape to the senior officer on duty.

Duty of the Deputy Superintendent

- 13.15 As soon as a report of an escape is received, the Deputy Superintendent or another senior officer on duty shall:
- 13.15.1 dispatch a party of sufficient strength to search the locality where the escape has occurred, and
- 13.15.2 inform the Superintendent and the Additional Superintendent of the escape who in turn shall take suitable action for apprehending the escaped prisoner/prisoners.

Escape during night

- 13.16 If the escape takes place during night and there is possibility of the prisoner still being inside the prison, search shall be made with torch lights inside the prison.

Duty of Superintendent

- 13.17 The Superintendent shall give prompt notice of the escape to the nearest police station, the Executive Magistrate of the area and the District Magistrate such information shall be accompanied by a nominal roll giving a description of the escaped prisoner. He shall also send immediate intimation, by telegraph, to the police station near the prisoner's home. If the prisoner belongs to a district other than that in which he was in prison, intimation shall be sent to the Magistrate of his district or to the Commissioner of Police of that area.

Report to the Director General

- 13.18 If a prisoner escapes, the Superintendent, or in his absence the Additional Superintendent or Deputy Superintendent, shall immediately convey the message over phone to the Dy. Inspector General and in his absence to the next officer available in the headquarters, followed by a detailed report within 24 hours from the time of escape. A copy of this report shall also be sent to the government. It shall contain information on the time and circumstances in which the escape occurred, the party or parties by whose neglect it occurred, whether the prisoner has been recaptured and if not, the measures taken to recapture him. When the prisoner is recaptured, another report shall be sent to the Director General/Inspector General of Prisons.

Publication of escapes

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

Power to sanction reward

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

Reward to prisoners preventing an escape

- 13.21 All cases in which prisoners prevent an escape, either by warning the officials about any plot or preparation, or by seizing a prisoner attempting to escape, or in any other manner, shall be brought to the notice of the Director General, with a view to giving them suitable rewards.

Punishment for facilitating an escape

- 13.22 Every officer of the prison, because of whose assistance, connivance, or neglect, an escape takes place, shall be prosecuted under sections 222, 223 or 225 A of the Indian Penal Code, 1860 unless very extenuating circumstances are present or the Superintendent considers the evidence insufficient to procure a conviction.

Procedure on recapture

- 13.23 The recapture of the prisoner shall be informed to all those who were informed of the escape originally.
- 13.24 A recaptured prisoner may be received back into prison on his original warrant.

Disposal of warrants of escaped prisoners

- 13.25 The warrant of a prisoner who escapes from prison shall be retained in the prison for 10 years from the date of his escape. If he is not recaptured within that period, it shall be returned to the committing court with an endorsement giving the reasons.

OUTBREAKS

Alarm to be sounded on outbreak

- 13.26 Whenever there is a jail outbreak, or and agitation inside a prison, the concerned Superintendent / Addl. Superintendent of Prison should inform the District Police who will take necessary action to control the situation and bring order inside the prison. However, till the arrival of the District Police, the prison guards and security personnel guarding the prison shall initiate steps to control the situation and prevent further untoward incidents.
- 13.27 In the event of an outbreak or disturbance, the prison official present at the scene of occurrence shall raise an alarm by blowing his whistle hearing which the warder staff shall blow their own whistles. It will be followed by

sounding of gong or siren at the main gate. Every prison official outside the prison shall proceed at once to the guard room and arm himself with a baton. A messenger shall be sent by the senior officer present to the Superintendent, Additional Superintendent and Deputy Superintendent who shall summon every available man.

When the alarm is sounded

13.28 At the sound of the alarm the reserve guard shall arm themselves with service weapons arms and stand outside the prison on alert. The main gate sentry along with other warders shall be posted between gates and unless the prisoners are actually threatening the main gate, the rest of the force available shall enter the prison armed with batons and proceed at the double to the scene of the disturbances. But if the prisoners are threatening the main gate, it must be defended until the guard is strong enough to enter and drive the prisoners back. The armed reserve guard shall not enter the prison or arrive at the scene of the disturbance until specially sent for by the officer in command.

Duty of convicts on hearing an alarm

13.29 When the alarm is given it shall be the duty of every convict to run at once to previously defined places of security, usually the nearest sleeping barrack, where they shall be locked in by the warders inside the prison. Prisoners should be warned in advance that neglect of this rule shall render them liable to be treated as participating in the outbreak.

Methods of quelling disturbances

13.30 On reaching the scene of disturbance, the guard shall proceed to quell it by using batons or tear gas, if available, as the officer in command may decide. Action shall first be directed to prevent any attempt at escape, to isolate the rioters from other convicts, and to rescue any prison officer who may be in danger. If the disturbance is accompanied by an attack on any prison official, or by a combined attempt to escape, the officer in command shall warn the prisoners that they will be fired upon if they do not submit. If circumstances permit, this warning shall be repeated three times. If the prisoners do not submit, or the outbreak or disturbance cannot be quelled, the officer in command may summon the reserve guard and open fire on these prisoners. He shall stop the firing as soon as the prisoners cease resistance or submit. Only minimum force necessary shall be used in all circumstances.

13.31 On arrival of the Superintendent, or Additional Superintendent, their orders shall be taken and all officers from the rank of Deputy Superintendent and below shall act as per their orders.

13.32 Prison officials shall not attempt to disperse a mob outside the prison unless the prison staff is threatened.

13.33 Enquiries on incidents like assaults on prison officials shall be conducted by the Superintendent, or such other officer as the Director General/Inspector General may direct.

Defence of main gate

13.34 The main gate sentry and the additional warders posted between gates shall defend the main gate. If prisoners cannot be driven back by any other means, firing shall be resorted to after due warning. It shall be stopped as soon as the prisoners are driven back.

Disturbance within wards

13.35 If the disturbance occurs within the wards, the available force shall enter the prison armed with batons and shall proceed at the double to the yard gate. A party shall be detached to enter the ward and quell the disturbance while the remaining force waits at the yard gate.

Treatment of extramural groups

13.36 Groups which are outside the prison when the alarm is sounded shall at once be collected and made to sit close together under the charge of their escort till the disturbance is over. If the situation permits these groups shall be taken in and locked up in a ward so that the warders in charge of the group can be released for other duty.

Rehearsal of procedure on alarm

13.37 It is of importance that if an outbreak occurs, every man knows precisely what he has to do. In order to perfect this procedure, an alarm parade shall be held once in two months or more often in each prison. All steps laid down in the rules shall be rehearsed as accurately and promptly as possible. The convicts too shall be trained to run at once to the assigned place of security when the alarm is sounded. No arms shall be taken inside the prison during practice alarm parades. The Superintendent shall make a record of each practice session and its results in his register.

ACCIDENTS AND SUICIDES

Procedure when unnatural death occurs

13.38 In every case of sudden or violent death or supposed suicide, or whenever there is any doubt or complaint or question concerning the cause of death of

any prisoner, a report shall forthwith be made to the Police who are empowered to take action under section 176 of the Criminal Procedure Code.

- 13.39 The Superintendent shall, in every instance in which an inquest may be held on the body of any prisoners confined in the jail, submit a full report of the circumstances of each case to the Director General / Inspector General, together with a copy of the finding of the Magistrate who conducted the enquiry.
- 13.40 A Magistrate who is also the Superintendent of the jail or acting as a temporary arrangement for the Superintendent shall not hold an inquest into the cause of death of any prisoner dying in the jail of which he has the charge at the time unless there be no other duly authorized Magistrate available for the duty.
- 13.41 The following officers are empowered under section 174 (3) of the Criminal Procedure Code to conduct post mortem examination-
- (a) All chief Medical Officers.
 - (b) All Medical officers holding collateral Civil charges.
 - (c) All Staff Surgeons.
 - (d) All Assistant Surgeons.
- 13.42 Whenever a sudden or violent death or suicide takes place in a prison, immediate notice shall be sent to the Superintendent and the Medical Officer. The body shall be left untouched in the position in which it was found for inspection by these officers.
- 13.43 If there are chances that the person is still alive, measures shall be taken at once for the prisoner's first-aid and treatment and revival.
- 13.44 In the case of a prisoner found suspended by a rope in an attempt to commit suicide, and there is reason to believe that he may still be alive, the body shall be raised at once to relieve pressure and laid gently on the grounds. All measures shall be taken to restore consciousness, without waiting for assistance, which however shall be called for without delay. In all events of a death procedures laid down in the chapter on death should be followed.

Custody of articles used for suicide

- 13.45 Knives and tools used in worksheds and barber's or tailor's equipment shall be counted and locked by the warders every day. Ropes for wells shall be properly secured or locked up, and the wells themselves protected to prevent persons falling or throwing themselves in. Care shall be taken that nothing is left about in the prison that may be used for suicidal purposes.

Precautions against the prisoners with apparently suicidal tendencies

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

Employment of convicts on dangerous work

13.47 When prisoners are employed in blasting, excavation or other work of a dangerous character, it shall be the duty of the officer conducting the work to take every reasonable precaution to guard against accidents. In blasting operations, no convict shall be employed to fire the charge. In excavations, the walls shall be sloped or cut in steps.

Custody of poisons

13.48 Poisonous drugs and drugs inducing drowsiness, surgical instruments and other similar things shall not be left within the reach of prisoners. Every receptacle containing any poisonous drug shall be labelled "Poison" in large printed characters. All these shall be kept under lock and key. Under no circumstances such key shall be entrusted to a prisoner.

Precaution against drowning

13.49 A strong rope and grappling irons shall be kept in the guard room of every prison, to be at hand in case of accidents in wells.

FIRE

Prevention of fire

13.50 Special care shall be taken while using kerosene and gas lights in any office or store room. Even in the maintenance of electric lights, any leakage shall be immediately brought to the notice of the Deputy Superintendent and rectified without delay.

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

13.52 Fire shall be used in the workshops in properly constructed fireplaces and the senior officer, who locks up the prison, shall satisfy himself before leaving that these fires are properly extinguished. The concerned senior technical staff of the section shall also be responsible in this regard.

13.53 No burning coal, wood or other fuel used in kitchen shall be allowed to be taken out. Those in charge of the kitchen shall be responsible for any violation. If liquefied petroleum gas is used in kitchen it shall be ensured that gas cylinders are stored in a secured room in accordance with the safety rules for storage of LPG cylinders and that no prisoner has access to such

place. If any fire occurs nobody should be allowed near the gas room until the fire is completely quelled.

- 13.54 No fire in the form of a lamp, kerosene lantern, matchsticks etc. which can cause fire or arson shall be allowed inside the barracks.
- 13.55 There shall be fire hydrants and firefighting equipment (sand and water buckets) in all parts of the prison, and especially at all vulnerable points decided in consultation with the District Fire Officer.
- 13.56 Electric installations in the prison shall be inspected at regular intervals.
- 13.57 In extramural camps and open institutions, precautions such as provision of a large supply of water and fire fighting equipment shall be kept ready at hand.
- 13.58 Each Superintendent shall draw up instructions on fire safety and the drill to be adopted in his prison, showing the respective duties of all members of the prison establishment on an alarm of fire being given. He shall make the staff rehearse the fire drill at least once in six months. This would include fire fighting safety measure and evacuation techniques.
- 13.59 In the event of a fire immediate information to fire brigade shall also be sent. Till help from the fire brigade is received, every attempt to quell the fire shall be made. In the event of fire breaking out in the prison by day or night, the alarm shall be sounded.
- 13.60 Steps shall be taken to ensure that fire does not spread to other parts of the prison and the lives of prisoners and of members of the staff are not endangered.

In the event of an injury to a prisoner, or a member of the staff on duty, because of fire (a) medical attention to the injured shall be given and (b) an inquiry shall be immediately held and statements of the injured prisoner or member of the staff and other witnesses shall be recorded.

EPIDEMICS

Epidemics and precautions against them

- 13.61 Epidemics which are likely to occur in prisons are cholera, enteric fevers, gastro-enteritis, chicken pox, measles, mumps, influenza, cerebrospinal meningitis, pneumonia, plague, beriberi, scurvy and epidemic dropsy and COVID-19.
- 13.62 When an epidemic is present in the vicinity of a prison, communication between the staff and the infected locality shall be, as far as possible,

prevented and special care shall be taken that all arrangements to meet an outbreak are completed.

Removal to a segregation shed

13.63 Every prison shall be provided with a permanent segregation shed outside the prison walls. On the occurrence of a case, or a suspected case, of cholera or any other infectious disease, the patient shall not be taken to hospital but shall be immediately removed to one of these sheds while all orderlies and scavengers attending on the case shall be strictly isolated in another shed. On no pretext shall they be allowed to enter the prison or communicate with other prisoners until all risk of infection is over. If possible, the prisoners shall be removed to an infectious disease hospital outside the prison.

Treatment of prisoners after contact with infection

13.64 All prisoners employed in cleaning a ward in which a case of suspected infectious disease has occurred, or who have been in contact with the patient, shall be detained under medical observation in a separate building to prevent their mingling with other prisoners. Special care shall be taken that they bathe and feed separately.

Prison officers' clothing, if infected

13.65 If there is any reason to think that the clothing of any warder or other prison officer is likely to have been polluted by any cholera discharge, it shall be at once withdrawn from use and disinfected.

Treatment of the infected barrack

13.66 The barrack in which a case occurs shall be immediately vacated and the inmates kept together and not allowed to go near other prisoners. The vacated barrack shall be thoroughly disinfected.

Vaccination or inoculation

13.67 Whenever a case of an epidemic occurs, the Medical Officer shall at once arrange for vaccination or inoculation, as the case may be, of all prisoners, prison personnel and members of their families.

Accommodation of patient

13.68 Overcrowding must be strictly avoided both in the hospital as well as in every cell and ward. If the epidemic is severe then it may be desirable use of the entire hospital for treatment of epidemic cases, removing all other cases to a temporary hospital that can be set-up in a ward or workshed, (if no better place is available). Minor cases of colic or ordinary diarrhoea shall also be treated separately and not admitted to the hospital until the characteristic symptoms of cholera and diarrhoea have disappeared.

Sterilisation of drinking water

13.69 On the recommendation of the Medical Officer drinking water shall be thoroughly boiled. Gas or Firewood shall be made available for this purpose to the minimum extent necessary as decided by the Director General of Prisons. Care shall also be taken to ensure that sufficient appliances for boiling of water are also provided. As far as possible, reverse osmosis plants should be in place in prisons to prevent water borne diseases.

Observation of prisoners

13.70 The general condition of prisoners shall be carefully watched to detect incipient cases. Any person attacked by premonitory symptoms shall be removed for treatment at once. Convict officers shall be required to report any sign of sickness at once. A prisoner visiting the latrine more often than usual shall be placed under observation.

Treatment of hospital floor

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

Disposal of dejecta

13.72 The dejecta shall be placed in a vessel with a close fitting cover containing an equal part of 4% cresol or izal lotion for two hours and then buried. The dejecta can also be incinerated with saw dust, paddy husk or kerosene.

Cleanliness of prisoners

13.73 Special attention shall be given to the cleanliness of prisoners and their clothing. The water used for washing shall not be allowed to remain within the prison walls.

Treatment of clothing and bedding

13.74 The clothing and bedding of the inmates of an infected ward shall be either immersed for 30 minutes in boiling water or kept in 20% carbolic or cresol lotion and then aired and returned to them after they have bathed. Hospital clothing and bedding used by infected patients shall be burnt.

Disposal of an infected corpse

13.75 The body of a person who has died of an infectious disease shall be wrapped completely in a sheet saturated with 2% carbolic or cresol lotion and buried/cremated without the least delay.

Report to the Director General

13.76 The first occurrence of a case of cholera or any other infectious disease shall be at once reported to the Dy. Inspector General on telephone which shall be followed by a written report on the same day, stating the circumstances of the case and the measures taken to arrest the progress of the diseases.

- 13.77 The next two cases too shall likewise be reported to the Dy. Inspector General. On the occurrence of the second case, the Superintendent shall submit a report stating whether he proposes a large scale segregation of prisoners within the prison premises. If he does then he shall elaborate the measures he is taking for it. If he does not plan segregation, he shall reasons for that as well. If the Director Geneal/Inspector General is absent from the Headquarters, the report shall be telegraphed to him.

When shall a disease be deemed epidemic

- 13.78 If three or more cases occur within one week of the occurrence of the first case of cholera, it shall be concluded that the disease has assumed an epidemic form.

Rules generally applicable to epidemics

- 13.79 The above rules relate for segregation are also applicable to other disease, such as small pox and plague. In these cases, the necessity for segregation is equally important. In case of typhoid fever, changing the water supply is of primary importance.

Daily report during epidemic

- 13.80 Whenever an epidemic prevails in a prison, a daily report shall be furnished to the Director General. In this report the Medical Officer shall briefly note the progress of the epidemic, the measures he is taking to arrest it, and any information he may consider of importance. A copy of this report shall also be sent to the Director of Medical Services.

Special epidemiological inquiry

- 13.81 The Superintendent of the Jail, in consultation with the Chief Medical Officer, may call for an epidemiological inquiry or report whenever he considers it advisable. A copy of such an inquiry report shall be furnished to the Director General of Prisons & Correctional Services for further necessary action.

HUNGER STRIKES

Procedure to be followed in cases of hunger strikes

- 13.82 Prisoners who go on hunger strike shall be warned that no redress of any alleged grievances shall be allowed as long as the strike continues and that they shall be liable to any prison punishment or to prosecution under Section 52 of the Prisons Act, 1894.
- 13.83 After sufficient warning, and before the refusal to take food has adversely affected them, and if any other punishment appears unlikely to deter them, they may be prosecuted under Section 52 of the Prisons Act, 1894. The usual concession in the matter of interviews and letters of such prisoner shall be

restricted to members of the legal profession only. If any such prisoner proposes to engage a member of the legal profession to represent him, a *vakalatnama* shall be executed by the prisoners in favour of the member of the legal profession and only that member shall be permitted to interview the prisoner in this regard.

- 13.84 In the event of mass hunger strike by the prisoners, the Superintendent shall permit reasonable number of members of the legal profession to interview the prisoners. For easy identification, the members of the legal profession should be in their formal lawyers' dress and give requisition for interview on their letter-heads. If a mass hunger strike amounts to mutiny, the prisoners shall be isolated from each other, and from other prisoners, as far as possible.
- 13.85 When prosecutions are instituted under Section 52 of the Prisons Act of 1894, the proceedings shall be held within the prison and shall be started and completed with as little delay as possible.

Forcible feeding of prisoners on hunger strike

- 13.86 It is the duty of the prison authorities to do what they reasonably can to keep prisoners in their charge in good health and to save them from death. Therefore, if a prisoner is likely to cause his own death by continuously refusing to take food, the Medical Officer may direct that the prisoner be forcibly fed to keep him alive. Forcible feeding shall not be attempted with unnecessary violence. But till such a stage is reached, food approved by the Medical Officer shall be regularly placed beside the prisoner on hunger strike for his consumption.

Daily report to the government

- 13.87 The Medical Officer shall furnish daily reports to the Superintendent on the health of the prisoner who is on a hunger strike. He in turn shall forward it to the government through the Director General/Inspector General. The Superintendent shall send a report to the Collector and the Superintendent of Police concerned.

OVERCROWDING

Overcrowding shall be reported to the Director General/ Inspector General

- 13.88 If a prison becomes overcrowded, the Superintendent shall take suitable action for accommodating all the prisoners properly, duly reporting the circumstances leading to overcrowding to the Director General. Any other matter pertaining to overcrowding shall always be referred to the Director General for orders.

Measures to relieve overcrowding

13.89 As soon as prisoners in excess of the available accommodation are received in any prison or hospital, the Superintendent shall submit a report to the Director General with a statement of the measures which he proposes to adopt to relieve the overcrowding, and such temporary arrangements, as he thinks best, shall at once be adopted for this purpose.

Keeping prisoners in sheds or tents

13.90 Prisoners in excess of the accommodation shall not, except as a temporary measure, be placed in worksheds or verandahs, but shall be kept in sheds or tents inside the prison. The Superintendent shall always obtain prior sanction, whenever necessary, for incurring expenditure in this regard and shall ensure economy in every aspect.

Earth Quake

13.91 In the event of an earthquake the following action shall be taken:

- (i) The prisoner shall be asked to take cover (kneel down, and cover head with arms)
- (ii) The prisoners shall be asked to remain in the same position for a few minutes, due to after-shocks.
- (iii) The prisoners shall be kept at least 14 feet away from windows, mirrors, chimneys, tall book cases, furniture, old and high buildings, poles, trees and electric wires.
- (iv) The prisoners shall be asked to walk towards an open place, in a calm and composed manner
- (v) Evacuation and rescue measures should be undertaken on instructions from an evacuation team and unnecessary crowding of affected area should be avoided.

Other emergencies

13.92 Suitable action shall be taken according to the requirements in cases of other emergencies as well. The Superintendent shall report the circumstances to the Director General. A Contingency plan be in place at every jail to tackle any emergency situation such as attacks and similar. Senior officers should review such contingency plans during their visits/inspections.

Disposal of the dead

13.94 The body of any prisoner dying or executed in jail, shall be made over to the friends or relatives of the deceased, if claimed by them before the body has been disposed of by cremation or burial, unless there are special reasons to the contrary, e.g., the prisoner has died of any infectious disease, or if there are grounds for supposing that the prisoner's funeral will be made an occasion for a demonstration.

- 13.95 The friends or relatives of a deceased prisoner making application for the body after burial, should be referred to the Magistrate of the District, who should be informed whether the deceased prisoner died of any infectious disease, how long has been dead and whether, in the opinion of the Medical Officer of the jail, the body can be exhumed and removed with safety or without becoming a nuisance to the public.
- NOTE:** Nobody can lay claim to a corpse as it is not property. When a prisoner dies, his sentence ceases, it merely remains, if the body is not made over to the friends or relatives of the deceased, to dispose of it in a seemly manner, so that it may not become a nuisance and so as not to shock the feeling of the people.
- 13.96 The body of any prisoner dying or executed in jail, not made to the friends or relatives of the deceased, shall, if the deceased was-
- (i) Christian- be, whenever possible, interred in consecrated ground with the rites of the religion to which he belonged or,
 - (ii) not a Christian—be cremated or buried in the jail burial ground in accordance with the custom applicable to the caste to which he belonged.
- 13.97 All bodies prior or removal from the jail shall be wrapped in a new cloth.
- NOTE:** The superintendents of certain jails in the State may be authorized by the Director General/Inspector-General with the approval of the State Government to make over the bodies of prisoners who have died in jail, if not claimed by the friends or relatives, to certain medical institutions named for the purpose, the authority so given extends only to the case of the prisoners who have died from natural causes, not to the bodied of executed prisoners.
- 13.98 There shall be a burial ground, distinctly marked off from the surrounding ground by a wall, ramp or hedge, attached to every jail and it shall be used for the disposal of the bodies of prisoners only. Portion of the burial ground shall be set apart for the cremation of the bodies of Hindus and the other portion for the burial of Mohammedans.
- 13.99 The land selected for a burial ground should not be in the immediate vicinity of the jail or near centre of population and not near the source of any drinking water supply, it should be seen that prevailing wind does not blow from it towards the jail and that sufficient ground is secured to answer all requirements for at least fifteen years.
- 13.100 The burial ground shall be kept clean and tidy free from jungle and the graves disposed in regular rows, so as to economise space. Each grave should be marked with the name and the Register number of the prisoner.

- 13.101 The growth of grass about the graves should be encouraged, but it should be kept trimmed; quick growing tree should be planted about the ground.
- 13.102 The Superintendent and the Medical Officer shall visit the burial ground from time to time and satisfy themselves that it is properly kept and cared for.
- 13.103 No grave shall be less than five feet deep one or more grave shall be always kept ready for occupation.
- 13.104 In filling in a grave the earth should be well pressed down so as to protect the body from the depredations of animals, the earth should be heaped up one foot above the surface of the surrounding ground.
- 13.105 Special care shall be taken that bodies of those disposed of by cremation are completely consumed. Ashes of the body of a Hindu prisoner should be disposed of 24 hours after cremation by burial or, in place where it is possible, by consigning them to the water of a neighbouring river.

Chapter XIV

EDUCATION OF PRISONERS

- 14.01 Education is vital for the overall development of prisoners. Through education, their outlook, habits and total perspective of life can be changed. Education of prisoners benefits the society as well as it leads to their rehabilitation, and re-integration. Education reduces the tendency to commit crimes. This would mean less crime, fewer victims, fewer prisoners, more socially productive people, and less expenditure on criminal justice and law enforcement.
- 14.02 Education is harmonious and necessary for the all-round development of human faculties—mental as well as physical. It is a tool by which the knowledge, character and behaviour of the inmate can be moulded. It helps a prisoner adjust to the social environment and facilitate his ultimate re-integration in society.
- 14.03 Life in prison tends to be monotonous and regimented. There is a need to provide prisoners with adequate educational opportunities in order to enable them to lead a law-abiding and self-supporting life following their release. It must be understood that placing offenders inside prison cells without any attempt to reform them is an unproductive exercise.

Objective

- 14.04 The objective behind educational programmes in prisons may be to channelise prisoners' energies into constructive and creative pursuits, instilling in them a sense of confidence, developing amongst them social responsibility and consciousness, fostering amongst them habits and attitudes necessary for adjusting in the community, creating amongst them an awareness of the futility of leading a criminal life and uplifting them morally, mentally and socially. A comprehensive educational programme in a prison may aim at:
- (i) providing opportunities to illiterate inmates to achieve at least a certain minimum level of education,
 - (ii) extending facilities to literate inmates to advance their educational standards,
 - (iii) developing a better understanding of the duties and obligations of a citizen,
 - (iv) improving the attitude of inmates towards society and fostering a desire to live as good citizens,

- (v) assisting the development of good social and ethical habits and attitudes so that the inmates may properly adjust their lives when they are released,
- (vi) helping them to improve their personalities and ability for social adjustment through individual and group guidance in social living, planning,
- (vii) developing a point of view which will make the futility of a criminal way of life apparent to the inmates, making them aware of the advantages of a law abiding life
- (viii) stimulating sustained interest and effort towards self-improvement, and
- (ix) developing social consciousness and a sense of social responsibility and obligations.

Planning

14.05 Educational plan for prisoners will be such that:

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

- (a) For the illiterate inmates
 - (b) For the intermediates
 - (c) For advanced education.
- (viii) Educational personnel should be oriented, through special training courses, to implement correctional policies, programmes and methods as far as practicable.
- (ix) Non-Governmental Organizations should be extensively involved in the educational programmes.

Nature of an Educational Programme

- 14.06 The educational programme should consist of:
- (i) Physical including yoga and health/hygiene education/Academic education
 - (ii) Social education
 - (iii) Vocational education
 - (iv) Moral and spiritual education
 - (v) Cultural education
 - (vi) Computer education
 - (iv) Legal education/awareness

Educational Policy for Inmates

- 14.07 On admission to the prison, the criteria for initial classification of prisoners should be done on the basis of their educational background, their aptitude to follow further studies, their social background and vocational education.
- 14.08 The policy behind academic education should aim at:
- (i) Making every illiterate prisoner literate
 - (ii) Developing educational qualifications of prisoners
- 14.09 If a prisoner, who was pursuing studies before his imprisonment, expresses his intention to continue his studies and appear for an examination of any Board/University or institution, he should be given due facilities for it. He should be allowed to receive books and writing material from his friends and relatives from outside and purchase books and such materials out of his personal cash kept in the custody of the prison, or at government expense. Such facilities should also be extended to a prisoner who has given up his studies before his imprisonment, but expresses his intention to proceed with it with a view to appear in an examination conducted by any university or other statutory body or a recognized institution.

Classification of Prisoners

- 14.10 Prisoners should be classified on the basis of their academic/educational qualifications and their aptitude for further learning at the time of admission in the prison. It should be made compulsory for each prisoner to sit in educational classes, arranged as per their qualification, for at least two hours in the day, preferably in the morning hours.
- 14.11 The classification committee and educational personnel should together decide the amount of time to be devoted for academic education, vocational education and work for each inmate. As there will be variations in the educational level, intelligence and interests, diverse educational programmes should be organized for different groups of inmates.

Help of educated prisoners

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

Language Classes

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

Schools for Young offenders

- 14.15 Every prison should have a regular school where young offenders can attend regular classes in shifts. This school could be a branch of any government school being run by the Education Department of the State, with the Education Department providing teachers, equipment and material for teaching young offenders. The school should provide education for primary, secondary and senior secondary levels. It should be mandatory for each young offender to attend classes. The staff posted in the prison should be paid special incentive for maintaining prisoners' interest in attending school.
- 14.16 The prisoners who pass various examinations should be given certificates as are given to students studying in regular schools. Care should be taken to

ensure that there is no mention of the young offender's imprisonment on such certificates.

Education for Short Term Prisoners

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

Personnel and Equipment

14.18 Following personnel and equipment for the educational programme for prisoners should be provided:

14.19 Teachers should be provided for running and guiding the adult educational programmes in prisons. Teachers from the Education Department could be posted to the prison on transfer/deputation basis. Inmates, who are educated and whose conduct has been good, should be given training in imparting education to others. These trained inmates should assist the regular teachers in organizing diversified educational programmes. The services of retired teachers or NGOs. could also be obtained in running the educational programmes.

14.20 Necessary equipment for education like books, stationery, writing material, furniture, etc., should be provided at Government cost. In each prison, a building should be earmarked/constructed as a school for carrying out educational activities. Buildings and areas for educational programmes should be earmarked in accordance with the minimum standards as fixed by the Education Department for similar purposes.

14.21 Study/examination centers of National Open School/Indira Gandhi National Open University should be established in every Central/District Prison. The strength of educational personnel should be fixed in accordance with the inmate population and the educational programmes to be organized.

14.22 The educated prisoners, who help the prison administration in conducting educational programmes, should be given wages/honorarium by the Prison Authorities.

14.23 Audio-visual equipment should be used for educational purposes.

- 14.24 The lodging arrangement of prisoners can also be done as per their educational requirements so that suitable environment is created in the barrack/cell to enable them to carry out the assignments given to them by their teachers.

Curriculum

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

Tests and Examinations

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

Liaison

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

Library

- 14.30 Following facilities in the prison library should be provided:
- (i) Books in the library should cater to the needs of different educational standards, satisfaction of intellectual needs, and development of knowledge of the inmates.
 - (ii) The prison library shall be properly equipped with books, magazines, and newspapers. These shall be issued to the prisoners. Prisoners should be encouraged to develop reading habits.

- (iii) A librarian should be employed for the management of books and other reading material. Help of educated prisoners could also be obtained, under the supervision of the librarian, to run the library. The librarian shall arrange for and make available books on various subjects for satisfying the needs of prisoners. The librarian should keep details of books and periodicals available in the library subject/title wise for use by prisoners and for the information of the Superintendent of Prison.
- (iv) Donation of books by NGOs. should be encouraged and welcomed. Public and Government schools should be encouraged to adopt the educational programmes being run inside the prison for prisoners.
- (v) A digitalized library with e-learning materials may also be provided, to the extent possible.

Social, Moral, Cultural and Spiritual Education

14.31 Meditational therapy should be used for holistic healing.

Prison Publication

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

Accountability

14.33 It should be one of the primary responsibilities of the prison Superintendent and other prison personnel that the programme of education is implemented in its proper spirit. The success or failure of the programme, and the extent of the educational activities in each institution, should be one of the principal factors on which the performance of these officers should be evaluated.

Chapter XV

VOCATIONAL TRAINING AND SKILL DEVELOPMENT PROGRAMMES

Objectives of Skill Development Programmes and Vocational Training

- 15.01 Vocational training and skill development programmes should be treated as essential features of prison correctional programmes. The objectives of such programmes should be:
- (i) Imparting discipline and work culture among inmates.
 - (ii) Developing right attitudes towards work and dignity of labour.
 - (iii) Promoting:
 - (a) physical and mental well-being of inmates;
 - (b) proper development of mind through intelligent manual labour;
 - (c) spirit of fellowship and a cooperative way of living; and
 - (d) a sense of group adjustment
 - (iv) Developing the capacity for sustained hard work,
 - (v) Building habits of concentration, steadiness, regularity and exactness in work.
 - (vi) Imparting and improving work-skills,
 - (vii) Awakenng the self-confidence and self-reliance of inmates,
 - (viii) Training and preparing inmates for achieving lasting social re-adjustment and rehabilitation.
 - (ix) Imparting an occupational status and thus creating a sense of economic security among inmates.
 - (x) Keeping inmates usefully employed in meaningful and productive work.
 - (xi) Preventing idleness, indiscipline and disorder amongst them.
 - (xii) Maintaining a good level of morale amongst them and thus promoting a sense of self, as well as institutional discipline among them.
- 15.02 A "Board of Skill Development Programme and Vocational Training", under the chairmanship of Director General of Prisons & Correctional Services, should be set up at the Prison Headquarters and vested with full fiscal and administrative powers. The function of the Board should be to:
- (i) plan and implement programmes of skill development and vocational training,
 - (ii) arrange funds required to run such programmes,
 - (iii) fix a policy of production,
 - (iv) examine the economic aspects of the skill development programmes,
 - (v) put prison skill development programmes on a sound commercial footing,
 - (vi) ensure coordination at all levels,

- (vii) evaluate the performance of the skill development programme of each institution,
 - (viii) introduce practices and procedures of modern management of production,
 - (ix) guide, supervise, direct and control all matters relating to institutional skill development programmes and vocational training,
 - (x) organize workshops in after-care homes for discharged prisoners, and
 - (xi) promote marketing of prison products.
 - (xii) In consultation with the Skill Development Agency of the state may identify certain trades as suitable for the inmates to be trained in so that once they are released, they may be gainfully employed.
- 15.03 Government departments, semi-government departments, cooperatives and public undertakings should purchase articles produced in prison industries as per requirements from the Department of Prisons and Correctional Services.
- 15.04 Clear rules for the purchase of raw material, consumable articles, tools and equipment should be laid down to eliminate chances of misappropriation or waste.
- 15.05 A policy should be laid down for the employment of carefully selected prisoners in public undertakings, co-operative farms of the State, and agro-based industries organized in the cooperative sector when they are released from prison.

Vocational Training

- 15.06 Vocational training programmes, in self-employing trades and occupations, should be organized in every central and district prison for employable convicts.
- (i) Such programmes should be open to under-trial prisoners who volunteer to undergo such training after testing their vocational ability.
 - (ii) Wherever possible in larger prisons, an Industrial Training Institute should be established and where it is not possible to establish one, the help of local Industrial Training Institutes could be obtained in training the prisoners.
 - (iii) The prison should have adequate staff for efficient organisation of various training projects. It should be properly equipped with training aids and classrooms for conducting multifarious projects to suit the training needs of its inmates.
 - (iv) The prison should have a properly defined organisation for training projects in terms of formation of homogeneous groups and setting down routine and time schedule of projects.
 - (v) The cost incurred in the training projects, expenditure on staff, equipment and material, should be treated as essential investment for the purpose of training and resettlement of offenders.
 - (vi) Special emphasis should be given to vocational training of young offenders, young adult offenders, and others who may derive benefit from the training projects.
- 15.07 Qualified technical personnel should be appointed in adequate numbers in every production unit and for every programme of vocational training. Such personnel could be posted in the prison on a transfer-cum-deputation basis from the Industrial Training Institutes of the State.

- 15.08 Vocational training programmes should be designed to suit the needs of prisoners sentenced to short, medium and long term imprisonment.
- 15.09 Active linkages should be established with the department of Technical Education, Directorate of Industries (including Cottage Industries), Industrial Training Institutes, Polytechnics and Vocational Training Institutions as well as approved NGOs to develop vocational training programmes on a practical and pragmatic basis.
- 15.10 On the completion of vocational training courses, inmates should be examined by the Department of Technical Education of the State/Union Territory concerned and on passing the examination they should be awarded a regular Certificate/ Diploma by that department.
- 15.11 The prison industry should be given preferential treatment in the matter of granting permission to run various industrial/production units by the State Government.
- 15.12 The executive and supervisory personnel should be given training in modern methods of management.

Employment of Prisoners

- 15.13 Apart from convicts, under-trial prisoners, who volunteer to work, should also be employed on skill development programmes and be given vocational training in their enclosures. The under-trial prisoners employed in the prison industry, or agriculture, should be given fair and equitable remuneration on the same scale as prescribed for convicts. They should also be given labouring diet and other facilities. Under no circumstances should undertrials and remand prisoners be allowed to interact with convicted prisoners.
- 15.14 No criminal prisoner sentenced to labour, or employed on labour at his own desire, or under-trial doing labour, shall, except in an emergency, and with the sanction in writing of the Superintendent, be made to labour for more than nine hours in a day.
- 15.15 The Medical Officer shall, from time to time, examine the prisoners while they are employed, and shall, at least once in every fortnight, get their weights recorded in their history tickets.
- 15.16 When the Medical Officer is of the opinion that the health of a prisoner is suffering due to employment on any kind or class of labour, he shall not be employed on that labour but shall be placed on such other kind or class of work as the Medical Officer may consider suitable for him.
- 15.17 Prisoners sentenced to medium and long terms of imprisonment should be given training in multiple skills so that they are able to compete with the conditions in the labour market outside the prisons.
- 15.18 For planned employment of inmates the following factors should be taken into consideration while organizing skill development programmes:
 - (i) Mental and physical health
 - (ii) Requirements of security, custody and discipline
 - (iii) Age
 - (iv) Length of sentence
 - (v) Inmates' skills and abilities and also potential for acquiring skills
 - (vi) Urban and rural background of the inmate.

- 15.19 Prisoners sentenced to less than one year of imprisonment should be employed in prison maintenance services, gardening, work-centres and work camps and paid suitable wages for their work.
- 15.20 Prisoners sentenced to imprisonment for one year or more should be employed in production units in closed or open prisons.

Prison Industries and Skill development Programmes

- 15.21 Prison industries should be organized on business-cum-commercial basis. Preference to prison products, while purchasing articles for office use, should be given by the various government departments.
- 15.22 The skill development programmes should also include essential institutional maintenance services like culinary, sanitary and hygienic services, prison hospital, other prison services, repairs and maintenance services. Prisoners may also be employed in the service of maintenance and construction of prison buildings, for which they will receive adequate remuneration or wages in accordance with the rules of the Public Works Department.
- 15.23 Prison skill development programmes should consist of services required by the community such as construction work, masonry, carpentry, plumbing, electric fitting, tailoring, fabrication of ready-made garments, leather work, driving, prison servicing, agriculture, horticulture, dairy, poultry, floriculture, maintenance of diesel engines, maintenance of electric pumps, tractor repairing, automobile servicing and repairing, cane work, basket making, pottery, book binding, typing, computer-operating, handicrafts, stenography, cloth printing, embroidery, hosiery, bakery, namkeen making, paper making, printing, tailoring, weaving, soap making, candle making, toy making, sewing machine repair, food processing, etc.
- 15.24 Every prisoner sentenced to undergo simple imprisonment who opts to do labour shall ordinarily be employed on hard labour of a kind that is most suitable for him and for which he/she is, for the time being, fit. No convict shall be put on medium labour if he/she is fit to perform hard labour, or on light labour as long as he is fit to perform either hard or medium labour.
- 15.25 No consideration of profit or convenience shall be permitted to influence the class or form, of labour which any convict sentenced to undergo rigorous imprisonment is at any time required to perform. It shall be fixed with reference solely to the health of the convict and the regulations of the prison regarding the employment of prisoners.
- 15.26 A standard list of equipments, tools, accessories and spare parts, which each production unit must always have, should be prepared and maintained.
- 15.27 In every institution there should be a separate and properly organized maintenance workshop to repair the machinery and equipment in time and to prevent breakdown.
- 15.28 The organization of accounts and inventory should be modernised on business lines.

Standardization of Products

- 15.29 Various products of prison industries should be standardized. A handbook containing details of standardization, and the manufacturing process of various production units, should be prepared for the guidance of personnel.
- 15.30 Catalogues of standardized products of prison industries should be prepared for securing orders from the market for various production units.
- 15.31 Technical supervision should be improved and a system of quality control introduced at every stage of production, so that market competitiveness can be maintained. The percentage of profit should not be the motive behind production by prison industries.
- 15.32 Showrooms should be opened outside the prison gates, and at other places, for promoting sale of products of prison industry. A brochure should also be kept in which information is provided to the public about the products being sold along with their rates.

- 15.33 Prisoners who have been discharged and are found suitable shall be employed in show rooms and prison product outlets, as far as possible.

Targets of Production for Prison Industries

- 15.34 The targets of production for each unit for the ensuing year should be fixed in accordance with the employable inmate population and production potential of the unit. These targets should be communicated to the respective institutions in advance. The unit's production, according to the target, should be reviewed on a monthly basis.
- 15.35 It shall be the responsibility of the Superintendent of Prison to meet the targets of production as set above.
- 15.36 The task sheet of each prisoner should be correctly maintained by the technical personnel-in-charge of the production units.

Wages

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

Tasks to be Imposed on Female Prisoners and Young Offenders

- 15.41 The tasks to be imposed on females or young offenders respectively shall not in any case exceed two thirds of the maximum task for hard and medium labour, prescribed in respect of adult male convicts.

Female Prisoners not to Work Outside Female Enclosures

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

No Prisoner to be Employed for Private Work

- 15.43 No prisoner shall, at any time, be employed by any officer of the prison, or any other person, for any private work or service of any kind whatsoever.

Execution of Work for Outside Agencies

- 15.44 Private parties/industrial units can be allowed to approach prisons to get their manufacturing work done by prison labour inside the prisons, if capacity and know-how for such manufacture is available. It should be ensured that appropriate wages and other expenses are paid by such private parties and industrial units.

Yearly Audit of the Accounts

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

Agriculture

15.46 Following infrastructural facilities in terms of agriculture should be made available to the prisoners:

- (i) Agriculture, agro-based industries and other allied activities should be given high priority in the planned development of skill development programmes and vocational training in correctional institutions.
- (ii) The land available with an institution should be thoroughly surveyed in terms of soil analysis, availability, fertility, salinity, and requirement of drainage, so that it is put to optimum use. The help of Block Development Officers, officers of the State Agriculture Department and other allied agencies should be taken in this regard.
- (iii) Each new prison building in rural areas should have a properly fenced farm wherever land for this purpose is available.
- (iv) It should be ensured that proper irrigation facilities are available at the farmland.
- (v) The required building structure should be constructed on each farm and internal roads should be laid.
- (vi) All required farming equipment and spare parts should be made available at each farm. A maintenance shop should also be set up in large farms.
- (vii) Prisoners detailed for labour at agricultural farms should be distributed at various places in the farm by forming groups, with a leader nominated for each group.
- (viii) Guidelines should be issued by the Prison Headquarters stating the eligibility criteria of an inmate who may be deployed on open agricultural farms.
- (ix) The subsidy available to the farmers for purchasing fertiliser, equipment and electricity should also be made available to prison farms.
- (x) Adequate funds should be provided for the development of agriculture and allied activities and its accounts should be maintained separately.
- (xi) Requisite security personnel should be provided at each agricultural unit and their duties and responsibilities should be clearly laid down.
- (xii) The farm products should be first consumed in the prison and the remaining should be sold to the government departments and in the open market.
- (xiii) The efficiency of each unit should be evaluated annually in terms of the targets fixed and achieved.
- (xiv) The number of prisoners employed in farming activities in closed prisons shall be decided by the Prison authorities as per the requirement.
- (xv) Prison personnel should be imparted training in various aspects of agricultural and allied activities.
- (xvi) Bio-gas plants, windmills, solar-cooking ranges, etc., should be introduced in the prison farms.

- (xvii) Costing of agricultural and other produce should be done on strict commercial basis.
- (xviii) Open agricultural institutions, and institutions having attached agricultural farms, should diversify skill development programmes according to cropping schemes such as mixed farming, irrigated crops, dry farming, etc. In some open prisons work can be diversified into agricultural activity, industrial units and agro based production units.
- (xix) Measures shall be taken to develop horticulture, floriculture and cultivation of medicinal plants and similar activities wherever feasible.

Any other activities

15.47 The Department of Prisons & Correctional Services shall be free to introduce new activities which can provide employment to prisoners based on their skill, training, aptitude and market conditions.

CHAPTER XVI

LEGAL AID

Introduction

- 16.01 Article 39A of the Constitution of India provides for free legal aid to the poor and weaker sections of the society and ensures justice for all. Articles 14 and 22(1) of the Constitution also make it obligatory for the State to ensure equality before law and a legal system which promotes justice on the basis of equal opportunity to all. In furtherance of these, the Legal Services Authorities Act was enacted by the Parliament in 1987 to establish a nationwide uniform network for providing free and competent legal services to the weaker sections of the society on the basis of equal opportunity.

Constitution of Legal Services Authorities

- 16.02 In every State, a State Legal Services Authority (SLSA) and in every High Court, a High Court Legal Services Committee has been constituted. District Legal Services Authorities and Taluk Legal Services Committees have been constituted in the Districts and most of the Taluks to give effect to the policies and directions of the NALSA and to provide free legal services to the people and conduct Lok Adalats in the State.
- 16.03 Supreme Court Legal Services Committee has been constituted to administer and implement the legal services programme insofar as it relates to the Supreme Court of India.
- 16.04 The Chief Justice of India is the Patron-in Chief of NALSA and the senior-most Judge of the Supreme Court is the Executive Chairman. The Central Government in consultation with Chief Justice of India has also appointed an officer of the Higher Judicial Services as the Member Secretary of the NALSA.
- 16.05 Similarly, at the State level the Chief Justice of the High Court is the Patron-in-Chief of State Legal Services Authority and Senior Most Judge of the High Court is the Executive Chairman. There is a Member Secretary for each SLSA.
- 16.06 At the District level, District Judge is the chairman of District Legal Services Authority and chief Judicial Magistrate or equivalent judicial officer is the Secretary of District Legal Services Authority.

Functioning of Legal Services Institutions

- 16.07 NALSA lays down policies, principles, guidelines and frames effective and economical schemes for the State Legal Services Authorities to implement throughout the country.
- 16.08 The State Legal Services Authorities, District Legal Services Authorities, Taluk Legal Services Committees, etc. have been entrusted the following primary functions:
- I. To provide free and competent legal services to the eligible persons;

- II. To organize Lok Adalats for amicable settlement of disputes;
- III. To organize legal awareness camps; and
- IV. To implement the Schemes and policy directions of the NALSA through strategic and preventive Legal Services Programmes.

- 16.09 Free legal services would include:
- (a) Payment of court fee in appropriate cases, process fees and all other charges payable or incurred in connection with any legal proceedings;
 - (b) Providing service of lawyers in legal proceedings;
 - (c) Obtaining and supply of certified copies of orders and other documents in legal proceedings.
 - (d) Preparation of appeal, paper book including printing and translation of documents in legal proceedings.

Appointment of Jail Visiting Advocates

- 16.10 Himachal Pradesh Government shall adopt the practice of nominating Jail Visiting Advocates to visit different prisons regularly on fixed days of the week to help the poor and unrepresented inmates. Any inmate should be able to seek aid and advice, file any bail/parole application, appeal(s) etc. through these advocates.

Legal Aid Clinic in every prison

- 16.11 Legal services clinic shall be set up in every prison across the State, with sufficient number of panel lawyers and paralegal volunteers deputed to such clinics for providing free legal services to inmates on all working days. Director General of Prisons & Correctional Services may train certain inmates as para legal volunteers (PLVs) for assisting the Legal Aid Clinics established at prisons.

Legal literacy classes in prisons

- 16.12 Legal literacy classes may be conducted in prisons in order to educate prisoners about their rights and duties as well as about the availability of free legal aid services. Services of law students, Para Legal Volunteers and Legal Aid Lawyers could be taken to ascertain legal aid needs of inmates.

Maximum period for which under-trials can be detained

- 16.13 According to Section 436A Cr.P.C., under-trial prisoners who have undergone detention in prison for a period extending up to half of the maximum sentence specified for that offence under law (except offences attracting death sentence and life imprisonment), shall be released on their personal bond, with or without sureties. In order words, it means pending investigation, inquiry or trial, no person shall be detained in the prison for a period more than half of the prescribed maximum sentence under that offence. However, courts, for special reasons to be recorded in writing, may extend the detention in prison or release on bail instead of personal bond with or without sureties.

Constitution of Under-trial Review Committee

- 16.14 A committee consisting of the District Judge, as Chairperson, the District Magistrate, the District Superintendent of Police and Secretary, District Legal Service Authority as members, should be constituted to identify under-trial prisoners who have completed half of the maximum period or maximum period of imprisonment provided for the said offence under the law.
- States/UTs may hence consider taking the following actions:-
1. Constitute a Review Committee in every district with the District Judge, as Chairperson, the District Magistrate, the District Superintendent of Police and Secretary, District Legal Service Authority as members to meet every three months and review the cases.
 2. Jail Superintendent should conduct a survey of all cases where the UTPs have completed more than one-fourth of the maximum sentence. He should prepare a survey list and send the same to the District Legal Service Authority (DLSA), as well as, the Undertrial Review Committee.
 3. Prison authorities may educate undertrial prisoners on their rights to bail.
 4. Provide legal aid – may be provided through empanelled lawyers of DLSA to cases presented for release on bail and reduction of bail amount.
 5. The list should be made available to the non-official visitors as well as District Magistrate/Judges who conduct periodic inspections of the jails.
 6. Home Department may also develop management information system to ascertain the progress made jail-wise in this regard.

Cases which are compoundable in nature

- 16.15 The State Legal Services Authorities should ensure that for offences which are compoundable, appropriate steps are taken for compounding, and where the offences cannot be compounded, efforts should be made to expedite the disposal of those cases or at least efforts made to have the persons in custody released therefrom at the earliest.

Right to free legal representation or legal aid

- 16.16 Article 22 (1) of the Constitution entitles arrested persons to be represented by a legal practitioner. It is the fundamental right of all prisoners/arrested person to be provided with free legal aid in the prosecution of their case at different levels of their trial. The Magistrate is duty bound to offer the facility to the accused the moment s/he is produced before him or her for the first time even if the accused has not asked for it out of ignorance.
- 16.17 Even if the accused does not ask for a lawyer or he remains silent, it is the Constitutional duty of the court to provide him with a lawyer before commencing the trial. The obligation to provide him with a lawyer at the commencement of trial is absolute and failure to do so would vitiate the trial and resultant conviction and sentence, if any given to the accused.
- 16.18 To ensure that arrested persons have free legal representation, panel lawyers have been deputed as remand /duty advocate in every court dealing with criminal cases. Such advocates are available in the court even on holidays. When an accused is

produced before the court and does not have a legal counsel, the court shall provide the counsel free of cost.

16.19 The Superintendent should inform convicts of their right of appeal against conviction.

Chapter XVII
WELFARE OF PRISONERS

Object:

- 17.01 The objectives of welfare programmes in prisons should be to:
- (i) Develop a relaxed, positive and constructive atmosphere in the institution,
 - (ii) Ensure good personnel-inmate relationship based on mutual trust and confidence,
 - (iii) Ensure care and welfare of inmates,
 - (iv) Ensure voluntary and positive discipline,
 - (v) Attend to immediate and urgent needs and problems of inmates,
 - (vi) Attending to long term needs of prisoners,
 - (vii) Help the inmates maintain regular contact with their families, and communities in the outside world,
 - (viii) Ensure a good system of incentives for self-discipline such as remission, leave transfer to semi-open and open institutions, and premature release,
 - (ix) Provide individual guidance and counseling,
 - (x) Encourage group activities, group guidance, group work,
 - (xi) Implant proper habits, attitudes and approaches and prepare them for a normal social life,
 - (xii) Provide supportive therapy including Psychotherapy,
- 17.02 The starting point of all welfare programmes shall be the initial classification of the prisoner and the study of individual inmates. The welfare programme should include periodical review of progress and re-classification of prisoners, review of sentence and pre-mature release, planning for release, pre-release preparation and after-care. Positive influence of institutional personnel will play an important role in this process. Community participation will be an important feature of welfare programmes.

Counseling

- 17.03 Counseling facilities should be extended to the prisoners as follows:
- (i) The mental health status of a prisoner should be studied before his classification at the time of admission in the prison. Prisoners certified as mentally ill should not be confined in prisons and instead appropriate measures should be taken for their transfer to special institutions.
 - (ii) Professionally qualified counselors should be engaged by the prison dept. to provide counseling to the needy prisoners, particularly those suffering from substance-related addictive disorders and victims of abuse.

- (iii) Proper and regular evaluation of prisoner's mental health should be done to enable the requisite psycho social support services by the prison department.
- (v) Severe mental disorders would require appropriate psychiatric treatment and dealt under the provisions of Mental Health Act, 1986.

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

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

Psychotherapy

17.05 Psychotherapy and cognitive behavior therapies may also be used in prisons as they have been recognized as effective for the treatment of prisoners suffering from mental disorders.

Guidance

17.06 Pamphlets containing the rights, duties, entitlement, discipline and daily routine of a prisoner (including a handbook on Rights and Duties as provided in Appendix –

1) should be printed and distributed so that a prisoner may follow the 'dos' and 'don'ts' and maintain discipline during his confinement.

17.07 The above literature should also be kept in the prison library and issued to prisoners who can read.

17.08 Illiterate prisoners should be made to understand the contents of the literature by the prison staff themselves or with the help of other literate prisoners engaged for educational programmes.

Recreation, Sports, Cultural Activities, Films, Library

17.09 Cultural and recreational activities should be organized in all institutions for maintaining the mental and physical health of prisoners. These activities are the basic elements of rehabilitation programmes for prisoners. These should form the integral part of an institutional regime.

17.10 Recreational and cultural activities should be organized depending upon various conditions such as availability of space, the climate and weather, composition of inmates and arrangements for security. Such activities can include:

- (i) Outdoor games like cricket, kabaddi, wrestling, volley ball, badminton, football and basket-ball.
- (ii) Indoor games like chess, ludo and carrom.
- (iii) Film Shows: Historical, patriotic, biographical, scientific and educational films, travelogues, documentaries, newsreel, and films dealing with social themes should be shown. Films depicting crime, sex, violence, suspense, and such other subjects that may have a damaging effect on the minds of inmates and should not be shown to them. Each Central and District prison, should have facilities for showing films to the prisoners/ inmates. A library of good films should be developed at the headquarters of the Director General/Inspector General of Prisons of Correctional Services and these films should be circulated to various institutions. Close liaison should be established between the Department of Prisons and Correctional Services and the Films Division, Department of Information and Broadcasting, Film and T.V. Institutions, Film Societies and other organizations which can supply good films for the inmates.
- (iv) Music: Music has a special significance in the confined atmosphere of a prison. It can bring relief to lonely, distressed and unhappy inmates. It can relieve boredom and promote interest in institutional programmes. Music programmes could consist of radio music, recorded music, group singing, folk music, instrumental music and orchestra.
- (v) Community and folk dances: Group and Folk dances could be performed on festivals and social occasions.

- (vi) Drama: Useful social values and models of behavior can be presented before the inmates through dramatic performances. Dramas dealing with social problems, pageants, musical dramas, tableau, soliloquies, dialogues, radio plays and humorous skits could be performed for the benefit of inmates. Inmates themselves can be encouraged to take part, and organize these activities.
- (vii) Arts and crafts: Arts and crafts can play an important role in imparting useful values to prisoners. The prisoners can maintain their individuality through these activities. Such activities can also serve as supportive therapeutic measures in the monotonous life of a prison.
- (viii) Handicrafts and art work: Prisoners can be provided with necessary facilities for pottery, basket making, wood carving, carpentry, marquetry and veneers, wood turning, fret-work, leather-work, home decoration, lamp-shade making, metal-craft, plastics, toy-making, artificial flower making, horn-craft, clay-modelling, lacquer-work, drawing, painting, stenciling, paper-craft, papier-mache, rug making, felt-work, knitting, embroidery, needle-work, crochet, etc.
- (ix) Reading: Inmates can be encouraged to read books, newspapers and magazines. Group reading and guided reading can also be useful for them.
- (x) Television: This is the biggest entertainer for prisoners. The channels to be shown, and their timings, should be carefully selected by the Superintendent of Prison.

17.11 Every prison and allied institution should have an annual sports/cultural meet. Inter-Institution and Inter-State sports meets of inmates may also be organized. The sports groups from outside could be invited into the prison for playing various games with the prisoners.

17.12 Yoga and meditation should be practised daily for which the hours should be fixed. Meditation centres may be opened and NGO support may be availed for this purpose. It should be ensured that discourses during meditation sessions are secular in nature.

17.13 Well known personalities in the fields of art, sports, literature, culture and music should be invited to the prison as guests on various occasions to inspire the prisoners and be role-models for them.

17.14 There shall be a play ground for outdoor games and a community hall for cultural programmes in every prison.

Role of N.G.Os.

17.15 Approved N.G.Os. should be extensively involved in organizing sports and cultural meets and other welfare activities.

17.16 Care shall be exercised in the selection of welfare agencies/N.G.Os. for carrying out welfare programmes. Approved N.G.O.s/welfare agencies which have a proven

track record, and which are known for their dedication and selfless service, should be selected for associating in prison programmes.

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

Prisoners' Committees

- 17.19 Every prison and allied institution should have prisoners' Committees. These Committees should consist of very carefully selected inmates, who are of good conduct and who have the potential and ability to organize events and activities. These Committees should plan and execute daily recreational programmes for inmates. This will give the prisoners a sense of participation in the prison management, which is an important component of any policy of welfare and reformation. These Committees should also be used for giving the prisoners an opportunity to express their problems and seek redressal.
- 17.20 The working of these Committees should be continuously monitored by the prison administration. The Superintendent or Dy. Superintendent of Prison should as far as possible should personally participate in the Committees meetings.
- 17.21 A meeting of all the Committees should be held in the presence of the Superintendent at least once in a quarter for the redressal of prisoners' grievances and implementation of their suggestions. The Director General of Prisons may also participate in such meeting in different prisons in the State from time to time.

Celebration of Festivals

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

Spiritual Development

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

17.25 Every prisoner should be allowed to perform his devotions in a quiet and orderly manner.

Implementation of Welfare Activities

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

17.27 The Superintendent shall submit quarterly reports of welfare activities being conducted in his prison to the Director General/ Inspector General of Prisons.

17.28 Prison administration shall endeavour to access funds available under Corporate Social Responsibility for conducting various welfare activities for inmates and prison staff.

Chapter XVIII

REMISSION

INTRODUCTION:

Remission is a concession, which can be granted to prisoners by Head of the State, appropriate Government or by the Head of the Prison Department or by the Superintendent of Prison. The appropriate Government reserves the right to debar/withdraw any prisoner, or category of prisoners, from the concession of remission. The Remissions other than that granted by the Head of the State may be withdrawn or forfeited if the prisoner commits specified jail offences or conditions prescribed in the relevant order of remitting the sentence.

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

Purpose

- 18.01 Remission is intended to be an incentive for good behaviour and work. It should be granted on the basis of inmates' behaviour, work and general response to various institutional activities, In these Rules:
- (i) "Prisoner" includes a person committed to prison in default of furnishing security to keep the peace or be of good behaviour and also a person convicted by a Military Court;
 - (ii) "Sentence" means a sentence as finally fixed on appeal, revision or otherwise, and includes an aggregate of more sentences than one and an order of committal to prison in default of furnishing security to keep the peace or be of good behavior;
 - (iii) "life convict" means a person sentenced to imprisonment, for life.

Life Convicts

- 18.02 Life sentence shall be taken as imprisonment for twenty years for the purpose of calculation of remission (as per the logic given in Section 57 of the Indian Penal Code, 1860). In the case of a prisoner serving more than one life sentence, twenty years shall be treated as the total of all his sentences for calculating remission. Grant of remission to a life convict shall not mean actual remission in his sentence. When his case will be examined by the Review Board for pre-mature release, the remission to his credit will be one of the factors on the basis of which the review of his sentence will be considered.

Kinds of Remission by prison authorities

- 18.03 Remission by Prison authorities can be of the following types:
- (i) Ordinary remission
 - (ii) Special remission

Ordinary Remission

Authority to grant ordinary remission:

18.04 The Superintendent of Prison, or an officer nominated by him on his behalf, is authorized to grant ordinary remission. Ordinary remission shall be awarded by the Superintendent, or, subject to his control and supervision by the Deputy Superintendent or any other officer specially empowered in that behalf by him.

Eligibility:

18.05 The following types of convicted prisoners shall be eligible for ordinary remission:

- i) Prisoners having substantive sentences of two months and more,
- ii) Prisoners, sentenced to simple imprisonment for two months or more, who volunteer to work,
- iii) Prisoners employed on prison maintenance services requiring them to work on Sundays and Holidays, e.g. sweeping, cooking etc., irrespective of the length & nature of their sentence i.e., simple or rigorous imprisonment,
- iv) Prisoners admitted for less than one month in hospital for treatment or convalescence after an ailment or injury not caused wilfully. (Those admitted for such purpose for more than one month should be entitled to remission for good conduct only).

Note: It will be the responsibility of the prison administration to provide work to all eligible prisoners. If for any reason the prison administration fails to do so the prisoners who are otherwise eligible for remission for work should be granted it as per their normal entitlement under the orders of the Director General/ Inspector General of Prisons.

Non-Eligibility:

18.06 The following types of prisoners should not be eligible for ordinary remission:

- i) Prisoners having substantive sentence of less than two months,
- ii) Prisoners sentenced in default of payment of fine only,
- iii) Prisoners whose sentence is reduced to less than two months (in such cases remission already earned, if any, should stand forfeited),
- iv) In the case of prisoners who are convicted of an offence committed after admission to the prison under Sections 147/ 148/ 152/ 224/ 302/ 304/ 304A/ 306/ 307/ 308/ 323/ 324/ 325/ 326/ 332/ 333/ 352/ 353 or 377 of IPC or of an assault committed after admission to the prison on a warder or other officer or under any other law for misusing the concession of parole/furlough granted under that law. The remissions of whatever kind earned by him under these rules up to the date of the said conviction may, with the sanction of Head of the Prison Department, be cancelled.
- v) Prisoners debarred from remission as punishment for committing prescribed prison offences;
- vi) Prisoners specifically debarred from remission under any law or rule, and
- vii) Prisoners out on special leave like medical leave, temporary release on parole, release on bail etc. for the duration of such leave.
- viii) The total remission to any prisoner under all these rules shall not, without the special sanction of the State Government, exceed one fourth of his sentence.

Provided that in very exceptional and suitable cases the Director General/Inspector General may grant remissions amounting to not more than one-third of the total sentence.

Scale of award of Ordinary Remission:

- 18.07 Scale of remission for convicted prisoners: Ordinary remission may be granted to prisoners who are eligible for it at the scale shown below:
- i) Three days per calendar month for good behaviour, discipline and participation in institutional activities,
 - ii) Three days per calendar month for performance of work according to the prescribed standards,
 - iii) Two days per calendar month for prisoners employed on prison maintenance services requiring them to work even on Sundays and holidays e.g. sweeping, cooking etc.,
 - iv) Eight days per calendar month for those working as night watchmen. Night watchmen will not be eligible for remission mentioned in (a), (b) and (c) above,
 - v) One day for each month's stay in open institutions to prisoners sentenced to imprisonment of one year or more and transferred to such institutions,
 - vi) Any prisoner eligible for ordinary remission, who for a period of one year from the date of his sentence, or the date on which he was last punished (except by way of warning) for a prison offence, has not committed any prison offence, should be awarded 30 days annual good conduct remission in addition to any other remission.
 - vii) No prisoner shall receive ordinary remission for the calendar month in which he is released.
 - viii) Prisoners who volunteer for sweeper's work in the Himachal Pradesh Jails shall, in addition to the existing scale of remissions, be granted a special remission of three days per month.
 - ix) Any prisoner eligible for remission under these rules who, for a period of one year reckoned from the first day of the month following the date of his sentence or the date on which he was last punished for a prison offence, has committed no prison offence whatever shall be awarded fifteen day's ordinary remission in addition to any other remission earned under these rules. If however the prisoner completes three years of his sentence and is not punished for any prison offence he shall be granted 60 days remission for good conduct at the end of third year.

Special Remission

- 18.8 Authority to grant special remission: Head of the Prisons Department, Superintendent of Prison, Chief Probation officer, will be the competent to grant special remission.

Criteria to grant special remission:

- 18.9 Meritorious work by inmates should be rewarded by grant of special remission in addition to the annual good conduct remission to create a spirit of healthy competition among prisoners.

Eligibility:

- i) Saving the life of a government employee, a prison visitor or an inmate,
- ii) Protecting a government employee or prison visitor or inmate from physical violence or danger,
- iii) Preventing or assisting in prevention of escape of prisoners, apprehending prisoners attempting to escape, or giving material information about any plan or attempt by a prisoner, or a group of prisoners, to escape,
- iv) Assisting prison officials in handling emergencies like fire, outbreak of riots and strike,
- v) Reporting of, or assisting in, prevention of serious breach of prison regulations,
- vi) Outstanding contribution in cultural activities or education or acquiring an additional education qualification (such as a degree or diploma) or teaching art & craft and special skills to fellow inmates,
- vii) Specially good work in industry, agriculture or any other skill development programme, or in vocational training.
- viii) donating blood to the Blood Bank, provided that the scale of special remission for this service shall be fifteen days for each occasion on which blood is donated, and this shall be considered special remission of the State Government.

NOTE : No prisoner will be permitted to donate blood until the Medical Officer certifies that he can donate blood without any danger to his health or life.

Non-eligibility:

18.10 Special remission may be given to any prisoner except such prisoners who are deprived of remission by way of punishments whether entitled to ordinary remission or not for special reasons.

18.10.01 **Remission for Good Conduct:**

(1) Special remission may also be given to any prisoner released under the Himachal Pradesh Good Conduct Prisoners, Probational Release Act, 1968, for special services as:

- i) Special excellence in, or greatly increased out-turn of good quality;
- ii) Assisting employer in case of outbreak of fire or protecting his life or property from theft and other meritorious services;

(2) **Special remission may be awarded:**

- i) by the Superintendent to an amount not exceeding thirty days, in one year;
- ii) by the District Probation Officer in the case of prisoner released under the Provisions of the HP Good Conduct Prisoners Probational Release Act, 1968, to an amount not exceeding thirty days in one year;
- iii) by the Director General/Inspector General of Prison for a period not exceeding sixty days in one year.

Explanation: For the purpose of this rule, years shall be reckoned from the date of sentence and any fraction of a year shall be reckoned as a complete year.

- (3) An award of special remission shall be entered on the history-ticket of the prisoner as soon as possible after it is made, and the reasons for every award of special remission by a Superintendent shall be briefly recorded, and in case of prisoners released under the HP Good Conduct Prisoners, Probational Release Act, 1968, such entries and reasons thereof, shall be recorded by the District Probation Officer.

Scale of award of Special Remission by DG/IG :

- 18.11 Subject to the fulfillment of any one or more of the conditions aforementioned, special remission not exceeding 60 days in a calendar year completed by the prisoner in a Jail may be granted by the Head of the Prison Department on the recommendation of Superintendent of Prison to those prisoners who are eligible for ordinary remission.

Note: Total Remission not to exceed one-fourth portion of sentence.

Remission by Head of the State

- 18.12.1 Remission granted by the Head of the State under Article 161 of the Constitution of India, acting on the aid and advice of the Cabinet of Ministers, shall be called Remission by Head of the State. Remission by Head of the State may be granted on occasions of National importance or public rejoicing.
No Rules can be prescribed for the Head of the State for grant of this type of remission.

Eligibility

- 18.12.2 The remission by Head of the State can be awarded to such prisoners, or categories of prisoners, as the Head of the State may decide.
- 18.12.3 In case of prisoners who, at the time of general grant of remission by Head of the State, are released on temporary or emergency release like on parole or furlough etc., specific orders of the Head of the State about the award of this remission to such prisoners are necessary.

Effect of remission earned on a life convict

- 18.13.1 when a life convict or a prisoner in whose case the State Government has passed an order forbidding his release without reference has earned such remission as would entitle him to release but for the provisions of this paragraph, the Superintendent shall report accordingly to the State Government in order that his case may be considered with reference to section 432 of the Code of Criminal Procedure, 1973.
- 18.13.2 Save as provided by clause (1) when a prisoner has earned such remission as entitles him to release.

- 18.13.3 When a prisoner is released the total amount of remission earned by him shall be endorsed on his warrant and the endorsement shall be signed by the Superintendent.

Removal and Revocation of Prisoner from Remission

- 18.14.1 The Head of the Prisons Department, on the recommendation of Superintendent of Prison, may remove any prisoner from remission for a period of six months for committing any specified prison offence. Similarly, the Superintendent of Prison may remove a prisoner from remission for three months. However, the sanction of the Director General/ Inspector General will be necessary for such removal from remission for any period exceeding three months.
- 18.14.2 With prior sanction of the Head of the Prisons Department, the Superintendent of Prison may re-admit any prisoner to remission who has been removed from there. The prisoner who is re-admitted to remission shall earn remission under these rules from the commencement of the month following his re-admission.

Conditions for Forfeiture of Remission

- 18.15.1 Remission earned by a prisoner may be forfeited by the Head of the Prisons Department on the recommendation of Superintendent of Prison;
- i) If the prisoner is convicted of an offence committed after admission to prison, under sections 147, 148, 152, 224, 302, 304, 304-A, 306, 307, 308, 232, 324, 325, 326, 327, 332, 333, 352, 353 or 377 of the India Penal Code or convicted of an assault committed on a prison official, a prison visitor, a prisoner, or any other government employee or on conviction for any offence committed in violation of the law providing for temporary release of the prisoner on parole/ furlough etc. after admission to prison. All the ordinary and special remission, of whatever kind, earned by him under these rules up to the date of the said conviction may be forfeited in part, or in whole.
 - ii) For prison offences Superintendent is empowered to forfeit earned remission up to 30 days for one offence. Earned remission beyond 30 days may be forfeited with the sanction the Head of the Prisons Department.

Note:

All entries about forfeiture of remission shall be promptly made in the history ticket or remission sheet and in the Remission Register or in any other relevant document/ record.

- 18.15.2 The Superintendent may with the previous sanction of the Director General, readmit to the remission system any prisoner who has been removed therefrom under these rules. Such a prisoner shall earn remission under these rules from the commencement of the month following such readmission.

Remission Committee

- 18.16.1 Remission by Head of the State may be granted at such scale, or in such quantum, as may be decided by the Head of the State.
- 18.16.2 The Remission Committee for remissions to be granted by the Jail authorities – The Remission Committee of each institution will consist of:

- i) Superintendent-in charge of the institution – Chairman,
- ii) Deputy Superintendent or senior most prison officer available in the institution,
- iii) Assistant Superintendent/Deputy Jailer/Assistant Jailer in charge of remission section,
- iv) Officer in charge of Industries/ Vocational Training.

Functions of Remission Committee

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

Procedure

- 18.18 The members of the committee should assist the Superintendent in all matters pertaining to the award of remission. The decision of the Superintendent should be treated as final. The Remission Committee should meet every Monday in the first week of every month or as and when required. Monday means Monday or next working day, if Monday is a Jail holiday.
- Notes: (i) In view of the importance of remission work, it is essential that the committee meets as per fixed schedule so that remission may be granted in time. Special remission should be granted leaving a margin of at least seven days prior to a prisoner's release.
- (ii) Entries regarding remission should be made, under proper attestation of the Superintendent, in the Remission Register and the History Ticket of the prisoner concerned as soon as it is granted.
- (iii) Prisoners with substantive sentences from two months to five years should be sanctioned remission each month while those sentenced to more than five years (including life convicts) should be granted remission once in a quarter.
- (iv) Ordinary remission should be calculated for full calendar months. It should not be granted for a fraction of a calendar month.
- (v) Special remission may be granted for any fraction of a year accordingly
- (vii) Grant of remission to prisoners sentenced by court martial should be on the same principles as those applicable to other prisoners.

Record

- 18.19 Following records will be maintained by the prison authority:
- i) Assistant Superintendent, or any other official in charge of yards or sections, shall maintain sheets for prisoners eligible to earn remission. On the appointed days, these sheets shall be forwarded to the officer dealing with remission work and to the Deputy Superintendent, or to any other officer in charge of admission and release of prisoners for inspection. These sheets shall be attached to the remission sheet of the prisoners.
 - ii) A Remission Register shall be maintained in a prescribed Form (Appendix 11) in which all entries about grant and forfeiture, if any, of remission shall be promptly made and duly attested by the officers concerned.
 - iii) Entries in the Remission Register shall be made at the end of each quarter. In case a prisoner is due for release before the completion of a quarter,

- these entries shall be made during relevant months, and action regarding his/her release may be taken accordingly.
- iv) At the end of each quarter, prisoners should be informed about the remission they have earned during the quarter and also the total of their remission.
 - v) Grant or forfeiture, if any, of all types of remission should be recorded in the remission sheet.
 - vi) The Deputy Superintendent, or officer in charge of admission and release, shall inspect the Remission Register or Remission Sheets at fixed intervals.
 - vii) Except for the communication mentioned in Rule 18.19 (iv), remission record shall be treated as confidential. It shall not be allowed to be handled by the prisoners.
 - viii) Prisoners should be released on such dates, as would be worked out, after allowing for the remission granted.

Chapter XIX PAROLE AND FURLOUGH

INTRODUCTION:

Parole and furlough to inmates are progressive measures of correctional services. The provisions relating to release of the prisoner on parole and furlough should be liberalized to help a prisoner maintain a harmonious relationship with his family and the society and to be of good conduct during the period of incarceration. The privilege of release on parole and furlough should, of course, be allowed to selective prisoners on the basis of well-defined norms of eligibility and propriety. The parole and furlough in the State of Himachal Pradesh shall be governed by the H.P. Good Conduct Prisoners (Temporary Release) Act, 1968 and rules thereunder, However, for clarity the following provisions are made.

Purpose

- 19.01 The objectives of releasing a prisoner on parole and furlough are:
- i) To enable the inmate to maintain continuity with his family life and deal with familial and social matters,
 - ii) To save him from the evil effects of continuous long prison life,
 - iii) To enable him to maintain and develop his self-confidence,
 - iv) To enable him to develop constructive hope and active interest in life,
 - v) To help him remain in touch with the developments in the outside world,
 - vi) To help him remain physiologically and psychologically healthy,
 - vii) To enable him to overcome/ recover from the stress and evil effects of incarceration, and
 - viii) To motivate him to maintain good prison and discipline in the prison.

Parole

- 19.02 Parole means temporary release of a prisoner for short period so that he may maintain social relations with his family and the community in order to fulfill his familial and social obligations and responsibilities. It is an opportunity for a prisoner to maintain regular contact with outside world so that he may keep himself updated with the latest developments in the society. It is however clarified that the period spent by a prisoner outside the Jail while on parole in no way is a concession so far as his sentence is concerned. The prisoner has to spend extra time in prison for the period spent by him outside the Jail on parole.

Kinds of Parole

- 19.03.1 Emergency parole under police protection: to cater to the familial and social responsibilities of emergent nature like death/ serious illness/ marriage of a family member or other close relative.
- 19.03.2 Regular parole: to take care of the familial and social obligations and responsibilities of regular nature as well as for the psychological and other needs of the prisoner to maintain contact with the outside world like house repair, admission of children to school/ college, delivery of wife, sowing and harvesting of crops, etc.

Emergency Parole

- 19.04 Emergency parole may be granted to a convict by the competent authorities as well as to the under trial prisoners by the trial court concerned, under adequate police protection, for a period extending up to 48 hours, in the following eventualities:
- i) Death or serious illness of father/ mother/ brother/s/ sister/s/ spouse/ children.
 - ii) Marriage of brother/s/ sister/s/ children/ children of sister/s.

Furlough

- 19.05 Furlough means release of a prisoner for a short period of time after a gap of 05 years of incarceration by way of motivation for him maintaining good conduct and remaining disciplined in the prison. This is purely an incentive for good conduct in the prison. Therefore the period spent by the prisoner outside the prison on furlough shall be counted towards his sentence.

Eligibility

- 19.06 Convicts are entitled to emergency parole, regular parole and furlough, subject to the fulfillment of eligibility criteria and other conditions prescribed in this regard by the State Government under any local and special law or instructions etc.
- 19.07 The following categories of prisoners may not be eligible for release on parole or furlough:
- i) Prisoners whose immediate presence in the society may be considered dangerous or otherwise prejudicial to public peace and order by the District Magistrate and Superintendent of Police,
 - ii) Prisoners who are considered dangerous or have been involved in serious prison violence like assault, outbreak of riot, mutiny or escape, or who have been found to be instigating serious violation of prison discipline as per the reports in his/ her annual good conduct report,
 - iii) Prisoners convicted for dacoity with murder, terrorist crimes, sedition charges and in the opinion of the District Magistrate/ District Superintendent of Police, there are such prisoners they may not report back to the Prison after the completion of the parole or furlough period,
 - iv) Convicted foreigners,
 - v) Prisoners committed for failure to give security for maintaining peace or good behaviour
 - vi) Prisoners suffering from mental illness, if not certified by the Medical Officer to have recovered
 - vii) Prisoners whose work and conduct have not been good during the preceding 12 months.
- 19.08 Undertrial prisoners are not eligible for regular parole and furlough, and may be released only on emergency Parole, that too by the order of the concerned trial court.
- 19.09 The respective State Government/ Union Territory may enact a local and special law or issue instructions providing for temporary release of prisoners on parole and furlough. The eligibility criteria, competent authority to sanction parole/ furlough, liability for not surrendering at due time and date after availing parole/ furlough, grounds and frequency for release on parole/ furlough, procedures, duration of

release on parole/ furlough, eligibility for release on furlough along with its duration and frequency and conditions relating to other connected matters etc. shall be properly laid down in the law/ instructions so provided.

- 19.10 Release on parole is not an absolute right, though, it is a legal right of every eligible prisoner as per the conditions laid down. This concession is subject to cancellation. The State Government/ Head of the Prison Department/ the Competent Authority reserves the right to debar/ withdraw any prisoner, or category of prisoners, from the concession of parole and furlough if the prisoner becomes ineligible or violates of the prescribed conditions in this regard.

Release of Female Prisoners

- 19.11 A female prisoner ordered to be temporarily released under the Act shall be transferred to the Jail which is nearest to the place which she intends to visit during her temporary release. She shall be released from that Jail and shall return to that Jail. If she so desires, the Superintendent of the Jail from which she is transferred shall intimate to such member of her family as she may specify in that behalf the date of her release and the Jail from which she is to be released.

- 19.12 Subject to the above, eligibility for parole and furlough should be regulated as follows:

When due for first release on parole	When due for second release	When due for subsequent releases.
On completion of one year of actual imprisonment-- to be counted from the date of admission to prison.	After completion of six months of actual imprisonment -- to be counted from the date his last return from parole.	After completion of six months of actual imprisonment -to be counted from the date his last return from leave.

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

Duration and Frequency of Regular Parole

- 19.14 The period for which a prisoner may be released shall be determined by the Government so as not to exceed,-
- (a) where the prisoner is to be released on the ground specified in clause (a)of sub-section (1) of section 3 of the HP Good Conduct Prisoners (Temporary Release) Act 1968, two weeks;

- (b) where the prisoner is to be released on the ground specified in clause (b) or clause (d) of sub-section (1) of section 3 of the HP Good Conduct Prisoners (Temporary Release) Act 1968,, four weeks; and
- (c) where the prisoner is to be released on the ground specified in clause (c) of sub-section (1) of section 3 of the HP Good Conduct Prisoners (Temporary Release) Act 1968, six weeks.

Competent Authority to Sanction Regular Parole or Furlough

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

Competent Authority to Sanction Emergency Parole

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

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

Procedure

19.17 A prisoner desiring to avail parole or furlough will submit his application to the Superintendent of the prison. The Superintendent will examine each case carefully with regard to the eligibility for leave with particular reference to conduct, work, attitude towards family and community, and the manner in which the previous period of leave, if any, was utilized.

19.18 The Superintendent of Jail shall forward the application so received to the Superintendent of police of the concerned district within 3 days of receipt of the application along with recommendation of Superintendent of Prison for his report through the District Magistrate concerned. The Superintendent of Police shall send his report to the competent authority through the District Magistrate within 14 days from the date of receipt of the reference of the competent authority. The District Magistrate is allowed a period of 3 days to forward the report of the Superintendent of Police so received to the competent authority. In case the police disagree with the proposed release of a prisoner on leave, reasons for such disagreement should be specified. The competent authority is allowed a period of 7 days to decide on the application from the date of receipt of the report of District Magistrate was received by him.

19.19 The prisoner shall be kept informed of all the decision on his application. If his request for release on parole or furlough is rejected, he shall be informed of the grounds of such rejection.

- 19.20 The opinion of the district authorities should be obtained every time a prisoner is released on parole or furlough. The Probation Officer may be asked to submit a report about the conduct of a prisoner during the release on parole or furlough.
- 19.21 Prisoners whose conduct is found unsatisfactory during his/ her release on parole or furlough may be debarred for this concession for a specified period of time by Head of the Prison Department on a report/ recommendation received from the Superintendent of Prison concerned. However, the concession so barred may be reviewed by the Head of Prison Department after 6 months from the date of the bar coming in to force, on a representation from the affected prisoner.
- 19.22 The prisoner shall be informed of the ground of the bar for the period for which he/ she shall not be eligible for release on parole/ furlough.

Conditions of Parole/ Furlough

- 19.23 The competent authority authorized to sanction parole/ furlough may make an order for the release of a prisoner subject to the following conditions:
- i) That the prisoner shall furnish cash security for the amount fixed by the competent authority and execute a personal recognizance bond, or execute a bond with one or more sureties according to the directions of the competent authority,
 - ii) That the prisoner shall reside at the place designated by the competent authority and will not go beyond the specified limits,
 - iii) That the prisoner will keep good behaviour and will not commit any offence during the period of release,
 - iv) That the prisoner will report to the Probation Officer, if any, of the area of his stay during the period of release,
 - v) That the prisoner will neither associate with bad characters nor lead a dissolute life,
 - vi) That the prisoner will be liable to be recalled immediately to prison in case he violates any of the conditions,
 - vii) That the prisoner will surrender himself to the Superintendent of the prison on expiry of the release period as granted, or on recall.

Release on parole/ furlough

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

Authorities to be informed

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

- iii) Probation Officer in whose jurisdiction the prisoner proposes to spend the period of parole/furlough.

Sureties

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

Liability of prisoner to surrender on expiry of release period and consequences of overstaying

- 19.27 On the expiry of the period for which a prisoner is released under this Act, he shall surrender himself to the Superintendent of the Jail from which he was released.
- (2) If a prisoner does not surrender himself as required by sub-section (1) within a period of ten days from the date on which he should have so surrendered, he may be arrested by any police officer without a warrant and shall be remanded to undergo the unexpired portion of his sentence.
 - (3) If a prisoner surrenders himself to the Superintendent of the jail from which he was released within a period of ten days of the date on which he should have so surrendered, but fails to satisfy the Superintendent of the jail that he was prevented by any sufficient cause from surrendering himself immediately on the expiry of the period for which he was released, all or any of the following penalties shall, after affording the prisoner a reasonable opportunity of being heard, be awarded to him by the Superintendent of the jail, namely,-
 - (a) a maximum cut of five days' remission for each day of overstay;
 - (b) stoppage of canteen concession for a maximum period of one month;
 - (c) withholding concession of either interviews or letters or both for a maximum period of three months;
 - (d) the period of temporary release on furlough of the prisoner under section 4 of the H.P. Good Conduct Prisoners (Temporary Release) Act, 1968 shall not be counted towards his sentence;
 - (e) warning; and
 - (f) reduction from the status and grade of "Convict Watchman" or "Convict Overseer".

Penalty

- 19.28 Any prisoner who is liable to be arrested under sub-section (2) of section 8 of the H.P. Good Conduct Prisoners (Temporary Release) Act, 1968 shall be punishable

with imprisonment of either description which may extend to two years or with fine or with both.

Explanation. - The punishment in this section is in addition to the punishment awarded to the prisoner for the offence for which he was convicted.

Travel Expenses

- 19.29 The prisoner will himself meet all expenses, including those on journey to and from the place of his stay, after his release on parole/ furlough from prison. However, if, on the report of the District Magistrate, the Government is satisfied that a prisoner's family cannot bear the expenses of his journey from and to the prison after his temporary release under this Act, the expenses may be borne by the Government to such extent and in such manner as may be prescribed.

Chapter XX
PREMATURE RELEASE

Objective and Purpose

The objective underlying premature release is reformation of offenders and their rehabilitation and integration into the society, while at the same time ensuring the protection of society from criminal activities.

- 20.01 Premature release of prisoners can be of following three types -
- (i) By way of commutation of sentence of life convict and other convicts under Section 433 of the Code of Criminal Procedure, 1973 by the State Government.
 - (ii) By way of remitting term sentence of a prisoner under Section 432 of the Code of Criminal Procedure, 1973 by the State Government.
 - (iii) By order of the Head of the State exercising power under Article 72 or Article 161 of the Constitution of India, as the case may be.

For the purpose of recommending pre-mature release of prisoners, there will be a Sentence Review Board to advise the government.

Composition of the State Sentence Review Board.

- 20.2 There shall be a State Sentence Review Board to review the sentences awarded to prisoners and for recommending premature release in appropriate cases. This shall be a permanent body having the following members:

i)	Secretary (Home)	Chairman
ii)	Secretary (Law)-Cum-Legal Remembrance	Member
iii)	A District & Sessions Judge nominated by High Court.	Member
iv)	Chief Probation Officer.	Member
v)	A senior Police Officer nominated by DG of Police not below the rank of IG of Police.	Member
vi)	Head of the Prisons Department	Member-Secretary

Quorum

- 20.3 The cases put up 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 on the Board. The quorum shall be of 4 members and the Board shall not take any decisions when the quorum is not complete.

Periodicity of the board's meetings:

- 20.04.1 The State Sentence Review Board shall meet at least once in three months on a date to be notified to its members at least 7 days in advance by the Member Secretary. The notice of such meeting shall be accompanied by complete agenda papers.
- 20.04.2 The Chairman of the Board can convene a meeting of the board more frequently, even at short notices, if necessary.

Eligibility for Premature Release:

- 20.05.1 Every convicted prisoner whether male or female undergoing sentence of life imprisonment and covered by the provisions of Section 433 A Cr. P.C. shall be eligible to be considered for premature release from the prison immediately after serving out the sentence of 14 years of actual imprisonment i.e. without the remissions. It is, however, clarified that completion of 14 years in prison by itself would not entitle a convict to automatic release from the prison and the Sentence Review Board shall have the discretion to release a convict, at an appropriate time in all cases considering the circumstances in which the crime was committed and other relevant factors like:
- (a) Whether the convict has lost his potential for committing crime considering his overall conduct in Jail during the 14-year's 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.
- 20.05.2 The following categories of life convict prisoners shall be eligible to be considered for premature release by the State Sentence Review Board:
- (i) Women offenders sentenced to life imprisonment: on completion of eight years of imprisonment, including remission, except those covered under Section 433-A of the Code of Criminal Procedure, 1973, whose cases will be considered only after completing 14 years of actual imprisonment.
 - (ii) Life convicts (men and young offenders) on completion of 10 years of imprisonment, including remission, except those covered under Section 433-A of the Code of Criminal Procedure, 1973, whose cases will be considered after completing 14 years of actual imprisonment.
 - (iii) Prisoners convicted of offences such as rape, dacoity, terrorist crimes, kidnapping, kidnapping for ransom, crime against women & children, smuggling, Prevention of Corruption Act, Immoral Traffic Prevention Act, offences against State, and undergoing life imprisonment, after completion of 14 years of sentence inclusive of remission.
 - (iv) Old and infirm offenders of 65 years of age on the day of the commission of offence, sentenced to life imprisonment on completion of 07 years of sentence or 75 years of age including remission, whichever is earlier subject to the condition that they shall not be actually released unless they have undergone at least five years of imprisonment including remission.

The life convicts covered under Section 433-A Cr.P.C. are required to undergo 14 years of actual imprisonment before release. The total period of incarceration including remissions in such cases should ordinarily not exceed 20 years. The magnitude, brutality and gravity of offence for which the convict was sentenced to life imprisonment will be kept in view.

Certain categories of convicted prisoners undergoing life sentence would be entitled to be considered for premature release only after undergoing imprisonment for 20 years including remission.

20.05.3 Following categories are mentioned in this connection by way of illustration and are not to be taken as an exhaustive list of such categories: -

- a) Convicts who have been imprisoned for life for murder in heinous cases such as murder with rape, terrorist crime, murder with dacoity, murder involving an offence under the protection of Civil Right Act, 1955, murder committed after conviction while inside the Jail, murder during parole, murder in 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 murder as also the perpetrators of murder committed with per-meditation and with exceptional violence or perversity.
- c) Convicts whose death sentence has been commuted to life imprisonment.

20.05.4 All other convicted male prisoners not covered by Section 433 A Cr. P.C. undergoing the sentence of life imprisonment would be entitled to be considered for premature release after they have served at least 14 years of imprisonment inclusive of remission but only after completion of 10 years actual imprisonment i.e. without remission.

20.05.5 The female prisoners not covered by Section 433-A Cr.P.C. undergoing the sentence of life imprisonment would be entitled to be considered for premature release after they have served a minimum of 12 years of sentence inclusive of remission but after undergoing seven years actual imprisonment exclusive remission.

20.05.6 Cases of premature release of prisoners undergoing life imprisonment before completion of 14 years of actual imprisonment on grounds of terminal illness or old age etc. may be dealt with under the provisions of Article 161 of the constitution.

Other Cases of Premature Release

20.07 When a convicted prisoner, in the opinion of a Medical Board, is in danger of death from sickness (not due to an infectious disease) with no hope of recovery within or outside the prison, the Superintendent shall report the fact to the Director General of Prisons if it is considered desirable to allow such prisoner the comfort of dying at home.

20.08 If the unexpired period of the prisoner's sentence does not exceed six months, the Director General/ Inspector General of Prisons may direct his/her immediate release, after making personal inquiries into the case and consulting the District Magistrate of that district.

- 20.09 If the unexpired period of the prisoner's sentence exceeds six months, the Director General/ Inspector General of Prisons shall immediately report the facts of the case, along with his recommendations, to the Government.
- 20.10 No prisoner, without any friends or relatives willing to take charge of him/her, shall be released under this rule.
- 20.11 This rule shall not apply to a prisoner who goes on a hunger strike. A prisoner on hunger strike shall in no circumstances be released.
- 20.12 If a Medical Board considers that a convicted prisoner is in danger of dying from illness (not due to an infectious disease), and that there is a probability of his/her recovery when released, he shall furnish a certificate to that effect. On receipt of the certificate the Superintendent shall immediately report the fact to the Director General/ Inspector General of Prisons. He shall also at the same time send for the prisoner's relatives or friends and ascertain whether they are willing to look after him. If so, he shall take from them a security bond to the effect that in the event of the prisoner being prematurely released on account of illness, they will give him/her up at any time they may be required to do.
- 20.13 If a prisoner detained solely under a sentence of Imprisonment in default of furnishing security to maintain peace or for good behaviour, is so seriously ill that he/ she is likely to die, whatever be the term of his unexpired sentence, the Superintendent shall refer the case to the District Magistrate of the District, in case the order is passed by an Executive Magistrate, or to the Court of Sessions, in case the order has been passed by a Judicial Magistrate, for necessary orders of release under Section 123 of the Code of Criminal Procedure, 1973.
- 20.14 Every case of release under these rules shall immediately be reported to the Head of the Prison Department by the Superintendent of Prison. The District Magistrate and Superintendent of Police of the district of the convict so released shall also be informed accordingly by the Superintendent of Prisons.
- 20.15 If the friends or relatives of a sick or dying prisoner, whose release has been sanctioned under above rules, express their inability to meet the expenses of a journey to the prison, the prisoner may be transferred, if fit to travel, in anticipation of sanction of the Head of Prisons Department/ Inspector General, to the prison of the district where he/she shall stay, provided that no prisoner shall be so transferred to any district beyond the jurisdiction of the State without the special sanction of the State Government concerned.
- 20.16 In the event of such a prisoner dying before he/she can be released, the death shall be recorded in the records of the prison from which he/she was transferred.

Procedure:

- 20.17.1 Every Superintendent of Central/District Jail who has prisoners undergoing sentence of imprisonment for life, shall initiate the case of prisoner at least 03 months in advance of the date when the prisoner becomes eligible for consideration of premature release as per the criteria laid down in this regard.
- 20.17.2 The Superintendent of Jail shall prepare a comprehensive note in each case giving out of the family and societal 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 on the conduct and behaviour of the prisoner in the Jail during the period of his incarceration, behaviour/conduct during the period he was released on probation leave, change in his behavioural pattern and punishment awarded to him for such offence (s). A report shall also be made about

his physical/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 jail Superintendent whether he favours the premature release of the prisoner or not and in either case it shall be supported by adequate reasons.

- 20.17.3 The Superintendent of Jail 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 the Jail. However, in case the place where the prisoner was ordinarily residing at the time of the commission of the offence is different from the place where he committed the offence, a reference shall also be made to the District Magistrate/Superintendent of Police of the District in which the offence was commissioned. In either case, he shall forward a copy of the note prepared by him to enable the District Magistrate and Superintendent of Police to express their views in regard to the desirability of the premature release of the prisoner.
- 20.17.4 On receipt of the reference, the concerned District Magistrate/ Superintendent of Police shall cause an Inquiry to be made in the matter through a Senior Police officer of appropriate rank and based on their own assessment shall make their recommendations. While making the recommendation the District Magistrate/ Superintendent of Police shall not act mechanically and oppose the premature release of the prisoner on untenable and hypothetical grounds or apprehensions. In case of District Magistrate/Superintendent of Police are not in the favour of premature release of the prisoner, they shall justify the same with cogent reasons and material and return the reference to the Superintendent of the concerned Jail not later than 30 days of the receipt of the reference.
- 20.17.5 The Superintendent of Police of Jail will also make a reference to the Chief Probation Officer of the State and forward to him a copy of his note. On receipt of the reference, the Chief Probation Officer shall either hold or cause to be held an inquiry through a Probation Officer in regard to the desirability of premature release of the prisoner having regard to his family members and 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 recommendation by reasons material. The Chief Probation Officer shall furnish his report/recommendations to the Superintendent of Jail not later than 30 days from the receipt of the reference.
- 20.17.6 On receipt of the report/recommendations of the District Magistrate/ Superintendent of Police and Chief Probation Officer, the Superintendent of Jail shall put up the case to the DG/IG-Cum-Member Secretary. DG/IG Prisons shall make a reference to the Registrar General of High Court of Himachal Pradesh to get the opinion of the Presiding Judge of convicting or the confirming Court in the light of judgement of the Supreme Court of India in Sangeet Vs State of Haryana & Union of India Vs V. Sriharan @ Murugan. On receipt of the opinion, the DG/IG Prisons shall call a meeting of the State Sentence Review Board after availability of the Chairman and other Members.

Procedure and Guidelines for the Review Board:

- 20.18.1 The DG/IG Prisons shall convene a meeting of the Sentence Review Board on a date and time at the State Headquarters, an 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 Superintendent of Jail, recommendation of District Magistrate/Superintendent of Police Chief Probation Officer and that of DG/IG Prisons alongwith the copies of documents, if any.
- 20.18.2 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 (DG/IG Prisons) shall present the case of each prisoner under consideration before the Sentence Review Board. The Board shall consider the case and take a view. As far as practicable, the Sentence Review Board shall endeavour to make unanimous recommendation. However, in case of a dissent, the majority view shall prevail and will be deemed to be the decision of the Board.
- 20.18.3 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 society at large. The Board shall not ordinarily decline a premature release of prisoner merely on ground that the police have not recommended his release on certain farfetched and hypothetical premises. The Board shall take into account 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.
- 20.18.4 Rejection of the case of a prisoner or premature release on one or more occasions by the Sentence Review Board will not be a bar for reconsideration of his case. However, the reconsiderations 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.
- 20.18.5 The recommendation of the Sentence Review Board shall be placed before the competent authority without delay for consideration. The competent authority may either accept 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 to grant remission and order his premature release, the prisoner shall be released forthwith with or without conditions.

Record Relating to Review of Sentences and Premature Release

- 20.19 Immediately on admission of a life convict, eligible for being considered for premature release, the Superintendent of the institution should get a copy of the judgement in his/her case from the court and open a file. This file should contain:

- (i) Copies of the judgements of the original court and the appellate court.
- (ii) A data sheet containing information, viz. name of the convict, his/her number, age at the time of the sentence, previous occupation, offences, sentences, date of sentence, sentencing court, sentence undergone, unexpired sentence and remission earned.
- (iii) Report of the Superintendent giving particulars about the educational progress, performance at work and vocational training, interest in recreational and cultural activities, discipline, group adjustability, conduct, attitude towards society and family members, conduct during release on leave, need for an after-care programme, and the manner in which the convict proposes to resettle after his/her premature release.
- (iv) Medical report about the physical and mental condition of the offender, serious illness, if any, suffered by him/her, and his/her fitness for premature release.
- (v) Rejection of his pre mature release case by the SLC on previous occasions, if any.
- (vi) Order of the government.
- (vii) Bond furnished by the prisoner.
- (viii) Conditions of release duly signed by the prisoner.

20.20

Pre mature release of convicts other than life convicts –

- (i) Under Section 432 of the CrPC, the State Government may remit the sentence of any convict other than the life convict on case to case basis on the request of the convict. The procedure prescribed under Section 432 CrPC shall be adhered to while remitting such sentence.
- (ii) Under Section 433 of the CrPC, the State Government may commute the sentence of any convict as prescribed subject to the provisions of the Section 433A of the Code of Criminal Procedure on case to case basis on the request of the convict or without the consent of the person.

Note:

The Apex Court in the case of Sangeet and Others Vs State of Haryana (2013) in para 77.7, the Court concluded:-

“Before actually exercising the power of remission under Section 432 Cr.P.C. the appropriate Government must obtain the opinion (with reasons) of the Presiding Judge of the convicting or confirming Court. Remissions can, therefore, be given only a case-by-case basis and not in a wholesale manner.”

Chapter XXI

PRISON DISCIPLINE

- 21.1 Prison discipline is the prime mover of a dynamic and interactive human mechanism called the correctional process, which an offender undergoes to get reformed into a law-abiding and dignified citizen, who can become self-reliant after his/ her release and deserve a rightful place in the mainstream of the society.
- 21.2 An offender, after release, always faces cold treatment and rejection from the society at large. On account of such rejection and dislike, the gap between an offender and the society becomes wider. This sends the offender back into the world of crime, and from there again to custody, making a vicious circle. This is how crime recurs. Correctional work aims to bridge the gulf between the offender and the mainstream society.
- 21.3 Prison discipline should not be retributive but reformatory; not repressive but curative; and should be carried on with a view to foster the basic values and virtues of life and humanity.
- 21.4 Prison discipline is the collective responsibility of all the prison personnel who are actually supposed to usher in reformation to the offender.
- 21.5 Prison discipline should also ensure impeccable security in the prison so that the safe custody and well-being of the prisoners is not in jeopardy.
- 21.6 Prison discipline shall also envisage a tidy ambience in the premises, which is conducive to creative work in the field of culture, literacy and vocational training.
- 21.7 Prison discipline shall be supported and given a human face by:
- (i) Sympathetic and patient understanding of the predicaments of the inmates, with follow-up guidance and 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

21.8 Prison discipline shall cover all aspects of Institutional life such as:

- (i) Discipline of good health,
- (ii) Discipline of work,
- (iii) Discipline of proper behaviour,
- (iv) Discipline of education and learning, and
- (v) Discipline of interest in finer aspects of life.

Prison Offences and Punishments

21.9 Following acts of the prisoners shall constitute prison offences:

- (i) such willful disobedience to any regulation of the prison, as shall have been declared by rules made under section 59 of the prison Act, 1894 to be a prison-offence;
- (ii) any assault or use of criminal force;
- (iii) the use of insulting or threatening language;
- (iv) immoral or indecent or disorderly behaviour;
- (v) willfully disabling himself from labour ;
- (vi) contumaciously refusing to work;
- (vii) filing, cutting altering or removing handcuffs, fetters or bars without due authority,
- (viii) willful idleness or negligence at work by any prisoner sentenced to rigorous imprisonment;
- (ix) willful mismanagement of work by any prisoner sentenced to rigorous imprisonment;
- (x) wilful damage to prison- property;
- (xi) tampering with or defacing history- tickets, records or documents;
- (xii) receiving, possessing or transferring any prohibited article;
- (xiii) feigning illness;
- (xiv) willfully bringing a false accusation against any officer or prisoner;
- (xv) omitting or refusing to report, as soon as it comes to his knowledge, the occurrence of any fire, any plot or conspiracy, any escape, and any attack or preparation for attack upon any prisoner or prison official; and
- (xvi) conspiring to escape, or to assist in escaping, or to commit any other of the offences aforesaid.

21.10 Endangering the security of the prison in any way, by a wilful or negligent act and shall include tampering in any way with prison walls, building, bars, locks and keys, lamps or lights or with any other security and custody measure.

- (i) Doing any act calculated to create unnecessary alarm in the minds of other prisoners.
- (ii) Doing or omitting to do any act with intent to cause to oneself any illness, injury or disability.
- (iii) Omitting to report the commission of any prison offence.
- (iv) Breaking law and order and prison discipline.
- (v) Planning, instigating and abetting, directly or indirectly, the commission of any prison offence.
- (vi) Refusing, omitting to abide by standards of behaviour, rules and regulations and lawful instructions and orders.
- (vii) Failing to assist in the maintenance of prison discipline.
- (viii) Failing to give assistance to a prison official when called to do so.
- (ix) Making false, malicious and groundless, written or verbal, complaints against prison officials.
- (x) Committing nuisance or mischief of any sort.
- (xi) Quarrelling with other prisoners.
- (xii) Smoking at places, or at times, other than appointed places.
- (xiii) Attacking, assaulting, and causing injuries to others.
- (xiv) Participating in a riot or mutiny, abetting another prisoner to do the same.
- (xv) Escaping or attempting to escape from prison or legal custody or failing to report to prison officials about attempted escapes.
- (xvi) Possessing, hiding, smuggling, attempting to smuggle, obtaining, giving or receiving and bartering contraband articles.
- (xvii) 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) Tampering with or defacing identity cards, records or documents.
- (xxi) Breach of the conditions of leave and emergency release.
- (xxii) Refusing to eat food or going on a 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) Wilfully or negligently destroying or spoiling food, or throwing it away without orders.
- (xxv) Introducing into food or drink anything likely to render it unpalatable, unwholesome, or dangerous for human consumption.
- (xxvi) Cooking unauthorisedly.
- (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 substance 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 feelings, 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 prisoners, 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 for prisoners of all categories

- 21.11 No punishment or denial of privileges and amenities, or no transfer to other prisons with penal consequences, shall be imposed on prisoners without judicial appraisal.¹¹
- 21.12 The following punishment(s) may be awarded by the Superintendent to prisoners for committing any prison offence. These are classified into minor punishments and major punishments.

Minor Punishments

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

Major Punishments

- 21.13 Loss of privileges given to the prisoners in detention from one month to three months
- 21.14 Transfer to greater security prisons and consequent loss of privileges
- 21.15 Not counting period of leave towards sentence in case of breach of conditions of leave
- 21.16 Forfeiture of earned remission beyond 10 days

- 21.17 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
- 21.18 Monitoring under watch and security
- 21.19 In case of any damage to Government property, recovery of cost for such damage after proper enquiry effective with judicial appraisal.
- 21.20 In case of a minor offence which is committed more than twice, the same will be treated as a major offence and punishment shall be awarded accordingly.

Procedure for Awarding Punishment

- 21.21 For award of major punishment the prisoner should be given notice in writing, calling him to show cause with reference to the alleged violation of the jail rule. The order of punishment should also be communicated to the concerned prisoner.
- 21.22 Principle laid down by the Supreme Court in Sunil Batra v. Delhi Administration (1978) 4 SCC 494; Also, see Charles Sobhraj v. Superintendent of Tihar Jail (supra) and Kishore Singh v. State of Rajasthan, 1981 Cr LJ 17 where the Supreme Court vehemently condemned solitary confinement and putting cross-bar fetters and declared that flimsy grounds, such as behaving insolently and in an uncivilized manner, tearing off the history ticket, etc. cannot be the foundation for solitary confinement and cross bar fetters.
- 21.23 In respect of offence committed by the prisoners which are punishable both under the existing criminal laws and prison offences, it should be the discretion of the Superintendent either to use his own powers of punishments or to prosecute the offender before a court of law.
- 21.24 No prisoner should be punished twice for the same offence.

Duties of Prisoners

- 21.25 At the time of admission, prisoners should be provided with a manual/handbook outlining their duties inside the prison as provided in Appendix - 1. The duties broadly include the following:
- (i) Obey the orders of all officers of prison (including clerks,

- medical and technical staff) and convict officers
- (ii) Remain strictly with their groups and within the part of the prison in which they are confined, unless ordered by proper authority to leave it.
 - (iii) Abstain from talking when in a file at unlocking or at latrine and bathing or other parades, or at any time when ordered by an officer of the prison to desist; also abstain from abusing, singing, quarrelling, laughing loudly, talking loudly and indecent behaviour at any time
 - (iv) Not hold any communication with outsiders, women, civil or undertrial prisoners or prisoners of a class different from their own, or with the guards, beyond what is absolutely necessary.
 - (v) Not receive or possess ganja or other drugs, money or jewellery, or any article of food or clothing prohibited by the rules, books, papers, writing materials of any description, rope, knife, or other implement (except during working hours and when the implement is required for work). When they find any of these articles in the prison or know of any other prisoner having possession of any such articles, they shall report the matter to the Deputy Superintendent or Warder
 - (vi) Report any plot or conspiracy, and any attempt to escape, or any planned attack upon any prisoner or officer of the prison.
 - (vii) Help the officers of prison in the event of any attack upon them.
 - (viii) Keep their clothes, blankets, beddings, and utensils clean and in proper order.
 - (ix) Keep their persons clean.
 - (x) Perform their assigned tasks willingly and carefully and take proper care of any property of government entrusted to them for any purpose.
 - (xi) Be orderly in their behaviour; march when moving about the prison; when addressing or being addressed by an officer of the prison or visitor stand at attention with their hands down; and salute when ordered.

- (xii) Not to remove provisions from the kitchen or food servicing platforms without authority, or conceal any article of food in the wards or cells.
- (xiii) Not to remove any unconsumed food from the place where the meal is taken.
- (xiv) Stick to the bed, ward, yard, and the seat assigned to them while at meals or at work.
- (xv) Not to loiter in the yards/wards, after the doors have been opened, or bathe beyond the specified hours.
- (xvi) Not commit any nuisance or urinate in any part of the prison which has not been assigned for that purpose, or spoil any part of the prison or any article in the prison in any way.
- (xvii) Show respect to all officers. Not to strike, assault or threaten any officer or prisoner
- (xviii) Not to gamble or barter or play any game (unless specially permitted by the Superintendent) within the prison; nor keep animals, birds or other pets;
- (xix) Wear the clothing given to them and not to exchange clothing or any part of their prison kit, with any other prisoner.
- (xx) Not to undertake any agitation, organized protest or hunger strike.

Grievance Redressal System

- 21.26 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.
- 21.27 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.
- 21.28 The system will also act as a safety valve against any possibility of sudden outbursts of suppressed grievances.
- 21.29 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.

- 21.30 The inmates may drop their complaints in the form of written petitions addressed to the Superintendent, or to the higher authorities, into such boxes.
- 21.31 The box shall remain under lock and key and the key shall remain in the custody of the Deputy Superintendent, who shall unlock the complaint box at least twice a week on the days fixed and approved by the Superintendent.
- 21.32 The complaint box shall be opened at appointed time before the evening locking up of the prison.
- 21.33 The Superintendent shall form a permanent Committee of G.R.S., comprising himself, the Deputy Superintendent (the senior most Deputy Superintendent in the event of more than one Deputy Superintendent being posted there), the Medical Officer, and the Welfare Officer. If the prison happens to have a female enclosure then a senior lady officer of appropriate rank shall be included in the committee.
- 21.34 The committee shall meet as and when necessary, but at least twice a week to look into all the complaints of the inmates.
- 21.35 The Superintendent shall preside over the committee which shall enquire into all the complaints at the earliest.
- 21.36 The decision of the committee shall be executed forthwith.
- 21.37 Complaints addressed to the higher authorities shall be forwarded to the addressee with comments of the Superintendent without delay.
- 21.38 Letters addressed by prisoners to the Government, Judiciary, Director General/Inspector General of Prisons or other high functionaries should be forwarded to them immediately without being censored and a dated receipt of it should be given to the prisoner. The receiving authority should acknowledge letters immediately and look promptly into them.

- 21.39 The District Judge should visit each prison in his jurisdiction once a month and give an opportunity to all the prisoners to present their grievances or requests, if they so desire, in the absence of prison officers. This should be a statutory function of the District Judge.
- 21.40 The system of taking weekly rounds of inspection of prisons by the Superintendents should be made statutory by including it in Prisons Act. If a prisoner is not satisfied by the action taken by the Superintendent on his complaint, he should be allowed to approach higher authorities for redressal of his grievances.
- 21.41 The Board of Visitors should be activated. The visitors should receive and enquire into prisoners' complaints and grievances and send their suggestions to appropriate authorities.

Chapter XXII

AFTER-CARE AND REHABILITATION

INTRODUCTION:

The process of after-care and rehabilitation of offenders is an integral part of institutional care and treatment. These two should never be de-linked. The after-care of a prisoner is an extension of the institutional treatment programme; hence the administrative machinery for carrying out these programmes should be effectively integrated with the department of prisons.

22.01 It is clear that after-care, and follow-up service is not required by each and every inmate leaving the prison. A large number of prisoners coming from the rural areas and agrarian and business communities are generally accepted back into their family. They are re-assimilated in the social milieu without much difficulty. They require only some continued contact with their kin and some pre-release counseling to bridge the gap between their life in the prison and that in the free society.

22.02 There are other prisoners who resist follow-up action as they consider it a kind of surveillance on them. But majority of the inmates would welcome such programmes which help them settle in the society after their release, and get themselves rehabilitated beyond the possibility of reverting to crime.

Objectives

- 22.03 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, neighborhood, work group, and the community.
 - (vi) Assisting in the process of the individual's physical, mental, vocational, economic, social and attitudinal post-release readjustment and ultimate rehabilitation.

Process

- 22.04 After-care services should be extended to all needy persons released from prisons, conditionally or unconditionally or on license. While after-care services should be provided to all needy prisoners, at the very least, prisoners having served a minimum of five years of imprisonment shall necessarily be entitled to after-care services.
- 22.05 After-care problems of an individual should be treated in their totality and not in isolation. Not only the individual but his/her whole social situation must be tackled at the same time.
- 22.06 After-care work should broadly be phased as follows:
- (i) While the individual is under institutional care and treatment
 - (ii) Immediately after release from the institution
 - (iii) Post-release period.
- 22.07 There should be full coordination between the Correctional Services and the after-care services.
- 22.08 It is the responsibility of the States to devise and develop mechanisms for rehabilitation of released convicts. For this purpose, Discharged Prisoners' After Care and Rehabilitation Committees will be set up at the district or State level. Such committees will *inter alia* devise the mechanism for rehabilitation and after-care assistance for released prisoners. While devising the mechanism and extending help, special attention will be paid to the protection and post-release care and help of children, adolescents, women, sick, old, infirm and handicapped persons. Special emphasis should be laid on the after-care of habitual offenders, if they so request.

Planning

- 22.09 Planning for after-care should be initiated immediately after an inmate's admission in the institution.
- 22.10 After-care should be in the interest of the individual, and based on his needs. While planning post-release assistance, factors like the inmate's personality, his weaknesses and strengths, limitations and capabilities, and his rehabilitation needs should be taken into consideration. The inmate's desires for post-release help should be considered on a practical and realistic basis.
- 22.11 The inmate should be told what type of assistance would best suited to his needs. He should be encouraged to plan his post-release life, as this would be helpful in his willing acceptance of the after-care plan. He should be prepared for his post-release life.

- 22.12 From the time of a prisoner's admission into prison, consideration should be given to his post-release needs and he should be encouraged and assisted to maintain or establish such relations (with persons or agencies outside the institution) as may promote the best interests of his family and his/her own social rehabilitation. Special attention should be paid to the maintenance and improvement of such relations between a prisoner and his family, as are desirable in the best interest of both.

Functioning of a Probation/ Welfare/ Rehabilitation Officer

- 22.13 An officer of appropriate rank is to be appointed as Probation/ Welfare/ Rehabilitation Officer in each prison. The Probation/ Welfare/ Rehabilitation officer should contact the inmate during his/her admission-quarantine period. Such an early contact will be helpful in planning over-all help for the inmate and his family. The Probation/ Welfare/ Rehabilitation Officer should meet the inmate at least once a month throughout his stay in the institution.
- 22.14 The Probation/ Welfare/ Rehabilitation Officer should extend all possible assistance in maintaining the inmate's continued relationship with his family, employer and community. The welfare of the family members and dependants of offenders, as well as of their victims, should be looked after.
- 22.15 The Probation/ Welfare/ Rehabilitation Officer should be associated with the prisoner's welfare services at the headquarter level.

The Role of N.G.Os/Industry Associations

- 22.16 The participation of approved N.G.Os. in the rehabilitation programmes should be extensively encouraged. Voluntary organisations, which wish to help the government in rehabilitation projects, should be given necessary financial and other help. Their services should be given due appreciation by the Director General/Inspector General of Prisons.
- 22.17 The public should be educated about the need for rehabilitation of ex-prisoners through print and audio-visual media.
- 22.18 Continuous liaison should be maintained with the agencies/individuals which are willing to give employment to the released prisoners.
- 22.19 Companies that are required to spend 2% of their net profit on CSR activities under the Companies Act, 2013 should be encouraged to contribute funds towards rehabilitation of prisoners. Appropriate steps may also be taken by the State Government to facilitate tax-deductibility of donations made for this purpose in terms of Section 80G of the Income Tax Act, 1961.

Scope of after-care assistance

- 22.20 The scope of after-care assistance will be determined by the District Committee and may include the following matters:
- (i) Subsistence money to cover initial expenditure after release, till such time as the released person reaches his/her family or obtains employment.
 - (ii) Provision of food.
 - (iii) Temporary accommodation till housing arrangements are made.
 - (iv) Stay in a District Shelter/After-care Hostel/State Home, wherever available.
 - (v) Assistance in securing housing in urban areas.
 - (vi) Assistance in securing apprenticeship in a workshop/technical institute/industry/trade.
 - (vii) Supply of artisan's tools or trade equipment.
 - (viii) Assistance in starting a cottage industry, any small business trade, a small or a stall.
 - (ix) Assistance in getting employment
 - (x) Assistance in getting land, agricultural equipment, draught or milk cattle, and seeds for those opting to take up agriculture
 - (xi) Assistance in starting a small dairy, poultry, duck, or sheep farm/piggery/vegetable gardening/sericulture/bee-keeping.
 - (xii) Liaison with and assistance to prisoner's family during the period he/she is serving a prison sentence.
 - (xiii) Help in maintaining continuity in relationship with family, neighbors, employers and community.
 - (xiv) Preparing the family, employer and neighbors for receiving the individual after release.
 - (xv) Guidance in getting married and setting up a home and resettling in life.
 - (xvi) Liaison with local police so that h/she is not harassed unnecessarily.

Family or Marital Adjustments

- 22.21 The following adjustments would be required:
- (i) Explaining to the police the background and problems of the individual and getting help and cooperation from the police in the process of resettlement.
 - (ii) Communicating to the Panchayat/Community Development authorities about the background, problems and needs of the released person. Getting

the cooperation and help of the Panchayat, Community Development Officer, National Extension Service Worker, and Gram Sevak, in the resettlement of a prisoner.

- (iii) Reference to a Social Service Organization in the neighboring area where the prisoner is likely to settle after release.
- (iv) Assistance in continuation of education and vocational training.
- (v) Creating interest in education and study. Motivating them to acquisition and improvement of skills, healthy recreation, and constructive use of leisure.
- (vi) Encouragement in building good habits.
- (vii) Help in planning and balancing his budget.
- (viii) Encouraging thrift and savings. Making them leave costly habits.
- (ix) Medical treatment on long-term basis for tuberculosis, venereal diseases, leprosy and cancer, in an outside hospital.
- (x) Posting the released person under the care of a person or family interested in his welfare and resettlement.
- (xi) Protection from getting associated with anti-social groups, agencies of moral hazards (like gambling dens, drinking places and brothels) and with demoralized and deprived persons. Help in establishing contacts, acquaintance and friendship with reliable neighbors, co-residents or co-workers.

Legal Aid and Protection

- 22.22 The following aid and protection may be required:
- (i) Help in all matters relating to the resettlement and rehabilitation of the released person.
 - (ii) The After-care agency should be closely associated with the planning of the after-care programme for the inmate.
- 22.23 The plan of after-care of a prisoner should be subject to such changes as would be found necessary by the after-care service.
- 22.24 The Probation/ Welfare/ Rehabilitation Officer should intensify his work during the pre-release period. He should maintain all the prescribed records under the direction of the Superintendent.
- 22.25 After release from the institution, the case of a released person should be followed up for a period ranging from one to five years according to the requirements of each case.

- 22.26 The Probation/ Welfare/ Rehabilitation Officer shall establish follow-up study through interviews or correspondence. A six monthly report evaluating the released person's adjustments and resettlement should be prepared by him and copies of it should be sent to the correctional institution where the individual had undergone treatment and to the record branch in the headquarters organization.
- 22.27 The record branch in the headquarters should maintain all the case files and follow-up reports according to the central indexing system.

Formulation of Schemes

- 22.28 The Industries Department of the government should formulate schemes for the employment of released convicts in small scale industrial units.
- 22.29 Big industrial houses should be motivated at the level of the Prisons Headquarters to give preference in jobs to released prisoners in the interest of their rehabilitation and social adjustment.

Chapter XXIII

OPEN INSTITUTIONS

- 23.01 All Open and Semi-open institutions are intended to put into practice the contemporary ideology of reformation, correction and rehabilitation of convicted prisoners so that they may lead a self-disciplined and cultured life after their release. These institutions provide the prisoners opportunities of employment and living a life in the open. This restores dignity of the individual and develops in him/her self-reliance, self-confidence and social responsibility, which are necessary for his/her rehabilitation in the society.

GENERAL PROVISIONS

- 23.02 The below mentioned categories of prisoners shall not be eligible for transfer to any of the open institutions:

Qualification for consideration for Open Prisons:

- a) All convicts belonging to Himachal Pradesh and convicts belonging to other Union Territories/States etc. may be considered, provided that they have shown good conduct in the Jail and have not been punished for escapes or other serious Jail offences.
- b) All convicts excepting habitual and those convicted for heinous offences, provided that a casual convict has still to undergo an unexpired sentence of at least 4 months at the time of his admission to Open Air Jail.
- c) Habitual prisoners, provided they do not have more than one previous convictions except in the case of convicts under section 109 Cr.P.C. , who can be considered eligible even with two previous convictions under the same section viz. 109 Cr. P.C.
- d) Convicts under section 302 I.P.C. (Murder) and 304 I.P.C. (Homicide not amounting to murder), provided that such convicts have undergone at least eight years of their sentence including remission.
- e) Convicts sentenced for forgery and poisoning provided they have completed atleast 1/4th of their sentence.
- f) Prisoners convicted for up to 5 years on completion of 3 years of sentence and subject to maintaining good behavior standards as described above.
- g) Prisoners convicted for 10 years sentence on completion of 6 years sentence and subject to maintaining good behavior standards as described above.
- h) Prisoner should have surrendered in time from parole.
- i) The prisoner should not have been involved in any kind of Jail offence/crime from last 04 years.
- j) The prisoner should have trained in any craft art.

- k) The prisoner should have contributed in maintaining discipline in the jail.

23.03

Disqualification for Open Institution:

- a) Offenders classified as habitual, provided they have not earned a higher grade in the proposed progressive system.
 - b) Prisoners who are considered dangerous or are involved in serious prison violence like assault, outbreak, riot, mutiny or escape, or who have been found instigating serious violation of prison discipline.
 - c) Prisoners convicted for offences such as dacoity, terrorist crimes, kidnapping and organized smuggling including those convicted under NDPS Act, foreigners, escape risks and members of organised criminal gangs.
 - d) Prisoners committed for failure to give security for maintaining peace or good behavior.
 - e) Prisoners suffering from mental illness.
 - f) Prisoners convicted of offences against any law relating to matters to which the executive power of the Union Government extends, unless approved by the Union Government.
 - g) Convicts in POCSO case.
 - h) Prisoners whose transfer is likely to have repercussions elsewhere in the country facing trial in other cases.
 - i) Prisoners who have been transferred from an Open Prison to a Closed Prison being a defaulter.
 - j) Convicts sentenced for dacoity, rape, escape and other serious Jail offences as well as those returned by the Open Air Jail authorities on disciplinary, medical or other grounds.
 - k) Convicts sentenced under provisions of the Special Power Act or offences connected with Political Agitation/Movement.
- (i) If there is no Semi-open Training Institution or Semi- open Institution in the State, prisoners may be transferred directly to Open Institutions as per directions laid down by the State Government. The State Government may also lay down directions for direct admission to other institutions.
- (ii) Only such prisoners, whose behaviour and progress in the institution has been good, and who are fit for a regime based on trust, responsibility and self-discipline, should be considered for transfer to a semi-open or Open Institution. Prisoners who are dangerous to society, who are members of professional and organized criminal gangs, who are habitual offenders, or who are suffering from mental unsoundness or

physical diseases, and those who are an escape or discipline risks, should not be transferred to Semi-open or Open Institutions.

Selection / Classification Committee

23.04 The Superintendent of Jail should thoroughly screen the case of each casual prisoner on the following points before recommending them for transfer to an open institution:

1. Physical fitness and mental health required for living in a semi-open or open institution.
2. Behaviour and conduct in the prison.
3. Number of paroles availed and his conduct during that period
4. Progress in work vocational training and education.
5. Group adjustability.
6. Character and self discipline.
7. Verification of his address/relatives.
8. Extent of institutional impact (Whether the inmate has reached peak points of training and treatment).
9. Whether the inmate can be further helped in the institution. Whether he will benefit by training and treatment in Semi-open or Open Institutions.
10. Whether the inmate is getting institutionalized.
11. Sense of responsibility.

Procedure for Selection of Prisoners for Open Prisons

23.05 The Superintendent of Jail will, in the first instant, forward the cases of the convicts to the District Magistrate of the District to which the convict, belong through the Superintendent of Police of that district, subject to the physical fitness and willingness of the eligible convicts for admission to the Open Air Jail, viz if they work properly, they would not only earn wages but also earn special remissions. The Superintendent of Police of the district to which the convict belongs will then collect the report of the Police functionaries within ten days after the receipt of the case from the Superintendent Jail and will forward the same to the District Magistrate concerned after recording his specific recommendations. The District Magistrate will then recommend these cases to the Director General of Prisons who will make the final selection of the prisoners to Open Air Jail. The Director General of Prisons may as a special case, select any prisoner who does not satisfy the prescribed conditions for reasons to be recorded in writing by him. The Superintendent of Jail may also submit separately the cases of the prisoners, who though do not satisfy the prescribed conditions but in his opinion are suitable for employment in the Camp.

Transfer

Procedure for Transfer to an Open Training Institution/Open Work Camp

- 23.06 On receipt of sanction of the Director General, the inmate should be oriented for his life in the open institution. He should be made to understand that any failure in maintaining satisfactory behaviour at the open institution would entail his re-transfer to the Semi-open or Closed Institution.
- 23.07 On admission to the Open Institution, the inmate should be kept in the reception yard of the Institution for at least three months. During this period he should be further educated to the requirements of living under open conditions and a regime based on self-discipline.
- 23.08 A Programme suitable for the inmate's needs should be organized at the open institution. He should be given necessary facilities to further improve his educational and cultural levels and vocational skills. Suitable work should be given to him so that he further may improve his work habits and skills.

Transfer to Open Colony

- 23.09 On completion of seven years' of imprisonment in case of a life convict, or in the case of a convict sentenced to seven years of imprisonment or more after the convict having undergone half of the sentence, excluding remission as a convict, the Selection/ Classification Committee shall examine the inmate's case for being transferred to an Open Colony. If there is no Semi-open or Open Institution in the State, a prisoner may be transferred directly to an Open Colony after completion of 10 years stay in a closed Institution with remission in case of a life convict, or on completion of three-fourth of the sentence in the case of other convicts. If the Selection/ Classification Committee is satisfied that the inmate is fit for a transfer to an Open Colony, a report in the prescribed form, along with the inmate's case file, should be forwarded to the Director General. On receipt of sanction from the Director General of Prisons the inmate should be transferred to an Open Colony.
- 23.10 Inmates should initially be treated in Semi-open Institutions and then in Open Institutions. Transfer to an Open Colony should be made only after ensuring that the inmate has satisfactorily responded to the treatment in Semi-open and Open Institutions. These transfers should be done on a highly selective basis. Care should be taken to see that selection for treatment in an Open Colony does not become reutilized and mechanical.
- 23.11 Before being transferred to an Open Work Camp/Semi-open or Open Institutions/Open Colony, the inmate should be informed about the requirements and responsibilities of living in the new institution. On admission at these institutions, the inmate should be kept in the reception yard under observation. During this period he should be further oriented to

institutional standards of behaviour and other requirements of institutional life.

- 23.12 The conditions which an inmate shall have to observe at these places should be laid down. Before being transferred to these institutions the inmate will be required to sign a bond prescribed by the Director General.
- 23.13 Minimum standards, as prescribed for the Closed Institutions, regarding accommodation, equipment, sanitation, hygiene, medical services, diet and welfare services, shall be maintained at each Semi-open Training Institution, Open Training Institution, Open Work Camp and Open Colony. These institutions should have good communication and transport facilities. Emergency equipment shall be provided in accordance with the requirements of each institution.
- 23.14 Security arrangements in these institutions should be established in a way that the possibility of escape gets minimized and a sense of security prevails in the neighbouring community.
- 23.15 The programmes at these institutions should be very carefully planned so that the inmates remain occupied in useful activities. Special attention should be devoted to:
- (i) Care and welfare of inmates
 - (ii) Individual attention to inmates' problems
 - (iii) Education, work, vocational training and cultural activities
 - (iv) Self-discipline and character training
 - (v) Release planning, pre-release preparation, and after-care.
- 23.16 Wages should be paid as prescribed by the State Government.
- 23.17 Inmates should be encouraged to maintain their family contacts. The Superintendent may use his discretion in granting the facility of additional letters and interviews according to the merits of each case.
- 23.18 While an inmate is living in open conditions in a Semi-Open or Open Training Institution or Open Work Camp, he may be allowed to stay with his family members for one week every six months. Arrangements for such stay

may be made in a family hutment in a suitable place outside the Semi-open or Open Training Institution. These huts may be so located that the inmate and his family members get the required privacy while at the same time the requirements of discipline and security are also fulfilled. The period of stay in the family hutments should be treated as leave period and should count towards the sentence.

Note: Such a periodical stay with his family will be helpful in keeping the inmate close to his family group. This concession should, however, be granted on a selective basis and after a thorough study of each inmate's case. Initially this concession should be tried on an experimental basis. In due course, and after having gained enough experience, it may be further developed to suit local conditions in each State. The State Government should issue detailed instructions in the respect.

- 23.19 Inmates working in open conditions in Semi-open Prisons will get concessions/remissions as permissible in Open Work Camps.
- 23.20 The Superintendent should examine the case of every inmate at least once in three months.

Personnel

- 23.21 Only personnel who have the capacity for handling inmates under semi-open or open conditions and have the requisite calibre and leadership for imparting training and treatment in these conditions should be posted at these institutions.

Arrangement of work for Open Air Prisoners

- 23.22 It will be the responsibility of Superintendent Jail to provide work to Open Air Jail Prisoner. The Superintendent Jail should liaison with the contractor to provide construction of building work to open air jail prisoners. Every prisoner should be provided work as per his capability/eligibility.
- 23.23 The open air prisoner will be provided wage of unskilled class as prescribed by the Government from time to time.
- 23.24 The Superintendent Jail shall ensure that the wages earned by the open air prisoners are deposited in their P.P. account.
- 23.25 Every prisoner lodged in Open Air Jail should work minimum for 20 day in a month.
- 23.26 The Superintendent Jail, should provide wages equal to prescribed minimum wages to every prisoner in open air jail as fixed by the Govt. time to time.

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

Open Work Camps/Open Training Institutions

- 23.28 Open Work Camps should be started in places where nation building activities, like digging canals, water channels, construction of dams, roads, government buildings and prison buildings, projects of land reclamation, land development and bringing uncultivated land under cultivation, soil conservation and forestation, can be organized. Open Training Institutions should be situated in place where land and vocational training facilities are available for inmates' training and after that for work either in collaboration of some Industry/ Organization/ Department or by Prison Department.
- 23.29 Prisoners who do not respond properly to the standard of discipline in these camps should be transferred back to Closed Institutions.

Semi-open Training Institutions

- 23.30 Prisoners should mainly be employed in suitable industries, agriculture and allied work. Emphasis shall be laid on programmes like literacy project, social education, cultural and recreational activities;
- 23.31 Inmates will be gradually relaxed from the condition of closed prison in the beginning to that of an Open Institution in the final stage.

Open Colonies

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

Chapter XXIV

UNDERTRIAL PRISONERS

24.01 The classification of undertrial prisoners should be done only on the basis of security, discipline and institutional programme. No classification on the basis of social status should be attempted. The entitlement of diet, clothing, bedding and interview will be the same as applicable to other categories of prison.

Classification of Undertrial prisoners

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

- (i) Category - 1 (S1-Red): Fundamentalists, Naxalites, extremists and terrorists or any other individual characteristics warranting confinement in Security Zone-1.
- (ii) Category - 2 (S2-Blue): Gangsters, hired Assassins, dacoits, serial killers / rapists/ violent robbers, drug offenders, habitual grave offenders / communal fanatics and those highly prone to escapes / previous escapees/ attack on police and other dangerous offenders/including those prone to self-harm/posing threat to public order, warranting confinement in Security Zone-2.
- (iii) Category - 3 (S3-Yellow): Those who do not pose any threat to the society, upon release, like those involved in murders on personal motives, other bodily offences, theft/ property offences, prohibition offences, other special and local laws, railway offences and other minor offences.

Note: (i) Persons suffering from mental ailments and young offenders shall be lodged separately.
(ii) Courts will send intimation to prison authorities about under trial prisoners who have turned approvers or have made confessions. Such prisoners should be kept separate from others concerned in the same case.

Any special direction as to the separation of an undertrial prisoner given by the Judge or Magistrate should be carried out. Such separation should be unaccompanied by any irksome condition beyond those necessary to secure the object in view, namely, to prevent him from communicating directly or indirectly with other prisoners concerned in the same or other case.

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

Admission

- 24.03 An Assistant Superintendent in Central & District Jails and a Head Warder in other Jails should be in charge of all work pertaining to undertrial prisoners.
- 24.04 No person shall be admitted into a prison as an undertrial prisoner unless accompanied by the following documents: -
 - (a) A remand warrant in the prescribed form, signed dated and sealed by the competent authority. There should be separate writ, warrant or order for every prisoner, even if two or more prisoners have been jointly accused;
 - (b) Identification roll containing at least two specific permanent identification marks like deep scars, birth marks, moles indicating their exact location on the body.
- 24.05.1 Discrepancies in remand warrant. - The officer on duty is authorized to refuse admission of an undertrial prisoner in whose case the remand warrant is not sent in the appropriate form or the warrant is found to contain (i) discrepancies in name or identification, (ii) omissions of the signature of the competent authority. In such a case, a report should be sent in the prescribed form to the authorities concerned. Undertrial prisoners should be admitted during usual working hours of the prison. Prisoners received after the lock-up hour should be confined in a separate place specially earmarked for such purpose. While undertrial prisoners are being escorted, care should be taken to see that they reach the destination before the lock-up hour. If undertrial prisoners are likely to reach the destination after lock-up hour, the transferring prison or sub-prison or the police or military officials should send sufficient advance intimation to the prison where the undertrial prisoners are being escorted.
- 24.052 The property of an undertrial prisoner shall remain in the court.

Children

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

Food

- 24.05.4 If an undertrial prisoner has not been in the prison previously, it is the duty of the police, or the military escort officer, to see that the undertrial prisoner is given food before he is taken to the prison, if he is likely to arrive there too late for the prison meal. If the police or military escort reports that the undertrial prisoner has not been supplied with food, prison authorities should make necessary arrangements for the issue of food to him. In case the

undertrial prisoner is admitted after the prison meals have been served, or after lock-up, food stuff like parched rice, parched gram, groundnuts, etc., should be issued to him as per prescribed scale.

- 24.05.5 It is the duty of every prison officer to endeavour to ascertain whether an undertrial prisoner has been previously convicted. Such information, as and when it is available, should be immediately forwarded to the Superintendent of police for necessary action.

Identification for court purposes

- 24.06 Undertrial prisoners shall not be allowed to cut or shave their hair on their heads or faces or in any way to alter their personal appearance, so as to make it difficult to recognize them. They shall not, however, be prevented from changing their clothes, provided that their appearance is not materially altered when they are presented for identification in the prison or sub-prison, or when sent to court for trial;
- 24.07 The police shall give intimation to prison authorities of cases in which identification of under trial prisoners is to be carried out and shall give full description of growth of hair, moustache, beard, etc., which the undertrial prisoners had at the time of arrest;
- 24.08 Test identification should be held as per rules framed for this purpose.

Police interrogation

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

Facilities

- 24.10 The following facilities should be extended to all undertrial prisoners:-
- (a) Legal defence,
 - (b) Interviews with lawyers or family members (for legal purposes)

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

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

- (h) Application to Legal Aid Societies for free legal aid.
- 24.11 Such facilities as are sanctioned by the State Government should be extended to undertrial prisoners.

Rules for the treatment of undertrial prisoners

Food

- 24.12 Food from outside may be allowed subject following conditions:-
- (a) A written undertaking shall be given by the undertrial prisoner and the supplier of food that they are entirely responsible for the wholesomeness of such food and that prison administration will not be responsible for any mishap that may happen. Food for only one day's requirement of the undertrial prisoner shall be allowed at one time. Food articles will be tasted by the person who delivers the food. The food will be delivered at hours prescribed by the prison authorities. Food shall be eaten in the prescribed area and during prescribed hours only. During emergencies or epidemics or for reasons of health of the undertrial prisoner, outside food may be disallowed. The Superintendent has the authority to disallow or discontinue this concession at any time.
 - (b) Prisoners allowed to receive outside food, shall not be given prison food.
 - (c) Undertrial prisoners should not be allowed to cook their food separately in the institution;

Clothing

- 24.13 Usual private clothing to meet reasonable requirements should be allowed to undertrial prisoners. Such articles of clothing as will affect the security requirements of the institution should not be allowed. An undertrial prisoner who has no sufficient clothing of his own may be provided with the same at Government cost at the prescribed scale. Such clothing may be allowed to be retained by the undertrial prisoner even after his release. Private articles bearing marks or symbols of political affiliations shall not be allowed to be kept or used by undertrial prisoners.

Letters

- 24.14 On the initial admission of a prisoner, a printed card should be sent at Government cost to his family. This card should contain information on the following points; the inmate's institutional number and address, brief summary of rules regarding interviews, letters, etc.,
- 24.15 Four letters per calendar month, two at his cost, and two at Government cost, shall be allowed to be written by an undertrial prisoner,
- 24.16 Additional letters for legal purposes such as arranging defence, bail, and security may be allowed normally at the prisoner's own cost,

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

Interviews

24.18 When a legal adviser desires an interview with an undertrial prisoner, he shall apply in writing, giving his name, address and profession and satisfy the Superintendent as to his bona fides. Every interview between an undertrial prisoner and his legal adviser shall take place within the sight but out of hearing of a prison official. One interview per calendar week with family members or relatives or close friends may be allowed. In deserving cases additional interviews for legal purposes may be granted at the discretion of the Superintendent. Undertrial prisoners should not be granted interviews with convicted prisoners unless they are very close relatives;

Canteen

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

Production before court

24.20 An undertrial prisoner shall be produced before the court, on the due date of hearing, in person. However, for extension of detention in custody, the prisoner may be produced before the court either in person or through electronic media like, video-linkage. For this purpose a court diary shall be maintained in which all relevant entries of production before various court shall be made. These entries should be made daily by the officials concerned and should be daily supervised by the officer in charge of undertrial work.

Requisition of escort

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

Sick prisoners

24.22 If an undertrial prisoner is sick and the Medical Officer certifies the prisoners inability to attend the court, he should not be produced before the court. In such an event, the medical certificate should be forwarded to the court.

Feeding

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

Articles allowed to be taken while going to the court

24.24 While going to the court, the undertrial prisoner should return all prison articles issued to him. Excepting clothes on his person and papers pertaining to his case, the undertrial prisoner shall not be allowed to carry any other articles with him. In case the undertrial prisoner wants to take his cash for legal purposes, the same should be forwarded to the court through the police escort. This amount may be utilized by the undertrial prisoner under orders of the court for purpose like legal defence, cost of copies, etc. The disposal of this amount should be certified by the police and the prisoner in the appropriate column of the register prescribed for such purpose. Under no circumstances, should the undertrial prisoner be allowed to carry cash or valuable, if any, on his person.

Search

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

Transport

24.26 For transporting undertrial prisoners to and from the court and other destinations, necessary arrangements for conveyance should be made by the police authorities. If not a separate conveyance, the common conveyance should at least have separate compartments for women undertrial prisoners and young undertrial offenders.

Handcuffing

24.27 The following categories of undertrial prisoners may be handcuffed for reasons recorded in writing and with approval of the court:-

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

24.28 Handcuffing of undertrial prisoners may be done in the court premises with the permission of the court.

Court Premises

- 24.29 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.
- 24.30 Undertrial prisoners should be thoroughly searched before being taken into the court-room.

Return to the prison

- 24.31 As soon as the court work is over, such undertrial prisoners as have been remanded to prison custody should be brought back to the prison immediately.
- 24.32 On return of an undertrial prisoner from the court to the prison gate, if any unauthorized article is found or a special circumstance or an irregularity is noted by the prison officer on duty, he shall forthwith report the matter to the senior officer on duty and if necessary, to the District Superintendent to Police for action. Such cash as is brought by the police escort should be recorded in the register and deposited in the prison office under intimation to the undertrial prisoner.

Production of undertrial prisoners in other States

- 24.33 When an undertrial prisoner is required to be sent to another State for trial, the State from where the undertrial prisoner is sent should arrange for the escort. Travel and other incidental expenses of the escort and of the undertrial prisoner should be borne by the dispatching State.

Production of undertrial prisoners before court in civil suit proceedings

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

Prevention of undue detention

- 24.35 An undertrial prisoner whose case is being tried by a Magistrate shall be produced before the Magistrate at least once in fifteen days for the purpose of further order. Upon the expiry of each period of remand, the prisoner shall be placed before the Magistrate;
- 24.36 A statement in the prescribed form showing details of undertrial prisoner whose cases have been pending for more than three months should be sent on the fifth day of each month to the Sessions Judge or District Magistrate with relevant extracts to the court concerned.

Additional Cases

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

- (a) Entries of additional cases in red ink on the remand warrant in appropriate columns of undertrial register and court diary should be made;
- (b) Intimation to the court/courts concerned about pending cases stating whether the prisoner is on bail or not in connection with that case or those cases should be sent;
- (c) Intimation to police escort in the prescribed form should be sent;

24.38 When an undertrial prisoner is wanted for trial in another case/cases for which he is not on bail, the court concerned will issue separate remand warrants. In the event of grant of bail in the second case or other cases, due intimation shall be sent by the courts to the prison authorities;

24.39 When an undertrial prisoner confined in a prison or sub-prison is required for another case/cases for which he is on bail, the court concerned will duly intimate the prison authorities;

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

Discipline

24.41 No convicted prisoner shall be kept in the same area in which undertrial prisoners are kept, or be allowed to have contact with undertrial prisoners. Except prisoners working in essential prison services like conservancy, etc. no convicted prisoner shall be allowed to enter the under-trial yard or block. As soon as the work is over, these prisoners should be withdrawn from the yard or block. In all matters where undertrial prisoners are concerned, no convicted prisoner shall be used for supervision or similar purpose. All such matters should be handled by staff members.

Work

24.42 Undertrial prisoners shall clean the yards, barracks and cells where they are kept. Undertrial prisoners should be detailed for this work. Such work may be allotted on a group basis, so that through the cumulative work of all the undertrial prisoners, the yards, barracks, cells will get cleaned up. It will also be incumbent on all undertrial prisoners to keep their own clothing, bedding and equipment properly washed, cleaned, and disinfected;

24.43 If undertrial prisoners volunteer to work, suitable work, if possible, be given to them. Wages may be paid to them according to schedules of standard tasks and wages, as fixed by the State Government. Employment of under trial prisoners on extramural work is strictly prohibited. In no case, should undertrial prisoners be employed outside their own enclosure or in work-sheds and areas where other convicted prisoners are working.

Transfer

24.44 During an emergency or on administrative grounds, the Director General/ Inspector-General is authorized to transfer undertrial prisoners from one prison to another within the State, provided that if a prisoner is transferred to a place outside the jurisdiction of the court concerned, prompt intimation should be sent to the court. The prisoner shall be produced before the court on the due date.

Serious Illness

24.45 When an undertrial prisoner is seriously ill, the Superintendent shall send a report, along with a medical report, to the court concerned in order that if the law permits and the court thinks fit, the prisoner may be released on bail.

Transfer to an Outside Hospital

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

Death

24.47 The death of an undertrial prisoner shall be promptly reported to the court and other concerned agencies as required for inquiry proceedings as per Cr.P.C. and NHRC guidelines.

Conviction

24.48 When an undertrial prisoner is convicted, the officer in charge of undertrial prisoners should hand over all connected papers and records together with cash and private property if any to the officer in charge of admission of convicted prisoners who will attend to the usual routine in this respect. On conviction, an undertrial prisoner should be transferred to the yard meant for newly admitted convicts.

Release

Release from the court

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

- 24.50 If the undertrial prisoner is released from the court he should claim his personal property if any from the prison authorities within three months, failing which the same should be forwarded to the police for disposal.

Release from prison

- 24.51 Release orders and bail bonds will be sent through post or through the peon of the court. If any private person brings such documents, the same should not be accepted at the prison office;
- 24.52 On receipt of a bail bond or release order prompt action should be taken. In a Central or a large District prison, an undertrial prisoner should normally be released within four hours of the receipt of the bail bond or release order.

Release Procedure

- 24.53 While releasing an undertrial prisoner the officer in charge should attend to the following points:-
- (a) Scrutiny of the bail bond or release order with relevant original papers and record,
 - (b) Checking whether any other case is pending against the undertrial prisoner,
 - (c) Checking of the identity of the undertrial prisoner,
 - (d) Handing over of the cash and property of the undertrial prisoner;
- 24.54 The undertrial prisoner should be informed of the contents of the bail bond prior to his release;
- 24.55 If the undertrial prisoner has not got sufficient money, he/she may be given travel warrant and if his/her journey home is likely to take more than 12 hours; he may be given subsistence money;
- 24.56 After release the bail bond should be duly returned to the court concerned along with a certificate of release.

Women Undertrial Prisoners

- 24.57 A female undertrial prisoners shall, with the permission of the Superintendent, have the choice of occupying a cell instead of the undertrial prisoners ward; provided that a cell is available and that arrangements can be made to place on duty a female warder at all times, within hearing of the prisoner and that the keys of the cell are always ready to hand.
- 24.58 Women undertrial prisoner shall be escorted by women police. As far as is practicable, separate conveyance should be provided for the transport of women undertrial prisoners.
- 24.59 Women staff members shall be in charge of women undertrial prisoners. The Lady Assistant Superintendent or Senior Matron should be present at the time to admission and release of women undertrial prisoner. She should attend to all work pertaining to the women undertrial prisoners.

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

Daily Routine and Programme for Undertrial Prisoners

- 24.61 The following daily routine should be adjusted to suit local conditions:

- (i) *Early Morning*
Toilet, Meditation,
Preparation for opening,
Unlocking according to conditions of visibility
Counting,
Search,
Leaving the barrack or cell.
- (ii) *Morning*
Toilet,
Prayers,
P.T.drill, individual and group exercise,
Morning light meal,
Cleaning of barracks cells, yards, open spaces
Cleaning of equipment,
Work on voluntary basis,
Educational classes,
Washing of clothes and bath,
Meal and rest.
- (iii) *Afternoon*
Newspapers, library books,
Educational classes,
Social education,
Toilet,
Games and reaction for one hour according to institutional facilities.
- (iv) *Early evening*
Wash, Evening meal,
Preparation for lock-up
Counting,
Search,
Lock-up at dusk.
- (v) *Evening*
Reading newspapers, library books,
TV/Radio music, Meditation,
To bed.

Programmes on Sundays and Prison Holidays

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

- (i) Early morning
As in rule 24.61.(i)
- (ii) Morning Toilet,
Exercise, Light meal,
General cleaning of barracks, cells open spaces,
Cleaning of equipment,
Washing of clothes and bath,
Inspection of equipment,
Meal and rest.
- (iii) Afternoon
Educational Films : As per schedule for each group and in accordance with institutional facilities.
Group Music,
Newspapers, Library books, radio/TV
Toilet,
Games (one hour).
- (iv) Early evening
As in para 24.61(iv)
- (v) Evening

As in para 24.61(v)

(The above is only indication. The Superintendent of Jail may tangle the programme to suit the local weather and other conditions)

Chapter XXV

HIGH-RISK OFFENDERS AND DETENUES

25.01 High risk offenders, including prisoners classified under categories I and II (indicated below), will be lodged in separate enclosures demarcated as high security enclosures within the existing prisons. If possible, separate high security prisons may be constructed in every district with the lodging capacity of 50-100 inmates. Under no circumstances should the High risk offenders be kept with other undertrial prisoners and convicts.

Classification of High risk offenders

- 25.02 All prisoners, including undertrials and detenues, shall be classified into following categories to determine the level of security for effective surveillance, safe custody and prevention of escapes:
- (i) Security Category - 1 (S1-Red): Fundamentalists, Naxalites, extremists and terrorists or any other individual characteristics warranting confinement in Security Zone-1.
 - (ii) Security Category - 2 (S2-Blue): Gangsters, hired Assassins, dacoits, serial killers/rapists/violent robbers, drug offenders, habitual grave offenders/communal fanatics and those highly prone to escapes/previous escapees/attack on police and other dangerous offenders/including those prone to self-harm/posing threat to public order, warranting confinement in Security Zone-2.
 - (iii) Security Category - 3 (S3-Yellow): Those who do not pose any threat to the society, upon release, like those involved in murders on personal motives, other bodily offences, theft/property offences, prohibition offences, other special and local laws, railway offences and other minor offences.
The above three categorization shall be done on the basis of the inputs provided by the police/intelligence agencies at the time of admission.
 - (iv) Security Category - 4 (S4-White): Prisoners who are eligible for Open Prisons.
 - (v) Security Category - 5 (S5-Green): Elders, sickly, students, etc.
The above two categorization shall be done by the prison authorities.

Building Structure

25.03 High security enclosures/prisons should have a thick outer masonry wall at least 20 feet in height, with watch towers at all its corners and one central tower within the enclosure. The enclosures/prisons should be provided with anti-tunnelling slabs and all spaces open to the sky should be covered with iron grill. These enclosures can be divided into security zone grade I and security zone grade II.

- 25.04 Security zone grade I should have a cellular type of accommodation with a minimum space of 10' x 9' which will have the facility of an inbuilt WC and bath and a strong dividing wall. Front portion of cells should be of iron grill, the flooring should be of RCC slab, high ventilators should be provided instead of windows. The building should have a separate entry lobby with visitors' room on one side, MI room, and food distribution room. The hardcore militants, terrorists, professional killers, habitual offenders of heinous crimes, violent and dangerous prisoners and prisoners who pose great threat of escape will be lodged in security zone grade I.
- 25.05 Security zone grade II will have a single room accommodation (cellular and the association barracks). This accommodation can be of 16' x 9' size where two or three prisoners can be lodged at a time. The barracks should have a maximum capacity of lodging 10 to 15 prison inmates. They should also have an inbuilt toilet and bath. The size of one barrack can be 27' x 10'. This security zone can have a common kitchen. Security zone grade II will also have a separate entry lobby; the space open to the sky should be covered with iron grills.
- 25.06 The building pattern should be oval and covered with watch towers on all sides. In this zone, first offender militants and terrorists both convicts and under-trial prisoners, who pose lesser threat of escape, can be lodged.

Staff Pattern

- 25.07 Well trained staff should be detailed for watch and ward duty of High Security enclosures. An officer not below the rank of Deputy Superintendent should be in charge of these enclosures. Provisions should be made that no staff on duty comes in direct contact with the prisoners except as a requirement of duty.

Facilities (Interviews, Letters, Communication)

- 25.08 High-risk offenders will enjoy all the facilities admissible to the under-trial prisoners or convicts, but the interviews will be held in the presence of an officer. It will be advisable if close circuit televisions with sound recording facilities are fitted in the interview room. Moreover the room should be near the entrance lobby and within the high security enclosure. In any case, high risk offenders will not be allowed in the main interview blocks. Interviews should be allowed with only blood relations and authorised lawyers.
- 25.09 All letters should be properly censored.

Food, Toilet, Clothing and Bedding

- 25.10 No cooked food from outside shall be allowed for high risk offenders. No individual shall be allowed to cook for himself. However, the high risk offenders can have a common kitchen. No under-trial, detainee or convict should be allowed to enter the high security enclosure. Admissibility to toilet articles, clothing and bedding shall be the same as that given to other undertrials and convicts.

Medical Care

- 25.11 Medical care shall be the same as for other inmates but within the enclosures of the inbuilt MI room. In case of an emergency, with the permission of the Director General/Inspector General of Prison, they can be shifted to the local hospital for treatment but under proper police escort and guard.

Sports, Games and Recreation

- 25.12 Subject to prison security and discipline, prisoners lodged in grade I security zone can be provided with books, newspapers and journals. Writing material can also be provided as and when required. If possible, TV/Radio sets can be provided outside the cells with such restrictions as found necessary from the view point of security. Regular physical exercise and yoga can be allowed within the cell itself. Prisoners can be allowed to stroll within the place inside the block in the evening before being locked-up.
- 25.13 Similarly, prisoners lodged in security zone grade II can be provided with radio and television in their barracks, indoor games like carom and chess can be given to them. Books, newspapers, journals and magazines along with stationary can be provided to them. At intervals, seeing their behaviour, cultural programmes can also be allowed.

Canteen Facility

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

Reform and Treatment Programmes

- 25.15 The reform and treatment programmes can be extended to the prisoners lodged in the security area grade II. Minimum technical education with primary focus on handicraft work should be given. Basic education should form an essential part of the programme. These activities and programmes should be conducted within the enclosure itself. These prisoners shall not be taken out to mix with other inmates.

Security

- 25.16 A double ring of security shall be provided to all security enclosures. Inner security of the enclosures should be manned by highly trained staff of the prison, while the outer security, including the watch towers and security wall, should be the duty of a special armed guard.
- 25.17 The enclosures should be equipped with walkie-talkies, alarms and jammers and state-of-the-art electronic surveillance system of interception and interruption.
- (i) ID machines hand-held and doorframe, metal detectors and all other electronic devices should be made available.
 - (ii) The armoury of the prison should be well equipped with all types of sophisticated and automatic weapons.
 - (iii) Every barrack and cell, especially the interview room, should be fitted with closed circuit T.V. cameras.
 - (iv) The sentries guarding the watch tower should always be alert.
 - (v) A no man's area should be identified near the high security enclosures which should not be accessed by any prison inmate and the staff, except those who are detailed for duties.
 - (vi) Proper search of barracks, cells and prisoners should be conducted every day. The high security prisoners of category 'I' and 'II' should be searched twice a day whereas category 'III' at least once a day.
 - (vii) The locking up and opening should be conducted in the presence of the officer in charge and no barrack cell should be opened during night hours except in the presence of the Superintendent of the prison.
 - (viii) Besides checking the locks, bars, grills, mess, ventilator, floors, walls of barrack/cells, its ceiling should also be checked.
 - (ix) The guards posted in the yards of the enclosure should not hold conversation with each other more than what may be required to perform their duty. The entrance door of the yard should always be kept locked from inside.
 - (x) The keys of the locks of the cells/barracks doors shall always be carried by the person entrusted with the duty. They shall under no circumstances be handled by any unauthorised person.
 - (xi) The cells and barracks should be well lighted to avoid dark spots and corners inside.
 - (xii) The guard on duty should be thoroughly searched while going in and coming out. He should be briefed adequately from time to time about non-acceptance of articles like eatables, articles for smoke, even water from these prisoners.
 - (xiii) The inmates of high security enclosures should be counted at least twice in a day besides the counting done during locking up and opening.

- (xiv) Necessary gadgets such as breath analyser, canine unit, etc. may also be procured and utilised to check any breach of prison discipline.

Court Hearing

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

Convicts for Rigorous Imprisonment

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

Punishment

- 25.20 All high risk offenders can be punished by the Superintendent in case of breach of discipline and security of prison in the manner set forth in Chapter XXI (Prison Discipline) of this Manual. The Superintendent may take appropriate legal action against such prisoners and in case a high risk offender commits an offence which is punishable under any law in addition to being a prison offence, appropriate criminal process may be initiated against him by moving the local police station. In addition to the major and minor punishments provided in Chapter XXI:
- (i) If a high risk offender commits frequent breaches, the Superintendent can recommend his shifting to any other prison to the Director General/Inspector General of Prisons.
 - (ii) Facilities like interviews/letters/ canteen facilities can be withdrawn for a limited time, or otherwise.
 - (iii) Forfeiture of earned remission and any other punishments as laid down by the Director General/Inspector General may also be imposed.

Chapter XXVI

WOMEN PRISONERS

INTRODUCTION:

To ensure safety of women prisoners and guard them against any form of exploitation, it is desirable that at least one women's jail be established in each State. While exclusive prisons far from central areas may hinder a woman prisoner's proximity from home, such exclusive prisons may at times be necessary from a safety perspective. In any case, separate enclosures/ prisons within district or central prisons are also required to be established for housing female inmates where there are no exclusive jails for women. Till separate prisons for women are established, both male and female inmates can be confined in the same prison on the condition that female offenders are to be kept in a strictly secluded female enclosures within the prison complex. The existing enclosures for women in common prisons may be renovated to ensure that the women inmates do not come in contact with male inmates during their passage to and from these enclosures. Such enclosure should be, to the extent possible, independent in terms of infrastructural set-up. These enclosures should have a double lock system; one lock outside and the other inside. The keys of the inside should always remain in the custody of women guard inside.

- 26.01 The enclosures for women prisoners should have all the requisite facilities with reference to their special needs such as segregation, security, pregnancy, child birth and family care, health care, rehabilitation, etc.
- 26.02 Care should be taken to ensure that women inmates are protected against any form of exploitation. The work and treatment programmes for female inmates should be devised giving due consideration to their special needs. Female prisoners should be granted equal access to work, vocational training and education as male prisoners.

Classification and Separation

- 26.03 Women prisoners shall be classified and kept separately as under:
- (i) Under-trial prisoners shall be kept completely separated from convicted prisoners, even when their number is small.
 - (ii) Habitual offenders shall be separated from casual prisoners.
 - (iii) Habitual offenders, prostitutes and brothel keepers must also be confined separately.
 - (iv) Under no circumstance should female young offenders be confined with adult women prisoners. Given their young and impressionable nature, female young offenders should be kept in separate enclosures and should be

given treatment and training suited to their special needs for rehabilitation,

- (v) Civil prisoners and detenues, including those under preventive provisions, should be kept separately from convicts and undertrial prisoners, and from other prisoners, as far as possible.
- (vi) Political prisoners and those courting arrest due to their participation in non-violent socio-political/ economic agitations for declared public causes should not be confined in prisons along with other prisoners. Separate prison camps with adequate facilities should be provided for such non-violent agitators.

Notes:

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

Register

26.04 A register (which may be in electronic form) shall be maintained in every place of imprisonment with numbered pages where the following details of women prisoners shall be entered:

- (i) Information concerning their identity.
- (ii) The reasons for their imprisonment and the authority ordering such imprisonment with full details of such order.
- (iii) The day and hour of their admission and release.
- (iv) Details of children of the prisoner, if any, including names, ages, location and custody status.

26.05 Details of the children of women prisoners, including names, ages, location and custody status, shall also be recorded in the register. Such information regarding the identity of the children shall be kept strictly confidential and may be shared only with the mother's express permission.

Note:

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

Restriction on Women Prisoners

26.06 No female prisoner shall, on any pretext, leave or be removed from the female enclosure except for release, transfer, or attendance at court, or under the order of the superintendent for other legitimate purposes.

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

Exclusion of Males

- 26.08 No male shall be permitted to enter the female ward of any prison, at any time, unless he has a legitimate duty to attend therein. No adult male shall enter it at all by night except in an emergency, and even then only along with the female warder/female officer. He shall thereafter record a clear report of his visit with the reasons for such visit, and the hour thereof, in his report book.
- 26.09 Male warders and other male staff, acting as escort to lady visitors and officials, shall remain outside the enclosure.
- 26.10 If at any time a male prison officer or warder or prisoner enters, or of attempts to enter, any ward or portion of a prison reserved for female prisoners, without proper authority, it shall be reported to the Deputy Superintendent forthwith.

Training of staff for gender-sensitivity

- 26.11 All staff assigned to work with women prisoners shall receive training relating to the gender-specific needs and human rights of women including on sexual misconduct and discrimination. Such staff shall also be sensitized regarding situations and instances where a woman inmate may feel particularly distressed, so as to be sensitive to their situation and ensure that the women are provided appropriate support.
- 26.12 Where children are allowed to stay with their mothers in prison, awareness-raising on child development and basic training on the health care of children shall also be provided to prison staff, in order for them to respond appropriately in times of need and emergencies.

Locks of Female Enclosures

- 26.13 The locks of enclosure and barracks, where women are confined shall, be different from those in use in other parts of the prisons, so that there is no possibility of keys for locks of other enclosures being misused for opening enclosures for women prisoners.
- 26.14 Suitable measures may be taken (including the provision of alarm bells) to ensure minimum delay in opening barracks in case of an emergency.
- 26.15 The keys of the various locks in use in the female enclosure shall (other than the outer lock of the main entrance), be kept in possession of the female warder when she is present. Before leaving the female enclosure, the female

warder shall lock all the prisoners into their sleeping wards or work-shop and having done so, shall lock the door of the main entrance and make the keys over to the Deputy Superintendent.

NOTE : When the matron/female warder leaves the ward, the main entrance door shall be locked on the outside by double locks. The key of one of these will be handed over, with her other keys, by the matron to the Deputy Superintendent. The other keys will remain by day in the custody of the Head warder on duty and by night at the main gate.

Photography and Fingerprints

26.16 Photographs, foot-prints, finger-prints and measurements of women prisoners shall be done in the presence, and with the assistance, of women prison officers or women warders.

Inspections

26.17 Daily visits shall be made by women prison officers and staff in all women barracks and enclosures, and particular attention will be paid to health and hygiene-related problems of women prisoners.

26.18 Night inspection rounds shall be made by women officers and warders. Reports of such night inspections shall be recorded in the report book immediately on completion of such Inspection.

Prisoners Requiring Mental Health Care

26.19 Female prisoners needing treatment for mental diseases shall not be admitted in prison. They shall be kept in separate enclosures for female patients at the mental health hospital, or in other mental health facilities, under the supervision of a lady Medical Officer.

Custody of the Female Enclosure

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

Admission of Under- Trial Prisoners

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

Search of Women Prisoners on Admission

- 26.22 Women prisoners shall be searched by female warders in the presence of other senior women personnel/women officer with due regard to consideration of privacy and decency. Such search shall not be conducted in the presence of any male.

Quarantine on Admission to Prison and Medical Aid

- 26.23 Women prisoners on admission to prison shall be medically examined and, if the examining lady Medical Officer deems it necessary, kept separately in the female enclosure on medical grounds for the period prescribed by the medical officer.
- 26.24 After admission to prison, all women prisoners shall be required to wash themselves and their clothing thoroughly as soon as possible. Their personal clothing shall be disinfected before being stored.
- 26.25 Part-time lady medical officers of the District Government Hospital shall be engaged for medical examination of female prisoners on admission. Only lady doctors shall look after the medical care of women prisoners during their stay in prison.
- 26.26 Every woman prisoner shall be examined by a lady Medical Officer. Such examinations shall also be conducted on readmission after bail, parole and furlough. In case a woman officer/matron/female warder suspects a prisoner to be pregnant, the woman prisoner shall be sent to the District Hospital for detailed examination and report.

Pregnancy

- 26.27 When a woman prisoner is found, or suspected, to be pregnant at the time of admission or later, the lady Medical Officer shall report the fact to the Superintendent. Arrangements shall be made at the earliest to get her medically examined at the female wing of the District Government Hospital for ascertaining the state of her health, pregnancy, duration of pregnancy and the probable date of delivery. After ascertaining all necessary particulars, a detailed report shall be sent to the Director General/ Inspector General of prisons.
- 26.28 Gynaecological examination of the female prisoner shall be performed in the District Government Hospital. Proper pre-natal and ante-natal care shall be provided to the prisoner as per the advice of qualified medical officer.
- 26.29 Adequate and timely food including supplemental nutrients, a healthy environment and opportunities for regular exercise shall be provided to pregnant women, babies, children and breast-feeding mothers.

Child Birth in Prison

- 26.30 As far as possible (provided the prisoner has a suitable option) arrangements for temporary release (or suspension of sentence in the case of a casual offender) will be made to enable a prisoner to deliver child in a hospital outside the prison. Only when there is high security risk in the case of any particular woman prisoner, the facility to deliver child outside the prison shall be denied.
- 26.31 Births in prison shall be registered at the local birth registration office. The fact that the child has been born in prison shall not be recorded as the place of birth. Only the address of the locality shall be mentioned. As far as the circumstances permit, all facilities for performing the naming rites of the child born in a prison shall be extended to the mother.

Property of Women Prisoners

- 26.32 All money, jewellery, and articles of clothing, received with or found on the person of a woman prisoner on her admission to the prison, or sent subsequently by the police, or tendered by her relatives or friends on her behalf prior to her release, shall be received and taken over by the Deputy Superintendent or other officer on duty. A list of all such articles shall be entered in the Admission Register and in the convict's warrant and read over to the convict in the presence of the Superintendent who shall countersign the entries in the register and in the warrant. Method of storing the prisoner's money, etc., shall be according to the general rules laid down in the Prison Manual of respective state.

Certain Ornaments to be allowed to Women Prisoner

- 26.33 Female prisoners shall be allowed to retain, in moderation, certain ornaments of small value such as mangal sutras, bangles and toe rings. The Superintendent may, however, at his discretion, refuse to allow the retention of these ornaments in any particular case for disciplinary/security reasons.

Children of Women Prisoners

- 26.34 A child up to six years of age shall be admitted to prison with his mother if no other arrangements, for keeping him with relatives or otherwise, can be made. Children born in prison may remain with their mothers up to six years of age, if they cannot otherwise be suitably placed. The Medical Officer shall determine the age of children not born in prison for the purpose of this provision.

- 26.35 No child shall be admitted into or retained in prison if he has attained the age of six years. The Superintendent shall inform the Directorate of Social Welfare about all children of that age for placing them in a home run by the Social Welfare Department. Such children shall be kept in protective custody until their mother is released or the child attains such an age as to be able to earn his own livelihood.
- 26.36 Children kept under protective custody in a home of the Department of Social Welfare shall be allowed to meet their mothers at least once a week. The Director, Social Welfare Department will ensure that such children are brought to the prison on the dates fixed for this purpose by the Superintendent of Prison.

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

- 26.37 A jail must have adequate facilities for prenatal and post-natal care for female prisoners as well as their children.
- 26.38 Gynaecological examination of female prisoners shall be performed in the District Government Hospital. Proper prenatal and post-natal care shall be provided to the prisoner as per medical advice.
- 26.39 As far as possible and provided she has a suitable option, arrangements for temporary release/parole (or suspended sentence in case of minor and casual offender) should be made to enable an expectant prisoner to have her delivery outside the prison. Only exceptional cases constituting high security risk or cases of equivalent grave descriptions can be denied this facility.
- 26.40 Pregnant women in jails should be able to give birth outside the prison facility (except in some extreme cases), so as to ensure that the new-born is given proper care.
- 26.41 The fact that the child has been born in the prison shall not be recorded in the certificate of birth that is issued. Only the address of the locality shall be mentioned.
- 26.42 Within the prisons, children should be able to have access to food, shelter medical assistance when required, education and a recreational space.
- 26.43 Children shall be regularly examined by the lady Medical Officer to monitor their physical growth and shall also receive timely vaccination. Vaccination charts regarding each child shall be kept in the records. Extra clothing, diet and so on may also be provided on the recommendation of the Medical Officer.

- 26.44 Women can keep their children with them until the children reach the age of six. Then they should be handed over to welfare institutions maintained by the Social Welfare Department, preferably within the same city or town.
- 26.45 The child can remain in such an institution until the mother is released or the child is capable of earning a livelihood.
- 26.46 Children kept under the protective custody in a home of the Department of Social Welfare shall be allowed to meet their mother at least once a week. The Director, Social Welfare Department, shall ensure that such children are brought to the prison for this purpose on the date fixed by the Superintendent of Prisons
- 26.47 The State Legal Services Authorities shall take necessary measures to periodically inspect jails to monitor that the directions regarding children and mothers are complied with in letter and spirit.

Welfare of the children of the Women Prisoners

- 26.48 Prison administration should ensure holistic development of children of inmates confined in the prisons. To the extent possible, prison administration shall strive to create a suitable environment for children's upbringing which is as close as possible to that of a child outside prison. The Board of visitors shall inspect these facilities at regular intervals.

Education

- 26.49 The children of women prisoners living in the prison shall be given proper education and recreational opportunities. There shall be a well-equipped creche and a nursery school attached to a prison for women where the children of women prisoners shall be looked after while the mothers work in prison. Children below three years of age shall be allowed in the creche and those between three and six years shall be looked after in the nursery school. These facilities may also be extended to the children of warders and other female prison staff.
- 26.50 The creche and nursery school shall be run by the prison administration preferably outside the prison with the assistance of NGOs or state welfare services. In the event the prison administration considers it difficult to run a crèche, arrangements should be made to send the children to a privately run crèche under proper security. The transportation charges involved in the process and crèche fee shall be borne by the prison administration.

26.51 Children in prison shall be provided with adequate clothing suiting the local climatic requirements. For this the State Government shall lay down appropriate scales. Articles, like diapers and others as required, should be provided to women prisoners who are caring for their infant children.

26.52 In addition to regular requirement, two cakes of 150 grams each of soaps/ detergent shall be provided to women prisoners with children.

Diet/ Food:

26.53 Scales of diet for children shall be decided keeping in view the calorific requirements of growing children as per medical norms and climatic conditions. Separate utensils of suitable size and material should also be provided to each mother prisoner for feeding her child.

26.54 In the event a woman prisoner with children falls ill, alternative arrangements should be made by the prison staff for looking after any children falling under her care.

Health care

26.55 Adequate health facilities shall be provided to children of women prisoners (in collaboration with community health services). Children shall be regularly examined by a Lady Medical Officer to monitor their physical growth who shall also be vaccinated for various diseases including polio and small-pox at the appropriate time. Extra clothing and diet may also be provided to such children on the written recommendations of the Medical Officer.

Diet and Food

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

26.57 Adequate and nutritious diet should be given to nursing women and to children accompanying women prisoners.

26.58 Food articles should be of a good quality.

26.59 Pregnant and nursing women prisoners should be prescribed a special diet.

26.60 Women prisoners should get special diet on festivals and national days, as may be specified in the rules.

- 26.61 Medical Officer should ensure that food is cooked under hygienic conditions and is nutritious.
- 26.62 There should be a separate kitchen for every 100 prisoners.
- 26.63 Special arrangements for warming food / milk shall be made for women with children.
- 26.64 Some women staff should be given special training in management of diet and kitchens and such trained staff should supervise the kitchens and cooking in prisons for women.
- 26.65 Prison officers, including the Superintendent, must supervise every aspect of the prison diet system, i.e., issue of rations, management of kitchens and distribution of food.
- 26.66 There should be a separate kitchen for women prisoners.
- 26.67 Women prisoners should not be allowed to have their own mini kitchens inside the prison barracks.
- 26.68 Clean drinking water should be supplied to prisoners and it should be tested periodically.

Scale of Diet

- 26.69 State Government shall lay down dietary scales for women prisoners keeping in view their calorie requirements as per medical norms. The diet shall be in accordance with the prevailing dietary preferences and tastes of the local area in which the prison is located. Cooked food shall be brought to the female enclosure by a convict-cook accompanied by a warder and placed outside the enclosure gate from where it shall be taken inside by the female warder or a female prisoner. The menial during shall, whenever possible, be performed by the female prisoners and the refuse etc., placed outside the enclosure, to be removed by paid sweeper. If there are no females of suitable caste for conservancy work paid-sweepers shall be taken into the enclosure in charge of a wander and under the conditions laid down in paragraph 214.
- 26.70 Every prisoner shall be entitled to receive every day food at prescribed times and according to the scale laid down.
- 26.71 The State/UT Government may, at any time, vary either temporarily or permanently, the scale laid down in the Prison Manual of the respective

state, provided reasons for doing that are recorded in writing by the authorities concerned.

Special Extra Diet on Medical Grounds

- 26.72 Where the lady Medical Officer, for reasons of health, considers the prescribed diet to be unsuitable or insufficient for a women prisoner, or her child, she may order in writing a special diet or extra diet, for a specific period of time. Special consideration shall be given in this regard to pregnant/nursing prisoners.
- 26.73 Rules relating to diet of prisoners, those on specific medical advice for expectant and nursing mothers, and infants and children, shall be scrupulously observed.

Clothing

- 26.74 Women prisoners sentenced to six months imprisonment or below should be issued two sets of customary wear like ladies suits/sarees, a towel and two sets of customary undergarments.
- 26.75 Women prisoners sentenced to more than six months of imprisonment should be issued three sets of customary wear like ladies suits/sarees, two towels and three sets of customary undergarments.
- 26.76 The clothing requirements provided above may be prescribed by each State in accordance with the prevailing climate and cultural norms. Adequate warm clothings, according to local conditions and change of seasons, shall also be provided.
- 26.77 Children allowed to stay with women prisoners should be given suitable clothing similar to what is normally used by children in the local community.
- 26.78 Every women prison should maintain a repair unit where prisoner's clothing can be repaired.
- 26.79 Sterilised sanitary pads should be issued to women prisoners as per their requirements.
- 26.80 Clothing of prisoners should be sterilised at government cost once in two months. Prisoners should be allowed to get their clothes washed through prison laundries at their own cost.

26.81 All clothing shall be cleaned and kept in a proper condition. Underclothing shall be changed and washed as often as necessary for maintenance of hygiene.

Bedding

26.82 Every woman prisoner shall be provided with a sleeping berth and sufficient bedding in accordance with local standards and climatic conditions. These shall be clean when issued, kept in good order, and changed often enough to ensure their cleanliness.

26.83 Women prisoners should be given one pillow with pillow cover and woolen blankets according to climatic conditions.

26.84 Women prisoners shall be provided two cotton sheets for every six months.

26.85 All articles of prisoner's bedding, clothing and other equipment should be inspected by a women officer at least once a week to ensure that proper standards are maintained.

Accommodation

26.85 There should be two types of living accommodation:

- (a) Barracks with accommodation.
- (b) Cells for segregation of women prisoners for the purpose of health, security and punishment.

26.86 All accommodation provided for women prisoners, and in particular all sleeping accommodation, shall meet basic requirements of health. Due regard being paid to climatic conditions, the cubic content of air, minimum floor-space, lighting and ventilation.

26.87 Sleeping berths in the women's barracks shall not be at a height beyond the comfortable reach of women prisoners.

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

26.89 Where women prisoners they are required to live or work, the windows shall be large enough to enable the prisoners to read or work by natural light. The place should be sufficiently ventilated to allow the entrance of fresh air.

26.90 Sufficient artificial light too shall be provided for the prisoners to read or work.

26.91 Adequate number of baths and showers shall be provided so that every prisoner may have a bath or shower at a temperature suitable for the climate, as frequently as may be necessary, for maintaining general hygiene according to season and climate.

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

Personal Hygiene

26.93 Women prisoners shall be required to keep their persons clean, and to this end they shall be provided with toilet articles, including sanitary towels, necessary for maintaining health and cleanliness. Sufficient water shall also be made available for the use of women prisoners and their children, and those prisoners, in particular, who are involved in cooking and those who are pregnant, breastfeeding or menstruating.

26.94 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 of hair necessary on the ground of health and cleanliness. Even then it shall not be cut any shorter than required.

Amenities

26.95 All valuable ornaments should be removed from women in custody and should be safely deposited. They should be permitted to retain their mangal sutra, plastic bangles and toe-rings.

26.96 Clothing and linen provided to women should include undergarments, upper and other clothes, towels and socks in cold climates. Adequate quantity of toilet and washing soap should be provided to them. A sachet of shampoo may be provided to women prisoners on a weekly basis.

26.97 Each adult woman prisoner shall be supplied suitable number of sanitary napkins for use during menstruation.

26.98 Women prisoners shall be provided kumkum according to their custom, sufficient quantity of hair oil and a comb.

Interview

26.99 The number of interviews for convicts and under trial prisoners should be liberalized in the case of women. Women prisoners' contact with their families, including their children, their children's guardians and legal representatives shall be encouraged and facilitated by all reasonable means.

Where possible, measures shall be taken to counterbalance disadvantages faced by women detained in institutions located far from their homes.

- 26.100 Every women prisoner shall be allowed, assisted and encouraged to write a letter and have interview with her relatives/neighbours once a week during her term of imprisonment. A senior female officer in charge of interviews should be responsible for grant of interviews as per rules. In view of women prisoners" disproportionate experience of domestic violence, they shall be properly consulted as to who, including which family members, is to be allowed to visit them.
- 26.101 Visits involving children should take place in an environment that is conducive to a positive visiting experience for the visiting children, including with regard to staff attitudes, and should allow open contact between mother and child. Where possible, visits involving extended contact with children should be encouraged.
- 26.102 The prison inmates shall be afforded opportunity as prescribed in the rules, to have reasonable contact including visits, telephone contact, electronic communication contact, interviews through video-conferencing and correspondence with the family inside the prison.
- 26.103 There should be no limit on incoming letters for women prisoners.
- 26.104 Illiterate or semi-illiterate prisoners should be provided help in writing letters.
- 26.105 A waiting room for visitors should be provided at each prison for women.
26. 106 Every newly admitted prisoner shall be allowed facilities for seeing or communicating with her relatives/friends/legal advisors, with a view to preparation of an appeal or revision petition or for procuring bail. She shall be allowed to have interviews with, or write letters to, her relatives more often, if the Superintendent considers it necessary, to enable her to arrange for the management of her property and other family affairs.
- 26.107 In case, close relatives of women are detained in the same prison, interview of both shall be facilitated by the Deputy Superintendent between the two gates in presence of Deputy Superintendent / Assist. Superintendent, once a week.

Books

- 26.108 Every institution shall have a separate library and a reading room for women with both recreational and instructional books. Prisoners shall be encouraged to make full use of these facilities.

Religious Books

- 26.109 A woman prisoner shall be allowed to keep, at a time, up to five books with her. The restriction on the number of the books is on account of administrative convenience only (i.e. consideration of space per prisoner) and not for any other reason.

Education

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

Recreational and Cultural Programmes

- 26.111 Recreational programmes should be organised for women prisoners which may include simple outdoor games, bhajans, music, folk dances, drama, TV, radio and film shows. Women prisoners shall be provided facilities for meditation and yoga for stress management and for improving their mental and physical health.

Vocational Training

- 26.112 Vocational training programme should be designed to suit the needs of prisoners sentenced to short, medium and long term imprisonment. As far as possible women prisoners shall be imparted training suited to their aptitude and background, making them economically self-reliant. The selection of vocational programmes shall be made in accordance with the marketability and profitability of the product, enhancing the prisoner's ability to earn their livelihood after release. The wages earned by the women prisoners should be deposited in the bank account of the women inmates. Sufficient work or vocational trades shall be provided to keep prisoners actively employed for a normal working day. These may include:
1. Tailoring
 2. Embroidery
 3. Needle-craft
 4. Spinning
 5. Handloom
 6. Weaving

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

Labour

- 26.113 Prisoners shall be paid equitable remuneration for their work and no disparity in wages shall accrue on account of gender differences.
- 26.114 The system should also provide that a part of the earnings is set aside by the administration to constitute a savings fund to be handed over to the prisoners on their release.
- 26.115 Under the system the prisoners shall be allowed to spend at least a part of their earnings on approved articles for their own use and to send a part of it to their family.
- 26.116 Unless medically advised not to work, all prisoners shall be engaged in work and activity in the prison, for which they will be paid proper wages.

Health/ Medical Facilities

- 26.117 Every woman prison shall have a 10 bed hospital for women. Treatment programmes should be properly planned and developed in every woman's prison.

- 26.118 In addition to the details required to be recorded after health screening in accordance with Appendix - 2, the health screening of women prisoners shall also include a comprehensive screening to determine primary health care needs, and to determine:
- (a) The presence of sexually transmitted diseases or blood-borne diseases; and, depending on risk factors, women prisoners may also be offered testing for HIV, with pre- and post-test counselling;
 - (b) Mental health care needs, including post-traumatic stress disorder and risk of suicide and self-harm;
 - (c) The reproductive health history of the woman prisoner, including current or recent pregnancies, childbirth and any related reproductive health issues;
 - (d) The existence of drug dependency;
 - (e) Sexual abuse and other forms of violence that may have been suffered prior to admission.
- 26.119 Female prisoners suffering from psychosomatic and psychological disorders, victims of sexual abuse and those having mental health issues, should get proper counseling and medical treatment.
- 26.120 The right of women prisoners to medical confidentiality, including specifically the right not to share information and not to undergo screening in relation to their reproductive health history, shall be respected at all times. [Rule 8 of the UN Bangkok Rules]
- 26.121 Women prisoners shall receive education and information about preventive health-care measures, including on HIV, sexually transmitted diseases and other blood-borne diseases, as well as gender-specific health conditions. [Rule 17 of the UN Bangkok Rules]

Legal Aid

- 26.122 To ensure access to justice to all, timely legal aid services should be provided to needy prisoners at State expenses as prescribed by the State Government. Prison Administration should be assisted by the State/District Legal Service Authority for this purpose through a panel of advocates earmarked for the jails/courts.
- 26.123 For this purpose, socio-legal counselling cell shall be set up in each institution to be managed by volunteers from a designated law school, school of social work, or a non-governmental voluntary agency. Work done by students while working in such a cell shall be given academic credit and shall form a part of the student's graded curriculum.

- 26.124 Assistance of lady members of the district legal aid committee shall be made available to women prisoners to help them with their procedural and legal problems.
- 26.125 The practice of fortnightly or weekly *nari bandi sabhas* (women prisoner's councils) shall be utilised as a modality for orientation of, and interaction with, prisoners and for training in participative custodial living.
- 26.126 In the event existence of sexual abuse or other forms of violence before or during detention is discovered, the woman prisoner shall be informed of her right to seek recourse from judicial authorities. The woman prisoner should be fully informed of the procedures and steps involved. If the woman prisoner agrees to take legal action, appropriate staff shall be informed and the case immediately referred to the competent authority for investigation. Prison authorities shall help such women to access legal assistance.
- 26.127 In such cases, regardless of whether the woman chooses to take legal action, prison authorities shall endeavour to ensure that she has immediate access to specialized psychological support or counselling.

Facilities for Foreign Nationals

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

Premature Release

- 26.129 In line with gender-sensitive management policy, a liberal approach would be allowed while determining cases of premature release of women prisoners particularly in cases where she has been the sole breadwinner, or where no surrogate care is possible for the dependents of women prisoners. As far as possible, expectant mothers may be released on suspended sentences, or otherwise, to avoid delivery of their child inside the prison.

Probation of Offenders Act, 1958

- 26.130 Probation of Offenders Act, 1958, shall be extensively used in case of women offenders to provide suitable non-institutional corrective treatment to them.
- 26.131 The probation system should be strengthened in close coordination with the judiciary. Probation Services should be brought under the administrative control of the Directorate of Prisons and Correctional Services only.

Transfer of Women Convicts for Release

- 26.132 Every woman confined in a prison other than that of the district of her residence, shall be transferred to such prison in the district of her residence 10 days before her release. The sanction of Director General/Inspector General of Prisons for such transfers within the State shall not be required.

Release of Women Prisoners

- 26.133 Before a woman prisoner is released, sufficient advance notice shall be given to her relatives or friends to be present at the prison and receive her. If no relative appears on the day of her release, she shall be sent to her home under the charge of female escort. The Deputy Superintendent shall record in her report book about arrangements made for the safe release and escort of woman prisoner to her home.

Linkages with Outside Welfare Agencies

- 26.134 Prison reforms can be achieved through participation of the Government, private enterprises and non-profit organisations who could collectively facilitate implementation of various processes and systems to encourage prison industries. The representatives from other districts and other prisons in the State, representative from the industry, representative from NGOs for training and skill development can be considered as members of the Jail industry Board.
- 26.135 The Superintendent of Prison shall establish a functional linkage and co-operational relation with a select group of social activists/N.G.Os serving and taking up the cause of women in general and women offenders in particular, so that the prison administration and the N.G.Os can together wage a war against social stigma attached to women in custody. As this is a battle to be fought more in minds than in fields, frequent seminars/symposia shall be conducted to elaborate on the need of after-release rehabilitation of women offenders, and to create a favourable public opinion.
- 26.136 Comprehensive, intensive and incessant counseling of women offenders and members of their families shall be carried out by these groups of social activists/N.G.Os to preempt/overcome the aversion of the society to women prisoners, which otherwise might deter and derail proper rehabilitation of women in custody.
- 26.137 Counselling programmes should focus on the emotional and psychological issues of women prisoners, particularly for those who have been victims of domestic violence, sexual abuse and substance abuse. The counselling programmes should:

- (i) help address any mental health issues that she may be suffering from and suggest effective coping strategies,
- (ii) facilitate her re-integration into society after release;
- (iii) focus on removing any further damaging impact that imprisonment could have on women inmates, and seek to enhance self-worth, autonomy and self-efficacy.

26.138 Special programmes may be initiated to address underlying factors that lead to criminal behavior, for instance, separate programmes addressing substance addiction-related issues.

26.139 The literacy and vocational training for women offenders shall be conducted in such a manner that it:

- i) endows woman inmates with professional capabilities and expertise in one, or more than one, vocation, so as to enable them to earn a living and lead a self-supporting life after release;
- ii) eradicate the poverty-crime nexus;
- iii) empower women to make positive lifestyle changes within the context of education, support and recovery.

Special programmes should be initiated for women prisoners with physical or mental disabilities. The programmes should also involve imparting life skill-based education, and disseminating information about preventive health care measures, including prevention from HIV, sexually transmitted diseases and other blood-borne diseases, as well as gender-specific health conditions.

26.140 Arrangements for public display of the products made by the women prisoners will boost their morale, instil confidence into them, and rekindle the flames of hope for a normal life at large. Moreover, it will pave the way for the much needed social awareness, supportive and sympathetic to the women living behind the bars.

Prisoners suffering from mental illnesses

26.141 Women who are found mentally ill shall not be detained in prison. Arrangements shall be made for the removal to mental homes/institutions for mentally ill prisoners who happen to be admitted in prisons.

26.142 When transferring a mentally ill woman prisoner to a mental home and back to the prison, a female warder shall accompany the police escort, provided to such prisoner, wherever possible. The families of such prisoners shall be traced and informed of the prisoners' whereabouts and health status.

26.143 Steps shall be taken, by arrangement with the appropriate agencies, to ensure the continuation of psychiatric treatment after release and provisions of social psychiatric after-care, wherever it is deemed necessary.

Prison Discipline

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

26.145 No woman prisoner shall be punished in the prison until she has been informed of the offence alleged against her and given proper opportunity of presenting her defence. The competent authority shall conduct a thorough investigation of the case before awarding punishment.

26.146 Prison offences and indiscipline may be dealt with in the manner provided in Chapter XXI (Prison Discipline) subject to the following conditions:

- (i) Punishment by close confinement or disciplinary segregation shall not be applied to pregnant women, women with infants and breastfeeding mothers in prison.
- (ii) Disciplinary sanctions for women prisoners shall not include a prohibition of family contact, especially with children.
- (iii) Instruments of restraint shall never be used on women during labour, during birth and immediately after birth.

Requests and Complaints

26.147 During the weekly parades, every woman prisoner shall have an opportunity of making requests/complaints to the Superintendent who in turn, shall promptly deal with such complaints/requests.

26.148 A complaint box shall be fixed at a prominent place in the woman's enclosure which shall be opened in the presence of the Superintendent at least twice a week. Every complaint or request found in it shall be registered and properly dealt with and replied to without undue delay. The prison social welfare and legal aid counseling staff, or literate prisoners, shall be utilized to assist illiterate prisoners in recording their complaints. All such complaints shall be received and tackled in an understanding manner without the risk of retribution to the complainant. Women prisoners who report abuse shall be provided immediate protection, support and counseling and their claims shall be investigated by competent and independent authorities, with full respect for the principle of confidentiality.

Protection measures shall take into account specifically the risks of retaliation.

- 26.149 Appropriate guidance and assistance should be given to women prisoners for filing complaints against sexual harassment with the internal complaints committee constituted under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.
- 26.150 The Board of Visitors shall monitor the conditions of detention and treatment of women prisoners in particular.

Women Personnel

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

Escorting of Women Prisoners

- 26.154 The matron /female Head warder shall escort every female prisoner leaving the women's enclosure, and shall remain with the prisoner until the prisoner returns to the enclosure. She shall accompany the female prisoner under

transfer. Wherever necessary, services of women police will be utilized for escort duty with due regard to security considerations.

26.155 Separate escort vans for escorting women prisoners shall be made available.

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

26.156 The matrons or women warder shall not allow any male prison officer, or male prisoner, to enter the women's enclosure without proper authority. If any male prison officer / warder / prisoner, without proper authority, at any time enters, or attempts to enter, any ward or portion of the prison reserved for occupation by female prisoners, the Matron/Warder shall make a report forthwith to the Deputy Superintendent/ Superintendent of Prison.

26.157 A male officer of the jail may enter the enclosure occupied by females, only if he has duty to attend to there and is accompanied by the female warder into every part of the ward or enclosure he may have to go. Should it be necessary to enter the female enclosure at night, the Head Warder on duty shall call the Deputy Superintendent, and the female warder and these three officers together, shall enter the ward acting as escorts to visitors or officials shall remain outside the enclosure. Female prisoners shall be searched by a female warder

Matron or Female Head Warder not to Communicate with Male Prisoners

26.158 No matron / female Head warder shall at any time, and on any pretext, hold any interview or communicate/interact in any way, with any male prisoner or visit any part of the prison allotted, reserved for, or occupied by male prisoners, except in the discharge of her duties.

Chapter XXVII

YOUNG OFFENDERS

INTRODUCTION:

Young persons are impressionable. A young offender between the age of 18 & 21 years 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. As far as possible, young offenders should not be kept in institutions meant for adult and habitual offenders. Institutions for young offenders should be so classified that diverse training programmes, designed to suit each homogeneous group, can be conveniently organised.

Training and Treatment

- 27.01 Special emphasis should be given on a studied evaluation of individual offender's personality and careful planning of training and treatment programmes, to suit the needs of each inmate. Training and treatment shall include education, work and vocational training, recreational and cultural activities, discipline, case-work approach, group work activities, group guidance, individual guidance, counselling, character building, periodical review, release planning, pre-release preparation, after-care on a comprehensive basis, and follow-up study. The personal influence of the members of the prison staff will have considerable bearing on the reformation of young offenders.

Non-Institutionalised Treatment

- 27.02 It is necessary to save the young offenders from evils of incarceration. Non-custodial treatment for young offenders should be preferred to imprisonment. Under mentioned process should be followed for young offenders:
- (A) When any young offender is found guilty and is likely to be punished with imprisonment not exceeding one year, the court should take recourse to any of the following non-custodial measures:
 - (i) Release on admission
 - (ii) Release on taking a bond of good conduct, with or without conditions from the young offenders and from parents/guardians/approved voluntary agencies.

- (iii) Release on probation under the Probation of Offenders Act on any of the following conditions:-
 - (a) continuation of education/ vocational training/employment;
 - (b) obtaining guidance from probation officer/teacher/counselor:
 - (c) getting work experience in work camps during week-ends and on holidays;
 - (d) doing useful work in work centers (agricultural farms, forestry, housing projects, road projects and apprenticeship in work-shops.)
 - (e) Young offenders released on probation shall be kept under constant supervision.

Note: Suitable cases of young offenders likely to be sentenced to periods above one year of imprisonment should also, as far as possible, be processed through the above-mentioned non-institutional approach. Young offenders should be sent to prison only as a last resort.

- (B) (i) Young offenders involved in minor violations should not be kept in police custody. Instead, they should be kept with their families/guardians/approved voluntary agencies on the undertaking that they will be produced before the police, as and when required, for investigation.
- (ii) Young offenders involved in serious offences, while in police custody, should be kept separate from adult criminals and the police custody should be only for the minimum period required for investigation.
- (iii) The investigation of cases of young offenders must be expeditiously completed.
- (iv) Bail should be liberally granted in cases of young offenders.
- (v) When it is not possible to release a young offender on bail, he should be kept in a Reception Centre/Kishore Sadan/Yuva Sadan during the pendency of his trial.
- (vi) In case it becomes necessary to keep young offenders in a sub-prison during investigation and trial, it should be ensured that they do not come in contact with adult criminals there.

Reception Centres/Reception Units

- 27.03 There should be separate institutions for young offenders, to be called Reception Centres and Kishore/Yuva Sadans. There should be separate Reception Centres for young female offenders.
- 27.04 Young offenders in Himachal Pradesh will be kept in the Borstal Jail in Mandi to provide safe custody for those young offenders, who can not be

released on bail or probation for their initial classification and subsequent placement.

- 27.05 Programmes in the reception center/reception unit should consist of:
- (a) Admission, quarantine and orientation
 - (b) Study and evaluation of individual offender's personality.
 - (c) Initial classification
- 27.06 The following treatment should be given to young offenders at the Borstal Jail:
- (i) Initial admission.
 - (ii) A system of proper custody and positive, constructive and firm discipline.
 - (iii) Care and welfare of inmates.
 - (iv) Basic segregation according to requirements.
 - (v) Attending to immediate and urgent needs and problems of inmates.
 - (vi) Orientation to institutional life.
 - (vii) Study of the individual offender—History taking, case-recording, tests and observation.
 - (viii) Scientific classification.
 - (ix) Attending to long-term needs of inmates like education and vocational training.
 - (x) Inmates shall be properly assessed both at the time of admission and regularly thereafter, with the specific objective of looking into their criminogenic factors and providing help to enable them to lead a law-abiding and socially productive life after release.
 - (xi) Guidance, counselling and support.
 - (xii) Release planning.
 - (xiii) After-care.
 - (xiv) Follow-up.
- 27.07 Use should be made of resources of the community and outside agencies in providing such treatment. The personal influence of prison personnel will play a very positive role in this process.
- 27.08 At each institution there should be a Review Board consisting of the following:
- (i) Chief Judicial Magistrate ,Chairman

- (ii) The District Medical Officer/Civil Surgeon/Medical Superintendent of the Government Hospital
- (iii) One Non-official Member nominated by competent authority
- (iv) The District Education Officer
- (v) The Prison Welfare Officer
- (vi) The Superintendent of the Borstal Jail , Member-Secretary

27.09 The Review Board should meet once in every three months to examine the case of each young offender. The Review Board will review the cases from the point of view of the progress and response of young offenders. The Review Board must decide the case of every young offender as to whether it is necessary to continue him under institutional treatment. In suitable cases, the question of his conditional release on license should also be examined. The members of the Review Board should visit the Bostal Jail to see that the care and welfare of inmates are properly attended to. However, a young offender, in whose case prognosis is not favourable, should be transferred to a suitable prison. Only such young offenders, as are intractable, violent, psychopaths and hardened or dangerous criminals, should be transferred to prisons.

27.10 The problem of young offenders, who are sentenced to imprisonment for periods above 5 years, will have to be considered in a different perspective. In deserving cases, even such young offenders should be conditionally released on license. However, a young offender, in whose case prognosis is not favourable, should be transferred to a suitable prison. Only such young offenders, as are intractable, violent, psychopaths and hardened or dangerous criminals, should be transferred to prisons.

27.11 Specially selected and adequately trained personnel should be made available for implementing various programmes for young offenders.

Education

27.12 Educational needs of young offenders must be adequately met. To this end, prison authorities may collaborate with ‘open schools’ for developing educational programmes for young offenders. Special emphasis should be laid on the following aspects in education of young offenders: -

- (a) Physical and health education.
- (b) Social and moral education.
- (c) Literary education.
- (d) Vocational education.
- (e) Arts and handicrafts education.

- 27.13 Necessary facilities for the overall educational development of young person should be provided in institutions. The educational programmes should be so designed that young offenders of various age groups and intelligence levels can derive benefit from them. For illiterate and educationally backward young offenders special educational classes should be organised.
- 27.14 Necessary opportunities for the self-education of young offenders should be provided in the institutions. Those who have the requisite capacity and desire to appear at examinations conducted by the State Education Department or by a University or by any other recognised institution should be permitted to do so.

Work and Employment

- 27.15 Young offenders should be taught such crafts, skills and vocations, as would be useful to them after release.
- 27.16 Young offenders may be employed, by rotation, as assistants in running the institution's essential services, like sanitation and hygiene, kitchen and canteen, laundry and plumbing services. Such engagements should aim at imparting vocational training to the inmates in these areas of work.

Vocational Training

- 27.17 Special emphasis should be laid on the vocational training of young offenders in trades suitable for their rehabilitation in the society.

Cultural Activities

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

Diet

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

Discipline

- 27.20 Special emphasis should be given on the discipline of young offenders. As far as possible, minor offences should be dealt with by withdrawal of concessions. When this approach fails, recourse should be taken to other forms of punishment.

Pre-release and Release

- 27.21 Provisions of Chapter XVIII (Premature Release) should be applied for pre-release preparations and release of young offenders.
- 27.22 At least a fortnight before a young offender is due for release, a letter shall be sent to his relatives/friends intimating the date of his release and asking them to be present at the prison to receive him after release. As far as possible, young offenders should be handed over after their release to their relatives, friends or a recognised After-care Agency. If the Principal of the Institution or Superintendent of Prison thinks it necessary, the released young offender may be sent to his home or after-care agency under the care of a Prison Guard or a Supervisor.

Aftercare and Rehabilitation

- 27.23 After-care facilities should be extended as per provisions of Chapter XX (After-care and Rehabilitation). Special attention should be given to all aspects of aftercare of young offenders.

Programme and Daily Routine

- 27.24 Programme and daily routine should consist of the following:-

(a) *Early morning*

Preparation for opening.
Unlocking according to conditions of visibility.
Counting and searching. Leaving the barrack or cell. Toilet.
Prayers and meditation in group.
P.T., drill, individual and group exercises, light Yogasanas, etc.
Morning light meal.
Educational classes.
Vocational training.
Bath.
Meal and rest.

(b) *Afternoon*

Work.
Toilet.

Outdoor games or gymnastics.

(c) *Evening*

Wash.

Evening meal.

Social education.

Newspapers, books, radio, T.V.

Group music, dramatics, educational films and other cultural activities according to weekly programme for each group.

Group prayers.

Preparation for lock-up.

Searching and counting.

Lock-up.

Note: Agricultural work should preferably be done in the morning. Inmates engaged in agricultural work should attend the educational and vocational training classes in the afternoon. Details of work and education schedules should be fixed by each institution in accordance with available facilities.

Programme on Sundays and prison holidays

(a) *Morning*

Toilet.

Prayers in group.

Morning light meal.

General cleaning of barracks, cells, open spaces etc. Cleaning of equipment.

Washing clothes.

Bath.

Inspection of equipment.

Meal and rest.

(b) *Afternoon*

Education films, Group Music, Folk dances, Dramatics. Newspapers, books, radio, games and TV.

Toilet.

(c) *Evening*

Wash.

Evening meal.

Preparation for lockup.

Searching and counting.

Lock-up.

Note: Subject to the approval of the Head of the Prisons Department the Principal/Superintendent is authorised to make necessary changes in the daily routine/programme to suit the needs of the institution.

27.25 Non-institutional approach should be the main thrust of the programmes for the treatment of young offenders so that they are saved from unhealthy experience of incarceration. Where incarceration is imperative, young offenders should be exposed for reasonable lengths of time to programmes of re-education, vocational training, social adjustment and positive discipline through a diversified system of Borstal.

Chapter XXVIII

INSPECTION OF PRISONS

- 28.01 Inspections play an important role in improving the working conditions of prison inmates and prison staff. Inspections are an important tool to ensure that the prison staff is operating strictly in accordance with applicable rules and regulations and that all records pertaining to matters related to prison inmates are maintained and updated as per the relevant rules. Inspections are of two types:-
- 28.02 **Informal Inspection:** Informal inspections are to be conducted by every officer of the Prisons Department of the rank of Sr. AIG Prisons and above, as and when they visit a prison while discharging their official duties. The visiting officer shall prepare an informal inspection report containing the following:-
- Security and lighting arrangements;
 - Mess and canteen facilities;
 - Vacancy position of staff;
 - Medical facilities;
 - Prisoners strength;
 - All Jail buildings;
 - Interview with prisoners;
 - Grievances of prison staff;
 - Pending references with the prison headquarters;
 - Female prisoners and infants;
 - Prisoner Management Software/ Video Conferencing facility;
 - Any other administrative issues.
- 28.03 **Formal Inspection:** Formal inspection shall be carried out in detail by an Inspecting Officer. The Inspecting Officer should spend minimum of two days at the prison, while carrying out the inspection. The Inspecting Officer should draw a detailed inspection report covering the following:-
- 28.03.1 Comments on the compliance of the observations made/ directions issued by the Director General of Prisons on the previous inspection note;
- 28.03.2 Authorized prison population and actual prison population;
- 28.03.3 Vacancy position of staff;
- 28.03.4 Security and lighting arrangements during day time and night/ Generator Sets;
- 28.03.5 Jail alarm system;
- 28.04 Mess and Canteen Facilities;

- 28.05 Interview facilities for prisoners;
- 28.06 Stores;
- 28.07 Jail record to be maintained for the prison inmates;
- 28.08 Record relating to parole, furlough, remission and pre-mature release etc.;
- 28.09 Women prisoners and infants;
- 28.10 Medical facilities;
- 28.11 Work opportunities in jail;
- 28.12 Remission system;
- 28.13 Wages to prisoners;
- 28.14 Library;
- 28.15 Hygienic condition in barrack including water and sewerage facilities;
- 28.16 Recreation facilities/ Sports/ Religious activities/ Spiritual activities;
- 28.17 Jail farms;
- 28.18 Jail Factory/ Workshop;
- 28.19 Prison panchyat;
- 28.20 High security ward;
- 28.21 High risk prisoners;
- 28.22 Computerization/ Video Conferencing facility/ CCTVs etc.;
- 28.23 Prison staff colony/ Wardens Hostel etc.;
- 28.24 Interviews with prison staff;
- 28.25 Other administrative matters related to prisons, prisoners and staff.
Action Taken Report (ATR) on
- 28.25.1 Grievances Redressal Meeting, if any;

28.25.2 Canteen Management.

28.26 Every central prison, district prison and sub-prison/ other prison (Women) shall be inspected by a Gazetted Officer twice in a calendar year. At least one such inspection shall be carried out by the officer of the rank of Jail Superintendent. The first inspection shall be carried out in the month of January/ February on the working of the prison for the period from 1st of July to 31st of December of the previous year. The inspection to be carried out in the month of July shall cover the working period from 1st January to 30th June of the same year. The report of the first inspection shall be submitted by 28th February and the report of the second inspection shall be submitted by the 31st of July every year, to the Director General/ Inspector General of Prisons for issuing appropriate directions. The Director General / Inspector General of Prisons shall appoint Inspecting Officers for different prisons, in advance, by 15th January every year.

28.27 The Director General/ Inspector General of Prisons shall issue directions to the Superintendent of the prison concerned for complying with the observations made by him on the inspection report. The compliance report on the directions issued on the inspection note shall be submitted by the Superintendent Jail concerned before the next inspection is due. The Inspecting Officer shall write a paragraph in his report about the compliance by/ response of the Jail Superintendent on the points raised/ observations made in the previous inspection report.

28.28 The Director General/ Inspector General of Prisons or any other officer of the rank of SP(Prisons)/Sr. AIG Prisons and above from the Prisons Headquarters shall inspect minimum of 25% of the prisons in the State every year. This allotment shall also be done by the Director General of Prisons in advance by 15th of January every year.

Chapter XXIX

BOARD OF VISITORS

29.01 The State Government shall, by notification, constitute a Board of Visitors comprising Official and Non-official members at District and Sub-divisional level.

29.02 The task of the Board of Visitors shall include:-

- (i) 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.
- (ii) Suggesting new avenues leading to improvement in correctional work.
- (iii) Going into individual or collective grievances of Prisoners and providing redressal in consultation with the Prison authorities.

29.03 The Board of Visitors shall comprise the following official members:

- (i) The District Judge at the District level, or the Sub-Divisional Judicial Magistrate exercising Jurisdiction, at Sub-Division level
- (ii) The District Magistrate, at the District level or Sub-Divisional officer at Sub-Divisional level
- (iii) District Superintendent of Police
- (iv) The Chief Medical Officer of the Health Department, at the District level or the Sub-Divisional Medical Officer at Sub-Division level
- (v) The Executive Engineer, PWD at the District level, or Assistant Engineer PWD at Sub-Divisional level
- (vi) The District Education Officer dealing with literacy programmes.
- (vii) District Social Welfare Officer
- (viii) District Agricultural Officer
- (ix) District Industrial Officer

The Board shall make at least one visit per quarter and for this purpose, presence of three members and the chairman shall constitute quorum.

29.04 The Board of Visitors shall also comprise the following Non-Official Members:-

- (i) A nominee of the State Human Rights Commission
 - (ii) Two social workers of the District/Sub-Division; one of them should preferably be a woman having an interest in the administration of prisons and welfare of prisoners.
- 29.05 The District Judge shall be the Chairman of the Board of visitors at District level and the Sub-Divisional Judicial Magistrate shall be the Chairman at Sub-Division level. The Non-official visitors after their appointment must be sensitized and trained about their duties, roles and responsibilities.
- 29.06 The Board of Visitors shall meet in the office of the Superintendent of prisons at least once in every quarter.
- 29.07 The minutes of every meeting of the Board of Visitors shall be recorded in the Visitors' Minute Book, and the same shall be forwarded to the Director General of Prisons with comments of the Superintendent. The Director General of Prisons shall place a copy of the minute of the last meeting/meetings of the Board of Visitor of all the prisons before the State Advisory Board.
- 29.08 When a non-official member of the Board of Visitors visits a prison he shall be accompanied by at least one more member (official or non-official). The Chairman of the Board of Visitors shall make a monthly roster of visits to be paid by the members of the Board to the Prison, in consultation with the Superintendent.
- 29.09 The roster shall be made in such a manner as will envisage at least one visit by a member in every month.
- 29.10 Every non-official visitor is expected to interest himself in the upkeep of prisoners and visit the prison of which he is a visitor, once a month, and oftener, if possible.
- 29.11 During visits, a Visitor (Member of the Board of Visitors) shall enjoy the right to converse secretly and separately with any prisoner who is willing to talk to the Visitor. However such separate interaction between a Visitor and a prisoner shall be held in a place within the prison well within sight of a prison officer. The Visitor, immediately after such conversation with a prisoner, shall inform the Chairman of the Board in writing about what transpired in the conversation with the prisoner. The Chairman, if he thinks it necessary, shall take up the matter with the Superintendent of Prison.
- 29.12 Any observations/comments made in the Visitors' Minute Book, by any member of the Board, shall be forthwith brought to the notice of the Director General/Inspector General of Prisons by the Superintendent, along with his own comments. The copy of the same shall also be sent to the Visitor concerned and the Chairman of the Board of Visitors.

- 29.13 The Members of the Board of Visitors shall specially attend to the quality and quantity of Prison diet, condition of the kitchen and hospital, availability of medicines, hospital management, medical treatment of the prisoners, sanitary arrangements, aspects of vocational trainings, literacy program, and library facility for the prisoners.
- 29.14 The Superintendent shall present before the visiting member/members of the Board of Visitors any paper /document pertaining to correctional work, recreation and trainings of prisoners, prison diets/ medicines, grievances of prisoners and follow redressal of such grievance, if it is sought by a visiting member of the Board.
- 29.15 The Superintendent shall not be bound to present any Register/Document/paper pertaining to financial accounts before a member of the Board of Visitors without written approval of the Director General/ Inspector General of Prisons.
- 29.16 The Superintendent shall ensure that the prisoners lodging complaints with the visiting member/members of the Board of visitor do not subsequently fall prey to vendetta of the accused or prison staff complained against.
- 29.17 Following any such visits by member/members of the Board of Visitors, the Superintendent shall inform the Director General of Prison regarding the details of the visit.
- 29.18 For the purpose of a meeting of the Board of Visitors One official Visitor and two non-official Visitors shall form a quorum.
- 29.19 A Non-official Member of the Board of Visitors shall hold office for a period of two years from the date his appointment to the Board, and may be considered for reappointment.
- 29.20 The appointing authority may cancel the appointment of any non-official visitor for reasons to be recorded in writing. Removal of non-official visitors must not be arbitrary and should be based on a sound reasoning. In particular, any removal must be made after following principles of natural justice.
- 29.21 A non-official member of the Board of Visitors shall receive allowances as may be sanctioned by the government from time to time, for attending meetings of the Board of Visitors.

Duties of Visitors

- 29.22 All Visitors, official and non-official, at every visit shall:
- (a) examine the cooked food;
 - (b) inspect the barracks, wards, work-sheds and other buildings of the prison generally;

- (c) ascertain whether considerations of health, cleanliness and security are attended to, whether proper management and discipline is maintained in every respect and whether any prisoner is illegally detained, or is detained for undue length of time while awaiting trial;
- (d) examine prison registers and records, except secret records and records pertaining to accounts;
- (e) hear and attend to all representation and petitions made by or on behalf of the prisoners;
- (f) direct, if deemed advisable, that any such representation or petition be forwarded to the Government;
- (g) suggest new avenues for improvement in correctional work.

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

Board of Visitors to Record Remarks

29.23 The Board of Visitors should record their remarks in the Visitors' Book after every visit. A copy of these remarks shall be forwarded to the Director General/Inspector General who should pass such orders as he think necessary. A copy of the Director General/ Inspector General's order should be sent to the visitor concerned.

Visitors to be facilitated

29.24 The Board of Visitors shall be afforded every facility for observing the state of the prison and the management thereof, and shall be allowed access, under proper regulations, to all parts of the prison and every prisoner confined therein. They shall ordinarily not visit high security areas unless the instructions in this behalf are given by Director General/ the Inspector General of Prisons.

29.25 The Board of Visitors should have the power to call for and inspect any book, or other record, in the prison unless the Superintendent, for reasons to be recorded in writing, declines on the grounds that its production is undesirable. Similarly every visitor should have the right to see any prisoner and to put any question to him out of hearing of any prison officer.

29.26 Non-official visitors shall not visit prisoners who are not allowed to be interviewed on medical grounds.

29.27 Visits shall not ordinarily be made after prisoners have been locked for the night and on prison holidays.

Visit to High Security Prison

District & Session Judge to Visit and Inspect Prisons

29.28 It shall be the duty of the District & Session Judge to visit and inspect high security and other prisons and to satisfy himself that all rules, regulations,

directions and orders made or issued to such prisons, are duly observed and enforced.

Record of Inspection

29.29 A record of the result of each visit and inspection made shall be made in a register to be maintained by the Superintendent for this purpose.

District & Sessions Judge to Communicate only with the Superintendent of Prisons

29.30 The District & Sessions Judge shall not ordinarily address any communication or order to any officer of any prison below the Superintendent. All orders issued by the District & Sessions Judge shall be in writing.

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

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

Date of Visit to be Recorded and Copy of Remarks to be sent to Certain Officers

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

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

Disposal of the Remarks Made by a Visitor

29.35 Any remarks made by a Visitor under the preceding section should be limited to a statement and fair criticism of actual facts, which may come to his knowledge, and to such suggestions, as he may desire the Superintendent or Director General/ Inspector General to consider. Criticism should be confined to such aspects of the ordinary administration and management of the prison which, in the opinion of the visitor, can be improved. On no account the visitor should directly or indirectly reflect, either favourably or

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

29.36 The Director General/Inspector General of Prisons may pass orders on any remarks made by a Visitor, and shall, if any issue of importance requires the orders of the Government, forward such record to the State Government.

29.37 A copy of any order passed by the Director General/ Inspector General, or by the State Government on any record made by a Visitor shall be communicated to the Visitor concerned through the Superintendent of Prison.

Chapter XXX

STAFF DEVELOPMENT

30.01 Correctional work being a specialized field, and a social service of great importance, all posts in the department of Prisons and Correctional Services, except where supporting staff is required, should be manned by persons belonging to the prison department and continuous efforts shall be made to develop their skills & attitude as per the requirement of the job.

Prison Cadre

30.02 The prison personnel should comprise of following staff cadres:

- (i) Executive.
- (ii) Custodial/Guarding.
- (iii) Technical: Technical Supervisors and Instructors borne on prison establishment.
- (iv) Ministerial: From Administrative Officer down to the Clerk.
- (v) Class IV Government Servant: As per the nomenclature in each State.

30.03 Cadre strength of various categories of personnel should be fixed in accordance with the needs of the department. While fixing the strength of each cadre, care should be taken to see that enough openings for promotions become available to the personnel. With this in view the following ratio for determining cadre strength of various posts should be laid down:

- (i) Warders and Head Warders shall be in the ratio of 4:1
- (ii) Assistant Superintendent and Deputy Superintendent shall be in the ratio of 3:1
- (iii) For Superintendent Grade II, Superintendent Grade I and Deputy Inspector General of Prisons the ratio should be 9:3:1

Recruitment and Selections

30.04 There should be an inbuilt mechanism in the prison department for continuous and systematic study of manpower needs, so that there should be a regular intake of new recruits in order to maintain a continuous flow of qualified and trained personnel in the department.

30.05 In order to maintain the necessary level of morale, discipline and efficiency of the prison staff, only those persons possessing requisite aptitude and attributes should be appointed on various posts in the prison department.

30.06 The recruitment of warders shall be done on the basis of prevailing Recruitment & Promotion Rules while recruitment of personnel of gazetted ranks, if any, will be through the State Public Service Commission.

30.07 The fundamental requirements for recruitment of the correctional personnel shall be as under:

- (a) Physical fitness.
- (b) Capacity for endurance and hard work.
- (c) Courage, leadership and trust-worthiness.
- (d) Balanced personality.

- (e) Capacity for man management.
- 30.08 The recommendations with regard to direct recruitment and promotion quota have been made to ensure that deserving persons, with requisite qualification training, experience, and professional competence, are available in the service at all levels.
- 30.09 Recruitment/Promotion to the post of Assistant Superintendent will be done on the basis of prevailing Recruitment & Promotion Rules:
- 30.10 Similarly the recruitment for the post of Superintendent of Prison will be made 100 % by promotion.
- 30.11 Promotions to the post of Additional Superintendent of Jail will be made on the basis of the following criteria:
- (a) 100% by promotion from among the Deputy Superintendents on the basis of seniority cum merit and on the basis of prevailing Recruitment & Promotion Rules.
- Educational qualifications for various categories of posts will be prescribed keeping in view job requirements for each post.
- 30.12 The Director General of Prisons & Correctional Services will prescribe syllabus for various basic & in service training which should be in line with the recommendations of BPR&D.
- 30.13 Basic initial training, in-service training and refresher courses, prescribed with a view to keep personnel in touch with contemporary development in the field of their work, shall be given due weightage. E-Prisons training shall also be provided to the staff from time to time.
- 30.14 The general policy as laid down by the State Government regarding the relaxation of the upper age limit in case of deserving departmental candidates should be followed.

Service Conditions

- 30.15 Personnel assume paramount importance in an effective system of correctional administration. The conditions of service in the prison department shall be such that they attract and retain the best suited persons.
- 30.16 Secondly, the effectiveness and utility of correctional institutions will largely depend upon the level of satisfaction that prevails in the service. A contented staff will be able to implement correctional policies in the proper spirit. Better service conditions will produce better personnel which, in turn, will develop better institutions.

Salary and allowances

- 30.17 Salaries and other employment benefits should not be arbitrarily fixed but should be related to the work to be performed in a modern correctional system, which is complex and arduous and is in the nature of an important social service.
- 30.18 The correctional staff should be paid salaries and allowances at par with those of equivalent ranks in the Police Department.

Uniform

Uniform should be prescribed for all custodial and executive staff. Badges of rank for all uniformed cadres in the prison service should be similar to that in the police service.

Probation period

Persons directly appointed to any post in the prison service shall be on probation for two years. Wherever necessary the Appointing Authority may extend the probation period.

30.19 On selection, each incumbent shall sign the oath of allegiance in the prescribed form.

30.20 Probation period will include the period of institutional and practical training and the period during which the probationer will be given an opportunity to display his capacity for wielding responsibility and exercise judgement.

NOTE: The question of extending the period of probation, or of confirming, reverting or discharging an incumbent, should be decided invariably before the expiry of the period of probation.

Appointment

30.21 On successful completion of training, and after the probationer has been tried and tested through a phased programme of assigning responsibilities, his initial appointment and posting orders should be issued.

30.22 As and when appointments are made on purely temporary basis, they should be made under specific orders.

Confirmation

30.23 There should be a system of departmental examinations for various categories staff categories for the purpose of confirmation. These examinations should be organized to suit each cadre. Each State should fix details of such examinations.

30.24 For being confirmed in service, the probationer should fulfill the following conditions:
(a) Passing various tests and examinations during the training period.
(b) Successful completion of the probationary period.
(c) Passing the departmental examinations.

Seniority

30.25 Seniority should be fixed on the basis of the date of appointment in the cadre, and date of promotion to a higher cadre in accordance with guidelines issued by the Government. Cadre-wise seniority and gradation lists of the prison personnel should be published annually.

Promotions

30.26 Special care should be taken in giving timely promotion to eligible personnel. Efficiency merit, integrity and trustworthiness of every incumbent should be

evaluated and reflected in his annual confidential report. The mechanism indicated under the caption 'Recruitment and Selections' in this chapter should be followed while giving promotions to the personnel in the respective cadre. Incumbents who qualify for higher jobs should be listed in accordance with merit in the eligibility lists for promotions. Promotions to higher cadres should be based on seniority-cum-merit.

Transfer

30.27 The minimum tenure of non-gazetted and gazetted staff, at one station, should be five years and three years, respectively and as per transfer policy and guidelines issued by the Govt. from time to time.

30.28 While deciding on transfers, factors like: (i) needs of the department and the institution, (ii) suitability of the incumbent to the post to which he is being transferred, and (iii) reasonable needs of the government servant such as availability of educational facilities for his children, domestic difficulties of a special nature, etc should be considered.

Hours of Work

30.29 There should be a well-planned and properly regulated timetable of work hours for every category of personnel. Normally no staff member, including guarding personnel, shall be required to work for more than eight hours a day. There should be a schedule of institutional duty, day duty, night duty, sectional duty, premises duty, off duty, etc. Responsibilities pertaining to premises duty, duty-on holidays, etc should be clearly defined. Every incumbent should get 24 hours off-duty once a week.

30.30 Guarding personnel should be allowed at least four night's rest each week. As far as possible, duty on consecutive nights should be avoided. Night patrol duty should not exceed two hours at one time. After every such duty, the guard should be given at least two hours of rest. In one night a guard should not be given more than three patrol duties

Note (i) The Superintendent of Prison is authorized to make all reasonable adjustments in hours of work.

Note (ii) In times of emergencies like escapes, riots, assaults, fire, etc., all personnel on the premises, whether off-duty or otherwise, will instantaneously report for duty.

Additional Staff during Emergencies

30.31 In the event of sudden influx of inmates or epidemics, additional staff, according to recruitment rules should be appointed on purely temporary basis.

Holidays

30.32 Holidays will be observed in accordance with the local custom in each State as specified by the State Government.

30.33 Those who work on holidays should be allowed additional off-days.

Housing

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

- 30.35 Housing for prison staff should be developed on modern lines with adequate community services and facilities.
- 30.36 Each institution should have provisions for lodging officials, guests, and other visitors, visiting the institutions.
- 30.37 Prison personnel who are entitled to rent free accommodation, but are not provided with such accommodation, should be paid house-rent allowance at par with government employees in other departments.
- 30.38 The following facilities should also be extended to staff quarters and premises:
- (a) Periodical disinfection.
 - (b) Conservancy and sanitation services in staff quarters.
 - (c) Maintenance of parks and other utilities on the premises.

Educational Facilities

- 30.39 The following educational facilities for the benefit of children of prison personnel should be extended:
- (a) Schools near the institutional premises.
 - (b) A school bus for children of the staff in institutions situated at a distance from the city.
 - (c) Transport at government cost for educational needs of children of the staff or an alternative suitable Transport Allowance for school/college-going children of the staff.
 - (d) Hostel accommodation for children of transferred and other staff members, in institutional premises.

Rewards

- 30.40 Rewards are the effective mechanism to recognize praiseworthy performance and to enhance employee motivation and performance. Meritorious performance of the employees in the Department of Prisons & Correctional Services should not go unrewarded and unrecognized.
- 30.41 Rewards shall be given to the members of the Department of Prisons & Correctional Services, Himachal Pradesh to encourage them to perform the duties required of them by law. Rewards should not be given for proper performance of ordinary and routine duties but for special merit & exemplary performance in any field of jail administration and superintendence.
- 30.42 The rewards shall be categorized in following categories:-
1. Director General Disk – Commendation Roll.
 2. Commendation Certificate.
 3. Cash Reward.
 4. Commendation Certificate for Public.

Note:- The Standing Orders to give away these Rewards shall be subject to the approval of the Government.

Financial Assistance and Compensation

30.43 In the event of prison personnel suffering serious injury and accident in the discharge of their duties, the Director General/Inspector General of Prisons should have powers to sanction immediate financial assistance up to Rs. 10,000/-. In deserving cases, where assistance beyond this limit is necessary, the Director General/ Inspector General of Prisons should refer the matter to the State Government/Union Territory Administration.

30.44 In case of death of prison personnel in lawful discharge of his duties, a sum of Rs. Two lakh should be paid to survivors in his family.

Protection from Damages

30.45 Necessary facilities at government cost should be extended to staff members to defend themselves in the event of criminal prosecution/civil proceedings arising out of bona-fide discharge of official duties. Legitimate protection should be extended to personnel in matters related with recovery of damages for bona fide delays, errors of judgement and false allegations.

Pension

30.46 All pension formalities should be completed fairly in advance of the date superannuation of a prison officer. Delays in completion of pension papers should be avoided in all cases.

Staff Training

30.47 Correctional Administration shall constantly seek to awaken and maintain in the minds of the personnel the conviction that correctional work is a social service of great importance, and to this end all appropriate means should be used.

30.48 Correctional work is a specialised field. The principle job of the correctional personnel is social re-education of offenders. The effectiveness of correctional administration, institutional discipline and the impact of treatment mainly depend on the quality of the correctional staff. Untrained and uninstructed personnel are not only ineffective, but quite often become detrimental to the proper implementation of correctional policies. The training of correctional personnel is, therefore, of paramount importance in any system of Correctional Administration. Training programmes will aim at:

- (i) Acquainting correctional personnel with scientific and progressive methods of Correctional Administration.
- (ii) Making them conscious of their responsibilities, and the role they have to play in a Welfare State.
- (iii) Broadening their cultural and professional interests, expanding their
- (iv) experience, refining their abilities and skills, improving their performance of administrative duties and providing them with experience to meet future needs of the department in positions of higher responsibility.
- (v) Inculcating an esprit-de-corps amongst the correctional personnel.

- 30.49 Correctional personnel should be properly trained in the theory and practice of correctional work. After entering the service and during their career, the personnel shall maintain and improve their knowledge and professional capacity by attending various training programmes, and through their own individual efforts.
- 30.50 Correctional personnel shall be given special training (in P.T., drill, unarmed combat, cane drill and mob-dispersal drill) to enable them to restrain aggressive prisoners by the means prescribed by the authorities in accordance with the relevant rules and regulations. Personnel who are provided with arms shall be trained in their use and instructed in the regulations governing their use.
- 30.51 Training is a continuous process. The initial basic training imparted at the training school shall be continued at the correctional institutions. Suitable training programmes should be organized so that the institutional personnel are in constant touch with current development in the field of corrections.
- 30.52 The training process will reveal individual capabilities. Through such knowledge, the right person can be given the right job. This will ultimately lead to proper utilisation of human resources.
- 30.53 Training of correctional personnel will not only be helpful in creating a proper cultural atmosphere in the department but will go a long way in establishing good traditions and practices of institutional management and correctional processes. A properly trained staff will be an asset for the proper implementation of prison reforms. With the impact of training, the attitudes and abilities of the personnel will improve. The expenditure incurred for staff training will ultimately result not only in departmental gains but also in social gains in terms of better institutional impact and ultimate rehabilitation of offenders.
- 30.54 All new recruits to the prison department, whether inducted as security, custodial, executive, treatment or supervisory staff should be imparted basic training of sufficient duration appropriate to their job requirements. All officers and staff taken on deputation from other departments should be given a short orientation course for one week with regard to the functioning of the prison department.
- 30.55 No Prison personnel shall discharge any official duty without completion of basic training. Adequate training reserve should be provided in each cadre of the Prison and Correctional Service so that in-service training can be organized for them. The number of such staff can be assessed in each State as per local requirement.

Training Institutes

- 30.56 For training of security and ministerial staff, a training school should be set up in each State by the State Government. Adequate staff should be sanctioned by the State Govt. in consultation with the D.G. Prisons & Chief Secretary.

Functions

- 30.57 The functions of a Training School/Regional Institute of Correctional Services will be:
a) Training,
b) Research,
c) Studies on Organization and methods,and
d) Publication of pamphlets, papers, hand books, Correctional Service Journal.
- 30.58 Only qualified persons with an aptitude for training and teaching should be posted at these institutions.
- 30.59 Experts invited to deliver lectures at the training institutes should be provided with a set of guidelines about the content of training. Permanent academic staff of the training institutes should also be oriented to the training requirements of various aspects of correctional work. Teaching facilities and faculty at the training schools of other States, Universities and Schools of Social Sciences should be utilized for training purposes. The visiting lecturers should be paid suitable honorarium and travelling allowances.
- 30.60 Details of syllabi, course content, methods of examination, and the mode of awarding certificates/diplomas on successful completion of training, should be evolved by the D.G. Prisons in consultation with the Bureau of Police Research and Development. These matters should be reviewed once every three years.
- 30.61 Proper literature should be prepared for meeting the training needs of various categories of personnel of the Department of Prisons and Correctional Services.

Training courses

- 30.62 Training courses for Correctional Services should be organized on the basis of Training Needs Analysis to be conducted by the experts in this field. The following training courses should be organized at the training institutes:
- (i) On recruitment all correctional officers i.e. Assistant Superintendent and warder shall undergo an initial basic training course which will be phased as shown below:
 - a. Initial basic training at the Training School/ Institute for six months.
 - b. After the successful completion of basic training the trainee officers should be posted for duration of six months for practical training in various branches of institutional management at a Central Prison in their respective States/Union Territories.
 - c. On completion of practical training, the trainee officers should be given independent charge of the post for which they have been recruited, for a period of six months.

- (ii) Serving Superintendents, Deputy Superintendent, Assistant Superintendent, and other correctional officers of all grades will undergo refresher courses of 2 to 4 weeks duration once in every five years.
- (iii) Vertical Interaction Courses (thematic) for prison officers
- (iv) Short-term courses on various aspects of Correctional Administration and Treatment of Offenders.
- (v) All newly recruited and untrained serving warders shall undergo an initial basic training course for six months. During this period they will be given practical training in every aspect of institutional management.
- (vi) Refresher courses of two weeks duration for custodial/ security personnel. It should be obligatory for them to undergo such training once in every five years.
- (vii) The Deputy Inspector General of Prisons/Senior AIG Prisons should prepare a panel of officers having special merit and capabilities for attending conferences and special training courses, within the country and abroad.
- (viii) Study teams of senior officers should be deputed to visit other States in the country. Such teams may also visit countries where innovative correctional programmes and practices have been successfully introduced. Officers with outstanding performance in the department should be given preference for such visits.

Facilities during training

30.63 The following facilities should be extended to personnel undergoing training:

- (a) Full pay for newly recruited personnel.
- (b) Usual emoluments for in-service personnel.
- (c) Training allowance for in-service personnel.
- (d) Rent-free quarters.
- (e) Mess arrangements.
- (f) Free medical aid.
- (g) T.A. and D.A. facilities for travel incidental to training.
- (h) Grant for purchase of books.
- (i) Study leave for going abroad, or to another State, for training.
- (j) Periods of training should be counted as on duty for all purposes

Discipline

30.64 The Director/Principal of the Training Institution will frame necessary rules regarding discipline and will be authorised to take disciplinary action in the event of breach of discipline.

30.65 The trainees will wear the prescribed uniform during the training period.

Tests and Examinations

30.66 The Director/Principal will fix details about examinations and tests. Trainees of all cadres shall be required to pass the prescribed examinations and tests. In case a trainee fails to reach the required standards during a training course, the Principal will forward a report to the Director General for suitable action. Failure to pass the examination and to complete the training courses satisfactorily will make the trainee liable for such disciplinary action as the Director General may think fit. In

case of newly recruited personnel, such failure may result in discharge from service.

30.67 The evaluation of a trainee should be made on the basis of his total performance in all the tests and examinations. The trainees will be evaluated in respect of the following, amongst other points:

- (a) Turn-out and discipline.
- (b) Capacity for hard work and physical endurance.
- (c) Performance in each test and examination.
- (d) Special capacities shown during the training course.
- (e) Leadership.
- (f) Conduct, integrity and trustworthiness.

Library-journal-recreational facilities

30.68 Training schools should have a good library and reading room facilities. Provision for purchase of books and periodicals, should be made in the annual budget of the institution.

30.69 A Correctional Services Journal should be published by the training schools.

30.70 Recreational facilities should be organized.

30.71 A museum showing the historical development of Prison Administration and other aspects of institutional management should be set up at the training schools.

Continuation of training at the place of work

30.72 The following training facilities should be organised at the institutions:

- a. Interpretation of policy by senior officers from the Headquarters during visits.
- b. Library and reading room facilities for staff members.
- c. Lectures by professors from the Universities and Schools of social work on subjects related to correctional work.
- d. Fortnightly talk on correctional methods by the Superintendent or any other officer.
- e. Reading of papers, case histories, etc., by institutional staff members.
- f. Monthly discussions on improvement in administrative procedures, methods and organisation, etc.

30.73 In order to keep the officers and men in good shape, the training given at the training school in drill, parades, musketry, unarmed combat, cane-drill and mob-dispersal drill should be continued at the institution also. Particular attention should be paid to games. Efforts should be made to instill interest and enthusiasm in the personnel by the introduction of new items and methods of training. Opportunities should be provided to stimulate initiative, intelligence, independent judgement and resourcefulness among the personnel.

30.74 Subject to general or specific orders, which may be issued in this behalf by the Director General/Inspector General of Prisons, the training programme will consist of physical exercises, squad drill, weapon training, bayonet fighting, ceremonial parade, unarmed combat, baton and cane drill, mob-dispersal, obstacle course, inspection of guard and sentry duties, saluting, kit inspection and emergency drill.

- 30.75 Musketry practice for officers and guarding personnel shall be held once every six months. All security measures shall be adopted on such occasions. An officer well-versed in all these matters shall be made in charge of such training. Wherever required, necessary assistance may be obtained from the local police authorities.
- 30.76 Assistant Superintendents will do physical training and drill at least twice a week. They shall participate in the weekly parades.
- 30.77 The following training programmes will be conducted for the guarding personnel:
- (a) Physical training and drill for 45 minutes a day, four days a week.
 - (b) Instruction in rules, procedures, etc., once a week to be given by an Assistant Superintendent or a senior member of the guarding personnel.
 - (c) Practice in preventing and controlling emergency situations once a month.
 - (d) Games like cricket, hockey, volleyball, basketball, may be organized in accordance with available facilities at each institution.
- 30.78 The Superintendent will send the following reports to the Director General of Prisons:
- a. Monthly report about training in P.T. drill, lectures, discussions, emergency practice, etc.
 - b. Six monthly report on musketry practice.

Staff Welfare Committee

- 30.79 There will be a Welfare Committee at each Institution consisting representatives of executive, technical, ministerial and guarding/custodial personnel. The Superintendent will be the ex-officio Chairman of the committee. The Welfare Committee will meet at least once a month. Minutes of its meetings will be recorded.
- 30.80 There will also be a Central Welfare Committee in the Director General's office with the Director General/ Inspector General of Prisons as its President and the following as its members:
- (i) Deputy Inspector General (Headquarters) - Vice President
 - (ii) Principal, Prison Training School.
 - (iii) Superintendent of the Prison located at the Department's Headquarters.

Functions

- 30.81 The functions of the Welfare Committee shall be:
- a. To chalk out a programme for staff welfare.
 - b. To build a welfare fund.
 - c. To prepare an annual budget for the utilization of the welfare fund.
 - d. To run fair price shops
 - e. To run a staff canteen
 - f. To organize a Cooperative Credit Society and a multipurpose cooperative shop for the institutional staff.

- g. To impress upon the staff members the necessity of programmes of postal savings, small saving schemes, postal insurance, Janata Insurance policy, etc.
- h. To supervise the maintenance of the welfare fund, its accounts, and to get them audited annually.
- i. To prepare an annual report about welfare work.
- j. To advice the Central Committee regarding the utilization of the fund.

Welfare Fund

- 30.82 A welfare fund will be created at each institution for providing amenities to staff members and their families. The fund will be developed from the following sources:
- (a) Monthly subscriptions from staff members.
 - (b) Voluntary donations subject to rules framed by the government.
 - (c) Interest accruing from investments.
 - (d) Benefit performances by artists, theatrical parties, cinema, etc.
 - (e) Donations from a Co-operative Credit Society.
 - (f) Profits from of the co-operative shop.
 - (g) Subsidies from the Government.

Welfare Unit

- 30.83 In large institutions there will be a separate staff unit which will attend to all aspects of welfare work such as staff canteen, cooperative society, etc.

Welfare benefits

- 30.84 The following benefits will be provided to the personnel out of the welfare fund:
- (a) Relief in the case of sudden illness.
 - (b) Medical aid where more than ordinary medical help is required and which is beyond the economic capacity of the staff member.
 - (c) Aid for the education of children of the staff.
 - (d) Facilities to family members of the staff for running cottage industries and handicrafts like sewing, spinning, manufacture of matches, etc.
 - (e) Reservation of seats in hostels and educational institutions for children of staff members.
 - (f) Staff canteen.
 - (g) Recreational and cultural activities.
 - (h) Staff club.
 - (i) Staff libraries.
 - (j) Staff sports, institutional and inter-institutional fixtures, etc.
- 30.85 A proper forum should be provided at the institutional and the State level for prison personnel to ventilate their grievances common to the entire service/cadre and to hold meaningful discussions for their redressal.
Note: Detailed rules for the collection and operation of this fund should be embodied separately by framing the H.P. Prisons Welfare Fund Rules.

Chapter XXXI

PRISON COMPUTERISATION

- 31.01 The entire prison administration needs to be computerized so that databases can be accessed easily and managed more efficiently. This is also part of the mandate of the Integrated Criminal Justice System (ICJS) which seeks to interlink prisons, courts and the police stations as a triad. This would enable integrated data sharing with the police and the courts enabling efficient and comprehensive tracking of criminals and faster law enforcement responses. There are several stakeholders involved in processes of prisons, including the police, courts and external agencies like hospitals, medical authorities etc. and it is extremely important to develop suitable interfaces that can help in seamless sharing of information amongst different agencies.
- 31.02 The major challenges faced by prisons' administration presently in performing their mandated activities effectively and efficiently are:
- Unavailability of real time information at central level;
 - Non-centralized information repository of prisoners;
 - Improper tracking of prisoner activities;
 - Inadequate interaction with various stakeholder agencies;
 - Improper data analysis;
 - Multiple standalone IT systems available at majority of prisons;
 - Inadequate tracking of prisoner out on parole/ furlough;
 - Lack of efficient alarm system in case of under-trials detention under 436/ 436A;
 - Inadequate information pertaining to release of prisoner once completion of sentence.
- 31.03 Computerisation seeks to enable prisons to have the following core facilities and have a unified data sharing platform:
- A comprehensive web based prison software with interlinkages with courts and police stations;
 - Integrated data sharing with courts and police as per a tentative matrix given in Appendix - 12;

- Comprehensive video conference facilities;
- Biometric access for in and out movement of inmates;
- State level training labs for induction and refresher training courses;
- Touch screen kiosks at the prisons for inmates to access their case details.

31.04 The following outcomes are expected after successful implementation of prison computerization:

- **Seamless and integrated flow of information** across all the prisons and police department, Ministry of Home Affairs (MHA) thereby enabling real time availability of information that is easy to search and quick retrieval of prisoner information from a centralized database of prisoners
- **Availability of Dashboards/Statistical reports/ MIS reports** for senior level officers with information such as Probable Date of Release (PDR), Prison occupancy, Prisoner availing Parole/Furlough etc.
- **Complete record of prisoners' activities** such as bail, escape, fine payment, incident punishment, prisoner income, court appeals, court production, remission, remand, wages, work allocation, release and transfer etc.
- **Workflow based solution for approval processes** like Parole/Furlough and real time reflection of the same in the system
- **Automatic PDR (Probable Date of Release) calculation** thus ensuring no delays in release of prisoners without the need for manual validation.
- **Better visitor management procedure** thus helps officials in managing visitors, keeping a track of the number of visitors for a particular prisoner, frequency of visit etc.
- Creation of a **Centralized Prisoner Registry** that can be accessed by Police Departments and other key Law Enforcement Agencies for verification and validation purposes of individuals through Data Digitization of records.

31.05 Implementation of ICJS is a key component that has to be achieved in the revamped Crime and Criminal Tracking Network System (CCTNS) project. It comprises the following components.-

- (a) Roll out of prisons software in all the States/UTs;
- (b) Assessment based provisioning hardware and network for prisons;
- (c) Provisioning of hardware for prosecution offices and forensic labs;
- (d) Development of Modules for Forensic laboratories & Prosecution offices;
- (e) Integration of CCTNS with all these applications.

31.06 For successful implementation of centralized prisons management system, provisioning of office hardware and adequate network connectivity at each

prison is required. The roll out of software application and its sustainability is dependent on the availability of requisite office hardware and network connectivity at each state prison. All the States/UTs are being engaged by the Government of India for assistance in these matters in a time bound manner to complete the process in a year.

31.07

As part of the ICJS implementation all components of ICJS i.e. Prisons, Courts, Police Stations, prosecution offices and forensic laboratories need to share data as per the data sharing matrix given in the Annexure. This data sharing matrix has been approved by Committee headed by Justice Mr Madan B. Lokur of the Supreme Court of India.

Chapter XXXII

REGULATION, CONTROL AND DISCIPLINE

- 32.01 All provisions of Central Civil Services (Conduct) Rules,1964 and Central Civil Services (Classification, Control and Appeal)Rules,1965 shall be applicable to all the Officers and Officials of the Prison Department as are applicable to other Officers and Officials of H.P. State Government employees.
- 32.02 In additions to above, if any Officers/Officials of Prison department commit any misconduct which are not covered in the CCS (Conduct) Rules,1964 and are numerated at para 32.06 to 32.08, shall be liable for punishment under para 32.09 of this manual.
- 32.03 Indian Police Service and Gazatted State Police Service officers shall be governed by their respective rules on matters relating to conditions of their service.
- 32.04 No Gazetted Prison Officer or Non-Gazetted Prison Officer/Official (Executive Cadre) including Warders and Head Warders shall be posted in his/her Home district, as recorded in his/her Service Book nor to a jail in a District in which he has been long resident.
- 32.05 No Warder shall ordinarily be allowed to remain at a Central Jail for more than five years, nor at a District Jail for more than three years, nor at a subsidiary jail for more than three years.

Condition as to the jail to which posted:-

- 32.06 No Prison Officer shall join or be a member of any Association or participate in the activities of such Association which has an objective, or which aims at, collective negotiation on matters relating to the Prison service.
- 32.07 No Prison Officer shall engage in any employment or office whatsoever other than his duties under this Act, unless expressly permitted to do so in writing by the competent authority.
- 32.08 Who so ever, being a Prison Officer-
- (i) knowingly contravenes or fails to follow the provisions of any law or any rule or instruction made thereunder, in the discharge of his official duties, with the intention of giving undue benefit or causing harm to any person; or

- (ii) knowingly disobeys a lawful direction of his official superior or of a public servant empowered to issue directions, with the intention of giving undue benefit or causing harm to any person; or
- (iii) exhibits cowardice in the line of duty; or
- (iv) Abdicates duties or withdraws from duty in contravention of the provisions of this Act; or
- (v) is grossly insubordinate to a superior Prison Officer ; or
- (i) engages himself or participates in any demonstration, procession or strike, or resorts to, or in any way abets, any form of strike or coercion to compel any authority to concede anything;
- (ii) commits any other service misconduct;
- (iii) be in a state of intoxication;
- (iv) sleep while on duty;
- (v) enter or permit any person to enter, any enclosure, yard, ward, cell, compartment or other part of a jail reserved for or allotted to the use of or for occupation by any female, otherwise than that at the times and in the manner prescribed in that behalf by proper authority.
- (vi) Commit, or permit or abet the commission of, any irregularity in the supply or distribution of food, clothes or articles to, or amongst, any prisoners;
- (vii) display cowardice while in the discharge of any duty of his office;
- (viii) be guilty of any act of in-subordination, disobedience or breach of duty, or
- (ix) malingering or render himself unable or unfit to discharge his duties or any of them.

32.09 The State Government, having regard to the nature of misconduct contained in this manual, other than those contained in CCS(CCA) Rules,1965, may impose the “major” and “minor” penalties, after following the due process under CCS(CCA) Rules,1965.

32.10 Any Gazetted Prison Officer or any officer-in-charge of a Jail, as the case may be, may suspend, pending inquiry or investigation, any Non-Gazetted Officer under his control who is guilty or reasonably suspected guilty of gravest misconduct and whose immediate suspension is necessary in the public interest or to maintain discipline among the Prison personnel:

- (i) Provided that where any Prison Officer below the disciplinary authority orders the suspension of a Prison Officer under his control,

he shall immediately inform the disciplinary authority, who may confirm or rescind the order.

- (ii) Suspension of Gazetted Prison Officers shall be made by the authority competent to order suspension under the relevant service rules.
- (iii) Every order of suspension passed under this section shall be in writing giving briefly the reasons thereof.

- 32.11 Where a Prison Officer is suspended (whether in connection with any disciplinary proceeding or otherwise) and any other disciplinary proceeding is commenced against him during the continuance of his suspension, the authority competent to place him under suspension may, for reasons to be recorded in writing, direct that the Prison Officer shall continue to be under suspension until the termination of all or any such proceedings.
- 32.12 An order of suspension may at any time, be revoked, modified or reviewed suo moto, or on the representation of the suspended officer by the authority which made the order.
- 32.13 All cases of suspension shall be reviewed as per the provisions contained in CCS(CCA) Rules,1965, by the Competent Authority.
- 32.14 An appeal against any order of punishment passed against a Prison Officer under this Manual/CCS (CCA)Rules,1965, shall lie with the authority next to the disciplinary/appointing authority.
- 32.15 Indian Police Service and Gazetted State Police Service and Gazetted Officers of the Prison Department shall be governed by their respective rules on matters relating to conditions of their service.
- 32.16 Every Prison Officer not on leave or under suspension shall, for all purposes of this Manual, be considered to be always on duty and may at any time be deployed as a Prison Officer in any prison of the State, or in any other State in accordance with the law.
- 32.17 Any Prison Officer shall not abdicate his duties or withdraw himself from the duties thereof, unless expressly allowed to do so in writing by the Head of the Department or any such officer as may be authorized by him to grant such permission or by the competent officer in case of Indian Police Service Officers and Gazetted State Police and Prison Officers. Any Prison Officer who, being on leave, fails without reasonable cause to report himself for duty on the expiration of such leave, shall render himself liable for disciplinary action under relevant service rules.

Chapter XXXIII

REGISTERS, RETURNS ACCOUNTS AND OFFICE

PROCEDURE.

SECTION 1 – REGISTERS

Record to be kept by Superintendent.	<p>33.01. The superintendent shall keep, or cause to be kept, the following records:-</p> <ul style="list-style-type: none">(1) a register of prisoners admitted;(2) a book showing when each prisoner is to be released;(3) a punishment book for the entry of the punishment inflicted on prisoners for prison-offences;(4) a visitor's book for the entry of any observations made by the visitors touching any matters connected with the administration of the prison;(5) a record of the money and other articles taken from prisoners; <p>and all such other records as may be prescribed by rules under section 59.</p>	Section 12 Act IX of 1894.
Register of prisoners admitted and record of property.	<p>33.02. (1) The register of prisoners admitted prescribed in section 12 of the Prisons Act, 1894, shall be maintained in three parts namely:-</p> <ul style="list-style-type: none">(a) register of unconvicted criminal prisoners,(b) register of convicted prisoners,(c) register of civil prisoners. <p>(2) The record of money and other property taken from prisoners, prescribed by section 12 of the same Act shall be kept in appropriate columns of the registers referred to in clause (1).</p>	
List of registers prescribed by the prisoners Act and rules there	<p>33.03. In addition to any registers which the Inspector-General may, at any time by executive order, require to be maintained in any jail or class following registers shall be maintained in the jails, specified in each case namely:-</p>	

under.

No. of register.	Description of register.	Jails in which to be maintained.	Prescribed remarks.
1.	Register of unconvinced prisoners admitted.	All jails.	Prescribed by section 12, Prisons Act, 1894 .
2.	Register of convicted prisoners.	Ditto	Ditto.
3.	Register of civil prisoner admitted.	All civil Jails and jail in which any civil prisoners may be confined.	Ditto.
4.	Register of release of convicted criminal and civil prisoners (Release Diary)	All Jails	Ditto.
5.	Register of punishment inflicted on prisoners for prison offences.	Ditto.	Ditto.
6.	Register remarks of visitors.	Ditto.	Ditto.
7.	Register for the entry of the names of all visitors.	Ditto.	Prescribed under section

60 (r),
Prisons Act,
1894.

8.	Medical officer's journal.	Ditto.	Ditto.
9.	Superintendent's journal.	Ditto.	Ditto.
10.	Factor Manager's report book.	In jails having a Deputy Superintendent.	Ditto.
11.	Factor Manager's report book.	All jails.	Ditto.
12.	Sub-Assistant Surgeon's report book.	Ditto.	Ditto.
13.	Hospital registers.	All jails.	Ditto.
14.	Lock-up register of all classes of prisoners in jail.	Ditto.	Ditto.
16.	Register of persons passed in or out of jail.	Ditto.	Ditto.
16-A.	Register of prisoners passed in or out of the jail.	Ditto.	Ditto.

17.	Register of articles passed in or out of the gate.	Ditto.	Ditto.
18.	General cash – book.	Ditto.	Ditto.
19.	Cash ledger.	Ditto.	Ditto.
21.	Diary of termination of jail punishments.	Ditto.	Ditto.

List of registers prescribed by the Inspector-General.

33.04. The following registers prescribed by the Inspector-General shall be maintained in all jails i.e. so far as they may be applicable namely:-

No. of Description register.

Register.

- 22. Alphabetical register of convicted prisoners.
- 25. General abstract of prisoners in the jail.
- 26. Labour Distribution register.
- 27. Register of letters received.
- 28. Register of letters dispatched.
- 29. Warders' service register.
- 29-(a). Warders' clothing register.
- 30. Watchman's control register.
- 31. Register of target practice.
- 33. Daily register of patients dieted in hospital.
- 34. Daily register of patients convalescent dieted.
- 35. Register of charges for services and supplies.
- 35-A. Register of contingent charges.
- 36. Daily register of purchases of grains, fuel, etc.

37. Daily godown and mill account register.
38. Daily register of prisoners dieted.
39. Clothing godown stock-book.
40. Diary and cattle registers, A, B, C and D.
42. Inventory of miscellaneous property
movable / immovable.
43. Ammunition register.
44. Manufactory cash-book.
45. Register of manufactory contingencies.
46. Register of receipt and issue of raw materials.
47. Stock register of raw materials.
- 47(a). Register showing raw materials in process of
manufacture.
48. Stock register of manufactured articles.
- 48(a). Stores and sale book manufactured articles.
49. Manufactory order-book.
50. Indexed bill-book.
51. Register showing outstanding balances.
52. Stock register of materials for maintained.
53. Cash book (Manufactory).
54. Ledger (Manufactory).
55. Sales Day Book.
56. Purchase Day Book.
57. Journal (Manufactory).
58. Block register.
59. Purchase order book.

- 60. Register of daily receipts.
- 60.(a). Register of daily issues.
- 61. Stores Ledger.
- 62. Register showing names of prisoners working in and out of jail.
- 63. Garden register.
- 64. Warder's day duty .
- 65. Warder's night day duty register.
- 67. Night report book.
- 68. Register of convalescent prisoners.
- 70. Register of out-patients.
- U.F.93: Register of office furniture.
- U.F.96.: Stock register of forms, etc.
- U.F.94-A. Traveling allowance check register.
- C.H.13-L Register showing expenditure of Bazaar Medicines.

Form of Register. 33.05. The forms of, and the particulars to be recorded in, the several registers specified in the preceding rule, shall, from time to time, be prescribed by the Inspector-General.

Provided that every register now prescribed and in use shall continue to be maintained in its present form until the Inspector-General shall supersede the same by a direction given under this rule.

Inspection of keeping registers. 33.06. The following instructions for keeping the registers should be carefully attended to:-

No. 1 Register of unconvicted prisoners-

Column 5:- If Christian, the denomination, if Mohammedan, the sect; and if Hindu, the caste, should be entered.

- Column 7:-** A full description of the prisoner such as may be useful for his identification, and his left thumb impression, should be given in this column.
- Column 9 :-** The cause of detention in jail should be shown.
- Column 12:-** Should be filled in by the Medical Officer or under his orders by the Medical Subordinate also see paragraph 715, Jail Manual, regarding weight on release.
- Column 17:-** All property brought with the prisoner, or received for him afterwards, should be here entered and a note made against each article he is allowed to take inside the jail for his personal use.

No. 2.- Register of convicts admitted-

- (1) Age, labour, Health, weight and protection are to be filled in by or under the direction of the Medical Officer. The entries in this register shall be made as soon as possible after the admission of the Prisoner or as soon as the necessary information is available.
- (2) Religion– If a Christian, the denomination; a Mohammedan ‘the sect’; or a Hindu, ‘the caste’, should be given.
- (3) Personal description– A full description of the prisoner, such as may be useful for his identification, and his left thumb impression, should be given in this column.
- (4) Previous conviction – All previous convictions, if established, should be entered in this column with the date, crime and sentence in cash case.

- (5) Sentence – In cases in which a convict is sentenced to two or more sentences under different warrants, the aggregate of the sentences should be shown in the heading of the register, but in column 14 and 15 each sentence should be entered separately and in detail.
- (6) Date of release – If a convict is sentenced to imprisonment in default of payment of fine, the dates expiry of both the substantive sentence and the sentence in lieu of fine should be shown. On payment of fine or receipt of notice of payment thereof, the latter date should be scored out and initialed by the register keeper. If the fine is paid in part, an entry should be made to show the amount paid and the consequent date of release.
- (7) Weight.- Weights should be recorded in kgs, fractions of a kg being omitted.
- (8) A receipt stamp should be affixed to the receipt obtained from a prisoner on his release for his cash property if the payment exceeds Rs. 600/-.
- (9)(a) Property.- Details of all property of a convicted prisoner taken from him or delivered with him on admission into jail, or afterwards received on his account, should be entered in this register in the columns provided for this purpose.
 - (b) When property of a prisoner is received by an official and made over to another for custody, the latter should initial the entries in this register in token of its receipt.

No. 3. Register of Civil Prisoners-

- (1) Distinguishing marks.- The prisoner's thumb impression and other marks useful for his identification should be entered here.
- (2) The particulars regarding the amount of subsistence allowance received and disbursed should also be entered in the columns provided in this register.
- (3) Instructions in clauses (1), (2), (4) and (8) under Register No. 2 above also apply to this register.
- (4) Articles of clothing, etc., supplied to the prisoner at the cost of the decree-holder, shall be removed from the prisoner and made over to the decree-holder.

- (5) Articles supplied to the prisoner from the stock of the jail shall be paid for the market rates.
- (6) Proper receipts for the money and property returned to the decree-holder should be obtained.
- (7) Full account of the diet money received and expended should be kept in this register and dates of receipt and expenditure should correspond with those in the General Cash Book and Register No. 35.

No. 4.-Release Diary.

- (a) A page or more, if necessary, should be set apart for every day, and as many volumes as are required kept up. The names of prisoners to be released after ten years should be entered on the last page of the last volume in use, and when new volumes are opened, these names should be transferred to their proper dates in them.
- (b) On the conviction of a prisoner, his name shall be entered on the page allotted to the day on which he is to be release, on the supposition that he will have to spend the whole term of imprisonment in jail without remission of any kind.
- (c) If a prisoner be entitled to be released, before the expiration of his sentence on account of the remission earned or reduction of sentence, a line shall be drawn through his name where it is entered on the date of the expiration of his sentence and a reference made in the column of remarks to the new date on which he is to be released; on the latter date a fresh entry shall be made. The same method shall be adopted when a prisoner receives a further sentence.
- (d) If a prisoner be sentenced to imprisonment of which the whole or any portion is in default of payment of fine, and if the fine or a portion of it be not immediately paid, the date of release shall be fixed and entered in the release diaries on the dates which correspond to payment as well as to non-payment of the fine. When any portion of the fine is subsequently paid, the date if release shall be altered accordingly.
- (e) The names of civil prisoners shall be entered on the date on which they are to be released at the bottom of the page.
- (f) The names of convicts should not be transferred to a new date till remission has been sanctioned by the superintendent or other sanctioning authority.
- (g) When a prisoner is transferred or dies before the expiry of the sentence, his name shall be scored out under the date in which it is entered and full

particulars shall be furnished regarding him under the date on which he was transferred or died.

- (h) Cause of discharge such as an appeal, expiry of sentence, transfer, furnishing security, or under remission rules shall be entered in the column of remarks. If the prisoner is released under the remission rules, the amount of remission earned shall also be entered in this column.

No. 5.- Punishment Register

- (1) Column 13.- If the entry to be made in this column is a long one, it may be written across the book, but space should be left for the other necessary entries relative to the case in the other columns.
- (2) Entries of punishments of sentences inflicted by a Court for offences committed in jail, shall be entered in red ink, in order that they may be readily distinguished. At the end of each month, abstract of offences and punishments according to the headings in monthly Statement No. VI shall be prepared.
- (3) When a prisoner is sentenced for jail offence the previous punishments awarded to him shall also be entered in this register.
- (4) When a prisoner is sentenced to change of labour or penal diet, the Medical Officer certificate as to the fitness of the prisoner to undergo the punishment should be obtained in column 15.
- (5) When the prisoner punished is a female, letter "F" shall be written under her register No. in column 2.
- (6) When an offence is committed it should be brought on this book promptly, even if judgement has not been pronounced.

No. 6. Register of remarks of visitor-

- (1) Besides the official and non-official visitors of the jail, the Inspector General and other superior officers of Government, visiting the station, and the officers of the Education Department, may record their remarks in this book.
- (2) A copy if the remarks recorded in the register by any visitor shall be dispatched in duplicate to the Inspector-General with a copy of the remarks made by the Superintendent.

No. 13.- Hospital Register-

To be kept by the Medical Officer, or the Medical

Subordinate under his direction. The various entries should be made as soon as the information required is available.

Column 12.- The nomenclature of diseases should be adhered to in filling in this column.

No. 14. Lock-up Register-

- (1) Against the side heading "name and number of ward" should be entered female ward, juvenile ward, convict ward No. 3, etc., as the case may be, and immediately under this entry the accommodation of such ward should be given. The number of prisoners actually confined in a ward at any lock-up should be given against the date.
- (2) If convenient separate register may be used for large enclosures in a jail and consolidated into another register by the Deputy Superintendent.

No. 16.- Register of persons passed in or out of the Jail.-

Only persons other than prisoners should be entered in this register; the names of prisoners passing in and out shall be recorded in a separate register.

On the relief of the gate-keeper, the necessary entries should be made in this book.

No. 16 (A) Register of prisoners passed in and out of the jail:-

- (1) All prisoners sent out of the jail during the day shall be entered in this register, whether on release, transfer, or work outside the jail. Similarly all prisoners received into the jail by transfer, on conviction or on return from work shall be entered therein.
- (2) When a gang of prisoners is sent out of the jail on extra mural work, the name of each prisoner shall be entered, but when the gang is brought back, the names, shall be called over from the outgoing entry, and if correct, need not be re-entered, but the total strength of the gang with particulars thereof shall be entered as having admitted into the jail.
- (3) Signature of the warder and the Incharge of the gang shall be taken in column 5.

No. 17 Register of articles passed in or out of the Jail Gate.-

The entries in this register should be checked periodically by the Superintendent and daily by the Deputy Superintendent, with the receipts of provision, raw materials, etc., and the sale or removal of manufactured articles, etc., to see that they correspond. A note of the fact that such comparison has been made, with the result, should be entered.

No. 18.- General Cash Book-

- (1) In this register shall be entered the receipt and disbursement of all moneys passing through the hands of the Deputy Superintendent, except such as relate to the Manufactory Department for which a special register is provided.
- (2) A fixed sum of money known as the “permanent advance’ is sanctioned for every jail. On the 1st April, of each year the Accountant-General is to be furnished with a certificate that the full amount of the advance is in the possession of, and to be accounted for, by the Superintendent. Petty payments should be made by the Deputy Superintendent in cash from this advance. When the payment of large sums is necessary, the Superintendent shall draw upon the Treasury by abstract bill, which he may, after obtaining a proper receipt for the amount endorse for payment to the person to whom the money is due, or the money may be received from the Treasury and paid in cash. No large sums shall be kept in hand for more than 24 hours, so that money should not be drawn until it is actually required for disbursement. There should, therefore, seldom be a balance against the jail, except the permanent advance, prisoner’s cash, diet money of civil prisoners, cash realized by sale of Government property (not manufactory), and possibly petty refunds which, however, should always be paid into the Treasury without unnecessary delay.
- (3) A receipt shall be taken for all disbursements even for small sums. The receipts shall, when possible, be in the vernacular known to the payee, who shall state in words the amount received. Separate receipts for payment under Factory and Maintenance charges should as a rule, be taken. All receipts for, sums over Rs. 500/- must be stamped.
- (4) Large sums shall, as far as possible, be paid in the presence of the Superintendent, but when this is not practicable, they shall be made in the presence of two respectable witnesses, who shall attest the payment by affixing their signatures to the receipt.

- (5) All receipts for cash payments shall bear two series of numbers, firstly, a serial number for the year, and secondly, a serial number for the month. The former shall be entered upon the receipt at the time it is given by the recipient, of the money, the latter at the close of the month after the receipts have been arranged in the manner described in clause (3) above; the annual number underneath thus No. 100/I. Receipts relating to jail maintenance and Jail manufactory, respectively, shall be given a separate and distinct series of annual and monthly numbers. Only the annual numbers shall be shown in the columns provided for the purpose in Registers Nos. 35 and 45.

NOTE: The serial numbers should commence with the financial year, viz. 1st April.

- (6) Detail of the balance in hand should be prepared once a month to show how the balance is made up. The detail should be very minute and must give full information as to the items which make up the balance under each of the heads under Register no. 19 separately it should be signed by the superintendent when prepared.
- (7) Receipts should not be utilized to-wards expenditure but should be credited into the Treasury at once. Money can be drawn from the Treasury as often as is required.
- (8) Cash book should be put up daily before the superintendent who shall initial it in token of his having examined it.
- (9) No advance should be made to any one from the permanent advance sanctioned for the jail.
- (10) A formal receipt should be issued for the money received in the jail in all cases except form the treasury.
- (11) All receipts on account of diet money of civil prisoners should be credited into the Treasury at once.
- (12) No loans should be obtained form any person or other heads of account.

No. 19 :- Deputy Superintendent case ledger. –

- (1) The following accounts should be kept separate in this register, a portion of the book being set apart for each: -
- (a) Maintenance (i) Supplies and services.

- accounts. (ii) Contract contingencies
- (b) Prisoner's cash property.
- (c) Prisoner's fines paid at the jail.
- (d) Pay and Traveling Allowance .
- (e) Civil Prisoners diet money
- (f) Miscellaneous, i.e. search money, sale of
unserviceable articles.

The entries under these heads should be taken daily from the general case book (Register No. 18)

- (2) (a) Maintenance accounts.- All money transactions, receipts, and disbursements, relating to these heads shall be entered in detail and the balance struck daily. A detail of the balance in hand shall be prepared once a month as required by clause (7) of the instructions under Register No. 18.
- (b) Prisoner's cash property:- All money, the property of a prisoner , should be entered on the left hand page, and all amounts paid to a prisoner, at the time of release or credited to Government as his fine, etc., should be entered on the right hand page. The balance in hand should be struck at end of every month. If the receipts during the month exceed the expenditure, the difference should be deposited in the Treasury on the last day of the month. If the expenditure is in excess of the receipts, he difference should be withdrawn from the Treasury.

Balance of prisoners' property account in the Treasury should be tallied with that in the jail books, quarterly.

At the end of the month a memo should however be sent to the treasury showing the departmental receipt and expenditure so utilized to enable it to pass the gross transactions through the public account. in this connection attention is invited to the Himachal Pradesh Treasury Rules.

- (c) Prisoner's fines paid:- Money received on account of fines, should be shown on the receipt side and

when paid into the Court, on the disbursement side: the number and date of the receipt having being noted in the register, the receipt should be held in the office.

(d), (e) and (f) require no explanation.

(3) The balance shown in Register No. 18 at the end of the day and the total of the balances under the several heads except at (e) which is also included in (a) in this register should correspond with the cash balance in the hands of the Deputy Superintendent.

(4) All receipts in support of payment made should be presented to the Superintendent who shall satisfy himself that the receipts are in order, the payments correctly entered and the accounts properly balanced.

No. 21- Diary of termination of Jail punishments-

On the day a punishment, which will continue for a specified period, is given effect to, the date of the expiry of such punishment shall be calculated and the particulars as shown by the heading shall be entered in the diary under that date. This register shall be examined daily by the Deputy Superintendent who shall be held Responsible that no prisoner is punished for a longer time than that ordered.

No. 22 : - Alphabetical Register of convicted Prisoners.

Part of this register should be allotted to Mohammedans, another to Hindus and other Indian and a third part to foreigners (if prisoners of this class are detained in the jail”), the proportion of the book to be allotted to each, being adjusted as nearly as possible to the relative numbers of these classes admitted in large jails a separate book may be allotted to each class, if necessary the name should be classified alphabetically, the number of pages set apart for each letter being fixed according to the number of name likely to begin with that letter. When names beginning with the same letter are numerous, the pages set apart for them may be sub – divided in the manner followed in dictionaries. Letters under which names are not likely to occur should be omitted . if the pages set apart for any letter become filled up, new pages may be opened future on in the same book for the names beginning with this letter, or in a new book, but at the end of the last completed page a reference should be made to

the page on which the names are continued. The index should be arranged, if possible, to last from 5 to 10 years. The initial letter of European surname should determine their position in the index, and application such as Sheikh, Syed, Fakir and the like, should follow the proper names and not affect their position. the names need not be arranged alphabetically according to the letters succeeding the initial letter, nor need a new entry be made in the case of a prisoner whose name is already in the index , it will sufficient in such cases to enter against the old entry the date of the prisoners' re- admission with his new register number. The index should be posted up as prisoners are received.

No. 25 :- General Abstract of prisoners.-

This register shows the number and class of prisoners in the jail each day. The number "remaining yesterday" (column 2) should correspond with the number shown as remaining on the previous day. The entries for each day should be made on the morning of the day following.

No. 26:- Labour Register :-

- (1) Prisoners should be shown as exempt from labour on the days they are admitted and released respectively.
- (2) When making up averages, Sundays, and other days on which prisoners are exempt from labour, should be excluded and these days left blank.
- (3) Non – labouring convicts who work voluntarily should be included with convicts sentenced to labour in the details of distribution of work, and a note of the number so included with the nature of the work done, made at the bottom of the page to explain the difference between the total of the distribution list and the number of prisoners sentenced to labour.
- (4) In the columns under "K" only those convict officers shall be included who are employed on the manufacture of articles for other than the jail Department.
- (5) Members of the convalescent gang employed on light labour should be shown as employed under the columns allotted to the particular work on which they are engaged, and not included in the column unemployed, sub-column "invalid gang". Which is intended for convalescents who are not

- required to work.
- (6) Monthly and annual statement No. XI are to be prepared for this register.

Nos. 27 and 28 :- Registers of letters received and dispatched-

- a) All letters received shall be entered in a single consecutive series in Register No. 27, and all letters dispatched shall, in like manner, be entered in consecutive series Register No. 28 the series shall be conterminous with the calendar year.
- b) An account of the services stamps purchased and expended shall be kept in the column of remarks the balance must be struck daily.
- c) When a letter has been filed after information the fact should be noted in column of Register No. 27.
- d) All correspondence shall be arranged in the correspondence almirah (each year's separately), according to the subject. The classification of subjects shall ordinarily be as follows, but may be modified by the Superintendent to suit the requirement of his office. A table showing the classification adopted should be pasted on the inside of the front cover of Register no 27:
 - (1) Accidents, assaults, or outbreaks.
 - (2) Accouterments, arms, uniform, ammunition and indents there for alarm parades and military training.
 - (3) Admission and release of prisoners, including correspondence relating to warrants, fines, remission of sentence and release of prisoners on account of sickness.
 - (4) Annual reports and returns.
 - (5) Appeals.
 - (6) Bills and accounts, general maintenance and manufactory, including budget.
 - (7) Civil prisoners.
 - (8) Classification, separation of classes including correspondence about habitual and previous convictions.
 - (9) Convict officers, clerks and servants.
 - (10) Discipline, offences and punishments of convicts, rules and orders.
 - (11) Epidemics and outbreaks of infectious disease, camping out.
 - (12) Escape and recaptures, guarding, watch and ward.
 - (13) Establishment, appointment, offences and punishment of jail officers security bonds, leave and transfer of officers, pay and traveling allowances.
 - (14) executions and correspondence connected

therewith.

- (15) Garden and dairy.
- (16) General registers and returns.
- (17) Indents for clothing, bedding stationery forms and other supplies.
- (18) Labour and employment of prisoners.
- (19) Mentally ill persons (criminal and non-criminal).
- (20) Prisoners' property and petitions.
- (21) Public works, original works, additions, alternations and repairs.
- (22) Sickness and mortality, and matters connected with sanitation, conservancy, or Medical administration.
- (23) Storage of grain and the purchase of supplies.
- (24) Transfers and transportation prisoner, including overcrowding escort railway passes.
- (25) Visitors remarks and inspection.
- (26) Miscellaneous.

(e) The letters on each subject shall be placed between protecting paper covers or file boards, and held in position with a tag or lace and arranged in order of date. These files shall then be grouped together to form collective files according to the classification adopted, and in each collection the separate files of correspondence shall be serially numbered and the year and subject – matter of the contents superscripted on each. Both the file and the number of the bundle shall be shown in column No. 7 Register No 27 and column No. 5 of Register NO. 28 respectively against entries made there in, when not in use, the bundles of files shall be arranged in serial order on a shelf in the correspondence almirah.

(f) No file except when in use, be kept at any place outside the almirah. When more than one officer has access to the file almirah, each file shall, when being taken from its place, be substituted by a slip of paper with the signature of the officer who removes it, who shall be held responsible for its safety till it is again restored to its place.

(g) The superintendent of the jail will himself open all letters and thereafter pass them on with any instructions he may wish to give, to the Assistant superintendent, for entry in the Receipt Register and disposal.

No. 29.- Warder's Clothing Register-

This register shall be maintained at all jails. The superintendent shall be responsible for the receipt and issue of articles and for and for an accurate account of the same being kept in the register each article before issue shall be marked according to the orders in paragraph 288 of the Jail Manual.

No . 30 :- Watchman's control Register-

- (1). The chart should be pasted in the place provided for it, against the date to which it relates.
- (2). The patrolling officer's names with the hours of duty should be recorded in the space beneath the chart.
- (3). When the control watch is for any reason not in use, or has stopped during then night a not to that effect should be made in the register.
- (4). The register should be placed before the superintendent once a week to be inspected and initialed by him.

NOTE: The charts of dent's tale clock and Han's control watch should be posted in a black register and the above instructions complied with.

No. 33:- daily Register of Patients directed in Hospitals-

- (1) This register is a record of diet issued to sick prisoners charged for in voucher No. IV of the jail contingent bill.
- (2) The term "special diet" means diet which is issued in lieu of ordinary diet, and the term extra diet' means the diet issued in addition to ordinary diet.

No. 34 daily Register of Convalescents dieted-

- (1) For the distinction between extra and special diet see instructions against Register no 33.
- (2) The ordinary diet of convalescents, such as wheat, dal, salt etc. should not be shown in this register, but included in the ordinary diet of prisoners.

No. 35 and 35 A.- Register of Charges for Supplies and Services and Contingencies.-

- (1) When the permanent advance is running short and money is required form the Treasury, the entries in this register should be totaled and the total shown in red ink if money is required in excess of the permanent advance for making purchases, the

amount so required shall be entered in this register and included in the abstract bill.

- (2) Money may be drawn from the treasury on abstract bills as often as may be necessary, but such drawing should usually be limited to three or four in a month, and drawings made between the 26th and the last day of the month should be utilized solely in paying for purchases actually made between the 26th of the previous month and the 25th of the month to which the bill relates.
- (3) Save as above provided, no money should be drawn from the treasury between the 26th and the last day of the month, payment for purchases made between those dates should be made from the permanent advance and accounted for in the succeeding month's bill.
- (4) Strict compliance with the two preceding clauses is necessary, with the object of obtaining agreement between the monthly accounts of jails kept in the offices of the accountant general and Inspector General.
- (5) In the first abstract bill presented after the 1st of the month, should be included the amount paid from the permanent advance between the 26th and the end of the previous month.
- (6) When funds are needed, the Deputy Superintendent shall note in his journal the amount he requires under each head of expenditure. This entry he shall present to the superintendent, who after satisfying himself that the sums included in it properly represent requirements, shall sign or initial it.
- (7) Such entry in the deputy superintendent's journal duly signed or initialed by the Superintendent, will be authority for the Assistant Superintendent entrusted with the duty, to prepare an abstract contingent bill for the amount there in set forth, entering each sum under its appropriate head of expenditure, and thereafter writing the total of the bill in words as well as in figures. He should see that the amount shown in the abstract corresponds with the total of this register.
- (8) The deputy superintendent having satisfied himself that the bill has been drawn according to the items entered in his journal, shall endorse it and present it before the superintendent for that officer's signature.
- (9) The Superintendent after comparing the items with the entries in the register will sign the abstract and at the same time initial such entries he shall then hand the abstract bill to the Deputy Superintendent, who shall be held responsible for it.
- (10) It will be the duty of the Deputy Superintendent to

count the cash actually received from the Treasury, to compare it with the entries in this register, and to bring to the notice of the superintendent at once, any discrepancy he may discover.

- (11) No money shall be drawn from the treasury until it is required for disbursement.
- (12) The abstract bill from shall always be kept locked in an almirah, the key of which is to be in charge of the Deputy Superintendent.
- (13) For further instructions see articles 79 to 88 and Article 96, Vol . I Civil Account Code.
- (14) When the accounts for a month are closed, a memo, should be prepared in the register to show the total expenditure under each head of grant and the budget allotment available.

No. 36.- Daily Register of Purchase of Grain, etc.-

- (1) This register is intended to show the purchases and expenditure of articles which admit of being stored, and are issued is the dietary, etc.
- (2) Form the average rate of each article should be calculated the expenditure and rate given in monthly vouchers Nos. II , III , IV and V. Averages should be worked out every month very carefully.
- (3) The closing balances should be correctly carried forward from month to month.
- (4) The amount charged under the head “Rations” in the detailed contingent bill should tally with the total cost of the purchases made during the month and shown in the register. Minus the cost of articles purchased with the money drawn under heads other than “rations “ in the current month to replace the stock or the equivalent value of the articles supplied form stock and the value of grains supplied form the jail garden.
- (5) The entries in their memo, of grains printed voucher No.1, should tally with the corresponding balances brought forward in this register on the 26th of each month.
- (6) The accounts should be closed on the 25th of each month, any purchases made from the 26th to the end of the moth (inclusive) should be adjusted in the succeeding month’s account.
- (7) Money to meet the cost of articles entered in this register purchased during the first 25 days of the month, should be drawn on abstract bill under the head “ ration” only, whether they are to be issued as prison diet, hospital diet, bazaar medicines or miscellaneous . after 25th the value of the articles issued form the go down under every other head

than “Rations” should be calculated, and money to that extent should be drawn, stock to the exact value being purchased and placed in the “Rations” godown or the exact value deducted from the total amount of purchase under head “Rations”.

- (8) The closing and opening balances of quantities in this register should correspond with those in register No. 37.

No. 37. Daily Godown and Mill account.-

- (1) This register is intended to show “the grain and other articles handed from day to day. In the issue Godown”. Each article should have a folio set apart for it monthly, and the entries in column 2 on any day should correspond with the entries in column 6 of the previous day.
- (2) Garden produce, which admits of being stored, such as onions, potatoes, garlic, chilies, coriander, etc. should also be entered in the register. “Grains, etc., purchased and put the issue Godown should be entered in column 3 A I, which the grains removed from pits from time to time and put in the godown should be shown.” Column 3-B should show atta, dal, etc., free from bran and husk.
- (3) The total of columns 5-A.I. and 5-A.II should tally with the losses shown on page II of voucher No. II. The losses shown, should be actual and not calculated.
- (4) Column 5-B should be filled in from the daily ration statement after making the necessary additions and deductions on account of single meals. The monthly totals of this column should tally with the quantities of the various articles charged for in vouchers Nos. II, III, IV and V, and with the expenditure shown in Register No. 36 (voucher No. V shows also the issue to bullocks, etc., as entered in column 5-A and 5-C of this register). Vouchers Nos. III and IV should also tally with Hospital Register Nos. 33 and 34.

A full and detailed account of kerosene oil and other articles purchased under “contingencies” should be kept in register No. 52.

No. 38.- Daily Register of Prisoners dieted-

- (1) The entries opposite any date should be filled in the morning after such date.
- (2) The daily ration statement should be prepared from this register.
- (3) The figures for voucher No. 2 attached to the jail

contingent bill should be taken from this register.

(4) The figures in column 2 shall tally with the total population of the day in Register No. 25.

(5) The figures for voucher No. 4 should be taken from register Nos. 33 and 34.

No. 39.- Clothing Godown Register.-

This register is primarily intended to show the balance of clothing etc. in the godown on any particular day. Clothing received from any source such as manufacturing jails, released prisoners, etc., is to be entered in the proper columns under new and old. Similarly clothing issued to newly admitted prisoners, etc., should be shown daily according to its condition, whether new or old. Balance should be struck off at the end of the month which represents the contents of the godown on the last day of the month. Balances at the end of several months will not agree with each other. with a view to compare the contents of the godown with the quantities of clothing in the indent the number of clothing with prisoners should be entered at the close of the month at the bottom of the register and the total of the balance and of the number with prisoners should agree with the indent minus the clothing condemned. A separate register shall be maintained by the Sub-Assistant Surgeon for Hospital clothing.

No. 40.- Daily and Cattle Register A, B, C and D –

- A. In the column of remarks the number and date of the abstract bill by which funds were drawn to pay for a purchase, or in the case of sale, the date of entry in the cash book of the receipt of the sale proceeds, shall be shown. The number of draught bullocks should likewise be stated. A full description of the cattle with marks of identification should be entered in this register.
- B. Needs no explanation or comment.
- C. Bhusa, gram, salt, etc. purchased for cattle should be entered here. The issue to cattle of the by-products of articles purchased for prisoners, such as barn, oil-cake, etc., should be recorded separately in red ink.
- D. Needs no explanation or comment.

Pay List and Acquaintance Roll-

- (1) Every non-gazetted officer receiving more than five hundred rupees a month, who does not draw his pay in a separate pay bill, shall give a receipt stamp to be affixed in the column "acquaintance" in pay bill against his name sign across the stamp in token acknowledgement of the money. The names of all officers attached to the jail shall be given whether they are on leave or not, but receipts shall not be taken from those who have drawn their pay on separate bills.
- (2) The amount of pay drawn for those present shall be entered, and opposite the names of those who are on leave whose pay is not drawn the leave granted and the date from which it began shall be noted for guidance when drawing up supplementary pay bills.
- (3) Before the pay of any officer who has not deposited his security in full or who is liable to fines or stoppages of any description, is disbursed, the necessary deduction shall be made from his salary and the balance paid over to him.
- (4) All deductions made on account of security and the total amount deposited to date, including interest, in the Post Office Savings, Bank shall be recorded in a column. The number of Savings bank account should be quoted in the column of remarks.
- (5) Receipt for Travelling Allowance shall be taken in the bill.

No. 43- Ammunition Register.-

Needs no explanation or comment.

No. 44.- Manufactory Cash Book.-

- (1) All moneys relating to the Manufactory and Manufactory establishment, shall be entered in this register on the left if received, and on the right if disbursed. Instructions appertaining to register No. 18 apply to this register also.

Column 2: Full information as to whether the amount

received is drawn on an abstract bill or is the sale proceeds of articles sold, or recoveries made to meet the retrenchments from the Manufactory bill should be given in this column.

Amount received in advance shall be entered in red ink or underlined with red ink and distinctly marked as 'advance for an article'.

Column 6: Number of the receipt issued for the money received for any person shall be entered in this column. In case money is drawn on abstract bill, number and date of Deputy Superintendent's report in this journal applying for the sanction of the Superintendent to draw the money from the Treasury shall be noted.

A receipt shall be issued for each and every amount received by the jail on the sale of an article or on a recovery on any account, no matter whether the remitter wants it or not.

Column 9: In this column should be stated whether the payments made are for purchase of Material, tools, etc., or sale-proceeds paid into the treasury.

Column 13: Monthly No. of the payee's receipts obtained for the items paid or number or the vouchers under which the money is credited into the Treasury shall be entered in this column.

(2) The balances in this register should be worked out daily and details in red ink given at the close of each days transaction thus-

Payable into treasury Rs. ~~~~~

Available for expenditure Rs. ~~~~~

(3) Sale-proceeds of goods shall be deposited into the treasury as frequently as possible and shall not be utilized of any other purpose.

(4) The balance of cash in hand shall be compared with the balance shown in the Cash Book and if found correct, the Deputy Superintendent shall initial the latter and present in to the Superintendent daily for examination who will also initial it in token of his having done so.

No. 45.- Register of Manufactory Contingencies.-

- (1) Instructions prescribed for keeping Register No. 35, fully and wholly apply to this register also.
- (2) On closing the cash accounts for a month, a memo shall be prepared to show the progressive total of expenditure up to date.
- (3) From this total all supplies made to the maintenance of own and other jails shall be deducted and those received from department other than jails added.
- (4) At the same time another memo shall be prepared to show the details of expenditure under different heads of manufacture carried out in the jails and the progressive total of cash profits.

No. 46.- Register of Receipt and Issue of Raw Material-

- (1) All articles of every description for the Manufactory Department whether paid for or not, should, as soon as received, be entered on the receipt side of this register.
- (2) All articles issued from stock should be entered at the time the issue is made.
- (3) The entries on the issue side shall also include the loss of stocks by accident or theft.
- (4) The accounts for each month shall be closed with a double red ink line drawn across the page under the last entry for the month.
- (5) Articles supplied for the jail maintenance department or to other jail maintenance or manufactory departments shall be entered in red ink.
- (6) Charges, such as Railway freight, cart and coolie hire, should not be entered in this register.

No. 47.- Stock Register of Raw Material-

- (1) Each article should be given a folio page. The entries shall be taken from Registers Nos. 45 and 46 and arranged under their appropriate heads. Column of value on the receipts side should be filled in from Register No.45 and when available.
- (2) Incidental charges, such as Railway freight, coolie hire, cartage, etc., should be entered under the article to which they appertain.
- (3) All charges should, as far as possible, be classified and entered under the article to which they appertain. Charges for which Classification is impossible should be entered under head

“Miscellaneous”.

- (4) Value of articles issued from stock may be entered once a month for the total quantity issued under each head if found convenient and possible.

**No. 47-A. Register showing Raw Material in process of
Manufacture.**

- (1) A page or more of the register should be set apart for each article issued from stock for the manufacture of goods. As soon as the article is received for the godown it should be entered in the column provided.
- (2) When articles are made and returned to store they should be noted in the appropriate column with actual weight. In the column for loss the actual and not the average should be entered and in no case should the former exceed that sanctioned for each manufactured goods. In articles made up from cotton yarn on which starch is used, an allowance for the latter is to be given and noted separately.
- (3) A daily balance is to be struck, and any correction attested by the Superintendent himself.
- (4) At the close of each month the total of raw materials received and manufactured goods stored, as well as of actual loss, should be given and the balance checked.
- (5) At the end of each month the Deputy Superintendent should certify that articles finished and stored correspond with Register Nos. 48 and 48-(a) and the balance shown in this register tallies with the actual balance an in process of manufacture.
- (6) This register should be maintained independently by the Officers in charge of different factories, and not by the Store Keeper in charge of the godowns of raw material and manufactured goods.
- (7) The Superintendent should periodically, but not less than once in three months, personally satisfy himself that this register is correctly kept up, that

the balances shown tally with the actual stock in process of manufacture, that the loss is actual and not according to the scale, and that is it not in excess of the scale laid down by rules.

- (8) All articles issued from the stores shall be entered in this register, no matter whether they remain in process of manufacture till next day or not.
- (9) All miscellaneous articles which are consumed in manufactures should also be entered in this register under their appropriate heads.
- (10) This register is very important and should be filled in and kept up very carefully. The Deputy Superintendent should check it frequently.

No. 48.- Stock Book of Manufactured Articles-

- (1) A few pages should be allotted to each article of manufacture according to requirements, all receipts shall be entered on the left hand page and all sales, whether cash or credit, as well as articles supplied to the maintenance or manufactory departments of any jail or consumed in the process of manufacture, on the right hand page.
- (2) If articles are sold, or supplied to jail maintenance for more or less than the value originally put upon them, the necessary addition or deduction should be made in the amount shown as value on the receipt side, and the excess or deficit shown in column "Difference from estimated value" on the expenditure side. In the event of articles being lost, or destroyed a note of the circumstances should be made in this register under the initials of the Superintendent.

No. 48-A. Stores and Sale-Book of manufactured articles-

- (1) All articles of every description manufactured in jail should as soon as received be entered under column "Receipts" of this register, and all sales whether cash or credit as well as articles supplied to the maintenance or manufactory departments of any jail or consumed in the process of manufacture, under column "Disbursements".
- (2) The accounts for each month shall be closed with

a double red ink line drawn across the page under the last entry for the month totals for the receipts and disbursements noted in red ink.

- (3) The entries shall be daily copied in Register No. 48 under their appropriate heads.
- (4) Measurements if any, of the articles received into or issued from the godowns should be entered in column 2 or 7 as the case may be.
- (5)

No. 49.- Manufactory Order Book-

- (1) Orders should be entered in this register at the time of their receipt.
- (2) The Superintendent should examine it at intervals to satisfy himself that no delay occurs in the execution of orders, and that such orders are carried out as far as possible according to priority of receipts.
- (3) All orders including those which are complied with and settled immediately, must be entered in this register.
- (4)

No. 50.- Index Bill-Book.

- (1) A page or more of this register should be set apart for each customer who has dealings with the jail, and full particulars of all articles supplied to him on credit should be entered in this register on the left page.
- (2) As soon as payment is made, or money is received in advance for an order, the amount should be credited on the right hand page, under "amount received."
- (3) Money received should be immediately entered in the cash book (No.44) against the date it is received and a receipt on Form No. 93 A, given or sent to the person tendering the money.
- (4) Transfer adjustment should be similarly treated, the amount of each countersigned bill received being entered in the right hand page.
- (5) The debit and credit sides of this register should be totaled at the end of each month and the balance (if any) struck. The balance (if any) on the debit or credit side should be carried forward to the next-account as "To balance of last account" or by "balance of last account" as the case may be.
- (6) An alphabetical index to this register should be made on the first pages.
- (7) Bills for the account shall be sent once a month on or about the 20th of the month and separately

for each head of charge, if intimated by officer supplied.

No. 51- Register showing outstanding balance-

- (1) As soon as a bill is sent to an officer for the article supplied it shall be entered in this register in serial number which number shall be quoted as the number of the bill.
- (2) If the bill is paid during the month, the fact shall be noted in the column of remarks or the entry crossed out in red ink.
- (3) Bills remaining outstanding at the end of the month shall be carried forward.
- (4) A total of the outstanding shall be made at the end of the month.

No. 52.- Stock Register of Miscellaneous Material-

- (1) All articles and material purchased under contingencies, etc., which admit of being stored and are not accounted for in any other register should be entered in this register.
- (2) Each item such as kerosene oil, soap, bricks, lime, bhusa for repairs, etc, should be given a separate folio monthly. The entries in the receipt side should correspond with those in register Nos. 35 and 35-A.
- (3) Full particulars of the purpose for which any material is issued should be shown in the appropriate column, for example white washing of plastering barrack No. (1), 9.15cubic meters building a wall 9.76 cubic meters soap nut and oil for 50 prisoners, etc.

No. 53.- Receipts side-

- (a) All cash receipts will be entered in columns 5: if it is a receipt from a debtor on account of sale previously made to him the amount will be extended into column 6: but if it is of a general nature it will be extended into column 7. Sufficient details should be entered in column 3 to make reference to the vouchers unnecessary. Cash sales after being entered in column 5 will be extended into column 7. The words "cash sales" in column 3 will suffice, for since the person or persons have made a prompt payment their names are of no value. Daily cash sales should be analyzed in the last cash memo, for the day according to the

different departments to which they relate. These amount will be posted this book separately folio references given there for posting to the different sales accounts in the general ledger.

The accounts of those Government departments which will not make payment in cash will have to be adjusted in the treasury column of this book after receipt of accepted invoices from the parties concerned at the end of the month. Detailed postings into ledgers will be made of all items appearing in columns 6 and 7. The two ledgers affected are the sold and the General ledgers, each entry appearing in column 6 will be posted to the credit of each individual account concerned in the sold ledger, and in the same way each entry in column 7 will be posted on the impersonal account. It relates to in the General ledger, the folio of the ledger to which the posting has been made being noted in column 4. When money is deposited into the Treasury, entries will be made for the amount so deposited in column 13 and 8, that is obvious for it simply means that the jail has paid the money and the Treasury has received it./ When money is drawn from the Treasury for purpose of cash disbursements, the amount will be entered in columns 5 and 86 and disbursements out of this amount will be booked as explained below.

- (b) Payments-Disbursements of cash should be entered in column 13 and extended into column 14 or 15, in the former column if it is in settlement of a debit due by the jail on account of purchases, and in the latter if it is of a general nature, e.g. wages, salaries, traveling allowance, etc., In this case of payments to Government department entry will be made in the Treasury column of this book at the end of each month showing the adjustments with the parties concerned. The Accountant General should be requested to intimate the adjustment made by him for the past month at the beginning of every month . It will be realised that particulars of persons of firms while those of column 15 will be description of impersonal accounts, payment by cheque will be entered in column 16 and extended up to 14 or 15, as the case may be, the cash columns not being affected in any way. Each entry in column 14 will be posted to the debit of

the individual account concerned in the Bought Ledger, and each entry in column 15 to the debit of the impersonal account concerned in the General ledger. These postings should not be allowed to fall in arrears, and must be made at the close of the day in which they were incurred or received.

- (c) Monthly postings- This Cash book should be totaled and balanced monthly Columns 5 and 13 only should be totaled and balanced daily. The total of column 5 should agree with the total column 13, if a balance shows up which could only rise by column 5 being greater in amount than column 13, it will represent the balance of sale proceeds in hand not yet deposited in Treasury as distinct from the amount of the impress in hand. There will always be a difference between columns 8 and 16, which will represent, the excess or otherwise of the deposits into over the drawings from Treasury. These balances should be brought down and will form the commencing entry of the next month. The totals of columns 7 and 15 will be struck and ruled off, no balance being brought down. The total column 6 will be posted in lump to the credit of an account in the General ledger called the "Sold Ledger Control Account". The total of column 14 being posted in lump to the debit the "Bought Ledger Control account" in the General ledger. The idea of these Control Account is to enable an arithmetical control to be applied over the Bought sold, ledgers, the principles being "the total must equal the sum of details". The postings form the Cash-Book are only a portion of whole the remaining postings being made from the day books and journals.
- (d) Impress Register- if the cashier of the manufacturing department of a jail is allowed an impress out of which to make petty payment he should maintain an Impress register and not confuse the postings in the cash-book by including three in his petty cash disbursements. The form recommended is the Contingent-register in use in all Government officers as, being multi columned, it allows of a considerable classification of these payment. Recipients of the impress will be

shown in the cash book if it is made by cash by an entry in column 13 extended to column 15 and described in the particulars column 11 as “Impress” it will be posted in General ledger to the debit of the ‘Imp rest account, if the recoupment is made by drawing on the Treasury by means of a cheque the entries will appear in columns 16 and 15 of the Cash-book, the postings in the General ledger being similar to the procedure for cash recompenses. The Imprest register should be totaled and balanced monthly, the cash in hand being counted. The total of the various analysis columns should then be posted to the debit of their respective accounts in the General ledger, and the total expenditure columns being posted to the credit of the imprest account in the General ledger care being taken to see that the ending balance is not included in this posting. The receipts side of the imprest register will not be posted, as this will have been done already through the Cash book when the recoupment was made.

No. 54 – The Sold Ledger~

- (1) Labours gummed of the cover and the back of the ledger will indicate which of the three ledgers each i.e., Folio references should be noted. Accounts will be opened only for those customers who are allowed the benefit of credit transactions, and also for Government departments to whom supplies have been made.
- (2) The bought Ledgers– This ledger will contain accounts only of those firms, etc., who have allowed the jail credit. Articles as received should be brought on the books without waiting for the priced invoices. The approximate prices should be culled from the previous supply and the difference, if any, should be adjusted on the receipt of the priced invoice. Purchases for which cash payments are made will be entered at the time in Cash book and posted direct to the General ledger.
- (3) The General ledger.-it will contain account of an impersonal nature. It will also contain two control accounts, viz. Sold Ledger Control and the Bought ledger control accounts. The procedures regards

the stores and finished stocks, control accounts is explained in the note on store accounting. The posting into these ledgers from the cash book and Imprest register has been explained. The following accounts should be opened in the General ledger. This list is not exhaustive and the opening of further accounts may be necessary:-

Government Capital account.

Buildings Workshop.

Office.

Plant and Machinery.

Furniture and Fixtures.

Stock of finished goods control account.

Stores control account (raw material).

Sold ledger control account.

Bought ledger control account.

Imprest account.

Depreciation reserve for Buildings.

Depreciation reserve for Plant and Machinery.

Depreciation reserve for Furniture and Fixture.

Profit and loss account.

Purchases

Sales.

Carriage in on purchases.

Carriage out on sales.

Works in progress account.

Workshop wages account.

Supervision of factor (salaries of foreman etc. engaged in

supervising work in the workshop).

Power.

Repairs to machine.

Repairs, miscellaneous.

Sundry factory expenses.

Salaries of establishment, Office.

Traveling of establishment, Office.

Traveling allowances.

Lighting .

Stationery.

Postage, Telegrams and Telephones.

Miscellaneous expenses.

Audit charges.

Leave and pensionary charges.

Interest on capital.

Loose tools.

Maintenance Department of the jail.

Stock of raw materials.

Stock of finished goods.

- (4) The balancing of these ledgers should be done monthly and in case of the sold ledger, it is necessary because of the details necessary for posting the register of outstanding jail form 51. These three ledgers will be posted as already explained from the cash book.

No.55- Sales Day book-

The sold ledger will be posted from the Sales Day Book. This day book will record only sales on credit, and whom the goods were sold being noted in column 3 and the gate keepers pass numbers being entered in column 4. The total of the bill in column 6 and the analysis agreeing with the total in column at the end of the each day every entry in column 6 will be posted to the debit of individual accounts in the sold ledger. Sales should be analyzed under different heads in each jail according to what is made or manufactured there e.g. furniture, textile, products, iron mongery oil shop products etc. This resister will be totaled monthly and the following postings made in the General ledger:-

Total of column 6 to the Debit of Sold Ledger Control account.

Total of column 7 to 13 to the Credit of their respective accounts.

No.56.- Purchase Day Book-

The Bought ledger will be posted from the purchase Day Book. Only credit purchases will be entered in this book, and a distinction made between those purchase of manufacturing materials and those of a capital nature, this Each item in column 5 will be posted to the credit of account concerned in the Bought ledger, at the end of each month this day book will be totaled and the General ledger posting made as follows:-

Total of column 5 to the credit of the Bought Ledger Control accounts.

Total of column 6 of the Debit of Purchase Accounts.

In addition each item in column 7 will be posted to the debit of its respective account in the General ledger. A few pages at the end of this book, shall be reserved to record purchases returned to supplies. The posting into Bought General ledger being the exact opposite of those suggested above.

No. 57.-Journal-

The postings in the General ledger will thus have been all made except for certain adjustments, viz., the settlement of accounts with other Government departments, certain closing and opening entries, and any other transactions which have not been entered in any of the day books or Cash book. To collect this information a journal will have to be maintained, the individual entries being posted to their respective accounts in the proper ledgers, the pages of which should be noted in column 4. This book should be totaled monthly and the totals of columns 7 to 10 only should be posted into the General ledger as follows:-

Total of column 7 to the Debit of the Bought Ledger Control Account.

Total of column 8 to the credit of the Bought Ledger Control Account.

Total of column 9 to the Debit of the Sold Ledger Control Account.

Total of column 10 to the credit of the Sold Ledger Control Account.

No. 58.- Block Register-

In order to enable us to ascertain the amount of Government capital laid out on the manufacturing side of each jail it will be necessary to prepare a list of the assets involved are:-

- (a) Buildings, (b) Plant and Machinery,
- (c) Furniture and Fixtures, and (d) Stocks of raw.

Materials and finished goods.

The last mentioned is separately booked and does not concern us here, whereas assets (a), (b), and (c) do. As regards (a) a lump valuation will not suffice, each main building in the workshop area should be enumerated and valued. In the same way each machine should be segregated, Furniture, however, need not be shown item by item, it will suffice if the classes of articles be enumerated separately, viz, 40 chairs, 20 tables, etc. These three assets should be collected in a Block register.

This Block register should be in this distinct section

in order to segregate the three classes of assets which are compiled in it. The form of ruling is self explanatory, the register itself is only a memorandum book.

It is essential that assets of class (b) and (c) be collected under location, i.e. the machines in the furniture making department will appear together so that it will be possible to strike a total of the value of machines in the furniture shop and what is more important ascertain the depreciation to that shop.

No.59 Purchase Order Book-

- (1) These purchase orders should be compiled in this book, columns 1 to 6 being written up at the time, and columns 7 to 11 being entered up from information when the goods and the invoice have been received. This order book should be placed before the Superintendent once a month, and he will observe whether orders have been strictly complied with as to quantity, quality and date of delivery, and from this information decide whether or not to continue dealings with firms,- and remark recorded in column 11. The system if calling for tenders, and selection by the Superintendent should be continued. The account office should particularly watch invoices, and see that the quantity billed for agrees with the quantity delivered.
- (2) Stock limits:- The limits of stocks to be carried should be fixed, i.e. the minimum below which the stock of each kind of article should not fall and thus interrupt manufacture, and the maximum above which, for financial reasons, it would not be expedient to pass. Stocks would then be held at a safe level within these limits.
- (3) Purchase orders:- When stocks are reaching the minimum limit, the Store keeper should notify the accounts office, who will prepare a Purchase Order on form H.P.J.F. 179 and put it up to the Superintendent of the Jail for signature. This book will be bound with alternative detachable pages. The order will be duplicated by means of carbon paper, the original being dispatched to the

supplier. It would be advisable that the Superintendent keeps this book and when required. The Storekeeper should not be notified of the quantities ordered. He should, however, be informed that orders for replenishment have been placed.

Nos. 60 and nos. 60-A.- Register of daily Receipts and Issues.-

Separate registers shall be maintained for the daily receipts and the daily issues. These register should be bound with alternative removable pages, duplicating being obtained on the detachable page by means of carbon paper. Each set of two pages, i.e. the fast and the removable, should be reserved for one day's entries. The store-keepers filling in columns 1 to 4 of register NO. 60, the quality check being made by a responsible officer who should initial column 5 in token of having passed the item, the Store Keeper should then post his bin card and note its number on column 6, at the end of each day the removable page should be detached and submitted to the accounts office where columns 7 to 10 will be entered up and the posting made to the proper folio in the Stores ledger. Register No. 60-A should be kept up in the same manner.

No. 61. -Stores Ledger (Accounts Office).-

- (1) The source of the entries is the same as far as Bin Cards, and is indicated on the form. The remarks column should show the results of stock verifications and the date the data of which they were made.
- (2) Stock-taking-Stocks should be verified at least twice a year, once by the traveling stock-takers and once by a responsible official deputed by the Superintendent. The former should make two half-yearly visits and check one-half of the stocks held at his first visit and the other half at his second. At the latter visit he should select a few of the items he has already checked at the first, and re-check them. The official deputed by the Superintendent should carry out his verification piecemeal throughout the year, he should not notify the end of the year. Here again the check of a class of article two or even three times during the year has most salutary effect on the storekeeper and the accounts clerk compiling the stores records. These stock-takers should initial both sets of stores records and makes a note of any differences discords, at the

same time notifying the Superintendent direct of these differences. The accounts office also shall compile a list of these differences which should be forwarded to the Superintendent, through the Deputy Superintendent in charge of the jail. After comparison the Superintendent should pass orders, or, if necessary obtain orders to the write off of such losses. The accounts office should periodically satisfy itself that the balances appearing in their stores ledgers agree with those in the Bin Cards. At stock-taking the verifiers also will satisfy themselves on this point.

- (3) Bin Cards (**H.P.J. Form 182**).- Since most or all of the stores are stocked in bins or on racks it will be found far more convenient for the Store-keeper to use Bin Cards than Stores ledger. The Stock of Bin, Cards should be kept by the Accountant, who should be held responsible for their legitimate issue, which should be made only as each of the cards in use is completed and produced to the accounts office. The completed cards should not be destroyed but should be preserved for three years by the accounts office to whom they should be made over. Each card will have a hole punched at the top whereby it may be suspended from a nail over the bin or rack where the article it relates to is stocked. The Accountant shall keep a statistical register to show the number of cards he has received and the number he has issued and the balance in hand. This should be tested by the audit staff. Once the original issue is made all succeeding issues will be balanced by receipts back into the office of completed cards. In order that the storage place of articles of stock be recorded the rack spaces, or bins should be numbered and the number painted on, so that against "where stored" may be entered the name or description of the building and rack or bin stock verifications which should be noted by the no remarks. The line against the particular date on which the verification was made.
- (4) Manufactured goods transferred to Stock Rooms- When a job has been completed the Foreman of the department concerned, should make out a "manufactured goods to stock" note, the Foreman completing column 1 to 4. This book will be bound so that triplication can be obtained. The two loose copies shall be dispatched with the goods to the Store-keeper who after check and entering in his Bin Cards, retain one copy and return the other to the Foreman after initialing. These duplicates

should at the close of the day be sent to the accounts office where entered up and a notice made on the cost sheet concerned.

- (5) Issues of manufactured goods from stock.- Issues of manufactured stocks shall not be made by the Store-keeper except on a properly authorised indent from the accounts office. This book shall be in triplicate the necessary copies being obtained by carbon paper. If the sale is for cash the word "Bearer" shall, be entered above the columned space, if on credit the name and address of the customer shall be entered. After filing in columns 1 to 3, the two loose copies should be detached and send to the Stock-keeper, who after issuing or dispatching the goods shall enter up his Stock ledger or Bin Card and initial one copy which he shall return to the accounts office where columns 4 and 5, and, if necessary columns 6 will be entered up and the necessary entries made in the Stock ledger, and the Bill prepared.
- (6) Summary of Stores Indents- Since it is necessary to compile costs of manufacture, all issue of stores and raw materials must be summarized to jobs, this should be done daily by the accounts office from stores indents received from the various foreman of departments, the Indent No. being entered in column 1 and the value in column 2, from there the extension will be entered up according to the daily number concerned as shown on the indent. The daily totals of columns 2 to 17 should be struck and a "monthly allocation of materials issued to the data being entered in columns 2 to 17. Where jobs are large and manufacturing than one sheet.
- (7) Stores Control accounts- The accounts office should compile a control account in the General ledger by some one other than the accounts clerk compiling the Stores ledger, this account should be posted daily. Posting should be made as follows:
 - (a) The value of the commanding balance of stores in hand should appear as a debit in this account.
 - (b) The daily receipts should be debited.- vide the total of column 9 of the "Register of daily receipts."
 - (c) The issues should be credited- vide the total of column of the "Daily allocation of materials issued to jobs" sheet.
 - (d) Adjustments also shall have to be debited or credited, e.g., the daily total of the value of surplus materials returned to store should be debited.

- (e) The value of deficiencies found at stock taking should be credited to this account.
- (f) The value of surpluses found at stock taking should be debited.

This account for the sake of convenience should be balances monthly, and compared with the schedule of balances extracted from the Stores ledger. A Finished Stock control account on the lines of the Stores control account should also be maintained.

- (8) Indents on the Store-keeper.- The Store-keeper should make no issues they are requisitioned for on properly authorized indents. The Foreman in charge of each manufacturing department of the jail will carry one of these indent books with him. These books should be bound in sets of three pages bearing the same page, number the first page fast and the other two detachable. The books also should be numbered, and the book number should be printed over the page number thus 3/98. When materials should make out the indent, obtaining triplication by means of means of carbon paper, and note clearly the department and job for which it is required. He should detach the two loose copies and submit them to the Storekeeper who, will make the necessary issue, obtain the drawers thumb-impression in token of having received the articles, and should himself initial both copies and he should note on the remarks column the balance remaining in stock of that article after the issue was made, one copy he should retain, and the other he should hand over to the drawer. He should make the necessary posting into his Bin Card and file the Indent. The Forman will get back one copy of the indent with the material he has indented for, he should, at the end of each day, submit to the accounts office all these duplicate indents where they should be priced out and posted into the priced Stores ledger, and the balances as appearing in the remarks column of each indent agreed with the balance appearing in the Stores ledger. Thus the account clerk will apply a daily check on the Store keeper's records.

- (9) Issue rates- The clerk in charge of Stores ledger in

the accounts office shall, after each entry of a purchase i.e. a receipt in to store, calculate a fresh issue rate on the balance in hand on the evening of the previous day, both as regards quantity and value, plus the new purchase quantity and value. The new rate which will be arrived at by dividing the sum of the values by the sum of the quantities will be noted at ones against that day in the rate column on the issue side of the Store ledger. These rates should be tested by the usual audit staff at their periodical audits.

- (10) Materials surplus to requirements-Materials drawn for a job which are found the end to be surplus to the requirements of that job must not be used on any other job. They should be returned to stores on a Return to Stores Note. The procedure as to the preparation and submission of this from follows that suggested for indents on the Store-keeper. The book will be bound so as to supply triplication, two copies being sent to Store keeper, who, after checking the quantity, etc. and initialling both copies will return one to the Foreman. At the close of the day the Foreman will submit these duplicates to the accounts office. The rate and value columns will be filled in only in the accounts office, the rate being that ruling on the day the stores were returned.

No.62.-Register showing the name of prisoners working in and out of the jail-

- (1) Serial numbers commencing from. It should be entered in the column of the day concerned against the name of each prisoner forming the gang deputed for work. If for any reason any prisoner is unable to accompany the gang a cross marks should be entered in place of a serial number.
- (2) The names of prisoners subsequently added to the gang should be entered after the last name on the register and the sequence of the serial numbers should be maintained in order to facilitate the counting of the prisoners.
- (3) The gate-keeper should obtain the signature of the warder in charge of the gang at the bottom of the column on the day concerned and should himself record clearly the number of prisoners forming the gang.

No.63.- Garden Register-

- (1) Each plot in the garden should be allotted a distinct number which should be clearly exhibited on the spot by means of a small pillar or post.
- (2) The area of each plot should be shown in the register in acres.
- (3) The actual amount of produce from a plot either sent for storage to the godown or issued to prisoners should be shown in this register, such as grain straw fruit vegetables etc.
- (4) A note signed by the superintendent should be entered in the register dwelling on any special feature of the crop whenever necessary.
- (5) The signature of the official in charge of the godown should be recorded against the entry of all articles sent for storage to the godown.
- (6) When a plot is allowed to lie fallow the reason should be recorded in the register under the signature in the superintendent.

Nos.64 and 65. wards day and night duty registers-

- (1) Any alteration made in the duties of warders should be attested by the Deputy Superintendent.
- (2) Warders should affix their signatures or thumb-impression against their names just before they go on duty.
- (3) Names of temporary warders should also be shown in this register with the duty assigned to them.
- (4) Name of men on leave of on the sick list, etc., should be shown at the bottom..

No. 67- Night Round Book-

- (1) This book should remain in the custody of the gate keeper during the day and in the custody of the sentry during the night. The gate keeper should produce the book before the superintendent on his arrival at the morning.
- (2) The official visiting the jail at night should record his observation in the book before leaving the jail.

No. 68,- Register showing particular of prisoners in the convalescent gang.-

- (1) The medical officer should attest entries in columns 4 and 7, that is, dates of admission to, and

discharge from the gang.

No. 70, - Register of out-patients attending the jail hospital.-

- (1) The names of every prisoner or jail official attending the hospital or who is attendant to by the medical officer in the cells barracks factory etc, should be recorded in this register.
- (2) The fact that a prisoner attended the jail hospital as an out patient should also be noted in his history-ticket.

SECTION II.- RETURNS, BILLS, FORMS ETC.

33.07 The bills, forms, returns, reports etc. to be furnished by the officer Incharge of prison, shall, from time to time, be prescribed by the head of Department.

SECTION IV-PRESERVATION AND DESTRUCTION OF RECORDS.

Classification of records for purposes of preservation.

33.08. (1) All jail registers, return and record of every description shall, for the purposes of preservation or destruction, be classified under the following heads-

- (a) those to be preserved permanently,
 - (b) those to be kept 12 years,
 - (c) those to be kept 3 years, and
 - (d) those to be kept 2 years.
- (2) each of the four classes shall be kept separate, and on the back of each register or bundle, a piece of colored paper showing the period for which it is to be preserved and the approximate date on which it is to be destroyed, should be pasted.

Classification letters and correspondence.

33.09. The superintendent shall exercise his discretion as to the classification preservation, except-

- (a) letter relating to standing orders,
- (b) important public works and manufactures,
- (c) the acquisition and renting of land,
- (d) any permanent charges upon government, and
- (e) escape when the prisoner is not recaptured, all of

which shall be permanently preserved.

Correspondence relating to person granted gratuities shall be destroyed after ten years.

Records to be permanently preserved.

33.10. The following record shall be preserved permanently:-

Reports

Annual administration report of the department.

(b)- Registers.

Number of form.	Description of form.
2	Register of convicts admitted.
4	Release diary of convicted and civil prisoners.
18	General cash book.
19	Cash Ledger.
22	Alphabetical Index of prisoners.
W.F.93	Register of office furniture.
27	Register of letter received.
28	Register of letter dispatched .
29	Warders' service Register.
35	Register of charges for Supplies and Services.

- 35 A. Register of contingent charges.
- 41 Acquaintance roll of establishment.
- 42 Inventory of Miscellaneous property.
- 44, 53 Manufactory Cash book.
- 45 Register of manufactory contingent charges.
- 58 Block Register (200).

(c) Bills, forms etc.

- 54 Confidential report of establishment.
- 55 Report on the character and qualifications of warder establishment.
- 72 Declaration of relatives.
- 98 Form of Security bond.
- 102 Declaration to which a candidate for employment is required to subscribe.
- 107 Warders clothing sheet.
- 148 Report of escape of prisoners not re-captured.
- 153 Measurement Statement.
- 164 acknowledgement by a jail officer of having read or having had explained to him the purport of

section 54(1), Act IX 1894.

189 (a),(b),(c),(d) Forms of tender.

and (e)

190 Descriptive roll of dismissed warder.

A.G.55 Application for Pension.

C. A. C. 3 & 4 List of establishment standing on the 1st April.

A. F. 85 Proposition statement for revision of establishment.

Records etc. to be kept 12 years.

33.11. The following records shall be preserved for 12 years and then destroyed:-

(a)-Reports and Returns

Superintendent's Annual Reports and Returns.

Medical Officer's annual returns, and infectious disease report .

Medical officer's post mortem and medico-legal reports.

(b)- Registers

Number of form	Description of Form
1	Register of under-trial prisoners.
3	Register of civil prisoners.
5	Register of punishments inflicted on prisoners.
6	Register of remarks of visitors.
9	Superintendent's journal.
11	Factory Manager's journal.

	Deputy superintendent's journal.
13	Hospital Register.
29 A.	Warder's clothing register.
36	Register of purchases of grain fuel etc.
37.	Daily go down and mill account.
40	Dairy and cattle register.
46	Register of receipt and issue of Raw materials.
47	Stock register of raw materials.
47 A.	Register showing raw materials process of manufacture.
48	Stock register of manufactured articles.
48 A.	Stores and Sale-book of manufactured articles.
50	Indexed Bill-book.
51	Register showing outstanding balance.
52	Stock Register of material for maintenance.
54	Ledger (Manufactory).
55	Sales day Book.
56	Purchases Day book
57	Journal (Manufactory).
59	Purchase order book.

- 60 Register of daily receipts
- 61 Stores Ledger.
- 62 Register showing names of prisoners working in and out of jail.

(c) Bill Form, etc.

- 44 Monthly return of sick.
- 97, 97 A Statement to be sent with a criminally ill prisoner on transfer to a mental asylum.
- 109 Annual return of sick prisoners.
- 113 Certificate of fitness for transfer to a mental Asylum.
- 152 Statement showing particulars of a prisoner to be conditionally released.
- 163 Verification roll of candidates for employment.
- 165 From of inventory to be prepared on change of Deputy Superintendent.
- 166 No-demand certificate.
- 48 Stock register of manufactured articles.
- 48 A. Stores and Sale-book of manufactured articles.

- 50 Indexed Bill-book.
- 51 Register showing outstanding balance.
- 52 Stock Register of material for maintenance.
- 54 Ledger (Manufactory).
- 55 Sales day Book.
- 56 Purchases Day book
- 57 Journal (Manufactory).
- 59 Purchase order book.
- 60 Register of daily receipts
- 61 Stores Ledger.
- 62 Register showing names of prisoners working in and out of jail.

(c) Bill Form, etc.

- 44 Monthly return of sick.
- 97, 97 A Statement to be sent with a criminally ill prisoner on transfer to a mental asylum.
- 109 Annual return of sick prisoners.
- 113 Certificate of fitness for transfer to a mental Asylum.
- 152 Statement showing particulars of a prisoner to be conditionally released.

- 163 Verification roll of candidates for employment.
- 165 From of inventory to be prepared on change of Deputy Superintendent.
- 166 No-demand certificate.
- 169 List of arms and accoutrements in stock.

33.12. The following records shall be preserved for 3 years and then destroyed:-

(a) – Report and returns

Nil

(b) - Registers

Number of Form	Description of Form
8	Medical officers' journal.
13-L	Register of expenditure of Medicines.
38	Daily register of prisoners dieted.
39	Clothing go down stock-book.

(c) Bill forms, etc.

Records etc., to be kept 3 years.

1	Jail detailed contingent bill.
2	Voucher No.1-Abstract statement of prisoners dieted.
3	Voucher No. II-Detailed Statement of the diet of prisoners
4, 5	Vouchers No.III-Detailed Statement of bazaar medicines,

- hospital equipment and No.1V-
statement of amount and cost of
diet of sick and convalescent
prisoners.
- 6** Voucher No. V- General list of
charges other than those detailed
in vouchers Nos. III and IV.
- 7** List of Payees' receipts (Jail
maintenance).
- 8** Statement of warrant credit notes.
- 9** Statement of prices current.
- 10** Statement showing detail of
expenditure.
- 11** General bill of Jail supplies.
- 12** Manufactory detailed contingent
bill.
- 13** List of payees, receipts
(Manufactory).
- 15** Statement of state revenue and
receipts.
- 16** Factory Stores Account.
- 56** Estimate of miscellaneous articles.
- 57** Indent for prison clothing.
- 61** Descriptive roll of prisoners for
transfer.
- 63** Memo of property of prisoners for

	transfer.
66	Manufactory sale bill.
67	General bill of articles to public offices.
70	Temperature chart attached to return of sick.
73	Indent for register and form
80	Outstanding due to the jail manufactory.
86	Hospital bed-head ticket.
93	Counterfoil of received.
93-A.	Receipt for money received.
100	Chalan of cash paid into Treasury (A and B)
123	Statement A-showing the nature and amount of accommodation.
124	Statement C-showing the working of the remission system.
131	Statements showing the amounts credited to Government under heads of charges.
136	Statement No. XII-A. Showing the result of employment of convicts.
147	Tent statement.
160	Form A-Requisition for railway tickets.

174	Docket to Inspector-General asking sanction for extra guard.
1	Indent for stationery.
179	Purchase Order (Book).
180	Stores indent(book).
181	Returned to Store Note (Book).
182	Bin Card.
183	Manufactured Goods to Stock Note (Books).
184	Stock Indent (Books).
185	Daily allocation of materials issued to work orders.
IAFZ-2096	Receipt and delivery vouchers for arms and ammunition.
IAFZ-2091	Requisition for arms and Ammunition.
Stereo. and T.320	Certificate of the possession of the full amount of permanent advance.
B.M.I	Budget estimates (expenditure jail and factory).
B.M.I.	Budget estimate (Income).
M.A.D.334-35	Indent for medicines.
M.S,D.336	Supplementary indent for medicines.

English file relating to civil. Pensioners shall be destroyed three years after the death of a pensioner, when there are no outstanding

Record etc., to

be kept 2 years. claims on the part of the heirs.

33.13. The following records shall be reserved for 2 years
and then destroyed:-

Reports and return

Nil

Number of Form

Description of Form

7	Register of the names of visitors.
14	Lock-up register
16	Register of persons passed in or out
16-A.	Register of prisoners passed in and of the jail.
21	Diary of termination of jail punishments.
W.F.96	Stock-book forms and registers.
25	General abstract of prisoners.
26	Labour distribution register.
30	Watchman's control register.
31	Register of target practice.
C.H.13-L.	Register showing expenditure of medicines.
33	Register of convalescents dieted.
43	Ammunition register.
49	Manufactory Order Book.
63	Garden register.
64	Warder's day duty register.

65	Warder's night duty register.
67	Night Report Book.
68	Register of convalescent prisoners.
70	Register of out-door patients.

Number of forms

Description of Form

145	Remission sheets shall be retained in the office of a jail for a period of one year after the release of a prisoner to whom they relate.
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NOTE:- Applications received from the friends and relatives of prisoners for interviews, etc. at to be preserved in the jail office for 06 Months and then destroyed.

APPENDICES

APPENDIX – 1

HANDBOOK FOR PRISONERS

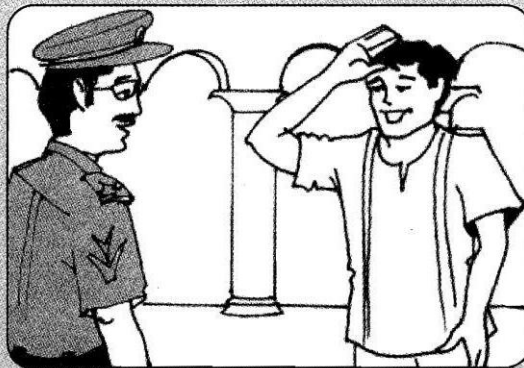
(See Chapter V)

[Source: Bureau of Police Research & Development]



PRISONERS' RIGHTS AND OBLIGATIONS

A Handbook for Prisoners



BUREAU OF POLICE RESEARCH & DEVELOPMENT
MINISTRY OF HOME AFFAIRS
GOVERNMENT OF INDIA

Introduction

The preparation of this handbook is a modest step towards lending credence to human rights initiatives in prisons. An attempt has been made to clearly and lucidly inform and explain to the prisoners their rights and duties within the framework of the prison walls. This handy manual will not just meet a long-felt prisoners' need but also move the authorities towards further streamlining prison procedures and functions. While on the one hand it will make the prisoners more alive and aware about their rights, on the other it will help the prison authorities to become more sensitive and alert to prisoners' human needs. Similarly, a clear understanding of their duties shall help the prisoners to know their limitations and make the day-to-day functioning of the prison administration smoother.

The intention is to protect human rights and dignities in a prison; yet it is also being effectively conveyed that facilities and privileges in a prison cannot be taken for granted. Thus while an effective grievance redressal procedure is put in place, the prisoner is also clearly told that his privileges and other facilities are contingent on his good conduct. While all human and civil rights are extended to him, it is also incumbent upon him to abide by the prison rules and regulations.

Though it would have been proper to make a clear distinction between absolute rights and discretionary rights, the privileges and the amenities, it would have been a little confusing for the prisoner. On the premise that any conflict would be resolved by further referring to the exhaustive jail manuals and prison rules and regulations, rights and duties have been listed under convenient headings that can be easily understood by an average prisoner. Since the prisoner is the audience here, all efforts have been made to make the handbook

simple, readable and pleasing to the eye. To avoid reader fatigue, the text has been peppered with appropriate and communicable illustrations.

Finally, though it will be in bad taste to refer to happiness in a prison setting, a certain level of contentment can be created through a humane and congenial atmosphere, where the rights are met and obligations are fulfilled. This handbook strives to make a move just towards that.

Admission

At the time of admission a prisoner shall

- be treated with courtesy.
- submit to thorough search.
- notify details of his identity, family members, close relatives, friends, legal representatives and diplomatic mission in case of foreigners so that they can be informed about his admission or transfer.
- submit a list of persons who are likely to seek interviews with him.
- deposit his personal belongings with the jail authorities, which shall be registered in the prison record and returned to him on release.
- be informed of the rules, regulations, his rights and obligations and his legal status in prison.
- be classified for the purpose of segregation according to his

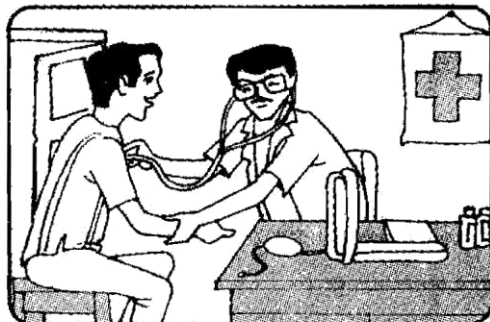


status like undertrial, detainee, convict, juvenile, woman, habitual, high risk etc.

Classification and Medical Examination

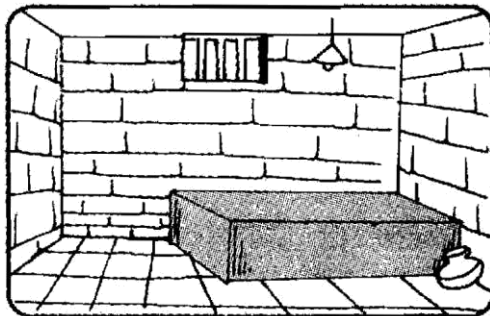
A prisoner after admission shall be kept separately for some time, according to his classification, in the reception ward

- for medical examination, observation etc.
- to get his injuries, if any, examined.
- to have a medical screening where he will give truthfully and freely his medical history, including correct information about blood group, allergies, etc.
- to be vaccinated, if needed.



Accommodation

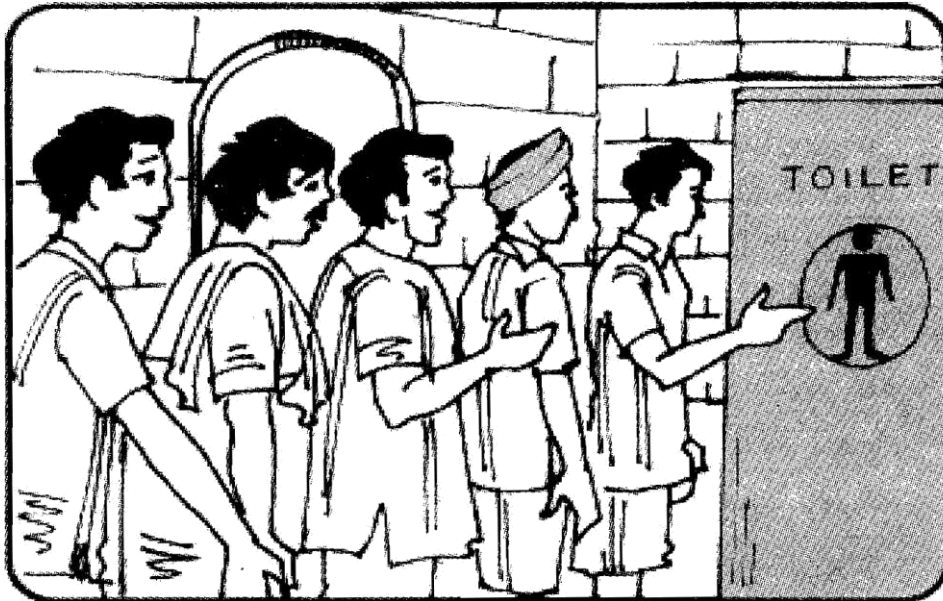
- Every prisoner shall be provided adequately ventilated, clean and sufficient living space with good lighting system.
- He shall be accommodated separately according to the classification and socio-cultural background.



Sanitation and Hygiene

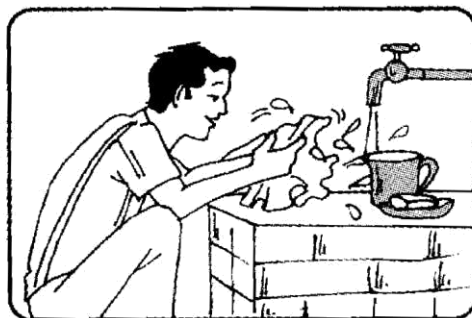
A prisoner shall

- maintain personal cleanliness and all-round hygiene at all times.
- keep his clothes, blankets, bedding, utensils and his surroundings clean and orderly.
- ensure that he and his fellow inmates keep their living place neat and clean and they do not spit around.



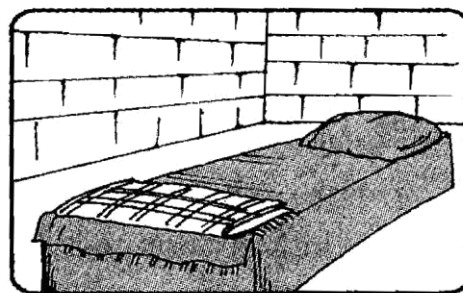
- make separate queues for latrines and urinals.
- shall wait for his turn in the queue for nature's call.
- shall ensure that the previous user flushes the latrine/urinal after use, and he shall do the same.
- shall only spend as much time in the bathroom as is absolutely necessary and be sensitive to the fact that others are waiting for their turn.
- not litter the surroundings.

- keep his nails clean and trim them regularly.
- wash his hands before working in the cook house or before touching food articles.
- bathe and wash his clothes everyday.
- be provided with adequate water supply for bathing and washing, sufficient toilets and a good drainage system with periodical repairs and maintenance.
- be provided shaving and other soaps, brush etc. at Government cost.
- be provided the services of the barber for shaving or clipping.



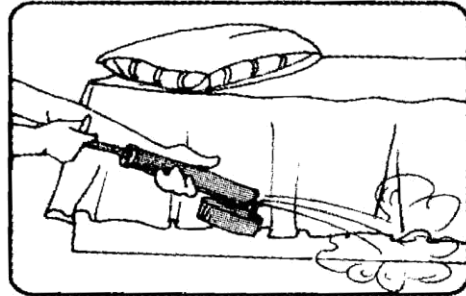
Clothing and Bedding

- A prisoner shall be provided sufficient, proper, neat and clean clothing and bedding, according to season.
- Undertrials and those awarded simple imprisonment can wear their own clothes. If they do not have sufficient clothing or bedding, the same shall be provided at Government cost if the Superintendent permits.
- A prisoner can wear his own clothes whenever authorized to move out of the prison.
- He shall wear the clothing given to him and not exchange it



or any part of the prison kit with that of any other prisoner.

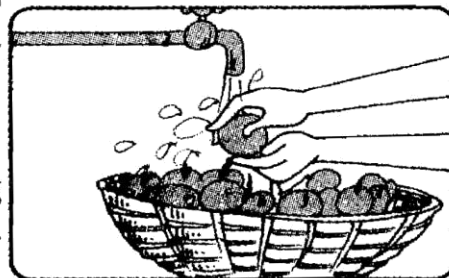
- He shall be provided the facility for washing, proper aeration and periodic fumigation of clothing and bedding.



Food

A prisoner shall be provided

- three meals a day according to the prescribed diet.
- timely, hygienic, nutritious and medium quality food in sufficient quantity.
- properly inspected food, cooked and served in appropriate utensils.
- food articles, which are properly cleaned, carefully sifted, inspected and preserved in good and wholesome condition.
- fresh vegetables.
- potable and sufficient drinking water, made available conveniently at all times.
- a special diet as prescribed by the medical officer, if he is sick.
- extra nutrition in case of a nursing or pregnant woman or a juvenile.
- extra or reduced scale of diet only on the medical officer's advice.
- special diet on religious festivals and national holidays.
- food suitable to the occasion if he is observing fast or *rozās*. However, a medically unfit prisoner is not allowed to fast without permission of the medical officer.



- the entire daily ration at evening meal if he is fasting. He is allowed to take it to his barrack or cell for use during night or the following morning.

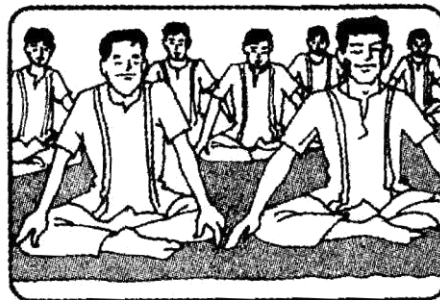


- If food is insufficient or inferior in quality, a prisoner can complain to the jailor in charge of the kitchen, who will promptly investigate and report the facts to the Superintendent.

Health Care

A prisoner is entitled

- to proper and free health care, including specialist treatment and dental care.
- to second medical opinion and access to all medical information concerning him.
- to space and material for daily physical exercise to help him keep a good physical and mental health.



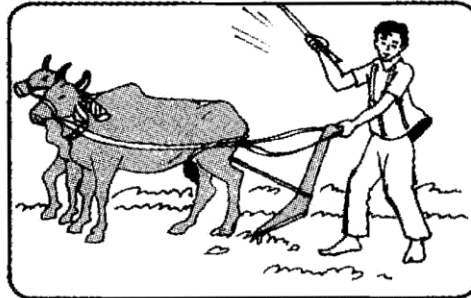
Work and Wages

A prisoner

- who is medically fit shall work to gain skills for rehabilitation after release.
- cannot be subjected to forced labour.
- who is an undertrial or a prisoner under simple imprison-

ment cannot be allotted any work unless he so desires.

- shall not be employed on labour for more than the stipulated hours in any one day, except in case of an emergency and by the order in writing of the Superintendent.
- has the right to protest or complain if the officers and the prison staff employ him for private work at their residences and attached gardens.
- has the right to weekly off. No work except menial and other necessary work shall be done on sundays and other prison holidays.
- will be protected from undue exposure to the vagaries of weather while at work.
- who works shall be paid fixed wages on condition that he completes his daily quota of work to the satisfaction of the prison authorities.
- shall have his wages credited to his wage account.
- can spend a part and send a part of his wages to his family.
- shall get the saved amount on his release.



Facilities and Amenities

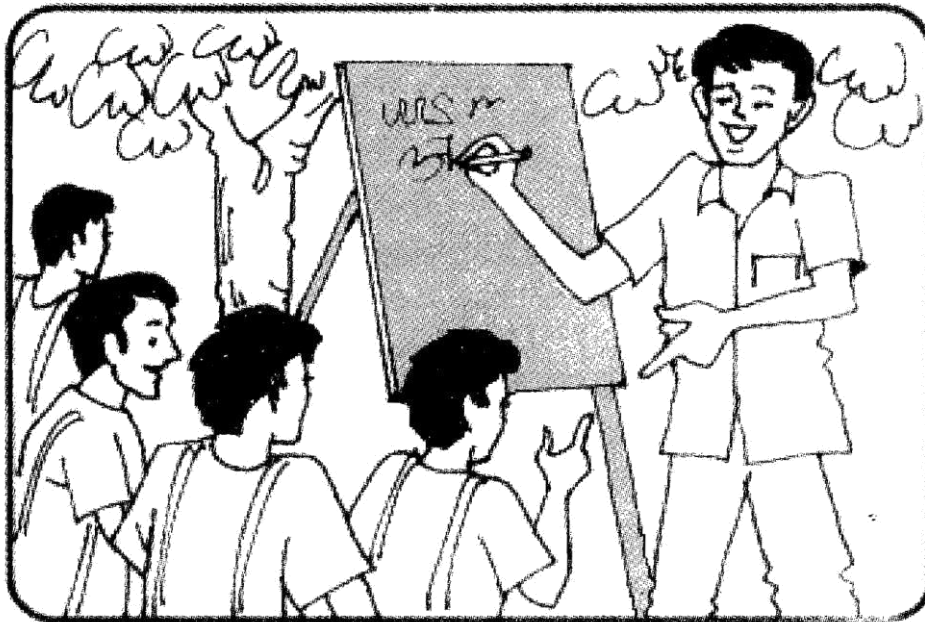
- A prisoner can spend part of his earnings on postcards, envelopes and the likes, books and other approved items and payment of fine or other legal obligations.
- He has canteen facilities for purchase of foodstuffs, articles of daily use like soap, toothpaste, oil, comb, tea, coffee, milk,



stationery etc.

- He can participate in recreational and cultural activities, yoga classes and sports organised from time to time.
- He can keep postcard size family photos.

Education



A prisoner

- has the right to education.
- shall be provided facilities for literacy classes and vocational training.
- has the right to pursue higher studies.
- is entitled to the same standards and contents of education as prevalent in the state of his imprisonment.
- has the right to access the prison library.
- desirous of higher studies or otherwise may possess any number of books with the Superintendent's permission.

Religion

- A prisoner has the right to observe the tenets of his religion, attend religious functions and have access to representatives of their religion.
- He can keep with him religious books and pictures.
- He is to be provided with place of worship.

Appeal, Petition and Legal Aid

A prisoner


- desiring to appeal is granted every facility for appealing to the proper appellate court.
- is entitled to free legal assistance of his choice.
- is entitled to appeal and petition according to the provisions of law and for legal defence.
- can delegate power of attorney to settle property, land, civil suits, business etc. and execute his will.
- can make representations and complaints on matters such as appeals, assaults or ill treatment, when the Superintendent visits prisoners during the day.

Contact With Outside World

A prisoner has the right to communicate with the outside world through media, letters and interviews. He can communicate and interview in privacy with legal advisers, diplomats (in case of foreigners), his family members and friends.

Letters

A prisoner

- can write letters at government cost.
 - can write to his near relatives and friends only.
 - can write the number of letters per month as notified.
 - can receive unlimited number of letters.
 - can be allowed additional letters for legal purposes at the Superintendent's discretion.
 - can be extended facilities for sending telegrams or registered letters in suitable cases at his own cost.
 - cannot correspond with inmates of other prisons, except with those who are his close relatives with the permission of the Superintendent.
 - can be disallowed letters for reasons of security, discipline or during emergency.
 - can be permitted by the Superintendent to substitute a letter for an interview or visa-versa.
 - will only correspond on personal or private matters.
 - is forbidden to include any matter likely to become subject of political propaganda or any strictures on the administration of the prison.
- 
- Letters both incoming and outgoing are censored according to prison rules and recorded in the history ticket of the prisoner. Those with objectionable cryptic or suspicious contents shall be withheld under intimation to the prisoner. But he shall receive the censored letters without delay.

Interviews

Interviews are granted only to near relatives, friends and legal adviser of a prisoner with the permission of the prison officials and consent of the prisoner.

- Every undertrial or convicted prisoner, during the period of appeal, is entitled to see his relatives or friends or the legal adviser and communicate with them as and when required, at the discretion of the Superintendent, to enable him to prepare or file an appeal, arrange for bail or surety, payment of fine or to manage his property and other family affairs.
- The visitor and the prisoner shall be subjected to search



and strict vigil during interview.

- Interviews between prisoners are only allowed if they are members of their families, that is, spouse, children, father, mother, brother and sister.
- Interviews are ordinarily granted on working days and

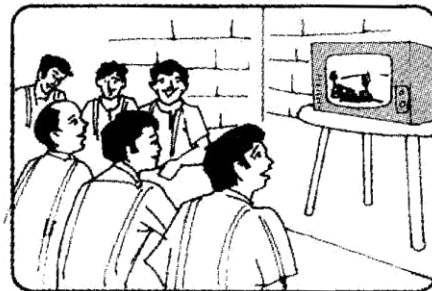
during the hours notified in front of the prison gate, the visitors' waiting room and the inquiry office.

- Interviews are granted on sundays and prison holidays in exceptional cases only and with the permission of the Superintendent.
- The duration of an interview shall normally not exceed the prescribed time limit.
- During an interview with father, mother, children, wife, sister, brother or a joint interview with his friends and relatives, up to five persons are permitted.
- A prisoner is entitled to only stipulated number of interviews every month.
- A prisoner on hunger strike shall not be granted interviews and other facilities.
- No political matters shall be discussed during an interview.
- An interview may be terminated at any moment if the Jailor present considers there is sufficient cause to do so.

Media

A prisoner

- can access news through books, newspapers, television, radio etc.
- may be allowed by the Superintendent to have at his own cost any newspaper or periodical approved by the state government.
- is provided newspapers and periodicals approved in the prison library.



- All privileges such as interviews, letters and facilities for reading are contingent on the good behaviour of the prisoner and the Superintendent may withdraw or postpone privileges of an individual for misbehaviour and unsatisfactory conduct or use them as reward for good behaviour.

Security

- Prisoners are classified according to the risk they pose to others and kept accordingly.
- They can be subjected to restraint as a precaution (i) against escape during transfer; (ii) while attempting damage to property or physical attack on others or self; (iii) on medical grounds.
- Prisoners shall be provided protection from other prisoners.

Duties and Obligations

A prisoner shall

- maintain discipline and obey all prison rules and regulations.
- maintain strict silence at all times except when any enquiry or instructions relating to work are necessary.
- not keep *bidis* or cigarettes in his possession.
- smoke only at such places and during such periods as specified by the Superintendent.
- not leave his work or his line to make any representation.
- not destroy the equipment of the cell or damage buildings or prison property.

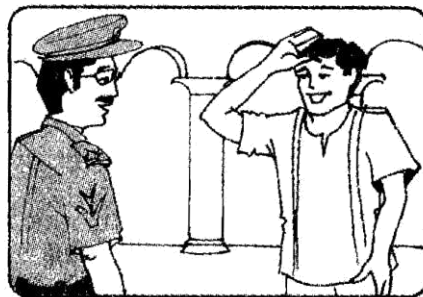


- report any plot or conspiracy, and any attempt to escape or preparation for escape, or for an attack upon any prisoner or prison officer.
- perform his allotted tasks willingly and carefully and take proper care of any Government property entrusted to them for the purpose.
- not receive or possess any prohibited article like alcohol



and other intoxicants, cash, ornaments, arms and ammunition, ropes and strings etc.

- not loiter outside the wards or in the wards after the doors have been opened, or bath or visit the latrine at awkward hours.
- not commit any nuisance or dirty any article in the prison or any part of the prison.
- not gamble, barter or play any game in the prison (unless permitted by the Superintendent).
- remain strictly within their gangs and within the part of the jail in which they are confined, unless ordered by proper authority to leave it.
- keep in file when not at work, and strictly carry out regular parades.
- show respect to all prison officers and not strike, assault or threaten them or any prisoner.



- help prison officers in case of any attack on them.
 - abstain from abuse, quarrelling, loud laughing, loud talking and indecent behaviour.
- On refusal to observe the legitimate rules a prisoner can be subjected to disciplinary action and punishment. However, he shall be informed of his offence before being punished and given the opportunity to present his defence and appeal to the higher authorities.

Prison Offences

The following activities are considered offences inside the jail premises. A prisoner indulging in any of these is liable to be punished;

- not following the prison rules and regulations.
- attack anyone or use undue force.
- use insulting or abusive language.
- show unwillingness to work.
- uncivilised or immoral conduct.
- deliberate refusal to work.
- attempt to break open handcuffs or fetters.
- unwillingness or refusal to work by those undergoing rigorous imprisonment.
- deliberately destroy or damage prison property.
- damage or destroy the history ticket.
- possession of a prohibited article.
- pretence to illness.
- plot or abet any prison offence.
- failure to report any fire outbreak or plot or conspiracy about attempted escape or preparations for escape, or an attack upon any prisoner or prison officer.
- any other action or activity that can be considered as offence under prison rules.

Prison Panchayat

All prison inmates have to participate in prison panchayats, wherever they are constituted. The purpose of the panchayat is to help the administration

- maintain proper sanitation, hygiene and cleanliness.
- establish an efficient cooking service and proper distribution of food.
- extend facilities and amenities to inmates such as medical help.
- organise recreational activities.
- maintain good behaviour among the inmates in barracks and workshops.
- help the prison administration in all matters, which are conducive for establishing a proper atmosphere in the prisons.

Leave

- Every prisoner is entitled to temporary release or leave according to rules.
- Ordinarily, leave is not granted to a prisoner within a period of six months from the date of his return from special leave or earlier leave.
- A prisoner desirous of leave will furnish personal bond of the amount fixed under the rules. In case of abuse of trust the prisoner is liable to stipulated penalty or punishment.
- Leave is not granted unless a prisoner has a relative willing to receive him while on temporary release and ready to furnish the required surety bond.
- The cost of journey both ways is borne by the prisoner released on leave. If he is not in a position to do so, and the

sanctioning authority so directs, a portion or whole of expense might be borne by the state government.

- As soon as a prisoner released on leave surrenders himself to the prison authorities, his order of release becomes inoperative. Thus if a prisoner who is released on leave has applied for extension of the period of leave, and before his application is sanctioned he surrenders to the prison authorities, he shall not be released after such surrender without obtaining a fresh order from the sanctioning authority.
 - The leave period is counted as a remission of sentence, subject to certain rules.
- A prisoner has no legal right to claim release on leave.

Special Leave

A prisoner

- is sanctioned special leave (parole) for such period as the competent authority may order in case of serious illness, or death of any member of his family or of his nearest relative or for any other sufficient cause.
- can be allowed special leave by the IG of prisons to appear in an examination.
- convicted of serious offences, when allowed special leave, is to report regularly at the police station nearest to the place where he intends to spend his time.
- is granted special leave subject to his executing a surety and personal bond and to observe all conditions, which apply.
- who abuses the concession or commit breach of any of the conditions of special leave shall be punished.
- is granted special leave either on his own application, or

made by his relative or friends, or the legal adviser.

- The special leave order becomes ineffective on a prisoner's surrender.
- The period spent on special leave shall not count as remission of the sentence.

Remission

- Remission is an incentive to a prisoner for his good behaviour and work.
 - Ordinary remission is granted subject to rules and as per the scale fixed for good conduct and standard performance of allotted work.
 - A prisoner who has not committed any prison offence during the period of one full year is eligible for annual good conduct ordinary remission in addition to any other remission granted to him.
 - Special remission may be granted to a prisoner for such service as protecting from attack or saving the life of prison officials, prison visitors or inmates, preventing an attempt to escape, assisting prison officials in fire outbreak, riot, strike etc.
 - The State Government remission can be awarded from time to time on special occasions.
 - The total of ordinary and special remission, excluding the State Government remission, granted to a prisoner, shall not exceed one third of the sentence.
-
- Remission is not a right but a concession that can be granted or withdrawn.

Redressal System

- There is a proper redressal system in place in the prison, wherein a prisoner can convey to the authorities his grievances and problems.
- He can request or complain on any working day to the prison authorities, normally through the complaint and suggestion boxes in the prison.
- He can complain if discriminated on the basis of race, colour, gender, language, religion, origin etc.
- He can put an anonymous note in these boxes regarding any personal or institutional complaints or give any suggestions on improvements in jail. They shall all be considered unless they are evidently frivolous or groundless.
- His complaints shall be redressed within the stipulated time and a note taken of his suggestions.
- He is allowed a request or a complaint, without censorship, in the proper form to the central prison administration, judicial authorities and other appropriate authorities through proper channel.
- He can personally approach the inspecting authorities during prison inspection and make requests or complaints in the absence of the prison officials.
- A joint petition or complaint by a group of prisoners is not entertained by the prison administration.



Women Prisoners

- The women prisoners shall be kept in a separate enclosure

within the prison.

- Habitual women offenders shall be segregated from other women prisoners.
- They shall be looked after and searched by the women staff only.
- Every woman prisoner shall be examined by the medical officer in the presence of a woman Jailor/Matron. Such examinations shall also be conducted on readmission after bail, parole or leave.



- Their special needs like pregnancy, childbirth and family care shall be adequately met and attended by lady doctors
- The deliveries of expectant mothers shall be conducted in maternity homes outside the prison. If per chance a birth takes place in the prison, this fact shall not be mentioned in the birth certificate of the child.
- A woman prisoner admitted to a prison with a child depending on her for nursing or otherwise can retain the child with



her till the child is six years of age. She can also retain a child whom no friend or relative can be found to take charge; or a child is born while in prison.

- Women prisoners shall be provided a nursery for their children whenever they are not able to look after them.
- They shall be supplied with *shikakai* or soap to wash hair.
- They can retain their bangles, wear vermilion mark to their foreheads and wear earrings, nose ring and a *mangalsutra* or its equivalent.
- They shall be provided suitable clothes for sanitary and

hygienic purposes. Any woman prisoner who so desires is permitted to buy sanitary napkins at her own cost.

- They will be provided literacy and other vocational training classes.
- They will be provided facilities for recreational and cultural activities.

Accompanying Children

- Children below six years, who accompany their mothers in the prison, are entitled to special crèches, where trained ayahs will look after them.
- Such crèches shall be within the premises but outside the walls of the prison.
- These children shall remain in the crèche while their mothers are at work.
- Infants who take their mother's feed shall be taken to their mothers at appropriate times. If it is deemed proper the mother can be allowed in the crèche at the time of the infant's feed.
- The accompanying children should be provided with educational facilities
- If need be, provision shall be made to send them to a school outside the prison.
- School books, bags and uniform shall be provided to the school going children.
- Special arrangements are made for a play school within the crèche for small children.
- These children will have periodic and regular medical check up.



- They shall be given special diet as recommended by the Medical Officer.
- These children have the right to proper security, safety and protection.

Undertrial Prisoners

- The undertrial prisoners are entitled to separate accommodation.
- They have the right to bail, to prompt court hearing, access to lawyer and friends in preparation of defence and special rights relating to food, clothing, work and visits.
- They are entitled to their own clothing and food. If they cannot afford, they shall be provided the same. The clothing in such cases is different from the convicted inmates.
- They cannot be allotted any work unless they so desire.
- They can consult their own doctors.
- No restraint can be imposed on them beyond what is absolutely necessary to prevent escape or unauthorized communication with persons within or outside the prison.

High Security Prisoners

- The prisoners who pose a high risk to the society or the country at large shall be kept in special high security enclosures away from other prison wards.
- They shall not be allowed out of their cells except at the time of distribution of food.
- Only one prisoner at a time will be taken out to distribute food and he shall be locked in immediately after the food has been given.
- The facilities and privileges extended to prisoners undergoing simple imprisonment are denied to them.

Appendix – 2

PROFORMA FOR HEALTH SCREENING OF PRISONERS ON ADMISSION TO JAIL

(See Chapter V)

Case No.
Name Age Sex..... Thumb impression
Father's/Husband's Name.....Occupation
Date & Time of admission in the prison.....
Identification marks.....

Previous History of illness

Are you suffering from any disease? Yes/No

If so, the name of the disease :

Are you now taking medicines for the same?

Are you suffering from cough that has lasted for 3 weeks or more Yes/No

History of drug abuse, if any:

Any information the prisoner may volunteer:

Physical examination:

Height.... cms. weight..... kg Last menstruation period

1. Paller : YES/NO 2. Lymph Node enlargement: YES/NO

3. Clubbing: YES/NO 4. Cyanosis: YES/NO

5. Icterus: YES/NO 6. Injury, if any.....

Blood test for Hepatitis/STD including HIV, (with the informed consent of the prisoner whenever required by law)

Any other

Systemic Examination

1. Nervous System

Cardio Vascular System
Respiratory System
Eye, ENT
Castro Intestinal system abdomen
Teeth & Gum
Urinal System

The medical examination and investigations were conducted with the consent of the prisoner after explaining to him/her that it was necessary for diagnosis and treatment of the disease from which he/she may be suffering.

Date of commencement of medical investigation

Date of completion of medical investigation

MEDICAL OFFICER

APPENDIX – 3

REGISTER FOR OUT PATIENTS

(See Chapter VII)

Nominal Register of hospital out patients in the _____ Prison at _____

Census number	Register number	Name	Sex	Volume Number and date	Month													Date of discharge	Cured	Admitted as in-patient	Relieved	Otherwise	Initials of Medical Officer in token of weekly examination		
					Date																				
					Total invalid																				
					Gang																				
					Total of Out-patients																				
					Total attended																				
					Disease	Date of admission and attendance as out-patients																			

APPENDIX – 4

REGISTER OF IN-PATIENTS

(See Chapter VII)

Register of in patients in the

Prison Hospital

Serial number	Register number	name	Class	Sex	Age	Block, ward or cell	Sentence of order	Date of sentence, order or committal	Length of imprisonment undergone	Work on which employed	Disease (to be entered and initialled by Medical Officer)	Date on which brought under observation	Date on which admitted to hospital	Result whether discharged, cured, placed in invalid gang	Date on which discharged from hospital	The date, in case of death	Reference to page of Hospital Case Book	Initials of Medical Officer in token of correctness and initials
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.	15.	16.	17.	18.	19.

APPENDIX-5
HOSPITAL ROLL OF
SICK INMATES
(See Chapter VII)

		Convicts	Sickin Hospital
		Undertrial Prisoners	
		Civil Prisoners	
		Total	
		Detained under observation	
		Prison Officers	
		Cooks	Servants
		Toilets.	
		Sweepers	
		Orderlies.	
		Attendants on lunatics	
		Total	
		Spoon	A
		Milk	
		Half.	
		Mixed	
		Full	
		Prison	B
		Spoon	
		Milk	
		Half.	
		Mixed	
		Full	
		Prison	
	G.	Arract	Articles.
	Kg.	Arrowroot.	
	G.	Barley.	
	G.	Brandy or rum	
	G.	Butter	
	G.	Butter Milk	
	Kg.	Bread	
	G.	Coconut Oil.	
	G.	Coffee	
	No.	Eggs	
	G.	Fish	
	Kg.	Firewood	
	G.	Flour	
	G.	Ghee	
	G.	Gingelly Oil	
	No.	Hoppers.	
	No.	Limes	
	No.	Plantains	
	Lit.	Milk	
	Kg.	Mutton	
	Kg.	Rice	
	G.	Rolong or Suji	
	Kg.	Sago	
	Kg.	Salt	
	Kg.	Sugar	
	Kg.	Tea	
		Initials of Medical Officers	

APPENDIX – 6
CASE SHEET
(See Chapter VII)

Class of prisoner with register number
and name

Address

Age

Date when first brought under treatment

Date of Admission to hospital

Date of discharge from hospital

Disease

Month and Date	Particulars of the case and treatment adopted	Diet and extras ordered

APPENDIX – 7

CASE BOOK

(See Chapter VII)

Register number and name of patient –

Present disease	Class of prisoner with nature and length of sentence (if convicted) State of health on admission to prison. Weight on admission to prison. Weight on admission to hospital. If sentenced to R.I., whether admitted from invalid gang or otherwise. If previously an out-patient, give dates. If previously an in-patient, refer to last page of Case-Book. INSTRUCTION.—In the event of death, closing entries should contain a record of the particulars required by section 15 of the Prison Act, 1894 under the Medical Officer's signature.
Month and Date	Particulars of patient's previous health, state on present admission, treatment and diet, with daily initials of Medical Officer.

APPENDIX – 8

SHEET FOR A PRISONER SENTENCED TO DEATH

(See Chapter XII)

Date of execution by Sessions Judge

Register No.

Name

Neck measurement

Weight

Result of medical examination, special points, etc.

Date of sentence by the Court of Sessions

Date of appeal to the High Court of Judicature at Mumbai

Date of decision of the High Court

Date of petition for special leave for appeal to the Supreme Court

Date of appeal to the Supreme Court

Date of decision of the Supreme Court

Date of submission of mercy petition

Date of result of mercy petition

Final date of execution

Length of drop required

APPENDIX – 9
CASE HISTORY OF CONVICT
(See Chapter XII)

[to be inserted from Maharashtra Rules if format is acceptable]

Name

Number

Age

Sentence

Section

Habitual or casual

Legal history and statement of the prisoner regarding present and previous crimes, if any

Social History

 Childhood

 Family History

 Health history

 Neighbourhood

 Educational background

 Adolescence

 Economic background

 Employment history

 Associations, companionship, etc.

 Habits, aptitude, etc.

Personality (general impression only)

 Clues regarding sequence of criminal behaviour

Date on which case history was prepared

Prison

APPENDIX – 10
REPORT OF EXECUTION
(See Chapter XII)

I hereby certify the sentence of death passed on _____ by the Court of Sessions and confirmed by the High Court, has been duly executed and the said _____ was hanged by the neck until he was dead at _____ on the _____ .

(Sd.)

Medical Officer

(Sd.)

Superintendent

(Sd.)

Executive Magistrate

APPENDIX – 11
REMISSION REGISTER
(See Chapter XVIII)

Prisoner's Name..... Prison..... Sentence.....
Prisoner's Number..... Date of Commencement
Date of Release.....

Month	Ordinary Remission	Remission for conservancy jobs	Annual good conduct Remission	Special Remission	State Government Remission	Date of Grant	Forfeiture	Balance	Initials
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.

APPENDIX – 12

MATRIX OF MANDATORY DATA SETS TO BE SHARED AS PER LAW IN THE INTEGRATED CRIMINAL JUSTICE SYSTEM

From	Police	Courts	Prisons	Prosecution	FSL
Police		<ul style="list-style-type: none"> ▪ FIR Details (IIF – I) – with copy of FIR Arrest Details (Arrest Memo) (IIF-III) Accused Details (IIF-I&III) ▪ Victim Details (IIF-I & V) ▪ Property involved in Crime (IIF-I & IV) Property Seizure Details (IIF-IV) Witness Details (IIF-V) ▪ Witness verification details ▪ Charge sheet/ Final report (IIF-V) Supplementary charge-sheet ▪ Bail by Police Details 	<ul style="list-style-type: none"> ▪ Categorization of Prisoner ▪ Arrest History, whether prone to escape ▪ Details of Police Escort team with vehicle no Copy of FIR ▪ Police report of Parole/ Furlough ▪ Details of Escape attempts from police custody ▪ Photograph & finger prints of accused ▪ Police custody and transit remand order ▪ Post mortem report (for prisoner who dies in prison custody) on request basis 	<ul style="list-style-type: none"> ▪ Request for legal Opinion and advice Draft charge sheet along-with all documents annexed Compliance of the points raised in this scrutiny ▪ Documents related to case ▪ All evidences ▪ Police custody request and remand request papers along-with ▪ Status of the investigation ▪ Reply of Bail ▪ Application along-with status report and progress of the investigation ▪ The service of process on the witnesses ▪ The status & details of the defence witnesses 	<ul style="list-style-type: none"> ▪ Property, sample with sample seal hereof for examination ▪ More info required for examination ▪ Control requirements ▪ Scene of crime report ▪ Any further examination required in the case ▪ Info about lie detection examination

		<p>Criminal history of Accused including previous convictions, if any</p> <p>Custody details in other matters</p> <p>Transit remand details, if any</p> <p>Investigation details</p> <p>Notice/</p> <p>Warrants/</p> <p>Summons against Accused in other matters</p> <p>Reply of bail application</p> <p>Case property disposal form</p> <p>Preventive Action (Kalandras)</p> <p>Details of Personal Search</p> <p>Case Property release and Personal Search release</p>			
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		<ul style="list-style-type: none"> ▪ Application submitted for TIP of accused and case property ▪ FSL report ▪ Permission of 39 Arms Act with FSL report ▪ Report/response on misc. applications /queries 			
Courts	<ul style="list-style-type: none"> ▪ Case details ▪ Transfer of case from one court to another due to abolition/creation of Court or otherwise ▪ Act & Sections with Nature of case if different from the FIR/Charge-sheet and Charges framed ▪ FIR/Charge-sheet and Charges framed ▪ Summons/Notices/ warrant ▪ Prosecution/Defence/Court Witnesses appeared ▪ Prosecution/ Defence/ 		<ul style="list-style-type: none"> ▪ Prisoner Details (as per Court Record ▪ Conviction details with sentence ▪ already undergone Act & Sections with Nature of case (as per Court Record) and Charges framed ▪ Details of hearing with 	<ul style="list-style-type: none"> ▪ Case details ▪ Transfer of case from one court to another due to abolition/creation of Court or otherwise ▪ Act & Sections with Nature of case if different from the FIR/Charge-sheet and Charges framed ▪ Summons/Notices/ warrant ▪ Proceeding details 	<ul style="list-style-type: none"> ▪ Date of expert evidence ▪ Priority of cases (under-trial, senior citizen etc.) ▪ Intimation of judgments in cases where experts were examined

	<p>Court witnesses due for deposition</p> <ul style="list-style-type: none"> ▪ Reports required by Court Proceeding details (Daily orders) with next date Order/ Judgment details ▪ Bail status with Surety details 		<p>attendance of prisoner</p> <ul style="list-style-type: none"> ▪ Release Order details ▪ Notices/queries and response on queries from Prison ▪ Bail status with surety details ▪ Detail of Complaints made by Prisoner in the Court ▪ Victim's details (for acceptance of compensation) 	<p>(Daily orders) with next date Prosecution/ Defence/ Court Witnesses appeared Prosecution/ Defence/ Court Witnesses due for deposition</p> <ul style="list-style-type: none"> ▪ Bail status with Surety details ▪ Order/ Judgment details Reports required by Court 	<ul style="list-style-type: none"> ▪ Intimation of judgment delivered
Prisons	<ul style="list-style-type: none"> ▪ Accused Prison Details ▪ Bail/Parole/furlough release and reporting details ▪ Escape/misconduct/ crime in jail <ul style="list-style-type: none"> ▪ Details for lodging FIR ▪ Transfer of Final release details 	<ul style="list-style-type: none"> ▪ Details of Prison where Accused is kept or shifted to ▪ Reason for non-production of the inmate ▪ Other conviction 			

	<ul style="list-style-type: none"> ▪ Request for transportation 	<p>details of the accused</p> <ul style="list-style-type: none"> ▪ Period spent in custody in a particular case ▪ Future dates of production/ hearing in other cases of the accused ▪ Report/ response on misc. applications/ queries 			
Prosecution	<ul style="list-style-type: none"> ▪ Scrutiny report/ Advice on case ▪ Details of prosecutor Case proceeding briefing ▪ Status of the case in higher court 	<ul style="list-style-type: none"> ▪ Present whereabouts of prosecution's witnesses ▪ Service of processes on witnesses ▪ Details of Pre-occupation of Govt. witnesses with other courts 	<ul style="list-style-type: none"> ▪ Status of the case in higher court 		
FSL	<ul style="list-style-type: none"> ▪ Examination report of 	<ul style="list-style-type: none"> ▪ FSL reports 		<ul style="list-style-type: none"> ▪ FSL Reports 	

	sample	<ul style="list-style-type: none">▪ Details of Pre-occupation of FSL experts in other courts▪ Expertise available at respective labs		<ul style="list-style-type: none">▪ Expert details	
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**THE HIMACHAL PRADESH GOOD CONDUCT PRISONERS
(TEMPORARY RELEASE) ACT, 1968
(ACT NO. 12 OF 1969)¹**

(Received the assent of the President of India on the 8th April, 1969,
and was published in R.H.P.Extra., dated the 2nd June, 1969 at p. 465-469).

Amended, repealed or otherwise affected by,-

- (i) A.O.1973, published in R.H.P. Extra., dated the 20th January,
1973 at p.91-112.

**An Act to provide for the temporary release of prisoners for good
conduct on certain conditions.**

BE it enacted by the Legislative Assembly of Himachal Pradesh in the
Nineteenth Year of the Republic of India as follows:-

1. Short title, extent and commencement .- (1) This Act may be
called the Himachal Pradesh Good Conduct Prisoners (Temporary Release)
Act, 1968.

(2) It extends to the whole of the ²[State of Himachal Pradesh].

(3) It shall come into force on such date³ as the Government may, by
notification, in the Official Gazette, appoint.

2. Definitions.- In this Act, unless the context otherwise requires,-

- (a) "District Magistrate" means the District Magistrate of the District
within whose jurisdiction the prisoner, after his temporary release
under this Act, is likely to reside during the period of his release;
- (b) "Government" means the Government of Himachal Pradesh;
- (c) "member of prisoner's family" means the husband, wife, son,
daughter, father, mother, brother or sister of the prisoner;
- (d) "notification" means notification, published under proper
authority, in the Official Gazette;
- (e) "Official Gazette" means the Rajpatra, Himachal Pradesh;
- (f) "prescribed" means prescribed by rules made under this Act;
- (g) "prisoner" means a person confined in prison under a sentence of

1. For statement of Objects and Reasons see R.H.P.Extra.,dated the 30th November,
1966 at p. 1180 and for its authoritative Hindi text see R.H.P.Extra., dated
29.6.1991, p. 1509.

2 Subs. for "Union territory of Himachal Pradesh" by A.O. 1973.

3. The Act enforced w.e.f. 1.9.1971, vide Not. No.2-45/71-jails (Sectt.), dated
17.8.1971, published in R.H.P.Extra., dated 23.8.1971, p. 1120.

imprisonment;

- (h) "Superintendent of Jail" means the Superintendent of the jail in which the prisoner is undergoing his sentence of imprisonment.

3. Temporary release of prisoners on certain grounds .(1) The Government may, in consultation with the District Magistrate and subject to such conditions and in such manner as may be prescribed, release temporarily for a period specified in sub-section (2) any prisoner if the Government is satisfied that,-

- (a) a member of the prisoner's family has died or is seriously ill; or
- (b) the marriage of the prisoner's son or daughter is to be celebrated ;
or
- (c) the temporary release of the prisoner is necessary for ploughing, sowing or harvesting or carrying on any other agricultural operation on his land and no friend of the prisoner or a member of the prisoner's family is prepared to help him in this behalf in his absence; or
- (d) it is desirable so to do for any other sufficient cause.

(2). The period for which a prisoner may be released shall be determined by the Government so as not to exceed,-

- (a) Where the prisoner is to be released on the ground specified in clause (a) of sub-section (1), two weeks;
- (b) where the prisoner is to be released on the ground specified in clause (b) or clause (d) of sub-section (1), four weeks; and
- (c) where the prisoner is to be released on the ground specified in clause (c) of sub-section (1), six weeks.

(3) The period of release under this section shall not count towards the total period of the sentence of a prisoner.

(4) The Government may, by notification, authorise any officer to exercise its power under this section in respect of all or any of the grounds specified therein.

4. Temporary release of prisoners on furlough.- (1) The Government or any other officer authorised by it in this behalf may, in consultation with the District Magistrate and subject to such conditions and in such manner as may be prescribed, release temporarily, on furlough, any prisoner who has been sentenced to a term of imprisonment of not less than five years, and who-

- (a) has, immediately before the date of his temporary release, undergone imprisonment for a period of three years, excluding remission;

- (b) has not during such period committed any jail offence and has earned at least three annual good conduct remissions:

Provided that nothing herein shall apply to a prisoner who-

- (i) is a habitual offender as defined in ¹[clause (d) of section 2 of the Himachal Pradesh Habitual Offenders Act, 1969 (Act No. 8 of 1970)]; or
- (ii) has been convicted of robbery or dacoity or such other offence as the Government may, by notification, specify.

(2) The period of furlough for which a prisoner is eligible under sub-section (1) shall be three weeks during the first year of his release and two weeks during each successive year thereafter.

(3) Subject to the provisions of clause (d) of sub-section (3) of section 8, the period of release referred to in sub-section (1) shall count towards the total period of the sentence of a prisoner.

¹ Subs. for "clause (3) of section 2 of the Punjab Habitual Offenders (Control and Reform) Act, 1952" by A.O. 1973.

5. Exclusion of certain days in computing period under sections 3 and 4.- For the purpose of calculating the period of temporary release of a prisoner under sections 3 and 4, the days of departure from and arrival at the prison shall be excluded.

6. Prisoners not entitled to be released in certain cases .- Notwithstanding anything contained in sections 3 and 4, no prisoner shall be entitled to be released under this Act, if, on the report of the District Magistrate, the Government or an officer authorised by it in this behalf is satisfied that his release is likely to endanger the security of the State or the maintenance of public order.

7. Journey expenses of poor prisoners to be borne by the Government.- If, on the report of the District Magistrate, the Government is satisfied that a prisoners's family cannot bear the expenses of his journey from and to the prison after his temporary release under this Act, the expenses may be borne by the Government to such extent and in such manner as may be prescribed.

8. Liability of prisoner to surrender on expiry of release period and consequences of overstaying .- (1) On the expiry of the period for which a prisoner is released under this Act, he shall surrender himself to the Superintendent of the jail from which he was released.

(2) If a prisoner does not surrender himself as required by sub-section (1) within a period of ten days from the date on which he should have so surrendered, he may be arrested by any police officer without a warrant and shall be remanded to undergo the unexpired portion of his sentence.

(3) If a prisoner surrenders himself to the Superintendent of the jail from which he was released within a period of ten days of the date on which he should have so surrendered, but fails to satisfy the Superintendent of the jail that he was prevented by any sufficient cause from surrendering himself immediately on the expiry of the period for which he was released, all or any of the following penalties shall, after affording the prisoner a reasonable opportunity of being heard, be awarded to him by the Superintendent of the jail, namely,-

- (a) a maximum cut of five days' remission for each day of overstay;
- (b) stoppage of canteen concession for a maximum period of one month;
- (c) withholding concession of either interviews or letters or both for a maximum period of three months;
- (d) the period of temporary release on furlough of the prisoner under section 4 shall not be counted towards his sentence;
- (e) warning; and

**H.P. GOOD CONDUCT PRISONERS (TEMPORARY
RELEASE) 5
ACT, 1968**

(f) reduction from the status and grade of "Convict Watchman" or "Convict Overseer".

9. Penalty for failure to surrender .- Any prisoner who is liable to be arrested under sub-section (2) of section 8, shall be punishable with imprisonment of either description which may extend to two years or with fine or with both.

Explanation.- The punishment in this section is in addition to the punishment awarded to the prisoner for the offence for which he was convicted.

10. Power to make rules.- (1) The Government may, by notification, make rules⁵ for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for ,-

- (a) the execution by the prisoner (including his sureties) of bond for his good behaviour during the release period and for his surrender on the expiry of such period;
- (b) the amount for which and the form and manner in which such bonds shall be furnished;
- (c) the forfeiture of the amount of bond in case of breach of any of its terms;
- (d) the conditions on which and the manner in which prisoners may be released temporarily under this Act;
- (e) the manner in which the District Magistrate shall be consulted before a prisoner is released; and
- (f) the extent to which and the manner in which journey expenses of poor prisoners shall be borne by the Government.

(3) All rules under this section shall, as soon as may be after they are made, be laid before the Legislative Assembly.

11. Repeal and savings.- The Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 (Act No. 11 of 1962) as in force in the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966 (Act No. 31 of 1966) is hereby repealed:

Provided that anything done or any action taken under the said Act, shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under this Act.

5. The rules made vide Not. No. 1-9/69.Home(Jails) dated the 1st December, 1969 (Appended).

**THE HIMACHAL PRADESH GOOD CONDUCT PRISONERS
(TEMPORARY RELEASE) RULES, 1969
HOME DEPARTMENT
NOTIFICATION**

Shimla-2, the 1st December, 1969

No 1-9/69-Home(Jails) .- In exercise of the powers conferred by section 10 of the Himachal Pradesh Good Conduct Prisoners (Temporary Release) Act, 1968 (Act No.12 of 1969) the Administrator of Himachal Pradesh is pleased to make the following rules :-

1. Short title .- (1) These rules may be called the Himachal Pradesh Good Conduct Prisoners (Temporary Release) Rules, 1969.

(2) These rules shall come into force at once.

2. Definitions .- In these rules, unless the context otherwise requires,-

(a) "Act" means the Himachal Pradesh Good Conduct Prisoners (Temporary Release) Act, 1968 (Act No. 12 of 1969);

(b) "Form" means a Form appended to these rules;

(c) "Inspector General" means the Inspector General of Prisons, Himachal Pradesh;

(d) "Releasing Authority" means the Government or such other authority to whom the powers of the Government are delegated under sub-section (4) of section 3 or sub-section (1) of section 4 of the Act;

(e) "section" means a section of the Act.

3. Procedure for temporary release .- (1) A prisoner desirous of seeking temporary release under section 3 or section 4 of the Act shall make an application in Form `A-1', Form `A-2', as the case may be, to the Superintendent of Jail. Such an application may also be made by an adult member of the prisoners' family.

¹(2) The Superintendent of Jail shall forward the application of a prisoner within 24 hours of its receipt along with his report to the District Magistrate of the district to which the convict belongs. The District Magistrate before making any recommendations shall, with the consultation of the Superintendent of Police, verify the facts and grounds on which temporary release has been requested and shall also give their opinion whether the

1. Sub-rules (2) and (3) subs. vide Not. No. Home-B(A) 3-38/75 -Jails, dated 5.10.1985, published in R.H.P. 15.9.1990, p. 1051-1052.

temporary release on parole/furlough is opposed on ground of prisoner's presence being dangerous to the security of State or prejudicial to the maintenance of Public Order. The District Magistrate shall complete the process of consultation with the Superintendent of Police and forward his recommendations within one week to the Inspector General of Prisons (Releasing Authority) together with report of Superintendent Jail, who shall decide the parole/ furlough case ordinarily within a period of three days from the date of receipt of the recommendations of the District Magistrate.

In the event of the serious illness of close relation i.e. father, mother, brother, sister, spouse or child of the prisoner, the application should be processed more expeditiously. However in the event of death of the close relation i.e. father, mother, brother, sister, spouse or child of the prisoner, the Superintendent of the Jail shall also be the competent authority to release a prisoner on parole for a period not exceeding fifteen days.

The Superintendent of Jail should release a prisoner on parole immediately on receipt of a death certificate, provided he satisfies himself independently within reasonable time about the genuineness of the certificate. For satisfying himself he will approach the concerned Police Station by wireless and verify about the truth of the death and the exact relation of the prisoner with the deceased in order to ascertain the nearness of the relationship.

The Superintendent of Jail shall also take into consideration the prisoner's past criminal history and behaviour in the prison since admission as recorded in his case file and the likelihood of his not abusing the concession of parole, if granted.

The Superintendent of Jail shall without fail submit the case file of the prisoner to whom parole is thus granted, to the Inspector General of Prisons enabling him to ensure that the Superintendent has used proper discretion in effecting the release.

(3) The District Magistrate, while recommending the parole/ furlough cases of Prisoners will specify whether the prisoner shall be required to furnish the security bond or personal bond or both. He shall also indicate the amount of such bond(s) with due regard to the circumstances of cases. Such amount shall not in any event be excessive and shall not be mechanically fixed. While recommending release of the prisoner on his furnishing a personal bond, his family ties and relationships, his reputation, character and monetary conditions and his roots in the community shall be taken into consideration.

If after making such enquiry as it may deemed fit, the Releasing Authority is satisfied that the prisoner is entitled to be released under the Act, the Releasing Authority may issue to the Superintendent of Jail a duly signed and sealed warrant in Form `B' ordering the temporary release of the prisoner,

specifying therein, (1) the period of release of the prisoner, (2) the place or places which the prisoner is allowed to visit during the period of such temporary release and the amount, as may be specified by the District Magistrate for which the security bond or personal bond shall be furnished by the prisoner in Form `C' or `D' respectively.

In case of second and subsequent release on parole/furlough the Releasing Authority shall be competent to order release of the prisoner on the recommendation of Superintendent of Jail concerned provided that the convict/ prisoner maintained good behaviour during the previous release(s) and nothing adverse was reported against him.]

(4) On receipt of the release warrant the Superintendent of Jail shall inform the prisoner concerned and such member of the prisoner's family as the prisoner may specify in that behalf for making arrangements for execution of the security and surety bonds in Forms C and D, respectively for securing the release of the prisoner. A copy of the release warrant shall also be sent by the Superintendent of Jail to the District Magistrate.

(5) On receipt of the information from the District Magistrate that the necessary bonds have been furnished, the Superintendent of Jail shall release the prisoner for such period as is specified in the release warrant.

(6) The Superintendent of Jail shall also immediately forward to the officer in charge of the Police Station within whose jurisdiction the place or places to be visited by the prisoner is or are situated, a copy of the warrant and the release certificate in Form E. The officer in charge of the Police Station shall keep a watch on the conduct and activities of the prisoner and shall submit a report relating thereto to the Superintendent of Jail who shall forward the same to the Inspector General.

(7) The date of release as well as the date on which the prisoner surrenders himself under sub-section (1) of section 8 of the Act shall be reported by the Superintendent of Jail to the Inspector General who will inform the Government accordingly.

4. Committing of any offence during temporary release .(1) If the prisoner commits any offence during the period of his temporary release, the officer in charge of the Police Station shall forthwith, and in any case not later than twenty-four hours of his coming to know of the commission of the offence, send a report thereof to the Superintendent of Jail and to the Superintendent of Police of the District. Section 10(1)

(2) On receipt of report under sub-rule (1) the Superintendent of Jail shall forthwith send the same to the Inspector General for being forwarded to the Releasing Authority, who may thereafter cancel the release warrant.

5. Warrant to be cancelled where prisoner commits any offence.-If any major Jail offence is committed by the prisoner between the date of application for release and the receipt of the warrant for such release of prisoner shall not be released by the Superintendent without the previous approval of the Inspector General. In case the approval is not given, the Superintendent of Jail shall return the release warrant to the Releasing Authority through the Inspector General for cancellation indicating the details of the offence committed by the prisoner. The Releasing Authority may on receipt of such report, cancel the release warrant.
Section 10(1).

6. Expenses of journey .- Third class railway passes for journey both ways to the railway station nearest to the place of destination or the bus fare to the place of residing both ways will be issued by the Superintendent of Jail on the report of the District Magistrate if the Government is satisfied that the prisoner's family cannot bear the expenses of his journey from and to the prison after his temporary release. Section 10(1)(f)

7. Prisoner to be informed of the date of Surrender and consequences of failure thereof.- (1) Before a prisoner is allowed to leave the Jail on temporary release under the Act, he shall be informed by the Superintendent of Jail personally, about the date on which he has to surrender himself to the Jail and of the consequences of his failure to do so, as provided in sections 8 and 9 of the Act.

(2)..... Sections 8 & 10(2)(d)

8. Release of Female Prisoners .- A female prisoner ²[ordered] to be temporarily released under the Act shall be transferred to the Jail which is nearest to the place which she intends to visit during her temporary release. She shall be released from that Jail and shall return to that Jail. If she so desires, the Superintendent of the Jail from which she is transferred shall intimate to such member of her family as she may specify in that behalf the date of her release and the Jail from which she is to be released. Section 10(2)(d)

9. Release Certificate .- (1) A prisoner who is temporarily released under these rules shall be given a release certificate in Form E, a copy whereof shall be retained in ³[XXXXXX] Jail record. Section 10(1)

10. Forfeiture of Bonds and credit of amounts forfeited .- The forfeiture of the amounts of security/surety bonds shall be regulated under the provisions of Code of Criminal Procedure, 1898⁴, and the amount so forfeited shall be credited under Receipt Head XVIII-Misc. Jails Receipt Fines and Forfeitures. Section 10(1)&10(2)(c)

11. Expenditure of Railway ⁵[or] Bus fares .- The expenditure on account of railway ⁶[or] bus fares, ⁵[as the case may be,] of deserving prisoners shall be met out of the contingencies of respective Jails under Major Head 22-Jails. Section 10(1)