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Department of Home
Home — General Division

Notification

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The Goa Prisons Rules, 2006 which have been approved by the Government of Goa on 12-10-2006 are hereby published for general information of the public.

Ms. Biju R. Naik, Under Secretary (Home).

Porvorim, 13th October, 2006.

GOA PRISONS RULES, 2006

In exercise of the powers conferred by section 59 of the Prisons Act, 1894 (IX of 1894), as in force in the State of Goa, and all other powers enabling it in this behalf, the Government of Goa hereby makes the following rules, namely:—

CHAPTER – I

Preliminary

1. *Short title and commencement*:— (1) These rules may be called the Goa Prisons Rules, 2006.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. *Definitions*:— In these rules, unless the context otherwise requires:—

(1) “Act” means the Prisons Act, 1894 (IX of 1894);

(2) “Adolescent Prisoner”, means —

(a) any person who has been convicted of any offence punishable with imprisonment, or who having

been ordered to give security under section 117 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), has failed to do so and who at the time of conviction or failure to give security, is not less than 18 years, but not more than 21 years of age;

(b) any person who has been committed to prison custody during the pendency of his trial and who at the time of commitment is not less than 18 years, but not more than 21 years of age;

(3) “Adult Prisoner” means any prisoner who is more than 21 years of age;

(4) “Assistant Jailor” means the next below Executive Officer to the Jailor;

(5) “Asylum” means an asylum (or Mental Hospital) for lunatics established or licensed by the Government;

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

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

(8) “Classification Committee” means the Work Assignment Committee constituted at a prison under these rules;

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

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

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

(12) “Correctional Personnel” means personnel engaged for the Correctional Administration;

(13) “Court” means a Coroner and any officer lawfully exercising civil, criminal or revenue jurisdiction;

(14) “Criminal Lunatic” means any person for whose detention in or removal to a prison or other place of safe custody, an order has been made in accordance with the provisions of sections 328 or 330 or sections 335 and 336 of the Code of Criminal Procedure, 1973, or of section 30 of the Prisoners Act, 1900 or of section 145 of the Army Act, 1950;

(15) “Detenu” means any person detained in a prison by the order of the competent authority under the relevant preventive laws.

(16) “Directorate of Health Services” means the Directorate of Health Services, Government of Goa;

(17) “Form” means a form appended to these rules;

(18) “Government” means the Government of Goa;

(19) “Habitual Offender” means a prisoner classified as such in accordance with the provision of the law or rules;

(20) “History Ticket” means the ticket exhibiting such information as is required in respect of each prisoner by the Act and the rules;

(21) “Imprisonment” means imprisonment of either description as defined in section 53 of the Indian Penal Code, 1860 (45 of 1860), and the General Clauses Act, 1897 (10 of 1897);

(22) “Inmate” means any person kept in an institution;

(23) “Inspector General” means the Inspector General of Prisons, Goa;

(24) “Institution” means a place where prisoners are kept;

(25) “Jail” includes Central Jail, District Jail, Sub-Jail, Special Prison and Civil Jail;

(26) “Jailor” means the Executive Officer next below to the Assistant Superintendent and who has the charge of a jail or prison and prisoners;

(27) “Labouring Diet” means the scale of diet as for a prisoner engaged on labour;

(28) “Labouring Prisoner” means a prisoner engaged on labour;

(29) “Lunatic Prisoner” means a prisoner who has become insane after his conviction and admission into a prison;

(30) “Magistrate” means any person exercising all or any of the powers of a Magistrate under the Code of Criminal Procedure, 1973 (2 of 1974);

(31) “Medical Board” means the Board constituted by the Government for the purpose of these rules and consisting of the Dean, Goa Medical College, the Assistant Dean, Goa Medical College and any other medical officer nominated by the Dean;

(32) “Medical Officer” means in relation to prisons, a Gazetted Officer of the Government and includes qualified medical practitioner declared by General or Special orders of the Government to be a Medical Officer;

(33) “Military Prisoner” means a prisoner convicted by Court Martial.

(34) “Notification” means a notification published in the Official Gazette;

(35) “Offence” means any act or omission made punishable by any law for the time being in force;

(36) “Official Gazette” means the Official Gazette of the Government;

(37) “Prescribed” means as prescribed by rules made by the Government under the Act;

(38) “Prison” includes Jails or any goal or place used permanently or temporarily under the general or special orders of the Government for the detention of prisoners, under section 417 of the Code of Criminal Procedure, 1973 and includes all land and buildings appurtenant thereto, but does not include any place for the confinement of prisoners who are exclusively in the custody of the police;

(39) “Prisoner” means any person confined in prison under the orders of a competent authority;

(40) “Probation Officer” means an Officer appointed as such by the Government to undertake probation work under the Probation of Offenders Act, 1958 or any other law in force;

(41) “Prohibited Article” means an article, which cannot be introduced or removed into or out of a prison according to the Act or rules;

(42) “Remand Prisoner” means a person who has been remanded by Court to prison or judicial custody, pending investigation by the police;

(43) “Remission System” means the rules in force for regulating the remission of sentence of prisoners;

(44) “Rules” means various rules framed under the Act or enactment as in force;

(45) “Sentence” means a sentence of imprisonment as finally passed on appeal or 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 behaviour and a sentence awarded by any Military Court;

(46) “State” means the State of Goa;

(47) “State Sentence Review Board” means the Board constituted by the Government for Review of Sentences;

(48) “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, under the Act;

(49) “Under-Trial Prisoner” means a person who has been committed to prison custody on account of pending investigation or trial by a competent authority;

(50) “Visitor” means a member of the Board of Visitors constituted by the Government;

(51) “Wages” means the amount of money earned by prisoner in a day in lieu of the task or service assigned to him or her in the jail by the Superintendent;

CHAPTER II

Prison Buildings and Sanitary Arrangements

3. *Prison buildings to be in charge of Public Works Department.*— Prison buildings including the quarters for the staff within prison premises shall be in charge of the Public Works Department and no additions or alterations in, or dismantling of any such buildings, whether or not sanctioned by the Inspector General, shall be carried out without the approval of that Department.

4. *Use of land in vicinity of prisons.*— No Government land within 61 metres on the main wall of a prison shall be leased for non-agricultural purposes:

Provided that the Collector may lease such land for agricultural purposes for short periods.

5. *White-washing of wards and prison hospitals.*— (1) The wards in a prison shall be thoroughly swept and cleaned daily.

(2) The walls and ceilings of the wards shall be scrapped and whitewashed once a year and those of the hospital twice, or oftener, if necessary. The date of the white-washing shall be shown in distinct figures on the wall of the barracks near the entrance door.

6. (1) *Maintenance of the surrounding area.*— The prison area and the surrounding ground shall be kept clean and free from all jungle grass and weeds and shall be thoroughly drained by either shallow or sub-soil drains to ensure the dryness of the prison area and to prevent the accumulation of water near the prison. Open drains shall be used, if possible.

(2) *Maintenance of cleanliness in prison.*— All parts of a prison shall be kept thoroughly clean and no rubbish or dirt shall be allowed to accumulate in any part thereof. The Superintendent shall take special care to see that cleanliness in the kitchen is maintained and refuse is not thrown about anywhere.

7. *Public nuisances etc. not to be permitted near prison.*— Public privies, dye works, open drains or similar other nuisances likely to affect the health of prisoners shall not, as far as possible, be permitted near a prison.

8. *Planting of trees in and around prison.*— Suitable types of trees shall be planted on the prison premises, both inside and outside the main wall, in such a way that they are away from prison buildings and walls so that they cannot be used as an aid to escape or to make any mischief.

9. *Additions and alterations to buildings.*— No additions or alterations to any existing building shall be made without the orders and no plans and estimates shall be prepared by the Superintendent without the sanction of the Inspector General.

10. *Administrative approval for construction.*— The Superintendent shall submit proposals for construction of wards, cells and other places of detention (including additions or alterations thereto) to the Inspector General for administrative approval. Such proposals shall be accompanied by a preliminary report specifying the position of the building proposed to be constructed, description of the building, approximate estimate, plans and other necessary details and particulars. The Superintendent shall obtain approximate estimate of the proposed construction from the Public Works Department with the prior sanction of the Inspector General.

11. *Superintendent to visit frequently work under execution.*— (1) The Superintendent shall visit from time to time the work under execution and see that it is carried out according to the approved plan and estimate. In the event of any hitch or difficulty, the Superintendent shall, if it is within his powers, give the matter prompt attention and assist the Public Works Department authorities in removing it.

(2) The Superintendent shall at once report to the Inspector General, the defects and irregularities noticed by him in the construction of wards, cells and other places of detention.

12. (1) *Area of prison.*— The area enclosed within the prison walls shall not be less than 83.61 square metres per head of the total capacity, except where land is valuable, the minimum area may be 62.71 square metres per prisoner.

(2) *Minimum space per prisoner in sleeping barracks.*— In every sleeping barrack, the minimum space per prisoner shall be, as far as possible, 3.71 square metres and 15.83 cubic metres and in hospital wards 5.58 square metres and 23.75 cubic metres.

(3) *Ground area in cell.*— Cell shall have a ground area of not less 8.92 square metres and a cubic capacity of at least 33.98 cubic metres per prisoner.

13. *Single room accommodation.*— Single room accommodation for the prisoners needing privacy for pursuing studies etc., shall be provided.

14. *Provisions in barracks, wards, cells.*— (1) Free and thorough ventilation in barracks, wards and cells shall be secured by the provision of large barred doors and windows constructed in opposite walls. The total area of these openings shall be at the rate of 1.17 square metres per head of the sanctioned number of prisoners which the barrack or ward is designed to accommodate. In the case of a cell, the ventilating area shall be at least 2.23 square metres.

(2) *Sleeping arrangement in barracks.*— In each barrack, sleeping berths shall be provided in accordance with the instructions issued by the Inspector General from time to time. The number of such berths shall not be greater than the sanctioned capacity of the barrack.

Note: *Utilization of work-sheds as sleeping wards when prison is overcrowded* — In the event of a prison being overcrowded, the Superintendent shall either utilise work-sheds as sleeping wards or accommodate the excess number of prisoners in huts or tents and report the circumstances to the Inspector General.

(3) *Floors of barracks and cells.*— The floors of all barracks and cells shall be paved with stone or made of other impermeable material such as concrete or asphalt.

(4) *Verandahs.*— All barracks, wards and cells shall have verandahs, not less than eight metres in width, to prevent rain from drifting inside and also to provide shelter where food can be served, when necessary. Verandahs may also be used as work places and for accommodating short-term prisoners during the night in case of overcrowding in the prison.

(5) *Night latrine to be annexed to sleeping barrack and ward.*— A night latrine shall be annexed to every sleeping barrack and ward. Conservancy vessels shall not be placed inside a barrack.

(6) *Area of each barrack and ward to be indicated on door.*— There shall be affixed a zinc, brass, or wooden plate on the door of every barrack or ward, specifying the number of cubic metres and the surface area which the barrack or ward contains and the maximum number of prisoners which it is capable of accommodating.

(7) *Visit to sleeping barracks by Superintendent and Medical Officer.*— The Superintendent and the Medical Officer shall, in all seasons, at uncertain intervals, visit the sleeping barracks in the prison at night and see that arrangements in respect of ventilation are adequate, properly controlled and are not obstructed by prisoners in the cold season to ensure warmth.

(8) *Ventilation in sleeping wards.*— (i) All possible arrangements shall be made for thorough ventilation of sleeping wards during the day and to remove such organic matter adhering to the walls as are slowly oxidized.

(ii) Beddings shall be removed out of the sleeping wards and exposed to the sun for several hours daily in dry weather and in wet weather to air in verandahs.

15. *Prison hospital.*— Every prison shall have a hospital or dispensary inside near the main gate of the prison, well equipped with all the resources as may be necessary for indoor treatment and with separate wards for men and women.

16. *Kitchen.*— (1) The general kitchen shall be located at a central place and away from sleeping barracks. The kitchen shall have proper ventilation and light, fly-proof automatic closing doors, floors with impermeable material, walls covered with tiles upto a height of 2 metres, adequate supply of pure water and equipped with modern kitchen equipment and fuel and sufficient dinning space.

(2) The management or cooking of food in the kitchen shall not be on caste or religious basis.

17. *Lighting.*— All internal and external areas within the prison and outside surroundings including work-sheds shall be amply lighted.

18. *Conservancy arrangements.*— (1) The Superintendent, Assistant Superintendent, Medical Officer, the Jailor and all subordinate executive staff of a prison shall ensure that proper attention is paid to conservancy.

(2) *Latrines.*— There shall be sufficient number of latrines, constructed in a manner to provide reasonable privacy and full scope to maintain cleanliness, sanitary and hygienic conditions. Suitable disinfectants shall be used.

(3) *Disposal of fetid matter, refuse etc.*— All fetid matter, refuse of the kitchen and sweepings of the prison shall be buried in shallow trenches in the prison garden for making compost. Useless rubbish, which cannot be converted into manure, may be burnt.

19. *Superintendent and Medical Officer to pay attention to purity of water.*— (1) It shall be the duty of the Superintendent and the Medical Officer to see that

the water supplied to prisoners for drinking and culinary purposes is pure and whole-some or so treated with other suitable chemicals as to be potable and safe for human consumption.

(2) *Several sources of water.*— Where there are several sources of water supply in a prison, the best of them shall be set apart for drinking purposes.

(3) *Purity of water.*— If the purity of the water supply is at any time suspected, the Medical Officer shall at once arrange to have it chlorinated or otherwise effectively purified.

(4) *Cleanliness to be maintained in and around well.*— Where the water supply is drawn from a well in a prison, the well shall be cleaned out once a year. Well water shall be preserved pure by the daily withdrawal of a large quantity of water, by the removal of decomposing matter, by obviating the re-entrance of water taken out, and specially by preventing the percolation of sewage. No prisoner shall be allowed to bathe or wash his clothes at the well from which the drinking water is drawn. Storage tanks and reservoirs shall be emptied and cleaned out before the rains.

(5) *Supply of drinking water.*— Drinking water shall be supplied in sleeping wards, cells and other places of detention.

20. *Prisons for keeping High Security Prisoners.*— There shall be a High Security prison enclosure with thick outer walls of sufficient height with watch towers and provided with anti-tunnelling slabs and space open to the sky covered with iron grill and such enclosure shall provide reasonable accommodation of sufficient space with all other necessary facilities as may be required from time to time.

CHAPTER III

CLASSIFICATION OF PRISONS

21. *Classification of prisons.*— There shall be the following classes of prisons in the State:

- (1) Central Jail.
- (2) Sub-Jails/Sub-Jails-cum-Judicial Lock-ups/Judicial Lock-ups.
- (3) Special Prison.
- (4) Civil jail.
- (5) Women Jail.

22. *Location of prisons.*— The prisons of different classes in the State shall be at such places as may be notified by the Government in the Official Gazette.

23. *Types of prisoners to be received.*— All the jails mentioned in rule 21 shall be institutions for receiving and housing:—

- (i) Detenus.
- (ii) Civil prisoners.
- (iii) Under-trial prisoners.
- (iv) Convicted prisoners.

24. *Open prisons.*— (1) The Government may set up open or semi-open prisons.

(2) In case open or semi-open prisons are set up, the Government shall issue instructions laying down specific conditions for transfer of prisoners to such prisons.

(3) The Government shall also issue instructions for the management of such prisons, facilities to be provided to the inmates of such prisons and regarding all other general matters.

CHAPTER IV

STAFF FUNCTIONS

25. *Inspector General competent to be the Controlling Officer and Head of Department.*—

(1) *Inspector General to be the Controlling Officer and Head of Department for expenditure of prisons.*—(i) Subject to the Accounts and General Financial Rules for the time being in force, the Inspector General shall exercise full control over all expenditure of a prison for which provision has been made in the budget:

Provided that expenditure incurred on —

- (a) constructions and repairs,
- (b) supply of stationery, and
- (c) supply of medical stores,

shall be regulated in accordance with the rules made in that behalf by the Government.

(2) *Inspector General to cause audit of all bills.*— Subject to the provisions of the foregoing rules, all monthly and other bills for prison expenses shall be submitted to, and audited by, the Inspector General through the officer functioning as the accounts officer under the General Financial Rules.

(3) *Power of Inspector General to sanction expenditure.*— The Inspector General may sanction,—

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

(4) (i) The Inspector General may, in case of urgent necessity, sanction the employment of an additional temporary establishment under the powers delegated to him as indicated by any specific orders of the Government:

Provided that sufficient budget provision exists or the expenditure for the additional establishment is met by re-appropriation:

Provided further that such additional establishment shall not be continued beyond a period of one year without the sanction of the Government.

(ii) In case of new posts created by the Government which are not covered in these rules, the Inspector General shall get the duties and functions fixed before the same are filled up.

(5) *Administration report of prisons.*— The Inspector General shall submit annually to the Government, before the 15th April, a detailed report of the working of prisons during the preceding calendar year in such form as the Government may direct.

26. *Communication between the Government and officers of prison.*— (1) Subject to the provisions of this rule and of rules 260 and 262, all communications between officers of prison and the Government shall be made through the Inspector General, provided that,—

(i) proposals for the transfer of a prisoner to a mental hospital,

(ii) hunger strike reports,

(iii) petitions from prisoners for pardon or shortening of sentence submitted under rule 337,

(iv) copies of reports referred to in rule 139 (2) (iv) — regarding important happenings in prison such as escape of a prisoner from custody, suicide or attempt to commit suicide, fire, riots etc., and

(v) any report called for by the Government by any special or general order,

shall be forwarded direct to the Government.

(2) Copies of all communications sent direct to the Government shall be endorsed to the Inspector General for his information.

27. *Inspector General competent to release material to Press for publication.*— The Inspector General may furnish material for publicity direct to the Department of Information and may confirm or refute reports published in newspapers when directly approached by press representatives, informing Government and the Department of Information of such confirmation or refutation.

28. *Inspection of prisons by the Inspector General.*— (1) The Inspector General shall inspect Central prison once a year, and every other prison at least once every three years. In addition to these regular inspections, he may also inspect any prison if he considers that there is any special reason for doing so. He may also visit any prison without notice for inspection.

(2) The Inspector General shall also occasionally inspect jails to enable him to be in touch with the general trend of administration therein.

(3) During regular inspection, the Inspector General shall, *inter-alia*—

(a) inspect all yards, wards, cells, work-sheds, store-rooms, kitchens and latrines, note their state of repair, their sanitary condition, the general security of the prison and consider whether the structural arrangements are in compliance with the requirements of the Act with respect to the separation of the different classes of prisoners;

(b) examine the garden, ascertain the condition of water-supply and conservancy arrangements, see that sick prisoners are carefully attended to and ascertain that the food is of proper quality and quantity;

(c) personally visit every prisoner, make a note of any circumstances of consequence connected with his physical condition, adaptation of labour to his physique and class, condition and sufficiency of clothing; ascertain whether the provisions of the rules for granting remission, furlough or parole are carried into effect, afford to a prisoner who so desires a reasonable opportunity of making any application or complaint and investigate and pass orders on matters relating to prison discipline;

(d) inspect the guarding establishment and satisfy himself as to its proficiency in drill and musketry, inspect its arms and ammunition and test the ability of every prison executive officer of the upper subordinate establishment to drill the guards, closely scrutinise the arrangements for carrying out day and night watch and ward, and for the prevention and suppression of riots, and satisfy himself that the stationing of Jail Guards is according to rules made in that behalf and are effective;

(e) compare with the rates obtained in the local markets, the rate paid for contingent purposes and satisfy himself that economy is practised in their use as well as in the use of all articles supplied by contract;

(f) satisfy himself that all accounts and registers are maintained according to the rules for the time being in force, that proper arrangements are made for the safe custody of all records, and that the requirements of the Act and these rules are complied with;

(g) see that accommodation is ample and that no over-crowding exists;

(h) satisfy himself as to the general health of the prisoners;

(i) examine the cases of adolescent prisoners to see if any of them may be transferred to a Borstal School, or reformatory institution.

(4) The Inspector General shall make a memorandum of his inspection, discuss the points raised therein as far as possible with the Superintendent, and shall hand it over to the Superintendent for compliance, and shall, on his next inspection visit, verify whether and how far the instructions given in the memorandum are complied with.

SUPERINTENDENT

29. *Superintendent not to leave headquarters without previous permission of Inspector General.*— (1) Subject to the provisions of sub-rule (2), a Superintendent shall not leave the headquarters or hand over the charge of the prison to any person for a period exceeding twenty-four hours without having obtained the previous sanction of the Inspector General who may permit him to hand over the charge of his duties to the Assistant Superintendent or to the seniormost member of the executive staff.

(2) The Superintendent may, in case of emergency, proceed on leave in anticipation of sanction under intimation to the Inspector General.

30. *Handing over of charge.*— Where a Superintendent is transferred or where he is proceeding on long leave, the relieving officer shall, before taking over the charge, satisfy himself personally that the cash balances, permanent advance and accounts are correct. He shall also satisfy himself through the officers concerned that all stocks (both general, and manufactory), machinery, plants and tools shown in the accounts to be in stock are forthcoming, that the registers have been maintained up-to-date and that sanction has been obtained for all the establishments employed, and shall submit report in that behalf to the Inspector General. The responsibility of the relieved officer shall not cease till this is done. The relieved officer shall also acquaint the reliever in writing with essential and instructive facts and problems of the Prison.

31. *Functions and duties of Superintendent.*— The Superintendent shall —

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

(1) personally ensure that all aspects regarding the prisoners sentenced to death are taken care of and shall be present whenever a capital punishment is executed and shall send the execution report in Form XXXX;

(2) (i) be in charge of the jail and all officers will be subordinate to him;

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

(3) have custody of secret and confidential documents and ensure that all statutory and other records are correctly and systematically maintained, kept up-to-date and are preserved;

(5) plan, organize, guide, co-ordinate, supervise and control the implementation of all Institutional programs for training and treatment of prisoners and operations about care and welfare of prisoners like counselling, education and guidance, required for correctional administration as per instructions issued by the Inspector General from time to time;

(6) be responsible for custody of all warrants and shall arrange the calculation of the sentences correctly for arriving at the date of release, considering all factors like, two or more sentences running consecutively, un-expired sentence of an escaped convict and date of release of prisoners, sentence of imprisonment in default of fine, reversal or modification of sentences on appeal or retrial and any other circumstances and to ensure strict enforcement of their terms and that no prisoner on any account be released before his due time or kept in prison beyond the termination of his sentence;

(7) see that all prisoners are counted in his presence once a month, but not always on a fixed day, or at the same hours, and shall personally ascertain and satisfy himself that all prisoners who ought to be in the prison are actually there;

(8) visit the prison and especially prisoners in cells and solitary confinement at least once every working day shortly after sunrise and in any case before 10 a.m. and also on Sundays and holidays, if necessary and to take weekly night inspection round as well as daily surprise round at odd intervals to different parts of the prison;

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

(10) inspect and supervise production programs by checking stock book of raw materials and stock book of manufactured articles with reference to various works and employment of prisoners;

(11) inspect the prison activities in every part of the prison including kitchen, canteen, barracks, yards, cells, latrines once a week on any day and shall also occasionally inspect the quarters of the subordinates officers, preferably in the presence of the officer concerned. He shall also frequently visit the prison garden to see that the vegetables supplied to the prisoners are perfectly fresh and wholesome;

(12) invariably visit the women's prison or women's section of the prison everyday at some convenient times, and see whether there is any complaint from any female prisoner. He shall keep a record of such visit in the gate register as in Form XXVI of the women's prison or as the case may be, of the women's section of the prison and shall note the time of his visit and instructions, if any, in Superintendent's order Book as in Form XIII;

Explanation:— A gate register shall be maintained for the women's prison or as the case may be for the women's section of the prison and finding of enquiries in respect of every visit paid to such prison or section by any person other than the women Jail officials on duty, shall be recorded therein.

(13) (i) give special attention in consultation with Inspector General and the Government to the prisoners sentenced to death in matter of their confinement, guarding, search, removal out of prison, diet, punishment, interviews, canteen and general facilities, appeals and mercy petitions;

(ii) maintain every day record of the observation of such prisoners and regularly consult the medical officer when necessary. The Superintendent shall keep the Government informed whenever pregnancy is observed in case of women prisoners and act as per the order of the Government;

(iii) make arrangement for execution and shall observe all care and procedures as may be laid down by the Government after final confirmation of sentence if mercy petition is rejected and the Government fixes the date of execution;

(14) take special care regarding the delivery of child in the prison, the children of women prisoners, their diet, clothing and all other amenities of women prisoners as may be laid down by the Government;

(15) hold inspection parade of all prisoners in the prison either in one lot or in suitable batches in such a way that every prisoner at least once a week, gets an opportunity of putting up personally to the Superintendent any grievance or complaint about assault, or ill-treatment, or any request for additional interviews, or letters under rules 244 and 255.

Explanation.— Every prisoner shall have his clothing, bedding and equipment arranged in line before him at their parade. Nothing in this rule shall debar a prisoner

from making a complaint or application to the Superintendent at any time otherwise than on the occasion of the weekly parade. It shall be the duty of every executive officer or Jail Guard to produce before the Superintendent without unnecessary delay any prisoner desiring to see the Superintendent:

Provided that the Assistant Jailor in charge of the circle or yard may for sufficient reason abstain from so producing the prisoner before the Superintendent, but shall as soon as possible inform the Superintendent of his having done so.

(16) attend to personal matters, staff welfare and staff discipline, allocate duties to personal under his control, look after safety of the prison personal, protect human dignity and rights, provide decent work conditions, acquaint institutional personal with current policies of correctional administration and the role they have to play in a welfare state, organize personal training programmes at the institutional level;

(17) on the outbreak of cholera or of any epidemic disease, at once submit a report to the Inspector General, the District Magistrate and the Director of Health Services and shall forward a daily report so long as the disease prevails amongst the prisoners;

(18) (a) be responsible to take sufficient measures for preventing and controlling emergency situations like

- (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) Natural calamities like flood and earthquake etc.
- (xvi) Terrorist Attack
- (xvii) Bomb Explosion
- (xviii) War/Bombing
- (xix) Chemical Disasters
- (xx) Nuclear Disasters.

(b) also keep a contingency plan ready to meet all emergency situations;

(19) require every necessary precaution to be taken for preventing escape and shall cause a daily examination to be made of the doors, windows, bars and bolts and withdraw from use any locks, the keys of which have been lost, mislaid or tampered with;

(20) ensure the highest possible degree of cleanliness in every part of the prison and also with respect, to the persons of the prisoners, their clothing, bedding and eating utensils; and take, as far as possible, surprise rounds at odd intervals to the different parts of the prison;

(21) cause to be affixed in a conspicuous place near the prison gate a notice to be printed in legible characters in English and in the regional language, cautioning persons from bringing or attempting to bring prohibited articles, under rule 117 in the chapter VII - "Prisons Discipline", into the prison or giving or attempting to give such articles to prisoners outside the prison, and notify in a similar manner that no person other than an officer or a visitor of the prison shall communicate or attempt to communicate, with a prisoner by word of mouth or otherwise except with his permission in writing transmitted through an officer;

(22) before passing a demand or an indent or submitting it to the Inspector General, where his sanction is required, carefully examine it and see that every department of the prison is run with utmost economy;

(23) see that no article for use in the prison is purchased unless full details thereof have been entered in the Requisition Book as in Form XXVII and the entries are initiated by the concerned official and by himself;

(24) see that all expenditure on account of the prison is met either from the permanent advance or money drawn on abstract bills from the Treasury and not from any private funds and shall not allow borrowing or lending from one head to another in the prison accounts unless supported by valid reasons to be recorded by him in Superintendent's Order Book in Form XIII;

(25) be personally responsible for the prompt payment of bills for goods supplied to the prison, and shall see that small cash payments to local suppliers are made by sending money with a reliable Jail Guard;

(26) ensure that detailed bills submitted to the Inspector General contain every item of expenditure incurred during the month, and no payment is as far as possible, left to be adjusted or charged for in subsequent months;

(27) prescribe in Superintendent's Order Book in Form XIII, the different duties which shall be performed

by every Jailor and Assistant Jailor, care being taken to see that he is allotted a fair share of the work and that those portions of the work which he is most suited for are assigned to him as far as possible and that every Assistant Jailor is given an opportunity to learn the duties of the Jailor;

Explanation.— Duties shall be allotted to a Jailor in such a way that he is put in charge of not more than 250 prisoners as far as possible;

(28) shall disburse daily allowance, subsistence allowance, bus and railway fares etc., to release prisoners and to attest in cash book, permanent advance register and prisoner's cash property register;

(29) attend to release of prisoners on bail, appeals, fine payments etc., and check appeal registers;

(30) attend to correction of sentences;

(31) produce prisoners in court and may arrange video-conferencing as may be feasible;

(32) check the ration stock book and verify the ration articles on purchase and shall at least twice in a week, check the rations issued to the kitchen and satisfy himself that the correct quantity is issued;

(33) check that all rules and instructions etc., are being followed at locking time, that sufficient guards are posted for the security, that head guards are detailed for tell tale clock (time punching machine – a mechanical device for recording attendance) duties, that proper lighting is there and also ensure spare tell tale clock is always kept ready. This he will attend to once in a week;

(34) supervise once in a fortnight the lockup of high security prisoners like condemned prisoners, naxalites, terrorist prisoners, notorious prisoners etc., and shall ensure that the placement of jail guards is sufficient and supervise the guarding and lodging of condemned prisoners regularly covering all the aspects;

(35) segregate prisoners having escape tendencies, discipline risks and prisoners of known bad character and to take appropriate precautionary measures;

(36) see that walls, buildings, gates, dormitories, cells, hospital or dispensary area and other places of the prison are properly secured and ensure a system of good lighting in and around the prison;

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

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

(39) satisfy himself, once a month that all money given to the Accountant in charge, for the purchase of articles required for the prison has been properly disposed of and duly accounted for, and that all money transactions connected with the prison industries have been brought to account;

(40) satisfy himself, at least once a month, that the credit allowed to purchasers of articles from prison industries, garden, or dairy does not exceed the limits fixed and also see that at the time of purchase of such articles, full name, rank and residence of purchaser is entered in the books. Credit may be allowed to well known persons for a period not exceeding three months;

Explanation.— Generally no credit sale is allowed. However, credit may be allowed subject to prior approval of the Superintendent.

(41) keep a constant and careful watch over the receipts and expenditure in the prison;

(42) inspect his own office once a year in the month of June in the prescribed manner, examine and answer, in his own hand, all points of inspection, without assigning this work to a subordinate officer and pay personal attention to rectify the defects pointed out in inspection and audit reports;

(43) be free to communicate with the Inspector General in all matters relating to the prison and apprise him of every occurrence of importance;

Provided that in the case of any emergency for which no provision has been made in these rules, the Superintendent shall take the orders of the Inspector General and shall in the meantime take such action, as he considers necessary and adequate in the circumstances:

(44) notify to the police the information, if any, received by him about the previous conviction of a prisoner;

(45) in the event of an accident resulting in an injury to a prisoner or a member of the staff on duty, hold an enquiry immediately and record the statements of the injured prisoner or member of the staff and other witnesses and in case of injury to a prisoner, specify in his monthly report to the Inspector General about such prisoner, the nature and cause of the injury, and state that an enquiry was held;

(46) ensure that professional services are available for maintenance of the buildings, carrying out agriculture and providing vocational training;

(47) ensure, by co-ordinating with concerned Government departments, that services necessary for

medical care, welfare and correctional treatment, legal advice, education and counselling etc. are availed as may be required.

(48) ensure that the scales, weights and measures in use in the prison for distribution of provisions, stores and raw materials etc., are accurate and in proper order.

(49) ensure that all the prison equipment like handcuffs, arms, locks and alarm siren etc., are serviced and repaired periodically.

(50) cause physical verification of all the stores and properties in the jail once a year and shall record a certificate showing shortages and excesses, if any, submitting a copy of it to the Inspector General.

(51) receive and enquire into a complaint or application from a prison personnel or a prisoner.

ASSISTANT SUPERINTENDENT:

32. *Functions and duties of Assistant Superintendent.*— The Assistant Superintendent shall be under the direct control of the Superintendent. He shall assist the Superintendent in all his functions and duties. He shall also perform all such functions of the Superintendent as the Inspector General or/and the Superintendent may assign to him.

JAILOR:

33. *Functions and duties of Jailor.*— The Jailor shall perform all functions attached to the post of Assistant Superintendent during his absence. The Jailor is the executive officer of the Prison and is subordinate to the Assistant Superintendent and where there is no Assistant Superintendent, to the Superintendent and shall assist him whenever necessary. He shall generally be responsible for observance of all prescribed rules and orders. His duties and functions attached to the post shall be as follows:—

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

(2) Supervision over personnel matters, enforce staff discipline among subordinate officers and staff welfare, assisting the Assistant Superintendent and Superintendent in all matters pertaining to institutional management;

(3) Frequently inspect every part of the prison including kitchen, canteen, workshop, wards and especially cells and shall see that they are clean and in order and that their security is effective and search or cause the prisoners to be searched at uncertain times, not less than once a week, and examine their clothing, bedding and see that they are in order and that no prohibited articles are hidden in the prison or possessed by any prisoner; and record the date, time and

description of the barracks and cell searched, in the Jailor's Report Book in Form XVIII;

(4) Enforce the greatest economy, give particular attention to all matters connected with the management of the prison, and bring to the notice of the Assistant Superintendent and Superintendent, circumstances which may require their attention for checking unnecessary expenditure;

(5) Without delay, report to the Assistant Superintendent and Superintendent any fact or circumstances likely to affect the security of the prison and the health and discipline of the prisoners; and also bring to their notice any fact or circumstance likely to affect the efficiency of any subordinate member of the establishment;

(6) Looking after all aspects of admission and release of prisoners;

(7) Attend to classification and separation of prisoners and their training;

(8) To see that prisoners are clean in their persons and clothes and that they have the authorized amount of clothing and bedding and no more, and the same to be certified in the Jailor's Report Book in Form XVIII;

(9) Responsible for the execution of all orders regarding the labour of prisoners. He shall assign to each prisoner his work on the recommendation of the Work Assignment Committee constituted in each Prison for the purpose. He shall ensure that the assigned works are performed by the prisoners;

(10) Supervise 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 operations;

(11) Responsible jointly with the Medical subordinate for the proper preparation and distribution of food to prisoners;

(12) Supervise the working of the guards subject to any orders of the Assistant Superintendent and Superintendent, assign from time to time to each of the jail guards both inside and outside the prison wall, appropriate duties in respect of the prison or prisoners either in the matter of guarding or otherwise;

(13) Responsible for custody of all warrants and for the strict enforcement of their terms and that no prisoner on any account be released before his due time or kept in prison beyond the termination of his sentence;

(14) To visit frequently the extra mural working parties and shall record such visit in the Jailor's Report Book in Form XVIII;

(15) Muster the prisoners in suitable batches and shall certify in the Jailor's Report Book in Form XVIII.—

(a) That the handcuffs, if any, of every prisoner are secure and clean;

(b) That every prisoner has his History Ticket;

(c) That he has read to prisoners the rules for rewards for good conduct; for granting remission and for punishments for commission of prison offences;

(d) That all barracks and cells have been inspected daily and found in order;

(16) To arrange for escort and conveyance of sick prisoners in emergency and prisoners sentenced to death shall be removed from the prison only under dying circumstances, duly recommended by medical officer and special guarding arrangements shall be made during the period when he is out of prison;

(17) To assist the Assistant Superintendent and Superintendent in studying the psychological and mental make up of prisoners and taking steps to reform them;

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

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

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

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

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

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

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

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

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

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

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

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

(30) To conduct interviews with condemned prisoners;

(31) To assist the Assistant Superintendent in supervising the work of all guarding staff in the gardens;

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

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

(34) To attend to admission work and search of prisoners on their admission;

(35) To have custody of prisoner's property except cash;

(36) To attend to 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;

(37) To have the custody of prisoner's private clothing and prison clothing stores; and the issue of fresh clothing to the prisoners;

(38) To maintain the clothing and registers in the prescribed Form X;

(39) To attend to the conducting prisoner's interview, if conversant with the language spoken at the interview;

(40) To have the charge of the quarantine and of the civil and leper annexes where such annexes exist;

(41) To censor letters addressed to and sent by the prisoners and the disposal of such letters under the order of the Assistant Superintendent / Superintendent;

(42) To keep strict vigil over the prison and ensure his presence at night time in Jail premises;

(43) To supervise over the work of distribution of cooked food and extra diet as recommended by the Medical Officer;

(44) To attend all complaints and requests of all prisoners put in his charge and to ensure that the daily routine is carried out satisfactorily by such prisoners;

(45) To intimate the notice of death of prisoner to the Assistant Superintendent and Superintendent and Medical subordinate.

(46) To keep safe custody of records and registers if so directed by the Assistant Superintendent and Superintendent;

(47) To carry out all such functions and duties as assigned by the Assistant Superintendent and Superintendent from time to time;

(48) Report to the Superintendent cases in which the disciplinary action for any misconduct on the part of a prisoner or a subordinate officer may be necessary;

(49) See that no ladder, planks, ropes, chains, implements, or materials of any kind, likely to facilitate escape, are left unnecessarily or are inadvertently exposed or without surveillance at any time in the yards and that all such articles as well as tools of all kinds when not in use are kept in their appointed places;

(50) See that no rubbish is piled against any wall or allowed to remain in the yards and that all sullage water is immediately removed;

(51) See that a list of prisoners sentenced to cellular confinement is forwarded to the Medical subordinate daily whenever prisoners are sentenced to such confinement.

34. *Duties to be performed by the Assistant Jailor in the absence of the Jailor.*— In the absence of the Jailor or in prisons where there is only one Assistant Jailor, the duties of the Jailor under these rules shall be performed by such Assistant Jailor as the Assistant Superintendent or Superintendent may direct, as the case may be, by the only Assistant Jailor.

35. *Duties of Assistant Jailors.*— (1) In addition to the duties entrusted to him by the Superintendent and Assistant Superintendent, the Assistant Jailor shall attend to all complaints and requests of all prisoners put in his charge and shall see that the daily routine is carried out satisfactorily by such prisoners. He shall personally supervise the work of distribution of cooked food and extra diets recommended by the Medical Officer to prisoners in his charge

(2) *Duties of Assistant Jailor to be performed by other officials etc.*, — In the absence of the Assistant Jailor or where there is no Assistant Jailor, his functions shall be performed by any other responsible official nominated for the purpose by the Assistant Superintendent or Superintendent with the previous consent of the Inspector General in writing.

36. *Duties of Orderly Officers.* — (1) The duties of Orderly officer shall be performed by the Jailor or the Assistant Jailor on duty.

(2) Orderly Officer for day shall be on duty between the two main gates of a prison from the time at which the

prison opens until it is locked and it shall be the duty of the Orderly Officer for the day —

(a) To supervise and control all happenings between the two gates of the prison;

(b) To ensure that entry is made by the Gatekeeper in the Gate Register as in Form XXVI and Form XXVIII of anything carried in or out of the prison, of persons entering and leaving the prison and of vehicles coming in or going out of the prison, specifying the time of such ingress or regress;

(c) To maintain in the Orderly Officer's Diary as in Form XVIII, a brief record of all important events such as, visits of persons to the prison, accidents occurring in the prison, searches made under sections 21 and 41 of the Act and emergencies and any other important incident occurring in the prison;

(d) To notify the existence of an emergency to the prison staff by sounding alarm;

(e) To control personally in an emergency, all necessary operations at the prison gates;

(f) To receive and take necessary action on report submitted by prison guard relating to the opening and closing of the prison;

(g) To supervise searches of prisoners and of members of the subordinate staff of prison;

(h) To communicate to the Head Guard, the orders issued by the Jailor regarding the posting of prison guards to various duty posts;

(i) To receive members of the Board of Visitors for prison constituted under rules 377 and 378 in chapter XIX – “Visitors of Prisons” and arrange for their escort;

(j) To receive prisoners admitted to prison and to arrange for the delivery of their warrants, money and other articles to the Jailor in charge of judicial work or to the Jailor;

(k) To report to the Jailor deficiencies in the order committing a prisoner to custody and discrepancies, if any, in the identification marks of prisoners; and

(l) To verify whether a prisoner admitted into prison has any wounds, or marks of violence on his person and, if so, to report the same to the Assistant Superintendent and Superintendent.

(3) Orderly Officer for night shall be on duty between the two main gates of the prison from the time the prison is locked until it is opened. It shall be the duty of the Orderly Officer for night —

(a) To supervise and control arrangements for the security and safe custody of prisoners;

(b) To visit guard posts at least thrice during night (one such visit shall necessarily be after mid-night);

(c) To make an entry in the Report Book in Form VIII of the guard posts visited by him, and the time at which such visits were made;

(d) To record in the Orderly Officer's Diary, the night visits made by Prison Officials during night time;

(e) To open a barrack or cell during night in case of emergency;

(f) To report to the Assistant Superintendent and Superintendent of the existence of emergency and to record the same in the Orderly Officer's Diary;

(g) To arrange for the escort and conveyance of sick prisoners who are to be transferred to the local Civil or Government aided hospital as per emergency; and

(h) To perform all or any of the duties specified in sub-rule (2), in case of emergencies.

(4) The diary of the orderly officer for day and night shall be daily checked and signed by the Superintendent.

37. *Duties and functions of Matron.*— (1) A matron shall perform the duties of woman jailor and shall be in charge of the women's section of the prison and shall work under the direct supervision of the Superintendent. She shall perform all the duties of the Jailor and Assistant Jailor mentioned in these rules so far as the women's section of the prison is concerned. It shall be her duty to see that either she herself or a woman guard is present right from the time of the opening of the prison till the time of lock-up, and to ensure that no unauthorized person enters the women's section of the prison. She shall always accompany, inside the prison, the Superintendent, the Assistant Superintendent, the Medical Officer or any other authorized visitors visiting the Women's section of the prison. In times of emergency, she shall immediately contact the next higher officer who is available and obtain his orders.

(2) Matron, if there is no woman Jailor, shall have immediate charge of *women* prisoners subject to the general control of the Assistant Superintendent and Superintendent.

(3) In the absence of the woman Jailor, if there be one, and the Matron, a Lady Warden appointed for the purpose shall carry on the duties of the woman Jailor or the Matron, as the case may be, or of both.

(4) Where a woman prisoner is imprisoned in the female enclosure, the Matron or the Lady Warden shall always be present in the enclosure during the daytime with the cell key in her possession to attend to the prisoner's wants and to keep her under observation.

(5) Where a woman prisoner is punished with cellular confinement, the Matron shall remove such prisoner from her cell to an association barrack before lock-up.

38. *Guarding personnel - their duties and responsibilities.*— The guarding personnel will consist of Head Warder-cum-P.T. Instructors, Head Guards and Jail Guards. Specific duties of each member of the guarding staff on various sections and points will be assigned by the Superintendent on a rotation basis in keeping with his or her status within the cadre in the following areas:

- (i) Security, custody, discipline;
- (ii) Searches and counting of prisoners;
- (iii) Opening and locking-up of the prison;
- (iv) Reporting defects and short comings in prison buildings, walls, locks, lighting arrangements and iron-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, work sheds, 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 work sheds, management and discipline, helping agricultural personnel in all related matters;
- (xii) Discipline in areas where educational, cultural and recreational activities are conducted;
- (xiii) Reporting violations of discipline to appropriate officers for taking immediate action as per rules;
- (xiv) Observing habits and behaviour patterns of inmates and reporting the same to the authorities concerned, helping inmates to 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.

39. *Duties and responsibilities of Jail Guards.*— It shall be the duty of the Jail Guard —

- (i) to stand or walk whilst on patrol duty and on no account to take off the belt or lie down whilst on duty;
- (ii) to keep his uniform and equipment in good order;
- (iii) to keep a list of tools delivered to prisoners proceeding to work in the morning;
- (iv) to count, examine, and return the tools into store, and report any deficiency, immediately to the Jailor in the evening;
- (v) To report any defect in locks, bolts or bars, and any tampering with these articles or keys in his charge;
- (vi) To keep all keys entrusted to him on his person, and not to leave them lying about;
- (vii) To treat prisoners with humanity and bring their complaints and grievances to the notice of his immediate superiors without delay;
- (viii) To bring to the notice of the Superintendent, and the Medical Officer any signs of sickness among prisoners in his charge;
- (ix) To report to the Jailor if an uncomplaining prisoner appears to be passing into a failing state of health, or if a prisoner's state of mind, appears, in his opinion, to be weak and uncertain;
- (x) To search all prisoners in his charge at the time of giving and taking over charge of such prisoners and at such other times during his watch as may be necessary and to report the discovery of any prohibited articles found with any of the prisoners in his charge or on his beat;
- (xi) To report any case of wilful damage to prison property;
- (xii) To prepare prisoners entrusted to his charge for counting and for parade, and to see that each prisoner comes to his place in proper order, behaves well, and keeps silent;
- (xiii) To report immediately to the Jailor the fact of any prisoner missing from his charge;
- (xiv) To count the prisoners made over to him and to declare the number to the officer distributing the prisoners;
- (xv) To count prisoners in his charge at least twice during his turn of duty; and to satisfy himself that he has the correct number in his custody;

(xvi) To report all cases of idleness and short work prisoners entrusted to him supposed to work;

(xvii) To see that any prisoner who is required to leave the group for any legitimate purpose is made over to the charge of a responsible prison official for such purpose;

(xviii) To see to the cleanliness of the persons, clothing, bedding, rings, and eating utensils of the prisoners in his charge, and to see that the prisoners bathe only at the appointed time and place and that the bedding is aired according to orders;

(xix) To report any plot for escape, assault, outbreak or for obtaining prohibited articles that may come to his knowledge;

(xx) To report breach of any prison rules.

40. *Changes in duties and posts of Jail Guards.*— The posts and duties of Jail Guards may be changed every week:

Provided that the Assistant Superintendent and Superintendent may continue the guards working in prison store, garden, factory or kitchen for a period not exceeding three months in their respective posts.

41. *Responsibility of guard in charge of work shed.* — A jail guard in charge of work sheds shall be responsible for all the tools and other property kept therein.

42. *Relieved Jail Guard to explain his duties to the Relieving Guard.*— A jail guard shall, before being relieved, explain his duties to the relieving guard and they (i.e. both relieving and relieved jail guard) shall jointly examine all the fastenings in their charge and shall count the prisoners. The responsibility of a jail guard on duty shall not cease until he is properly relieved.

GUARDS WITH ARMS:

43. *Superintendent to make guidelines for guidance of guards with arms.*— The Superintendent of a prison shall, with the approval of the Inspector-General, draw up guidelines for the guidance of the guards with arms to meet local requirements, giving the distribution of such guards and the number and position of the sentries, and defining the details of their beats. A copy of such guidelines translated into regional language and signed by the Superintendent, shall be hung up in the guardroom.

44 *Guard with arms:*— (1) *Not to take part in daily routine of prison.*— A guard with arms, shall not take part in the daily routine of the prison or assist in the searching or counting of prisoners. He shall, as far as may be possible, be kept away from coming into close contact with the prisoners.

(2) *Change of Sentries and contingent of guards with arms.*— The contingent of guards with arms may be changed every 24 hours. These sentries shall be changed by the Head Guard commander every two hours. The Head Guard on duty shall see that the sentry relieved passes the orders of the post to his reliever.

(3) *Ammunition to be possessed by guards with arms on duty.*— The guard on sentry duty shall carry with him ammunition viz., 10 loose live rounds of ammunition to his pouch, keeping the pouch unbuttoned.

(4) Where a sentry is being relieved of his duty, he shall pass on his loose live rounds of ammunition to the sentry relieving him from duty in exchange of two ammunition clips of 5 rounds each in the possession of the Guard relieving him from his sentry duty.

(5) Where a section on guard duty is being relieved of its sentry duty, all the ammunition in its possessions shall be handed over to the relieving section of Jail Guards. The officer mounting the guard shall be personally responsible for the correct handing over and taking over of the live ammunition by the two Head Guards on duty.

(6) No sentry on guard duty shall carry his firearm loaded at any time unless he is explicitly ordered to do so.

45. *Conditions to be observed by Jail Guard and Head Guard.*— (1) The Jail Guard and the Head Guard commander shall on no account leave their posts without being properly relieved.

(2) In case of sudden illness, proper report shall be made by the Head Guard commander or his second in command to the Jailor for necessary relief.

(3) A jail guard on sentry duty shall hold no conversation whatsoever with any one. In the case of requirement of such a conversation, the Head Guard commander shall himself do the same.

(4) A jail guard on sentry duty seeing a prisoner attempting to escape shall at once raise the alarm by blowing a continuous short sharp blast with his whistle.

46. *Duties of the jail guard on Sentry duty.*— (1) A Jail Guard on sentry duty shall firmly enforce the order given to him without any discrimination.

(2) It shall be the duty of every jail guard on sentry duty to protect at all costs the stores, arms, ammunition and Government property entrusted to his charge.

47. *Fire arms to be kept in Guard Room when not in use.*— The firearms shall always have the bayonet fixed, and shall remain in the guardroom when not in use.

48. *Guards on Sentry duty to be always in uniform.* — No guard on sentry duty shall on any account take off his clothing or equipment.

49. *Head Guard not to leave his command unless relieved.*— (1) The Head Guard shall not leave his command unless duly relieved. When duly relieved, he shall do so after handing over his charge to the next senior guard in charge.

(2) It shall be duty of the Head-Guard to see that no guard leaves the guardroom or his beat, if on sentry duty, without proper leave or unless he is duly relieved.

50. *Relief of jail guards on sentry duties for lunch.*— The Head Guard shall arrange the duties of the jail guards in such a way that those who are unable to arrange for bringing their food to the guard room may not be on duty between the hours of 9.00 a. m. to 1.30 p.m. and shall see that not more than 1/3rd of the strength of the guards is let off at one and the same time.

51. *Guards on duty not to communicate with any person.*— The Head Guard and the guards on duty shall not have any communication with any person unless such communication is required to be carried out as a part of their duty.

52. *Duties of guards with arms.*— The guard with arms shall resist by force all attempts made to break into or out of any part of the prison, and shall aid the authority in the suppression of violence or opposition of any kind, when called upon to do so.

53. *Guard to act on general alarm.*— (1) In the event of a general alarm being sounded for an attempt to break out of the prison, the prison guard shall immediately fall in, load and act in accordance with the guidelines framed for the purpose.

(2) The Head Guard of the prison shall at once report to the senior officer present on the spot for further orders. If however, the prisoners assault the prison officers or subordinates or if they attempt to break out of any particular ward or yard, and if any executive officer present or the Head Guard, considers that it would be dangerous to delay until the arrival of the senior prison officer, he shall proceed to rescue the prison officer and other subordinate officers and prevent the prisoners from breaking out.

54 *Head Guard to check sentry posts twice during night.*— The Head Guard shall check all the sentry posts twice during the night.

GATE KEEPER:

55. *Duties of Gate keeper.*— (1) In every prison, a senior jail guard shall be detailed in rotation to perform the duties at the prison gate. The person so selected shall be able to read and write well.

(2) The gatekeeper shall —

(i) be in charge of the main gate of the prison and shall never under any pretext, leave his post till relieved by another Jail guard;

(ii) retain charge of the keys of the prison gates during the day or night, and deliver them to the care of the Jailor;

(iii) see that the main electric light and alarm switch, if any, are in working order;

(iv) maintain the population board at the gate every morning up-to-date;

(v) report immediately to the Medical Officer the fact of admission of any new prisoners; and

(ii) not to allow any unauthorised person to enter the gate.

(3) *Duties of gate keepers when passing articles out of prison.*— (i) Where any articles are to be sent out of the prison by means of head load or cartload or by any other means, they shall be so loaded in the presence of a responsible executive officer or technical assistant concerned. Such loads shall be accompanied with a pass giving the contents of the load. The executive officer of technical section concerned shall sign the pass.

(ii) The pass shall be handed over at the gate to the gatekeeper who shall, in case of doubt, satisfy himself that the contents mentioned in the pass and the load tally, before allowing the load to go out of the gate.

(iii) Any load not accompanied by a pass shall not be allowed to pass out of the gate.

(iv) All passes so received at the gate including those for articles brought in the prison as well as passes in respect of admission of persons shall be pasted in a bound book, specially kept for the purpose, according to the chronological order of the dates of their receipt and preserved by the gate keeper in safe custody. Gatekeeper shall not bring in use a new book, unless the old one is handed over to the concerned staff for being preserved in the record room till such time as it is destroyed under the instructions for weeding the prison records.

(4) *Register for recording ingress and egress of articles.*— The gate keeper shall in addition to the Gate register, maintain a register in Form No. XXVIII for recording the ingress and egress of head loads and cart loads carried in or out the prison. Such register shall be placed every Monday before the Jailor who shall check at random entries therein with the entries in the Gate register in order to see that it is maintained properly and all necessary entries are correctly made.

(5) *Opening prison gates.*— (i) The gatekeeper shall see that on no occasion, both the gates (main-gate and the inner-gate of the prison) are unlocked simultaneously. One gate shall be kept necessarily locked before the other is opened:

Provided that where there are prisoners other than outfile of prisoners between the two gates, the main gate

shall not be opened. On such occasion only the wicket gate shall be opened.

(ii) Subject to the provisions of sub-rule (5) (i), the main gate of the prison shall, be opened during the day time for any visitor and any prison official of and above the rank of Assistant Superintendent. On other occasions all activities shall be carried out through the wicket gates.

(iii) The main gate shall not be opened at night except in case of emergency and all communications after lock-up shall be done through the wicket gate only.

(iv) No prisoner shall be employed for work between the two main gates without first obtaining the specific sanction of the Assistant Superintendent or Superintendent, in writing.

(6) *Embezzlement of property and admission of prohibited articles.*— The gatekeeper shall prevent the embezzlement of prison property and the introduction of any prohibited article such as mobile phone, tobacco, opium, razors, knives, nails, money and letters into prison:

Provided that, drugs and medical or surgical appliances, with the authority of the Medical Officer in writing, and factory articles, raw materials, stores and tools, by an order in writing from a prison official responsible for the same, may be admitted into a prison.

(7) *Receipt to be taken for passing articles in stores.*— The gatekeeper shall not allow any articles to pass in unless the receipt is signed by the official removing such articles inside to the stores.

(8) *Search by gatekeeper.*— It shall be lawful for the gatekeeper for the purposes of the foregoing rules, to search all persons passing in or out of the prison except the members of the Board of Visitors for prison constituted under the rule 376 in chapter “XIX “Visitors of Prisons”, gazetted officers of the prison, Matron and such other persons who enter the prison with the permission of the Superintendent. The search of all persons including prisoners shall be carried out with due respect for decency and with as much consideration as possible.

(9) *Search of exempted persons.*— If the gatekeeper has reason to believe that person exempt from search is bringing any prohibited article into or out of the prison, such person shall, subject to the orders of the Assistant Superintendent or Superintendent and in his absence of the senior most officer of the prison, be searched by the Jailor.

(10) *Gatekeeper to maintain Register.*— The gatekeeper shall keep in his own hand-writing Gate Register as in Form No. XXVI, a continuous diary of all

that happens at his post and shall enter therein the names of every person entering or leaving the prison, the total number and the register number of every group of prisoners passing in and out, with the name of the officer in charge and as complete and accurate a list as practicable of the articles taken in and out, and in each case the hour of entry or exit. This register shall be placed before the Assistant Superintendent and Superintendent every week for their checking and initials.

(11) *Gatekeeper to be responsible for custody of articles.*— The gatekeeper shall be responsible for the safe custody of articles mentioned below which shall be kept in the passage between the main gates and shall handover charge of the said articles to the Guard on duty at the gate on relief—

(1) Such number of torches with 6 cell batteries in proper working condition, as may be authorized by the Superintendent with the approval of the Inspector General.

(2) A clock.

(3) A general key box with a lock fixed to the wall.

(4) The keys of the women’s section of the Prison in a special box with glass doors.

(5) A stand desk for the gate registers and writing materials.

(6) Iron chain.

(7) A board on which details of the population of the Prison is written each morning.

(8) A list of Visitors and professionals appointed by the Government.

(9) A measure tape (16) metres.

(10) A telephone (If provided) and

(11) A first-aid box.

56. *Recording of duties performed in work diaries.*— The Jailor, Assistant Jailor, Matron, Head Warden cum P. T. Instructor and male nurse shall record the duties performed by them everyday, in their work diary, which shall be available to their respective superiors, on demand.

CHAPTER V

Admission, Classification and Separation of Prisoners

Admission of Prisoners.

57. *Admission of Prisoners.*— (1) No new prisoner shall, subject to the provisions of rule 58, be admitted by

a Gatekeeper into a prison before the opening of the jail and after the hour of its lock-up:

Provided that a prisoner, —

(a) on the special written order of a Sessions Judge or a District Magistrate or the Superintendent, or

(b) on transfer after due intimation, shall be admitted into the prison after the hour of its lock-up.

(2) Prisoners who are admitted in the prison after the hour of its lock-up shall be kept in a cell used for the purpose.

58. *Prisoners not to be admitted without warrant.*—

(1) No prisoner shall be admitted into any prison except according to the exigency of any writ, warrant or order signed by a competent authority. Before admitting a prisoner, the Assistant Superintendent or the Jailor so authorised shall question him and ascertain that his name and other particulars correspond with those entered in the writ, warrant or as the case may be, of the order.

(2) Under-trial prisoners shall be admitted into a prison on separate writs, warrants or orders, signed by a competent authority. On admission, they shall be examined by the Medical Officer for marks of violence, if any. On their conviction or discharges, their warrants shall be retained in the prison office.

59. *Search of newly admitted prisoners.*— (1) A Jailor shall invariably be present at the time of admission of new prisoners, and he shall see that the writs, warrants, orders and other papers are correct and according to the prescribed forms.

(2) All prisoners shall, subject to the following provisions, be thoroughly and carefully searched on their admission into a prison —

(a) Class I prisoners shall be searched only in the presence of a Jailor.

(b) Women prisoners shall be searched by a Matron and only in the presence of women.

(c) Civil prisoners shall not be searched in the presence of any other prisoner.

(3) On their admission into a prison —

(a) in the case of prisoner sentenced to death, immediately on arrival of such prisoner after sentence, he shall be searched by or by order of the Assistant Superintendent, and all articles which the Assistant Superintendent deems dangerous or inexpedient to be left in his possession shall be taken away from him or her;

(b) in the case of prisoners sentenced to rigorous imprisonment, every article including clothing,

money, jewellery and documents shall be taken from them, provided that where a prisoner is received late or after the hour of the lock-up of the prison, the clothing shall be left with him until next morning;

(c) in the case of prisoners sentenced to simple imprisonment and of under-trial prisoners, money, personal ornaments, papers and letters and other property excluding their private clothing, shall be taken from them; provided that under-trial prisoners may retain their beddings, if they so desire;

(d) in the case of civil prisoners, dangerous weapons, articles likely to facilitate escape, drugs and immoral books shall be taken away from them.

(4) All property taken from prisoners under sub-rule (3) shall be dealt with as may be provided for under the rules for the time being in force pertaining to prisoners' property and documents.

Note — Prisoners may be allowed on request to the Superintendent to wear or use in the prison the sacred thread known as “Janwa” or “Janoi” or cloth known as “Sowla”, or an undergarment known as “Sadra”, and the thread known as “Kasti” or “Ling” wrapped in a piece of cloth or kept in a silver box suspended round the neck (provided it is capable of being examined against misuse), Scapulars, rosaries, comb, iron bangles and “Kirpan” not more than 0.0371 metres in length worn by Sikhs and “Kumkum” and bangles (for women prisoners).

60. *Prisoners to wash themselves and their clothing soon after admission.*— All prisoners (convicted as well as under-trials) shall, on their admission into a prison, be made to wash themselves thoroughly and in case of prisoners received late after the hour of the lock-up of the prison, early next morning.

61. *Prison authorities not to be responsible for any mistake in warrant.*— All warrants shall be examined to ascertain whether they conform to the orders of the High Court. If a warrant is incorrect, a copy of it may, in the case of minor irregularities, be sent to the officer who issued it, with a request that a revised one may be forwarded, and, on receipt of it, the incorrect warrant shall be returned to the Court. The receipt of a revised warrant shall be acknowledged by the jail authorities by special letter and until such letter is received, the prison authorities shall not be held responsible for any mistake that may occur, in consequence of the irregularity, if any, in the original warrant.

Note — (1) A warrant ordering imprisonment without specifying whether it is to be simple or rigorous imprisonment and undated, unsigned or unsealed warrant shall be returned for correction.

Note — (2) The period of solitary confinement ordered on a warrant is dependent on the term of

sentence and should not be more than is allowed under section 73 of the Indian Penal Code.

62. *Registration of admission entries of prisoners in jail Registers.*— (1) Every prisoner shall receive serial number corresponding with the entry relating to him in the admission register as in Form No. VI, and this register number shall be his distinguishing mark whilst in the jail. The series shall run from 1 to 1000 in Central Jail and from 1 to 200 in the Sub-Jails.

(2) The prisoner's number and the letter 'H' signifying his category, if he is classed as a 'habitual' criminal, shall invariably precede his name when he is referred to in any official communication.

Explanation.— Thus, Rup Ram, a 'habitual' criminal, would be described as 'prisoner No. 606-H, Rup Ram', while Bagh Khan, non-habitual prisoner would be described as 'prisoner No. 666, Bagh Khan'

(3) If a prisoner belongs to class I, that class shall be indicated placing his class after his name.

Explanation.— Thus, if Bagh Khan was class I prisoner, he shall be described as 'prisoner No. 662, Bagh Khan, I Class'.

(4) In nominal rolls the father's name shall invariably be added. A prisoner's nominal roll in Form No. XVII shall always be sent to the Inspector General with any reference concerning him.

(5) (i) A register shall be maintained in every place of imprisonment with numbered pages where the following details of women prisoners shall be entered:—

(a) Information concerning their identity;

(b) The reasons for their imprisonment and the authority ordering such imprisonment with full details of such order;

(c) The day and hour of their admission and release.

(ii) In all registers and returns, the numbers and names of women prisoners shall be written in red ink.

(6) The names of en-route prisoners, both convicted and under-trials shall be entered in Admission Register as in Form No. VI and Register of Under-trial Prisoners as in Form No. VII of the prison in which they stop en route.

63. *Recording of identification marks.*— (1) For the purpose of identification, a full personal description of every prisoner, giving a general account of his physiognomy, complexion and built of body, and a note of any special marks on his person shall be recorded in the admission register. If there is no such record, the personal description shall be entered by the Medical Officer. Any police officer deputed to take a prisoner's finger impressions shall be allowed to do so.

(2) At least three identification marks shall be clearly and fully recorded in the case of each prisoner when he is first admitted. If the prisoner had originally come in as under-trial prisoner and was subsequently convicted, his description shall be copied from the Register of Under-trial Prisoners to the Admission Register in Form No. VI.

(3) The description shall not be altered except by the Medical Officer for minor corrections and amplifications during the whole term for which the prisoner remains in prison. Every such correction shall be signed and dated by the officer who makes it.

64. *Procedure in case of prisoner's transfer to another prison.*— If a prisoner is transferred from one prison to another, his description shall be recopied from the transfer papers into Admission Register at the receiving prison. On each occasion on which the description is copied into a document or into a Register, it shall be carefully checked by the Jailor so as to prevent impersonations and the prisoner's register number, name, sentence, date of sentence, date of admission, date of release and number of convictions shall be endorsed on his warrant. A History Ticket shall also be prepared for him.

65. *State of every prisoner's education to be recorded.*— The state of every prisoner's education shall be ascertained on admission, and shall be entered in the Admission Register and History Ticket of the prisoner concerned.

66. *Recording of date etc., in warrant on prisoner's admission into prison.*— The date of a prisoner's admission into a prison and the serial number given to him shall be endorsed on his warrant and signed by the Assistant Superintendent or the Jailor so authorised. The warrants shall be arranged according to serial numbers. They shall be kept in a locked chest, the key of which shall be kept by the Assistant Superintendent or the Jailor so authorised. In all prison records and documents, both the name of the crime and the section the Indian Penal Code, or other enactment shall invariably be given.

67. *Verification of admission documents by Assistant Superintendent or the Jailor so authorized.*— (1) As soon as possible after the procedure described in rules 63 and 72 has been completed, the prisoner shall be brought before the Assistant Superintendent or the Jailor so authorised, who shall —

(i) examine the warrant and endorsement thereon, and initial them;

(ii) read out to the prisoner the list of his private property as recorded in Registers in Form Nos. VIII, IX and X, initial it, if it is acknowledged correct by the prisoner concerned;

(iii) verify correctness of the age and of identification marks as recorded on the warrant and

Admission Register and examine all other entries in the letter register, and initial;

(iv) verify the entry in the release diary as in Form XI and initial;

(v) examine all entries on the History Ticket in Form No. XXV particularly as regards previous convictions;

(vi) verify and ascertain from the prisoner concerned about the correctness of the entries regarding his past history recorded in the History Ticket;

(vii) issue special orders regarding transfer for security, transfer to a Borstal/Reformatory institution, and other matters as may be applicable to the case under the rules;

(viii) verify the entry made in History Ticket about the submission of the appeal and initial it, if it is acknowledged as correct by the prisoner.

(2) under-trial prisoners shall also be brought before the Jailor who shall examine the admission entries made in the Register of Under-trial Prisoners and satisfy himself that they are correct and put his dated initials in the columns prescribed for the purpose.

68. *Preparation, custody and management of History Tickets.*— (1) Every prisoner shall, immediately on his admission into prison, be provided with a History Ticket in Form No. XXV which shall be maintained, in the manner hereinafter provided, throughout the period during which such prisoner remains in confinement.

(2) 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.

(3) 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.

(4) 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) Subject to the requirements of this rule, the Inspector General may, from time to time, get History Tickets made.

(6) 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.

(7) 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; whether tested for H.I.V.?

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

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

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

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

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

(iii) Admission to and discharge from the convalescent group;

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

(10) Following particulars to be entered on the History Ticket of every prisoner as may be applicable -

(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 particulars of the nature of the 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) Any complaint made by the prisoner of sickness or report of his sickness;

(vi) The action taken on any direction or recommendation of the Medical Officer or Medical Subordinate;

(vii) Application for a copy of judgement, if the prisoner desires to appeal;

(viii) Receipt of the copy of judgement;

(ix) Dispatch of appeal;

(x) Substance of the order of the appellate court;

(xi) The fact of an appeal not having been made before the expiration of the term allowed for appealing;

(xii) The amount of remission awarded quarterly;

(xiii) The total remission in days earned up to the end of the last quarter;

(xiv) Every prison-offence alleged to have been committed;

(xv) Every interview allowed and the receipt or dispatch of private letters;

(xvi) Dispatch to a court, or transfer, discharge, escape or death;

(xvii) Any recommendation of the in-charge of the prison industry or works or of the Assistant Superintendent;

(xviii) Action taken on any order entered by the Superintendent;

(xix) The fortnightly or weekly measurement of weight;

(xx) The number of cell in which placed on account of warrant confinement;

(xxi) The total confinement undergone on warrant on each occasion of removal, etc.;

(11) Entries regarding point (i), (ii), (iii) (v), (vii), (viii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv), (xvi), (xvii), (xix), (xx) and (xxii) above may be entered by the Assistant Superintendent and the duty of making entries regarding point (iv), (vi), and (xviii) shall be performed by the Superintendent or he may delegate powers thereof, to an officer not below the rank of Assistant Superintendent.

(12) On the History Ticket of every convict, the Superintendent shall record

(a) Any special order he may have to give related to any prisoner, e.g. the imposition or removal of hand-cuffs, permission to hold an interview or write a letter, separation by night;

(b) The award of every punishment;

(c) Sanction for employment on extra-mural work;

(d) The award of special remission.

(13) The History Ticket of each prisoner shall be kept in a proper receptacle by the Assistant Superintendent in whose charge the prisoner is placed, and shall be produced by him whenever required by any officer of the prison. At the weekly parades, each prisoner shall hold his ticket in his hand for inspection. The History Ticket shall be produced, with the prisoner, whenever he is reported for an offence, or is brought before the Superintendent or Medical Officer for any reason.

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

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

(14) The History Ticket of every prisoner shall be retained in safe custody -

(i) in the event of his escape, for one year;

(ii) in 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.

69. *Prisoner to be produced before Superintendent within specified time.*— A prisoner shall ordinarily be produced before the Superintendent within 10 days of his admission to a prison. The Superintendent may endorse in the History Ticket any special order regarding the treatment to be accorded to him.

70. *Prisoners having influence in district to be transferred to another district.*— The Superintendent shall require the Jailor concerned to submit to the Inspector General the nominal roll of any prisoner having influence in the district or who is a convicted jail official whose transfer to another district is expedient.

71. *Checking of admission register and release diary.*— The Assistant Superintendent and the Jailor in-charge of judicial work shall every day or at frequent intervals personally check each fresh entry in the Admission Register and shall see that for each entry therein, a corresponding entry is made against the proper date in the Release Diary in Form No. XI and that in the case of a prisoner to whom remission is granted or who is sentenced while in prison, the entry in the release diary is altered so as to indicate the date on which the prisoner is due for actual release.

72. *Medical examination.*— (1) The Assistant Superintendent shall see that every newly admitted convicted prisoner is brought on the day of his admission or within a week next after his admission, fully equipped according to rules for examination before the Medical Officer who shall examine him thoroughly

and enter in the Health Register in Form No. XII the details of prisoner's health. Such relevant details shall also be recorded at the time of his release.

(i) his weight (both actual and physical equivalent), height and state of health, and (in the case of prisoners sentenced to rigorous imprisonment) the class of labour for which the prisoner is fit, and any other observations that may be considered necessary. If a prisoner is not in good health or is not fit for hard labour, the reason shall be clearly stated in the Health Register and also on the prisoner's History Ticket.

(ii) whether the prisoner has been vaccinated or has had smallpox;

(2) (i) The Medical Officer shall send any sick prisoner to the hospital for treatment;

(ii) In case the Medical Officer has reason to think that a newly admitted woman prisoner is pregnant, he shall at once report the circumstances to the Superintendent for further action.

(iii) The Medical Officer shall specially examine under-trial prisoners on admission for recent marks of violence and report immediately the result of such examination to the Superintendent.

(3) If there is an observation ward for prisoners newly admitted into a prison, such prisoners shall be located in such observation ward until the Medical Officer directs that they shall be placed with other prisoners. If any epidemic is prevalent and accommodation for admission of new prisoners is provided outside the prison, such prisoners shall not be admitted within the prison till orders are given by the Medical Officer for their admission.

(4) Newly admitted prisoners shall be provided with necessary bedding and protection from cold before they are sent inside, to the yard or barrack for confinement.

73. *Duties of Medical Officer.*— (1) On receipt of report about the recent marks of violence from the Medical Officer, the Superintendent shall carefully record the same. The Superintendent shall, if the prisoner so desires (and in any case may at his discretion) transmit the same to the District Magistrate together with prisoner's statement as to how the injuries were received.

(2) The Medical Officer shall scrutinise entries as made by the Medical subordinate, if any, enter in Health Register the state of health of the prisoner, and decide the class of labour (hard, or other than hard) for which the prisoner is physically fit. The reason for classifying a prisoner as fit for labour other than hard shall be recorded on his History Ticket as well as in Health Register. If the prisoner appears sick, the Medical Officer shall direct his removal to the Prison Hospital or

into quarantine and shall note in remarks column anything abnormal in the prisoner's condition. When forming an opinion of the physical fitness for labour of a convict on his admission into prison, the Medical Officer shall take into account the convict's previous occupation, mode of life, health of the locality in which he has resided, abundance or scarcity of food in that district, the state of his muscles and limbs and any signs of constitutional or mental weakness. At the same time the Medical Officer shall not lose sight of the possible good effect of judicious exercise and suitable labour for prisoners of weak constitution.

Note:— The mere fact that a prisoner's weight is somewhat below the physical equivalent of his height is not in itself sufficient reason for classifying him as unfit for hard labour. The muscular development of such an individual must always be examined.

(3) The Medical Officer shall ensure that all convicted prisoners are vaccinated as early as practicable after their arrival in prison.

(4) The Medical Officer shall furnish to the Superintendent daily report on the health of a prisoner who is on hunger strike.

74. *Placing of prisoners in quarantine.*— (1) Convicted prisoners shall, on admission into a prison, be kept in quarantine for such period, being not less than ten days, as the Medical Officer may consider necessary in each case with due regard to the kinds of epidemic diseases, if any, which are prevalent at the time.

(2) A convicted prisoner who has already spent some time in the same prison as an under-trial prisoner and has his ten days quarantine period, they may not be placed in quarantine again after conviction:

Provided that, unless the Medical Officer advises to the contrary, prisoners transferred from other prisons may not be quarantined if they have been in such prisons for at least fourteen days.

(3) *Instructions to prisoners during period of quarantine.*— During the period of quarantine the prison staff (including the Medical Officer) shall explain to the prisoners the rules of prison discipline, of personal and communal hygiene, of their behaviour towards officers of the prison and towards other prisoners, the new outlook in regard to the treatment of prisoners, the concessions and liabilities of prisoners, and the necessity of utilising the period of his prison life in preparing himself for rehabilitation after his release.

(4) A History Ticket shall be filled in respect of all prisoners sentenced to a term of imprisonment (either simple or rigorous) of six months and above except hardened criminals who, in the Superintendent's opinion, are not likely to be benefited by corrective treatment, after obtaining from the prisoner concerned the relevant

information. In case the prisoner refuses to give any information, the letter (R) shall be recorded in relevant column of the Form.

(5) 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 under the signature of the Superintendent at a conspicuous place of the prison and explained to him as far as possible in a language he understands.

(6) *Superintendent to provide suitable work to prisoners during period of quarantine.*— The Superintendent shall provide suitable work for all prisoners during the period of quarantine.

(7) *Prisoners put in quarantine to be confined in cells.*— Prisoners put in quarantine shall so far as is practicable be confined in cells and shall not be allowed to associate with other prisoners or amongst themselves.

(8) *Prisoners to be kept separate until certified by Medical Officer.*— No prisoner shall be transferred from the quarantine to a circle or barrack without the approval of the Medical Officer. The prisoner shall be kept separate until certified by the Medical Officer as fit to be received among other prisoners.

Classification of prisoners:

75. *Categorisation of prisoners.*— All prisoners, including under-trials, convicts and detinuees, shall be categorized as below:—

Category ‘I’: Will include under-trials, convicts and detinuees involved in terrorist and extremist activities, violent and habitual criminals and those prisoners who have escaped earlier.

Category ‘II’: Will include under-trials, convicts and detinuees involved in murder, dacoity, robbery, rape and prisoners who are professional killers/organizers, drug peddlers. In this category, violent and indisciplined inmates and inmates who are an escape risk would also be included.

76. *Classification of under-trial prisoners.*— (i) All under-trial prisoners shall be classified into two classes— ‘Class I’ and ‘Class II’.

(ii) The Superintendent shall ordinarily place all under-trial prisoners in Class II:

Provided that, where any trial Court recommends that any under-trial prisoner may be placed in Class I having regard to his social status and education and the habit of life to which he is accustomed, the Superintendent shall place such under-trial prisoner provisionally in Class I and immediately thereafter forward the recommendation to the District Magistrate concerned for approval.

77. *Classification of convicted prisoners.*— (1) All convicted prisoners shall be classified into two classes— ‘Class I’ and ‘Class II’.

(2) The Superintendent shall ordinarily place all convicted prisoners in Class II:

Provided that the State Government may *suo-motu* or on the recommendation if any, made by the convicting court or any court superior thereto, or on the recommendation of the Superintendent on the basis of academic and educational qualifications or other such cultural achievements, etc., made under rule 78 and after making such inquiries (including inquiries of the Area Commander in the case of prisoners convicted by a Court Martial) as it may think fit, direct any convicted prisoner to be placed in Class I; and upon such direction the Superintendent shall place such prisoner in Class I *Explanation* — For the purpose of this rule, a 'convicting court' includes a Court Martial or a court detaining a person in prison under the provisions of Chapter VIII of the Code of Criminal Procedure, 1973.

(3) The particulars of a prisoner shall be compiled in Form No. XXX to facilitate initial classification.

(4) Classification may also be done on the basis of age, physical and mental health, length of sentences, degree of criminality and character for making the diagnosis and for preparing the correctional treatment programme.

78. *Revision of classification of prisoners.*— (1) The Superintendent may, at any time, forward to the Government, the prisoner's case file in Form No. XX1 along with his recommendations with reasons thereof, through the Inspector General, for revision of the classification of any under-trial or convicted prisoner.

(2) On receipt of the recommendations under sub-rule (1) or *suo-motu*, the Government may at any time revise the class in which any under-trial prisoner or convicted prisoner is placed.

79. Those who don't respond to reformative treatment out of the category of habitual criminals, classified under rules 142, 145 and 146 in chapter VIII -“Habitual and Hardened Offenders”, shall be classified as hardened criminals.

80. *Women prisoners.*— Women prisoners shall be further classified for the purpose of different types of confinement as per instructions of the Inspector General from time to time.

Separation of Prisoners:

81. (1) *Accommodation for Class I Prisoners.*—(i) As far as structural arrangements permit, Class I prisoners shall be provided with cellular accommodation. Where

cellular accommodation is not possible, association barracks shall be used.

(ii) Class I prisoners shall, as far as possible, be kept separate from Class II prisoners in separate yards provided for the purpose.

(2) *Confinement of civil prisoners.*— Every civil prisoner shall be confined in a civil ward of prison and shall not be allowed to hold communication or be associated with criminal prisoners.

(3) *Under-trial prisoners.*— Under-trial prisoners shall be accommodated in separate cells at night:

Provided that where cells are not available for all prisoners, adolescents and non-habitual prisoners shall be accommodated in cells first but these prisoners shall be kept separate from each other and from under-trial prisoners.

(4) *Separation of confessing under-trials.*— Confessing under-trial prisoners shall, as far as practicable, be separated from other under-trial prisoners. Where a cell is used for segregating a confessing under-trial prisoner, he should be allowed the free use of the yard in front of the cell.

Explanation — A confessing under-trial prisoner is one who is certified as such by a Magistrate.

(5) *Under-trial accused of heinous offences.*— Whenever practicable, under-trial prisoners who are accused of heinous offences shall not be confined with those who are accused of offences less heinous. Any under-trial prisoner who is accused of committing a crime in concert shall when a prison has separate compartments be kept separate from others concerned, in the same case. Where there is no separate compartment, such prisoners may be kept in separate cells by day and in separate wards by night, but shall not be kept in solitary confinement.

(6) *Confinement of habitual prisoners.*— Every habitual criminal prisoner shall be confined in a special prison in which only habitual criminal prisoners are kept.

(7) *Prisoners convicted of rape etc.*— Criminal prisoners convicted for committing rape, or unnatural offence, for kidnapping for the purposes of prostitution or for an offence under the Immoral Traffic (Prevention) Act, 1956, shall be kept separate in the prison from other prisoners and where structural arrangements permit, they shall invariably be lodged separate from other prisoners at night:

Provided that women prisoners sentenced to confinement in a cell shall be removed from their cells to an association barrack before lock-up.

(8) *Prisoners sentenced to simple and rigorous imprisonment.*— (i) Wherever possible, convicts sentenced to simple imprisonment shall be separated from those sentenced to rigorous imprisonment or life imprisonment.

(ii) Convicts sentenced to simple imprisonment shall remain in the prison assigned to them and shall not enter the labour yards or communicate with the labouring prisoners unless they elect to work, in which case they shall remain with the group to which they are allotted.

(iii) Habitual prisoners sentenced to simple imprisonment shall be kept separate from prisoners sentenced to rigorous imprisonment, unless they elect to work, in which case they may work with the letter during the prescribed hours.

(iv) Non-habitual prisoners sentenced to simple imprisonment shall also be kept separate from other non-habitual prisoners, but where there is no separate accommodation available for them, they may be located with the letter.

82. *Prisoners sentenced to death.*— (1) A prisoner sentenced to death shall, from the date of his sentence, and without waiting for the sentence to be confirmed by the High Court, be confined in some place or a cell to be regularly examined, generally within the prison, apart from all other prisoners.

(2) Every such prisoner shall, in the morning after the opening of the prison and in the evening before it is closed, be searched in the presence of the Jailor in charge of the circle or yard concerned.

(3) Women prisoners under sentence of death shall be kept in the women's section of the prison and guarded by women officials.

83. *Adolescent prisoners.*— (1) Adolescent prisoners in prisons shall be kept entirely separate from other prisoners both by day and night. Habitual adolescent prisoners shall be kept separate from non-habitual adolescent prisoners.

(2) All matters of adolescent prisoners shall be dealt with in a manner as the Government may instruct from time to time.

84. *Prisoners suffering from insanity or contagious disease.*— Prisoners under observation for insanity or suffering from contagious diseases shall be so isolated as the Medical Officer considers necessary.

85. *Ex-military prisoners.*— Military prisoners sentenced for purely military offences shall, so far as it is possible, be kept entirely apart from ordinary convicted criminal prisoners.

86. *Classification to be explained to prisoners.*— The Superintendent or the Assistant Superintendent shall

explain the class system to a prisoner on his admission and shall caution him that he shall be liable to punishment if he converses or communicates with any prisoner of a different class, or prisoner confined in a section, yard or barrack other than in which he is placed or confined, or if he is found in any part of the prison other than that in which he has been placed for work or sleeping.

CHAPTER VI

Prisoners Property and Documents

87. *Jailor responsible for the safe custody of prisoners' private property.*— For the purpose of discharging his responsibility under section 18, the Jailor shall be provided with a box or chest with a good lock and a separate box for the safe custody of jewellery, if any, taken from prisoners. The keys of both these boxes shall be with the Jailor.

88. *Private property of prisoners.*— *How to be dealt with* — Property delivered with, or found on the person of a prisoner on admission, or afterwards sent to him openly and through the Superintendent or Jailor, shall be dealt with as follows:—

(i) Where the property consists of obscene pictures or literature, opium, or any other drug or liquor or when it consists of ragged or worthless clothing, it may be destroyed and the prisoner to whom such property belongs shall not be entitled to any compensation. The fact of such destruction shall be recorded in the Register concerned.

(ii) Where the property consists of perishable articles of any value, it may be sold and the proceeds shall be dealt with under Rule 91.

(iii) (a) Where the property consists of clothing, cash, jewellery and; other property received with or found on the person of a prisoner on admission, the Jailor shall enter it in Forms Nos. VIII, IX, and X, as the case may be, and shall read over to the prisoner the entry which specifies in detail the nature of the property, the number or quantity and the estimated value of each item and obtain signature or thumb impression of the prisoner against such entry and the Jailor himself shall also sign against that entry in the column for that purpose.

(b) The list of property shall be read over to the prisoner in the presence of the Superintendent who shall also sign the Register after satisfying himself that the entries are correct.

(c) In describing the articles and stating their value so much description of an article shall be mentioned as will facilitate identification and prevent pilferage thereof (e.g. whether a coat is woolen or cotton, its colour, design and condition

etc.) and the genuine value of each article shall be shown; and

(d) When any counterfeit coin is found with the prisoner, it shall be cut and handed over to him on release.

(iv) Where the property consists of animals or cattle or unwieldy articles such as charpoys, the Jailor may hand it over to the relation or friend who is willing to take charge of the same on behalf of the prisoner or may sell the same by public auction and the money received shall be credited to the prisoner's account by a red ink entry initialled by the Superintendent in Form No. VIII.

(v) Where the property found with a prisoner before his admission to a prison consists of reptile or any other dangerous animals it shall, if the prisoner concerned is not able to make immediate arrangement for their disposal, be destroyed.

89. *Assistant Superintendent and Superintendent responsible for safe custody of prisoner's private property and delivery thereof to the prisoner on his release.*— The Assistant Superintendent and Superintendent are responsible for the safe custody and due delivery, on release, of all property other than property dealt with under rules 91 and 96 brought by a prisoner or received there on his account.

90. *Prisoners clothing, utensils and other non perishable articles.*— (1) *Destruction of in-sanitary clothing of prisoners etc.*— Where the Medical Officer considers that there are sanitary objections to the retention of the clothing of any prisoner, or where any prisoner on admission into prison is suffering from any infectious or contagious disease, the clothing shall, under the written order of the Medical Officer in Form : XXII, be burnt.

(2) *Storing of prisoner's property.*— Clothing of prisoners after washing or fumigation shall be made up into a bundle and shall be labelled with the prisoner's name, register number and ordinary date of release. Utensils and other non-perishable articles shall be stored in a place set apart for the purpose. These bundles shall, as far as possible, be arranged in open wooden racks, baskets or nets. They shall be arranged chronologically in groups of 50 or 100 so as to facilitate their location and distribution.

(3) *Preservation of jewellery belonging to prisoners.*— Valuable articles of jewellery including coins of foreign country shall be put into a packet labelled with the Form No. XXIII in the presence of the prisoner concerned and carefully closed and sealed. A paper cross-band shall be stuck all round the packet and the prisoner shall put his signature or thumb impression on the joints of the slip so pasted.

(4) *Cash with the prisoner* — Cash belonging to the prisoner shall be brought to account in Form No. VIII and the cash-book, and shall be kept either in the Treasury on a pass book or in the Prison safe.

91. *Forfeiture of concealed property found with prisoner after his search on admission.*— Concealed property of any kind found on a prisoner, after his being searched on admission, shall be forfeited under an order of the Superintendent in Form No. XIII and the value carried to the credit of Government, a certain proportion, not exceeding one third being awarded to the finder under a written order of the Superintendent, a copy of which shall be forwarded to the Inspector General for information.

92. *Discretionary powers of Superintendents to sell by auction certain articles belonging to long-term prisoners.*— (1) Where the term of imprisonment is for two years and upward, clothing and other perishable articles legitimately received with a convicted prisoner may at the discretion of the Superintendent, be sold by auction at the Mamlatdar's Court, and the money received shall be carried to the prisoner's credit by a red ink entry initiated by the Superintendent in Form No. VIII:

Provided that, where an appeal is made by the prisoner against his conviction or sentence, clothing other than prescribed articles, should not be disposed of until the appeal is decided.

(2) No property of a prisoner shall be auctioned without informing the prisoner and where the prisoner requests that, this may not be done, his wishes shall be complied with, provided that there is room in the godown and the property is worth keeping.

(3) The prisoner shall always be informed of the amount realised by the sale of his property and the fact shall be noted on his History Ticket in Form No. XXV.

93. *Jailor to be in charge of prisoners' private property and clothing stores.*— (1) The prisoner's private property and clothing store shall be in the charge of a Jailor who shall be assisted by a Head Guard or the senior Jail Guard, if a Head Guard is not available.

(2) The Jailor shall attend all auction sales of clothing and be responsible for the amounts received. It shall be his duty to see that a fair price is obtained for the auctioned articles.

94. *Prison staff not to buy prisoners' property at auctions.*— No member of the Jail staff shall directly or indirectly buy any prisoner's property at an auction sale held under the provisions of these rules.

95. *Prisoners may be provided on release with clothing in certain cases.*— Where under the provisions of these rules, the clothing of a prisoner has been summarily disposed of, the prisoner shall, on release, if

he has not sufficient money to purchase other clothing, be provided with suitable clothing at the expense of the Government. Such clothing shall consist of one shirt of the type popularly known a "Nehru shirt", one Gandhi cap and four yards of cloth or a pair of trousers; these articles being made of similar texture to that used for convict clothing but without the regulation stripes.

96. *Delivery of prisoner's property to friends etc. or sale thereof, with the prisoner's consent.*— (1) Any property or money belonging to a prisoner may, at any time during his imprisonment with the consent of the prisoner and the approval of the Superintendent be delivered to the prisoner's friend or sold, and the proceeds of the sale of such property may be disposed of in such manner as the prisoner may direct, provided that they shall not be applied to the personal use of the prisoner during his confinement, nor so disposed of with the object of escaping payment there-from of any fine imposed on him by court. When the prisoner's sentence is below two years, sufficient clothing must also be retained to enable to leave the prison decently clothed.

(2) Where permission to remit or hand over money or property is given, the Superintendent shall enter the same on the History Ticket of the prisoner.

(3) The Superintendent shall satisfy as far as possible that the person to whom the cash or property is to be delivered is a relative of the prisoner or has a legal claim on him.

(4) Money or property shall not be sent by post to an address within 32 kilometers of the prison. In such a case the addressee shall be asked to take delivery of the money or property personally in the presence of the Superintendent and the prisoner.

(5) Cash shall be remitted by money order only and signed by the Superintendent. The Post Office receipt and addressee's acknowledgement shall first be shown to the prisoner concerned, and, thereafter be attached to the prisoner's warrant for delivery to him on release.

(6) Other property shall be packed, sealed and addressed in the presence of the Superintendent and the prisoner and dispatched by registered post, the receipt being dealt with as in the case of a money-order acknowledgement. The prisoner shall pay all postal charges.

(7) An entry recording the method of disposal of money or property shall be made in Form Nos. VIII, IX and X, as the case may be, and in the prisoners History-Ticket and, signed by the Superintendent.

97. *Transfer of prisoner's private property from one prisoner to another prisoner prohibited.*— No prisoner shall transfer money or any other private property to any other prisoner for any purpose whatsoever.

98. *Prisoner's private property to be sent with him on his transfer.*— (1) Where a prisoner is transferred from one prison to another, the whole of his property of every description shall be sent with him, with a full and correct statement of the description and the estimated value of each article.

(2) Where after the transfer of a prisoner, any property is received on his behalf, it shall be forwarded to the prison to which he has been sent.

(3) In either case, proper receipt shall be obtained from the Jailor in token of the receipt of the prisoner's property.

99. *Return of prisoners' property on their release.*— (1) On the occasion of the release of a prisoner, the property shall be made over to him in the presence of the Assistant Superintendent or Superintendent. The prisoner concerned shall duly pass a receipt by signing the relevant registers in Forms No. VIII, IX and X, as the case may be, and such signature shall be attested by the Assistant Superintendent or Superintendent. The Superintendent shall also attest such entries at the time of checking daily Cash Books. The same procedure shall also be adopted whenever the property of a prisoner is disposed of under rule 96.

(2) Where any part of a prisoner's property is not found and delivered to a prisoner on his release, a note thereof shall be made against the relevant entry in the property book, and appropriate compensation determined by the Superintendent shall be given to the prisoner.

(3) The Superintendent shall also make proper enquiries with a view to ascertaining the cause of such loss, fix responsibility therefor, recover the loss from the person responsible and if he is competent so to do, take disciplinary action against the persons concerned or submit a report to the authority who is competent to take such disciplinary action.

(4) The Superintendent shall report every case falling under sub-rule (2) or (3) to the Inspector General.

100. *Receipts.*— Whenever deposits of private cash exceeding Rs.500 are returned to prisoners on release and a receipt is required on revenue stamp, the Superintendent may not insist on affixing the revenue stamp in acknowledgment of the amount returned to prisoners

101. *Disposal of unclaimed property of prisoners.*— If the property of prisoner, including an under-trial prisoner, who is released, discharged, or acquitted or who dies in a prison, is not claimed by or on behalf of the prisoner within a period of six months, from the date of such release, discharge, acquittal or death, as the case may be, it shall be handed over to the police for disposal

in accordance with the provisions of law for the time being in force:

Provided that where the prisoner himself claims the property within the aforesaid period, it shall be handed over by the Superintendent to him if he satisfies the Superintendent about his identity, establishes his claim to the property and passes a receipt for having received it:

Provided further that where the property is claimed within the aforesaid period on behalf of a prisoner by any other person, it shall be handed over by the Superintendent to such person if he establishes his claim thereto, executes an indemnity bond, and passes a receipt for having received the property.

102. *Disposal of the property of an absconding prisoner.*— The property of a prisoner who has escaped from a prison shall, after the expiry of a period of one year from the date of escape, be handed over to the Police for disposal in accordance with the provisions of law for the time being in force, unless such prisoner is recaptured within such period.

103. *Prisoner's property to be sent with him in case of his transfer to Mental Hospital.*— Where a prisoner is sent to a Mental Hospital, all property in the prison belonging to him shall be sent with him and a receipt obtained.

CHAPTER VII

Prison Discipline

104. *Maintenance and enforcement of discipline.*— (1) *Inspector General to issue instructions.*— The Inspector General may, in his discretion, from time to time, issue detailed directions as to the manner in which the order, discipline and control, prescribed in these rules, shall be maintained.

(2) It shall be the duty of all Executive Officers and the guarding establishment to maintain discipline and order amongst prisoners, conducive to good health, proper behaviour, finer aspects of life, education and learning and to work ethics.

(3) Discipline shall be strictly enforced in the case of prisoners and no subordinate officer shall hold any communication with a prisoner further than is requisite to enforce obedience to the prison rules and for the performance of his duty, and shall not be allowed to talk of any official matter whatever in the hearing of a prisoner.

105. *Applicability of rules during quarantine.*— During the period of quarantine, the rules regarding rewards for good behaviour and punishments for breach of prison discipline shall be explained to the prisoners by the Assistant Superintendent or the Jailor to whom the

work has been specially assigned by the Superintendent and the prisoners shall be warned that all money or articles (other than those permitted by the prison authorities) found in their possession shall be forfeited.

106. *Jailor to take care of clothing, etc.*— The Jailor shall take care that the prisoners' clothing is in proper repair, that their hair is kept properly cut according to the jail discipline and that their washing, shaving and bathing is satisfactorily attended to.

107. *Discipline and custody of women prisoners.*— (1) It shall be the duty of Matron and Lady Wardens to maintain discipline in the Women's section of the prison. They shall take care that no woman prisoner leaves the women's section of the prison unless accompanied by a duly authorised officer of the prison. As far as possible, a matron shall accompany the women prisoners, but if male jail guards are required to accompany them, not less than two guards shall accompany them.

(2) No woman prisoner shall be removed from the women's section of the prison, except with the special permission of the Superintendent and for the purpose of interview, release, or transfer.

(3) No male prisoners shall be allowed to enter a women's section of the prison on any account. All menial duties connected therewith shall ordinary be carried out by women prisoners and all refuse matter shall be placed at stated hours outside the women's section of the prison for being carried away by male prisoners. In prisons where women prisoners are not prepared or who cannot be compelled to do conservancy work, that work may be performed by male convicts under the supervision of a Jail Guard, in the presence of the Matron.

(4) Women prisoners shall not ordinarily be taken out of the women's section of the prison for the purpose of -

(i) verifying their property,

(ii) communicating the results of appeals made, if any, or

(iii) reading their letters.

108. *No male officer to enter women prisoners' enclosure.*— (1) No male officer including a Superintendent and Assistant Superintendent shall, on any pretext, enter the women's section of the prison without the Matron or Lady Warden and the two shall not separate whilst in the section. Should it be necessary to enter the women's section of the prison at night, the officer on duty and one or more jail guard shall enter the section, when the Matron or Lady Warden shall be summoned to accompany them if she is not present in the prison. Jail guard acting as escort to any official visitor shall remain outside the women's section of the prison while it is being inspected.

(2) If at any time a male prison officer or jail guard or prisoner enters, or attempts to enter any ward or portion of a prison reserved for female prisoners, without proper authority, it shall be reported to the Inspector General forthwith.

109. *Register of movements/visits to women's section.*— (1) There shall be maintained a register at the gate of women's prison or women's section of a prison in Form No. XV. Whenever any woman prisoner is taken out of the prison or women's section of a prison, an entry shall be made in this register giving the name and number of the woman prisoner, the purpose for which, and the time when she was taken out and when she was brought back to the prison or section.

(2) Whenever any male officer or visitor enters the women's prison or the women's section of the prison, an entry indicating the name of the officer or the visitor and the day and time of such visit shall also be made in the register.

110. *Movement of prisoners.*— All movements of prisoners shall be conducted in an orderly and regular manner under strict control.

111. *Grievance Redressal System.*— The following system shall be maintained for grievance redressal of the prisoners.

(i) There shall be one or more complaint boxes in every prison installed in centrally located and convenient places, within easy reach of the inmates. Such complaint box shall also be installed in an easily accessible place in the female ward.

(ii) The inmates may drop their complaints in the form of written petitions addressed to the Superintendent, or to the higher authorities, into such boxes.

(iii) The box shall remain under lock and key and the key shall remain in the custody of the Sessions Judge having jurisdiction over the prison, who shall unlock the complaint box on the days fixed by him.

(iv) The complaint box shall be opened at appointed time before the evening locking up of the prison.

(v) The Superintendent shall organize a Grievance Redressal System in prison by taking assistance of the staff under him by constituting a committee for the purpose.

(vi) The Committee shall meet as and when necessary, but at least twice a week to look into all the complaints of the inmates.

(vii) The Superintendent shall preside over the Committee, which shall enquire into all the complaints received by him at the earliest.

(viii) The decision of the Committee shall be executed forthwith.

(ix) Complaints and letters addressed by prisoners to the higher authorities in the Government, Law, Inspector General or other higher functionary shall be forwarded to them immediately subject to the provisions of rule 340.

(x) The District Judge may visit each prison in his jurisdiction once a month as his statutory function and give an opportunity to all the prisoners to present their grievances or requisite or request, if they so desire, in the absence of prison officers.

(xi) The Superintendent shall take weekly rounds of inspection of the prison. If a prisoner is not satisfied by the action taken by the Superintendent on his complaint, he shall be allowed to approach higher authorities for redressal of his grievances.

(xii) The Board of Visitors shall be activated. The visitors may receive and enquire into prisoners' complaints and grievances and send their suggestions to appropriate authorities.

112. *Parade of prisoners.*— Whenever prisoners are marched from one part of the prison to another, or are sitting or standing in groups, except when actually taking meals or at work, or when paraded for inspection, they shall be arranged in files of pairs, and shall rise, move forward, stop or sit down at the word of command or signal. This method shall be followed in carrying out parades. At the parades, the signal shall usually be the stroke of a bell or gong. At Central Prison the parades may be carried simultaneously in all divisions by signal from the Central tower or some central place. Whenever the Jailor or any officer of rank superior to him visits or passes a group of prisoner, the prisoners shall obey the word of command as follows:—

“EK”: To stop work or marching, if so engaged, and stand at attention.

“Do”: To resume work, continue marching, or sit. The officer in charge of the group will give the command.

For class I prisoners the corresponding words of command shall be “Attention” and “As you were”

113. *Prisoners how to behave etc.* — (1) Strict silence shall be maintained at all times except when any enquiry or instructions relating to work are necessary and there shall be no talking, singing or quarrelling in the wards at night:

Provided that prisoners undergoing simple imprisonment may converse together in their ward or place in a quiet and orderly manner except at parades, at exercise time and at night.

(2) No prisoner shall be allowed to leave his bed for any purpose without first obtaining the permission of the Jail Guard. No prisoner shall sit or lie on any other prisoner's bed.

114. *Duties of prisoners.*— (1) Prisoners shall –

(a) obey the orders of all officers of prison staff (including clerks, medical and technical staff);

(b) remain strictly with their groups and within the part of the jail in which they are confined, unless ordered by proper authorities to leave it, keep in file when not at work and strictly carry out the regular parades;

(c) abstain from talking when at file or at unlocking or at latrine, bathing or other parades, or at any time when ordered by an officer of the prison to desist; also abstain from abuse, singing, quarrelling, loud laughing, loud talking and indecent behaviour at any time;

(d) nor hold any communication with outsiders, women, civil or under-trial prisoners or prisoners of a different class from their own or with the guards beyond what is absolutely necessary;

(e) not receive or possess ganja or other drugs or money or jewellery, or mobile phone or any article of food or clothing prohibited by the rules; or books, papers, or writing materials of any description unless specially authorised by the Assistant Superintendent or Jailor, or rope or any knife, or other implement (except during working hours and when the implement is required for their work), and, where they find any of these articles or know any other prisoner having any such article, report the matter to the Assistant Superintendent or Jailor;

(f) report any plot of conspiracy, and any attempt to escape or preparation for an escape, or for an attack upon any prisoner or officer of prison;

(g) help the officers of prison in case of any attack upon them;

(h) keep their clothes, blankets, beddings, and utensils clean and in proper order;

(i) keep their persons clean;

(j) perform their allotted tasks willingly and carefully and take proper care of any property of Government entrusted to them for the purpose;

(k) be orderly in their behaviour, march two and two when they move about the prison, when addressing or addressed by an officer of the prison or visitor, stand at attention with their hands down, and salute when ordered;

(l) not remove provisions from the kitchen or feeding platforms without authority, or conceal any article of food in the wards or cells;

(m) not remove any unconsumed food from the place where the meal is taken;

(n) keep to the bed, the ward, the yard, and the seat at meals or at work, which have been assigned to them;

(o) not loiter about the yards or in the wards after the doors have been opened, or bathe or visit the latrine out of hours;

(p) not commit any nuisance or urinate in any part of the prison, which has not been assigned for that purpose, or dirty or injure any part of the prison or any article in the prison in any way;

(q) show respect to all officers, not strike, assault or threaten any officer or any prisoner;

(r) not gamble or barter or play any game (unless specially permitted by the Superintendent) within the prison; nor keep animals, birds or other pets;

(s) wear the clothing given to them and not exchange it or any part of their prison kit for that of any other prisoner.

Note — All privileges such as interviews, letters, and facilities for reading, shall be contingent on the good behaviour of a prisoner in the prison and the Superintendent may withdraw or postpone privileges of an individual prisoner for unsatisfactory conduct.

(2) *Prisoner not to leave work for making representation.*— No prisoners shall leave his work or his line to make any representation to the Assistant Superintendent or Jailor. The Jailor shall, at least once during the day, visit all the prisoners and give them an opportunity of making representations and complaints on any urgent matter such as appeals, assault or ill treatment. Any prisoner wishing to appeal or making such a complaint shall be brought before the Assistant Superintendent or Superintendent by the Jailor.

115. *Concession regarding shaving etc., to prisoners.*— (1) (a) Class I prisoners shall be allowed the concession of shaving themselves with their own safety razors and other shaving material except mirror. The mirror shall be provided at Government cost. It shall not be more than 0.230 x 0.300 metres in size and shall be fixed to a wall in a frame so as not to be readily movable.

(b) Class I prisoners shall, if they so desire, be allowed to utilise the services of a prison barber for shaving or clipping at Government cost once a week and those who wish to do this oftener or to have their hair fashionably cut may be allowed to do so at their

cost if a convict barber knowing the art of such hair cut is available.

(2) Class II prisoners whether undergoing rigorous or simple imprisonment and criminal prisoners shall not be allowed the concession of shaving themselves but the services of a convict barber shall be utilised for this purpose. Shaving or clipping shall be done at Government cost, once a week.

(3) Soap for shaving purposes and brushes for lathering purposes may be provided at Government cost.

(4) No male prisoner except a Sikh shall be allowed to wear his hair unduly long. Hindus shall, however, be allowed to maintain a *Shendi* and Muslims a bearded of reasonable length.

116. *Cutting of hair of women prisoners, etc.*— The hair of a woman prisoner shall not be cut, except when the Medical Officer deems it indispensable on the ground of health or cleanliness. Widows, who when admitted, have their heads shaved on account of widowhood, may have them shaved again, should they so desire.

117. *Articles prohibited in prison.*— No person shall except in accordance with these rules and with permission of the Inspector General, the Superintendent, the Assistant Superintendent, the Jailor or the Medical Officer, introduce or remove or attempt to introduce or remove into or out of a prison or supply or attempt to supply to a prisoner outside the limits of a prison any of the following articles:—

(1) Alcohol and spirits of every description;

(2) Bhang, Ganja, Opium and other intoxicants;

(3) Betel nuts and leaves;

(4) Bank notes and cash;

(5) Bamboos, ladders, clubs, sticks and any implements capable of being used to assist in the escape of a prisoner or as implements for causing hurt;

(6) Books;

(7) Clothing;

(8) Food, fruit, eatables, condiments;

(9) Anything whatever for eating and drinking;

(10) Fire arms, explosive materials, weapons, knives and cutting implements of every kind;

(11) Matches and materials for producing fire;

(12) Gold, silver copper or any metal in any form;

(13) Letters, and writing materials of every description;

- (14) Playing cards or other implements for gambling;
- (15) Postage stamps;
- (16) Rope string or anything capable of being used to facilitate escape;
- (17) Snuff;
- (18) Tobacco and appliances for smoking it;
- (19) Mobile phone.
- (20) Any other article deemed to be a prohibited article under this rule.

118. *Other articles prohibited in prison.*— Every article, of whatever description, shall be deemed to be a prohibited article within the meaning of section 42 and clause (12) of section 45 in the case of

(1) a *prisoner.*— if introduced into or removed from any prison, or received, possessed or transferred by such prisoner, and such article –

(a) had not been issued for his personal use from prison stores or supplies, under proper authority;

(b) had been so issued, is possessed or used at a time or place other than such as is authorized; or

(c) had not been placed in his possession for introduction, removal or use, as the case may be, by proper authority.

(2) an *officer of prison.*— if introduced into or removed from any prison, or supplied to any prisoner, and such article –

(a) has not been issued or sanctioned, for his personal use by proper authority,

(b) is not an article of clothing necessary for his personal wear, or

(c) has not been placed in his possession by proper authority for introduction into, or removal from, prison or for the purpose of being supplied to any prisoner;

(3) a *visitor.*— if introduced into or removed from any prison or supplied to any prisoner, and such article –

(a) is not required for his personal use while within the prison and has not been declared by him before entering the prison and the introduction into, or removal from, the prison or possession of which while in the prison has not been permitted by proper authority;

(b) is introduced, with or without authority, and is not retained in his possession until he has left the prison premises.

(c) comes into his possession while within the prison and is subsequently removed by him from the prison;

(4) *any other person.*— if introduced into or removed, from the prison or supplied to any prisoner, whether within or without the person.

119. *Acts constituting prison offences.*— The following acts shall constitute prison offences within the meaning of section 45, and whoever wilfully commits any of the said acts shall be deemed to have wilfully disobeyed the regulations of the prison and to have committed a prison offence namely:—

(i) Endangering the security of the prison in any way, by a wilful or negligent act and shall include tampering in any way with prison walls, buildings, bars, locks and keys, lamps or lights or with any other security and custody measure.

(ii) Planning instigating and abetting, directly or indirectly, the commission of any prison offence.

(iii) Committing nuisance or mischief of any sort.

(iv) Attacking, assaulting, and causing injuries to others.

(v) Participating in a riot or mutiny, abetting another prisoner to do the same.

(vi) Failing to report to prison officials about contraband articles.

(vii) Refusing to eat food or refusing to eat food prescribed by the prison diet scale or going on a hunger strike.

(viii) 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.

(ix) Talking when ordered by an officer of the prison to desist singing, loud laughter and loud talking.

(x) Quarrelling with any other prisoner.

(xi) Secreting any article whatever.

(xii) Showing disrespect to any prison officer or visitor.

(xiii) Making groundless complaints.

(xiv) Answering untruthfully any question put by any officer or a visitor.

(xv) Holding any communication (in writing, by word of mouth, or otherwise) with an outsider, with a prisoner of the opposite sex, civil or under-trial prisoner, or a prisoner of a different class, in disobedience of the regulations of the prison.

(xvi) Omitting to assist in the maintenance of discipline by reporting any prison offence or to give assistance to an officer of the prison when called upon to do so.

(xvii) Doing any act or using any language calculated to wound or offend the feelings and prejudices of a fellow prisoner.

(xviii) Doing any act calculated to create any unnecessary alarm in the minds of the prisoners or officers of the prison.

(xix) Leaving without permission of an officer of the prison, the group to which he is attached or the part of the prison in which he is confined.

(xx) Leaving without permission of an officer of the prison, the building, the yard, the place in file, the seat or the berth assigned to him.

(xxi) Loitering about the yards, or lingering in the barrack when these are open.

(xxii) Omitting or refusing to march in file when moving about the prison.

(xxiii) Visiting the latrines or bathrooms except at stated hours or without permission of an officer of the prison, or resorting unnecessarily to the night latrine.

(xxiv) Appropriating any food not assigned to him, or taking from or adding to the portions assigned to other prisoners.

(xxv) Removing, without permission of an officer of the prison, food from the kitchen, or disobeying any order as to the issue and distribution of foods and drink.

(xxvi) Wilfully destroying food, or throwing it away without orders.

(xxvii) Introducing into food or drink anything likely to render it unpalatable or unwholesome.

(xxviii) Omitting or refusing to wear the clothing given to him, or exchanging, any portion of it for the clothing of other prisoners, or losing, discarding, damaging or altering any part of it.

(xxix) Removing, defacing, or altering any distinctive number, mark or badge attached to, or worn on, the clothing or person.

(xxx) Omitting or refusing to keep the person clean, or disobeying any order regulating the cutting of hair or nails.

(xxxi) Omitting or refusing to keep clear his clothing, blankets, bedding, cups or platters or any other utensils or body ticket, or other identification token, or disobeying any order as to the arrangements or disposition of such articles.

(xxxii) Tampering in any way with prison locks, lamps or lights or other property with which he has no concern.

(xxxiii) Stealing the prison clothing or any part of the prison kit of any other prisoner.

(xxxiv) Spitting on or otherwise soiling any floor, door, wall or other part of the prison building or any article in the prison.

(xxxv) Wilfully befouling the walls, latrines, washing or bathing places.

(xxxvi) Damaging the trees and vegetables in the prison garden or maltreating the prison cattle.

(xxxvii) Omitting or refusing to take due care of the prison property entrusted to him.

(xxxviii) Omitting or refusing to take due care of or injuring, destroying or misappropriating the materials and implements entrusted to him for work.

(xxxix) Omitting to report at once any loss, breakage or injury which he may accidentally have caused to prison property or implement.

(xl) Manufacturing any article without the knowledge or permission of an officer of the prison.

(xli) Performing any portion of the task allotted to another prisoner, or obtaining the assistance of another prisoner in the performance of his own task.

(xlii) Appropriating any foreign substance to the materials of another prisoner.

(xliii) Mixing or adding any foreign substance to the materials issued for work.

(xliv) Doing or omitting to do any act with intent to cause to himself any illness, injury or disability.

(xlv) Causing or omitting to assist in suppressing violence or insubordination of any kind.

(xlvi) Omitting or refusing to help any officer of the prison in case of an attempted escape or of an attack upon such officer or upon another prisoner.

(xlvii) Disobeying any lawful order of an officer of the prison or omitting or refusing to perform duties in the manner prescribed, by or under these rules.

120. *Rules to apply to prisoners under sentence of simple imprisonment.*— Prisoners undergoing a sentence of simple imprisonment shall observe all prison rules regarding order, cleanliness and sanitation and shall be liable to the same punishment as other prisoners for breaches of order and discipline.

121. *Military prisoners not to wear uniforms.*— Military prisoners sentenced to simple imprisonment

shall on no account be permitted to wear military uniform while in prison. If such a prisoner has no clothing in his possession other than his uniform, he shall be provided with prison clothing without the regulation stripes.

122. *Custody of under-trial prisoner.*— The custody of an under-trial prisoner shall be made as little irksome to him as possible. No restraint beyond what is absolutely necessary to prevent escape or unauthorised communication with persons either within or without the prison shall be imposed.

123. *Facilities to under-trial prisoners.*— Under-trial prisoners shall be allowed exercise during the day and shall be required to keep their clothing, person, ward or cell and yard clean and shall conform to prison rules. Those who have tampered with the rules for the good order and management of the prison may be refused any of the privileges allowed by rules, the fact being noted by the Superintendent in Form XIII. They may also be punished in the same way as convicted criminal prisoners.

124. *Relaxation in discipline on grounds of sickness.*—Whenever the Medical officer shall have reason to believe that either the mind or the body of a prisoner is likely to be injuriously affected by any part of the discipline or treatment given in the prison, he shall, after careful scrutiny, report the case in writing, to the Superintendent accompanied by such suggestions as he may think the case requires. The Superintendent shall thereupon, in regard to such prisoner alter or suspend the discipline and regulate the prisoner's work accordingly.

125. *Appointment of place for assembly of guard in event of disturbances.*— In every prison, a particular place shall be appointed where the guards will assemble for the purpose of quelling any disturbance which may occur.

126. *Steps to be taken in case of disturbances in prisons.*— On receipt of news of a serious outbreak or disturbances amongst the prisoners, the senior-most Jail Officer present shall cause the bell to be violently rung or siren to be sounded at the main gate and it shall then be the duty of every officer of the prison who is outside the prison to proceed at once to the appointed place under rule 125 and arm himself under the orders of such senior-most jail officer, who shall dispatch a messenger to the Superintendent, Assistant Superintendent, Jailor, if they are absent, and to the guards' lines to summon every available man.

Note.— The alarm should not be raised for minor troubles.

127. *Prisoners to resort to place of security.*— It shall be the duty of every prisoner, immediately upon the alarm being given, to run at once to places of security

usually the nearest barrack to be signified by the senior-most guarding official present where they shall, as far as possible, be locked in by the guard inside the prison. Prisoners shall be warned that neglect of this rule shall render them liable to be treated as participating in the outbreak and fired on, if necessary.

128. *Prisoners outside prison to be collected and halted.*— Prisoners who are outside the prison, when the alarm is sounded, shall be at once collected and halted under guard of their escort until the disturbance is over, and they shall be made to sit down close together.

129. *Action to be taken by guards with arms.*— The guards with arms shall at the same time load and fix bayonets, but shall not act until the arrival of the Superintendent/Assistant Superintendent/Jailor unless to rescue or to save the life of any of the officers of the prison against whom the prisoners are actually committing violence, or to drive back the prisoners in the event of their attempting to force open the gate or to scale the walls.

130. *Action when officer is assaulted.*— Where the prisoners actually assault officers of the prison or attempt to break out of any ward or yard and the officer considers that it would be dangerous to delay until the arrival of the other officers of the prison, that officer will dispatch a party to the spot with orders to rescue the officer and prevent the prisoners from breaking out. The officer on arriving at the scene of disturbance, shall give notice to the prisoners in a loud tone, that, if they do not immediately surrender, they will be fired upon. This warning shall, if circumstances admit of delay, be repeated twice, and if there appears no other means of quelling the disturbance, the officer shall direct his men to open fire upon the refractory prisoners, which he shall stop, the moment they fly or surrender. On the arrival of the Superintendent/Assistant Superintendent/Jailor or the Superintendent of Police, the guard will act under their orders.

131. *Use of sword etc., against prisoners engaged in outbreak or disturbance.*— Any officer of the prison may use a sword, bayonet, firearm or any other weapon on any prisoner, engaged in any combined outbreak or in any attempt to force or break open the outer gate or enclosure wall of the prison or against any prisoner for using violence to any officer of the prison or other person:

Provided that such officer has reasonable ground to believe that officer of the prison or other person is in danger of life or limb, or that grievous hurt is likely to be caused to him. The use of weapon may be continued only till such time as the combined out-break or attempt thereto is actually prosecuted.

132. *Use of arms etc., in presence of Senior Officer.*— No officer of the prison shall, in the presence of his

senior officer, use arms or weapons of any sort against a prisoner except under the orders of such senior officer.

133. *Minimum force to be used.*— In all cases requiring the use of force, only the minimum force shall be used.

134. *Dispersion of mob outside prison.*— Prison authorities shall not attempt to disperse a mob outside the premises of the prison unless the prison itself is threatened.

135. *Calling for police aid.*— The Superintendent, the Assistant Superintendent, or in their absence, the Jailor shall call for police aid, as speedily as possible, either by phone or other means, only where such aid is absolutely necessary.

136. *Superintendent to submit report of assault.*— The Superintendent shall submit a full report to the Inspector General and the Government of any serious assault committed by any prisoner upon a prison employee or of any combined outbreak amongst prisoners.

137. *Prisoner with suicidal tendency.*— A prisoner with apparently suicidal tendencies shall be carefully watched and not left alone in a cell.

138. *Prisoner employed on extramural work not to leave the group.*— Where a prisoner is employed on extramural works, he shall not be allowed to leave the group under any pretext:

Provided that all his legitimate requirements during such employment shall be met in the presence of the guard in immediate charge.

139. *Notice of escape of prisoner to be given and reports.*— (1) Where a prisoner escapes, immediate notice shall be given to the Superintendent of Police and the District Magistrate with a full description of the prisoner. If the prisoner belongs to another district, similar information shall be sent to the police authorities of that district.

(2) The Superintendent shall —

(i) give immediate intimation of the escape of a convict prisoner direct to the Officer in charge of Finger Print Bureau, in order to facilitate the re-arrest of the absconder;

(ii) send a report by quickest mode of communication available on the same day to the Inspector General;

(iii) send subsequently a further report with full details in a tabular statement in Form XVI containing information as to the time and circumstances under which the escape was effected, the party or parties through whose neglect it occurred, whether the

prisoner has been recaptured, and if not, what measures have been adopted to effect his recapture. The runaway's recapture at any future time shall also be reported; and

(iv) also send copies of reports referred to in clauses (ii) and (iii) direct to the Government.

140. *Escape from extramural work.*— Where a prisoner escapes from a group on extramural work, the officer in charge shall immediately collect the rest of the group, detach one of his escorts, if any is available, to follow the escaped prisoner, and march the group back to the prison, where he shall report the fact of the escape to the Jailor.

141. *Recaptured prisoner to be received on original warrant.*— An escaped prisoner who is recaptured may be received back into the prison on the original warrant.

CHAPTER VIII

Habitual and Hardened Offenders.

142. *Prisoners to be classified as habitual offenders.*— The following prisoners shall be classified as habitual offenders: —

(1) Any person convicted of an offence punishable under Chapters XII, XVII and XVIII of the Indian Penal Code whose previous conviction or convictions taken in conjunction with the facts of this case, show that he is by habit a robber, housebreaker, dacoit, thief or receiver of stolen property or that he habitually commits extortion, cheating, forgery or in the habit of counterfeiting coin, currency notes and stamps.

(2) Any person convicted of an offence punishable under Chapter XVI of the Indian Penal Code, or under the Prevention of Prostitution Act, 1923 or any law corresponding thereto or under the Immoral Traffic (Prevention) Act, 1956, whose previous conviction or convictions taken in conjunction with the facts of this case show that he habitually commits offences against persons or is habitually engaged in immoral trafficking in women or children.

(3) Any person committed to or detained in prison under section 122 (read with section 109 or 110) of the Code of Criminal Procedure, 1973.

(4) Any person convicted of any of the offences specified in clauses (1) and (2) when it appears from the facts of the case, even though no previous conviction, has been proved, that he is by habit a member of a group of dacoits or of thieves or a dealer in stolen property or a trafficker in women or children for immoral purpose.

(5) Any person convicted by a Court or Tribunal acting outside India, of an offence which would have

rendered him liable to be classified as a habitual criminal, if he had been convicted in a Court established in India.

Explanation.— For the purposes of this rule, the word ‘conviction’ includes an order made under section 117 read with section 110 of the Code of Criminal Procedure, 1973.

143. *Authorities who may classify prisoners.*— Classification of a convicted person as habitual offender may be made by the convicting Court. If the convicting Court omits to do so, the Superintendent shall, on the basis of information at his disposal, send a report about the prisoner's social background, circumstances of the crime, known previous convictions, if any, and other like information to the Inspector General. The Superintendent shall move concerned police authorities to forward all available information regarding such prisoner from police record, to the Inspector General. On receipt of all relevant information, the Inspector General shall issue orders regarding the classification of the prisoner. Pending orders of the Inspector General, the Superintendent may, on the basis of any information available with him, temporarily classify any prisoner as a habitual offender, provided that if the Superintendent is doubtful about the correct classification of any prisoner, he shall refer such case to the Inspector General for orders.

Explanation.— For the purposes of this rule, a ‘convicting Court’ includes a Court Martial and a Court passing an order under section 122 of the Code of Criminal Procedure, 1973.

144. *Study of prisoners.*— (1) The case of each habitual offender shall be studied with reference to the following factors during the quarantine period: —

(a) Repetition in crime resulting in gain and against property.

(b) Repetition in crime of aggression against person.

(b) Involvement in vices like alcoholism, drug addiction, gambling and the like.

(d) Involvement in, or repetition of, organised crime, traffic in drugs, narcotics, liquor and women, brothels, commercialised and organised gambling, illicit distillation, distribution and sale of liquor or of prohibited tinctures; organised underworld vulgar recreation, organised cheating, fraud, black marketing, swindling, gangsterism and the like.

(e) Repetition of anti-social activities connected with occupations, professions and service, black marketing, corruption, illegal trade practices and the like.

(f) Repetition and continuation in crime owing to situational and environmental pressures.

(g) Repetition of crime owing to mental and emotional factors (criminal psychopathy, criminal psychoneurotic symptom, sex offences and the like).

(h) Symptoms of professional criminality.

(i) Skills, techniques and levels of criminal operations.

(j) Specialization in certain criminal activities.

(k) Connection with agencies of moral risk, like gambling dens, drinking places, brothels, shops dealing in stolen property and the like.

(l) Extent of repetition or continuity in crime.

(m) Age on initial and subsequent conviction.

(n) Gaps in between convictions.

(o) Previous stay in a correctional institution.

(p) The manner and mode in which the offences are committed.

(q) Prisoner's criminal connections.

(r) Prisoner's attitude towards crime.

(s) Place of criminal activity in the total employment and scheme of life of the prisoner.

(2) On a comprehensive study of each habitual offender, the Classification Committee shall, subject to the orders of the Inspector General, place a prisoner in one of the following categories of habitual offender: —

(a) Prisoners who have still not gone deep into a life of vice and criminality and who show hopes of being realigned to a socially adjusted way of life.

(b) Prisoners who show signs of deep involvement in criminal activity and who have become hardened and persistent offenders.

(3) The Classification Committee shall decide, after consultation with the Inspector General, the line of training and treatment and the special emphasis to be given in the case of each individual prisoner.

145. *Response to treatment and transfer of hardened offenders to Special Prison.*— Where the Classification Committee recommends that prisoners (not being adolescent prisoners and women prisoners), who do not respond to training and treatment should be transferred to a Central Jail, and such transfer is in the interest of the prisoners as well as of the institution, then such prisoners may be so transferred.

146. *Institution for hardened and persistent offenders.*— Habitual offenders who show signs of deep involvement in criminal activity and who have become hardened and persistent offenders shall be sent to a Central Jail.

147. *Stage system for watching progress and admission to remission system subject to rule 291.*— (1) On admission to a prison, all habitual offenders shall be admitted to Stage I; and accordingly he shall be provided with cellular accommodation (at night) if such accommodation is available, work in small groups if considered essential and practicable by the Superintendent, snacks, tea, and essential toilet articles from the amount standing to his credit. The prisoner shall not, however, be granted any remission.

(2) At the end of six months, the case of each habitual offender shall be reviewed by the Classification Committee. If the prisoner has maintained good institutional discipline and has made efforts for self-improvement, he shall, subject to the orders of Inspector General, be promoted by the Superintendent to Stage II; and accordingly, he shall be provided with cellular accommodation at night, if such accommodation is available, with work in association and in larger groups and with more liberal canteen facilities than are admissible to those in Stage I, as the Superintendent may think reasonable and may be granted remission of three days per month.

(3) At the end of the year from such admission, the case of each habitual offender shall be reviewed by the Classification Committee. If the prisoner has maintained good institutional discipline and has made further efforts for self-improvement, he shall, subject to the orders of the Inspector General, be promoted by the Superintendent to Stage III and accordingly, he shall be provided with accommodation in dormitories, work in association, and all canteen facilities; and may be granted remission at the scale of ordinary remission prescribed in rule 289 in Chapter XV - "Remission to Prisoners".

(4) On admission to Stage I or promotion to Stage II or III, the Superintendent shall issue in respect of prisoners in each stage an identification band to indicate such stage.

(5) The remission for prisoners promoted to Stages II or III, may be counted from the date of promotion to each such Stage.

148. *Review of progress.*— (1) The case of each habitual offender shall be examined by the Classification Committee once in six months to evaluate his progress, and at the end of the year from the date of his admission to see if the prisoner has maintained good institutional discipline and has made further efforts for self-improvement. The Committee in each case shall submit

its report to the Inspector General through the Superintendent.

(2) On receipt of the six monthly report, the Superintendent shall, according to the orders of the Inspector General, effect changes in the training and treatment, if necessary; and on receipt of the annual report, the Superintendent shall, according to the orders of the Inspector General promote the prisoner to Stage III.

149. *Security and discipline.*— The Superintendent shall endeavour to take all steps necessary for the re-education and improvement of habitual offenders, to maintain discipline in the prison and also shall take all security measures against their escape or otherwise.

150. *Demotion in the Stage system.*— (1) If any habitual offender fails to keep up efforts at self-improvement or shows marked deterioration in character or habits or violates prison discipline, he will be demoted from Stage III to Stage II or from Stage II to Stage I, as the case may be.

(2) The cause of demotion of the prisoner concerned shall be classified as a major offence and major punishment, respectively, for all practical purposes and compilation of the relevant statistical returns.

151. *Habitual offenders to be employed on essential service.*— Habitual offenders may be employed on essential service only in a prison meant for habitual offenders; and non-habitual offender shall, on no account, be employed along with habitual offenders.

152. *Habitual offenders not to be confined in particular prison for long.*— Where habitual offenders are frequently confined in a particular prison or have become too familiar with the locality and surroundings, then the Superintendent shall, with the previous sanction of the Inspector General, transfer them to another prison.

153. *Special Prison.*— The following convicted prisoners may be kept in the special prison in a Central Jail:—

(i) Those who have committed serious violations of prison discipline.

(ii) Those who show tendency towards violence and aggression.

(iii) Any other prisoners in whose case the Inspector General or the Government or both have issued specific orders.

Note.— The decision of the Inspector General to transfer a prisoner to special prison in a Central Jail as a punishment shall be final.

154. *Habitual offenders to be allotted to cellular accommodation in Special Prison.*— (1) On admission

to a Special Prison, the habitual offender shall be allotted cellular accommodation for three months during which period, he shall be under observation and shall not be allowed to associate with other prisoners therein. The Jailor shall maintain brief notes of his observations of the prisoner's behaviour. During this period, he may be provided with suitable work.

(2) During such time as a prisoner is kept in a Central Jail, subject to rule 147, he shall not be granted the concessions of (a) remission, (b) furlough, (c) washing of his clothes in the Jail laundry, if there is one.

(3) The prisoner shall not be eligible for being appointed as a 'Pancha' so long as he is confined in a Central Jail and unless during the first six months of his transfer to another prison, he maintains good prison record, he may not be eligible to such appointment subsequently.

(4) The following facilities shall be extended to prisoners kept in a Central Jail:

(a) *Exercise*— He may be allowed to take exercise one hour in the morning and one hour in the evening but shall not be allowed to join physical training, drill and games.

(b) *Work and wages*— He shall be employed on suitable work inside the prison and paid wages under the provisions in rule 279 in Chapter XIV "Facilities to Prisoners".

(c) *Newspapers and Books*— He shall have the same facilities as are admissible under the provisions in the chapter Facilities to Prisoners except that he may not be allowed to purchase any newspapers at his cost, or to have more than two books in his possession at a time. He shall not be allowed to have slates, pencils or other writing materials nor shall be allowed to join literacy classes for the first six months of his admission to a Central Jail.

(d) *Canteen facilities*— Tea and snacks only may be permitted at his own cost: Provided the total amount of purchases does not exceed the limit fixed by the Inspector General from time to time.

(e) *Diet and Medical Aid*— He shall be entitled to the same facilities as are admissible to other prisoners.

(f) *Cinema and concerts of devotional songs and the like*— He shall not be allowed to witness dramatic performances and cinema shows, folk dances, concerts of devotional songs and the like, if arranged in prison during the first six months of his admission.

155. *Grant of concessions*.— On the basis of the response shown by a prisoner in a Central Jail, the Superintendent may grant to such prisoner concessions like accommodation in a dormitory and association with

other prisoners for exercise and work. An order authorising the grant of concessions shall be recorded in the History Ticket in Form No. XXV of the prisoner under the signature of the Superintendent or in his absence, that of the Assistant Superintendent.

156. *Transfer of habitual offenders to Central Prison*.— (1) The Superintendent shall forward to the Inspector General a quarterly progress report in respect of every habitual offender confined in a Central Jail. After completion of one year, the case of every such prisoner shall be reviewed by the Inspector General. If the prisoner has shown sufficient progress and improvement in his behaviour and discipline, the Inspector General may issue orders transferring him to another Prison. Where a prisoner's behaviour and discipline is extraordinarily satisfactory, the Inspector General may issue orders transferring the prisoner to another Prison even before the completion of one year.

(2) Cases of prisoners who continue to remain, at a Central Jail for more than a year shall be reviewed by the Inspector General every six months.

CHAPTER IX

High Security Prisoners and Detenus

157. *Categorisation of high security prisoners*.— (1) High security prisoners shall be categorized on the basis of factors like class of prisoners, criminal behaviour, escape risk, requirement of gradation in custody, and educational and vocational needs. They may be categorized as below:—

Category 'I': Will include the under-trials, convicts and detenus involved in terrorist and extremist activities, violent and habitual offenders and those prisoners who had escaped earlier.

Category 'II': Under-trials, convicts and detenus involved in murder, dacoity, robbery, rape and prisoners who are professional killers / organisers, drug pedlars. In this category violent and undisciplined inmates and inmates who are an escape risk would also be included.

(2) Further, the hardcore militants, terrorists, professional killers, habitual offenders of heinous crimes, violent and dangerous criminals who pose great threat of escape shall be lodged separately in a cellular type of accommodation. The Government may issue detailed instructions for separation of such prisoners as required.

158. *Staff pattern*.— An officer not below the rank of Assistant Superintendent shall be in charge of the High Security enclosures. Well-trained staff shall be detailed for watch and ward duty. No staff shall come in direct contact with the prisoners except as a requirement of duty.

159. *Facilities.*— (1) *Interviews and letters* — All the facilities admissible to the under-trial prisoners or convicts shall be available to them but the interviews shall be held in the presence of Jail officer. Interview shall be allowed to only blood relations and authorized lawyers. The interviews shall be held near the entrance lobby within the high security enclosure and shall not be allowed at the place where the interviews of other prisoners are conducted. All letters shall be properly censored.

(2) *Food, Toilet, Clothing and Bedding.*— No food from outside shall be allowed for the high security prisoners. The prisoners lodged in cellular confinement under sub-rule (2) of rule 157 shall not be allowed to cook for themselves. The other high security prisoners may have a common kitchen. No under-trial, detenu or convict shall be allowed to enter the high security enclosure. Admissibility to toilet articles, clothing and bedding shall be the same as that given to other under-trial and convict prisoners.

(3) *Medical Care.*— Medical care shall be the same as for other inmates but within the enclosure. In case of an emergency, with the permission of the Inspector General, they shall be shifted to the local hospital for treatment but under proper police escort and guard.

(4) *Sports, Games and Recreation.*— All facilities like book, newspaper, Journals duly censored and writing material shall be provided as and when required. All other facilities TV/Radio set may be provided outside the cells if possible with such restrictions as may be necessary from the view point of security. Facilities for indoor games and of radio and television in the barracks may be provided for high security prisoners other than those under sub-rule (2) of rule 157. All such facilities shall be within the enclosures.

(5) *Canteen Facility.*— No canteen facility shall be provided for high security prisoners.

(6) *Receiving Money.*— No money shall be received by the high security prisoners from their families or friends.

160. *Reform and treatment programmes.*— The reform and treatment programmes shall be conducted within the enclosure itself. Minimum technical education with the main stress on basic education and handicraft work shall be conducted within the enclosure itself. These prisoners shall not be taken out to mix with other prisoners.

161. *Security.*— (1) A double ring of security shall be provided to all security enclosures. Inner security of the enclosure shall be manned by highly trained staff of the prison, while the outer security, including the watch towers and security wall, shall be the duty of a special guard with arms.

(2) High security enclosure shall be equipped with all the devices like walkie-talkies, alarms, jammers with remote control devices, metal detectors, ID enclosures, hand-held and door frame and all other electronic devices.

(3) Every barrack and cell, specially the interview room to cover the interviews shall be fitted with closed circuit cameras and sound recording facilities.

(4) The armoury of the high security prison shall be well equipped with all types of sophisticated and automatic weapons.

(5) No barrack shall be opened during night hours except in the presence of the Superintendent. Locking up and opening shall be conducted in the presence of the officer in charge.

(6) A no man's area shall be identified around the high security enclosures which should not be accessed by any prisoner and the staff except those who are detailed for duties.

(7) Proper search of barracks, cells and prisoners shall be conducted everyday. The high security prisoners of category I shall be searched twice a day.

(8) Besides checking the locks, iron-bars, grills, mess, ventilator, floors, walls of barracks and cells, their ceiling shall also be checked.

(9) The keys of the locks of the cells and barrack doors shall under no circumstances be handled by any unauthorized persons.

(10) The cells and barracks shall be well lighted to avoid dark spots in corners inside.

(11) The guards posted in the yards of high security enclosure shall not hold conversation with each other more than what may be necessary to perform their duty. The entrance door of the yard shall always be kept locked from inside.

(12) The guard on duty shall be thoroughly searched while going in and coming out. They shall not accept any articles from these prisoners like eatables and water.

(13) No under-trial, convict or detenu not lodged, as a high security prisoner shall be allowed to enter this enclosure. The regular staff or the paramedical staff shall not have an access to those enclosures unless they are accompanied by the officer in-charge of the block.

162. *Court hearing.*— Video conferencing linking may be provided to these high security enclosures with the concerned courts.

163. *Convicts for rigorous imprisonment.*— High security convicts undergoing rigorous imprisonment shall do all sort of work assigned to them inside the security enclosure.

164. *Punishment.*— All high security prisoners shall be punished for breach of discipline and committing prison offences like all other prisoners. Facilities like interviews and letters can be withdrawn for a limited time or forever, by the Inspector General.

165. *Provision of modern gadgets.*— All necessary gadgets such as breath analyzer, lie detector, and dog-squad may also be procured as per the requirements to check any breach of prison discipline.

CHAPTER X

Civil Prisoners

166. *Separation of civil prisoners.*— Every civil prisoner shall be confined in a civil jail or portion of the criminal prison set apart for the purpose, and shall not be allowed to hold communication or be associated with criminal offenders.

Note— A separate room need not be provided for each prisoner individually.

167. *Bar against transfer of civil prisoners.*— No civil prisoner shall be transferred from or to a civil prison, except as provided in the Prisoners Act, 1900.

168. *Diet for civil prisoners other than Judgment debtors.*— Civil prisoners other than judgment debtors shall be allowed diet on the scale provided for non-labouring criminal prisoners at the expense of Government and shall have their food cooked and supplied by convicts. All extra items ordered by the Medical Officers shall be paid for by Government

169. *Diet for Judgment debtors.*— Judgment debtors may be supplied with good and wholesome food by their friends, through the Jailor, at such hours, as the Superintendent shall fix. On the failure of friends to supply the food, the Superintendent shall arrange to supply the Judgment debtors with good and wholesome food having regard to the scale of monthly allowance fixed with reference to the class to which the Judgment debtor belongs.

170. *Escape of civil prisoners.*— On the occurrence of an escape of a civil prisoner, intimation shall be given to the Judgment creditor, who may if he be able to ascertain the whereabouts of the prisoner, assist the Jail authorities and the police in recapturing him. On recapture after escape, or on an attempt to escape, the prisoner shall be prosecuted better in a criminal court.

171. *Release of civil prisoner suffering from disease.*— A civil prisoner who has been committed to prison may be released therefrom by the Government on the ground of his suffering from any infectious or contagious disease, or by the committing court, or any court, or any court to which that court is subordinate, on the ground of his suffering from any serious illness.

Whenever a civil prisoner is found to be suffering from any serious illness to cause his death, the case shall be immediately reported by the Superintendent to the committing court.

172. *Disposal of balance of diet money and other necessaries.*— (1) After a civil prisoner has been released, if there is any balance of diet money, it shall, if it is received from a civil court officer, be returned to the court, and if it is received from the decree-holder, it shall be returned to the decree-holder on his applying for it. If such balance remains unclaimed for more than two months, it shall be remitted to the Treasury to the credit of Government. For every refund of diet money to the decree-holder, a receipt shall be taken and pasted into the admission register opposite the account to which it relates.

(2) All articles such as utensils, clothing, bedding and other necessaries supplied by or at the cost of the decree-holder, for the use of the judgment debtor, while detained in prison, shall in the event of the decree-holder failing to take them back on the judgment debtor's release from prison, be sent to the Registrar of the Civil Court concerned. The Superintendent shall certify with each lot of property as to who paid for it and why it is sent to the civil court.

CHAPTER XI

Lunatics in Prisons

173. *Classification of Criminal lunatics.*— (1) Criminal lunatics shall be classified as follows: —

(a) Persons accused of crime and supposed to be of unsound mind and placed under the observation of the Medical Officer in accordance with the provisions of section 328 of the Code of Criminal Procedure, 1973.

(b) Persons accused of crime and found incapable of making their defence owing to unsoundness of mind and detained in accordance with the provisions of section 330 of the Code of Criminal Procedure 1973.

(c) Persons who have been tried for a criminal offence and have been found to have committed the alleged offence, but have been acquitted on the ground of being insane when the offence was committed, and are detained in accordance with the provisions of Sections 335 and 336 of the Code of Criminal Procedure, 1973, either permanently or for a period they are transferred to an asylum.

(2) Criminal lunatics referred to in clause (b) or clause (c) of sub-rule (1) shall be dealt with in accordance with the orders of the Government passed in each case.

174. *Transfer of Criminal lunatic.*— (1) Where a criminal lunatic falling under clause (b) of sub-rule (1)

of rule 173 is detained in a prison, the Superintendent shall apply to the Magistrate who passed the order of his detention, for the transfer of the prisoner to an asylum.

(2) The Superintendent of a prison shall report to the Inspector General all cases of criminal lunatics falling under clause (a) and (b) of sub-rule (1) of rule 173 who have been detained in the prison for more than a month.

(3) Where in accordance with the orders of the Government, a criminal lunatic falling under clause (b) or clause (c) of sub-rule (1) of rule 173 is removed to an asylum, the Superintendent shall send with him a certificate in Form No. 3 in the Schedule annexed to the Indian Lunacy Act, 1912.

175. *Certificate under section 337 of the Code of Criminal Procedure, 1973.*— Where, the Inspector General grants a certificate under section 337 of the Code of Criminal Procedure, 1973, in respect of a criminal lunatic falling under clause (b) of sub-rule (1) of rule 173, the Superintendent of the prison shall at once forward a copy of such certificate together with the medical history of the criminal lunatic including information regarding his conduct in the prison, to the Magistrate or Court which passed an Order for his detention in order to enable the Magistrate or Court to take immediate measures to dispose of the case of such criminal lunatic.

176. *Transfer of lunatic prisoner.*— (1) Where a prisoner is suspected to be a lunatic prisoner, the Superintendent shall, at once, ascertain by the quickest mode of communication available, from the Surgeon of the Mental Hospital to which he may be transferred, and shall also immediately report the matter, direct to the Secretary to Government in the Home Department stating therein, whether accommodation in a certain Mental Hospital is available or as information in that respect has been called for and will be sent as soon as possible by the quickest mode of communication available.

(2) Where such a prisoner is sentenced to death, the Superintendent shall also send a report to the Inspector General, and the execution of the sentence shall not be carried out.

(3) The report under sub-rule (1) or sub-rule (2) shall be accompanied by —

(i) Nominal roll in Form No. XVII of the lunatic prisoner showing in the last column thereof—

(a) The date of admission in prison;

(b) The date on which the signs of insanity were first observed;

(c) The date on which he was placed under medical observation, and

(d) The date on which he was declared by the Medical Officer to be a lunatic;

(ii) A copy of warrant (in duplicate) under which he is confined;

(iii) Medical Officer's certificate, in duplicate;

(iv) Medical history sheet in duplicate;

(v) A copy of the judgment of the court which ordered his detention; and

(vi) Information regarding —

(a) Sentence undergone in prison,

(b) Remission earned,

(c) If the State Sentence Review Board has examined his case, the date on which the case was examined, the date on which the case is again submitted to the State Sentence Review Board as directed by it,

(d) If the case has not been examined by the State Sentence Review Board, the term of sentence at the end of which it would have been so brought for examination before that Board had the prisoner continued to be in prison.

177. *Examination by Special Medical Board.*— (1) Where a special medical board is appointed for examining the state of mind of a convicted criminal prisoner under sentence of death, prior to his examination by such board, the mental specialist in charge of the nearest Mental Hospital shall keep the prisoner under observation in the prison for a period of ten days or longer, if necessary.

(2) The Superintendent and the Medical Officer of the prison in which the prisoner is confined shall give all facilities to the Mental Specialist for physical examination including serological test and for his observation without the prisoner's knowledge.

(3) As soon as possible after the Special Medical Board is appointed and the prisoner is placed under observation in accordance with sub-rule (1), the Superintendent shall collect the following information regarding the prisoner through the Police or otherwise, and forward it to the Mental Specialist:—

(i) History of the prisoner obtained from institutions or individuals with whom he had contacts, prior to the commission of offence, during his remand and after his detention in prison, in accordance with the questionnaire furnished to him in that behalf by the Mental Specialist,

(ii) Matters of fact concerning the state of mind of the prisoner just prior to, at the time of and soon after

the commission of the offence obtained either from the records, or eye-witness including officers who arrested him.

(iii) Evidence regarding the behaviour of the prisoner, at the time of his trial and especially during the examination by the Court, from the notes of the proceedings of the Court, notes of evidence, and summing up of the case and the judgment.

(4) While collecting the information referred to in sub-rule (3), the Superintendent shall see that the object with which it is collected is not divulged, and shall use with care the information given by the relatives of the prisoner.

(5) As soon as the Mental Specialist has prepared his report, he shall request the Surgeon concerned to fix a date for the meeting of the Special Medical Board.

(6) The Mental Specialist shall place all the records at the disposal of the Special Medical Board, and the chairman of the Board shall forward the proceedings of the Board to the Secretary to the Government in the Home Department through the Inspector General and Surgeon concerned.

178. *Criminal lunatics or lunatic prisoners to be transferred to Mental Hospital if fit.*— (1) No criminal lunatic or lunatic prisoner shall be transferred to any Mental Hospital unless the Medical Officer certifies immediately before his transfer that he is fit both mentally and physically for travel, and such certificate of fitness shall be sent to the Superintendent of the Mental Hospital by post. Every precaution shall be taken to secure that the criminal lunatic or lunatic prisoner is properly looked after in respect of his food, clothing and bedding as prescribed in the rules relating to transfers except that two suits of clothing shall be provided instead of one.

(2) It shall be the duty of the Prison Officer who transfers the criminal lunatic or lunatic prisoner to see that the escort is provided with sufficient means to purchase suitable and necessary articles of diet for the use of the criminal lunatic or lunatic prisoner during his journey to the Mental Hospital and to direct that in case the criminal lunatic or lunatic prisoner refuses food or becomes sick, he shall be taken to the nearest hospital for advice or treatment.

(3) No handcuff shall be imposed unless they are absolutely necessary.

179. *Transfer of female lunatics.*— A female criminal lunatic or a female lunatic prisoner sent to or from a Mental Hospital shall be accompanied by a female attendant or a female relative in addition to the usual escort. The Police Department shall, in the absence of a female relation, make arrangements for a female

attendant and shall bear the traveling and other expenses incurred on behalf of the attendant.

180. *Transfer of criminal lunatic by train.*— Criminal lunatics whether recovered or un-recovered, when traveling by train shall be placed with their escort or attendants into separate compartment, and shall not be allowed to mix with other passengers.

181. *Return of warrant.*— The warrant under which the lunatic prisoner was confined in prison shall be returned duly endorsed to the court that issued it, immediately after the lunatic prisoner is transferred to a Mental Hospital.

182. *Treatment of lunatic prisoner.*— (1) Where a lunatic prisoner in a Mental Hospital has been certified to have recovered, he shall be re-transferred to the prison by orders of the Government to undergo such period of probation before release as may be specified by it.

(2) Within a month of the expiry of the probationary period in prison and provided there has been no recurrence of symptoms of insanity, he shall be transferred to the prison nearest to his home.

183. *Re-transfer of lunatic prisoner on recovery to prison.*— Where a lunatic prisoner who on his recovery has been re-transferred into a prison from a Mental Hospital, his name shall be entered in Form VI and the period of probation he has to serve, according to the rules, shall be shown in column 14(f) of the Form.

184. *Relapse of insanity.*— Where a lunatic prisoner on his recovery is undergoing probation in a prison has a relapse of insanity, he shall be immediately returned to the Mental Hospital in anticipation of the orders of the Government and the case shall be reported to the Inspector General. With every such lunatic transfer either from the Mental Hospital to prison or vice-versa, full details of his up-to-date medical history shall be forwarded.

185. *Employment on light labour of lunatic prisoner on recovery.*— A lunatic prisoner who has recovered shall be employed on labour other than hard labour. He shall wear prison clothing and shall be treated in all respects as an ordinary convicted criminal.

186. *Procedure for recommending lunatic prisoner on recovery for release.*— Where it is proposed to recommend a lunatic prisoner on recovery for release, the Superintendent shall place his case before the official members of the Board of Visitors at a quarterly meeting and the official visitors may record any remarks thereon, they may consider to be necessary. The recommendation together with the remarks shall then be submitted to the Inspector General for being forwarded to Government.

187. *Information to be given while submitting the case.*— While submitting a case under the preceding

rule, a nominal roll of the lunatic prisoner who has recovered along with the following information shall be forwarded with a covering letter to the Inspector General, namely:—

- (1) the date of committal to Mental Hospital;
- (2) the Mental Hospital from which received;
- (3) the number and date of Government orders sanctioning removal to the prison;
- (4) the date of arrival in the prison;
- (5) the opinion of the Medical Officer on prisoner's condition;
- (6) the conduct of prisoner in prison; and
- (7) the work on which he was employed in prison.

188. *Certificate of receipt of lunatic.*— Whenever a lunatic is received in a prison, a certificate or receipt shall be given by the person in charge of such prison to the person handing over the lunatic.

189. *Confinement of lunatic in cell.*— Where a criminal lunatic or a lunatic prisoner is found to be dangerous, noisy or filthy in his habits, he shall be confined in a cell and he shall be visited daily by the Medical Officer. The observations made by the Medical Officer regarding such prisoner shall be recorded in Form XXII. Other lunatics falling under clauses (a) to (c) of sub-rule (1) of rule 173 may be detained either in the prison hospital or in the criminal prison's ward at the discretion of the Medical Officer. A criminal lunatic or a lunatic prisoner confined in a cell shall at all times be under strict watch by a sufficient number of specially selected jail guards by day and by Head Guards by night.

190. *Certificate on discharge.*— Every lunatic shall, on discharge, be furnished with a certificate of discharge signed by the Superintendent.

CHAPTER XII

Routine for Prisons

191. *Opening of prison.*— (1) As soon as the barracks and cells are unlocked, each prisoner shall take his bedding outside and place it in the space allotted for it and, except on rainy days, spread it out, in the open for some hours.

(2) The Jailor in charge of the barrack shall, as the prisoners leave it, count them and shall form them up. Any prisoner complaining of illness shall be kept apart and the Jailor shall produce him before the Medical Officer.

(3) The Jailor or in his absence the Assistant Jailor shall supervise the opening of barracks and cells which

shall be conducted in the presence of the Jailor in charge of the barracks or cells concerned.

192. *Ordinary daily routine for working day.*— (1) Generally the ordinary daily routine of prisoners, shall be as follows subject to the timings fixed by the Superintendent for each item except for meals, which may be fixed in consultation with the Inspector General. Modifications and adjustment as may be necessary for different classes / categories of prisoners under these rules and on Sundays and Jail holidays may be made by the Superintendent:—

(i) Early Morning

- Toilet
- Prayer and meditations
- Opening of barracks and cells and counting of prisoners and search
- Morning Ablutions and toilet
- Exercises and P. T. Drill.
- Cleaning of barracks, cells, yards, open spaces
- Washing clothes and bath

(ii) Morning

- Light meals - Canjee/Tea etc.
- Work allotments and work/educational classes, vocational training
- Meal and rest

(iii) Afternoon

- Work/educational classes, vocational trainings/ news papers, library books etc.
- Toilet
- Games and recreation according to institutional facilities

(iv) Early evening

- Wash
- Evening meal
- Preparation for lock-up, counting and search
- Lock-up at dusk

(v) Evening

- Reading news papers, Library books
- TV, Radio music
- Meditation
- To bed

(2) Subject to any general or special orders of the Inspector General, the Superintendent may, in consultation with the Medical Officer, if necessary, make suitable adjustments (i) in view of the seasons or any local circumstances, in the timings of work, rest, educational classes or otherwise; (ii) for the adolescent prisoners ensuring that the quantum of work allotted to

them is of light nature and with main emphasis on agricultural work.

(3) Subject to the provision in sub-rule (2) (ii), the thrust of the programmes for adolescent prisoners shall be to expose them to such training and re-education, which may be conducive to bear social adjustment and positive discipline.

(4) *Ringing of bell for each item of routine.*— A small bell with a sound distinct from the sound of the alarm bell shall be rung to announce the beginning and end of each item of routine referred to in sub-rule (1) of rule 192.

(5) *Morning prayers.*— (i) Before the barracks are opened, the jail guards shall awaken all the prisoners and make them shake out and fold up their bedding and clothing neatly.

(ii) While still in the barracks, prisoners shall listen devotional and inspirational songs.

(iii) The Jail guard shall keep all prisoners ready to march out of the barracks in file.

(6) *Morning ablutions.*— After the prisoners are formed up under sub-rule (2) of rule 191, the prisoners shall be marched to the latrine and then for bath and shall be required to wash their hands, faces and feet, and also clean their teeth with tooth powder provided for the purpose and tooth brush purchased by them at their cost from the canteen.

(7) *Prisoners to bathe themselves daily.*— Issue of Coconut Oil — (i) all prisoners shall bathe themselves every day regularly unless excused by the Medical Officer.

(ii) Subject to the provisions of (iii) and (iv), no prisoner shall be permitted to purchase or receive any hair oil except coconut oil, which shall be supplied to all prisoners free of cost.

(iii) 28 grams of coconut oil will be supplied once a week to women, Sikhs and 14 grams to other prisoners.

(iv) Notwithstanding anything contained in (ii), Class I prisoners may purchase hair oil at their cost from the Canteen. Where there is no Canteen, such prisoners may obtain their supply of hair oil through their friends or relations:

Provided that no such prisoner shall be allowed to purchase or receive more than 225 grams of hair oil per month.

(8) *Physical Training and drill parades.*— After the morning ablutions are over, the Jailor shall divide the prisoners into suitable batches for physical training and drill. Each batch shall be placed in charge of a Jail Guard who shall conduct the physical training and drill parade

under the supervision of the Head guard or Head Warden cum P.T. Instructor.

193. *Formation of prisoners into groups for work and its distribution.*— (1) *Formation of groups of prisoners.*— After the distribution of light meals, *Canjee*, tea under sub-rule (1) of rule 192, prisoners shall be formed into groups for work, each group being placed in charge of a Jail Guard. The number of the prisoners in each group and the name of the Jail guard in charge shall be recorded in a Register in Form XXIV. The Assistant Jailor or in his absence, one of the Head Guard shall maintain this register.

(2) *Distribution of work to prisoners.*— The group formed under sub-rule (1), shall be marched to their work. The Jailor concerned shall distribute the work according to the allotment made by the Work Assignment Committee. The Jailor shall see that no prisoner is put to or kept on work for which he is declared to be unfit.

194. *Meals.*— The meals shall be served hot and the prisoners shall take it at a place where the food will be free from contamination. The Jail guard in charge shall see that after the meals, the premises are thoroughly cleaned and that every prisoner thoroughly cleans his pots. The taking of mid-day meals shall be so adjusted that the prisoners will get at least 15 minutes' rest before resuming work.

195. *Games.*— (1) Prisoners shall be encouraged to play such games as can be suitably arranged in the premises of the prison.

(2) Well behaved long term prisoners shall be taken outside the prison in suitable batches in turns to play games or take exercise in the open under such security measures as are deemed essential by the Superintendent.

196. *Mustering of prisoners before lock-up.*— (1) The counting of all prisoners in the Jail shall be done under the direct supervision of the Jailor or in his absence, the Assistant Jailor, and if the number of prisoners is found to be correct, they shall be locked up in barracks or cells for the night.

(2) Similarly, the Matron or Lady Warden, if there is no Matron, shall be present at the locking up of the women's wards. She shall attend mustering of women prisoners. She shall see that all the women prisoners are counted and that number is correct before they are locked up for the night.

Note:— The provisions of this rule do not in any way absolve the Jailors in charge of the respective circles or yards, as the case may be, of their individual responsibility for correct and proper locking up for the night of the prisons put in their charge.

197. *Regulation of locks and keys.*— (1) *Custody of keys of barracks etc.*— After the prisoners are counted

and the prison is locked up in the evening, the keys of the barracks and cells shall be collected, verified and counted by the Jailor. They shall then be kept in the key box affixed to the wall between the main gates of the prison. The key box shall be locked and sealed with the Superintendent's seal. The key of the box together with the keys of the wickets of the inner and outer gates shall be entrusted to the Head Guard on night duty.

(2) *Custody and deposit of keys of women's barracks.*— The keys of the women's barracks and cells shall be deposited by the Matron or Lady Warden in a separate key box which shall have a glass front. The key box shall be locked and sealed by the Matron with the Superintendent's seal. The Matron shall keep key of the key box.

(3) *Power of Orderly Officer to break open glass of key box of women's barracks in emergency.*— In case of an emergency, the Jailor on duty at the time shall break the glass of the key box of the women's barracks or cells, take out keys of the women's ward and proceed to the Women's Section along with other guards after having sent an urgent message to the Superintendent, if necessary.

(4) *Custody of keys of Treasure chests.*— The keys of the treasure chests in the Jail Office shall at all time be in the possession of the Superintendent or any other Jail officials who have been empowered by the Inspector General in that behalf.

(5) *Withdrawal of locks when keys are lost or mislaid.*— In the event of any one of the keys being lost or mislaid, the Superintendent shall immediately withdraw the lock from use.

198. *Number of prisoners confined in each ward at night to be recorded every day.*— The Jailor concerned shall, each night, record in register in Form XXIX (Lock up Register) the number of prisoners confined in the wards. The register shall be checked up and signed by the Superintendent and the Medical Officer next morning.

199. *Report to Superintendent at the time of lock up.*— The senior-most jail official on night duty shall, at the time of locking up, report to the Superintendent that all prisoners and all officers for night duty are present and that everything in the prison is correct or otherwise.

200. *Ingress and egress prohibited between lock up.*— After the Jail gates have been closed for the night, except with the permission of the Superintendent, no person (other than persons duly authorised by the Superintendent) shall be permitted to have any ingress in or egress from the prison or in any barracks or cells which have been locked up between the hours of lock up at night and un-locking in the morning.

201. *Opening of a barrack during the night in cases of emergency.*— If it becomes necessary to open a barrack or cell during the night (as for instance, in the case of the prisoner requiring medical attention), the official in charge of the keys shall break the seal of the key box and take the necessary keys to open the barrack. A report shall be made in the Jailors Report Book as in Form No. XVIII about such necessity to open the key box. Care shall be taken when removing a prisoner from a barrack at night that the other prisoners do not make a rush. To prevent this, the doors shall be provided with an iron chain, which will allow the door opening just enough space to allow one person to pass at a time.

202. *Literacy classes and supply of stationery.*— (1) *Literacy classes* — During the time fixed in the evening, literacy classes may be conducted by the paid teacher and literate prisoners selected by the Superintendent for this purpose.

(2) *Supply of stationery.*— Slates, pencils and other writing material may be supplied to prisoners at the Superintendent's direction either at Government or at the prisoner's expense as may be considered proper in each case.

(3) *Supply of notebooks etc., to Class I prisoners* — The Superintendent may arrange to supply notebooks and exercise books to Class I prisoners at their cost.

203. *Togetherness of prisoners.*— (1) As a general rule and subject to the rule pertaining to the classification of prisoners, prisoners who work together shall, as far as may be practicable, sleep together so as to facilitate the formation of groups. No two prisoners concerned in one criminal case shall, as a rule, be confined in the same barrack or employed in one and the same group.

(2) All long-term prisoners shall be frequently changed from barrack to barrack or cell to cell, as the case may be under the orders of the Jailor.

204. *Places to be assigned to each prisoner for sleeping.*— A prisoner shall sleep only in the place marked off for him by the Head Guards on duty.

205. *Lights near sleeping barracks or cells.*— A light shall be kept burning in or near every sleeping barrack or cell through the night. It shall be so placed as to throw sufficient light in the barrack or cell and shall be inaccessible to the prisoners. The Jail Guard on duty shall immediately report to the Head Guard on duty if the light goes out at any time during the night, and shall maintain order.

206. *Night visits by prison officials.*— The Superintendent, Assistant Superintendents, all Jailors and Assistant Jailors and Head Guards shall pay at least one night visit to the prison per week at uncertain hours.

207. *Washing of Clothes.*— (1) A prisoner shall wash his clothing at least once a week usually on Sunday morning and his "longoti, underwear" (loin-cloth) daily when having his bath. If necessary the Superintendent may detail a prisoner for the purpose of washing any special portion of prison clothing and the private clothing of such prisoners as are unable to wash them for reasons of health.

(2) *Washing of clothes in prison laundry.*— A prisoner may if he so desires get his clothes washed at his cost at the prison laundry if there is one in the prison.

208. *Issue of washing soap.*— (1) An unconvicted prisoner (Under-Trial prisoner) or a convicted criminal prisoner in Class II shall be provided with soap, as may be prescribed from time to time for washing his clothes every Sunday.

(2) Prisoners employed as cooks or on conservancy work may be provided with small size cake of any antiseptic soap per prisoner per week at Government cost.

(3) Class I prisoners shall be given medium size bar of washing soap at Government cost per head per month.

CHAPTER XIII

Employment of Prisoners

209. *Board of Work Programme and Vocational Training.*— A Board of Work Programme and Vocational Training shall be constituted by the Inspector General under his chairmanship at the headquarter of the prison department to carry out the following functions for which the Inspector General will have full fiscal and administrative powers:—

(i) Plan and implement programmes of work and vocational training;

(ii) Arrange funds required to run such programmes;

(iii) Fix a policy of production;

(iv) Examine the economic aspects of the work programmes;

(v) Put prison work, programmes on a sound commercial footing;

(vi) Ensure co-ordination at all levels;

(vii) Evaluate the performance of the work 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 work programmes and vocational training;

(x) Organise workshops in after-care homes for discharged prisoners; and

(xi) Promote marketing of prison products.

210. *Classification, forms of labour, eligibility for employment, and utilization of wages.*— (1) (i) All labour given to prisoners shall be classified either as hard or other than hard according to the amount of physical exertion required for performance of a fixed task, and the maximum tasks which shall be performed by any prisoner or any group of prisoners.

(ii) There shall be no reduction on a general basis in a task without the sanction of the Inspector General.

(2) *Forms of labour.*— The following forms of labour may be considered as hard, and the Superintendent shall determine, whether a particular labour is hard or otherwise, according to the nature of the work and the task exerted:—

Earth digging.

Quarrying.

Raising water.

Hewing tree and cleaning firewood.

Extracting fibre by pounding.

Road making.

Carrying or hauling loads.

Sawing wood.

Black-smithy.

Out fieldwork.

Ploughing fields and other earthwork.

Scavenging.

Heavy Textile work (Warping blanket and *punja* carpet making).

Rope making, and coir industries.

Heavy kitchen work.

Bakery - Heavy tasks (kneading flour).

Paper industry including printing- Heavy tasks.

Masonry.

Plumbing.

Carpentry - Heavy task.

Leather work - Heavy task.

Washerman - Heavy task

(3) *Labour for Class I prisoners*— Subject to the provision of sub-rule (2), work of the following category shall be allotted to Class I prisoners, but may be allotted also to suitable Class II prisoners:—

Book-binding.

Envelop making.

Sewing.

Cane-work.
Carpentry.
Electric fitting.
Maintenance of diesel engine.
Maintenance of electric pumps.
Tractor repairing.
Automobiles servicing and repairing.
Computer operating.
Painting and polishing.
Clerical work (in selected cases only).
Cot tape and ordinary weaving.
Gardening (where possible).
Spinning.
Pottery.
Basket making
Soap making.
Toy making.
Button making.
Food Processing.

(4) No menial duties shall be allotted to class I prisoners.

(5) *Eligibility for wages* —

(a) Subject to the provisions of this rule, all convicted criminal prisoners under sentence of more than three months and who have completed the first three months of their sentence, and unconvicted criminal prisoners or civil prisoners who have volunteered to work shall be entitled to wages at such scale as may be, from time to time, notified by the Government by a notification in the Official Gazette which shall not be less than the wages provided under the Minimum Wages Act, on condition that they complete their quota of task to the satisfaction of the prison authorities.

(b) A prisoner who does conservancy work shall be allowed to earn wages at such scale as may, from time to time, be determined by Government, even during the first three months of his sentence.

(6) *Treatment of wages earned by prisoners:* Subject to the provisions of sub-rule (2) of rule 416, fifty percent of wages earned by the prisoners shall be managed in the following manner:—

(a) 30 per cent of it shall be deposited in the prisoner's separate Bank account and the entire amount thereof shall be paid to him at the time of his release.

(b) 30 per cent of it shall be paid to the prisoner or his family members to meet legal expenses. Provided that if there is no such necessity, then this amount will

be deposited in the said separate Bank account of the prisoner.

(c) 40 per cent of it shall be made available to the prisoner as and when required by him for purchasing articles from the prison's canteen or for making purchases from outside the jail through the Superintendent if canteen facilities are not available in the jail premises:

Provided that the Superintendent shall not permit purchase of any objectionable items and his decision in this behalf shall be final.

(d) The wages of every prisoner shall be deposited in a joint Bank account opened in the name of prisoner concerned and the Superintendent of the Jail. This account may be opened in any Nationalized Bank near the prison.

211. *Employment of simple imprisonment prisoners.*— Subject to the provisions of section 36, a prisoner undergoing a sentence of simple imprisonment shall be given the benefit of remission and wages system as provided in these rules and be allowed labouring diet. No menial duties or duties of a degrading character shall be allotted to him.

212. *Under-trial prisoner not to be employed.*— Unless he so desires, no under-trial prisoner shall be allotted any work except that it shall be his duty to keep his bedding, clothing and yard clean:

Provided that no such prisoner shall be allotted any work, which is to be executed along with a convicted criminal prisoner or outside his yard.

213. *Employment of prisoners.*— (1) *Civil prisoner*— Subject to the provision of section 34 of the Act, a civil prisoner may work or follow his own or any other trade or profession for his own benefit: provided that, the work (including gardening, if practicable) is approved by the officer in charge of the civil prison, and does not entail any expense to Government. The product of gardening shall be at the disposal of the prisoner.

(2) *Convicted habitual prisoner.*— Every convicted habitual prisoner sentenced to undergo rigorous imprisonment shall be allotted severest form of hard labour which he is capable of performing throughout the period of imprisonment to which he is sentenced with due regard to his/her health.

(3) *Female prisoner.*— The task to be imposed on female convict shall not in any case exceed two third of the maximum task of hard labour, specified in general for convicts. No female prisoner shall, under any pretext, be employed outside the female enclosure of any prison.

214. *Prison servants.*— (1) Except with the sanction of the Inspector General, the number of prison servants

(that is, cooks, sweepers, hospital attendants and Nursing Orderlies) shall not exceed 10 per cent. of the prison population.

(2) It shall be the duty of the Superintendent to see, that the percentage of prison servants is maintained, and that, no prisoner is employed for private work by any one except in accordance with these rules.

215. *Assignment of work.*— (1) All menial and other duties in a prison shall be assigned by the Work Assignment Committee formed under rule 219 to all labouring prisoners, regard being had to the history of each prisoner and type of work he used to do, as a free citizen.

(2) No prisoner shall evade or attempt to evade any work, which may be allotted to him in accordance with these rules on the ground of its being onerous or disagreeable on any false pretext.

216. *Assignment of conservancy work.*— Conservancy work shall, as far as possible, be allotted to a prisoner who was carrying on that occupation immediately before his imprisonment:

Provided that conservancy work may be allotted to any other prisoner (not being a child or a minor) who volunteers for it, subject to the following conditions:—

(a) a prisoner shall be employed only if his services are necessary for the purpose of the prison;

(b) the Assistant Superintendent shall keep record of persons who have volunteered to do conservancy work, and the record shall be duly attested by the Superintendent;

(c) the prisoner shall not be allowed to do conservancy work in combination with any other employment;

(d) the Superintendent may at any time for reasons to be recorded in Form No. XIII discontinue the conservancy service volunteered by a prisoner.

217. *Employment of prisoners as per the terms of sentence.*— (1) Prisoners sentenced to less than one year of imprisonment should be employed in prison maintenance services, gardening, work-centers and work camps.

(2) Prisoners sentenced to imprisonment for one year or more should be employed in production units in closed or open prisons.

218. *Prisoner not to be employed on clerical work.*— No prisoner shall be employed to assist in clerical work of a prison:

Provided that a prisoner, until he has completed one-fourth of the term of his sentence, and who is not

guilty of forgery, fraud or criminal breach of trust, may, with the previous sanction of the Inspector General, be employed to write appeals of prisoners and to copy letters, reports, returns, statistical statements and rolls, in a verandah or gateway or other suitable place assigned for the purpose by the Superintendent. Any prisoner who is so employed shall not be allowed to enter the office for clerical work or to have access to warrants and any of the Jail registers, and shall be under the constant supervision of a jail-guard while at work.

219. *Work Assignment Committee.*— (1) The work Assignment Committee of a prison concerned shall consist of—

(a) The Superintendent — Chairman.

(b) The Medical Officer — Member.

(c) The Assistant Superintendent—Member Secretary.

(2) The committee shall meet once a week and examine all newly admitted prisoners sentenced to a term of imprisonment for six months and more and consider cases requiring change of work. The Chairman may allow the technical and agricultural personnel and Jailors to attend the meetings of the committee.

(3) After considering the volume of work available in the jail for employment, the Work Assignment Committee shall provide employment to the prisoners and the priority for selection of the prisoners shall be in the following order —

(a) Prisoners undergoing Life imprisonment with rigorous imprisonment.

(b) Other prisoners undergoing rigorous imprisonment.

(c) Prisoners undergoing simple imprisonment and who are willing to work.

(d) In Sub-jails, under-trial prisoners who are willingly ready to render their services may be employed if the prisoners of above category are not available.

(4) Work once assigned shall not be changed, unless the reasons for such change are enquired into by the committee, and found to be justified, and the decision of the committee is recorded in the prisoner's History Ticket:

Provided that, the Superintendent may, in exceptional cases to be recorded in writing, change the work assigned to a prisoner.

(5) Notwithstanding anything contained in these rules, Assistant Superintendent/Jailor, in consultation with the Medical Officer and under intimation to the Superintendent, shall assign work to a prisoner who is

sentenced for term of imprisonment, which is less than six months.

220. *Watching conduct of prisoner after assignment of work.*— Where a prisoner sentenced to imprisonment for a term of one year or more is assigned any work, his conduct of work shall be closely watched by the Jailor-in-charge and notes thereof made in his history-sheet in Form XIV in the appropriate place; and for this purpose, he may secure information in addition to his own observation through his subordinates. The sheet of every prisoner shall be scrutinised by the Work Assignment Committee once in every three months to consider any change of work or treatment, if necessary.

221. *Incidents of assignment of work.*— A prisoner, on being assigned work, shall be allowed reasonable time to learn it, and if during this time, he shows due diligence and makes satisfactory progress, the Superintendent shall consider his case for the purpose of remission as provided for under Chapter XV—“Remission to Prisoners”, and for wages under Chapter XIV—“Facilities to Prisoners”. In estimating a prisoner’s progress, due allowance shall be made for the time necessary to enable a prisoner to learn his work and produce the full task having regard to the industry, difference in intelligence and physical strength.

222. *Inspector General to examine scale of task.*— The Inspector General shall examine, from time to time, the scales of tasks that prisoners produce and fix up standard scales of tasks for all industries and communicate the same to the Superintendent, who shall see that they are rigidly followed.

223. *Hours of employment.*— (1) Except in case of an emergency and by the order in writing of the Superintendent in Form XIII, no prisoner shall be employed on labour for more than nine hours in any one day.

(2) No work except menial and other necessary work, shall be done on Sundays and other prison holidays.

(3) The Superintendent shall ensure that every prisoner gets one day weekly off from the work.

224. *Employment of prisoners under solitary confinement.*— A prisoner sentenced to solitary confinement by a criminal court shall be employed on suitable work and regulated task shall be extracted from him.

225. *Jailor-in-charge of employment of prisoners to see to proper distribution of work.*— (1) It shall be the duty of the Jailor-in-charge of employment of prisoners to see that work is distributed to the prisoners properly and at the time fixed for the purpose, and shall occasionally check their number, supervise their work and see that they do the tasks allotted to them properly.

(2) He shall also see that the prisoners are not unduly exposed to rain and shall provide all possible protection for them while so working.

(3) The Jailor looking after industries shall ensure the maintenance of the task sheet of each prisoner correctly by the in-charge of each unit of work.

226. *Medical Officer to examine prisoners on extramural work.*— (1) The Medical Officer in charge of a prison hospital shall inspect every prisoner detailed for extramural work before he leaves the prison in the morning and after his return thereto for the purpose of satisfying himself that he is physically fit for the work for which he has been selected and has not suffered therefrom.

(2) It shall also be the duty of the Medical Officer to see that the requisite medicines are distributed in the morning to those prisoners in the out-going groups, who require them.

227. *Safeguards for prisoners engaged in work.*— (1) The following facilities shall be provided in workshed and other places where prisoners work:

- (i) Protection from heat, cold, rain, dust, smoke, fumes, gases and chemicals;
- (ii) Protection from seepage and dampness;
- (iii) Safe drinking water;
- (iv) Spittoons, urinals and latrines;
- (v) Washing and bathing facilities;
- (vi) First-aid facilities;
- (vii) Fire extinguisher and other fire fighting equipments;
- (viii) Sufficient ventilation and lighting;
- (ix) Safety equipment and accident prevention measures.

(2) *Prisoners employed on blasting etc.*— Where prisoners are employed on blasting, well sinking excavation or other work of a dangerous nature, every reasonable precaution shall be taken to guard against accidents. In blasting operations, the firing of the charge shall be carried out by some responsible person; in excavation the sides shall be sloped or cut in steps, and in well-sinking, the sides, if not sloped, shall be boarded to prevent them from falling in.

228. *Group of infirm prisoners.*— In every prison a group of infirm prisoners, if any, shall be formed, for whom a separate muster shall be kept. The group shall consist of old and infirm persons physically unfit for hard labour and prisoners discharged as convalescent from hospital, who are to be employed on other than hard labour.

229. *Setting up of Industries and Vocations.*— (1) The Superintendent shall establish such industries for the prison in his charge, which are conducive to their rehabilitation and helpful in correctional programmes with the approval of Inspector General. While setting up the industries, proper balancing of vocational training and production shall be maintained keeping into consideration the market available for the products. However undue stress will not be laid on the profitability of an industry.

(2) The Superintendent may, with the previous sanction of the Government, also establish industries for the prisoners, which are useful from the point of view of vocational training and rehabilitation notwithstanding they yield no profit or are likely even to result in some loss.

(3) The Superintendent shall provide work to the prisoners in agriculture, horticulture, gardening and diary and poultry farming etc, as may be feasible.

(4) The Inspector General shall submit to the Government every year a report on the working of industries established under sub-rule (1), containing in particular a discussion on their working from the financial point of view and the extent to which they have helped in rehabilitation of prisoners.

230. (1) The Inspector General shall lay down clear guidelines and policy for the purchase of raw material, consumable articles, tools and equipments etc., to eliminate chances of misappropriation, over-storing or waste.

(2) Fixing of selling price of articles.— (i) The selling prices of articles manufactured in a prison shall be fixed at par with the market prices of such articles, after taking into account the cost of raw material, wages paid to prisoners, the expenditure on the depreciation charges and the cost of technical staff. The percentage of charging expenditure on account of depreciation and cost of technical staff shall be fixed by the Superintendent with the previous sanction of the Inspector General.

(ii) The Government may ensure that the government departments, semi-government departments, co-operatives and public undertaking etc., purchase articles produced in prison industries and avail the services available in the prisons as per their requirements.

231. (1) The Superintendent shall establish liaison with the department of Technical Education, Directorate of Industries, Khadi and Village Industries Commission, Industrial Training Institute, Polytechnic and Vocational Training Institutions and similar other organisations to develop vocational training programmes and prison industries on a practical and pragmatic basis.

(2) The Superintendent may arrange examination of the inmates from time to time in co-ordination with the department of technical education or other similar institutes in the State and on passing the examination, the inmates shall be awarded a certificate to that effect.

232. *Prisoners to be employed in works of repairs, etc.*— Every article for prison use which the prisoners can manufacture or repair, shall as far as possible, be produced/repared by convict labour and Superintendent may purchase the material required for it from the market, with the sanction of the Inspector General.

233. *Prisoners not to be employed for private work.*— No prisoner shall be employed by the officers and the staff of prison for private work at their residence and in the gardens attached thereto.

234. *Employment of prisoners for outside agencies.*— Private parties/industrial units may 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.

235. *Prisoners not to be employed with outside labourers.*— No prisoner shall be employed in association with outside labourers, other than skilled workmen as Foremen or Instructors in public works or in other industries. No prisoner shall be allowed to go to a bazaar for any purposes even with proper escort.

236. *Guard on prisoners in employment.*— A single Jail Guard shall not be in sole charge of one or more prisoners working outside a prison.

The guarding escort shall be as under:—

(a) Two Jail Guards for every batch of not more than 10 prisoners.

(b) If the number of prisoners is more than 10, the guard shall be two Jail Guards for each 10 prisoners or less and three Jail-Guards for each batch of 20 prisoners or less.

Illustration

(1) For 38 prisoners, there would be minimum 5 Jail Guards or as the Superintendent may decide.

(2) A batch of prisoners sentenced to a term not exceeding three months working outside the prison, shall not consist of more than 20 prisoners.

Explanation.— For the purposes of this rule and rule 237 the expression “outside a prison” includes any part of such appurtenant premises as are at a distance of 185 meters or more from the main entrance gate of the prison building.

237. *Additional escort.*— (1) Where prisoners are sent for work outside a prison with implements such as axes, crowbars, spades and other like implements which are likely to be used for any mischief, the Superintendent may detail one or more armed guards who shall be fully equipped, as additional escort for the party.

(2) The Superintendent shall record his order for such additional escort in his Order Book. The names of the Guards so detailed shall also be recorded.

238. *Prisoner on extramural work, if falls sick.*— If a prisoner working in an extramural file falls ill, the whole file shall return to the prison with its escort. The sick prisoner shall then immediately be placed before the Medical Officer.

239. *Strength of escort in extramural camps.*— In extramural campus, when the prisoners are guarded by the Jail Guards who are armed with breech-loaders, the strength of the escort will depend on the nature of the work. A Superintendent of such prison shall record in Form XIII, the strength of the escort necessary, for the guidance of the Jailor.

CHAPTER XIV

Facilities to Prisoners

240. *Intimation to relatives of prisoner.*— A printed post card in Form XIX shall be sent at Government cost to the relatives of a prisoner admitted to the prison.

241. *List of relatives.*— (1) Every prisoner on admission shall submit a list of persons who are likely to seek interviews with him. This list shall be kept on record with the Jailor detailed for conducting interviews, for scrutiny as and when required.

(2) Interviews shall be granted only to near relatives, friends and legal adviser of the prisoner.

(3) Interviews between prisoners (including those released on parole or furlough) shall not be allowed unless they are members of their families, that is to say, spouse, children, father, mother, brother and sister.

242. *Interviews and communications of prisoners.*— (1) An unconvicted criminal prisoner (under-trial prisoner) shall be entitled to reasonable facilities, for interviewing or otherwise communicating either orally or in writing with his relatives, friends and legal adviser during the hours prescribed by the Superintendent in each case.

(2) Subject to the provisions of sub-rule (3), and the following rules, every newly convicted prisoner (including a prisoner committed under Chapter VIII of the Code of Criminal Procedure, 1973) shall, during the period of appeal, be entitled to see his relatives or friends and communicate with them once a week or oftener at the discretion of the Superintendent for the purpose of

enabling the prisoner to prepare or file an appeal or to arrange for procuring bail or security, or to arrange for payment of fine or to manage his property or other family affairs.

(3) A prisoner under sentence of death shall be allowed such interviews and other communications with his relatives or friends and legal advisers as the Superintendent thinks reasonable.

(4) Civil prisoners may see their friends and relatives between the hours fixed for interviews for the particular prison under such conditions as may be adjudged suitable by the Superintendent.

243. *Scale of interviews.*— A convicted criminal prisoner in Class I shall be entitled to have one interview every fortnight, and a convicted criminal prisoner in Class II shall be entitled to have one interview within a period of one month.

244. *Special interviews in discretion of Superintendent.*— The Superintendent may, notwithstanding the misconduct, if any, grant the prisoner interviews or allow him dispatch of letters at shorter intervals than those provided for in these rules, regard being had to special or urgent grounds such as, the serious illness of the prisoner, the occurrence of death of his near relative, the arrival of his friends or relatives from a distance to see the prisoner and undue hardship that may be caused to them if interview is refused, the fact that the prisoner is nearing release and wishes to secure employment or to make any other arrangement for his rehabilitation in society after release or any other sufficient cause.

245. *Interviews.*— (1) Unless the persons desiring interviews are illiterate, applications for interviews shall be in writing. All applications for interviews shall be entered in order of their receipt in a register in Form XX.

(2) Where a legal adviser desires an interview with an unconvicted criminal prisoner (under-trial), he shall apply in writing to the Superintendent stating his name, address profession and the name of the prisoner and satisfy the Superintendent or any other Officer of the prison specially empowered by the Superintendent in this behalf, that he is the bona-fide legal adviser of the prisoner with whom he seeks an interview, and that he has legitimate business with him.

(3) When a prisoner is not entitled to an interview, the applicant shall be informed accordingly.

(4) Where an interview or letter is permissible, but if the relevant authority refuses the same, the reasons for such refusal shall be recorded in the Interview Register.

(5) Prior consent of the prisoner shall be obtained before granting an interview with him.

(6) No interview which is not permissible shall be allowed without the prior approval of the Superintendent.

(7) The Superintendent shall scrutinise every day the entries regarding interviews recorded in the Interview Register before he signs it.

246. *Competent authorities to sanction interviews.*—
(1) Interviews in respect of the following categories of prisoners shall be permitted only with the prior sanction of the Superintendent:—

(a) Class I convicted prisoners and class I under-trials;

(b) Prisoners and under-trials of political background, irrespective of the class in which they are placed;

(c) Notorious and dangerous convicts, irrespective of their term of sentence and class;

(d) Notorious and dangerous under-trials; and

(e) Prisoners sentenced to death.

(2) The interviews of the following categories of prisoners shall be permitted in prisons, where there is a Assistant Superintendent, with the prior sanction of the Assistant Superintendent, and in other cases with the prior sanction of the Jailor: —

(a) Class II convicted prisoners whose unexpired sentence is more than 10 years.

(b) Class II under-trials.

(3) Interviews to prisoners not falling in any of the categories mentioned in sub-rule (1) or sub-rule (2) shall be permitted with the prior sanction of the Jailor.

(4) In prisons, where the Jailor acts as a Superintendent also, interviews of all prisoners shall be subject to the provisions of these rules, be arranged, with the prior sanction of the Jailor-cum-Superintendent.

247. *Hours, procedure and place of holding interviews with prisoners.*— (1) Interviews shall ordinarily be granted on such working days as may be prescribed from time to time by the Inspector General from 9.00 a. m. to 12 noon and from 3 p. m. to 5 p. m. subject to such adjustment as the Superintendent may direct according to local conditions and requirements. The hours of interviews so adjusted shall be notified in front of the prison gate, the visitors' waiting room and the inquiry office, if there is one.

(2) Except with the permission of the Superintendent, no interviews shall be granted on Sundays and prison holidays. Such interviews shall be entered in the Interview Register, after recording the reasons in brief of the exceptional circumstances in which the interview was given in column No. 10 of the register.

(3) Ordinarily, the time allowed for an interview shall not exceed half an hour. However, the Superintendent at his discretion may extend this.

(4) Not more than three persons shall be permitted to be present at an interview: Provided that when a prisoner has an interview with father, mother, brother, sister, husband, wife and children or a joint interview with his friends and relatives, the number of persons permitted to interview the prisoner shall not exceed five.

(5) In the case of dangerous prisoners or prisoners who present disciplinary or custody risks, interviews shall necessarily be granted in a room equipped with appropriate precautionary barriers, hidden camera and short-circuit television etc. Prison authorities shall decide in their discretion as to which prisoners should be granted interviews in such a room.

(6) Prisoners shall be thoroughly searched before they enter the interview area and also after the interview is over.

(7) During an interview, prisoners may be allowed to discuss domestic and family welfare matters and to give instructions as to how the lawful business, which they were conducting prior to their conviction, should be transacted. The prisoners shall not be allowed to use these interviews for any other purpose. If objectionable matters start getting discussed, the Jailor in charge of the interview may discontinue the interview forthwith.

(8) Approved books, clothing articles, toilet articles and money brought by interviewers may be deposited in the prison office as prisoner's property. The prisoners shall not be allowed to receive cigarettes, *bidees*, tobacco or such other items at the time of the interview and shall also not be received at the prison office. Articles like food, eatables and fruits shall be allowed to be received to the extent of personal requirements, maximum for a fortnight after thorough examination by a Senior Officer.

(9) A prisoner on hunger strike shall not be granted interviews and other facilities.

(10) Where a prisoner is admitted in the prison hospital as an indoor patient and the Medical Officer certifies that he is unable to go to the interview room, the interview shall be granted in the hospital.

(11) Where a prisoner is admitted in a Civil Hospital as an indoor patient, every interview shall be granted by the Officer in charge of the interviews of the prison, from which the prisoner is sent to the Civil Hospital but with the concurrence of the Medical Officer at the Hospital.

(12) Prisoners may not be granted interviews for reasons of security or discipline or during periods of emergencies. The decision of the Superintendent in such matters shall be final.

(13) Every interview shall be granted at a place reserved for the purpose, which shall generally be at or near the main gate of the prison.

(14) The interviews to women prisoners shall, as far as possible, be given at the Women's section of the prison. In a prison where there is no separate women's section, interview to women prisoners shall be given singly and shall not be given along with other men convicts.

(15) Notwithstanding anything contained in this rule, the Superintendent may for reasons to be recorded in writing refuse any interview to which a prisoner is entitled under these rules, if in his opinion, such an interview is likely to be against the public interest.

248. *Conduct of interviews, Complaint book.*— (1) A Head Guard shall be present at the place where interviews are generally conducted during the hours prescribed for interviews. It shall be his duty to collect all information regarding the names and number of prisoners to be interviewed and guide the interviewers in all matters.

(2) A complaint book with serially numbered pages with prison seal on each page shall be maintained at the Visitors waiting room in charge of the guard on duty who shall make it available for the visitors on demand. He shall place the book before the Superintendent every day after the interview hours.

249. *Jailor to be present at every interview.*— Every interview with a convicted criminal prisoner, unconvicted criminal prisoner or a civil prisoner shall take place in the presence and hearing of a Jailor specially appointed by the Superintendent for the purpose, and it shall be the duty of such Jailor to see that no irregularity occurs and that no article is passed between the parties concerned, except through the prison authority present. During the interview a prisoner under sentence of death and his friends or legal advisers shall not be allowed to approach each other.

250. *Political matters not to be discussed at interviews— termination of interviews.*— (1) No political matters shall be discussed during an interview between convicted criminal prisoner or an unconvicted criminal prisoner or a civil prisoner and his interviewers who may be his relatives, friends or legal advisers.

(2) An interview may be terminated at any moment if the Jailor present considers that there is sufficient cause to terminate such interview, and he shall forthwith report the reasons for orders to the senior officer present in the prison. The orders shall then be recorded in the History Ticket of the prisoner with reasons and also in the Interview Register

251. *Language of conversation at interview.*— No conversation at an interview in a language not readily understood by the Jailor present shall be permitted, unless an interpreter is available on the prison staff.

252. *Which interview to be within sight but out of hearing.*— Every interview between an unconvicted criminal prisoner and his legal adviser shall take place within the sight, but out of hearing of a prison official. A similar concession may, subject to the provisions of rule 249, be allowed by the Superintendent in the case of an interview with near relatives that is to say, father, mother, brother, sister, husband, wife and children of such prisoner.

253. *Power of Government to withhold privileges of interview.*— Notwithstanding anything contained in these rules, the Government may in its discretion, at any time, direct that any convicted criminal prisoner or a class of convicted criminal prisoners shall not be allowed the privileges of interview.

254. *Jailor to remove any visitor and search persons.*— The Jailor may remove any visitor (other than an official or non-official visitor on duty) whose conduct is improper and he may search any person suspected of bringing in or taking out of the prison any articles prohibited under the rules in force.

255. *Letters of prisoners.*— (1) Each prison shall have a mail branch for handling all matters pertaining to mail of the prisoners. This branch may be equipped with necessary screening and other equipment required for thorough censoring. Prisoners mail, both incoming and outgoing, shall be carefully censored.

(2) On initial admission, a prisoner may be asked to give a list of persons with whom he is likely to correspond during his period of imprisonment. As far as practicable, this list shall be scrutinised.

(3) Prisoners may be allowed to write letters at the scale mentioned below:

(a) Four letters per calendar month; two at Government cost and two at prisoner's cost to Class I prisoners;

(b) Two letters per calendar month; one at Government cost and one at his own cost to Class II prisoners.

(4) Ordinarily, prisoners may be allowed post cards. Envelopes may be issued or permitted, only when considered essential by the Superintendent.

(5) A prisoner may be allowed to write letters to his near relatives and friends only. Where it is found that the prisoner is corresponding with undesirable persons or *vice-versa* or if any correspondence is considered detrimental to the prisoners' rehabilitation, such letters, both, incoming and outgoing, shall be withheld. Prisoners may be informed of the action taken without divulging the contents of such letters received. If necessary, they may be warned in this respect.

(6) A prisoner may at the discretion of the Superintendent be allowed additional letters for legal purposes, normally at his own cost and if he has not enough money, at Government cost.

(7) There shall be no limit on the number of incoming letters of prisoners.

(8) Facilities for sending telegram and letters by registered post or by any other mode may be extended in suitable cases at prisoner's cost.

(9) Prisoners shall not be allowed to correspond with inmates of other prisons. If, however, a prisoner has got his near relative in another prison, he may be permitted to send welfare letters only.

(10) Letters both incoming and outgoing with objectionable, cryptic or suspicious contents shall be withheld under intimation to the prisoner.

(11) The right to disallow letters to prisoners for reasons of security, discipline or during periods of emergencies will be exercised by the authorities concerned as and when necessary.

(12) A letter from a prisoner merely arranging an interview shall not be counted as a letter for the purpose of this rule.

(13) A prisoner may with the permission of the Superintendent substitute a letter for an interview or *vice-versa*.

(14) A civil prisoner shall be allowed to write a letter when he wishes to do so if he provides himself with his own writing materials. The Jailor may under the orders of the Superintendent open and examine any letter to and from a civil prisoner and withhold a letter, which appears to him to be objectionable until the prisoner is entitled to be released. Where a civil prisoner is found to be abusing the privilege of writing or receiving letters, it may be withheld under the orders of the Superintendent who shall record his reasons in Form No. XXI. No visitor shall be allowed to take within the prison any articles without the permission of the Superintendent.

(15) The provisions of these rules providing for privileges in respect of interviews and letters shall *mutatis mutandis* apply to civil prisoners as they apply in relation to unconvicted criminal prisoners.

256. *Facility of certain transactions to be permitted to prisoners.*— If the Superintendent is satisfied about the merits of each case and that the privilege shall not be misused, he may allow a prisoner in Class I or Class II,

(a) to effect sale, transfer or disposal of his property outside the prison in accordance with law; or

(b) to draw cheques in the absence of any relatives or friends to operate his accounts, if the money is

required for a legitimate purpose such as payment of taxes or other dues or maintenance of his dependents.

257. *Supply of writing material, post cards etc. to prisoners for writing communications.*— (1) Writing materials shall be supplied at Government cost, subject to the provisions of rule 255, to any convicted criminal prisoner who is entitled to write a letter. All letters shall be written at such time and place as the Superintendent may appoint on a fixed day of the week, preferably Sunday. All letters written by or for a prisoner shall be immediately censored, recorded in the History Ticket and posted or delivered without delay.

(2) The Superintendent may allow a convicted criminal prisoner under sentence of simple imprisonment to use his own writing materials.

258. *Subjects on which prisoners may correspond.*— A prisoner who is entitled to write a letter and who desires to do so, may correspond on personal and private matters; but he shall not include any matter likely to become the subject of political propaganda or any strictures on the administration of the prison, or any reference to other person confined in the prison who have their own opportunities for communication with their families.

259. *Procedure when communications are in language not understood by any jail employee.*— If none of the prison employees understands the language in which any letter is written by a prisoner or is received for him, it shall be submitted to the Inspector General with a view to obtain reliable translation of the same in English, Marathi, Konkani or Hindi.

(2) No letter written in ciphers or codes shall be dispatched, or as the case may be, given to a prisoner.

260. *Communications from members of Parliament or State Legislatures.*— All communications between an unconvicted criminal prisoner or a convicted criminal prisoner or a civil prisoner who is a member of any house of Parliament or of a State Legislature and the presiding authority of such House of which he is a member or any officer thereof or the Chairman of a Committee (including a Committee of Privileges) of such House or a Joint Committee of both the Houses of Parliament or of the State Legislature shall be forwarded direct to the addressee. Any question, which such prisoner wishes to be asked in any such House, shall also be forwarded to the presiding authority thereof:

Provided that if any such prisoner has not made or subscribed an oath or affirmation as required under the Constitution and has not taken his seat in such House, the Superintendent shall bring that fact to the notice of the presiding authority of that House while forwarding to him any such communication or question from such prisoner.

261. *Censoring and withholding of prisoners' letters and other communications.*— (1) All communications addressed to and by a prisoner shall be censored by the Jailor specially empowered by the Superintendent. The Jailor shall himself scrutinise all communications of, or by, prisoners. The word 'censored' shall be stamped on all letters so censored under the dated initials of the Jailor. A rubber stamp may be used for this purpose.

(2) The Superintendent may withhold, for reasons to be recorded in Form XXI, any incoming or outgoing letter of a prisoner which seems to him to be improper or objectionable or he may erase any improper or objectionable passages in such letters.

(3) The work of censoring shall not be entrusted directly or indirectly to prisoners.

262. *Communication addressed by prisoner to Government Departments on matters not pertaining to prison administration.*— All communications addressed by a prisoner to Government Departments with respect to matters not pertaining to the prison administration shall be forwarded by the Superintendent direct to the addressee. Such communications shall not be included in the scale prescribed in sub-rule (3) of rule 255.

263. *Restrictions on privilege of interviews and communications or any condition relating thereto.*— (1) A prisoner who abuses any privilege or infringes any condition in relation to interviews, or letters or communication to any person outside the prison, shall be excluded from such privileges for such period as the Superintendent may determine and shall be subjected to such further restrictions as the Superintendent may direct.

(2) The Superintendent may if he considers it sufficient, merely cautions the prisoner concerned against the withdrawal of the privileges in case of further abuse or infringement.

264. *Report regarding withholding or curtailment of privilege.*— The Superintendent shall report to the Inspector General every quarter on the 1st of January, April, July and October all cases where such privileges are withheld or curtailed.

265. *Destruction of letters delivered to prisoners.*— All letters delivered to prisoners shall be destroyed after a week from the date of delivery, unless the Jailor allows any letter to be retained by a prisoner by putting on the letter his initials and words "allowed to be retained".

266. *Education of prisoners.*— (1) The educational programmes in prison shall be formulated by the Inspector General from time to time, which may cover the following aspects:—

- (i) Physical and health education
- (ii) Academic education

- (iii) Social education
- (iv) Vocational education
- (v) Moral and spiritual education
- (vi) Cultural education

(2) The resources for carrying out the educational programme may be arranged by coordinating with concerned departments of the Government and by availing the services of suitable professionals on contract basis.

267. *Every prison to have Library.*— The Central Jail, District Jails, Sub-Jails, Special prison and Civil prison shall have a library for the use of prisoners free of charge. The Superintendent shall make arrangements for the proper custody and issue of books to prisoners.

268. *Supply of news-papers.*— (1) Daily newspapers which are in the list approved by the Government shall be supplied free of charge to convicted criminal prisoners in the following manner—

(a) One copy of such newspaper in English or in one of the regional languages or in Hindi at the discretion of the Superintendent for every 15 prisoners or less in Class I, and

(b) One copy of such newspaper in English or in one of the regional languages at the discretion of the Superintendent for every 20 prisoners or less in Class II.

(2) No newspapers shall be supplied to unconvicted criminal prisoners and civil prisoners at Government cost.

(3) The Superintendent may allow a prisoner to have at his own cost any newspaper or a periodical, which is on the list approved by the Government.

(4) A newspaper or a periodical which is not on the list approved by the Government shall not be supplied to a prisoner except with the permission of the Government.

269. *Number and type of books which prisoners may keep in their possession.*— (1) In addition to the books which may be issued from the prison library, a convicted criminal prisoner shall be permitted to have in his possession at a time not more than two religious books and ten non-religious books of his own:

Provided that the non-religious books are not, in the opinion of the Superintendent, vulgar, obscene, of an objectionable nature, or prohibited by Government.

(2) A convicted criminal prisoner desiring to prosecute higher studies may possess any number of textbooks, with the permission of the Superintendent.

270. *Books in excess.*— Books brought by a prisoner or which are sent to him in excess of the number specified in the preceding rule shall be kept with the Superintendent who shall keep a list of such books and they may be issued to the prisoner in exchange for the books that he may already have in his possession. All such books shall be returned to him when he is released.

271. *Unconvicted criminal prisoners may purchase books.*— An unconvicted criminal prisoner shall be permitted to purchase at his own expense to obtain from private sources such number of books, as the Superintendent considers reasonable:

Provided that no such book is in the opinion of the Superintendent vulgar, obscene, of an objectionable nature or prohibited by Government.

272. *Civil prisoners may purchase books.*— Subject to safeguards against the introduction of improper literature, and at the discretion of the officer in charge of a civil prison, a civil prisoner may have books (or newspapers and periodicals which are on the list approved by the Government) at his own expense.

273. *Legal aid.*— Prisoners of all categories may be given necessary facilities for—

- (a) appeal and petition according to the provisions of any law;
- (b) legal defence;
- (c) delegation of power of attorney (Property, land, civil suits, business transaction etc.); and
- (d) execution of Will.

274. *Photographs.*— Prisoners may be allowed to keep with them photographs of their family members up to post-card size and small size religious photographs. The Superintendent may use his discretion as to which photographs and religious pictures should be allowed to be kept with prisoners. Such pictures and photographs shall not be allowed to be pasted or hung in dormitories or cells or on other jail buildings.

275. *Gifts to Prison Department.*— The Inspector General may accept a gift of a radio set or gifts which are of the nature of public collections offered to prison department, for the benefit and use of prisoners.

276. *Exhibition of films.*— (1) The Superintendent shall make arrangement for occasional exhibition of suitable films for the benefit of prisoners.

(2) The Superintendent shall co-ordinate with other Government Departments and other institutions for making such arrangements.

(3) The Superintendent shall submit a monthly report to the Inspector General about the number of film shows

exhibited during the preceding month with date and subject of the film shows exhibited.

(4) The officer of the Government of any Department exhibiting such film shall record his visit to the prison, in a register and his remarks thereon, if any.

277. *Tournaments.*— The Inspector General may authorize the Superintendent to allow prisoners to take part in tournaments of Hu-tu-tu, Volleyball or the like both inside and outside the prison:

Provided that teams of only well behaved prisoners shall be sent out to play with outside teams.

278. *Playing of indoor games by Class I prisoners.*— Prisoners in Class I shall be allowed to play chess, draughts and carom at their own cost.

279. *Wage system— Objectives to be served.*— Wages may be paid to prisoners for work done with a view to—

- (a) offering incentive and stimulus for effort, work and industry;
- (b) making prison work purposive and meaningful;
- (c) developing a sense of self-responsibility and self-respect amongst the inmates;
- (d) enabling prisoners to purchase their sundry daily extra requirements from the prison canteen; and
- (e) helping inmates to effect saving for their post-release rehabilitation and also for extending economic help to their families.

280. *Canteen for prisoners.*— (1) There may be a canteen run on self-supporting basis in Central Jail or any sub-Jail wherever possible.

(2) The following articles may be stocked in every such canteen, namely:—

- (a) tea, coffee, milk;
- (b) such eatables and articles as the Inspector General may, from time to time, approve;
- (c) soap, oil, combs and the like;
- (d) fruits, like bananas, mangoes;
- (e) tooth paste, tooth powder, tooth brush; and
- (f) stationery articles like pencil, exercise books, and paper.

(3) No prisoner other than one working in the canteen shall have access to the canteen. Arrangements shall be made to sell the articles from there to prisoners by means of trolleys kept outside the canteen at the places selected

by the Superintendent during such hours as may be fixed by the Superintendent.

(4) No short-term prisoner with sentence of less than three months and no long-term prisoner who has not completed the first three months of his Sentence shall work in the canteen.

(5) Subject to the provisions of this sub-rule, prisoners shall be permitted to purchase the articles referred to in sub-rule (2) from the canteen, either from the amount available at their disposal or from their private cash or both in accordance with following provisions: —

(a) Prisoners under substantive sentence of rigorous imprisonment or simple imprisonment for a term of three months or more and who have completed the first three months of their sentence may purchase any of the articles specified in sub-rule (2) from the amount available at their disposal on account of wages earned by them.

(b) All prisoners during the first three months of their sentence may purchase only soap and other articles of toilet from their private cash;

(c) Prisoners who have volunteered to do and actually do conservancy work shall be permitted to purchase any of the articles referred to in sub-rule (2) from the canteen either from the amount available at their disposal or from their private cash or from both.

Explanation— For the purpose of this clause, conservancy work means the work of cleaning latrines and removing night soil and cesspool water.

(d) The Superintendent may permit the following prisoners to purchase tea, coffee and eatables from their private cash:—

(i) though entitled to work cannot be suitably employed; or

(ii) is unable to work due to physical or other disability; or

(iii) does work, but does not earn sufficient wages for reasons beyond his control; to purchase tea, coffee and eatables from his private cash:

(e) An unconvicted criminal prisoner or a Civil Prisoner may be permitted to purchase any of the articles specified in sub-rule (2) either from the amount available at his disposal, or from his private cash;

Provided that no prisoner shall be in possession of more than one cake of soap or any other article of toilet at any one time.

(6) The Superintendent shall maintain a record of the reasons for which he has granted permission under clause (d) of sub-rule (5) and shall keep or cause to be

kept such record in the canteen. He shall also make or cause to be made a note of such reasons and restrictions in the wage sheet of the prisoner concerned.

281. *No facility to refractory prisoners* — (1) Subject to the provisions of sub-rule (2), a refractory prisoner confined in a special prison on disciplinary ground shall not be—

(a) eligible for any privileges given to a well behaved prisoner or

(b) permitted to play any outdoor game.

(2) Such prisoner may be allowed to purchase toilet articles required on hygienic grounds.

282. *Certain facilities not to be given to offenders under the Reformatory Schools Act transferred to prison.*— An offender who is transferred to prison from a reformatory school or Borstal school shall not be—

(i) given canteen facilities except soap, tooth powder and the like till he begins to earn remission in accordance with the provision under chapter XV Remission to Prisoners;

(ii) given wages or remission earlier than provided for under clause (i) unless he volunteers and actually does the conservancy work.

283. *Scale of diet, amenities and privileges to Class I prisoners in the Jails.*—

Class I prisoners in the jail shall be entitled to the scale of diet, amenities and privileges as under:

Food

In addition to existing prescribed diet,

Mutton 200 grams twice a week.

Butter..... 25 grams daily.

Milk..... 100 ml. daily.

Sugar (extra) 20 grams daily.

Equipments

Each cell of Class I prisoners should contain as part of its equipment the following furniture:—

Bed (Hospital pattern) 1 for each prisoner

Table (wooden)..... 1 -do-

Chair (Wooden)..... 1 -do-

Book-shelf (Wooden)..... 1 -do-

Mosquito net..... 1 -do-

Jug water..... 1 -do-

Mirror (fixed 9"x 12")..... 1 -do-

Clothing

Class I prisoners may be allowed to make use of their own normal private clothing and only when they have no sufficient clothing of their own, they shall be provided with the same from the prisons.

CHAPTER XV

Remission to Prisoners

284. *Remission— a concession and not right.*— Subject to the provisions of these rules, remission may be granted as hereinafter provided, as a matter of concession only and not as of right.

285. *Kinds of remission.*— Remission may be of the following kinds:—

- (a) Ordinary Remission;
- (b) Annual Good Conduct Remission;
- (c) Special Remission;
- (d) State Remission.

286. *Authority to grant ordinary remission.*— (1) The Superintendent shall be the authority to grant ordinary remission under these rules.

(2) The grant of remission shall be made every month by the authority mentioned in sub-rule (1).

287. *Convicted criminal prisoners eligible for ordinary remission.*— Subject to the provisions of these rules, ordinary remission at the scales prescribed in rule 289 may be granted to the following classes of prisoners:—

(a) Non-habitual prisoners having a substantive sentence of rigorous imprisonment of two months and more;

Explanation.— For the purpose of ascertaining whether or not a prisoner is a habitual, the entries in court papers shall ordinarily be treated as standard reference.

(b) Prisoners sentenced to simple imprisonment of two months and more who volunteer to work and actually work.

(c) Prisoners working on conservancy or cooking jobs irrespective of their length of sentence.

(d) Prisoners undergoing imprisonment in lieu of fine which immediately follows and is in continuation of the sentence which makes the prisoner otherwise eligible to remission.

(e) Prisoners admitted for less than one month in hospital for treatment or for 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).

(f) Ex-military prisoners for the period they pass while in transit or in military custody before their admission to the prisons in the State.

(g) Prisoners who are habitual offenders may be granted remission subject to the provisions of rule 147.

288. *Non-eligibility for ordinary remission.*— Ordinary remission may not be granted to a prisoner—

(a) where any sentence passed against him in default of payment of fine is not annexed to a term of substantive sentence for which the prisoner is otherwise eligible for remission;

(b) if the term of sentence or the aggregate of sentence passed against him is reduced on appeal or otherwise to a period of less than two months;

(c) in whose case, the Government has ordered that remission should not be granted;

(d) (i) who, due to self-inflicted injuries, is detained in a hospital as indoor patient; or

(ii) who has resorted to hunger-strike or work-strike, for such periods as may be decided by the Superintendent;

(e) during out-periods which are not reckoned as part of sentence (being periods during bail, extradition and other periods which are treated as out-periods and not reckoned as part of sentence unless specific orders of the Government are issued in that behalf).

(f) in the case of prisoners transferred from one prison to another on disciplinary grounds, during the period of their stay in the latter prison.

(g) prisoners debarred from remission as punishment.

289. *Scale of ordinary remission.* — (1) Subject to the provision of these rules (including this rule), ordinary remission may be granted to the prisoners mentioned in column 1 of the Table below, being prisoners who are eligible for remission under rule 287 for the number of

days not exceeding those shown against them in column 2 thereof:—

TABLE

Category of prisoners 1	Scale of remission 2
(a) All prisoners except habitual prisoners	(i) three days per calendar month, subject to rule 147 and rule 291 for good behaviour, discipline and participation in the various activities, such as physical institutional training, educational programmes and the like; and (ii) four days per calendar month, for performing the allotted work in accordance with the prescribed standards.
(b) Prisoners working conservancy jobs.	three days per calendar month, being a remission, in conservancy or cooking jobs in addition to the remission earned under clause (a).

(2) Where a prisoner eligible for remission under rule 287 is unable, for reasons beyond his control (such as, court attendance or transit from one prison to another), to participate in the institution activities during any months, he may, if his conduct during that month was good, be granted remission at the scale earned by him during the month immediately preceding such month.

(3) Unless otherwise directed by the Inspector General, a prisoner may be granted ordinary remission for the month in which he is released on furlough or parole at the scale earned by him during the month immediately before his release on furlough or parole.

(4) Remission at the scale prescribed in clause (a) sub-rule (1) may be granted to a prisoner who is eligible for remission under rule 287 if—

(a) the inability referred to in sub-rule (2), arises soon after his admission into the prison, or

(b) if a Medical Officer has duly certified that the prisoner being a bonafide indoor patient in a hospital or being convalescent, invalid or infirm, was unable to perform the allotted work in accordance with the prescribed standards during the month.

(5) Where a prisoner has been punished during any month, then if he is punished for bad conduct or for any violation in relation to his work which in the opinion of the Superintendent was a minor one, the monthly remission for good conduct or for work shall be reduced up to three days; but if the misconduct or any such

violation in the opinion of the Superintendent was of a serious nature, the prisoner shall not be entitled to any remission for good conduct, or as the case may be, for work, for that month. The Superintendent shall record his reasons in writing for deciding misconduct or violation in relation to work as of a minor or serious nature.

290. *Procedure for calculating ordinary remission.*—

(1) Subject to the provision of these rules (including this rule), ordinary remission shall be calculated from the first day of the calendar month if a prisoner was sentenced on that day, and in any other case, from the first day of the calendar month next following the date of his sentence.

Explanation.— For the purpose of sub-rule (1), all out-periods, that is to say, release on furlough or parole or transfer from one prison to another (which are reckoned as part of sentence) shall not be treated as broken periods.

(2) In case of prisoners falling under clause (e) of rule 288, they may be eligible for remission from the first day of the calendar month next following the date of their re-admission into the prison.

(3) No prisoner shall be granted ordinary remission for the month in which he is released.

(5) In the case of a prisoner, transferred from a sub-jail to a central jail, the period spent by him in sub-jail (excluding the period spent as an under-trial prisoner) shall be computed along with the period spent by him in the prison for calculating remission.

(6) If a prisoner is undergoing two consecutive sentences, one of which is for a term of two months or more, and one of the sentence is remitted on appeal or otherwise, and the other sentence is not less than two months, any remission granted to him in respect of the sentence so remitted shall be taken into consideration for shortening his consecutive sentence.

291. *Ordinary remission in case of habitual prisoners.*— (1) A habitual prisoner shall not be entitled to any ordinary remission during the period of six months commencing on the date of his first admission into the prison.

(2) The Jailor shall, in the first week of the seventh month from the admission of such prisoner into the

prison, forward a report to the Superintendent about the conduct and behaviour of each prisoner. The Superintendent shall decide upon the prisoner and the month from which he should be made eligible for the remission system subject to the provisions in rule 147 in chapter VIII "Habitual and Hardened Offenders". The Superintendent shall cause a list of such prisoners to be maintained and kept in the prison.

(3) The Jailor shall, in the first week of the thirteenth month from the date of admission of such prisoner into the prison, forward a report to the Superintendent about the discipline and efforts made by him for self-improvement. The Superintendent shall, consequent to review by the Classification Committee and subject to the provisions in 147 in chapter VIII "Habitual and Hardened Offenders", decide upon the prisoner and the month from which he should be made eligible for the remission system and at what scale of ordinary remission.

Explanation — For the purpose of this rule, prisoners, initially classified as casuals are subsequently classified as habitual, shall be governed by the provisions of this rule, from the date the order is received by the Superintendent.

292. *Grant of remission to life convicts.*— Life sentence shall be taken as imprisonment for twenty years for the purpose of calculation of remission (under section 57, Indian Penal Code). In the case of a prisoner serving more than one life sentence, twenty years shall be treated as the total of all his sentences. When the State Sentence Review Board will examine his case, the remission to his credit will be one of the factors on the basis of which the review of his sentence will be considered.

293. *Grant of remission to prisoners sentenced by Court Martial.*— Prisoners sentenced by court martial shall be granted ordinary remission of the period they pass in transit, or in military custody, before their admission in prison on the same scale as laid down in these provisions.

294. *Granting of annual good conduct remission.*— Where any prisoner eligible for ordinary remission has not committed any prison offence for an uninterrupted period of one year, reckoned from the date of his sentence, or as the case may be, from the date on which

he completed his punishment for a prison offence, he may be granted thirty days annual good conduct remission, in addition to other remission.

Example— A prisoner sentenced and admitted to a prison on second August, 2004, was removed from the remission system for a period of three months from 6th December, 2004. He will not be eligible for annual good conduct remission on 6th December, 2005 but on 6th March, 2006.

295. *Authorities to grant special remission.*— The Superintendent and the Inspector General shall be the authorities to grant special remission under these rules.

296. *Grant of special remission.*— Special remission at the scale prescribed in rule 297 may be granted to prisoners:—

(i) for saving the life of a Government employee or prison visitor or inmate;

(ii) for protecting Government employee or prison visitor or inmate from attack;

(iii) for preventing or assisting in preventing escape of a prisoner or apprehending a prisoner attempting to escape or intimating the attempted escape of a prisoner;

(iv) for assisting prison officer in emergencies like fire, or outbreak of a riot, strike or other like eventuality;

(v) for assisting in preventing or detecting serious breach of prison regulations;

(vi) for marked diligence and success in imparting education and in teaching arts and crafts;

(vii) for outstanding contribution or performance in cultural activities that is to say, drama, music, sports and the like in the prison;

(viii) for consistent good work in the prison industries, or agriculture, or in important prison services; or

(ix) for any other sufficient cause.

297. *Scale of special remission.*— Subject to the provision of rule 300, the Superintendent may grant special remission to any prisoner not exceeding 30 days

in a year; and the Inspector General may grant special remission upto 60 days in a year.

Explanation— For the purpose of this rule, year shall be reckoned from the date of sentence and any fraction of a year shall be reckoned as complete year.

298. *Mode of granting special remission.*— (1) Each Jailor shall, regard being had to the provision of rule 297, recommend prisoners in his charge for special remission to the Superintendent.

(2) The Superintendent in consultation with the Assistant Superintendent, the Jailor and the person in charge of any factory or industry run with the assistance of prisoners shall meet once in a quarter or earlier, if required so to do by the Superintendent, to consider grant of special remission to prisoners; and the Superintendent may grant such special remission in accordance with the scale provided by rule 297 as he thinks fit.

(3) Where the Superintendent, after considering the recommendations submitted to him under sub-rule (1) or after consulting the officers aforesaid, is of opinion that a prisoner should be granted remission exceeding 30 days he shall make a recommendation in that behalf to the Inspector General.

(4) The Inspector General shall pass orders on all cases of special remission submitted to him under sub-rule (3).

299. *Remission committee.*— (1) The remission committee of each institution shall consist of:—

(i) Superintendent-in-charge of the institution—
Chairman,

(ii) Assistant Superintendent/Jailor/Assistant Jailor,
Jailor in charge of remission section,

(iii) Jailor/Assistant Jailor in charge of Industries/
Vocational Training,

(2) The functions of this committee are:

(i) to attend to all matters pertaining to remission;

(ii) to recommend cases of prisoners to the Inspector General for the grant of special remission; and

(iii) to recommend other remissions.

(3) The members of the committee shall assist the Superintendent in all matters pertaining to the award of

remission. The decision of the Superintendent shall be treated as final. The Remission Committee shall meet on fixed days in the last week of every month, or as and when required.

Note:

(i) In view of the importance of the remission work, it is essential that the committee meet as per fixed schedule so that the remission may be granted in time. Special remission should be granted leaving a margin of at least seven days prior to the prisoner's release.

(ii) Entries regarding remission should be made, under proper attestation of 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 month to five year should be sanctioned remission each month while those sentenced to more than five year (including life convicts) should be granted remission once in a quarter

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

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

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

300. *State remission.*— (1) The Government may, on such occasions of national importance or public rejoicing as may be determined, grant remission to such prisoners for such number of days as may by order, specify in this behalf. An order of such unconditional remission under this provision cannot be rescinded except in cases of fraud or mistake in its grant.

(2) In case of prisoners who, at the time of general grant of the State remission, are released temporarily or on emergency release, specific orders of the Government about the award of this remission to such prisoners shall be obtained.

301. *Total of ordinary, annual good conduct and special remission not to exceed half of the substantive substance.*— (1) The aggregate of the ordinary, annual good conduct and special remission granted to a prisoner

shall not, without the special sanction of Inspector General, exceed half of the substantive sentence (to be calculated from the date of his conviction).

(2) Nothing in sub-rule (1) shall apply to prisoners sentenced to imprisonment for life.

302. *Maintenance of record of remission.*— (1) The Superintendent shall cause a remission sheet and a register in Form No. XXXIX to be maintained in the prison in which, he shall cause entries about grant and forfeiture, if any, of remissions to be made in accordance with the provision of this rule.

(2) The Jailor or officer in charge of Jail shall, on or before the last day of every month send to the Superintendent a report in respect of every prisoner who does not deserve ordinary remission for that month and a report in respect of every prisoner who deserves special remission. After taking into consideration the recommendations of the Jailor or officer in charge of Jail contained in the report, the Superintendent shall pass orders granting or refusing to grant the relevant remission in respect of each prisoner specified in the report.

(3) The Jailor shall then enter in the remission sheet, the remission earned by each prisoner in terms of the orders passed under sub-rule (2); and such entries shall be attested by the Superintendent after due verification. The Jailor or officer-in-charge of jail shall report every month that the remission record in respect of each prisoner in the remission sheet has been maintained up-to-date.

(4) The Jailor of the prison shall before the fifteenth day of January and fifteenth day of July every year, ledger these entries from the remission sheets in the remission register.

(5) The Superintendent or any other Officer authorized by him in this behalf may cause every prisoner to be informed at the end of each quarter about the remission earned by him during the quarter and also the total of his remission:

Provided that the remission record shall be kept confidential, and no prisoner shall be entitled to have access thereto.

303. *Report of special remission.*— The Superintendent shall, on or before the fifteenth June and of

December, each year, forward to the Inspector General a list of prisoners who are granted special remission by him and the Inspector General during the six months immediately preceding the said dates.

304. *Cancellation and forfeiture of remission.*— (1) Where a prisoner escapes from legal custody, the total remission earned by him upto the date of his escape shall stand cancelled.

(2) Where a prisoner attempts to escape from the legal custody or plans or abates escape, the Superintendent shall pass orders thereon as the circumstances of the case may require.

(3) Where a prisoner is convicted of an offence committed after admission to prison, under sections 147, 148, 152, 224, 302, 304, 304-A, 306, 307, 308, 323, 324, 325, 326, 327, 332, 333, 352, 353 or 377 of the Indian Penal Code or convicted of an assault committed on a prison official, a prison visitor, a prisoner or any Government employee after admission to prison, all ordinary and special remission, of whatever kind, earned by him under these provisions up to the date of the said conviction may be forfeited in part, or in whole, with the sanction of the Inspector General.

305. *Power of Superintendent to cancel remissions by way of punishment.*— Subject to the provision of rule 304, a Superintendent may punish any prisoner for any prison offence under Section 46 of the Act by -

(a) forfeiting earned remission upto 30 days for one offence. Earned remission beyond thirty days may be forfeited with the sanction of the Inspector General.

(b) removing any prisoner from the remission system for a period not exceeding three month. However, the sanction of Inspector General shall be obtained for such removal from remission for any period exceeding three months:

Provided that where the Superintendent is of the opinion that higher punishment by way of forfeiture of remission or removal from the remission system is necessary in the case of any prisoner, he may, with the previous sanction of the Inspector General award such higher punishment (including permanent removal from the remission system).

306. *Removal and restoration to remission system.*— (1) Where a prisoner is temporarily removed from the

remission system under rule 305, the order of temporary removal shall state specific period for which the prisoner has been so removed from the remission system.

(2) The Superintendent may, with previous sanction of the Inspector General, re-admit to the remission system any prisoner, who has been permanently removed there-from under rule 305 if his conduct in prison justifies it subsequently:

Provided that where, after the order of permanent removal from the remission system is made, the prisoner is transferred to another prison, the Superintendent of the prison, where the prisoner is transferred, shall submit his recommendation for restoring him to the benefits of remission system, to the Inspector General through the Superintendent who removed him from the remission system and such prisoner may be eligible for remission

from the commencement of the month next following the month of his re-admission to the remission system.

307. *Transfer of prisoners of the remission system.*— When the prisoners on the remission system are transferred to other prisons, the remission sheets, duly checked and attested by the Jailor, shall be sent to the prison where the prisoner has been transferred.

308. *Power of Inspector General to revoke remission.*— The Inspector General may, at any time, call for the record of the case regarding remission granted to a prisoner and if he is satisfied that any prisoner was granted remission without sufficient reasons, by order, revoke, in whole or in part any ordinary or special remission granted to such prisoner or remove him from the remission system for the period specified in the order.

CHAPTER XVI

Furlough and Parole

Furlough

309. *Sanctioning authority.*— The Inspector General shall, subject to these rules, be competent to grant furlough to convicted prisoners as hereinafter mentioned.

310. *When prisoner may be granted furlough.*— (1) The grant of furlough to the prisoners to be released on furlough, excepting the prisoners debarred for consideration under rule 313, shall be regulated as follows:—

Sentence	When due for first release on furlough	When due for second release	When due for subsequent release	Duration of furlough per year
(a) Not exceeding five years	On completion of one year of actual imprisonment to be counted from the date of admission to prison as convict.	After completion of six months of actual imprisonment to be counted from the date of his last return from furlough.	After completion of six months of actual imprisonment to be counted from the date of his last return from furlough.	21 days
(b) Exceeding five years but not more than 14 years	On completion of two years of actual imprisonment to be counted from the date of admission to prison as convict.	After completion of one year of actual imprisonment to be counted from the date of his last return from furlough.	After completion of six months of actual imprisonment to be counted from the date of his last return from furlough.	21 days during the first five years of confinement and 28 days for the rest of term.
(c) Prisoners sentenced to life imprisonment exceeding 14 years.	On completion of three years of actual imprisonment to be counted from the date of admission to prison as convict.	After completion of one year of actual imprisonment to be counted from the date of his last return from furlough.	After completion of six months of actual imprisonment to be counted from the date of his last return from furlough.	21 days during the first five years of confinement and 28 days for the rest of term.

(2) The period of imprisonment in this rule includes the sentence or sentences awarded in lieu of fine in case the amount of fine is not paid:

Provided that if fine is paid during the period of imprisonment and the total sentence thereby reduces to a term not exceeding 5 years, he shall thereafter be eligible for release every year in accordance with sub-rule (1)(a) instead of every two years under sub-rule (1)(b).

(3) For the purposes of this rule, the period of imprisonment shall be computed as the total period for which a prisoner is sentenced even though one or more sentences are concurrent.

(4) If at any time, a prisoner who could have been granted furlough is either not granted or is not released in time, the period for which he could have been granted the furlough shall not be carried forward but shall lapse.

(5) An order sanctioning the release of a prisoner on furlough shall cease to be valid if not given effect to within a period of two months of the date thereof.

311. *Objectives of furlough.*— The objective of releasing a prisoner on furlough are:—

(i) To enable the inmate to maintain continuity with his family life;

(ii) To save him from the evil effects of continuous 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

312. *Furlough is not a right.*— Furlough is not a right but a concession, which may be granted to convicts. This concession is subject to cancellation. The Government or Inspector General reserves the right to debar or withdraw any prisoner, or category of prisoners, from the concession of furlough.

313. *Prisoners who shall not be granted furlough.*— The following categories of prisoners shall not be considered for release on furlough:—

(1) Habitual prisoners.

(2) Prisoners convicted of offences under sections 392 to 402 (both inclusive) of the Indian Penal Code.

(3) Prisoners whose presence is considered dangerous or otherwise prejudicial to public peace and so ordered by the District Magistrate and Superintendent of Police.

(4) Prisoners who are considered dangerous or have been involved in serious prison violence like assault, outbreak, riot, mutiny or escape, or who have been found to be instigating serious violation of prison discipline.

(5) Prisoners whose conduct is in the opinion of the Superintendent as per records not satisfactory enough.

(6) Prisoners convicted of offences of violence against person or property committed for political motives, unless the prior consent of the Government to such release is obtained.

(7) A prisoner or class of prisoners in whose case the Government has directed that the prisoner shall not be

released or that the case should be referred to it for orders.

(8) Prisoners who have at any time escaped or attempted to escape from lawful custody or have defaulted in any way in surrendering themselves at the appropriate time after release on parole or furlough.

(9) Prisoner suffering from mental illness, if not certified by the Medical Officer to have recovered.

(10) Prisoners whose work and conduct have not been good during the preceding 12 months.

(11) Prisoners whose release on furlough is likely to have repercussion elsewhere in the country.

314. *Furlough not to be granted after return from parole.*— Ordinarily furlough shall not be granted to a prisoner within a period of six months from the date of his return from parole.

315. *Furlough not to be granted without security.*—
(1) *Surety bond.*— A prisoner shall not be granted furlough unless he has a relative willing to receive him while on furlough and ready to enter into a surety bond in Form I for such amount as may be fixed by the Sanctioning Authority.

(2) *Personal bond or cash security.*— Every prisoner desirous of release on furlough shall be required to give a personal bond or cash security of the required amount in Form II or Form III as may be relevant.

316. *How applications for grant of furlough should be dealt with.*— (1) Two months before a prisoner becomes eligible to be considered for release on furlough, the Superintendent shall inform the prisoner accordingly. If the prisoner desires to be considered for such release, he shall make an application (in duplicate) to the Inspector General through the Superintendent stating clearly the name and full address of the place where he desires to spend the furlough, the full name of the relative willing to receive him on furlough and prepared to execute the surety bond, and shall also state whether he is in a position to bear the expenses of the journey both ways or either way and, if not, the amount of expenses that may be required by him for such journey.

(2) On receipt of the application under sub-rule (1), the Superintendent shall, unless the prisoner is prima facie not entitled to release on furlough, forward it expeditiously to the Director General of Police of the

State, with such remarks as he deems fit. A copy of this communication together with the prisoner's Nominal Roll shall be endorsed by the Superintendent to the Inspector General, and such endorsement shall inter-alia state.—

(a) The amount of money the prisoner has to his credit including the amount he may have earned in prison,

(b) the amount of money required for the journey both ways,

(c) the amount of security the Superintendent considers proper,

(d) the name of the village, taluka and district and State in which the prisoner proposes to spend his furlough,

(e) the name of the District from which he hails,

(f) the name of the District in which he was convicted.

The Director General of Police of the State should be requested to furnish, along with his opinion, the following information regarding the relatives of the prisoner with whom he intends to stay while on furlough: —

(a) Their relationship with the prisoner concerned.

(b) Whether such relatives are willing to keep the prisoner while on furlough.

(c) Whether they (viz., relatives) are willing to enter into surety bond.

(3) The Director General of Police of the State shall thereafter forward the application to the Inspector General together with his recommendations.

(4) The Director General of Police of the State shall, before forwarding the application to the Inspector General, cause inquiries to be made regarding the prisoner's statement, if any, that he is not able to bear the expenses of the journey both ways or either way, as the case may be, and make recommendations accordingly.

(5) If furlough is not recommended, adequate reasons for it shall be given.

(6) If on receipt of the application together with the recommendations under sub-rule (3), the sanctioning

authority considers that furlough be granted, it shall make an order for the release of the prisoner on furlough on such conditions as may be specified in the order.

317. *Fresh application for furlough.*— A prisoner may, if he so desires, make a fresh application for furlough six months after the rejection of his previous application.

318. *Conditions of release.*— The sanctioning authority shall grant furlough to a prisoner subject to his executing a personal bond or giving cash security in Form No. II or Form No. III, as may be relevant, and also subject to a Surety executing a bond, in Form I. The release may further be subject to all or any of the following conditions: —

(1) that the said prisoner shall reside at the specified Taluka and District during the period of release on furlough and shall not go beyond the limits of the said District without the permission of the Director General of Police of the State or such Officer as the Director General of Police of the State may appoint in this behalf,

(2) that the said prisoner shall be of good behaviour and shall not commit any offence punishable by or under any law for the time being in force in India,

(3) that the said prisoner shall not associate with persons of bad character or lead a dissolute life,

(4) that the said prisoner shall, in case he proposes to change his religion during the period of furlough, give a minimum of seven days' prior intimation to the said Director General of Police as also to the Superintendent of the prison from which he has been released, about such intention, and he shall also furnish them with information regarding the new religion and the new name, if any, which he proposes to adopt.

(5) that the said prisoner will surrender himself to the Superintendent of the prison, from which he was released on the expiry of the period of furlough,

(6) that the said prisoner will report once a day to the Officer-in-charge of the Police Station having jurisdiction over the place of his stay during the period of furlough,

(7) that the said prisoner shall, immediately on arrival at the place mentioned in (1) above, report at the Police Station nearest to the said place of stay.

319. *Declaration before release.*— Before releasing a prisoner on furlough, a declaration as under shall be taken from him on the release order itself —

"I hereby accept and agree to abide by the above conditions of the release order and I acknowledge that should I fail to fulfill these conditions or any portion of them, the sanctioning authority may revoke the order of release and forfeit the amount of security furnished by me, and I may be arrested by any Police Officer without warrant and remanded to undergo the unexpired portion of my sentence, and I further acknowledge that should I fail to fulfill these conditions or any portion of them, I am liable to be punished, on conviction, with imprisonment for a term which may extend to two years or with fine which may extend to Rs. 1,000, or with both".

320. *Prisoner ordinarily to bear journey expense.*— When a prisoner is released on furlough, the cost of his journey both ways shall be borne by the prisoner concerned: Provided that, if in the opinion of the sanctioning authority, the prisoner is not able to bear the expenses of journey both ways or either way, as the case may be, the sanctioning authority may direct that the whole or any portion of such expenses be borne by the Government.

321. *Extension of the period of furlough.*— Notwithstanding anything contained in the foregoing rules, the sanctioning authority may, on the application of a prisoner or otherwise, by an order in writing extend the period of furlough for such further period, subject to the limitations in Rule 310, as may be specified in such order on the same conditions on which the prisoner was originally granted furlough or on such other conditions as the sanctioning authority may determine.

322. *Intimation of release and of non-surrender of prisoner.*— (1) Whenever any prisoner is released on furlough, an intimation of his release on furlough shall forthwith be given by the Superintendent of prison: —

(i) to the Inspector General.

(ii) to the Director General of Police of the State.

(2) Where a prisoner does not surrender himself to the prison authorities after the expiry of the period of furlough, the sanctioning authority may, if it is satisfied that any of the conditions on which the furlough was

granted has not been fulfilled, cancel its order granting such furlough. An intimation regarding such cancellation shall forthwith be given by the Superintendent to the Officer specified in clause (ii) under sub-rule (1). Upon such intimation, the police authorities may arrest the prisoner, if at large, and remand him to undergo the unexpired portion of his sentence.

323. *Release order inoperative on a prisoner's surrender to the prison authorities.*— As soon as prisoner released on furlough surrenders himself to the prison authorities, his order of release shall become inoperative. Where, therefore, a prisoner who is released on furlough has applied for the extension of the period of furlough and before his application has been sanctioned, surrenders himself to the prison authorities, he shall not be released after such surrender without obtaining a fresh order from the sanctioning authority.

PAROLE:

324. *When parole to be granted.*— Parole may be granted to a prisoner in the event of emergent situations like death or serious illness of father, mother, brother, sister, spouse and children and also marriage of brother, sister and children.

325. *Application for grant of parole.*— A prisoner may be granted parole either on his own application or on an application made by his relative or friends, or legal adviser specifying full details of the emergent situation and circumstances warranting grant of parole. The application is to be submitted in triplicate in Form No. IV to the Superintendent.

326. *Authorities competent to sanction parole.*— (1) The authority competent to sanction release of a convicted prisoner on parole shall be the Government in the following cases:

(a) Prisoners convicted by the Courts situated outside the State,

(b) Prisoners convicted by the Courts situated within the State but confined in prisons situated outside the State,

(c) Prisoners convicted of political offences,

(d) Any other case or class of cases wherein the Government has directed that the case or specified class of cases be referred to it for orders.

(2) In the cases other than those specified in sub-rule (1), the Superintendent shall be the competent authority to sanction release of a convicted prisoner on parole upto a maximum period of 14 days.

(3) In cases other than those covered under sub-rule (1) and (2), the Inspector General shall be the competent authority to grant parole for a maximum period of 30 days at a time.

327. *Applications for parole how to be dealt with.*— (1) In cases referred to under sub-rule (1) of rule 326, the Superintendent shall endorse his remarks thereon and submit one copy direct to the Government alongwith the nominal roll of the prisoner and the other to the Director General of Police of the State under intimation to the Inspector General.

(2) In cases referred to under sub-rule (2) of rule 326, the Superintendent shall, subject to this rule endorse his remarks thereon as may be relevant and submit one copy to the Inspector General alongwith the nominal roll of the prisoner and the other to the Director General of Police of the State.

(3) In cases referred to under sub-rule (3) of rule 326, the Superintendent shall endorse his remarks thereon and submit one copy to the Inspector General for his information and the other to the Director General of Police of the State for his report.

(4) The superintendent while forwarding the prisoner's application for parole to the Director General of Police of the State shall specify in case of each application that to whom the report of the police is to be sent by the Director General of Police according to the respective sanctioning authorities for grant of parole under sub rules (1), (2) and (3)

(5) The Director General of police of the State shall immediately make enquiries to ascertain whether the ground or grounds on which parole is applied for is or are genuine and submit immediately his report to the authority specified by the Superintendent while submitting the prisoner's application for parole for inquiry, mentioning inter-alia whether it recommends the grant of parole and also whether there is a likelihood of breach of peace if the prisoner is released on parole.

328. *Extension of period of parole.*— (1) The extension in the period of parole may be extended on the

application of the prisoner or his relative or friends, or legal adviser, by an order in writing for such further period as may be specified in such order on the same conditions on which the prisoner was originally granted parole or on such other condition as the authority granting extension may determine.

(2) The Superintendent shall not grant any extension where the Superintendent issues initial order granting parole.

(3) Where the prisoner has applied for extension for such further period which does not make the total period more than 30 days, the Inspector General may by an order in writing, extend the period of Parole for such further period as may be specified in such order subject to sub-clause (1) and rule 327(3).

(4) Where the initial order is issued by the Superintendent or by the Inspector General and the prisoner has applied for extension for such further period which exceeds thirty days, the Inspector General shall submit the case to the Government and the Government may, by order in writing, extend the period of Parole for such further period as may be specified in such order subject to sub-clause (1).

329. *Enquiries may be made on receipt of application and police report.*— On receipt of an application for parole along with the report of the Director General of Police under rule 328 (5), the sanctioning authority may make such further enquiries as it considers necessary, and pass such orders as it considers fit. If the sanctioning authority considers that there is no objection to release the prisoner concerned on parole it shall make an order for his release on parole.

330. *Conditions subject to which prisoners may be granted parole.*— The sanctioning authority may grant parole to a prisoner subject to his executing a Surety Bond in Form I and a Personal Bond in Form II or giving cash security in Form III respectively to observe all or any of the conditions mentioned therein and also subject to such other conditions, if any, as may be specified by the sanctioning authority:

Provided that when prisoners convicted of serious offences are released on parole, a condition shall be included in the parole order directing or requiring the prisoner to report at the Police Station nearest to the place where he intends to spend his parole initially on

his reaching such place and thereafter once or twice a week at such intervals as may be considered expedient:

Provided further that when a prisoner applies for parole for the purpose of appearing at an examination, he will not be eligible to be released on parole unless the Inspector-General has passed an order in advance permitting him to appear at such examination.

331. *Parole order ineffective on prisoner's surrender.*— As soon as a prisoner released on parole surrenders to the Superintendent, his original order of release will be inoperative. Where, therefore, a prisoner who is released on parole has applied for the extension of the period of parole and before his application has been sanctioned, surrenders himself to the Superintendent, he shall not be released after such surrender without obtaining a fresh release order passed by the sanctioning authority.

332. *Intimation of release and of non-surrender of a prisoner.*— (1) whenever any prisoner is released on parole, an intimation of his release on parole shall forthwith be given by the Superintendent to the authority which granted him parole and copies thereof shall also be sent:—

(i) To the Inspector General,

(ii) To the Director General of Police of the State.

(2) Where a prisoner does not surrender himself to the prison authorities after the expiry of the period of parole, the sanctioning authority may, if it is satisfied that any of the conditions on which the parole was granted has not been fulfilled, cancel its order granting such parole. The Superintendent shall forthwith give an intimation regarding such cancellation to the Officers specified in clause (ii) of sub-rule (1). Upon such intimation, the police authorities may arrest the prisoner, if at large, and remand him to undergo the un-expired portion of his sentence.

333. *Application of certain rules to parole cases.*— The provisions of rules 316(5), 318, 319, and 320 shall, *mutatis-mutandis* apply in the case of release of prisoners on parole.

Miscellaneous:

334. *Form of order of release on furlough or parole.*— Every order of release on furlough or parole shall be made in Form No. V.

335. *Furlough and Parole to be counted as remission of sentence.*— The period of release on furlough and parole shall be counted as remission of sentence, provided that, in case of breach it shall not be counted.

CHAPTER XVII

Petitions and Appeals of Prisoners

336. *Desire of the prisoner to prefer an appeal.*— (1) All the relevant rules about appeals and the facilities available in the prison for preparing and sending appeals shall be explained to the prisoners at the time of their admission by the Superintendent or the Assistant Superintendent.

(2) The Assistant Superintendent shall ascertain whether the prisoner desires to file an appeal or not and record it in 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 Superintendent at the stage of prisoner's admission or physical verification.

337. *Petitions from prisoners.*— (1) Any convicted criminal prisoner may submit a petition to the Governor of Goa for the grant of pardon, reprieves, respites or remission of punishment or to suspend, remit or commute the sentence passed against him.

(2) Such petition shall,

(i) be signed by the prisoner and attested by the Jailor,

(ii) be accompanied by a nominal roll of the prisoner in Form No. XVII and

(iii) subject to the provisions of rule 340 be forwarded by the Superintendent with a covering letter addressed to the Secretary to the Government in the Home Department.

(3) The Superintendent shall also enter in the remarks column of the nominal roll any other fact of importance having a bearing on the case, such as, whether the accomplices of the prisoner have been released, whether he is known to be a habitual criminal.

(4) Petition from two or more prisoners convicted at one and the same trial may be forwarded together under one covering letter and one nominal roll.

(5) The procedure laid down in this rule shall also apply to petitions addressed to the President of India or to the Registrar of the Supreme Court of India with this modification that where a petition is written in a regional language, it shall be accompanied by its translation or with a precise summary in English.

(6) Communications from a prisoner addressed to the High Court or to the Supreme Court, pertaining to matters other than an appeal or application for revision shall, subject to the provisions of rule 340, be forwarded through the Government.

(7) Any petition of appeal or application for revision addressed to the High Court or the Supreme Court shall, in accordance with the provisions of Rule 352, be forwarded direct to the Court concerned.

(8) A petition from a prisoner convicted by a Court in any other State or Union Territory shall, in the first instance, be scrutinized by the Superintendent, and the Superintendent shall, where the redress sought for, or the subject matter of the petition, is not within the competence of the prison authorities or the Government, forward it direct to the Government of such other State, Union Territory, Central Government or, as the case may be, irrespective of the authority or officer to whom it is addressed:

Provided that petitions requiring the opinion or views of the Government shall be forwarded through the Government.

(9) The Superintendent shall see that such communications as are to be forwarded through the Government are forwarded with the least possible delay.

338. *Petitions for remission of sentence or pardon on grounds of ill health.*— Where a petition for remission of a sentence or for grant of pardon is made on grounds of bad health, old age or other infirmity of the prisoner, it shall be accompanied by a report of the Medical Officer, stating how far the grounds are true and his opinion as to the probability of the prisoner's life being seriously endangered by prolonged imprisonment, and whether his life is likely to be prolonged, if the prisoner is set at liberty.

339. *Facility for preparation of petition.*— (1) Facility of supply of necessary writing material and assistance of a friend or counsel shall be given to a prisoner for preparing a petition under rule 337.

(2) A convicted criminal prisoner may sign and submit as his own a petition drafted for him by his agent or friend provided he understands its contents, and the Jailor shall see that such prisoner understands the gist of its contents before signing it.

(3) No petition shall be considered by the authority to which it is addressed unless it is signed by the convicted criminal prisoner or bears his left hand thumb impression and submitted through the Superintendent:

Provided that where a relative or friend of a convicted criminal prisoner wishes to make a petition under rule 337, such petition may be submitted directly to the Government or through the Superintendent.

340. *Petitions when not to be forwarded.*— The Superintendent shall not forward any petition:

(1) if it is couched in discourteous or offensive language;

(2) if it contains statements which the Superintendent knows to be untrue and which the prisoner refuses to amend, when the petition is returned to him for that purpose;

(3) if it proceeds only on a claim for consideration of a general application which has already been disposed of; or

(4) on any matter which is provided for in the rules.

341. *Second petitions not to be entertained.*— Where a petition addressed to the Governor or President has been once rejected, a second petition from the same prisoner on the same subject shall not be entertained by the Superintendent, except on the recommendation in writing of an official visitor made in the Visitors' Book.

342. *Petition for mercy by convicted criminal prisoner sentenced to death.*— (1) Immediately on receipt of warrant of execution consequent on the confirmation by the High Court of the sentence of death, the Superintendent shall inform the convicted criminal prisoner concerned 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 provision of the Constitution, he should do so within the period prescribed in the Supreme Court Rules, 1966.

(2) On receipt of the intimation 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 of the convicted criminal prisoner, in case the convicted criminal prisoner has made no previous petition for mercy, the Superintendent shall forthwith inform him that if he desires to submit a petition for mercy, it should be submitted in writing within seven days from the date of such intimation.

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

343. *Petition how to be forwarded.*— If the convicted criminal prisoner submits a petition within the period of seven days prescribed in rule 342, it shall be addressed to the Governor of Goa, and the President of India. The Superintendent shall forthwith forward it by registered post A. D. to the Secretary to the Government in the Home Department 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 petition. If no reply is received within 15 days from the date of the dispatch of the petition, the Superintendent shall send a reminder, by the quickest mode of communication available, to the Secretary of the Government in the Home Department, drawing attention to the fact, but he shall in no case carry out the execution before the receipt of reply from the Government.

344. *Petition submitted after period prescribed.*— (1) Where a convicted criminal prisoner submits a petition after the period prescribed in rule 342, the Superintendent shall at once forward it to the Government and at the same time send, by the quickest mode of communication available, the substance of it, requesting orders whether the execution may be postponed, and stating, that pending reply, the sentence shall not be carried out.

(2) If such petition is received by the Superintendent later than noon on the day preceding that fixed for the

execution, he shall at once forward it to the Government and at the same time send the substance of it by the quickest mode of communication available, giving the date of execution and stating that the sentence will be carried out unless orders to the contrary are received.

345. *Execution of sentence to be deferred under exceptional circumstances.*— In the event of its coming to the knowledge of the Superintendent at any time before the execution of sentence that altogether exceptional circumstances have arisen which plainly demand a reconsideration of the sentence, he may, notwithstanding anything contained in the foregoing rules, report the circumstances to the Government by quickest mode of communication available, and ask for its orders, and defer execution till they are received.

346. *Acknowledgement of orders.*— (1) The Superintendent shall at once repeat back to the Secretary to the Government in the Home Department all letters etc. communicating orders to him regarding petitions of mercy, by way of acknowledgement of their receipt.

(2) All acknowledgements, by quickest mode of communication available, shall be addressed to the Secretary to the Government in the Home Department by designation and not by name.

(3) The words "Death Sentence" shall be written in capital and bold letters before the address in the letters and on the covers containing such letters relating to capital sentence.

347. *Sentence not to be executed till appeal or application is dismissed.*— 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 is received 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 convicted criminal prisoner, 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 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 such persons, the execution of sentence shall be postponed in the case of all such persons.

348. *Petition of appeals and applications of a judicial nature.*— (1) Any convicted criminal prisoner lawfully entitled to submit a petition of appeal desires to do so, or desires to file any application of a judicial nature, whether for revision or otherwise, shall be granted every facility to submit such petition or application to the Court concerned, including the following facilities: —

(a) An application by a prisoner for a copy of the judgment or order shall, at once, be forwarded to the Court by which the judgment or order was passed (and any application subsequently received from a prisoner who has been convicted at the same trial may not be forwarded unless the applicant wishes to have a copy for his personal use).

(b) A prisoner's friend or counsel shall be allowed to communicate with the prisoner for the purpose of assisting him in drawing the petition of appeal or application.

(c) The Superintendent shall make the necessary arrangement for having the petition of appeal or application written out for a prisoner who cannot write or who has no friends or agents who can draw up the petition for him.

(2) A petition of appeal shall be accompanied by —

(a) a certified copy of the judgement or order appealed against,

(b) a copy of the register of petitions wherein all information starting from the date on which the prisoner expresses his desire to file an appeal, till the date of receipt of the order of the appellate Court disposing off the appeal, all such dates on which action is taken during the entire process shall be entered and attested by the Superintendent or the Assistant Superintendent. This would also include dates on which requisition for copy of the judgement is sent, date of receipt of the copy of the judgement, the date of delivery of the copy of the judgement to the prisoner or other nominated party and date of receipt of appeal from the prisoner.

(3) An application for revision shall be accompanied by —

(a) a certified copy of the judgement or order sought to be revised;

(b) a certified copy of the judgement or order of the trial Court if the judgement sought to be revised happens to be a judgement or order passed by the lower Court in its appellate or revisional jurisdiction;

(c) a copy of the register of petitions as mentioned in sub rule (2) (b).

(4) The Superintendent shall apply for necessary copies as required by sub-rules (2) and (3) and arrange for the submission of the petition of appeal or application within the prescribed time along with the necessary accompaniments.

(5) A petition of appeal or an application duly made by a prisoner shall be countersigned by the Superintendent, and subject to the provisions of sub-rule (4), forward it without delay to the Court concerned with all the relevant documents.

(6) Before forwarding a prisoner's appeal or application, the Superintendent shall himself ascertain, after verifying all the information in the Register of Petitions as mentioned in sub-rule (2) (b) and after questioning the prisoner or obtaining information from the prison in which he was confined prior to his transfer to the prison in which he is confined at the time of the application, whether any appeal or application has previously been filed by the prisoner in the same matter either through the prison authorities or independently thereof (through some agent or lawyer acting on his behalf), and if he has made any such appeal or application, how it has been disposed of and how the present appeal or application is competent. The Superintendent shall after ascertaining these facts, make an endorsement to that effect on the petition of appeal or application in his own hand and record the result of the inquiry and shall also mention the number of the case on the Magistrate's file, if quoted on the warrant.

(7) Where a prisoner, whose petition of appeal or revision application is to be forwarded to the High Court or, as the case may be, to the Supreme Court, desires to be released on bail, a prayer to that effect shall be included in the memorandum of appeal or, as the case may be, in the revision application.

349. *Presentation of petition of appeal or application by prisoner.*— (1) A petition of appeal or application may be presented either to the Superintendent by the prisoner himself, or to the Court by his pleader.

(2) The appointment of a pleader shall be in writing, signed by the prisoner and attested by the Superintendent.

350. *Superintendent not to accept petition of appeal or application, without certain documents.*— (1) Except under circumstances mentioned in rule 351, no petition of appeal or application shall be accepted by the Superintendent unless in the case of appeals and applications for revision, it is accompanied by documents specified in sub-rule (2) or (3) of rule 348.

(2) In the case of petition of appeal of several prisoners convicted together at the same trial, the petition may be accompanied by a single copy of the judgement or order appealed against.

351. *Reminder for copy of judgement.*— Where a prisoner under sentence of death has applied for a copy of the judgement or order, and for some reason, the delivery to him of the copy is delayed so that he cannot prepare his petition of appeal thereon and present it to the Superintendent within the period of seven days allowed to him by law, the Superintendent shall, on the seventh day after sentence, enquire of the prisoner whether he desires to submit a petition of appeal and shall forward to the High Court a simple statement of the reply given and signed by the prisoner, and a note thereon that a copy of the judgement or order had been applied for but it is not obtained in time. A note of prisoner's wish in regard to the appeal shall also be taken in his History Ticket.

352. *Petition for appeal or application for revision to High Court or Supreme Court how to be forwarded.*— (1) A petition of appeal or an application for revision addressed or purporting to be addressed to the High Court or a petition of appeal or special leave to appeal addressed to the Supreme Court of India, by a prisoner shall together with the accompanying documents, be forwarded in a sealed envelope by the Superintendent with the utmost expedition to the Registrar of the High Court of Bombay, Goa Bench at Panaji, or to the Registrar, Supreme Court of India, New Delhi, as the case may be. The Superintendent shall at the same time also forward a copy of such petition or application to the Inspector General.

(2) On receipt of intimation of the intention of a convicted criminal prisoner (whether under sentence of death or otherwise) to lodge an application for special

leave to appeal to the Supreme Court of India, in accordance with the Supreme Court Rules, 1960, the Superintendent shall immediately report the fact, by the quickest mode of communication available, to the Government in the Home Department.

353. *Reminder for intimating result of appeal.*— (1) If the result of an appeal is not communicated within fifteen days, or, in the case of High Court or the Supreme Court, within one month of the date on which the appeal was submitted, the Superintendent shall send a reminder to the appellate Court or to the Registrar of the High Court, Goa Panaji, enquiring about the result of the appeal, and shall, thereafter, repeat the enquiry at reasonable intervals.

(2) The result of the appeal when intimated shall be communicated to the prisoner, and the fact of such communication shall be certified on a writ, which shall be attached to the prisoner's warrant, and reported to the Court concerned.

354. *Communicating the list of prisoner.*— The Superintendent shall communicate a list of prisoners of the following categories to the Duty Counsel, High Court Legal Services Committee and National Legal Services Authority (NALSA) 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, 1973 (Central Act 2 of 1974), who have been in prison beyond a period of 15 days.

(iv) Under-trials, who, the Superintendent has reason 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, 1973 (Central Act 2 of 1974), and who has given in writing his 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.

CHAPTER XVIII

Prison Offences and Punishments

355. *Powers of Jailor to place prisoner in iron or under mechanical restraint in certain circumstances.*— Where a Jailor on his own authority places a prisoner in irons or under mechanical restraint in pursuance of section 58, he shall make a report of the circumstances in Form No. XVIII, and further give notice thereof to the Superintendent for such orders as the Superintendent considers appropriate.

356. *Prisoners not to be punished for complaints etc.*— No prisoner shall be punished for any statement made to a visitor except with the concurrence of such visitor.

357. *Exclusion from privilege of earning wages.*— Punishment of exclusion from the privilege of earning wages for a period in excess of one month may be awarded after obtaining the approval of the Inspector General.

358. *Minor and major punishments.*— For the purposes of these rules, punishments specified in section 46 shall be classified minor or major as follows:

(a) Minor —

(1) Formal warning,

(2) Change of labour, to some more irksome or severe form for not more than one month.

(3) Forfeiture of remission earned, not exceeding ten days.

(4) Cellular confinement for not more than seven days.

(5) Imposition of handcuffs, otherwise than by handcuffing to a staple.

(b) Major —

(1) Hard labour for a period not exceeding seven days in the case of a convicted prisoner not sentenced to rigorous imprisonment.

(2) Forfeiture of remission earned, exceeding ten days.

(3) Exclusion from the privileges admissible under the remission, furlough or parole system either permanently or for a specified period.

(4) Forfeiture of wages upto earnings of four to seven days in a month for a period of one year.

(5) Exclusion from the privilege of earning wages for a period exceeding three months.

(6) Separate confinement for a period exceeding fourteen days but subject to the provisions of sub-section (1) of section 48 of the Act where the period exceeds one month.

(7) Cellular confinement for a period exceeding seven days.

(8) Imposition of handcuffs or handcuffing to a staple.

(9) Any combination of punishments provided for in section 47 of the Act.

359. *Pattern and weight of handcuffs etc.*— (1) Handcuffs may be either bar hand cuffs weighing not more than 907 grams, swivel-handcuffs weighing not more than 567 grams or chain handcuffs weighing not more than 454 grams.

(2) Subject to the provisions of sub-rules (3), (4) and (5), handcuffs may be imposed, by day or night, in front of the body —

(a) for a period of not more than twelve hours at a time with an interval of not less than twelve hours between each imposition and for not more than four consecutive days or nights.

(b) attached to a staple fixed not higher than the prisoner's shoulders or lower than his waist, for a period of not more than six hours continuously, in any day and for more than four consecutive days.

(3) The handcuffs shall be removed for an interval of at least one hour after they have been imposed for three hours.

(4) Handcuffs shall be imposed in the presence of other prisoners, and only in cases where a prisoner is repeatedly found guilty of committing a prison offence, or of wilful violation of any regulation or rule and is evidently contumacious.

(5) Prisoners undergoing the punishment of handcuffs shall be sheltered from the sun and rain.

360. *Handcuffs not to be imposed in certain circumstances.*— No prisoner shall be handcuffed while being taken from a prison to a court and *vice versa* or from one prison to another, unless a definite direction that the prisoner be handcuffed, has been given in writing by the court or, as the case may be, by the Superintendent:

Provided that the officer in charge of the prisoner may, if the prisoner becomes violent or attempts to escape or circumstances necessitate him so to do while in transit, handcuff him.

361. *Cells for women prisoner.*— In the women's section of every prison, there shall be a block of cells in sufficient number for use as punishment cells and to afford separate accommodation for women under-trial prisoners. A woman criminal prisoner may, at the option of the Superintendent, if cell accommodation is available, have the choice of occupying a cell in the women's section of the prison instead of being confined in the criminal prisoners ward:

Provided that necessary arrangements for guarding of cells in the Women's ward and the custody of keys of these cells can be made.

362. *Cellular confinement.*— (1) Under no circumstances, shall be two or more male prisoners be confined in one cell.

(2) Every prisoner before being confined in a cell shall be thoroughly searched and any implement or appliance likely to facilitate escape shall be removed. Every cell and the prisoner therein shall also be searched daily at the time of lockup and oftener, if necessary.

(i) Every prisoner who is punished with cellular confinement for more than twenty-four hours shall be visited daily by the Superintendent or, as the case may be, by the Assistant Superintending, and the Medical Officer in charge of the hospital and every two hours during the day and night by the Jailor. The relieving and relieved head jail guards and head guards of the night watches, shall also visit the cells together and ascertain that the prisoner confined in the cell is the correct prisoner and that all is well.

(4) A ticket showing the nature of confinement, the date on which the prisoner was confined in the cell, and the date on which he is due to be discharged from the

cell shall be caused by the Superintendent to be placed outside the cell.

363. *Watch over prisoners in cells.*— Every prisoner in a cell shall both by day and by night have the means of communicating with the guard on duty. The guard shall keep the keys of the cells during the day and night. A strict watch shall be kept over all the prisoners in cells to prevent them from committing suicide or injuring themselves.

364. *Discipline in cells.*— (1) The inmate of a cell shall at all times be compelled to keep it scrupulously clean.

(2) Strict silence shall be maintained among all prisoners in confinement in cells.

365. *Withdrawal of bedding of prisoners in cells during day.*— The bedding of prisoners in cells except that of prisoners under observation for sickness or insanity shall be withdrawn from the cell during the day.

366. *Provision of work for labouring prisoners confined in cells.*— Labouring prisoners in cells shall be provided with suitable work according to their capacity.

367. *Procedure in case of sickness of prisoner in cell.*— In case of sickness of a prisoner confined in a cell, immediate notice shall be given by the guard to the Jailor in charge of the Yard or circle concerned who will send for the Medical Officer to attend to the prisoner and, if necessary, arrange to remove the prisoner to hospital.

368. *Convict sweepers, cooks and watermen may enter cells.*— Convict sweepers, cooks and watermen may enter the cells, when necessary, accompanied by a jail guard. Food shall be cooked and carried to the cells by prisoner cooks under the superintendence of an officer of the prison.

369. *Separate confinements.*— A prisoner in separate confinement shall not be out of sight of other prisoners. He shall be allowed to have one-hour exercise per diem and to have his meals in association with one or more other prisoners.

370. *Cellular confinements.*— Cellular confinement means such confinement with or without labour as entirely secludes a prisoner from having communication with other prisoners. Such a prisoner shall not be kept out of sight of other prisoners.

371. *Intervals between two periods of cellular confinement.*— No prisoner shall be sentenced to cellular confinement unless an interval of not less than fourteen days has elapsed since the date of termination of his previous sentence of cellular confinement.

372. *Medical Officer to certify fitness of prisoner for imposition of handcuffs.*— (1) No punishment of imposition of handcuffs shall be executed until the prisoner to whom such punishment has been awarded has been examined by the Medical Officer, who, if he considers the prisoner fit to undergo the punishment shall certify accordingly in the appropriate column of the punishment book prescribed in section 12 of the Act.

(2) If the Medical Officer considers that the prisoner is unfit to undergo the punishment, he shall, in like manner, record his opinion in writing and shall state whether he is absolutely unfit for punishment of the kind awarded or whether he considers any modification necessary. In the latter case, he shall state to what extent the prisoner can withstand the punishment without injury to his health.

373. *Punishment by Magistrate for prison offence.*— Where a prisoner is sent in accordance with the provisions of section 52 of the Act for trial by a Magistrate and the Magistrate declines to act under the said section, the Superintendent may, subject to these rules, award any punishment specified in section 46 of the Act which he considers to be expedient and which the prisoner is fit to undergo.

374. *Acts constituting both prison offence and offence under Indian Penal Code, how to be dealt with.*— Where an act of a prisoner constitutes an offence under section 46 of the Act and also an offence under the Indian Penal Code, the Superintendent may, in his discretion, use his power under section 46 of the Act, and award the punishment or forward the prisoner to a Court of the magistrate of the First Class having jurisdiction, for trial:

Provided that a prisoner committing any of the following offences shall be prosecuted:—

(1) Rioting —

Section 146, Indian Rioting.
Penal Code.....

Section 148, Indian Penal Code..... Rioting armed with deadly weapon.

Section 152, Indian Penal Code..... Assaulting or obstructing a public servant when suppressing riot.

(2) Escape —

Section 222, Indian Penal Code Intentional omission to apprehend on the part of a public servant.

Section 223, Indian Penal Code Escape from confinement or custody negligently suffered by a public servant.

Section 224, Indian Penal Code Resistance or obstruction by a person to his lawful apprehension.

(3) Offences affecting human body -

Section 300, Indian Penal Code Murder.

Section 303, Indian Penal Code Murder by a life convict.

Sections 299 and 304, Indian Penal Code Culpable homicide not amounting to murder.

Section 304-A, Indian Penal Code Causing death by rash and negligent act.

Section 309, Indian Penal Code Attempt to commit suicide.

Section 323, Indian Penal Code Voluntarily causing hurt.

Section 326, Indian Penal Code Voluntarily causing grievous hurt by dangerous weapons or means.

(4) Any offence triable exclusively by a Court of Sessions.

375. *No Prisoner to be punished twice for same offence.*— No prisoner shall be punished twice for the same offence:

Provided that any measure taken for security and safe custody of a refractory or dangerous prisoner, or for preventing him from committing mischief, and exclusion from a privilege which is otherwise admissible only to a well behaved prisoner shall not be a punishment for the purpose of these rules.

CHAPTER XIX

Visitors of Prisons

376. *Board of Visitors.*— There shall be a Board of visitors for each prison in the State consisting of

ex-officio visitors and non-official visitors appointed under these rules.

377. *Ex-officio visitors.*— The following officers shall be ex-officio visitors for the Central Jail and Sub-Jails:

1. Districts and Session Judge.
2. District Magistrate.
3. Director General of Police
4. Superintendent of Police.
5. Chief Engineer Public Works Department.
6. Director of Industries and Mines.
7. Director of Agriculture.
8. Director of Animal Husbandry and Veterinary Services.
9. Director of Education.
10. Director of Social Welfare.
11. Director of Institute of Psychiatry and Human Behaviour.
12. Director of Health Services.

378. *Non-Official visitors.*— (1) There shall ordinarily be six non-official visitors for each jail in the State.

(2) The composition of the six non-official visitors for each jail shall be as follows:

- (a) Three Members of the Legislative Assembly of the State of which one should be a women;
- (b) A nominee of the State Commission for Women;
- (c) Two social workers of the District/Sub-Division of whom one shall be a woman.

(3) No person shall be appointed as a non-official visitor unless he or she is willing to serve as such visitor.

379. *Appointment of non-official visitors.*— (1) The appointment of non-official visitors (other than the members of the State Legislative Assembly) shall, subject to the provisions of sub-rule (4), be made by the Government from amongst persons who, in its opinion, are interested in the administration of the prisons and are likely to take interest in the prisoners and their welfare both while they are in prison and after their release.

(2) The appointment of members of the State Legislature as visitors shall, subject to the provisions of sub-rules (3) and (4), be made by the Government

annually from amongst the members of the Goa State Legislative Assembly.

(3) The tenure of office of visitors appointed under sub-rule (1) shall ordinarily be two years, and of the members of Goa State Legislature shall be one year or till the member ceases to be a member of Goa State Legislative Assembly, whichever is earlier.

(4) All the appointments made under this rule shall be notified in the Official Gazette.

Explanation— For the purpose of this rule, a member of the Goa Legislative Assembly shall not include a Minister, Deputy Minister or Minister of State or the Speaker or the Deputy Speaker of the Goa Legislative Assembly.

380. *Chairman of the Board of Visitors.*— The District and Sessions Judge, in whose jurisdiction the jail is situated, shall be the Chairman of the Board. In his absence in the meetings of the Board, the District Magistrate of the concerned District shall act as Chairman of the Board.

381. *Minutes of the Board of Visitors.*— The Minutes of every meeting of the Board shall be prepared by the Superintendent and shall be finalised with the approval of the Chairman of the Board.

382. *Power of Government to terminate appointment of the visitors.*— Notwithstanding anything contained in the foregoing rules, the Government may, at any time terminate the appointment of any person appointed as a visitor, ex-officio or otherwise.

383. *Every visitor to be provided with copy of rules.*— Every visitor shall, on appointment, be provided with a copy of these rules.

384. *List of visitors to be displayed at Prison Gates.*— A list of the visitors of the prison shall be displayed in a conspicuous place between the two Prison Gates.

385. *Meetings of Board of Visitors and visits to prisons.*— (1) The Chairman shall convene a quarterly meeting of the Board in the months of January, April, July and October to carry out the duties specified in these rules.

(2) *Monthly roster of visits.*— 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 Superintendent. When a non-official member of the Board of Visitors visits a prison, he shall be accompanied by at least one or more official or non-official members.

(3) The Chairman shall also likewise arrange for the periodical inspection of women's wards in a prison by lady visitors.

(4) Notwithstanding anything contained in sub-rule (2) and (3):

(a) any visitor may visit any prison for which the Board (of which he is the member) is appointed on any day at any time during the day in addition to his or her weekly visit arranged by the Chairman under sub-rules (2) or (3).

(b) An ex-officio visitor whose headquarter is situated at a place other than the place where a meeting of the Board is held or the prison is situated, may not attend the quarterly meetings or pay weekly visits as arranged by the Chairman but such visitor shall so far as is practicable visit the prison in the course of inspection tour of his subordinate offices located at the place where the prison is situated.

(5) No visitor shall nominate a substitute to function in his place for the purpose of these rules.

386. *Conveyance allowance to non-official visitors.*— A non-official visitor shall be entitled in respect of every visit to a prison made in pursuance of the provision of these rules to such conveyance charge as may be sanctioned by the Government from time to time.

387. *Visitors not to visit after lock-up and on Saturdays and Jail Holidays.*— No visitor, except for special reasons which shall be recorded in the visitor's Book, shall inspect any prison on Saturdays and Jail Holidays as may be specified from time to time or between the hours of 6 p.m. and 6 a.m.

388. *Visitors to be accompanied by officer and escort during inspection of prison.*— On arrival of a visitor in a prison, the officer, if any, on duty at the gate or the Gatekeeper shall arrange for an Executive Officer to accompany the visitor with adequate escort. No visitor shall be allowed to proceed further unless accompanied by the Executive Officer with adequate escort.

389. *Period of detention of under-trial prisoners to be watched by official visitors.*— Visitors may at the time of their visits make a note of the number of prisoners confined in under-trial wards and their respective periods of detention and may make a report in the visitor's Book about the case of under-trial prisoners which appear to have been unduly delayed beyond the prescribed period of three months.

390. *Visit to High Security Prison.*— It shall be the duty of the District and Sessions 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.

391. *Duties of visitors.*— All visitors may, as far as possible —

(a) inspect the barracks, cells, wards, work sheds and other buildings of the prisoners,

(b) ascertain whether —

(i) considerations of health, cleanliness and security are attended to,

(ii) proper management and discipline are maintained in every respect,

(c) examine —

(i) the registers of convicted and under trial prisoners,

(ii) the punishment book,

(iii) other prisoner registers containing entries relating to prisoners, and

(iv) the prison accounts containing entries relating to prisoners,

(d) hear and attend to all representations and petitions made by prisoners and see and question any prisoner out of hearing, but not out of sight, of the jail officer,

(e) direct, if deemed advisable, that any such representations or petitions including appeal and mercy petitions withheld by the Superintendent under rules in force be forwarded to the Government,

(f) enter in the Visitors' Book —

(i) the date and hour of the visit,

(ii) any remarks as to the result of the inspection,

(g) call for from the jail record any book wherein entries relating to prisoners are made and inspect it unless the Superintendent, for reasons to be recorded in writing, refuses to allow such inspection on the ground that it is not desirable so to do in the public interest.

392. *Access to certain prisoners by visitors prohibited.*— (1) No visitor shall have access to such prisoners or class or prisoners as the Government may from time to time specify:

Provided that no visitor shall visit prisoners on hunger strike.

(2) The Government may appoint the District Magistrate or any other person or persons to visit such prisoners or class of prisoners specified under sub-rule (1) and may issue such instructions for the guidance of the person or persons so appointed as it may think fit.

393. *Action on remarks by visitors.*— (1) Where any visitor has brought to notice any grave irregularity or other important matter requiring immediate attention or where any remarks made by a visitor require specific

attention, the Superintendent shall at once forward a copy of the visitor's remarks recorded in that behalf in the Visitors' Book to the Inspector General, and the Superintendent shall also forward to the Inspector General, a copy of every other entry made by a visitor in the Visitors' Book on the first day of the month immediately following the month in which such entry was made with such remarks as the Superintendent may desire to offer.

(2) In case any remark of any visitor relates to wrong detention of under-trial prisoner/prisoners, a copy of such remark shall be forwarded to the District and Sessions Judge immediately.

(3) The Inspector General may take such action and pass such orders in respect of any communication received by him under sub-rule (1) as he considers appropriate.

(4) The Superintendent shall also in due course inform in writing the visitors concerned or the Board, as the case may be, about the action taken.

394. *Visits to prisons by persons other than the Prison Officers and Visitors.*— (1) Save as hereinbefore provided and subject to the provisions of sub-rules (2) and (3), no person other than a prison officer or a visitor shall be allowed to enter a prison without the previous permission of the Superintendent or the Inspector General. A Jailor shall accompany every such person.

(2) A postgraduate research student may, with the previous permission of the Government, be permitted to visit a prison for research purposes only but under such supervision of the prison personnel, as the Superintendent may consider necessary.

(3) An accredited Non-Government Organization or person, engaged in the field of social work may be permitted to visit a prison after due scrutiny and with the prior permission of the Inspector General or the Government, to conduct courses /schemes in the jails for the purpose of reformation and rehabilitation of the prisoners for a period of one year at a time:

Provided that, the Inspector General or the Government shall withdraw such permission, if activities of such organization or person are found to be detrimental to the security of prison or safety of the prisoners.

395. *Power of Police Officers to visit prison.*— (1) Except in such special circumstances as may be determined by the Superintendent, the Superintendent may, with a view to affording an opportunity of recognizing old offenders, permit, not oftener than once a week, a Police Officer duly deputed by the Superintendent of Police to have access in the prison office to the admission register and release diary; and it

shall be lawful for the Police Officer on the basis of this register and diary to prepare lists of prisoners, admitted during the week immediately preceding that in which the inspection was made of prisoners, likely to be discharged in the week following such week and of any unidentified prisoners still under police enquiry, whom the Police may have to inspect on parade.

(2) The prisoners who have been convicted under Chapter XII, XVI, XVII and XVIII of the Indian Penal Code of offences punishable with three years, or of attempts to commit offences punishable under section 328, 363, 364, 365, 366, 366A, 367, 368 and 369, persons bound down under sections 109 and 110 of the code of Criminal Procedure, 1973 and under trial prisoners (not exceeding twenty in number) selected by the Superintendent of Police, whose names are contained in a list prepared under sub-rule (1), shall be paraded at the weekly parade, separately from others; and Superintendent of Police shall be permitted to hold communications with any prisoners except such as is necessary for the purpose of identification:

Provided that no woman prisoner shall be paraded for the inspection of Police Officers.

(3) The Superintendent shall for purpose of sub-rule (1) and (2) inform Superintendent of Police of the hour at which the Police Officer can have access to the Prison Office and of the day on which the weekly parade of prisoners will be held.

396. *Powers of certain officers to interrogate prisoners etc.*— (1) The Director General of Police may authorize by letter any Police Officer not below the rank of an Inspector (unless for special reasons recorded in such letter, a Police Officer of a lower rank is specified) to interrogate any prisoner or to bring witnesses or informers to the prison for the purpose of identifying any prisoner or prisoners, should such a course be necessitated during the investigation of any case. Such letter shall be addressed by the aforesaid officer to the Superintendent concerned.

(2) The Superintendent on receipt of a letter addressed to him under sub-rule (1) shall permit the officer specified in the letter to interrogate the prisoner in the presence but not within the hearing of the Jailor or some other officer approved by him and also witnesses and informers to be brought in the prison for the purpose aforesaid:

Provided that no prisoner or prisoners shall be paraded by any Jailor before such witnesses or informers for identification except along with a number of prisoners clad in a similar manner.

(3) Except as provided in sub-rule (1), no police officer (not being an ex-officio visitor) shall interrogate any prisoner.

CHAPTER XX

Review of Sentences

397. *Constitution of State Sentence Review Board.*—
(1) The Government shall constitute a State Sentence Review Board for reviewing from time to time and addressing how far a sentence has a salutary and reformatory influence with reference to the record of a prisoner. The said Board shall consist of:—

(i) Secretary to the Government, Prisons Department— Chairman.

(ii) Secretary to the Government, Law Department— Member.

(iii) A senior police officer nominated by the Director General of Police of the State— Member.

(iv) A senior prison officer nominated by the Chief Secretary to the Government— Member.

(v) Chief Probation Officer— Member.

(vi) Inspector General— Member.

(vii) Additional Inspector General— Member Secretary.

(2) The State Sentence Review Board shall review the sentences of imprisonment (including imprisonment imposed by a court in default of payment of fine) awarded to prisoners for recommending premature release in appropriate cases.

(3) The Government may decide the constitution of a separate Review Board and about the procedure of its functioning for adolescent prisoners if considered necessary according to their number.

398. *Meeting of State Sentence Review Board.*— (1) The State Sentence Review Board shall meet at least once in six months at the respective prisons on a date to be notified to its members, at least 10 days in advance by its Member Secretary, who shall fix the date in consultation with the Chairman. Complete agenda papers shall accompany the notice of such a meeting.

(2) In absence of the Chairman, the meeting shall be chaired by the Law Secretary. The Board shall, as far as practicable, make unanimous recommendations. In case of dissent, the decision of the Board shall be by majority view.

(3) The State Sentence Review Board shall review the cases of the following categories of prisoners for recommending premature release:—

(i) Women offenders sentenced for infanticide:— Their cases shall be reviewed immediately on admission in prison and they shall be sent to the care of voluntary organizations of good repute for a reasonable period of time.

(ii) Women offenders who have committed crime under compulsion and/or under social and cultural pressures: Their cases shall also be reviewed immediately on admission in prison for sending them to the care of voluntary organizations of good repute.

(iii) Women offenders sentenced to life imprisonment: On completion of seven 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.

(iv) Life convicts (men and adolescent 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.

(v) Non-habitual male and adolescent offenders, (other than those sentenced to imprisonment for life), sentenced to undergo more than one year of imprisonment, on undergoing half of their substantive sentence, including remission, subject to the condition that they shall not be actually released unless they have undergone at least one year of sentence including remission.

(vi) Non-habitual women offenders (other than those sentenced to imprisonment for life), sentenced to a term of imprisonment of more than one year, on undergoing half of their substantive sentence, including remission, whichever is less. This would be subject to the condition that they shall not be actually released unless they have undergone at least one year's imprisonment including remission.

(vii) Habitual offenders (other than those sentenced to imprisonment for life) sentenced to five years or more of imprisonment, on completion of two-third of their sentence including remission, subject to the condition that they shall not be released unless they have undergone at least five years of imprisonment including remission.

(viii) Prisoner convicted of offences such as rape, dacoity, and terrorist crimes, kidnapping, smuggling (including those convicted under NDPS Act) Prevention of Corruption Act, Immoral Traffic (Prevention) Act, 1956, offences against State, and undergoing life imprisonment, after completion of 14 years of sentence inclusive of remission.

(ix) Prisoners convicted of offences mentioned in Para (viii), other than those sentenced to imprisonment for life, or to a term of imprisonment of five years and above, after completing three-fourths of the sentence including remission, subject to the condition that they shall not be released unless they have undergone at least five years of sentence including remission.

(x) Old (above 65 years of age) and infirm offenders (other than those serving life imprisonment) sentenced to imprisonment for one year and more, on completion of one third of the substantive sentence including remission, subject to the condition that they shall not be actually released unless they have undergone at least one year of imprisonment including remission.

(xi) Offenders certified by a designated Medical Board to be suffering from incurable diseases likely to prove fatal, whenever such a situation arises.

399. *Procedure for holding meetings of the State Sentence Review Board.*— (1) On the 15th February and 16th August since the last meeting, if any, of the said Board, the Jailor shall with the help of the Assistant Jailor and the Clerk to whom the work has been entrusted by the Superintendent, prepare a statement of all convicted criminal prisoners whose sentences have become due for such review, according to the provisions of the foregoing rules, and the Superintendent, after due verification, shall submit the statement to the State Sentence Review Board.

(2) The State Sentence Review Board shall, on receipt of the statement under sub-rule (1), hold the meeting as soon as possible after the 31st March and 30th September, but not later than April and October every year to consider, with regard to each convict, the information placed before it.

400. *Records relating to review of sentences and release.*— (1) Immediately on admission of a convict, eligible for being considered for premature release, the Superintendent shall get a copy of the judgment in his/her case from the Court. Superintendent shall initiate action, at least 3 months in advance, in case of prisoners eligible for consideration, for premature release, by collecting and compiling the following information and records:—

(i) Copies of the judgments of the original court and the appellate court; and in case of prisoners by court martial, from the authorities concerned.

(ii) A data sheet containing information, viz., name of the convict, his/her number, age at the time of the sentence, previous occupation, offences, circumstances under which he committed the offence, sentences, date of sentence, sentencing court, sentence undergone, unexpired sentence and remission earned etc., in Form No. XXXIV

(iii) History of his/her family background, social history, economic background, habits, attitudes, etc. in Form No. XIV.

(iv) Report of the Superintendent giving particulars about the educational progress, performance at work and vocational training, interest in recreational and

cultural activities, discipline, prison offence and punishment awarded for the same, group adjustability, conduct, attitude towards society and family members, conduct during release on furlough and parole, need for an after-care programme, and the manner in which the convict proposes to resettle after his/her premature release in Form No. XXXIII and Form XXXIV.

(v) 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;

(vi) Superintendent to make reference and obtain definite opinion of the District Magistrate and the Superintendent of Police of the district in Form No. XXXV, about residence, place of committing the crime, suitability of the offender for premature release with adequate reasons on enquiry within 30 days.

(vii) Report from the Probation Officer or any other agency, about the scope for after care and post release programme for the convict and after-care programme for the convict;

(2) Superintendent after collecting all the information from his own records and as provided in the above clauses, shall forward the proposal to the Inspector General who shall record his opinion thereon before causing the circulation of the agenda to the members of the State Sentences Review Board along with the notice of the meeting.

(3) The Superintendent shall complete the record of premature release of the concerned prisoners by placing the following in their respective files:—

(i) Recommendations of the State Sentence Review Board.

(ii) Order of the Government.

(iii) Bond furnished by the prisoner.

(iv) Conditions of release duly signed by the prisoner.

401. *Resubmission of the case for review.*— The Superintendent shall, before the case of any prisoner is, re-submitted for review to the State Sentence Review Board, obtain fresh opinion of the Officers referred to in clause (vi) of sub-rule (1) of rule 400:

Provided that, if a District Magistrate and Superintendent of Police have once expressed a favourable opinion in a prisoner's case which is to be placed before the State Sentence Review Board, he need not be consulted again in that case on subsequent occasions.

402. *Overall review of the progress made by a prisoner.*— During the month preceding the month in

which the meeting of the State Sentence Review Board is fixed, the classification committee shall take an overall review of the progress made by a prisoner whose case is to be placed before the State Sentence Review Board in re-shaping his individual and social behaviour and prepare a comprehensive progress report in Form No. XXXII, containing amongst other things, specific recommendations for or against the premature release of the prisoner for being placed before the State Sentence Review Board.

403. *Factors to be considered for reviewing the sentences.*— (1) The State Sentence Review Board shall consider the social history of the prisoner, the circumstances of his criminal behaviour, conduct in the prison, response to training and treatment, marked changes in habits, attitude and character, degree of criminality, health and mental condition and the possibility of his resettlement after release. The State Sentence Review Board may also take into consideration such circumstances as were not before the Court when the sentence was awarded. The State Sentence Review Board shall also consider the opinion of the Superintendent of Police and the District Magistrate. On the basis of such overall examination of the case, the State Sentence Review Board may recommend deserving prisoners for premature release, either on specified conditions or unconditionally, after recording the reasons for the recommendations in every case.

(2) *Interview with the prisoner:* The State Sentence Review Board shall not interview any prisoner, unless it has special reasons to see him (e.g. when release is proposed on the ground of infirmity) or to ask him any pertinent question in connection with his release.

(3) *Case not recommended for premature release:* Where the State Sentence Review Board, after consideration of a case, decides not to make any recommendations for premature release, it may order that the case shall be placed before it for review after such period not exceeding three years as it may specify in the Order. The State Sentence Review Board may also recommend alternate measures in respect of treatment of the prisoners.

(4) *Minutes of the meetings:* The minutes of the meetings shall be recorded in the register specially kept for the purpose under signature of all the members present at the meeting.

(5) *Prisoners not to be informed of the recommendation:* No prisoner or any of his relatives shall be informed of the State Sentence Review Board recommendation for the release of the prisoner except the order of the Government for his release.

404. *Forwarding the recommendations to the Government.*— (1) The Superintendent shall submit the recommendations of the State Sentence Review Board together with the documents relating to the prisoners

recommended for premature release to the Government within 15 days from the date of recommendation of State Sentence Review Board through the Inspector General. The Inspector General shall forward the papers to the Government with his remarks for orders.

(2) *Decisions of the Government:* The Government may either accept or reject the recommendation of the State Sentence Review Board on the ground to be stated. In the case where the recommendation has been rejected, the Government may ask the State Sentence Review Board to reconsider the case. The decision of the Government shall be communicated to the concerned prisoner and in case the Government orders to grant remission and his premature release, the prisoner shall be released forthwith, with or without conditions.

(3) *Cases of Ex-Military prisoners:* In case of Ex-Military Prisoners, the recommendations of the State Sentence Review Board will be submitted to the Government who will forward them to the Government of India for orders.

405. *Submission of cases directly to the Government.*— (1) Cases of prisoners sentenced to imprisonment for a period of three years or more and imprisonment for life which are recommended by the State Sentence Review Board for premature release and ordered by the Government to be postponed for consideration at a further date shall not be placed by the Superintendent before the State Sentence Review Board, again and shall be submitted directly to the Government with the fresh opinions of the concerned officers under rule 406.

(2) If the case of a prisoner whose sentence becomes due for review by the State Sentence Review Board two months before the date on which the prisoner's case is due for submission under rule 401, the superintendent shall submit the case of the prisoner to the Government under rule 404 after it is reviewed by the State Sentence Review Board.

(3) The Superintendent shall not place cases of prisoners submitted to the Government under rule 404 before the State Sentence Review Board unless directed otherwise.

406. *Procedure for re-submitting the cases to the Government.*— The Superintendent shall, before re-submitting cases to the Government of prisoners [being cases which have been ordered by the Government to be postponed for consideration under sub rule (1) of rule 405 (1)] obtain fresh opinions of all the officers concerned again.

407. *Cases of the co-accused of a prisoner.*— The Superintendent shall send to the Inspector General information regarding co-accused of a prisoner alongwith papers for the State Sentence Review Board in Form No. XXXVI in duplicate.

408. *Sick prisoners.*— (1) Where a prisoner is suffering from illness, other than an acute infectious disease, of such nature or severity, that there is no hope of recovery, and it is considered desirable to allow him the comfort of dying out of prison, the Medical Board shall send a Certificate in Form No. XXXVII together with a detailed report of the case to the Superintendent.

(2) Where a Medical Board considers that any prisoner is in danger of death from illness other than acute infectious disease, and that the illness will be aggravated by keeping him in the prison and that the prisoner's release is desirable, he shall send a certificate to that effect together with a detailed report of the case to the Superintendent.

(3) On receipt of the certificate, the Superintendent shall immediately report the fact to the Inspector General, address the prisoner's relatives or friends, if any, and ascertain from them whether they are willing to look after the prisoner. If they are willing, then the Superintendent shall require them to execute a security bond to the effect that they shall hand over the prisoner committed to their care to the Superintendent at the time required by the Superintendent. The Security Bond shall be for such amount not less than five hundred rupees and not more than one thousand rupees, as the Superintendent may think fit.

(4) If the un-expired period of sentence of a prisoner—

(a) does not exceed six months, the Inspector General may direct his/her immediate release, after making personal inquiries into the case and consulting the District Magistrate of that District.

(b) exceeds six months but does not exceed two years, the Inspector General shall, after consulting the concerned District Magistrate, immediately report the facts of the case with his recommendations, to the Government for orders.

(c) exceeds two years, or if the Inspector General thinks the prisoner should not be released, he shall report the facts of the case, after consulting the concerned District Magistrate, along with his opinion, to the Government for orders.

(5) The case shall be forwarded to the Inspector General with the following documents: —

(a) Forwarding letter stating that the prisoner's relatives, friends are willing to take care of him, if released;

(b) The Nominal Roll in duplicate;

(c) A copy of warrant in duplicate;

(d) A copy of judgment;

(e) The Medical case papers;

(f) The Medical Board Certificate;

(g) The opinion of the District Magistrate;

(h) The Security Bond signed by the prisoner's relatives or friends (when the bond is not taken, then a remark that it will be taken at the time of release, should be made in the note under which the case of the prisoner is forwarded to the Inspector General).

409. *Release of a prisoner.*— The Superintendent shall report the date of release of a prisoner to the Inspector General together with the Bond signed by the prisoner's relatives or friends.

410. *Females.*— Every case of a female convicted prisoner sentenced to death or imprisonment for life for infanticide (where the child is killed by the mother within six months of its birth) and cases of other deserving female prisoners sentenced to death, imprisonment for life or to any term of imprisonment shall be immediately reported by the Superintendent to the Inspector General for orders of the Government with a view to the commutation or/and remission of the sentence passed upon such female prisoner. The following documents shall be sent along with the report:—

(i) A copy of the Judgment.

(ii) A copy of the Warrant.

(iii) Nominal Roll.

It shall be stated in the report as to whether the prisoner has preferred an appeal or not. The Superintendent shall also ascertain and report whether the prisoner can be admitted by any of the recognized public women's Institution and whether the prisoner is willing to reside in such institution and abide by the conditions set out.

411. *Cases of female prisoners not to be reported to the Government.*— The cases of female prisoners sentenced for causing miscarriage or abortion or cases in which stepchildren have been murdered should not be reported to the Government.

Note.— Where a female prisoner is transferred to a recognized public women's Institution under Orders of Government to pass the unexpired portion of her sentence there, the final date of release including the remission earned in jail shall be communicated to the Officer in-charge of such institution and the Inspector General.

412. *Prisoners for default in furnishing security.*— If a prisoner who is detained under sentence of imprisonment in default of furnishing security: —

(a) is in danger of death from sickness not produced or aggravated by his wilful act, whatever be the term of his unexpired sentence, or

(b) is in such state of health as, in the opinion of the Superintendent to render it highly unlikely that he

will, during the period for which he is ordered to be detained commit a breach of the peace, or be not of good behaviour within the meaning of sections 107, 109 and 110 of the Code of Criminal Procedure, 1973, the Superintendent shall refer his case with full particulars to the District Magistrate of the District in which he was ordered to furnish security, 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 (2 of 1874). All such release cases shall be reported immediately to the Inspector General along with a descriptive roll, in duplicate, of the prisoner so released.

413. *Sick and dying prisoner whose release is sanctioned.*— (1) If the friends or relatives of a sick or dying prisoner, whose release has been sanctioned under above provisions, express their inability to meet the expenses of a journey to the prison, the prisoner may be transferred, if fit to travel, in anticipation of sanction of the Inspector General, to the prison of the district where he/she shall stay, provided that no prisoner shall be so transferred to any district beyond the jurisdiction of the State without the special sanction of the Government concerned.

(2) In the event of such a prisoner dying before he/she can be released, the death shall be recorded or cause to be recorded in the records of the prison from which he/she was transferred

CHAPTER XXI

Compensation to the Victim (or his Family) of Prisoner's Offence

414. *Common Victims Compensation Fund.*— A fund known, as “Common Victims Compensation Fund” shall be created for a jail from the part of wages earned by prisoners for the purpose of giving compensation to the deserving victim or his/her family of the prisoner's offence.

415. *Constitution of Committee and its meeting.*— (1) There shall be a committee constituted under the provision of section 36A of the Act for fixing amount of the compensation to the deserving victims from the Common Victims Compensation Fund created for jails.

(2) The committee for central jail, District jail, Sub-jail, Special prison, Civil prison shall consist of —

- (i) District Magistrate of the District – Chairman.
- (ii) Superintendent of Police of the District – Member.
- (iii) Superintendent of the concerned jail – Member Secretary:

Provided that the District Magistrate and Superintendent of Police may nominate their representative for the Committee. Nominee of the District Magistrate shall be the Chairman.

(3) The meeting of the Committee shall be held once in a quarter or at such intervals as decided by the Chairman of the Committee for identification and entitlement of payment of compensation to the deserving victim or in case of death of the victim, to his family members as decided by the Committee.

(4) The amount of the compensation shall be fixed by the Committee at its meetings as per instructions issued by the Government in this behalf, from time to time and reasons shall be recorded in writing by the Committee for fixing such compensation and arrange payment of compensation amount to the victim or to his family member, as the case may be. If there are more than one victim or his legal heirs, the Committee shall also determine distribution of compensation amount proportionately amongst the victims or their legal heirs, as the case may be.

(5) For determination of deserving victims as provided in section 36A of the Act, the Government shall issue instructions from time to time.

416. *Management of wages and Common Victims Compensation Fund.*— (1) Fifty percent of the wages earned by a prisoner in a month, under the provisions of sub-rule (5) of rule 210 shall be deposited in the Common Victims Compensation Fund and the remaining fifty per cent amount may be payable to the prisoner subject to deduction, if any.

(2) The amount received by the prisoners, as wages under these rules, shall be distributed in the following manner:—

(i) Fifty percent of wages earned by the prisoners in a month shall be deposited in the Common Victims Compensation Fund. Any interest credited against the Common Victim Compensation Fund shall be added to the fund.

(ii) The fund shall be controlled and operated jointly by the Inspector General and the Superintendent.

(iii) The amount of Common Victims Compensation Fund shall be deposited in a personal joint deposit account opened in any Nationalized bank in the name of Inspector General and the Superintendent of the Jail concerned.

(iv) Such amount of compensation from the Common Victims Compensation Fund shall be paid once to a deserving victim of the offence and in the case of the death of the deserving victim, to the family member of the victim as decided by the Committee.

417. *Account.*— (1) The account of Common Victim Compensation Fund of a labouring prisoner shall be maintained in Form No. XXXXI.

(2) Record of the account of Common Victims Compensation Fund shall be maintained in General Ledger and Abstract Register in Form No. XXXXII and Form No. XXXXIII respectively under the different minor detailed Heads. This Ledger shall be maintained in two volumes, one for receipts and other for expenditure and one page allotted to each minor detailed Head.

(3) The amount of remaining fifty percent wages of labouring prisoner shall be maintained month-wise yearly after deducting the amount as specified in sub-rule (6) of rule 210,

(4) The account of common fund of each labouring prisoner shall be maintained separately month-wise for each financial year. All the account records shall be preserved for such time as may be prescribed by the Director of Accounts from time to time and no account records shall be destroyed without the written permission from the Director of Accounts.

418. *Payment to victim.*— (1) Every payment charged to the Common Victims Compensation Fund shall bear on the bill or voucher, an order to pay the amount which shall be expressed both in figures and words and every such order to pay such bills shall be signed by the Inspector General and Superintendent of the said jail after it's approval.

(2) Subject to the provisions of rule 416, compensation shall be paid from the Common Victims Compensation Fund by way of a cheque signed by the Inspector General and the Superintendent jointly or in the case of payment made by remittances through Post Office, the postal money order receipt shall be kept with the voucher.

419. *Cash Book.*— All transactions of one day shall be entered in a Cash Book as maintained by the jail on that day and each entry in the Cash Book shall be attested in the appropriate place by the concerned officer of the Jail as required under the relevant Rules as in force for the time being.

CHAPTER XXII

Prison Staff Discipline and Welfare

420. *National Flag.*— (1) The authorised standard size of the National Flag for the Central Jail is 12' x 8' and it is 6' x 4' for other prisons.

(2) The flag is the emblem of the Nation. It is essential that it shall not be brought into disrepute by unregulated use.

(3) The National Flag shall be flown daily, including Sundays and Jail Holidays, on the Central Prison

Building and all other Jail Buildings from sunrise to sunset.

Note.— The details regarding correct display, salute, display with flags of other nations and of United Nations given in Flag Code of India, published in Government Gazette, Series I No. 29, dated 20th October, 1966, shall be strictly observed.

421. *Persons entitled to Salute from Guards.*— (1) The Guard shall present arms to,

(a) All officers of the Jail Department of the rank of Jailor and above.

(b) Heads of Government Departments and District Officers including the Additional Sessions Judges, Sub-Divisional Police Officers and Sub-Divisional Magistrates.

(c) Non-official visitors to the prison.

(d) Officers of the Central Government of the rank of District Officers and above.

(2) The Guard shall salute the Jailors with butt salute.

(3) *Mode of Salute.*— (i) The following general instructions in regard to saluting superior officer shall be observed:

(a) Jailors and Head Guards when on parade with Jail Guards shall salute with right hand.

(b) Jailors and Head Guards when not on parade with Jail Guards shall stand at attention and salute with right hand.

(c) Jailors and Head Guards if drilling with Guards in the rank, shall salute with guards at word of command.

(d) Officers and the Jail Guards shall salute an Officer Superior to them in rank with the right hand.

(4) A Jail Guard who is sitting shall, when any such officer approaches, rise and stand at attention and salute with the right hand, then addressing an officer he will halt two paces from him and salute as above, he will also salute when withdrawing.

422. *Celebration on National Festivals.*— National festivals like Liberation Day, Republic Day and Independence Day shall be celebrated in the following manner:—

(i) The National Flag shall be hoisted by the senior most Jail Officer present.

(ii) In prisons where there is a band, the National Anthem shall be played only on the occasions of the Liberation Day, Republic Day and the Independence Day when the National Flag is unfurled. The playing of the National Anthem should be treated as a salute to the

Flag and not to the dignitary unfurling the Flag. In prisons where there is no band, the National Anthem shall be sung when the National Flag is unfurled on the occasions of the Liberation Day, Republic Day and Independence Day. On occasions of other National Festivals, the National Anthem shall be sung.

(iii) Ceremonial parades of guards and prisoners shall be held.

(iv) Prisoners shall be allowed to have such sports activities as may be considered feasible.

(v) Exhibition of cinema films and magic lantern, etc., may be arranged through the concerned Government agencies for the benefit of prisoners.

Provided that—

(a) no expenditure in excess of that authorized by the Inspector General may be incurred for this purpose;

(b) all usual and necessary security measures are taken when prisoners are concentrated to witness the functions.

423. *Performance of Dramas.*— (1) (a) The performance of dramas by prisoners within the Jail walls is permitted on occasions like the 26th January, 15th August, 19th December and other suitable occasions of National importance. The dramas selected should be without objectionable scenes, and should as far as possible, attempt to impress on the minds of prisoners noble ideas such as brotherhood, co-operation, settlement of dispute by compromise, evils of creating family feuds, etc. No female roles should be enacted in the dramas to be performed in the section of a Jail. The Superintendent need not make any reference to the Inspector General where the drama fulfils the above requirements. In matters of doubt where the above requirements are proposed to be relaxed, prior approval of the Inspector General shall be taken.

(b) No outsider should be allowed to take any part in any capacity in any such dramatic performance or other entertainment on the Jail premises, except with the specific permission of the Inspector General.

(2) *Expenditure on Dramatic Performance.*— Sundry expenses for dramatic performance including cost of make-up, etc., may be incurred upto an amount fixed by the Superintendent which may not exceed the limits fixed by the Inspector General.

(3) *Report on Drama.* — A short report on the performance shall be sent to the Inspector General after each performance.

424. *Invitation to officials and non-officials at functions.*— The following rules should be followed in inviting officials and non-officials at functions held

inside Jails in celebrating days of National importance and also when outside teams of players are invited to play with prisoners inside the Jails.

(1) When such functions are held inside the Jails, non-officials who are connected with the Jail Administration, non-official visitors, members of the State Sentence Review Board, and the like should be allowed to witness but not preside over the function, nor address the prisoners.

(2) Other non-officials may, at the discretion of the Superintendent, be allowed to attend only if they are persons of sufficient distinction and status in public life, and do not belong to an organization or party which is passed on communal considerations or anti-Government or anti-social activities. None of the persons so allowed shall, however, be allowed to address the prisoners.

(3) Press representatives shall not be allowed to be present on such functions. However, Superintendent may invite the representative of the Directorate of Information to attend such functions so that the necessary publicity can be given.

(4) There should be no objection to high officers of the other Departments, such as, District Magistrate, Superintendent of Police, District Judge and the like being invited or allowed to be present.

425. *Photographs.*— Ordinarily, photographs shall not be allowed to be taken inside the prison. The Inspector General may, however, by written order, permit the cameraman of the Directorate of Information or any named Gazetted Officer of the Jail Department to take such photographs. The permission may be subject to such security conditions as the Inspector General may deem fit to impose. Any such photographs taken, shall along with their negatives, be forwarded to the Inspector General and shall not be published without the express permission granted by the Inspector General.

426. *Superintendent to be in charge of Executive Management of prisons.*— The Superintendent shall subject to any orders of the Government and the Inspector General be in-charge of the Executive Management of the prison in respect of all matters relating *inter alia* to internal economic, discipline, labour, expenditure, punishment and control in general.

427. *Treatment of prisoners by members of the prison staff.*— No member of the staff of Prison Establishment shall use physical force against a prisoner except when compelled to do so in self-defence or to restrain a refractory prisoner. No officers subordinate to the Superintendent shall punish or direct the punishment of any prisoner. No member of the Prison staff use coarse or unbecoming language towards a prisoner. Every complaint made by a prisoner shall be heard with attention in order that, if genuine, it may be redressed

and that no legitimate cause for discontent may be allowed to remain.

428. *Communication between Jail Employees and prisoners, their relatives or friends.*— No member of Prison Establishment shall correspond or hold any unauthorized discussion with the friend or relatives of any prisoner. He shall not make any improper communication regarding the prison to any person unconnected with the department including released prisoners, his relatives and friends.

429. *Responsibility of Jail officials.*— All members of the staff are bound:—

(1) to exert the utmost vigilance in the prevention of escape:

(2) to prevent to the best of their ability, the introduction into the prison and giving to any prisoners, of any articles except those permitted by rules and in accordance with the rules:

(3) to prevent and report any communication or attempt at communication between prisoners and outsiders except as permitted by the rules.

(4) to report the fact of any suspicious person or persons observed loitering about the prison or mingling with prisoners to the highest superior officer present on the occasion.

(5) the officer who will receive the report referred to in sub-rule (4) above, shall immediately contact the Superintendent or Assistant Superintendent who shall take necessary further action in the matter. Every person arrested under section 43 of the Prison Act, 1894 shall be sent at once to the nearest Police Station under the escort of a Head Guard with arms, who shall take from the officer in charge of the Police Station an acknowledgement of delivery to him of the arrested person.

430. *Visits of unauthorised persons to prisons prohibited.*— No member of the Prison Establishment shall permit any unauthorised visitor or friend to enter the Prison without the permission of the Superintendent. No member of the guarding staff occupying quarters attached to the Prison shall permit any person not being a regular member of his family, to live with him without the permission of the Superintendent.

431. *Visits of Contractors, etc. to residences of Jail Officials, and monetary transactions with them to be discouraged.*— The visits of contractors or of private persons who have any dealings directly or indirectly with the prison or to the residents of members of the Prison Establishment shall be discouraged and in no case monetary transactions be entered into by them at their residence.

432. *Procedure to be followed while handing over and taking over charge.*— All officers on being relieved from duty shall point out to their successors all matters of special importance and shall explain any directions given by a superior officer. List of arrears and pending correspondence shall be prepared and signed by both the relieved and relieving officers and placed before the Superintendent.

433. *Disputes about points of duty.*— Any disputes and wranglings about points of duty amongst the members of the Prison Establishment are strictly prohibited and doubtful questions shall at once be referred to the Assistant Superintendent for the decision and orders of the Superintendent. All complaints must be made in writing to the Superintendent or the Assistant Superintendent, as the case may be, within twenty-four hours of the occurrence of the cause of complaint. Officers and/or subordinates making frivolous or false complaints shall be liable for such punishment as the competent authority may deem fit.

434. *Joint agitations by Jail employees prohibited.*— All members of the Prison Establishment are prohibited from taking any part in any joint or combined action for the purpose of agitating and/or for trying to get redress of any grievance or supposed grievance, or for any other purpose whatsoever.

435. *Cleanliness of person and dress.*— All members of the staff required to wear uniform shall pay strict attention to cleanliness of person and proper dress and shall, at all times while on duty, wear the prescribed uniform. When off duty on the Jail premises or in any public place, they must either appear altogether in private clothes or in complete uniform, no combination of the two shall be allowed.

436. *Mustering and searching of Guards.*— Jail Guards shall be mustered when coming on duty, and when being relieved. They may be searched at such or any other time in the presence of the Assistant Superintendent or Jailor, but not, except in case of emergency, in the presence of the prisoners.

437. *Absence from quarters at night by Jail Guards.*— No Jail Guard shall absent himself from his quarters during the night without obtaining leave of absence from the Jailor.

438. *Jail Guards to keep quarters clean and tidy, Inspection of their Quarters.*— Every Jail Guard shall be required always to keep his quarter and surroundings clean and tidy. The quarters shall be open for inspection by the superior officers, and such inspection shall be carried out in the presence of the Jail Guard concerned.

439. *Handling of the keys of the prison by the members of the staff.*— (1) No member of the prison staff entrusted with the keys of locks used inside the Prison shall take them out of the Prison, leave them

lying about, or hand them to any person on any pretence, whatever, but he shall when leaving the Prison on any occasion, deliver them to such member of the staff as may be authorised by the Superintendent to receive them. The keys when not actually in use shall be worn attached to the waist-belt and not slung to over the shoulders. This rule, in so far as it relates to the removal out of the prison of the keys and the manner in which they should be worn, does not apply to the keys which, according to the rules, are kept in the possession of the Superintendent, Assistant Superintendent, Jailor, Accountant or Head Clerk.

(2) In case of loss of keys, the lock should be withdrawn after reporting to the Assistant Superintendent.

440. *How to deal with complaints against Goa Health Services Medical Officers.*— The case of the Medical Service Officers accused of taking bribe or allowing forbidden indulgences to prisoners shall be immediately reported to the Inspector General for further action.

441. *Investigation into complaints against Jail Employees.*— Normally investigations into complaints against officials of the Jail Department received by the District Magistrates of the Districts are made by the Inspector General or Superintendents to whom the complaints are passed on by them. If, however, the District Magistrates consider it necessary, there is no objection if they as the heads of the Districts decide to order investigation into the complaints themselves. They may, however, in such cases apprise the Inspector General or the Superintendent concerned of the complaint and the action being taken by them unless, for any particular reason, they consider that it is either unnecessary or inadvisable to do so. It is also open to the District Magistrates to ask the Superintendents concerned to make the necessary enquiries into the complaints and to send them their findings and remarks on them. In case the District Magistrates do not apprise the Inspector General or the Superintendents concerned of the action being taken by them they should report the matter to Government with full details. Also whether they make the enquiries into the complaints themselves or through the Inspector General or the Superintendents, the District Magistrates instead of passing final orders themselves should refer the cases to the Inspector General or to Government with their full recommendation for such further action as may be deemed necessary.

PUNISHMENTS

442. *Prosecution of Jail Officials.*— (1) For the following offences, if committed by any Jail Officer and/or Jail subordinate, a prosecution shall be instituted under sub-section (1) of section 54 of the Prison Act,

1894 against the offender, provided the evidence is such as to make a conviction probable: —

(i) Negligently or voluntarily permitting an escape.

(ii) Any offence under section 42 of the Prison Act, 1894 relating to the introduction of or supply to prisoners of forbidden articles, unauthorised communication with prisoners, and abetment of such offences.

(iii) Receiving any presents, directly or indirectly, receiving any monetary gain from contractors and private persons, who have business dealing with the Jail.

(iv) Any serious offence punishable under the Indian Penal Code 1860(V of 1860) or other Criminal Law.

(2) If there is no prima facie evidence sufficient for a conviction but the evidence is sufficient to produce reasonable belief of the guilt of the officer of the subordinate to the mind of the authority concerned, the authority shall hold a departmental enquiry. However, the person concerned shall be invariably prosecuted for wilfully permitting escape of a prisoner, and, committing serious offence under the Indian Penal Code, 1860 (V of 1860) or other criminal law, and, the enquiry should be conducted by the Police.

443. *Offences for which dismissal or prosecution should follow.*— All Jail officials who commit any of the following offences shall ordinarily be punished by dismissal. In serious cases, however, when there is sufficient evidence to obtain conviction, they shall be prosecuted under sub-section (1) of section 54 of the Prisons Act, 1894:—

(i) Appearing on duty in a state of intoxication from liquor or any drug.

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

(iii) Sleeping whilst on guard.

(iv) Improperly entering or permitting any person to enter the women's enclosure or having any improper communication with woman prisoner.

(v) Committing or conniving at irregularities in the supply of distribution of food, clothes or either articles, to or amongst any prisoner.

(vi) Employing a prisoner for private purpose contrary to rules.

(vii) Insubordination or insolence to any officer superior to him.

(viii) Any Jail Official, Jail Guard, wilfully or negligently allowing a prisoner to communicate with a prisoner of another class, or to enter any enclosure set apart for another class shall be liable to punishment. However, where there are extenuating circumstances or when considerations such as the previous good service and character of an offender render leniency expedient, some punishment lighter than that of dismissal may be awarded.

444. *Prosecution not to be undertaken without Inspector General's sanction.*— The Superintendent shall not, unless there is a likelihood of the offender absconding before the reply of the Inspector General can be received, undertake or enter into the criminal prosecution of a subordinate officer or other persons connected with the Prison, without first submitting a full and detailed report of the case, with the evidence adduced to the Inspector General, for instructions or sanction.

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

Note.— A copy of the judgements in the case of every subordinate officer and/or subordinate prosecuted shall be immediately forwarded to the Inspector General.

446. *How to deal with Jail officials acquitted by Courts.*— When a Jail Official has been prosecuted in a criminal court and has after trial, on the merits, of the case been honourably acquitted of the charge brought against him, the decision shall ordinarily be accepted as final and the official concerned shall not be proceeded against departmentally when the offence for which he was tried constitutes the sole ground for punishment. However, if he has been acquitted or discharged on technical grounds, or if the facts, established by the Judicial investigation show that his conduct or character as a Jail official has been such as to make it undesirable to retain him in Government service, or if he is merely given the benefit of doubt, the appointing authority may, in its discretion, take departmental cognizance of such conduct or character.

447. *Punishment to staff.*— In addition to or in substitution of the punishments provided in the Central Civil Services (Classification, Control and Appeal) Rules, 1965, the competent authority, may inflict, the punishment of extra drill up to the maximum period

of one hour a day for not more than seven consecutive days on a Jail Guard/Head guard. Where the punishment of extra drill is in substitution of the punishment provided in the said Rules, the Superintendent of the Prison shall be the competent authority to inflict it.

448. *Record of punishment awarded.*— Whenever Superintendent has occasion to punish jail officer of any grade for laxity or other fault in the performance of his duties, he shall invariably make an entry of the same in the Superintendent's order book in Form No. XIII and the Service Book of the official concerned.

449. *Welfare of Staff and their families.*— Welfare of the Staff and their families will be looked after by the Inspector General, by setting up a Staff Welfare Fund and a Staff Welfare Committee under his direction and control. He shall also take all other measures like providing rent-free residential quarters and free medical treatment to the staff and their families, which may be necessary for their welfare.

450. *Repeal and savings.*— (1) The following rules are hereby repealed:—

(i) The Goa, Daman and Diu Prisons (Remission) Rules, 1965.

(ii) The Goa, Daman and Diu Visitors Prisons Rules, 1968.

(iii) The Prisons (Goa, Daman and Diu Furlough and parole) Rules, 1968.

(iv) The Goa, Daman and Diu Prisons (Admission, Classification and Separations of Prisoners) Rules, 1968.

(v) The Goa, Daman and Diu Prisons (Employment of Prisoners) Rules, 1968.

(vi) The Goa, Daman and Diu Prisons (Discipline) Rules, 1968.

(vii) The Goa, Daman and Diu Prisons (Petition and Appeal) Rules, 1968.

(viii) The Goa, Daman and Diu Prisons (Convict Officers) Rules, 1968.

(ix) The Goa, Daman and Diu Prisons (Punishment) Rules, 1968.

(x) The Goa, Daman and Diu Prisons (Facilities to Prisoners) Rules, 1968.

(xi) The Goa, Daman and Diu Prisons (Lunatics) Rules, 1969.

(xii) The Goa, Daman and Diu Classification of Prisons Rules, 1969.

(xiii) The Goa, Daman and Diu Prisons (Prison Buildings and Sanitary Arrangements) Rules, 1969.

(xiv) The Goa, Daman and Diu Prisons (Prisoners' Property and Documents) Rules, 1969.

(xv) The Goa, Daman and Diu Prisons (Routine) Rules, 1969.

(xvi) The Goa, Daman and Diu Prisons (Habitual and Hardened Criminals) Rules, 1969.

(xvii) The Goa, Daman and Diu Prisons (Staff Functions) Rules, 1969.

(xviii) The Goa, Daman and Diu Civil Prisoners Rules, 1969.

(xix) The Goa Prisons (Review of Sentences) Rules, 1997.

(xx) The Goa, (Prisoner's Victim or his family of offence) Compensation Rules, 2005.

(2) Notwithstanding such repeal, anything done or any action taken under any of the rules so repealed shall, unless such thing or action is inconsistent with the provisions of these rules, be deemed to have been done or taken under the corresponding provision of these rules.

By order and in the name of the Governor of Goa.

J. P. Singh, Chief Secretary.

FORM I

[Rules 351(1); 318; 331]

SURETY BOND

I, son of.....inhabitant of..... hereby declare myself surety for.....prisoner No..... and give the guarantee that he shall duly observe the conditions of release on furlough/parole set out in the Schedule* and shall appear himself before the Superintendent..... of Prison at..... on the expiration of the period of his release on furlough/parole and in case of his making default herein, I hereby bind myself to pay to the President of India, the sum of Rs.....

And I agree that the President of India may, without prejudice to any other rights or remedies of Government, recover from me the said sum as an arrears of land revenue.

And I agree that any extension of time given to prisoner will not discharge me from my liability to pay the said amount.

Dated this..... day of, 20....

Signature of the Surety.

Signed by the above named Surety in the presence of:

- 1.
- 2.

**Schedule .*

:(To be filled in)

*The conditions of the release should be attached to this Bond as a Schedule.

FORM II

PERSONAL BOND

[Rules 315(2); 318; 331]

Whereas I (name) son ofinhabitant of (place) have been sentenced to undergo imprisonment for the term of years.

And whereas the Governor of Goa/Inspector General, Goa, has been pleased to release me on parole/furlough for the term of, commencing fromand ending on..... on condition of my executing personal Bond for my appearance on the following date viz.,..... I hereby agree, with and bind myself unto the President of India to abide by the conditions mentioned in the Schedule* attached and further agree to appear and surrender myself before the Superintendent of..... Prison at..... O'clock on the following date viz., and in case the period of parole/furlough is extended, then on the date following the date of expiry of such extended period of parole/furlough and in case of my making default herein, I bind myself to pay to the President of India a sum of Rs..... and I agree that the Government may, without prejudice to any other rights or remedies, recover the said sum from me as an arrears of land revenue.

Signature of the Prisoner

Dated this..... day of....., 20....

Before the
Superintendent,
Prison.

Signature of the Superintendent

Schedule*
(To be filled in)

* The conditions of the release should be attached to this Bond as a Schedule.

FORM III

[Rules 315(2); 318; 331]

BOND GIVING A CASH SECURITY

Whereas I..... son of inhabitant of have been sentenced to undergo imprisonment for the term of..... Years.

And whereas the Governor of Goa/Inspector General of Prisons, Goa, has been pleased to release me on furlough/parole for the term of.....commencing from..... and ending on on condition of my giving a cash security for my appearance on the following date viz., I hereby agree, with and bind myself unto the President of India to abide by the conditions mentioned in the appended Schedule* and further agree to appear and surrender myself to the jail Authorities atat O'clock on the following date viz., In case the period of furlough/parole is extended then on the date following the date of expiry of such extended period of furlough/parole and in case of my making default herein, I bind myself to pay/forfeit to the Government the sum of Rs.....

Signature of the prisoner

Dated this..... day of20.....

Before the
Superintendent, prison

Signature of the Superintendent

*Schedule**
(To be filled in)

* The conditions of the release should be attached to this Bond as a Schedule.

FORM IV

(Rules 326)

FORM OF APPLICATION FOR RELEASE ON PAROLE

To,
The Inspector General of Prisons, Goa, Panaji.

Sir,
I..... prisoner No:....., confined in.....Prison, hereby apply for parole for days/weeks to go to my native place at

(full address to be given here).....for the following reasons:—

Yours faithfully

Signature of prisoner

Signed by the Prisoner before me

JailorPrison

Dated this..... day of20.....

The prisoner confirms that the facts stated by him are true. He is prepared for the action that may be taken against him if they prove to be false.

Superintendent,
.....Prison,

IMMEDIATE

No: ofPrison

Dated;.....20.....

Forwarded to the Director General of Police, Goa, Panaji

With a request to make *immediate* enquiries to ascertain if the ground or grounds on which parole is applied for is or are genuine and to submit his report immediately to the Inspector General of Prisons, Goa, Panaji, mentioning *inter alia* whether he recommends the grant of parole and, if so, for what period, and also whether there is a likelihood of breach of peace if the prisoner is released on parole.

Superintendent

.....Prison,

Date

FORM V

(Rule 334)

ORDER OF RELEASE ON FURLOUGH/PAROLE

No.....

In exercise of the powers conferred by rules 309 and 325 of the Goa Prisons Rules, 2006, the Governor of Goa/Inspector General of Prisons, Goa, hereby orders release of....., prisoner No:..... for a period ofdays with effect from the date of release on furlough/parole, subject to the following conditions, namely:—

(To be filled in)

Signature and Designation

Date:

Place:

"I hereby accept and agree to abide by the above conditions of the order of release on furlough/parole and I acknowledge that should I fail to fulfil any of these conditions, the Sanctioning Authority, Competent Authority may revoke the order of release and forfeit the amount of security furnished by me, and I may be arrested by any Police Officer without warrant and remanded to undergo the unexpired portion of my sentence; and I further acknowledge that should I fail to fulfil any of these conditions, I am liable to be punished, on conviction, with imprisonment for a term which may extend to two years or with fine which may extend to Rs. 1,000 or with both".

Signature of the prisoner

Dated this..... day of20.....

Certified that the foregoing conditions were read over and explain to the prisoner and accepted by him in my presence

Signature of the Superintendent

Dated this..... day of20.....

Witnesses

- 1.
- 2.

FORM VI

[Rules 62 (1); 63(2), 183]

Register showing the admission entries and description of convicted Prisoners in the Prison/Jail during the year 20.....

1. Number
2. Name in full
3. Nationality-Caste
4. Religion
5. Age and height on sentence
6. Finger impression taken or not
7. Marks of identification:
(indelible marks to be given here)
8. City or Village, Taluka and District
9. Home Address
10. Name and address of next of kin
11. Previous occupation
12. Able to read and write or illiterate
13. Details of previous convictions

Serial No. and date of offence	Offence	Length and nature of sentence	Sentencing Authority
1	2	3	4
1st on			
2nd on			
3rd on			
4th on			

14. Details of present conviction:

- (a) Section and Act under which convicted.
- (b) Sentencing authority.
- (c) Date of sentence.
- (d) Date of arrival in Prison.
- (e) Nature of Punishment (R.I./ S.I.)
- (f) Length of sentence.
- (g) Solitary confinement and dates on which it has been carried out.
- (h) Fine or sentence in default.

15. (a) Date of receipt of intimation of payment of fine from Magisterial authorities and amount.

(b) Date of receipt of fine by Jailor and amount

16. Date of release on expiry of sentence in default of payment of fine.

17. Date of release in part of full payment of fine.

18. Date and result of appeals.

19. Date of S.B. R.S and Result of S.B.R.S

(State Board of Review of Sentences)

20. Due date of fourteen years report.

21. Result of fourteen years report.

22. FURLOUGH

Release Remarks	Period	Total number of days	Date of release	Date of surrender	Over stayal	Authority for release
1	2	3	4	5	6	7
1 st						
2 nd						
3 rd						
4 th						
5 th						
6 th						
7 th						
8 th						
9 th						
10 th						
11 th						
12 th						

23. PAROLE

Release Remarks	Period	Total number of days	Date of release	Date of surrender	Over stayal	Authority for release
1	2	3	4	5	6	7
1 st						
2 nd						
3 rd						
4 th						
5 th						
6 th						
7 th						
8 th						
9 th						

10 th
11 th
12 th
13 th
14 th
15 th
16 th
17 th
18 th
19 th
20 th

5. Age ...
6. Height ...
7. Physical equivalent and weight on admission ...
8. Identification Marks...
9. Date of arrest ...
10. Date of admission to prison ...
11. Remarks of the M. O. about marks of beating or violence on the body of the prisoner, if any, at the time of admission ...
12. Health on admission ...
13. Offence of which accused ...
14. By whom committed ...
15. Date of remand ...
16. Date of final disposal ...
17. How disposed of
18. Remarks about escape, date, the register number allotted on conviction ...

24. MODIFICATION IN DATE OF RELEASE

Date initials of Superintendent	Nature	Autho-rities	Period modified	Date of release	Assistant Clerk	Judicial Jailer
---------------------------------	--------	--------------	-----------------	-----------------	-----------------	-----------------

25. How disposed of (Date to be entered)

- (i) Expiry of sentence
- (ii) Payment of fine
- (iii) Transfer to other prison
- (iv) Bail
- (v) Remission
- (vi) Sickness or other grounds
- (vii) Transfer to Mental Hospital
- (viii) Escape
- (ix) Execution
- (x) Death
- (xi) Appeal

19. Initials of Jailer Initials of Assistant Superintendent Initials of Superintendent on admission
20. Initials of Jailer Initials of Assistant Superintendent Initials of Superintendent on disposal

FORM VIII

[Rules 67 (1); 88; 90 (4); 92; 96 (7); 99(1)]

Register showing particulars of private cash of convicted criminal/other prisoners.

Date	Name and Register No. of prisoners	Particulars of receipt	Amount	Date	Particulars of expenditure
1	2	3	4	5	6

Rs. P

Amount	Balance	Signature or Thumb impression of the prisoner	Initials of Jailer	Initials of Assistant Superintendent	Signature or thumb impression of the prisoners on transfer or on release
7	8	9	10	11	12

Rs. P

Total

Opening balance as on

Date	Amount	Date	Amount
	Rs. P.		Rs. P.
1 st April 20	1 st April 20
1 st April 20	1 st April 20
1 st April 20	1 st April 20
1 st April 20	1 st April 20
1 st April 20	1 st April 20

26. Intended place of residence (to be entered when furnishing information to police about habituals)

27. Initials of clerk.

Judicial Jailer.
Assistant Superintendent.
Superintendent.

FORM VII

[Rules 62(6)]

Register showing the admission entries and description of unconvicted criminal prisoners

1. Register No. ...
2. Name in full ...
3. Native place (City, Village, Taluka and District) and address of next kin ...
4. Occupation ...

FORM IX

[Rules 67(1); 88; 96(7); 99(1)]

Register showing particulars of receipts and disposal of valuable articles and jewellery of convicted/unconvicted prisoners

Register No. of the prisoner	Date of admission	Name in full	Description of the article/ /Jewellery	Estimated value of the article/ /Jewellery	Signature or thumb impression of the Prisoner	Initial of the Jailer
1	2	3	4	5	6	7

Initials of Assistant Superintendent	Date of disposal	How disposal	Signature or thumb impression of the Prisoner	Initial of Jailer	Initial of Superintendent	Signature or thumb impression of the Prisoner on transfer/ /release
8	9	10	11	12	13	14

FORM X

[Rule 33(39); 67(1); 88; 96(7);99(1)]

Register showing particulars of clothing of convicted and unconvicted criminal prisoners.

Register No. of the prisoner	Name in full	Date of admission	Name and description of article	Estimated value	Date of release/ /transfer to other Jail
1	2	3	4	5	6

How disposed of	Signature or thumb impression of the prisoner	Initial of Jailer	Initials of Assistant Superintendent	Signature or thumb impression of the Prisoner on transfer or release
7	8	9	10	11

FORM XI

[Rule 67(1); 71]

Release Diary as of.....day of.....20..

Serial Number	Register Number	Name of convict with father's or (names of women to be entered in red ink)	Date of sentence	Period of sentence including fines i.e. such fines as have not been paid before admission into the prison
1	2	3	4	5

On admission of convict or transfer of entry from another page initials of-	On transfer to another page of convict's name or certifying to the convict on proper date, initials of-	Amount paid to convict on release
Judicial Jailer	Assistant Superintendent	Wages Private cash
6	7	8 9 10 11

Place to which convict has to travel to enable him to reach his home	Allowance (if any) granted	Articles of Jewellery handed over on release
By Rail (given name of Station)	By Road (state number of miles)	Cost of lowest class ticket by railway train
12	13	14
		Subsistence allowance
		15
		16

Register number of Prisoners due to surrender to Jail to-day	Remarks as to whether the prisoner surrendered or otherwise	Initial of Jailer
17	18	19

FORM. XII

[Rule 72(1)]

Register of Prisoners showing particulars of health on their admission and discharge

Serial No. as per admission Register	Prisoner's Name	Age	Date of admission	State of health on admission	Class of Labour (Hard or other than hard)	Weight on admission
1	2	3	4	5	6	7

On admission vaccinated for small-pox or on protected	Weight on discharge	State of health on discharge	Date of discharge	Gained, lost or stationary	Remarks (if a convict is disposed of otherwise than discharged, it should here be stated what became of the convict)	Medical Officer's Initials
8	9	10	11	12	13	14

FORM XIII

[Rules 31(12), (24), (27); 91; 123; 216; 223; 239; 448;]

SUPERINTENDENT'S ORDER BOOK

Number and date	orders of Superintendent	Compliance report of Jailor etc. on Superintendent's order
1	2	3

FORM XIV

[Rule 220; 400(1)]

HISTORY SHEET

1. Name of the prisoner
2. Number of the prisoner
3. Age
4. Sentence
5. Section
6. Habitual or casual
7. Criminal history and statement of the prisoner regarding present and previous crimes, if any.

8. Social History -
 - (a) Childhood
 - (b) Family history
 - (c) Health history
 - (d) Neighbourhood
 - (e) Educational background
 - (f) Adolescence.
 - (g) Economic background
 - (h) Associations, companionship, etc.
 - (i) Habits, attitudes, etc.
9. Personality (general impression only).
10. Clues regarding sequence of criminal behaviour.
11. Is he a social or individualised criminal ?
Is he an ordinary criminal or careerist or professional criminal or organised Criminal? Is his criminal act behaviour of the moment or eruptive behaviour ?
12. Is his maladjustment at the surface level or at the deep emotional level ?
13. His defects and weaknesses
14. His assets
15. Which are the favourable and unfavourable points for his rehabilitation ?
16. Suggestions about reference to experts like psychiatrist, etc.
17. Indications about other sources from where information about the inmate's social background can be available. Suggestion about additional material to be collected.
18. Date on which the case history was prepared.
Prison.....

FORM XV

[Rule 109(1)]

Register of movements/Visits to Women's Section

Date	Name of the person visiting and purpose in brief	Hours of		Particulars and purpose in brief on taking a women prisoner out of prison
		Entering prison	Leaving prison	
1	2	3	4	4

Hours of			Initial of	
Removal from prison	Return back to prison	Women Jailor/ /matron	Jailor	Superintendent
5			6	

FORM XVI
[Rule 139(2)]
REGISTER OF ESCAPES

Serial No. of escape	Register number of prisoner	Name of prisoner	Crime	Date of sentence	Number of previous conviction
1	2	3	4	5	6
Date of escape	Full particulars of escape and whence and from whose charge the prisoner escaped	Result of enquiry before Magistrate and whether the warder or other Prison Official in charge was punished	Date of recapture	Remarks	
7	8	9	10	11	

FORM XVII
[Rule 62(4); 176(3); 337 (2)]
NOMINAL ROLL OF A PRISONER

Pri-soner's register Number	Name of Pri-soners	Occu-pation and Residence	Crime and section of Indian Penal Code under which convicted	Sen-tence	Date of Sen-tence	Adjudi-cating Court	Appellate Court and Result of Appeal
1	2	3	4	5	6	7	8
Age at the time of sentence	State of Health	Conduct in Prison	Number of previous Convictions if any	Number and Date of previous Orders of Government if any	Details of the remission granted	Remarks	
9	10	11	12	13	14	15	

Signature of Superintendent

FORM XVIII
[Rules 33(3),(8),(14),(15); 36(2),(3); 201; 355]
JAILORS REPORT/COMPLIANCE BOOK

Serial No.	Report of the Jailer	Orders of the Superintendent	Compliance report
1	2	3	4

FORM XIX
(Rule 240)

LETTER TO RELATIVES OF PRISONERS
(UNDER CERTIFICATE OF POSTING)

Dear Sir/Madam

Prisoner..... is admitted to this Prison and his prison number is He is allowed to interview his relatives or friends once a month/fortnight. You can interview him/her on any week day, except Sundays and holidays betweena.m. topm. You may also write to him/her by post at any time c/o Superintendent Prison,..... Pin Code..... The prisoner is allowed to write only two/four letters per month provided his conduct in prison is good. The interviews and letters must be restricted to domestic matters only. No eatables and other articles should be sent to the prisoner or given to him/her at the time of the interview. You may, however, send to the prisoner 'money' by money order for his/her use.

Yours faithfully,

Signatures of Superintendent

FORM XX
(Rule 245)

INTERVIEW REGISTER

Serial No.	Date	Time	No. and name of prisoner to be inter-viewed	Name of the inter-viewer	Relation-ship with prisoner	Address of the inter-viewer
1	2	3	4	5	6	7
Occupation of the inter-viewer	Purpose of inter-view	Whether interview is due, or whether extra interview granted	Signature/Thumb impression of the interviewer	Signature of the Jailer conducting the interview	Signature of the Superin-tendent	
8	9	10	11	12	13	

FORM XXI
[Rule 255(14); 261(2)]
LETTERS OF PRISONERS

Order No.	Details of letters ordered to be withheld by the Superintendent and the reason there of	Action taken by the Jailer
1	2	3

FORM No. XXII

[Rule 90(1); 189]

MEDICAL OFFICER'S JOURNAL

Serial No.	Date	Suggestion and observations of the Medical Officers	Orders of the Superintendent	Action taken by the Jailor and/or other official concerned
1	2	3	4	5

FORM No. XXIII

[Rule 90(3)]

Label for packets of valuable articles, jewellery including foreign coins.

Register No :.....

Name:.....

Sentence:.....

Arrival in prison:.....

Release date:.....

Signature of the Jailor

FORM No. XXIV

(Rule 193)

Register showing the particulars of the files of prisoners detailed for work in the morning

Date	Date of the file	Jail Guard in-charge	Prisoners numbers of the prisoners in the file	Initials of Asst. Jailor, Head Guard	Jailor
1	2	3	4	5	6

FORM No. XXV

[Rule 65; 67(1); 68(1); 92(3); 155]

HISTORY TICKET

Number of the prisoner.....

Name and Father's Name	
Caste	Age Height
	Weight in Kg. Physical equivalent in Kg.

Previous occupation	Prisons in which confined	Date of Admission
No. of Previous Convictions	Habitual or Non-Habitual	
Health and Labour on Admission*		
Crime	Sentences	
Sentencing Court	Date of Release —	
	Date of Sentence	Probable Date of Release

* If a prisoner is not in good health or fit for hard labour, the reason should be stated

Date	Entries	Initials	Date	Entries	Initials
------	---------	----------	------	---------	----------

FORM No. XXVI

[Rule 36(2) (b); 55(10)]

Gate Register

Date, hour and minute of opening gate and person or articles entering the Prison	Person or Articles entering the Prison	Date, hour and minute of the person or articles leaving the gate	Person or Articles leaving the prison	Initials of the Gate-keeper
1	2	3	4	5

ORDINARY AND SPECIAL REMISSIONS

Date	Entries	Initials	Date	Entries	Initials
------	---------	----------	------	---------	----------

ORDINARY AND SPECIAL REMISSIONS

HOSPITAL ENTRIES

Date	Entries	Initials	Date	Entries	Initials
------	---------	----------	------	---------	----------

Details of weight during the past two years

Remarks (if any relevant information not covered above to be recorded)

N.B.: All alterations in this ticket must be made in red ink.

FORM XXVII

[Rule 31(23)]

STORES REQUISITION AND RECEIPT BOOK

Serial No	Date of requisition	Supplier	Article	For what purpose	No. of quantity in hand on date of present entry	Monthly consumption	No. of quantity	Initials of		No. of quantity supplied
								Jailor	Assistant Superintendent	
1	2	3	4	5	6	7	8	9	10	11
					Unit	Unit	Unit			

Rate per unit	Value		Date of supply	Initials of		Page No of Ledger	No. of Sub-Voucher	Initials of Ledger Clerk	Remarks
	Cash Invoice Purchase Supplies	Credit purchase		Jailor Superintendent	Assistant Superintendent				
12	13	14	15	16	17	18	19	20	21
Rs. P.	Rs. P.	Rs. P.	Rs. P.						Nos.

FORM No. XXVIII

[Rule 55(4); 36(2)]

HEAD LOAD AND CART LOAD REGISTER

Serial No.	Date and hour of loading	Brief description of the load with details of quantity or number and destination where it is being sent	Name of the official in charge of the load	Designation and signature of the sender	Hour when the load was received by official concerned	Remarks about receipt and/or deficiencies, if any, noticed	Designation and signature of the receiving officer
1	2	3	4	5	6	7	8

FROM No. XXIX

(Rule 198)

LOCK-UP REGISTER

Prison

1. Circlewise details	Men	Women	Total
Circle No. I			
Circle No. II			
Circle No. III			
Circle No. IV			
Separate Cells			
Hospital			

Total ... _____

Received after lock-up... _____

Grand Total... _____

2. Categorywise details

Circle Nos.											
I		II		III		Hospital		Cells		Total	
M	W	M	W	M	W	M	W	M	W	M	W

- (1) Under Trial prisoners
- (2) Prisoners sentence to S.I.
- (3) Prisoners sentence to R.I.
- (4) Prisoners sentenced to imprisonment for life
- (5) Prisoners sentenced to death
- (6) Juveniles
- (7) Escapees
- (8) Habituals
- (9) Criminal-Psychotics

Total ... _____

Received after lock-up... _____

Grand Total... _____

Convict Class I			Convict Class II			Under trails Class I			Under trails Class II			Total		
Men	women	Total	Men	women	Total	Men	women	Total	Men	women	Total	Men	women	Total

3. Summary –

- 1. Opening balance ...
- 2. Admitted ...
- 3. Total ...
- 4. Sent to Hospital ...
- 5. Released ...
- 6. Balance ...

4. Hours of lock up –

5. * Certificate about –

- (1) Bars, Doors, Windows
- (2) Keys, Lock, etc. ...
- (3) Ladders
- (4) Tools, Plants, etc. ...
- (5) Handing over charge : the relieved and relieving officer ...

* Note – These certificates should be recorded by the Jailor for the day in his own hand.

6. Prison locked for the night at –

7. Details of the staff on Night duty –

- Main Gate
- Guarding staff 1. Shri
2. Shri
3. Shri

Officer for the day
(Signature)

Officer for the Night
(Signature)

Jailor.
(Signature)

Time
From _____ To _____

FORM No. XXX

[Rule 77(3)]

INITIAL CLASSIFICATION SHEET

1. Prison
2. Name of the prisoner
3. Number and Age of the prisoner
4. Sentence and Section
5. Recommendation about transfer, if any
6. Graduation in custody (maximum or medium) Accommodation in barrack or cell, place of work; area of movement and activity degree of supervision; type of restrictions etc.
7. Health and medical matter
8. Individual problems of the inmate; (Family welfare, appeal, family adjustments, economic legal help, institutional adjustment etc.)
9. Work
(Apprenticeship) training, allocation to production unit etc.)
10. Education
(Health, academic, social, vocational moral and cultural education)
11. Social adjustment
(Recreation, group work activities, guidance and counselling etc.)
12. Special instruction to the institutional personnel if any.
(Collection of more information; special precautions to be taken if any etc.;)
13. Date of review
14. Date of initial classification
15. Is his criminal act, behaviour of the moment or eruptive behaviour?
16. Is his maladjustment at the surface level or at the deep emotional level ?
17. His defects and weaknesses
18. His assets
19. Which are the favourable and unfavourable points for his rehabilitation;
20. Suggestions about reference to experts the psychologist, psychiatrist, etc.
21. Indications about other sources from where information about the inmate's social background can be available. Suggestions about additional material to be collected.
(Date on which the case history was prepared).

FORM No. XXXI

(Rule 78)

PRISONER'S CASE FILE

1. Name and number of the prisoner and his previous address:
2. Copy of judgement:
3. Police reports, if any:
4. Previous criminal record, if any:

5. Information from previous institution, if any:
6. Initial interview material; information from family members, relatives, friends and co-accused, miscellaneous information:
7. Sources of further information:
8. Observation reports from staff members in charge of quarantine programme:
9. Reports about vocational aptitude tests, educational tests, etc.:
10. History Sheet:
11. Summary and analysis by the Jailor in charge of classification work:
12. Initial classification sheet:
13. Instructions regarding training and treatment programme and about special precautions to be taken if any:
14. Quarterly progress report from various sections:
15. Furlough and Parole sheet:
16. Remission sheet:
17. Sheet of prisoners punishments, special achievements, if any:
18. Pre-release programme:
19. Final progress report:
20. Release plan:
21. Details of release:
22. Closing remarks:
23. Central index reference.:

FORM No. XXXII

(Rule 402)

PROGRESS REPORT

1. Number of Prisoner:
2. Name of the Prisoner:
3. Sentence:
4. Date of initial classification:
5. Physical and Mental Health:
6. Work (Task, proficiency, quality, etc.):
7. Attainment in Education:
8. Interest taken in institutional activities (P. T.), Prayers, recreational and cultural activities:
9. Discipline:
10. Changes in habits, attitudes and behaviour:
11. Attitudes towards Staff:
12. Attitudes towards inmates:
13. Prison offence and punishments:
14. Individual problems, if any, about family, land, litigation, business, etc.;
15. General assessment about progress:
16. Recommendation of classification committee
17. Remarks and orders of the Superintendent

Signature of Jailor Circle/Yard.

Signature of Superintendent of Prison

Date:

FORM No. XXXIII

[Rule 400(1)]

SUPERINTENDENT REPORT REGARDING REVIEW

1. Name of the Prisoner:
2. Number of the Prisoner
3. Education:
4. Performance of work:
5. Vocational and cultural activities:
6. Recreational and cultural activities:
7. Discipline:
8. Interest in prison activities:
9. Efforts:
10. Group adjustability:
11. Conduct:
12. Attitude towards Government and Law:
13. Attitude towards family and community:
14. Record of release on Furlough:
15. Record of release on Parole:
16. Possibilities of employment and resettlement:
17. Points favourable or unfavourable for rehabilitation:
18. General remarks:
19. Suggested conditions if recommendations for conditional release:
20. Recommendations:

Signature of Superintendent

FORM No. XXXIV

[Rule 400(1)]

SUMMARY SHEET

1. Name of the Prisoner:
2. Register number of the Prisoner:
3. Age on sentence:
4. Previous occupation:
5. Offence:
6. Sentence:
7. Date of sentence:

8. Court:
9. Sentence undergone:
10. Unexpired sentence:
11. Remission:
12. Summary of Superintendent's Report:
13. Recommendations of Director General of Police, Superintendent of Police:
14. Recommendation of District Magistrate:
15. Summary of Medical Reports:
16. Summary of Report from after care agency, if any:

Signature of Superintendent

FORM No. XXXV

[Rule 400(1)]

REPORT FROM SUPERINTENDENT POLICE/DISTRICT MAGISTRATE

1. Prisoner's and his father's or her husband's name:
2. Prison where confined:
3. Offence:
4. Sentence:
5. Date of sentence:
6. Date(s) of release on Parole / Furlough:
7. Antecedents and character of the prisoner:
8. Remarks about conducts of the prisoner while out on Parole / Furlough:
9. Recommendations for or against the premature release of the prisoner
10. (Full justification to be given in case release is not recommended inspite of the prisoner having good past record during releases on Parole / Furlough):
11. Conditions which need to be imposed if prisoner is to released prematurely:

District Magistrate / District Superintendent
of Police / Director General of Police

FORM No. XXXVI

(Rule 407)

Statement showing the particulars of co-accused prisoner's No..... at present confined in the.....

Name of the accused	Sentence	Date of Sentence	Name of Jail where confined	If alive	If released	Date of release or date of execution, as the case may be, with Govt. Order	Remission earned upto	Period spent in jail upto	Jail punishment	Conduct	Remark
1	2	3	4	5	6	7	8	9	10	11	12

Signature of Superintendent

FORM No. XXXX

[Rule 31(2)]

EXECUTION REPORT

I hereby certify the sentence of death passed on Shri, Son ofby the Court of Sessions in case No..... and confirmed by the High Court vide order No:.....dated.....has been duly executed and the said Shriwas hanged by the neck until he was dead at..... on theday, of the month of, 20.....

Signatures of Medical Officer

Signature of Executive Magistrate

Signature of Superintendent

FORM No. XXXXI

[Rule 417 (1); 210 (6)]

ACCOUNT OF COMMON VICTIMS COMPENSATION FUND

Date	Name & Registration No. of Prisoner	Particulars of employment of Prisoner	Wages payable for the day	Date of employment or Task	Particulars of earnings for the month	Victim Compensation fund realization 50% of the earned wages	Amount disbursed to victim or legal heir	Date of Disbursement	Name of victim or his legal heir	Particular of amount deposited in Bank	Initial of Jailor	Attestation by Supdt.
1	2	3	4	5	6	7	8	9	10	11	12	13
Disbursement of remaining 50% of earned wages												
30% amount towards Bank deposit		30% amount towards Legal expenses, if any		Remaining amount at the disposal of Prisoner for purchase of item, if any		Amount remained undisbursed		Total amount deposited in the Bank in favour of the prisoner for the month ending		Remarks		
14		15		16		17		18		19		

FORM No. XXXXII

[Rule 417(2); 210(6)]

GENERAL LEDGER FOR RECEIPTS - ABSTRACT REGISTER

RECEIPT

Date	Short	Amount	Cash Book Folio	Progressive	Total	Remark
1	2	3	4	5	6	7

FORM XXXXIII

[Rule 417(2); 210 (6)]

GENERAL LEDGER FOR EXPENDITURE –ABSTRACT REGISTER

EXPENDITURE

Month	Short particulars	Amount	Cash Book Folio	Progressive	Total	Remarks
1	2	3	4	5	6	7