UTTARAKHAND JUDICIAL AND LEGAL ACADEMY BHOWALI, NAINITAL

TRAINING PROGRAMME
ON
JAIL REFORMS
&
UTTARAKHAND JAIL MANUAL, 2023
FOR
DLSA SECRETARIES &
PRINCIPAL MAGISTRATES OF JJBs

(24.10.2026)

INDEX OF CASE LAWS ON JAIL & PRISON REFORMS

HISTORICAL DEVELOPMENTS

Institutional Confinement — Duty of Court :

25. An afterword on power. Within the limits of the Prison Act and rules, there is room for reform of the prisoner's progress. And the Court, whose authority to sentence deprives the sentence of his constitutional freedoms to a degree, has the power — indeed, the duty — to invigorate the intra-mural man-management so that the citizen inside has spacious opportunity to unfold his potential without overmuch inhibition or sadistic overseeing. No traditional judicial hands-off doctrine nor Prison Department's Monroe doctrine can dissuade or disentitle this Court from issuing directives, consistently with law, for the purpose of compelling the institutional confinement to conform to the spirit and standards of the fundamental rights which belong to the man walled off. We cannot, in all conscience, order him to be shut up and forget about him. The brooding presence of judicial vigilance is the institutional price of prison justice.

Hiralal Mallick v. State of Bihar, (1977) 4 SCC 44

Healing, Not Hanging: Yoga and Neuroscience as Tools for Reforming Murderers:

114. Social defence against murderers is best insured in the short run by caging them but in the long run, the real run, by transformation through re-orientation of the inner man by many methods including neuro-techniques of which we have a rich legacy. If the prison system will talk the native language, we have the yogic treasure to experiment with on high-strung, high-risk murder merchants. Neuroscience stands on the threshold of astounding discoveries. Yoga, in its many forms, seems to hold splendid answers. Meditational technology as a tool of criminology is a nascent-ancient methodology. The State must experiment. It is cheaper to hang than to heal, but Indian life — any human life — is too dear to be swung dead save in extreme circumstances.

Rajendra Prasad v. State of U.P., (1979) 3 SCC 646

Directives to the State and prison staff :

78. The omega of our judgment must take the shape of clear directives to the State and prison staff by epitomising the lengthy discussion. To clinch the issue and to spell out the precise directions is the next step :

1. We hold that Prem Chand, the prisoner, has been tortured illegally and the Superintendent cannot absolve himself from responsibility even though he may not be directly a party. Lack of vigilance is limited guilt. We do not fix the primary guilt because a criminal case is pending or in the offing. The State shall take action against the investigating police for the apparently collusive dilatoriness and deviousness we have earlier indicated. Policing the police is becoming a new ombudsmanic task of the rule of law.

2. We direct the Superintendent to ensure that no corporal punishment or personal violence on Prem Chand shall be inflicted. No irons shall be forced on the person of Prem Chand in vindictive spirit. In those rare cases of "dangerousness" the rule of hearing and reasons set out by this Court in *Batra case* [*Sunil Batra* v. *Delhi Admn.*, (1978) 4 SCC 494 : 1979 SCC (Cri) 155 : (1979) 1 SCR 392.] and elaborated earlier shall be complied with.

3. Lawyers nominated by the District Magistrate, Sessions Judge, High Court and the Supreme Court will be given all facilities for interviews, visits and confidential communication with prisoners subject to discipline and security considerations. This has roots in the visitatorial and supervisory judicial role. The lawyers so designated shall be bound to make periodical visits and record and report to the concerned court results which have relevance to legal grievances.

4. Within the next three months, Grievance Deposit Boxes shall be maintained by or under the orders of the District Magistrate and the Sessions Judge which will be opened as frequently as is deemed fit and suitable action taken on complaints made. Access to such boxes shall be afforded to all prisoners.

5. District Magistrates and Sessions Judges shall, personally or through surrogates, visit prisons in their jurisdiction and afford effective opportunities for ventilating legal grievances, shall make expeditious enquiries thereinto and take suitable remedial action. In appropriate cases reports shall be made to the High Court for the latter to initiate, if found necessary, habeas action.

It is significant to note the Tamil Nadu Prison Reforms Commission's observations :

> *"38. 16. Grievance Procedure : — This is a very important right of a prisoner which does not appear to have been properly considered. The rules regulating the appointment and duties of non-official visitors and official visitors to the prisons have been in force for a long time and their primary function is 'to visit all parts of the jail and to see all prisoners and to hear and enquire into any complaint that any prisoner may make'. In practice, these rules have not been very effective in providing a forum for the prisoners to redress their grievances. There are a few non-official visitors who take up their duties conscientiously and listen to the grievances of the prisoners. But most of them take this appointment solely as a post of honour and are somewhat reluctant to record in the visitors' book any grievance of a prisoner which might cause embarrassment to the prison staff. The judicial officers viz. the Sessions Judge and the Magistrates who are also ex-officio visitors do not discharge their duties effectively [Vol. II, p. 76] ."*

We insist that the judicial officers referred to by us shall carry out their duties and responsibilities and serve as an effective grievance mechanism.

6. No solitary or punitive cell, no hard labour or dietary change as painful additive, no other punishment or denial of privileges and amenities, no transfer to other prisons with penal consequences, shall be imposed without judicial appraisal of the Sessions Judge and where such intimation, on account of emergency, is difficult, such information shall be given within two days of the action.

Sunil Batra (2) v. State (UT of Delhi), (1980) 3 SCC 488

Prisoner Rights:

3. These are not the only decisions on the question of rights of prisoners and approach to be adopted while dealing with them as there are many other renderings of this Court which deal with some other aspects of prison justice. A brief resume of earlier decisions would be helpful to tread the path further. The resume reveals this:

(1) In ***State of Maharashtra* v. *Prabhakar Pandurang Sanzgiri*** [AIR 1966 SC 424 : (1966) 1 SCR 702 : 68 Bom LR 481] aid of Article 21 was made available

perhaps for the first time to a prisoner while dealing with the question of his right of reading and writing books while in jail.

(2) ***Suresh Chandra* v. *State of Gujarat*** [(1976) 1 SCC 654 : 1976 SCC (Cri) 145] and ***Krishan Lal* v. *State of Delhi*** [(1976) 1 SCC 655 : 1976 SCC (Cri) 146] saw this Court stating about penological innovation in the shape of parole to check recidivism because of which liberal use of the same was recommended.

(3) A challenge was made to the segregation of prisoners in ***D. Bhuvan Mohan Patnaik* v. *State of A.P.*** [(1975) 3 SCC 185 : 1974 SCC (Cri) 803 : AIR 1974 SC 2092 : (1975) 2 SCR 24] and a three-Judge Bench stated that resort to oppressive measures to curb political beliefs (the prisoner was a Naxalite because of which he was put in a "quarantine" and subjected to inhuman treatment) could not be permitted. The Court, however, opined that a prisoner could not complain of installation of high-volt live wire mechanism on the jail walls to prevent escape from prisons, as no prisoner has a fundamental right to escape from lawful custody.

(4) In ***Charles Sobraj*** [(1978) 4 SCC 104 : 1978 SCC (Cri) 542 : AIR 1978 SC 1514 : (1979) 1 SCR 512] it was stated that this Court would intervene even in prison administration when constitutional rights or statutory prescriptions are transgressed to the injury of a prisoner. In that case the complaint was against incarceratory torture.

(5) ***Sunil Batra (I)*** [(1978) 4 SCC 494 : 1979 SCC (Cri) 155 : AIR 1978 SC 1675 : (1979) 1 SCR 392] dealt with the question whether prisoners are entitled to all constitutional rights, apart from fundamental rights. In that case this Court was called upon to decide as to when solitary confinement could be imposed on a prisoner. In *Kishore Singh Ravinder Dev* v. *State of Rajasthan* [(1981) 1 SCC 503 : 1981 SCC (Cri) 191 : AIR 1981 SC 625] also the Court dealt with the parameters of solitary confinement.

(6) ***Prem Shankar Shukla* v. *Delhi Admn***. [(1980) 3 SCC 526 : 1980 SCC (Cri) 815 : AIR 1980 SC 1535 : (1980) 3 SCR 855] and ***Kadra Pehadiya* v. *State of Bihar*** [(1981) 3 SCC 671 : 1981 SCC (Cri) 791 : AIR 1981 SC 939] prohibited putting of undertrial prisoners in leg-irons.

(7) In ***Sunil Batra (II)*** [(1980) 3 SCC 488 : 1980 SCC (Cri) 777 : AIR 1980 SC 1579 : (1980) 2 SCR 557] the Court was called upon to deal with prison vices and the judgment protected the prisoners from these vices with the shield of Article 21. Krishna Iyer, J. stated that "prisons are built with the stones of law".

(8) A challenge was made to a prison rule which permitted only one interview in a month with the members of the family or legal advisor in ***Francis Coralie Mullin* v. *Administrator, Union Territory of Delhi*** [(1981) 1 SCC 608 : 1981 SCC (Cri) 212 : AIR 1981 SC 746 : (1981) 2 SCR 516] and the rule was held violative, inter alia, of Article 21.

(9) In series of cases, to wit, ***(i) Veena Sethi* v. *State of Bihar*** [(1982) 2 SCC 583 : 1982 SCC (Cri) 511 : AIR 1983 SC 339] ; ***(ii) Sant Bir* v. *State of Bihar*** [(1982) 3 SCC 131 : 1982 SCC (Cri) 635 : AIR 1982 SC 1470] ; and ***(iii) Sheela Barse* v. *Union of India*** [(1993) 4 SCC 204 : 1993 SCC (Cri) 1142] this Court was called upon to decide as to when an insane person can be detained in a prison. In *Sheela Barse* [(1993) 4 SCC 204 : 1993 SCC (Cri) 1142] it was held that jailing of non-criminal mentally ill persons is unconstitutional and directions were given to stop confinement of such persons.

It would be of some interest to point out that in ***Sheela Barse*** [(1993) 4 SCC 204 : 1993 SCC (Cri) 1142] an order was passed to acquaint the Chief Secretaries of every State with the decision and he was directed to furnish some information to the Standing Counsel of his State. On being found that State of Assam had not complied with the order, this Court appointed Senior Advocate Shri Gopal Subramanium as its Commissioner by its order dated 13-5-1994 to have discussion with the Chief Secretary of that State and to ensure immediate obedience of the orders passed in that case. Shri Subramanium's voluminous report dated 15-9-1994 running into 532 pages tells a story too wet for tears. All concerned were found ignorant of the decision in ***Sheela Barse*** [(1993) 4 SCC 204 : 1993 SCC (Cri) 1142] which was rendered in August 1993: and what is more, a disturbing nexus between the judiciary, the police and the administration came to light. This was said to have led to a most shocking state of affairs negating the very basis of the existence of human life.

We do hope that by now all the States of the country must have acted as per the directions in ***Sheela Barse*** [(1993) 4 SCC 204 : 1993 SCC (Cri) 1142] .

(10) The judicial work done by this Court on the subject at hand would not be complete without mentioning what was held in ***Mohd. Giasuddin*** **v.** ***State of A.P.*** [(1977) 3 SCC 287 : 1977 SCC (Cri) 496 : AIR 1977 SC 1926 : (1978) 1 SCR 153] because in that case reformative aspect was emphasised by stating that the State has to rehabilitate rather than avenge. Krishna Iyer, J., speaking for a two-Judge Bench, pointed out that the "sub-culture that leads to anti-social behaviour has to be countered not by undue cruelty but by re-culturalisation".

(11) On top of all, there is the undoubted right of speedy trial of undertrial prisoners, as held in a catena of cases of this Court, reference to which is not deemed necessary. Mention may only be made of the further leaves added to this right. These consist of ordering for release on bail where trial is protracted. The first decision in this regard is by a two-Judge Bench in ***Supreme Court Legal Aid Committee (Representing Undertrial Prisoners)*** **v.** ***Union of India*** [(1994) 6 SCC 731 : 1995 SCC (Cri) 39] , wherein the Bench was concerned with the detention of a large number of persons in jail in connection with various offences under Narcotic Drugs and Psychotropic Substances Act, 1985. The Court, after noting the stringent provisions relating to bail as incorporated in that Act, directed for release of those undertrial prisoners who were languishing in jail for a period exceeding half of the punishment provided in the Act. This decision was cited with approval by another two-Judge Bench in *Shaheen Welfare Assn.* v. *Union of India* [(1996) 2 SCC 616 : 1996 SCC (Cri) 366] in which harsh provisions of TADA were borne in mind and the Bench felt that a pragmatic and just approach was required to be adopted to release TADA detenus on bail because of delay in conclusions of trials. The Bench classified these undertrials in four categories and passed different orders relating to their release on bail.

Rama Murthy v. State of Karnataka, (1997) 2 SCC 642

Exaction of Hard Labour from Convicted Prisoners serving punishments of Rigorous Imprisonment Imposed by Court :

103. The question then arises for consideration is if Article 300-A bars payment of any compensation to the victim or his family out of the earnings of the prisoner. To bar any such objection to the validity of deduction, rules can be framed under

the Prisons Act or otherwise. When a body is set up to consider the amount of equitable wages for the prisoners, a prison fund can be created in which a certain amount from the wages of the prisoners be credited and out of that an amount be paid to the victim or for the upkeep of his family, as the rules may provide for the purpose. Creation of a fund, to my mind, is necessary as any amount of compensation deducted from the wages of the prisoner and paid directly to the victim or his family may not be acceptable considering the psyche of the people in our country.

104. To conclude, while agreeing with the directions issued by Thomas, J., I am of the view that putting a prisoner to hard labour while he is undergoing a sentence of rigorous imprisonment awarded to him by a court of competent jurisdiction cannot be equated with "begar" or "other similar forms of forced labour" and there is no violation of clause (1) of Article 23 of the Constitution. Clause (2) of Article 23 has no application in such a case. The Constitution, however, does not bar a State, by appropriate legislation, from granting wages (by whatever name called) to prisoners subject to hard labour under the courts' orders, for their beneficial purpose or otherwise.

State of Gujarat v. Hon'ble High Court of Gujarat, (1998) 7 SCC 392

Welfare of Children in Jails with their Prisoner Mothers – Undertrial or Convict: 45. In light of various reports referred to above, affidavits of various State Governments, Union Territories, the Union of India and submissions made, we issue the following guidelines:

1. A child shall not be treated as an undertrial/convict while in jail with his/her mother. Such a child is entitled to food, shelter, medical care, clothing, education and recreational facilities as a matter of right.

2. Pregnancy:

(*a*) Before sending a woman who is pregnant to a jail, the authorities concerned must ensure that the jail in question has the basic minimum facilities for child delivery as well as for providing prenatal and post-natal care for both, the mother and the child.

(*b*) When a woman prisoner is found or suspected to be pregnant at the time of her admission or at any time thereafter, the lady Medical Officer shall report the fact to the Superintendent. As soon as possible, arrangement shall be made to get such prisoner medically examined at the female wing of the District Government

Hospital for ascertaining the state of her health, pregnancy, duration of pregnancy, probable date of delivery and so on. After ascertaining the necessary particulars, a report shall be sent to the Inspector General of Prisons, stating the date of admission, term of sentence, date of release, duration of pregnancy, possible date of delivery and so on.

(*c*) Gynaecological examination of female prisoners shall be performed in the District Government Hospital. Proper prenatal and post-natal care shall be provided to the prisoner as per medical advice.

3. Childbirth in prison:

(*a*) As far as possible and provided she has a suitable option, arrangements for temporary release/parole (or suspended sentence in case of minor and casual offender) should be made to enable an expectant prisoner to have her delivery outside the prison. Only exceptional cases constituting high security risk or cases of equivalent grave descriptions can be denied this facility.

(*b*) Births in prison, when they occur, shall be registered in the local birth registration office. But the fact that the child has been born in the prison shall not be recorded in the certificate of birth that is issued. Only the address of the locality shall be mentioned.

(*c*) As far as circumstances permit, all facilities for the naming rites of children born in prison shall be extended.

4. Female prisoners and their children:

(*a*) Female prisoners shall be allowed to keep their children with them in jail till they attain the age of six years.

(*b*) No female prisoner shall be allowed to keep a child who has completed the age of six years. Upon reaching the age of six years, the child shall be handed over to a suitable surrogate as per the wishes of the female prisoner or shall be sent to a suitable institution run by the Social Welfare Department. As far as possible, the child shall not be transferred to an institution outside the town or city where the prison is located in order to minimise undue hardships on both mother and child due to physical distance.

(*c*) Such children shall be kept in protective custody until their mother is released or the child attains such age as to earn his/her own livelihood.

(*d*) Children kept under the protective custody in a home of the Department of Social Welfare shall be allowed to meet their mother at least once a week. The Director, Social Welfare Department, shall ensure that such children are brought to the prison for this purpose on the date fixed by the Superintendent of Prisons.

(*e*) When a female prisoner dies and leaves behind a child, the Superintendent shall inform the District Magistrate concerned and he shall arrange for the proper care of the child. Should the relative(s) concerned be unwilling to support the child, the District Magistrate shall either place the child in an approved institution/home run by the State Social Welfare Department or hand the child over to a responsible person for care and maintenance.

5. Food, clothing, medical care and shelter:

(*a*) Children in jail shall be provided with adequate clothing suiting the local climatic requirement for which the State/UT Government shall lay down the scales.

(*b*) State/UT Governments shall lay down dietary scales for children keeping in view the calorific requirements of growing children as per medical norms.

(*c*) A permanent arrangement needs to be evolved in all jails, to provide separate food with ingredients to take care of the nutritional needs of children who reside in them on a regular basis.

(*d*) Separate utensils of suitable size and material should also be provided to each mother prisoner for using to feed her child.

(*e*) Clean drinking water must be provided to the children. This water must be periodically checked.

(*f*) Children shall be regularly examined by the lady Medical Officer to monitor their physical growth and shall also receive timely vaccination. Vaccination charts regarding each child shall be kept in the records. Extra clothing, diet and so on may also be provided on the recommendation of the Medical Officer.

(*g*) In the event of a woman prisoner falling ill, alternative arrangements for looking after any children falling under her care must be made by the jail staff.

(*h*) Sleeping facilities that are provided to the mother and the child should be adequate, clean and hygienic.

(*i*) Children of prisoners shall have the right of visitation.

(*j*) The Prison Superintendent shall be empowered in special cases and where circumstances warrant admitting children of women prisoners to prison without court orders provided such children are below 6 years of age.

6. Education and recreation for children of female prisoners:

(*a*) The children of female prisoners living in the jails shall be given proper education and recreational opportunities and while their mothers are at work in jail, the children shall be kept in crèches under the charge of a matron/female warder. This facility will also be extended to children of warders and other female prison staff.

(*b*) There shall be a crèche and a nursery attached to the prison for women where the children of women prisoners will be looked after. Children below three years of age shall be allowed in the crèche and those between three and six years shall be looked after in the nursery. The prison authorities shall preferably run the said crèche and nursery outside the prison premises.

7. In many States, small children are living in sub-jails that are not at all equipped to keep small children. Women prisoners with children should not be kept in such sub-jails, unless proper facilities can be ensured which would make for a conducive environment there, for proper biological, psychological and social growth.

8. The stay of children in crowded barracks amidst women convicts, undertrials, offenders relating to all types of crimes including violent crimes is certainly harmful for the development of their personality. Therefore, children deserve to be separated from such environments on a priority basis.

9. Diet:

Dietary scale for institutionalised infants/children prepared by Dr. A.M. Dwarkadas Motiwala, MD (Paediatrics) and Fellowship in Neonatology (USA) has been submitted by Mr Sanjay Parikh. The document submitted recommends exclusive breastfeeding on the demand of the baby day and night. If for some reason, the mother cannot feed the baby, undiluted fresh milk can be given to the baby. It is emphasised that “dilution is not recommended; especially for low socio-economic groups who are also illiterate, ignorant, their children are already malnourished and are prone to gastroenteritis and other infections due to poor

living conditions and unhygienic food habits. Also, where the drinking water is not safe/reliable since source of drinking water is a question mark, overdilution will provide more water than milk to the child and hence will lead to malnutrition and infections. This in turn will lead to growth retardation and developmental delay, both physically and mentally". It is noted that since an average Indian mother produces approximately 600-800 ml milk per day (depending on her own nutritional state), the child should be provided at least 600 ml of undiluted fresh milk over 24 hours if the breast milk is not available.

The report also refers to the "Dietary Guidelines for Indians—A Manual", published in 1998 by the National Institute of Nutrition, Council of Medical Research, Hyderabad, for a balanced diet for infants and children ranging from 6 months to 6 years of age. It recommends the following portions for children in the ages of 6-12 months, 1-3 years and 4-6 years, respectively: cereals and millets—45, 60-120 and 150-210 gm respectively; pulses—15, 30 and 45 gm respectively; milk—500 ml (unless breastfed, in which case 200 ml); roots and tubers—50, 50 and 100 gm respectively; green leafy vegetables—25, 50 and 50 gm respectively; other vegetables—25, 50 and 50 gm respectively; fruits—100 gm; sugar—25, 25 and 30 gm respectively; and fats/oils (visible)—10, 20 and 25 gm respectively. One portion of pulses may be exchanged with one portion (50 gm) of egg/meat/chicken/fish. It is essential that the above food groups be provided in the portions mentioned in order to ensure that both macronutrients and micronutrients are available to the child in adequate quantities.

10. Jail Manual and/or other relevant rules, regulations, instructions, etc. shall be suitably amended within three months so as to comply with the above directions. If in some jails, better facilities are being provided, same shall continue.

11. Schemes and laws relating to welfare and development of such children shall be implemented in letter and spirit. The State Legislatures may consider passing of necessary legislations, wherever necessary, having regard to what is noticed in this judgment.

12. The State Legal Services Authorities shall take necessary measures to periodically inspect jails to monitor that the directions regarding children and mothers are complied with in letter and spirit.

13. The courts dealing with cases of women prisoners whose children are in prison with their mothers are directed to give priority to such cases and decide their cases

expeditiously.

14. Copy of the judgment shall be sent to the Union of India, all State Governments/Union Territories and the High Courts.

15. Compliance report stating the steps taken by the Union of India, the State Governments, the Union Territories and the State Legal Services Authorities shall be filed in four months whereafter matter shall be listed for directions.

R.D. Upadhyay v. State of A.P., (2007) 15 SCC 337

Inhuman Conditions In 1382 Prisons, In re

W.P. (Civil) No. 406 of 2013

Transformation of Prisons and Prison Culture:

56. The sum and substance of the aforesaid discussion is that prisoners, like all human beings, deserve to be treated with dignity. To give effect to this, some positive directions need to be issued by this Court and these are as follows:

56.1. The Undertrial Review Committee in every district should meet every quarter and the first such meeting should take place on or before 31-3-2016. The Secretary of the District Legal Services Committee should attend each meeting of the Undertrial Review Committee and follow up the discussions with appropriate steps for the release of undertrial prisoners and convicts who have undergone their sentence or are entitled to release because of remission granted to them.

56.2. The Undertrial Review Committee should specifically look into aspects pertaining to effective implementation of Section 436 CrPC and Section 436-A CrPC so that undertrial prisoners are released at the earliest and those who cannot furnish bail bonds due to their poverty are not subjected to incarceration only for that reason. The Undertrial Review Committee will also look into issue of implementation of the Probation of Offenders Act, 1958 particularly with regard to first-time offenders so that they have a chance of being restored and rehabilitated in society.

56.3. The Member-Secretary of the State Legal Services Authority of every State will ensure, in coordination with the Secretary of the District Legal Services Committee in every district, that an adequate number of competent lawyers are empanelled to assist undertrial prisoners and convicts, particularly the poor and indigent, and that legal aid for the poor does not become poor legal aid.

56.4. The Secretary of the District Legal Services Committee will also look into the issue of the release of undertrial prisoners in compoundable offences, the effort being to effectively explore the possibility of compounding offences rather than requiring a trial to take place.

56.5. The Director General of Police/Inspector General of Police in charge of

prisons should ensure that there is proper and effective utilisation of available funds so that the living conditions of the prisoners is commensurate with human dignity. This also includes the issue of their health, hygiene, food, clothing, rehabilitation, etc.

56.6. The Ministry of Home Affairs will ensure that the Management Information System is in place at the earliest in all the Central and District Jails as well as jails for women so that there is better and effective management of the prison and prisoners.

56.7. The Ministry of Home Affairs will conduct an annual review of the implementation of the Model Prison Manual, 2016 for which considerable efforts have been made not only by senior officers of the Ministry of Home Affairs but also persons from civil society. The Model Prison Manual, 2016 should not be reduced to yet another document that might be reviewed only decades later, if at all. The annual review will also take into consideration the need, if any, of making changes therein.

56.8. The Undertrial Review Committee will also look into the issues raised in the Model Prison Manual, 2016 including regular jail visits as suggested in the said Manual.

56.9. We direct accordingly.

Inhuman Conditions in 1382 Prisons, In re, (2016) 3 SCC 700 (Decided on 05.02.2016)

Overcrowding in Prisons – Directions for Identification:

5. With regard to overcrowding in prisons, the learned Amicus submits that the extent of overcrowding in each jail needs to be identified rather than looking at the figures relating to the entire State. He submits that in the first instance the States be directed to identify those jails in which overcrowding is to the extent of 150% or more. The learned Additional Solicitor General supports this submission that prisons in which there is overcrowding to the extent of 150% and above should be identified by the States.

6. Accordingly, we direct that the States particularly the Inspector General of Prisons should urgently identify those jails in the respective State where overcrowding is to the extent of 150% and above and provide the information to

the learned Additional Solicitor General as well as to the learned Amicus Curiae. In addition, the States and the Inspector General of Prisons should prepare a plan of action either to reduce overcrowding or to augment the infrastructure so that there is more space available in the prisons. The cut-off date for calculating the overcrowding will be 30-4-2016.

7. The learned Amicus Curiae has also suggested that the Undertrial Review Committee, in addition to the work that it is already doing as earlier directed shall also consider the additional suggestions given by the learned Amicus Curiae which are as follows:

The Committee will examine the cases of undertrials who—

(*a*) become eligible to be released on bail under Section 167(2)(*a*)(*i*) and (*ii*) of the Code read with Section 36-A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (where persons accused of Section 19 or Section 24 or Section 27-A or for offences involving commercial quantity) and where investigation is not completed in 60/90/180 days;

(*b*) are imprisoned for offences which carry a maximum punishment of 2 years;

(*c*) are detained under Chapter VIII of the Criminal Procedure Code i.e. under Sections 107, 108, 109 and 151 CrPC;

(*d*) become sick or infirm and require specialised medical treatment (Section 437 of the Code);

(*e*) women offenders (Section 437 of the Code);

(*f*) are first time male offenders between the ages 19 and 21 who are in undertrial custody for offences punishable with less than 7 years of imprisonment and have suffered at least 1/4th of the maximum sentence possible;

(*g*) are of unsound mind and must be dealt under Chapter XXV of the Code;

(*h*) are eligible for release under Section 437(6) of the Code, wherein in a case triable by a Magistrate, the trial of a person accused of any non-bailable offence has not been concluded within a period of sixty days from the first date fixed for taking evidence in the case.

Inhuman Conditions in 1382 Prisons, In re, (2016) 14 SCC 815 (Decided on 06.05.2016)

Protection of Rights of Prisoners – Human Dignity :

Directions

58. We are of the view that on the facts and in the circumstances before us, the suggestions put forward by the learned Amicus Curiae and the learned counsel appearing for the National Forum deserve acceptance and, therefore, we issue the following directions:

58.1. The Secretary General of this Court will transmit a copy of this decision to the Registrar General of every High Court within one week with a request to the Registrar General to place it before the Chief Justice of the High Court. We request the Chief Justice of the High Court to register a suo motu public interest petition with a view to identifying the next of kin of the prisoners who have admittedly died an unnatural death as revealed by NCRB during the period between 2012 and 2015 and even thereafter, and award suitable compensation, unless adequate compensation has already been awarded.

58.2. The Union of India through the Ministry of Home Affairs will ensure circulation within one month and in any event by 31-10-2017 of (*i*) the Model Prison Manual, (*ii*) the monograph prepared by NHRC entitled "Suicide in Prison — Prevention Strategy and Implication from Human Rights and Legal Points of View", (*iii*) the communications sent by NHRC referred to above, (*iv*) the compendium of advisories issued by the Ministry of Home Affairs to the State Governments, (*v*) the Nelson Mandela Rules, and (*vi*) the Guidelines on Investigating Deaths in Custody issued by the International Committee of the Red Cross to the Director General or Inspector General of Police (as the case may be) in charge of prisons in every State and Union Territory. All efforts should be made, as suggested by NHRC and others, to reduce and possibly eliminate unnatural deaths in prisons and to document each and every death in prisons—both natural and unnatural.

58.3. The Union of India through the Ministry of Home Affairs will direct NCRB to explain and clarify the distinction between unnatural and natural deaths in prisons as indicated on the website of NCRB and in its annual reports and also explain the sub-categorisation "others" within the category of unnatural deaths. NCRB should also be required to sub-categorise natural deaths. The sub-categorisation and clarification should be complied with by 31-10-2017.

58.4. The State Governments should, in conjunction with the State Legal Services Authority (SLSA), the National and State Police Academy and the Bureau of Police Research and Development conduct training and sensitisation programmes for senior police officials of all prisons on their functions, duties and responsibilities as also the rights and duties of prisoners. A copy of this order be sent by the Registry of this Court to the Member-Secretary of each SLSA to follow up and ensure compliance.

58.5. The necessity of having counsellors and support persons in prisons cannot be over-emphasised. Their services can be utilised to counsel and advise prisoners who might be facing some crisis situation or might have some violent or suicidal tendencies. The State Governments are directed to appoint counsellors and support persons for counselling prisoners, particularly first-time offenders. In this regard, the services of recognised NGOs can be taken and encouraged.

58.6. While visits to prison by the family of a prisoner should be encouraged, it would be worthwhile to consider extending the time or frequency of meetings and also explore the possibility of using phones and videoconferencing for communications not only between a prisoner and family members of that prisoner, but also between a prisoner and the lawyer, whether appointed through the State Legal Services Authority or otherwise.

58.7. The State Legal Services Authorities (SLSAs) should urgently conduct a study on the lines conducted by the Bihar State Legal Services Authority in Bihar and the Commonwealth Human Rights Initiative in Rajasthan in respect of the overall conditions in prisons in the State and the facilities available. The study should also include a performance audit of the prisons, as has been done by CAG. SLSAs should also assess the effect and impact of various schemes framed by NALSA relating to prisoners. We request the Chief Justice of every High Court, in the capacity of Patron-in-Chief of the State Legal Services Authority, to take up this initiative and, if necessary, set up a committee headed preferably by the Executive Chairperson of the State Legal Services Authority to implement the directions given above.

58.8. Providing medical assistance and facilities to inmates in prisons needs no reaffirmation. The right to health is undoubtedly a human right and all State Governments should concentrate on making this a reality for all, including prisoners. The experiences in Karnataka, West Bengal and Delhi to the effect that

medical facilities in prisons do not meet minimum standards of care is an indication that the human right to health is not given adequate importance in prisons and that may also be one of the causes of unnatural deaths in prisons. The State Governments are directed to study the availability of medical assistance to prisoners and take remedial steps wherever necessary.

58.9. The constitution of a Board of Visitors which includes non-official visitors is of considerable importance so that eminent members of society can participate in initiating reforms in prisons and in the rehabilitation of prisoners. Merely changing the nomenclature of prisons to "Correction Homes" will not resolve the problem. Some proactive steps are required to be taken by eminent members of society who should be included in the Board of Visitors. The State Governments are directed to constitute an appropriate Board of Visitors in terms of Chapter XXIX of the Model Prison Manual indicating their duties and responsibilities. This exercise should be completed by 30-11-2017.

58.10. The suggestion given by the learned Amicus Curiae of encouraging the establishment of "open jails" or "open prisons" is certainly worth considering. It was brought to our notice that the experiment in Shimla (Himachal Pradesh) and the semi-open prison in Delhi are extremely successful and need to be carefully studied. Perhaps there might be equally successful experiments carried out in other States as well and, if so, they require to be documented, studied and emulated.

58.11. The Ministry of Women and Child Development of the Government of India which is concerned with the implementation of the Juvenile Justice (Care and Protection of Children) Act, 2015 is directed to discuss with the officers concerned of the State Governments and formulate procedures for tabulating the number of children (if any) who suffer an unnatural death in child care institutions where they are kept in custody either because they are in conflict with law or because they need care and protection. Necessary steps should be taken in this regard by 31-12-2017.

Inhuman Conditions in 1382 Prisons, In re, (2017) 10 SCC 658 (Decided on 15.09.2017)

Six Issues for Consideration:

Undertrial Review Committee

3. It is stated by Mr Surinder S. Rathi, Director, NALSA that the Standard

Operating Procedure (SOP) for Undertrial Review Committee is ready. The learned Amicus Curiae says that he will look into it and perhaps have some further discussion with NALSA. In any event, the SOP will be finalised on or before 30-6-2018. As soon as the SOP is finalised, it should be circulated to all the District Judges and Undertrial Review Committees for implementation. If and when there are some constraints in the implementation of the SOP, it should be brought to the notice of NALSA so that necessary or corrective measures can be taken. No further orders are required to be passed on this issue. We compliment Mr Rathi and others in NALSA associated in the drafting of the SOP and place on record our appreciation for their efforts.

Overcrowding in prisons

4. It appears from the note given by the learned Amicus Curiae that the issue of overcrowding in prisons is not being taken seriously by the prison authorities. There are several prisons where the overcrowding is well beyond 100% and in some cases it exceeds 150%. In our opinion, this matter should be considered by each High Court independently with the assistance of the State Legal Services Authority/High Court Legal Services Committee so that there is some sanity in the overcrowding in prisons since it involves violation of human rights. Under the circumstances, we request the Chief Justice of every High Court to take up the issue of overcrowding in prisons as a suo motu writ petition. The Secretary General should send a copy of this order to the Registrar General of every High Court for necessary steps in this regard and report back to us.

Vacancies in the prisons staff

5. From the Note of the learned Amicus Curiae, we find that once again there is little interest being shown by the prison authorities and the State Governments to recruit staff in prisons. This, of course, has its own impact on prison administration. Looking to the Note of the learned Amicus Curiae, we are of the opinion that this matter should also be taken up by each High Court. Accordingly, we request the Chief Justice of every High Court to take up this matter as a suo motu writ petition. The Secretary General should send a copy of this order to the Registrar General of every High Court for necessary steps in this regard and report back to us.

Women prisoners and their children

6. The learned Additional Solicitor General informs us that the Ministry of Women and Child Development, Government of India is conducting a study through the National Commission for Women and the National Law University, Delhi on women prisoners and their children. He says that as per his information the study will be completed by 30-6-2018 and the Ministry would thereafter like to look into the study and take necessary steps. He further says that the consideration will take about 2 or 3 weeks. For this purpose, list the matter on 2-8-2018.

Women prisoners and their children

6. The learned Additional Solicitor General informs us that the Ministry of Women and Child Development, Government of India is conducting a study through the National Commission for Women and the National Law University, Delhi on women prisoners and their children. He says that as per his information the study will be completed by 30-6-2018 and the Ministry would thereafter like to look into the study and take necessary steps. He further says that the consideration will take about 2 or 3 weeks. For this purpose, list the matter on 2-8-2018.

Training manuals

7. The Bureau of Police Research and Development has prepared some training manuals for the prison officers and prison warders. We expect the National Police Academy and the State Police Academies to take advantage of the excellent effort put in by the Bureau of Police Research and Development and conduct training courses appropriately. As and when the Bureau of Police Research and Development feels it necessary to prepare other training manuals for the benefit of the prison staff, it is, of course, at liberty to do so, but should bring it to the notice of the learned Amicus Curiae for information. No further orders are required to be passed on this issue.

Open prisons

8. It is stated by the learned Additional Solicitor General that steps are being taken to encourage setting up of open prisons. In fact, Model Rules called the Model Uniform Rules for the Administration of Open Correctional Institutions have been framed. As far as the Union of India is concerned, these Rules are final. The learned Additional Solicitor General says that these Model Rules will be circulated to all the State Governments for notification and implementation. We expect that on receipt of these Model Rules, necessary steps will be taken by the State

Governments to notify and implement these Rules faithfully and sincerely. It is submitted by the learned Amicus Curiae that there are already 63 open prisons in different parts of the country, but the existing capacity is not being fully utilised. We expect the State Governments concerned to not only try and utilise the existing capacity of these open prisons and if necessary increase the existing capacity of these open prisons in due course of time. The State Governments and Union Territory Administrations should also seriously consider the feasibility of establishing open prisons in as many locations as possible.

Inhuman Conditions in 1382 Prisons, In re, (2018) 16 SCC 636 (Decided on 08.05.2018)

Protection of Rights of Prisoners – Human Dignity :

15. ***Directions***

15.1. The Committee will make its recommendations as soon as feasible, other than with respect to the first three terms of reference, dealt with above. It may consider, if necessary, sending reports on any of the matters as and when the recommendations are finalised. It shall also make its recommendations to the State Governments.

15.2. The Committee will devise its own procedure and formulate modalities necessary for accomplishing the task. It may appoint such advisers, institutional consultants and experts as it may consider necessary for any particular purpose. It may call for such information and take such evidence as it may consider necessary. All State Governments, UT Administrations and the Ministries/Departments of the Central Government will furnish such information, documents and other assistance as required by the Committee.

15.3. We request the Committee to complete the collection of data and information and make appropriate recommendations and submit the same to this Court preferably within a period of 12 months.

15.4. The Committee may visit the States and interact with authorities concerned of the State Governments. All authorities of the State Governments and Union Territories may be directed to extend full cooperation to the Committee. It would be the responsibility of the State Governments to cooperate with the Committee and facilitate its visit and outreach to relevant authorities.

15.5. The Committee shall be at liberty to approach this Court to seek any further clarification or direction, if felt necessary.

15.6. The Government of India will make the services of an Additional Solicitor General of India, as and when required by the Committee for any assistance.

15.7. As and when a copy of the final report is submitted, the matter to be listed for further orders.

Inhuman Conditions In 1382 Prisons, In re, (2018) 18 SCC 777 (Decided on 25.09.2018)

RECENT DEVELOPMENTS

Prison Conditions and Prison Reform to be based on Human Dignity Jurisprudence :

14. This right to human dignity has many elements. First and foremost, human dignity is the dignity of each human being "*as a human being*". Another element, which needs to be highlighted, in the context of the present case, is that human dignity is infringed if a person's life, physical or mental welfare is harmed. It is in this sense torture, humiliation, forced labour, etc. all infringe on human dignity. It is in this context many rights of the accused derive from his dignity as a human being. These may include the presumption that every person is innocent until proven guilty, the right of the accused to a fair trial as well as speedy trial, right of legal aid, are all part of human dignity. Even after conviction, when a person is spending prison life, allowing humane conditions in jail is part of human dignity. Prison reforms or jail reforms are measures to make convicts reformed persons so that they are able to lead normal life and assimilate in the society after serving the jail term, are motivated by human dignity jurisprudence.

Shabnam v. Union of India, (2015) 6 SCC 702

Directions for States to consider implementing the reformative and rehabilitation programmes contained in the Model Prison Manual of 2016 (the 2016 Manual) :

20. In spite of our direction, the Government of India did not file an affidavit regarding the status of re

Raju Jagdish Paswan v. State of Maharashtra, (2019) 16 SCC 380

Prisoners with Mental Illness- Duty of Government :

47. It is pertinent for us to understand the phenomenon of post-conviction mental illness. As the phrase itself suggests, it is only after being proven guilty, that the convict has developed such illness. It is well-acknowledged fact throughout the world that, prisons are difficult places to be in. The World Health Organisation and the International Red Cross, identify multiple circumstances such as overcrowding,

various forms of violence, enforced solitude, lack of privacy, inadequate healthcare facilities, concerns about family, etc., can take a toll on the mental health of the prisoners. Due to the prevailing lack of awareness about such issues, the prisoners have no recourse and their mental health keeps on degrading day by day. The prevailing argument in favour of such prisoners is that; whether the imposition of death penalty upon such prisoners is justified, who have clearly impaired their abilities to even understand the nature and purpose of such punishment and the reasons for such imposition? The aforesaid issues will be dealt at length at the later stage.

63. We may note that various prison rules in India also recognise that generally the Government has the duty to pass appropriate orders on execution, if a person is found to be lunatic. The Andhra Pradesh Prison Rules, 1979, Rule 796; Gujarat Prisons (Lunatics) Rules, 1983; Delhi Prison Rules, 2018, Rule 824; Tamil Nadu Prison Rules, 1983, Rule 923; Maharashtra Prison Manual, 1979, Chapter XLII [Government Notification, Home Department, No. RJM-1058 (XLVI)/12,495-XVI, dated 18-1-1971]; Model Prison Manual by Ministry of Home Affairs (2016), Rule 12.36 are some of the examples of legal instruments in India which have already recognised post-conviction mental illness as a relevant factor for Government to consider under its clemency jurisdiction.

'X' v. State of Maharashtra, (2019) 7 SCC 1

Institutional Systemic Discrimination in Prisons :

254. In light of the discussion, we issue the following directions:

(*i*) The impugned provisions are declared unconstitutional for being violative of Articles 14, 15, 17, 21 and 23 of the Constitution. All States and Union Territories are directed to revise their Prison Manuals/Rules in accordance with this judgment within a period of three months;

(*ii*) The Union Government is directed to make necessary changes, as highlighted in this judgment, to address caste-based discrimination in the Model Prison Manual 2016 and the Model Prisons and Correctional Services Act, 2023 within a period of three months;

(*iii*) References to "habitual offenders" in the Prison Manuals/Model Prison Manual shall be in accordance with the definition provided in the habitual offender legislation enacted by the respective State Legislatures, subject to any

constitutional challenge against such legislation in the future. All other references or definitions of "habitual offenders" in the impugned Prison Manuals/Rules are declared unconstitutional. In case, there is no habitual offender legislation in the State, the Union and the State Governments are directed to make necessary changes in the manuals/rules in line with this judgment, within a period of three months;

(*iv*) The "caste" column and any references to caste in undertrial and/or convicts' prisoners' registers inside the prisons shall be deleted;

(*v*) The police is directed to follow the guidelines issued in *Arnesh Kumar* v. *State of Bihar* [*Arnesh Kumar* v. *State of Bihar*, (2014) 8 SCC 273 : (2014) 3 SCC (Cri) 449] and *Amanatullah Khan* v. *Commr. of Police* [*Amanatullah Khan* v. *Commr. of Police*, (2024) 6 SCC 804 : (2024) 3 SCC (Cri) 370] to ensure that members of denotified tribes are not subjected to arbitrary arrest;

(*vi*) This Court takes suo motu cognizance of the discrimination inside prisons on any ground such as caste, gender, disability, and shall list the case from now onwards as *Discrimination Inside Prisons in India, In re* [*Discrimination Inside Prisons in India, In re*, SMW(C) No. 10 of 2024, registered on 16-10-2024 (SC).] . The Registry is directed to list the case after a period of three months before an appropriate Bench;

(*vii*) On the first date of hearing of the above suo motu petition, all States and the Union Government shall file a compliance report on this judgment;

(*viii*) The DLSAs and the Board of Visitors formed under the Model Prison Manual 2016 shall jointly conduct regular inspections to identify whether caste-based discrimination or similar discriminatory practices, as highlighted in this judgment, are still taking place inside prisons. The DLSAs and the Board of Visitors shall submit a joint report of their inspection to the SLSAs, which shall compile a common report and forward it to NALSA, which shall in turn file a joint status report before this Court in the abovementioned suo motu writ petition; and

(*ix*) The Union Government is directed to circulate a copy of this judgment to the Chief Secretaries of all States and Union Territories within a period of three weeks from the date of delivery of this judgment.

Sukanya Shantha v. Union of India, (2024) 15 SCC 535

Legal Aid to Prisoners – SOP Formulated by NALSA :

34. In view of the above, we dispose of the matter by issuing the following directions:-

i. While commending the work already done by NALSA, the SLSAs and the DLSAs, we have no reason to doubt that the Legal Services Authorities at different levels will continue to work with the same momentum to achieve the constitutional objectives and objectives of the Legal Services Authorities Act, 1987.

ii. NALSA in cooperation with the SLSAs and the DLSAs will ensure that the SOP on Access to Legal Aid Services to prisoners and functioning of PLACs are operated efficiently in practice. NALSA will periodically update and improve the measures prescribed under the SOP-2022 so as to address any of the inadequacies that may emerge while operating the same at the field level.

iii. The Legal Services Authorities at different levels will adopt methods to strengthen the monitoring of PLACs and to review their functioning periodically.

iv. The Legal Services Authorities will periodically update the statistical data and after analysing the results take steps to address the shortcomings that may come to light.

v. The Legal Services Authorities, at all levels, should ensure that the Legal Aid Defence Counsel System, which is a pioneering measure, functions to its full potential. In this regard, periodic inspection and audit of the work of the Legal Aid Defence Counsels should be carried out. Steps should also be taken to improve the service conditions of the personnel working in the Legal Aid Defence Counsel system, whenever it is felt necessary and appropriate.

vi. For the success of the functioning of the legal aid mechanism, awareness is the key. A robust mechanism should be put in place and periodically updated to ensure that the various beneficial schemes promoted by the Legal Services Authorities reaches the nook and corner of the nation and particularly, to those whose grievances it has set out to address. Adequate literature including in the local languages in the States and appropriate promotional methods should be launched so that the consumers of justice to whom the schemes are intended can make best use of the same.

vii. In this regard, inter alia, the following measures to create awareness could be undertaken through the length and breadth of the nation to spread the message of

the availability of legal aid:

(a) In public places like police stations, post offices, bus stands, railway stations etc. boards in prominent places be displayed furnishing the address for contact and the phone numbers of the nearest legal aid office. This should be done in the local language and in English.

(b) Promotional campaigns in the local language be undertaken through Radio/All India Radio/Doordarshan. This will be in addition to the promotional measures undertaken through the digitalization process – like hosting of websites and prominent mention thereon on the landing page of the legal services authority wherever permissible.

(c) To create complete awareness about the existence of legal aid schemes, promotional campaigns may include such other creative measures including organization of street corner plays (nukkad natak) in rural areas so that the poor rural masses comprehend the facility available to them through the legal aid scheme. These should be undertaken without dislocating the normal life of citizens. Further, these measures will not only create awareness about legal aid to the accused but will also create awareness for the victims and for those whose civil rights have been infringed.

viii. The Legal Services Authorities will periodically review and update SOP-2022 for the Undertrial Review Committee [UTRC].

ix. The huge gap between total number of persons identified by the UTRC and the number of persons recommended for release should be looked into and adequate corrective measures be taken. Similarly, the difference between the number of prisoners/inmates recommended for release and the number of bail applications filed should be particularly looked into by NALSA/SLSAs/DLSAs and adequate corrective measures taken.

x. The “Early Access to Justice at Pre-arrest, Arrest and Remand Stage Framework” established by NALSA for pre-litigation assistance should be diligently pursued and the work undertaken under the framework be periodically reviewed.

xi. Interaction by the Legal Service Authorities at different levels with convicts who had not preferred appeals should be periodically undertaken and the convicts

be informed of their right to free legal aid.

xii. Periodic interaction should be held with Jail Visiting Lawyers (JVLs) and Para Legal Volunteers (PLVs). This is to ensure updation of their knowledge so that the system functions efficiently as a whole.

xiii. Steps for continuing education of lawyers involved in pre-litigation assistance and those associated with the Legal Aid Defence Counsel set-up should be provided by Legal Services Authorities. Apart from this, it should also be ensured that adequate law books and access to online libraries are available to lawyers engaged at the pre-litigation assistance stage and those involved with the Legal Defence Counsel set-up.

xiv. Periodic reports should be submitted by the DLSAs to the SLSAs and the SLSAs to the NALSA, if not already done. NALSA should digitise the whole process whereby at the central level NALSA can, on the click of a button, get details of the updates done by SLSAs and DLSAs on regular basis.

xv. The Union of India and the State Governments shall continue to extend their cooperation and assistance to the Legal Services Authorities at different levels for the effective implementation of the measures taken by them.

xvi. We direct the Registry to forward a copy of this judgment to all the High Courts in the country. The High Courts may consider the feasibility of issuing a practice direction to the effect that all courts including the High Court while furnishing the copy of the judgment of conviction/dismissal/reversal of acquittal/dismissal of bail applications, may append a coversheet to the judgment informing the convict about the availability of free legal aid facilities for pursuing higher remedies. The coversheet may set out the contact address and phone number of the legal aid committee attached to the court for seeking appropriate guidance. Similar information may be made available in the notices issued to the respondents by the concerned courts in appeals against acquittal. The High Courts may on their webpage carry information about the legal aid facilities available in the State.

Suhas Chakma v. Union of India, (2024) 16 SCC 1

Prison Administration - Indian Prison System – Scrutiny :

20. At this juncture, it may not be out of sight to point out that the Indian Prison System has been under the close scrutiny of judiciary/District Magistrates, who have been given a responsibility to closely monitor the administration and management of prisons under their jurisdiction and to inspect them periodically. Since "Prisons" is a State subject under Entry 4 in List II of the Seventh Schedule to the Constitution of India, the management and administration of the same comes within the purview of the State Governments. They are governed by the Prisons Act, 1894 and the Prison Manuals/Rules/Regulations framed by the respective State Governments from time to time. The Model Prison Manual provides guidance to the State Governments to maintain uniformity in the Prison Administration throughout the country.

21. This Court has repeatedly recommended an overhaul of Prison Administration by suggesting reforms in treatment of prisoners and management of prisons. The dehumanised existence of prisoners was reprimanded by Krishna Iyer, J. in *Sunil Batra (2)* v. *State (UT of Delhi)* [*Sunil Batra (2)* v. *State (UT of Delhi)*, (1980) 3 SCC 488 : 1980 SCC (Cri) 777 : AIR 1980 SC 1579] , and he called for an overhaul of Prison Manuals in compliance with constitutional ideals and human rights. He further emphasised on the need for an independent oversight mechanism for operationalising prisoners' rights and safeguards. Subsequently, after the direction of this Court to examine the framing of new All India Jail Manual in *Rama Murthy* v. *State of Karnataka* [*Rama Murthy* v. *State of Karnataka*, (1997) 2 SCC 642 : 1997 SCC (Cri) 386] , the Model Prison Manual came into existence in the year 2003 and the same was approved by the Ministry of Home Affairs, only in the year 2016, pursuant to the direction of this Court in yet another decision in *Inhuman Conditions in 1382 Prisons, In re* [*Inhuman Conditions in 1382 Prisons, In re*, (2017) 10 SCC 658 : (2018) 1 SCC (Cri) 90] . The Model Prison Manual and the system that it envisages, has to be understood as an outcome of the repeated clarion calls and demands to safeguard prisoners' rights and prison reforms.

22. The Prison Administration needs to be reformed for creating a better environment and prison culture to ensure the prisoners enjoy their right to dignified life under Article 21. It is essential to continuously monitor the physical conditions prevailing in the prison, compliance with basic and fundamental rights of the prisoners, etc. The State recognises that a prisoner loses his right to liberty

but still maintains his right to be treated as a human being and as a person. His human dignity shall be maintained and all basic amenities should be made available to him. Discipline and order shall be maintained with firmness, but with no more restriction than is necessary for safe custody and well-ordered community life, with due regard to the maintenance of the rights of prisoners. Thus, the objective of reforms and rehabilitation of the prisoners has to be pursued diligently.

State of Jharkhand v. Vikash Tiwary, (2025) 3 SCC 226

Reformation in Prison System to Implement Disability-Sensitive Infrastructure and Protocol :

Directives

35. In light of the foregoing findings and in furtherance of Articles 14 and 21 of the Constitution of India, the RPwD Act, 2016, and India's international obligations under the UNCRPD, the following directions are issued for immediate and time-bound compliance:

1) All prison authorities shall promptly identify prisoners with disabilities at the time of admission. Each prisoner shall be given an opportunity to declare any disability and provide information about their specific needs.

1.1) All rules, regulations, and essential information about prison life shall be provided to such prisoners in accessible and understandable formats (e.g., Braille, large print, sign language, or simplified language).

2) All prison premises shall be equipped with wheelchair-friendly spaces, accessible toilets, ramps, and sensory-safe environments to ensure universal accessibility.

3) All prisons shall designate and maintain dedicated spaces for physiotherapy, psychotherapy and other necessary therapeutic services.

4) A State-level access audit of all prisons in Tamil Nadu shall be completed within six months by an expert committee comprising officials from the Social Welfare Department, the Department for the Welfare of Differently Abled Persons, and certified access auditors.

4.1) Periodic audits shall thereafter be conducted and updated regularly in accordance with the Harmonized Guidelines and Standards for Universal

Accessibility in India (2021).

5) The prison authorities shall ensure complete compliance with Sections 40 and 45 of the RPwD Act, 2016, Rule 15 of the 2017 Rules and the Harmonized Guidelines, 2021 in all prison infrastructure and services.

6) The State shall provide healthcare for prisoners with disabilities equivalent to that available in the community, including access to physiotherapy, speech therapy, psychiatric services, and assistive devices (such as wheelchairs, hearing aids, and crutches).

7) All prison medical officers shall be adequately trained and sensitized to address disabling conditions, ensuring provision of appropriate accommodations and treatment without discrimination or bias. Furthermore, regular awareness and sensitization programmes shall be conducted in all prisons.

8) Every prisoner with a disability shall be provided a nutritious and medically appropriate diet, tailored to their specific health and dietary needs.

9) Lifesaving treatments, including regular and need-based physiotherapy and psychotherapy must be made available on-site or through linkage with government health facilities.

10) All prison staff shall undergo comprehensive training on the rights of persons with disabilities. This training shall include:

- awareness of equality and non-discrimination principles

- proper handling of disability-related challenges

- use of appropriate language and behaviour, as per the UN Handbook on Prisoners with Special Needs.

11) The State Prison Manual shall be reviewed and appropriately amended within six months to ensure conformity with the RPwD Act, 2016 and the UNCRPD.

11.1) A specific section must be incorporated to prohibit discrimination against prisoners with disabilities and promote equal treatment and reasonable accommodation.

11.2) The revised Manual shall be prominently displayed in every prison establishment.

12) The State shall undertake periodic consultations with civil society

organisations working in the disability sector to develop inclusive policies and identify accommodations based on real needs.

13) The State shall constitute a monitoring committee to conduct periodic inspections and submit compliance reports every three months.

14)The State shall maintain and update disaggregated data on the disability status of prisoners, including records on accessibility, reasonable accommodations, and medical requirements.

14.1) This is to ensure compliance with Article 31 of the UNCRPD and the RpwD Act, 2016.

14.2) The data shall be made available in the public domain, subject to privacy safeguards.

15) The Director General of Prisons shall file a comprehensive compliance report before the State Human Rights Commission within three months from the date of this judgment, detailing all steps taken in furtherance of these directions.

35.1. We make it clear that these directions are issued in the larger public interest to uphold the dignity, and healthcare rights of prisoners with disabilities in all custodial settings. The obligations herein are rooted in India's constitutional guarantees, statutory mandates, and international human rights commitments.

L. Muruganantham v. State of T.N., (2025) 10 SCC 401

Administration of Prisons - Equality, Non-discrimination and the Right to Live with dignity, as guaranteed under Articles 14, 15 and 21 of the Constitution of India - Open Correctional Institutions - Directions Issued:

IX. OPERATIVE DIRECTIONS

73. In view of the foregoing analysis, and in order to ensure that OCIs across the Country can be made meaningful and effective institutions so as to fulfil the constitutional, reformative and rehabilitative mandate, this Court considers it necessary to issue certain directions. The directions that follow are structured under the respective heads of consideration examined hereinabove, as well as certain ancillary and consequential aspects that are necessary for the effective operationalisation of the reformative framework analysed in detail and represent a concise distillation of the conclusions arrived at in the preceding paras. They are being issued to give concrete and enforceable effect to the constitutional foundations, principles, empirical findings jurisprudential and statutory obligations already discussed, and to secure timely and uniform implementation of the necessary corrective measures by the Union of India, States and Union Territories, so that OCIs operate as effective instruments of dignity, equality, rehabilitation and social reintegration within the criminal justice system.

A. <u>Under-utilisation of Existing OCI Facilities and Absence of OCIs in Several States and Union Territories</u>

(i) The States of Arunachal Pradesh, Chhattisgarh, Goa, Haryana, Jharkhand, Manipur, Mizoram, Nagaland, Sikkim and Telangana, which presently do not have any functioning OCIs, shall, as a first step, undertake an assessment of the feasibility and necessity for establishing OCIs within their respective jurisdictions. Upon such assessment, the said States shall develop a protocol for the establishment of OCIs and/or open and semi-open barracks.

a. The protocol shall, *inter alia*, address issues relating to land allocation, extent of land, infrastructure development, construction, staffing, security arrangements and operational modalities. Where the establishment of standalone OCIs is found to be infeasible for valid and recorded reasons, the concerned States shall be duty-bound to create open and/or semi-

open barracks within existing closed prisons situated within their territorial jurisdiction, so as to ensure that prisoners are not denied access to reformative correctional facilities.

b. The said protocol shall be placed before the Monitoring Committee constituted in each State under **Direction F** within a period of **three months** from the date of this judgment.

(ii) Noting that almost all States as well as NCT of Delhi have reported substantial under-utilisation of existing OCI facilities and open barracks within closed prisons, each State as well as NCT of Delhi shall:—

a. Develop a time-bound protocol for filling up existing vacancies in OCIs and open barracks;

b. Submit the said protocol before the Monitoring Committee constituted in each State and Union Territory under **Direction F** within a period of **three months** from the date of this judgment; and

c. Ensure that the identified vacancies are filled within a further period of **two months** thereafter, subject to eligibility and security considerations. The compliance report shall be placed before the Monitoring Committee constituted under **Direction F**, within **one month** thereafter.

(iii) In respect of Union Territories lacking OCI facilities, namely Andaman and Nicobar Islands; Chandigarh; Dadra & Nagar Haveli and Daman & Diu; Jammu and Kashmir; Ladakh; Lakshadweep; and Puducherry, the Union of India/the elected Government of the Union Territory (as the case may be), shall:—

a. Examine the feasibility of establishing OCIs within the concerned Union Territory or in the alternative, evolve a mechanism for transferring eligible prisoners to appropriate and proximate OCIs in neighbouring States;

b. In any event, and irrespective of the feasibility of establishing standalone OCIs, the Union of India/the elected Government of the Union Territory (as the case may be), shall be duty-bound to create open and/or semi-open barracks within existing closed prisons situated within the jurisdiction of the concerned Union Territory, wherever feasible, so as to

provide access of reformative correctional facilities to eligible prisoners; and

c. A status report in this regard shall be submitted before the Monitoring Committee constituted under **Direction F** within **three months**.

(iv) The Monitoring Committee constituted under **Direction F** shall be duty-bound to oversee, facilitate and ensure the faithful, effective and timely implementation of the protocols so framed by the States and Union Territories.

B. <u>Exclusion and Under-representation of Women Prisoners from OCIs</u>

(i) All States and Union Territories shall develop a protocol for restructuring existing OCIs and/or open barracks so as to allocate adequate capacity for women prisoners. The protocol shall be submitted before the Monitoring Committee constituted in each State and Union Territory under **Direction F** within **three months** from the date of this judgment.

(ii) In States/Union Territories where OCIs are already integrated and women are legally permitted to be housed in OCIs or open barracks, the concerned States/Union Territory shall submit before the Monitoring Committee constituted in each State and Union Territory under **Direction F** within one month thereafter, a protocol for identification and timely transfer of eligible women prisoners, and for filling up existing vacancies earmarked for women.

(iii) Wherever integration or cohabitation within existing OCIs is not feasible due to security or other legitimate concerns, the States and Union Territories shall take immediate steps to create suitable and dedicated OCI facilities and open barracks within closed prisons for women, so as to ensure that women prisoners are not denied access to reformative institutions.

(iv) Security concerns shall generally not be made a ground to deny women prisoners access to OCI facilities and open barracks. States/Union Territories are directed to evolve gender-sensitive and security-conscious mechanisms to facilitate such access, consistent with Articles 14, 15 and 21 of the Constitution of India.

(v) All States and Union Territories shall, within a period of **three months**

from the date of this judgment, review and amend, as may be necessary, any existing rules, notifications or executive instructions governing OCIs and open barracks that directly or indirectly exclude women prisoners from eligibility for transfer, and shall place a compliance report before the Monitoring Committee constituted under **Direction F**, within one month thereafter.

(vi) The Monitoring Committee constituted under **Direction F** shall be duty-bound to oversee, facilitate and ensure the faithful, effective and timely implementation of the protocols so framed by the States and Union Territories.

C. <u>Strict Eligibility Criteria and Inadequate Rehabilitative Avenues within OCIs</u>

(i) All States and Union Territories shall revisit and rationalise eligibility criteria for transfer of prisoners from closed prisons to OCIs, ensuring that such criteria are based primarily on the nature and classification of offences, demonstrated reformative potential, institutional conduct and readiness for social reintegration, rather than rigid or unduly long periods of incarceration in closed prisons. Individualised assessments shall be undertaken through transparent and reasoned procedure, with recorded justification for acceptance or rejection.

(ii) All States and Union Territories shall ensure that OCIs do not function merely as labour camps or spaces of custodial convenience, but as institutions of structured rehabilitation and transition to liberty. To this end, they shall:—

a. Adopt and adapt best practices from States such as Maharashtra, Kerala, and Rajasthan, where OCIs have demonstrated effective rehabilitative outcomes, including models of community-based employment, family integration and diversified vocational training.

b. Develop, implement and periodically update structured skill augmentation, vocational training, apprenticeship and certification programmes, aligned with contemporary employment opportunities;

c. Facilitate community-based employment and external work opportunities, wherever feasible, with minimal, proportionate and non-intrusive supervision, so as to promote responsibility, trust and social

reintegration;

d. Ensure fair, equitable and non-discriminatory wages, linked to the nature of work and prevailing minimum wage norms. They shall guarantee timely access to healthcare, banking facilities, education, digital literacy and meaningful vocational training within the OCIs;

e. Enable access to formal education, distance learning and skill certification, including extensive collaboration with recognised educational institutions, Industrial Training Institutions (ITIs), and industry partners (public/private); and

f. Promote family integration and social support systems, including visitation, home leave and, wherever feasible, cohabitation, consistent with security considerations.

(iii) Disciplinary mechanisms within OCIs shall be reform-oriented and proportionate, and reversion to closed prisons shall not be employed as a default punitive response, except where strictly warranted.

(iv) All States and Union Territories shall put in place institutional grievance redressal mechanisms within OCIs, enabling inmates to raise concerns relating to work conditions, wages, healthcare, discipline or access to facilities, and shall ensure that such grievances are addressed in a timely, fair and transparent manner.

(v) All States and Union Territories shall within **three months** from the date of this judgment, undertake necessary amendments, modifications or revisions of the existing rules, regulations, executive instructions or administrative frameworks governing OCIs, as may be required, in order to give full effect to the directions issued under this head and shall place a compliance report before the Monitoring Committee constituted under **Direction F**, within 1 month thereafter.

(vi) All States and Union Territories shall, for the purpose of implementation of **Direction C(ii)**, prepare comprehensive and time-bound action plans, clearly indicating timelines, budgetary allocations, institutional responsibilities and capacity targets. The action plans so prepared shall be placed on record before the Monitoring Committee constituted in each State and Union Territory under **Direction F**, within a period of **three months**

from the date of this judgment, which in turn shall ensure faithful, effective and timely implementation of the said action plans.

D. <u>Lack of Uniformity and the Need for Common Minimum Standards for Governance and Management of OCIs across States and Union Territories</u>

(i) Recognising the absence of uniformity in governance, eligibility norms, rehabilitative facilities and management of OCIs, and the need for nationally consistent **Common Minimum Standards**, this Court directs the constitution of a **High-Powered Committee for Reform and Governance of Open Correctional Institutions**[23] with the following composition:—

a. **<u>Executive Chairperson: Hon'ble Mr. Justice S. Ravindra Bhat</u>, Judge (Retd.), Supreme Court of India.**

b. **<u>Member Secretary</u>:** Officer/Member of the National Legal Services Authority (NALSA), to be nominated by the Member Secretary, NALSA.

c. **<u>Members</u>:**

- Home Secretary, Union of India (or his nominee not below the rank of Additional Secretary); and
- Home Secretaries of all States and Union Territories (or their nominees not below the rank of Additional Secretary);
- Deputy Inspector General (Correctional Administration), Research and Correctional Administration Division, Bureau of Police Research and Development (BPR&D);
- Joint Secretary, Ministry of Social Justice and Empowerment;
- Joint Secretary, Ministry of Skill Development and Entrepreneurship; and
- Two Directors General of Prisons and Correctional Services from States, to be identified by the Hon'ble Executive Chairperson on a rotational basis.

(ii) The mandate of the High-Powered Committee shall include:—

a. Formulation of **Common Minimum Standards** for the governance, administration and management of OCIs, including eligibility criteria, living conditions, wages, healthcare, education, vocational training,

family integration and disciplinary safeguards;

b. Harmonisation of correctional practices prevailing across States and Union Territories with constitutional mandate, the jurisprudence of this Court, and internationally accepted best practices;

c. Identification of systemic gaps, inconsistencies and barriers in the existing rules/frameworks governing OCIs across States and Union Territories, and recommending corrective legislative, administrative and policy measures;

d. Recommendation of **Standardised Eligibility Assessment Protocols** based on the nature and classification of offences, demonstrated reformative potential, institutional conduct and readiness for social reintegration, rather than rigid or unduly long periods of incarceration in closed prisons;

e. Formulation of enforceable guidelines to ensure gender-sensitive, inclusive and non-discriminatory access to OCIs, including provisions for women prisoners, transgenders and other vulnerable categories;

f. Suggesting institutional arrangements for capacity-building and training of prison officials involved in the management of OCIs;

g. Recommending mechanisms for periodic monitoring, data collection, evaluation and audit of the functioning of OCIs including capacity utilisation, rehabilitative outcomes and compliance with prescribed standards; and

h. Recommending measures to strengthen inter-agency coordination, including between prison departments, legal services authorities, social welfare departments, and skill development agencies.

(iii) Administrative and Logistical Arrangements for the High-Powered Committee shall be as follows:—

a. The High-Powered Committee shall be provided with all necessary secretarial, technical and administrative support to enable the effective discharge of its mandate. For this purpose, the National Legal Services Authority (NALSA) shall act as the nodal agency and shall designate a suitable officer, to function as the Registrar-cum-

Nodal Officer of the High-Powered Committee.

b. The Registrar-cum-Nodal Officer shall be assisted by such staff as may be required, including at least one Personal Assistant, one administrative assistant, one Law Clerk, and supporting staff, to be deputed by NALSA.

c. The High-Powered Committee shall be free to conduct its sittings at New Delhi or at such other place or places as may be deemed appropriate by the Hon'ble Executive Chairperson. The concerned State Government or Union Territory, as the case may be, shall ensure that suitable arrangements for the sittings of the High-Powered Committee are made expeditiously whenever meetings are held outside New Delhi.

d. The Member Secretary, National Legal Services Authority (NALSA), shall arrange for fully furnished and well-equipped office space for the High-Powered Committee at the NALSA Office, B-Block, Ground Floor, Administrative Buildings Complex, Supreme Court of India, New Delhi - 110001, as and when required. The said office shall be provided with adequate infrastructure, including video-conferencing facilities, secure internet connectivity, record-keeping systems and all necessary logistical support to ensure the efficient and uninterrupted functioning of the High-Powered Committee.

e. The High-Powered Committee shall be at liberty to evolve its own modalities and procedure for the conduct of its meetings and business, including the manner of consultation with stakeholders, calling for data, and seeking expert assistance, consistent with its mandate.

f. The Union of India, through the Ministry of Home Affairs, shall bear all financial and logistical requirements of the High-Powered Committee, including expenditure towards office infrastructure, staff support, travel, accommodation, and operational expenses.

g. The Hon'ble Chairperson of the High-Powered Committee shall be entitled to an honorarium of Rs. 10,00,000/- (Rupees Ten Lakh only) per month, along with reimbursement of actual travel and incidental expenses incurred in connection with the discharge of official duties.

Any expert, legal assistance or otherwise, engaged by the High-Powered Committee shall also be paid appropriate honorarium, to be determined by the Hon'ble Executive Chairperson.

h. All logistical and administrative arrangements necessary for the functioning of the High-Powered Committee shall be completed within **two weeks** from the date of the judgment.

(iv) The first meeting of the High-Powered Committee shall be convened within a period of **two weeks** from the completion of the aforesaid logistical and administrative arrangements.

(v) The High-Powered Committee shall submit a comprehensive report containing its recommendations, along with the draft Common Minimum Standards, before this Court preferably within a period of **six months** from the date of its first meeting.

E. <u>Expansion of Open Correctional Infrastructure</u>

(i) All States and Union Territories shall, in addition to optimally utilising existing OCIs, take proactive and time-bound steps to expand open correctional infrastructure by **(a)** establishing new OCIs, and **(b)** creating open and semi-open barracks within existing closed prisons, wherever feasible.

(ii) Each State and Union Territory through its Prisons and Correctional Services Department shall undertake a comprehensive assessment of its prison infrastructure within a period of **three months** from the date of this judgment to:—

a. identify locations suitable for the establishment of new OCIs; and

b. identify closed prisons where open or semi-open barracks can be created without compromising safety or security.

(iii) Upon completion of the aforesaid assessment, each State and Union Territory shall prepare separate, time-bound action plans clearly indicating timelines, budgetary provisions and capacity targets for:—

a. the establishment of new OCIs and/or expansion of existing OCIs; and

b. the creation and operationalisation of open and semi-open barracks within

closed prisons.

(iv) The action plans prepared in this regard shall clearly indicate timelines, budgetary provisions and capacity targets, and shall be placed before the Monitoring Committee constituted in each State and Union Territory under **Direction F**, within a period of **three months** from the date of this judgment, which in turn shall ensure faithful, effective and timely implementation of the said action plans.

F. <u>Compliance and Monitoring</u>

It is evident that the directions issued by this Court vide order dated 8th May, 2018 in *In Re: Inhuman Conditions in 1382 Prisons* have not, thus far, yielded any meaningful or positive results. In order to ensure that the present judgment does not suffer the same fate, it is imperative to exhort the High Courts to assume an active role in overseeing and ensuring effective implementation of the directions issued herein. With the aforesaid objective in view, we proceed to issue the following directions:—

(i) For ongoing compliance and monitoring, all the High Courts are directed to register a *suo motu* writ petition, as a continuing mandamus, for the purpose of monitoring compliance with the present judgment within their respective jurisdictions, particularly with respect to the establishment, functioning and expansion of OCIs.

(ii) To facilitate effective implementation at the executive level, every State and Union Territory shall constitute a Monitoring Committee for the Management of OCIs, to be headed by the Executive Chairman of the State Legal Services Authority or his nominee (including a former Judge of the High Court), with the following members:—

a. Home Secretary of the State/Union Territory (or his nominee not below the rank of Additional Secretary); and

b. A senior officer of the Prisons Department not below the rank of Deputy Inspector General, to be nominated by the Home Department of the State or Union Territory.

(iii) Where the Chairperson of the Monitoring Committee is a nominee of the Executive Chairman of the State Legal Services Authority, such nominee

shall be entitled to appropriate remuneration and logistical support, as may be determined by the Executive Chairman, State Legal Services Authority in consultation with the State Government.

(iv) The State Monitoring Committees shall be responsible for:—

a. Ensuring compliance with the directions issued by this Court;

b. Overseeing the utilisation, functioning and expansion of OCIs;

c. Facilitating the timely identification and transfer of eligible prisoners from closed prisons to OCIs; and

d. Periodically reviewing progress and addressing systemic impediments in the implementation of the directions issued by this Court.

(v) Each State and Union Territory shall constitute the aforesaid Committee within a period of **four weeks** from the date of this judgment.

(vi) The State Committees shall submit status reports to the concerned High Court on regular **quarterly intervals**, detailing the steps taken towards compliance with the directions issued herein, the utilisation and expansion of OCIs, and any difficulties encountered in implementation of the directions issued by this Court. The first such status report shall be placed on record before the concerned High Court **on or before 21st August, 2026**.

(vii) The High Courts, through their respective Registrar General, shall compile and forward consolidated report to this Court **once every year**, summarising the compliance status of States and Union Territories, progress achieved, best practices identified, and persistent gaps requiring policy or executive intervention. The first such consolidated annual report shall be placed on record before this Court **on or before 31st March, 2027.**

This multi-tiered monitoring mechanism ensures institutional accountability, continuous judicial oversight, and effective translation of constitutional directives into operational outcomes, thereby preventing stagnation in implementation and reinforcing the transformative objectives of this judgment.

Suhas Chakma v. Union of India, 2026 INSC 198

Administration of Prisons - Constitutional guarantees of dignity, equality, and non-discrimination - Rights of Persons with Disabilities Act, 2016 - Rights of prisoners with disabilities:

7. In view of the aforesaid discussion, and having regard to the need for an effective, structured, and uniform mechanism to address the issues highlighted in the present proceedings, we deem it appropriate to issue the following directions: -

A. The Secretary, Department of Empowerment of Persons with Disabilities, Union of India (or his nominee not below the rank of Additional Secretary), shall forthwith start active participation in the proceedings before the High-Powered Committee.

B. The Secretaries of the Department of SocialJustice and Empowerment/Department of Social Welfare of all States and Union Territories (or their nominees not below the rank of Additional Secretary) shall also join the proceedings and ensure effective representation before the High-Powered Committee with immediate effect.

C. All the States and Union Territories shall place their compliance affidavits before the High- Powered Committee within a period of six weeks from the date of this order.

D. The petitioners as well as the intervenor(s) are permitted to participate in the proceedings before the High-Powered Committee and shall be at liberty to file their representations along with any relevant material, before it. The High-Powered Committee shall duly consider such representations in accordance with law while discharging its mandate.

E. The High-Powered Committee shall ensure due and effective compliance by all States and Union Territories with the directions issued by this Court in L. Muruganantham (supra), as well as those mandated vide order dated 2nd December, 2025 in the present proceedings. For the said purpose, it shall be empowered to issue such directions to the concerned departments of the States/Union Territories, as may be necessary for effective implementation.

F. The High-Powered Committee shall formulate a comprehensive and implementable action plan for the provision of appropriate assistive devices, mobility aids, and other necessary support equipment to prisoners with disabilities, ensuring that such measures are tailored to their specific needs and functional

requirements. The said action plan shall also lay down uniform standards, modalities of procurement, maintenance protocols, and safeguards, while duly taking into account the security considerations inherent in prison administration, so as to facilitate its effective and consistent adoption by all the States and Union Territories.

G. The High-Powered Committee shall be at liberty to seek assistance from expert institutions, specialised bodies, and organisations working in the field of persons with disabilities, and may engage with domain experts, civil society organisations, and other stakeholders, as may be required, for the effective and informed discharge of its functions. The expenses incurred in this exercise shall be borne by the Ministry of Social Justice and Empowerment, Union of India as may be directed by the High-Powered Committee .

H. The Chairperson of the High-Powered Committee shall devise appropriate modalities governing its functioning and schedule of meetings, so as to suitably delineate and, where necessary, segregate its consideration of issues pertaining to Open Correctional Institutions from those arising in the present proceedings, ensuring focused and effective examination of both domains.

I. The High-Powered Committee shall, as far as feasible within a period of four months, submit a consolidated status report before this Court indicating the progress made, challenges encountered, and further measures proposed for ensuring full compliance with the directions issued by this Court.

J. All the States and Union Territories shall extend full cooperation to the High-Powered Committee and ensure that all requisite data, records, and logistical support are made available to it in a timely manner.

8. The Registry is directed to forthwith transmit a copy of this order to the Hon'ble Chairperson of the High-Powered Committee for necessary compliance.

Sathyan Naravoor v Union of India 2026 INSC 397

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GOVERNMENT OF UTTARAKHAND

THE UTTARAKHAND JAIL MANUAL, 2023

Prison Administration and Correctional Services Department, Uttarakhand

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In pursuance of the provision of clause (3) of article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of notification No. / dated ,2023 for general information

Government of Uttarakhand

Home Department- 2

No. 715/XX-2/2022-1(20)/2018,

Dehradun, Dated-07 November, 2023

NOTIFICATION

In exercise of the powers under section 59 of the Prison Act 1894 (Act no. 9 of 1894) and in supersession of the existing Uttarakhand Jail Manual, other rules on the subject and any existing inconsistent or contrary rule, Government orders, directions or notification issued for administration and management of prisons and other incidental matters, the Governor is pleased to make the following rules for administration and management of prisons in Uttarakhand and its related institutions as follows.

CHAPTER-I

PRELIMINARY/DEFINITION

1. **Short title, extent and commencement: -**
   (i) This Manual may be called the Uttarakhand Jail Manual (Rules), 2023.
   (ii) This shall extends to the whole of Uttarakhand and shall be applicable to the all prisons in Uttarakhand, other related institutions, prisoners and personnel.
   (iii) This manual shall come into force with immediate effect from date of their publication in the Gazette and shall override any inconsistent or contrary rule, existing government orders, directions or notifications issued for administration and management of prisons and other incidental matters.
2. **Applicable Acts, Rules and Regulations: -**

   The Following statutes, including amendments, if any thereafter, and corresponding rules as the case may be, shall have a bearing on the establishment and management of prisons, the confinement and treatment of prisoners, it's officers and other incidental

matters.

(i) The Prisons Act, 1894
(ii) The Prisoners' Act, 1900
(iii) The Criminal Procedure (Identification) Act, 2022
(iv) The Transfer of Prisoners Act, 1950
(v) The Prisoners (Attendance in Courts) Act, 1955
(vi) The Uttar Pradesh Prisoners (Attendance in Courts) Rules, 1956
(vii) The Representation of People's Act, 1951
(viii) The Code of Criminal Procedure, 1973
(ix) The Indian Penal Code, 1860
(x) The Code of Civil Procedure, 1908
(xi) The Repatriation of Prisoners Act, 2003
(xii) The Repatriation of Prisoners Rules, 2004
(xiii) The Uttar Pradesh Prisoner's Release on Probation Act, 1938
(xiv) The Uttar Pradesh Prisoner's Release on Probation Rules, 1938
(xv) The Protection of Human Rights Act, 1993
(xvi) The Mental Health Care Act, 2017
(xvii) The Juvenile Justice (Care & Protection of children) Act, 2015.
(xviii) The Probation of Offenders Act, 1958
(xix) Uttar Pradesh Security Prisoners Rules, 1972
(xx) Uttar Pradesh Payment of Remunerations to Prisoners and Compensation to Victims Rules,
(xxi) Uttar Pradesh Black Marketer Prisoner's Rules, 1979
(xxii) National Security Act, 1980
(xxiii) Uttar Pradesh National Security Prisoner (Conditions of Detention) Order, 1980
(xxiv) Other Major and Minor Criminal Laws

3. Definitions. - In these rules, unless the context otherwise requires:

(i) **"ACT"** means "The Prisons Act of 1894";

(ii) **"adult prisoner"** means any prisoner who is more than21 years of age;

(iii) **"casual offender"** means a prisoner who is a first offender and lapses into crime not because he has a criminal mentality but on account of his surrounding, physical disability or mental deficiency. The term 'first offender' in the case of a prisoner committed to or detained in prison under section 122 of the Code shall mean a prisoner thus committed to or detained in prison for the first time;

(iv) **"Civil prisoner"** means any prisoner who is not a criminal prisoner;

(v) **"code"** means the Code of Criminal Procedure, 1973, as amended from time to time;

(vi) **"competent authority"** means any officer having jurisdiction and due legal authority to deal with a particular matter in question as referred in these Rules;

(vii) **"convicted prisoner"** means any criminal prisoner under sentence of a court or court martial and includes a person detained in prison under the provisions of chapter vii of the Code;

(viii) **"correctional administration"** means the administration of services aimed at the reformation and rehabilitation of the offender;

(ix) **"correctional personnel"** mean personnel engaged for Correctional purpose in the prison department;

(x) **"court"** any officer lawfully exercising civil, criminal or revenue jurisdiction;

(xi) **"criminal prisoner"** means any prisoner duly committed to custody under the writ, warrant or order of any court or authority exercising criminal jurisdiction or by order of a court martial;

(xii) **"detenue"** means any person detained in prison on the orders of the competent authority under the relevant preventive laws;

(xiii) **"enclosure"** means an area surrounded by fences or walls in the prison;

(xiv) **"furlough"** means leave as reward granted to a convicted prisoner;

(xv) **"government"** means the Government of Uttarakhand;

(xvi) **"geriatric prisoner"** means a prisoner who is 60 years of age or above & medically unable to manage his daily affairs independently without assistance;

(xvii) **"habitual offender or habitual criminal"** means –

(a) Any person convicted of an Offence whose previous conviction or conviction under Chapter XII, XVI, XVII of the Indian Penal Code, 1860 taken by themselves or with the facts of the present case show that habitually commits an offence or offence punishable under any or all of the previous mentioned chapters;

(b) Any person committed to or detained in Prison under section 22 (read with section 110) of the Code;

(c) Any person convicted of any of the Offences specified in (a) above when it appears from the facts of the case even although no previous conviction has been proved that he is by habit a member of a gang of dacoits, or of thieves or a dealer in stolen property;

(d) 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 purpose of this definition the word "Conviction" shall include an order made under Section 117, read with Section 110, of the Code.

(xviii) **"high risk prisoner"** means as defined in chapter of High-Risk Prisoner;

(xix) **"history ticket"** means the ticket exhibiting such information as is required in respect of each prisoner by the Act or the rules made thereunder;

(xx) **"imprisonment"** means as defined in the Indian Penal Code, 1860;

(xxi) **"Inspector General Of Prisons"** means the Inspector General of Prisons and in relation to the performance of such functions of the Inspector General as are entrusted by or under the rules made under the Act;

(xxii) **"institution"** means place where prisoners are lawfully confined & also known as prison;

(xxiii) **"jailor"** means the Jailor of a prison or an officer who performs such functions of the Jailor as are entrusted by or under the rules made under the Act;

(xxiv) **"manual"** means Uttarakhand Jail Manual Rules, 2023;

(xxv) **"magistrate"** means any person exercising all or any of the powers of a Magistrate under the Code;

(xxvi) **"medical officer"** means any medical personnel having such qualification as the state government may deem fit and who is responsible for health and hygiene of prisoners, sanitation of the prisons and the treatment of prison staff and shall also perform such other functions in furtherance of these objects as directed by the competent authorities from time to time;

(xxvii) **"medical superintendent"** means the senior most Medical Officer of the prison;

(xxviii) **"mulakat/interview"** means meeting of prisoners with their relatives/family and acquaintances;

(xxix) **"multiple murders"** mean murder of more than one person either in single FIR or multiple FIRs;

(xxx) **"military prisoner"** means a prisoner convicted by Court Martial;

(xxxi) **"medical subordinate"** means a qualified medical assistant;

(xxxii) **"non-habitual prisoner"** means a prisoner other than a habitual offender;

(xxxiii) **"notification"** means a notification published in the official gazette;

(xxxiv) **"offence"** means any act or omission made punishable by any law for the time being in force;

(xxxv) **"open prison"** means any place within the prison complex so declared by the Government for temporary or permanent use for the detention of prisoners in which the prisoners are trusted to serve their sentences with minimal supervision and perimeter security and are not locked up in prison cells. Prisoners may be permitted to take up employment outside the prison complex while serving their sentence;

(xxxvi) **"parole system"** means the system of releasing prisoners from prison on parole by suspension of their sentence in accordance with the rules;

(xxxvii) **"prescribed"** means as prescribed by these manual;

(xxxviii) **"prison"** means any jail or place used permanently or temporarily under the general or special orders of the government for the detention of prisoners and includes all lands, buildings and appurtenances thereto but does not include:

(a) Any place for the confinement of prisoners who are exclusively in the custody of police;

(b) Any place specially appointed by government under section 417 of the Code;

(c) Any place which has been declared by the government by general or special order to be a special prison.

(xxxix) **"prisoner / inmate"** means any person confined in prison under the order of a competent authority;

(xl) **"prisoners with special needs"** means prisoners who have the propensity to inflict self-harm, have suicidal tendencies or suffering from addiction or substance abuse, differently abled persons or transgender;

(xli) **"probation / welfare officer"** means an officer appointed as such by the State government to undertake probation work under the Probation of Offenders Act of 1958, or any other law;

(xlii) **"prohibited article"** means an article, the introduction or removal of which into or out of a prison is prohibited by any rule made under this Act;

(xliii) **"remand prisoner"** means a person who has been remanded by court to prison custody, pending investigation by the police;

(xliv) **"remission system"** means the system for regulating the award of marks to, and the consequent shortening of sentence, of prisoners in prison;

(xlv) **"rules"** mean a rule for the time being in force, made under or in pursuance of, the Act;

(xlvi) **"section"** means a section of the Act;

(xlvii) **"security prisoner"** means any prisoner against whom there is a threat from any person;

(xlviii) **"senior medical officer"** means a medical officer senior to other medical officer posted in a prison and may be known as Senior Medical Officer in charge;

(xlix) **"sewadar"** means the convict/the under trial deployed for assisting prison administration;

(l) **"subordinate officer"** means every non-gazette officer serving in the prison;

(li) **"superintendent"** means an officer appointed by the State Government to be in-charge of the prison and to perform such functions as provided in the Act, and the rules made there under and it includes "Senior Superintendent" also;

(lii) **"under-trial prisoners"** means a person who has been committed to judicial custody pending investigation or trial by a competent authority;

(liii) **"wicket gate"** means the small window of the main gate from where all staff and inmates are taken in or let outside the jail;

(liv) **"yard"** means a piece of enclosed ground attached to a ward in a prison, where prisoners may take several activities viz. recreational activities, exercises etc. at certain times;

(lv) **"young offender"** means a prisoner who has not attained the age of 21 years

and is not an adult prisoner as defined in these Rules.

NOTE- The words and expressions used herein and not defined but defined in any other enactment applicable in Uttarakhand State shall have the same meaning respectively assigned to them in those enactments.

4. Classifications Of Jails

The jails in Uttarakhand are classified as follows: i- Open Jail, ii- Central Jail, iii- District Jail, iv- Sub-Jail

i. Open Jail:-

Sampurnanand Shivir, Sitarganj is an open jail situated in Udham singh Nagar District.

ii. Central Prisons-

There is One central prison situated at Sitarganj (Udham Singh Nagar).

iii. District Jails: -

There are seven District Jails in Uttarakhand.

a. District Jail, Dehradun
b. District Jail, Haridwar
c. District Jail, Tehri
d. District Jail, Pauri
e. District Jail, Chamoli
f. District Jail, Almora
g. District Jail, Nainital

iv. Sub Jails-

There are two Sub-Jails in Uttarakhand

a. Sub Jail, Haldwani in district Nainital;
b. Roorkee in district Haridwar.

CHAPTER- II

INSTITUTIONAL FRAMEWORK

5. **Prison Structure: -** A diversified prison system is imperative to meet the custodial and correctional needs of various categories of prisoners. Each prison has to be constructed and maintained on the basis of certain well-defined norms. The prison structure should be designed to provide all the necessary facilities for prisoners to be treated in a humane manner and create an environment conducive for their reformation.
6. **Separate Prisons**
   (i) The Government will establish sufficient number of prisons, as far as possible and provide minimum needs essential to maintain standards of living in consonance with human dignity.

   (ii) Prisons' administration will ensure that the prisoners' human rights are respected.

   (iii) Prisons' administration will ensure separation of the following categories of prisoners (a) Women (b) Young offenders (c) Under-trials (d) Detenues (e) High-risk offenders (f) Transgender (g) Convicts (h) Civil Prisoners (i) Prisoners with special needs.

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

   (v) Diversified institution will be set up according to the requirement.

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

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

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

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

- Prisons/Annexes/ yards for under-trial prisoners.
- Maximum security prisons/annexes/yards for high-risk prisoners and hardened or habitual offenders.
- Open Prisons.
- Prisons/Annexes/Enclosures for Women prisoners.
- Prisons/annexes/enclosures for Transgender prisoners.
- Prisons/annexes/yards for young offenders.

- Prisons/annexes/yards for those suffering from infectious disease.
- Prisons/annexes/yards for drug and substance abuse offenders.

7. Mechanism For The Classification Of Prisoners

The Government will establish a mechanism for the classification of prisoners to be housed in various types of institutions as enumerated above and will lay down the procedure to be followed. They will also specify the authorized prisoners as well as the number of prisoners to be housed as suggested in this manual. This may also include facilities for education, vocational training and skill development programmes and cultural activities, sports activities, library and recreation, both indoor and outdoor. It may also give specifications for the staff to be appointed in each type of institution. Apart from the several classifications of prisons for different categories of prisoners, there shall be three kinds of Prisons namely Central Prison, District Prisons, Temporary or special Prisons to deal with emergent situations. The Government may from time to time, in its discretion, declare any prison to be a Central Prison, District Prisons, and Special/Temporary prison for the purposes of these rules or establish a Special/ Temporary Prison at any place:

Provided that no Prison shall be deemed to be a special prison within the meaning of these rules, unless it has been declared to be so or established as provided.

8. Prison Structure

No drastic structural changes need to be compulsorily carried out in existing structure of Prisons to bring them in conformity with these rules if in the opinion of Inspector General (Prisons), it is not practically feasible. Future Prison structure has to be based on the following:

(i) The location of a new prison institution preferably be decided on the basis of

(a) the functions which the prison has to perform;

(b) the training and treatment emphasis and;

(c) Programme content of the prison institution.

(ii) New institutions will not be constructed near easily flooded and inundated areas;

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

(iv) No building or temporary structure or any installation or any electronic towers etc., other than those belonging to the prison, will be constructed within 150 meters of the prison wall of a Central Prison and within 100 meters of the prison wall of a District Prison;

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

(a) adequate protection to society through the establishment of security conditions; and;

(b) adequate resources which would be necessary for the successful implementation of various correctional programmes. Institutional design and architecture have to be functional;

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

(vii) Closed prisons are classified into two categories that is Central Prisons and District Prisons. Authorized population for these prisons should not normally exceed 1000 and 500 prisoners, respectively;

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

(ix) No building inside a prison complex should be nearer than 50 meters to the perimeter wall;

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

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

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

(xiii) Under-trials and Detenues will be lodged in separate enclosures away from convicted prisoners;

(xiv) All accommodation provided for use of prisoners, particularly for sleeping, will meet basic requirements of healthy living. Accommodation shall be built in a manner so as to ensure adequate cubic contents of air, floor space, lighting, ventilation and climatic protection. All constructions in prison department will adhere to Indian Standard Institute (ISI) standards;

(xv) A special cell with adequate technical staff will be set up at the prison headquarter to

plan, monitor and supervise all constructions and repair works in the department;

(xvi) Closed Circuit Television (CCTV) cameras or similar devices shall be installed in work sheds, kitchens, hospitals, main gate, interview rooms, high security enclosures and in any other place so determined by Inspector General (Prisons) and in the premises of the barracks for monitoring purposes. In other words, every place of prison premises be covered through CCTV except where privacy is required. All the CCTV footage shall be digitally stored for a period of at least one month however if the prisoner has reported any matter or any case is pending regarding any incident which may be got recorded in the CCTV then the CCTV footage will be kept till the disposal of the case or matter or as required by orders of Court of law. All inmates must be informed at the time they are admitted in prison that all common areas are/ may be under CCTV Surveillance for security reasons. The access to video footage shall be secured & shall be accessed only with the permission of the Officer not below the Rank of the Superintendent of Prison. The responsibility of maintenance of CCTV Cameras & footage shall also be of the Superintendent of the Prison. The same shall not be accessible to any person not authorized in this regard;

9. Norms For Prison Buildings

No drastic structural change needs to be compulsorily carried out in existing structure of Prisons to bring them in conformity with these rules if in the opinion of Inspector General (Prisons), it is not practically feasible. The following norms are to be followed in construction of prison buildings:

10. Main Gate & Outer Walls Of Prisons

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

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

(a) A cabin

(b) Gatekeeper enclosures

(c) Search room

(d) Space for search and security equipment.

(iii) Entry to the prison will only be through a single point.

(iv) Construction of outer walls of the prison –

(a) The outer walls of every prison shall be rounded on top corners. Projections of any sort or broken glass shouldn't even afford a hold for a blanket or cloth. At every junction of a partition wall with the outer wall and at every angle in the outer wall, a sufficient addition shall be made in the height to prevent the possibility of any prisoner scaling over the wall at these places.

(b) The Superintendent shall ensure that no device such as (a) branches of trees (b) logs of timber (c) articles of furniture under process and (d) any other article, which is likely to be used by the prisoner for escape, is allowed to remain scattered or unattended in any open compound.

(c) The Superintendent shall ensure that there is no structural defect in the enclosure wall, gratings or in any other part of the building which can be source of support of any prisoner who intends to escape.

(v) Administrative block and other units:-

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

(b) A court room should be set up within the prison complex.

(c) The reception unit will have necessary facilities for proper implementation of admission-quarantine and orientation- classification programmes. Physical facilities will be set up in accordance with the number and type of inmates to be received, and the program to be followed for proper segregation of various types of inmates. The unit will have dormitory and single room type accommodation.

(vi) Provision will also be made for following facilities:

(a) a building where the inmates will be initially received,

(b) office room,

(c) interview room,

(d) store room,

(e) medical officers' examination room,

(f) exercise and recreational areas and

(g) Test Identification Parade Room etc. The buildings and areas where the admission program has to be carried out will be located in close proximity of the hospital.

11. Housing

(i) There shall be two types of living accommodations as mentioned below:

(a) Barracks with accommodation for not more than 20 prisoners. However, in case of big barracks which can accommodate more than 20 prisoners then it may be allowed to accommodate more than 20 prisoners subject to the condition that the sleeping space for each prisoner should normally be 6 ½ ft. X 2 ½ ft. The Inspector General (Prisons) will explore the possibility of decongesting the prisons by introducing the innovative & ingenious methods viz. Bunk Beds,

multistory buildings etc.

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

(ii) No drastic structural change needs to be compulsorily carried out in existing structure of Prisons to bring them in conformity with these rules if in the opinion of Inspector General (Prisons), it is not practically feasible. The minimum accommodation capacity of barracks, cells, and hospitals per prisoner will ordinarily be according to the following scale: -

SLEEPING BARRACKS			CELLS			HOSPITALS	
Sq. mtrs of ground areas	Cu. mtrs of air space	Sq. mtrs of lateral ventilation	Sq. mtrs of ground areas	Cu. mtrs of air space	Sq. mtrs of lateral ventilation	Sq. mtrs of ground areas	Cu. mtrs of air space
3.71	15.83	1.12	8.92	33.98	2.23	5.58	23.75

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

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

12. Barracks And Cells

(i) If a barrack is flat-roofed, there will be ceiling ventilation that is, opening at intervals close to the junction of wall and ceiling 30x12.5 meters. If the barrack is gable-roofed, there will be a ridge ventilator. The minimum height of roofs or ceilings will not be less than 11 feet from the floor.

(ii) The floor of the barrack/cell will be made of impermeable material such as cement concrete. During cold seasons, appropriate flooring should be provided to ensure habitable conditions in the barracks.

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

(iv) Each cell will have a yard attached to it where a prisoner can have the benefit of sufficient air and light. Adequate air circulation and proper ventilation shall be maintained in the barrack/cell. Though ventilation of the sleeping barracks is of the greatest importance, prisoners will not be permitted to close the windows and ventilation openings with shutters or curtains at their discretion. In new barracks, the ventilating area per head will be half a window. As standard grated window is 7 feet. x 3 ½ feet. Half a window will mean 1 sq. meters. The ventilation will, however, be controlled according to the season, wherever necessary, otherwise the barracks will be too cold and damp during winter and rainy season.

(v) Where accommodation is overcrowded and does not meet the prescribed standards, secure corridors/verandas and work sheds may be used for accommodating short term prisoners and under- trials involved in minor and petty offences during night. If at any prison over- crowding is likely to continue, the excess number of prisoners will be transferred to other institutions or camps as the case may be, with prior approval of the Inspector General of Prisons.

(vi) The structural arrangements of fittings and fixtures and locking devices of barracks will be secured enough to prevent escapes of prisoners. The existing wooden frames of the doors, windows and ventilators will be replaced by

iron/steel frames. The iron bars used in doors, windows and ventilators will be of 25 mm. diameter and the clear distance between two bars will be 7.5 cm.

(vii) A barrack will have only one door of 2.2x1 meters and will have a single shutter. The door of a barrack will have clear opening of 1 meter. The iron frame will be made of angle-iron of minimum of 10 mm. thickness.

(viii) The barrack windows and doors must be provided with fly/ mosquito proof wire mesh. The doors will also be provided with polyethylene sheets or chick blinds, as may be necessary.

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

(x) Each Ward will be provided with a first-aid kit which will be in the custody of Guard in Guard room. The first-aid kits supplied to each Ward should not have any sharp-edged items, long gauze rolls/ tapes or other such items. Each ward must have one stretcher & wheel chair.

(xi) A looking mirror made of PVC may be fixed outside each barrack for use of prisoners.

(xii) Adequate fire safety systems will be installed in the barracks/cells.

(xiii) The barracks shall be free from tobacco, smoke and excessive noise.

13. Toilets

(i) Each cell/barrack will be provided with a flush toilet.

(ii) Each barrack used for sleeping will have sufficient number of attached Water Closet (WCs). The ratio of such WCs will be one unit per 10 prisoners. The ratio of the WCs which can be used during day time will be one unit per 06 prisoners.

(iii) Toilets will be of the sanitary type with arrangements for flushing; the standard size shall be 5'x 5' (length and breadth). They will be placed on an impermeable base which will be higher than the surrounding ground and will be so built that the sun's rays can easily enter the toilets and rain is kept out. The partitions separating the toilets will be high enough to provide a reasonable degree of privacy. Toilets will be so designed that all excreta and wash materials will get into the receptacles without fouling the sites. Every seat will be provided with foot rests with an impermeable surface which will be in the right position and not too far apart. The Prisoners will be provided the requisite equipment and materials for maintaining the hygiene and cleanliness as provided in the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013. The prisoners who are involved in the work of sanitation and sweeping will be provided wages as to the semi-skilled/skilled prisoners.

(iv) In each barrack, where two toilets are provided, one should be of western type. In the hospital, 50% of toilets should be western type. All the prisoners' toilets to be refitted, as much as possible, with commode that facilitates both Indian and Western toilets.

14. Bathing Places

(i) Every prison will provide covered space for bathing, at the rate of one for every 10 prisoners, with proper arrangements to ensure privacy. The standard size of each bathroom should be 5'x5' meters (length and breadth). Every prisoner will be required to have bath at least once every day for general hygiene according to

climatic conditions.

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

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

(iv) All prison building should have rain water harvesting system and sewerage treatment plant.

15. Kitchen

(i) The general kitchen will ordinarily be located at a central place inside the prison so that the distribution of food among the prisoners may be finished quickly. The kitchen will not be built close to the sleeping barracks. It will be well ventilated and lighted. It must always be kept clean and tidy. The oven will be of the type in which the heat does not escape outside and the smoke is let out by a suitable chimney regardless of the type of fuel used. The kitchen will be protected by a fly proof wire mesh all around. Sufficient number of exhaust fans will be installed and artificial ventilation may be provided if necessary. The kitchen must be provided with fly-proof automatic closing doors. It will have floors made of an impermeable material. Each kitchen shed will be provided with adequate supply of pure water which will be used for both cooking and washing. The water will be collected from taps inside the kitchen. It is desirable that no single kitchen caters to more than 500 prisoners. Cooking and serving utensils will be made of stainless steel.

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

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

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

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

(vi) The walls of the kitchen will be covered with tiles/stone up to a height of 2 meters for easy cleaning.

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

(viii) Prison kitchen should be modernized by introducing Liquefied Petroleum Gas/Piped Natural Gas. Hot plates and steam, cooking, kneading machines, chapatti making machines, hot food serving machines, mixers and grinders etc. will also be introduced.

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

16. Hospital

(i) No drastic structural change needs to be compulsorily carried out in existing structure of Prisons to bring them in conformity with these rules if in the opinion

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

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

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

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

17. Work Sheds

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

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

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

18. Recreational Facilities

Proper recreational facilities like, grounds for outdoor games, auditorium for cultural activities, library should be provided to the extent possible. Moreover, indoor games, yoga, music classes, computer training, sports competition, annual sports, prison Olympics including activities like athletics, football, badminton and cricket should be arranged to the extent possible. Indigenous sports to be encouraged.

CHAPTER-III

HEADQUARTERS ORGANISATION

19. Headquarters Organisation

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

(ii) The Prisons and Correctional Services will be under the control of the Home Department of the Government of Uttarakhand being the department responsible for the services in this field.

(iii) The Inspector General appointed under section 4 of the Act shall exercise his powers and perform his functions subject to general supervision and control of the Government and all other officers appointed under the Act and these rules shall work under the general supervision, control and direction of the Inspector General. Subject to control of the Government, the Inspector General shall exercise the powers of the Head of Department in respect of expenditure and accounts of funds of the prisons in accordance with the provisions of General Financial Rules and other rules and instructions of the Government in this behalf.

(iv) The organizational Structure at the headquarters level shall be as follows, namely:

- (a) the Executive Wing;
- (b) the Correctional Wing;
- (c) the Information Technology wing; and
- (d) any other wing, as may be decided by the Government from time to time.

(v) The Executive Wing will be headed by an officer not below the rank of Additional Inspector General or Deputy Inspector General under the overall supervision of Inspector General and such officer may be assisted by officers of different ranks from the prison department.

(vi) The Correctional Wing will be headed by a of Additional Inspector General or Deputy Inspector General under the overall supervision of Inspector General, assisted by Resident Medical Officer, Superintendent- Headquarter and Chief Welfare Officer. This wing will also be assisted by Non- Governmental Organizations who are engaged in rehabilitation/ skilling of the inmates. The Resident Medical Officer, Welfare Officer and other officers in the correction wing may be appointed from other department(s) and institution(s) on deputation/ transfer/ transfer on deputation.

(vii) An Information Technology wing shall be established at the Headquarters, under the supervision of an officer not below the rank of Superintendent to be decided by the Inspector General, from time to time, to design, develop, maintain and support computerized systems for maintenance of records and statistics in all

prisons. The Information Technology wing shall comprise such number of System Analysis, Programmers and Support Staff as decided by the Government from time to time, to perform variety of duties including design, development, implementation and maintenance of management information systems, software applications, Enterprise Resource Planning system, amongst others and for dealing with hardware and software vendors and to perform miscellaneous technical tasks as assigned by the Inspector General.

(viii) Wherever in any of the provisions in these Rules including this Chapter require creation of new Posts or Cadre Restructuring and would require Concurrence of / Consultation with Administrative Reforms Department/ Services Department/ Finance Department/ Planning Department for the said purpose then the said Provision will be implemented only after such Concurrence of/ Consultation with the concerned Department.

20. Components of Headquarters Staff

The organizational set-up of the Headquarters of Department of Prisons and Correctional Services will be as follows:

(i) The Inspector General of Prisons and Correctional Services
(ii) The Additional Inspector General of Prisons and Correctional Services
(iii) The Deputy Inspector General of Prisons (HQ/ Range/Vig./Correctional Services)
(iv) Director, Jail Industries.
(v) Senior Superintendent of Prison.
(vi) Senior Superintendent (Prisoner's Welfare)
(vii) Superintendent of Prison.
(viii) Finance Controller and other Account Officers;
(ix) Assistant Engineers/Junior Engineers.
(x) Lady Officer to look after female prisoner's welfare and grievances.
(xi) Law Officer
(xii) Clerical and Support Staff.
(xiii) Any other officer for effective and efficient administrative of Prisons.

21. Authority and Powers of the Inspector General of Prisons

(i) The general functions of the Inspector General shall be:

(a) To implement prison policies as laid down by the Government
(b) To plan, organize, direct, coordinate and control the various prison and correctional services.
(c) To define the functions and fix lines of authority and channels of command of the prison personnel.
(d) To inspect institutions with special reference to care, welfare, training, and treatment of inmates, staff training, discipline and welfare, etc.
(e) To co-ordinate with various Government agencies/para military forces in the interest of smooth functioning of the jails.
(f) To supervise the functioning of the sub-ordinate officers so that they discharge their duties in accordance with Act and under these rules.
(g) To ensure that directions of Hon'ble Supreme Court, High Court, National Human Rights Commission etc. concerning the prisons are being implemented by the concerned officer in its letter and spirit.

(h) To ensure that there are adequate housing facilities for the staff

(i) To ensure that directions are issued from time to time for bringing uniformity in the functioning of various jails.

(j) To ensure that the provisions of the Act, Uttarakhand Jail manual and other legislations are implemented in its true spirit.

(k) As the Head of the Department, the Inspector General will have all necessary financial, administrative and disciplinary powers.

(ii) The Inspector General will prepare the budget for the various services under his control. Subject to the rules and orders of the Government and the requirements under the appropriate statutes of the accountant-General, the expenditure of the Department of Prisons and Correctional Services will be controlled by the Inspector General. Subject to provisions of the rules, an adequate grant will be placed at the disposal of Inspector General to meet expenditure of special nature. The Inspector General will manage the personnel in the department and exercise disciplinary powers, including powers of redeployment of staff.

(iii) The Inspector General may allow interviews with the prisoners or may organize public functions for the welfare of prisoners on any day including public holidays.

22. Inspection of prisons by the Inspector General

(i) The Inspector General shall forward to the Government the copy of the inspection note made by him during the inspection as provided under the rules dealing with matters, which in the opinion of the Inspector General, be brought to the notice of the Government, without delay.

(ii) The Inspector General shall, soon after the close of each calendar year submit a report on the administration of prisons together with such statistical and other statements, returns and information, and in such form as the Government may, from time to time, require.

23. Powers and Duties of Additional Inspector General

(i) The Additional Inspector General shall be the principal staff officer of the Office of the Inspector General and shall officiate and perform all duties of Inspector General in his absence on leave or on duty outside Uttarakhand State, or otherwise as the case may be.

(ii) The Additional Inspector General shall be the in-charge of the budget expenditure, purchases, contracts and other similar matters concerning the prisons but he shall not re-appropriate any fund from one sub-head to another without the prior permission of the Government.

(iii) Subject to Provisions of the Act, the Additional Inspector General shall have the following duties namely: -

(a) To inspect financial working of the prison, audit report and money transaction of all kinds;

(b) To carefully examine and review all the cases of furlough and parole granted to the prisoners;

(c) To inspect each prison once in a year including the prison hospital and submit a report to Inspector General;

(d) To supervise legal matters pertaining to Supreme Court, High Court, Sessions courts and other legal matters;

(e) To deal with all National Human Rights Commission matters, Parliament and Vidhan Sabha questions, compilation of statistics and timely submission of various periodical reports to Government;

(f) To submit weekly report to the Government;

(g) To coordinate with Uttarakhand Armed Police, Central para- military forces and other Security Agencies;

(h) To prepare draft for framing-up-policies, proposals;

(i) To deal with matters relating to press and media;

(j) To deal with vigilance and disciplinary cases of prison employees except class – IV employees;

(k) To maintain armory and allotment of arms;

(l) To prepare training projects for staff;

(m) To computerize prisons;

(n) To take steps for modernization of prisons

(o) To deal with appointment of medical and para-medical staff;

(p) To supervise PWD works, land acquisition and construction of new prisons.

(iv) The Additional Inspector General & Deputy Inspector General shall assist the Inspector General and exercise all such powers and perform all such duties as may be delegated to them by the Inspector General from time to time with prior approval of the Government, wherever necessary.

24. Powers and duties of Deputy Inspector General (HQ).

(i) The Deputy Inspector General shall be the staff officer of the Inspector General and shall perform such duties as delegated to him by the Inspector General from time to time.

(ii) Other duties of Deputy Inspector General:

(a) To supervise the functioning of the Superintendents and other officers subordinate to him;

(b) To monitor the progress of the action on the inspections conducted by the Inspector General;

(c) To ensure compliance of all the tasks assigned to the subordinate officers;

(d) To inspect the prisons at least once in a year or as frequent as directed by Inspector General (Prisons);

(e) To ensure proper training of the prison personnel.

(f) To note action taken on the inspection reports of the Inspector General and to inquire into the reasons of non-compliance, if any, and shall include his findings, in his inspection report. In the event of non-compliance without sufficient reasons, he shall prepare charge sheet against the officer concerned and shall proceed or cause disciplinary proceedings against the concerned officer;

(g) To submit half-yearly report (April to September and October to March) to the Inspector General indicating the activities carried out of the Prisons Welfare Fund, initial balance in the said Fund, the details of disbursement from the fund and final balance in the fund;

(h) To supervise deployment of staff at prisons headquarters and in various prisons;

(i) Procurement of dietary and non-dietary items, furniture, office equipment and other store items;

(j) Maintenance of vehicles of prisons;

(k) To ensure proper hygiene and sanitation in the prisons;
(l) Supervision of Prison Hospital, Medical Inspection Room and other medical facilities including liaison with outside hospital;
(m) Collection of intelligence in all the prisons regarding discipline of the staff and welfare of prisoners;
(n) Security and maintenance of Prisons Headquarters and welfare of prisoners;
(o) Vigilance and disciplinary cases of employees of Class-IV category;
(p) Deployment and supervision of Non-Government Organizations:
(q) Enquiries relating to the petitions sent by prisoners;
(r) To act as chairman of the Purchase Committee of prisons;
(s) To supervise general administration, care taking and maintenance of Prisons Headquarters, allotment of staff quarters to the employees; and
(t) All establishment matters of the prison staff.

25. Correctional Wing

(i) The Additional Inspector General or Deputy Inspector General (Correctional Service) will be overall responsible for probation services, welfare services, educational service, vocational training or skill development, premature release, recommendation of leave, rehabilitation services, etc. in all prisons in the Government of Uttarakhand. All officers in the Correctional Wing will assist the Head of the Prison Administration in all matters connected with. Their powers and duties will be fixed by the Government from time to time.

(ii) The Additional Inspector General or Deputy Inspector General (Correctional Services) will be assisted by officer deployed in requisite number viz. Warder, Head Warder, Jailor, Deputy Jailor, Superintendent etc. in the correctional wing from time to time, by Inspector General of Prisons. Their powers and duties will be fixed by the Government from time to time.

26. Range/Regional Headquarters Organization

(i) Uttarakhand State Prisons will be divided into convenient ranges/regions and all correctional institutions and programmes for adult prisoners and young offenders in the range will be placed under the charge of a Deputy Inspector General of Prisons. The range/regional Deputy Inspector General of Prison will be vested with sufficient powers of direction, control, inspection, supervision, and guidance through substantial delegation of financial and administrative powers, including the following powers:

(a) To conduct inspections and make visits of all institutions under his control

(b) To transfer convicted prisoners from one prison to another, within his jurisdiction.

(c) Power to accord permission to religious and moral tutors with the prior approval of Inspector General of Prisons for imparting education.

(d) Power to permit research scholars and law and Post Graduate students of Indian Nationality to visit prisons for academic and research purposes at the recommendation of the Head of the Department of the Academic Institutes of India. The Deputy Inspector General may exercise all financial powers conferred on him by the relevant provisions of Financial Code.

(ii) The Range/Regional Deputy Inspector General of Prison will be assisted by the

staff and officers in requisite number viz. Warder, Head Warder, Assistant Superintendent, Deputy Superintendent, Superintendent etc.

27. Employment agencies for convicts

Prison Department should establish training and placement cell for convicts of the prison under the Additional Inspector General or Deputy Inspector General (Correctional Services). Such cells will provide career counseling to the prisoners six months prior to their release by identifying their skill set/talent.

28. THE DISTRICT MAGISTRATE

(i) Ex-officio visitor of central prison-

The District Magistrate is ex officio visitor of central jail/District Jail and Sub jail situated in his District.

(ii) Visits to district jail-

The District Magistrate shall visit the district jail/central jail/sub jail at least once in a quarter. At each visit he shall make a careful inspection of the prisoners and make a note of the issues related to care, welfare, hygiene of prisoners and general discipline and security of the jail. His visits shall be recorded with any remarks or suggestions made. If in any special case the District Magistrate considers it expedient, he may communicate separately with the Superintendent on any matter arising out of his visit.

(iii) District Magistrate's power to issue orders-

The power to issue orders respecting a prison conferred on District Magistrate by Section 11 of Act must not be interpreted as empowering District Magistrate to interfere unnecessarily with the management of jails, and to weaken the Superintendent's authority. All orders passed by the District Magistrate shall be issued through the Superintendent.

(iv) Office of Superintendent falling temporarily vacant-

When the office of the Superintendent falls vacant and there is no time to refer the matter to the Inspector General for the orders of the State Government, the District Magistrate shall, pending the orders of the Government, make necessary arrangements for the work of the jail, reporting his action at once to the Inspector-General.

(v) Suggestions affecting discipline and management-

The District Magistrate shall report to the Inspector- General any important step which he may consider necessary affecting the discipline and the management of the jail.

CHAPTER-IV

INSTITUTIONAL PERSONNEL

29. Custodial or Guarding Staff: -

(i) Each Prison shall have personnel in accordance with the requirements of security, discipline and Program emphasis. The personnel strength shall be determined according to the duty posts, taking hours of duty per day as the basis for each category of staff. The prison set-up shall be fixed in accordance with the size of the Prison, the inmate population, workload and distribution of functions.

(ii) The strength of custodial/guarding staff shall be determined keeping in view the requirements of security, discipline, Program emphasis, duty posts, workload and distribution of functions. In principle, there should be one guarding staff for every six prisoners.

30. Prison/Institutional personnel should comprise of:

(i) **Executive**

(a) Senior Superintendent
(b) Superintendent
(c) Jailor
(d) Deputy Jailor

(ii) **Guarding staff**

(a) Chief Head Warder
(b) Head Warder
(c) Warder

(iii) **Medical personnel**

(a) Medical officer
(b) Psychiatrist/ Counselor
(c) Nursing staff
(d) Chief Pharmacist
(e) Pharmacist

(iv) **Welfare Units**

(a) Welfare Officer
(b) Law Officer

(v) **Educational Personnel**

(a) Teachers
(b) Physical Training/YOGA Instructor

(vi) **Technical Personnel**

(a) Electricians
(b) Plumbers

(c) Drivers
(d) Barber
(e) Tailor etc.

(vii) **Ministerial**

(a) Chief Administrative Officer
(b) Senior Administrative Officer
(c) Administrative Officer
(d) Chief Assistant
(e) Senior Assistant
(f) Junior Assistant
(g) Accountant
(h) Stenographers
(i) Miscellaneous Staff

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

31. Duties and Functions of Prison Personnel

(i) The statutory duties and responsibilities of prison/ institutional personnel shall be as per the provisions of the laws and rules governing prisons. The number of personnel shall be determined on the basis of requirements of security, discipline and programme emphasis. The prison/institutional setup shall be fixed in accordance with the size of the institution, the inmate population, and category of inmates, workload and distribution of functions.

(ii) The custody, security, discipline and preventive and control action during an emergency, are the fundamental duties and responsibilities of every staff member.

(iii) The duties, responsibilities and functions shall be assigned in writing to every staff member on his initial appointment. Care must be taken to ensure that the rules, regulations, and instructions to be followed by institutional personnel are interpreted from time to time.

(iv) A well-planned and properly regulated time-table of work hours should be prepared for each category of prison personnel, and no staff member ordinarily be required to work for more than eight hours a day. It should ordinarily be ensured that every incumbent gets 24 hours off-duty once a week.

(v) If any of the staff (non gazetted only) is required or called for work on the weekly off more than 15 times in a year but less than 30 times then he should be paid the salary equivalent to 15 days and in case the staff (non gazetted only) is called or required for more than 30 times in a year then he should be paid the salary equivalent to 30 days.

32. General duties, functions and responsibilities of the prison/ institutional personnel

(i) Executive-

To ascertain that the human rights that the prisoners are entitled to are not impinged upon and restricted beyond the limit inherent in the process of incarceration itself and to ensure that prison programs are geared towards the

overall objective of imprisonment in terms of reform and rehabilitation of prisoners.

(a) Superintendent and his Duties

(i) The Superintendent shall, subject to any order of the Government or Inspector General of Prisons be in charge of the executive management of the prison in all matters including security, finance, discipline, labor, expenditure, punishment and control in general, among other things. The Superintendent thus is responsible for developing an atmosphere that is conducive and correctional in nature and providing leadership in every aspect of prison management. He shall take care of the duties, suggestions, planning, organizing, directing, guiding, coordinating, supervising and controlling all prison activities.

(ii) The Superintendent shall be the head of the prison and shall be assisted by officer's subordinate to him, including Jailor/Deputy Jailor, Head Warder, Warder and other technical and supportive staff. The Superintendent may supervise an Open Jail, Central Jail, District Jail, Sub Jail and other prisons as ordered from time to time.

(iii) The Superintendent shall perform the following duties, namely: -

(a) To provide for the accommodation, support, care and custody of, and control over all prisoners at any time confined in the prison;

(b) To maintain order and discipline amongst the prisoners, and the subordinate officers;

(c) To control all expenditure relating to the prison

(d) To manage prisoners' welfare fund in accordance with the rules

(e) To conduct an inquiry into prison-offences and breaches of discipline, and to punish all those who are found guilty of having committed any such prison offence or breach of discipline:

(f) To generally take all such measures as may be necessary or expedient for the proper management and protection of all the prisoners at any time confined therein and for the purpose of giving effect to and enforcing the provisions of the Act, rules, regulations, order and directions made or issued there under;

(g) To ensure that all equipment including electronic gadgets like CCTV, computer and communication system are operational and being properly utilized;

(h) To provide suitable facilities for the recreation, education, sports, meditation, and other allied activities for inmates and the staff.

(i) To draw up a plan for the classification of prisoners, training, treatment programmes and correctional activities in his prison and implement policy pertaining to correctional administration.

(j) To visit the prison at least once in the forenoon and once in the afternoon of every working day, and on Sundays and holidays also, whenever special circumstances render it necessary that he should do so. If by any reason the Superintendent is prevented from or is unable to visit the prison on any day on which he is by this rule required so to do, he shall record the fact and the cause of his absence in his journal;

(k) To see/interact with prisoners in order to ensure that their grievances are redressed, related to safety and security & safe custody of all prisoners;

(l) To check the food prepared for prisoners in the main kitchen twice a week and in the hospital kitchen at least three times in a week;

(m) To ensure that receptacles for garbage are daily lifted and there shall be no accumulation of garbage. The disinfectant shall be regularly used for maintaining the hygiene;

(n) To inspect the prisoners' canteen at least once a week and check the working of the same;

(o) To visit the prison during night at least once a week and shall satisfy himself that the prison is properly secured and guarded and that all rules and orders in any way relating to or connected with the disposition of prisoners, warders and officers of the prison and the duties to be performed by warders and officers at night are duly observed and carried out. During night inspection, the Superintendent shall get the incoming and outgoing warder guard searched and checked in the main gate in his presence;

(p) To frequently visit and inspect every barrack, yard, cell, workshop, and toilet, as well as the armory and every other part of the prison and its precincts and all other premises belonging or attached thereto, or connected therewith, and shall satisfy himself that all buildings, structures, enclosing walls and the like, are secure and are maintained in the best possible state of repairs, and that every part of the said prison precincts and premises is kept clean and in an efficient sanitary condition;

(q) To visit the prison hospital/dispensary frequently and cause to be carried into effect, all written advisory given by the Medical Officer in regard to the proper segregation of prisoners suffering, or believed or suspected to be or likely to suffer, from any communicable disease. He shall, whenever necessary, and without delay, take all reasonable measures for cleansing and disinfecting every place at any time occupied by such prisoner and for washing, disinfecting, by fumigation or otherwise, or destroying, as may be most expedient, wearing apparel, bedding or other articles which are infected or foul or may be believed or suspected to be infected or foul;

(r) To convey all directions of the court about the health of a prisoner to the Medical Officer in charge;

(s) To encourage and motivate participation of Non- Governmental Organizations on a voluntary basis for the reformation of the prisoners; and

(t) To motivate and organize Panchayat system for the inmates whereby their representatives are required to participate in activities pertaining to management of medical assistance, education, cooking, cleanliness, discipline and other desirable areas of participation, to encourage the participation of prisoners in these activities without assigning any independent supervisory control over the inmates;

(u) To ensure that the cases of seriously sick prisoners are taken up with the concerned Trial Court so that they may be released by the Court;

(v) To ensure that Human Rights of the prisoners are fully protected;

(w) Custody of secret and confidential documents;

(x) Supervision over office administration;

(y) Inspection and supervision of work, employment and production programmes;

(z) Personnel matters, staff welfare and staff discipline, allocation of duties to personnel under his control, safety of the prison personnel, protection of human dignity, rights and providing decent work conditions, acquainting prison personnel with current policies of correctional administration and the role they have to play in a welfare state; organizing personnel training programmes at the prison level;

(za) Reports to the Inspector General and liaison with other government agencies for the purpose;

(zb) Developing a prison atmosphere conducive to the correctional role and providing leadership in every aspect of prison management;

(zc) To get Prisoner Welfare fund, Canteen fund, staff welfare fund, Prisoners' Property Account and all other funds audited once in a year;

(zd) The Superintendent shall inspect every article of store at least once in six months and record his remarks in the stock register as to whether the balance checked on a certain date was correct or incorrect and discrepancies, if any, were noted. A note of this check should also be made in his journal and the discrepancies if any, should be reported to the Deputy Inspector General (Range)/ concerned Senior Officer at once.

Note 1: The checking of articles should be so arranged that the Superintendent checks one-half in one quarter which the Jailor

should check in the second quarter and vice-versa. In this way every article shall be checked once in three months either by Superintendent or the Jailor. The certificate of the check shall be submitted to the Inspector General soon after the 1st January and the 1st July, each year. The Superintendent on taking over charge need not check the stores, but he should examine the books to see what articles have not been checked by his predecessor in the half year and should check these during the remaining period of the half year.

Note 2: In case shortages are found as a result of a check made in any of the stores or as a result of an audit report by the Accountant General, Uttarakhand, the Superintendent shall take immediate action to fix responsibility for the shortage and submit his report with recommendations to the Inspector General for orders.

(ze) The Superintendent shall hold a weekly parade of prisoners in the prison for purposes of muster and inspection. The parade ordinarily be held on every Monday. The Medical Officer in charge shall also be present at the time of such parade. At each parade the Superintendent shall satisfy himself that-

(i) every prisoner is properly classified as per rules;

(ii) every prisoner is provided with proper clothing, bedding and utensils as per rules;

(iii) every prisoner is clean both in person and clothing;

(iv) proper hygiene and cleanliness are maintained in the ward;

(v) there are no loose electrical connections in the ward or other fittings which could be used for illegitimate purposes;

(vi) prohibited articles are not possessed by the prisoners;

(vii) all security measures exist to prevent prison break or escape of prisoners or prison indiscipline;

(viii) The provisions of the remission rules are understood by the prisoners and that each prisoner knows the extent of remission, if any, there under which he has earned;

(ix) Generally, that the rules and orders applicable to prisoners are being duly carried out; and

(x) Legal aid facilities are being properly administered to the prisoner and their petitions/appeals are being drafted and dispatched in efficient manner.

(xi) Complaint of the prisoner is considered, if any, prisoner may desire to make and shall in due course, enquire into and pass orders there upon;

(zf) The Superintendent shall cause the prisoners to be checked and counted at least twice on each day, namely at the hour of opening the wards in the morning and

of locking up the prisoners in the evening;

(zg) The Superintendent shall ordinarily transact all business relating to the prison on the premises thereof, and shall not, otherwise than in cases of necessity or emergency require the attendance of the Jailor or Deputy Jailor at any place without and beyond such premises;

(zh) The Superintendent shall record, or cause to be recorded, in writing, an order showing the distribution of duties amongst subordinate officers and the nature and extent of the duties allotted to each such officer:

Provided that nothing contained in any order under this rule shall be deemed in any way to relieve the Jailor of his general responsibility under the Superintendent, for the entire management of the prison, or to relieve the Jailor or any other subordinate officer of his liability to discharge and duty imposed on him by any law or rules for the time being in force.

Note 1: Distribution of duties amongst officers employed in the prison office should be so allotted as to enable the Superintendent to fix responsibility for errors in the prison records, with precision and without leaving any possibility of dispute. A copy of the distribution of executive and clerical work shall be put up and maintained in conspicuous place in the prison office.

Note 2: It shall also be the duty of the Superintendent to apply the principle of rotation in the distribution of duties amongst officers employed in the office after such intervals as he may think proper.

(zi) In case, the Jailor reports any unusual occurrence requiring immediate action, the Superintendent shall forthwith proceed to the prison to investigate the case and take such measures as may under the circumstances be necessary. The Superintendent shall make a report of the matter in his journal.

(zj) The Superintendent shall report at once by wireless, telephone, or any other mode of expeditious communication to be followed by a detailed report, to the Deputy Inspector General (range) and the Inspector General, as they occur, namely: -

(i) all serious breaches of prison discipline;

(ii) every case in which any prisoner escapes or attempts to escape or is recaptured or commits suicide or dies from or receives a serious injury;

(iii) all outbreaks of epidemic disease, or disease which may be likely to assume an epidemic form, amongst the prisoners or officers of the prison, and the action taken to prevent the spread thereof;

(iv) all serious cases of overcrowding; and all such other matters as the Inspector General may, from time to time, in his discretion, by general or special order on his behalf, require to be so reported to him by the

Superintendent.

(v) all deaths in prison custody together with immediate cause; and

(vi) all directions/observations made by courts having a bearing on the prison administration, management and prison officials.

(zk) The Superintendent shall accompany the Inspector General, Additional Inspector General and Deputy Inspector General Prisons on all visits.

(zl) The Superintendent shall, at all times, exercise a vigilant supervision and control over all money and property of whatever kind received by him or by any subordinate officer, or at any time in his charge or in the charge of any subordinate officer, for or on account of the Government, the prison or any prisoner at any time confined therein, and overall expenditure of every kind incurred by him or under his authority or orders or under the authority of any rules in that behalf for the time being in force, on the upkeep and management of the prison and the maintenance of the prisoners for the time being confined therein or in any way relating thereto or connected therewith, and shall cause proper accounts and vouchers of all such receipts and expenditure and property to be regularly kept and audited in accordance with the provisions of these rules and of the rules and orders regulating the management of the public accounts for the time being in force in that behalf.

(zm) The Superintendent shall be liable for all defalcations, losses or damages in any way due or attributable to any negligence, disobedience or misconduct on his part.

(zn) The Superintendent may carry into effect all advisories in writing, of the Medical Officer, as to the provision of extra bedding or clothing or the alteration of the diet of any prisoner or with respect to any alteration of discipline or treatment in the case of any prisoner whose mind or body may, in the opinion of the Medical Officer in charge, requires it.

(zo) The Superintendent shall look into the journal of the Medical Officer in charge at least twice a week and often, if deemed necessary.

(zp) The Superintendent shall enter in the journal to be maintained for the purpose every order given by him relating to management and discipline of the prison, and shall satisfy himself that every such order is duly carried into effect.

(zq) In case, any officer is about to take over charge of the office of Superintendent of any Prison, he shall, before doing so, satisfy himself that all records and register are up-to date and in good order, and that the cash balances, permanent advance and accounts are complete and duly kept. He shall make a note in writing of the defects, deficiencies or irregularities, if any, detected either at the time of taking over charge or within one month thereafter, and shall inform the Inspector General through Deputy Inspector General (range),

thereof.

(zr) The report book/ journal of the Jailor shall be placed daily (or more often if necessary) before the Superintendent, who shall endorse his orders against each entry, and if no orders or comments are necessary, append his initials.

(zs) The Superintendent shall, from time to time, regularly and punctually submit to the Inspector General Prisons/ Deputy Inspector General, namely: -

(i) returns of statistical information;

(ii) statements of account in respect of receipt, expenditure, property of the prisoners, canteen fund, Staff welfare fund and prisoner welfare fund;

(iii) reports and other information, as that officer may, at any time, by general or special order in that behalf, prescribe or as may be required by any of the provisions of these rules or of the orders of the Government, if any; and

(iv) Giving his personal overall assessment of the working of the prison every month.

(zt) The Superintendent as soon as convenient, may be after the close of the year, but not later than the thirty first day of January, in each year, shall furnish to the Deputy Inspector General (range) a report on the administration of the prison during the preceding year. Every such report shall be in such form and shall contain such statistical and other statements and returns as the Inspector General may, from time to time, prescribe in that behalf:

Provided that every such report shall notice and explain all events of importance which have occurred in the prison during the year under report and all material differences in the financial and other statistics, between the year reported on and the year immediately preceding the same.

(zu) The Superintendent shall prepare a contingency plan for prison under his control and supervision for the steps to be taken in the contingencies like escape of a prisoner, serious violation of prison discipline, fire, earthquake, external attack, rescue attempt etc.

(zv) The Superintendent shall keep one hour for interaction with the subordinate officials. During this time, each individual official shall have free access to the Superintendent for redressal of personal grievances.

(zw) A meeting of ministerial and executive staff shall be called by the Superintendent once a month in which difficulties of each individual are heard and remedial measures are taken. Suggestions for improvement in office as well as general working of the prison should be encouraged.

(zx) A weekly or more frequently meeting of Gazetted staff and Medical Officers shall be convened by the Superintendent and suggestions regarding working of administration shall be discussed and policy formulated for efficient running of

administration of the prison.

(zy) The Superintendent shall hold an inquiry touching every prison offence committed or alleged to have been committed by a prisoner in the prison in a quasi-judicial manner recording the statements of all concerned witnesses, giving full opportunity to the offender for his defense. Confessional statements of the offender should also be recorded in the presence of two witnesses. Findings and punishment in the manner provided in law should be recorded after applying judicious mind by the Superintendent in his own hand in the prisoner's history ticket. The complete enquiry file, findings and the punishment awarded shall be forwarded to the Concerned District and Sessions Judge for obtaining judicial appraisal. Where such intimation, on account of emergency is not given immediately, such information be given within two days of finding. The Superintendent shall satisfy himself that every punishment so ordered, is duly carried into effect in accordance with law:

Provided that the Superintendent, at any time, if physically incapacitated from making such record, cause the same to be made in his presence and under his directions.

(b) Jailor And His Duties

(i) The Jailor shall be the chief executive officer of the prison and shall control the whole establishment under the orders of the Superintendent. When there is more than one Jailor the Superintendent shall define their duties in such a manner so that the responsibilities can be clearly fixed.

(ii) The Jailor shall discharge his duties under the immediate direction and orders of the Superintendent which are as follows: -

(a) to strictly enforce or cause to be so enforced, all laws, rules, regulations, directions and orders, respectively relating to the management of prisons and prisoners, and applicable to the prison or to any prisoner confined therein, for the time being in force;

(b) Admission and release of prisoners after verification and checking of committal warrants;

(c) take measures to preserve and protect all property taken from or belonging to the prisoner which may come into his hands;

(d) ensure that all injuries on the body of the prisoner are reflected in the enclosed Medico Legal Case (MLC) and if there is any discrepancy the same should be immediately brought to the notice of the concerned Medical Officer so that prisoner may be sent for repeat MLC at the concerned hospital;

(e) Disbursement of batta, subsistence allowance, bus and railway fares etc. to release prisoners and attesting of entries in the cash book, permanent advance register and prisoner's cash property register;

(f) Minor correspondence relating to prisoners;

(g) Checking of Appeal Registers;

(h) to cause all lawful warrants and orders of commitment to be duly obeyed and carried into effect and to cause the names of under-trial prisoners to be duly entered in the production register under the date on which such prisoner is required to be produced before the court;

(i) On the admission of a convicted prisoner, to cause his name to be duly entered in the register of release under the date on which such prisoner is, in due course of law, entitled to be released;

(j) Attending to release on bail, appeals, payment of fine, etc.;

(k) to give effect to all remissions of sentence lawfully earned or granted and from time to time, to review and cause to enter the correct date of release in the register of release;

(l) Attending to correction of sentences;

(m) Production of prisoners in courts;

(n) Checking the issue of raw materials to various workshops according to data;

(o) Checking of stock book of raw materials and stock book of manufactured articles;

(p) Attending weekly inspection parade of prisoners along with the Superintendent;

(q) Checking the Ration Stock Book;

(r) Weighment of ration articles on purchase, subject to supervision by the Superintendent;

(s) Any other work assigned by the Superintendent from time to time;

(t) Visit to the prison once in the forenoon and once in the afternoon every working day and on Sundays and Holidays when special circumstances render it desirable that he shall do so;

(u) Visit to the prison at night once in a week to satisfy him that the guarding is being properly done and that everything is in order, and submit a compliance report to the Superintendent;

(v) Attend to unlocking and lockup once in a week, and check all the aspects normally checked by the Jailor on the other days. It shall be so arranged in consultation with the Jailor under the specific orders of the Superintendent;

(w) Check that all rules, instructions etc. are being followed at locking time, that

sufficient guards are posted for the security, and that there is adequate lighting.

(x) Supervise once in a fortnight the lock up of high security prisoners like condemned prisoner, Naxalite, terrorist prisoners etc.;

(y) Segregate prisoners having escape or discipline risks and prisoners of known bad character, and report to the Superintendent;

(z) See that the walls, buildings, gates, dormitories, cells, hospitals area and other places of the prison are properly secured and ensure a system of good lighting in and around the prison;

(za) Ensure to place the sentry in blocks in which notorious prisoners are confined;

(zb) Bring it to the notice of the Superintendent, wherever the guarding arrangements are not satisfactory through his report book;

(zc) Visit to the prison hospital two days in a week other than those on which the Superintendent makes such visits. Such an arrangement shall be made in consultation with the Superintendent as part of duty allotment;

(zd) Bring it to the notice of the Superintendent any defalcation on the part of the Prison Staff, if it be shown that such defalcation was rendered possible by negligence on the part of the staff;

(ze) At least twice in a week he should check the rations issued to the kitchen and satisfy him that correct quantity is issued;

(zf) Go around the prison at least twice in a week, at odd hours and check that the sentries are posted correctly and alert. He shall also check that the other checking/supervisory officers have made proper rounds of check of these sentries;

(zg) Shall before leaving the prison for any purpose whatsoever, and on every occasion, on which he proposes to leave the prison, make over charge of the prison to the next senior officer in the rank present, and shall record the fact in the journal. The officer receiving charge shall, there upon, countersign the entry made in acknowledgment of having done so.

(zh) Keep a report book/ Journal in which he shall

(i) Record the duties performed by him on every day and submit the same to the Superintendent

(ii) Bring it to the notice of the Superintendent his assessment in general on the discipline among the staff and prisoners

(iii) Record any inadequacy on the security arrangements and suggest

guidelines to set right things, wherever necessary and

(iv) Bring it to the notice of the Superintendent any other matter of importance

(zi) Supervise the work of his subordinate officers viz., the Jailor in respect of the Executive work attached to them along with the supervision of all the registers being maintained by them and initial them in token of having checked them;

(zj) Ensure that there are proper and correct entries of particulars about a prisoner in the Prison Management System/ e- Prison.

(zk) To ensure that legal aid is provided to every prisoner under his control and all petitions and appeals of prisoners are dispatched expeditiously.

(zl) Shall attend the parade held by the Superintendent and shall –

(i) carefully inspect every prisoner;

(ii) examine the clothing, bedding and utensils etc. of every prisoner; and

(iii) Check the muster roll and satisfy himself that every prisoner is present or accounted for and satisfy him- self generally that everything is in proper order. He shall enter a report of his inspection in his journal, noting there in the state of the clothing, cleanliness, numerical strength and other matters of importance relating to the prisoners.

(zm) Shall render an account, on his removal or transfer, of all Government and other property and money entrusted to his care. He shall see that all store-rooms are clean, neatly arranged and protected as far as possible from vermin, birds, insects and the weather.

(zn) Shall be responsible for the receipt, safe custody and disposal of all stores, machinery, tools, plants; raw materials manufactured goods and all other being the property of the Government. He shall maintain, or cause to be maintained, proper accounts and registers thereof. He shall take stock frequently and shall, from time to time, examine and verify the accounts and registers maintained.

(zo) Should check every article of store at least once in six months and record in the remarks column of the stores register, whether the balance checked on a certain date was correct or incorrect, discrepancies, if any, were noted. A note of this check should also be made in his journal and the discrepancies, if any, should be reported to the Superintendent, if there is a change in office, he should check all articles on assuming charge and this may be taken as a six-monthly check.

(zp) The checking of articles should be so arranged that the Superintendent checks one-half in the quarter which the Jailor should check in the second quarter and vice-versa. In this way every article shall be checked once in three months

either by the Superintendent or the Jailor. The certificate of the check shall be submitted to the Inspector General soon after the 1st January and the 1st July, each year.

(zq) In case shortages are found because of check made in any of the stores, or as a result of an audit report by the Audit Department, the Superintendent shall take immediate action to fix responsibility for the shortages among the officials concerned. He shall conduct the necessary inquiry and submit his report within six weeks of the receipt of the audit or inspection report or the shortage coming to his notice with a recommendation to the Inspector General for orders.

(zr) In case the Jailor is discharged or suspended or resigns or takes leave (other than casual leave), or transferred he shall be required, in making over charge to his successor, to give an inventory of all property, stores, etc. in his hands, together with vouchers for all credit sales. This list shall be kept with the prison records, a copy being given to his successor and another sent to the Inspector General. The Superintendent shall satisfy himself as to the correctness of the list within fifteen days from the date the Jailor leaves the prison and shall, if circumstances warrant his doing so, furnish the Jailor, should the later require it, with a certificate that no demands or liabilities are outstanding against him in that prison. In case of the death of the Jailor, the inventory shall be made by or under the directions of the Superintendent and the certificate shall be granted on the application of the heirs or executors of the deceased.

(zs) In case a new Superintendent assumes charge of prison, it shall be the duty of the Jailor to bring to his notice, in writing, all orders specially relating to that prison. In the event of any grave irregularity taking place in consequence of non- observance on the part of the Superintendent of any such order, the Jailor shall be held responsible unless he can show that he brought the order in question to the notice of the Superintendent, and

(zt) Proper functioning of electronic equipment like CCTV system, X-ray scanner, Door Frame Metal Detector, Hand Held Metal Detector, Telephones, Wireless network, mobile jammers etc.

(c) Jailor (Factory) And His Duties

(i) Any of the Jailor may be put in charge of the manufacturing department and other productive enterprises being carried out in any prison in which an industry is functioning. The Deputy Jailor (Factory) shall perform all the duties of Jailor in a prison where Jailor is not posted and Deputy Jailor is put in charge of the factory. The Jailor (Factory) or Deputy Jailor (Factory), as the case may be, shall obey the orders of Superintendent in all matters relating to the factory and to assist the Superintendent and the other senior officers in the maintenance of order and discipline and in the general management of the prison.

(ii) The Jailor (Factory) shall have the following duties and responsibilities:

(a) He shall be responsible for the efficient management of the manufacturing department and shall conduct all operations relating to the manufacture of articles in the prison to the greatest possible advantage of the Government;

(b) All stores maintained in the manufacturing department of the prison, whether costing of raw material, material in process of manufacture or manufactured goods, machinery, plant tools, or other articles shall be under his care and supervision, who shall at all times be liable to duly account for to the Superintendent;

(c) He shall cause proper accounts to be kept of all stores purchased, received, in stock and expended, respectively, and of all money of whatever kind at any time received to be expended by him or under his authority or orders. He shall be responsible to maintain all registers and accounts prescribed and relating to the manufacturing units and shall ensure that they, are at all times correctly prepared and kept up to date; that proper vouchers for all issues of stores and payments are obtained, kept in safe custody, and produced when called for by the Superintendent, and that his accounts are duly audited under proper authority;

(d) He shall periodically examine all cash, stores, machinery, plant, tools, raw materials, in process of manufacture and manufactured articles, and satisfy himself that the cash stock, materials, manufactured articles, machinery, plant and tools are as per the balance shown in the accounts;

(e) He shall be liable for any defalcations, loss or damage in any way due or attributable to any negligence, disobedience or misconduct on his part;

(f) He shall use all means in his power to make the labour of the prisoners profitable to the Government. He shall prevent waste, embezzlement and theft in the factory and ensure that the prices, at which manufactured goods are sold, are properly remunerative and promptly paid for. He shall also be responsible for moneys, if received, to be sent to the local treasury;

(g) He shall ensure that there is proper classification of labour amongst the prisoner which should be of three types i.e. skilled, semi-skilled and unskilled. All the new entrants shall be classified as unskilled workers and their cases for transfer to semi-skilled category should be taken up after getting three months experience. Recommendation from the supervisor that he has attained some skill should also be obtained. Similarly, a semi-skilled worker shall be classified as skilled worker. A new entrant shall be required to have more than six months experience to be eligible for classification as skilled worker after following above procedure. These criteria shall however not apply in cases where a prisoner has attained skilled or semi- skilled status because of his outside working experience;

(h) He shall cause proper accounts to be maintained for the wages to be paid to the prisoners working in the jail factory. He shall also ensure that prisoners are paid timely wages and there is deduction of money from the wages towards victim welfare fund;

(i) He shall keep a constant watch on the receipts and expenditure of the factory and all property of whatever kind. He shall be held responsible for any defalcations that occur in the factory;

(j) He shall maintain a journal and make entries of all matters requiring the orders of the Superintendent such as requisitions for prisoners, materials, machinery, tools, plant and the like; the manufacture, sale, or dispatch of goods, and recommendations of every kind relating to the manufacturing department;

(k) He shall give the consolidated demand of raw material, machinery, tools and implements to the Superintendent well in time to enable the competent authority to arrange its purchase;

(l) He shall make every endeavor to improve the quality of the goods manufactured. He shall satisfy himself, from time to time, that the work in each branch of industry is commensurate with the labour employed and the raw material consumed;

(m) He shall make himself acquainted, as far as possible with the character and industry of every prisoner working under him, and assist the Superintendent in allotting remissions and granting rewards for good work. He shall report to the Superintendent, for punishment, all prisoners failing to complete their allotted task or doing bad work, as well as all branches of prison discipline which come within his cognizance;

(n) He shall enter the prison factory sufficiently early each morning to supervise the distribution of the labour gangs, check the task sheet and verify the task done by each worker and he shall ordinarily remain inside the prison throughout the day; and

(o) He shall in consultation & coordination with Accounts Officer (factory), be responsible to deposit all Government duties, taxes, cess etc. to concerned Government department on time.

(d) Deputy Jailor And His Duties

(i) Deputy Jailor shall be subordinate to Jailor and other senior officers and he shall assist them in maintenance of prisons in the manner which are as follows:–

(a) To assist the Jailor in all matters pertaining institutional management.

(b) To assist the Jailor in studying the psychological and mental make-up of prisoners and taking steps to reform them.

(c) The Deputy Jailor shall perform the duties of Jailor when the Jailor is on leave or engaged in court or other such duties.

(d) The Deputy Jailor shall, subject to the orders of the Superintendent, be competent to perform any duty of the Jailor and be subject to all the responsibilities of Jailor.

(e) While assigning duties to the Deputy Jailor, the Superintendent shall ensure that each officer is made exclusively responsible for a group of duties so that accountability can be fixed on the officer.

(ii) The following duties, though illustrative and not exhaustive or exclusive, are assigned to the and generally these are as follows:-

(a) be present in the prison at the time of declaration of 'lock-up' and 'lock- out of the prison by the Jailor;

(b) be responsible for proper sanitation of his ward and up-keep of Government properties under his charge;

(c) ensure timely submission of reports and returns pertaining to his charge to the Jailor;

(d) carry out the lawful orders of his superiors;

(e) maintain journal in which all important occurrences are recorded;

(f) be responsible for issuance of post-cards to the prisoners to enable them to communicate with their relatives or friends;

(g) be responsible for the safe custody of prisoners under his charge;

(h) be present at the time of distribution of food among prisoners under his charge;

(i) ensure that prisoners as well as their barracks/cells are searched that there are no prohibited articles in the ward;

(j) ensure that all prisoners are produced before the court on due date and time and no one is illegally detained;

(k) ensure that all Sewadars under his control are working efficiently and in the interest of prison discipline;

(l) be responsible for the proper functioning of sanitary, electrical and other equipment available in the ward;

(m) ensure that CCTV system and all other equipment like video conferencing, inmate phone calling system etc. under his control are working efficiently;

(n) ensure that canteen items are sold according to the quality norms and at specified rates;

(o) be responsible for the provision of medical aid to all prisoners under his control and that no sick prisoner remains unattended;

(p) ensure that legal aid is provided to every prisoner under his control and all petitions and appeals of prisoners are dispatched expeditiously;

(q) identify the prisoner who are looking depressed and ensure their due counseling;

(r) ensure proper distribution of clothing, bedding and other necessities among the prisoners;

(s) maintain proper discipline in the wards under his charge;

(t) hear the grievances of prisoners and ensure redressal thereof;

(u) ensure proper accounting of Government property and other inventories pertaining to his wards;

(v) sign Barrack Bandi Register of his ward and search daily before leaving the prison after lock-up.

(w) ensure the soundness of the locks, iron-gratings, chains and other security devices;

(x) ensure that welfare activities in his ward are carried out satisfactorily in accordance with the instructions;

(y) remain present in his ward during duty hours;

(z) ensure that registers at the Ward Gate are properly maintained and all 'ins' and 'outs' are properly entered in the said Register;

(za) be always remain present in uniform while on duty in the prison;

(zb) assist the Jailor in supervising the work of all guarding staff warders in the prisons; and

(zc) Attend to any other duty that may be assigned to him by the Superintendent, Jailor or any other senior officer.

(iii) The Superintendent shall assign specific duties to the Deputy Jailor pertaining to the following spheres, namely: -

(a) Lines;

(b) Public Relations;

(c) Under trial Section;

(d) Convict Section;

(e) Prisoners' Welfare Canteen;

(f) Chakkar duties;

(g) Kitchen;

(h) Legal;

(i) Medical;

(j) Wards; and

(k) Stores

(e) The Deputy Jailor, In-Charge of Lines:-

The Deputy Jailor shall be In-charge of Lines and be responsible for:-

(i) livery items and proper maintenance of all registers with regard to liveries:
(ii) armory;
(iii) administrative matter pertaining to Deputy Jailors; Head Warders; Warders and Sweepers etc.
(iv) parade and discipline;
(v) maintenance of leave records, disbursement of salary to the staff and stationery;
(vi) maintenance and repair of vehicles, Log Books, accounting of POL and issuance of Identity Cards to the Staff;
(vii) maintaining relevant register for Target practice, Warders Day Duty, Night Report Book, Diary Register, Dispatch Register, and liveries register.
(viii) proper functioning of electronic equipment like CCTV system, X- ray scanner, Door Frame Metal Detector, Hand Held Metal Detector, Telephones, Wireless network, mobile jammers etc;
(ix) ensure that subordinate staff report and leave in time for/ from their duties and are in proper uniform;
(x) ensure cleanliness of the deodhi and its surroundings; and
(xi) Ensure that staff posted in the jail is alert and working efficiently at their duty points.

(f) The Deputy Jailor, In-charge of Public Relations –

The Deputy Jailor shall be in charge of Public Relations and be responsible for,

(i) ensuring smooth and proper conduct of interviews (*Mulaqat*)including search of visitors as well as their articles;

(ii) displaying notice boards giving all information to be communicated to visitors of the prisoners who shall been titled for interview on the week days to be specified by the Superintendent;

(iii) maintaining public conveniences, electrical fittings, drinking water, proper seating facilities, proper maintaining of waiting area etc. to be used by the visitors at the reception;

(iv) deposition of money of the visitors to the account of inmates as per rules;

(v) proper maintenance of interview registers and other records;

(vi) redressal of the grievances of relatives of prisoners;

(vii) displaying the list of the prisoners who are to be released;

(viii) proper information to the public regarding release of prisoners;

(ix) proper functioning of electronic equipments like Computer, Web Camera, CCTV system X-ray scanner, Door Frame, Metal Detector, Hand Held Metal Detector, Telephones, Wireless network etc. installed in the Public Relation office;

(x) searching of every visitor so that he is not carrying any prohibited article inside the prison compound;

(xi) restricting illegal entry of any person or vehicle in the prison compound;

(xii) proper recording of name of visitors and prisoner in the concerned register; and

(xiii) The censoring of letters addressed to and sent by the prisoners and the disposal of

such letters under the order of the Superintendent.

(g) The Deputy Jailor, In-charge of Under Trial Section:-

The Deputy Jailor shall, in charge of under-trial section, and be responsible for:-

(i) maintaining all records with regard to under-trials

(ii) timely and proper execution of court orders pertaining to release;

(iii) safe custody of warrants;

(iv) timely submission of reports to the various departments;

(v) maintenance of death record register of under-trials;

(vi) dealing with court matters;

(vii) submission of returns regarding their admission or release;

(viii) timely production of under-trials before courts in pursuance of the court orders;

(ix) organize the 'Test Identification Parade';

(x) proper maintenance of Challan Register pertaining to under trials;

(xi) preparation of list of under-trials;

(xii) preparing and submitting a list of under-trials who have been ordered to be released on bail by court but are unable to furnish surety for three months. Such lists shall be submitted immediately on expiry of three months detention of under trial;

(xiii) preparation of RTI reply, Parliament/Vidhan Sabha Questions and NHRC reply;

(xiv) ensure that there are proper and correct entries of particulars about a prisoner in the Prison Management System;

(xv) ensure that entries regarding High Security prisoner/ security risk prisoners etc. properly reflected in the warrants and Prison Management System/ e-prison so that proper precautions are taken at the time of their productions before the Court;

(xvi) ensure that the list of prisoners who are willing to confess their crimes at the Special/Plea Bargaining Courts is prepared and submitted to the Prison Headquarters in advance for organizing such courts;

(xvii) ensure that there is proper handing over of prisoners who are being sent outside Uttarakhand State for court production or transfer;

(xviii) periodically submit the list of prisoners who could not be released because of some defects in the warrant;

(xix) If for some reason a warrant cannot be executed, the court concerned should be informed of such reasons and a fresh warrant and date be obtained for producing the prisoner.

(xx) ensure that Video Conferencing System/Bio-Metric Finger Identification system is kept in running condition so that remand extension proceedings are conducted in a smooth manner;

(xxi) properly fill the columns of under trial register; and

(xxii) on completion of the necessary entries in the Admission and Release Registers and of the procedure prescribed in this chapter, in so far as it may be applicable in each case, the Deputy Jailor shall bring these registers and all newly admitted prisoners with their warrants before the Jailor and Superintendent, who shall satisfy themselves that the entries are correct and attest them in token thereof.

(h) The Deputy Jailor, In-Charge of Convict Section:-

The Deputy Jailor shall be in charge of Convict Section and be responsible for: -

(i) proper execution of sentence;

(ii) proper custody of warrants and orders issued by Courts or Detaining Authority pertaining to convicts and detenues under various provisions of law;

(iii) proper maintenance of registers relating to convicts;

(iv) maintenance of 'Personal Property' accounts of all prisoners;

(v) timely submission of reports/returns;

(vi) timely completion of History Tickets/Remission Sheets;

(vii) timely production of convicts/detenues before Courts/ appropriate authorities;

(viii) ensuring that the details of case/cases and properties of a convict are mentioned correctly in the warrant on his transfer outside from prison or his reception in the prison from outside;

(ix) maintaining records of all convicts who fail to surrender to the prison authorities after the expiry of period of parole/interim bail etc. and submit a weekly report of such prisoners to the Superintendent;

(x) timely processing of cases convicts requiring consideration by the Sentence Review Board (S.R.B.);

(xi) ensure that no convicted prisoner is illegally detained;

(xii) properly maintain the parole/interim bail records of a convict and take all necessary steps to inform the concerned agencies about the jumping of parole/interim bail by a convicted prisoner;

(xiii) ensure that every convicted prisoner is allotted labour as per rules;

(xiv) ensure that every entry regarding pending cases against the convict is properly recorded in the register;

(xv) properly fill the columns of convict register and if a prisoner wants to appeal through the Legal Aid Cell of the prison should be properly recorded; and

(xvi) submit the nominal roll before the courts whenever application/appeal of a convict is forwarded.

(xvii) proper receipt of prisoner/convict who are detained by Court outside the Uttarakhand State.

(xviii) proper and timely submissions of cases of Parole.

(xix) to attend to the maintenance of accounts for extra articles purchase by civil debtors:

(xx) on completion of the necessary entries in the Admission and Release Registers and of the procedure prescribed in this chapter, in so far as it may be applicable in each case, the Deputy Jailor shall bring these registers and all newly admitted prisoners with their warrants before the Jailor and Superintendent, who shall satisfy themselves that the entries are correct and attest them in token thereof.

(xxi) on the admission of a new convict, he should be asked by the Superintendent whether he wants to file an appeal against the conviction, if yes, then, further question should be asked about whether he wants to file an appeal through jail or from outside through private advocate. If the prisoner wishes to file appeal through jail then he should be extended legal aid facilities at government cost; and

(xxii) Convict should give, in writing, his willingness of filing appeal through legal aid or otherwise.

(i) **The Deputy Jailor, In-charge of Canteen for Prisoners' Welfare:–**

An officer not below the rank of the Deputy Jailor shall be the in charge of Canteen for Prisoners' Welfare and shall be responsible for —

(i) proper maintenance of the Prisoners' Welfare Canteen;

(ii) maintenance of all records pertaining to canteen;

(iii) organization of extra-curricular activities;

(iv) destruction of used coupons/ maintenance of smart cards etc.;

(v) proper maintenance of accounts of the canteen and their annual audit;

(vi) obtaining proper sanction of the competent authority for incurring expenditure; and

(vii) ensuring quality and quantity of products in the canteen.

(j) **Duty Officer of Administrative Block:–**

The Deputy Jailor shall be detailed as Duty Officer in the Administrative round the clock. There shall be three shifts of 8 hours duty. No Deputy Jailor shall leave *administrative block* duty after completion of his duty unless his reliever has arrived and the officer on duty has handed over the charge.

(k) **The Deputy Jailor, In-charge of Circle:-**

The Deputy Jailor shall be the in charge of circle duties and be responsible for –

(i) ensuring that no prisoner is allowed to go outside the ward without written authorization by the competent authority;

(ii) co-ordinate all educational, reformatory and cultural activities in all wards;

(iii) proper maintenance of all records, registers pertaining to Internal Control Room duties including Barrack Bandi Register;

(iv) timely 'lock-in' and 'lock-out' of prisoners;

(v) submitting to the Superintendent a weekly report of progress of construction and maintenance works;

(vi) taking all necessary measures conducive towards promoting discipline amongst the prisoners;

(vii) proper cleanliness and greenery/nursery is maintained in the prison;

(viii) ensuring that only those prisoners leave their ward who have been called for their interview (mulaqat) and that proper record is maintained of all persons sent for interviews;

(ix) ensuring that there is sufficient availability of raw and drinking water in the wards;

(x) ensuring that warder posted in their respective wards are alert on their duties and leave the ward only when the duties are over and their substitute arrived;

(xi) ensuring that no one, including prison officer, unnecessarily visit the circle unless there is legitimate work;

(xii) ensuring that all electronic equipment including CCTVs, Video Conferencing equipment, Computers, Communication network, Mobile jammers, R.O. System, Rain Water Harvesting, Solar Water Heating system, etc. are working efficiently; and

(xiii) To ensure that all riot control equipment and other electronic gazettes are in working condition to combat any violence.

(l) The Deputy Jailor, In-Charge of Kitchen:-

The Deputy Jailor shall be in charge of kitchen and be responsible for –

(i) maintaining quality and quantity of food, tea and eatables;

(ii) ensuring that food is distributed at proper hours;

(iii) ensuring timely supply of gas or fuel to the kitchen and proper maintenance of solar heating system;

(iv) preparation of wages of prisoners deployed in the kitchen;

(v) safeguarding against pilferage in the kitchen store;

(vi) ensuring security, safety and health of prisoners lodged in the kitchen ward;

(vii) timely preparation and placement of indents of materials required for the kitchen;

(viii) ensuring safe custody of all kitchen equipment;

(ix) ensuring economy and prevent wastage of food in the kitchen;

(x) ensuring that different kinds of vegetables are given during lunch and dinner and a weekly menu is prepared and exhibit in advance and given to the Jailor (Store), for timely supply;

(xi) ensuring that utensils for the distribution of food are kept in proper condition;

and

(xii) ensuring that prisoners are wearing uniform, gloves and head- cap while preparing the food.

(xiii) maintain the proper hygiene and cleanliness in kitchen.

(m) **The Deputy Jailor, In-charge of Legal Section: -**

The Deputy Jailor (Legal) shall be in charge of legal matters and: -

(i) coordinate legal work pertaining to 'Free Legal Aid Cell';

(ii) prepare para-wise comments on writ petitions/petitions filed by the convicts or prisoners in the Courts, timely preparation of appeals of convicts.

(iii) coordinate with the Law Officer of the Prison for filing replies to writ petitions filed in the Courts;

(iv) consider the proposals of Legal Panchayats;

(v) maintain a library of legal books, journals and important judgments for the facility of consultation;

(vi) ensure that legal aid is provided to every eligible prisoner;

(vii) ensure that every prisoner, who wishes to prefer appeal against the conviction, is extended facilities which include stationery, typing, Photostat, trial court records etc.;

(viii) keep proper record of receipt and dispatches of petitions submitted by the prisoners and shall also ensure its timely receipt and dispatch;

(ix) keep record of visit by advocates and verification of bills before its submission to legal aid agency; and

(x) redressal of complaints of prisoners relating to the legal cell.

(n) **The Deputy Jailor, In-charge of Medical Section: -**

The Deputy Jailor (Medical) shall be in charge of medical matters and perform the duties which are as follows:-

(i) co-ordinate with the Medical Officer, Resident Medical Officer, Medical Officer in charge;

(ii) attend to the grievances of patients including drug addicts;

(iii) ensure maintenance of files of patients;

(iv) ensure proper sanitation and cleanliness in prison;

(v) be responsible for regular removal of garbage from the prison premises and to report to the Superintendent of Prison twice a week;

(vi) remain in constant touch with the prisoners who are sent out to outside hospitals and ensure redressal of their problems including proper attention and treatment in the hospitals;

(vii) ensure that medicines are given on time to sick prisoners and are consumed in

the presence of medical/jail staff ;

(viii) ensure proper safety and security of the medical staff posted in the prison hospital;

(ix) ensure proper care and treatment of sick prisoners admitted in outside hospital;

(x) inform the Superintendent jail about serious sickness of any prisoner so that his case could be taken up with the concerned court;

(xi) to get an attendant for a seriously sick prisoner at the hospital by contacting his relations outside for helping the sick prisoners; and

(xii) To check the correctness of the kitchen slips, hospital indents and other indents placed on him for issue of ration and miscellaneous articles on medical grounds.

(o) **The Deputy Jailor, In-charge of Wards: -**

The Deputy Jailor in charge of Wards shall be responsible for ensuring that –

(i) no prisoner is detained unauthorized in any ward without any legal document i.e., warrant etc.;

(ii) lodging in the wards is strictly in accordance with rules;

(iii) sick prisoners get timely medical treatment and proper attention;

(iv) wards including toilets and bathrooms are properly maintained in a state of cleanliness and hygiene;

(v) clothing, bedding etc. are properly provided;

(vi) every prisoner has adequate and proper space for sleeping;

(vii) supply of water for drinking and other uses is adequate;

(viii) educational, reformatory and recreational activities in the wards are in accordance with the policy and schedule;

(ix) prisoners are locked “in” and “out” on time;

(x) identity of a prisoner is fully established before he is sent to court or allowed interviews or release;

(xi) discipline is maintained in wards amongst the prisoners;

(xii) there is proper account and safe custody of prison properties in wards;

(xiii) the equipment like sports item, television, books, newspaper etc. are kept in ready to use position;

(xiv) prisoners are being supplied adequate clothing at the government cost;

(xv) legal aid is provided to every prisoner;

(xvi) there is proper segregation of prisoner in the ward; and

(xvii) Searches, regular as well as surprise, are routinely conducted so that prisoners are not able to access prohibited/ unauthorized articles.

(xviii) Proper upkeep of electronic gadgets like mobile jammers, DFMD/HHMD/search lights, electric items etc.

(xix) to assist the Jailor and to be present with him at the time of supply of food to prisoners sentenced to death;

(xx) to assist the Jailor in searching the prisoners sentenced to death and examining the cells where prisoners sentenced to death are locked- up; and

(xxi) to conduct interviews with prisoners sentenced to death;

(p) The Deputy Jailor, In-charge of Store

The duties of the Deputy Jailor store shall be as follows: -

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

(ii) In-charge of the ration stores as generally stated;

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

(iv) Place indents and get supplies of all articles of diet and articles required for the prisoners;

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

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

(vii) Weigh and issue ration and other articles for consumption;

(viii) Supervise the cleaning of grains, vegetables and other dietary articles and their grinding, if any;

(ix) Custodian of all civil store articles entrusted to the ration stores;

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

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

(ii) Guarding Personnel

(a) The guarding personnel shall consist of Chief Head Warder, Head Warder, and Warders. There shall be at least one guarding staff for every six prisoners and this ratio shall be followed in all three shifts.

Note: The staffs who are engaged in the industries and other welfare activities shall be excluded while calculating the ratio.

(b) Specific duties of each member of the guarding staff on various sections/points shall be assigned by the Superintendent on a rotation basis in keeping with his status within the cadre in the following areas:

(i) Security, custody, discipline

(ii) Searches and counting of prisoners

(iii) Opening and locking-up of the prison

(iv) Reporting defects and short comings in prison buildings, walls, locks, lighting arrangements, bars taking immediate action for rectifying these and taking care of the custody of locks and keys, handcuffs and other security equipment

(v) Care and welfare of prisoners

(vi) Maintenance of discipline in institutional premises, gates, quarantine, barracks, dormitories, cells, 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 behavior patterns of inmates and reporting the same to the authorities concerned, helping inmates improve their habits and attitudes

(xv) Taking preventive and control measures for all emergency situations

(xvi) Discipline in staff quarters

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

(xviii) The Chief Head Warder, Head Warder, and Warders shall be subject to such discipline, as may, in the opinion the Inspector General, be deemed necessary for efficient discharge of all duties and functions connected with the protection and management of the prison.

(c) **Chief Head Warder**

It shall be the duty of every Chief Head Warder to:

(i) superintend the warders & head warders subordinate to him in the discharge of their duties;

(ii) assist in every possible manner in the management of the prison, the prevention of escape and the maintenance of order and discipline generally amongst subordinate officers and prisoners;

(iii) comply with the requirements of all laws, rules, regulations, directions and orders for the time being in force as to the duties which he is to perform and the manner in which he is to perform them;

(iv) obey the orders of all officer's superior to him in rank;

(v) assist the Jailor in all routine duties;

(vi) to ensure that toilets and bathrooms are cleaned with disinfectant and food is distributed in an orderly manner;

(vii) cause all iron gratings, doors and the like to be secured and satisfy himself, from time to time, that they are secure;

(viii) check the uniform of the head warders, warders, and give them half-an-hour's drill daily;

(ix) satisfy himself that all prisoners required to attend courts or hospitals are sent out of the wards in time;

(x) ensure that there is no unauthorized movement of prisoners in the ward;

(xi) satisfy himself that all reformatory activities in his ward are being carried as per schedule;

(xii) ensure that all records and registers are duly maintained in the ward including ward Register at the gate of the ward to record all 'in' and 'out' from the wards;

(xiii) report any untoward incident or violation of rules by prisoners immediately to the Deputy Jailor In-charge (ward)/ Jailor;

(xiv) shall attend courses, drills and parades, use of arms and ammunitions in the nature of training as the Inspector General may, from time to time, prescribe in that behalf;

(xv) The duties of the chief head warders for drill are to –

(a) give each head warder/warder (except those who are exempt) half- an-hour's drill daily and report to the Deputy Jailor the name of every such warder & head warder who is absent from drill training;

(b) give effect to any punishment drill ordered by the Superintendent;

(c) inspect all arms and accoutrements every day and see that they are kept

clean and fit for immediate use;

(d) take charge of the armory, ammunition and spare accoutrements, keep the key of the armory in his possession, subject to order of the Superintendent, see that the ammunition is kept dry and in good order, that ten rounds of buckshot ammunition for each rifle are always kept ready for use;

(e) satisfy himself that each sentry knows and understands the instructions meant for his post: and

(f) keep an account of ammunition in stock received and expended; and

(xvi) The Chief Head Warder shall, on the arrival of the Superintendent daily, report to that officer if the arms and ammunition including lathies, protective devices, tear smoke etc. are ready for use in case of emergency; and any other matter of importance that has come to his knowledge.

Note:- If there is no appointment of Chief Head Warder then the senior most head warder shall be assigned the duties of the Chief Head Warder to be performed.

(d) **Head Warder**

Duties of Head Warder-It shall be the duty of Head Warder to:

(i) superintend the warders subordinate to him in the discharge of their duties;

(ii) assist in every possible manner in the management of the prison, the prevention of escape and the maintenance of order and discipline generally amongst subordinate officers and prisoners;

(iii) comply with the requirements of all laws, rules, regulations, directions and orders for the time being in force as to the duties which he is to perform and the manner in which he is to perform them;

(iv) obey the orders of all officer's superior to him in rank;

(v) assist the Jailor and the Deputy Jailor in all routine duties;

(vi) open, in the presence of the Jailor and the Deputy Jailor, sleeping wards, cells and other compartments each morning and count the prisoners;

(vii) distribute the prisoners, who are liable to labour each morning to their respective places;

(viii) issue all necessary tools, implements, raw material and other articles required for the day's work and to make a record of all articles so issued;

(ix) collect all such articles, together with the produce, if any, of the prisoners' labour, after the period prescribed for work is over each evening;

(x) satisfy himself that all articles issued have been duly returned to him or

accounted for;

(xi) to ensure that toilets and bathrooms are cleaned with disinfectant and food is distributed in an orderly manner;

(xii) check the prisoners at each change of guard;

(xiii) cause all iron gratings, doors and the like to be secured and satisfy himself, from time to time, that they are secure;

(xiv) cause all bamboos, scantlings, poles, ladders, ropes, well gear and other articles likely to be used for, or to facilitate the escape of any prisoner to be removed and placed beyond the reach of the prisoners in the places prescribed for storing or keeping the same;

(xv) keep constantly moving about while on day duty, amongst the prisoners, supervising the work and discipline of the prison and keeping the warders and convict functionaries on the alert;

(xvi) in the presence of the Jailor/Deputy Jailor count, search and lock the prisoners up in their respective wards, cells and other compartments, at the prescribed time each evening;

(xvii) check the uniform of the warders, and give them half-an- hour's drill daily;

(xviii) ensure that all electric fittings and fixtures are maintained properly and are functional so that neither is there any opportunity for misuse nor a mishap;

(xix) satisfy himself that all prisoners required to attend courts or hospitals are sent out of the wards in time;

(xx) ensure that there is no unauthorized movement of prisoners in the ward;

(xxi) satisfy himself that all reformatory activities in his ward are being carried as per schedule;

(xxii) ensure that no prisoner has in his possession or within his reach, any prohibited article;

(xxiii) ensure daily routine of prisoners as formulated by the Superintendent is followed it letter and spirit;

(xxiv) ensure that all records and registers are duly maintained in the ward including in & under Register at the gate of the ward to record all 'in' and 'out' from the wards;

(xxv) conduct searches of the ward so that none possess prohibited/unauthorized articles;

(xxvi) report any untoward incident or violation of rules by prisoners immediately to the Deputy Jailor In-charge (ward)/Jailor;

(xxvii) the Head Warder shall be responsible for the safe custody of Government property and all bedding, clothing, utensils, electrical fittings and furniture's

etc. with prisoners or in the ward under his charge. He shall also maintain an up- to-date record of the above;

(xxviii) every Head Warder shall, at least ten minutes before the hour fixed for relieving the guard on duty, collect the warders of the relieving guard at the main gate of the prison. At the proper time he shall march the relieving guard of warders to their respective posts, and remove the guard to be relieved. Warders, while going on or off duty, shall be marched in double file;

(xxix) a separate register shall be maintained in each ward which shall be signed by the relieving warder and relieved warder at the time of taking or handing over charge of the ward. Before taking over charge, the relieving warder shall satisfy himself that everything in the ward is in order and a certificate to this effect shall be recorded by him in a register;

(xxx) the keys of the prison shall, when not in use or in the personal custody of any officer of the prison, be kept in a locked receptacle to be kept for the purpose at the main gate, and the key of such receptacle shall, by day, be retained by the Head warder, and by night by the patrolling officer for the time being on duty.

(e) Warders And His General Duties

(i) Warders should have a particular charge assigned to them. Each warder shall have a particular duty assigned to him by the Superintendent or Jailor, such as charge of a ward, or set of wards, a work-shop or a set of workshops, or gang of prisoners inside the prison. The posts and duties of warders shall be frequently changed so as to prevent them from developing any undue relations with any of the prisoners.

(ii) It shall be the duty of every warder at all- time to –

(a) render all assistance in his power in the management of the prison, the maintenance of order and discipline amongst prisoners and the guarding and defending of the prison and all persons, property kept therein or belonging there to against the use of criminal force by any person;

(b) obey the lawful orders of all officer's superior to him in rank;

(c) comply with the requirement of all laws, rules, regulations, directions and orders, for the time being in force, regulating the duties which he is to perform and the manner in which he is to perform them;

(d) take proper care of all property of whatever kind at any time entrusted to him and duly account for the same whenever called upon to do so;

(e) to be at all times in a state of readiness and armed immediately, whenever called upon to do so or an alarm is given, and to do all lawful acts and things necessary or expedient for the purpose of maintaining orders, quelling any disturbance, preventing any combined attempt to

escape or to break out of prison, defending the prison and all properly therein or there to pertaining to attacks from within or without the prison.

(f) remain in the prison complex, if accommodation is provided in prison complex, round the clock and not to leave the complex without permission of Superintendent/Jailor.

(g) fully assist the prison administration in carrying out correctional activities.

(h) acquaint himself with the working of security gadgets so that these are used in an efficient manner.

(i) remain alert while on duty;

(j) be in uniform whilst on duty unless exempted by the Superintendent, by written orders;

(k) know the number of prisoners in his charge; to count them frequently during his turn of duty and to satisfy himself that he has in his custody, not only the correct number, but the particulars of prisoners for whom he is responsible;

(l) search all prisoners he receives in his charge or made over to the charge of any other officer, at the time of receiving and making over charge, respectively;

(m) report about every prisoner in his charge who has been idle or who has not completed his task or who has committed any other prison offence;

(n) bring to the notice of the Head Warder any prisoner appearing to be ill or complaining of sickness so that action for his timely treatment can be taken;

(o) report, at once, any plot for the purpose of escaping or of assault or outbreak or of obtaining forbidden articles;

(p) prepare prisoners for muster and parade and to see that such prisoner comes to his proper place of duty in proper dress and behaves well;

(q) take action forthwith as prescribed when any prisoner is missing;

(r) keep his arms and accoutrements clean, in good order and fit for immediate use;

(s) render all assistance to the Head Warders and his superiors in carrying out educational, reformatory, recreational and physical activities in the ward;

(t) ensure that there is no unauthorized movement of prisoners in the

ward;

(u) ensure that no prisoner in his charge is possessing prohibited articles;

(v) ensure that human rights of the prisoners are fully respected and there is no violation;

(w) see that daily routine of the prisoner as notified by the Superintendent is followed and the prisoner in his charge remain fully disciplined;

(x) ensure that there is no prisoner in his custody who is illegally detained.

(y) no warder shall, while on duty, at any time, under any circumstances on any pretext, leave his post or absent himself from duty until relieved in due course or his leave is sanctioned by the Competent Authority:

Provided that he may leave his post to prevent an escape or to assist in subduing a disturbance taking place within his sight or, when he is in charge of prisoners, if he can do so, without serious risk to the safe custody of those prisoners. It rests upon the warder concerned to show that the circumstances were so exceptional as to justify his doing so.

(z) no warder shall leave his duty place after his duty hours unless his reliever has come and complete charge is handed over to him.

(f) **Sentry And His Duties**

Posting of sentry outside the jail gate round the clock. –

(i) a sentry should be posted outside the gate round the clock for protecting the gate from any unauthorized entry or exit.

(ii) the Sentry at the main gate shall be posted immediately outside the outer gate and shall carry his rifle in orderly manner with all readiness to face any contingency.

(iii) The duties of sentry are as under: -

(a) to be alert and vigilant on his duties;

(b) not to enter into conversation with anyone except when questioned by a superior officer;

(c) not to interfere unnecessarily with any prisoner or prison officer;

(d) not to leave his post without regular relief upon any pretext whatever;

(e) not to allow any person to approach near his post without being challenged;

(f) to warn the person challenged, if the reply is unsatisfactory, to stand until the officer in charge of the picket arrives, ringing his rifle at the same time to "the charge";

(g) to satisfy himself that the main gates and wickets are securely locked;

(h) not to allow persons to crowd around him;

(i) if he sees a prisoner attempting to escape, to call on him to stand, and if he refuses to do so and there is no superior officer present, to use force on the prisoner, provided he cannot otherwise prevent the escape;

(j) if he is beyond call and has to alarm the guard, to fire a shot in the air as the signal of alarms;

(k) if he sees any article in or near the prison likely to facilitate escape, or if any unusual incident comes under his observation, he must at once report the matter to the officer in charge of the picket;

(l) when on duty at the main gate at night, not to allow any person to enter or leave the prison who is not on official duly authorized to enter or leave, and not to permit any warder to enter or leave except when accompanied by the patrolling officer on duty, or one of the superior officials;

(m) to keep the arms and ammunition under his control in fully secured position when on duty; and

(n) to enforce his duties firmly and without any exception.

(iv) **Escorts for visitors-** The escorts for a visitor to a prison, shall consist of warder armed with a baton, from the Warder Guard.

(v) **Courtesy to officers by Sentry-** the Sentry at the gate shall present 'Salami Do' to the Superintendent and Officers higher in rank and 'Butt Salami' to the officers of the rank of Jailor. He should be courteous to all the officers entering or leaving the jail.

(g) Gate Keeper And His Duties

(i) A Head warder shall be constantly on duty, as gate-keeper, at the main gate of every prison, between the hours of opening the prison in the morning and closing in at night. At every relieving of any gate- keeper, a note of the hour of such relieving shall be recorded and signed by both the relieved and relieving personnel.

(ii) The duties of Gate-keeper are as follows: -

(a) may examine anything carried in or out of the prison, and may stop and search or cause to be searched any person suspected of bringing any prohibited article into or out of the prison, or of carrying out any property belonging to the prison, and, if any such article or property be found shall give immediate notice thereof to the Jailor.

(b) shall keep a record, in the prescribed register, of the names of all persons who-so-ever at any time pass into or out of the prison, with the hour and minute, of the entrance and exit of every such person, and, as far as may be, the name and sufficient description of every article of whatever kind

passed into or out of the prison.

(c) shall keep a register of all prisoners with the names of the officers in charge of them

(d) shall comply with all rules, regulations, directions and orders, respectively, for the time being in force regulating the persons who may be permitted ingress to and egress from and the articles which may be taken into and brought out of the prison, and generally the duties which he is to perform and the manner in which he is to perform.

(e) sufficient description of every article' means the name, number or weight, as the case may be, and such other particulars as may be necessary, of all goods, tools stores, or other articles passed into or out of the prison.

(f) the name of the officer in whose charge authorized articles are passed in or out with the hour and minute of their passage should be recorded. All entries of persons or articles should be made at the time of their passage and in consecutive order.

(g) the gate-keeper shall open only one gate of picket at a time, and before doing so, shall assure himself that the other means of entry and exit are securely bolted and locked. ingress and egress for ordinary purposes shall take place through the wicket door-ways. The inner gate shall be provided with an eye-hole to enable the gate-keeper to see into the prison without the necessity of opening either the inner gate or wickets. The main gate shall be opened only under the supervision of an officer not below the rank of the Deputy Jailor for permitting stores to come in and under the order of the Superintendent for all other purposes.

(h) where the prisoners have to pass into or out of prison with double gates, the following procedure shall be followed by the gate keeper –

(i) on passing prisoners out, the gate-keepers shall first let them through the wicket and having locked it, shall write in full in the register provided for purpose, the names of all the prisoners, and head warder/warder in charge and warder assisting them. He shall then open the wicket in the outer gate and count the prisoners as they pass out, to verify the total.

(ii) the list of the gang having once been made in the gate register need not be written on each occasion of its passage through the main gate, but every change in the gang must be noted and attested by the signature or seal of the warder In-charge as well as by that of the gate-keeper, who shall at once report to the Jailor of the circumstances.

(iii) prison inmates returning to the entrance from outside, the gate-keeper shall open the wicket (the inner one being locked first) and admit the inmates to the passage between the gates. He shall then lock

the outer wicket and call out the name of each prisoner as recorded in the register. Personal search is to be carried out of all the inmates between the gates. He shall open the inner wicket and count the prisoners as they pass into the prison to verify the total number.

(iv) the gate-keeper shall not allow any prisoner to be taken out of the prison who is not in the charge of a guard of proper strength duly authorized to take him outside.

(i) the gate-keeper shall be responsible for the cleanliness of the front area of the main gate and the passage between the gates and all articles placed there under his charge. He shall also be responsible that torches and other articles required in case of a night alarm are present and are in a serviceable condition.

(j) the gate-keepers shall be furnished with a list of all visitors and officials who are entitled to enter the prison and shall admit such person on their presenting themselves for admissions. He shall not admit anyone else except the officers of the prison who are authorized to enter, unless a written order from or when accompanied by the Superintendent or other senior officer.

(k) the Gate keeper shall not let in any person without search unless directed so by the Superintendent.

(l) all prohibited articles surrendered or found on search shall be kept in safe custody and returned to the visitors unless the possession thereof is in contravention of any provisions of law.

(m) the gate-keeper may detain or cause to be detained in custody, any person who may, in his presence, sight or hearing, commit any crime or prison offence at or in the vicinity of the prison gate and make a report thereof to the Jailor or Superintendent immediately.

(n) the keys of the gate and the wicket of the gate of every prison shall, except when it is necessary to hand over the same to his assistant for the purpose of lawfully passing any person or thing into or out of the prison, be retained by the Gate-Keeper in his personal possession.

(o) no Gatekeeper or officer, who is at any time entrusted with any key shall, under any circumstances or on any pretext whatsoever: -

(i) take any key belonging to a lock in use, for securing the custody of any prisoner, out of the prison;

(ii) leave any such key lying about;

(iii) deliver any such key to any person other than to an officer of the prison duly authorized to receive such key or to have the care or custody thereof;

(iv) leave his post or duty or the prison without delivering such key to the officer duly authorized to receive the same from him;

(v) the key of any ward, cell, compartment, godown, main gate, or main gate wicket, shall not, under any circumstances or on any pretext, be at any time made over to any prisoner.

(p) in case, the prisoners are locked up for the night, a second padlock shall be locked on the wicket of the inner gate, and the gate-keeper shall then deliver the keys of the inner and outer gates to the Deputy Jailor on duty for custody in the receptacle provided for the purpose in whose presence he shall make over the key of one of the locks of the inner wicket to the patrolling officer on duty inside the prison and the key of the other lock of the inner wicket, together with the key of the out wicket, to the gate sentry.

(q) a duplicate of the keys kept by the patrolling officer under the preceding clause (p) shall be kept by the officer in charge of the gate picket or by the sentry where there is no picket at night to allow for a visit paid to the prison at night without the knowledge of the officers on duty within.

(r) the gate-keeper shall keep the keys of the main gates and wickets attached to his waist belt by a chain, and in a bunch with a few others, so that it may be difficult for any prisoner obtaining possession of the bunch, to ascertain what key belonged to any particular lock;

(s) a bright light shall be kept continuously light up between the gates at night, in case the light is not available sufficiently then the gate keeper shall report the matter to the officer on duty. Provision for emergency light connection shall be made by the Superintendent; and

(t) the following equipment shall be provided by the Superintendent and ordinarily be kept by the gate keeper in the passage between the main gate and the rear gate:-

(i) spare locks;

(ii) a weighing machine:

(iii) a measuring instrument;

(iv) spare fetters and handcuffs secured on a bar with lock and key;

(v) a standing desk with lock and key, for the gate-keeper's books and writing materials

(vi) a wall-Amirah or box for keys;

(vii) a box for torches and other accessories;

(viii) an apparatus for extinguishing fire;

(ix) notice boards;

(x) stock of register;

(xi) a wall clock;

(xii) Electronic equipments like X-ray Scanner, DFMD, HHMD, Etc.

(xiii) foldable screen (for the purposes of searches)

(h) **Prisoner Functionaries (Sewadar) And His Duties**

(i) The Superintendent may utilize the services of convicts and under trial prisoners in accordance with these rules, for efficient management of the prison, except the independent guarding of prisoners. The Superintendent shall appoint suitable, well-behaved, medically fit, disciplined and dedicated convicts and under trials as prisoner functionaries to help the prison staff in performance of various duties connected with smooth management of the various activities. The names of all such prisoner functionaries shall be maintained in a separate register.

(ii) The prisoner functionaries may be detailed on the following duties:—

(a) assist the prison staff in maintaining discipline and daily routine;

(b) keep a watch inside the barrack or compartment during night;

(c) assist in conducting activities pertaining to education, recreation, culture, meditation, canteen etc.;

(d) assisting the prison administration in teaching the vocation to co-prisoner and for helping in supervision of prisoners;

(e) assist in timely preparation and distribution of food in the prison kitchen; and

(f) Assist in managing the different panchayat activities.

(iii) Medical Personnel

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

(a) **Preventive Service**

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

(b) **Curative Services**

Treatment of diseases, dental care, treatment of skin ailments, correction of defects of sight, hearing, speech and posture, provision of artificial limbs, glass eyes, crutch and

other prosthetic devices, prescription of special diets and exercise and physiotherapy, and treatment of substance-related and addictive disorders and psychological disorders.

(c) **General**

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

(iv) Welfare Unit

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

(a) **Welfare Officer (HQ)**

He shall be the officer in charge of welfare unit and all officers in this unit shall be subordinate to him. He shall directly report to the Additional Inspector General or Deputy Inspector General Correctional wing in the Prisons Headquarters.

(b) **Welfare Officer (Prisons)**

(i) The Prison welfare officer shall be appointed in each central and district prison to look after the welfare and reintegration programs of prisoners. The Welfare Officer shall have the following duties and responsibilities:

(a) Counseling of newly-admitted prisoners;
(b) To hear and address the grievances of prison inmates and
(c) General welfare activities in prisons.
(d) Coordinating the work of the welfare unit
(e) Helping inmates in overcoming problems of institutional adjustment
(f) Assisting inmates in dealing with problems faced by their families and dependents
(g) Connecting correctional needs of prisoners with the resources available within and outside the prison
(h) Participating in the orientation, classification and reclassification programme
(i) Facilitating understanding between the inmate and administration
(j) Assisting prison authorities in maintaining prison security discipline
(k) Participating in the prerelease programme and helping the inmates establish the contacts useful to him after release
(l) Identifying the resources for rehabilitation of prisoners.

(ii) The Welfare Officer shall be a member of the Grievance Redressal Committee **set** up under rule 536 of this manual for the purpose of receiving grievances from prisoners for their redressal and shall,

(a) assist the Superintendent in the educational, vocational and recreational activities undertaken in the prisons for the welfare of the prisoners;

(b) coordinate between official and non – official agencies for the rehabilitation, after care and follow-up of released inmates;

(c) enlist the support of non-governmental organizations in the conduct of general welfare activities in the prisons; and

(d) prepare any other work pertaining to the welfare and rehabilitation of prisoners assigned by the Superintendent from time to time.

(iii) The Welfare Officer shall maintain the following records –

(a) Statistical returns and periodical reports;

(b) Case sheets of welfare activities of prisoners;

(c) Daily diary or Report Book;

(d) Correspondence with the Social Welfare Department and non-governmental organizations; and

(e) Any other record as may be instructed by the Superintendent.

(c) Law Officer

The Law Officer shall function under the direction and control of the Deputy Inspector General. He shall be in-charge of the legal affairs of the prison administration. His duties shall be as follows:-

(i) to advise the Inspector General and Superintendents on all matters having legal bearing;

(ii) to deal with all court matters relating to Prison Headquarters and other prisons. Towards this end, he shall co- ordinate with Government Counsels and shall remain in touch with the Government regarding appointment of Government Counsels in time;

(iii) to ensure that cases pending before the courts/tribunals are defended properly;

(iv) to bring to the notice of the Inspector General and Government, any negligence on the part of Government Counsels in discharge of their duties;

(v) to assist the Deputy Inspector General and other officers in corresponding with the National Human Rights Commission and other authorities on matters having legal bearing;

(vi) to coordinate the legal matters of different prisons and to render the Superintendents assistance in legal matters;

(vii) to monitor the progress of all legal cases pending in the High Court and the Supreme Court and important matters in lower courts;

(viii) to bring to the notice of the Inspector General and Deputy Inspector General and

to circulate amongst Superintendents the extracts of all rulings having bearing on prison administration;

(ix) to coordinate with Government Counsels so that all cases involving the prisons are properly defended by them before courts/tribunals;

(x) to ensure that all documents and replies are filed in the courts in time;

(xi) to appear before courts personally in all important matters;

(xii) to ensure that the Legal Aid Cell is functioning efficiently and there is sufficient availability of stationery, articles, books, computers etc. He should further ensure that the Legal Aid Cell are being regularly visited by the Legal Aid Advocates deployed by the Uttarakhand State Legal Services Authority and NGOs;

(xiii) to maintain a Library of legal books, law journals and important judgments;

(xiv) interpreting legal and procedural rights of prisoners;

(xv) preparing petition and appeals for deserving cases;

(xvi) assisting prison authorities in holding special courts, Lok Adalat and videoconferencing;

(xvii) to advise prison administration in all matters having legal bearing including agreements, contacts, affidavits and court documents keeping prison authorities abreast with judicial pronouncements and directives on all prison matters; and

(xviii) any other duty assigned by the Inspector General of Prisons from time to time.

(d) Counselor

The counselor shall perform the duties which are as follows:-

(i) Dealing with emotional and psychological problems of inmates

(ii) Providing counseling to prisoners facing problems of adjustment within the prison and in relation to their families outside

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

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

(v) Aiding the psychiatrist in related matters

(v) Educational Personnel

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

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

(ii) Linking prison education with mainstream education

(iii) Screening of newly admitted inmates for the determination of their educational aptitude, abilities and interests

(iv) Participation in Classification Committee's work

(v) Conducting literacy, socio-cultural and spiritual development programme

(vi) Arranging tests and examinations; periodically assessing educational progress of inmates, changing educational programmes when necessary

(vii) Maintenance of a library with sufficient reading material

(viii) Audio-visual facilities

(vi) Technical Personnel

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

(b) The duties to be performed by technical personnel shall be as follows:-

(i) Giving vocational aptitude test to inmates, interviewing and collecting data about inmates, vocational history, skills abilities and interests;

(ii) Suggesting work and vocational training programmes for inmates;

(iii) Preparing plans for vocational training projects;

(iv) Imparting apprenticeship, on-the-job and vocational training to inmates;

(v) Utilizing resources of service and maintenance unit for training purposes;

(vi) Arranging arts and handicrafts projects;

(vii) Arranging vocational examinations for inmates;

(viii) Training of newly admitted prisoners;

(ix) Maintaining progress reports about the training of prisoners;

(x) Suggesting improvements in work methods;

(xi) Keeping the equipment and machines in the workshop in good working condition, custody and maintenance of shops and factories;

(xii) Ensuring safety measures in workshops and factory areas;

(xiii) Maintenance of discipline in the area under their charge, attending to emergency situations;

(xiv) Distribution of work to inmates;

(xv) Maintaining muster rolls of inmates working in various sections;

(xvi) Supplying inmates with production tools and materials;

(xvii) Supervision over quality and quantity of production;

(xviii) Maintaining work sheets;

(xix) Measuring tasks and apportioning wages;

(xx) Indenting raw material from the Store Keeper, storing raw material in their charge, maintaining an account of raw material and manufactured articles in their charge, dispatch of manufactured articles to the Store Keeper, monthly checking of stores under their charge and reporting the same to the authorities concerned; and

(xxi) Preparing work plans for work sheds under their control and forwarding them to the officer in charge.

(vii) Maintenance Staff

The duties to be performed by maintenance staff shall be as follows:-

(a) Maintenance and repairs of prison buildings

(b) Maintenance and service of machines, tools and equipment and transport

(c) Maintenance and service of electric lines, plumbing facilities, water supply plant and power plant

(d) Periodical testing of emergency equipment like firefighting equipment and accident prevention measures,

(viii) Ministerial Staff

Ministerial staff shall be so organized as not to leave any scope for sharing their duties with prisoners. The duty of members of ministerial staff shall be assigned by the Superintendent or senior officer as per the position he holds and the requirements.

33. General rules applicable to all classes of prison staff:-

(i) The services of all officers and employees of prisons shall be governed by the Central Civil Services Rules applicable to the employees of the Government and the instructions issued thereunder, from time to time. The provisions contained in these rules governing the conduct of the employees shall supplement the provisions of Central Civil Services Rules applicable to the prisons staff.

(ii) All officers shall obey the directions of the Superintendent. All officers shall perform duties as may be prescribed by the Jailor with the sanction of the Superintendent of Prisoner as prescribed by these rules.

(iii) No officer shall sell, nor shall any person in trust for or employed by him sell or let,

or derive any benefit from selling or letting, any article to any prisoner or have any money or other business dealings directly or indirectly with any prisoner.

(iv) No officer shall accept any gift from a prisoner or his relatives and friends or a person having dealing with prison administration.

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

(vi) No officer of any prison other than Superintendent shall, at anytime, award any punishment to any prisoner, except in accordance with law and lawful orders of the Superintendent.

(vii) No officer of any prison shall, in the discharge of his duties, at any time use more force than is necessary for the purpose of enforcing law and carrying out his duties.

(viii) It is lawful to use all means necessary to affect an arrest and a prisoner has no right of private defense against prison officers acting in the discharge of their duties and every officer may use all force necessary to resist any force used by prisoners against lawful authority.

(ix) No officer shall, at any time, employ any prisoner on his own private work or for his own gain or profit; nor shall any such officer at any time employ any prisoner otherwise than for the profit and advantage of the Government and in strict accordance with the provisions of the Act and these rules relating to the employment of prisoners.

(x) It shall be the duty of every officer to make an immediate report of any misconduct, act of willful disobedience or breach of the provisions of any law, rules or regulations for the time being in force on the part of any other officer or any prisoner, to his senior officer, which shall at any time come to his knowledge or be committed in his presence, sight or hearing.

(xi) No officer of a prison shall at any time enter any cell, barrack or other compartment, occupied by prisoners from the hour such ward, cell or compartment has been locked up for the night, till lock-out the following morning, unless he is accompanied by at least one other officer. Such entry can be made only in case of emergencies like sickness of the prisoner, fire, rioting or any other serious breach of Rules by the prisoner.

(xii) It shall be the duty of every officer of a prison at all times to do all lawful acts which may be necessary, and to exercise utmost vigilance for the purpose of preventing any prisoner from breaking out of prison or escaping or attempting to break out of prison or escape, or from creating or attempting to create any disturbance or riot or from doing or attempting to do any other violent or disorderly act.

(xiii) Every officer of a prison is required to –

(a) take all possible lawful measures to prevent the commission of any prison offence;

(b) enforce provisions of the Act and all rules, regulations, directions and orders for the time being in force in or in any way applicable to the prison, in regard to the conduct and discipline of the prisoners and the administration of the prison; and

(c) at the earliest opportunity, to report to the superior authority every breach or attempted breach or design to commit breach of any provision of any law, rule, regulation, direction or order for the time being in force, or in any way applicable to the prison or any prisoner confined therein.

(xiv) The Government may provide such officers with arms and ammunition as deemed essential.

(xv) All arms and ammunition shall, when not in actual use, be securely kept in Armory. Every officer shall be given suitable training in the use of arms.

(xvi) Provision of sub section (2) of Section 197 of the Code shall apply to all prison officials. These provisions shall also apply to the personnel of any force deployed in the prisons of the Uttarakhand State, required to perform armed guard duties and all such officers immediately superior to them who are part of the chain of command of the staff employed on such armed guard duties in the prison of the Uttarakhand state and who are required to be detailed for duty for ensuring proper safety of prisoners and maintenance of public order in and around the premises of the prisons of the Uttarakhand State.

(xvii) Matters concerning wearing of uniform and cleanliness–

(a) Every officer in respect of the office held by him, for whom any uniform is at any time prescribed, shall wear such uniform at all times when on duty.

(b) Every officer shall at all times and on all occasions wear neat and clean uniform.

(xviii) Prohibition against sleeping on duty and committing other irregularities. - No subordinate official shall at any time –

(a) sleeping while on duty by day or by night;
(b) neglecting to arrange for the safe custody of ladders, bamboos or anything likely to facilitate the escape of a prisoner; allowing tools and implements to lie about out of their appointed places, or neglecting to lock them up under the regulations of the prison;
(c) leaving prisoners within or without the jail unattended by an officer or other authorized person, or allowing prisoners to leave their work or their files unattended on any pretext whatever;
(d) leaving a cell or principal door unlocked or leaving the keys in a door or lying about;
(e) entering an occupied cell at night, except in an emergency;
(f) willfully neglecting to report the wish of a prisoner to see the Superintendent of the prison, the Medical Officer or other official visitor;
(g) permitting persons unconnected with the prison to hold communication with a prisoner either within or without the prison walls, or allowing strangers to enter any buildings occupied by prisoners or to mingle with them while at work or on the march unless under sanction of proper authority;
(h) neglecting to examine the fastenings of any buildings or of any prisoners, or any other fastenings committed to his charge, and to search wards, cells and persons or prisoners committed to his charge;
(i) omitting to count the prisoners under his charge going to and returning from their work, and at such other intermediate times as the Superintendent may direct;
(j) willful disobedience of, or neglect to carry out any lawful order given to him by competent authority;
(k) Tampering or manipulating official records, official documents or governmental

property

(l) wrangling or disputing with officers or visitors;
(m) making frivolous or false complaints;
(n) an act of connivance with prisoners or any other person against the prison administration or prison officers;
(o) Appearing on duty in a state of intoxication from liquor or other psychotropic substance.
(p) Without permission possessing any wireless or electronic means of communications like mobile phones, pagers, internet, etc and any photographic or recording equipment while on duty except those permitted for the official use by the Inspector General of Prison, Deputy Inspector General of Prison, and Superintendent of Prison.
(q) Leaving the duty post/Barrack without properly relieved.
(r) Breaching discipline, rules of Jail Manual, Government orders, Circulars and any other rules applied to the Jail personnel being a government servant.
(s) Absconding from duty.

34. Acquittal in a criminal case. –

(i) When an officer has been prosecuted in a criminal court and has, after trial on the merits of the case, been declared innocent of the charge brought against him, the decision shall be accepted as final and such officer shall not be punished departmentally when the offence for which he was tried constitutes the sole ground for punishment.

(ii) Departmental cognizance in certain cases- If, however, such officer is acquitted on technical grounds, or if the facts established by the judicial investigation show that his conduct and character have not been such as befit an officer of the jail, the Inspector General may, after fully recording his reasons, take departmental cognizance of the offence or of such conduct or character.

35. Punishment. -

Subject to the provisions of any law or other rules governing his conditions of service a prison officer who shall at any time be found to be guilty of any breach of prison rules, neglect or violation of duty or other misconduct shall be liable to punishment by the Superintendent and the Inspector General as enumerated below:

(i) Punishments that may be awarded by the Superintendent:

(a) Summary punishments

(i) Jailors – censure.
(ii) Deputy Jailors, any jail officer appointed by the Inspector General -
(a) censure.
(b) fine, provided that the aggregate amount of such fines, shall in no case exceed one-quarter of a month's basic pay in respect of the month in which the fines are imposed;
(iii) Warders or other jail subordinates not appointed by the Inspector General -
(a) censure;
(b) fine, provided that the aggregate amount of such fines, shall in no case exceed one-quarter of a month's basic pay in respect of the month in which the fines are imposed;
(c) extra drill for one hour daily for a period not exceeding seven days.

(b) Other punishments

(i) Warders and other jail subordinates not appointed by the Inspector General-

(a) withholding of increments.
(b) reduction to a lower post or time scale or to a lower stage in a time scale or to a lower grade in a graded scale;
(c) recovery from pay or security deposit of the whole or part of any pecuniary loss caused to the State Government by negligence or breach of orders;
(d) removal from service;
(e) dismissal from service.

Note –When a major punishment is proposed an enquiry shall be conducted in the manner provided in THE UTTARAKHAND GOVERNMENT SERVANT (DISCIPLINE AND APPEAL) RULES, 2003 and the case shall be referred for orders to the appropriate authority.

(ii) Punishment that may be awarded by the Inspector General:

(a) Summary punishments

(i) Jailor, Deputy Jailor, clerk and other officers appointed by him -

(a) censure.
(b) fine, provided that the aggregate amount of such fines, shall in no case exceed one-quarter of a month's basic pay in respect of the month in which the fines are imposed;

(ii) Warders and other inferior staff -

(a) censure;
(b) fine, provided that the aggregate amount of such fines, shall in no case exceed one-quarter of a month's basic pay in respect of the month in which the fines are imposed;
(c) extra drill for one hour daily for a period not exceeding seven days;
(d) Confinement to jail precincts for a period not exceeding fourteen days.

NOTE: The summary punishments mentioned above in 'B' may be awarded by the Deputy Inspector General of Prisons.

(b) Other punishments

(i) Jailor, Deputy Jailor and other officers appointed by the Inspector- General and the Superintendent.

(a) with holding of increments.
(b) reduction to a lower post or time scale or to a lower stage in a time- scale or to a lower grade in a graded scale;
(c) recovery from pay or security deposit of the whole or part of a pecuniary loss caused to the State Government by negligence or breach of orders
(d) removal from service;
(e) Dismissal from service.

Note- When a major punishment is proposed an enquiry shall be conducted in the manner provided in the UTTARAKHAND STATE GOVERNMENT SERVANT (DISCIPLINE AND APPEAL) RULES 2003.

(iii) Summary punishments. -

In all cases of summary punishments, the Superintendent shall record in his order-book and the punishment register as well as in the service book of the officer concerned, the offence committed and the punishment awarded.

36. Procedure in cases which cannot be dealt with summarily. –

When the Superintendent is of opinion that any jail officer is guilty of an offence which, in the opinion of the Superintendent cannot be adequately punished by any of the penalties he is empowered to inflict in a summary manner, he shall conduct a full investigation and draw up a complete record of the proceedings. The enquiry shall be conducted in the manner provided in the UTTARAKHND GOVERNMENT SERVANT (DISCIPLINE AND APPEAL) RULES, 2003.

37. Procedure on completion of enquiry. -

(i) If as a result of the investigation referred to in the preceding paragraph is complete, the Superintendent finds any of the charges proved he may either

(a) award any of the punishments he is empowered by the rules to inflict, or

(b) refer the case to the competent authority if he considers that more severe punishment is required than he is empowered to inflict.

(ii) If the Superintendent takes action under (b) above, he shall forward the charge sheet together with his findings and as complete record of the case to the said competent authority for orders.

38. Report when departmental action considered inadequate. –

When in the opinion of the Superintendent any officer is guilty of an offence which cannot be adequately punished departmentally, he shall forthwith refer the case to the Inspector General for orders and may also suspend the officer.

39. Petty misdemeanors. -

Punishments shall be inflicted only when they are necessary in the interest of the public service. Petty misdemeanors not requiring any formal punishment may be dealt with by entry in the Superintendent's order-book.

40. Record of punishments. -

All formal censures and other punishments shall be recorded in the service-book and character-roll of the officer concerned.

41. Recovery of loss to Government. -

Before any recovery of any pecuniary loss caused to Government is ordered, the grounds thereof shall be reduced to writing and the explanation of the officer obtained and considered by the competent authority.

42. Vacation of quarters by officer under suspension. -

Any officer who is under suspension may be required to vacate the quarters allotted to him and quit the jail premises and shall not, without the sanction of the Superintendent, re-enter the jail premises.

43. Copies of order of punishment to be supplied free. -

Any jail officer who has been punished departmentally with any of the punishments specified **in paragraph 35 may** apply to the Superintendent or the Inspector General for a copy of the order of punishment, and the Superintendent or the Inspector General shall cause such person to be supplied free of charge with a true copy of such order without

delay.

44. Communication of adverse entries. -

The Superintendent shall communicate to the officer concerned every adverse entry made in his service book.

45. Appeals. -

Every jail officer has the right of appeal to the next higher authority from the order of disciplinary authority through the Superintendent within two months of the date of order.

46. Appeals to State Government. –

(i) Every officer of a prison who has been punished by the Inspector General may prefer an appeal to the Principal Secretary/Secretary, Home/Prison, Uttarakhand within 90 days of the date of receipt of the order. Appeals to the Governor shall be prepared in the form of a memorandum and submitted in accordance with the rules prescribed in the Manual of Government Orders, through the proper channel.

(ii) If the Inspector General enhances a punishment on appeal, a further appeal to the Principal Secretary/Secretary, Home/Prison, Uttarakhand shall lie within the period prescribed for the filing of appeals.

47. Time taken in obtaining copies. -

The period of limitation prescribed for appeals shall be exclusive of the period spent in supplying copies of the order.

48. Power of revision. -

The Principal Secretary/Secretary, Home/Prison, Uttarakhand and the Inspector General reserve to themselves the power of calling for the records of any case and revising any order whether appeal against such order has been submitted or not and whether the period of limitation has expired or not:

Provided that where it is proposed to enhance the penalty imposed by any such order, the Government Servant concerned shall be given opportunity of showing case against the proposed enhancement.

49. Re-employment on removal and discharge. -

No jail officer who has been removed or discharged shall be re-employed in the jail department without the sanction of the Inspector General or, in the case of officers originally appointed by the State Government, without the sanction of the State Government.

50. Employment of suitable ex-convicts on certain posts in jail-

Suitable ex-convicts who were not ineligible for appointment as convict officers while undergoing imprisonment may subject to general rules and orders for making such appointments, be employed on posts of inferior servants in the jail if the Inspector- General of prisons is satisfied that such employment will help in their social and moral rehabilitation.

51. Rewards-

(i) The Inspector General, Additional Inspector General and Deputy Inspector General may sanction rewards to the prison personnel or any other person for his outstanding contribution for the prison administration as under—

Sanctioning authority	Type	Description

Inspector General	Commendation Roll	Cash reward up to rupees twenty five thousand for actions of outstanding merit.
Additional Inspector General	Commendation Certificate	Cash reward up to rupees fifteen thousand in each case, for actions of such special merit so as to deserve higher form of recognition
Deputy Inspector General	Commendation Certificate	Cash reward up to rupees ten thousand in each case, for actions of such special merit so as to deserve higher form of recognition

(ii) The rewards shall be only for specific meritorious actions. These shall not be conferred in recognition of good performance in general like exceptional punctuality, acuteness duty etc.

(iii) Medals shall be awarded to prison officers or subordinate officers for performance of meritorious and distinguished service on the pattern prescribed by the Government for other uniform forces.

52. Leave to warders subject to limitation-

(i) The leave granted to warders should be so arranged that not more than ten percent of their sanctioned strength is absent at any one time.

(ii) For the purpose of above rule, the warders may be called upon to declare the date on which they wish to avail themselves of leave, at least fifteen days before such date

(iii) **Stoppage of all leaves or recall from leave-** The Superintendent may stop all leave or recall any officer who has availed himself of it (except when the leave has been granted on medical certificate) during prevalence of special circumstances in the prison requiring his presence.

53. UNIFORM OF OFFICERS- The prison personnel shall be provided with uniform like police, free of charge or the amount sanctioned by the government from time to time in lieu of the uniform, at the following scale and each article of uniform shall be replaced on the expiry of the period indicated below :—

(i) The uniform of an Inspector General and Additional Inspector General shall be –

For Ceremonial, V.I.P. Duty and other Important functions

(a) Khaki woolen drill or Gaberdine cloth, Tunic (Coat & Pant) (Police Pattern)

(b) One pair white nickel-plated crossed sword & baton, one pair nickel plated five-pointed star.

(c) One pair white nickel plated or I.P.S. shoulder Title, as the case may be.

(d) One Pair collar band (big size) as per I.P.S. Officers pattern but with white Ashoka Button.

(e) White Ashoka Buttons (4 medium size & 6 small size) for Tunic.

(f) One Navy Blue Whistle Cord (Garhwal Type) with whistle.

(g) White Fittings Brown Cross Belt (Sam Browne Belt)

(h) Peak Cap of Khaki Woolen Gaberdine Cloth with Blue Woolen Band and Silver Zari Embroidered Peak Cap Badge (Police Pattern).

(i) Navy Blue Terrycot Tie (11.5 cms. Width at the end).

(j) Khaki Cotton Poplin Shirt.

(k) Name Plate Black (in Hindi).

(l) Brown Ankle Boot (Police Pattern).

(m) Khaki Nylon Socks (Double Heel & Toe)

(n) Cane with U.J.S. or IPS Crest as the case may be.

Daily Working Dress

(a) Khaki Woolen Angola Cloth Shirt and serge Pant (Police Pattern)

OR

Khaki Terrycot Cloth Full Sleeves Shirt and serge Pant (Police Pattern).

(b) Cravat (Scarf) Police Pattern.

(c) Khaki Woolen Barathea Peak Cap with Blue Band or blue woolen beret cap, with Silver Embroidered Badge.

(d) Brown Leather or web belt with U.J.S. or I.P.S. Title, as the case may be.

(e) Brown Derby Shoes (Police Pattern).

(f) Olive Green Jersey "Y" Neck with two Buttons and Leather on Sleeves & shoulder (Double knitted).

(g) One pair white Nickel-plated crossed sword & baton, one pair nickel plated five-pointed star.

(h) One pair white nickel-Plated U.J.S. or I.P.S. shoulder title, as the case may be.

(i) One pair collar band (small size) as per I.P.S. officers but with white Ashoka button.

(j) One Navy Blue Whistle Cord (Garhwal type) with whistle.

(k) Navy blue terrycot tie (11.5 cms. Width at the end), with tunic.

(l) Name plate black (in Hindi).

(m) Khaki Nylon socks (Double Heel & Toe).

(n) Cane with U.J.S. or I.P.S. Crest, as the case may be.

(ii) Deputy Inspector General's uniform –

The uniform of a Deputy Inspector General shall be –

For Ceremonial, V.I.P. Duty and other Important functions

(a) Khaki Woolen drill Gaberdine cloth Tunic (coat and pant) (Police pattern).

(b) Three pairs white nickel plated five pointed stars; one pair white nickel-plated state emblem.

(c) One pair white nickel-plated shoulder title.

(d) One pair collar band (big size) as per I.P.S. Officers pattern but with white Ashoka button.

(e) White Ashoka buttons (4 medium size and 6 small size) for Tunic.

(f) One Navy blue whistle cord (Garhwal type) with Whistle.

(g) White fittings brown cross belt (Sam brown belt).

(h) Peak cap of khaki woolen Gaberdine cloth with blue woolen band and silver Zari embroidered cap badge.

(i) Navy blue terrycot tie (11.5 cms width at the end).

(j) Khaki cotton poplin shirt.

(k) Name plate black (in Hindi)

(l) Brown Ankle boot (police pattern).

(m) Khaki nylon socks double heel & toe)

(n) Cane with U.J.S. or I.P.S. Crest as the case may be.

Daily working Dress

(a) Khaki Woolen Angola Cloth Shirt and single serge Pant (Police Pattern)

OR

Khaki Terrycot Cloth Full Sleeves Shirt and Pant (Police Pattern).

(b) Cravat (Scarf) Departmental Pattern.
(c) Khaki Woolen Barathea Peak Cap with Blue Band and departmental silver embroidered badge, or blue woolen beret cap with departmental silver embroidered badge.
(d) Brown Leather or web Belt with U.J.S. Crest or I.P.S. title as the case may be.
(e) Brown Derby Shoes (Police Pattern).
(f) Olive Green Jersey "Y" Neck with two Buttons and Leather on Sleeves & shoulder (Double knitted).
(g) Three pair white Nickel plated five pointed stars; one pair white nickel-plated state emblem.
(h) One pair white nickel-Plated U.J.S. or I.P.S. shoulder title shoulder title as the case may be.
(i) One pair collar band (small size) as per I.P.S. officers but with white Ashoka button.
(j) One Navy Blue Whistle Cord (Garhwal type) with whistle.
(k) Navy blue terrycot tie (11.5 cms. Width at the end) with tunic.
(l) Name plate black (in Hindi).
(m) Khaki Nylon socks (Double Heel & Toe).
(n) Cane with U.J.S. or I.P.S. Crest as the case may be.

Note: The above-mentioned officers in (i) and (ii) shall have departmental flags and star plate on vehicles when in official use, whether in uniform or in *mufti.*

(iii) Senior Superintendents (Grade-I) and equivalent officers' uniform

The uniform of Senior Superintendents Grade-I and equivalent officers shall be: –

For Ceremonial, V.I.P. and other important functions

(a) Khaki Woolen drill Gabardine Cloth Tunic (Coat & Pant) (Police Pattern).
(b) White Ashoka Buttons (4 medium size and 6 small size) for Tunic.
(c) Two pairs white nickel plated five pointed stars and one pair white nickel-plated state emblem and one pair collar band (Big size) as per I.P.S. officers' pattern but with white Ashoka Button.
(d) Light Khaki barathea cloth peak cap with blue woolen band and white Zari embroidered departmental peak cap badge.
(e) One pair White Nickel Plated U.J.S. Shoulder Title.
(f) One Navy Blue Whistle Cord (Garhwal Type) with Whistle.
(g) White fittings brown leather cross belt (Sam Browne belt).
(h) Navy blue terrycot tie (11.5 cms. Width at the end).
(i) Khaki cotton poplin shirt.
(j) Name plate black (in Hindi).
(k) Brown Ankle boot (Police pattern).
(l) Khaki Nylon Socks (Double Heel & Toe).
(m) Cane with U.J.S. Crest.

Daily Working Dress

(a) Khaki Woolen Angola Cloth Shirt and serge Pant (Police Pattern)

OR

Khaki Terrycot Full Sleeves Shirt and Pant (Police Pattern).

(b) Cravat (Scarf) Departmental Pattern.
(c) One pair collar band (small size) as per I.P.S. officers' pattern but with white Ashoka Button
(d) Two pair white Nickel Plated five-pointed star and one pair white nickel-plated state emblem.
(e) Light Khaki barathea cloth peak cap with black silken band and white metal departmental peak cap badge or blue woolen beret cap with white metal departmental badge.
(f) One pair white nickel-plated U.J.S. Shoulder title.
(g) One Navy blue Whistle Cord (Garhwal Type) with Whistle.
(h) Brown Leather or web belt with U.J.S. Crest.
(i) Name plate black (in Hindi).
(j) Khaki Nylon socks (Double Heel & Toe).
(k) Brown Derby Shoes (Police Pattern).
(l) Olive Green Jersey "Y" Neck with Two buttons and Leather on Sleeves and shoulders (Double Knitted).
(m) Cane with U.J.S. Crest.

(iv) Senior Superintendents (Grade-II) and equivalent officers' uniform –

The uniform of Senior Superintendents Grade-II and equivalent officers shall be: –

For Ceremonial, V.I.P. and other important functions

(a) Khaki Woolen drill Gabardine Cloth Tunic (Coat & Pant) (Police Pattern).
(b) White Ashoka Buttons (4 medium size and 6 small size) for Tunic.
(c) one pairs white nickel plated five pointed stars and one pair white nickel-plated state emblem as per I.P.S. officer's pattern.
(d) Light Khaki barathea cloth peak cap with blue woolen band and white Zari embroidered departmental peak cap badge.
(e) One pair White Nickel Plated U.J.S. Shoulder Title.
(f) One Navy Blue Whistle Cord (Garhwal Type) with Whistle.
(g) White fittings brown leather cross belt (Sam Browne belt).
(h) Navy blue terrycot tie (11.5 cms. Width at the end).
(i) Khaki cotton poplin shirt.
(j) Name plate black (in Hindi).
(k) Brown Ankle boot (Police pattern).
(l) Khaki Nylon Socks (Double Heel & Toe).
(m) Cane with U.J.S. Crest.

Daily Working Dress

(a) Khaki Woolen Angola Cloth Shirt and serge Pant (Police Pattern)

OR

Khaki Terrycot Full Sleeves Shirt and Pant (Police Pattern).

(b) Cravat (Scarf) Departmental Pattern.
(c) One pair white Nickel Plated five-pointed star and one pair white nickel-plated state emblem.
(d) Light Khaki barathea cloth peak cap with black silken band and white metal departmental peak cap badge or blue woolen beret cap with white metal departmental badge.
(e) One pair white nickel-plated U.J.S. Shoulder title.
(f) One Navy blue Whistle Cord (Garhwal Type) with Whistle.
(g) Brown Leather or web belt with U.J.S. Crest.
(h) Name plate black (in Hindi).

(i) Khaki Nylon socks (Double Heel & Toe).
(j) Brown Derby Shoes (Police Pattern).
(k) Olive Green Jersey "Y" Neck with Two buttons and Leather on Sleeves and shoulders (Double Knitted).
(l) Cane with U.J.S. Crest.

Note- In addition to the uniform prescribed for Senior Superintendent Grade –II after completion of five years' service shall use the following: -

(a) Two pairs white nickel plated five pointed stars and one pair white nickel-plated state emblem.

(b) One pair collar band (big size) as per I.P.S. officers' pattern but with white Ashoka Button.

(c) Khaki barathea cloth peak cap with blue woolen band and white Zari embroidered departmental peak cap badge or blue woolen beret cap with white Zari embroidered departmental badge.

(v) Superintendent's Uniform –

The uniform of the Superintendent of the Jail shall be:

For Ceremonial, V.I.P. and other Important functions:

(a) Khaki Woolen drill Gaberdine Cloth Tunic (Coat & Pant) (Police Pattern).
OR
Khaki Woolen Angola Cloth Shirt and Serge Pant (Police Pattern).
OR
Khaki Terrycot Cloth Full Sleeves Shirts & Pant (Police Pattern).
(b) White Ashoka Buttons (4 medium size and 6 small size) for Tunic.
(c) Khakhi Barathea Cloth Peak Cap with white metal departmental Peak Cap Badge.
(d) One Pair white nickel-plated state emblem. (One pair of five-pointed star after the completion of service of ten years.)
(e) One pair White Nickel Plated U.J.S. Shoulder title.
(f) Navy Blue Whistle Cord (Garhwal Type) with Whistle.
(g) White Fittings Brown Leather Cross Belt (Sam Browne Belt).
(h) Navy Blue Terrycot Tie (11.5 cms. Width at the end).
(i) Khaki Cotton Poplin Cloth Shirt.
(j) Name plate black (in Hindi).
(k) Khaki Nylon socks (Double Heel & Toe).
(l) Cane with U.J.S. Crest.
(m) Brown Derby Shoes (Police Pattern).

Daily Working Dress:-

(a) Khaki Woolen Angola Cloth Shirt & Serge Pant (Police Pattern).
OR
Khaki Terrycot Cloth full sleeves shirt and pant (Police Pattern).

(b) Cravat (Scarf) Departmental Pattern.
(c) Khakhi Barathea Cloth peak cap with white metal departmental white metal badge, or blue woolen beret cap with white metal departmental badge.
(d) One pair white nickel-plated state emblem.
(e) One pair white nickel-plated U.J.S. shoulder title.
(f) Navy blue whistle cord (Garhwal type) with whistle.

(g) White fittings brown leather or web belt with U.J.S. Crest.
(h) Name plate black (in Hindi).
(i) Khaki Nylon socks (double heel and toe).
(j) Cane with U.J.S. Crest.
(k) Brown Derby Shoes (Police pattern).
(l) Olive green jersey 'Y' Neck with two buttons and leather on sleeves and shoulder (double knitted).

Note: Officers when taking part in sports should wear blue blazer with **U.J.S.** Crest on the front upper left pocket.

(vi) Jailor's Uniform-

The uniform of a Jailor shall be –

For Ceremonial, V.I.P. Duty and other Important Functions

(a) Khaki Woolen Angola Cloth Shirt & Serge Pant (Police Pattern) and Cross Belt.
OR
Khaki terrycot Cloth full sleeves shirt & pant (Police pattern)
(b) White metal fittings brown leather belt (Sam Browne belt).
(c) Brown Derby Shoes (Police Pattern).
(d) One pair of nickel-plated white उत्तराखण्ड़ कारागार Shoulder title.
(e) Navy Blue Beret cap with black border and departmental crest.
(f) Three pair white nickel plated five-pointed star
(g) Navy Blue whistle cord (Garhwal type) with whistle.
(h) Name plate black (in Hindi) 8.5 cms x 1.58 cms.)
(i) Khaki Nylon socks (Double Heel and Toe).
(j) Baton – 60 cms. X 4 cms.
(k) Khaki cotton Poplin cloth shirt.
(l) White fittings brown cross belt (Sam Browne belt).

Daily Working Dress

(a) Khaki Woolen Angola cloth shirt & serge pant (Police Pattern).
OR
Khaki terrycot cloth full sleeves shirt & pant (police pattern).

(b) Cravat (Scarf) Departmental Pattern.
(c) Brown leather or web belt with white metal fittings.
(d) Brown Derby shoes (Police pattern).
(e) Olive green jersey 'Y' neck with two buttons and leather on sleeves & shoulders (double knitted) with three white nickel plated five-pointed star.
(f) Light Khakhi Barathea Cloth Peak Cap with departmental steel plated Crest.
(g) One pair of nickel plated white उत्तराखण्ड़ कारागार shoulder title.
(h) Navy Blue whistle cord (Garhwal type) with Whistle.
(i) Name plate black (in Hindi) (8.5 cms x 1.58 cms.)
(j) Khaki Nylon socks (double heel and toe)
(k) Baton 60 cms x 4 cms.

Note: Officers when taking part in sports should wear blue blazer with उत्तराखण्ड़ कारागार Crest on the front upper left pocket.

(vii) Deputy Jailor's Uniform-

The uniform of a Deputy Jailor shall be –

For Ceremonial, V.I.P. Duty and other Important Functions

(a) Khaki Woolen Angola Cloth Shirt & Serge Pant (Police Pattern) and Cross Belt.
OR
Khaki terrycot Cloth full sleeves shirt & pant (Police pattern)
(b) White metal fittings brown leather belt (Sam Browne belt).
(c) Brown Derby Shoes (Police Pattern).
(d) Navy blue Beret cap with brown border and departmental crest.
(e) One pair of nickel-plated white उत्तराखण्ड़ कारागार Shoulder title.
(f) Three pair white nickel plated five-pointed star with departmental color shoulder strap.
(g) Black whistle cord (Garhwal type) with whistle.
(h) Name plate black (in Hindi) 8.5 cms x 1.58 cms.)
(i) Khaki Nylon socks (Double Heel and Toe).
(j) Baton – 60 cms. X 4 cms.
(k) Khaki cotton Poplin cloth shirt.
(l) White fittings brown cross belt (Sam Browne belt).

Daily Working Dress

(a) Khaki Woolen Angola cloth shirt & serge pant (Police Pattern).
OR
Khaki terrycot cloth full sleeves shirt & pant (police pattern).

(b) Cravat (Scarf) Departmental Pattern.
(c) Brown leather or web belt with white metal fittings.
(d) Brown Derby shoes (Police pattern).
(e) Dark Khakhi Barathea Cloth Peak Cap with departmental steel plated Crest with red cloth chindi.
(f) Olive green jersey 'Y' neck with two buttons and leather on sleeves & shoulders (double knitted) with three white nickel plated five-pointed star.
(g) One pair of nickel plated white उत्तराखण्ड़ कारागार shoulder title.
(h) Black whistle cord (Garhwal type) with Whistle.
(i) Name plate black (in Hindi) (8.5 cms x 1.58 cms.)
(j) Khaki Nylon socks (double heel and toe)
(k) Baton 60 cms x 4 cms.

(viii) Uniform when to be worn. –

(a) *All senior officers shall wear uniform on inspection of guard, attending the court and in the morning session (10:00 a.m. to 02:00 p.m.) of the office except on Sundays, jail holidays and other gazetted holidays.*

(b) *The executive officers are exempted from wearing the uniform at the opening and locking up of the jail.*

(c) *Officers attending as spectators on the occasions when troops parade under arms shall wear the uniform prescribed.*

(d) *On occasions such as those on which military officers wear their medals with the working uniform, the officers shall wear the medals and decorations with the working dress.*

(e) *The officers shall wear the working dress appropriate to the time of the year; normally the*

summer uniform between March 15 and October 15, and winter uniform between October 16 and March 14. This applies to all ranks.

(f) *All ranks, other than the executive officers, shall compulsorily wear uniform on all duties.*

(g) *Officers uniform in all respects shall be presentable and in good order.*

(ix) The uniform of a male warder shall consist the following articles –

(a) Khaki terrycot shirt and pant.
or
Khaki Angola shirt and serge pant.
(b) Khaki Jacket or jersey "Y" Neck.
(c) Navy Blue woolen Beret Cap with departmental steel plated Crest with red cloth chindi.
(d) Khaki cotton Socks/woolen socks.
(e) Rain Coat
(f) R.A.F Derby Black Shoes/Jungle shoes.
(g) Black Belt 5.5 cm width with Siver Crest bearing the words उत्तराखण्ड़ कारागार
(h) Hoz Stop
(i) Anklets
(j) Whistle Cord (Black Garhwal Type)
(k) whistle
(l) Name plate Black (in Hindi)

(x) Female Warders' Uniform-

The uniform and equipment of a female warder shall consist the following articles:

(a) Khaki Salwar-Suit with Dupatta
or
Khaki terrycot shirt & pant
or
(b) Khaki Angola shirts and serge pant
(c) Navy Blue woolen Beret Cap with departmental steel plated Crest with red cloth chindi.
(d) Khaki woolen jersey "Y" Neck or khaki jacket.
(e) Khaki Cotton Socks or woolen socks.
(f) Rain Coat.
(g) Ladies Belly Shoes black.
(h) Whistle Cord (Black Garhwal Type)
(i) Whistle
(j) Name plate Black (in Hindi)

Note:

(i) Female warder shall wear salwar suit dupatta or pant, shirt.
(ii) Khaki shirt and Angola shirt shall be the same of male warder 's pattern
(iii) Warder cadre employees shall be equipped with one white strip on completion of 10 years' service, two white strips on completion of 16 years and three white strips on completion of 26 years of service.

(xi) Head warders' uniform:-

The uniform of a head warder shall be the same as prescribed for warders with the following additions: One five-pointed white metal star on shoulder straps with Ribbon. After Grade Pay 4200 Two White Star without Ribbon.

(xii) Uniform of Ministerial Cadre

(a) Chief/Senior Administrative Officer

The uniform of a Chief/Senior Administrative Officer shall be –

For Ceremonial, V.I.P. Duty and other Important Functions

(i) Khaki Woolen Angola Cloth Shirt & Serge Pant (Police Pattern)
OR
Khaki terrycot Cloth full sleeves shirt & pant (Police pattern)
(ii) White metal fittings brown leather belt (Sam Browne belt).
(iii) Navy Blue Beret cap with Brown border and departmental crest.
(iv) Brown Derby Shoes (Police Pattern).
(v) One pair of nickel-plated white उत्तराखण्ड़ कारागार Shoulder title.
(vi) Three pair white nickel plated five-pointed star
(vii) Navy Blue whistle cord (Garhwal type) with whistle.
(viii) Name plate black (in Hindi) 8.5 cms x 1.58 cms.)
(ix) Khaki Nylon socks (Double Heel and Toe).
(x) Khaki cotton Poplin cloth shirt.
(xi) White fittings brown cross belt (Sam Browne belt).

Daily Working Dress

(i) Khaki Woolen Angola cloth shirt & serge pant (Police Pattern).
OR
Khaki terrycot cloth full sleeves shirt & pant (police pattern).
(ii) Brown leather or web belt with white metal fittings.
(iii) Brown Derby shoes (Police pattern).
(iv) Olive green jersey 'Y' neck with two buttons and leather on sleeves & shoulders (double knitted) with three white nickel plated five-pointed star.
(v) Light Khakhi Barathea Cloth Peak Cap with departmental steel plated Crest.
(vi) One pair of nickel plated white उत्तराखण्ड़ कारागार shoulder title.
(vii) Navy Blue whistle cord (Garhwal type) with Whistle.
(viii) Name plate black (in Hindi) (8.5 cms x 1.58 cms.)
(ix) Khaki Nylon socks (double heel and toe)

(b) Administrative Officer/Personal Officer

The uniform of an Administrative/Personal Officer be –

for Ceremonial, V.I.P. Duty and other Important Functions

(i) Khaki Woolen Angola Cloth Shirt & Serge Pant (Police Pattern) and Cross Belt.
OR
Khaki terrycot Cloth full sleeves shirt & pant (Police pattern)
(ii) White metal fittings brown leather belt (Sam Browne belt).
(iii) Cravat (Scarf) Departmental Pattern.
(iv) Brown Derby Shoes (Police Pattern).
(v) One pair of nickel-plated white उत्तराखण्ड़ कारागार Shoulder title .
(vi) Navy Blue Beret cap with brown border and departmental crest.
(vii) Three pair white nickel plated five-pointed star with departmental color shoulder strap.
(viii) Navy Blue whistle cord (Garhwal type) with whistle.
(ix) Name plate black (in Hindi) 8.5 cms x 1.58 cms.)
(x) Khaki Nylon socks (Double Heel and Toe).

(xi) Khaki cotton Poplin cloth shirt.
(xii) White fittings brown cross belt (Sam Browne belt).

Daily Working Dress

(i) Khaki Woolen Angola cloth shirt & serge pant (Police Pattern).

OR

Khaki terrycot cloth full sleeves shirt & pant (police pattern).

(ii) Cravat (Scarf) Departmental Pattern.
(iii) Brown leather or web belt with white metal fittings.
(iv) Brown Derby shoes (Police pattern).
(v) Olive green jersey 'Y' neck with two buttons and leather on sleeves & shoulders (double knitted) with three white nickel plated five-pointed star.
(vi) Light Khakhi Barathea Cloth Peak Cap with departmental steel plated Crest with red cloth chindi.
(vii) One pair of nickel plated white उत्तराखण्ड़ कारागार shoulder title.
(viii) Navy Blue whistle cord (Garhwal type) with Whistle.
(ix) Name plate black (in Hindi) (8.5 cms x 1.58 cms.)
(x) Khaki Nylon socks (double heel and toe)

(c) Head Assistant/Senior Personal Assistant

The uniform of a Head Assistant/Senior Personal Assistant shall be –

For Ceremonial, V.I.P. Duty and other Important Functions

(i) Khaki Woolen Angola Cloth Shirt & Serge Pant (Police Pattern) and Cross Belt.

OR

Khaki terrycot Cloth full sleeves shirt & pant (Police pattern)

(ii) White metal fittings brown leather belt (Sam Browne belt).
(iii) Brown Derby Shoes (Police Pattern).
(iv) Navy Blue Beret cap with brown border and departmental crest.
(v) One pair of nickel-plated white उत्तराखण्ड़ कारागार Shoulder title.
(vi) Two pair white nickel plated five-pointed star with departmental color shoulder strap.
(vii) Black whistle cord (Garhwal type) with whistle.
(viii) Name plate black (in Hindi) 8.5 cms x 1.58 cms.)
(ix) Khaki Nylon socks (Double Heel and Toe).
(x) Khaki cotton Poplin cloth shirt.
(xi) White fittings brown cross belt (Sam Browne belt).

Daily Working Dress

(i) Khaki Woolen Angola cloth shirt & serge pant (Police Pattern).

OR

Khaki terrycot cloth full sleeves shirt & pant (police pattern).

(ii) Cravat (Scarf) Departmental Pattern.
(iii) Brown leather or web belt with white metal fittings.
(iv) Brown Derby shoes (Police pattern).
(v) Olive green jersey 'Y' neck with two buttons and leather on sleeves & shoulders (double knitted) with three white nickel plated five-pointed star.
(vi) Dark Khakhi Barathea Cloth Peak Cap with departmental steel plated Crest with red cloth chindi.

(vii) One pair of nickel plated white उत्तराखण्ड़ कारागार shoulder title.
(viii) Black whistle cord (Garhwal type) with Whistle.
(ix) Name plate black (in Hindi) (8.5 cms x 1.58 cms.)
(x) Khaki Nylon socks (double heel and toe)

(d) Senior Assistant/Personal Assistant

The uniform of a Senior Assistant/ Personal Assistant shall be –

(i) Khaki Woolen Angola cloth shirt & serge pant (Police Pattern).
OR
Khaki terrycot cloth full sleeves shirt & pant (police pattern).

(ii) Brown leather or web belt with white metal fittings.
(iii) Brown Derby shoes (Police pattern).
(iv) Olive green jersey 'Y' neck with two buttons and leather on sleeves & shoulders (double knitted)
(v) One white nickel plated five-pointed star with departmental color shoulder strap. (After Grade Pay 4200 Two White metal Stars with departmental color shoulder strap.)
(vi) Navy Blue Beret cap with brown border and departmental crest.
(vii) Dark Khakhi Barathea Cloth Peak Cap with departmental steel plated Crest with red cloth chindi.
(viii) One pair of nickel plated white उत्तराखण्ड़ कारागार shoulder title.
(ix) One Black whistle cord (Garhwal type) with Whistle.
(x) Name plate black (in Hindi) (8.5 cms x 1.58 cms.)
(xi) Khaki Nylon socks (double heel and toe)

(e) Junior Assistant

The uniform of a Junior Assistant shall be –

(i) Khaki Woolen Angola cloth shirt & serge pant (Police Pattern).
OR
Khaki terrycot cloth full sleeves shirt & pant (police pattern).

(ii) Brown leather or web belt with white metal fittings.
(iii) Brown Derby shoes (Police pattern).
(iv) Olive green jersey 'Y' neck with two buttons and leather on sleeves & shoulders (double knitted)
(v) After completion of Probation Period One white nickel plated five-pointed star with departmental color shoulder strap.
(vi) Navy Blue Beret cap with brown border and departmental crest.
(vii) Dark Khakhi Barathea Cloth Peak Cap with departmental steel plated Crest with red cloth chindi.
(viii) One pair of nickel plated white उत्तराखण्ड़ कारागार shoulder title.
(ix) One Black whistle cord (Garhwal type) with Whistle.
(x) Name plate black (in Hindi) (8.5 cms x 1.58 cms.)
(xi) Khaki Nylon socks (double heel and toe)

CHAPTER-V

CUSTODIAL MANAGEMENT

54. Custodial Management

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

55. Security and Custody

Following norms in respect of security and custody in prisons are given as under:

(i) Security measures to be adopted in accordance with the specific requirements of each prison;

(ii) Demarcation of an 'out of bound' area as a sterile zone around every prison premises – central prison 150 mtrs., district jails 100 mtrs, special prisons 50 mtrs;

(iii) Secured walls, building gates, barracks, cells, hospital areas and other places, daily inspection of the same and proper maintenance of prison buildings and premises;

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

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

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

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

(viii) A thorough system of counting prisoners;

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

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

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

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

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

(xiv) Effective systems of censoring prisoners' mail and checking of interviews;

(xv) Utilizing of local intelligence branches wherever necessary and maintains an intelligence system to collect information within the prison;

(xvi) Installation of close circuit television system with night vision and audio facility, if available and other electronic gadgets to effectively monitor and maintain a close watch for any breach of security inside the prisons;

(xvii) Watch towers, wherever necessary, to watch inside and outside of the prison, to be constructed and search lights and binoculars made available;

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

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

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

(xxi) Constructing a second security wall in every prison, making the prison building as

inaccessible area to the general public as possible, and also to avoid trespassing;

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

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

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

(xxv) Installation of high pitch sirens to alert prison staff, public and nearby police stations about any untoward happening;

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

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

56. Guarding Establishment

(i) There shall be a guarding establishment in every prison, responsible for the guarding of prisoners, prison premises, gate and carrying out any other duties which may be assigned to them. The guarding establishment includes the warder performing their duties in rotation;

(ii) Every prisoner shall at all times, both by day and by night, be under the custody of some officer, in such a manner that responsibility for an escape/ any lapse, resulting from negligence, can be definitely fixed. A record of the names of prisoners, hand over to each officer during the day, shall be kept in a register and any subsequent change shall be recorded therein under the authority and signatures of the officer not below the rank of a Head Warder, who, likewise, at every change of guard, shall be present to witness and verify the number of prisoners handed over to the relieving officer;

(iii) The Superintendent shall ensure safe custody of prisoners engaged in various activities pertaining to education, culture, de-addiction, meditation, gardening, cooking, canteen, library, interview (Mulakat), hospital etc.- The movement of prisoners in connection with the above-mentioned activities shall be closely monitored, so that they do not indulge in any undesirable activity.

57. Quick Reaction Team

(i) In all Prison Complex, there shall be a Quick Reaction Team strategically located each consisting of eight to twenty warders/ constables/Guards, who have undergone commando training, with use of modern weapons and unarmed combat. Such Quick Reaction Team shall be under the charge of the Jailor/Deputy Jailor or officer of equivalent rank and shall always be ready in the guard room to meet any emergency. The SOP on the Quick Reaction Team should be available in each prison;

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

(iii) The Quick Reaction Team shall always be commanded by an officer during day and night. There shall be two officers in the rank of the Jailor/Deputy Jailor or officer of equivalent rank to look after the operations. Personnel in the Quick Reaction Team shall carry the required modern weapons like pistols, carbines, S.L.R., pump action guns and authorized quality of rubber bullets, plastic bullets and live ammunition so

that these can be used in emergencies;

(iv) The Deputy Inspector General range shall personally satisfy himself that the Quick Reaction Team is properly trained equipped and alert all the time. When the Quick Reaction Team is detailed, each man under it shall carry the authorized ammunition;

(v) When one set of the guard is relieved, all arms & ammunition shall be handed over to the relieving guards. The Jailor or officer of equivalent rank (Quick Reaction Team) in command shall be responsible for the correct handing over of arms & ammunition.

58. Police guards

(i) The prison administration may also take the services of police force of any other state &/or paramilitary force on deputation or on terms decided by the competent authority for the guarding purposes;

(ii) In case it is necessary to place prisoners in confinement in anyplace outside the walls of the prison, the Superintendent with the prior approval of the Inspector General may seek help of the police and request the Superintendent of Police to provide such police guard as may be necessary and the Superintendent of Police shall supply such guard, accordingly.

(iii) **Action when any prison becomes temporarily insecure-**
If, from any cause, any prison, at any time, becomes temporarily insecure, the Superintendent with the prior approval of the Inspector General may seek help of the police and request the Superintendent of Police to provide such police guard, as he may think necessary, to provide for the safety of the prisoners until the prison is made secure.

(iv) **Police help for safe custody of prisoners in certain cases-**
For ensuring the safe custody of any prisoner or prisoners who are escape-prone, or on occasions when the influx of prisoners is large so as to endanger the existing security arrangements, the Superintendent may, with the prior approval of the Inspector General, seek help of the police and request the Superintendent of Police to provide armed, unarmed or special reserve police guard and police officers inside the prison, for being posted at such points and for such period as he may, from time to time, determine.

59. Armed Sentry

(i) The watch towers and the main gate shall be guarded by armed sentries and other portions of the prison shall be guarded by warders/Constables/Guards without arms. The warder/ constables / Guard's establishment shall supply sentries and guards to the internal and external posts. All these guards and sentries shall perform duties in rotation.

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

required assurance that all is well each time the Patrolling Officer passes by.

(iii) The sentry on duty shall carry the required arms & ammunition, which shall later be handed over to the relieving sentry/guard.

(iv) **Relief and Supervision of Sentries-**

As a rule, sentries shall be relieved at the end of every two hours. During the day the Jailor shall conduct the relief, and at the same time check and satisfy himself that the sentries are alert and attending to their duties properly. To discharge these functions during the night, two Patrolling Officers shall be appointed from among the senior Head Warder or officer of equivalent rank. Each Patrolling Officer shall record the hour of his visits by appropriate means.

(v) The following procedure shall be observed in guarding the prison and the prisoners confined therein: -

(a) The warder guard, shall, after due allowance has been made for leave, sickness transfer etc. be divided into shifts as equally as possible.

(b) The wards shall be opened in the morning and the prisoners counted out by the head warder in the presence of to be relieved and relieving warders who are to take charge of the prisoners during the first period of day duty.

(c) The Jailor, Deputy Jailor and head warders shall verify the number, counted out of each ward, by comparison with the entry in the lock-up register.

(d) The Superintendent shall deploy force on the inner and outer walls. He shall issue separate standing orders for this purpose.

(e) The Superintendent shall ensure that, on completion of morning meals, the prisoners are placed into groups and deploy them on work or assign chores inside the prison, under proper supervision. In case, prisoners are required to be taken outside the prison, for court production/ hospitals, the Jailor shall ensure adequate security of the Uttarakhand Police.

(f) The warders coming on duty at the opening of the wards, in the morning, shall be relieved by the next shift which shall be brought into the prison by the Deputy Jailor In-charge Circle who shall ensure that all the warders have taken over charge in the respective wards, where they have been deployed and shall make an entry in the Duty Book authenticating the proper joining of the warders at their duty point. They shall remain in charge till their relievers relieve them.

(g) When the head warder or warder and prison functionaries are posted to the several gangs in the morning, the names of the prisoners, composing each group, shall be called from the book in the presence of the officer, about to take charge, who shall verify the total number by counting them. The officer's name shall be then recorded in the gang book and his receipt taken. Every long-term and High-Risk prisoner should be specially pointed out to the warder, about to take charge of him, so that proper watch is kept on him. At every change of guard, the number of prisoners in each gang shall be counted.

(h) On the cessation of work in the evening, the gangs shall be collected and the

prisoners in each gang counted and verified.

(i) Every head warder or warder in charge of a gang shall keep a vigilant eye on the prisoners in his gang and shall not allow them to wander or go out of sight, on any pretext whatsoever. He shall be personally responsible for their safe custody throughout the entire period of his duty. Warders assisting head warder or senior warder in charge of a gang shall, similarly be responsible for the safe custody of the gang, but their responsibility shall in no way diminish or detract from the responsibility of the in-charge head warder or senior warder.

60. Evening count & lock-up

After completion of the day's activities, prisoners shall be brought to their respective wards for lock-up. The Jailor, Deputy Jailor and head warders shall then count the prisoners in their barracks, cells or other compartments. When all prisoners have been locked-up, the total number of prisoners shall be verified. The number of prisoners locked up in each ward or other buildings, as well as the total number of prisoners in the prison, shall be shown in the lock-up register, to which the head warder, Deputy Jailor and Jailor shall append their signatures in token of its correctness.

61. Duties of the night watcher

(i) During the night, every official on duty in prison shall not quit his beat or sit down. Head warder or senior warder, on patrolling duty, shall visit the places within his beat, frequently, and ensure that all warders on duty are alert, patrolling officer on a main wall shall go around the main wall and ensure that warders on duty are alert and responsive.

(ii) The barracks shall be visited every hour, throughout the night, by a patrolling officer who should examine the locks, gratings and doors and satisfy himself that they are secure.

(iii) The main wall and other important places should be well lit during night. In addition to this, alternate arrangement, such as generator or electronic inverter lights be made available to provide sufficient instant light in case of failure of electricity.

(iv) Watch towers should be equipped with search/flood lights. These watch towers shall be manned by trained and experienced security staff equipped with suitable weapons prescribed by Superintendent in consultation with the Inspector General. The duties of these security staff should be frequently changed.

(v) The Superintendent and Jailor, deployed for night duty shall visit the prison during night to ensure that the staff performs the duty properly and submit a report of such visits to the Inspector General, in accordance with the instructions issued from time to time.

62. System of watch inside the wards at night

(i) Every barrack, or compartment in which prisoners are confined, shall be patrolled inside by a prison functionary. A roster showing the names of prison functionaries shall be maintained.

(ii) The prison functionaries, whilst on duty, shall patrol their wards and prevent, as far as lies in their power, the commission of any breach of prison discipline and satisfy themselves, by frequent counting, that the prisoners are all present and intimate the

fact to the outside patrol. In case of any unusual occurrence, he shall give immediate notice to the patrolling officer to take any action that may be necessary.

(iii) The wards shall be well lit within the barracks, cells, open spaces, and other structures so that patrolling officer can see and watch the movements within the prison premises.

(iv) Any unusual movement of the prisoners during night shall be reported by the prison functionary to the warder on duty.

(v) In case it appears to the prison functionary that a prisoner is sick, he shall, at once, bring the fact to the notice of the warder on duty.

63. Duties of officer on patrolling duty at night –

The head warder or senior warder on patrol, at night, shall keep on the move, visiting the warders and prison functionaries on duty. He shall, on taking over charge, satisfy himself that the correct number of prisoners is reported to be in custody and that everything is secure. In cases of sickness, the warder on duty shall forthwith send notice to the Medical Office and officer on duty, who shall, if necessary, take steps for the removal of the sick prisoner to hospital, under intimation to the Superintendent/Jailor. If any irregularity on the part of the warders or prisoners come to his notice, he should report the matter in writing to the Superintendent, next morning. Immediate notice shall be given to the Superintendent/ Jailor of any occurrence requiring prompt action, such as an escape, attempt to escape, riot, fire or serious sickness. He shall see that the main- gate sentry is at his post between the gates and on the alert. Each patrolling officer shall record time and observations of each visit in the register maintained in the ward. He shall search all the warders/ security staff, entering/leaving the prison during night, between the gates, under supervision of the duty officer. This search should be personally conducted, at least once a week, by the Superintendent/ Jailor.

64. Custody of prisoners

(i) Every prisoner should be allotted a definite sleeping berth, the number of which should be noted in his history ticket. Wandering about the sleeping barracks, at any time, is strictly prohibited. If the prisoner leaves his sleeping berth frequently, without any purpose what-so- ever, the prison functionary on duty shall report the matter to the warder on duty who shall, if he considers necessary, inform his superior about the same.

(ii) Prisoners should not be allowed to approach the gratings unnecessarily.

65. Letting out cooks to prepare early morning meal

In case it is necessary to let out cooks before day-break, to prepare early morning meal, the patrolling officer shall, at the hour fixed, let out the necessary number and put them in charge of a warder, as may be directed.

66. Warders may be posted on the central tower

In prisons where there is a central tower, security personnel may be posted round the clock, to act as a means of communication between the watch and the patrolling officer, and to sound an alarm in case of need.

67. Visits by officials at night; report to be made

Superintendent/Jailor deployed on night duty shall ordinarily visit all parts of the prison

at night and see that the officers on duty are on the alert and moving on their beats and that the areas are well lit. The time of the visit should not be made known beforehand. The date of the visit, the hour of entering and leaving the prison, and a report of any unusual occurrence that comes under observation, shall be recorded in a book which may be provided for the purpose, at the main gate. This book shall remain in the custody of the gate- keeper during the day and the sentry in charge main gate. The gatekeeper should produce it before the Superintendent on his arrival at the prison in the morning. The visiting night Superintendent and Jailor shall submit the report of their inspection to the prison headquarters, as per proforma circulated from time to time.

68. Opening wards at night, precautions to be taken

The wards should not generally be opened after the lock-up of the prison unless in the presence of Jailor or Deputy Jailor or Night Duty Officer and one other officer on duty and there is situation like riots, fire, serious violation of prison rules, removal of sick prisoner on the advice of medical officer only after examining the prisoner by the medical officer at barrack or cell etc. All precautions should be taken before opening the ward so that there is no escape or other mishap.

69. Morning and Evening Muster of Reserve Guard

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

70. Salute by Armed Guards

(i) Guards and sentries shall necessarily salute to the persons mentioned column (1) of the table below in the manner mentioned in column (2) there of: -

Person	Manner of Salute
(1)	(2)
Dignitaries including Judicial Officers, The Inspector General, the Additional Inspector General, the Deputy Inspector General of Prisons, Senior Official Visitors and the Superintendent, Additional Superintendent	By presenting arms
All other Gazetted Officers, Visitors and Jailor	By sloping arms and placing the right hand smartly on the butt, fingers extended
Deputy Jailor, Social Workers, Welfare Officer, Ministerial staff	By coming to in attention with ordered arms

***Explanation*:** The Guard Officer shall always bring it to the notice of the Jailor, any failure on the part of the sentry to comply with this rule.

(ii) As a rule, the guard shall not be turned out under arms for saluting purposes after sunset.

71. General Guarding Duties

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

72. Guarding Requirements

The charter of functions of the guarding staff shall be:

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

(ii) No sentry or guard while on duty shall take off his uniform.

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

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

(v) In case any prisoner attempts to escape, the guard shall at once raise an alarm and shall also prevent damage to government property.

(vi) All guarding personnel, being part of essential services, shall be deemed to be on duty round the clock and shall not to be allowed to leave the premises without permission of the competent authority.

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

73. Maintenance of Duty Roster

A Duty Roster shall be maintained in each prison. The authorized officer shall be responsible for the proper maintenance of this register. The register shall contain all the names of guards on duty with their hours of duty and their signature for having understood the duty hours. The register shall be sent to the Superintendent through proper channel every day for checking and getting his signature.

74. Roster of officers for duty beat at night

(i) A roster showing the turns of day duty of each warder shall be prepared, every week in advance, by or under the orders of the Superintendent, and displayed. All subsequent changes of duty of officers on the roster should be noted thereon.

(ii) No officer should be placed on the same beat two nights in succession, nor informed of his beat till he is about to be posted. A record shall be kept showing the officer put to each beat during each watch.

(iii) It shall be the responsibility of the Jailor and the Deputy Jailor to ensure that the

warders stick to their post according to the duty roster and any violation in this regard shall be immediately brought to the notice of the Superintendent. The Superintendent shall also verify this during his surprise visits to different parts during day and night. Care shall be taken that the night duty is allotted in rotation.

75. Custody of Arms

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

76. Custody of Articles Facilitating Escape

The Jailor, Deputy Jailor, and Guards shall be responsible to ensure that no ladders, planks, bamboos and ropes, which are likely to facilitate escape, are left lying about. If such materials are to be taken inside for use these shall be properly escorted and shall be sent out of the prison after use. Every warder in charge of a workshop shall be responsible to see that all such articles are properly secured and put away when work ceases and give a certificate to that effect in the lockup register.

77. Use of Weapons against Prisoners

(i) Any officer, or member of the guarding staff, of a prison may use bayonet, or any other weapon, against any prisoner when he is found to be:
   (a) Escaping or attempting to escape if the officer or member of guarding staff has reasonable ground to believe that he cannot otherwise prevent the escape
   (b) Engaged in any outbreak or attempt to force or break open the outer gate or enclosure wall of the prison individually or collectively, provided that he may use the weapon only if such an outbreak or attempt continues
   (c) Using violence against officers of the prison or other persons,
   provided that there is reasonable ground to believe that the officer of the prison or any other is in danger of loss of life or limb or that serious injury is likely to be caused to such officer/person

(ii) Before using firearms against prisoner, the officer, or the member of the guarding staff, shall give a loud and clear warning to the prisoner that he is about to fire on him.

(iii) No officer of the prison shall use arms of any sort against a prisoner in the presence of his superior officer, except under the orders of such a superior officer, or if it is in self-defense.

(iv) In all cases requiring the use of force only minimum force, in the given circumstance, shall be used.

78. Transport of Arms and ammunition

(i) All consignments of arms and ammunition sent by any means of transport shall be put in sealed boxes and escorted by an appropriate armed guard. It shall be the duty of the escort to guard the arms and ammunition against any contingency.

(ii) When the arms of the Prison Department are to be dispatched to stations outside the State for repairs, they shall be entrusted to the Police Department. A police party shall escort these arms along with the arms of the Police Department, if any. When there are no arms of the Police Department to be escorted and a police party has to be provided

exclusively for escorting the arms of the Prison Department, the expenditure incurred in connection with the journey of the escort shall be borne by the Prison Department.

79. Security of Locks and Bars

(i) All locks and bars and other fastenings must be regularly checked by the warder in charge and a report to the effect must be given to the Jailor.

(ii) All duplicate keys for the locks must be kept in a sealed box under the custody of the Jailor. No keys should be left behind unaccounted for and no prisoner shall have any access to the prison keys. All the block keys when not in use must be kept in an Almirah or key box at the gate or at the tower in the custody of the gate keeper or Chief Head Warder (Tower), as the case may be.

(iii) On the completion of the lock-up, the keys of wards, cells and other compartments, where prisoners are confined, shall be collected and counted in the presence of the Deputy Jailor in-charge Circle and Jailor who shall note the number in the lock-up register. The Deputy Jailor in-charge Circle shall then lock the keys into the receptacle provided for the purpose at the main gate and make over the key of such receptacle to the patrolling officer. Each patrolling officer shall in turn, make over the key to the Jailor on his entering the prison in the morning. The keys of the cook-house and of the wards, in which the cooks for night duty are confined, shall also be placed in the charge of the patrolling officer.

(iv) The locks of the doors of all sleeping wards and cells shall be so arranged that no prisoner can reach them from the inside.

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

80. Dynamic Security

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

81. Admission of Prisoners

(i) The Superintendent or the Jailor shall receive and detain all prisoners duly committed to his custody by any court or magistrate according to the directions contained in any writ, warrant or order by which such prisoner has been committed. No person shall be admitted in a prison as a prisoner unless accompanied by a writ or warrant or Order, Medico legal case, age memo in the prescribed form, signed, dated and sealed by the competent authority. The Jailor shall see that all injuries on the body of the prisoner are reflected in the enclosed Medico Legal Case (MLC) and if there is any discrepancy the same should be immediately brought to the notice of the Medical Officer of the Jail. The Medical Officer of the Jail shall decide whether the prisoner be sent for repeat MLC at the hospital or not;

(ii) There will be a separate writ or warrant or order for every prisoner, even if two or more prisoners have been jointly charged;

(iii) In case no regular warrant or order accompanies the prisoner, the Superintendent or the Jailor shall immediately apply to the authority which forwarded the prisoner for the necessary order and other documents and shall detain the prisoner until the regular warrant or order, signed by an authorised court or magistrate, has been received;

(iv) Before admitting a prisoner, the Jailor shall examine the warrant and by questioning the prisoner regarding his name and other particulars, and by verifying the identification marks of the prisoner with those mentioned in the warrant, shall satisfy himself that he is the person referred to in the warrant. In the event of the prisoner refusing to answer the Jailor, or denying the accuracy or the particulars entered in the warrant, the officer on duty shall request the officer in charge of the Police or Military escort to identify the prisoner on the basis of information at his disposal as the person named in the warrant. At the time of entry/admission of a new prisoner, the gatekeeper shall properly check that all cases in which the prisoner is charged are properly declared by the escort party and in-charge of the escort party shall sign the details;

(v) All convicted prisoners shall be admitted irrespective of the time at which they may arrive at a prison. Under trial prisoners shall be admitted during usual working hours of the prison. While under trial prisoners are being escorted, care shall be taken to see that they reach the destination before the lockup hours, if under trial prisoners are likely to reach the destination after the lockup hours, the transferring prison or Sub Prison or the Police or the military officials shall send sufficient advance intimation to the prison where the under trial prisoners are being escorted;

(vi) The Superintendent and Jailor may admit any prisoner at all hours on the special written order of the committal Court.

82. No prisoner to be admitted at night

(i) No prisoner shall be admitted into any prison after lock-up and before lock-out. However, in emergent cases, the prisoner may be admitted with the approval of Inspector General (Prisons);

(ii) The restrictions provided in the above rule shall not apply in case of women prisoners and detenues, who shall be admitted in prisons at whatever time presented for admission by the police at all hours and on all days;

(iii) The Superintendent may admit any prisoner at all hours on the special written order of the committal Court;

(iv) The male under-trial prisoner who has been reported by the police on warrants by a 'red ink' entry that the said prisoner is required to be identified in an identification parade, he shall be admitted in prisons at all hours on all days including Sundays and prison holidays.

83. Description of prisoners

(i) At the time of admission of a prisoner, the Jailor shall ascertain from the prisoner that his name and other particulars correspond with those entered in the warrant;

(ii) The Jailor shall record the full personal description of every prisoner with a note of any special marks on his person, in the admission register, for the purpose of

verification;

(iii) The records of the prisoner should be fully computerized to store personal data and case details of the inmates with his photograph. The thumb impression of the inmates should also be stored in the system by using bio-metric finger identification system or other device to identify the correct inmate for court production and release;

(iv) Subject to provisions of the Identification of Prisoner's Act or any other law, photographs of all prisoners shall be taken on admission;

(v) No photograph shall be taken of a prisoner required to undergo identification parade until the parade is over.

Explanation: "Personal description" includes finger print, foot print, palm print, face recognition, Iris recognition, retinal recognition, voice recognition, laughter recognition, age recognition, gait recognition and photographs or any other parameter as may be specified by the order of Inspector General of Prisons.

84. Prisoner having defective warrant

In case, the accused is brought to the prison for admission, however, his particulars mentioned in the warrant do not match with the particulars apprised by the accused himself or in case of doubt about the particulars mentioned in the warrant, then the Superintendent shall cause the word "Unidentified" to be entered prominently in 'red ink' on the prisoner's history ticket, warrant, and in the admission register. The photograph of such a prisoner should not be entered in the personal description of the Prisoner Management System till the time identification proceedings are over.

85. Management and custody of warrant

(i) The date of a prisoner's admission into prison and the register number given to him, shall be endorsed on his warrant and signed by the Jailor;

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

(iii) The prison authorities shall constantly update their records and in line with any change in the details mentioned in the Custody warrant of under trial Prisoner;

(iv) The prison authorities shall also inform the Under-trial Prisoner and the concerned Court when the Under-trial Prisoner becomes entitled to receive benefit of Section 436A of Code. The prison authorities must inform the Under-trial Prisoner of any change in the section(s) he is charged with by the Court;

(v) In respect of under-trials, the warrants shall be arranged according to the date of production in the court. For this purpose, a separate register shall be maintained;

(vi) It shall be the duty of Jailor to ensure that every prisoner is produced on the date and time given on the custody/ production warrant. If for some specified reasons, he is unable to produce the prisoner before the court, it should be immediately

brought to the notice of the concerned court through wireless message/ special messenger so that next date of production is obtained;

(vii) In cases for which production warrants have been received from outside Uttarakhand State Courts, the prisoner shall be produced before outside Uttarakhand State Courts, if the court dates at Uttarakhand State do not suffer;

(viii) A prisoners' handbook containing rights and duties of the prisoners shall be handed to the prisoner upon admission.

86. Procedure if a warrant is illegal or irregular

(i) If, in any case, the Superintendent has a doubt as to the legality of any warrant or order of commitment received by him along with any prisoner admitted to the prison, or as to the competency of the person whose official seal and signatures are affixed thereto, to pass the sentence and issue such warrant or order, he shall refer the matter to the concerned court for further advice as to the future disposal of the prisoner. The Superintendent shall detain the prisoner till an advice is received on the reference, treating as if the warrant or order was correct.

(ii) If any error or omission, which in the opinion of the Superintendent, due to mere oversight or mistake, is found in any warrant or order of commitment, or if the sentence or order passed through with the competency of the court or authority which passed it, is in any way defective in form or otherwise irregular, he may receive the prisoner subject to reference to such court or authority, as the case may be, for orders.

(iii) If on admission, any prisoner discloses particulars not resembling with the particulars mentioned on the custody warrant, the superintendent immediately shall make a reference to the concerned court for further direction.

87. Examination of Warrant

All warrants shall be examined to ascertain whether these conform to the Code and the Orders of the Supreme Court of India.

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

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

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

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

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

Note 6: In the case of under-trial prisoners, warrant of commitment for intermediate custody

should be prepared with the greatest care possible with reference to the above instructions.

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

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

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

88. Procedure when representations are not attended to

The Superintendent shall in any case in which his representations have not been attended to by the Court addressed, shall depute a responsible officer before the court for obtaining the clarification.

89. Copy of Warrant Returned for Correction to be kept

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

90. Date of release, responsibility for correctness

(i) The date on which a prisoner is entitled to be released shall be calculated by the Jailor and an entry made in the Release Register mentioning the date, name and serial number etc. of the prisoner;

(ii) In case, the date of release is changed either by the imposition of additional imprisonment or by remission of any part of the sentence, or by absence on bail or after escape, a new date of release shall be fixed and an entry made under that date in the Release Register. The old entry should be scored out with 'red ink' and a reference made against it to the new date fixed;

(iii) Jailor shall himself check each entry in the release register and admission register and shall be personally responsible for their correctness;

(iv) The warrant of a convicted prisoner should be returned back to the concerned court mentioning the manner in which sentence has been undergone by a convict in pursuance of the direction of the court;

(v) The personal bond of every under-trial prisoner shall be sent back to the concerned court after its execution.

91. Search of Prisoners on Admission

Prisoners shall be thoroughly searched by a prison official only using electric equipment like body scanners etc. Female prisoners shall be searched by female staff. Prisoners shall be searched in their yard or respective cell and not in the presence of other prisoners. Searches of prisoners shall be made, with due regard to decency and with reasonable privacy. No strip searches of prisoners shall be conducted unless permitted by the Superintendent of Prisons to prevent smuggling of prohibited articles in body cavities etc.

92. Removal of Articles from Prisoners

During the search, every article, whether clothing, bedding, jewelry, money documents or otherwise, shall be taken away from the prisoners to whom prison clothing and bedding is issued in accordance with the rules. Other necessities of life such as bedding shall be permitted by Inspector General of Prisons.

93. Prisoner's Property

(i) A list of money, clothing, or other property, received from each prisoner at the time of admission to prison, shall be entered at appropriate place in their respective admission register and prisoner property account register.

(ii) All additions, deletions, or alterations to the list of any prisoner's property shall be authenticated by Jailor and initialed by Superintendent.

(iii) A reasonable amount may be deposited by friends or relatives of any prisoner, with the Superintendent, for meeting expenditure in connection with engaging counsels for court proceedings of a prisoner, or to enable him to travel, on his release from the place of his detention, to his home place, or for purchase of articles from the canteen, as permitted by the prison authorities.

(iv) **List of property to be read over and every entry to be attested-**

(a) As soon as possible, a list of all properties, of whatever description, which were removed from his person, or received with such prisoner at the time of his admission, shall be read over to him in the presence of the Jailor after his admission to prison.

(b) If the prisoner acknowledges the correctness of the list the fact that he does so, and if the prisoner makes any objection of any entry in or to the omission of any article from the list, the nature of the objection, shall be noted on the list and the objection shall be brought to the notice of Superintendent.

(c) If the prisoner is literate, he shall be required to sign the list in token of the correctness thereof and of the objections, if any, noted thereon.

(d) The Jailor shall attest every entry in the list by initialing the same.

(e) A receipt of all the property received from the prisoner, shall be issued to the prisoner.

(f) If such property is made over, by an official receiving it, to another official, the receipt of the latter official shall be taken in the respective register, as the case may be, and all such property shall, with the exception of clothing, be kept in charge of the Jailor.

(v) **Property to be received, when exception may be made-**

(a) All property received with or found on the person of a prisoner, on his admission to prison, or subsequently sent by the Magistrate on his account, shall be received by the Jailor

(b) Property tendered by the friends or relatives of any prisoner, on his behalf, either at the time of such prisoner's admission or subsequently, may be received by the Jailor or can

be refused in the discretion of the Superintendent.

(vi) **Property received after admission to be entered in the list-**

(a) If any property is, after the admission of any prisoner is received by the Superintendent on his behalf, such property shall be entered in the list of property belonging to such prisoner.

(b) If the prisoner wants to withdraw money from his account an application shall be obtained from him and after sanctioning by the Superintendent, money shall be handed over to him under proper receipt.

(c) The prisoner property account shall be duly verified by the Jailor and Superintendent in token of correctness of the entry.

(d) The Inspector General may quantify the limit of prisoner property from time to time, permitted to be kept in the prisoner's property account.

(vii) **Treatment of the property of the prisoners-**

The prisoners' property shall be dealt with as under, namely: **-**

(a) If any article of clothing or bedding or the like, belonging to any prisoner, is, in the opinion of the Jailor, in such a damaged or filthy state as not to be worth keeping, he shall cause such articles to be forthwith destroyed and an entry to that effect to be made in the list of the property of such person and shall attest the note so made.

(b) The property of every prisoner, which is not permitted inside the prison shall be carefully packed, stored and kept.

(c) The jewelry, trinkets, securities and other valuables, if any, of every prisoner, shall be placed in separate packets and the prisoner's register number, name and the date of admission or sentence shall be endorsed thereon. Every such packet shall be kept in the prison cash-chest.

(d) Money, which is the property of the prisoners (including the sale proceeds of any article sold), shall, subject to any directions which the Inspector General may, from time to time, give in that behalf, be kept in the prison cash-chest or shall be deposited in his Bank Account.

(e) Every prisoner shall be allowed to retain one pair of shoes and sleepers, three pairs of under-garments and three pairs of private clothing, for use in the prison.

(f) In cash-chest the limit of prisoner property in cash shall be fixed by Inspector General from time to time and rest of the amount should be kept in a nationalized bank.

(viii) **Management of money and property of prisoner-**

(a) The cash property of the prisoner to be made over to him on release, or which, for other reasons, is disposed of, shall, during any month, be paid by the Jailor from the cash property of prisoners received during the same month. The cash shall be released to the prisoner only on an application made by him and underwritten orders of the Superintendent or Jailor, if Superintendent is not available in the prison.

(b) The receipt and disposal of all money, belonging to prisoners, shall be entered by the Jailor in the cash book and, when articles belonging to prisoners have been sold, the amount realized by the sale shall also be entered on the memorandum of property, attached to each prisoner's warrant, with the date of entry.

(c) The Superintendent shall satisfy himself that the amount of cash deposited in the prison's cash chest or Bank, to the credit of prisoners, corresponds with the amount shown in the Jailor 's cash book, under the same head.

(d) An internal audit shall be carried out half-yearly to verify the cash transactions pertaining to the prisoners' property account.

(ix) **Management of property on transfer of a prisoner-**

On the transfer of a prisoner from one prison to another, all his money and other property shall be forwarded to the prison to which he is transferred, under proper receipt.

(x) **Property tendered for certain prisoners not to be received-**

The property tendered at the prison on behalf of a prisoner already transferred to another prison, shall not be accepted. The person tendering the property shall be informed of the prison to which the prisoner has been transferred, so that he may send the property to him there.

(xi) **Property may be made over to a relative or friend-**

The Superintendent may, at the request or with the consent of any prisoner, in writing, at any time, make over the whole or any part of the money or other property belonging to such prisoner, which may be in the custody of the Superintendent, to any person (not being a prisoner), whom such prisoner may specify, under proper receipt:

Provided that the Superintendent may withhold and retain so much of the money or other property of such prisoner as he may think necessary for the purpose of providing such prisoner with sufficient clothes and money, upon his release.

(xii) **Disposal of forbidden articles found on prisoners-**

Any prohibited articles found on any prisoner, after his admission into any prison, shall be confiscated, and all money realized from the sale of any article, so confiscated, shall be credited to the Government under proper head:

Provided that the Superintendent may, with the approval of Deputy Inspector General, award any sum, not exceeding one half of any money or of the sale proceeds of any property, so confiscated, to any person instrumental in the finding or discovery thereof.

(xiii) **Disposal of property of an escaped prisoner-**

The money and property of every prisoner, who escaped, shall be retained at the prison for one year after his escape. If the prisoner is not recaptured within that period, his money and other property, if any, shall be credited to the Government under proper head.

(xiv) **Property of deceased prisoner-**

The money and other property of deceased prisoner shall, unless claimed by a person holding a succession certificate or probate etc. entitling him to receive it, be credited to the Government under proper head after one year of his death.

(xv) **Procedure when forwarding property of a dying prisoner-**

(a) Any wish expressed by a dying prisoner, as to the disposal of his property, shall be made known to the police to whom the property shall be handed over along with a descriptive roll of the deceased prisoner and a certified copy

of the record of such property.

(b) A receipt shall be obtained for all property made over to the police.

(xvi) **Prisoners to wash themselves and their clothing-**

On admission to prison every prisoner shall be required to wash his person and his clothing thoroughly. If an epidemic disease exists in the neighborhood from which he comes, his clothing shall also be disinfected. In such cases special care shall also be taken to cleanse the prisoner's person.

94. Reception Ward

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

(a) Haircut and shave, issue of toiletries and disinfecting lotion

(b) Disinfection and storing of prisoners' personal clothes and other personal items

(c) Issue of disinfected prison clothing, bedding and utensils

(d) Issue of authorized personal belongings

(e) Housing as per the principles of basic segregation

(f) A thorough medical examination within 24 hours

(g) Attending to immediate and urgent needs of prisoners, like letters, interviews, family welfare, immediate personal problems, etc.

(h) Verification by the Jailor /Deputy Jailor in charge of admission of committal papers, identification marks, entries in registers, prisoners' cash property, appeal and other legal matters, etc.

(i) Finger printing and photograph as per rules and capturing of biometric coordinates.

(j) Identification of prisons suffering from substance related and addictive disorder.

95. Orientation

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

96. Preparation and Maintenance of History Tickets

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

(ii) Every History Ticket shall contain the following particulars:

(a) The name, prisoner number and other particulars necessary for the identification of the

prisoner;

(b) A brief entry of every order passed and direction given relating to, and punishment inflicted on, the prisoner;

(c) A brief record of every other occurrence of any importance, affecting the prisoner, which takes place while he remains in confinement;

(d) The nature of the offence of which he has been convicted and the provision of the law applicable thereto;

(e) The date, nature and extent of the sentence passed;

(iii) 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.

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

97. Recording of entries by Medical Officer

(i) In the heading of the History Ticket of every prisoner, the Medical Officer shall enter, or have entered under his supervision the following:
   (a) The prisoner's weight on admission
   (b) His state of health
   (c) The class of labor for which he is fit, if sentenced to labor
   (d) Whether he has been protected by vaccination/ inoculation for smallpox.

(ii) The Medical Officer shall maintain a Medical History Sheet to record the following details pertaining to the day-to-day medical condition and treatment provided to prisoners in the prison hospital:
   (a) Details of the vaccination given and the result
   (b) Admission to and discharge from hospital on every occasion, with the disease for which admitted
   (c) Admission to and discharge from the convalescent group
   (d) Any complaint made by the prisoner of sickness or report of his sickness
   (e) The action taken on any direction or recommendation of the Medical Officer or Medical Subordinate
   (f) The fortnightly or weekly measurement of weight

98. Particulars to be entered and the officers to enter them

(i) On the History Ticket of every prisoner, the following entries may be recorded:

(a) The date of admission into prison

(b) The number and name of every article of clothing and equipment issued on admission and later

(c) The particular work and task in weight, number or measurement, to which the prisoner is put

(d) Every change of work or task for reasons other than medical

(e) Application for a copy of judgment, if the prisoner desires to appeal

(f) Receipt of the copy of judgment

(g) Dispatch of appeal

(h) Substance of the order of the appellate court

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

(j) The amount of remission awarded quarterly

(k) The total remission in days earned up to the end of each quarter

(l) Every prison-offence alleged to have been committed

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

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

(o) Any recommendation of the Factory Manager or the Jailor Action taken on any order entered by the Superintendent.

(p) The number of cells in which placed on account of warrant confinement

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

(ii) Entries relating to point (a), (b), (e), (f), (g), (h), (i), (j), (l), (m),(n), (q) above may be entered by the Deputy Jailor, In-charge Under trial Section/Convict Section. Entries relating to point (k) may be entered by the Deputy Jailor, In-charge Under trial Section/Convict Section or any other officer authorized to award remission, and point (c) by the Medical Subordinate or Dispenser if deputed to assist him. Entries relating to point (o) shall be entered by the Factory Manager, when there is not an officer of this grade, it shall be entered by the Deputy Jailor, but in large jails a portion of the duty may, under the orders of the Superintendent, be performed by the Deputy Jailor. The duty of making entries regarding point (d) and (p) shall not be delegated to any officer subordinate to the Jailor.

(iii) Entries to be made by the Superintendent: 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 fetters, 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) Duty assigned as Sahayak

(e) The award of special remission

Note: The Sahayak shall be assigned the duties by the Superintendent or Jailor from time

to time.

99. Custody and Management of History Tickets:

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

(ii) 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.

100. Retention of History Ticket after release or death:

The History Ticket of every prisoner shall be retained in safe custody

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

101. Admission Register

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

102. Personal Information System

(i) The use of advanced technology/ software systems in the form of Personal Information System (PIS) shall be done for recording personal details of inmates including for maintaining a record their personal belongings and property.

(ii) The Prison Department should endeavor to set up an information system that shall make the information of each prisoners including the nominal roll and history ticket, available from Prison to the Home Department, while also providing the SHO of all police stations a method of updating the address verification and antecedents report of every prisoner on the same systems to be available to the home department of the Government.

103. Use of Register number

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

prisoner shall be called by his name and not by his number in the register.

104. Record of date of release etc.

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

105. Medical Examination of Prisoners

The weight of prisoners on admission shall be taken in the presence of the Medical Officer and be verified by him. If the Medical Officer is not present when prisoners are admitted to prison, they shall be weighed by the medical subordinate on duty during admission if possible and in any case not later than the following morning. Their weight shall be noted at the time in a book kept at the main gate, to be subsequently verified by the Medical Officer when their examination takes place. The Medical Officer shall carefully examine the prisoner and shall himself record the findings in the Performa for health screening on admission. The Medical Officer shall also supervise the entry of the prisoners'' identification marks, which may be noted by the Medical Subordinate. Medical Examination of prisoners shall be made with due regard to decency and with reasonable privacy.

106. Prisoners to be examined on admission

(i) Every prisoner shall be examined on admission in accordance with the provisions of section 24 of the Act. If a prisoner with injuries on his body is admitted, he shall be examined immediately by the Medical Officer. If the examination reveals unexplained injuries not already recorded in the medico-legal report accompanying the prisoner the medical officer shall refer the case to the nearest government hospital for fresh medical checkup.

(ii) Prisoners who are drug abuser should be identified on the very day of their admission in prison and should be immediately referred to drug de- addiction center in the prison. Such prisoners should be first detoxified for a specified period by the Medical Officer in charge and then sent to drug rehabilitation center for

weaning them away from the habits of addiction. There should be counseling cum-rehabilitation center for the welfare of drug detoxified inmates. Assistance of NGO can be taken to run these centers.

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

107. Certification of Appropriate Class of Labour

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

CHAPTER-VI

RELEASE OF PRISONERS

108. No unauthorized detention

The Superintendent shall ensure that no prisoner is detained in the prison for any duration more than authorized custody ordered by the court.

109. Examination of Warrants-

The warrants of all convicts, whose release becomes due in any month, shall be examined to ascertain their correctness, on the 15th day of the preceding month.

The prisoner due for release shall be dealt as follows: -

(i) All prisoners shall be released by the Jailor.

(ii) In case of convicted prisoners, the remission sheet should be signed by the Superintendent before the remission is given effect by the Jailor while releasing the prisoners.

(iii) On the day of release, the convicted prisoner's state of health and weight shall be recorded by the Medical Officer in the Convict Register and the convicts' personal marks of identification shall be duly verified by the Jailor.

(iv) The Jailor shall compare the entries in the warrant with those in the register, and shall satisfy himself that they match and that the sentence passed on the prisoner has been duly executed. He shall, then, sign the endorsement for release on the warrant, certifying to the execution of the sentence and the date of release and shall affix initials together with the date in the proper column of the Convict Register. This shall also be notified to the concerned court about the manner sentence has been executed. The Jailor shall record the address/place at which the convict intends to reside, after his release.

(v) The Jailor shall satisfy himself about the genuineness of the release warrant by comparing all the particulars in the release warrant with those entered in the Admission Register/ Custody Warrant. Seal of the court and full signatures of the presiding officer must be checked before release. Release orders and bail bonds shall be sent through post or through the peon of the court. If any private person brings such documents, the same should not be accepted at the prison office. On receipt of a bail bond or release order prompt action should be taken. An under-trial prisoner should be released on the same day of the receipt of the bail bond or release order.

(vi) In case of a release on appeal, payment of fine, furnishing surety, furnishing bail, etc. in which the power of legal detention ceases as soon as the order of the court is delivered at the prison, the Jailor shall immediately release the prisoner.

(vii) The case of undue delay in release of every prisoner shall be reported to the Inspector General by the Superintendent. An enquiry shall invariably be held in every such non-release of prisoner and responsibility fixed for over-detention of the prisoner. It should be ensured that personal liberty of a prisoner is respected and any violation should be viewed very seriously.

110. Warrant of release of a prisoner transferred

On receipt of a warrant for the release of a prisoner, who has been transferred to another prison outside Uttarakhand, such warrant shall be returned back to the court concerned with the details about the prison to which the prisoner has been transferred.

111. Time of release of prisoners

The time of release of prisoners shall be dealt as: -

(i) No prisoner shall be released after the hour of lock-up for the night and before lock-out, on any day.

(ii) Every prisoner, whose release has been ordered by a competent court, on any day, shall be released on the same day.

(iii) Every prisoner whose release has been ordered by a competent court, on any day, and whose order of release has been received by 4:30 PM in winters (from 1th October to 31th march) and 5:30 pm in summers (1st April to 30th September) shall be released on the same day.

(iv) If the order is received after 4:30 PM in winters (from 1th October to 31th march) and 5:30 pm in summers (1st April to 30th September) the prisoner shall be released, as soon as possible, on the next day after lock-out.

112. Prisoner to return his prison outfit on release

Every prisoner is required to return bedding, clothing and other articles, he has been issued, at the time of his release.

113. Date of release falls on prison holiday

If the date, on which any prisoner would be entitled to be released, falls on a prison holiday, such prisoner shall be released a day earlier:

Provided that this rule shall not apply to:

(i) Civil prisoners;

(ii) Prisoners sentenced to two days' imprisonment;

(iii) Prisoners undergoing sentence in default of payment of fine; and

(iv) In case of two or more holidays in succession, such prisoners shall be entitled to the benefit of one holiday only.

114. Release on Authenticated information

No prisoner shall be released on the authority of a telegram or fax message or e-mail unless this has been certified by the concerned court or competent authority or it is counter confirmed through Government wireless network.

(i) Prisoner on release to be furnished certificate

A prisoner sentenced to imprisonment shall be furnished, on his request, at the time of his release, a certificate, signed by the Jailor, to the effect that he has completed his term of imprisonment, the amount of remission, if any, being stated therein. A report on his character, conduct in prison and proficiency in any prison industry attained by him shall also be included in the certificate. Similar certificate can also be issued to other prisoners, if they so request.

(ii) The Return of a prisoner's property on release: -

(a) At the time of releasing a prisoner, the Superintendent shall deliver, or cause to be delivered to him, all money and other property (if any) belonging to him. An acknowledgment of the receipt of the money and other property (if any), shall, if the prisoner can write, be taken from him in the admission register. If the prisoner cannot write, he shall be called upon to state, whether he has or has not received all money and the property belonging to him and, if not, what articles, or their value, have not been delivered to him. If any part of a prisoner's money or other property is not delivered to him, a note of the fact shall be made, opposite the item not delivered, in the list attached to his warrant and the Superintendent shall decide whether any and, if so, what compensation is to be granted to the prisoner in respect thereof and shall pay such compensation or cause it to be paid to him, accordingly.

(b) The compensation for money or other property lost, while in the custody of any officer of the prison, shall be paid at the expense of the officer responsible for such loss.

115. Conditions under which clothing may be supplied to a prisoner

Every prisoner whose clothing has been destroyed or is insufficient for purpose of health or decency, shall, upon release, be supplied, at the expense of the Government, with such clothing as the Superintendent may consider necessary and suitable.

116. Subsistence allowance and conveyance allowance

The subsistence allowance and conveyance allowance shall be as follows: -

(i) Every convict whose home is situated more than five kilometers from the prison from which he is released, and who is not in possession of more than ten rupees, shall, at the time of his release, be provided with subsistence allowance at the rate decided by the Inspector General (P)in respect of every day or part of a day's journey by rail or by Metro or by bus or any other public transport to his home.

(ii) Every released convict whose home is near any railway station and is situated more than five kilometers from the prison of release or from the nearest railway station shall be entitled to;

(a) A free Railway pass of ordinary class to the nearest Railway Station to his home;

(b) Conveyance allowance, equivalent to the actual bus fare/ Metro fare or other public transport to reach his home;

(c) All allowances granted under this rule to any convict, upon his release, shall be paid to him in the presence of the Superintendent; and

(d) In case the home is partly connected with rail and partly with bus or other public transport, actual fare from last railway station to his home may be paid.

Note: - The above facilities may be extended to the under-trial prisoner who do not have any visitations or not in possession of money, to enable him to reach his home.

117. Release on direction of Court

(i) If the warrant of a court directs that the prisoner shall be released on bail or on his own personal bond and there is intimation in writing that such bail or bond has been duly furnished, such prisoner shall be set at liberty, in accordance with the terms thereof, by the prison authorities.

(ii) In case of a prisoner whose personal bond has been sent to the prison authorities, by the court, for execution, the bond shall be got duly executed from the prisoner and attested by the Jailor. The prisoner, thereafter, shall be set at liberty by the prison authorities and the personal bond shall be sent back to the court concerned for record.

(iii) If the court directs that a prisoner shall be released on furnished bond and surety to the satisfaction of the Superintendent of Prison, the surety and the bond should be drawn up on the office of the Superintendent, accepted by the Superintendent, and the prisoner shall be set at liberty. The surety and personal bond shall be returned to the court concerned.

(iv) Return of warrant and action when there are two or more warrants–

(a) On the release of a prisoner, upon the expiry of his sentence or on bail, his warrant shall be returned to the court which (and not, by name, to the officer who) issued it, with an endorsement showing the date and cause of release, and the date on which the warrant is returned.

(b) The warrant of every prisoner, who dies in prison, shall be returned to the concerned court.

(c) If any prisoner is required to undergo two or more sentences under separate warrants, each such warrant shall be returned as soon as the sentence, to which it relates, has been executed.

(d) Warrants of commitment of prisoners, sentenced by Court Marital, should be sent to the officer of Commanding Unit after the sentence has been executed.

(e) Warrants of commitment of escaped prisoners, who have not been recaptured, shall be returned to the convicting courts after a period of ten years from the date of escape.

118. Return of warrant where a prisoner has been admitted to bail.

(i) When a prisoner has been admitted to bail pending the hearing of his appeal, the original warrant of commitment shall be returned by the prison authorities to the court, which issued it, with the request that it be forwarded to the Appellate Court.

(ii) In every case in which a sentence is reversed on appeal, the Appellate Court shall return the original warrant, with a copy of its order, to the Court, by which the accused was admitted to bail, with the directions to discharge him.

(iii) In every case in which a sentence is modified on appeal, the Appellate Court shall prepare a fresh warrant (in the form prescribed in the following rule) and shall forward the same, with the original warrant and with a copy of its order, to the Court, by which the accused was admitted to bail, with directions to take measures to secure his surrender and commitment to prison on the modified warrant.

(iv) In every case in which a sentence is confirmed on appeal, the Appellate Court shall return the original warrant, with a copy of its order, to the Court, by which the accused was admitted to bail, with directions to take measure to secure his surrender and commitment to prison on the original warrant.

(v) In each of the last above-mentioned cases, it shall be the duty of the Court, to which the accused surrenders to his bail, to endorse on the warrant the date of his release on bail and of his subsequent surrender.

119. Action where a prisoner surrenders to his bail

If an accused surrenders to his bail in the Appellate Court, such Court, in every case in which the sentence is reversed on appeal, shall discharge him; and in every case in which the sentence is modified or confirmed on appeal, such Court shall forward the accused in the charge of a police officer, with the modified or original warrant, to the Chief Judicial Magistrate with directions to commit him to custody.

120. Action when a prisoner is directed to be released by the Court.

An accused prisoner, who is directed to be released by a court, inter alia, on acquittal or discharge or where the sentence is reversed in appeal or reduced the period already undergone, the prisoner shall ordinarily be released from the prison gate. Provided that where the court orders that the accused be set at liberty from the Court itself, he shall be released forthwith.

121. If prisoner is ill at the time of release

If a prisoner is found to be suffering from serious illness, he shall be dealt as per

provisions of Rule 123 of these Rules.

122. Terminally ill prisoners

The concerned medical officer while treating patient prisoner comes to know about any terminally ill prisoner, the case with complete details, shall be forwarded to the Superintendent for further necessary action who in turn shall immediately report to the Inspector General, in the prescribed form, with his own recommendations, for submission to the Government for necessary action.

123. Serious illness of an under-trial prisoner

Whenever the Medical Officer in charge considers that an under- trial prisoner is seriously ill, and that his illness has not been caused or aggravated by the prisoner himself, and that his illness shall be aggravated by his further custody, and that the prisoner has a reasonable chance of recovery if released, the Superintendent shall bring the matter to the notice of the court concerned, in order that if the law permits and the court thinks proper, the prisoner may be released on bail.

124. Action where an under-trial prisoner has been ordered to be released by a local court

(i) If an under-trial prisoner has been ordered to be released by a local court but his warrants of production have been received by the Superintendent from an outside court, the Superintendent shall cause the under-trail prisoner to be produced before such court after getting the approval from the Chief Judicial Magistrate. However, if the warrant is dead as the prisoner could not have been produced in outside courts due to various reasons like some court date in Uttarakhand State or medical reasons with due information to the said court in question, the approval of the Chief Judicial Magistrate shall be sought for his production.

(ii) A list of prisoners who have been ordered to be released on bail but not able to furnish surety for more than two months shall be compiled by the Superintendent and sent to the District & Sessions Judge for review and passing of necessary orders.

(iii) If a prisoner is not released from the prison despite court orders because of inaccuracy of particulars in the release warrants, the matter should be at once reported to the concerned court for necessary clarification. A monthly statement of such cases shall be submitted to the District and Sessions Judge, of concerned court, for his perusal so that necessary instruction may be issued at his end.

CHAPTER – VII

MAINTENANCE OF PRISONERS

125. Food

Prison Department should prescribe the diet plans for prisoners in such a manner that the energy requirements given below are met:

Energy requirement of Indians

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

The food intake should not be associated to work/activity level but just calorie requirement for dignified human life.

126. Requirements of Pregnant and Nursing Women

During pregnancy and lactation, a woman needs more protein and minerals than otherwise. The extra protein can be obtained by substituting a part of the cereal portion of the diet by concentrating more on milk and milk products etc. This would also ensure the necessary additional supply of minerals.

As and when any recommendation for nutrition is received from WHO in Indian context, the same shall be considered for review of the Diet Chart by the Government.

127. Nutrients required

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

Nutrient	Requirement	Sources
Protein	1g.per kg. of body Weight	Pulses, rice, wheat, milk etc.
Fat	50 g.	Oils, butter, ghee, milk etc.
Carbohydrate	300 g.	Cereals, sugar, jaggery, milk, root vegetables such as potato, etc.
Minerals: a. Calcium	0.65 g. for adult,1 g. for child	Milk, milk products, green vegetables, un husked cereals and whole gram etc .
b. Iron	12.15 mg.	Vegetables and fruits etc.
Vitamins a. Vitamin A	3,000 to 4,000 I.U.	Leafy vegetables, milk, liver oils, yellow vegetables, carrot, yellow sweet potato etc.
b. Vitamin C	50 mg.	Tamarind, amla, guava, all citrus fruits, lime, orange etc.,
c. Vitamin D	400 I.U.	Liver oils, milk etc.
d. Vitamin Group		
I. Thiamin	1 to 2 mg.	Under milled cereals and pulse, parboiled rice, whole wheat
ii. Riboflavin	1.8 to 3.0 mg	Leafy vegetables, milk, milk products etc.
iii. Nicotinic acid	10 to 15 mg.	Under milled cereals, pulses, parboiled rice etc.

128. Scales of diet

(i) The scales of diet for prisoners will be prescribed by the Government following the scales prescribed below. Due consideration is to be given to the principles mentioned above, to the classified needs, habits and modes of living of prisoners and the climatic conditions of Uttarakhand State, while prescribing the scale of diet for prisoners. The government may also modify the scales at any time if it deems fit.

(ii) The scales of diet schedules to be followed per prisoner per day:

(a)For all prisoners

Sr.	Items of diet	Quantity
1.	Cereals (including Millet) (a) for labour (b) for non labour	 700 g. 540 g.
2.	Pulses	100 g.
3.	Vegetables Green leafy Roots and tubers Other	270 g
4.	Soybean or Soya products	Soybean 10 g per week
5.	Desi Ghee	5 g. per day
6.	Jaggery	50 g. per day

7.	Oil a) Mustard oil b) Refined oil (for puri & halua)	 15 g. 90g. + 15 g. (once a week)
8.	Salt	15 g.
9.	Amchur	3g. per week
10.	Jeera	2 g.
11.	Turmeric	2 g.
12.	Coriander	2 g.
13.	Chilly	2 g.
14.	Onion	25 g.
15.	Tea leaves	3 g.
16.	Milk	60 ml.
17.	Sugar	20 g.
18.	Garam Masala	3 g.
19.	Garlic	2 g.
20.	Tomato	25 g.
21.	Lemon	20g. per Prisoner (From April to June)

Note: All prisoners may be provided ascorbates like lemons, pickles, chutney etc.

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

Sr.	**Items of diet**	**Quantity**
1.	Milk	500 ml.
2.	Sugar	60 g.
3.	Vegetables	100 g.

Note 1: Fresh Fruit be also provided to the pregnant and lactating mothers as per the quantity prescribed by the Medical Officer.

Note 2: Arrangements for heating and boiling water/milk shall be made available for lactating mother.

(c) Dietary Scale for infants/ children:

Sr.	**Items of Diet**	**Quantity (in gms.)**		
		6-12 months	**1-3 years**	**4-6 years**
1	Cereals and Millets	45	60-120	150-120

2	Pulses	15	30	45
3	Milk	500	500	500
4	Roots and Tubers	50	50	100
5	Green Leafy Vegetables	25	50	50
6	Other Vegetables	25	50	50
7	Fruits	100	100	100
8	Sugar	25	25	30
9	Fats/Oils (Visible)	10	20	25

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

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

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

129. Food ration

Every prisoner shall have three meals a day according to the scales prescribed.

These shall be:

(i) A light meal in the morning before the hour of work;
(ii) A midday meal; and
(iii) Evening meals before prisoners are locked up for night.

130. Meal

(i) morning meal: -
Scale for morning meal per prisoner:

(a) Sweet Dalia (twice a week)

Broken Wheat	60 gms.
Sugar	30 gms.
Milk	30 gms.

(b) **Boiled and Saluted Grams (twice a week)-**

Chana	45 gms.
Potato	15 gms.
Salt	02 gms.
Chilies	0.5 gms.
Mustard Oil	02 gms
Jeera	0.5 gms

(c) **Sweet Baked Bun (2 piece twice a week- approx. weight 60-65 gms. each)**

(d) **Namkeen Dalia (once a week)**

Broken Wheat	60 gms.
Seasonal Vegetables	30 gms.
Mustard Oil	03 gms.
Salt	02 gms.
Green Chilies	01 gms.
Turmeric Powder	0.5 gms
Garam Masala	0.25 gms

(e) **Tea everyday**

Milk	30 ml
Tea leaves	1.5 gms.
Sugar	20 gms.
Water	90 ml.

Note- 1- The tea so prepared should not be less than 100 ml.

2- Prisoners employed in hard labor for agricultural work in sampurnand camp (open prison) will be provided with 4 rotis and vegetables as breakfast in the morning. For this the following quantity is fixed per prisoner-

Sr.	Ingredients	Quantity
1.	Wheat flour	175 gm.
2.	Vegetables	70 gm.
3.	Mustard Oil	3.5 gm.
4.	Salt	3.5 gm.
5.	Jeera	0.5 gm.
6.	Turmeric	0.5 gm.
7.	Chilly	0.5 gm.
8.	Onion	6 gm.

9.	Garam Masala	0.75 gm.
10.	Tomato	6 gm.

(ii) Scale of uncooked ration for midday and evening meal per meal per prisoner:

(a) Wheat flour (for laboring prisoners)- 350 gms.
(b) Wheat flour (for non-labouring prisoners)- 270 gms.

Note-1: Diet should not be less than 08 *chapattis weighing 500 gms. after preparation in labouring diet and 06 chapattis weighing 350 gms. after preparation for non-labouring diet.*

OR

(c) Rice 240 gms.

Note-2: Wheat flour and Madua flour mixed chapattis shall be provided twice a week (only in winters-November to February) and ratio of both flour shall be: -

(i) Wheat flour 300 gms and Madua flour 50 gms. (for labouring prisoners)
(ii) Wheat flour 220 gms. and Madua flour 50 gms. (for non labouring prisoners).

(d) Mixed diet

(i) for labouring prisoners-
(a) Rice 100 gms.
(b) Wheat flour 210 gms.

Note: Diet should not be less than 6 *chapattis* and 290 gms. after preparation.

(ii) for non-labouring prisoners -
(a) Rice 100 gms.
(b) Wheat flour 150 gms.

Note:1- Diet should not be less than 04 chapattis and 190 gms. after preparation.
2- Additional 10 gms. of Dal to be issued for rice ration.

(e) **1)** Dal 50 gms.
2) Vegetables 125gms.
3) Mustard Oil 10 gms.
4) Chilies 0.5 gms.
5) Turmeric 1.0 gms.
6) Dhania 1.0 gms.
7) Garam Masala 0.25 gms.
8) Jeera 1.0 gms.
9) Salt (iodized) 5.0 gms.
10) Garlic 1.0 gms.
11) Onion 12.5 gms.
12) Tomato 12.5 gms.

(iii) Food provided by private persons or societies. -

Whenever any philanthropic person or society offers to provide a special meal on any special occasion to the entire population of the jail, he or it may, at the discretion of the

Deputy Inspector General Range (Prison) be permitted to offer the food that is to be served and the Superintendent shall then get the food distributed to the prisoners and record the fact in his order book.

(iv) Special meals:

(a) Poori-

1) Wheat flour as per chapatti diet

2) Refined Oil 90 gms.

(b) Jhangora Kheer-

1) Jhangora 60 gms.

2) Sugar 30 gms.

3) Milk 150 ml.

(c) Vegetables- 150 gms.

Note: The special meal shall be distributed on first, third and last Sunday of the month in lieu of evening meal.

(v) Scale for Replacement diet per meal per prisoner

(a) Sweetened rice for morning meal -

(i) Rice 60 gms.

(ii) Sugar 30 gms.

Note: The cooked quantity should not be less than 200 gms. of sweetened rice.

(b) **Milk and *Dalia* for midday or evening meals (per meal)-**

(i) Dalia 150 gms.

(ii) Milk 400 ml.

(iii) Sugar 60 gms.

(vi) Diet for prisoners keeping fast-

(a) **Hindu prisoners fasting**

1) Potato (boiled) 750 gms.

2) Milk 500 ml.

3) Sugar 60 gms.

4) Banana 2 Nos.

5) Seasonal Fruit 1 No.

(b) **Muslim prisoners fasting in the month of Ramzan-**

1) For Winters (1st November to 31st March)

Roja Afftari:

i) Tea as per schedule

ii) Banana 2 No.

iii) Biscuit 2 No. (not less than 15 gms.)

iv) Khajoor 30 gms.

Sehari:

i) Baked Bun (Or Bread) 50 gms.

ii) Milk 200 ml.

iii) Sugar 20 gms.

2) For Summers (1st April to 31st October)

Roja Afftari:

i) Lemon 1 No.

ii) Sugar 30 gms.

iv) Banana 2 No.

v) Biscuit 2 No. (not less than 15 gms.)

vi) Khajoor 30 gms.

Sehari:

i) Baked Bun (Or Bread) 50 gms.

ii) Milk 200 ml.

iii) Sugar 20 gms.

(vii) Festival diet-

(a) Every prisoner of the ordinary class irrespective of religion shall receive a festival meal on the anniversaries of the Independence Day, the Republic Day and on the festival days of Id-ul-Fitar, Id-ul- Zuha, Holi & Diwali.

(b) Special diet of *Halua or 02 Ladoos and 2 Bananas/01 Apple* for Independence Day, Republic Day, Gandhi Jayanti, Id-ul-fitar, Holi, Diwali, Christmas, Mahavir Jayanti, Gurunanak Jayanti and Ambedkar Jayanti.

1) Sooji 30 gms.

2) Sugar 40 gms.

3) Refined Oil 15 gms.

4) Coconut (Burada) 2 gms.

(viii) Manner of issuing dals.

(a) Gram and arhar shall be split before issue for use as dal and the husk shall be carefully removed. Masoor, urad and moong shall ordinarily be issued whole. The Superintendent may at his discretion authorize by an order written in his order-book the issue of crushed urd, moong and masoor to be used as dal. This may become necessary at the end of the season when these pulses are liable to attack by weevils. When masoor is issued after crushing, all husk shall be carefully removed.

(b) Programme of issuing different dals. Notwithstanding the provisions in regarding the programme of issue of different kinds of dal, the Superintendent shall pay special regard to their prices and the custom of the locality. Dals which are cheaper or which are staple food of the locality shall be issued oftener than other dals. The programme showing the days of the meals at which a particular dal is to be issued shall be noted by the Superintendent in his order-book and copies of it shall be hung up in the grain expense store and the cook-house.

(i) Rajma with Urad Dal (once a week) -

1) Urad Dal - 35 gms.
2) Rajma - 15 gms.

(ii) Urad with Chana Dal (once a week) -

1) Urad Dal - 35 gm.
2) Chana Dal - 15 gm.

(iii) Mixed Dal (once a week) -

1) Arhar - 20 gm.
2) Urad, Masoor and Chana Dal - 30 gms. (10 gm. Each)

(iv) Gahat dal - 50 gm

Note: -Gahat Dal shall be given once a week during winter season (November to February) in place of mixed dal.

(v) Dal Bari (Urad) once a week -

1) 15 gms. in addition to scale of vegetables.
2) Oil - 2 gms. to fry Bari.

(vi) Soybean nuggets or granules (once a week)-

1) 10 gms. in addition to scale of vegetables.

(vii) Karhi (once a month) -

1) Besan	- 50 gms.
2)Refined Vegetable Oil for pakori	- 15 gms.
3) Amchur	- 2 gms.
4) Heeng	- 0.1 gm.
5) Tej patta	- 0.1 gm.
6) Methi dana	- 0.25 gm.
7) Whole red chillies	- 0.25 gm.
8) Turmeric	-0.5 gm.
9) Salt	-5 gms.
10) Jeera	-0.5 gm.

Note: Dal and vegetables shall not be issued with Karhi.

(ix) Evening Tea: -

(a) 1 cup of tea (throughout the year except the months of May and June as per scale of morning tea)
(b) Biscuits 4 pieces (approx. weight 20 gms.)

(x) The quantity of ration to be issued for each meal shall be as prescribed by the Inspector General (Prison). The articles of diet provided for midday and evening meals may be suitably divided between the two meals.

(xi) Scale of anti-scorbutic-

(a) Chatni (per prisoner twice a week)-

1) Salt 0.5 gms.
2) Chillies 0.15 gms.
3) Amchur 03 gms.
4) Water 05 ml.

Note: Amchur can be replaced with Kamrakh, Kaitha, Fresh raw mango, tamarind (free from husk and stone) when available from jail garden.

OR

02 gms. Amchur may be mixed in dal (twice a week)

(b) Aam-ka-pana (per prisoner per day in the months of May and June)-

1) Salt	2 gms.
2) Black Pepper	1 gm.
3) Roasted Jeera	1 gm.
4) Pudina	1 gm.
5) Water	200 ml.
6) Raw mangoes	100 gms.
7) Sugar	3 gms.

(xii) Prisoners who observe religious fasts may receive extra articles of food suitable for such fasts as per local practices {such as potatoes, fruits, etc.}, or may have the whole or a part of their meal at a place and time of day, as may be allowed by orders of the government for proper observance of fasts by them.

(xiii) Scale of fuel:

(a) Cooking gas per prisoner (in case of cooking gas)-

1) for morning meal	10 gms.
2) for tea	10 gms.
3) for midday meal	50 gms.
4) for evening meal	50 gms.
5) for pana	15 gms.
6) for boiling milk 500 ml or every part thereof	20 gms.
7) for scale of diet for children	50 gms.
8) for sweetened rice for morning meal	10 gms.
9) for milk and dalia for midday or evening meal	20 gms.
10) for festival meal	50 gms.
11) for fasting meal for Hindu prisoners	50 gms.

(b) Firewood (in case of Firewood)-

1) for morning meal	55 gms.
2) for tea	55 gms.
3) for midday meal	260 gms.
4) for evening meal	260 gms.
5) for pana	75 gms.
6) for boiling milk 500 ml or every part thereof	100 gms.
7) for scale of diet for children	250 gms.
8) for sweetened rice for morning meal	40 gms.
9) for milk and dalia for midday or evening meal	100 gms.
10) for festival meal	250 gms.
11) for fasting meal for Hindu prisoners	250 gms.

Note: For prisoners less than 50 in numbers extra wood 1.5 kg. should be issued

(xiv) Diet for sick prisoners (Per prisoner per meal)-

(a) Scale no. 1 -

1) Milk in sufficient quantity with or without sugar.

(b) Scale no. 2 -

1) Milk	500 ml
2) Sago (Sabudana)	60 gms.
3) Sugar	30 gms.

(c) Scale no. 3 -

1) Milk	500 ml.
2) Rice	120 gms.
3) Sugar	30 gms.

(d) Scale no. 4 -

1) Rice	240 gms.
2) Dal Moong	45 gms.
3) Refined Vegetable Oil	5 gms.
4) Turmeric	0.5 gms.
5) Salt	5 gms.

(e) Scale no. 5 (Khichdi)-

1) Rice	175 gms.
2) Dal Moong	30 gms.
3) Refined Vegetable Oil	5 gms.
4) Vegetables	120 gms.
5) Turmeric	0.5 gms.
6) Salt	5 gms.

(f) Scale no. 6-

1) Wheat flour	270 gms.
2) Dal Moong	30 gms.
3) Refined Vegetable Oil	5 gms.
4) Vegetables	120 gms.
5) Turmeric	0.5 gm.
6) Salt	5 gms.

(xv) Diabetic diet

(1) Atta	-	500 gms.
(2) Dal	-	100 gms.
(3) Vegetables	-	350 gms. (Without potato)
(4) Egg	-	01 no. (Four days in a week)
(5) Salt	-	15 gms.
(6) Spices	-	15 gms.
(7) Vegetable Refine oil	-	05 ml

(8) L.P. Gas 130 gms per head.

(xvi) Diet for Tuberculosis Patient. —

The Tuberculosis patients shall be dieted as per the scale given in the foregoing list according to their individual necessity as shall be prescribed by the Medical Officer and the following extra one or more scale prescribed by the Medical Officer should be given.

(1)	Milk	-	500 ml
(2)	Sugar	-	30 gm.
(3)	Vegetable	-	230 gm.

(4) Egg - 02 nos.
(5) Orange/Apple- 100 gms (One Pcs.).
(6) Loaf (Bun)- 100 gm.
(7) Butter - 15 gms.

131. Cleaning, Storage and Issue of Food Items

(i) Care should be taken to see that all grains are properly cleaned before issuing to the mill-house for grinding and that the flour is carefully sieved and kept in covered bins.

(ii) Rice should be separated from husk, dust or other particles before issuing for cooking. The quality and seasoning of rice should be such that weight of the cooked rice is to be about 3 times its weight in uncooked state. This should be frequently tested by weighing. The Inspector General (Prison) will issue the guideline regarding cleaning and grinding of pulses and cereals.

(iii) All items of diet, as well as the fuel for cooking, shall be weighed daily at the time of being issued to the cooks by a responsible officer not below the rank of Deputy Jailor, especially appointed for the purpose by the Superintendent. They shall be issued in a fully prepared state or, if this is not possible, with a full allowance for any loss which might occur during preparation. The Superintendent shall, however, be responsible for seeing that the correct weight and quality of the ration is issued. The quality of these items should be regularly checked by the Medical Officer.

(iv) Where chapatti/bread is given to prisoners, the same should be prepared in prescribed weights for different classes of prisoners, and cooks should be informed beforehand of the prescribed weights.

(v) Dal should be husked and un husked grains properly cleaned out before cooking.

(vi) Vegetables issued shall be free from stalks and leaves and shall be cut for cooking before being weighed and delivered to the cooks. Potatoes or other root vegetables should form at least one-third of the total quantity of vegetables. All vegetables should be examined daily by the Medical Officer in charge or his subordinate Medical Officer.

(vii) Antiscorbutic, in the requisite quantity, shall be issued daily with the midday and evening meals to all prisoners. There should be standing instructions for the preparation and issue of different kinds of antiscorbutic which are commonly available.

(viii) Milk shall be stored in a properly cleaned and well-ventilated place. Milk shall be issued to prisoners on special/medical diet only after boiling. Boiling should be done in the hospital enclosure under the supervision of a responsible officer who shall be responsible for its proper usage from the time it is obtained till its final distribution.

(ix) In preparing curds no water should be mixed with the milk before boiling.

132. Cooking

(i) Cooking may be done in stainless steel vessels. All cooking utensils must be kept clean and shining and the kitchen and eating area too must be clean and tidy.

(ii) Special care shall be taken to ensure that all vessels, in which milk is kept, are perfectly clean. All vessels should be scalded and cleaned with boiling water immediately after use. These must not be left unclean.

(iii) All cooked food should be kept covered until it is distributed, and appropriate arrangements (in the form of freezers, refrigerators, etc.) shall be made for storage of perishable items.

(iv) The Superintendent and the medical Officer shall exercise utmost vigilance in the supervision of food supplies, and when the food is cooked and is ready for distribution to prisoners, they shall make surprise inspections, at least once a week, in addition to routine inspections. At these inspections the weight and taste of the food distributed shall also be checked.

(v) Measuring equipment used for issuing ration to the mills, and that used in the kitchen, shall be checked by the Superintendent at least once a month if not more often. Surprise checks of the measuring equipment should be made by duty officers at least four to five times a month.

(vi) Cooks found tampering with food or scales shall be severely punished.

133. Cooks

(i) Cooks shall carry out all preparations and processes necessary after being issued the daily supplies and shall prepare the food with due care and attention.

(ii) The cooks should wear clean aprons while preparing/handling food.

134. Distribution and service of food

(i) Inspector General of Prisons shall prescribe the time for serving morning, midday and evening meals in prisons. Such timing would be prescribed depending on the temperature in different seasons.

(ii) Meals should be served fresh and hot. During winter season, appropriate heating methods shall be utilized to keep food warm and suitable for consumption. The receptacles used for carrying food shall be provided with well-fitting lids. All food shall be carefully protected from flies and other insects.

(iii) Fifteen minutes before the distribution of each meal, an announcement should be made. Prisoners should then cease work, wash their hands and face and queue up for food distribution, after which the cooked food shall be distributed by the cooks in the presence of a responsible prison officer not below the rank of Deputy Jailor. They shall see that food issued to any prisoner is not taken away by another or is otherwise wasted.

(iv) After service of food at least twenty-minute time shall be allowed to prisoner to eat the

food.

(v) Except with the permission of the supervising officer, no food is to be taken away from the dining area by any prisoner to eat it elsewhere.

(vi) When the meal is finished, the prisoners shall proceed to the washing platform where two tubs shall be placed. Prisoners shall put any refuse food left in his plate into these tubs, separating rice or chapattis from curried food. They shall then wash their hands and mouths as well as their utensils.

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

135. Eating and drinking vessels

Every prisoner shall be provided with a set of eating and drinking vessel. Vessels to be made of food grade non-metallic material and shall be of a uniform material and pattern.

136. Complaint about food

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

137. Daily inspection of food

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

138. Inspection of cooked food

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

139. Weighing of articles of foods

All articles of food issued for consumption shall be weighed daily by the officer in

charge of diet as designated not below the rank of Jailor. He shall ensure that proper quantity of food is issued for every prisoner. From time to time, the Superintendent shall himself check the issue of ration. Metric weights and measures shall be used for weighing or measuring rations and food and a proper set of scales, weights and measures shall be maintained in every prison. These shall be frequently tested by the Superintendent for their correctness.

140. Disposal of complaint by prisoner

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

141. Power to sanction change in diet

(i) The Inspector General of Prisons may direct a change in the diet, prescribed by the convicting courts, in the case of individual prisoner. Other than that, change in the prescribed diet shall be made only in unavoidable circumstances when the prescribed food items are not available. In such events all changes in the prescribed diet shall be reported to the Inspector General of Prisons.

(ii) When a prisoner is hospitalized, his diet may be changed or modified by the Superintendent on the recommendation of the Medical Officer in charge. In case this change of diet has to continue for more than a month, the concurrence of the Inspector General of Prisons shall be obtained by the Superintendent.

142. Control of hospital diet

The control of diet of a prisoner in hospital shall be the responsibility of the Resident Medical Officer and he may order such extras, as he considers necessary, while doing so he shall also keep in mind the costs involved, which should not be excessive.

143. Cutting of hair

The rules for cutting hairs shall be as follows: -

(i) The hairs of prisoners shall be trimmed only to such extent, and at such times, as may be necessary for the purposes of securing health and cleanliness.

(ii) Those prisoners who were accustomed to shave their faces before admission to prison may be allowed the facility of shave in prison.

(iii) The prisoner may be allowed to maintain their personal appearance, beard, hair. etc.

(iv) The prisoners allowed retaining beard, long hair etc. may have them cut at their own

request, in writing with the permission of Superintendent.

(v) All prisoners shall be allowed soap and oil for sanitary purpose and other toiletries at government cost by Superintendent. The Inspector General of Prisons shall issue the detailed guidelines for determining the quantity and frequency of toiletry to be provided.

144. Clothing & Bedding

Every convict shall be required to wear prison clothing as prescribed in these rules and other prisoners, such as under trial prisoners and detenues, shall be supplied with clothing if they make an application to the Prison Superintendent for this purpose. Such clothing shall be of a color different from that issued to convicts so that the distinction between convicts and other prisoners is visible. All prisoners whether convict or under trial shall be supplied with prison bedding.

145. Scales of clothing and bedding.

(i) The Inspector General shall, with the previous sanction of the Government, fix the scale of clothing and bedding and other necessaries of equipment, to be provided in respect of each class of prisoners, and may, with the like sanction, from time to time -

(a) Vary the scale of clothing and bedding generally, or that prescribed in respect of prisoner of any class;

(b) Specify a special scale in respect of period or periods of time or during any season of the year; and

(c) Vary the shape, size, material or quality of any article in any scale of clothing or bedding.

(ii) The Medical Officer may on medical grounds and for the benefit of the health of any prisoner or class of prisoners, prescribe extra clothing to any such prisoner or class of prisoners for any specified period, during any season of the year.

(iii) The following shall be the scale of clothing, bedding and other necessities of equipment for prisoners, namely: -

A. BEDDING FOR ALL	**No.**	**Life**	**B. UTENSILS FOR ALL**	**No.**	**Life**
(a) *Chadar/Khes*	1	01 yrs.	(a) Thali (with in-built katori)	1	08 yrs.
(b) *Durry/Bedding*	1	02 yrs.	(b) Glass	1	05 yrs.
(c) Warm blankets (during winter)	4	03 yrs.	(c) Spoon	1	03 yrs.
(d) Bedsheets	2	01 yrs.	(d)Bottle	1	02 yrs.

(e) Air Filled Pillow	1	01 yrs.	(e)Bowl	1	05 yrs.

C. CLOTHING FOR CONVICTS

MALE	No.	Life	FEMALE	No.	Life
(a) Pajama (with elastic)	3	06 months	(a) Saree with blouse or Salwar Kamiz with dupatta	04	06 months
(b) Shirts	3	06 months	(b) Petticoat	04	06 months
(c) Vest	4	06 months	(c) Underwear	04	06 months
(d) Underwear	4	06 months	(d) Brassiere	03	01 years
(e) Turban	2	06 months	(e) Towels	02	06 months
(f) Towels	2	06 months	(f) Comb	01	06 months
(g) Shoes	1 pair	01 Year	(g) Shoes	01	01 Year
(h) Socks	2 pair	06 months	(h) Socks	02	06 months
(i) Slipper	2 pair	01 year	(i) Slipper	02 Pair	01 Year
			(j) Sanitary napkins	As per requirement	-

FOR WINTER SEASON

MALE	No.	Life	FEMALE	No.	Life
(a) Jacket (Navy Blue)	1	03 yrs.	(a) Jacket (Navy Blue)	1	03 yrs.
(b) Sweater (full sleeves)	1	02 yrs.	(b) Sweater (full sleeves)	1	02 yrs.
(c) Socks	2 pair	01 yrs.	(c) Socks	2 pair	01 yrs.
(d) Woolen Cap	1	02 yrs.	(d) Woolen Cap	1	02 yrs.
			(e) Shawl	1	02 yrs.

(iv) All articles of clothing, bedding and equipment shall be of standard pattern approved by the Inspector General. The facilities of clothing available to the convicts may also be extended to poor & needy under trials by the orders of the Superintendent.

(v) Articles of clothing and bedding shall bear a distinct mark to indicate that the articles belong to the prison administration.

(vi) At the time of admission, one hygiene kit containing Tooth paste, Tooth brush, washing Soap, Soap, Shampoo, oil, 2 sets of undergarments, one sets of clothing, one pair Slipper, one towel & one comb shall be provided to convict and shall be deducted from the above-mentioned scales. The said facility can also be made available to the poor/needy under trials.

Note: - It shall be provided only once to the prisoners.

146. Clothes of convicts

(i) The prisoners shall be provided with dresses to suit their physical measurement.

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

(iii) **Clothing of convicts attending courts-**

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

(b) In other cases, the Superintendent shall provide suitable clothing.

147. In charge of clothing store

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

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

148. Repair, Maintenance and inspection of clothing and bedding

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

149. Prisoners to wash their clothing

Every prisoner shall be required to wash his clothing usually on the daily basis, and at any other time as the Superintendent may direct subject to the fact that the prisoners shall be given the option to wash the clothes through laundry however if any prisoner has reservation in getting his clothes washed through laundry, then the prisoner may wash his clothes by hand. The Superintendent may authorize the issue of the necessary washing materials for the purpose.

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

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

150. Prison Laundry

All prisons to have their own mechanized laundry to wash items of clothing and bedding at the time of return of these items to the clothing store.

151. Disposal of Irreparable clothing

(i) Irreparable clothing shall be struck off from the register under the signature of the Superintendent once a month and need as rags for cleaning the kitchen and for cleaning machinery in the workshop. If the accumulation of such clothing is in excess, it shall be sold, after being shredded into small pieces, to the paper making units of the Khadi or other such agencies or maybe sold through public auction.

(ii) Unserviceable clothing shall be stocked separately and a proper stock register shall be maintained for this purpose.

152. Disposal of clothing of discharged prisoners

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

153. Submission of clothing and bedding indents

(i) Indents for the clothing and bedding likely to be required during the next six, nine or 12 months, shall be prepared in duplicate and submitted to the Deputy Inspector General of Prisons for sanction.

(ii) No clothing or bedding shall be issued from the manufacturing department of any prison unless the indent is approved by the Deputy Inspector General of Prisons and no clothing or bedding shall be purchased in the local market except in very special circumstances and with the sanction of the Inspector General of Prisons.

154. Accommodation And Ventilation

(i) Capacity of ward to be inscribed near the door

(a) Near the door of every ward the size of the room, and the number of prisoners it is capable of accommodating, shall be recorded on a plaque embedded in the outer wall of the ward. No ward should accommodate prisoners beyond its prescribed capacity.

(b) The names and numbers of the blocks and other important buildings and enclosures shall be displayed on them in a conspicuous and suitable position. The date of white-washing shall also be shown in distinct figures.

(ii) Ventilation of wards and workshops

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

(b) Every possible arrangement shall be made for thorough ventilation of the wards for several hours during the day. This is necessary to remove organic matter from the walls, which gets slowly oxidized.

155. Walls to be color or white-washed

The exterior walls of prison buildings shall be color-washed, and the interior walls white-washed from time to time. The interior of barracks, wards and cells in which prisoners are confined, shall be white-washed at least once in a year.

156. Planting of trees

(i) Grass shall be grown and trees planted and kept neatly trimmed in and near the prison wherever possible. Gardens shall also be maintained in each prison to have a salutary effect on the minds of prisoners. However, trees shall not be planted too close to walls and buildings as these may be used for escape from the prison.

(ii) After the rainy season, the inner and outer sides of the perimeter wall, if the prison and wall of the wards shall be scrubbed. Pathways inside the prison compound shall be de- weeded and re-laid. Wherever the paths are made of tarmac, the uneven surface shall be leveled properly.

157. Conservancy Responsibility Of All Officers

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

158. Responsibility of Health Officer

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

159. Prison area to be kept clean

The prison area shall be cleaned daily and kept free from all unwanted plants and weeds, accumulation of broken bricks, manufacturing waste, etc. Kitchen waste shall not be permitted to be thrown on the ground, nor shall garbage of any kind be allowed to accumulate in or near the prison.

160. Prohibition of cess pools and open drains

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

161. Precaution against malaria

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

162. Medical Officer to approve drainage

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

163. Injurious conditions in the prison neighborhood

(i) If anything occurs, or is likely to happen in the prison neighborhood, which might injuriously affect the health of the prisoner, it shall be reported immediately to the Inspector General of Prisons. The construction of public latrines and sewage drains near a prison is objectionable and measures shall be taken to prevent such constructions.

(ii) No sewage or effluent drains from mills and factories or other public sources, that may affect the health of the prisoners, should be allowed near any prison.

164. Cleaning of latrines

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

165. Kitchen

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

166. Stores

(i) Stores or godowns must be kept clean, well arranged, and well ventilated. Their contents should be aired as often as possible. Godowns or grain stores should be treated with suitable insecticides to prevent the growth of weevil.

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

167. Water Supply

(i) Selection of source of water supply

(a) Wherever corporation, Uttarakhand Jal Sansthan, Public Works Department, etc., water supply exists, arrangements shall be made to connect the prison with it by a pipe line.

(b) If well or tube-well is use in a prison such wells should be well protected from being polluted by percolation of surface water.

(c) The mouth of every drinking water well shall be completely closed and the water shall be raised by a pump. The surface surrounding the well at its mouth shall be covered with a sloping cement platform with a drain around it to carry spilt water, and the well shall be linked to a sufficient depth to render the tube impermeable.

(d) Every water storage tank should be cleaned regularly and the date on which it is done shall be recorded. It shall be maintained as per directions provided in the Maintenance Manual issued from time to time by Central Public Works Department.

(e) Once a week, the depth of water in each drinking water well shall be tested and a record of the results maintained.

(ii) Filtration of Water

(a) Drinking water shall be filtered as per the directions of the Inspector General, on the advice of medical authorities/ Water supplying agencies.

(b) There shall not be any garbage dump or sanitary wastes within a radius of 15 meters of any ring well or tube well.

(iii) Drawing of Water

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

(iv) Supply of Drinking Water

(a) Suitable arrangements shall be made to supply every inmate of a ward and cell

with sufficient quantity of fresh drinking water through taps during day and night. It shall be the responsibility of the warder on duty to see that sufficient drinking water is available before the prisoners are locked-in.

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

(v) Analysis of water

(a) Samples of the water in use for domestic purposes in every prison shall ordinarily be submitted to the Local water Analyzing Authority/Uttarakhand Jal Sansthan twice a year, for both chemical and bacteriological examination.

(b) In the event of outbreak of an epidemic in any prison, which might be due to contamination of the water supply, and which calls for an immediate examination of drinking water, the Medical Officer should immediately make a written request to the Director of Health services or any other adequate agency who shall make arrangements to obtain the necessary samples for analysis. In addition, immediate steps shall be taken to ensure supply of water from an alternative source at such prisons.

(c) The local Water Analyzing Authority shall, in due course, forward a copy of its report of analysis, through the Director of Health Department to the Superintendent of prison and another to the Inspector General.

(vi) Provision of water to staff quarters

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

(b) The Prison Administration and the Government shall endeavor to introduce rain water harvesting, Biogas, Bio mass or solar plant or any other methods in the prisons to save or generate the water, electricity or alternate fuel.

(vii) Provision of Electricity

The efforts shall be made by all concerned Departments of the Government to provide continuous electricity to the Prisons & staff quarters.

CHAPTER-VIII

MEDICAL CARE

168. Medical Administration

(i) Medical administration is one of the most important concerns of prison management. The Medical Officer of a prison has to give careful attention not only to the treatment of sick prisoners but also to every matter connected with the health of prisoners and overall hygiene of the prison. Nothing Shall count more to the credit of the Medical Officers of prisons than their success in maintaining best health standards in the prisons under their charge.

(ii) The Prison Medical Administration shall preferably be a part of the Government Health Services/Medical Department instead of the prison administration.

(iii) Hospital accommodation should be provided on the scale of 5% of the authorized capacity of all Central and District Prisons. The prison hospitals may be of Types 'A' and 'B'. Big hospitals, with 50 beds and above shall be called 'A' type hospitals. Other hospitals, with less than 50 beds, shall be called 'B' type hospitals. The strength of the medical personnel Staff be determined by the Government and shall be provided by The Health & Family welfare Department and the requisite equipments shall be procured by the prison authorities. Adequate physiotherapy facility shall be provided in each hospital.

169. Appointment of Resident Medical Officer

(i) The Government shall appoint one Resident Medical Officer for every prison and any such number of Additional Resident Medical Officers to assist the Resident Medical Officer as deemed fit from time to time. The Resident Medical Officer shall be the overall in charge of Medical Wing of the said prison and who shall be under the administrative superintendence, directions and control of the Inspector General (Prisons).

(ii) The charge of every prison hospital shall be placed under a Medical Officer who shall be designated as Medical Officer In- charge by the Resident Medical Officer. He shall be assisted by any such numbers of Medical Officers as deemed fit by the Resident Medical Officer. These Medical Officers shall be under the administrative control of the Superintendent of the Prison except for the purpose of performing Medical/Clinical functions wherein they shall be subordinate to Resident Medical Officer.

(iii) The Resident Medical Officer and Medical officers, deputed to a prison hospital, shall be entitled for rent 'free staff quarters.

170. Channel of Communication

(i) The Resident Medical Officer shall be the technical head of all the Medical & Para Medical Staff of the prison complex. He along with his subordinates shall be jointly responsible for the health-care of the prisoners. Correspondence of Medical Officer In-charge shall be routed through Superintendent of jail in relation to health care of prisoner.

(ii) The Medical Officer In-charge shall submit indents for medicines to The Resident Medical Officer. In all administrative matters, he shall correspond with the Inspector General through the Superintendent & Deputy Inspector General (Range). He may, however, correspond with the Inspector General (Prison) through Deputy Inspector General (Range) on matters related to sanitation, sick prisoner's food and clothing and discipline in the prison Hospital. He may also do so if he notices on the person of any prisoner injuries which are alleged to have been caused by prison officials. He shall accompany the Senior Officers of the Prison department during their inspection of the prisons.

171. General Duties

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

172. Daily visits to Prison

(i) The Medical Officer In-charge shall visit the prison and shall examine sick prisoners every day. He shall visit the prison on Sundays and holidays as well, whenever necessary.

(ii) He shall inspect every part of the prison and check all prisoners at least once in a week and record his observations in his report to be sent to the Superintendent, Deputy Inspector General (Range), Resident Medical Officer and Inspector General of Prisons periodically.

(iii) He shall also make a medical inspection of all the prisoners once a month.

(iv) If any epidemic or unusual sickness prevails, or any serious case of illness occurs, he shall visit the prison as often as may be necessary.

(v) If he is unable to himself undertake these inspections for any reason, he shall record the fact and the reason for it in his Journal. At the same time, he shall depute a Medical Officer to conduct such inspections.

173. Special Needs of Aged Prisoners

The Medical Officer In-charge shall ensure that the medical needs of aged prisoners as

per their medical and allied conditions are reasonably met. However, it is not for providing any other kind of facilities except medical facilities. The bed should be provided to the senior citizen & differently abled prisoners. The doctor may prescribe the bed facilities for ill prisoners in case of medical need.

174. Treatment of Drug Addicts

The drug abusers shall be identified at the time of admission and treated after separating them from the rest of the prisoners in the drug de-addiction wards. The drug abuser shall be first subjected to drug detoxification treatment for a prescribed period under the medical supervision and thereafter shall be shifted to drug rehabilitation of the prison. Such prisoners shall be kept on regime/programmes as advised by de- addiction specialist in each case.

175. Attendance at Weekly Inspection

(i) The Medical Officer In-charge shall be present during the Superintendent's weekly inspection and shall oversee the general health and hygienic conditions prevailing in the prison. He shall pay special attention to any signs of anemia or malnutrition, any deterioration in health condition and skin diseases. He shall also examine the prisoner's clothing and bedding to see that they are adequate and clean. He shall examine the drainage, ventilation, drinking water and conservancy arrangements of the prison.

(ii) He shall at the same time, examine the record of prisoner's weight to satisfy himself that the weight test is being properly done. He shall thoroughly examine all prisoners who have lost their weight substantially and give necessary instructions to the Medical Officer of the prison regarding the action to be taken in such cases.

176. Attending to Prison Officers

(i) The Resident Medical Officer/ Medical Officer (In-charge) shall attend to the medical needs of all prison officials while on duty in emergency.

(ii) The Resident Medical Officer/ Medical Officer (In Charge) shall bring to the notice of the Superintendent any facts (about the cause of illness of the officers and subordinate prison staff) that may be of importance, and which shall enable him to determine their fitness for continued employment in the prison.

(iii) The Resident Medical Officer/ Medical Officer (In Charge) shall maintain a minute book in which he shall enter all directions given by him concerning the duties of medical staff under him, the management of the hospital, and any other instruction of importance regarding the treatment of patients, or any other matter.

177. Resident Medical Officer And His Duties

(i) The Resident Medical Officer shall be in-charge of the entire medical wing of the

Prison complex. The Resident Medical Officer, Prison Complex shall also function as Resident Medical Officer (HQ) and he shall be the Head of the Medical Department of the Uttarakhand Prisons.

(ii) The Medical Officer In-charge shall work under the medical superintendence, directions and control of the Resident Medical Officer subjected to other provisions made in the statutes, statutory rules and executive order concerning governance of the prisons, all medical personnel of the prison administration and his assessment regarding the technical performance of the medical personnel shall be final. He shall advise Inspector General (Prison) on requirement of Medical Staff in each prison. He shall coordinate the functioning of Medical Officers In-charge in each prison and render them all assistance.

(iii) duties of resident medical officer-

(a) Submit for the sanction of Inspector General (Prison) for yearly indent for medicines and medical stores.

(b) Keep or cause to be kept a proper account of medicines, instruments and appliances.

(c) Satisfy himself that the Psychotropic medicines are kept separate from other medicines, properly labeled and under lock. The same shall be kept under the supervision of Medical Officer In charges.

(d) Regularly check the account of locally purchased medicines.

(e) Be responsible to ensure that all medicines, instruments, all locally purchased medicines and medical stores charged in the Prison are properly used in the service of the prison.

(f) To meet acute shortage / contingency / disaster, he may prepare a panel of credible private practitioners/ Paramedics preferably retired from Government Services, NGOs etc available in the vicinity of the Prison in consultation with the Inspector General (Prison).

(g) The Resident Medical Officer shall verify the accuracy of the records made by the Medical Officer In-charge of the prison.

(h) He shall inspect the medicines kept in the store once in every six months and satisfy himself that their weights and quantities are entered correctly in the stock register. He shall also ensure that the medicines are used before their date of expiry. He shall also inspect the instruments and equipment to see that they are being maintained properly and sufficient stock is kept in reserve.

(i) All indents by the Medical Officer In-charge shall be scrutinized and countersigned by the Resident Medical Officer.

(j) He shall examine all cases coming for release on medical grounds.

(k) Whenever the mortality of a prison in a month exceeds 1% per annum, he shall

record an explanation of the cause of such excess of mortality in the monthly return. In the event of unusual mortality, he shall make a special report on the subject for transmission to the government through the Inspector General.

(l) The Resident Medical Officer shall specify in a written order the hours of the day when the Medical Officer shall attend to his duties in the prison and the hours of the day when the Medical Officer and any of the members of his staff attend to the duties assigned to them in the Hospital. Provided that at least one medical officer shall be on duty and available.

(m) Submit a report to Inspector General (Prison) half yearly in January and July on Medical and Sanitary administration of the Prison.

178. Maintenance of Journals

(i) The Resident Medical Officer shall keep a Journal in which he shall record every visit he pays to the prisons, time of entering and leaving the prison, the parts of the prison or classes of prisoners visited, the number of sick persons in prison and any other point which he considers should be brought to the notice of the Superintendent. While doing so he shall make specific note of the following:

(a) Any defects in the food, clothing or bedding of prisoners or in the cleanliness, drainage, ventilation, water supply or other arrangements of the prison which the Resident Medical Officer considers likely to be injurious to the health of prisoners, together with suggestions for removing such defects

(b) Any occurrence of importance connected with the hospital administration.

(c) Any marked increase in the number of in or out door patients and its apparent causes.

(ii) After each visit the journal shall be sent immediately to the Superintendent for his perusal. Thereupon the Superintendent may issue any orders he thinks fit.

(iii) The Resident Medical Officer/Medical Officer (In Charge) shall verify the accuracy of the records made by the Medical Officer(s) of the prison.

179. General Duties of Medical Officer In-charge

(i) A Medical Officer In-charge shall be posted to each prison and he shall function under the direction and control of Superintendent Jail. He shall have sanitary and medical administration of the Prison under his charge. However, for medical superintendence, he shall work in consultation with Resident Medical Officer.

(ii) The entire Medical and paramedical staff posted in each Prison shall work under superintendence, direction and control of the respective Medical Officer In-charge.

(iii) Medical Officer In-charge shall accompany and shall carry out or cause to be carried out all instructions given by the Superintendent Jail and Resident Medical Officer in respect to his function.

(iv) Medical Officer In-charge shall accompany the Superintendent, Resident Medical Officer, Deputy Inspector General (Prison) & Inspector General (Prison) whenever

they visit the prison for the purpose of inspection and shall carry out or caused to be carried out all the instructions given by them in respect of his functions.

(v) Medical Officer In-charge shall be assisted by such number of medical staff as may be deemed necessary.

(vi) Medical Officer In-charge shall report to the Superintendent Jail on all such matters which may be injurious to the health of prisoners or staff. Same information should also be sent to Resident Medical Officer.

(vii) Medical Officer In-charge shall maintain all the Hospital records up to date and he shall prepare and submit all monthly and other returns to the Superintendent and Resident Medical Officer at proper times.

(viii) He shall keep or cause to be kept the surgical instruments and appliances in good order and clothing and bedding marked in the prescribed manner.

(ix) All observations of the court regarding health of prisoners shall be complied with at the earliest. An action taken report shall be intimated to the Superintendent for further action. In sensitive matters, he may also inform and consult the Resident Medical Officer and Inspector General (Prison).

(x) He may communicate the name of seriously sick prisoners to the Superintendent along with his medical report at the earliest so that his case may be taken up with the concerned court for necessary action.

(xi) He should see that the food qualities being served to the prisoners is palatable and of reasonable quality and quantity.

180. Channel of Communication

The Medical Officer In-charge shall ordinarily correspond with the Resident Medical Officer in administrative matters under intimation to the Superintendent & Deputy Inspector General (Range).

181. Medical Officer In-charge to visit daily and take measures to secure the health of Prisoners

(i) It shall be the duty of the Medical Officer In-charge to visit the prison at least once a day except on Sundays and on Sunday also whenever necessary. He shall visit every part of the prison and its precincts and premises frequently and after every visit he shall record a note in his journal mentioning the sanitary conditions of the prison.

(ii) The Medical Officer In-charge shall take all such measures as may be necessary for ensuring proper sanitation in the prison and conducive to the health of the prisoner.

(iii) He shall regularly visit all prisoners suffering from serious ailment like AIDS, Tuberculosis, Drug Addiction and Cancer, Depression / Psychiatric cases etc.

182. Medical Officer In-charge to inspect the prison

(i) The Medical Officer In-charge, while visiting the prison, shall satisfy himself that nothing exists therein which is likely to be injurious to the health of the prisoners and ensure that the system of drainage is satisfactory and in good working order that the water supply is pure and un- polluted, and it is not liable to pollution from any source that adequate precautions are being taken against over- crowding in barracks, cells, and other compartments, and that the ventilation and cleanliness of barracks, cells and other compartments, workshops, latrines and the like are duly provided for and attended to. He shall also frequently inspect the cook-houses and test the weight and quality of the rations both before and after cooking. He shall report to the Superintendent any matter which, in his opinion, demands attention provided that in any case in which the Superintendent considers it inexpedient to accept the recommendation, and the Superintendent's objections should be forwarded to the Inspector General and RMO for final orders.

(ii) The Medical Officer In-charge shall see that the food for the sick is properly cooked and distributed.

183. Medical Officer In-charge may add or vary diet in certain cases

(i) The Medical Officer In-charge may, with the approval of the Resident Medical Officer, make any addition to or alteration in the diet for the sick, the convalescents, the aged, prisoners employed on hard labor, which he may deem necessary on medical grounds and record brief reasons there for, in the History Ticket of the prisoners.

(ii) In this regard, appropriate guidelines shall be issued by Inspector General (Prison) in consultation with Resident Medical Officer (HQ).

184. Medical Officer In-charge's duty on the appearance of epidemic

(i) The Medical Officer In-charge shall, in the event of the appearance of epidemic disease of any kind among the prisoners or officers of the prison, be responsible that all measures and precautions which may be necessary or expedient to meet the emergency and prevent the spread of the disease are promptly taken, and that the rules and orders regulating such matters are fully enforced. The Medical Officer In-charge shall keep the Superintendent and Resident Medical Officer apprised of the steps taken by him.

(ii) Immediately upon the appearance of any case of infectious disease or any disease which is likely to assume an epidemic form, the Medical Officer In-charge shall report the fact to the Superintendent and the Resident Medical Officer for the information of the Inspector General, together with any recommendation which he may think to make with a view to prevent the spread of the disease and otherwise deal with it.

185. Action in cases of communicable diseases

The Medical Officer In-charge shall maintain a special record, in the prescribed form, of all cases of communicable diseases, whether sporadic, or epidemic and shall furnish necessary report required by the directions for the time being in force in that behalf. He shall submit such report to the Superintendent and the Resident Medical Officer of the

measures and the precautions taken to meet the emergency and prevent spread of the disease. The Resident Medical Officer shall in turn inform the Inspector General (Prison).

186. Duty of Medical Officer In-charge on death of prisoner

On the death of any prisoner, the Medical Officer In-charge on duty, shall forthwith record in a register the requisite particulars as provided under this chapter.

187. Duty of the Medical Officer In-charge to comply with duties imposed by the Resident Medical Officer

The Medical Officer In-charge shall duly observe and comply with all directions by the Superintendent Jail and Resident Medical Officer as to the duties which he is to perform and the manner in which he is to perform them. He shall furnish such periodical statistical and other information and reports, in respect of sickness and mortality amongst prisoners, the sanitation of the prison and other matters pertaining to his duties as may from time to time be prescribed by the Resident Medical Officer in that behalf.

188. Duties of the Medical Officer In-charge with regard to medicines, medical stores and indents

(i) Submit to the Resident Medical Officer indents of Medicines and Medical Stores required for his prison.

(ii) Keep or cause to be kept a proper account of medicines, instruments and appliances in the prison under his charge.

(iii) Satisfy himself that poisonous substance is kept separate from other medicines, properly labeled and under lock and key.

(iv) From time to time examine the medicines in stores to assure himself that they are in a fit condition for use.

(v) Regularly check the account of locally purchased medicines.

(vi) Be responsible for proper utilization of medicines and medical stores charged under prison account.

(vii) Submit a report to the Resident Medical Officer twice a year in January & July on the medical and sanitary administration of the prison under his charge.

189. Medical Examination of prisoners

The Medical Officer In-charge shall subject every prisoner to medical examination once a quarter and record the state of his health in his History Ticket.

190. Medical Officer And His General Duties

(i) To be available to attend to any prisoner who complains of illness or who appears to be ill, and have him removed to the hospital or the place for medical examination by Medical Officer In-charge, as the case may be,

(ii) To attend to sick prisoners and out-patients visiting the hospital and supervise the

preparation and issue of medicines, food and extra diet. He shall satisfy himself that the Medical Officer In-charge's orders in their regard are properly carried out,

(iii) To make a daily round of the prison cells and report to the Superintendent Jail and Medical Officer In-charge the conditions in the prison which have any bearing on the health of the inmates and every such complaint made to him.

(iv) To ensure that all medicines indented for the hospital/ dispensary are properly arranged, labeled and stored in a safe place.

(v) To take proper care of instruments, appliances, and equipment in his charge.

(vi) To see that sick prisoners are clean and tidy.

(vii) To see that the hospital clothing and bedding are marked in a distinctive manner.

(viii) To see that all articles in use in the hospital are safely stored and kept clean.

(ix) To allow no property in his charge to leave the prison premises.

(x) Not to permit any prisoner attendant to handle instruments or distribute drugs whose misapplication may be dangerous,

(xi) To ensure that the pharmacist attends to the clerical work connected with the hospital, such as the upkeep of registers, the preparation of returns and the punctual submission of indents,

(xii) To satisfy himself that the food for the sick is properly prepared and distributed.

(xiii) To ensure that order, cleanliness and discipline is maintained in and around the hospital.

(xiv) To ensure that the staff nurses and other employed in the hospital perform their duties properly.

(xv) To ensure that any excess or deficiency of attendants is brought to the notice of the Medical Officer In-charge.

(xvi) To visit the prison kitchen every day, inspect the food supplied, both raw and cooked (both in bulk and after distribution) and see that the salt, oil and condiments are added and thoroughly mixed, satisfy himself that the food is of good quality and that the quantity of each article is according to the sanctioned scale. He shall also see that the kitchen and its surroundings are maintained in a sanitary condition, that the drains are flushed and free from refuse, that the water stored in the tanks for cooking and washing utensils is changed frequently, and that the utensils in use are clean and in good condition,

(xvii) To supervise the supply of milk to the hospital, to test the milk in the prescribed manner, to see that it is properly boiled before issue.

(xviii) To keep a watch on prisoners suspected of malingering and to report the result of his observations,

(xix) To be present at various parades and separate for examination and treatment any prisoner who appears to be in need of attention or who is known or suspected of leaving part of his food uneaten.

(xx) To bring to the notice of the Superintendent Jail and Medical Officer In-charge any female whom he may suspect to be pregnant

(xxi) To ensure the bathing of prisoners suffering from skin infections,

(xxii) To examine all newly admitted prisoner and to record in the admission register and medical sheets particulars regarding their health, and the kind of labor and they can perform in view of their health conditions,

(xxiii) To satisfy himself that the person, and private clothing, of newly admitted prisoners are properly cleaned, and that the clothing is, if necessary, disinfected before keeping in the store rooms,

(xxiv) To vaccinate newly admitted prisoner, and (if so directed) infants admitted with their mothers or born in prison,

(xxv) To bring promptly to the notice of the Superintendent Jail and Medical Officer In-charge any case of suspected cholera or other contagious or infectious diseases that may appear amongst the staff or inmates of the prison,

(xxvi) To examine the wells and other sources of water supply, to bring to notice any defects with regard to the quantity or quality of water supplied, to examine every day all tanks and vessels in which water is stored or conveyed, and to prepare samples of water for analysis as and when required,

(xxvii) To inspect the surroundings of the prison at least once a week. He shall pay particular attention to manner in which filth is trenched or otherwise disposed of,

(xxviii) To attend to the ventilation, with due regard to the season, of the hospital, sleeping wards and workshops and to satisfy himself that prisoners are not unnecessarily exposed to draught or rain.

(xxix) The Medical Officer shall be present during the fortnightly weighing of prisoners. He shall record each prisoner's weight in his weight chart and shall parade, as soon afterwards as possible, for inspection by the Medical Officer In-charge all prisoners who are losing weight to any noticeable extent.

(xxx) In cases when the subordinate medical establishment is small for the number of prisoners, or in cases where the medical work is heavy, an officer of the executive staff of the prison may be deputed by the Superintendent of the prison to assist the Medical Officer in carrying out the work of recording the weight of prisoners.

191. Duties as regards to food and its distribution

(i) daily inspect the go-down, kitchen and all vessels for cooking or distributing food and see that they are clean

(ii) daily inspect the food by actually tasting and see that it is of good quality, properly prepared and cooked, and in the prescribed quantity both in the raw and cooked condition; keep samples of anything he considers to be unwholesome for the inspection of the Medical Officer In-charge, see that the milk is properly boiled before issue

192. Duties as regards water supply, sanitation and ventilation

(i) To examine periodically the sources of water supply and to bring to the notice of Medical Officer In-charge any defect in quantity or quality. To examine daily all vessels in which drinking water is stored or conveyed and see that they are kept clean.

(ii) To inspect all the latrines and urinals daily and to see that they are kept clean and are in hygienic condition.

193. Classification of prisoners according to health

The health of every prisoner shall be described as either 'good' 'indifferent' or bad. Prisoners on admission to prison who are in immediate need of medical treatment should be recorded as in 'bad health', unless suffering from trivial and temporary ailment; those who are not fit for hard labor, but who do not need hospital treatment, should recorded as of 'indifferent health.'

Note: If a prisoner is in bad or indifferent health, the Medical Officer should enter the cause of the disability in his history ticket and admission register and also to inform about the facts to Superintendent Jail.

194. Deduction for clothing etc. when weighing prisoners

(i) When being weighed, male prisoner shall wear their trousers only: female shall be fully attired and deduction made for the articles worn. An abstract of the result of weighments shall be prepared by the Medical Officer on the day following that on which the weighments are made

(a) the number who gained weight;

(b) the number whose weight remained stationery;

(c) the number who are from 1.5 kg to 2.5 kg below standard weight;

(d) the number who are more than 2.5 kg below standard weight;

(e) the number who are more than 3.5 kg below standard weight; and

(f) the percentage of those who gained weight and lost weight respectively calculated on the total number weighed.

(ii) The Medical Officer should himself select number of prisoners at each weekly inspection for a 'check- weighment'

(iii) All prisoners who have lost weight shall be separately produced for the inspection before the Medical Officer who shall take necessary follow-up action.

195. Report on the death of any prisoner

On the death of any prisoner, the Medical Officer on duty shall forthwith report the matter to the Medical Officer In-charge and the Superintendent.

196. Mode of recording directions and recommendations of the Medical Officer

Any directions (other than directions which are to be carried out by the medical officer or under his personal superintendence) which the Medical Officer may think fit in respect of treatment of any prisoner shall be entered in the history ticket/ OPD ticket of the prisoner concerned.

197. Record by Medical Officer on admission and discharge of prisoners

In addition to complying with the provisions of Chapter of the custodial management, in regard to the admission, removal and discharge of prisoners, the Medical Officer shall record or cause to be recorded, under his superintendence-

(i) at the time of the admission of every prisoner to the prison in the admission register and history ticket of such prisoners: -

(a) the state of the prisoner's health;
(b) the prisoner's age and weight;
(c) drug abuser, suffering from serious ailments like TB, HIV/AIDS, Cancer, etc.
(d) if sentenced to labor, the class of labor (if any) for which the prisoner is, in the opinion of the Medical Officer, fit; and
(e) any other observations which the inspection of the prisoner may disclose and which should, in the opinion of the Medical Officer, be made:

(ii) the records of the above shall be maintained in a separate register to facilitate consultation for history of any illness of the prisoner in future;

(a) He shall satisfy himself that the private clothing of a newly admitted prisoner is cleaned, and, if necessary disinfected
(b) If the Medical Officer has reason to believe that any female prisoner is pregnant, he shall report the same to the Superintendent
(c) When a prisoner with injury on his body is admitted in to a prison from police custody, his medical examination shall be conducted in the manner prescribed.
(d) When the Medical Officer finds extra injuries not mentioned in Medico Legal Certificate of the prisoner or any discrepancy in Medico Legal Certificate, he shall refer back the prisoner for re-Medico Legal Certificate at nearest Govt. Hospital before admitting him to prison.

198. Duty with regard to sick prisoners and malingerers

(i) The Medical Officer shall daily visit the sick prisoners in the hospital, and shall examine every prisoner who may complain of any illness, and may, if necessary, direct the admission of any such prisoner to hospital with the approval of the Medical Officer In-charge.

(ii) If at any time the Medical Officer is of the opinion that any prisoner is malingering, he shall forthwith report the fact to the Medical Officer In-charge & the Superintendent.

(iii) The Superintendent in consultation with Medical Officer In- charge on record may

allow a family member of a prisoner as attendant when the prisoner is admitted in outside hospital.

199. Medical Officer to report in certain cases

In case, the Medical Officer has reason to believe that the mind of a prisoner is or is likely to be injuriously affected by the discipline or treatment to which he is subjected, he shall report the case in writing to the Medical Officer In-charge together with such observations as he may think proper. The report, with the recommendation of the Medical Officer In-charge, shall forthwith be sent to the Superintendent for information and taking appropriate decision.

200. Medical Attendance to Prisoners and Prison Staff

The Medical Officer shall render proper medical attendance to all the prisoners and to the prison personnel requiring medical emergency services.

201. Examination and report on drunken behavior

Any official found drunk on duty in the prison shall forthwith be produced by the duty officer before the Medical Officer on duty who shall examine him without delay and to report to the Prison Superintendent. Such official shall be proceeded against departmentally.

202. Keys of the Hospital Ward to be kept with Medical Officer

The keys of the Hospital ward during lockup time shall be available with the Medical Officer on duty so that he can attend to any emergency without delay.

203. Maintenance of Registers

The Medical Registers and Forms shall be kept under the orders of the Medical Officers, who is responsible for their correctness. At the Inspector General's Inspection, the Medical Officer shall produce before him, every register and record, connected with the Medical Department of the Prison.

204. Clinics and Labs for Prison Department

The following equipment should be made available to Prison Hospital: -

(i) Dental Clinic with all equipment.

(ii) Ophthalmology Clinic with all equipment

(iii) Minor operations theatre with all surgical equipment

(iv) Clinical Laboratory with required equipment

(v) X-Ray lab with dark room and equipment

(vi) Physiotherapy unit with equipment

(vii) Detoxification unit

(viii) Psychiatric unit with equipment

205. Appointment of Medical and Paramedical Staff

In prisons, all medical and paramedical staff shall be appointed by the Uttarakhand Prison Administration and Correctional Service Department.

206. Terms of Appointment

The Medical and paramedical staff shall be appointed by the Health & Family Welfare Department and their postings and transfers shall be made by Secretary/ Health & Family Welfare Department/Director General, Health & Family Welfare Department. In emergency, and immediate arrangement shall be done by the CMO/PMS/CMS of the concerned district. However, the internal postings and transfers of medical & paramedical staff shall be made by the orders of Inspector General of Prisons.

207. Conditions of Service

The entire Medical and paramedical staff posted in individual Prison shall not leave their duty without the permission of the Medical Officer in- charge. The Medical Officer In- charge shall not leave his duty station without the permission of the Resident Medical Officer.

208. Uniform

The medical staff posted to the prison hospitals shall wear the uniform prescribed by Health & Family Welfare Department.

209. Leave

The medical staff posted in prison hospitals shall be governed by the leave rules of the Health & Family Welfare Department.

210. Maintenance of Report Book

(i) Every Medical Officer shall report all important matters in writing in the report book maintained by the Senior Medical Officer.

(ii) The Medical Officer In-charge shall sign his report book every day and take appropriate necessary action in that regard.

211. Hours of Duty

(i) In prisons where there are more than 01 medical Officer

(a) The hours of duty during the day shall be equally distributed between them by the Medical Officer In-charge, ensuring that one of them is always present in the prison.

(b) One of the Medical Officers shall be on night duty on rotation basis to attend to the prisoners in the event of an emergency.

(ii) In prisons, where there is only 01 Medical Officer, he shall remain inside the prison throughout the day, except when permitted to absent him for meals or other valid reason. He shall visit the hospital occasionally at nights and may, under the orders of the Resident Medical Officer, be required to remain on duty there if there are any cases under treatment which are likely to render his presence necessary.

212. Custody of Locks and Keys

(i) Medical Officer posted in responsible capacity at medical wards at night shall be

responsible for the safe custody of the Lock and keys of the hospital and of any other place in which inmates are confined for medical treatment. But he shall not unlock any door except in the presence of the Deputy Jailor. Only in a case where unlocking of the Hospital ward is urgently required, he shall unlock doors in the presence of the patrolling officer on duty.

(ii) Medical Officer posted in responsible capacity in medical wards at night entrusted with the lock and keys shall be held responsible for making sure that they are kept in his personal possession and are not improperly used. He shall report at the earliest opportunity to the Jailor and Medical Officer in charge every instance of unlocking the door of any compartment occupied by the prisoners during his term of duty at night.

213. Examination of Prisoners complaining of illness

(i) Every prisoner complaining of illness or appearing to be ill, shall be sent to the prison Hospital for immediate examination and further treatment by Medical Officer or in his absence by the medical subordinate. In the night after lock-up, in case of medical call, the doctor shall visit and examine the prisoner in the ward or at prisoner's lodging place i.e. barrack or cell and shall shift the prisoner only in case of emergency in the presence of Medical Officer or in his absence, the medical subordinate. The facility of consulting medical officer over the telephone may also be encouraged where relevant.

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

Note: - Further, the Government shall make available suitable Infrastructure & also make arrangement for treating the prisoners/ patient requiring specialized treatment in other Government Hospitals at the earliest. Hospital may be identified for said purpose and suitable arrangements be made keeping the security aspect in mind.

214. Diet of a Prisoner /Control of Hospital Diet

The diet of prisoners in Hospital shall be entirely under the control of the Medical Officer In-charge who may either keep the prisoner on the ordinary prison diet, or

may place him on one of the regular Hospital diets, or may order any modifications of the prison or hospital diet, or may prescribe extra diet he may think necessary, according to the scaled of diet prescribed, if any, under the rules. The same shall be reviewed by the RMO on weekly basis.

215. Preparation of Hospital Diets

Hospital diet requiring special preparation shall be cooked in the hospital kitchen wherever available and separately in Prison Langar where no hospital kitchen is available. The Medical Officer In-charge shall examine the diet frequently and satisfy himself by weighing that the full quantities of the prescribed articles are present and are well cooked.

216. Precaution regarding milk

Special care shall be taken with articles such as milk can easily be adulterated or stolen. Fresh milk shall be used, wherever; it can be obtained, in preference to tinned milk. Milk shall be frequently tested to ensure that it is pure. If the specific gravity of the milk supplied is below 1,025 the milk should not be accepted.

217. Medical Diet for Prisoners not in Hospital

In addition to the regular diet, Medical Officer can also recommend medical diet for any prisoner in the invalid group after recording reasons for recommending that in his register. Such recommendations shall not be made as a matter of routine. The medical officer deputed on behalf of Medical Officer In-charge can recommend the issue of medical diet to the prisoner on the absence of Medical Officer in charge, but he shall report this to him and obtain his approval. Issue of medical diet shall always be in lieu of the regular diet to which a prisoner is otherwise eligible. If it is continued for more than a fortnight, it shall be reported to the Inspector General & Resident Medical Officer by Superintendent through Deputy Inspector General (Range). The Medical Officer In-charge owns the responsibility to economize the expenditure on this account and shall exercise utmost care in recommending medical diet to the prisoners.

A detailed report regarding medical diet being provided to prisoners shall be sent to Resident Medical Officer & Deputy Inspector General (Range) on monthly basis.

218. Indents for Hospital Diet

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

219. Detention of a Prisoner for Observation

(i) A prisoner may be kept under observation in the Hospital for maximum period of

06 hours only, thereafter prior approval of the Jail Superintendent / Resident Medical officer is required for further extension beyond 06 hours. If Medical officer In- charge finds a prisoner to be malingering, he shall at once report the fact to the Superintendent for punishment.

(ii) Prisoners who require mental health care should be attended to by an authorized medical attendant.

220. Medical Treatment of Sick Prisoners

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

(ii) If the prisoner refuses the prescribed treatment the same may be provided to him with the consent of the family. The Superintendent of the Prison being custodian may give consent for the treatment in the emergent and life-threatening conditions, as per recommendation of Resident Medical Officer.

221. Maintenance of Case Book

(i) The number of sick in hospital shall be daily recorded in the Hospital Roll of Sick in a prescribed form. Their treatment and diet shall be recorded in the Case Sheet in a prescribed form.

(ii) In addition to these records, there shall be maintained in every hospital a case book in a prescribed form in which the history of every case admitted into hospital shall be recorded.

(iii) The case book is intended to be a contemporaneous record or diary of each prisoner's symptoms, treatment and diet. All entries in it shall, therefore, be immediate and direct. The practice of keeping notes, to be afterwards copied into the case-book, is prohibited.

(iv) The entries in the case book shall usually be made by the Medical Subordinate, as symptoms appear or treatment is applied. The medical officer shall add notes of his own observations and orders as and when he examines the patient. The Medical Officer shall see the case book every day and initial the entries regarding each case as token of having seen them.

(v) As a general rule the entries in the case book shall be made every day but in chronic cases where there is little or no change from one day to another, the Medical Officer may record in his own hand in the case book, however, daily entries are not necessary.

222. Bathing of Patients

Prisoners who are not too ill shall be required to bathe daily, or as the Medical Officer may direct.

223. Proper Place of Washing

A proper place for washing and boiling dirty clothes and sheet shall be provided separately and disinfected. Blankets and work clothing too shall be frequently washed in boiling water.

224. Cleanliness of the Hospital

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

225. Disinfections of Wards

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

Explanation:- Disinfections shall be carried out under the personal direction of one of Medical Officers to be nominated by the Medical Officer In- charge.

226. Allotment of Labor on Medical Opinion

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

227. Medical Aid to Prison Officers

The Medical Officer shall, under the direction of the Resident Medical Officer, accord medical aid to all members of the prison establishment and others living on the prison premises.

228. To assist a Medical Officer

Medical subordinate shall render assistance to Medical Officer In- charge by reporting to him all matters affecting health, such as

(i) Overcrowding

(ii) Unsuitable, Worn Out or Dirty Clothing

(iii) Neglect of personal Cleanliness

(iv) Undue Exposure to weather

(v) Unpunctuality of meals

(vi) Neglect to air dry or clean clothes and bedding

(vii) Unsuitable Tasks

229. Appointment and Duties of Chief Pharmacist, Pharmacist & Staff nurses.

The Chief Pharmacist, Pharmacist, Staff nurses and other paramedics should be appointed by the Uttarakhand Prison Administration and Correctional Service

Department.

(i) Duties of the Chief Pharmacist

(a) The Chief Pharmacist shall be the officer-in-charge for every pharmacist working under him in the Jail Hospitals. He shall report the irregularities (if any) to the Medical Officer without delay.

(b) The Chief Pharmacist shall be responsible for the work and duties performed by his subordinate pharmacist/s.

(c) He shall also inspect the storage of medicines, instruments and equipment of all kinds in the hospital and shall, from time to time, keep a surveillance on the work done by the pharmacists.

(d) In the absence of a pharmacist, the Chief Pharmacist shall make sure to discharge all the duties of a pharmacist.

(e) He shall help the concerned officer in indenting the medicines.

(f) In addition to these, he shall also dispose of the work given to him by his regulatory officer.

(g) The Chief Pharmacist shall be liable for keeping the due custody of medicines and other things in the storage, that are covered under the Drug Act. He shall also be liable to ensure their proper usage in due time.

(h) He shall ensure that the medicines (instruments and all equipment) are stored properly in order to maintain the quality of the same.

(i) The Chief Pharmacist shall physically verify, at least, once in a month, to ensure that the narcotics and the scheduled medicines have not changed color or have not lost any potency.

(j) After consulting the Medical Officer, the Chief Pharmacist shall ensure timely usage of the medicines that are going to expire soon in the store, either by returning them to the firm or by sending them to other jail hospitals, if demanded.

(k) The Chief Pharmacist shall also keep a record of the medicine/s that had a side effect on the patient and shall submit a report of the same to the Medical Officer.

(l) The Chief Pharmacist shall not be absent without informing the Medical Officer/Superintendent. In his absence, the senior most pharmacist shall dispose of his duties.

(m) The Chief Pharmacist shall guide the pharmacist/s as required.

(n) He shall also ensure that there is no error in the sterilization work carried on by the pharmacist/s.

(o) He shall also ensure the compliance of related circulars/ orders/government orders that come from time to time.

(p) The Chief Pharmacist, on the orders of Inspector General Prisons, shall also travel to different districts in order to supervise the work of pharmacist/s (if required).

(q) If there is a Medical Officer appointed in the Jail then the duties of the Chief Pharmacist shall change.

(r) He shall visit only to the sub storage meant for distributing the medicines to emergency, O.P.D and indoor wards and ensure that the medicines that have been used for emergency room are replaced on daily basis. The Chief Pharmacist shall not

visit the indoor wards.

(s) The Chief Pharmacist shall be in charge for ensuring that pharmacists and the Class-4 employees associated with their workplace are present and on time.

(t) The Chief Pharmacist shall be responsible towards the Medical Officer regarding ensuring the proper working of their subordinate pharmacist/s.

(u) The Chief Pharmacist shall forward the ACR of the pharmacist, para medical staff and the class-4 employees of the hospital to the Sr. Superintendent/ Superintendent.

(v) The Chief Pharmacist/Pharmacist shall be in-charge of the Jail hospital in case the medical officer is absent or is working as part- time/on contractual basis.

(w) The Chief Pharmacist shall ensure to measure the Blood Pressure and Sugar of every inmate once a week and in case of emergency, shall report it immediately to the Superintendent/ Medical Officer.

(x) Any other work as directed by the IG Prison.

(ii) Pharmacists –

Pharmacist shall work under the orders of the Medical Officer and Chief Pharmacist in matters connected with the medical work of the jail, and of the Superintendent and the Jailor in other matters. He shall help the medical officer in distributing medicines, taking temperatures and weighing prisoners.

Others Duties and Responsibilities of Pharmacist: - Other Duties and Responsibilities of Pharmacist are as below: -

(a) Pharmacists deputed at Prisons shall help the Medical Officer in disposal of following duties:

(i) Diagnosis and Treatment of sick prisoner.

(ii) Medico legal diagnosis and treatment of sick prisoners whenever necessary.

(iii) Any task designated to them for the welfare of emergency cases.

(iv) Stomach cleansing in cases of poisoning.

(v) Apart from that, dispensing of medicines as well as the dressing etc. as per the directions of the Medical Officer.

(vi) Dressing of wounds.

(vii) Sterilization of syringes, instruments, dressing, other tools and equipment.

(viii) Applying injections whenever necessary as well as maintenance of emergency facilities in the injection room.

(ix) They shall provide medicines for the welfare of the sick prisoner, shall dress their wounds, note the temperature and shall implement the directions of medical officer mentioned in bed head ticket.

(x) Pharmacist shall examine the blood pressure, sugar of every prisoner once a week and shall immediately report to Jail Superintendent/ Assistant Medical Officer/ Chief Pharmacist, if needed.

(b) In stores:

(i) Proper maintenance and storing of all the medicines, injections and instruments.

(ii) Storage of poisonous drugs in a separate locker.

(iii) Proper maintenance of stock books, various records related to medicines, dead stock and food items.

(iv) Helping the medical officer/chief pharmacist in preparing indents/ orders as well as in verification of medicines and other items, and in reporting the shortage or excess of various medicines.

(v) Maintenance of expiry date register for medicines and to keep the medical officer updated regarding the medicines getting expired within next 6 months, so that they can be put to the best use.

(vi) Pharmacist, along with the medical officer/chief Pharmacist shall be jointly responsible for ensuring the availability of life saving drugs as well as poison antidotes in the stores all the times

(vii) Pharmacist shall help the Chief Pharmacist/ Medical Officer in the verification of stores under all circumstances and shall follow all directions given by them.

(viii) Pharmacist shall put the stamp of Uttarakhand Government in non- viable ink as well as write the name of Jail Hospital over all the vials, phials, injections etc.

(ix) Maintenance of monthly abstract register, diet register, vouchers or any other registers for Indoor/outdoor patients.

(c) As far as primary treatment is concerned, Pharmacist shall attend to the emergency cases in the absence of Medical Officer.

(i) Pharmacist shall assist the Medical Officer in all medico legal cases.

(ii) Pharmacist shall be the in-charge of jail hospital in the absence of medical officer/chief pharmacist, if directed to do so by the higher authorities.

(iii) Pharmacist shall help in all day-to-day activities of the hospital, if needed.

(iv) He shall contribute in departmental as well as national programs if directed by the administration.

(v) He shall assist in any other task assigned by Senior Superintendent/ Superintendent/ Medical Officer in-charge/ Chief Pharmacist

(vi) Any other task as per the orders of I.G. Prisons.

NOTE- If there are more than one pharmacist at jail, Medical Superintendent and Medical Officer shall ensure that there is always one pharmacist present in the jail round the clock.

(iii) The Staff Nurses and the pharmacists shall obey the lawful orders of the Medical Officer and Chief Pharmacist in all matters connected with the medical work of the prison and of the Superintendent & Senior Officers in consultation with Resident Medical Officer in other matters.

(iv) Their duties shall be to help the Medical Officer in the maintenance of the health of the staff and prisoners by compounding and distributing medicines, vaccinating and weighing prisoners, performing clerical work, maintaining order and discipline in the hospital and by carrying out such other duties as may be allocated to them by the Medical Officer In-charge.

230. Medical Officer In-charge to supervise treatment of Out-patients

(i) The Medical Officer In-charge shall daily inspect the out- patient register, and shall order the admission of a patient to prison hospital, if in his opinion the patient's medical condition necessitates such hospitalization. The Medical Officer shall examine all out – patients at least once a week.

(ii) Prisoner suffering from minor ailments shall be treated as out- patients. The Medical Officer In-charge shall be responsible that all other Patients are admitted to the prison hospital.

231. Medical Officer to treat Out- Patients

Subject to foregoing provisions, the examination and treatment of out- patient may be conducted by Medical Officer In-charge or any other officer deputed on his behalf.

232. Treatment of sick prisoners in the Hospital

Treatment of sick prisoners in the prison hospital shall be under over all supervision of Medical Officer In-charge. If, in his absence, medical officer takes any action for treatment of prisoners he shall record the action taken in office record book meant for the purpose. He shall inform the same to the Medical Officer In-charge on his return.

233. Medical Officer's Daily Visit

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

234. Supply of Hospital Clothing and Bedding

(i) Every prisoner shall be supplied with hospital clothing and bedding on admission to hospital. His prisoner clothing and bedding shall be taken from him. These shall be returned to him on his discharge from Hospital. Care shall be taken that clothing and bedding are changed regularly to maintain cleanliness, and that in cases of infectious disease all clothing and bedding are thoroughly disinfected.

(ii) Every patient in hospital shall be provided with a proper mattress, a pillow and white sheets.

(iii) If any epileptic is placed in a cell, he shall be provided with a mat of a thicker pattern and shall sleep on the floor. He shall not be made to sleep on a raised masonry berth.

235. Segregation of infectious cases

Every case, or suspected case, of infectious diseases shall immediately be segregated and the strictest isolation shall be maintained until the Medical Officer In-charge considers it safe to discontinue the precautions. The Medical Officer shall give written instructions as to the cleaning, disinfecting or destroying of any infected clothing or bedding, and shall satisfy self that the same are carried out.

236. Segregation of Prisoners in the Prison Hospital

(i) Prisoners suffering from venereal diseases shall be segregated.

(ii) Cases of dysentery and diarrhea shall be treated in a separate ward, if possible. Loose stool of such patients shall bed is infected and destroyed by fire. All wards, beds, bedding, clothes and latrine vessels used by them shall be thoroughly disinfected.

(iii) All cases of pulmonary tuberculosis shall be segregated in special wards. All necessary precautions shall be taken to guard against the spread of infection to other prisoners.

(iv) All cases with abnormally enlarged spleen shall have boundaries marked on the skin and shall be provided with some distinctive clothing. Care shall be taken that the spleen is not hurt.

(v) Minor infectious diseases such as scabies, mumps, measles etc, must on no account be neglected. Segregation for the full period must be enforced. Cases of scabies need not, as a rule be admitted into hospital but segregated from other prisoners.

(vi) Prisoners showing signs of lunacy shall not, if they are dangerous, noisy or filthy be kept in the hospital but shall be kept in a separate cell.

(vii) In some cases, it may be considered for prisoners in hospitals to be given some employment. Light work shall, therefore be provided to them.

(viii) In case where the patient prisoner is not manageable within the jail hospital, he shall be referred to designated first referral outside hospital for further management. In case where the patient is serious or unconscious the Medical Officer on duty shall accompany the patient prisoner to that hospital.

(ix) Wherever necessary, cases of inmate shall be referred to specialist government medical institution with the prior sanction of the competent authority.

237. Treatment of Malingerers

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

238. Treatment of Prisoners discharged from Hospital

Every prisoner on discharge from Hospital shall either be put to labor or placed in the Invalid Group as the Medical Officer In- charge may direct.

239. Composition of the Invalid Group

The invalid group shall consist of: -

(i) Those who are permanently incapacitated from performing hard or medium labor because of age or body infirmity. They shall be the permanent members of the group.

(ii) Those who have been discharged from Hospital as convalescents, but are temporarily unfit to perform hard or medium labour.

(iii) Prisoners who are generally out of health even if not falling under the above two

categories. This category shall include prisoners passed as fit for light labor only, prisoners exhibiting scorbutic or malaric scorbutic gums, prisoners found to be steadily falling in weight and prisoners who are anemic.

240. Treatment of the Invalid Group

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

241. Procedure on death of a prisoner

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

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

(iii) The provisions of procedure on death of prisoner shall, with necessary changes, apply to the case of a death of an officer of the prison while employed on duty.

(iv) The record required by Section 15 of the Act shall be made by the Resident Medical Officer in the case book.

242. Report on death of a prisoner –

(i) On the death of a prisoner, the Medical Officer in charge shall forthwith record in a register the following particulars, so far as they can be ascertained, namely: -

(a) The day on which the deceased first complained of illness or injury or he was observed to be ill or injured;

(b) The labour, if any, on which he was engaged on that day;

(c) The scale of his diet on that day;

(d) The day on which he was admitted to hospital;

(e) The day on which the Medical Officer was first informed of the illness or injury;

(f) The nature of the decease and/or injury;

(g) When the deceased was last seen before his death by the Medical Officer or medical subordinate;

(h) Time and date of death of the prisoner;

(i) An account of the appearances after death, together with any special remarks that appear to the Medical Officer to be required; and

(j) Probable cause of death etc.

(ii) The report of death shall forthwith be sent to the Superintendent and the Inspector General by the Medical Officer.

(iii) Intimation of all deaths, including the deaths of children who reside with female prisoners, occurring from whatever cause in the prison, shall be sent by Superintendent to: -

(a) The Secretary, Home Department of the Government of Uttarakhand;

(b) The Registrar General, High Court of Uttarakhand (if appeal is pending before High Court of Uttarakhand);

(c) The concerned Court;

(d) Chief Judicial Magistrate/Additional Chief Judicial Magistrate of the concerned Court Complex;

(e) The District Magistrate and Superintendent of Police of the concerned district;

(f) The Station House Officer of the concerned Police Station;

(g) The Station House Officer, Police Station of the residential address of the deceased;

(h) The Station House Officer concerned.

(iv) The information shall also be given to the following, namely: -

(a) The Registrar General, National Human Rights Commissions.

(b) The Principal Secretary, Home/Jail, Uttarakhand.

(c) The Inspector General of Prisons, Prisons Headquarters, Uttarakhand; and

(v) The Superintendent shall immediately report the matter to the local police and Chief Judicial Magistrate/Additional Chief Judicial Magistrate of the concerned Court Complex, within whose local jurisdiction the death has occurred, for conducting inquiry as per the relevant provisions of the Code.

243. Registration of Birth or Death in Prison

The Jailor of Prisons shall intimate each and every case of birth as well as death occurring in a prison in writing to the Registrar of the locality appointed for the purpose under the Registration of Births and Deaths Act, 1969(Central Act No. 18 of 1969).

244. Death in Custody

(i) Deaths of all prisoners whose finger prints have been taken and if known in prisons, shall be intimated immediately to the finger print bureau.

(ii) When a military prisoner dies in prison, immediate report thereof shall be given to the Commanding Officer who sent him to the Prison.

(iii) When a foreign prisoner dies in prison immediate report shall be sent to Inspector General (Prison) for further communication to the Government. The Government shall inform the embassy or the appropriate authority about the death.

(iv) When a woman prisoner dies in prison and leave a child behind, notice shall at

once be sent to the Government who shall make arrangements for further care of the child as may be deemed fit.

(v) When a convicted prisoner dies in prison his warrant shall be returned to the court from which it was issued with an endorsement certifying the cause and date of death. When a remand or an under-trial prisoner dies in prison, the court or courts in which the case or cases are pending, against the deceased shall immediately be informed of the fact of death in writing.

245. Report by Superintendent

(i) If the death of a prisoner has occurred, the Superintendent shall make a detailed investigation of the circumstances connected with the case with a view to determine any laxity or negligence on the part of any official in discharge of his duty, or any shortcoming or lacuna in functioning of prison administration which resulted into such death. This report shall be forwarded, immediately to the Inspector General, without awaiting findings of Magisterial inquest, who shall take action were deemed proper against the delinquent official(s) or to remove lacuna or shortcoming, as the case may be.

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

246. Post-mortems

The post-mortems shall be conducted in the Government Hospital having such facilities, as per directions of the Inquest Magistrate.

247. Report on Death of Prisoners

(i) A full report on the circumstances of the death of a prisoner shall be sent by the Superintendent without any delay to the Inspector General of Prisons for submission to the government. Reports made by the police and magistrate, the nominal roll, copies of judgments, the reports required by Section 15 Act, and the deposition of witnesses with this report, shall be submitted. The post-mortem examination shall be video-graphed as per the guidelines of the National Human Rights Commission.

(ii) **Action on the Magisterial inquest –**

In case the magisterial inquest discloses that the death was due to un-natural causes or foul play or under suspicious circumstances, the Superintendent shall, forthwith, send a copy of the inquest report to the Police of the area for registering an appropriate case against delinquent person(s).

(iii) **Action on disagreement with the Magisterial findings–**

In case the prison administration differs with the findings of the magisterial inquest, the Inspector General shall make a report to the Government giving detailed reasons for differing with the finding of the magisterial inquest. The

Government shall decide the action to be taken thereon.

(iv) **Death caused by disease –**

If the probable cause of death of a prisoner is because of some disease which is likely to take an epidemic shape, immediate action shall be taken by the Superintendent, in consultation with the Medical Officer in charge, so that every preventive step is taken to stop spreading of such disease.

(v) **Report to National Human Rights Commission –**

The record of each death should be properly maintained by the Superintendent and Prisons Headquarters. The intimation regarding the death in prescribed proforma should be sent to the National Human Rights Commission and the Government within twenty-four hours of the death.

(vi) The relatives of dead prisoner, if poor, may be paid a reasonable amount, the maximum limit of which shall be decided by Inspector General (Prisons) from time to time, for transporting the dead body of the prisoner to their native place or for performing last rites.

248. Recording of Death

Entries relating to Death of a prisoner shall be made in the concerned registers, in the History ticket in detail and in the Hospital records. All records relating to the death of a prisoner shall be preserved for at least 2 years.

249. Disposal of the Dead bodies of Prisoners

The body of any prisoner, including that of a child residing with a female prisoner, who dies in a prison or in a civil hospital or asylum, shall be disposed of in the following manners.

(i) The body may be handed over to the relatives only after a post- mortem in the Hospital, if available. For this purpose, it may be kept in the hospital mortuary

(ii) If there is no chance of relatives or friends reaching within reasonable time as decided by Inspector General (Prisons) however not more than 48 hours, the prison authorities shall dispose of the body in accordance with the Hospital rules.

(iii) The delivery of a body to relative or friends shall be subject to the conditions that there shall be no public demonstration of any nature in regard to its removal.

(iv) The Superintendent of the Prisons in every case shall conduct an identification test to ensure that the dead body is the body of the particular prisoner and satisfy that the mark of identification mentioned in the prisoner register tally with those on the dead body and furnish a certificate to that effect in the register.

250. Indent for Clothing and Bedding

The quantities of clothing and bedding required for Hospital use shall be reported in fixed time by the Medical Officer In- charge to the Superintendent who shall include them in the general indent as the case may be of prison clothing submitted for

sanction by Inspector General.

251. Indent for other Articles & Medicines

(i) Procurement of medicines, consumable & equipment shall be done as laid down by the Health & family welfare department.

(ii) The disposal of other medical articles like clinical waste, medicines whose validity has expired etc., shall be dealt in accordance with norms laid down by the Health & family welfare department.

252. Stock Verification by Medical Officers In-charge

The Stock verification of medical instruments shall be carried out by the Medical Officer In-charge in accordance with the procedure laid down by the health & family welfare department.

253. Appointment of Attendants and Training of Nursing Orderlies

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

254. Appointment of Prisoners to Perform Tasks at the Hospital

The Superintendent in consultation with Medical Officer In-charge shall detail sufficient number of convicts to perform unskilled tasks at the Hospital. Such convicts shall be under orders of Medical Officer in charge. Only prisoners serving long sentences and who are of good conduct shall be sent for such duties.

255. Case Sheet

A case sheet and temperature chart shall be prepared as per norms laid down by the Health & family welfare department.

256. Vaccinations of Prisoners on Admission

Every prisoner admitted to prison shall be vaccinated on admission, or as soon as possible afterwards as per the norms laid down by the Health & family welfare department.

257. Vaccination Register

A vaccination register shall be maintained and the particulars of those vaccinated shall be entered in it as per the norms laid down by the Health & family welfare department.

258. Providing Medical Aid to the Staff

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

259. Fortnightly Weighing

(i) Care should be taken that the fortnightly weighing of prisoners is done at approximately the same time of day to avoid as far as possible, the variations that naturally take place throughout the day.

Explanation: The body weight varies to a certain extent from time to time under normal conditions. Therefore, small differences of weight up to 1 kg would not necessarily indicate that the weights were taken carelessly.

(ii) Since no labor is done on Sundays, Sundays shall be most suitable for taking weights. When the number of laboring prisoners is large, they can be divided into two groups, with each group being weighed on alternate Sundays. Assistance of a member of the executive staff detailed by the Superintendent may be taken for the purpose.

260. Record of Weight

(i) The initial weight on admission to prison and the final weight before release shall be recorded in the Convict Register and these, as well as all the intermediate fortnightly weights, shall be recorded in the Prisoner's Medical history sheet and weight chart.

(ii) Before recording the prisoner's weight, it shall be ascertained that the weighing machines are accurate.

261. Treatment of Prisoners Losing Weight

(i) Special care shall be taken in case of prisoners with a poor physique like low Body Mass Index (BMI) on admission for whom even small loss of weight may be of serious concern.

(ii) The Medical Officer In-charge shall as soon as possible after the fortnightly weighing, check the weights of a dozen or more prisoners picked randomly to satisfy himself of their accuracy and shall record in his journal any remark he may consider necessary.

262. Medical Record Department (MRD)

There shall be a dedicated Medical Record Department created in each prison which should be placed under immediate charge of Medical Record Officer. Medical Record Officer shall be under direct superintendence, direction and control of the Resident Medical Officer. He shall be responsible for safe custody and maintenance of the Records. The Medical Record Officer shall also assist and advise the Resident Medical Officer on all other matters related to the Medical Record Department

263. Disposal of Bio Medical Waste (BMW)

The hospital Bio Medical Waste shall be disposed of accordance with the standing rules/regulations of the Pollution Control Committee/State Pollution Control Board/Central Pollution Control Board.

CHAPTER- IX

CONTACT WITH OUTSIDE WORLD

264. Reasonable facilities to be allowed for interviews and letters

(i) Every prisoner shall be allowed reasonable facilities for seeing or communicating with, his family members, relatives, friends and legal advisers for the preparation of an appeal or for procuring bail or for arranging the management of his property and family affairs. He shall be allowed to have interviews with his family members, relatives, friends twice a week and an additional interview with legal advisors once a week. A prisoner may be allowed to work any number of letters at his cost, however government shall provide two post cards in a month, if he so desires.

(ii) The same facilities shall be allowed to every prisoner committed to the prison in default of payment of a fine, for furnishing security under Chapter VIII of the Code, to enable him to arrange for payment of the fine or furnishing security.

(iii) The conversation at the interviews shall be limited to private and domestic matters and there shall be no reference to prison administration and discipline and to other prisoners or politics. The number of persons who may interview a prisoner at one time shall ordinarily be limited to three. The Superintendent may restrict any visitor to conduct interview with any prisoner with justified reasons.

265. Privileges Contingent on Good Conduct

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

(ii) These privileges of interviews with visitors, and of writing letters, are contingent to good conduct. These privileges may be suspended or withdrawn by the Superintendent of prison on grounds of bad conduct.

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

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

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

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

266. Superintendent's Discretion to Grant Privileges at Shorter Intervals

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

267. Prisoners Allowed to Sign Power of Attorney

Every convicted prisoner may at the discretion of the Superintendent be permitted to sign and attest a power of attorney or other statements/ conveyances concerning his properties. If aggrieved by the decision of the jail Superintendent, the convict may prefer an appeal to the I.G. (Prisons) or the jail visiting judge.

268. Interviews with Prisoners in the Same Prison or in Hospitals outside the Prison

(i) Subject to the provisions of the above rules, the Superintendent shall also permit interviews between men and women prisoner who are related to each other by marriage or blood, when they happen to be confined in the same prison, or when one is in the Central Prison and the other in the Prison for Women at least once in a week. If a prisoner is to be sent out of the prison for the purpose of such interviews, he shall be sent under adequate escort.

(ii) The Superintendent shall permit a prisoner, other than a condemned prisoner, to see a prisoner in a hospital outside the prison subject to the following conditions:

(a) The prisoner in the hospital is a blood relative or spouse and is seriously ill.

(b) The hospital is situated in the same city

(c) The prisoner is sent under adequate escort as the Superintendent decides

(d) The prisoner shall return to the prison immediately after seeing the prisoner in the hospital:

Provided that nothing contained in this rule shall apply to persons detained under preventive detention laws or prisoners who habitually commit offences punishable under section 224, 376, 396 to 400, 402, 467, 471, 472, 474, 489, 489-A, 489-B and 489-D of Indian Penal Code, 1860 and who are convicted under the above- mentioned sections of the Indian Penal Code, 1860.

269. Superintendent's Permission for Interviews Required

(i) No prisoner shall be allowed to have an interview without the permission of the Superintendent of Prison.

(ii) Applications for interviews with prisoners may be either oral or in writing or through electronic medium. If the prisoner is not entitled to have an interview, the applicant shall be informed at once.

270. Facilities for Visitors

(i) Suitable waiting rooms may be provided in every prison to enable visitors to await their turn for interview. They may be given a token to await their turn. The jail Superintendent shall furnish a list of prisoners, who have had no visitors for a period of one calendar year to the I.G. (Prisons) who shall get the reasons for the same verified in the writing.

(ii) The Superintendent shall arrange for reasonable facilities for visitors such as water, toilet, seating arrangements, fans etc. Moreover, adequate facility/ infrastructure shall be provided, if required, to disabled visitor or disabled prisoner. The Prison Authorities shall ensure that approach to the area meant for visitation is disabled friendly.

(iii) The Superintendent shall display conspicuously, at a Notice Board outside prison premises, information with regard to: -

(a) Time of registration of visitors;
(b) Time of interview;
(c) Duration of interview;
(d) Schedule of prisoners to be interviewed;
(e) List of articles which are prohibited from being passed onto the prisoner; and
(f) Any other important matter.

271. Interviews on Prison Holidays

Interviews shall not ordinarily be granted on Saturdays and other Prison holidays (list of Prison holidays in Appendix 10). The Superintendent may, however, under very

exceptional circumstances, grant interviews on these days as well. The reasons for granting such interviews on Saturdays or Holidays shall be recorded by the Superintendent in the journal.

272. Time for Interviews

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

273. Place of Interview

(i) Every interview shall take place in a special part of the prison appointed for this purpose. If possible, such a place should be at or near the main gate to ensure the safety and security of prisoners. The interview room shall have fiber glass partition with intercom facilities or equipped with any other latest technology, so that the prisoners can have a peaceful interview. The interview room shall be divided into cubicles and should have sound-proofing materials covering its walls and ceiling. However, the Superintendent of Prisons may allow well-behaved prisoners to have face-to-face interviews after giving due consideration to security and other related aspects.

(ii) Interviews with female prisoners shall, if practicable, take place in the female enclosure/ward.

(iii) If a prisoner is seriously ill, the Superintendent shall permit the interview to take place in the prison hospital or hospital outside the prison.

(iv) The Superintendent may, however, for special reasons to be recorded in writing, permit an interview to take place in any other part of the prison.

(v) A prisoner may be allowed interview twice a week.

274. Prevention of Passage of Prohibited articles during interview

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

275. Interview to take place in the presence of a prison officer

Every interview with a prisoner shall take place in the presence of a prison officer, who shall be positioned at a place from where he can see and hear what passes between the prisoner and his interviewer and he shall prevent any article being passed between the two parties. A lady prison officer shall be present when female prisoners are interviewed.

276. The Procedure for Interview shall be as follows –

(i) The Superintendent shall ensure that particulars of visitors before being allowed to visit the prisoner are duly entered in the register maintained for this purpose in

accordance with the instructions issued by the Inspector General.

(ii) The Superintendent shall also ensure that identity of the visitor is established reasonably.

(iii) The Superintendent shall specify the time of registration of visitors and visiting hours for interviews.

(iv) The Superintendent shall ensure that interviews of visitors with security or High-Risk prisoners are held at a time different from that of general interviews.

(v) Every interview with a terrorist or militant, whether serving a sentence or kept as an under-trial prisoner or a prisoner detained under Preventive Detention Laws shall take place in the presence of an officer not below the rank of Deputy Jailor.

(vi) Superintendent Jail shall verify the antecedents of visitors of High- Risk Prisoners whose names have been given by prisoner for interview through Superintendent of Police or NIA or any other security agency as the case may be. This shall regulate entry of the visitors for interview to the High Security Prisoners.

(vii) Relatives and friends of such prisoners, who desire to interview a prisoner, shall produce a duly authenticated identity documents like a family ration card, voter's identification card, driving license, Aadhar Card, passport or the identity card issued by the government.

(viii) Every visitor shall be issued a photo identity slip establishing his identity and persons accompanying him.

(ix) There shall be a Visitor Registration Centre for each prison/prison complex to facilitate visitors in getting their interviews registered.

(x) There should be a tele-booking facility or online facility of registration for interview by the visitors so that they may get their interview registered up to one week in advance. The operator registering the interview shall give a unique ID number to the visitor and further inform him the date and time of interview.

(xi) The staff deployed at the Visitor Registration Centre should be courteous and helpful.

(xii) The Visitor Registration Center shall be equipped with all such electronic gadgets so as no entry of prohibited articles, beyond this place, is possible.

(xiii) An enquiry office shall also be set up, at each Visitor Registration Centre to help the visitors. This office should be prominently situated for access of visitors. Proper arrangement for sitting, water coolers, toilets shall be made for the visiting public.

277. Grant of interview to newly-convicted prisoner –

(i) Every newly convicted prisoner shall be allowed reasonable facilities for seeing or communicating with his relatives or friends with a view to the preparation of an appeal or to the procuring of bail, and shall also be allowed to have interviews, as the Superintendent considers it necessary, to enable him to arrange for the management of his property or other family affairs.

(ii) A similar concession may be allowed by the Superintendent in the case of interview

with any near relative of any new under-trial prisoner.

278. Communication with or visit to Foreign Nationals

(i) Any communication addressed to a Consulate, by a prisoner or detenue, shall be forwarded to the Ministry of External Affairs through proper channel without undue delay. Such communication shall be subject to scrutiny/ censorship as per rules. The particulars of incoming and outgoing letters of a foreign national, if found objectionable shall be censored and also furnished to the government.

(ii) Whenever Consulate Officials of a foreign country seek permission to visit or interview a prisoner for arranging legal representation for them, or for any other purpose, the Superintendent of Prison shall inform the Home Department, Government of Uttarakhand, of such request from the Consulate. Only on receipt of order from appropriate government the Superintendent of Prison shall permit Consulate officials to visit the prisoner.

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

279. Termination of Interview

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

280. Duration of Interview

Ordinarily, the time allowed for an interview shall not exceed half an hour. However, this may be extended by the Superintendent of Prison in special or exceptional circumstances.

281. Search before and after Interview

(i) Every prisoner and visitor shall be carefully searched before and after the interview.

(ii) In case of any visitor refusing to be searched, the Jailor may deny him interview and the grounds of such refusal, with the particulars thereof, shall be entered in the journal.

282. Powers to refuse an interview

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

(ii) The Superintendent and the Jailor shall frequently visit the interview enclosures to

ensure that interviews are being held properly and no harassment is being caused to the visitors or prisoners.

(iii) The Superintendent shall also deploy Deputy Jailor, outside main gate of the prison, to ensure that the grievances of visitors are given speedy redressal.

283. Articles to be allowed to prisoners at the time of interview

The visitors can give clothes including under-garments etc. to the prisoners as per the directions issued by the Inspector General from time to time. No prisoner shall be allowed to receive food from his visitors.

284. With holding of Letters and their disposal

Criteria for withholding of letters of prisoners is as under:

(i) Prisoners may be allowed to write letters only to their family members, relatives and close friends. Prisoners should also be allowed to correspond with the counsels handling their cases. In case it is found that the prisoner is corresponding with undesirable persons or receiving letters from them or if any correspondence is found detrimental to the prisoner's rehabilitation such letters, both incoming and outgoing, shall be withheld. Prisoners should be informed of such action without divulging the contents of the letters received. If necessary, they may also be warned in this regard.

(ii) There may be no limit on the number of incoming letters to a prisoner.

(iii) Prisoners shall not be allowed to correspond with inmates of other prisons. However, if a prisoner has his relative lodged in another prison, he may be permitted to send letters to them informing them to his welfare.

(iv) The Superintendent of Prisons shall have the right to disallow letters to prisoners for reasons of security and discipline or during period of emergencies, if he considers it necessary.

(v) For the purpose of these rules, applications sent by prisoners should not be treated as letters.

(vi) No letter shall be delivered to, or sent by a prisoner, until the Superintendent has satisfied himself that its transmission is not objectionable. No letter written in a secret language shall be allowed. The Superintendent may withhold any letter which seems to him to be, in any way, improper or objectionable. He may also cause such passages in the letters to be erased. If a letter is written in a local language and cannot be satisfactorily translated in the prison concerned, it shall be sent to some other officer for translation. Subject to the approval of the Inspector General, arrangements may also be made to send such letters for translation to other Government departments. If a letter is written in a language not ordinarily used in the Uttarakhand State, shall be sent for translation to the Criminal Investigation Department or any other suitable department. A slip marked Urgent shall be attached to any letter sent outside the prison for translation so that unnecessary delay does not take place in their translation and examination.

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

285. Procedure as to the delivery of letters

The Superintendent shall ensure that no unnecessary delay is caused in delivery and dispatch of letters.

286. Prisoner May Keep Letters

A Prisoner may retain any letter which has been delivered to him under due authority.

287. Record of letters

The Superintendent shall maintain record of all letters sent or received by a prisoner.

288. Supply of Writing Materials and Other Facilities

(i) Writing material, including service post cards, shall be supplied in reasonable quantities to any convict, who has permission to write letter. All letters by prisoners shall be written at such time and place as the Superintendent may appoint. A fixed day of the week, preferably Sunday, shall be set apart for letter writing. Service postage stamps shall also be provided to prisoners.

(ii) Prisoners shall be allowed to purchase writing material at their own expenses. All notebooks provided to them should have their pages numbered to keep a check on their misuse and to prevent secret correspondence.

289. Exclusion for Privileges

If any prisoner abuses any privilege relating to the holding of an interview, or writing of letters, or of communication with persons outside the prison, he shall be liable to be excluded from such privileges and may be subjected to other restrictions as the Prison Superintendent may consider necessary.

290. Facilities to under trial and Civil Prisoner

Under mentioned facilities may be granted to Under Trial and civil prisoners:

(i) Under-trial and civil prisoners shall be granted all reasonable facilities to interview, or write letters to their family members, friends and legal advisers.

(ii) Every interview between an under-trial prisoner and his legal adviser shall take place within sight, but out of hearing, of a prison official. A similar concession shall be allowed by the Superintendent in the case of an interview with any near relative of an under-trial.

(iii) Any legal practitioner who abuses the process of interview with prisoners shall be debarred from interview for such time as the Inspector General may direct.

(iv) The Inspector General shall also inform the concerned Bar Council regarding the conduct

of the legal practitioner, for appropriate action under the law.

(v) When any person desires an interview with an under-trial prisoner in the capacity of the prisoner's legal adviser, he shall apply in writing, giving his name and address and specifying the purpose of the interview. He must satisfy the Superintendent of Prison that he is the bona-fid legal adviser of the prisoner with whom he seeks interview and that he has legitimate business with him.

(vi) Any bona-fide written communication prepared by an under-trial prisoner as instructions to his legal adviser (i.e. a legal practitioner with the meaning of the Advocates Act, 1961) may be caused to be delivered personally to such legal advisor, or to his authorized nominee, by the Superintendent of Prison.

(vii) If such communication is confidential, it shall be delivered without being previously examined. Provided that in case of doubt, the Superintendent may, after recording the reasons in writing in his journal, open and examine such communication before delivery.

(viii) Civil prisoners may see their family members, friends, relations and legal advisers at such time, & under such restrictions, as the Superintendent may decide and the presence of a prison officer shall not be necessary. No such visitor shall, however, be allowed to take eatables inside the prison.

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

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

292. Telephonic and Electronic communication

(i) The Superintendent of Prisons may allow a prisoner the use of telephones or electronic modes of communication on payment, to contact his family, friends and lawyers, from time to time, in accordance with the instructions issued by Inspector General of Prisons & Guidelines. The prisoner can use this facility under the supervision of the prison officer to be designated by the Superintendent. While permitting a prisoner the use of such facilities, the Superintendent shall ensure that such permission is not given to prisoners who have a record of unruly behavior and bad conduct.

(ii) **<u>Prison Inmate Calling System-</u>**

(a) There shall be Prisoner Inmate Calling System in every jail of the state.
Eligibility for telephonic call shall be as follows-

(i) Every prisoner may call his/her relative or friend on landline or postpaid/prepaid mobile number for 5-5 minutes, twice a week. Inspector General can increase or decrease this frequency as per requirement.

(ii) Telephonic conversation of Notorious prisoners shall be under the supervision of Prison Personnel.

(iii) The rate of per minute call shall be decided time to time.

(iv) The abovementioned amount shall be deposited in Prisoners Canteen Fund.

(b) Procedure of Telephonic Conversation-

(i) During the first admission of prisoner, his/her finger print shall be scanned and stored in the electronic machine. Then prisoner shall be asked about the 2-telephone number (Landline or Postpaid) of his/her close relative i.e., Wife, Husband, Mother, Father, Sister, Brother, Friend etc. to whom he wants to telephonic conversation.

(ii) The close relative or friend shall present a 10 Rs. Stamp paper and submit his/her affidavit before the Superintendent in prescribed format.

(iii) The Inmate Phone call system shall be introduced in all the jails so that a prisoner may communicate with his family members through telephone as per order issued by Inspector General of Prisons from time to time. The telephone facilities shall be available to all the inmates and shall be contingent upon the good conduct of a prisoner. This facility can be withdrawn temporarily or permanently if any jail offence is committed by a prisoner during incarceration period or otherwise the telephone facility is found to be misused.

(iv) The prisoners who are involved in offences against the State, terrorist activities, Public Safety Act or notorious and organized criminal gang etc., habitual jail rules offenders and who are involved in assaulting co-inmates in the prison shall not be eligible for this facility in the interest of public safety and order. However, the Superintendent Jail shall be empowered to take appropriate decision in individual case to case basis with the prior approval of Inspector General.

(v) The Inmate Phone call system shall contain finger print biometric scanner or latest technology suitable and available so that this facility is not misused and should have 100% conversation recording facilities. The cost of the call shall be borne by the prisoner.

(vi) The Superintendent shall maintain a register containing the following columns: -

(a) Serial no. and Date;

(b) Name of the prisoner and parentage;

(c) Offence involved;

(d) Place of calling along with telephone number;

(e) Reasons of calling;

(f) Call duration;

(g) Observation of the Superintendent if request is declined

(h) Reasons thereof.

293. Other Amenities Relating to Prisoners

(i) A copy of the rules relating to prisoners shall be displaced in common area of each ward and one copy of the Do's and Don'ts for prisoners shall be given to them. An abstract of the rules shall also be displayed inside the prison gate and on the walls of important prison building.

(ii) All prisoners shall be allowed to receive soap, oil and tooth paste, fruits from their friends and relatives, subject to the condition that the quantity received is limited to their personal requirements for a fortnight and that a thorough examination of the articles, to be passed to the prisoners, is done by a senior officer of the prison.

294. Facilities for Appeal shall be explained

All relevant rules about appeals, and the facilities available in the prison for preparing and sending appeals, shall be explained to the prisoners at the time of their admission by the Welfare Officer/ Prison officer.

295. Welfare Officer/ Deputy Jailor (convict) shall Record the desire of the Prisoner to prefer an Appeal

Upon conviction, the Jailor/Deputy Jailor (Convict)/Welfare Officer shall ascertain whether the prisoner desires to file an appeal or not and record it in the convict register and on the History Ticket of the prisoner and the prisoner shall be required to sign the History Ticket or affix his left thumb impression thereon. This shall be verified and confirmed by the Jailor or the Superintendent at the time of the prisoners' physical verification and report in this regard be sent to the concerned District & Session Judge.

296. Superintendent to Forward Petitions of Appeal

Under section 383 of the Code, an appellant, who is in prison, may present his petition/appeal, and the documents accompanying it, to the Superintendent who shall, thereupon, countersign and forward them to the proper appellate court at the government cost. All such appeals shall always be sent by registered post or through nodal agency i.e., Uttarakhand State Legal Services Authority.

Note 1: The Superintendent shall not refuse to forward the appeal of any prisoner whether it is barred by limitation or not.

Note 2: An appeal drafted on behalf of a prisoner should, before dispatch, be read over

to the appellant, in the presence of the Superintendent, who shall, if the prisoner approves of the appeal, countersign the documents and cause the official seal of the prison to be stamped thereon.

Note 3: No petition of the prisoner should be detained by the Superintendent for any reason.

297. Procedure for forwarding petitions praying for suspension of sentence addressed to High Court or Supreme Court-

While forwarding the petitions for suspension of sentence, addressed to the High Court or Supreme Court, the Superintendent shall annex with it the Nominal roll (two copies) of the convict. The Superintendent shall also give factual information, on the points made in the petition, to facilitate the Court for early disposal of the petition.

298. Application for Copy of Judgment

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

299. Prisoners to be assisted in Preferring Appeals

(i) Where the prisoner seeks help to file an appeal or revision petition, every facility for the exercise of this right shall be provided to the prisoner by the Superintendent of Prison. If a prisoner desires to file an appeal and declares that he has no friends or relatives or agents who can file an appeal on his behalf, he shall be provided with writing materials and allowed to write his own petition or appeal.

(ii) If a prisoner cannot write, the Legal Aid Cell attached to the prison shall prepare his appeal petition. The superintendent shall assist in the preparation of appeal of prisoners to appeal before the period of limitation is expired. A prisoner, whose

petition or appeal is written by someone else on his behalf, shall be given full opportunity of expressing himself and his case shall, as far as possible, be recorded in his own words. Printed forms of appeal petitions shall not be used.

300. Petition for clemency

Every convict shall be at liberty to file a petition, to the Government, for clemency, and shall be accorded reasonable facilities for preparing and submitting such a petition. Except in the case of petitions against the execution of sentences of death, all such petitions shall be accompanied by copies of the judgments of the Court of conviction and of any superior court, which may have dealt with the case on appeal.

301. Procedure for disposal of representation/memorandum addressed to high dignitaries by the prisoners –

Prisoners may address any representation or memorandum to any authority of the Government and the Government of India. All these representations, if found not objectionable and in order, be forwarded to the concerned dignitary or authority by the Superintendent. In case the Superintendent is of the view that any representation is objectionable, he shall forward it to the Government for action deemed proper along-with his comments.

302. Special Leave to Appeal

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

(a) Certified copy of the judgment of the court appealed from

(b) An affidavit to the effect that notice of the intended petition for special leave to appeal has been served upon the respondents

(c) An affidavit in support of the petition as required by Rule4 of Order XVII of the Supreme Court Rule, 1950

(d) An application for condonation of delay in filing the petition, if it is presented after the expiry of the period of limitation prescribed by Rule 1 of Order XIII read with Rule 2 of Order XXI

(e) Certified copies of the judgments of the lower court

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

(a) Under-trial prisoners who are old and infirm, including women who are pregnant or have babies to be nourished

(b) Under-trials who have spent more than three months in prisons and who have no means to engage a counsel

(c) Persons arrested on suspicion under Section 41 of the Code, who have been in prison beyond a period of 15 days

(d) Under-trial who, the Superintendent has reasons to think, have not completed 18 years of age and who should ordinarily be kept away from adults

(e) Any convicted prisoners who have already filed an appeal through prison authorities, as provided in the Code of Criminal Procedure Code, 1973 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

(iii) Information regarding seeking of legal aid may be passed on by the Superintendent to the Duty Counsel/Legal Aid counsel, if the concerned prisoner has given in writing his desire to avail of free legal aid. If the Duty Counsel so desires, he may interview the prisoner with regard to these matters.

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

303. Exclusion of Time Taken in Obtaining Copy of Judgment

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

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

Description of Appeal	**Period of on**	**Limitation starts from**
(1)	(2)	(3)
Under the Code of Criminal Procedure Code, 1973		
a. From a sentence of death passed by a Court of Session or by a High Court in the exercise of its original criminal jurisdiction	30 days	The date of the sentence
b. From any other sentence or any order not being an order of acquittal		

i. To the High Court	60 days	The date of the sentence or order
ii. To any other Court	30 days	The date of the sentence or order

(iii) In order to enable the appellate courts to calculate the period of limitation prescribed for criminal appeals under the Limitation Act, 1963 (Central Act 36 of 1963), every appeal petition shall be endorsed with the following notice, signed by the Superintendent of Prison:

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

304. Delay in Preparing Petition to be Noted

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

305. Maintenance of Appeals Register by the Welfare Officer/Prison Officer

(i) The Welfare Officer/Prison Officer shall maintain an Appeal Register. He shall cause the register to be placed before the Superintendent of Prison or Jailor as frequently as may be necessary. 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 of the appeal, all such dates on which action is taken during the entire process shall be entered in the Appeals Register and attested by the Superintendent or Jailor. This would include dates on which requisition for judgment copy is sent, the date of the receipt of judgment copy; the date of delivery of the judgment copy to the prisoner or other nominated party, and date of receipt of appeal from the prisoner.

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

(a) Session Court- Once in 15 days

(b) High Court or Supreme Court- Once in a month

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

When notice of the date of hearing of an appeal or petition is received, it shall be

communicated to the Convict who shall affix his signature or thumb impression as token of receipt of such notice, on the notice. The notice shall then be attested by the Superintendent or Jailor and returned to the concerned court.

307. Personal Appearance of the Prisoner in the Appellate Court

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

308. Appeal Procedure with Regard to Persons Convicted by Court Martial

No appeal lies from a sentence passed by a court martial under the Army Act, 1950 (Central Act XLVI of 1950). The prisoner has a right to submit one petition only, against the judgment or sentence, for disposal by the highest authority to which he is authorized to apply. His legal rights to submit a petition and the authority to which a petition shall be addressed are explained to every accused at the time of the pronouncement of sentence. Such a petition shall be forwarded to the authority to which it is addressed. Appeals or petitions addressed to the Government of India, or to any civil authority, shall be forwarded to the Central Headquarters of the concerned Armed Force for disposal.

309. Record of the Result of Appeal

In every case in which a sentence is modified or reversed on appeal, the Superintendent of Prisons concerned, on receiving the warrant prepared by the appellate courts in terms of the order passed, shall inform the prisoner of the decision of the appellate court and make a note of it in the History Ticket and the other connected records. The sentences shall be accordingly corrected and the revised dates of release shall be entered and got attested by the Jailor or the Superintendent.

310. Procedure when court directs re-trial of a prisoner

(i) If an Appellate Court directs that a prisoner be re-tried and a warrant for his release on bail or for his custody pending trial is not at the same time received, the prisoner shall, unless he has a sentence on another warrant to undergo, be remanded to the prison for under-trial prisoners and the Superintendent shall apply to the Court for a warrant for his custody pending trial.

(ii) In every case in which a sentence is confirmed on appeal, the Superintendent of Prison shall receive information to this effect from the Appellate Court. The confirmation of sentence or appeal shall be entered in the History Ticket and other

connected records and attested by the Jailor or the Superintendent.

311. When a court directs the acquittal of a convict who is facing other criminal cases

If an Appellate Court directs the acquittal of a convict who is under custody, also having other criminal cases, subject to direction of the court, he shall be sent to the ward meant for under trial criminal prisoners.

312. Communication of Appellate Orders

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

313. Record of the Appellate Order

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

CHAPTER-X

TRANSFER OF PRISONERS

314. Reasons and Circumstances for Transfer

Prisoners may be transferred from one prison to another for the following reasons:

(i) For custody and treatment in a suitable institution in accordance with the classification procedure/ lodging policy

(ii) For attendance in court for the purpose of standing trial or giving evidence

(iii) On medical grounds

(iv) On humanitarian grounds, in the interest of their rehabilitation

(v) For post-release vigilance by the police

(vi) For providing essential services

(vii) On grounds of security, expediency, etc.

(viii) To be nearer to his home district

(ix) To ease overcrowding in a prison

(x) For Convicts sentenced to death shall be transferred in Central Jail Sitarganj or District jail Haridwar.

(xi) For other special reasons, if any.

315. Home State

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

316. Powers of Inspector General

Inspector General of Prisons has following powers:

(i) Subject to the order and control of the Government, the Inspector General is authorized to sanction the transfer of prisoners from one prison to another within the State of Uttarakhand.

(ii) The sanction of the Inspector General however shall not be necessary for transfer of prisoners in the following cases, where the Range Deputy Inspector General of Prisons can order such transfer:

(a) Transfer of prisoners required to give evidence or to undergo trial for an offence in another State

(b) Transfer of prisoners in-route

(c) Transfer of prisoner to a classified institution in accordance with a standing order issued for this purpose

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

(d) Transfer of prisoners on administrative grounds by Deputy Inspector General of Prisons to prisons within their jurisdiction.

317. Transfer of sick Prisoners

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

(i) No prisoner who is sick shall be transferred except for the benefit of his health

(ii) When the Medical Officer is of the opinion that the transfer of a sick prisoner to another prison is likely to lead to his recovery, or shall help in prolonging his life, he shall forward a brief statement of the case to the Superintendent, mentioning the prison to which a transfer is desirable. The Superintendent shall thereafter submit the case to the Inspector General for his orders.

(iii) The Superintendent shall, on a requisition in writing from the Medical Officer, supply extra food, clothing and bedding to prisoners for such journeys. Medicines, with instructions for their use shall, if necessary, be supplied to the officer escorting such prisoner.

(iv) The Medical Officer shall be responsible to ensure that the medical case sheet of a prisoner is up-to-date at the time of his transfer.

(v) No prisoner, who is incapable of ordinary hard labor on account of age, sickness or infirmity, shall be recommended for transfer except under special circumstances.

318. Prisoners convicted in the same case

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

319. Transfer of habitual offenders

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

transferring the prisoner exist.

320. Transfer of young offenders

Young offender (in the age group of 18 to 21) admitted to a prison shall be transferred to a suitable institution for young offenders, under the orders of the Inspector General. They shall be transferred back to the prisons of their origin after they attain the age of 21 years if their sentence of imprisonment is not complete.

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

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

322. Transfer of prisoners belonging to other States

(i) The transfer of prisoners from one state to the other state shall be in accordance with the provisions of the Transfer of Prisoners Act, 1950 whether under this rule or under any other rule of this chapter.

(ii) The proposals for transfer of prisoner, belonging to other state, may be initiated by the Superintendent on his own, or on the request of the prisoner, on the basis of any of the grounds mentioned in the Transfer of Prisoners Act, 1950. For this, the Superintendent of the prison, where the prisoner is confined, shall obtain from the prisoner a written declaration giving details of his address as also addresses of his relatives in his State of origin and send a nominal roll and other documents to the Inspector General of Prisons of that State with the prior approval of the State Government. The Inspector General shall also ascertain the name of the prison, in the State of origin to which the prisoner has to be transferred from the Inspector General of that State and then issue orders for the transfer of the prisoner with the prior approval of the State Government.

Explanation: (i) Due consideration shall be given to the wishes of a prisoner regarding transfer to his home State, unless there are adequate reasons against it.

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

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

he is transferred.

Explanation (iv) Uttarakhand state convicts transferred to other states to serve remaining part of their sentence shall be governed by Uttarakhand Jail Manual for the purposes of State Remissions, Parole and pre mature release etc.

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

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

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

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

324. Transfer of prisoner pending appeal

(i) Ordinarily, a prisoner, whose appeal is pending before the Appellate Court against conviction or the period allowed for filing appeal has not expired, shall not be transferred to any outside state. Only in rare and exceptional circumstances, such a prisoner may be transferred, with the sanction of the Government.

(ii) In case a prisoner is transferred under above rule, the prison to which he is so transferred shall be communicated to the Appellate Court.

(iii) A prisoner, whose appeal is pending before courts in Uttarakhand or he has not filed an appeal or his appeal has already been decided, on receipt of an order of court of competent jurisdiction from outside Uttarakhand for production, shall be produced before the court by the Superintendent.

(iv) If any communication relating to the appeal of a prisoner, who has been transferred, is received it shall be forwarded, without delay, to the Superintendent of the prison in which the prisoner is confined after recording the same in Register No.- 2 of the prison from which the prisoner has been transferred.

325. Prisoners belonging to other States may be transferred on following grounds:

(i) As a general rule police registered criminals, not being natives of the State in which they are undergoing sentence, shall be removed, without regard to their wishes in the matter at any time if they are sentenced to imprisonment for three months or less, and two months before their release if they are sentenced to imprisonment for more than three months, either to the prison of the district to which they belong or to the prison nearest to their native place, provided that such prison is declared by the Government concerned as the receiving depot for prisoners removed from the State. A prisoner sentenced to more than three months of imprisonment shall be transferred to a prison in his home district earlier than two months if he is willing, or if there are adequate reasons requiring such transfer. All such cases, as mentioned above, shall ordinarily be intimated by the police to the Superintendent of Prison in the form of a Police Registered Slip. When a Police Registered Slip is received, the details to be filled in at the prison shall be completed and the slip attached to the prisoner's warrant and sent with him to any prison to which he may be transferred. At the same time an entry of the letters "P.R.T.", signifying Police Registered Prisoners for Transfer shall be made in red ink in the Convict Register and Register of Prisoners to be released. The Superintendent shall forward to the Inspector General a nominal roll of such prisoner with an application for his transfer one month before the date on which the transfer is to be affected in accordance with the rules. The Inspector General is authorized to order the removal of such prisoner, as required above, and shall pass a formal order sanctioning the transfer in consultation with the Inspector General of the State with the consent of that Government to which the prisoner is to be removed. On the death or escape of a Police registered prisoner, the Police Registered Form attached to his warrant shall be returned to the Superintendent of Police of his district with an endorsement showing the date of his death or escape. Similarly, any prisoner, whose detention in a prison of the State in which he is undergoing sentence, is deemed inexpedient; he may be removed with the previous consent of the Inspector General of the State and the Government of that State to which it is proposed to remove him.

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

326. Ordinarily, a convicted prisoner shall not be transferred, if he:

(i) Has appealed and the appeal has not been disposed of;

(ii) Has not appealed and the time for appealing has not elapsed;

(iii) Is confined in the default of filing security; or

(iv) Is confined in the default of payment of fine.

(a) A prisoner shall not be transferred, if the medical officer of the prison is of the opinion that he is as ill as to be unable to complete the journey.

(b) Infirm convicts shall not ordinarily, be transferred.

(c) The Superintendent shall bring the circumstances of clause (i), (ii) & (iii) above to the notice of Inspector General, immediately.

327. Transfer during epidemics

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

328. Grounds of re-transfer to the state

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

329. Police to escort prisoners

Police escort to the prisoners is given on following grounds:

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

(ii) The authorities of the transferring prison shall, as far as possible, avoid sending prisoners of different categories in the same batch. However, if circumstances make this unavoidable, they shall give clear instructions to the officer in-charge of the escort to prohibit communication amongst such prisoners.

330. Application for escort

(i) When prisoners are to be transferred, the Superintendent shall apply to the Local Police sufficiently in advance for the requisite guard, intimating the number of prisoners and the date and hour of their intended dispatch and the station they are

being transferred to.

(ii) It shall be the responsibility of the Police to provide escort to ensure safe custody of the prisoners. In case the policies of the opinion that handcuffing of any of the prisoners is necessary for his safe custody, he shall obtain the prior permission of the court before imposing the handcuffs.

331. Precautionary measures

Criteria for precautionary measure is as under:

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

(a) Prisoners with sentence of five years and above
(b) Prisoners whose conduct in prison is bad or who have been found to be dangerous
(c) Prisoners involved in heinous offences
(d) Prisoners sentenced under Section 224 (Indian Penal Code,1860), and those who are known to have escaped or have attempted to escape in the past
(e) Prisoners who are members of a criminal gang: and
(f) Prisoners who are facing charges under sedition, explosive act or other similar acts
(g) Any other important information.

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

332. Provision of Female Police Constables

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

333. Intimation of prisoners transferred to be given

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

334. Convict facing trial in outside state–

A convict who is also facing trial in a court outside Uttarakhand, Court. Cases shall be transferred to the jail of the state in which district the convict is facing trial before the court. While transferring the prisoners Superintendent shall specifically mention in

the letter that convict may be sent back to Uttarakhand Prison after the disposal of outside case/s to undergo remaining sentence in Uttarakhand.

335. Duty of the Superintendent with regard to prisoners to be sent to Court

(i) When a warrant, for producing a prisoner in a court outside Uttarakhand, is received against whom case/cases are pending investigation or trial in Uttarakhand, the Superintendent shall produce the prisoner before the concerned court outside Uttarakhand, only after taking permission from concerned court or Chief Judicial Magistrate (CJM) and also if there is no clash of production dates with Uttarakhand cases. If the accused is not produced before the outside Uttarakhand courts the reasons for not producing shall be immediately conveyed to the concerned court with the request to intimate the next date of hearing and the fact whether he is still required to be detained or has been released on bail.

If any prisoner is brought from outside Uttarakhand State Court, then such prisoner should be produced before the concerned CJM in Uttarakhand for his judicial detention in Uttarakhand prisons, before he is admitted in the prison.

(ii) After the conclusion of the case/cases against the prisoner in Uttarakhand or his being released on bail or convicted in Uttarakhand case, it shall be duty of the Superintendent to transfer him immediately to the Superintendent of the prison of the area where he has to face trial on criminal charge or produce him before the concerned court. While transferring the prisoner, the Superintendent shall also intimate the concerned court whether the accused has been convicted, acquitted or released on bail. The concerned court shall also be requested that after the conclusion of his case before the court, the prisoner should be sent back to Uttarakhand for undergoing imprisonment, in which he has been convicted by Uttarakhand Courts.

336. Procedure prior to transfer

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

337. Dispatch of prisoner's property

(i) Prisoner's property is transferred: On the transfer of a prisoner, the Jailor of the dispatching prison shall get a list of the prisoner's property prepared in triplicate, as entered in the Convict Register, and obtain the signature of the officer in charge of the escort for the property on the counter foil as a token of receipt. The duplicate and triplicate forms, the form signed by the Jailor of the dispatching prison, together with the property, shall be given to the officer in charge of the escort to be

handed over to the receiving prison, where the duplicate list shall be retained and filed. The triplicate shall be signed by the Jailor/ Deputy Jailor of the receiving prison and handed over to the officer in charge of the escort.

(ii) If it is found that there is any discrepancy in the cash, jewelry or property, immediate notice of the same shall be given to the Superintendent of the dispatching prison who shall begin an enquiry into the matter and outcome of the enquiry would be intimated to the transferred prison authority for further intimation to the prisoner.

338. Examination of prisoner prior to transfer

All prisoners, prior to being removed to any other prison, shall be examined by the Medical Officer. No prisoner shall be removed from one prison to another unless the Medical Officer certifies that the prisoner is free from any illness rendering him fit for removal.

339. Documents to accompany prisoners

(i) The following documents relating to each transferred prisoner shall be given to the officer in charge of the escort to be delivered to the Superintendent of the receiving prison namely:

(a) His original warrant or warrants duly endorsed

(b) A copy of the committing court's judgment, if available, the order of any appellate court and of the government on any petition made by the prisoner

(c) A nominal roll

(d) His history tickets

(e) His remission sheet, if any

(f) His medical case sheets

(g) Duplicate and triplicate lists of all private property belonging to the prisoner

(h) A list of clothing, bedding and other government property sent with the prisoner

(ii) On the back of every warrant in which a fine is a part of the sentence, it shall be endorsed whether the fine or any portion there has been paid, and how much proportional sentence has been set- off on account of such payment.

(iii) The total amount of remission earned by every transferred prisoner up to the end of the preceding month shall be endorsed on his History Ticket, remission sheet and on the warrant, and the entries shall be signed by the Superintendent. The superintendent of the transferring prison shall be responsible that the above

information is duly and correctly supplied and that all documents to accompany the prisoners are correctly sent. The documents shall be sent through a letter addressed to the Superintendent of the transferee state and be serially numbered and in order, as spelt out above. A proper acknowledge of the receipt of the prisoner and his property, along with the documents mentioned as mentioned above, may be obtained and kept on record by the Superintendent of the transferee prison.

340. Prisoners to be searched before dispatch

Every prisoner shall be searched in the presence of the Jailor and escort party before dispatch.

341. Supply of food and clothing on journey

Every prisoner, during transit, shall be allowed to wear his private clothing. Whenever the private clothing of a prisoner has been destroyed or soiled, he shall, on transfer, be provided with civilians clothing at government cost.

342. Diet of prisoners removed from prison.

(i) The Inspector General shall, from time to time, fix the scale of diet for prisoners removed under these rules, and the officer- in-charge of the escort shall ensure that such prisoner receives diet, as nearly as possible in accordance with such scale. Where the court in which evidence is to be given, is situated at the same station as the prison from which the prisoner is removed, the officer-in charge of the prison shall supply the prisoner's food.

(ii) When the court, as aforesaid, is situated outside Uttarakhand, the estimated cost of the prisoner's diet, as directed by the Inspector General, shall be paid to the officer-in -charge of Police escort by the officer- in-charge of the prison.

343. Duty of the escorting officer

(i) The officer in charge of escort shall see that prisoners do not communicate with outsiders and have no opportunity of obtaining forbidden articles, including cash, from their friends or relatives while in transit. During the transit period, the prisoner shall not be allowed to handle any cash, jewelry or other private property, except his private clothing.

(ii) If any breach or neglect of duty on the part of the officer in charge of escort is noticed, the Superintendent of the receiving prison shall send a report to the Inspector General of Prisons.

344. Not to be admitted to Central Prisons in route

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

345. Custody of females and young offender

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

346. Search during transit

Prisoners shall be searched by the officer in charge of the escort daily during transit. Female prisoner shall be searched by female staff only.

347. Transfer by rail or water

(i) Prisoners shall ordinarily be transferred by rail where facilities for travel by rail exist. The fares of prisoners and of the escorting team shall be included in the railway warrant prepared by the Prison Department.

(ii) When prisoners are to be transferred by rail, timely notice shall be given to the police of the intended date and hour of dispatch with a view to make suitable arrangements with the railway authorities for their safe custody in transit, and for the provision of necessary accommodation.

348. Transfer by road

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

349. Transfer of prisoners of exceptionally dangerous character

The prisoners for exceptionally dangerous character who requires extra vigilance for their safe custody shall be conveyed in 'prison vans' only. If prison van is not available, alternative mode of transportation shall be sent by the Superintendent of Police and monitor shall be installed in the prison van.

350. Procedure if prisoner falls sick

If, during such transfer by road, a prisoner becomes so ill as to be unable to continue his journey, he shall be taken to the nearest hospital, or to any place where there is a public dispensary, for treatment by a Medical Officer. A report of the circumstances shall immediately be made by the officer in charge of the escorting team to the

Superintendent of the dispatching prison and of the prison to which the prisoner was being moved.

351. Adjustment of expenses

(i) With the exception of expenditure incurred by the Police escort, all expenses connected with the transfer of prisoner shall be borne by the prison administration.

(ii) The Superintendent shall furnish the prison official-in-charge or the Police Officer, as the case may be, with a Railway pass, on the credit note system, for the prisoners and the prison officials, if one accompanies the prisoners.

352. Procedure in case of death of a prisoner in transit

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

353. Procedure if prisoner escapes

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

354. Admission of transferred prisoners

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

355. Verification of lists accompanying prisoners

When the authorized prison officer of the receiving prison has satisfied himself that the prisoner's documents and property have been correctly received, he shall countersign the memorandum and the triplicate copy of the list of property and shall return them to the transferring prison.

356. Facilities in the matter of letter writing

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

357. Action when a transfer order cannot be carried out

If an order received for the transfer of any convict cannot be given effect to, owing to illness, release on appeal or other cause, the Superintendent shall inform, in writing, the Inspector General of the reasons that the order was not given effect to.

358. Prison Transport

Prison transport shall be modernized & the state-of-the-art transport vehicles shall be procured to facilitate safe, clean, secure and proper transportation of prisoners.

Chapter - XI

REPATRIATION OF PRISONERS

359. Repatriation of Prisoners

(i) Foreign prisoners imprisoned in a jail in India or vice versa shall be transferred to their native countries for serving remaining part of their sentence near to their families in accordance to REPATRIATION OF PRISONERS ACT, 2003 (Act no. 49 of 2003) and REPATRIATION OF PRISONERS RULES, 2004. This facility will be available only in the context wherein operational agreements exist with India and other countries. Guidelines for the transfer of sentenced person issued by Government of India vide F.N. 11017/23/2002-PR dated 10th August, 2015 shall be followed.

(ii) India has bilateral agreements with 27 countries (listed below) and has also acceded to one multilateral treaty i.e., the Inter- American Convention on Serving Criminal Sentences Abroad (IAC), which is signed by the Member State of the Organization of American States (OAS) but is also open to accession by non-OAS countries. Moreover, as per Model Prison Manual, 2016 circulated by Government of India, India has functional arrangements with 36 countries (20 countries under bilateral agreement and 16 countries under Inter American Convention on Serving Criminal Sentences Abroad for transfer of sentenced persons. These countries are United Kingdom, Mauritius, France, Bulgaria, Egypt, South Korea, Saudi Arabia, Bangladesh, Sri Lanka, Cambodia, Israel, UAE, Iran, Italy, Maldives, Turkey, Thailand, Russian Federation, Kuwait, Hon Kong Special Administrative Region and Argentina, Belize, Canada, Czech Republic, Chile, Costa Rica, Ecuador, EI Salvador, Guatemala, Mexico, Nicaragua, Panama, Paraguay, United States, Uruguay, Venezuela. As per Model Prison Manual, 2016 circulated by Government of India, out of these, India has operational agreements with the following 20 countries; United Kingdom, Mauritius, Bulgaria, France, Egypt, Sri Lanka, Cambodia, South Korea, Saudi Arabia, Iran, Bangladesh, Israel, UAE, Italy, Turkey, Maldives, Thailand, Russian Federation, Kuwait and HKSAR. Indian prisoner undergoing a sentence in the prisons of these countries may be brought back in terms of these agreements, and nationals of such countries can be repatriated to their native countries in accordance with the agreements.

(iii) India has also acceded to multilateral convention of the Organization of American States a regional organization having 35 member States). The Inter American Convention on Serving Criminal Sentence Abroad was adopted on 9th June 1993 and came into force on 12th April, 1996. It is a multilateral treaty, which

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

(iv) In relation, to the repatriation of foreign prisoners detained in any jail of the state, action will be taken according to the orders/instructions issued by the Government of India from time to time.

Chapter-XII

EXECUTION OF SENTENCES

360. Method of calculating a sentence

(i) The duration of a sentence shall be calculated in calendar years, months, fortnight, week or days. The term 'year' means a year according to the British calendar, a 'fortnight' means fourteen days and a 'week' means seven days.

(ii) When a prisoner's sentence includes a fraction of a month, the date of release shall be calculated by reducing such fraction to days. A month, for this purpose, shall consist of thirty days. For example, if a prisoner is sentenced to one and half months' imprisonment on 2nd February. The date of his release shall be 16th March.

361. Serving of sentences

(i) In whatever order the sentences are served, a prisoner is liable to serve the aggregate of the terms of all the sentences, provided that under no circumstances shall a prisoner be detained in prison beyond the period indicated by the terms of the warrant of commitment.

(ii) In case of doubt, as to the order in which the sentences shall take effect, instructions shall be taken from the court imposing the last sentence.

362. Commencement of, and breaks in, imprisonment how reckoned

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

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

Example 2: A prisoner sentenced on 28th February to one month's imprisonment shall be released on 27th March as the sentence was awarded in the month of Feb which has 28 days.

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

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

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

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

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

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

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

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

(i) The imprisonment for life technically means imprisonment for the whole life.

(ii) If a sentence of death is commuted to one of imprisonment for life, or imprisonment for a term, the sentence of imprisonment for life or imprisonment for a term shall be deemed to commence from the date on which the sentence of death was passed.

364. Unexpired Sentence of an escaped convict

(i) In the case of an escaped prisoner, subsequently arrested in connection with another offence, any, period spent on that account in police custody, or as an under-trial prisoner, shall not be reckoned as imprisonment under the original sentence.

(ii) Necessary entries shall be made in the Register of Prisoners to be released in place of the original date of release in respect of all such prisoners.

365. Date of release of prisoners sentenced for escape

If a prisoner receives a sentence for escape from prison the date of release shall be re-calculated in accordance with Section 426 of the Code, and entered in Register of Prisoners to be released in place of the original date of release.

366. Periods that shall not count towards sentence

(i) In the following cases, the period spent by prisoners outside the prison, known as at large period, shall not count towards sentence:

(a) Escape

(b) Bail

(c) Suspended period of sentence, in accordance with Rules relating to parole.

(d) Unauthorized extension of temporary release.

(e) Suspended period of sentence if directed by the court

(f) Violation of conditional release

(ii) A prisoner released on bail in court on the day he is sentenced without having been sent to prison, shall not be deemed to have served any part of his sentence.

(iii) Convicted prisoners removed from a prison in one State to a prison in another State under the provisions of the Transfer of Prisoners Act, 1950 (Central Act XXIX of 1950) shall be deemed to be undergoing their original sentence in the prison where they have been transferred.

(iv) When a conditionally released prisoner is readmitted in prison owing to an infringement of the terms on which he was released, the unexpired portion of his sentence shall be carried without waiting for the receipt of the government orders, which shall be applied for through the Inspector General immediately on admission of such prisoner. In such cases, the unexpired portion of sentence shall be deemed to have commenced from the date of the prisoner's readmission in prison.

(v) In the case of a prisoner released on bail on a day subsequent to that on which he was omitted to prison, but who is again committed to undergo sentence in the same case, every day of admission and every day of release shall be counted as days of imprisonment in respect of such sentence.

(vi) In cases where there are more than one "at large" periods, the aggregated total of all such periods shall be worked out in terms of days and added to the substantive sentence. The date on which the sum of these period elapses, counting from the date of conviction, shall be the date of expiry of sentence.

(vii) In case of a convict who has to attend the court on the very day of his release, for a case for which he is not on bail, he shall be treated as released in the morning and sent to court as an under-trial prisoner. If the prisoner is sentenced to further imprisonment, on that very date, the sentence shall be calculated from the following day.

367. When a foreigner is sentence to a term of imprisonment

If a foreigner, apprehended and detained under Section 14 of Foreigners Act, 1946 (Central Act 31 of 1946), has to undergo a term of imprisonment, the period of any sentence of imprisonment under the Foreigners' Act shall be carried out in accordance with the provisions of the code.

Note:- After completion of sentence by a foreign prisoner he may be shifted in the custody of FRRO (Foreigners Regional Registration Offices) to get him deported to country of his origin, if not required in any other case in India.

368. Calculations of date of release on re-arrest and recapture of prisoner

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

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

Example: A prisoner sentenced on 1st January to one month's imprisonment escapes on 15th January and is re-captured on the 16th. He shall be entitled on the original warrant to be released on the 2nd February.

(iii) If a convicted prisoner, who has been released on bail, commits an offence during his bail period and is readmitted to the prison, the at large period shall be counted up to the date of the orders issued by the court concerned regarding cancellation of bail and taken into custody in that case.

369. Convicts Sentenced To Simple Imprisonment

(i) Conditions subject to which prisoner may perform labour. –

(a) A prisoner sentenced to simple imprisonment, volunteering to work, may be allowed to choose such work as is available by the superintendent.

(b) Such prisoners shall not be punished for neglect of work. However, if he is persistent in neglect of work, the permission granted under sub-rule (1) may be withdrawn.

(c) If he expresses a desire in writing, at any time, to cease work, he shall be

permitted to do so.

(d) If he chooses to labour, he shall be required to wear the prison uniform.

(ii) General discipline-

(a) The prisoners sentenced to simple imprisonment shall be 'subject to same disciplinary restrictions as applicable to other prisoners.

(b) They shall clean their own wards and wash their own clothes and shall keep their clothes and bedding neatly arranged and folded.

(c) They shall remain in the part of the prison assigned to them and shall not wander about the prison, nor enter the labour yards or work- sheds.

(iii) Prisoners sentenced to simple imprisonment –

(a) The prisoners sentenced to simple imprisonment shall, as far as possible, be kept separate from other prisoners.

(b) Be required to participate in all correctional and cultural activities of the prison, such as education, vocational training, moral instructions, games, entertainment etc.

(c) Military prisoners sentenced to simple imprisonment shall not be permitted to wear military uniform, while in prison. If such a prisoner has no clothing in his possession other than uniform, he shall be provided, at Government expenses, with the clothing provided for his class.

370. Prisoners Sentenced To Fine

(i) Prisoners sentenced in lieu of fine only shall not be entitled for benefit of section 428 of the code.

(ii) **Fine Register** – In prison a fine register shall be maintained indicating the details of fines paid by the prisoners.

(iii) **Authority to receive fine-**

(a) The Superintendent and the Jailor may receive fines at the prison and the amount of fine received shall be accounted for in the Cash Book. A receipt shall be issued to the prisoner in this behalf.

(b) The Superintendent shall deposit the fine amount with the Cashier within twenty-four hours or on the next working day. It shall be the duty of the Cashier to ensure that the fines received in the prison are properly accounted for and deposited in the Treasury in time. The Superintendent shall obtain a receipt, in the prescribed printed form from the Cashier in respect of the fines being deposited with him. The receipt shall be pasted in the Convict Register.

(c) The Superintendent shall ensure that the entire amount of fine received by him

or the Jailor has been deposited, in time, with the Cashier. The Superintendent shall cause the reconciliation of the Cashier's accounts with the amount of fine received by him or the Jailor.

(d) The Superintendent shall ensure that all amounts received by the Cashier are duly deposited in the Treasury in time.

(iv) **General discipline –** The prisoners sentenced in lieu of fine shall be subject to the same discipline as shall be applicable to other convicted prisoners.

371. Calculation of sentence of imprisonment in default of payment of fine

Sentences awarded in default of payment of fine shall be calculated as follows:

(i) Sentences imposed in default of payment of fines cannot run concurrently.

(ii) If a prisoner sentenced to imprisonment in default of payment of fine receives another sentence while undergoing such imprisonment the second sentence shall begin from the date on which the first sentence expires or if the fine is paid, from the date of payment.

Example: A prisoner is sentenced on 31st January to pay a fine of Rs. 300 or in default to two months' rigorous imprisonment and on 12th February of the same year he is sentenced on another account to an additional imprisonment for four months. The fine is paid in full on 28th February. The sentence of four months of imprisonment shall begin from 28th February and not from 31st January.

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

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

(iv) The imprisonment, which is imposed in default of payment of a fine, shall terminate whenever that fine is either paid or levied by the process of law.

(v) If a prisoner is sentenced to imprisonment, of which the whole or any portion thereof is in default of the payment of any fine, and if the fine or a portion of it is not immediately paid, the dates of release shall be calculated and entered on the

prisoner's warrant and History Ticket and in the Registers so as to correspond both with payment and with nonpayment of fine.

(vi) If a prisoner, who is sentenced to a fine and in default to imprisonment, pays a portion of the fine, the date of release shall be proportionally altered. If the imprisonment in default of payment of fine is expressed in calendar months, reduction of imprisonment to be made in consequence of such payment shall be calculated in calendar months and not in days. Any payment shall be calculated in calendar months and not in days. Any fraction of a month obtained by such calculation shall be reduced to days. When the fraction thus obtained is not exactly equal to any number of days or is less than a single day, the portion of a day which results shall be considered and treated as being equal to a full day.

Example: A prisoner is sentenced on 1st January to a fine of Rs. 300 or in default to six months' imprisonment. No part of the fine is realized except a sum of 75 paisa. He shall be released on 29th June, even though the amount realized is less than the full amount due for a single day.

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

Example: If a prisoner is sentenced on 1st January to six months' imprisonment and to a fine of Rs. 300 and it is ordered that if the fine is not paid, he shall be imprisoned for a further period of six months, then if the prisoner immediately on conviction pays Rs.100 the date of release shall be first fixed at 31st October (six months plus four months as equivalent of the fine unpaid), or if he afterwards pays anotherRs.100 the date shall be changed to 31st August and on his paying the entire amount of the fine, to 30th June.

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

(ix) A prisoner shall not be given benefit of section 428 of the code, for the sentence in-lieu of fine. The sentence of fine shall not run concurrently with other sentences of fine.

372. Payment of fines to prison

If a fine or its portion, imposed on a prisoner as a sentence or part of a sentence by a magistrate, is tendered at the prison it shall be received by the concerned officers during office working hours, except on Sundays and prison holidays, provided the

prisoner is due for immediate release. The Superintendent shall at once remit the sum received to the court or treasury and send intimation of the payment to the adjudicating court.

373. Liability of prisoner in payment

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

374. Intimation of payment of fine

(i) When fines imposed on prisoners are recovered by a court, intimation of the same shall be received by the Superintendent from the Court. If the convict has been transferred elsewhere, the Superintendent shall forward such intimation by registered post to the prison in which the convict is confined. All fine intimations shall be acknowledged.

(ii) No action shall be taken on fine intimations which do not bear the seal of the court. Such intimation shall be returned to the court for proper authentication and affixing seal of the court. When intimation of payment of fine by a prisoner is received from a Police Officer; it shall be returned to that officer with a request that it may be forwarded through the court awarding the sentence.

375. Prisoners to be informed

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

376. Imprisonment in default of giving security plus a substantive sentence

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

detention of such person in the prison after the expiry of the substantive sentence.

Illustration:

(a) A prisoner, while undergoing three months imprisonment is ordered by a competent Court to execute a bond under section 106 of the code, for keeping peace for a term of six months and execute a bond in a sum of Rs. 25 with one surety for a like amount, fails to give security on or before the date on which the three months substantive imprisonment expires, he shall be detained in prison until he furnishes the required security, or until the term for which such security is to be given is complete, but no formal warrant is necessary for such detention.

(b) If a person while undergoing imprisonment under an order under section 122 of the Code, in default of furnishing security, is convicted of an offence committed prior to the making of such order, and is sentence to undergo imprisonment, such sentence shall commence from the date on which it was passed; and if such sentence expires before the period for which the person is undergoing imprisonment in default of giving security, he shall be detained for the remainder of such period. If, however, person while undergoing imprisonment in default of furnishing security is convicted of an offence committed after issue of the order under section 122 of the Code, and is sentenced to imprisonment, such sentence shall commence at the expiration of imprisonment of failure to furnish security, unless the Court directs that such Sentence shall run concurrently with the imprisonment for failure to furnish security.

(ii) Where a prisoner, who is already undergoing substantive sentence of imprisonment, has been ordered to undergo a further sentence in default of furnishing security for keeping peace or good behavior under Chapter VIII of the Code, the order shall be brought to the notice of the sessions Judge to whom such Judicial Magistrate is subordinate.

(iii) The period mentioned in section 122 (2) of Code, shall be counted from the date of the order of the Sessions Judge or High Court, unless the latter specifically directs in the warrant that it is to be counted from some other date. In such a case, the direction of the superior court shall be complied with.

(iv) Detention for failure to give security is not a substantive sentence of imprisonment within the meaning of section 427 of Code.

Illustrations:

(a) When a sentence of a prisoner is reduced/ modified by the Appellate Court including the fine sentence, the sentence in default of fine shall be counted/ started just after the expiry of the modified substantive sentence and not from the date of decision of the Appellate Court.

EXAMPLE: -

Court on 1st Jan 2017 awards 1 year sentence and Rs.1000/- fine I/ D 2 months SI and appellate court modifies the substantive sentence on 1.8.2017 to 6 months and maintains the fine sentence, the date of release shall be: -

Date of Sentence	:	01-01-2017
Term Sentence	:	01 Year
Date of Release	:	31-12-2017
Fine Sentence in default	:	02 months
Date of Release	:	28-02-2018

APPELLATE COURT MODIFIES IT TO:

Date of sentence	:	01-01-2017
Modified sentence	:	06 months
Date of Release	:	30-06-2017
Fine sentence	:	02 months
Date of Release	:	30-08-2017

(b) In case of multiple (consecutive) sentences, the sentences shall be executed/run according to their date of sentence.

Example: -Two sentences are awarded to a prisoner – first sentence pronounced on 1.1.2017 for 1 year and second sentence of 10 years on 1.3.2017, then 10-year sentence shall start after the expiry of the first sentence.

(c) In case a prisoner sentenced in two different cases on the same day for same term of sentence, which shall not run concurrently, the sentences awarded shall run according to the date/year of offence i.e., Fir No/year wise.

Example: If a prisoner is sentenced in two cases on 1.1.18 in case FIR 70/15 and 50/16 for a period of 2 years each, then the sentence of case FIR 70/15 shall run first.

(d) When a prisoner's sentence is reduced/modified to the period already undergone by an appellate court, the fine sentence shall also be presumed as undergone unless any specific order regarding fine sentence is made.

(e) A prisoner sentenced to life imprisonment on 3.12.2013 and was facing trial in another case. On 7.8.2015, he has been bailed out, on appeal by the appellate court. He secured bail in the second case he was facing trial on 11.12.2015. The period spent by the convict from 7.8.2015 to 11.12.2015 shall not be treated as period spent in the first case in which he was serving sentence.

377. Procedure when sentence is suspended

(i) When an Appellate Court directs that the execution of sentence, or order appealed against, be suspended the appellant shall, if detained in prison pending further orders of such courts, be treated in all respects as an under- trial prisoner.

(ii) Should the appellant be ultimately sentenced to imprisonment or imprisonment for life, the period during which the original sentence was suspended shall

(a) If passed while the prisoner in prison, be included, and

(b) If passed when the prisoner was at large be excluded, in computing the term for which he is sentenced by the Appellate Court.

378. When retrial is ordered

(i) When a court passes a sentence after a retrial, or after original sentence is reversed and retrial (fresh trial) is ordered on appeal, the previous sentence, or portion thereof, already undergone by the prisoner before the fresh trial, should also count, unless otherwise specifically directed, towards the sentence imposed after the fresh trial, excluding any period during which the prisoner was at large.

(ii) If a convicted prisoner is to be handed over to police for the purpose of investigation, Court orders are necessary.

379. Procedure when a sentence is modified or reversed on appeal

(i) When a sentence on a prisoner is reversed or modified on appeal by a court, other than the High Court, fresh warrant shall be issued by the Appellate Court to the officer in charge of the prison and such order shall also be communicated to the lower court.

(ii) Provided that when the Appellate Court orders the retrial or committal for trial, of a prisoner under section 386 of the Code, it shall communicate its order to the Court whose decision has been reversed and that court shall thereupon make such orders as are conformable to the judgment of the appellate Court.

(iii) When a case is decided on appeal or revision by the High Court, the Court or Magistrate to which the High Court certifies its order shall proceed, under the provisions of section 388 or 405 of the Code, to issue, when necessary, fresh warrant or order to the prison officer.

(iv) In all cases in which a sentence or order is modified or reversed, whether in appeal or revision, a separate warrant shall be issued as regards each prisoner whose sentence has been so modified or reversed.

380. Procedure when a sentence is confirmed

(i) When an appeal is rejected, or a sentence is confirmed by an Appellate Court other than the High Court, intimation to that effect shall be sent to the Officer in charge of the prison by such Appellate Court and such order shall also be communicated to the lower court for record.

(ii) When the rejection by the High Court on an appeal or revision application from a

prisoner is communicated to the court by which such prisoner was convicted, such court shall at once to cause the intimation of such decision to be given to the prisoner.

(iii) In cases referred by the Court of Sessions for the confirmation of a sentence of death by the High Court, the High Court shall send a copy of its order to the Court of sessions which shall then issue warrants to the Officer in charge of the prison.

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

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

382. Calculation of sentence modified on appeal

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

383. Effect of annulling the first of two sentences

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

(ii) When separate sentences have been passed in separate trials and the sentences run consecutively under section 427 of the Code, the operation of the second sentence shall, in the event of the first sentence being set aside on appeal, shall commence from the date of conviction in the second case.

Illustration:

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

(b) A prisoner is sentenced on 1st July to six months imprisonment and on 1st August to another period of six months imprisonment. On appeal the first sentence is quashed on 31st August. The prisoner shall be entitled to release on 31st January.

(iii) If however an appeal is also filed in the second case, it shall be within the powers of the court hearing the second appeal to direct that credit shall be given for such

period as is covered between the date of the second conviction and the date on which the first appeal was accepted.

(iv) No credit, however, shall be given in the second case for any period passed in prison under the first sentence prior to the date of the conviction in the second case by the court of original jurisdiction.

384. When an Appellate Court annuls a sentence and orders retrial

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

385. Judicial Solitary Confinement

(i) Condition to be complied with in executing sentence of solitary confinement-

(a) When a prisoner is placed in a cell, the number of the cell should be given in the history-ticket against the entry.

(i) The total confinement undergone on warrant should be shown in the history ticket at a separate entry on each occasion the prisoner is removed from such confinement.

(ii) On the discharge of prisoner from jail, an entry should be made in register showing the total amount of solitary confinement undergone as per warrant.

(b) No prisoner should be placed in solitary confinement until the medical officer certifies on the history-ticket that he is fit to undergo it.

(c) Prisoners sentenced to solitary confinement should ordinarily divided into four gangs; each gang should be placed in cells for a week at a time, so as to utilize the cells to be fullest extent and at the same time comply with the requirements of sections 73 and 74 of the India Penal Code, 1860

(d) A prisoner, who is unfit at the time he would ordinarily be confined, should be placed in a cell at a subsequent date if the conditions imposed by section 74 of the India Penal Code allow it.

(e) The execution of a sentence of solitary confinement need be postponed on account of an appeal having been lodged.

(f) Every prisoner undergoing solitary confinement shall be visited daily by the medical officer.

(g) Any prisoner undergoing solitary confinement shall, under the orders of the Medical Officer on the ground that continuation of such confinement would be likely to prove injurious to mind or body, be forthwith removed from the cell or place in which he is confined. The Medical Officer shall make a record of the order in his journal.

(h) If a prisoner sentenced to solitary confinement be declared by the Medical Officer to be permanently unfit to undergo such confinement, the fact shall be reported to the court which awarded the sentence.

(i) The declaration should be recorded in the history-ticket and the warrant.

(ii) Solitary confinement when to be undergone-

if a prisoner is sentenced under two or more separate warrants, any period of solitary confinement awarded can only be given effect to during the time the sentence of which it forms a part is being executed.

(iii) Endorsement on warrant of solitary confinement undergone-

on the expiration of the sentence of every prison awarded solitary confinement by the committing court, the endorsement on the warrant by the Superintendent, certifying to the execution of the sentenced shall state the total period of solitary confinement the prisoner has undergone, and if any portion has not been executed the reason should likewise is stated.

CHAPTER-XIII

PRISONERS SENTENCED TO DEATH

386. For the purpose of this chapter,

(i) "prisoner" means a prisoner who is sentenced to death,

(ii) "relative" in relation to a prisoner means spouse, children, grandchildren, brothers, sisters, parents, grant-parents, parent's brother or sister, parents-in-law, grandparents in law, brothers or sisters of spouse, children of brothers or sisters and children of brothers or sisters of the spouse;

387. Management of prisoners sentenced to death on admission

(i) On admission of a prisoner sentenced to death in a prison the Superintendent shall report the admission to the Government. The Superintendent shall also report to the Government the date fixed for his execution by the Court of Sessions on confirmation of the sentence of death by High Court, and solicit orders of the Government regarding stay of his execution, if any.

(ii) On admission, a prisoner sentenced to death shall be thoroughly searched by the Superintendent or by order of the Superintendent. A female prisoner sentenced to death shall be searched by a female Superintendent or under her orders, by a Female Warder. In the absence of a female Superintendent or Female Warder, such search may be made by any other suitable female or by a Female Guard as ordered by the Superintendent. Subject to the provisions of Section 30, all private property shall be removed from the prisoner sentenced to death.

(iii) On admission of the prisoner under sentence of death, the Medical Officer in charge shall

(a) Take height, weight etc. The prisoner shall be medically examined by the Medical Officer in charge who shall record his observations in medical record book.

(b) Enquire from female prisoner under sentenced to death, whether she is pregnant, or otherwise, and get her statement recorded and signed.

388. Issue of Articles on Admission

(i) The Jailor shall ensure that the following articles are issued to a prisoner sentenced to death, on his admission to prison: -

(a) 2 pants/ Pyjamas without cord;

(b) 2 Shirts/ Kurtas

(c) 2 Sets of under garments

(d) 1 Towel

(e) Toiletries as applicable to all

(f) Two warm blankets or two cotton blankets, one for spreading and another for coverage;

(g) 1 pot, plate and mug

(h) 1 thin Kasti may be issued to a parsee prisoner.

(ii) A sheet in shall be maintained by the Superintendent for every prisoner sentenced to death.

389. Confinement in cell in special yard

(i) Every prisoner sentenced to death means to be under a finally executable death sentence where all legal remedies are exhausted shall, from the date of his admission to a prison, be confined in a cell in a special yard, apart from all other prisoners. However, the Prison should ensure to follow the various guidelines of the Supreme Court in this regard.

(a) The prisoner sentenced to death can remain in company of other prisoners till all legal remedies are exhausted and shall avail all rights and facilities like education, legal, sports, canteen, interviews, labour, remission etc. that are available to other prisoners.

(b) The death sentence prisoner shall be provided his prison record and medical record, if requested by him.

(ii) Prisoner sentenced to death shall be kept in a cell apart from other prisoners under day and night surveillance. But even here, unless special circumstances exist, he must be within the sight and sound of other prisoners and be able to take food in their company.

(iii) Where there is more than one such cell in the special yard, the prisoner sentenced to death shall be changed daily from one cell to another.

390. Cell to be examined

(i) Every cell in which a prisoner sentenced to death under sentence of death is to be confined, shall, before such prisoner sentenced to death is lodged in it, be examined by the Jailor, or by an officer appointed in that behalf, who shall satisfy himself that it is secure and contains no article of any kind which the prisoner could, by any possibility, use as a weapon of offence or as an instrument with which to commit suicide, or which is, in the opinion of that officer, it is inexpedient to be permitted to remain in such cell.

(ii) When there are two or more condemned prisoners confined in a prison at the same time, in cells situated at some distance from one another, a separate guard shall be posted for each cell. However, if the cells are contiguous one Warder shall be

posted to guard a maximum of four such prisoners. For any number of cells in excess of four, an extra guard shall be posted even when the cells are contiguous.

(iii) With two rows of cells facing and within a reasonable distance of each other, one Sentry may be given charge of up to four cells on one side and four on the other.

(iv) When two or more cells are occupied, the Sentry shall walk up and down past them, so that each prisoner guarded by him comes into his view at short intervals.

(v) The Sentry guarding these cells shall be relieved every two hours. From sunset to sunrise a good light shall be kept on in front of the grated door of every cell in which a condemned prisoner is confined, so that he may, at all times, be under close supervision.

391. Guarding

(i) Every prisoner sentenced to death shall be under observation of the guarding staff on a twenty- four- hour basis.

(ii) A guard shall in no case be given more than two hours duty at a stretch.

(iii) Every guard shall be equipped with a regulation baton and shall be so posted that the prisoner sentenced to death shall be under continuous watch. He should not be armed with a firearm, bayonet or any sharp weapon. The Sentry shall be posted in front of the grated door of the cell. The key of the cell lock shall be kept with the Sentry/prison guard on duty so as to be immediately available in case of emergency. The lock must be such which cannot be opened by any other key in use in the prison. A prisoner sentences to death shall not be taken out of his cell unless the requisite numbers of guards are present.

(iv) If the guard on duty notices a prisoner attempting to commit suicide, he shall raise alarm for help and enter the cell.

(v) The special guard in whose charge prisoners sentenced to death is put shall allow no one to approach the cell or communicate with the prisoners in any manner except the Superintendent of Prison and any other officer authorized by the Superintendent in that behalf.

(vi) A prisoner under sentence of death shall not be handcuffed or placed in any form of restraint unless he is so violent as to be dangerous to the guard or to himself. If it is deemed necessary to put on handcuffs, the reason for such action shall be reported to the Inspector General and the D.I.G.(Range).

392. Observation

(i) The prison officer in charge should carefully observe the behavior of prisoner's

sentence to death with special focus on his mental status.

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

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

393. Search

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

(i) immediately on opening of the cell in the morning when guards on duty are changed and before lockup;

(ii) Every time he is taken out of or is returned to his cell.

394. Restriction on removal

Prisoners sentenced to death shall not be removed to the prison hospital for treatment without the special sanction of the Deputy Inspector General of Prisons (Range):

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

395. Special Treatment

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

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

396. Interviews

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

(ii) The Jailor shall before grant interviews, ensure that all precautionary and security measures are taken before hand.

(iii) The prisoner shall be brought from the cell to the interview room under proper escort at the time of interview and the interviewers and the prisoner shall be separated.

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

397. Facilities

(i) A prisoner sentenced to death may be allowed the following, facilities with the approval of the Superintendent of Prison: -

(a) Religious books;

(b) Religious pictures;

(c) Rosary and essential religious emblems subject to security requirements;

(d) Newspapers and books;

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

(iii) The Inspector General may also allow further expenditure on a prisoner sentenced to death in urgent, compassionate and deserving cases.

398. Observation

A case history in Appendix-IX shall be complied in respect of each prisoner sentenced to death.

399. Insanity

(i) If any prisoner awaiting sentence of death shows signs of mental illness which, in the opinion of the Medical Officer, are not feigned, or which require observation to determine whether they are feigned or not, the circumstance shall at once to be

reported to Government, through the Inspector General of Prisons under intimation to the Deputy Inspector General (Range) for orders along with the following documents: -

(a) The Nominal Roll of the prisoner;
(b) A copy of the warrant under which he is confined (induplicate);
(c) The Medical Officer's certificate in the prescribed form; and
(d) The medical history sheet (in duplicate).

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

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

(iii) The Superintendent and the Medical Officer in charge of the prison, in which the prisoner sentenced to death may be confined, shall give all facilities to the psychiatrist or the Civil Surgeon for a physical examination of the prisoner sentenced to death including serological tests and for observation of the prisoner sentenced to death without his knowledge.

(iv) As soon as possible, after the Medical Board appointed and the prisoner sentenced to death is placed under observation, the Superintendent of the prison shall collect information about the prisoner sentenced to death through the police or other sources and place it at the disposal of the psychiatrist or Civil Surgeon.

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

Note:- Evidence regarding the behavior of the prisoner at the time of the trial and

especially during examination in court shall be available from the proceedings of the court including the evidence and the summing up and judgment. Reports on the prisoner sentenced to death shall be obtained from individuals who have been in contact with him during his remand and subsequent detention in the prison. While collecting this information, utmost care shall be taken to see that the object within which it is collected is not divulged. It should also be remembered that the relatives of the prisoner sentenced to death are likely to be specially interested and the information supplied by them shall be used with the greatest care.

(vi) As soon as the Medical or Civil Surgeon is ready with his report, he shall request the Director, Health Services to fix a date for the meeting of the Special Medical Board.

(vii) The Medical Specialist or Civil Surgeon shall place all the records before the Medical Board. The President of the Board shall forward the proceedings of the Medical Board together with their own opinion to the Secretary, Home Department, through the Inspector General of Prisons and the Director, health Services.

400. Pregnancy

(i) Where a female prisoner sentenced to death is certified by the Medical Officer in charge to be pregnant, the Medical Officer shall inform the Superintendent of the same, and the Superintendent shall make a note to that effect on the warrant, and return the warrant to the Sessions Judge for endorsing thereon an order for the suspension of the execution of the sentence, until the orders of the High Court have been taken under Section 416 of the Code.

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

(iii) When execution of a capital sentence on a woman prisoner has been suspended under either of the situations mentioned above, the sentence shall not afterwards be executed without the express order of the Government for which the Superintendent shall apply immediately through the Inspector General of Prisons.

401. Appeal facilities

(i) Immediately on receipt of a warrant of execution from the convicting court, consequent upon the confirmation by the High Court of the sentence of death, the

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

(ii) If the prisoner under sentence of death so desires, the Jailor, shall at once get his appeal prepared for him through Nodal agency i.e., DSLSA and it shall be filed before the appropriate court accordingly.

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

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

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

402. Petition for mercy- Role of prison authority

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

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

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

(iii) If the prisoner sentenced to death submits a petition within the period of seven days prescribed above, it should be addressed to the President of India through Government. The Superintendent of the Jail shall forthwith dispatch it to the Home Secretary to the Government, together with a covering letter reporting the date fixed for the execution and shall certify that the execution has been stayed pending receipt of the orders of the Government on the petition. If no reply is received within 15 days from the date of the dispatch of the petition, the Superintendent shall by express letter (fax/email/special messenger) to the Home Secretary, drawing attention to the fact, but he shall in no case carry out the execution before the receipt of the reply from Government.

(iv) If the prisoner sentenced to death submits a petition after the period prescribed above, the Superintendent of the Jail shall at once forward it to the Government by fax/letter/ e-mail/ special messenger and at the same time the substance of it, requesting orders whether the execution should be postponed and stating that, pending a reply, the sentence shall not be carried out. If such petition is received by the Superintendent later that noon on the day preceding that fixed for the execution, he shall at once forward it to the Government and at the same time by fax/ email/special messenger letter inform the substance of it, giving the date of execution and stating that the sentence shall be carried out unless orders to the contrary are received.

Note: - If any person has been sentenced to death by Court Martial, then any such petition shall be addressed to the President of India and forwarded through the Government to the Government of India for consideration.

(v) In the event of it coming to the knowledge of the Superintendent at any time before the execution of the sentence that altogether exceptional circumstances have arisen which plainly demand a reconsideration of the sentence, he is at liberty, notwithstanding anything in the foregoing provisions, to report the circumstances by fax letter/e-mail/special messenger to the Government and ask for its orders and to defer execution till they are received. In such instances, assistance of the District Legal Services Authority should be sought.

(vi) The Superintendent shall at once revert back to the Home Secretary to the Government all correspondence communicating orders to him regarding petitions for mercy, by way of acknowledgment of their receipt.

(vii) Legal aid should be provided to the prisoner sentenced to death at all stages even after the rejection of a mercy petition. Hence, Superintendent of Jails are directed to intimate the rejection of mercy petitions to the nearest Legal Aid Centre apart from intimating the prisoner sentenced to death.

(viii) Prisoner sentenced to death is entitled as a right to receive a copy of the rejection of the mercy petition by the President.

(ix) Mental Health Evaluation: As it is quite possible that some death row prisoner sentenced to deaths might lose their mental balance, there should be regular mental health evaluation and appropriate medical care should be given to those in need.

(x) Physical and Mental Health Reports: After the execution warrant is issued, the Prison Superintendent should satisfy himself on the basis of medical reports by RMO and psychiatrists that the prisoner is in a fit physical and mental condition to be executed. If the Superintendent is of the opinion that the prisoner is not fit, he should forthwith stop the execution, and produce the prisoner before a Medical Board for a comprehensive evaluation and shall forward the report of the same to the Government for further action.

(xi) Furnishing documents to the prisoner sentenced to death: Death row prisoner sentenced to deaths should be provided with copies of relevant documents within a week of conviction by the prison authorities to assist in making mercy petition and petitioning the courts.

(xii) Final Meeting between prisoners sentenced to death and his family: It would be mandatory for prison authorities to facilitate and allow a final meeting between the prisoners and his family and friends prior to the execution.

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

403. Petition for mercy- Action by Government

(i) If the prisoner sentenced to death submits a petition within the above period, it shall be addressed to the President of India through Government. The execution of sentence shall in all cases be postponed pending receipt of the orders.

(ii) The petition for mercy from a prisoner sentenced to death under sentence of death is to be forwarded to Secretary to the Government of India, Ministry of Home

Affairs, through the Government and the Superintendent shall forward such petition as expeditiously as possible along with the records of the case and his observations in respect of any of the grounds urged in the petition.

(iii) Upon the receipt of the orders of the President, an acknowledgment shall be sent to the Secretary to the Government of India, Ministry of Home Affairs, immediately in the manner hereinafter provided. In the case of, if the petition is rejected, the orders shall be communicated by express letter and receipt thereof shall be acknowledged by express letter. Orders committing the death sentence shall be communicated by express letter receipt thereof shall be acknowledged by express letter.

(iv) Petitions for mercy submitted on behalf of a prisoner sentenced to death shall be dealt with mutatis mutandis, in the manner provided herein for dealing with a petition from the prisoner sentenced to death himself. The petitioners on behalf of a concerned prisoner sentenced to death shall be informed of the orders passed in the case. If the petition is signed by more than one person, it shall be sufficient to inform the first signatory, the prisoner sentenced to death himself shall also be informed of the submission of any petition on his behalf and of the orders passed thereon.

(v) Whenever a sentence of death has been passed by any Court or Tribunal, the sentence shall not be executed until after the dismissal of the appeal to the Supreme Court or of the application for special leave to appeal to the Supreme Court or, in case no such appeal has been preferred or no such application has been lodged, until after the expiry of the period allowed for an appeal to the Supreme Court. Provide that if a petition for mercy has been submitted by or on behalf of the prisoner sentenced to death, execution of the sentence shall further be postponed pending, the orders of the President thereon.

Note: If the sentence of death has been passed on more than one person in the same case and if an appeal to higher Court or an application for special leave to appeal to the Supreme Court is lodged by, or on behalf of, only one or more but not all of them the execution of the sentence shall be postponed in the case of all such persons and not only in the case of the person or persons by whom, or on whose behalf, the appeal or the application is lodged.

(vi) On receipt of the intimation of the lodging of an appeal to the Supreme Court or of an application for special leave to appeal to that Court or of an intention to do so, the Government, shall forthwith communicate by fax/letter/e-mail/ special messenger to the Government Advocate, Ministry of Law, and also to the Secretary to Government of India, Ministry of Home Affairs:

(a) the name of the prisoner sentenced to death, and

(b) particulars relating to the appeal or the application

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

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

(ix) Minimum period of execution of death sentence: A minimum period of 14 days was stipulated by the Supreme Court between the receipt of the communication of the rejection of the mercy petition and the scheduled date of execution. This is to enable the prisoner sentenced to death to prepare himself and settle his affairs and meet his family members for one last time or to avail any judicial remedy. Therefore, a clear 14 days shall be provided to the prisoner sentenced to death to

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

404. Communication to have special marking

(i) The words 'Death sentence' should be inserted before the address in communication relating to capital sentence.

(ii) In all cases receipts of orders communicating the rejection of petitions shall invariably be acknowledged by registered letter. The orders of Government postponing the execution shall immediately be acknowledged by fax/letter/e-mail/special messenger.

(iii) A distinctive red envelope with the words 'Death Sentence 'and 'immediate' marked on the top left- and right-hand corners respectively, shall be used in death sentence cases. All Superintendents shall make special arrangements to ensure that communication received in these distinctive envelopes are received in the prison at any time of the day or night either by the Jailor or in his absence by the senior most officer in charge of the Prison at the time the communication is delivered who: -

(a) shall note the time and date of receipt of the communication in the receipt register, and

(b) shall immediately place the communication before the Superintendent, or in his absence the officer next below him, for orders.

(iv) The Superintendent shall see that prompt replies and acknowledgements are furnished where these are required and that in the case of order(s) staying execution, acknowledgements are promptly sent to the Government by special messenger well in advance of the time fixed for execution of the sentence.

405. Action on final confirmation of Death Sentence

(i) The Trial Court shall fix the date of the execution of a prisoner sentenced to death if his Mercy Petition is rejected.

(ii) On receipt from the Trial Court of the final confirmation and the date of execution of a prisoner sentenced to death.

(a) The prisoner sentenced to death if he so desires then his relatives shall be informed, about the date of execution by the Superintendent, sufficient time before the execution.

(b) The prisoner sentenced to death and his relatives, if they so desire, the prison authorities shall facilitate their final meeting.

(c) The prisoner sentenced to death, if he so desires, be permitted to prepare his

shall in accordance with his wishes, his statement to that effect shall be recorded by the Jailor/Superintendent.

406. Execution of death sentence

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

407. Postponement on medical grounds

(i) The execution of a convict shall not be carried out on the date fixed if he is physically unfit to receive the punishment, but in determining the degree of physical disability sufficient to justify postponement of the execution, the illness shall be both serious and acute (not chronic) before postponement is considered.

(ii) The Superintendent shall at once submit to the Inspector General a detailed report of such case together with the medical opinion regarding the degree of physical disability of the prisoner and the probable date, if any, on which the prisoner is likely to become physically fit for execution.

408. Delay in capital sentence

(i) Should any extraordinary or unavoidable delay occur in carrying out a capital sentence into execution from any cause other than the submission of an appeal or application, the Superintendent shall immediately report the circumstances to the Sessions Judge and return the original warrant either for the issue of a fresh warrant, or for an endorsement upon the same warrant, of an order containing a definite date for carrying the postponed sentence into effect.

(ii) In the event of final orders from the Government, to carry out execution, being received after the date fixed for execution by the Sessions Judge, the Superintendent shall get a revised date of execution from the District & Session Judge, not more than a week later than the date on which such orders actually reach him so as to complete formalities, e.g. summoning of relatives and friends to bid farewell, the making of a will etc., being observed in due order and without precipitation. The date so fixed should be intimated to Government when acknowledging the orders of execution.

(iii) When final orders are received by the Superintendent from the District & Session Judge to carry out execution, the Superintendent shall comply, provided such date has not elapsed at the time he receives final orders. If this has expired, the Superintendent shall take action as per clause above.

409. Witnessing the execution of death

Prisoners shall never be made to attend an execution.

410. Arrangement for execution

(i) On receipt of the date of execution of the prisoner, the Superintendent shall be authorized to fix the time of execution sufficiently in advance. A report intimating the time of the execution shall be sent to the Inspector General, the Session Judge and the Government.

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

(ii) The Executive Engineer (PWD) shall arrange the inspection of the gallows every quarter and before the date of a hanging as and when intimated by the Superintendent. The gallows shall be inspected and the rope tested in the presence of the Superintendent, the evening before the execution, he being personally responsible that these arrangements are properly made. A new rope need not necessarily be used for every execution, but the Superintendent shall see that the rope is carefully tested. As a rule, a dummy or a bag of sand weighing 1 & 1/2 times the weight of the prisoner to be hanged and dropped between 1.830 and 2.440 meters shall afford a safe test of the rope. Two spare ropes for each prisoner sentenced to death shall be kept ready in reserve on the scaffold in the event of accidents.

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

(a) If the prisoner weighs less than 45.360 Kgs, he should be given a drop of 2.4440 meters:

(b) If the prisoner weighs from 45.330 to 60.330 Kgs, he should be given a drop of 2.290 meters.

(c) If the prisoner weights more than 60.330 Kgs, but not more than 75.330 Kgs, he should be given a drop of 2.130 meters;

(d) If the prisoner weighs more than 75.330 Kgs. But not more than 90.720 Kgs, he should be given a drop of 1.980 meters;

(e) If the prisoner weighs more than 90.720 Kgs, he should be given a drop of 1.830 meters:
Provided that so long as the extreme limits of 1.830 meters on the one hand

and 2.440 meters on the other hand are adhered to if, owing to physical peculiarity of the prisoner, the Medical Officer is of a opinion that the drop should be increased or decreased, effect should be given to the Medical Officer's opinion.

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

(iv) The following measures shall be adopted regarding the fixing of the length of the rope to permit the required drop:

(a) The height of the prisoner to the angle of the jaw immediately below the left ear shall be accurately measured, as well as,

(b) The height from the drop shutter, when fixed in position, to the lower portion of the ring in the beam to which the rope shall be affixed.

(v) These two measurements shall determine the distance when the prisoner is standing in position on the drop, from the point of the latter's jaw to the ring in the beam. The measurement of the prisoner's neck shall also be carefully taken, the neck measurement and the height measurement to angle of jaw being carried out immediately after the prisoner has been sentenced to death. The length of rope for any given drop shall be the length of the drop plus the distance from the angle of the prisoner's jaw to the ring in the beam.

(vi) That is to say, that assuming the distance between the angle of the jaw and the iron ring to be 1.220 meters and the desired drop to be 2.130 meters, the amount of free hanging from the ring shall be 3.350 meters from the ring to the leather washer maintaining the loop in position on a pillow of gunny cloth, filled with sand, of the same thickness as the neck of the prisoner.

(vii) Wax or butter shall be applied to the loop of the rope. After testing, the rope and other equipment shall be securely locked and sealed in steel box and shall be kept in charge of Jailor.

411. Presence of officers at execution of prisoner

(i) The Superintendent, Jailor, Medical officer in charge and Resident Medical Officer shall be present at all executions. The District Magistrate or in his absence due to unavoidable circumstances, Additional District Magistrate shall attend the execution and countersign the warrant. If the Prisoner so desires, a priest of his faith may be allowed, at the discretion of Superintendent, to be present at the place of execution, subject to the requirements of security and prison discipline.

(ii) Relatives of the prisoner and other prisoners shall not be allowed to witness the execution. The superintendent with the prior approval of the Government may,

however, permit social scientists, psychologists, and psychiatrists etc. who are conducting a research to be present. The Superintendent's discretion shall prevail in the matters relating to grant of permission to witness execution. As a matter of general policy, other persons shall not be permitted to be present.

(iii) A guard of not less than ten constables/warders and two Head Constables/head warders or an equal number from the prison Armed Guards, shall be present at every execution. The Superintendent of Police shall supply the guard on application, when no armed guard of the prison exists.

(iv) Prisoners of all categories shall be kept locked up until the execution is over and the body removed from the prison.

412. Execution

(i) On the morning of the day of execution, the Superintendent shall, before proceeding to the cell of the condemned prisoner, enter his office and ensure that there is no communication awaiting him connected with the execution from Competent Authority. Thereafter, the Superintendent, the District Magistrate/Additional District Magistrate, the Medical Officer and the Jailor shall visit the prisoner in his cell before the hour fixed for execution. Any documents requiring attestation by the prisoner such as his shall etc. shall be signed and attested in the presence of Superintendent and, the District Magistrate /Additional District Magistrate.

(ii) The Superintendent, the District Magistrate/Additional District Magistrate and the Medical Officer shall then proceed to the scaffold, the prisoner remaining in his Cell in the observation of the Jailor. Thereafter, the hands of the prisoner sentenced to deaths shall next be pinioned behind his back and his legirones (if any) struck off.

(iii) The prisoner shall now be marched to near to the scaffold under the charge of the Jailor and guarded by the Head Warder and six warders, two preceding in front, two behind and two holding arms.

(iv) On the arrival of the prisoner near the scaffold where the Superintendent, Magistrate and Medical Officer have already taken their place, the Superintendent shall inform the Magistrate that he had identified the prisoner and read with warrant over to prisoner in vernacular or in the language the prisoner understands.

(v) A cotton cap with flap shall be put on the prisoners face just before he enters the gallows-enclosures. The prisoner should not be allowed to see the gallows. The

prisoner shall now mount the scaffold and shall be placed directly under the beam to which the rope is attached, the warders still holding him by the arms.

(vi) The prisoner shall than be made over to the executioner. The executioner shall next strap his legs tightly together, and adjust the rope tightly round his neck, the nose being 1-1/2 inches to the right or left of the middle line and free from the flap of the cap.

(vii) The Superintendent shall invariably see that the rope round the neck of the prisoner is adjusted properly and the knot is placed in the proper position.

(viii) The warders holding the prisoner's arms shall now withdraw and at a signal from the Superintendent, the executioner shall draw the bolt.

(ix) The operations mentioned above should be done simultaneously and quickly as possible. On completion of all these operations the Superintendent shall give a signal, on seeing which the executioner in charge shall push the lever to release the trap-door.

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

413. Hangman's fees

The hangman shall be paid at the rates fixed by the Government for the execution of each prisoner sentenced to death.

414. Disposal of body

(i) Subject to the provisions of this paragraph, the body of the executed prisoner shall be disposed of according to the requirements of the religion to which the executed prisoner sentenced to death belonged.

(ii) If the executed prisoner's relatives make a written application for performing the last rites, the Government may, in his discretion, allow such request, provided that the relatives give an undertaking in writing that they shall not make a public demonstration of any kind in relation to the cremation or burial of the executed prisoner sentenced to death. In cases where the Government thinks that there is a likelihood of a public demonstration, it may refuse such permission. In cases of disposal of the body of executed prisoner, in whose case there is likelihood of public demonstration, the Superintendent shall consult the District Magistrate and the Superintendent of Police and arrangements for the disposal of the body shall be made according to the requirements of the situation.

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

415. Report of execution of death sentence

The Superintendent shall, immediately after each execution, send a report thereof to the Inspector General in and he shall return the warrant duly endorsed to the Court which issued it.

CHAPTER-XIV

EMERGENCIES

416. Situations to be handled on an emergency basis

The following situations shall be handled as emergencies:

(i) Escape from prison
(ii) Outbreak
(iii) Riots
(iv) Strikes
(v) Hunger Strikes (individual or mass)
(vi) Assault
(vii) Suicide
(viii) Accidents
(ix) Fire
(x) Epidemic
(xi) Food Poisoning
(xii) Overcrowding
(xiii) Major 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) Floods
(xvi) Earthquake
(xvii) Terrorist Attack
(xviii) Bomb Explosion
(xix) War/Bombing
(xx) Nuclear, biological and Chemical Disasters
(xxi) Any other man-made/natural disasters

417. Measures to prevent and control emergency situations

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

(i) demarcation of an out-of-bound area around the perimeter wall of the prison,

(ii) adequate guarding and security measures and periodical inspections,

(iii) system of thorough searches,

(iv) proper maintenance of the prison building and premises,

(v) proper custody of tools and equipment,

(vi) proper control of movement of prisoners;

(vii) timely segregation of prisoners who are instigators, or of bad character, and are potential risks to prison discipline,

(viii) prompt and strong but considerate handling of all discipline problems,

(ix) attending to care and welfare requirements of prisoners,

(x) system of good discipline,

(xi) careful handling of plant and equipment,

(xii) periodical inspection of plant equipment and emergency operation,

(xiii) accident preventive measures,

(xiv) fire preventive measures,

(xv) firefighting equipment of all vulnerable points,

(xvi) good environmental and institutional sanitation and hygiene,

(xvii) Proper procedure of quarantine for newly admitted prisoners,

(xviii) Segregation of prisoners suffering from contagious diseases,

(xix) Proper storage and inspection of articles of food,

(xx) Observance of the required minimum standards in kitchen and canteen operations, service and food and eatables,

(xxi) Wire guards on trees to discourage prisoners climbing them for escape,

(xxii) Standby arrangements for water storage, power plant, and emergency lighting,

(xxiii) Concealing all drainage and water pipes in the buildings.

(xxiv) Use of powers by prison officers to use force in emergent situations as is provided under section 61 of the Act.

418. Equipment for emergencies

(i) Each prison shall be properly equipped with latest technology advanced systems the following to meet various types of emergencies:

(a) Firefighting equipment

(b) Emergency lighting arrangements like Generators, Invertors, electric torches, gas lights, kerosene lamps and oil torches

(c) Search lights

(d) Helmets

(e) Canes

(f) Latest non-lethal crowd controlling System

(g) Water hoses

(h) Telephones, inter-communication system and walkie-talkies

(i) Arms and ammunition

(j) Ladders, axes, knives, ropes, chains, handcuffs, alarms and sirens

(k) First Aid Kit

(l) Video camera/Digital camera/Any other electronic equipment for photography/modern equipment suitable to tackling any of the above emergencies.

(ii) It shall be the responsibility of the Superintendent of Prisons to ensure that all these equipment are always kept in good condition for use in emergency. The inventories of all equipment shall be audited once a year and regular training to handle this equipment shall be organized periodically.

419. Preparations for emergencies

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

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

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

420. General Instructions for handling emergencies

The general instructions to be followed in handling emergencies:

(i) Giving immediate first aid to the injured

(ii) Preventing entry into the affected area,

(iii) Immediate action to counter the spread of trouble to other areas

(iv) Quick intimation to all authorities concerned

(v) Reporting to authorities concerned for help, if necessary

(vi) If the Superintendent is not present in the prison when the problem occurs, he shall reach there as soon as he gets information of such emergency and take suitable measures for controlling it. Information should also be sent to the Jailor or Deputy

Jailor who shall reach the prison immediately and either assists the Superintendent or take charge of the situation.

421. Contingency Plan

(i) **Preparations and procedures for dealing with cases of escape and disturbance–** Inspector General shall prepare a contingency plan indicating, clearly, the precautions to be taken and procedure to be adopted to guard against and deal with cases of escape, outbreak, riot, fire or any other disturbance in the prison.:-

(a) The main gate sentry of every prison shall be provided with a siren or any other means for raising an alarm. When prisoners are working in large numbers inside the prison, at a point so that a warder's whistle sounded at such place cannot be heard by either the main gate sentry or second sentry, a means of conveying information, rapidly, of any untoward occurrence, shall be provided. Immediately, when a prisoner is found to be missing or in the event of any attempt to break prison or on any other disturbance taking place or even appearing imminent, an alarm shall be raised and it shall be the duty of everyone present or off- duty in the jail campus too, at-once, proceed towards the prison from where alarm is sounded and the security personnel, who are deployed to tackle such type of contingencies, shall also, at once, report at the prison gate. It shall be the duty of officer's present to inform the Superintendent and other officers, by the quickest possible means of communication.

(b) The officer who first notices the incident, whatever it may be, shall blow his whistle continuously, and all officers of the prison, on hearing it shall, repeat the whistle till the continuous sounding of the alarm at the prison gate shows that the information has reached there. A sentry, on hearing a whistle sounding the alarm in any part of the prison or its neighborhood, shall repeat the alarm/siren till the whole establishment is thoroughly aroused. The siren used for sounding an alarm could be of different sound for different prison so that it is identifiable by the staff. The head warder or warder on duty, at the place where the alarm originated, shall immediately inform the duty officer at the prison gate regarding the character of the occurrence that has or is about to take place, so that the Jailor or other officer in charge may be in a position to direct operations accordingly.

For instance, in the case of an escape, the prisoner's name, where he was last seen, the direction he has probably taken and the part of the prison or prison precincts he has disappeared from, shall all be valuable pieces of information in leading to his recapture; in case of a disturbance, the locality in which it occurred and the approximate number of prisoners engaged in it, shall enable the officer in command to utilize his force in the most effective manner for its control.

(c) Promptitude in starting of alarm is a most urgent and important duty. When a prisoner is discovered to be missing, or a disturbance has broken out or is on the point of breaking out, immediate measures must be taken to search the prisoner or quell the disturbance, as the case may be and no attempt of its

suppression shall be made. The alarm shall be immediately sounded to alert the staff. The fact that the missing man was found or the disturbance controlled without sounding the alarm shall not be accepted as extenuating, in any way, the neglect of the officer concerned.

(d) On hearing the sound of the alarm, the warders in charge of gangs, shall collect their prisoners and confine them in a secure place and take necessary precautions to prevent their escape.

Note: An alarm parade may be ordered at any time, and it is of importance that prisoners should not know whether any given parade is merely for practice or not, the same attention at details should be given on all occasions. In the case of an attempt on the part of a body of prisoners to break out of the main gate, it would be unwise to open the gates or wickets.

(e) At the time of alarm, all prisoners inside the prison shall, with the exception of prison functionaries, be locked into the nearest or most convenient ward, workshop or other building. The warders on duty shall keep a watch on the places of confinement of prisoners. The services of prison functionaries may be utilized for maintaining order and discipline amongst the prisoners.

(f) On the sound of alarm:

(i) Every prison officer on duty, in the prison premises, shall remain at the place of his duty until directed otherwise by superior officers;

(ii) Every prison official present in the prison premises and official residing in the prison premises, shall proceed immediately, no matter where or how engaged or whether in proper uniform or not, to the main gate of prison in which he is posted;

(iii) He shall then fall into line and place himself under the order of the Superintendent or other senior officer present;

(iv) The procedure to be followed by the officer in charge must necessarily depend on the character of the occurrence with which he has to deal;

(v) In all cases, however, a sentry shall be posted on the roof of the main gate or other suitable position where he can command a view of the interior of the prison and shall give all the information on situation prevailing inside the prison from time to time to his senior officers;

(vi) Staff posted on the watch tower and patrolling the wall shall be alerted to prevent any attempt on the part of prisoners to scale the wall;

(vii) A few men shall be set aside as a reserve to render assistance, at any point, where their services may be specially required, and with instructions to proceed to the spot/place of occurrence; and

(viii) When the prisoners are secured inside the prison, it shall also be necessary to post a small picket over them. The disposal of the remaining men shall depend on circumstances.

(g) If it be a case of escape or disturbance outside the prison, it shall be the duty of

the officer in charge of the escort to take measures in search of the missing prisoner or to take measures to quell the disturbance, as the case may be, using his powers with discretion and effecting his object with as little display of force as is, under the circumstances, necessary.

(h) Should it be a case of riot or disturbance inside the prison, the officer in charge shall lead his men to put it down. Before taking such a step, however, he shall first satisfy on the roof of the gateway that there are no prisoners in the enclosure, in the vicinity of the gate. Should there be, the gate shall not be opened till the crowd is dispersed, and this can be effectively done from the gateway roof. He shall then lead his men between the gate. When the outer gate has been bolted and locked, the inner one may be opened and the men march to the scene of the disturbance and to act as the officer in command may dictate.

(i) For controlling any incident of rioting, any officer of the prison shall use as little force, and do as little injury to a person, as may be consistent with restoring order and detaining such person.

(j) Whether an alarm is real or false, all the tasks detailed from the preliminary whistle of the warder to the conclusion of the search for the missing prisoners or the suppression of the disturbance, as the case may be, should be carried out.

(k) To accustom warders to the different circumstances with which they may be called upon to deal, and to test their preparedness to turn out at short notice, an alarm parade shall be held twice a month, at any hour of the day or night, without previous warning, and started from one of the places where prisoners are usually assembled.

(l) Adequate lighting arrangement may be made to deal with any contingency during night.

(m) In the case of missing prisoner, all efforts shall be made to trace him from within the prison premises. In case, the Superintendent is of reasonable apprehension that the prisoner has escaped from the prison walls, he shall immediately report the matter to the police, and side by side, shall take every possible step to apprehend the escapee prisoner as the prison staff is in a better position to recognize the escapee.

(n) It is the duty of the gate sentry, at the time of alarm, to defend the gate and to protect any officer of the prison or other person.

(o) Absolute silence should be maintained at alarm parades and all the details should be carried out in an orderly and systematic manner. Jailor, Deputy Jailor, Head Warders, Warders and any other staff who have to take charge, should be informed, before hand, of the duties required of them so that they may know exactly what to do and where to go when the alarm sounds, without waiting for instructions from the officer in charge.

(p) The Superintendent shall inform the police, immediately, of the disturbance, riot, escape and violence in the prison premises.

(q) The alarm parade shall be concluded on the command of Superintendent (Jail) and all the officers, who took part in the parade, shall return to the prison gate, fall into line and be dispersed.

(r) Immediately after conclusion of the alarm parade, the Superintendent shall verbally inform the Deputy Inspector General (Range) of the incident and the action taken. This shall be followed by a detailed report in writing, at the earliest.

(s) The Superintendent and Jailor shall note in their journals the date and hour at which the parade was held, the time taken by the warders to fall into line and arm themselves, the names of any subordinates who were late or absent, and any defects that were noticed.

(t) A copy of such report should be submitted to the Deputy Inspector General (Range), by the Superintendent, giving details of the action proposed to be taken against defaulters, if any, immediately after holding the alarm parade.

(ii) **Contingency Plan -** Copy of the contingency plan should be readily available with the Superintendent and Superintendent of Police and also with the next below senior officers, both in the prison and police administration, to meet any contingency like escape, disturbance, fire, natural calamities, etc.

422. Escape

(i) Sounding an alarm

(a) A siren or an alarm bell (which may be electronic, electric or manual) that can be easily heard at the quarters of the subordinate officials shall be kept near the main gate of every prison, and in places where prisoners are employed in large numbers. In the latter case the alarm should be loud enough to be heard at the main gate.

(i) Use of control measure, such as handcuffing, locking prisoners, segregating the trouble makers and mob dispersal
(ii) Tightening all security measures according to the requirements of the situation
(iii) Mustering all possible help for effective handling of the emergency
(iv) Obtaining all necessary assistance from the District Magistrate, the Police and the Fire Brigade.

(b) The sequence of alarms starting with the blowing of a whistle, followed by the sounding of the bugle and then striking of the alarm gong shall indicate the need for urgent help because of an escape or its attempt.

(ii) Escape attempts

(a) Should any prisoner attempt to escape, the guard or sentry shall at once raise the alarm if the help of other guards is essential to prevent the prisoners' escape.

He shall at the same time take all necessary steps to prevent the prisoner's escape.

(b) The armed guard shall be ready at a moment's notice to prevent any group attempt to escape from the prison.

(iii) When an escape takes place from an extramural group

(a) On the alarm being sounded because of an escape from a work site from outside the prison, the officer in charge of the standing guard at the main gate shall dispatch as many warders as he can spare for assistance. The remaining warders shall wait for orders from the senior officer present.

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

(iv) Duty of the Jailor

As soon as a report of an escape is received, the Jailor or another senior officer on duty shall:

(a) Dispatch a party of sufficient strength to search the locality where the escape has occurred, and

(b) Inform the Superintendent of the escape who in turn shall take suitable action for apprehending the escaped prisoner/prisoners.

(v) Escape during night

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

(vi) Duty of Superintendent

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

(b) The information shall also be sent to Superintendent of Police (Crimes and Railways) and the Director General of Railway Police or other head of the

transportation, in case the prisoner is likely to avail himself of the railway or other means of the transportation and, if it appears expedient, information shall be suitably sent by quickest means of communication to other districts.

(vii) Report to the Inspector General & the Government

If a prisoner escapes, the Superintendent or in his absence Jailor shall immediately convey the message over phone to the Inspector General and in his absence to the next officer available in the headquarters, followed by a detailed report within24 hours from the time of escape along with nominal role, copy of the judgment & other particulars. A copy of this report along with documents shall also be sent to the government. It shall contain information on the time and circumstances in which the escape occurred, the party or parties by whose neglect or connivance it occurred, whether the prisoner has been recaptured and if not, the measures taken to recapture him. In case of escapes that have not been due to connivance or negligence alone, but, in part, to some defect in the buildings or in the method of guarding, or any system failure, such defect shall be clearly pointed out. When the prisoner is recaptured, another report shall be sent to the Inspector General of Prisons & the Government.

(viii) Attempt to escape to be reported –

(a) Every attempt to escape, with the particulars in each case, shall be reported to the Inspector General, accompanied by a descriptive roll of the prisoner.

(b) Every attempt to escape shall also be reported to the area Station House Officer for taking necessary action as per law.

(ix) Punishment for facilitating an escape

Every officer of the prison, because of whose assistance, connivance, or neglect, an escape takes place, shall be prosecuted under sections 222, 223 & 225 A of the Indian Penal Code, 1860. An independent inquiry shall immediately be caused to be conducted by the order of Inspector General (Prisons) through a senior officer not below the rank of Superintendent of Prison, who should not be from the prison where incident takes place.

(x) Publication of escapes

Notice of escape of prisoners and of the rewards offered for their recapture shall be published through Electronic & Print Media for publicity and also in Gazette, if so, ordered by the Inspector General.

(xi) Power to sanction reward

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

(xii) Reward to prisoners preventing an escape

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

(xiii) Procedure on recapture

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

(b) A recaptured prisoner be admitted into and detained in prison on the authority of the original warrant; the time he was at large does not count as sentence served.

(c) A recaptured prisoner, if he is under trial, shall be produced before the concerned court for further directions.

(xiv) Deprivation of privileges by escape or attempt to escape

Every prisoner, who at any time escaped or attempts to escape from any custody, shall be considered as high risk prisoner and shall be given a special dress for his easy identification.

(xv) Prisoners not recaptured to be entered in the release register

(a) The Superintendent shall maintain a register in which he shall mention the date of escape, names, and registered number of every prisoner who has escaped and who has not been recaptured. On recapture, his name shall be struck off from the register and date of recapturing shall be noted.

(b) Every prisoner, who does not report to the prison authorities after the period of parole or interim bail, shall be treated as if he has escaped from the prison and the same procedure be followed.

(xvi) Disposal of warrants of escaped prisoners

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

423. Outbreaks

(i) Alarm to be sounded on outbreak

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

(b) In the event of an outbreak or disturbance, the prison official present at the scene of occurrence shall raise an alarm by blowing his whistle hearing which the warder staff shall blow their own whistles. It shall be followed by sounding of gong or siren at the main gate.

(c) Every prison official outside the prison shall proceed at once to the guard room and arm himself with a baton. A message shall be sent by the senior officer present, to the Superintendent & Jailor, who shall summon every available man.

(ii) When the alarm is sounded

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

(iii) Duty of Prisoner on hearing an alarm

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

(iv) Methods of quelling disturbances

(a) On reaching the scene of disturbance, the guard shall proceed to quell it by using batons or tear gas, if available, as the officer in command may decide. Action shall first be directed to prevent any attempt at escape, to isolate the

rioters from other prisoners, and to rescue any prison officer who may be in danger. If the disturbance is accompanied by an attack on any prison official, or by a combined attempt to escape, the officer in command shall warn the prisoners that they shall be fired upon if they do not submit. If circumstances permit, this warning shall be repeated three times. If the prisoners do not submit, or the outbreak or disturbance cannot be quelled, the officer in command may summon the reserve guard and open fire on these prisoners. He shall stop the firing as soon as the prisoners cease resistance or submit. Only minimum force necessary shall be used in all circumstances.

(b) On arrival of the Superintendent, their orders shall be taken and all officers from the rank of Jailor and below shall act as per his orders.

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

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

(v) Defense of Main Gate

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

(vi) Disturbance within wards

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

(vii) Treatment of extramural groups

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

(viii) Rehearsal of procedure on alarm

It is of importance that if an outbreak occurs, every man knows precisely what he has to do. In order to perfect this procedure, an alarm parade shall be held at

frequent intervals in each prison. All steps laid down in the rules shall be rehearsed as accurately and promptly as possible. The convicts too shall be trained to run at once to the assigned place of security when the alarm is sounded. No arms shall be taken inside the prison during practice alarm parades. The Superintendent shall make a record of each practice session and its results in his register.

(ix) Duty of the Superintendent

In the event of a disturbance occurring in the prison, which is likely to develop into a serious riot, the Superintendent shall send a message to the Station House Officer of the Police Station of the area, Police Control Room and the Superintendent of Police of the area, informing them of the situation and, in the absence of these officers, to the next senior officer present in the station, on the telephone or by a fast messenger, informing him about the situation. If the Superintendent considers that the presence of the Superintendent of Police or, in his absence, the next Addl. Superintendent of Police is necessary, he shall, at the same time, request him to come to the prison premises. On receipt of such a message, the above-mentioned officers shall immediately proceed to the prison, and in consultation with the Superintendent, take all such measures as may be necessary in the special circumstances of the case, to restore order. All action taken shall promptly be reported by him to the higher authorities. The Control Room of the prison shall keep readily available all the telephone numbers and other means of communication with the aforesaid officers, for prompt transmission of message.

424. Accidents And Suicides

(i) Procedure when unnatural death occurs

(a) Whenever a sudden or violent death or suicide takes place in a prison, immediate notice shall be sent to the Superintendent and the Medical Officer. The body shall be left untouched in the position in which it was found, for inspection by these officers.

(b) However, if there is reasonable apprehension/ hope that the person is still alive, measures shall be taken at once for the prisoner's first- aid and treatment and revival.

(c) In the case of a prisoner found suspended by a rope in an attempt to commit suicide, and there is reason to believe that he may still be alive, the body shall be raised at once to relieve pressure and laid gently on the grounds. All measures shall be taken to restore consciousness, without waiting for assistance, which however shall be called for without delay. In all events of a death procedures laid down in the rules on death of a prisoner should be followed.

(ii) Custody of articles used for suicide

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

(iii) Precautions against the prisoners with apparently suicidal tendencies

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

(iv) Employment of convicts on dangerous work

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

(v) Custody of Poisons

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

(vi) Precaution against drowning

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

425. Fire

(i) Prevention of fire

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

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

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

(d) No burning coal, wood or other fuel used in kitchen shall be allowed t be taken out. Those in charge of the kitchen shall be responsible for any violation. If liquefied petroleum gas is used in kitchen it shall be ensured that gas cylinders are stored in a secured room in accordance with the safety rules for storage of LPG cylinders and that no prisoner has access to such place. If any fire occurs nobody should be allowed near the gas room until the fire is completely quelled.

(e) There shall be fire hydrants and firefighting equipment (sand and water buckets) in all parts of the prison, and especially at all vulnerable points decided in consultation with the Fire Department.

(f) Electric installations in the prison shall be inspected at regular intervals.

(g) In extramural camps and open institutions, precautions such as provision of a large supply of water and firefighting equipment shall be kept ready at hand.

(h) Each Superintendent shall draw up instructions on fire safety and the drill to be adopted in his prison, showing the respective duties of all members of the prison establishment on an alarm of fire being given. He shall make the staff rehearse the fire drill at least once in six months. This would include firefighting safety measure and evacuation techniques.

(i) In the event of a fire immediate information to fire brigade shall also be sent. Till help from the fire brigade is received, every attempt to quell the fire shall be made. In the event of fire breaking out in the prison by day or night, the alarm shall be sounded.

(j) Steps shall be taken to ensure that fire does not spread to other parts of the prison and the lives of prisoners and of members of the staff are not endangered. In the event of an injury to a prisoner, or a member of the staff on duty, because of fire
(i) medical attention to the injured shall be given and
(ii) an inquiry shall be immediately held and statements of the injured prisoner or member of the staff and other witnesses shall be recorded.

426. Epidemics

(i) Epidemics and precautions against them

(a) Epidemics which are likely to occur in prisons are cholera, enteric fevers, gastroenteritis, chicken pox, measles, mumps, influenza, cerebrospinal

meningitis, pneumonia, plague, beriberi, scurvy and epidemic dropsy.

(b) When an epidemic is present in the vicinity of a prison, communication between the staff and the infected locality shall be, as far as possible, prevented and special care shall be taken that all arrangements to meet an outbreak are completed.

(ii) Removal to a segregation shed

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

(iii) Treatment of prisoners after contact with infection

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

(iv) Prison officer's clothing, if infected

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

(v) Treatment of the infected barrack

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

(vi) Vaccination or inoculation

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

(vii) Accommodation of patient

Overcrowding must be strictly avoided both in the hospital as well as in every cell

and ward. If the epidemic is severe then it may be desirable to use the entire hospital for treatment of epidemic cases, removing all other cases to temporary hospital that can be set-up in a ward or work shed, (if no better place is available). Minor, cases of colic or ordinary diarrhea shall also be treated separately and not admitted to the hospital until the characteristic symptoms of cholera and diarrhea have disappeared.

(viii) Sterilization of drinking water

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

(ix) Observation of prisoners

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

(x) Treatment of hospital floor

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

(xi) Disposal of dejecta

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

(xii) Cleanliness of prisoners

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

(xiii) Treatment of clothing and bedding

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

(xiv) Disposal of infected corpse

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

(xv) Report to the Inspector General

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

(b) The next two cases too shall likewise be reported to the Inspector General. On the occurrence of the second case, the Superintendent shall submit a report stating whether he proposes a large-scale segregation of prisoners within the prison premises. If he does then he shall elaborate the measures he is taking for it. If he does not plan segregation, he shall record reasons for that as well. If the Inspector General is absent from the Headquarters, the report shall be delivered to him by quickest means.

(xvi) When a disease shall be deemed epidemic

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

(xvii) Rules generally applicable to epidemics

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

(xviii) Daily report during epidemic

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

(xix) Special epidemiological inquiry

The Inspector General in consultation with the Director Health Services, may call for an epidemiological inquiry or report from the Resident Medical Officer whenever he considers it advisable. A copy of such an inquiry report shall be

furnished to the Director General of Health & Family Welfare, Uttarakhand.

427. HUNGER STRIKES

(i) Procedure to be followed in cases of hunger strikes

(a) Prisoners who go on hunger strike shall be warned that no redress of any alleged grievances shall be allowed as long as the strike continues and that they shall be liable to any prison punishment or to prosecution under Section 47 of the Act.

(b) After sufficient warning and before the refusal to take food has adversely affected them, and if any other punishment appears unlikely to deter them, they may be prosecuted under Section 47 of the Act. The usual concession in the matter of interviews and letters of such prisoner shall be restricted to members of the legal profession only. If any such prisoner proposes to engage a member of the legal profession to represent him, a vakalatnama shall be executed by the prisoners in favor of the member of the legal profession and only that member shall be permitted to interview the prisoner in this regard.

(c) In the event of mass hunger strike by the prisoners, the Superintendent shall permit reasonable number of members of the legal profession to interview the prisoners. For easy identification, the members of the legal profession should be in their formal lawyers' dress and give requisition for interviews on their letter-heads. If a mass hunger strike amounts to mutiny, the prisoners shall be isolated from each other, and from other prisoners, as far as possible.

(d) When prosecutions are instituted under Section 47 of the Act, the proceedings shall be held within the prison and shall be started and completed with as little delay as possible.

(ii) Forcible feeding of prisoners on hunger strike

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

(iii) Daily report to the Government

The Medical Officer shall furnish daily reports to the Superintendent on the health of the prisoner who is on a hunger strike. He in turn shall forward it to the government through the Inspector General.

428. Overcrowding

(i) Overcrowding shall be reported to the Inspector General

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

(ii) Measures to relieve overcrowding

As soon as prisoners in excess of the available accommodation are received in any prison or hospital, the Superintendent shall submit a report to the Inspector General with a statement of the measures which he proposes to adopt to relieve the overcrowding, and such temporary arrangements, as he thinks best, shall at once be adopted for this purpose.

(iii) Keeping prisoners in sheds or tents

Prisoners in excess of the accommodation shall be placed as a temporary measure for not longer than 6 months in work sheds or verandahs. In addition, they may also be kept in sheds or tents inside the prison. The area of the said shed or tents shall be in accordance with the area specified in chapter related to housing of the prisoners. The Superintendent shall always obtain prior sanction, whenever necessary for incurring expenditure in this regard and shall ensure economy in every aspect.

429. Earth Quake

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

(i) The prisoner shall be asked to take cover (kneel down, and cover head with arms)

(ii) The prisoners shall be asked to remain in the same position for a few minutes, due to after-shocks.

(iii) The prisoners shall be kept at least 14 feet away from windows, mirrors, chimneys, tall book cases, furniture, old and high buildings, poles, trees and electric wires.

(iv) The prisoners shall be asked to walk towards an open place, in a calm and composed manner

(v) Evacuation and rescue measures should be undertaken on instructions from an evacuation team and unnecessary crowding of affected area should be avoided.

430. Other emergencies

Suitable action shall be taken according to the requirements in cases of other emergencies as well. The Superintendent shall report the circumstances to the

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

431. Report of assault or disturbance –

(i) A complete report of every serious assault committed by a prisoner on an officer of the prison, and of every serious disturbance of combined outbreak amongst, prisoners shall be submitted to the Inspector General.

(ii) The prisoners who are considered sulky, morose, or of violent temper should not be entrusted with a knife or other implement which might be used as a weapon of offence.

(iii) All locks in use in a prison should be examined daily and any lock found out of order, brought to the notice of the Jailor who shall replace it with a serviceable one.

(iv) Even where there has been cognizable crime, which is to form the subject of police and magisterial enquiry and, subsequently, ends in a criminal trial, the Superintendent must, at once, conduct enquiry, and submit the report to the Inspector General on the aspects of prison discipline and the observance of rules involved in the case, and if he finds that any officials are to blame, he should state how he proposes to deal with them.

432. Safe Custody And Security Of Prisoner

(i) Record of cases in which irons are imposed –

In every case in which any prisoner is placed in irons, of any description, the fact that these have been imposed and the time of their imposition and removal, respectively, shall be noted in the registers maintained for the purpose.

(ii) Fetters to be examined –

The Jailor shall ensure that the handcuffs and fetters imposed on a prisoner are in accordance with the provisions of section 55 and section 56 of the Act and are secured and cannot be misused.

(iii) The imposition of handcuffs and fetters is prohibited in respect of:

(a) Female prisoners;

(b) Civil prisoners; and

(c) Prisoners who are aged, physically infirm or seriously ill.

(iv) Imposition of handcuffs –

Handcuffs may be imposed on the wrists in front, by day or night, for a period of not more than twelve hours at a time, with intervals of not less than twelve hours between each period, and for not more than four consecutive days or nights. The period, for which handcuffs may be imposed, shall be determined by the court.

(v) Emergent Situations-

In emergent situations, the Superintendent may use handcuff and/or fetter to secure any prisoner for reasons to be recorded in writing and under intimation to the District and Sessions Judge within twenty four hours of using such handcuff or fetters.

(vi) Annual statement of prisoners in fetters-

An annual statement showing particulars of the case in which fetters have been imposed during the year shall be submitted on or before the 31st January of the succeeding year to the Inspector General by Superintendent (Prison).

(vii) Removal of fetters –

Fetters imposed for security shall be removed by the Superintendent as per directions of the court:

Provided that in emergent situation, where a prisoner is seriously ill and in the opinion of the Medical officer, he is unfit to be imposed in fetters, the Superintendent shall remove his fetters forthwith, under intimation to the court.

(viii) Outbreak and attempted out-breaks –

Any officer of the prison may use a force on any prisoner engaged in any combined outbreak or any attempt to force or break open the outer gate or enclosure wall of the prison and may continue to use such force so long as such combined outbreak or attempt is actually frustrated.

(ix) Using violence against an officer –

Any officer of the prison may use minimum force against any prisoner using violence against any officer of the prison or other person:

Provided that such officer has reasonable ground to believe that the 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.

(x) Warning to be given- Before using any force against a prisoner, the officer of the prison shall give a warning to the prisoner that he is about to use such force on him.

(xi) Orders of superior officers-

No officer of the prison shall, in the presence of his superior officer, use force of any sort against a prisoner, in the case of an outbreak or attempt to escape, except under the orders of such superior officer.

(xii) Prison officers to include officers from other forces and services –

(a) The term 'officers of the prison' shall include all officers of any other force and services deployed in prison for assisting the prison administration in the safe custody of prisoners.

(b) There shall be a provision of quick reaction teams for the protection of the prison and to meet any aggression or exigency. The team should be equipped with a vehicle,

sophisticated weapons and bullet proof jackets to deal with contingencies.

(c) It should be ensured that there are minimum access points for entry to the prison complex. These access points should be, round the clock, manned by the personnel of paramilitary forces for regulating entry of visitors and others.

(d) There shall be a provision of the electronic surveillance on different activities of the inmates and staff. Further, X-ray Baggage Scanners, Door Frame Metal Detector, Hand-Held Metal Detector, Security pole etc. shall be provided for detecting prohibited articles, at all access points including entrance to the prisons.

(e) There shall be a provision of mobile phone jammers & mobile detectors inside the prison to rule out any possibility of usage of mobile phones by the inmates in the prisons.

(xiii) Habitual prisoners are to be distinguished.-

Every escapee shall ordinarily be required to wear such clothing as prescribed by the Director/Inspector General.

CHAPTER-XV

EDUCATION OF PRISONERS

433. Education of Prisoners

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

(ii) Education is harmonious and necessary for the all-round development of human faculties-mental as well as physical. It is a tool by which the knowledge, character and behavior of the inmate can be molded. It helps a prisoner adjust to the social environment and facilitate his ultimate re-integration in society.

(iii) Life in prison tends to be monotonous and regimented. There is a need to provide prisoners with adequate educational opportunities in order to enable them to lead a law-abiding and self-supporting life following their release. It must be understood that placing offenders inside prison cells without any attempt to reform them is an unproductive exercise.

434. Objective

(i) The objective behind educational programmes in prisons may be to channelize prisoner's energies into constructive and creative pursuits, instilling in them a sense of confidence, developing amongst them social responsibility and consciousness, fostering amongst them habits and attitudes necessary for adjusting in the community, creating amongst them awareness of futility of leading a criminal life & uplifting them morally, mentally and socially.

(ii) A comprehensive educational program in a prison may aim at:

(a) Providing opportunities to illiterate inmates to achieve at least a certain minimum level of education,

(b) Extending facilities to literate inmates to advance their educational standards,

(c) Developing a better understanding of the duties and obligations of a citizen,

(d) Improving the attitude of inmates towards society and fostering a desire to live as good citizens,

(e) Assisting the development of good social and ethical habits and attitudes so that

the inmates may properly adjust their lives when they are released,

(f) Helping them to improve their personalities and ability for social adjustment through individual and group guidance in social living, planning,

(g) Developing a point of view which shall make the futility of a criminal way of life apparent to the inmates, making them aware of the advantages of a law-abiding life,

(h) Stimulating sustained interest and effort towards self- improvement, and

(i) Developing social consciousness and a sense of social responsibility and obligations.

435. Planning

Educational plan for prisoners shall be such that:

(i) The purpose of education is to facilitate transformation, reformation and reintegration of prisoners into society. In order to achieve these objectives, an adequately trained educational staff and minimum facilities like class rooms and libraries should be provided in every prison.

(ii) Education of illiterate prisoners shall be compulsory. Correctional Services shall pay special attention to educational programs.

(iii) Because of wide variations in intelligence level and individual interest of inmates, it is essential to organize diverse educational programs to suit the needs to the large groups.

(iv) Educational programmes should cover subjects which would help develop the inmate as useful members of civilized society.

(v) The nature of the educational programs in prison should be related to the size and type of the inmate population and the time earmarked for these programs. Educational activities should be developed in conjunction with the overall program.

(vi) As far as practicable, the education of prisoners shall be integrated with the educational system of the State so that after their release they may continue their education without difficulty. These programs should be related to after-care programs also.

(vii) The education policy should be formulated in a manner which is adjustable to social environment, leading to ultimate resettlement of a prisoner in the society. Education should be organized at three levels:

(a) For the illiterate inmates

(b) For the intermediates

(c) For advanced education.

(viii) Educational personnel should be oriented, through special training courses, to implement correctional policies, programs and methods as far as practicable.

(ix) Non-Governmental Organizations should be extensively involved in the educational programs.

436. Nature of an Educational Program

(i) The educational program should consist of:

(a) Physical including yoga and health/hygiene education
(b) Academic education
(c) Social education
(d) Vocational education
(e) Moral and spiritual education
(f) Cultural education
(g) Computer education
(h) Legal education/awareness

(ii) The policy behind academic education should aim at:

(a) Making every illiterate prisoner literate
(b) Developing educational qualifications of prisoners

437. Classification of Prisoners

(i) Prisoners should be classified on the basis of their academic/ educational qualifications and their aptitude for further learning at the time of admission in the prison. It should be made compulsory for each prisoner to sit in educational classes, arranged as per their qualification, for at least two hours in the day, preferably in the morning hours.

(ii) The classification committee and educational personnel should together decide the amount of time to be devoted for academic education, vocational education and work for each inmate. As there shall be variations in the educational level, intelligence and interests, diverse educational programmes should be organized for different groups of inmates.

438. Help of educated Prisoners

The help of educated prisoners should be liberally obtained for carrying out educational programmes, in addition to the help taken from regularly employed teachers, and utilizing similar facilities offered by NGOs.

439. Language Classes

(i) Language classes should be encouraged. These classes could be run by the educated prisoners, regular teachers and NGOs. This shall help the prison administration harmonize relations between prisoners of different cultures and communities and would improve discipline in the prison.

(ii) Keeping in view the special needs of prisoners, a booklet should be prepared which would enlist various educational programmes being carried out in the prison.

440. Schools for Young Offenders

(i) Every prison should have a regular school where young offenders can attend regular classes in shifts. This school could be a branch of any government organisation, with the Education Department providing teachers, equipment and material for teaching young offenders. The school should provide education for primary, secondary and senior secondary levels. It should be mandatory for each young offender to attend classes. The staff posted in the prison should be paid special incentive for maintain prisoners' interest in attending school.

(ii) The prisoners who pass various examinations should be given certificates as are given to students studying in regular schools. Care should be taken to ensure that there is no mention of the young offender's imprisonment on such certificates.

441. Education for Short Term Prisoners

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

442. Personnel and Equipment

Following personnel and equipment for the educational programme for prisoners should be provided:

(a) Teachers should be provided for running and guiding the adult educational programmes in prisons. Teachers from the Education Department could be posted to the prison on transfer/deputation basis. Inmates, who are educated and whose conduct has been good, should be given training in imparting education to others. These trained inmates should assist the regular teachers in organizing diversified educational programmes. The services of retired teachers of NGOs could also be obtained in running the educational programmes.

(b) Necessary equipment for education like books, stationery, writing material, furniture etc should be provided at Government cost. In

(c) Each prison, a building should be earmarked/constructed as a school for carrying out educational activities. Buildings and areas for educational programmes should be earmarked in accordance with the minimum standards as fixed by the Education Department for similar purposes.

(d) Study/examination centers of National Open School/Indira Gandhi National Open University should be established in every Central/ District Prison. The strength of educational personnel should be fixed in accordance with the inmate population and the educational programmes to be organized.

(e) The educated prisoners, who help the prison administration in conducting educational programmes, should be given wages / honorarium by the Prison Authorities.

(f) Audio-visual equipment should be used for educational purposes.

(g) The lodging arrangement of prisoners can also be done as per their educational requirements so that suitable environment is created in the barrack/cell to enable them to carry out the assignments given to them by their teachers.

443. Curriculum

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

444. Tests and Examinations

Following concessions shall be given to prisoners for pursuing their higher education.

(i) At the end of each educational project, inmates should be given tests and examinations. These test/examinations should be conducted inside the prison by the Education Department/National Open School/Indira Gandhi National Open University etc.

(ii) No fees, including examination fee, should be charged from students appearing in various examinations. Cases of brilliant students should be recommended to Education Department and other agencies for grant of scholarship.

445. Liaison

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

446. Library

Following facilities in the prison library should be provided:

(i) Books in the library should cater to the needs of different educational standards, satisfaction of intellectual needs, and development of knowledge of the inmates.

(ii) The prison library shall be properly equipped with books, magazines, and newspapers. These shall be issued to the prisoners. Prisoners should be encouraged to develop reading habits.

(iii) A librarian should be employed for the management of books and other reading material. Help of educated prisoners could also be obtained, under the supervision of the librarian, to run the library. The librarian shall arrange for and make available books on various subjects for satisfying the needs of prisoners. The librarian should keep details of books and periodicals available in the library subject/title wise for use of prisoners and for the information of the Superintendent of Prison.

(iv) Donation of books by NGOs should be encouraged and welcomed. Public and Government schools should be encouraged to adopt the educational programmes being run inside the prison for prisoners.

(v) A digitalized library with e-learning materials may also be provided, to the extent possible.

Note- The study material which would be made available in the prison library shall be scrutinized/ screened by the Superintendent so as only the material pertaining to educational, social, moral, cultural & spiritual development/upliftment should reach to the prisoners. Detailed guidelines shall be issued in this regard by the Inspector General of Prisons.

447. Social, Moral, Cultural and Spiritual Education

Meditational therapy should be used for holistic healing.

448. Prison Publication

There should be a monthly/quarterly publication for the inmates for information dissemination. Such publications shall also contain articles, poems, write up etc. contributed by the prisoners and also highlight the achievements of educational, sports & other performances milestones by the prisoners. Prisoners should constitute the editorial board. There shall be independent screening committee for content screening preferably headed by the person which should have an experience of journalism.

449. Accountability

It should be one of the primary responsibilities of the prison Superintendent and other prison personnel that the programme of education is implemented in its proper spirit. The success & failure of the program and the extent of educational activities in each prison should be one of the principal factors on which the performance of these officers should be evaluated.

450. Incentives & Remission for achieving education milestones by the prisoners

The Inspector General (Prisons) may devise a Remission, Reward & incentive Scheme for prisoners who achieve education milestones while pursuing studies in jail.

CHAPTER-XVI

VOCATIONAL TRAINING AND SKILL DEVELOPMENT PROGRAMMES

451. Objectives of Skill Development Programs and Vocational Training

Vocational training and skill development programs should be treated as essential features of prison correctional programs. The objectives of such programs should be:

(i) Imparting discipline and work culture among inmates.

(ii) Developing right attitudes towards work and dignity of labour.

(iii) Promoting:

  (a) Physical and mental well-being of inmates;

  (b) Proper development of mind through intelligent manual labour;

  (c) Spirit of fellowship and a cooperative way of living; and

  (d) A sense of group adjustment.

(iv) Developing the capacity for sustained hard work,

(v) Building habits of concentration, steadiness, regularity and exactness in work,

(vi) Imparting and improving work-skills,

(vii) Awakening the self-confidence and self-reliance of inmates,

(viii) Training and preparing inmates for achieving lasting social re-adjustment and rehabilitation,

(ix) Imparting an occupational status and thus creating a sense of economic security among inmates,

(x) Keeping inmates usefully employed in meaningful and productive work,

(xi) Preventing idleness, indiscipline and disorder amongst them,

(xii) Maintaining a good level of moral amongst them and thus promoting a sense of self, as well as institutional discipline among them.

452. Policy of the Government

(i) The employment and production policy in prison should be designed to cater to the needs of prisoners coming from both rural and urban areas. The emphasis should be on the kinds of skills and jobs that would ensure employment or self-employment once the inmate is released from prison.

(ii) A "Board of Skill Development Program and Vocational Training" or similar setup, under the overall stewardship of Inspector General of Prisons, should be set up at the Prison Headquarters and vested with required fiscal and administrative powers. The function of the Board should be to:

(a) Plan and implement programs of skill development and vocational training,

(b) Arrange funds required to run such programs,

(c) Fix a policy of production,

(d) Examine the economic aspects of the skill development programs,

(e) Put prison skill development programs on a sound commercial footing,

(f) Ensure coordination at all levels,

(g) Evaluate the performance of the skill development program at every prison,

(h) Introduce practices and procedures of modern management of production,

(i) Guide, supervise, direct and control all matters relating to institutional skill development programs and vocational training,

(j) Organize workshops in after-care homes for discharged prisoners, and

(k) Promote marketing of prison products.

(iii) In consultation with the Ministry of Skill Development and Entrepreneurship, the Government of India may identify certain trades as suitable for the inmates to be trained in so that once they are released, they may be gainfully employed.

(iv) Government departments, semi-government departments, cooperatives and public undertakings should purchase articles produced in prison industries as per requirements, from the Department of Prisons and Correctional Services.

(v) Clear guidelines for the purchase of raw material, consumable articles, tools and equipment should be laid down to eliminate chances of misappropriation or waste, by the government from time to time.

(vi) A policy may be laid down for the employment of carefully selected prisoners in public undertakings, co-operative farms of the State, and agro-based industries organized in the cooperative sector when they are released from prison.

453. Vocational Training

(i) Vocational training programs, in self-employing trades and occupations, should be organized in every central and district prison for employable convicts.

(a) Such programs should be open to under trial prisoners who volunteer to undergo such training after testing their vocational ability.

(b) Wherever possible in larger prisons, an Industrial Training Institute should be established and where it is not possible to establish one, the help of local Industrial Training Institutes could be obtained in training the prisoners.

(c) The prison should have adequate staff for efficient organization of various training projects. It should be properly equipped with training aids and classrooms for conducting multifarious projects to suit the training needs of its inmates.

(d) The prison should have a properly defined organization for training projects in terms of formation of homogeneous groups and setting down routine and time schedule of projects.

(e) The cost incurred in the training projects, expenditure on staff, equipment and material, should be treated as essential investment for the purpose of training and resettlement of offenders.

(f) Special emphasis should be given to vocational training of young offenders, young adult offenders, and others who may derive benefit from the training projects.

(ii) Prison authorities should take suitable measures for engaging of qualified technical personnel in adequate numbers in every production unit and for every program of vocational training.

(iii) Vocational training programs should be designed to suit the needs of prisoners sentenced to short, medium and long-term imprisonment.

(iv) Active linkages should be established with the department of Technical Education, Directorate of Industries (including Cottage Industries), Industrial Training Institutes, Polytechnics and Vocational Training Institutions and other similar institutions as well as approved NGOs to develop vocational training programs on a practical and pragmatic basis.

(v) On the completion of vocational training courses, inmates should be examined by the concerned Department and on passing the examination they should be awarded a regular Certificate/Diploma by that department.

(vi) As a measure of incentive, inmates of Open Jail demonstrating good progress in skill development programs and vocational training should be allowed to visit important undertakings and other government owned industries.

(vii) The prison industry should be given preferential treatment in the matter of granting permission to run various industrial/production units by the Government.

(viii) The executive and supervisory personnel should be given training in modern methods of management.

(ix) Diversification of programs of vocational training should be given due priority when the Master Plan for diversification of skill development programs is designed.

454. Employment of Prisoners

(i) Apart from convicts, under trial prisoners, who volunteer to work, should also be employed on skill development programs and be given vocational training in their

enclosures. The under trial prisoners employed in the prison industry, or agriculture, should be given fair and equitable remuneration on the same scale as prescribed for convicts.

(ii) No criminal prisoner sentenced to labour, or employed on labour at his own desire, or under trial doing labour, shall, except in an emergency, and with the sanction in writing of the Superintendent be made to labour for more than eight hours in a day.

(iii) The Medical Officer shall, from time to time, examine the prisoners while they are employed, and shall, at least once in every fortnight, get their weights recorded in their history tickets.

(iv) When the Medical Officer is of the opinion that the health of a prisoner is suffering due to employment on any kind or class of labour, he shall not be employed on that labour but shall be placed on such other kind or class of work as the Medical Officer may consider suitable for him.

(v) Prisoners sentenced to medium and long terms of imprisonment should be given training in multiple skills so that they are able to compete with the conditions in the labour market outside the prisons.

(vi) For planned employment of inmates the following factors should be taken into consideration while organizing skill development programs:

(a) Mental and physical health
(b) Requirements of security, custody and discipline
(c) Age
(d) Length of sentence
(e) Inmates' skill and abilities and also potential for acquiring skills
(f) Urban and rural background of the inmate.

(vii) Prisoners sentenced to less than one year of imprisonment should be employed in prison maintenance services, gardening, work- centers and work camps and paid suitable wages for their work.

(viii) Prisoners sentenced to imprisonment for one year or more should be employed in production units in prisons.

455. Prison Industries and Skill Development Programs

(i) Prison industries should be organized on business-cum-commercial basis. The various government departments while purchasing articles for office use should give preference to prison products

(ii) The skill development programs should also include essential institutional maintenance services like culinary, sanitary and hygienic services, prison hospital, other prison services, repairs and maintenance services. Prisoners may also be employed in the service of maintenance and construction of prison buildings for which they shall receive adequate remuneration or wages in accordance with the rules.

(iii) Prison skill development programs should consist of services required by the community such as construction work, masonry, carpentry, plumbing, electric fitting, tailoring, fabrication of ready- made garments, leather work, driving, prison servicing, agriculture, horticulture, dairy, poultry, floriculture, maintenance of engines, maintenance of electric pumps, tractor repairing, automobile servicing and repairing, cane work, basket making, pottery, book binding, typing, computer operating, handicrafts, stenography, cloth printing, embroidery, hosiery, bakery, namkeen making, paper making, printing, tailoring, weaving, soap making, candle making, sewing machine repair, food processing, sales & marketing, beauty parlor training, graphic designing etc.

Note- Central and State Govt. departments/ institutions/ PSUs/ NGOs may be involved for skill development programs.

(iv) Every prisoner, on being first put to do any kind of work with which he is not acquainted shall be allowed a reasonable time to acquire the necessary skills, to enable him to perform the task. Mental and physical capabilities must be taken into consideration. The time shall vary from a few days to three to four months. In every case, when allotting new work, the Superintendent or subject to his control, the Factory Manager or Jailor shall note the task the prisoner begins and a subsequent progress in his History Ticket.

(v) Every inmate should be given training and work experience in the use of hand tools in different services, jobs and production units.

(vi) Every prisoner sentenced to undergo simple imprisonment who opts to do labour shall ordinarily be employed on hard labour of a kind that a most suitable for him and for which he/she is for the time being fit. No convict shall be put on medium labour if he/she is fit to perform hard labour, or on light labour as long as he is fit to perform either hard or medium labour.

(vii) No consideration of profit or convenience shall be permitted to influence the class or form, of labour which any convict sentenced to undergo rigorous imprisonment is at any time required to perform. It shall be fixed with reference solely to the health of the convict and the regulations of the prison regarding the

employment of prisoners.

(viii) A standard list of equipments, tools accessories and spare parts, which each production unit must always have should be prepared and maintained.

(ix) In every institution there should be a separate and properly organized maintenance workshop to repair the machinery and equipment in time and to prevent breakdown.

(x) Products manufactured by Prison Industries should be varied/ changed depending on market trends and demands.

(xi) The organization of accounts and inventory should be modernized on business lines.

456. Standardization of Products

(i) Various products of prison industries should be standardized. A handbook containing details of standardization, and the manufacturing process of various production units, should be prepared for the guidance of personnel.

(ii) Catalogues of standardized products of prison industries should be prepared for securing orders from the market for various production units.

(iii) Technical supervision should be improved and a system of quality control introduced at every stage of production, so that market competitiveness can be maintained. The percentage of profit should not be the motive behind production by prison industries.

(iv) Costing of prison products should be done on a rational basis taking into account various limitations and handicaps of prison.

(v) Showrooms should be opened outside the prison gates, and at other places, for promoting sale of products of prison industry. A brochure should also be kept in which information is provided to the public about the products being sold along with their rates. The Prison authorities should also endeavor online sale of the products of prison industry.

(vi) Prisoners who have been discharged and are found suitable may also be employed in show rooms and prison product outlets, as far as possible.

457. Targets of production for Prison Industries

(i) The targets of production for each unit for the ensuing year should be fixed in accordance with the employable inmate population and production potential of the unit. These targets should be communicated to the respective institutions in

advance. The unit's production, according to the target, should be reviewed on a monthly basis.

(ii) It should be the responsibility of the Superintendent of Prison to meet the targets of production as set above.

(iii) The task sheet of each prisoner should be correctly maintained by the technical personnel-in-charge of the production units.

458. Wages

(i) Wages should be fair and equitable and not merely nominal and paltry. The wages should be reviewed every three years and revised whenever necessary.

(ii) A portion of wages payable to the prisoners should be deducted towards his general maintenance in prison (including diet, clothing and bedding) and in case of convict along with a portion towards victim compensation fund and other amounts in accordance with directions for this purpose by the Government.

(iii) The wages should be deposited in the prisoner's saving bank account on a fixed date every month and the passbook shall be kept with prisoner concerned.

459. Safeguards for Prisoners Engaged in Work

(i) The following facilities should be provided in work-sheds and other places where prisoners work:

(a) Protection from heat, cold, rain, dust, smoke, fumes, gases and chemicals

(b) Protection from seepage and dampness

(c) Safe drinking water

(d) Spittoons, urinals and latrines

(e) Washing and bathing facilities

(f) First-aid facilities

(g) Fire extinguisher and other firefighting equipment

(h) Sufficient ventilation and lighting

(i) Safety equipment and accident prevention measure.

Note: The standards adopted in outside factories in this respect should be adopted in prison factories. These should be fixed in consultation with the Chief Inspector of Factories;

(ii) Periodical medical examination of prisoners, working in production units having hazards of occupational diseases, should be carried out.

(iii) Payment of compensation to prisoners who meet with accidents resulting in physical or mental disability, serious injury, death, or loss of health due to occupational diseases, as certified by the Medical Officer.

(iv) Hours of work for each group of prisoners should be prescribed in accordance with the program content of each institution, but total hours of work should not exceed eight hours in a day.

(v) A daily time schedule should be worked out for each institution.

(vi) Prisoners may not be allowed to work in the production unit after the locking time unless absolutely necessary.

460. Tasks to be Imposed on Female Prisoners and Young Offenders

The tasks to be imposed on females or young offenders respectively shall not in any case exceed two thirds of the maximum task for hard and medium labour, prescribed in respect of adult male convicts.

461. Female Prisoners not to Work outside Female Enclosures

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

462. No Prisoner to be Employed for Private Work

No Prisoner shall at any time, be employed by any officer of the prison or any other person for any private work or service of any kind whatsoever.

463. Execution Work for Outside Agencies

Private parties/ industrial units can be allowed to approach prisons to get their manufacturing work done by prison labour inside the prison, 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.

464. Yearly Audit of the Accounts

The accounts of the production/work unit shall be systematically audited by the Government auditors for each financial year. If need be, IG Prisons may direct for conducting internal audit of account with the help of available resources for the production of the industries.

465. Agriculture

Wherever agricultural activity is contemplated by prison authorities, following

infrastructural facilitates in terms of agriculture should be made available to the prisoners:

(i) Agriculture, agro-based industries and other allied activities should be given high priority in the planned development of skill development programs and vocational training in correctional institutions.

(ii) The land available with an institution should be thoroughly surveyed in terms of soil analysis, availability, fertility, salinity, and requirement of drainage, so that it is put to optimum use. The help of Block Development Officer, officers of the State Agriculture Department and other allied agencies should be taken in this regard.

(iii) Each new prison building in rural areas should have a properly fenced farm wherever land for this purpose is available.

(iv) It should be ensured that proper irrigation facilities are available at the farmland.

(v) The required building structure should be constructed on each farm and internal roads should be laid.

(vi) All required farming equipment and spare parts should be made available at each farm. A maintenance shop should also be set up in large farms.

(vii) Prisons detailed for labour at agricultural farms should be distributed at various places in the farm by forming groups, with a leader nominated for each group.

(viii) Guidelines should be issued by the Prison Headquarters stating the eligibility criteria of an inmate who may be deployed on open agricultural farms.

(ix) The subsidy available to the farmers for purchasing fertilizer, equipment and electricity should also be made available to prison farms.

(x) Adequate funds should be provided for the development of agriculture and allied activities and its account should be maintained separately.

(xi) Requisite security personnel should be provided at each agricultural unit and their duties and responsibilities should be clearly laid down.

(xii) The farm products should be first consumed in the prison and the remaining should be sold to the government departments and in the open market.

(xiii) The efficiency of each unit should be evaluated annually in terms of the targets fixed and achieved.

(xiv) The number of prisoners employed in farming activities in closed prisons hall be decided by the Prison authorities as per the requirement.

(xv) Prison personnel should be imparted training in various aspects of agricultural and allied activities.

(xvi) Bio-gas plants, windmills, solar-cooking ranges etc. should be introduced in the prison farms.

(xvii) Costing of agricultural and other produce should be done on strict commercial basis.

(xviii) Open agricultural institutions, and institutions having attached agricultural farms should diversify skill development programs according to cropping schemes such as mixed farming, irrigated corps, dry farming etc. In some open prisons work can be diversified into agricultural activity, industrial units and agro- based production units.

(xix) Measures shall be taken to develop horticulture, floriculture and cultivation of medicinal plants and similar activities wherever feasible.

466. Dairy and Poultry Farms

(i) Dairies should be developed on open prison farms on commercial lines under proper technical guidance. These should not be operated from closed prisons.

(ii) Poultry farms should also be organized at open farms. These should be run on commercial lines under proper technical supervision.

CHAPTER-XVII

Legal Aid

467. Introduction to the legal aid

(i) Article 39A of the Constitution of India provides for free legal aid to the poor and weaker sections of the society and ensures justice for all. Articles 14 and 22(1) of the Constitution also make it obligatory for the State to ensure equality before law and a legal system which promotes justice on the basis of equal opportunity to all. In furtherance of these, the Legal Services Authorities Act was enacted by the Parliament in 1987 to establish a nationwide uniform network for providing free and competent legal services to the weaker sections of the society on the basis of equal opportunity.

(ii) Under the Act, a National Legal Services Authority (NALSA) has been constituted under the Legal Services Authorities Act, 1987 (LSA Act) to monitor and evaluate implementation.

(iii) In every State, a State Legal Services Authority (SLSA) and in every High Court, a High Court Legal Services Committee has been constituted. District Legal Services Authorities have been constituted in the districts to give effect to the policies and directions of the NALSA and to provide free legal services to the people and conduct Lok Adalats in the State.

(iv) Supreme Court Legal Services Committee has been constituted to administer and implement the legal services programme in so far, as it relates to Supreme Court of India.

(v) The Chief Justice of India is the Patron-in Chief of NALSA and the senior-most Judge of the Supreme Court is the Executive Chairman. The Central Government in consultation with Chief Justice of India has also appointed an officer of the Higher Judicial Services as the Member Secretary of the NALSA.

(vi) Similarly, at the State level the Chief Justice of the High Court is the Patron-in Chief of State Legal Services Authority and Senior Most Judge of the High Court is the Executive Chairman. There is a Member Secretary for each SLSA.

(vii) At the District level, District Judge is the chairman of District Legal Services Authority and chief Judicial Magistrate or equivalent judicial officer is the Secretary of District Legal Services Authority.

468. Functioning of Legal Services Institutions

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

(ii) The State Legal Services Authorities, District Legal Services Authorities etc. have been entrusted the following primary functions:-

(a) To provide free and competent legal services to the eligible persons.

(b) To organize Lok Adalats for amicable settlement of disputes.

(c) To organize legal awareness camps.

(d) To implement the Schemes and policy directions of the NALSA through strategic and preventive Legal Services Programmes.

(iii) Free legal Services would include:

(a) Payment of court fee in appropriate cases, process fees and all other charges payable or incurred in connection with any legal proceedings.

(b) Providing service of lawyers in legal proceedings;

(c) Obtaining and supply of certified copies of orders and other documents in legal proceedings.

(d) Preparation of appeal, paper book including printing and translation of documents in legal proceedings.

(iv) Under the Legal Services Authorities Act, 1987, the persons eligible for getting free legal services include:

- Women and children
- Members of SC/ST
- Industrial workmen
- Victims of mass disaster, violence, flood, drought, earthquake, industrial disaster
- Disabled persons
- **Persons in custody:**
- Persons whose annual income does not exceed Rs. 1 lakh (in the Supreme Court Legal Services Committee the limit is Rs, 1,25,000/-
- Victims of trafficking in human being or beggar
- Transgender

469. Appointment of Jail Visiting Advocates

The Uttarakhand State Legal Service Authority and District Legal Service Authority Empaneled Jail Visiting Advocates shall visit different prisons regularly on fixed days of the week to help the poor and unrepresented inmates. Any inmate may seek aid

and advice, file any bail/parole application, appeal(s) etc. through these advocates.

Note: - Separate Register shall be kept and maintained having details of visits of Jail visiting advocates. The necessary entries shall be made in this regard.

470. Legal Aid Cell/ Clinic in Every Prison

Legal Services Cell/Clinic should be set up in every prison, with sufficient number of panel advocates of Uttarakhand State Legal Service Authority and District Legal Service Authority and Para Legal Volunteers deputed to such Cell/clinics for providing free legal services to inmates on all working days. Uttarakhand State Legal Services Authority may train certain inmates as Para Legal Volunteers (PLVs) for assisting the Legal Aid Cell/Clinics established at prisons.

471. Legal literacy classes in prisons

Legal literacy classes may be conducted in prisons in order to educate prisoners about their rights and duties as well as about the availability of free legal aid services. Services of law students, Para Legal Volunteers and Legal Aid Lawyers could be taken to ascertain legal aid needs of inmates.

472. Maximum period for which under-trials can be detained

According to Section 436A of code, under-trial prisoners who have undergone detention in prison for a period extending up to half of the maximum sentence specified for that offence under law (except offences attracting death sentence and life imprisonment), shall be released on their personal bond, with or without sureties. In other words, it means pending investigation, inquiry or trial, no person shall be detained in prison for a period more than half of the prescribed maximum sentence under that offence. However, courts for special reasons to be recorded in writing, may extend the detention in prison or release on bail instead or personal bond with or without sureties.

473. Under-trial Review Committee

(i) A committee under the chairmanship of District & Sessions Judge, as Chairperson be constituted to identify under-trial prisoners who have completed half of the maximum period or maximum period of imprisonment provided for the said offence under the law. It shall be appropriate, if in a case of multiple offences, a review is conducted after half the sentence of the lesser offence is completed by the under-trial prisoners. The committee shall also examine the cases of under trial in bailable offences or under trial granted bail in non-bailable offences, where they are incarcerated for inability to furnish surety.

(ii) The Uttarakhand State Legal Services Authorities may instruct the panel lawyers to urgently meet such prisoners, discuss their cases with them and move appropriate applications before the appropriate court for their release unless they are required in custody for some other purpose.

474. Cases which are compoundable in nature

The Uttarakhand State Legal Services Authorities should secure that for offences which are compoundable, appropriate steps are taken for compounding and where the offences cannot be compounded, efforts should be made to expedite disposal of those cases or at least efforts made to have the persons in custody released there from at the earliest.

475. Right to free legal representation or legal aid

(i) Article 22 (1) of the Constitution entitles arrested persons to be represented by a legal practitioner. It is fundamental right of all prisoner/arrested person to be provided with free legal aid in the prosecution of their case at different levels of their trial. The Magistrate is duty bound to offer the facility to the accused the moment, he is produced before him for the first time even if the accused has not asked for it out of ignorance.

(ii) To ensure that arrested persons have free legal representation, panel lawyers have been deputed as remand/Duty Advocate in every court dealing with criminal cases. Such advocates are available in the court even on holidays. When an accused is produced before the court and does not have a legal counsel, the court shall provide the counsel free of cost.

(iii) The Superintendent should inform the prisoners of their right of free legal aid.

(iv) The prisoner shall be allowed to go through the case proceedings which are available online & in case, it is not available online then the copy shall be obtained through Nodal Agency i.e., Uttarakhand State Legal Services Authorities or Courts concerned & shall be provided to the prisoner within one week from the date of the proceedings.

CHAPTER-XVIII

WELFARE OF PRISONERS

476. Basic Elements of Welfare Programme

(i) The objectives of welfare programmes in prisons should be to: -

(a) Develop a relaxed, positive and constructive atmosphere in the institutions,

(b) Ensure good personnel-inmate relationship based on mutual trust and confidence,

(c) Ensure care and welfare inmates,

(d) Ensure firm and positive discipline,

(e) Attend to immediate and urgent needs of prisoners,

(f) Attending to long term needs of prisoners,

(g) Help the inmates maintain regular contact with their families and communities in the outside world,

(h) Ensure a good system of incentives for self-discipline such as remission leave transfer to open institution, and premature release,

(i) Provide individual guidance and counseling,

(j) Encourage group activities, group guidance and group work,

(k) Implant proper habits, attitudes, approaches and prepare them for a normal social life,

(l) Provide supportive therapy including Psychotherapy,

(ii) The starting point of all welfare programmes shall be the initial classification of the prisoner and the study of individual inmates. The welfare programme should include periodical review of progress and re-classification of prisoners, review of sentence and pre mature release, planning of release, pre-release preparation and after-care, Positive influence of institutional personnel shall play an important role in this process. Community participation shall be an important feature of welfare programmes.

477. Counseling

Counseling facilities should be extended to the prisoners as follows:

(i) The mental health status of a prisoner should be studied before his classification at

the time of admission in the prison. Prisoners certified as mentally ill should not ordinarily be confined in prisons and instead appropriate measures should be taken for their transfer to special institutions as per the appropriate rules.

(ii) Professionally qualified counselors should be engaged by the Prison Department to provide counseling to the needy prisoners, particularly those suffering from substance- related addictive disorders and victims of abuse.

(iii) Proper and regular evaluation of prisoner's mental health should be done to enable the requisite psycho social support services by the prison department.

(iv) Severe mental disorders would require appropriate psychiatric treatment and dealt under the provisions of Mental Health Act, 1987 or Mental Health Act, 2017 any other law in force at the relevant time.

478. Psychotherapy

Psychotherapy and cognitive behavior therapies may also be used in prisons as they have been recognized as effective for the treatment of prisoners suffering from mental disorders, till the time reception orders are awaited.

479. Guidance

(i) Pamphlets containing the rights, duties, entitlement, discipline and daily routine of a prisoner (including a handbook on Rights and Duties) should be printed and distributed so that a prisoner may follow the 'dos' and don'ts' and maintain discipline during his confinement.

(ii) The above literature should also be kept in the prison library and issued to prisoners who can read.

(iii) Illiterate prisoners should be made to understand the contents of the literature by the prison staff themselves or with the help of other literate prisoners engaged for educational programmes.

480. Recreation, Sports, Cultural-Activities, Films and Library

(i) Cultural and Recreational activities should be organized in all institutions for maintaining the mental and physical health of prisoners. These activities are the basic elements of rehabilitation programmes for prisoners. These should form the integral part of an institutional regime.

(ii) Recreational and cultural activities should be organized depending upon various conditions such as availability of space, the climate and weather, composition of inmates and arrangements for security. Such activities can include:

(a) Outdoor games like cricket, kabaddi, wrestling, volley ball, badminton, football and basket-ball etc.

(b) Gymnastics.

(c) Indoor games like chess, Ludo and carom etc.

(d) Film Shows: Historical, patriotic, biographical, scientific and educational films, travelogues, documentaries, newsreel, and films dealing with social themes should be shown. Films depicting crime, sex, violence, suspense and such other subjects that may have a damaging effect on the minds of inmates should not be shown to them. Each prison should have facilities for showing films to the prisoners. A library of good films should be developed at the headquarters of the Inspector General of Prisons and these films should be circulated to various prisons. Close Liaison should be established between the Department of Prisons and the Film Division, Department of Information & Broadcasting, Film & T.V. institutions, Film Societies and other organizations which can supply good films for the inmates.

(e) Music: Music has a special significance in the confined atmosphere of a prison. It can bring relief to lonely, distressed and unhappy inmates. It can relieve boredom and promote interest in institutional programmes. Music programmes could consist of radio music, recorded music, group singing, folk music, instrumental music and orchestra.

(f) Community and folk dances: Group and Folk dances could be performed on festivals and social occasions.

(g) Drama: Useful social values and models of behavior can be presented before the inmates through dramatic performances, dramas dealing with social problems, pageants, musical dramas, tableau, soliloquies, dialogues, radio plays and humorous skits could be performed for the benefit of inmates. Inmate's themselves can be encouraged to take part, and organize these activities.

(h) Arts and Crafts: Arts and crafts can play an important role in imparting useful values to prisoners. The prisoners can maintain their individuality through these activities. Such activities can also serve as supportive therapeutic measures in the monotonous life of a prison.

(i) Handicrafts and art work: Prisoners can be provided with necessary facilities for pottery, basket making, wood carving, carpentry, parquetry and veneers, wood turning, fret work leather work, home decoration, lampshade making, metal craft, plastics, toy-making, artificial flower making, horn-craft, papier-mâché, rug making, felt-work knitting, embroidery, needle-work crochet, etc.

(j) Reading: Inmates can be encouraged to read books, newspapers and magazines. Group reading and guided reading can also be useful for them.

(k) Television: This is the biggest entertainer for prisoners. The channels to be shown and their timings should be carefully selected by the Superintendent of Prison.

(iii) Every prison should have an annual sports/cultural meet. Inter- Institution sports

meets of inmates should also be organized. The sports/cultural groups from outside could be invited into the prison for playing various games with the prisoners.

(iv) Yoga and meditation should be practiced daily for which the hours should be fixed. Meditation centers may be opened and NGO support may be availed for this purpose. It should be ensured that discourses during meditation sessions are secular in nature.

(v) Well known personalities in the fields of art, sports, literature, culture and music should be invited in the prison as guests on various occasions to inspire the prisoners and be role-models for them.

(vi) There shall be a play ground for outdoor games and a community hall for cultural programmes in every prison.

481. Role of N.G.Os

(i) Approved NGOs should be extensively involved in organizing sports and cultural meets and other welfare activities.

(ii) Care shall be exercised in the selection of welfare agencies/NGOs for carrying out welfare programmes. Approved N.G.O s /Welfare agencies which have a proven track record and which are known for their dedication and selfless service, should be selected for associating in prison programmes.

(iii) No member of a Welfare Agency/NGO shall be associated with a prison if he has a criminal record. For this purpose, an undertaking may be obtained from the Agency/NGO.

(iv) The good work done by welfare organizations and NGO in prisons should be publicly appreciated.

482. Prisoner's Panchayat

(i) Every prison and allied institution should have prisoner's panchayat. These panchayats should consist of very carefully selected inmates, who are of good conduct and who have the potential and ability to organize events and activities. These panchayats should plan and execute daily recreational programmes for inmates. This will give the prisoners a sense of participation in the prison management, which is an important component of any policy of welfare and reformation. These panchayats should also be used for giving the prisoners an opportunity to express their problems and seek redressal.

(ii) The working of these panchayats should be continuously monitored by the prison

administration. The Superintendent or Jailor, as far as possible, should personally participate in the panchayat meetings.

(iii) A 'Mahapanchayat' of all the panchayats should be held in the presence of the Superintendent at least once in a quarter for the redressal of prisoner's grievances and implementation of their suggestions. The Inspector General, Additional Inspector General and Deputy Inspector General of Prisons should also participate in such Mahapanchayat in different prisons from time to time.

483. Celebration of Festivals

(i) Independence Day, Republic Day and Mahatma Gandhi's birthday should be celebrated in each prison to inculcate a feeling of the patriotism among the prisoners. Cultural programmes should also be organized on such occasions and special food may be served to the prisoners.

(ii) The main festivals of all religions should be celebrated. In these every prisoner should be encouraged to participate. Any special treatment to a group of prisoners belonging to a particular caste or religion is strictly prohibited. There shall be no interference or prejudice with regard of religion or caste of the prisoners.

484. Spiritual Development

(i) Well known personalities from all religions should be invited to deliver lectures to prisoners for their moral upliftment. Assistance from approved NGOs and welfare agencies may be sought in this regard. It should be ensured beforehand that the content and tenor of such lectures is not such as would cause resentment among people of other religions.

(ii) Every prisoner should be allowed to perform his devotions in a quiet and orderly manner. Prisoners may be permitted to gather in their respective wards for performance of their religious ceremonies. The prisoners desiring to keep fast, as enjoined by their religion, shall be permitted to do so:

Provided that the Medical Officer may, if he is of the opinion that the continuance of the fast by such prisoner is likely to be injurious or dangerous to health, direct its discontinuance:

Provided further that the Superintendent may, if he is of the opinion that such a fast is subversive of the prison discipline, disallow such fast.

Note: The prisoners, who wish to keep fast, may be given meals at appropriate time as enjoined by the religious practice.

485. Implementation of Welfare Activities

(i) The Superintendent shall be responsible for the smooth and orderly

implementation of welfare activities in the prison.

(ii) The Superintendent shall submit quarterly reports of welfare activities being conducted in his prison to the Inspector General of Prisons through Deputy Inspector General.

(iii) Prison administration may also consider accessing funds available under Corporate Social Responsibility for conducting various welfare activities for inmates and prison staff.

486. Prisoner's Welfare Canteen

(i) There shall be a canteen for every prison. Each canteen should have facilities of catering beverages, eatable, grocery, stationery items etc. as decided by the Inspector General (Prisons) from time to time.

(ii) The canteen shall be run through prisoner's welfare fund and all profits earned shall be spent on the welfare activities of the prisoners with the approval of Executive Committee. The members of the executive committee shall be decided by order of the Inspector General of Prisons order in writing from time to time.

(iii) **Management of canteen-**

(a) The Superintendent shall be responsible for smooth and efficient functioning of the canteen. He shall be assisted by the Jailor and Deputy Jailor.

(b) The Superintendent may run the canteen either departmentally or through prisoners.

(c) The entrusting of the canteen work among the prisoners by the Superintendent shall be in a transparent manner.

(d) The Superintendent shall ensure quality of the canteen articles and their sale at reasonable price. The profit margin shall be used for the purpose of Prisoners Welfare Fund constituted under these rules.

(iv) **Working hours of canteen**

The Superintendent shall specify the hours during which the canteen shall function, the articles to be sold and their prices.

(v) **Entitlement**

Any prisoner may purchase items from the canteen except those debarred as a measure of punishment.

(vi) **Mode of Purchase by prisoners from the canteens**

The purchases by the prisoners from the canteens shall be made as prescribed by

the Inspector General from time to time.

(vii) **Daily account of sales**

At the daily close of canteen, the Deputy Jailor shall cause the sales to be accounted with the sale proceeds and maintain proper records. The accounts shall be audited annually as prescribed by Inspector General.

(viii) **Avoidance of malpractices**

The misuse of canteen services shall be avoided through electronic medium. Viz. biometric or smart card system based canteen management system.

(ix) **Mobile canteen**

As far as possible, the Superintendent shall endeavor that canteen is mobile to enable the prisoners to make purchases in their respective wards.

(x) **Stock for canteen**

The Superintendent shall ensure that adequate stock of various articles is available in the canteen.

(xi) **Maintenance of Registers**

The Inspector General shall specify the registers to be maintained in each canteen. These registers shall, inter alia, indicate the purchases of articles, daily sale, margin of profit etc. The Inspector General may issue instructions regarding maintenance of cash book, stock register and other records pertaining to canteen.

(xii) **Search of articles**

The Superintendent shall cause a thorough search to be made of all articles, received in the canteen from outside, to prevent introduction of any prohibited article into the prison.

(xiii) **Complaint**

All complaints of prisoners with regard to canteen functioning shall be brought to the notice of the Superintendent who shall take necessary remedial actions. If such complainants persist, the same shall be brought to the notice of the Inspector General.

(xiv) **Audit of the canteen**

The Superintendent shall cause the internal audit of the canteen to be carried out in at least 6 months and shall submit the statement of accounts to Deputy Inspector General.

487. Prisoner Welfare Fund

(i) Prisoner Welfare Fund

A fund known as the Prisoner's Welfare Fund shall be constituted for each prison.

(ii) Objective of the fund

The objectives of the fund shall be to provide aid to prisoners for collective welfare activities such as educational, meditation, recreational, vocational, cultural and sports etc.

(iii) Source of fund

The fund shall be raised mainly from: -

(a) profit from canteen

(b) Donations from public and Corporates under Corporate Social Responsibility, however donations should not be accepted from the prisoners and their families.

(c) Any other source approved by the Government.

(iv) General instructions

The Inspector General shall issue detailed guidelines for the operation of the fund.

(v) Administration of fund

The fund shall be administered in the following manner: -

(a) An executive committee, consisting of the following, shall administer the fund in each prison:

(i) Superintendent	-	Chairperson
(ii) Medical Officer in Charge	-	Member
(iii) Jailor	-	Member Secretary
(iv) In-Charge (Canteen)	-	Treasurer
(v) Chief Head Warder	-	Member
(vi) Two representatives of the prisoners to be nominated by the Superintendent	-	Members

(b) The term of the prisoners' representatives shall be one year.

(c) To become eligible for nomination, the convict prisoner must have undergone at least one year imprisonment with very good record on the date of nomination and at least one year sentence still to undergo on the date of the nomination.

(d) To become eligible for nomination, the under trial prisoner must have completed at least six months of his detention period with very good record on the date of

nomination.

(e) The conduct of the nominated convicts and under trials should be consistently good.

(vi) Meetings of the Executive Committee

The Meetings of the Executive Committee shall be as follows: -

(a) The executive committee shall meet once every month and earlier if the Chairperson considers it desirable, for adequate reasons to be recorded in the minutes book.

(b) Two- third of the total number of the committee members shall form the quorum.

(c) The minutes of the meeting shall be recorded in the meeting register.

(vii) Method of collection and accounting

The method of collection and accounting shall be as follows:-

(a) All amounts received by the Member Secretary and the Treasurer shall be immediately accounted for, and a receipt shall be given to those who pay the amount personally.

(b) Proper accounts of receipts and expenditure shall be maintained by the Treasurer to be checked by the Secretary. The account record shall comprise of cash book, ledger, receipt book, contingency register, vouchers and minutes book etc.

(c) Transactions of receipts and expenditure shall be entered in the relevant register immediately, as soon as they take place.

(d) Vouchers shall be numbered consecutively for the year in order of payment and filed on a separate file kept for the purpose.

(e) Cash book shall be checked in detail and signed by the Secretary whenever there are fresh entries in it.

(f) On the last day of each month, the Chairperson shall conduct the physical verification of the cash-in-hand and balance in the pass book. He shall also check the vouchers and ensure the correctness of the accounts maintained by the Treasurer and record a certificate of such verification in the relevant registers, under his signature.

(viii) Audit of fund

The accounts of the Fund shall be audited every year. The accounts shall be maintained on financial year basis.

(ix) Submission of half-yearly report

The Superintendent shall submit a half-yearly report (April to September and October to March) to the Deputy Inspector General indicating the activities, initial balance in the fund, the details of expenditure from the fund and the final balance in the fund. The Deputy Inspector General shall examine the report and submit the same to the Inspector General with his comments.

CHAPTER-XIX

REMISSION

488. Remission

(i) Without prejudice to the provisions of Article 72 of the Constitution of India and the Section 432 of the Code, remission can be earned under the provisions of the Act, on the prisoner fulfilling the conditions required hereinafter. However, Remission is a privilege to a prisoner so cannot be claimed as a right.

(ii) Remission is a concession, which can be granted by the Authorities as provided in these rules. The appropriate Government reserves the right to debar/ withdraw any prisoner, or category of prisoners from the concession of remission. The remissions may be withdrawn or forfeited if the prisoner commits specified Jail offences or conditions prescribed in the relevant order of remitting the sentence.

489. Purpose

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

Note: - If any statute or the court in its order of sentence has denied the remission to the prisoner and thereby not specified the kind of remission to be denied then all kinds of remission shall be denied.

(ii) In the context of this chapter:

(a) 'Prisoner' means a convict and/ or includes a person committed to prison in default of furnishing security for maintaining peace or good behavior and also includes persons convicted by a Military Court.

(b) 'Sentence' means a sentence as finally fixed on appeal or revision or otherwise, and includes an aggregate of more sentences than one and an order of imprisonment in default of furnishing security for maintaining peace or good behavior.

490. Kinds of Remission

Remission shall be of the following types:

(a) Ordinary Remission
(b) Annual Good Conduct Remission
(c) Special Remission
(d) Remission by Government

491. Ordinary Remission

(i) Authority to grant ordinary remission: The Superintendent of Prison or officer nominated by the Superintendent on his behalf, who shall not be below the rank of Jailor is authorized to grant ordinary remission.

(ii) Eligibility: The following types of convicted prisoners shall be eligible for ordinary remission:

(a) Prisoners having substantive sentences of two months and more,
(b) Prisoners, sentenced to simple imprisonment for two months or more, who volunteer to work,
(c) Prisoners employed on prison maintenance services requiring them to work on Sundays and Holidays, e.g., sweeping, cooking etc., irrespective of the length & nature of their sentence i.e., simple or rigorous imprisonment
(d) Prisoners undergoing imprisonment in lieu of fine which immediately follows and is in continuation of the substantive sentence of not less than three months.

Note: It shall be the responsibility of the prison administration to provide work to all eligible prisoners. If for any reason the prison administration fails to do so the prisoners, who are otherwise eligible for remission for work, should be granted it as per their normal entitlement under the orders of the Inspector General of Prisons.

(iii) Non-Eligibility: The following types of prisoners shall not be eligible for ordinary remission:

(a) Prisoners having substantive sentence of less than two months,

(b) Prisoners sentenced in default of payment of fine only,

(c) Prisoners whose sentence is reduced to less than two months(in such cases remission already earned, if any, should stand forfeited),
(d) Prisoners, who are convicted of an offence committed after admission to the prison under Sections: 147/148/152/224/302/304/304A/306/307/308/323/324/325/326/332/333/352/353/376 or 377 of IPC or of an assault committed after admission to the prison on a warder or other officer or under any other law for misusing the concession of parole granted under that law.
(e) Prisoners debarred from remission as punishment for committing prescribed prison offences,

(f) Prisoners specifically debarred from remission by the Government or the Inspector General of Prisons or under any law or rule;

(g) Prisoners undergoing sentence in the Narcotics, Drugs and Psychotropic Substances Act (NDPS) cases, provided they are convicted after the 29th May, 1989;

(h) During out-periods which are not reckoned as part of sentence (being periods during bail, escape and other periods, which are treated as out-periods and not reckoned as part of sentence under specific orders of the Government issued in that behalf).

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

(a) Three days per calendar month for good behavior, discipline and participation in institutional activities,

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

(c) Two days per calendar month for prisoners employed on prison maintenance services requiring them to work even on Sundays and Holidays e.g. sweeping, cooking etc.

(d) One day for each month's stay in open prison to prisoners.

NOTE- Limit of total remission awarded to a convict under these rules shall not without special sanction of the state government exceed one third part of the sentence served.

492. Annual Good Conduct Remission

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

Explanation: - *For the purposes of this rule, prison offences punished only with a warning, shall not be taken into account.*

493. Special Remission

(i) Authority to grant special remission: Inspector General (Prisons) /Superintendent jail on the recommendation of the Remission Committee, shall be the competent to grant special remission.

(ii) Criteria to grant special remission: Meritorious work by inmates should be rewarded by grant of special remission in addition to the annual good conduct remission to create a spirit of healthy competition among prisoners. Such special remission may be granted to prisoner, eligible for ordinary remission on the following considerations:

(a) Saving the life of a government employee, a prison visitor or an inmate,

(b) Protecting a government employee or prison visitor or inmate from physical violence or danger,

(c) Preventing or assisting in prevention of escape of prisoners, apprehending prisoners attempting to escape, or giving material information about any plan or attempt by a prisoner, or a group of prisoners, to escape,

(d) Assisting prison officials in handling emergencies like fire, outbreak of riots and strike,

(e) Reporting of, or assisting in, prevention of serious breach of prison regulations.

(f) Outstanding contribution in cultural activities or education or acquiring an additional education qualification (such as a degree or diploma) or teaching art & craft and special skills to fellow inmates,

(g) Especially good work in industry, agriculture or any other skill development program or in vocational training.

(iii) **Scale of Special Remission:**

Subject to the fulfillment of any one or more of the conditions aforementioned, special remission not exceeding 30 days in a calendar year completed by the prisoner in a prison, may be granted by the Inspector General of Prisons on the recommendation of Superintendent of Prison & Deputy Inspector General to those prisoners who are eligible for ordinary remission.

494. Remission Committee

(i) The Remission Committee for remission to be granted by the Inspector General of Prison: -

The Remission Committee of each institution shall consist of:

(a) Superintendent–in-charge of the prison - Chairman,
(b) Jailor or senior most prison officer available in the institution,
(c) Deputy Jailor in charge of remission section,
(d) Officer- in- charge of Industries/Vocational Training.

(ii) The Remission Committee for remission to be granted by the Superintendent of jail: -

The Remission Committee of each institution shall consist of:

(a) Jailor or senior most prison officer available in the institution.
(b) Deputy Jailor in charge of remission section.
(c) Officer- in- charge of Industries/Vocational Training.

495. Functions of Remission Committee

The functions of this committee are: -

(i) To attend to all matters pertaining to remission,
(ii) To recommend cases of prisoners to Head of Prisons Department for the grant of special remission as per provisions of these rules.

496. Procedure

(i) The members of the committee should assist the Superintendent in all matters pertaining to the award of remission. The decision of the Superintendent to recommend a case of prisoner should be treated as final. The Remission Committee should meet every Monday in the first week of every month or as and when required. Monday means Monday or next working day, if Monday is a Jail holiday.

(ii) **General Rules to be followed: -**

(a) In view of the importance of remission work, it is essential that the committee meets as per fixed schedule so that remission may be granted in time. Special remission should be granted leaving a margin of at least seven days prior to a prisoner's release.
(b) Entries regarding remission should be made under proper attestation of the superintendent, in the Remission Register and the History Ticket of the prisoner concerned as soon as it is granted.
(c) Prisoners with substantive sentences from two months to five years, should be sanctioned remission each month while those sentenced to more than five years (including life convicts), should be granted remission once in a quarter**.**
(d) Ordinary remission should be calculated for full calendar months. It should not be granted for a fraction of a calendar month.
(e) Special remission may be granted for any fraction of a year accordingly.
(f) Maximum limit of ordinary and Annual Good Conduct Remission, which a prisoner can earn, should not be more than one fourth of a substantive sentence (to be calculated from the date of his conviction). The remission granted by the Government, shall be in addition to the ordinary and special remissions, which the prisoner has earned.
(g) Grant of remission to prisoners sentenced by court martial should be on the same principles as those applicable to other prisoners.
(h) Before granting ordinary remission, the committee shall consult the prisoner's history ticket in which work and punishment of every prison offence awarded to

the prisoner, must be carefully recorded.

(i) If a prisoner has not been punished during the quarter, otherwise than by a formal warning, he shall be awarded the full ordinary remission for that quarter. However, if a prisoner has been punished during the quarter, otherwise than by a formal warning, he shall not be awarded the ordinary remission for that quarter.

497. Remission by Government

(i) Remission granted by the Government under Section 432 of the code of criminal procedure and under these rules, shall be called Remission by the Government. Remission by the Government may be granted on occasions of National importance or public rejoicing.

Note- The Remission by Government shall be over and above the maximum limit of remission permissible under all these rules.

(ii) **Eligibility**

(a) The Remission by Government can be awarded to such prisoners, or categories of prisoners, as the Government may decide.

(b) In case of prisoners who at the time of general grant of remission by Government are released on temporary or emergency release, which is not a part of sentence, specific orders of the Government about the award of this remission to such prisoners are necessary.

(c) Remission by Government may be granted at such scale, or in such quantum as may be decided by the Head of the State.

498. Life Convicts

Life sentence shall be taken as imprisonment for twenty years for the purpose of calculation of remission (as per the logic given in Section 57 of the Indian Penal Code, 1860). In the case of a prisoner serving more than one life sentence, twenty years shall be treated as the total of all his sentences for calculating remission. Grant of remission to a life convict shall not mean actual remission in his sentence. When his case shall be examined by the Review Board for pre-mature release, the remission to his credit shall be one of the factors on the basis of which the review of his sentence shall be considered.

499. Miscellaneous

The miscellaneous rules to be applied: -

(i) Prisoners sentenced by court martial shall be granted ordinary remission of the period; they pass in transit or in military custody, before their admission in prison, on the same scale as laid down in these rules.

(ii) In the case of a prisoner, transferred from one prison to another while undergoing imprisonment, the period spent by him in the first prison, excluding the period spent as an under-trial prisoner, shall be calculated along with the period spent by him in the second prison for remission.

(iii) Ordinary remission shall be calculated from the first day of the calendar month after the date of the prisoner's sentence. Ordinary remission shall not be granted for the broken period of a calendar month. A prisoner, unless sentenced on the first day of a month, shall not get remission for the month in which he has been sentenced.

(iv) No prisoner shall receive ordinary remission for the calendar month in which he is going to be released.

(v) The under-trial period shall not be considered as a part of sentence for the purpose of calculation of remission.

(vi) In calculating the probable date of release of prisoner, the number of days of remission earned shall be converted into months and days at the rate of thirty days to each month.

(vii) In case of prisoners convicted for a term of three years or more, the remission earned by the convict should be totaled and his probable date of release worked out before the completion of one half (½) of his substantive sentence. In case of prisoners convicted for a term of less than three years, his probable date of release be calculated on monthly basis.

(viii) The remission, under all these rules shall be calculated from the first day of the month following the date on which a prisoner is admitted in prison after his conviction.

(ix) Period spent outside the prison, such as release on parole, which are included as part of a sentence, shall not be treated as broken periods. During such periods the prisoner shall be eligible for earning ordinary remission. For periods spent outside the prison which are not included as parts of a sentence (such as parole, bail, emergency release, escape and extradition etc.) prisoners shall not be eligible for earning remission. In such cases, the prisoners should be considered as eligible to earn remission from the first day of the calendar month following the date of their re-admission.

(x) Prisoners admitted for less than one month in hospital for treatment or convalescence after an ailment or injury not caused willfully. Those admitted for such purpose for more than one month, should be entitled to remission for good

conduct only.

Note- In all such cases the date for eligibility for annual good conduct remission shall be duly postponed. Prisoners who have been released on bail or whose sentence have been temporarily suspended, shall on their readmission to prison be credited with any remission they may have earned before their release on bail or to the suspension of the sentence. They shall be brought under the remission system again on the first day of the calendar month after their readmission.

500. Removal and Revocation of Prisoner from Remission

(i) The Inspector General of the Prisons, on the recommendation of Superintendent of Prison, may remove any prisoner from remission for a period of six months for committing any specified prison offence. Similarly, the Superintendent of Prison may remove a prisoner from remission for three months. However, the sanction of the Inspector General shall be necessary for such removal from remission for any period exceeding three months.

(ii) With prior sanction of the Inspector General of the Prisons, the Superintendent of Prison may re-admit any prisoner to remission who has been removed from there before the expiry of that period. The prisoner who is re-admitted to remission shall earn remission under these rules from the commencement of the month following his re-admission.

501. Conditions for Forfeiture of Remission

Remission earned by a prisoner may be forfeited by the Inspector General of the Prisons Department on the recommendation of Superintendent of Prison;

(i) If the prisoner is convicted of an offence committed after admission to prison, under sections 147, 148, 152, 224, 302, 304, 304-A, 306, 307, 308, 232, 324, 325,326, 327, 332, 333, 352, 353,376 or 377 of the Indian Penal Code or convicted of an assault committed on a prison official, a prison visitor, a prisoner or any other government employee or on conviction for any offence committed in violation of the law providing for temporary release of the prisoner on parole etc. after admission to prison. All the ordinary and special remission of whatever kind, earned by him under these rules up to the date of the said conviction may be forfeited in part or in whole.

(ii) For prison offences, Superintendent is empowered to forfeit earned remission up to 30 days for one offence. Earned remission beyond 30 days may be forfeited with the sanction of the Inspector General of the Prisons.

Note: All entries about forfeiture of remission shall be promptly made in the history ticket or remission sheet and in the Remission Register or in any other relevant document/record.

502. Remission Record

Following records shall be maintained by the prison authority in respect of remission system-

(i) Deputy Jailor (Convict office), In-charge of remission work shall refer to the Prisoner's History Ticket and Punishment Register in which work and punishments respectively of every convict is recorded before entering any kind of remission in Remission sheet/Register.

(ii) A Remission sheet/ Register of every prisoner, eligible to earn remission, shall be maintained in a prescribed Form in which all entries about grant and forfeiture, if any, of remission shall be promptly made by Deputy Jailor (Convict office) and duly attested by the Jailor.

(iii) Entries in the Remission sheet/ Register shall be made at the end of each quarter. In case a prisoner is due for release before the completion of a quarter, these entries shall be made during relevant months and action regarding his/ her release shall be taken accordingly.

(iv) At the end of each quarter, prisoners shall be informed about the remission they have earned during the quarter and also the total remission earned till date and the same shall also be entered in prisoners History Ticket.

(v) A Remission Register shall be maintained in the office wherein all entries of Remission sheets in respect of all prisoners may be duly recorded;

(vi) The Superintendent/Jailor shall inspect the Remission Register/ Sheets and other records quarterly.

(vii) The remission records shall not be allowed to be handled by prisoners;

(viii) Prisoners should be released on such dates, as would be worked out, after allowing for remission granted.

503. Remission records of prisoners transferred to other Prisons

(i) In case a prisoner is transferred to another prison, his Remission sheet certified by the Deputy Jailor and Jailor of the total remission earned up to the date of transfer shall be sent with the prisoner.

(ii) When a prisoner is transferred to another prison, the total amount of remission earned by him up to the end of the previous month shall be endorsed on his warrant and entered in his history ticket. These entries shall be signed by the Deputy Jailor and Jailor.

(iii) The receiving prison shall be responsible that the above information is duly obtained. Each prison, at which a prisoner serves a portion of his sentence, shall be held responsible for the correct calculation of the remission earned in that prison.

Note- Any prisoner if aggrieved by the remission granted to him may report the same to the Visiting District & Sessions Judge of the prison. The same shall be processed as per the procedure of grievance redressal system.

CHAPTER-XX

PAROLE & FURLOUGH

504. Parole & Furlough

(i) Parole and furlough to inmates are progressive measures of correctional services. The release of a prisoner on parole not only saves him from the evils of incarceration but also enables him to maintain social relations with his family and the community. It also helps him maintain and develop a sense of self-confidence. Continued contacts with family and the community sustain in him a hope for life. The release of prisoner on furlough motivates him to maintain good conduct and remain disciplined in the prison. The provisions relating to release of the prisoner on parole and furlough should be liberalized to help a prisoner maintain a harmonious relationship with his family and the society and to be of good conduct during the period of incarceration. The privilege of release on parole and furlough should, of course, be allowed to selective prisoners on the basis of well defined norms of eligibility and propriety.

(ii) The objectives of releasing a prisoner on parole and furlough are:

(a) To enable the inmate to maintain continuity with his family life and deal with familial and social matters,

(b) To save him from the evil effects of continuous long prison life,

(c) To enable him to maintain and develop his self-confidence,

(d) To enable him to develop constructive hope and active interest in life,

(e) To help him remain in touch with the developments in the outside world,

(f) To help him remain physiologically and psychologically healthy,

(g) To enable him to overcome/recover from the stress and evil effects of incarceration, and

(h) To motivate him to maintain good prison and disciplined in the prison.

(iii) Parole means temporary release of a prisoner for short period so that he may maintain social relations with his family and the community in order to fulfil his familial and social obligations and responsibilities. It is an opportunity for a prisoner to maintain regular contact with outside world so that he may keep himself updated with the latest developments in the society. It is however clarified that the period spent by a prisoner outside the Jail while on parole in no way is a concession so far as his sentence is concern. The prisoner has to spend extra time in prison for the period spent by him outside the Jail on parole.

(iv) Parole may be of the following two types-

(a) Emergency Parole

(b) Regular parole

505. Furlough

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

506. Emergency Parole

(i) Emergency parole may be granted to the convict by the Superintendent of Prisons for a period of 24 hours, in the following eventualities:

(a) **Superintendent of Prison-** In case of death of prisoner's parents, spouse, son, daughter, brother or sister, the sentence of the prisoner for a period of 24 hours (excluding the journey period) in police custody, may be suspended by the concerned Superintendent of the prison.
Further, the Inspector General (prisons) may grant a suspension of sentence to the prisoner for a period of 15 days so as to perform post death rituals/sanskar, tehrvin/shraddh (not in annual shraddh)

(ii) The superintendent of jail should verify the existence of the circumstances from the concerned police station and by other means and satisfied himself regarding request immediately on receipt of the application / Request to that effect.

(iii) The prisoner would be escorted to the place of visit until his return there from, ensuring the custody of the prisoner. Such prisoner would be deemed to be in prison for the said period which would also be treated as period spent in prison.

(iv) Under trial prisoners are not eligible for regular parole and furlough, and may be released only on emergency parole, that too by the order of the concerned trial court.

507. Regular Parole

To take care of the familial and social obligations and responsibilities of regular nature as well as for the psychological and other needs of the prisoner to maintain contact with the outside world

508. Restrictions on release of a prisoner on regular parole and furlough

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

(a) District Magistrate and Superintendent of Police, shall identify the prisoners from their districts on a quarterly basis whose immediate presence in the society may be considered dangerous or otherwise prejudicial to public peace and send such report to IG Prisons.

(b) Prisoners who are considered dangerous or have been involved in serious prison violence like assault, outbreak of riot, mutiny or escape, or who have been found to be instigating serious violation of prison discipline as per the reports in his/her annual good conduct report,

(c) Prisoners convicted for heinous offences such as dacoit- terrorist crimes, kidnapping for ransom, smuggling of narcotic and psychotropic substances and, in the opinion of the District Magistrate/ District Superintendent of Police, there is such prisoners they may not report back to the Prison after the completion of the parole or furlough period,

(d) Convicted foreigners,

(e) Inter-state criminals convicted for heinous offences mention above in sub section (c).

(f) Prisoners committed for failure to give security for maintaining peace or good behavior

(g) Prisoners suffering from mental illness, if not certified by the Medical Officer to have recovered

(h) Prisoners whose work and conduct have not been good during the preceding 12 months and a minimum of 03 entries in their roll.

(ii) Subject to the above, eligibility for parole should be regulated as follows:

Sentence	**When due for first release on parole**	**When due for second release**	**When due for subsequent releases.**	**Duration of Leave per Year**
Not exceeding five years	On completion of one year of actual imprisonment- to be counted from the date of admission to prison as convict	After completion of six months of actual imprisonment – to be counted from the date his last return from leave.	After completion of six months of actual imprisonment to be counted from the date his last return from leave.	21 days
Exceeding five years but not more than 14 years	On completion of two years of actual imprisonment – to be counted from the date of admission to prison as convict.	After completion of one year of actual imprisonment – to be counted from the date of his last return from leave.	After completion of six months of actual imprisonment- to be counted from the date of his last return from leave.	21 days during the first five years of confinement and 28days for the rest of term.
Prisoners sentenced to life or imprisonment exceeding 14 years	On completion of three years of actual imprisonment – to be counted from the date of admission to prison as convict	After completion of one year of actual imprisonment- to be counted from the date of his last return from leave	After completion of six months of actual imprisonment to be counted from the date of his last return from leave	21 days during the first five years of confinement and28 days for the rest of term

(iii) For calculation of sentences for the purpose of eligibility for parole and furlough, 'sentence' shall mean a sentence as finally fixed on appeal, or revision, or otherwise,

and includes an aggregate of one or more sentences.

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

509. Duration and Frequency of Regular Parole

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

510. Eligibility and duration of furlough

(i) A Prisoner who is sentenced to life imprisonment and has undergone 05 years imprisonment after conviction with unblemished record becomes eligible for grant of furlough

(ii) A prisoner, as described above, may be granted 04 weeks of furlough in two spells in a conviction year with maximum of 02 weeks in one spell.

511. Competent Authority to Sanction Regular Parole or Furlough

The Inspector General of Prisons as mentioned in the law/ instructions on the subject should be the competent authority for grant of regular parole or furlough to convicts. Under-trial prisoners are not eligible for regular parole and furlough.

512. Procedure

(i) A prisoner desiring to avail parole or furlough will submit his application in the prescribed form to the Superintendent of the prison. The Superintendent will examine each case carefully with regard to the eligibility for leave with particular reference to conduct, work, attitude towards family and community, and the manner in which the previous period of leave, if it was utilized. He will then forward the application to the Superintendent of police of the concerned district within 03 days of receipt of the application through the District Magistrate concerned. The Superintendent of Police shall send his report to the IG Prisons through the District Magistrate within 14 days from the date of receipt of the reference of the Superintendent of Prisons. In case the police disagree with the proposed release of a prisoner on leave, reasons for such disagreement should be specified. The IG Prisons is allowed a period of 07 days to decide on the application from the date of receipt of the report of District Magistrate was received by him.

(ii) The Inspector General of Prisons shall take decision on the application of parole/ furlough within 15 days of receipt of the recommendation received from the District Magistrate.

(iii) The prisoner shall be kept informed of all the decision on his application. If his request for release on parole or furlough is rejected, he shall be informed of the grounds of such rejection.

(iv) The opinion of the district authorities should be obtained every time a prisoner is released on parole or furlough.

(v) Prisoners whose conduct is found unsatisfactory during his/ her release on parole or furlough may be debarred for this concession for a specified period of time by IG Prisons on a report/ recommendation received from the Superintendent of Prison concerned. However, the concession so barred may be reviewed by IG Prisons after 6 months from the date of the bar coming in to force, on a representation from the affected prisoner.

(vi) The prisoner shall be informed of the ground of the bar and the period for which he/ she shall not be eligible for release on parole/ furlough.

513. Appeal

If a prisoner is not satisfied with the decision taken on his request for parole/furlough by Inspector General of Prison, then he can appeal to the State Government and the state government will take decision on his appeal within 15 days.

514. Conditions of Parole/ Furlough

The Inspector General of Prisons authorized to sanction parole/ furlough may make an order for the release of a prisoner subject to the following conditions:

(i) That the prisoner shall furnish cash security for the amount fixed by the competent authority and execute a personal recognizance bond, or execute a bond with one or more sureties according to the directions of the competent authority,
(ii) That the prisoner shall reside at the place designated by the competent authority and will not go beyond the specified limits,
(iii) That the prisoner will keep good behavior and will not commit any offence during the period of release,
(iv) That the prisoner will report to the nearest Police station of the area of his stay during the period of release,
(v) That the prisoner will neither associate with bad characters nor lead a dissolute life,
(vi) That the prisoner will be liable to be recalled immediately to prison in case he violates any of the conditions,
(vii) That the prisoner will surrender himself to the Superintendent of the prison on expiry of the release period as granted, or on recall.

515. Release on parole/ furlough

On receipt of an order from the IG Prisons, the prisoner should be released on Parole/ furlough after he has executed the necessary bond and has signed the conditions of

release. At the time of release the prisoner should be supplied with an identity card and certificate of release on parole/ furlough.

516. Punishment procedure for violation of condition of parole/ furlough

(i) The Prisoner shall be in a cautious vigilance of the district administration within the duration of parole/furlough. The Superintendent of Jail shall inform to the District Magistrate of concerned district and the IG Prisons about the over stay and unauthorized absence of the prisoners from the jail after expiry of the period of Parole/ Furlough and request the District Magistrate and Superintendent of Police concerned to cause the arrest of the said prisoners.

(ii) Any Prisoners whose sentence has been suspended for a specified period-

(a) If he surrenders in jail after delays within 03 days, his indispensability will be recorded in Prison register.

(b) If he again delays within 03 days then the parole/furlough will not be accepted for next 02 years.

(c) If he surrenders in jail after 03 days delays or is arrested, then the parole/furlough will not be accepted for next 02 years.

517. Authorities to be informed

Release of prisoner on parole/furlough should be intimated to the following authorities:

(i) District Magistrate and Superintendent of Police of the district in which the prisoner proposes to spend the period of parole/ furlough,

(ii) District Magistrate and the District Superintendent of Police of the home district of the prisoner,

518. Sureties

For release of prisoners surety should be secured in one of the following ways:

(i) On executing a personal bond,

(ii) The wages earned by the prisoners may be taken as cash security,

(iii) Panchayat of the home village of the prisoner may stand surety for him,

(iv) Family members/relatives/friends of the prisoners, if of good antecedents, may stand surety for him.

519. Travel Expenses

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

CHAPTER-XXI

PREMATURE RELEASE

520. Premature Release

The primary objective underlying premature release is reformation of offenders and their rehabilitation and integration into the society, while at the same time ensuring the protection of society from criminal activities. These two aspects are closely interlinked. Incidental to the same is the conduct, behavior and performance of prisoners while in prison. These have a bearing on their rehabilitative potential and the possibility of their being released by virtue of remission earned by them, or by an order granting them premature release. The most important consideration for pre-mature release of prisoners is that they have become harmless and useful member of a civilized society.

521. Composition of the State Level Committee (SLC)

The following committee shall be constituted for consideration regarding premature release/ sentence pardon of life imprisonment convicted prisoners or reduction of any other kind This shall be a permanent body having the following members:

(i) Principal Secretary/ Secretary, Home (Jail) Government of Uttarakhand- Chairman;

(ii) Principal Secretary/ Secretary, Law and Legal Remembrance or any officer nominated by him not below the rank of Additional Secretary- Member;

(iii) Any other Secretary nominated by Principal Secretary/Secretary Home Department- Member;

(iv) Additional Secretary, Home (Jail) Government of Uttarakhand- Member;

(v) Inspector General Jail, Uttarakhand- Member-Secretary.

522. Consideration of eligibility for sentence pardon/ premature release

In this guidelines for sentence pardon/ premature release other than the prohibited category such convicted prisoners shall be eligible by whom:

(i) All female/ male prisoners sentenced with life imprisonment has served the sentence of 14 years without remission and 16 years with remission including Under trial period.

(ii) Such prisoners punished with life imprisonment who are suffering from any of the following disease and in respect of which a certificate of suffering for said disease is given by medical board-

(a) Advanced bilateral pulmonary tuberculosis
(b) Incurable malignancy.
(c) Incurable Blood diseases.
(d) Congestive heart failure.
(e) Chronic epilepsy with mental degeneration.
(f) Advanced leprosy with deformities and trophic ulcer.
(g) Total blindness of both eyes.
(h) Incurable paraplegias and hemiplegics
(i) Advanced Parkinsonism.
(j) Brain Tumor.
(k) Incurable Aneurysms
(l) Irreversible Kidney failure.
(m) Any other criteria mortal illness of like nature.

(iii) All convicted prisoner to life imprisonment whose have completed the age of 70 years or above of age, and have completed the sentence of 10 years without remission and 12 years with remission including the Under trial period.

(iv) All convicted prisoners punished with life imprisonment whose offence are not covered by any other sub para except offence mentioned in prohibited category sub para(vii) and (xi) of prohibited category and who has spent the sentence of 20 years without remission and 25 years with remission.

(v) All convicted prisoners punished with life imprisonment whose offence are covered in prohibited category other than sub para(vii) and (xi) and who has spent the sentence of 20 years without remission and 25 years with remission will be considered for pre mature release by the above mentioned State level committee in the chairmanship of Chief Secretary, Government of Uttarakhand.

523. Prohibited Category

(i) All such convicted prisoner punished with life imprisonment in whose decision Hon'ble Court has fixed a specific time and order for their decision.

(ii) All such convicted prisoners punished by life imprisonment whose plaint investigation is done by Delhi Special Police Establish or the National Bureau of Investigation constituted under Delhi special Police Establishment Act, 1946 (Act No 25 of 1946) or by any other agency competent for investigating offence under any central Act, other than the Code.

(iii) Such convicted prisoner who are convicted of such offence under section 435 of the Code, related to such subject to which executive power of Union Government extends and to whom separate sentence of imprisonment is served collectively. Any order to suspend remit or commute the sentence given by State Government shall be applicable regarding him when order to suspend, remit or commute the sentence regarding the offence committed is given by central Government.

(iv) All such convicted prisoner punished with life imprisonment who have convicted offence related to culpable homicide (three or more than three murder).

(v) All such convicted prisoner punished with life imprisonment who are punished by Jail Administration with any major punishment within last five years and with minor punishment other than warning during last two years during detention term.

(vi) Such convicted prisoner punished with life imprisonment who are convicted for any offence during sentence suspension/ parole / furlough.

(vii) All such convicted prisoner punished with life imprisonment who have escaped from Jail during detention or escaped from police custody term.

(viii) Such convicted prisoner who has been punished with life imprisonment sentence in case of more than one offence.

(ix) Such convicted prisoner who are not Indian citizen.

(x) All such convicted prisoner punished with life imprisonment who are convicted under following Acts-

- Unlawful activities (prevention) Act, 1967,
- Narcotic Drugs and Psychotropic substances Act, 1985
- The Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988 (Act No. 42 of 1988).
- The Customs Act, 1962 (Act no. 52 of 1962).
- The Official Secrecy Act, 1923.
- The Foreigners Act, 1946.
- The Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974.
- The Protection of Children from Sexual Offences Act, 2012.

(xi) All such convicted prisoners who are punished with sentence of life imprisonment for offences under section 363 A (Kidnapping or maiming a minor for purposes of begging), 370 (Trafficking of person), 376A (Punishment for causing death of resulting in persistent vegetative state of victim), 376D (Gang rape), 376E (Punishment of repeat offences), 489B(Using as genuine, forged or counterfeit-currency notes or bank notes) and 489D Making or possessing instruments or materials for forgoing or counterfeiting.

(xii) Professional killers who are found guilty on contract killing.

(xiii) All such convicted prisoner punished with life imprisonment who are found guilty of waging war or attempt to wage war or abetting against the Government under section 121 to 130 of Indian Penal Code.

(xiv) All such convicted prisoner punished with life imprisonment who are guilty of murder of Government servant during the performing his duty.

524. Procedure

(i) All senior superintendent/ superintendent / Superintendent In-charge Jail shall examine the eligibility to directions of all such convicted prisoners sentenced with life imprisonment in detained in prison in accordance with the policy/directions mentioned in the para herein above and shall ensure that no eligible person is left

out and shall provide proposal related to all eligible prisoners of their pre mature release to Inspector General as well as concerned District Magistrate for their recommendation by the end of first month of every quarter in every year.

(ii) Concerned District Magistrate will provide their recommendations to Inspector General of Prisons till the end of second month of every quarter in every year.

(iii) Age and sentence of the prisoner shall be calculated as on the last day of every quarter of the year.

(iv) Inspector General Jail while examining the received proposal regarding release of prisoner in light of said policy shall forward with the recommendation/ report of the District Magistrate/ Senior Superintendent of Police/ Superintendent of Police by the end of the last month of every quarters of the year to the Government and Government shall conduct the quarterly meeting of committee within twenty days generally from day of receiving of proposal;

Provided that, in case of prisoners related in para 522 (ii)(iii), the Committee may consider for pre mature release without the report of District Magistrate/ Senior Superintendent of Police;

(v) After receiving proposal regarding prisoners release at Government level committee shall consider the matter of sentence Pardon/ premature release of prisoner;

(vi) After considering the matter of sentence pardon/ premature release committee shall forward its recommendation to State Government and the Government shall forward the recommendation to the Governor through the Chief Minister;

(vii) Final decision regarding sentence pardon/ premature release of convicted prisoner shall be taken by Governor;

525. Releasing of prisoner on sentence pardon from Jail

After approval/order of the Governor, convicted prisoners punished with life imprisonment shall be released from Jail on condition that he shall produce a one personal bond of amount not more than 50,000.00 (Rs. Fifty thousand only) before Senior Superintendent/ Superintendent of jail concern before his release, for maintaining law full conduct.

526. Re-detention of prisoner released wrongfully

Under this guidelines if by mistake such prisoner is released under above said orders whose offence in view of State Government is in such category for which he should serve the sentence given by court completely then Government may while canceling the exemption given in sentence of such prisoner detain him again in Jail to serve the remaining sentence.

CHAPTER-XXII

PRISON DISCIPLINE & DAILY ROUTINE

527. Prison Discipline & Daily Routine

(i) Prison discipline is the prime mover of a dynamic and interactive human mechanism called the correctional process, which an offender undergoes to get reformed into a law-abiding and dignified citizen, who can become self-reliant after his release and deserve a rightful place in the mainstream of the society.

(ii) An offender, after release, always faces cold treatment and rejection from the society at large. On account of such rejection and dislike, the gap between offender and the society becomes wider. This sends the offender back into the world of crime, and from there again to custody, making a vicious circle. This is how crime recurs. Correctional work aims to bridge the gulf between the offender and the mainstream society.

(iii) Prison discipline should be reformative and curative and not retributive and repressive and should be carried on with a view to foster the basic values and virtues of life and humanity.

(iv) Prison discipline is the collective responsibility of all the prison personnel who are actually supposed to usher in reformation to the offender.

(v) Prison discipline should also ensure impeccable security in the prison so that the safe custody and well-being of the prisoners is not in jeopardy.

(vi) Prison discipline shall also envisage a tidy ambience in the premises, which is conductive to creative work in the field of culture, literacy and vocational training.

(vii) Prison discipline shall be supported and given a human face by:

(a) Sympathetic and patient understanding of the predicaments of the inmates, with follow-up guidance and counseling, which shall act as an emotional support base to them. Counseling shall also act as a preventive measure against despondency in their psyche.

(b) Introducing a system of incentives and rewards which shall be accorded to the deserving inmates making rapid progress on the path of correction.

(c) Exemplary conduct on the part of the Superintendent, Jailor and other prison personnel shall goa long way to encourage prisoners to return to the society at large and make it a better place for posterity.

528. Scope

Prison discipline shall cover all aspects of Prison life such as:

(i) Discipline of good health,

(ii) Discipline of work,

(iii) Discipline of proper behavior,

(iv) Discipline of education and learning, and

(v) Discipline of interest in finer aspects of life.

529. Prohibited Articles

(i) The articles specified or included in any of the descriptions, contained to the list mentioned hereinafter, shall be prohibited articles, within the meaning of section 43 of the Act, namely all tobacco items, pan masala or similar items.

(a) Sports shoes. (Ankle with spongy padding which may be used for concealing prohibited items).

(b) Liquors of every description, all intoxicating or dangerous drugs, poisonous substances and chemicals, whether fluid or solid, of whatever description, ganja, bhang, opium, smack, charas and other intoxicants.

(c) All explosives, arms, ammunitions and weapons, knives and cutting implements of every kind and articles which are capable of being used as a weapon of whatever description.

(d) All bullion, metal, coin, jewelry, ornaments, goggles, currency notes, securities and articles of value of every description.

(e) String, rope, chains, belt and all materials which are capable of being converted into string or rope or chains, of whatever description.

(f) Laptop, Desktop, I-pads, Tablets, cell phones, charger, battery, sim-card, data-card, wireless or any other telecommunication electronic gadget unless the same is permitted by the Inspector General (Prisons) for the staff for official purposes.

(g) Playing cards or other implements of gambling.

(h) Tape recorders, typewriters and other equipment that can be misused.

(i) wearing apparels made of denim or any thick/heavy fabric;

(j) Non vegetarian food of any kind.

(k) Every article, of whatever description, which has not been issued by the Prison Administration or not permitted inside the prison by the Superintendent.

(l) Any other article/item declared to be prohibited by the Inspector General, from time to time.

(ii) However for meeting administrative exigencies, Inspector General of Prisons or any of the officer, empowered by him in this behalf may, for the reasons to be recorded in writing, permit an article to be :-

(a) introduced into any prison; or

(b) removed from any prison;

Note- The provisions of this rule shall be applicable to all persons including prisoners, prison officers, visitors and any person entering the prison except where specifically provided in the rules.

530. Prison offences and Punishments

Following acts of the prisoners shall constitute prison offences:

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

(ii) Doing any act calculated to create unnecessary alarm in the minds of other prisoners.

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

(iv) Omitting to report the commission of any prison offence.

(v) Breaking law and order and prison discipline.

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

(vii) Refusing, omitting to abide by standards of behavior, rules and regulations and lawful instructions and orders.

(viii) Failing to assist in the maintenance of prison discipline.

(ix) Failing to give assistance to a prison official when called to do so.

(x) Making false, malicious and groundless, written or verbal, complaints against prison officials.

(xi) Committing nuisance or mischief of any sort.

(xii) Quarrelling with other prisoners.

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

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

(xv) Escaping or attempting to escape from prison or legal custody or failing to report to prison officials about attempting escapes.

(xvi) Possessing, hiding, smuggling, attempting to smuggle, obtaining, giving or receiving and bartering contraband or prohibited articles.

(xvii) Failing to report to prison officials about contraband or prohibited articles.

(xviii) Stealing/ damaging/ destroying/ disfiguring/ misappropriating any government property or other prisoners' articles and property.

(xix) Failing to report at once any loss, breakage or injury, which the prisoner may

accidently have caused, to prison property or implements.

(xx) Tampering with or defacing identity cards, records or documents.

(xxi) Breach of the conditions of leave and emergency release.

(xxii) Refusing to eat food or going on a hunger-strike.

(xxiii) Eating or apportioning any food not assigned to him or taking from or adding to the portions assigned to another prisoner.

(xxiv) Willfully or negligently destroying or spoiling food, or throwing it away without orders.

(xxv) Introducing into food or drink anything likely to render it unpalatable, unwholesome, or dangerous for human consumption.

(xxvi) Cooking unauthorized.

(xxvii) Violating rules and regulations framed for the systematic running of the canteen.

(xxviii) Bartering canteen articles.

(xxix) Being idle, careless or negligent at work, refusing to work, malingering, disturbing other prisoners at work, or in barracks.

(xxx) Manufacturing any article without the knowledge or permission of a prison officer.

(xxxi) Performing any portion of the task allotted to another prisoner or obtaining unauthorized assistance of another prisoner in the performance of one's own task.

(xxxii) Apportioning to any prisoner any part of the task to be performed by him.

(xxxiii) Mixing or adding a foreign substance to the materials issued for work.

(xxxiv) Willfully disabling himself from labor.

(xxxv) Converting or attempting to convert a prisoner to a different religious faith.

(xxxvi) Willfully hurting other's religious feelings, beliefs and faiths.

(xxxvii) Agitating or acting on the basis of caste or religious prejudices.

(xxxviii) Having any communication in writing or by word or by signs, without permission with any outsider, an under-trial prisoner, detenues, civil prisoner and approvers.

(xxxix) Sending messages surreptitiously by writing or verbally.

(xl) Participating in or organizing unauthorized activities like gambling and betting.

(xli) Using indecent, abusive, insolent, threatening or improper language; being disrespectful, making indecent or vulgar acts or gestures.

(xlii) Soiling or be fouling any place or article.

(xliii) Loitering or lingering, leaving the appointed area or work- group without permission.

(xliv) Failing to assist, or preventing another person from assisting, prison officials in suppressing violence, assault, riot, mutiny, attack, gross personal violence or any other emergencies.

(xlv) Concealing any prohibited article.

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

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

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

(xlix) Omitting or refusing to keep himself clean or disobeying any order regulating the cutting of hair or nails.

(l) Omitting or refusing to keep clean his clothing, bedding, utensils or disobeying any order as to the arrangement or disposition of such article.

(li) Spitting on or otherwise spoiling any floor, door, well or other part of the prison building or any article in the prison.

(lii) Hanging clothes or curtains which tend to seclude a prisoner from sight of others.

(liii) Offences committed by a prisoner while in transit or in judicial lock-up- Any of the offences, mentioned in the Act and the preceding rule shall be deemed to be the prison offence being committed by a prisoner while in transit from one prison to another or to hospital or to court or while in judicial lock-ups or any other place. He can be awarded punishment by the Superintendent after obtaining the report of the officer in-charge of the escort.

(liv) In respect of the following offences, the Superintendent shall report the case to the Local police, for action in accordance with the Code, namely: -

(a) Offences under Narcotics, Drugs and Psychotropic Substances Act;

(b) Offences punishable under the Indian Penal Code including: -

(i) Section 147 - rioting;

(ii) Section 223 - escape negligently suffered by a public servant;

(iii) Section 224 - resistance or obstruction to lawful apprehension or escape or attempt to escape from lawful custody;

(iv) Section 304-A - causing death by a rash or negligent act;

(v) Section 309 - attempt to commit suicide;

(c) Any offence triable exclusively by the Court of Sessions.

531. Punishments for prisoner of all categories

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

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

(a) **Minor Punishments**

(i) Formal warning which shall be personally addressed to the prisoner by the Superintendent and recorded in the punishment book.

(ii) Loss of privileges given to the prisoners in detention for a maximum of one month

(iii) Forfeiture of earned remission up to ten days.

(b) **Major Punishments**

(i) Forfeiture of remission up to a period of thirty days at any one time or with the approval of the Inspector General remove a prisoner from the remission system up to a period of six months:

Provided that the Inspector General shall have power to forfeit all earned remissions, other than remissions given by the Government, or to remove a prisoner from the remission system for the entire period of his imprisonment;

(ii) Stoppage of recreational facilities up to a period of one month or canteen facilities for a period of 1 month or stoppage of interviews for a period of up to three months;

(iii) In case of breaches and violations in conditions of release on parole or furlough, not counting the said period towards imprisonment.

(iv) Segregation up to a period of three months and with the sanction of the Inspector General, up to a period of six months.

(v) Monitoring under watch and security

(vi) In case of any damage to Government property, recovery of cost for such damage after proper enquiry effective with judicial appraisal

(vii) Inmate calling system stoppage up to 1 month

(viii) Forfeiture of recovered/seized money

532. Procedure for Awarding Punishment

(i) For award of major punishment, the prisoner should be given notice in writing, calling him to show cause with reference to the alleged violation of the Jail rules. The order of punishment should also be communicated to the concerned prisoner.

(ii) The Superintendent shall hold an inquiry touching every prison offence committed or alleged to have been committed by a prisoner in the prison in a quasi-judicial manner recording the statements of all concerned witnesses, giving full opportunity to the offender for his defense. Confessional statements of the offender should also be recorded in the presence of two witnesses. Findings and punishment in the manner provided in law should be recorded after applying judicious mind by the Superintendent in his own hand in the prisoner's history ticket. The complete enquiry file, findings and the punishment awarded shall be immediately forwarded to the District and Sessions Judge for obtaining judicial appraisal in all cases except in cases of formal warning. Where such information, on account of exigency is difficult to be forwarded immediately, be given within 2 days of finding. The Superintendent shall satisfy himself that every punishment so ordered, is duly carried into effect in accordance with law:

Provided that the Superintendent, at any time, if physically incapacitated from making such record, cause the same to be made in his presence and under his directions.

(iii) In respect of offence committed by the prisoner which is punishable both under the existing criminal laws and prison offences, the prisoner should be the punished by the Superintendent for Prison Offence & be prosecuted for the offence before the court of law.

(iv) No prisoner should be punished twice for the same offence.

533. Entries in punishment book

(i) In the punishment book, prescribed in section 12 of the Act, there shall be a record, in respect of every punishment inflicted.

(ii) In the case of every serious prison-offence, the names of the witnesses proving the offence, and the findings, with reasons thereof, should be recorded by the Superintendent.

(iii) Against the entries relating to each punishment, the Jailor and the Superintendent shall affix their initials as evidence of the correctness of the entries.

534. Procedure on committal of serious/repeated offence

If any prisoner is guilty of any offence against prison discipline, which by reason of his having frequently committed such offences or otherwise, in the opinion of the Superintendent, is not adequately punishable by the infliction of any punishment, under the Act, the Superintendent may forward such statement of offences committed by a prisoner to the Court of Chief Judicial Magistrate or Additional Chief Judicial Magistrate having jurisdiction, and such Magistrate may, thereupon, inquire into and try the charge so brought against the prisoner and upon conviction, may award sentence of imprisonment which may extend to one year, in addition to any term for which such prisoner is undergoing imprisonment, or may sentence him to any of the punishments enumerated in section 46 of the Act.

535. Duties of Prisoners

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

(i) Obey the orders of all officers of prison (including clerks, medical and technical staff) and convict officers.

(ii) Remain strictly with their groups and within the part of the prison in which they are confined, unless ordered by proper authority to leave it.

(iii) Abstain from talking when in a file at unlocking or at latrine and bathing or other parades, or at any time when ordered by an officer of the prison to desist also abstain from abusing, singing, quarrelling, laughing loudly, talking loudly and indecent behavior at any time.

(iv) Not hold any communication with outsiders, women, civil or under trial prisoners or prisoners of a class different from their own, or with the guards beyond what is absolutely necessary.

(v) Not receive or possess ganja or other drugs, money or jewelry or any article of food or clothing prohibited by the rules, books, papers, writing materials of any description, rope, knife, or other implement (except during working hours and when the implement is required for work). When they find any of these articles in the prison or know of any other prisoner having possession of any such articles, they shall report the matter to the Jailor or Warder or any other officer/official.

(vi) Report any plot or conspiracy and any attempt to escape or any planned attack upon any prisoner or officer of the prison.

(vii) Help the officers of prison in the event of any attack upon them.

(viii) Keep their clothes, blankets, beddings and utensils clean and in proper order.

(ix) Keep their persons clean.

(x) Perform their assigned tasks willingly and carefully and take proper care of any property of government entrusted to them for any purpose.

(xi) Be orderly in their behavior; march when moving about the prison; when addressing or being addressed by an officer of the prison or visitor stand at attention with their hands down and salute when ordered.

(xii) Not to remove provisions from the kitchen or food servicing platforms without authority or conceal any article of food in the wards or cells.

(xiii) Not to remove any unconsumed food from the place where the meal is taken.

(xiv) Stick to the bed, ward, yard and the seat assigned to them while at meals or at work.

(xv) Not to loiter in the yards/wards, after the doors have been opened or bathe beyond the specified hours.

(xvi) Not to commit any nuisance or urinate in any part of the prison which has not been

assigned for that purpose or spoil any part of the prison or any article in the prison in any way.

(xvii) Show respect to all officer. Not to strike, assault or threaten any officer or prisoner.

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

(xix) Wear the clothing given to them and not to exchange clothing or any part of their prison kit, with any other prisoner.

(xx) Not to undertake any agitation, organized protest or hunger strike.

536. Grievance Redressal System (GRS)

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

(i) Therefore, there shall be an active Grievance Redressal System (G.R.S.) in every prison which shall provide every inmate the legitimate opportunity to voice his grievances.

(ii) The system shall also act as a safety valve against any possibility of sudden outbursts of suppressed grievances.

(iii) There shall be complaint boxes in every prison installed in centrally located and convenient places, within easy reach of the inmates for suggestions & grievances to the superintendent. Such complaint box shall be installed in an easily accessible place in the female ward.

(iv) The inmates may drop their complaints in the form of written petitions addressed to the Superintendent.

(v) The box shall remain under lock and the key shall remain in the custody of the Superintendent, who shall unlock the complaint box at least twice a week on the days fixed and approved by the Superintendent.

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

(vii) The Superintendent shall form a permanent Committee of Grievance Redressal System, comprising himself, the Jailor (the senior most Jailor in the event of more than one Jailor being posted there), the Medical Officer and the Welfare Officer, if the prison happens to have a female enclosure than a senior lady officer of appropriate rank shall be included in the committee.

(viii) The committee shall meet as and when necessary, but at least twice a week to look into all the complaints at the earliest.

(ix) The Superintendent shall preside over the committee which shall enquire into all the complaints at the earliest.

(x) The decision of the committee shall be executed forthwith.

(xi) If a prisoner is not satisfied by the action taken by the Superintendent on his complaint, he should be allowed to approach higher authorities for Redressal of his grievances.

(xii) Complaints addressed to the higher authorities shall be forwarded to the addressee with comments of the Superintendent without delay.

(xiii) There shall be separate complaint boxes in centrally located and convenient places, within easy reach of the inmates to address their grievances and suggestions to the visiting District & Session Judge and IG Prisons.

(xiv) Letters addressed by prisoners to the Government, Judiciary, Inspector General of Prisons or other high functionaries should be forwarded by superintendent to them immediately. The receiving authority looks promptly into them.

(xv) The District Judge should visit each prison in his jurisdiction as per chapter of Board of Visitors and give an opportunity to all the prisoners to present their grievances or requests, if they so desire, in the absence of prison officers. This should be a statutory function of the District Judge.

(xvi) The Board of Visitors should receive and enquire into prisoners' complaints and grievances and send their suggestions to appropriate authorities.

537. General Complaint by prisoners

Every prisoner shall be afforded opportunity to make any representation or complaint to the prison authorities for redressal of grievances. The prison officer shall ensure that: -

(i) Prisoner may, at any time, bring to the notice of the Warder/ Head Warder/ Deputy Jailor his personal grievances (complaint, assault, ill- treatment etc.) or any general matter (unhygienic condition, sanitation etc.). The Head Warder/Deputy Jailor shall take immediate remedial action. In case redressal of the complaint is beyond their competence, it should be brought to the notice of Jailor or Superintendent as soon as possible.

(ii) Prisoners shall be afforded opportunity to bring to the notice of the Jailor or Superintendent, any complaint or representation at the time of their inspection/visit.

CHAPTER-XXIII

AFTER-CARE AND REHABILITATION

538. After-Care And Rehabilitation

(i) The process of after-care and rehabilitation of offenders is an integral part of institutional care and treatment. These two should never be de-linked. The after care of a prisoner is an extension of the institutional treatment programme; hence the administrative machinery for carrying out these programmes should be effectively integrated with the department of prisons.

(ii) It is clear that after-care and follow-up service is not required by each and every inmate leaving the prison. A large number of prisoners coming from the rural areas and agrarian and business communities are generally accepted back into their family. They are re-assimilated in the social milieu without much difficulty. They require only some continued contact with their kin and some pre- release counseling to bridge the gap between their life in the prison and that in the free society.

(iii) There are other prisoners who resist follow-up action as they consider it a kind of surveillance on them. But majority of the inmates would welcome such programmes which help them settle in the society after their release and get themselves rehabilitated beyond the possibility of reverting to crime.

(iv) The objectives of the after-care services are:

(a) Extending help, guidance, counseling, support and protection to all released prisoners, whenever necessary.

(b) Helping a released person to overcome his mental, social and economic difficulties.

(c) Helping in the removal of any social stigma that may have been attached to the inmate or his family because of his incarceration.

(d) Impressing upon the individual the need to adjust his habits, attitudes, approaches and values to a rational appreciation of social responsibilities, obligations and the requirements of community living.

(e) Helping the individual in making satisfactory readjustment with his family, neighborhood, work group and the community.

(f) Assisting in the process of the individual's physical, mental, vocational, economic, social and attitudinal post-release readjustment and ultimate rehabilitation.

539. Process

(i) After-care services should be extended to all needy persons released from prisons,

conditionally or unconditionally or on license. While after-care services should be provided to all needy prisoners at the very least prisoners having served a minimum of five years of imprisonment shall necessarily be entitled to after-care services.

(ii) After-care problems of an individual should be treated in their totality and not in isolation. Not only the individual but his whole social situation must be tackled at the same time.

(iii) After-care work should broadly be phased as follows:

(a) While the individual is under prison care and treatment
(b) Immediately after release from the prison
(c) Post-release period.

(iv) There should be full coordination between the Correctional Services and the after-care services.

(v) It is the responsibility of the Government to devise and develop mechanisms for rehabilitation of released convicts. For this purpose, Discharged Prisoners' After Care and Rehabilitation Committees shall be set up. Such committees shall inter alia devise the mechanism for rehabilitation and after-care assistance for released prisoners. While devising the mechanism and extending help, special attention shall be paid to the protection and post-release care and help of children, adolescents, women, sick, old, infirm and handicapped persons. Special emphasis should be laid on the after-care of habitual offenders, if they so request.

540. Planning

(i) Planning for after-care should be initiated immediately after an inmate's admission in the prison.

(ii) After-care should be in the interest of the individual and based on his needs. While planning post-release assistance, factors like the inmate's personality, his weaknesses and strengths, limitations and capabilities and his rehabilitation needs should be taken into consideration. The inmate's desires for post-release help should be considered on a practical and realistic basis.

(iii) The inmate should be told what type of assistance would best suit his needs. He should be encouraged to plan his post-release life, as this would be helpful in his willing acceptance of the after-care plan. He should be prepared for his post-release life.

(iv) From the time a prisoner's admission into prison, consideration should be given to his post-release needs and he should be encouraged and assisted to maintain or establish such relations (with persons or agencies outside the institution) as may promote the best interest of his family and his own social rehabilitation. Special attention should be paid to the maintenance and improvement of such relations between a prisoner and his family, as are desirable in the best interest of both.

541. Functioning of Probation/Welfare Officer

(i) The Probation/Welfare Officer should contact the inmate during his admission – quarantine period. Such an early contact shall be helpful in planning over all help for the inmate and his family. The Welfare Officer should meet the inmate at least once a month throughout his stay in the institution.

(ii) The Probation/Welfare Officer should extend all possible assistance in maintaining the inmate's continued relationship with his family, employer and community. The welfare of the family members and dependants of offenders as well as of their victims should be looked after.

(iii) The Probation/Welfare Officer should be associated with the prisoner's welfare services at the headquarter level.

542. The Role of N.G.Os/Industry Associations

(i) The participation of approved N.G.O.s, in the rehabilitation programs should be extensively encouraged. Voluntary organizations, which wish to help the government in rehabilitation projects, should be given necessary financial and other help. Their services should be given due appreciation by the Inspector General of Prisons.

(ii) The public should be educated about the need for rehabilitation of ex- prisoners through print and audio-visual media.

(iii) Continuous liaison should be maintained with the agencies/ individuals which are willing to give employment to the released prisoners.

(iv) Companies that are required to spend 2% of their net profit on CSR activities under the Companies Act, 2013 should be encouraged to contribute funds towards rehabilitation of prisoners. Appropriate steps may also be taken by the Government to facilitate tax-deductibility of donations made for this purpose in terms of Section 80G of the Income Tax Act, 1961.

543. Scope of after-care assistance

The scope of after-care assistance shall be kept ready for the prisoner well before his release to avoid inconvenience to the prisoner after his release shall be determined by the prisoner welfare Committee and may include the following matters:-

(i) Subsistence money to cover initial expenditure after release, till such time as the released person reaches his family or obtains employment.

(ii) Provision of food

(iii) Temporary accommodations till housing arrangements are made.

(iv) Stay in a District Shelter/After-care Hostel/State Home, wherever available.

(v) Assistance in securing housing in urban areas.

(vi) Assistance in securing apprenticeship in a workshop/ technical institute/industry/trade.

(vii) Supply of artisan's tools or trade equipment.

(viii) Assistance in starting a cottage industry any small business trade a small stall.

(ix) Assistance in getting employment.

(x) Assistance in getting land, agricultural equipment, draught or milk cattle, and seeds for those opting to take up agriculture.

(xi) Assistance in starting a small dairy, poultry, duck, or sheep farm/piggery/vegetable gardening/Seri-culture/bee- keeping.

(xii) Liaison with and assistance to prisoner's family during the period he is serving a prison sentence.

(xiii) Help in maintaining continuity in relationship with family; neighbors, employers and community.

(xiv) Preparing the family, employer and neighbors for receiving the individual after release.

(xv) Guidance in getting married and setting up a home and resettling in life.

(xvi) Liaison with local police so that he is not harassed unnecessarily.

(xvii) All schemes notified/promulgated by the Government time to time for the rehabilitation and after release assistance shall also be made available to the prisoners.

544. Family or Marital Adjustments

The following adjustments would be required:

(i) Explaining to the police the background and problems of the individual and getting help and cooperation from the police in the process of resettlement.

(ii) Communicating to the Panchayat/Community Development authorities about the background, problems and needs of the released person. Getting the cooperation and help of the Panchayat, Community Development Officer, National Extension Service Worker and Gram Sevak, in the resettlement of a prisoner.

(iii) Reference to a Social Service Organization in the neighboring area where the prisoner is likely to settle after release.

(iv) Assistance in continuation of education and vocational training.

(v) Creating interest in education and study. Motivating them to acquisition and improvement of skills, healthy recreation and constructive use of leisure.

(vi) Encouragement in building good habits.

(vii) Help in planning and balancing his budget.

(viii) Encouraging thrift & savings. Making them leave costly habits.

(ix) Medical treatment on long-terms for tuberculosis, venereal diseases, leprosy and cancer in an outside hospital.

(x) Posting the released person under the care of a person or family interested in his welfare and resettlement.

(xi) Protection from getting associated with anti-social groups, agencies of moral hazards (like gambling dens, drinking places and brothels) and with demoralized and deprived persons. Help in establishing contacts, acquaintance and friends with reliable neighbors, co-residents or coworkers.

545. Legal Aid and Protection

(i) The following aid and protection may be required:

(a) Help in all matters relating to the resettlement and rehabilitation of the released person.

(b) The After-care agency should be closely associated with the planning of the after-care programme for the inmate.

(ii) The plan of after –care of a prisoner should be subject to such changes as would be found necessary by the after-care service.

(iii) The Probation/Welfare/Rehabilitation Officer should intensify his work during the pre-release period. He should maintain all the prescribed records under the direction of the Superintendent.

(iv) After release from the institution, the case of a released person should be followed up for a period ranging from one to five years according to the requirements of each case with the consent of the prisoner.

(v) The Probation/Welfare/Rehabilitation Officer shall establish follow- up study through interviews or correspondences.

(vi) A six-monthly report evaluating the released person's adjustments and resettlement should be prepared by him and copies of it should be sent to the prisons where the individual had undergone sentence and to the record branch in the headquarters organization.

(vii) The record branch in the headquarters should maintain all the case files and follow-up reports according to the central indexing system.

546. Formulation of Schemes

(i) The Industries Department of the government should formulate schemes for the employment of released convicts in small scale industrial units.

(ii) Big industrial houses should be motivated at the level of the Prisons Headquarters to give preference in jobs to released prisoners in the interest of their rehabilitation and social adjustment.

CHAPTER-XXIV

OPEN PRISONS

547. Selection Committee:-

For the purpose of selecting prisoners for confinement in any Open prison, there shall be a Selection Committee consisting of: -

(i) The Inspector General of Prison (HQ) - Chairman

(ii) The Additional Inspector General of Prison (HQ) - Member

(iii) The Deputy Inspector General of Prison - Member

(iv) The Superintendent of jail - Member

(v) In-charge, Open Jail - Member Secretary

548. Criteria for selection

Those convicted prisoners who fulfilled the following criteria may be selected for Open prison–

(i) are between the age group of 21 years and 50 years.

(ii) are found to be of good behavior and are physically and mentally fit.

(iii) have maintained excellent conduct inside the closed prison and have performed labour allotted to them with due devotion and diligence and

(a) the convict who has been sentenced for a limited term more than 5 years and has completed 1/4 (25%) of his sentence without remission including under trial period in jail.

(b) the convict who has been sentenced with life imprisonment and has completed 5 year of his sentence without remission including under trial period in jail

(iv) Having good character and maintaining self-discipline.

(v) Have strong group adjustability and sense of responsibility.

549. Procedure for selection

(i) Superintendent of open prison shall prepare a list of prisoners falling under rule 548 and who are willing to be confined in Open Prison.

(ii) The Superintendent shall prepare case history of prisoners in the Form and then forward such lists together with case history to the Selection Committee.

(iii) The Selection committee shall examine the said lists along with the case history and files of the prisoners.

(iv) The case of each prisoner shall be screened, keeping in view of the following factors, namely: -

(a) Health, physical and mental, to withstand confinement in Open prison and certificate in this regard that he is fit to work.

(b) Behavior and conduct in closed prison and sense of responsibility displayed.

(c) Progress in work, vocational training, education and in other like matters.

(d) Group adjustability.

(e) Character and self-discipline.

(f) Whether he is fit for being trusted for confinement in Open prison.

(g) Any other factor which may be considered just and proper.

(v) The Selection Committee shall prepare a list of all prisoners with recommendations whether they are selected or rejected and shall submit the same to the Inspector General of Prisons for his approval. On the list being approved, the selected prisoners shall as soon as possible be transferred for confinement in the Open prison on the terms and conditions stipulated from time to time by the Inspector General (Prisons).

550. General Provisions for Open Prison

(i) Transfer of prisoners from open prisons to closed prisons.

The prisoner in Open prisons if commits any offence whether it is prison offence or offence under Indian penal code or any other Act then the prisoner shall be transferred to the closed prison, apart from any other punishment awarded to him, by the orders of the Inspector General of Prisons.

(ii) Review of work and suitability of prisoners transferred to Open Prison

The case of each prisoner transferred to Open Prison shall be put up before the Selection Committee on biannual basis, which shall analyze conduct and performance of the prisoner in detail. If it finds that a particular prisoner is found unfit for being kept in the Open Prison on the ground of indiscipline or unsatisfactory work or any other good and sufficient cause, he shall be transferred, after obtaining approval of the Inspector General of Prisons to closed prison and could be punished as per the rules contained in chapter of prison discipline or the code of conduct prescribed by the Inspector General (Prisons) from time to time.

(iii) Work allocation

(a) The Prisoners lodged in open Prisons could be allotted work on the PWD projects inside the prison complexes, horticulture work or any other contractual work for which they shall be eligible for wages as prescribed from time to time.

(b) The convicts in open prisons may be allocated work at outlets within the State of Uttarakhand. However, Prison Authority or Government shall not be in any way bound to find employment for any prisoner lodged in Open Prison.

(iv) Furnishing of Surety Bond

The selected convicted prisoner shall be directed to furnish a surety and personal bond for their maintaining good conduct while on work, observance of discipline, work code, timings for returning etc. The release of a prisoner subject to the following condition:

(a) That the prisoner shall furnish cash security for the amount fixed by the competent authority and execute a personal bond, or execute a bond with one or more sureties according to the direction of the competent authority.

(b) That the prisoner shall reside at the place designated by the competent authority and shall not go beyond the specified limits,

(c) That the prisoner shall keep good behavior and shall not commit any offence during the period,

(d) That the prisoner shall neither associate with bad characters nor lead a dissolute life,

(e) That the prisoner shall be liable to be recalled immediately to prison in case he violates any of the conditions,

(f) Any other conditions as deemed fit.

(v) Area of work

The Inspector General (Prison) shall demarcate the area beyond which inmates in open prison shall not be allowed to go within the prison complex. Standards of behavior and discipline in the Open Prison shall be maintained and should be exemplary. Emphasis should be laid on the development of sense of responsibility and self-discipline.

(vi) Assessment of employment avenues

(a) The Inspector General (Prisons) shall from time to time prescribe the nature and avenues of employment where prisoners lodged in Open Prison could be employed. The job opportunity available with different agencies shall be assessed and earmarked to the prisoners kept in Open Prison. All prisoner assigned work shall be paid wages.

(b) If any agency recognized by prison department engages the prisoners than the wages shall be paid by the agency which should not be less than the minimum wages decided from time to time by the government.

(vii) Prohibition against private employment

No prisoner shall be employed by any jail officer for any private work or shall be assigned any menial duties. Under no circumstances, they shall be asked to work as domestic help.

(viii) Security parameters & other facilities

The Inspector General of Prisons shall issue the detailed standing order in respect of security parameters and timings of ingress and egress. However, the other facilities viz. food, lodging etc, to be provided to the prisoners in the Open Prisons shall be the same as being provided to other convicted prisoners in the closed prisons.

CHAPTER XXV

UNDER TRIAL PRISONERS

551. Classification of Under Trial Prisoners

(i) The classification of under trial prisoners should be done only on the basis of security, discipline and institutional program. No classification on the basis of social status should be attempted. The entitlement of diet, clothing, bedding and interview shall be the same as applicable to other categories of prisoners. The first timer casual offenders shall be kept separately from repeaters or habitual offenders.

Note: - The Government may setup a separate prison for the first time offenders.

(ii) Subject to the provisions of section 28 and section 29 of the Act, the prisoners shall be segregated in categories as follows :-

(a) Prisoners suffering from contagious and infectious disease such as leprosy, tuberculosis etc.
(b) Prisoners suspected to be suffering from mental disorder and
(c) Inmates having suicidal tendencies.

(iii) The Superintendent may, in addition to above provisions, order further segregation in the interest of prison security, safety and discipline about whom information was received from the Police or any other investigating agency in writing and falls in the category as provided under:-

(a) **Category-1(S1- Red)**: Fundamentalists, naxalites, extremists and terrorists or any other individual characteristics warranting confinement.

(b) **Category-2 (S2- Blue) ;** Gangsters, hired assassins, dacoits, serial killers/ rapists/ violent robbers, drug offenders, habitual grave offenders/ communal fanatics and those highly prone to escapes/ previous escapees/ attack on police and other dangerous offenders/including those prone to self-harm/posing threat to public order warranting confinement.

(c) **Category-3 (S3- Yellow):** Those who do not pose any threat to the society, upon release, like those involved in murders on personal motives, other bodily offences, theft/ property offences, prohibition offences, other special and local laws, railway offences and other minor offences.

Note:

(a) If the Superintendent has sufficient reasons to believe that a person is of a category mentioned above and it has also not been so reported by the police, the Superintendent shall take action as contained in rule above.

(b) The prisoners posing security risk or indulging in violence or disorderly behavior or likely to create unrest in the jail or threat to public order or aggressive tendencies or other hardened prisoners may be considered as High-Risk Prisoners and may be lodged separately, in cells, at the discretion of the Superintendent after prior approval of Inspector General of Prisons.

(c) Persons suffering from mental ailments and young offenders shall be lodged separately.

(d) Courts shall send intimation to prison authorities about Under trial prisoners who have turned approvers or have made confessions and they shall be lodged separately.

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

552. Admission

(i) The procedure for admission is the same as provided in the chapter V (Custodial Management).

(ii) Children– Children, up to the age of 6 years, of women under trial prisoners may be admitted if suitable arrangements for their care cannot be easily made outside.

(iii) Food- If an under-trial prisoner has not been in the prison previously, it is the duty of the police, or the military escort officer, to see that the under-trial prisoner is given food before he is taken to the prison, if he is likely to arrive there too late for the prison meal. If the police or military escort reports that the under-trial prisoner has not been supplied with food, prison authorities should make necessary arrangements for serving the food to him. In case the under-trial prisoner is admitted after the prison meals have been served, or after lock-up, available food stuff should be given to him as per prescribed scale.

553. Admission hours

The admission hours shall be governed by the provisions as provided in the chapter V (custodial management).

554. Approvers

(i) When an under-trial prisoner has been admitted by the court as an approver or a confessing accused, he should be kept separate from others concerned in the same case. Where there are separate cells or compartment in the under-trial ward, these should be utilized for the purpose. If there is no separate compartment, such prisoners may be kept in separate cells by day and in separate wards by night, but care must be taken that they are not kept in solitary confinement.

(ii) Any special direction as to the separation of an under-trial prisoner given by the Judge or Magistrate should be carried out. Such separation should be unaccompanied by any

irksome condition beyond those necessary to secure the object in view, namely, to prevent him from communicating directly or indirectly with other prisoners concerned in the same or other case.

555. Identification for court purposes

(i) Under trial prisoners shall not be allowed to cut or shave their hair on their heads or faces or in any way to alter their personal appearance, so as to make it difficult to recognize them. They shall not, however, be prevented from changing their clothes, provided that their appearance is not materially altered when they are presented for identification in the prison or sub-prison or when sent to court for trial.

(ii) The police shall give intimation to prison authorities of cases in which identification of under trial prisoners is to be carried out and shall give full description of growth of hair, moustache, beard, etc., which the under-trial prisoners had at the time of arrest.

(iii) Test identification should be held as per rules framed for this purpose.

556. Police interrogation

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

(ii) **Police officer to be in uniform-** No police officer shall be allowed to visit prison unless he is in proper uniform and valid identity card issued by competent authority.

557. Facilities

The following facilities should be extended to all under trial prisoners:

(i) Legal defense.

(ii) Interviews with lawyers or family members (for legal purposes)

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

(iii) Signing Vakalatnama,

(iv) Delegation of power of attorney,

(v) Execution of will,

(vi) Essential religious necessities as per rules,

(vii) Applications to courts for legal aid at Government cost as per provisions of law.

(viii) Other applications to courts,

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

(x) Such other facilities as are sanctioned by the Government should be extended to

under trial prisoners.

558. Food, Interview & canteen

The food shall be provided to the Under-trial Prisoners in the prescribed scale as provided in chapter of maintenance of Prisoners. The facilities of the interview & canteen shall be the same as provided in the chapter of contact with outside world and welfare of prisoners respectively.

559. Clothing

Usual private clothing to meet reasonable requirements should be allowed to under trial prisoners. Such articles of clothing as shall affect the security requirements of the institution should not be allowed. An under-trial prisoner who has no sufficient clothing of his own may be provided with the same at Government cost at the prescribed scale. Such clothing may be allowed to be retained by the under-trial prisoner even after his release. Private articles bearing marks or symbols of political affiliations, closing resembling to the uniform of police, prison and defense force shall not be allowed to be kept or used by under trial and convict prisoners.

560. Letters

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

(ii) Four letters per calendar month, at Government cost, shall be allowed to be written by an under-trial prisoner.

(iii) Additional letters for legal purposes such as arranging defense, bail and security may be allowed normally at the prisoner's own cost.

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

561. Production before court

An under-trial prisoner shall be produced before the court, on the due date of hearing in person. However, for extension of detention in custody, the prisoner may be produced before the court either in person or through electronic media like, video-linkage etc. For this purpose, a court diary shall be maintained in which all relevant entries of production before various courts shall be made. These entries should be made daily by the officials concerned and should be daily supervised by the officer in charge of under trial work.

562. Requisition of escort

On the basis of the court diary, requisition for police escort should be sent sufficiently in advance. Information about women and young offenders under trial prisoners and as far as

possible about violent, dangerous and notorious under trial prisoners should be sent to the police authorities while requisitioning the escort.

563. Sick prisoners

If an under-trial prisoner is sick and the Medical Officer certifies the prisoner's inability to attend the court, he should not be produced before the court. In such an event, the medical certificate should be forwarded to the court.

564. Feeding

Before under trial prisoners are sent to the court, the usual morning meals shall be served.

565. Articles allowed to be taken while going to the court

(i) While going to the Court, the under- trial prisoner should return all prison articles issued to him. Excepting clothes on his person and papers pertaining to his case, the under-trial prisoner shall not be allowed to carry any other articles with him.

(ii) In case the under-trial prisoner wants to take his cash for legal purposes, the same should be forwarded to the court through the police escort. This amount may be utilized by the under-trial prisoner under orders of the court for purpose like legal defense, cost of copies, etc. The disposal of this amount should be certified by the police and the prisoner in the appropriate column of the register prescribed for such purpose. Under no circumstances, should the under-trial prisoner be allowed to carry cash or valuable, if any, on his person.

566. Search

Before being sent to the court and after having been received back from the court all under trial prisoners shall be thoroughly searched.

567. Transport

The Conveyance for journey to court: -

(i) On the date fixed on the warrant of a prisoner committed to trial or on the receipt of an order, the prisoner concerned shall be placed in the custody of the Uttarakhand Police for conveyance to court.

(ii) The handcuffs shall be used only with the permission of the court.

(iii) The women Prisoners and young offenders shall be transported separately. If separate conveyance is not available then common conveyance should have separate compartments.

(iv) The High-Risk prisoners shall be transported separately from other prisoners, under adequate escort.

(v) Such prisoners shall be kept in a separate lock-up in the court premises.

(vi) All prisoners shall be thoroughly searched and frisked by police before being transported to the court.

(vii) It should be ensured by the escort-in-charge that the prisoners while on the way to the court, do not create lawlessness or use abusive language. Any such act should be reported to the Superintendent for taking action, as per the provisions of these Rules. It may be clarified that any act or omission done by the prisoner, during the transportation or in the lockup, is to be treated as an offence committed in the prison custody.

568. Handcuffing

(i) Handcuffing should be resorted to when there is no other reasonable way of preventing escape of the prisoner, in the given circumstances.

(ii) The following categories of under trial prisoners may be handcuffed for reasons recorded in writing and with approval of the court: -

(a) Prisoners involved in serious and violent offences,

(b) Prisoners having notorious or dangerous background,

(c) Violent, aggressive and refractory prisoners,

(d) Prisoners who have previously escaped.

(iii) Handcuffing of under trial prisoners may be done in the court premises with the permission of the court.

569. Court Premises

(i) The police escort shall not allow prohibited articles to under trial prisoners during their journey between the court and the prison or on the court premises.

(ii) Under trial prisoners should be thoroughly searched before being taken into the court-room.

570. Return to the prison

(i) As soon as the court work is over, such under trial prisoners as have been remanded to prison custody, should be brought back to the prison immediately.

(ii) On return of an under-trial prisoner from the court to the prison gate, if any unauthorized article is found or a special circumstance or an irregularity is noted by the prison officer on duty, he shall forthwith report the matter to the senior officer on duty and if necessary, to the Superintendent of Police for action. The cash of an inmate as is brought by the police escort under Court order should be recorded in the Register

and deposited in the prison office under intimation to the under trial prisoner.

571. Production of under trial prisoners in other States

(i) The permission of Chief Judicial Magistrate of concerned court shall be obtained after receiving of the production warrant from other state, if in case the permission is declined or not received, the intimation for non-production shall be sent to the concerned court of the other state.

(ii) In case the next date of production is not available & no other case is pending against him in Uttarakhand or of other states, Under Trial Prisoner shall not be released automatically in the absence of judicial remand. All efforts should be made to procure the next date of production or the inmate be made to appear before the concerned court for extension of judicial remand or for disposal of his case.

572. Production of under trial prisoners before court in civil suit proceedings

Unless specifically ordered for personal appearance by the concerned Judge, no under trial prisoner shall be produced before court for civil suit proceedings.

573. Prevention of undue detention

An under-trial prisoner whose case is being tried by a Magistrate shall be produced before the Magistrate, at least, once in fifteen days for the purpose of further order upon the expiry of each period of remand.

574. Precaution against prolonged detention

The Superintendent shall submit, every month, to the District and Sessions Judge and Home Department, a list of under trial prisoners,

(i) who have undergone detention equivalent to maximum sentence provided, in law, for the offence or offences;

(ii) who have undergone detention equivalent to half of the maximum sentence provided in law for the offence or offences,

(iii) who have not been able to produce surety for a period of two months after passing of the bail orders and,

(iv) Who have not been able to produce surety in bailable offence or offences irrespective of the period of detention,

575. Additional Cases

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

(a) Entries of additional cases in red ink on the remand warrant in appropriate columns of under trial register and court diary should be made

(b) Intimation to the court/courts concerned about pending cases stating whether the prisoner is on bail or not in connection with that case or those cases should be sent;

(c) Intimation to police escort in the prescribed form should be sent;

(ii) When an under-trial prisoner is wanted for trial in another case/ cases for which he is not on bail, the court concerned shall issue separate remand warrants. In the event of grant of bail in the second case or other cases, due intimation shall be sent by the courts to the prison authorities.

(iii) When an under-trial prisoner confined in a prison or sub-prison is required for another case/cases for which he is on bail, the court concerned shall duly intimate the prison authorities.

(iv) In the case of an under-trial prisoner having two cases pending against him, for which he is not on bail, an endorsement in red ink should be made each time he is sent to the court.

576. Discipline

No convicted prisoner shall be kept in the same area in which under trial prisoners are kept or be allowed to have contact with under trial prisoners except prisoners working in essential prison services like conservancy etc. As soon as the work is over, these prisoners should be withdrawn from the yard or block. In all matters where under trial prisoners are concerned, no convicted prisoner shall be used for supervision or similar purpose. All such matters should be handled by staff members.

577. Work

(i) Under trial prisoners shall clean the yards, barracks and cells where they are kept. Under trial prisoners should be detailed for this work. Such work may be allotted on a group basis, so that through the cumulative work of all the under-trial prisoners, the yards, barracks, cells shall get cleaned up. It shall also be incumbent on all under trial prisoners to keep their own clothing, bedding and equipment properly washed, cleaned and disinfected.

(ii) If under trial prisoner volunteer to work, suitable work, if possible, be given to them. Wages may be paid to them according to schedules of standard tasks and wages, as fixed by the Government. Employment of under trial prisoners on extramural work is strictly prohibited. Ordinarily under trial prisoner should not be employed outside their own enclosure or in work-sheds and areas where other convicted prisoners are working.

578. Transfer

During an emergency or on administrative grounds, the Inspector- General is authorized to transfer under trial prisoners from one prison to another within the State of Uttarakhand. The prisoner shall be produced before the court on the due date.

579. Serious Illness

When an under-trial prisoner is seriously ill, the Superintendent shall send a report, along with a medical report, to the court concerned in order that if the law permits and the court thinks fit, the prisoner may be released on bail.

580. Intimation of serious illness or death to family members

Whenever an under-trial prisoner is seriously ill or dies, the Superintendent shall also intimate his family members by the quickest possible means, through the concerned police station.

581. Transfer to an Outside Hospital

When the prison Medical Officer recommends that in the interest of the health of the under-trial prisoner, he should be transferred to a hospital outside the prison, immediate action should be taken.

582. Death

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

583. Conviction

When an under-trial prisoner is convicted, the officer in charge of under trial prisoners should hand over all connected papers and records together with cash and private property, if any, to the officer in charge of admission of convicted prisoners who shall attend to the usual routine in this respect. On conviction, an under-trial prisoner should be transferred to the yard meant for newly admitted convicts.

584. Release from the court

(i) When an under-trial prisoner is discharged or released from the court, an endorsement to that effect shall be made by the court in the prescribed form. On receipt of such intimation, entries in the appropriate columns of the under-trial register should be made. If no such intimation has been received on the same day, the Superintendent shall, without delay, call attention of the Court to the matter.

(ii) If the under-trial prisoner is released from the court, he should claim his personal property, if any, from the prison authorities within three months, failing which the

same should be forfeited and be sold in auction with permission of Inspector General of Prisons. The sale proceeds or cash, if any, shall be deposited in Government treasury.

585. Release from prison

(i) Release orders and bail bonds shall be sent through post or through the official of the Court. If any private person brings such documents, the same should not be accepted at the prison office.

(ii) On receipt of a bail bond or release order, prompt action should be taken. In a Central or a District prison, an under-trial prisoner should normally be released on the same day of the receipt of the bail bond or release order.

586. Release from outside Hospital

If an under-trial prisoner, undergoing treatment in a hospital is ordered to be released on bail by the Court, the Uttarakhand Armed Police personnel, in charge of the prisoner's custody, shall be informed about the prisoner's bail and after completion of due procedure, their security cover shall be withdrawn. The Medical Superintendent of the concerned hospital after getting this information can discharge the prisoner, if he is medically fit.

587. Release Procedure

(i) While releasing an under-trial prisoner, the officer in charge should attend to the following points: -

(a) Scrutiny of the bail bond or release order with relevant original papers and record,

(b) Checking whether any other case is pending against the under-trial prisoner,

(c) Checking of the identity of the under-trial prisoner,

(d) Handing over the cash and property of the under-trial prisoner.

(ii) The under-trial prisoner should be informed of the contents of the bail bond prior to his release.

(iii) If the under-trial prisoner has not got sufficient money, he may be given travel warrant and if his journey home is likely to take more than 12 hours, he may be given subsistence money.

(iv) After release, the bail bond should be duly returned to the Court concerned along with a certificate of release.

(v) **Discrepancy in the release order and custody warrant-**

If there is discrepancy in the particulars mentioned in the release order and custody warrant, which in the opinion of the Superintendent, makes it risky to release the prisoner, he shall bring to the notice of the court on the following day such a discrepancy for correction. If the discrepancy was due to an error, the under trial prisoner shall be released immediately after rectification of the release warrant.

(vi) **Over detention because of discrepancy-**

The Superintendent shall bring all cases of under trial prisoners who have been over- detained in prison because of discrepancy, due to inadvertence or laxity of the court staff, to the notice of the District and Sessions Judge every month, who may cause an inquiry to be made into the matter and take suitable action.

588. Women Under trial Prisoners

(i) Women under trial prisoner shall be escorted by women police. As far as is practicable, separate conveyance should be provided for the transport of women under trial prisoners.

(ii) Women staff members shall be in charge of women under trial prisoners. The Lady Deputy Jailor or Senior Female Warder should be present at the time of admission and release of women under trial prisoner. She should attend to all work pertaining to the women under trial prisoners.

589. Foreign Under Trial prisoners

(i) Under trial prisoners who are foreigners or who are not Indian citizens, are to be permitted consular access in accordance with the Vienna Convention.

(ii) As regard to facilities to contact with family members etc., the rules provided in the chapter of contact with outside world shall apply. The authorities may record the telephonic conversation for the purpose of security. However, such facility may be denied on the written orders of Inspector General of prisons, if a case so warrants. After acquittal or discharge by the court, a Foreigner prisoner shall be handed over to FRRO for further deportation process.

590. Daily Routine and Programme for under trial Prisoners

The following daily routine should be adjusted to suit local conditions:

(i) Early Morning

Toilet, Meditation, Preparation for opening,

Unlocking according to conditions of visibility counting,
Search, Leaving the barrack or cell.

(ii) Morning

Toilet, Prayers, P.T. Drill, individual and group exercise & Yoga Morning light meal, Cleaning of barracks cells, yards, open spaces Cleaning of equipment,
Work on voluntary basis, Educational classes, Washing of clothes and bath, Meal and rest.

(iii) Afternoon

Newspapers, library books, Educational classes,
Social education, Toilet,
Games and reaction for one hour according to institutional facilities.

(iv) Early evening

Wash, Evening meal, Preparation for lock-up Counting,
Search, Lock-up at dusk.

(v) Evening

Reading newspapers, library books, TV/Radio music, Meditation, To bed.
However, Inspector General of Prisons may make the necessary modifications in the schedule from time to time.
Note: The general cleaning of barracks, cells, open spaces and equipment shall be done at least once in a week.

	From 1st October to 31st March	**From 1st April to 30th September**
Counting, Search Leaving the barrack or cell, Toilet, Meditation, Prayers, P.T. drill, individual and group exercise	After unlocking up to 8 a.m.	After unlocking up to 7:30 a.m.
Breakfast Cleaning of barracks cells, yards, Work, Educational classes,	8 to 9:30 a.m.	7:30 to 9 a.m.
To be locked up in their barracks.	9:30 a.m. to 10:30 am	9 a.m. to 10:00 a.m.
To bathe and take their midday meal	10:30 to 12:00 p.m.	10:00 to 11:30 a.m.
To be locked up in their barracks	12 p.m. to 2 p.m.	11:30a.m. to 4 p.m.
To take exercise, have evening meal and be searched and locked up	2 p.m. to locking up	4 p.m. to locking up

CHAPTER-XXVI

HIGH-RISK PRISONERS AND DETENUES

591. High-Risk Prisoners

High risk prisoners shall be lodged in separate enclosures demarcated as high security enclosures within the existing prisons .If possible, separate high security prisons may be constructed. Under no circumstances should the High-risk offenders be kept with other under trial prisoners and convicts.

592. High Risk prisoner.–

(i) The High-Risk Prisoners are those inmates including Detenues about whom information was received from the Uttarakhand Police or any other investigating agency in writing to the effect that the prisoner is falling under the categories as follows: -

(a) **Category-1(S1- Red)**: Fundamentalists, Naxalites, extremists and terrorists or any other individual characteristics warranting confinement.

(b) **Category-2 (S2- Blue);** Gangsters, hired assassins, dacoits, serial killers/rapists / violent robbers, drug offenders, habitual grave offenders / communal fanatics and those highly prone to escapes / previous escapees/ attack on police and other dangerous offenders/including those prone to self-harm/posing threat to public order, warranting confinement.

In that case, the Superintendent shall keep the above-mentioned prisoners in a specially secured ward under strict vigilance.

(ii) If the Superintendent has sufficient reasons to believe that the person is of a category mentioned above and it has not been so reported by the police then the Superintendent, with the approval of Inspector General of Prisons, shall take action as contained in sub-rule (i) above.

593. Building Structure

(i) Except the existing structure of prisons, the parameters specified in the below rules should be considered for future constructions of High Security enclosures/prisons.

(ii) High security enclosures/prisons should have a thick outer masonry wall at least 20 feet in height, with watch towers at all its corners and one central tower within the enclosure. The enclosures/prisons should be provided with anti-tunneling slabs and all spaces open to the sky should be covered with iron grill.

(iii) If the High Security enclosures/ prisons have a cellular type of accommodation that

should be minimum space of 10' x 9' which shall have the facility of an inbuilt WC and bath and a strong dividing wall. Front portion of cells should be of iron grill, the flooring should be of RCC slab, high ventilators should be provided instead of windows. The building should have a separate entry lobby with visitors' room on one side, Medical Inspection room, and food distribution room.

(iv) If the High Security enclosures/ prisons have a single room accommodation (cellular and the association barracks), this accommodation can be of 16' x 9' size where one or more than two prisoners can be lodged at a time. The barracks should have a maximum capacity of lodging 10 to 15 prison inmates. They should also have an inbuilt toilet and bath. The size of one barrack can be 27 x 10'. This security zone can have a common kitchen. Security zone shall also have a separate entry lobby; the space open to the sky should be covered with iron grills.

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

594. Staff Pattern

Well trained staff should be detailed for watch and ward duty of High Security enclosures. An officer not below the rank of Jailor should be in charge of these enclosures. Provisions should be made that no staff on duty comes in direct contact with the prisoners except as a requirement of duty.

595. Facilities (Interviews, Letters, Communication)

High-risk offenders shall be provided with only those facilities as permitted by an administrative order by the IG(P), but the interviews shall be held in the presence of an officer. For monitoring, close circuit television cameras with sound recording facilities should be fitted in the interview room. Moreover, the room should be near the entrance lobby. Interviews should be allowed with only blood relations, spouse and authorized lawyers. All letters should be properly censored.

596. Food, Toilet, Clothing and Bedding

No food from outside shall also be allowed for high-risk offenders. No prisoner shall be allowed to cook for himself. No other under trial, detenue or convict should be allowed to enter the high security enclosure. Admissibility to toiletries, clothing and bedding shall be the same as that given to other under trials and convicts.

597. Medical Care

Medical care shall be the same as for other inmates but within the enclosures of the

inbuilt Medical Inspection room. In case of an emergency, with the permission of the Superintendent, they can be shifted to the local hospital for treatment but under proper police escort and guard.

598. Sports, Games and Recreation

(i) Subject to prison security and discipline, prisoners lodged in High security prisons can be provided with books, newspapers and journals. Writing material can also be provided as and when required. If possible, TV/Radio sets can be provided outside the cells with such restrictions as found necessary from the point of view of the security and on the basis of jail conduct. Regular physical exercise and yoga can be allowed within the cell itself. Prisoners can be allowed to stroll within the space inside the block in the evening before being locked-up. These facilities are privileges and cannot be claimed as matter of right and can be withdrawn at any time by the Jail Authority in view of safety and security of prisoners.

(ii) Similarly, prisoners lodged in security zone grade-II may be provided with radio and television in their barracks, indoor games like carom and chess shall be given to them. Books, newspapers, journals and magazines along with stationary shall be provided to them. At intervals, seeing their behavior, cultural programmes canal so be allowed on the basis of jail conduct.

(iii) These facilities are privileges and cannot be claimed as matter of right and can be withdrawn at any time by the Jail Authority in view of safety and security of prisoners.

599. Canteen Facility

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

600. Reform and Treatment Programmes

The reform and treatment programmes can be extended to the prisoners lodged in the security area. Basic education should form an essential part of the programme. These activities and programmes should be conducted within the enclosure itself. These prisoners shall not be taken out to mix with other inmates.

601. Security

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

(ii) The enclosures should be equipped with walkie-talkies, alarms, Mobile jammers and state-of-the-art electronic surveillance system of interception and interruption.

(a) ID machines hand-held and door framed metal detectors and all other electronic devices should be made available.

(b) The armory of the prison should be well equipped with all types of sophisticated and automatic weapons.

(c) Every barrack and cell, especially the interview room, should be fitted with closed circuit T.V. cameras.

(d) The sentries guarding the watch tower should always be alert.

(e) A no man's area should be identified near the high security enclosures which should not be accessed by any prison inmate and the staff, except those who are detailed for duties.

(f) Proper search of barracks, cells and prisoners should be conducted every day. The high security prisoners should be searched twice a day.

(g) The locking up and opening should be conducted in the presence of the officer in charge and no barrack cell should be opened during night hours except in the presence of the Superintendent of the prison or officer in-charge on duty.

(h) Besides checking the locks, bars, grills, mess, ventilator, floors, walls of barrack/ cells, its ceiling should also be checked.

(i) The guards posted in the yards of the enclosure should not hold conversation with each other more than what may be required to perform their duty. The entrance door of the yard should always be kept locked from inside.

(j) The keys of the locks of the cells/barracks doors shall always be carried by the person entrusted with the duty. They shall under no circumstances be handled by any unauthorized person.

(k) The cells and barracks should be well lit to avoid dark spots and corners inside.

(l) The guard on duty should be thoroughly searched while going in and coming out. He should be briefed adequately from time to time about non-acceptance of articles like eatables, articles for smoke, even water from these prisoners.

(m) The inmates of high security enclosures should be counted at least twice in a day besides the counting done during locking up and opening.

(n) Necessary gadgets such as breath analyzer, canine unit, etc. may also be procured and utilized to check any breach of prison discipline.

Note: - Inspector General of Prisons may issue Guidelines/ SOP for the purpose of search and other security measures from time to time.

602. Court Hearing

Video linkage should be provided to these high security enclosures. In any case no under-

trial, convict or detenue should be allowed to enter these enclosures. The regular prison staff or the paramedical staff shall not have access to these enclosures unless that may be required to perform their duty.

603. Convicts for Rigorous Imprisonment

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

604. Punishment

All high-risk offenders can be punished by the Superintendent in case of breach of discipline and security of prison in the manner set forth in Chapter of Prison Discipline of this Manual. The Superintendent may take appropriate legal action against such prisoners and in case a high-risk offender commits an offence which is punishable under any law in addition to being a prison offence, appropriate criminal process may be initiated against him by moving the local police station. In addition to the major and minor punishments provided in Chapter XXII (Prison Discipline And Daily Routine):

(i) If a high-risk offender commits frequent breaches, the Superintendent can recommend his shifting to any other prison to the Inspector General of Prisons.

(ii) Facilities like interviews/letters/ canteen facilities can be withdrawn for a limited time, or otherwise.

(iii) Forfeiture of earned remission and any other punishments as laid down by the Inspector General may also be imposed.

605. Detenues

(i) Intimation to detaining authority regarding detention

If a Detenue is admitted in the prison, the Superintendent shall forthwith intimate the detaining authority by the quickest means of communication, about the detention.

(ii) Intimation to the Parliament or Legislative Assembly

In case, a Member of Parliament or Legislative Assembly or Legislative Council is brought for detention in the prison, the Superintendent shall forthwith inform the Speaker or the Chairperson of these legislative bodies, as the case may be, about the detention of such member in the prison.

(iii) Detenue to be kept separately

All Detenues shall be segregated from other prisoners and shall be confined in a separate ward or enclosure or compartment, as the case may be.

(iv) Diet, bedding, clothing and other necessities -

The Detenue shall be provided with food, bedding, clothing, and other necessities as are admissible to other under trial prisoners.

(v) Interview and communication -

A Detenue shall be allowed interviews and communication facilities at par with that of other prisoners.

(vi) Representation by Detenue

The representation of the Detenue shall be dealt as under:-

(a) Any representation made by a detenue shall be transmitted by the Superintendent, by quickest possible means, to the concerned detaining authority and a copy thereof shall be retained by him.

(b) If an official communication is received concerning the Detenue, an acknowledgment shall be obtained before the communication is delivered to the Detenue.

(c) Copies of all official communications concerning the Detenue shall be retained by the Superintendent.

(d) The private communications containing material which is prejudicial to the security of State, subversive of the discipline, or having adverse bearing on scenario or the public order shall be retained or deleted or erased from the said communication, as the Superintendent considers appropriate.

(e) All communications or materials, which are of incriminatory nature, shall immediately be conveyed to the Superintendent of Police of the District concerned.

(vii) Examination of Detenue by Gazetted Officer of the Government or Central Government

The Superintendent may allow any Gazetted Officer of the Government or Central Government to examine any detenue, in connection with the discharge of his official duty or exercise of any power conferred upon him by or under any law for the time being in force, on receipt of a written requisition from the competent authority. The place, time and duration of the examination of the detenue shall be specified by the Inspector General.

(viii) General discipline

The Detenue shall be subject to the same discipline as applicable to other prisoners

(ix) Record and Registers

The records of Detenue should be maintained in a separate register and it should be ensured that each representation is quickly transmitted to the concerned authority.

CHAPTER- XXVII

WOMEN PRISONERS

606. Women Prisoners

(i) To ensure safety of women prisoners and guard them against any form of exploitation, it is desirable that separate women's jail be established. In case of emergency, both male and female inmates can be confined in the same prison on the condition that female offenders are to be kept in strictly secluded female enclosures within the prison complex. The existing enclosures in prisons may be renovated to ensure that the women inmates do not come in contact with male inmates during their passage to and from these enclosures. Such enclosure should be, to the extent possible, independent in terms of infrastructural set-up. These enclosures should have a double lock system; one lock outside and the other inside. The keys of the inside should always remain in the custody of women guard inside.

(ii) The enclosures for women prisoners should have all the requisite facilities with reference to their special needs such as segregation, security, pregnancy, child birth and family care, health care and rehabilitation etc.

(iii) Care should be taken to ensure that women inmates are protected against any form of exploitation. The work and treatment programmes for female inmates should be devised giving due consideration to their special needs. Female prisoners should be granted equal access to work, vocational training and education as male prisoners.

607. Classification and Separation

Women prisoners shall be classified and kept separately as under:

(i) Under-trial prisoners shall be kept completely separated from convicted prisoners, even when their number is small.

(ii) Habitual offenders shall be separated from casual prisoners.

(iii) Sex workers and brothel keepers must also be confined separately.

(iv) Under no circumstance should female young offenders be confined with adult women prisoners. Given their young and impressionable nature, female young offenders should be kept in separate enclosures and should be given treatment and training suited to their special needs for rehabilitation.

(v) Civil prisoners and detenues, including those under preventive provisions, should be kept separately from convicts and under trial prisoners, and from other prisoners, as far as possible.

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

Notes:

(a) No criminal or non-criminal lunatic shall be kept in the prison. Those currently, shall be immediately transferred to appropriate mental health institutions.

(b) No classification of prisoners shall be allowed on grounds of socioeconomic status, caste or class.

608. Register

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

(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.

(d) Details of children of the prisoner, if any, including names, ages, location and custody status.

(ii) Details of the children of women prisoners, including names, ages, location and custody status, shall also be recorded in the register. Such information regarding the identity of the children shall be kept strictly confidential and may be shared only with the mother's express permission.

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

609. Restriction on Women Prisoners

(i) No female prisoner shall, on any pretext, leave or be removed from the female enclosure except for release, transfer, or attendance at court, or under the order of the superintendent for other legitimate purposes.

(ii) Every female prisoner authorized to leave her enclosure shall ordinarily be accompanied by female security staff from the time she leaves till she returns.

610. Exclusion of Males

No male shall be permitted to enter the female ward of any prison, at any time, unless he has a legitimate duty to attend therein. No adult male shall enter it at all by night except in an emergency, and even then, only along with the female prison official. He shall,

thereafter, record a clear report of his visit with the reasons for such visit, and the hour thereof, in his report book.

(i) Male warders and other male staff, acting as escort to lady visitors and officials, shall remain outside the enclosure.

(ii) If at any time a male prison officer or warder or prisoner enters, or of attempts to enter, any ward or portion of a prison reserved for female prisoners, without proper authority, it shall be reported to the Jailor forthwith. The entry of male visitors to female jail shall be strictly regulated. Whenever any male officer or visitor visits the female 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.

611. Training of staff for gender-sensitivity

(i) All staff assigned to work with women prisoners shall receive training relating to the gender-specific needs and human rights of women including on sexual misconduct and discrimination. Such staff shall also be sensitized regarding situations and instances where a woman inmate may feel particularly distressed, so as to be sensitive to their situation and ensure that the women are provided appropriate support.

(ii) Where children are allowed to stay with their mothers in prison, awareness-raising on child development and basic training on the health care of children shall also be provided to prison staff, in order for them to respond appropriately in times of need and emergencies.

612. Locks of Female Enclosures

(i) The locks of enclosure and barracks, where women are confined shall, be different from those in use in other parts of the prisons, so that there is no possibility of keys for locks of other enclosures being misused for opening enclosures for women prisoners.

(ii) Suitable measures may be taken (including the provision of alarm bells) to ensure minimum delay in opening barracks in case of an emergency.

613. Photography and Fingerprints

Photographs, foot-prints, finger-prints and measurements of women prisoners shall be done in the presence, and with the assistance, of women prison officers.

614. Inspections

(i) Daily visits shall be made by women prison officers and staff in all women barracks and enclosures, and particular attention shall be paid to health and hygiene-related problems of women prisoners.

(ii) Night inspection rounds shall be made by women officials. Reports of such night inspections shall be recorded in the report book immediately on completion of such Inspection.

615. Custody of the Female Enclosure

There shall be round the clock duty of Female head Warder and Warder in the female enclosures.

616. Admission of Under- Trial & Convicted Prisoners

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

617. Search of Women Prisoners on Admission

Women prisoner shall be searched by female security staff in the presence of other senior women personnel/women officer with due regards to consideration of privacy and decency. Such search shall not be conducted in the presence of any male.

618. Quarantine on Admission to Prison and Medical Aid

(i) Women prisoners on admission to prison shall be medically examined and, if the examining lady Medical Officer deems it necessary, kept separately in the female enclosure on medical grounds for the period prescribed by the medical officer.

(ii) After admission to prison, all women prisoners shall be required to wash themselves and their clothing thoroughly as soon as possible. Their personal clothing shall be disinfected before being stored.

(iii) Lady medical officer of the prison hospitals shall conduct medical examination of female prisoners on admission. Only lady doctor shall look after the medical care of women prisoners during their stay in the prison.

(iv) Every woman prisoner shall be examined by a lady Medical Officer. Such examinations shall also be conducted on readmission after bail, parole and furlough. In case a woman officer/Female Warder suspects a prisoner to be pregnant, the woman prisoner shall be sent to the Prison Hospital/Medical Inspection Room for detailed examination and report.

619. Pregnancy

(i) When a woman prisoner is admitted to the prison, the lady medical officer for her better health care shall conduct a pregnancy test one at the time of her admission in the prison and the other, one month thereafter and shall report the fact to the Superintendent. Arrangements shall be made at the earliest to get her medically

examined at the female wing of the Prison Hospital for ascertaining the state of her health, pregnancy, duration of pregnancy and the probable date of delivery. After ascertaining all necessary particulars, a detailed monthly report shall be sent to the Inspector General of prisons.

(ii) Gynecological examination of the female prisoner shall be performed in the Prison Hospital. Proper pre-natal and ante-natal care shall be provided to the prisoner as per the advice of qualified medical officer.

(iii) Adequate and timely food including supplemental nutrients, a healthy environment and opportunities for regular exercise shall be provided to pregnant women, babies, children and breast- feeding mothers.

620. Child Birth in Prison

(i) As far as possible (provided the prisoner has a suitable option) arrangements for temporary release (or suspension of sentence in the case of a casual offender) shall be made to enable a prisoner to deliver child in a hospital outside the prison. Only when there is high security risk in the case of any particular woman prisoner, the facility to deliver child outside the prison shall be denied.

(ii) Births in prison shall be registered at the local birth registration office. The fact that the child has been born in prison shall not be recorded as the place of birth. Only the address of the locality shall be mentioned. As far as the circumstances permit, all facilities for performing the naming rites of the child born in a prison shall be extended to the mother.

621. Property of Women Prisoners

Method of storing the prisoner's money, etc., shall be according to the general rules laid down relating to handling of the prisoner's property.

622. Certain Ornaments to be allowed to Women Prisoner

Female prisoners shall be allowed to retain, in moderation, certain ornaments of small value such as mangal sutras (without Gold), plastic bangles and nose pin. The Superintendent may, however, at his discretion, refuse to allow the retention of these ornaments in any particular case for disciplinary/security reasons.

623. Children of Women Prisoners

(i) A child up to six years of age shall be admitted to prison with his mother if no other arrangements, for keeping him with relatives or otherwise, can be made. Children born in prison may remain with their mothers up to six years of age, if they cannot otherwise be suitably placed. The Medical Officer shall determine the age of children not born in

prison for the purpose of this provision.

(ii) No child shall be admitted into or retained in prison if he has attained the age of six years. The Superintendent shall inform the Directorate of Social Welfare about all children of that age for placing them in a home run by the Social Welfare Department. Such children shall be kept in protective custody until their mother is released or the child attains such an age as to be able to earn his own livelihood.

(iii) Children kept under protective custody in a home of the Department of Social Welfare shall be allowed to meet their mothers at least twice a week. The Director, Social Welfare Department shall ensure that such children are brought to the prison on the dates fixed for this purpose by the Superintendent of Prison.

624. Welfare of the children of the Women Prisoners

Prison administration should ensure holistic development of children of inmates confined in the prisons. To the extent possible, prison administration shall strive to create a suitable environment for children's upbringing which is as close as possible to that of a child outside prison. The Board of visitors shall inspect these facilities at regular intervals.

625. Education

(i) The children of women prisoners living in the prison shall be given proper education and recreational opportunities. There shall be a well-equipped crèche and a nursery school attached to a prison for women where the children of women prisoners shall be looked after while the mothers work in prison. Children below three years of age shall be allowed in the crèche and those between three and six years shall be looked after in the nursery school. These facilities may also be extended to the children of warders and other female prison staff.

(ii) The crèche and nursery school shall be run by the prison administration preferably outside the prison with the assistance of NGOs or state welfare services. In the event the prison administration considers it difficult to run a crèche, arrangements should be made to send the children to a privately run crèche under proper security. The transportation charges involved in the process and crèche fee shall be borne by the prison administration.

(iii) Children in prison shall be provided with adequate clothing suiting the local climatic requirements. For this the Government shall lay down appropriate scales. Articles, like diapers and others as required, should be provided to women prisoners who are caring for their infant children.

(iv) In addition to regular requirement, two cakes of 150 grams each of soaps/ detergent shall be provided to women prisoners with children.

626. Diet/ Food

(i) Scales of diet for children shall be decided keeping in view the calorific requirements of growing children as per medical norms and climatic conditions. Separate utensils of suitable size and material should also be provided to each mother prisoner for feeding her child.

(ii) In the event a woman prisoner with children falls ill, alternative arrangements should be made by the prison staff for looking after any children falling under her care.

627. Health care

Adequate health facilities shall be provided to children of women prisoners (in collaboration with community health services). Children shall be regularly examined by a Lady Medical Officer to monitor their physical growth who shall also be vaccinated for various diseases including polio and small-pox at the appropriate time. Extra clothing and diet may also be provided to such children on the written recommendations of the Medical Officer.

628. Diet and Food

(i) Management of kitchens or cooking food on caste or religious basis should be strictly banned in prisons for women

(ii) Pregnant and nursing women prisoners should be prescribed a special diet.

(iii) Medical Officer should ensure that food is cooked under hygienic conditions and is nutritious.

(iv) Special arrangements for warming food / milk shall be made for women with children.

(v) Pregnant and nursing women prisoners should be prescribed a special diet.

(vi) Some women staff should be given special training in management of diet and kitchens and such trained staff should supervise the kitchens and cooking in prisons for women.

(vii) Prison officers, including the Superintendent, must supervise every aspect of the prison diet system, i.e., issue of rations, management of kitchens and distribution of food.

(viii) There should be a separate kitchen for women prisoners.

(ix) Women prisoners should not be allowed to have their own mini kitchens inside the prison barracks.

629. Scale of Diet

The scale of diet shall be in accordance with the prevailing dietary preferences as per the

chapter of maintenance of prisoners.

630. Special Extra Diet on Medical Grounds

(i) Where the lady Medical Officer, for reasons of health, considers the prescribed diet to be unsuitable or insufficient for a women prisoner, or her child, she may order in writing a special diet or extra diet, for a specific period of time. Special consideration shall be given in this regard to pregnant/nursing prisoners.

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

631. Clothing

(i) Women prisoners should be issued three sarees, three petticoats, three blouses or any other three sets of cloth, two towels and four sets of customary undergarments.

(ii) The clothing requirements provided above may be prescribed in accordance with the prevailing climate and cultural norms.

(iii) Adequate warm clothing, according to local conditions and change of seasons, shall also be provided.

(iv) Children allowed staying with women prisoners should be given suitable clothing similar to what is normally used by children in the local community.

(v) Every women prison should maintain a repair unit where prisoner's clothing can be repaired.

(vi) Sterilized sanitary pads should be issued to women prisoners as per their requirements.

(vii) Clothing of prisoners should be sterilized at government cost once in two months. Prisoners should be allowed to get their clothes washed through prison laundries at their own cost.

(viii) All clothing shall be cleaned and kept in a proper condition. Underclothing shall be changed and washed as often as necessary for maintenance of hygiene.

632. Bedding

(i) Every woman prisoner shall be provided with sufficient bedding in accordance with the rules provided in the chapter of maintenance of prisoners.

(ii) Women prisoners should be given one pillow with pillow cover and warm blankets according to rules provided.

(iii) The clothing & bedding shall be clean when issued & kept in good order.

(iv) All articles of prisoner's bedding, clothing and other equipment should be inspected by a women officer at least once a week to ensure that proper standards are maintained.

633. Accommodation

(i) The accommodation shall be provided as per provision of the chapter of custodial management.

(ii) All accommodation provided for women prisoners, and in particular all sleeping accommodation, shall meet basic requirements of health. Due regard being paid to climatic conditions, the cubic content of air, minimum floor-space, lighting and ventilation.

(iii) Prisoners kept in dormitories shall be carefully selected, so that they are able to adjust with one another in those conditions. There shall be regular supervision by night, in keeping with the nature of the institution.

(iv) Sleeping berths in the women's barracks shall not be at a height beyond the comfortable reach of women prisoners.

(v) There should be sufficient number of toilets and that should be maintained in a clean and decent state.

(vi) Where women prisoners are required to live or work, the windows shall be large enough to enable the prisoners to read or work by natural light. The place should be sufficiently ventilated to allow the entrance of fresh air.

(vii) Sufficient artificial light too shall be provided for the prisoners to read or work.

(viii) Adequate number of baths and showers shall be provided so that every prisoner may have a bath or shower at a temperature suitable for the climate, as frequently as may be necessary, for maintaining general hygiene according to season and climate.

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

634. Cleanliness of Women Enclosure

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

635. Personal Hygiene

(i) Women prisoners shall be required to keep their persons clean, and to this end, they shall be provided with toilet articles, including sanitary towels, necessary for

maintaining health and cleanliness. Sufficient water shall also be made available for the use of women prisoners and their children, and those prisoners, in particular, who are involved in cooking and those who are pregnant, breastfeeding or menstruating.

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

636. Amenities

(i) All valuable ornaments should be removed from women in custody and should be safely deposited. They should be permitted to retain their mangal sutra, plastic bangles and toe-rings.

(ii) Clothing and linen provided to women should include undergarments, upper and other clothes, towels and socks in cold climates. Adequate quantity of toilet and washing soap should be provided to them. A sachet of shampoo may be provided to women prisoners on a weekly basis.

(iii) Each adult woman prisoner shall be supplied suitable number of sanitary napkins for use during menstruation.

(iv) Women prisoners shall be provided kum-kum according to their custom, sufficient quantity of hair oil and a comb.

(v) Sufficient number of looking glasses should be fitted in their barracks. At least one looking mirror (1.6 feet x 3.0 feet) should be installed in the barrack.

637. Interview

(i) The number of interviews for convicts and under trial prisoners should be liberalized in the case of women. Women prisoners' contact with their families, including their children, their children's guardians and legal representatives shall be encouraged and facilitated by all reasonable means. Where possible, measures shall be taken to counter balance disadvantages faced by women detained in institutions located far from their homes.

(ii) Every women prisoner shall be allowed, assisted and encouraged to write a letter and have interview with her relatives/neighbors twice a week during her term of imprisonment. A senior female officer in charge of interviews should be responsible for grant of interviews as per rules. Women prisoner who are victims of domestic violence shall be properly consulted as to which persons are to be allowed to visit her.

(iii) Visits involving children should take place in an environment that is conducive to a positive visiting experience for the visiting children, including with regard to staff attitudes, and should allow open contact between mother and child. Where possible, visits involving extended contact with children should be encouraged.

(iv) The prison inmates should be afforded opportunity as prescribed in the rules, to have reasonable contact including visits, telephone contact, electronic communication contact, interviews through video- conferencing and correspondence with the family inside the prison.

(v) There should be no limit on incoming letters for women prisoners.

(vi) Illiterate or semi-literate prisoners should be provided help in writing letters.

(vii) A waiting room for visitors should be provided at each prison for women.

(viii) Every newly admitted prisoner shall be allowed facilities for seeing or communicating with her relatives/friends/legal advisors, with a view to prepare an appeal or revision petition or for procuring bail. She shall be allowed to have interviews with, or write letters to, her relatives more often, if the Superintendent considers it necessary, to enable her to arrange for the management of her property and other family affairs.

(ix) In case, close relatives of women are detained in the same prison, interview of both shall be facilitated by the Jailor between the two gates in presence of Jailor/Deputy Jailor, once a week.

638. Books

Every women's prison shall have a separate library and a reading room for women with both recreational and instructional books. Prisoners shall be encouraged to make full use of these facilities.

639. Religious Books & Photos

A woman prisoner shall be allowed to keep, at a time, up to five books with her. The restriction on the number of the books is on account of administrative convenience only (i.e. consideration of space per prisoner) and not for any other reason. They shall also be allowed to keep religious photos.

640. Education

Every woman prisoner should be offered a suitable educational programme during her stay in prison to improve her employment prospects. Education shall be a compulsory activity in prisons for at least one-hour every day. It shall aim to enhance their functional capability. Every prison should organize adult education, social,

moral and health education, family welfare programmes, and training in various skills for making women self-reliant. For interested prisoners, appropriate facilities for formal and advanced education shall also be provided.

641. Recreational and Cultural Programmes

Recreational programmes should be organized for women prisoners which may include simple outdoor games, bhajans, music, folkdances, drama, TV, radio and film shows. Women prisoners shall be provided facilities for meditation and yoga for stress management and for improving their mental and physical health.

642. Vocational Training

(i) Vocational training programme should be designed to suit the needs of prisoners sentenced to short, medium- and long-term imprisonment. As far as possible women prisoners shall be imparted training suited to their aptitude and background, making them economically self- reliant. The selection of vocational programmes shall be made in accordance with the marketability and profitability of the product, enhancing the prisoner's ability to earn their livelihood after release.

(ii) The wages earned by the women prisoners should be deposited in the bank account of the women inmates. Sufficient work or vocational trades shall be provided to keep prisoners actively employed for a normal working day.

643. Labour

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

(ii) Under the system the prisoners shall be allowed to spend at least a part of their earnings on approved articles for their own use and to send a part of it to their family.

(iii) Unless medically advised or provided in the rules not to work, all prisoners shall be engaged in work and activity in the prison, for which they shall be paid proper wages.

644. Health/ Medical Facilities

(i) Every woman prison shall have a 10-bed hospital for women. Treatment programmes should be properly planned and developed in every woman's prison. At least one- and more-woman gynecologist and psychiatrist shall be provided. Modern equipment for X-ray, ECG, ultrasound and sonography should be available.

(ii) In addition to the details required to be recorded after health screening in accordance with rules the health screening of women prisoners shall also include a comprehensive screening to determine primary health care needs, and to determine that:

(a) The presence of sexually transmitted diseases or blood-borne diseases; and, depending on risk factors, women prisoners may also be offered testing for HIV, with pre- and post-test counseling;

(b) Mental health care needs, including post-traumatic stress disorder and risk of suicide and self-harm

(c) The reproductive health history of the woman prisoner, including current or recent pregnancies, childbirth and any related reproductive health issues;

(d) The existence of drug dependency;

(e) Sexual abuse and other forms of violence that may have been suffered prior to admission.

(iii) Female prisoners suffering from psychosomatic and psychological disorders, victims of sexual abuse and those having mental health issues, should get proper counseling and medical treatment.

(iv) The right of women prisoners to medical confidentiality including specifically the right not to share information and not to undergo screening in relation to their reproductive health history, shall be respected at all times.

(v) Women prisoners shall receive education and information about preventive healthcare measures, including on HIV, sexually transmitted diseases and other blood borne diseases, as well as gender-specific health conditions.

645. Legal Aid

(i) To ensure access to justice to all, timely legal aid services should be provided to needy prisoners at State expenses as prescribed. Prison Administration should be assisted by the State/District Legal Service Authority for this purpose through a panel of advocates earmarked for the jails/courts.

(ii) For this purpose, socio-legal counseling cell should be set up in each institution to be managed by volunteers from a designated law school, school of social work, or a non-governmental voluntary agency. Work done by students while working in such a cell shall be given academic credit and shall form a part of the student's graded curriculum.

(iii) Assistance of lady members of the district legal aid committee shall be made

available to women prisoners to help them with their procedural and legal problems.

(iv) The practice of fortnightly or weekly nari bandi sabhas (women prisoner's council) shall be utilized as a modality for orientation of, and interaction with, prisoners and for training in participative custodial living.

(v) In case, the existence of sexual abuse or other forms of violence before or during detention is discovered, the woman prisoner shall be informed of her right to seek recourse from judicial authorities. The woman prisoner should be fully informed of the procedures and steps involved. If the woman prisoner agrees to take legal action, appropriate staff shall be informed and the case should be immediately referred to the competent authority for investigation. Prison authorities shall help such women to access legal assistance.

(vi) In such cases, regardless of whether the woman chooses to take legal action, prison authorities shall endeavor to ensure that she has immediate access to specialized psychological support or counseling.

(vii) Other rules which are not specified above shall be the same as mentioned in Chapter of Legal Aid.

646. Facilities for Foreign Nationals

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

647. Premature Release

In line with gender-sensitive management policy, a liberal approach should be allowed while determining cases of premature release of women prisoners, particularly, in cases where, she has been the sole breadwinner, or where no surrogate care is possible for the dependents of women prisoners. As far as possible, expectant mothers may be released on suspended sentences or otherwise to avoid delivery of their child inside the prison.

648. Release of Women Prisoners

(i) In case no relative appears to receive a female prisoner when she is likely to be led astray, she should, if willing to accept an escort, be sent to her home in charge of a female warder or a respectable woman entertained for the purpose. If this escort is not considered necessary, the prisoner shall be released in the ordinary way.

(ii) Before a female convict prisoner is released, the Jailor shall satisfy herself about the bonafide and genuineness of the person or relative who has come to receive her. In case, the Jailor is having reasonable doubt about the bonafide or genuineness of the person or relative, she would ensure that the female prisoner is sent to her home in the escort of a Female warder or a respectable woman. The prison authorities shall enlist cooperation of the non-governmental organizations for safely escorting the female prisoner to her home.

(iii) If no one comes to receive the women prisoner and she has nowhere to go, she can be sent to Special Home set-up by the Government for her safety.

649. After care, Rehabilitation and Follow-up (Correctional Wing)

(i) Prison authorities shall utilize options such as home leave, open prisons, halfway houses and community-based programmes and services to the maximum possible extent for women prisoners, to ease their transition from prison to liberty, to reduce stigma and tore- establish their contact with their families at the earliest possible stage.

(ii) Prison authorities, in cooperation with probation and/or social welfare services, local community groups and non-governmental organizations, should design and implement comprehensive pre- and post-release reintegration programmes which take into account the gender-specific needs of women. After care services/ programmes should include all kinds of help which could result in proper readjustment of the released women prisoners in the society.

(iii) Women prisoners willing to get married after their release should be rendered all necessary help through NGOs & Social welfare department.

(iv) There shall be, at least, one designated voluntary organization in each district to which the work of extending help to a released prisoner could be entrusted.

(v) The approved representatives of such agencies shall have necessary access to the institutions and to women prisoners, and shall be taken into confidence from the start of their sentences.

(vi) It is desirable that the activities of such agencies are centrally monitored and coordinated in order to secure the best use of their services.

(vii) There should be set up of after care and follow up units in the headquarters of Department of Prisons which shall be set up in coordination with social welfare department for the objective of assessing the post release needs of women prisoners.

(viii) There should be women staff in the aftercare and follow-up units in the

headquarters of Prisons.

(ix) Woman Probation Officers should be in charge of after-care and follow-up work.

(x) The after-care and follow-up unit should evolve an objective method of assessing the post -release needs of women prisoners.

(xi) Restriction on employment of women released from prisons in government or public service undertakings should be considered to be removed in appropriate cases by suitable amendment of the rules.

650. Linkages with Outside Welfare Agencies

(i) Prison reforms can be achieved through participation of the Government, private enterprises and non-profit organizations who could collectively facilitate implementation of various processes and systems to encourage prison industries. The representatives from other districts and other prisons in the State, representative from the industry, representative from NGOs for training and skill development can be considered as members of the Jail Industry Board.

(ii) The Superintendent of Prison shall establish a functional linkage and co-operational relation with a select group of social activists/ N.G.Os serving and taking up the cause of women in general and women offenders in particular, so that the prison administration and the N.G.Os can together wage a war against social stigma attached to women in custody. As this is a battle to be fought more in minds than in fields, frequent seminars/symposia shall be conducted to elaborate on the need of after-release rehabilitation of women offenders, and to create a favorable public opinion.

(iii) Comprehensive, intensive and incessant counseling of women offenders and members of their families shall be carried out by these groups of social activists/ N.G.Os to preempt/overcome the aversion of the society to women prisoners, which otherwise might deter and derail proper rehabilitation of women in custody.

(iv) Counseling programmes should focus on the emotional and psychological issues of women prisoners, particularly for those who have been victims of domestic violence, sexual abuse and substance abuse.

(v) The counseling programmes should:

(a) Help address any mental health issues that she may be suffering from and suggest effective coping up strategies,

(b) Facilitate her re-integration into society after release;

(c) Focus on removing any further damaging impact that imprisonment could have on women inmates, and seek to enhance self-worth, autonomy and self-efficacy.

(vi) Special programmes may be initiated to address underlying factors that lead to criminal behavior, for instance, separate programmes addressing substance addiction-related issues.

(vii) The literacy and vocational training for women offenders shall be conducted in such a manner that it:

(a) Endows women inmates with professional capabilities and expertise in one, or more than one. vocation, so as to enable them to earn a living and lead a self-supporting life after release;

(b) Eradicate the poverty-crime nexus;

(c) Empower women to make positive lifestyle changes in the context of education, support and recovery. Special programmes should be initiated for women prisoners with physical or mental disabilities. The programmes should also involve imparting skill-based education, and disseminating information about preventive health care measures, including prevention from HIV, sexually transmitted diseases and other blood borne diseases, as well as gender- specific health conditions.

(viii) Arrangements for public display of the products made by the women prisoners shall boost their morale, instill confidence into them, and rekindle the flames of hope for a normal life at large. Moreover, it will pave the way for the much-needed social awareness, supportive and sympathetic to the women living behind the bars.

651. Prisoners suffering from mental illness

The women prisoners suffering from mental illness shall be dealt as per procedure detailed in the Chapter XXXI (Mental Health and infectious disease).

652. Prison Discipline

(i) Discipline and order shall be maintained with firmness but with no more restriction than is necessary for safe custody and well-ordered institutional life.

(ii) No woman prisoner shall be punished in the prison until she has been informed of the offence alleged against her and given proper opportunity of presenting her defense. The competent authority shall conduct a thorough investigation of the case before awarding punishment.

(iii) Prison offences and indiscipline may be dealt with in the manner provided in the Chapter of Prison Discipline subject to the following conditions:

(a) Punishment by close confinement or disciplinary segregation shall not be applied to pregnant women, women with infants and breastfeeding mothers in prison.

(b) Disciplinary sanctions for women prisoners shall not include a prohibition of family contact, especially with children.

(c) Instruments of restraint shall never be used on women during labour, during birth and immediately after birth.

653. Requests and Complaints

(i) During the weekly parades, every woman prisoner shall have an opportunity of making requests/complaints to the Superintendent who in turn, shall promptly deal with such complaints/requests.

(ii) A complaint box shall be fixed as provided under the rules. Every complaint or request found in it shall be registered and properly dealt with and replied to without undue delay. The prison social welfare and legal aid counseling staff, or literate prisoners, shall be utilized to assist illiterate prisoners in recording their complaints. All such complaints shall be received and examined in such a manner as to having no risk of retribution to the complainant. Women prisoners who report abuse shall be provided immediate protection, support and counseling and their claims shall be investigated by competent and independent authorities, with full respect for the principle of confidentiality. Protection measures shall take into account specifically the risks of retaliation.

(iii) Appropriate guidance and assistance should be given to women prisoners for filing complaints against sexual harassment with the internal complaints committee constituted under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

(iv) The Board of Visitors shall monitor the conditions of detention and treatment of women prisoners in particular.

654. Women Personnel

(i) In a prison for women prisoners, there shall be one post of Female head warder and female warders.

(ii) The requisite officials shall be posted in every prison for women as per requirement from time to time.

655. Terms of Service and Training

(i) Women warders and all other women prison officers shall be provided, basic initial training, in-service training and refresher courses to keep them in touch with contemporary developments in the field of their work.

(ii) Every woman member of prison staff shall be provided training in Human Rights and various aspects of correctional work.

(iii) Physical fitness and psychological tests should be essential prerequisites for

direct recruitment.

(iv) All new recruits should be given basic initial in-service training. Officers and staff on deputation should be put through short duration orientation courses.

(v) Adequate training reserve should be provided in each cadre of the prison service.

(vi) Basic initial training, in-service training, refresher courses should be organized by the training institutions for various categories of personnel.

656. Other facilities for Women Staff

(i) Study teams of senior women officers should be deputed to visit prison institutions in various states in the country as also those in other countries.

(ii) Staff meetings and conferences should be regularly held.

(a) A welfare fund should be established.
(b) Proper forum should be provided at the institutional and state levels for women prison staff to ventilate their grievances.
(c) All good work done by women prison personnel should be given proper publicity and should be highlighted through the media.
(d) Residential quarters should be provided to all members of the women prison staff to the extent possible.
(e) Adequate leave-reserve should be provided while fixing staffing norms.
(f) Every member of the women staff shall be allowed a day off, once a week.
(g) Women prison personnel should be paid salaries and allowances at par with those of equivalent ranks in the Prison Department.
(h) Proper forum should be provided at the prisons, and the state level, for women prison personnel to ventilate their problems grievances common to them.

657. Crèche and Canteen Facilities to Staff

Some prison female staff should be given special training in the management of canteen and such officials should be put in charge of supervising the canteen.

(i) Female staff shall be provided services of crèche for proper care of their young children while they are on duty.

(ii) Canteen facilities should be made available to the female staff.

(iii) Female prison staff may be allowed the other facilities as decided by the Inspector General from time to time.

658. Escorting of Women Prisoners

(i) The Warder/female Head warder shall escort every female prisoner leaving the women's enclosure, and shall remain with the prisoner until the prisoner returns to the enclosure. She shall accompany the female prisoner under transfer. Wherever

necessary, services of women police shall be utilized for escort duty with due regard to security considerations.

(ii) Separate escort vans for escorting women prisoners shall be made available.

659. Female Warders not to allow a Male to Enter Women Enclosure

The Female Warder shall not allow any male prison officer, or male prisoner, to enter the women's enclosure without proper authority. If any male prison officer / warder / prisoner, without proper authority, at any time enters, or attempts to enter, any ward or portion of the prison reserved for occupation by female prisoners, the Female Head Warder/Female Warder shall make a report forthwith to the Jailor/ Superintendent of Prison.

660. Female Warder or Female Head Warder not to Communicate with Male Prisoners

No Female Warder /Female Head Warder shall at any time, and on any pre text, hold any interview or communicate /interact in any way, with any male prisoner or visit any part of the prison allotted, reserved for, or occupied by male prisoners, except in the discharge of her duties.

661. Keys of Women's Enclosure

The Female Head Warder/Female Warder shall have custody of the keys of the wards and enclosures in which female prisoners are confined during the day. After the locking up, she shall deliver the keys to the in-charge of the jail who shall lock them up in the key chest. The in- charge of the jail shall hand over the keys again to the Female Head Warder/Female Warder in the morning at the time of unlocking.

CHAPTER – XXVIII

YOUNG OFFENDER

662. Young Offender

(i) Young persons are impressionable. A young offender of today can be a hardened recidivist of tomorrow. Such offenders can be reclaimed as useful citizens and can have better prospects for being re-educated to a socially useful way of life. A scientific and progressive approach needs to be adopted if these offenders are to be saved from the damaging and traumatic experiences of incarceration.

(ii) As far as possible, young offenders should not be kept in institutions meant for adult and habitual offenders.

(iii) Institutions for young offenders should be so classified that diverse training programmes, designed to suit each homogeneous group, can be conveniently organized.

663. Training and Treatment

(i) Special emphasis should be given on a studied evaluation of individual offender's personality and careful planning of training and treatment programmes, to suit the needs of each inmate. Training and treatment shall include education, work and vocational training. recreational and cultural activities, discipline, case-work approach, group work activities, group guidance, individual guidance, counseling, character building, periodical review, release planning, pre-release preparation, after-care on a comprehensive basis, and follow-up study. The personal influence of the members of the prison staff shall have considerable bearing on the reformation of young offenders.

(ii) In case it becomes necessary to keep young offenders in a sub- prison during investigation and trial, it should be ensured that they do not come in contact with adult criminals there.

664. Reception Centers/Reception Units

(i) Before admitting the young offenders in the prison, there should be separate institutions for young offenders, to be called Reception Centers. There should be separate Reception Centers for young female offenders.

(ii) Young offenders sentenced should be collected at the Reception Centers/Reception Units.

(iii) Programmes in the reception center/reception unit should consist of:

(a) Admission, quarantine and orientation

(b) Study and evaluation of individual offender's personality.

Note: Inmates admitted in the reception centers should be studied by a team consisting of Correctional Administrators, Sociologists, Psychologists and Social-Case Workers. Whenever necessary, the inmate may be referred to a psychiatrist.

(c) Initial classification

(iv) After initial classification is over, the inmate should be transferred to a suitable institution. The Superintendent in charge of the reception centre/reception unit shall only indicate the lines of training and treatment. The discretion as to how to implement the suggestions given by the reception center, and also to make necessary modifications therein, rests with the Superintendent in charge of the institution where the inmate has been transferred.

665. Annexes for young offenders

Each Central/District Prison should have an annexe for young offenders. Young offenders sentenced to periods of imprisonment up to six months may be kept in this annexe instead of reception centers due to short period of sentence.

666. Reception Center

(i) Reception center shall be run by the prison administration and all the facilities provided in this chapter to be provided to young offenders.

(ii) The following treatment should be given to young offenders at Reception Centre:

(a) Initial admission.

(b) A system of proper custody and positive, constructive and firm discipline.

(c) Care and welfare of inmates.

(d) Basic segregation according to requirements.

(e) Attending to immediate and urgent needs and problems of inmates.

(f) Study of the individual offender- History taking, case-recording, tests and observation.

(g) Orientation to institutional life.

(h) Scientific classification

(i) Attending to long-term needs of inmates like education and vocational training.

(j) Inmates shall be properly assessed both at the time of admission and regularly thereafter, with the specific objective of looking into their criminogenic factors and providing help to enable them to lead a law abiding and socially productive life after release.

(k) Guidance, counseling and support.

(l) Release planning.

(m) After-care.

(n) Follow-up.

(iii) Use should be made of resources of the community and outside agencies in providing such treatment. The personal influence of prison personnel shall play a very positive role in this process.

667. Staff Organisation

(i) At the headquarters of the Department of Prisons and Correctional Services a separate wing should be created under a senior officer of Correctional Services for dealing with the problems of young offenders. In so far as the work of treatment and training of young offenders is concerned, he shall work independently. However, for purposes of co-ordination and integration with other wings of the Department, he shall be under the control of the Superintendent of Prisons.

(ii) The staff provided at institutions for young offenders shall be under control & supervision of the Superintendent which are as follows: -

(a) Principal

(b) Vice-Principal

(c) Teachers

(d) Supervisor

(e) Psychologist

(f) Psychiatric social workers/case-workers

(g) Staff for education, physical training, vocational training, industrial training and agricultural training

(h) Staff for medical and psychiatric care

(i) Ministerial, accounts, and other staff

(j) Security Staff

668. Education

(i) Educational needs of young offenders must be adequately met. To this end, prison authorities may collaborate with 'open schools' for developing educational programmes for young offenders. Special emphasis should be laid on the following aspects in education of young offenders:

(a) Physical and health education.

(b) Social and moral education.

(c) Literary education.

(d) Vocational education.

(e) Arts and handicrafts education.

(ii) Necessary facilities for the overall educational development of young persons should be provided in institutions. The educational programmes should be so designed that young offender of various age groups and intelligence level can derive benefit from them. For illiterate and educationally backward young offenders' special educational classes should be organized.

(iii) Necessary opportunities for the self-education of young offenders should be provided in the institutions. Those who have the requisite capacity and desire to appear at examinations conducted by the State Education Department or by a university or by any other recognized institution should be permitted to do so.

669. Work and Employment

(i) Young offenders should be taught such crafts, skills and vocations, as would be useful to them after release.

(ii) Young offenders may be employed, by rotation, as assistants in running the institution's essential services, like sanitation and hygiene, kitchen and canteen, laundry and plumbing services. Such engagements should aim at imparting vocational training to the inmates in these areas of work.

670. Vocational Training

Special emphasis should be laid on the vocational training of young offenders in trades suitable for their rehabilitation in the society.

671. Cultural Activities

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

672. Diet

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

673. Discipline

Special emphasis should be given on the discipline of young offenders. As far as possible, minor offences should be dealt with by withdrawal of concessions. When this approach fails, recourse should be taken to other forms of punishment

674. Pre-release and Release

(i) Provisions of Chapter XXI (Premature Release) should be applied for pre-release preparations and release of young offenders.

(ii) At least a fortnight before a young offender is due for release, a letter shall be sent to his relatives/friends intimating the date of his release and asking them to be present at the prison to receive him after release. As far as possible, young offenders should be handed over after their release to their relatives, friends or a recognized After-care Agency. If the Superintendent of Prison thinks it necessary, the released young offender may be sent to his home or after-care agency under the care of a Prison Guard or a Supervisor.

675. Aftercare and Rehabilitation

After-care facilities should be extended as per provisions of Chapter XXIII (After-care and Rehabilitation). Special attention should be given to all aspects of aftercare of young offenders.

676. Programme and Daily Routine

Programme and daily routine should consist of the following:-

(i) **Early morning**

- Preparation for opening,
- Unlocking according to conditions of visibility,
- Counting and searching, Leaving the barrack or cell, Toilet,
- Prayers and meditation in group,
- P.T., drill, individual and group exercises, light Yogasanas, etc.
- Morning light meal,
- Educational classes,
- Vocational training, Bath,
- Meal and rest.

(ii) **Afternoon Work.**

- Toilet
- Outdoor games or gymnastics

(iii) **Evening Work.**

- Evening meal, Social education
- Newspapers, books, radio, T.V.
- Group music, dramatics, educational films and other cultural activities according to weekly programme for each group, Group-prayers. Preparation for lock-up, Searching and counting. Lock-up

  Note: Agricultural work should preferably be done' in the morning. Inmates engaged in agricultural work should attend the educational and vocational training classes in the afternoon. Details of work and education schedules should be fixed by each prison in accordance with available facilities.

677. Programme on Sundays and prison holidays

(i) **Morning**

- Toilet,
- Prayers in group, Morning light meal,
- General cleaning of barracks, cells, open spaces etc. Cleaning of equipment,
- Washing clothes, Bath,
- Inspection of equipment, Meal and rest

(ii) **Afternoon**

- Education films, Group Music, Folk dances, Dramatics,
- Newspapers, books, radio, games and TV, Toilet.

(iii) **Evening Work.**

- Evening meal, Preparation for lockup, Searching and counting,
- Lock-up.

Note: Subject to the approval of the Inspector General of the Prisons, Superintendent is authorized to make necessary changes in the daily routine/programme to suit the needs of the institution.

CHAPTER-XXIX

CIVIL PRISONERS

678. Confinement of civil prisoners

Ordinarily, the civil prisoners shall be confined in a separate ward/ barrack of the Prison. Civil prisoners shall form a separate category for the purpose of confinement and they shall be segregated from under trial and convicted prisoners.

679. Articles to be examined

Every article of any kind whatsoever, at any time supplied for the use of any civil prisoner, shall be delivered to the Jailor, or other officer appointed by the Superintendent in that behalf, and shall be examined before it is made over to the prisoner. Any such article may, for any sufficient reason, be withheld by the Superintendent from such prisoner.

680. Supply of the furniture and appliances

Such articles of furniture and appliances, as are necessary for the use of civil prisoner, shall be supplied by the prison authorities.

681. Extra diet on medical ground

If any extra articles of diet are advised by the Medical Officer for the civil prisoner, on medical grounds, these shall be provided by the prison administration.

682. Release on ground of illness

(i) Where a judgment debtor has been committed to the prison, he may be released there from by the Government, on the ground of the existence of any infectious or contagious disease.

(ii) A judgment debtor released under this clause may be re-arrested, but the period of his detention in the prison shall not, in the aggregate, exceed that specified under section 58 of the code of Civil Procedure, 1908.

683. Employment of Civil prisoners

(i) No civil prisoner shall be compelled to perform labour.

(ii) Civil prisoners may, with the permission of the Superintendent, work and follow any trade or profession available and subject to such restrictions as Superintendent may impose in the prison.

(iii) Civil prisoners using their own implements, and not maintained at the expense of the prison, shall be allowed to receive the whole of their earnings; but the earnings of such as are furnished with implements or are maintained at the expense of the prison shall be subject to a deduction to be determined by the Superintendent for the use of implements and the cost of maintenance.

684. Visitors

Visitors appointed to a jail established at any place for the confinement of criminal prisoners shall be deemed to be visitors for civil prisoners.

685. Facilities to Civil prisoners

Civil prisoners may be allowed all facilities in regard to recreation, interview, canteen, library, moral, spiritual, and other welfare activities to which other prisoners are entitled.

686. Prison discipline

Every civil prisoner shall, in regard to discipline, be subjected to same discipline as applicable to other prisoners.

687. Subsistence allowance

The Government may fix scales of monthly allowances payable for the subsistence of judgment debtors as required in section 57 of the Code of Civil Procedure, 1908.

688. Monthly allowance fixed by the Court to whom to be paid

(i) Where a judgment debtor is committed to a civil prison in execution of a decree, the court shall fix for his subsistence such monthly allowance as may be entitled to according to the scales fixed by the Government, read with section 57 of the Code of Civil Procedure, 1908, or where no such scales have been fixed as it considers sufficient with reference to the class to which he belongs (see order XXI, rule 39 of the C.P.C. 1908).

(ii) The monthly allowances fixed by the Court be supplied by the party on whose application the judgment-debtor has been arrested by monthly payments in advance before the first day of each month.

(iii) The first payment shall be made to the proper officer to the court for such portion of the current month as remains un-expired before the judgment-debtor is committed to civil prison and the subsequent payments (if any) shall be made to the officer in charge of the prison.

(iv) Sums disbursed by the decree-holder for the subsistence of the judgment-debtor in

the civil-prison shall be deemed to be costs in the suit.

Note 1: The monthly allowance received shall be deposited in the government treasury and the entries shall be properly maintained in the register

Note 2: If the judgment creditor omits to pay allowance the prisoner shall be released on the forms of the day for which no allowance is made.

CHAPTER-XXX

DIFFERENTLY ABLED PRISONERS

689. Differently Abled Prisoners

(i) Disability for this chapter means;

(a) Blindness

(b) low vision

(c) hearing impairment

(d) loco motor disability

(e) Other disability as prescribed by Government from time to time

(ii) Prisoners with Disability means a person with disability who is an under-trial or convicted of an offence or civil prisoner or detenue or any other class of prisoner and confined in a prison for the time being;

690. Admission & Maintenance of records

(i) Upon admission the Medical Officer in charge shall examine the prisoner having any disability and recommend or prescribe the living conditions and sleeping arrangements of such prisoner, or any other aids, help, support, medicines required by him.

(ii) The Superintendent shall maintain records of the prisoners with disabilities and enter all the necessary information regarding their disability on the history ticket. This would help in case the prisoner moves to some other prison.

691. Facilities & Protection

(i) The Superintendent shall ensure that the sleeping, toilet and other facilities provided to the prisoners with disability are in accordance with those prescribed by the Medical Officer-in-charge.

(ii) The Superintendent shall take all measures to protect prisoners with disabilities from being subjected to torture, cruel, inhuman or degrading treatment.

(iii) They shall also take measures to protect prisoners with disabilities from all forms of abuse, violence and exploitation and to prevent the same and shall-

(a) Take cognizance of incidents of abuse, violence and exploitation and take necessary action against such incidents;

(b) Take immediate steps to stop or prevent occurrence of such incidents;

(c) Take step measures to rescue, protect and rehabilitate victims

of such incidents;

(d) Create awareness amongst the prison staff and the inmates;

(e) To consider to provide protective custody to the prisoner with disability, if required

(iv) Any prisoner or a warder or any person inside the prison or a registered organization, or any person or a family member or relative of a prisoner who or which has reasons to believe that an act of abuse, violence or exploitation has been, or is being, or is likely to be committed against any person with disability, may inform immediately to the superintendent of the prison about such incident.

692. Education, Recreation And Skill Development

(i) The Superintendent shall without discrimination provide education and opportunities for sports and recreation activities equally with others and provide necessary support individualized or otherwise in environments that maximize academic and social development consistent with the goal of full inclusion;

(ii) The Superintendent shall ensure that the education to prisoners who are blind or deaf or both is imparted in the most appropriate languages and modes and means of communication

(iii) The Superintendent shall get trained professionals and support staff qualified in sign language and Braille to support such prisoners to fulfill the daily communication needs of persons with speech, communication or language disabilities and enables them to participate and contribute to their community and society;

(iv) The Superintendent shall provide skill development and vocational training so that they are to become self-employed post their release.

(v) The schemes and programmes shall be made accessible for them along with all the mainstream formal and non-formal vocational and skill training schemes and programmes by the Superintendent;

(vi) The Superintendent shall ensure that a prisoner with disability has adequate support, equipment and facilities to avail specific training;

(vii) The Superintendent shall arrange exclusive skill training programmes for persons with disabilities with active links with the market, for those with developmental, intellectual, multiple disabilities and autism.

693. Library

The prison library should contain books, print material in Braille, large prints and

audios to facilitate the learning and education of such prisoners.

694. Grievance Redressal

Any prisoner or his family member or his relative, if aggrieved with the non-compliance of the above rules may complain as provided under the rules of grievance redressal system.

CHAPTER-XXXI

MENTAL HEALTH & INFECTIOUS DISEASES

695. Mental Health & Infectious Disease

(i) Mental Illness can be used interchangeably with psychiatric disorder or unsoundness of mind means—

(a) Psychosis, or

(b) Mental Retardation (IQ below 70), or

(c) Severe incapacitating neurosis, when so certified by a psychiatrist or a medical officer with training in psychiatry;

(d) Mental conditions associated with the abuse of alcohol and drugs;

(e) A substantial disorder of thinking, mood, perception, orientation or memory that grossly impairs judgment, behavior, capacity to recognize reality or ability to meet the ordinary demands of life.

(ii) Prisoner with Mental Illness means a person with mental illness who is an under trial or convicted of an offence and detained in a jail or prison;

(iii) Mental Healthcare includes analysis and diagnosis of a person's mental condition and treatment as well as care and rehabilitation of such person for his mental illness or suspected mental illness;

(iv) Mental Health Unit means any health establishment, situated within the prison premises, either wholly or partly, meant for the care of persons with mental illness, established, owned, controlled or maintained by the appropriate Government, local authority, trust, whether private or public, corporation, co-operative society, organization or any other entity or person, where persons with mental illness are admitted and reside at, or kept in, for care, treatment, convalescence and rehabilitation, either temporarily or otherwise; and includes any general mental rehabilitation centers established /maintained by the appropriate government.

(v) The Mental Health Review Board shall be constituted in every prison consisting of:-

(a) Superintendent of the prison

(b) One Psychiatrist of the prison hospital to be nominated by RMO

(c) One Medical officer in charge of the prison

(vi) Psychiatrist means a medical practitioner possessing a post-graduate degree or

diploma in psychiatry awarded by an University recognised by the University Grants Commission established under the University Grants Commission Act, 1956, or awarded or recognized by the National Board of Examinations and included in the First Schedule to the Indian Medical Council Act, 1956, or recognized by the Medical Council of India, constituted under the Indian Medical Council Act, 1956, and includes, in relation to any State, any medical officer who having regard to his knowledge and experience in psychiatry, has been declared by the Government of that State to be a psychiatrist for the purposes of Act;

(vii) Clinical Psychologist means a person

(a) having a recognized qualification in Clinical Psychology from an institution approved and recognized, by the Rehabilitation Council of India, constituted under section 3 of the Rehabilitation Council of India Act, 1992; or

(b) having a Post-Graduate degree in Psychology or Clinical Psychology or Applied Psychology and a Master of Philosophy in Clinical Psychology or Medical and Social Psychology obtained after completion of a full time course of two years which includes supervised clinical training from any University recognized by the University Grants Commission established under the University Grants Commission Act, 1956 and approved and recognized by the Rehabilitation Council of India Act, 1992 or such recognized qualifications as may be prescribed;

696. Procedure for Admission

(i) Prisoner with Mental Illness how to be confined –

(a) If a Prisoner with Mental Illness is found to be dangerous, noisy or filthy in his habits, he shall be confined in a cell under strict and continuous supervision.

(b) Save as provided in sub-rule (a) above, Prisoner with Mental Illness, other than those who have become insane, may, in the discretion of the Medical Officer in charge, be detained in the prison hospital or in a ward.

(c) The Superintendent, in consultation with the Medical Officer in charge and Prison Psychiatrist shall devise a behavioral therapy programme conducive for health of the Prisoner with Mental Illness.

(ii) Procedure when under trial Prisoner with Mental Illness is admitted to prison –

(a) If an under-trial prisoner is detained in prison under section 330 of the Code, the Superintendent shall apply to the Court concerned for Reception Order for his transfer to the Mental Health Care Unit or any other Government Hospital.

(b) A detailed medical examination of every such prisoner, where any prisoner was sent to IHBAS or any other Government Hospital, shall be got conducted by the Medical Superintendent, IHBAS or any other Government Hospital, and report thereof shall be sent to the court concerned.

(c) The Superintendent shall ensure that a medical report in respect of such prisoner is

submitted to the court concerned every month.

(iii) Report on a prisoner who becomes patient of Mental Illness-

If any convicted prisoner becomes patient of Mental Illness, a report regarding his case shall be submitted to the Inspector General with a view to obtaining the orders of Government for his removal to the Institute of Human Behavior and Allied Sciences or any other Government Hospital. With this report the following documents shall be forwarded: -

(a) a descriptive roll of the prisoner;

(b) Medical Certificate.

Provided that, if required, the convict may be sent for OPD treatment in any of related Government Hospital including IHBAS with the approval of Superintendent.

(iv) **Transfer to the Hospital**– On the receipt of an order from the Government for the removal of a convicted Prisoner with Mental Illness, the Superintendent shall send the prisoner to the Mental Health Care Unit or any other Government Hospital as prescribed by the Mental Health Act and Mental Health Care Rules for the State, along with the following documents:-

(a) The Government order directing his transfer;
(b) Descriptive roll of prisoner;
(c) Medical certificate;
(d) Property, if any,

(v) **Conditions for a transfer.-** No Prisoner with Mental Illness shall be transferred from a prison to the Mental Health Care Unit or any other Government Hospital, unless the Medical Officer in charge certifies, immediately before his dispatch, that he is medically fit to undertake the journey.

(vi) **Monthly return. -** The Superintendent shall, on the 1st day of every month, forward to the Inspector General, a report on the prisoner confined in the prison under section 330 and section 335 of the Code.

(vii) **Discipline and punishment of Prisoner with Mental Illness. –** A Prisoner with Mental Illness should not be punished for any act committed by him in prison, but such restraints can be imposed as are necessary to prevent him from injuring himself or others or causing inconvenience.

(viii) **Transfer in anticipation in urgent cases. -** In urgent cases, when the Prisoner with Mental Illness is dangerous, noisy or filthy in his habits, the Superintendent may, with the previous consent of the Medical Superintendent of the Mental Health Care Unit or any other Government Hospital, transfer such prisoner to the Institute in anticipation of the Court or Govt. permission. In such cases, documents

i.e.

(a) The Government order directing his transfer;

(b) Descriptive roll of prisoner;

(c) Medical certificate;

(d) Property, if any, shall be forwarded with the prisoner. The Govt. or Court order should be forwarded immediately on receipt.

(ix) **Procedure when sentence is about to expire.-** If any prisoner becomes patient of Mental Illness immediately before the expiry of his sentence, he shall be handed over to his relatives or friends on the expiry of his sentence, failing which he may be sent to Mental Health Care Unit or any other Government Hospital, for treatment.

(x) **Time spent in hospital to count as sentence.-** The time during which a Prisoner with Mental Illness was detained in the Mental Health Care Unit or any other Government Hospital shall be reckoned as sentence undergone.

(xi) **Treatment of Prisoner with Mental Illness returned to prison.-** If a Prisoner with Mental Illness is returned to the prison after treatment and recovery, he shall be given some labour with such concession as the Medical Officer may consider safe.

697. Facilities in the ward of the prison

(i) Diet, clothing and bedding of prisoners with mental illness shall be dealt in the following manner:-

(a) All prisoners with mental illness shall be given the diet according to the scale laid down in this manual, provided further that in the event of physical illness requiring special diet, provisions of the manual shall apply.

(b) All prisoners shall be provided the clothing and bedding as per rules. However, relaxation in this regard may be granted by the Inspector General (Prison).

(ii) The Rehabilitation, Recreation and other Therapies shall be as follows :-

(a) The Mental Health Rehabilitation Centre shall provide adequate facilities for the recreation of the inmate.

(b) Counselling services, Behavior therapy and Occupational therapy shall be provided for the prisoners with mental illness.

698. Contagious And Infectious Diseases

(i) Record of Diseases

If any prisoner is found to be suffering from contagious or infectious disease, the Medical Officer shall record the fact on his history ticket.

(ii) Procedure for segregation & disinfection

(a) If the Medical Officer records that a prisoner is suffering from contagious or infectious disease, and that his separation from other prisoners is necessary, the Superintendent shall immediately segregate that prisoner from others. However, care shall be taken that the ward accommodation of the contagious or infectious disease prisoner, in the prison hospital is so segregated as not to be solitary.

(b) A cell or other compartment occupied by a contagious or infectious disease prisoner shall be thoroughly disinfected before any other prisoner is confined in it.

(c)Clothing and bedding used by such prisoner should be properly disinfected or destroyed.

(d) The Superintendent shall arrange proper arrangement for preventing the other prisoners from the contagious or infectious disease, lodged in the prison hospital or ward.

(iii) Distribution of medicine & other duties of medical staff

(a) The Medical Officer shall ensure that proper medicine is administered to the prisoners suffering from contagious or infectious disease as per the prescription on day-to-day basis.

(b) Care shall be taken to ensure that adequate stock of medicines is always available in the hospital.

(c) The Medical Officer in charge shall, by the 5th day of every month, send a list to the Superintendent and Resident Medical Officer of the prisoners suffering from contagious or infectious disease and undergoing treatment. For this purpose, a proforma shall be devised by the Inspector General, in consultation with the Resident Medical Officer. The Resident Medical Officer, in turn, shall send the statement to the Inspector General by 10th day of every month.

(d) The Medical Officer shall undertake all precautions to prevent the spread of contagious or infectious disease among other prisoners.

(iv) Information to court

In appropriate cases, information regarding prisoners, found to be suffering from contagious and infectious disease, shall be communicated to the concerned court by the Superintendent.

CHAPTER-XXXII

INSPECTION OF PRISONS

699. Inspection of Prisons

Inspections play an important role in improving the working conditions of prison inmates and prison staff. Inspections are an important tool to ensure that the prison staff is operating strictly in accordance with applicable rules and regulations and that all records pertaining to matters related to prison inmates are maintained and updated as per the relevant rules. Inspections are of two types :-

(i) ***Informal Inspection***: Informal inspections are to be conducted by every officer of the Prisons Department of the rank of DIG (Prisons) and above, as and when they visit a prison while discharging their official duties. The visiting officer shall prepare an informal inspection report containing the following :-

(a) Security and lighting arrangements;
(b) Mess and canteen facilities;
(c) Vacancy position of staff;
(d) Medical facilities;
(e) Prisoners strength
(f) All Jail buildings;
(g) Interview with prisoners;
(h) Grievances of prison staff;
(i) Pending references with the prison headquarters;
(j) Female prisoners and infants;
(k) Prisoner Management Software/ Video Conferencing facility;
(l) Any other administrative issues.

(ii) ***Formal Inspection:*** whenever the government wants to carry out formal inspection then the following guidelines shall be taken into consideration while carrying out the formal inspection. Formal inspection shall be carried out in detail by an Inspecting Officer (as may be designated by the Government). The Inspecting Officer should visit & inspect the prison at least two nights and two days either in continuity or otherwise, while carrying out the inspection. The Inspecting Officer should draw a detailed inspection report covering the following:-

(a) Comments on the compliance of the observations made/ directions issued by the Inspector General of Prisons on the previous inspection note;

(b) Authorized prison population and actual prison population;

(c) Vacancy position of staff;

(d) Security and lighting arrangements during day time and night/ Generator Sets;

(e) Jail alarm system;

(f) Mess and Canteen Facilities;

(g) Interview facilities for prisoners;

(h) Stores;

(i) Jail record to be maintained for the prison inmates;

(j) Record relating to parole, furlough, remission and pre-mature release etc.;

(k) Women prisoners and infants;

(l) Medical facilities;

(m) Work opportunities in jail;

(n) Remission system;

(o) Wages to prisoners;

(p) Library;

(q) Hygienic condition in barrack including water and sewage facilities;

(r) Recreation facilities/ Sports/ Religious activities/ Spiritual activities;

(s) Jail farms;

(t) Jail Factory/ Workshop;

(u) Prison panchayat;

(v) High security ward;

(w) High risk prisoners;

(x) Computerization/Video Conferencing facility/ CCTVs etc.;

(y) Prison staff colony/ Wardens Hostel etc.;

(z) Interviews with prison staff;

(za) Other administrative matters related to prisons, prisoners and staff.

Action Taken Report (ATR) on

(a) Grievances Redressal Meeting, if any;

(b) Canteen Management.

700. Internal Inspection mechanism

(i) Every central prison, district prison and sub-prison/ other prison shall be inspected by Inspector General of Prisons twice in a calendar year. The first inspection shall be carried out in the month of January/ February on the working of the prison for the period from 1" of July to 31st of December of the previous year. The inspection to be

carried out in the month of July shall cover the working period from 1" January to 30th June of the same year. The report of the first inspection shall be submitted by 28th February and the report of the second inspection shall be submitted by the 31st of July every year, to the Government for issuing appropriate directions.

(ii) The Inspector General of Prisons shall issue directions to the Superintendent of the prison concerned for complying with the observations made by him on the inspection report. The compliance report on the directions issued on the inspection note shall be submitted by the Superintendent of prison concerned before the next inspection is due. The Inspecting Officer shall write a paragraph in his report about the compliance by/ response of the Jail Superintendent on the points raised/ observations made in the previous inspection report.

(iii) Every officer of the rank of DIG and above from the Prisons Headquarters shall inspect minimum of 25% of the prisons every year. This roster shall also be proposed by the Inspector General of Prisons in advance by 15th of January every year.

CHAPTER - XXXIII

BOARD OF VISITORS

701. Board of Visitors

(i) The Government shall, by notification, constitute a Board of Visitors for each prison. However, the same Board of Visitors may be appointed for more than one prison.

(ii) The task of the Board of Visitors shall include: -

(a) Monitoring the Correctional work in Prisons, with special attention to the degree and quality of training and the effectiveness of infrastructure/facilities in the Prisons.

(b) Suggesting new avenues leading to improvement in correctional work.

(c) Going into individual or collective grievances of Prisoners and providing Redressal in consultation with the Prison authorities.

(iii) The Board of Visitors for each prison shall comprise the following Government servants who shall be known as official members:

(a) The District & Sessions Judge,

(b) The Commissioner, Garhwal/Kumaun Range.

(c) Director, Medical, Health & Family Welfare, Garhwal/ Kumaun Range

(d) District Magistrate of concerned District

(iv) The District & Sessions Judge shall be the Chairman of the Board of Visitors and the District Magistrate shall be the Vice-Chairman.

(v) The Board shall make at least one visit per quarter and for this purpose, presence of three members and the chairman shall constitute quorum.

(vi) The minute of every meeting of the Board of Visitors shall be recorded in the Visitors' Minute Book, and the same shall be forwarded to the Inspector General of Prisons with comments of the Superintendent. The copy of the minutes shall also be dispatched to every member of the Board of Visitors. The Inspector General of Prisons shall place a copy of the minute of the last meeting/ meetings of the Board of Visitor of all the prisons before the State Advisory Board or to the Government.

(vii) The chairman of the Board of Visitors shall make a monthly roster of visits to be paid by the members of the Board to the Prison, in consultation with the Superintendent.

(viii) The roster shall be made in such a manner as will envisage at least one visit by a member in every month.

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

(x) Any observations/comments made in the Visitors' Minute Book, by any member of the Board, shall be forthwith brought to the notice of the Inspector General of Prisons by the Superintendent, along with his own comments. The copy of the same shall also be sent to the Visitor concerned and the Chairman of the Board of Visitors.

(xi) The Members of the Board of Visitors shall specially attend to the quality and quantity of Prison diet, condition of the kitchen and hospital, availability of medicines, hospital management, medical treatment of the prisoners, sanitary arrangements, aspects of vocational trainings, literacy program and library facility for the prisoners.

(xii) The Superintendent shall present before the visiting member/ members of the Board of Visitors any paper/ document pertaining to correctional work, recreation and trainings of prisoners, prison diets/ medicines, grievances of prisoners and follow Redressal of such grievance, if it is sought by a visiting member of the Board.

(xiii) The Superintendent shall not be bound to present any Register/ Document/paper pertaining to financial accounts before the member of the Board of Visitors except the Chairperson.

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

(xv) Following any such visits by member/members of the Board of Visitors, the Superintendent shall inform the Inspector General of Prison regarding the details of visit.

702. Duties of Visitors

All Visitors at every visit shall:

(i) Examine the cooked food;

(ii) Inspect the barracks, wards, work-sheds and other

(iii) buildings of the prison generally;

(iv) Ascertain whether consideration of health, cleanliness and security are attended to, whether proper management and discipline is maintained in every respect and whether any prisoner is illegally detained, or is detained for undue length of time while awaiting trial;

(v) Examine prison registers and records, except secret records and records pertaining to accounts;

(vi) Hear and attend to all representation and petitions made by or on half of the prisoners;

(vii) Direct, if deemed advisable, that any such representation or petition be forwarded to the Government;

(viii) Suggest new avenues for improvement in correctional work.

Note: A spare copy of the list of duties of the Visitors shall be kept at the main gate and handed over to a Visitor on the occasion of his visit to the prison.

703. Board of Visitors to Records Remarks

The Board of Visitors should record their remarks in the Visitors' Book after every visit. A copy of these remarks shall be forwarded to the Inspector General who should pass such orders as he think necessary. A copy of the Inspector General's order should be sent to the Visitor concerned.

704. Visitors to be facilitated

(i) The Board of Visitors or Visitors as per roster prepared by chairman shall be afforded every facility for observing the state of the prison and the management thereof, and shall be allowed access, under proper regulations, to all parts of the prison and every prisoner confined therein. They shall ordinarily not visit high security areas unless the instructions in this behalf are given by the Inspector General of Prisons.

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

(iii) Visits shall not ordinarily be made after prisoners have been locked for the night and on prison holidays.

705. Respect to Visitors–

Due respect should be paid to the Visitors and their request for information should be complied with readily. The Superintendent can nominate any official to accompany the Visitor as and when required. The Visitor shall not be allowed to go around a prison without an escort, which is necessary for his personal safety. But on the demand of the Visitor, the guard should withdraw from earshot of the prisoner, so as to permit confidentiality.

706. Visit to High Security Prison

It shall be the duty of the District & 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.

707. Record of Inspection

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

708. Communication for District and Sessions Judge

All communications from District and Session Judge should be addressed to IG (Prisons) with endorsement to Home Department and concerned Jail Superintendent etc.

709. Date of Visit to be Recorded and copy of Remarks to be sent to Certain Officers

(i) Every Visitor shall, after he has completed his visit to the prison, record in the Visitor's book, the date and hour of his visit and may enter therein any remarks or suggestions he may wish to make.

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

710. Disposal of the Remarks made by a Visitor

(i) Any remarks made by a Visitor under these Rules should be limited to a statement and assessment of actual facts, which may come to his knowledge, and to such suggestions, as he may desire the Superintendent or Inspector General to consider. Criticism should be confined to such aspects of the ordinary administration and management of the prison which, in the opinion of the Visitor, can be improved, if

the Visitor wants to bring to notice the good or bad work of any prison official, he should do so through a confidential letter addressed to the Inspector General of Prisons.

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

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

CHAPTER-XXXIV

STAFF DEVELOPMENT

711. Staff Development

A concerted approach towards staff development should be made an integral part of the legal framework that regulates prisons. Correctional work being a specialized field, and a social service of great importance, all posts in the department of Prisons and Correctional Services at prison level, except where supporting staff is required, should be manned by persons belonging to the prison department subject to rules and policies of the Government.

712. Prison Cadre

(i) The prison personnel should comprise of following staff cadres:

(a) Executive

(b) Custodial/Guarding.

(c) Technical: Technical Supervisors and Instructors borne on prison establishment.

(d) Ministerial: From Chief Administrative Officer down to the Lower Division Clerk.

(e) Class IV Government Servant: As per the nomenclature of the Government.

(ii) Cadre strength of various categories of personnel should be fixed in accordance with the needs of the department. While fixing the strength of each cadre, care should be taken to see that enough openings for promotions become available to the personnel. With this in view the following ratio for determining cadre strength of various posts should be laid down:

(a) Warders, Head Warders and Chief Head Warders should be in the ratio of 25:5:1

(b) Chief Head Warders and Deputy Jailor should be in the ratio of 1:1

(c) Deputy Jailor, Jailor should be in the ratio of 3:1

(d) Superintendent/Senior Superintendent/Deputy Inspector General/Additional Inspector General of Prisons the ratio should be 9:3:1:1

(e) The ratio of Warder with respect to prisoners should be 1:6

Provided that these provisions if require creation of new posts or cadre restructuring and would require concurrence of/consultation with Administrative Reforms Department/Services Department/ Finance Department/Planning Department for the said purpose then this provision shall be implemented only after such concurrence of/consultation with the Concerned Department.

713. Recruitment and Selections

(i) The Government shall, by notification, appoint an Inspector General of prisons to be in charge of the administration and management of all the prisons in Uttarakhand who shall belong to Indian Administrative Service/ Indian Police Service.

(ii) The Government may also, by notification, appoint as many Additional, Joint, Deputy or Assistant Inspector General of prisons as it may think fit or necessary to assist the Inspector General of prisons in exercising the powers and functions of the Inspector General under the Act.

(iii) There should be an inbuilt mechanism in the prison department for continuous and systematic study of manpower needs, so that there should be a regular intake of new recruits in order to maintain a continuous flow of qualified and trained personnel in the department.

(iv) In order to maintain the necessary level of morale, discipline and efficiency of the prison staff, only those persons possessing requisite aptitude and attributes should be appointed on various posts in the prison department.

(v) The recruitment of personnel of non-gazetted ranks shall be done through the UKSSSC or any other Board/recruiting agency authorized from time to time by the Government. The vacancy of gazetted ranks shall be filled as per the provisions of notified Recruitment rules.

(vi) The fundamental requirements for recruitment of the correctional personnel shall be as under:

(a) Physical fitness.

(b) Capacity for endurance and hard work.

(c) Courage, leadership and trust –worthiness.

(d) Balanced personality.

(e) Capacity for man management.

(f) Capacity for maintaining and developing constructive and firm discipline.

(g) Interest in human welfare, desire to help and guide inmates: belief in the philosophy of correctional treatment.

(vii) Direct entry into prison service should be restricted to two levels viz.

(a) Warders

(b) Deputy Jailors

(c) Superintendent

(viii) Physical fitness and psychological tests should be made essential pre-requisite for

direct recruitment at each of the two levels mentioned above.

(ix) Seventy Five percent of the posts of Deputy Jailors shall be filled by direct recruitment and remaining Twenty Five percent by promotion.

(x) A directly recruited warder/ officer should not be placed on job until he successfully completes the prescribed basic initial training.

(xi) Psychologist, social workers/case-workers and correctional staff should also be recruited directly by the Department concerned.

Note

(a) The recommendations with regard to direct recruitment and promotion quota have been made to ensure that deserving persons, with requisite qualification training, experience and professional competence, are available in the service at all levels and that they get at least three promotions during the entire span of their service.
(b) Promotion to post of Deputy Jailor-25% of promotion quota will be filled from Head warders who have completed 5 years of service with required amount of training and have educational qualification required for direct recruitment to the post of Deputy Jailor with good service record and reputation of integrity.
(c) Similarly, the posts of Deputy Jailor, Jailor and Superintendent of Prisons shall be filled on the basis of the provisions of notified recruitment rules.
(d) Educational qualifications for various categories of posts shall be prescribed in Recruitment rules keeping in view job requirements for each post.
(e) Similarly, the posts of Superintendent of prisons will be both direct requirement and by promotion on 50:50 basis.
(f) Basic initial training, in-service training and refresher courses, prescribed with a view to keep personnel in touch with contemporary development in the field of their work, shall be given weightage.
(g) The general policy as laid down by the State Government regarding the relaxation of the upper age limit in case of deserving departmental candidates should be followed.
(h) The government should recommend to constitute Indian Prison and correctional Services under Article 312 of the Constitution of India.

714. Service conditions

(i) Personnel assume paramount importance in an effective system of correctional administration. The conditions of service in the prison department shall be such that they attract and retain the best suited persons.

(ii) Secondly, the effectiveness and utility of correctional institutions shall largely depend upon the level of satisfaction that prevails in the service. A contended staff shall be able to implement correctional policies in the proper spirit. Better service conditions shall produce better personnel which, in turn, shall develop better

institutions.

(i) There should be timely promotions to eligible person.

(ii) Not more than for 8 hours for every personnel.

(iii) There should be at least 24 hours off duty once a week for all Guarding personnel.

715. Salary and allowances

Salaries and other employment benefits should not be arbitrarily fixed but should be related to the work to be performed in a modern correctional system, which is complex and arduous and is in the nature of an important social service.

716. Probation Period

(i) Persons directly appointed to any post in the prison service shall be on probation for two years. Wherever necessary the Appointing Authority may extend the probation period.

(ii) On selection, each incumbent shall sign the oath of allegiance in the prescribed form.

(iii) Probation period shall include the period of institutional and practical training and the period during which the probationer shall be given an opportunity to display his capacity for wielding responsibility and exercise judgment.

(iv) During and at the end of the probation period, the probationer should be evaluated for extending the period of probation or of confirming, reverting or discharging in incumbent on the following points:

(a) Physical fitness and capacity for physical endurance and hard-work.

(b) Courage and leadership.

(c) Interest evinced in work.

(d) Efficiency.

(e) Attitude towards the public, senior personnel, colleagues, subordinates and inmates.

(f) Capacity for correctional work.

(g) Character and integrity.

717. Facilities While on Duty

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

(i) Rest rooms with beds for the use of staff members who are required to wait in the

institution between their duty periods.

(ii) Staff canteen.

(iii) Bathrooms, lavatories and western commodes.

(iv) Lockers.

(v) First-aid boxes including necessary equipment/ medicines for snakebites, at remote duty points/prison farms/outposts, etc.

(vi) Torches and boots for night duty personnel.

(vii) Raincoats, umbrellas, overcoats, gumboots, etc.

718. Holidays

(i) Holidays shall be observed as specified by the Government.

(ii) Those who work on holidays should be allowed additional off- days with the approval of the competent authority or extra pay in lieu of work on holidays.

719. Housing

(i) Rent free residential accommodation for all prison personnel should be provided in the prison campus.

(ii) Housing for prison staff should be developed on modern lines with adequate community services and facilities.

(iii) Each prison should have provisions for lodging officials, guests, and other visitors, visiting the institutions.

(iv) Prison personnel who are entitled to rent free accommodation but are not provided with such accommodation should be paid house- rent allowance at par with government employees in other departments.

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

(a) Periodical disinfection

(b) Conservancy and sanitation services in staff quarters.

(c) Maintenance of parks and other utilities on the premises.

720. Medical Facilities

The Same medical facilities should be extended to the prison staff and their families as admissible to other Uttarakhand Government employees.

721. Miscellaneous Facilities

(i) In case an institution is located at a distance from the city or town, the

administration shall make necessary arrangements for the housing of staff members within the prison premises.

(ii) Medical facilities to Prison Personnel should be provided in cases of medical emergencies and sickness in the prison hospital.

(iii) Mess for unmarried& voluntary staff members.

722. Rewards

(i) Prison personnel who have been awarded medals by the Govt. of India in recognition of acts of gallantry and meritorious and distinguished services should be given proper publicity and highlighted through the media in public and among the staff.

(ii) The Inspector General or Deputy Inspector General of Prisons (range) on recommendations of the superintendent may sanction suitable cash rewards to deserving staff members in appreciation of outstanding work and special services such as capture of escaped prisoners, exhibition of high degree of courage, loyalty and trustworthiness, devotion to duty and initiative and resourcefulness during times of emergency, and other meritorious services. For this purpose, adequate funds should be made in the annual budget of the department.

723. Financial Assistance and Compensation

(i) In the event of prison personnel suffering serious injury and accident in the discharge of their duties, the Inspector General of Prisons may sanction immediate financial assistance up to Rs. 50,000/-. In deserving cases, where assistance beyond this limit is necessary, the Inspector General of Prisons should refer the matter to the Government.

(ii) In case of death of prison personnel in lawful discharge of his duties, appropriate compensation should be paid to survivors in his family apart from other compensation by the Government as per the policies/ rules.

724. Protection from Threats & Damages

(i) While bonafide discharge of duties by the prison personnel, if any threat has been received from the prisoner or from any corner then the matter be reported to the Inspector General of Prisons who shall make the arrangements for protection of the said prison personnel and shall take the requisite action in the matter.

(ii) Necessary facilities at Government cost should be extended to staff members to defend themselves in the event of criminal prosecution/ civil proceedings arising out of bona-fide discharge of official duties. Legitimate protection should be

extended to personnel in matters related with recovery of damages for bona fide delays, errors of judgment and false allegations.

725. Pension

All pension formalities should be completed fairly in advance of the date of superannuation of a prison officer. Delays in completion of pension papers should be avoided in all cases.

726. Staff meetings

(i) The Superintendent shall convene a monthly meeting of the prison staff members. The objectives of this meeting should be:

(a) Coordination in institutional activities.

(b) to improve methods of work

(c) To interpret governmental policies to staff members.

(d) To explain new procedures, rules and regulation and policies regarding inmate discipline, treatment of prisoners and institutional management.

(e) To explain policies relating to personnel management, staff discipline and morale in the staff lines.

(f) To explain welfare programmes chalked out by the Staff Welfare Committee.

(g) To give opportunities to staff members to discuss their common problems.

(h) To communicate appreciation of good work as and when necessary.

(i) To reward staff members as and when necessary.

(ii) Minutes of the proceedings of the meeting should be recorded and a copy of it should be forwarded to the Inspector General & Deputy Inspector General of Prisons (Range) with the remarks of the Superintendent.

727. Conference

(i) Conference of departmental personnel should be held annually. The objective of such conferences should be:

(a) To take stock of achievements.

(b) To evaluate current procedures, practices and methods of the organization.

(c) To plan for future development of the department.

(d) To understand staff problems and staff aspirations.

(e) To promote best practices in custodial management.

(ii) Minutes of the conferences should be recorded and the Inspector General should

forward the same to the government, along with his suggestions and appropriate proposals. Action taken on these minutes and a proposal shall be communicated to the institutional personnel by the Prison Headquarter.

728. Staff Training

(i) Correctional Administration shall constantly seek to awaken and maintain in the minds of the personnel the conviction that correctional work is a social service of great importance, and to this end all appropriate means shall be used.

(ii) Correctional work is a specialized field. The principal job of the correctional personnel is social re-education of offenders. The effectiveness of correctional administration, institutional discipline and the impact of treatment mainly depend on the quality of the correctional staff. Untrained and uninstructed personnel are not only ineffective, but quite often become Detrimental to the proper implementation of correctional policies. The training of correctional personnel is, therefore, of paramount importance in any system of Correctional Administration. Training programmes should aim at:

(a) Acquainting correctional personnel with scientific and progressive methods of Correctional Administration.

(b) Making them conscious of their responsibilities and the role they have to play in a Welfare State.

(c) Broadening their cultural and professional interests, expanding their experience, refining their abilities and skills, improving their performance of administrative duties and providing them with experience to meet future needs of the department in positions of higher responsibility.

(d) Inculcating an esprit-de-corps amongst the correctional personnel.

(iii) Prison personnel should be properly trained in the theory and practice of correctional work. After entering the service and during their career, the personnel shall maintain and improve their knowledge and professional capacity by attending various training programme, and through their own individual efforts.

(iv) Correctional personnel shall be given special training (in P.T., drill, unarmed combat, cane drill and mob-dispersal drill) to enable them to restrain aggressive prisoners by the means prescribed by the authorities in accordance with the relevant rules and regulations. Prison Personnel shall be trained in use of arms and instructed in the regulations governing their use.

(v) Training is a continuous process. The initial basic training imparted at the training school shall be continued at the correctional institutions. Suitable

training programmes should be organized so that the institutional personnel are in constant touch with current development in the field of corrections.

(vi) The training process shall reveal individual capabilities. Through such knowledge, the right person can be given the right job. This shall ultimately lead to proper utilization of human resources.

(vii) Training of correctional personnel shall not only be helpful in creating a proper cultural atmosphere in the department but shall go a long way in establishing good traditions and practices of institutional management and correctional processes. A properly trained staff shall be an asset for the proper implementation of prison reforms. With the impact of training, the attitudes and abilities of the personnel shall improve. The expenditure incurred for staff training shall ultimately result not only in departmental gains but also in social gains in terms of better institutional impact and ultimate rehabilitation of offenders.

(viii) All new recruits to the prison department, whether inducted as security, custodial, executive, treatment or supervisory staff should be imparted basic training of sufficient duration appropriate to their job requirements.

(ix) All officers and staff taken on deputation from other departments should be given a short orientation course for at least one week with regard to the functioning of the prison department.

(x) No Prison personnel shall discharge any official duty without completion of basic training. Adequate training reserve should be provided in each cadre of the Prison and Correctional Service so that in-service training can be organized for them.

729. Training Institutes

(i) Training of staff:-

(a) For training of executive, security and ministerial staff, a training school should be set up by the Government. The training school shall be provided the requisite supervising staff and other officers. The above school shall also formulate a wing of Research & Development for the prison department.

(b) Special training session should be organized for the staff dealing with senior citizens, differently abled prisoners and mental health prisoners.

(ii) The functions of a Training School shall be:

(a) Training,

(b) Research,

(c) Studies on Organization and methods, and

(d) Publication of pamphlets, papers, hand books, Correctional Services Journals.

(iii) Only qualified persons with an aptitude for training and teaching should be posted at these institutions.

(iv) Experts invited to deliver lectures at the training institutes should be provided with a set of guidelines about the content of training. Permanent academic staff of the training institutes should also be oriented to the training requirements of various aspects of correctional work. Teaching facilities and faculty at the training schools of other States, Universities and Schools of Social Sciences should also be utilized for training purposes. The visiting lecturers should be paid suitable honorarium and travelling allowances.

(v) Details of syllabi, course content, methods of examination and the mode of awarding certificates/diplomas on successful completion of training, should be evolved by the training institutions at various levels. These matters should be reviewed once every three years.

(vi) Proper literature should be prepared for meeting the training needs of various categories of personnel of the Department of Prisons and Correctional Services.

730. Training Courses

Training courses for Correctional Services should be organized on the basis of Training Needs Analysis to be conducted by the experts in this field. The following training courses should be organized at the training institutes:

(i) On recruitment of Deputy Jailors, they should undergo an initial basic training course which shall be phased as shown below:

(a) Initial basic training at the Training School for one year.

(b) After the successful completion of basic training the trainee officers should be posted for duration of six months for practical training in various branches of institutional management at the Central Prison.

(c) On completion of practical training, the trainee officers should be given independent charge of the post for which they have been recruited.

(ii) Serving officers, who have had no opportunity to get the initial training as stated in sub-rule (a), shall undergo a training course for three months. For such officers, placement for practical training and holding of independent charge as stated in sub-rules (b) and (c) shall not be necessary.

(iii) Serving Superintendents, Jailor, Deputy Jailor and other correctional officers of all grades shall undergo refresher courses of one month duration once in every five years.

(iv) Vertical Interaction Courses (thematic) for prison officers.

(v) Short-term courses on various aspects of Correctional Administration and Treatment of Offenders.

(vi) All newly recruited and untrained serving warders shall undergo an initial basic training course for six months. During this period, they shall be given practical training in every aspect of institutional management.

(vii) Refresher courses of two months duration for custodial/security personnel. It should be obligatory for them to undergo such training once in every five years.

(viii) The Inspector General of Prisons and Correctional Services should prepare a panel of officers having special merit and capabilities for attending conferences and special training courses, within the country and abroad.

(ix) Study teams of prison staff and senior officers should be deputed to visit other State in the country. Such teams may also visit countries where innovative correctional programmes and practices have been successfully introduced. Officers with outstanding performance in the department should be given preference for such visits.

731. Facilities during training

The following facilities should be extended to personnel undergoing training:

(i) Full pay for newly recruited personnel.

(ii) Usual emoluments for in-service personnel.

(iii) Training allowance for in-service personnel.

(iv) Rent-free quarters.

(v) Mess arrangements.

(vi) Free medical aid.

(vii) Travelling Allowance and Dearness Allowance facilities for travel incidental to training.

(viii) Grant for purchase of books.

(ix) Study leave for going abroad, or to another State, for training.

(x) Periods of training should be counted as on duty for all purposes.

732. Discipline

(i) The Inspector General of Prisons in consultation with head of training institution shall frame necessary rules regarding discipline and shall be authorized to take disciplinary action in the event of breach of discipline.

(ii) The trainees shall wear the prescribed uniform during the training period.

733. Tests and Examinations

(i) The Head of training institution shall fix details about examinations and tests. Trainees for all cadres shall be required to pass the prescribed examinations and tests. In case a trainee fails to reach the required standards during a training course, the head of training institution shall forward a report to the Inspector General for suitable action. Failure to pass the examination and to complete the training courses satisfactorily shall make the trainee liable for such disciplinary action as the Inspector General may think fit. In case of newly recruited personnel, such failure may result in discharge from service.

(ii) The evaluation of a trainee should be made on the basis of his total performance in all the tests and examinations. The trainees shall be evaluated in respect of the following, amongst other points:

(a) Turn-out and discipline.

(b) Capacity for hard work and physical endurance.

(c) Performance in each test and examination.

(d) Special capacities shown during the training course.

(e) Leadership.

(f) Conduct, integrity and trustworthiness.

734. Library-journal-recreational facilities

(i) Training schools shall have a good library and reading room facilities. Provision for purchase of books and periodicals, should be made in the annual budget of the institution.

(ii) A Correctional Services Journal should be published by the training schools.

(iii) Recreational facilities shall be organized.

(iv) A museum showing the historical development of Prison Administration and other aspects of institutional management should be set-up at the training schools.

735. Continuation of training at the place of work

(i) The following training facilities should be organized at the institutions:

(a) Interpretation of policy by senior officers from the Headquarters during visits.

(b) Library and reading room facilities for staff members.

(c) Lectures by professors from the Universities and Schools of social work on subjects related to correctional work.

(d) Fortnightly talk on correctional methods by the Superintendent or any other officer.

(e) Reading of papers, case histories, etc, by institutional staff members.

(f) Monthly discussions on improvement in administrative procedures, methods and organization etc.

(ii) In order to keep the officers and men in good shape, the training given at the training school in drill, parades, musketry, unarmed combat, cane-drill and mob-dispersal drills should be continued at the institution also. Particular attention should be paid to games. Efforts should be made to instill interest and enthusiasm in the personnel by the introduction of new items and methods of training. Opportunities should be provided to stimulate initiative, intelligence, independent judgment and resourcefulness among the personnel.

(iii) Subject to general or specific orders, which may be issued in this behalf by the Inspector General of Prisons, the training programme shall consist of physical exercises, squad drill, weapon training, bayonet fighting, ceremonial parade, unarmed combat, baton and cane drill, mob-dispersal, obstacle course, inspection of guard and sentry duties, saluting, kit inspection and emergency drill.

(iv) Musketry practice for officers and guarding personnel shall be held once every six months. All security measures shall be adopted on such occasions. Officers well-versed in all these matters shall be made in charge of such training. Wherever required necessary assistance may be obtained from the local police authorities.

(v) Deputy Jailor shall do physical training and drill at least twice a week. They shall participate in the weekly parades.

(vi) The following training programmes shall be conducted for the guarding personnel:

(a) Physical training and drill for 45 minutes a day, four days a week.

(b) Instruction in rules, procedures, etc, once a week to be given by an Deputy Jailor or a senior member of the guarding personnel.

(c) Practice in preventing and controlling emergency situations once a month.

(d) Games like cricket, hockey, volleyball, basketball etc. may be organized in accordance with available facilities at each institution.

(vii) The Superintendent shall send the following reports to the Inspector General of Prisons:

(a) Monthly report about training in P.T. drill, lectures, discussions, emergency practice, etc.

(b) Six months report on musketry practice.

736. Staff Welfare Committee

(i) There shall be a Welfare Committee at each prison consisting representatives of executive, technical, ministerial and guarding/ custodial personnel. The Superintendent shall be the ex-officio Chairman of the committee. The Welfare committee shall meet at least once a month. Minutes of its meetings shall be recorded.

(ii) There shall also be a Central Welfare Committee in the Inspector General's office with the Inspector General of Prisons as its President and the following as its members:

(a) Additional Inspector General– Vice President

(b) All Range Deputy Inspector Generals.

(c) Head of training institution, Prison Officers Training School.

(d) Superintendent of the Prison located at the Department's Headquarters.

(e) President, Uttarakhand Jail Employee Welfare Association.

(iii) The functions of the Welfare Committee shall be:

(a) To chalk out a programme for staff welfare.

(b) To build a welfare fund.

(c) To prepare an annual budget for the utilization of the welfare fund.

(d) To run a staff canteen.

(e) To organize a Cooperative Credit Society and a multipurpose cooperative shop for the institutional staff.

(f) To impress upon the staff members the necessity of programmes of postal savings, small saving scheme, postal insurance, Janta Insurance policy, etc.

(g) To supervise the maintenance of the welfare fund, its accounts, and to get them audited annually.

(h) To prepare an annual report about welfare work.

(i) To advice the Central Committee regarding the utilization of the fund.

737. Welfare Fund

A welfare fund shall be created at each prison for providing amenities to staff members and their families. The fund shall be developed from the following sources:

(i) Monthly subscriptions from staff members.

(ii) Voluntary donations subject to rules framed by the government.

(iii) Interest accruing from investments.

(iv) Benefits performances by artists, theatrical parties, cinema etc.

(v) Donations from a Co-operative Credit Society.

(vi) Profits from the co-operative shop.

(vii) Subsidies from the Government.

738. Welfare Unit

In large institutions there shall be a separate staff unit which shall attend to all aspects of welfare work such as staff canteen, cooperative society, etc.

739. Welfare benefits

The following benefits shall be provided to the personnel out of the welfare fund:

(i) Relief in the case of sudden illness.

(ii) Medical aid where more than ordinary medical help is required and which is beyond the economic capacity of the staff member.

(iii) Aid for the education of children of the staff.

(iv) Facilities to family members of the staff for running cottage industries and handicrafts like sewing, spinning, manufacture of matches, etc.

(v) Reservation of seats in hostels and educational institutions for children of staff members.

(vi) Staff canteen.

(vii) Recreational and cultural activities.

(viii) Staff club.

(ix) Staff libraries.

(x) Staff sports, institutional and inter-institutional fixtures, etc.

740. Forum

A proper forum should be provided at the prison level & headquarter level for prison personnel to ventilate their grievances common to the entire service/cadre and to hold meaningful discussions for their Redressal. Detailed guidelines in this regard shall be issued by Inspector General of prisons with prior approval of Government.

CHAPTER-XXXV
PRISON RECORDS & COMPUTERIZATION REGISTERS, RETURNS, ACCOUNTS AND OFFICE PROCEDURE

741. Records to be kept by the Superintendent

The Superintendent shall keep, or cause to be kept, the following records and shall examine and initial the following registers daily;

(i) A Register of prisoners admitted;

(ii) A book showing when each prisoner is to be released;

(iii) A punishment book for the entry of the punishment inflicted on prisoner for prison offences;

(iv) A visitor's book for the entry of any observations made by the visitors touching any matters connected with the administration of the prison;

(v) Record of the money and other articles taken from prisoners; and all such other records as may be prescribed by rules under section 60 of the Act.

(vi) Nominal Roll of the prisoner.

(vii) Convicts' Release register.

(viii) Punishment register.

(ix) Jailor and circle officer's report-book.

(x) Lock-up register

(xi) Night round register.

(xii) Labour register.

(xiii) Daily diet register.

742. Register of prisoners admitted and record of property

The register of prisoners admitted shall be maintained in the three parts namely: -

(i) Register of under trial prisoners;

(ii) Register of convicted prisoners;

(iii) Register of civil prisoners or detenue

Note:- The record of money and other property taken from prisoner shall be kept in appropriate columns of the registers referred above, in addition to Prisoner Property Account.

743. Prison ledger:–

The following accounts shall be maintained in the prison ledger:

- Grain storage account.
- Treasury drawing
- Permanent advance.
- Miscellaneous deposit account.
- Prisoners' cash deposits (in jail). Prisoners' cash deposits (in bank).
- Security deposits & earnest money.
- Miscellaneous receipts.
- Civil prisoners' account.
- Under trial private account.
- Prisoner welfare account.
- Canteen account.
- Prisoners' incentive account.
- Victim compensation account.

744. Prisoner Appeal Register: -

(i) The Deputy Jailor In-charge Admission and release of Convict shall maintain a Master Appeal Register which shall be placed by him or her before the Superintendent and Jailor frequently as may be necessary.

(ii) Starting from the date on which the prisoner expresses his or her desire to file an appeal, till the date of receipt of the order of the appellate court disposing of the appeal, all such dates on which action is taken during the entire process shall be entered in the Appeal Register and signed by the Superintendent.

(iii) This shall include dates on which requisition for judgment copy is sent, the date of the receipt of judgment copy, the date of delivery of the judgment copy to the prisoner or other nominated party and the date of receipt of appeal from the prisoner.

745. Interval for issue of reminders

The Superintendent or Jailor shall ensure that there is no delay in the process of disposing of appeals or petitions.

746. List of Registers

The following registers shall be maintained in each prison:

(i) Particulars Of Register

(a) Register of Under trial Prisoners Admission & Release
(b) Medical Examination Register of all prisoners
(c) Register of Convicts (Admission & Release)
(d) Register of Civil Prisoners (Admission & Release)
(e) Register of Detenues (Admission & Release)
(f) Register of Probable Date of Release in r/o Convicts& Civil Prisoners (Release Diary)
(g) Register of Punishment awarded to prisoner for committing Jail Offence
(h) Register of Remarks/Comments of Visitors

(i) Register for the entry of the names of all visitors for Mulakat/interview
(j) Medical Officer's Journal
(k) Superintendent's Journal
(l) Jailor Report Book
(m) Hospital Register
(n) Lock-up & Lock-out Register of the prison
(o) Register of Persons passed in or out of the gate
(p) Register of articles passed in or out of the gate
(q) Alphabetical register separately in respect of convicted and under trial prisoners
(r) Labour Distribution Register
(s) Register of letters received
(t) Register of letters dispatched
(u) Daily OPD register in Hospital
(v) Daily register of patient convalescent on diet
(w) Daily Diet register
(x) Clothing Godown stock-book
(y) Inventory of miscellaneous property
(z) Ammunition register
(za) Register of receipt and issue of raw material
(zb) Stock register of raw materials in process of manufacture
(zc) Register showing raw materials in process of manufacture
(zd) Stock register of manufactured articles
(ze) Stores and sale book of manufactured articles
(zf) Manufactory order book
(zg) Indexed Bill book
(zh) Register showing outstanding balances
(zi) Stock register of materials
(zj) Ledger (factory)
(zk) Sales Day Book
(zl) Journal (factory)
(zm) Purchase Order Book
(zn) Register of Daily Receipts
(zo) Store's ledger
(zp) Warder's day duty register
(zq) Warder's night duty register
(zr) Duty officer's report book
(zs) Register of out-patients
(zt) Register of daily admission and release of prisoners
(zu) Register of production of prisoner in courts
(zv) Register of barrack-bandi
(zw) Register of prisoner's release on parole and on interim bail
(zx) Register of Orderly Room
(zy) Attendance Register of Labour
(zz) Court Diary of UT & CT Office

(zza) Movement Register of prisoners for outside Jail at Main Gate
(zzb) Control Register at Control Room
(zzc) PWD Complaint Register
(zzd) Gadgets and Electronic Equipment (Working/Non-working Register)
(zze) Death Register
(zzf) Parole/Interim Bail Jump Register
(zzg) Key-Register
(zzh) Central Dak & Dispatch Register
(zzi) Separate Dak & Dispatch Register at UT & CT Office
(zzj) Parole Register
(zzk) Pre-mature release Register
(zzl) Open Jail Admission Register

Note: - All registers to be retained till Audit is complete even though the retention period is over.

(ii) Form of Registers

(a) The forms of and the particular to be recorded in the some of the registers has been specified in the preceding rule to be followed. The forms and particulars of the other registers to be specified by the Inspector General.

(b) The forms, particulars & the periodicity of all the registers shall be scrutinized, specified and determined by the Inspector General from time to time:

Provided that every register now in use shall continue to be maintained in its present form until the Inspector General supersedes the same, by a direction given under this rule.

(c) The Inspector General shall issue detailed instructions for keeping the registers.

(d) In addition to the registers prescribed above, the Inspector General may, at any time, direct additional registers to be maintained.

747. Returns & Reports

(i) The Government, by an order, may specify the returns and reports required to be submitted by the prison administration to the Government, and may also indicate their periodicity as well as the authorities to which the returns and reports are to be submitted.

(ii) In addition to the above, the Inspector General by an order may specify the returns and reports to be submitted by the prison and also indicate their periodicity.

748. Time Of Submission Of Returns & Reports

(i) The Superintendent shall be responsible for ensuring the timely submission of the returns and reports relating to the prison.

(ii) The responsibility for timely submission of returns and reports to the Government shall lie with the Inspector General.

749. Accounts And Office Procedure

(i) In matters where no specific provision is made in these rules, the rules and instructions applicable to Government Department shall apply.

(ii) In matters relating to finance and accounts, provisions contained in General Financial Rules, Treasury Rules, and instructions issued from time to time, shall apply.

(iii) In matters relating to office procedure, the provisions contained in Office Procedure Manual, prescribed by the Government of India, and the instructions issued by the Government, from time to time, shall apply.

(iv) The Inspector General, for efficient functioning and management of prison, may, from time to time, issue instructions regarding office procedure consistent with the instructions of the Government.

750. Medical Administration

In the matter of medical administration, rules and instructions as applicable to Government hospitals/ dispensaries shall be followed.

751. Powers Of Inspector General To Issue Instructions

(i) The Inspector General may, in the interest of efficient functioning and management of prisons, from time to time, issue instructions consistent with these rules and instructions of the Government.

(ii) The entire prison administration shall be computerized so that database can be accessed easily and managed more efficiently. This is also part of mandate of the Integrated Criminal Justice System (ICJS) which seeks to interlink prisons, courts and the police stations as a triad. This would enable integrated data sharing with the police and the courts enabling efficient and comprehensive tracking of criminals and faster law enforcement responses. There are several stakeholders involved in process of prisons, including the police, courts and external agencies like hospital, medical authorities etc. and it is extremely important to develop suitable interfaces that can help in seamless sharing of information amongst different agencies.

Note-I The major challenges faced by prisons' administration presently in performing

their mandated activities effectively and efficiently are:

(a) Unavailability of real time information at central level:
(b) Non-centralized information repository of prisoners; Improper tracking of prisoner activities Inadequate interaction with various stakeholder agencies;
(c) Improper data analysis;
(d) Multiple standalone IT systems available at majority of prisons;
(e) Inadequate tracking of prisoner out on parole;
(f) Lack of efficient alarm system in case of under-trials covered under section 436/436A of the code.
(g) Inadequate information system pertaining to release of prisoner once completion of sentence.

Note-II Computerization be done to enable prisons department to have the following core facilities for having a unified date sharing platform:

(a) A comprehensive web-based prison software with interlinkage with courts and police stations;
(b) Integrated data sharing with courts and police as per a tentative matrix;
(c) Comprehensive video conference facilities;
(d) Biometric access for in and out movement of inmates;
(e) State level training labs for induction and refresher training course;
(f) Touch screen kiosks at the prisons for inmates to access their case details.

Note-III The following outcomes are expected after successful implementation of prison computerization:

(a) **Seamless and integrated flow of information** across all the prisons and police department, Ministry of Home Affairs, (MHA) thereby enabling real time availability of information that is easy to search and quick retrieval of prisoner information from a centralized database of prisoners.

(b) **Availability of Dashboards/Statistical reports**/MIS reports for senior level officers with information such as Probable Date of Release (PDR), Prison occupancy, Prisoner availing Parole etc.

(c) **Complete record of prisoner' activities** such as bail, escape, fine payment, incident punishment, prisoner income, court appeals, court production, remission, remand, wages, work allocation, release and transfer etc.

(d) **Workflow based solution for approval** processes like Parole and real time reflection of the same in the system.

(e) **Automatic PDR (Probable Date of Release)** calculation thus ensuring no delays in release of prisoners without the need for manual validation.

(f) **Better visitor management procedure** thus helps officials in managing visitors, keeping a track of the number of visitors for a particular prisoner, frequency of visit etc.

(g) Creation of a **Centralized Prisoner Registry** that can be accessed by Police Department and other key Law Enforcement Agencies for verification and validation purposes of individuals through Data Digitization of records.

CHAPTER-XXXVI

MISCELLANEOUS

752. Inclusion of Prisons in Development Plans

Since prison administration has a direct bearing on the improvement of the quality of life of those who deviate from the accepted social norms, the development of prisons shall be pursued as an integral part of the National Development Plans. Investment on prisons shall lead not only to the reformation and rehabilitation of offenders as law-abiding citizens, but also to safeguarding the life of those adversely affected by crime. Therefore, The government should take steps to formulate schemes for development of prisons in their entirety. Such schemes should not only relate to the correctional content of prison programmes but also to improvement in the quality of prison staff, which is the main tool of correctional administration.

753. State Advisory Board

(i) There shall be a State Advisory Board to advise the Government and the Prison Administration on matters relating to correctional work in prisons, rehabilitation of inmates and redressal of grievances of prisoners.

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

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

(iv) The State Advisory Board shall comprise of the following officials of the State:-

(a) **Chief Minister**	**- Chairman**
(b) Principal Secretary, Department of Prisons	- Vice Chairman
(c) Inspector General of Prisons	- Member Secretary
(d) Law Secretary or any of his nominee not below the rank of Joint Secretary	-Member
(e) Inspector General of Police (HQ)	-Member
(f) Director, Education	-Member
(g) Director, Technical Education	-Member
(h) Director, Health Service	-Member
(i) Chief Engineer, Public Works Department	-Member

(j) The Director of Industries or any other member appointed by the Government -Member

(k) Special Secretary Finance, as nominated by Secretary Finance Department - Member

(l) Director, Social Welfare -Member

(v) The following Non-Officials shall also be appointed by the Government as Members of the State Advisory Board:-

(a) Three members of the Legislative Assembly of the State, of whom one shall be a woman and one belonging to the principal opposition parts in the State Legislature Assembly.
(b) Two elected Members of Parliament from the State.
(c) Three eminent members of the public working in the field of prison administration and welfare. Among them one shall be a woman.
(d) A retired officer of prison service of the State, not below the rank of Deputy Inspector General.

(vi) The State Advisory Board shall hold at least one meeting in a calendar year. In the wake of any extraordinary situation, the Member Secretary is authorized to convene a special meeting of the Members of the State Advisory Board to apprise the Members of details of the situation warranting such meetings.

(vii) The proceeding of every meeting of the State Advisory Board should be recorded in the Minute Book, and a copy of the same should be forwarded to the Chief Minister and the Principal Secretary/Secretary of the Prison Department.

(viii) The Members of the State Advisory Board may visit to any prison of the State.

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

(x) The Superintendent should present before the visiting Member/Members of the State Advisory Board any paper/document in connection with the correctional work, recreation, training of prisoners, prison diet, health-care of prisoners, grievances of prisoners and redressal of prisoners, if the same is sought for by the visiting Member/Members of the State Advisory Board.

(xi) For the purpose of the meetings of the State Advisory Board six members, including at least two official and two non-official members, shall comprise a quorum.

(xii) If a non-official member of the State Advisory Board fails to attend the meetings

of the Board, despite prior intimation and notice, on three successive occasions, his/her membership of the Advisory Board shall stand cancelled automatically and the Member Secretary of the Board shall move the Government for appointing a new nonofficial member in his/her place.

(xiii) A Non-Official member of the State Advisory Board shall hold office for a period of three years from the date his/her appointment to the Board, and may be considered for reappointment.

(xiv) The Government reserves the right to cancel the appointment of any nonofficial member of the State Advisory Board at any time.

(xv) A non-official Member of the Board shall receive allowances, as prescribed by the Government of Uttarakhand from time to time, for attending the meetings of the Board.

754. Planning, Research and Development Mechanism

Each State shall evolve a mechanism for providing the necessary feedback on the efficacy of prisons and correctional services in achieving their objectives and goals through monitoring, study, analysis and research, and to keep the system abreast of the new trends and developments in the field. Such a mechanism should clearly spell out the specific objectives and goals not only for the organization, but also for individual institutions, in terms of functional renovation and reconstruction of prison buildings, diversification of correctional institutions, classification of prisoners, rehabilitative reorientation of prison industries, correctional content of prison programmes, recruitment and training of prison personnel and modalities of coordination with other branches of the Criminal Justice System. It should set quantitative targets for the correctional system such as: number of criminals rehabilitated; number of ex-offenders; number of prisoners educated; increase in productivity of prisons; sale proceeds of prison manufacture; amount of loan extended to inmates/ex-inmates under innovative banking schemes and other sources, etc. There shall be an established procedure for reviewing the organisational and institutional goals by the department at least once a year.

755. Prisons Development Board

(i) In order to improve and modernise the infrastructural facilities in prisons, a high powered Prison Development Board may be set up in each State to have an institutional arrangement conducive to speedy decision making and to take full advantage of modem technology and managerial practices.

(ii) The Board may consist of the following members:

(a)	Minister for Prisons/ Chief Minister	Chairman
(b)	Principal Secretary/Secretary, Home (Prisons) Department	Vice Chairman
(c)	Principal Secretary/Secretary, Finance Department	Ex- Officio Director
(d)	Two persons to be nominated by the Government out of whom one shall be a woman, from among such non officials who have distinguished themselves in the field of Prison Administration or Prison reforms or service to prisoners or Human rights, appointed for a term/period of three years and who can be relieved from the said post by the chairman, even prior to the completion of their term.	Members
(e)	Inspector General of Prisons	Ex-Officio Managing Director

(iii) The functions of the Board may be:

(a) to examine the living conditions of prisoners in all the prisons, with specific reference to their basic needs and provision of facilities compatible with the dignity of human life.
(b) to build new prisons where the existing prisons are not in a satisfactory condition, or are beyond repairs.
(c) to review and suggest measures for the development of programmes for the 'treatment of prisoners, including research, education, vocational training and skill development, with a view to developing prisons as correctional centres.
(d) to efficiently manage prisons by inducting modern technology, methods and apparatus.
(e) to collaborate with corporate houses for Corporate Social Responsibility (CSR) funding for above purposes.

(iv) The Board may have, and maintain, its own fund as the Prisons Development Fund to which shall be credited:

(a) all money received by the board from the State and Central Governments by way of grants, loans, advances, etc.
(b) all money borrowed by the Board by way of loans or debentures.

(c) all money generated by the agricultural, horticultural, industrial or manufacturing activities undertaken by prisoners.
(d) all fees, charges and profits received by the Board.
(e) all money received by the Board from the disposal of lands, buildings and other properties (movable or immovable), and
(f) all money received by the Board by way of rents or profits or in any other manner or from any other source.

756. Publication of Annual Report

The government shall publish an annual report on the functioning and progresses achieved by the Department of Prisons and Correctional Services and place the same before the legislature.

757. Exchange of Expertise

The Government shall promote the exchange of technical know-how and professional expertise with other States to be able to adopt the best practices in the administration of prisons and correctional services in various parts of the country, either on its own initiative or with the assistance of the Central Government.

758. Right to information

(i) The Prison Act and other relevant Acts, applicable rules, regulations and the Uttarakhand Prison Manual shall be kept in the prison library for the benefit of all prisoners.

(ii) The prison administration in the State shall strictly adhere to the requirements contained in the Right to Information Act, 2005.

APPENDIX- I

List of returns, reports and indents to be submitted by a jail office

Sl. No.	Particulars	Date of submission	To whom submitted	Remarks
1	2	3	4	5
	Weekly Report			
1	Report of the details of convicts sentenced to death. ...	Every Monday	Inspector- General	From concentration jails
	Monthly return			
1	Monthly journal of Superintendents	1St	Deputy Inspector-General Range	From all jails
2	Monthly statement of prison population	1St	Deputy Inspector-General Range	Ditto
3	Details of prisoners of foreign nationality	3rd	Deputy Inspector General Range	Ditto
4	Information of undertrial prisoner covered by the provision of sections 436(1) and 436(A) of CrPC.	3rd	Deputy Inspector General Range	Ditto
5	Details of prisoners detained under anti-terror laws	3rd	Deputy Inspector General Range	Ditto
6	Details of officers and employees of police and jails detained in jails.	3rd	Deputy Inspector General	Ditto
7	List of convicts who have jumped parole.	3rd	Deputy Inspector General Range	Ditto
8	Information regarding *Lok adalat.*	3rd	Deputy Inspector General Range	Ditto
9	Information regarding legal aid to prisoners.	3rd	Deputy Inspector General Range	Ditto
10	Memorandum of factory receipts and disbursements.	5th	Inspector General	Ditto
11	Return regarding raw materials	5th	Inspector General	Ditto
12	Return regarding production in each factory.	5th	Inspector General	Ditto
13	B.M.- 4 (Return regarding expenditure)	5th	Inspector General	Ditto
14	B.M.-5(Return regarding pending liabilities)	5th	Inspector General	Ditto
15	Memorandum of adjustment of cost of goods of Supplied from jail factories to jail Prisons Department in form No. 134.	10th	Inspector General	From jail depot
	Quarterly returns			
1	Report on education of Prisoners	1st week of January, 1st week of April, 1st week of July and 1st week of October.	Deputy Inspector General Range	From all jails

2	Details report regarding convicts sentenced to death.	1st week of January, 1st week of April, 1st week of July and 1st week of October.	Deputy Inspector General Range	From all jails
3	Details report regarding mentally ill prisoners.	1st week of January, 1st week of April, 1st week of July and 1st week of October.	Deputy Inspector General Range	From all jails
4	Details report regarding prisoners admitted in outside hospitals.	1st week of January, 1st week of April, 1st week of July and 1st week of October.	Deputy Inspector General Range	From all jails
	Half-yearly returns			
1	Report showing quantity and value of crops produced.	5th April and October	Deputy Inspector General Range	From all jails
2	Report regarding profit and loss of agriculture	5th April and 5t October	Deputy Inspector General Range	From all jails
3	Victims compensation	1st week of April and October	Deputy Inspector General Range	From all jails
4	Half yearly statistics	1st week of January and July	Deputy Inspector General Range	From all jails
5	Report regarding medical examination of prisoners on the performa precribed by National Human Right Commission.	1st week of January and July	Deputy Inspector General Range	From all jails
	Annual Returns			
1	Annual report	10th January	IG	From all jails
2	Annual Confidential report of officer	15th April	Concerned Appointing Authorities	From all jails
3	Factory store account return	20th January	IG	From all jails
4	Target practice report	10th April	DIG Range	From all jails
5	Report on weeding of records	1st April	DIG Range	From all jails
6	Report of permanent advance	15April	IG	From all jails
7	Statement of old and infirm convicts recommended for release on account of infirmity.	1st May	IG	From all jails
8	Budget estimates	15July	IG	From all jails
9	Report on verification of trees	5th	IG	From all jails

		October		
	Indents			
1	Arms and ammunition	1st May	Deputy Inspector General Range	From all jails
2	Cotton clothing for prisoners including Chadars	1st May	Deputy Inspector General Range	From all jails
3	Woollen clothing for prisoners	1st May	Deputy Inspector General Range	From all jails
4	Steel Utensils	1st May	Deputy Inspector General Range	From all jails

APPENDIX- II

Form – 1

APPLICATION FOR SUSPENSION OF SENTENCES

{See rule 5(1)}

1. Name of Prisoner_____
2. Name of Father/Husband_____
3. Address of prisoner_____
4. Police Station_____ Tehsil_____ District_____
5. Jail where the prisoner is confined_____
6. Section of crime and sentence awarded to the prisoner_____
7. Name of the convicting court _____
8. Date of sentence _____
9. Total Sentence served till date _____

   (a) Without Remission_____ (b) With Remission _____
10. Whether any appeal or revision is pending before any court or not_____
11. Whether suspension of sentences was granted earlier (If yes give details)_____

    _____
12. Grounds of suspension of sentences application_____
13. Period for which suspension of sentences is applied _____
14. If request for extension of suspension of sentences is applied:
    a. Total period of suspension of sentences sanctioned till date_____
    b. Number of times suspension of sentences granted _____
    c. Date on which sanctioned previous suspension of sentences is expiring _____
    d. Period for which extension in suspension of sentences is applied _____

15. If suspension of sentences is applied on grounds of marriage, then:
    a. Name of the daughter/son and father's name: _____
    b. Age of Daughter/Son: _____
    c. Father's name of the person with whom the marriage is being solemnized:_____
    d. Age of his/her: _____

    Note:-The details of the boy and the girl whose marriage is to be solemnized be given essentially

16. If suspension of sentences is applied for agriculture work:
    a. Whether application is for cultivation: _____
    b. Whether application is for Harvesting a crop: _____
    c. In both the cases indicate whether some other person is not available for the above work, give details: _____

17. In special emergency situations where the presence of prisoner is necessary, Such as the collapse of a house of a prisoner's, or other natural disaster, which is to be confirmed by the District Magistrate._____

18. Any other reason for suspension of sentences_____

Date:

Signature of applicant,

1. Name of applicant_____
2. Name of father/husband_____
3. Relation with the prisoner_____
4. Village/Town_____
5. Post Office_____
6. District_____

Special Information – The period of suspension of sentences shall not count towards the sentence

Form – II

PEROFRMA FOR SUSPENSION OF SENTENCES "JAIL REPORT"

{See rule 5(1))

Date _____ (Date of issue)

1. Jail entry Register Number_____2.Prisoner Number_____

3. Name of the Prisoner_____4. Father/Husband Name_____

5. Current Age_____6. Date of Birth_____

7. Full address of the prisoner_____

8.(a) Name of the convicting court_____

(b) Date of conviction_____

9. Details of Commutation and date of death sentence, Life imprisonment or any other Sentence _____

_____

10. Crime no, ST no, C rime Sections and period of sentence _____

11. Punishment Period_____

12. (a) Date of Admission in jail_____

(b)Date of Re-admission in jail _____

13. Sentence Convicted Till Date_____

	Year	Month	Days
Actual/Without Remission			
Earned Remission			
Total Sentences with Remission			

14 Status Appeal/Revision in court _____

15. Details of other pending cases against the prisoner (if any) _____

16. Conduct of prisoner in jail (Along with details of jail punishment) _____

17. Health Of Prisoner (Explicitly Mentioned) _____

18. Full detail of previous suspension of sentences /home leave sanctioned to the prisoner_____

_____

19. Whether the prisoner has surrendered on time in jail on earlier sanctioned suspension of sentences /home leaves. If no, then details of the period and punishment awarded _____

20. Whether Mercy petition of the prisoner is pending _____

Senior Superintendent/Superintendent
Of Jail

Forwarded-

Inspector General Of Jail
Uttarakhand

FORM – III

PRESCRIBED FORM FOR OBTAINING REPORT FROM DISTRICT MAGISTRATE

{ See rule 5(2) }

1. Brief Criminal history of prisoner and latest position of pending cases _____
   _____
   _____
2. Details of family members of prisoner _____
   _____
   _____
3. Details of parole/home leaves previously availed by the prisoner and his conduct during the period
   _____
   _____
4. Confirmation of grounds/reasons for grant of suspension of sentence as mentioned by the prisoner
   _____
5. Recommendations along with reasons whether the suspension of sentence should be sanctioned to the prisoner or not
   _____
   _____



APPENDIX-III

PART I

Classification of Labour

Hard

(a) by task per day

1. Weaving	Do suti cloth 70cm wide, 18m. on fly shuttle looms and 9m. on handlooms
2. Warping by manual labour	4 warps, 27m. long each by 4 prisoners
3. Blanket manufacture	18m. by 1.8m on fly shuttle looms
4. Bowing wool	5 Kg
5. Felting or shrinking blankets	2 blankets
6. Weaving with powerloom	50m.
7. Storing and weighing	80 bags of 50 Kg. each, i.e.42 qtls
8. Tent making	half tent
9. Soap industry	100 Kg soap
10. Brick making	Molding 1000 bricks
11. Surkhi pounding	200 Kg
12. Printing	1500 pulls
13. Cooking	3 cooks for every 100 prisoners, 1 cook for every 50 prisoners

(b) By time (i.e. 8 hours of steady work)

(c)

1. Carrying water
2. Carrying stone or clay
3. Masonry and concrete work
4. Grinding lime
5. Tile making
6. Pottery
7. Hewing and cleaving firewood
8. Carpenter's work
9. Blacksmith's work
10. Press work
11. Rope making

Medium

(a) by task per day

1. Carpet weaving	1st quality, i.e. 20 threads to an inch..... 1 inches. 2nd quality, i.e. 15 threads to an inch..... 2 inches. 3rd quality, i.e. 10 threads to an inch..... 3 inches. One prisoner can weave up to 2 1/2 feet in width
2. Durie weaving	4 to 9 inches by 2 feet according to quantity Striped ... ... 3'x3' Kantedar ... ... 2'x3' Flowered ... ... 9'x2' Tapestry ... ... 5'x2'
3. Carpentry	1 half back chair per day or 1 table of 2'x3' in three days
4. Money bag weaving	1 bag holding 1,000 rupees coins

5. Tailoring	Cotton coats 5, or jangiahs 8, or tikonis 8, or langots 20, or gamchhas 25, or caps 40, or kurtees for female 3, or convict warders suits 4, or warders unitorms 3.

(b) by time (i.e. 8 hours of steady work)

1.	Cleaning grains
2.	Husking rice or pulses
3.	Winnowing grains
4.	Flour sifting
5.	Tent making
6.	Cloth printing
7.	Dyeing
8.	Leather working
9.	Tin working
10.	Book binding
11.	Carpenter's work
12.	Bamboo basket and wrought iron work
13.	Hair cutting- one barber should be employed for every 50 prisoners
14.	Gardening
15.	Cleaning and white washing
1	Laundry work
17.Cleaning Utensils	

Light

(a) by task per day

1.	Twisting thread or fibre	Cotton yarn 1 and ½ kg.
2.	Spinning	Wool 1 kg., or Opening thread yarn 2 kg.
3.	Folding paper	300 sheets
4.	Making envelops	large 200 or small 300

(b) by time (i.e. 8 hrs of steady work)

1.	Winding bobbins
2.	Grains or seed sifting
3.	Splitting and dressing cane
4.	Weeding and light gardening
5.	Dressing vegetables

Note- Any other job or trade not mentioned above, the category of labour shall be decided by the Superintendent.

PART-II

Classification of incentives

Skilled	Semi-skilled	Unskilled
Power loom	Bowing wool	Storing and weighing
Warping	Felting and shrinking	Surkhi pounding
Shuttle loom	Hewing and Cleaving fire wood	Carrying goods
Masonry and concrete work	Boundary	Cleaning and white washing
Carpenter's works	Painter	Sweeping
Blacksmith	Twisting thread and fiber	Cleaning grain
Carding	Spinning wool	Husking rice & pulse
Carpet weaving	Envelop making	Winnowing grain
Durrie weaving	Cooking dal	Flour shifting
Tailoring	Cooking vegetables	Helpers in factories, work houses and other godowns

Tent making	Convict officers	Folding papers
Printing	-	Winding bobbing
Dyeing	-	Dressing vegetables
Leather working	-	Assistant in office work
Tin working	-	
Book binding	-	-
Barber	-	-
Baker	-	-
Spray Painter	-	-
Furniture polish	-	-
Weaving cane for furniture	-	-
Rolling chapatti	-	-
Baking chapatti	-	-
Data feeding in computer and typing	-	-
Flour mill operator	-	-
Spice mill operator	-	-
Nursing o*rderly*	-	-
Prisoner Teacher	-	-
Soap detergent and phenol	-	-
Clothe printing	-	-
Newad weaving	-	-
Gardening		
Plumber		

Note- Any other job or trade not mentioned above, the category of skills shall be decided by the Superintendent.

APPENDIX-IV
ARMS AND ACCOUTREMENTS

The scales of issue of arms and accoutrements shall be as follows:

A. Fire Arms:

Sl.No.	Articles	Quantity				
		Central Prisons	District Jails			
			Type A	Type B	Type C	Type D
1	9 mm. Carbine/Other Automatic Arm	08	08	06	04	02
2	9 mm. Pistol/ Revolver .38	100% for Deputy Jailors and senior officers				
3	INSAS Rifle	**70% for warders on extra mural duties** **10% for warders on intra mural duties**.				
4	Light Machine Gun	Central Jail, Sitarganj - 06 District Jail, Dehradun – 06 District Jail, Haridwar - 06 Sub-Jail,Roorkee - 03 Sub-Jail, Haldwani - 03 **20 light machine guns shall be kept reserved in Central Arms Stores for allocation in accordance with need**.				

B. Protective Gear:

Sl.No.	Articles	Quantity				
		Central Prisons	District Jails			
			Type A	Type B	Type C	Type D
1	Body Protector with Shin & Elbow Guard	50% for warder's cadre	50% for warder's cadre	50% for warder's cadre	50% for warder's cadre	40 for warder's cadre
2	Polycarbonate `Laathi'	50% for warder's cadre	50% for warder's cadre	50% for warder's cadre	50% for warder's cadre	40 for warder's cadre
3	Polycarbonate Shield	50% for warder's cadre	50% for warder's cadre	50% for warder's cadre	50% for warder's cadre	40 for warder's cadre
4	Fibre-glass Helmet	50% for warder's cadre	50% for warder's cadre	50% for warder's cadre	50% for warder's cadre	40 for warder's cadre

C. Anti-Riot Equipment:

Sl.No.	Articles	Quantity				
		Central Prisons	District Jails			
			Type A	Type B	Type C	Type D
1	Shock Baton	25% for warder's cadre	20% for warder's cadre	15% for warder's cadre	10% for warder's cadre	08% for warder's cadre
2	Laser Grip	25% for warder's cadre	20% for warder's cadre	15% for warder's cadre	10% for warder's cadre	08% for warder's cadre
3	Taser X-3 (Semi auto-multi-shot EDD)	15% for warder's cadre	12% for warder's cadre	10% for warder's cadre	8% for warder's cadre	06% for warder's cadre
4	Water Canon	**3**	**2**	**2**	**1**	**1**
5	Pepper-ball Gun	10	10	05	02	02
6	Riot Gas Gun	20	20	15	10	08

D. Ammunition for Fire-arms:

Sl.	Arm	Quantity of Ammunition (Service Bullets)
1	Incas Rifle	50 per arm
2	9 mm. Pistol	30 per arm
3	Revolver	30 per arm
4	9 mm. Carbine	192/3 mags.
5	L.M.G.	500 per arm
6	12 bore pump action guns	50 per arm
7	Pepper wall gun	18 per arm
8	Riot gas gun 1. Rubber Bullets 2. Long range shell 3. TS shell-n 4Two-in-one	50 per arm 12 per arm 12 per arm 12 per arm 12 per arm

E. Anti-Riot Ammunition:

Sl.No.	Articles	Quantity				
		Central Prisons	District Jails			
			Type A	Type B	Type C	Type D
1	12 Bore Pump Action Gun	08	08	06	04	02
2	Pepper-ball Gun Shell	180	180	90	36	36
3	Riot Gas Gun 1. Rubber Bullets 2. Long range shell 3. TS shell-n 4. Two-in-one	 1000 240 240 240 240	 1000 240 240 240 240	 750 180 180 180 180	 500 120 120 120 120	 400 96 96 96 96

F. Ammunition for practice and training:

Sl.	Arm	Quantity of Ammunition	
		Annual Practice	Training
1	Insas Rifle	50/person	100/person
2	9 mm. Pistol	60/person	70/person
3	Revolver	60/person	70/person
4	9 mm. Carbine	60/person	120/person
5	L.M.G.	50/person	100/person
6	12 bore pump action gun	50/person	80/person
7	Pepper wall gun	02/person	04/person
8	Riot gas gun 1. Rubber Bullets 2. Long range shell 3. TS shell-n 4. Two-in-one	 10/person 06/person 06/person 06/person	 10/person 06/person 06/person 06/person

APPENDIX-V

List of registers prescribed for a jail office with periods which they should be retained.

No.	Name of registers	Period of retention
1	Admission and release register of convicts	90 years
2	Alphabetical register of convicts	90 years
3	Register of details of appeals	10 years
4	Register of jail appeals	10 years
5	Register of check date for release	10 years
6	Register of dates of probation	20 years
7	Register of release	90 years
8	Transfer register	10 years
9	Convict officers' register	2 years
10	Register of revising board	10 years
11	Register of valuable properties of prisoners	25 years
12	Register of admission and release of undertrial prisoners	90 years
13	Register of alphabetical list of undertrial prisoners	10 years
14	Register of production in courts outside district (*challan*)	6 years
15	Register of deaths of prisoners	10 years
16	Register of escapes of prisoners	50 years
17	Register of civil prisoners and detenues (NSA etc.)	10 years
18	Register of daily population	2 years
19	Register of diet (*old 15 no.*)	6 years
20	Register of issue of rations (*old 44 no.)*	6 years
21	Register of stock of rations	10 years
22	Register of SMI rates	10 years
23	Stock book of new clothing, bedding and utensils	10 years
24	Stock book of old clothing, bedding and utensils	10 years
25	Register of indoor patients in jail hospital	5 years
26	Register of outdoor patients in jail hospital	5 years
27	Register of injuries to prisoners	10 years
28	Register of prisoners admitted in outside jail hospital	05 years
29	Stock book of medicines	10 years
30	Register of expiry date of medicines	5 years
31	Register of hospital clothing, bedding and utensils	10 years
32	Register of hospital equipment and properties	permanent
33	Register of vaccination	2 years

34	Register of prisoners' interview	2 years
35	Register of cash deposits of undertrial prisoners (*HPD*)	6 years
36	Register of duties of warders	2 years
37	Stock book of warders' uniforms	10 years
38	Gang book	2 years
39	Register of gang distribution	2 years
40	Register of daily duties of convict officers	1 years
41	Register of lock-up	5 years
42	Report book of night rounds	2 years
43	Report book of rounds on the main wall	1 years
44	Register of night duty head warder	1 years
45	Register of jail punishments to prisoners	6 years
46	Establishment order book	Permanent
47	Register of punishments to the staff	5 years
48	Order book of the Superintendent	10 years
49	Report book of the Jailor	10 years
50	Order book of the Medical Superintendent	10 years
51	Report book of the Medical Officer	10 years
52	Gate book	10 years
53	Register of extramural gangs	1 years
54	Register of head warder's visit to extramural gangs	1 years
55	Register of charge and relief of warders	1 years
56	Register of reserved ammunition	10 years
57	Stock book of arms	5 years
58	Register of cheques, demand drafts and pre-audit bills	5 years
59	Cash book of works	35 years
60	Register of prisoners' cash deposit (*PCD)*	35 years
61	Prison ledger (*old 54 no.*)	35 years
62	Prison Cash book	35 years
63	Register of daily cash balance (*old 55 no.*)	5 years
64	Register of bills	5 years
65	Register of petty cash payments (*old 71 no.*)	5 years
66	Register of Government properties	Permanent
67	Station dak book	2 years
68	Stock book of miscellaneous articles (*old 78 no.)*	10 years
69	Register of registers	Permanent
70	Register of locks and keys	10 years
71	Register of files	10 years
72	Library register	10 years
73	Register of trees	Permanent
74	Register of plot wise details of agricultural production	10 years
75	Stock book of agriculture	10 years

76	Register of profit and loss for agriculture	10 years
77	Register of vegetables	2 years
78	Visitors' book	10 years
79	Registers of canteen	6 years
80	Stock book of building materials	10 years
81	Register of prisoner's letters	2 years
82	Register of handing over and taking over of charge	25 years
83	Register of security deposits	35 years
84	Register of educational progress of prisoners	2 years
85	Register of Cattle	10 years
86	Register of cattle rations	6 years
87	Register of convicts selected for extramural labour	5 years
88	Circle.Officer Report Book	10 years
89	Wages	10 years
90	Victim Compesation	10 years
91	Extra Diet	3 years
92	F.F. No. 2	6 years
93	F.F. No. 3	10 years

APPENDIX- VI

List of Factory Registers and Forms.

A- Store Keeper Register.

	Remarks.
1. Indent on suppliers…….	Supplier's receipt for the indent should be obtained.
2. Supplier's invoice…….	Will be supplied free of cost to suppliers.
3. Register of daily purchase of materials.	
4. Stock-book of materials….	An alphabetical index should be maintained. The price of material should be calculated at the average rate arrived at by adding the quantities and the prices brought forward from the previous quarters to the quantities and prices of the purchases for the current quarter.
5. Stock-book of manufactured goods.	separate accounts on separate pages should be maintained for manufactured goods priced at different rates for different classes of customers.
6. Register of daily sales of goods.	
7. Receipt voucher for goods sold on credit.	
8. Register of outstanding debts and advances.	should be balanced monthly.
9. Bill for goods supplied	
10.Invoice for supplies to jails.	
11.Invoice for supplies to Govt. Departments.	
goods, stock at end of quarter.	
12.List of outstanding debts and advances.	
13.Cash receipt book……	Receipts for all moneys received must be prepared and given to customers.

14.Factory cash-book	No entries are necessary on dates on which no transactions take place.
15.General ledger	
16.Book of estimates	
17.Price list……..	Alterations in price must be sanctioned by Superintendent on the price list and should be signed and dated.
18.Authority to store-keeper to issue goods for stores.	
19.Statement showing the Account of articles supplied to the Depot.	

B- Factory Officers' Registers.

20.Factory labour distribution register.	
21.Indent on store-keeper ---	
22.Register of materials issued from store and received in factories.	
23.Stock-book of materials in ……. process of manufacture	Stock should be verified once a quarter by the Superintendent.
24.Schedule of loss	
25.Registers of goods sent into stores ..	Superintendent shall verify weight of at least 10 per cent of the goods sent into stores.
26.Factory order book	
27.Factory order slip	
28.List of machines & tools in factories	

Note- 1- The period of retention of all factory registers and records after they have been audited shall be five years except in the case of factory register Nos. 3, 4, 5. 6. 32. and 34 which shall be retained for ten years.

Note. - 2- Factory form Nos. 1, 2, 3, 15, 26 and 30 shall also be used for jail and works accounts.

Appendix-VII

The management of jail factories is governed by the following rules-

1- No work started in the factory unless an order has been previously registered. This also applies to goods required for stock or made from materials produced in the jail, e.g., wood trees on jail grounds.

2 – When the Superintendent has booked a large order for goods, he shall release it to the factory shops in parts so that the work may be executed within a reasonable time which shall not ordinarily exceed three months.

Large orders for goods which are meant only for stock shall not be booked.

3 – Purchase of all materials, shall be controlled by the Inspector General acting on the advice of the Stores Purchase Officer. The Superintendent shall purchase locally the material for which no arrangements on a state basis have been made.

4 – Supplier shall be required to present, along with the material supplied, an invoice in duplicate in the prescribed form giving the number or weights of the material and the rates. The original invoice bearing the supplier's signature shall be remain in the jail office, and the duplicate shall be returned to the supplier after being signed by way of receipt by the officer concerned.

5 – The full market value shall be recorded in factory register of the materials received from other departments.

6 – Except with the special permission of the Inspector General work on the wages system shall not be permitted in the jail. When any work on this system is accepted for a government department, i.e., when material is supplied by other department and the jail charges for the cost of labour only, the quantity of material received shall be entered in the appropriate register on separate pages, the column of price being left blank. In the books of the factory also full details as to the disposal of material shall be shown on a separate page marked "work on wages"

7 – The Superintendent may with the permission of the Inspector General may accept orders from the contractors on the piece price system i.e., when the contractor supplies the law material and pay wages for the manufactured articles by the piece.

8 – Material shall be intended for from the store keeper to meet immediate requirements and in no case for more than on week's consumption. The accumulation of materials in factory is prohibited.

9 – The loss actually incurred in the process of manufactured shall be charged in the factory register and whenever this loss is in excess of the scale laid down in the schedule of losses the sanction of the Superintendent shall obtained in writing.

10 – Executive officer in central prisons and jailors or deputy jailors in district jail shall be in charge of manufacturing departments. As far as possible, the distribution of factory registers shall be so arranged that the registers connected with the manufacturing department are not maintained by officer in charge of the stores.

11 – The office jailor in central prison and the jailor in district jails verify by actual weighments the weight of all manufactured goods sent from the factories to store and shall be responsible for the accuracy of the entries in register of goods sent into store.

11A – The office jailor in central prison and the jailor in district jail shall see that the store keeper sign in column 8 and 13 in the factory form no.34 after each article passed at the dakhla, for taking into store and that the factory officer signs column 16 for every article found defective at the dakhla and returned to him.

12 – For article made for use in the jail department no credit for wages and profit shall be taken in the factory accounts. Credit shall be taken only for the piece of material including loss and other incidental charges actually incurred in the process of manufacture.

This rule shall also apply to expenditure debatable to jail building grants. The sale piece of the article supplied to the jail in the states shall be stated at the rate fixed for other governments.

13 – To enable the jail authorities to determine the sale price each jail factory shall maintain a book of estimate in which it shall record, in case of each kind of manufactured goods, full details as to-

a – the piece of materials (this means the piece prevalent in the market at the time).

b – the estimate cost of wages.

c – a percentage of a wear and tear of tools and a percentage of profits calculated on the total of (a).

In the column "estimated cost of wages the wages" usually charged by free labour for the same kind of work shall be entered and not the wages of convicts employed, calculated at an arbitrarily, fixed daily rate. In other words, prison labour shall be assessed on the basis of the actual outturn in turns of the market values of the free labour. For instance, in fixing the price of cloth the ordinary wages of a free weaver for weaving a given quantity of the Director of Industries Uttar Pradesh and entered as the cost of wages without reference to the actual number of convicts or their daily task.

Profit shall be calculated at the rate of 12-1/2 percent. Department of the Uttar Pradesh shall be allowed a discount of 6-1/4 percent or six percent in the rupee on the retail price and those of the Central Government and other state government a discount of four paise in the rupee. In the case of big orders from the public including wholesale, or retail dealers. A discount up to 6-1/4 percent may be allowed at the discretion of

Inspector General on order worth Rs. 500 or over for one kind or class of articles.

14 – The prices fixed shall be subject to the following conditions namely:

A – for manufactured goods for government departments the price shall in no case be higher than the market.

B – for goods for sale to the public the price shall in no case be lower than the market price of articles of similar quantity.

Provided that the Inspector General may standardize the designs and sizes of woolen and cotton fabrics and other goods manufactured in jail factory and may fix the rate at which such articles shall be sold throughout the state.

15 – Every jail factory shall maintain a price list based on the book of the estimate. It will be prepared on 1st April of each year. And revised as often as may be necessary. But if the variation in the price of an article is less than six paise in the rupee the price fixed shall not be revied until 1st April of the following year.

16 – When the price of any article is revised it shall also apply to existing stocks of goods although the materials used may have been purchased at cheaper of dearer rates.

17 – The prices of article for which raw materials are purchased on a State basis shall be the same for all jails as for as possible.

The prices of articles whose designs and manufacturing details can be standardized, shall be worked out by the district of jail Industries and circulated to the jails for adoption.

18 – Large order from the public which cannot be completed within three months should always be booked with the proviso that the price fixed shall remain in force for a period not exceeding three months and that the price of the supplies which shall made after that period shall be liable to revision, if found necessary.

19 – Before the end of every year, the Superintendent shall send to the Director of Jails Industries a list of articles which have been lying in stock for more than two years with such recommendations for reduction in rates as he may consider necessary in order to clear the stock.

20 – The price of finished articles which have been damaged in the process of manufactured shall be fixed by Superintendent with due regards to the extent of damage and a note of the circumstances under which the price has been reduced shall be made by him in the stock book in his own hand.

21 – The Superintendent may reduce the price of any goods or class of goods on stock when this becomes necessary owing to fall in the market rates or in order to clear the stock or for any other reason after obtaining the approval of the Director of Jail Industries.

22 – The Superintendent shall record a note in the day book of sales when he sanctions the sale of any goods at a rate lower than that laid down in the

price list.

23 – An advance of at least 25 percent of the price shall be taken from all customers before any order exceeding Rs.100 in value is undertaken.

APPENDIX- VIII

Periods for retention of correspondence

	Subject	**Period of retention**
1.	Correspondence with Government	Only important correspondence to be retained permanently. Other papers to be destroyed according to the nature and the subject matter of correspondence but not before two years in any case.
2.	Circular files …….	Permanently.
3.	Escape when the prisoner is not captured.	Thirty five years.
4.	Acquisition and renting of grounds.	Thirty-five years.
5.	Original works costing more than Rs.1,00,000	Ten years.
6.	Pensions……..	Thirty-five years.
7.	Budget estimates…… ……...	Ten years.
8.	Original works costing less than Rs. 1,00,000	Five years.
9.	Criminal mental patients	Five years.
10.	Releases…….	Five years.
11.	Punishments to officers and warders.	Thirty five years.
12.	Dismissal and resignations ..	Ten years.
13.	Factories ……..... ..	Five years. (after audit).
14.	Accounts	Ditto.
15.	Repairs	Ditto.

In case of correspondence on any other subjects not specified above, the ordinary period of retention shall be two years unless otherwise ordered by the Superintendent. Before a file is destroyed the papers contained there in shall be examined and the orders of the Superintendent obtained in the jailer's report-book for its destruction. The Superintendent shall order the retention of any file for a longer period if he considers this necessary.

Appendix- 9

Sheet For A Prisoner Sentenced To Death

Date of Execution by Session Judge

1- Register no.

2- Name

3- Neck Measurement

4- Weight

5- Result of Medical Examination, Special points, etc.

6- Date of sentence by the Court Of Sessions

7- Date of Appeal to the High Court of Judicature at Nainital

8- Date of decision of the High Court

9- Date of Petition for Special leave for appeal to the Supreme Court

10- Date of appeal to the Supreme court

11- Date of decision of the Supreme Court

12- Date of submission of mercy petition

13- Date of result of mercy petition

14- Final date of execution

15- Length of drop required

Appendix- 10

Prison Holidays

1- Independence Day
2- Republic Day
3- Bara Wafat
4- Basant Panchami
5- Chehlum
6- Christmas Day
7- Dushera
8- Diwali
9- Gandhi Jyanti
10- Good Friday
11- Holi
12- Id-ul-Fitr
13- Id-ul-Zuha
14- Janma Ashtami
15- Muharrum
16- Ram Navami
17- Shiv Ratri
18- Harela Parva

By Order

Sd/-

(Radha Raturi)

Additional Chief Secretary