



सत्यमेव जयते

राजस्थान राजपत्र
विशेषांक

साधिकार प्रकाशित

RAJASTHAN GAZETTE
Extraordinary

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राज्य सरकार तथा अन्य राज्य-प्राधिकारियों द्वारा जारी किये गये (सामान्य आदेशों, उप-विधियों आदि को सम्मिलित करते हुए) सामान्य कानूनी नियम।

HOME DEPARTMENT

(GROUP XII)

NOTIFICATION

Jaipur, December 12, 2022

G.S.R.113 .-In exercise of the powers conferred by section 59 of the Prisons Act, 1894 (Central Act No. 9 of 1894), the State Government hereby makes the following rules for management and regulation of the prisons situated in the State of Rajasthan, namely:-

CHAPTER I

PRELIMINARY

1. Short title and commencement.- (1) These rules may be called the Rajasthan Prisons Rules, 2022.

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

2. Applicability.- The administration and management of prisons, its staff, all kinds of prisoners and detenues under the provisions of different laws shall be governed by these rules.

3. Definitions.- (1) In these rules, unless the context otherwise requires,-

(a) “Act” means the Prisons Act, 1894 (Central Act No. 9 of 1894);

(b) “Adolescent Prisoner” means any person,-

(i) who has been convicted of any offence punishable with imprisonment, or who, having been ordered to give security under section 117 of the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974), has failed to do so and who at the time of such conviction or failure to give security, is not less than eighteen years, but not more than twenty one years of age; or

(ii) who has been committed to prison custody during the pendency of his trial and who, at the time of commitment, is not less than eighteen years but not more than twenty one years of age;

(c) “After Care Services” means the activity aimed at financial rehabilitation of released prisoners as normal and good citizens;

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

- (e) “**Competent Authority**” means any officer having jurisdiction and due legal authority to deal with a particular matter in question;
- (f) “**Confinement**” means confinement in a prison and includes detention therein under any law providing for preventive detention;
- (g) “**Convicted prisoner or Convict**” means any prisoner under sentence of a court exercising criminal jurisdiction or court martial and includes a person detained in prison under the provisions of Chapter VIII of the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974) and the Prisoners Act, 1900, (Central Act No. 3 of 1900);
- (h) “**Correctional Personnel**” means personnel engaged or appointed to provide correctional services in the prison;
- (i) “**Correctional Services**” means services aimed at the reformation and rehabilitation of the offender and proper administration, management and functioning of prisons;
- (j) “**Court**” means a court established by any law for the time being in force and includes any officer or authority vested with the powers of exercising civil, preventive or criminal jurisdiction under any law for the time being in force;
- (k) “**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 as defined in the Army Act, 1950 (Central Act No. 46 of 1950);
- (l) “**Deputy Inspector General of Prisons**” means an officer, who is appointed by the State Government as such;
- (m) “**Detenue**” mean any person detained in prison by warrant, writ or order issued under any law providing for preventive detention or any person detained without any opportunity of trial under any law for the time being in force;
- (n) “**Form**” means form specified by the State Government, from time to time;
- (o) “**Geriatric Prisoner**” means a prisoner who is sixty years of age or above and medically unable to manage his or her daily normal work independently without any assistance;
- (p) “**Government**” means the Government of Rajasthan;
- (q) “**Head of Directorate of Prisons**” means the Director General of prisons;
- (r) “**Habitual offender**” means an offender who has been convicted in a particular offence for more than one occasion;
- (s) “**History Ticket**” means the ticket exhibiting such information as is required in respect of each prisoner by the Act or the rules made thereunder;
- (t) “**High Security Prisoner**” means a prisoner committed to prison custody, having criminal antecedents like escape, involved in heinous crimes such as dacoit, robbery, gangster, hired assassin, drug peddler, attacker on police, left wing extremism, and terrorism, warranting high physical security for him;
- (u) “**Imprisonment**” means as defined in the Indian Penal Code, 1860 (Central Act No. 45 of 1860);
- (v) “**Inspector General**” means the Inspector General of Prisons and includes Deputy Inspector General of Prisons;

- (w) “**Infirm Prisoner**” means a prisoner having physical disability, unable to manage his or her daily normal work independently without any assistance;
- (x) “**Legal officer**” means officer of the Rajasthan Legal (State and Subordinate) Service appointed by the State Government in the Prison or Jail Department;
- (y) “**Magistrate**” means any person exercising all or any of the powers of a Magistrate under the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974);
- (z) “**Medical Officer**” means in relation to prisons, a qualified medical practitioner declared by general or special orders of the Government to be a medical officer;
- (za) “**Military Prisoner**” means a prisoner convicted by court martial;
- (zb) “**Non-habitual Offender**” means all other prisoners who are not habitual offender;
- (zc) “**Offence**” means any act or omission made punishable by any law for the time being in force;
- (zd) “**Open Air Camps**” means the place which is declared to be an Open Air Camp for the detention of prisoners in pursuance of clause (1) of section 3 of the Prisons Act, 1894 (Central Act No. 9 of 1984) as adopted to the State of Rajasthan;
- (ze) “**Prison**” means any jail or place used permanently or temporarily under the general or special orders of the State Government for the detention of prisoners, includes all land and buildings, apartment thereto, but shall not include,-
- (i) any place for the confinement of prisoners who are exclusively in the custody of the police; and
- (ii) any place specially appointed by the State Government under section 417 of the Code of Criminal Procedure 1973 (Central Act No. 2 of 1974);
- (zf) “**Prisoner**” means any person confined in prison under the order of a competent authority;
- (zg) “**Probation Officer**” means an officer appointed as such by the Government to undertake probation work under the Probation of Offenders Act, 1958 (Central Act No. 20 of 1958) or any other law for the time being in force;
- (zh) “**Prohibited article**” means an article which cannot be introduced or removed into or out of a prison according to the Act or rules;
- (zi) “**recidivist**” means an offender who has committed another crime after the first offence;
- (zj) “**Register**” means register maintained in the format specified by the State Government, from time to time;
- (zk) “**Remission**” means reduction in sentence granted as a reward for good conduct and behavior in the prison as well as for labour special contributions and cooperation of the prisoner in administering the prison;
- (zl) “**Remission System**” means the rules in force for regulating the remission of sentence of prisoner;
- (zm) “**Superintendent**” means an officer who is appointed as such by the competent authority and includes Deputy Superintendent of Prisons;

- (zn) “**Transgender**” means transgender as defined under the Transgender Persons (Protection of Rights) Act, 2019 (Central Act No. 40 of 2019);
- (zo) “**Under-trial prisoner**” means a person who has been committed to prison custody with pending investigation or trial by a competent authority; and
- (zp) “**Young Offender**” means a person who has attained the age of eighteen years and has not attained the age of twenty one years.

(2) Words and expressions used in these rules but not defined in these shall have the same meaning as in the Prisons Act, 1894 (Central Act No. 9 of 1894).

CHAPTER II

INSTITUTIONAL FRAMEWORK

4. Criteria for establishment of prisons.- (1) The State Government shall as far as possible establish sufficient numbers of prisons and provide minimum needs essential to maintain standards of living in consonance with human dignity.

(2) Prison administration shall ensure that the prisoner’s human rights are respected.

(3) Prison administration shall ensure separation of the following categories of prisoners, namely:-

- (a) Civil Prisoners;
- (b) Under-trials;
- (c) Female Prisoners;
- (d) Convicted Prisoners;
- (e) Young Offenders;
- (f) First Offenders;
- (g) Habitual Offenders;
- (h) High Security Prisoners;
- (i) Detenue;
- (j) Geriatric and infirmed prisoners;
- (k) Transgender Prisoners;
- (l) Psychiatric Prisoners; and
- (m) Political Prisoners,

(4) There shall be a separate prison for high security prisoners.

(5) The prisons' regime shall take care to prepare prisoners to lead a law-abiding, self supporting, reformed and socially rehabilitated life.

5. Institutional Pattern.- (1) The Government shall adequately provide for the diversification of institutional resources to cater to the differential requirements of prisoners in terms of custody and correction.

(2) The factors to be considered shall include age, sex, legal status of the prisoner, nature of crime, length of sentence, security requirements, state of health and correctional needs.

(3) Such a course implies the setting up of separate institutional facilities for different categories of prisoners, such as,-

- (a) Prisons or annexes or yards for under-trial prisoners;
- (b) Maximum security prisons or annexes or yards for security risk prisoners and habitual or hardened offenders;
- (c) Open camp prisons;
- (d) Prisons or annexes or enclosures for women prisoners;
- (e) Prisons or annexes or yards for young offenders;
- (f) Prisons or annexes or yards for those suffering from infectious diseases;
- (g) Prisons or annexes or yards for drug addicts; and

(h) Prisons or annexes or yards for transgender.

6. Classification of Prisoners.- (1) The Government shall establish a mechanism for the classification of prisoners to be housed in various types of institutions as enumerated above and shall lay down the procedure to be followed.

(2) The authorized population for each type of institution and norms with regard to area or space for prisoners as well as the number of prisoners to be housed shall be specified which may include facilities for education, vocational training, work programmes and cultural activities, library and recreation, both indoor and outdoor.

(3) It may also give specifications for the staff to be appointed in each type of institutions.

(4) Apart from various types of prisons for specific categories of prisoners, Government may create temporary prisons to deal with emergent situations.

7. Prison Architecture.- (1) Prison architecture has to be based on the location of a new institution which will be decided on the basis of,-

(i) the functions which the institution has to perform;

(ii) emphasis on the training and treatment; and

(iii) the programme content of the institution.

(2) New institutions shall not be constructed near easily flooded and inundated areas, frontiers and international borders, sub- marginal land areas, sea faces, airports and congested urban localities.

(3) 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, telegraphs, telephones and internet) climatic conditions, facilities for the purchase of institutional supplies, have to be taken into consideration.

(4) Institutions like courts, civil hospitals, mental health centers, and educational facilities for children of prison personnel, should as far as possible within easy reach.

(5) The architecture of institutions will be governed by two principles; namely:-

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

(b) adequate resources which shall be necessary for the successful implementation of various correctional programmes, institutional design and architecture.

(6) The plan of an institution shall be based on a careful analysis of inmate population, age group, custodial requirement, diversified work and educational programmes.

(7) Closed prisons shall be classified namely,-

(i) Central Jail with authorized population of one thousand five hundred prisoners;

(ii) District Jail with authorized population of seven hundred fifty prisoners; and

(iii) Sub-Jail/ Temporary sub-jail with authorized population of five hundred prisoners.

(8) There shall be enough open space inside the perimeter wall to allow proper ventilation and sunlight and the area enclosed within the four walls of a prison shall not be less than 83.61 square meters per head of total capacity.

(9) Where land is scarce, the minimum area shall be 62.70 square meters per prisoner.

(10) No building inside a prison shall be nearer than fifty feet to the perimeter wall.

(11) The area of an institution shall be fixed in accordance with the needs of an institutional programme.

(12) The requirements of segregation of inmate groups within an institution in accordance with the prescribed principles of classification shall be provided for in every building plan

and the requirements of administration and supervision shall also be taken into account while planning buildings.

(13) Each region or division shall have an institution for women prisoners according to local requirements and each Central, District and Sub-Jail shall have an enclosure for women prisoners.

(14) The existing enclosures for women in common prisons shall be renovated to ensure that women prisoners do not come in view of male prisoners during their passage to and from these enclosures.

(15) Such enclosures shall have a double lock system with one lock outside and the other inside and the keys of the latter always remaining with a woman guard inside.

(16) The institutions or enclosures for women prisoners shall have all the requisite facilities with reference to their special needs such as segregation, protection, pregnancy, child-birth and family care, health care, training and rehabilitation and such other needs.

(17) Under-trials and detenues shall be lodged away from convicted prisoners.

(18) Accommodation for prisoners shall provide adequate cubic contents of air, floor space, lighting, ventilation and climatic protection and all constructions in prison organization shall adhere to ISI standards.

(19) A special cell with adequate technical staff shall be set up at the prison headquarters to plan, monitor and supervise all constructions and repair works in the department.

(20) Close Circuit Television Camera and other security gadgets shall be installed in work sheds, kitchens, hospitals, main gate, interview rooms, high security enclosures and in the premises of the barracks for the purpose of proper monitoring.

8. Norms of Prison Building.- (1) New Prison buildings after commencement of these rules shall have to be constructed with the following norms and old prison buildings shall as far as possible modified or renovate to fulfill the said norms, namely:-

- (a) the minimum dimension of the main gate and second gate of all the closed prisons shall be three meters in width and four meters in height;
- (b) dimension of main and rear gates shall be so wide that in case of fire exigencies a fire tender, a bore well rig to dig bore well a lorry to transport raw material or logs for factory and ration articles shall be able to pass through these gates;
- (c) the gate shall be made of a strong steel frame having vertical round or square steel bars of twenty five millimeters diameter or thickness;
- (d) each gate shall have a wicket gate of at least of 0.6 meters in width and 1.5 meters in height;
- (e) the main gate and the wicket gates shall have strong locking arrangements from inside and both gates shall have arrangements for easy opening and closing of shutters;
- (f) the gates shall be covered with iron sheet from outside up to the height of two and half meters;
- (g) the wicket gates shall have peepholes covered with lead at eye level;
- (h) the main gate may be painted with colours identical to that of departmental flag if prescribed by the Government;
- (i) space between two gates shall not be less than twelve meters in length and five meters in width to facilitate gate operations and it shall have the following facilities; namely : —
 - (i) a cabin;
 - (ii) search room, and
 - (iii) space for security equipments;

- (j) entry to the prison shall only be through the main gate and all other entry points, if existing, shall be closed permanently.
- (2) There shall be a properly designed administrative block for each category of prison and the said block shall be located adjacent to the main gate and shall have office rooms, record rooms, conference hall, common rooms, enquiry cabins and control rooms, interview rooms for male and female prisoners for efficient functioning of the administration.
- (3) So far as other units are concerned, the following norms are to be followed, namely:-
- a court room may also be constructed inside the Jail separately to dispose of cases of under-trials involved in petty offences;
 - the reception unit shall have necessary facilities for proper implementation of admission-quarantine and orientation classification programmes and physical facilities shall be set up in accordance with the number and type of inmates to be received and the programme to be followed for proper segregation of various types of inmates;
 - for the purpose of housing, all accommodation provided for use of prisoners, particularly for sleeping, shall meet basic requirements of healthy living and due regard shall be paid to climatic conditions, cubic contents of air, minimum floor space, lighting and ventilation.
- (4) There shall be four types of living accommodations as mentioned below, namely:-
- barracks with accommodation for not more than eighty prisoners;
 - single room accommodation for prisoners needing privacy for pursuing studies, if possible;
 - cells for segregation of prisoners for the purpose of security and contagious diseases;
 - provision for separate accommodation for transgender prisoners;
 - the norms of prison building shall be applicable for construction of new building/additional wards, as the case may be and if required, the existing prison building shall be modified subject to budgetary provision;
- (5) The minimum accommodation capacity of dormitories or barracks, cells and hospitals per prisoner shall ordinarily be according to the following scale, namely:-

Sleeping Barracks			Cells			Hospitals	
1			2			3	
Sq. mtrs of ground areas	Cu. mtrs of air space	Sq. mtrs of lateral ventilation	Sq. mtrs of Ground areas	Cu. Mtrs of air space	Sq. mtrs of lateral ventilation	Sq. Mtrs of ground area	Cu. Mtrs of air space
3.71	15.83	1.12	8.92	33.98	2.23	5.58	23.75

- (6) Over the door of every ward there shall be an inscription either in letters painted on the wall or on a tablet of wood or metal, showing the class of prisoners for which it is intended, the number of cubic and superficial feet it contains and the number of prisoners which it is capable of accommodating.
- (7) Temporary accommodation shall be provided for any prisoners in excess of this number and care shall be taken to see that the Lock-up Register shows the accommodation available in each ward, so as to enable the Superintendent to judge at a glance whether any particular ward is overcrowded or not.

(8) The height of the main or perimeter wall shall be eighteen feet with electric wire fencing and all corners shall be rounded.

(9) Partition walls around female wards shall be eleven feet high with concertina wire fencing and in other cases it must be eight feet.

(10) No building shall be nearer than fifty meter from the main wall and in the case of double-storied buildings, the distance from the main wall must be thirty meter.

(11) No inside building, latrine, shed, etc. shall be built against an outer wall and all such buildings must be fifty feet away from the wall.

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

(13) The barracks and cells shall be constructed on the following norms mentioned below, namely:-

- (a) if a barrack is flat-roofed, there shall be ceiling ventilation that is, opening at intervals close to the junction of wall and ceiling 30 x 12.5 meters and if the barrack is gable-roofed, there shall be a ridge ventilator having the minimum height of roofs or ceilings not less than ten feet from the floor;
- (b) the floor of the barrack shall be made of impermeable material such as cement concrete;
- (c) in prisons situated in cold regions or during cold seasons, appropriate flooring should be provided to ensure habitable conditions in the barracks;
- (d) all barracks shall, if possible, be provided with verandas not less than two meters in width;
- (e) though ventilation of the sleeping barracks is of the greatest importance, prisoners shall not be permitted to close the windows and ventilation openings with shutters or curtains at their discretion;
- (f) in new barracks, the ventilating area per head will be half a window and the standard grated window shall be 7 feet x 3 ½ feet, half a window will mean 1 square meter;
- (g) the ventilation shall, however, be controlled according to the season wherever necessary or otherwise the barracks shall be too cold and damp during winter and rainy season;
- (h) the structural arrangements of fittings and fixtures and locking devices of barracks shall be secure enough to prevent escapes and the existing wooden frames of the doors, windows and ventilators if any shall be replaced by iron or steel frames;
- (i) the iron bars used in doors, windows and ventilators shall be of twenty five millimeter diameter and the clear distance between two bars shall be of seven and half centimeter;
- (j) a barrack shall have only one door of 2.2' x 1 meter and shall have a single shutter;
- (k) the door of the barrack shall have clear opening of 1 meter and the iron frame be made of angle- iron of minimum of ten millimeter thickness and should open in outer side of barrack;
- (l) sufficient artificial light shall be provided to enable the prisoners to work and read without difficulty in their barracks after dusk;

- (m) each barrack shall be provided with a first-aid kit which will be in the custody of an authorized prisoner and the first-aid kits supplied to each barrack should not have any sharp-edged items, long gauze rolls or tapes or other such items;
- (n) a looking mirror may be fixed outside each barrack for use of prisoners and a wall clock may be fixed inside each barrack;
- (o) adequate fire safety systems must be installed in the barracks or cells;
- (p) the barrack shall be free from tobacco, smoke and excessive noise;
- (q) each barrack or cell shall be provided with a flush toilet;
- (r) there shall be thorough ventilation of every cell and at the back of the cell, there may be a clerestory window;
- (s) the floor of the cell shall be made of impermeable material;
- (t) each cell shall have a yard attached to it where a prisoner can have the benefit of sufficient air and light; and
- (u) each cell shall be provided with a flush latrine and the existing cells shall not be put into use till this facility is provided therein.

CHAPTER III

HEADQUARTERS ORGANISATION

9. Effectiveness of Prison Administration.- (1) The effectiveness of prison administration depends largely on the quality of literacy and supervision of various institutions and the programmes therein, which in turn, depends on the manpower deployed at various levels of hierarchy.

(2) It is imperative that the organizational structure be carefully planned and constantly reviewed to identify and review deficiencies in service delivery.

10. Control of Prisons.- Prisons shall be under the control of the Home Department of the State Government.

11. Wings at the Headquarters.- (1) There shall be two main wings at the headquarters level, namely:-

- (i) the Executive Wings, and
- (ii) the Correctional Wings.

(2) The Executive Wing shall be headed by an officer not below the rank of Inspector General or equivalent rank and such officer may be assisted by officers of different ranks from the Directorate of Prisons.

(3) The Correctional Wing shall be headed by the Inspector General and assisted by the Probation Officer.

12. Components of the Headquarters Staff.- The organizational setup of the Directorate of Prisons and Correctional Services shall be such as specified by State Government, from time to time.

13. Attachment to Prison Headquarter.- Any officer may be attached to Prisons Headquarters' office as and when required by the order of the Director General of Prisons.

14. Authority and Powers of the Inspector General of Prisons.- (1) The Government shall appoint the Inspector General of Prisons who shall, under the directions of Director General of Prisons, exercise general control and superintendence of all prisons situated in the State.

(2) The Inspector General of Prisons shall ensure the implementation of the provisions of the Act through other officers as appointed by the State Government for assisting him at the headquarters, at the prisons and at other institutions under his control and shall have such administrative authority as is laid down in these rules and as may be determined by the Government, from time to time.

15. Functions of the Inspector General of Prisons.- The Inspector General of Prisons shall perform the following functions under the direction and supervision of the Director General of Prisons, namely:-

- (a) to implement prison policies as laid down by the Government;
- (b) to plan, organize, direct, coordinate and control the various prison or correctional services;
- (c) to define the functions and fix lines of authority and channels of command of the prison personnel's;
- (d) to inspect prisons or institutions with special reference to care, welfare, training and treatment of inmates, staff discipline and staff welfare etc;
- (e) to inspect or to direct to inspect all prisons or institution at least once in a year; and
- (f) to verify whether reformation is being made in the prison for ultimate rehabilitation in the society after release.

16. Preparation of Budget.- (1) The budget for the various services of Prisons shall be prepared by the Directorate of Prisons and submitted to the Government for approval.

(2) Subject to the rules and orders of the State Government and the requirements of the Accountant General, Rajasthan the expenditure of the Directorate of Prisons shall be controlled by the Inspector General of Prisons.

17. Approval of Budget.- (1) The Director General of Prisons and Inspector General of Prisons may sanction any item of expenditure provided in the budget, but the approval of the State Government shall be obtained to all special and unusual charges for which distinct provision may not have been made or which are newly entered in the budget.

(2) Subject to the provisions of this rule, an adequate grant shall be placed at the disposal of Inspector General of Prisons to meet expenditure of a special nature.

18. Powers of the Head of Directorate of Prisons.- The Head of Directorate of Prisons shall have all financial, administrative and disciplinary powers.

19. Accounts of expenses.- All monthly and other bills for Jail expenses of every description shall be submitted to and audited by the Head of Directorate, with the exception of,-

- (a) charges for public works, which are regulated by the Public Works Department;
- (b) charges for stationery, registers and forms supplied by the State Government Department

20. Sanction for ordinary working expenses.- The Head of Directorate of Prisons has authority to sanction all ordinary expenses, either for manufactory or for general purposes, within the limits of the budget grants, but with the following limitations, which should not exceed without the authority of the State Government, namely:-

- (a) purchase of grains for diet of prisoners for three months and supplies for manufactures, up to a stock of twelve months requirements;
- (b) sanction of temporary appointments in case of necessity and subject to budget provision as well as wages for a month as prescribed by the Government, from time to time, for a period not exceeding one year in

- each case;
- (c) purchase of live-stock as per Rajasthan General Financial Rule;
 - (d) sanction of petty construction and repairs as per Rajasthan General Financial Rules ; and
 - (e) sanction of and allotment of funds for construction works, as laid down in Rajasthan Public Works Code.

21. Power to write off.- The Head of Directorate of Prisons is empowered to write off finally the irrecoverable value of stores or public money lost by fraud or for the negligence of individuals or for other reasons, subject to the conditions that,-

- (a) the loss in any specific case does not exceed one lakh or as per Rajasthan General Financial Rule as amended from time to time;
- (b) the loss does not disclose a defect of system the amendment of which requires the orders of Government, and
- (c) there has not been any serious negligence on the part of some individual officer or officers which might possibly called for disciplinary action.

22. Grant of reward to jail personnel's.- (1) The Head of Directorate of Prisons is also empowered subject to budget provision, to grant rewards up to an amount not exceeding five thousand rupees in each case to an officer of the jail for special work of an occasional character when the work is, in the opinion of the Head of Directorate of Prisons either so laborious or of such special merit as to justify a special reward.

(2) In addition, good service mark or commendation in the service book shall be awarded to the prison officers and below the rank of Jailor by the head of the Directorate of Prisons.

23. Financial Powers of the Superintendent.- (1) The Superintendent shall follow the instructions laid down in GF&AR, as amended from time to time, while exercising their financial powers for all purpose except for purchase of medicines.

(2) As regards purchases of medicines, the Superintendent of Central Jail or District jails, or Temporary sub-jails or Sub-jails are allowed to exercise their financial powers as per Government Circulars or orders issued, from time to time.

24. Power to transfer Prisoners.- (1) The Head of Directorate of Prisons shall have power for ordering the transfer of prisoners from any jail in Rajasthan to another jail within the state or to a jail in any other state.

(2) He shall have power to sanction the removal of prisoners from the permanent buildings of any jail into temporary quarters during epidemics.

25. Inspection of jails.- (1) The Head of Directorate of Prisons shall inspect or get inspected by officers subordinate to him every jail at least once a year and oftener, if necessary.

(2) During each inspection, inspecting officer shall see every prisoner in the jail and give every prisoner the opportunity of making any application or complaint he may wish to make and shall enquire into and decide such matters which relate to jail discipline and shall also satisfy himself that all accounts, registers and records are maintained according to the rules in force and that proper arrangements are made for the safe custody of all records.

26. Preparation of note on inspection.- (1) After the inspection of each jail, the inspecting officer shall prepare inspection note about the condition in which he found the jail, the manner in which it is administered and may make any suggestions or orders to the Superintendent as he may deem necessary.

(2) If the jail is in an unsatisfactory state, a copy of the note referred to sub-rule (1) with any explanation submitted by the Superintendent shall be submitted for the information and orders of the Government.

(3) In other cases, the Head of Directorate of Prisons shall submit to the Government a summary of the results of inspection reporting the general condition of the jail, the state of discipline, health, etc., and any special points to which he considers the attention of the Government should be drawn.

27. Submission of annual report.- (1) The Head of Directorate of Prisons shall submit to the Government annually, as soon after the commencement of the calendar year as possible, and not later than the 30th June of the year a detailed report of the jail administration for the previous calendar year along with the statistics of the prisoners together with any necessary comments thereon and his remarks on every point of jail management.

(2) In the annual report, the Head of Directorate of Prisons shall briefly state what inspections he made in the year and general result of such inspections.

(3) The Head of Directorate of Prisons shall be the medium of communication between the Government and every officer of the Department.

28. Range Organization.- For the purpose of general supervision over all jails including the Rajasthan Jail Training School, there shall be an organization called the Range Organization.

29. Sub-ordinate staff.- The subordinate staff shall be such as specified by the State Government.

30. Functions of Deputy Inspector General of Prisons.- (1) The Deputy Inspector General of Prisons shall exercise general supervision of all the Jails, of his range including the Rajasthan Jail Training School and he shall,-

- (i) sanction of arrear claims of the Non-Gazetted staff of his range;
- (ii) sanction contingent expenditure as per provisions of GF&AR, as amended from time to time;
- (iii) authorize local purchase of stationery articles within the specified limit;
- (iv) exercise such other powers as may be delegated by the Head of Directorate of Prisons to him, from time to time or as authorized by the Government in this behalf;
- (v) inspect all Central Jails, District Jails, Sub-Jails under his range at least once in a year or as directed by the Directorate of Prisons;
- (vi) furnish copies of the Inspection notes to the Directorate of Prisons and to the Superintendents of the Jails concerned for compliance and during such inspections, he shall see that every prisoner gets an opportunity of making an application or complaint and he shall enquire into or cause an inquiry into such complaint or application and shall determine all such matters related to jail discipline and security;
- (vii) satisfy himself that all Account Registers and Records are maintained according to the rules in force and shall look into the safe custody of all records;
- (viii) recommend proposal of suspension of officers in the rank of Jailors and below;
- (ix) ensure proper implementation of the welfare schemes;
- (x) depute the Deputy Jailor and other subordinate Jail Officers in any other Jail for ten days within his range;

- (xi) have the power to sanction Casual Leave of the Superintendent of the Jails under his range and the power to transfer convicted prisoners from one prison to another, within his jurisdiction; and
- (xii) have the power to permit research scholars and law and Post Graduate students to visit prisons for academic and research purposes on the recommendation of the Head of the Department of the Academic Institute on case to case basis ensuring security of the prisons.

31. Procedure for making orders by the District Magistrate.- The District Magistrate shall not address any communication or order to any officer of any jail other than the Superintendent and all orders issued by the District Magistrate shall be in writing.

32. Duties of the District Magistrate.- (1) In addition to the duties and responsibilities elsewhere prescribed in these rules, the general duties and responsibilities of District Magistrates shall be as follows:-

- (i) District Magistrates shall ensure compliance of all orders issued by Head of Directorate of Prisons in matters relating to safety and security, internal economy, discipline and management of prisons;
- (ii) District Magistrates shall visit prisons under their jurisdiction, as the case may be, at least once in three month and a record of each visit shall be entered in the Visitor's book to be maintained by the Superintendent for the purpose.

(2) When the District Magistrate is absent or on tour from head- quarters, the officer in charge of the station for the time being shall perform the duties of the District Magistrate with regard to the prison, subject to any instructions given by the Magistrate and such officer shall append to his signature in the Visitors order book the words "in charge of the station during the absence of the District Magistrate."

CHAPTER IV CLASSIFICATION OF JAILS, SANCTIONED ESTABLISHMENT AND INSTITUTIONAL PERSONNEL (Powers and functions of Superintendent)

33. Establishment and Classification of Prisons.- The Prisons established under sub-section (1) of section 3 of Act shall be classified as under:-

- (a) Central Jail,
- (b) District Jails,
- (c) Temporary Jail
- (d) High Security Jail
- (e) Open Air Camp,
- (f) Sub-Jails, and
- (g) Women Jail.

34. Custodial or Guarding Staff.- (1) The strength of custodial or guarding staff shall be determined keeping in view the requirements of security, discipline, programme emphasis, duty posts, workload and distribution of functions.

(2) There has to be one guarding staff for every six prisoners.

35. Composition of Institutional Personnel.- Institutional personnel comprise of,-

- (a) Executive;
- (b) Guarding;
- (c) Medical;

- (d) Welfare;
- (e) Educational;
- (f) Technical;
- (g) Agricultural; and
- (h) Ministerial;

and strength of such personnel shall be such as may be sanctioned by the State Government, from time to time.

36. Duties and function of institutional personnel.- The statutory duties and responsibilities of institutional personnel shall be as per the provisions of the laws and rules governing prisons.

37. The Duties and Responsibility of Superintendent.- (1) The Superintendent shall have the responsibility to ascertain that the compliance of human rights that the prisoners are entitled to are not impinged upon or restricted beyond the limit inherent in the process of incarceration itself and to ensure that prison programmes are geared towards the overall objective of imprisonment in terms of reform and rehabilitation of prisoners.

(2) The Superintendent shall subject to any order of the Government or the Head of Directorate of Prisons, be in charge of the executive management of the prison in all matters relating to economy, discipline, labour, expenditure, punishment and control in general, among other things and shall also be responsible for developing an atmosphere that is conducive and correctional in nature and providing leadership in every aspect of prison management.

(3) The Superintendent shall also take care of the duties, suggestions, planning, organizing, directing, guiding, coordinating, supervising and controlling all prison activities.

(4) The Superintendent shall be the head of the prison and all officers shall be subordinate to him.

38. Appointment of Superintendent of Jails.- The Superintendent of Central Jails, District Jails shall be appointed by the State Government.

39. Powers and functions of the Superintendent of Jails.- (1) The Superintendent of Jails shall, in addition to the general supervision over security and custody arrangements, look into the following matters, namely:-

- (a) custody of secret and confidential documents;
- (b) supervision over care and welfare of inmates;
- (c) supervision over office administration;
- (d) control over financial matters;
- (e) implementation of State policy pertaining to correctional administration;
- (f) implementation of the work relating to planning, organizing, directing, guiding, coordinating, supervising and controlling all institutional programmes and operations;
- (g) supervision of Inmate discipline and morale;
- (h) classification of prisoners, their training and treatment programmes and correctional activities;
- (i) inspection and supervision of work, employment and production programmes;
- (j) inspection of the prison activities, prison hospital, kitchen, canteen, etc.;

- (k) personnel matters, staff welfare and staff discipline, allocation of duties to personnel under his control, safety of the prison personnel, protection of human dignity, rights and providing decent work conditions, acquainting institutional personnel with current policies of correctional administration and the role they have to play in a welfare state;
- (l) organizing personnel training programmes at the institutional level;
- (m) reports to the Head of Directorate of Prisons and liaison with other government agencies for the purpose of reformation of prisoners and institutional management;
- (n) development of an institutional atmosphere conducive to the correctional role and providing leadership in every aspect of institutional management;
- (o) daily inspection round and weekly night inspection round;
- (p) control of stock and stores, maintenance;
- (q) verification of admission and release of prisoners; and
- (r) maintenance of Order Book in the specified Form, in which all orders or minutes made by him, other than orders on reports of the jailor, shall be entered on the left hand page and on the right hand page the jailor or other officer to whom such orders have been given shall report how they have been carried out.

(2) The Superintendent of every jail shall,-

- (i) hold an enquiry touching every offence committed by a prisoner and punish such offender;
- (ii) record with his own hand all orders for punishment and shall see that the punishment is carried into effect. Provided that the Medical Officer shall have previously certified that the prisoner to be punished is fit to undergo it;
- (iii) in respect of every punishment inflicted including formal warning, entries shall be made in the Punishment Register in the specified format, furnishing all particulars required by sub-section (1) of section 51 of the Act;
- (iv) in the case of serious offence, record the names of the witness witnessing the offence;
- (v) accompany the Head of Directorate of Prisons, Board of Visitors and senior officers of jail department during their inspection of the jail and also, the Magistrate of the District (or any officer acting on his behalf) and any official visitor;
- (vi) visit the jail daily, soon after the sunrise, when his first duty shall be to release time-expired prisoners with due observance of the rules regarding the return of their private property and if he is unable from sickness or any other cause to visit the jail on any week day, he shall record the fact of his absence and its cause in his order book;
- (vii) once in a week he shall hold a parade of all the prisoners and shall see every prisoner confined in cells daily;
- (viii) keep, or cause to be kept, the following records, namely-
 - (a) a register, which may be in electronic form, of prisoners admitted;
 - (b) a book showing when each prisoner is to be released;
 - (c) a punishment book for the entry of the punishments inflicted on prisoners for prison offences;

- (d) a visitors' book for the entry of any observations made by the visitors touching any matters connected with the administration of the prison; and
- (e) a record of the money and other articles taken from prisoners; and such other records as may be prescribed by rules from time to time;
- (ix) transact jail business in the Jail premises and shall not, except in cases of necessity require the attendance of the Jailor or Deputy Jailor, at any place beyond the Jail precincts;
- (x) prescribe in writing in his order-book the division of work allotted to each of his subordinates, especially to those employed in the jail office, so that the responsibility for errors in the jail records or any other dereliction of duty, may be fixed with precision and without dispute, but no such order shall relieve a Jailor of the responsibility of ensuring that the work in the jail office, whether done by himself or by his assistant, is properly and punctually conducted;
- (xi) report to the Head of Directorate of Prisons, all serious breaches of jail discipline, escapes, re-captures, suicides, death or serious injury to prisoners from accidental causes, any outbreak of epidemic disease or unusual sickness as they occur and the measures taken to prevent the spread of the disease;
- (xii) keep a constant and careful watch over the jail receipts and expenditure and shall promote all possible economy in every department and carefully examine all demands and indents before sanctioning, or submitting them for sanction;
- (xiii) frequently satisfy himself that the registers and books are written up, that cash balances correspond with those entered in the book's, that daily entries are made in the day-books, and the outstanding dues are not allowed to remain unrealized;
- (xiv) entered in the account books all purchases made from the jail by the Superintendent himself or by any subordinate, it shall be the duty of the Superintendent personally to see that the charge is at once entered in the account books and that the debt is punctually discharged;
- (xv) be responsible for any defalcations on the part of the jail establishment, if it be shown that such defalcation were rendered possible by neglect on his part of this or any other rule laid down for his guidance;
- (xvi) satisfy himself by frequent inspection of the accounts and of the prisoners food before and after coming and by weightments of the food after distribution, that the prisoners obtain their full rations properly cooked;
- (xvii) submit punctually to the Head of Directorate of Prisons all such annual and other returns, as may be decided from time to time by the Government;
- (xviii) in every six months as soon as possible after the 15th June and the 15th December of each year, examine all store, machinery, plant, tools, raw

- materials, manufactured articles, live and dead stock pertaining to the jail and satisfy himself that he has on the premises stock and plant equivalent to the balance shown in the accounts on those dates and at the close of the year this examination shall include counting measurement or weightments of all stock and submit certificates in this regard to the Inspector General of Prison upto 1st day of July and 31st day of December;
- (xix) before ordering fresh stock of any kind, scrutinize the existing stock as well as consider the future needs in order to prevent overstocking and his half-yearly examination shall accordingly include also a definite enquiry whether there is a surplus stock under any head, and if so, and it is not likely to be worked off before deteriorating, it shall be disposed of without undue delay;
- (xx) see whether there are any unserviceable articles and arrange for their disposal or write-off; and
- (xxi) frequently inspect all stock and other property of Government in the jail and make surprise verifications of those liable to shortage or excess at irregular intervals and report the result to the Head of Directorate of Prisons.

40. Duties of the Relieving Officer.- On transfer of Superintendents, the relieving officer shall, before taking over charge, satisfy himself that the cash balances, permanent advance, and accounts are correct, also, as far as possible, that all stock (both general and manufactory), machinery, plant and tools shown by the accounts to be in stock, are forthcoming, and that the registers have been written up to date, and sanction has been obtained for all the establishment employed, and shall report to the Head of Directorate of Prisons that he has done so and the responsibility of the relieved officer shall not cease till the above work is done.

CHAPTER V

JAILOR AND OTHER SUBORDINATE STAFF

(Duties and function)

41. Reference to Jailor includes reference to Deputy Jailor.- Every provision in these rules referring to a Jailor shall apply to any Deputy Jailor, or other person performing the duties of a Jailor and the Head of Directorate of Prisons is empowered to appoint, dismiss or suspend Jailors.

42. Functions of Jailor.- (1) In the absence of the Superintendent of Prisons, the Jailor shall perform all the functions attached to the post of the Superintendent.

(2) The Deputy Superintendent shall be the chief executive Officer of the jail and shall control the whole Subordinate Jail establishment under the orders of the Superintendent and shall assist the Superintendent on all occasions and see that his instructions are carried into effect.

(3) The Jailor shall be responsible for carrying out all rules relating to the management of jail and prisoners.

(4) All officers subordinate to the Jailor shall be under his immediate control and shall implicitly obey his orders.

(5) The Jailor is authorized to grant leave of absence from the jail to any subordinate officer without the sanction of the Superintendent, but the leave shall not extend beyond six hours and

during the subordinate officer's absence, the Jailor shall be held personally responsible for the due performance of the absentee's duties.

(6) The Jailor shall reside in the prison campus, unless the Superintendent permits him in writing to reside elsewhere.

(7) The Jailor must always be present in the jail or jail premises except when he has to attend a court or on permission from the Superintendent.

(8) The Jailor shall, before leaving the jail precincts for any purpose whatsoever, make over charge of the jail to the next senior officer in rank present, and shall record the fact that he has done so in his report book and the officer receiving charge shall, thereupon, countersign such entry.

(9) The Jailor shall, if required, accompany the Magistrate, Medical Officer, inspecting officers and official and non-official visitors on their visits to the jail and shall always accompany the Superintendent on his visits to the jail.

43. Report Book.- The Jailor shall keep a report book in the specified format, in which he shall record daily on the left-hand page, the state of the jail and all occurrences of importance and make reports and representations with the following information's, namely :—

- (a) the hour at which the wards were opened;
- (b) the members of the jail staff present;
- (c) the hour when prisoners began work;
- (d) the number of prisoners who used the night latrine (in small jails, the number and names of these prisoners);
- (e) the jails in which a Cell Register is not kept, the names of prisoners who slept in cells last night;
- (f) the names of officers who went round the jail last night with the hours of their arrival and departure and their report in brief;
- (g) the hour at which prisoners stopped work at midday and at which work was recommenced;
- (h) the hour at which work was stopped for the day, and at which the prisoners were locked up;
- (i) how instructions relating to conservancy general sanitation and personal hygiene of prisoners were carried out by him during the preceding 24 hours;
- (j) hours at which the extramural gangs were visited and the name of the officer visiting;
- (k) bring it to the notice of the Superintendent that his assessment in general on the discipline among the staff and prisoners;
- (l) record any inadequacy on the security arrangements and suggest guidelines to set right things, wherever necessary; and
- (m) bring it to the notice of the Superintendent any other matter of importance
Supervise general supervision of the Remission Branch in the Prison Office and frequent and periodical check over all the registers and other records of the Remission Section.

44. Report of Jailor about the occurrences.- (1) The Jailor shall record all cases in which he may have found it necessary to use restraint to any prisoner, any violent outbreak

or serious offence, accident, death, outbreak of epidemic disease or any occurrence out of the ordinary routine.

(2) In default of performing such daily visits or duties as are required by these rules, the Jailor shall state how far he has omitted them and the reason.

(3) The Jailor shall report any neglect or offence committed by or the absence from duty of any subordinate officer or application for leave requiring the Superintendent's order, also enter requests for sanction for unusual expenditure or for the employment of prisoners in any special manner, or any matters upon which he may require orders.

(4) The report book shall be laid daily (or oftener if necessary) before the Superintendent, who shall endorse his orders upon each entry or if no order or comment is required, append his initials on the right-hand page.

(5) On Monday mornings, the Jailor shall certify in his report book that he has carefully examined the entries made in the several registers since the preceding Monday and that they have been found correct and up to date.

45. Visit of Jail. - (1) The Jailor's chief duties are to secure the safe custody of prisoners, to enforce discipline among prisoners and his subordinates, to ensure that prisoners sentenced to rigorous imprisonment do the work assigned to them and to maintain a standard of health among them so far as this can be secured by strict compliance with the rules and orders made with this object.

(2) The sedulous attention to all matters which can improve the health of the prisoners will be considered one of the highest qualifications for the post of Jailor.

(3) The Jailor shall visit every part of the jail daily, including cells and hospital, and see every prisoners at least once in every twenty four hours.

46. Delegation of Power. - (1) It shall be the duty of the Jailor to be present when the prisoners are locked up at night and taken out of the wards in the morning, and this duty shall not be delegated except by permission of the Superintendent, unless the Jailor is sick and unfit for duty.

(2) When it is so delegated, a note must be made in the Jailor's report book.

(3) In large jails, a part of the unlocking and locking up must be performed by the Deputy Jailors or Head Warders or Warders, who shall be responsible for the proper performance of their portion of the work, but the Jailor must ascertain from these officers that everything is correct and that every prisoner is present.

(4) The Jailor shall also see that all keys are counted and properly disposed of every night as required by rules.

47. Duty of Jailor on admission of prisoner. - (1) It shall be the duty of the Jailor on the admission of a prisoner, to satisfy himself that the warrants are in order, to take from the prisoner all money, jewellery and other articles found upon him and all clothing not required in jail and to see that the same are properly entered on the prisoner's warrant.

(2) When the property consists of money, the amount shall be entered in the Cash Book and Private Cash Register and the Jailor shall be responsible for the safe custody of prisoner's property.

(3) The Jailor shall present the prisoners as soon as possible before the Superintendent and the Medical Officer.

48. Maintenance of Release Diary. - (1) The Jailor shall be responsible for the custody of all warrants and the strict enforcement of their terms and shall see that the name of every prisoner on his arrival, entered in the Release Diary maintaining the date on which the prisoner is to be released and in case of the prisoner's obtaining a remission of sentence or receiving any additional sentence while in jail, the entry in the Release Diary shall be transferred to the correct date and no prisoner shall, on any account, be, either

released before his time or kept in jail beyond termination of his sentence or beyond the date on which under the remission system he is entitled to be released.

(2) If a prisoner is sentenced to solitary confinement, he shall see that an entry is made in the register of prisoners so sentenced, and that the prisoner is placed in a cell at proper intervals for the prescribed periods.

(3) The release of the convict prisoners in time is the sole responsibility of the Jailor and Superintendent.

49. Entry in the History Ticket.- (1) The Jailor shall assign to each prisoner his work, subject to the control of the Superintendent and shall see that the task is properly entered on the history ticket and that all changes of labour are so entered.

(2) In the distribution of labour, he shall invariably consult the result of the fortnightly weightments, and see that no prisoner who is losing weight is placed on any labour which is likely to injure his health.

(3) This duty cannot be delegated to any subordinate without the permission of the Superintendent.

50. Breach of jail rule.- The Jailor shall note every breach of jail rules in the prisoner's history ticket, and shall bring the offender before the Superintendent, but is strictly prohibited from punishing any prisoner.

51. Prevention of possessing prohibited articles.- With the view of preventing the possession of prohibited articles in the jail, the Jailor shall occasionally, at uncertain times, but at least once a week, cause every prisoner and all clothing, bedding, wards, workshops and cells to be thoroughly searched.

52. Permission to outsiders.- The Jailor shall be strictly guided by the rules contained in Chapter XXII regarding prisoner's interviews and communications with their friends or outsiders and shall not permit any stranger or person not authorized to visit the jail without the written order of the Superintendent.

53. Distribution of Cooked food.- The Jailor shall be held responsible for the proper weightments and issue to the cooks of prisoners rations, and for seeing that they are properly cooked and distributed so that every prisoner receives his proper quantity, but subject to such responsibility he may with the permission of the Superintendent, delegate these duties to an Deputy Jailor or any other officer.

54. Medical attention to the Prisoners.- The Jailor shall arrange that every Prisoner, who is desirous of seeing the medical subordinate or who is ill or whose state of mind or of body appears to require medical attention, is shown to the Medical Officer without delay and he shall record the circumstances on every such Prisoners' history ticket.

55. Entry of directions in the History Ticket.- (1) All directions entered by the Medical Officer or Pharmacist on a prisoner's history ticket relating to the treatment of such prisoner shall be complied by the jailor, unless they are contrary to any order in these rules or unless the jailor has not the means or power to carry them out.

(2) In every case, the Jailor shall record on the prisoner's History Ticket in respect of every direction, what action he has taken or why he has not taken action and, in any case when he considers it improper to comply with any direction or is unable to do so, he shall show the history ticket to the Superintendent and obtain his orders thereon.

(3) The Jailor shall carry out forthwith emergent written orders of the Medical Officer regarding the sick in hospital.

56. Intimation about death of the Prisoner.- (1) When any prisoner dies, the Superintendent shall send immediate intimation to the concerned Police Station as well as to the Collector and District Magistrate and Superintendent of Police/Deputy Commissioner of Police and also to the family member or nearest relation of the Prisoner.

(2) Report on death shall be sent to the National Human Rights Commission and Rajasthan Human Rights Commission and Prisons Directorate as well as to the local municipal authority within twenty four hours which shall also be sent to the concerned Magistrate.

57. Weekly Parade.- Every Monday, the Superintendent shall hold a parade of all prisoners confined in the jail and shall, with the Medical Officer,-

- (a) carefully inspect every prisoner;
- (b) examine the clothing and bedding of every prisoner;
- (c) check the muster-roll and satisfy himself that every prisoner is present or accounted for, and satisfy himself generally that everything is in proper order; and
- (d) enter a report of his inspection in his journal, noting therein the state of the clothing, cleanliness, numerical strength and other matters of importance relating to the prisoners.

58. Checking of Warder guards.- (1) The Jailor shall be held responsible that the warder guard is properly drilled, generally efficient and clean and neat in appearance and it shall be Jailor's duty to see that, the reserve guard is at all times present at the jail in full force and properly armed.

(2) The Jailor shall see that all the warders invariably sleep in the quarters allotted to them and he shall occasionally, at least once a fortnight, visit the warders' quarters at night and ascertain that none of the warders have left the jail premises without permission.

59. Custody of important documents and records.- (1) The Jailor shall be responsible for the safe custody of all important documents and for the registers and records prescribed by these rules and shall exercise general supervision over the work of the office.

(2) The delegation of preparation of returns, entries in registers or any other duty of Jailor to any authorized subordinate shall in no way relieve the former of the responsibility of ensuring that these are correctly and punctually performed, but his main duties are the direct control of the prisoners and the management of the jail.

(3) The Jailor or cashier may be required to keep the cash-books and such other registers as the Superintendent may direct, with his own hand and the Jailor shall be responsible that the cash balances correspond with those shown in the cash-books, initial the latter if correct and present them daily to the Superintendent for inspection.

60. Financial Transaction by the Jailor.- The Jailor is prohibited from making advances from private funds for jail purposes and in all financial transactions he shall strictly follow the procedure specified in rules and in the GF&AR.

61. Custody of Stores.- (1) The Jailor shall be responsible for all stores, machinery etc., in his charge and shall render an account on his removal or transfer, of all manufactured goods, raw materials, tools, plant, money, etc., for which he may have been made responsible.

(2) The Jailor shall see that all store rooms are kept clean and neatly arranged and protected as far as possible from vermin, birds, insects and damp.

(3) The responsibility of the Jailor for stores, etc., may be delegated to the Deputy Jailor by written order of the Superintendent which shall not however, relieve the Jailor from his general responsibility for the safe custody and correctness of stores in the jail.

62. Inventory of property and stores.- (1) When a Jailor is discharged or suspended or resigns or takes leave (other than casual leave) or is transferred, he shall be required, on making over charge to his successor, to give an inventory in the specified

Form of all property, stores and any other articles in his hands which shall be kept in the jail records, a copy being given to his successor.

(2) Whenever the responsibility of the Jailor for stores are delegated to the Deputy Jailor under above rules, the relieving Jailor shall simply inspect the stores and check some of the items and get a certificate from the officer-in-charge that the stores are correct.

(3) Unless the relieving jailor has reasons to doubt the correctness of the stock, a detailed check of the stores is not necessary as the officer-in-charge is responsible for the correctness of the same.

(4) The relieving Jailor shall, however, take over personally such articles as were in the charge of the relieved Jailor and shall give vouchers for all sales to the relieving officer.

(5) In case of the Jailor's death, the inventory shall be made by or under the directions of the Superintendent or Head of Directorate of Prisons.

63. Assumption of charge by the Superintendent.- (1) When a Superintendent newly assumes charge of a jail, it shall be the duty of the Jailor to bring to his notice all special rules and orders relating to that jail and in the event of any grave irregularity in bringing to the notice of the Superintendent including the rules or orders, the Jailor shall be liable for disciplinary action unless he can show that he brought the rules or orders to the notice of the Superintendent.

(2) The Jailor shall place the bio-data register of all staff who are working in the jail before the Superintendent for his information in Form as specified.

64. Additional responsibilities of Jailor.- The Jailor shall also have the following responsibilities, namely:-

- (a) to segregate prisoners having escape or discipline risks and prisoners of known bad characters and report to the Superintendent;
- (b) to 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;
- (c) to ensure to place the sentry in blocks in which notorious prisoners are confined;
- (d) to bring it to the notice of the Superintendent, wherever the guarding arrangements are not satisfactory through his report book;
- (e) to visit to the prison hospital daily;
- (f) to bring it to the notice of the Superintendent any defalcation on the part of the Prison Staff, if it be shown that such defalcation were rendered possible by negligence on the part of the staff;
- (g) to supervise daily along with other executive staff the lock up of high security prisoners like condemned prisoner, naxalite, terrorist prisoners, etc.;
- (h) to check the ration, at least twice in a week issued to the kitchen and satisfy him that correct quantity is issued; and
- (i) to supervise the work of his subordinate officers viz., the Deputy Jailor and 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.

65. Duties of Deputy Jailor.- (1) The Deputy Jailor shall be the immediate assistant of the Jailor whose duty shall be to take the place of Jailor whenever he is absent and to undertake whatever portions of the Jailor's duties are assigned to him by Superintendent.

(2) It shall be clearly understood that a fair share of the duties imposed by these rules on the Jailor, shall be assigned to the Deputy Jailor, who shall perform the duties allotted to him under the general supervision of the Jailor.

(3) The duties of Deputy Jailor shall be clearly prescribed by the Superintendent in his Order book and shall, from time to time, be changed so that he may undergo a thorough training for the appointment of Jailor in all types of jail.

(4) Whenever an Deputy Jailor officiates for the Jailor during the temporary absence of the latter, he shall possess all the powers and responsibilities of Jailor.

(5) In addition to the duties specified in these rules, the Superintendent may, by an order to be recorded in the Order book, allot to the Deputy Jailor any specified portions of the Jailor's duties.

(6) The Deputy Jailor shall share the Jailor's responsibility for carrying out the provision of these rules and for the maintenance of discipline.

(7) Except while on duty, the Deputy Jailor shall not be absent from his quarters without the permission of the jailor.

66. Responsibility of Deputy Jailor.- (1) The following shall be the responsibilities of the Deputy Jailor, namely:-

- (a) they shall be subordinate to the Jailor and assist him wherever necessary;
- (b) they shall be generally responsible for observance of all provisions in these rules;
- (c) they shall have supervision over security, custody and discipline, supervision over care and welfare of prisoners;
- (d) they shall have supervision over personnel matters, staff discipline and staff welfare assisting the Superintendent in all matters pertaining to institutional management which shall include,-
 - (i) inspection of kitchen, canteen and visit hospital daily,
 - (ii) admission and release work of prisoners, and
 - (iii) classification of prisoners and their training;
- (e) they shall see that prisoners are clean in their persons and clothes and that they have the authorized amount of clothing and bedding and no more;
- (f) they shall have power at uncertain times but at least once a week, to cause every prisoner and all clothing, bedding workshops, wards and cells to be thoroughly searched;
- (g) they shall be responsible for the execution of all orders regarding the labour of prisoners and shall assign to each prisoner his work on the recommendation of the classifying committee constituted in each prison for the purpose;
- (h) they shall supervise the cultivation of the garden and be responsible for the adequacy of the supply of vegetables;
- (i) they shall supervise the prison farm and all other outside operations;
- (j) they shall jointly with the Medical subordinate be responsible for the proper preparation and distribution of food to prisoners;

- (k) they shall supervise the working of the guards at least twice a week or more, at uncertain time and shall visit the prison after 10.00 P.M. and satisfy themselves that the standing guard is present, the sentries posted are on the alert, and that the rounds are properly maintained;
 - (l) in jails where adequate executive personnel are available, one of such officer shall perform night duty throughout the night and shall be called as night duty officer;
 - (m) they shall be responsible for the custody of all warrants and for the strict enforcement of their terms and that no prisoner on any account be released before his due time or kept in prison beyond the termination of his sentence.
- (2) The Deputy Jailor shall carry out the following instructions, namely:-
- (a) to assist the Jailor in studying the psychological and mental makeup of prisoners and take steps to reform them;
 - (b) to be in charge of the ration or manufactory stores;
 - (c) to be directly responsible for the storing and custody of ration and other articles purchased and their issue from the stores;
 - (d) to place indents and get supplies of all articles of diet and articles required for the prisoners;
 - (e) to attend to the day to day maintenance of stock registers and other connected records and to the proper maintenance of stock;
 - (f) to check the correctness of the kitchen slips, hospital indents and other indents placed on him for issue of ration and miscellaneous articles;
 - (g) to weigh and issue ration and other articles for consumption;
 - (h) to supervise the cleaning of grains, vegetables and other dietary articles and their grinding, if any;
 - (i) to ensure that all ration articles taken to the kitchen are actually utilized for the purpose they are meant;
 - (j) to assist the Jailor in searching the condemned prisoners and examining the cells where condemned prisoners are locked up;
 - (k) to assist the Jailor in supervision over searches, counting opening, and closing of prisons and to assist the Jailor in all matters pertaining to institutional management;
 - (l) to attend to any other duty that may be assigned to him by the Superintendent;
 - (m) admission and search of prisoners on their admission;
 - (n) to keep in custody of prisoner's property except cash;
 - (o) to see that the removal of private clothing from prisoners is properly done on their admission and the issue of prison clothing and bedding is made and the placing of prisoners is made in quarantine soon after their admission;
 - (p) to see proper custody of prisoner's private clothing in prison clothing stores and the issue of fresh clothing to the prisoners;

- (q) to maintain the clothing and bedding registers as specified;
- (r) conduct prisoners' interview;
- (s) to supervise over the proper maintenance of dairy and poultry units in prisons and to maintain the stock and the stock register;
- (t) the charge of the quarantine and of the civil and leper annexes where such annexes exist; and
- (u) to see that proper censoring of letters addressed to and sent by the prisoners is made and the disposal of such letters is made under the order of the Superintendent.

67. Guarding Personnel.- (1) The guarding personnel shall consist of Head Warders, Warders including Female Warders.

(2) There shall be at least one guarding staff for every six prisoners and this ratio shall be followed in all three shifts. The staff engaged in the industries and other welfare activities shall be excluded while calculating the above ratio.

(3) Specific duties of each member of the guarding staff on various sections or points shall be assigned by the Superintendent on a rotation basis in keeping with the status of such staff within the cadre in the following areas, namely:-

- (a) security, custody and discipline;
- (b) searches and counting of prisoners;
- (c) opening and locking-up of the prison;
- (d) reporting defects and short comings in prison buildings, walls, locks, and lighting arrangements for taking immediate action for rectifying these and taking care of the custody of locks and keys, handcuffs and other security equipment;
- (e) care and welfare of prisoners;
- (f) 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;
- (g) sanitation and hygiene in areas under his charge;
- (h) guarding and sentry duties;
- (i) escorting prisoners for work, supervision of their work, care and custody of tools, property, equipment, dead stock and livestock;
- (j) supervision of distribution of food, canteen articles and inmate equipment;
- (k) helping the technical personnel in work sheds, management and discipline, helping agricultural personnel in all related matters;
- (l) keeping discipline in the areas where educational, cultural and recreational activities are conducted;
- (m) reporting violations of discipline to appropriate officers for taking immediate action as per rules;
- (n) observing habits and behavior patterns of inmates and reporting the same to the authorities concerned, helping inmates to improve their habits and attitudes;
- (o) taking preventive and control measures for all emergency situations;
- (p) ensuring discipline in staff quarters;

- (q) taking steps for physical training, drill parades and emergency practice;
- (r) conducting interview of prisoners through video conferencing; and
- (s) escorting the sick prisoners to outside hospital during emergency and to guard till deployment of Police escort.

68. Maintenance of Order Book.- All orders of major importance affecting the Warder Guard, transfer, leave, promotion and degradation, shall be entered by the concerned Deputy Inspector General in the Order Book in forms as specified.

69. Despatch of Service book on transfer.- The Superintendent shall cause all necessary entries to be made in the Warder's service register including leave accounts and service record and shall cause the service books to be forwarded together with, complete in all particulars to the jail to which the officer has been transferred within seven days of his departure.

70. Accommodation of Warders.- All Head Warders and Warders shall be provided with separate quarters for themselves and families and single and un-married Warders shall be provided accommodation in barrack in the jail premises.

71. Notice before leaving jail service.- Every subordinate officer, who desires to leave the jail service, shall be bound to give notice in writing at least three months prior to leaving.

72. Acknowledgement during appointment.- (1) Candidates before appointment to the jail service, shall read the provision of section 54 of the Act and shall acknowledge by signature that he has read and understood the said provision.

(2) The acknowledgement shall be attached to each officer's service book and they must also understand that they may be employed wherever it seems fit to the Inspector General to employ them.

(3) No candidate shall be appointed until he has signed the declaration contained in the specified Form.

73. Communication to the successor.- Every subordinate officer shall make himself acquainted with the rules and orders regulating his duties and every officer on being relieved, shall point out to his successor all matters of special importance connected with the duties of his post and explain any direction of the Superintendent, Medical Officer, or other superior officer affecting any particular prisoner or matter.

74. Note Book.- Every Jailor and Deputy Jailor shall carry with them a note book in which they shall enter at the time any verbal order given to them by the Superintendent.

75. Prohibition from any other employment.- Neither the Jailor nor any officer subordinate to him shall engage himself in any employment or business other than his jail duty.

76. Restriction on taking loan.- (1) No officer shall take a loan or money from or lay himself open to any pecuniary obligation from any officer subordinate to him.

(2) Any officer, who is appointed or transferred to a post in which he will be in a position to exercise official influence or authority over any person to whom he is under any pecuniary obligation, shall be bound to declare, without delay, the circumstance to the officer to whom he is immediately subordinate for report to the Government failing which he shall be subject to the same penalty as if the obligation were incurred after his appointment or transfer.

77. Reference of disputes.- (1) All wrangling or disputes between officers or employees of the jail are strictly forbidden and any disagreement between subordinate officers as to any matter connected with their duties shall be referred to the Jailor, or if necessary, to the Superintendent.

(2) All complaints must be made to the Superintendent or Jailor within twenty four hours of the occurrence and officers making frivolous or false complaints shall be liable to punishment.

78. Prohibition on combinations.- No combinations among officers and employees are allowed and proceedings tending to such shall be punished.

79. Provisions of quarters.- Every subordinate officer for whom quarters are provided by Government shall live in those quarters and those for whom no quarters are provided shall live within such a distance of the jail as may be fixed by the Superintendent.

80. Provision for House Rent.- (1) Every jail officer is entitled to rent free quarters or to house rent in lieu thereof if no quarters are provided and he occupies rented quarters in the vicinity of the jail with the approval of the Superintendent.

(2) Quarters in the jail premises shall ordinarily be provided for the Superintendent or Jailor or Deputy Jailor or Prison Welfare Officer or Clerk-cum-Typist or Teacher or Pharmacist or Stenographer or all technical staff or Accountant or Factory Overseer or fourth grade employees and guarding staff.

81. Restriction on private visitors.- (1) No subordinate officer shall be permitted to receive any private visitor into the interior of the Jail.

(2) No female shall, in any circumstances, be allowed to enter the Warder's barracks or guard-room.

(3) All outsiders of loose or evil character shall be excluded from the jail precincts.

82. Restriction on leaving jail premises.- (1) Subordinate officers and employees shall not lounge about the jail.

(2) They shall confine themselves to their respective posts, except when ordered by a superior officer to go elsewhere or when going upon duty.

83. Permission before leaving jail premises.- (1) No subordinate officer shall absent himself from the jail premises either by day or night, or from duty during the hours fixed for his attendance without the permission of the Superintendent or Jailor except when summoned by a court of justice.

(2) Any subordinate officer disabled from the performance of duty by illness, or summoned by a court of justice, shall at once send notice to the Jailor, who shall make such arrangements as may be necessary for the performance of the duty of the officer during his absence.

(3) Every subordinate officer to whom any leave has been granted shall, immediately on his return there-from, personally report the fact of his return to the Jailor.

84. Use of Uniform and maintenance of cleanliness.- (1) All the subordinate officers shall pay strict attention to cleanliness of persons and dress and those who do not usually retain their moustache and beard, shall be clean-shaved while on duty and those for whom a uniform is prescribed shall at all times wear it while on duty, but relaxation of this rule may be allowed when a jail official on account of caste rules is unable to shave or wear uniform during the period of mourning.

(2) When off duty on the Jail premises or in any public place, they must either appear altogether in private clothes or in complete uniform and no combination of the two shall be allowed.

85. Restriction on smoking and use of prohibited articles.- (1) No subordinate officer or employees shall smoke or drink or sing or talk loudly while on duty or in any way or at any time conduct himself in an unseemly or disorderly manner or introduce liquor, tobacco, or any drug or any prohibited article into the jail.

(2) Chewing betel (pan) or tobacco while on duty in the presence of a superior officer is considered as unseemly and is prohibited.

86. Restriction on having interest in any contract or agreement.- No officer of the Jail, nor any person in trust or employed by him, shall have any interest, direct or indirect in any contract or agreement for the supply of any article to the jail nor shall he derive any benefit, directly or indirectly, from the sale or purchase of any article on behalf of the jail or belonging to a prisoner, nor shall he bid at any auction of jail property nor receive directly or indirectly, any fee, gratuity, present or loan from any contractor or person tendering for any contract with the jail or from any prisoner or prisoner's friend or any person visiting the jail.

87. Restriction on business with the prisoners.- No officer of a jail shall sell or let nor any person in trust for, or employed by him, shall 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 or prisoner's friend.

88. Restriction on unauthorized communication.- No subordinate officer shall correspond with the friends or relatives of any prisoner or have any unauthorized communication with any person whatever as to matters concerning the jail nor shall correspond with any discharged prisoner or with the friends or relatives of such prisoner, or allow any such prisoner, or his friend or relative, to visit or remain in his quarters, except with the special permission of the Superintendent.

89. Restriction on unnecessary conversation.- No subordinate officer shall converse unnecessarily with any prisoner or treat him with familiarity or discuss matters connected with the discipline or regulations of the jail with him or within his hearing.

90. Threatening prisoners with humanity and kindness.- All jail officers shall treat prisoners with temper, humanity, kindness, and strict impartiality and listen patiently and without irritation to any complaint or grievance, while at the same time maintaining strict discipline and enforcing the observance of all rules and regulations.

91. Redressal of grievances.- Every complaint or grievances made by a prisoner shall be heard with attention, in order to redress them and that no cause for discontent may be allowed to remain.

92. Restriction on punishment.- (1) No jail officer shall in any circumstances punish any prisoner except under the Superintendent's order, or threaten any prisoner with punishment or use violent, abusive or insulting language to any prisoner.

(2) All conduct intended merely to irritate or annoy any prisoners shall be avoided.

93. Restriction on use of force.- (1) No officer shall, on any pretext, strike a prisoner, except in self-defense or in the repression of a disturbance and in no case force more than necessary shall be used.

(2) In the event of any riot, violent attempt to break out of the jail, or assault of the prisoners, or of any of them upon the jail officers, the Jailor and his subordinates shall be strictly guided by these rules.

94. Report about misconduct or willful disobedience.- No officer, on any pretence whatever, through favor or from a mistake motion of kindness, shall fail to make an immediate report to the Superintendent or other superior officer of any misconduct or willful disobedience of the jail rules whether on the part of a prisoner or of another officer.

95. Proper custody of keys.- (1) No subordinate officer or employee entrusted with keys shall take them out of the jail, leave them lying about or deliver them to any other person, except when, on leaving the jail or going off duty, he delivers them to such officer as may be authorized to receive them, and he shall not leave his post or the jail without making them over as above directed.

(2) The keys of wards, cells, outer gates or godowns shall not, on any pretext, whatever, be made over to any prisoner.

(3) If a key is lost, the lock or locks to which it belongs must be put out of use, as they will be no longer secure, and the officer responsible shall be liable to replace them at his own expense.

96. Restriction on entry to any ward or cell at night.- No officer shall on any account enter a ward or a prisoner's cell at night, unless, accompanied by another officer and then only in case of sickness or other emergency.

97. Jail officers to be vigilant.- (1) All Jail officers are bound to exert the utmost vigilance in the prevention of escapes and to this end, the Jailor and his subordinates shall see that all ladders, ropes, bamboos, vessels and other articles which facilitate escape are not left in any place from which they may be taken by a prisoner;

(2) All Jail officers are bound to exert the utmost vigilance, the introduction into the jail and the giving to any prisoner of any tobacco, opium, ganja or other prohibited articles or any article not permitted by rule.

(3) All Jail officers prevent and report any attempt at communication between prisoners and outsiders except as permitted by rule and shall report the fact when any suspicious persons are observed loitering about the jail.

98. Maintenance of order and discipline in jail.- (1) All sub-ordinate officers are bound to render all assistance in the management of the jail, the maintenance of order and discipline amongst both officers and prisoners, and the guarding and defending of the jail and all persons and property kept therein or belonging thereto against the use of criminal force by any person.

(2) Sub-ordinate officers are bound to render prompt and strict obedience to all lawful orders of his superior officers and to treat all superior officers and visitors with respect.

(3) Sub-ordinate officers are bound to comply with the requirements of all laws, rules, regulations, directions and orders for the time being in force regulating the duties which they are to perform and the manner in which they are to perform them.

(4) Sub-ordinate officer shall take proper care of all property of whatever kind at any time entrusted to them and duly to account for the same whenever called upon so to do.

99. Liability for disciplinary action.- Every Jailor or officer of a prison sub-ordinate to him who shall be guilty of any violation of duty or willful breach or neglect of any rule or regulation or lawful order made by the competent authority or who shall withdraw from the duties of his office without permission or without having given previous notice in writing of his intention for the period of two months or who shall willfully overstay any leave granted to him or who shall engage without authority in any employment other than his prison duty, or who shall be guilty of cowardice, shall be liable for disciplinary action.

100. Departmental Punishments.- Every jailor and subordinate officer who shall be guilty of any offence shall be liable to be punished.

101. Maintenance of Warder Report Book.- (1) The jailor shall maintain a Warder Report Book in Jail Register, which may be in electronic form as specified for report against the warders or Head warders for dereliction or lapses in duty.

(2) This report book along with concerned staff will be produced before the Superintendent.

102. Power to suspend.- When any subordinate officer is accused or suspected of having committed any offence and the Superintendent is of the opinion that a prima facie case against such officer has been made out and that the case cannot be adequately dealt with departmentally, he shall forthwith suspend such officer, and cause him to be brought before a magistrate having jurisdiction to enquire into or try the case.

103. Offence in which prosecution may be instituted.- For the following offences, if committed by any jail officer, a prosecution shall be instituted against the such jail officer, namely:-

- (a) willfully or negligently permitting an escape;
- (b) any offence under section 42 of the Act relating to the introduction of or supply to prisoners of, forbidden articles, unauthorized communication with the prisoners, and abetment of such offences;
- (c) being concerned directly or indirectly with any contract or agreement for supply for the jail or receiving any present or loan from a supplier; and
- (d) any serious offence punishable under the Indian Penal Code, 1860 (Central Act No. 45 of 1860) or other criminal law:

Provided that the evidence is such so as to make a conviction probable and if the evidence is not sufficient for this, but is sufficient to produce a reasonable belief of the guilt of the officer in the mind of the Superintendent, he may take action disciplinary action.

104. Report to the Head of Directorate of Prisons.- No offence as mentioned in rule 105 shall be ignored, condoned or punished departmentally and the case in which a criminal prosecution is not instituted shall be reported to the Head of Directorate of Prisons.

105. Dismissal in serious cases.- Subordinate officers who commit any one or more of the following offences shall ordinarily be punished with dismissal, or in serious cases when there is sufficient evidence to obtain conviction, shall be prosecuted under sub-section (1) section 54 of the, Act namely:-

- (a) appearing on duty in a state of intoxication from liquor or any drug;
- (b) sleeping whilst on guard;
- (c) striking a prisoner, except in self-defence or to suppress an outbreak or unlawfully punishing any prisoner;
- (d) improperly entering or permitting any person to enter the female enclosure or having any improper communication with a female prisoner;
- (e) committing or conniving at irregularities in the supply or distribution of food;
- (f) employing a prisoner for private purposes; and
- (g) insubordination or insolence to the superior officers.

106. Entry of punishment in the Service Book.- In enquiring into and passing orders upon charges of a minor kind against a subordinate officer, it shall be sufficient for the Superintendent to record, in the service book of the such officer, the nature of the offence and the punishment awarded.

107. Power to grant leave.- The Superintendent of prisons in case of a District or Special or Temporary sub-jails is empowered to grant leave to any Head Warder or Warder of his jail.

108. Head Warder and his duties.- (1) The Head Warder is subject to general control of the Superintendent, is entrusted with the supervision of all details of the internal administration of the jail.

(2) The Head Warder shall,-

- (i) be responsible for due observance of the provision of these rules by all officers, subordinate to him and the prisoners and it is his duty to bring to the

- notice of the Jailor or Superintendent any infringement of any provision of these rules by any persons;
- (ii) maintain a handbook in Form as specified, wherein the detailed information of prisoners admitted and released is recorded;
 - (iii) ensure due observance of all provisions of these rules by the Warders and prisoners and bring to the attention of the Jailor or Superintendent of any infringement of the provisions of these rule by any person inside the prison which any Warder has willfully neglected to report a breach of discipline of which he is cognizant;
 - (iv) assist the Jailor in successfully implementing all educational and correctional programmes and in enforcing all prison security measures properly;
 - (v) be deployed on duty from morning count parade to noon count and then from 3.00pm to closing down time and check the prisoners at each change of guard;
 - (vi) oversee preparation and distribution of meals to the prisoners;
 - (vii) supervise the work of warders and warders deployed in the prisons and shall conduct night checking of guards and ensure that they are alert and vigilant;
 - (viii) keep constantly moving about while on duty amongst the prisoner, supervising the work and discipline of the jail and keeping the warders and convict officer on the alert;
 - (ix) ensure punctuality of time; quality output in expected quantities by the workers engaged in production centers and shall distribute the prisoners who are liable to labour each morning to their respective work gang;
 - (x) cause the same name every prisoner placed in charge of any warder to be entered in the proper gang book;
 - (xi) 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 and to be kept in the places prescribed for storing and keeping the same;
 - (xii) cause all gratings, doors and the like to be secured and satisfy himself from time to time that they are secured;
 - (xiii) be responsible for the appearance and discipline of his warders and if any warder is found to be improperly dressed whilst on duty, it shall be reported by him to the higher officers;
 - (xiv) assist the Jailor or Executive Officers in all routine duties and open, in the presence of the Jailor, the sleeping wards, cell and other compartment each morning and count the prisoners;
 - (xv) supervise the use of latrine and all bath rooms and feeding parades and shall see that no dirt or litter is allowed to lie about the jail and that the drains are kept clean;
 - (xvi) ensure that wards are clean and ventilated during day time and that bedding is properly folded and arranged; and
 - (xvii) count the prisoners in presence of the Jailor or Deputy Jailor and search and lock up the prisoners in their respective wards, cells and other compartment at the prescribed time of each evening.

109. Manner of relieving guard.- (1) The Head Warder of the relieving guard 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 jail and at the proper time, he shall march the relieving guard of warders to their respective posts and remove the guard to be relieved.

(2) While relieving the guard, the warders of gangs working outside the jail walls and Head Warder of the relieving guard shall, before removing the warders then in charge and about to be relieved, muster the prisoners and satisfy himself that the gang is complete and is made up in the manner recorded in the gang book.

110. Marching of Warders.- (1) Warders whether going on or off duty shall be marched in double file and each Warder shall be posted in the presence of both the relieving and relieved Head Warders, the relieving Warder being taken from the front and the relieved Warder falling in at the rear of the squad.

(2) When the reliving process is completed, the relieved Head Warder shall march the relieved Warders outside the jail and then dismiss them.

111. Changing of gate sentries.- The Head Warder on duty shall see that the day gate sentries and gate-keepers are changed according to instructions.

112. Duty hour of the Head Warder.- (1) Every Head Warder shall ordinarily be on duty for half the day and for one watch at night and also at the opening of wards, cells and other compartments in the morning and the locking up of prisoners at night.

(2) The periods of duty shall be so arranged that a Head Warder shall be present at the time of reliving of warders from duty of any kind throughout the day and night.

113. Changing of Female Warders.- At each change, the relieved and relieving female warder on duty shall, without entering the female ward enclosure, ascertain by calling out to the female warder and convict watch woman, where available, whether all the female prisoners are in safe custody.

114. Use of key-box.- The keys of the Jail shall, when not in use or in the personal custody of any officer of the Jail, be kept in the key-box at the main gate and the key of such receptacle shall be retained during day time by the Head Warder and during night by the patrolling officer for the time being on duty.

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

116. Responsibility of Head Warders.- In the event of an escape taking place, the Head Warders shall be held primarily responsible unless it is satisfactorily proved that the escape was due to no laxity of duty on the part of the Head Warder.

117. Duties of Warder.- (1) Each warder shall have a particular duty assigned to him by the Superintendent or Jailor, such as, charge of the particular ward or set of wards or a particular workshop or set of workshops or a particular gang of prisoners inside or outside the jail.

(2) The posts and duties of warders shall be frequently exchanged, so as to prevent the warders from forming permanent relations with any of the prisoners.

(3) Warders in charge of workshops shall be responsible for all tools and property kept in the workshops.

118. Additional duties of Warders.- In addition to the duties elsewhere prescribed in these rules, it shall be the duty of all Warders to-

- (a) count the prisoners made over to them and to declare the number to the Head Warder;
- (b) stand or patrol whilst on duty and on no consideration he may take off his belt and lie or sit down whilst on duty;
- (c) know the number of prisoners in their charge and to count the prisoners frequently during their turn of duty and to satisfy themselves that they have in their custody the correct number;
- (d) search all prisoners of their gangs at the time they are made over to them, likewise before they give over charge of them to any other person and at

- such other times during their watch as may be necessary and to report the discovery of any prohibited articles from any of the prisoners in their gang;
- (e) prevent the use or possession of tobacco or of any drugs or possession of smoking implements or of money or unsanctioned articles of food;
 - (f) see that the prisoner do not steal or eat grain, vegetables, berries or fruits and drink no water except that prepared and supplied for their use;
 - (g) report all cases of idleness and short work, in case of convicts sentenced to labour;
 - (h) prevent all loud talking, laughing, singing, playing or quarreling and other unseemly behavior;
 - (i) see that the prisoners marched two by two when moving from one place to another and that they do not leave their proper places, or loiter about the jail;
 - (j) see that no prisoner leaves his own enclosure without authority nor communicates with any prisoner whom he has no proper concern or with any prisoner of another class or gang;
 - (k) see that no dirt or litter is allowed to lie about the jail, and that drains are kept clean and to report about the sweepers who neglect their work;
 - (l) report prisoners urinating or defecating in the drains or in any place other than the places provided for the purpose and to bring to the notice of the Jailor any prisoner who goes to the latrine in work-time;
 - (m) see that any prisoner who has to go to the latrine at unauthorized times is made over to the charge of a responsible officer whilst away from his gang;
 - (n) see to the cleanliness of the persons, clothes, bedding, breast tickets, rings, fetters, plates and cups of the prisoners in their gangs and proper arrangement of their kits;
 - (o) to see that the prisoners bathe only at the bathing parades and that the bedding is aired according to order;
 - (p) bring to the notice of the Jailor or Head Warder any sign of sickness or any prisoner complaining of sickness;
 - (q) report any plots against the jail authorities for the purpose of escaping or of assault or outbreak or of obtaining forbidden articles, and every breach of jail rules;
 - (r) report any case of willful injury to clothing or jail property;
 - (s) prepare prisoners for muster and for parades and to see that each prisoner comes to his proper place in proper order, behaves well and keeps silent;
 - (t) report at once to the jailor or other responsible officer, the fact of any prisoner being missing;
 - (u) see that no food is secreted by the prisoners, that every prisoner gets his proper allowance of food and that no prisoner gives his food to another, to report any cook who gives a short allowance or favours a prisoner by giving too much; and

- (v) to keep his arms and accoutrements clean and in good order and fit for immediate use.

119. Uniform of Warders.- (1) Every warder shall at all times, whilst on duty, be properly and cleanly dressed in his uniform and shall wear his belt and carry a baton.

(2) The baton should be slung on the belt with a loop and button easily detached or by means of a spring clip.

120. Female Warder.- In every jail in which female prisoners are confined, there shall be female Warder.

121. Appointment of Female Warder.- The female Warder shall be appointed in accordance with the provisions of the Rajasthan Jail Subordinate Service Rules, 1998.

122. Control over female prisoners.- Subject to the general control of the Superintendent, the female warder shall have the control over female prisoners and she shall be responsible for care and superintendence over the female prisoners.

123. Search during admission of female prisoners.- (1) The female warder shall search all female prisoners on admission to the jail and remove all prohibited articles found with them and shall also examine such prisoners under the order of the Medical Officer for the record of any wounds or marks on the person.

(2) Money or other property delivered with them or found on them shall be made over to the Jailor.

(3) The Female Warder shall also search the female prisoners in confinement daily to prevent the retention of forbidden articles or when ordered to do so by a superior officer and the search or examination of a female prisoner shall be made only in the presence of females.

124. Presence during opening and locking up.- The Female Warder shall be present at the opening of the wards and mustering of the female prisoners in the morning of each day and shall likewise be present at locking up at night and shall see that every prisoner is present.

125. Supervision about cleanliness.- The Female Warder shall see that the wards are thoroughly cleansed and purified as soon as the prisoners turn out in the morning, at work-sheds, and all other parts of the female jail shall be swept and cleaned.

126. Allotment of tasks.- The Female Warder shall subject to the control of the Superintendent and Jailor, allot tasks to the female convicts sentenced to labour, according to the class of labour for which each is passed by the Medical Officer, and shall see that the tasks are duly performed and shall also report any convict who does not perform her task.

127. Arrangement of clothes and beddings.- The Female Warder shall see that the female prisoners are cleanly in their persons and clothes, that they have the prescribed amount of clothing; that their clothing and bedding not in use are to be properly aired, folded and arranged in the place assigned to each prisoner.

128. Proper distribution of food.- The Female Warder shall carefully supervise the distribution of food to the female prisoners, and see that each receives her proper rations and shall report to the Superintendent any instance in which the food is bad or badly cooked or is insufficient in quantity.

129. Prohibition of entry of male prisoners.- (1) The female warder shall take care that no male prisoner enters the female jail unless accompanied by an authorized jail officer.

(2) The Female Warder shall report to the Superintendent or any jail officer who, without having authority to enter the female jail or who having no business therein, enters or attempts to enter such jail.

130. Female prisoner in cell.- (1) When a female prisoner is detained in a cell in the female enclosure, the female warder shall always be present in the enclosure with the cell keys in her possession, to attend to the prisoner's wants and to prevent suicide.

(2) If a female prisoner is confined in a cell at night, the female warder shall be present near the cell at suitable place.

131. Gate-Keeper.- (1) If a female prisoner is confined in a cell two senior and efficient Head Warders shall be deployed to perform the duties of gate keeper.

(2) Superintendents of jails shall exercise great care in selecting the best person for this responsible duty.

(3) The duties of the gate keeper shall be rotated in every three months.

132. Change of duties of gate-keepers.- (1) The gate-keeper of the first watch shall come on duty at the opening of the jail, and each gate-keeper shall remain between the gates until relieved.

(2) At each change of gate-keeper, an entry of the hour of change shall be made in the gate-keeper's registers, which may be in electronic form, by both the relieved and the relieving officers.

(3) Where necessary, a second gate keeper may be deployed to assist the main gate keeper from security point of view.

133. Gate registers.- (1) The gate-keeper shall keep two gate registers, which may be in electronic form in Form as specified.

(2) In one register he shall record the names of all jail officers, prisoners and other persons who pass out of or into the jail in Form as specified and in the other he shall make notes of all goods, tools or stores passed either into the jail or out of it through the gates in Form as specified.

(3) The gate-keeper shall record the hour and minute of the entrance and exit of every person and thing and shall, to the best of his ability, prevent the improper removal of any property from or within the jail or the introduction of any prohibited articles into the jail premises.

134. Cleanliness at the gate and the passage.- (1) The gate-keeper shall help the Jailor or officer deputed to receive new prisoners.

(2) He shall be responsible for the cleanliness of the main gates and the passage between them and all fetters and other articles placed under his charge.

(3) No prisoner shall be employed in the main gate area.

135. Types of gate.- (1) The main entrance of every jail shall have a double gate with a space between the gates, in each gate, there shall be a wicket which shall have secure fastenings that can be easily closed.

(2) The inner gate shall be a batten door provided with eye-holes in it to enable the gate keeper to observe any person who wishes to leave the Jail and to see that there is no large gathering of prisoners inside preparing for a rush to force open the gate.

(3) The outer gate shall be an iron barred gate and all ingress and egress for ordinary purposes shall take place through the wicket doors.

136. Procedure to open and close gates.- (1) The gate-keeper shall open only one gate at a time and shall never, in any circumstances, have both gates open at once even if the person who has to pass through the gates is a high official or a prisoner.

(2) The first gate through which the high official or prisoner passes shall invariably be both carefully bolted and securely locked before the second gate is opened.

(3) The gate keeper who neglects the provisions of this rule shall be liable for disciplinary action.

(4) The Jailor shall also be held responsible for ensuring that this rule is strictly observed.

137. Procedure of keeping keys.- The keys of the main gate shall be kept in a bunch with eight others somewhat similar to, though not exactly resembling them and shall be

attached by a stout chain to the waist of the gate-keeper which shall add materially to the security of the Jail by making it difficult for prisoners to obtain the keys and to ascertain which of them shall fit the locks of the gate.

138. Handing over keys.- (1) The gate-keeper shall not allow the keys of the inner and outer main gates to pass out of his personal custody until the lock-up is completed in the evening.

(2) After completion of the lock-up a second padlock shall be put upon the wicket of the inner gate.

(3) The gate-keeper shall then in the presence of the Jailor make over the key of the large folding doors of the inner gate and outer gate to the head warder, who shall lock it up with other keys not required for the night in the gate key-box.

(4) The gate-keeper shall also in the Jailor's presence make over one of the keys of the inner wicket to the Head Warder who is to patrol inside the Jail and the other key of the inner wicket gate to the night duty officer or night round officer and key of the outer wicket gate, along with other keys, to the night gate sentry.

139. Articles to be kept in the passage between the main gate.- In the passage between the main gate the following articles may be kept, namely:-

- (a) the Jail clock;
- (b) the locked key box fixed to the wall;
- (c) measuring rod;
- (d) fetters and handcuffs hung on the wall ready for use;
- (e) a standing desk for the gate-keeper's books and writing materials;
- (f) a list of official and non-official visitors;
- (g) apparatus, if any, for extinguishing fire;
- (h) materials for lighting (torch, etc.) in case of night alarms; and
- (i) metal Detector or any other electronic gadget for searching of prisoners.

140. Procedure for passing out of prisoners.- When prisoners have to be passed out of or into the Jail, the following procedure shall invariably be followed, namely:-

- (a) the gate keeper shall first let them through the inner gate, and having done so he shall lock it;
- (b) he shall then write in full in the gate register the name of every prisoner of a gang leaving the jail;
- (c) the name of the warder who is in charge and the name of the convict overseer who is assisting him;
- (d) these entries having been carefully made, he shall open the outer gate and count the prisoners out one by one in order to see that there is no mistake in the total number entered in his register;
- (e) shall make note about every change in the gang and the list of the gang having once been made in the gate register need not be re-written on each occasion of the passage of those prisoners through the main gate;
- (f) on returning of the prisoners of the gang he shall open the outer gate, the inner one being carefully locked first, and admit them to the passage between the gates and he shall then lock the outer gate and call out the name of each prisoner, the convict overseer, and the warder, each man answering as his name is called out;

- (g) the gang having been found correct, he shall open the inner gate and count each man into the jail one by one, to see that there is no mistake in the total number; and
- (h) in no circumstances, this procedure be departed from and no prisoner shall be allowed to leave the jail unless he is in the charge of guarding personnel.

141. Prohibition for prisoners to go outside.- (1) Prisoners who are allowed to go outside the jail gate shall be specially selected by the Jailor with the sanction of the Superintendent.

(2) If it comes to the knowledge of the gate-keeper that any of the prisoners are being taken out of the Jail contrary to rule, he shall make a note of the fact in his book, report it to the Jailor at once and subsequently to the Superintendent on the first opportunity.

142. Pass for outsiders.- The gate-keeper shall be furnished with a list of all officials and visitors, who are entitled to enter the jail, and on presenting themselves at the gate they shall be allowed by the gate-keeper, but the gate-keeper shall not admit outsiders without a pass from the Superintendent.

143. Searching of outsider.- (1) The gate-keeper shall be authorized to search all persons passing into or out of the jail, except those whose names are included in the list of officials and appointed visitors with which he is furnished or such persons as may be exempted by the special order of the Superintendent.

(2) All officials and appointed visitors, casual visitors admitted by special order of the Superintendent, and the higher officers of the jail, shall ordinarily be exempted from being searched.

(3) If there exists any reason to suspect that any person exempted from search is introducing or removing articles which ought not to be taken into or out of the Jail, the gate-keeper shall detain the person between the gates and shall give immediate notice to the jailor who shall himself search the person, but this search shall not be made in the presence of any prisoner or of another visitor.

144. Hanging of copies of special order.- A copy of the special orders passed under these rules shall be hung up in the passage between the main gates for general information.

145. Searching of prisoners.- (1) The gate keeper shall search all prisoners who pass through the gates and when the number of prisoners passing through the gates is large, the Jailor, may specially depute other warders to assist him at times when prisoners are going to or coming back from extra mural work.

(2) If on searching an officer or outsider any article is found which ought not to be taken into or out of the Jail, the gate-keeper shall send immediate notice to the Jailor and if a prisoner is found to have taken any articles or brought such articles into the jail, he shall report it at the first opportunity.

146. Duties of Medical Personnel.- (1) The medical personnel shall be directly responsible for the medicare and health of prisoners and shall also ensure the maintenance of minimum standards of hygienic conditions in the prison premises.

(2) The specific duties of each of the medical personnel shall be assigned by the prison authorities in the following areas, namely:-

- (a) preventive Service shall include 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 in the jail shall include treatment of diseases, dental care, treatment of skin ailments, correction of defects of sight, hearing, speech and posture, provision of artificial limbs, glass eyes, trusses and other prosthetic devices, prescription of special diets and exercise and physiotherapy; and
- (c) other general service which shall include 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.

147. 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.

148. Duties of welfare functionaries.- (1) The specific duties of welfare functionaries shall relate to the following areas, namely:-

- (a) Welfare Officer and his function;
- (b) Legal Officer and his functions; and
- (c) Counselor and his functions.

(2) Welfare Officer's functions shall include,-

- (a) coordinating the work of the welfare unit;
- (b) helping inmates in overcoming problems of institutional adjustment;
- (c) assisting inmates in dealing with problems faced by their families and dependents;
- (d) connecting correctional needs of prisoners with the resources available within and outside the prison;
- (e) participating in the orientation, classification and reclassification programme;
- (f) facilitating understanding between the inmate and administration;
- (g) assisting prison authorities in maintaining prison security and discipline;
- (h) participating in the prerelease programme and helping the inmate establish contacts useful to him after release;
- (i) identifying the resources for rehabilitation of prisoners;
- (j) looking after pre-mature release or furlough and parole leave and to report the superintendent;
- (k) liaising with Non Government Organizations for undertaking welfare and philanthropic activities;
- (l) liaising with medical personnel for better treatment of prisoners; and
- (m) looking after and liaising with teachers for educating the inmates.

(3) Legal Officer's functions shall include,-

- (a) advising prison authorities on the protection of human rights of prisoners within the limitations of imprisonment;
- (b) interpreting legal and procedural rights of prisoners;
- (c) assisting prison authorities in dealing with all prison matters pending in courts;
- (d) arranging free legal aid for indigent prisoners;
- (e) preparing petition and appeals for deserving cases;
- (f) assisting prison authorities in holding special courts, lok adalat and video conferencing; and
- (g) advising the prison administration in all matters having legal bearing including agreements, contracts, affidavits and court documents keeping prison authorities abreast with judicial pronouncements and directives on all prison matters.

(4) Counselor's functions shall include,-

- (a) dealing with emotional and psychological problems of inmates;
- (b) providing counseling to prisoners facing problems of adjustment within the prison and in relation to their families outside;
- (c) helping inmates develop their self image, self confidence, and motivation for correctional treatment;
- (d) helping the staff in understanding the problems faced by the inmates; and
- (e) aiding the psychiatrist in related matters.

149. Duties of Educational Personnel.- Education in prisons being an important means of reformative treatment, the Education Personnel shall offer a comprehensive programme of education to prisoners in which various educational functionaries shall perform their specific duties in the following areas, namely:-

- (a) conducting diversified educational programmes for health, academics, social and moral education;
- (b) linking prison education with mainstream education;
- (c) screening of newly admitted inmates for the determination of their educational aptitude, abilities and interests;
- (d) participation in Classification Committee's work;
- (e) conducting literacy, socio-cultural and spiritual development programme;
- (f) arranging tests and examinations and periodically assessing educational progress of inmates, changing educational programmes when necessary;
- (g) maintenance of a library with sufficient reading material; and
- (h) providing Audio-visual facilities.

150. Duties of Technical Personnel.- (1) The Technical Personnel shall be responsible for the development of vocational training and diversified programmes of productive work as an important component of the reformative process.

(2) While technically qualified and trained staff has to provide knowledge and skills for economic rehabilitation, the other technical staff shall ensure proper maintenance of the prison infrastructure.

- (3) Technical Personnel's shall perform their functions in the following areas, namely:—
- (a) giving vocational aptitude test to inmates, interviewing and collecting data about inmates, vocational history, skills abilities and interests;
 - (b) suggesting work and vocational training programmes for inmates;
 - (c) preparing plans for vocational training projects;
 - (d) imparting apprenticeship, on the job and vocational training to inmates;
 - (e) utilizing resources of service and maintenance unit for training purposes;
 - (f) arranging arts and handicrafts projects;
 - (g) arranging vocational examinations for inmates;
 - (h) training of newly admitted prisoners;
 - (i) maintaining progress reports about the training of prisoners;
 - (j) suggesting improvements in work methods;
 - (k) keeping the equipments and machines in the workshop in good working condition, custody and maintenance of shops and factories;
 - (l) ensuring safety measures in workshops and factory areas;
 - (m) maintenance of discipline in the area under their charge, attending to emergency situations;
 - (n) distribution of work to inmates;
 - (o) maintaining muster rolls of inmates working in various sections;
 - (p) supplying inmates with production tools and materials;
 - (q) supervision over quality and quantity of production;
 - (r) maintaining work sheets;
 - (s) measuring tasks and apportioning wages;
 - (t) indenting raw material from the Store Keeper, storing raw material in their charge, maintaining accounts of raw material and manufactured articles in their charge, despatch of manufactured articles to the Store Keeper, monthly checking of stores under their charge and reporting the same to the authorities concerned; and
 - (u) preparing work plans for work-sheds under their control and forwarding them to the officer in charge.

151. Duties of maintenance staff.- Maintenance staff shall perform their functions in the following areas, namely:-

- (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; and
- (d) periodical testing of emergency equipment like firefighting equipment and accident prevention measures.

152. Duties of Agricultural Personnel's.- (1) Keeping in view, the rural background of most of the prisoners, training and development of agriculture in prisons are also very important functions.

(2) The Agricultural Personnel shall be responsible for the up-gradation of their skills in this field.

(3) The specific duties to be performed by the Agricultural Personnel's are indicated as under, namely:-

- (a) dealing with all matters pertaining to agriculture, and horticulture;
- (b) distribution of agricultural work to prisoners, maintenance of muster rolls, assessing the work done and apportioning of their wages;
- (c) planning of training projects, imparting training to inmates in improved methods and practices of agriculture and horticulture;
- (d) maintaining progress reports about the training of inmates;
- (e) indenting of material from the Store Keeper; storing of material, maintaining account of the equipment, material and produce, monthly stock taking;
- (f) preparing plans for agriculture and related work;
- (g) security and maintenance of tools and equipments, livestock; and
- (h) maintenance of discipline in the area under their charge, daily inspection rounds, weekly night inspection of farms and attending to all emergency situations.

153. Ministerial Personnel's.- (1) The duties of the Ministerial Personnel's shall be organized in the following manner, namely:-

- (a) There shall be no scope for sharing their duties with prisoners; and
- (b) Ministerial Personnel shall be assigned with duties by the Superintendent as per the position he or she holds and as per the requirements.

(2) There shall be accounts personnel or Cashier for preparation of budget, maintenance of accounts of all branches and stores, accounts and cash, daily checking of all stores and accounts registers, financial returns, periodicals and statistics, monthly stock taking of all stores.

(3) There shall be Store Keeper for the purpose of remaining in charge of all stores that is, grain, provision, supplies, raw materials, accessories, manufacture articles, inmate equipments, and personnelequipments, dead stock and miscellaneous stores.

CHAPTER VI

ADMISSION OF PRISONERS AND PRISONERS' HISTORY TICKET

154. Time of admission of prisoners.- (1) The Jailor shall ordinarily admit new prisoners into the jail at any time after the opening of the jail up to the hour of lock-up which takes place at sunset.

(2) After the lock-up, the Jailor shall not receive any prisoner except on the special written order in addition to the warrant of the Magistrate trying the case to which such prisoner is related.

(3) No newly convicted prisoner shall be admitted into the convict wards after lock-up.

(4) A prisoner brought to the jail upon conviction after lock-up shall be confined in a cell for the night or in the under-trial ward.

(5) Convicted prisoners may also be confined or transferred to sub-jails to undergo imprisonment.

155. Conditions for admission.- (1) No person shall be admitted in a prison as a prisoner unless accompanied by a writ, warrant or order of the competent authority.

(2) There shall be a separate writ, warrant or order for every prisoner, even if two or more prisoners have been jointly charged.

(3) In no case a prisoner can be detained in jail on the strength of production warrant.

156. Verification of identity of the prisoner.- (1) Before admitting a prisoner, the Deputy 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 and shall satisfy himself that he is the person referred to in the warrant.

(2) In the event of a prisoner refusing to answer the Deputy Jailor or denying the accuracy or the particulars entered in the warrant, the officer on duty will request the officer in charge of the Police or Military escort to identify the prisoner on the basis of information at his disposal as the person named in the warrant and if the police officer fails to do this, the Jailor or Deputy Jailor shall refuse to admit the prisoner.

157. Procedure of Verification of Warrant.- (1) If, in any case, the Superintendent is in doubt as to the legality of any warrant or order of commitment received by him with any prisoner admitted to the prison or as to the competency of the person whose official seal and signature are affixed thereto, to pass the sentence and issue such warrant, he shall proceed in the manner herein after provided.

(2) If any error or omission, which in the opinion of the Superintendent is due to mere oversight or mistake, is found in any warrant or order, or if the sentence or order passed, though within the competency of the Court which passes it, is in any way defective in form or otherwise irregular, he may receive the prisoner subject to reference to such Court, as the case may be, for orders.

158. Custody of Warrants and its arrangement.- (1) 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 shall be placed in one bundle and each bundle being docketed outside with the month and year and such bundles shall be kept in a locked drawer or almirah, the key of which shall be kept with the Jailor or Deputy Jailor.

(2) 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 kept in separate file and kept with the Warrant of the prisoner to whose case they relate.

159. Examination of Warrant.- (1) All Warrants shall be examined to ascertain whether those confirm to the provisions of the Code of Criminal Procedure, 1973.

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 shall have the power to refuse 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 must have been signed in full (not initials) by the judge or magistrate who issues it and must have the seal of the court.

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

- Note 6: In the case of under-trial prisoners, the warrant of commitment for intermediate custody should be prepared with the greatest care possible with reference to the above instructions.
- Note 7: The Superintendent of a prison shall 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.
- 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 Hindi by the officer issuing the order and should be signed in full by such officer and sealed with the seal of his court and shall be sent to the prison authorities through an official messenger of the court or through the agency of the post or through online mode 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.
- (2) 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.
- (3) When an officer in charge of a prison doubts the legality of a warrant or order sent to him for execution or the competency of the person whose official seal and signature are affixed thereto to pass the sentence and issue such warrant or order, he shall refer the matter to the concerned court.
- (4) After making necessary entries in the admission register and release diary and on completion of the procedure mentioned in the foregoing rules, which most ordinarily be effected within the day following the admission of the prisoner, the Jailor shall bring these register and prisoners with their warrants before the Superintendent, who shall satisfy himself that the entries (which he shall initial,) are correct and that the provisions of the rules have been carried out.
- (5) The list of every prisoner's property on his warrant shall be read over to him in presence of the Jailor or Superintendent and if the prisoner acknowledges it to be correct, the Superintendent shall initial the entry.
- (6) The Superintendent shall also at the same time write any special order regarding treatment of any prisoner that may be necessary in his history ticket.

160. Checking of prisoner's property.- The concerned prison officer shall carefully examine the property of the prisoners at the time of admission which shall be recorded in the relevant register with the acknowledgement of the prisoner and at the same time be noted in the Admission Register, which may be in electronic form.

161. Washing of prisoner and his clothing.- (1) On admission to prison every prisoner shall be required to wash his person and his clothing thoroughly and washing of female Prisoners and her clothing shall be conducted in the female yard.

(2) If an epidemic disease exists in the neighborhood from which he comes, his clothing shall also be disinfected and in such cases special care shall also be taken to cleanse the prisoner's person.

162. Search of prisoners on admission.- (1) Prisoners shall be thoroughly searched by the prison official at the time of admission. Female prisoners shall be searched by female staff in a closed room.

(2) Searches of prisoners shall be made with due regard to decency and with reasonable privacy.

163. Removal of articles from prisoners.- (1) During the search, every article, whether clothing, bedding, jewellery, money, documents or otherwise, shall be taken away from the prisoners.

(2) From under trial prisoners every article be taken away except personal clothing.

164. Reception Ward.- (1) Prisoners, on first admission to prison shall be kept in a separate reception ward until the initial formalities for his placement in the prison are completed.

(2) Following procedure shall be adopted on the admission of the prisoners, namely:-

- (a) hair cutting and shaving, issue of soap 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 and housing as per the principles of basic segregation;
- (e) a thorough medical examination within twenty four hours;
- (f) attending to immediate and urgent needs of prisoners, like letters, interviews, family welfare or any other immediate personal problems;
- (g) verification by the Jailor or Deputy Jailor in charge of admission of committal papers, identification marks, entries in registers, prisoners' cash property, appeal and other legal matters;
- (h) finger print and photograph; and
- (i) identification of drug addicts.

165. Medical examination of prisoners.- (1) The weight of prisoners on admission shall be taken in the presence of the Medical Officer and be verified by him.

(2) If the Medical Officer is not present when prisoners are admitted to prison, they shall be weighed by the Medical Subordinate during admission, if possible and in any case not later than the next morning.

(3) The Medical Officer shall carefully examine the prisoner and shall himself record health screening on admission.

(4) The Medical Officer shall also supervise the entry of the prisoners' identification marks, which may be noted by the Medical Subordinate.

(5) Medical Examination of prisoners shall be made with due regard to decency and with reasonable privacy.

166. Determination of age of the prisoner.- If a prisoner looks younger than his or her age, the matter shall be referred back to the court concerned after due medical examination on the determination of his or her age for further directions, as no juvenile shall be kept in prison in any case and they are sent to the juvenile institution established under the Juvenile Justice (Care and Protection of Children) Act, 2015 (Central Act No. 2 of 2016).

167. Sick or injured prisoners.- All prisoners shall be seen immediately after admission by the medical subordinate and if anyone is found sick or suffering from injuries, wounds or other marks of violence, a note of his general condition, prominent symptoms or in case of injury, the number, situation, size, character and nature of the injury, wounds or bruises shall at once be made in the Admission Register.

168. Precaution in case of epidemics in jail.- (1) If there is an observation or segregation ward for new admissions, the new arrivals shall be located there until the Medical Officer directs that they shall be placed with other prisoners.

(2) If any epidemic is prevalent and accommodation for new admission as provided outside the jail, prisoners shall not be admitted within the jail till orders have been given by the Medical Officer, for their admission and such prisoners shall at once be provided with necessary bedding and protection from cold.

(3) Prisoners on first admission to jail shall at the discretion of the Medical Officer, be kept in quarantine for such period as may in his opinion be necessary.

(4) All newly admitted prisoners shall be brought before the Medical Officer usually on the morning following their admission and he shall then make or cause to be made in the admission register and prisoner's history ticket, a record in respect of each prisoner of his or her age, health on admission with such particulars or previous illness as may be known to him, weight on admission, any marks of wounds on the person and in the case of prisoners sentenced to rigorous imprisonment, the class of labour for which the prisoner is fit with any other observation he may find necessary.

169. Record of date of release.- (1) In the case of convicts, the date on which the sentence will expire shall be entered in the Convict Register, which may be in electronic form.

(2) 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.

(3) 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.

(4) 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.

170. 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 and a corresponding entry shall also be made in the History Ticket of the convict.

171. Orientation.- (1) Every newly admitted prisoner shall be subjected to a programme of orientation so as to inform him about the rules and regulations.

(2) His rights and duties as a prisoner shall be clearly displayed at conspicuous parts of the prison and explained to him in a language he understands.

(3) A general assessment of his background and needs shall also be made by the officials to decide the appropriate placement within the prison.

172. History Ticket.- (1) Every prisoner shall immediately on his admission in jail, a History Ticket shall be prepared in form specified in which, besides the information required by the heading, shall be recorded at the time, and in chronological sequence, every occurrence of importance in the jail life of such prisoner and every order specially related to him.

(2) Every entry in the History Ticket shall be dated and initialed by the officer who makes it and no convict shall be allowed to make any entry in the History Ticket.

173. Entries in the History Ticket.- (1) The duty of preparing and maintaining History Tickets correctly shall devolve on the Jailor (or other officer specially deputed by the Superintendent) who shall be responsible that all entries, other than those to be made by the Superintendent and medical authorities are duly and correctly made under the initial of the entering officer.

(2) The Jailor shall bring to the notice of the officer concerned any irregularity or omission of any entry on any History Ticket and shall, if necessary, report the matter to the Superintendent.

174. Contents of the History Ticket.- Every History Ticket shall contain the following particulars, namely:-

- (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; and
- (d) The History Ticket of every convict shall also contain,-
 - (i) the nature of the offence of which he has been convicted and the provision of the law applicable thereto, and
 - (ii) the date, nature and extent of the sentence passed.

175. Subsequent entries in the History Ticket.- Subsequent entries in the History Ticket shall be made 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.

176. Duplicate History Ticket.- (1) A duplicate History Ticket shall be issued when original history ticket is lost and the new History Ticket shall be marked duplicate and shall be signed by competent authority.

(2) The History Ticket shall be reconstructed by registering all previous entries.

177. Entries by Medical Officer in History Tickets.- (1) The Medical Officer shall himself record or cause to be recorded under his instructions in the heading of the History Ticket of each prisoner, the prisoner's age, height and weight on admission, his state of health, the class of labour for which the prisoner is fit if sentenced to rigorous imprisonment and whether he has been protected by vaccination.

(2) The Medical Officer shall also subsequently enter or cause to be entered on the History Ticket the fact of vaccination having been performed in jail and the result, admission into and discharge from hospital on every occasion, with the disease for which admitted and any special instructions for the treatment of the prisoner, change of work or food, etc. other than matters for which either he, himself, or his medical subordinate are solely responsible.

(3) On discharge of a prisoner from hospital or the convalescent or special gangs he shall invariably enter whether the prisoner shall be reverted to his original work and task, or whether some other work and task should be allotted to him.

(4) The Medical Officer shall also see that fortnightly weightments are duly recorded on the History Tickets and he shall record the necessity or otherwise for segregation, the physical fitness for labour of every simple imprisonment prisoner who volunteers to labour, the physical fitness for punishment of any prisoner awarded a punishment requiring a preliminary medical certificate, fitness for judicial solitary confinement, every order for cutting the hair of any female or other prisoner on account of vermin or disease.

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

178. Entry by the Medical Sub-ordinate.- (1) The Medical subordinate shall, in addition to any entries made under above rule, record every visit to, and detention in hospital under observation of any prisoner together with the nature of the complaint and

the fact of the administration of medicine, he shall also enter in a prisoner's History Ticket any special recommendation regarding his treatment he may have to make, but unless the matter is urgent, he shall submit it to the Medical Officer for confirmation.

(2) The Medical Subordinate shall, together with the Deputy Jailor or Medical Subordinate, if deputed to assist him in weighing the prisoners, enter the fortnightly weightments of every prisoner in his History Ticket.

179. Particulars to be entered in the History Ticket and the officers to enter them.-

(1) Following particulars are required to be entered in the History Ticket, namely:-

- (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) any complaint made by the prisoner of sickness or report of his sickness;
- (f) the action taken on any direction or recommendation of the Medical Officer or Medical Subordinate;
- (g) application for a copy of judgment, if the prisoner desires to appeal;
- (h) receipt of the copy of judgment;
- (i) despatch of appeal;
- (j) substance of the order of the appellate court;
- (k) the fact of an appeal not having been made before the expiration of the term allowed for appealing;
- (l) the amount of remission awarded quarterly;
- (m) the total remission in days earned up to the end of each quarter;
- (n) every prison offence alleged to have been committed;
- (o) every interview allowed and the receipt or despatch of private letters;
- (p) despatch to a court, or transfer, discharge, escape or death;
- (q) any recommendation of the workshop supervisory staff or the Jailor;
- (r) action taken on any order entered by the Superintendent;
- (s) the fortnightly or weekly measurement of weight;
- (t) the number of cells in which placed on account of warrant confinement;
and
- (u) the total confinement undergone on warrant on each occasion of removal.

(2) Entries regarding clause (a), (b), (e), (g) to (p), (t) and (u) mentioned above may be made by the Jailor or Deputy Jailor.

(3) The quarterly amount of remission mentioned in clause (l) may be entered by the Jailor and Prison Welfare Officer or any other officer authorized to award remission and clause (f) by the Medical Officer or by an Deputy Jailor or Medical Subordinate relating to hospital admission.

(4) The Task mentioned in clause (c) shall be entered by the Task Taker, 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 Jailor.

(5) The duty of making entries regarding clause (d), (f) and (r) shall not be delegated to any officer subordinate to the Jailor.

(6) The duty of making entries regarding clause (s) shall be made by the Pharmacist.

180. 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) promotion to the grade of Convict-watchman, Convict overseer; and
- (e) the award of special remission.

181. Custody and management of History Tickets.- (1) The History Ticket of each prisoner shall be kept in a proper receptacle by the Jailor in whose charge the prisoner is placed and shall be produced by him whenever required by any officer of the prison or superior Prison officer.

(2) The History Ticket shall be carried with 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.

(3) At the weekly parades, each prisoner shall hold his History Ticket in his hand for inspection.

(4) 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 or when remission is awarded.

182. Retention of History Ticket after release or death.- The History Ticket of every prisoner shall be retained in safe custody,-

- (a) in the event of his escape, for three years;
- (b) the event of his release, for two years;
- (c) in the event of his death, for two years after it occurs; and
- (d) in the event of release on bail, for a year or after the result of appeal is known.

183. Register.- (1) There shall be an Admission Register, which may be in electronic form in the specified format, for all prisoners admitted to the prison.

(2) 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.

(3) This register shall be maintained by the Jailor/Deputy Jailor or equivalent in prescribed form and the entries in this register shall be numbered serially.

184. Identification through registered number.- (1) The register number shall be the means of identifying the prisoner.

(2) A fresh number shall be given on every transfer to another prison.

(3) 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.

(4) If a prisoner has to undergo two or more sentences under different warrants, it shall not be necessary to re-enter his name in the convict register on the expiry of one sentence or to give him another number.

(5) However, every prisoner shall be called by his name and not by his number in the register.

185. Serial Number of prisoner.- (1) Every prisoner shall receive a serial number corresponding with the entry relating to him in the admission register, and this register number shall be his distinguishing mark whilst in the jail.

(2) The series number in each jail shall run from one to ten thousand.

(3) The prisoner's number and a letter signifying his class shall invariably precede his name when he is referred to any official communication.

(4) In the descriptive roll the father's name shall invariably be added.

186. Other details to be recorded.- (1) In the admission register shall be recorded, for the purpose of the Identification, a full personal description of every prisoner, giving a general account of his physiognomy, complexion and habit of body and a note of any special marks on his person.

(2) The personal description shall be entered by the Medical Officer or Medical Subordinate.

CHAPTER VII CLASSIFICATION AND SEPARATION OF PRISONERS.

187. Classification of Prisoners.- Prisoners shall be classified in following classes and, shall be kept entirely separate from each others, namely:-

- (a) Civil prisoners;
- (b) Under-trial prisoners;
- (c) Political prisoners;
- (d) Female prisoners;
- (e) Male convicted prisoners;
- (f) Male Young offender within the age of 18 to 21;
- (g) First Offenders;
- (h) Habitual Offenders;
- (i) High Security Prisoners;
- (j) Criminal Lunatics;
- (k) Detenue;
- (l) Geriatric and infirmed prisoners;
- (m) Transgender prisoners; and
- (n) Psychiatric Prisoners.

Note: "Political prisoners" means prisoners sentenced for offences connected with political movements.

188. Separation of Transgender prisoners.- (1) The Transgender prisoners shall be kept exclusively in separate enclosure.

(2) The rules regarding supply of clothing, food etc. shall be applicable as in case of Under-trial or Convicted Prisoners.

189. Test Identification Parade.- (1) The competent court may authorize holding of Test Identification Parade of prisoners.

(2) The Test Identification Parade shall be held as per the provisions of Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974).

(3) The Superintendent should extend all facilities, as may be required by the conducting officer, for holding such parades without detriment to the administration.

190. Particulars of re-conviction.- Particulars of all re-convictions shall be recorded in Admission Register of convicted criminal prisoners in the specified Form.

CHAPTER VIII
UNDER-TRIAL PRISONERS AND YOUNG OFFENDERS

191. Classification of under-trial prisoners.- (1) The classification of under-trial prisoners shall be done only on the basis of security, discipline and institutional programme.

(2) No classification on the basis of social status shall be attempted.

(3) The entitlement of diet, clothing, bedding and interview shall be the same as applicable to other categories of prisoners.

(4) Under-trial prisoners shall be classified as mentioned below:-

Category-1 Radicalist, Naxalite, extremists and terrorists or any other individual characteristics warranting confinement in Security Zone-1.

Category-2 Gangsters, hired Assassins, dacoits, serial killers or rapists or violent robbers, drug offenders, habitual grave offenders or communal fanatics and those highly prone to escapes or previous escapees or attacker on police or prison personnel and other dangerous offenders including those prone to self-harm or posing threat to public order, warranting confinement in Security Zone-2.

Category-3 Those who do not pose any threat to the society, upon release, like those involved in murders on personal motives, other bodily offences, theft or property offences, prohibition offences, offences relating to other special and local laws, railway offences and other minor offences.

Note:

- (a) Persons suffering from mental ailments and young offenders shall be lodged separately.
- (b) Courts shall send intimation to prison authorities about under trial prisoners who have turned approvers or have made confessions.
- (c) An accused person detained under sub-section (2) of section 122 of the Code of Criminal Procedure, 1973 must be treated as an under trial prisoner until his case has been decided by the Sessions Court or High Court.

192. Period of detention.- A court may order an accused person to be detained in or remanded to custody in Jail:

Provided that except in case of person committed for trial at a competent court, no person shall be ordered to be detained in or remanded to jail for a period exceeding fifteen days at a time:

Provided further that every such order made by a court other than a High Court shall be in writing signed by the presiding judge or magistrate.

Note: Accused person so confined in the jail shall be referred to in these rules as under-trial prisoner.

193. Separate accommodation for under-trial prisoners.- (1) There shall be separate accommodation for under trial prisoners, both male and female and arrangements shall be made where male under trial prisoner between the age group of 18 to 21 years are confined separately from other prisoners.

(2) The under-trial wards shall be strictly segregated from the rest of the jail and if there are separate compartment in it, under-trial prisoners who are known to be habitual prisoners shall be kept separated from adults and prisoners committed to sessions from those charged with minor offences as far as possible.

(3) The under-trials accused of offences connected with political movements shall be kept apart from those not so accused.

(4) The Jailor shall be in charge of all work pertaining to under-trial prisoners.

194. Food for under-trial prisoner.- (1) If an under-trial prisoner has not been in the prison previously, it is the duty of the police, or the military escort officer, as the case may be, 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.

(2) If the police or military escort reports that the under-trial prisoner has not been supplied with food, prison authorities should make necessary arrangements for the issue of food to him.

(3) In case the under trial prisoner is admitted after the prison meals have been served, or after lock-up, food stuff like parched rice, parched gram, groundnuts, etc., should be issued to him as per prescribed scale.

195. Admission hours.- (1) Under-trial prisoners shall be admitted during usual working hours of the prison.

(2) After lock-up, under-trial prisoners shall be admitted to the prison on the strength of night warrant issued by the concerned court.

(3) Prisoners received after the lock-up hour should be confined in a separate place specially earmarked for such purpose.

(4) While under-trial prisoners are being escorted, care should be taken to see that they reach the destination before the lock-up hour.

(5) If under-trial prisoners are likely to reach the destination after lock-up hour, the transferring prison or the police or military escort as the case may be, shall send sufficient advance intimation to the prison where the under-trial prisoners are being escorted.

(6) Except as specifically provided in the following rules relating to the admission, search, release, and property of prisoners shall also apply to under-trial prisoner's.

(7) Except in the case of prisoners committed to sessions, on every warrant shall state, the day on which the prisoner shall be brought up before the Magistrate or other officer issuing the warrant.

(8) In session cases, when the date is fixed for production of a prisoner, it should be endorsed by the Jailor or Deputy Jailor on the warrant and prisoner's history ticket and the prisoner shall be duly informed of the date fixed for holding of the sessions, so that he may make all needful arrangement for conduct of his defense.

(9) The number and name of every under-trial prisoners may be entered in the paishi register relating to the date on which each is to be produced in the court but in jails where large numbers are kept under detention, it will be more convenient to keep the warrant in a special almirah having a pigeon hole of each day of the month.

196. Particulars about under-trial prisoners.- (1) Particulars of all under-trial prisoners together with particulars of property brought to the jail shall be entered in the Register of under-trial prisoners in specified Form.

(2) Every under-trial prisoner shall be furnished with a history ticket showing his name date when first placed on trial, date of admission to the jail, crime of which accused, previous convictions, if any are known, court in which the case is pending, whether he is a confessing prisoner or not, dates to which his trial has been remanded, weight on admission and weight subsequently once a fortnight.

(3) Any marks of wounds or bruises shall be carefully recorded on the history ticket together with the prisoner's statement concerning them and such ticket shall always be shown to an inspecting officer.

197. Approvers.- (1) When an under-trial prisoner has been admitted by the court as an approver or a confessing accused, he shall be kept separate from others concerned in the same case.

(2) Where there are separate cells or compartment in the under-trial ward, these shall be utilized for the purpose.

(3) If there is no separate compartment, such prisoners may be kept in separate cells by day and in separate wards by night, but care shall be taken that they are not kept in solitary confinement.

198. Special direction for separation.- (1) Any special direction as to the separation of an under-trial prisoner given by the competent court must be carried out.

(2) 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.

199. Appearance during Test Identification Parade.- (1) 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.

(2) 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 when sent to court for trial.

200. Intimation by the Police to the prison authority.- The police officer shall give intimation to prison authorities of cases in which identification of under-trial prisoner is to be carried out and shall give full description of growth of hair, moustache and beard, which the under-trial prisoners had at the time of arrest.

201. Police interrogation.- (1) Only such police officers as have been authorized by the Judge or Magistrate, shall be allowed to interrogate an under-trial prisoner while in prison.

(2) Such interrogation shall be held in the presence and within the hearing of a prison officer.

202. Facilities for the under-trial prisoners.- The following facilities shall be extended to all under-trial prisoners, namely:-

- (a) legal aid;
- (b) interviews with lawyers or family members (for legal purposes);
- (c) Signing Vakalatnama and bail bond;
- (d) delegation of power of attorney;
- (e) execution of will;
- (f) Essential religious necessities as per rules;
- (g) applications to courts for legal aid as per provisions of law;
- (h) other applications to courts; and

- (i) such other facilities as are sanctioned by the Government from time to time must be extended to the under-trial prisoners.

203. Supply of necessities.- The ward for under-trial prisoners shall be under the charge of a warder and shall, at the regular intervals, be visited by the gangs employed in sweeping, supplying water and giving food, under custody of jail official, who shall prevent their holding communication with any of the prisoners under-trial and except in such circumstances, no convicted prisoner shall be allowed to enter the ward.

204. Food, clothing and bedding.- No part of any food, clothing, bedding or other necessities belonging to any under-trial prisoner shall be given, hired or sold to any other prisoner, and any prisoner transgressing the provisions of this rule shall lose the privilege of receiving it from private sources for such time as the Superintendent thinks proper.

205. Purchase and supply of food, clothing and beddings.- (1) Every under-trial prisoner unable to provide himself with sufficient clothing and bedding shall be supplied by the Superintendent with such clothing (not being prison clothing) and bedding as may be necessary.

(2) All purchases or supplies of food, clothing, bedding, or other necessities shall be made through the Jailor, subject to the Superintendent's sanction, and shall be examined by the Jailor before delivery to an under-trial prisoner.

(3) Nothing deleterious to health and no drugs or intoxicating substance shall be allowed.

(4) Food supplied from private sources shall be examined by the jailor and by the medical subordinates, who shall report to the Superintendent if it contains anything prohibited or deleterious to health.

(5) If any prohibited article is found concealed in any food or other things supplied to an under-trial prisoner, such food or thing shall be confiscated and the privileges accorded by the above rule shall be withdrawn.

(6) What are prohibited articles and applies to under-trial prisoners are mentioned in Chapter XVII.

(7) The Superintendent may refuse to allow the purchase for, or delivery to, an under-trial prisoner anything which he considers to be unnecessary or unsuitable.

206. Conditions for allowing outside food.- (1) Food from outside may be allowed subject to the following conditions, namely:-

- (a) A written undertaking shall be given by the under trial prisoner and the supplier of food that they are entirely responsible for the wholesomeness of such food and that prison administration shall not be responsible for any mishap that may happen;
- (b) Food for only one day's requirement of the under-trial prisoner shall be allowed at one time;
- (c) Food articles shall be tasted by the person who delivers the food;
- (d) The food shall be delivered at hours prescribed by the prison authorities;
- (e) Food shall be eaten in the prescribed area and during prescribed hours only;
- (f) During emergencies or epidemics or for reasons of health of the under-trial prisoner, outside food may be disallowed; and
- (g) The Superintendent has the authority to disallow or discontinue this concession at any time.

(2) Prisoners allowed to receive outside food, shall not be given prison food.

(3) Under trial prisoners shall not be allowed to cook their food separately in the prison.

207. Conditions for allowing private clothing.- (1) Usual private clothing to meet reasonable requirements shall be allowed to under trial prisoners.

(2) Such articles of clothing as will affect the security requirements of the institution shall not be allowed.

(3) 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.

(4) Such clothing may be allowed to be retained by the under- trial prisoner even after his release.

(5) Private articles bearing marks or symbols of political affiliations shall not be allowed to be kept or used by under-trial prisoners.

208. Conditions for sending letters.- (1) On the initial admission of a prisoner, a printed card shall be sent at Government cost to his family. The card shall contain information on the following points, namely:-

- (a) the inmate's institutional number;
- (b) the inmate's address; and
- (c) brief summary of the rules regarding interviews.

(2) Two letters per calendar month at Government cost, shall be allowed to be written by an under trial prisoner.

(3) Additional letters for legal purposes such as arranging defense, bail, and security may be allowed normally at the prisoner's own cost.

209. Purchase from prison canteen.- Under trial prisoners may be allowed to purchase from the prison canteen, a reasonable supply of stationery, writing materials and sundry articles which shall be marked and serially numbered by the prison authorities.

210. Production before court.- (1) The names of all prisoners to be produced each day before the Magistrate must be entered in the Peshi-Register by the Jailor, whose duty to ensure the punctual attendance of prisoners in the court on the day fixed.

(2) For extension of detention in custody, the prisoner may be produced before the court either in person or through electronic medialike, video-conferencing.

Note: Before under-trial prisoners are sent to the court, the usual morning meals shall be served and arrangement shall be made to enable them to have their meal when they return to jail.

211. Requisition of escort.- (1) On the basis of the Peshi-Register, requisition for police escort shall be sent sufficiently in advance.

(2) Information about women, adolescent, 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.

212. Sick prisoners.- If an under trial prisoner is sick and the Medical Officer certifies the prisoners inability to attend the court, he shall not be produced before the court and in such an event, the medical certificate shall be forwarded to the court.

213. Articles allowed to be taken while going to the court.- (1) While going to the court, the under trial prisoner shall return all prison articles issued to him.

(2) Except 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.

(3) In case the under-trial prisoner wants to take his cash for legal purposes, the same shall be forwarded through the police escort.

(4) This amount may be utilized by the under-trial prisoner for the purpose like legal defense, cost of copies, etc.

(5) The disposal of this amount shall be certified by the police and the prisoner in the appropriate column of the register prescribed for such purpose.

(6) Under no circumstances, shall the under-trial prisoner be allowed to carry cash or valuable, if any, on his person.

214. Search of under-trial prisoners.- Before being sent to the court, and after having been received back from the court, all under-trial prisoners shall be thoroughly searched.

215. Transport of under trial prisoners.- (1) For transporting under trial prisoners to and from the court and other destinations, necessary arrangements for conveyance shall be made by the police authorities.

(2) If a separate conveyance is not provided for women and adolescent under trial prisoners, the common conveyance must have separate compartments for women and adolescent under-trial prisoners.

(3) Female police escort shall be necessary for transfer of female prisoner from one destination to other and also for production before the court.

216. Handcuffing.- (1) Ordinarily Handcuffing shall be resorted only when there is no other reasonable way of preventing escape of the prisoner, in the given circumstances.

(2) The following categories of under trial prisoners may be handcuffed or restrained for reasons recorded in writing and with previous approval of the concerned court, namely:-

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

(3) Handcuffing of under-trial prisoners may be done in the court premises with the permission of the court.

217. No forceful handcuffing.- (1) No handcuff or other fetters shall be forced on a prisoner convicted or under trial while lodged in a jail anywhere in the State or while transporting or in transit from one jail to another or from jail to Court and back as per the provisions of the notification mentioned in the note below.

(2) The jail authorities, in the State, on their own, shall have no authority to direct handcuffing of any inmate of a jail or during their transport from one jail to another or from jail to Court and back:

Provided that where imposition of handcuffs or fetters to any particular prisoner is thought expedient in the exigency of the case, special orders from the concerned Magistrate shall be obtained before imposition of the same.

218. Interview in Court Premises.- (1) Only under the written orders of the court, the under trial prisoners may be granted permission for interviews for legal purposes by the officers in charge of police escort in the court premises.

(2) Proper record of such interviews shall be maintained at the courts concerned and intimation sent to prison authorities.

219. Prohibition to receive cash or valuables.- (1) Under trial prisoners shall not be allowed directly to receive any cash or valuable articles while under escort or while on the court premises.

(2) Such cash or articles as mentioned in sub-rule (1) shall be deposited in the prison office under intimation to the under-trial prisoner and credited in prisoners property register under proper authorization.

220. Prohibition to receive eatables.- The police escort shall not allow any eatables or prohibited articles to the under trial prisoners during their journey between the court and the prison or in the court premises.

221. Search before taken to the court room.- Under-trial prisoners shall be thoroughly searched before being taken into the court-room.

222. Return to the prison.- As soon as the court work is over, such under-trial prisoners as have been remanded to prison custody shall be brought back to the prison.

223. Search before entry to the prison.- (1) 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 Superintendent and if necessary, to the District Superintendent of Police or Deputy Commissioner of Police for taking action.

(2) The cash as is brought by the police escort should be recorded in the register and deposited in the prison office under intimation to the under-trial prisoner.

224. Expenditure to be borne by the concerned district police office.- (1) The expenditure incurred during the conveyance of under trial prisoner to and from the courts or from one district to another, shall be paid by the concerned district police office.

(2) Subsistence allowance, if allowed, shall be paid to the under trial prisoner as per the scale fixed by the Government.

225. Production of under-trial prisoners in other States.- (1) When an under trial prisoner is required to be sent to another State for trial, the State from where the under trial prisoner is sent shall arrange for the escort.

(2) Travel and other incidental expenses of the escort of the under trial prisoner shall be borne by the requisitioning State.

226. Production of under-trial prisoners before court in a proceeding of civil suit.- Unless ordered by the competent court, no under-trial prisoner shall be produced before court in a proceeding of civil suit.

227. Steps to be taken in case of pendency of Additional Cases.- When additional case or cases are pending against a prisoner, the following action shall be taken, namely:-

- (a) entries of additional cases in red ink on the Remand Warrant in appropriate columns of under-trial register and court diary shall be made;
- (b) intimation to the court or courts concerned about pending cases stating whether the prisoner is on bail or not in connection with that case or those cases shall be sent; and
- (c) intimation to police escort shall be sent regarding pending of other charges during the time of made over.

228. Separate Remand Warrant.- (1) When an under-trial prisoner is wanted for trial in another case or cases for which he is not on bail, the court concerned shall issue separate Remand Warrants.

(2) In the event of grant of bail in the other case or cases, due intimation shall be sent by the courts to the prison authorities.

(3) When an under-trial prisoner confined in a prison is required for another case or cases for which he is on bail, the court concerned shall duly intimate the prison authorities.

(4) 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 shall be made each time he is sent to the court.

229. Discipline.- (1) 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.

(2) Except prisoners working in essential prison services like conservancy, etc. no convicted prisoner shall be allowed to enter the under trial yard or block.

(3) As soon as the work is over, these prisoners should be withdrawn from the yard or block.

(4) In all matters where under trial prisoners are concerned, no convicted prisoner shall be used for supervision or for similar purpose and all such matters shall be handled by staff members.

230. Attempt to escape.- An under trial prisoner attempting to escape shall be brought before a competent magistrate for trial under section 224 of the Indian Penal Code, 1860 (Central Act No. 45 of 1860) without delay.

231. Works performed by the under-trial prisoner.- (1) Under trial prisoners shall clean the yards, barracks and cells where they are kept and shall be detailed for this work.

(2) 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 will get cleaned up.

(3) It will also be incumbent on all under trial prisoners to keep their own clothing, bedding and equipment properly washed, cleaned, and disinfected.

232. Wages payable for the works.- If under trial prisoner volunteers to work, suitable work, if possible, be given to them and wages may be paid to them according to schedules of standard tasks and wages, as fixed by the Government.

233. Prohibition on extramural works.- Employment of under trial prisoners on extramural work is strictly prohibited and in no case, the under trial prisoners shall be employed outside their own enclosure or in work-sheds and areas where other convicted prisoners are working. No work of a degrading character shall be exacted from any unconvicted criminal prisoners.

234. Transfer of under-trial prisoners.- During emergency or on administrative grounds, the Head of Directorate of Prisons is authorized to transfer under trial prisoners from one prison to another within the State.

235. Transfer from one state to another.- If an under trial prisoner is required for production before a court of other state after disposal of the cases in the local court, the court concerned may be requested to arrange for production of the said under trial prisoner in his court by the Superintendent.

236. Serious illness of under trial prisoner.- (1) In every case when an under trial prisoner is so seriously ill as to be likely to die, the Superintendent shall report the circumstances to the concerned trial court and if the law permits and the court thinks it proper, the prisoner may be released on bail.

(2) In the event of an under trial prisoner being too ill to attend court on the appointed date, the Superintendent shall report the circumstances as required by clause above of this rule and shall ask for authority further to detain the prisoner in custody.

237. Transfer to an outside hospital.- (1) 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.

(2) In case the sick under trial prisoner needs to be shifted to referral hospital located outside the jurisdiction of the trying court such shifting shall be done immediately under intimation to the trying court.

238. Death of an under-trial prisoner.- The death of an under trial prisoner shall be promptly reported to the court under whose orders he was detained.

239. Conviction of an under trial prisoner.- (1) When an under trial prisoner is convicted, the officer in charge of under trial prisoners shall hand over all connected papers and records together with cash and private property, if any, to the officer in charge of admission of the convicted prisoners who shall attend to the usual routine in this respect.

(2) On conviction, an under-trial prisoner shall be transferred to the yard meant for newly admitted convicts.

240. Release from the court.- (1) When an under trial prisoner is discharged or released from the court, an endorsement to that effect shall be made by the court to the jail authority.

(2) On receipt of such intimation, entries in the appropriate columns for under trial register shall be made.

241. Claim of personal property.- If the under trial prisoner is released from the court he should claim his personal property, if any, from the prison authorities.

242. Release from prison.- (1) Release orders shall be sent through post or electronic mode (duly authenticated) or through the peon of the court and if any private person brings such documents, the same shall not be accepted at the prison office.

(2) On receipt of a release order prompt action shall be taken and the under trial prisoner shall normally be released within four hours of the receipt of the release order.

(3) In case the release order is received after sunset, steps should be taken to release the under trial prisoner as early as possible next morning.

243. Other formalities for release.- While releasing an under-trial prisoner, the officer in charge shall,-

- (a) scrutinise of the release order with relevant original papers and record;
- (b) scrutinise whether any other case is pending against the under-trial prisoner;
- (c) scrutinise the identity of the under trial prisoner; and
- (d) hand over of the cash and property of the under trial prisoner.

244. Intimation about the content of the bail bond.- The under-trial prisoner shall be informed of the contents of the bail bond prior to his release.

245. Women under-trial prisoners.- (1) Women under trial prisoner shall normally be escorted by women police.

(2) As far as practicable, separate conveyance should be provided for the transport of women under trial prisoners.

246. Work by women under-trial prisoners.- (1) Women staff members shall be in charge of women under trial prisoners.

(2) A female Deputy Jailor or Matron shall be present at the time of admission and release of women under trial prisoner.

247. Escort of women under-trial prisoner.- (1) As far as possible, women under trial prisoners shall be handed over to their relatives after release.

(2) If this is not possible, a woman police or woman prison guard shall escort the released woman under trial prisoner to the nearest Railway station or transport bus stand.

248. Procedure for filling registers and their forms.- The register in Form as specified, shall be maintained in respect of under trial prisoners detained in any jail.

249. Confinement of young offenders in separate block.- (1) Each prison shall have a separate block for young offenders who are between 18 and 21 years of age, so as to keep them away from adult habitual offenders.

(2) This block shall be divided into two separate sections one for the under trials and other for the convicts.

(3) Normally each section shall accommodate not more than 100 inmates.

250. Education to young offenders.- (1) Superintendent shall ensure that educational needs of young offenders are adequately met and necessary facilities for the overall educational development are provided in prisons.

(2) Appropriate educational programmes shall be designed for young offenders, if required in assistance from the non-Government Organizations, so that the young offenders of various age groups and intelligence levels can derive benefits.

(3) Special emphasis shall be laid on the following aspects in education of young offenders, namely:-

- (a) Physical and health education;
- (b) Social and moral education;
- (c) Literary education;
- (d) Vocational education; and
- (e) Arts and handicrafts education.

(4) For illiterate and educationally backward young offenders special educational classes shall be organized.

(5) Necessary opportunities for the self-education of young offenders shall be provided in the prisons.

(6) 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 shall be permitted to do so.

(7) Young offenders (Convicts) shall be taught such crafts, skills and vocations as would be useful to them after release.

251. Employment of young offenders.- (1) Young offenders may be employed by rotation as assistants in running the prisoner's essential services, like sanitation and hygiene etc. inside their block and plumbing services.

(2) A young offender employed is not to be required to perform work for more than 6 hours in any day.

(3) An offender performing work shall,-

- (a) comply with any reasonable direction given by the supervising officer; and
- (b) wear any safety clothing or equipment supplied for the purpose of performing the work.

252. Safe working environment and safe manner of work.- The supervising officer is to take any measures that are practicable to ensure that an offender performing the work,-

- (a) is not exposed to hazards at the place where the work is being performed; and
- (b) in such a manner that it does not expose the offender or any other person to hazards.

253. Cultural development of young offenders.- (1) Special emphasis shall be given on the cultural development of young offenders.

(2) Programmes of recreational nature and cultural activities shall be so planned as to suit the needs of various groups of young offenders.

(3) Activities like indoor games, outdoor games, gymnastics, athletics, films, music, community and folk dances, dramatics arts, crafts, reading, writing, debating quiz programmes, sports-meet, shall be organized for recreational and cultural programmes.

254. Discipline of young offenders.- Special emphasis shall be given on the discipline of young offenders. As far as possible, minor offences shall be dealt with by

withdrawal of concessions and when this approach fails, recourse shall be taken to other forms of punishment.

255. Relatives to be informed of the date of release.- (1) At least one month before a young offender, in case of convict, is due to release, a letter shall be sent to his relatives or friends intimating the date of his release.

(2) Probation of Offenders Act, 1958 (Central Act No. 20 of 1958) shall be extensively used in case of young offenders to provide suitable institutional and non-institutional treatment.

(3) After Care Facilities should be extended as per provision of aftercare rehabilitation of prisoners.

CHAPTER IX

FEMALE PRISONERS AND CHILDREN

256. Establishment of women's jail.- (1) To ensure safety of female prisoners and guard them against any form of exploitation, the State Government may establish women jails in the State.

(2) While exclusive prisons far from central areas may hinder a female prisoner's proximity from home, such exclusive prisons may at times be necessary from a safety perspective.

(3) In any case, separate enclosures or prisons within a district or central prisons are also required to be established for housing female inmates where there are no exclusive jails for women.

(4) Till separate prisons for women are established, both male and female inmates can be confined in the same prison on the condition that female offenders are to be kept in strictly secluded female enclosures within the prison complex.

(5) The existing enclosures for women in common prisons may be renovated to ensure that the women inmates do not come in contact with male inmates during their passage to and from these enclosures. Such enclosure should be, to the extent possible, independent in terms of infrastructural set-up.

(6) These enclosures should have a double lock system, one lock outside and the other inside.

257. Enclosures for female prisoners.- The enclosures for female prisoners shall 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.

258. Equal access to work.- The work and treatment programmes for female inmates shall be devised giving due consideration to their special needs and such inmates shall be granted equal access to work, vocational training and education as male prisoners.

259. Seclusion of female prisoners from male.- (1) Female prisoners shall be rigidly secluded from the male prisoner and the under-trial female prisoner shall if possible, kept apart from convicts.

(2) The Female wards shall be so situated as not to be overlooked by any part of the male jail and there shall be separate hospital enclosure as far as possible.

(3) Female prisoners shall not be required to attend at the jail office.

(4) All enquiries and verification of the warrant of female prisoner shall be conducted by the Jailor or Lady Deputy Jailor in the female enclosure.

260. Classification and separation.- As far as possible women prisoners shall be classified and kept separately as mentioned below:-

- (a) the under trial prisoners shall be kept completely separated from convicted offenders, even when their number is small;
- (b) the habitual prisoners shall be separated from casual offenders;
- (c) Habitual offenders, prostitutes and brothel keepers must also be confined separately;
- (d) adolescent girls should not be confined with adult women prisoners; and
- (e) political and civil prisoners shall be kept separately from convicts and under-trial prisoners.

- Note:
- (i) No prisoner or under-trial prisoner, mentally ill shall be kept in the prison;
 - (ii) If any such prisoner are there, they shall be immediately transferred to appropriate mental health institutions; and
 - (iii) No classification of prisoners shall be allowed on grounds of socio-economic status, caste or class.

261. Maintenance of Register.- A register, which may be in electronic form shall be maintained in every place of imprisonment with numbered pages where in the following details of women prisoners shall be entered, namely:-

- (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; and
- (d) Details of children of the prisoner, if any, including names, ages, location and custody status.

262. Restriction on women prisoners.- (1) 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.

(2) Every female prisoner authorized to leave her enclosure will ordinarily be accompanied by a Jailor or Deputy Jailor with Female Warder from the time she leaves till she returns.

263. Restriction on entry in the enclosure of female prisoners.- (1) No male officer of the jail shall on any pretext enter the female prisoners enclosure alone or unless he has a duty to attend to there.

(2) If a male officer has to attend to any duty in the females' enclosure and there is a female warder, he may enter the females' enclosure in her company and shall be accompanied by her to whatever part of the female jail he may have to go.

(3) If the matron is a convict, he shall be accompanied by a head warder and the two shall not separate whilst in the females' enclosure at night, the head warder on duty shall call the Jailor, and these two officers together shall enter the enclosure.

(4) Warders acting as escorts to jail officers or visitors must remain outside the enclosure while it is being inspected.

264. Matron or female warder to be custodian of key.- The keys of the female division of a jail shall be kept by the matron or female warder during the day, and after the wards and enclosure have been locked up at night shall, except those of any occupied female cells, be made over to the jailor, and shall remain in his custody until required next morning for the opening of the female wards.

265. Different Locks to be used.- (1) The locks of the female cells and wards shall be different from those in use in other parts of the jail and the same key shall not unlock the locks used both in the male and female divisions of the jail.

(2) If there is no matron or female warder, the keys of the female ward shall during the day-time, be kept by the Head Warder on duty, but he shall not enter the female ward except to accompany the Superintendent or visitors or the Jailor or Deputy Jailor (one of whom shall open and lock up the female ward) or the warder placed in charge of the sweepers who have to enter the ward to attend to conservancy. The warder entrusted for this duty shall be an old and trustworthy officer.

266. Training of staff for gender-sensitivity.- (1) 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.

(2) 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.

267. Child health care.- Where children are allowed to stay with their mothers in prison, awareness relating to child development and basic training on the health care of children shall also be provided to prison staff, in order to respond appropriately in times of need and emergencies.

268. Photography and fingerprints.- Photographs, foot-prints, finger-prints and measurements of female prisoners shall be done in the presence, and with the assistance, of female prison officers or female warders.

269. Night Inspection.- Night inspection or round shall be made by women officers who shall ascertain the correctness of female ward, number of female prisoners and the other information, if any, from the female warder or female convict watchman on duty.

270. Prisoners requiring mental health care.- (1) Female prisoners needing treatment for mental diseases shall not be admitted in prison.

(2) Female prisoners as mentioned in sub-rule (1) shall be kept in separate enclosures for female patients at the mental health hospital, or in other hospitals having mental health facilities, under the supervision of a lady Medical Officer.

271. Custody of the female enclosure.- There shall be round the clock duty of female Head Warders and female Warders in the female enclosures.

272. Quarantine on admission to prison and medical aid.- Women prisoners, on admission to prison, shall be medically examined and, if the examining Medical Officer deems it necessary, shall be kept separately in the female enclosure on medical grounds for the period as may be advised by the medical officer.

273. Lady doctors to take medical care of women prisoners.- (1) Part-time lady medical officers of the District Government Hospital or Medical College Hospital shall be engaged for medical examination of female prisoners on admission.

(2) Only lady doctors shall look after the medical care of women prisoners during their stay in prison.

(3) Every woman prisoner shall be examined by a lady Medical Officer. Such examinations shall also be conducted on readmission after parole etc.

274. Pregnancy.- (1) When a woman prisoner is found, or suspected, to be pregnant at the time of admission or later, the lady Medical Officer shall report the fact to the Superintendent.

(2) Arrangements shall be made at the earliest to get her medically examined at the female wing of the Government Hospital or Medical College and Hospital for

ascertaining the state of her health, pregnancy, duration of pregnancy and the probable date of delivery.

(3) After ascertaining all necessary particulars, a detailed report shall be sent to the Head of Directorate of prisons.

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

(5) Gynecological examination of the female prisoner shall be performed in the District Government Hospital or Medical College Hospital.

(6) Proper pre-natal and ante-natal care shall be provided to the prisoner as per the advice of qualified medical officer.

(7) Adequate and timely food including supplemental nutrients, healthy environment and opportunities for regular exercise shall be provided to pregnant women, breast-feeding mothers and children.

275. Child birth in prisons.- (1) As far as possible every women prisoner having a suitable option, arrangement for parole (or suspended sentence in case of minor and casual offender) shall be made to enable an expectant prisoner to have the scope for delivery outside the prison.

(2) Only on exceptional cases constituting high security risk or cases of equivalent grave description, these facilities can be denied.

(3) The delivery of the child shall be done at the hospital but not in the Prison hospital, as far as possible.

276. Registration of birth.- (1) Births in prison shall be registered at the local birth registration office and the fact that the child has been born in prison shall not be recorded as the place of birth.

(2) Only the address of the locality shall be mentioned.

(3) 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.

(4) In the event of a woman prisoner falling ill, alternative arrangement for looking after any children falling under her care, shall be made by the jail staff.

277. Certain ornaments to be allowed to women prisoner.- (1) Female prisoners shall be allowed to retain, in moderation, certain ornaments of small value such as mangal-sutras, bangles and toe rings.

(2) The Superintendent may, however, at his discretion, refuse to allow the retention of these ornaments in any particular case for disciplinary or security reasons.

278. Children of women prisoners.- (1) 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.

(2) Children born in prison may remain with their mothers up to six years of age, if they cannot otherwise be suitably placed.

(3) The Medical Officer shall determine the age of children not born in prison for the purpose of this provision.

279. Information to Collector about children above six years.- (1) No child shall be admitted into or retained in prison if he has attained the age of six years.

(2) The Superintendent shall inform the Collector and District Magistrate about all children of that age for placing them in a home run by the Child Development Department or Social Justice and Empowerment Department.

(3) 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.

(4) Removal of the child from prison shall be done with utmost sensitivity and only when alternative suitable arrangements have been made for his or her stay.

(5) In case of foreign nations, removal of child and alternative arrangements shall only be done consultation with their consular representatives.

280. Children in protective custody.- (1) Children kept under protective custody in a home of the Child Development Department shall be allowed to meet their mothers at least once a week.

(2) The District Social Welfare Officer shall ensure that such children are brought to the prison on the dates fixed for this purpose by the Superintendent.

(3) The Children above the age of six shall also be handed over to any close relatives chosen by the women prisoner.

281. Death leaving behind child.- (1) 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.

(2) If the relatives of prisoner are unwilling to support the child, the District Magistrate shall either place the child in an approved institution or home run by the Government or hand the child over to a responsible person for care and maintenance.

282. Conducive environment for children.- Women prisoners with children should not be kept in sub-jails, unless proper facilities can be ensured which would make for a conducive environment there, for proper biological, psychological and social growth.

283. Welfare of the children of the women prisoners.- (1) There shall be a crèche and a nursery school attached to a prison for women where the children of women prisoners shall be looked after and 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.

(2) The crèche and nursery school shall be run by the prison administration preferably outside the prison.

(3) Children in prison shall be provided with adequate clothing suiting the local climatic requirements as per scale fixed by the Government or Head of Directorate of Prisons, from time to time.

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

(5) Children living in prison shall never be treated as prisoners, the prison staff must display sensitivity, respect and dignity when searching children and body cavity searches shall never be applied in case of children.

284. Examination of the health of child.- (1) Children shall be regularly examined by a Medical Officer to monitor their physical growth who shall also be vaccinated for various diseases including polio and small-pox at the appropriate time.

(2) Extra clothing and diet may also be provided to such children on the written recommendations of the Medical Officer.

(3) Whenever possible, the Pediatric Specialist shall check the health condition of the Children.

285. Education for the children living with woman prisoners.- (1) The children of women prisoners living in the prison shall be given proper education and recreational opportunities.

(2) There shall be a well equipped creche and a nursery school attached to a prison for women where the children of women prisoners shall be looked after while the mothers work in prison.

(3) Children below three years of age shall be allowed in the creche and those between three and six years shall be looked after in the nursery school.

(4) These facilities may also be extended to the children of warders and other female prison staff.

(5) The crèche and nursery school shall be run by the prison administration preferably outside the prison with the assistance of non- Government Organizations or state welfare services.

(6) In the event the prison administration considers it difficult to run a crèche, arrangements shall be made to send the children to a privately run crèche under proper security.

(7) The transportation charges involved in the process and crèche fee shall be borne by the prison administration.

286. Clothing for children in prison.- (1) Children in prison shall be provided with adequate clothing suiting the local climatic requirements and for the said purpose the Government shall lay down appropriate scales.

(2) Articles, like diapers and other such things as required, should be provided to women prisoners who are caring for their infant children.

287. Cooking inside prisons.- (1) Management of kitchens or cooking food on caste or religious basis must be totally banned in prisons for women.

(2) Female prisoners shall not be allowed to cook for themselves.

(3) Cooked food shall be brought to them by a convict cook accompanied by the warder in-charge and shall be placed outside the enclosure gate.

(4) All refused matter etc. placed at stated time outside the enclosure shall be carried away by convicts.

(5) Adequate and nutritious diet shall be given to nursing women and children accompanying women prisoners as specified under rule 757.

(6) Food articles shall be of a good quality.

(7) Pregnant and nursing women prisoners should be provided a special diet as prescribed in these rules.

(8) Women prisoners should get special diet on festivals and national Holidays, as prescribed in these rules.

(9) Medical Officer shall ensure that food is cooked under hygienic conditions and is nutritious.

(10) There shall be a separate kitchen for every three hundred prisoners.

(11) 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.

(12) Prison officers, including the Superintendent, shall supervise every aspect of the prison diet system like issue of rations, management of kitchens and distribution of food.

(13) Women prisoners shall not be allowed to have their own mini kitchens inside the prison barracks.

(14) Clean drinking water shall be supplied to prisoners and it shall be tested periodically.

288. Prisoner to receive diet according to scale.- Every prisoner shall be entitled to receive every day food at stipulated times and according to the scale specified under **Chapter XXXV.**

289. Special extra diet on medical grounds.- (1) Where the Medical Officer, for reasons of health, considers the prescribed diet to be unsuitable or insufficient for a women prisoner or her child, he may order in writing, a special diet or extra diet, for a specific period of time.

(2) Special consideration shall be given in this regard to pregnant or nursing prisoners.

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

290. Clothing.- (1) Female convicts and under trial prisoners shall be supplied with clothing as per scale fixed by the State Government, from time to time.

(2) Adequate warm clothing, according to local conditions and change of seasons, shall also be provided.

(3) Children allowed to stay with women prisoners shall be given suitable clothing similar to what is normally used by children in the local community.

(4) Every women prison should maintain a repair unit where prisoner's clothing can be repaired.

(5) Sterilized sanitary pads or Sanitary napkins shall be issued to women prisoners as per their requirements.

(6) All clothing shall be cleaned and kept in a proper condition.

(7) Underclothing shall be changed and washed as often as necessary for maintenance of hygiene.

(8) Every woman prisoner shall be provided with sufficient bedding in accordance with local standards, these shall be clean when issued, kept in good order and changed often enough to ensure their cleanliness.

(9) All articles of prisoner's bedding, clothing and other equipment shall be inspected by a women officer at least once a week to ensure that proper standards are maintained.

291. Accommodation.- (1) As far as possible there shall be four types of living accommodation for female prisoners, namely:-

- (a) Barracks with accommodation for forty women prisoners;
- (b) Dormitory accommodation for four to six women prisoners each;
- (c) Single room accommodation for women prisoners needing privacy for pursuing studies if available; and
- (d) Cells for segregation of women prisoners for the purpose of security and punishment.

(2) When cells in the female enclosure are occupied, arrangements shall be made that, at night, a female officer and in the day time, such an officer or a female convict officer shall always be within hearing of the occupants.

(3) The keys of the cells shall always be at hand and in the custody of a female officer or warder.

(4) One shall always be present in the female enclosure with the key of the cells throughout day and night.

(5) Continuous confinement in the female prisoner's cells shall not be allowed.

(6) No female shall be locked in a cell at any time during which a female warder is not present.

(7) As this prohibits the execution of a judicial sentence of solitary confinement in any jail which has not two female warders, wherever a female prisoner is so judicially sentenced, her descriptive roll shall be submitted to the Inspector General of Prison for transfer to any jail for which necessary establishment has been sanctioned.

(8) All accommodations 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.

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

- (10) Prisoners kept in dormitories shall be carefully selected, so that they are able to adjust with one another in those conditions.
- (11) There shall be regular supervision by night, in keeping with the nature of the institution.
- (12) There shall be sufficient number of toilets and that should be maintained in a clean and decent state.
- (13) Where the 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 and the place should be sufficiently ventilated to allow the entrance of fresh air.
- (14) Sufficient artificial light too shall be provided for the prisoners to read or work.
- (15) 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.
- (16) All parts of the institution, regularly used by prisoners, shall be properly maintained and kept scrupulously clean at all times.

292. 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.

293. Menial duties prohibited.- No menial duties nor any conservancy work, connected with the women's enclosure, shall be carried out by the women prisoners and specific staff for this purpose shall be employed.

294. Personal Hygiene.- (1) Women prisoners shall be required to keep their persons clean, and to this end, they shall be provided with sufficient water and toilet articles necessary for maintaining health and cleanliness.

(2) A woman prisoner's hair shall not be cut without her consent.

(3) If, on account of vermin or dirt, the Medical Officer deems cutting of hair necessary on the ground of health and cleanliness the same may be cut but it shall not be cut any shorter than required.

(4) Clothing and linen provided to women prisoner shall include undergarments, upper and other clothes, towels and socks in cold climates and adequate quantity of toilet and washing soap.

(5) Women prisoners shall be provided kumkum according to their custom, sufficient quantity of hair oil and a comb.

(6) Sufficient number of looking glasses shall be fitted in their barracks.

295. Interview.- (1) The number of interviews for convicts and under trial prisoners should be liberalized in the case of female prisoner.

(2) In case of close relative of women as detained in the same prison, interview of both shall be facilitated between the two gates in presence of jail officer.

(3) There shall be a separate interview room for facilitating interview of female prisoner with their family members and relatives.

(4) Every women prisoner shall be allowed, assisted and encouraged to write a letter and have interview with her relatives or neighbors once a week.

(5) A senior female officer in charge of interviews shall be responsible for grant of interviews as per rules.

(6) There should be no limit on incoming letter of women prisoners.

(7) Illiterate or semi-literate prisoners shall be provided help in writing letters.

(8) A waiting room for visitors shall be provided at each prison for women prisoners.

(9) Every newly admitted prisoner shall be allowed facilities for seeing or communicating with her relatives or friends or legal advisors, with a view to preparation of an appeal or revision petition or for procuring bail.

(10) 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. In the library religious books like Ramayan, Mohabharat, Gita, Bhagabat or other religious books in case of for Hindu prisoners, Qurran in case of for Muslim Prisoners, Bibel for Christian, Guru Granth Sahib or Guru Bani in case of for Sikh prisoners shall also be kept.

296. Books.- Every institution shall have a separate library and a reading room for women with both recreational and instructional books and prisoners should be encouraged to make full use of these facilities.

297. Supply of books.- (1) A woman prisoner shall be allowed to keep, at a time, up to five books with her.

(2) The restriction on keeping the number of the books shall be imposed only for the reason of administrative convenience like space per prisoner and not for any other reason.

298. Education.- (1) Every woman prisoner shall be offered with a suitable educational programme during her stay in the prison.

(2) Education shall be a compulsory activity in prisons for at least one-hour everyday and it shall aim to enhance their functional capability.

(3) Every prison should organise adult education, social, moral and health education, family welfare programmes, and training in various skills for making women self-reliant.

(4) For interested prisoners, appropriate facilities for formal and advanced education shall also be provided.

299. Recreational and cultural programmes.- (1) Recreational programmes shall be organized for women prisoners which may include simple outdoor games, bhajans, music, folk dances, drama, Television, radio and film shows.

(2) Women prisoners shall be provided with facilities for meditation and yoga for the benefit of their mental and physical health.

(3) Every prisoner who is not employed in outdoor work shall have at least one hour of suitable exercise in the open air daily if the weather permits.

300. Vocational Training.- (1) As far as possible women prisoners shall be imparted training suited to their aptitude and background, making them economically self-reliant.

(2) Vocational training in useful trades shall be provided to women prisoners.

(3) 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.

(4) Sufficient work or vocational trades shall be provided to keep prisoners actively employed for a normal working day which may include:-

- (a) Tailoring;
- (b) Embroidery;
- (c) Needle-craft;
- (d) Candle Making;
- (e) Toy making;
- (f) Stationery articles making;
- (g) Typing;
- (h) Computer Training;
- (i) Beautician's work;
- (j) Mushroom cultivation; and
- (k) Pottery.

301. Recreational visit of children outside the prison.- The Superintendent along with the jail staff shall design programme for recreational visit of children of female inmates outside the prison at regular interval.

302. Wages.- Prisoners shall be paid equitable wages for their work and no disparity in wages shall accrue on account of gender differences.

303. Saving Funds.- The system should also provide that a part of the earnings is set-aside by the administration to constitute a savings fund to be handed over to the prisoners on their release.

304. Spending on approved articles.- 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.

305. Medical facilities.- Female Prisoner suffering from mental disorders, anxiety, drug addiction and sex perversion shall be provided proper medical treatment and psychotherapy.

306. Legal aid.- (1) Socio-legal counseling cell shall be set up in each institution to be managed by the volunteers from a designated law school, school of social work, or a non-governmental voluntary agency.

(2) 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.

307. Assistance of Lady Member of District Legal Service Authority.- Assistance of lady members of the District Legal Service Authority shall be made available to women prisoners to help them with their procedural and legal problems.

308. Facilities for foreign nationals.- Women prisoners, who are nationals of other countries, or refugees, shall be allowed reasonable facilities to communicate with their diplomatic and consular representatives.

309. Premature Release.- (1) Special consideration shall be given to premature release of women prisoners particularly in cases where she has been the sole breadwinner, or where no surrogate care is possible for the dependents of women prisoners.

(2) As far as possible on suspended sentences, or otherwise, of expectant mothers premature release shall be ensured to avoid delivery of their child inside the prison.

310. Non-institutional corrective treatment.- Probation of Offenders Act, 1958 (Central Act No. 20 of 1958), shall be extensively used in case of women offenders to provide suitable non-institutional corrective treatment to them.

311. Transfer of women convicts to women prisons.- Women prisoners, sentenced for six or more months of imprisonment, shall be transferred to a women's prison to facilitate their rehabilitation where possible.

312. Release of women prisoners.- (1) Before a woman prisoner is released, sufficient advance notice shall be given to her relatives or friends to be present at the prison and receive her.

(2) If no relative appears on the day of her release, she shall be sent to her home under the charge of female escort.

(3) The Jailor shall record in her report book about arrangements made for the safe release and escort of woman prisoner to her home.

313. After care, rehabilitation and follow-up.- After care services should include all kinds of help which could result in proper readjustment of the released women prisoners in the society.

314. Roll of voluntary organizations.- (1) There shall be at least one designated voluntary organization approved by the District Magistrate in each district to which the work of extending help to a released prisoner could be entrusted.

(2) The approved representatives of such organization shall have necessary access to the institutions and to women prisoners, and shall be taken into confidence from the start of their sentences.

(3) It is desirable that the activities of such organization are centrally monitored and coordinated in order to secure the best use of their services.

315. Linkages with outside welfare agencies.- (1) The Superintendent of Prison shall establish a functional linkage and co-operational relation with a selected group of social activists or Non-Government Organization serving and taking up the cause of women in general and women offenders in particular, so that the prison administration and such organizations can together wage a war against social stigma attached to women in custody.

(2) As this is a battle to be fought more in minds than in fields, frequent seminars or symposia shall be conducted to elaborate on the need of after-release rehabilitation of women offenders, and to create a favorable public opinion.

316. Counseling of women prisoners.- Counseling of women prisoners in prisons shall be taken up in such a manner that it will,-

- (a) give her the right feeling that a prison is not a dumping ground where she has been thrown; rather it is a residential center for occupational therapy wherefrom her return journey to the free world shall begin;
- (b) adjust or rectify her pro-crime attitude into an inclination and resolve towards lawful and decent living; and
- (c) help her in convincing herself that all the ingredients required for a normal life in the mainstream are still intact in her, awaiting manifestation.

317. Vocational and other training.- The literacy and vocational training for women offenders shall be conducted in such a manner that it shall,-

- (a) dismantle the stubborn web of criminality in her psyche;
- (b) endow her with professional capabilities and expertise in one, or more than one, vocation, so as to enable her to earn a living after her release;
- (c) eradicate the poverty-crime nexus; and
- (d) finally germinate the seeds of desire in her mind to her tryst with mainstream life, a tryst that will unfold new vistas in the exploration of a colossal pool of human resource hitherto untapped.

318. Display of the products.- (1) Arrangements for public display of the products made by the women prisoners shall be made it will boost their morale, instill and develop confidence into them, and rekindle the flames of hope for a normal life at large.

(2) It will pave the way for the much needed social awareness, supportive and sympathetic to the women living behind the bars.

319. Mentally ill or insane prisoners.- (1) Women who are found insane and mentally ill shall not be detained in prison.

(2) Arrangements shall be made for the removal to mental homes or institutions of mentally ill prisoners who happen to be admitted in prisons.

320. Discipline.- Discipline and order shall be maintained with firmness but not with extreme restriction than is necessary for safe custody and well ordered institutional life.

321. Punishment.- (1) 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.

(2) The competent authority shall conduct a thorough investigation of the case before awarding punishment.

322. Requests and complaints.- (1) During the weekly parades, every woman prisoner shall have an opportunity of making requests or complaints to the Superintendent who in turn, shall promptly deal with such requests or complaints.

(2) A complaint box shall be fixed at a prominent place in the woman's enclosure which shall be opened in the presence of the Superintendent at least once a week.

(3) Every complaint or request found in it shall be registered and properly dealt with and replied to without undue delay.

(4) The prison welfare officer and legal aid counseling staff, or literate prisoners, shall be utilized to assist illiterate prisoners in recording their complaints.

(5) All such complaints shall be received and tackled in an understanding manner without the risk of retribution to the complainant.

323. Terms of service and training.- (1) Female 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.

(2) Every woman member of prison staff shall be provided training in Human Rights and various aspects of correctional work.

324. Escorting of women prisoners.- (1) The matron or Female Deputy Jailor or female Head Warder or Female Warder shall escort every female prisoner leaving the women's enclosure, and shall remain with the prisoner until the prisoner returns to the enclosure.

(2) The services of women police shall be utilized for escort duty with due regard to security considerations.

325. Search of women prisoners.- The matron or Female Deputy Jailor or female Head Warder or Female Warder shall conduct the search of women prisoners and such search shall not be conducted in the presence of any male person.

326. Matrons or women warders not to allow a male to enter woman enclosure.-

(1) The women warder shall not allow any male prison officer, or male prisoner, to enter the women's enclosure without proper authority.

(2) If any male prison officer or warder or 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 Warder shall make a report forthwith to the Jailor or Superintendent.

327. Matron or Female Head Warder not to communicate with male prisoners.- No matron or female Head Warder shall at any time, and on any pretext, hold any interview or communicate or 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.

328. Keys of woman's enclosure.- The matron or the woman warder shall have custody of the keys of the wards and enclosures in which female prisoners are confined during the day and after the locking up, she shall deliver the keys to the Matron or Jailor.

CHAPTER X
CIVIL PRISONERS

329. Civil ward.- (1) Every civil prisoner shall be confined in the Civil ward or jail and shall not be allowed to hold communication or be associated with criminal prisoners. (2) In jails in which there is no civil ward, any part of it may be set apart for civil prisoners:

Provided that civil prisoners shall be kept in complete isolation from criminal prisoners.

330. Time of admission of Civil prisoners.- (1) No civil prisoners shall be admitted into jail after the prisoners have been locked up at sunset for the night.

(2) With regard to the search of civil prisoners on admission and their property, rules enumerated in Chapter VI shall be applied.

331. Provisions for diet of the Civil prisoners.- Under rule 39, Order XXI of First Schedule of the Code of Civil Procedure 1908 (Central Act No. 5 of 1908), judgment-debtors shall be dieted at the expense of the decree-holders.

332. Amount of monthly allowances.- (1) Where a judgment-debtor is committed to the civil prison in execution of a decree, the court shall fix the monthly allowance for his subsistence.

(2) The first payment shall be made to the proper officer of the court for such portion of the current month as remains unexpired before the judgment-debtor is committed to the civil prison and such officer shall send the amount paid with the civil prisoner to the Jailor.

(3) No debtor shall be received into the jail unless the proper amount of subsistence allowance is received with him.

(4) Subsequent payments, if any become due, shall be made to the Jailor by monthly payments in advance to the full amount due for the ensuing month before the first day of each month.

(5) If the decree-holder omits to pay the allowance as above, the Superintendent shall, without reference to the court, release the judgment debtor and the release shall be made on the morning of the day for which no allowance has been paid.

(6) A receipt from a counterfoil book in form as specified, shall be given to the decree-holder for subsistence money paid into the Jail, the amount received being credited in the contingent cash-book.

333. Entry in release register.- (1) The date of release of a civil prisoner shall be calculated according to rule enumerated in chapter relating to Admission of Prisoners", on the assumption that he will have a complete whole term and his name shall be entered in the Release Diary under that date.

(2) If a civil prisoner is ordered to be detained in a civil jail under more than one warrant, each warrant shall have full effect from the date thereof, although the prisoner may thus be detained beyond six months.

334. Expense on sickness of judgment debtor.- In the event of civil prisoner falling sick, expenses of his or her treatment shall be borne by the decree holder or by the State Government.

335. Period of detention.- (1) A Civil prisoner shall be detained as per the order of the detaining authority and for a period prescribed by such authority.

(2) A civil prisoner shall be released on completion of detention period whether it is a gazette or prison holiday.

336. Balance of diet-money.- (1) After a civil prisoner has been released, if there is any balance of diet-money in the jailor's hands, it shall be returned to the court.

(2) For every such refund of diet-money, a receipt shall be taken and posted into the cash-book opposite the entry to which it relates.

337. Use of clothes and purchase of food.- (1) Civil prisoners shall be allowed to use their own clothes, bedding and cooking utensils and to purchase or receive from private sources food, clothing and bedding or other necessaries.

(2) If a civil prisoner is unable to provide himself with sufficient clothing, bedding, food and seek for the same in writing, the Superintendent shall supply such, at par with the scale specified for the under trial prisoners.

338. Supply of articles through the Jailor.- (1) Every article supplied for the use of any civil prisoner shall be delivered through the Jailor and cause to be examined by him.

(2) Articles prohibited to be delivered or kept by other prisoners shall be so prohibited for civil prisoners as well.

339. No compulsion to do labour.- (1) No civil prisoner shall be compelled to do any labour.

(2) Civil prisoners may, with the Superintendent's permission, work in any prison workshop or attend any vocational training programme for which they are eligible for prescribed wages for the same.

340. Clean dress and good behavior.- Civil prisoners must be clean and properly dressed when leaving their rooms or wards during the day, they must stand up when any inspecting officer or authorized visitor visits the civil ward, must answer any question put to them by such officers or visitors in the discharge of their duty and treat them with respect and they must comply with the regulations of the jail and the Superintendent's orders.

341. Punishment for mischief.- Any civil prisoner assaulting or insulting another prisoner or a Jail officer, or quarrelling or talking loudly and boisterously, or guilty of indecent or immoral conduct or communicating with outsiders in an unauthorized manner, or bribing or attempting to bribe any jail officer, or gambling or spitting about and soiling the ward, verandah or passage, or disobeying the orders of or showing disrespect to the jail authorities in any way, may be punished.

342. Punishment for allowing civil prisoner to escape.- (1) Any Jail officer who may intentionally or negligently facilitate a civil prisoner to escape is liable to be punished under section 222 or 223 of the Indian Penal Code, 1860 (Central Act No. 45 of 1860) as the case may be.

(2) The civil prisoner by escaping commits an offence under section 225B of the Indian Penal Code, 1860 and on the occurrence of an escape of a civil prisoner, intimation shall be given to the judgment creditor who may, if he be able to ascertain the whereabouts of the prisoner shall assist the jail authorities and the police in recapturing him.

(3) On recapture after escape, or on the occurrence of an attempt to escape, the prisoner shall be prosecuted before a criminal court under section 225B of the Indian Penal Code, 1860 (Central Act No. 45 of 1860).

343. Information about the provisions of the Bankruptcy Code, 2016 (Central Act No. 31 of 2016).- (1) Extracts from the Insolvency and Bankruptcy Code, 2016 (Central Act No. 31 of 2016), containing the provisions relating to insolvency, shall be posted in every ward or cell assigned to civil debtors and revenue defaulters and all necessary assistance may be provided by the Superintendent to a civil prisoner wishing to be declared insolvent under the Act.

(2) Petitions of insolvency may be written by a prison official and paper and writing materials as are necessary may be supplied.

344. Register of Civil Prisoner.- Register shall be maintained in respect of the civil prisoners detained in any jail in Form as specified.

CHAPTER XI

MENTALLY ILL PRISONERS

345. Signs of insanity in the prisoner.- (1) In the event of any prisoner confined in any Jail exhibiting signs of insanity which, in the opinion of the Medical Officer, are not feigned, the Superintendent shall cause such prisoner to be kept under medical observation in a cell.

(2) If the prisoner mentally ill found to be, is,-

- (a) an accused person under trial the Superintendent Jail shall report the circumstances to the concerned Court for necessary action under chapter XXV of the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974);
- (b) a prisoner awaiting sentence of death, the Superintendent shall proceed as prescribed in these rules;
- (c) a person detained or imprisoned under any order or sentence of any court, the Superintendent shall inform to the concerned court in which such order or sentence was passed, with a descriptive roll in the prescribed form.

346. Report about insanity.- (1) If any convicted prisoner becomes insane after his admission to the Jail, a report regarding his case shall immediately be submitted by the Superintendent to the Head of Directorate of Prisons with the view of obtaining the orders of the State Government for his removal to a mental hospital.

(2) With this report shall be forwarded,-

- (a) a history sheet prepared by the Medical Officer incorporating the information supplied by the magistrate;
- (b) a certificate, signed by the Medical Officer of the prisoner's insanity; and
- (c) a certificate of the prisoner's fitness for transfer.

Note: When mentally ill prisoners are certified to be violent, dangerous, suicidal, etc., a statement of actual facts should be entered in the certificate.

347. Forwarding of the prisoner to the Mental Hospital.- (1) On receipt of a warrant or order for removal of a mentally ill prisoner to a mental hospital, the Superintendent shall forward him to the mental hospital specified, with a copy of the order, a copy of the descriptive roll and a duplicate of the Medical Officer's certificate of fitness for transfer, and also, if the mentally ill prisoner is a convicted prisoner, with his original warrant of imprisonment, and other documents.

(2) No mentally ill prisoner shall be transferred to a mental hospital unless the Medical Officer certifies immediately before despatch that he is fit, both mentally and physically, to travel with safety, and the original of this certificate shall be sent to the Superintendent of the mental hospital by post.

(3) Every precaution shall be taken to secure that the mentally ill prisoner is properly cared for whilst in transit to the mental hospital, he shall be sent with a police escort and proper arrangements shall be made regarding his property, clothing, bedding, and food, as described in the rules relating to transfer, except that two complete suits of clothing and an extra blanket, shall be provided.

(4) Fetters shall not be used unless absolutely necessary.

348. Forwarding of female prisoner to Mental Hospital.- (1) A female mentally ill prisoner when transferred from the jail to a mental hospital or from a mental hospital to a jail or forwarded for release to the custody of her relatives or friends, shall invariably be accompanied by a female warder, if there be one attached to the jail or by a respectable female specially entertained for the journey.

(2) A female warder or attendant shall also accompany any recovered female mentally ill prisoner who is sent up for trial.

349. Urgent case of forwarding to Mental Hospital.- In urgent and special cases, if the mentally ill prisoner is noisy, filthy or dangerous, Superintendents are authorized to transfer such convicted prisoners from jails to mental hospitals in anticipation of sanction of the Head of Directorate and necessary documents shall, in such case, accompany the prisoner.

350. Certificate of fitness for transfer.- When certifying the fitness for transfer of any insane person, the Medical Officer shall be careful to record minutely the existence of any disability or marks of violence, exhibited by such person.

351. Information about details of the insane prisoner to Police Officer.- (1) The Medical Officer shall invariably be present when a mentally ill prisoner is made over by the Jailor to the police escort, he shall acquaint the officer in command of the escort with the exact mental and physical condition of such prisoner and shall bring to his notice such disability or marks of violence as may exist and shall ask him to satisfy himself that the condition of the prisoner is as stated.

(2) The Jailor shall note in his report book the fact that the provision of this rule having been complied with.

352. Steps to be taken if the sentence expires before sending the prisoner to Mental Hospital.- When a convicted criminal mentally ill prisoner cannot be transferred to a mental health care centre before his or her sentence expires, he or she shall be detained in prison and on the expiry of his or her sentence, he or she shall be treated as non-criminal mentally ill prisoner and handed over to his or her family or referred to the District Magistrate.

353. Period of detention in Health care centre shall be treated as sentence undergone.- (1) When any mentally ill convicted prisoner has become of sound mind and an order has been issued by the State Government for his or her return to prison, the time during which he or she was detained in the mental health care centre shall be reckoned as sentence undergone.

(2) In case a convicted prisoner completes his or her sentence while undergoing treatment in a mental asylum, he or she shall be released from the asylum by the Jail Administration.

354. Return of prisoners to prison if they are cured.- (1) Prisoners who are mentally ill shall be returned to the prison as and when they are cured if their sentence is not complete and they are not due for release or if they are to undergo trial.

(2) The manager of the mental hospital shall forward to the Superintendent a copy of the mentally ill prisoner's medical history sheet together with an extract from the mental hospital case book and a statement showing the manner in which the mentally ill prisoner has been employed in the mental hospital upto the time of his or her transfer.

Note: A recovered mentally ill prisoners shall in the first instance, be transferred to the prison of the district in which the mental hospital is situated, but should ordinarily be removed later to the prison nearest to his or her home.

355. Cases in which the prisoner has a relapse of insanity.- When a recovered mentally ill prisoner has a relapse of insanity, he or she shall be immediately returned to the mental hospital from which he or she came and the case shall be reported to the State Government through the Head of Directorate of Prisons.

356. Opinion of Board of doctors.- If a mentally ill prisoner undergoing trial in a criminal case is certified by a board of doctors constituted for the purpose with the permission of the Court, that in their opinion such person is capable of making his or her defence, he or she shall be taken before the Magistrate or court, as the case may be, at such time as the Magistrate or court appoints for undergoing trial in the case against him.

357. Report about cases of recovery from mental illness.- On the 15th February and the 15th August of each year, the Superintendent shall forward a report to the Head of Directorate of Prisons in respect of each recovered mentally ill prisoner in his or her custody, a report showing the physical and mental state of health of the mentally ill prisoners at the time and during the interval since the previous report was submitted.

CHAPTER XII

HIGH SECURITY PRISONERS AND DETENUES

358. Classification of high security prisoners.- (1) High security prisoners shall include the under-trial prisoners of Category 'I' and 'II'.

(2) High security prisoners shall be lodged in separate enclosures demarcated as high security enclosures within the existing prisons.

(3) If possible, separate high security prisons shall be established in the state.

(4) Under no circumstances, the High Security Prisoners shall be kept with other under-trial prisoners and convicts.

359. Basis of classification of high security prisoners.- High security prisoners can be classified on the basis of factors like class of prisoners, criminal behavior, escape risk, requirement of gradation in custody, and educational and vocational needs and they can be categorized as below, namely:--

Category-I which shall include the under-trials, convicts and detenues involved in Fundamentalists, Naxalites, terrorist and extremist activities, violent and habitual criminals and those prisoners who have escaped earlier.

Category-II which shall include under-trials, convicts and detenues involved in murder, dacoity, robbery, rape, Gangsters and prisoners who are professional killers or organisers, drug peddlers, attackers on police and other dangerous offenders including those prone to self-harm or posing threat to public order including Violent and in-disciplined inmates and inmates who have an escape risk.

Category-III which shall include prisoners involved in offences other than the offences referred to in category I and II and the first offenders in murder, dacoity or robbery and offenders who are not an escape risk.

360. Building Structure for high security prisoners.- (1) High security enclosures or prisons must have a thick outer masonry wall at least twenty feet in height, with watch towers at all its corners and one central tower within the enclosure.

(2) The enclosures or prisons must be provided with anti-tunneling slabs and all spaces open to the sky must be covered with iron grill.

(3) These enclosures can be divided into security zone Grade I and security zone Grade II.

361. Accommodation and other facilities in security zone in Grade I.- (1) Security zone Grade I shall have a cellular type of accommodation with a minimum space of 10' x 9' which shall have the facility of an inbuilt water closet (WC) and bath and a strong dividing wall.

(2) The front portion of the cells must be of iron grill, the flooring must be of reinforced cement concrete (RCC) slab, high ventilators shall be provided instead of windows.

(3) The building shall have a separate entry lobby with visitors' room on one side, Medical Inspection (MI) room, and food distribution room.

(4) Categories I and II of high security prisoners shall be lodged in security zone Grade I.

362. Accommodation in security zone Grade II.- (1) Security zone Grade II shall have a single room accommodation (cellular and the association barracks) which shall be of 16' x 9' size where two or three prisoners can be lodged at a time.

(2) The barracks shall have a maximum capacity of lodging 10 to 15 prison inmates and such barracks shall have an inbuilt toilet and bath.

(3) The size of one barrack shall be 27' x 10'.

(4) This security zone can have a common kitchen and shall also have a separate entry lobby, the space open to the sky must be covered with iron grills.

(5) The building pattern shall be oval and covered with watch towers on all sides and in this zone, high security prisoners of category III who pose lesser threat of escape, can be lodged.

363. Staff pattern.- (1) Well trained staff shall be detailed for watch and ward duty of High Security enclosures.

(2) An officer not below the rank of Jailor, Deputy Jailor shall be in charge of these enclosures and provisions shall be made that no staff on duty comes in direct contact with the prisoners except as a requirement of duty.

364. Visit of Head Warder and Superintendent.- (1) Every prisoner occupying a ward shall be visited by the Head Warder on duty or patrolling officer at least once every four hours during day and night.

(2) Officers while relieving guard shall visit each ward and satisfy themselves that all the prisoners are present and are safely lodged.

(3) Every prisoner confined in a ward for more than twenty four hours shall be visited by the Superintendent with the Medical Officer.

365. Facilities of interviews, letters and communication.- (1) All categories of high security prisoner shall enjoy all the facilities admissible to the under-trial prisoners or convicts, but the interviews shall be held in the presence of a prison officer.

(2) It shall be advisable if close circuit televisions with sound recording facilities are fitted in the interview room.

(3) The room shall be near the entrance lobby or within the high security enclosure or complex.

(4) In any case, high security prisoners shall not be allowed in the main interview blocks and interviews shall be allowed to only blood relations and authorised lawyers.

(5) All letters should be properly censored before it is handed over to the prisoner.

366. Food, toilet, clothing and bedding.- (1) No cooked food from outside shall be allowed for the high security prisoners and no individual shall be allowed to cook for himself.

(2) No under-trial, detinue or convict should be allowed to enter the high security enclosure.

(3) Admissibility to toilet articles, clothing and bedding shall be the same as that given to other under-trials and convicts.

(4) The diet of the prisoner of security zone Grade I and Grade II shall be cooked in general kitchen.

367. Medical care for high security prisoner.- (1) Medical care shall be the same as for other inmates but within the enclosures.

(2) In case of an emergency, they can be shifted to the local hospital for treatment but under proper police escort and guard adhering to rules regarding shifting of prisoners.

368. Sports, games and recreation for high security prisoner.- (1) Subject to prison security and discipline, prisoners of security zone Grade I can be provided with books, newspapers and journals.

(2) Writing material may also be provided as and when required and if possible, Radio sets may be provided outside the cells with such restrictions as found necessary from the view point of security.

(3) Regular physical exercise and yoga can be allowed within the cell itself.

(4) Such prisoners can be allowed to stroll within the place inside the block in the evening before being locked-up.

(5) Prisoners of security zone Grade II can be provided with radio in their barracks and indoor games like carom and chess can be given to them.

(6) Books, newspapers, journals and magazines along with stationary can be provided to them.

369. Prohibition to receive money.- High security prisoners shall not be allowed to receive any money from their families or friends.

370. Reform and treatment programmes.- (1) The reform and treatment programmes can be extended to the prisoners of security zone Grade II.

(2) Minimum technical education with the main stress on handicraft work shall be given.

(3) Basic education shall form an essential part of the programme.

(4) These activities and programmes shall be conducted within the enclosure itself and these prisoners shall not be taken out to mix with other inmates.

371. Inner and outer Security.- (1) A double ring of security shall be provided to all security enclosures.

(2) Inner security of the enclosures shall be manned by highly trained staff of the prison, while the outer security, including the watch towers and security wall, shall be the duty of a special armed guard.

372. Other arrangement for security.- (1) The enclosures shall be equipped with walkie-talkies, alarms and jammers with remote control devices.

(2) Following arrangements are required to be made, namely:-

- (a) Identification Device (ID) machines hand-held and doorframe, metal detectors and all other electronic devices shall be made available;
- (b) the armoury of the prison shall be well equipped with all types of sophisticated and automatic weapons;

- (c) every barrack and cell, especially the interview room, shall be fitted with closed circuit cameras;
- (d) the sentries guarding the watch tower shall always be alert;
- (e) a no man's area shall be identified near the high security enclosures which shall 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 shall be conducted every day;
- (g) the high security prisoners of Category I and II shall be searched twice a day whereas Category III shall be searched at least once a day;
- (h) the locking up and opening shall be conducted in the presence of the officer in charge and no barrack cell shall be opened during night hours except in the presence of the Superintendent of the Prison;
- (i) besides checking the locks, bars, grills, mess, ventilator, floors, walls of barrack or cells, its ceiling shall also be checked;
- (j) the guards posted in the yards of the enclosure shall not hold conversation with each other more than what may be required to perform their duty;
- (k) the entrance door of the yard should always be kept locked from inside;
- (l) the keys of the locks of the cells or barracks doors shall always be carried by the person entrusted with the duty;
- (m) they shall, under no circumstances, be handled by any unauthorized person;
- (n) the cells and barracks shall be well lighted to avoid dark spots and corners inside;
- (o) the guard on duty shall be thoroughly searched while going in and coming out and he shall be briefed adequately, from time to time, about non-acceptance of articles like eatables, articles for smoke, even water from these prisoners; and
- (p) the inmates of high security enclosures shall be counted at least twice in a day besides the counting done during locking up and opening.

373. Court hearing.- (1) Audio-video electronic means shall be provided to these high security enclosures.

(2) In any case no under trial, convict or convict officer or detenu shall be allowed to enter these enclosures.

(3) The regular prison staff or the paramedical staff shall not have access to these enclosures unless they are accompanied by the officer in charge of the block.

374. Convicts for rigorous imprisonment.- High security prisoners who are undergoing rigorous imprisonment shall do all sorts of work assigned to them inside the security enclosures.

375. Punishment.- (1) All high security prisoners can be punished by the Superintendent in case of breach of discipline and security of prison.

(2) If he commits frequent breaches, the Superintendent can recommend his shifting to any other prison to the Head of Directorate of Prisons.

(3) Facilities like interviews and letters can be withdrawn for a limited time, or forever, by the Head of Directorate.

376. Detenues.- Detenues arrested under Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988, the National Security Act, 1980 (Central Act No. 65 of 1980) and the Rajasthan Prevention of Anti-social Activities Act, 2006 (Act No. 1 of 2008), will be treated as per the rules of the Government issued, from time to time.

CHAPTER XIII

PRISONERS UNDERGOING SIMPLE IMPRISONMENT

377. Prohibition of labour from prisoners sentenced to simple imprisonment.- Prisoners sentenced to simple imprisonment shall remain during the day-time in the part of the jail assigned to them and shall not enter the labour yards or communicate with the labouring prisoners unless they elect to work, in which case they must remain with the gang to which allotted.

378. Supply of blankets, beddings.- Blankets and bedding, feeding utensils, shall be supplied to prisoners sentenced to simple imprisonment similar to labouring convicts and when not in use, the former shall be kept neatly folded and the latter clean and arranged in one orderly manner, as required as per rule as mentioned in ChapterXXXV.

379. No compulsion to do any work.- (1) Prisoners sentenced to simple imprisonment shall keep their clothing clean and in good order and their wards and yards clean:

Provided that they belong to a class of society, the members of which would in their own houses perform such duties.

(2) They shall not be compelled to do any other work, or to perform any menial duties for others, or to do any work of a degrading character, such as a scavenger's work.

(3) They shall be allowed to converse together in their own ward or place in a quite and orderly manner except at parades, at exercise time, and at night.

(4) Any prisoner sentenced to simple imprisonment who volunteers to work shall be allowed to choose such work as is available in the jail and shall be put to such work:

(5) In case such prisoner wishes to cease working and to return to his original position, he shall be allowed to do so.

(6) Non-labouring prisoners shall be compelled to take walking or other physical exercise for not more than an hour in the morning and an hour in the evening, if the Superintendent and Medical Officer consider it advisable.

380. Applicability of other provisions.- Save otherwise provided in this chapter and in the Chapter relating to interviews and diet, all other provisions of these applicable to convicted criminal prisoners, shall mutatis mutandis apply to prisoners sentenced to simple imprisonment:

Provided that the following punishment shall not be awarded to such prisoner, namely:-

- (a) Change of Labour - Minor Punishment; and
- (b) Forfeiture of Remission - Major Punishment.

CHAPTER XIV
PRISONERS' PROPERTY

381. Jailor shall be the custodian of money and properties.- (1) All money or other articles in respect whereof no order of a competent court has been made, and which may with proper authority be brought into the prison by any prisoner or sent to the prison for his use, shall be placed with the custody of the Jailor.

(2) A list of all property of a prisoner taken from him under the rule or delivered with him, or afterwards received on his account, shall, in the case of a civil or convicted prisoner, be endorsed on his warrant and signed by the Superintendent and jailor, in the case of an under trial prisoner the property shall be entered in the Prisoners' Property Register of under trial prisoners.

(3) Registered and insured articles, addressed to prisoners in jail, shall be delivered by the authorities of the Postal Department to the jailor on his signing the receipts or acknowledgments.

(4) Money orders for prisoners shall be paid to them in the presence of the Jailor on his attesting their signature or mark on the money order form.

(5) The Jailor shall thus be in a position to keep the money or other articles received for prisoners by post, in his custody, as required by section 25 of the Prisons Act, 1894 (Central Act No. 9 of 1984).

(6) Any property or money belonging to a prisoner may at any time during his imprisonment be delivered to his friends, with the approval of the Superintendent under an authority signed by the prisoner, but no prisoner shall be allowed to make over any of his clothing if he will thereby on his discharge leave himself with insufficient clothing, and no prisoner shall be permitted to make over any of his property to any other prisoner either during imprisonment or on release.

382. Procedure to deal with prisoners property.- Subject to the provisions of these rules, prisoners' property shall be dealt with by the jailor in the following manner, namely:-

- (a) Such prohibited articles as tobacco, opium, ganja, chillums, intoxicating liquor, drugs etc. shall be destroyed;
- (b) Perishable articles such as grain or food, if of any value shall not be received from the escort party accompanying the prisoners except few dry foods, if permitted by the Superintendent;
- (c) If the Medical Officer considers that there are sanitary objections to the retention of the clothing of any prisoner, or if a prisoner is suffering on admission from any infectious or contagious disease, the clothing shall, under the written order of the Medical Officer, be destroyed;
- (d) If the clothing of a prisoner is ragged and absolutely worthless, it shall be destroyed, and the Superintendent shall enter his order for destroying it opposite the items on the back of the warrant;
- (e) The clothing of a prisoner sentenced to rigorous imprisonment or simple imprisonment, shall after being cleansed, etc., be tied in a bundle and stored;
- (f) Non-perishable articles capable of storage shall be included in the clothing;

- (g) Every such bundle shall be labelled with the number and name of the prisoner and date of release;
- (h) The bundles shall be arranged in the storage godown according to the year of release for subsequent years;
- (i) Valuable jewellery shall be folded in a separate sealed paper packet (with signature of the concerned prisoner on the said sealed packet) for each prisoner under-trial prisoner or convict on which shall be inscribed the prisoner's number, name and date of release and shall be kept in a secured box in the Jailor's office under lock and key;
- (j) The private cash of prisoner shall be kept in the iron chest and the cash of each prisoner exceeding five thousand rupees shall be deposited in the Bank or Post Office in shape of savings bank pass book; and
- (k) The Jailor shall keep a record of the amount so deposited and maintain a detailed account of the money belonging to each prisoner in the Prisoner's Private Cash Register and whenever required for payment to the prisoner on release, the pass book shall be handed over to the prisoner.

383. Property of the prisoner to be transferred.- On the transfer of a prisoner from one jail to another all his property shall be sent with him and if any property is received for a prisoner after such transfer, it shall be forwarded to the jail to which he has been sent.

384. Unclaimed property.- (1) On the release of a prisoner his property shall be delivered to him.

(2) Any unclaimed property of a released prisoner shall be retained in the jail for one year from the date of his release and if no claim is put forward within that period, the property shall be sold and the proceeds shall be deposited into the treasury by challan.

(3) If any claim is preferred within a year of the payment of the sale proceeds into the treasury and the claimant establishes his right to the same, the Head of Directorate of Prisons may sanction the refund of the amount to such claimant and the refund shall be made.

(4) After expiry of the above stipulated period, the money shall lapse to the Government.

385. Cases of death of prisoners.- (1) When a prisoner dies in jail, his property shall be sent, for disposal, to the officer in charge of the Police Station in which his home is situated.

(2) The wishes expressed by a dying prisoner shall be communicated to that officer together with full particulars to enable him to trace the relatives.

386. Property of escaped prisoners.- (1) The property of an escaped prisoner shall be retained for one year from the date of his escape and if he is not recaptured within that period his property shall be sold and the proceeds with any cash belonging to the prisoner shall be paid into the treasury as unclaimed property.

(2) The Jailor shall be responsible for seeing that the property handed over to a prisoner on release, sent with him on transfer, made over to the police for disposal on a prisoner's death or sold in the case of an escaped prisoner, corresponds with the record of what was taken under charge.

CHAPTER XV
CONVICT OFFICERS.
(Convict Watchmen and Convict Overseers)

387. Grades of Convicts Officers.- (1) There shall be two grades of convict officers, namely:-

- (a) convict night watchmen; and
- (b) convict overseers.

(2) Prisoners appointed as convict officers shall be public servants within the meaning of the Indian Penal Code, 1860 (Central Act No. 45 of 1860).

388. Number of convict officers.- The maximum number of convict officers in a jail shall in no case exceed ten percent of the daily average population of the Prison.

389. Duty of convict officers.- No convict officer shall be employed in the duty of guarding prisoners in cells or barracks at night, and no convict officer shall be outside his barracks at night.

390. No independent power.- (1) No convict officer shall have independent charge of any file, gang or other body of prisoners, nor shall he have independent power to issue orders to prisoners, but there shall always be a regular warder in superior charge under whose control and orders the convict officer shall work:

Provided that within the main walls of the jail a reliable convict officer may be entrusted with the charge of a gang employed on fatigue duty, or of a convalescent gang or water-carriers or compound sweepers.

(2) Warders only shall be in charge of habitual prisoner gangs and workshops.

391. Category of prisoners to be convict officer.- Convict officers required for employment in yards or barracks reserved for prisoners sentenced to simple imprisonment shall, as far as possible, be drawn from the prisoners undergoing simple imprisonment.

392. Restrictions on duty.- (1) No non-habitual prisoner shall be employed as a convict officer in charge of habitual prisoners, unless he be a man of means and status, who has been sentenced to imprisonment for a serious crime against the person committed in a passion and who, but for this lapse, is a respectable member of society, and who is likely through his position of responsibility over habituels not to be contaminated.

(2) No convict officer shall, on any pretext, strike a prisoner except in self-defence or in defence of a jail officer or in the repression of a disturbance in which case no more than necessary force shall be used, or use any violence except when absolutely necessary.

(3) Any convict officer proved to have infringed this rule shall be permanently degraded to the position of an ordinary convict.

(4) Any convict officer detected in introducing or conniving at the introduction of prohibited articles shall be prosecuted before the Judicial Magistrate under section 42 of the Prisoners' Act, 1894 (Central Act No. 9 of 1894), and whenever guilty of willfully or negligently permitting a prisoner to escape, he shall invariably be prosecuted under sections 222 and 223 of the Indian Penal Code 1860 (Central Act No 45 of 1860) and Convict Officers shall bound to do all in their power to prevent escapes.

(5) A convict overseer shall be exempted from hard labour, except as a punishment.

393. Removal in case of permanent incapacitation.- If any convict officer becomes permanently incapacitated to perform all or any of the duties required of him, the Superintendent may reduce or remove him from office.

394. Distinctive clothing.- Convict Officers shall wear distinctive clothing and shall be allowed special concessions with regard to letters and interviews.

395. Order of appointment to be entered in History Ticket.- Every order appointing a prisoner as a convict officer shall be written by the Superintendent on the prisoner's history ticket and shall also be entered in the Superintendent's order book.

396. Convict Night Watchmen.- For appointment as convict night watchman,-

- (a) he must not have been sentenced to less than six months' imprisonment if at a central jail and less than four months if at a district jail;
- (b) he must have completed one-fourth of his sentence excluding the period of remission;
- (c) he must not have been convicted for thaggi, dacoity and for offences like treason, drugging, terrorism and narcotics and explosive materials;
- (d) he must have been physically fit to perform the duties of the office and is well behaved; and
- (e) if on the remission system, he must have earned or maintained three-fourths of the possible (ordinary) remission.

397. Eligibility to be convict night-watchman.- Habitual prisoners may be employed as convict night-watchmen in barracks reserved for habitual prisoners, but shall not be promoted to any higher grade without the sanction of the Head of Directorate of Prisons:

Provided that no habitual prisoner with more than two convictions shall be appointed as night watchman in the barracks for habitual offenders.

398. Duties of convict watchman.- In addition to the duties elsewhere prescribed in these rules, it shall be the duty of every convict watchman,-

- (a) to keep surveillance on prisoners to prevent suicide and escape from wards and cell;
- (b) to nurse and care for patients in jail hospital;
- (c) to patrol the inside of wards and maintain or assist in maintaining discipline and order at night;
- (d) to prevent prisoners leaving their berths except with permission and for a necessary purpose;
- (e) to count the prisoners in his charge frequently, satisfy himself that all are present, and reply when challenged by the outside patrol;
- (f) to prevent as far as lies in his power any breach of jail rules by any prisoner in his charge and to report the same;
- (g) to assist in quelling any disturbance and in case of necessity, defend any official;
- (h) to report cases of sickness and the use of the latrine otherwise than at times specified for that purpose;
- (i) to perform such task as may be allotted to him during the day and render all proper assistance to the warder or convict overseer in charge of his gang;

- (j) when so required, to act as a messenger within the jail walls and escort prisoners from one part of the Jail to another;
- (k) to watch jail walls and prevent prisoners from lurking near them; and
- (l) to take charge, if necessary, of a gang or a part of a gang inside the jail.

399. Arrangement for hours of work.- (1) Before the prisoners are locked up for the night the jailor shall, with the assistance of the Head Warder, arrange for the hours of watch for each convict officer noting the hours in the lock-up report-book for the information of all patrolling officers during the night; or the turn of watch for each ward may ordinarily be fixed every week.

(2) The night duties of the convict watchmen shall be as set forth in Chapter XIX.

400. Dress of convict watchman.- Convict watchmen shall wear yellow caps and white cotton kurtas, with long sleeves and as regards labour and discipline they shall be in the same position as ordinary convicts.

401. Convict Overseers.- A convict watchman may be promoted by the Superintendent to be a convict overseer:

Provided that,-

- (a) he or she has served as convict watchman for three months; and
- (b) he or she has served half of his or her sentence excluding remission.

402. Approval of Head of Directorate.- No prisoner shall be appointed as convict overseer permanently or temporarily, in contravention of the above rules without the approval of the Head of Directorate.

403. Duty of convict overseer.- In addition to the duties elsewhere prescribed in these rules, it shall be the duty of convict overseers,-

- (a) to keep surveillance on prisoners to prevent suicide and escape from wards and cells;
- (b) to nurse and care for patients in jail hospital;
- (c) to obey the Superintendent, Jailor or any jail official, or officer of the Public Works Department under whom they may be placed, unless they are ordered to do anything contrary to jail rules, in which case they shall report at the earliest opportunity to the Superintendent or Jailor;
- (d) to assist the warders of their gangs in superintending the prisoners at work, conducting them to parades, maintaining discipline and silence and keeping them in safe custody;
- (e) to take charge, if necessary, of a gang or a part of a gang of prisoners inside the jail;
- (f) to share with the watchmen the duty of guarding the wards by inside patrol at night, and to be responsible for the efficiency of the watch, the safe custody of the prisoners and the maintenance of discipline in the wards at night;
- (g) to escort individual prisoners inside the jail;
- (h) to keep the history tickets of the prisoners of their gangs;
- (i) to count frequently the prisoners made over to them, to see that the number is correct and to search them and to prevent them from receiving or retaining prohibited articles;

- (j) to report the fact in the event of prohibited articles being found upon any prisoner, otherwise the convict overseer in charge of the gang to which such prisoner belongs shall, unless he has reported the fact, be punished;
- (k) to give notice of any breaches of jail rules, plots or conspiracies that may come to their knowledge, whether amongst prisoners of their own or of other gangs;
- (l) to see that their prisoners industriously perform their tasks, do not leave their proper places or communicate with each other in an irregular manner, and that they keep in five, when moving from place to place;
- (m) to report every prisoner who uses the latrine (except for the purpose of urinating) out of regular hour, and to report all cases of diarrhea and other sickness, especially during the prevalence of epidemics;
- (n) to see that every prisoner properly folds up and arranges his bedding in the morning before the wards are opened;
- (o) to see that their prisoners wash themselves and their clothes cleaned;
- (p) to assist in quelling any outbreak and to defend any jail official in case of assault; and
- (q) to supervise wards in prison hospital and to assist Medical Officer.

404. Dress of convict overseers.- (1) Convict overseers shall be supplied with a special uniform consisting of one cotton coat, one woolen coat, one kurta, one pair of trousers, one janghia, one cap, one gamuchha, a pair of shoes and a canvas belt with a brass badge.

(2) The cotton clothing and shoes, with an extra coat, gamuchha, a cap and a pair of trousers, if necessary, shall last a year and the woolen coat should last three years.

(3) The badges shall be engraved with the words "Convict Overseer" and be serially numbered from one upwards, and shall be worn by overseers in their order of merit, the badge bearing the number one being given to the most deserving man.

(4) They shall not carry any cane or weapon.

(5) When required to do duty in any position exposing them to sun or rain, they shall be provided with an umbrella.

405. Punishment against the convict overseers.- (1) Minor offences or negligence committed by the convict overseers may be punished by loss of remission, reduction of standing with change of number of badge, temporary degradation and confinement in cells.

(2) For serious offences, an overseer may be degraded to the rank of a convict watchman or of an ordinary prisoner.

(3) In the event of any serious misconduct, they shall be formally deprived of their position as overseers and of their uniform.

406. Applicability of provisions of female convict officers.- The provisions of this Chapter shall apply mutatis mutandis to female convict officers.

407. Dress of Convict Night Watchwomen.- Convict night Watchwomen shall wear cotton blue Saree along with blue blouse.

408. Incentive to the convict officers.- The incentive of the convict officer shall be drawn in the end of month and to be deposited in his or her personal account.

CHAPTER XVI
EXECUTION OF SENTENCES

(Calculation of Date of Release and release diary)

409. Method of calculating a sentence.- (1) The duration of a sentence shall be calculated in calendar years, months, fortnight, week or days.

(2) For the purpose of calculation,—

- (a) “year” means calendar year;
- (b) “month” means thirty days;
- (c) “fort night” means fourteen days; and
- (d) “week” means seven days.

(3) When a prisoner's sentence includes a fraction of a month, the date of release shall be calculated by reducing such fraction to days.

410. Serving of sentences.- (1) 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.

(2) In case of doubt, as to the order in which the sentences shall take effect, instructions shall be taken from the court concerned.

411. Commencement of, and breaks in, imprisonment how reckoned.- (1) 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.

(2) A prisoner who is punished till the rising of the court only, shall be released from the court itself and shall not be admitted to prison.

(3) 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.

(4) If a prisoner is sentenced to imprisonment for twenty four hours, he shall be kept in prison for the exact number of hours and in such cases, the sentence shall be deemed to commence from the hour indicated in the warrant.

(5) Prisoners sentenced to one day's imprisonment shall be admitted in prison and released on the same day.

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

Explanation 2: A prisoner sentenced on 28th February to one month imprisonment shall be released on 27th March.

Explanation 3: A prisoner sentenced on the 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 upon the 2nd January.

412. Cases where direction of court shall be followed.- The period of imprisonment to be undergone shall be reckoned from the date on which the sentence is passed, except in cases which fall under sections 31, 426 and 427 of the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974), 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 arrested for failing to pay the fine imposed.

413. Several punishments at one trial.- When a person is sentenced at one trial to several punishments for two or more offences, such punishments, when consisting of imprisonment, shall commence one after the expiry of the other or in such order as the court may direct, unless the Court directs that such punishments shall run concurrently.

414. Concurrent running of two imprisonment.- (1) Where a person, who has been an order under section 123 of the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974), in default of furnishing security is, whilst undergoing such sentence, sentenced to imprisonment for a substantive offence committed prior to the making of such order, the latter sentence shall commence immediately, and the two periods of imprisonment shall run concurrently.

(2) If the substantive sentence was for an offence committed after the passing of the order under section 123 of the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974) the sentences shall be served consecutively.

Explanation: Imprisonment in default of furnishing security is not a sentence within the meaning of this rule.

415. Consecutive running of imprisonment.- (1) If any person who is sentenced to or is undergoing in default of furnishing security under section 123 of the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974), the term of such imprisonment for which such security is required shall commence on the expiry of the substantive sentence.

(2) As imprisonment in default of furnishing security for good behavior is a precaution for the safety of the public and not a punishment for an offence, cases where a prisoner is detained after the expiration of a substantive sentence in order to undergo such imprisonment shall be brought by the Superintendent to the notice of the Magistrate or court in order that, if he sees fit, he may take action under section 124 of the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974), for the discharge of the prisoner.

416. Date of release when two or more sentences run consecutively.-- 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.

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

Explanation 2: A prisoner is sentenced on the 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 the 31st March, but if the fine is paid, then on the last day of February.

417. Date of release in the case of prisoners sentenced to imprisonment for life.- The imprisonment for life technically means imprisonment for the whole life and the sentence of all prisoners sentenced to imprisonment for life or to more than twenty years imprisonment in the aggregate, shall, for administrative purposes of calculation of the normal date of release, be deemed to be sentences of imprisonment for twenty years.

418. Commutation of Sentence.- 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 adhering to rule 428 of the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974).

419. Unexpired sentence of an escaped convict.- 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.

420. Date of release of prisoners sentenced for escape.- If a prisoner receives a sentence for escape from prison, the date of release shall be recalculated in accordance with section 426 of the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974) and entered in the Register of Prisoners to be released in place of the original date of release.

421. Cases where first sentence is annulled on appeal.- When a prisoner is awarded more than one sentence, and the first sentence is annulled on appeal, the second sentence shall take effect from the date the prisoner was committed to jail in consequence of first sentence and the period of detention shall be calculated in accordance with the provisions of section 428 of the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974).

422. Entry of date of release in the release diary.- (1) The date on which a prisoner is entitled to be released shall be calculated by the Superintendent and Jailor, and an entry shall be made in the release diary under that date, giving the name and serial number of the prisoner.

(2) It is not the duty of the committing officer to note the date of release on the warrant and if the date of release is stated on the warrant incorrectly or omitted, the warrant shall not be returned for correction on that account.

(3) The entry in the release diary shall be made either by the Jailor personally or by an Deputy Jailor under his immediate supervision, in case the term of imprisonment is changed, either by the judicial imposition of additional imprisonment or by remission of any part of the sentence, or by absence from the jail on bail or after escape, the fact shall be noted opposite such entry and a reference made to the date of release, under the new order, under which date a new entry shall be made.

(4) The Superintendent shall himself check each entry in the release diaries and admission register and shall be personally responsible for the correctness of such entries and for any illegal detention of a prisoner or failure to execute a sentence due to non- adherence of this rule.

423. Revocation of conditional release.- In case where the conditional release granted to a prisoner is revoked and the prisoner ordered back to jail to serve out the original sentence, he shall be sent to a jail, accompanied by the original warrant, copy of the orders of the revocation of the Government and an endorsement by the court in the warrant.

424. Date of release to be refixed on payment of fine.- (1) If a prisoner be sentenced to imprisonment of which the whole or any portion is in default of the payment of any fine, and if the fine be not immediately paid, the date of release shall be fixed and entered in the Release Diaries on such dates as shall correspond to the date of release,—

- (a) if the fine is subsequently paid; and
- (b) if fine is not paid.

(2) When any portion of the fine is paid, the date of release shall be altered accordingly.

Illustration: If a prisoner be sentenced on the 1st January to six months imprisonment and to the fine of Rs.300/- and if he ordered that if the fine be not paid he be imprisoned for a further period of six months, then supposing that the prisoner, immediately on conviction, pays Rs.100/-, the date of release shall be fixed at 31st October (viz, six months plus four months the equivalent of the fine unpaid), and entries shall be made in the Release Diary on the 30th June and 31st October, if he afterwards pays another Rs.100/-, the latter date will be changed to 31st August and on his paying the whole, the fact shall be noted opposite the entry on the 30th June.

425. Calculation of remission for payment.- (1) If a prisoner, who is sentenced to a fine and in default to imprisonment for a certain number of Months, pays any part of his fine, the remission for the payment shall be calculated in Calendar months, and not in days.

(2) Any fraction of a month obtained by such calculation shall be reduced to days and a fraction of a day shall not be counted.

Illustration : If a prisoner be sentenced on the 15th July to six months imprisonment and to pay a fine of Rs.300/- or in default of payment to serve six months further imprisonment, and he pays Rs.63/-, the calculation shall be made as follows :-

$$\text{Rs.}63 \div 300 \times 6 \text{ months} = 126 \div 100 = 1 \frac{26}{100} \text{ months}$$

The date of release, deducting one month, would fall on the 14th June. As the month preceding June has 31st days, the $\frac{26}{100}$ of a month will be calculated on 31 days. $\frac{26}{100} \times 31 = \frac{806}{100} = 8 \frac{6}{100}$ days. Here the remission for payment of Rs.63 is one month and eight days.

If the prisoner had been sentenced on the 15th June instead of 15th July the calculation of the $\frac{86}{100}$ of a month would have to be made on a 39 days month because from any date in April to the same date in May is 30 days, as follows $\frac{26}{100} \times 30 = \frac{78}{10} = 7 \frac{8}{10}$ days so that in that one case the remission would be only one.

426. Endorsement on warrant about payment.- (1) If such fine or any portion of it be paid immediately on conviction, the magistrate issuing the warrant shall endorse upon the warrant the fact of such payment.

(2) If payment shall be made afterwards, the court receiving the fine shall, unless it has already received back the prisoner's warrant with an endorsement showing that he has been released, draw up fine realization statements in the prescribed form and in English language, and send them in duplicate direct (and not through any other court) to the jails in which the prisoner was first confined after conviction.

(3) The responsibility of the court shall not cease until it has received back the duplicate statement, with an acknowledgement from the jail in which the prisoner is confined, showing that the necessary corrections have been made in the Release Diary.

(4) The original fine realization statement shall be filed with the warrant and returned with it after the sentence has been carried out.

(5) If a fine realization statement of a prisoner is received at a jail after he has been discharged on bail, the jailor shall, before returning the statement to the issuing court, make an entry in the Admission Register opposite the prisoner's name recording the fact that payment of the fine has been made.

427. Periods that shall not count towards sentence.- In the following cases, the period spent by prisoners outside the prison, known as at large period, shall not count towards sentence, namely:-

- (a) Escape;
- (b) Bail;
- (c) Suspended period of sentence, including emergency leave or emergency parole;
- (d) Unauthorized extension of temporary release;
- (e) Suspended period of sentence, if directed by the court;
- (f) Violation of condition of conditional release; and
- (g) Extradition.

428. Undergoing sentence in case of transfer of the prisoner.- 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 No. 29 of 1950) shall be deemed to be undergoing their original sentence in the prison where they have been transferred.

429. Readmission of released prisoner.- (1) When a conditionally released prisoner is readmitted in prison owing to an infringement of the terms on which he was released, the unexpired portion of his sentence shall be carried out without waiting for the receipt of the Government orders, which shall be applied for through the Head of Directorate of Prisons immediately on admission of such prisoner.

(2) In such cases, the unexpired portion of sentence shall be deemed to have commenced from the date of the prisoner's re-admission in prison.

430. Cases having more than one "at large" period.- (1) In cases where there are more than one "at large" periods, the aggregate total of all such periods shall be worked out in terms of days and added to the substantive sentence.

(2) The date on which the sum of these periods elapses, counting from the date of conviction, shall be the date of expiry of sentence.

Explanation: At large period shall mean the period spent by the prisoner outside the jail.

431. Attending court on the date of release.- (1) In the case of a convict who has to attend the court on the very day of his or her release, for a case for which he is not on bail, he shall be treated as released in the morning and sent to court as an under-trial prisoner.

(2) If the prisoner is sentenced to further imprisonment, on that very date, the sentence shall be calculated from the following day.

432. When a foreigner is sentenced to a term of imprisonment.- If a foreigner, apprehended and detained under section 4 of the Foreigners Act, 1946 (Central Act No. 31 of 1946), has to undergo a term of imprisonment, the period of detention under the said Act shall be exclusive of and additional to the period of any sentence of imprisonment which may be imposed upon him or her.

433. Calculations of date of release on re-arrest and recapture of a prisoner.- 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, namely:-

- (a) the number of days for which the prisoner was on bail, or was at large, shall be added to the term of the sentence, exclusive of the day of release and re-arrest, or of escape and recapture, and
- (b) the date on which the sum of these periods will elapse, counting from the date of conviction, shall be the date of expiry of sentence.

Explanation: A prisoner sentenced on the 1st. January to one month's imprisonment escapes on the 15th January and is recaptured on the 16th shall be entitled on the original warrant to be released on the 31st January.

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

435. Calculation of sentence of imprisonment in default of payment of fine.- Sentences awarded in default of payment of fine shall be calculated as follows:-

- (a) Sentences imposed in default of payment of fines cannot run concurrently;
- (b) 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.

Explanation: A prisoner is sentenced on the 31st January to pay a fine of Rs. 300/- or in default to two months' rigorous imprisonment and on the 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 the 28th February. The sentence of four months of imprisonment shall begin from the 28th February and not from the 31st January;

- (c) 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 and it shall be annulled wholly or partially by the payment of the fine in whole or in part, before the expiry of that period or so long as imprisonment continues.

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

- (d) 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;
- (e) 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.

436. Intimation of payment of fine.- (1) When fines imposed on prisoners are recovered by a court, intimation of the same shall be received by the Superintendent from the Court.

(2) If the convict has been transferred elsewhere, the Superintendent shall forward such intimation by special messenger or speed post to the jail to which the convict has been transferred.

(3) All intimations relating to fine shall be acknowledged.

(4) No action shall be taken on any intimations relating to fine, which do not bear the seal of the court and such intimation shall be returned to the court for proper authentication and for affixing seal of the court.

437. Prisoners to be informed.- (1) When the fine has been paid, the prisoner concerned shall be informed and the payment shall be duly noted in the register, on the warrant and on the prisoner's History Ticket.

(2) The entries in the register and the warrants and History Tickets shall be signed by the Superintendent or Jailor.

438. Procedure when sentence is suspended.- (1) When an Appellate Court directs that the execution of a sentence or order appealed against, be suspended, the appellant shall, if detained in prison pending further orders of such Courts, be treated in all respects as an under-trial prisoner.

(2) If 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 was in prison, be included, and

(b) if passed when the prisoner was at large be excluded, in computing the term for which he was sentenced by the Appellate Court.

439. When retrial is ordered.- When a court passes a sentence after a retrial, or after the 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, shall also count, unless otherwise specifically directed, towards the sentence imposed after the fresh trial, excluding any period during which the prisoner was at large.

440. Issue of separate warrant.- 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.

441. Procedure when a sentence is confirmed.- (1) 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.

(2) When the rejection by the High Court of an appeal or revision application from a prisoner is communicated to the court by which such prisoner was convicted, such court shall at once cause the intimation of such decision to be given to the prisoner.

(3) 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 warrant to the officer in charge of the prison.

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

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

444. Effect of annulling the first of two sentences.- 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.

445. Consecutive running of two separate sentences.- When separate sentences have been passed in separate trial and the sentences run consecutively under section 427 of the Code of Criminal Procedure Code, 1973 (Central Act No. 2 of 1974), the operation of the second sentence will, in the event of the first sentence being set aside on appeal, shall commence from the date of conviction in the second case.

Illustration:

- (i) A prisoner is sentenced on the 1st July to two periods of six months' imprisonment for two offences. On appeal the first sentence is quashed on the 31st August the prisoner will be entitled to be released on the 31st December.
- (ii) A prisoner is sentenced on the 1st July to six month's imprisonment and on the 1st August to another period of six months imprisonment. On appeal the first sentence is quashed on the 31st August. The prisoner shall be entitled to be released on the 31st January.

446. Consequence of Appellate Court annulling a sentence and ordering retrial.- (1) When an Appellate Court annuls a sentence and directs that the prisoner be retried, and a warrant for the prisoner's release on bail is not received, the prisoner shall be remanded to the under-trial yard (unless he be undergoing some other sentence), and the Superintendent shall apply to the committing court for warrant for his custody pending trial if such warrant is not at the same time furnished.

(2) Such warrant should set forth the Court by which the prisoner is to be tried and the date on which he is to be produced before the Court.

CHAPTER XVII

PRISON DISCIPLINE AND DAILY ROUTINE

447. Prison discipline.- 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 counselling, which shall act as an emotional support base to them;
- (b) counselling shall also act as a preventive measure against despondency in their psyche;
- (c) introducing a system of incentives and rewards which shall be accorded to the deserving inmates making rapid progress on the path of correction; and
- (d) exemplary conduct on the part of the Superintendent, and other prison personnel shall go a long way to encourage prisoners to return to the society at large and make it a better place for posterity.

448. Scope of prison discipline.- The prison discipline shall cover all aspects of institutional life such as,-

- (a) discipline of good health;
- (b) discipline of work;
- (c) discipline of proper behaviour;
- (d) discipline of education and learning; and

(e) discipline of interest in finer aspects of life.

449. Daily routine.- (1) The barracks and cells shall be unlocked at dawn throughout the year, as soon as it is possible to see the movements of the prisoners distinctly outside the barracks.

(2) Twenty minutes before the opening of barracks, the rising bell or gong shall be sounded and the convict overseers and watchmen shall then rouse the prisoners and make them shake out and fold up their bedding neatly.

(3) The prisoners (each having arranged his bedding on his sleeping berth) shall then sit in double file down the centre of the barrack with the leading pair at the gate.

(4) The convict officers shall ascertain if any prisoners are sick or wish to see the Medical Subordinate.

(5) All these shall be placed at the rear of the file and on the arrival of the Jailor, Deputy Jailor, Head Warder and Warders, the ward shall be opened and the prisoners marched out in pairs, searched, counted and their numbers checked with the entries in the Lock-up report-book.

450. Treatment of sick prisoners.- (1) After the barracks have been opened and the prisoners counted out, they shall be marched to the toilet and be made to sit in file at a short distance there from, whilst those who wish to do so are allowed to visit the latrine in turn.

(2) During this parade, those prisoners who are sick shall be made to sit a distance of about 1 meter from the rest and shall be inspected by the medical subordinate, who shall see that they get such treatment as is necessary; but if any prisoner appears to be seriously ill he shall be sent to the hospital at once.

451. Toilet parades.- (1) At all toilet parades every prisoner shall be allowed to remain at least five minutes in the toilet, and longer if absolutely necessary.

(2) Each toilet parade ought not to occupy more than half an hour and every latrine must therefore contain compartments in the proportion of 1 : 6 of the number of prisoners to use it and the washing place contiguous to each latrine shall have one compartment to every four latrine seats.

(3) The toilet parades shall be carefully regulated by the warder in charge who should allow only so many prisoners to go in at a time as there are vacant compartments.

452. Other daily works for the prisoners.- (1) All the prisoners shall attend the prayer class after attending call of nature.

(2) On completion of the prayer class, the prisoners shall be marched to the bathing platform for the purpose of cleansing their teeth and then they shall wash their faces and hands.

(3) After the washing parade, the morning break-fast shall be distributed and on completion of the breakfast the prisoners shall be allowed to wash their hands and feeding vessels.

(4) They shall then be arranged in their working gangs according to the gang books and at the same time the Jailor with the Deputy Jailors, if necessary, shall arrange any alterations of the gangs that may be necessary, noting any change of work he may order in the prisoners' history tickets, or causing such entries to be made under his initials and having such alterations entered in the gang books and after this is done the rolls shall be called, and the gangs shall be marched to their working places.

453. Use of command or signal.- (1) Whenever prisoners are marched from one part of the jail to another or are sitting or standing in gangs, except when actually taking meals or at work or when paraded for inspection, they shall be arranged in files of pairs, and shall rise, move forward, stop or sit down at the word of command or signal. This

method shall be followed in carrying out the parades as described in the herein after provided rules.

(2) At these parades the signal shall usually be the stroke of a bell or gong.

454. Method of command and signal.- (1) Whenever the jailor or any officer of superior rank to him visits or passes a gang of prisoners, the prisoners shall cease working and stand up or if marching, shall stand still at the word of command, which shall be followed after a brief interval by the words of command.

(2) The command shall be given by the officer in-charge of the gang.

(3) Prisoners when addressing or addressed by a jail officer or visitor shall stand to attention with arms hanging down by the sides.

(4) If a prisoner's history ticket is required to be examined, it shall be held open in the prisoner's left hand.

455. Work-shed and its gate.- (1) Where a work-shed is enclosed and provided with a gate, the gate shall be kept locked after prisoners have entered and the key of the gate shall be kept by the officer in charge of the work-shed or of the yard in which the work-shed is located.

(2) The officer in-charge shall be held responsible that no prisoner passes into or out of the work-shed without permission or proper cause.

456. Use of toilet in the work-shed.- (1) A toilet shall be placed in each work-shed or other place where prisoners work and use of toilet out of hours by the prisoners shall be reported to the medical subordinate.

(2) A prisoner going frequently to the toilet out of hours may either be placed under medical observation in a segregation ward or cell, subject to such diet as the Medical Officer may direct for such cases or if there is good cause to believe that the prisoner has visited the toilet unnecessarily, the irregularity may be treated as a Jail offence.

(3) In the case of newly convicted prisoners, some latitude shall be allowed in the enforcement of this rule.

457. Ringing of bell for midday parades and procedure for taking food.- (1) All gangs (both intramural and extra-mural) shall stop work and each prisoner shall take up his clothing, cups and plates and fall in his gang.

(2) The prisoners shall then be marched to near the bathing platform, where each prisoner shall divest himself of his clothes, put on his bathing cloth, take up his cup and thus prepare himself for bathing; each prisoner placing his clothes to the right or left of him, according to whether he is the right hand or the left hand man of the file.

(3) The prisoners shall then dry themselves, put on their clothes and be made to march to the feeding platform where they shall again separate into two files, a file at each platform and be made to sit down and deposit their plates on the platform.

(4) The cooks shall then distribute the proper allowance of food into each plate and the prisoners shall be instructed to keep away flies from their food.

(5) If any prisoner makes a complaint as to the quantity or quality of the food, he shall be ordered to stand up, take up his food and separate himself from the others, who shall then be ordered to eat their food.

(6) The officer on duty shall immediately enquire as to the cause of the complaint; if it is for short distribution, he shall have the ration weighed and the deficiency, if any supplied and report the defaulting cook to the Jailor, but if the complaint is of bad quality or bad cooking, he shall at once report the matter to the Jailor who shall examine the food and make such further enquiry regarding the complaint as may be necessary and report the circumstances to the Superintendent on the first opportunity, on the prisoner's History Ticket.

(7) The Superintendent shall decide whether the complaint is well founded or not and take such action as is necessary.

(8) Any prisoner making a false and malicious complaint shall be punished and every complaint regarding food shall be reported to the Superintendent.

(9) When the prisoners take their food the warder-guard shall stand round the feeding platforms and see that no prisoner gives away his food to another or secretes it about his person.

(10) The feeding parade should not be hurried; prisoners should be allowed time to chew their food well and when the meal is finished the prisoners shall stand up together, from double file and march to the bathing platform, at the end of which shall be placed two tubs into which each prisoner shall throw any refuse food left in his plate, separating rice or chapattis from curried food.

(11) On the platform they shall wash their plates and mouths.

458. Second toilet parade and works thereafter.- (1) After this another toilet parade shall be held as in the morning, but in the hot weather and rains during this parade the prisoners may sit in the wards or in the shade instead of in the sun and be taken to the toilet in batches in charge of an overseer, each batch being sent on return of the preceding one.

(2) On completion of this parade, the warder-guards shall be changed.

459. Arrangement for bathing and feeding of cooks.- (1) Separate arrangements shall be made for the bathing and feeding of the cooks who, being employed on serving food to prisoners, cannot join the ordinary parades.

(2) When the bell or gong is sounded for resuming work in the afternoon the gangs shall be checked again and marched to their work places and continue working till the evening bell rings for the cessation of work.

460. Evening work and onwards.- (1) When the evening bell is sounded, all work both in and outside the jail, shall be immediately stopped and the materials, tools and implements shall be collected and locked up.

(2) The prisoners shall then perform the feeding, washing and toilet parades under the same regulations as provided herein before for the midday parades except that, unless specially ordered to do so, the prisoners shall only wash their faces and hands instead of bathing entirely.

(3) In exceptional cases where prisoners are put to exceptionally dirty work, such as carrying earth in the hot weather, etc. they may be allowed to take bath entirely at the evening parade by a written order from the Superintendent.

(4) After parades mentioned in sub-rule (3) are finished the gangs shall, if necessary, be broken up, and the prisoners arranged according to their location in the sleeping barracks; but as far as possible, prisoners who work together shall sleep together.

(5) They shall then be mustered in front of their barracks, carefully searched, counted and locked up.

(6) The Jailor or Deputy jailor or shall personally superintend the lock-up and the former after satisfying himself that correct number of prisoners are present shall, with the officer in charge of the night guard, sign the lock up report book.

(7) The lock-up must be completed by night-fall.

(8) Night food in small packets shall be distributed among the prisoners before lock up.

461. Prohibition of outside bath.- All prisoners working in gangs outside the jail shall be brought inside and be made to take part in the different parades and the bathing and feeding of prisoners outside the jail is prohibited.

462. Use of toilet at night.- (1) The toilets shall be provided for each ward and prisoners shall use the toilet for defecation only when actually necessary and as a rule, it shall only be used in cases of emergency.

(2) Use of toilet by prisoner at night shall be reported to the Jailor by the night-watchman.

(3) If such prisoner is found to be sick, he shall immediately be placed under medical observation apart from other patients.

463. Complaint in the weekly meeting.- (1) The Superintendent shall hold a parade of all the prisoners once a week, when every prisoner shall have the opportunity of making any request or complaint to him.

(2) In large jails where, on account of the large number of prisoners it is not possible to hold the parade of all prisoners at one time, half of the prisoners may be paraded one morning and the other half the next morning.

(3) In the winter months, this parade may be held in the open air under in the sun, but in the hot weather and rainy season the prisoners shall be paraded under shelter.

(4) At this parade the prisoners shall be arranged in single line by gangs, each class in its own division.

(5) Before each prisoner shall be spread in neat order his bed-sheet, durrie, blanket and clothing, cup, plate and history ticket.

(6) All prisoners losing weight shall be paraded separately.

(7) On arrival of the Superintendent, every prisoner shall, at the word of command, stand up, take up the history ticket in the left hand.

(8) Prisoners wishing to make complaints or requests to the Superintendent shall do so.

(9) The Superintendent shall then pass down the line, listen to complaints and requests of every description and pass orders thereon. He shall satisfy himself,-

- (a) that history tickets are supplied to all prisoners and written up;
- (b) that the classification rules are carried out;
- (c) that remission has been duly awarded and communicated to the prisoners and that the prisoners shall be able to know what remission they have earned;
- (d) that weightments of prisoners have been duly made and recorded on the tickets;
- (e) that the weightments are carefully by his subordinates in the distribution of labour;
- (f) that clothing and bedding supplied to prisoners are according to the prescribed scale, that they are marked with prisoner's numbers and are clean and in good order;
- (g) that their cups and plates, are clean and bright;
- (h) that the prisoners are cleanly in person, and that their hair is kept in accordance with the rules; and
- (i) by picking out any sickly-looking prisoner who he thinks should be placed under observation.

464. Procedure for settlement of dispute.- (1) No prisoner shall leave his work or his line to make any representation to the Superintendent or jailor.

(2) The Jailor shall, at least once in the day, visit all the prisoners and give them the opportunity of making representations and complaints on any urgent matter such as appealing, assault or ill-treatment.

(3) Any prisoner wishing to appeal, or making such a complaint, shall be brought by the Jailor before the Superintendent, but minor complaints and petitions shall as a rule, be settled as far as possible by the Jailor.

465. Obedience to the order of jail officers.- Prisoners shall obey the orders of all jail officers. They shall also obey the orders of the convict officers, unless the order be one distinctly contrary to jail regulations, in which case the prisoner shall report the matter as soon as possible to the Jailor.

466. Normal behavior in the jail.- (1) Strict silence shall be maintained at all times except when any enquiry or instructions relating to work are necessary or when authorized communications or orders are being conveyed and all loud talking, singing, or quarrelling in the jail is prohibited.

(2) No prisoner shall be allowed to leave his bed at night for any purpose without first obtaining the permission of the Night-watchman and warder on duty nor he is allowed to sit or lie on any other prisoner's bed.

467. Duty of the prisoners.- Following duties are required to be performed by the prisoners, namely:-

- (a) to remain strictly with their gangs and within the part of the jail in which they are confined unless ordered by proper authority to leave it;
- (b) to keep in file when not at work, and strictly to carry out the regular parades;
- (c) to perform their allotted tasks willingly and carefully, and to take proper care of any property of Government entrusted to them for the purpose;
- (d) to report any plot or conspiracy and any attempt to escape or preparation for an escape or for an attack upon any prisoners or jail officer;
- (e) to help the jail officers in case of any attack upon them;
- (f) not to gamble or barter or play any game within the jail, nor keep animals, birds or other pets;
- (g) not to smoke nor to receive, possess or transfer any prohibited article; and
- (h) not to commit any act which constitutes a prison offence as specified in the rules for punishment.

468. Authorization to guard to open fire.- (1) In the event of any riot or violent outbreak, the guards are authorized to fire upon the prisoners.

(2) Disobedience to any jail rules or of any lawful order will subject the offender to punishment according to the rules provided in Chapter XVIII relating to Offence and Punishment.

469. Employment of washer man for sick prisoners.- (1) All prisoners shall wash their own clothing at the bathing parade on the day preceding the Superintendent's weekly parade.

(2) A prisoner washer man may be employed for washing the clothes and bedding of those sick prisoner who are in hospital.

470. Provision relating to haircut.- (1) The hair of every male convict shall be trimmed only to such an extent and at such times as may be necessary for the purposes of securing health and cleanliness:

Provided that,-

- (a) the Superintendent shall, at his discretion, exempt from it all prisoners to whom this provision shall justify to be offensive or degrading;
- (b) Sikhs shall not have their hair cut or removed and shall be allowed the use of combs;
- (c) Hindus shall retain the chutiah or sikha;

- (d) the beards of Muhammadans shall be left if they desire;
- (e) the hair of a convict shall not, without his consent, be cut at any time within 30 days of the date on which he is entitled to be released;
- (f) if on account of vermin, dirt or disease the Medical Officer deems it necessary to clip the hair or shave the head of any prisoner, this shall be done on his written order entered on the prisoner's History Ticket; and
- (g) any prisoner who wishes to have his beard or moustache shaved, shall be allowed to do so, twice a week.

(2) Arrangements shall be made in the jail to provide shaving implements and to have the work done by convict barbers, under proper supervision.

(3) Under-trial prisoners shall not be allowed to crop their hair or in any way to alter their personal appearance, so as to make it difficult to recognize them and in order to prevent this, scissors and similar implements shall not be allowed in the ward.

(4) Prisoners who have been more than a month in the jail shall have their hair cut to the length it was when they were admitted into the jail, and shall be kept at this length as far as possible in order to maintain their original appearance.

(5) When the Medical Officer shall feel that it necessary on the ground of dirt, vermin or disease, the hair of an under-trial prisoner shall be cut, but it shall not be cut closer than is necessary for the purposes of health and cleanliness.

471. Observation of daily routine on Holidays.- (1) The daily routine described in the foregoing rules shall be observed also on Sundays and other holidays observed in jails, except that no prisoner shall be required to work on those days otherwise than in performing menial offices and other necessary work, including cleaning up and tidying the jail premises.

(2) The prisoners shall, on Sundays be allowed to take exercise in the yards in gangs till 10.00 A.M. and again for an hour before the evening parades.

(3) In the intermediate time they shall sit down in file either in their wards, or if the weather be cold enough, in the yards.

472. Monthly census.- On the last day of each month a census shall be taken of the convict population of each jail, in order to ascertain the number of convicts present on that day according to the time served in jail.

473. Restriction for bringing and removing any articles.- (1) Except as provided in these rules,-

- (a) no person shall introduce or remove or attempt by any means whatever to introduce or remove into or from any prison, or supply or attempt to supply to any prisoner from outside the limits of a prison, any prohibited article;
- (b) no officer of a prison shall allow any such article to be introduced into or removed from any prison or to be possessed by any prisoner or to be supplied to any prisoner outside the limits of a prison; and
- (c) no person shall communicate or attempt to communicate with any prisoner.

(2) Whoever commits or abets any of these offences, shall be liable for judicial proceeding.

474. Arrest of person on refusing to give name and address.- When any person, in the presence of any officer of a prison, commits any offence specified in the preceding rules and refuses on demand of such officer to state his name and residence, or gives a name or residence which such officer knows, or has reason to believe, to be false, such officer may arrest him, and shall without unnecessary delay make him over to a police officer of the nearest Police Station.

475. Notice about the acts prohibited.- The Superintendent shall cause to be affixed, in a conspicuous place outside the prison, a notice in Hindi and in the English, setting forth the acts prohibited under section 42 of the Act and the penalties incurred by their commission.

476. Restriction on Prohibited Articles.- In accordance with sub-section (13) of section 59, of the Act, the articles, specified in rule 477 shall be deemed to be prohibited articles within the meaning of sections 42 and sub-section (12) of section 45 of the Act, unless any such article shall be —

- (a) introduced into or removed from any jail;
- (b) received, possessed or transferred by any prisoner; or
- (c) with the permission of the Superintendent or other officers empowered by him in this behalf.

477. List of Prohibited Articles.- Following articles are prohibited articles, namely:-

- (a) Alcohol or spirituous liquors of any kind;
- (b) Materials for smoking, chewing or snuffing such as tobacco, pipes, chillums etc;
- (c) Ganja, opium, brown sugar, or any other drug or poisonous article;
- (d) Poisonous materials, materials for making fire, or materials which shall cause disfiguration;
- (e) Bullion, metal, money, currency notes, valuable securities, jewellery or ornaments of any kind, and articles of value of every description;
- (f) Books, printed matter, letters or writing materials of any kind not authorized by the Superintendent;
- (g) Mobile phones, sim-card, charger, any electronic equipment, (except Television)pen-drive or other mode;
- (h) Knives, arms, ropes, string, bamboos, ladders, sticks, any article likely to facilitate escape or implements of any kind, except those issued for use in the performance of work and these except only during work hours, and at such places as they are required for jail work; and
- (i) Any article which has not been issued for the use of prisoners from the jail stores and supplies.

478. Other prohibited articles.- Every article of whatever description, shall be deemed to be a prohibited article within the meaning of section 42 and sub-section (12) of section 45 of the Act in the case of,-

- (a) a prisoner if introduced into or removed from any jail or received, possessed or transferred by such prisoner and such article has,-
 - (i) not been issued for his personal use from jail stores or supplies, under proper authority;

- (ii) been so issued, if possessed or used at a time or place other than such as is authorized; or
 - (iii) not been placed in his possession for introduction, removal or use, as the case may be, by proper authority.
- (b) a Jail officer if introduced into or removed from any jail or supplied to any prisoner and such article,-
- (i) has not been issued or sanctioned for his personal use by proper authority;
 - (ii) is not an article of clothing necessary for his personal wear; or
 - (iii) has not been placed in his possession by proper authority for introduction into or removal from the jail or for the purpose of being supplied to any prisoners.
- (c) a *visitor* if introduced into or removed from any jail or supplied to any prisoner and such article,-
- (i) is not required for his personal use while within the jail and has not been declared by him before entering the jail, and the introduction into or removal from the jail or possession of which while in the jail has not been permitted by proper authority;
 - (ii) is introduced with or without authority and is not retained in his possession until he has left the jail premises; or
 - (iii) comes into possession while within the jail, and is subsequently removed by him from the jail.
- (d) any other person if introduced into or removed from any jail or supplied to any prisoner whether within or without the jail.

CHAPTER XVIII

OFFENCES AND PUNISHMENT

479. Prison Offences.- (1) Following acts of the prisoners shall constitute prison offences, namely:-

- (a) endangering the security of the prison in any way, by willful or negligent act and shall include tampering in any way with prison walls, building, bars, locks and keys, lamps or light or with any other security and custody measure;
- (b) doing any act calculated to create unnecessary alarm in the minds of other prisoners;
- (c) doing or omitting to do any act with intent to cause to oneself any illness, injury or disability;
- (d) omitting to report the commission of any prison offence;
- (e) breaking law and order and prison discipline;
- (f) planning, instigating and abetting, directly or indirectly, the commission of any prison offence;

- (g) refusing, omitting to abide by standards of behaviour, rules and regulations and lawful instructions and orders;
- (h) failing to assist in the maintenance of prison discipline;
- (i) failing to give assistance to a prison official when called to do so;
- (j) making false, malicious and groundless, written or verbal, complaints against prison officials;
- (k) committing nuisance or mischief of any sort;
- (l) quarrelling with other prisoners;
- (m) smoking;
- (n) attacking, assaulting, and causing injuries to others;
- (o) participating in a riot or mutiny, abetting another prisoner to do the same;
- (p) escaping or attempting to escape from prison or legal custody or failing to report to prison officials about attempted escapes;
- (q) possessing, hiding, smuggling, attempting to smuggle, obtaining, giving or receiving and bartering contraband articles;
- (r) failing to report to prison officials about contraband articles;
- (s) stealing or damaging or destroying or disfiguring misappropriating any government property or another prisoners' articles and property;
- (t) failing to report at once any loss, breakage or injury, which the prisoner may accidentally have caused, to prison property or implements;
- (u) tampering with or defacing identity cards, records or documents;
- (v) breach of the conditions of leave and emergency release;
- (w) refusing to eat food or going on a hunger-strike;
- (x) eating or apportioning any food not assigned to him or taking from or adding to the portions assigned to another prisoner;
- (y) willfully or negligently destroying or spoiling food, or throwing it away without orders;
- (z) introducing into food or drink anything likely to render it unpalatable, unwholesome, or dangerous for human consumption;
- (za) cooking unauthorisedly;
- (zb) violating rules and regulations framed for the systematic running of the canteen;
- (zc) bartering canteen articles;
- (zd) being idle, careless or negligent at work, refusing to work, malingering, disturbing other prisoners at work, or in barracks;
- (ze) manufacturing any article without the knowledge or permission of a prison officer;
- (zf) performing any portion of the task allotted to another prisoner or obtaining unauthorised assistance of another prisoner in the performance of one's own task;
- (zg) apportioning to any prisoner any part of the task to be performed by him or her.
- (zh) mixing or adding a foreign substance to the materials issued for work;
- (zi) willfully disabling himself from labour;

- (zj) converting or attempting to convert, a prisoner to a different religious faith;
- (zk) willfully hurting other's religious feelings, beliefs and faiths;
- (zl) agitating or acting on the basis of caste or religious prejudices;
- (zm) having any communication, in writing or by word or by signs, without permission, with any outsider, an under trial prisoner, detenus, civil prisoners, and approvers;
- (zn) sending messages surreptitiously by writing or verbally;
- (zo) participating in, or organising, unauthorised activities like gambling and betting;
- (zp) using indecent, abusive, insolent, threatening or improper language, being disrespectful, making indecent or vulgar acts or gestures;
- (zq) soiling or befouling any place or article;
- (zr) loitering or lingering, leaving the appointed area or work- group without permission;
- (zs) 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;
- (zt) talking when at file, or at unlocking or at latrine, bathing or other parade or at any time when ordered by an officer or the prison to desist, and singing, loud laughing and loud talking any time;
- (zu) showing disrespect to any Jail Officer or Visitor; or
- (zv) answering untruthfully any question put by an officer of the prison or a visitor.

(2) Such other acts, as the Government may specify by notification in the Official Gazette, from time to time, to constitute prison offence.

480. Punishments.- (1) The Superintendent may award punishment as described in sub-rule (2):

Provided that no solitary confinement, no dietary change as a painful additive, no other punishment or denial of privileges and amenities, shall be imposed on a prisoner.

(2) When in the opinion of the Superintendent any of the following offences are established against any prisoner, he shall refer the case to the Magistrate exercising jurisdiction for enquiry in accordance with the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974), namely:-

- (a) Offences punishable under sections 147, 148 and 152 of the Indian Penal Code, 1860, (Central Act No. 45 of 1860), namely:-
 - (i) Rioting armed with a deadly weapon; or
 - (ii) Assaulting or obstructing or using criminal force to a public servant, when suppressing riot, or threatening or attempting to do so.
- (b) Offences punishable under sections 222, 223 and 224 of the Indian Penal Code, 1860 (Central Act No. 45 of 1860), namely:-
 - (i) Intentional omission to apprehend on the part of a public servant or intentionally aiding or suffering to escape any person lawfully committed to custody; or

- (ii) Escape negligently suffered by a public servant; or
- (iii) Resistance or obstruction to lawful apprehension or escape or attempt to escape from lawful custody,
- (c) Offences punishable under sections 304-A, 309, 325 and 326 of the Indian Penal Code, 1860 (Central Act No. 45 of 1860), namely:-
 - (i) Causing death by a rash or negligent act; or
 - (ii) Attempt to commit suicide; or
 - (iii) Voluntarily causing grievous hurt by dangerous weapons or means.
- (d) Any offence triable exclusively by the Court of Sessions.

(3) It shall be in the discretion of the Superintendent to determine, with respect to any other act which constitutes both a prison offence and an offence under the Indian Penal Code, 1860 (Central Act No. 45 of 1860), whether he will use his own powers of punishment or move the magistrate exercising jurisdiction to enquire into it in accordance with the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974) but no prisoner shall be punished twice for the same offences.

Note: A prisoner of necessity removed from a prison office in consequence of judicial conviction for an offence shall not be deemed to have been punished twice.

481. Frequent commission of offences.- Under the provisions of section 52 of the Act if any prisoner is guilty of an offence against Jail discipline, which, by reason of his having frequently committed such offence, or otherwise, in the opinion of the Superintendent, is not adequately punishable by the infliction of any punishment which he has power to award, the Superintendent may forward such prisoner to the Court of the Chief Judicial Magistrate or of any magistrate of the first class having jurisdiction, together with a statement of the circumstances and such magistrate or any magistrate of the first class to whom the Chief Judicial Magistrate may transfer the case, shall thereupon enquire into and try the charge so brought against the prisoner and pass order for conviction of the prisoner:

Provided that no prisoner shall be punished twice for the same offence.

482. Classification of punishment.- (1) Punishments may be classified into minor and major punishment.

(2) Following punishment may be treated as minor punishment, namely:-

- (a) formal warning;
- (b) change of labour for a stated period for some more irksome or severe form;
- (c) forfeiture of remission not exceeding four days;
- (d) forfeiture of class, grade, or prison privilege for a period not exceeding three months (prison privilege includes cancellation of interview and telephone facilities);
- (e) temporary reduction from a higher class to a lower class or grade;
- (f) cellular confinement for not more than seven days;
- (g) separate confinement for not more than fourteen days; and
- (h) forfeiture of wages up to earnings of three days once in a month.

(3) Following punishments may be treated major punishments, namely:-

- (a) forfeiture of remission earned, exceeding four but not exceeding twelve days;
- (b) forfeiture of remission earned, in excess of twelve days;

- (c) forfeiture of class, grade or prison privileges for a period exceeding three months;
- (d) exclusion from the remission system for a period exceeding three months;
- (e) exclusion from remission system for a period not exceeding three months;
- (f) forfeiture of wages up to earnings of four to seven days in a month;
- (g) transfer to greater security prisons and consequent loss of privileges;
- (h) not counting period of leave towards sentence in case of breach of conditions of leave;
- (i) permanent reduction from higher to a lower class or grade;
- (j) postponement of privileges of leave for a period not exceeding one year starting from the date of the inmate's next eligibility for release on leave;
- (k) cellular confinement for a period exceeding seven days; and
- (l) separate confinement for a period exceeding fourteen days.

483. Procedure for Awarding Punishment.- (1) For award of all types of punishment the prisoner shall be given opportunity for personal hearing.

(2) The punishment awarded shall be entered in the History Ticket of the concerned prisoner and also in the punishment register.

(3) Infringement of any of the provisions of these rules shall be brought to the notice of the Superintendent, who shall decide whether the infringement reported as committed in such circumstances is willfully or without excuse, as to constitute an offence.

(4) If the Superintendent is of opinion that the infringement of rule was committed through ignorance or excusable carelessness, he shall admonish the prisoner and dismiss the charge without recording it in the Punishment Register, but if he finds it to be an offence, he shall award some punishment and have it recorded in Form as specified giving all details required by rule and likewise on the prisoner's History Ticket.

(5) "Change of labour" which is a minor punishment can be awarded only to prisoners undergoing imprisonment and is a punishment suitable for persistent short work or idleness, but may be given also for other offences and it may only be given for a definite time.

(6) Petty offences, such as short work, are unless frequently repeated, in the case of prisoners coming under the remission system, loss of remission may be adequate punishment and this punishment shall be used for minor offences in preference to all others as long as the prisoner has any remission to his credit.

(7) A "formal warning" is deemed to be a punishment and shall be personally addressed to the offender by the Superintendent and in every exceptional case the punishment for a first offence shall be a "formal warning".

(8) A formal warning shall not be combined with any other punishment.

(9) Forfeiture of prison privileges under the remission system includes any of the special privileges allowed to convict overseers and convict watchmen by these rules and one or more of these privileges may be suspended.

(10) While awarding punishments stated in sub-rule (9) or reduction of grade which has been indicated as minor punishments in clause (c) and (d) of sub-rule (2) of rule 482 and major punishment as mentioned in clause (e) of sub-rule (3) of rule 482, the superintendent shall record whether it is to be permanent or for what period.

(11) Whenever application is made to the Head of Directorate of Prisons for sanction to the forfeiture of remission exceeding twelve days, or for the exclusion of a prisoner from the remission system for a period exceeding three months, full particulars of the offence

and of the remission the prisoner has earned and brief statement of his previous history, accompanied by his descriptive roll, shall be submitted.

484. Cellular Confinement.- (1) Cellular confinement is confinement in a cell, with or without labour, so as to seclude the prisoner entirely from communication with, but not from sight of other prisoners.

(2) The convict cell attendants shall have access to his cell to give the prisoner his food and attend to conservancy, but the prisoner shall have his meals alone and bathe in his cell yard.

(3) Cellular confinement may be awarded for not more than fourteen days and after each period of cellular confinement an interval of not less duration than such period shall elapse before the prisoner is again sentenced to other cellular confinement.

485. Separate confinement.- (1) Separate confinement is confinement in a cell, with or without labour, so as to seclude the prisoner whilst in his cell from communication with but not from sight of, other prisoners.

(2) The outer batten door of the cell yard in cells built on the standard plan shall be left open and a prisoner undergoing this punishment shall have not less than one hour's exercise daily in the common passage in front of the cell or other sufficient space under the eye of warder, and shall have his meal in association with one or more other prisoners.

(3) Superintendent may award separate confinement up to thirty days and any period in excess of this, up to three months is deemed necessary, the orders of the Head of Directorate of Prisons shall be obtained.

(4) While submitting an application for such order, the Superintendent shall forward a certificate of the Medical Officer of the fitness of the prisoner to undergo separate confinement for the period recommended, or for any other period the Medical Officer may consider the prisoner fit to undergo.

486. Punishment Register.- (1) The punishment register shall be kept in Form specified.

(2) If the prisoner punished is a convict officer, his grade shall be stated under his name.

(3) The classification of every punishment as major or minor shall be carefully recorded in the column set apart for the purpose.

(4) At the end of each month an abstract of offences and punishments shall be entered in this register for the convenience of authorized visitors.

(5) At the end of each month a record shall also be made in this register in the following manner, namely:-

- (a) the total number of punishments inflicted;
- (b) the daily average strength of convicts;
- (c) the percentage of prisoners punished;
- (d) the percentage of major punishments inflicted on prisoners; and
- (e) This information shall also be incorporated in the Annual Report.

487. Diary of Termination of Jail Punishment.- (1) It is of great importance that prisoners shall not continue to undergo punishment for longer periods than those ordered by the Superintendent.

(2) On the day an order for any punishment which will continue for any specified term is given effect to, the date of expiry of the term of such punishment shall be calculated and the name of the prisoner and particulars of the punishment shall be entered in this diary under the date on which it will be terminated.

(3) The diary shall be examined by the Jailor daily and orders shall be given on the prisoner's history tickets for the discontinuance of every punishment which each day terminates in Form as specified.

488. Duties of Prisoners.- At the time of admission, prisoners shall be asked to obey the rules and their duties shall be explained to them as mentioned below:-

- (a) Obey the orders of all officers of prison (including clerks, medical and technical staff) and convict officers;
- (b) 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;
- (c) Abstain from talking when in a file at unlocking or at toilet 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 showing indecent behaviour at any time ;
- (d) 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;
- (e) Not to receive or possess ganja or other drugs, money or jewellery, or any article of food or clothing prohibited by the rules, books, papers, writing materials of any description, rope, knife, or other implement (except during working hours and when the implement is required for work);
- (f) When they find any of the articles mentioned in clause (e) 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;
- (g) Report any plot or conspiracy, and any attempt to escape, or any planned attack upon any prisoner or officer of the prison or any person in outside;
- (h) Help the officers of prison in the event of any attack upon them;
- (i) Keep their clothes, blankets, beddings, and utensils clean and in proper order;
- (j) Keep their persons clean;
- (k) Perform their assigned tasks willingly and carefully and take proper care of any property of Government entrusted to them for any purpose;
- (l) Be orderly in their behaviour; march when moving about the prison; when addressing or being addressed by an officer of the prison or visitor stand at attention with their hands down; and salute when ordered;
- (m) Not to remove provisions from the kitchen or food servicing platforms without authority, or conceal any article of food in the wards or cells;
- (n) Not to remove any unconsumed food from the place where the meal is taken;
- (o) Stick to the bed, ward, yard, and the seat assigned to them while at meals or at work;
- (p) Not to loiter about the yards, or in the wards, after the doors have been opened, or bath or visit the toilet beyond the specified hours;
- (q) 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;
- (r) Show respect to all officers;

- (s) Not to strike, assault or threaten any officer or prisoner;
- (t) Not to gamble or barter within the prison, nor keep animals, birds or other pets;
- (u) Wear the clothing given to them and not to exchange clothing or any part of their prison kit, with any other prisoner; and
- (v) Not to undertake any agitation, organized protest or hunger strike.

CHAPTER XIX

GUARDING AND SAFE CUSTODY OF PRISONERS

(Routine of the day and night)

489. Responsibility in guarding.- (1) The fundamental principle to be observed in guarding a jail is that every prisoner shall, at all times, both by day and night, be in the charge of some responsible officer whose responsibility for an escape resulting from negligence can be proved in a criminal court.

(2) To implement the provisions of sub-rule (1), all the prisoners in a jail shall be divided into gangs, and every prisoner shall, throughout the whole period of his imprisonment, be a member of one or other of these gangs.

(3) A record of the names of the prisoners placed in a gang shall be kept in a gang-book maintained in the specified format and every subsequent change of a prisoner from one gang to another shall be recorded therein under the initials of an officer not lower in rank than a Head Warder.

(4) Gangs shall be divided into two main classes, namely:-

- (a) Extramural or those employed outside the jail walls, and
- (b) Intramural or those employed inside the jail walls.

(5) The strength of a gang including convict officers shall not exceed,-

- (a) in case Extramural or those employed outside the jail walls,-
 - (i) beyond the jail precincts ... 11 prisoners,
 - (ii) within the jail precincts ... 15 prisoners,
- (b) in case of Intramural or those employed inside the jail walls ... 25 prisoners

(6) There shall always be a regular warder in direct charge of each gang, except as otherwise permitted by these rules.

(7) Extramural gangs must invariably be in the charge of a warder, assisted by a convict overseer, and also a watchman, if the number of prisoners in a gang exceeds ten.

(8) The officer in charge of a gang shall be solely responsible for his gang throughout the day and shall be prepared to account for the number of men placed in his charge when required.

(9) He shall always carry the gang-book on his possession.

(10) The responsibility for the charge of a gang shall never be divided between two or more officers.

(11) No warder or convict overseer in independent charge of a gang shall leave his gang on any account whatever without first being relieved under the supervision of a Head Warder, by another warder or convict officer.

(12) The relieving officer shall verify the number of prisoners made over to him and shall be held responsible for them during the absence of the officer originally in charge.

(13) If for any reason it be necessary to temporarily detach one or more prisoners from an intramural gang, i.e. for latrine purposes or to go to hospital, etc., the senior convict watchman (who shall be also a messenger) shall, with the permission of the Head Warder, be detached and shall remain with them until they are again made over to the officer in charge of the same or some other gang.

(14) Warders in charge of, and convict overseers attached to extramural gangs must be specially careful to keep their prisoners as much together as possible and should be warned that they are on no account let the prisoners wander about or go out of their sight on any pretence whatever.

(15) Any prisoner temporarily detached from such a gang for a special purpose shall be under charge of a convict overseer of a gang.

(16) When prisoners are kept working all day at any distance from the jail a temporary latrine shall be provided, the entrance to which shall be distinctly visible to the warder and the convict overseer shall take charge of prisoners who have to go there.

(17) Besides, one of the executive officers in turn shall supervise the work of the extramural gang frequently and for this, the Superintendent shall issue orders mentioning the name of the Jail officer in every month or week.

(18) The names of prisoners so detached shall be recorded in a note-book and return it to the issuing officer.

(19) Gangs may conveniently be divided as follows:-

(a) Extramural gangs may be divided as follows:-

- (i) Garden,
- (ii) Employed under the Public Works Department.

(b) Intramural gangs may be divided as follows:-

- (i) Civil prisoners;
- (ii) Under-trial prisoners;
- (iii) Simple imprisonment;
- (iv) Hospital;
- (v) Wall guards;
- (vi) Door-keepers and other isolated prisoners;
- (vii) Jail servants;
- (viii) Manufactory;
- (ix) Employed under the Public Works Department; and
- (x) Kitchen.

490. Watching the outer walls.- It is expedient during the day time, when prisoners are moving about the jail, to have the outer walls of the jail watched by convict officers patrolling inside.

491. Duty Register.- (1) A duty register showing the turns of duty or shift of each warder and Head Warder shall be prepared every week by the Jailor in Form as specified or under his or her order and shall be approved by the Superintendent.

(2) If it shall be necessary to change any warder turn of duty in the course of the week, the change must be noted on the roster and each warder's exact duty or beat shall be changed every night and no warder shall be informed before hand to what beat or duty he or she shall be put.

(3) A record shall be kept in a note-book specially kept for the purpose of the warders put on each beat in each watch.

(4) Warders who are off-duty shall always be present in the prison premises ready for any emergency duty and any warder not present during his or her turn of duty shall be liable for disciplinary action.

492. Routine of the day and night.- (1) For day work the whole of the Head Warders and Warders on the establishment, excluding the reserve guard and gate warders shall ordinarily be divided in three squads.

(2) The wards shall be unlocked at dawn and immediately before the opening of the wards, the Jailor, Deputy Jailor, and Head Warder with the warders who are to be on duty in the morning shall enter the jail together.

(3) The Jailor shall then let out of their wards the convict overseers and the gang of convict watchmen who are to watch the jail walls during the first turn of duty, these watchmen shall be locked up in one ward and not scattered over several wards.

(4) One of the Head Warders shall take these convict watchmen to the latrine and then shall post them round the jail walls.

(5) When the Head Warder reports that the wall guards are posted, the wards shall be opened and the prisoners counted out in pairs in the presence of the warders and convict watchmen of the last watch and of the relieving day warders and day convict overseers.

(6) After the numbers locked up in the previous evening have been found correct, the prisoners shall be made over to the warders and convict overseers of the day-gang in which they shall remain through the day.

(7) When this is done, the relieved warders of the 3rd shift or last watch shall be marched out of the Jail.

(8) The usual morning latrine, bathing and feeding parades shall then be carried out for the gangs remaining in charge of the same warder or convict overseer who received them on leaving the sleeping wards at the opening of the Jail.

(9) When the morning parades are completed the Head Warder or Warders shall, under the supervision of the Jailor or Deputy Jailor, send the several gangs to their respective places of work, after calling out the names of the prisoners from the roll-call, in pairs in order to make sure that all prisoners who should be present in each gang are actually present and the convict overseers placed in charge of, or attached to, the gangs at the opening of the Jail continuing responsible for the whole day.

(10) Each gang shall be counted in the presence of the warder or convict officer receiving charge of it, whose names shall then be recorded in the gang-book.

(11) At each subsequent change of the guard during the day, the same procedure shall be followed, whether the change is made in the ordinary course or on account of sickness or other cause.

(12) The rolls of gangs made over to the independent charge of convict overseers need not be called at noon, if these officers are not changed during the day, but these gangs shall be counted and verified at the time the warder guard is changed.

(13) In jails in the cold season when only one hour is allowed for the mid-day stoppage of work and parades, there is not sufficient time to call the roll at the mid-day change of guard and the gangs, therefore, shall then only be counted.

(14) The first squad of warders shall be relieved at noon by the second squad, which shall be brought in by the Head Warders for the second turn of day duty, and shall remain in charge until all prisoners are counted into the wards and locked up for the night and the night patrol has come on duty.

(15) The convict watchmen who watch the walls shall not be changed at noon arrangements shall, accordingly, be made to temporarily relieve them in turn to allow them to have their meals at proper intervals and for bathing, etc., and this can

conveniently be done by placing convict officers patrolling inside the jail, on duty in place of the watchmen to be relieved.

(16) In the evening, when the bell is sounded to stop work each gang in charge of its warder or convict overseer shall, after being checked, proceed to the spot where the usual bathing, feeding and latrine parades are carried out and the officer in charge shall remain in charge till all prisoners have been locked up in their respective wards.

(17) At the conclusion of the parades the gangs shall be marched to and filed in front of their sleeping wards by their respective warders or convict officers.

(18) The prisoners shall then be locked up (their names being recorded in, and called from the gang-book) and placed in charge of the first night watchman of the watch inside the ward and subsequently made over to each succeeding night watchman, the numbers in the ward being carefully verified by counting at each change of night watchmen.

(19) After completion of the afternoon parades, the first night patrol shall be brought in by the Head Warder, and the Jailor, Assistant Jailor and the shall count the prisoners into their wards, respectively, in presence of the warder or convict officer who is to take charge of each ward for the first watch.

(20) When all are locked up except the convict watchman at the walls, the total number of prisoners shall be verified and if it is found correct, a Head Warder, shall then collect the convict watchmen from the wall and count and lock them up seeing that the number is correct.

(21) After locking up, the keys of all wards shall remain with the Head Warder and that keys of cells shall be kept with the warder on duty and the keys of Female Ward shall be kept with the Jailor.

(22) The number of prisoners and of keys shall be noted in the lock up report in Form as specified, so that the officer in-charge of each watch or shift may satisfy himself that he receives the correct number of keys.

(23) After the wards are locked up, the total number of prisoners confined in each separate place shall be recorded in the lock up register in Form as specified.

(24) This register is intended to show whether the wards are overcrowded or not.

(25) The Head Warder or other officer shall take a note of the number in each ward at lock up time, and Deputy Jailor shall afterwards enter the number in the book.

(26) For the purpose of guarding, the duty shall be divided as decided by the Director General of Prisons.

(27) The duty post and shift duty may be varied by the Superintendent according to actual requirements depending on the staff position.

(28) During change of each shift, all guarding staff are required to be searched by the duty Head Warder under supervision of an officer.

(29) The Superintendent or Jailor shall also search all executive officers, Ministerial staff below his rank randomly.

493. Special system of watch.- (1) There shall be a special system of watch by convict watchmen in each ward, the changes of watch to correspond with the change of the warder watch.

(2) In cases where the wards require exceptional precautions, or are of unusual length, there shall be two or more watchmen on duty at one time.

(3) These convict officers whilst on watch, shall keep moving inside the wards and shall prevent any prisoner leaving his place or committing any breach or prison discipline and also satisfy themselves, by counting, that all the prisoners in their charge are safe.

(4) On change of watch both the relieving and relieved convict officer shall report to the patrol or other duly authorized official the number of prisoners made over and the name of any prisoner who has used the night latrine or who has been removed to hospital.

(5) In case of any important occurrence the convict officer on watch shall give immediate notice of the patrol, who shall summon the Head Warder or night duty officer in order that he may make inquiry into the matter and take such action as he considers necessary.

(6) Any prisoner wishing to visit the toilet must intimate the convict watchman, who shall next morning report any prisoner who uses the toilet for defecation and in case of serious sickness, the matter shall be at once reported to the patrolling warder on duty.

(7) If it will be necessary to open a ward at night, previous to unlocking the gate or door, a chain should be so attached to the doors, or to the door and door-post, as to prevent the admission and exit or more than one person at a time, this procedure will render futile any combined attempt to break through the door way when the door is opened.

(8) During the night, the watch guard shall patrol round the outside of the barrack or barracks of which they respectively have charge, at a smart pace and shall, on no account, sit down or quit their beat.

(9) They shall be always on the alert and each shall have his great coat and an umbrella in wet weather, and no warder shall seek other shelter from the weather either by day or night.

(10) They shall each be armed with a baton and carry a lighted torch and shall frequently examine the gratings and doors and see that they have not been tampered with.

(11) They shall look inside the wards, if possible, to see that prisoners are in their proper places and that the convict watchmen are alert, not sitting down, and shall frequently challenge them and make them report the number of prisoners.

494. Watching at tower.- (1) In the jails where there is a central tower or control room, the night duty officer instead of remaining in the office, shall perform his duty in the same central tower or control room at night.

(2) The night duty officer shall go round the jail in different hours and see that Convict Watchmen and warders are alert, that the patrol is properly maintained and prisoners are quiet.

(3) Night duty officer shall record the details of the night round made in the night round register.

(4) There shall also be a day round register for checking inside the jail at odd hours.

(5) The night duty officer shall intimate the Jailor and Superintendent regarding any untoward events or serious illness of prisoner through walkie-talkie or by any means of fastest communication.

495. Report about illness of prisoner.- (1) The Head Warder or senior warder on patrol duty at night, shall move about inside the jail visiting the patrolling warders and convict watchmen during the whole time of his watch.

(2) He shall keep the lock-up report book with him, and both on taking over and giving over charge shall see that the wards and cells are secure, and that the correct number of prisoners is reported to be in custody in each ward.

(3) It follows, therefore, that when changing guard at night both the relieving Head Warder or senior warder and the one to be relieved shall verify the numbers, see to the security of the wards and change the guards in company.

(4) He shall keep the key of the wards and of one of the locks of the inner main gate wicket attached to his person by a chain.

(5) In case of serious sickness he shall give notice at once to the night duty officer and Jail Medical Officer through walkie-talkie and, if advised by the Jail Medical Officer to do so, shall remove the sick prisoner to hospital.

(6) If any irregularity either on the part of warders or prisoners occurs, he shall at once enter the circumstances in the lock-up report book for report to the Superintendent or Jailor next morning.

(7) Immediate notice to the night duty officer or Jailor shall be given of any occurrence requiring prompt action on the part of a higher authority, such as attempt at escape, riot, fire or serious sickness.

(8) A quarter of an hour before the expiry of his term of watch he shall go to the guard room and awaken the Head Warder who is to relieve him and having done so, shall at once return to his duty.

(9) Punctually at the hour for change of watch the Head Warder who is to take the next watch shall bring in the relieving warders.

(10) In the jails, the Superintendent may arrange that the Head Warders shall be assisted in performing the change of guard by senior warders, the Head Warders taking one-half of the jail and the senior warders the other half, but in every such case two warders, the relieving and the one to be relieved, shall go round together and shall verify the number of prisoners and see to the security of the wards.

496. Letting out cooks.- (1) When it is necessary to let out the some of the cooks before dawn to prepare the early morning meal, the Head Warder shall let out the necessary number and put them in charge of a warder.

(2) Only prisoners with short unexpired sentences should be selected for this work.

497. Safe custody of prisoners.- Only padlocks of approved pattern shall be used, such locks shall be supplied on indent by the Head of Directorate of Prisons and three inch padlocks are best for main gates and 2 ½ inch for wards and cells.

498. Use of fetters.- Prisoners who have escaped from jail or while in transit from one jail to another or have attempted or conspired to escape may be placed in fetters with the sanction of the competent court or convicting court.

499. Prohibition of using broken glass on the top of outer wall.- (1) Broken glass must not be fixed on the top of the outer walls of a jail, as it affords a hold for a blanket or for cloth thrown on to the wall, and thus facilitates escape, and there shall be no cornice or projection on the top of a wall which should be rounded or sloped to an edge.

(2) At every junction of a partition wall with the outer wall of a jail, there shall be a semi-circular addition to the outer wall of sufficient dimensions to prevent a prisoner from scaling it when standing on the partition wall.

500. Checking of Locks.- (1) Every Head Warder responsible for a jail or section of jail shall examine daily during the afternoon watch all locks used for securing wards, cells or main gates within his charge to ascertain that they are in good working order.

(2) Any lock out of order shall forthwith be brought to the Jailor.

(3) Lever locks must not be oiled with vegetable oil, as it causes the levers to stick together and thus renders the lock easy to pick.

(4) The keys of wards, cells, godowns or any other place of which the security must be assured shall not be put into the hands of a convict officer or of any prisoners.

(5) If convict officers are allowed to have common padlocks and keys for temporarily locking up tools or material in their charge during the day-time, the keys shall be taken from them before the lock-up.

(6) In every week, Assistant Jailor, in charge of their wards or cells and Head Warder shall cause all grating, locks of jail to be checked and an inspection report shall be submitted to the Jailor who shall record it in his Order book.

501. Issue of identity cards to contractors and workers.- (1) Contractors and workers, who are required to enter any jail for executing a civil work, shall be issued photo identity cards for the duration of the work and shall be searched and such identity cards checked while entering and leaving the prison.

(2) Engineers of the Public Health Engineering Organisation and Building Construction Organisation responsible for the repairing of prison building shall be allowed to visit the prison during day time as required for executing their work.

502. Additional security measures.- Following additional security measures shall be implemented for ensuring security of each prison by the prison personnels, namely:-

- (a) weekly searches of all wards or cells;
- (b) daily security check and inspection of prison premises and buildings;
- (c) good security lighting inside prison building and in the prison premises;
- (d) thorough search and record of all incoming and outgoing prisoners, articles and vehicles. Gate register of articles and persons shall be maintained in each prison;
- (e) surprise searches of all wards and cells on regular basis at night,
- (f) use of wireless communication, intercoms, door frame metal detectors, handheld metal detectors, deep search metal detector, non-linear junction detector (to detect mobile phones, electronic equipment), sirens to alert prison staff;
- (g) effective system for censoring prisoners mail and keeping surveillance on interviews;
- (h) Maintaining an intelligence system to collect information within the prison;
- (i) watch towers, on the periphery to watch inside and outside of the prison, to be fitted with searchlights, binoculars, night vision equipment;
- (j) surprise inspection of watch towers and central towers; and
- (k) regular assessment of the security arrangement at the prison armoury.

CHAPTER XX

TREATMENT OF PRISONERS IN CELLS.

503. Use of cells.- (1) The cells may be used for,-

- (a) carrying out sentences of solitary confinement under sections 37 and 74 of the Indian Penal Code, 1860 (Central Act No. 45 of 1860);
- (b) the separate and cellular confinement of prisoners under clause (8) and (10) section 46 of the Prisons Act, 1894 (Central Act No. 9 of 1894);
- (c) the separation of habitual offenders as per rule;
- (d) the separation of confessing under-trial prisoners;
- (e) the purposes of restraint;
- (f) the medical observation of lunatics;
- (g) the medical observation and separation of prisoners supposed to be suffering from bowel-complaints or other sickness, or to be causing

sickness or sores by the use of deleterious substances, or who are suffering from contagious diseases;

- (h) the confinement of prisoners condemned to death;
- (i) quarantine; and
- (j) for separation of prisoners.

(2) Every cell shall be provided with potable drinking water facilities.

(3) The keys of the cells shall both by day and night be attached to a chain or wristlet worn by the warder in charge, so that they shall always be immediately available in case of sickness or attempted suicide.

(4) The keys of the cells shall never be entrusted to convicts and lock of every cell shall be examined daily by the Head Warder responsible.

(5) Every prisoner confined in a cell shall, invariably, be under the immediate charge of a warder, assisted if necessary, during the day, by specially selected convict officers.

(6) Both by day and by night the guards shall be so posted and arranged that all prisoners in the cells shall at all times have the means of communicating with a jail officer.

(7) Every prisoner so confined shall be visited by a Head Warder once every two hours during the day and night.

(8) The relieving and relieved Head Warders and Warders shall visit the cells together at every change of guard to see that the correct number is confined in them, and that all is well.

504. Treatment of prisoners in the cells.- (1) A strict watch shall be kept over all prisoners confined in the cells to prevent them committing suicide or injuring themselves.

(2) Every mentally ill or suspected mentally ill prisoner, suspected of suicidal tendencies under medical observation in the cells shall be carefully watched both by day and night.

(3) During the day, specially selected convict officers may be detailed for this purpose in the proportion of not more than one convict officer to every three adjacent cells.

(4) Such convict officers shall be placed under the immediate orders of the warder in charge and they shall be instructed as to the character and possible tendencies of their charges and shall be warned to give immediate information to the warder in charge of any symptom of a suspicious nature exhibited by the prisoners under their observation and they shall be placed outside the cells.

(5) A prisoner sent to a cell for medical observation shall be frequently visited by the warder on duty, who shall send information to the Medical Officer of any change which may take place in the prisoner's condition and during the time that the prisoner is under observation, he shall receive such food as the Medical Officer may consider necessary.

(6) In case of sickness immediate notice shall be given by the guard to the Head Warder on duty by passing the ward from sentry to sentry.

(7) The Head Warder shall at once report the case to the Medical Officer, who shall visit the cell, and if necessary, remove the prisoner to hospital, and inform the Superintendent and Jailor immediately.

505. Prohibition of two prisoners in one cell.- (1) Two prisoners shall in no circumstances whatever be confined in one cell except in the case of a female prisoner condemned to death.

(2) If male condemned prisoners or dangerous mentally ill prisoner have to be watched by convicts, they must be placed outside the grated door of the cell.

(3) Sweepers, cooks, and watermen may enter the cells when necessary accompanied by a warder.

(4) Food shall be cooked and carried to the cells by prisoner-cooks under the superintendence of a Jail officer.

506. Visit by Superintendent.- (1) Every prisoner confined in a cell for more than twenty four hours shall be visited daily by the Superintendent and also by the Medical Officer or Pharmacist.

(2) The Jailor shall visit the cells and see every prisoner confined therein daily.

(3) The warder in charge of the cells shall receive no prisoner for separate, cellular, or judicial solitary confinement without a written order from the Superintendent, which shall generally be given on the prisoner's History Ticket and be produced when called for by any inspecting officer or visitor.

(4) He shall also receive no prisoner for separation by day or night under the rule, without an order from the Superintendent or Jailor.

(5) No person shall be placed in judicial solitary confinement until he has been certified by the Medical Officer as fit for such confinement.

507. Suspension of ticket.- A ticket shall be suspended over the cell, or cell yard door, of every prisoner undergoing confinement in such cell, showing the period of confinement ordered and the date from which such confinement commenced.

508. Maintenance of register for cell.- (1) A register shall be kept in the vernacular by the warder in charge of the cells, showing the date on which each prisoner is admitted and discharged, the nature of the confinement ordered and the amount of task work done daily.

(2) The Jailor shall also record in Form as specified and in his report book in Form as specified the names of all prisoners who sleep in cells at night.

509. Manner of maintenance of Register.- The following register shall be maintained in respect of prisoners confined in cells of the jails, namely:-

- (a) The names of all prisoners who were locked up either by day or night in solitary or separate cells are to be entered in Form as specified in vernacular language in this register with other details required by the form and the register is to be initialed by the Jailor and shown to the Superintendent when he visits the cells.
- (b) A page of the register shall be set apart for each cell, the number of which shall be entered at the top.
- (c) The name of every prisoner placed in the cell shall be entered in that page at the time he commences to occupy the cell.
- (d) If different prisoners occupy the cell in the day and night, one-half of the page may be used for prisoners who are in by day and the other half for night occupants.
- (e) The name of each prisoner need be entered only once during the period he occupies the cell, but at every change a new entry must be made.

510. Search of prisoners before confinement in the cell.- Before being put in a cell, each prisoner shall be very carefully searched and all implements and appliances likely to facilitate escape, self injury or suicide shall be taken away and every prisoner therein shall be carefully searched daily at lock-up time, and oftener if necessary.

511. Cleanness of the bedding.- (1) The bedding of prisoners in cells, except that of prisoners under observation for sickness or insanity, shall be withdrawn from the cell during the day, and exposed to the sun and air when the weather permits.

(2) The inmate of a cell shall, at all times, be compelled to keep itscrupulously clean.

512. Work entrustment.- Labouring prisoners confined in cells shall be entrusted with suitable work according to their capacity.

513. Silence in the confinement.- Strict silence must be maintained among all prisoners in confinement in cells.

CHAPTER XXI

JUDICIAL SOLITARY CONFINEMENT.

514. Period for solitary confinement and Execution thereof.- (1) The Period for solitary confinement shall be such as specified in section 73 of the Indian Penal Code, 1860 (Central Act No. 45 of 1860), and Executed in the manner specified in section 74 of the Indian Penal Code, 1860 (Central Act No. 45 of 1860).

(2) If any warrant contains an order relating to solitary confinement, which is contrary to provisions of section 73 or 74 of the Indian Penal Code, 1860 (Central Act No. 45 of 1860), the matter shall be referred to the Head of Director of Prisons.

515. Entry to be made in the register.- (1) The names of prisoners who are sentenced to solitary confinement shall be duly entered by the Jailor in Register and the entries verified by the Superintendent and this register shall be examined periodically by the jailor on the 1st day of every month to ascertain that every prisoner is, unless for some sufficient reason he cannot be placed in a cell, undergoing his confinement in due course.

(2) No prisoner shall be placed in solitary confinement until the Medical Officer certifies that he is fit to undergo it.

(3) Prisoners sentenced to solitary confinement shall ordinarily be divided into four gangs, each gang should be placed in cells for a week at a time, so as to utilize the cells to the fullest extent and at the same time comply with the requirements of sections 73 and 74 of the Indian Penal Code, 1860 (Central Act No. 45 of 1860).

(4) It shall be convenient to fix on the 1st, 8th, 15th and 22nd of each month as the days on which batches shall be committed to solitary confinement.

(5) A prisoner, who is unfit at the time he would have ordinarily confined, shall be placed in a cell at a subsequent date if the conditions imposed by section 74 of the Indian Penal Code, 1860 (Central Act No. 45 of 1860), allow it.

(6) The execution of a sentence of solitary confinement need not be postponed on account of pendency of an appeal.

(7) Every prisoner undergoing solitary confinement shall be visited daily by the Medical Officer or medical subordinate and the Jailor.

(8) If prior to any period of judicial solitary confinement, a prisoner is declared by the Medical Officer to be unfit to undergo such confinement or if during any period of judicial solitary confinement, it becomes necessary, under the Medical Officer's orders, to remove a prisoner on the ground of injury to mind or body, the fact shall be reported to the Head of Directorate of Prisons and to the court by which the sentence was passed and shall be recorded in Register.

(9) If a prisoner sentenced to judicial solitary confinement be declared by the Medical Officer to be permanently unfit to undergo such confinement, the matter shall be reported to the court which awarded the sentence and the order of solitary confinement shall not be carried out.

516. Manner of undergoing two sentences.- 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.

517. Certificate of execution of solitary confinement.- On the expiration of the sentence of every prisoner awarded judicial solitary confinement, the endorsement on the warrant by the Superintendent, certifying to the execution of the sentence shall state in weeks the total period of judicial solitary confinement the prisoner has undergone and if any portion of such sentence has not been duly executed, the reason shall be explained.

518. Prohibition for awarding punishment of separate or cellular confinement.- No prisoner who has undergone a period of judicial solitary confinement shall be punished with separate or cellular confinement for a jail offence within a period equal to the judicial solitary confinement he has undergone after the expiration of such confinement.

519. Same rules for prisoners in cells and solitary confinement.- All the rules relating to the treatment of prisoners in cells shall apply to prisoners undergoing judicial solitary confinement.

520. Special arrangement for female prisoners.- (1) When cells in the female enclosure are occupied, arrangements shall be made that, at night, female warder, and in the day-time, such an officer or a female convict officer, shall always be within the hearing of the occupants of the cell.

(2) The keys of the cells shall always be at hand and in the custody of a female warder.

(3) If there are not two female warders so that one shall always be present in the female enclosure with the keys of the cells throughout the day and night, continuous confinement in the female prisoners' cells can not be allowed, no female shall be locked in a cell at any time during which a female warder is not present.

(4) As this prohibits the execution of a judicial sentence of solitary confinement in any jail which has not two female warders, whenever a female prisoner is so judicially sentenced, her descriptive roll shall be submitted to the Head of Directorate of Prisons for transfer to any jail for which necessary establishment has been sanctioned.

CHAPTER XXII

CONTACT WITH OUTSIDE WORLD (INTERVIEW AND COMMUNICATIONS)

521. Reasonable facilities for communication.- (1) 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 or write letters to his friends once or twice fortnightly, or oftener, if the Superintendent considers it necessary, to enable him to arrange for the management of his property or other family affairs.

(2) Every prisoner committed to prison in default of payment of a fine or of finding security under Chapter VIII of the Code of Criminal Procedure, 1973 shall be allowed to communicate by letter and to have interviews at any reasonable time with his relatives or friends for the purpose of arranging for the payment of the fine or for furnishing of security.

(3) Every prisoner under sentence of death shall be allowed such interviews and other communications with his relatives, friends and legal advisers as the Superintendent thinks reasonable.

Note-1: Section 40 of the Prisons Act, 1894, requires that due provision shall be made for the admission into a jail of persons with whom civil or under-trial prisoners may desire to communicate, care being taken that so far as may be consistent with the interests of justice under-trial prisoners may see their legal advisers without the presence of any other person.

Note-2: Under section 41, the Jailor may demand the name and address of any visitor to a prisoner, and may search any visitor if he has any ground for suspicion. The Jailor may deny admission to any visitor who refuses to permit himself to be searched, entering the grounds of his action in such record as the Government may direct.

Note-3: Interviews with Political prisoners are not governed by the rules contained in this chapter but by separate confidential instruction issued by Government for their treatment.

522. Submission of list of persons to be interviewed.- (1) On admission, every prisoner should submit a list of persons who are likely to interview him or her and the interview shall be restricted to such family members, relatives and friends.

(2) 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.

(3) The number of persons who may interview a prisoner at one time shall ordinarily be limited to three.

523. Search of the visitors.- (1) The Jailor may demand the identity, name and address of any visitor to a prisoner, and, if he has good grounds for suspecting that any visitor is taking prohibited articles to a prisoner he may search the visitor or cause him or her to be searched before he or she is allowed to enter the Jail or see a prisoner but the search shall not be made in the presence of any prisoner or any other visitor.

(2) If the visitor is a female, the search shall be made only by a female staff.

(3) In case of such visitor refusing to be searched, the Jailor may refuse to allow any interview with a prisoner.

(4) In any case when a visitor is searched or an interview with an under-trial prisoner is refused, the jailor shall at once note the circumstances and the grounds for his action in his report book, and submit his report to the Superintendent at once.

524. Privileges contingent to good conduct.- (1) The contents of all letters shall be limited to private matters.

(2) Postage stamps may be allowed to be purchased for letters addressed by prisoners to their relatives in foreign countries at their cost.

(3) 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.

(4) The prisoners shall not be allowed to misuse such privileges.

(5) 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.

(6) This shall be in addition to the letters allowed to them.

(7) Ex-prisoners and habitual prisoners, who apply to see their friends lodged in a prison, may not be permitted such interview by the Superintendent, unless and until there exists a genuine reason for such interview.

525. Superintendent's discretion to grant privileges at shorter intervals.- (1) If he considers that special or urgent grounds exist for such concession, the Superintendent may at his discretion, grant interviews or allow the despatch or receipt of letters at shorter intervals than provided in spite of a prisoner's misconduct.

(2) This could be in the event of the prisoner being seriously ill, or the death of a near relative, or when his or her friends or relatives have come from a distance to see the prisoner and it would inflict undue hardship on them, if they are refused an interview or if the prisoner is nearing release and wishes to secure employment, or for any other sufficient cause.

(3) 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.

526. Prisoners allowed to sign a 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 or conveyances concerning his or her properties and each such transaction shall be treated as an interview.

527. Interview with prisoners in the same prison or in hospitals outside the prison.- Subject to the provisions of the above rules, the Superintendent shall also permit interviews between men and women prisoners who are related to each other by marriage or blood, when they happen to be confined in the same prison.

528. Facility to see another prisoner in hospital.- 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, namely:-

- (a) the prisoner in the hospital is a relative and is seriously ill;
- (b) the hospital is situated in the same city or town;
- (c) the prisoner is sent under adequate escort as the Superintendent decides;
- and
- (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 sections 224, 376, 392 to 402, 467, 471, 472, 474, 489, 489A, 489B and 489D of the Indian Penal Code, 1860 (Central Act No. 45 of 1860) and under the Special Acts who are convicted under the above mentioned sections of the Indian Penal Code, 1860 or persons detained or convicted under any Special Act that the Government may decide, from time to time.

529. Superintendent's permission for interviews required.- No prisoner shall be allowed to have an interview without the permission of the Superintendent and such permission shall be recorded in writing.

530. Manner of application for interview.- (1) Applications for interviews with prisoners may be either electronic or oral or in writing.

(2) If the prisoner is not entitled to have an interview, the applicant shall be informed at once.

531. Waiting rooms.- Suitable waiting rooms may be provided in every prison to enable visitors to await their turn for interview and they may be given a token to await their turn.

532. Interviews on prison holidays.- (1) Interviews shall not ordinarily be granted on Sundays and other Gazetted holidays. The Superintendent may, however, under very exceptional circumstances, grant interviews on these days as well.

(2) The reasons for granting such interviews on Sundays or holidays shall be recorded by the Superintendent in the interview register.

533. Time for interviews.- (1) The Superintendent shall ordinarily fix the hours of interview with prisoners from 09.00 AM to 12.00 Noon and from 03.00 PM to 05.00 PM on working days.

(2) No interviews shall be allowed at any other time, except with the special permission of the Superintendent.

(3) A notice indicating the interview hours shall be posted outside the prison.

534. Place of Interview.- (1) Every interview shall take place in a special part of the prison appointed for this purpose and if possible such a place should be at or near the main gate to ensure the safety and security of prisoners.

(2) The interview room will have fiber glass partition with intercom facilities, so that the prisoners can have a peaceful interview.

(3) The interview room shall be divided into cubicle and shall have soundproofing materials covering its walls and ceiling.

535. Interview with a prisoner who is seriously ill.- (1) If a prisoner is seriously ill, the Superintendent shall permit the interview to take place in the prison hospital.

(2) 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.

536. 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.

537. Interview to take place in the presence of a prison officer.- (1) Every interview with a convicted 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.

(2) A lady Deputy Jailor or a female warder shall be present when female prisoners are interviewed.

538. Interview to take place in presence of Police Officer.- (1) 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 Intelligence Officer or Local Police Officer conversant with the case against the prisoner.

(2) An experienced prison officer shall also be present during such interview.

(3) Relatives and friends of such prisoners, who desire to interview them, shall produce a certificate from the head of the concerned Village Panchayat or a member of the State Legislative Assembly, as proof of their residence and relationship with the prisoners, or duly authenticated identity documents like a family ration card, voters identification card, driving license, passport or Aadhar Card.

539. Communication with or visit to foreign nationals.- (1) If any foreign national is committed to prison or to custody pending trial or is detained in any other manner, the Superintendent shall immediately inform the Head of Directorate of Prisons.

(2) Any communication addressed to a Consulate, by a prisoner or detainee, shall be forwarded to the Ministry of External Affairs through proper channel without undue delay.

(3) Such communication shall be subject to scrutiny or censorship as per rules.

(4) The particulars of incoming and outgoing letters of a foreign national, if found objectionable, shall be censored and also furnished to the Government.

540. Visit by consulate officials.- (1) 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 shall inform the District Magistrate of such request from the Consulate.

(2) Only on receipt of orders from the Government the Superintendent shall permit the Consulate officials to visit the prisoner.

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

541. Termination of interview.- (1) An interview may be terminated at any moment if the prison officer present considers that there is sufficient cause for terminating it.

(2) 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.

542. Duration of interview.- Ordinarily, the time allowed for an interview shall not exceed twenty minutes which may be extended by the Superintendent at his discretion.

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

544. Powers to refuse an interview.- (1) The Superintendent 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.

(2) In every such case, the Superintendent shall record his reasons for such refusal in the interview register.

(3) Press/journalists/media should not be allowed to make interview with prisoners.

545. Withdrawal of the privilege.- Publication of the matters discussed at an interview in any form what so ever may be treated as a sufficient ground for withdrawal of the privilege, if the Superintendent has reason to believe that such a publication has in any way been due to any act or omission on the part of the prisoner.

546. Prohibition for further interview.- The Head of Directorate of Prisons is authorized to prohibit any person from having any further interviews with any prisoner, if he has reason to believe that such person has issued any publication as a result of an interview or visit to a Jail and all visitors shall be warned of this order before an interview.

547. Withholding of letters and their disposal.- Criteria for withholding of letters of prisoners is as under:-

- (a) Prisoners may be allowed to write letters only to their family members, relatives and close friends and 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.
- (b) Prisoners shall be informed of such action without divulging the contents of the letters received and if necessary, they may also be warned in this regard.
- (c) There may be no limit on the number of incoming letters to a prisoner.
- (d) Prisoners shall not be allowed to correspond with inmates of other prisons but if a prisoner has his or her relative lodged in another prison he or she may be permitted to send letters to them informing them about his or her welfare.
- (e) The Superintendent shall have the right to disallow letters to prisoners for reasons of security and discipline or during periods of emergencies, if he considers it necessary.
- (f) For the purpose of these rules applications sent by prisoners shall not be treated as letters.

548. Examination of letters before handing over to the prisoner.- (1) No letter shall be delivered to, or sent by a convicted prisoner, until it has been examined by the Superintendent or by the jailor or other officer under the Superintendent's orders, but no unnecessary delay should be allowed to occur in delivery or dispatch.

(2) If a letter is written in a language unknown to the Superintendent, he shall take steps to procure a translator before forwarding the letter.

(3) No letter written in cipher shall be allowed.

(4) The Superintendent may withhold any letter which seems to him to be in any way improper or objectionable.

(5) If a letter addressed to a prisoner is improper or objectionable it may be withheld under intimation to the prisoner and kept in the custody of the Superintendent or it may be returned to the sender under intimation to that prisoner.

(6) The Superintendent may, if he deems it necessary, communicate the contents of such a letter to the prisoner.

549. Prisoners may keep letters.- A prisoner may retain any letter which has been delivered to him under due authority.

550. Supply of writing materials and other facilities.- (1) Writing material, including service post cards, shall be supplied in reasonable quantities to any convict, who has permission to write letters.

(2) All letters by prisoners shall be written at such time and place as the superintendent may appoint.

551. Purchase of writing materials by the prisoners.- (1) Prisoners shall be allowed to purchase writing material at their own expense.

(2) All notebooks provided to them should have their pages numbered to keep a check on their misuse and to prevent secret correspondence.

552. Exclusion from 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 Superintendent may consider necessary.

553. Facilities to be granted to under trial and civil prisoners for interviews and for writing and receiving letters.- Under mentioned facilities may be granted to under trial prisoners and civil prisoners, namely:-

- (a) Under-trial and civil prisoners shall be granted all reasonable facilities to interview once in a week and also in emergent cases with their family members, relatives, friends, and legal advisers.
- (b) They shall be allowed to write letters to their family members, relatives, friends, and legal advisers and all such written communications shall be censored.
- (c) Every interview between an under-trial prisoner and his legal adviser shall take place within sight, but out of hearing, of a prison official.
- (d) A similar concession shall be allowed by the Superintendent in the case of an interview with any near relative of an under-trial.
- (e) However the interview for hardened criminals such as professional and hired killer, accused of dacoity, robbery, kidnap for ransom, terrorist and offenders who are involved in waging war against the State etc. shall be within hearing of prison officials.

- (f) 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.
- (g) He must satisfy the Superintendent that he is the bonafide legal adviser of the prisoner with whom he seeks interview and that he has legitimate business with him and if the interview is allowed, the name of the Legal Advisor shall be entered in the Prisoner's History Ticket and record be kept on the ticket of all the interviews that take place.
- (h) Any bona-fide written communication prepared by an under-trial prisoner as instructions to his legal advisor i.e. a legal practitioner within the meaning of the Advocates Act, 1961 (Central Act No. 25 of 1961), may be caused to be delivered personally to such advisor, or to his authorized nominee, by the Superintendent.
- (i) If such communication is confidential it shall be delivered without being previously examined.
- (j) Civil prisoners may see their family members, friends, relations and legal advisers at such time, and under such restrictions, as the Superintendent may decide.
- (k) No such visitor shall, however, be allowed to take eatables without the permission of the Superintendent inside the prison.

554. Special rules relating to certain classes of prisoners.- (1) The Superintendent has the authority to withhold the application of these rules and to give written instruction to the jailor himself as to the conduct of interviews in cases which demand exceptional treatment, and it shall be his duty to exercise this authority in the case of any prisoner or class of prisoners who are accused of offences which, in the opinion of the District Magistrate, make it desirable that special precautions should be taken.

(2) In particular, he shall, if so requested by the District Magistrate, require the presence of a Police Officer not below the rank of a Sub-Inspector at the interviews of any such prisoner.

(3) All modifications of the rules under this authority shall at once be reported to the Head of Directorate of Prisons, who shall submit them, if necessary, for the approval of the Government.

555. Censor of letters written by prisoners.- (1) All letters addressed to, or written by any prisoner whose name is communicated to the Head of the Directorate of Prisons by the Inspector General of Police, Criminal Investigation Department, shall be sent by the Superintendent of the Jail direct to the later by name, for the purpose of censoring.

(2) When such a prisoner is transferred from another State, special order will be issued by Government in each case for the censoring of his correspondence.

(3) In respect of all such prisoners of whom this may be required and of all military prisoners a copy of every letter addressed to or written by the prisoner, shall be sent by the Superintendent of the jail to the District Magistrate for scrutiny before delivery or despatch, as the case may be.

(4) If the District Magistrate thinks necessary he shall send a copy of the letter for perusal or advice to the Inspector General of Police, Criminal Investigation Department.

(5) In no case shall the Superintendent deliver or despatch any letter until he has received the orders of the District Magistrate.

556. Communications from a prisoner who is a member of the State Legislature or Parliament.- (1) When any prisoner happens to be a member of the State Legislature or Parliament, all communications addressed by him to the Speaker or Chairman of a Committee including a Privileges Committee of such a House, or of a Joint Committee of the State Legislature, or both houses of Parliament, as the case may be, shall notwithstanding anything to the contrary contained in the foregoing rules of this chapter, be immediately forwarded by the Superintendent concerned to the Government so as to be dealt with by them in accordance with the rights and privileges of the prisoners as a member of the House to which he belongs.

(2) All questions whether starred or un-starred or any other communication shall also be transmitted forthwith.

(3) When a prisoner, though duly elected, has not formally become a member of a State Legislature or Parliament as required under articles 99 or 188 of the Constitution of India, there shall not be any withholding of correspondences, notwithstanding anything contained in articles 104 and 193 of the Constitution of India, between the duly elected prisoner Member and the Speaker, or the Chairman, as the case may be:

Provided that in forwarding such communications, the authorities concerned shall draw the attention of the Speaker, or the Chairman, as the case may be, to the fact that the requirement of Articles 104 or 193 of the Constitution of India have not been complied with.

557. Telephonic and electronic communication.- (1) The Superintendent may allow a prisoner the use of telephones or electronic modes of communication on payment, to contact his family and lawyers, from time to time, wherever such facility is available.

(2) The prisoner can use this facility under the supervision of a prison officer to be designated by the Superintendent.

(3) While permitting a prisoner the use of such facilities, the Superintendent shall ensure that such permission is not given to prisoners who have a record of unruly behaviour and bad conduct.

(4) The Telephone Register shall be maintained for the prisoners in the specified Form.

558. Rights and other amenities relating to prisoners.- (1) All prisoners shall be allowed to receive soap, oil and tooth powder or paste, towel, undergarments from their friends and relatives at the time of admission, subject to the condition that the quantity received is limited to their personal requirements for a week and that a thorough examination of the articles, to be passed to the prisoners, is done by a senior officer of the prison.

(2) Under-trial prisoners are allowed to receive private clothing from their relatives at the time of interview at the discretion of the Superintendent.

(3) The following shall be the rights of prisoners, namely:-

- (a) right to human dignity;
- (b) right to basic minimum needs;
- (c) right to communication;
- (d) right to access to Law; and
- (e) right to be released on due date.

CHAPTER XXIII
APPEALS AND PETITIONS

559. Manner of filing appeal.- (1) Every Convict prisoner desiring to appeal, and entitled to do so, shall be granted all reasonable facility for the purpose, and his request shall be promptly attended to, whether the appeal can reach the appellate court within the period specified or not.

(2) In cases where a petition for appeal is made so late as to render it unlikely or impossible for it to reach the appellate court within the allotted time, the officer in charge shall endorse on the appeal the convict's reasons for not submitting it earlier, together with his own views (if any) on the reasons so given.

(3) Every convict shall be allowed reasonable opportunities of personally interviewing his relatives, friends and advocate for the purpose of preparing his appeal:

Provided that every such interview shall be held within sight, but out of the hearing of the jail officer in whose charge the prisoner is placed for the purpose of such interview.

(4) The convict shall be allowed to sign a power-of-attorney authorizing any one to act for him, the power must bear the proper stamp under the Rajasthan Stamp Act, 1998, and the prisoner's signature must be attested by the Jailor or Deputy Jailor.

560. 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 by the Jailor or Deputy Jailor or Superintendent to the prisoners at the time of their admission.

561. Jailor or Deputy Jailor or Superintendent shall record the desire of the prisoner to prefer an appeal.- The Jailor or Deputy Jailor or Jail Superintendent 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 and same shall be verified and confirmed by the Deputy Jailor, Jailor or Jail Superintendent

562. Period of limitation for appeal.- The period allowed for filing of appeals to different courts shall be as prescribed in the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974) and the Limitation Act, 1963 (Central Act No. 36 of 1963).

563. Superintendent to forward petitions of appeal.- (1) Under section 383 of the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974), an appellant, who is in prison, may present his petition or appeal, and the documents accompanying it, to the Superintendent who shall, thereupon, countersign and forward it to the proper appellate court at Government cost.

(2) All such appeals shall always be sent by registered/speed post.

(3) No prisoner or officer of the Jail shall prepare, write out or submit any appeal or petition on behalf of any prisoner without the previous permission in writing of the Superintendent.

564. Application for copy of judgment.- (1) If a prisoner desires to appeal and declares that he has no relative, friend or agent who is willing to make an appeal for him, the Superintendent shall forthwith apply in the Form as specified to the concerned court for a copy of the judgment or order relating to such prisoner from which he desires to appeal.

(2) On receipt of a copy of judgment or order, the prisoner shall, if he is able to write, be allowed to write his own appeal and if the prisoner is not able to write, the Superintendent shall cause his appeal to be written for him by another prisoner or by a jail officer.

(3) If the copy of judgment is not received within seven days the Superintendent shall send a reminder for it in the specified Form and if there is any excessive delay shall report the matter to the Head of Directorate of Prisons.

(4) The Superintendent may download a copy of judgment from the website of the concerned court.

(5) A prisoner or officer deputed to write an appeal shall do so at the appellant's dictation and shall neither make any suggestion to the prisoner as to what shall be stated, nor add anything to what the prisoner himself desires to have stated in the appeal.

(6) The Superintendent shall forward the appeal without delay with the copy of the judgment or order appealed from to the appellate court.

(7) If, after the receipt of the copy of the judgment or order, a relative, friend or agent of the prisoner undertakes to make the appeal on his behalf and the prisoner consents to that course, the copy of the judgment shall be delivered to such relative, friend or agent, as the case may be.

(8) If several prisoners sentenced in the same case, desire to file petition at one time to the same court, one copy of the judgment will suffice for all.

(9) But it must be noted that orders issued on the appeal of one prisoner do not necessarily apply to others who were sentenced in the same case and who appealed along with such prisoner.

565. Manner of serving copy of the judgment to the prisoner.- (1) In the event of copy of the judgment being sent to the prison authorities for delivery to a prisoner by the appellate, revisional or other court, the official concerned shall get it delivered to the prisoner and obtain a written acknowledgement thereof from the prisoner.

(2) If, before the receipt of the copy 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.

(3) Till such time as the copy 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.

(4) If the copy of the judgment is not received within one month of forwarding the application to the court, the Superintendent shall depute a prison officer to visit the court personally and collect a copy of the judgment and have it delivered to the prisoner.

566. Appeal.- (1) Every appeal shall be made in writing and care shall be taken to see that the appeal has been duly signed by the appellant and the signature shall be witnessed and attested by the Jailor or Deputy Jailor.

(2) All petitions of appeal shall be endorsed and forwarded by the Superintendent.

(3) Prisoners in jail, convicted in the same case, may appeal or apply for revision either jointly in one petition or separately.

567. Information to Sessions Judge about appeal to High Court.- Whenever a prisoner appeals from jail to High Court, the Superintendent shall inform the Sessions Judge about such appeal.

568. Transfer of prisoner during appeal period.- Except in the following cases no convicted prisoner shall ordinarily be transferred from the jail to which he is committed until he has completed his term of appeal without appealing or unless his appeal has been rejected:--

(a) influential, violent or dangerous prisoners,

(b) Prisoners required giving evidence or undergoing trial on another charge.

569. Notice to the court about transfer of prisoner.- (1) When prisoners who have not, to the knowledge of the jail authorities, preferred an appeal, are transferred to other jails before the expiry of the period allowed for filing an appeal, a notice of the transfer shall invariably be sent to the last convicting court.

(2) When an order to release a prisoner who has been transferred, or a revised warrant or any communication relating to his appeal is received from the appellate court by the Superintendent, he shall forward it immediately by post to the Superintendent of the jail to which the prisoner has been transferred.

570. Manner of release of prisoner, when sentence is reversed.- (1) In every case in which a sentence is reversed, the appellate court shall fill in the prescribed form of warrant of release and shall send the same direct to the officer in charge of the jail in which the appellant is confined.

(2) It shall at the same time recall and cancel the original warrant of commitment, and this warrant and the warrant of the appellate court directing release of the prisoner, when returned with an endorsement of execution shall be attached to the record of the original court and returned to it therewith.

571. Fresh warrant in case of modification of sentence.- (1) In every case in which a sentence is modified on appeal, the appellate court shall prepare a fresh warrant in the form prescribed in accordance with the terms of the order passed, and shall send the same direct to the Superintendent of the jail in which the appellant is confined and shall recall and cancel the original warrant of commitment which shall be attached to the record of the original court and returned to it therewith.

(2) When the fresh warrant is returned with an endorsement of execution, the appellate court shall forward it to the court, from the decision of which the appeal was preferred, to be attached to the original record:

Provided that if an appellant has been released on bail pending the hearing of his appeal, the fresh warrant shall not be sent to the Superintendent of the jail until the prisoner has surrendered and it shall be the duty of the appellate court, either directly or through the court by which the order of release on bail was actually issued, to take measures to secure his surrender.

572. Cases where sentence is confirmed on appeal.- (1) In every case in which a sentence is confirmed on appeal, the Jail authorities shall receive information to this effect from the competent court.

(2) The Appellate Court shall, for the information of the appellant, notify to the Superintendent of the jail in which such appellant is confined the result of his appeal.

(3) This notification is intended solely for the communication of the result of the appeal to the appellant, and in no way relieves judicial officers from the duty of issuing revised warrants when such are necessary.

(4) All warrants and orders issued with reference to a prisoner's appeal, shall state the prisoner's name as well as the name of his father.

573. Commutation of sentence by Government.- (1) This rule does not apply to cases in which a sentence passed by a judicial court is commuted by order of the State Government nor to cases of sentences of death commuted by the order of the Governor.

(2) In such a case, the order of the State Government or the Governor or a certified copy thereof, shall be attached to the prisoner's warrant, on which a note setting forth the alteration of sentence, and the number and date of the Government order, shall be made and attested by the Superintendent.

574. Cases where orders are pass for retrial of the prisoner.- (1) When an appellate court annuls a sentence and directs that the prisoner shall be retried, and a warrant for the prisoner's release on bail is not received, the prisoner shall be remanded to the under-trial

ward, unless he be undergoing some other sentence, and the Superintendent shall apply to the committing court for a warrant for his custody pending trial if such warrant is not at the same time furnished.

(2) 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.

675. Petition to Hon'ble Governor under Article 161 of the Constitution of India.- (1) A prisoner whose appeal is rejected by the Supreme Court or High Court may, if he desire it, submit petition to the Hon'ble Governor via Government for pardon or mitigation of sentence, but when once such a petition has been rejected a second petition shall not be forwarded to the Government unless an official visitor on new facts or circumstances which afford grounds for a reconsideration of the subject, thinks it advisable.

(2) Petition based on the ground of family distress or of the health or good conduct of the prisoner shall ordinarily be withheld.

(3) To enable an official visitor to form an opinion in the matter, copies of the petitions and of the order of Government thereon shall be kept in the Jail office, and shall be shown to the visitor, when required.

(4) Recommendation for remission on the ground of ill-health or good conduct of a prisoner may be made by the jail authorities but shall not originate in a petition by the prisoner to the Government.

(5) All prisoners condemned to death shall be allowed to appeal for mercy under the conditions specified in these rules.

576. Manner of filing petition for mercy.- (1) Prisoner's petitions shall be written in half margin foolscap, and if in vernacular, a translation shall accompany them and the prisoner's signature or thumb impression, shall be attested by an officer of the Jail.

(2) The petitions shall be countersigned by the Superintendent and forwarded by him direct to the Secretary-In-charge to the Government of Rajasthan, Home Department.

(3) If the petition relates to the alleged bad health of the prisoner who makes the petition, it shall be accompanied by an expression of the Medical Officer's opinion on the point.

(4) If a petition prepared on behalf of a prisoner be presented to the Superintendent with a view to his obtaining the prisoner's signature or thumb impression thereon, it shall not, after compliance, be handed back to the person or persons who presented the petition but shall be duly forwarded by the Superintendent to the State Government via the Head of Directorate of Prisons.

577. Filing of other miscellaneous petitions.- (1) In the event of any prisoner desiring to submit petition to the District Magistrate, or his official superior or employers in matters of urgency relating to family affairs, civil suits, property or the like, the Superintendent, after due consideration, may at his discretion permit such petition and shall then countersign and forward it direct to its destination :

Provided that in no case shall any petition of this nature be forwarded direct to the High Court or the State Government.

(2) Prisoners of foreign nationality may, in matters of urgency at the discretion of the Superintendent, be allowed to file petition to the State Government.

578. Legal aid.- (1) The Superintendent shall communicate a list of prisoners of the following categories to the Member Secretary, Rajasthan Legal Services Authority, High Court, in addition to contacting with District Legal Services Authority on continuous basis, for providing legal aid and assistance to,-

- (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 of Criminal Procedure Code, 1973 (Central Act No. 2 of 1974) who have been in prison beyond a period of fifteen days;
- (d) Any convicted prisoner who has already filed an appeal through prison authorities, as provided in the Code of Criminal Procedure Code, 1973 (Central Act No. 2 of 1974) and who has given in writing his or her desire to avail free legal aid;
- (e) Prisoners, or the members of their family, requiring legal assistance in any civil or criminal matters.

(2) The Superintendent shall also supply information to the Member Secretary of Rajasthan Legal Services Authority, regarding such appeal along with a copy of memorandum of appeal, if available

(3) Information regarding seeking of legal aid may be passed on by the Superintendent to the Member Secretary, Rajasthan Legal Aid Authority or District Legal Aid Authority, if the concerned prisoner has given in writing his or her desire to avail of free legal aid.

(4) If the Counsel engaged by the Legal Services Authority, so desires, he or she may interview the prisoner with regard to these matters.

579. Exclusion of time taken in obtaining copy of judgment.- The date on which a prisoner expresses his intention to appeal shall be entered at the appropriate space in his or her History Ticket and 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 No. 36 of 1963).

580. Endorsement of appeal petition.- In order to enable the appellate courts to calculate the period of limitation prescribed for criminal appeals under the Limitation Act, 1963 (Central Act No. 36 of 1963), every appeal petition shall be endorsed with the following and signed by the Superintendent, namely:-

"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 No. 36 of 1963), was.....days."

581. 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.

582. Maintenance of Appeal Register by the Jailor or Deputy Jailor.- (1) The Jailor or Deputy Jailor shall maintain an Appeal Register which shall be placed by him before the Superintendent as frequently as may be necessary.

(2) 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.

(3) 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.

583. 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 prisoner who shall affix his or her signature or left thumb impression in token of receipt of such notice and the notice shall then be attested by the Superintendent or Jailor and returned to the concerned court.

584. Personal appearance of the prisoner in the Appellate Court.- (1) 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 or she wishes to apply for permission to appear in person before the court concerned and if he or she says so, the Superintendent shall forward his or her application to the court for orders for personal appearance in the court, preferably via audio-video electronic means.

(2) Arrangements shall be made for his or her personal appearance in the court, if such permission is granted.

585. Appeal procedure with regard to persons convicted by Court Martial.- (1) No appeal lies from a sentence passed by a court martial under the Army Act, 1950 (Central Act No. 46 of 1950).

(2) The prisoner has a right to submit one petition only, against the judgment or sentence, for disposal by the highest authority to which he or she is authorized to apply.

(3) His or her legal rights to submit a petition and the authority to which a petition shall be addressed are explained to every accused at the time of the pronouncement of sentence.

(4) Such a petition shall be forwarded to the authority to which it is addressed.

(5) 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.

586. 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 XXIV

TRANSFER OF PRISONERS

587. Reasons and circumstances for transfer.- Prisoners may be transferred from one prison to another for the following reasons, namely:-

- (a) For custody and treatment in a suitable institution in accordance with the classification procedure;
- (b) For attendance in court for the purpose of standing trial or giving evidence;
- (c) On medical grounds;
- (d) On humanitarian grounds, in the interest of their rehabilitation;
- (e) For post release vigilance by the police;
- (f) For providing essential services;
- (g) On grounds of security, administrative, overcrowding and expediency;
- (h) To be nearer to his or her home district; or
- (i) For other special reasons, if any.

588. Home State.- (1) In the case of a prisoner, who has long ceased to have any link with the State of his or her birth, and who is domiciled in the State where he or she is imprisoned and where his or her close relatives live, the later State may be treated as his or her home State for the purpose of transfer.

(2) This fact shall be ascertained from his or her antecedents, or by enquiries regarding his or her relatives, before deciding to transfer such prisoner.

589. Powers of Heads of Directorate of Prisons.- (1) The Head of Directorate of Prisons shall have the following powers, namely:--

- (a) to sanction the transfer of any prisoner as referred to in section 29 of the Prisoners Act, 1900 (Central Act No. 3 of 1900) from one prison to another within the State.
- (b) to transfer any prisoner under sentence of death from one prison to another shall rest with the Head of Directorate of Prisons.

(2) The sanction of the Head of Directorate of prisons however shall not be necessary for transfer of prisoners in the following cases, and the Superintendent may pass an order for such transfer, namely:-

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

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

590. Certificate of Medical Officer before transfer.- (1) No prisoner shall be removed from one jail to another unless the Medical Officer certifies that the prisoner is free from any illness rendering him unfit for removal.

(2) On the day any prisoner is to be transferred, he shall be brought before the Medical Officer, who shall furnish a certificate in the specified Form to the effect that each prisoner selected for transfer is in a fit condition to travel.

(3) In the event of the removal of aged and weak, who are unable or unfit to walk, being absolutely necessary, suitable means shall be provided to carry them.

(4) It shall be the duty of the Superintendent to see that no prisoner, who is incapable of bodily labour from age, sickness or infirmity or who has been exempted from labour by his sentence, shall be recommended for transfer or is transferred to another jail without a special order from the Head of Directorate of Prisons.

591. Transfer of sick prisoners.- Sick Prisoners may be transferred from one prison to another prison on the following grounds, namely:--

- (a) No prisoner who is sick shall be transferred except for the benefit of his or her health;
- (b) When the Medical Officer is of the opinion that the transfer of a sick prisoner to another prison is likely to lead to his or her recovery, or will help in prolonging his or her life, he shall forward a brief statement of the case to the Superintendent, mentioning the prison to which a transfer is desirable and the Superintendent shall thereafter submit the case to the Head of Directorate of prisons for his orders;

- (c) The Superintendent shall, on a requisition in writing from the Medical Officer, supply extra food, clothing and bedding to prisoners for such journeys;
- (d) Medicines, with instructions for their use, shall if necessary, be supplied to the officer escorting such prisoner; and
- (e) 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 or her transfer.

592. 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.

593. Transfer of habitual prisoners.- (1) The Superintendent may apply to the Head of Directorate of Prisons for transfer of a habitual prisoner from the prison on the ground that the prisoner is familiar with the locality and surroundings because of previous imprisonment there or otherwise.

(2) The Head of Directorate of Prisons 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.

594. Transfer of prisoners convicted by civil courts.- (1) Every prisoner convicted by a civil court of competent jurisdiction in a State other than that of his or her origin, may be transferred to his State of Origin, if his unexpired portion of sentence is at least three months at the time of his transfer.

(2) He shall be moved either to a prison in the district to which he belongs or to a prisoner nearest to his native place.

(3) In the case of any such prisoner to be transferred to his native state, the Superintendent of Police and the Probation officer of that district of the State shall confirm the fact that the prisoner is native of that district of the state.

595. Transfer of prisoner to outside state.- (1) In the case of any convicted prisoner to be transferred to another State, the Superintendent of the prison, where the prisoner is confined, shall obtain from the prisoner a written declaration giving details of his or her address as also addresses of his or her relatives in his or her State of origin and send the details to the Head of Directorate of Prisons.

(2) The Head of Directorate of Prisons shall also ascertain the name of the prison, in the State of origin to which the prisoner has to be transferred from the Head of Directorate of Prisons of that State and then issue orders for the transfer of the prisoner after obtaining orders from the State Government.

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

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

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

596. Transfer of prisoners convicted by court martial overseas or in India on reciprocal basis.- (1) Every ex-military prisoner convicted by a court martial overseas, or in India, and confined in any prison, other than a prison in his or her State of origin, may be transferred to a prison in his or her State of origin.

(2) The Superintendent of Prison, where the prisoner is confined, shall immediately after his or her admission, send a written declaration of the ex-military prisoner in duplicate to the Head of Directorate of Prisons, who shall, in consultation with the Head of Directorate of Prisons of the State of origin of the prisoner, decide that the prisoner shall be transferred and issue orders to this effect.

(3) The Head of Directorate 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.

597. Transfer of prisoners prior to release.- Every habitual prisoner, police registered prisoner, prisoner ordered to pay a fine, a prisoner required to notify residence subsequent to his or her release, a person ordered to undergo imprisonment in default of furnishing security for maintaining peace or good behavior, a prisoner certified to be mentally ill, and a female prisoner, if confined in a far away prison, shall be transferred to the prison nearest to his or her home, one clear week before the date of the expiry of his or her substantive sentence.

598. Transfer of Police registered sick prisoners.- (1) If a Police Registered prisoner as mentioned is unfit by reason of sickness, for transfer to the jails of the district in which his home is situated, two months before his or her release, the fact shall be communicated to the Superintendent of Police of the district to which the prisoner belongs and also to the local Superintendent of Police.

(2) If the prisoner subsequently becomes fit for transfer in time to allow of his or her reaching the prison of his or her district before his release is due, he or she shall then be transferred.

(3) If, when only a fortnight of his sentence remains to be served, he is still unfit for transfer, his or her Police Registered Slip (P.R.Slip) shall be sent to the local police with a note of the fact on it and on the day of his or her release, he or she shall be discharged at the prison gate without further action being taken.

599. Transfer of prisoners belonging to other States.- Prisoners belonging to other States may be transferred on following grounds, namely:-

- (a) As a general rule, Police registered criminals, not being natives of the State in which they are undergoing sentence, shall be removed, without regard to their wishes in the matter at any time, if they are sentenced to imprisonment for three months or less, and two months before their release, if they are sentenced to imprisonment for more than three months, either to the prison of the district to which they belong or to the prison nearest to their native place:

Provided that such prison is declared by the State Government concerned as the receiving depot for prisoners removed from the State.

- (b) A prisoner sentenced to more than three months of imprisonment shall be transferred to a prison in his or her home district earlier than two months if he or she is willing or if there are adequate reasons requiring such transfer.
- (c) 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.
- (d) 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 or she 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.
- (e) The Superintendent shall forward to the Head of Directorate of Prisons, for such prisoner, an application for his or her transfer one month before the date on which the transfer is to be affected in accordance with the rules.
- (f) The Head of Directorate of Prisons 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 Head of Directorate of Prisons of the State, with the consent of that Government to which the prisoner is to be removed.
- (g) On the death or escape of a Police registered prisoner, the Police Registered Form attached to his or her warrant shall be returned to the Superintendent of Police of his or her district with an endorsement showing the date of his death or escape.
- (h) Similarly any prisoner, whose detention in a prison of the State in which he or she is undergoing sentence, is deemed inexpedient, he or she may be removed with the previous consent to the Head of Directorate of Prisons of the State and the Government of the State to which it is proposed to remove him.

600. Prohibition of transfer during epidemics.- (1) Prisoners shall not be transferred while cholera or any other epidemic disease is present in either the transferring or the receiving prison.

(2) Transfer along a route where cholera or any other epidemic is prevalent, shall also be avoided as far as possible.

601. Grounds of retransfer to be stated.- (1) When a prisoner has been transferred for any special reason by the Head of Directorate of Prisons, the Superintendent shall, bring to notice the special reason for which the original transfer was made when proposing the retransfer of such prisoner.

(2) There shall not be any suppression of facts.

602 Police to escort prisoners.- Police escort to the prisoners is given on following manner, namely:-

- (a) The responsibility of escorting prisoners rests with the police;
- (b) The Superintendent of Prison shall endeavour to reduce the calls upon the police as far as possible, by transferring prisoners in batches;

- (c) The authorities at the transferring prison shall, as far as possible, avoid sending prisoners of different categories in the same batch; and
- (d) Only where the circumstances make this unavoidable, they shall give clear instructions to the officer in charge of the escort to prohibit communication amongst such prisoners.

603. Application for escort.- (1) The Superintendent shall send a separate written requisition to the Superintendent of Police for every escort required to guard prisoners on transfer from one jail to another or who are required to be sent to a court (including under-trial prisoners).

(2) Such requisition shall state the number and name of prisoners to be guarded, their offence for which convicted or accused, sentence, if any, previous conviction, jail record, etc., as required by the transfer from and shall be delivered at least seventy two hours exclusive of Sundays and holidays, before the escort is required.

(3) In urgent cases the Superintendent may send a requisition for escort at shorter notice.

604. Precautionary measures.- (1) Full details of the following types of prisoners shall always be supplied to the escorting party before they are handed over to the police by the Superintendent of the transferring prison, namely:-

- (a) Prisoners whose conduct in prison is bad or who have been found to be dangerous;
- (b) Prisoners involved in heinous offences;
- (c) Prisoners sentenced under section 224 of the Indian Penal Code (Central Act No. 45 of 1860), and those who are known to have escaped or have attempted to escape in the past; and
- (d) Any other important information.

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

605. Provision of female Warders.- When a female prisoner is transferred, a female Warder or 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.

606. Intimation of prisoners transferred to be given.- (1) 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.

(2) He shall also send all these details to the Superintendent of the receiving prison, along with the probable date of their arrival well in advance, and if necessary, by e-mail or Fax.

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

608. Dispatch of prisoner's property.- (1) On the transfer of a prisoner, the Jailor or Superintendent of the dispatching prison shall get a list of the prisoner's property prepared in triplicate, as entered in the Convict Register, and obtain the signature of the officer in charge of the escort for the property on the counterfoil as a token of receipt.

(2) The duplicate and triplicate forms, the former signed by the Jailor of the dispatching prison, together with the property, shall be given to the officer in charge of the escort to be handed over to the receiving prison, where the duplicate list shall be retained and filed.

(3) The triplicate shall be signed by the Jailor of the receiving prison and handed over to the officer in charge of the escort.

(4) If it is found that there is any discrepancy in the cash, jewellery or property, immediate notice of the same shall be given to the Superintendent of the dispatching prison who shall begin an enquiry into the matter.

609. Documents to accompany prisoners.- 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 or her 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) His or her history ticket;
- (d) His or her remission sheet, if any;
- (e) His or her medical case sheet;
- (f) Duplicate and triplicate lists of all private property belonging to the prisoner; and
- (g) A list of clothing, bedding and other government property sent with the prisoner.

610. Remission Earned.- (1) The total amount of remission earned by every transferred prisoner upto the end of the preceding month shall be endorsed on his or her History Ticket, remission sheet and on the warrant, and the entries shall be signed by the Superintendent.

(2) The Jailor of the transferring prison shall be responsible that the above information is duly and correctly supplied and that all documents to accompany the prisoners are correctly sent.

611. Prisoners to be searched before dispatch.- Every prisoner shall be searched in the presence of the Deputy Jailor and escort party before dispatch.

612. Supply of food and clothing on journey.- (1) In case of under-trial prisoner during transit, shall be allowed to wear his private clothing. Whenever the private clothing of a prisoner has been destroyed, he or she shall, on transfer, be provided with civilians clothing at Government cost.

(2) Subsistence allowances shall be paid to all under-trial prisoners at the rate fixed by the Government, to be borne by the Jail Department.

613. Duty of the escorting officer.- (1) The officer in charge of escort shall see that prisoners do not communicate with outsiders and have no opportunity of obtaining forbidden articles, including cash, from their friends or relatives while in transit. During the transit period, the prisoner shall not be allowed to handle any cash, jewellery or other private property, except his or her private clothing.

(2) 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.

614. Custody of female and adolescent prisoners.- During transit, female and adolescent prisoners shall be separated from adult male prisoners.

615. Search during transit.- Prisoners shall be searched by the officer in charge of the escort daily during transit.

616. Transfer by rail.- (1) Prisoners shall ordinarily be transferred by rail where facilities for travel by rail exist and the fares of prisoners and of the warder, if any in charge, shall be included in the Railway Warrant. The accommodation to be provided shall be of the lowest class.

(2) The Superintendent of jail is at the discretion to issue Railway warrant for the prisoners and staff.

(3) 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.

617. Transfer by road.- (1) The police escort party, which is transporting prisoners by road, shall provide necessary conveyance even for a shorter distance.

(2) Taking into consideration the safety and security of the prisoners, the police shall chalk out the routes and places of halt, in advance and any accident on transit should be promptly intimated to the Superintendent of the Prison from where the prisoner has been moved.

618. Procedure if prisoner falls sick.- (1) If, during such transfer by road, a prisoner becomes so ill as to be unable to continue his or her journey, he or she shall be taken to the nearest hospital, or to any place where there is a public dispensary, for treatment by a Medical Officer.

(2) A report of the circumstances shall immediately be made to the Superintendent of the dispatching prison and of the prison to which the prisoner was being moved.

619. Procedure in case of death of a prisoner in transit.- (1) When a prisoner dies in transit, the officer in charge of the escort shall at once report the circumstances to the nearest police station, which in turn will inform the Executive Magistrate.

(2) The Executive Magistrate shall enquire into the case and submit his or her report directly to the Inspector General and shall arrange for the disposal of the dead body.

(3) 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.

(4) The latter shall inform the deceased prisoner's relatives, the Government, and the National Human Rights Commission or Rajasthan Human Rights Commission of the death of the prisoner.

620. Procedure if prisoner escapes.- (1) 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.

(2) The Superintendent of the prison to which the prisoner was being taken and of the transferring prison, shall also be informed of the escape, and the latter shall take the prescribed measures for the prisoner's preapprehension.

(3) On recapture such a prisoner shall be sent to the prison from where he was originally being transferred and if he is not immediately recaptured, the warrant and other documents relating to the prisoner and prisoner's property shall be returned to the Jail from which he was transferred.

621. Admission of transferred prisoners.- (1) On arrival at the receiving prison, the usual procedure for the admission of prisoners shall be followed.

(2) 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.

622. 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, together with any clothing and item issued at government cost, to the transferring prison.

623. 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.

CHAPTER XXV

INSPECTION OF JAILS

624. Inspection of Jails.- Inspections play an important role in improving the conditions of prison inmates and working conditions of prison staff and 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.

625 Types of inspection.- Inspection are of two types, namely:-

- (a) Informal inspection; and
- (b) Formal inspection.

626. Conduct of informal inspections.- (1) Informal inspections shall be conducted by every officer of the jail Department of the rank of jail Superintendent and above, as and when they visit a prison while discharging their official duties.

(2) The visiting officer shall prepare an informal inspection report containing the following, namely:-

- (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 or Video Conferencing facility; and
- (l) Any other administrative issues.

627. Conduct of formal inspections.- (1) Formal inspection shall be carried out in detail by an Inspecting Officer, as may be designated by the Government.

(2) The Inspecting Officer shall spend minimum of two nights and two days at the prison, while carrying out the inspection.

(3) The Inspecting Officer shall draw a detailed inspection report covering the following, namely:-

- (a) Comments on the compliance of the observations made or directions issued by the Head of the Directorate on the previous inspection note;
- (b) Scheduled accommodation and actual prison population;

- (c) Vacancy position of staff;
- (d) Security and lighting arrangements during day time and night or 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, 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 sewerage facilities;
- (r) Recreation facilities or Sports or Religious activities or Spiritual activities;
- (s) Jail farms;
- (t) Jail Industry or Workshop;
- (u) Prison Panchayat;
- (v) High security ward;
- (w) High risk prisoners;
- (x) Computerization or Video Conferencing facility or CCTVs and other electronic surveillance systems;
- (y) Prison staff colony or Warders Line etc.;
- (z) Interviews with prison staff;
- (za) Other administrative matters related to prisons, prisoners and staff; and
- (zb) Welfare of the staff.

(4)The formal inspection shall contain an Action Taken Report(ATR) on,-

- (a) Grievances Redressal Meeting, if any; and
- (b) Canteen Management.

628. Half yearly Inspections.- (1) Every Central Jail or District Jails or Sub-jails or Open air camp or Women Jail shall be inspected twice in a year out of which at least one such inspection shall be carried out by any officer authorised by the Head of the Directorate of Prison.

(2) The Head of the Directorate shall appoint inspecting officers for different jails in advance by 15th January of every year.

629. Compliance Report.- (1) The Head of the Directorate shall issue directions to the Superintendent of the prison concerned for complying with the observations made in the inspection report.

(2) The compliance report on the directions issued on the inspection note shall be submitted by the Superintendent Jail concerned before the next inspection is due.

(3) The Inspecting Officer shall write a paragraph in his report about the compliance by or response of the Jail Superintendent on the points raised or observations made in the previous inspection report.

630. Annual Inspections.- (1) The Head of the Directorate or any other officer authorized by him shall inspect all jails in the State atleast once in a year.

(2) This allotment shall also be done by the Head of Directorate in advance by 15th of January every year.

CHAPTER XXVI

CUSTODIAL MANAGEMENT

631. Restrictions, reforms and rehabilitation.- (1) Secure custody of inmates shall be the primary responsibility of the prison and the overall objective of reform and rehabilitation has to be pursued within the framework of custody.

(2) Further, prison custody implies certain restrictions on the basic rights of prisoners as human beings under the process of incarceration that prisoners are required to undergo.

632. Security and Custody.- Norms in respect of security and custody in prisons are given as under:-

- (i) Security measures shall 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 shall be 70 mtrs,
- (iii) Secure walls, building gates, barracks, cell, 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, articles and vehicles. Daily searches and periodical surprise searches of all prison sections and equipment,
- (vi) A central-point monitoring for the control of the movement of prisoners,
- (vii) A thorough system of the control of prohibited articles
- (viii) A thorough system of counting prisoners,
- (ix) A system of custody and control and inspection of locks, keys, handcuffs and other security equipment, maintenance and service of all security equipment,
- (x) A system of custody, control, inspection and counting of tools 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 system of censoring prisoners' mail and checking of interviews,
- (xv) Utilization of local intelligence branches wherever necessary and maintaining an intelligence system to collect information within the prison,
- (xvi) Installation of close circuit television system and other electronic gadgets to effectively monitor and maintain a close watch for any breach of security inside the prisons,
- (xvii) Watch towers, wherever necessary, to watch inside and outside of the prison, to be constructed and searchlights and binoculars made available,
- (xviii) A system of thorough search for unearthing explosives and narcotic substances among prisoners,

- (xix) Effective communication system and intercoms to be established within the prison and also from one prison to another,
- (xx) Constructing a second security wall in every prison, making the prison building as inaccessible an area to the general public as possible, and also to avoid trespassing also,
- (xxi) A good road inside and outside the main walls for better patrolling,
- (xxii) A modern interview room with sound absorption to ensure smooth conversation and human dignity, without overlooking the security,
- (xxiii) Effective segregation of prisoners on the basis of security requirements,
- (xxiv) Installation of high pitch sirens to alert prison staff, public and nearby police stations about any untoward happening,
- (xxv) Untrained personnel not be posted inside the prison, under any circumstances for guarding purposes, and
- (xxvi) Electronic gadgets shall be used for enhancing guarding duty.

633. Guarding Establishment.- (1) 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.

(2) The guarding establishment shall include the warder performing their duties in rotation.

634. Reserve Guard.- (1) The Reserve Guard 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 and the Reserve Guard shall be used for its specified duties only.

(2) As far as possible, the Reserve Guard shall be selected from young warders and they shall act as Quick Reaction Team.

635. Command of Reserve Guard.- The Reserve Guard shall always be commanded by an officer during day and night.

636. Arms and Ammunition of Reserve Guard.- Personnel in the Reserve Guard shall carry the required modern weapons like pistols, carbines, self loading rifle (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.

637. Training and Alertness of Reserve Guard.- The Superintendent shall personally satisfy himself that the Reserve Guard is properly trained, equipped and alert all the time. When the Reserve Guard is detailed, each man under him shall carry the authorized ammunition.

638. Handling of Arms and Ammunition by Reserve Guards.- When one set of the guard is relieved, all arms and ammunition shall be handed over to the relieving guards. The Reserve Head Warder (Reserve Guard) in command shall be responsible for the correct handing over of arms and ammunition.

639. Number and tenure of Reserve Guard.- (1) In all Jails, there shall be reserve warder guard in accordance with the following scale :—

	Head Warders	Warders
Central Jails	02	20
District Jails and Special Jails	01	10
Sub-Jails	01	05

(2) The warders of the reserve guard shall be men or women specially selected for their efficiency in drill and in the use of fire-arms.

(3) The tenure of warder in a reserve guard shall be for a period of six month.

(4) The reserve guard shall also perform guarding duty at outside hospital in case of emergency or bare necessity.

640. Readiness of Reserve Guard.- The reserve guard shall be ready at all time at a movement's notice to turn out fully armed and equipped, should their services be required to quell any outbreak or to prevent any combined attempt to escape and the men shall be armed with .303 rifle or any advance version rifles.

641. Permission to Reserve Guard for leave Jail Premises.- (1) The Jailor as well as the reserve Head Warder shall be held responsible for seeing that the number of Warder in the reserve available for immediate action is never less than the number fixed in foregoing rule.

(2) In the event of permission being given to leave the Jail premises or of leave of absence being granted to any of the reserve guard, the Jailor shall arrange to provide substitutes from the general body of warders, and whilst these substitutes serve on the reserve guard, they shall strictly comply in every respect with the rules for the reserve.

642. Officer in charge of Reserve Guard.- Reserve guards shall be under the charge of a Head Warder, who shall be a thoroughly efficient in drill as would be selected by the Superintendent.

643. Additional duties of Reserve Guard.- In addition to the duties elsewhere prescribed in these Rules, it shall be the duty of the reserve Head Warder to,-

- (i) make all necessary arrangements subject to the authority of the Jailor and Superintendent for the safety of the jail and the safe custody of the prisoners;
- (ii) arrange and detail men for the several watches, pickets and warders;
- (iii) have charge of the armory and contents thereof, and to be responsible that the regulations relating thereto and to the care, custody, cleanliness and readiness for immediate use of all arms, etc. are strictly complied with;
- (iv) keep an account of ammunition to stock received and expended;
- (v) maintain the efficiency of the warder guard;
- (vi) drill all warders once every week day giving each warder at least half an hour's drill;
- (vii) report every warder who absents himself from drill;
- (viii) give effect to any punishment drill ordered by the Superintendent;
- (ix) see that no warder absents himself from the jail premises without due authority and to report every warder who offends in this respect, stating the period of absence;
- (x) see that all warders when on duty are always properly dressed, and to report every man who is not so, also to see that rules are strictly complied with;
- (xi) see that the guard-room is kept clean and neat, and the beds properly arranged, and that the lights supplied for it are kept burning and that any defect is at once reported to the Jailor; and
- (xii) satisfy himself that every warder knows and understands the orders for his post.

644. Armory, Arms and Ammunition.- (1) A special room near the main gate shall be set apart for storing the arms and ammunition and the room shall be furnished with suitable steel or wooden racks for keeping the firearms and ammunitions and pegs to hang accoutrements on.

(2) The room shall be strong with one reinforced steel door opening inside the administrative block.

645. Locks and Keys of Armories.- (1) There shall be two locks on the armory and in order to diminish the possibility of improper access to the armory, each duplicate key shall be enclosed in a cover of stout cloth, sealed in such a way that the key cannot be used without breaking the seal.

(2) In all jails, both keys in use shall be kept by the reserve Head Warder by day and by night one shall be kept by him and the other by the Jailor. Both duplicates shall be kept by the gate sentry by day and night.

(3) In all Sub- Jails both keys in use shall be kept by the Head Warder by day and by the Jailor by night.

(4) The duplicates shall be kept by the gate sentry by day and locked in the jail safe by night.

646. Salutes by Armed Guards.- Guards and sentries shall necessarily salute to the persons mentioned in column (1) of the table below in the manner mentioned in column (2) thereof:

TABLE

Person	Manner of salute
(1)	(2)
Director General of Prisons Inspector General of Prisons, Deputy Inspector General of Prisons, Superintendent	By presenting arms
All other gazette officers, official visitors, Jailor	By sloping arms and placing the right hand smartly on the butt, fingers extended.
Deputy Jailor	By coming to in attention with ordered arms.

Explanation: The Reserve Head Warder will always bring it to the notice of the Jailor, any failure on the part of the sentry to comply with this rule.

647. Morning and Evening Muster of Reserve Guard.- (1) Before the prison is unlocked in the morning the Reserve Guard and warders whose duties for the day have not been fixed shall be mustered under arms outside the main gate, and the Reserve Head Warder shall at once post the day sentries.

(2) The guard shall be drilled and afterwards shall remain under arms till the entire team is marched out and dismissed to the guardroom.

(3) The Reserve Guard shall again be under arms from the hour fixed for the cessation of work till the prisoners are locked up for the night.

648. Turnout with arms after sunset.- As a rule, the guard shall not be turned out under arms for saluting purposes after sunset.

649. General guarding duties.- (1) The general guarding shall be undertaken by the warder establishment.

(2) They shall carry on the internal and external guarding of the prison, the supervision of the prisoners during labour hours as well as the work of guarding and maintaining security of wards, blocks, workshops, tools and plants and other government properties, posts and tower.

650. Guarding Requirements.- The charter of functions of the guarding staff shall be the following:-

(i) The sentry or guard shall on no account quit his post without being relieved and in case he finds himself incapacitated due to sudden illness or any other reason to perform his duties, he shall send an intimation to the officer in charge who shall make necessary arrangements.

- (ii) No sentry or guard while on duty shall take off his uniform provided that this is not applicable while taking meals or resting.
- (iii) Guards and sentries shall be made to understand their duties and responsibilities and they shall not hold any communication with any prisoner, unless it is required as a part of his official duty.
- (iv) The officers and the guard shall strictly be 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 Reserve Head Warder 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.

651. Reserve guard duty on visit of visitors.- The reserve guard shall be inspected daily by the Superintendent of the jail, and on his arrival at the jail shall turn out in full uniform, properly equipped, and shall present arms.

652. Report by Head Warder on Reserve Guards.- On the arrival daily of the Superintendent at the jail gate, the reserve Head Warder shall present himself and make reports on the following points, namely:-

- (i) Whether during the preceding 24 hours the reserve guard was at any time below its full strength and if it was, the cause;
- (ii) Whether any visiting officer of the jail visited the jail at night, and any other matter of importance reported to him during the night;
- (iii) Whether the arms and ammunition in pouches are ready for immediate use; and
- (iv) Any irregularities or misconduct committed by warders and warders absent without leave.

653. Reserve guard escort for Visitors.- The reserve guard shall furnish escorts for visitors as prescribed in these rules and during this period another warder in some position in the jail preferably at the top of the jail, from which he can command a view of the interior of the jail and shall have access to a bell or signal by means of which he can raise an alarm and call out the rest of the reserve guard shall be furnished.

654. Gate Sentry.- Out of the reserve guard in every jail, one guard shall furnish duty of sentry at the main gate both by day and by night, the turn of duty may be of two or three hours according to the number of men available and the day sentry at the main gate shall be posted immediately outside the iron barred gate, and shall carry 0.303 rifle or any advance version rifle with bayonet fixed.

655. Night Sentry.- (1) The night sentry at the main gate shall be posted between the gates as a precaution against surprise either from within or without, and he shall keep the key of the second lock on the inner gate wicket as well as those of the outer gate in his possession.

(2) He shall not permit any person to enter or leave the jail until he has satisfied himself by examination with his torch light or Emergency light that the person is an official duly authorized to visit or leave the jail at night, and he shall not permit any warder to enter or leave the jail except in company with the Head Warder on duty.

(3) The officers authorized to visit the jail at night are the Superintendent, Magistrate, and official visitors, Jailor, Deputy Jailor, Head Warders on duty, and the patrolling warders in charge of the Head Warders, also the Medical Officer and his subordinates.

(4) He shall not loudly challenge any person presenting himself at the main gate, or give notice to the Head Warder or warders within, of the approach of any visiting officer, being posted behind a barred gate he can ascertain in safety whether the person has any business at the jail or not, a duplicate key of the inner gate wicket shall be kept by the Head Warder in charge of the reserve guard for the use of any inspecting officer at night.

656. Night Sentry report to Head Warder.- The night sentry shall inform the Head Warder on duty whenever any officer of the jail visits the jail at night, or of any unusual occurrence of importance during his time of sentry duty, and the Head Warder shall report the fact to the reserve Head Warder for the information of the Superintendent next morning when making his duty report.

657. Arms and Ammunition of Gate Sentry.- (1) The gate sentry shall be provided with a .303 rifle or any advance version rifle and twenty rounds of ammunition. (2) In the event of an outbreak or alarm he shall sound the alarm and defend the gates and he shall be furnished with a duplicate key of the armoury.

658. Duties of Gate Sentry.- The ordinary duties of a sentry shall be:-

- (i) to mount guard with fixed bayonet, move briskly on his post with his musket at "the slope" and not "order arms" nor "stand at ease" for more than fifteen minutes in every two hours;
- (ii) not to enter into conversation with anyone except when questioned by a superior officer;
- (iii) not to interfere unnecessarily with any prisoner or jail officer;
- (iv) not to leave his post without regular relief upon any pretence whatever;
- (v) not to allow any person to approach near his post after dark without challenging;
- (vi) in challenging after dark to warn the person challenged, if the reply is unsatisfactory to stand until the Head Warder in charge arrives, bringing his rifle at the same time to "the engage";
- (vii) in challenging on a dark night, on hearing voices of the approach of footsteps, if he receives no answer or an unsatisfactory answer, to call the Head Warder in charge or, if necessary, give the alarm;
- (viii) not to allow persons to crowd round him;
- (ix) 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 fire on the prisoner provided he cannot otherwise prevent the escape;
- (x) if he is beyond call and has to alarm the guard, to fire a shot in the air as the signal of alarm;
- (xi) if he sees any article in or near the jail likely to facilitate escape or if any unusual incident comes under his observation, to at once report the matter to the Head Warder in charge; and
- (xii) to enforce his orders firmly and without distinction of persons.

659. Maintenance of Duty Roster.- (1) Duty Roster shall be maintained in each prison and the Reserve Head Warder shall be responsible for the proper maintenance of this register.

(2) 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.

(3) The register shall be sent to the Superintendent through the Jailor every day for checking and getting his signature.

660. Surprise visit.- (1) It shall be the responsibility of the Reserve Head Warder and the 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.

(2) The Superintendent shall also verify this during his surprise visits to different parts during day and night and care shall be taken that the night duty is allotted in rotation.

661. Scale of arms and ammunitions.- (1) Each prison shall hold sufficient number and type of arms and ammunition required to ensure the safety and security of the prison and the Superintendent, Jailor and Deputy Jailor may use a 9mm pistol or revolver as personal weapon for self protection where necessary.

(2) Each prison may also be provided with such self-loading rifles (SLR) rifles with ammunition as maybe decided by the Head of Directorate of Prisons for security purpose in case of emergencies.

(3) The scale of arms and ammunitions for each prison shall be decided by the Head of Directorate of Prisons. Practice ammunition shall be provided, so as to put all prison staff through annual firing practice.

(4) The warders or officers of reserve guard shall also be provided with bayonet scabbard and frog and a belt with two ammunition pouches with not less than five rounds of blank ammunition.

(5) Each prison may stock sufficient number of lathies, batons, helmets, body protectors, bullet-proof jackets, tear gas shells and modified self-loading rifle (SLR) rifles to fire rubber or plastic bullets as considered necessary to enforce order within prison premises in case of a prison riot.

(6) Due to up-gradation of technology in arms and ammunitions and other reasons the Inspector General with the approval of State Government, may make suitable changes in provisions of arms and ammunitions mentioned above.

662. Stock list of arms to be sent to Inspector General every year.- (1) Every quarter, a list of the arms ammunition and accoutrements in stock with remarks as to their condition shall be submitted by the Deputy Inspector General of Prisons for the information of the Inspector General and the stock Register shall be maintained in the specified Form.

(2) The fortnight Return on Arms and Ammunitions shall be sent to Inspector General of Prisons in the specified Form.

663. Supply of ammunitions.- (1) The Head of Directorate of Prisons shall in consultation with the State Government make appropriate arrangement for procurement of the arms and ammunition required for the security of the prison and for maintenance and repair of the same.

(2) All repairs or alternations of small arms shall be carried out by armourers of the Deputy Inspector General of Prisons during their inspection of arms.

664. Armoury to be kept clean, secure and organized.- (1) The armoury shall be at all times be kept scrupulously clean a brush or broom shall be kept in armoury for cleaning it out on each occasion it is opened for the receipt, delivery or inspection of the stores.

(2) All arms and ammunitions shall have a special place assigned to it in the arms rack, and bearing the same number. Ammunition shall be securely locked up in boxes and the key kept by the Reserve Head Warder in charge of the armoury and the second set of keys of the boxes shall remain with the Jailor.

(3) The bayonets and ammunition pouches shall be slung on the belts and together with the firearms to which they belong shall, when not in use, be kept properly each in its special place in the armoury ready for immediate use.

(4) The firearms of the reserve guards shall during the day be kept in a rack in the reserve guard-room with the bayonet and ammunition pouches on the belts ready for immediate use.

(5) Empty boxes or loose packing materials shall not be kept in the armoury, boxes containing ammunition or arms shall not be thrown down or dragged along the floor, empty paper cartridge cases shall be burnt in the presence of the Superintendent, whereas empty cartridge case shall be returned to the arsenal, Superintendent shall mandatorily cause every package to be most carefully examined before their dispatch to the Arsenal and when returning arms, ammunition, of empty cases to the Arsenal, the following procedure shall be observed, namely:-

- (a) The articles shall be packed securely in a strong box;
- (b) Each box shall be clearly sealed, the seal being countersunk to avoid being broken in transit;
- (c) The gross weight shall be marked on each box;
- (d) The address of the Arsenal shall be clearly marked on each box;
- (e) The name of the prison of despatch shall be marked on each box;
- (f) The voucher number shall be marked on each box;
- (g) A packing note shall be enclosed in each box;
- (h) The voucher number shall be entered on the railway receipt or bill of taking;
- (i) A facsimile of the seals used shall be furnished to the Arsenal except when boxes with the original seal of the Arsenal intact are despatched;
- (j) Two delivery and two receipt vouchers shall be furnished; and
- (k) A letter of advice enclosing the railway receipt (freight prepared), facsimile of seals and the four vouchers shall be forwarded.

(6) No fire or smoking shall be allowed inside the armoury and the armoury shall not store any explosive.

665. Firearms to be numbered and placed in-charge of an officer.- (1) Every firearm shall be numbered and the Head Warder in charge of the Armoury shall maintain a record of the receipt and issuance of arms and ammunition.

(2) The receipts and issues shall be entered in order of date as they occur and shall be balanced every month. All receipts and issues shall be initialed by the in-charge of the armoury and the Superintendent.

(3) The officers who have been issued arms and accoutrements shall be held responsible for keeping such arms and accoutrements clean and in good serviceable condition.

666. Inspection of arms, accoutrements and ammunition.- (1) All arms accoutrements and such ammunition taken out for regular use shall be inspected daily by the Reserve Head Warder in-charge of the armoury and weekly by the Superintendent and Jailor to ensure that they are kept clean, in good order, properly arranged and in the serviceable condition.

(2) If service ammunition shows signs of deterioration, it shall be used as practice ammunition.

(3) The Superintendent shall submit a detailed explanation of the loss of every metal cartridge to Inspector General of Prisons.

667. Training to the prison officer on the use of arms.- (1) Every Jailor, Deputy Jailor, Head Warder, and Warder shall undergo a thorough training in squad drill and in the use of the arms provided for them and they shall be also put through a course of weapon training and firing practice once a year.

(2) Warders shall be drilled at the prison by the Reserve Head Warder for half an hour once every week day in the morning or evening and all officers shall also be put through

a course of target practice, if necessary, at the police range, so that they may be able to use arms, with precision and confidence.

(3) The course of ball practice at the range, as far as possible, be the same as that followed by the Police and it shall be fully understood by all officers that no leave, except leave on medical certificate shall be granted to any subordinate officer until he or she has qualified him or herself in drill.

668. Weekly arms parade.- (1) The Superintendent shall hold a weekly parade at which the reserve guard and the whole warder staff not on duty, together with their Head Warders and superior officers, shall be inspected by, and drilled before the Superintendent.

(2) Practice with blank cartridge shall ordinarily take place at these inspections, at least once a month and the Superintendent shall take this opportunity of testing by examination or re-examination the efficiency of individual officers, and shall record the results of this examination on the officer's service record.

(3) At these parades, the Superintendent shall make a close examination of the arms and accoutrements and satisfy himself that the weapons issued are kept clean and in good order and the officers are clean in their persons and clothing.

669. Firearms not to be taken inside the prison.- (1) Firearms shall only be taken inside the prison at alarm parades or under the order of the Superintendent or Jailor in time of emergency.

(2) Lathi or cane batons may be issued to warders and Head Warders on duty if the security situation demands the same.

(3) Contravention of this rule by any officer or warder shall render him or her liable to punishment.

670. Custody of Arms.- (1) The concerned Reserve Head Warder shall be responsible to make sure that arms are never left within the reach of prisoners.

(2) All necessary arms when not in use shall be kept in the guardroom.

(3) The approach to the guard room shall be from outside the main gate.

671. Custody of Articles Facilitating Escape.- (1) Officers and Guarding staff shall be responsible to ensure that no ladders, planks, bamboos and ropes, which are likely to facilitate escape, are left lying about and if such materials are to be taken inside for use they shall be properly escorted and shall be sent out of the prison after use.

(2) Every warder in charge of a workshop will be responsible to see that all such articles are properly secured and put away when work ceases and give a certificate to that effect in the lockup register daily.

672. Use of Weapons Against Prisoners.- The following rules regulate the use of arms against any prisoners or body of prisoners in the case of an outbreak or attempt to escape, namely:-

- (a) Any officer of the prison may use a bayonet, firearm or any other weapon against any prisoner escaping or attempting to escape; provided that resort shall not be had to the use of such weapon unless such officer has reasonable ground to believe that he cannot otherwise prevent the escape.
- (b) Any officer of the prison may use a bayonet, firearm or any other weapon 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 weapon so long as such combined outbreak or attempt is being actually prosecuted.

- (c) Any officer of the prison may use a bayonet, firearm or any other weapon against any prisoner using violence to any officer of the prison or other person, if such officer has reasonable grounds to believe that the officer of the prison or other person is in danger of life or limb, or that other grievous hurt is likely to be caused to him.
- (d) Before using firearms against a prisoner under the authority conveyed in clause (b), the officer of the prison shall give a warning to the prisoner that he is about to fire on him.
- (e) No officer of the prison shall in the presence of his superior officer, use arms of any sort against a prisoner in the case of an outbreak or attempt to escape, except under the orders of such superior officer.

673. Transport of arms and ammunition.- (1) 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.

(2) It shall be the duty of the escort to guard the arms and ammunition against any contingency.

(3) 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.

(4) A police party shall escort these arms along with the arms of the Police Department, if any and 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 Directorate of Prisons.

674. Security of Locks and Bars.- (1) 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.

(2) All duplicate keys for the locks must be kept in a sealed box under the custody of the concerned Jailor and no keys shall be left behind unaccounted for and no prisoner shall have any access to the prison keys.

(3) All the block keys when not in use shall be kept in an almirah or key box at the gate or at the tower in the custody of the gate keeper or Head Warder (Tower), as the case may be.

(4) 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.

675. Dynamic Security.- (1) Prisons shall be run on the basis of dynamic security.

(2) Dynamic security depends on the use of alternative methods for which interaction with prisoners shall be a pre-requisite to make them aware of what is going on and to ensure them that they are being kept in safe and humane environment.

(3) It is not only means of preventing escape but also maintaining constructive relations with prisoners.

(4) The staff shall also be made to understand that security not merely implies guarding the wall and fence and electronic surveillance, but also action engendering a sense of protection and mutual trust.

676. Uniforms.- The following classes of uniform have been prescribed for the different grades of prison officers, namely:-

(1) Uniform of Inspector General of prison or Superintendent or Deputy Superintendent or Jailor or Deputy Jailor shall be same as given below with the exception of badges, namely:-

- (a) Trousers: Khaki terricot (Police pattern);
- (b) Shirt: Khaki terricot with short sleeves (police pattern);
- (c) Head Gear: Khaki woolen peak cap with brown leather strip, Forage Cap with prison emblem;
- (d) Accessories: Brown oxford type leather shoes, Leather brown belt, whistle fastened with a blue silk shoulder line yard to be carried in left chest pocket from the rank of Deputy Superintendent to Inspector General of Prisons and Khaki whistle cord from the rank of Warder to Deputy Jailor; and
- (e) Epaulettes, Rajasthan Jail Service and name plate from Deputy Superintendent to Inspector General of Prisons and R.Pr. and name plate from the rank of Warder to the rank of Jailor.

Note: Badges of rank (including emblem and star) for Inspector General, Deputy Inspector General or Superintendent, Deputy Superintendent or Jailor or Deputy Jailor in the prison service shall be similar to that in that applicable in the police.

(2) Uniform of Head Warder or warder shall be same as given below with the exception of badges.

- (a) Trousers: Khaki terricot (Police pattern),
- (b) Shirt: Khaki terricot (police pattern),
- (c) Head Gear: Khaki woolen baret cap with prison emblem,
- (d) Epaulettes: R.Pr. on the shoulder, name plate
- (e) Accessories: Brown oxford type leather shoes, Brown leather belt with prison emblem, whistle fastened with a khaki silk line yard to be carried in left chest pocket.

Note: Badges of rank (including emblem) for Head Warder, warder and warder in the prison service shall be similar to that in the police service.

(3) For all prison officers, for winter uniform Terricot dress material shall be replaced with Terri wool dress material for trousers and Angola for shirt and Khaki woolen or acrylic pullover and jacket shall be additionally issued.

(4) The Government may change prescribed uniform, badges, emblem and stars as and when required.

(5) Every prison official from warder to Inspector General shall be provided with such allowance as prescribed by the government from time to time.

CHAPTER XXVII
VOCATIONAL TRAINING AND WORK PROGRAMMES

677. Objectives of Work Programmes and Vocational Training.- (1) Vocational training and work programmes shall be treated as essential features of the correctional programmes.

(2) The objective of such programmes should be to,-

- (a) Imparting discipline and work culture among inmates;
- (b) Developing right attitudes towards work and dignity of labour,
- (c) Promoting,-
 - (i) physical and mental well-being of inmates;
 - (ii) proper development of mind through intelligent manual labour;
 - (iii) Spirit of fellowship and a cooperative way of living; and
 - (iv) a sense of group adjustment;
- (d) Developing capacity for sustained hard work;
- (e) Building habits of concentration, steadiness, regularity and exactness in work;
- (f) Imparting and improving work-skills;
- (g) Awakenning the self-confidence and self-reliance of inmates;
- (h) Training and preparing inmates for achieving lasting social readjustment and rehabilitation;
- (i) Imparting an occupational status and thus creating a sense of economic security among inmates;
- (j) Keeping inmates usefully employed in meaningful and productive work;
- (k) Preventing idleness, indiscipline and disorder amongst them; and
- (l) Maintaining a good level of morale amongst them and thus promoting a sense of self as well as institutional discipline among them.

678. Policy.- (1) The employment and production policy in prison should be designed to cater to the needs of prisoners coming from both rural and urban areas and the emphasis should be on the kinds of skills and jobs that would ensure employment, or self-employment when the inmate is released from prison.

(2) A "Board of Work Programme and Vocational Training", under the chairmanship of Inspector General of Prisons, shall be set up at the Prison Headquarters and vested with administrative and full fiscal powers and the function of the Board shall be to:—

- (a) plan and implement programmes of work and vocational training;
- (b) arrange funds required to run such programmes;
- (c) fix a policy of production;
- (d) examine the economic aspects of the work programmes,
- (e) put prison work, programmes on a sound commercial footing;
- (f) ensure coordination at all levels;
- (g) evaluate the performance of the work programme each institution;
- (h) introduce practices and procedures of modern management of production;
- (i) guide, supervise, direct and control all matters relating to institutional work programmes and vocational training;

- (j) organize workshops in after-care homes for discharged prisoners;
- (k) promote marketing of prison products;
- (l) quality of product is to be tested so that products would not be kept in store for years together; and
- (m) in consultation with the Industry Department Rajasthan may identify certain trades as suitable for the inmates to be trained in so that once they are released, they may be gainfully employed.

(3) Government departments, semi-government organizations, cooperatives societies and public undertakings shall purchase articles produced in prison industries as per their requirements from the Directorate of Prisons and Correctional Services.

(4) The provisions of GF&AR for the purchase of raw material, consumable articles, tools and equipment shall be followed to eliminate chances of misappropriation or waste.

(5) A policy shall be laid down for the employment of selected prisoners in public sector undertakings, co-operative farms of the State, and agro-based industries organized in the co-operative sector when they are released from prison.

679. Vocational Training.- (1) Vocational training programmes, in self-employing trades and occupations, shall be organized in every prison for employable convicts.

(2) Such programmes shall be opened to under-trial prisoners who volunteer to undergo such training.

(3) The help of local Industrial Training Institutes shall also be obtained in training the prisoners.

(4) The prison shall have adequate staff for efficient organization of various training projects and it shall be properly equipped with training aids and classrooms for conducting multifarious projects to suit the training needs of its inmates.

(5) The prison shall have a properly defined organization for training projects in terms of formation of homogeneous groups and setting down routine and time schedule of projects.

(6) The cost incurred in the training projects, expenditure on staff, equipment and material, shall be treated as essential investment for the purpose of training and resettlement of offenders.

(7) Special emphasis shall be given to vocational training of adolescent offenders, young adult offenders, and others who may derive benefit from the training projects.

(8) Qualified technical personnel shall be appointed in adequate numbers in every production unit and for every programme of vocational training and such personnel may be posted in the prison on transfer or deputation basis from the Industrial Training Institution or other Government Institution wherever possible.

(9) Vocational training programmes shall be designed to suit the needs of prisoners sentenced to short, medium and long term imprisonment.

(10) Liaison shall be established with the department of Technical Education, Directorate of Industries (including Cottage Industries), Industrial Training Institutes, Polytechnics, Vocational Training Institutions and Director, Employment Mission and Rajasthan State Livelihood and Development Corporation etc. to develop vocational training programmes on a practical and pragmatic basis.

(11) On the completion of vocational training courses, inmates shall be examined by the Department of Technical Education of the State and on passing the examination they should be awarded a regular Certificate or Diploma by that department.

(12) As a measure of “incentive” to inmates demonstrating good progress in work programmes and vocational training, inmates shall be allowed to visit important undertakings and other government owned industries.

(13) The prison industry shall be given preferential treatment in the matter of granting permission to run various industrial or production units by the State Government and the executive and supervisory personnel shall be given training in modern methods of management.

680. Employment of Prisoners.- (1) Apart from convicts, under trial prisoners, who volunteer to work, shall also be employed on work programmes and be given vocational training.

(2) The under-trial prisoners employed in prison industry, or agriculture, shall be given fair and equitable wages on the same scale as prescribed for convicts.

(3) 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.

(4) Prisoners sentenced to medium and long terms of imprisonment shall be given training in multiple skills so that they are able to compete with the conditions in the labour market outside the prisons.

(5) For planned employment of inmates, the following factors shall be taken into consideration while organizing work programmes:-

- (a) Mental and physical health;
- (b) Requirements of security, custody and discipline;
- (c) Age;
- (d) Length of sentence;
- (e) Inmates' skills and abilities and also potential for acquiring skills; and
- (f) Urban and rural background of the inmate.

681. Prison Industries and Work Programmes.- (1) The work programmes shall also include essential institutional maintenance services like culinary, sanitary and hygienic services, prison hospital, other prison services, repairs and maintenance services.

(2) Prison work programmes shall consist of services required by the community such as construction work, masonry, carpentry, plumbing, electric fitting, tailoring, fabrication of ready-made garments, leather work, prison servicing, agriculture, horticulture, dairy, poultry, floriculture, cane work, basket making, pottery, book binding, typing, computer-operating, handicrafts, stenography, cloth printing, embroidery, hosiery, bakery, namkeen making, paper making, printing, tailoring, weaving, soap making, candle making, toy making, mobile repairing, Computer repairing, food processing, and beauty-parlor.

(3) A barber shop or Salon may be established in all jails as per requirement.

(4) On Sundays, all the prisoners shall attend to the general cleanliness of the jail and wash and repair their cloths and put everything in order for the weekly parade on Monday.

(5) Jail labour may be utilized,—

- (a) for the preparation of building materials with the jail premises;
- (b) for the construction of large works under the Public Works Department, such works within the jail premises;
- (c) otherwise the employment of prisoners beyond the jail premises is prohibited except on rare occasions it is deemed expedient to employ convicts on large works under the Public Works Department at such a

distance from the jails that accommodation on the spot must be provided and no prisoners are to be employed extramurally on station roads and municipal works, nor shall any prisoners be hired to private individuals for employment outside the jail premises.

(6) The total number of menial servants employed regularly i.e. cooks, hospital attendant, barbers, water-carriers, and sweepers shall not exceed ten per cent of the whole number of prisoners in jails.

(7) Every convict on being first put to do any kind of work shall be allowed a reasonable time in which to acquire the skill necessary for the performance of the prescribed task and if during this time he shows due diligence and makes satisfactory progress he shall be allowed the remission for industry.

(8) The time necessary for working up to a full task shall depend upon the nature of the work and for work like oil pressing, grinding, yarn reeling or twisting, a few days experience will be sufficient and a full task shall then be exacted.

(9) In industries, needing greater skill, such as weaving, carpet or durry-making, it may be three months or more before a prisoner can give a full task, according to his intelligence, and care shall be taken to make due allowance, in estimating a convict's progress, for difference of mental and physical capacity.

(10) In every case, when allotting to a prisoner new work (whether on admission or subsequently) the Superintendent, or subject to his control, the Jailor, shall note on the prisoner's History Ticket the exact task he is to begin with, and subsequently every increase required, up to the full task.

(11) All labour exacted from prisoners shall be classified as "hard", "medium" or "light", according to the amount of physical exertion required for the performance of a fixed task, and the maximum tasks which shall be exacted from any prisoner shall be fixed and the task or proportion of task or special labour which each prisoner is physically fitted to perform is determined by the Medical Officer and no prisoner shall be caused to perform any harder labour than that fixed by the Medical Officer and entered from time to time on his history ticket.

(12) Frequent change of work, except on medical grounds, shall be avoided, but the harder forms of labour like oil pressing shall not be continued indefinitely without variation, and sedentary work shall occasionally be changed for work involving more general movement.

(13) It is expected that every Superintendent shall be acquainted with the tasks to be exacted from his prisoners.

(14) No general reduction of the tasks fixed in rules shall be allowed in any jail without the sanction of the Inspector General.

(15) In allotting labour to a prisoner and fixing his task the jailor must be guided by the record of fortnightly weightments in his ticket.

(16) Prisoners shall commence work as soon as the morning parades and distribution of prisoners into gangs shall have been completed, ordinarily this should be within one hour after opening the wards.

(17) The period of labour shall be from 8.00 A.M. to 11.30 A.M. and 12.30 P.M. to 4.00 P.M. with a rest of one hour from 11.30 A.M. to 12.30 P.M.

(18) All prisoners with sentences of six months and under shall be eligible for extramural work, but they shall not be so employed unless they have been in jail at least a month as a convict.

(19) In cases of prisoners of this category who have been in jail as under-trial prisoners for at least a month prior to their conviction they may be employed extramurally after the observation period of ten days.

(20) In case of convicts sentenced for life imprisonment, after completion of four years of sentences including under-trial period, shall be eligible to work in extramural gang.

(21) In every case before initialing the entry in the history ticket, the Superintendent shall satisfy himself, by a reference to the prisoner's conduct in jail and the nature of the offence for which he is imprisoned, that he is a fit person for such employment.

(22) Prisoners who have shown, or are likely to have, a strong inclination to escape or are members of wandering or criminal tribe, even though eligible, shall not be employed on extramural work.

(23) The report of the Head Warden or Warden about the behavior and conduct of prisoners shall also be considered prior to utilizing a prisoner for extramural gang.

(24) Every convict of the habitual class shall, throughout the period of imprisonment to which he or she is sentenced, be required to perform the severest form of hard labour which he is capable of performing, with due regard to his or her health.

(25) No consideration of profit or convenience shall be permitted to influence, the class or from 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.

(26) A standard list of equipments, tools, accessories and spare parts, which each production unit must always have, should be prepared and maintained.

(27) In every institution there shall be a separate and properly organized maintenance workshop to repair the machinery and equipment in time and to prevent breakdown.

(28) Products manufactured by prison industries shall be varied or changed depending on market trends and demands.

(29) The organization of accounts and inventory shall be modernized on business lines.

682. Standardization of Products.- (1) Various products of prison industries shall be standardized.

(2) A handbook containing details of standardization, and the manufacturing process of various production units, shall be prepared for the guidance of personnel and the standardization of various products shall be prepared by the Prisons Directorate for all jails.

(3) Catalogues of standardized products of prison industries shall be prepared for securing orders from the market for various production units.

(4) Technical supervision shall be improved and a system of quality control introduced at every stage of production, so that market competitiveness can be maintained.

(5) Costing of prison products shall be done on a rational basis taking into account various limitations and handicaps of prison management and the percentage of profit shall not be the motive behind production by prison industries.

(6) Showrooms shall be opened outside the prison gates, and at other places, for promoting sale of products of prison industry and a brochure shall also be kept in which information is provided to the public about the products being sold along with their rates which should be exhibited in the internet.

(7) There shall be a big show room or sales counter in state capital .

683. Targets of production for prison industries.- (1) The targets of production for each unit for the ensuing year shall be fixed in accordance with the employable inmate population and production potential of the unit.

(2) These targets shall be communicated to the respective institutions in advance and the unit's production, according to the target, should be reviewed on a monthly basis.

(3) It shall be the responsibility of the Superintendent of Prison to meet the targets of production as set.

(4) The task sheet of each prisoner shall be correctly maintained by the technical personnel in-charge of the production units.

684. Wages.- (1) Performance based wages shall be paid to the deserving inmates and the wages shall be fair and equitable and not merely nominal and paltry.

(2) These rates shall be standardized keeping in view the minimum wages given as notified by the government from time to time.

(3) With a view to keep the wage system in prisons in harmony with that in the free community, the wages shall be reviewed once in every three years and revised whenever necessary.

(4) A portion of wages payable to the convict shall be deducted for the victim or his family in accordance with rules to be framed for this purpose by the State Government or by the orders of the Court.

(5) The wages shall be deposited in the prisoner's saving bank account every month and the passbook shall be kept with concerned Jailor.

685. Safeguards for prisoners engaged in work.- (1) The following facilities shall 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; and
- (i) Safety equipment and accident prevention measures.

Note: The standards adopted in outside factories in this respect should be adopted in prison factories. These should be fixed in consultation with the Manager of Factories;

(2) Periodical medical examination of prisoners, working in production units having hazards of occupational diseases, shall be carried out.

(3) Compensation shall be made to prisoners who meet with serious injury or death.

(4) Hours of work for each group of prisoners shall be prescribed in accordance with the programme content of each institution, but total hours of work should not exceed eight hours in a day.

(5) Technical personnel or Task taker in-charge of the production unit, if any shall measure the work done by the prisoner, at the same time carefully noting it in the task ticket Form of concerned prisoners and this ticket shall also be maintained in a computerized format in the Prison Management System.

(6) Prisoners sentenced to rigorous imprisonment or other prisoners who are willing to work, shall not work for more than eight hours daily, except on an emergency and by the written order of the Superintendent entered in his or her order book and the prisoner's history ticket.

(7) The timing of the work shift shall be decided by the Superintendent depending on the climate and except for urgent requirement, the convict shall not be kept to labour on Sundays or on declared holidays.

(8) Each prisoner shall get one day's rest in a week from the work programmes.

(9) If the Medical Officer finds that a prisoner is suffering from a contagious and infectious disease, then he or she shall immediately make arrangements to quarantine him or her and the prisoner shall not be asked to do any work till he or she recovers completely.

(10) The prisons which have canteen in their premises shall provide the prisoners with a coupon in lieu of cash of such amount as decided by the Inspector General of Prisons from time to time.

(11) Prison Officers are permitted at the discretion of the Superintendent to have small articles made or petty jobs done in the prison workshops at actual cost price, provided that such articles or jobs are bonafide for the personal wants of such officer and that previous sanction of the Superintendent has been obtained in writing.

(12) The employment of prisoners as clerks in prison offices shall be strictly forbidden, but the Superintendent may, when there is special necessity for it, sanction the employment of an educated prisoner in the clerical work which have no connection with the prison office.

(13) No authorized work shall be done either in or out of the prison production centre and no jobs either of manufacture or repair shall be put in hand until the order for its execution has been duly entered in the Jailor's Report-Book or in the Superintendent's Order book or in any special book kept for such purpose, under the initial of the Jailor or other officer deputed to be in charge of the production centre or in the case of repairs to the prisoner's clothes, until the order of the Jailor has been recorded in the history ticket of such prisoner.

686. Tasks to be imposed on female and adolescent convicts.- The tasks to be imposed on females or adolescent convicts 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.

687. Distribution Register.- (1) There shall be a distribution register which shall be written up early on the following day.

(2) Prisoners admitted or released on any day and not working shall be entered as exempted from labour and on Sundays and holidays, all prisoners, except the sweepers, cooks or overseers who work every day, shall be exempted from labour.

(3) In making up averages from this register, Sundays and holidays shall always be excluded and may, therefore, be left blank.

688. 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.

689. Execution of work for outside agencies.- Private parties or industrial units can be allowed to approach prisons to get their manufacturing work done by prison labour inside the prisons if capacity and know-how for such manufacture is available and it should be ensured that appropriate wages and other expenses are paid by such private parties and industrial units.

690. Yearly audit of the accounts.- The accounts of the production or work unit shall be systematically audited by the government auditors for each financial year.

691. Agriculture.- Following infrastructural facilities in terms of agriculture shall be made available to the prisoners, namely:-

- (a) Agriculture, agro-based industries and other allied activities shall be given high priority in the planned development of work programmes and vocational training in correctional institutions;
- (b) The land available with an institution shall be thoroughly surveyed in terms of soil analysis, availability, fertility, salinity, and requirement of drainage, so that it is put to optimum use;

- (c) The help of Block Development Officers, officers of the State Agriculture Department or Horticulture Department and other allied agencies shall be taken in this regard;
- (d) Each new prison building in rural areas shall have a properly fenced farm wherever land for this purpose is available;
- (e) It shall be ensured that proper irrigation facilities are available at the farmland;
- (f) The required building structure shall be constructed on each farm and internal roads should be laid;
- (g) All required farming equipment and spare parts shall be made available on each farm and a maintenance shop shall also be set up in large farms;
- (h) Prisoners detailed for labour at agricultural farms shall be distributed at various places in the farm by forming groups, with a leader nominated for each group;
- (i) Guidelines shall be issued by the Prisons Headquarters stating the eligibility criteria of an inmate who may be deployed on open agricultural farms;
- (j) The subsidy available to the farmers for purchasing fertiliser, equipment and electricity shall also be made available to prison farms;
- (k) Adequate funds shall be provided for development of agriculture and allied activities and its accounts shall be maintained separately;
- (l) Requisite security personnel shall be provided at each agricultural unit and their duties and responsibilities shall be clearly laid down;
- (m) The farm products shall be first consumed in the prison and the remaining shall be sold to the Government departments and in the open market;
- (n) The efficiency of each unit shall be evaluated annually in terms of the targets fixed and achieved;
- (o) The number of prisoners employed in farming activities in closed prisons shall not exceed ten percent of total prison population;
- (p) Prison personnel shall be imparted training in various aspects of agricultural and allied activities;
- (q) Bio-gas plants, windmills or solar-cooking ranges shall be introduced in the prison farms;
- (r) Costing of agricultural and other produce shall be done on strict commercial basis;
- (s) Open agricultural institutions, and institutions having attached agricultural farms, shall diversify work programmes according to cropping schemes such as mixed farming, irrigated crops or dry farming; and
- (t) In some open prisons work can be diversified into agricultural activity, industrial units and agro-based production units.

692. Dairy and Poultry Farms.- (1) Dairies shall be developed on open prison farms on commercial lines under proper technical guidance.

(2) Poultry farms should also be organized at open farms. These shall be run on commercial lines under proper technical supervision.

CHAPTER XXVIII

WELFARE OF PRISONERS

693. Basic elements of welfare programmes.- (1) The objects of welfare programmes in prisons should be to,-

- (a) Develop a relaxed, positive and constructive atmosphere in the institution;
- (b) Ensure good personnel-inmate relationship based on mutual trust and confidence;
- (c) Ensure care and welfare of inmates;
- (d) Ensure firm and positive discipline;
- (e) Attend to immediate and urgent needs and problems of inmates;
- (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 air camp, and premature release;
- (i) Provide individual guidance and counseling;
- (j) Encourage group activities, group guidance, group work;
- (k) Implant proper habits, attitudes and approaches and prepare them for a normal social life; and
- (l) Provide supportive therapy including Psychotherapy.

(2) The starting point of all welfare programmes shall be the initial classification of the prisoner and the study of individual inmates. The welfare programme should include periodical review of progress and re-classification of prisoners, review of sentence and pre-mature release, planning for release, pre-release preparation and after-care.

(3) Positive influence of institutional personnel shall play an important role in this process and Community participation shall be an important feature of welfare programmes.

694. Counseling.- Counseling facilities shall be extended to the prisoners as follows:-

- (a) The mental health status of a prisoner shall be studied before his classification at the time of admission in the prison and prisoners certified as mentally ill shall not be confined in prisons and instead appropriate measures shall be taken for their transfer to special institutions;
- (b) Professionally qualified counselors shall 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;
- (c) Proper and regular evaluation of prisoner's mental health shall be done to enable the requisite psycho social support services by the Prison Department;

- (d) Severe mental disorders shall require appropriate psychiatric treatment and dealt under the provisions of the Mental Health Act, 1987 (Central Act No. 14 of 1987).

695. Psychotherapy.- Psychotherapy shall be used in prisons as it has been recognized as an effective measure for the treatment of prisoners suffering from some degree of mental disorder and defects.

696. Guidance.- (1) Pamphlets containing the rights, duties, entitlement, discipline and daily routine of a prisoner shall be printed and distributed so that a prisoner may follow the 'dos' and 'don'ts' and maintain discipline during his or her confinement.

(2) The above literature shall also be kept in the prison library and issue to prisoners who can read.

(3) Illiterate prisoners shall 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.

697. Recreation, Sports, Cultural Activities, Films, Library.- (1) Cultural and recreational activities shall be organized in all institutions for maintaining the mental and physical health of prisoners and as these activities are the basic elements of rehabilitation programmes for prisoners, they shall form the integral part of an institutional regime.

(2) Recreational and cultural activities shall be organised depending upon various conditions such as availability of space, the climate and weather, composition of inmates and arrangements for security.

(3) Such activities shall include,-

- (a) Outdoor games like, Cricket, kabaddi, wrestling, volley ball, badminton, football and basket-ball;
- (b) Gymnastics;
- (c) Indoor games like Chess, Ludo, Carom, ring-ball and skipping;
- (d) Film Shows screening historical, patriotic, biographical, scientific and educational films, travelogues, documentaries, newsreel, and films dealing with social themes should be shown and films depicting crime, sex, violence, suspense and such other subjects that may have a damaging effect on the minds of the inmates and should not be shown to them.
- (e) Each Central and District prison, should have facilities for showing films to the prisoners or inmates and a library of good films should be developed at the headquarters of the Inspector General and those films shall be circulated to various institutions;
- (f) Close liaison should be established between the Inspector General and the Films Division Department of Information and Broadcasting, Film and Television Institutions, Film Societies and other organizations which can supply good films for the inmates;
- (g) 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 and music programmes shall consist of radio music, recorded music, group singing, folk music, instrumental music and orchestra;

- (h) Community and folk dances: Group and Folk dances shall be performed on festivals and social occasions;
- (i) Drama with useful social values and models of behaviour can be presented before the inmates through dramatic performances and dramas dealing with social problems, pageants, musical dramas, tableau, soliloquies, dialogues, radio plays and humorous skits shall be performed for the benefit of inmates and inmates themselves may be encouraged to take part, and organize these activities;
- (j) Arts and crafts can play an important role in imparting useful values to prisoners; the prisoners can maintain their individuality through these activities and such activities can also serve as supportive therapeutic measures in the monotonous life of a prison;
- (k) Prisoners shall be provided with necessary facilities for pottery, basket making, wood carving, carpentry, marquetry and veneer, wood turning, fret-work, leather-work, home decoration, lamp-shade making, metal-craft, plastics, toy-making, artificial flower making, horn-craft, clay-modeling, lacquer-work, drawing, painting, stenciling, paper-craft, papier-mâché, rug-making, felt-work, knitting, embroidery, needle-work or crochet;
- (l) Inmates shall be encouraged to read books, newspapers and magazines and group reading and guided reading shall also be encouraged; and
- (m) Television is the biggest entertainer for prisoners and the channels to be shown, and their timings, should be carefully selected by the Superintendent of Prison.

(4) Every prison and allied institution shall have an annual sports or cultural meet. Inter-Institution and Inter-State sports meets of inmates should also be organised and the sports groups from outside may be invited into the prison for playing various games with the prisoners.

(5) Yoga and meditation shall be daily practiced for which the hours should be fixed and permanent centres of meditation may be opened inside the prison and the services of Non-Governmental Organisations (N.G.Os) may be availed in this regard and it shall be ensured that discourses during meditation sessions are secular in nature.

(6) Well known personalities in the fields of art, sports, literature, culture and music shall be invited to the prison as guests on various occasions to inspire the prisoners and be role-models for them.

(7) There shall be a play ground for outdoor games and a community hall for cultural programmes in every prison.

(8) Different kind of shops shall be constructed in jail precincts wherever possible and the convict prisoners who are allowed to maintain the shops should be given chance for transfer to open air prison.

698. Role of Non-Governmental Organisations (N.G.Os).- (1) Non-Governmental Organisations shall be extensively involved in organising sports and cultural meets. They should be encouraged to lend various items and equipment for the smooth conduct of such events.

(2) Care shall be exercised in the selection of welfare agencies or Non-Governmental Organisations for carrying out welfare programmes and only those Non-Government

Organisation or welfare agencies which have a proven track record, and which are known for their dedication and selfless service, shall be selected for associating in prison programmes.

(3) No member of a Welfare agency or Non-Governmental Organisations shall be associated with prison if he or she has a criminal record and for this purpose an undertaking may be obtained from the Agency or Non-Governmental Organisations.

(4) The good work done by welfare organizations and Non- Governmental Organisations in prisons shall be publically appreciated.

699. Grievance Redressal System.- (1) Voicing resentment or grievance is an elementary human instinct. If it is suppressed, it can lead to an aberrant frame of mind which will be detrimental to the natural and healthy growth of body and mind.

(2) The Grievance Redressal mechanism shall be as under, namely:-

- (a) 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;
- (b) The system shall also act as a safety valve against any possibility of sudden outbursts of suppressed grievances;
- (c) There shall be one or more complaint boxes in every prison installed in centrally located and convenient places, within easy reach of the inmates and such complaint box shall also be installed in an easily accessible place in the female ward;
- (d) The inmates may drop their complaints in the form of written petitions addressed to the Superintendent, or to the higher authorities, into such boxes;
- (e) The box shall remain under lock and key and the key shall remain in the custody of the Jailor who shall unlock the complaint box at least twice a week on the days fixed and approved by the Superintendent;
- (f) The complaint box shall be opened at appointed time before the evening locking up of the prison;
- (g) The Superintendent shall form a permanent Committee of Grievance Redressal System (G.R.S.), 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;
- (h) If the prison happens to have a female enclosure then one lady officer, not below the rank of Jailor, shall be included in the committee;
- (i) The committee shall meet as and when necessary, but at least once a week to look into all the complaints of the inmates;
- (j) The Superintendent shall preside over the committee which shall enquire into all the complaints at the earliest;
- (k) The decision of the committee shall be executed forthwith;
- (l) Complaints addressed to the higher authorities shall be forwarded to the addressee with comments of the Superintendent without delay;
- (m) Letters addressed by prisoners to the Government, Judiciary, Inspector General or other high functionaries shall be forwarded to them immediately without being censored and a dated receipt of it shall be

given to the prisoner and the receiving authority shall acknowledge letters immediately and look promptly into them; and

- (n) The District Judge shall visit each prison in his jurisdiction once a month and give an opportunity to all the prisoners to present their grievances or requests, if they so desire, in the absence of prison offices and this shall be a statutory function of the District Judge.

(3) Three days before the meeting the Prison Officer should note down the grievance of the prisoners including under-trial Prisoners, if any, and put up the Grievance Register in the meeting along with the office notes or comments obtained from the relevant sections for discussion, the concerned prisoners shall be called to the meeting for personal hearing and all such grievances of the prisoners shall be heard, analyzed and solved as far as practicable.

(4) The Prisoner's Grievances Register shall be maintained by the Jailor in the Central Jail or District Jails or Sub-Jails.

700. Religious and moral instruction and religious observances in prisons.- (1)

The following holidays shall be allowed in addition to Sundays to all classes of prisoners, namely :-

S.No.	Name of Holiday	No. of Days
1	Holi (One day for Dhulandi Only)	1
2	Ram Navmi	1
3	Good Friday (For Christians Only)	1
4	Idul Fitar	1
5	Idul Zuha	1
6	Birth of Guru Nanak	1
7	Moharrum	1
8	Janmashtami	1
9	Dashera	1
10	Diwali	2
11	Christmas	1
12	Republic Day	1
13	Independence Day	1
14	Gandhi Jayanti	1
15	Mahavir Jayanti (For Jains Only)	1
16	Maha Shivratri	1
17	Sthapan Navratri (Asoj)	1

(2) On festivals, fruits and uncooked food including milk may be allowed to the prisoners either at their own cost or that of their friends, or if offered by outsiders, at the discretion of the Superintendent.

(3) Hindu prisoners, who desire to do so, may be allowed to fast on the Navratri, the Janmashtami, the Maha shivratri, the Ram Navmi and on Ekadasi days or Purnima, the prisoners may be provided either with special diet such as milk, fruits, dahi, sweets or allowed extra food on conclusion of the fast and the total cost of diet shall not exceed that of the meals given to other prisoners.

Note: The special diet or extra food issued above is in lieu of general diet.

(4) Muslim prisoners who desire to do so, may be allowed to fast during Ramzan, such prisoners shall be,-

- (a) the total cost of the dietary shall not exceed that of the meals given to the other prisoners;
- (b) arrangements shall also be made to keep sufficient supply of water in the wards or cells in which Muslim prisoners are kept.

Note: Any prisoners found abusing the privilege of the issue of special diet allowed in the preceding rules will be suitably punished.

(5) The Medical Officer may, in the case of any prisoner, if he is of opinion that the continuance of the fast by such prisoner is likely to be injurious or dangerous to health, prescribe its discontinuance.

(6) The main festivals of all religions should be celebrated, in these every prisoner should be encouraged to participate and any special treatment to a group of prisoners belonging to a particular caste or religion shall be strictly prohibited.

701. Canteen facilities.- (1) Every prison shall have canteen facilities for prisoners having items like soap (both washing and bath), tooth paste, tooth powder, tooth brush, shaving soap, comb, tea, bread, snacks, biscuits, sweets, news paper, magazine and other stationery etc, and the rules and regulations for operation of such canteen shall be decided by the Head of Directorate of Prisons.

(2) The jail Superintendent shall have also discretion for procurement of beverage manufactures for getting the products on a wholesale rate. Beverages should be sold in tetra packs only. No bottle or tin should be allowed and any items other than the items mentioned in this rule, and especially oil fried items are strictly prohibited to be prepared and sold in the canteen.

702. Rules regarding management of canteen.-The following shall be followed to manage canteen operation in jails, namely:-

- (a) the Officer in charge of canteen shall be changed every one year;
- (b) the working hours of the canteen shall be after lock out and before lock up and the canteens shall remain closed on the last Saturday of every month for stock checking after verification;
- (c) the articles for sale in canteen (e.g. tooth brush, tooth paste, soaps, detergents and slippers) shall be purchased under the orders of Superintendent like other items of prison after observing necessary purchase rules;
- (d) profit not exceeding ten percent may be charged on the wholesale price of articles in retail sale provided that it does not exceed the local retail market price of such articles. In case of perishable articles like fruits and dry foods 10 to 15 percent may be added taking into account the likely wastage;
- (e) profit generated in the canteen sales shall be deposited in the Prisoner Welfare Fund after keeping adequate working capital for the Canteen under intimation to the Prisons Directorate;
- (f) a balance sheet in respect of the canteen shall be prepared at the close of the calendar year and laid before the Superintendent. One copy of the balance sheet shall be forwarded to the Deputy Inspector General, Prisons (Range) or Head of Directorate of Prisons;
- (g) canteen accounts shall be checked and audited once in every month by the Accountant and placed before the Superintendent.

703. Prisoners' Welfare Funds.- The Government has formulated rules for the Rajasthan Prisoners' Welfare Fund Rules, 1964, the provisions of which shall be followed and carried out in dealing with the Funds.

704. Implementation of welfare activities.- (1) The Superintendent shall be responsible for the smooth and orderly implementation of welfare activities in the prison. (2) The Prison Officer deputed for the purpose shall prepare quarterly reports of welfare activities being conducted in the prison and submit the same to the Superintendent for onward transmission to the Inspector General of Prisons with intimation to the Deputy Inspector General of Prisons (Range).

CHAPTER XXIX

REMISSION

705. Remission.- (1) The types of remissions may be granted to prisoners shall be as under, namely:-

- (a) Remission under the provision of the Prisons Act, 1894 (Central Act No. 9 of 1894) and rules made thereunder. This may be earned by all eligible prisoners if they fulfill the required conditions provided hereinafter and this remission is called ordinary remission;
- (b) Remission in sentence granted by the Government under section 432 of the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974). The Government may remit the sentence of a prisoner on case to case basis by following the procedure laid down under section 432 of the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974) and it cannot deviate from the procedure prescribed under section 432 of the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974) while remitting the sentence of the prisoner on his request and this remission is called State Government remission; and
- (c) The President or the Governor has all the powers to grant remission to any prisoner on his request as well as grant general remission to the specified category of prisoners on special occasions on the recommendation of the Council of Ministers by exercising powers under article 72 or 161 of the Constitution of India, as the case may be.

(2) The provisions of this chapter therefore apply only on remission to be granted by Prison authorities under clause (a) of sub-rule (1).

(3) Remission system aims at the reformation of a prisoner and the scheme shall be intended to ensure prison discipline and good conduct on the part of the prisoners and to encourage them to learning and better work culture, with the prospect of their early release from prison as an incentive.

(4) Remission is a concession, which can be granted to prisoners by the State Government or by the Head of Directorate of Prison and Superintendent of Prisons, this concession shall subject to subsequent withdrawal or forfeiture or revocation and the State Government shall reserve the right to debar or withdraw any prisoner, or category of prisoners, from the concession of remission.

706. Basis for earning remission.- Remission shall 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.

Explanation For the purposes of this chapter,-

- (i) 'Prisoner' 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,
- (ii) 'Sentence' means a sentence as finally fixed on appeal or revision or otherwise, and includes an aggregate of more sentences than one, and an order of committal to prison in default of furnishing security for maintaining peace or good behaviour.

707. Authority to grant ordinary remission.- (1) The Superintendent is authorized to grant ordinary remission.

(2) The following types of convicted prisoners shall be eligible for ordinary remission, namely:-

- (a) Prisoners having substantive sentences of six months and more;
- (b) Prisoners, sentenced to simple imprisonment for six 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 of their sentence; and
- (d) 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: 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.

(3) The following types of prisoners shall not be eligible for ordinary remission, namely:-

- (a) Prisoners having substantive sentence of less than six months,
- (b) Prisoners sentenced in default of payment of fine only,
- (c) Prisoners whose sentence is reduced to less than six months (in such cases remission already earned, if any, should stand forfeited),
- (d) In case of prisoners who are convicted of an offence committed after admission to the prison under sections 147, 148, 152, 224, 302, 304, 304 A, 306, 307, 308, 323, 324, 325, 326, 332, 333, 352, 353 or 377 of the Indian Penal Code, 1860 (Central Act No. 45 of 1860) or of an assault omitted after admission to the prison on a warder or other officer or under any other law for misusing the concession of parole or furlough granted under that law, the remissions of whatever kind earned by him under these rules up to the date of the said conviction may, with the sanction of Head of the Directorate be cancelled.
- (e) Prisoners debarred from remission as punishment,
- (f) Prisoners specifically debarred from remission under any law or rule,

- (g) Prisoners out on special leave or on emergent parole for the duration of such leave, and
- (h) Prisoners convicted under the Narcotic Drugs and Psychotropic Substances Act, 1985 (Central Act No. 61 of 1985).

(4) Ordinary remission may be granted to prisoners who are eligible for it at the scale shown below, namely:-

- (a) Two days per calendar month for good behaviour, discipline and participation in institutional activities,
- (b) Two days per calendar month for performance of work according to the prescribed standards,
- (c) One day 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) Five days per calendar month for those working as night watchmen in lieu of the remission allowed under this rule,
- (e) Six days per calendar month to convict overseers in lieu of the remission allowed under this rule,
- (f) Remission for convicted prisoner lodged in Open air camp shall be , -
 - (i) three days per calendar month for good behavior, discipline and participation in institutional activities, and
 - (ii) three days per calendar month for performance of work according to the prescribed standards,
- (g) Two days per month for convicted prisoner on permanent parole shall be given.

Explanation: (i) For the purpose of this rule prison offences punished only with a warning shall not be taken into account.

- (ii) A prisoner who is unable to labour through causes beyond his control, by reason of being at court, in transit from one jail to another, in hospital or in an invalid gang shall be granted remission for good conduct of this rule on the scale earned by him during the previous month, if his conduct prior to and during the period, in question has been such to deserve such grant. He shall also be entitled to the grant of remission under clause (b) on the scale earned by him during the previous month. If he has been in prison during that term; if not at the rate of two days per month:

Provided that if he is absence from work is due to his own misconduct in jail no remission under clause (b) of this sub-rule shall be awarded for the period of absence:

Provided further that, if he is in hospital or in invalid gang, no remission under clause (b) of this sub-rule shall be granted unless the medical officer certifies that the prisoner's absence from labour is due to causes beyond his control and is no way caused by any action of the prisoner himself, taken with a view escape work or to get into or to remain in hospital.

708. Authority to grant Special remission.- (1) Superintendent of the prison concerned and Inspector General Prisons or Head of the Directorate of Prisons shall be the competent authorities to grant special remission.

(2) 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.

(3) Such special remission may be granted to prisoners eligible for ordinary remission on the following considerations, namely:-

- (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 dangers;
- (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; and
- (g) specially good work in industry, agriculture or any other work programme, or in vocational training.

(4) Subject to the fulfillment of any one or more of the conditions aforementioned, special remission not exceeding thirty days in a year may be granted by the Superintendent of prison to those prisoners who are eligible for ordinary remission.

(5) The Head of Directorate of Prisons may grant special remission up to sixty days in one year and he may grant special remission within his powers, even to a prisoner who is not eligible for ordinary remission, in special circumstances.

Note: For the purpose of this rule years shall be reckoned from the date of sentence and any fraction of a year shall be reckoned as a complete year.

709. Remission by State Government.- (1) Remission granted by the State Government shall be called as the State Government's Remission.

(2) The State Government's remission may be awarded to such prisoners, or categories of prisoners, as the State Government may decide.

(3) In case of prisoners who, at the time of general grant of State Government's remission, are released on temporary or emergency release, specific orders of the State Government about the award of this remission to such prisoners are necessary.

(4) Remission will be granted at such scale, or in such quantum, as may be fixed by the State Government, from time to time.

710. Remission Committee.- The Remission Committee of each institution will consist of,-

- | | |
|---|------------------|
| (a) Superintendent-in charge of the institution | Chairman |
| (b) Jailor or senior most prison officer available in the institution | Member |
| (c) Deputy Jailor in-charge of remission section | Member Secretary |
| (d) Officer in charge of Industries or Vocational Training | Member. |

711. Functions of Remission Committee.- The functions of this committee shall be as under:-

- (a) to attend to all matter pertaining to remission;
- (b) to recommend cases of prisoners to the Inspector General or Head of Prisons Department for the grant of special remission as per provisions of these rules; and
- (c) to grant special remission as per provisions of these rules.

712. Procedure for taking decision by the Remission Committee.- (1) The members of the committee shall assist the Superintendent in all matters pertaining to the award of remission, the Remission Committee shall meet on fixed days in the last week of every month, or as and when required and the decision of the Superintendent shall be treated as final.

(2) 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 and special remission shall be granted leaving a margin of at least seven days prior to a prisoner's release.

(3) Entries regarding remission shall be made, under proper attestation of the Superintendent, in the Remission Register, Remission Card and the History Ticket of the prisoner concerned as soon as it is granted.

(4) Prisoners with substantive sentences from six 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.

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

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

(7) The total remission awarded to a prisoner under these rules shall not ordinarily exceed one third part of his sentence.

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

713. Life convicts.- (1) Life sentence shall be taken as imprisonment for twenty years for the purpose of calculation of remission and 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.

(2) Grant of remission to a life convict shall not mean actual remission in his or her sentence and when his or her case shall be examined by the Advisory Board, the remission to his credit shall be one of the factors on the basis of which the review of his sentence shall be considered.

714. Miscellaneous.- (1) 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.

(2) In the case of a prisoner, transferred from one prison to another while undergoing imprisonment, the period spent by him or her in the first prison, excluding the period spent as an under trial prisoner, shall be calculated along with the period spent by him or her in the second prison, for remission.

(3) 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 and a prisoner, unless sentenced on the first day of a month, shall not get remission for the month in which he has been sentenced.

(4) No prisoner shall receive ordinary remission for the calendar month of his or her release.

(5) Period spent outside the prison, such as release on leave, which are included as part of a sentence, should not be treated as broken periods, during such periods the prisoner shall be eligible for earning ordinary remission, for periods spent outside the prison which are not included as parts of a sentence (such as, bail, emergency release, escape and extradition) prisoners shall not be eligible for earning remission and in such cases, the prisoners shall be considered as eligible to earn remission from the first day of the calendar month following the date of their re-admission.

(6) 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 and they shall be brought under the remission system again on the first day of the calendar month after their readmission.

715. Removal and revocation of prisoner from remission.- (1) The State Government, the Head of the Directorate of Prisons, Inspector General of Prisons and the Superintendent may debar any prisoner from remission, for a specified period, for committing prison offences. The Superintendent may debar a prisoner from remission for not exceeding three months. However, for debar from remission for any period exceeding three months sanction of the Inspector General shall be necessary.

(2) With prior sanction of the Inspector General, the Superintendent may re-admit any prisoner to remission, who has been debarred from there and the prisoner who is re-admitted to remission shall earn remission under these rules from the commencement of the month following his re-admission.

716. Conditions for forfeiture of remission.- (1) Remission earned by a prisoner may be forfeited by the State Government or the Head of Directorate of Prisons or the Inspector General of Prisons or the Superintendent of Prisons, if the prisoner is convicted of an offence committed after admission to prison, under sections 147, 148, 152, 224, 232, 302, 304, 304-A, 306, 307, 308, 324, 325, 326, 327, 332, 333, 352, 353 or 377 of the Indian Penal Code, 1860 (Central Act No. 45 of 1860) or convicted of an assault committed on a prison official, a prison visitor, a prisoner, or any other government employee.

(2) 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, with the sanction of the Inspector General of Prisons or the Head of Directorate of Prisons.

Note: (i) All entries about forfeiture of remission shall be promptly made in the remission sheet and in the Remission Register.

(ii) State Governments' remission granted on occasions of national importance or public rejoicing under section 432 of Criminal Procedure Code. An order of unconditional remission of such sentence under this section cannot be rescinded except in cases of fraud or mistake in its grant.

717. Maintenance of Record.- (1) Following records shall be maintained by the prison authority, namely:-

- (i) the Deputy Jailor, or any other official in charge of sections, shall maintain task ticket for prisoners eligible to earn remission. On the appointed days, this task ticket shall be forwarded to the officer dealing with remission work and to the Jailor, or to any other officer in charge of admission and release of prisoners for inspection. These task tickets shall be attached to the remission card of the prisoners; and
- (ii) a Remission Register, Remission Card shall be maintained in the specified Form in which all entries about grant and forfeiture, if any, of remission shall be promptly made and duly attested by the officers concerned

- (2) Entries in the Remission Register shall be made at the end of each quarter and 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 or her release may be taken accordingly. At the end of each month or quarter, prisoners shall be informed about the remission they have earned during the month or quarter and also the total of their remission.
- (3) Grant or forfeiture, if any, of all types of remission shall be recorded in the remission sheet and history ticket.
- (4) The Jailor or officer in charge of admission and release shall inspect the Remission Register or Remission card at fixed intervals. Except for the communication mentioned in sub-rule (2) remission record shall be treated as confidential and it shall not be allowed to be handled by the prisoners.
- (5) Prisoners shall be released on such dates, as would be worked out, after allowing for the remission granted.
- (6) Remission card of released prisoner shall be preserved for three years, after the release of the prisoner.
- (7) When a prisoner is transferred to another jail, his or her remission card showing total number of remission earned up to the date of transfer shall be sent with the prisoner.
- (8) In the first week of such month the officer in-charge of remission card shall prepare the remission roll in the specified Form, showing the names of all those prisoners who on supposition that they will earn their full ordinary remission during the current month, shall be entitled to release in the course of month next ensuing. He shall at the same time compare the remission card and history tickets of such prisoners and after verifying the accuracy of entries shall enter the probable date of release of each prisoner in the remission roll and history ticket;
- (9) The Remission Roll shall be submitted to the Superintendent, signed by officer in-charge of remission card and filed in the office.

CHAPTER XXX **PAROLE**

- 718. Parole.-** (1) Parole to inmates are progressive measures of correctional services.
- (2) 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 to maintain and develop a sense of self-confidence and continued contacts with family and the community sustain in him a hope for life.
- (3) The provisions for grant of parole should be liberalised to help a prisoner maintain a harmonious relationship with his family.
- (4) The privilege of parole should, of course, be allowed to selective prisoners on the basis of well-defined norms of eligibility and propriety.
- (5) The release of a prisoner on parole shall be governed by the Rajasthan Prisoners Release on Parole Rules, 2021, as amended from time to time.

CHAPTER XXXI
RELEASE AND PREMATURE RELEASE

719. Release of Prisoners.- (1) The warrants of all convicts whose release becomes due in any month shall be examined on the 25th day of the month preceding to ascertain their correctness.

(2) When the sentence of a prisoner expires the jailor shall bring him before the Superintendent together with his warrant, and he shall be released in the presence of the Superintendent.

(3) All orders for the final discharge of prisoners are to be signed by the Superintendent of the jail. In cases of release on appeal, payment of fine, furnishing security, giving bail, in which the power of legal detention ceases as soon as the order of the court which should be in English, is delivered at the jail, the Jailor shall release the prisoner on his own responsibility:

Provided that an immediate reference to the Superintendent is, from the distance of the jail or other causes, impracticable.

(4) The warrant of a prisoner released by the Jailor shall be signed by the Superintendent as if the prisoner was released before himself. On receipt of a warrant for the release of a prisoner who has been transferred to another jail, it shall at once be forwarded under a registered cover to the jail in which the prisoner is confined.

(5) Each prisoner shall, before being released, be carefully compared with his personal description in the Admission Register, and the Superintendent or Jailor, as the case may be, shall satisfy himself that the proper prisoner has been brought forward and that his sentence has been duly executed except in respect of remission earned under the remission rules,

(6) The Medical Officer shall record, or cause to be recorded, the health and weight of every prisoner on release in the Admission Register, Release Diary and History Ticket.

(7) Prisoners shall ordinarily be released from the jail in which they are confined at the time of release, but the Government may give special orders directing that prisoners confined in any jail shall be transferred to the jail of the district in which their homes are situated and released there.

(8) No prisoner shall on any account be released after lock-up, warrants for release should not be dispatched, by a court after sunset, or, if so dispatched, should be endorsed with instructions for release as early as possible next morning and ordinarily prisoners shall be released after they have taken of their morning meal, and as soon as sunrise as possible.

(9) All the articles of the kit shall be clean and fit for use, any prisoner who gives up his kit in a dirty state shall be made to wash and clean it before he is released, a convict about to be released shall present himself before the Superintendent in his private clothes and carry in his hand for inspection the kit given to him in his admission to jail or at the last issue of clothing and the clothing and bedding of released prisoners shall be immediately washed up, after which they shall be stored in the clothing godown for re-issue in turn, the passing on of kits from released to newly admitted prisoners is prohibited.

(10) If the date of release falls on a Sunday or a prison holiday prescribed in the rule, the prisoner shall be released on the preceding day, but a judgment-debtor entitled to his discharge on the omission by the person, on whose application he has been detained, to pay subsistence allowance must be released on a Sunday if the 1st day of the month falls on that day.

(11) On releasing a prisoner the Superintendent or the jailor, as the case may be shall deliver to him any property of which he may have been in possession and which is entered on his warrant and an acknowledgement of the receipt of the property will be taken from the prisoner.

(12) If any part of a prisoner's property is not found and delivered to him, a note of it shall be made in the admission register and the Superintendent shall decide what compensation is to be given to the prisoner and what officer is to be held responsible.

720. Travelling assistance to prisoners on release.- (1) Every convict prisoner whose home is situated more than ten kilometers from the prison which he or she is to be released and who is not in possession of sufficient money for travel, shall at the time of his or her release be provided with the fare for the normal route to his or her home using the cheapest mode of transport available e.g. bus, railway or other modes of transportation.

(2) Released prisoners, who are certified by the Medical Officer to be unfit to travel on foot owing to illness or physical infirmity, shall be furnished with suitable mode of transportation for the journey they shall have to perform by road.

(3) Any female prisoner who is a resident of another district that in which she is confined, shall be transferred, at least one month before her release is due, to the prison of her own district for release and when the home of a female prisoner, about to be released, is at any distance from the prison and no relatives appear to receive her, she shall be sent to her home accompanied by a female warder.

(4) On the death of a prisoner, or his release upon the expiry of his sentence or on bail, his warrant shall be returned to the court which issued it, with an endorsement showing the date of death, or date and cause of release and the date on which the warrant is returned.

(5) If any prisoner is required to undergo two or more sentences under separate warrants, such warrants shall be returned when the combined sentences have been executed.

721. Premature Release of Prisoners.- (1) 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 and these two aspects are closely interlinked and are incidental to the same is the conduct, behaviour and performance of prisoners while in prison.

(2) 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.

(3) The Premature Release of Prisoners shall be governed by the Rajasthan Prisoners (Shortening of Sentences) Rules, 2006, as amended from time to time.

722. Monitoring of Cases.- (1) A computerized record of all the prisoners serving sentence in the prisons, for a follow up of their cases, is extremely desirable in every prison as well as at the Prisons Headquarters and at the Home Department of the State Government.

(2) The monitoring system shall be based on the following guidelines:-

- (a) There shall be a single file system for the case of every prisoner and such files shall be maintained at the prison institution;
- (b) This file shall have a complete record of information regarding the consideration of a prisoner's premature release on any grounds on previous occasions and the date of reconsideration of the case;
- (c) Only one ground for a prisoner's premature release shall be considered at a time;

- (d) Full record of information regarding the stage of each prisoner's premature release shall be kept in a register prescribed for the purpose as well in computers.
- (e) Monitoring of all cases shall be done every month at the prison level and every three months at Prisons Headquarter level.

CHAPTER XXXII

OPEN AIR CAMP

723. Need for Open air camps.- (1) All Open air camps are intended to put into practice the contemporary ideology of reformation, correction and rehabilitation of convicted prisoners so that they may lead a self-disciplined and cultured life after release.

(2) These institutions provide the prisoners opportunities of employment and living a life in the open.

(3) This restores dignity of the individual and develops in him self-reliance, self-confidence and social responsibility, which are necessary for his rehabilitation in the society.

(4) Admission to open air camp shall be governed by the Rajasthan Prisoners Open Air Camp Rules, 1972, as amended from time to time.

CHAPTER XXXIII

BOARD OF VISITORS

724. Board of visitors.- The District Magistrate shall, by order, constitute a Board of Visitors comprising Official and Non-official members at District and Sub-Divisional Level.

725. Task of the Board of Visitor.- 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 or facilities in the Prisons,
- (b) Suggesting new avenues leading to improvement in correctional work, and
- (c) Going into individual or collective grievances of Prisoners and providing redressal in consultation with the Prison authorities.

726. Ex-officio visitors.- (1) The following officers and such others as the state Government, from time to time, appoint in this behalf shall be Ex-officio Visitor of all jails of the State, namely:-

- (a) The Chairperson and Members of National Human Right Commission/ State Human Right Commission;
- (b) The Chairperson and Members of National Commission for Women/ Rajasthan State Commission for Women;
- (c) The Director General of Police;
- (d) Every Member of Rajasthan Legislative Assembly for prison's situated at such Headquarter where he is residing;
- (e) The Director, Medical and Health Department;
- (f) The Director, Industry;
- (g) The Director, Agriculture;
- (h) The Director, Fisheries;
- (i) The Director, Adult Education;

- (j) The Chief Engineer Public Works Department; and
(k) The Chief Engineer Public Health and Engineering Department.
- (2) Official Visitors of all jails within their respective jurisdiction,-
- (a) The District and Sessions Judge;
 - (b) The Divisional Commissioner;
 - (c) The Commissioner of Police/ Inspector General of Police;
 - (d) The District Magistrate;
 - (e) The District Superintendent of Police or Deputy Commissioner of Police;
 - (f) The Chief Judicial Magistrate;
 - (g) The Additional District Magistrate;
 - (h) The Sub Divisional Magistrate;
 - (i) The Chief Medical and Health Officer;
 - (j) The Executive Engineer, Public Works Department;
 - (k) The Executive Engineer, Public Health and Engineering Department;
 - (l) The Executive Engineer, Vidhyut Vitran Nigam Limited;
 - (m) The District Education Officer;
 - (n) The District Agriculture Officer;
 - (o) The District Industry Officer;
 - (p) The District Fishery Officer,
 - (q) The Mayor/ President/Chairman of Municipality or Notified Area Council;
and
 - (r) The District Probation Officer.
- (3) The Hon'ble Governor or Minister-In-Charge of Jail Department may visit any jail or Sub-Jail at any time and under any circumstances, with or without any notice to the jail authorities, the Governor or the Minister shall be received at the jail gate by the Superintendent and he shall be received with due honour and the Governor or the Minister as the case may be taken round inside the jail by the Superintendent, if so desired by the Hon'ble Governor or Minister-In-Charge of Jail Department.
- (4) The Board of Visitors shall also comprise of the following Non Official Members:-
- (a) at least three non-official visitors in case of Central Jail and two in case of District and other jail;
 - (b) there shall be two lady non-official visitors for female prisons and one for Central, District and other jails;
 - (c) one social worker for Central Jail, District and other jails.
- (5) The nomination of non-official visitors of the jails shall be made by the State Government.
- (6) The District Magistrate shall be the Chairman of the Board of visitors at Central Jails or District Jails or Special Jails and the Sub Divisional Magistrate shall be the Chairman at Temporary Sub-Jails and Sub-Jails.
- (7) The Board of Visitors shall meet in the office of the Superintendent of prisons at least once in every quarter.
- (8) The minute of every meeting of the Board of Visitors shall be recorded in the Visitors' Order book and the same shall be forwarded to the Inspector General of Prisons with comments of the Superintendent, a copy of the minutes shall also be despatched to every member of the Board of Visitors and the Inspector General of Prisons shall place a

copy of the minute of the last meeting or meetings of the Board of Visitor of all the prisons before the State Advisory Board.

(9) When a non-official member of the Board of Visitors visits a prison he shall be accompanied by Prison Officers and 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.

(10) The roster shall be made in such a manner as will envisage at least one visit by a member in every month.

(11) Every non-official visitor is expected to interest himself in the upkeep of prisoners and visit the prison of which he is a visitor, once a month, and oftener, if possible.

(12) During visits a Visitor (Member of the Board of Visitors) shall enjoy the right to converse secretly and separately with any prisoner who is willing to talk to the Visitor, however such separate interaction between a Visitor and a prisoner shall be held in a place within the prison well within sight of a prison officer, the Visitor, immediately after such conversation with a prisoner, shall inform the Chairman of the Board in writing about what transpired in the conversation with the prisoner and the Chairman, if he thinks it necessary, shall take up the matter with the Superintendent of Prison.

(13) Any observations or comments made in the Visitors' Order 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 and the copy of the same shall also be sent to the Visitor concerned and the Chairman of the Board of Visitors.

(14) 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.

(15) The Superintendent shall present before the visiting member or members of the Board of Visitors any paper or document pertaining to correctional work, recreation and trainings of prisoners, prison diets or medicines, grievances of prisoners and follow redressal of such grievance, if it is sought by a visiting member of the Board .

(16) The Superintendent shall not be bound to present any Register or Document or paper pertaining to financial accounts before a member of the Board of Visitors without written approval of the Inspector General of Prisons.

(17) The Superintendent shall ensure that the prisoners lodging complaints with the visiting member or members of the Board of visitor do not subsequently fall prey to vendetta of the accused or prison staff complained against.

(18) Following any such visits by member or members of the Board of Visitors, the Superintendent shall inform the Inspector General of Prison regarding the details of the visit.

(19) For the purpose of a meeting of the Board of Visitors One official Visitor and two non-official Visitors shall form a quorum.

(20) A Non-official Member of the Board of Visitors shall hold office for a period of two years from the date his appointment to the Board, and may be considered for reappointment.

(21) State Government retains the right to cancel appointment of any non official Visitor at any time.

(22) A non-official member of the Board of Visitors shall receive allowances as may be sanctioned by the government from time to time, for attending meetings of the Board of Visitors.

(23) Officers of Agriculture Department shall be allowed to inspect the jail garden and those of Veterinary Department.

(24) No police officer or other persons shall be permitted to interrogate a prisoner without the special permission of the trying Magistrate and the permission shall be given in form of a written order addressed to the Superintendent.

(25) The Superintendent shall arrange that every visitor to the jail shall be attended by some responsible officer of the jail, as well as by an escort of two to four warders armed with baton.

(26) At the quarterly meeting of the Board of Visitors, the Superintendent shall himself accompanying them during their inspection to the jail and no visitors official or non-official shall be allowed to go into the jail without any escort.

727. Duties of Visitors.- All Visitors, official and non-official, at every visit shall,-

- (a) examine the cooked food;
- (b) inspect the barracks, wards, work-sheds and other buildings of the prison generally;
- (c) ascertain whether considerations of health, cleanliness and security are attended to, whether proper management and discipline is maintained in every respect and whether any prisoner is illegally detained, or is detained for undue length of time while awaiting trial;
- (d) examine prison registers and records, except secret records and records pertaining to accounts;
- (e) hear and attend to all representation and petitions made by or on behalf of the prisoners;
- (f) direct, if deemed advisable, that any such representation or petition be forwarded to the Government; and
- (g) Suggest new avenues for improvement in correctional work.

Note: A spare copy of the list of duties of the visitors will be kept at the main gate and handed over to a visitor on the occasion of his visit to the prison. Each non-official visitor will be supplied with a copy on his appointment.

728. Board of Visitors to records Remarks.- The Board of Visitors should record their remarks in the Visitors' Book after every visit and a copy of these remarks with comments shall be forwarded to the Inspector General who should pass such orders as he thinks necessary which shall be sent to the visitor concerned.

729. Visitors to be facilitated.- (1) The Board of Visitors shall be afforded every facility for observing the state of the prison and the management thereof, and shall be allowed access, under proper regulations, to all parts of the prison and every prisoner confined therein. They shall ordinarily not visit high security areas unless the instructions in this behalf are given by the Inspector General of Prisons.

(2) Every Visitor 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.

(3) Non-official visitors shall not visit prisoners who are not allowed to be interviewed on medical grounds.

(4) Visits shall not ordinarily be made after prisoners have been locked for the night and on prison holidays.

730. District and Session Judge to visit and inspect prisons.- It shall be the duty of the District & Session Judge to visit and inspect high security and other prisons and to satisfy himself that all rules, regulations, directions and orders made or issued to such prisons, are duly observed and enforced.

731. Disposal of the Remarks Made by a Visitor.- (1) Any remarks made by a Visitor under the preceding section shall be limited to a statement and fair criticism of actual facts, which may come to his knowledge, and to such suggestions, as he may desire the Superintendent or Inspector General to consider, criticism shall be confined to such aspects of the ordinary administration and management of the prison which, in the opinion of the visitor, can be improved, on no account the visitor shall directly or indirectly reflect, either favourably or adversely, on the character or conduct of any of the prison staff and if the visitor wants to bring to notice the good or bad work of any prison official he shall do so by a letter addressed to the Inspector General of Prisons.

(2) The Inspector General of Prisons may pass orders on any remarks made by a Visitor, and shall, if any issue of importance requires the orders of the Government, forward such record to the State Government.

(3) A copy of any order passed by the Inspector General, or by the State Government on any record made by a Visitor shall be communicated to the Visitor concerned through the Superintendent of Prison.

CHAPTER XXXIV

PRISONERS SENTENCED TO DEATH

(Condemned Prisoner)

732. Definitions.- (1) For the purposes of this chapter,-

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

(2) Every prisoner sentenced to death shall from the date of his sentence, and without waiting for the sentence to be confirmed by the High Court, be confined in some safe place, a cell if possible, within the jail, apart from all other prisoners and the cell or room in which a convict condemned to death is confined shall invariably, before he is placed in it, be examined by the Jailor, who shall satisfy himself of its fitness and safety, and shall record the result of the examination in his report book.

Note: 1 When any person is sentenced to death by a court of sessions, the sentence shall not be executed, unless it is confirmed by the High Court and when the sentence is confirmed by the High Court, the court of sessions shall issue a warrant to the Superintendent of Jail in which the prisoner is confined to be caused the sentence to be carried into effect. If a women sentence to death is found to be pregnant, the High Court shall order the execution of sentence to be postponed and may if it thinks fit, commute the sentence to transportation to life.

Note: 2 Under section 30 of the Prisons Act 1894, a prisoner under sentence to death, shall, immediately on his arrival in the prison after sentence, be searched by or by order of the Jailor and all articles shall be taken from him which the Jailor deem it expedient or dangerous to leave in his possession. Every such prisoner shall be confined in a cell apart from all other prisoners and shall be placed by day and by night under the charge of guard.

(3) On admission of a convict sentence to death in a prison, the Superintendent shall report of such admission to the State Government. The Superintendent shall also report to the State Government the date fixed for his execution by the Court of Session on confirmation of the sentence of death by the High Court and solicit orders of the State Government regarding stay of his execution.

733. Issue of articles on Admission.- (1) Immediately on his arrival in the prison, if the prisoner is a male, the Jailor shall have him stripped and searched in his presence, shall take every article of private clothing or other property from him and shall give him a suit of jail clothing, one durry and two blankets and a set of cups and plate and if the prisoner is a female, she shall be searched in private by the matron or female warder who shall take the same action as the Jailor in the case of a male prisoner.

(2) A prisoner sentenced to death shall not be put in fetters or handcuffed unless he is so violent as to be dangerous to the guard or to himself and if it is deemed necessary to put on fetters or handcuffs, the orders of the convicting court to be obtained.

734. Cell to be examined.- (1) Every cell in which a convict under sentence of death is to be confined, shall, before such convict is lodged in it, be examined by the 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.

(2) Female prisoners under sentence of death shall be kept in the female yard and guarded by female warders or female attendant.

(3) Every prisoner sentenced to death shall be under observation by a warder on a twenty four hour basis. Convicts shall not be employed on this duty and the responsible duty of guarding condemned prisoners shall always be given to the most trustworthy permanent warders.

(4) The warder shall be armed with a regulation baton, and shall, wherever it is possible, be placed outside the grated door of the cell, the key of the cell lock shall, if the prisoner be a male, be kept with the warder to enable him to prevent any attempt to suicide, but, if a female, it shall be kept by the female warder when on duty in the Jail, otherwise by the senior Head Warder on duty, the lock shall be one which cannot be opened by any other key in use in the jail, in any circumstances, it is essential that the warder shall have a complete view of the prisoner and of all parts of the cell in which he or she is confined, during the night therefore a provision for good light on the prisoner shall be made and in the case of a male prisoner, unless the prisoner is attempting to commit suicide, the door of his cell shall be opened only when there are three persons present to restrain him if he should attempt violence.

(5) 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 three such prisoners and for any number of cells in excess of three, an extra guard shall be posted even when the cells are contiguous.

(6) The Head Warder on duty shall frequently visit the warders placed over such prisoners at uncertain hours during both day and night and shall at once report to the Jailor, for communication to the Superintendent, any suspicious conduct on the part of the prisoner, or any fault committed by the warders on guard.

(7) Morning and evening daily, the Jailor shall carefully search every male prisoner condemned to death with his own hands and examine his cell and assure himself that the prisoner has no weapon or other means of effecting his escape or suicide in his possession and this duty shall in no circumstances be delegated to the warders. Female

prisoners shall similarly be searched by the Female Warder or lady Jail Officer in private and their cells shall also be examined by the lady Jail Officer.

735. Diet.- A prisoner under sentence to death shall be allowed the ordinary diet of a labouring prisoner, he may after rejection of the final appeal, be allowed, at the discretion of the Superintendent, all reasonable indulgences in the shape of sweetmeats, or extra diet and his food shall invariably be examined by the Jailor or the Medical Officer before delivery to him, and shall be given to him in the presence of one or other of these officers.

736. Interviews.- (1) The Superintendent may permit prisoners under sentence of death to have interviews with their relatives, friends or legal advisors, once a week, or more often when the Superintendent is of the opinion that such interview may be granted for good reason.

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

(3) Interview of a prisoner condemned to death shall be conducted by the Jailor, or an Deputy Jailor, who shall be present during the interview and see that nothing is passed to the said prisoner.

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

737. Facilities.- (1) A prisoner sentenced to death may be allowed the following facilities with the approval of the Superintendent of Prison, namely:--

- (a) religious books;
- (b) religious pictures;
- (c) rosary and essential religious emblems subject to security requirements;
and
- (d) news papers and books.

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

(3) The Head of Directorate of Prisons may allow further expenditure on a prisoner sentenced to death in urgent, compassionate and deserving cases.

738. Observation.- The Prison Officer should every day record his observations of a prisoner under sentence of death. Such record may prove useful for psychological study and research purposes.

739. Insanity.- (1) If any prisoner awaiting sentence of death shows signs of insanity which, in the opinion of the Medical Officer, are not feigned, or which require observation to determine whether they are feigned or not, the circumstance shall at once be reported to Government, through the Inspector General of Prisons for orders along with the following documents, namely:-

- (a) The Descriptive Roll of the prisoner;
- (b) A copy of the warrant under which he is confined (in duplicate);
- (c) The Medical Officer's certificate in the prescribed form; and
- (d) The medical history sheet (in duplicate).

Note: A copy of the judgment shall also be sent as soon as possible.

(2) If Government orders the appointment of a Special Medical Board, for the purpose of examining the mental condition of a convict sentenced to death, the convict shall be kept under observation in the prison by the Psychiatrist in charge of the nearest Headquarters Hospital or Medical College & Hospital for a period of ten days or longer if considered necessary prior to an examination by the Medical Board.

(3) The Superintendent and the Medical Officer of the prison, in which the convict may be confined, shall give all facilities to the Psychiatrist for medical examination of the convict.

(4) As soon as possible, after the Medical Board is appointed and the convict is placed under observation, the Superintendent of the prison shall collect information about the convict through the police or other sources and place it at the disposal of the Psychiatrist, or Medical Officer.

(5) The history of the convict shall be obtained from institutions or individuals with whom he has had contacts, the Psychiatrist shall furnish the Superintendent of the prisons with a questionnaire for collecting the information, factual material concerning the mental condition of the convict shall be obtained either from records or from eye-witnesses including the officer who arrested him and for the purposes of an estimation of the convict's state of mind just prior to, at the time of, and soon after the commission of the offence, reports shall be obtained from eyewitnesses including relatives of the convict.

Note: Evidence regarding the behaviour of the prisoner at the time of the trial, and especially during examination in Court, will be available from the proceedings of the Court including the evidence, the summing up and the judgment. Reports on the convict shall be obtained from individuals who have been in contact with him during the remand period and subsequent detention in prison. While collecting this information, utmost care shall be taken to see the object with which it is collected is not divulged. It should also be remembered that the relatives of the convict are likely to be specially interested and the information supplied by them should be used with the greatest care. Such report should be collected by the Prison Officer.

(6) As soon as the Psychiatrist or Medical Officer is ready with his report, he shall request the Superintendent or Director Medical and Health to fix a date for the Special Medical Board.

(7) The Psychiatrist or Medical Officer shall place all the records before the Medical Board. The Chairman of the Board shall forward the proceedings of the Medical Board to the Secretary, Home Department, through the Inspector General of Prisons with information to the Superintendent of jail.

740. Pregnancy.- (1) When a female prisoner sentenced to death is certified by the Medical Officer to be pregnant, the fact shall invariably be noted on the warrant which shall be returned by the Superintendent of the jail to the Sessions Judge for endorsement thereon of an order for the suspension of execution until the orders of the High Court have been taken under section 416 of the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974).

(2) When a female prisoner sentenced to death declares herself to be pregnant, and the Medical Officer is unable to certify to the truth or otherwise of the statement, he shall state the fact in writing, and also the interval of time necessary to enable him to satisfy himself on the point, and the statement shall be attached to the warrant and forwarded there with to the Sessions Judge for the procedure specified in the last preceding rule.

(3) 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 through Inspector General of Prisons.

741. Appeal facilities.- (1) Immediately on receipt of a warrant of execution from the court consequent of the confirmation by the High Court of the sentence of death, the Superintendent shall inform the convict that if he wishes to appeal to the Supreme Court under any of the relevant provisions of the Constitution of India, hereinafter referred to as "appeal and application", respectively, he may do so within the period prescribed by the Supreme Court Rules.

(2) If the prisoner under sentence of death so desires, the Jailor or the Law Officer as the case may be, shall at once get his appeal prepared for him as far as possible in his own words and it shall be forwarded either under registered cover or hand delivered by a prison official to the Registrar of the appropriate court under intimation to the State Government and the Inspector General of Prisons.

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

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

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

742. Roll of prison authorities in Mercy Petitions.- (1) Every prisoner condemned to death has the privilege of petitioning for mercy.

(2) The following instructions shall be observed by the Superintendent of Jails in connection with petitions for mercy from convicts under sentence of death or in connection with appeals to the Supreme Court of India by or on behalf of condemned prisoners:-

- (a) immediately on receipt of a warrant for execution consequent on the confirmation by the High Court of a sentence of death or the intimation of the dismissal by the Supreme Court of India of the application for special leave to appeal or of the breaking down of his application for special leave to appeal at any of the intermediate stages, in case the convict has made no previous petition for mercy, the jail Superintendent shall inform the convict concerned that if he desires to submit a petition for mercy, it should be submitted in writing within seven days of the date of such intimation;

Note: The date for execution of a sentence of death is fixed by the Sessions Judge on receipt of an order of confirmation from the High Court. The warrant of execution shall fix a time for execution at an interval of not less than 21 days, and not more than 28 days, from the date of the issue of the warrant.

- (b) if the convict submits a petition within the period of seven days prescribed by Instruction above, it should be addressed both to the State Government and to the President of India separately 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 and if no reply is received within fifteen days from the date of the dispatch of the petition, the Superintendent shall intimate through FAX or e-mail to the State Government, drawing attention to the fact, but he shall in no case carry out the execution before the receipt of the State Government's reply;
- (c) if the convict submits a petition after the period prescribed by instruction (a) above, the Superintendent of the jail shall at once forward it to the State Government and at the same time intimate the substance of it, specifying the date fixed for execution and requesting orders whether the execution should be postponed and stating that, pending a reply, the sentence shall not be carried out and if such petition is, however, received by the Superintendent later than noon on the day preceding that fixed for the execution, he shall at once forward it to the State Government and at the same time FAX or e-mail 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;
- (d) if the convict submits a petition for mercy addressed to the President of India, the Superintendent shall at once forward it to the State Government and shall at the same time send the copy of the same through e-mail or Fax and the date of execution to the State Government and he shall not further postpone execution unless specially ordered by the State Government;
- (e) if intimation is received by the Superintendent of the jail from or on behalf of a convict that it is intended to apply to the Supreme Court for special leave to appeal the Superintendent of the jail shall forthwith dispatch the intimation to the State Government together with a covering letter reporting the date fixed for the execution and if possible, the name and address of the Counsel acting for the prisoner, and shall certify that execution has been stayed, pending receipt of the orders of the State Government on the intimation and if no reply is received within fifteen days from the date of dispatch of the intimation, the Superintendent shall send Fax or e-mail to the State Government, drawing attention to the fact, but shall in no case carry out the execution before the receipt of the State Government's reply;

Note: If sentences of death have been passed on more than one person in the same case, and if intimation is received from or on behalf of, only one or more but not all of them of an intention to apply for leave to appeal to the Supreme Court of India the execution of the sentence shall be postponed not only in the case of the person or persons from whom, or on whose behalf, such intimation has been received but also in the case of the other person or persons from whom or on whose behalf, no such intimation has been received.

- (f) as soon as intimation is received by the Government of the rejection by the Supreme Court of an application for special leave to appeal or of the

dismissal of an appeal which has been admitted the District Magistrate and the Superintendent of the jail shall be informed and the Superintendent of the jail shall be authorized to fix the date of execution and he shall at the same time be instructed to stay the execution pending the receipt by him of the post copy of the orders of the Supreme Court of India through Fax or e-mail;

Note: If a petition for mercy is received from the prisoner, it shall be dealt with according to rules above.

- (g) in the event of its 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, anything in the foregoing rules notwithstanding, to report the circumstances by e-mail or Fax to the State Government and ask for their orders and to defer execution till they are received.

Note: Where any statement of the condemned prisoner or of any other person in the jail seems to be of importance as throwing light on the crime and possibly justifying a reconsideration of the sentence, the Superintendent shall inform the District Magistrate at once and request him either to come to the jail himself or to depute a senior magistrate so that the statement or statements may be recorded in full and submitted to the State Government together with any opinion which the magistrate may have formed as the result of his inquiries.

- (h) when the State Government or the Government of India decline to interfere, their orders will ordinarily be communicated to the Superintendent of the jail by speed post only, but when a death sentence is commuted, the orders will be communicated to the Superintendent of the jail by Fax or e-mail, followed by a confirmatory letter and the Superintendent shall at once repeat back by Fax or e-mail to the State Government, all above documents communicating orders to him regarding petitions for mercy, by way of acknowledgment of their receipt. Similarly the orders of the State Government by post shall be acknowledged at once by him in speed post in the post office. In every Fax or e-mail and letter of acknowledgment the Superintendent shall give the substance of the order acknowledged;
- (i) all covers containing not only petitions for mercy but also all letters and acknowledgements in Capital sentence cases, shall be superscribed "Appeal for Mercy" and "Urgent" and shall be registered in the post office;
- (j) all orders of the State Government postponing or staying execution of a condemned prisoner shall be in addition to any other mode of communication such as telephone or fax or e-mail, communicated at once to the Superintendent of the jail in which the condemned prisoner is confined in an envelope of scarlet colour with the words, "DEATH CASE" clearly printed on it at the top, the envelope shall be addressed to the Superintendent of the jail concerned by designation, the jail Superintendents shall make special

arrangements to ensure that communications received in these distinctive envelope are received in the jail at any time of the day or night, such envelopes shall be opened instantly on receipt, whether by day or night, by the Superintendent of the jail, if he is present or otherwise by the Jailor in charge, and an acknowledgement referring to the orders therein contained shall at once be dispatched to the State Government; and

- (k) when the execution of a sentence of death is stayed under the rule above, the Superintendent of the jail, on receipt of orders from Government to execute the sentence, shall, if it is not possible to execute the sentence on the date fixed in the warrant of the Sessions Court, at once fix a fresh date for the execution which shall not be more than fourteen days after receipt of the orders of Government, and shall in no case be earlier than the date specified in the warrant of the Sessions Court and any postponement in the date fixed for the execution of a capital sentence shall be reported, without delay, to the Sessions Judge and the District Magistrate.

(3) The condemned prisoners also have a right to dignity and execution of death sentence cannot be carried out in a arbitrary, hurried and secret manner without allowing the convicts to exhaust all legal remedies.

(4) Where a convict sentenced to death is not in a position to offer a legal practitioner to defend, legal aid assistance must be provided to him in preferring appeal in the High Court, Supreme Court of India and mercy petition and these are essential procedural safeguards which must be observed if the right to life is not to be denuded of its meaning and content.

(5) Death convicts are entitled as a rights to receive a copy of the rejection of the mercy petition by the President and the Governor.

743. Petition for mercy and Action by the Government.- (1) If the convict submits a petition within the above period, it shall be addressed to the Governor of the State and the President of India and the execution of sentence shall in all cases be postponed pending receipt of their orders.

(2) The petition shall in the first instance be sent to the State Government for consideration and orders of the Governor and if after consideration it is rejected it shall be forwarded to the Secretary to the Government of India, Ministry of Home Affairs.

(3) If it is decided to commute the sentence of death, the petition addressed to the President of India shall be withheld and an intimation of the fact shall be sent to the petitioner.

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

(4) If the convict submits the petition after the period prescribed above, it will be within the discretion of the State Government to consider the petition and to postpone execution pending such consideration and also to withhold or not to withhold the petition addressed to the President.

(5) In the following circumstances, however, the petition shall be forwarded to the Secretary to the Government of India, Ministry the Home Affairs, namely:-

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

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

(7) 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 commuting the death sentence shall be communicated by express letter receipt thereof shall be acknowledged by express letter.

(8) A petition submitted by a convict shall be withheld by the Government of the State, if a petition containing a similar prayer has already been submitted to the President. When a petition is so withheld, the petitioners shall be informed of the fact and of the reason for withholding it.

(9) Petitions for mercy submitted on behalf of a convict under sentence of death shall be dealt with *mutatis mutandis*, in the manner provided herein for dealing with a petition from the convict himself and the petitioners on behalf of a concerned convict shall be informed of the orders passed in the case. If the petition is signed by more than one person, it shall be sufficient to inform the first signatory, the convict himself shall also be informed of the submission of any petition on his behalf and of the orders passed thereon.

(10) Whenever a sentence of death has been passed by any Court, the sentence shall not be executed until after the dismissal of the appeal to the Supreme Court or of the application for special leave to appeal to the Supreme Court or, in case no such appeal has been preferred or no such application has been lodged, until after the expiry of the period allowed for an appeal to the Supreme Court or for lodging of an application for special leave to appeal to the Supreme Court:

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

Note: If the sentence of death has been passed on more than one person in the same case and if an appeal to a higher Court or an application for special leave to appeal to the Supreme Court is lodged by, or on behalf of, only one or more but not all of

them, the execution of the sentence shall be postponed in the case of all such persons and not only in the case of the person or persons by whom, or on whose behalf, the appeal or the application is lodged.

(11) On receipt of the intimation of the lodging of an appeal to the Supreme Court or of an application for special leave to appeal to that Court or of an intention to do so, the State Government concerned, shall forthwith communicate by Fax or e-Mail to the Government Advocate and also to the Secretary to the Government of India, Ministry of Home Affairs,-

- (a) the name of the convict under sentence of death, and
- (b) particulars relating to the appeal or the application.

(12) If it is desired to oppose the appeal or the application, three copies of the paper book and the judgment of the High Court (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, notice of the intended appeal or application, if and when served by or on behalf of the convict, shall also be transmitted to him without delay; if the intended appeal or application is not lodged within the period prescribed by the Supreme Court Rules, the Government Advocate shall intimate the fact by express letter to State Government and the execution of the sentence shall not thereafter be postponed, unless a petition for mercy has been submitted by or on behalf of the convict.

(13) If an appeal or an application for special leave to appeal has been lodged in the Supreme Court on behalf of the convict, the Government Advocate shall intimate the fact to the State 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, he will communicate the result of the appeal or application for special leave to appeal, to the State Government of the State concerned, by express letter, endorsing a copy of his communication to the Secretary to the Government of India, Ministry of Home Affairs and the State Government shall forthwith acknowledge the receipt of the communication received from the Court in each case shall be supplied by the Government Advocate in due course to the State Government, who shall acknowledge the receipt thereof. The execution of the sentence of death shall not be carried until after the receipt of the certified copy of the judgment of the Supreme Court dismissing the appeal or the application for special leave to appeal and until an intimation has been received from the Ministry of Home Affairs about the rejection by the President of India, of the petition for mercy submitted, if any, by or on behalf of the convict.

744. Minimum period of execution of death sentence.- A minimum period of fourteen 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 and this shall be to enable the convict to prepare himself and settle his affairs and meet his family members for one last time or to avail any judicial remedy.

745. Action on final confirmation of death Sentence.- (1) The State Government shall fix the date of the execution of a convict if his Mercy Petition is rejected.

(2) On receipt from the State Government of the final confirmation and the date of execution of a convict,-

- (a) the convict and his relatives shall be informed about the date of execution by the Superintendent;

- (b) the convict, if he so desires, be permitted to prepare his will in his will, his statement to that effect shall be recorded by the Senior Jailor; and
- (c) It would be mandatory for prison authorities to facilitate and allow a final meeting between the prisoner and his family and friends prior to the execution.

746. Postponement on medical grounds.- (1) 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.

(2) The Superintendent shall at once submit to the Inspector General a detailed report of such cases together with the medical opinion regarding the degree of physical disability of the prisoner and the probable date, if any, on which the prisoner is likely to become physically fit for execution.

747. Delay in Capital Sentence.- (1) Should any extraordinary or unavoidable delay occur in executing a sentence of death from any cause other than the submission of a petition or appeal under the rule, the Superintendent of the jail shall report the circumstances immediately to the Head of Directorate of Prisons and shall himself fix a fresh date for the execution which shall not be more than fourteen days from the date last fixed.

(2) When the evidence of a convict under sentence of death is required, the court shall proceed to jail for the purpose and shall not require the convict's attendance.

(3) Unless specially directed in the warrant, or unless the condemned prisoner is transferred to another jail under the orders of the Head of Directorate of Prisons, the execution shall take place at the headquarters of the district in which the prisoner is confined at the time the sentence of death has been passed, if the date fixed for an execution falls on a recognized holiday for prisoners, the execution shall take place on the next working day, the Superintendent of the jail shall on receiving a warrant of capital punishment, communicate the fact at once to the Magistrate of the district and the Superintendent shall be solely responsible that the execution is properly carried out and shall make timely arrangements for the services of hangmen (hired from other jail or willing convict or willing officer or Head Warder or Warder), to have the gallows in order, and the rope, cap, and pinioning straps ready, a European-made Manilla rope, one inch in diameter shall be used for executions, and two such ropes should be available, the rope need not be new, but must be capable of standing the strain caused by dropping a sack of sand or earth one and a half times the weight of the prisoner, from the height of the drop it is proposed to give, this test shall be made at least a week before the date fixed for the execution, so that other ropes may be procured in good time, if necessary, and subjected to the same test, after being tested the ropes should be locked up in a safe place, on the evening before the execution, the Superintendent shall have the gallows, if a temporary structure, erected in his presence, and shall examine the ropes to satisfy himself that they have received no injury since being tested and when a condemned prisoner is transferred from one jail to another the Superintendent of the receiving and dispatching jails shall report the fact to the Magistrate of their respective district.

Note: Two long-term convicts, who may volunteer to do the work, shall be trained as hangmen and be always ready for service. The hangman shall be paid remuneration as fixed by the Inspector General of Prisons.

748. Arrangement for execution.- (1) The Executive Engineer shall arrange the inspection of the gallows every quarter and before the date of a hanging as and when intimated by the Superintendent.

(2) 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.

(3) 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 100 lbs. or 45 kgs, he should be given a drop of 8 feet or 2.5 mtrs;
- (b) If the prisoner weighs from 100 to 133 lbs. or 45 to 60 kgs, he should be given a drop of 7 feet 8 inches or 2.3 mtrs
- (c) If the prisoner weighs more than 133 lbs. or 60 kgs, but not more than 166 lbs. or 75 kgs, he should be given a drop of 7 feet or 2.2 mtrs;
- (d) if the prisoner weighs more than 166 lbs. or 75 kgs. but not more than 200 lbs. or 91 kgs, he should be given a drop of 6 feet 6 inches or 2 mtrs; and
- (e) if the prisoner weighs more than 200 lbs. or 91 kgs, he should be given a drop of 6 feet 1.83 mtrs .

Note: The actual length of rope required necessarily varies in individual cases, the situation of the knots has no precise relation to the drop. The following formula may be used to ascertain the length of rope required:-

Let A equal the distance from the top of the knot clamp to the platform.

Let B equal the height of the condemned person to the angle of the Jaw (this is approximately 6 ½ inches less than total height).

Let C equal the prescribed drop.

Let D equal the difference between A and B.

Then $D + C =$ the length of rope required i.e. from the top of the knot clamp to the ring of the loop drawn to the size of the circumference of the neck.

(4) So long as the extreme limits of 6 feet or 1.83 mtrs on the one hand and 8 feet or 2.5 mtrs on the other hand are adhered to if, owing to physical peculiarity of the prisoner, the Medical Officer is of opinion that the drop should be increased or decreased, effect should be given to the Medical Officer's opinion.

Note: The above calculations are based on the assumption that the execution rope will be made of cotton yarn or manila of 1 inch to 1-¼ inches or 2.59 to 3.81 cms Diameter.

(5) The following measures shall be adopted regarding the fixing of the length of the rope to permit the required drop, the height of the prisoner to the angle of the jaw immediately below the left ear shall be accurately measured, as should also be the height from the drop shutter, when fixed in position, to the lower portion of the ring in the beam to which the rope will be affixed, 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 prisoners neck shall also be carefully taken, the neck measurement and the height measurement to angle of jaw shall be carried out immediately after the prisoner has been admitted and 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.

(6) The gallows shall be inspected and the rope tested in the presence of the Superintendent the evening before the execution; he being personally responsible that these arrangements are properly made, a new rope need not necessarily be used for every execution but the Superintendent shall see that the rope is carefully tested, as a rule, a dummy or a bag of sand weighing 1½ times the weight of the prisoner, hung and dropped between 6 and 8 feet or 1.83 and 2.50 mtrs. will afford a safe test of the rope and two spare ropes for each prisoner shall always be kept ready in reserve on the scaffold to meet any contingency.

(7) Wax or butter shall be applied to the loop of the rope. After testing, the ropes and other equipment shall be securely locked and sealed in a steel box and shall be kept in charge of the Jailor.

749. Venue and presence of officers and others.- (1) All executions shall take place at the prison to which the warrant is directed, unless expressly ordered otherwise. Executions shall usually be carried out in a special enclosure attached to, or within the walls, of the prison.

(2) The Superintendent, Jailor, Deputy Jailor, Prison Welfare Officer and Medical Officer shall be present at all executions, the District Magistrate or an Executive Magistrate deputed by him shall attend the execution and countersign the warrant and if the prisoner so desires, a priest of his faith may be allowed, at the discretion of the Superintendent, to be present at the place of execution, subject to the requirements of security and prison discipline.

(3) Relatives of the prisoner and other prisoners shall not be allowed to witness the execution, the Superintendent may, however, permit social scientists, psychologists or psychiatrists, who are conducting research to be present, the Superintendent's discretion shall prevail in the matters relating to grant of permission to witness execution and as a matter of general policy, other persons shall not be permitted to be present.

(4) A guard of not less than ten men armed with .303 rifle or any advance version rifle and with cartridges in their pouches shall be mustered in front of the gallows, to repulse any attempt at rescue and ordinarily, these guard shall be furnished by the reserve warder guard, but in exceptional cases of grave and threatened nature the Superintendent of the jail may in consultation with the District Magistrate ask the Superintendent of Police to furnish the necessary guard and officers.

(5) Prisoners of all categories shall be kept locked up until the execution is over and the execution shall take place early in the morning before it gets bright.

750. Execution.- (1) The Superintendent, the Executive Magistrate, the Medical Officer and the Jailor shall visit the prisoner in his cell before the hour fixed for execution, the Superintendent and the Executive Magistrate shall then identify the prisoner as the person named in the warrant and read over to him a translation of the warrant in his mother tongue, any other documents requiring attestation by the prisoner such as his Will shall be signed and attested in the presence of Superintendent and the Executive Magistrate and the hands of the convict shall be pinioned behind his back.

(2) A cotton cap with flap shall be put on the prisoners face just before he enters the gallows-enclosures and the prisoner shall not be allowed to see the gallows.

(3) On the arrival of the prisoner at the scaffold, he shall be made over to the batch of executioners.

Note: 1 The required number of executioners may always be posted at the /Prison where executions have to be carried out. The executioners shall be trained in all matters pertaining to execution of prisoners. At fixed intervals, the executioners shall be required to practice on dummies.

Note: 2 Ropes of authorized pattern may be ordered and it should be stated whether they are for the new pattern gallows or not.

751. Duty of Executioners.- (1) The duty of the executioner or executioners shall be,-

- (a) to place the prisoner exactly under the part of the beam to which the rope is attached;
- (b) to strap the prisoner's hand tightly; and
- (c) to put the noose round the neck tightly, the knot or metal eye being just in front of and below the angle of the jaw, so as to run up behind the ear when the prisoner falls and receives the jerk, care shall be taken to adjust the rope so that the part to which the metal eye belongs shall pass in front of the throat. The noose shall be kept tight, having been adjusted by means of a stiff leather washer on the rope and the flap of the cap shall hang in front free from the rope.

(2) The Superintendent shall see that the rope round the neck of the prisoner is adjusted properly and the knot is in proper position.

(3) The operations mentioned above should be done simultaneously and as quickly as possible and on completion of all these operations the Superintendent shall give a signal, on seeing which the executioner in charge shall push the lever to let down the trap-door.

(4) The body shall remain suspended for half an hour and shall then be taken down only after the Medical Officer has certified that life is extinct.

Note: For each execution, the executioner shall be paid requisite execution fees.

752. Disposal of body.- (1) The body of the executed prisoner shall be sent for postmortem and then disposed of according to the religious requirements of the religion to which the executed convict belonged.

(2) If the executed prisoner's relatives make a written application for performing the last rites, the Superintendent may, in his discretion, allow such request, provided that the relatives give an undertaking in writing that they will not make a public demonstration at cremation or burial.

(3) In cases where the Superintendent thinks that there is a likelihood of a public demonstration, he has the authority to refuse such permission and in cases of disposal of the body of executed prisoner, in whose case there is likelihood of public demonstration, the Superintendent shall consult the District Magistrate and arrangements for the disposal of the body shall be made according to the requirements of the situation, in such event, the Superintendent shall act in accordance with the instructions of the District Magistrate.

(4) The body of the executed prisoner shall be taken out of the prison with all solemnity, an ambulance shall be used for the transportation of the body to the cremation or burial ground and the Superintendent is authorized to incur all reasonable expenditure required for the transportation and disposal of the dead body.

753. Subsequent action.- (1) The Superintendent shall return the warrant, to the Court which issued it with an endorsement to be countersigned by the Medical Officer and the Executive Magistrate.

(2) The Superintendent shall submit the execution report to the Inspector General of Prisons.

CHAPTER XXXV
MAINTENANCE OF PRISONERS

(Food, Clothing & Bedding, Sanitary Regulation, Conservancy, WaterSupply)

754. Food.- (1) Prison Department shall 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 (kcal/d)
Man	Sedentary Work	60 Kg.	2320
	Moderate Work		2730
Woman	Sedentary Work	55Kg.	1900
	Moderate Work		2230
	Pregnant Women		+350
	Lactation		
	0-6 Months		+600
	6-12 Months		+520

(2) The food intake should not be associated to work/activity level but just calorie requirement for dignified human life.

755. Requirements of Pregnant and Nursing Women.- (1) 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.

(2) As and when any recommendation for nutrition is received from World Health Organisation or any new recognized body in Indian context, the same shall be considered for review of the Diet Chart by the Government.

756. 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:

S. No.	Nutrient		Requirement	Sources
1	Protein		1g.per kg. of body weight	Pulses, rice, wheat, milk etc.
2	Fat		50 g.	Oils, butter, ghee, milk etc.
3	Carbohydrate		300 g.	Cereals, sugar, jiggery, milk, root vegetables such as potato, etc.
4	Minerals:	Calcium	0.65 g. for adult, 1 g. for child	Milk, milk products, green vegetables, unhusked cereals and whole gram etc .
		Iron	12.15 mg.	Vegetables and fruits etc.
5	Vitamins	Vitamin A	3,000 to 4,000 I.U.	Leafy vegetables, milk, liver oils, yellow vegetables, carrot, yellow sweet potato etc.

		Vitamin C	50 mg.	Tamarind, amla, guava, all citrus fruits, lime, orange etc.,
		Vitamin D	400 I.U.	Liver oils, milk etc.
	Vitamin Group	Thiamin	1 to 2 mg.	Undermilled cereals and pulse, parboiled rice, whole wheat
		Riboflavin	1.8 to 3.0 mg	Leafy vegetables, milk, milk products etc.
		Nicotinic acid	10 to 15 mg.	Undermilled cereals, pulses, parboiled rice etc.

757. Scales of diet.- (1) The scales of diet for prisoners shall be such as may be specified by the State Government, from time to time. The scales may vary according to local customs and dietary habits, so far as possible, be in compliance with the prescribed standards. Due consideration is to be given to the principles mentioned above, to the classified needs, habits and modes of living of prisoners and the climatic conditions of Rajasthan, while prescribing the scale of diet for prisoners. The government may also modify the scales at any time if it deems fit.

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

758. Food ration.- (1) Every prisoner shall have three meals a day according to the scales prescribed. These shall be,-

- (a) A light breakfast in the morning before the hour of work;
- (b) A lunch; and
- (c) Dinner before prisoners are locked up for night.

(2) The quantity of ration to be issued for each meal shall be as prescribed by the Head of Directorate of Prisons. The articles of diet provided for midday and evening meals may be suitably divided between the two meals.

(3) The diet may be fixed as per local customs but should be within the prescribed nutritional requirements. Variety in the diet may be introduced by issuing different kinds of pulses, vegetables and antiscorbutics on different days of the week or for different meals. The Superintendent may lay down menu for different days of the week.

(4) On the occasion of festivals, as specified by the Government, extra items of dietary articles may be given to every prisoner.

(5) 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 alternate 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.

759. Hospital diet.- A suitable hospital diet may be prescribed by the Head of Directorate of Prisons according to local food habits on the advice of Senior Medical Officer.

760. Cleaning, Storage and Issue of Food Items.- (1) 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.

(2) 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.

(3) 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 a 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.

(4) 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.

(5) Dal should be husked and unhusked grains properly cleaned out before cooking.

(6) 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.

(7) Antiscorbutics, in the requisite quantity, shall be issued daily with the midday and evening meals to all prisoners. There should be standing instructions for the preparation and issue of different kinds of antiscorbutics which are commonly available.

(8) 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.

(9) In preparing curds no water should be mixed with the milk before boiling.

761. Cooking.- (1) Cooking may be done in stainless steel or other suitable vessels. All cooking utensils must be kept clean and shining and the kitchen and eating area too must be clean and tidy.

(2) 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.

(3) 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.

(4) 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.

(5) Measuring equipment used for issuing ration to the mills, and that used in the kitchen, shall be checked by the Superintendent at least once a month if not more often. Surprise checks of the measuring equipment should be made by duty officers at least four to five times a month.

(6) Cooks found tampering with food or scales shall be severely punished.

762. Cooks.- (1) 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.

(2) The cooks should wear clean aprons while preparing/ handling food.

763. Distribution and service of food.- (1) The Head of Directorate of Prison 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.

(2) Meals should be served fresh and hot. During winter season, appropriate heating methods will be utilized to keep food warm and suitable for consumption. The receptacles used for carrying food shall be provided with well fitting lids. All food shall be carefully protected from flies and other insects.

(3) 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 Jailor. They shall see that food issued to any prisoner is not taken away by another or is otherwise wasted.

(4) After service of food at least twenty minute time shall be allowed to prisoner to eat the food.

(5) Except with the permission of the supervising officer, no food is to be taken away from the dining area by any prisoner to eat it elsewhere.

(6) 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.

(7) The floor and platforms shall be cleansed immediately after the prisoners finish their meals.

764. 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.

765. 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 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.

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

767. 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.

768. 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.

769. 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 a 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.

770. Power to sanction change in diet.- (1) The Head of Directorate 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 Head of Directorate of Prisons.

(2) 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 Head of Directorate of Prisons shall be obtained by the Superintendent.

771. Control of hospital diet.- The control of diet of a prisoner in hospital shall be the responsibility of the 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.

772. Cutting of hair.- The rules for cutting hairs shall be as follows:-

- (a) 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.
- (b) Those prisoners who were accustomed to shave their faces before admission to prison may be allowed the facility of shave in prison.
- (c) The prisoner may be allowed to maintain their personal appearance, beard, hair. etc.
- (d) The prisoners allowed retaining beard, long hair etc. may have them cut at their own request, in writing with the permission of Superintendent.
- (e) All prisoners shall be allowed soap and oil for sanitary purpose and other toiletries at government cost by Superintendent. The Head of Directorate of Prisons shall issue the detailed guidelines for determining the quantity and frequency of toiletry to be provided.

773. Clothing and 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.

774. Scales of clothing and bedding.- (1) The Head of Directorate of Prisons 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.

(2) 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.

(3) The scale of clothing, bedding and other necessities of equipment for prisoners shall be such as may be specified by the State Government, from time to time.

(4) All articles of clothing, bedding and equipment shall be of standard pattern approved by the Head of Directorate of Prisons. The facilities of clothing available to the convicts may also be extended to poor & needy under trials by the orders of the Head of Directorate of Prisons.

(5) Articles of clothing and bedding shall bear a distinct mark to indicate that the articles belong to the prison administration.

(6) The allowance of cotton clothing prescribed in each scale for prisoner should, ordinarily last for one year except in the case of cotton sheet which should last for two year. The durry/ Bedding, jacket, sweater and blankets may last for three years.

775. Clothes of convicts.- The prisoners shall be provided with dresses to suit their physical measurement.

776. Clothing of any category of prisoners not covered in these rules.- The clothing of any other category of prisoners, not covered in these rules, shall be decided by the Head of Directorate of Prisons, 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.

777. Clothing of convicts attending courts.- (1) 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.

(2) In other cases, the Superintendent shall provide suitable clothing.

778. In charge of clothing store:- The 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.

779. 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 Deputy Superintendent shall pay special attention to their clothing and bedding and shall satisfy himself that each man's kit is complete and is in proper condition. Suitable arrangements shall be made for washing and cleaning of every article of prisoners' clothing and bedding.

780. 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, if facility is available, 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 as decided by the State Government, from time to time.

781. Disposal of irreparable clothing.- (1) 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 may be sold through public auction.

(2) Unserviceable clothing shall be stocked separately and a proper stock register shall be maintained for this purpose.

782. 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 specified for disposal of irreparable clothing.

783. Submission of clothing and bedding indents.- (1) 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 Head of Directorate of Prisons for sanction.

(2) No clothing or bedding shall be issued from the manufacturing department of any prison unless the indent is approved by the Head of Directorate 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 Head of Directorate of Prisons.

ACCOMODATION AND VENTILATION

784. Capacity of ward to be inscribed near the door.- (1) 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.

(2) 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.

785. Ventilation of wards and workshops.- (1) 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 other officers shall also be deputed for this purpose.

(2) 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.

786. Walls to be color or white-washed.- The walls of prison buildings shall be white-washed, from time to time. The interior of barracks, wards and cells in which prisoners are confined, will be white-washed at least once in a year.

787. Planting of trees.- (1) 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.

(2) 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 cleared. Wherever the paths are made of tarmac, the uneven surface shall be leveled properly.

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

789. Responsibility of Health Officer.- The Municipal Health Officer, District Health Officer or the Health Officers of the Municipality, as the case may be, shall visit the all prisons under their jurisdictions once a month and offer suggestions for sanitation and hygiene.

790. 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.

791. Prohibition of cesspools and open drains.- Cesspools, and open drains for accumulation and disposal of sewage are prohibited inside or near a prison.

792. Precaution against malaria.- All pits and pools of 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.

793. 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.

794. Injurious conditions in the prison neighborhood.- (1) 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 Head of Directorate of Prisons. The construction of public latrines and sewage drains near a prison is objectionable and measures shall be taken to prevent such constructions.

(2) 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.

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

796. 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.

797. Stores.- 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.

798. Baths.- 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.

WATER SUPPLY

799. Selection of source of water supply.- (1) Wherever water supply system of Municipality, Public Health and Engineering Department (PHED) Rajasthan, etc. exists, arrangements shall be made to connect the prison with it by a pipe line.

(2) If well or tube-well is use in a prison such wells should be well protected from being polluted by percolation of surface water.

(3) The mouth of every drinking water well shall be completely closed and the water shall be raised by a pump. The surface surrounding the well at its mouth shall be covered with a sloping cement platform with a drain around it to carry spilt water, and the well shall be lined to a sufficient depth to render the tube impermeable.

(4) Every water storage tank should be cleaned regularly and the date on which it is done shall be recorded. It will be maintained as per directions provided in the Maintenance Manual issued from time to time by Public Works Department.

(5) Once a week, the depth of water in each drinking water well shall be tested and a record of the results maintained.

800. Filtration of Water.- (1) Drinking water shall be filtered as per the directions of the Head of Directorate of Prisons, on the advice of medical authorities/ Water supplying agencies.

(2) There shall not be any garbage dump or sanitary wastes within a radius of 15 meters of any ring well or tube well.

801. 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.

802. Supply of Drinking Water.- (1) 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.

(2) 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.

803. Analysis of water.- (1) Samples of the water in use for domestic purposes in every prison shall ordinarily be submitted to the Local water Analyzing Authority/PHED twice a year, for both chemical and bacteriological examination.

(2) 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 Medical and Health 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.

(3) The local Water Analyzing Authority shall, in due course, forward a copy of its report of analysis, through the Director of Medical and Health Department to the Superintendent of prison and another to the Head of Directorate of Prisons.

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

805. Provision of water to staff quarters.- (1) Adequate supply of water shall also be ensured to the residential quarters of the prison staff. The conditions of the cleanliness of water mentioned above shall apply here as well. Every officer occupying staff quarters shall be held responsible for the cleanliness of his premises. The Superintendent and the Medical Officer shall periodically inspect the staff quarters to check general cleanliness.

(2) 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.

ELECTRICITY

806. Provision of Electricity.- The efforts shall be made by all concerned Departments of the Government to provide continuous electricity to the Prisons and its staff quarters.

CHAPTER XXXVI
MEDICAL CARE

807. Medical Administration.- (1) Medical administration is one of the most important concerns of prison management and therefore the Medical Officer of a prison shall give careful attention not only to the treatment of sick prisoners but also to every matter connected with the health of prisoners and over all hygiene of the prison.

(2) 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.

808. Prison Hospitals.- (1) Hospital accommodation should be provided on the scale of 5% of the daily average of the inmate population in all jails, the prison hospitals may be of Types 'A' and 'B'. Big hospitals, with thirty beds and above shall be called 'A' type hospitals. Other hospitals, with less than thirty beds, shall be called 'B' type hospitals.

(2) The staff and equipment for the two types of hospital shall be as under:-

	Officers	'A' Type	'B' Type
1.	Medical Officer (including specialists)	03	02
2.	Staff Nurses	03	02
3.	Pharmacists	02	01
4.	Male/Female Nursing assistants	03	02
5.	Laboratory Technicians (to be trained in handling all equipments including E.C.G., X-ray and portable X-ray machines)	02	01
6.	Psychiatrist	1	1
7.	Data Entry Operator	1	1

(3) One Ambulance shall be provided in each prison hospital where necessary.

(4) The Medical Officer and staff posted to a prison hospital, shall be entitled for rent free staff quarters.

809. Channel of Communication.- (1) The Senior Medical Officer if appointed, shall be the technical head of all the Medical Officers and shall be in charge of the entire Medical Administration. He shall be responsible for the health care of the prisoners.

(2) The superintendents of prisons shall be the administrative head and all correspondence to the Director General of Prisons or to the Director Medical and Health shall be routed through him.

810. General Duties.- The general duties of the Medical Officer or 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.

811. Daily visits to prison.- (1) The Medical Officer shall visit the prison and shall see sick prisoners every day who shall visit the prison on Sundays and holidays as well, whenever necessary.

(2) He shall inspect every part of the prison and check all prisoners at least once in a week and record his observations in his report to be sent to the Superintendent of Prisons and Head of Directorate of Prisons periodically.

(3) He shall also make a full medical inspection of all the prisoners once a month and 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.

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

813. Treatment of Drug Addicts.- The Medical Officer shall organize de-addiction programmes for such prisoners who are known to be drug-addicts and he shall also organize training in Transcendental Meditation and Yoga for them.

814. Attendance at Weekly Inspection.- The Medical Officer shall be present during the Superintendent's weekly inspection and shall over see the general health and hygienic conditions prevailing in the prison, he shall pay special attention to any signs of a scorbutic or anemic tendency, any deterioration in health conditions, and skin diseases, he shall also examine the prisoner's clothing and bedding to see that they are adequate and cleaned and he shall examine the drainage, ventilation, drinking water and conservancy arrangements of the prison.

815. Attending to Prison Officers.- (1) The Medical Officer shall attend to the medical needs of all prison officials and their families residing in the prison's staff quarters and barracks and he may depute the Pharmacist in the slight cases among the sub-ordinate officers.

(2) Medicines required for the treatment of Jail officers and their families shall be supplied from the jail store. But such medicines as are not ordinarily used for the treatment of prisoners and are not available in the stock shall if required, be obtained at the officer's own expense and he shall bring to the notice of the Superintendent any facts respecting the causes of illness that may be of importance in enabling him to determine as to the fitness or otherwise of a subordinate for continued employment in the jail service.

(3) The Medical Officer shall examine all candidates for employment and all jail officers who may be sent to him by the Superintendent for that purpose, and shall certify in writing regarding their physical capacity and state of health.

(4) The Medical Officer 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.

816. Responsibilities of Medical Officer.- (1) The Medical Officer shall verify the accuracy of the records made by the Pharmacist of the prison.

(2) He shall inspect the medicines kept in store once in every month 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 and he shall also inspect the instruments and equipment to see that they are being maintained properly and sufficient stock is kept in reserve.

(3) All indents by the Medical Officer shall be scrutinized and countersigned by the Superintendent.

(4) He shall examine all cases coming for release on medical grounds.

(5) Whenever the mortality of a prison in a month exceeds 0.5% per annum, he shall record an explanation of the cause of such excess of mortality in the monthly return and in the event of unusual mortality, he shall make a special report on the subject for transmission to the government through the Head of Directorate of Prisons.

(6) The Medical Officer shall also be responsible for conducting medical examination of candidates selected for appointment to various posts in the prison under direct instruction of the Inspector General of Prisons.

(7) If a prisoner abstained from food and thereby is in the opinion of the Medical Officer, endangering his health or his life, the Medical Officer may administer food to him in such manner as the circumstances so warranted.

817. Maintenance of Order book.- (1) The Medical Officer shall keep a order book in the specified Form, in which he shall record every visit made, 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.

(2) While doing so he shall make specific note of the following, namely:-

- (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 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; and
- (c) Any marked increase in the number of in or out door patients and its apparent causes.

(3) After each visit this order book shall be sent immediately to the Superintendent for his perusal. Thereupon the Superintendent may issue any orders he thinks fit.

818. Submission of Returns.- (1) The Medical Officer shall punctually submit the specified returns and shall furnish any other information regarding the medical administration of the prison, which the Head of Directorate of Prisons may call for. A report regarding the sanitary condition prevailing in prison shall also be furnished to the Inspector General along with the annual returns.

(2) The following returns and reports shall be submitted by the Medical Officer, namely:-

- (a) monthly return in specified Form, of sick prisoners shall show the number of admission and deaths amongst prisoners of all classes from the chief diseases;
- (b) annual return in the specified Form shall be prepared by or under the orders of the Medical Officer duplicates shall be submitted to the Head of Directorate of Prisons through the Superintendent of jail and he shall also keep or cause to be kept, all such records as may be prescribed;
- (c) annual Return in the specified Forms, showing sickness and mortality of prisoners; and
- (d) in the specified Form report of the occurrence of grave infectious disease.

819. Maintenance of Registers.- (1) The Medical Registers and Forms other than the order book shall be kept under the orders of the Medical Officer, who shall be responsible for their correctness and at the Head of Directorate of Prisons inspection, the Medical Officer shall produce before him, every register and record, connected with the Medical Department of the Prison.

(2) The following registers shall be maintained by the Medical Officer and medical subordinate, namely:-

- (a) Medical Officer's order book;
- (b) Register of morning state at sick;
- (c) The Hospital Register and the Hospital Roll of sick diet, bazaar medicines and other hospital records shall be kept under the direction of the Medical Officer, who is responsible for their correctness;
- (d) Register of convalescent and special gangs which shall be divided into four parts:
 - (i) The convalescent gang ... A class,
 - (ii) The convalescent gang ... B class,
 - (iii) The special gang ... A class, and
 - (iv) The special gang ... B class;
- (e) Register of weekly weighments of prisoners losing weight; and
- (f) such other Register as may be specified by the State Government, from time to time.

(3) The name of every prisoner ordered by the Medical Officer to be placed in either of these gangs shall be entered according to the gang and according to the class, also any special diet or any special treatment ordered in individual cases when a prisoner is discharged from the gang, his name shall be scored through and at the beginning of every three months a new list shall be made out of every gang.

820. Clinics and Labs for Prison Hospitals.- The following equipment shall be made available to prison hospitals, namely:-

- (a) Dental clinic with all equipment;
- (b) Ophthalmology Clinic with all equipment;
- (c) Minor operation theatre with all surgical equipment;
- (d) Clinical laboratory with required equipment;
- (e) X-ray lab with dark room and equipment;
- (f) Physiotherapy unit with equipment;
- (g) De-toxification unit;
- (h) Psychiatric unit with equipment; and
- (i) Sonography equipment.

821. Uniform of Medical Staffs.- (1) The Jail Medical Officer shall be supplied with four coats per year as uniform, these coats shall be made from a prison made drill and tailored in the tailoring section of the prison and the coats shall be the property of the Home Department and shall be kept in the prison.

(2) The medical staff posted to the Prison hospitals shall wear the uniform prescribed by the State Health Services or Medical Department.

822. Hours of Duty.- In prisons where there are more than one Medical Officer,-

- (a) the hours of duty during the day shall be equally distributed between them by the Medical Officer, ensuring that one of them is always present in the prison, and
- (b) the duty hour of the Medical Officer during day time is fixed as follows.

08.00AM to 12.00 Noon,

03.00 PM to 06.00 PM.

823. Duties of the Medical Officer of the jail.- The duty of Medical Officer shall be as under,-

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

- for cooking and washing utensils is changed frequently, and that the utensils in use are clean and in good condition,
- (xvii) to supervise the supply of milk to the hospital, to test the milk in the prescribed manner, to see that it is properly boiled before issue,
- (xviii) to inspect the food supplied to civil and un-convicted criminal prisoners by their friends,
- (xix) to keep a watch on prisoners suspected of malingering and to report the result of his observations,
- (xx) to be present at various parades and separate for examination and treatment any prisoner who appears to be in need of attention or who is known or suspected of leaving part of his food uneaten,
- (xxi) to bring to the notice of the Superintendent any female whom he may suspect to be pregnant,
- (xxii) to see the bathing of prisoners suffering from skin infections,
- (xxiii) to examine all newly admitted prisoners and to record in the admission register and medical sheets particulars regarding their health, and the kind of labour and they can perform in view of their health conditions,
- (xxiv) to satisfy himself that the person, and private clothing, of newly admitted prisoners are properly cleaned, and that the clothing is, if necessary, disinfected before keeping in the store rooms,
- (xxv) to vaccinate newly admitted prisoners, and (if so directed) infants admitted with their mothers or born in prison,
- (xxvi) to bring promptly to the notice of the Superintendent any case of suspected cholera or other contagious or infectious diseases that may appear amongst the staff or inmates of the prison,
- (xxvii) to examine the wells and other sources of water supply, to bring to notice any defects with regard to the quantity or quality of water supplied, to examine every day all tanks and vessels in which water is stored or conveyed, and to prepare samples of water for analysis as and when required,
- (xxviii) to inspect the surroundings of the prison at least once a week and he shall pay particular attention to manner in which filth is trenched or otherwise disposed of, and
- (xxix) to attend to the ventilation, with due regard to the season, of the hospital, sleeping wards and workshops and to satisfy himself that prisoners are not unnecessarily exposed to draught or rain.

824. The weighing of Prisoners.- The Pharmacist shall be present during the fortnightly weighing of prisoners and 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 all prisoners who are losing weight to any noticeable extent:

Provided that 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 Pharmacist in carrying out the work of recording the weight of prisoners.

825. Fortnightly Weighing.- (1) Care shall be taken that the fortnightly weighings, under sub-section (2) of section 35 of the Prisons Act, 1894 (Central Act No. 9 of 1894), are done at approximately the same time of day to avoid as far as possible, the variations that naturally take place throughout the day.

(2) Since no labour is done on Sundays, Sundays will be most suitable for taking weights and when the number of labouring prisoners is large, they can be divided into two groups, with each group being weighed on alternate Sundays. Assistance of the pharmacist and a member of the executive staff detailed by the Superintendent may be taken for the purpose.

Explanation: The body weight varies to a certain extent from time to time under normal conditions. Therefore, small differences of weight up to one kg would not necessarily indicate that the weights were taken carelessly.

826. Record of weights.- (1) The initial weight on admission to prison and the final weight before release shall be recorded in the Admission Register and these, as well as all the intermediate fortnightly weights, shall be recorded in the prisoner's History Ticket and weightchart.

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

827. Treatment of Prisoners Losing Weight.- (1) All prisoners who have lost more than 1.5 kg since the last fortnightly weighing, or more than 3.0 kg since admission to prison, shall be paraded with their weight charts for the inspection of the Superintendent and the Medical Officer on the day following the day the weighing is done.

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

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

829. Examination of Prisoners Complaining of Illness.- Every prisoner complaining of illness, or appearing to be ill, shall be sent to the prison hospital for immediate examination and further treatment by the Medical Officer or, in his absence, by the Medical Subordinate.

830. Rules regarding Treatment of Prisoners at outside hospital.- (1) On the advice of the Jail Medical Officer, the Superintendent may transfer any sick prisoner to the outside Government hospital or Referral Hospital and if the Jail Medical Officer is of opinion that prior approval of the Head of Directorate 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 Head of Directorate of Prisons.

(2) No prisoner shall be allowed to stay in an outside hospital except on ground of dire medical needs and in case of under-trial prisoner, the trying court shall be kept informed.

(3) If a case which is reported by the Superintendent of the jail or Sub-Jail to be serious enough to be admitted into the General Hospital for treatment, the Head of Directorate of Prisons or Magistrate as the case may be should not normally question the correctness of the Superintendent of the jails decision and should take all steps for early admission of the patient into the hospital.

(4) When dangerous or influential prisoners are taken out from jail and kept for long periods in far-off hospitals or Medical Colleges and Hospital for treatment, some time they get full scope and freedom to do what they like, even in warders escort or police escort and the Superintendent of jail shall send jail officer and reliable Head Warden to supervise the guarding duties at outside hospital at regular intervals and mention the same in the daily situation report send to the Deputy Inspector General of Prisons (Range) and Head of Directorate of Prisons.

(5) In case any prisoner is taken out of the State for special treatment, the Head of Directorate of Prisons shall depute a prison official along-with adequate state police force for security of the prisoner during transportation to the referral hospital.

(6) When a prisoner is referred to other state for special treatment, the State Government shall be consulted under section 3 of Transfer of Prisoners Act 1950 (Central Act No. 29 of 1950) so that the prisoner can be detained temporarily in the prisons of that State, on reaching in the state concerned, security of the prisoner shall be ensured by the force deputed by the concerned State Government for such work in the hospital referred, this arrangement shall be done before hand and mostly the referrals shall be made to the All India Institute for Medical Sciences or other referral Hospitals of the Government and of Rajasthan and in this case arrangements with concerned Medical Authorities and Hospitals shall be done by the Home Department on permanent basis avoiding repetition of process at every such referral.

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

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

833. Precaution Regarding Milk.- Special care shall be taken with articles such as milk that can easily be adulterated or stolen, fresh milk shall be used, milk shall be frequently tested by Lacto Meter to ensure that it is pure and if the specific gravity of the milk supplied is below 1,025,g/ml the milk should not be accepted.

834. Special Diet for Prisoners not in Hospital.- (1) The Medical Officer may recommend special diet for any prisoner after recording reasons for recommending that in his register.

(2) But such recommendations shall not be made as a matter of routine and the Medical Subordinate can recommend the issue of special diet to a prisoner in the absence of the Medical Officer but he shall report this to him and obtain his approval.

(3) Issue of special diet shall always be in addition to regular diet to which a prisoner is eligible and if it is continued for more than a fortnight, it shall be reported to the Superintendent.

(4) The Medical Officer owns the responsibility to economise the expenditure on this account and shall exercise utmost care in recommending special diet to the prisoners.

835. Indent for Hospital Diets.- An indent showing the number of hospital diets and extras required, shall be sent not later than by 8 AM every day to the officer in charge of ration and care shall be taken that diets and extras reach the prisoners promptly, emergent indents, in cases of urgency, may be sent at any hour of the day and this shall be generally avoided except in cases of extreme urgency.

836. Detention of a Prisoner for Observation.- (1) A prisoner may be detained for observation in the hospital for 24 hours and his name shall be entered in the proper register.

(2) The number of prisoners detained under observation shall be recorded in the Hospital Roll and the treatment prescribed for them in the prescription book.

(3) If the Medical Officer finds a prisoner to be malingering, he shall at once report the fact to the Superintendent for punishment.

837. Medical Treatment of Sick Prisoners.- (1) Every prisoner suffering from any active disease shall be brought under medical treatment, either as an outpatient or an indoor patient, and his name shall be recorded in the register of out-patients and inpatients.

(2) The treatment of sick prisoners in the prison hospital shall be under over all supervision of the Medical Officer and if, in his absence, the in-charge Medical Officer, takes any action for the treatment of a prisoner, he shall record the action taken and submit his report to the Medical Officer immediately on his return.

838. Maintenance of Case Sheet.- (1) The number of sick in hospital shall be daily recorded in the Hospital Roll of Sick in the specified Form.

(2) Their treatment and diet shall be recorded in the Case Sheet in the specified Form.

(3) Over every occupied bed in hospital shall be placed a ticket in the specified Form, wherein shall be recorded full particulars of the previous history, progress of the case and its treatment and in the case of dysentery it shall be noted whether the prisoner had suffered from the disease in his own home or had previously acquired it in the jail.

(4) In every case of fever a temperature chart in the specified Form, recording the patient's temperature shall be attached to the "bed-head ticket" and suitable clasp frames for holding these tickets should be provided.

839. Proper Place of Washing.- A proper place for washing and boiling dirty clothing and sheets shall be provided and blankets and work clothing's too shall be frequently washed in boiling water.

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

841. 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 the Medical Officer.

842. Supply of Medicines When Under Treatment at Hospitals outside the Prison.- Where a prisoner is undergoing special treatment in a hospital outside the prison and any medicine prescribed by the Medical Officer of such outside hospital, which is absolutely necessary, and is not available at the said hospital, the same shall be purchased by the Superintendent, locally.

843. Allotment of labour 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 labour, he shall record such opinion in the prisoner's History Ticket and the prisoner shall not be employed on that labour.

844. To assist Superintendent.- He shall render assistance to the Superintendent by reporting to him all matters affecting health, such as,-

- (a) over crowding,
- (b) unsuitable, worn out or dirty clothing,
- (c) neglect of personal cleanliness,
- (d) undue exposure to weather,
- (e) unpunctuality of meals,
- (f) neglect to air-dry or clean clothes and bedding, and
- (g) unsuitable tasks.

845. Duties of the Staff Nurse and the Pharmacists.- (1) The Staff nurses, Pharmacists and other technical staff shall obey the lawful orders of the Medical Officer and the Assistant Surgeon in all matters connected with the medical work of the prison and of the Superintendent or Jailor in other matters.

(2) Their duties shall be to help the Medical Officer in the maintenance of the health of the staff and prisoners by 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.

846. Medical Officer to Supervise Treatment of Outpatients.- Prisoners suffering from only minor ailments shall be treated as outpatients, the Jail Medical Officer shall be responsible that all other patients are admitted to the prison hospital and under no circumstances prisoners suffering from dysentery shall be treated as outpatients.

847. 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.

848. Supply of Hospital Clothing and Bedding.- (1) Every patient in hospital shall be provided with a proper mattress, a pillow and white sheets.

(2) If any epileptic is placed in a cell but 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.

(3) It is the duty of every Jail officer at once to bring to the notice of the Jail Medical Officer or medical subordinate any circumstances from which the sickness of any prisoner may be inferred and if a prisoner be observed to visit the latrine oftener than usual, he shall be removed to a segregation ward for observation.

(4) In every jail, separate hospitals shall be provided for male and female prisoners, all prisoners complaining of illness shall be brought before the Medical Officer and shall be examined by him and he shall determine whether they shall be placed under medical observation or treated as outpatients, or admitted to hospital; or if he thinks necessary, he shall take any other action he is empowered to take by these rules. When a consultation is necessary a Government Medical Officer shall be called in, if possible.

(5) Private medical practitioners shall not be allowed to enter the jail to treat prisoners and they shall only be called in for consultation on the recommendation of the Jail Medical Officer and with the authority of the Inspector General of Prisons and if, therefore, the Jail Medical Officer considers it absolutely necessary to consult a private medical practitioner he shall immediately submit his recommendation to the Head of Directorate of Prisons through Superintendent of jail for the orders.

(6) No drugs, medical or surgical appliances, etc, from private sources shall be permitted to enter the jail without the approval of the Medical Officer.

Note: A Government lady doctor, if available, may be called for where an exhaustive examination of a female prisoner is considered desirable.

849. 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 considers it safe to discontinue the precautions and the Medical Officer shall give written instructions as to the cleaning, disinfecting or destroying of any infected clothing or bedding, and shall satisfy himself that the same are carried out.

850. Segregation of Prisoners in the Prison Hospital.- (1) Cases of dysentery and diarrhea shall be treated in a separate ward, if possible, loose stool of such patients shall be disinfected and destroyed by fire and all wards, beds, bedding, clothes and latrine vessels used by them shall be thoroughly disinfected.

(2) Prisoners suffering from venereal diseases shall be segregated.

(3) All cases of pulmonary tuberculosis shall be segregated in special wards and all necessary precautions shall be taken to guard against the spread of infection to other prisoners.

(4) All prisoners suffering from malarial fever shall be segregated and provided with mosquito nets.

(5) Measures to be taken for the prevention of plagues in Jails.

(6) All cases with abnormally enlarged spleen shall have boundaries marked on the skin and shall be provided with some distinctive clothing and care shall be taken that the spleen is not hurt.

(7) Minor infectious diseases such as scabies, mumps, measles, or other infectious shall on no account be neglected, segregation for the full period shall be enforced, cases of scabies need not, as a rule be admitted into hospital, but segregated from other prisoners.

(8) 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.

851. Treatment of Prisoners discharged from Hospital.- Every prisoner on discharge from hospital shall either be put to labour or placed in the 'Invalid Group', as the Medical Officer may direct.

852. Composition of the Invalid Group.- The invalid group shall consist of,-

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

853. Treatment of the Invalid Group.- (1) Prisoners in the invalid group shall be given some light work suited to their strength and shall, as far as possible, be kept together for the purpose of diet and observation, both by day and night.

(2) A register of such prisoners in the specified Form shall be kept and no prisoner shall be placed in or discharged from this group without the permission of the Medical Officer and they shall also be examined daily by the Medical Subordinate, and at least once in a week by the Medical Officer.

854. Duties and Function of the Pharmacist.- (1) At the opening of the wards he or she shall at once see any prisoners complaining of sickness and if necessary he shall send them to hospital at once, but if he thinks this unnecessary he shall bring them to the notice of the Medical Officer on his or her arrival and he or she shall also see that medicines are distributed to prisoners of the outgoing gangs who need them and shall then go round the hospital visiting each patient and doing whatever is needful for him at the same time making notes of the condition or progress of the case on the bed- head tickets for the information of the Medical Officer.

(2) He or she shall every morning visit the "convalescent" and "special" gangs and prisoners kept under observation and see that medicines are distributed to those requiring them and that they get the special food, clothing, bedding and rest ordered for them and if any prisoner is removed from the 'convalescent' or 'special' gangs without the authority of the Medical Officer, he shall report the matter to him.

- (3) He or she shall visit all prisoners confined in cells daily, and report to the Medical Officer any complaints that may have been made to him.
- (4) He or she shall be responsible that indents of all medicines are correctly prepared, that the medicine almirah is kept locked and all poisons kept separate, he shall not permit any convict attendant to handle any instrument or distribute any drug misapplication of which may be attended with danger, he or she shall write the hospital diet book, make the necessary indents for articles of diet for the sick and local purchase medicines, etc. to the proper jail officers and he or she shall see that the food is properly prepared and distributed to the sick prisoners in time.
- (5) He or she shall keep all the hospital register written up to date, shall punctually prepare and submit to the Medical Officer monthly and other returns and be generally responsible for the hospital records.
- (6) He or she shall be responsible that the surgical instruments are kept in good order and for the safe keeping and cleanliness of clothing, bedding and blankets etc. issued for use in the hospital and any deficiency in stock shall be reported by him to the Medical Officer.
- (7) He or she shall be responsible for the maintenance of cleanliness order and discipline in the hospital and see that all jail rules are strictly observed in it, that the hospital attendants do their duty and also that any want of or excess of hospital attendants is brought to notice. When any prisoner is so seriously ill as to need the services of a special attendant, the medical subordinate shall take the orders of the Medical Officer, who shall apply to the Superintendent for the service of a convicted prisoner for this duty.
- (8) No convict attendant shall be changed without the written order of the Superintendent and the names of such convict prisoners as are selected for attendants shall be recorded and the fact of such duty entered on the history tickets of each.
- (9) All prisoners who are suspected to be insane shall be examined by him daily and a report of their mental condition submitted to the Medical Officer.
- (10) He or she shall frequently be present at the various parades and separate for treatment any prisoner whose appearance or manner denotes that he is not in his usual health and he shall pay special attention to the gums and teeth of the prisoners.
- (11) He or she shall arrange that all cases of bowel complaint are treated in a separate ward and that the evacuations of such patients are laid out for the Medical Officer's inspection in such a way, to leave no doubt as to the identity of the patients who passed them severally, after examination by the Medical Officer he shall see that such evacuations are properly disinfected and disposed off and when the Medical Officer visits the jail, the medical subordinate shall accompany him on his round and take notes of any order given by him regarding the treatment of the sick or the sanitation of the jail.
- (12) He shall carefully examine all new admissions to the jail immediately on arrival and record their state of health and personal marks including marks of wounds, etc. as required by rules and shall see that entries required are made on the history tickets.
- (13) He shall satisfy himself that the private clothing of the newly admitted prisoners is cleansed and disinfected before removal to the godown.

855. Procedure on Death of a Prisoner.- (1) In the event of death of any prisoner, the Medical Officer shall see and, if necessary, examine the body of the deceased prisoner so that he may be in a position to certify the fact and cause of death and immediately he shall intimate the fact to the Superintendent of the jail for intimating the fact to other officials as per the guideline of the National Human Right Commission and Rajasthan Human Right Commission, from time to time.

(2) The Medical Officer shall record details in the proper register as required by section 15 of the Prisons Act, 1894 (Central Act No. 9 of 1894).

856. Registration of Birth or Death in Prison .- The Superintendent of Prisons shall send intimation of birth or death in a prison in writing to the Registrar of the locality appointed for the purpose under the Registration of Births and Deaths Act, 1969 (Central Act No. 18 of 1969).

857. Death in Custody.- (1) When a military prisoner dies in prison, immediate report thereof shall be given to the Commanding Officer who sent him to the prison.

(2) When a foreign prisoner dies in prison, immediate report shall be sent to the District Magistrate of the district and the Head of Directorate of Prisons for further communication to the government and the government shall inform the embassy or the appropriate authority about the death.

(3) Where a woman prisoner dies in prison and leaves a child behind, notice shall at once be sent to the District Magistrate of the district who shall make arrangements for further care of the child as may be deemed fit.

(4) Where a convicted prisoner dies in prison his warrant shall be returned to the court from which it was issued with an endorsement certifying the cause and date of death and where a remand or an under-trial prisoner dies in prison, the court or courts in which the case or cases are pending, against the deceased shall immediately be informed of the fact of death in writing and Intermediate Custody Warrant shall also be returned to the court with an endorsement on the cause of death.

858. Recording of Death.- Entries relating to the death of a prisoner shall be made in the concerned register, in the History Ticket in detail and in the hospital records and all records relating to the death of a prisoner shall be preserved for at least ten years.

859. Disposal of the Dead Bodies of Prisoners.- (1) The body of any prisoner, including that of a child residing with a female prisoner, who dies in a prison or in a hospital or asylum, the body shall be disposed in the following manner, namely:-

- (a) only after postmortem in the hospital, the body may be handed over to the relatives if available; and
- (b) for this purpose, the body may be kept in the hospital mortuary for 24 hours.

(2) If there is no chance of relatives or friends reaching within 24 hours, the prison authorities shall dispose of the body in accordance with the rules and the expenditure to be borne by the Home Department.

(3) The delivery of a body to relatives or friends shall be subject to the conditions that there shall be no public demonstration of any nature in regard to its removal.

(4) The relatives of prisoners, if poor, may be paid a maximum amount of Five Thousand Rupees for transporting the dead body of the prisoner to their native place or for performing last rites.

860. Intimation to Inquiring Magistrate and Police Officer.- (1) Intimation of death, including that of children residing with female prisoner, occurring from whatever cause in the prison shall be sent to,-

- (a) the nearest Magistrate empowered under sub-section (4) of section 174 of the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974) to hold inquests;
- (b) the officer in charge of the police station having jurisdiction, who is required to make a preliminary investigation; and
- (c) National Human Rights Commission and State Human Rights Commission within 24 hours of death.

(2) 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.

861. Postmortem Examination.- (1) A postmortem examination shall be carried out by the outside Medical Officer for all cases of death of prisoners or their children who reside with them, occurring inside the prison premises, in prison hospitals, in transit from one prison to another or from the prison to an outside hospital, or in an outside hospital as per guideline of the National Human Rights Commission or Rajasthan Human Rights Commission as per prevailing rules.

(2) A full report on the circumstances of the death shall be sent by the Superintendent without any delay to the Head of Directorate of Prisons for submission to the Government and reports made by the police and magistrate, the descriptive roll, the reports required by section 15 of the Prisons Act, 1894 (Central Act No. 9 of 1894) and the deposition of witnesses with this report, shall be submitted.

862. 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 to the Superintendent who shall include them in the general indent as the case may be of prison clothingsubmitted for sanction by the Inspector General of Prisons.

863. Indent for Other Articles.- For articles other than diet, clothing and bedding, the Medical Officer shall indent by letter or by entry in his Order book.

864. Local Purchase of Medicines.- (1) In cases of serious illness, and in order to meet extraordinary demands, the Superintendent of Prison, on the recommendations of the Medical Officers of the Prisons, are authorized to purchase medicines locally as mentioned below:-

(a) Superintendent of Central or District Jail	Two thousand five hundred per day
(b) In-Charge of Sub-Jail or Temporary	One thousand per day

(2) The Head of Directorate of Prisons shall be empowered to exercise full power for local purchase of medicines and such purchase shall, in no case, result in unnecessary stocking of medicines and it is the responsibility of the Superintendent to use his discretion properly and to economise the expenditure.

(3) The Superintendents are also to emphasize purchase of generic medicines to reduce the expenditure on medicines and also instructed to contact the Chief Medical Officer of the district to obtain Government supply Medicines to meet the requirement of medicines of the jail.

865. Placing Indents for Supply of Medicines.- (1) The Medical Officers in prison shall forward necessary indents for the supply of medicines, to the approved firms and other sources specified from time to time, through the Superintendent of prisons duly countersigned by the Superintendent with an intimation to the Head of Directorate of Prisons and such indents shall be the proper assessment of requirements for a year and shall reach the approved firm well in advance in order to give sufficient time for getting the supplies.

(2) The indents shall be so prepared to restrict the purchase of medicines from the local market to the barest minimum and to avoid unnecessary stocking of medicines and supplementary indents shall also be forwarded wherever necessary.

(3) In all cases, the matter shall be pursued till the receipt of the medicines indented for and in case of delay the matter shall be reported to the Head of Directorate of Prisons for suitable action.

866. Stock Verification by the Superintendents of Prisons.- (1) The Superintendents of prisons shall conduct stock verification of medicines, instruments and equipment in the prison hospitals annually in the first week of January.

(2) They shall also do surprise stock checking of medicines and medical appliances in the prison hospitals and all differences between the actual weightments and quantities with those shown in the stock books shall be reported to the Inspector General of Prisons.

(3) There shall also be an annual stock verification of these stores by the Deputy Inspector General of Prisons (Range).

867. Appointment of Attendants and Training of Nursing Orderlies.- (1) For the purpose of attending to sick prisoner a few educated convicts of good conduct and undergoing long sentences shall be selected by the Superintendents in consultation with the Medical Officer and trained as nursing orderlies.

(2) A brief syllabus for their training shall be prepared by the Medical Officer for conducting such training.

(3) The number of convicts employed as nursing orderlies shall ordinarily be in the ratio of one for every ten patients and in times of epidemics and other emergencies this proportion may be increased and special orderlies may be allowed for very serious cases or for bedridden patients.

(4) Convict nursing orderlies, who perform their duties satisfactorily, shall be allowed extra remission and daily wages at the same rate and scale as prescribed for a convict night watchman.

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

869. Vaccinations of prisoners on admission.- (1) Every prisoner admitted to prison shall be vaccinated on admission, or as soon as possible afterwards, unless,-

(a) he or she shows clear evidence of being protected against small pox either by having had it before, or by a previous vaccination, or

(b) he or she is undergoing a sentence which will detain him or her in prison for a period not exceeding one month.

(2) The Medical Officer may, at his discretion, dispense with vaccination or revaccination in cases he considers undesirable or unnecessary.

(3) Every prisoner admitted to a prison shall be inoculated against corona and typhoid immediately on admission or soon afterwards. Other preventive inoculations such as against corona and cholera shall be given whenever the Medical Officer considers it necessary in the interest of the health of the prison population.

870. Vaccination Register.- A vaccination register shall be maintained and the particulars of those vaccinated shall be entered in it, when a failure is not attributed to immunity arising from previous vaccination or from previous occurrence of smallpox, the operation shall be repeated and all attempts to render the operation unsuccessful shall be brought to the notice of the Superintendent.

871. Medical Examination of the Members of 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 and reports of such medical examination shall be kept in the office of the Superintendent.

872. Prisoners suffering from chronic infectious disease.- (1) When any convicted prisoner or under-trial prisoner or Civil Prisoner are found to be suffering from chronic infectious disease, the Jail Medical Officer shall record the fact on their history ticket, and

like-wise his opinion whether it is necessary to segregate the prisoner from those who are healthy.

(2) When prisoners suffering from infectious disease have been ordered to be confined in a cell as per the written order of the Jail Medical Officer, care shall be taken that such confinement is not solitary; the prisoners shall see and may converse with other prisoners but shall be kept separate; any cell or other building occupied by an infectious prisoner shall be thoroughly disinfected, the wall scraped, and white wash before it is used for any other purposes; and clothing and bedding that have been used by the above prisoners shall never be reissued but burnt.

CHAPTER XXXVII

EMERGENCIES

873. Situations to be handled on an emergency basis.- The following situations shall be handled as emergencies, namely:-

- (a) escape from prison;
- (b) outbreak;
- (c) riots or gang war;
- (d) strikes;
- (e) hunger strikes (individual or mass);
- (f) assault;
- (g) suicide;
- (h) accidents;
- (i) fire;
- (j) epidemic;
- (k) food poisoning;
- (l) overcrowding;
- (m) failure of water supply, electric lighting arrangements, and other essential prison services like conservancy and plumbing;
- (n) non-supply of food or raw materials resulting in the interference of prison routine;
- (o) flood;
- (p) earthquake;
- (q) terrorist attack;
- (r) bomb explosion;
- (s) war or bombing by enemy nation;
- (t) chemical, nuclear, or biological disasters as the case may be; and
- (u) any other man made or natural disasters.

874. Measures to prevent and control emergency situations.- It is the responsibility of the Superintendent to take sufficient measures for preventing and controlling emergency situations. The measures may include the following, namely:-

- (a) demarcation of an out-of-bound area around the perimeter wall of the prison;
- (b) adequate guarding and security measures and periodical inspections;
- (c) system of thorough searches;

- (d) proper maintenance of the prison building and premises,
- (e) proper custody of tools and equipment;
- (f) proper control of movement of prisoners ;
- (g) timely segregation of prisoners who are instigators, or of bad character ,and are potential risks to prison discipline;
- (h) prompt and strong but considerate handling of all discipline problems;
- (i) attending to care and welfare requirements of prisoners,
- (j) system of good discipline;
- (k) careful handling of plant and equipment;
- (l) periodical inspection of plant equipment and emergency operation;
- (m) accident preventive measures;
- (n) fire preventive measures;
- (o) fire fighting equipment at all vulnerable points;
- (p) good environmental and institutional sanitation and hygiene;
- (q) proper procedure of quarantine for newly admitted prisoners;
- (r) segregation of prisoners suffering from contagious diseases;
- (s) proper storage and inspection of articles of food;
- (t) observance of the required minimum standards in kitchen and canteen operations, service of food and eatables;
- (u) wire guards on trees to discourage prisoners climbing them for escape;
- (v) standby arrangements for water storage, power plant, and emergency lighting;
- (w) concealing all drainage and water pipes in the buildings; and
- (x) delegation of powers to prison officers subordinate to him to use force in emergent situations as is given to the police.

875. Equipment for emergencies.- (1) Each prison shall be properly equipped with the following to meet various types of emergencies, namely:-

- (a) firefighting equipment;
- (b) emergency lighting arrangements like electric torches, gas lights, kerosene lamps and oil torches;
- (c) search lights;
- (d) steel helmets;
- (e) canes;
- (f) tear gas equipment;
- (g) water hoses;
- (h) telephones, inter-communication, walkie-talkies system, mega phone;
- (i) arms and ammunition;
- (j) ladders, axes, knives, ropes, chains, handcuffs, alarms and sirens;
- (k) first aid kit; and
- (l) video camera or digital camera or Any other electronic equipment for photography or modern equipment suitable for tackling any of the above emergencies.

(2) The State Government may consult State Disaster Response Force (SDRF) or National Disaster Response Force (NDRF) or Director of Medical and Health for revision of list of equipments, from time to time.

(3) The Superintendent shall obtain the necessary sanction of the Head of Directorate of Prisons for the purchase of articles listed above.

(4) It shall be the responsibility of the Superintendent of Prison to ensure that all these equipments are always kept in good condition for use in emergency.

876. Preparations for emergencies.- (1) Institutions where dangerous prisoners are kept, or where there is a likelihood of any kind of serious disturbances, should be fully equipped in all respects. In such institutions, the security arrangements shall also be very strict.

(2) Each jail should organise an Reserve Guard, this squad shall consist of personnel below forty years of age; the personnel of this squad shall be given special training in handling various emergencies or unforeseen situations and the squad shall also be properly equipped and ready for action.

(3) Drills for handling emergencies shall be held at fixed intervals and a report should be submitted to the Inspector General of Prisons in the specified form.

877. General instructions for handling emergencies.- The general instructions shall be followed in handling emergencies, namely:-

- (a) giving immediate first aid to the injured;
- (b) preventing entry into the affected area;
- (c) immediate action to counter the spread of trouble to other areas;
- (d) quick intimation to all authorities concerned;
- (e) reporting to authorities concerned for help, if necessary;
- (f) if the Superintendent is not present in the prison when the problem occurs, he shall reach there as soon as he gets its information of such emergency and take suitable measures for controlling it;
- (g) use of control measures, such as handcuffing, locking prisoners, segregating the trouble makers and mob dispersal;
- (h) tightening all security measures according to requirements of the situation;
- (i) mustering all possible help for effective handling of the emergency; and
- (j) obtaining all necessary assistance from the District Collector, the Police and the Fire Brigade.

878. Alarms on prison breaks and escapes.- (1) The following rules shall regulate the use of arms against any prisoner or body of prisoners in the case of a prison break or attempt to escape, namely:-

- (a) any officers of the prison may use a fire-arm or any other weapon against any prisoner escaping or attempting to escape, provided that such officer has reasonable ground to believe that he or she can not otherwise prevent the escape;
- (b) any officers of the prison may use a fire-arm or any other weapon on any prisoner engaged in any combined outbreak or in any attempt to force or break open the outer gate or enclosure wall of the prison and may continue to use such weapon till the combined outbreak or attempt is foiled;

- (c) any officer of the prison may use a fire-arm or any other weapon against any prisoner attacking or using violence to any officer of the prison or other person, provided that such officer has reasonable grounds to believe that the officer of the prison or other person is in danger of life or limb or that other grievous hurt is likely to be caused to him;
- (d) before using fire-arms against a prisoner the prison shall give a warning to the prisoner that he or she is about to fire on him or her;
- (e) no officer of the prison shall in the presence of his/her superior officer use arms of any sort against a prisoner in the case of a prison break or attempt to escape, except under the orders of such superior officer;
- (f) in every prison there shall be a pre-arranged signal to be known as 'the alarm', by means of which information may be conveyed to all officer of the prison and to the police of the occurrence of any outbreak, escape or other untoward event; and
- (g) the prison officer present on duty at the time of occurrence of a prison break, escape or other untoward event in the prison shall repeatedly blow the whistle to warn all officers of the prison and the police force.

(2) This alarm shall as a rule be initiated by the officer who at first notices the occurrence, taken up by all other officers in the vicinity and followed by the quick and continued ringing of the siren provided for the purpose at the main gate. Any deviation from above shall amount negligence in duty and misconduct.

879. Prison officers including Superintendent to be informed.- (1) The Head Warder or Warder on duty at the place where the alarm originated, shall dispatch a other warder or a trust worthy convict officer with all haste to the main gate or use walkie-talkie or similar electronic gadget to convey such information as is known regarding the character of the occurrence that has or is about to take place to enable the Jailor or other officer in charge to direct operations accordingly.

Note: For instance, in the case of any escape, the prisoner's name, the place at which he or she was last seen.

(2) The part of the prison or precincts from which he or she has disappeared and the direction he or she has probably taken shall enable the officer in command to dispose of his or her forces in the most effective manner for its suppression. Importance shall be attached to the footage of Closed Circuit Camera and to act accordingly.

(3) At the alarm, Superintendent, if not present in the prison shall be informed of the incident, using appropriate mode of communication.

880. Police to be informed of the disturbance.- The information of the disturbance shall be immediately conveyed to the police by telephone or by any other suitable medium so that the police force available can march to the prison to assist to quell the disturbance and the Superintendent shall make with the Superintendent/ Commissioner of Police such arrangements as seem advisable for a concerted plan of action in the case of an outbreak.

881. Prisoners inside the prison to be locked up by the warders.- At the alarm, warders in charge of extramural gangs shall collect their prisoners, march them to pre-arranged place, not in the immediate vicinity of the main gate, and shall cause them to sit down in file there. Such prisoners shall not be passed into the jail without the orders of the senior officer present until the disturbance has subsided, all prisoners inside the jail shall with the exception of convict overseers, be locked into the nearest and most convenient ward, workshop, or other building, the convict overseers may be employed to

guard the walls, patrol outside barracks or in such other ways as they may be directed and the other convict officers who are locked in with the prisoners shall be required to maintain order in the building in which they happen to be confined.

882. Prison Officers to be armed and to fall in at the main gate.- On hearing the alarm, every prison officer whether in uniform or not shall proceed immediately to the armoury, arm him or her, proceed to the main gate and carry out operation under the orders of the senior officers present and two squads of men (not from the reserve guard) shall be dispatched to the opposite angles of the prison enclosure outside the walls with the view of preventing any attempt on the part of prisoners to scale the walls.

883. Reserve guard to fall in fully armed.- (1) The reserve guard of the prison shall arm itself and if necessary shall assist the gate sentry in defending the outer gate and the main perimeter wall.

(2) A warder shall also be posted on the roof of the main gate to observe the movement of prisoners 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 to the scene of the disturbance. 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, at that time, the guard posted in the watch tower shall be in readiness and in position to handle the situation and to prevent escape if any and the guard in the watch tower shall inform to all concerned through walkie-talkie.

884. Procedure to be followed during quelling of disturbance.- (1) If it be a case of riot or disturbance inside the jail, Reserve Guard shall have to lead his men into put it down, before taking such a step, however, he shall satisfy himself by enquire from the sentry on the roof of the main gate that the inner gate is clear of prisoners and he shall then lead his men in double file between the gates and the outer gate shall then be locked and the inner gate opened, and the guard passed into the jail to act as circumstances may necessitate.

(2) When the guard enters the prison all whistles shall cease to blow except the original whistle which shall indicate the place of disturbance and which shall cease on the arrival of the guard on the spot, 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; and he or she shall stop the firing as soon as the prisoners ceased resistance or submit and only minimum force necessary shall be used in all circumstances.

Note: The officer in charge should be careful to keep his men together in line and not to allow them to approach the body of prisoners nearer than 50fts, from which distance he is in the best position to deal with rioters. A few warders should in all cases be armed with batons and provided with handcuffs for securing refractory prisoners.

(3) If the disturbance occurred within the wards, the available guard shall enter the prison armed with batons and shall proceed to the ward gate and a party shall be detached to enter the ward and quell the disturbance while the remaining force waits at the ward gate.

(4) The procedure to be followed during quelling of disturbance must necessarily depend on the character of the occurrence, absolute silence shall be preserved and the proceedings shall

be carried out in an orderly and systematic manner and every officer shall be instructed about his or her duties beforehand so that he or she may know exactly what to do and where to go.

885. Escape of the Prisoner from work site.- (1) On the alarm being sounded because of an escape from a work site from outside the prison, the officer in charge of the main gate shall dispatch as many warders as he or she can spare for assistance and the remaining warders shall wait for orders from the senior officer present.

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

(3) As soon as a report of an escape is received, the Jailor on duty shall,-

- (a) dispatch a party of sufficient strength to search the locality where the escape has occurred; and
- (b) inform the Superintendent about the escape.

886. Notice of the escape to the Police, District Magistrate etc.- The Superintendent shall give prompt notice of the escape to the nearest police station, the Sub Divisional Magistrate or Tehsildar of the area, the District Magistrate and the Superintendent of Police or Commissioner of Police, as the case may be, such information shall be accompanied by a descriptive roll giving a description, residential address and photo of the escaped prisoner, he or she shall also send immediate intimation to the police station near the prisoner's home and if the prisoner belongs to a district other than that in which he or she was in prison, intimation shall be sent to the District Magistrate as well as to the Superintendent of Police of that district or Commissioner of Police, as the case may be.

887. Recapture of prisoner.- Where an escape has taken place and the escaped prisoner is recaptured, immediate notice shall be sent to the nearest police station and the Superintendent of police, Commissioner of Police, Tehsildar or Sub Divisional Magistrate of the area and the District Magistrate and an escaped prisoner who is recaptured may be received back into prison on the original warrant.

888. Report of escape and recapture.- (1) A report of the escape and recapture shall be given to the Deputy Inspector General of Prisons (Range) and Head of the Directorate of Prisons in the specified Form, in the case of escapes that do not arise from mere negligence, but from some defect in the building or in prison rules, such defect shall in all case be pointed out and whenever a prisoner escapes from any jail a copy of the escape report shall be sent to the Superintendent of the Central Jail and such report shall show to what extent any jail officer has been in fault in connection with the escape and what action has been taken against the offender and the punishment awarded, if any.

(2) A report of escape and recapture shall also be sent to the convicting court or trial court.

889. Reward to Prisoners preventing an escape.- All cases in which prisoners prevent an escape, either by warning to 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 Deputy Inspector General of Prisons (Range) and Director General, Prisons, with a view to giving them suitable rewards and if the prisoner comes under the remission rules, extra remission may be given or recommended. The Head of the Directorate of Prisons may take decisions regarding the sanctioning of rewards in such cases.

890. Superintendent to hold enquiries.- Enquiries on incidents like assaults on prison officials, escapes and outbreaks shall be conducted by the Superintendent or such other officer as the Head of the Directorate of Prisons may direct. The Superintendent shall submit the complete report to the Head of the Directorate of Prisons, Deputy Inspector General, Prisons (Range) and to the Superintendent of Central Jail in case of District and Sub- Jails.

891. Punishment for facilitating an escape.- Every officer of the prison, because of those assistance, connivance, an escape takes place, shall be prosecuted under sections 222,223 or 225A of the Indian Penal Code, 1860 (Central Act No. 45 of 1860) unless every extenuating circumstances are present or the Superintendent considers the evidence insufficient to procure a conviction.

892. Particulars of escaped prisoner to be entered in the Escape Register and History Ticket.- (1) The name, register number and date of escape of every prisoner who has escaped and has not been recaptured shall be entered in the Escape Register and the Prisoner's History Ticket and when a prisoner is recaptured the date of recapture shall be noted and the warrant of a commitment of a prisoner who escapes and remains at large for ten years shall be returned to the court after that period with an endorsement to the above effect and showing the date of escape.

(2) Every prisoner who escapes or attempts to escape, shall be prosecuted and on no pretext shall these offences be treated as breaches of prison rules and on receipt of written report from jail authorities, the officer-in-charge of Police station shall take action as per rule.

893. Practice or Test alarm.- (1) In order to train all jail officials in their respective duties which they will have to perform in the case of an outbreak, an alarm parade shall be held quarterly at any hour of the day or night as fixed by the Superintendent.

(2) In carrying out this parade the procedure detailed above shall be strictly followed except that warder shall fire blank instead of live cartridges.

(3) At these parades, the Jailor shall make a note of the time at which each jail officer appears ready for duty after the alarm has been raised; the date and hour at which each parade is held shall be reported by the Jailor in his report book; likewise the time taken by the reserve guard to come to the main gate, the time taken by his subordinates and other warders to muster and proceed to their posts, the names of any who were late or absent, and the time taken to complete the parade or if the parade was not carried out correctly, he shall state what the defect was and who was in fault; for holding practice alarm parade, the local police station shall be intimated prior to such parade.

(4) Whether an alarm is real or false all the details from the preliminary signal to the conclusion of the search for the missing prisoner, or the suppression of the disturbance, as the case may be, shall be carried out, absolute silence shall be preserved and the proceedings shall be carried out in an orderly and systematic manner, the Deputy Jailors and Head Warders who have to take charge of detached parties of men shall be instructed in their duties beforehand, so that they shall know exactly what to do and where to go without waiting for instructions from the officer in-charge.

894. Conclusion of alarm.- The alarm shall be concluded by blowing the whistle or siren in a long blast followed by a few quick strokes at the gongs as a signal for all officers who have taken part in the parade to return to main gate, fall into line and be dismissed by the Jailor.

895. Escape during the night.- In case of escape or disturbance at night or after all the gangs are inside the jail, the same method of starting an alarm shall be followed, namely the blowing of a whistle and the conveyance of the necessary information to the main gate by

the patrolling officer, if after lock up, or by some junior officer, if before that time; a sentry shall be posted over the main gate and the necessary pickets sent to surround the jail from outside to frustrate attempts at escape, as is done during the day; all officers and warders with the exception of the reserve guard shall, however, be armed with lathis instead of rifles and shall be provided with lighted torches; if it be reported that a prisoner has escaped and it appears probable that he is still lurking within the jail, warders with lighted torches shall be posted at intervals inside the enclosure walls (or if absolutely necessary trust-worthy convict overseers may be taken out and detailed on this duty); the remaining warders shall be divided into two parties, one to search inside and the other outside the jail.

Note: Torches ready for use should be kept in a box at the main gate.

896. Report to the Inspector General of Prisons.- (1) If a prisoner escapes, the Superintendent or in his absences, Jailor or Deputy Jailor shall immediately convey the message over phone to the Head of the Directorate of Prisons, Inspector General or Deputy Inspector General of Prisons in his absence the next officer available in the headquarters followed by a detail report within 24 hours from time of escape, it shall contain information on the time and circumstances in which the escape occurred, the party or parties by whose neglect it occurred, whether the prisoner has been recaptured and if not the measure taken to recapture him; when the prisoner is recaptured, another report shall be sent to the Head of the Directorate of Prisons, Inspector General or Deputy Inspector General of Prisons (Range).

(2) The name, register number, and date of escape of every prisoner who has escaped and has not been re-captured shall be entered inside the cover of the current release diary of each year; when a prisoner is re-captured, the name should be marked off and the date of re-captured noted and by this means every new Superintendent and Jailor can ascertain what escaped prisoners remain at large.

897. Alarm to be sounded on outbreak.- (1) Whenever there is a Jail outbreak, or and agitation inside a prison, the concerned Superintendent or Deputy Superintendent of Prison shall inform the District Police who shall take necessary action to control the situation and bring order inside the prison, however, till the arrival of the District Police, the prison guards and security personnel guarding the prison shall initiate steps to control the situation and prevent further untoward incidents.

(2) 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, every prison official outside the prison shall proceed at once to the guard room and arm himself with a baton; a messenger shall be sent by the senior officer present to the Superintendent and Deputy Superintendent who shall summon every available man.

898. Response to alarm.- 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 and 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.

899. Duty of convicts on hearing an alarm.- When the alarm is given it shall be the duty of every convict to run at once to previously defined places of security, usually the nearest sleeping barrack, where they shall be locked in by the warders inside the prison and prisoners shall be warned in advance that neglect of this rule shall render them liable to be treated as participating in the outbreak.

900. Methods of quelling disturbances.- (1) On reaching the scene of disturbance, the guard shall proceed to quell it by using batons or tear gas, if available, as the officer in command may decide; action shall first be directed to prevent any attempt at escape, to isolate the rioters from other convicts, and to rescue any prison officer who may be in danger; if the disturbance is accompanied by an attack on any prison official, or by a combined attempt to escape, the officer in command shall warn the prisoners that they 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; and only minimum force necessary shall be used in all circumstances.

(2) On arrival of the Superintendent, his orders shall be taken and all officers from the rank of Jailor and below shall act as per his orders.

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

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

901. Defence 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 and it shall be stopped as soon as the prisoners are driven back.

902. Procedure when unnatural death occurs.- (1) 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 and the body shall be left untouched in the position in which it was found for inspection by these officers.

(2) If there are chances that the person is still alive, measures shall be taken at once for the prisoner's first-aid and treatment and revival.

(3) If it is uncertain that death has occurred, measures shall be at once taken to restore animation and for this purpose the body may be removed, immediately on its discovery, from the position in which it was found.

(4) 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 and all measures shall be taken to restore consciousness, without waiting for assistance, which however shall be called for without delay and in all events of a death, procedures laid down in the chapter on death should be followed.

(5) In all cases of sudden or violent death, or of a death due to an accident or of supposed suicide of a prisoner, an inquest by the proper officer shall be held on the body, the proper officer to hold the investigation is the Magistrate of the district, or Magistrate deputed by him. An immediate report of the occurrence shall therefore be made by the Superintendent to the proper officer and a careful enquiry shall be made into the circumstances of every case and a full report shall be submitted by the investigating officer without delay to the Head of Directorate of Prisons.

(6) The above report shall contain a distinct and formal finding in addition to the depositions of the witnesses examined and a full report of the circumstances attending every case of sudden or violent death shall likewise be submitted by the Superintendent to the Head of Directorate of Prisons.

(7) The guidelines of the National Human Rights Commission or Rajasthan State Human Rights Commission should strictly be followed in submission of detailed report on the death of prisoner in jails.

903. 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 falling or throwing themselves in and care shall be taken that nothing is left about in the prison that may be used for suicidal purposes.

904. Precautions against the prisoners with apparently suicidal tendencies.- Prisoners with apparently suicidal tendencies shall be carefully watched and not left alone in a cell.

905. 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 labelled "Poison" in large printed characters. All these shall be kept under lock and key; and under no circumstances such key shall be entrusted to a prisoner.

906. Precaution against drowning.- (1) 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.

(2) All warders and convict overseers shall be specially warned to prevent prisoners from undercutting when digging or moving earth; the sides of pits formed when digging kankar, brick-making, etc., must be sloped at such an angle that the earth shall not fall on the workmen. The Superintendent and Jailors shall frequently inspect such places and strictly enforce this rule. No prisoner shall be employed under-ground in sinking wells or on any work of dangerous character, unless he volunteers to do so and with the sanction of the Head of Directorate of Prisons and all staircases and verandahs higher than three feet from the ground shall have protecting walls or balustrades of sufficient height.

907. Prevention of fire.- (1) Special care shall be taken while using kerosene and gas lights in any office or store room and even in the maintenance of electric lights, any leakage shall be immediately brought to the notice of the Jailor and rectified without delay.

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

(3) 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 and the concerned senior technical staff of the section shall also be responsible in this regard.

(4) No burning coal, wood or other fuel used in kitchen shall be allowed to be taken out. In charge of the kitchen shall be responsible for any violation and 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 Liquefied Petroleum Gas cylinders and no prisoner has access to such place. If any fire occurs, no body shall be allowed near the gas room until the fire is completely quelled.

(5) There shall be fire hydrants and fire fighting equipments, sand and water buckets in all parts of the prison and especially at all vulnerable points decided in consultation with the Fire Officer.

(6) Electric installations in the prison shall be inspected at regular intervals.

(7) 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.

(8) The 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 and he shall make the staff rehearse the fire drill at least once in six months and this would include fire fighting safety measure and evacuation techniques.

(9) 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 and in the event of fire breaking out in the prison by day or night, the alarm shall be sounded.

(10) 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.

(11) In the event of an injury to a prisoner or a member of the staff on duty, because of fire,-

(a) medical attention to the injured shall be given; and

(b) an inquiry shall be immediately held and statements of the injured prisoner or member of the staff and other witnesses shall be recorded.

908. Epidemics and precautions against them.- (1) Epidemics which are likely to occur in prisons are cholera, enteric fevers, gastro-enteritis, chicken pox, measles, mumps, influenza, cerebrospinal meningitis, pneumonia, plague, beriberi, scurvy and epidemic dropsy.

(2) 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.

909. Removal to a segregation shed.- Every prison shall be provided with a permanent segregation shed inside the prison, 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 communicate with other prisoners until all risk of infection is over and if possible and the prisoners shall be removed to an infectious disease hospital outside the prison

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

911. Prison officers' 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.

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

913. 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.

914. Accommodation of patient.- (1) Overcrowding shall be strictly avoided both in the hospital as well as in every cell and ward and 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 a temporary hospital that can be set-up in a ward or work-shed, if no other better place is available.

(2) 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.

915. Sterilisation 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 Head of the Directorate of Prisons and care shall also be taken to ensure that sufficient appliances for boiling of water are also provided.

916. 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, convict officers shall be required to report any sign of sickness at once and a prisoner visiting the latrine more often than usual shall be placed under observation.

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

918. 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 and the dejecta can also be incinerated with saw dust, paddy husk or kerosene.

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

920. 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 and hospital clothing and bedding used by infected patients shall be burnt.

921. Disposal of an 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 or cremated without the least delay.

922. Report to the Inspector General.- (1) The first occurrence of a case of cholera or any other infectious disease shall be at once reported to the Head of Directorate of Prisons by telephone or e-mail 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.

(2) The next cases too shall likewise be reported by telephone or e-mail to the Inspector General of Prisons. 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 and if he does then he shall elaborate the measures he is taking for it and if he does not plan segregation, he shall reasons for that as well.

923. Disease to be deemed to be epidemic.- If three or more cases occur within one week of the occurrence of the first case of cholera, and after taking opinion of the Jail Medical Officer, it shall be concluded that the disease has assumed an epidemic form.

924. Rules generally applicable to epidemics.- (1) The above rules relate to segregation and are also applicable to other disease, such as small pox and plague and any other chronic infectious disease.

(2) In these cases, the necessity for segregation is equally important and in case of typhoid fever, changing the water supply is of primary importance.

925. Daily report during epidemic.- (1) Whenever an epidemic prevails in a prison, a daily report shall be furnished to the Head of Directorate of Prisons and 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.

(2) A copy of this report shall also be sent to the Chief Medical Officer and Director of Medical and Health Department.

926. Special epidemiological inquiry.- (1) The Head of the Directorate of Prisons in consultation with the Director of Medical and Health, may call for an epidemiological inquiry or report from the Chief Medical Officer or Medical Officer whenever he considers it advisable.

(2) A copy of such an inquiry report shall be furnished to the Director Medical and Health, Government of Rajasthan.

927. Procedure to be followed in cases of hunger strikes.- (1) Prisoners who go on hunger strike shall be warned that no redress of any alleged grievances shall be allowed as long as the strike continues and that they shall be liable to any prison punishment or to prosecution under section 52 of the Prisons Act, 1894 (Central Act No. 9 of 1894).

(2) In addition to prosecution, the following steps may also be taken, namely:-

(a) no redressal of grievances shall in any circumstances be given so long as continue the hunger strike; and

(b) that the Jail Authority shall have full discretion to impose jail punishment:

Provided that the Medical Officer shall be of the honest opinion reached with due care and attention that the treatment given is in the best interest of the prisoner's health.

(3) After sufficient warning, and before the refusal to take food has adversely affected them, and if any other punishment appears unlikely to deter them, they may be prosecuted under section 52 of the Prisons Act, 1894 (Central Act No. 9 of 1894).

(4) The usual concession in the matter of interviews and letters of such prisoner shall be restricted to members of the legal profession only.

(5) If a mass hunger strike amounts to mutiny, the prisoners shall be isolated from each other, and from other prisoners, as far as possible.

(6) During the hunger strike the grievances or complaints of the prisoners should be examined by the higher authorities and as far as possible should be solved immediately.

928. Forcible feeding of prisoners on hunger strike.- (1) 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.

(2) 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 and forcible feeding shall not be attempted with unnecessary violence.

(3) 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.

929. 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 Head of Directorate of Prisons. The Superintendent shall also send a report in this regard to the Collector and the Superintendent of Police concerned.

930. Overcrowding shall be reported to the Head of Directorate of Prisons.- (1) 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 Head of Directorate of Prisons.

(2) Any other matter pertaining to overcrowding shall always be referred to the Head of Directorate of Prisons for orders.

931. Measures to relieve overcrowding.- (1) 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 Head of the Directorate 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.

(2) The Superintendent shall also move the Head of the Directorate for transfer of convicts to nearby Jails for temporary period where ever possible.

932. Keeping prisoners in sheds or tents.- (1) Prisoners in excess of the accommodation shall not, except as a temporary measure, be placed in work-sheds or verandahs, but shall be kept in sheds or tents inside the prison.

(2) The Superintendent shall always obtain prior sanction, whenever necessary, for incurring expenditure in this regard and shall ensure economy in every aspect.

933. Earth Quake.- In the event of an earthquake the following action shall be taken, namely:-

- (a) The prisoner shall be asked to take cover (kneel down, and cover head with arms);
- (b) The prisoners shall be asked to remain in the same position for a few minutes, due to after-shocks;
- (c) 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;
- (d) The prisoners shall be asked to walk towards an open place, in a calm and composed manner;
- (e) Evacuation and rescue measures should be undertaken on instructions from an evacuation team and unnecessary crowding of affected area should be avoided.

934. Procedure to repel mob attacks.- (1) In case of an attack from outside the prison, by a mob or a group of persons, to break the prison, to break the security cordon of the prison or to break its wall or gates, the Superintendent shall take immediate action using the armed guards and other personnel at its command.

(2) Immediate information shall be passed on to the nearest police station, District Magistrate, Deputy Inspector General, Prisons (Range) and Head of the Directorate of Prisons.

(3) The Superintendent is authorized to use appropriate force to repel and defeat such attacks.

935. Flood preparedness and emergency management.- (1) Head of the Directorate of Prisons shall be responsible to ensure that a Flood Emergency Plan is prepared for prisons falling in the flood prone zone, outlining the roles and responsibilities of all parties to be involved, actions to be taken, coordination arrangements and communication channels to be used prior to, during and after a flood event.

(2) In addition, the District Magistrate shall be responsible for developing local flood warning systems and the Superintendent of the prison falling under flood prone zone shall be responsible for developing flood warning and alert systems in their prisons.

936. Other emergencies.- (1) Suitable action shall be taken according to the requirements in cases of other emergencies as well.

(2) The Superintendent shall report the circumstances to the Head of the Directorate of Prisons.

CHAPTER XXXVIII
EDUCATION OF PRISONERS

937. Education for prisoners.- (1) Education is vital for the overall development of prisoners and through education their outlook, habits and total perspective of life can be changed. Education of prisoners benefits the society as well as it leads to their rehabilitation and self-sufficiency and reduces the tendency to crime, this would mean less crime, fewer victims, fewer prisoners, more socially productive people, and less expenditure on criminal justice and law enforcement.

(2) Education shall be harmonious and shall ensure all round development of mental as well as physical, it is a tool by which the knowledge, character and behaviour of the inmate can be moulded and it helps a prisoner to adjust to the social environment and his ultimate resettlement in society.

(3) Life in prison is extremely monotonous, routinised and regimented; the educational activities offer opportunity to a prisoner to remove from his or her mind depressing thoughts leading to relaxation and joy; we must accept the reality that to confine offenders behind walls, without trying to change them through education and other activities, is an expensive folly.

938. Objective.- (1) The objective behind educational programmes in prisons should be to channelize prisoners' energies into constructive and creative pursuits, instilling in them a sense of confidence, developing amongst them social responsibility and consciousness, fostering amongst them habits and attitudes necessary for adjusting in the community, creating amongst them an awareness of the futility of leading a criminal life and uplifting them morally, mentally and socially.

(2) A comprehensive educational programme in a prison shall aim at,-

- (a) providing opportunities to the 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 in the community,
- (f) helping them to improve their personalities and ability for social adjustment through individual and group guidance in social living,
- (g) developing a point of view which will make the futility of a criminal way of life apparent to the inmates, making them aware of the advantages of a law abiding life,
- (h) stimulating sustained interest and effort towards self improvement, and
- (i) developing social consciousness and a sense of social responsibility and obligations.

939. Educational Plan for prisoners.- The planning of education of prisoners shall be as follows:-

- (a) each prisoner shall be given a programme of education which will help the process of his or her socialization and rehabilitation and in order to achieve these objectives an adequately trained educational staff and minimum facilities like class rooms and library shall be provided in every prison;
- (b) education of illiterate adolescents and adult prisoners shall be compulsory and correctional services shall pay special attention to educational programmes;
- (c) because of wide variations in intelligence level and individual interests of inmates, it is essential to organize diverse educational programmes to suit the needs of the larger groups;
- (d) educational programmes shall cover subjects which would help develop the inmate as affective members of social groups and the programmes should also help to develop insight on the part of the inmates;
- (e) the nature of the educational programmes in an institution shall be related to the size and type of the inmate population and the time earmarked for these programmes and educational activities shall be developed in conjunction with the overall programme of an institution;
- (f) 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 and these programmes should be related to after-care programmes also;
- (g) the education policy shall be formulated in a manner which is adjustable to social environment, leading to ultimate resettlement of a prisoner in the society, and education shall be organised at three levels;
 - (i) for the beginners and illiterate inmates;
 - (ii) for the intermediates;
 - (iii) for advanced education; and
 - (iv) for vocational education.
- (h) educational personnel shall be oriented, through special training courses, to correctional policies, programmes and methods as far as practicable; and
- (i) Non-Governmental Organizations shall be extensively involved in the educational programmes.

940. Nature of Educational Programme.- The educational programme shall consist of,-

- (a) physical and health education;
- (b) academic education;
- (c) social education;
- (d) vocational education;
- (e) moral and spiritual education; and
- (f) cultural education.

941. Educational Policy for Inmates.- (1) On admission to the prison, the criteria for initial classification of prisoners shall be done on the basis of their educational background, their aptitude to follow further studies, their social background and vocational education.

(2) The policy behind academic education shall aim at,-

- (a) making every illiterate prisoner literate; and
- (b) developing educational qualifications of prisoners.

(3) If a prisoner, who was pursuing studies before his or her imprisonment, expresses his intention to continue his or her studies and appear for an examination of any Board or University or institution, he or she shall be given due facilities for it and he or she shall be allowed to receive books and writing material from his or her friends and relatives from outside and purchase books and such materials out of his or her personal cash kept in the custody of the prison, or at government expense.

(4) Such facilities shall also be extended to a prisoner who has given up his or her studies before his or her imprisonment, but expresses his or her intention to proceed with it with a view to appear in an examination conducted by any university or other statutory body or a recognized institution.

942. Classification of Prisoners.- (1) Prisoners shall be classified on the basis of their academic or educational qualification and their aptitude for further learning at the time of admission in the prison and it shall be made compulsory for each prisoner to sit in the educational classes, arranged as per their qualification, for at least two hours in the day, preferably in the morning hours.

(2) The classification committee and educational personnel shall together decide the amount of time to be devoted for academic education, vocational education and work for each inmate and as there are variations in the educational level, intelligence and interests, diverse educational programmes shall be organized for different groups of inmates.

(3) The help of educated prisoners shall be liberally utilized for carrying out educational programmes, in addition to the service of regularly employed teachers, besides similar facilities offered by Non- Governmental Organizations. Special Remission may be given to those prisoners who are involved in teaching programmes.

943. Language Classes.- (1) Language classes shall be encouraged. These classes may be run by the educated prisoners, regular teachers and Non-Governmental Organisations and this shall help the prison administration in harmonising relations between prisoners of different cultures and communities and would improve discipline in the prison.

(2) To keep the prisoners well aware sufficient ahead a booklet should be prepared enlisting various educational programmes being carried out in the prison.

944. Schools for Young offenders.- (1) Every prison shall have a regular school where young offenders can attend regular classes in shifts.

(2) This school shall be a branch of any government school being run by the Education Department of the State, with the Education Department providing teachers, equipment and material for teaching young offenders.

(3) The school shall provide education of primary, secondary and senior secondary levels, it should be mandatory for each adolescent to attend classes and the staff posted in the prison shall be paid special incentive for maintaining prisoners' interest in attending school.

(4) The prisoners who pass various examinations shall be given certificates as are given to students studying in regular schools and care shall be taken to ensure that there is no mention of the adolescent's imprisonment on such certificates.

945. Education for Short Term Prisoners.- (1) For under-trial prisoners, and prisoners sentenced to short term imprisonment, educational classes could be organized in the yards or enclosures where such prisoners are kept.

(2) 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.

946. Personnel and Equipment.- Following personnel and equipment for educational programme for prisoners shall be provided, namely:-

- (i) Teachers should be provided for running and guiding the adult educational programmes in prisons. Inmates, who are educated and whose conduct has been good, should be given training in imparting education to others and these trained inmates shall assist the regular teachers in organizing diversified educational programmes;
- (ii) The services of retired teachers or Non-Governmental Organisations shall also be utilized in running the educational programmes;
- (iii) Necessary equipment for education like books, stationery, writing material, furniture, and other Stationary items shall be provided at Government cost;
- (iv) Study or examination centers of National Open School or Indira Gandhi National Open University shall be established in every Prison and the strength of educational personnel shall be fixed in accordance with the inmate population and the educational programmes to be organized;
- (v) The educated prisoners, who help the prison administration in conducting educational programmes, shall be given wages, special remission or honorarium by the Prison Authorities;
- (vi) Audio-visual equipment shall be used for educational purposes; and
- (vii) The lodging arrangement of prisoners can also be done as per their educational requirements so that suitable environment is created in the barrack or cell to enable them to carry out the assignments given to them by their teachers.

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

948. Tests and Examinations.- Following concessions shall be given to prisoners for pursuing their higher education:-

- (i) At the end of each educational project, inmates shall be given tests and examinations and these tests or examinations shall be conducted inside the prison by the Education Department or National Open School or Indira Gandhi National Open University; and
- (ii) No fees, including examination fee, shall be charged from students appearing in various examinations. Cases of brilliant students shall be recommended to Education Department and other agencies for grant of scholarship.

949. Liaison.- The institution should establish liaison with the Department of Education or National Institute of Open Schooling or Indira Gandhi National Open University and other approved educational institutions for obtaining educational material and other help.

950. Library.- Following facilities in prison library shall be provided, namely:-

- (a) books in the library should cater to the needs of different educational standards, satisfaction of intellectual needs, and development of knowledge, of the inmates;

- (b) the prison library shall be properly equipped with books, magazines, and newspapers. These shall be issued to the prisoners and prisoners shall be encouraged to develop reading habits;
- (c) an educated convict prisoner may be engaged for the management of books and other reading material to run the library, the Jail Teacher shall arrange for and make available books on various subjects for satisfying the needs of prisoners and the Jail Teacher shall keep details of books and periodicals available in the library subject or title wise for use by prisoners and for the information of the Superintendent of Prison;
- (d) donation of books by Non-Governmental Organisations shall be encouraged and welcomed and public and Government schools should be encouraged to adopt the educational programmes being run inside the prison for prisoners; and
- (e) the Prison Welfare Officer shall take initiative for collection of books for prison library.

951. Social, Moral, Cultural and Spiritual Education.- Meditational therapy shall be used to erase the memory of past bad experiences among prisoners.

952. Prison Publication.- There shall be an annual publication of Magazine for the activities of inmates and staff and the publication may be printed according to the facilities available.

953. Accountability.- It shall be one of the primary responsibilities of the prison Superintendent and Welfare Officer that the programme of education is implemented in its proper spirit and the success or failure of the programme, and the extent of the educational activities in each institution, shall be one of the principal factors on which the performance of these officers shall be evaluated.

CHAPTER XXXIX

AGRICULTURE AND GARDENING, DAIRY

954. Garden.- (1) If possible, a garden of sufficient size to supply vegetables and condiments required may be laid out at each jail and surrounded by a boundary wall.

(2) The Jailor shall be responsible that the garden contains at all seasons a sufficient quantity of good succulent vegetables, condiments and anti-scorbutic for jail use, and that the whole of the jail land outside the jail walls available for cultivation is cultivated to the best advantage.

(3) No warders or other subordinate officers shall be permitted to go into the garden except when on duty there.

(4) The Superintendent and Jailor shall visit and supervise the jail garden and see that adequate arrangements are made in due season for the plentiful supply throughout the year of fresh vegetable, condiments and anti-scorbutic fruits and the Medical Officer may recommend weak or convalescent prisoners for work in the garden.

(5) Agricultural overseers in-charge of demonstration work shall inspect the jail garden regularly from an advisory point of view, advise the Jail Department on improvements which can be introduced; if necessary start demonstrations in the jail grounds and a superior officer of the Agriculture Department shall, inspect jail gardens in all districts as opportunity occurs in the course of their tours.

(6) In addition to the lemon orchard a good supply of anti-scorbutic fruits shall be provided for by planting tamarind (*Tamarindus Indica*), bael (*Aegle marmelos*), amrali (*Spondias mangifera*) and mango (*Mangifera Indica*) trees along the margin of roads, the boundaries of the jail land and in other available places, so as not to interfere with cultivation more than can be avoided and such trees give agreeable shade if grown within the jail walls in spaces available, but must not be allowed to interfere with the ventilation of the wards or workshops. Roselle (*Hibiscus Sabdariffa*) shall also be cultivated and the Jailor shall be held responsible for the sufficient number of these trees and for seeing that they are kept in a healthy condition.

(7) The jail garden shall be kept neat and clean, free from weeds and undergrowth and Cow-dung from the dairy shall be used in the gardens as manure and in the rainy season succulent weeds shall be dug into the soil, but fibrous and woody vegetable refuse should be put into manure pits as far as possible from the jail and allowed to rot until they are in a condition suitable for manuring the land.

(8) Care shall be taken that all available sources of water-supply in gardens are utilized as far as possible and irrigation channels shall be of pucca masonry or burnt earthenware in mortar and leakages should be promptly repaired.

(9) The number of prisoners employed in the garden for the production of jail vegetables, condiments and anti-scorbutic ought not ordinarily to exceed 10 percent of the strength of the prisoners confined in the jail, prisoners employed in the garden shall be selected in accordance with rules mentioned chapter "Guarding and Safe Custody", and special care must be taken in guarding them.

(10) The warder in charge of the garden shall be a man who thoroughly understands gardening, if possible, he shall be exempted from night duty and when this is the case he shall have charge of the garden gang for the whole day, and sleep in the garden at night in a hut provided for him.

(11) Care should be taken that vegetables produced in the jail garden are sufficient for the daily necessities of the jail and if there be any deficiency in the supply, vegetables are required to be purchased from the supplier or local market.

(12) The jail garden shall be primarily intended to grow vegetables for prisoners and only such seeds shall be obtained that are most useful for jail purposes.

(13) Jailors shall be responsible that, the crops grown in jail land are reaped at the proper time and no unnecessary delay occurs between reaping them and bringing them into store. Proper precautions are taken against speculation or loss by vermin, the by-products are properly disposed off for Government purposes only, the value of everything is duly accounted for in the jail accounts and every opportunity shall be taken of effecting economy by utilizing every product of the jail land, and all products suitable for fodder must be appropriated for consumption in the dairy.

(14) Surplus vegetables, if any after meeting the requirement of the jail may be disposed of by selling to the jail staff and in the local market in the prevailing market rate.

(15) All permanent trees existing on jail lands are the property of the Government and under control of the Head of Directorate of Prisons and be accounted for in the register maintained for the purpose.

(16) A Vegetable Register shall be maintained, showing the quantity of vegetable obtained daily from the jail garden, the quantity issued for the diet of prisoners and the quantity sold with its value, this Register shall be daily put up before the Superintendent for his inspection and a record shall also be kept in the register of the area of the land under cultivation of cereals and pulses and of the quantity of grain harvested.

Note: The value of vegetables and other garden produce issued to prisoners and sold as also the value of vegetables and condiments purchased from the market during the year shall be mentioned in the body of the Annual Administration Report.

955. Dairy.- (1) Jail may have a dairy wherever possible. Well roofed and ventilated sheds shall be provided. The floor should be of well burnt brick-on-edge or other good materials pointed with cement to prevent slipping, the slope of the floor should be slight, only sufficient to carry off the urine and washing to the masonry drain; the floor of the cow-shed shall be scrubbed and washed daily and afterwards thoroughly dried and sand and straw shall be thrown on the floor to prevent the cows slipping, and the presence of flies in the cow shed shall be avoided as much as possible.

(2) Care shall be taken to select the best breed of cows that can be obtained either locally or purchase from other area and the improvement of the breed shall always be kept in view.

(3) Care shall be taken to ensure sufficient milk being available for prisoners and to provide for this, cows shall be covered, so that they calve at periodic intervals.

(4) Registration numbers shall be given to every head of cows, these numbers shall be inscribed on a wooden or metal ticket suspended from the neck of each cow, in the case of calves the ticket shall bear in addition the registered numbers of the mothers and all the cows should be insured.

(5) Food not eaten by prisoners shall be carefully separated into two buckets, i.e. one for rice and the other for curried refuse food, only food not eaten by prisoners shall be given to cattle and refused food shall be used for feeding fish or be buried as manure, all rice water, rice washings, dal husks, and any other refuse from the preparation of grain which may be wholesome for cattle, oil-cake from the manufacture of mustard or linseed oil and grass from jail land should be used as cattle food and shall be supplemented with such purchases of other food as are necessary.

(6) In the hot weather, cattle shall be washed thoroughly in the sun daily, care being taken to dry them well and in the cold weather, they shall be rubbed down and brushed.

(7) The milk (or its produce) yielded by the jail dairy, shall first be devoted to the needs of the sick prisoners in the hospital (especially those suffering from bowel diseases) and of prisoners in the convalescent and special gangs and only after fulfilling the requirement of the inmates, the surplus, if any, shall be sold at the prevailing market rate to the local hospital or to outsiders, preference being given to the demand of the former.

(8) The manufacture of butter or ghee shall be prohibited and milk should be issued to prisoners either boiled or as dahi, and in no other form, if boiled, this should be done in the hospital enclosure under the supervision of the Pharmacist, who shall be responsible for the proper disposal of the milk from the time it is obtained from the cow to its final distribution and in preparing dahi no water should be mixed with the milk before boiling.

(9) Great care should be taken that all vessels in which milk is manipulated are kept perfectly clean; for un-boiled milk the vessel shall be made of Aluminum or Steel; an aluminum or Steel karahi may be used for boiling milk, but earthenware vessels shall be used for setting dahi, if glazed vessels are procurable they should be used; all vessels shall be scalded and washed with boiling water immediately after use; they shall not be allowed to stand in a dirty condition; a properly secured and well ventilated place should be provided in which the milk should be stored as soon as possible after milking and until it is issued; it shall be well if this were in some prominent situation where the milk as well as all vessels used for storage or preparation might be within the notice of inspecting officers.

(10) The manure from the dairy shall be used for improving the jail garden and lands.

(11) Barren cows and male calves after attending the age of one year shall be disposed off by auction in consultation with the local Veterinary Surgeon and the auction process shall be made after publication in the daily news paper before one month.

(12) Animals suffering from infectious disease, e.g., rinder-pest, foot and mouth disease, anthrax, and after infectious disease shall at once be isolated under a tree in the jail garden and it is advisable also to isolate any animal suffering from fever until the nature of the disease is apparent.

(13) Jail dairies shall be opened to the inspection of officers of the Agricultural and Veterinary Departments and the services of veterinary officer should be requisitioned for attending on sick jail cattle.

(14) The Jailor or Deputy Jailor or Medical Officer shall visit the dairy daily and the Superintendent shall inspect all cattle thrice in a week.

(15) A careful record of dairy stock and transactions shall be kept in Register, in the specified format, for Dairy and Cattle Accounts.

CHAPTER XL

PUBLIC WORKS IN JAILS.

956. Construction work within jail Premises.- (1) The deposit of religious relics or symbols and the erection of shrines or places of worship on Government lands shall be forbidden, the Jailor shall at once report to the Superintendent on any new encroachment or extension of encroachment within the jail precincts.

(2) No work shall be commenced unless a properly detailed design and estimate have been sanctioned, allotment of funds made and orders for its commencement issued by competent authority and in emergent cases of danger or inconvenience suddenly arising, a definite written request shall be made to the Executive Engineer who will act on his own responsibility.

(3) Contractors shall not be allowed to store materials in a jail for more than seven days before or after they are actually required.

(4) The Executive Engineer shall see that there is no undue delay in the execution of any work.

(5) Executive Engineers shall responsible that proper measures are taken to preserve buildings and works in their divisions and districts and to prevent encroachment on Government lands.

957. Joint inspection by the Superintendent and Executive Engineer.- (1) The Executive Engineer is responsible that all jail buildings on the books of the Public Works Department are efficiently maintained and he should once a year in company with the Superintendent and make a careful examination of all such buildings specially regarding the question of their security and the reports of these inspections shall be forwarded by the Jail Superintendent to the Head of Directorate of Prison and by the Executive Engineer to the Superintending Engineer or the Chief Engineer.

(2) In the execution of every Jail work convict labour shall be utilized to the fullest extent possible and the wages of the prisoners shall be paid by the Public Works Department as per Government rule.

958. Manner of carrying out of work.- (1) If an allotment of funds for the work is made in the Public Works Department budget, the work shall, as a rule, be undertaken by the Public Works Department or under the orders of that Department.

(2) The work shall be carried out under the following procedure, namely:-

- (a) all matters connected with the discipline of the convicts so employed and all matters connected with their safe custody, feeding, clothing and treatment, shall rest entirely with the Superintendent of the jail;
- (b) the Executive Engineer, shall from time to time inform the Superintendent of the probable demand for convict labour, and the Superintendent shall, with the approval of Head of Directorate of Prison, arrange as far as practicable for the required number of convicts being made available;
- (c) in addition to this general demand for convict labour, the subordinate officer appointed for this purpose by the Executive Engineer in charge, shall each day inform the Superintendent in writing of the number of convicts required on the following day, specifying the number of gangs, the number of convicts in each gang, and the portion of work on which each gang will be employed;
- (d) in the morning each gang shall be paraded near the part of the work indicated, and a certificate shall be prepared by the Jail officer and presented to the Engineer's subordinate in charge for his countersignature, showing, the number of convicts of each description or class placed at his disposal for the day's work;
- (e) the Executive Engineer shall, in communication with the jail officers and after consideration of the tasks laid down in the rule, frame a schedule of the tasks of each description of work to be performed either by each convict or by a certain number of convicts;
- (f) it shall be the duty of the Engineer's subordinate in charge to point out to the Superintendent or his subordinates the task to be performed by each gang of convicts daily, and before the work is closed for the day to see that such task has been fully completed and note the fact, or any deficiency or defect, in a daily report, of which a copy shall be made over to the Superintendent of the jail;
- (g) the Superintendent shall make all arrangements for the guarding of the prisoners and for their supervision, both when at work and when in their quarters and it shall rest with him to determine what individual convicts are in fault in respect of bad or short work, spoiling of tools or materials, neglect of orders or waste of materials reported by the Executive Engineer or his subordinates, and to deal with them in accordance with the jail rules; no loose bamboos, machans, planks, tools, implements, etc. likely to facilitate escape shall be left in the jail at night; and if extensive scaffolding is used which cannot be removed every evening after work is stopped, a special watch shall be placed by the Superintendent over such scaffolding at night;

- (h) all building operations shall be under the sole charge of the Executive Engineer or his subordinate in charge, without any interference of any kind from the officer in charge of the jail and the report of the Engineer as to short work, bad work, spoiling of tools and materials or waste of materials, shall be accepted as final by the Superintendent of the jail with reference to the preceding paragraph; and
- (i) outside labourers, when employed, shall be kept as separate as possible from the convict labourers but where skilled outside labourers (artisans) are employed with convict labourers to teach them or to supervise their work, such arrangements shall be made as will interfere as little as possible with the discipline of the convict labourers.

(3) No buildings on the books of the Public Works Department are to be dismantled without the authority of Government in the Public Works Department.

(4) If radical or extensive alterations are desired the orders of Government must be taken.

(5) The Home (Jail) Department may have old materials taken from dismantled buildings free of charge, provided that they are not required by the Public Works Department for any specific work connected with the jail, and that their value has not been credited in the estimate for the jail work which entails the dismantling of the buildings from which they have been obtained, if however, they are sold by the Home (Jail) Department, the amount received as sale proceeds shall be credited to proper head of account.

CHAPTER XLI

LEGAL AID

959. Constitution of Legal Services Authorities.- (1) 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 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 and in furtherance of these, the Legal Services Authorities Act, 1987 was enacted by the Parliament 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.

(2) Under the Legal Services Authorities Act, 1987, the National Legal Services Authority (NALSA) has been constituted to monitor and evaluate implementation.

(3) In every State, a State Legal Services Authority (SLSA) and in every High Court, a High Court Legal Services Committee has been constituted, District Legal Services Authorities and Taluk Legal Services Committees have been constituted in the Districts and Taluks to give effect to the policies and directions of the NALSA and to provide free legal services to the people and conduct Lok Adalats in the State.

(4) Supreme Court Legal Services Committee has been constituted to administer and implement the legal services programme in so far as it relates to the Supreme Court of India.

(5) 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.

(6) 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 and there shall be a Member Secretary for each SLSA.

(7) 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.

960. Functioning of Legal Services Institutions.- (1) NALSA lays down policies, principles, guidelines and frames effective and economical schemes for the State Legal Services Authorities to implement throughout the country.

(2) The State Legal Services Authorities, District Legal Services Authorities and Taluk Legal Services Committees 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; and
- (d) To implement the Schemes and policy directions of the NALSA through strategic and preventive Legal Services Programmes.

(3) Free legal services shall 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; and
- (d) Preparation of appeal, paper book including printing and translation of documents in legal proceedings.

(4) Under the Legal Services Authority Act, 1987 (Central Act No. 39 of 1987) the person's eligible for getting free legal services includes the Persons in custody.

961. Legal Aid Clinic in every prison.- Legal services clinic shall be set up in every prison, with sufficient number of panel lawyers and paralegal volunteers deputed to such clinics for providing free legal services to inmates on all working days. The certain inmates may be trained as Para Legal Volunteers (PLVs) for assisting the Legal Aid Clinics established at prisons.

962. 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 may be taken to ascertain legal aid needs of inmates.

963. Constitution of Under-trial Review Committee.- (1) A committee consisting of the District Judge, as Chairperson, the District Magistrate, the District Superintendent of Police and Secretary, District Legal Service Authority and Superintendent of Central Jail, Superintendent, District Jail, , Jailor of Temporary sub-jail and Sub-Jail as members, shall 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.

(2) The State Legal Services Authorities shall 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.

CHAPTER XLII
STAFF DEVELOPMENT
(Training and reward)

964. Hours of Work.- (1) There shall be a well-planned and properly regulated timetable of work hours for every category of personnel and normally no staff member, including guarding personnel, shall be required to work for more than eight hours a day and there shall be a schedule of institutional duty, day duty, night duty, sectional duty, premises duty or off duty and responsibilities pertaining to premises duty or duty-on-holidays shall be clearly defined.

(2) Night patrol duty shall not exceed three hours at one time and after every such duty, the guard shall be given at least two hours of rest. In one night a guard shall not be given more than three patrol duties

(3) The Superintendent of Prison shall be authorized to make all reasonable adjustments in hours of work. In times of emergencies like escapes, riots, assaults or fire, all personnel on the premises, whether off-duty or otherwise, shall instantaneously report for duty.

965. Additional Staff during Emergencies.- In the event of sudden influx of inmates or epidemics, or for any sufficient reason, the Superintendent of any jail considered its necessary to entertain any establishment in excess of sanction strength, he or she shall submit proposal to the Head of Directorate of Prison and in no case, extra establishment so entertained shall continue without fresh sanction and after the period of which sanction was given be expired.

966. Facilities While on Duty.- The following facilities shall be extended to the personnel on duty:-

- (a) Rest rooms with beds for the use of staff members who are required to wait in the institution between their duty periods;
- (b) Staff canteen;
- (c) Bathrooms, lavatories and water closets;
- (d) Lockers.
- (e) First-aid boxes including necessary equipment for snakebites and at remote duty points or prison farms or outposts;
- (f) Torches and boots for night duty personnel; and
- (g) Raincoats, umbrellas, overcoats, gumboots.

967. Housing.- (1) Rent free residential accommodation for uniform prison personnel shall be provided in the prison campus and if this facility is not provided, then house rent to the prison personnel shall be given, as fixed by State Government from time to time.

(2) Housing for prison staff shall be developed on modern lines with adequate community services and facilities.

(3) Each institution shall have provisions for lodging officials, guests, and other visitors, visiting the institutions.

(4) The following facilities shall also be extended to staff quarters and premises:-

- (a) periodical disinfection,
- (b) conservancy and sanitation services in staff quarters, and
- (c) maintenance of parks and other utilities on the premises.

968. Educational Facilities.- The following educational facilities for the benefit of children of prison personnel shall be extended to,-

- (a) schools shall be nearer to the institutional premises;
- (b) a school bus for children of the staff if institutions situated at a distance from the city;
- (c) transport at government cost for educational needs of children of the staff or an alternative suitable Transport Allowance for school or college-going children of the staff; and
- (d) hostel accommodation for children of transferred and other staff members, in institutional premises.

969. Miscellaneous Facilities.- (1) In case an institution is located at a distance from the city or town, the administration shall make necessary arrangements, as far as possible, for the housing of staff members within the prison premises.

(2) Medical facilities shall be provided in cases of medical emergencies and sickness.

(3) Mess for staff members.

(4) Sports facilities, annual sports meets, and travelling allowance incidental to the above.

970. Rewards.- (1) The Government of India shall institute medals for rewarding prison personnel in recognition of acts of gallantry and meritorious and distinguished services and all good work done by prison personnel shall be given proper publicity and highlighted through the media.

(2) The Head of Directorate of Prison, Inspector General or Deputy Inspector General of Prisons (Range) shall have powers to sanction suitable cash rewards to deserving staff members in appreciation of outstanding work and special services such as capture of escaped prisoners, exhibition of high degree of courage, loyalty and trust-worthiness, devotion to duty and initiative and resourcefulness during time of emergency and other meritorious services and for this purpose adequate funds shall be made in the annual budget of the department.

971. Financial Assistance and Compensation.- (1) In the event of prison personnel suffering serious injury and accident in the discharge of their duties, Head of Directorate of Prison and the Inspector General of Prisons shall have powers to sanction immediate financial assistance upto such limit as authorised by the State Government and in deserving cases, where assistance beyond this limit is necessary, the Head of Directorate of Prison shall refer the matter to the State Government.

(2) In case of death of prison personnel while on duty, the survivors of his family shall be paid an amount as specified by the State Government.

972. Protection from Damages.- Necessary facilities at government cost shall be extended to staff members to defend themselves in the event of criminal prosecution or civil proceedings arising out of bona-fide discharge of official duties.

973. Staff meetings.- (1) The Superintendent shall convene a monthly meeting of the institutional staff members and the objectives of this meeting shall be, to,-

- (a) coordinate institutional activities;
- (b) improve methods of work;
- (c) interpret governmental policies to staff members;
- (d) explain new procedures, rules and regulation and policies regarding inmate discipline, treatment of prisoners and institutional management;
- (e) explain policies relating to personnel management, staff discipline and morale in the staff lines;
- (f) explain welfare programmes chalked out by the Staff Welfare Committee;
- (g) give opportunities to staff members to discuss their common problems;
- (h) communicate appreciation of good work as and when necessary; and
- (i) reward staff members as and when necessary.

(2) Minutes of the proceedings of the meeting should be recorded and a copy of it shall be forwarded to the Inspector General or Deputy Inspector General of Prisons (Range) with the remarks of the Superintendent.

974. Conference.- (1) Conference of departmental personnel shall be held annually and the objective of such conference shall be, to,-

- (a) take stock of achievements;
- (b) evaluate current procedures, practices and methods of the organization;
- (c) plan for future development of the department;
- (d) understand staff problems and staff aspirations; and
- (e) to promote best practices in custodial management.

(2) Minutes of the conference shall be recorded and the Inspector General should forward the same to the government, along with his suggestions and appropriate proposals and action taken on these minutes and a proposal shall be communicated to the institutional personnel by the Prison Headquarter.

975. Staff Training.- (1) Correctional Administration shall constantly seek to awaken and maintain in the minds of the personnel.

(2) Correctional work is a social service of great importance, and to this end all appropriate means shall be used.

(3) The principal duty of the correctional personnel shall be social re-education of offenders; the effectiveness of 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 in specialized field shall therefore, of paramount importance in any system of Correctional Administration.

(4) Training programmes will 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; and
- (d) Inculcating an esprit-de-corps amongst the correctional personnel.

(5) Correctional personnel shall be properly trained in the theory and practice of correctional work and after entering the service and during their career, the personnel shall maintain and improve their knowledge and professional capacity by attending various training programmes, and through their own individual efforts.

(6) Jail 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 and personnel who are provided with arms shall be trained in their use and instructed in the regulations governing their use.

(7) The initial basic training imparted at the training school shall be continued at the correctional institutions and suitable training programmes shall be organized so that the institutional personnel are in constant touch with current development in the field of corrections.

(8) The training process shall reveal individual capabilities, through such knowledge, the right person can be given the right job and this shall ultimately lead to proper utilisation of human resources.

(9) 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.

(10) All new recruits to the prison department, whether inducted as security, custodial, executive, treatment or supervisory staff shall be imparted basic training of sufficient duration appropriate to their job requirements. All officers and staff taken on deputation from other departments shall be given a short orientation course for two weeks with regard to the functioning of the prison department.

(11) Adequate training reserve shall be provided in each cadre of the Prison Service so that in-service training can be organized for them.

976. Training Institutes.- Training of staff shall be taken up at three levels at State, Regional, and National in the following manner, namely:-

- (i) for training of security and ministerial staff, a training school shall be set up by the State Government and staff of neighboring smaller States and Union Territories may avail the training facilities in the training institute;
- (ii) for training of executive staff, Regional Institutes of Correctional Administration may be set up.

977. Functions.- (1) The functions of a Training Institute shall be as under:-

- (a) training,
- (b) research,
- (c) studies on organization and methods, and

- (d) publication of pamphlets papers, hand books, Correctional Service Journals.

(2) Only qualified persons with an aptitude for training and teaching shall be posted at these institutions.

(3) Experts invited to deliver lectures at the training institutes shall be provided with a set of guidelines about the contents of training and permanent academic staff of the training institute shall 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 shall be utilized for training purposes and the visiting lecturers shall be paid suitable honorarium and travelling allowances.

(4) Details of syllabus, course contents, methods of examination, and the mode of awarding certificates on successful completion of training, shall be reviewed by the Head of Directorate of Prisons once in every three years.

(5) Proper literature shall be prepared for meeting the training needs of various categories of personnel of the Directorate of Prison and Correctional Services.

978. Training courses.- Training courses shall be organized on the basis of training needs analysis conducted by the experts in this field and the following training courses shall be organized at the training institute:-

- (a) on recruitment, all officers, executive and guarding staff shall undergo an initial basic training course at the Training Institute;
- (b) serving Superintendents, Deputy Superintendents, Jailors, Deputy Jailors, and other correctional officers of all grades will undergo refresher courses of one month at least once in every five years;
- (c) vertical Interaction Courses (thematic) for prison officers;
- (d) short-term courses on various aspects of Correctional Administration and Treatment of Offenders;
- (e) the Inspector General of Prisons shall prepare a panel of officers having special merit and capabilities for attending conference and special training courses, within the country and abroad;
- (f) study teams of senior officers shall be deputed to visit other States in the country and such teams may also visit countries where innovative correctional programmes and practices have been successfully introduced; and
- (g) officers with outstanding performance in the departments shall be given preference for such visits.

979. Discipline.- (1) The Head of the Training Institution shall frame necessary rules regarding discipline and shall be authorised to take disciplinary action in the event of breach of discipline.

(2) The trainees shall wear the prescribed uniform during the training period.

980. Tests and Examinations.- (1) The Head of the Training Institution shall fix details about examinations and tests in which trainees of all cadres shall be required to pass the prescribed examinations and tests and in case a trainee fails to reach the required standards during a training course, the Head of the Training Institution shall forward a report to the Inspector General for suitable action and 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; and in case of newly recruited personnel, such failure may result in discharge from service.

(2) The evaluation of a trainee shall be made on the basis of his total performance in all the tests and examinations and 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; and
- (f) conduct, integrity and trustworthiness.

981. Library, journals and other recreational facilities.- (1) Training schools shall have a good library and reading room facilities and provision for purchase of books and periodicals, shall be made in the annual budget of the institution.

(2) A Correctional Services Journal shall be published by the training schools in each year.

(3) Recreational facilities shall be organized.

(4) A museum showing the historical development of Prison Administration and other aspects of institutional management shall be set up at the training schools.

982. Continuation of training at the place of work.- (1) The following training facilities shall be organised at the institutions:-

- (a) Interpretation of policy by senior officers from the Headquarters during visits,
- (b) Library and reading room facilities for staff members.
- (c) Lectures by professors from the Universities and Schools of social work on subjects related to correctional work,
- (d) Fortnightly talk on correctional methods by the superintendent or any other officer,
- (e) Reading of papers, case histories, etc., by institutional staff members, and
- (f) Monthly discussions on improvement in administrative procedures, methods and organisation, etc.

(2) In order to keep the officers and men in good shape, the training given at the training school in drill, parades, rifle, unarmed combat, cane-drill and mob-dispersal drill shall be continued at the institution also and particular attention shall be paid to games; efforts shall be made to instill interest and enthusiasm in the personnel by introduction of new items and methods of training and opportunities shall be provided to stimulate initiative, intelligence, independent judgment and resourcefulness among the personnel.

(3) 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.

(4) Rifle practice for officers and guarding personnel shall be held once in a year and all security measures shall be adopted on such occasions.

(5) An officer well-versed in all these matters shall be made in charge of such training and wherever required, necessary assistance may be obtained from the local police authorities.

(6) The following training programmes shall be conducted for the guarding personnel:-

- (a) Physical training and drill for 45 minutes a day except holidays,
- (b) Instruction in rules, regulations and procedures once a week to be given by the Jailor Instructor or Havaldar Instructor,
- (c) Practice in preventing and controlling emergency situations during training period, and
- (d) Games like cricket, foot ball, volley-ball, basket-ball, may be organized in accordance with available facilities.

(7) The Principal shall send the following reports to the Inspector General of Prisons:-

- (a) Monthly report about training in P.T. drill, lectures, discussions, emergency practice; and
- (b) Six monthly report on rifle practice.

983. Welfare Committee.- (1) There shall be a Welfare Committee at each Institution consisting representatives of executive, technical, ministerial and guarding or custodial personnel and the Superintendent shall be the ex-officio Chairman of the committee.

(2) The Welfare Committee shall meet at least once a month and the minutes of its meetings shall be recorded.

984. Welfare Fund.- A welfare fund shall be created at each institution for providing amenities to staff members and their families and the fund shall be developed from the following sources, namely:-

- (a) Monthly subscriptions from staff members;
- (b) Voluntary donations subject to rules framed by the government;
- (c) Interest accruing from investments;
- (d) Benefit performances by artists, theatrical parties and cinema;
- (e) Donations from a co-operative credit society;
- (f) Profits from of the co-operative shop; and
- (g) Subsidies from the Government.

985. 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 and cooperative society.

986. Welfare benefits.- (1) The following benefits shall be provided to the personnel out of the welfare fund:-

- (a) relief in the case of sudden illness;
- (b) medical aid where more than ordinary medical help is required and which is beyond the economic capacity of the staff member;
- (c) aid for the education of children of the staff;
- (d) staff libraries; and
- (e) staff sports, institutional and inter-institutional fixtures, etc.

(2) A proper forum shall be provided at the institutional and the State level for prison personnel to ventilate their grievances common to the entire service or cadre and to hold meaningful discussions for their redressal.

CHAPTER XLIII
PRISON COMPUTERISATION

987. Computerisation of activities of prisoner.- (1) The entire prison administration needs to be computerized so that databases can be accessed easily and managed more efficiently. This is also part of the mandate of the Integrated Criminal Justice System (ICJS) which seeks to interlink prisons, courts and the police stations as a triad, this shall enable integrated data sharing with the police and the courts enabling efficient and comprehensive tracking of criminals and faster law enforcement responses

(2) The major challenges faced by prisons' administration 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;
- (c) Improper tracking of prisoner activities;
- (d) Inadequate interaction with various stakeholder agencies;
- (e) Improper data analysis;
- (f) Multiple standalone IT systems available at majority of prisons;
- (g) Inadequate tracking of prisoner out on parole or furlough;
- (h) Regarding eligibility of prisoner on parole, open air camps and permanent parole;
- (i) Lack of efficient alarm system in case of under-trials detention under 436 or 436A of the Criminal Procedure Code, 1973; and
- (j) Inadequate information pertaining to release of prisoner once completion of sentence.

(3) Computerization seeks to enable prisons to have the following core facilities and have a unified data sharing platform,-

- (a) A comprehensive web based prison software with interlinkages with courts and police stations;
- (b) Integrated data sharing with Courts and police;
- (c) Comprehensive video conference facilities;
- (d) Biometric access for in and out movement of inmates;
- (e) State level training labs for induction and refresher training courses;
- (f) Touch screen kiosks at the prisons for inmates to access their case details;
- (g) Photograph of both convict and under-trial prisoners may be preserved through data digitization for proper identification of inmate which will be required at the time of necessity.

(4) The following outcomes shall be 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 or Statistical reports or MIS reports for senior level officers with information such as Probable Date of Release (PDR), Prison occupancy, Prisoner availing Parole or Furlough etc;
- (c) Complete record of prisoners' activities such as bail, escape, fine payment, incident punishment, prisoner income, court appeals, Court production, remission, remand, wages, work allocation, release and transfer;
- (d) Workflow based solution for approval processes like Parole or Furlough and real time reflection of the same in the system;
- (e) Automatic Probable Date of Release (PDR) 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 and frequency of visit, etc.;
- (g) Creation of a Centralized Prisoner Registry that can be accessed by Police Departments and other key Law Enforcement Agencies for verification and validation purposes of individuals through Data Digitization of records.

(5) Implementation of Integrated Criminal Justice System (ICJS) is a key component that has to be achieved in the revamped Crime and Criminal Tracking Network System (CCTNS) project and it shall comprised the following components,-

- (a) Roll out of prisons software in all the States or UTs;
- (b) Assessment based provisioning hardware and network for prisons;
- (c) Provisioning of hardware for prosecution offices and forensic labs;
- (d) Development of Modules for Forensic laboratories & Prosecution offices; and
- (e) Integration of CCTNS with all these applications.

(6) For successful implementation of centralized prisons management system, provisioning of office hardware and adequate network connectivity at each prison is required.

(7) The roll out of software application and its sustainability is dependent on the availability of requisite office hardware and network connectivity at each state prison.

CHAPTER XLIV

MISCELLANEOUS

(Inclusion of Prisons in Development Plans)

988. Place of prisons in Development plan.- (1) 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.

(2) 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.

(3) The State Government shall take steps to formulate schemes for development of prisons in their entirety in the Central and State Plans and such schemes shall 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.

989. State Advisory Board.- There shall be a State Advisory Board to advise the State Government and the Prison Administration on the matters relating to correctional work in prisons, rehabilitation of inmates and redressal of grievances of prisoners or their relatives.

Note: I The state Advisory Board shall act as a meeting ground of departmental heads of Prison, Law and Justice, Police, Education, Technical Education, Health and Public Works Department of the State Government, in order to bring about effective inter-departmental cooperation and co-ordination.

Note: II 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.

990. Composition of the Board.- The state Advisory Board shall comprise of the following officials of the State, namely:-

- (a) Secretary-In-Charge, Home Department- as Chairman;
- (b) Principle Secretary, Law Department or his nominee not below the rank of Secretary;
- (c) Secretary-In-Charge, Finance Department or his nominee not below the rank of Secretary;
- (d) Secretary-In-Charge, Primary and Secondary Education Department or his nominee not below the rank of Joint Secretary
- (e) Director General of Police;
- (f) Director General of Prisons as Member Secretary;
- (g) Director, Social Justice & Empowerment Department;
- (h) Director, Technical Education;
- (i) Director, Medical and Health Department; and
- (j) Chief Engineer, Public Works Department.

991. Other members of the Board.- The following Non-Officials shall also be appointed by the State Government as Members of the State Advisory Board, namely:-

- (a) three members of the Legislative Assembly of the State, of whom one shall be a woman and one belonging to the principal opposition party 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 social reform among whom one shall be a woman; and
- (d) a retired officer of prison service of the State, not below the rank of Deputy Inspector General.

992. Meeting of the Board.- (1) The State Advisory Board shall hold at least three meetings in a calendar year and in the wake of any extraordinary situation, the Member Secretary is authorized to convene a special meeting of the State Advisory Board to apprise the Members of details of the situation warranting such meetings.

(2) The proceeding of such meeting of the State Advisory Board shall be recorded in the Order book and a copy of the same shall be forwarded to the Principal Secretary or Secretary of the Home Department.

993. Visit by the members of the Board.- (1) The Members of the State Advisory Board shall enjoy the right to pay visit to any prison of the State, individually or in a group, with or without prior notice to the Superintendent of the Prison.

(2) 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.

(3) The Superintendent shall present before the visiting Member or Members of the State Advisory Board. If any paper or 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 or Members of the State Advisory Board same shall be provided by the Superintendent.

(4) The Superintendent shall ensure that the prisoners lodging complaints with the visiting Member or Members of the State Advisory Board do not subsequently fall prey to vendetta of the persons complained against.

(5) Following any such visit by Member or Members of the State Advisory Board, the Superintendent shall inform the Head of Directorate of Prison.

994. Quorum for meeting.- 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.

995. Cancellation of membership.- (1) 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 or her membership of the Advisory Board shall stand cancelled automatically and the Member Secretary of the Board shall move the State Government for appointing a new nonofficial member in his or her place.

(2) A non-official member of the State Advisory Board shall hold office for a period of three years from the date his or her appointment to the Board and may be considered for reappointment.

(3) The State government reserves the right to revoke the appointment of any non-official member of the State Advisory Board at any time.

(4) A non-official member of the Board shall receive allowances, as prescribed by the State Government, from time to time, for attending the meetings of the Board.

(5) During visits to a prison, a member of the State Advisory Board shall not carry any arm or firearms, nor shall he or she be accompanied by his official or personal security guard, armed or unarmed and the Superintendent shall provide proper security to the visiting member or members of the State Advisory Board.

996. Planning, Research and Development Mechanism.- (1) The State Government 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.

(2) Such a mechanism shall clearly spell out the specific objectives and goals not only for the organisation, but also for individual institutions, in terms of functional renovation and reconstruction of prison buildings, diversification of correctional institutions, classification of prisoners, rehabilitative reorientation of prison industries, correctional content of prison programmes, recruitment and training of prison personnel and modalities of coordination with other branches of the Criminal Justice System. It shall set quantitative targets for the correctional system such as, reduced crime, 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 or ex-inmates under innovative banking schemes and other sources and there shall be an established procedure for reviewing the organizational and institutional goals by the department at least once a year.

997. Prisons Development Board.- (1) In order to improve and modernize the infrastructural facilities in prisons, a high powered Prison Development Board may be set up in the State to have an institutional arrangement conducive to speedy decision making and totake full advantage of modern technology and managerial practices.

(2)The board may consist of the following members:-

1.	Chief Minister	Chairperson
2.	Minister in-charge of the Jail Department	Vice-Chairperson
3.	Secretary incharge, Home Department	Member
4.	Secretary incharge, Finance Department	Member
5.	Secretary incharge, Revenue Department	Member
6.	Secretary Incharge, Law and Legal Affairs Department	Member
7.	Registrar (Administration) Rajasthan High Court Jaipur	Member
8.	Director General of Prisons	Member Secretary
9.	Director, Prosecution	Member
10.	two persons nominated by the State Government, having knowledge of prison administration or prison reforms out of whom one shall be woman	Member

(3) The functions of the Board shall be,-

- (a) to examine the living conditions of prisoners in all the prisons, with specific reference to their basic needs and provision of facilities compatible with the dignity of human life;
- (b) to recommend the construction of new buildings if the existing prisons building 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 education, vocational training and productive work, with a view to developing prisons as correctional centres;
- (d) to efficiently manage prisons by inducting modern technology, methods and apparatus; and
- (e) such other function as may be specified by the State Government, from time to time.

998. Publication of Annual Report.- The State Government shall publish an annual report on the functioning and progresses achieved by the different prisons of the State.

999. Exchange of Expertise.- The State Government shall promote the exchange of technical knowhow 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.

1000. Removal of Difficulties.- If any difficulty arises in giving effect to the provisions of these rules, the State Government may, by notification in the Official Gazette, make such provisions, not inconsistent with these rules, as it deems necessary or expedient for removing the difficulty:

Provided that no order under this rule shall be made after expiry of three years from the date of commencement of these rules.

1001. Repeal and Savings.- (1) The Rajasthan Prisons Rules, 1951 are hereby repealed.

(2) The repeal made under sub-rule (1) shall not affect the previous operation of the rules so repealed and anything done or action taken or deemed to have been done or taken or any appointment or delegation made, notification, order, direction issued under the rules so repealed shall, insofar as it is not inconsistent with the provisions of these rules, and shall remain in forces unless and until superseded.

**[No. F.7(61)Home-12/1996 Part]
By order of the Governor,**

Dr. Saumya Jha,
Joint Secretary to the Government.

राज्य केन्द्रीय मुद्रणालय, जयपुर।