

DELHI JAIL MANUAL

Covering
**THE DELHI PRISONS ACT, 2000
&
DELHI PRISONS RULES**

Including
LATEST NOTIFICATIONS, CIRCULARS, ORDERS AND GUIDELINES
Alongwith
CITIZEN CHARTER

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DELHI JAIL MANUAL

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PART-1

THE DELHI PRISONS ACT, 2000

(14TH FEBRUARY, 2002)

No. F. 14 (28)/LA.2000-2002/101- The following Act of the Legislative Assembly of the National Capital Territory of Delhi received the assent of the President on 28.1.2002 and is hereby published for general information.

The Delhi Prisons Act, 2000 (Delhi Act No. 2 of 2002) (As passed by the Legislative Assembly of the National Capital Territory of Delhi on the 23rd November, 2000) to provide for the detention of Prisoners committed to prison custody and for their information and rehabilitation with a view to ensuring safe detention and minimum standards of treatment of prisoners consistent with the principles of dignity of the individuals and for matters connected therewith or incidental thereto.

Be it enacted by the Legislative Assembly of the National Capital Territory of Delhi in the Fifty First Year of the Republic of India as follows:

CHAPTER 1

PRELIMINARY

1. **Title, extent and commencement-** (1) This Act may be called the 'Delhi Prisons Act, 2000'.
 2. It extends to the whole of the National Capital Territory of Delhi.
 3. It shall come into force on such date as the Lieutenant Governor of the National Capital Territory of Delhi may, by notification in the official Gazette, appoint.
- 2. Definitions-** (1) In this Act, unless the context otherwise requires:
- a) "civil prisoner" means any prisoner who is not a criminal prisoner.
 - b) "competent authority" means any officer having jurisdiction and due legal authority to deal with a particular matter in question;
 - c) "convicted criminal prisoner" means any criminal prisoner under sentence of a court or court martial, and includes a person detained in prison under the provisions of Chapter VII of the Code of Criminal Procedure, 1973 (2 of 1974);
 - d) "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;

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- e) "court" includes a court and any officer lawfully exercising civil, criminal or revenue jurisdiction;
- f) "dangerous prisoner" means any prisoner who is violently pre-disposed or likely to escape;
- g) "Delhi" means the National Territory of Delhi;
- h) "furlough" means leave as a reward granted to a convicted prisoner who has been sentenced to rigorous imprisonment for five years or more and has undergone three years thereof;
- i) "Government" means the Lieutenant Governor referred in Article 239AA of the Constitution;
- j) "History ticket" means the ticket exhibiting such information as is required in respect of each prisoner by this Act or the rules thereunder;
- k) "Inspector General" means the Inspector General of Prisons;
- l) "Lieutenant Governor" means the administrator of the National Capital Territory of Delhi appointed by the President under Article 239 of the Constitution;
- m) "Medical Officer" means a Gazetted Officer of the Government and includes a medical practitioner declared by general or special orders of the Government to be a medical officer;
- n) "Medical subordinate" means a qualified medical assistant;
- o) "Notification" means a notification published in the Official Gazette;
- p) "Parole system" means the system of releasing prisoners from prison or parole by suspension of their sentences in accordance with the rules;
- q) "Prescribed" means prescribed by rules;
- r) "Prison" means any jail or place used permanently or temporarily under the general or special orders of the Government for the detention of prisoners, and includes all lands, buildings and appurtenances thereto but does not include:

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- i. Any price for the confinement of prisoners who are exclusively in the custody of police;
 - ii. Any place specially appointed by the Government under Section 417 of the Code of Criminal Procedure, 1973 (2 of 1974),
 - iii. Any place which has been declared by the Government by general or special order to be a special prison;
- s) “prohibited article” means an article, the introduction or removal of which into or out of a prison is prohibited by any rule made under this Act;
- t) “remission system” means the system of regulating the award of marks to, and the consequent shortening of sentences of prisoner in prison;
- u) “rule” means a rule for the time being in force, made or in pursuance of this Act;
- v) “section” means a section of this Act;
- w) “security prisoner” means any prisoner against whom there is a threat from any person;
- x) “senior medical officer” means a medical officer senior to other medical officers posted in a prison;
- y) “sub-ordinate officer” means every non-gazetted officer serving in the prison;
- z) “Superintendent” means the officer who is appointed by the Government to be in charge of a prison with such designation as it may specify;
- aa) “young offender” means a person who has attained the age of sixteen years in case of a boy and eighteen years in case of a girl, but has not attained the age of twenty one years;
- (2) Words and expressions used herein and defined but defined in any other enactment applicable in Delhi shall have the meanings respectively assigned to them in those enactments.

CHAPTER II

ESTABLISHMENT AND OFFICERS OR PRISONS

3. **Accommodation in prisons**-The Government provide in its jurisdiction accommodation in prisons constructed and regulated in such manner as to comply with the requisitions of this Act in respect of the separation of prisoners.
4. **Powers of State Government to Appoint Inspector General and other Officers and staff**-
 - (1) The Government shall, by notification, appoint an Inspector General of Prisons to be in-charge of the administration and management of all the prisons, in Delhi, who shall belong to IAS/IPS service.
 - 2) The Government may also, by notification, appoint as many Additional, Joint, Deputy or Assistant Inspectors General of Prisons as it may think fit or necessary to assist the Inspector General of Prisons in exercising the powers and performing the functions of the Inspector General under this Act.
 - 3) The Government shall provide the necessary administrative staff in the headquarters and the regional offices of the Inspector General.
5. **Inspector General**-
 - 1) The Inspector General shall exercise his powers and perform his functions, under this Act subject to the general supervision and control of the Government, and the other officers appointed under this Act shall work under the general supervision; control and direction of the Inspector General and shall be responsible to him.
 - (2) The Inspector General shall be responsible for the allotment of work to the officers appointed under this Act and may delegate ally of his functions to such officers.
6. **Officers of Prisons**- For every prison there shall be a Superintendent, a Deputy Superintendent, a Medical Officer, a Law Officer, a Welfare officer, and such other officers as the Government thinks it necessary.
7. **Temporary Accommodation for Prisoners**- whenever it appears to the Inspector General that:
 - a) The number of prisoners in any prison is greater can conveniently or safely be kept therein and it is not convenient to transfer the excess number to some other prison;
 - b) From the outbreak of epidemic disease within any prison or for any other reason, it is desirable to provide for the temporary shelter and safe custody of any prisoners;

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Provisions shall be made, by such officer and in such manner as the Government may direct, for the shelter and safe custody in temporary prisons, of so many of the prisoners as cannot conveniently or safely be kept in the prison.

CHAPTER III DUTIES OF OFFICERS

- 8. Control and duties of officers of prisons-** All officers of a prison shall obey the directions of the Superintendent; all officers subordinate to the Deputy Superintendent shall perform such duties as may be imposed by the Deputy Superintendent with the sanction of the Superintendent or be prescribed by rules under Section 71.
- 9. Officers not to have business dealing with prisoners and others-** (1) No officer of a prison shall sell or let, nor shall any person in trust or employed by himself 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.
- (2) No officer of a prison shall accept any gift from a prisoner or a person having any dealings with prison administration.
- 10. Officers not to be interested in prison contracts-** No officers of a prison nor any person in trust or employed by him, shall have any interest, direct or indirect, in any contract for the supply to the prisons; nor shall he derive any benefit, directly or indirectly. From the sale or purchase of any article on behalf of the person or belonging to a prisoner.

SUPERINTENDENT

- 11. Superintendent and his residence in prison-** (1) Subject to the orders of the Inspector General, the Superintendent shall manage the prison in all matters relating to discipline, labour, expenditure, punishment and control.
- (2) The Superintendent shall reside in the prison premises unless the Inspector General Permits him in writing to reside elsewhere.
- 12. Records to be kept by Superintendent-** The Superintendent shall keep or cause to be kept, the following records-
- 1) A register of prisoners admitted;
 - 2) A book showing when each prisoner is to be released;

- 3) A punishment book for the entry of the punishments inflicted on prisoners for prison offences;
- 4) A visitor's book for the entry of any observations made by the visitor touching any matters connected with the administration of the prison;
- 5) A record of the money and other articles taken from prisoners; and all such other records as may be prescribed by rules made under Section 71.

MEDICAL OFFICER

13. Duties of Medical Officer- Subject to the control of the Superintendent, the Medical Officers shall have charge of health and sanitary administration of the Prisons and shall perform such duties as may be prescribed by rules, made by the Government under Section 71.

14. Medical Officer to report in certain case- (1) whenever the Medical Officer in charge of a prison has reason to believe that the mind of prisoners, or is likely to be injuriously affected by the discipline or treatment to which he is subjected, the Medical Officers shall report the case in writing to the Supt, together with such observations as he may think proper.

(2) The Medical Officer shall not administer any such medicine to any prisoner without informing him of what is being administered to him.

This report, with the orders of the Supt thereon, shall forthwith be sent to the Inspector General for information.

15. Report on death of prisoner- (1) on the death of any prisoner, the Medical Officer in-charge shall forthwith record in a register the following particulars, so far as they can be ascertained, namely:

- a) The day on which the deceased first complained of illness or injury or he was observed to be ill or injured;
- b) The labour, if any, on which he was engaged on that day;
- c) The scale of his diet on that day;
- d) The day on which he was admitted to hospital;
- e) The day on which the Medical Officer was first informed of the illness or injury;
- f) The nature of the disease and or injury;
- g) When the deceased was last seen before his death by the Medical officer or medical subordinate;
- h) When the prisoner died; and
- i) On account of the appearances after death, together with any special remarks that appear to the Medical Officer to be required.

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(2) The report of such death shall forthwith be sent to the Supt and the Inspector General by the Medical Officer.

(3) When the Supt or Inspector General receives information that a person has committed suicide, or has been killed by another, or by an accident, or has died under circumstances raising a reasonable suspicion that some other person has committed an offence, he shall immediately give information thereof to the nearest Executive Magistrate empowered to hold inquests, in accordance with sub-section (4) of Section 174 and Section 176 of the Code of Criminal Procedure, 1973 (2 of 1974) and such Magistrate shall hold an inquiry into the cause of death.

DEPUTY SUPERINTENDENT

- 16. Deputy Supt resides in prison-** The Deputy Supt shall reside in the prison, unless the Inspector General permits him in writing to reside elsewhere.
- 17. Deputy Supt to give notice of death of prisoners-** Upon the death of a prisoner, Deputy Supt shall give immediate notice to the Supt and the Medical Officer.
- 18. Responsibility of Deputy Supt-** the Deputy Supt shall be responsible for the safe custody of the records to be kept under Section 12 for the commitment warrants and all other documents confided to his care, and for the money and other articles taken from prisoners.
- 19. Deputy Supt to be present at night-** The Deputy Supt shall not be absent from the prison for a night without permission in writing from the Supt, but, if absent without leave for a night from unavoidable necessity, he shall immediately report the fact and the cause of it to the Supt.
- 20. Power of Assistant Supt-** An Assistant Supt shall, subject to the order of the Supt, be competent to perform any of the duties and he subject to all the responsibilities of a Deputy Supt under this Act or any rule made there under.

SUBORDINATE OFFICER

- 21. Duties of gatekeeper-** The officer acting as gatekeeper, or any other officer of the prison, may examine anything carried in or out of the prison, and may stop and search or cause to be searched any person suspected of bringing any prohibited article into or out of the prison, or of carrying out any property belonging to the prison, and, if any such article or property be found, shall give immediately notice thereof to the Deputy Supt.
- 22. Subordinate officer not to be absent without leave-** Officers subordinate to Deputy Supt shall not be absent from the prison without leave from the Supt or from the Deputy Supt.

23. Utilization of the services of premises- The Supt may utilize the service of prisoners, in accordance with the rules, for efficient management of the prison.

CHAPTER IV

ADMISSION, REMOVAL AND DISCHARGE OF PRISONERS

24. Prisoners to be examined on admission- (1) whenever a prisoner is admitted in prison, he shall be searched, and all weapons and prohibited articles shall be taken from him.

(2) Every criminal prisoner shall also, after admission, be examined on the same day under the general or special orders of the Medical Officer, who shall enter or cause to be entered in a book, to be kept by the Deputy Supt, a record of the state of prisoner's health, and of any of any wounds or marks on his person, the class of labour he is fit for if sentenced to rigorous imprisonment, and any observations which the Medical Officer thinks fit to add.

(3) In the case of a female prisoner, the search shall be carried out by the matron and the medical examination by the female medical officer.

25. Effects of prisoners- 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 criminal prisoner or brought to the prison for his use, shall be placed in the custody of the Deputy Supt.

26. Removal and discharge of prisoners- (1) All prisoners, before being removed to any other prison, shall be examined by the Medical Officer/Female Officer, as the case may be.

(2) No prisoner shall be removed from one prison to another unless the Medical Officer/Female Medical Officer certifies that the prisoner is free from any illness rendering him unfit for removal.

(3) No prisoners shall be discharged against his will from prison if laboring under any acute or dangerous distemper, not until, in the opinion of the Medical Officer/Female Medical Officer, such discharge is safe.

(4) The Supt may seek orders, as soon as possible from the court of chief Metropolitan Magistrate regarding further detention of a prisoner whose release orders have been received in local cases and against whom a production warrant from an outside court has been received by the Supt.

CHAPTER V DISCIPLINE OF PRISONERS

27. Responsibility of Superintendent - The discipline in the prison shall be maintained by the Supt firmly, fairly and in equitable manner in accordance with the rules.

28. Separation of prisoners- The requisition of this Act with respect to the separation of prisoners are as follows:

- 1) In a prison containing female as well as male prisoners, the females shall be imprisoned in separate buildings, or separate parts of the same building, in such a manner as to prevent their seeing or conversing with the male prisoners;
- 2) Female prisoners convicted or charged for an offence under the Immoral Traffic (Prevention) Act, 1956 (104 of 1956) for any sexual or other offence involving grave moral depravity, shall be segregated from all other types of female prisoners.
- 3) In a prison where male prisoners under the age of twenty-one are confined, means shall be provided for separating them altogether from the other prisoners and for separating those of them who have arrived at the age of sixteen years but are below the age of eighteen years;
- 4) Un-convicted criminal prisoners shall be kept apart from convicted criminal prisoners;
- 5) Civil prisoners shall be kept apart from criminal prisoners;
- 6) Dangerous security prisoners shall be kept separately;
- 7) Detenus shall be kept apart; and
- 8) All blood relation prisoners, separated on grounds of different sex, shall be allowed to meet each other once a week in presence of a jail officer.

29. Association and segregation of prisoners- Subject to the requirement of the last foregoing section, criminal prisoners may be confined either in association or individually in cells or partly in one way and partly in the other.

30. Prisoners under sentence of death- (1) every prisoner under sentence of death shall, immediately on his arrival in the prison after sentence, be searched by, or by the order of, the Supt and all articles shall be taken from him which the Supt deems it dangerous or inexpedient to leave in his possession.

(2) Every such prisoner under a finally executable sentence shall be confined in a cell apart from all other prisoners, and shall be placed by day and by night under the charge of a guard.

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CHAPTER VI FOOD, CLOTHING AND BEDDING OF CIVIL PRISONERS

- 31. Maintenance of certain prisoners from private sources-** A Civil prisoner shall be permitted to maintain himself, and to purchase, or receive from private sources at proper hours and days foods, clothing, bedding or other necessaries, but subject to examination and to such rules as may be approved by the Inspector General.
- 32. Restriction on transfer of food and clothing between certain prisoners-** No part of any food, clothing, bedding or other necessaries belonging to any civil prisoners and any prisoner transgressing the provisions of this section shall lose the privilege of purchasing food or receiving from private sources, for such time as the Supt thinks proper.
- 33. Supply of clothing and bedding to civil prisoners-** Every civil prisoner unable to provide himself with sufficient clothing, bedding and other necessities shall be supplied with such clothing, bedding, and other necessities shall be supplied with such clothing, bedding and other necessities as may be prescribed in the rules.

CHAPTER VII EMPLOYMENT OF PRISONERS

- 34. Employment of civil prisoners-** (1) Civil prisoners, with the permission of the Supt, and subject to such restrictions as the Supt may impose, work and follow any trade or profession available in prison.
- (2) Civil prisoners finding their own implements, and not maintained at the expense of the prison, shall be allowed to receive the whole of their earnings of such as are furnished with implements or are maintained at the determination by the Supt, for the use of implements and the cost of maintenance.
- 35. Employment of criminal prisoners-** (1) A criminal prisoner desiring to be employed on labour, may be employed with the permission of the Supt subject to such restrictions as may be prescribed in the rules made under this Act.
- (2) No criminal prisoner sentenced to labour or employed on labour at this own desire shall, except on an emergency with the sanction in writing of the Supt, be kept to labour for more than nine hours in anyone day.
- (3) The Medical Officer shall from time to time examine the laboring prisoners while they are employed, and shall at least once in every fortnight cause to be recorded upon the history ticket of each prisoner employed on labour the weight of such at the time.

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(4) when the Medical Officer is of opinion that the health of any prisoner suffers from employment of any kind or class of labour, such prisoner shall not be employed on that labour but shall be placed on such other kind or class of labour as the Medical Officer may consider suited for him.

36. Employment of criminal prisoners sentenced to simple imprisonment- Provisions shall be made by the Supt. for the employment (as long as they so desire) of all criminal prisoners sentenced to simple imprisonment. No such prisoners shall be punished for neglect of work.

CHAPTER VIII HEALTH OF PRISONERS

37. Sick prisoners- (1) the names of prisoners desiring to see the Medical Officer or medical subordinate or appearing out of health in mind or body shall, without delay, be reported by the officer-in-charge of such prisoners, to the Deputy Supt.

(2) The Deputy Dupt shall without delay, call the attention of Medical Officer or medical subordinate to any prisoner desiring to see him, or who is ill, or whose state of mind or body appears to require attention, and shall carry into effect all written directions given by the Medical Officer or medical subordinate respecting alteration of the discipline or treatment of any such prisoner.

38. Record of direction of Medical Officer- All directions given by the Medical Officer or medical subordinate in relation to any prisoner, with the expectation of orders for the supply of medicines, or directions relating to such matters as are carried into effect by the Medical Officer himself or under his superintendence, shall be entered day by day in the prisoners history ticket, or in such other record as the Government may by rule direct, and the Deputy Supt shall make an entry in its proper place stating in respect of each direction the fact of its having been or not having been complied with, accompanied by such observations, if any, as the Deputy Supt thinks fits to make, and the date of the entry.

39. Hospital- In every prison a hospital/ dispensary or proper place for the reception of sick prisoners shall be provided.

CHAPTER IX INTERVIEWS AND LETTERS

40. Interviews- Due provisions shall be made for the admission at proper time and days and under proper restrictions, into every prison of person with whom prisoners may desire to communicate, care being taken that so far as may be consistent with the

interest of justice, prisoners may see their duly authorized and qualified legal practitioners without the presence of any other person.

41. Search of visitors- (1) The Deputy Supt may demand the name and address of any visitor to a prisoner, and when the Deputy Supt has any ground for suspicion, may search any visitor, or cause him to be searched, but the search shall not be made in the presence of any prisoner or of another visitor.

(2) In case of any such visitor refusing to permit himself to be searched, the Deputy Supt may deny him admission and the grounds of such record as the Government may direct.

42. Letters- (1) a prisoner shall have the facility of writing such number of letters to his relatives and friends as may be prescribed.

(2) A prisoner may be allowed to write any number of letters at his cost.

(3) The Supt shall examine every letter written by a prisoner and may ask the prisoner concerned to delete any portion of the letter which, in his opinion, is likely to endanger the security of the State or prison or contains false information about the affairs of the prison.

(4) The Supt shall examine every letter sent to any prisoner from outside and delete any portion thereof which, in his opinion, is likely to endanger the security of the State or prison before it is delivered to the prisoner.

(5) The facility of writing letters is contingent on good conduct and may be withdrawn or postponed by the Supt on bad conduct.

CHAPTER X OFFENCES IN RELATION TO PRISONS

43. Penalty for introduction or removal of, into or from prison and communication with prisoners- Whoever, contrary to any rule under Section 71 introduces or removes or attempts by any means whatever to introduce or remove, into or from any prison, or supplies or attempts to supply to any prisoner, outside the limits of a prison, any prohibited article, and every officer or member of staff of a prison who, contrary to any such rule, knowingly suffers any such article to be introduced into or removed from any prison, to be possessed by any prisoner, or to be supplied to any prisoner outside the limits of a prison, and whoever, contrary to any such rule, communicates or attempts to communicate with any prisoner, and whoever abets any offence made punishable by this section, shall, on conviction before a Magistrate, be liable to imprisonment for a term not exceeding six months, or to fine not exceeding ten thousand rupees, or to both.

44. Power to arrest for offence under Section 43- When any person, in the presence of any officer of a prison, commits any offence specified in the last foregoing section 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, and thereupon such police officer shall proceed as if the offence had been committed in his presence.

45. Publication of penalties- The Supt shall cause to be affixed in a conspicuous place outside the prison, a notice in official languages of Delhi setting forth the acts prohibited under Section 43 and the penalties incurred by their commission.

CHAPTER XI

PRISON OFFENCES

46. Prison offences- The following acts are declared to be prison offences when committed by a prisoner.

- 1) Such willful disobedience to any regulation of prison as shall have been declared by rules made under Section 71 to be a prison offence;
- 2) Any assault or use of criminal force;
- 3) Willfully injures himself;
- 4) The use of insulting or threatening language;
- 5) Immoral or indecent or disorderly behavior;
- 6) Willfully disabling himself from labour;
- 7) Contumaciously refusing to work;
- 8) Filing, cutting, altering or removing handcuffs, letters or bars without due authority;
- 9) Willful idleness or negligence of work by any prisoner sentenced to rigorous imprisonment;
- 10) Willfully mismanagement of work by any prisoner sentenced to rigorous imprisonment;
- 11) Willful damage to prison property;
- 12) Tampering with or defacing history tickets, records or documents;
- 13) Receiving possessing or transferring any prohibited article;
- 14) Feigning illness;
- 15) Willfully bringing a false accusation against any officer or prisoner;
- 16) Omitting or refusing to report, as soon as it comes to his knowledge, the occurrence of any fire, any plot or conspiracy, any escape, attempt or preparation to escape, and any attack or preparation for attack upon any prisoner or prison official;
- 17) Conspiring to escape, or to assist in escaping;

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- 18) Converting or attempting to convert a prisoner to a different religious faith or willfully hurting other's religious feelings, beliefs and faith;
- 19) Failing to assist, or preventing other persons from assisting prison officials in suppressing violence, assault, riot, mutiny, attack, gross-personal violence, or in any other emergencies;
- 20) Send message surreptitiously by writing or speech or signs;
- 21) Participating in any riot or mutiny or abetting with another prisoner or prisoners to commit riot or mutiny;
- 22) Stealing, damaging, destroying, disfiguring or misappropriating any prison property or prisoners articles and property;
- 23) Refusing to eat food or goings on hunger strike:
Provided that this shall not be applicable to Male/Female prisoners on religious grounds and all possible facilities shall be extended to such prisoners in performance of their religious obligations.
- 24) Cooking unauthorisedly inside the cell or any place inside the prison;
- 25) Participating in, or organizing of, unauthorized activities, like gambling, drinking, dealing in intoxicated articles and the like;
- 26) Aiding or abetting the commission of any of the aforesaid offences; and
- 27) Any other unauthorized, unlawful or illegal act as may be specified in the rules.

47. Punishment of such prison offences-(1) The Supt may himself conduct or authorize an officer not below the rank of Deputy Supt to conduct an inquiry inside the prison of any person alleged to have committed an offence specified in Section 46 and impose any of the following punishments:

- a) A formal warning, which shall be personally addressed to the prisoner by the Supt and recorded in the punishment book;
- b) Forfeiture of remission up to a period of thirty days at any time or, with the approval of the Inspector General, remove a prisoner from the remission system up to a period of six months;
Provided that the Inspector General shall have power to forfeit all earned remissions, other than remissions given by the Government, or to remove a prisoner from the remission system for the entire period of his imprisonment.
- c) Stoppage of recreational facilities up to a period of one month or canteen facilities up to a period of three months or stoppage of interviews for a period of one month;
- d) In case of breached and violations in conditions of release on parole or furlough, not counting the said period towards imprisonment;
- e) Segregation up to a period of three months, and with the sanction of the Inspector General, up to a period of six months;

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- f) Separate confinement up to a period of one month at a time, and with the sanction of the Inspector General up to a period of three months subject to such conditions as may be prescribed.

Explanation: Separate confinement means such confinement with or without labor as schedules a prisoner from communication with, but not from sight of other prisoner and allows him not less than one hour's exercise per day and to have his reads in association with one or more other prisoners.

- g) Cellular confinement for any period not exceeding fourteen days with the approval of Inspector General.
Provided that, after each period of cellular confinement, and interval of not less duration than such period must elapse before the prisoner is again sentenced to cellular confinement.

Explanation: Cellular confinement means such confinement with or without labour as entirely secludes a prisoner from communication with, but not from sight of, other prisoners.

- (2) While undergoing any of the punishment awarded under Section (1) above the following privileges may, however, be extended to the prisoners, namely:
 - (a) Provision of letters and supply of religious and moral books as far as the rules of the prison provide;
 - (b) Interviews with members of family of the prisoner may be granted in accordance with rules by the Supt except in case of punishment under clause (c) of sub-section 1 above.

48. Limitation to Award of punishment under Section 47- (1) The Supt shall have power to award any of the punishments enumerated above:

Provided in the case of separate confinement for a period exceeding one month, the previous confirmation of the Inspector General shall be obtained.

- (2) No officer subordinate to the Supt shall have power to award any punishment, whatsoever.
- (3) No punishment shall be imposed without judicial appraisal of session's judge and where such intimation, on account of emergency, is difficult, such information shall be given within two days of the action.
- (4) Any incident of serious or repeated misconduct by a prisoner facing trial may be intimated by the Supt to the trial Court.

49. Punishment to be in accordance with foregoing sections- Except by order of a Court of Law, no punishment other than the punishment specified in the foregoing

sections shall be inflicted on any prisoner otherwise than in accordance with the provisions of those sections.

50. Entries in punishment book-(1) In the punishment book prescribed in Section 12, there shall be recorded, in respect of every punishment inflicted, the prisoner's name, register number and the class (whether habitual or not) to which he belongs, the prison offence of which he was guilty, the date on which such prison offence was committed, the number of previous prison offences recorded against the prisoner and the date of his last prison offence, the punishment awarded, and the date of infliction.

(2) In the case of every serious prison offence, the names of witnesses and substance of their evidence, the defense of the prisoner, and the finding with the reasons therefore shall be recorded.

(3) Against the entries relating to each punishment, the Deputy Supt and Supt shall affix their initials and evidence of the correctness of the entries.

51. Procedure on committal of in-house offence- (1) If any prisoner is guilty of any offence against prison discipline which, by reason of his having frequently committed such offences or otherwise, in the opinion of the Supt, is not adequately punishable by the infliction of any punishment, which he has power under this Act to award, the Sup may forward such prisoner to the Court of the Chief Metropolitan Magistrate or of any Metropolitan Magistrate having jurisdiction, together with a statement of the circumstance and such Magistrate shall thereupon inquire into and try the charge so brought against the prisoner, and upon conviction, may sentence him to imprisonment which may extend to one year, such term to be in addition to any term for which such prisoner was undergoing imprisonment when he committed such offence, or may sentence him to any of the punishments enumerated in Section 47:

Provided that any such case may be transferred for inquiry and trial by the Chief Metropolitan Magistrate to any Metropolitan Magistrate.

(2) No person shall under sub-section (1) above be punished twice for the same offence.

52. Offences by prison subordinates- (1) Every Deputy Supt or officer of a prison subordinate 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 competent authority or who shall withdraw from the duties of his office without permission, 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, on conviction before a Magistrate, to a fine not exceeding ten thousand rupees, or to imprisonment for a period not exceeding six months, or to both.

(2) No person under sub-section (1) above shall be punished twice for the same offence.

53. Procedure for conducting enquiries for the award of punishment- (1) No prisoner shall be awarded any punishment under Section 47 unless he has been informed of the offence alleged against him and given a reasonable opportunity of being heard in his defense;

(2) No prisoner shall be punished twice for the same offence;

(3) Subject to the provisions of sub-section (1) and (2) above, the Supt may follow such procedure, for the holding of inquiries including framing of charges against a prisoner, segregation of prisoners, pending inquiry, medical examination in case of inquiries, conduct of the inquiry and other matters regarding requests for appeal or revision, as may be prescribed;

(4) Where the act of the prisoner is an offence punishable under this Act and under the Indian Penal Code. 1860 (45 of 1860) or any local or special enactments, it shall be in the discretion of the Supt to deal with the case himself or send it to the concerned Magistrate:

Provided that where the offence committed is a cognizable offence punishable with imprisonment for a term of three years or above, he shall initiate proceedings for the offender.

54. Punishment for not fulfilling conditions subject to which remission, etc was given-

(1) where any prisoner fails without sufficient cause to observe any of the conditions on, or subject to, which his sentence was remitted or suspend, or he was released on parole or furlough, the competent authority may cancel such order granting remission, suspension, or parole or furlough, and

(a) If the prisoner is at large, he shall be arrested by any police officer without a warrant and remanded to undergo the unexpired portion of his sentence;

(b) Shall on conviction by a Court, be punishable, in addition to the sentence he is undergoing with imprisonment for a term which may extend to two years, or with fine, or with both.

(2) No Court shall take cognizance of an offence punishable under sub-section (1) except with the previous sanction of the Government or the authority which ordered the suspension, remission, parole, or furlough, as the case may be.

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CHAPTER XII

SAFE CUSTODY AND SECURITY OF PRISONERS

55. Liability to provide safe custody and security of prisoners- (1) The Supt shall be responsible to undertake effective measures to ensure safe custody and security of prisoners.

(2) Confinement in iron with the permission of the Court: whenever the Supt has reason to believe that a prisoner is likely to jump prison or break out the custody in view of his proneness to violence or his tendency to escape or his being so dangerous or desperate that no other practicable way of preventing his escape is available except by confining him in orphans, he may so confine him with the permission of the Court.

(3) use of handcuffs and fetters in emergent situation-In emergent situations, it shall be open to the Supt to use handcuffs and fetters to secure any prisoners for reasons to be recorded in writing and under intimation to the District and Sessions Judge within twenty four hours of using such handcuffs or fetters.

56. Prisoners exempted from imposition of handcuffs and fetters- No handcuffs and fetters shall be imposed in respect of

- i. Female prisoners;
- ii. Civil prisoners; and
- iii. Prisoners who are aged, physically infirm or seriously ill.

CHAPTER XIII

MISCELLANEOUS

57. Redressal or grievances of prisoners- (1) For the purpose of receiving grievances from the prisoners and for the redressal of any such grievance, a Grievance Redressal Committee may be appointed for each prison with the following, namely:

- | | |
|---------------------------|----------|
| (a) Superintendent | Chairman |
| (b) Deputy Superintendent | Member |
| (c) Medical Officer | Member |
| (d) Welfare Officer | Member |

(2) The Grievance Redressal Committee shall meet at least once a month to deal with petitions and representations from prisoners and it shall follow such procedure for the examination of such petitions or representations as may be prescribed.

(3) Any prisoner aggrieved by the decision of the Grievance Redressal Committee may appeal to the Deputy Inspector General within thirty days from the date of communication of such decision.

(4) Notwithstanding anything herein before contained, every prisoner shall be afforded full opportunity to make a complaint to the inspection General or the District and Sessions Judge, who shall prescribe a mechanism for the redressal of such complaints.

(5) There shall be a prison advisory Board to advise the Government on the general governance of the jail in the manner as prescribed in rules.

58. Prohibition of strikes, etc. – No person employed in the prison shall have any right to from any union or join any such union either inside or outside the prison for any purpose or for making or pressing any demands to strike or start or continue any agitation inside the prison for achieve any request or demand.

59. Extramural custody, control and employment of prisoners: (1) A prisoner when being taken from any prison in which he may be lawfully confined or whenever he is working outside or is otherwise beyond the limits of any such prison in or under the lawful custody or control of a prison officer belonging to such prison shall be deemed to be in prison and shall be subject to all directions and discipline as if he were actually in prison.

60. Review of cases of criminal prisoners: (1) The Government shall cause to be reviewed cases of under trial prisoners detained in the prison for more than one year or in case when the detention is more than half of the maximum punishment for the offence provided under the law.

(2) The Government shall ensure that no under trial is detained in prison for a period exceeding the maximum period of punishment provided for the offence or offences as the case may be for which he has been detained.

61. Use of minimum force: (1) For controlling any incident of rioting any officer of the prison shall use a little force and do as little injury to a person and may be consistent with the restoring order and detaining such person.

(2) Any officer of the prison may use minimum force against any prisoner escaping or attempting to escape, or using violence against any official of the prison or any other person.

62. Legal Aid- The Government shall endeavour to provide free legal aid for the prisoners.

63. Rehabilitation of prisoners- The Government shall endeavour to undertake measures towards the rehabilitation of the prisoners.

64. Persons of unsound minds - No person of unsound mind other than a criminal shall be kept in prison.

65. Protective custody - No person entitled to protective custody shall be kept in the prison.

66. Accounts and audit – The accounts of every prison shall be maintained and audited as many be prescribed by the Government.

67. Training of prison official__ (1) The Government shall provide training to all prison officials to refresh them about the responsibility and rights of prisoners.

(2) The duration and syllabus of such training shall be prescribed by the Government.

68. Delegation of powers_ Any of the powers conferred by this act on the State Government may be exercised and performed by such officers as the State Government may designate in this behalf.

69. Exercise of powers of Superintendent and Medical Officer__ All or any of the powers and duties conferred and imposed by this Act on a Superintendent or Medical Officer may in his absence be exercised and performed by such other officers as the Government may appoint in his behalf either by name or by his official designation.

70. Protection of action taken in good faith__ No suit prosecution or other legal proceeding shall lie against the Government or any functionary of the Government in respect of anything which is done or intended to be done in good faith in pursuance of this Act of the rules made or orders or directions issued there under or acting in accordance with the provision of sub Action (1) and (20) of Section 60.

71. Power of Government to make rules- (1) The Government may make rule generally to carry out the provision of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provides for all or any of the following matters namely:

(I) Defining the acts which shall constitute person offences.

(II) Determining of classification of prison offences into serious and minor offences.

(III) Fixing the punishments admissible under this Act which shall be awardable for commission of prison offences or classes thereof.

(IV) Declaring the circumstances in which acts constituting both a prison offence and an offence under the Indian Penal Code, 1860 (45 of 1860) may or may not be dealt with as a prison offence.

(V) For the award of marks and shortening of sentences.

(VI) Regulating the use of force any prisoner or body of the prisoners in the ase of riot, outbreak or attempt of escape.

(VII) Defining the circumstances and regulating the conditions under which prisoners in danger of death may be released.

(VIII) For the classification of prisons and description and construction of wards, cells (IX) for the regulation by numbers, length or character of sentence of sentence or otherwise of the prisoners to be confined in each class of the prisoners.

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- (X) For the governance of prisons and for the appointment of officers under the Act.
- (XI) As the food, bedding and clothing of criminal prisoners and of civil prisoners maintained otherwise than at their own cost.
- (XII) For the employment instruction and control of convicts within or without prison.
- (XIII) For defining articles the introduction or removal of which into or out of prisons without due authority is prohibited.
- (XIV) For regulating the disposal of the proceeds of the employment of the prisoners.
- (XV) For the classification and the separation of prisoners.
- (XVI) For adopting measures to bring about co-ordination between various department of the Government for upkeep, maintenance, welfare of the prisoners and for the dealing with contingencies.
- (xvii) For regulating the confinement of convicted criminal prisoner prison under Section 29;
- (xviii) For the preparation and maintenance of history tickets.
- (xiv) For rewards for good conduct.
- (XX) For regulating the transfer of prisoner of prisoners whose term of imprisonment is about to expire subject, however to the consent of the Government of any other State or Union Territory to which a prisoner is to be transferred.
- (xxi) For the treatment, transfer and disposal of mentally ill criminals confined in prisons.
- (xxii) For regulating the transmission of appeals and petitions from prisoners and the communication with their friends.
- (xxiii) For the appointment and guidance of the visitor of prisons.
- (xxiv) For extending any or all of the provisions of this Act and of the rule there under to subsidiary prisons or special places of confinement appointment under section 417 of the Code of Criminal Procedure, 1973 (2 of 1974) and the prisoners confined therein:
- (xxv) All regard to admission, custody, employment diet, treatment and release of prisoners.
- (xxvi) For periodic review of the cases of criminal prisoners detained in the prisons for more than one year and in cases when the detention is more than half of the maximum punishment for the offence.
- (xxvii) For providing legal aid to prisoners;
- (xxviii) For recruiting, training, conduct, punishment and appeal relating to the officials of the prisoners;
- (xxix) For the grant of parole, furlough and leave to prisoners;
- (xxx) For the temporary release, suspension and remission of sentence of prisoners;

(xxxi) Generally for carrying into effect the purpose of this Act.

3. Every rule made by the Government under this Act shall be laid, as soon as may be after it is made before the House of the Legislative assembly of Delhi while it is in session for a total; period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the House agrees in making any modification in the rule or the House agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under the rule.

72. Exhibition of copies of rule: Copies of rules under section 71 so far as they affect the governance of prisoners, shall be exhibited both in English and in official languages of Delhi in some place to which all persons employed within the prison have access.

73. Repeat and Savings __ (1) The Prisons Act , 1894 (IX of 1894) in its application to Delhi is hereby repeated.

(2) Notwithstanding the repeat by this act of Prisons Act, 1894 referred to in subsection (1) above all rules, regulations, orders, directions, notifications, relating to the prison administration in Delhi, made under Prisons Act, 1894 and in force immediately before the commencement of this Act shall except where and so far as they are inconsistent with or repugnant to the provisions of this Act, continue in force until amended or repeated by rules made under this act.

75. **Power to remove difficulties** - (1) If any difficulty arises in giving effect to any of the provisions of this Act, the Government may, by order published in the Official Gazette, make such provisions or take some such measures not inconsistent with the provisions of this Act , as appear to it to be necessary or expedient for removing the difficulty.

Provided that no such order shall be made after the expiry of a period of three years from the date of the commencement of this Act.

(2) The Government may make an order under sub-section (1) to have effect from any date not earlier than the date of the commencement of this Act.

(3) An order made under sub-section (1) shall be laid, as soon as may be after it is made, before the House of the Legislative Assembly in Delhi.

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CHAPTER 2

DELHI PRISONS (DEFINITIONS) RULES, 1988

Note: For statutory provisions concerning the authority of these Rules, see Appendix-3 Prisons Act, 1894 – sections 7, appendix – 16 – Criminal Procedure Code, 1973- Sections 22, 109, 117, 122 and Appendix-2-Indian Penal code, 1860-Chapter XXI, XVI, XVII, XVIII, Appendix-13- Constitution of India, 1985-Article 2393

Rule

1. **Short title and commencement-** (1) these rules may be called the Delhi Prisons (Definition) Rules, 1988.
2. In the 'Rules' or 'Orders' framed or issued in exercise of the powers conferred under the prisons Act, by the administrator of the Union territory of Delhi, unless a different intention appears from the subject or the context, the expressions:-
 - (a) 'Administrator' means the administrator of the union Territory of Delhi appointed by the President of India under 239 of the Constitution of India.
 - (b) 'Chief Secretary' will mean the Chief Secretary to the Administration of the Union territory of Delhi.
 - (c) 'Delhi Administration' will mean the Administration of the union territory of Delhi.
 - (d) "Inspector General" means and includes General for the time being, of Prisons in Delhi.
 - (e) "Subordinate Officers" means and includes every Officers of a prison other than the Superintendent and the Medical Officer thereof.
 - (f) "Casual" means any convicted Criminal prisoner who is not a 'habitual' offender as hereinafter denned;
 - (g) 'Central Jail" means any prison in which convicted criminals, under trial prisoners or parsons detained under any specific Act Ordinance/Orders, as the case may be received/ kept for the purpose of undergoing their sentence or for the purpose of judicial custody and/ or detention under any specific Act/Ordinance/Orders, as the case may be;
 - (h) "District Jail" means every jail other than a central Jail or a special jail.

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

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1. Published in Delhi Gazette, extra ordinary Part IV, No. 76, dated 18th April, 1988 vide notification No. F. 9/(75)/87 – HOME (GENERAL)/(XIII), in exercise of the powers conferred under Prisons Act, 1894 (Act IX of 1894) by the Administrator of the Union Territory of Delhi.

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- (i) "Special Jail" means any prison provided for the confinement of a particular class particular classes of prisoners and classed as a Special Jail by the Administrator;
- (j) "Compartment" means any room, workshop godown or other covered in, enclosed and protected place in a jail, other than a cell or ward;
- (k) "Convict" means a convicted Criminal prisoner;
- (l) "Under Sentence means under sentence of imprisonment of either description.
- (m) "Habitual Offender" or "Habitual Criminal" means –
 - (i) Any person convicted of an Offence whose previous conviction or conviction under Chapter XII, XVI, XVII of the Indian Penal Code, 1860 taken by themselves or with the facts of the present case show that habitually commits an Offence or Offence punishable under any or all of the previous contained in these chapters;
 - (ii) Any person committed to or detained in Prison under section 22(read with section 109 or section 110) of the Code of Criminal Procedure, 1973;
 - (iii) Any person convicted of any of the Offences specified in (i) above when it appears from the facts of the case even although no previous conviction has been proved that he is by habit a member of a gang of dacoits, or of thieves or a dealer in stolen property;
 - (iv) Any member of a Criminal tribe, subject to the discretion of the Administrator;
 - (v) Any member of a Criminal tribe, subject to the discretion of the Administrator;
 - (vi) Any person convicted by a court or Tribunal acting outside India, of an Offence which would have rendered him liable to be classified as a Habitual Criminal, if he had been, convicted in a court established in India.

Explanation: For the purpose of this definition the word "Conviction" shall include an order made under Section 117, read with Section 110, of the Criminal Procedure Code, 1973.

Note 1: The classification of a convicted person as a habitual Criminal should ordinarily be made by the Convicting Court but if the Convicting Court omits to do so, such classification may be made by the District Magistrate, or in the absence of an order by convicting court and pending the result or a reference to the Distt. Magistrate, by the officer in charges of the jail where such convicted person is confined:

Note 2: The convicting Court or District Magistrate may for reasons to be recorded in writing, direct that any convicted person or any person committed to or detained in prison under Section 122, read with Section 109 or Section 110 of the Code of Criminal procedure, 1973 shall not be classed as a Habitual Criminal and may revise such direction.

Note 3 : Convicting Court or District Magistrate, as case may be, may revise their own classification and the District Magistrate may alter any classification of a prisoner made by a

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Convicting Court or any other Authority provided that the alteration is made on the basis of facts which was not before such Court or Authority.

Note 4: The expression “district Magistrate” wherever it occurs in Note 1, 2 and 3 above no means the Commissioner of Police, Delhi.

Note 5: Every habitual Criminal shall as far as possible be confined in a Special Jail in which no prisoner other than habitual criminals shall be kept.

Provided that the Inspector General of Prison may transfer of this Special Jail any prisoner, not being a habitual criminal, whom for reasons to be recorded in writing, he believes to be of so vicious or depraved a character and to exercise or to be likely to exercise, so evil an influence on his fellow prisoners that he ought not to be confined with other non-habitual prisoners but a prisoner so transferred shall not otherwise be subject to the special rules effecting habitual criminals.

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CHAPTER 3

DELHI CLASSIFICATION OF PRISONS RULES, 1988

Note: For statutory provisions concerning the authority of these Rules, see Appendix- 3 Prisons Act 1894, Section 4 to 6 and 8 to 15.

Rule

1. **Short title and commencement**—(1) These rules may be called Delhi classification of prisons Rules, 1988.1

(2) Three Kinds of Jails – Jails shall be of three kinds, namely, Central Jails, District Jail

and Special Jails:

(a) 'Central Jail' – means any prison in which convicted criminals, under trial prisoners or person detained under any specific Act/Ordinance/Orders, as the case may be are received/kept for the purpose of undergoing their sentence or for the purpose of judicial custody and/or detention under any Specific Act/Ordinance /Orders, as the case may be.

(b) 'District Jail' – all Jails, other than 'Central Jails, and 'Special Jails, shall be deemed to be 'District Jails'.

(c) (1) Administrator may from time to time, in its discretion, declare any jail to be a 'Special Jail' for the purpose of these rules, or establish a Special Jail at any place.

(2) No Jail shall be deemed to be a – 'Special Jail' within the meaning of these rules, unless it has been declared to so or established as such under sub-rule(c) (1).

3. **Inspector General of Prisons** – The inspector General of Prisons appointed under the Prison's Act, 1894, subject to the orders/ directions of the Administrator shall exercise general Control and superintendence over all classified Jails in Delhi.

4. **Addl. I.G. of Prisons, and D.I.G. of prisons-** Addl. I.G. of Prisons, and D.I.G. of prisons shall assist the I.G. of prisons and exercise all such powers and perform such duties as may be delegated to them by the Inspector General of Prisons from time to time with prior approval of the Administrator, wherever necessary.

5. **Superintendent of Prisons** – For each classified Jail, there shall be a Superintendent who will be assisted in the management of Prisons by such staff as may be specified by Inspector general of prisons with the prior approval of Administrator.

Published in Delhi Gazette, extraordinary Part IV, No. 76, dated the 18th April 1988, vide notification No. F.9/75/87-Home (General) (I) in, exercise of the powers conferred by Clause (8) of Section 59 of the Prisons Act, 1894 (IX of 1894), by the Administrator of Union Territory of Delhi.

CHAPTER 4

DELHI PRISON (POWERS AND DUTIES OF THE INSPECTOR GENERAL) ORDERS, 1988

Note: For statutory provisions concerning the authority of these rules, see appendix-3 prisons Act, 1894, Sections 4 to 6 and 8 to 15 and Cr.P.C. - Section 330 and 335

Clause

1. (1) These orders may be called 'Delhi Prison (Powers and duties of the Inspector General) Orders, 1988'.

(2) These orders shall come into force with immediate effect.

2. **Power to entertain establishment**—(1) The Inspector- General may, from time to time in respect of any jail, entertain or sanction the entertainment of temporary established in accordance with the financial powers delegated to him.

(2) Every temporary subordinate officer shall be subject to the same liabilities as regard transfer, promotion, removal and punishment as are applicable to subordinate officers permanently employed.

3. **Supply of article to Jails and Sale of manufactured articles** – Subject to the general control of the Administrator and to the provisions of these orders the Inspector General may enter into all such arrangement as may be necessary for the construction off all works relating to, 'and the supply of all articles for use in, or in any way relating or incidental to or connected with jails, and for the sale of all articles manufactured in jails.

4. Provisions on of funds, expenditure and account – Subject to the arrangement for securing due budget provision all the allotment of funds to meet the expenditure of the Jail Department, made under the orders of the Administrator in that behalf, the entire control over all expenditure on the maintenance of jails and on all matters in any way relating or incidental to, or connected with, the administration of jails, shall vest in the Inspector General:--

5. **Petty Contracts**—(1) Any contract for the supply of any article to the extent of the estimated requirement of any jail for a period not exceeding six weeks, shall be deemed to be a petty contract.

(2) Subject to the control of the Inspector General, Petty contracts may be made by the superintendent.

6. All over contract require previous sanction—No contract other than a petty contract, shall be made by any officer, other than the inspector General, without the sanction in writing to be previously obtained from the inspector General.

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1. Published in Delhi Gazette, extra ordinary- Part IV, No. 76, dated 18th April, 1988 vide Notification No. F. 9/75/87 Home (General) (II), in exercise of the powers conferred under Section 5 of the Prisons Act, 1894 (IX of 1894) the Administrator of the Union Territory of Delhi.

7. Inspection of Jails by Inspector General – It shall be the duty of the Inspector General. As far as may be, personally to visit and inspect every jail at least once in three months and to satisfy himself that the provisions of the prisons of the Prisons Act, 1894, and all rules, regulations, directions and orders made or issued thereunder, applicable to as such jail are duly obeyed and enforced, and that the management of such jail is in all respect efficient and satisfactory. A note recording the result of each visit and inspection shall be made in a jail once in six months if the additional Inspector General inspects the jail three months after the inspection of the Inspector General.

8. Duties of the Inspector General at inspections – In accordance with the provisions of the preceding rules, the Inspector General shall, at this inspection of each jail, ordinarily:

(a) see all yards, wards, cells, work sheds, store rooms, kitchens and latrines, noting their state of repair, sanitary condition and efficiency, the extent to which the structural arrangement permit of the separation of the different classes or prisons as required by the Prisons Act of 1894 and the rules made there under and whether these arrangement are availed of to the fullest extent:

(b) examine the jail garden and note its condition as to its capabilities to supply vegetable and antiscorbutic in sufficient quantities to all the prisons and whether it has availed of to the fullest extent:

(c) note any defects in the water supply and conservancy arrangement; see that the sick are carefully attended to , and that the food is of proper quality and whether it has availed of to the fullest extent:

(d) see every prisoner than in confinement in the jail. Nothing any circumstances of importance requiring attention, such as the adaptation of tasks to physique and capabilities, the condition and sufficiency of the clothing, the employment of letters, the working of the remissions system, the award of punishments, and afford every prisons a reasonable opportunity of making any application or complaint and investigate such as relate to jail discipline:

(e) inspect the warder establishment as to its proficiency, inspect the arms and accoutrements, and test the ability of the upper subordinates to drill the guard;

(f) satisfy himself that the arrangement for guarding both by day and night are satisfactory;

(g) satisfy himself that economy is practiced in the matter of all purchases;

(h) satisfy himself that the all accounts and registers are maintained according to the rules in force, proper management are made for the safe custody of all records, and that due regard is paid to all requirement of the laws and rules made thereunder: and

(i) record his opinion of the manner in which officers appear familiar with their duties, together with any suggestion he may wish ti make and any orders he may desire to issue to the superintendent.

9. A copy of minute when to be submitted of Delhi Admn . – A copy of any part of the minute required by the preceding paragraph which deals with matters which should, in the opinion of the Inspector General, be brought to the notice of Delhi Administration, shall be forwarded by the Inspector General to the Administration.

10. Annual report and returns – The Inspector General shall, as such after the close of each calendar year, as possible and not later than the first day of May in each year, submit to the Delhi Administration, a report on the administration of jails, together with such statisfied and other statements, returns and information, and in such form as the Administration may, from time to time, by executive direction, require.

11. Channel of communication – in the absence of any direction to the contrary, the Inspector-General shall be channel of communication between the Delhi Administration and all Superintendent and others officers of the Jail Department.

12. Inspection of criminal lunatics by the Inspector General or visitors – (1) When any person is confined under the provisions of Section 330 or 335 of the Code of Criminal Producer 1973, the Inspector General of Prison, if such person is confined in a jail, may visit him in order to ascertain his state of mind, and he shall be visited once at least in every two months and make a special report as to the state of mind of such person to the authority under whose order he is confined.

(2) The Administrator may empower the officer-in-charge of the Jail in which such person may be confined to discharge all or any of the functions of the Inspector-General.

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CHAPTER 5

DELHI PRISONS (VISITORS OF PRISONS) RULES, 1988

Note: For statutory provisions concerning the authority of these Rules, see Appendix-3 Prisons Act, 1894, sections 4 to 6 and 8 to 15.

Rule

1. **Short title and commencement—(1)** These rules may be called the Delhi Prisons (Visitors of Prisons) Rules, 1988.1.

(2) They shall come into force at once.

2. **Visitors—(1)** Visitors of jails shall be either:

(a) ex-officio.

(b) (1) Officials or (2) non-officials, appointed by name by the Administrator.

(2) The following officers and such others as the Administrator may from time to time appoint in this behalf shall be ex-officio visitors of every jail within the respective areas under their charges or within their jurisdiction:--

(a) secretary home, Delhi Administration, Delhi.

(b) Commissioner of Police.

(c) District and Sessions Judge.

(d) District Magistrate.

(e) Director, Social Welfare Deptt. Delhi Administration, Delhi.

3. **Visits by official visitors—(1)** commissioner of Police and Session Judges are required to visit the jails once in three months and once a month, respectively.

(2) District Magistrates are required to visit the jails once fortnight.

4. **Duties of official visitors—(1)** Any official visitor may examine all or any of the books, papers and records of any department of jail and may interview any prisoner confined therein.

(2) It shall be the duty of every official visitor to satisfy himself that the provisions of the Prison Act, 1894, and of all rules, regulations, orders, and directions made or issued thereunder, are duly observed, and to hear and bring to notice any complaint or representation made to him by any prisoner.

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5. Non-official visitors term of official appointment—(1) The Administrator may appoint such number of person to be non-official visitors in respect of any jail as he may think fit.

(2) every non-official visitors so appointed shall hold office, as such, for a period of two years, but may be re-appointed on the expiration of that term.

1. Published in Delhi Gazette, Extra ordinary Part IV, No. 76, dated 18th April, 1988 vide notification No. F.9/75/87-Home (G)/III, in exercise of the powers conferred under claus125 of section 59 of the Prisons Act, 1894 (IX of 1894) by the Administrator of the Union Territory of Delhi.

6. Non-official visitors to be gazette—The names of such persons as are willing to undertake the important duties, and are being appointed as non-official visitors of specified jails, shall be noticed in the Gazette.

7. Visit by non-official visitor—Every non-official visitors is expected to interest himself in and visit the jail of which he is a visitor, once a month, and often, if possible. Intimation of the intended visit need not be given.

8. Duties of all visitors—(1) All visitors shall be afforded every facility for observing the state of the jail, and the management thereof, and shall be allowed access under proper regulations, to all parts of the jail and to every prisoner confined therein.

(2) every visitors should have the power to call for and inspect any book or other record in the jail unless the superintendent for reason to be recorded in writing, declines on the ground that its production is undesirable. Similarly, every visitor should have the right to see any prisons and to put any questions to him out of the hearing of any jail officer. There should be one visitor 'book for both classes of visitors, their remarks should in doth cases be forwarded to the Inspector-General, who should pass such orders as he thinks necessary, and a copy of the Inspector-General's order should be sent to the visitor concerned.

9. District Magistrate to visit and inspect jails—(1) It shall be the duty of the District Magistrate to visit and inspect jails and to satisfy himself that the provisions of the Prisons Act,1894, and of all rules, regulations. Directions and orders made or issued thereunder, applicable to such jail, are duly observed and enforced.

(2) In all matters relating to the discipline maintained and the management of jails, the Magistrate of the district visiting and inspecting any jail under the provisions of these rules shall discharge his duties subject to the general control of the Inspector-General.

(3) A record of the result of each visit and inspection made shall be entered in a register to be maintained by the Superintendent for the purpose.

10. Exercise by District Magistrate of powers under the Prisons Act—The orders passed under Sub-section (2) of Section 11 of the Prisons Act, 1894, should, except in emergent cases in which immediate action is, in the opinion of such Magistrate, necessary, be so' expressed that the Superintendent may have time to refer (if he thinks necessary) to the Inspector-General before taking thereon.

11. District Magistrate to communicate with Superintendent—(1) The district Magistrate, shall not address any communication or order to any officer of any jail other than the Superintendent. All orders issued by the District Magistrate shall be in writing.

(2) The District Magistrate's orders should ordinarily be issued in the form of an entry in the visitor's book. The District Magistrate is not required to interfere in matters of details affecting the management of a jail. He should beware of action having a tendency to weaken the authority of the Superintendent over subordinate jail officers and prisoners.

(3) If the Magistrate gives an order to which the Superintendent takes exception, the letter Officer, may represent the matter to the Inspector-General, but he shall forthwith obey any order which is not already inconsistent with the Prisons Act or any rule made thereunder and does not involve any immediate risk or danger. In the event of his hesitating to obey any order on any of these grounds, he shall, in case of urgency, obtain the Inspector-General's order immediately.

(4) In cases which are not urgent, the Superintendent will refer in the ordinary course, to the Inspector-General and will communicate that Officer's reply, without delay, to the Magistrate.

12. Board of visitors—once in every three months, not less than two, ex-officio and one non-official visitor, of which one, unless prevented by unavoidable cause, shall be the District Magistrate, shall constitute a Board and visit the jail of which they are visitors. The District Magistrate shall be the ex-officio Chairman of the Board, the Board should meet at the jail on such days as the District Magistrate may determine, and will inspect all building and prisoners, hear any complaints and petitions that may be preferred, inspect the prisoners' food and see that it is good quality and properly cooked, inspect the punishment book and satisfy themselves that it is kept up-to-date.

13. Duties of visitors—All visitors, officials and non-official, at every visit shall ---

(1) Inspect the barrack, cells, wards, work shed and other building of the jail generally and the cooked food;

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(2) Ascertain whether consideration of health, cleanliness, and security are attended to, whether proper management and discipline are maintained in every respect, and whether any prisoner is illegally, or is detained for an under length of time, while awaiting trial;

(3) examine jail registers and records;

(4) Hear; attend to all representation and petitions made, by or on behalf of prisoners;

(5) direct, if deemed advisable, that any such representation or petitions be forwarded to Government: and

(6) Ordinarily not visit the high security area ignoring the instructions given by the Inspector-General on this behalf.

14. Time of Visit—No visit should be made after the prisoners have been locked for the night or on Sundays and other Gazetted holidays.

15. Punishing the prisoners for complaints made to visitor—Respect for visitors—No prisoners shall be punished for any statement made by him to a visitor unless an enquiry made by a Magistrate result in a finding that is false.

16. (1) Due respect should be paid to the official and non-official visitors and their request for information should be complied with readily.

(2) No visitor can be allowed to go round a jail without an escort which is necessary for his personal safety. But on the demand of the visitor the guard should withdraw from ear short of the prisoner, so as to permit of private communication between the visitors and the prisoner out of the hearing of the guard.

(3) Any visitors is at liberty to go round the jail un-attended expect for a warder escort, if he so desired:

Provided that the visitor shall in no case interview a prison convicted of sedition or of an offence into which the element of sedition has entered except in the presence of the Superintendent or the Deputy Superintendent.

(4) Except on the occasion of the visit of the Board of Visitors no visit can claim to be accompanied on big rounds by the Superintendent. Deputy Superintendent or assistant Superintendent.

Visitors are not permitted without the express consent of the Superintendent to interview more than one prisoner at a time. Anything in the nature of a meeting or conference whether for the discussion of political topics of the ventilation of jail grievances is strictly prohibited.

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All private interviews with prisoners will normally be subject to a time limit of ten minutes. If a visitor wishes to exceed this limit, he should give his reasons for doing so in writing to the Superintendent.

17. Duties of Lady Visitors—Lady visitors shall have the same powers and duties as the male visitors, except that their functions shall extend only to the female prisoners and female wards, and that shall have nothing to do with the male portion of the jail.

18. Date of visit to be recorded and copy of remarks to be sent to certain officers—(1) Every visitor shall, after he has completed his visit to the jail, record in the visitor's book, the date and hour of his visit, and may enter therein any remarks or suggestion he may wish to make.

(2) A copy of the record made by every visitor, together with the Superintendent's reply thereto or the action taken by the Superintendent thereon, shall be forwarded to the Inspector-General and, in the case any remark made relative to the long detention of any unconvicted prisoner, a copy of such remark shall also be forwarded to the Sessions Judge.

19. Disposal of the record made by a visitor—(1) Any remarks made by a visitor under the preceding rule should be limited to a statement of 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 should be confined to such aspects of the ordinary administration of the jail as the visitor may consider susceptible of alteration or improvement, and should on no account directly reflect either favourably or adversely on the character or conduct of any of the jail staff. Should the visitor wish to bring to notice what he considers to be the good or bad work of any official he should do so by letter addressed to the Inspector General.

(2) The Inspector General may pass order on any record made by a visitor, and shall if any question of importance is raised, which in his opinion requires the orders of the Delhi Administration forward such record to the Delhi Administration.

(3) A copy of any order passed by the Inspector General or by Delhi Administration on any record made by a visitor shall be communicated to the visitor concerned through the Superintendent.

Note: A spare copy of the list will be kept at the main gate and handed over to a visitor on the occasion of his visit to the jail. Each non-official visitor will be supplied with a copy on his appointment.

20. Admission of Police Officers and the interrogation of prisoners by them—(1) A Police Officer not below the rank of a Deputy Commissioner of Police for any purpose connected with the discharge of his duty as such may be permitted to enter the jail at any time.

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(2) Police Officers of subordinate rank to those specified in clause (1), who may be detailed for the duty, may be permitted to enter the jail--

(a) for the purpose of recognizing habitual criminals at the ; of the Superintendent's Weekly parade; and

(b) for the purpose of conducting operation for the identification of prisoner during working hours on any weekly ; or

Provided that the permission to the Police Officers of the subordinate rank to enter the jail for the purpose of recognizing the habitual criminals may be granted only if the habitual criminals have been declared to be the habitual criminals by the Competent Authority at the time of their conviction or afterwards.

(3) No police Officers shall, at any time, upon any pretext whatsoever, be allowed to enter any female ward or any cell or compartment in which any female is for the time being confined or present, without the permission in writing, of the Superintendent.

(4) No Police Officers shall be permitted to interrogate any prisoner, except in so far as may be necessary for the identification of such prisoner, without an order, in writing from the competent court addressed to the Superintendent.

(5) Any interview permitted under an order from the competent court shall take place in the presence of the deputy Superintendent or other proper officer of the jail, who shall keep at such a distance that he may not hear the conversation that takes place.

21. Rank of officer deputed to interrogate a prisoner—A police Officer deputed to interrogate a prisoner under the provision of clause (4) and (5) of the preceding rule, should ordinarily not be below the rank of a assistant Sub-Inspector.

22. Police Officer to be in uniform—No subordinate Police Officer shall be admitted to a jail unless he is in proper uniform.

23. Officers of the PWD may enter the jail during business hours— The Superintendent Engineer of the Circle, the Executive and Assistant Engineers of the District and their employees, shall during business hours, have access to the jail to such extent as may be necessary for purpose connected with the discharge of the official duties of their Department, but not otherwise.

24. Special permission to be accorded to other persons—Save as herein before in these rules provided, no person shall be admitted into any jail, unless he is accompanied by or has obtained permission in writing, of the concerned Superintendent, the Magistrate of the District, or the Inspector General.

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CHAPTER 6

DELHI PRISONS (ADMISSION, CLASSIFICATION, SEPARATION, REMISSION, REWARD AND RELEASE OF PRISONERS) RULES, 1988

Note: For statutory provisions concerning the authority of these rules, see Appendix-3 Prisons Act, 1894, Sections 4, 24 to 28 and 30 and Appendix-6, Criminal Procedure Code, 1973-Sections 106, 111, 118,122,354,356,432 and 433A.

Rule.

1. **Short title and commencement-** (1). These rules may be called Delhi Prisons (Admission, Classification, separation, remission, reward and release of Prisons) Rules, 19881.
2. They shall come into force at once.

I. ADMISSION

2. **No Prisoner to be admitted at night-** No prisoner shall, except on transfer from another jail, be admitted into any lock-up and before lock-out of the prisoners;

Provided this restriction will not apply in the case of –

- I. Women under trial prisoners, who shall be admitted in jails whatever time presented for admission by the Police and on all days including Sunday and Jail Holidays.
- II. Superintendent may permit admission of prisoners at all hours on the special written order of a Sessions Judge or District Magistrate.
- III. Male Prisoners admitted after the hours of lock-up shall be kept in a ward/Barrack earmarked for the purpose. However, the female prisoner be confined in the female ward.

3. **No person to be admitted without a proper warrant- procedure on refusal-**(1) Not person shall be admitted into any jail as a prisoner, otherwise than under a lawful warrant of order of commitment addressed to the Superintendent Officer-in-charge of the Jail by a Competent Court or other proper authority.

(2) In case prisoner sent for custody in the jail u/s 107/51, Cr.P.C. by the executive Magistrate, jail authorities cannot accept the prisoners if the grounds for custody are not accompanied with the Warrant.

4. Before admitting a prisoner, the Deputy Superintendent shall question him and ascertain that his name and other particular correspond with those entered in his Warrant.

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1. Published in Delhi Gazette, Extra ordinary Part IV, No. 76, dated 18th April, 1988 vide notification No. F.9/75/87-H(G)/IV, in exercise of the powers conferred under clau

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(17), 27 and 28 of section 59 of the Prisons Act, 1894 (IX of 1894) by the Administrator of the Union Territory of Delhi.

5. Procedure if a Warrant is illegal or irregular-(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 jail, or as to 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 Delhi Administration by whose order he and all other public Officers shall be guided as to the future disposal of the prisoner and detain the prisoner till a guidance is received on the reference, treating as if the warrant or order was correct.

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

6. Examination of Warrants and Notes of Explanation – All warrants shall be examined to ascertain whether they conform to the code of Procedure, 1973 and the Orders of the High Court.

Note 1. A warrant ordering imprisonment without specifying whether it is to be simple or rigorous imprisonment, an un-dated or an unsealed warrant shall be returned for correction. In the case of an unsigned warrant neither the prisoner nor the warrant shall be accepted.

Note 2. In the case of under trial prisoners the Warrant, should be specify:

- (a) Name of the prisoners;
- (b) His parentage;
- (c) Residential address;
- (d) Particulars of the case namely F.I.R. No./D.D. No. Section & the Prisoner is remanded to custody and Police Station.
- (e) The period of custody or date of producing before the court. The Warrant should also be sealed and signed by the presiding officer of the court. If the prisoner is injured, the custody warrant should be accompanied by a medico-legal certificate. In case of prisoner sent to jail under Chapter-VIII of the Cr. P.C., 1973, the custody warrant shall be accompanied by a notice under Sec. III, Cr.P.C.

Note 3: Every warrant should show whether the prisoner is a casual or habitual offender. In case of those previously convicted, a statement showing the previous convictions/involvements, should be attached.

Note 4: Warrants or orders shall be written in Hindi or in English.

Note 5: The Superintendent of a jail is justified in refusing to receive or detain a prisoner in Jail on a warrant to which is affixed a signature by means of a stamp. But he should not ordinarily, refuse to admit a person for this or other defects, but he should draw the immediate attention of the Magistrate concerned to the defect and ask for the rectification at once.

Note 6: All warrants should be signed in full (not initiated) by the Judge or Magistrate who issues it and should be sealed with the seal of the court.

Note 7: In case of persons on which separate sentences are passed, care should be taken to state in the Warrant of commitment for imprisonment the date from which sentence is to have take effect.

Note 8: 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 9: Warrants for the release or remission of Sentence of prisoner confined in jail, warrants for the release of prisoner on bail and intimation of payment of fines sent to jail authorities shall be done through Official messenger only and not by friends or relatives of the accused.

Note 10: There should be a separate warrant or notice for every prisoner even of two or more prisoners have been jointly charged or convicted.

7. Copy of warrant returned for correction to be kept – When a warrant is returned for correction, a copy shall be retained in the appropriate compartment of the warrant almira until the original is returned.

8. Date of release and Responsibility for correctness - (1) the date on which a prisoner is entitled to be released shall be calculated by the Deputy Superintendent and an entry made in the Release register (No.4) under that date, giving the name and serial number etc. of the prisoner. It is not the duty of the committing Officer to notice the date of release on the warrant; if such date is noted incorrectly or omitted the warrant shall be returned for correction on that account.

(2.) In case the date of release be changed either by the imposition of additional imprisonment, or, by revision of any part of sentence or by absence on bail or after escape, a new date of release shall be fixed and an entry be made under the date.

The old entry should be scored through with red ink and a reference made against it to the new date fixed.

(3.) The deputy Superintendent shall himself check each entry in the release register and admission register and shall be personally responsible for their correctness.

9. Certain days to count as days of Sentence- Proviso – (1) In calculating the day on which any prisoner is entitled to be released, the day on which the sentence is passed and the day on which the prisoner is released, respectively, shall be deemed to be days of imprisonment.

Provided that if, in the case of any prisoner, two or more sentences are to be undergone otherwise than concurrently, no day shall be counted as a day of imprisonment in respect of more than on such sentence, and that sentence of imprisonment for one day or for twenty-four hours shall be deemed to expire on morning of the day following that on which the sentence was passed.

(2.) In calculating periods of imprisonment expressed in months, a month shall be deemed to be Calendar month.

Example 1: A prisoner sentenced to one year imprisonment on the 15th January, 1987 shall be released on 14th January, 1988, a prisoner sentenced on the 1st January, to one month's imprisonment shall be released on the 31st of the same month.

Example 2: A, B and C are sentenced, respectively, to one month's imprisonment on 29th, 30th and 31st January of 1987. All three sentences expire on the morning of 28th February, 1987.

10. Periods to be excluded from sentence – When by order of any competent authority any prisoner is released on bail or the operation of any sentence of imprisonment passed upon any prisoner is, for any reason, suspended for a time and such prisoner is subsequently lawfully committed to prison, the period during which such prisoner was so released on bail or the sentence of imprisonment passed on such prisoner was so suspended shall, unless the warrant or order of recommitment otherwise directs, be excluded in calculation the periods of the sentence;

Provided that:-

- (a) A prisoner who is released on bail on the day on which the sentence of imprisonment is passed, shall not be deemed to have undergone any part of his sentence until he is again placed in confinement; and that
- (b) This rule shall not be deemed to apply to persons undergoing imprisonment under the provisions of section 122 of the Code of Criminal Procedure, 1973.

Note: A prisoner released on bail on day subsequent to that on which he was committed to jail but who is again recommitted to undergo sentence in the same case, shall

be entitled to count every day of admission and every day of release as days of imprisonment in respect of such sentence.

11. date of release when a period has been excluded from sentence – When a period has been excluded from a sentence under the preceding rule, the mode to be adopted in calculating the date of release is – take the full terms of the sentence as commencing from the date of re-admission and deduct from it the number of days already passed in jail; the date so arrived at will be date on which the sentence expires.

12. Note 12. Operation of a second sentence when a first sentence is set-aside- (1) when a prisoner has been committed to jail at one trial under two – separate warrants, the sentence in the one is to take effect from the expiry of the sentence in the other, the date of such second sentence shall, in the event of the first sentence being set-aside on appeal, be presumed to take effect from the date in which he was committed to jail under the first or original sentence.

(2.)”When separate sentences have been passed in separate trials and the sentences are to run consecutively, the operation of the second sentence will in the event of the first sentence being set-aside on appeal, commence from the date of conviction in the second case.

13. Date from which a sentence finally passed shall count- When an appellate Court 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, unlike otherwise specially directed, from the date of imprisonment under the original sentence.

14. Date of release when two or more sentences run consecutively- When a prisoner is sentenced to two or more terms of imprisonment to be served consecutively, the date of release shall be calculated as if the sum of the terms was awarded in one sentence.

Example: A prisoner, sentenced on the 21st June, 1986 to one year’s imprisonment is, for another offence, subsequently sentenced to a further term of one year, the period to commence from the expiration of the first sentence, he will be released on the 20th June, 1988 and not on the 19th June, 1988.

15. Calculation of date of release when a fine is partially paid- 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 or portion of it be not immediately paid, the release shall be fixed and entered in the release diaries on such dates and shall correspond to payment as well as non-payment of the fine. When any portion of the fine is subsequently paid, the date of release shall be altered accordingly.

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

16. Calculation of remission on payment of fine - 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. Any fraction of a month obtained by such calculation shall be reduced to days. A fraction of a day less than one half shall not be counted, any greater fraction shall count as one day.

Example: If a prisoner be sentenced on the 15th July to 6 months imprisonment and to pay a fine of Rs. 300/- in default of payment to six months further imprisonment and he pays Rs. 63/- the calculation shall be made as follows:-

$$63/300 * 6 \text{ months } 63/50 = 1 * 13/15 \text{ months}$$

The date of release deducts one month would fall on the 14th June as the month preceding June has 31 days the 13/50 of a month will be calculated on 31 days, thus $13/50 * 31 = 403/50 = 8.3/50$ days. Here the remission for payment of Rs. 63 is 1 month and 8 days.

If the prisoner has been sentenced on the 15th June instead of 15th July, the calculation of the 13/50 of a month would have to be made on a 30 days month, because from any date in April to the same date in May, as follows:

$13/50 * 30 = 39/5$ days so that in that case, the remission would be also 1 month and 8 days (4/5 day being more than half a day.)

17. Disposal of notice of payment of fine – If a fine is paid in part or whole after a prisoner is admitted to jail, the Court receiving it will unless it has already received back the prisoner's warrant with an endorsement showing that he has been released, notify the fact to the Superintendent of the Jail in which the prisoner was first confined after conviction.

This notification shall be filed with the warrant and returned with it after sentence has been carried out.

18. Procedure when a prisoner with imprisonment in lieu of fine is transferred – (1) When a prisoner whose sentence includes an order of imprisonment in default of payment of fine, is received by transfer from a jail other than the jail in which he was first confined, intimation shall forthwith be given by the receiving jail to the Superintendent of the jail

where he was first confined who shall cause a record of the receipt of such intimation to be made in the admission register of his jail. The Superintendent of the jail to which a prisoner was first committed, is responsible for seeing that modifications of payment of the fine received by him are promptly transmitted to the jail in which the prisoner is confined, such notices shall be sent under a registered cover.

(2). The superintendent Jail shall maintain or cause to be maintained a register of fine alongwith a serialised receipt book from which the receipt will be issued to the prisoner or his representative, and the Counterfoil will be maintained by the Superintendent. The amount of fine must be deposited with the Cashier, Central Jail and the T.R. 5 should be pasted and entered on record.

19. The payment of fine at the Jail – (1) The Superintendent is authorized to receive the fines tendered at the Jail. In the absence of the Superintendent, the Deputy Superintendent shall receive the fine or portion thereof tendered to him and shall on the first opportunity produce the warrant, with any entry of the fact that such payment has been made, for the signature of the Superintendent.

(2) Fine received at the jail shall without delay be remitted into the Treasury.

20. Imprisonment in view of fine to succeed substantive sentences- If a prisoner sentenced to a term of imprisonment in default of payment of fine is either at the same time or subsequently sentenced to a term of imprisonment without the option of imprisonment and default of payment of fine shall be kept in abeyance till the expiration of all the substantive sentences of imprisonment.

Example: A prisoner is sentenced on the 9th June, 1986 to two years rigorous imprisonment and a fine of Rs. 50/- or in default 6 months further rigorous imprisonment; on the 17th July of the same year, he sentenced under another charge to imprisonment for 18 months and on the 6th October, 1987 he is again sentenced on a third charge to imprisonment for two years- the sentence for 6 months imprisonment in default of payment of fine should be begin from 9th December, 1991 (the date on which all the substantive sentences expire being the 8th December).

Note: This covers the case of prisoner whose first sentence of imprisonment is in default of payment of fine. Any substantive sentence of imprisonment subsequently passed shall count from the date of first sentence and the imprisonment in lieu of fine shall take effect last, although a portion of it may have been already served when the substantive sentence was awarded, if however, the imprisonment in default of payment of fine is of a different character to that of the substantive sentence, such imprisonment in default shall be completed before the substantive sentence of imprisonment shall take effect.

21. Imprisonment under section 106, or 118, Cr. P.C in addition to a substantive sentence -

(1) If any person, in respect of whom an order requiring security is made under Section 103

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or section 118, is, at the time such order is made sentenced to, or undergoing as sentence of, imprisonment, the period for which such security is required shall commence on the expiration of such sentence.

(2) In other cases such period shall commence on the date of such order unless the Magistrate, for sufficient reason fixes a later date.

Note: An order under section 122, Cr. P.C , 1973 directs that a person who had failed to give security shall be detained in prison is not a sentence of imprisonment of the purpose of section 427 of the Code. It is merely an order for detention in prison and if it is passed under clause (2) of Section 122, the Magistrate's proceeding must be laid before the Sessions Judge who may, thereafter, pass such order on the case as he thinks fit. But the Sessions Judge confirms or varies the order and does not set it aside, the period for which detention is ordered must date from the time when the first Court passed its order.

22. Management, and Custody of Warrant – The date of a prisoner's Admission into jail and the register number given to him, shall be endorsed on his warrant and signed by the Deputy Superintendent; the warrants shall be arranged according to the date of release and put together in open fold in monthly bundles and docketed outside with the month and year. Each bundle shall occupy a separate receptacle in the warrant almirah, of which the Deputy Superintendent shall keep the key.

23. Record for the purpose of identification – A full personal description of every prisoner with a note of any special marks on his person, and his left thumb impression, shall, for purposes of identification, be recorded in the admission register.

24. "Juvenile prisoner – If a prisoner in case of boy appears to be less than 16 years of age and in case of a girls appears to be less than 18 years at the time of admission in jail, the Superintendent of Jail shall have the prisoner examined immediately and if the prisoner's age is confirmed to be less than 16 years in case of a boy and of less than 18 years in case of girl. i.e., a Juvenile within the meaning of Section 2 (h) of the Juvenile Justice Act, 1986 the prisoner's case shall be referred to the concerned court for his/her detention in a Juvenile Home."

(a) 24. Prisoner under the age of 16 year – If a prisoner appears to be less than 16 years of age at the time of his admission in the jail, the Superintendent shall have the prisoner immediately examined medically and if the prisoner's age is confirmed to be less than 16 years, then prisoner's case will be referred to the concerned trial court for his detention in a juvenile home.

(b) This new matter of Rule 24 has been amended vide 'Notification No.!' 9/75/87-Home (G) dated 23.08.1990-"The delhi Prisons (Admission, Classification, Separation, Remission, Reward and Release of Prisoners) (Amendment) Rules, 1990." – To come into force at once.

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25. Dangerous Prisoner – (1) The Commissioner of Police shall inform in writing to the Jail authorities that a prisoner is dangerous, prone to escape or otherwise require special arrangement for safe custody. On receipt of such information the Superintendent shall keep the prisoner in a specially secured ward and keep a strict vigilance.

(2.) If the Superintendent has sufficient reasons to believe that to be person is a dangerous prisoner and it has not been so reported by the police, the Superintendent shall seek confirmation from the local police about the same.

26. The Search of prisoners on admission – (1) Prisoners sentenced to rigorous imprisonment and prisoners sentenced to simple imprisonment, if classed as habitual shall have every article of private property, other than a comb for a Sikh Prisoner and a pair of shoes for all, removed from them. The clothing of military prisoners shall be returned to the escort.

Note 1: For Court attendance the convicts will wear ordinary clothes.

Note 2: Prisoners sentenced to simple imprisonment shall have all articles other than a necessary supply of clothing removed from them.

Note 3: Under trial prisoners shall have articles removed from them other than necessary and suitable articles of clothing and bedding, and if allowed to cook, the requisite cooking utensils.

Note 4: Civil prisoners shall not be allowed to have or carry any weapons, articles likely to facilitate escape, drugs, spirits and immoral books.

Note 5: Civil prisoners shall not be searched in the presence of any court prisoner.

Note 6: Female prisoners shall be searched by a female Warder.

27. Quarantine on admission to jail – Prisoners on first admission to jail shall at the discretion of the Medical Officer, be kept in the quarantine Ward or cells for which period as may, in his opinion, be necessary.

28. Prisoners to wash themselves and their clothing - As soon as possible after admission to jail, all prisoners shall be required to wash themselves their clothing thoroughly. Such of the private clothing of convicts as can, be boiled without damage shall be boiled before it is stored.

29. Classes arced Serial numbers, to be quoted in communication – (1) Every convict shall receive a serial number corresponding with the entry relating to him in the admission register; ther series of numbers in each jail shall run from 1 to 10,000.

(2) Casual prisoner shall for brevity be known as 'CAS' class and habitual prisoner as 'HAB' Class.

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(3) The convicts numbers and the letter signifying his class shall precede his name whenever he is referred to in any Official communications thus – “Convict No. 359 Cas: Ishar Singh.”

(4) When any reference is made to the Inspector General concerning any prisoner, a descriptive roll of the prisoner duly filled in, shall be sent with it.

30. State of education on admission – The state of every prisoner’s education shall be ascertained on admission and the entries in the admission register shall be made as follows:

- a. Able to read and write;
- b. Able to read only; and
- c. Illiterate.

31. How habituals are to be distinguished – Every prisoner of the habitual class and escapee shall ordinarily be required to wear red clothing.

32. Abstract of rules to be read and hung up in a conspicuous place – An abstract of the rules relating to the conduct and treatment of prisoners shall be read over to every prisoner as soon as possible after his admission into jail, and proper means shall from time to time thereafter be taken by the Superintendent to make every prisoner acquainted with the purport of all such rules for time being in force.

33. Procedure on completion of entries in registers – On completion of the necessary entries in the admission and release registers and of the procedure prescribed in this chapter in so far as it may be applicable in each case, the Deputy Superintendent who shall satisfy himself that the entries are correct and attest them in token there of.

II CLASSIFICATION OF PRISONERS

34. (1) Convicted persons shall be divided into two classes, namely B and C Class. B will contain all prisoners who are:

- (a) non-habitual prisoners of good character.
- (b) by social status, education and habit of life have been accustomed to a superior mode of living, and
- (c) have not been convicted of-
 - i. Offences involving elements of cruelty, moral degradation or personal greed;
 - ii. Serious or premeditated violence;
 - iii. Serious offences against property;
 - iv. Offences relating to the possession of ex facie firearms and other dangerous weapons with the object of committing an offence or of enabling an offence to be committed;

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v. Abetment or incitement of offences falling within these sub-clauses.

(2) Class 'C' will consist of prisoners who are not classified in class B.

35. (1) In the case of Class B, the classifying authority will be Inspector General.

(2) petitions of review with regard to any classification will be forwarded by the Superintendent of the Jail to the Inspector General of Prisons.

36. All courts recommending the classification of a prisoner within Class B will make a recommendation to that effect, attaching to the record the recommendation, with their reasons for it, on a separate paper.

37. In case convicting Courts omit to classify convicted prisoners for better class treatment, the Superintendent of Jails may, subject to the approval of Inspector General, classify them as B class prisoners provided that such prisoners appear to fulfil the condition prescribed for better class prisoners.

38. Under Trial prisoners will be of two classes only, namely (1) those who by social status, education or habit of life have been accustomed to a superior mode of living and (ii) other, that is to say, one class will correspond to Class B of convicted prisoners, the other to Class C. Before an under trial prisoner is brought before a competent Court, discretion is left to the Officer in Charge of the Police Station. After he is brought before the Court, he will be classified by the court, subject to the revisional orders of the Sessions Court.

(A) Rules for the Convicted Prisoners Admitted to Class 'B'

39. (1) Accommodation – The Prisoners shall, where such accommodation is available be accommodated in Cells or in association barracks specially set aside for them.

They need not be kept separate from ordinary prisoners in factories or at times when they are not required to be in their cells or barracks.

(2) 1. Furniture, etc.

a) Cell shall be supplied with:-

One takht posh or bed-stead, charpoy or cot, of size 6-1/2x36 feet.

One wooden stool.

One wooden teapoy.

One shelf, Cupboard or box.

Necessary washing and sanitary appliances.

b) Associated barracks shall be supplied with:-

One bed stead or cot per prisoner.

One large table with benches.

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(2) Prisoners may also be supplied with mosquito nets if they ask for them and the Medical Officer certifies that it is necessary.

(3) Regarding exercise, bathing, washing, use of latrines etc. they may be provided a Government expense with one toothbrush every three months and one small tooth paste every two months. They shall be allowed to retain their hair and beards and to get themselves shaved by the Jail barber.

40. The following eating utensils shall be supplied to each prisoner:

One thali (metal)

Two kauls (metal cups)

One tumbler (metal)

One spoon

41. Diet – In addition to diet scale given to Class 'C' prisoners, they shall be give 400 ml. of milk every day.

42. Clothing – (a) The following clothing shall be supplied to male convicts: -

During all seasons –

2 kurtas, cotton, white 2 pyjama, cotton, white

1 pair country shoes, black

2 bedsheets (dasuti)

1 kahki cotton duree 6 feet x 3 feet

2 pillow cases (dasuti), to be filled with cotton

2 towels

1 parna (dasuti), 5 feet long

During Summer

1 blanket, cotton

During Winter

1 woolen jacket, blue

1 woolen sweater, full sleeve, blue with white

1 pyjama, woolen or flannel, white

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2 pairs woolen socks, blue

3 blankets, woolen

1 mattress (dasuti) Tulai

(b) The following clothings should be supplied to female convicts: -

During all seasons-

2 cotton dhoties, white (night dress), 5-1/2 yards long.

2 saries 5-1/2 of 6 yards, for bigger individuals (made of light cotton cloth.)
(dhoties and saries must be atleast 44 inches wide), white

2 blouses cotton, white

1 pair of chappal

2 bed sheets

2 pillow cases

2 petticoats, cotton, white

During summer

6 napkins

1 blanket, cotton, 4 cotton drawers

During winter

1 woolen jacket or 1 woolen shawl, blue cloth

1 pyjama, woolen or flannel, white

1 woolen sweater, full sleeve, blue

2 pairs woolen socks, blue, 6 napkins.

3 blankets woolen

2 pairs cotton drawers

Note: Soap on the following scale per week will be allowed to B class prisoners:-
For the body and hair – 50 Gms.

43. Prison Task – Tasks shall be allowed by an Officer not less than the rank of Deputy Superintendent. He shall have regard to the physique, character, previous made of life and antecedents of the prisoner while allotting task.

44. Facilities for reading – In addition to books from the Jail Library a prisoner may have up to three books or magazines at a time from private sources, provided that such books or magazines are not considered unsuitable by the Superintendent, who if in doubt, shall consult the Inspector General. Daily newspapers in Hindi or English or Vernacular shall be supplied from a list approved by the I.G. (Prisons). These papers shall be examined by the Superintendent before issue to prisoners.

45. Light – They shall be allowed light for reading upto 10.00 P.M.

46. Letters and Interview – They shall be allowed to write one letter and have two interviews weekly. On urgent occasions, such as death or serious illness in a prisoner's family, this rule may be relaxed at the discretion of the Superintendent. The number of persons who may visit a prisoner at any given time shall be limited to two. The subject matter of all letters shall be limited to private affairs and must not contain any reference to Jail Administration and discipline or to other prisoners. Publication of matters discussed at interviews or of the substance of letters received from prisoners shall entail the withdrawal or curtailment of this privilege.

47. Menial duties – They shall not be required to perform menial duties nor to pay for having such duties done for them. These duties will be discharged by the Jail servants who must not be used by prisoners of the B Class as their personal servants.

48. Use of Handcuffs and fetters – they shall not be handcuffed and fettered except by way of punishment or to prevent possible escape or attack on any member of the Jail Staff.

49. Punishment – They shall be subject to the general rules regarding punishments. All penalties inflicted by the Jail Superintendent shall immediately be reported to the Inspector General. In case of misbehavior the Superintendent may withdraw Individual privileges subject to the sanction of the Inspector General.

50. Discipline – They shall at all times behave in an orderly way, but shall not be required to move in files or sit in files at meals. They shall stand in attention in the presence of the Superintendent, Deputy Superintendent, Assistant Superintendent and Medical Officer and of all official and non-official Jail Visitors.

All loud talking, singing or quarrelling, creating nuisance is prohibited but out of working hours prisoner shall be permitted to converse quietly. In all other respect the prisoner shall be subject to the rules which apply, to ordinary prisoners.

51. Transfers – (1) Accommodation – Normally second class railway accommodation shall be provided. Prisoners may be allowed to travel by a higher Class than 2nd Class at their own expense if they wish to do so, in which case they will be required to pay the difference in fares both for themselves and for their escorts.

(2) Use of handcuffs – Handcuffs shall only be used when necessary for requirements of safe custody.

(B) Rules for the Treatment of Better Class Undertrial Prisoners

52. (1) Accommodation – As par as possible they will be provided with accommodation superior to that provided for 'C' Class convicted prisoners.

(2) Diet – They shall be allowed the same diet prescribed for ‘B’ Class convicted prisoners.

(3) Clothing – Prisoners inadequately clad and who are unable to obtain clothing from outside will be provided with clothing distinguishable from “prison” clothing at Government expense.

(4) Other concessions – Subject to the discretion to the Jail Superintendent better class under trial prisoners may be provided with ordinary furniture such as is allowed to ‘B’ Class convicted Prisoners. They will ordinarily be permitted to import books, magazines and newspapers, subject to censorship in exactly the same way as those of ordinary under trial prisoners.

III SEPARATION OF PRISONERS

53. Unconvicted Criminal Prisoners – Unconvicted criminal prisoners who have been committed for trial by the Court of Sessions shall be kept separate from Unconvicted Criminal prisoners who have not been so committed and those who have been previously convicted.

54. Habitual Prisoners – Prisoners of the casual class shall be kept separate from prisoners of the habitual class.

55. Convicts who have been sentenced to simple punishment only shall be kept separate from convicts who have been sentenced to rigorous imprisonment.

56. Prisoners who are under twenty on years of age shall be kept separate from prisoners who are more than twenty one years of age.

57. Civil Prisoners – Civil prisoners who are confined under the orders of any authority other than a Criminal Court shall be kept separate from prisoners who are confined under process of a Civil or Revenue Court or authority.

58. Confessing Under trial Prisoners – Confessing under trial prisoners shall be separated from under trial prisoners.

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

59. Conviction with death Sentence – A convict sentenced to death shall, from the date of his sentence and without waiting for the sentence to be confirmed by the High Court, to be confined in some place or a Cell apart from all other prisoners. Every such convict shall be searched before he is locked up in the evening and after lockout in the morning in presence of Assistant Superintendent in charge of the Ward.

60. Exception to the rule regarding separation – When, in any jail, only one prisoner exists in any class and separation would amount to solitary confinement, such prisoner may, if he so desired, be permitted to associate with prisoners of another Class.

Provided that the Class with which such prisoner is permitted to associate shall be determined by the Superintendent and that the provisions of Section 27 of the Prisons Act, 1894, are not in any case infringed, by the permission so recorded.

61. Unconvicted Criminal prisoners may be confined separately in Cells when in the opinion of the Superintendent of the jail in which they are confined it is necessary in the interest of jail discipline and management to do so, or under the orders of the Inspector General of Prisons.

62. Convicts to be separated – All convicts shall, so far as the requirements of labour and the Cell accommodation for the jail will allow, be kept separate both by day and night.

63. Occupation of vacant Cells – If, in any jail, at any time, all the Cells are not in use for purpose of punishment or otherwise, Convicts of the habitual class shall be placed in such cells both by day and night in preference to Convicts of the casual class by rotation.

64. Separation of Casuals – If, at any time, there are more cells in any jail than suffice for the separations of all convicts of the habitual class, prisoners of the casual class shall be confined in cells, both by day and night, in rotation or by preference.

65. Procedure when separation by day is not feasible – A convict who would ordinarily come under the operation of any of the preceding Rules relating to the separation of prisoners, but cannot be confined by day, by reason that he is required for some jail service, shall be confined in a Cell by night.

Note: Rule 62 to 65 are of general application. If, in the opinion of the Superintendent, the presence of any convict in association with others, is detrimental to good order and discipline or is likely to encourage or lead to the commission of any offence, such convict should be kept separate, in preference to others to his class.

66. Remissions as Concession and not right – Subject to the provisions of these rules, remission may be granted as hereinafter provided as a matter of concession only and not as of right.

67. Kinds of remission – Remissions may be of the following kinds, that is to say

- (a) Ordinary remission;
- (b) Annual Good Conduct Remission;
- (c) Special remission; and
- (d) State remission.

68. Authority to grant ordinary remission – (1) The Superintendent shall be the authority to grant ordinary remission under these rules.

(2) The grant of remission shall be made every month.

69. Prisoners eligible for ordinary remission – Subject to the provisions of these rules, ordinary remission may be granted to the following classes of prisoners –

(1) non-habitual prisoners having a substantive sentence of rigorous imprisonment of three months and more;

(2) prisoners sentenced to simple imprisonment of three months who has opted for labour;

(3) prisoners undergoing imprisonment (whether simple or rigorous) irrespective of the length of imprisonment, whether substantive or in lieu of payment of fine, who are working on conservancy job;

(4) prisoners undergoing imprisonment in lieu of fine which immediately follows and is in continuation of the sentence which makes the prisoner otherwise eligible to remission;

(5) ex-military prisoners for the period they pass while in transit or in military custody before their admission to prisons in the State of Delhi.

70. Subject to the provisions of these rules, ordinary remission be granted to the following classes of prisoners-

(1) habitual prisoners having a substantive sentence of rigorous imprisonment of one year and more.

(2) habitual prisoners sentenced to simple imprisonment who volunteer to work and actually work and whose unexpired portion of the sentence on the day they so volunteer to work is one year and more.

71. Non-eligibility for ordinary remission – Ordinary remission may not be granted to a prisoner:-

(a) if he is undergoing a sentence of imprisonment in lieu of fine;

(b) if term of sentence or the aggregate of sentences as passed against him is reduced on appeal or otherwise to a period of less than three months;

(c) in whose case, the Administrator has ordered that remission should not be granted;

(d) who, due to self-inflicted injuries, is detained in hospital as indoor patient, or who has resorted to hunger-strike or work-strike (for such periods as may be decided by the Superintendent);

(e) during out-periods which are not reckoned as part of sentence (being periods during bail, escabc, extradition and other periods which are treated as out-periods and not reckoned as part of sentence under specific orders of the Administrator issued in the behalf);

72. Scale of award of remission – Ordinary remission shall be awarded on the following Scales:-

- a. Two days per month for thoroughly good conduct and scrupulous attention to all prison regulations, and
- b. Two days per month for industry and the due performance of the daily ask imposed.,

73. Scale of award of remission to prisoner which is unable to labour through causes beyond his control – (1) 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 on invalid gang shall be granted remission under clause (a) of rule 67 on the scale earned by him during the previous month in his conduct prior to and during the period in question has been such as to deserve such grant. He shall be also entitled to the grant of remission under Clause (b) of rule 67 during the previous months, if he had been in prison during that term:

Provided that if his absence from work is due to his own misconduct in jail, no remission under Clause (b) shall be awarded for the period of absence

Provided also that if he is in hospital or on an invalid gang no remission under clause (b) shall be granted unless the Medical Officer certifies that the prisoner's absence from labour is due to causes beyond his control, and is in no way caused by any action of the prisoner himself taken with a view to escape work or to get into or to remain in hospital.

(2) Prisoners who volunteer for sweeper's works shall, in addition to the existing scale of remission, be granted a special remission of 3 days per month.

74. Remission awarded to Convict Officers – In lieu of the remission allowed under Rule 72 convict warders shall receive eight days ordinary remission per month, convict overseers six days per month and convict night watchman five days per month.

75. Application of Remission System – Remission under rule 72 shall be calculated from the first day of the month next following the date of the prisoner's sentence; any prisoner who after having been released on bail or because his sentence has been temporarily suspended is afterwards readmitted to the jail shall be brought under the remission system on the first day of the Calendar month next following his readmission, but shall be credited on his return to jail with any remission which he may have earned previous to his release on bail for the suspension of his sentence. Remission under rule 74 shall be calculated from the first day of the next calendar month following the appointment of the prisoner as convict warder, convict overseer or convict night watchman.

76. Sundays and Holidays – Prisoners employed on prison services, such as cooks and sweepers, who work on Sundays and holidays, may be awarded three days ordinary remission per quarter in addition to any other remission earned, under these rules.

Explanation: One day's remission may be credited to the prisoner at the end of every month during which he had been employed on any prison service.

77. Remission for good conduct – (1) Any prisoner eligible for remission under these rules who for a period of one year reckoned from the first day of the month following the date of sentence of the date on which he was last punished for a prison offence, has committed no prison offence, whatever, shall be awarded fifteen days ordinary remission in addition to any other remission earned under these rules.

(2) If, however, a prisoner completes three years of his sentence and is not punished during that period for any prison offence, he shall be granted 60 days remission for good conduct at the end of the third year. In such cases the prisoner shall in addition be granted 15 days good conduct remission for each of the first two years only. The total remission earned shall not in any case exceed the maximum remission permissible under the rules.

Explanation: For the purpose of this rule prison offences punished only with a warning shall not be taken into account.

78. Procedure in taking award – (1) An officer awarding ordinary remission shall, before making the award, consult the prisoner's history-ticket in which every offence proved against the prisoner must be carefully recorded.

(2) if a prisoner has not been punished during the quarter otherwise than by a formal warning, he shall be awarded the full ordinary remission for that quarter under the Rule 72 or, if he is a convict officer, under Rule 74.

(3) If a prisoner has been punished during the quarter otherwise than by a formal warning, the case shall be placed before the Superintendent, who, after considering the punishments awarded, shall decide what amount of remission shall be granted under paragraph 72 or, if the convict is a convict Officer under paragraph 74. All remissions recorded on the prisoner's history-ticket shall be entered quarterly on the remission sheet (or card) are not marked in the general remission register.

79. No remission for the month in which released – No prisoner shall receive ordinary remission for the calendar month in which he is released.

80. (1) Special remission – Special remission may be given to any prisoner whether entitled to ordinary remission or not for special services as for example:-

- a. Assisting in detecting or preventing breaches of prison discipline or regulation;

- b. Success in teaching handicrafts;
- c. Special excellence in, or greatly increased outturn of work of good quality;
- d. Protecting an officer of the prison from attacks;
- e. Assisting an officer of the prison in the case of outbreak of fire or similar emergency;
- f. Economy in wearing clothes;
- g. Donating blood to the Blood Bank, provided that the scale of special remission for this service shall be 15 days for each occasion on which blood is donated subject to the limit laid down in sub-para (2) below. The remission on account of blood donation shall not be granted more than twice in one convict year and shall be apart from other remissions.

(2) Special remission may be awarded

- a. By the Superintendent to a period not exceeding thirty days in one year;
- b. By the Deputy Inspector – General of Prison for a period not exceeding 45 days in one year;
- c. By the Inspector – General or the Administration for a period not exceeding sixty days in one year.

Explanation: For the purpose of this rule, years shall be reckoned from the date of sentence and any fraction of a year shall be reckoned as a complete year.

(3) An award of special remission shall be entered on the history-ticket of the prisoner as soon as possible and after it, if it is made, the reasons for every award of special remission by a Superintendent shall be briefly recorded.

81. Total remission not to exceed one-fourth part of sentence – The total remissions awarded to a prisoner under all these rules shall not without the special sanction of the Inspector General of Prisons exceed one-fourth part of his sentence or three months in one year.

Provided that in every exceptional and suitable cases the Inspector General of Prisons may grant remissions amounting to not more than one third of the total sentence or four months in one year.

82. Remission in calculating date of release – (1) In calculating the date of release of prisoner the number of days of remission earned shall be converted into months and days, at the rate of thirty days to each month.

(2) In case of prisoners convicted to a term of 3 years or more, the remission earned by the convict should be totalled and his provisional date of release worked-out before the completion of 2-3rd of his substantive sentence.

83. Record of prisoners transferred – (1) When a prisoner is transferred to another jail the total amount of remission earned by him upto the end of the previous month shall be endorsed on his warrant and entered on his history-ticket, these entries being signed by the Superintendent.

(2) The receiving shall be responsible that the above information is duly obtained. Each jail at which a prisoner serves a portion of his sentence shall be held responsible for the correct calculation of the remission earned in that jail.

84. Remission sheet – Remission sheets (form No. 145) shall be retained in the office are maintained, or where they are not maintained, a statement certified by the Superintendent, of the total remission, earned up to the date of transferred shall be sent with the prisoner.

V. REWARDS

85. Remission as reward – (1) All prisoners sentenced to labour shall be eligible for the grant of special remission at the rate of one day for every additional day's task performed the amount of work being calculated at the end of each calendar month.

The term prisoners "sentenced to labour" shall include prisoner sentenced to simple imprisonment who voluntarily elect to labour.

Note: Suppose a convict performs his full task of weaving that is 12 meters of cloth daily. His monthly output should be 288 meters (a month including task on weekly parade days). If he weaves 300 meters he will receive one day, and if 312 meters 2 days, and so on.

(2) In the case of two or more men employed on the same work with a joint outturn the amount earned may be divided equally amongst them or in such proportion as the Superintendent considers equitable.

(3) Convicts employed on untasked as well as tasked labour in jails shall be eligible for the grant of remission at the specified rates. The Superintendent of a Jail should only grant remission to a prisoner on untasked labour if he is satisfied that the industry and exertion of the prisoner have seen such as would have entitled him to the concession if he had been employed on a form of labour which is susceptible of being tasked.

(4) To ensure that the system of grant of special remission operates with as little unevenness as possible, the Superintendent should fix a high minimum out turn of work for processional or habitual prisoners employed on tasked labour.

(5) The time employed on work must not exceed 8 hours daily.

(6) The extra work done must be quite voluntary, and the grant of remission for it is conditional on its being upto the requisite standard in quality by the Superintendent.

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(7) The Superintendent must arrange for an adequate supply of materials for extra task work.

(8) (a) No limits is to be placed on the amount of extra work which a convict, declared as fit for hard labour, may do subject to the time limit of hours of employment.

(b) A convict, if passed for medium or light labour, is to be rewarded for the extra work done over and above the tasks laid-down for these classes of labour, respectively, at the rate of one day's special remission for every additional day's work reckoned on the labour task of his class of labour.

(c) No convict passed for medium or light labour shall be permitted to do extra work without the sanction of the Medical Officer recorded in his history-ticket or to exceed in the total day's work a hard labour task in the case of a medium labour man, or a medium labour task in the case of a light labour man.

(9) Any convict suspected of being unfit at any time to do extra work shall be brought to the notice of the Medical Officer with a view to this being stopped from doing extra work.

(10) The remission to be allowed to a convict whether on tasked or untasked labour should not exceed the limits prescribed in the Jail Manual.

86. Conditions of the award of gratuities for industry – 91) The Superintendent may, subject to the limits of :-

- (a) The grant made for the purpose, by the Inspector-General, in respect of the jail, and
- (b) The maximum monthly limit in respect of individual prisoners prescribed by the Inspector General,

Grant to any convict money in respect of extra quantity or superior quality of any work done by such convict, or of his being employed to teach any handicrafts.

(2) No gratuity under this rule shall be granted to any convict-warder for the time being in receipt of a gratuity under the rules regulating the gratuities to convict warders.

87. Money grant to indigent prisoners on release limit of the award – A money grant equal to two and a-half per centum (2*1/2%) of the net cash profits from jail man factories will be placed at the disposal of the Inspector-General annually for distribution to jails, with a view to enabling indigent prisoners to lead a life of honesty for some time after release and while inquest of work.

88. Conditions of the grant to indigent prisoners – The Superintendent may, subject to the limits of –

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- (a) The grant made for the purpose, by the Inspector-General in respect of the jail, and
- (b) The maximum amount which may be granted to any convict, prescribed by the Inspector-General, grant to any convict who had undergone a sentence of imprisonment for one year or more, upon his release, such sum of money as he may think necessary, for the purpose of enabling the convict to maintain himself until he can secure honest employment;

Provided that no such grant shall be made to any prisoner who, at the time of his release, is in possession of a sum of five rupees or more.

- (c) In addition to the ordinary and special remission the I.G.(P) may on the recommendations of the Superintendent grant a cash reward not exceeding Rs. 500 to a convict or even an under trial prisoner for outstanding contribution in terms of providing useful information or physical aid to the jail authorities in an emergency.

89. The privilege of permitting the use of books by Prisoners – (1) Libraries will be maintained in all Jails for the use prisoners, and the rules pertaining to such libraries will be posted in the room where the library is kept.

(2) Every educated prisoner, who is well behaved, may be allowed a book to read on Sundays or during the hours of rest on other days; such book may be supplied from the Jail library or by any person outside the jails;

Provided that the Superintendent sanctions the indulgence and in each case, approves of the book.

(3) every prisoner may, with sanction of the Superintendent, have in his possession a book or books of a purely religious character.

(4) A book allowed for the use of any one prisoner shall not be given to any other prisoner.

(5) The Superintendent may, at any time, for any sufficient reason, withdraw from any prisoner any privilege conferred under this rule.

VI. RELEASE

90. (1) Not less than fourteen days before any convict, in respect of whom an order under section 356 of the Code of Criminal Procedure, 1973 has been made, is to be released, the Officer in charge of the jail or other place in which the prisoner is then confined, shall explain to the prisoner the nature of the order and the requirement of the rules made by Administrator under such section, and shall call upon him to state the place at which he intends, after his release, to reside.

(2) Every convict in respect of whom an order has been made under Section 356 of the Code of Criminal Procedure shall, not less than fourteen days before the date on which he is

entitled to be released, notify the officer in charge of the jail or place in which he may be for the time being confined, of the place in which he intends to reside, after his release.

(3) The Officer in charge of the Jail or other place of confinement shall thereupon report to the Superintendent of Police of the District in which such jail or other place of confinement is situated, the name and other particulars necessary for the identification of the prisoner, and the place at which such prisoner intends, after his release, to reside.

91. Release of convicts after 14 years of imprisonment – (1) Not less than six months before the expiry of completion of 14 years of substantive imprisonment of a prisoner convicted on and after 18th December 1978 an offence punishable also by death, Superintendent shall make a reference to Administrator for permission to release the prisoner on completion of 14 years of substantive imprisonment.

(2) Not less than three months before the expiry of completion of 14 years of imprisonment with remission of a prisoner convicted before 18th December, 1978 on an offence punishable by life imprisonment whether or not punishable by death, Superintendent shall make a reference to the Administrator for permission to release the prisoner on completion of 14 years of imprisonment with permission.

(3) Not less than six months before the expiry of completion of 14 years of imprisonment with remission of a prisoner convicted on and after 18th December, 1978 on an offence punishable by life imprisonment but not also by death, Superintendent shall make a reference to the Administrator for permission to release the prisoner on completion with remission.

92. Procedure when sentence expires__ (1) When the sentence of a prisoner expires the Assistant Superintendent shall bring him before the deputy Superintendent together with his warrant, and the prisoner shall be released at the Jail gate, in the presence of the Superintendent.

(2) Every order of the final release of a prisoner shall be signed by the Deputy Superintendent.

93. Warrant of release of a prisoner transferred__ On receipt of a warrant for the release of a prisoner who has been transferred to another jail such warrant shall be forwarded without delay by post registered to the jail in which the prisoner is confined.

94. Identification of prisoners on release: Every prisoner shall, before being released be carefully identified with reference to the personal description of such prisoner recorded in the admission register, and the Superintendent or Deputy Superintendent shall satisfy himself that the prisoner brought forward is entitled to be released and that his sentence has been duly executed except in respect of any remission earned and granted in pursuance of the remission rules.

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95. Time of release of prisoners – (1) No prisoner shall be released after the hour of lock-up or the night or before Sunrise on any day.

(2) Every prisoner, whose release has been ordered by a competent Court on any day, shall be released on the same day, as soon as possible after the receipt of the order directing his release.

(3) Subject to the provisions of Clause (2), prisoners shall ordinarily be released as soon as possible after sunrise.

96. Prisoner to produce his jail outfit on release – (1) Every prisoner shall before he is released, be required to produce, for inspection and deliver up, his complete jail outfit in a clean condition. Any prisoner whose clothing is dirty shall be made to wash and clean it before he is released.

(2) A convict about to be released shall present himself before the Deputy Superintendent in his private clothes, or if he has no clothing of his own, in the clothing provided for him by the deputy Superintendent.

97. When the date of release falls on jail holiday – If the date on which any prisoner would be entitled to be released, falls on a jail holiday, such prisoner should be released on a day earlier;

Provided that if for any reason a civil prisoner is entitled to be released on a jail holiday he shall be released on that day.

98. Release on the authority of a telegram – No prisoner shall be released on the authority of a telegram.

99. Prisoners on release to be furnished with certificate – At the request of any prisoner sentenced to imprisonment, he shall be furnished at the time of his release with a certificate signed by the Deputy Superintendent, to the effect that he has completed his term of his imprisonment at the amount of remission, if any, being stated therein. A report on his character and conduct in jail shall also be included in the certificate, if the prisoner so desires, but not otherwise.

100. Return of a prisoner's property on release – At the time of releasing every prisoner, the Deputy Superintendent shall deliver, or cause to be delivered to him, all money and other property (if any), shall, if the prisoner can write, be taken from him in the admission register. If the prisoner cannot write, he shall be called upon to state, whether he has or has not received all money and other property belonging to him, and, if not, what articles, or their value, have not been delivered to him. If any part of a prisoner's money or other property is not delivered to him, a note of the fact shall be made opposite the item not delivered, in the list attached to his warrant, and the Superintendent shall decide whether any and, if so, what compensation is to be granted to the prisoner in respect of thereof, and shall pay such compensations, or cause it to be paid, to him accordingly:

Provided that no prisoner shall be entitled to receive any compensation, other than the sale proceeds (if any) destroyed or sold in accordance with the provisions of existing rules.

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Note: Compensation for money or other property lost while in the custody of any officer of the jail, shall be paid at the expense of the Officer responsible for such loss.

101. Conditions under which clothing may be supplied to a released prisoner – Every prisoner whose clothing has been sold or destroyed or is insufficient for purposes of health or decency, shall, upon release, be supplied, at the expense of the jail Government, with such clothing as the Superintendent may consider necessary and suitable.

102. Subsistence allowance, railway pass and conveyance allowance – (1) Every prisoner whose home is situated more than five kms. From the jail from which he is released within the Union Territory of Delhi and who is not in possession of more than two rupees (exclusive of what he may have been awarded while confined in jail), shall at the time of his release, be provided with the local bus fare to his home.

(2) Every other released prisoner whose home is on or near, any railway station and is situated more than five miles from the jail of his release or from the nearest railway station shall be entitled to :-

- i. A free railway pass of the second class to the station nearest to his home; and
- ii. Conveyance allowance equivalent to the actual bus fare;

Provided that Government may, at any time, direct that in the case of any prisoner or class of prisoner no railway pass or bus fare shall be given on release from jail after completion of their sentence.

103. Meal to prisoners on release – Prisoners about to release in the morning shall, prior to release, be supplied with the early morning meal.

104. Release of female prisoners – In the event of no relative appearing to receive a female prisoner and she is likely to be led astray or is young, she should, if willing to accept the escort, be sent to her home in charge of the female warder, or a respectable woman entertained for the purpose. If this escort is not considered necessary, the prisoner shall be released in the ordinary way, after making an entry in the release register to this effect.

105. Return of warrant – Action when there are two or more warrants – (1) On the release of a prisoner, upon the expiry of his sentence or on bail, his warrant shall be returned to the Court which (and not, by name, to the officer who) issued it, with an endorsement showing the date and cause of release, and the date on which the warrant is returned.

(2) The warrant of every prisoner who dies in jail shall be returned to the concerned Court in which he was convicted.

(3) If any prisoner is required to undergo two or more sentences under separate warrants, each such warrant shall be returned as soon as the sentence to which it relates has been executed.

(4) Warrants of commitment of prisoners sentenced by General, Summary General or District Courts Martial should be sent to the Judge Advocate General in India and those of

prisoners sentenced by Summary Courts Martial to the Office Commanding, the unit in which the Court was held after the sentence has been executed.

(5) warrants of commitment of escaped prisoners, who have not been recaptured, shall be returned to the convicting Courts after a period of 10 years from the date of escape.

106. Return of warrant – Action where an accused has been admitted to bail – Where an accused has been admitted to bail pending the hearing of his appeal, the original warrant of commitment shall, after being returned by the Jail Authorities to the Court which issued it, be forwarded to the Appellate Court and Superintendent should ensure that:

- 1) In every case in which as sentence is reversed on appeal, the Appellate Court shall return the original warrant with a copy of its order to the Court by which the accused was admitted to discharge him.
- 2) In every case in which as sentence is modified on appeal, the Appellate Court prepares a fresh warrant (in the form prescribed in the rule following this rule) and forwards the same, with original warrant and with a copy of its order, to the Court by which the accused was admitted to bail, with directions to take measures to secure his surrender and commitment to jail on the modified warrant, and
- 3) In every case in which a sentence is confirmed on appeal, the Appellate Court returns the Original warrant with a copy of its order to the Court by which the accused was admitted to bail, with directions to take measures, if given, on surrender and commitment to jail on the original warrant.

In each of the last above mentioned cases Superintendent shall ensure that the Court in which the accused surrenders to his bail endorses on the warrant the date of his release on bail and of his subsequent surrender.

107. Action where an accused surrenders to his bail – Where an accused surrenders to his bail in the Appellate Court, such court in every case in which the sentence is reversed on appeal, discharges him. And in every case in which the sentence is modified or confirmed on appeal, such Court forwards the accused in charge of a police officer with the modified or original warrant to the Sessions Court with directions to commit him to custody as in case (2) and (3) of Rule 103.

108. Case of prisoner ill at the time of release – If on the expiration of his sentence, a prisoner is found to be suffering from serious illness, he shall, if he elects to remain under treatment in jail,, under section 26(3), Prisons Act, 1894 (Act IX of 1894), be allowed to do so until certified fit for discharge.

109. Release of prisoner suffering from disease – (1) With the consent of the Sessions Court within the limits of which the prisoner's offence was committed, the Superintendent may release a prisoner suffering from disease, provided that:-

- (a) the disease is likely to prove fatal if the prisoner remains in prison;
- (b) there is reasonable chance of recovery if the prisoner be released;
- (c) the prisoner has not done any willful act, since he has been in prison, to produce or aggravate his disease;

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(d) the medical officer recommends the release and certifies that the conditions (a), (b) and (c) above, have been compiled with; and
(e) the prisoner has not more than six months to remain in prison before the expiry of his sentence.

(2) The prisoner shall be informed, before release that his liberation is conditional on the sanction of the Administrator, and that, if such sanction be withheld, he will have to return to prison to serve out the remainder of his sentence. The prisoner's friends or relatives shall be sent for and a security bond taken from them, before he is released, that they will give him up if required to do so.

(3) The case shall be immediately reported to the Inspector-General for submission to the Delhi Administration.

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CHAPTER 7

DELHI PRISONS (CUSTODY OF PRISONERS) RULES , 1988

Note: For statutory provisions concerning the authority of these rules , see Appendix 3 – Prisons Act , 1894 , Sections 55 and 56 and criminal Procedure Code , 1973 – Sections 154 to 165 , 173 , 174.

Rule

1. Short title and commencement – (1) These rules may be called the Delhi Prisons (Custody of Prisoners) Rules, 19881.

(2) They shall come into force at once.

I. GUARDING OF PRISONERS

2. Main Principle to be observed in guarding – Every prisoner in a jail shall at all times , both by day and night , be in charge of some officer , in such a manner that responsibility for an escape resulting from negligence , can be definitely fixed. A record of the names of prisoners made over to each officer during the day shall be kept in a gang – book , and every subsequent change of a prisoner from one gang to another, shall be recorded therein under the authority and signatures of an officer not below the rank of a head – Warder , who likewise at every change of guard shall be present to witness and verify the number of prisoners made over to the relieving officer.

3. Details of the procedure to be observed in guarding – The Following procedure shall be observed in guarding the jail and prisoners confined therein:-

- (1) The warder guard shall, after due allowances has been made for leave, sickness, transfer etc. be divided into squads of equally as possible, which may be called A & B. Squad A will come on duty at 6A.M. and be relieved by squad B at noon; Squad B will be on duty till 6 P.M. , and will be relieved by the night guard which may be completed partly from Squad A and from Squad B.
- (2) The Deputy Superintendent and the Senior Assistant Superintendent and the Assistant Superintendents together with the warders who are to go on duty in the morning shall enter the jail together.
- (3) The Wards shall be opened and the prisoners counted out by Head Warders n pairs in the presence of the relieving warders who are to

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take charge of the prisoners during the first period of day duty. The Deputy Superintendent, Senior Assistant and Assistant Superintendents or Senior Head Warder shall verify the number counted out of each ward by comparison with the entry in the lock-up register.

Published in Delhi Gazette, Extra ordinary , Part IV, No 76 dated 18th April 1988 vide Notification No. F 9(75)/87 – Home (General) V , in exercise of the powers conferred under clause (27) of section 59 of the Prisons Act 1894 (IX of 1894) by the Administrator of the Union Territory of Delhi.

4. On the completion of the parades, the prisoners shall be distributed into their respective gangs, and an officer shall be placed in charge of each gang. The responsibility for the charge of a gang shall never be divided between two or more officers. The strength of a gang working outside the jail precincts shall not , without the sanction of the Inspector – General, exceed 12 prisoners which number shall include two convict-officers. There shall be at least one warder in charge of every such gang. In the case of prisoners working inside jail walls , each gang may, including the convict – officers, attached containing as many as can be conveniently and effectively supervised and may when the warders are insufficient in number , be placed in charge of selected convict-officers. Prisoners shall not be employed beyond the jail precincts without the special sanction of the inspector general.
5. For the guarding gang sent to work beyond jail precincts , Administrator may frame special rules for extra mural labour.
6. The Warders coming on duty at the opening of the wards in the morning shall be relieved at noon by the Squad B shall be brought into jail by the Head Warders taking the second turn of day duty. They shall remain in charge until the prisoners are locked up and the night guard posted.
7. When the warders and convict-officers are posted to the several gangs in the morning, the names of the prisoners composing each gang shall be called from the gang-book in the presence of the officer about to take charge, who shall verify the total by counting them. The officer's name shall then be recorded in the gang-book and his receipt taken. Every long-termed and dangerous prisoner should be specially pointed out to the warder about to take charge to him, so that a particular watch may be kept on him. At every change of guard the number of prisoners in each gang shall be counted, and in the case of gang outside the jail, the names of the prisoners composing each gang shall be called over. In large jails there should be several gang-books, so that the rolls may be called simultaneously to save time. Convict-writers may, when necessary, be employed to assist in writing up the gang-books.
8. On the cessation work in the evening, the gang shall be collected and the prisoners in each gang counted and verified.

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9. Every warder in charge of a gang working outside the jail walls shall keep a vigilant eye on the prisoners in his gang and shall not allow them to warder or go out of sight on any pretext whatsoever. He shall be personally responsible for their safe custody throughout the whole period of his duty. Convict-officers assisting a warder in charge of an outside gang shall similarly be responsible for the safe custody of the gang, but their responsibility shall in no way diminish, or detract from the responsibility of the warder. Prisoners working all day at a distance from the jail should be provided with a temporary latrine in close proximity to the work and under the eye of the warder in charge. A warder in charge of a gang inside the jail shall accompany any of the prisoners of his gang when they go outside the jail, leaving the prisoners remaining inside, in the charge of convict-officer. Only warders of experience should be placed in charge of outside gangs.
4. **Evening count, Lock-up and disposal of keys** - (1) After completion of the evening parades, the first section of night guard shall be brought inside the jail by the patrolling officer; the Deputy Superintendent, Senior Assistant and Assistants and Head warders shall then count the prisoners into their wards, cells or other compartments, when all the prisoners (except the convict-officers at the walls and those who are to take part in the first watch) have been locked-up, the total number of prisoners shall be verified. If found correct, the patrolling officer shall then post the first section of night guard on the main wall on their respective beats. The number of prisoners locked up in each ward or other building, as well as total number of prisoners in jail, shall be shown in the prescribed lock-up register (called No. 14). . to which the Deputy Superintendent shall append his signature in token of its correctness.
- (2) On the completion of the lock-up, the keys of the wards, cells and other compartments where prisoners are confined, shall be collected and counted in the presence of the Deputy Superintendent who shall note the number in the lock-up register. He shall then lock the keys, into the receptacle provided for the purpose at the main gate and make over the key of such receptacle to the patrolling officer of the first watch. Each patrolling officer shall in turn make over the key to the successor, and the officer of the last watch shall deliver it to the Deputy Superintendent on his entering the jail in the morning. The keys of the cook-house and of the wards in which the cooks and convict-officers for night duty are confined shall be placed in the charge of the patrolling officer.
5. **Period of night duty** – (1) The last section of the night guard shall not be employed in Squad A on the following day.

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(2) No Warder or Head Warder shall be on whole day duty except the gardener and Chief Head-Warder. All warders other than the gardener and Chief Head Warder shall be required to serve on night duty.

6. **Employment of convict-officers on night guarding** - (1) The barracks shall be guarded inside by convict-officers and they shall be responsible for escapes from sleeping barracks.

(2) Convict warders and overseers may be employed in guarding the main wall by night when the number of warders is insufficient. There should be at least two warders to every convict-officer on duty at any time.

(3) No convict-officer shall be placed on any beat where he cannot be under the observation of a warder.

(4) Convict-officer shall not be employed to guard the main wall at night to a greater extent than is necessary or to relieve warders of their ordinary spell of night duty.

(5) Convict-officers shall not be employed to guard prisoners condemned to death or under-trial prisoners or prisoners in huts or tents outside the jail except in cholera or extra mural camps. They shall not in any case be so employed without the previous sanction of the Inspector-General.

(6) Only the most trustworthy convict-officers and those with the shortest unexpired sentence should be selected for duty outside the barrack at night.

7. **Convict-officers detailed for duty outside to be kept separate**- Convict officers detailed for guarding outside by night shall, when not on duty and whenever possible, be locked up in a ward by themselves. They shall be let-out and locked up, before and after their turn of duty, respectively, by both the relieved and relieving patrolling officers.

8. **Warders to accompany large gangs taken beyond the jail precincts** – When more than 40 prisoners are taken outside the jail to such a distance that the alarm if sounded cannot be heard at the jail and such prisoners are allowed to work together as one party. Four or more warders according to circumstances (in addition to the warders and convict-officials in charge of the gangs), armed with the rifles and stenguns shall be told off to follow the gangs and to station themselves in a suitable position to render assistance should it be required.

9. **Charge of the under trial ward** - Unconvicted prisoners shall be guarded by the warders and not by convict-officers.
10. **Duties of the night watch** – (1) During the night the officer on duty outside shall patrol the main wall of the jail and shall not quit his beat or sit down.
- (2) The barracks shall be visited once in every hour throughout the night by a patrolling officer who should examine the gratings and doors and satisfy himself that they are secure and that the convict-officer on duty inside is on the alert. He should frequently challenge him with this object and enquire the number of prisoners and if all are present.
- (3) The main wall should be well lighted.
11. **Roster of officers for duty , Beat at night to be changed , record to be kept-** (1) A roster showing the turns of day duty of each warder and convict-warder shall be prepared every week in advance, by or under the orders of the Deputy Superintendent and pasted up in some prominent and accessible place. All subsequent changes of duty of officers on the roster should be noted thereon.
- (2) No Officer should be placed on the same beat for two nights in succession , nor informed of his beat till he is about to be posted. A record shall be kept showing the officer put on each beat during each watch.
12. **System of watch inside the wards at night-** Every ward compartment in which prisoners are confined shall be patrolled inside by convict officers who should be changed daily and relieved at the time the patrolling officer is changed. A roster showing the names of the prisoners told off to patrol each ward, with the hours of duty, shall be kept. The patrolling officer shall satisfy himself that the convict watch inside the wards is changed at the time the patrolling officer is relieved. When exceptional precautions are necessary or a ward is of unusual length, two or more convict officers may be placed on duty at one time, each being allotted a definite beat. Convict-officers whilst on duty shall patrol their wards, prevent, as far as lies in their power, the commission of any breach of jail discipline , satisfy themselves by frequent counting that the prisoners are all present and intimate the fact to the outside patrol at least once. every fifteen minutes. At each change of watch, the relieving convict-officer shall report to the patrolling officer the number of prisoners present in the case of any unusual occurrence he shall give immediate notice to the patrolling officer to take any action that may be necessary .

13. **The lighting of wards at night** - the ward shall be well lighted both within the barracks/cells through street light/high mast flood lights in order that patrolling Head warders and warders can see and watch the movements within the jail premises.
14. **Use of night latrines and prisoners taken ill at night-** No prisoner shall use the night latrine without obtaining the permission of the convict-officer or warder on duty, who shall acquaint the patrol at the same time and report to the Deputy Superintendents in the morning the name of any prisoners who uses the latrine for defecation. When it appears to the convict-officer or warder that a prisoner is sick, he shall at once bring the fact to the notice of the security staff on duty. When a latrine is furnished with the means of being locked, it shall be kept locked and the key shall remain in the possession of the convict-officer or warder on duty within.
15. **Duties of a Head-warder on patrol duty at night-** The Head-Warder or patrol at night shall keep on the move, visiting the warders and convict-officers. He shall on taking over charge, satisfy himself that the correct number of prisoners is reported to be custody and that everything is secure. When charging guard at night, both the relieved and relieving Head-Warders and Senior warder shall change the guard in company. In cases of sickness, the patrolling Head warder shall forthwith send notice to the medical officer and deputy superintendent who shall, if necessary, take steps for the removal of the sick prisoners to hospital. Should any irregularity on the part of warders or prisoners come to his notice he should report the matter to the Deputy Superintendent next morning immediately, notice shall be given to the Deputy Superintendent of any occurrence requiring prompt action, such as on escape attempt at escape, riot, fire or serious sickness. He shall see that the main gate sentry is at his post between the gates and on the alert. Each patrolling head warder or senior warder shall carry a control-watch to record the time at which he visits each part of the jail. Punctually at the hour for the relief, the guard the Head warder or senior warder who is to take the next watch shall bring in the relieving warders. He shall search them between the gates both on entering and leaving the jail. This search should be personally conducted at least once a week by the Deputy or Assistant Superintendent. The superintendent may, to save time, arrange for the relief of the guard in two places simultaneously

Note : A special warder will be employed for awakening the various night guards for their turns of duty.

16. **Custody of dangerous prisoners-**(1) every convict should be allotted a definite sleeping berth, the number of which should be noted in his bjt'6ry ticket. Wandering about the sleeping barracks; at any time is to be strictly prohibited, and

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the fact of any convict leaving his sleeping berth, for any, purpose whatever should at once be reported by the convict official on duty to the patrolling officer who will note the case and inform the deputy superintendent on a letter through official entering the jail on the following morning.

(2) Prisoners should not be allowed to approach the gratings unnecessarily and sleeping on the floor between the sleeping berths in the barracks is to be strictly prohibited.

(3) Special precautions should be taken for the safe custody of dangerous prisoners whether they are awaiting trial or have been convicted. On being admitted to jail, they should be (a) placed in charge of very competent warder (b) confined in the most secure building available (c) as far as practicable confined in different barracks or cells each night, (d) thoroughly searched at least twice daily and occasionally at uncertain hours (the Deputy Superintendent must search them at least once daily and he must certify himself that they are properly searched by a competent subordinate at other time, (e) fettered, if necessary (the special reasons for having recourse to fetters should be fully recorded in the superintendent's journal and noted in the prisoner's history ticket). They should not be employed on any industry affording facilities for escape and should not be entrusted with implements that can be used as weapon. Warders on taking over charge of such prisoner must certify themselves that their fetters are intact and the iron bars or the gratings of the barracks in which they confine are secure and all locks, bolts etc., are in proper order. They should during their turns of duty frequently certify themselves that all search prisoners are in their places, and should acquaint themselves with their appearances.

(4) Light to be kept burning at night – From sunset to sunrise a good light shall at the discretion of the Superintendent be kept burning in front of the grated door of every cell in which a dangerous prisoner is confined, so that he may at all times be under observation.

17. **Letting out cooks to prepare early morning meal-** When it is necessary to let out cooks before day-break to prepare the early morning meal, the patrolling officer shall at the hour fixed, let out the necessary number and put them in charge of a warder as may be directed.
18. **Convict-officers may be posted in the central tower-** In jails where there is a central-tower four selected convict officers may be posted therein at night, each to take a watch in turn, to act as a means of communication between the watch and the patrolling officer and to sound the alarm in case of need, a code of signals can be

arranged by striking a gang in the tower by which the attention of the head warder can be directed to any particular part of the jail.

19. **Surprise visit at night-** To enable the jail officer to be entered at night without the knowledge of the patrolling officer and the warders on duty insight, a duplicate key of the lock, the original key of which is in the possession of the patrolling officer on duty, shall be kept by the officer in –charge of the picket for the relief of the sentry at the main gate.
20. **Visits by officials at night, report to be made –** Every Deputy superintendent , Senior Assistant Superintendent and Assistant Superintendent shall in the case of a Central jail, ordinarily visit all parts of the jail at night at least once a week and of a District jail twice a week, each on different night, and see that the officers on duty are on the alert and moving on their beats, that the prisoners are quiet and on their berths and that the lamps are showing sufficient light. The time of the visit should not be made known beforehand. The date of visit, the hour of entering and leaving the jail and a report of any unusual occurrence that comes under observation shall be recorded in a book which shall be provided for the purpose at the main gate. The book shall remain in the custody of the gate-keeper during the day and the sentry during the night. The gate-keeper should produce it before the superintendent on the arrival at the jail in the morning.
21. **Opening of the wards at nights and precautions to be taken-** To the doorposts of all sleeping wards shall be affixed a chain with a book at the free-end which can be attached at wall to the door, so as to admit or allow the exit of one person at a time and no more. Should it be necessary to open a sleeping ward at night for purposes other than the emergency of fire, previous to unlocking the door the chain should be hooked on. No ward shall be opened at night unless the Deputy Superintendent or senior Assistant or Assistant Superintendent and other officer are present except in the case of fire.
22. **Locks to be out of reach-** The locks of the doors of all sleeping wards and cells shall be so arranged that no prisoner can reach them from the inside.
23. **Police guards to be provided under certain conditions-** Whether it necessary to place prisoners in confinement in any place without the walls of the jail , the superintendent shall apply to the superintendent of police for such police guard as may, in the opinion of the latter officer, be necessary and the superintendent of the police shall supply such guard accordingly.
24. **Responsibility of Police guards when guarding prisoners-** In every case in which prisoners are guarded by the police under the provisions of the preceding rule, the responsibility for the safe custody of the prisoner shall rest with the police.
25. **Action when any jail becomes temporarily insecure-** If , for any cause, any jail at any time becomes temporarily insecure , the superintendent shall inform the commissioner of police of the fact, and it shall be the duty of that officer to supply

such armed/unarmed police guard as he may think necessary to provide for the safety of the prisoners until the jail is made secure.

26. **Police help for safe custody of prisoners in certain cases-** Notwithstanding , anything contained in any other rules made under the prisoner act, 1894, for ensuring' the safe custody of any prisoner or prisoner who pose special escape risks, or on occasions when the influx of prisoners is large so as to endanger the existing security arrangements, the superintendent may, with the prior approval of the Inspector general of Prisons seek the help of the Police Department and request the Commissioner of police, to provide armed , unarmed or special reserve police guards and police officers inside the prison for being posted at such points and for such period as he may from time to time determine.

II. ALARM , PARADE , ESCAPES AND OUT BREAKS

27. **Preparations and procedure for dealing with cases of escape and disturbance -** The precautions to be taken and the procedure to be adopted towards against and deal with cases of escape and disturbance in jail are as follows:-

- (1) The main gate sentry of every gate shall be provided with a siren or any other means for raising an alarm. When prisoner are working in large number either inside or outside the jail, at a point so distant that a warder's whistle sounded at such place, cannot be heard by either the main gate sentry or any untoward occurrence, shall be provided. Immediately a prisoner is found to be missing or in the event of any attempt to break jail or on any other disturbance taking place or even appearing imminent, an alarm parade shall be called and the deputy Superintendent dispatch a messenger to convey brief information of what has happened to the Superintendent.
- (2) The officer who first notice the incident, whatever it may be , shall blow his whistle continuously, and all warders and convict-officer on hearing it shall repeat their whistle and where a disturbance has broken out or is on the point of breaking out, no attempt at the search or at suppression, as the case may be, shall be made, till measures are first taken to give the alarm; the fact that the missing man was found or the disturbance put down without the necessity or doing so shall not be accepted as palliating in any way, neglect of this order.
- (3) On hearing the sound of alarm , the warder in charge of gangs outside the jail shall collect their prisoners and march them to a pre-arranged place where a sufficiency of bel-chains shall be disposed during working hours. The prisoners, other than convict-officers shall sit in single file, and the chain having been passed through their ankle rings shall be secured by locking. The

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lock may remain at all times on one end of the chain, but the key, whether a parade is in progress or not, shall remain with the senior warder in charge of the gang and shall not be entrusted to a convict-officer.

Note:- As an alarm parade may be ordered at any time, and it is of importance that prisoners should not know whether any given parade is merely for practice or not, the same attention to details should be given on all occasions. In the case of an attempt on the part of a body of prisoners to break out of the main gate, it would be unwise to open the gates or wickets for the purpose of returning extramural gang into the jail until the enclosure in the vicinity of the inner gate is first cleared of prisoners for the reason the whistle till the continues sounding of the alarm at the jail gate so that the information has reached there. A sentry on hearing a whistle sounding of the alarm in any part of the jail or its neighborhood shall repeat the alarm/siren till the whole establishment is thoroughly apprised. The siren used for sounding an alarm should be of a different tone to that used for ordinary parades. The head warder or warder on duty at the place where the alarm originated shall dispatch a junior warder or a trust-worthy convict-officer with all haste to the jail gate to convey such information as is known regarding the character of the occurrence that has or is about to take place so that the deputy superintendent or other officer in charge may be in a position to direct operations accordingly, for instance, in the case of an escape the prisoner's name, where he was last seen the direction he has probably taken and the part of the jail or jail precincts he has thus appeared from, will all be valuable pieces of information in leading to his recapture, In case of the disturbance, the locality in which it occurred and the approximate number of prisoners engaged in it, will enable the officer in command to dispose of his force in the most effective manner for its suppression.

- (4) Promptitude in starting an alarm is a most urgent and important duty. When a prisoner is discovered to be missing. Or gangs at work outside should. On the occurrence of an alarm, be chained up where the work is in progress.
- (5) At times of alarm all prisoners inside the jail shall, with the exception of convict-warder and overseers, be locked into the nearest or most convenient ward, work-shop or other building, the convict-warders and overseers may be employed to guard the walls, patrol outside barracks or in such other way as they may be directed. 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.
- (6) On the sound of the alarm, every jail official (except warders in charge of gangs) shall proceed immediately, no matter where or how engaged or

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whether in proper uniform or not, to the jail armory and arm himself as directed. He shall then fall into line and place himself under the order of the deputy superintendent or other officer present. The procedure to be followed by the officer in charge must necessarily depend on the character of the occurrence with which he has to deal. In all cases, however, a sentry command a view of the interior of the jail and two small pickets, each in charge of head-warder or senior warder, should be dispatched to take up position in the rear of the jail, and instructed to prevent any attempt on the part of prisoner to escape the walls in these parts. A few men should be set aside as reserve to render assistance of any point where their services may be specially required and with instruction to proceed to the spot from which the sound of a rifle shot comes; (warders in need of assistance shall fire a shot in the air to intimate the fact). When prisoners are chained up outside the jail, it will be also necessary to post a small picket over them. The disposal of the remaining men will depend on circumstances.

- (7) If it be a case of escape or disturbance outside the jail, it shall be the duty of officer in charge to dispatch his spare man in search of the missing prisoner or to take measures to quell the disturbance, as the case may be, using his powers with discretion and effecting his object with display of force as is under the circumstances necessary.
- (8) Should it be a case of riot or disturbance inside the jail the officer in charge will have to lead his man in to put it down. Before taking such a step, however, he shall first satisfy by an enquiry from the sentry on the roof of the gateway that there are no prisoners in the enclosure in the vicinity of the gate. Should there be, the gate should not be opened till the crowd is dispersed, and this can be effectually done from the gateway roof. He shall then lead his man in double file or in "fours" between the gates. When the outer gate has been bolted and locked, the inner one may be opened and the man marched in double time to the scene of the disturbances, to act as the officer in command may dictate.
- (9) Whether an alarm is real or false, all the details, from the preliminary whistle of the warder to the conclusion of the search for the missing prisoners or the suppression of the disturbance, as the case may be, should be carried out to accustom warders to the different circumstances with which they may be called upon to deal and test their preparedness to turn out at short notice, an alarm parade shall be held twice a month at any hour of the day or night, without previous warning and stated from one of the places where prisoners are, usually assembled.
- (10) In the case of an 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

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information to the jail gate, by the patrolling officer, if after lock-up, or by some junior officer, if before the time. A sentry shall be posted over the main gate and the necessary pickets sent to the rear of the jail to frustrate any attempt at an escape, as is done in alarm parades by day. If it be reported that a prisoner has escaped and it appears probable that this still lurking within the jail, convict warders with torches shall be posted at intervals inside the enclosure walls and the remaining warders divided into two parties each with lighted torches', one to search inside and the other outside the jail.

Note:- Each jail shall have an emergency generator in working condition stock of fuel and an operator at the main gate.

- (11) It is the duty of the gate sentry at times of alarm to defend the gate and to protect any officer of the prison or other prison whom a prisoner may be actually using violence.
- (12) Absolute silence should be preserved at alarm Parades and all the details carried out in an orderly and systematic manner. Senior Assistant Superintendent, Assistant Superintendent, head warder and senior warder who have to take charge of detached parties of men should be informed beforehand of the duties required of them, so that they may know exactly what to do and where to go when the alarm sounds, without waiting for instructions from the officer in charge.
- (13) In case of a disturbance, the officer in charge should keep his men together in line and not allow them to approach to the body of prisoners nearer than 30 yards from which distance he is in the best position to deal with the rioters. A few warders should in all cases be armed with batons and supplied with handcuffs to arrest and secure any ring leaders or escaping prisoners.

Note :- Police teargas squads may be requisitioned by the jail in the case of emergency when considered necessary.

- (14) The alarm shall be concluded by blowing the, 'retire' on a siren as a signal for all officers who took part in the parade to return the jail gate, fall into line and be dismissed by the Deputy Superintendent.
- (15) The Deputy Superintendent shall not in his journal the date and hour at which the parade was held, the time taken by the warder to fall in the arm themselves, the names of any subordinates who were late or absent and any defects that were noticed.

28. **Message to deputy commissioner of police** - In the event of a disturbance occurring in the jail which is likely to develop into a serious riot, the superintendent of jail shall send a message to the deputy commissioner of police or in his absence, the next

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senior officer present in the nearest police station , on the telephone or by a first messenger , informing him about the situation and if he (superintendent, jail) considers that the presence of the deputy commissioner of police or in his absence of the next senior officer is necessary, he will at the same time request him to come into the jail personally. On receipt of such message , the above mentioned officer will immediately proceed to the jail and it will be open to him take all such measures as may be necessary in the special circumstances of the case, to restore order, all action taken will be promptly reported by him to the higher authorities.

29. **Assistance from Police-** (1) The superintendent shall , in consultation with the deputy commissioner of the police make such arrangements for a concerned plan of action in the case of an outbreak or escape, as may seem advisable.

(2) The Deputy superintendent shall, on occurrence of escape or outbreak report the officer in charge of the nearest police station.

30. **Notice of an escape to be sent to certain officers-** (1) When an escape has taken place and attempts at recapture have been ineffectual immediate notice shall be sent to the Deputy Commissioner of Police concerned along with a descriptive roll of the prisoner with all the information available including his actual place of residence, for purpose of identification. If the prisoner belongs to a district other than that in which he was confined, reports and descriptive rolls shall be sent to the magistrate of that district and the magistrates of all districts he is likely to traverse on his way to his home; a report and descriptive roll shall also sent to the superintendent of railway police should the prisoner be at all likely to avail himself of the railway and if it appears expedient, Information shall be sent by wireless message / telegram to the police of other districts.

(2) The superintendent shall on the occurrence of an escape or any other serious unusual event, immediately report the same to the Inspector- General.

31. Reports to the Inspector-General of escape and recapture- (1) A brief Report on every escape that takes place shall be submitted to the Inspector General at once, to be followed by a full report detailing the results of the enquiry which the Superintendent shall make as soon, after the occurrence, as possible. A copy of the judgment in the case of a prisoner tried for escaping shall also be submitted to the Inspector General. In the case of escapes that have not been due to negligence alone but in part to some defect in the buildings or in the method of guarding, such defect should be cleared pointed out.

(2) A report of the recapture of prisoner shall made to the Inspector General giving particulars of the date and circumstances of recapture, and such additional details of the escape as may be elicited from the prisoner.

32. Attempts to escape to be reported-(1) Every attempt to escape, with the Inspector General the particulars in each case, shall be reported to accompanied by a descriptive rill of the prisoner.

(2) A brief report of every attempt to escape should also be made to the Deputy Commissioner of Police.

33. Rewards for re-capture-(1) Superintendents of Jails may give a reward fixed on a consideration of all the circumstances but in no case exceeding Rs. 200/- for the recapture of any escaped prisoner irrespective of the prisoner's sentence.

(2) Whenever peculiar circumstances render it expedient to offer a large reward, a special application shall be made to the Inspector General, who is empowered to sanction up to Rs. 1000/- for the recapture of any prisoner. Should the Inspector General consider a still refer the case for the orders of the Administrator.

(3) No rewards for the recapture of a prisoner who escapes from of the police shall be paid by the Jail Department.

Note 1: Any Government servant may receive, without special permission any reward offered for the arrest of a criminal etc.

Note 2: When two or more persons have been instrumental in the recapture of any prisoner who has escaped from a jail, the reward shall be divided amongst them in such manner as the Inspector General may direct.

34. Rewards for a prisoner preventing an escape- Every prisoner who assist in any way whatsoever in preventing an escape shall, if he cannot be adequately rewarded by the Superintendent under the remission rules, be brought to the notice of the Inspector General.

35. Procedure on recapture of a prisoner- (1) On the recapture of a prisoner, the fact shall be notified to all officers who have been addressed under rule 30 above.

(2) A recaptured prisoner mat be admitted into and detained in jail on the authority of his original warrant and the time he was at large does not count as sentence served.

36. Prisoner not recaptured to be entered in release register- The name, register number and date of escape of every prisoner who has escaped and has not been

recaptures, shall be entered in a blank page of the release register and copied into every subsequent register brought into use, for ten years unless he has been recaptured in the meantime, when his name shall be marked off and the date of recapture noted.

37. Procedure when a sentence in connection with an escape is inadequate- Should a sentence passed on a prisoner for escaping or attempting to escape or on a jail officer for negligently suffering or conniving at the same, be in the opinion of the Superintendent inadequate, he shall refer the case to the Inspector General who may, if he thinks fit, report the case to Government with a view to the enhancement of the sentence.

38. Construction of the outer walls of a jail- The outer walls of every jail should be rounded on top, cornices, projections of any sort or broken glass, only afford a hold for a blanket or cloth. At every junction of a partition wall with the outer wall and at every angle in the outer wall, a sufficient addition should be made to the height to prevent the possibility of any prisoner sealing the wall at these places. The main enclosure wall of a jail shall ordinarily not be less than 15 feet high and a clear space of 16 feet should be left between it and any building on either side of it.

39. Report of assault or disturbance-Certain convicts not be entrusted with knives etc....,jail locks-(1) A full report of every serious assault committed by a prisoner on an officer of the jail and of every serious disturbance or combined outbreak amongst prisoners shall be permitted to the Inspector General.

(2) Convicts of a sulky, no rose or violent temper should on no consideration be entrusted with a knife or other implement which might be used as a weapon of offence.

(3) All locks in use in a jail should be examined daily and the locks found out of order, be brought to the Deputy Superintendent who shall replace it with a serviceable one.

Note: Lever locks should not be lubricated with vegetable oil, as causes the levers to stick and renders the lock easy to pick.

(4) Even where there has been a cognizable crime which is to form the subject of police and magisterial enquiry and subsequently ends in a criminal trial, the Superintendent must at once conduct enquiry, and submit the results to the Inspector General on the aspect of jail discipline and the observance of rules involved in the case, and if he finds that any officials are to be blamed, he should state how he proposes to deal with them.

(A) Confinement in Irons During Emergency

40. Prisoners may be required to wear fetters and belchans. The Superintendent may, at his discretion require all or any prisoners to wear fetters while confined in any place without the walls of the jail. In cases of grave emergency belchans may also be used. Belchans may not be used inside the jail except in cases of grave emergency and when their use inside as jail becomes necessary an immediate-report of the circumstances will be made to the Inspector General of Prisons.

Provided that minimum possible bodily pain shall be caused and the fetters will be made to be work for the minimum possible period.

41. A supply of fetters and belchans to be maintained- In each of the jails, fetters and be/chains for 500 prisoners shall be kept in stock to meet emergencies.

42. Description of irons which may be used- In placing prisoners in irons in exercise of the powers conferred by section 56 of the Prisons. Act 1894, no irons of any kind other than one of the kinds prescribed in paragraphs and infra, and in the case of fetters, other than bar-fetters or link-fetters, shall be imposed on any prisoner.

43. Prisoners exempted absolutely- The imposition of fetters is prohibited in the following cases, namely-

- (a) Female Prisoners;
- (b) Civil Prisoners;
- (c) Convict –officers; and

(d) Convicts who by reason of age, physical infirmity or serious illness, are, in the opinion of the Medical Officer unfit, to be placed in fetters.

44. Prisoners ordinarily exempted- Fetters shall not ordinarily and without special reasons, to be recorded by the Superintendent in his journal, be imposed on any:-

(a) Convicts, the unexpired period of whose term of imprisonment is less than six months;

(b) Convict who has undergone three-fourth of his substantive sentence of imprisonment.

(c) Un-convicted criminal prisoner;

(d) Prisoner under sentence of death; or

(e) Convict who is being produced in court.

45. Imposition of hand-cuffs when permissible- Hand-cuffs may, as a measure of restraints, be imposed on any prisoner, if the Superintendent is of opinion that the imposition is necessary for the protection of the prisoner himself or any other person.

Provided that whenever hand-cuffs are imposed on any women or civil prisoner, the Superintendent shall immediately report such cases with his reasons therefore, to the Inspector General of prisons, for his approval.

46. Record of cases in which irons are imposed- in every case in which any prisoner is placed in irons of any description, the fact that they have been imposed and the time of their imposition and removal, respectively, shall be noted in the Superintendent's journal and prisoner's history ticket.

47. Fetters to be examined periodically-(1) All fetters imposed on prisoners for safe custody shall be examined daily by Head-Warder and once a week by the Deputy Superintendent who shall notify the fact in his journal. The fetters of dangerous prisoner should be examined daily by the Deputy Superintendent, Senior Assistant Superintendent or Assistant Superintendent.

(2) Care should be taken that the fettering cannot be drawn over the feet and that the rivets fit the holes and have sufficient head on each side.

Note 1: All prisoners required to wear fetters or ankle rings should be provided with pliable gaiter to prevent abrasion of the skin.

Note 2: A loin-cloth of the standard size 6' * 3' shall be issued to all prisoners and wearing fetters in lieu of kachhas or trousers.

48. Annual statement of prisoners fettered- An annual statement showing particulars of the cases in which fetters have been imposed during the year, shall be submitted within one month of the succeeding year, to the Inspector General.

49. Removal of fetters- fetters imposed for security shall be removed by the Superintendent as soon as he is of opinion that this can be done with safety.

(B) Use of Arms Against Prisoners

50. Use of Arms when permitted- Any officer of the prison may use a shord, bayonet, fire-arm or any other weapon against any prisoner escaping or attempting to escape.

Provide that resort shall not be had to the use of any weapon unless such officer has reasonable ground to believe that he cannot otherwise prevent the escape and in all events only minimum required force will be used.

51. Outbreaks and attempts to outbreaks- Any officers of the prison may use a sword, bayonet, firearm or any other weapon on any prisoner engaged in any combined outbreaks or in any attempt to force or in “any attempt to 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 and in all other events only the minimum required force will be used.

52. Using violence to an officer- Any officer of the prison may use a sword, beyond fire-arm or any other weapon against any prisoner using violence to any officer of the prison or the person

Provide that such officer has reasonable ground to believe that the officer of the prison or other person is in danger to life or limb, or that other grievous hurt is likely to be caused to him and in all other events only the minimum required force will be used.

53. Warning to be given- Before using fire-arms against a prisoner, the officer of the prison shall give a warning to the prisoner that he is about to fire on him and otherwise the minimum required force will be used.

54. Orders of the superior officer- No officer of the prison shall in the presence of his superior officer use arms of any sort against a prisoner except under the order of such superior officer.

III. SUDDEN OR VIOLENT DEATHS

55. Report of death to be made to the police- In every case of sudden or violent death or supposed suicide, or whenever there is any doubt or complaint or question concerning the cause of death of any prisoner, or whenever any prisoner dies from the effect of punishment or enquiry, a report shall forthwith be made to the police who are empowered to take action under the criminal procedure code, 1973.

56. Report to be made to the Inspector General- The Superintendent shall, in every instance in which an inquest may be held on the body of any prisoner confined in the jail, submit a full report of the circumstances of each case to the Inspector General together with a copy of the finding of the Magistrate who conducted the enquiry.

57. A Magistrate who is Superintendent not to hold an inquest- A Magistrate who is also the superintendent of the jail or acting under a temporary arrangement for the Superintendent shall not hold an inquest into the cause of death of any prisoner

dying in the jail of which he has charge at the time, unless there be no other duly authorized Magistrate available for the duty.

58. Medical officers empowered- The following officer are empowered under section 174(3) of the Criminal Procedure Code, 1973, to conduct postmortem examination:-

- a) All Civil Surgeons
- b) All Medical Officers holding collateral civil charges,
- c) All staff surgeons.

59. Report to Superintendent and Medical Officer- The Deputy Superintendent shall report the occurrence of the death of every prisoner from sudden or unnatural causes to the Superintendent and Medical Officer, as soon as possible after event.

60. Body to be left in the position in which found—Exception- On the occurrence of a sudden or violent death in jail, the body shall, if life is extinct, be left in a position in which it was found until the arrival the Magistrate and Medical Officers, but if it is not certain that death has taken place, majors shall be taken to restore animation and for this purpose the body may be removed from the position in which it was found.

CHAPTER 8

DELHI PRISONS (DISCIPLINE, DAILY ROUTINE, OFFENCES AND PUNISHMENTS) RULES, 1988

Note: For statutory provisions concerning the authority of these rules, see Appendix-3 – Prisons Act, 1894 – Sections 42 to 52 and 54 and Appendix-2, Indian Penal Code, 1860 – Sections 121 to 130, 147m, 148, 152, 201 to 204, 222 to 225, 255 to 263A, 304A, 325, 326, 465, 466.

Rule

- 1. Short title and commencement** – (1) These rules may be called the Delhi Prisons (Discipline, Daily Routine, Offences and Punishments) Rules, 1988.

(2) They shall come into force at once.

PART 'A' – GENERAL RULES FOR DISCIPLINE OF PRISONERS

- 2. Maintenance of discipline** – It shall be the duty of all executive officers and guarding establishment of Jail to maintain discipline and order amongst prisoners.
 - 3. Discipline and custody and Women Prisoners** – (1) It shall be duty of the Assistant Superintendent in charge or Matron to maintain discipline in the women section of the prison. She shall take care that no woman prisoner leaves the woman section of the prison unless accompanied by a duty authorized officer of the prison. As far as possible, a m matron shall accompany the women prisoner but if male joint guard are required to accompany them not less than two guards shall accompany them.

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

(3) No male prisoner shall be allowed to enter a women section of the prison on any account. All menial duties connected therein shall ordinarily be carried out by women prisoner.

(4) No male officer including the Superintendent shall on any pretext enter the women section of the prison without the lady Assistant Superintendent or the Matron and the two shall not separate while in the section. Should it be necessary to enter the women section during the night, the officer on night duty with one or more guard shall enter the section, if the matron on night duty inside the section calls for his assistance to enforce discipline amongst female prisoners. If a female prisoner requires medical assistance the night duty officer shall enter the section with the medical officer/medical subordinate and the prisoner shall be examined in the presence of the matron.
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1. Published in Delhi Gazette, Extra-ordinary Part IV 4 No. 76 dated 18th April, 1988, vides Notification No. F. 9/75/87,-HOME (GENERAL) (VI), in exercise of the powers conferred under clauses (4), (6) and (7) of Section 46 and clauses (1), (6), (17), (18) and (28) of Section 59 read with Section 45 of the Prison Act, 1894 (IX of 1894) by the Administrator of the Union Territory of Delhi.

4. **Register of visits to be maintained** – (1) There shall be maintained a register at the gate of women’s prisons of women’s section of prison. Wherever any woman prisoner is taken out of the prison or women’s section of a prison, an entry shall be made in this register giving the name and number of the women prisoner, the purpose for which and the time when she was taken out and brought back to the prison or section.

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

5. **Removal from wards, lock-ups, strict discipline by day and night** – (1) Prisoners, other than those who may at any time be lawfully confined in cells by day and night, shall be removed from their sleeping wards, cells and other compartments, as soon as after day-break as possible, and shall be placed in their proper sleeping wards and looked up for the night before sunset.

(2) Prisoners shall be kept and shall remain under strict discipline and control both by day and night.

6. **Movements, how to be conducted** – All movements of prisoners shall be conducted in an orderly and regular manner, under strict control.

7. **Power of Inspector General to issue directions** – The Inspector General may in his discretion, from time to time, issue detailed directions as to the manner in which the order, discipline and control, prescribed in the preceding rules, are to be maintained.

8. **Every prisoner to obey lawful orders** – Every prisoner shall obey lawful order issued to him by any officer of the jail or convict officer of superior rank.

9. At the time of morning lock out of the Head warden shall open the ward, barracks and cells in the presence of the Asstt. Supdt. All prisoners shall stand in double file. They and their belongings shall be searched and then they shall be marched out of the barrack/cells and counted. Their number shall be checked with the entries of the lock up register.

10. If the count of the prisoner’s tallies with the entries in the lock up register, the prisoners shall be given sufficient time to conduct their morning chores. The Head Warden with the help of convict officers on duty in the ward shall make the prisoners clean the ward, roll up bedding and arrange it neatly on their berths.

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11. After the prisoners have finished their morning chores of washing, bathing, and cleaning up their wards/barracks/cells, they shall sit in single file with their utensils and served meals. The Head Warder shall supervise the distribution of the morning meal and the cleaning of the utensils by the prisoners.
12. Those prisoners who appear sick or complaint of sickness at the time of morning count shall be sent to the dispensary/hospital for medical investigation and treatment under the charge of a convict officer during working hours of the dispensary/hospital.
13. Those prisoners who are required to attend court shall report at the main gate in the charge of a convict officer of warder. At the main gate they shall sit in double file while awaiting their turn to be sent to court. The convicted prisoners required to labor shall report at the place of work at the scheduled time. The unconvinced prisoners shall remain in their respective wards unless they are called from the wards by a requisition slip issued by an officer of the jail.
14. The prisoners employed on outside gangs shall be marched to the chakkar by the convict officer in charge of the gang. The Chief Head Warder shall examine the prisoners as to whether they fulfill the requirement of being employed outside the jail. Thereafter the eligible prisoners shall be made over to the charge of the warder in charge of the gang and a receipt taken from him. They shall then be marched in double file to their place of work outside the jail.
15. The prisoners working in the factory shall be marched to the factory gate where their attendance shall be marked and they shall be allowed to enter the factory after being searched. Other prisoners working in gangs inside the jail shall be allotted work at the chakkar.
16. Prisoner to salute at word of command – Prisoners shall be required to salute the Dy. Supdt. Or other Officer superior to the Dy. Supdt., at the word of command of the officer in whose charge they are, as follows –
 - ‘Tham’ – to stand still if marching
 - ‘Uth’ – to rise from the sitting position
 - ‘Savdham’ – to stop work, if workingWhen it is desired to conclude the salute the following words shall be used:
 - ‘Chal’ – to move forward
 - ‘Baith’ – to assume the sitting position
 - ‘Kam Suru’ – to resume work
17. **Arrangement in gangs and March to work** – On the completion of early morning meal, the prisoners shall be allowed to wash their hands and feeding vessels, and thereafter shall be arranged in gangs according to the gang-roll. Each gang shall be made over to its responsible officer and marched to its working place.

18. Arrangement for spare clothing at work – Every prisoner, if so required, shall carry his complete kit (except second suit, bedding and blankets not in use) with him. At the working places such prisoners shall carefully fold and arrange his spare clothing in line with that of others and in front of it place his plate and cup.

Note 1: Head Warders should be held responsible that no article but the bedding and blankets not in use are left in the ward, after the prisoners have vacated them.

Note 2: The second suit shall be kept in a locked receptacle provided for the purpose in the barrack.

19. Prisoners to be locked in worksheds – The gate of every workshed provided with a gate shall be kept locked after the prisoners have entered, and the key shall be kept by the officer in charge of the gang, or if there is more than one gang, by the senior officer, who shall be held responsible that no prisoner passes into or out of the workshed without proper permission.

20. Access to a urinal and latrine at all hours – Every prisoner shall have access to a urinal and latrine during normal hours, but any prisoner who uses the latrine at odd hours shall be reported to the Medical subordinate, who shall, if the visits have been frequent, place the prisoner under observation in a cell, and if there is reasons to believe that he has visited the latrine unnecessarily, report the irregularity. In the case of newly convicted prisoners some latitude should be allowed in the enforcement of this measure.

21. Complaint of prisoner regarding food – (1) The Head-warder shall enquire as to the cause of complaint of any prisoner concerning his food. If the complaint is of short distribution, he shall have ration weight, and if the quantity is short, have the deficiency supplied and report about the erring cook to the Deputy Supdt.

(2) If the complaint is of bad quality or bad cooking, the Head-Warder shall retain a sample of the food for examination by the Deputy Supdt., who shall make such further enquiry regarding the complaint as may be necessary and report the circumstances to the Supdt. on the first opportunity.

22. Work resumed in the afternoon cessation of work for the day – The convicted prisoners shall complete their allotted labour before the evening bell is sounded for cessation of work. The prisoners working in the factory and the gang of prisoners working inside and outside the jail shall be searched and counted before they are marched to their respective wards. They shall be give reasonable time for bathing, washing and going to the lavatory. On orders of the Head Warder they shall sit in single file with their utensils and served evening meals. The evening meals parade will be similar to the morning parade. At sun set the prisoners shall be made to sit in double file outside their barracks/cells, counted and marched to their sleeping berths and locked. The count shall be entered in the lock up register and signed by the Head Warder and countersigned by the Asstt. Supdt. as far as practicable prisoners who work together shall occupy the same ward.

- 23. Prisoners outside the prison to be brought in for their mid-day ration** – The mid-day ration of gram shall be distributed to the prisoners wherever they may be at work. All prisoners outside the Jail, except those working at a considerable distance and for whom special arrangement for the conveyance of food are made, shall be brought inside the jail to receive the ration.
- 24. Prisoners not to leave their berths** – No prisoner shall be allowed to leave his sleeping berth for any purpose, without first obtaining the permission of the convict officer on duty, or to sit or lie on any other prisoner's berth.
- 25. Disposition of prisoners on parade** – At the Supdt's weekly inspection, the prisoners shall be paraded in single file. Before such prisoner shall be arranged in order his share suit, moonj or shabbar mat, blankets, cup, and plate and history ticket. All convict officers and prisoners losing weight shall be paraded separately. On the arrival of the Supdt, the prisoners shall at the word of command stand up, take off their cups and take up their history-tickets. The History-tickets should be held open in the left hand in front of the chest. The right arm and hand should be extended down the right side, palm inwards.
- 26. Prisoners not to leave their places to make complaints**—No Prisoners shall leave his place at any time to make any representation to the Supdt. or the Dy. Supdt., but he may, if the representation is an urgent one, such as a complaint of assault ill-treatment or the limel represent the matter to the Dy. Supdt. or Supdt. when these officer are going their rounds. Any prisoners wishing to appeal shall, if the matter be urgent, be brought by the Dy. Supdt. Before the Supdt. but minor complaints and petitions should, as a rule, suit the Supdt's weekly parade.
- 27. Prisoners to be instructed what to do and what to avoid**—Every prisoners shall be—
- (a) Instructed as to the course he is to pursuer on the occasion of a riot, disturbance or whenever the alarm is sounded.
 - (b) Informed of his liability to be fired on he joins in any riots or attempts to escape or refuse or neglects to pursue the course laid down for his guidance;
 - (c) Warned to avoid the acts that are prison offences; and
 - (d) Instructed to place his complaint in the complaint box or tell the warder if he cannot write.
- 28. Prisoners to wash their clothing weekly**—In those jails where no Central laundry system exists
, all prisoners shall wash their clothing on Sunday. In some convenient position a vessel filled with solution of soap and soda shall be placed. Into this solution each prisoners as ha passes in file, shall dip his clothes and then proceed to the washing place to scrub and clean them. When necessary the Supdt. may trail prisoners to boil and wash blankets, woolen coats and bedding, a special boilee being provided for

the purpose. Where there is a Central Laundry, the soiled clothing will be collected weekly and handed over to the dhobi staff for washing.

29. Disposal of prisoners in non-working days—The under trial prisoners who are exempt from labour, and other prisoners on the days they are exempt from labour be either looked up in their wards, or, if the washer is favourable, be allowed to sit in file in the yards or take walking exercise or pray in the morning and in the evening.

30. Matter affecting caste or religion—(1) No undue interference with the religion or caste prejudice of prisoners shall be permitted.

(2) Every prisoner shall be allowed to perform his devotions, in a quiet and orderly manner.

(3) No gathering together of prisoners for the purpose of performing any caste ceremony of religious functions shall, under any circumstances, be permitted.

(4) Muhammad prisoners, other than those placed in hospital or in any convalescent or special gang, who may express a desire to be allowed to keep the fast of Ramzan, shall be permitted to do so;

Provided that the Medical officer may in the name of any prisoners, if he is of opinion that the continuance of the fast by such prisoners is likely to be injurious or dangerous to health, direct its discontinuance

Note: Prisoners shall, while keeping the fast receive the whole of their daily rations at the evening meal, and shall be permitted to take such rations into and to retain the whole or any portion thereof in their wards, cells or other compartments, for consumption on the following morning.

(5) When a Supdt. Feels any doubt as to the validity of any plea advanced by a prisoners on grounds of caste extent, and at such times, he should refer the matter for the Inspector General, whose decision shall be final.

31. Rules regarding the cutting of hair—Exceptions – (1) The hair shall be trimmed only to such extent, and at such times, as may be necessary for the purposes of securing health and cleanliness.

(2) Those prisoners who were accustomed to save their faces before admission to jail may be shaved in jail.

Provided that prisoners who are:

(a) Sikhs, shall not have their hair cut or removed in any way;

(b) Hindus shall be allowed to retain the choti or top-knot;

(c) Females shall not have their hair cut or removed in any way;

(d) Muhamadans who object on religious grounds to their beards being closely clipped shall be allowed to have their beards trimmed to a length of approximately 3 inches, If, however, the beard is filthy or worminous or skin disease is prevalent, it shall be closely clipped;

Provided further, that the hair of a convict shall not, without his consent, be cut at any time within thirty days of the date on which he is entitled to be released.

Note 1: All prisoners who are permitted to grow their hair long should be allowed 30ml mustered oil 20 grams of soap head once a week. They shall, however, be permitted to supplement the above quantity at their own expense.

Note 2 : Should they so desire, all other prisoners shall be allowed soap and oil for sanitary purpose at their own expenses out of their private cash property or through their friends or relatives.

- 32. Privileged/exemptions from the operation of the preceding rule—**(1) Any prisoner who is, under the preceding rules, exempted from the inability of having his hair cut, may at his own request, and with the permission of the Supdt., to be recorded on his history-ticket, have his hair cut or removed.
- (2) No convict –officer shall be compelled to have his hair cut more than is in the opinion of the Supdt. necessary for the purpose of keeping him in a state of proper cleanliness.
- (3) Prisoners who are more than forty five years of age, may, on the recommendation of the Medical Officer, be permitted to grow their hair to the extent necessary for the maintained of their health.
- (4) The prisoners at the direction of the Supdt. may be allowed , to keep transistor, radio, T.V., books and periodicals, adequate facilities for games and reading material shall be provided to the convicted prisoners by the Supdt.

PART B: PROHIBITED ARTICLES

33. List of prohibited articles—The articles specified or included in any of the descriptions contained in the list annexed to this rule shall be deemed to be prohibited articles, within the meaning of section 42 and clause (12) of Section 45 of the Prisons Act, 1894 unless any such article shall be—

- (a) introduced into any jail,
- (b) removed from any jail,
- (c) supplied to any prisoner outside the limit of any jail, or
- (d) received, possessed or transferred by any prisoner,

List of prohibited articles

- (1) Spirituous liquors of every description, bhang, ganja, opium, smack and other intoxicants.
- (2) All explosive, intoxicating or poisonous substances and chemicals, whether fluid or solid, of whatever description.
- (3) All arms and weapons, knife and cutting implements of every kind and articles which are capable of being used as weapon, of whatever description.
- (4) All bullion, matel, coin, jewellery, ornaments, currency notes, securities and articles of value of every description.
- (5) All books, paper and printed or written matter and materials and appliances for printing or writing of whatever description.
Provided that the Supdt. may permit supply of books paper and pen or pencil.
- (6) String, rope, chains and all materials which are capable of being converted into string or rope or chains, of whatever description.
- (7) Wood, bamboo, club, stick, ladder, bricks, stones and earth of every description.
- (8) Playing cards or other implements for gambling.
- (9) Tape-recorder, typewriter and other equipment that can be misused.

33. Further rule defining and regulating prohibited articles—Every article, of whatever description, shall be deemed to be a prohibited articles within the meaning of Section 42 and clause (12) of section 45 of the Prisoner Act, in the case of—

- (1) A prisoner—If introduced into or removed from any jail or received, possessed or transferred by such prisoner, and such article has:--
 - (a) Not been issue for his personal use from jail stores or supplies, under proper authority;
 - (b) Been so issued, if possessed or used at a time or place other then such as is authorized : or
 - (c) Not been placed in his possession for introduction, removal or use, as the case be by proper authority;
- (2) A jail official if introduced into or removed from any or supplied to any prisoner and such article:--
 - (a) Has not been issued or sanctioned, for his personal use by proper authority;
 - (b) Is not an article of clothing necessary for his personal wear; or
 - (c) Has not been placed in his possession by proper authority for introduction into or removal from the jail or for the purpose of being supplied to any prisoner;
- (3) A visitor—if introduction into or removal from any jail, or supplied to any prisoner and such article:--
 - (a) 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 possession, of which while in the jail, has not been permitted by proper authority;
 - (b) Is introduction, with or without authority, and is not retained in his possession until he has left the jail premises; or
 - (c) Comes into his possession while within the jail, and is subsequently removed by him from the jail;
- (4) Any other person—if introduced into or removed from any jail, or supplied to any prisoner, whether within or without the jail;

35. Outsides not to communicate with prisoners—No person other than a visitor, official or inmate of a prison acting in pursuance of his privilege or duty as such visitor official, or inmate, shall communicate or attempt to communicate with any prisoner.

PART C : ACTS CONSTITUTING PRISON OFFENCES

36. Acts declared to be prison offence by rule made under Act IX, 1894—The following acts are forbidden and, every prisoner who wilfully commits any of the following acts shall be deemed to have wilfully disobeyed the meaning of section of section 45(1) of the prison act:-

- (1) talking when at file or at unlocking or at latrine, bathing or other parades, or at any time when ordered by an officer of the prison to desist, and singing, loud laughing and at any time;
- (2) Quarrelling with any other prisoner;
- (3) Secreting any article whatever;

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- (4) Showing disrespect to any jail or visitor;
- (5) Making groundless complaints;
- (6) Answering untruthfully any question put by any officer of the prison or a visitor;
- (7) Holding any communication (in writing by word of mouth or otherwise) with an outside prisoner of opposite sex, Civil or criminal of a different class in disobedience of the regulating of the prison,
- (8) Abetting the commission of any prison offence;
- (9) Omitting to assist in the maintenance of discipline by reporting any prison-offence or to give assistance to an officer of the prison when called on to do so;
- (10) Doing any act or using any language calculated to wound or offend the feeling and prejudices of a fellow prisoner;
- (11) Doing any act calculated to create any unnecessary alarm in the minds of the prisoners or officials of the prison;
- (12) Leaving without permission of an officer of the prison the gang to which he is attached or the part of the prison in which he is confined;
- (13) Leaving without permission of an officer of the prison the ward, the yard, the place in file, the seat or health assigned to him;
- (14) Loitering about the yards, or lingering in the ward, when these are open;
- (15) Quitting or refusing to march in file when moving about the prison;
- (16) Resorting unnecessarily to the night latrine;
- (17) Refusing to eat the food prescribed by the prison diet scale;
- (18) Eating or appropriating any food not assigned him or taking from, or adding to the portions assigned to the prisoners;
- (19) Removing without permission of an officer of the prison the food from the cook-room or godown or from the place where meals are served, or disobeying any order as to the issue and distribution of food and drink;
- (20) Wilfully destroying food, or throwing it away without orders;
- (21) Introducing into food or drink anything likely to render it unpalatable or unwholesome;
- (22) Omitting or refusing to wear the clothing given to him, or exchanging any portion of it for the clothing of other prisoners or losing, discarding, damaging, or altering any part of it;
- (23) Removing, defacing or altering the clothing;
- (24) Omitting or refusing to keep the person clean or disobeying any order regulating the cutting of hair or nails.
- (25) Omitting or refusing to keep clean his clothing, blankets, bedding fetters, iron cups or platters, or neck tickets or other identification taken, or disobeying any order as to the arrangement or disposition of such article.
- (26) Tampering in any way with prison locks, keys, or light or other property with which he has no concern.
- (27) Stealing the prison clothing or any part of the prison kit of any other prisoner;
- (28) Committing a nuisance in any part of the prison;
- (29) Spitting on or otherwise soiling any floor, door, wall or other part of the prison building or any article in the prison;
- (30) Wilfully befouling the walls, latrines, washing or bathing places;
- (31) Damaging the trees and vegetable in the garden of the jail, or maltreating the prison cattle;

- (32) Omitting or refusing to take due care of all prison property entrusted to him;
- (33) Omitting or refusing to take due care of or injuring, destroying, or misappropriating the materials and implements entrusted to him for work;
- (34) Omitting to report at once any loss, breakage or injury which he may accidentally have caused to prison, property or implements;'
- (35) Manufacturing any article without the knowledge or permission of an officer of the prison;
- (36) Performing any portion of the task allotted to another prisoner, or obtaining the assistance of another prisoner in the performance of his own work;
- (37) Appropriating any portion of the task performed by another prisoner;
- (38) Mixing or adding any foreign substance to the material issued for work;
- (39) Wilfully causing to himself any illness, injury or disability;
- (40) Causing omitting to assist in suppressing violence or insubordination of any kind;
- (41) Taking part in any attack upon any prisoner or officer of the prison;
- (42) Omitting or refusing to help any officer of the prison in case of an attempted escape or of an attack upon such officer or upon another prisoner;
- (43) Disobeying any lawful order of an officer of the prison or refusing to perform duties in the manner prescribed.

37. Reference to Magistrate—when in the opinion of the Supdt. Any of the following offence are established against any prisoner, he shall refer the case to the Magistrate excusing jurisdiction for

Enquiry in accordance with the Code of criminal procedure, 1973:

- (1) Offence punishable under sections 174,148,ane 152 of the Indian Panel Code;
- (2) Offence punishable under sections 222,223 and 224 of the Indian Panel Code;
- (3) Offence punishable under sections 304-A,3096,325,and 326 of the Indian Panel Code;
- (4) Any offence triable exclusively by the Court of Sessions.

Note: The offences specified in the above rule are:--

Section 174-- Rioting

Section 148—Rioting armed with a deadly weapon;

Section 152—assaulting or obstructing or using criminal force to a public servant, when suppressing riot or threatening or attempting to do so;

Section 222—Intentional omission to apprehend on the part of a public servant , or internationally siding or suffering to escape any person lawfully committed to custody;

Section 223—Escape negligently suffered by a public servant;

Section 224—Resistance or obstruction to lawful apprehension or escape or attempt to escape from lawful custody;

Section 304—A – causing death by a sash or negligent act;

Section 309—Attempt to commit suicide;

Section 325 – Voluntarily causing grievous hurt; and

Section 326 – Voluntarily causing grievous hurt by dangerous weapons or means.

38. Powers of Superintendent—It shall be I the discretion of the Supdt. to determine with respect to any other act which constitute both—prison-offence and an offence under the Indian Penal Code, whether he will use his own powers of punishment or move the

Magistrate exercising jurisdiction to enquire into it in accordance with Code of Criminal procedure, 1973.

PART D—PUNISHMENT FOR OFFENCE

39. Loss of privileges under the remission system—for a prison offence any one of the following punishments involving loss of privileges may be awarded:

- (a) Forfeiture of remission earned.
- (b) Temporary forfeiture of class, grade or prison privileges.
- (c) Temporary or permanent reduction from a higher to a lower class or grade.
- (d) Temporary or permanent exclusion from the remission system.

Provided that no order directing the forfeiture of remission in excess to twelve days, or the exclusion of a prisoner from the remission system for period exceeding three months shall take effect without the sanction of the Inspector General.

40. Permission of Distt. & Session judge for Hand cuffs, Fetters and appraisal of other Punishment—Whenever the Supdt. arrives at a decision that it is absolutely necessary to place a prisoner in hand cuffs or fetters, he shall take the prior approval of the District & Session Judge, Delhi, in case of other punishments, appraisal of the District & Session Judge shall be sought within two days of imposition of the punishment.

41. hand cuffs may be imposed—(1)On the wrist in front, by day or night for a period of not more than twelve hours at a time, with intervals of not less than twelve hours between each period, and for not more than four consecutive days or nights.

(2) On the wrist behind, by day only for a period of not more than six hours in any day of twenty four hours, and for not more than four consecutive days.

(3) By attaching the handcuffs affixed on the prisoner's wrist to a staple in front of the prisoner by day not more than four consecutive days for not more than six hours on each day with an interval of at least one hour after the handcuffs have been so attached for three hours.

Provided that such staples shall not be higher than the prisoner's shoulders, nor lower than his wrist, and that no prisoner shall be attached by handcuffs to a staple except in the presence of other prisoners;

Provided further that the punishment referred to in clause (3) shall not be executed until the prisoner to whom the punishment imposed has been examined by the Medical Officer and pronounced to be fit to undergo the punishment;

Provided also that this punishment shall be restricted to case where the prisoner has been guilty of respected and wilful violations of any prison rule, and where, in fact, his conduct is evidently as such due to contumacy;

Provided also that the weight of handcuffs with lock shall not be more 2 kgs.

42. Shelter from the sun—Prisoner while undergoing punishment in handcuffs shall be under complete from the sun.

43. Description of letters—The following classes of letters of fetters may be used in prison:-

- (a) Link fetters composed of a chain and ankle-rings.

The total weight of such fetters including the ankle shall not exceed 1.36 Kgs. And the chain shall not be less than 61Dcm in length.

(b) Bar-fetters composed of two bars joined by a link and attached to ankle-ring. The total weight of such fetters including the ankle-rings shall not exceed 2.27 Kgs. And each bar shall be not than 5.8cm in length.

44. Period for which fetters may be imposed—The maximum period for which fetters may be continuously imposed shall be three months.

Provided that a period of at least ten days must elapsed after fetters of any kind have been imposed as a punishment for a prison-offence, before they can be again imposed as a punishment for another prison-offence, whether of the same kind or not.

Note: Two forms of punishments only can be if a convict wearing the same is to be produced in court. The ankle-ring of the fetters shall be perfectly smooth without any inequality. If the doctors advise so the prisoner shall be provided with woolen or leather gaiters.

45. Plurality of punishment under Section 46—Any two of the punishments enumerated in section 47 of the Act IX of 1894 may be awarded for any such offence in combination, subject to the following exceptions, namely:--

(1) Formal warning shall not be combined with any other punishment except loss of privilege;

(2) No punishment shall be combined with any other punishment which shall be in contravention of rules made by the Administrator.

Note 1: Two forms of punishments only can be combined under this rule.

Note 2: No punishment shall be awarded for any such offence so as to combine with the punishment awarded for any other such offence two of the punishments which may not be awarded in combination for such offence.

46. Award of punishment under Section 46 and 47 of prisons Act, 1894—No officer subordinate to the Supdt. shall have power to award any punishment, whatever.

47. Classification of punishments—The punishments enumerated in Section 46 of the Prison Act, 1894 shall be classified into minor and major punishments:-

The following punishments shall be considered minor punishments:-

- (1) Formal warning;
- (2) Change of labour for a stated period to some more irksome or severe form;
- (3) Forfeiture of remission earned, not exceeding four days;
- (4) Forfeiture of class, grade, or prison privilege for a period not exceeding three months;
- (5) Temporary reduction from a higher to a lower class or grade;
- (6) Imposition of handcuffs otherwise than by handcuffing a prisoner behind or to a staple; and
- (7) Imposition of link-fetters for not more than 30 days.

The following punishments shall be considered major punishments:-

- (1) Hard labour in the case of prisoners sentenced to rigorous imprisonment;
- (2) (a) Forfeiture of remission earned, exceeding four, but not exceeding twelve days;

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- (b) Forfeiture of remission earned, in exceed of 12 days;
 - (c) Forfeiture of class, grade or prison privilege for a period exceeding 3 months;
 - (d) Exclusion from the remission system for a period exceeding 3 months;
 - (e) Exclusion from the remission system for a period not exceeding 3 months;
 - (f) Permanent reduction from a higher to a lower class or grade.
- (3) Link-fetters, if imposed for more than 30 days.
 - (4) Bar-fetters;
 - (5) Handcuffs behind or a staple; and
 - (6) Any combination of minor punishments admissible.

Under section 47 of the Act

Note 1: The major punishments 2 (b) and 2 (c) and any combination of the major punishments 2 (b), 2 (e) shall not be awarded by the Supdt. of a prison without the previous sanction of the Inspector-General of prisons.

Note 2: An offence will be considered a minor offence when it is dealt with by a minor punishment, and a serious offence when dealt with by a major punishment. The classification in the annual returns should distinguish between (1) offence dealt with by major punishments and (2) offences dealt with by minor punishments. A combination of minor punishments will be shown under the head of major punishments in the punishments statement.

Note 3: the minor punishment (2) is not to be executed until the Medical Officer declares the Prisoner to be fit undergo the same and makes an entry to this effect in the appropriate column of the punishments register.

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CHAPTER 9

DELHI PRISONS (PRISONERS PROPERTY, HISTORY TICKET, CIVIL PRISONERS, UNCONVICTED PRISONERS, JUDICIAL SOLITARY CONFINEMENT, CELLS AND TREATMENT THEREIN) RULES, 1988

Note: For statutory provisions concerning the authority of these rules, see Appendix 3-Prisons Act, 1894-Section 31, 32,33, 34, 36 and 46, Appendix 5-Civil Procedure Code, 1908-Sections 57, 58(i) and 59 and Order XXI Rule 39 and Appendix 2-Indian Penal Code, 1860-Section 73, 74

Rule

1. Short title and commencement- (1) These rules may be called the Delhi Prisons (Prisoners property, history ticket, civil prisoners, unconvicted prisoners, judicial solitary confinement, cells and treatment therein) Rules, 1988.

(2) They shall come into force at once.

I. PRISONERS' PROPERTY

2. List of property to be attached to warrant- (1) a list of all money, clothing or other property removed from each convict on admission to jail shall be attached in each case to the prisoner's warrant.

(2) The property of civil prisoners shall be entered in the civil prisoners' admission register.

(3) All additions, erasures or alterations to be list of any prisoner's property shall be initiated by the Deputy Superintendent.

(4) All action taken by the Deputy Superintendent in regard to the prisoner's property shall be endorsed by the Superintendent subsequently.

3. List of property to read over. Every entry to be attested- (1) Every prisoner shall, as soon as possible, after his first admission to jail have read over to him, in the presence of the Deputy Superintendent, a list of all property of whatever description which was removed from the person of or received with such prisoner at the time of his admission.

(2) If the prisoner acknowledges the correctness of the list- the fact that he does so- and if the prisoner makes any objection to any entry in or to the omission of any article from the list- the nature of the objection- shall be noted on the list.

(3) If the prisoner can write, he shall be required to sign the list in token of the correctness thereof and of the objections (if any) noted thereon.

1. Published in Delhi Gazette, Extra ordinary part IV No. 76, dated 18th April, 1988 vide notification No. F.9(75)/87-HOME(GENERAL)/(VII), in exercise of the powers conferred under clause(8), (11), (19), and (27) and 28 of Section 59 read with section

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51 of the Prisons Act, 1894 (IX of 1894) by the Administrator of the Union Territory of Delhi.

(4) The Deputy Superintendent shall attest every entry in the list by initiating the same.

Note: When such property is made over by an official receiving it to another official, the receipt of the latter official will be taken in Register No. 1, 2 or 3 as the case may be and all such property shall with the exception of clothing be kept in charge of the Deputy Superintendent.

4. Property be registered when exception may be made-(1) All property received with or found on the person of a prisoner on his admission to jail, or subsequently sent by the Magistrate on his account shall be received by the jail authority.

(2) Property tendered by the friends or relatives of any prisoner, on his behalf either at the time of such prisoner's admission to the jail or subsequently may in the discretion of the Superintendent, be either received or refused.

5. Property received after admission to be entered in list- When any property is, after the admission of any prisoner to the jail, received by the Superintendent on his behalf, such property shall be entered in the list of property belonging to such prisoner in the manner prescribed in the case of property taken from or received with the prisoner at time of his admission to the jail.

6. Treatment of the property of prisoners- Prisoners' property shall be dealt with in accordance with the following provisions, namely:-

1) Such articles as are, in the opinion of the Deputy Superintendent, of a perishable nature or are likely to deteriorate by keeping or to involve expenditure in the keeping, shall, unless, with the consent of the prisoner to whom they belong, they are made over to any relative or friends of such prisoner, be sold and the sale-proceeds thereof be credited to the prisoners account and a note to that effect made be in the list of the property of such prisoner and attested by the Deputy Superintendent.

2) If, by reason that any prisoner is, at the time of his admission to the jail or at any subsequent time, suffering or likely to suffer from any contagious or infectious disease, or on other sanitary grounds, the Medical Officer shall certify that any articles of clothing or bedding or the like, belonging to any prisoner, shall be destroyed, the Deputy Superintendent shall cause the same to be forthwith accordingly and a note to that effect be made in the list of the property of such prisoner, and shall attest the note so made.

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- 3) If any article of clothing or bedding or the like belonging to any prisoner is in the opinion of the Deputy Superintendent in such a damaged or filthy state as not to be worth keeping, or fit to be sold, he shall cause such articles to be forthwith destroyed and a note to that effect to be made in the list of the property of such person and shall attest the note so made.
 - 4) The clothing of every prisoner sentenced to a substantive term of rigorous imprisonment of three years or more shall, if not liable to be destroyed under the preceding provisions of this rule, on the confirmation of the prisoner's sentence or if no appeal is made, on the expiration of the time allowed for appealing be sold and note o that effect be made in the list of the property of such prisoner, and be attested by the Deputy Superintendent.
 - 5) Subject to the preceding provisions of this rule, the property (other than property in regard to which any special provision is here-in-after made) of every prisoner, the term of whose substantive sentence of imprisonment is less than three years, shall be carefully packed, stored and kept.
 - 6) The jewellery, trinkets, securities and other valuables (if any) of every prisoner shall be placed in a separate packets and the prisoners' register number, name and the date of sentence shall be endorsed thereon. Every such packet shall be kept in the jail cash-chest.
 - 7) Money which is the property of prisoners (Including the sale proceeds of any article sold), shall subject to any directions which the Inspector General may from time to time given in that behalf, be kept in the jail cash-chest and shall be deposited in the bank on deposit at cell from time to time.
 - 8) Every prisoner shall be allowed to retain one pair of shoes and chapels for use in jail. Prisoners shall be allowed to retain a comb.
 - 9) Sikhs shall be allowed to retain Kara (Iron bangle). Hindus who wear sacred thread may retain it when confined in a jail.
- 7. Clothing to be attached to bundles and fabelled** - (1) The clothing belonging to any prisoner retained in the jail under the provision of clause (e) of the preceding rule shall be first thoroughly worked and sticked into a bundle before being stored.
- (2) Every bundle shall be labeled with the number, name and date of sentence of the prisoner and arranged in the prisoner's property godown according to the month of sentence.
- 8. Disposal of money, the property of prisoners-**(1) The cash property of prisoners hall be made over to them on release, or which for other reasons is disposed of shall during any month, be paid by the Deputy Superintendent form the cash property of prisoners received during the same month.

(2) Should the cash received be in excess of that disbursed the balance shall be submitted in to the treasury at the close of the month, but if the disbursements are in excess of the receipts at any time, the difference shall be paid from the permanent advance, which shall be recouped by the withdrawal of a similar sum, when the month close from the prisoner cash account in the treasury.

(3) The receipt and disposal of all money belonging to prisoners shall be entered the Deputy Superintendent in the cash-book and when articles belonging to prisoners have been sold the amount realized by the sale shall also be entered in the memorandum of property attached to prisoner's warrant, with the date of entry.

(4) The Superintendent shall occasionally satisfy himself that the amount of cash lodged in the treasury to the credit of prisoners, corresponds with the amount shown at the Deputy Superintendent cash boob, under same head.

9. Disposal of Property on transfer of a prisoner-On the transfer of a prisoner from one jail to another, all his money and other property shall be sent to the jail to which he is transferred.

10. Disposal of clothing of certain prisoner on transfer- The clothing of every prisoner sentenced to three years shall, whenever possible be disposed of as laid down in clause (d) of rule 6 before the prisoner is transferred to any other jail.

11. Property tendered for certain prisoners not to be received- Property tendered at a jail on behalf of a prisoner already transferred to another jail, shall not be accepted but the person who tenders the property shall, if he so desires, be informed of the jail to which the prisoner has been transferred, so that he may sent the property to him.

12. Property may be made over to a relative or friend- The Superintendent may at the request or with the consent of a prisoner at any time make over the whole or any part of the money or other property belonging to such prisoner which may be in the keeping of the Superintendent to any person, (not being a prisoner), whom such prisoner may be specified:

Provided that the Superintendent may withhold and retain so much of the money or other property of such prisoner as he may think necessary for the purpose of providing such prisoner with sufficient clothes and money, upon his release.

13. Disposal of forbidden articles found on prisoners- Any prohibited articles found on any prisoner after his admission into any jail shall be confiscated, and all money so confiscated and all money realized from the sale of any article so confiscated, shall be credited to the Government under proper head:

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Provided that the Superintendent may award any sum, not exceeding one-half of any money or of the sale-proceeds of any property so confiscated, to any person concerned in the finding or discovery thereon.

14. Disposal of the property of an escaped prisoner- The money and the other property of every prisoner who escapes, shall be retained at the jail from which he effected his escape for one year after the date of his escape, if the prisoner is not recaptured within that period, his money and other property (if any), shall be made over to the police as being unclaimed property.

15. Property of deceased prisoners- The money and other property of deceased prisoners shall, unless claimed by a person holding succession certificate, probate or letters of administration entitling him to receive it, be made over to the police of being unclaimed property.

Note: When a prisoner dies, notice of his death should be sent to the District Magistrate of the district to which he belongs and within one month no person duly authorized to receive the property under the condition laid down to lodge claim to it, such property shall then be made over to the Police.

16. Procedure when forwarding unclaimed property- (1) with the property made over to the police under the preceding rule, a descriptive roll of the deceased prisoner and a certified copy of the record of such property shall be forwarded.

(2) Any wish expressed by a dying prisoner as to the disposal of his property, shall be made known to the police to whom the property is made over.

(3) A receipt should be obtained for all unclaimed property made over to the police.

II. HISTORY TICKETS

17. History tickets-the preparation and maintenance- (1) every prisoner shall, immediately on his reception into jail, be provided with a history-tickets which shall be maintained in the manner hereinafter provided, throughout the period during which such prisoner remains in confinement.

(2) Every history-ticket shall contain the following particulars, namely:

- a) The name, date of admission, prison number and other particulars necessary for the identification of the prisoner; offence committed, police station, name of the trial court, next date for production of the prisoner in the court etc.
- b) A brief entry of every order passed and direction given relating to, and punishment inflicted on, the prisoner; and

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c) A brief record of every other occurrence of any importance affecting the prisoner, which takes place while he remains in confinement.

(3) The history ticket of every convict shall contain the following further particulars, namely:

- a) The nature of the offence of which he had been convicted and the provision of the law applicable thereto; and
- b) The date, nature and extent of the sentence passed.

(4) Every entry made on the history-tickets shall be so made at the time of, or as soon as possible after, the occurrence of the event to which it related, and shall be dated and initialled by the officer who makes it.

(5) Subject to the requirement of this rule the Inspector General may from time to time, prescribe the form of history tickets.

18. Entries by the Medical Officer in history-tickets- (1) In the heading of the history-ticket of every prisoner the Medical Officer shall enter on admission of the prisoner:

- a) The prisoner's weight on admission;
- b) His state of health;
- c) The class of labour for which he is fit, if sentenced to labour, and
- d) Nature of injury on the Person of the, prisoner found to be injured at the time of admission with M.L.C.
- e) Whether he is a drug addict.

(2) he shall also subsequently enter-

(a) admission to and discharge from hospital on every occasion, with the disease for which admitted, and

(b) Admission to and discharged from the convalescent gang.

(3) The medical officer shall himself enter such other directions or recommendations as he may from time to time consider necessary for the maintenance of the health of the prisoner.

19. Particulars to be entered and the officer to enter them- On the history ticket of every prisoner shall be entered, as far as such entries may be applicable by the Deputy Superintendent or Medical Officer or by officers authorized by them.

- a) The date of admission into jail;
- b) The number and name of every article of clothing and equipment, issued on admission and subsequently;
- c) The particular work and task in weight, number or measurement, to which the prisoner is put;

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- d) Every change of work or task on other than medical grounds;
- 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;
- g) Application for a copy of judgment, if the prisoner desires to appeal;
- h) Receipt of the copy of judgment;
- i) Substance of the order of the appellate court;
- j) Dispatch of appeal;
- 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 monthly;
- m) The total remission in day earned upto the end of each month;
- n) Every prison offence alleged to have been committed;
- o) Every interview allowed and the receipt or dispatch of private letters;
- p) Dispatch to a court, or transfer, discharge, escape or death;
- q) Any recommendation of the factory manager or the Deputy Superintendent;
- r) Action taken on any order entered by the Superintendent (s) the monthly weightings;
- t) The number of the cell in which placed on account of warrant of confinement;
- u) The total confinement undergone on warrant on each occasion of removal from cell after such confinement;
- v) Particulars of the duties assigned to convict-officers.

Note: No adverse entry shall be made in History-ticket of a prisoner without the specific orders of the Superintendent.

20. Entries to be made by the Superintendent- on the history-ticket of every convict, the Superintendent or on his direction the Deputy Superintendent shall record:-

- a) Any special order he may have to give relating to any prisoner e.g. the imposition or removal of fetters, permission to hold an interview or write a letter, separation by night, etc;
- b) The award of every punishment given after giving due hearing to the prisoner;
- c) Sanction for employment on extramural work;
- d) Promotion to the grade of convict-watchman, convict overseer or convict warder; and
- e) The award of special remission.

21. Custody and Management of History-Tickets- The history-ticket of each prisoner shall be kept in a proper receipt able by the convict-officer in whose charge the prisoner is placed, and shall be produced by him whenever required by any officer of the jail, so to do it shall ...whenever he is transferred from one gang to another, or

from one kind or place of work to another or is sent to hospital. At the weekly parades, each prisoner shall hold his ticket in his hand for inspection. The history-ticket shall be produced, with the prisoner, whenever he is reported for an offence, or is brought before the Superintendent or Medical Officer for any reason.

Note: At weekly inspections and during interviews the tickets will be issued to prisoner just before, and removed immediately after, the advent of the Superintendent.

- 22. Retention of history-ticket after release or death-** The history-ticket of every prisoner shall be retained in the safe custody-
- a) In the event of his escape or release for one year; and
 - b) In the event of his death-for two years, after such event occurs.
 - c) In the event of release on bail for a year after the result of appeal is known.

III. CIVIL PRISONERS

- 23. Power of Collector-** Only a Collector can commit a revenue defaulter to jail.
- 24. Civil prisoners to be confined in the separate part of jail-** Civil prisoners may be detained in a portion of the jail specially set apart for use as a ward of such prisoners.
- 25. Visitors-** visitors appointed to a jail established at any place for the confinement of criminal prisoners shall be deemed to be visitors for civil prisoners.
- 26. Maintenance of certain prisoners from private sources-** A civil prisoner or an unconvicted criminal prisoner shall be permitted to maintain himself, and to purchase, or receive from private source at proper hours, food, clothing, bedding or other necessaries but subject to examination and to such rules as may be approved by the Inspector General.
- 27. Diet of certain civil prisoners and permission to cook-** (1) civil prisoners who are supplied with prison diet, shall unless the scale of subsistence allowance (if any) permits of a more liberal scale, be provided with diet on the ordinary scale prescribed in respect of convicts who are not subject to labour. Their food shall be prepared in the convict cook-house, and cooked and served by cooks.
(2) Civil prisoners who are not provided with prison diet, shall be permitted to cook their own food at places provided for the purpose.
- 28. Subsistence allowance-** The Administrator may fix scales of monthly allowances payable for the subsistence of judgment debtors as required in section 57 of the Code of Civil Procedure, 1908.
- 29. Supply of food to civil prisoners when subsistence allowance is provided-** (1) Every civil prisoner for whom a subsistence allowance is provided, may be supplied with

food, clothing, bedding and other necessaries by his friends at such hours as the Superintendent may from time to time fix in that behalf.

(2) When any such prisoner is not supplied with food by his friends, the Deputy Superintendent shall supply him with good and wholesome food according to the prisoner's own choice, provided the daily cost does not exceed the daily subsistence allowance received on account of such prisoner. If the daily cost of food is less than the sum allowed, the balance shall be made-over to the prisoner on his release.

30. Articles to be delivered to the Deputy Superintendent and to be examined- Every article of every kind whatsoever at any time supplied for the use of any civil prisoner shall be delivered to the Deputy Superintendent or other officer appointed by the Superintendent in that behalf and shall be examined before it is made over to the prisoner, and any such article may for any sufficient reason, be withheld, by the Superintendent from such prisoner.

31. Articles through whom purchased- All articles purchased for prisoner, otherwise than from jail suppliers shall be purchased through the orders of the Deputy Superintendent.

32. Monthly allowance fixed by the Court to whom to be paid- (1) where a judgment-debtor is committed to a civil prison in execution of a decree, the court shall fix for his subsistence such monthly allowance as may be entitled to according to the scales fixed by the Administrator under rule 28, read with section 57 of the Code of Civil Procedure, 1908, PS where no such scales have been fixed as it considers sufficient with reference to the class to which he belongs (see order XXI, rule 39 of the C.P.C. 1908).

(2) The monthly allowances fixed by the Court be supplied by the party on whose application the judgment-debtor has been arrested by monthly payments in advance before the first day of each month.

(3) The first payment shall be made to the proper officer to the court for such portion of the current month as remains un-expired before the judgment-debtor is committed to civil prison and the subsequent payments (if any) shall be made to the officer in charge of the prison.

(4) Sums disbursed by the decree-holder for the subsistence of the judgment-debtor in the civil-prison shall be deemed to be costs in the suit.

Note 1: The monthly allowance under clause (2) shall, when received by the jail be credited to the Government and the receipt attached to the detailed contingent jail for the month. The amount so credited will be drawn on an abstract bill when required. Amount disbursed on behalf of judgment debtor in respect of supplies from stock purchased from bazaar, and the balance paid to the decree-holder, shall be recorded in the contingent register and shown in voucher attached to the detailed contingent bill for the month.

Note 2: If the judgment creditor omit to pay allowance the prisoner shall be released on the forms of the day for which no allowance is made.

- 33. Supply of furniture and appliances-** (1) As government only provides subsistence allowance at certain rates for civil prisoners such articles of furniture and appliances as are absolutely necessary, shall be supplied by the jail.
(2) Every civil prisoner is at liberty to supplement at his own expense, the food, furniture and appliance allowed to him by the Superintendent.
- 34. Extradict for civil prisoners how to be charges-** If any extra articles of diet are ordered by the Medical Officer for a Civil Prisoner, on medical grounds, any excess of expenditure over and above what can be met by the daily subsistence allowance, shall be paid by jail administration.
- 35. Return of property to decree-holder-** Articles of clothing and bedding are supplied to a civil prisoner at the expense of the decree-holder shall be removed from the prisoner at the time of his release and returned to the decree-holder. If such articles remain unclaimed for two months, they will be sold and their sale proceeds shall be deposited into the Government account.
- 36. The question of labour and subject to prison discipline –** (1) No civil prisoner shall be compelled to labour.
(2) save as provided in clause (1) of this rule and in section 31 and the proviso to section 46 of the Prisons Act 1894, every civil prisoner shall in regard to discipline, be subject to all rule providing for the discipline of unconvicted criminal prisoners.

IV. UN-CONVICTED CRIMINAL PRISONERS

- 37. Maintenance from private sources-** An un-convicted criminal prisoner shall be permitted to maintain himself, and to purchase or receive from private sources the proper hours, food, clothing, bedding or other necessaries but subject to examination to such rules as may be approved by the Inspector General.
- 38. Restriction on the transfer of food and clothing-** No part of any food, clothing, bedding or other necessaries belonging to any unconvicted criminal prisoner should be given, hired or sold to any other prisoner, and any prisoner transgressing the permissions of this Rule shall blare the privilege of purchasing food for receiving it from the sources for such time as the Superintendent thinks proper.
- 39. Supply of clothing and bedding-** Every unconvicted prisoner unable to provide himself with sufficient clothing and bedding shall be supplied by the Superintendent with such clothing and bedding as may be necessary.
- 40. Supply of food to unconvicted criminal prisoners-** (1) Every unconvicted criminal prisoner, may unless in any case the Superintendent otherwise directs be supplied with food, clothing, bedding and other necessaries by his friends at such hours as the Superintendent may from time to time fix in that behalf.
(2) Every article supplied under sub-rule (1) shall:-

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- a) Be delivered to the Deputy Superintendent or other officer appointed by the Superintendent for that purpose, and
- b) Be examined, before it is made over to such prisoner, either by the Medical Officer or para-medical staff authorized by him to do so.

41. Certain articles not to be given without permission- no article shall be given to any un-convicted criminal prisoner, if it is injurious to health or considered undesirable by the Superintendent.

42. Purchase of articles- all articles purchased for any un-convicted criminal prisoner other than those issued from jail-supplier shall be purchased through or under the orders of the Deputy Superintendent.

43. Privilege of purchasing food may be withheld- (1) if any article that is injurious or prohibited, is found concealed in any food or other thing supplied to an un-convicted criminal prisoner by his friends, the privilege of being allowed to purchase or obtain food from private source shall be withdrawn.

(2) The Superintendent may for any sufficient reason refuse to allow the purchase for or delivery to an un-convicted prisoner, of any article which he considers to be unnecessary or unsuitable.

44. Supply of jail diet to un-convicted prisoners and conditions for – an un-convicted criminal prisoner who does not maintain himself shall be supplied with food at the expense of jail administrator. Such food shall be prepared in the convict cook-house and cooked and served by convict-cooks.

45. Un-convicted prisoners may follow a trade and receive the earnings-(1) un-convicted criminal prisoner may, with the Superintendent's permission, maintain themselves by working at any trade or profession.

(2) An un-convicted criminal prisoner finding his own implements and not maintained at the expense of the jail shall be allowed to receive the whole of his earnings but the earnings of such as are furnished with implements or are maintained at jail expenses, shall be subject to a deduction to be determined by the Superintendent, for the use of implements and the cost of maintenance.

46. Duty of officers to report previous conviction- It is the duty of every officer of jail when it comes to his knowledge that an un-convicted criminal prisoner has been previously convicted, to report the matter to the Superintendent. Such information as is forthcoming, should be reported to the police department.

47. Un-convicted prisoner may be kept separate- any special directions as to the separation of an un-convicted criminal prisoner, given by the Magistrate should be carried out. Such separation should be unaccompanied by any irksome conditions beyond those that are necessary to secure the object in view, namely, to prevent his

communicating directly or indirectly with other prisoners concerned in the same case.

- 48. Un-convicted prisoners not to alter their appearance-** Un-convicted prisoners shall not be allowed to have their hair cropped or in any other way to alter their personal appearances so as to make it difficult to identify them. Prisoners who have been more than a month in jail may, however, if they desire it, have their hair cut to the length it was when they were admitted.
- 49. Conveyance of un-convicted prisoners to court-** (1) on the date fixed on the warrant of a prisoner committed to trial, or on the receipt of an order the un-convicted prisoner concerned shall be placed in the custody of the police for conveyance to court.
- (2) articles of clothing brought to jail by an un-convicted prisoner shall be entered in the appropriate column of register no. 1
- (3) an un-convicted prisoner should not be handcuffed on his way to and from the jail to the court-house, unless the officer in charge of the court decides to handcuff him owing (a) to his being a man who is likely to attempt to escape, or (b) a man who, owing to the existence of local feeling or other circumstances, is likely to be the subject of an attempt at rescue or (c) on some sufficient ground to be stated by police as per law.
- 50. Notice of discharge or release on bail-** if an un-convicted prisoner is discharged in court or released on bail while attending court and a notification of the fact is not received the same day, the Superintendent shall, without delay, call the attention of the court to the matter. If the prisoner faces trial in more than one case in other courts, the Superintendent shall bring the facts to the notice of the court in which the prisoner is presented.
- 51. Weight of un-convicted prisoners on release-**the weight of every un-convicted prisoner on release shall be recorded in the register of un-convicted prisoner. When such prisoner is released in court, the last weighments recorded on the history-ticket, shall be taken as the weight on release.
- 52. Monthly list to be sent to the District Magistrate-** The Superintendent shall submit monthly to the District Magistrate a list giving the names and other necessary particulars of all un-convicted prisoners other than those committed to sessions, who have been detained in jail for more than thirty days since their first admission.
- 53. Serious illness of an un-convicted prisoner-** whenever an un-convicted prisoner is seriously ill, the Superintendent shall report the circumstances to the Magistrate engaged in the case or, if the prisoner is awaiting trial before the sessions court, to the sessions judge, in order that if the law permits and the court thinks proper, the prisoner may be released on bail.

54. Notice of death be sent to court- notice of the death of every un-convicted prisoner shall be sent as soon as possible after the occurrence to the court under whose authority such un-convicted prisoner was detained.

55. Un-convicted prisoner to remain neat and clean- an un-convicted prisoner is not required to labour but he shall keep himself, his ward and yards neat and clean.

V. JUDICIAL SOLITARY CONFINEMENT

56. Condition to be complied with in executing sentence of solitary confinement-(1)

- a) When a prisoner is placed in a cell, the number of the cell should be given in the history-ticket against the entry.
- b) The total confinement undergone on warrant should be shown in the history-ticket at a separate entry on each occasion the prisoner is removed from such confinement.
- c) On the discharge of prisoner from jail, an entry should be made in register no. 2 showing the total amount of solitary confinement undergone as per warrant.

(2) No prisoner should be placed in solitary confinement until the medical officer certifies on the history-ticket that he is fit to undergo it.

(3) prisoners sentenced to solitary confinement should ordinarily divided into four gangs; each gang should be placed in cells for a week at a time, so as to utilize the cells to be fullest extent and at the same time comply with the requirements of sections 73 and 74 of the India Penal Code, 1860

(4) a prisoner, who is unfit at the time he would ordinarily be confined, should be placed in a cell at a subsequent date if the conditions imposed by section 74 of the India Penal Code allow it.

(5) the execution of a sentence of solitary confinement need be postponed on account of an appeal having been lodged.

(6) every prisoner undergoing solitary confinement shall be visited daily by the Medical officer.

(7) any prisoner undergoing solitary confinement shall, under the orders of the Medical Officer on the ground that continuation of such confinement would be likely to prove injurious to mind or body, be forthwith removed from the cell or place in which he is confined. The Medical Officer shall make a record of the order in his journal.

(8) if a prisoner sentenced to solitary confinement be declared by the Medical Officer to be permanently unfit to undergo such confinement, the fact shall be reported to the court which awarded the sentence.

(9) the declaration should be recorded in the history-ticket and the warrant.

57. Solitary confinement when to be undergone- if a prisoner is sentenced under two or more separate warrants, any period of solitary confinement awarded can only be given effect to during the time the sentence of which it forms a part is being executed.

58. Endorsement on warrant of solitary confinement undergone- on the expiration of the sentence of every prison awarded solitary confinement by the committing court, the endorsement on the warrant by the Superintendent, certifying to the execution of the sentenced shall state the total period of solitary confinement the prisoner has undergone, and if any portion has not been executed the reason should likewise be stated.

IV. CELLS AND TREATMENT THEREIN

59. Construction of cell-(1) a sufficient number of cells for all purpose should be provided in every jail. Each cell for solitary confinement should have a yard attached with where the occupant can have the benefit of fresh air without the means of communicating with any other prisoner and suitable means for ablution and sanitation should also be provided.

(2) the outer door of every cell yard should have an eye-hole at a convenient height so that the occupant can be seen without knowing he is being observed. The cell door should be iron grated.

60. The purpose for which cells may be used- cell may be used for:-

- a) Carrying out sentence of solitary confinement ordered on a warrant.
- b) The medical observation of those suspected of being insane, or the accommodation of noisy, dangerous or other lunatics whom it is advisable to keep apart;
- c) The separation of prisoners;
- d) The medical observation and separation of prisoners suspected of malingering, cause sickness or injury to themselves by the use of deleterious substances, or who are suffering or suspected to be suffering from any contagious or infectious disease;
- e) The confinement of prisoners sentenced to death;
- f) Quarantine; and
- g) Keeping different category of prisoners apart from each other.

- 61. An officer to be within hearing of prisoners in cell-** during the day time the officer of the jail shall always remain within hearing of every prisoner confined in the cell to ascertain, and attend to his lawful requirements. A strict watch shall be kept over such prisoner to prevent them committing any act which is forbidden.
- 62. No prisoner to be placed in a cell without a written order-** no prisoner shall be kept separate in a cell either by night or day without an order similarly recorded by the Superintendent or Deputy Superintendent.
- 63. Ticket to be posted on door of occupied cell-** whenever a cell is occupied by any prisoner a ticket showing particulars of the prisoner confined therein, shall be posted on the exterior of the cell yard door.
- 64. The search of prisoner in cell-** every prisoner shall before being placed in a cell shall be carefully searched, and all articles likely to aid escape or suicide shall be taken from him and the cell shall also be searched. All cells and prisoners confined therein shall be carefully searched at lock-up time each day, and of and on, if necessary.
- 65. Precautions to be taken with prisoners in cells at night-** the presence of every prisoner in his cell shall be ascertained at each change of guard. In the case of sickness, notice shall be given by the prisoner to the patrolling officer who shall report the matter to the Medical officer and Deputy Superintendent. If necessary, the prisoner may be removed to hospital and the Superintendent be informed of the circumstances at his visit. A warder by day shall have custody of the keys of the cell, and they shall be kept in the key almirah at night (the means of opening which are it. Charge of the patrolling officer), so that they may be always available at times of sudden illness or other emergency. In the case of an attempt at suicide by any prisoner, the cell should be opened at once and the attempt frustrated.
- 66. Only one occupant in each cell-** exception for-when a prisoner is seriously ill in a cell and it is unsafe owing to the nature of the disease from which he suffers to have him removed to hospital, the Superintendent may, on the recommendation of the medical officer, permit one attendant to remain with him. In no other instance shall two prisoners be permitted to occupy the same cell.
- 67. Visits to prisoners in cell-** every prisoner occupying a cell shall be visited by the head-warder on duty or the patrolling officer, at least once every two hours during the day and night.
- 68. Bedding of prisoners in cells to be kept clean-** (1) the bedding of every prisoner in a cell shall, subject to any order given in special cases by the Medical officer, be exposed to the sun and air daily when the weather permits.
(2) every occupant of a cell shall be responsible for its cleanliness.

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CHAPTER 10

DELHI PRISONS (PRISONERS' WELFARE FUND, APPEALS, PETITIONS, INTERVIEWS AND COMMUNICATION) RULES, 1988

Note: For statutory provisions concerning the authority of these rules, see Appendix 3 – prison act, 1894-section 59 and appendix-16-criminal procedure code 1973-chapter –VIII, there rules have been framed for the welfare/privileges of the prisoners to smoothen the incarcerated life.

Rule

- 1. Short title and commencement-** (1) These rules may be called the Delhi prisons (Prisoners' welfare Fund, Appeals, Petitions. Interviews and communications) Rules, 19881.
- (2) They shall come into force at once.

I PRISONERS' WELFARE FUND

- 2. Name of the fund-** There shall be a fund called the 'prisoners welfare Fund' for each prison.
- 3. Object of the fund-** the object of the fund is to give:-
 - (i) Aid to prisoners in the various item of collective welfare activities in the jail during the period of imprisonment, such as education, recreational, vocational etc.
 - (ii) Aid to deserving prisoners in shape of money grants: and
 - (iii) Aid to individual prisoners for equipment for trade or clothing at the time of release.
- 4. Sources of income –** The fund shall be raised mainly from voluntary prohibitions from prisoners, donations from public or any other source approved by the Administrator.
- 5. Administration of the Fund – (a)** The fund shall be administered by the executive committee consisting of the following members in respect of each jail : -
 - (i) The Superintendent - Chairman
 - (II) Deputy superintendent - secretary.
 - (III) Medical officer, - Member.
 - (IV) Asstt. Superintendent – member
 - (V) Chief Head warder - Member
 - (VI) Accounts Officer - Treasurer.
 - (VII) two convict officers - Member.

(B) (i) the members referred to a serial number (Vii) of the sub-clause : (a) should be nominated by the superintendent for a period of one year.

- (ii) To become eligible for nomination the period must have.
- (1) Undergone at least one year's imprisonment with very good record on the date of nomination: and
 - (2) At least one year's sentence still to undergo on the date of nomination.
6. **Meeting of the committee** – (1) The committee shall meet once every month and earlier if the chairman considers it desirable for adequate reasons to be recorded in the minutes book.
- (2) Two – third of the total number of the committee shall form the quorum.
 - (3) The secretary should receive written requests from the prisoners desiring to have aid from the fund and place them before the committee. The decision of the chairman shall be final. The chairman should ensure that aid is not given where not really needed.
 - (4) The Minutes of the meeting shall be recorded in the book.
 - (5) The chairman may, however, grant monetary help from the fund to those prisoners whose cases could not be placed before the committee and who require help urgently:
Provided that the amount of such help does not exceed Rs. 50/- in cash case and in aggregate Rs.250/- during the period intervening two meetings of the committee.
7. **Method of collection and accounting** – (1) A sealed wooden box shall be kept at a conspicuous place between the two gates of the jail to collect voluntary contributions which could not be made over personally to the secretary or the treasurer. The key of the box shall always be in the personal custody of the chairman. The box shall be sealed under the signature of all the members of the committee thereon so that the box cannot be opened by anyone else. The box should be opened on the first of every month in the presence of at least 2/3 members of the committee and the cash collected therein should be handed over to the treasurer for being credited to the account of the fund a report about the amount found in the box, the names of the members present etc. should be recorded in the minutes book, under the signature of the chairman.
- (2) All amount received by the Secretary and or the Treasurer shall be immediately accounted for and a regular receipt passed to those who pay the amount personally
 - (3) Money in excess of Rs 100 shall be deposited in the personal ledger account already opened in the name of the Superintendent by keeping a subsidiary account separate from other accounts within the same personal ledger account.
 - (4) Proper accounts of receipt and expenditure shall be maintained by the

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Treasurer and checked by the Secretary. The account shall comprise of cash book, ledger, receipt book and ledger, contingency register, vouchers and minutes book etc.

(5)(a) Transactions of receipts and expenditure shall be entered in the relevant register immediately as soon as they take place.

(b) Vouchers shall be defaced numbered consecutively for the year in order of payment and filled on a separate file kept for the purpose.

(c) Cash book shall be checked in detail and signed by the Secretary whenever there are fresh entries in it.

(d) On the last day of each month, the Chairman shall conduct the physical verification of the cash in hand and balance in the passbook, He shall also check the vouchers and ensure about the correctness of the accounts maintained by the Treasurer and record a certificate of such verification in the relevant registers under his own signature in token of the proof of conducting such physical verification.

8. Checking of Accounts by Audit- The account shall be go audited every year from the Date. The account shall be maintained on financial year basis (i.e.w.f. 1st April to 31st march)

9. Submission of Half yearly reports- The Superintendent of Prison shall submit a half yearly report (April to September and October to March) to the Deputy Inspector General of Prison indicating the activities, initial balance in the fund, the details of disbursements from the fund and the final balance in the fund, The deputy Inspector General of Prisons shall examine the report and submit the same to the Inspector General of Prisons with his comments/views not later than the last day of November and the last day of May, every year.

II. APPEALS AND PETITIONS

10. Prisoner to be given facilities for appealing- Every convict shall, on first admission to jail, be informed of the period as per provisions prescribed in Limitation Act, 1967 within which an appeal from the order under which he has been committed to jail may be filed, if he so desires. If he desires, every facility shall be grunted to him for the purpose. A request to be allowed to appeal, made at any time within the period allowed by law for the purpose, shall if the period is about to expire, be forthwith extended to, but, if there is no urgency, the preparation of the appeal may be postponed to such day of the week as the Superintendent may from time to time fix in that behalf.

11. Interview for the purpose of appealing- Every convict shall be allowed reasonable opportunities of personally interviewing his relatives, friends and legal advisors, for the purpose of preparation of his appeal petition.

12. Prohibition against writing appeals without permission- 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.

13. Appeal for a prisoner who has no friend or agent- (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 for a copy of the judgment or order relating to such prisoner from which he desires to appeal.

(2) On receipt of the copy of the judgment or order, the prisoner shall, if he is able to write, be allowed to write, his own appeal. 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 official.

(3) A prisoner or official deputed to write an appeal, shall do so at the applicant's dictation, and shall neither make any suggestions to the prisoner as to what should be stated, nor add anything to what the prisoner himself desires to have stated in the appeal.

(4) The Superintendent shall forward the appeal, with a copy of the judgment or order appealed from, to the Appellate Court with the files of the case.

(5) 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.

(6) The provisions of this rule shall, as far as may be, apply to petitions for revision or clemency and the like.

Note 1: The Superintendent is not justified in refusing to forward the appeal of any prisoner whether it is barred by limitation or not.

Note 2: An appeal made by the Superintendent on behalf of a prisoner should, before dispatch, be read over to the appellant in the presence of the Superintendent, who shall, if the prisoner approves of the appeal, countersign the document and cause the official seal of the jail to be stamped thereon.

14. When an appeal is not desired- If any prisoner states that he does desire to appeal, the fact shall be recorded on his history ticket.

15. Prisoners not to be transferred pending appeal- With the exception of such classes of prisoners for whom transfer orders are from time to time issued, convicts who have not completed their term of appeals without appealing or until their appeals have been disposed of should not ordinarily be transferred to another jail without the special sanction of the Inspector General.

16. Appeals of prisoners transferred- When any communication relating to the appeal of a prisoner, who has been transferred, is received, it shall be forwarded without delay by registered post to the Superintendent of the Jail in which the prisoner is confined after noting the same in Register No. 2 of the Jail from which the prisoner has been transferred.

17. Reminders enquiring the result of appeal- If the result of an appeal to the Sessions Judge is not communicated within one month, or in the case of an appeal to the High Court, within three months of the date on which such appeal was submitted, the Superintendent shall send a reminder to the Court concerned and repeat the same at reasonable intervals until it is known. The result of an appeal shall, when received, be communicated to the prisoner concerned and entered in his history-ticket and Admission Register.

18. Procedure when a Court directs the retrial of a prisoner- If an Appellate Court directs that a prisoner be retried and a warrant for his release on bail or for his custody pending trial is not at the same time received, the prisoner, shall, unless he has a sentence on another warrant to undergo, be remanded to the ward for unconvicted prisoners and the Superintendent shall apply to the Court for a warrant for his custody pending trial.

19. Petition for clemency- Every prisoner shall be at liberty to move a petition for clemency, and should he so desires, be afforded reasonable facilities for preparing and submitting such a petition. All such petitions shall be accompanied by the copies of judgment.

20. Prisoner sentenced to death- For prisoners sentenced to death, the instructions given on the subject in the next chapter shall be followed.

III. INTERVIEWS AND COMMUNICATIONS

21. General Rules for the grant of interviews and 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, or often 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 advisors as the Superintendent thinks reasonable.

22. Rules for grant of interviews and communication to and by convict- In addition to the privileges granted in rule 21 above, every convicted prisoner shall be allowed to have two

interviews with his relatives or friends and to write two letters a week during the terms of his imprisonment;

Provided that the exercise of this privilege shall be contingent on good conduct and may be withdrawn or postponed by the Superintendent for bad conduct.

23. Exception to General Rules- The Superintendent may at his discretion grant interviews or allow the dispatch or receipt of letters at shorter intervals than provided in rule 22 or in spite of the prisoner's misconduct if he considers that special and urgent grounds exist for such concession, as for example, in the event of the prisoner being seriously ill or on the occurrence of the death of a near relative or if the friends or relatives have come from a distance to see the prisoner and it would inflict an undue hardship on them to refuse an interview, or if the prisoner is nearing release and wishes to secure employment or for other sufficient cause. Matters of importance, such as the death or serious illness of a close relative may also be communicated at any time by the friends of a prisoner to the Superintendent who will, if he thinks it expedient, inform the prisoner of the substance of the communication.

24. Interviews or communications to take place with the sanction of Superintendent- No convicted prisoner shall be allowed to have an interview or to receive or write a letter except with the permission of the Superintendent.

25. Application for interview to be oral or in writing- Applications for interviews with prisoners may be oral or in writing at the discretion of the Superintendent to hold an interview with prisoners may be oral or in writing at the discretion of the Superintendent if the prisoner is not entitled to an interview, the applicant shall be informed at once.

26. Persons granted an interview may be searched- Every person desiring to hold an interview with any prisoner, before such interview is allowed to take place or he is allowed to enter the jail or is called upon by the Deputy Superintendent so to do, shall give his name address and submit to be searched;

Provided that no such search shall be made in the presence of any prisoner or person other than the proper officers of the jail and in the case of a female visitor, that such search shall be conducted by the Matron or a female warder, if the visitor refuse to submit to be searched or to give his name or address, he shall not be permitted to enter the jail or to have an interview with any prisoner.

27. Search of visitor-(1) The Deputy Superintendent may demand the name and address of any visitor to a prisoner, and, when the Deputy Superintendent has any ground for suspicion, may search any visitor, or cause him to be searched, but the search shall not be made in the presence of any prisoner or of another visitor.

(2) In the case of any such visitor refusing to permit him to be searched, the Deputy Superintendent may deny him admission, and the grounds of such proceeding, with the particulars thereof, shall be entered in the Deputy Superintendent's journal.

28. Time and days of interview- The Superintendent shall fix the days and hours at which all interviews shall be allowed and no interviews shall be allowed at any other time except with the special permission of the Superintendent. A notice of the hours of interviews shall be passed outside the jail.

29. Places of interviews- Every interview shall take place in a special part of the jail appointed for the purpose, if possible at or near the main gate;

Provided that if a prisoner is seriously ill, the Superintendent may permit the interview to take place in the hospital, and a condemned or security risk prisoner shall ordinarily be interviewed in his cell;

Provided further that the Superintendent may, for special reasons to be recorded in writing, permit an interview to take place in any part of the jail.

30. Interview to take place in the presence of a jail officer- Every interview with a convicted prisoner shall take place in the presence of a jail officer who shall be responsible to see that no irregularity occurs, and who shall be so placed as to be able to see and hear what passes and to prevent any article being passed between the parties.

31. Termination of interview- Any interview may be terminated at any moment if the officer present considers the sufficient cause exists. In every such case the reason for terminating the interview shall be reported at once.

32. Duration of interview- The time allowed for an interview shall not ordinarily exceed 30 minutes, but may be extended by the Superintendent at his discretion.

33. Search of prisoner before and after interview- Every prisoner shall be carefully searched before and after an interview.

34. Procedure as to the delivery of letters- No letter shall be delivered to or sent by a prisoner until it has been examined by the Superintendent or by the Deputy Superintendent or other officer under the Superintendent's orders, but no unnecessary delay should be allowed to occur in delivery or dispatch. If a letter is written in a language unknown to the Superintendent, he shall take steps to procure a translation before forwarding the letter. No letter written in cipher shall be allowed. The Superintendent may withhold any letter which seems to him to be in any way improper or objectionable, or may erase any improper or objectionable passages.

35. Detention or return of letters received for prisoners- If a letter is addressed to a prisoner who is not entitled under the rules to receive it, it may, unless the Superintendent

determines to communicate it under rule 23, be withheld and kept in the Superintendent's custody until the prisoner is entitled to receive it or is released, when it shall be delivered to him, unless it is improper or objectionable; or it may be returned to the sender with an intimation that the prisoner is not entitled to receive it.

36. Custody of letters received by prisoner- A convict may retain any letter which has been delivered to him with the due authority unless the Superintendent otherwise directs, or may ask that it be kept for him.

37. Provision of writing material- (1) Writing material including service postcard and service stamps shall be supplied to convicts, under trials and civil prisoners on the scale of one service stamps twice a month.

(2) Expenses of postage for additional letters, permissible under the rules shall be borne by the prisoners themselves.

38. Superintendent may refuse any interview- A Superintendent may refuse to allow any interview to which a prisoner would ordinarily be entitled under these rules, but in every such case, if, in his opinion, it is expedient in the public interests to allow any particular person to interview a prisoner or if other sufficient cause exists, he shall record his reasons for such refusal in his journal.

39. Abuse of privilege of holding interview- Any prisoner who abuses any privilege relating to the holding of an interview or the writing of letters or other communication with any person outside the jail shall be liable to be excluded from such privileges for such time and may be subjected to such further restrictions as the Superintendent may direct.

IV. SPECIAL RULES RELATING TO UNDERTRIAL AND CIVIL PRISONERS.

40. Visits to civil and unconvicted criminal prisoners- Due provision shall be made for the admission, at proper times and under proper restrictions, into every prison of persons with whom civil or unconvicted criminal prisoners may desire to communicate, care being taken that, so far as may be consistent with the interests of justice, prisoners under-trial may see their duly qualified legal advisers without the presence of any other person.

41. Interview and communications of civil and unconvicted prisoners- unconvicted criminal and civil prisoners shall be granted facilities for writing two letters and two interviews each week with their relatives or friends.

Provided that all reasonable facilities shall be granted at proper time and under proper restrictions for interviewing, or otherwise communicating either orally or in writing with their legal advisors.

The exercise of this privilege shall be contingent on good conduct and be withdrawn or postponed by the Superintendent for bad conduct.

42. Interviews of unconvicted prisoners with legal advisors- Every interview between an unconvicted prisoner and his legal advisor shall take place within sight, but out of hearing, of a jail official. A similar concession may be allowed by the Superintendent in the case of an interview with any near relative of the unconvicted prisoner.

Note: The term “friend or relative” as applied to a prospective interviewer of prisoners and as occurring in rule to supra is to be literally and strictly interpreted, that is to say, no one should be allowed an interview with a prisoner who is not entitled under the rules to interview unless he can submit proof of a personal and intimate acquaintance or of near relationship. In the case of a relative, the nature of relationship should be ascertained.

43. Application from Legal Advisors for interview of unconvicted prisoners- When any person desires an interview with an unconvicted criminal prisoner in the capacity of the prisoner’s advocate he shall apply in writing, giving his name and address and stating to what branch of the legal profession he belongs and he must satisfy the Superintendent that he is the bona-fide legal advisor of the prisoner with whom he seeks an interview and that he has legitimate business with him.

44. Confident letters of unconvicted prisoners- Any bona-fide confidential written communication prepared by an unconvicted criminal prisoner as instructions to his advocate may be delivered personally to such legal adviser without being previously examined by the Superintendent:

Provided that in case of doubt, the Superintendent may, after recording the reasons in Superintendent’s journal, open and examine such communication before delivery.

45. Time of interview of civil prisoners- Civil prisoners may see their friends and relations at such times and under such restrictions as the Superintendent may appoint and the presence of the jail officer shall not be necessary.

CHAPTER 11

DELHI PRISONS (TREATMENT OF CONVICTS SENTENCED TO SIMPLE IMPRISONMENT, DEATH, FEMALE PRISONERS, YOUTHFUL PRISONERS, LEPER PRISONERS AND LUNATIC PRISONERS) RULES, 1988

Note: For statutory provisions concerning authority of these rules, see Appendix-3, prisons ACT, 1894- SECTION 30, 35, 36 AND 59; APPENDIX- 16, CRIMINAL PROCEDURE CODE, 1973- SECTIONS 267, 328, 330, 335, 416 AND APPENDIX-10, THE PRISONERS (ATTENDENCE IN COURTS) ACT, 1955.

RULE

1. **Short title and commencement-** (1) these rules may be called the delhi prisons (treatment of convicts sentenced to simple imprisonment, death, female prisoners, youthful prisoners, leper prisoners and lunatic prisoners) rules, 1981.

(3) They shall come into force at once.

I. CONVICTS, SENTENCED TO SIMPLE IMPRISONMENT

2. **TREATMENT OF SIMPLE IMPRISONMENT CONVICTS** – (I) convicts sentenced to simple imprisonment shall be subject to as little restriction as is consistent with the maintenance of order or discipline in the jail.

(ii) They shall, with the exception of such as are class habitual (who shall be required to wear the

Prescribed prison outfit), be permitted to retain their private thinking, but should not be allowed to wear such symbols as are prohibited by Delhi administration from time to time.

(iii) The Superintendent may for any sufficient reason, which he shall record in his normal deprive any convict of this class of the privilege of being allowed to wear his private clothing or any portion of it.

Note: Ex-military convicts sentenced to simple imprisonment are not entitled to wear military uniform while in jail.

3. **Article to be issued, such articles to be kept clean-** A convict sentenced to simple imprisonment shall—
 - a) If his private clothing is insufficient for warrant or for purpose of decency, be supplied with such prison clothing as may be necessary.
 - b) Be supplied with such prison utensils and beddings as issued to convicts under sentence to labour; and

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- c) Be required to keep such clothing, bedding and other necessities as may be issued to him in a clean and orderly conditions.

Published in Delhi Gazette, Extra ordinary Part IV, No. 76, dated 18th April 1988 vides Notification No. F-9/75/87-Home (General)/ (IX), in exercise of the powers conferred under clause (23), (27) & (28) of section 59 of the prisons Act, 1894 (IX) of 1894) by the Administration of the Union Territory of Delhi.

4. **Simple Imprisonment convicts to keep the wards and yards clean-** convicts sentenced to simple imprisonment shall keep their wards and yards clean.

5. **Convicts allowed to converse-** Convicts sentenced to simple imprisonment shall, except during parades, at exercise time and when ordered not to do so, be allowed to converse together in a quiet and orderly manner.

6. **Conditions subject to which convicts may labour-** (i) A prisoner sentenced to simple imprisonment volunteering to work, shall be allowed to choose such work as is available.

(ii) If in the opinion of the Superintendent, he performs a reasonable amount of work, he shall be entitled to laboring diet and wages.

(iii) He shall not be punished for neglect of work otherwise than reversion to the non- laboring scale diet.

(iv) If he expresses a desire at any time to cease work, he shall be permitted to do so.

(v) If he elects to labour, he shall be required to wear the prison uniform.

II. PRISONERS SENTENCED TO DEATH

7. **Intimation to Delhi Administration on admission and Execution of a death sentenced Prisoner in jail—** (i) On admission of a convict sentenced to death in a prison, the Superintendent shall report the admission to the Administration. The Superintendent shall also report to the to the Administration the date fixed for his execution by the court of sessions on confirmation of the sentence of death by the High Court or in case of any stay of his execution.

(ii) On admission, a convict shall be thoroughly- searched as provided in section 30 of the Prisons Act. A women officer or under her orders, by a Matron.

(iii) Subject to the provisions of section 30 of the Act, all private property shall be removed from the convict.

8. **Issue of Articles on admission-** (i) The Deputy Superintendent shall ensure that the following articles are issued to a convict, on his admission to a prison:-

- a. A pyjama without cord and a Kurta

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- b. Two all wool blankets or two cotton wool blankets,
- c. A pot, plate and mug made of plastic PVC

(ii) Two cotton sarees and blouses may be issued to female convicts. However, if it is considered unsafe to issue sarees to any such convicts, pyjama without cord and kurta may be issued to her.

(iii) A sheet stating that the convict has been sentenced to death, with state of health, description and date of submission of mercy petition.

9. **Confinement in cell in Special ward-** (i) Every convicts shall whether or not the sentenced of death has been confirmed by the High Court, from the date of his admission to a prison, be confined in a cell in a special ward, apart from all other prisoners as required by section 30 of the act. The cell or room in which a convict is confined shall before he is placed in it, be always examined by the Deputy Superintendent who shall satisfy himself about its fitness and safety. No prisoners expect convicts shall be kept in the special ward.

(ii) where there is more than one such cell in a prison, the convict shall be changed daily from one cell to another.

10. **Guarding**—(i) the convict shall be under observation of the guard on a Twenty-four hours basis. Convict officers shall not be employed on guard duty.

(ii) A guard shall in no case be given more than three hours duty at a stretch;

(iii) Every guard shall be equipped with a regulation baton and shall be so posted that the convict shall be under continuous watch. A convict shall not be taken out of his cell, unless at least two guards are present.

(iv) If an attempt to commit suicide by a convict is noticed, the guard on duty or the matron shall raise alarm for help, and enter the cell.

(v) The guard in whose charge a convict is put shall allow no one to approach the cell, or communicate with him in any manner expect the superintendent and any officer authorized by the Superintendent in his behalf.

(vi) Every convict shall be thoroughly searched daily in the presence of the Deputy Superintendent immediately on opening of the cell in the morning when guards on duty are changed, and before lock-up.

11. **Restriction on removal-** Convicts shall not be removed to prison hospital for treatment without the previous sanction of the Inspector General; provided that the Superintendent may, if the Medical officer of the prison certifies that the convict is in danger no death, and requires immediate treatment in a prison hospital, order the removal of the convict from the prison to the prison hospital in anticipation of such

sanction. If a convict is removed to a prison hospital, a special guard shall be posted according to the requirements of each case of a convict.

12. **Interviews-** (I) The Superintendent may permit a convict to have interview with the relative, friends or legal advisors, once a week, or more often, if the Superintendent is of the opinion that such interviews may be granted in the case of any convict.

(II) The convict shall be brought from the cell to the interview room if interview takes place outside the cell under proper escort at the time of interviewing and the interviewers and the convict shall be separated by expanded metal barriers, "The Superintendent shall before granting interviews, ensure that all precautionary and Security measures are taken before hand"

13. **Subject to the security requirement** – (i) A convict may be allowed the following facilities at the discretion of the Superintendent, namely: (a) religious books ;(b) religious pictures; (c) rosary and essential religious emblems subject to security requirements; (d) newspapers, books etc.

(ii) A convict may on the recommendation of the Medical Officer, be allowed exercise in open air and within the prison walls in the morning and evening, under the care of the guard.

14. **Appeals-**(i) Immediately on receipt of a warrant of execution 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, he may do so within the period prescribed.

(ii) Whenever a sentence of death has been passed by any Court or Tribunal, the sentence shall not be executed until after the dismissal of the appeal or of the application or, in case no such appeal has been preferred, or no such application has been made, until after the expiry of the period allowed for an appeal or for making of such application: provided that, if a petition for mercy has been submitted by or on behalf of a convict, the execution of the sentence shall further be postponed, pending 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 convicts and not only in the case of the convict or convicts by whom, or on whose behalf, the appeal or the application is made.

15. Petition for mercy—Stay of execution—(1) On receipt of an intimation of the dismissal by the Supreme Court of the appeal, or as the case may be, the application lodged by or on behalf of the convict, the Superintendent shall unless he has already made an application for mercy, forthwith inform him that if he desire to submit such petition, it should be submitted, in writing within seven days from the date of such intimation.

(2) In cases where no appeal or no application has been made by or on behalf of a convict, the said period of seven days shall be counted from the date next after the date on which the time allowed for making appeal or an application, expire.

16. Petition for mercy—(1) Except in cases where a convict has already submitted a petition for mercy, every convict shall be allowed for the preparation and submission of a petition for mercy, seven days after and exclusive of, the date on which the Superintendent of the jail informs him to the dismissal by the Supreme Court of his appeal, or as the case may be, of his application:

Provided that, in cases where no appeal has been preferred or no application has been made, the said period of seven days shall be computed from the date next after the date on which the period allowed for an appeal or for making an application expires.

(2) If a convict submits a petition within the period of seven days prescribed it shall be addressed to the President of India. The Superintendent shall forthwith forward it by register post to the Secretary to the Home Department of Delhi Administration together with a covering letter stating that the date fixed for the execution has been stayed, pending receipt of the orders of the President of India of the petition.

(3) If any person has been sentenced to death by court Martial then any such petition shall be addressed to the president of India and forwarded to the Government of India, Ministry of Defense for consideration.

17. Petition submitted after period prescribed—(1) Where a convict submits a petition after the expiry of the period prescribed, the Superintendent shall at once forward it to the Administrator and at the same time telegraph the substance of it, requesting orders whether the execution may be postponed, and stating that pending reply, the sentence shall not be carried out.

(2) If such petition is received by the Superintendent later than noon on the day preceding that fixed for the execution, he shall at once forward it to the Administration and at the same time communicate the substance of it, giving the date of execution and stating that the sentence will be carried out, unless orders to the contrary are received, through the wireless facilities available in the jail.

18. Insanity—(1) If any prisoner awaiting sentence of death shows signs of insanity which in opinion of the Medical Officer, are not feigned, or require observation to determine whether or not they are feigned, the circumstances shall at once be reported to the Administration by the Superintendent under intimation to the Deputy Inspector General, for orders along with the following documents, i.e.

- (a) The nominal roll of the prisoner;
- (b) A copy of the warrant under which he is confined (in duplicate);
- (c) The Medical Officer's certificate; and
- (d) The Medical history sheet.

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

- (2) If the Administration orders the appointment of a special Medical Board for the purpose of examining the mental condition of a convict, he shall be kept under observation in the prison by the Mental Specialist in charge of the nearest Mental Hospital or the Civil Surgeon for a period of ten days or longer if considered necessary prior to his examination by the Medical Board.
- (3) The Superintendent and the Medical Officer of the prison in which the convict is confined shall give all facilities to the Mental Specialist or the Civil Surgeon for the physical examination of the convict including serological tests and for the observation of the convict without his knowledge.
- (4) As soon as possible after the Medical Board is appointed and the convict is placed under observation, the Superintendent shall collect information about the convict through the police or other sources and place it at the disposal of the Mental Specialist or the Civil Surgeon.
- (5) As soon as the Mental Specialist or the Civil Surgeon is ready with his report, he shall request the Director of Health Services to fix a date for the meeting of the Special Medical Board.
- (6) The Medical Specialist or the civil surgeon shall place all the record before the Special Medical Board. The Chairman of the Board shall forward all its proceedings together with their own opinion to the Secretary, Home Department through the inspector General and the Director of Health Services for obtaining to further orders of the Administrator thereon.

19. Pregnancy—(1) Where a woman convict is certified by medical Officer to be pregnant, the Medical Officer shall inform the Superintendent of the same, and the Superintendent shall make a note to that effect on the warrant, and return the warrant to the Session Judge for endorsing an order for the suspension of the execution of the sentence, until the orders of the High Court have been taken under section 416 of the Code of Criminal Procedure 1973.

- (2) Where a woman convict declares herself be pregnant, and the Medical Officer is unable to certify the truth or otherwise of the statement, he shall state the interview of time necessary to enable him to satisfy himself on the point. The superintendent shall report the case to the administration for further orders through the inspector General of Prisons for postponing the date of the Execution. If the Medical Officers confirms the fact of pregnancy, the provisions of sub-rule (1) of this rule shall apply.
- (3) Where execution of the capital sentence on a woman convict has been suspended under either of the preceding sub-rules, the sentence shall not

afterwards be executed without the express orders of the Administration for which the Superintendent shall apply immediately through the Inspector General of prisons.

20. Action on final confirmation of sentence—(1) The Administration shall fix date of execution of a convict of his/her Mercy Petition is rejected.

(2) On receipt from the Administration 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 accordance with his wishes. If the convict does not desire to prepare his will, his statement to that effect shall be recorded by the Superintendent.

21. Execution of death Sentence—(1) The execution shall usually be carried out in a special enclosure attached to or within the walls of the prison.

(2) Management of Keys, Conditions under which the door may be opened—

(a) The keys of the cell in which prisoner sentenced to death is confined shall be kept by the head warder on duty who, on hearing the alarm, shall proceed to such cell which in case of emergency, such as attempt by the prisoner to commit suicide, he shall enter and with the help of the sentry frustrate if.

(b) At no other time shall the door of the cell, in which prisoner sentenced to death is confined, be opened without first handcuffing the prisoner and so securing him against the possibility of using violence or, if he declines to be handcuffed, unless at least three members of the establishment are present.

(b) The locks in use in a condemned cell shall be such as cannot be opened by any keys in use in the jail, other than those properly belonging to them.

(3) Occupation of cell –yards—Precautions to be taken—

(a) A prisoner sentenced to death should, unless there are any special reasons against it, which reasons be recorded by the Superintendent in his journal, be permitted to occupy the court-yard of his cell half an hour each morning and evening, but only one such prisoner at a time should be allowed to do so.

(b) During the time a prisoner sentenced to death occupies his cell-yard, both the cell and yard doors should be kept locked and on each occasion before opening the cell-door to admit the Prisoner to the yard, hand-cuffs should be applied and retained on him till he is again locked into the cell.

(c) A prisoner sentenced to death shall not be removed from his cell to the cell-yard or vice versa for any purpose except in the presence of the head warder.

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(d) A convict sweeper or other prisoner allowed to enter the cell of a prisoner sentenced to death, to perform any duty shall first be carefully searched and while carrying out his duty shall be kept under close observations by the warders on duty. Before the cell door is opened, handcuffs should be applied to the prisoner and not be removed till the cell door is locked upon him.

Note: To allow of hand-cuffs being applied before the cell door is opened, the prisoner should be asked to thrust his hands between two of the bars of the grated door and when he has been locked into the cell the handcuffs can be removed in a similar manner.

(4) Diet—Precautions to be taken—All food intended for consumption by a prisoner sentenced to death, shall be examined by the Deputy Superintendent, assistant Superintendent, Medical Subordinate, who may withhold any article he regards with suspicion and report the circumstance to the Superintendent. The food shall be delivered to the prisoner in the presence of one or other of these officers.

(5) Exception in the case of females—In the case of a female under sentence of death:-

(a) The prisoner shall be guarded by female warder who shall not be provided with batons.

(b) The food shall be distributed by a female warder of the presence of the Deputy Superintendent.

(c) The prisoner shall not be handcuffed when she is allowed into the cell-yard.

(6) Prohibition against removal of convict under sentence of death to give evidence—When the evidence of convict under sentence of death is required, the court shall proceed to the jail for the purpose and shall not require the convict's attendance under sec. 3(2) of the prisoners (Attendance in court) Act, 1955 (act 32 of 1955) and of death is required by a Session or high Court for the presence of a convict under sentence evidence, the convict's attendance may be required under section 3 92) of the prisoners attendance in courts) Act, 1955 and section 267, Cr.P.C., 1973.

(7) Officer responsible for execution—Mishap to be reported—

(a) The Superintendent is responsible that the arrangement for an execution are complete and made good in time and that the gallows, rope, cap and pinioning straps are in good order.

(b) The occurrence of any mishap or departure from the orders laid down shall be reported to the Inspector General.

(8) Description and testing of the rope—

(a) A manila rope one inch in diameter shall be used for executions. At least two such ropes in serviceable condition shall be maintained at every jail where executions are liable to take place.

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Note: The rope should be six meters in length, well twisted, and fully stretched. It should be of equal thickness, capable of passing readily through the noose-ring and sufficiently strong to bear a stain of 150Kgs. With a 200 centimeters drop.

(b) The ropes shall be tested in the presence of Superintendent, atleast a week before the date fixed for the execution and if they fail to pass the test other shall be obtained at once and tested when received.

(c) Ropes that have been tested shall be locked up in a place of safety.

(d) On the evening before the execution is to take place, the gallows and ropes should be examined to ascertain that they have received no injury since being tested.

Note : The rope shall be tested by attaching to one end a sack of sand or clearly to equal to one and a half times the weight of the prisoner to be executed and dropping this weight to the distance of the drop to be given to the prisoner.

(9) Officers to attend execution—The Superintendent and Medical Officer of the Jail and the Magistrate of the District, or a Magistrate deputed by him, are to be present when an execution is being carried out.

(10) The Executioner—

(a) Executions shall be carried out by the Public Executioner whenever the services of the official are falling him, by his assistant or some trust-worthy individual locally entertained for the purpose.

(b) on the first occasion of the employment of any person to perform the work of an Executioner, the Superintendent shall satisfy himself that he understands how to perform the duty. Such person shall reside at the jail for two days prior to the day fixed for execution.

Note: The services of the Executioner should be obtained through the Superintendent of the Jail from some other state, Inspector General of Prisons of that state, to whom at the same time, intimation should be sent about the date fixed for execution.

(11) All other prisoners to be locked—Whenever an Execution is being carried out, all the other prisoners lodged in the jail shall be locked up in their barrack till the body is removed.

(12) Regulation of the “drop”—The following scale of “drop” proportioned to the weight of the prisoner is given for general guidance. The Superintendent must use his discretion and be the advice of the Medical Officer and the physical condition of the prisoner—

For a prisoner under 50 Kgs. Weight 200cm.

For a prisoner under 60 Kgs. Weight 180cm.

For a prisoner under 70 Kgs. Weight 165cm.

For a prisoner under 80 Kgs. Weight 150cm.

Note: The “drop” is the length of the rope a point on the rope opposite the angle of the lower of the criminal as he stands on the scaffold, to the point where the rope is embraced in the noose after allowing for the construction of the neck place in hanging.

(13) Time of executions—Pro cedure to be adopted—

(a) Executions shall take place at the following hours—

November to February.....8 a.m.

March, April,

September to October.....7 a.m.

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May to August.....6 a.m.

(b) The Superintendent and Deputy Superintendent will visit the prisoner sentenced to death in his cell a few minutes before the hour fixed for execution. The Superintendent shall then first identify the prisoner, as the prisoner named in the warrant and read over a translation of the warrant in vernacular to the prisoner. Any other documents requiring attestation by the prisoner, such as his will, shall thereafter be signed and attested in the presence of the Superintendent. The Superintendent will then proceed to the scaffold, the prisoner regaining in his cell. In the presence of the Deputy Superintendent, the hands of convict will next be pinioned behind his back and his leg irons (if any) struck off.

(c) The prisoner shall now be marched to the scaffold under the charge of the Deputy Superintendent and guarded by a Head Warder and six warders, two proceeding in front, two behind and each one holding either arm.

(d) On the arrival of the prisoner at the scaffold, where the Superintendent, Magistrate and Medical Officer have already taken their place, the Superintendent shall inform the Magistrate that he has identified the prisoner and read the warrant over to him in vernacular. The prisoner shall then be made over to the Executioner.

(e) The criminal shall now mount the scaffold and shall be placed directly under the beam to which the rope is attached, the warders still holding him by the arms.

(f) The Executioner shall next strap his legs tightly together, place the cap over his head and face and adjust the rope lighting round his neck, the noose being 1 1/2 inches to the right or left of the middle line and free from the fillip of the cap.

(g) The warders holding the prisoner's arms shall now withdraw and at a single from the Superintendent, the Executioner shall draw the bolt.

(14) Body to remain suspended half an hour—return of warrant—

(a) The body shall remain suspended half an hour and shall not be taken down till the Medical Officer declares life extinct.

(b) The Superintendent shall return the warrant of execution with an endorsement to (the effect that the sentence has been carried out).

22. No execution on public holiday—No convict shall be executed on a day which has been notified as a public holiday.

23. Postponement of execution on sentence on medical ground—(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 to the prisoner and the probable date, if any, on which the prisoner is likely to become physically fit for execution.

24. delay in capital sentence—Should any extra-ordinary or unavoidable delay occur in carrying out a capital sentence into execution from any cause other than the submission of an appeal or application, the Superintendent shall immediately report the circumstances to the Session judge and return the original warrant either for the issue of a fresh warrant, or for an endorsement upon the same warrant, of an order containing a definite date for carrying the postponed sentence into effect.

25. Report of execution of death sentence—The Superintendent shall, immediately after each execution, send a report thereof to the Inspector General and he shall return the warrant duly endorsed to the Court which issued it.

III FEMALE PRISONER AND CHILDREN

26. Disposal of female convicts—Every female convicts shall be detained in the female ward of the Central Jail.

27. A female under trial allowed occupying a cell—A female under trial prisoner shall with the permission of the Superintendent have the choice of occupying a cell instead of the under trial prisoners wards:

Provided that a cell is available and that arrangements can be made to place on duty a female warder or a female convict officer at all times, within hearing of the prisoner and that the keys of the cell are always ready to hand.

28. When a female prisoner is the only occupant of a ward—If there be even one female prisoner in the jail, arrangements shall be made for a female warder to remain with her both by day and night.

29. Children of female prisoners—(1) A child under the age of four years, the offspring of a female prisoner, shall, if has not been weaned or it has been weaned and no friend or relative can be found to take charge of it be admitted in jail with the mother.

(2) A child born in jail may be permitted to remain with the mother.

(3) As soon as any child admitted or born in jail attains the age of 4 years or female prisoner dies leaving a child under that age, the Superintendent shall communicate with the Magistrate of the District of which the mother is or was a resident, with a view of the child being made over to the charge of a relative or friends or being placed in an orphanage or being entrusted to some respectable person to be brought up at the expense of Government, if necessary until it attains an age of earning a livelihood.

(4) Any female prisoner may be allowed to retain her child with her until it is four or with the approval of the superintendent even upto six year of age, if she so desires.

(5) Any special circumstances, if the child is sick/ mental/ retarded/ handicapped may also be allowed to stay with his/her mother if she desires when after attaining the age of six.

30. Female remain in the female enclosure—No female prisoner shall otherwise than under lawful authority, on any pretext leave or be removed from the female enclosure of the jail.

31. Supply of food and concertants of the female enclosure—(1) Cooked food shall be brought to the female enclosure by a convict-cook accompanied by a warder and place outside the enclosure gate from which it shall be taken in side by the female warder or a female prisoner.

(2) The Manual duties shall be performed by the female prisoner inside the female ward.

32. Keys of the female enclosure lock of main entrance—(1) The Keys of the various locks in use in the female enclosure shall (other than the outer lock of the main entrance), be kept in possession of the Matron when she is present.

(2) Before leaving the female enclosure, the Matron shall lock the prisoner into their sleeping wards or work-shops and having done so shall lock down of the main entrance and make the keys over to the Deputy Superintendent.

Note 1 : When the matron leaves the ward, the main entrance door shall be locked on the outside by double locks. The keys of one of these will be handed over, with her other keys by the matron to the Deputy Superintendent. The other keys will remain by day in the custody of the Head Warder on duty and by night at the main gate.

IV. YOUTHFULL PRISONERS

33. Definition—prisoners between the ages of sixteen and twenty one shall be called youthful prisoners. They will be divided into two groups:-

(1) Those who are of the ages sixteen, seventeen and eighteen are to be called adolescent prisoners: and

(2) Those who are of the ages nineteen, twenty and twenty one are to be called youth prisoners.

34. Adolescents to be kept separate at night and associated by day—(1) Every jail shall be provided with a separate adolescent ward for the separation of the adolescent prisoner at night. If a suitable ward does not exist adolescent prisoners should be kept separate by night in the best possible manner.

(2) Adolescent prisoners may be allowed to associate during the day in the same enclosure or building under the charge of an elderly warder whose integrity are beyond doubt, but the different classes should be made to sit some distance apart and all communication between them prevented.

35. Youth to be kept separate at night and associated by day—(1) Every jail shall be provided with a separate youth ward for separation of youth prisoners at night. If suitable ward does not exist youth prisoners should be separated at night in the best possible manner from all other prisoners.

(2) Youth prisoners may be allowed to associate during the day in the same enclosure or building under the charge of an elderly warder whose integrity is beyond doubt but the different classes should be made to sit some distance apart and all communication between them prevented.

36. Deputy Superintendent to be incharge—Deputy Superintendent shall be incharge of the adolescent ward and youth ward and responsible for their welfare in general.

37. Adolescent and youth to be taught a handicraft, exercised daily and instructed-

(1) Every adolescent or youth convict shall be:-

(a) employed on or taught some simple and suitable handicraft;

(b) exercise one hour each day either by marching by drill or by gymnastic exercise or sports or athletics activity, and

(c) a male, sentenced to imprisonment for a year or more, be brought under a course of instruction in basic education for an hour in the morning and an hour in the afternoon daily.

(2) The inspector General may from time to time prescribe the course of instructions.

38. Employment of a convict as instructor—Should it be necessary at any time to employ a convict for the instruction of adolescent and youth prisoners under the provisions of the preceding rules, an elderly, well behaved and causal prisoner should be selected. He shall on no pretext be left alone with adolescent and youth.

39. Instruction to be given to adolescent and youth prisoners—(1) As far as practicable the course contents of the educational programmes in force in the schools of the MCD/NDMC,

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Delhi Administration and approved by Central Board of Secondary Education shall be taken into consideration while imparting general education to the adolescent and youth prisoners in jail.

(2) The Adolescent and youth prisoners shall be educated on moral values and social responsibility.

(3) Every adolescent and youth prisoners shall be given some vocational training and taught the values of dignity of labour.

(4) Except under the direction of the Deputy Superintendent the adult prisoner shall not be permitted to enter the wards of adolescent or youth prisoners under any circumstances

40. Television, books and sports facilities—Television, books and sports facilities shall be provided inside the adolescent ward and the youth ward. Similar facilities shall also be provided to lifers and long term convicts.

41. Supply of adequate clothing—The adolescent and the youth who are not properly clothed shall be provided with proper clothes as far as practicable from the welfare fund of the prison falling which at Govt. Expenses.

V. LEPER PRISONERS

42. Record of leprosy on history tickets—when any prisoner convicted, unconverted or civil is found to be suffering from leprosy, the Medical Officer shall record the fact on his history ticket.

43. Procedure when it is desired to transfer a leper—Whenever the Medical officer record that a prisoner is suffering from leprosy and, that his separation from other prisoner is necessary, the Superintendent shall submit his descriptive role to the inspector General, who shall order the transfer of the prisoner to a place where there is accommodation for leper convicts.

44. Segregation and disinfection—any under trial or convicted prisoner who is suffering from leprosy, shall pending transfer or release be confined in a cell but care shall be taken that such confinement is not solitary. A cell or other, compartment occupied by a leper shall be thoroughly disinfected, the floors renewed and the walls replastered before any other prisoner is confined in it.

Note: clothing and bedding used by a leper prisoner should be destroyed and not reissued.

VI. LUNATIC PRISONERS

45. Classification of criminal lunatics—The expression “criminal lunatics” shall be deemed to include persons of the following classes namely;

(1) A person who is charged with an offence, in respect of whose soundness of mind the Magistrate trying the case entertains doubts, and who is sent to a jail for medical observation, under section 328 of the code of Criminal Procedure, 1973.

(2) A person who is charged with an offence, but who, by reason of unsoundness of mind is incapable of making a defence and who is, in consequences, detained under section 330 of the Code of Criminal procedures, 1973 pending the orders of the Local Government.

(3) A person who has been held to have committed an act which-would but for the unsoundness

Of mind of the doer, have constituted an offence, but who has been acquitted on the ground that he was of unsound mind when this act was committed, and is detained under sections 335 and 336 of the Code of Criminal Procedure, 1973 pending the orders and during the pleasure of the Government; and

(4) A convict who becomes insane.

46. Non- Criminal Lunatics—(1) Non-criminal lunatic shall be ordinarily detained in the mental hospital.

(2) When a lunatic is detained in a jail, the Superintendent should make the best arrangements in his power for the comfort of the lunatics, having regard to his class and condition in life, and should keep him as far as possible apart from other prisoners.

47. Detention of criminal lunatic – Procedure when period expires – The maximum period during which a non-criminal lunatic can be detained for observation is 14 days. Upon the expiry of this period the Superintendent shall address the Magistrate or Officer under whose warrant the person is detained, pointing out that the authorized period of detention had expired and requesting that an order for the release of the person detained or his transfer to as may be furnished, by the end of seven days or more, if the Superintendent has not received the Courts order, he shall report the matter to the Inspector General.

Note: Non-criminal lunatics shall be entirely excluded from all statistics returns relating to jails. Their maintenance charges for the period of observation shall be borne by the jail department.

48. Procedure when certain lunatics are committed to jail – (1) whenever a person belonging to class 2 (Rule 46) is detained in a jail under section 330 of the Code of Criminal procedure 1973, the Superintendent shall apply to the District Magistrate for an order for his transfer to a mental hospital in anticipation of the receipts of orders from Government.

(2) Whenever a person belonging to class1 or class 2 of Rule 46 is detained in a jail for more than a month the fact shall be reported to the Inspector General.

49. Criminal lunatics how to be confined – (1) Whenever a criminal lunatics is found to be dangerous, noisy or filthy in his habits, he shall be confined in a cell, and kept under strict and continuous supervision.

(2) Save as provided in clause (1), criminal lunatics, other than convicts who have become insane, may, in the discretion of the Medical Officer, be detained in the jail hospital or in a ward not a part for unconvicted criminal prisoners.

50. Report on a convict who becomes insane – If any convict becomes insane, a report regarding his case shall be submitted to the Inspector General without view to obtaining the orders of Government for his removal to a mental hospital,

51. Transfer of lunatic prisoner to a mental hospital – (1) On the receipt of an order from the government for the removal of a lunatic to a mental hospital, the Superintendent shall forward him to the hospital specified with all documents namely:-

- a) The Government order directing his transfer;
- b) His descriptive roll;
- c) A medical certificate;
- d) His history ticket and private property, if any;
- e) Warrant of imprisonment;
- f) Remission sheet;
- g) If a convict a copy of the Court's Judgment in his case.

(2) The superintendent of a Jail while sending a condemned prisoner to Mental Hospital in the state for treatment or observation shall requisition special police guard to escort the condemned prisoner to the Mental Hospital.

Note 1: if the Court's judgment does not contain full particulars of the offence committed, a copy of the Police report on the arrest or that of the Police roznamcha, should accompany the lunatic.

Note 2: All Government property accompanying a lunatic on transfer to a Mental Hospital should be returned to the dispatching jail.

52. Condition before a transfer can be made – No criminal lunatic shall be transferred from a jail to a lunatic asylum until it has been ascertained from the Superintendent of the Mental hospital to which he/she is proposed to be transferred is prepared to receive him.

53. Transfer in anticipation in urgent cases – In urgent cases (i.e., if the lunatic is dangerous, noisy or filthy in his habits) the Superintendent may, with the previous consent of the Superintendent of the Mental Hospital, transfer the prisoner to the Mental hospital, in anticipation of the necessary sanction. In such cases, with the lunatic shall be forwarded the documents required by rule 51 with the exception of the Government order which should follow immediately after it has been received.

54. Time spent in asylum to count as sentence - When any convicted criminal lunatic has become of sound mind, and an order has been issued by Government for his return to jail, the time during which he was detained in the mental hospital shall be reckoned as sentence undergone.

55. Procedure when a recovered lunatic has a relapse – (1) When a recovered convicted criminal lunatic undergoing imprisonment in a jail has a relapse of insanity, he should be immediately returned to the mental hospital from which he came, in anticipation of the orders of Government. In such a case the documents, etc. required by rule 51 should be forwarded with him; the order should follow immediately after it has been received.

(2) The Superintendent shall forthwith apply through the Inspector General for the confirmation of his action by the Government, submitting at the same time, the documents required by rule 51.

56. Transfer of lunatic returned to jail – When a recovered criminal lunatic is returned to a jail, he shall be given some employment with or without pay and with such an amount of liberty as the Medical Officer may consider safe.

57. Half yearly return of criminal lunatics - In accordance with the instruction in the preceding rule, Superintendents shall, on the 1st of January and 1st of July of each year forward to the Inspector General a report on the prisoners confined in their jails under sections 330, 335 and 336 of the Criminal Procedure Code, 1973.

Note: When no such prisoners are confined in the jail, a blank return should be submitted.

58. Discipline and punishment of lunatics – (1) A lunatic cannot be punished for any act committed by him, but such restraints can be imposed as are necessary to prevent him injuring himself or others, or causing inconvenience.

(2) A person confined during the pleasure of Government when not actually insane, is subject to the same discipline as a convict sentenced to rigorous imprisonment, except that he cannot be made to labour.

(3) A person who is confined under observation is, of same, liable to jail discipline.

59. Lunatics to be visited by Inspector General Etc. - Inspector General or the visitors of the jail or any two of them may visit a lunatic confined in a jail in order to ascertain the state of his mind. If a prisoner is confined in the mental hospital Inspector General or visitor or any two of them shall visit him once in six months and shall make a special report to the Administrator as to the state of mind of such a person.

CHAPTER 12

DELHI PRISONS (TRANSFER OF PRISONER, LABOUR AND JAIL INDUSTRY, FOOD, CLOTHINGS AND SANITATION) RULES, 1988

Note: For statutory provisions concerning the authority of these rules , see Appendix – 3, Prisons Act , 1894, Sections 7, 24 , 31 , 33 Chapter VII (Sections 34 to 36 , 59 , 61 , Appendix- 8 . The Transfer of Prisoners Act, 1950 (Act 29 of 1950) , Appendix – 2 , India Penal Code , 1860 – sections 224.

Rule

- 1. Short title and commencement-** (1) These rules may be called Delhi Prisons (Transfer of Prisoners, Labour and jail industry, food , clothing and Sanitation) Rules 1988.1
(3) These rules shall come into force at once.

I. TRANSFER OF PRISONERS

- 2. Circumstances of removal-** Prisoners may be removed from one prison to another prison inside Delhi for the following reasons that is to say:-

(a) Custody and treatment in a prison in accordance with the classification of prison by Delhi Administration.

(b) Medical grounds.

(c) Humanitarian grounds and in the interests of their welfare and rehabilitation.

(d) Providing essential services in prisons.

(e) Grounds of security, expediency of overcrowding in prisons or

(f) Any other ground recorded in writing in that behalf.

- 3. Superintendent to remove prisoners with sanction-** (1) Subject to the provisions of this rule, no prisoner from one prison to another prison inside Delhi shall be removed by a Superintendent without previous sanction of the inspector general of prisons.

Provided that no such sanction shall be necessary.

- in any case which in the opinion of the Superintendent in emergent.
 - In the following cases , that is to say:-
 - Removal of prisoners according to classification of prisoners as per standing orders in force;
 - Removal of prisoners on urgent medical grounds.
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Published in Delhi gazette, extra ordinary part IV , No 76 dated the 18th April, 1988 vide notification no F 9 75 87 home general X in exercise of the powers conferred by clause (11),(14),(15) (22,(27) and (28) of section 59 of the prisons act, 1894 (IX of 1894) by the administrator of the territory of Delhi.

(2) The Superintendent shall immediately after the removal, report the removals falling under the proviso to sub-clause to the inspector general or when the inspector general or special orders required such reports.

4. **Removal of certain prisoners to special prison or prisons where habitual offenders are confined-** If in the opinion of the Superintendent any prisoner is of so desperate and vicious a character as to exercise an evil influence on other, prisoners the Superintendent shall refer the cases of removal of such prisoners to the inspector general for his orders.
5. **Removal on medical grounds-** Where the medical officer is of the opinion that the removal of a sick prisoners to another prison is absolutely necessary to save his life and if such removal is likely to lead to his recovery, he shall submit a brief statement of the case to the Superintendent.
6. **Removal of prisoners sentenced to solitary confinement-** Prisoners sentenced to solitary confinement shall not be removed to prisons where there are so solitary cells.
7. **Removal of convict officers-** No convict officers of any grade shall be removed to another prison without the sanction of the inspector general.
8. **Restrictions on manner of removal of prisoners-** prisoners shall not as far as possible be removed on Sundays and gazette holidays or before the lock up of the prison.
9. **District magistrate and District Superintendent of police or commissioner of police, Delhi to be informed of certain removals before hand** – Where the removal of any prisoners is likely to attract public attention the Superintendent shall send an advance intimation of such removal to the commissioner of police.
10. **Procedure before removal- (1)** No Prisoner shall be removed without first ascertaining whether accommodation available at the receiving prison to which he is to be removed. (2) The Superintendent of the receiving prison will be informed of the date of departure and the probable date and time of arrival of the removed prisoners, by the Superintendent of removing prison.
11. **Details about prisoners to be supplied before hand to police-** Full details of the following classes of prisoners shall always be supplied before hand to the police by the Superintendent of the removing prison:-
 - (a) Dangerous prisoners.
 - (b) Prisoners sentenced under section 224 of Indian Penal Code and those who are prone to escaping.
 - (c) Prisoners who are members of a gang and are removed as such.

12. Transfer of prisoners from one state to another (Transfer Prisoners act 1950) (Act 29 of 1950) – (1) Where any prisoner is confined in prison in delhi .

- (a) Under sentenced of death, or
- (b) Under , or in lieu of, a sentence of imprisonment or imprisonment for life , or
- (c) In default f giving security for keeping of for maintaining good behavior;

The Govt. may, with the consent of any other state / union territory by order, provide for removal of the prisoners from that prison to any prison in the other state / union territory.

(2) The officer in charge of the prison to which any person is removed under sub-rule (1) shall receive and detain him , so far as may be accordingly to the exigency of any writ, warrant or order of the court by which such person has been committed , or until such person is discharged or removed in due course of law.

13. Convict to be transferred to undergo sentence - Superintendent may initiate removal of the following classes of convicts through the inspector general to be transferred to the prison of another state/union territory.

- (a) Convicts whose transfer is necessary to relieve or prevent overcrowding;
- (b) Convicts with special qualifications, when their services are required elsewhere;
- (c) Convicts with influence in the district in which they are confined or who are violent or dangerous characters;
- (d) Convicts whose transfer is necessary for the benefit of their health;
- (e) Convicts whose transfer for any other reason is necessary or desirable.

14. Procedure when a convict is unfit to travel- Any convict who by reason of illness is not in a fit condition to travel the time he would ordinarily be transferred for release but who subsequently becomes fit to travel, in time to allow him to reach his destination before his sentence expires, shall be transferred when he becomes fit to travel.

15. Prisoners not ordinarily to be transferred – (1) no convict will ordinarily be transferred from Delhi jail to which he was in the first instance committed, unless in a measure to prevent or overcrowding, if he:-

- (a) Has appealed and the appeal has not been disposed of;
- (b) Has not appealed and the time for appealing has not elapsed;
- (c) Is confined in default of finding security, or;
- (d) Is confined in default of payment of fine.

(2) The transfer of prisoners should be avoided so far as possible, during the hot months of summer.

(3) Convicts over 45 years of age or infirm convicts shall not ordinarily be transferred.

(4) The Superintendent shall bring the circumstances of clauses (1), (2) & (3) to be notice of Delhi administration immediately.

16. Document etc. to be sent with a prisoner- The following documents shall be sent with each prisoner transferred:-

(a) His warrant;

(b) His descriptive roll;

(c) Separate lists of the government personal property accompanying him and

(d) His history – ticket written up to date

17. Action when a transfer order cannot be carried out- When an order received for the transfer of any convict cannot be given effect to owing to illness release on appeal or other cause, the descriptive roll of the convict on which sanction to the transfer was conveyed, shall be returned to the inspector general with an endorsement showing the reasons why the order was not given effect to.

18. Jail official to accompany prisoners- (1) A jail official shall accompany prisoners on transfer when their number exceeds ten. The govt. property, documents and private effects sent with the prisoners shall be in his charge.

(2) The Deputy Superintendent must satisfy himself before the prisoners leave the jail that all necessary arrangements have been made to provide them and that the jail officials and warders understand their duties in this connection.

19. Notice of intended dispatch to be sent to police- Notice of the intended transfer of prisoners or the production of prisoners before a court shall be given in writing to the police authorities at least 95 hours before the guard is required. Earlier intimation should be given whenever possible. Requisition for a police guard should state the number and class of “prisoners to be guarded, male or female and whether there are any violent or dangerous characters amongst them.

20. Scale of police escort for prisoners- The scale of police escort for prisoners will be detailed by the commissioner of police.

21. Convicts to be handcuffed before removal- Male prisoners under sentence for an offence shall be handcuffed, before being removed from jail at the discretion of the command in-officer of police guards.

22. Diet of prisoners removed from jail- (1) the inspector general of prisons shall, from time to time, fix the scale of diet for prisoners removed under these rules and the officer in charge of the escort shall provide that such prisoner receives diet as nearly as possible in accordance with such scale. Where the court in which evidence is to be given is situated at the same station as the jail from which the prisoner is removed, the officer in charge of the jail shall supply the prisoner's food ready cooked.

(2) When the court as aforesaid is situated at a distance, the estimated cost of the prisoner's rations shall be paid to the officer in charge of the police escort by the officer in charge of the jail.

23. Money advance for road expenses- A sum of the money sufficient to meet all expenses together with a warrant credit note for the fares required if the journey is to be performed by rail, shall be made over to the warder in charge or the officer in charge of the escort, as the case may be, by the Superintendent of the dispatching jail.

24. Different kinds of conveyance by rail- (1) Prisoners may be conveyed by rail in:-

(a) Ordinary second class carriages;

(b) second class carriages with iron gated windows and iron railings between the compartments, and

(c) Prison vans;

(2) (a) When the prisoners escorted are aged , feeble , sick, crippled, women, children, or are accused of minor offences, or are not desperate characters, or are harmless lunatics, or where the number of persons including the escort does not exceed five, they may be conveyed in ordinary second class carriages. The escort shall sit on each side of the prisoners and guard the doors.

(b) Prisoners of exceptionally dangerous character, who require extra vigilance for their safe custody shall be conveyed in custody by jail in prison vans only. If prison van is not available alternative mode of transportation may be sent by the commissioner of police.

25. Notice to Railway authorities- class of train- (1) At least 96 hours' notice must be given by the Superintendent to the district traffic Superintendent concerned, of the number of persons, both prisoners and guards, for whom reserved accommodation is required and the particular train by which it is desired to dispatch from.

(2) Prisoners on transfer shall be dispatched by ordinary passenger train except when it may be necessary for special reasons to dispatch them by mail train.

Note 1: The requisition should state whether “ordinary reserved or prison accommodation of one or more 2nd class compartment or carriages with prison gratings or prison vans “are required.

Note2: When 2nd class reserved accommodation is required for a party of prisoners and its escort, it should be seen that the number of compartments required is distinctly stated by the requisitioning officer, and that the number of compartments requisitioned will suffice for the number of prisoners composing the party taking the maximum number that can be allowed to travel in one compartment.

26. Adjustment of expenses- (1) with the exception of expenditure incurred by the police escort, all the expenses connected with the transfer of prisons shall be borne by the jail.

(2) The Superintendent shall furnish the warder in charge or the police officer, as the case may be with a railway pass on the credit note system, for the prisoners and the warder, if one accompanies the gang.

(3) Where there is a night journey, double accommodation should, if possible, be provided.

27. prisoners to be searched before transfer-Receipt to be taken-(1) When prisoners are about to be transferred, they shall be paraded inside the jail, and the Superintendent shall satisfy himself that the clothing and bedding of each prisoner is in good order and in proper quantity.

(2) They shall be carefully searched in the presence of the Deputy Superintendent and of the officer in command of the police escort, from whom a receipt shall be taken for the prisoner's property and documents made over to him.

27-A. Classes to be kept separate on transfer- Female prisoners shall, when on transfer, be kept completely apart from male prisoners and the youthful males from adult males. Further separation of various classes should be carried out as far as practicable.

28. Telegram to be sent to the dispatch of prisoners- Immediately on the departure of prisoners, the Superintendent shall send a telegram to the Superintendent of the jail to which they are proceeding, accounting the number of prisoners and the date and hour of their dispatch.

29. Time of arrival of prisoners- As far as practicable, prisoners should be dispatched so as to reach the jail to which they are being transferred between the hours of opening the wards in the morning and lock up. As far as possible, their dispatch should be timed so that they shall not arrive on a Sunday.

30. Duties of the warder or police officer in-charge of prisoners- The presence of a warder with prisoners on transfer in no degree affects the responsibility of the police officer charged with their escort and safe custody. The duties of the warder shall be:-

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- (1) To provide the daily rations required, arrange when necessary for the cooking of the same, and see that the prisoners are plentifully supplied with the drinking water.
- (2) To preserve carefully and the responsibility for the safe custody and safe delivery of the documents and property of all sorts sent with the gang;
- (3) To return safely to the jail from which the gang was dispatched, the clothing and other government property sent with the prisoner;
- (4) To take receipts from the deputy Superintendent of the receiving at jail for the prisoners property and documents made over; and
- (5) To use every endeavour to secure the immunity of the prisoners from sickness and injury;
- (6) To inform station masters of important stations on the route in advance of any requirements in the way of water, food etc. that may be needed on the journey;
- (7) to provide (a) one pail full of water for every 10 prisoners or friction thereof if the van does not possess its own water tank, (b) one lota full of water to each prisoner, and (c) one pail full of water in the latrine for cleaning purposes;
- (8) To allow only authorized food on the journey.

When prisoners are not accompanied by a warder, these additional duties devolve on the officer in charge of the escort who should see that handcuffs are removed from a prisoner while he is eating, drinking or going to the latrine, provided that the number without handcuffs at any one time should not exceed one-half of the number of constables in the escort.

31. Documents etc. to be examined- On the arrival of prisoners at their destination all documents shall be carefully examined, the list of property, both government and private, compared with the property, actually received and the necessary receipts furnished.

32. Illness of a prisoner on transfer- Ultimate disposal- When a prisoner on transfer becomes so ill as to be unable to complete the journey, he should be left at the nearest police station and taken, when sufficiently well to be moved, to the nearest jail or subsidiary jail where he shall be received. His warrant, property and all papers connected with him should be made over to the Superintendent of the jail where he is detained who shall inform the Superintendents of the jails, from a road to which the prisoner was proceeding of the occurrence. On recovery, the prisoner shall be forwarded with his papers etc. to his destination. In the case of death, the fact, with date, shall be noted on his warrant, which with the other papers and property accompanying him shall be returned to jail where he came.

33. death of a prisoner before he can be received in nay jail- If a prisoner dies while on transfer and before he can be received in any jail or subsidiary jail on route, the officer in charge of the police escort should report the fact to the magistrate of the district or the officer in charge of the sub-division, as the case may be, in which the death takes place, with a view to an enquiry being held into the circumstances attending it. A copy of the proceedings, together with the warrant, documents and property accompanying the prisoner should be forwarded to the Superintendent of the jail from where he came. Such Superintendent shall submit a copy of the proceedings of the enquiry to the inspector general.

34. Escape en-route- If an escape occurs en-route, intimation of the same should be given as soon as possible to the nearest authorities and to the Superintendent of the jail from which the prisoner came, with a view to his recapture, if he is not immediately recaptured, his property, warrant and other documents shall be returned to the jail from which he was dispatched.

35. Recapture of a prisoner who escapes on transfer- A prisoner who escapes on transfer shall, if recaptured, be sent to the jail from which he was dispatched and after trial for the escapee forwarded to the jail to which he was being transferred when the escape took place. A report of the recapture of a prisoner and the date of dispatch to his destination shall be sent to the inspector general and to the Superintendent of the jail which is to receive him.

36. Receipts for prisoners etc.- Government property to be returned- The Superintendent or deputy Superintendent of the receiving jail, shall duly acknowledge the receipt of the prisoners and of the documents and property relating to them which are detained by him. Simultaneously, the police and the dispatching jail shall be informed identical articles of clothing and other government property sent with the prisoners shall be returned to the jail of dispatch after being thoroughly washed and property wrapped in gunny cloth.

Note 1: the fetters actually received with the prisoners, need not be returned but an equivalent number of these articles in good condition and up to standard should be returned instead.

Note: If it is necessary to detain any of the property in the receiving jail, a report of the fact shall be made to the inspector general and to the Superintendent of the transferring jail. Property so detained must be accounted for in the register of both jails and in the indents for such articles subsequently submitted.

37. Procedure when property is missing- If it be found on the arrival of the prisoners at their destination that the property received does not correspond with the lists, immediate

notice of the fact shall be given to the Superintendent of the dispatching jail, who shall institute an enquiry into the matter.

II. LABOUR AND JAIL INDUSTRY

38. Days on which convicts are examined from labour- (1) No Prisoner shall be required to perform any labour, other than such as may be necessary for the conduct of the internal management and domestic economy of the jail or to meet any call of emergency, on any of the days declared as holidays by the administration in jail.

(2) The inspector general may with the previous sanction of the Administrator by general or special order in that behalf, exempt any prisoner or class of prisoners, or all prisoners generally, from labour on any particular day or days.

39. Entries with regard to labour in the history ticket-(1) Upon the admission of every convict sentenced to rigorous imprisonment, the medical officer shall at the time of complying with the provisions of sub-section (2) of section 24 of the prisons act, 1894, by entering the class of labour (if any) for which such convict is fit in the prescribed book, cause a similar entry to be made in the history-ticket of the prisoner.

(2) The medical officer shall, from time to time, in complying with the provisions of sub-section (2) or sub-section (3) of section 35 of the prisons act 1894, cause to be entered in the history-ticket of every prisoner, any direction, as to the employment of such prisoner or the class or form of labour on which he is to be employed, which he may deem fit to give.

(3) No prisoner shall be employed on any kind or class of labour which the medical officer considers unsuitable or for which that officer considers him unfit, or shall be subjected to any labour unless the medical officer certifies his fitness for the same.

40. Hours of rest from labour to vary with the season- No convict who is under sentence of rigorous imprisonment, or who is employed on labour at his own desire, shall be required to work between the hours of 12:00 noon and 1:00 PM.

41. Hours of commencing and stopping work- prisoners shall commence work at 8:00 A.M and the factory will close at 4:00 P.M.

42. Prisoners locked up during hours of rest- During the hours of rest, prisoners shall be locked up in their sleeping wards or in their workshops if are latter the suitable and secure.

43. Classes of labour- The labour to which a convict may be put shall be of three classes, namely, hard labour, medium labour, and light labour. The hard labour class working in the jail factory shall be divided into three categories, namely, skilled, labour, semi-skilled labour and unskilled labour.

44. Description of works-labour tasks to be fixed- Subject to the provisions of chapter VII of the prisons act, 1894. The inspector general may, with the sanction of the delhi administration from time to time prescribe the description of works to be carried in, and the labour tasks to be fixed in respect of each class of labour.

45. Tasks to be imposed on female and juvenile convicts- The task to be imposed on any female or youthful convict shall not in any case exceed two third of the maximum task for hard labour and medium labour, respectively prescribed in respect of adult male convicts.

46. Procedure when a new form of labour is introduced- When a new form of labour is introduced, the Superintendent shall, in consultation with the medical officer fix the tasks and obtain direction of the inspector general in this regard.

47. Time to be given to acquire skill- Every convict on being first put to do any kind of work with which he is not acquainted shall be allowed a reasonable time to be fixed by the Superintendent in which to acquire the necessary skill to enable him to perform the full task. Mental and physical capabilities must be taken into consideration. The time will vary from a few days in the case of grinding or oil-pressing which require but little skill, to three or four months in the case of weaving and carpet making which require a good deal of skill and fair amount of intelligence. In every case when allotting new work, the Superintendent, or subject to his control, the Factory Manager, or Deputy Superintendent shall note on the convict's history-ticket the task he is to begin with and every subsequent increase up to the full task.

48. Frequent change of work to be avoided- Frequent change of work except on medical grounds should be avoided, but the same form of hard labour should not be exacted indefinitely without variation, and sedentary work should occasionally be changed for work involving more general movement. Every Superintendent and Deputy Superintendent should make himself acquainted with the tasks fixed for the various industries carried on in the jail.

49. Tasks to be measured or weighed- Whenever the material given to a prisoner to work upon, admits of measurement or weighment, it shall be measured or weighed out to him before he begins to work.

50. Work done to be measured and entered daily- Before the prisoners move their places of work in the afternoon, the factory manager or Deputy Superintendent and head warders shall measure and mark off the work done by each prisoner and note the same against his name in the labour register. The entries in his register may be made by an educated convict. If in any case, Owing to the nature of the work, the task cannot be taken daily, it should be taken whenever it is possible to do so.

51. Means and appliances for labour to be provided- (1) In every jail proper means and appliances shall be provided for exacting hard labour, medium labour and light labour, respectively, from convicts who are liable and, fit to undergo such labour.

(2) In every jail proper means and appliances shall be provided for the voluntary employment of convicts sentenced to undergo simple imprisonment (section 36 of the Prisons act, 1894).

52. Hardest suitable form of labour to be exacted-Proviso-Profit not to be considered-(1) Every convict sentenced to undergo simple imprisonment shall ordinarily be employed on hard labour of such kind as is most suitable and for which he is for the time being, fit and no such convict shall be put on medium labour so long as he is fit to perform hard labour, or on light labour so long as he is fit to perform either hard or medium labour.

Provided that no convict of the casual shall ordinarily be required to perform a full task of hard labour during the first month after his admission to jail, and that every convict; of the habitual class shall, throughout the period of imprisonment to which he is sentenced, be required to perform the severest form of hard labour which he is with due regard to health, capable of performing.

(2) No consideration of profit or convenience shall be permitted to influence the class or form of labour which any convict sentenced to undergo rigorous imprisonment is at any time required to perform and class and form of labour which every such convict is at any time required to perform shall be fixed with reference solely to the health of the convict and the regulation of the jail in regard to the employment of prisoners.

53. How convict labour may be employed—Convict labour shall ordinarily be employed to supply

Firstly—the requirements of the jail and of the jail depart.

Secondly – the requirements of the Government in any other respect, and

Thirdly – other demands which the Inspector General may from time to time approve.

54. Manufacture of articles for sale – (1) When the requirements of the jail and other departments have been met to the fullest extent it is possible to meet them, prison labour may be employed in the manufacture of such articles will be least likely to compete with any local industry for sale to the public at current market rates.

(2) Traders, wholesale and retail, should be dealt with, in preference to consumers amongst the public.

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Note 1: When market rates do not exist or cannot be ascertained the price of jail-made? Articles must be calculated and must always include: -

- (a) The price of the raw materials;
- (b) The wages of jail labour, rated according to the minimum wages fixed by the Public Works Department and Industries Department for skilled labour ;
- (c) A percentage for wear and tear of plant, and
- (d) A percentage on account of profits.

Note 2 : In cases of articles supplied to Government or to the public the percentage on account of profits may ordinarily be fixed at 10 per cent on the cost of the raw material and labour , if the prices thus found are below the ordinary rates at which the goods could be procured by the same class of purchasers in the open market they must be raised to at least such market rates.

Note 3: A price list of the articles manufactured in every jail is to be prepared and exhibited in the office. This list must be revised from time to time as may be necessary.

55. Supply of articles to Government Departments – Supply of products shall be made firstly to the Government Departments, secondly, after meeting the requirements of the Government Departments, to the Co-operative stores and after meeting the requirements of the Co-operative stores, thirdly, to the open market. In other words, jail industry should not ordinarily compete with the open market industries.

56. How jail labour may be utilized – Convicts not to be employed on certain works – (1)
Jail labour may be utilized –

(a) For the preparation of building material of the Public Works Department or for private sale, within the jail premises;

(b) For the construction of works under the Public Works Department in or near the jail; and

(2) Prisoners shall not be employed on municipal work or hired out to private firms or individuals, nor shall jail labour be utilized on the construction or repair of roads under the Public Works Department without the previous sanction of the Administrator.

(3) No convict shall be employed on any form of labour attended with danger.

57. Convict labour on jail building – Convict labour shall be utilized to the fullest extent in the erection and repair of all jail buildings and in the preparation of materials for the same.

58. Prohibition against employment of small gangs of prisoners – (1) The employment of convicts in small gangs or batches, on petty works situate without the jail premises, is prohibited;

Provided that this prohibitions shall not be deemed to extent to the employment of prisoners on jail works, in the jail Garden, or on duties connected with the management of premises subject to such directions as the Inspector General may, from time to time, give in that behalf.

(2) Subject to such general or special directions as the Inspector General may from time to time give in that behalf, convicts may be employed, without the jail premises, on public works which are at any time carried out under the supervision and control of the Public Works Department.

59. Sanction to extramural employment – No convict shall at any time be employed on any labour outside the jail walls or be permitted to pass out of the jail for the purpose of being so employed, unless and until the Deputy Inspector General shall have –

(a) Sanctioned his being so employed; and thereafter,

(b) The Superintendent has recorded, or caused to be recorded, on prisoner's history-ticket, the fact that such sanction has been given.

60. Restriction on the employment of prisoners outside the jail walls – No convict shall at any time be employed on any labour without the walls of the jail –

(a) Until he has undergone not less than one-twelfth of the substantive term of imprisonment to which he has been sentenced.

(b) without the sanction of the Inspector General if the unexpired term of substantive imprisonment together with the imprisonment (if any) in lieu of fine, to which he has been sentenced exceeds one year.

(c) if any charge or charges are pending against him.

61. Certain prisoners not to be allowed out – Care must be exercised not to pass out any prisoners who has shown or is likely to possess any inclination to escape.

62. Restriction on the employment of convicts as menial servants – The number of convicts regularly employed on services of a menial or domestic nature – such as cooks,

barbers, water-carriers, sweepers and the like- shall not. Without the special sanction of the Inspector General, exceed ten per centum.

63. Selection and limitation of menial servants – Sweepers shall be chosen from the member or similar caste, prisoners of other castes may be employed as sweepers if they volunteer to do such work. The barbers shall belong to the casual class. Hospital attendants shall be selected from those passed for light labour or who have completed at least half their sentences. If there is a large number of a serious case in hospital, the proportion of one attendant to ten patients may be temporarily exceeded. If any convict employed as a menial servant has not enough work to occupy his whole time he should be placed upon some other work for the remainder of his time.

64. No prisoner to be employed on private work or service – No prisoner shall at any time be employed by any officer of the jail, or other person, on any private work or service of any kind whatsoever.

65. Employment of prisoners as clerks - The employment of prisoners as clerks in jail offices is forbidden. The Inspector General may sanction the employment of an educated prisoner to copy letters, prepare rolls, and write up registers and other work having no connection with warrants, remissions or money transactions. A prisoner so employed shall be provided with a place of writing inside the main gate, and under the eye of a warder. He shall not be permitted to enter the jail office unless called before the Superintendent or an inspecting officer. A prisoner employed on clerical work shall receive no remission or gratuity for such work.

66. No prisoner to be allowed to visit the bazaar – No prisoner shall at any time, upon any pretext, or for any purpose whatsoever accompanied by warders or not, be permitted to proceed to or visit any bazaar.

67. Charge of material or manufactures - The Raw material for manufactures shall be under the charge of a responsible officer, who shall issue each morning what is required for the day's work and receive in store in the evening the material which has not been used up. He shall also, as far as possible, satisfy himself that there is no-waste of material, but this shall not relieve the Factory Manager or Deputy Superintendent, as the case may be, of the responsibility for the safe custody and proper disposal of the manufactory stores.

68. Responsible officer to keep manufactory accounts – All accounts relating to jail manufacture shall be kept by a responsible official, under the supervision of the Factory Manager or Deputy Superintendent.

69. Disposal of proceeds of employment of prisoners – No officer of any jail shall at any time retain in his possession, or otherwise than under proper authority, dispose of –

- (a) any article at any time supplied for use in any jail, or manufactured by any prisoner ;

(b) any sum of money realized from or received on account of the sale of any such article or of the earnings of any prisoner, and the whole amount of every sum of money so realized or received shall, as soon as may be, be paid to the credit of the Government in the nearest public Treasury

Note: No expenditure to be met from or payment made, out of any sum of money realized by the sale of articles or received on account of the earnings of prisoners. All sums of money so realized or received are to be credited as soon as possible, in the Government expenditure being met from sums supplied, under proper authority for the purpose. All jail earnings are to pass intact to the Government.

70. Yearly audit of the factory accounts – The factory accounts will be systematically audited once a year by the Delhi Administration.

III. PRISONERS FOOD AND CLOTHING

71. Prisoners not to possess, receive or consume any article not prescribed – Subject to the provisions of section 31 of the Prisons Act, 1894, and the rules made there under, as to civil prisoners and unconvinced criminal prisoners, who are permitted to maintain themselves, no criminal or civil prisoners shall at any time receive, consume or process, any article of food or drink not provided for or supplied to him in the manner hereinafter in these rules provided in that behalf.

72. Daily issue of prison diet in three meals – Every convict and every unconvicted criminal or civil prisoner who does not maintain himself, shall, daily receive the scale of prison diet provided for prisoners.

73. Food to be issued at each meal – (1) The food of prisoners, other than those sick in hospital, shall ordinarily be issued in three meals as follows:-

Early Morning Meal – half the cereals, half the oil, half the dal, half the vegetable and tea.

Mid-Day meal – the parched or boiled gram and tea.

Evening Meal – the remainder of the cereals dal, oil and vegetables.

(2) The early morning and mid-day meals may be interchanged at the discretion of the Medical officer.

74. Power to fix scales of prison diet – The Inspector General with the previous sanction of the Delhi Administration shall fix the scale of prison diet to be provided in respect of each class of prisoners and, with the like sanction, may from time to time –

(a) Vary the scale of prison diet generally, or that prescribed in respect of prisoners of any class;

(b) Prescribe a special scale of prison diet in respect of jail, and

(C) Prescribe a special scale of prison diet in respect of any period or periods of time, during any season of the year.

75. Scales of Diet for prisoners of various classes – Exhibition of scales – (1) the scales of prison diet from time to time prescribed shall contain provision in respect of prisoners, of each of the following classes, namely;-

(1) Males:

(a) when subject to labour ;

(b) when not subjected to labour ;

(2) Females:

(a) when subject to labour ;

(b) when not subjected to labour ;

(c) when nursing infants which are permitted to reside in the jail.

(3) Children:

(a) when permitted to reside in the jail with female prisoners or after the death of mother.

(2) Copies of the scales of diet for the time being in force in any jail shall exhibited in the manner provided, in regard to the exhibition of the copies of rules in section 61 of the Prisons Act, 1894.

76. Powers reserved to Medical Officer to vary prison diet – Nothing in the foregoing rules contained shall be deemed in any way to limit or restrict the power of the Medical office, in his discretion, at any time, to prescribe any special dietary in respect of any prisoner, or to direct the manner in, extent to, and period for, which the prescribed scale of prison diet shall be varied or supplemented in the case of any such prisoner:

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

Note: Change of dietary of any class of prisoners requires the sanction of the Inspector General.

77 . Duty Of Inspector General to ensure adequate supplies – It shall be the duty of the Inspector General from time to time to take all such measures as may be necessary to ensure that every prisoner is at all times so supplied with food and drink as to maintain him in good physical health and vigour.

78. Supervision of foodstuffs and water supply – It shall be the duty of the Superintendent , the Medical Officer and the Deputy Superintendent at all times to satisfy themselves, respectively, that –

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

79. Offences Connected with food supply, time and place of consumption – (1) No prisoner shall conceal, waste or transfer to any other prisoner, any article of food or drink at any time supplied to him and every prisoner shall consume his food at the times prescribed for the purposes.

(2). The time at which meals are to be served out to prisoners, and within which prisoners are to consume their food, and the manner in, and places at , which the distribution of food is to take place and the like, shall, from time to time , be prescribed by the Superintendent, subject to the directions (if any), in that behalf ,of the Inspector General.

(3). In the event of the refusal of food by a prisoner, the Medical officer must adopt methods of artificial feeding, if, in his judgement, the physical condition is such that artificial feeding provides the only method of keeping the prisoner alive. The actual operation of artificial feeding must be carried out by the Medical Officer or his Medical subordinate.

80. Examination of Food by Medical Officer – The Medical officer shall –

(a) Ordinarily examine the food daily and when defective in quality, make a note of the fact in his journal; and

(b) at uncertain times and at least once a week when the food is cooked and ready for issue and occasionally after distribution to the prisoners, cause such food to be weighed in his presence and note the result in his journal.

81. Inspection of food by Superintendent – The Superintendent of a jail shall inspect the food prepared for the prisoner's meals at least three times in each week.

82. Food of prisoners on transfer – (1) Prisoners on transfer or about to be sent to court shall receive a meal of cooked rations before starting.

(2) If a journey exceeds 12 hours but is less than 18 hours, each prisoner shall receive 460 grams of perched gram and 115 gram of gur to eat in transit.

(3) Should a journey to exceed 18 hours, the warder in charge, or the officer in command of the Police escort as the case may be, shall receive subsistence allowance for each prisoner at the rate of five rupees per diet.

(4) It is the duty of the police escort to see that prisoners who have not been in jail previously have their food before they are taken to the jail if they are likely to arrive there too late for a meal. Unfed prisoners shall not be admitted into a jail after:-

(i) 3 P.M. during winter from 1st October to 31st March.

(ii) 4 P.M. during summer from 1st April to 30th September.

83. All Articles to be weighed out to the cooks – Details of the preparation of food – All articles of diet, shall, when possible be weighed out to cooks in a state ready prepared for cooking. The following instructions shall be attended to:-

(1) Wheat before being ground into flour should be thoroughly freed from dirt, unsound grain and any other deleterious substances. The flour shall be sifted through a fine perforated zinc sifter (No.6 guage) or equally fine wire guage.

(2) The statement showing the weights of uncooked and cooked rations should be checked by the Superintendent every Monday.

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(3) Antiscorbutic must be used in the edible parts, proper allowance being made for husk, seeds and fibre. This can be done by finding out by experiment what proportion the edible part bears to the whole.

(4) Succulent fresh vegetables when available should be used in the dietary in preference to dried vegetables. They should be freed from stalks, decayed, and fibrous portions and cut up ready for the pot before being weighed out. Arrangements must be made for an ample and continuous supply of vegetables during the hot and rainy months, more especially those kinds which are of antiscorbutic value such as onions. Roman Cabbage, potatoes when obtainable and country radishes, Brinjals, melons, pumpkins, etc. have very little nutritive or antiscorbutic properties.

(5) The mustard oil/vanaspati should be well heated before being mixed with the vegetables, and heated and flavoured with fried onions, before being mixed with the dal.

(6) The condiments and salt should be added in the presence of the Deputy Superintendent or Medical Subordinate or other superior official, to the dal and vegetables while they are being or immediately after they have been cooked. A large quantity of condiment mixture should be prepared at one time, so as to preserve the due properties of the ingredients and avoid the necessity of weighing them in small quantities.

(7) The maximum loss allowed for cleaning and winnowing the various grains and pulses is:-

Wheat	3.75%
Dal, urd	4.30%
Dals, mung, moth, rawan and maser	3.75%
Gram for perching or boiling	1.25%
Dal gram	3.75%
Tamarind	10.00%
Wheat or Dalia	1.25%

When the actual loss in cleaning is less, it, and not the maximum loss allowed, should be calculated in the accounts.

84. Scales, weights and measures – Complaints concerning food – Properly adjusted beam scales and correct weights should be used in every and for weighing supplies in bulk and individual rations; they shall be frequently tested by the Superintendent.

85. The Issue of uncooked food—The uncooked food shall be weighed out to the cooks in the presence of the deputy Superintendent, senior Assistant or Assistant Superintendent or medical subordinate who shall be held responsible that the proper quantity is issued, and

also in the presence of the Assistant Superintendent or head warder specially appointed keep the godowns in which the food stuffs are stored the mustered oil should not be issue until it is actually required, and one of the above higher officials shall be present when it is being mixed with dal vegetables.

86. The Cooking the food, cleanliness of vessels etc--- The cook shall perform the duty of preparing the food with care and attention. The dough should be slowly and thoroughly needed with portion of the salt and not more water than is necessary. Each Chapatti should not be more than 20 cms but not less than 16 cms in parameter and of the same thickness throughout. The cooking should be slowly done, so that the surface may not get burned, while the inner part remains uncooked. All cooking vessels must be kept clean and bright, and the cook-house clean and tidy.

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

88. Responsibility for purchase and storage - The Superintendent and Deputy Superintendent shall be held responsible for proper arrangements that are made in due time for the purchase and storage of grain, subject to the limits of (with the stock in hand), 15 month's supply and of the storage room available.

89. The purchase of grain – The grains shall be purchased as per the instructions issued by Inspector General from time to time.

90. Examination of grain, prompt payment to be made – The Medical Officer shall examine every delivery of grain brought to the jail and satisfy himself that it is of good quality before it is stored. There should be no delay between delivery weightment, and payments should be made at once after approval by the Superintendent, otherwise it cannot be expected that the most favorable terms will be obtained.

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

92. Supply of clothing, bedding and Prisoners not to use or possess any other – (1) Subject to the provisions of sections 31 and section 33 of the Prisoners Act, 1894, and the rules made there under as to civil prisoners and unconvicted criminal prisoners who are permitted and able to provide themselves with clothing and bedding under the provisions of section 33 of the Act, shall wear such clothing and use such bedding as is supplied to him by or under the orders of the Superintendent and no other .

(2) No prisoner to whom any clothing or bedding is supplied under the Sub-rule (1) shall receive, possess or use, or be permitted to receive, possess or use, any article of clothing or bedding other than an article so supplied or an article the receipt, possession to use of which the Superintendent may at any time, sanction in respect of any such prisoner.

93. Convicts to wear prison dress – Every convict shall ordinarily wear the prescribed dress.

Provided that the Inspector General may, at any time, in his discretion, by general or special order in that behalf, relax the provisions of this rule in respect of any prisoner or class of prisoner under sentence of simple imprisonment, subject to such conditions as he may think fit to impose in that behalf.

94. Clothing for prisoners sentenced to simple imprisonment – Under the authority conveyed in the preceding rule, all prisoners sentenced to simple imprisonment who are not habitual, shall be permitted to wear their own clothing while in jail but should not be allowed to wear political symbols.

95. When Convicts are permitted to wear private clothing – All prisoners sentenced to rigorous or simple imprisonment may be permitted to wear private clothing when (a) attending court, (b) on transfer to another jail and (c) having an interview with relatives

96. Prisoners to conform to orders as to the care and custody of articles – Every prisoner to whom any article of clothing or bedding or other equipment is at any time supplied shall conform to all such orders as to the care, custody and use, as the case may be thereof, as may from time to time be issued by the Superintendent, subject to the directions in that behalf of the Inspector General.

97. Powers to fix scale of Prison clothing and bedding – The Inspector General shall, with the previous sanction of the Administrator, 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 sanctions from time to time.

- (a) Vary the scale of clothing and bedding generally, or the prescribed in respect of prisoner of any class.
- (b) Prescribe a special scale in respect of the prisoner confined in any jail or in the jails situate within any specified local area:

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- (c) Prescribe a special scale in respect of any period or periods of time or during any season of the year; and
- (d) Vary the shape, size material or quality of any article prescribed in any scale of clothing or bedding.

98. Provision to be made in prescribing clothing; bedding and C. exhibition of scales- The scales of clothing and bedding and other necessaries of equipment, from time to time prescribed shall contain provision for provision for winter season and summer seasons.

99. **Powers reserved to Medical Officer to order extra clothing** – Nothing shall be deemed, in any way, to limit or restrict the power of the Medical Officer in his directions at any time, to direct, on medical grounds and for the benefit of the health of any prisoner or class of prisoner, the issue of extra clothing to any such prisoner or class of prisoners for any specified period during any season of the year.

100. **Scales of clothing, bedding and equipment** – The following scale of clothing, bedding, and other necessaries of equipment, are prescribed for convicts for the time being:-

MALE	FEMALE
1	2
(A) Winter wear	
2 Dasuti trousers and Kachhas	(For 2 Dasuti pyjamas, Sikhs only)
2 Dasuti Caps or Garah puggees	2 Dasuti Chaddars,(for Sikhs only)
2 Langotos (for non Sikhs only)	2 Napkins
For both Sexes	
2 Dasuti Coats	1 Khakhi cotton durrie 6'*2'
1 Blanket coat with belt	1 towel
3 blankets	1 iron, cup
2 Langoatas (for non-sikhs only)	2 Azarbands
Summer Wear	
2 Dasuti Trousers and Kachhas	2 Dasuti Payjamas (for Sikhs only)

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2 Dasuti Caps or Garah puggrees

2 Dasuti Gladdars (For Sikhs only)

For both sexes

2 Garah Kurtas

2 Azarbands

1 Khaki Cotton durrie 6*2

1 Towel

1 Manj of Bhabbar mat

1 iron Cup

2 Cotton Sheet

1 Iron plate

(c) Utensils

1 Thali

1 Glass

2 Katori

Note- one admission to jails, all convicts will be given two cotton coats and two pairs of cotton trousers, Sikh convicts will be given two L angotas Female convicts shall receive in addition, comb, 2 cotton chaddars and threetowels, Sikh prisoner may be given two Kachhas instead of 2 pairs of trousers, they may, however, if desired, have kachha in addition to towards best this connection is to be allowed at their own cost.

101. **Supply of Baiter-** Convicts required to wear fetters shall be supplied, with pliable gatters and gaps, and convicts allowed to pass out of the jail, shall be supplied with a gaiter to wear beneath the ankle ring in all seasons.

102. **Clothing of convict officers-** (1) The clothing of male convict officers shall be-

- a) Convict Watchman- The usual prison uniform of a convict with the exception of woolen cap in lieu of which a white pugree will be issued and a brass badge to be worn on the left arm with the word " Watchman engraved thereon.
- b) Convict overseer- Black pugree, black coat (alkhaliq) and black payjama a brown leather belt and brass bucket with the word "Overseer "engraved thereon.
- c) Convict Warder- The same as a convict-overseer but the clothing shall be yellow and on the bucket shall be engraved the word " Convict warder"

2. Female convict officers shall wear the same articles of clothing as ordinary female convicts, but dyed black in the case an overseer, and yellow in the case of a convict warder with the leather badge with brass buckets and words denoting their engraved thereon, All convict officers doing duty outside barracks at night shall be provided with blankets and great coats in winter time.

103. **Supply of prison clothing and c.of to certain prisoners-** All clothing and bedding supplied of any civil or un convicted criminal prisoner under the provisions of section 33 (1) of Prisons Act, 1894, shall be of the same description as that supplied to convicts.

104. **Clothing and c. of infants-** The clothing, bedding and necessaries to be supplied to infants who are permitted to reside in jail, shall be such as the Medical Officer may, in each particular case, prescribe.

105. **Standard pattern for all articles-** All articles of Clothing, bedding and equipment shall be of the standard patterns approved by the Inspector General.

106. **Clothing to be worn in the manner prescribed-** Prisoners shall wear of the articles of clothing supplied to them except when ordered to the contrary, No articles of clothing shall be worn in any way other than that for which it was intended.

107. **Clothing to be marked-** Each article of jail clothing and bedding supplied every convict shall be marked legibly and separate consecutive number.

108. **Time- Clothing should last-** The allowance of cotton clothing prescribed in each scale for prisoners should ordinarily last for six months except in the cases of cotton sheet which should last for one year, the blanket cost, the blankets and maunj should given at least three year wear Bhabbar mat should last not less than one year.

109. **Distribution of clothing-** Convicts sentenced to imprisonment for one year or more should ordinarily be supplied with new cotton clothing, unless there is an accumulation of old clothing in stock. When clothing or bedding that has been previously in use is issued the fact should be noted on the history ticket.

110. **Hospital clothing-** On admission in the hospital, the prisoners clothing will be replaced with hospital clothing, the prisoners and clothing shall then be washed and placed in the hospital store room until he is discharged when it shall be returned to him in case of death, the clothing shall be returned to the clothing godown or destroyed, if the Medical officer considers such a course necessary

111. **Extra clothing for convalescents-** Prisoners in the convalescent gang should be provided with an extra blanket, a woolen payjama and waist coat made of old blanketing during the coldest season of the year.

112. **A Sufficient clothing to be kept in stock-** A sufficient stock of clothing a meet all possible requirements shall be kept in store in every jail.

113. **Prisoners to get old clothing at certain times-** Every prisoner who is employed in any form of labour which is destructive of clothing or specially liable to soil it, such as mixing motor, scavenging and cooking may, in addition to the ordinary scale of clothing be supplied

with a part worn dosuti coat and trouser (dyed light blue) for wear during working hours, cooks may also be allowed an apron of course white dosuti cloth.

114. Clothing to be kept serviceable- Every prisoner's clothing and equipment shall be renewed as necessity arises; no prisoner shall be allowed to remain in tattered and miscriveable clothing. One or more prisoner tailors may according to circumstances, be employed in keeping the clothing in repair.

115. Cleanliness of clothing and bedding- All clothing and bedding must be kept in a thoroughly clean condition. A convict dhobi shall be employed to wash for those who are sick.

116. Supervision of supply of clothing and bedding- It shall be the duty of the Superintendent, the Medical officer and the Deputy Superintendent of all times to

- a. Every prisoner is provided with sufficient clothing and bedding. To secure his health.
- b. Every prisoner entitled to prison clothing and bedding is duty supplied there with according to the prescribed scale applicable to the class to which such prisoner belongs:
- c. All clothing and bedding supplied is of the prescribed description and quality, clean in good condition and in all respects suitable for use by prisoners;
- d. All articles of clothing or bedding at any time obtained and stored in the jail are frequently inspected and that all articles which are in respect unsuitable or inferior to the prescribed description and quality are forthwith rejected and are not issued for the use of prisoners

117. Duty of inspector general with regard to clothing- It shall be the duty of the inspector general from time to time to take all such measures as may be necessary to ensure that every prisoner in all times is supplied with clothing and bedding as to preserve him in reasonable comfort and good health.

118. Responsibility of prisoners regarding clothing and bedding- (1) No prisoner shall destroy, damage all in any way make away any article of clothing, bedding or other equipment at any time supplied to him or in his possession and every prisoner shall take reasonable and proper care of every such article

(2) The manner in which articles of clothing , bedding and other equipment as the case may be supplied to prisoners, are to be kept or used by such prisoners shall be prescribed by the superintendent subject to directions if any in that behalf of the inspector general.

119. Disposal of unserviceable clothing - Once a month, all clothing considered unserviceable shall be brought before the superintendent, declared useless by him, and return of the accounts, under his initials. Such portions as may be useful for repairing other clothing should

be set aside for this purpose and not returned to store, the remainder should be cut into small pieces to be sold to paper manufactures.

120. Disposal of clothing received on release- Clothing received from prisoners on release shall be returned to store. If fit for further use, it shall, after being washed, disinfected and repaired if necessary be reissued.

121. Charge of clothing godown-protection from pests- The clothing godown shall be placed in charge of an efficient official, subject to the general responsibility of the Deputy Superintendent. Every care must be taken to protect the clothing from damp and ravages of vermin and insect, pest by airing it in the sun at least once a month and by the free use of neem leaves.

122. Clothing of prisoners transferred- The identical articles of clothing and bedding sent with prisoners on transfer are to be returned to the transferring jail.

123. Indenting – The Superintendent shall ensure that indent for clothing are sent every year to the Inspector General in time as per the standing instructions issued by the Inspector General for this purpose.

IV. SANITATION

(A) Construction of Buildings, Accommodation and Over Crowding.

124. Capacity of wards and Cells - The accommodation capacity of wards, cells and other compartments intended for occupation by prisoners shall ordinarily be regulated by the scale of superficial and cubical space and lateral ventilation prescribed in respect of each prisoner as prescribed by the Inspector General with the sanction of Administration.

125. Design, architecture and specification - The Inspector General shall, with the prior sanction of the Administration and in consultation with the Public Works Department and the Health Department, specify the design, architecture and specifications of each and every part of the structures constituting the prison, the layout of the structures and other matters concerning them keeping in mind the safe custody, health and comfort of the prisoners and the officers of the prison.

126. Ventilation, wards and cells - Direct ventilation of air through every ward/cell and other compartment, respectively, ordinarily be secured large grated openings on both sides and at each end thereof.

127. Certificate of fitness of occupation - No newly constructed ward, cell or other compartment, shall be occupied by any prisoner until the Medical Officer shall have certified that such ward, cell or other compartment is, in all respects, fit to be so occupied.

128. Sleeping berths in wards - Every ward or other compartment intended for the accommodation of prisoners by night, shall be provided with masonry sleeping berths, equal

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in number to the capacity of the ward according to the prescribed scale. Each berth shall be 2 meters long, 0.69 meter broad and 46 cms. High and shall be constructed with a slight slope down from the head. The heads of each berth shall be on the opposite side to the heads of the berths (if any) on either side of it. The space between every two berths shall, ordinarily, not be less than 0.61 meters.

129. Requirements of cell, daily visit to occupant - No cell shall be used for solitary confinement unless it is furnished with means of enabling the prisoner to communicate at any time with an Officer of the prison, and every prisoner so confined in a cell for more than twenty four hours, shall be visited at least once a day by the Medical Officer or Medical Subordinate.

130. Height of walls of cell-yard - For the purpose of admitting sunshine and the enclosure walls of cell yards shall in no case exceed 2.44 meters height.

131. Procedure when it is necessary to provide shelter outside a jail - Whenever it becomes necessary to provide for the temporary shelter and safe custody of any prisoners without the walls of any jail, the Superintendent shall report the circumstances to the Inspector General, who will, if necessary, take the special directions of the Delhi Administration as to the provision to be made, under section 7 of the Prisons Act, 1894.

132. Provision for custody of prisoners in excess of accommodation – All prisoners in a jail in excess of the accommodation shall be provided with temporary shelter in huts or tents pitched outside or inside the main enclosure walls.

92) The safe, custody of prisoners accommodated outside the jail shall be entrusted to the Police.

(3) The Superintendent shall apply to the Inspector General for sanction to the entertainment of such temporary establishment as may be necessary.

(4) In cases of emergency and before arrangements can be made to have tents or huts erected, the workshops may be utilized to afford the necessary shelter, provided that all articles likely to facilitate escape or to be used as dangerous weapons are first removed.

133. The Cleanliness of buildings generally – Floors to be leeped – (1) The Building occupied by prisoners shall, on being vacated each morning, be thoroughly cleaned out. Doors, window-sills, gratings and shutters should therefore be dusted out and, when necessary washed and all dust and dirt removed outside the jail.

(2) The floors of sleeping wards and cells should be leeped daily except in cold and damp weather, when leeping once or twice a week will be sufficient.

(3) Walls should be frequently brushed and leeped or lime washed when necessary. The hospital should receive particular attention in this respect.

134. Return of prisoners in jail on last day of the month - A return (Form no. 45) showing the number of prisoners who slept in the jail on the previous night together with the number for which the wards are adapted, shall be submitted to the Inspector General on the first day of each month.

(B) Conservancy

135. Premises to be kept clean – Cesspools prohibited and other sanitary matter – (1) Every attention should be given to the disposal of night soil and refuse and to the cleanliness and neatness of all parts of the jail and its surroundings.

(2) The ground should be free from fallen leaves, weeds and rubbish of all descriptions; the grass plots closely cropped and the edges trimmed, the paths kept in repair; kucha drains dressed, and their levels readjusted when necessary.

(3) Drains and latrines must be kept scrupulously clean and no sewage matter permitted to find its way into them. Cesspools of any kind are prohibited within jail precincts. The use of sunk reservoirs for refuse water is to be avoided. No rubbish or manure pits should be allowed within or near the jails walls.

(4) The hospital should receive special attention Godown must be kept clean, properly arranged, well vandalized and their contents should be aired as often as possible.

136. Latrines for warders – A latrine shall be provided for warders and treated, as regards, periodical cleaning.

137. Drainage of jail land – Sanitary to be reported – (1) The drainage of the land round the jail should receive careful attention and all low ground be filled up with clean earth High crops or shrubs, should not be grown within 46 meters of the jail walls.

(2) It is duty of the Resident Medical Officer to bring to notice any defect of drainage within the jai area or its vicinity. The construction of public latrines, sewers or drains or the existence of any other in sanitary condition in neighbourhood of the jail, likely to affect the health of the prisoners, shall be reported to the Inspector General.

(C) WATER SUPPLY

138. Supply of water to prisoners-precautions as to vessels-every place where prisoners are located either by day or night, shall be provided with a sufficient supply of drinking water. The vessels used for holding or conveying drinking water shall be covered, cleaned out daily and used for no other purpose.

139. Supply of water for other purposes- suitable provisions for bathing shall be made in every jail.

(D) disposal of the dead

140. conditions under which a body may be made over to friends- (1) the body of any prisoner dying or executed in jail, shall be made over to the friends or relatives of the deceased, if claimed by them before the body has been disposed of by cremation or burial, unless there are special reasons to the contrary, i.e. , the prisoner has died of any infectious disease. Or if there are grounds for supposing that the prisoner's funeral will be made the occasion for a demonstration.

(2) The friends or relatives of a deceased prisoner making application for the body after burial. Should be referred to the commissioner of police whether the deceased prisoner died of any infectious disease, how long he has been dead and whether. In the opinion of the Medical Officer of the jail, the body can be exhumed and removed with safety or without becoming a nuisance to the public.

Note 1; A human body, whether alive or dead, cannot be the property of anyone.

Note 2; Nobody can lay claim to corpse as it is not property. When a prisoner dies, his sentence ceases, it merely remains, if the body is not made over to the friends or relatives of the deceased to dispose of it in a seemly manner that it may not become a nuisance and so as not to shock the feelings of the people.

141. Disposal of a body not made over to the friends – (1) the body of any prisoner dying or executed in jail, not made over to the friends or relative of the deceased, shall be cremated or buried in the jail burial ground in accordance with the custom applicable to the faith of the deceased. (2) all bodies prior to removal from the jail shall be wrapped in a new cloth.

Note; The superintendents of certain jails in the province have been authorized by the Inspector General with the approval of the local Government to make over the bodies of prisoner who have died in jail, if not claimed by the friends or relatives to certain medical institutions named for the purpose. The authorities, so given, extends only, to the case of prisoners who have died from natural cause, and not to the bodies of executed prisoners.

142. Burial ground for every jail- There shall be a burial ground distinctly marked off from the surroundings ground by a wall, ramp or hedge, attached to every jail and it shall be used for the disposal of the bodies of prisoners only. Portion of the burial ground shall be set apart for the cremation of the bodies of Hindus.

143. Selection of a burial ground- The land selected for a burial ground should not be in the immediate vicinity of the jail or any centre of population and not near the source of any drinking water supply; it should be seen that the prevailing wind does not blow from it towards the jail and that sufficient ground is secured to answer all requirements for at least fifteen years.

144. Matters concerning graves, graveyards, burial and cremation- (1) The burial ground shall be kept clean and tidy and free from jungle and the graves disposed in regular rows, so as to economise space. Each grave should be marked with the name and the regular number of the prisoner.

(2) The growth of grass about the graves should be encouraged, but it should be kept trimmed, quick growing trees should be planned about the ground.

(3) The Superintendent and the medical officer shall visit the burial ground from time to time and satisfy themselves that it is properly kept and cared for.

(4) No grave shall be less than five feet deep. One or more graves shall be always kept ready for occupation.

(5) In filling in a grave, the earth should be well passed down so as to protect the body from the depredations of animals; the earth should be heaped up one foot above the surface of the surrounding ground.

(6) Special care shall be taken that the bodies of those disposed of by cremation are completely consumed. Ashes of the body of a Hindu prisoner should be disposed of, 24 hours after cremation by burial or, in places where it is possible, by consigning them to the water of a neighbouring river.

CHAPTER 13

DELHI PRISONS (INSPECTION, MEETINGS AND DUTIES OF OFFICERS) RULES, 1988

Note: For statutory provisions concerning the authority of these Rules, see Appendix-3, Prisons Act, 1894, Sections 8 to 46, 54, 62, Appendix-17 Delegation of Financial Power Rules, 1978-Rule 2, Schedule V.

Rule

- a) **Short title and commencement** – (1) These rules may be called the Delhi Prisons (Inspections, meetings and Duties of Officers) Rules, 1988.1.
(2) They shall come into force at once.

I. INSPECTION

2. (1) (a) The Inspector General shall inspect a prison including the prison hospital not less than once in six months.

- b) During the inspection, he shall notice failure of any Officer to comply with any of the provisions of the statutes, statutory rules, executive orders of the Delhi Administration and observations made by the Lieutenant Governor and himself during the earlier inspection and proceed to punish such an Officer forthwith.

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- c) During the inspection, he shall notice the failure of any prison Officer to inspect the prison as laid-down in these rules and shall punish such officer forthwith.
 - d) During the inspection, he shall prepare a list of the unconvinced prisoners who are confined in the prison for more than three months and shall furnish a copy of the same without any comment to (i) Chief Justice Delhi High Court, (ii) Sessions Court and (iii) Delhi Administration.
 - e) A copy of the inspection report of the Inspector General shall be sent to the Chief Secretary of the Delhi Administration.
- (2) (a) The additional Inspector General shall inspect a prison including the prison hospital not less than once in six months so that the prison is inspected every quarter either by the Inspector General or by the Additional Inspector General.
- b) The contents of rules 2(1) (b), (c) and (d) shall apply mutatis-mutandis during the inspection of the Additional Inspector General. The inspection report shall be submitted to the Inspector General (Prisons).
 - c) Additional Inspector General shall be specifically responsible for inspecting the financial working of the prison, audit report and money transactions of all kinds.
 - d) Additional Inspector General shall carefully examine and review all cases of furlough and parole during his inspection.

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- (3)
- a) The deputy General shall inspect a prison including the prison hospital not less than once in four months.
 - b) The contents of rules 2(2) (a) and (b) shall apply mutatis mutandis during the inspection by the Deputy Inspector General. Two copies of the inspection report shall be submitted to the Additional Inspector General.
 - c) The Deputy Inspector General shall be specifically responsible for inspecting the Officers of the Superintendent and the Resident Medical Officer so as to satisfy himself that all Office procedures, store keeping, cash handling, remission given to the prisoners, admission of prisoners, release of prisoners, and like matters have been done meticulously in accordance with the provisions of law, rules, executive orders and by applying good judgment.
 - d) The Deputy Inspector General shall note action taken on the inspection reports of the Inspector General and Additional Inspector General, inquire into the reasons of non-compliance, if any, and shall include his finding in his inspection report. In the event of non-compliance without sufficient reason, he shall prepare charge-sheet against the Officer concerned on the spot and shall proceed or cause proceeding against the Officer immediately.

(4)

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- a) The superintendent shall inspect his entire prison, his own journal and his own office once every month.
- b) The Superintendent shall record an inspection report and shall proceed to take action thereon himself when possible. Two copies of the inspection report shall be submitted to the Deputy Inspector General.
- c) The superintendent shall compile a list of the references made by him to the Inspector General for which no replies have been received and shall attach this list with his inspection report.
- d) The Superintendent shall compile a list enumerating the paragraphs of the inspection reports of higher Officers, of audit, of important letters on which action has not been completed with reasons therefore and shall attach this list with his inspection report.

(5)

- a) The Residential Medical Officer shall inspect a prison, the prison hospital and his own office once every month. He shall confine his observation to medical and sanitation matters only.
- b) The contents of the sub-rules (3) (d) and 4 (b), (c) and (d) shall apply mutatis mutandis during the inspection of Resident Medical Officer, Provided that the action indicated in these sub-rules shall related to medical and sanitation matters and to Medical Officer and his staff; Provided further that prior to framing charge against the medical staff the Superintendent shall be consulted; Provided that no consultation with the Superintendent shall be necessary if violations of medical procedure on medical ethics are observed.

(6)

- a) The Medical Officer shall inspect his entire prison, every ward, every prisoner and state of health of all warders, matrons and medical staff once in every month.
- b) The contents of the sub-rules (4) (b), (c) and (d) shall mutatis-mutandis apply for the inspection by the Medical Officer. Provided that the action indicated in these sub-rules shall apply to medical and sanitation matters only.

II. MEETINGS

3. Meeting of Inspector General – (1) The Inspector General shall take a meeting of Additional Inspector General, Deputy Inspector General, all Superintendents, Resident Medical Officer and all Medical Officers once in every month between 1230 to 1430 hours wherein the Superintendent and the Medical Officers shall be permitted to bring any matter concerning the prison directly for consideration of the Inspector General.

Meeting of Superintendent – (2) The Superintendent shall take a meeting of Medical Officer, Deputy Superintendents, Assistant Superintendents, Head warders and Matrons once in every months between 1230 to 1430 hrs. wherein the warders and the Matron shall be permitted to bring any matter concerning the prison directly for consideration of the Superintendents.

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Meeting of Medical Officer – (3) The Medical Officer shall take a meeting of all Medical Staff once in every month between 1230 to 1430 hrs wherein the medical staff may be permitted to bring any matter directly for consideration of the Medical Officer.

Other Meetings – (4) Nothing in these rules shall prevent the Inspector General or any Officer subordinate to him to take meeting for co-ordination of work or for any other purpose related with the functioning of the prison at any time and in any manner considered necessary.

III. DUTIES OF OFFICERS

(A) Inspector General;

4. Inspector-General of Prisons – (a) The Inspector General of Prisons shall be the Head of the Department of Prisons in Delhi and shall be responsible for all matters relating to the prison, their control and management; funds and budget and every other matter such others that may be concerned with the Department of Prisons.

(b) The Administrator may appoint the Inspector-General of Prisons as the Ex-Officio Special Secretary in the Home Department of the Delhi Administration to enable processing of cases with the Finance Department, Law Department etc., in file and expeditious issue of Government orders after approval of the Administrator.

(c) When the Inspector General of Prisons acts as the Special Secretary, he shall not act as the Head of Department within the meaning of Delegation of Financial Power Rules but may exercise, with prior sanction of Administrator, such additional powers that might have been delegated to him under rule 2 of the Delegation of Financial Power Rules, 1978.

(B) Additional Inspector General:

5. Additional Inspector General of Prisons – (1) The Additional Inspector General shall be appointed as the Head of Department within the necessary provisions of Delegation of Financial Power Rules, when the Inspector-General relinquishes that charge on being appointed as the Ex-officio Special secretary and shall exercise all the power as enumerated in Schedule V of Delegation of Financial Power Rules excluding the ones not delegated to him by the Administrator by Special orders.

(2) The Additional Inspector General shall be the Principal staff officer of the Office of the Inspector General and shall officiate and perform all duties of Inspector-General in latter's absence on leave or on duty outside Delhi, or otherwise.

(3) The Additional Inspector General shall be incharge of budget, expenditure, purchases, contracts and other similar matters concerning the Department of Prisons but shall not re-appropriate any fund from one sub-head to another without the prior permission of Inspector-General or Administrator as the case may be. In the beginning of each financial year he shall allocate funds to the Superintendent and the prison hospital with the prior approval of the Inspector General.

(C) Deputy Inspector-General:

6. Deputy Inspector-General of Prisons – (1) The Deputy Inspector-General shall be the Head of Office of the Office of the Inspector General of Prison within the meaning of the Delegation of Financial Power Rules.

(2) The Deputy Inspector-General shall be a Staff Officer of the Inspector-General of Prisons and shall perform such duties as are delegated to him by the Inspector General of Prisons.

(3) The Deputy Inspector-General shall be responsible for duties which are assigned to him in these rules.

(D) Superintendent

7. Superintendent, Jail – (1) The Superintendent shall be the Head of Office with regard to the Office of the Superintendent of Prison within the meaning of the delegation of Power rules.

(2) The Superintendent shall exercise Financial discipline and shall not exceed the allotment of fund made for his office by the Additional Inspector- General.

8. Temporary vacancies-Every temporary vacancy, in the office or absence or abstention from duty on the part of the Superintendent of any jail shall be forthwith reported by such Superintendent or, in his absence, By the Deputy Superintendent or Senior, Officer of the Jail then person, to the Sessions Court and the Inspector-General of Prisons.

9. General duties of the Superintendent – It shall be the duty of every Superintendent of a jail to:-

- a) Provide for the support, care and custody of, and control over, all prisoners at any time confined in the jail;
- b) Maintain order and discipline amongst the prisoners confined, and the subordinate officers employed, in the jail;
- c) Control all expenditure relating to the jail;
- d) Enquire into and adjudicate upon all alleged prison-offences and breaches of discipline, and to punish all those who are found guilty of having committed any such prison offence or breach of discipline, in due course of law under the provisions of sec. 46 of Act IX, 1894, and
- e) Take, generally, shall such measures as may be necessary for expedient for the proper protection and management of the jail and of all prisoners at any time confined therein and for the purpose of giving the Prisons Act, 1894 and all provisions of the Prisons Act, 1894, and all rules, regulations, orders and directions made or issued thereunder, as may be applicable thereto or to say prisoner confined therein or any Officer thereof.

10. Duties discharged subject to control – The Superintendent shall discharge his duties subject to the control of, and all orders passed by him shall be subject to revision by the Inspector-General.

11. Superintendent to visit Jail daily, First duty at each visit – (1) The Superintendent shall visit the jail at least once on every working day and on Sundays and holidays also whenever special circumstances render it desirable that he should do so, if, from any cause, the Superintendent is prevented from or unable to visit the jail on any day on which he is by this

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rule, required so to do, he shall record the fact and cause of his absence in his journal which shall be submitted to the Deputy Inspector-General of Prisons.

(2) The first duty of the Superintendent on the occasion of his visit to the jail, shall be to release time expired convicts, in accordance with the provisions of the law and these rules in that behalf, and shall in discharging this duty, in particular, observe the rules relating to the return of their private property and the grant of proper subsistence allowance to each convict.

12. Prisoner to be seen daily, in certain cases once every two days – The Superintendent of a District Jail shall, as far as practicable, see every prisoner in his charge daily, and the Superintendent of a Central Jail shall likewise see every prisoner in his charge once in every two days.

13. Inspection of food by Superintendent – The Superintendent of a jail shall inspect the food prepared for prisoner's meals at least three times in each week.

14. Superintendent to visit Jail periodically at night – The Superintendent shall visit the Jail after lock-up and between the hours of sunset and sunrise at least twice a week.

15. Jails to be inspected and maintained in an efficient state – The Superintendent shall frequently visit and inspect every barrack, yard cell, workshop, and latrine, as well as the armour, warders, lines and every other part of the jail and its precincts and all premises belonging or attached thereto, or connected therewith, and shall satisfy himself that all buildings, structures, enclosing walls and the like, are secure and are maintained in the best possible state of repairs, and that every part of the said jail precincts and premises is kept clean and in an efficient sanitary condition.

16. Superintendent to visit hospital – Measures to prevent the spread of disease – The Superintendent shall visit the jail hospital frequently and cause to be carried into effect, all written directions given by the Medical Officer in regard to the proper segregation of prisoners suffering or believed or suspected to be likely to suffer from any infectious or contagious disease. He shall whenever necessary, and without delay, take all reasonable measures for cleaning and disinfecting every place at any time occupied by any such prisoner or for washing, disinfecting by fumigation or otherwise, or destroying as may be most expedient, all wearing apparel, bedding or other articles which are infected or foul or may be believed or suspected to be infected or foul.

17. Superintendent to visit jail Garden at least once a week – The Superintendent shall visit the jail garden at least once a week and satisfy himself that all necessary measures are being taken therein for the purpose of cultivating and producing an ample and continuous supply of vegetables, condiments and anti-scorbutic, for consumption by the prisoners, that the land included in the garden is kept in proper order and free from weeds; that the trenching of filth and refuse from the jail is effectively and duly conducted; that stable litter and other manure is suitably disposed of and that the premises generally are maintained in good sanitary condition.

18. Superintendent to check the stock and plans half yearly – The Superintendent should check every article of store at least once in six months and record in the remarks column of the stores register whether the balance checked on a certain date was correct or incorrect and what discrepancies, if any, were noted. A note of this check should also be made in his journal and the discrepancies, if any, should be reported to the Inspector-General at once.

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Note 1: The checking of articles should be so arranged that the Superintendent checks one half in a quarter which the Deputy Superintendent should check in the second quarter and vice versa. In this way every article will be checked once in three months either by the Superintendent or the Deputy Superintendent. The certificate of the check shall be submitted to the Inspector General in Form-52 soon after the 1st January and the 1st July each year. The Superintendent on taking over charge, need not check the stores; but he should examine the books to see what articles have not been checked by his predecessor in the half year and should check these during the remaining period of the half year.

Note 2: When shortages are found as a result of a check made in any of the stores, or as a result of an audit report, the Superintendent shall take immediate action to fix responsibility for the shortages among the officials concerned.

19. Weekly inspection Parade of Prisoners – (1) The Superintendent shall hold a weekly parade of all prisoners for the time being confined in the jail for purposes of muster and inspection. The parade shall ordinarily be held on the Monday of each week.

(2) At each parade held under the preceding clause, the Superintendent shall satisfy himself:-

- a) That every prisoner is properly classified as provided in the rules in that behalf;
- b) That every prisoner is provided with clothing and bedding as provided in the rules in that behalf;
- c) That every prisoner is clean both in person and clothing;
- d) That the provisions of the remission rules are understood by the prisoners, and that each prisoner knows the extent of remission (if any) there under which he has earned; and
- e) Generally that the rules and orders applicable to prisoners are being duly carried out; and
- f) The prisoners avail free legal aid where admissible.

(3) The Superintendent shall, at every such parade, hear every request or complaint (if any) which any prisoner may desire to make and shall, in due course, inquire into and pass orders there upon.

Note: On such parades, every prisoner shall namely, arrange his bedding spare clothing history ticket and utensils on the front end of his sleeping mat and sit or stand at attention at the other end/exposing the palms his hands to the Superintendent's view.

20. Checking and counting prisoners twice daily – The Superintendent shall cause the prisoner to be checked and counted at least twice on each day, namely, at the hour of opening the wards in the morning and of locking up the prisoners in the evening.

21. Jail business to be transacted on jail premises – The Superintendent shall ordinarily transact all business relating to the jail on the premises thereof, and shall not otherwise than in cases of necessity or emergency, require the attendance of the Deputy Superintendent or Assistant Superintendent at any place without any beyond such premises.

22. Distribution of duties amongst subordinate Officers – The Superintendent shall record, or cause to be recorded, in writing, an order showing the distribution of duties amongst subordinate officers and the nature and extent of the duties allotted to each such Officer;

Provided that nothing contained in any order recorded under this rule shall be deemed in any way to relieve the Deputy Superintendent of his general responsibility, under

the superintendent, for the entire management of the jail, or to relieve the Deputy Superintendent or any other subordinate Officer of his liability to discharge any duty on him imposed by any law or rules for the time being in force.

Note: - The division of labour amongst Officers employed in the jail office should be so allotted as to enable the Superintendent to fix responsibility for errors in the jail records, with precision and without leaving any possibility of dispute. A copy of the distribution of clerical work will be put up and maintained in a conspicuous place in the jail office.

23. Superintendent to enquire into all prison offences and record punishments – The Superintendent shall hold an inquiry touching every offence committed or alleged to have been committed by a prisoner and punish for such offence in the manner in that behalf provided in the law and rules relating to punishment. He shall record, with his own hand, all orders for punishment and shall satisfy himself that every punishment so ordered is duly carried-into effect in accordance with law.

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

24. Superintendent to visit jail when an unusual occurrence is reported – When the Dy. Superintendent reports any unusual occurrence requiring immediate action, the Superintendent shall forthwith proceed to the jail to investigate the case and take such measures as may under the circumstances be necessary. He shall make a report of the matter in his journal.

25. Record of sentence of whipping to be made by Superintendent – The order for the punishment of any offence shall be entered by the Superintendent on the prisoner's history ticket, and such order may be copied into the prescribed register of punishments by a subordinate officer.

26. Appointment and punishment of subordinate Officers – (1) The Superintendent shall exercise such powers, in regard to the appointment and punishment of subordinate officers, as are specified in the rules relating to such officers.

(2) The Superintendent may, at any time, inquire into, and record his opinion on, the conduct of any subordinate officer.

27. Superintendent to report all important references – The Superintendent shall report at once by a detailed report to the Deputy Inspector General, as they occur –

- a. All serious breaches of jail discipline;
- b. Every case in which any prisoner escapes or attempts to escape or is recaptured or commits suicide or dies from or receives a serious injury; and
- c. All serious cases of overcrowding, and all such other matters as the Inspector-General in that behalf, require to be so reported to him by the Superintendent.

28. Superintendent to accompany any official visitor – (1) the Superintendent shall accompany the Inspecting Officer and conduct him.

(2) The Superintendent shall, if so desired, similarly accompany any official visitor during his visit to the jail.

29. Superintendent to exercise vigilant control over receipts and expenditure – The Superintendent shall at all times exercise a Vigilant supervision and control over all money and property of whatever kind received by him or by any subordinate officers, or at any time in his charge or in the charge of any subordinate officer, for or on account of the Government, the jail or any prisoner at any time confined therein, and over all expenditure

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of every kind incurred by him or under his authority or orders or under the authority of any rules in that behalf for the time being in force, on the up keep and management of the jail and the maintenance of the prisoner; for the time being confined therein or in any way relating thereto or connected therewith, and shall cause proper accounts and vouchers of all such receipts and expenditures and property to be regularly kept and audited in accordance with the provisions of these rule and of the rules and orders regulating the management of the public accounts for the time being in force in that behalf.

(2) The Superintendent shall be personally liable for all defalcations, loss or damage in any way due or attributable to any negligence, disobedience or misconduct on his part.

Note: The Superintendent is require to keep a constant watch over jail receipts and expenditure to promote all possible economy in every department and to carefully examine all demands and indents before sanctioning them or submitting them for sanction. He should frequently satisfy himself, by personal inspection, that the registers and books of accounts are regularly and duly written up and that daily entries are made in day books; that each balance correspond with those entered in the books and that the latter are correct, and that outstanding are not allowed to remain unrealized longer than necessary. The Superintendent is liable for defalcations on the part of any number of the jail establishment which have been in any way facilitated or rendered possible by any neglect of duty or omission on his part to exercise effective supervision. The Rules of the Accounts Department are to be observed in all matters of accounts in addition to the rules made under the Prisons Act and the orders of the Inspector General.

30. Supplies to be promptly paid for - The Superintendent shall satisfy himself that all supplies are paid for at the time they are purchased or as soon afterwards as possible.

31. Superintendent to take effect to the requisitions of the Medical Officer – The Superintendent shall carry into effect all requisitions, in writing of the medical Officer, as to the provision of extra bedding or clothing or the alternation of the diet of any prisoner or with respect to any alternation of discipline or treatment in the case of any prisoner whose mind or body may, in the opinion of the Medical Officer, require it.

32. Superintendent to enter his orders in the order book – The Superintendent shall enter in a journal to be maintained for the purpose every order given by him relative to the management and discipline of the jail, and shall satisfy himself that every such order is duly carried into effect. The journal shall be sent to the Deputy Inspector General every Saturday morning with a messenger.

33. Procedure upon charge of Officer appointed as Superintendent – When an officer is about to take over charge of the office of Superintendent of any jail, he shall, before doing so, satisfy himself that all records and registers are up to date and in good order and that the cash balance, permanent advance and accounts are complete and duly kept. He shall make a note, in writing, of the defects, deficiencies or irregularities (if any) defected at the time of taking over charge or immediately, thereafter, and shall inform the Deputy Inspector-General thereof.

34. Reports and Statistics to be supplied by Superintendent – (1) the Superintendent shall, from time to time, regularly and punctually submit to the Deputy Inspector General all such special or periodical:-

- a) Returns of statistical information;
- b) Statement of account in respect of receipts expenditure and property;
- c) Bills, vouchers and other original documents;
- d) Reports and other information.

(2) As soon as conveniently may be after the close of, but not later than the thirty first day of January, in each year, the Superintendent shall furnish the Deputy Inspector-General with a report on the Administration of the Jail during the preceding year. Every such report shall be in such form and shall contain such particulars, and shall be accompanied by such statistical and other statements and returns as the Inspector-General may, from time to time, prescribe in that behalf;

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

(3) The annual report shall be forwarded to the Deputy Inspector-General.

35. Superintendent to take precautions against fire - The Superintendent shall satisfy himself that proper precautions are taken to guard against fire. With this object he should draw-up a set of rules for the guidance of Officers in such cases, and cause a copy of them to be pasted between the jail gates or other equally conspicuous place. The rules should provide for –

- a) A signal to notify the outbreak of fire;
- b) A fire brigade organized from the members of the staff, who should be put through a fire alarm parade once a month and so accustomed to the use of scaling ladders and the various duties they may be called on to perform in case of fire.
- c) A plentiful supply of water at all times and in convenient places;
- d) A supply of dry earth within each ward at night to extinguish any lamp that may burst to become a source of danger and the instruction of the convict officers as to what they should do in such cases; and
- e) The key of any ward or compartment where prisoners are confined at night being readily distinguishable from other keys, so that prisoners in a burning building can be promptly removed.

(E) MEDICAL OFFICER

36. Medical Officer to visit jail daily and take measure to secure the health of prisoners –

(1) It shall be the duty of the Medical Officer to visit the jail at least once a day, except on Sundays, and on that day also whenever necessary; should circumstances ender that course desirable, the Medical Officer shall visit the jail oftener than once a day. He shall visit every part of the jail and its precincts and premises frequently.

(2) The medical Officer shall take all such measures as may be necessary or expedient for the maintenance of the jail and its surroundings in a thoroughly sanitary state and the prisoners in sound health.

(3) The Medical Officer shall visit the Cook-house and ensure the quality and quantity of ration before and after cooking.

37. Mode of recording directions and recommendations of Medical Officer – (1) Any directions (other than directions which are to be carried-out by the medical Office himself or under his personal superintendence) which the Medical Officer may think fit to give in respect of the treatment of any prisoner shall be entered on the history-ticket of the prisoner concerned.

(2) Every recommendations relating to the prisoners generally, or to any gang, body or class of prisoners or affecting the medical or sanitary administration of the jail in general, which the Medical Officer may think fit to make, shall be entered by him in his journal.

38. Record by Medical Officer on admission and discharge of prisoners – In addition to complying with the provisions of Chapter IV of the Prisons Act, 1894 in regard to the admission, removal and discharge of prisoners, the Medical Officer shall record:-

(1) at the time of admission of every prisoner at the jail, in the history-ticket of such prisoner;

- a) The state of prisoner's health;
- b) The prisoner's age and weight;
- c) If sentenced to labour, the class of labour (if any) for which the prisoner is, in the opinion of the Medical Officer fit; and
- d) Any other observations, which he inspection of the prisoner may disclose and which should, in the opinion of Medical Officer to be made.

(2) at the time of the discharge of every prisoner from the jail, the Medical Officer shall enter, in the proper register, the state of health and the weight of the convict so discharged.

39. Duty with regard to sick prisoners malingerers – (1) The Medical Officer shall daily visit the sick in the hospital, and shall examine every prisoner who may complain of any illness and may, if necessary direct the admission of any such prisoner to hospital.

(2) If at any time the medical Officer is of opinion that any prisoner is malingering he shall forthwith report the fact to the Superintendent.

40. Medical Officer may add to or vary diet in certain cases – The Medical Officer may, in his discretion make any addition to or alternation in the diet for the sick convalescents, the aged and the yolling and in respect of gangs specially employed, which he may deem necessary on medical grounds.

41. Medical Officer to inspect cemetery – The Medical Officer shall occasionally inspect the cemetery of the jail, and shall satisfy himself that it is maintained in a satisfactory sanitary condition.

42. Medical Officer's duty on the appearance of infectious diseases – (1) The Medical Officer shall, in the event of the appearance of infectious disease of any kind among the prisoners of Officer or the jail be responsible that all measures and precautions which may be necessary or expedient to meet the emergency and prevent the spread of the disease are promptly taken and that the rules and orders regulating such matters are fully enforced.

(2) Immediately upon the appearance of any case of infectious or any disease which is likely to assume an epidemic form, the Medical Officer shall consult with Resident Medical Officer and report the fact to the Superintendent for the information of the Inspector General.

43. Attendance on Officers, Examination of Candidates – (1) The Medical Officer shall render proper medical attendance, not only to the prisoners but also to all Officers of the jail.

(2) The Medical Officer shall examine every candidate for employment as a subordinate official whom may be sent to him for the purpose, and shall make a report of the result thereof to the Superintendent.

44. Duty of Medical Officer upon the death of any prisoner – (1) In the event of the death of any prisoner, the Medical Officer shall see, and if necessary, examine the body of the decease prisoner, so that he may, in every case, be in position to certify to the fact and

cause of death, and in every case in which death appears or is likely to have been the result of an offence punishable under the India penal Code, he shall cause a completed and regular post-mortem examination of the body of the deceased. In the event of several deaths resulting from any prevailing epidemic a post-mortem examination shall be made in one or more cases to be selected by the Medical Officer.

(2) The provisions of sub-rule (1) shall, mutatis mutandis, apply to case of a death occurring amongst the officers of the jail while employed on duty at or within such jail.

45. Medical Officer to comply with duties imposed by the Inspector – General – The Medical Officer shall duly observe and comply with all directions issued by the Inspector-General as to the duties which he is to perform and the manner in which he is to perform them. He shall furnish such periodical statistical and other information and reports. In respect of sickness and mortality amongst prisoners, the sanitation of the jail and other matters pertaining to his duties, as may from time to time be prescribed by the Inspector General in that behalf.

46. Duties of the Medical Officer with regard to medicines, medical stores and indents – The Medical Officer shall –

- a) Submit for the sanction of the Resident Medical Officer, a yearly indent for medicines and medical stores.
- b) Keep or cause to be kept a proper account of medicines, instruments and appliances;
- c) Satisfy himself that poisons are kept separate from other medicines, properly labeled and under lock and key;
- d) From time to time examine the medicines in store to assure himself that they are in a fit condition for use;
- e) Regularly check the account of bazaar medicines;
- f) Be responsible that all medicine, instruments and appliances debited to the jail and all bazaar medicines and medical stores charged in the jail accounts, are faithfully and solely expounded in the service of the jail; and
- g) Submit a report to the Resident Medical Officer every year in January on the medical and sanitary administration of the jail.

47. Instruction of Medical Officer to be followed – (1) All Medical Officers, subordinate to the Medical Officers, shall perform such duties as are assigned to them by the Medical Officer.

(2) The Medical Officer subordinate to the Resident Medical Officer shall perform such duties as are assigned to them by the Resident Medical Officer.

(F) DEPUTY SUPERINTENDENT

48. Deputy Superintendent is a gazette Officer - The Deputy Superintendent shall be a gazette Officer.

49. Duties of Deputy Superintendent generally – (1) The Deputy Superintendent shall be the Chief Executive Officer of the jail and shall discharge his duties under the immediate direction and orders of the Superintendent.

(2) It shall be the duty of the Deputy Superintendent strictly to enforce, or cause to be so enforced, all laws, rule, regulations, directions and orders, respectively, relating to the management of jails and prisoners, and applicable to the jail or to any prisoner confined therein, for the time being in force.

50. Residence of Deputy Superintendent – Other employment prohibited - The Deputy Superintendent shall reside in the prison unless the Superintendent permits him in writing to reside elsewhere.

51. Deputy Superintendent to make over charge when he leaves the jail – The Deputy Superintendent shall, before leaving the jail for any purpose whatsoever, and on every occasion on which he proposes to leave the jail, make overcharge of the jail to the next senior officer in the rank present, and shall record the fact that he has done so in his journal. The officer receiving charge shall thereupon, countersign the entry made in acknowledgment of having done so.

52. Duties of Deputy Superintendent as to safety of prisoners, discipline, visits and attendance – (1) The Deputy Superintendent shall do all acts and things which may be necessary or expedient for ensuring the safe custody of all prisoners at any time received into or confined in the jail, as well as for enforcing and maintaining discipline and order amongst such prisoners and all subordinate officers of the jail at any time serving under his orders or control.

(2) The Deputy Superintendent shall, at least once in every twenty four hours,-

- a) Himself see every prisoner for the time being confined in the jail;
- b) Visit every barrack, ward, cell, compartment, and every other part of the jail and the premises thereof, including the hospital; and shall; save as provided in the rules, regulations, directions and orders of the time being in force in that behalf, always remain present within the jail or the premises thereof.

Note: The Deputy Superintendent is permitted to be absent for meals at such times and for such periods as the Superintendents may specify, or when required to appear in a Court of Justice, or when leave of absent is permitted by the Superintendent.

53. Deputy Superintendent's Journal – The Deputy Superintendent shall regularly maintain a journal in which he shall from time, to time record, as they occur, all events of importance affecting the jail and shall daily record the journal of the jail. He shall enter in his journal all reports and representations which it may; be his duty to make to the Superintendent and all other matters which by any of the provisions of the rules, regulations, directions and orders for the time being in force, he is required to enter therein. The journal will be sent to the Superintendent every week.

54. Deputy Superintendent not to delegate his duties without permission - If the Deputy Superintendent is at any time prevented, by unavoidable cause, from performing any duty imposed upon him as such Deputy Superintendent, he shall take immediate measures to have such duty performed by the next Senior Officer in rank present and to report the fact to the Superintendent; save as hereinbefore provided, the Deputy Superintendent shall not, without the previous permission of the Superintendent, at any time, delegate any duty to any other officers.

55. Duties as to lock-up counting, labour, food and reporting unusual occurrences – It shall be duty of the Deputy Superintendent to :-

- a) Be present every evening when the prisoners are locked up for the night and every morning when the prisoners are taken out of the sleeping wards, cells or other compartments;
- b) Satisfy himself both night and morning, that all the prisoners are present and in safe custody;

- c) Allot to each prisoner sentenced to undergo rigorous imprisonment a proper task and satisfy himself that every such prisoner, who is fit for labour, is daily put to proper labour and performs his allotted task and, for this purpose, to check the tasks allotted and visit the workshops frequently while the prisoners are engaged at work;
- d) Be present at and superintend the daily weighting and serving out of rations and satisfy him that the food-stuffs are all of good quality, up-to weight and properly cleaned and cooked.
- e) Supervise the distribution of food and satisfy himself that each prisoner receives his proper quantity at the prescribed times and to;
- f) Forthwith report every unusual occurrence of a serious nature to the Superintendent.

56. Duty of Deputy Superintendent on admission of prisoner – Upon the admission of every prisoner, the Deputy Superintendent shall –

- a) Examine the warrant or order which such prisoner is committed to the jail and satisfy himself that it is in all respects completed, in order and valid;
- b) Remove, or cause to be removed, from such prisoner all money or other articles found on him, including (if such prisoner is not, by law, entitled to retain it) his wearing apparel and in such case shall provide him with a complete jail outfit.
- c) Take measures to preserve and protect all property taken from or belonging to, the prisoners which may come into his hands; and shall;
- d) Satisfy himself that the provisions of Chapter IV of the Prisons Act, 1894, and these rules, as to the admission of prisoners, are duly complied with.

57. Effects of prisoner's custody thereof – 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 criminal prisoner or sent to the prison for his use shall be placed in the custody of the Deputy Superintendent.

58. Duties of Deputy Superintendent, in regard to execution of sentences - It shall be the duty of the Deputy Superintendent:-

- a) To cause all lawful warrants and orders of commitment to be duly obeyed and carried into effect;
- b) On the admission of every prisoner, to cause his name to be duly entered in the register of releases under the date on which such prisoner is, in due course of law, entitled to be released;
- c) To give effect to all remissions of sentence lawfully earned or granted, and from time to time, to revise and enter the correct date of release in the register of releases;
- d) To take all measures that may be necessary of expedient in order that no prisoner shall be released before he is legally entitled to be so released or detained in confinement after the date on which he is so entitled to be released;
- e) To bring up every prisoner who is liable to undergo the punishment of whipping, on the proper day, before the Superintendent, and
- f) To give effect to the sentence of solitary confinement awarded to prisoners in due course of law.

59. Certain prisoners to be taken before Superintendent- In the event of any prisoner being at any time guilty of a breach of discipline or of any rule or regulation or of any other misconduct, the Deputy Superintendent shall cause the offender to be brought before the Superintendent for orders, and shall enter the charge in the prisoner's history ticket.

60. Deputy Superintendent to search weekly for prohibited articles- The Deputy Superintendent shall, at uncertain times, at least once a week, cause each prisoner, and all clothing and bedding, and all wards, cells and other compartments, workshops, latrines and other place frequently by prisoners, to be thoroughly searched for prohibited attitudes.

61. Deputy Superintendent to regulate interview and communications- It shall be the duty of the Deputy Superintendent to regulate all interviews and communications between prisoners and persons who are not prisoners, and to prevent all persons who are not duly authorized in that behalf by competent authority, from entering the jail premises or having any access of any kind to, or communication with any prisoner and to arrange that the proper officer of the jail is present during all interviews held.

62. Deputy Superintendent when required to accompany officers and Visitors- The Deputy Superintendent shall whenever required so to do, accompany every Inspecting officer and visitor, on their visits to the jail.

63. Duties of Deputy Superintendent in enforcing discipline amongst subordinate officers-

(1) It shall be the duty of the Deputy Superintendent to exercise proper control over all officers of the jail subordinate to him and to satisfy himself that every such officer is at all times efficient, and that he discharges his duties regularly and in a satisfactory manner.

(2) The Deputy Superintendent shall at all times maintain strict discipline amongst subordinate Officers and shall be responsible that:-

- (a) Such officers as are subject to discipline in the nature of military discipline, are acquainted with drill and the use of their arms;
- (b) All officers in respect of the Offices held by whom uniforms are prescribed, wears such uniforms in the prescribed manner at all times when such uniform is required to be worn;
- (c) The prescribed roster of attendances and duties is carried into effect;
- (d) When on duty, all officers are neat and clean in appearance , properly dressed and accounted; and that;
- (e) Every instance in which any subordinate officer is guilty of any dereliction of duty, breach of discipline or other misconduct, which comes to his knowledge, is entered in his journal and brought to the notice of the Superintendent.

64. Power of Deputy Superintendent to grant four hour's leave- Subject to the rules relating to the granting of leave and the record to be maintained of all leave of absence for a period not exceeding four hours at any time to any subordinate officers;

Provided that in every case in which any such leave is granted, the deputy Superintendent shall make all necessary arrangements for the due performance of the duties of the officer to whom such leave is granted, during his absence on such leave.

65. Deputy Superintendent to hold parade every Sunday morning- Every Sunday morning Deputy Superintendent shall hold a parade of all the prisoners for the time being confined in the jail and shall, with the Medical subordinate:-

- (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. He shall enter a report, of his inspection in his journal, noting therein the state of the clothing, cleanliness, commercial strength and other matters of importance relating to the prisoners.

66. Custody of government property- Periodical stock taking- (1) The Deputy Superintendent shall be responsible for the receipt, issue, safe, custody and due application or disposal of all stores, machinery, tools, plant, raw-materials, manufactured goods and all other articles of whatever kind for the time being in the jail and the property of the government, and he shall maintain or cause to be maintained, proper accounts and registers thereof. He shall take stock frequently and shall from time to time examine and verify the accounts and registers maintained.

Note:- Stock should be taken of the articles in the "Issue" godowns once a month.

(2) Custody of Government property- half yearly stock taking- the Deputy Superintendent should check every article of store at least once in six months and record in the remarks column of the stores, register whether the balance checked on certain date was correct or incorrect and what discrepancies, if any were noted. A note of his check should also be made in his journal and discrepancies, if any, should be reported to the Superintendent and the Deputy Inspector –general at once. The Deputy Superintendent, if there is a change of office, should check all articles on ensuring charge and this may be taken as a six monthly check.

Note 1: The checking of articles should be so arranged that the Superintendent checks one half in one quarter which the Deputy Superintendent should check in the second quarter and vice versa . In this way every article will be checked once in three months either by the Superintendent or the deputy Superintendent. The certificate of the check shall be submitted to the Deputy Inspector- General soon after the 1st January and the 1st July each year.

Note2: When shortages are found as a result of a check made in any of the stores, or as a result of an audit report, the Superintendent shall take immediate action to fix responsibility for the shortages among the Officials concerned.

67. Daily entries to be made by Deputy Superintendent in his journal- The Deputy Superintendent shall enter daily in his journal:-

- (a) The time the wards were opened;
- (b) The members of the staff (if any) who were absent;
- (c) The time prisoners began work;
- (d) The time work was stopped in the forenoon and when it was recommenced;

- (e) The time work was stopped for the day; and
- (f) The time the lock up was completed.

68. Other matters of importance to be noted in Deputy Superintendent's journal- The Deputy Superintendent shall enter in his journal all instances in which he may have found it necessary to use restraint to any prisoner; any violent outbreak or serious offences, accident, death or other occurrence out of the ordinary routine; applications for the Superintendent's sanction for the employment of prisoners in any special manner or for any unusual expenditure, and whenever it is proposed to draw money for manufactory or jail purposes and a notes bowing the necessity for the same.

69. Disposal of entries in the deputy Superintendent's journal- The Deputy Superintendent's journal shall be placed daily (or oftener if necessary), before the Superintendent, who shall endorse his orders against each entry, or if no orders or comment are necessary, append his initials.

70. Duties of Deputy Superintendent with regard to manufactory stores- The Deputy Superintendent shall use all means in his power to make the labour of the prisoners profitable to government. He shall prevent waste and speculation in the manufactory, be responsible for the checking of the applications for raw material, see that the quantities of material charged for have been received, that the rates paid for all supplies are fair, and that the prices at which manufactured goods are sold are properly remunerative and promptly paid for. He shall also be responsible for all moneys received from the sale of goods until such money are handed over to the cashier.

71. Deputy Superintendent to be responsible for the efficiency of the guard- (1) The Deputy Superintendent shall satisfy himself that a sufficient strength of the guard to meet all emergencies is at all times present at the jail and ready to be armed, and that the warders sleep in the quarters allotted to them and do not leave the jail premises without permission.

(2) The Deputy Superintendent along with the Assistant Superintendents shall at least once a week personally search the relieved and relieving night guards between the gates.

72. Deputy Superintendent to be responsible for property and money entrusted to him- The Deputy Superintendent shall render an account, on his removal or transfer, of all government and other property and money entrusted to his care. He shall see that all storerooms are clean, nearly arranged and protected as far as possible from vermin, birds, insects and the weather. The Deputy Superintendent shall be responsible for all stores, etc. not of pertaining to the manufactory department and shall similarly render an account of them.

73. Deputy Superintendent to be responsible for scales, weighs, stores and the state of the godown- the Deputy Superintendent shall be responsible:-

(a) that the scales, weighs and measures in use in the jail, for the issue and distribution of provisions, stores and raw-material, are accurate and in good order , and shall, before taking

delivery, weigh, measure or count all store supplied to the jail, or cause such to be done under his personal supervision, and

(b) for the states of the jail store rooms and their inaccessibility to convicts and others not authorized to.

74. Deputy Superintendent to supervise office and keep certain registers- Duties regarding cash and cash books- The Deputy Superintendent shall exercise general supervision over the work of the Office. The delegation of the preparation of returns entries in registers, or of any of the Deputy Superintendent's duties to any authorized subordinate, in no way relieve the Deputy Superintendent of the responsibilities ensuring that these are correctly and punctually made, but his most important duties are in the direct control of the prisoners and management of the jail.

Note:- The Deputy Superintendent should report monthly in the journal on the state of the registers in charge of each of his subordinate.

75. Responsibility for economy in every Department- The Deputy Superintendent shall promise such economy as is consistent with efficiency ; in every department of the jail; he shall prepare or cause to be prepared, and submit to the Superintendent, all indents for food, clothing and articles of every description required, he shall prevent any needless destruction of Government property, utilize convict labour to the fullest extent in supplying the requirements of the jail and other departments and bring to the notice of the Superintendent any improper waste or extravagance.

76. Duty of Deputy Superintendent on change of Superintendent- When a new Superintendent assume charge of jail, it shall be the duty of the deputy Superintendent to bring to his notice in writing, all orders specifically relating to the jail. In the event of any grave irregularly taking place in consequences of the non- observance on the part of the Superintendent of any such order, the Deputy Superintendent will be held responsible unless he can show that he brought the order in question to the notice of the Superintendent.

77. Assistant Superintendent subordinate to Deputy Superintendent and senior Asstt. Superintendent-Duties prescribed- (1) Assistant Superintendent shall be subordinate to the Deputy Superintendent and Sr. Asstt. Superintendent and shall obey the orders of those officers, respectively.

(2) The Asstt. Superintendent shall take the place of the Deputy Superintendent when either or both of these officers in or are temporarily absent from or incapacitated for duty and when either of these officers is present, shall discharge such duties and assist in such ways, as many from time to time be prescribed in writing by the Superintendent.

(3) The Deputy and the Asstt. Superintendent shall at least once a week personally search the relieved and relieving night guards between the gates.

78. Female Asstt. Superintendent- Duties of Matrons and female warders- (1) The jails having female ward, there shall be a female Asstt. Superintendent and matron, who shall, subject to the control of the Superintendent and Deputy Superintendent, have complete charge of all female prisoners at any time committed to, or detained in the jail.

(2) The duties of the matron respectively, shall as regards female prisoners be similar to those performed , as regards male prisoners, and all rules, regulations, orders and directions for the time being applicable to such warders, shall as far as may be, be applicable to matrons.

79. Female warders not to permit males to enter female wards- No operation shall permit any male prisoners to have access to or enter any female ward or cell or any female jail or portion of any jail allotted to or reserve for the use of or for occupation by female prisoners unless accompanied by the female Asstt. Superintendent in accordance with the Rules, Regulations and orders for the time being in force.

80. Communication with male prisoners forbidden- No matron shall at any time (oivany pretext, held any interview, in course of communication of any kind whatsoever with any male prisoner, or visit any part of any jail allotted to or reserved for or occupied by any male prisoner.

81. Duties of female warder in regard to sick and children- (1) It shall be the duty of every warder to call the attention of the Medical staff to any female prisoner who complaints of being, or appears to be ill; to satisfy herself that every female prisoner who is sick receives the special diet (if any) at any time prescribed for her by the medical officer and that all female prisoners at any time in any special or convalescent gang, are duly supplied with any special or extra diet ordered for them, or any of them , by the medical officer.

(2) The female warder shall satisfy herself that every child, at any time in the jail, receives the diet prescribed for it.

(G) Head Warders

82. Summary of duties of Head Warders- It shall be the duty of every head warder to :-

- (a) Superintendent the warders subordinate to him in the discharge of their duties;
- (b) Assist in every possible way in the management of the jail, the prevention of escape and the maintenance of order and discipline generally amongst subordinate officers and prisoners;
- (c) Comply with the requirements of all laws, rules, regulations, directions, and orders for the time being in force as to the duties which he is to perform and the manner in which he is to perform them;
- (d) Obey the orders of all officers superiors to him in rank;
- (e) Assist the Deputy Superintendent in all routine duties;
- (f) Open, in the presence of the Deputy Superintendent , the sleeping wards, cells and other compartments each morning and count the prisoners;

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- (g) Distribute the prisoners, who are liable to labour each morning to their respective work gangs;
- (h) Cause the name and prison number of every prisoner placed in charge of any warder to be entered in the proper gang-book;
- (i) Issue all necessary tools, implements, raw materials and other articles required for the day's work and to make a record of all articles so issued;
- (j) Collect all such articles, together with the produce, if any, of the prisoner's labour after the period prescribed for work is over each evening;
- (k) Satisfy himself that all articles issued have been duly returned to him or accounted for;
- (l) Measure or check the task (if any) performed by each prisoner and note the same in the labour register;
- (m) Superintend the use of the latrines and all bathing and feeding parades;
- (n) Check the prisoners at each change of guard;
- (o) Cause all gratings, doors and the like to be secured and satisfy himself from time to time that they are secured;
- (p) Cause all bamboos, scantlings , poles, ladders, ropes, v/ell gear and other articles likely to be used for, or to facilitate the escape of any prisoner to be removed and placed beyond the reach of the prisoners in the places prescribed for strong or keeping the same;
- (q) Keep constantly moving about while on day duty, amongst the prisoners , supervising the work and discipline of the jail and keeping the warders and convict officers on the alert;
- (r) In the presence of the Deputy Superintendent to court, march and look the prisoners up in their respective wards, cells and other compartments, at the prescribed time, each evening and
- (s) Check the uniform of the warders and give them half an hour's drill daily.

83. Duties of head warders on relieving guard- (1) Every head warder shall at least ten minutes before the hour fixed for relieving the guard on duty, collect the warders of the relieving guard at the main gate of the jail. At the proper time he shall march the relieving guard of warders to their respective posts and remove the guard to be relieved.

(2) When relieving the warders of gangs working inside and outside the walls, the head warders 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.

84. How the relief of warders is to be carried out- Warders while going on to off duty, shall be marched in double file. 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. When the relief is complete, the relieved head warder shall march the relieved warders to the main gate and then dismiss them.

85. Custody of Keys- (1) The keys of the jail shall when not in use or in the personal custody of any officer of the jail, be kept in a locked receptacle to be kept in the room between

gates, and the key of such room tackle shall, by day, be retained by the Head Warder, and by night, by the patrolling officer for the time being on duty.

(2) 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.

86. Duties of head warder responsible for drill- the duties of head warders responsible for drill are to:-

(a) Give each warder (except those who are exempt) half an hour's drill daily and report every such warder who absents himself;

(b) Give effect to any punishment drill ordered by Superintendent.

(c) Inspect daily all alarms and accoutrements and see that they are kept clean and fit for immediate use;

(d) take charge of the armoury, ammunition and spare accoutrements, keep the keys of the armoury in his possession, see that the ammunition is kept dry and in good order, and that ten rounds of buckshot ammunition for each rifle are always kept ready for use;

(e) Satisfy himself that each sentry knows and understands the orders for the post; and

(f) Keep an account of ammunition in stock received and expended.

87. report to be made by head warder on arrival of Superintendent- The head warders shall, on the arrival of the Superintendent daily, report to that Officer:-

(a) If the arms and ammunition are ready for use in case of emergency.

(b) Any other matters of importance that has come to his knowledge.

88. A gate keeper to be on duty – record of reliefs- (1) A head warder specially appointed as gate keeper shall be constantly on duty at the main gate of every jail between the hours of opening the jail in the morning and closing at night.

(2) At every relief of any gate keepers, note of the hours of such relief shall be recorded and signed by both the relieved and relieving officer.

(H) Gate-Keeper

89. Gate keeper's registers , Duties stated generally- (1) In addition to the duty prescribed for gate keepers in section 21 of the Prisons Act, 1894, the gate keeper shall maintain such registers and enter therein such particulars as the Inspector General may from time to time prescribe in that behalf.

(2) The gate keeper shall comply with all rules, regulations, directions and orders respectively for the time being in force, regulating the persons who may be permitted

ingress to and regress from, and the articles which may be taken into and brought out of the jail, and generally the duties which he is to perform and the manner in which he is to perform them.

90. Reed of persons and things passed into or out of the jail- The gatekeeper shall keep a record, in the prescribed register, of the names of all persons whomsoever who at any time pass into or out of the jail, with the hour and minute, of the entrance and exist of every such person, and as far as may be, the name and a sufficient description of every article of whatever kind passed into or but of the jail.

91. Description of gate registers- (1) the record of all persons who pass in or out of the jail prescribed by the preceding rule shall be kept in two separate books namely:-

- (a) A register of all prisoners with the names of the officers in charge of them, and
- (b) A register of all other persons.

(2) The sufficient description of every article means the name, number or weight, as the case, may be, and such other particulars as may be necessary; of all goods, tools, stores or other articles passed into or out of the jail.

Note:- The name of the officer in whose charge authorized articles are passed in, or out with the hour and minute of their passage should be recorded. All entries of persons or articles should be made at the time of their passage and in consecutive order.

92. Hours of duty of gate keepers- At the opening of the jail, the gatekeeper of the first watch shall come on duty and remain between the gates until duly relieved. For these officers, the day may be divided into two or four watches as may be deemed expedient.

93. Working of the double gate system- jails are provided with double gates and wickets. The gate keepers shall open only one gate or wicket at a time, and before doing so, shall assure himself that the other means of entry and exist are securely bolted and locked. Ingress and regress for ordinary purposes shall take place through the wicket doorways. The inner gate shall be provided with an eye hole to enable the gate keeper to see into the jail without the necessity of opening either the inner gate or wickets. The main gate shall be, opened only under the supervision of an officer not below the rank of an Asst. Superintendent for permitting stores to come in and under the order of the Superintendent for all other purposes.

94. Procedure when passing prisoners into or out of the jail- When prisoners have to be passed into or out of a jail with double gates, the following procedure shall be followed:-

- (a) On passing prisoners out, the gate keeper shall first let them through the inner wicket and having locked it, shall write in full in the register provided for the purpose, the names of all the prisoners, the warders in charge, and the convict officials assisting them. He shall then open the wicket in the outer gate and count the prisoners as they pass out, to verify the total.

- (b) The list of the gang having once been made in the gate register need not be rewritten on each occasion of its passage through the main gate, and every change in the gang must occasion of its passage through the main gate, but every change in the gang must be noted and attested by the signature or seal of the warder in charge as well as by that of the gate keeper who shall at once report to the Deputy Superintendent the circumstances.
- (c) On a gang returning to the entrance from outside, the gatekeeper shall open the outer wicket (the inner one locked first) and admit the gang to the passage between the gates. He shall then lock the outer wicket and call out the names of each prisoner, convict officer and warder as recorded in the register. The gang having been found correct, he shall open the inner wicket and count the prisoners as they pass into the Jail, to verify the total number.
- (d) The gate keeper shall not allow any prisoner to be taken out of the jail, who is not wearing the prescribed ring on his left ankle, or who is not in charge of a guard of the proper strength duly authorized to take him outside.

95. Gate Keeper responsible for the cleanliness of the main gate- The gate keeper shall be responsible for the cleanliness of the jail front, the main gate, gates and the passage between them and all articles placed there under his charge. He shall also be responsible that the torches & c., required in case of a night alarm are present and in serviceable condition.

96. Persons allowed to enter the jail- The gate keeper shall be furnished with a list of all official and visitors who are entitled to enter the jail, and shall admit such person on their presenting themselves for admission. He shall not admit any one else except the officers of the jail who are authorized to enter, unless under a written order from, or when accompanied by the Superintendent, the inspector general, or the magistrate of the district.

97. Offices ordinarily exempt from being searched- (1) All official and non-official visitors, casual visitors admitted by order of the Superintendent, Inspector General or district magistrate as well as the higher officials of the jail, shall ordinarily be exempt from being searched.

(2) Should gate keeper have reason to suspect that any officer ordinarily exempted from search is introducing or removing prohibited articles, he may detain the person between the gates and send notice to the Deputy Superintendent, who shall himself search the person. A copy of this order shall be hung up in the passage between the main gates for general information.

98. Power of gate keeper to detain persons- Pending the making of a report to the Deputy Superintendent and Superintendent, the gate keeper may detain, or cause to be detained, in custody, any person who may, in his presence, sight or hearing commit any criminal or prison offence at or in the vicinity of the jail gate.

99. Gate keeper's duties with regard to keys- The gate and the wicket of the gate of every jail shall, except when it is necessary to open the same for the purpose of lawfully passing any person or hiring into or out the jail, kept shut and locked and the gate keeper for the

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time being on duty shall retain the keys of the locks of such gate and wicket in his personal possession until the prisoners are locked up for the night.

100. Makin over the keys of the gate at lock up-When the prisoners are locked up for the night, a second padlock shall be locked on the wicket of the inner gate, and the gate keeper shall then deliver the keys of the inner and outer gates to the deputy Superintendent of custody in the receptacle provided for the purpose in whose presence he shall makeover the key of one of the lock of the inner wicket to the patrolling office on duty inside the jail and the key of the other lock of the inner wicket together with the key of the outer wicket, to the gate sentry.

101. A duplicate of key – patrolling officer- a duplicate of the key kept by the patrolling officer under the preceding rule shall be kept by the officer in charge of the gate wicket or by the sentry where there is no picket at night to allow of a visit being paid to the jail at night without knowledge of the officer on duty within.

102. Keys to main gate-How to keep with – The gate-keeper shall keep the keys of the main gates and wickets attached to his waist belt by a chain, and in a bunch with a few others, so that it may be difficult for any prisoner obtaining possession of the bunch, to ascertain what key belonging to any particular lock.

103. Gate keeper to keep light burning at Night – A bright light suspended from the ceiling shall be kept continuously burning between the gets at night.

104. Gate keeper intact things in main gate – In the passage between the main gate shall ordinarily be kept:-

- A clock;
- A weighing machine;
- A measuring staff;
- Spare fetters and handcuffs, secured on a bar with lock and key;
- A standing desk with lock and key for the gate-keeper's books and writing materials;
- A wall-almirah or box for keys;
- A box for torches and oil, electric torches and batteries;
- Apparatus for extinguishing fire and notice boards.

(I) WARDER

105. Military discipline of warders – Warders shall be subject to such discipline in the nature of military discipline, as may, in the opinion of the Inspector General, be deemed

necessary for the efficient discharge of all duties and functions connected with the protection and management of the jail.

106. Rewards – (1) Good conduct strips not exceeding three in all and two on any occasion may be given to a warder for good service within the course of his duties such as –

- a) Special excellence in drill
- b) Specially good work in garden, factory or elsewhere.
- c) Rendering prompt first aid in case of accidents.
- d) Exemplary service over a long period.
- e) Furnishing valuable information.

(2) The award of a good conduct strips shall be recorded in the service book of the recipient and shall be shown in the monthly service sheet.

(3) The Superintendent of any jail may deprive a warder or a head warder of one or more good conduct stripes for any act of misconduct.

(4) Such forfeiture of good conduct stripes shall be recorded in the service book of the officer concerned and shall be shown in the monthly service sheet.

(5) Good conduct stripes shall be worn on the sleeve of the right arm half way between the elbow and the wrist.

(6) A warder promoted to head warder may continue to wear all good comment stripes of which he may be in possession.

(7) The Superintendent of jail shall refer every case for the grant of good conduct stripes to the Deputy Inspector General.

(8) The Superintendent of any Jail may grant, in addition to any other reward for which he may be eligible a commendation certificate to a warder or head warder who gives valuable information.

(9) The Inspector General may award good conduct stripe, and cash rewards not exceeding Rs. 500/- in any one case, to a warder or head warder also for the following:-

- a) Bravery in preventing an escape of disturbance, etc.
- b) Special skill or energy in recapturing a runaway prisoner where the escape was not due to the negligence of the warder or head warder whom it is proposed to reward.
- c) Securing the highest number of marks in the annual firing competition.

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- d) Rendering valuable assistance to the officers of the jail in its management.
- e) Furnishing a clue which leads to the discovery of stolen Government property, or giving information regarding plots for escape or for muting etc.
- f) Exceptional fidelity or courage.
- g) Special care of uniform, arms and equipment,
- h) Other miscellaneous services.

(10) The Inspector General may grant a reward not exceeding Rs. 500/- to any person other than an officer of Jails Department who furnishes valuable information e.g. as regards stolen Government property, misconduct of warders, etc.

107. Warders to have a particular charge assigned to them – Each warder shall have a particular duty assigned to him by the Superintendent or Deputy Superintendent, such as charge of a ward, or set of wards, a work-shop or set of work-shops, or a gang of prisoners either inside or outside the jail. The posts and duties of warders shall be frequently changed so as to prevent them forming relations with any of the prisoners.

108. General duties of warders – It shall be the duty of every warder at all times to:-

- a) Render all assistance in his power 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;
- b) Obey the orders of all officers superior to him in rank;
- c) Comply with the requirements of all officers of all laws, rules, regulations, directions and order for the time being in force regulating the duties which he is to perform and the manner in which he is to perform them;
- d) Take proper care of all property of whatever kind at any time entrusted to him and duly to account for the same whenever called upon so to do; and
- e) To be at all times in a state of readiness to turn out fully accoutered and armed immediately, whenever called on to do so or an alarm is given, and to do all lawful acts and things necessary or expedient for the purpose of maintaining orders, quailing any disturbance, preventing any combined attempt to escape or to break out of jail, defending the jail and all property therein or thereto pertaining from attacks from within or without the jail.

109. Detailed duties of warders - It shall be the duty of every warder:-

- a) Not to take off any portion of his uniform, or lie or sit down whilst on duty;
- b) To know the number of prisoners in his charge; to count them frequently during his turn of duty and to satisfy himself that he has in his custody, not

- alone the correct number, but the particular prisoners for whom he is responsible;
- c) To search all prisoners he received in his charge or makes over to the charge of any other officer, at the time of receiving and making over charge, respectively;
 - d) To report about every prisoner in his charge who has been idle or who has not completed his task or who has committed any other jail offence;
 - e) To see that any prisoner who has to go to the latrine is made over to the charge of a responsible officer whilst away from the gang;
 - f) To bring to the notice of the Deputy Superintendent any prisoner appearing to be ill or complaining of sickness;
 - g) To report any plots for the purpose of escaping or of assault or outbreak or of obtaining forbidden articles;
 - h) To prepare prisoners for muster and parades and to see that such prisoner comes to his proper place in proper dress and behaves well;
 - i) To follow the procedure laid down for his guidance when any prisoner is missed; and
 - j) To keep his arms and accouterments clean, in good order and fit for immediate use.

110. No warder to leave his post – Mode of relief – (1) No warder shall, while on duty, at any time, under any circumstance, on any pretext, leave his post or absent himself from duty until relieved in due course and released from duty;

Provided that he may leave his post to prevent an escape or to assist in subduing a disturbance taking place within his sight when he is on main wall patrol duty or, when he is in charge of prisoners, if he can do so, without serious risk to the safe custody of those prisoners. It rests upon the warder concerned to show that the circumstances were so exceptional as to justify his doing so.

(2) No relief shall, whether by day or night, be effected otherwise than in the presence of both the relieved and relieving officer and also of a third officer, who shall ordinarily be the head warder whose duty it is to carry out such relief.

111. Duties of a warder on being relieved – A warder on being relieved shall explain to his successor what the duties of the charge are and shall bring to notice any long termed or dangerous prisoners. The relieving officer shall, before taking charge, satisfy himself that the property and the number of prisoners made over to him is correct.

112. Duties of a warder on being relieved – The more important duties in every jail should be entrusted to the senior and experienced warders, apprentice and junior warders being placed in less responsible charges.

113. Arms of warders – (1) every warder shall be provided with military fire-arm and ammunition.

(2) All arms and ammunition shall, when not in actual use be securely kept in the armoury.

114. Duties, posting etc. by whom regulated – The general duties of watch and ward, the posting and duties of guards and sentries, the fixing of the periods of duty for guards and sentries and of the strength of such guards and sentries and all matters relating to the protection of the jail and of prisoners and the duties of warders and the like, shall be regulated by the Superintendent in accordance with any general or special orders, from time to time issued by the Inspector-General and, in emergent cases or matter as to which no provision has been made in any such order, by the orders of the Superintendent.

115. Warder guard to furnish sentry, and assist in night watch position and arming of sentry – There shall be one sentry at the main gate day and night and he shall assist in watching at night to the extent prescribed by the Superintendent.

(2) The day's sentry at the main gate shall be posted immediately outside the outer gate and shall carry his rifle with bayonet fixed. The rifle shall not be loaded, but 12 rounds shall be kept in the pouch which shall be brought round to the front of the belt the flap being left unbuttoned.

(3) The night sentry at the main gate shall be posted between the gates, and shall also be in possession of 12 rounds of ammunitions.

116. To provide a second sentry in Central Jails – The control tower and other commanding position shall be guarded by sentries. This sentry shall be on duty from before the wards are opened in the morning till after the lock-up at night. If this beat is secure forma "rush", he shall be armed with a rifle, bayonet and ammunition; otherwise he shall be provided with a baton.

117. Sentry's picket – Three Junior Warders and one senior warder shall form the main gate picket of every jail from 6 a.m. to 6 p.m. They should be specially selected, and as far as possible be ex-soldiers.

118. Hours that the warders are to be in uniform – Every warder shall be in uniform when on duty and attending drill parade.

119. Duties of a sentry – The duties of a sentry are –

- a) To mount guard with fixed bayonet, move briskly on his post with his rifle at "the Khanda Shast" and not to "Barju Shast" nor stand for more than fifteen minutes in every two hours;

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- b) Not to enter into conversations with anyone except when questioned by a Superior Officer;
- c) Not to interfere unnecessarily with any prisoner or jail officer;
- d) Not to leave his post without regular relief upon any pretence whatever;
- e) Not to allow any person to approach near his post after dark, without challenging;
- f) Challenging after dark, to warn the person challenged, if the reply is unsatisfactory, to stand until the officer in charge of the picket arrives, bringing his rifle at the same time to "the charge";
- g) Challenging on a dark night, on hearing voices no answer, or an unsatisfactory answer, to call the officer in charge of the picket, or, if necessary, give the alarm;
- h) When on duty at night satisfy himself that the main gates and wickets are securely locked;
- i) Not to allow person to crowds around him;
- j) If he sees a prisoner attempting to escape, to call on him to stand, and if he refused to do so and there is no superior officer present, to fire on the prisoner, provided he cannot otherwise prevent the escape;
- k) If he is beyond call and has to alarm the guard to fire a shot in the air as the signal of alarm;
- l) If he seems any article in or near the jail likely to facilitate escape, or if any unusual incident comes under his observations, to at once report the matter to the officer in charge of the picket;
- m) When on duty at the main gate at night, not to allow any person to enter or leave the jail who is not an official duly authorized to enter or leave, and not to permit any warder to enter or leave except when accompanied by the patrolling Officer on duty, or one of the superior officials.
- n) When on duty at night not challenge so loudly as to be heard by the patrolling Officer or warders on duty inside the jail, and not to give notice to these officers of the approach of any visitors;
- o) To retain in his possession at night the key of the lock of the outer wicket and the key of one of the locks of the inner wicket; and
- p) To enforce his orders firmly and without distinction of persons.

120. Daily inspection by Superintendent – Reception of visitors – The members of the warder guard mustered for morning drill, shall be inspected on parade daily by the Superintendent, and on this arrival at the jail, shall "Salami Do". If an official or non-official visitor arrives while the parade is in progress, the guard shall also "Salami Do" to the visitor. At other times the gate picket shall turn out and stand to "Savdhan".

121. Escorts for visitors - The escort for an official, non-officials or private visitor to a Jail shall consist of a warder armed with a baton, from the warder Guard. This warder may be

taken from the main gate picket if it is a double on; otherwise he shall be taken from the men detailed for the next relief of the main gate picket.

122. Courtesy to officers by Sentry – The sentry in the gate shall present a “Salami Do” to the Superintendent and officers higher than the Superintendent in rank and to all officers of the rank of or of higher rank than that Deputy Commissioner of Police of equivalent ranks paramilitary; forces of Major of the Army or equivalent ranks of Navy and Air Force and “Buti Salami” to the officers of the rank or of rank higher than that of the Assistant Superintendent of Prison, Sub-Inspector of Police or equivalent rank in paramilitary forces or Naib-Subedar of Army or equivalent ranks of Navy or Air Force.

(J) Convict Officers

123. Three grades of convict officers – There shall be three grades of convict-officers, namely, convict-watchman, convict-overseer and convict warders.

124. Appointments to be made by the Superintendent - All appointments to the position of convict-watchman, convict-overseer and convict-warder, respectively, shall be made by the Superintendent; Provided that no prisoner, who does not possess the necessary qualifications, shall at any time be so appointed without the previous sanction of the Inspector-General.

125. Qualifications for appointment to the position of convict officer – A prisoner who is physically and mentally fit to perform those duties of a convict watchman, convict overseer or convict warder, respectively, shall be eligible for appointment to any such office, provided he possesses the following further qualifications, in respect of each office, namely:-

(1) For a convict-watchman, that

- a) He is a prisoner of the casual class, save in the case of jails reserved for habitual prisoners, where prisoners of the habitual class shall be eligible for appointment, provided that no habitual prisoner with more than 2 previous convictions shall be appointed as Night watchman in the habitual barracks.
- b) His substantive term of imprisonment is not less than twelve months;
- c) He has completed one-third of his substantive sentence;
- d) He is well-behaved and an industrious prisoner;
- e) He has at the time of his appointment earned at least three-fourths of the remission which it was possible for him to obtain; and that
- f) He has not been convicted of cheating, administering poisonous prostitutions, or any other offence which, in the opinion of the Superintendent, would render it undesirable to appoint him to the office of convict officer.

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(2) For a convict-overseer, that-

- a) He has served as a convict-watchman for not less than three months;
- b) He has, at the time of his appointment earned three-fourths of the remission which it was possible for him to obtain;
- c) He has served half his sentence;
- d) His work as a watchman has given satisfactions; and that
- e) He has a fixed abode.

(3) For a convict warder, that-

- a) His substantive sentence is not less than three years and that he is a prisoner of the casual class;
- b) He has served as a convict-overseer for not less than (a) six months in the case of a prisoner whose term does not exceed three years or (b) one year in the case of a prisoner whose term exceeds 3 years;
- c) His work as a convict-overseer has been satisfactory;

126. The general duties of a convict officer – (1) the general duties of a convict-watchman shall be to –

- a) Patrol the inside of wards and assist in maintaining discipline and order at night.
- b) Prevent prisoners leaving their berths except with permission and for a necessary purpose;
- c) Count the prisoners in his charge frequently, satisfy himself that all are present, and reply when challenged by the outside patrol;
- d) Prevent, as far as lies in his power, any breach of jail rules by any prisoners in the charge, and to report the same;
- e) Report cases of sickness and use of the latrine otherwise than at the times specified in that behalf;
- f) Assist in quailing any disturbance and, in case of necessity, defend any official;
- g) Perform such task as may be allotted to him during the day and render all proper assistance to the warder in charge of his gang;
- h) When so required, act as a messenger within the jail walls and escort prisoners from one part of the jail to another;
- i) Whiten the jail walls and prevent prisoners from lurking near them;

(2) The duties of a convict overseer shall be to –

- a) Perform all or any of the duties of a convict-watchman which it may at any time be his duty to perform;

- b) When so required, patrol the outside of wards at night, in the manner prescribed for warders;
- c) See that prisoners keep themselves clean, wash and fold their clothing properly and keep their feeding utensils and fatter clean and bright.

(3) The duties of a convict-warder shall be to –

- a) Perform all or any of the duties of a convict-overseer which it may at any time be his duty to perform;
- b) Take charge of a certain number of subordinate convict-officers and prisoners inside the jail and see that the duties assigned to such subordinate officers and prisoners respectively, are properly performed, and to
- c) Take charge of a section of the jail or a workshop enclosure, maintain order and discipline amongst its occupants, exclude there from prisoners who are not, and detain therein-prisoners who are, in his charge.

127. A convict officer permanently incapacitated, may be reduced – Should a convict-officer, from any cause, at any time become permanently incapacitated for all or any of the duties required of him, the Superintendent may, with the sanction of the Inspector-General reduce him to the next grade (if any) the duties of which he is, capable of performing or remove him from office.

128. Strength of convict-officers – (1) The total number of convict-officers shall be fixed by the Inspector-General, subject to a maximum of 10 per cent of prisoners.

(K) Officers Generally

129. Superintendent only to punish prisoners – Improper language to be avoided – (1) No officer of any jail, other than the Superintendent, shall at any time award any punishment to any prisoner or , otherwise than in accordance with law and the orders of the Superintendent, inflict any punishment on any prisoner.

(2) No officer of any jail shall use violent, abusive, insulting, or unnecessarily irritating language to any prisoner.

130. prisoner to be treated with tact, humanity and strict impartiality - Every officer of a jail shall at all times avoid all conduct calculated to unduly irritate or annoy any prisoner and shall treat every prisoner with tact, good temper, humanity and strict impartiality, and shall listen, without displaying impartiality or irritation, to every complaint or report which any prisoner may at any time make to him, and shall show all such kindness and consideration to every prisoner as is compatible with a firm and effective discharge of his duties, subject to the foregoing provision of the rule every such officer shall firmly and fully maintain strict

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discipline and enforce all laws, rules, regulations, directions and orders for the item being in force and applicable to the discharge of all or any of the duties appertaining to his office.

Note: It is important that every complaint made by a prisoner should be heard with attention in order that, if well founded, the grievance complained of may be redressed or remedied, and that in no case should any just cause for discontent be allowed to remain.

131. Prisoners not to be struck – Use of force regulated – XI) No officer of any jail shall, at any time under any circumstances or on any pretext, strike any prisoner otherwise than in the exercise of the right of private defence or in pursuance of his duty in giving effect to punishment lawfully inflicted or to any other provision of the law.

(2) No officer of any jail shall, in the discharge of his duties, at any time use more force than is absolutely necessary for the purpose of enforcing the law and carrying out his duties.

Note: It is lawful to use all means necessary to effect, an arrest and a prisoner has no right of private defence against prison officers action in the discharge of their duty and every officer, may use all force necessary to resist any force used by prisoners against lawful authority.

132. Prisoners not to be employed on private work – No officer of any jail shall, save as authorized by any provision of any rules hereinafter contained in that behalf, at any time, employ any prisoner on his own private work or for his own gain or profit; nor shall any such officer at any time employ any prisoner otherwise than for the profit and advantage of the Government and in strict accordance with the provisions of the Prisons Act, 1894, and the rules made there under, relating to the employment of prisoner.

133. Immediate report of misconduct and the like to be made - It shall be the duty of every officer of a jail, subordinate to or under the orders of the Superintendent to make an immediate report to that officer of any misconduct, act of wilful disobedience or breach of the provisions of any law, rules or regulations for the time being in force on the part of any other officer or any prisoner which shall at any time come to his knowledge or be committed in his presence, sight or hearing.

134. No officer to enter any ward or cell alone, from lock-up to sunrise - No officer of a jail shall at any time enter any ward, cell or other compartment, occupied by any prisoner, from the hour such ward, cell or compartment has been locked up for the night, till sunrise the following morning unless he is accompanied by at least one other officer and then only in case of emergency.

135. Duty of all officers to prevent and report escapes and breaches of discipline – (1) It shall be the duty of every officer of a jail at all times to do all lawful acts which may be necessary, and to exercise the utmost vigilance, for the purpose of preventing any prisoner

form breaking out of jail or escaping or attempting to break out of jail or escape or from creating or attempting to create any disturbance or riot or from doing or attempting to do any other violent or disorderly act.

(2) Every Officer of a jail is required to -

- a) Take all lawful measures which may be possible to prevent the commission of any prison-offence;
- b) Enforce the provisions of the Prisons Act, 1894, and all rules, regulations, directions and orders for the time being in force in, or in any way applicable to the jail, in regard to the conduct and discipline of the prisoners and the administration of the jail; and
- c) At the earliest opportunity to report to superior authority every breach or attempted breach or design to commit any breach of any provisions of any law, rule, regulation, direction or order for the time being in force, or in any way applicable to the jail or any prisoner confined therein.

(L) Subordinate Officers

136. Applicable of rules to the Deputy Superintendent, Medical Subordinate and others –

Unless there is something inconsistent with anything contained in any rule relating to any officer or class of officers, or repugnant to the subject or context, the rules relating to subordinate officers generally hereinafter following, shall be deemed to apply also to the Deputy Superintendent, the Medical Subordinate and all persons serving under the order of the Medical.

137. Prohibition against business and pecuniary transactions – No subordinate officer shall, whether directly or indirectly:-

- a) Engage in any trade, business or employment duties as such, sub-ordinate officer; or
- b) Lend money to, borrow money from, enter into any pecuniary transaction with, or incur any obligation in favor of any other subordinate officer or any prisoner.

138. Residence of officers in quarters provided at the jail - (1) Residential quarters shall ordinarily be provided at each jail for the Deputy Superintendent, Assistant Superintendent, Medical Subordinate, dispensers and the staffs of warders.

(2) Every officer of a jail for whom any residential quarters shall at any time be provided at such jail, shall reside therein.

(3) Every officer for whom no residential quarters are available at any jail, shall reside within such distance of the jail as the Superintendent may from time to time in his discretion fix in that behalf.

139. Leave to subordinate officers - Officers subordinate to the Deputy Superintendent shall not be absent from the prison without leave from the Superintendent or from the Deputy Superintendent.

140. Officers not to send themselves – Procedure in granting short leave – (1) No subordinate officer shall, at any time, without the permission, if such officer is subordinate to the Deputy Superintendent, of the Deputy Superintendent and any other cases of the Superintendent be absent from the jail premises whether by day or night.

(2) The Deputy Superintendent shall not without the sanction of the Superintendent grant leave of a absence to any subordinate officer, or permit any such officer to remain absent, for any period exceeding four hours at any one time.

(3) Whenever any leave is granted by the Deputy Superintendent to any subordinate officer, he shall at the time the leave is granted enter the fact, and the period from which such leave is to commence in his journal.

(4) Every subordinate officer to whom any leave has at any time been granted shall immediately on his return there from, personally report the fact of his return to the Deputy Superintendent, and the Deputy Superintendent shall forthwith record such report in his journal.

(5) The Deputy Superintendent shall similarly record in the proper register all leave granted by the Superintendent and all reports made of return from leave so granted.

141. Absence caused by illness or other unavoidable cause - Whenever any subordinate officer is, at any time, prevented by sudden illness or other unavoidable cause, from attending at the jail or performing his duties, he shall forthwith give notice by telephone or cause notice of the fact to be given by telephone to the Deputy Superintendent and shall also communicate to that officer in writing the reasons for his absence or failure to perform his duties. The Deputy Superintendent shall there upon make such arrangements as may be suitable and necessary for the due performance of the duties of such officer.

142. Officers to ascertain & perform their duties efficiently – It shall be the duty of every subordinate officer to make himself thoroughly acquainted with the duties of his office and the law, rules and regulations for the time being in force relating thereto, and to discharge his duties with real, efficiency, honesty, alacrity and regularity. Lack of knowledge of rules and orders or law shall not be excused.

143. Note-book to be maintained by certain officers – Every Deputy Superintendent, Assistant Superintendent and Head Warder, respectively shall at all times have with him a note book in which he shall enter every verbal order given to him by any Superior Officer at the time when such order is so give, and the important orders by him to others.

144. Subordinates officers to render prompt obedience – It shall be the duty of every subordinate officer at all times to render prompt and implicit obedience to every lawful order given to him by any officer to whom he is in any way subordinate, or under whom he is for the time being employed, and to treat every superior officer with proper courtesy and respect.

145. Prohibitions against communicating with prisoners, their relatives and friends – (1) No subordinate officer shall, otherwise than with the special permission of the Superintendent, at any time:-

- a) Correspond or hold any intercourse or communication of any kind whatever with any relative or friend of any prisoner;
- b) Hold any unauthorized communication of any kind whatsoever with any prisoner;
- c) Correspond or hold any intercourse whatever with any discharged prisoner; or
- d) Permit any discharge prisoner or any relative or friend of any such prisoner to visit or remain at his quarters.

(2) No subordinate officer shall at any time-

- a) Hold any unnecessary converse with any prisoner;
- b) Treat any prisoner with familiarity; or
- c) Discuss any matter relating to the discipline or regulations of the jail with or within the hearing of any prisoner.

146. Matters concerning the wearing of uniform, cleanliness required – (1) Every subordinate officer in respect of the officer held by him, shall wear uniform at all times when on duty, within jail premises or in any public place, may, either uniform or private clothes at any time, be worn by any subordinate officer.

(2) Every subordinate officer shall at all times and on all occasions be clean and neat as to his dress, and clean as to his person.

147. Officers to remain at their beats – Idleness laughing etc. prohibited - (1) Every subordinate officer shall when on duty, except when ordered by a superior officer to go elsewhere or when going to or returning from duty, confine himself to the limits of his beat or place of duty and remain thereat. Idleness and laughing about the jail premises are at all times prohibited.

(2) The making of frivolous, vexations or false pretexts on duty, smoke or drink, or sing or talk loudly, or cook or eat his food, or in any way conduct himself in an unseeingly or disorderly manner, is prohibited.

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Note: All wrongs or disputes between jail officers and servants is prohibited. Any disagreement between subordinate officers, as to any matters connected with their duties, must be at once referred to the Deputy Superintendent.

148. Visitors to subordinates officers – No subordinate officer shall be at any time permitted to receive any visitor within the jail walls, or while on duty outside the jail.

149. Procedure as to the making of complaints – (1) any subordinate officer, desiring to make any complaint of any kind shall do so, in writing, to the Superintendent, within twenty-four hours of the concurrence of the cause of complaint.

(2) The making of frivolous, vexatious or false complaints is prohibited.

150. Combined action amongst officers prohibited – Subordinate officers are prohibited from taking any part in any joint or combined action in view to agitating for the redress of any grievance or for any other purpose whatsoever.

151. Care and management of keys –(1) No subordinate officer who is at any time entrusted with any key shall, under any circumstances or on any pretext whatsoever:-

- a) Take any key belonging to a lock in use for securing the custody of any prisoner out of the jail;
- b) Leave any such key lying about;
- c) Deliver any such key to any person other than to an officer of the jail duly authorized to receive such key or to have the care or custody thereof; or
- d) Leave his post or duty or the jail without delivering such key to the officer duly authorized to receive the same from him.

(2) The key of any ward, cell, compartment, godown under any circumstances or on any pretext, be at any time made over to any prisoner.

Note 1: If any key is lost or mislaid, the lock to which it belongs shall at once be put out of use and the officer responsible for the loss shall be liable to replace both lock and key at his own expense. Keys should ordinarily be slung on a chain which should be worn round the neck or secured to the waist-belt.

Note 2: Superintendent of a jail requiring a duplicate key to replace the original which has become worn or unserviceable may obtain it from the Superintendent of the Central Jail by whom all duplicate keys of locks in use in jails are retained, on his furnishing that officer with a certificate to the effect that the original has been destroyed in his presence.

152. Subordinate officer not to withdraw from the service without notice - No subordinate officer shall, without the permission, in writing, of the Superintendent, be at liberty to withdraw himself from the duties of his office, or to resign his office unless he shall have

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given to the Superintendent notice, in writing, for a period of not less than two months of his intention to so resign and the period of such notice shall have expired.

Note: This rule merely adds to section 54 of the Prisons Act particulars showing whose permission is necessary and to whom, notice must be given in regard to the matters dealt with therein.

153. Prohibition against sleeping on duty and committing other irregularities - No subordinate officer shall at any time –

- a) Be in a state of intoxication;
- b) Sleep while on duty;
- c) Enter or permit any person to enter, any closure, yard, cell, compartment or other part of a jail reserved for or allotted to the use of or for occupation by any female, otherwise than at the times and in the manner prescribed in that behalf by proper authority;
- d) Commit, or permit or abet the commission of any irregularity in the supply or distribution of food, clothes or other articles to, or amongst any prisoners;
- e) Display cowardice while in the discharge of any duty of his office;
- f) Be guilty of any act of insubordination, disobedience or breach of duty, or
- g) Malinger or render himself unable or unfit to discharge his duties or any of them.

CHAPTER 14

DELHI PRISONS (MEDICAL ADMINISTRATION) RULES 1988

Note: Statutory provisions concerning the authority of these Rules see Appendix-3, Prisons Act 1894, Section 37, 38, 39

Rule

1. **Short title and Commencement** – (1) These rules may be called the Delhi Prisons (Medical Administration), rule, 1988.1
2. They shall come into force at once.

GENERAL MATTERS

2. **Resident Medical Officer** – There shall be a Resident Medical Officer who shall be In-Charge of the hospital of the Central Prison and who shall be the highest authority of the department of [prisons in medical matters.
3. **Resident Medical Officer to be controlled by I.G.P.** _ The Resident Medical Officer shall function under the immediate control and command of I.G.P.
4. **Resident medical Officer to control all medical personnel** – The Resident Medical Officer shall control subject to other provisions made in the statutes, Statutory rules and executive order concerning governance of the prisons, all medical personnel of the prison administration and his assessment regarding the technical performance of medical personnel shall be final.
5. **Medical Officer to be posted in each prison** – At least one Medical Officer shall be posted in one prison. In every prison there shall be a chamber of the Medical Officer, arrangement for examination of the sick and waiting place for the sick. There shall be a room with a window to dispense medicines to the sick and waiting place for the sick. There shall be a room with a window to dispense medicines to the sick who does not riot need hospitalization.
6. **Medical Officer to control al medical personnel posted to a prison** – Medical Officer shall control medical personnel posted in a prison and shall also control such convict officers who are given to the medical duty by the Superintendent.
7. **Resident Medical Officer to specify the hours of duty** __ (1) The Resident Medical Officer shall specify in a written order the hours of the day when the Medical Officer shall attend to his duties in the prison and the hours of the day when the Medical Officer and any of the members of his staff attend to the duties assigned to them in the hospital.

Provided that at least one Medical Officer shall be on duty and available

Provided also that prior approval of the Additional Inspector General shall be taken to the proposed arrangement.

(2) Copy of such arrangements shall be given to the Superintendent who shall make the arrangements known to all concerned.

1 Published in Delhi Gazette, Extra ordinary part IV, NO.76, dated the 18th April 1988 vide Notification NO. F9/75/87- Home (General) (XIII) in exercise the powers conferred by clause (28) of section 59 read with Section 37, 38 and 39 of the Prisons Act, (1894) (IX of 1894) by the Administrator of the Union Territory of Delhi.

8. Classification of prisoners according to health – The health of every prisoner shall be describe as either “good”, “bad” or “indifferent”. Prisoners on admission to the jail who are in immediate need of the medical treatment should be recorded as in “bad” health, unless suffering from trivial and temporary ailments,

those who are not fit for hard labour but who do not need hospital treatment, should be recorded as in "indifferent" health.

Note: If a prisoner is in bad or indifferent health, the Medical Officer should enter the cause of the disability in his history ticket and admission register.

9. Drug Addicts -the drug addicts shall be identified at the time of admission and treated after separating from the rest of the prisoners.

10. Deduction for clothing & c, when weighting prisoners__ when being weighed, male prisoners shall wear their trousers only; female shall be fully attired and deduction made for the articles worn.

11. Abstracts of results of weighments __ (1) An abstract of the results of weighments shall be prepared by the Medical Officer on the day following that on which one weighments are made showing;

(1) The number who gained weight;

(2) The number whose weight remained stationary;

(3) The number who are from 1.5 kg to 2.5 kg below standard weight;

(4) The number who are more than 2.5 kg weight and below standard weight and

(5) The number who are more than 3.5 kg below standard weight and

(6) The percentage of those who gained weight and lost weight respectively; calculated on the total number weighed.

(2) The Medical Officer should himself select number of prisoners at each weekly inspection for a 'check-weighment'.

(3) All prisoners who have lost weight to the extent indicated in clauses (3), (4) and (5) above shall be separately paraded for the inspection of the Medical Officer.

12. Convalescent and infirm gang __ (1) A gang shall be formed of all prisoners discharged from hospital who are unfit to return to their usual work of the aged and infirm and of any others whom the Medical Officer selects for special observation and treatment. Every prisoner who appears to be suffering from obscure functional or organize disease or from mal-nutrit in as indicated by his anomic or otherwise unhealthy appearance, shall be placed in this gang which shall be termed as the convalescent and infirm gang.

(2) Convalescent and infirm prisoners shall be divided into two classes, namely who are old and infirm or permanently incapacity for hard work and those who with suitable diet and treatment are again likely to be restored to normal health

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and yo become fit for hard work, The two classes shall be known, respectively, as the “permanent” and “temporary” convalescent gang.

(3) The convict officer on medical duty shall issue a coloured card to the prisoner describing the special diet permitted to a sick prisoner and it shall be the duty of the Assistant Superintendent concerned to ensure that the prisoner gets special diet properly cooked.

(4) Very old and feeble prisoners should receive 8 ml of oil occasionally to be rubbed into the skin.

(5) Prisoners suffering from illness shall be removed to hospital and not treated in the convalescent gang.

13. Convalescents to be weighed weekly __ Record to be kept __ The members of the convalescents gang shall remain together and shall ordinarily, not be mixed up with other prisoners; they shall be weighed every week on such day as the Medical Officer may fix and the weighments recorded in the history-ticket for the information of the Medical Officer. The daily average number in the gang should be shown in column “remarks” of the monthly return of sick.

14. Convalescent to be seen daily __ the members of the convalescent gang shall ordinarily be seen daily by the Medical Officer who may recommended any weak or convalescent prisoner for unmasked work.

15. Attachment to and removal from the convalescent gang __ under the orders of the Medical Officer, prisoners who have recovered health and no longer require special attention shall be removed from the gang. No prisoner shall be placed in or discharged from the gang except by order of the Medical Officer.

16. Procedure when prisoner are losing weight __ Whenever an unusual proportion of the prisoners have lost weight or here is a general tendency to scurvy or to ulceration of the gums or anaemia or an increase of admission to hospital from dysentery or other bowel complaints the Medical Officer shall make careful enquiry to ascertain in the cause. The diet of the prisoners should then be varied by the liberal issue of animal food in lieu of dal; onions and reddish may be substituted for a portion of the vegetable supply. Both the Superintendents and the Medical Officer should occasionally visit the prisoners while at their meals and ascertain if there in there are any complaints regarding the food and if much of it left uneaten. If the food appears to be unpalatable owing to want of variety this defect should be remedied as far as possible.

17. Labour and loss of Weight__ If the loss of weight is more marked amongst prisoners on one form of labour than on another, the tasks should be carefully regulated and the prisoners employed on that particular work changed should the tendency to losing weight continue. Prisoners who are there successive weighments are found to be losing weight, or in whom the loss of weight at any weighments is found over 2.5 kg should not ordinarily be placed on hard labour till they recover the loss. On the other hand; the Medical Officer should guard against being imposed upon by prisoners who scheme to lose weight, by causing such prisoners to be weighed unexpectedly at short intervals.

18. Removal from Barracks__ The Medical Officer shall exercise his discretion as to time at which the prisoners shall be taken out of their wards.

19. The prophylactic system of treatment __ The prophylactic system of treatment especially as regards malarial fever and in spleen and bowel diseases should be adopted at the seasons when such diseases are most prevalent

II HOSPITAL MANAGEMENT

20. Prisoners complaining of illness to be examined __ Every prisoner complaining of illness shall be brought before, and examined by the Medical Officer who is to determine whether he shall be placed under observation treated as an outpatient or admitted to hospital.

21. A prisoner may be detained under observation __ No prisoner may be detained in hospital more than 24 hours under medical observations without being brought on the hospital register if it is necessary to detain him for a longer period he must be admitted.

22. Articles to be supplied to patients __ Each patient shall be supplied with an iron cot, a thick grass or straw mat, a pillow, two bed sheets, a mattress, a cotton coat and dodo suti trousers, a woolen coat in winter time and as many blankets as the Medical Officer deems necessary.

23. Maintenance of bed head tickets and temperature charts __ Over every occupied bed in hospital shall be placed a ticket wherein shall be recorded full particulars of the history of the patient and the progress and treatment of the disease. In a case of dysentery it should be noted whether the prisoner suffered from the affection in his own home or had acquired it in the jail and in every case of fever a record of the temperature shall be kept. Suitable class frames for holding these tickets should be provided.

24. Cleanliness of clothing and bedding__ The Medical Officer shall take measures to ensure the cleanliness of clothing and bedding. For this purpose a

proper place for washing and boiling soiled clothes should be provided. Blankets, blanket-coat and bed sheets should be frequently boiled those in use in hospital should be treated separately.

25. Sick Prisoners to bathe daily __ Prisoners in hospital who are not too ill, shall bathe daily at such time as the Medical Officer may direct

26. The feeding of sick prisoner's __ As a rule sick prisoners should receive four meals a day there shall be a separate cooking shed in the hospital enclosed a special cook appointed and suitable vessels provided for the preparation of food for the sick. Arrangements should be made for the frequent feeding of sick prisoners and for having sage and other invalid constantly ready. The special diet shall be served after been properly cooked.

27. Sick prisoners may be given light work __ As a certain amount of physical ascertain is a important factor in the maintenance and improvement of health in many cases and help to keep the mind occupied prisoners who are not too ill should be provided with some light work without any definite being exacted, such as spinning threaded or the like.

28. Intimation of serious illness to relatives __ Information of the serious illness or death of every prisoners shall be given to the District Magistrate of the District to which he belong, for the purpose of having the information conveyed to his relatives, and an intimation the serious illness or death of prisoners undergoing trial shall also be given to the Court concerned.