

Every non-official visitor shall be appointed for the period of one year and shall be eligible for reappointment on the expiry of each term of Office.

Visit by visitors

28. (1) The official and non-official visitors of each Prison shall constitute a Board of which the Collector of the District shall be the ex-officio Chairman. It shall be the duty of the Chairman to arrange the roster for fort-nightly visits to the Prisons so as to give each Visitor, official and non-official, his due turn, and to send out a notice by Post intimating whose turn it is to visit the Prison in the coming fort-night. There shall not be a fixed day of the fort-night for these visits, but the Visitor shall be left free to visit the Prison on any working day that suits him. There shall also be a quarterly meeting of the Board of Visitors on such day as the Chairman may determine, which shall be attended by the Official and non-official Visitors.

(2) Except in exceptional circumstances a visitor shall not visit the Prison after lock-up or on Sundays and Holidays.

(3) A non-official visitor who is about to absent himself for a period of six months or more from the station shall report the circumstances to the authority who appointed him in order that a substitute may, if necessary, be appointed, and in the event of his failure, so to report, he shall be regarded as having vacated Office on the expiry of three months from the date of his departure.

(4) Nothing in these rules shall prevent visitors visiting the Jail on dates other than those fixed by the Chairman of the Board.

(5) Visitors shall not visit prisoners on hunger strike. They shall also not have access to such prisoners as Government may from time to time specify. In such cases, Government may appoint any person or persons as visitors, Government will issue instructions for the guidance of such visitors.

(6) A visitor shall be accompanied by an Officer with an escort of guards. He shall not go inside the institution without proper escort.

(7) District Magistrates and Sessions Judges shall personally or through subordinates visit Prisons in their jurisdiction and afford effective opportunities for ventilating legal grievances and shall make expeditious enquiries there into and take suitable remedial action. In appropriate cases reports shall be

made to the High Court for the latter to initiate, if found necessary, 'habeas' action. (Judgement in Criminal Writ petition No. 393 and 549 of 1980 in the Supreme Court of India).

Powers and duties of visitors

29. It is the duty of a visitor to satisfy himself that the laws and rules regulating the management of Prisons and prisoners are duly carried out in a Prison, to visit all parts of the Prison and to see all prisoners except those mentioned under Rule 3 and to hear and inquire into any complaint or representation by any prisoner may make to him. A visitor may call for and inspect any book or record in the Prison, provided that the Superintendent may decline to produce any book, paper, or record for the inspection of any non-official visitor, if, he considers their production undesirable. It is not part of the duty of a visitor to examine the correctness of convictions and sentences that are being undergone by prisoners. The Board shall meet at the Prison, inspect all buildings and prisoners, hear any complaints and petitions that may be preferred, inspect the prisoners food and see that it is of good quality and properly cooked and examine the punishment book and satisfy themselves that it is up to date. A list of questions indicating some of the points to which the Board of Visitors may direct their enquiries as given in Appendix I. A copy of the list of questions shall be given to each Visitor on appointment.

Record to be made of inspection

30. (1) Every visitor shall record his/her remarks in the Visitors' register noting the date and hour of visit and may enter therein any remarks or suggestions he/she may wish to make. Entries in the Visitors Book shall be made in the Visitor's own hand-writing and the book shall not, except with the express permission of the Superintendent be removed from the Prison for this or for any other purpose.

(2) A visitor may record any remarks or suggestions he/she may desire to make and the Superintendent shall place a copy of such record with his remarks thereon before the Board of Visitors and the Inspector General of Prisons immediately. The Board shall consider them in detail and if found necessary forward the same to Government with its remarks. A copy of any order Passed by the Government shall also be placed before the Board.

(3) No Visitor shall issue any order or instruction to any Prison Officer.

Disposal of complaint to visitor by prisoners

31. The remarks recorded by a Visitor in the Visitor's Book may include any complaints made to him by a prisoner which in his opinion deserves notice. When the Superintendent is of the opinion that a prisoner has made a groundless complaint to a Visitor and should be punished, he shall record a brief statement of the facts and note what punishment he proposes to award and send to the Visitor, who if he dissents from the conclusion of the Superintendent, may request that the case may be submitted to the Inspector General of Prisons for orders. A copy of the Inspector General's orders will be communicated to the visitor who may, if he thinks fit, address Government regarding the case.

Disposal of record made by visitor

32. A copy of any remarks recorded by a visitor, together with the Superintendent's reply and a note of any action taken thereon, shall be forwarded to the Inspector General who may, if in his opinion, it is necessary, forward the correspondence for the information and orders of Government. A copy of the orders of Government or the Inspector General shall be forwarded to the Visitor through the Superintendent of the Prison.

Admission to the Prison of Others than the Officers specified

33. With the exception of the Ministers, the Chief Engineer and the Executive Engineer of the District in connection with the duties of their Department, the official and non-official visitors and Prison Officers, no person shall be allowed to enter the Prison unless accompanied by the Inspector General of Prisons or the Superintendent or furnished with the written permission of the Chief Secretary to Government, the Inspector General of Prisons or the Superintendent.

Admission of Police Officers to the Prison

34. (1) Any Police Officer of not lower rank than a Deputy Superintendent shall, for any purpose connected with the discharge of his duties as such Police Officer be permitted under the Prison at any time between unlocking in the morning and lock-up in the evening. He shall not, however, be permitted to interview any prisoner without an order in writing from the District Magistrate. Such Officer may, however, take Inspectors or Sub Inspectors with him for assistance, with the proviso that the interview must take place in the presence of the Jailor or other proper Officer of the Prison, who shall, if required to do so he at such a distance that he may not hear the conversation that takes

place. In order to give the Police the opportunity of recognising habitual offenders, they shall be permitted to visit the Prison both at the weekly inspection parade and at other times, if desired, provided that such visits shall not be allowed to interfere with the labour or routine of the Prison. The Police Officer shall produce a written authority either from the Superintendent of Police or a Commissioner of Police, for this purpose.

(2) The Police shall be permitted to ask any prisoner a question directly bearing on his identity or previous history; but shall not be allowed to hold any further communication than is necessary for purpose of such identification. Every such question shall be put in the presence of a responsible Prison Officer not below the rank of an Assistant Jailer, and no prisoner shall be liable to punishment for refusing or omitting to answer. Except as provided in this Rule, no Police Officer shall be permitted to examine or make enquiries of any prisoner without the written order of the District Magistrate (Judicial) or Superintendent of Police or Commissioner of Police.

The Superintendent shall arrange that every visitor to the Jail shall be attended by some responsible Jail Officer, as well as by an escort of from 2 to 4 warders. The escort and the Officer accompanying a visitor shall withdraw out of hearing but not out of sight, if required to do so by the Visitor, when he is questioning a prisoner.

CHAPTER VI

TRAINING OF PERSONNEL

35. Training programmes will aim at:—

(i) Acquainting correctional personnel with scientific and progressive methods of Correctional Administration.

(ii) Making them conscious of their responsibilities and also of the role they have to play in a Welfare State.

(iii) Broadening of their cultural and professional interests; expanding their experience; refining their abilities and skills, improving their performance of administrative duties; providing them with experience to meet future needs of the Department in positions of higher responsibilities.

(iv) Inculcating a Co-operative spirit amongst the Correctional personnel.

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Jail Warder's Training School, Trivandrum

36. 1. There shall be a Training School for Jail Warders at Trivandrum.

Personnel

The personnel at the Training School shall consist of:—

- (i) Principal
- (ii) Vice-Principal
- (iii) Lecturers (full time or part-time or visiting)
- (iv) Drill Instructors
- (v) Discipline Officer
- (vi) Ministerial staff
- (vii) Office Warder.

And such other personnel as appointed from time to time.

2. The Principal will plan, co-ordinate and direct all the activities of the Training School. He will fix the duties, responsibilities and functions of the personnel working under his control. He shall also fix all necessary details about terms, vacations, visiting lecturers, etc.

3. The Vice-Principal will be the next Senior Officer responsible for the working of the School.

4. The Drill Instructors will be responsible for conducting Training Programmes in Physical Training, Drill and musketry etc. They will also organise games and recreational programmes.

5. The Discipline Officer will be in over-all charge of the camp discipline, parade ground discipline etc.

6. *Visiting Lecturers.*—The visiting Lecturers should be paid suitable honorarium and travelling allowance.

37. On recruitment all Jail warders shall undergo an initial basic training course for 6 months or for such period as fixed by Government from time to time. The following Training facilities should be organised at the Training School.

(i) Physical Training, Drill, Parades, Musketry Practice, unarmed combat, lathy drill, mob-dispersal etc.

(ii) Selected portions from Indian Penal Code and Criminal Procedure Code.

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- (iii) Borstal Schools Act and Rules.
- (iv) Basic principles of Psychology and Criminology.
- (v) Kerala Prison Manual and Kerala Sub Jail Manual.
- (vi) First Aid, Sanitation and Hygiene.
- (vii) Correctional treatment of prisoners.

Tests and Examinations

38 (1) The Principal will fix details about the examinations and tests. Trainees are required to pass such examinations and tests as may be prescribed. In case, the trainees fail to reach the required standards during the training course, the Principal will forward a report to the Inspector General for suitable action. Failure to pass the examination and to complete the training courses satisfactorily will make the trainee liable to such disciplinary action as the Inspector General may think fit. In case of newly recruited personnel, such failure may result in discharge from service.

(2) The evaluation of the training shall be made on the basis of his total performance in all the tests and examinations. The trainees will be evaluated on the following points besides other things:—

- (i) turn-out and discipline.
- (ii) capacity for hard work, and physical endurance.
- (iii) Interest shown in the various aspects of the training course.
- (iv) performance in each test and examination.
- (v) special capacities shown during the training course.
- (vi) leadership.
- (vii) Conduct, integrity and trustworthiness.

Regional Institute of Correctional Administration at Vellore Tamil Nadu

39. The Officers from the level of Assistant Jailors and above shall under-go training in various branches of Correctional Administration, at the Regional Institute of Correctional Administration, Vellore, Tamil Nadu for such period as the Government may determine from time to time. These Officers are also expected to under-go Refresher Courses as arranged by the Regional Institute. The Training/Refresher Courses will be on the basis of the syllabus fixed by the Regional Institute.

Special Training Course

40. Officers having special merits and capabilities may be sent for specialised training in Institutes, where such facilities for higher specialised training have been organised.

CHAPTER VII

NATIONAL FLAG

41. The Flag is an emblem of the Nation. It is essential that it should not be brought into disrepute by unregulated use. The National Flag should be flown on Central Prison buildings daily from sun rise and sun set. The National Flag should be flown on other Jail buildings on the following special occasions.

- (1) Republic day.
- (2) Independence day.
- (3) Mahatma Gandhi's birth day.
- (4) Any other particular day of National rejoicing.

The Superintendent should bear in mind that the National Flag should not be flown between sun set and sun rise and if on any occasion it is necessary that the Flag should be kept flying for more than one day it should always be lowered at sun set and then hoisted again at sun rise.

When National Flags of India are no longer fit for use, they should be destroyed in a secluded place without attracting public attention.

United Nations Flag.

42. As a standard practice, the United Nations Flag should be displayed along with the National Flag over Central Prison buildings on the 24th of October every year. The Superintendent should see that the National Flag is not outclassed by the United Nations Flag in any respect and is always flown to the right of an observer, if one could be placed at the foot of both standards.

It would be in-appropriate to fly the United Nations Flag and the National Flag of India from the same mast or standard whether by means of one or two strings or pulleys. The flags may be displayed from separate standards. According to United Nations Flag Code, the United Nations Flag can be displayed on either side of any other flag without being deemed to be subordinate to any such flag. It would, however, be preferable if the National Flag

of India is displayed on the extreme right with reference to the direction which it is facing. (i.e. extreme left of an observer view them facing the masts flying the Flags).

CHAPTER VIII

PRISON BUILDINGS IN GENERAL

43. (1) Prison buildings including the quarters for the staff within Prison premises shall be in charge of the Public Works Department and no additions or alterations in, or dismantling of any such buildings whether or not sanctioned by the Inspector General shall be carried out without the approval of that Department.
- (2) No additions or alterations to any existing buildings shall be made without the orders and no plans and estimates shall be prepared by the Superintendent without the sanction of the Inspector General.
- (3) The Superintendent shall submit proposals for construction of wards, cells and other places of detention etc., (including additions or alterations thereto) to the Inspector General for administrative approval. Such proposals shall be accompanied by a preliminary report specifying the position of the building proposed to be constructed, description of the building, approximate estimates and other necessary details and particulars. The Superintendent shall obtain approximate estimate of the proposed construction from the Public Works Department with the prior sanction of the Inspector General.
- (4) (i) The Superintendent shall visit from time to time the work under execution and see that it is carried out according to the approved plan and estimate. In the event of any hitch or difficulty, the Superintendent shall if it is within his powers, give the matter prompt attention and assist the Public Works Department authorities in removing it.
- (ii) The Superintendent shall at once report to the Inspector General, the defects and irregularities noticed by him in the construction of wards, cells and other places of detention.
- (5) All barracks, wards and cells shall have verandahs to prevent rain from drifting inside and also to provide shelter where food can be served, when necessary.
- (6) All worksheds shall be amply lighted and ventilated.

(7) Ornamental garden should be maintained in each Prison to have salutary effect on the minds of prisoners.

(8) (i) The Public Works Department shall be entirely responsible for the construction of petty works in connection with the Prison building, and current repairs, special repairs etc., shall also be carried out by that Department from the grants under the head—Civil Works.

(ii) All petty works of the nature of the construction of or repairs to water channels in the garden and of temporary sheds for cattle shall be carried out and financed by the Jails Department from the grants provided for under—Jails.

(iii) The Public Works Departmental Officers must see that all Prison Rules are strictly observed when introducing free labour for work inside the Prison.

(iv) Orders for the commencement of any work should always be given in writing after detailed plans and estimates have been sanctioned by the competent authority and allotment of funds has been made by the Inspector General of Prisons.

Architecture

44. (1) The Architecture of Prisons should be governed by two principles viz.—

(i) Adequate protection to society through the establishment of security conditions; and

(ii) Adequate resources which would be necessary for the successful implementation of various correctional programmes.

(2) The plan of an institution should be based upon a careful analysis of factors like type of inmate population, age group, type of custody (maximum, medium and minimum) requirements of diversified work, educational programmes and the place of institution in the system of diversified institutions set up in the State.

(3) Prisons/Jails should broadly be classified as maximum security type, medium security type and minimum security type. The future architecture of the Prisons/Jails should be such as would facilitate gradation in custody according to the needs of each inmate group.

(4) Maximum security institutions should have sufficient cellular accommodation. The internal and external security measures should also be such as would facilitate the required degree of supervision and type of restrictions essential for maximum security.

These institutions in future should be compactly designed and provided with secure detention and supervision in each of its separate elements.

(5) Medium security institutions should have cellular or dormitory type of accommodation. The areas of work and programme activities should be so located that the required degree of supervision and type of restrictions can be set up in accordance with the requirements of medium security, custody and gradation.

(6) Minimum security institutions should have cottage type of architecture. The out-of-bound area beyond which inmates should not go, and within which outsiders should not come, may be specifically demarcated.

(7) Adequate ventilation of barracks should be ensured by the provision of large barred doors and windows fixed on opposite walls.

Sanitation

45. (a) *Capacity of ward to be inscribed near door.*—Near the door of every ward shall be recorded the number, cubic and superficial metre which it contains and the number of prisoners which it is capable of accommodating. No prisoner in excess of the accommodation thus fixed shall be confined in any ward.

(b) *Minimum allowance of superficial and cubic area in wards.*—(1) Every prisoner in a ward shall be allowed not less than 3.72 sq. metre of ground space and 17 cubic metre of breathing space.

(2) The height of the walls of a ward shall not be less than 3.96 m. and in computing the cubic capacity, the height to be taken into account shall not exceed 4.27 m. from the floor.

(c) *Minimum dimensions of a cell.*—The dimensions of every cell built in future shall be 3.66 m × 2.44 m. and 3.96 high. It shall be ventilated by an iron grated door in front, 9.68 m. × 0.76 m. and by two windows 1.22 m. × 0.61 m. one being placed above the door and the other on a level with it on the back wall. There shall be a recess for night urinals.

Accommodation in hospital

46. The minimum floor area and cubic space which shall be allowed for each patient in hospital is 5.02 sq. metre and 22.64 cubic metres respectively.