



കേരള ഗസറ്റ് KERALA GAZETTE

അസാധാരണം EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
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Saturday

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29th October 2022
1198 തുലാം 12
12th Thulam 1198
1944 കാർത്തികം 7
7th Karthika 1944

നമ്പർ
No. } 3677

GOVERNMENT OF KERALA

HOME (B) DEPARTMENT

NOTIFICATION

G.O.(P).No.76/2022/HOME

Dated,Thiruvananthapuram, 25-10-2022

In pursuance of para 1 of Chapter XXIX of the Model Prison Manual, 2016 issued by the Ministry of Home Affairs, Government of India, the Government of Kerala hereby constitute the Board of Visitors at District level for the districts mentioned in the Schedule-I below comprising the following Official and Non-Official members, for the purposes mentioned in the Schedule-II below, namely:-



SCHEDULE-I
Thiruvananthapuram District

I. Official Members

1. District Judge : Chairman
2. District Magistrate : Member
3. District Police Chief /District Superintendent of Police : Member
4. District Medical Officer / Chief Medical Officer of Health Department : Member
5. Executive Engineer, Public Works Department : Member
6. District Education Officer, in charge of literacy programme : Member
7. District Social Welfare Officer : Member
8. District Employment Officer : Member
9. District Agricultural Officer : Member
10. District Industrial Officer : Member

II Non - Official Members

(A) Members representing the Kerala Legislative Assembly

1. Shri. M. Noushad M.L.A. (Iravipuram) : Member
2. Adv. U. Prathibha M.L.A.(Kayamkulam) : Member
3. Adv. I.B. Satheesh M.L.A. (Kattakkada) : Member

(B) Member Nominated by the Kerala State Human Rights Commission

1. Registrar, Kerala State Human Rights Commission : Member



(C) Members representing the Category -Social Worker

1. Smt. Shailaja Surendran, Pullamplavil,
Baisanvali P.O., Idukki : Member
2. Adv. Reji Zakaria, Vallipidikayil, South
Pambadi P.O., Kottayam, 686521 : Member

Thrissur District**I Official Members**

1. District Judge : Chairman
2. District Magistrate : Member
3. District Police Chief /District
Superintendent of Police : Member
4. District Medical Officer / Chief Medical
Officer of Health Department : Member
5. Executive Engineer, Public Works
Department : Member
6. District Education Officer in charge of
literacy programme : Member
7. District Social Welfare Officer : Member
8. District Employment Officer : Member
9. District Agricultural Officer : Member
10. District Industrial Officer : Member

II Non - Official Members**(A) Members representing the Kerala Legislative Assembly**

1. Adv. K. Santhakumari M.L.A. (Kongad) : Member
2. Sri.Xavier Chittilappilly M.L.A.
(Vadakkanchery) : Member
3. Sri. K.N. Unnikrishnan M.L.A.(Vypeen) : Member



(B) Member Nominated by the Kerala State Human Rights Commission

1. Registrar, Kerala State Human Rights Commission : Member

(C) Members representing the Category - Social Worker

1. Sri. N.N. Krishnadas (Ex. M.P) : Member
2. Adv. K.R. Vijaya, Chempothumparambil veedu,
Kattungachira, Iringalakuda North P.O,
Thrissur -680125 : Member

Kannur District**I Official Members**

1. District Judge : Chairman
2. District Magistrate : Member
3. District Police Chief /District
Superintendent of Police : Member
4. District Medical Officer / Chief Medical
Officer of Health Department : Member
5. Executive Engineer,
Public Works Department : Member
6. District Education Officer in charge
of literacy programme : Member
7. District Social Welfare Officer : Member
8. District Employment Officer : Member
9. District Agricultural Officer : Member
10. District Industrial Officer : Member

II Non - Official Members**(A) Members representing the Kerala Legislative Assembly**

1. Smt. K.K. Shailaja Teacher M.L.A. (Mattannur) : Member
2. T.P. Ramakrishan M.L.A (Perambra) : Member
3. Sri. M. Rajagopalan M.L.A. (Thrikkarippur) : Member



(B) Member Nominated by the Kerala State Human Rights Commission

1. Registrar, Kerala State Human Rights Commission : Member

(C) Members representing the Category - Social Worker

1. Adv. K.P. Sumathi, House No. 11,
Doctor Saju Road, Akil, Malappuram : Member

SCHEDULE II**(I) (1) The task of the Board of Visitors**

- a) Monitoring the correctional work in prisons, with special attention to the degree and quality of training and the effectiveness of infrastructure / facilities in the prisons.
 - b) Suggesting new avenues leading to improvement in correctional work.
 - c) Going into individual or collective grievances of prisoners and providing redressal in consultation with the Prison Authorities.
- (2) The District Judge shall be the Chairman of the Board of Visitors at District level. The Board of Visitors shall meet in the office of the Superintendent of Prisons at least once in every quarter.
 - (3) The minute of every meeting of the Board of Visitors shall be recorded in the Visitor's Minute Book and the same shall be forwarded to Director General of Prisons and Correctional Services with comments of the Superintendent. A copy of the minutes shall also be dispatched to every member of the Board of Visitors. The Director General of Prisons and Correctional Services shall place a copy of the minutes of the last meeting/meetings of the Board of Visitors of all the prisons before the State Advisory Board.
 - (4) When a Non-Official Member of the Board of Visitors visits a prison he shall be accompanied by at least one more member (Official or Non-official). The Chairman of



the Board of Visitors shall make a monthly roster of visits to be paid by the members of the Board to the Prison, in consultation with the Superintendent.

- (5) The roster shall be made in such a manner as will envisage at least one visit by a member in every month.
- (6) Every Non-Official visitor is expected to interest himself in the upkeep of prisoners and visit the prison of which he is a visitor, once a month, and oftener, if possible.
- (7) During visits, a Visitor (Member of the Board of Visitors) shall enjoy the right to converse secretly and separately with any prisoner who is willing to talk to the Visitor. However such separate interaction between a Visitor and a prisoner shall be held in a place within the prison well within sight of a prison officer. The Visitor, immediately after such conversation with a prisoner, shall inform the Chairman of the Board in writing about what transpired in the conversation with the prisoner. The Chairman, if he thinks it necessary, shall take up the matter with the Superintendent of Prison.
- (8) Any observations/comments made in the Visitor's Minute Book, by any member of the Board, shall be forthwith brought to the notice of the Director General of Prisons and Correctional Services by the Superintendent, along with his own comments. The copy of the same shall also be sent to the Visitor concerned and the Chairman of the Board of Visitors.
- (9) The Members of the Board of Visitors shall specially attend to the quality and quantity of prison diet, condition of the kitchen and hospital, availability of medicines, hospital management, medical treatment of the prisoners, sanitary arrangements, aspects of vocational trainings, literacy programmes and library facility for the prisoners.
- (10) The Superintendent shall present before the visiting member/members of the Board of Visitors any paper / document pertaining to correctional work, recreation and trainings of prisoners, prison diets / medicines, grievances of prisoners and follow redressal of such grievance, if it is sought by a visiting members of the Board.
- (11) The Superintendent shall not be bound to present any Register /Document/paper



pertaining to financial accounts before a member of the Board of Visitors without written approval of the Director General of Prisons and Correctional Services.

- (12) The Superintendent shall ensure that the prisoners lodging complaints with the visiting member / members of the Board of visitors do not subsequently fall prey to vendetta of the accused or prison staff complained against.
- (13) Following any such visits by member/members of the Board of Visitors, the Superintendent shall inform the Director General of Prisons and Correctional Services regarding the details of the visit.
- (14) For the purpose of a meeting of the Board of Visitors one Official Visitor and two Non-Official Visitors shall form a quorum.
- (15) A Non-Official Member of the Board of Visitors shall hold office for a period of two years from the date of his appointment to the Board, and may be considered for reappointment.
- (16) The appointing authority may cancel the appointment of any Non-Official Visitor for reasons to be recorded in writing. Removal of Non-Official Visitors must not be arbitrary and should be based on a sound reasoning. In particular, any removal must be made after following principles of natural justice.
- (17) A Non-Official member of the Board of Visitors shall receive allowances as may be sanctioned by the Government from time to time, for attending meetings of the Board of Visitors.

(II) Duties of Visitors

(1) All Visitors, official and non-official at every visit shall :

- a) Examine the cooked food ;
- b) Inspect the barracks, wards, work-sheds and other buildings of the prison generally ;



- c) ascertain whether considerations of health, cleanliness and security are attended to, whether proper management and discipline is maintained in every respect and whether any prisoner is illegally detained, or is detained for undue length of time while awaiting trial ;
 - d) examine prison registers and records, except secret records and records pertaining to accounts ;
 - e) hear and attend to all representation and petitions made by or on behalf of the prisoners ;
 - f) direct, if deemed advisable, that any such representation or petition be forwarded to the Government ;
 - g) suggest new avenues for improvement in correctional work.
- (2) A spare copy of the list of duties of the visitors will be kept at the main gate and handed over to a visitor on the occasion of his visit to the prison. Each Non-Official Visitor will be supplied with a copy of his appointment.

(III) Board of Visitors to Record Remarks

The Board of Visitors should record their remarks in the Visitors Book after every visit. A copy of these remarks shall be forwarded to the Director General of Prisons and Correctional Services who should pass such orders as he thinks necessary. A copy of the Director General of Prisons and Correctional Services' order should be sent to the visitor concerned.

(IV) Visitors to be facilitated

- (1) The Board of Visitors shall be afforded every facility for observing the state of the prison and the management thereof and shall be allowed access, under proper regulations, to all parts of the prison and every prisoner confined therein. They shall ordinarily not visit high security areas unless the instructions in this behalf are given by the Director General of Prisons and Correctional Services.
- (2) The Board of Visitors should have the power to call for and inspect any book, or other



record, in the prison unless the Superintendent, for reasons to be recorded in writing, declines on the grounds that its production is undesirable. Similarly every visitor should have the right to see any prisoner and to put any question to him out of hearing of any prison officer.

- (3) Non-official visitors shall not visit prisoners who are not allowed to be interviewed on medical grounds.
- (4) Visits shall not ordinarily be made after prisoners have been locked for the night and on prison holidays.

(V) Visit to High Security Prison

District and Session judge to visit and inspect prisons

It shall be the duty of the District and Session Judge to visit and inspect high security and other prisons and to satisfy himself that all rules, regulations, directions and orders made or issued to such prisons, are duly observed and enforced.

(VI) Record of Inspection

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

(VII) District and Sessions Judge to Communicate only with the Superintendent of Prisons

1. The District and Sessions Judge shall not ordinarily address any communication or order to any officer of any prison below the Superintendent. All orders issued by the District and Sessions Judge shall be in writing.
2. The District and Session Judge's orders should ordinarily be issued in the form of an entry in the Visitor's Book. The judge is not required to interfere in matters of detail effecting management of a prison. He should refrain from any action which may tend to weaken the authority of the Superintendent over subordinate prison officers and prisoners.



3. If the District and Session Judge gives an order to which the Superintendent of Prison or his senior takes exception, the concerned office may represent the matter through the Director General of Prisons and Correctional Services to the State Government, but he shall forthwith obey any order which is not inconsistent with the Prison Act of the State, or any rule made there under, and does not involve any immediate risk or danger.

(VIII) 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 prison, record in the visitors' book, the date and hour of his visit, and may enter therein any remarks or suggestions he may wish to make.
2. A copy of the remarks made by every Visitor, together with Superintendent's reply thereto, or the action taken by the Superintendent thereon, shall be forwarded to the Director General of Prisons and Correctional Services. In case the remarks related to the long detention of an under trial prisoner a copy of such remarks shall also be forwarded to the Sessions Judge.

(IX) Disposal of the remarks made by a Visitor

1. Any remarks made by a Visitor under the preceding section should be limited to a statement and fair criticism of actual facts, which may come to his knowledge, and to such suggestions, as he may desire the Superintendent or Director General of Prisons and Correctional Services to consider. Criticisms should be confined to such aspects of the ordinary administration and management of the prison which, in the opinion of the visitor, can be improved. On no account the visitor should directly or indirectly reflect, either favorably or adversely, on the character or conduct of any of the prison staff. If the visitor wants to bring to notice the good or bad work of any prison official he should do so by a letter addressed to the Director General of Prisons and Correctional Services.
2. The Director General of Prisons and Correctional Services may pass orders on any remarks made by a Visitor, and shall, if any issue of the importance requires the orders of the Government, forward such record to the State Government.



3. A copy of any order passed by the Director General of Prisons and Correctional Services, or by the State Government on any record made by a Visitor shall be communicated to the Visitor concerned through the Superintendent of Prison.

By order of the Governor,
DR VENU V. I A S
ADDITIONAL CHIEF SECRETARY

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport).

The Supreme Court of India in it's judgment dated 15.09.2017 in IA No.68248 of 2017 in WP (c) No. 406 of 2013, interalia directed the State Government to constitute an appropriate Board of Visitors in terms of Chapter XXIX of the Model Prison Manual indicating their duties and responsibilities. Para 1 of Chapter XXIX of the Model Prison Manual, 2016 issued by the Ministry of Home Affairs, Government of India, mandates that the State Government shall, by notification, constitute a Board of Visitors comprising Official and Non-official members at District and Sub divisional level. To comply with the direction in the above judgment the Government have decided to constitute the Board of Visitors at district level in accordance with the said Manual, by notification.

The notification is intended to achieve the above object.

