

Rajasthan Conditions of Detention (Foreigners Act) Order, 1966

RAJASTHAN

India

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Rule

RAJASTHAN-CONDITIONS-OF-DETENTION-FOREIGNERS-ACT-ORDER of 1966

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Rajasthan Conditions of Detention (Foreigners Act) Order, 1966 Published vide Notification No. F. 12(1) HF/66, Dated 24 .3.1966 (Published in Rajasthan Gazette, Extraordinary, Part-4(C) dated 28.4.1966).RJ72In exercise of the powers conferred by sub-section (1) of section 4 of the Foreigners Act, 1946 (Central Act 31 of 1946) read with the Government of India, Ministry of Home Affairs, Notification No. F.1/45/63-I, Intt., dated the 31st December, 1964, the Government of Rajasthan hereby prescribe the conditions for arrest and detention or confinement of the Pakistani nationals ordered under clause (g) of sub-section (2) of section 3 of the said Act, to be detained in any prison in Rajasthan, namely:-

1. Short title and application.

(a) This order may be called the Rajasthan Conditions of Detention (Foreigners Act) Order, 1966.(2) It shall extend to whole of Rajasthan and shall apply to all Pakistani nationals ordered to be arrested and detained or confined by an order under clause (g) of sub-section (2) of section 3 of the Foreigners Act, 1946 (31 of 1946).

2. Definitions.

- In this order, unless the context otherwise requires:(a) "Act" means the Foreigners Act, 1946 (Central Act 31 of 1946).(b) "Conditions" means the conditions prescribed for detention of Pakistani nationals under clause (g) of sub-section (2) of section 3 of the Foreigners Act, 1946.(c) "Detenu" means Pakistani nationals detained under section 3(2)(g) of the Foreigners Act, 1946.(d) [Inspector General] [Now 'Director General'] means the [Inspector General] [Now 'Director General'] of Police in Rajasthan.(e) "Prisoner" means a person other than a detenu, duly committed to confined or

detained in a Jail.(f)"Pakistani National" means any person who has acquired the Citizenship of Pakistan.(g)"Jail" means any prison as defined in section 3 of the Prisons Act, 1894 (Central Act 9 of 1894) of the Central Legislature as adopted to or in force in any area of Rajasthan.(h)"Superintendent" means the Superintendent of any Jail or Prison of any District of Rajasthan.

3. Classification.

(1)The Pakistani nationals arrested and detained or confined under clause (g) of sub-section (2) of section 3 of the Foreigners Act, 1946, shall be classified as Division I or Division II detenus according to the condition of their health and their education, status and mode of living before arrest.(2)The classification of each detenu shall be made by the authority passing the order of arrest: and detention or confinement.(3)Subject to the other provision of this order, detenu of Division I and II shall ordinarily be treated in the same manner as may for the time being, be prescribed respectively for 'B' and C' class prisoners.

4. Custody and Procedure.

(1)A detenu shall ordinarily be removed and detained in any of the Jails in Rajasthan specified for the purpose by the Government.(2)The detenu shall be kept separately from ordinary prisoners:Provided that Superintendent of Jail may detain any detenu separately, if he considers it desirable on grounds of health or for any other reason.

5. Diet.

- The detenus of Division I and II shall be entitled to the same diet as is prescribed for prisoners of class B and C respectivelyProvided that the detenus of these two divisions, may, with the permission of the District Magistrate, be permitted to receive food from private sources to the same extent and in the same manner as Civil prisoners.

6. Clothing, bedding and utensils.

(1)Each detenu may wear his own clothes and his relations may, if permitted by the Superintendent to do so, send him extra clothing and bedding. Each detenu who is unable to provide sufficient clothing and bedding shall be supplied with clothing and bedding according to the scale prescribed for the Civil prisoners of corresponding class[Provided that Pakistani nationals who were arrested and detained and are classified Division II detenus, will be provided with a charpai and may also be allowed to sleep in the open outside the barracks by the Superintendent of Jail in which they are lodged, wherever it is administratively possible to do so.] [Inserted by Notification No. F. 12(1) HE'66. Part II, dated 17.9.1966 (Published in Rajasthan Gazette, Extraordinary.Part 4(C), dated 6.4.1967).](2)A detenu shall be allowed to bring his own feeding utensils, but if for any reason he is unable to do so, the Superintendent shall allow him such utensils as are admissible to B and C class Civil prisoners according to his Division i.e. I and II respectively, as the case may be.

7. Searches.

(1) Every detenu and his ward or cell shall be searched thoroughly by the Superintendent not less than once a week and the result of the searches shall be noted in the Jailor's note-book. (2) The detenus shall be searched before and after interviews and at any other time, if the Superintendent considers it necessary. (3) If the detenu is a lady, she should be searched by a lady warder. (4) In conducting the searches of detenus, privacy shall be observed and care shall be taken to avoid humiliation.

8. Supply of Funds.

(1) A detenu may, with the previous sanction of [Inspector] [Now 'Director General'] General and Superintendent receive from a specified relative or friend at intervals of not less than a month, an amount not exceeding Rs. 20/- per month, if he/she is a Division I detenu and Rs. 10/- per month if he/she is a Division II detenu and may spend the amount or a similar sum from his private function such object and in such manner, as may be permissible under the rules. In cases in which for want of funds any detenu is compelled to do without small amenities which his fellow detenus enjoy, such amenities may, if considered absolutely necessary by the Superintendent be supplied to him at Government cost. (2) All funds so received shall be kept by the Superintendent and spent by him on behalf of the detenu. (3) Amounts in excess of those prescribed in sub-clause (1) may be received by the Superintendent on behalf of detenus, but these shall not be spent in any month beyond the limits laid down in the said sub-clause.

9. Furniture and toilet articles.

- The detenu shall be supplied with furniture and toilet articles to the same extent, as has been prescribed for B and C class prisoners.

10. Interviews.

(1) Save in accordance with an order of the authority who issued orders to detain him in writing no detenu shall be permitted to have an interview with any person other than a Police Officer. (2) If a detenu is allowed to have an interview with his friends and relatives, it shall be - (a) in the case of Division I once in two months; and (b) in the case of Division II once in three months during his period of detention. (3) Interviews with relatives i.e. wife, husband, father, mother, brother, son, sister, daughter, uncle, aunt and children of brother and sister shall be limited to an hour's duration and those with others to half-an-hour. (4) All interviews shall take place in the presence of an Officer not below the rank of a Sub-Inspector deputed for the purpose by the [Inspector] [Now Director] General of Police, Rajasthan and such Officer may stop the interview, if the conversation turns on any undesirable subject and may also report the matter to the Superintendent who may inflict any of the punishments enumerated in clause 15 subject to this provision the place and mode of interview shall be determined by the Superintendent. (5) The Sub-Inspector of Police should make a report of the conversation on any undesirable subject exchanged between the detenu or the person who is

allowed interview to the [Inspector] [Now Director] General of Police through proper channel for the information of the Government.(6)The Superintendent of the Jail shall maintain a statement of all interviews between a detenu and his relatives or other persons with the names of the persons present at each interview.

11. Police Interviews.

- Subject to the directions of the Government, the [Inspector] [Now Director] General, may by general or special order, authorise any Police Officer to interview with any detenu.

12. Correspondence and censorship.

(1)Detenus of Division I and II shall ordinarily be permitted to write respectively four and two letters each and receive as may as they like every month.(2)No detenu shall write a letter to any other detenu and not more than one letter shall be enclosed in an envelope except with the special permission or the Superintendent. All correspondence to and from a detenu shall be confined to purely domestic mailers or subjects relating to the welfare of the detenu and his near relatives. Letters containing references to any matters other than those of domestic or of the welfare of the detenu or relatives shall be withheld as laid down in sub-clause (4) below;(3)No letters, newspapers or other communications shall be transmitted to or from a detenu except through the Superintendent or such Officer, as the Government may, by general or special order, designate in this behalf.(4)All letters to and from detenus shall be perused minutely by the Superintendent and, subject to any general or special order of the Government shall be submitted by the Superintendent direct to the [Inspector] [Now Director] General of Police, Rajasthan, who may at his own discretion withhold them.(5)Detenus shall be allowed to read books from the Jail library. They shall be allowed to get books from outside at their own expense provided the books are of a non-political character and approved by the senior Police Officer of the district concerned. Detenus may be permitted to buy such newspapers, periodicals and magazines, as may be approved by the Government.(6)Where in the opinion of the Superintendent:-(a)any news-paper or periodical contains any matter prejudicial to the efficient conduct of military operations, the defence of India and civil defence or the public safety or interest, or(b)any communication made to or intended to be delivered to, a detenu contains any matter which is objectionable from the point of view of maintenance of Jail discipline, he shall delete the same or mark it for deletion while forwarding to the proper authority.(7)All letters to and from a detenu shall be initialled and dated by the officer who handles the same.(8)The detenu shall attach to all outgoing correspondence, a slip containing the full name, address and relationship, if any of the addressee and of each person mentioned in the letters. This slip shall be sent to the [Inspector] [Now Director] General or other Officer designated by the Government in this behalf, who if he considers that the writer should not be allowed to correspond with the addressee, shall inform the Superintendent accordingly for his further guidance.

13. Writing material.

- All detenus shall be supplied writing material at their own-expenses, provided that the supply of paper shall be subject to the following conditions:-(1)It shall be supplied in small quantities at a

time and shall before delivery to the detenu be numbered and Jail stamp affixed to it; and (2) an additional lot shall not be supplied unless the paper already supplied is found to have been properly used.

14. Offences and punishments.

(1) A detenu:-(i) shall reside in the accommodation allotted to him by the Superintendent, (ii) shall not proceed beyond the limit of the Jail, save with the permission of the Superintendent given by general or special order in this behalf, (iii) shall obey the orders of the Superintendent issued from time to time for the comfort, safety and health, or for his discipline, orderly conduct and control of detenus, (iv) shall attend roll-call and answer to his name in person at such time and place within the Jail, as may be appointed by the Superintendent, (v) shall conform to the standards of cleanliness and dress laid down by the Superintendent, (vi) shall not have in his possession any coin, currency note or negotiable instrument, any weapon, stick, razor, other than a safety razor, piece of iron or any other article which may be used as a weapon, (vii) shall not exchange or sell any of his kit, equipment, clothes furniture or other possession, and (viii) shall not refuse to take prescribed diet. (2) Any detenu contravenes any of the provisions of sub-clause (1) or refuses to obey and order issued thereunder or does any of the following acts, namely:-(i) assaults, insults, threatens, or obstructs any prisoner, or detenu or any officer of the Jail or any other Government servant or any person employed in or visiting the Jail, or (ii) quarrels with any person in the Jail, or (iii) is guilty of indecent, immoral or disorderly conduct, or (iv) communicates or attempts to communicate with any person outside the Jail in any unauthorised manner, or (v) bribes or attempts to bribe any Government servant or any person employed in or visiting the Jail, or (vi) commits any nuisance or willfully defouls any well, latrine, washing, or bathing places, or (vii) disobeys the orders or, or shows disrespect to any of officer of the Jail, or (viii) willfully damages any property belonging to the Government or tampers with locks, lamps or lights in the Jail, or (ix) receives, possesses or transfers any articles in contravention of an order of the Superintendent, or (x) feigns illness, or (xi) wilfully brings a false accusation against any officer of the Jail or prisoner or detenu, or (xii) omits or refuses to report, as soon as it comes to his knowledge, the occurrence of any escape, attempt or preparation to escape and any attack or preparation for attack upon any officer of the Jail, or (xiii) abets the commission by a prisoner or detenu of any of the foregoing acts, or (xiv) omits or refuses to help any officer, of the Jail in the case of an attempted escape on the part of any of the prisoner or detenu, shall be deemed to have committed a Jail offence. (3) (a) Where upon such enquiry, as he thinks fit to make, the Superintendent, if satisfied that a detenu is guilty of a Jail offence, he may award the detenu one or more of the following punishments:-(i) confinement in a cell for a period not exceeding fourteen days; (ii) reduction or alteration of diet for a period not exceeding fourteen days; (iii) cancellation or reduction, for a period not exceeding two months, of the concession of receiving funds from outside; (iv) cancellation or reduction for a period not exceeding two months, of privileges of writing and receiving letters; (v) cancellation or reduction, for a period not exceeding two months, of the privileges of having interview; (vi) cancellation of the privilege of wearing his own clothes. (b) If any detenu is guilty of Jail offence which, by reason of having frequently been committed or otherwise, is in the opinion of the Superintendent not adequately punishable by him under the provisions of sub-clause (3)(a), he may forward such detenu to the Court of a Magistrate of the first class having jurisdiction, and such Magistrate shall thereupon inquire into and try the

charges so brought against the detenu and upon conviction shall sentence him for a term not exceeding one year: Provided that where the act constituting an offence punishable under Indian Penal Code with imprisonment for a term exceeding one year, nothing in this clause shall preclude the detenu from being tried and sentenced for such offence in accordance with the provisions of the Indian Penal Code. (4) The Superintendent may use or require to be used such force, as may in his opinion be necessary to compel obedience on the part of any detenu to any lawful order by him.

15. Retention of watches.

- The detenus shall be allowed to keep their watches with them in the Jail, but no responsibility for their safety will be taken by the Government.

16. Recreation.

- The detenu shall be allowed to play Volley ball and Badminton, if there is room in the Jail for this and the number of detenu warrants. They shall be allowed to play indoor games like chess and playing cards at their own expenses.

17. Smoking.

- The detenu shall be allowed to smoke cigarettes and biris at their own expenses.

18. Non-official visitors.

- Non-official visitors appointed by the Government may visit the detenu. But, the treatment meted out to them in the Jails will not be subject, to inspection by any international organisation like the International Red Cross.

19. Application or representation.

(1) The Superintendent shall forward through the [Inspector General] [Now Director] with such observation, as he may think fit, any representation which a detenu may submit to the Government, (2) The Superintendent shall forward to the Government without delay any petition which a detenu may address to it: Provided that when the application or representation is addressed to a court, it will be forwarded to that court by the Superintendent direct.

20. Transfer of detenus to civil hospital in emergent cases.

(1) In cases where it is necessary to remove a detenu to a civil hospital outside the Jail for operative or other special treatment which cannot conveniently be given in the Jail itself, orders of the Government shall be obtained. In emergent cases the Superintendent is authorised to anticipate the sanction of the Government but he should make an immediate report of all cases in which he avails himself of the authority. The Superintendent should request the [Inspector General] [Now Director]

to make arrangements for guarding such detenus during their stay in the hospital. For the purpose of Jail discipline, the Superintendent should depute Jail official to see that the provisions of the order are properly observed.(2)In respect of a detenu detained in a hospital under sub-clause (1), the preceding provisions of the order shall apply, as far as may be as if.-(a)all references to the Jail were references to the hospital, or(b)all references to the Superintendent were references to the Principal Medical Officer or the Medical Officer-in-charge of the Hospital, as the case may be.

21. Miscellaneous.

(1)All particulars relating to a detenu shall be entered (without serial number) in the register of civil prisoners and all statistics of detenu shall be shown separately in Jail returns.(2)A copy of the Order shall be shown to the detenus on their arrival in a Jail.(3)Such other local instructions, as may be necessary for the guidance of Jail officers, may be issued by the [Inspector] [Now Director] General in consultation with the Government.

22. Detention.

- A detenu who is transferred from the State of Rajasthan to any other State, shall be detained in the Jail of the State and shall be governed by the Rules for the time being in force in that State to which he is transferred.