

Delhi Prison Act, 2000

DELHI

India

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Delhi Prison Act, 2000(Delhi Act No. 2 of 2002)(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 reformation 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 I 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;(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 Capital 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 on 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:(i)any place 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 under 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 shall 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. Power 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 any 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 than 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;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 on them 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 officer 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 prisons.

(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 Officer 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 cases.

(1) Whenever the Medical Officer in charge of a prison has reason to believe that the mind of a prisoner is, or is likely to be injuriously affected by the discipline or treatment to which he is subjected, the Medical Officer shall report the case in writing to the Superintendent, 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 Superintendent 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) an account of the appearances after death, together with any special remarks that appear to the Medical Officer to be required. (2) The report of such death shall forthwith be sent to the Superintendent and the Inspector General by the Medical Officer. (3) When the Superintendent 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 Superintendent to reside in prison.

- The Deputy Superintendent shall reside in the prison, unless the Inspector General permits him in writing to reside elsewhere.

17. Deputy Superintendent to give notice of death of prisoners.

- Upon the death of a prisoner, Deputy Superintendent shall give immediate notice thereof to the Superintendent and the Medical Officer.

18. Responsibility of Deputy Superintendent.

- The Deputy Superintendent 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 Superintendent to be present at night.

- The Deputy Superintendent shall not be absent from the prison for a night without permission in writing from the Superintendent, but, if absent without leave for a night from unavoidable necessity, he shall immediately report the fact and the cause of it to the Superintendent.

20. Power of Assistant Superintendent.

- An Assistant Superintendent shall, subject to the order of the Superintendent, be competent to perform any of the duties and he subject to all the responsibilities of a Deputy Superintendent 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 Superintendent.

22. Subordinate officer not to be absent without leave.

- Officers subordinate to Deputy Superintendent shall not be absent from the prison without leave from the Superintendent or from the Deputy Superintendent.

23. Utilisation of the services of prisoners.

- The Superintendent 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 Superintendent, a record of the state of prisoner's health, and 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 Superintendent.

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 labouring under any acute or dangerous distemper, not until, in the opinion of the Medical Officer/Female Medical Officer, such discharge is safe.(4)The Superintendent 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 Superintendent.

Chapter V

Discipline of Prisoners

27. Responsibility of Superintendent.

- The discipline in the prison shall be maintained by the Superintendent 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 met each other once a week in presence of a jail officer.

29. Association and segregation of prisoners.

- Subject to the requirements 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 Superintendent and all articles shall be taken from him which the Superintendent 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.

Chapter VI

Food, Clothing and Bedding of Civil Prisoners

31. Maintenance of certain prisoners from private sources.

- A civil prison shall be permitted to maintain himself, and to purchase, or receive from private sources at proper hours and days foods, clothing, bedding or other necessities, 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 necessities belonging to any civil prisoners and any prisoner transgressing the provisions of this section shall lose the privilege of purchasing food or receiving it from private sources, for such time as the Superintendent 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 as may be prescribed in the rules.

Chapter VII

Employment of Prisoners

34. Employment of civil prisoners.

- (1) Civil prisoners may, with the permission of the Superintendent, and subject to such restrictions as the Superintendent 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, but the earnings of such as are furnished with implements or are maintained at the determination by the Superintendent, 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 Superintendent 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 his own desire shall, except on an emergency with the sanction in writing of the Superintendent, be kept to labour for more than nine hours in any one day. (3) The Medical Officer shall from time to time examine the labouring 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. (4) When the Medical Officer is of opinion that the health of any prisoner suffers from employment on 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.

- Provision shall be made by the Superintendent 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 Superintendent. (2) The Deputy Superintendent 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 directions 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 Superintendent 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 Superintendent 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 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 case of any such visitor refusing to permit himself to be searched, the Deputy Superintendent 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 Superintendent 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 Superintendent 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 Superintendent 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 Superintendent 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 wilful 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)wilfully injures himself;(4)the use of insulting or threatening language;(5)immoral or indecent or disorderly behaviour;(6)wilfully disabling himself from labour;(7)contumaciously refusing to work;(8)filing, cutting, altering or removing handcuffs, fetters or bars without due authority;(9)wilful idleness or negligence of work by any prisoner sentenced to rigorous imprisonment;(10)wilfully mismanagement of work by any prisoner sentenced to rigorous imprisonment;(11)wilful 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)wilfully 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;(18)converting or attempting to convert a prisoner to a different religious faith or wilfully 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)sending messages 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 offence.

(1)The Superintendent may himself conductor authorize an officer not below the rank of Deputy Superintendent 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 Superintendent and recorded in the punishment book;(b)forfeiture of remission up to a period of thirty days at anyone 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 breaches 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;(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 labour 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 clause 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 punishments awarded under sub-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 Superintendent except in case of punishment under clause (c) of sub-section 1 above.

48. Limitation to Award of punishment under Section 47.

(1)The Superintendent 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 Superintendent shall have power to award any punishment, whatsoever.(3)No punishment shall be imposed without judicial appraisal of Sessions 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 Superintendent 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 defence of the prisoner, and the finding with the reasons therefore shall be recorded.(3)Against the entries relating to each punishment, the Deputy Superintendent and. Superintendent 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 Superintendent, is not adequately punishable by the infliction of any punishment, which he has power under this Act to award, the Superintendent 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 subordinate.

(1) Every Deputy Superintendent or officer of a prison subordinate to him who shall be guilty of any violation of duty or wilful breach, or neglect of any rule regulation or lawful order made by competent authority or who shall withdraw from the duties of his office without permission, or who shall wilfully 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 defence; (2) No prisoner shall be punished twice for the same offence; (3) Subject to the provisions of sub-section (1) and (2) above, the Superintendent 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 Superintendent 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 suspended, 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.

Chapter XII

Safe Custody and Security of Prisoners

55. Liability to provide safe custody and security of prisoners.

(1) The Superintendent 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 Superintendent has reason to believe that a prisoner is likely to jump prison or break out of 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 Superintendent 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 prisoner.

(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 Inspector 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 form 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 achieving any request or demand.

59. Extramural custody, control and employment of prisoners.

- A prisoner, when being taken to or 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 the 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 as little force, and do as little injury to a person as may be consistent with 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 prisoners.

64. Persons of unsound mind.

- 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 in such manner as may be prescribed by the Government.

67. Training of prison official.

(1)The Government shall provide training to all person officials to refresh them about the responsibilities and rights of prisoners.(2)The duration and syllabus of such training shall be prescribed by the Government.

68. Delegation of power.

- 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 Office.

- AR 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 flame 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 or the rules made or orders or directions issued there under or acting in accordance with the provisions of sub-section (1) and (20) of Section 60.

71. Powers of Government to make rule.

(1)The Government may make rules generally to carry out the provisions of this Act.(2)In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:(i)Defining the acts which shall constitute person offences;(ii)Determining the 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 the shortening of sentences;(vi)regulating the use of force against any prisoner or body of prisoners in the case of a riot, outbreak or attempt to 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, or otherwise, of the prisoners to be confined in each class of prisons;(x)For the governance of prisons and for the appointment of officers under this Act;(xi)As to 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 prisons;(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 prisoners;(xv)For adopting measures to bring about co-ordination between various departments of the Government for upkeep, maintenance, welfare of the prisoners and for dealing with contingencies;(xvi)For the classification and the separation of prisoners;(xvii)For regulating the confinement of convicted criminal prisoner under Section 29;(xviii)For the preparation and maintenance of history tickets;(xix)For rewards for good conduct;(xx)For regulating the transfer 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 visitors of prisons;(xxiv)For extending any or all of the provisions of this Act and of the rules 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 to the officers employed, and the prisoners confined, therein;(xxv)In regard to the admission, custody, employment diet, treatment and release of I prisoners;(xxvi)For periodic review of cases of criminal prisoners detained in 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 recruitment, training, conduct, punishment and appeal relating to the officials of the prisons;(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 that rule.

72. Exhibition of copies of Rules.

- 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 the Delhi in some place to which all persons employed within the prison have access.

73. Repeal and savings.

(1)The Prisons Act, 1894 (IX of 1894) in its application to Delhi is hereby repealed.(2)Notwithstanding the repeal by this Act of the Prisons Act, 1894 referred to in sub-section (1) above, all rules, regulations, orders, directions, notifications relating to the prison administration in Delhi, made under the 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 altered, amended or repealed by rules made under this Act.

74. 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 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 of Delhi.