

The M.P. Foreigners (Arrest and Conditions of Detention or Confinement) Order, 1974

MADHYA PRADESH

India

The M.P. Foreigners (Arrest and Conditions of Detention or Confinement) Order, 1974

Rule

THE-M-P-FOREIGNERS-ARREST-AND-CONDITIONS-OF-DETENTION-OF 1974

- Published on 8 January 1974
- Commenced on 8 January 1974
- [This is the version of this document from 8 January 1974.]
- [Note: The original publication document is not available and this content could not be verified.]

The M.P. Foreigners (Arrest and Conditions of Detention or Confinement) Order, 1974Published vide Notification No. Con-1-74-A (1)-2, dated 8th January, 1974, in M.P. Rajpatra Part 1, dated 11-1-1974Notification No. Con-1-74-A (i)-II, dated 8th January, 1974. - In exercise of the powers of the Central Government under clause (g) of sub-section (2) of Section 3 and sub-sections (1) and (4) of the Foreigners Act, 1916 (XXXI of 1916), entrusted to the State Government by the Government of India, Ministry of Home Affairs Notification No. 1-45-63-I-Intt., dated the 31st December, 1964, the State Government hereby makes the following order, namely :-

1. Short title, extent, application and commencement.

(1)This order may be called The Madhya Pradesh Foreigners (Arrest and Conditions of Detention or Confinement) Order, 1974.(2)It extends to the whole of Madhya Pradesh.(3)it shall apply in respect of persons to whom Chapter II of the Foreigners (Interment) Order, 1962 applies.(4)It shall come into force at once.

2. Definition.

- In this order, unless the context otherwise requires-(a)"Civil Authority" means the civil authority appointed under paragraph 2 (ii) of the Foreigners order, 1948;(b)"Government" means the Government of the State of Madhya Pradesh;(c)"Internee" means any person arrested under paragraph 3 of the Order;(d)"Inspector General" means the Inspector General of Prison, Madhya Pradesh;(e)"Place" means any place used for detention of internees and includes any jail or police

lock-up;(f)"Superintendent" means the Superintendent of the jail in which an internee is detained and includes any person who for the time being is acting as such Superintendent.

3. Arrest and detention or confinement of certain persons.

(1)The Civil authority in any area may arrest or cause to be arrested any person to whom this order applies in that area :Provided that nothing in this sub-paragraph shall, except by an express direction of the Government apply to, or in relation to any such person employed in a diplomatic or consular mission in India, or the wife or any child of any such person.(2)Every person arrested under the provisions of sub-paragraph (1) shall be surrendered, as soon as may be, to the Superintendent of a Jail specified in paragraph 6 of this order and he shall be detained or confined there until otherwise directed by the Government.

4. Application of general rules.

- The rules for the time being in force applicable to other prisoners confined in a place shall apply to internees also except to the extent to which they are modified by this Order.

5. Classification and authority directing the classification.

(1)Internees shall be divided into two classes, Classes I and II, according to the State of their health and their education, status and mode of living before detention.(2)The classification of each internee shall be made by the authority directing his detention :Provided that where no order is specifically passed regarding classification by the authority directing detention of the internee he shall be presumed to have been placed in Class II.(3)Subject to the provisions of this Order internees of Class I and Class II shall ordinarily be treated in the same manner as laid down in the Jail Manual, for the time being in force, for prisoners placed in Class B or superior Class and C or ordinary class respectively.

6. Custody and procedure.

(1)The internee shall ordinarily be detained in the following Jails of this State, namely Central Jails, Jabalpur, Raipur, Gwalior and Indore and District Jails Class I, Bhopal, Ujjain, Sagar, Rewa, and Bilaspur and sub-jail Narsingharh and in any other Jail or Jails which may be specifically allocated by the Inspector General for these internees from time to time.(2)As far as possible internees shall be detained in common wards separate from other prisoners and shall be allowed to communicate freely with each other within their enclosure. The Superintendent may, however, confine any internee separately if he considers it desirable on grounds of health or for any other reason.

7. Task.

- An internee may, at his opinion, be allowed to do such work as may be allotted to him by the Superintendent and may receive remuneration for his labour at such rates as may be fixed by the

Government.

8. Locking and Unlocking.

(1)The Superintendent may in his discretion direct that internees shall be locked up at night not later than one hour after the lock-up time. The unlocking of cells or common wards, use of latrines and bathing shall be carried out in accordance with prison routine.(2)The Government may authorise the Inspector-General, in particular cases or in general, to exempt internees from being locked up in barracks for the night during the summer Months that is from 25th March to 15th September subject to the place of detention being securely enclosed and adequate security arrangements being available without additional cost.

9. Clothing and Bedding.

- An internee may wear his own clothes and use his own bedding and friends and relations may, if permitted to do so by the Superintendent, send him extra clothes and bedding. If an internee is unable for any reason to provide himself with sufficient clothing and bedding, the Superintendent shall provide him with such clothing and bedding as is issued to prisoners placed in class B and C according to whether he is class I and class II internee respectively.

10. Feeding Utensils.

(1)Internees shall be allowed to bring their own feeding utensils but if for any reason they are unable to do so, the Superintendent shall issue such utensils as he can conveniently issue.(2)Internees shall be responsible for the safe custody of their own clothing, bedding and other articles.

11. Diet.

(1)(a)The Superintendent may permit an internee, if he so desires, to make arrangements for his own food. Such food when provided shall be subject to search by such Officer as may be authorised by the Superintendent in this behalf.(b)Permission may be given for the supply of nonperishable ration articles required for seven to thirty days at a time, for perishable ration articles once a day and for cooked food twice a day. The variety of such cooked food or articles or ration, their quality and quantity as also the time for acceptance at the jail shall be fixed at the discretion of the Superintendent.(2)Class I internee shall be entitled to the diet of superior class 'B' prisoner and Class II internee shall get diet as per scale prescribed for ordinary class or Class 'C' prisoners as laid down in the Jail Manual for the time being in force.(3)Class II internees shall be given a cup of tea in the morning as per scale given below :-Tea.....4 gmMilk.....60 mlSugar.....8 gm.

12. Funds.

(1)An internee may, subject to any orders of the Government to the contrary receive from a specified relative or friend, at intervals of not less than a month, funds not exceeding Rs. 30 per month in the

case of a class I internee, and Rs. 15 per month in the case of class II internee, to enable him to supplement the amenities of life in Jail.(2)All funds so received shall be kept by the Superintendent and may be spent by him on behalf of the internee for any of the following purposes, namely :- (a)Purchase of articles of food approved by the Superintendent and Medical Officer of the prison.(b)Purchase of clothing, bedding, tooth brush, tooth paste, comb, mirror, hair oil, soap, approved newspapers and books and the like :Provided that in any place the internees of the same class express a desire that the funds they receive under sub-paragraph (1) may be pooled for their common benefit, the Superintendent may, subject to the concurrence of the Medical Officer of the prison spends the funds for improving the diet of the said internees.(3)The Superintendent may refuse to allow the purchase or delivery to an internee of anything which he considers unnecessary or unsuitable.(4)Funds in excess of the amount prescribed under sub-paragraph (1) may be received by the Superintendent on behalf of the internees, but they shall not be spent in any month beyond the limit laid down under this paragraph.

13. Interviews.

(1)The Superintendent may allow interviews to internees on any working day.(2)No internee shall be permitted have an interview with any persons (other than a Police Officer) except on the written order of Government or of such officer as may be authorised by the Government in this behalf.(3)Applications for interviews from persons other than police officers shall be made in the form below and the permit if granted shall be communicated both to the applicant and the Superintendent-

(1)Name of the internee to be interviewed.....(2)Name of the applicant.....(3)Relationship to internee of applicant.....(4)Full address of applicant.....(5)Purpose for which the interview is desiredDate.....Signature of the Applicant.

(4)Notwithstanding the receipt of such permit, the Superintendent may for special reasons refuse of allow an interview to take place on any particular day or for such period as he considers fit. Any such refusal shall be reported to Government or the officers granting the permit as the case may be.(5)Interview shall take place in the presence and within the hearing of an officer deputed by the Superintendent and such officer may terminate an interview at any time, if in his opinion the conversation is detrimental to the public interest or safety.(6)Every person permitted to interview an internee and the internee himself shall be searched before and after the interview.(7)The number of interview shall not ordinarily exceed one per fortnight for an internee and there shall not be more than three visitors excluding children below 12, present simultaneously at one interview.(8)The Superintendent shall appoint the time, place and duration of each interview and shall not ordinarily allow an interview to continue for more than one hour with a relative or half an hour with a person other than relative.(9)After the interview is over the prison official present at the interview shall warn both the internee and the visitor that further interview are liable to be prohibited if the visitor indulges in any publicity on behalf of the internee.(10)The Superintendent may allow additional interview by authorised persons for special reasons if he is satisfied that the circumstances make is necessary to do so. Every such case should be reported to the Inspector General.(11)In addition to the interviews permissible under the preceding provision of this paragraph, an internee may, with the permission of the authority under whose order the internee is detained, interview his legal advisor in connection with a pending or contemplated proceeding in a

Court of Law to which the internee is or will be a party. Not more than one such interview shall ordinarily be allowed in connection with a contemplated proceeding in a Court of Law before the proceeding is instituted. All such interviews shall take place on the premises in which the internee is confined, and shall be subject to such conditions and restrictions as the Superintendent may consider necessary to ensure security and prevent the passing or unauthorised communications unconnected with the case relating to which the interview is granted.(12)In addition to the interviews permissible under the preceding provisions of this paragraph, an internee may, with the permission of the authority under whose order the internee is detained be granted not more than two special interviews for the settlement of this business or professional affairs, such interview shall ordinarily take place within not more than two months after date of detention of the internee concerned and shall be conducted in accordance with the provisions of this paragraph as regards place, duration and condition of the interview, and the proceedings shall be strictly confined to the object for which the interview was granted.(13)Subject to the directions of Government the Inspector General of Police may by general or special order authorise any Police Officer either singly or with another Police Officer, and accompanied or unaccompanied by subordinate Police Officers, to interview any internee.(14)The Police Officer so authorised may, with the permission of the Superintendent, interview internees in their cells or wards.(15)In visiting the cells or wards every Police Officer shall be accompanied by such escort as the Superintendent considers necessary for his safety, but escort, if the Police Officer so requires, shall stand out of earshot but within sight while he is speaking to any of the internees.(16)The Police Officer so authorised may, with the permission of the Superintendent, interview internee in the ordinary interview room without a prison official being present.(17)The Superintendent of Police or any Police official authorised by him in this behalf may take photographs, register the finger prints and take Specimens of the signature and handwriting of an internee in the prison.(18)The treatment meted out to the internees will not be subject to inspection by international organisations like the International Red Cross.

14. Searches.

- Every internee and his cell or ward shall be searched not less than once a week, and oftener if the Superintendent considers it necessary, by such prison official not below the rank of a head warder as detailed by the Superintendent. Special precaution shall be taken to make the searches thorough and the fact of the search shall be noted in the jailor's report book. Internee shall be searched before and after interviews and at any other time if the Superintendent considers it necessary. In conducting the search of the internees privacy shall be observed and care shall be taken to avoid humiliation.

15. Correspondence and censorship.

(1)Except when otherwise directed by Government internees in Class 1 shall ordinarily be permitted to write four and receive eight letters per week and those in class II to write two and receive four letters per week for which purpose they may be supplied at the cost of the Government with the writing materials strictly necessary for this purpose. Each letter written by an internee shall be written on a postcard supplied by the Superintendent or on the lines and on one side of a quarter sheet of foolscap ruled form (appended hereto supplied by the Superintendent) and shall not exceed

three such sheets. Not more than one letter shall be enclosed in the one envelop except with the special permission of the Superintendent. The cost of postage on all correspondence shall be borne by the internee.(2)Internee may write letter to interneess in other jails provided that all such correspondence is strictly to personal and private matters.(3)All letters to and from interneess detained in Jails shall be censored by the Superintendent or by an officer appointed by him to assist him in this behalf or to perform this duty in his absence, and if any letter is, in the opinion of tire Superintendent or the Officer appointed by him, likely to be detrimental to the public interest or safety such letter shall be withheld. In cases of doubt the matter may be referred for orders through the Inspector General to the Government.(4)Every letter forwarded to and from the internee shall be initiated and dated by the Officer censoring the letter under sub-paragraph (3).(5)All letters the despatch or delivery of which is withheld under sub-paragraph (3) shall be delivered to Government and the fact of such withholding shall be intimated to the interneess concerned.(6)Notwithstanding anything hereinbefore contained, the Superintendent or the officer appointed by him, may, instead of withholding the delivery or despatch of a letter, despatch or deliver it after deleting any portion which in his opining may be detrimental to the public interest or safety or the discipline of the prison.(7)The receipt and despatch of telegrams by interneess shall be subject to the same control as is hereinbefore provided for letters except that the number of telegrams which may be despatched by an internee shall be within the discretion of the Superintendent. It shall be his duty to ensure that only telegrams the urgency of the contents of which justified the use of telegraphic transmission shall be despatched or received by interneess under this sub-paragraph. Any telegram despatched received by an internee which, in the opinion of the Superintendent, does not conform to this standard of urgency, shall be considered to be a letter, to be included under the total number of letter permitted to be written and received by the internee under sub-paragraph (1) and the internee shall be informed accordingly in each case.(8)When a letter or telegram of petition is to or from the Central or another State Government, it shall be forwarded through the Government.(9)The Superintendent may despatch any telegram from an internee including a petition submitted in telegraphic form by post instead of by telegram, in any case where in his opinion the subject-matter is not of sufficient urgency to justify transmission by telegraph.(10)Interneess shall attach to all their letters and telegrams a slip containing the full name and address and relationship of the addressee and of such person mentioned in the letter or telegram. These slips shall be sent to the Inspector General of Police or other officers designated by Government in this behalf; who if he considers that the writer should not be allowed to correspond with the addressee shall inform the Superintendent for his future guidance.(11)In addition to the form supplied under sub-paragraph (1) an internee who receives funds from outside may be allowed to purchase ordinary school exercise books for other writing purposes but the pages of such books shall be numbered and the internee shall not destroy any such book or remove the pages thereof.(12)All letters in excess of the numbers permitted under sub-paragraph (1) shall be withheld by the Superintendent and delivered in accordance with the prescribed quota in future months.

16. Books and newspapers.

(1)An internee may be allowed to read books, newspapers and periodicals which are available in the library, if any, attached to the place of detention or which may be received by the internee at his own cost of his relatives or friends :Provided that no books or periodicals which the Superintendent

considers unsuitable shall be allowed to be made, available to an internee. In case of doubt the Superintendent shall refer the Government as to the propriety of any book or periodical.(2)One English Newspaper in the case of an internee who understands English, one newspaper in an Indian language and one periodical shall be supplied to each internee, if literate, at Government Cost, if not available in jail library provided that, where several internees are accommodated together in one common ward, the newspaper and periodicals as aforesaid shall be supplied not to each internee but for every eight such internees.(3)Except when otherwise directed by Government, internees may receive by post from recognised book-sellers or news venders but not from other private sources any of the newspapers and periodicals contained in a list approved by the Government, subject to the following conditions, namely:-(a)Any postal article containing the newspaper or periodical shall first be opened by the Superintendent or a person appointed by him for the purpose.(b)Where the outside page or any such newspaper or periodical is composed in whole or in part of advertisement such advertisements shall be removed or deleted before the newspaper or periodical is delivered to the internee.(c)Where in the opinion of the Superintendent any other matter in such newspaper or periodical is unsuitable, on grounds of public interest and safety, such matter shall be deleted before the newspaper or the periodical is delivered to the internee.(4)Except when otherwise directed by Government books may be received by internees through post subject to the condition that the postal article containing the books shall first be opened by the Superintendent or any person appointed by him for the purpose and the delivery of such of the books, to the internee may be refused by the Superintendent if in his opinion, they are not suitable. No communist books, newspaper or literature of any kind dealing with Communism, shall be allowed to the internee.(5)In addition to the newspapers periodicals and books which may be received through the post any internee who receives funds from outside may be allowed to purchase from such funds newspapers, periodicals and books subject to the conditions laid down in sub-paragraphs (3) and (4).

17. Representation or petition of an internee to be forwarded by Superintendent.

(1)The Superintendent shall forward through the Inspector General, with such observations as he may think fit, any representation which an internee may submit to the Government.(2)The Superintendent shall forward to the Government without delay, any petition which an internee may address to a Court.

18. Medical Treatment.

(1)Internee will ordinarily be treated by the medical officer attached to the place of detention or if there be no such medical officer attached to the place of detention, a medical officer incharge of the local civil hospital or civil dispensary, as the case may be. If such medical officer considers that it is advisable to consult or engage an expert or State Physician or State Surgeon or the local civil hospital in any case, he may do so at his own initiative, but on outside doctor shall be so consulted, except in an emergency otherwise the matter shall be referred to the Government.(2)If an internee is seriously ill, the Superintendent shall report the fact to the Civil Authority with a copy to Inspector-General and the Government for their information and shall also inform any friend or relation of the internee if so desired by him.(3)If an internee is seriously ill and in the opinion of the

medical officer mentioned in his paragraph he requires to be transferred to the hospital, he may be transferred subject to the provisions governing such transfer. Each such transfer shall be reported by the Superintendent to the Government, through the Inspector-General.

19. Light for reading.

- An internee shall be supplied with sufficient light for reading at night till 10.00 p.m. but a separate light for each internee shall not be necessary.

20. Furniture.

- Where accommodation permits, an internee of class I, may be allowed at his own cost to have such furniture as the Superintendent considers reasonable and unobjectionable.

21. Toilet.

(1) Every internee shall be supplied with Neem or Babool stick (Datoon) at Government expense. Every class I internee shall be supplied with two cakes and every class II internee shall be supplied with one cake of soap per month at Government expense. (2) Friends and relations of internee may deposit for his use toilet articles and smoking requisites other than prohibited articles. The Superintendent may withhold any article the supply of which he considers to be objectionable.

22. Smoking and Tobacco.

- Pan and Hukka shall not be allowed but smoking shall be allowed at the expense of internee : Provided that any such privilege shall be liable to be withdrawn, if abused.

23. Games.

- Wherever accommodation allows, internee may be permitted by the Superintendent to play in expensive games such as "Ring Tennis" at Government expense and such other games at the expense of the internee as the Superintendent may permit.

24. Laundry arrangements.

- A class I internee may be permitted to get ten clothes washed at Government expense per week and any clothes in excess of this number on payment. Any internee desiring to wash his own clothes may be given 250 gms. Sajji or soda and 250 gms. washing soap weekly for the purpose.

25. Conveyance arrangement.

(1) Whenever internees are transferred the Government or any officer authorised by it in this behalf may, be general or special order, authorise such mode of travel as it or he may deem

necessary.(2)On their release, the internee shall be given travelling expenses according to the scale laid down hereunder-(i)Each Class I internee-One second class Railway Fare and/or First/or Upper Class Bus fare for the parts of the way connected by Rail and/or bus from the place of his release to the place where he was arrested and Rs. 5.00 per day for the number of days which would be ordinarily required for such travel inclusive of the day of his release.(ii)Each Class II internee-One Third Class Railway Fare and/or the Lower Class Bus fare for the parts of the way connected by Rail and/or Bus from the place of his release to the place where he was arrested and Rs. 3.00 per day for the number of days which would be ordinarily required for such travel inclusive of the day of his release.

26. Withdrawal of facilities.

- The Superintendent may withdraw any or all special facilities mentioned in this order by way of punishment for any misbehavior or major jail offence :Provided that prior sanction of the detaining authority shall be necessary to treat a class I internee as class II internee.

27. Discipline and punishments.

(1)Internees shall for the purpose of discipline and punishment for breaches of discipline, be subject to the law and rules applicable to convicted criminal prisoners in so far as such law or rules are not inconsistent with the conditions prescribed under this Order and any special order passed by a competent authority in regard to internees generally or for any particular internee.(2)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 internee to any lawful order issued by him.

28. Transfer.

- Internee may be transferred from one prison to another within the State with the sanction of the Inspector General.

29. Special Order.

- The Government may relax any of the conditions hereinbefore mentioned or issue special orders in the case of any particular internee or place of detention.

30. Power of Inspector-General to issue instructions.

- The Inspector-General may with the approval of the Government issue such other general or special instructions as may be necessary for the guidance of the prisons officers.Form[See Sub-paragraph (1) of paragraph 15]Notice(To be written on the lines only)

.....
(Reserved)

Dated	Address
Internees Letter.....	To
From Internee No.....
Name.....
Place.....
Censored	Sanctioned
Octagon Officer Superintendent	
Internees Letter	
From Internee No.....	Name.....
Date.....20.....	
SanctionedSuperintendent	
.....	
To,	
.....	

Notifications[Notification No. Can. 1-74-A(i)-II, dated the 12-2-1974.] [Published in M.P. Rajpatra, Part I, dated 15-2-1974.] - In exercise of the powers conferred by sub-paragraph (2) of paragraph 13 of the Madhya Pradesh Foreigners (Arrest and Conditions of Detention or Confinement) Order, 1974, the State Government, hereby authorises all the Civil Authorities in the State for the purposes of the said paragraph.