

The Orissa Security Prisoners (Conditions of Detention) Order, 1981

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Rule

THE-ORISSA-SECURITY-PRISONERS-CONDITIONS-OF-DETENTION-OF 1981

- Published on 16 July 1981
- Commenced on 16 July 1981
- [This is the version of this document from 16 July 1981.]
- [Note: The original publication document is not available and this content could not be verified.]

The Orissa Security Prisoners (Conditions of Detention) Order, 1981Published vide Notification No. 1580-C, Orissa Gazette Extraordinary No. 890, dated 16th July, 1981Notification No, 1580-C dated 16th July, 1981. - in pursuance of Section 5 of the National Security Act, 1980 (No. 65 of 1980), Government of Orissa do hereby make the following general order specifying the place and conditions of detention for persons ordered to be detained under the provisions of the said Act in any prison within the State of Orissa, namely :

1. Short title and commencement.

- (i) This Order may be called the Orissa Security Prisoners (Conditions of Detention) Order, 1981.(ii)It shall come into force at once.

2. Definition.

- In this Order, unless the context otherwise requires-(i)"Security prisoner" means a person detained by virtue of an order issued under the National Security Act, 1980;(ii)"Act" means the National Security Act, 1980;(iii)"Superintendent" means the Superintendent of the Jail in which a security prisoner is detained;(iv)Words and expressions used but not defined in this Order shall have the meaning assigned to them in the Ordinance.

3. Classification.

- (i) All security prisoners shall be classified in two divisions, namely, special division and ordinary division and except as otherwise provided in this Order shall receive the same treatment as is provided in the State Jail Manual for non-labouring prisoners of Division-I and non-labouring prisoners of Division III, respectively. (ii) The classification of each security prisoner shall be made by the authority under whose orders the security prisoner has been detained. In classifying security prisoners, the authority making the order of detention may have regard to the grounds of detention his general reputation and social standing, education, ordinary standard of living and conviction, if any, in a Court of law for offence involving moral turpitude, personal greed, cruelty or premeditated serious violence ; Provided that a security prisoner, who is or has been a Member of the Parliament or a Member of a State Legislature shall be placed in the special division and shall not be placed in the ordinary division except as a measure of punishment under Clause 39 of this Order : Provided further that where no classification has been assigned to any security prisoner other than one who is or has been a Member of Parliament or of a State Legislature. It shall be deemed that such security prisoner has been placed in the ordinary division. (iii) Notwithstanding anything contained in Sub-clause (ii) the State Government may, on their own motion or otherwise, revise the classification of any security prisoner.

4. Accommodation.

- Security prisoners shall wherever feasible and subject to requirements of safety and security be lodged in cells or association wards, [* * *] [Deleted vide Notification No. 3424-C/5.10.1982.] preferable in the letter and allowed to communicate freely with each other. security prisoners shall be kept separate from other prisoners [and convicts.] [Inserted Notification No. 3424-C/5.10.1982.] The Superintendent of the Jail may, however, confine any particular security prisoner or group of security prisoners separately, if he considers it desirable on grounds of health or for any other reason.

5.

(i) the State Government shall be competent to order detention of any security prisoner in any jail in the State of Orissa, to order transfer of the security prisoner from one jail to another jail in the State of Orissa or to order removal of security prisoner from any jail in the State of Orissa to another State subject to the consent of the Government of that other State. [Whenever any security prisoner is transferred from one jail to another in the State of Orissa or from any jail in the State of Orissa to another State the Superintendent of the Jail where the security prisoner was lodged prior to his transfer shall inform the members of the household of the security prisoner about the transfer of security prisoner and about the place or places to which such security prisoner has been transferred.] [Added vide Notification No. 3424-C/5.10.1982.] (ii) A District Magistrate directed under Sub-section (3) of Section 3 of the Act to exercise powers conferred in Sub-section (2) of Section 3 of the said Act, shall be competent To specify any jail within his jurisdiction to be the place of detention of any security prisoner in respect of whom he has made the order of detention. (iii) [A security prisoner shall normally be detained in a jail within the district where he ordinarily resides.

Where a security prisoner has been detained under orders of the District Magistrate of a district of which the security prisoner is not ordinarily a resident, the authority ordering the detention of the security prisoner shall move the State Government as soon as possible for the transfer of the security prisoner to the district, where the security prisoner ordinarily resides : [Inserted Notification No. 3424-C/5.10.1982.] Provided that a security prisoner may not be kept in detention in a jail within the district. Where he ordinarily resides, for reasons of safety and security or on account of non-availability of requisite facility for a security prisoner or for other equally cogent reason, the State Government consider it inadvisable to keep a security prisoner in any jail within the district where he ordinarily resides.]

6. Lock up and light.

- (i) The Superintendent of the Jail may in his discretion direct that security prisoners shall be locked up at night not later than one hour after the general look up time. (ii) Unlocking of cells and aviation wards shall be carried out in accordance with prison routine. (iii) Security prisoner may be allowed lights up to 10 p.m.

7. Clothing and bedding.

- (i) A security prisoner may wear his own clothes, foot-wear and head-gear consistent with reasonable requirements of health and decency. A security prisoner may, with prior permission of the Superintendent of the Jail, receive additional items of clothings, foot-wear and head-gear from private sources, if in the opinion of the Superintendent the security prisoner does not have adequate personal clothings, foot-wear and head-gear to meet his reasonable requirements. (ii) Where in the opinion of the Superintendent the personal clothings, foot-wear and head-gear of the security prisoner are inadequate to meet his reasonable requirement, the security prisoner is unable or declines to provide himself with necessary additional clothings, foot-wear or head-gear from private sources and requests the Superintendent in writing to supplement his clothings, foot-wear or head-gear at Government cost, the clothings, foot-wear and head-gear of a security prisoner may be supplemented at Government cost in such a manner as may be considered reasonable by the Superintendent at an expenditure not exceeding Rs. 75 for security prisoners placed in the special division and at an expenditure not exceeding Rs. 50 for security prisoners placed in the ordinary division or each block period of six month commencing from the date of detention of security prisoner concerned. (iii) Subject to conditions specified in Sub-clause (ii), the personal winter clothings, foot-wear and head-gear of a security prisoner, who continues to be under detention at any time during the period from the first day of November of any year to the last day of February of the following year may be supplemented at Government cost of an expenditure not exceeding Rs. 75 in the case of security prisoners placed in the special division and at an expenditure not exceeding Rs. 50 in the case of security prisoners placed in the ordinary division. (iv) No replacement for clothings, foot-wear and head-gears supplied at Government cost under Sub-clause (ii) shall be made within a period of six months and no replacement for clothings, foot-wear and head-gear supplied at Government cost under Sub-clause (iii) shall be made within a period of twelve months from the date of supply of such item. (v) Subject to general or special order of the State Government a security prisoner shall be permitted to use clothings, foot-wear and headgear supplied to him at

Government cost while in custody.

8.

Each security prisoner may use his own bedding consistent with reasonable requirement of health and decency. A security prisoner may, with the prior permission of the Superintendent receive extra items of bedding from private sources. If in the opinion of the Superintendent, his personal items of beddings are inadequate to meet his reasonable requirement. Where, in the opinion of the Superintendent a security prisoner does not have adequate items of bedding and is unable or declines to provide himself with necessary bedding from private sources, these may be supplemented at Government cost on a scale not exceeding the scale laid down in the State Jail Manual for prisoners of Division irrespective of the classification of the security prisoners.

9. Furniture.

- Every security prisoner shall be furnished at Government cost with a badstead, mosquito poles, a mosquito net, a stool and set of pegs to keep his clothings on. The security prisoners of special division may be given a writing table and a chair, if these items of furniture are available in stock in the jail.

10. Diet.

- Subject to the approval of the Superintendent and the Medical Officer of the Jail, a security prisoner may be allowed to receive food from outside. Any security prisoner of the special division or ordinary division not so receiving food shall be dieted at Government expenses on the scale laid down in the State Jail Manual for non-labouring Division-I prisoners and non-labouring Division-III prisoners, respectively. Any security prisoner who wishes to add to or modify his diet on the grounds of health but who is unable to do so at his own expense may apply to the Superintendent of the Jail. After security prisoner has been medically examined, the Superintendent of the Jail may order such addition or modification to his diet as he may consider necessary on medical grounds.

11. Smoking.

- A security prisoner may be permitted to smoke at his own cost and may receive reasonable supplies of tobacco, cigars, cigarettes or bidis from private sources. Such supplies shall be received through the Superintendent and may be restricted at the discretion of the Superintendent of the Jail in the interest of the security prisoner.

12. Discipline and Search.

- Security prisoners shall for purposes of discipline, be subject to such of the rules relating to civil prisoners as are not inconsistent with the provisions of this Order or other special Orders passed by

the State Government in this behalf.

13.

Every security prisoner and his cell or ward shall be searched by the Jailor or Assistant Jailor as detailed by the Superintendent not less than once a week and oftener if the Superintendent of the Jail considers it necessary. Social precautions shall be taken to make the searches thorough and the fact of the search shall be noted in the Jailor's Report Book. Security prisoners shall be searched before and after interviews and at any other time, if the Superintendent of the Jail considers it necessary. Every person permitted to interview a security prisoner and the security prisoner himself shall be searched before and after the interview.

14. Photographs and finger-prints.

- The Superintendent of Police or any police officer authorised by him in this behalf may take photographs and register finger-prints of security prisoners in jail.

15. Police interview.

- Subject to the directions of the State Government, if any, the Inspector-General of Police, Deputy Inspector-General of Police and Superintendents of Police may by general or special order authorise any police-officers to interview any security prisoner.

16.

The police officer authorised under Clause 15 shall be permitted to interview security prisoners in the ordinary interview room in cells or Wards on making a written request to the Superintendent of the Jail for the same. No Jail Officer shall be present during interview in the ordinary interview room unless so required by the Police Officer interviewing the security prisoner. Police officers interviewing security prisoners in cell or wards shall be accompanied by such escort as the Superintendent of the Jail considers necessary for his safety and the escort, if the Police Officer, so requires, shall stand out of range of hearing but within sight during the interview.

17.

In special cases the Police Officers authorised under Clause 15 may, by the order of the State Government., be allowed to interview a security prisoner in a place to be specified in the order, outside the jail.

18. Other interview.

- No security prisoner shall be permitted to have an interview with any person other than a Police Officer except on the written order of the appropriate authorities specified in Clauses 19 and 20 of

this Order.

19.

(i) A security prisoner may be permitted to have interview with not more than three relatives at a time excluding minor children from among them as specified below on domestic or personal matters-(a) Father, mother (including step-father and step-mother); (b) Grand-father, grand-mother; (c) Son, daughter (including step-son, step-daughter, adopted son, adopted daughter); (d) Husband/wife; (e) Brother, sister (including step-brother and step-sister); (f) Son-in-law, daughter-in-law; (g) Father-in-law, mother-in-law; (h) Brother's wife, Sister's husband; (i) Grand-son, grand-daughter; (j) Brother or Sister's son, Brother or sister's daughter; (k) Grand-son-in-law, grand-daughter-in-law; (l) Father's brother, father's brother's wife; (m) Father's sister, father's sister's husband; (n) Mother's sister, mother's sister's husband; (o) Mother's brother, mother's brother's wife. (ii) Application for interview, between a security prisoner and relatives specified in Sub-clause (i) shall be made to the Superintendent of the Jail and shall state the name, address and relationship between the security prisoner and the other party. The Superintendent of the jail shall be competent to accord or refuse permission for the interview. (iii) The permission for interview with relatives specified in Sub-clause (i) shall not be accorded more often than once in [five days] [Substituted vide Notification No. 3424-C/5.10.1982.]. The Superintendent of the Jail shall fix days on which and hours at which such interviews shall be allowed. Duration of interview on each occasion shall not ordinarily exceed one hour. (iv) Interview shall take place in presence of an officer deputed by the Superintendent of the Jail and such officer may terminate the interview at any time if in his opinion the conversation is deferments to public interest or safety.

20.

A security prisoner shall be allowed all reasonable facilities to consult and instruct their lawyers and also to consult a legal practitioner, or any other person of his choice for the purpose of drafting petition against detention. No member of the police shall be allowed to be present within hearing distance during such interviews. The Superintendent of the Jail, if he considers it necessary, may order an official of the jail to be present at such interviews but not within hearing range. Any document which the security prisoner may like to pass on to his lawyers or legal advisers shall be passed through the Superintendent of the Jail to ensure proper scrutiny. Permission for interview with lawyers and others under this clause shall be addressed to the Superintendent of the Jail who shall be competent to accord permission.

21.

(i) Application or permission for interview with any person not covered by Clauses 15 to 20 shall be addressed to the authorities specified below who shall be competent to grant or refuse permission -(a) where the security prisoner has been detained with a view to preventing him from acting in any manner prejudicial to the security of the State-D.I.G., Intelligence; (b) where the security prisoner has been detained with a view to preventing him from acting in any manner prejudicial to maintenance

of public order-District Magistrate;(c)where the security prisoner has been detained with a view to preventing him from acting in any manner prejudicial to maintenance of supplies and services essential to the community-District Magistrate.(ii)Interviews under this clause shall not ordinarily be permitted more frequently than once in 15 days and not more than two persons shall be present simultaneously at any such interview. The duration of such interview shall ordinarily be limited to 30 minutes which may in special circumstances be extended to a longer period with the prior approval of the authority competent to accord permission under this clause. Interviews permitted under this clause shall take place in presence of an officer deputed by the Superintendent of the Jail and such officer may terminate an interview at any time if in his opinion the conversation is detrimental to public interest, safety or security.

22.

Notwithstanding anything contained in Clauses 19, 20, 21, the Superintendent of the Jail may at his discretion and shall, if so required by the District Magistrate or the State Government, require the presence of a Police officer not below the rank of a Sub-Inspector at the Interview of a particularly dangerous prisoner with any person other than a Police Officer:Provided that during interviews with the lawyer of the security prisoner such Police Officer where required to be present shall not remain within the hearing range.

23.

When an interview is refused, the fact together with the reasons for refusal shall be reported to the State Government.

24. Correspondences and censorship.

- (i) Security prisoners shall be permitted to correspond with relatives specified in Clause 19 on domestic or personal matters, with their lawyers on any matter pertaining to litigation or representation against their detention and with any Government authority on official matters. The State Government may, from time to time by general or special orders, specify, any person or other classes of persons to or from whom security prisoner are respectively permitted to write or receive letters and permitted subject-matter of such letters.(ii)No restriction shall ordinarily be fixed on the number of letters that a security prisoner may write to or receive from his lawyers in connection with any litigation or his detention. A security prisoner shall ordinarily be permitted to write two and receive two letters on other matters. But in an urgent occasion such as death or serious illness in the family of the security prisoner this rule may be relaxed at the discretion of the Superintendent of the Jail.(iii)The State Government may, by general or special order, direct that any security prisoner or classes of security prisoners shall not be allowed to write or receive any letter or shall be allowed to write or receive lesser number of letters than maximum permitted under this Order :Provided that no such order shall be made in regard to correspondence connected with litigations involving the security prisoner.

25.

(i) No letter or any other communication shall be transmitted to or from any security prisoner except through the Superintendent of the Jail or such other officer as the State Government may, by general or special order, designate in this behalf. (ii) All communications to and from a security prisoner shall be perused by the Superintendent of the Jail. Where the Superintendent of the Jail considers that the communication contains nothing objectionable and such a communication is permitted under this Order, he shall forthwith transmit the same. Where the Superintendent of the Jail considers that any communication should be withheld, he shall forthwith submit the said communication or communications to the Superintendent of Police or Additional Superintendent of Police of the district concerned or in the absence of those officers to the Deputy Superintendent of Police and the said Superintendent of Police or Additional Superintendent of Police or Deputy Superintendent of Police, as the case may be, may at his discretion either forward the communication without delay or withhold them. (iii) The Superintendent of the Jail or other authorities specified in this clause may delete any portion of any communication addressed to or sent by a security prisoner, if it contains anything objectionable from the point of view of the jail discipline, public interest or safety and security. The authority making the deletion shall keep note of the deletions.

26.

(i) Notwithstanding anything contained in Clause 24 or Clause 25, the State Government may in their discretion order transmission of communication, withheld under orders of any authority specified in Clause 25. The State Government may also order that any communication to or from a security prisoner may be withheld, notwithstanding that the transmission of such communication may have been authorised by any of the authorities specified in Clause 24 or Clause 25. (ii) Every communication addressed to or received from a security prisoner shall be initialled and dated by all the officers who handle such communication. (iii) In all cases in which a communication is withheld, the security prisoner shall be informed of the fact and the communication withheld shall be retained by the Superintendent of the Jail.

27.

Security prisoner shall attach to all their outgoing correspondences a slip containing full name and address, the relationship of the addressee and each person mentioned in the communication. These slips shall be forwarded to the Superintendent of Police by the Superintendent of Jail.

28.

(i) When a security prisoner happens to be a Member of a State Legislature or of Parliament, all communications addressed by him to the Speaker or Chairman of the House of which he is a member or to the Chairman of a Committee (including Committee of Privileges) of such House, or of a Joint Committee of both Houses of Parliament, as the case may be, shall be immediately

forwarded by the Superintendent of the Jail to the State Government so as to be dealt with by them in accordance with the rights and privileges of the prisoners as a Member of the House to which he belongs, All questions whether starred or unstarred shall also be transmitted forthwith.(ii)When a security prisoner has not formally become a Member of a State Legislature or Parliament as required under Article 99 or 188 of the Constitution of India, there shall not be any withholding of correspondence notwithstanding anything contained in Articles 104 and 193 of the Constitution of India between the duly elected security prisoner member and the Speaker or the Chairman, as the case may be :Provided that in forwarding such communications the authorities concerned shall draw the attention of the Speaker or the Chairman, as the case may be, to the fact that the requirements of Article 104 or 193 of the Constitution of India have not been complied with.(iii)Any communication addressed by the Speaker, Chairman or Secretary to Lok Sabha or Rajya Sabha or by the Speaker or the Secretary of the State Legislature, to a member either of House, Parliament or State Legislature under detention, shall be delivered to the security prisoner unopened.

29. Books, newspapers and journal.

- Security prisoners may be allowed to read books, journals and newspapers which are available in the library, if any, attached to the place of detention.

30.

(i)One newspaper having wide circulation in the State may be purchased for every five security prisoners.(ii)The security prisoner may obtain at his own expense any book, journal or newspaper without limitation as to number by making his own arrangement subject to the condition that the books, journals and newspaper so received shall first be scrutinised by the Superintendent of the Jail and the delivery of such literature to the security prisoner shall be refused by the Superintendent if in his opinion it is not suitable or contain anything objectionable.(iii)In case the security prisoner is not satisfied with the decision of the Superintendent in the matter relating to the withholding of any book, journal or newspaper he may make representation through the Superintendent to the Government whose decision shall be final.

31. Funds and allowances.

- (i) A security prisoner may, subject to such general or special order as may be made by the State Government, receive from close relatives or friends at intervals of not less than one month, funds not exceeding rupees fifty in all per month to enable him to supplement the amenities of life in the jail.(ii)Subject to such general or special order as may be made by the State Government, a security prisoner of the Special Division may be paid a sum of Rs. 20 and a security prisoner of the ordinary Division may be paid a sum of Rs. 15 per month for purchase of stationery articles including postal, stationery, postage stamps, toilet articles, smoking materials and other sundry articles not provided to a security prisoner under the State Jail Manual or under this Order at Government dust.(iii)Notwithstanding anything contained in Sub-clause (i) a security prisoner may with the previous sanction of the State Government, receive such sums and from such sources as may be permitted by the State Government in their discretion for meeting any specific and bona fide

requirement of non-recurring nature.(iv)All funds received under Sub-clauses (i), (ii) and (iii) shall be kept by the Superintendent and spent by him on behalf of the security prisoner. No part of the fund so received, or the unspent balance shall be paid to the security prisoner except at the time of his release from detention.(v)The State Government may, at any time if they are satisfied so to do, by a general or a special order, withdraw the concession a receiving funds from outside under Sub-clause (i) or cancel, modify or withhold any sanction accorded under Sub-clause (iii) in respect of any security prisoner or class of security prisoners or security prisoners lodged in any particular jail.

32.

At the time of release on revocation of a detention order or on expiry of the detention order, a security prisoner shall be paid the actual bus fare from the place of his release to the place concerned by bus nearest to the place of his ordinary residence. He may also be paid an allowance at the rate of Rs. 5.00 for the first twelve hours of actual journey and Rs. 3.00 for each subsequent 12 hours of actual journey subject to a maximum of Rs. 15.00.

33.

On the application of any member of the family of the security prisoner or of the security prisoner the State Government may at their discretion sanction such periodic allowance or lump sum grant for the family of the security prisoner in such cases and on such a scale as the State Government may deem fit. Payments made under this clause be in the nature of ex grantia payment.

34. Games and relaxation.

- (i) The Superintendent of the Jail shall make arrangements for indoor games such as chess, carrom, draughts, and cards for the security prisoners. The Superintendent of the Jail may also provide such facilities for outdoor games as are feasible and are consistent with requirement of safety, security and discipline.(ii)A security prisoner may keep one battery operated transistor radio for his personal use subject to the condition that the use of such radio does not cause inconvenience to other prisoners and that he shall abide by the direction of the Superintendent of the Jail with regard to hours and mode of use.

35. Facilities with regard to litigation.

(1)When a security prisoner is likely to be a party to any pending or contemplated proceeding in a Court of law, the following facilities, if necessary, besides those mentioned above, may be granted to him by the Superintendent of the Jail for the purpose of the proceeding in a Court of law.(i)The writing of more letters than are allowed under Clause 24;(ii)Liberal permission for interviews under Clause 20.(2)Security prisoners shall be allowed all reasonable facilities to consult and instruct their lawyers and also to consult a legal practitioner or any other person of his choice for the purpose of drafting his representation against his detention and no member of the police shall be allowed to be

present during such interviews. The Jail Officer may, if necessary, be present at such interviews but not within hearing range. Any document which the security prisoners may like to pass on to their lawyers or legal advisers shall be passed on through the Jail authorities to ensure proper scrutiny.

36.

The Superintendent of the Jail shall forward all representation received from security prisoners to the authority who made the order of detention with his comments, if any, within 24 hours of receipt of the representation.

37. Conduct, offences and punishments.

- A security prisoner -(i)shall reside in the accommodation allotted to him by the Superintendent of the Jail whether in an association ward or a cell;(ii)shall not proceed beyond the limits of the jail save with the permission of the Superintendent of the Jail given by general or special order in this behalf;(iii)shall obey the orders of the Superintendent of the Jail, issued from time to time for the comfort, safety and health, or for the discipline, orderly conduct and control of security prisoners;(iv)shall attend roll-call and answer to his name in person at such times and places within the jail as may be appointed by the Superintendent of the Jail;(v)shall conform to the standards of cleanliness and. dress laid down by the Superintendent of the Jail;(vi)shall not do anything wilfully with the object of affecting his own bodily welfare;(vii)shall not have in his possession any coin, currency notes or negotiable instruments, any weapons, sticks, razors (other than safety razors) places of iron or any other article which may be used as a weapon;(viii)shall not exchange or sell any of his kit, equipment, clothes, furniture or other possession;(ix)shall not refuse to take the prescribed diet;(x)shall not refuse to place himself in specified position for photographs and to register his fingerprints, as may be required under Clause 14.

38.

Any security prisoner, who contravenes any of the provisions of Clause 37 or refuses to obey any order issued thereunder or does any of the following acts, namely :(i)assaults, insults, threatens or obstructs any fellow prisoner or any officer of the jail or any other servants of the Government 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 an unauthorised manner; or,(v)bribes or attempts to bribe any servants of the Government or any person employed in or visiting the jail; or(vi)commits any nuisance or wilfully damages any well, latrine, washing or bathing place; or(vii)disobeys the orders of or shows disrespect to any officer of the jail; or(viii)wilfully damages or attempts to damage any property belonging to the Government or tampers with any locks, or locking device, lamps or lights in the jail; or(ix)receives, possesses or transfers any article in contravention of an order of the Superintendent of the Jail; or(x)feigns illness; or(xi)wilfully brings a false accusation against any officer of the jail or fellow-prisoner, or(xii)omits or refuses to report, as soon as it comes to his knowledge any damage done or attempted to be done to any property belonging to the Government, the occurrence of any fire, any plot or conspiracy to escape, attempt or preparation to escape, and

any attack or preparation for attack upon any of the jail, or fails to render all the assistance in his power to discover the culprit any of the aforesaid cases; or(xiii)abets the commission by fellow-prisoner of any of the foregoing acts, or(xiv)omits or refuses to help any officer of the jail in case of an attempted escape on the part of any of his fellow prisoners or of any attack upon such officer or upon any of his follow-prisoners, shall be deemed to have committed a jail offence.

39.

(i)Where upon such enquiry as he thinks fit to make, the Superintendent of the Jail is satisfied that a security prisoner is guilty of a jail offence he may award the security prisoner one or more of the following punishments;(a)Confinement in cell for a period not exceeding fourteen days at a time;(b)Reduction or alteration of diet for a period not exceeding fourteen days;(c)Cancellation or reduction, for a period not exceeding two months, of the concession of receiving funds from outside;(d)Cancellation or reduction, for a period not exceeding two months, of the privilege of writing and receiving letters or of receiving newspapers and books;(e)Cancellation or reduction, for a period not exceeding two months of the privileges of having interviews;(f)Cancellation of the privileges of wearing his own cloths;(g)Cancellation of the privilege of smoking;(h)Re-classification of a security prisoner, placed in the Special Division as a security prisoner of the ordinary division :Provided that where such punishment is proposed to be awarded to a security prisoner, who is or has been a member of the Parliament or a Member of a State Legislature, prior approval of the State Government shall be obtained before awarding such punishment.(ii)If any security prisoner is guilty of a jail offence which, by reason of his having frequently committed such offence, or otherwise, is in the opinion of the Superintendent of the Jail not adequately punishable by him under the provisions of Sub-clause (i), he may forward such prisoner to the Court of a Magistrate of the First Class having jurisdiction, and such Magistrate shall thereupon inquire into and try the charge so brought against the security prisoner, and upon conviction shall sentence him to imprisonment for a term not exceeding one year or to fine or to both ;Provided that, where the act constituting the offence constitutes an offence punishable under the Indian Penal Code with imprisonment for a term exceeding one year, nothing in this Order shall preclude the security prisoner from being tried and sentenced for such offence in accordance with the provisions of that Code.

40.

The Superintendent of the Jail may use or require to be used such force as may in his opinion be necessary to compel obedience on the part of any security prisoner to any lawful order issued by him.

41. Miscellaneous.

(a)When the Superintendent of the Jail is of the opinion that a security prisoner should be given treatment in a hospital, the security prisoner may notwithstanding anything contained in the order of detention be taken to the District Headquarters Hospital or the Sub-divisional Headquarters, Hospital, as the case may be, and detained therein under custody if in the opinion of the medical officer of such hospital, the security prisoner requires treatment as an indoor patient. When the

medical officer in charge of such hospital is of the opinion that the security prisoner is in need of specialised medical attention which is not available in any of the aforesaid hospitals, the detaining authority may notwithstanding anything contained in the order of detention direct removal of the security prisoner to any Government hospital where such specialised medical facilities are available for treatment as indoor patient or to any other jail only for treatment as an outdoor patient in such hospital. (b) In respect of a security prisoner detained in a hospital under Sub-clause (a) the preceding provisions of this Order shall apply as far as may be as if - (i) all references to the jail were references to such hospital; and (ii) all references to the Superintendent of the Jail were references to the medical officer in-charge.

42.

Such other local instructions as may be necessary for the guidance of jail officers may be issued by the Inspector-General of Prisons or other officer-in-charge of prisons in the State with the approval of the State Government.

43. Repeal and saving.

- (i) The Orissa Security Prisoners (Conditions of Detention) Order, 1980 is hereby repealed. (ii) Notwithstanding such repeal, anything done or any action taken or order made under the said Order shall continue to be in force and shall be deemed to have been done, taken or made under the corresponding provisions of this Order.