

The Assam Detention Order, 1980

ASSAM

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Rule THE-ASSAM-DETENTION-ORDER-1980 of 1980

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1. Short title, commencement and application.

(1) This Order may be called the Assam Detention Order, 1980. (2) This shall come into force at once. (3) This shall apply to every person in respect of whom an order of detention is made by the State Government or an officer of the State Government under Section 3 of the National Security Ordinance, 1980 or under Section 3 of the Assam Preventive Detention Act, 1980.

2. Definitions.

- In this Order, unless there is anything repugnant in the subject or context, - (1) "State" means the State of Assam; (2) "State Government" means the Government of the State of Assam; (3) "Prison" means any of the prisons specified in Clause 5 of this Order; (4) "Inspector General" means the Inspector General of Prisons, Assam; (5) "Superintendent" means the Superintendent of a prison, and includes any person who for the time being is acting as Superintendent of a prison; (6) "Detenu" means a person who is detained in pursuance of an order made under Section 3 of the National Security Ordinance, 1980 or under Section 3 of the Assam Preventive Detention Act, 1980; (7) "Family" means the parents (including father, mother, grand-father and grand-mother), wife, children (including son, daughter, step-son, step-daughter, grand-son and grand-daughter) and unmarried sister wholly or mainly dependent on the detenu.

3. Classification of detenus.

- Detenus shall be divided into two classes, namely, Class I and Class II, Class I shall include detenus who by social status, education or habit of life have been accustomed to a superior mode of living and/or who are income-tax payers. Class II shall consist of all detenus who are not classified in Class I.

4. Classifying authority.

- The authority making the order of detention shall classify the detenus in Class I and Class II. The State Government however reserves the right to remove any detenu from Class I to Class II for misconduct, for defying prison rules or undermining prison discipline or any other reason and also to promote any detenu from Class II to Class I for good conduct and behaviour during the period of detention.

5. Places of detention.

(1) Detenus shall be detained in any of the following prisons in the State, namely:-(i) District Jail, Gauhati. (ii) District Jail, Barpeta. (iii) District Jail, Nalbari. (iv) District Jail, Dhubri. (v) District Jail, Goalpara. (vi) Lock-up, Kokrajhar. (vii) District Jail, Silchar. (viii) District Jail, Karimganj. (ix) Lock-up, Hailakandi. (x) District Jail, Tezpur. (xi) District Jail, Mangaldoi. (xii) District Jail, North Lakhimpur. (xiii) District Jail, Dibrugarh. (xiv) District Jail, Jorhat. (xv) District Jail, Sibsagar. (xvi) District Jail, Golaghat. (xvii) District Jail, Nowgong. (xviii) Special Jail, Nowgong. (2) The State Government and subject to its general or special directions and control, the Inspector General may by general or special order direct any detenu to be transferred from one prison to any other prison in the State. (3) The State Government may, with the consent of the Government of any other State or Union Territory, by order, direct any detenu to be transferred from any prison in the State to any prison in that other State or Union Territory.

6. Accommodation and search of detenus.

(1) Detenus belonging to a particular sex shall ordinarily be kept in association ward and allowed to communicate among themselves, subject to such restrictions as the Superintendent deem fit to impose. The Superintendent may, however, keep any detenu separately if he considers it desirable on ground of health or for any other reason, which should be reported to the State Government and the Inspector General. As far as practicable, the detenu shall be kept apart from other classes of inmates. (2) Every detenu shall be searched on admission as well as before and after an interview and also at any other time the Superintendent considers it necessary; and in particular every detenu and his ward or room or cell shall be searched thoroughly at least once a week, the fact of which shall be noted in the Jailor's report book. All searches shall be conducted in a manner consistent with decency, and reasonable privacy and care shall be taken to avoid humiliation. Search of a female detenu shall be carried out by a female official of the prison.

7. Food, clothing, bedding and other equipment.

(1) A detenu shall be entitled to the following scale of ration per day:

For Mid-day and Evening Meals

		Class I	Class II
(i)	Rice	540 grams	540 grams.

(ii)	Dal	120 grams	120 grams.
(iii)	Vegetable	240 grams	240 grams.
(iv)	(a)	Fist or Meat	150 grams 120 grams.
		and	
	(b)	Potato	120 grams 60 grams.
		or	
	(a)	Milk	240 ml. 180 ml.
		and	
	(b)	Sugar	20 grams 15 grams.
(v)	Mustard oil	60 grams	30 grams.
(vi)	Salt	40 grams	40 grams.
(vii)	Onion	12 grams	12 grams.
(viii)	Turmeric	4 grams	4 grams.
(ix)	Coriander	2 grams	2 grams.
(x)	Chillies (dry)	2 grams	2 grams.
(xi)	Lemon	1/2 Number	1/2 Number

For Morning and Afternoon Tea

		Class I	Class II
(xii)	Tea leaf	10 grams	10 grams.
(xiii)	Milk	60 ml.	60 ml.
(xiv)	Sugar	30 grams	30 grams.
(xv)	Bread	100 grams	100 grams.
(xvi)	Butter	30 grams	30 grams.

(2)The scale of firewood admissible for each detenu shall be 1000 grams per day; and that of coal in lieu of firewood admissible for each detenu shall be 500 grams per day.(3)Detenu may bring their own feeding utensils; but if for any reason they are unable to do so, the Superintendent shall so far as practicable, provide the following utensils for Class I as well as Class II detenus:

- (i) Porcelain plate 1 for each detenu;
- (ii) Glass tumbler 1 for each detenu;
- (iii) Porcelain bowl 1 for each detenu;
- (iv) Aluminium mug 1 for each detenu;
- (v) Tea cup and saucer 1 pair for each detenu;
- (vi) Spoon 1 for each detenu;
- (vii) Tea pot and kettle 1 for every 4 detenus or less.

(4)A detenu may use his/her own clothes and bedding, and may, subject to the order of the Superintendent, receive extra clothes and bedding sent by relatives and friends. If the detenu is unable for any reason to provide himself/herself with sufficient clothing and bedding, the Superintendent shall, as far as practicable, supply clothing and bedding at the following scale:(A)Bedding

	Class I	Class II
(i) Mattress	1	1
(ii) Mosquito Net	1	1
(iii) Bedsheet (cotton)	2 every year	3 every year
(iv) Pillow (size 14 inches x 10 inches stuffed with simul cotton)	2 year year	2 every year
(v) Pillow case	4 every year	4 every year
(vi) Blanket (in winter)	5 every year	4 every year
(vii) Endi Chadar (in winter)	1 every year	1 every year

Note. - Blankets shall ordinarily be issued at the above scale, but may be supplemented at the direction of the Superintendent.(B)Clothing for Male Detenu

	Class I	Class II
(i) Dhuti (Medium quality)	3 every six months	2 every six months.
or		
Trousers (cotton)	2 every six months	2 for first six months and 1 for each additional period of sixmonths.
(ii) Kurta or Shirt (cotton)	2 every six months	2 for first six months and 1 for each additional period of sixmonths.
(iii) Ganji (cotton)	3 every year	2 every year.
(iv) Underwear (cotton)	3 every year	2 every year.
(v) Gamocha	2 every six months	2 for first six months and 1 for each additional period of sixmonths.
(vi) Handkerchief	3 every six months	2 every six months.
(vii) Canvas shoes (for Class I only) or Sandal or Slipper	1 pair every year	1 pair every year
(viii) Socks	2 pairs every year	Nil
(ix) Endi or Khadar Coat or Woollen sweater (for winter)	1 pair every year	1 every year.

(C)Clothing for Female Detenu

	Class I	Class II
(i) Mekhela (plain Muga or plain Silk) and Chadar (cotton) orSaree (cotton)	3 every six months	2 every six months.
(ii) Blouse (cotton)	3 every six months	2 every six months.
(iii) Petticoat or Chemise	2 every six months	2 every six months.
(iv) Sanitary Napkin	1 packet of ten pieces every two months	1 packet of ten pieces every two months.

(v) Gamocha	2 every six months	2 for first six months and 1 for each additional period of six months.
(vi) Handkerchief	3 every six months	2 every six months.
(vii) Sandal	1 pair every year	1 pair every year.
(viii) Socks	2 pairs every year	Nil
(ix) Woollen Sweater or Scar of (for winter)	1	1

(5) All the items of bedding supplied to a detenu at Government cost shall remain with the prison on release of the detenu. (6) A male detenu who is detained for not less than one year and is not granted family allowance under the provisions of Clause 9 of this Order may on release take with him all the clothing supplied to him at Government cost. Any other male detenu may on release take with him only the following items of clothing supplied to him at Government cost:

	Class I	Class II
(i) Dhuti or Trousers	1	1
(ii) Kurta or Shirt	1	1
(iii) Ganji	3	2
(iv) Underwear	3	1
(v) Canvas shoes (for Class I only) or Sandals or Slipper	1 pair	1 pair
(vi) Socks	1 pair	Nil.

(7) A female detenu may on release take with her all the clothing supplied to her at Government cost. (8) A detenu shall, as far as practicable, be supplied with furniture at the following scale:

Class I	Class II
(i) One Wooden Bedstead (6 ft. x 3 ft.) or one Pucca Berth for each detenu	(i) One Wooden Bedstead 6 ft. x ft.) or one Pucca Berth for each detenu
(ii) One Table (2-1/4 ft. x 1-1/2 ft.) for each detenu	(ii) One Table (1-1/2 ft. x 1-1/2 ft. for each detenu
(iii) One Wooden or Steel (folding) Chair for each detenu	(iii) One Wooden Stool for each detenu
(iv) One Clothes Rack (Aina) (small size) for each detenu	(iv) One Clothes Rack (Aina) (small size) for every two detenus
(v) One Wooden Rack (small size) for every two detenus	(v) One Wooden Rack (small size) for every two detenus.

(9) A detenu shall be given hair cut at Government cost once in a month. He may keep his own safety razor and other shaving equipment. But if he is unable for any reason to provide himself with his own shaving equipment, he shall be given shave at Government cost twice a week. (10) A detenu shall be responsible for the safe custody, tidiness and cleanliness of his own clothing, bedding and other articles. (11) Washing may be allowed to detenus through washerman at Government cost. Convicts may be detailed to sweep the floors and verandahs of the accommodation allotted to the detenus, who shall not, however, be given the benefit of any other personal services from the prison staff or convicts. (12) The allowance of personal baggage fixed for each detenu in prison is one quintal, which the detenu may be allowed to keep in his/her ward, room or cell, subject to searches as provided in

sub-clause (2) of Clause 6 of this Order.(13)The Superintendent may at his discretion provide a box to a Class 1 detenu, if he/she has no receptacle of his/her own.

8. Personal allowance.

(1)A detenu may, with the previous sanction of the State Government, receive from a specified relative or friend, at intervals of not less than a month, funds not exceeding Rs. 30 per month to enable him/her to supplement the amenities of life in the prison.(2)If any detenu does not receive such assistance from his/her relatives and friends, the Superintendent may expend a sum not exceeding Rs. 25 p.m. for a Class I detenu and Rs. 15 p.m. for a Class II detenu in order to provide him/her with personal requirements such as tooth-paste, tooth-brush, hair oil, books, etc.(3)All funds received under sub-clauses (1) and (2) shall be kept by the Superintendent and spent by him on behalf of the detenu.(4)The Superintendent may refuse to allow the purchase for delivery to a detenu of anything which he considers unnecessary or unsuitable.(5)Smoking by a detenu is allowed for a period of half an hour after meal and in such premises and at such other times as the Superintendent may approve.(6)No emblem or clothing of political significance shall be allowed to be used by a detenu.

9. Family allowance.

- The family of a detenu may receive an allowance from the State Government in such cases and on such a scale as the State Government may deem fit.

10. Interview by relatives, friends and legal adviser.

(1)The Superintendent may allow a detenu to be interviewed by his family members such as wife, children, parents and near relations and friends:Provided that the number of interviews allowed to a detenu under this sub-clause shall not exceed two in a week:Provided further that not more than four persons in case of family members and not more than two-persons in case of near relations and friends shall be allowed to interview a detenu at a time.(2)Applications for interview with a detenu under sub-clause (1) shall be made to Superintendent in the form annexed to this Order.(3)The Superintendent shall allow a detenu to be interviewed by his legal adviser in connection with the order of detention made against him and/or in connection with any pending or contemplated proceeding in a Court of Law or before any other authority to which he is or will be a party:Provided that-(a)any person seeking an interview with a detenu in the capacity of the detenu's legal adviser shall apply in writing to the Superintendent, and must satisfy the superintendent that he is the bona fide legal adviser of the detenu and that he has legitimate business with him;(b)not more than two such interviews shall ordinarily be allowed at any reasonable hour during a day in connection with a contemplated proceeding before such proceeding is instituted.(4)The Superintendent may for special reasons refuse to allow interview with a detenu under the foregoing provisions of this clause on any particular day or for such period as he considers fit.(5)In addition to the interview permissible under the foregoing provisions of this clause, a detenu may, with the permission of the detaining authority, be granted not more than two special interviews in each month during the entire period of detention for the settlement of his business or professional affairs.(6)A detenu may

be allowed additional interviews with his family members, relations and/or friends under prior orders of the Government or the District Magistrate making the detention order of the District Magistrate under whose jurisdiction the detention takes place.(7)The Superintendent shall appoint time, place and duration of each interviews and shall not ordinarily allow an interview to continue for more than one hour with his family members and near relatives and half-an-hour with persons other than family members and relatives.(8)All interviews with a detenu shall take place in the presence, but out of hearing, of a Prison Officer not below the rank of Assistant Jailor and a Special Branch Police Officer deputed for the purpose, and may be terminated by such officers at any moment if in their opinion sufficient cause exists for such termination:Provided that if the securing of the presence of a Police Officer as aforesaid involves postponement of an interview, then the Superintendent may allow the interview to take place in the presence of a Prison Officer as aforesaid alone.(9)Every person permitted to interview a detenu as well as the detenu himself shall be searched before as well as after the interview, and shall, after the interview is over, be warned by the Prison Officer present at the interview that future interviews are liable to be prohibited if the interviewer indulges in any publicity on behalf of the detenu.(10)Save in accordance with the provisions of this clause, no detenu shall be allowed an interview with any person except an authorised Police Officer as provided under Clause 11 or a visitor of the prison in which he is detained.

11. Interview by Police Officer.

(1)Subject to the directions of the State Government the Inspector General of Police or Deputy Inspector General of Police may, by general or special order, authorise any Police Officer either singly or with another Police Officer and accompanied or un-accompanied by subordinate Police Officers to interview any detenu.(2)The Police Officer so authorised may with the permission of the Superintendent interview detenus in their wards, rooms or cells.(3)In visiting the wards, rooms or cells every Police Officer shall be accompanied by such escort as the Superintendent considers necessary for his safety; but the escort shall, if the Police Officer so requires stand out of earshot, but within sight, while he is speaking to. any of the detenu.(4)The Police Officer so authorised may, with the permission of the Superintendent, interview detenus in the ordinary interview room, without a prison official being present.(5)Any Police Officer authorised by the Inspector General of Police or Deputy Inspector General of Police in this behalf may take photographs, register the fingerprints and take specimens of the signature and handwriting of a detenu in the prison.

12. Communications.

(1)Subject to scrutiny of the contents a detenu shall normally be permitted to write letters to-(a)his/her family members; and(b)his/her lawyers, including experts like Income-tax practitioner, provided they are confined to legal consultations only.(2)If after scrutiny any letter is found to contain objectionable portions the same shall not be transmitted, instead it shall be returned to the detenu who may rewrite the letter omitting the objectionable portions.(3)Letters to friends, acquaintances, political leaders shall not be permitted.(4)Whenever considered necessary the Superintendent shall retain copies of any letter written by a detenu in its original form for subsequent reference.(5)The maximum number of letters a detenu can write shall be three per week

to each category mentioned in sub-clauses (1) (a) and (b). (6) Detenus shall be supplied with the writing materials including postage stamps at Government cost. (7) No detenu shall write a letter to another detenu unless he/she be a member of his/her family and not more than one letter shall be enclosed in one envelope except with the special permission of the Superintendent. (8) All letters to and from detenus shall be censored by the Superintendent or by an officer appointed by him to assist him in this behalf or to perform his duties in his absence, and if any letter if, in the opinion of the Superintendent or the officer aforesaid, likely to be detrimental to the public interest, such letter shall be withheld. In cases of doubt the matter may be referred for orders by the Superintendent to the District Magistrate or Sub-divisional Magistrate concerned, as the case may be. Police Officers selected by the local Superintendent of Police may assist the Superintendent in the censorship of mails. (9) Every letter forward to or from, a detenu shall be initialled and dated by the officer censoring the letter under sub-clause (8). (10) All letters, the despatch or delivery of which is withheld under sub-clause (8), shall be delivered to the Superintendent or the District Magistrate, as the case may be, and the fact of such withholding shall be intimated to the detenu concerned. Any letter so withheld but retained may be delivered to the detenu after release. (11) Notwithstanding anything hereinbefore contained the Superintendent or other officer as aforesaid may instead of withholding the delivery or despatch of letter, despatch or deliver it after deleting any portion which in his opinion may be detrimental to the public interest or safety or the discipline of the prison. (12) The receipt and despatch of telegrams by detenus shall be subject to the same control as is hereinafter provided for letters except that the number of telegrams which may be despatched by a detenu shall be within the discretion of the Superintendent. The cost of the telegrams shall be borne by the detenus. (13) When a letter, telegram or petition is to or from the Central or State Government, it shall not be subject to the limitation prescribed hereinbefore: Provided that the Superintendent may in his discretion forward a petition submitted in telegraphic form by post instead of by the telegram. (14) All communications addressed by a detenu who is a member of the State Legislature or of Parliament, to the Speaker or Chairman of the House of which he is a member, or to the Chairman of a Committee (including a Committee of Privileges) of such House, or of a joint Committee of both Houses of the State Legislature or of Parliament, as the case may be, shall be immediately forwarded by the Superintendent to the State Government so as to be dealt with by them in accordance with the rights and privileges of the detenu as a member of the House to which he belongs. (15) Detenus shall attach to their outgoing letters and telegrams a slip containing the full name and address and relationship of the addressee and of each person mentioned in the letter or telegram. These slips shall be sent to the Deputy Inspector General of Police concerned or other officer appointed in this behalf by the State Government and any of the aforesaid, as the case may be, if he considers that the writer should not be allowed to correspond with the addressee, shall inform the Superintendent for his future guidance. (16) In addition to the paper supplied under sub-clause (6) a detenu who receives funds from any of the persons specified in Clause 8 (1) may be allowed to purchase ordinary school exercise books for other writing purposes, but the pages of such books shall be numbered and the detenu shall not destroy any such books or remove the pages thereof. (17) In addition to the concessions allowed in sub-clauses (6) and (16), each detenu shall be supplied at Government cost with one ordinary school exercise book once a month. The pages of such books shall be numbered and the detenus shall not remove any page therefrom. The books shall be periodically inspected to ensure that no papers are missing. The detenus shall not destroy the book but shall return it when full, to the Superintendent for custody,

who may, however, return it to the detenu on requisition for purposes of reference.

13. Newspapers, periodicals and books.

(1) Detenus may receive through the post any newspaper, periodical or book despatched by a recognised book-seller or news vendor, save such as may have been prescribed by any Government in India or which the State Government may find it necessary to prohibit. They may also receive any books, periodicals or newspapers not so prescribed or prohibited which are handed in by their relatives or friends at the prison gate. (2) All books, newspapers or periodicals handed in at the prison gate or delivered by post shall be opened, and examined by the Superintendent or an officer deputed by him for the purpose, if they are intended for a detenu. If, in the opinion of the Superintendent or officer as aforesaid, any matter in such newspaper, book or periodical is unsuitable on the grounds of public interest and safety, or if he entertains any doubt in the matter, he shall withhold the matter for the orders of the District Magistrate, or delete it before the newspaper, book or periodical is delivered to the detenu. (3) In addition to newspapers, periodicals and books which may be received through the post, any detenu 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-clauses (1) and (2). (4) One copy of a particular approved newspaper and a periodical from amongst those listed in Appendix A, as may be readily available, for every 8 detenus in a prison, may be supplied at the expense of Government. If, however, the total number of detenu is less than 8 in a particular prison one copy of approved periodical may be supplied to them at the expenses of Government. Books from prison library may also be supplied to the detenus. (5) The detenus shall be allowed by the Superintendent all facilities for studies except private tuition. They shall ordinarily be allowed lights up to 10 p.m., but examinees may be allowed lights at later hours at the discretion of the Superintendent.

14. Representation and petitions.

- The Superintendent shall forward through the Inspector General with such observations as he may deem fit to make, any representation or petition which a detenu may submit to the State Government: Provided that representations addressed to the State Government by a detenu in connection with his order or grounds of detention, release (including temporary release) and family allowance and petitions addressed to the Advisory Board or to a Court of Law by a detenu shall be forwarded by the Superintendent directly to the addressee with intimation to the Inspector General.

15. Study for examinations.

(1) Detenu who intend to appear for an examination under the control of any University or Board in Assam may be allowed to obtain their own books from their houses or places of study. (2) A detenu intending to appear at any examination as specified in sub-clause (1) shall at his/her own cost obtain the permission of the examining authority concerned to appear at the examination. The Superintendent shall, however, afford to such detenu all reasonable facilities for carrying on necessary correspondence with the examining authority. (3) In deserving cases the State Government may arrange to pay the Examination fee. (4) A detenu may at his/her own cost be allowed to have

additional exercise books, pencils, pen, ink to such extent as the Superintendent may think necessary for the purpose of preparation for the examination. The pages of such exercise books shall be numbered and the books shall not be destroyed or any page removed from these books. These exercise books shall be checked by the Superintendent from time to time.(5)No detenu shall be permitted to appear at an examination unless the arrangements made or proposed by the examining authority for holding such examination have been previously approved by the State Government.(6)The State Government may refuse to allow any detenu to appear at an examination without assigning any reason.(7)Where there is no objection to a detenu being examined inside a prison but it is necessary or convenient that he/she should be transferred to another prison where he/she may sit for such examination the Inspector General may, subject to general or special direction of the State Government, direct his/her transfer to such prison and his/her re-transfer therefrom after the examination is over.(8)Detenus may be granted temporary release at the discretion of the State Government for such period and on such conditions as the State Government may deem fit to enable him/her to take the examination at an examination centre outside the prison.(9)If the examination of a detenu is permitted by be held inside the prison, he/she should be provided with all facilities by the Superintendent to procure the necessary stationery for examination, in case these are not supplied by the examining authority.(10)When the detenu intending to appear at any examination specified in sub-clause (2) applies for the necessary permission to the examining authority, the Superintendent shall, while forwarding the application, inform such authority that the orders of the State Government will be communicated as soon as possible. The Superintendent at the same time should send a copy of the application to the State Government through the District Magistrate of the district concerned asking for orders whether the detenu will be released temporarily to enable him/her to appear at the examination or will be permitted to be examined in a prison and he shall also state whether the examination includes any practical or oral tests which may make it impossible for the detenu to take it inside the prison. He shall also report on the conduct of the detenu in the prison. The Superintendent shall communicate to the examining authority the orders of the State Government as soon as the same are received.(11)When an examining authority permits examination of a detenu to be held inside the prison, the Superintendent shall make all necessary arrangements for the receipt and safe custody of the question papers and blank answer books, invigilation and the collection, safe custody and transmission of the complete answer books to the authority concerned. If the arrangements are likely to involve any extra expenditure the Superintendent shall obtain the orders of the State Government.(12)If the written or oral or practical examination cannot be held inside the prison and the detenu cannot be released temporarily, then he/she may at the discretion of the State Government be permitted to appear at the examination centre, if the Inspector General recommends the case of the detenu on grounds of good behaviour in the prison. If the detenu is allowed to appear at the examination centre, the local Superintendent of Police shall provide adequate police guards for conducting the detenu to the centre and back and at the centre.

16. Recreational facilities.

- Detenus may be given facilities for games and exercise as far as practicable at the discretion of the Superintendent. The following list details the nature of the various indoor and outdoor games that may be provided so far as practicable at the cost of Government:

(A) Indoor Games

- | | | |
|-------|--------|--------------------------------|
| (i) | Cards | 1 packet for every 12 detenus. |
| (ii) | Chess | 1 set for every 16 detenus. |
| (iii) | Carrom | 1 set for every 16 detenus. |
| (iv) | Ludo | 1 set for every 12 detenus. |

(B) Outdoor Games

- | | | |
|------|---------------------------------|-----------------------------|
| (i) | Volley ball, bladder, net, etc. | 1 set for every 36 detenus. |
| (ii) | Badminton | 1 set for every 16 detenus. |

17. Work by detenus.

(1) Detenus shall not ordinarily be assigned any task of labour but if they so desire they may be assigned tasks by the Superintendent with due regard to their state of health, physical and mental capacity, character and antecedents. (2) In no case should a detenu be assigned a task including physical labour unless he/she voluntarily expresses willingness to undertake it. In all cases where a task is assigned at the detenu's own request appropriate remuneration should be paid and added to the private funds of the detenu kept with the Superintendent; provided that such assignment of voluntary labour done should be made only when some one else would have done this work and earned remuneration for it had not the detenu done it.

18. Supply to lantern.

- Where electricity is not available Class I detenus shall be allowed one lantern for every two detenus and Class II detenus shall be allowed one lantern for every five detenus; but the Superintendent has full discretion to disallow any lantern in wards, rooms, or cells at nights as a measure of security.

19. Duties and discipline.

- A detenu-(i) shall reside in the accommodation allotted to him/her by the Superintendent; (ii) shall not proceed beyond the limits of the prison save with the permission of the Superintendent given by general or special order in this behalf; (iii) shall obey the order of the Superintendent issued from time to time for the comfort or for the discipline, safety, orderly conduct and control of the detenu; (iv) shall attend roll call and answer to his name in person at such times and places within the prison as may be appointed by the Superintendent; (v) shall conform to the standards of cleanliness and dress laid down by the Superintendent; (vi) shall not 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, pieces 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 possessions; (ix) shall not refuse to take the prescribed diet; (x) shall not be required to stand to attention; (xi) shall not refuse to be photographed or have his/her finger prints taken; (xii) shall not go on hunger-strike; (xiii) shall conform to prison routine in the matters of bathing, meals, locking, unlocking, etc. and shall be locked up in the evening within one hour after the convicts and under-trials.

20. Prison offence.

- A detenu who contravenes any of the provisions of Clause 12 (16) or 12 (17) or 15 (4) or 19, or refuses to obey any order issued thereunder or does any of the following acts shall be deemed to have committed a prison offence: (i) assaults, insults, threatens or obstructs any inmate or any officer of the prison or any other Government servant or any person employed in or visiting the prison; (ii) quarrels with any person in the prison; (iii) is guilty of indecent, immoral or disorderly conduct; (iv) communicates or attempts to communicate with any person outside the prison in an unauthorised manner; (v) bribes or attempts to bribe any Government servant or any person employed in or visiting the prison; (vi) commits any nuisance or wilfully defouls any well, latrine, washing or bathing place; (vii) disobeys the orders of, or shows disrespect to, any officer of the prison; (viii) wilfully damages any property belonging to Government or tampers with any locks, lamps, or lights in the prison; (ix) receives, possesses or transfers any article in contravention of an order of the Superintendent; (x) feigns illness; (xi) wilfully brings a false accusation against any officer or inmate of the prison; (xii) omits or refuses 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 officer of the prison; (xiii) abets the commission by an inmate of any of the foregoing acts; (xiv) omits or refuses to help any officer of the prison in case of an attempted escape on the part of any inmate or any attack upon such officer or upon any inmate; (xv) wilfully refuses to take food and declares hunger-strike and/or instigates others to go on hunger-strike.

21. Punishment for prison offence.

(1) Where, upon such enquiry as he thinks fit to make, the Superintendent is satisfied that a detenu is guilty of a prison offence, he may award the detenu one or more of the following punishments: (i) confinement in cells for a period not exceeding fourteen days; (ii) cancellation or reduction, for a period not exceeding two months of the concession of receiving funds from outside; (iii) cancellation or reduction, for a period not exceeding two months, of the privilege of writing and receiving letters or of receiving newspapers, periodicals and books; (iv) cancellation or reduction, for a period not exceeding two months, of the privilege of having interviews. (2) If any detenu is guilty of a prison offence which by reason of his/her having frequently committed such offences or otherwise, is in the opinion of the Superintendent not adequately punishable by him under the provisions of sub-clause (1), he may forward such detenu to the court of a Judicial Magistrate having jurisdiction, and such Magistrate shall thereupon inquire into and try the charge so brought against the detenu, and upon conviction shall sentence him/her to imprisonment for a term not exceeding one year: 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 clause shall preclude the detenu from being tried and sentenced for such offence in accordance with the provisions of the Indian Penal Code.

22. Use of force.

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

23. Removal to hospital.

(1)When the Superintendent is of opinion that a detenu should be given medical treatment in a hospital, other than the prison hospital the detenu may, notwithstanding anything contained in the order of detention, be removed to such hospital and detained there in custody until in the opinion of the Medical Officer-in-charge of such hospital he/she is fit to return to the prison.(2)In respect of a detenu detained in a hospital under sub-clause (1), the preceding provisions of this Order shall apply, as far as may be, as if-(i)all references to the prison were references to the hospital;(ii)all references to the Superintendent were references to the Medical Officer-in-charge of the hospital, as the case may be.

24. Instructions from Inspector General.

- The Inspector General may, with the approval of the State Government, issue such other general or special instructions as may be necessary for the guidance of the prison officers.

25. Journey.

(1)Class I and Class II detenus when travelling in custody by train shall be provided with first class and second class accommodation respectively, and, if the journey involves a night in the train, shall be allowed to take with them their bedding and personal kit. In the case of detenus who are considered to be dangerous, a reserved compartment may be engaged. Reasonable charges for conveyance of detenus as well as for their baggage by road from the prisons to the railway stations and vice versa may be paid by the Government.(2)The mode of conveyance of detenus when travelling in custody by road shall be such as the District Magistrate concerned may determine and arrange.(3)A detenu may on release (including temporary release) be given railway passage warrant by his/her entitled class of accommodation as specified in sub-clause (1) or paid State transport upper class but fare for journey from the prison to his/her place of residence as for return journey (in the case of temporary release) from his/her place of residence to the prison.(4)The subsistence allowance for Class I and Class II detenus during a journey in custody or on release (including temporary release) shall be Rs. 8 and Rs. 6 respectively per head per diet.

26. Hunger-strike.

(1)All cases of hunger-strike by a detenu should immediately be reported to the Inspector General by wire or wireless for communication to the State Government.(2)An immediate enquiry should be made into his/her grievances and all genuine grievances should be remedied as far as possible. If the grievances of a detenu who goes on hunger-strike are found, after enquiry, to be unjustified or

frivolous, he/she shall be warned at once that he/she is liable to prosecution. If after due warning, a detenu persists in a hunger strike, the Superintendent has full discretion-(i)to prosecute him/her whereby on conviction he/she may be sentenced to imprisonment up to one year, or(ii)to take such other disciplinary action against him/her as the Superintendent may deem desirable.(3)Particulars of all hunger-strikes or threats to go on hunger-strike shall be forwarded to the Inspector General as early as possible together with the comments of the Superintendent on those grievances and the action which has been taken or is proposed to be taken in the matter, and the reasons therefor.(4)If the condition of the hunger-strikers becomes serious, a daily report on the state of their health should be submitted to the Inspector General. The termination of hunger-strike and the circumstances in which it was abandoned should also be reported telegraphically to the Inspector General without delay.(5)The District Magistrate or Sub-divisional Magistrate, as the case may be, should be kept informed about all hunger-strikes at every stage from beginning to end.(6)A detenu on hunger-strike shall be isolated as far as possible from other detenus and also from one another. If this is not practicable, steps should be taken to isolate leaders.(7)It is the duty of the Superintendent to do what he reasonably can to keep a detenu who is on hunger-strike in health and save him/her from death and no criminal prosecution or civil action would be sustainable against a Medical Officer either for administering or not administering artificial feeding at any stage; provided the Medical Officer was of the honest opinion reached with due care and attention that the treatment given was in the best interest of the detenu's health. Artificial feeding should therefor be resorted to when necessary. Having regard to the different temperaments and constitutions of individuals, no fixed rule can be laid down as to when artificial feeding should be resorted to and Medical Officers have full discretion to decide this question. It is desirable, however, that in the exercise of his discretion they should give careful consideration to the advantages of starting artificial feeding at an early stage and to the disadvantages of delaying it until the patient is in imminent danger of collapse.(8)When detenus in prison are prosecuted for hunger-striking the trial shall ordinarily be held in the prison.(9)As little publicity as possible shall be given to hunger-strikes, but in case in which it becomes dear that the condition of a hunger-striker is likely to take a serious turn, relatives of the detenu shall be informed.

27. Provision of Radio set.

- A prison having 25 or more detenus may, as far as practicable, be supplied with a Radio set, but its use may be allowed at the discretion of the Superintendent. The Radio set must be kept in the office and a loudspeaker from that may be carried into the prison ward.

28. Observance of religious festivals.

- Subject to the orders of the Inspector General, detenus may be allowed to observe religious festivals at the discretion of the Superintendent having due regard to considerations of discipline and security. In no circumstances, however, will the State Government sanction any expenditure for the celebration of these festivals. In no circumstances shall any detenu be permitted to leave the precincts of prison in connection with the performance of any festival.

29. Order not to apply in certain contingencies.

- This Order shall not apply to a detenu who has been made an under-trial or convicted by a Court of Law during the period of detention in connection with an offence committed by him/her during or before the period of detention. Rules for the superintendence and management of the prisons will apply to his/her case in such a contingency.

30. Provisions of Assam Jail Manual to apply in other matters.

- Where there is no provision governing any matter in this Order, the provisions as laid down in the Assam Jail Manual for the B Division and C Division convicts shall be applicable to determine such matter concerning the Class 1 and Class II detenues respectively.

31. Repeal and savings.

(1)The Assam Detention Order, 1908 published under Government of Assam, Political (A) Department's Notification No. PLA 318/80/Pt., dated the 20th April, 1980 is hereby repealed.(2)Notwithstanding such repeal, anything done or any action taken under the said Order shall be deemed to have been done or taken under the corresponding provisions of this Order as if this Order had come into force on the 20th April, 1980. Form for Application for Interview All persons desiring to interview a detenu are required to furnish the following particulars: Name of detenu to be interviewed Name of applicant Relationship of applicant to detenu Full address of applicant Purpose for which interview is desired Signature of applicant Date..... Hour..... a.m..... p.m. Appendix "A" Newspapers and Periodicals [Vide Clause 13 (4)]

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| 1. The Assam Tribune | (English Daily) |
| 2. The Assam Express | (English Daily) |
| 3. The Statesman | (English Daily) |
| 4. The Hindustan Standard | (English Daily) |
| 5. Dainik Assam | (Assamese Daily) |
| 6. Dainik Janambhumi | (Assamese Daily) |
| 7. Jugantar | (Bengali Daily) |
| 8. Illustrated Weekly of India | (English Weekly) |
| 9. Assam Bani | (Assamese Weekly) |
| 10. Saptahik Nilachal | (Assamese Weekly) |
| 11. Nagarik | (Assamese Weekly) |
| 12. Agradut | (Assamese Weekly) |
| 13. Ganatantra | (Assamese Weekly) |
| 14. Prantiya Samachar | (Bengali Weekly) |
| 15. Arunoday | (Bengali Weekly) |

16. Filmfare

(English Fortnightly)