

# **The U.P. Essential Services (Conditions of Detention) Order, 1979**

UTTAR PRADESH

India

## **The U.P. Essential Services (Conditions of Detention) Order, 1979**

### **Rule**

### **THE-U-P-ESSENTIAL-SERVICES-CONDITIONS-OF-DETENTION-ORDER of 1979**

- Published on 4 December 1979
- Commenced on 4 December 1979
- [This is the version of this document from 4 December 1979.]
- [Note: The original publication document is not available and this content could not be verified.]

The U.P. Essential Services (Conditions of Detention) Order, 1979Published vide Notification No. 3264-J/22-24(G)-79, dated December 4, 1979, published in U.P. Gazette, Extraordinary, dated 4th December, 1979In exercise of the powers under clause (a) of Section 5 of the Uttar Pradesh Essential Services (Prevention of Disruption) Ordinance, 1979 (U.P. Ordinance No. 25 of 1979), the Governor is pleased to make the following Order :

### **1. Short title and application.**

(1)This Order may be called the Uttar Pradesh Essential Services (Conditions of Detention) Order, 1979.(2)It shall apply to every person detained under or in accordance with the provisions of the Ordinance.

### **2. Definitions.**

- In this Order,-(a)'Essential Services Prisoner' means the person ordered to be detained under or in accordance with the provisions of the Ordinance ;(b)'Ordinance' means the Uttar Pradesh Essential Services (Prevention of Disruption) Ordinance, 1979 ;(c)'Superintendent' means the officer appointed to be or to act as the Superintendent of Jail or other place in which the detenu is ordered to be detained.

### **3. Accommodation.**

- Every Essential Services Prisoner shall be detained in cells or association barracks and shall, as far as possible, be kept separate from other prisoners. The Superintendent may, if he considers it necessary, confine any particular essential services prisoner in a solitary cell.

### **4. Classification.**

- Every Essential Services Prisoner shall ordinarily be placed in the ordinary class, unless otherwise classified, in accordance with the provisions pertaining to the classification of convicts as contained in the Jail Manual, into the superior class by the detaining authority or the District Magistrate of the district where he is for the time being detained.

### **5. Diet.**

- Every Essential Services Prisoner shall be allowed diet on the scale prescribed in the Jail Manual for convicted prisoners. Such prisoners of the Superior class may, however, be allowed diet as specified in Appendix 'A'. No Essential Services Prisoner shall be allowed to cook his own food.

### **6. Clothing and bedding.**

(1) Every Essential Services Prisoner may wear his own clothes and use his own bedding and shoes. The Superintendent shall supply to any such prisoner not provided with adequate clothes and bedding such articles as will with those already in his possession be equal to the scale prescribed for convicts. (2) All articles of clothing and bedding supplied by the Superintendent shall, however, remain the property of the State Government.

### **7. Interviews.**

(1) Every Essential Services Prisoner if classified into superior class may have two interviews in a month and every such prisoner of the ordinary class may have one interview every month, with his relatives and friends, provided that this privilege shall be subject to good conduct and may be withdrawn or suspended by the Superintendent if the prisoner has been guilty of a serious breach of discipline. Every such prisoner may, with the permission of the Superintendent, substitute a letter for an interview. (2) The Superintendent, who shall have full discretion to choose the place and mode of interview, shall see that the prisoner and his interviewers are provided with sufficient accommodation. (3) In addition to the interviews permissible under para (1), every essential services prisoner may, with the permission of the District Magistrate, be allowed a special interview for the settlement of personal affairs ordinarily taking place within two months of his arrest. Such interview shall be conducted in accordance with the provisions of this order and shall be confined strictly to the object for which it is granted. (4) Ordinarily not more than three persons may interview an essential services prisoner at a time. The authority empowered to allow an interview may at his discretion, in special cases, increase the number of persons permitted at an interview. (5) An

interview shall not last for more than half an hour.(6)The interviewer shall not indulge in any publicity on behalf of the Essential Services, Prisoner. Future interviews are liable to be prohibited if any publicity is made.

## **8. Interviews by Government officers.**

- Subject to the directions of the State Government, the Inspector-General of Prisons, may by general or special order, authorise any gazetted officer to interview an Essential Services Prisoner on Government work. All necessary precautions shall be taken at the time of such interviews.

## **9. Correspondence.**

(1)Every Essential Services Prisoner may write two letters of purely personal character in a month if a superior class prisoner and one letter in a month if an ordinary class prisoner. Such prisoner may, with the permission of the Superintendent, substitute a letter for an interview.(2)Every Essential Services Prisoner may receive letters of purely personal character. Such letters shall not be more than two in number every month in case of a superior class prisoner, and one in case of an ordinary class prisoner.(3)All letters to and from an Essential Services Prisoner shall be read by the Superintendent himself. He shall transmit unobjectionable letters keeping in view the provisions of this order. Letters of an objectionable nature will be referred by him immediately to the District Magistrate of the district in which the Jail is located. The District Magistrate shall return these letters within four days with necessary directions for their disposal.(4)Every letter written by an essential services prisoner and addressed to the Central or the State Government shall be forwarded immediately to the Secretary to the U.P. Government in Home (Jails) Department for necessary action.(5)All letters withheld on the ground that they contain objectionable matter shall be sent to the Deputy Inspector General of Police, Criminal Investigation Department or other officer designated by the State Government in this behalf, who may, at his discretion, either detain or destroy them.(6)Telegrams may be sent at the expenses of the prisoners sending them. They shall be treated as letters for purposes of this order, and shall be governed by the same rules as applicable for letters.

## **10. Examinations.**

- An Essential Services Prisoner shall during the period of detention not ordinarily be permitted to appear at or take examination in jails. In exceptional cases, necessary permission may be granted by the State Government.

## **11. Punishment.**

- The Superintendent may inflict on an Essential Services Prisoner any of the punishments that he may award to a convicted prisoner for any offence specified in Section 15 of the Prisons Act, 1894 read with paragraph 806 of the Uttar Pradesh Jail Manual.

## 12. Handcuffs and fetters.

(1)Fetters, handcuffs and cross-bar fetters shall not be imposed for reasons of safe custody on an essential services prisoner travelling by road or rail unless a special requisition is made in writing by a police officer not below the rank of Superintendent of Police.(2)The Superintendent may at any time impose fetters on an essential services prisoner if he considers that there is a serious danger of such prisoner escaping if fetters are not imposed.

## 13. Miscellaneous.

(1)Discussions of matters of political nature or intended to incite people against the Government in letters or during interviews is prohibited.(2)Every Essential Services Prisoner may, at his option, be allowed to do such work as may be allotted to him by the Superintendent, and may receive such remuneration for his labour at such rates as the Inspector-General of Prisons may with the approval of the State Government, fix.(3)All particulars relating to an Essential Services, Prisoners shall be entered (without serial number) in the Registers of Civil Prisoners, and all statistics of such prisoners shall be shown separately in jail returns.(4)The provisions of Sections 266 to 271 (both inclusive) of the Code of Criminal Procedure, 1973 and the U.P. Prisoner (Attendance in Courts) Rules, 1956, shall apply to appearances of every Essential Services Prisoner in Courts.

## 14. Applicability of U.P. Jail Manual.

- -The provisions of the Uttar Pradesh Jail Manual shall, in so far they are not inconsistent with this order or the Ordinance shall mutatis mutandis apply to every Essential Services Prisoner during the period of his detention.Appendix 'A'Diet for a Superior Class Essential Services Prisoner

Food Stuff		Diet scale for non-vegetarians	Diet scale for vegetarians
(1)		(2)	(3)
Wheat	.... ....	350 grms.	350 grms.
Rice	.... ....	175 grms.	175 grms.
Dal	.... ....	55 grms.	115 grms.
Meat	.... ....	230 grms.	....
Milk	.... ....	....	350 grms.
Butter or Ghee	.... ....	55 grms.	70 grms.
Mustard Oil	.... ....	15 grms.	15 grms.
Sugar	.... ....	55 grms.	55 grms.
Tea and Milk (if required)	.... ....	15 grms.	15 grms.
	.... ....	55 grms.	55 grms.
Vegetables (of which not more 230 grms than in grams may be potatoes)	.... ....	350 grms	230 grms.

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Spices	....	....	15 grms.	15 grms.
Salt	....	....	30 grms.	20 grms.
Amchur or	....	....	15 grms.	10 grms.
Chatni or	....	....	10 grms.	10 grms.
Lime Juice	....	....	30 grms.	30 grms.
Fruit	....	....	40 Paise three times a week	40 Paise three times a week
Fuel	....	....	1 Kg.	1 Kg.
	....	....	855 grms.	400 grms.