

# Rajasthan Conditions of Detention Order, 1971

RAJASTHAN

India

## Rajasthan Conditions of Detention Order, 1971

### Rule RAJASTHAN-CONDITIONS-OF-DETENTION-ORDER-1971 of 1971

- Published on 17 December 1971
- Commenced on 17 December 1971
- [This is the version of this document from 17 December 1971.]
- [Note: The original publication document is not available and this content could not be verified.]

Rajasthan Conditions of Detention Order, 1971Published vide Notification No. G.S.R. 43, dated 17.12.1971, pages 215-224.RJ71In pursuance of Section 5 of the Maintenance of Internal Security Act 1971 (Central Act 26 of 1971), the State Government hereby determines as follows the conditions of detention of persons ordered under the Act to be detained in any prison in Rajasthan, namely:-

#### 1. Short title and application.

(1)This Order may be called the Rajasthan Conditions of Detention Order, 1971.(2)It shall apply to all persons to be detained in Rajasthan by an order under Section 3 of the Maintenance of Internal Security Act, 1971 :Provided that the Government may by order direct that the provisions of the Order shall apply in relation to any detenu of any class of detenus with such modifications as may be specified in the Order.NoteThe Indian Legislature made the Maintenance of Internal Security Act, 1971 under which a person can be detained in custody in order to implement the said Act, the Government of Rajasthan has also determined conditions for such detentions in any of the Prison in Rajasthan.

#### 2. Definitions.

- In this Order, unless the context otherwise requires.-(a)"Act" means Maintenance of Internal Security Act, 1971 (Act No. 26 of 1971);(b)"detenu" means any person detained in Rajasthan by an order under Section 3 of the Act;(c)"Government" means the Government of the State of Rajasthan;(d)"[Inspector] [Now [Director]] General" means the [Inspector] [Now [Director]] General of Prisons, Rajasthan;(e)"Jail" means any prison as defined in Section 3 of the Prison Act, 1894 (Central Act 9 of 1894) of the Central Legislature as adapted to, or in force, in any area of Rajasthan;(f)"Prisoner" means a person. other than a detenu, duly Committed to be confined or detained in a Jail;(g)"Superintendent" means the officer appointed to be the Superintendent of Jail and includes any person who for the time being is acting as Superintendent.

### **3. Classification.**

(1)The detenus shall be classified as Class I or Class II detenus according to the state of their health and their education, status and mode of living before arrest.(2)The classification of each detenu shall be made by the authority passing the order of detention :Provided that where the District Magistrate classifies a detenu as Class I detenu, the classification will be provisional and subject to confirmation by the Government.(3)Subject to the other provisions of this Order, detenus of Class I and II shall ,ordinarily be treated in the same manner as may for time being be prescribed respectively for B and C class prisoners.

### **4. Custody and procedure.**

(1)A detenu shall ordinarily be removed and detained in any of the Jails in Rajasthan specified for the purpose by the Government.(2)The detenus shall be kept in cells or association wards preferably the latter and allowed to associate freely with each other, but as far as possible, shall be kept separate from ordinary prisoners :Provided that.-(a)if the number of detenus of the same class is large, they may be divided into homogenous groups,(b)the Superintendent may detain any detenu separately if he considers undesirable on grounds of health or for any other reason.

### **5. Diet.**

- The detenus of class I and II shall be entitled to the same diet as is prescribed for prisoners of class B and. C respectively:Provided that the detenus of both classes may, with the permission of the District Magistrate, be permitted to receive food from private sources to the same extent and in the same manner as civil prisoners.

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

(1)Each detenu may wear his own clothes and his relations may, if permitted so to do by the Superintendent, send him extra clothing and bedding. Each detenu who is enable to provide sufficient clothing and bedding shall be supplied with such clothing and bedding on the same scale as a civil prisoner of the corresponding class.(2)A detenu shall be allowed to bring his own feeding utensils but if for any reason he is unable to do so, the Superintendent shall allow him such utensils as are admissible to a B or C class prisoner according as he is class I or class II detenu respectively.

### **7. Searches.**

- Every detenu and his cell or ward shall be searched not less than once a week and often if the Superintendent considers it necessary, by such Jail 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 note book. Detenus shall be searched before and after interviews and at any other time if the Superintendent considers it necessary. In conducting the search of the detenu privacy shall be observed and care shall be taken to avoid

humiliation.

## 8. Supply of funds.

(1) A detenu may, with the previous sanction of the Detaining Authority, receive from a specified relative or friend, at intervals of not less than a month, an amount not exceeding Rs. 20/ per month if he is a class I detenu and Rs. 10/ per month if he is a class II detenu and may spend the amount or a similar sum from his private funds on such object and in such manner as may be permissible under the rules. In case in which for want of funds any detenu is compelled to do without small amenities which his fellow detenues enjoy, such amenities may, if considered absolutely necessary by the Superintendent, be supplied to him at Government cost. (2) All funds so received shall be kept by the Superintendent and spent by him on behalf of the detenu. (3) Amounts in excess of those prescribed in sub-clause (1) may be received by the Superintendent on behalf of detenues but they shall not be spent in any month beyond the limits laid down in the said sub-clause. "8(A) If the State Government after enquiry, as it may be deemed necessary, is satisfied that the detenu is sole bread winner and his detention has substantially affected the means of subsistence of his family, it may grant an ex-gratia payment to the detenus family @ 33 1/3 percent of the ascertained income of the persons so detained: Provided that the amount of such grant shall not be less than Rs. 50/ and not more than Rs 100/ per month in any case." This amendment will come into force with effect from 25.6.1975.

## 9. Furniture and toilet articles.

- The detenu shall be supplied furniture and toilet articles to the same extent as may for the time being be prescribed respectively for B and C class prisoners.

## 10. Interviews

(1) Save in accordance with an order of the State Government in writing, on detenu shall be permitted to have an interview with any person other than a police officer. (2) Every detenu may be allowed to have an interview with his relatives or friends: (a) in the case of class I detenus, [once in] [Inserted by Published in Rajasthan Gazette Extraordinary, 4(Ga)(II) dated 18.12.1975 Page 501.] a week; and (b) in the case of class II detenus, [once] [Amendment by Notification No. F. 4(A)(267) Home-XIII 75 (S.O. 320), dated 18.12.1975 (Published in Rajasthan Gazette Extraordinary 4(Ga)(II) dated 18.12.1975 Page 501).] a fortnight, during his period of detention. (3) Interviews with relatives, i.e. wife, husband, father, mother, brother, son, daughter, uncle, aunts and children of brothers and sisters shall be limited to an hour's duration and those with others except with the legal practitioners to half-an-hour and with the legal practitioners to such period as may be determined by the Government. (4) All interviews shall take place in the presence of an officer not below the rank of a Sub-Inspector deputed for the purpose by the [Inspector] [Now [Director]] General of Police, Rajasthan and such officer may stop the interview if the conversation turns on any desirable subject and may also report the matter to the Superintendent who may inflict any of the punishment enumerated in clause 15, subject to this provision in place and mode of interview shall be determined by the Superintendent. (5) The Superintendent shall maintain a statement of all

interviews between a detenu and his relatives or other persons with the names of the persons present at each interview.

## **11. Police Interview.**

- Subject to the directions of the Government, the [Inspector] [Now [Director]] General of Police, Rajasthan, may, by general or special order, authorise any police officer to interview detenu.

## **12. Correspondence and censorship.**

(1) Detenus of class land II ordinarily permitted to write respectively four and two letters each and receive as many as they like every week. (2) No detenu shall write a letter to any other detenu, and no more than one letter shall be enclosed in one envelope except with the special permission of the Superintendent. All correspondence to and from a detenu shall be confined to purely domestic matters or subjects relating to the welfare of the detenu and his near relatives. Letters containing references to communal or political matters shall be withheld as laid down in sub-clause (4). (3) No letters, newspapers or other communications, shall be transmitted to or from a detenu except through the Superintendent or such other officer as the Government may, by general or special order designate in this behalf. (4) All letters to and from detenus shall be perused by the Superintendent and, subject to any general or special order of the Government shall be submitted by the Superintendent direct to the [Inspector] [Now [Director]] General of Police, Rajasthan, who may at his discretion withhold them. (5) Detenus shall be allowed to read books from the Jail library. They shall be allowed to get books from outside at their own expense provided the books are of non-political character and approved by the senior police officer of the district concerned. Detenus may be permitted to buy such newspapers, periodicals and magazines as may be approved by the Superintendent. (6) Where in the opinion of the Government:-(a) any newspaper or periodical contains any matter unsuitable on grounds of public interest and safety or (b) any communication made to or intended to be delivered to, a detenu contains any matter which is objectionable from the point of view of maintenance of Jail discipline, he shall delete the same or mark it for deletion while forwarding it to the proper authority. (7) Every letter forwarded to or from a detenu shall be initiated and dated by the officer who handles the letter. (8) Where in the opinion of the Superintendent, the urgency of the contents of a telegram, justifies telegraphic transmission thereof, a detenu may be allowed to send telegraphic messages; all telegrams to and from Government shall be forwarded direct provided that the Chief Secretary to Government shall always be an intermediary in correspondence with the Central Government; telegrams to and from private individuals shall pass through police censorship in the absence of special orders of the Government to the contrary. (9) Detenus shall attach to all their outgoing correspondence (including telegrams) a slip containing the full name and address and relationship, if any, of the addressee, and of each person mentioned in the letter or telegram. These slips shall be sent to the [Inspector] [Now [Director]] General of the Police, Rajasthan, or other officer designated by the Government in this behalf, who if he considers that the writer should not be allowed to correspond with the addressee, shall inform the Superintendent accordingly for his future guidance.

### 13. Writing material.

- All detenus shall be supplied writing material at their own expense, provided that the supply of paper shall be subject to the following conditions.-(1)It shall be supplied in small quantities at a time and shall before delivery to the detenu be numbered and Jail stamps affixed to it and(2)An additional lot shall not be supplied unless the paper already supplied is produced or is found to have been properly used.

### 14. Offences and punishments.

(1)A detenu.-(i)shall reside in the accommodation allotted by the Superintendent whether in a association ward or a cell,(ii)shall not proceed beyond the limits of the Jail save with the permission of the Superintendent given by general or special order in this behalf,(iii)shall obey the orders of the Superintendent issued from time to time for the comfort, safety and health, or for the discipline, orderly conduct and control of detenus,(iv)shall attend roll-call and answer to his name in person at such time and place within the Jail 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 note or negotiable instrument any weapon, stick, razor, other than a safety razor, piece of iron or any other article which may be used as weapon,(viii)shall not exchange or sell any of his kit, equipment, clothes, furniture or other possession, and(ix)shall not refuse to take the prescribed diet.(2)Any detenu who contravenes any of the provisions of sub-clause (1) or refuses to obey any order issued thereunder, or does any of the following acts, namely:-(i)assaults, insults, threatens or obstructs any prisoner, or detenu or any officer of the Jail or any other Government servant 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 any unauthorised manner, or(v)bribes or attempts to bribe any Government servant or any person employed in or visiting the Jail, or(vi)commits any nuisance or wilfully defouls any well, latrine, washing, or bathing places, or(vii)disobeys the orders of, or shows disrespect to any officer of the Jail, or(viii)wilfully damages any property belonging to Government or tempers with any locks, lamps or lights in the Jail, or(ix)receives, possesses or transfers any article in contravention of an order of the Superintendent, or(x)feigns illness, or(xi)wilfully brings a false accusation against any officer of the Jail or prisoner or detenu, or(xii)omits or refuse to report, as soon as it comes to his knowledge, the occurrence or any fire, any plot or conspiracy, any escape, attempt or preparation to escape and any attack or preparation to attack upon any officer of the Jail, or(xiii)abets the commission by the prisoner or detenu of any of the foregoing acts, or(xiv)omits or refuses to help any officer of the Jail in the case of an attempted escape on the part of any of the prisoner or detenu, shall be deemed to have committed a Jail offence.(3)(a)Where upon such enquiry as he thinks fit, to make, the Superintendent is satisfied that a detenu is guilty of a Jail Offence, he may award the detenu one or more of the following punishments.-(i)Confinement in a cell for a period not exceeding fourteen days;(ii)Reduction or alteration of diet for a period not exceeding fourteen days;(iii)Cancellation or reduction, for a period not exceeding two months of the concession of receiving funds from outside;(iv)Cancellation or reduction, for a period not exceeding two months, of the privileges of writing and receiving letters or

of receiving newspapers and books;(v)Cancellation or reduction, for a period not exceeding two months, of the privileges of having interviews(vi)Cancellation of the privilege of wearing his own clothes.(b)If any detenu is guilty of Jail offence which, by reason of having frequently been committed or otherwise, is in opinion of the Superintendent not adequately punishable by him under the provisions of sub-clause 3(a) he may forward such detenu to the Court of a Magistrate of the first class having jurisdiction, and such Magistrate shall thereupon inquire into and try the charges so brought against the detenu and upon conviction shall sentence him 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.(4)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 by him.

## **15. Retention of watches.**

- The detenus shall be allowed to keep their watches with them in the Jail but no responsibility for their safety will be taken by the Government.

## **16. Recreation.**

- The detenus shall be allowed to play volley ball and badminton if there is room in the Jail for this and the number of detenu warrants.They shall be allowed to play indoor games like chess and playing cards at their own expense.

## **17. Smoking.**

- The detenus shall be allowed to smoke cigarettes at their own expenses.

## **18. Non Official visitors.**

- Non-Official visitors, appointed by the Government, may visit the detenus also.

## **19. Application or representation.**

(1)The Superintendent shall forward through the [Inspector] [Now [Director]] General, with such observation as he may thinks fit, any representation which a detenu may submit to the Government.(2)The Superintendent shall forward to the Government without delay any petition which a detenu may address to it:Provided that when the application or representation is addressed to a Court, it will be forwarded to that Court by the Superintendent direct.

## **20. Transfer of detenus to a civil hospital in emergent cases.**

(1) In cases where it is necessary to remove a detenu to a civil hospital outside the Jail for operative or other special treatment which cannot conveniently be given in the Jail itself, the orders of the Government shall be obtained. In emergent case the Superintendent is authorised to anticipate the sanction of the Government, but he should make an immediate report of all cases in which avails himself of the authority. The Superintendent should ask the [Inspector] [Now [Director]] General of Police, Rajasthan to make arrangements for guarding these detenus during their stay in the hospital. For the purpose of Jail discipline, the Superintendent should depute a Jail officer to see that the provisions of the Order are properly observed. (2) In respect of a detenu detained in a hospital under sub- clause (1) the proceeding provisions of the Order shall apply as far as may be, as if- (a) all references to the Jail were references to the Hospital, or (b) all references to the Superintendent were references to the Principal Medical Officer or the Medical Officer-in-charge of the Hospital as the case may be.

## **21. Transfer.**

- Detenus shall be transferred from one Jail to another within Rajasthan with the sanction of the [Inspector] [Now [Director]] General.

## **22. Miscellaneous.**

(1) All particulars relating to detenus shall be entered (without serial number) in the register of civil prisoners and All statistics of detenus shall be shown separately in Jail returns. (2) A copy of the Order shall be shown to the detenus on their arrival in a Jail. (3) Such other local instructions as may be necessary for the guidance of Jail officers may be issued by the [Inspector] [Now [Director]] General in consultation with the Government.

## **23. Detention.**

- A detenu who is transferred from the State of Rajasthan to any other State shall be detained in the Jail of that State and shall be governed by the Rules for the time being in force in that State to which he is transferred.

## **24. Savings.**

- The State Government may also issue special order regarding maintenance, discipline and punishment in case of certain detenu.