

Rules for Appointment and Guidance of Official Visitors of Prisons

RAJASTHAN

India

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Rule

RULES-FOR-APPOINTMENT-AND-GUIDANCE-OF-OFFICIAL-VISITORS of 1800

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Rules for Appointment and Guidance of Official Visitors of Prisons Jails Department (Section 59 of the Prisons Act, 1894 authorises the State Government to make rules, consistent with the Act, for the appointment and guidance of visitors of prisons. These rules have been framed in exercise of powers so conferred). The following rules for the appointment and guidance of official visitors of prisons within the United State of Rajasthan shall come into force with immediate effect:-

1. Ex-officio visitors.

(a) Inspector-General of Hospitals, Inspector-General of Police, Director of Public Health, Deputy Inspector-General of Police (CID), Director of Industries shall be ex-officio visitors for all Jails and lock-ups in the United State of Rajasthan. (b) Commissioners of Divisions and Sessions Judges are ex-officio visitors to the Jails and lock-ups, situated within their respective jurisdiction. Civil and Sessions Judges are ex-officio visitors of Jails in District where there is no Session Judge. The District Magistrate is an ex-officio visitor of the Central Jail situated within his jurisdiction. Deputy Inspector-General of Police, Sub-Divisional Magistrates and Inspector of Schools shall be ex-officio visitors of all Jails within their respective jurisdiction. (c) The Senior Medical Officer in the District where he is not holding Medical Charge, shall be an ex-officio visitor of the Jails and lock-ups in his district except in the case of Central Jails where a suitable officer will be nominated by the Commissioner of Division.

2. Visits by official visitors.

- The following minimum number of visits shall be paid by official visitors in the year. Central Jails (1) By Commissioners and Judges three visits; (2) By District Magistrates one visit every month; District Jails and Lock-ups: (1) Jails and lock-ups at the headquarter of the Commissioner and the Judges - Three visits shall be paid by each officer to each Jail and lock-up. (2) At the other places.

- The Jails and lock-ups shall be visited by the Commissioner and Judges when these officers visit the stations in which they are situated. Note: - The District Magistrate will visit the central and District Jails at least once a month. At each visit he shall make a careful inspection of the under-trial prisoners and prepare a list of all under-trial prisoners who have been in the lock-up for unduly long period. Thereafter he shall issue such orders as may appear necessary for the expeditious disposal of their cases. Every alternate month he shall go round the whole jail. Dates of these visits shall be recorded in the visitor's book together with any order, remarks, or suggestions made: provided that if in any special case the District Magistrate considers it expedient he may communicate separately with the Superintendent on any matter arising out of his visit. In any month during which the District Magistrate is away from headquarters he shall depute the Magistrate in charge to visit the Jail in his stead.

3. Boards meeting and additional visit by visitor.

- A meeting of the Board of Visitors shall be held once a quarter. At the first meeting in the calendar year a roster of visits shall be prepared for the ensuing twelve months. This roster will permit of a monthly visitor being made to each Jail by visitors. Should any visitor desire to pay more than one such visit, he shall be required to obtain the special permission of the Superintendent. All visits shall be made between the hours of opening and 2.00 P.M. Visit will not be permitted on Sundays and on other holidays except between 8.00 and 10 A.M. Note: - Except in exceptional circumstances a visitor shall not inspect Jails after lock-up or on Sundays or other holidays.

4. Visitors to be accompanied by Jail Officers and an escort.

- The Superintendent shall arrange that every visitor to the jail shall be accompanied by a responsible Jail officer and by an escort which shall consist, at Central Prisons, of two Wardens, and at District Jail, of one Warder armed with batons.

5. Names of visitors to be displayed.

- The Superintendent shall have a board hung-up at the Jail gate on which the names of all Jail visitors shall be noted and no person other than those authorised to visit a Jail or lock-up shall be allowed to visit.

6. Duties of visitors.

(a) It is the duty of a visitor to satisfy himself that the law and rules regulating the management of prison and prisoners are duly carried out in the Jail, to visit all parts of the Jail and to see all prisoners, and to hear and enquire into complaints that any prisoner may make to him. He may for this purpose talk to any prisoner out of the hearing but in the full sight of the officer accompanying him. Such conversations with prisoners shall not exceed 20 minutes in all during a visit. A list of question indicating some of the points to which a visitor may direct his enquiries is appended in last paragraph. (b) A visitor may call for all books, papers and records other than those of a confidential nature, which are connected with the administration of any department of the prison. (c) No visitor may issue any order or instructions to any subordinate Jail officer. (d) The officer accompanying every visitor shall inform him before entering the cook-house that no portion of the prisoner's ration shall be touched, but he can taste the food if he so desires.

7. Inspection note by visitors.

(a) There shall be only one visitor's book for the use of visitors. The book shall, on no account, be removed from the Jail premises. (b) Every visitor shall, after he has completed his visit to the Jail, record in the visitor's book prescribed by section 12 of the Prisons Act, the date and hour of his visit, and may enter therein any remarks or suggestions he may wish to make with regard to the internal arrangements of the Jail or the state of discipline maintained therein. But when a visitor considers that the sanctioned system of the Jail Administration requires modification in any particular or has any suggestion to make on questions of policy, he shall refer his opinion separately to the Inspector-General and shall not discuss the subject in the visitor's book. Entries in the visitor's book shall be made in the visitor's own hand-writing. (c) The remarks recorded by the visitor in the visitor's book shall be treated as confidential and shall not be communicated to the prisoner or to anyone outside the Jail. A visitor, so long as he retains his official connections with the Jail, is precluded from giving publicity in the press or otherwise to matters connected with its administration. (d) Should there be any complaint which a prisoner may make to a visitor about his own treatment or that of any other prisoner or about the conducts of any officer, or should the visitor himself observe any matter of which he feels notice ought to be taken, he should refer it to the Superintendent who is responsible for everything that occurs in his Jail. It is open to the visitor if he so desire, to make a representation on the matter to the Government. (e) The remarks recorded by a visitor in the visitor's book should include any complaint made to him by a prisoner which in his opinion deserves notice. When the Superintendent is of opinion that a prisoner has made a groundless complaint to a visitor and should be punished, he shall record a brief statement of the facts and not what punishment he proposed to award and send it to the visitors who, if he dissents from the conclusion of the Superintendent, may request that the case be submitted to the Inspector-General for orders. A copy of the Inspector General's order will be communicated to the visitor who may then, if he thinks fit, address Government regarding the case.

8. Action on remarks of visitors.

(a)The Superintendent shall at once forward a copy of the inspection notes recorded by visitors in the visitor's book, through the District Magistrate and the Commissioner of the Division to the Inspector General who may, if in his opinion it is necessary, forward the correspondence for the information and orders of the Government. A copy of the orders (if any) of Government or the Inspector General shall be forwarded to the visitor through the Superintendent of the Jail. (b)The Superintendent of Jail shall cause these orders to be copied into the visitor's book for information of the visitors.

9. Permission to enter jail for recording statements of prisoners.

- The Superintendent shall permit judicial and magisterial authorities and also any persons provided with a written order from the High Court, the Chief Court, District Magistrate, or Sessions Judge to enter the Jail for the purpose of recording the statement of any prisoner. The District Magistrate may specially authorise any officer named by him in writing to interview any prisoner for the purpose of obtaining information which may lead to detection of crime.

10. Visits by authorised persons.

(a)A person other than an official person may visit a Jail if he has obtained the written permission of the Government of the United State of Rajasthan or is accompanied by or has obtained the written permission of the Inspector General, the Commissioner of the Division, The District Magistrate or the Superintendent. Visits by such persons may be made on any day between the hours of 7 and 11 A.M. This restriction, however, is not intended to prohibit the Superintendent from admitting persons whom he may wish to show round the Jail at any other time. (b)Officers of PWD may enter Jail and during business hours. - The Superintendent Engineer of his circle and the Executive Engineers of the District in which the Jail is situated, together with their employees, shall, during business hours, have free access to the Jail to the extent necessary for purposes connected with the discharge of their official duties. (c)Admission of police officer to the Jail and interrogation of prisoners by them. - Any police officer of not lower rank than a Deputy Superintendent shall for any purpose connected with the discharge of his duties as such police officer, be permitted to enter the Jail at any time. (d)Police officers of a lower rank than Deputy Superintendent who are in uniform and have been detailed for the duty shall be permitted to enter the Jail for the purpose of recognising old offenders, or for conducting operations for the identification of prisoners during work hours on any week day. (e)No police officer shall be permitted to interview any prisoner except in so far as may be necessary for the identification of such prisoners without any order in writing from the District Magistrate or the District Superintendent of Police, addressed to the Superintendent of Jail. (f)Any interview permitted under an order from the District Magistrate or the District Superintendent of Police shall take place in the presence of the Jailor or other proper officer of a Jail, who shall if required to do so keep at such a distance that he may not hear the conversation that takes place. (g)The Superintendent of Jail shall, for the purpose of this rule, produce any prisoner in his charge whom the police are authorised to interview and shall afford every reasonable facility for this purpose. (h)The Superintendent shall arrange that every visitor shall not, in the

absence of special orders to the contrary, be permitted to put any question to prisoners or to make any enquiry either from official or from prisoners concerning the discipline and management of the Jail.

11. Question on some of the main points to be noted by visitors at their visits to jail.

(1)Buildings. - Are the building secure and in good repair?(2)Over crowding. - Is there any overcrowding? If so, where are the excess prisoners accommodated, and are steps being taken to relieve it?(3)Drainage. - Is the drainage of Jail in a satisfactory state? If not, what are the defects?(4)Water supply. - Is the water supply sufficient and good and the means of carriage suitable?(5)Have the drinking water wells been cleaned out recently?(6)Food. - Are the articles of food in the Store-room and elsewhere properly kept and in good condition?(7)Does the weight of vegetables agree with the calculated weight in the diet-roll and are they of good quality and properly cleaned?(8)Is the food issued correct in quantity and are they of good quality and properly cleaned?(9)Is the full number of rations for all the prisoners forthcoming?(10)Is the oil and condiments added to the curry in the presence of some responsible officer?(11)Clothing. - Have the prisoners the prescribed amount of clothing and bedding in their possession? Is it in servicable order? Is bedding placed in the sun every morning when the weather permits, and is the prescribed extra blankets issued in the cold months?(12)Bathing. - Are the prisoners required to bathe regularly?(13)Labour. - Are full tasks exacted from all labouring prisoners fit for hard labour? Who checks the work done in the evening? Is the outturn of each convict properly recorded on the work-tickets?(14)Remission. - Is ordinary remission for industry given with reference to the actual tasks performed?(15)Are there any convicts who are not receiving remission for industry for failure to perform tasks? If so, have efforts been made to enforce work by means of punishment?(16)Punishment. - Is the ratio of punishment in the Jail unduly high?(17)Discipline. - are convicts regularly searched for contraband?(18)Are convicts prevented from wandering about?(19)Are gangs of convicts marched about in proper order?(20)Habituals. - Are habituals separated from others at night and, is there separation from others by day carried out as far as possible?(21)Under-trial prisoners. - Are there any under-trial prisoners who have been detained in the Jail unduly long?(22)Lunatics. - Are there any civil lunatics in the Jail who have been detained under observation longer than the period allowed by law and if so on whose warrants?(23)Are there any criminal lunatics who have been unduly detained in Jail?(24)Females. - Are the women prisoners thoroughly screened from view of male prisoners?(25)Juveniles. - Are juvenile prisoners under the age of 18 separated from both by day and night, from adults and are those juveniles who have arrived at the age of puberty separated from those who have not as required by section 27(2) of the Prisons Act? Do juvenile prisoners receive instruction?(26)Adolescents. - Are all adolescent prisoners, of ages ranging from 18 to 20 or 22, separated at night both from the juveniles and adults?(27)Cells. - Is every cell utilized at night?(28)Appeals. - Has there been any undue delay in forwarding appeals to Court, or in the receipt of Court's orders on appeals?(29)Garden. - Is the whole vegetable supply of the Jail obtained, from the Jail garden? If not, why cannot this be done?