

# **The Orissa Communal Offenders (Conditions of Detention) Order, 1995**

ODISHA

India

## **The Orissa Communal Offenders (Conditions of Detention) Order, 1995**

### **Rule**

### **THE-ORISSA-COMMUNAL-OFFENDERS-CONDITIONS-OF-DETENTION of 1995**

- Published on 1 January 1995
- Commenced on 1 January 1995
- [This is the version of this document from 1 January 1995.]
- [Note: The original publication document is not available and this content could not be verified.]

The Orissa Communal Offenders (Conditions of Detention) Order, 1995Published vide Notification No. O.G.E.No. 798/6.7.1995 - Order No. 3695-C/22.6.1995No. 3695-C. - In exercise of the powers conferred under Clause (a) of Section 5 of the Orissa Prevention of Dangerous Activities of Communal Offenders Act, 1993 (Orissa Act 18 of 1993), the State Government do hereby make the following general order specifying the place and conditions of detention including conditions as to maintenance of discipline and punishment for breaches of discipline 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, extent and commencement.**

(1)This order may be called as the Orissa Communal Offenders (Conditions of Detention) Order, 1995.(2)It shall come into force on the date of its publication in the Official Gazette.(3)It extends to the whole of the State of Orissa.

#### **2. Definitions.**

(1)In this order, unless the context otherwise requires,-(a)"Act" means the Orissa Prevention of Dangerous Activities of Communal Offenders Act, 1993 (Orissa Act 18 of 1993);(b)"Detenu" means the "Communal Offenders" as defined in Clause (b) of Section 2 of the Act;(c)"Form" means a form appended to this order;(d)"Superintendent" means the Superintendent or the Officer-in-charge of the Jail in which a communal offender is detained.(2)Words and expressions used but not defined in this order shall have the same meaning as assigned to them in the Act.

### **3. Place of detention.**

- Any person in respect of whom a detention order under the provisions of the Act has been issued by the District Magistrate or the State Government shall be removed to and detained in any jail within the jurisdiction of the District Magistrate, or the State Government, as the case may be.

### **4. Classification.**

(1) All detenus shall be classified in two categories, namely, Special Division and Ordinary Division, and except as provided in this order shall receive the same treatment as provided in the Jail Manual of the State for non-labouring prisoners of Division-II and non-labouring prisoners of Division-III respectively. (2) Classification of each detenu shall be made by the authority under whose order the detenu has been detained, in classifying the detenu the authority making the order of detention may have regard to the ground 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 detenu who is or has been a Member of Parliament or a Member of a State Legislature shall be placed in the Special Division and shall not be placed in the Ordinary Division : Provided further that where no classification has been assigned to any detenu other than one who is or has been a Member of Parliament or State Legislature, it shall be deemed that such detenu has been placed in Ordinary Division. (3) Notwithstanding anything contained in Sub-clause (1) the State Government may, on their own motion or otherwise, revise the classification of any detenu.

### **5. Accommodation.**

(1) Detenu shall, wherever feasible and subject to requirements of safety and security, be lodged in cells or association wards, preferably in the later and allowed to communicate freely with each other. As far as possible they shall be kept separate from other prisoners. The Superintendent of Jail may, however, confine any particular detenu or group of detenus separately, if he considers it desirable on grounds of health or for any other reason. (2) The State Government shall be competent to pass orders for detention of any detenu in any jail in the State of Orissa, pass orders for transfer of the detenu from one jail to another jail in the State of Orissa or pass orders for removal of a detenu from any jail in the State of Orissa to another State subject to the consent of the Government of other State.

### **6. Furniture.**

(1) Every detenu shall be furnished at Government cost with a bedstead, mosquito poles, a mosquito net, a stool and set of pegs to keep his clothing on. (2) The detenus of Special Division may be given writing table and a chair, if these items of furniture are available in stock in the jail.

## **7. Lock-up and light.**

(1)The Superintendent of the Jail may, at his discretion, direct that the detenu shall be locked up at night not later than one hour after the general lock-up time.(2)Unlocking of cells and association wards shall be carried out in accordance with prison routine.(3)All detenus shall be allowed to use lights at night for reading up to 10 P.M.

## **8. Diet.**

(1)Subject to the approval of the Superintendent and the Medical Officer of the Jail, a detenu may be allowed to receive food from outside. Any detenu not so receiving food shall be dieted at Government expenses on the scale laid down in the State Jail Manual.(2)Any detenu who wishes to add or modify his diet on the ground of health but who is unable to do so at his own expense may apply to the Superintendent of the Jail. After Medical Examination the Superintendent of the Jail may order such addition or modification to his diet as he may consider necessary on medical grounds.

## **9. Smoking.**

- A detenu 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 health of the detenu.

## **10. Clothing and bedding.**

(1)A detenu may wear his own clothes, foot-wear and head-gear consistent with reasonable requirements of health and decency. A detenu 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 detenu does not have adequate personal clothings, foot-wear and head-gear to meet his reasonable requirements.(2)If the Superintendent is of the opinion that the personal clothings, foot-wear and head-gear of the detenu are inadequate to meet his reasonable requirements or the detenu is unable to 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 detenu 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 per detenu for each block period of six months commencing from the date of detention of the detenu concerned.(3)Subject to conditions specified in Sub-clause (2), the personal winter clothings, foot-wear and head-gear of a detenu, 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 at an expenditure not exceeding Rs. 75 for the detenu placed in Special Division and at an expenditure not exceeding Rs. 50 in case of detenu placed in the

Ordinary Division.(4)No replacement for clothings, foot-wears, and head-gears supplied at Government cost under Sub-clause (2) shall be made within a period of six months and no replacement for clothing, foot-wear and head-gear supplied at Government cost under Sub-clause (3) shall be made within a period of twelve months from the date of supply of such item;(5)Subject to general or special order of the State Government, a detenu shall be permitted to use clothings, foot-wear and head-gear supplied to him at Government cost while in custody.(6)Each detenu may use his own bedding consistent with reasonable requirements of health and decency. A detenu may, with prior permission of the Superintendent receive extra items of bedding from private sources if in the opinion of the Superintendent his personal items of bedding are inadequate to meet his requirement. If in the opinion of the Superintendent a detenu 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 irrespective of classification of the detenu.

## **11. Discipline and searches.**

(1)Every detenu shall, for the purposes of discipline and punishment for breaches of discipline, be subject to these rules relating to civil prisoners as are not inconsistent with this order or any other order passed by the Government in this behalf.(2)Every detenu and his cell or ward shall be liable to be searched not less than once a month, and more often, if the Superintendent considers it necessary, by the Jailor or Deputy Jailor as directed by the Superintendent, special precautions shall be taken to make the search thorough and the fact of the search shall be noted in the Jailor's Report Book.

## **12. Private funds.**

(1)A detenu may spend from private funds a sum not exceeding Rs. 20 per month to supplement his diet. Money spent on purchases other than those for supplementing diet shall not count against that sum. The diet so supplemented shall be of simple nature. Cooked food shall, in no case be allowed to be imported from outside the jail.(2)Any amount received on behalf of a detenu shall be kept by the Superintendent and spent by him on behalf of the detenu. Amounts so received shall be held by the Superintendent in deposit on behalf of the detenu or may, at the discretion of the Superintendent, be paid to a nominee of the detenu.Explanation - The term 'nominee' shall not include a co-detenu.(3)Amount sent to a detenu in discharge of liability of the sender to the detenu shall be received by the Superintendent and treated in the manner laid down in Sub-clauses (1) and (2) for the disposal of the amounts referred to therein.

## **13. Interviews.**

(1)The Superintendent shall fix the days in the week on which a detenu may have interviews with persons, other than a Police Officer.(2)Every detenu shall be permitted an interview once in a fortnight with the members of his family.Explanation - In this clause and Clause 16, the word 'family' shall include wife, husband, father, mother, brother, sister, son, daughter, or any in-laws of such relationship, direct uncle or direct aunt (that is brother or sister of the detenus, father or

mother), first cousin (that is son or daughter of direct uncle or direct aunt), grand-parents, grand-children and direct nephew or niece (that is, son or daughter of the detenu's brother or sister).(3)Each detenu shall furnish a list of his family members to the Superintendent, who shall submit the same for scrutiny by the Superintendent of Police and intelligence.(4)There shall not ordinarily be more than three visitors at any one interview, excluding children under 12 years of age and there shall not be more than three detenues at any one interview.(5)Applications for interview from persons other than the Police Officers shall be made to the Superintendent in Form 'A', annexed to this order and the Superintendent may grant the same in case the person seeking the interview is a member of the detenu's family.(6)Notwithstanding anything contained in Sub-clause (5), the Superintendent may, for reasons to be recoded in writing, refuse to allow an interview on any particular day or for such period as he considers fit; and, in that event, he shall report his refusal and the reasons thereof to the Government.(7)Interviews shall take place in the presence of an Officer deputed by the Superintendent and such Officer may terminate an interview at any time if, in his opinion, the conversation is detrimental to the public interest or safety. The conversation shall be limited to private matters and there shall be no reference to Jail Administration and discipline, to other prisoners or to politics. The Superintendent shall permit any Police Officer, not below the rank of Sub-Inspector of Police belonging either to the District or Central Special Branch to overhear conversations between detenues and outsiders on production of a request in writing from a Police Officer not below the rank of Superintendent of Police or Deputy Commissioner of Police.(8)Every person permitted to interview a detenu and the detenu himself may be searched before and after the interview at the discretion of the Superintendent.(9)The Superintendent shall appoint the time, place and duration of each interview and shall not ordinarily allow an interview to continue for more than one hour with a relative or half an hour with a person other than a relative.(10)After the interview is over, the Jail Official present at the interview shall warn both the detenu and the visitor that future interviews are liable to be prohibited if the visitor indulges in any publicity on behalf of the detenu.(11)The Superintendent may allow additional interviews by authorised persons for special reasons if he is satisfied that the circumstances make it necessary to do so. Applications for interviews from persons other than family members shall be submitted to the Government for orders.

#### **14. Business interviews.**

- In addition to the interviews permissible under Clause 13 every detenu shall be allowed to see or communicate with the members of his family or other persons concerned once or twice, or more often, if the Superintendent considers it necessary, to enable him to arrange for the management of his property or other family affairs. Such interviews shall ordinarily take place within fifteen days after the detention of the person concerned and once a month thereafter and shall be conducted in accordance with the provisions of Clause 13 as regards place, duration and conditions of the interview and the proceedings shall be kept strictly confined to the objects for which the interview was granted.

## **15. Police interviews.**

(1) Subject to the directions of the Government, the Director-General and Inspector-General of Police, Deputy Director-General of Police and Superintendent of Police may, by general or special order, authorise any Police Officer either singly or with another Police Officer, and accompanied or unaccompanied by subordinate Police Officers to interview any detenu. (2) The Police Officers so authorised may, with the permission of the Superintendent, interview detenus in their cells or wards. (3) In visiting cells or wards, 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 detenus. (4) The Police Officers so authorised may, with the permission of the Superintendent, interview detenus in the ordinary interview such without a Jail Official being present. (5) The Superintendent or any Police Officer authorised by him in this behalf may take photographs, register finger prints and take specimens of signature and handwriting of a detenu.

## **16. Correspondence and censorship.**

(1) Detenus shall be allowed to write two and receive eight letters a week. The letters shall be limited to the members of the family of the detenus. The contents of the letter shall be limited to private matters and there shall be no reference to Jail Administration, discipline, other detenus or prisoners or politics. The Superintendent shall have the discretion to allow the detenus to send out special letters over this limit in case of absolute necessity up to two letters a week for each detenu. (2) Correspondence on non-domestic affairs shall be allowed by the Superintendent in consultation with the Superintendent of Police and Superintendent of Police, Special Branch. But if they disagree, the letter shall be forwarded to the Government for orders. (3) Telegrams shall count as letters. All letters from detenus shall be written in Form 'B' and shall not ordinarily exceed the prescribed length to be determined by the Superintendent, and detenus may, for this purpose, be supplied at the cost of the Government, with the necessary writing material. (4) Detenus may, with the permission of the Superintendent, substitute a letter and replay for an interview or vice versa. (5) Not more than one letter shall be enclosed in one envelope except with the permission of the Superintendent. (6) Any letter or communication received for detenus which are clearly franked to indicate that they come from the Government Office, excluding any local authority or body, shall be delivered to them and shall not be counted against the admissible number of letters received. All other letters to and from detenus shall be censored by the Superintendent and subject to any orders of the Government, shall be submitted by the Superintendent direct to the Superintendent of Police of the District or in his absence the Assistant or Deputy Superintendent of Police or other Officer nominated by the Superintendent of Police, Special Branch who may, at his discretion either forward the letters without delay or withhold them if they are, in his opinion, likely to be detrimental to public interest or safety. The contents of all letters shall be limited to private matters. In case of doubt, the Police Official referred to above shall refer the matter to the Superintendent of Police, Intelligence, or other Officer designated by the Government in this behalf. (7) As regards censorship of correspondence, there shall be a fairly liberal interpretation of the type of matter to be passed on to the detenus or communications from the detenus. A letter may be withheld altogether rather than be mutilated beyond recognition. (8) Every letter forwarded to or from a detenu shall be

initialled and dated by the officer censoring the letter under Sub-clause (6). (9) All letters, the despatch or delivery of which is withheld under Sub-clause (6) shall be sent to the Superintendent of Police, Special Branch or other Officer designated by the Government in this behalf, for retention or destruction at his discretion, and the fact of such withholding shall be intimated to the concerned detenu through the Superintendent. Any letter so withheld but retained may be delivered to the detenu after release. (10) If any communication made by or intended to be delivered to a detenu anything objectionable from the point of view of jail discipline is found by the Superintendent, he may omit the same or mark it for omission and mention what has been done when forwarding such communication to the Superintendent of Police of the District or in his absence to the Assistant or Deputy Superintendent of Police or other Officer nominated in this behalf. That authority may, notwithstanding anything hereinbefore contained, instead of withholding the delivery or despatch of a letter, despatch it after omitting any portion which in his opinion may be detrimental to public interest or the safety or the discipline of the jail. (11) The receipt and despatch of telegrams by detenus shall be subject to the same control as is hereinbefore 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 should ordinarily be borne by the detenu concerned. (12) When a telegram is sent to or received from any Government, it shall be forwarded direct, provided the State Government shall always be the intermediary in correspondence with the Central Government or another State Government, and that the Superintendent has discretion to forward a petition submitted in telegraphic form by post instead of by telegram. (13) The detenu shall, when sending letters or telegrams, specify the full name and address and relationship to the writer of the addressee, and of each person mentioned in the letter or telegram, in the case of the former on the detachable portion of Form 'ET' and in the case of the latter, on a separate slip. The detached portion of Form 'B' or slip shall be sent to the Superintendent of Police, Special Branch or to 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 for his future guidance. (14) In addition to the writing materials supplied under Sub-clause (3), a detenu who receives funds from outside 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 book or remove the pages thereof. The maximum number of exercise books with a detenu at any one time shall not exceed two. When he returns one note-book another may be issued to him.

## **17. Communications between the Presiding Officers of Legislatures and detenus.**

- Communications between a detenu who is a Member of Parliament or of the Legislature of a State and the Chairman of the Rajya Sabha or the Speaker of the Lok Sabha, the Chairman of the Legislative Council or the Speaker of the Legislative Assembly of the State or the Chairman of the Committee of any of the Houses of Parliament or of the Legislature of the State, shall not be withheld but shall be transmitted immediately to such detenu or the Presiding Officer, as the case may be. Note - Any question, whether starred or unstarred, which a detenu wishes to ask in Parliament or the Legislature of the State shall also be transmitted to the Presiding Officer concerned immediately.

## **18. Books and Newspapers.**

(1) Detenus shall be allowed such facilities in regard to library and books as are available in jail. Newspapers shall be supplied to the detenus at their cost. (2) Detenus may receive through post any of the newspapers and periodicals approved by the Superintendent subject to the condition laid down in Sub-clause (3) below. (3) The books and periodicals shall be received through posts and the postal articles containing the books and periodicals shall first be opened by the Superintendent or any person authorised by him for the purpose and the delivery of the books may be refused by the Superintendent if, in his opinion, the books and periodicals are not suitable. Detenus may also purchase any other book or periodical, provided it is not banned or prescribed by the Government. (4) In addition to newspapers, periodicals and books, which may be received through post, any detenu who receives funds from outside may be allowed to purchase from such funds either through post or otherwise newspapers, periodicals and books subject to the provisions of Sub-clauses (2) and (3) above. (5) Friends and relatives may be permitted to send through posts not more than twelve books to each detenu in a week and as many periodicals as desired by detenu subject to strict censorship and subject to the provisions of Sub-clause (3) above.

## **19. Withdrawal of benefits.**

- Notwithstanding anything in this order, it shall be open to the Government to direct that any particular detenu shall not be entitled, for such period as may be specified, to the benefits of interviews, correspondence books, periodicals and newspapers allowed under Clause 18 : Provided that the reasons for giving such direction shall be communicated to the detenu.

## **20. Representation by detenu.**

(1) The Superintendent shall forward, without delay, and with such observations as he may think fit, any representation which a detenu may submit to the Government. He may withhold any representation which contains and reference to other detenus or prisoners. (2) All petitions from detenus addressed to Courts shall be transmitted, with the utmost expedition direct to the Court concerned forwarding copies thereof to the Inspector-General of Prisons. When a petition is addressed to the High Court it shall be sent to the Registrar, High Court, Orissa in a sealed envelope, a copy of which shall be endorsed to the Inspector General of Prisons who shall forward a copy of such petition to the Government.

## **21. Discipline.**

(1) A detenu - (i) shall reside in the accommodation allotted to him by the Superintendent, whether in an association, ward or a cell; (ii) shall not proceed beyond the limits of the jail area; (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 times and places within the jail as may be appointed, by the Superintendent. (However, detenus who are sitting Legislators are exempted from this requirement); (v) shall



whenever required, so to do by the Superintendent for official purposes, appear before him or any other persons specified by him (Detenus who are sitting Legislators, are exempted from this requirement);(vi)shall conform, to the standards of cleanliness and dress laid down by the Superintendent;(vii)shall not do anything wilfully with the object of affecting his own bodily welfare;(viii)shall not possess any substance/article like weapons, sticks, razors, other than safety razors, pieces of iron or any other article which may be used as a weapon;(ix)shall not exchange or sell any of his kit, equipment, clothes, furniture or other things supplied by or belonging to the Government; and(x)shall not refuse to take the diet prescribed by the Superintendent.(2)The jail authorities shall not accept any responsibility for loss of jewels and other valuables unless they have been handed over to the Superintendent. If the detenus retain jewels and valuables with them, it shall be at their own risk.

## **22. Punishment for breaches of discipline.**

(1)Why detenu who contravenes any of the provisions of Sub-clause (14) of Clause 16 or Clause 21 or refuses to obey any order issued thereunder, or who -(i)assaults, insults, threatens or obstructs any fellow detenu or any officer of the jail or any other Government servant or any person employed in or visiting the jail; or(ii)is guilty of indecent, immoral or disorderly conduct; or(iii)communicates or attempts to communicate with any person outside the jail in an unauthorised manner; or(iv)bribes or attempts to bribe any Government servant or any person employed in or visiting the jail; or(v)commits any nuisance or wilfully befouls any well, latrine washing or bathing place; or(vi)disobeys the orders of any officer of the jail; or(vii)wilfully damages any property belonging to the Government or tampers with any locks, lamps or lights in the jail, or article in contravention of an order of the Superintendent; or(viii)wilfully brings false accusation against any officer of the jail or fellow detenu; or(ix)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 to or preparation for escape and any attack or preparation for attack upon any officer of the jail; or(x)abets the commission by a fellow detenu of any of the foregoing acts, or omissions; or(xi)omits or refuses to help any officer of the jail in case of an attempted escape on the part of any of his fellow detenus or of any attack upon such officer or upon any of his fellow detenus; or(xii)refuses to get himself weighed when so required by the authorities concerned, shall be deemed to be guilty of breach of discipline.(2)If the Superintendent is satisfied that a detenu is guilty of breach of discipline, after such enquiry as he thinks fit, he may award the detenu one or more of the following punishments :(a)confinement in cells for a period not exceeding fourteen days;(b)cancellation or reduction for a period not exceeding one month of the concession of receiving funds from outside;(c)cancellation or reduction for a period not exceeding one month of the concessions of writing and receiving letters or of receiving newspapers, periodicals and books; and(d)cancellation or reduction for a period not exceeding one month of the concession of having interviews.(3)If any detenu is guilty of breach of discipline which, by reason of his having frequently committed, such breaches or otherwise is in the opinion of the Superintendent not adequately punishable by him under the provisions of Sub-clause (2) he may, with the approval of the Government, give information relating to the breach of the discipline to the officer-in-charge of the nearest police-station and where the breach of discipline constitutes an offence punishable under the Indian Penal Code the detenu shall be tried and punished for such offence in accordance with the provisions of that Code.

## **23. Enforcement of orders.**

(1)The Superintendent may use or cause 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.(2)It is the duty of the Superintendent to do what he normally can, to keep the detenus in his charge in good health and to save them from death. If on account of hunger strike, a detenu is likely to cause his own death, the Medical Officer may in his discretion, at such stage as he thinks fit direct that the detenu be forcibly fed if in his opinion it is the only means of keeping him alive. Forcible feeding should not be attended with unnecessary violence. Until the stage at which forcible feeding is necessary is reached for approval by the Medical Officer shall be regularly placed at the side of the hunger strike for his consumption and shall be renewed periodically.

## **24. Removal of detenus to hospitals.**

- When the Superintendent is of opinion that a detenu shall be given special medical treatment in any hospital outside the jail, the detenu may, notwithstanding anything in order of detention, be taken to such hospital or to the jail nearest to such hospital with adequate security arrangement and detained there until, in the opinion of the Medical Officer of the hospital, he is fit to return to jail. The Superintendent is permitted to use his discretion in instructing hospital authorities to provide for special wards of the lowest class. If the detenu so desires, one or two friends or near relatives of the detenu may be allowed to attend on him during the period of his treatment in the hospital.

## **25. Attendance in Courts.**

(1)Whenever an order in the form set forth in the First Schedule or the Second Schedule to the Prisoners (Attendance in Courts) Act, 1955 (32 of 1955) is received by the Superintendent for the production of a detenu before a Court, the Superintendent shall send a copy of the order to the Home Secretary to Government and act under Section 5 or 6 of the said Act, unless the Government make an order under Section 4 of the said Act directing that the detenu in respect of whom the order is received shall not be removed from the jail.(2)Whenever detenus taken to Delhi in connection with habeas corpus petitions before the Supreme Court of India, they shall, during their stay there be kept in a jail specified by the Delhi Administration and be governed by the conditions specified therefor.

## **26. Legal advice.**

(1)Detenu shall be allowed all reasonable facilities to obtain legal advice. Correspondence in regard to legal advice shall be treated as private matter. In addition to the interviews permissible under Clauses 13 and 14, a detenu may have, with the permission of the Government, interview with his legal practitioner in connection with a pending or contemplated legal proceeding to which the detenu is or will be a party. The interview shall be with the legal practitioner only or with a specified member of a firm of legal practitioners and no other member of the firm shall be allowed to be present. Not more than one such interview shall ordinarily be allowed in connection with a

contemplated legal proceeding before the proceeding is instituted. All such interviews shall take place on the premises in which the detenu is confined and shall be subject to such conditions and restrictions as the Superintendent may consider necessary to ensure security and prevent the passing of unauthorised communications unconnected with the detention.(2)In addition to the interviews permissible under Sub-clause (1) above and Clauses 13 and 14 a detenu shall be allowed with the permission of the Government an interview with a legal practitioner or any other person of his choice for the purpose of drafting his representation against his detention.

## **27. Exercise and games.**

- Detenus shall be allowed to have walks inside the jail in the morning and in the evening where there are facilities to allow them to do so. Detenus shall also be permitted to play outdoor as well as indoor games, depending upon the facilities available in the concerned jail.. Sports materials for such games shall be provided at the expense of the Government. Relatives and friends if permitted to do so by the Superintendent, may supply the detenus with sports materials.

## **28. Miscellaneous.**

- All particulars relating to detenus shall be entered (without serial number) in the register of civil prisoners and all statistics of the detenus shall be shown separately in jail returns.

## **29. Removal of doubts.**

- If any doubt arises about the interpretation of these conditions or any matter not covered by this order, the provision in the jail Manual shall apply.

## **30. Execution of Powers-of-Attorney.**

- A detenu who is permitted by the detaining authority of the Superintendent of Police to execute a Power-of-Attorney, shall execute the same in the presence of the Superintendent.

## **31. Relaxation of conditions.**

- The Government may relax any of the conditions mentioned aforesaid or issue special orders in the case of any particular detenu or place of detention.

## **32. Instructions to jail Authorities.**

- Such instructions, as may be necessary for the guidance of the jail Authorities, may be issued by the Inspector-General of Prisons with the prior approval of the Government. Annexure Form 'A' [See Sub-clause (5) of Clause 13] Form of Application for Interview Name of detenu to be interviewed.....Name of the applicant.....Relationship of the applicant to the detenu to be interviewed....Full address of the applicant.....Purpose for which the interview is

desired.....Signature of the applicantDate.....Hour.....Place of detention.....Form 'B'[See Sub-clauses (3) and (13) of Clause 16]Form of Letter by DetenuFull name of senderFull name, address and relationship ofaddressee and of other persons mentionedin the letter.....To be detached here.....JAILName of Sender.....Date.....Signature of Censoring Officer