

The U.P. National Security Prisoner (Conditions of Detention) Order, 1980

UTTAR PRADESH

India

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Rule

THE-U-P-NATIONAL-SECURITY-PRISONER-CONDITIONS-OF-DETENT of 1980

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The U.P. National Security Prisoner (Conditions of Detention) Order, 1980Published vide Notification No. 2736-J/22-12 (G)-80, dated October 4, 1980Statement of Objects and Reasons. - In the prevailing situation of communal disharmony, social tensions extremist activities, industrial unrest and increasing tendency on the part of various interested parties to engineer agitation on different issues, it was considered necessary that the law and order situation in the country is tackled in a most determined and effective way. The anti-social and anti-national elements including secessionists, communal and pro-caste elements and also other elements who adversely influence and affect the services essential to the community, pose a grave challenge to the lawful authority and sometimes even hold the society to ransom.² Considering the complexity and nature of problems, particularly in respect of defence, security, public order and services essential to the community, it is the considered view of the Government that the administration would be greatly handicapped in dealing effectively with the same in the absence of powers of preventive detention. The National Security Ordinance, 1980, was, therefore, promulgated by the President on the 22nd September, 1980.³ Subject to a modification, the Bill seeks to replace the aforesaid Ordinance. The modification relates to a composition of Advisory Boards, and is for providing that the Chairman of an Advisory Board shall be a person who is, or has been, a Judge of a High Court and the other members of the Advisory Board may be persons who are, or have been, or are qualified to be appointed as, Judges of a High Court.In pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of Notification No. 2736-J/XXII-12 (G)-80, dated October 4, 1980:In exercise of the powers under clause (a) of Section 5 of the National Security Ordinance, 1980 (Ordinance No. II of 1980), the Governor is pleased to make the following Order:

1. Short title and application.

(1) This Order may be called the Uttar Pradesh National Security Prisoner (Conditions of Detention) Order, 1980. (2) It shall apply to every person detained under or in accordance with the provisions of the Ordinance.

2. Definitions.

- In this Order-(a) "National Security Prisoner" means the person ordered to be detained under or in accordance with the provisions of the Ordinance; (b) "Ordinance" means the National Security Ordinance, 1980. (c) "Superintendent" means the officer appointed to be or to act as the Superintendent of Jail or other place in which the detent is ordered to be detained.

3. Accommodation.

- A National Security Prisoner shall be detained in cells or association barracks and shall, as far as possible, be kept separate from other prisoners. The Superintendents may if he considers it necessary to do so confine any particular National Security Prisoner in a solitary cell.

4. Classification.

- A National Security 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.

- A National Security Prisoner shall be allowed diet on the scale prescribed in the Jail Manual for convicted prisoner. Such prisoners as are classified into the superior class may, however, be allowed diet as specified in Appendix 'A'. No National Security Prisoner shall be allowed to cook his own food.

6. Clothing and bedding.

(1) A National Security Prisoner may wear his own clothes and use his own bedding and shoes. The Superintendent shall supply to any such prisoner who is not possessed of adequate clothes and bedding such articles as will with those already in his possession be equal to the scale prescribed for the ordinary or the superior class, as the case may be, according to the classification of such prisoners. (2) All articles of clothing and bedding supplied by the Superintendent shall, however, remain the property of the State Government.

7. Interviews.

- [(1) (a) A National Security Prisoner may have two interviews in a week with his relatives and friends with the permission of the Superintendent: 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 write a letter instead of having an interview which shall be in addition to the letter allowed under sub-para (1) of para 9.(b) A relative or a friend may have two interviews in a week with a National Security Prisoner with the permission of the Superintendent: Provided that this privilege shall be subject to good conduct and may be withdrawn or suspended by the Superintendent, if there is a breach of any of the provisions of the order or the provisions of the Uttar Pradesh Jail Manual.] [Substituted by Notification No. 1460/VI-P-9-90-4(7)-88, dated 7th September 1990, published in U.P. Gazette, (Extraordinary), Part 4, section (Kha), dated 7th September, 1990.](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 sub-para (1), every National Security 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 a National Security Prisoner at a time. The authority empowered to allow an interview may at his discretion, special cases, increase the number of persons permitted at any 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 National Security Prisoner. Future interviews are liable to be prohibited if any publicity is made.

7A. [Interview with Legal Adviser. - A National Security Prisoner may, if it is necessary for him so to do seek an interview with his legal adviser with the prior permission of the District Magistrate to be obtained by making an application to the District Magistrate who shall on receipt of such application pass suitable orders without any avoidable delay. The Superintendent shall instantly fix the time and place for the interview. The District Magistrate may, if he considers it necessary nominate officer to watch the interview from a place out of hearing distance of the detune and his legal adviser:

Provided that the duration of the interview shall not exceed one hour and the number of such interview shall not exceed two in a week.] [Inserted by Notification No. 1460/VI-P-9-90-4(7)-88, dated 7th September, 1990, published in U.P. Gazette, (Extraordinary), Part 4, section (Kha), dated 7th September, 1990.]

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 a National Security Prisoner on Government work. All necessary precautions shall be taken at the time of such interviews.

9. Correspondence.

(1) A National Security 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. (2) Every National Security Prisoner may receive letters of purely personal character. Such letters shall not be more than two in a month in case of a superior class prisoner and not more than one in a month in case of an ordinary class prisoner. (3) All letters to and from a National Security Prisoner shall be read by the Superintendent himself. He shall transmit unobjectionable letter 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 a National Security Prisoner and addressed to the Central or the State Government shall be forwarded immediately to the Secretary to the State Government in the Home (Jails-3) 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) Telegram may be sent at the expense 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 are applicable to letters.

10. Examinations.

- A National Security Prisoner shall not during the period of detention, 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 a National Security Prisoner any of the punishment that he may award to a convicted prisoner for any offence specified in Section 45 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 on a National Security Prisoner travelling by road or rail unless a special requisition for reasons of safe custody is made in writing by a police officer not below the rank of Superintendent of Police. (2) Notwithstanding anything

contained in sub-para (1), the Superintendent may at any time impose fetters on a National Security 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 National Security 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 a National Security Prisoner shall be inserted (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 226 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 National Security Prisoner in Courts.

14. Applicability of U.P. Jail Manual.

- The provisions of the Uttar Pradesh Jail Manual shall, in so far as they are not inconsistent with this order or the Ordinance shall, mutatis mutandis, apply to every National Security Prisoner during the period of his detention. Appendix 'A' [See para 5] Diet for a superior class National Security Prisoner

Food stuff	Diet scale of Non-Vegetarian	Diet scale for Vegetarian
Wheat	.... 350 gms.	350 gm.
Rice	.... 175 gm.	175 gm.
Dal	.... 55 gm.	115 gm.
Meat	.... 230 gm	.....
Milk	.... .....	350 gm.
Butter or Ghee	.... 55 gm.	70 gm.
Mustard Oil	.... 15 gm.	15 gm.
Sugar	.... 55 gm.	55 gm.
Tea (if required)	.... 15 gm.	15 gm.
Milk (if required for tea)	55 gm.	55 gm.
Vegetables (of which not more than 230 grams may be potatoes	230 gm.	350 gm.
Spices	.... 15 gm.	15 gm.
Salt	.... 30 gm.	20 gm.
Amchur or	.... 15 gm.	10 gm.
Chatni or	.... 10 gm.	10 gm.

Lime juice	.... 30 gm.	30 gm.
Fruit	.... 40 paise three times a week	40 paise three times a week
Fuel	.... 1 kg.855 gm.	1 kg400 gm.