

Draft of proposed Amendments
in
Rules framed under section 59 [25] of the Prisons Act 1894.

Part XXIII of Rajasthan Prison Rules 1951.
Appointment and Guidance of Visitors of Prisons

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1. *Ex-officio Visitors.*- [1] The following office bearers shall be ex-officio visitors of all the prisons and sub-jails in the State:

- (i) Chairperson and Members of National and State Commission for Women
- (ii) Registrar of Rajasthan High Court
- (iii) D.G. of Police
- (iv) I.G. of Police [Crime]
- (v) I.G. of Police [Force Deployment]
- (vi) Director of Industries
- (vii) Director of Medical and Health Services
- (viii) Director of Technical Education
- (ix) Director of Agriculture
- (x) Director of Adult Education

[2] The following office bearers shall be ex-officio visitors of all the prisons and sub-jails falling within their jurisdiction:

- (i) Divisional Commissioner
- (ii) DIG of Police [Crime]
- (iii) DIG of Police [Force Deployment]

[3] The following office bearers shall be ex-officio visitors of all the prisons and sub-jails falling within the district:

- (i) District & Sessions Judge
- (ii) Chairperson, District Legal Aid Committee
- (iii) District Magistrate
- (iv) Superintendent of Police
- (v) Chief Medical and Health Officer
- (vi) District Industries Officer
- (vii) District Probation Officer
- (viii) District Education Officer [Dealing with Adult Education]
- (ix) Chief Health/sanitary Inspector of Municipal Corporation/Board

[4] Every member of the Rajasthan Legislative Assembly residing at the headquarters of a district or sub-division, shall be an ex-officio visitor of the prison, if any, situated in such headquarters.

[5] Chief Judicial Magistrates and Sub-divisional Magistrates shall be ex-officio visitors of all prisons and sub-jails falling within their jurisdiction.

2. *Visits by official visitors.* – The number of visits to be paid by official visitors in the year, shall be unlimited, but the number of visits paid by official visitors under sub-rules [3] to [5] above shall not be less than three, including visits made with EVDC under rule 3, below.

3. *Ex-officio Visitors District Committee.* – [1] A committee, to be designated as “Ex-officio Visitors District Committee” [EVDC] comprising officers enumerated in sub-rule [3] of rule 1 above shall, under the chairpersonship of the District Magistrate, jointly visit the Central/District Prison and Sub-jail, if any, within their jurisdiction at least once in six months. The District & Sessions Judge, the Chairperson of District Legal Aid Committee and the Superintendent of Police may depute on this Committee a surrogate, not below next in command.

[2] One of the main functions of EVDC, apart from attending to the requests of inmates and making observations on “*points to be noticed by Visitors*” mentioned in these rules, shall be to advise and help prison administration in the development of correctional programmes by using social resources and mobilizing support from outside agencies.

[3] A visiting note on all aspects of prison management enumerated in the rules on “*points to be noticed by Visitors*” shall be drawn by the District Magistrate and sent to the Superintendent of concerned jail within 7 days of the visit. The officer-in-charge of jail shall forward this note, with comments on the possible implementation of each point raised, to the I.G. of Prisons within the next 7 days.

[4] The position regarding implementation or otherwise on each point raised or recommendation made in the note shall [after obtaining instructions from Prison Headquarters where necessary] be communicated by the officer-in-charge of jail to the chairperson of the Committee, with a copy each to the members, within 4 months of the visit, so that the Committee has a clear picture of the progress on previous note before the next visit.

[5] In case the Chairperson of EVDC has reasons to believe that any issue raised has been met with undue delay or by an evasive reply, he shall communicate directly with the D.G. of Prisons or the Home Secretary in that regard.

[6] A meeting of the EVDC shall be held once in a quarter on a date and time fixed by the District Magistrate, and the Officers-in-charge of all jails in the district shall be specially invited to attend such meetings.

4. *Non-official Visitors, Power of the Government of Rajasthan to appoint.* – [a] The Government of Rajasthan shall appoint non-official visitors for all prisons in the State. Their number shall ordinarily be six for each Central Prison, three for each District Prison and two for each Sub-jail.

[b] These appointments shall be made on the recommendations of the Collector and District Magistrate of the district in which the prison or sub-jail is situated.

[c] NOVs shall be drawn from respectable citizens of the society and from retired officials of various organizations, such as, the defense services, criminal justice system, education, administration, industries and so on. District Magistrates may, for this purpose consult some NGOs of repute working in the field of general social welfare and conservation of human rights.

[d] Minimum qualifications for appointment as NOV shall be Senior Secondary examination, passed from a recognized Board of education.

[e] The District Magistrate shall, through his own sources, draw a list of potential candidates for appointment as NOVs of prisons, and send them letters of intent, soliciting their consent, making it clear that the work is voluntary and in the nature of social service, carrying no remuneration except reimbursement of actual local conveyance charges.

[c] This letter of intent shall be sent to as many persons as would, on receipt of consent, allow a panel of prospective NOVs **double** the number required for each jail, together with at least three women candidates for each jail, to be drawn at the office of the DM.

[d] These panels shall be forwarded to the Home Department, through the I.G. of Prisons, for the consideration and final decision of the government.

[e] Separate panels of three NOV's each shall be appointed for Women Reformatory at Jaipur and Reformatory for Young Offenders at Ajmer. All 3 NOV's of Women Reformatory shall be ladies, one of whom shall be a retired member of judicial services. Of the 3 NOV's at Reformatory for Young Offenders, one shall be a working or retired person of technical/vocational education.

[f] 2 out of 6 NOV's at the Central Prisons, and 1 out of 3 NOV's at District Prisons shall be women. There shall be no bar on the appointment of women NOV's at sub-jails.

[g] Each appointee shall be informed of the assignment through a separate letter together with a copy of rules for the guidance of NOV's.

5. *Term of office and removal of non-official visitors.* – [a] The term of office of non-official visitors shall be three years.

[b] The Government of Rajasthan may on the recommendation of the concerned Collector and District Magistrate at any time direct that any non-official visitor shall not visit the prison for a specified time or for the rest of the term, if there are reasons that the NOV is not using visits for a *bona fide* purpose or is using them for the furtherance of an unlawful or undesirable object.

[c] The District Magistrate shall take suitable action for the appointment of another NOV at a jail if the removal of any NOV is deemed desirable for the rest of the remaining period of his/her term.

6. *Training of non-official visitors.* – [a] NOV's shall be imparted an orientation training of two to three days on all aspects of their assignment within one month of their appointment. Training of NOV's shall, *inter alia*, cover subjects, namely, use of social resources for correctional work and conservation of human rights in custodial institutions.

7. *Roster for monthly visits and additional visit by a visitor.* – [a] Within 30 days of the appointment of NOV's for various jails in a district, the District Magistrate shall call a meeting of all such NOV's and, in consultation with them, cause their names to be placed on a roster of visits for each prison or sub-jail in the district. The names of NOV's shall be arranged in such manner as to ensure one visit of each prison per month by turn, by NOV's appointed for that prison.

[b] A visitor who is, for any reason, prevented from visiting the prison according to his turn in the roster may visit it in another month, provided that he informs the Officer-in-charge of the jail before-hand of his intention to do so.

[c] A non-official visitor may visit the prison at any time on any day with the general or specific permission of the District Magistrate.

[d] A non-official visitor who is about to absent himself for a period of six months or more from the station where the prison of which he is a visitor is located, shall report the circumstances to the District Magistrate, in order that a substitute may, if necessary, be appointed, and in the event of his failure so to report, he shall be regarded as having vacated office on the expiry of three months from the date of his departure, and a substitute arrangement shall be made.

8. *General introduction and time of visit.* – [a] On receipt of information that NOV's have been appointed, Superintendent of a jail shall address a letter each to all the NOV's of that jail, inviting them on a particular day for a formal introduction with the staff and inmates. Such

introduction could be in the nature of a small function at a common place where the staff, inmates and NOV's could all assemble for a short time or in the form of a general round of the prison and its various offices during working hours.

[b] After a formal introduction, NOV's shall not expect any call or invitation from the OIC of a jail for further visits.

[c] NOV's shall **generally** visit prisons during day between unlocking and locking-up time.

[d] If a prison visitor, having obtained proper permission to do so, visits the prison at any odd hour, the functional routine of that hour at the prison shall not be disturbed or postponed and the visitor shall be shown the factual working of that hour, after taking sufficient precaution for security of visitor as well as inmates. A visit of an NOV at night can be combined with the visit of an 'officer-on-night-round' [rule 54 of section II of part XXV of Rajasthan Jail Rules 1951] with the same cautions as mentioned in rule 55 of that section.

9. *Visitors to be accompanied by jail staff and an escort.* – The Superintendent shall arrange that every visitor to the prison is accompanied by a responsible jail officer and by an escort which shall consist, at Central Prisons of two warders, and at other prisons or sub-jails, of one warder, armed with batons.

10. *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 official and non-official, as well as the roster for non-official visitors prepared by the District Magistrate under rule 7, shall be noted and no person other than those authorized to visit a jail, shall be allowed to visit. A list of NOV's together with their address shall be displayed at a prominent places within the prison accessible by inmates.

11. *Duties of visitors.* – [a] It is the duty of a visitor to satisfy himself that the law and rules regulating the management of prisons and prisoners are duly carried out in the prison, to visit all parts of the prison and to see all prisoners, and to hear and inquire into any 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 should not exceed a reasonable time limit.

[b] A list of questions indicating some of the points to which a visitor may direct his inquiries is appended to these rules.

[c] An official or non-official visitor may call for all books, papers and record other than those of confidential nature, which are connected with the administration of any department of the prison.

[d] No visitor may issue any order or instruction to any subordinate jail officer.

[e] Non-official visitors may not visit prisoners who are not allowed to be interviewed on medical grounds.

[f] Non-official or official visitors shall not, without the previous sanction of the Superintendent, hold conversation with any under-trial who may happen to be their client or relation.

12. *Visitors' Book and Visiting Notes.* – [a] There shall be only one visitors' book for the use of official and non-official visitors. The book shall not be removed from the jail premises except for photocopying, with the permission of the Superintendent.

[b] Every visitor shall, after he has completed the visit to jail, record in the visitors' book, the date and hour of his visit, and may enter therein any remarks of suggestions he may wish to

make with regard to the internal arrangements of the jail or the state of discipline maintained therein. Entries in the visitors' book shall be made in the visitor's own hand-writing.

[c] Every visit by an NOV or a group of NOVs shall [as soon as possible, but not later than 7 days] be followed by a visiting note on every point to be observed by visitors appended to these rules. Even if the visitors have to mention brief remarks such as 'good', 'bad', 'nothing objectionable', 'no comments' etc., the point must be mentioned. This note shall be in addition to the mandatory general remarks in the Visitors Book.

[d] Remarks recorded by the visitor in the visitors' book shall be treated as confidential and shall not be communicated to the prisoners or to any one outside the jail.

[e] The Superintendent shall, within 3 days of the receipt of the visiting note, forward a copy of the visiting note with his comments on each point and the administrative position with regard to the implementation of any suggestion made, to the Inspector General of Prisons.

13. *Processing of visiting notes.* – [a] All visiting notes received at the prison headquarters shall be processed by a special cell within 30 days and a reply sent to the Superintendent mentioning :  
[i] action taken on all reasonable suggestions falling within the administrative and financial powers of the Head of Department; [ii] reference made to the administrative department in the government on all reasonable suggestions not within the powers of Head of the Department; and [iii] reasons for disagreement on suggestion found unreasonable or not practical.

[b] A copy of the orders, if any, of the Inspector General or the Government, shall be forwarded to the visitor by the Superintendent of the jail.

[c] The Superintendent shall cause these orders to be copied in brief in the visitors' book for the information of visitors.

[d] NOVs shall have the prerogative of writing directly to the Government in Home Department on issues they think proper.

[e] NOVs shall also have the right to refer all instances of alleged or apparent violations of human rights or of ostensible situations leading to the possibility of such violation, to the State Human Rights Commission.

14. *Complaints of prisoners.* – [a] 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 conduct 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, or if he so desires, make a representation on the matter to the Government.

[b] The remarks recorded by a visitor in the visitors' 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 note what punishment he proposes to award and send it to the visitor who if he dissents from the conclusion of the Superintendent, may require 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 the Government regarding the case.

15. *Monitoring of visits and of action taken on visiting notes.* – Monitoring of visits of both official and non-official visitors and of action taken on visiting notes shall be done at two levels – Prison Headquarters and the Home Department. Any default in following the roster of visits shall be brought to the notice of concerned District Magistrate by the office of IG of Prisons.

16. *Meeting of NOV's with officials.* – [a] There shall be at least one meeting of all NOV's of prisons falling within a division of the state with the Commissioner of that division every year. All District Magistrates and representatives of District and Sessions Judges functioning as ex-officio visitors shall be invited to attend this meeting to review the condition of all prisons and sub-jails of the division on all points appended to these rules. Proceedings of this meeting, together with recommendations shall be sent to both the D.G. of Prisons and the Home Department.

[b] One meeting of NOV's shall be held every year at the state level. It shall be chaired by the Minister for Jails attended by senior officers of the Prison Department and Home Department, Divisional Commissioners, Superintendents of all Central Prisons and four NOV's from each division to be nominated by the D.G. of Prisons. An agenda of prison improvement based on the visiting notes of various NOV's shall be prepared by the Home Department and circulated in advance for discussions at the meeting.

17. *General instructions and directive principles.* – [a] NOV's shall not be paid any remuneration for the work they are expected to do; but, they shall be paid actual charges on local conveyance for each visit.

[b] When NOV's are not on visit, inmates shall at their own cost be allowed to make submissions to them regarding their genuine needs by writing letters.

[c] Once in six months NOV's should be asked to make an objective assessment on various aspects of the management of the prison for which they have been so appointed. A format on which such assessment can be done and which can further be improved with time and experience is appended to these rules.

[d] Government should institute some kind of public recognition or award for non-official visitors of prisons for performing demonstrably excellent services in promoting correctional work.

[e] The most important pre-requisite of a successful social intervention in prisons is a positive relationship between prison visitors and prison staff. While it is expected of NOV's to demonstrate through their dedication that they are there to procure and provide a welfare oriented use of social resources in prisons, it is necessary for the prison staff to be respectful and cooperative to NOV's.

[**Note:** Rules 14 to 17 of the existing rules, not directly related to prison visiting system may continue to be a part of these new rules in a changed sequence of numbers]

### **Points to be noticed by visitors**

[1] Buildings. – Are buildings secure and in good repair? Is the actual useable accommodation sufficient for the average prison population? Is segregation of different categories of offender, and of sick from healthy, possible in the existing situation? Is there a proper enclosure for women inmates where they can be kept safely under custody without causing undue and unlawful discomfort?

[2] Overcrowding. – Is there any overcrowding? How many times in an year the prison becomes overcrowded and for how many days? Under such situations where are excess prisoners accommodated? What steps are being taken to solve the problem?

[3] Drainage and sewerage. – Is drainage and sewerage system of prison in a satisfactory state? Have all conservancy toilets changed to flush system? Is the flush system functioning? Is there sufficient supply of water to run the system in order? Is bio-degradable material clogging the drains? Are emergency toilets inside residential barracks kept clean with proper supply of water and disinfectants? What other defects exist in the system?

[4] Water supply.- What is the source of water supply? Is the water-supply sufficient and good and the means of carriage suitable? Are drinking water wells, sumps and storage tanks cleaned with a periodicity? Is there any wastage of water resulting from defects in the supply system?

[5] Food. – Are articles of food in the store-room and elsewhere properly kept and in good condition? Are cooking utensils sufficient, clean and useable? Is the kitchen properly ventilated, clean, safe and well-kept? Are rations issued in accordance with the prescribed scales for different categories of inmates? Are women inmates allowed to cook for themselves?

[6] Clothing. – Have prisoners the prescribed amount of clothing and bedding in their possession during different seasons of the year? Is it in serviceable order? Is the storage system correct? Are non-washable beddings properly disinfected and de-odoured ?

[7] Bathing. – Are bathing platforms and other bathing places sufficient for the average prison population? Are bathing places for women inmates properly covered and safe? Does water supply reach bathing platforms/places? Is the source of water accessible to all prison inmates including women?

[8] Labour. – Are prison industries in proper running condition? Is the supply of raw-material perennial? Are machines and tools in proper working condition? Is full task taken from each prisoner eligible to work and is the record of ‘work done’ properly kept? Are prescribed wages paid and accounted for?

[9] Discipline. – Do inmates exhibit confidence in the prison staff? Are inmates and their living places properly and periodically checked for contraband?

[10] Punishment. – Is the ratio of prison punishments unduly high? Is there any instance of unlawful or torturous punishment not prescribed under rules?

[11] Under-trial prisoners. – Is the ‘Under-trial prisoners Review Committee’ performing its functions with prescribed periodicity? Are cases of under-trial prisoners scanned in accordance with court rulings? Is free legal aid accessible to deserving prisoners? Is there proper facility for under-trial prisoners to meet their lawyers? Are they regularly produced before respective courts on the date of hearing? Is sufficient police guard available for the purpose?

[12] Adolescents. – Are all adolescent prisoners of age ranging from 18 to 28 sent to the Reformatory for Young Offenders at Ajmer?

[13] Medical care. – Is a medical professional readily available on call for the care of sick? Are medicines available when needed and on time? Is ‘in-door medical care’ readily available either in the prison or in a general hospital/dispensary? Are services of women medical professional available in

prisons where women inmates are in sufficiently large number? Are mentally sick criminal prisoners getting regular and appropriate psychiatric treatment?

[14] Parole. – Is parole liberally granted to all eligible convicts? Are cases of second or subsequent parole subjected to less stringent scrutiny than the first? Does the viewpoint of police and district administration on parole exhibit the understanding that this facility is of great importance in the social adjustment and assimilation of offenders?

[15] Advisory Board Meetings. – Are meetings of Advisory Board held regularly to review cases of premature release, particularly those of lifers? Is there any lifer whose case has not been put up before the Board even after completion of 14 years of imprisonment?

[16] Conservation of human rights. – Is there any instance of violation of human rights or of the residuary rights of prisoners? Is there any case that needs attention of the State Human Rights Commission? Is there any ostensible situation that may lead to the possibility of general or specific violation of such rights of persons in custody?

[17] Correctional programmes. – Are programmes of academic, moral and vocational education taken up in the prison? Are services of credible voluntary organization taken for the purpose? Are open camps being utilized to their full capacity? Are inmates exposed to the outside world through print or electronic media? Is there any facility for games, sports or any other healthy engagement?

[18] Infants with women inmates. – Are infants living with women offenders taken care of properly? Can their nutrition, dress, education, and entertainment be supplemented by any benevolent non-government agency?

[19] Redress of grievances. – Is there an established system of redress of grievances of inmates? Is the mandatory 'grievance box' kept and operated regularly? Are prisoners free to put up their difficulties to prison officials?