

STANDARDS BEHIND BARS

Prescribed rules and recommendations for prisons



MAHARASHTRA



CHRI

Commonwealth Human Rights Initiative

working for the **practical realisation** of *human rights* in the countries of the Commonwealth

COMMONWEALTH HUMAN RIGHTS INITIATIVE

The Commonwealth Human Rights Initiative (CHRI) is an independent, non-partisan, international non-governmental organisation, mandated to ensure the *practical* realisation of human rights in the countries of the Commonwealth. In 1987, several Commonwealth professional associations founded CHRI. They believed that while the Commonwealth provided member countries a shared set of values and legal principles from which to work and provided a forum within which to promote human rights, there was little focus on the issues of human rights within the Commonwealth.

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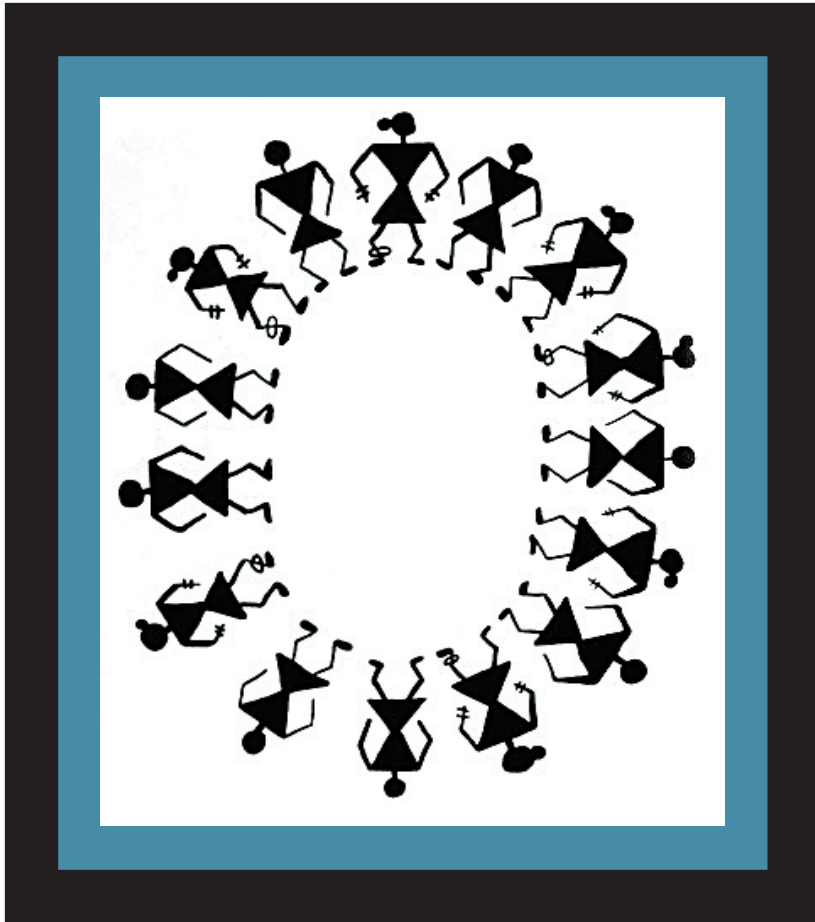
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Wall Painting from Maharashtra, by Warli Tribe.

MAHARASHTRA

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Heavily burdened with problems of unsatisfactory living conditions and prolonged detention; prisons in India have become a staple subject of public debate and criticism. It is about time, we pay attention to the problems that exist and take steps to remedy the conditions. This handbook is an attempt to guide those who are working in the correctional facilities to ensure that inmates are treated more humanely and are provided basic minimum standards of living that are due to them.

This handbook is the result of the efforts of the members of the Prison Reforms Programme at CHRI. Special thanks to Swati Mehta, Puja Pascal, Priti Bharadwaj, Madhurima and Alexandra Świącka for their support and involvement in the development of this project.

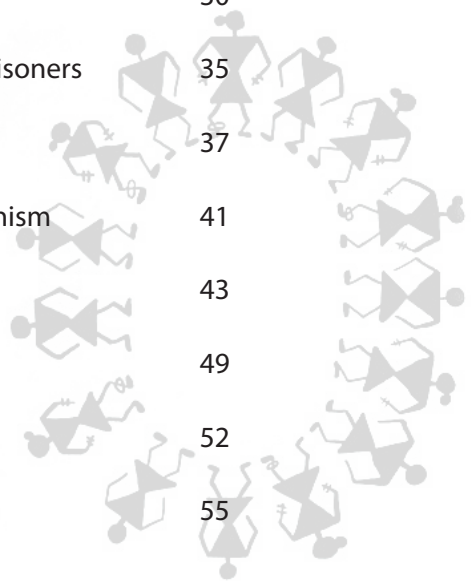
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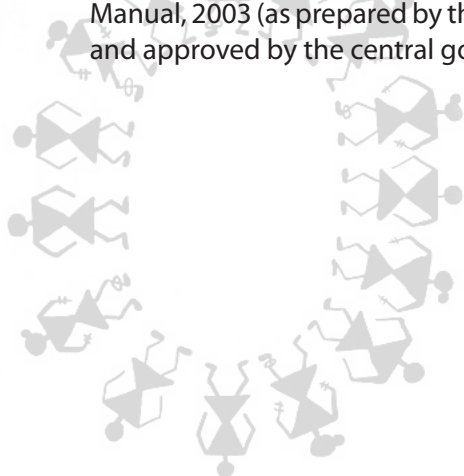
NOTE FOR USERS OF THIS HANDBOOK

This handbook is compiled for prison officers, prisoners, members of the judiciary, members of state human rights commissions, members of state legal services authorities and civil society members advocating for prison reforms. It is designed to be a readily accessible and portable reference, especially for prison officers. It contains a comprehensive collection of point-form standards and duties organized according to fifteen topics and themes, referenced with the respective rule mentioned in the manual. It provides a comparative perspective between the Maharashtra Prison Manual, 1979, the All India Committee on Jail Reforms, 1980-83 and the Model Prison Manual, 2003.



This compilation aims to assist prison officers by providing the gist of the existing and proposed standards against which to maintain prison conditions. The fifteen issues that are highlighted through this paper are just a few of the many other areas of concern within the existing prison regime. CHRI has chosen these issues to reflect the major concerns often expressed by the complainant prisoners. These issues include: living conditions, sanitation & hygiene; food; water; health care; contact with family & lawyers; classification of prisoners; under-trial prisoners; women prisoners; access to information for prisoners; discipline; grievance redressal mechanism; remission; parole & furlough; prison visiting system; and duties of prison officers.

In compiling the standards, the report looks at the existing legal position as provided under the Maharashtra Prison Manual, 1979, as well as the standards recommended by the All India Committee on Jail Reforms, 1980-83 (popularly known as the Mulla Committee) and the Model Prison Manual, 2003 (as prepared by the All India Model Prison Manual Committee and approved by the central government in 2004).





Living Conditions, Sanitation & Hygiene

MAHARASHTRA PRISON MANUAL, 1979

- The area enclosed within the prison walls should not be less than 83.61 square metres per head of the total capacity and a minimum of 62.71 square metres per prisoner where land is valuable. (Ch. V, Rule 12)
- The minimum space for each prisoner in every sleeping barrack shall be 3.71 square metres and 15.83 cubic metres. (Ch. V, Rule 13)
- Cells should have a ground area of not less than 8.92 square metres and a cubic capacity of at least 33.98 cubic metres. (Ch. V, Rule 14)
- In case of overcrowding, the superintendent will either utilise worksheds as sleeping wards or accommodate the excess number of prisoners in huts or tents and report the circumstances to the Inspector General (IG) of Prisons. (Ch. V, Rule 17)
- Latrine accommodation shall be provided at the rate of one seat for every six prisoners. (Ch. V, Rule 25(ii))
- The superintendent and the medical officer shall ensure that water supplied to prisoners for drinking and culinary purposes is clean, wholesome and suitable for human consumption. (Ch. V, Rule 33(i))
- The superintendent shall provide sufficient accommodation either by constructing additional cells or transferring prisoners to other prisons in case of over-crowding on account of emergency. (Ch. XX, Section II, Part II, Rule 3(ii))
- No clothing or bedding shall be issued from the prison factory except on an estimate duly sanctioned by the IG of Prisons. One cotton jacket and two cotton coats shall be provided for every convict overseer in the clothing estimates. (Ch. XXXIII, Section II, Rule 3)



- A civil prisoner shall be allowed to use his own clothing, bedding and eating and drinking vessels. (Ch. XXXIII, Section I, Rule 34)
- The superintendent shall see that all articles of prisoners' clothing, bedding, equipment, etc. are inspected at least once in a month to ensure that proper standards are maintained. (Ch. XXXIII, Section I, Rule 42)

MULLA COMMITTEE

- All old prison buildings having outlived their utility should be demolished. (Rec 31)
- There should be four types of living accommodation: barracks (for not more than 20 prisoners), dormitory (for not more than four to six prisoners), single seated accommodation and cells for segregation. (Rec 36)
- All cells are to be fitted with flush type latrines. The ratio of latrines to prisoners should be 1:6, and the system of open basket type latrines should be discontinued. (Rec 73, 74 & 37)
- Every prison must provide cubicles for bathing at the rate of one for ten prisoners, with proper arrangements to secure privacy. (Rec 78)
- Properly equipped laundries for periodic washing, disinfection and fumigation of clothing and bedding should be set up at each central and district prison. (Rec 80)
- Clothing and bedding supplied to prisoners should be proper and adequate. (Rec 83 & 88)

MODEL PRISON MANUAL

- There should be three types of living accommodation viz., barracks (for not more than 20 prisoners), single rooms, and cells for segregation. (Ch. 2.08)
- The minimum accommodation capacity of barracks, cells, and hospitals (per prisoner) will be according to the following scale (Ch. 2.09):

AREA (PER PRISONER)	SLEEPING BARRACK	CELLS	HOSPITAL
Sq. metre of ground area	3.71	8.92	5.58
Cubic metre of air space	15.83	33.98	23.75
Sq. metre of lateral ventilation	1.12	2.23	

- Near the door of every ward, the size of the room and the number of prisoners it is capable of accommodating, shall be recorded on a plaque embedded in the outer wall of the ward. No ward shall accommodate prisoners beyond its prescribed capacity. (Ch. 6.64)
- Each barrack used for sleeping will have sufficient number of attached WCs, urinals and wash places. The ratio of such WCs will be 1:10 prisoners. The ratio of the WCs, which can be used during the daytime will be 1:6 prisoners. (Ch. 2.13.1)
- Every prison will provide covered cubicles for bathing, at the rate of one for every ten prisoner, with proper arrangements to ensure privacy. (Ch. 2.14.1)
- Taking into consideration that the daily requirement of water of an individual is about 135 ltrs., there will be an arrangement for the adequate supply of water in every prison. (Ch. 2.14.2)
- Areas where prisoners work will have a minimum space of 500 cubic feet per prisoner in structures that will be constructed as workshops or factory buildings. (Ch. 2.17)
- Every prisoner shall be required to wash their clothing once a week for which they shall be supplied in case of (Ch. 6.57):
 - » Male Prisoners - Half a bar of washing soap weighing approximately 500 gms. each per month and 50 gms. of washing powder every week for washing their clothes; and
 - » Female Prisoners - A bar of washing soap weighing approximately 1Kg. per month and 50 gms. of washing powder per week.





MAHARASHTRA PRISON MANUAL, 1979

- The jailor in charge of ration stores and the storekeeper shall jointly inspect all articles received for the consumption of prisoners from a contractor or government godowns or jail gardens. (Ch. XXIV, Section I, Rule 7)
- It shall be the duty of the superintendent, the medical officer and the jailor to satisfy themselves that:
 - » Every article of food, whether cooked or uncooked, is subject to proper examination and inspection before it is supplied for consumption by any prisoner. (Ch. XXIV, Section I, Rule 13(4))
 - » The quantity and quality of every article of food is good, wholesome and fit for human consumption. (Ch. XXIV, Section I, Rule 13(3))
- Cereals and pulses shall be issued weekly and the supply of milk shall be examined daily by the medical officer before supplying to the prisoners. (Ch. XXIV, Section I, Rule 34 & 36)
- Any tampering with the food or scales by the cooks shall be immediately brought to the notice of the superintendent by the officer concerned. (Ch. XXIV, Section I, Rule 38)
- Meals shall be served as soon as practicable after they are cooked. (Ch. XXIV, Section I, Rule 53(ii))
- The superintendent and the medical officer shall carry out surprise inspections of the food by taking samples from the bulk ready for serving. (Ch. XXIV, Section I, Rule 49)
- The superintendent shall inspect the provisions furnished for the prisoners at least once a week. He shall also satisfy himself about the quality of the



articles of food supplied on a weekly basis. He shall occasionally test the weight of the cooked food and pass appropriate orders. He shall visit the prisoners at meal time, and receive as well as enquire into any complaints regarding the quality and the quantity of food. (Ch. XXIV, Section I, Rule 50)

- The medical officer shall exercise the utmost vigilance in the supervision of the food. He shall inspect the articles of food supplied both in the raw and the cooked state. He shall bring any defect in the quality of the food to the notice of the superintendent through Form II for appropriate action. (Ch. XXIV, Section I, Rule 51 & 52)
- When a prisoner complains of insufficient quantity of food, the jailor shall weigh the food in the presence of the complaining prisoner and shall arrange to make up for the shortage, if any. He shall also investigate the cause of the shortage (if any) and report the fact in Form IV. (Ch. XXIV, Section I, Rule 54)
- The number of cooks shall not exceed 4 % of the prison population and the kitchen and the cooking vessels shall be thoroughly cleaned and well maintained by the kitchen staff. (Ch. XXIV, Section I, Rule 41(i) & 42(i))

MULLA COMMITTEE

- The system of purchasing food articles through the contract system; and purchasing of cereals and pulses at the cheapest rate wherever in vogue should be discontinued. (Rec 49 & 50)
- There should be provisions for different diets for non-labouring and labouring prisoners, nursing women, and children accompanying women prisoners. Also a provision for special diets on religious festivals and national days should be specified in the rules. (Rec 51, 52 & 56)
- Norms for prison diet should be laid down in terms of calorific and nutritious value, quality and quantity. In order to break the monotony of the diet, menus should be prepared in advance, under the guidance of nutrition experts. (Rec 53 & 60)
- Each prison kitchen should cater to a maximum of 200 prisoners, and should be supervised by prison officials, who have been given special training in dietetics and management of kitchens. (Rec 57 & 62)
- Prisoners shall be given food as is normally eaten in the region. (Rec 65)



MODEL PRISON MANUAL

- While prescribing the scale of diet for prisoners by the state government, due consideration is to be given to the classified needs, habits and modes of living of the prisoners and the climatic conditions of the place. (Ch. 6.05)
- The superintendent may introduce variety in the diet and also lay down a menu for different days of the week. (Ch. 6.09)
- In particular, it is stated that rice should be separated from husk, dust, or other particles, before issuing it for cooking. The quality and seasoning of rice should be such that the weight of the cooked rice is about three times its weight in the uncooked state. This should be frequently tested by weighing. (Ch. 6.15)
- The minimum space requirement in the kitchen will be 150 square metres per 100 prisoners. It will facilitate sufficient space for storage of provisions articles, containers and cooking utensils, vegetables, and preparing and cutting food, etc. (Ch. 2.15.4)
- Subject to certain conditions, under-trial prisoners may be allowed food from outside on a day-to-day basis. (Ch. 22.12)





Water

MAHARASHTRA PRISON MANUAL, 1979

- It shall be the duty of the superintendent, the medical officer and the jailor to satisfy themselves that pure and wholesome water is provided to prisoners for consumption, and that supply of such water is at all times freely available to every prisoner for drinking purposes. (Ch. XXIV, Section I, Rule 13(1))

MULLA COMMITTEE

- Clean drinking water should be supplied to prisoners and it should be tested periodically. (Rec 66)

MODEL PRISON MANUAL

- Every prison will provide covered cubicles for bathing, at the rate of one for every ten prisoners, with proper arrangements to ensure privacy. Every prisoner will be required to bathe as frequently as necessary for general hygiene according to climatic conditions. (Ch. 2.14.1)
- Taking into consideration that the daily requirement of water of an individual is about 135 litres, there will be an arrangement for the adequate supply of water in every prison. Keeping in view its cost effectiveness and feasibility, new prisons should have arrangements for rainwater harvesting and recycling of water. (Ch. 2.14.2)





Health Care

MAHARASHTRA PRISON MANUAL, 1979

1. Appointment of Medical Staff

- Every hospital in a prison shall be in the charge of a medical officer who is either the resident medical officer from the Maharashtra Medical Service Class II, or the Civil Surgeon of the district, or the Maharashtra Medical Service Officer-in-charge of the local dispensary. (Ch. IV, Section I, Rule 2(i)(1), (2) & (3))

2. Medical Facilities in Prisons

- Each hospital shall provide cots, mattresses, pillow cases, bed sheets and blankets if necessary to sick prisoners along with mosquito curtains in malarious localities. (Ch. IV, Section I, Rule 5)
- Prisoners shall be allowed to purchase food items, patent medicines or clothing if required for the maintenance of their health, with due permission from the medical officer. (Ch. IV, Section I, Rule 7)
- The minimum space per prisoner in hospital wards shall be 5.58 square metres and 23.75 cubic metres. (Ch. V, Section I, Rule 13)
- Segregation of prisoners suffering from leprosy shall be ensured at all times. (Ch. IV, Section I, Rule 12)
- Every prison shall be provided with two permanent isolation sheds built outside the prison walls in case of an epidemic such as cholera, plague, etc. (Ch. IV, Section II, Rule 31)

3. Medical Screening on Admission to Prison

- The senior jailor shall ensure that every newly admitted convicted prisoner is brought for a medical examination on the day of admission



or the very next day. The medical officer shall examine the prisoner fully and enter his/her health details in the Health Register. (Ch. XX, Rule 15)

- Under-trial prisoners shall be admitted into a prison on separate writs, warrants or orders signed by a competent authority and shall be examined by the medical officer for marks of violence, if any. (Ch. XX, Rule 2(ii))

4. Mentally Ill Prisoners

- The medical officer is required to isolate prisoners under observation for mental illness. (Ch. XX, Section I, Part III, Rule 11)
- A special board is appointed for examining the state of mind of a convicted criminal prisoner under sentence of death and the mental specialist in charge of the nearest asylum shall keep the prisoner under observation in the prison for a period of ten days or longer if necessary. (Ch. XLV, Section I, Rule 7(i))

MULLA COMMITTEE

1. Appointment of Medical Staff

- Every central and district prison should have two or more medical officers. Such medical officers, each serving a term of three to five years, should be deputed from the State Medical Service to prisons. (Rec 121 & 123)
- All central prisons with prisoner population of more than 1000 prisoners should have three medical officers. A prison should have a part-time lady medical officer and if the female prisoner population is more than 25, it should have a full-time lady medical officer. (Rec 123 & 124)
- Adequate incentives should be provided to medical officers, psychiatrists and paramedical personnel deputed to prisons. (Rec 130)

2. Medical Facilities in Prisons

- All central and district prisons should provide hospital accommodation for 5% of the daily average inmate population. (Rec 133)
- Each state should have a fully equipped prison hospital manned by specialists for the treatment of prisoners requiring specialised treatment from all over the state. (Rec 136)
- Required supply of drugs for three months should be stocked in the prison hospital. (Rec 148)
- Proper medical facilities should be provided in sub-jails as well. (Rec 146 & 511)



3. Medical Screening on Admission to Prison

A medical officer is required to maintain a health card for every prisoner containing details on (Annexure VII B - A):

- » Condition of the prisoner on admission;
- » Fortnightly weight;
- » Blood counts once in six months; and
- » Details of immunisation and sickness.

4. Mentally Ill Prisoners

- Every central and district prison should have the services of a qualified psychiatrist, who should be assisted by a psychologist and psychiatric social worker. (Rec 125)
- Adequate incentives should be provided to medical officers, psychiatrists and paramedical personnel deputed to prisons. (Rec 130)

MODEL PRISON MANUAL

1. Appointment of Medical Staff

- Institutional staff shall comprise medical personnel including medical officers, psychiatrist, nursing staff and pharmacist. (Ch. 4.03.2)
- The government shall appoint a chief medical officer/medical officer (in charge) for every prison. (Ch. 7.04)
- The medical personnel are directly responsible for every matter connected with the health of the prisoners, their treatment when ill, as well as the sanitation and hygiene of the prison. (Ch. 7.09)
- Medical personnel are to provide both preventive and curative services. (Ch. 4.07.4)

2. Medical Facilities in Prisons

- One ambulance should be provided to each prison hospital. (Ch. 7.03)
- Hospital accommodation should be provided on the scale of 5% of the daily average of the inmate population in all central and district prisons. (Ch. 7.02, 2.16.1)



- The prison hospitals may be divided into Types 'A' and 'B'. Big hospitals, with 50 beds and above shall be called 'A' type hospitals. Other hospitals, with less than 50 beds, shall be called 'B' type hospitals. The staff for the two types of hospital shall be:

NO.	OFFICERS	'A' TYPE	'B' TYPE
1	Chief Medical Officer (in the rank of Civil Surgeon with postgraduate qualification)	1	1
2	Assistant Civil Surgeon	7	4
3	Staff Nurse	3	6
4	Pharmacist	4	2
5	Male/Female Nursing Assistant	6	3
6	Laboratory Technician (to be trained in handling all equipment including E.C.G., X-ray and portable X-ray machines)	3	1
7	Psychiatric Counsellor	2	1
8	Junior Assistant	1	1

3. Medical Screening on Admission to Prison

- The medical officer will carefully examine the prisoner and will record in the proforma (Appendix -1) for health screening on admission. (Ch. 5.66, 4.07.4)

4. Mentally Ill Prisoners

- Women who are found mentally ill shall not be detained in prison. Arrangements shall be made for their removal to mental homes/ institutions for mentally ill prisoners who happen to be admitted in prisons. (Ch. 24.124)





Contact with Family & Lawyers

MAHARASHTRA PRISON MANUAL, 1979

- Interviews shall be granted only to near relatives, friends and legal advisers. (Ch. XXXI, Section I, Rule 3(ii))
- Every facility, including supply of necessary writing material and assistance of a friend or counsel, shall be given to a prisoner for preparing a petition. (Ch. XXIX, Rule 4(i))
- A convicted prisoner shall be allowed interviews at the following scale (Ch. XXXI, Section I, Rule 5):

CLASS I PRISONER	1 interview every fortnight
CLASS II PRISONER	1 interview within a period of one month

- Every prisoner may be asked to provide a list of people with whom he is likely to correspond during his period of imprisonment. (Ch. XXXI, Section I, Rule 17(ii))
- Prisoners may be permitted to write letters at the scale give below (Ch. XXXI, Section I, Rule 17(iii)):

CLASS I PRISONER	4 letters per month: 2 at government cost and 2 at prisoner's cost
CLASS II PRISONER	2 letters per month: 1 at government cost and 1 at prisoner's cost

- Prisoners may be permitted to write letters only to their near relatives and friends. (Ch. XXXI, Section I, Rule 17(v))



- Prisoners may, at the discretion of the superintendent, be permitted to write additional letters for legal purposes, normally at their own expense, and if they do not have enough money then at government cost. (Ch. XXXI, Section I, Rule 17(vi))
- There shall be no limit on the number of incoming letters of prisoners. (Ch. XXXI, Section I, Rule 17(vii))
- A prisoner may with the permission of the superintendent substitute a letter for an interview or vice-versa. (Ch. XXXI, Section I, Rule 17(xiii))
- Prisoners may be allowed inland letters and postcards. However, envelopes will be issued only on permission granted by the superintendent. (Ch. XXXI, Section I, Rule 17(iv))
- An under-trial prisoner shall be entitled to reasonable facilities for interviewing either orally or in writing with his relatives, friends and legal advisers during the hours prescribed by the superintendent in each case. (Ch. XXXI, Section I, Rule 4(i))
- All interviews shall take place in the presence and hearing of a jailor appointed for that purpose. (Ch. XXXI, Section I, Rule 11)
- An interview between an un-convicted criminal prisoner and his legal adviser shall take place within sight but out of hearing of a prison official. A similar concession may be permitted by the superintendent in the case of his interview with near relatives. (Ch. XXXI, Section I, Rule 14)

MULLA COMMITTEE

- Guidelines for the censorship of letters should be formulated so that censorship of letters is done on the basis of human consideration. (Rec 100)
- There should be no limit on incoming letters for prisoners and there should be no restriction on the number of letters prisoners may send at their own cost. (Rec 97 & 98)
- All illiterate or semi-literate prisoners should be provided help in writing letters. (Rec 99)
- The scale of interviews for convicted and under-trial prisoners should be liberalised. (Rec 101)
- Facilities for interviews of prisoners should be humanised and the conditions/procedures governing the grant of interviews should be rationalised. (Rec 102)

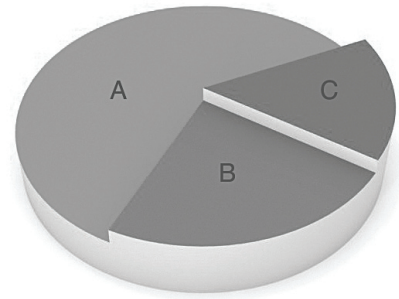


- There should be no restriction on the number of interviews sought by the under-trial prisoners for the sake of legal assistance. Interviews with family members and friends should, however, be restricted to two per week. (Rec 354)

MODEL PRISON MANUAL

- The number of letters a prisoner can write in a month shall be fixed by the government under the rules. However, there shall be no limit on the number of incoming letters to a prisoner. (Ch. 8.01 & 8.29.2)
- Every prisoner shall be permitted to have interviews with his/her family members, relatives, friends and legal advisers once a fortnight. However, the number of persons who may interview a prisoner at one time shall ordinarily be limited to three. (Ch. 8.01 & 8.03)
- Suitable waiting rooms may be provided in every prison to enable visitors to await their turn for interview. (Ch. 8.13)
- The maximum duration of the interview shall be half an hour, which can be further extended by the superintendent of prisons at his discretion. (Ch. 8.26)
- A prisoner may be permitted the use of telephones on payment, to contact his family and lawyers, periodically, wherever such facility is available but only at the discretion of the superintendent of the prison. (Ch. 8.38)





Classification of Prisoners

MAHARASHTRA PRISON MANUAL, 1979

- All under-trial and convicted prisoners shall be classified into two classes – Class I and Class II. (Ch. XX, Section I, Part II, Rule 3)
- Class I prisoners shall, as far as possible, be kept separate from Class II prisoners. (Ch. XX, Section I, Part III, Rule 1)
- Every habitual criminal prisoner shall be confined in a special prison in which only habitual criminal prisoners are kept. (Ch. XX, Section I, Part III, Rule 6)
- Adolescent prisoners confined in ordinary prisons shall be kept entirely separate from other prisoners both by day and night. (Ch. XX, Section I, Part III, Rule 10)
- Prisoners of the categories indicated below shall be confined in such prisons or parts of prisons as may be specified by the government in this behalf: adolescent; habitual refractory; sentenced to death; civil; female; borderline mental cases. (Ch. XX, Section II, Part II, Rule 2)
- Women prisoners shall be rigidly secluded from male prisoners; civil prisoners shall be kept apart from criminal prisoners; un-convicted from convicted. (Ch. XX, Section II, Part III, Rule 1&2)

MULLA COMMITTEE

- The principles of classification included in the report of the All India Jail Manual Committee, 1957-1959 should be adopted on an all India basis. (Rec 190)
- Homogenous groups of inmates should be kept in appropriate classified institutions. (Rec 183)



- The principles of keeping a prisoner as near his home town as possible should be broadly kept in view at the time of classification of inmates. (Rec 193)
- Every prison officer should be given a thorough training in behavioural sciences and techniques of social work. (Rec 200)

MODEL PRISON MANUAL

- State governments will establish a mechanism for the classification of prisoners to be housed in various types of institutions. (Ch. 2.04)
- Women prisoners shall be classified and kept separately as under(Ch. 24.02):
 - i. Under-trial prisoners shall be kept completely separated from convicted offenders, even when their number is small;
 - ii. Habitual prisoners shall be separated from casual offenders;
 - iii. Habitual offenders, prostitutes and brothel keepers must also be confined separately;
 - iv. Under no circumstances should adolescent girls be confined with adult women prisoners; and
 - v. Political and civil prisoners shall be kept separately from convicts and under-trial prisoners.

Notes:

- No criminal, or non-criminal, mentally ill person will be kept in the prison. Those currently there shall be immediately transferred to appropriate mental health institutions. (Ch. 24.02)
- No classification of prisoners shall be allowed on grounds of socio-economic status, caste or class. (Ch. 24.02)





Under-trial Prisoners

MAHARASHTRA PRISON MANUAL, 1979

1. General Standards

- The custody of under-trial prisoners shall be made as little irksome to them as possible. No restraint beyond what is absolutely necessary to prevent escape or unauthorised communication with persons either within or outside the prison, shall be imposed. (Ch. XXVI, Section I, Rule 22)
- Under-trial prisoners shall be allowed exercise during the day and are required to keep their clothing, person, ward or cell and yard clean. (Ch. XXVI, Section I, Rule 23)
- Those under-trial prisoners who tamper with the rules for good order and management can be denied any of their privileges, the fact being noted in register No. 12 by the superintendent. They may also be punished in the same way as convicted criminal prisoners. (Ch. XXVI, Section I, Rule 23)

2. Legal Aid

- The Maharashtra Prison Manual does not make any specific mention of the availability of legal aid to under-trial prisoners. However it contains provisions for facilities to prisoners for legal matters.
- Convicted criminal prisoners shall be granted every facility to submit a petition or application to the court for revision or otherwise, if they desire to do so. (Ch. XXIX, Section I, Rule 13(i))
- Prisoners of all categories may be given necessary facilities for (Ch. XXXI, Section I, Rule 34):
 - i. Appeal and petition according to the provisions of any law;
 - ii. Legal defence;



- iii. Delegation of power of attorney (property, land, civil suits, business transactions, etc.); and
- iv. Execution of will.

3. Videoconferencing

- The Manual does not deal with videoconferencing and states that on the date specified for production in court, the senior jailor shall ensure that the prisoner is placed in the custody of the police to be taken to the court concerned. (Ch. XXXIV, Section II, Part 1, Rule 1)

4. Jail Adalats

- The Maharashtra Prison Manual does not mention jail adalats. However, jail adalats are being conducted on the basis of a circular issued by the IG of Prisons.

5. Unnecessary Detention

- Every superintendent of jail shall on the first day of every month, submit a statement to the Sessions Judge or the Chief Presidency Magistrate. The statement shall be in the prescribed form and include names of all under-trial prisoners whose cases have been pending for more than three months. (Ch. XXXIV, Section II, Part I, Rule 14)
- Cases of illegal detention and unauthorised premature release of prisoners shall be reported to the Deputy Inspector General (DIG) of Prisons of the region by the superintendent of prisons along with statements of responsible parties. (Ch. XXXIV, Section II, Part III, Rule 47)

MULLA COMMITTEE

1. General Standards

- Under-trial prisoners should be lodged in separate institutions away from convicted prisoners. (Rec 341)
- Institutions meant for lodging under-trial prisoners should be as close to the courts as possible and there should be proper arrangement for the transportation of under-trial prisoners. (Rec 342)
- Release of accused persons on personal recognisance should be encouraged. (Rec 345)



- The provisions of Section 167 of the Code of Criminal Procedure (Cr.P.C.), 1973 should be strictly followed by the police and the courts. (Rec 346)
- The classification of under-trial prisoners on the basis of their socio-economic status should be abolished. (Rec 347)
- Under-trial prisoners should be permitted to obtain cooked food from their families. (Rec 351)
- Under-trials who do not have sufficient clothes should be supplied clothes at government cost. (Rec 352)
- There should be no restriction to the number of letters under-trial prisoners may send at their own cost. However, at government cost, they should be permitted to write two letters per week. (Rec 353)
- There should be no restrictions on the number of interviews sought by under-trial prisoners for the sake of legal assistance. Interviews with family members and friends should be restricted to two per week. (Rec 354)
- Habitual under-trial prisoners should be segregated from other under-trial prisoners. (Rec 357)

2. Legal Aid

- Rights of under-trials including facilities of access to legal material, legal counsel and legal aid should be protected. (Rec 349)

3. Videoconferencing

- All under-trial prisoners should be effectively produced before the presiding magistrates on the dates of hearing. (Rec 350)
- Therefore in case of lack of resources to provide escorts for under-trial prisoners, videoconferencing should be used as an effective alternative for hearing and not merely for extension of dates.

4. Jail Adalats

- Neither the Mulla Committee Report nor the Model Prison Manual deal with jail adalats. This is primarily because the term 'jail adalat' is not a statutory one. The term merely refers to the summary disposal, in hearings held within prisons, of those cases in which the accused prisoner is ready to plead guilty.

Note: Although seen as an effective mechanism to reduce overcrowding in prisons, the use of jail adalats should be just and judicious. The Law Commission in its 142nd report correctly recognised the fact that the 95%



acquittal rate in criminal trials meant that an accused going to trial with counsel would generally expect acquittal '...rich, influential and well informed accused [those able to afford counsel] would seldom undertake the risk of social and personal consequences of a confession'. Without adequate counsel, 'it is eventually the poor who may come forward to making confessions and suffer the conviction'. The inducement of an early release is enough for a poor person to falsely plead guilty. This does not serve the cause of justice. It is imperative that the accused are properly counselled about the implications of their decision to plead guilty. However, this practice is never followed in reality. The accused plead guilty without any counselling and in the absence of lawyers who can protect their rights.

5. Unnecessary Detention

- A statutory committee at the district level comprising the District Judge, District Magistrate, District Superintendent of Police, Public Prosecutor and the Prison Superintendent shall visit the district/central prison in the district at least once every month. (Rec 12.17.21)
- The District Committee shall meet every under-trial prisoner present on the day that it visits the prison. It shall hold a meeting to review the cases of all under-trial prisoners and see that no under-trial prisoner is un-necessarily detained in the prison. (Rec 12.17.21)
- A statutory committee at the state level comprising a judge of the High Court, the Home Secretary/Secretary dealing with prisons in the Secretariat, the IG of Police, Director of Prosecution, and the IG of Prisons should meet every three months to review the position of under-trial prisoners in the state. (Rec 12.17.21)
- The State Committee should also sort out the problems of coordination among various departments resulting in delay of trials. (Rec 12.17.21)
- The Cr.P.C. should be amended to provide for the immediate and unconditional release of under-trial prisoners as soon as they complete half the period of the maximum awardable sentence upon conviction in detention. This should be the function of the District Committee and such under-trials prisoners should be treated as having been discharged by a court of law. (Rec 12.17.21)
- With respect to sub-jails, the District Magistrate should constitute a committee comprising local police, judiciary, prosecution, district administration and the prison department at a fairly high level. (Rec 18.9.28)
- The committee should visit the sub-jail once a month to ascertain that no person is being detained unnecessarily. (Rec 18.9.28)



- The member secretary of the committee should submit a list of under-trials in the sub-jail and a report of the deliberations of committee to the District Judge and send copies to the IG of Prisons, the District Magistrate and the Superintendent of Police. The IG Prisons should review the situation with the Home Secretary once every three months. (Rec 18.9.28)

MODEL PRISON MANUAL

1. General Standards

- An assistant superintendent should be in charge of all work pertaining to under-trial prisoners. (Ch. 22.02)
- On the initial admission of an under-trial prisoner, a printed card should be sent at government cost to his family. This card should contain information on the following points: the inmate's institutional number and address, brief summary of rules regarding interviews, letters, etc. (Ch. 22.14)
- The entitlement of diet, clothing, bedding and interview will be the same as applicable to other categories of prisons. (Ch. 22.01)

(i) *Classification*

- » The classification of under-trial prisoners should be done only on the basis of security, discipline and institutional programme. (Ch. 22.01)
- » No classification on the basis of social status should be attempted. (Ch. 22.01)
- » Under-trial prisoners should be classified as under (Ch. 22.01):
 - i. Category 'I': Prisoners involved in terrorist and extremists activities (special security prisoners (limited and with the permission and higher authority);
 - ii. Category 'II': Dangerous prisoners involved in murder, dacoity, robbery, rape cases, habitual offenders, previous escapes and drug peddlers.

(ii) *Food*

- » Outside food may be allowed subject to the following conditions (Ch. 22.12):
 - i. Food articles will be tasted by the person who delivers the food;
 - ii. Food for only one day's requirement of the under-trial prisoner shall be permitted at one time; and



iii. Under-trial prisoners should not be allowed to cook their food separately in the institution.

(iii) Clothing

- » Usual private clothing to meet reasonable requirements should be allowed to under-trial prisoners. (Ch. 22.13)
- » An under-trial prisoner who does not have sufficient clothing of his own may be provided with the same at government cost at the prescribed scale. (Ch. 22.13)

(iv) Interviews & Letters

- » Four letters per calendar month, two at the prisoner's cost, and two at government cost, shall be permitted to be written by an under-trial prisoner. (Ch. 22.15)
- » Additional letters for legal purposes such as arranging defence, bail and security may be permitted normally at the prisoner's own cost. (Ch. 22.16)
- » Every interview between an under-trial prisoner and his legal adviser shall take place within the sight but out of hearing of a prison official. (Ch. 22.18)
- » One interview per calendar week with family members or relatives or close friends may be permitted. (Ch. 22.18)

(v) Work

- » Under-trial prisoners shall clean the yards, barracks and cells where they are kept. (Ch. 22.46)
- » It will also be incumbent on all under-trial prisoners to keep their own clothing, bedding and equipment properly washed, cleaned, and disinfected. (Ch. 22.46)
- » If under-trial prisoners volunteer to work, suitable work, if possible, should be given to them. (Ch. 22.47)
- » Wages may be paid to them according to schedules of standard tasks and wages, as fixed by the state government. (Ch. 22.47)
- » In no case, should under-trial prisoners be employed outside their own enclosure or in worksheds and areas where other convicted prisoners are working. (Ch. 22.47)



2. Legal Aid

- The facilities that should be extended to all under-trial prisoners include legal defence, interviews with lawyers or family members, application to courts for legal aid at government cost as per provisions of law, and application to Legal Aid Societies for free legal aid. (Ch. 22.10)

3. Videoconferencing

- An under-trial prisoner shall be produced before the court, on the due date of hearing, in person. However, for extension of detention in custody, the prisoner may be produced before the court either in person or through electronic media like, video-linkage. (Ch. 22.21)

Note: Although videoconferencing is promoted as an answer to the problem of escorts, there is always a danger that the rights of the accused are jeopardised because of lack of legal representation in such cases. The danger of remands being extended routinely becomes all the more pronounced when under-trial prisoners are produced by electronic means in the absence of their lawyers. This also removes the thin line between under-trial prisoners and convicts in the sense that the former at least get to come out of the prison every fifteen days.

4. Jail Adalats

- Neither the Mulla Committee report nor the Model Prison Manual deal with jail adalats. This is primarily because the term 'jail adalat' is not a statutory one. The term merely refers to the summary disposal, in hearings held within prisons, of those cases in which the accused prisoner is ready to plead guilty.

Note: Although seen as an effective mechanism to reduce overcrowding in prisons, the use of jail adalats should be just and judicious. The Law Commission in its 142nd report correctly recognised the fact that the 95% acquittal rate in criminal trials meant that an accused going to trial with counsel would generally expect acquittal '...rich, influential and well informed accused [those able to afford counsel] would seldom undertake the risk of social and personal consequences of a confession'. Without adequate counsel, 'it is eventually the poor who may come forward to making confessions and suffer the conviction'. The inducement of an early release is enough for a poor person to falsely plead guilty. This does not serve the cause of justice. It is imperative that the accused are properly counselled about the implications of their decision to plead guilty. However, this practice is never followed in reality. The accused plead guilty without any counselling and in the absence of lawyers who can protect their rights.



5. Unnecessary Detention

- An under-trial prisoner whose case is being tried by a Magistrate shall be produced before the Magistrate at least once in fifteen days for the purpose of further order. Upon the expiry of each period of remand, the prisoner shall be placed before the Magistrate. (Ch. 22.39)
- A statement in the prescribed form showing details of under-trial prisoners whose cases have been pending for more than three months should be sent on the fifth day of each month to the Sessions Judge or District Magistrate with relevant extracts to the court concerned. (Ch. 22.40)





Women Prisoners

MAHARASHTRA PRISON MANUAL, 1979

- Habitual women prisoners, prostitutes and procuresses and young women shall be segregated. (Ch. XLI, Section II, Rule 3)
- If adequate arrangements for segregation cannot be made in the women's section of a prison then such women must be transferred to a prison for women prisoners irrespective of the length of their sentence, or to another prison where such facilities exist. (Ch. XLI, Section II, Rule 3)
- Men officers or prisoners shall not on any pretext enter women's sections of the prison except for reasons as provided under the manual. (Ch. XLI, Section II, Rule 4)
- Women prisoners shall be allowed soap for washing their hair at the rate of 28 grams per head. (Ch. XLI, Section II, Rule 5)
- Women prisoners are allowed to retain their glass bangles, wear the vermilion mark and nose rings. Where religious custom makes wearing of bangles obligatory, women prisoners requesting for a supply of bangles at government cost shall be supplied with two bangles for each hand. (Ch. XLI, Section II, Rule 5)
- Women prisoners shall be supplied suitable clothes for sanitary and hygienic purposes. (Ch. XLI, Section II, Rule 5)
- Women prisoners shall be examined by the medical officer in the presence of a woman jailor or matron. This shall be done once a month and his observations shall be recorded in the medical sheet of the prisoner concerned. (Ch. XLI, Section II, Rule 6)
- The medical officer shall report the pregnancy of a woman prisoner to the superintendent. She shall then be medically examined at the hospital



and proper prenatal and postnatal care shall be taken according to the requirements of each case as per medical advice. (Ch. XLI, Section II, Rule 7)

- A woman prisoner may retain her child in prison till the age of four years. (Ch. XLI, Section II, Rule 9)

MULLA COMMITTEE

1. Pre-detention Standards

- Women should not be called to the police station for investigation and all investigations should be carried out in the presence of a relative of the accused or her lawyer or a lady staff member. (Rec 364)
- Women in police custody should invariably be under the charge of women police officials. (Rec 366)
- A separate place with proper facilities should be provided on court premises for women prisoners awaiting production before presiding magistrates. (Rec 368)
- Bail should be liberally granted to women under-trial prisoners. (Rec 369)
- The Probation of Offenders Act should be extensively used for the benefit of women offenders. (Rec 370)

2. Standards Applicable in Judicial Custody

- Women prisoners should be lodged in separate institutions/annexes meant exclusively for them. (Rec 371)
- Enclosures for women in common prisons must have a double-lock system and should be renovated so as to ensure that women prisoners do not come in view of male prisoners. (Rec 372)
- All prisons/annexes for women must be staffed by women personnel only. (Rec 373)
- Women guards should be arranged to look after women prisoners in sub-jails. (Rec 375)
- Newly admitted women prisoners should be medically examined for pregnancy. Pregnant women prisoners should be transferred to the local maternity hospital for delivery. (Rec 378)
- Pregnant and nursing women should be prescribed a special diet and exempted from unsuitable kinds of work. (Rec 380)



- Women should be permitted to retain their *mangal sutras*, glass or plastic bangles, etc. (Rec 384)
- There should be a separate ward for women in prison hospitals. (Rec 383)
- Special consideration should be given to women prisoners in the matter of premature release. (Rec 391)
- State governments should encourage and support voluntary women's organisations in looking after women offenders. (Rec 393)

MODEL PRISON MANUAL

- The state government shall establish separate prisons for women offenders. (Ch. 24.01)
- Women prisoners shall be classified and kept separately as (Ch. 24.02):
 - i. Under-trial prisoners from convicted prisoners;
 - ii. Habitual prisoners from casual offenders;
 - iii. Habitual offenders, prostitutes and brothel keepers;
 - iv. Adolescent girls from adult women prisoners; and
 - v. Political and civil prisoners from convict and under-trial prisoners.
- A register shall be maintained in every prison. It shall contain the following details (Ch. 24.03):
 - i. Information concerning their identity;
 - ii. The reasons for their imprisonment and the authority ordering such imprisonment with full details of such order; and
 - iii. The day and hour of their admission and release.
- Women prisoners shall be searched by female warders in the presence of other senior women personnel/women officers with due regard to considerations of privacy and decency. (Ch. 24.15)
- Every women's prison shall have a ten-bed hospital for women. At least one or more woman gynaecologist and psychiatrist shall be provided. (Ch. 24.97)
- Modern equipment for X-ray, ECG, ultrasound and sonography should be available. (Ch. 24.97)



- A socio-legal counselling cell shall be set up in each institution to be managed by volunteers from a designated law school, school of social work, or a non-governmental voluntary agency. (Ch. 24.99)
- Special consideration shall be given to premature release of women prisoners particularly in cases where they are the sole breadwinner, or where no surrogate care is possible for the dependents of women prisoners. (Ch. 24.103)
- Female prisoners shall be allowed to retain, in moderation, certain ornaments of small value such as mangal sutras, bangles and toe rings. (Ch. 24.25)

1. Diet

- An adequate and nutritious diet should be given to nursing women and to children accompanying women prisoners. (Ch. 24.36)
- The medical officer should ensure that food is cooked under hygienic conditions and is nutritious. (Ch. 24.40)
- There should be a separate kitchen for every 100 prisoners. (Ch. 24.41)
- Clean drinking water should be supplied to prisoners and it should be tested periodically. (Ch. 24.46)

2. Clothing & Bedding

- Women prisoners sentenced to six months imprisonment or below should be issued two saris, two blouses, two petticoats, one towel and two sets of customary undergarments. (Ch. 24.52)
- Women prisoners sentenced to more than six months of imprisonment should be issued three saris, three petticoats, three blouses, two towels and three sets of customary undergarments. (Ch. 24.53)
- Adequate warm clothing, according to local conditions and change of seasons, shall also be provided. (Ch. 24.54)
- Women prisoners should be given one pillow with pillow cover and woollen blankets according to climatic conditions. (Ch. 24.61)
- Women prisoners shall be provided two cotton sheets for every six months. (Ch. 24.62)



3. Children of Women Prisoners

- A child up to six years of age shall be admitted to prison with the mother if no other arrangements, for keeping the child with relatives or otherwise, can be made. (Ch. 24.26)
- Children born in prison may remain with their mothers up to six years of age, if they cannot otherwise be suitably placed. (Ch. 24.26)
- There shall be a crèche and a nursery school attached to a prison for women where the children of women prisoners shall be cared for. (Ch. 24.29)
- The children of women prisoners living in the prison shall be given proper education and recreational opportunities. (Ch. 24.34)





Access to Information for Prisoners

MAHARASHTRA PRISON MANUAL, 1979

- An application by a prisoner for a copy of the judgement or order shall at once be forwarded to the Court by which the judgment or order was passed. (Ch. XXIX, Section I, Rule 13(i,a))
- Every central, district prison Class I and special prison shall have a library for the use of prisoners free of charge. (Ch. XXXI, Section I, Rule 28)
- One copy of a newspaper in English or in the regional language or in Hindi shall be supplied at the discretion of the superintendent for every 15 prisoners belonging to Class I category and one for every 20 prisoners of Class II category. (Ch. XXXI, Section I, Rule 29(i,a))

MULLA COMMITTEE

- Prisoners are entitled to their right to (Annexure IVB):
 - » Effective access to information and all legal provisions regulating conditions of detention;
 - » Consult or to be defended by a legal practitioner of their choice;
 - » Access agencies such as the State Legal Services Authority (SLSA);
 - » Be informed on admission about their legal rights; and
 - » Receive all court documents.
- Every prisoner at the time of his admission should be apprised of his duties, obligations, rights and privileges as laid down in the Prisons Act, 1894 and the rules made under it. A small booklet in the local language containing information regarding regulations governing treatment of prisoners,



disciplinary requirements, authorised methods of receiving information, making complaints and all such other matters as are necessary to enable a prisoner to understand both his rights and obligations should be prepared and given to each prisoner within 24 hours of his admission to prison. In case of illiterate prisoners, the required information should be conveyed to them orally. (Rec 8.29)

MODEL PRISON MANUAL

- The Model Prison Manual replicates the recommendations of the Mulla Committee on prisoners' rights to access to law. (Perspective: Model Prison Manual)
- Pamphlets should be printed containing the rights, duties, entitlement, discipline and daily routine of a prisoner so that he/she may follow the dos and don'ts and maintain discipline during his/her confinement. It should be kept in the library for issuance to a prisoner who can read. Illiterate prisoners should be made to understand the contents of the literature by the prison staff or by some literate prisoners. (Ch. 15.05 & 15.06)

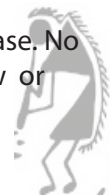




MAHARASHTRA PRISON MANUAL, 1979

1. Prison Offences & Punishment

- The Maharashtra Prison Manual enlists 43 types of behaviour as prison offences. (Ch. XXVI, Section I, Rule 19)
- The punishments are segregated into minor and major punishments, with nine punishments as minor and eleven punishments as major ones. The manual does not impose penal diet as a form of punishment. The minor punishments range from a formal warning to an imposition of fetters for not more than fifteen days. The major punishments range from assigning hard labour for a period not exceeding seven days to a combination of punishments provided in Section 47 of the Prisons Act, 1894. (Ch. XXVII, Section I, Rule 5)
- The superintendent shall enter in register No. 12, all orders relating to the management and discipline of the prison. (Ch. XXVII, Section II, Rule 3)
- Where an act of a prisoner constitutes an offence under Section 46 of the Prisons Act, 1894 and also an offence under the Indian Penal Code (IPC), the superintendent may, in his discretion, use his powers and award the punishment or forward the prisoner to a Court of the Magistrate of First Class having jurisdiction for trial. Some specified offences under the IPC must be prosecuted and cannot be dealt with by the superintendent. (Ch. XXVII, Section I, Rule 25)
- No prisoner shall be punished unless he has been informed of the offence alleged against him and given a proper opportunity of presenting his defence. The competent authority shall conduct an inquiry into the case. No prisoner shall be punished except in accordance with the terms of law or regulation. (Ch. XXVII, Section II, Rule 1(i))



- A deputy superintendent/senior jailor should be responsible for implementing punishments. He should supervise all matters pertaining to punishments and discipline. (Ch. XXVII, Section II, Rule 1(ii))
- The superintendent shall try to find out the causes of all prison offences particularly in typical cases. He shall maintain a record of the cases so investigated and furnish it to the IG Prisons. (Ch. XXVII, Rule 3, Notification No. MJM 1561/39466 2 July 1964, Rule 3)
- The senior jailor shall record in the jailor's report book that he/she has read to the prisoners the rules for rewards for good conduct; for granting remission and for punishments for the commission of prison offences. (Ch. XIV, Section I, Rule 14(n)(e))

2. Prisoners' Right Against Arbitrary Prison Punishment

- The manual does not address the issue of arbitrary prison punishment.

MULLA COMMITTEE

1. Prison Offences & Punishment

- The powers of the superintendent of a prison regarding use of preventive measures for reasons of safe custody should be clearly laid down. In case such preventive measures are necessary beyond the powers vested in the superintendent, he/she should seek prior approval of the District Judge or the Chief Judicial Magistrate having visitorial powers. (Rec 8.18)
- Fetters and handcuffs should not be imposed on under-trial prisoners except when they have a credible tendency to violence or escape. (Rec 8.19)
- Disciplinary problems in prisons should be tackled with fairness, politeness and firmness. Prison discipline should be based on rewards and positive incentives rather than on the fear of punishment. (Rec 8.34.20)
- Some of the existing prison punishments (imposition of fetters and handcuffs, cellular confinement, separate confinement beyond 30 days, penal diet and whipping) should be abolished and new ones introduced. (Rec 8.26)
- The existing practice of dealing with complaints against prisoners in a summary manner by the superintendent should be stopped. (Rec 8.34.24)
- The inmate should be given a written statement of allegations against him. He should be given an opportunity to put up his defence in person or in writing. (Rec 8.34.24)



- The order inflicting punishment should contain reasons therefore and a copy of the same should be given to the inmate under proper receipt. (Rec 8.34.24)
- The inmate should be allowed the right to appeal to the IG Prisons against major punishments. The appeal should be submitted within three days of the date of order to the superintendent who should immediately forward it to the IG of Prisons. The IG of Prisons should decide the appeal within 15 days of its filing. (Rec 8.34.24)
- In case an appeal is filed within the stipulated period the punishment awarded should remain suspended till the disposal of the appeal. (Rec 8.34.24)
- There should be a section defining the offences that could be committed by prison personnel, procedure for dealing with them and appropriate penalties for the same. (Annexure IVB)

2. Prisoners' Right Against Arbitrary Prison Punishment

- To avoid exploitation of prisoners, their rights need to be laid down in the national prison legislation. Prisoners have the following rights (Annexure IVB):
 - » Right to effective presentation of individual complaints and grievances during confinement in prison to the appropriate authorities;
 - » Right to communicate with the prison administration, appropriate government and judicial authorities, for redressal of violation of any or all prisoners' rights and for redressal of grievances; and
 - » Right to entitlement in case of disciplinary violation to:
 - i. Receive precise information as to the nature of violation of the Prisons Act and rules;
 - ii. Be heard in defence;
 - iii. Receive communication of the decision of disciplinary proceedings; and
 - iv. Appeal as provided in the rules made under the Act.

MODEL PRISON MANUAL

1. Prison Offences & Punishment

- The Manual enlists 45 acts as prison offences. The list of punishments is the same as those recommended by the Mulla Committee. (Ch.19.09)



- The minor punishments range from 'a formal warning' to 'fatigue drill/work for a period not exceeding one hour a day up to seven days subject to the prisoner's physical fitness being certified by the medical officer'. The major punishments range from 'loss of privileges of the prisoner from one month to three months' to 'solitary confinement to a maximum of 30 days'. (Ch. 19.11)

2. Prisoners' Right Against Arbitrary Prison Punishment

- The Model Prison Manual takes the same stand as the Mulla Committee in ensuring that the rights of prisoners' against arbitrary prison punishment are not infringed upon. (Perspective: Model Prison Manual)
- In respect of offences committed by prisoners, which are punishable both under the existing criminal laws or jail offences, it should be at the discretion of the superintendent either to use his own powers of punishment or to prosecute the offender before a court of law. (Ch. 19.13)





Grievance Redressal Mechanism

MAHARASHTRA PRISON MANUAL, 1979

- During regular inspections, the IG shall personally visit every prisoner and make a note of any circumstances of consequence connected with his physical condition. He shall afford a prisoner who so desires a reasonable opportunity of making any application or complaint and investigate and pass orders on matters relating to prison discipline. (Ch. XIV, Section I, Rule 9(iii)(c))
- The superintendent shall hold inspection parades of all prisoners in the prison so that every prisoner at least once a week, gets an opportunity of putting up personally to the superintendent any grievance or complaint about assault or ill-treatment, or any request for additional interviews, or letters under Rule 6 of the Maharashtra Prisons (Facilities to Prisoners) Rules, 1962. (Ch. XIV, Section I, Rule 13(7))
- The superintendent shall receive and enquire into a complaint or an application from a prison officer or a prisoner. (Ch. XIV, Section I, Rule 13(13))
- Officers of prison shall listen patiently and without irritability to any complaints or grievances of prisoners and ensure that prompt steps are taken to get their grievances, which in their opinion are genuine, redressed in accordance with the provisions of the rules or orders made in that behalf. (Ch. XIV, Section I, Rule 1(ii))

MULLA COMMITTEE

- Letters addressed by prisoners to the government, judiciary, IG of Prisons or high functionaries should be forwarded to them immediately without being censored, and dated receipt should be given to the prisoner. The receiving authority should acknowledge letters immediately and look promptly into them. (Rec 8.34.27)



- The District Judge should visit each prison in his jurisdiction once a month and give opportunity to all the prisoners to put up their grievances or requests, if they so desire, in the absence of prison officers. This should be a statutory function of the District Judge. (Rec 8.34.27)
- Each prison should have a complaint box fixed at a prominent place within the reach of inmates. The key to the lock of the box should remain with the District Judge who should open it at the time of his monthly visit to the jail and take necessary action. The directives issued by the higher judiciary in this regard should be kept in view by the prison administration. (Rec 8.34.27)
- The Board of Visitors should be activated. The visitors should receive and enquire into prisoners' complaints and grievances and send their suggestions to appropriate authorities. (Rec 8.34.27)

MODEL PRISON MANUAL

- The Model Prison Manual proposes the same standards for grievance redressal as the Mulla Committee. (Ch. 19.16)
- An active Grievance Redressal System (G.R.S) should be established in every prison. (Ch. 19.16)
- The key to the lock of the complaint boxes installed in prisons should remain with the deputy superintendent, who shall unlock the box twice a week on days fixed and approved by the superintendent. (Ch. 19.16)
- The superintendent should preside over a permanent committee of G.R.S, comprising himself, the deputy superintendent (the senior most deputy superintendent in case more than one is posted in the prison), the medical officer and the welfare officer. If the prison happens to have a female enclosure then one lady officer not below the rank of deputy superintendent shall be included in the committee. (Ch. 19.16)
- The committee shall meet at least twice a week to look into all the complaints. Complaints to the higher authorities shall be forwarded to them with the comments of the superintendent without delay. (Ch. 19.16)





Remission

MAHARASHTRA PRISON MANUAL, 1979

1. Ordinary Remission

- The superintendent or any other officer empowered by him in this behalf shall be the authority to grant ordinary remission under these rules. (Ch. XXXVIII, Section I, Rule 5)
- Eligibility for ordinary remission (Ch. XXXVIII, Section I, Rule 6):
 - » Non-habitual prisoners having a substantive sentence of rigorous imprisonment of three months or more;
 - » Prisoners sentenced to simple imprisonment of three months or more and who have volunteered to work and actually work;
 - » Prisoners working on conservancy jobs irrespective of the length and type of punishment;
 - » Habitual prisoners having a substantive sentence of rigorous imprisonment of one year and more; or
 - » Habitual prisoners sentenced to simple imprisonment who volunteer to work and actually work.
- Non-eligible prisoners for ordinary remission: A prisoner undergoing sentence of imprisonment in lieu of fine or simpliciter (Ch. XXXVIII, Section I, Rule 7):
 - » If term of sentence or aggregate is less than three months;
 - » Cases where the state government has ordered remission not be granted;
 - » Who due to self- inflicted injuries is detained in hospital; or
 - » Who has resorted to hunger strike or work strike, for such a period as decided by the superintendent.



CATEGORY OF PRISONERS	SCALE OF REMISSION	SCALE OF REMISSION HABITUAL OFFENDERS
Convict Overseers	(i) 4 days per month, for good behaviour, discipline and participation in various institutional activities, such as physical training, educational programmes, etc. (ii) 5 days per month, for satisfactorily performing the allotted work in accordance with the prescribed standards.	(i) 3 days per month, for good behaviour, discipline and participation in various institutional activities, such as physical training, educational programmes, etc. (ii) 4 days per month, for satisfactorily performing the allotted work in accordance with the prescribed standards.
Night Watchmen	(i) 3 days per month for good behaviour, discipline and participation in various institutional activities, such as physical training, educational programmes, etc. (ii) 5 days per month, for satisfactorily performing the allotted work in accordance with the prescribed standards.	(i) 2 days per month for good behaviour, discipline and participation in various institutional activities, such as physical training, educational programmes, etc. (ii) 4 days per month, for satisfactorily performing the allotted work in accordance with the prescribed standards.
Other Prisoners	(i) 3 days per month for good behaviour, discipline and participation in various institutional activities, such as physical training, educational programmes, etc. (ii) 4 days per month, for satisfactorily performing the allotted work in accordance with the prescribed standards.	(i) 2 days per month for good behaviour, discipline and participation in various institutional activities, such as physical training, educational programmes, etc. (ii) 2 days per month, for satisfactorily performing the allotted work in accordance with the prescribed standards.
Prisoners Working on Conservancy Jobs	3 days per month in addition to the remission earned under Clause (c).	3 days per month in addition to the remission earned under Clause (c).

(Ch. XXXVIII, Section I, Rule 8)



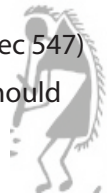
- Prisoners eligible for ordinary remission may be awarded 30 days remission for annual good conduct in addition to any other remission, provided that they have committed no prison offence in the past one year. (Ch. XXXVIII, Section I, Rule 12)
- The superintendent, IG of Prisons and the state government shall be authorities to grant special remission. (Ch. XXXVIII, Section I, Rule 13)

2. Special Remission

- Special remission may be granted to prisoners for (Ch. XXXVIII, Section I, Rule 14):
 - » Saving the life of a government employee or prison visitor or inmate;
 - » Protecting a government employee or prison visitor or inmate from attack;
 - » Preventing and assisting in preventing escape;
 - » Assisting prison officers in emergencies like fire, outbreak of riot, etc.;
 - » Assisting in preventing or detecting prison breaches;
 - » Marked diligence and success in imparting education and in teaching art and craft;
 - » Outstanding contribution or performance in cultural activities such as drama, music and sports in prison;
 - » Consistent good work in the prison industries or agriculture or in important prison services; or
 - » Any other sufficient cause.
- The state government may on occasions of national importance grant remission to prisoners for such number of days as specified. (Ch. XXXVIII, Section I, Rule 18)
- The superintendent shall before 15th of June and December, each year forward a list of prisoners granted special remission by him to the IG. The IG shall then submit this list to the state government, every six months. (Ch. XXXVIII, Section I, Rule 21(i))

MULLA COMMITTEE

- Grant of remission should be properly recorded and authenticated. (Rec 547)
- Prisoners with substantive sentences from two months to five years should



be sanctioned remission each month, while those sentenced to over five years (including life convicts) should be granted remission once every quarter. (Rec 548)

- Ordinary remission should be calculated for full calendar months and not for a fraction of the calendar month. (Rec 549)
- The maximum limit of remission, which a prisoner can earn, should be half the substantive sentence awarded to him. (Rec 551)
- Any prisoner eligible for ordinary remission, who has not committed any prison offence for a period of one year, should be awarded 30 days annual remission in addition to any other remission. (Ch. 20.7.4)
- Meritorious work by inmates should be rewarded by grant of special remission in addition to the annual good conduct remission. (Ch. 20.7.6)
- Eligibility for grant of ordinary remission (Ch. 20.7.1):
 - » Prisoners with substantive sentences of not less than two months;
 - » Prisoners sentenced to simple imprisonment for not less than two months who volunteer to work;
 - » Prisoners working on conservancy jobs irrespective of the length of their sentence; and
 - » Prisoners sent for court attendance.
- Non-eligibility for grant of ordinary remission (Ch 20.7.2):
 - » Prisoners with substantive sentences of less than two months;
 - » Prisoners sentenced only in default of payment of fine;
 - » Prisoners transferred from one prison to another on disciplinary grounds;
 - » Prisoners removed from the remission system as punishment;
 - » Prisoners specifically debarred from the remission system under any law or rule; and
 - » Prisoners out on special leave for the duration of such leave.
- Scale of remission for non-habitual convicted persons (Ch. 20.7.3):
 - » Three days per calendar month for good behaviour, discipline and participation in institutional activities;
 - » Three days per calendar month for due performance of work according to prescribed standards;



- » Seven days per calendar month for prisoners employed on conservancy work or as cooks, or on prison maintenance services requiring them to work even on Sundays and holidays;
 - » Eight days per calendar month for those working as night watchmen; and
 - » One day for each day's stay to prisoners sentenced to imprisonment of one year or more and transferred to open institutions.
- Scale of remission for habitual prisoners (Ch. 20.7.5):
 - » Two days per calendar month for good behaviour, discipline and participation in institutional activities;
 - » Two days per calendar month for due performance of work according to prescribed standards; and
 - » Five days per calendar month for prisoners who are night watchmen or are engaged on conservancy work, or as cooks, or on prison maintenance services requiring them to work on Sundays and holidays.

MODEL PRISON MANUAL

- The Model Prison Manual lays down the same standards as recommended by the Mulla Committee Report. However, they also mention the authority which can grant each remission. (Ch. 16.06,16.10 & 16.13)

ORDINARY REMISSION	The superintendent or any officer nominated by him on this behalf
SPECIAL REMISSION	The superintendent of prison concerned and the IG of the Prison Department
STATE GOVERNMENT REMISSION	The state government

- There shall be a Remission Committee in each institution comprising (Ch. 16.17):
 - » Superintendent in charge of the institution – Chairman;
 - » Deputy superintendent or senior most prison officer available in the institution;
 - » Assistant superintendent/deputy jailor/assistant jailor in charge of the remission section; and
 - » Officer in charge of industries/vocational training.



- Functions of the Remission Committee shall be to (Ch. 16.18):
 - » Attend to all matter pertaining to remission;
 - » Recommend cases of prisoners to the IG/Head of Prisons Department for the grant of special remission as per provisions of this manual; and
 - » Grant special remission as per provisions of this manual.
- The Remission Committee should meet on fixed days in the last week of every month, or as and when required. (Ch. 16.19)





Parole & Furlough

MAHARASHTRA PRISON MANUAL, 1979

1. Release of Convicted Prisoners on Furlough/Leave

- A prisoner may be released on furlough as per the following scheme (Ch. XXXVII, Rule 2, 3(l) &(2)):

TERM OF IMPRISONMENT	PERIOD OF IMPRISONMENT UNDERGONE
1 – 5 years	1 year of actual imprisonment
5 years and above	2 years of actual imprisonment
More than 5 years but not life imprisonment	May be released on furlough every year instead of every 2 years during the last 5 years of the unexpired period of sentence
Life imprisonment	May be released on furlough every year instead of every 2 years after completing 7 years of actual imprisonment.

- The period of furlough shall not exceed two weeks at a time. However, the period of two weeks may be initially extended up to three weeks in case prisoners desire to spend the furlough outside the State of Bombay. (Ch. XXXVII, Rule 2, 3(l) &(2))
- Habitual prisoners and prisoners convicted of offences under Sections 392-402 of the IPC are not allowed to seek furlough. (Ch. XXXVII, Rule 4)
- Every prisoner desirous of release on furlough shall be required to give a personal bond of the required amount. (Ch. XXXVII, Rule 7)



2. Grant of Parole/Emergency Leave

- The authorities competent to release the prisoner on parole are (Ch. XXXVII, Rule 18):
 - » The state government in specified cases;
 - » The Commissioner or the Additional Commissioner of the Division in other cases;
 - » The superintendent in case of death of the prisoner's father, mother, brother, sister, spouse or child. He can grant parole for a period not exceeding seven days. In such cases, the superintendent must inform and get the approval of his action from the Divisional Commissioner.
- A prisoner may be released on parole, for such period as the competent authority in its discretion may order, in case of serious illness or death of any member of the prisoner's family or of the closest relations or for any other sufficient cause. (Ch. XXXVII, Rule 19)
- The period spent on parole shall not count as remission of the sentence. (Ch. XXXVII, Rule 20)
- A prisoner may be granted parole either on his own application made by his relatives, friends or legal advisers. (Ch. XXXVII, Rule 21)
- The competent authority may grant parole to a prisoner subject to his executing a surety bond and a personal bond to observe all the specified conditions. (Ch. XXXVII, Rule 24)

MULLA COMMITTEE

- Rules for eligibility of convicted prisoners for release on leave and special leave should be reviewed, rationalised and liberalised. (Rec 554)
- The IG of Prisons should be the authority competent for grant of release. (Rec 555)

MODEL PRISON MANUAL

- The provisions for grant of leave should be liberalised to help a prisoner maintain a harmonious relationship with his family. The privilege of leave should, of course, be allowed to selective prisoners on the basis of well-defined norms of eligibility and propriety. (Ch. 17.01)



- Head of the Prisons Department/IG of Prisons will be the competent authority for granting release on leave. (Ch. 17.10)

SENTENCE (YEARS)	WHEN DUE FOR FIRST RELEASE ON LEAVE*	WHEN DUE FOR SECOND RELEASE**	WHEN DUE FOR SUBSEQUENT RELEASES**	DURATION OF LEAVE PER YEAR
Less than 5	On completion of 1 year of actual imprisonment	After completion of 6 months of actual imprisonment	After completion of 6 months of actual imprisonment	21 days
More than 5 less than 14	On completion of 2 years of actual imprisonment	After completion of 1 year of actual imprisonment	After completion of 6 months of actual imprisonment	21 days during the first 5 years of confinement and 28 days for the rest of the term
More than 14 or life imprisonment	On completion of 3 years of actual imprisonment	After completion of 1 year of actual imprisonment	After completion of 6 months of actual imprisonment	21 days during the first 5 years of confinement and 28 days for the rest of the term

* To be counted from the date of admission to prison as convict

** To be counted from the date of his last return from leave



Prison Visiting System



MAHARASHTRA PRISON MANUAL, 1979

- There shall be a Board of Visitors for each prison in the state consisting of ex-officio visitors and non-official visitors. (Ch. XV, Section I, Rule 3)
- There shall ordinarily be 11 non-official visitors for the prisons in Greater Bombay, nine for each of the central prisons, six for each of the Class I district prisons and four for each of the remaining prisons. (Ch. XV, Section I, Rule 5(i))
- The visitors shall be members of the Maharashtra Legislature and persons nominated by the state government. (Ch. XV, Section I, Rule 5 (ii))
- The Chief Presidency Magistrate, Bombay, in Greater Bombay, and the District Magistrate elsewhere, shall be the Chairman of the Board. (Ch. XV, Rule 7)
- The Chairman shall arrange a weekly programme of visits to a prison by one of the visitors. He shall also likewise arrange for the periodical inspection of women's wards in the prisons by lady visitors. (Ch. XV, Rule 11(ii) & (iii))
- Every visitor shall on appointment, be provided with a copy of the rules. (Ch. XV, Rule 9)
- The list of prison visitors shall be posted in a conspicuous place between the two prison gates. (Ch. XV, Rule 10)
- All visitors may, as far as possible (Ch. XV, Rule 16):
 - » Inspect the barracks, cells, wards, work-sheds and other buildings of the prison;
 - » Ascertain whether considerations of health, cleanliness and security are attended to;
 - » Ascertain whether proper management and discipline are maintained;



- » Examine various registers; and
- » Hear and attend to all representations and petitions made by prisoners.

MULLA COMMITTEE

- In each State/Union Territory a Board of Visitors should be set up. (Rec. 112)
- A Board of Visitors should be constituted for each central and district prison consisting of:
 - » Chairman: the District and Sessions Judge; and
 - » Members: Two members of the State Legislature, District Magistrate, District Superintendent of Police, Civil Surgeon, Executive Engineer of the Public Works Department, District Education Officer, District Public Health Officer, District Agriculture Officer, two lady social workers. (Ch. 6.22.3)
- The functions of the Board of Visitors should be to:
 - » Visit the prison/sub-jail and ensure that the care and welfare of the inmates are properly attended to;
 - » Attend to requests of inmates;
 - » Make recommendations about the redressal of grievances and complaints of prisoners and also about living conditions in the prisons; and
 - » Help the prison administration in the development of correctional programmes. (Ch. 6.22.5)
- The Board of Visitors should visit the concerned institution at least once a month. A member of the Board may also visit the institution individually, on any day. (Ch. 6.22.6)

MODEL PRISON MANUAL

- The state government shall by notification constitute a Board of Visitors comprising official and non-official members at district and sub-divisional levels. (Ch. 26.01)
- The task of the Board of Visitors shall include (Ch. 26.02):
 - » Monitoring the correctional work in the prison, with special attention to the degree and quality of training and the effectiveness of infrastructure/facilities in the prison;



- » Suggesting new avenues leading to improvement in correctional work; and
- » Investigating individual or collective grievances of the prisoners, and providing redressal in consultation with the prison authorities.
- The Board of Visitors shall comprise the following official members (Ch. 26.03):
 - » District Magistrate (or Sub-Divisional Officer at the sub-divisional level);
 - » District Judge (or the Sub-Divisional Judicial Magistrate);
 - » Chief Medical Officer of Health (or the Sub-Divisional Medical Officer);
 - » Executive Engineer (or Assistant Engineer);
 - » District Inspector of Schools;
 - » District Social Welfare Officer; and
 - » District Agricultural Officer.
- The non-official members of the Board of Visitors are members of the legislative assembly of the state, a nominee of the State Commission for Women, and social workers. (Ch. 26.04)
- The Members of the Board of Visitors shall specially attend to the quality and quantity of prison diet, condition of the kitchen and hospital, availability of medicines, hospital management, medical treatment of the prisoners, sanitary arrangements, aspects of vocational trainings, literacy programme, and library facilities for the prisoners. (Ch. 26.13)
- All visitors, official and non-official, at every visit shall: examine the cooked food; inspect the barracks, wards, work shed and other buildings of the prison generally; ascertain whether considerations of health, cleanliness and security are attended to; whether proper management and discipline are maintained; whether any prisoner is illegally detained, or is detained for an undue length of time while awaiting trial; examine prison registers and records; hear, attend to all representations and petitions made by or on behalf of the prisoners; and direct, if deemed advisable, that any such representations or petitions be forwarded to the government. (Ch. 26.22)





Duties of Prison Officers

MAHARASHTRA PRISON MANUAL, 1979

1. Superintendent

- Ensure that all prisoners are counted once a month and personally ascertain and satisfy him/herself that all prisoners who ought to be in the prison are actually there. (Ch. XIV, Section I, Rule 13(2))
- Visit the prison at least once every working day (including Sundays and holidays, if necessary). (Ch. XIV, Section I, Rule 13(3))
- Visit the prison hospital frequently, ensuring that proper arrangements are made for the safe custody of ill prisoners and others, and that discipline is maintained. (Ch. XIV, Section I, Rule 13(4))
- Inspect the barracks, yards, cells, kitchens, latrines and every part of the prison once a week. (Ch. XIV, Section I, Rule 13(5))
- Visit the women's prison or women's section of the prison. (Ch. XIV, Section I, Rule 13(6))
- Hold inspection parades of all prisoners in the prison, so that every prisoner at least once a week, gets an opportunity of putting up personally to him any grievance or complaint about assault, or ill-treatment, or any request. (Ch. XIV, Section I, Rule 13(7))
- Ensure the highest possible degree of cleanliness in every part of the prison and also with respect to the persons of the prisoners, their clothing, bedding and eating utensils. (Ch. XIV, Section I, Rule 13(10))
- Receive and enquire into complaints or applications by prison officers or prisoners. (Ch. XIV, Section I, Rule 13(13))



2. Medical Officer

- Visit the prison regularly at least twice a week at fixed hours and at other times, if required. (Ch. IV, Section I, Rule 2(ii))
- Check the expenditure on medicines and on other medical stores; check the stock of drugs and instruments every six months and duly submit certificates to the IG of Prisons. (Ch. IV, Section I, Rule 3(4))
- Conduct daily visits to the hospital and personally examine and pass orders regarding the treatment of all prisoners. (Ch. IV, Section I, Rule 3(10&11))
- Pay special attention to the quality and quantity of the water supply of the prison. (Ch. IV, Section I, Rule 3(5))
- Inspect the sources and surroundings of the water supply in the prison and inspect all new cells, wards and other places of detention. (Ch. IV, Section I, Rule 3(6) & 3(9))
- Inspect every part of the prison regularly and frequently for the purpose of ascertaining that nothing likely to be injurious to the health of the prisoners exist therein and ascertain that ventilation and cleanliness of different parts of the prison are properly attended to. (Ch. IV, Section I, Rule 3(16))
- Be present during the weekly inspection of the prison by the superintendent, and attend to the medical requirements of prisoners. (Ch. IV, Section I, Rule 3(17))
- Hold post-mortem examinations in all fatal cases if possible. (Ch. IV, Section I, Rule 3(33))
- Examine all prisoners awarded corporal punishment before it is executed. (Ch. IV, Section I, Rule 3(35))
- Report immediately the outbreak of an epidemic disease through the superintendent to the Director of Public Health. (Ch. IV, Section II, Rule 42(r))

3. Senior Jailor

- Ensure safe custody of prisoners. (Ch. XIV, Section I, Rule 14(a))
- Enforce discipline among subordinate officers and prisoners. (Ch. XIV, Section I, Rule 14(b))
- Report to the superintendent any fact or circumstances likely to affect the security, health and discipline of the prison. (Ch. XIV, Section I, Rule 14(h))



- Inspect frequently, every part of the prison, especially cells and ensure that they are clean. (Ch. XIV, Section I, Rule 14(l))
- Visit all wards at least once a week and record in the report book. (Ch. XIV, Section I, Rule 14(m))
- Ensure that every prisoner has the authorised quantity of clothing and bedding and that they are clean. (Ch. XIV, Section I, Rule 14(n)(d))
- Attend to all complaints and requests of all prisoners put in his charge. (Ch. XIV, Section I, Rule 16)

MULLA COMMITTEE

1. Superintendent

- The powers regarding use of preventive measures for reasons of safe custody should be clearly laid down. In case such preventive measures are necessary beyond the powers vested in the superintendent, he should seek prior approval of the District Judge or the Chief Judicial Magistrate having visitorial powers. (Rec 8.18)

2. Medical Officer

- Be responsible for the medical care and treatment of all inmates of the prison. (Annexure VII B - A)
- Maintain a health card for every prisoner containing details on: condition of the prisoner on admission; fortnightly weight; blood counts once in six months; and details of immunisation and illness. (Annexure VII B - A)
- Take rounds of the prison premises with the superintendent once a week. Take note of the sanitary conditions of the barracks, clothing and bedding. (Annexure VII B - A)
- Inspect the kitchen, its environs and advise on improvement where necessary. (Annexure VII B - A)
- Advise the superintendent on the suitability of work allotted to the prisoners with reference to their physical and mental health. (Annexure VII B - A)
- Arrange for periodic examination and analysis of the water supplied for drinking and cleaning purposes. (Annexure VII B - A)



MODEL PRISON MANUAL

1. Superintendent

- In charge of the executive management of the prison in all matters relating to economy, discipline, labour, expenditure, punishment and control in general, among other things. (Ch. 4.07.2)
- General supervision over security and custody arrangements; supervision over care and welfare of inmates; inmate discipline and morale; classification of prisoners, training and treatment programmes, and correctional activities; inspection and supervision of work, employment and production programmes; inspection of the prison activities, prison hospital, kitchen, canteen, etc.; daily inspection round and weekly night inspection round; and control and maintenance of stock and stores. (Ch. 4.07.3(a))

2. Medical Officer

- Attend not only to the treatment of sick prisoners but also to every matter connected with the health of prisoners and over-all hygiene of the prison. (Ch. 7.01)
- Maintain best health standards in the prisons under their charge. (Ch. 7.01)
- Visit the prison and see ill prisoners every day. (Sundays and holidays, whenever necessary) (Ch. 7.10)
- Conduct complete medical inspection of all the prisoners once a month. (Ch. 7.12)
- Inspect every part of the prison and check all prisoners at least once a week and record the observations in his report to be sent to the superintendent of prisons and IG of Prisons periodically. (Ch. 7.11)
- Shall be present during the superintendent's weekly inspection. (Ch. 7.17)
- Whenever the mortality of a prison in a month exceeds 1% per annum, he shall record an explanation of the cause of such excess mortality in the monthly return. (Ch. 7.26)
- Keep a journal to record every visit to the prison, the parts of the prison or classes of prisoners visited, the number of sick persons in the prison and any other point, which should be brought to the notice of the superintendent. (Ch. 7.28)



- Make specific notes of the following during prison visit: any defects in the food, clothing or bedding of prisoners; in the cleanliness, drainage, ventilation, water supply or other arrangements of the prison which is likely to be injurious to the health of prisoners; suggestions for removing such defects; and any occurrence of importance connected with the hospital administration. (Ch. 7.28)





CHRI Programmes

CHRI's work is based on the belief that for human rights, genuine democracy and development to become a reality in people's lives, there must be high standards and functional mechanisms for accountability and participation within the Commonwealth and its member countries. Accordingly, in addition to a broad human rights advocacy programme, CHRI advocates access to information and access to justice. It does this through research, publications, workshops, information dissemination and advocacy.

Human Rights Advocacy

CHRI makes regular submissions to official Commonwealth bodies and member governments. CHRI conducts fact finding missions periodically and since 1995, has sent missions to Nigeria, Zambia, Fiji Islands and Sierra Leone. CHRI also coordinates the Commonwealth Human Rights Network, which brings together diverse groups to build their collective power to advocate for human rights. CHRI's Media Unit ensures that human rights issues are in the public consciousness.

Access to Information

CHRI catalyses civil society and governments to take action, acts as a hub of technical expertise in support of strong legislation, and assists partners with implementation of good practice. CHRI works collaboratively with local groups and officials, building government and civil society capacity as well as advocating with policy makers. CHRI is active in South Asia, most recently supporting the successful campaign for a national law in India; provides legal drafting support and inputs in Africa; and in the Pacific, works with regional and national organisations to catalyse interest in access legislation.

Access to Justice

Police Reforms: In too many countries the police are seen as oppressive instruments of state rather than as protectors of citizens' rights, leading to widespread rights violations and denial of justice. CHRI promotes systemic reform so that police act as upholders of the rule of law rather than as instruments of the current regime. In India, CHRI's programme aims at mobilising public support for police reform. In East Africa and Ghana, CHRI is examining police accountability issues and political interference.

Prison Reforms: CHRI's work is focused on increasing transparency of a traditionally closed system and exposing malpractice. A major area is focused on highlighting failures of the legal system that result in terrible overcrowding and unconscionably long pre-trial detention and prison overstay, and engaging in interventions to ease this. Another area of concentration is aimed at reviving the prison oversight systems that have completely failed. We believe that attention to these areas will bring improvements to the administration of prisons as well as have a knock-on effect on the administration of justice overall.



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