A black and white photograph of a hand gripping a metal grate, symbolizing confinement. The hand is positioned on the right side of the frame, with fingers wrapped around the vertical bars of the grate. The grate is set within a dark, textured frame, possibly a window or a door in a prison cell. The lighting is dramatic, with strong highlights on the hand and the grate, and deep shadows in the surrounding environment.

PRISON VISITING SYSTEM

*Within Confines.....
An Inside Eye*

What is the Prison Visiting System



The Prison Visiting System (PVS) is one of the main monitoring mechanisms prescribed by the law [Prisons Act- Chapter XII Section 59(25); Part XVII of the Rajasthan Prison Rules made under the Act].

The PVS acts as a collective official and social supervision on the prison administration and is also symbolic of community involvement in corrections.



EX-OFFICIO VISITORS

Certain Government functionaries, by virtue of the posts they hold become Ex-Officio Visitors to jails within their jurisdiction.

- Commissioner of the Division
- Inspector General of Police
- Director of Health Services
- District and Session Judge
- District Magistrate
- Deputy Inspector General of Police
- Additional District Magistrate
- Sub-Divisional Magistrate
- Civil Surgeon of Medical officer

EX-OFFICIO NON-OFFICIAL MEMBERS

All the members of the state legislature representing urban and rural constituencies are designated as Ex-Officio Non-official Visitors to the jail. In practice it is restricted to the jurisdiction of their won constituencies.

NON-OFFICIAL VISITORS (NOV)

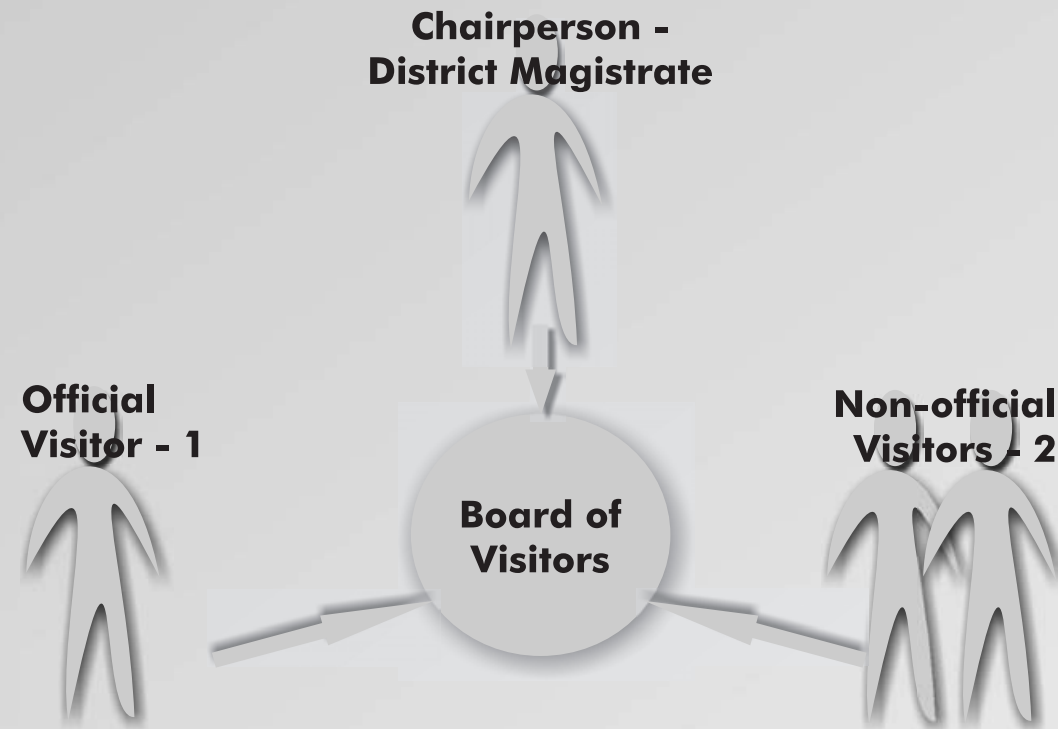
- People appointed by the Government from the community
- Term: 2 years, eligible for re-appointment on the expiry of each term of office.
- Appointment Rules:
 - State Government can cancel the appointment of an NOV at any time before the expiry of term of office without assigning any reasons
 - An NOV who is about to absent himself for a period of 6 months or more is required to report his absence to the state government to enable them to appoint a substitute if necessary

NUMBER OF NOV's APPOINTED TO:

- Central Jail - 6
- District Jail - 3
- Sub Jail - 2
- Jails lodging women prisoners [lady NOV's] - 2

*Prison
Visiting
System*

Board of Visitors



FUNCTIONS

- The first meeting on the Board of Visitors should be held once a quarter
- First Meeting: Prepare a roster of visits for 12 months, permitting a monthly visit to each jail by either an OV or NOV

DO's FOR VISITORS

- Visit the jail atleast once a month, see all prisoners, inquire into complaints and satisfy themselves that the laws and rules regulating the management of prisons and prisoners are duly implemented.
- In addition to the visit prescribed by the roster, the NOVs are also allowed to visit twice a month with or without giving due notice to the Jail Superintendent. All visits will be made only between the Opening and lockup hours. Visits are not permitted on Sundays and other holidays.
- Call for and inspect any book or other record in the jail. But the Superintendent may decline to produce any documents if he considers such production undesirable.
- Record the date and hour of the visit and enter suggestions or remarks in own handwriting. Refer the case of any prisoner whose case you think is necessary to be referred to the state government.
- Write to the concerned District Magistrate on the case of undertrial prisoners whose investigation/trial has been unduly delayed.
- If a prisoner makes a complaint to a visitor about his own treatment or that of any other, which the visitor feels notice should be taken, the visitor should refer it to the Superintendent who is responsible for everything that occurs in his jail. The visitor also has the freedom to make a representation on the matter to the Government.

DON'Ts FOR VISITORS

- Visitors shall not visit prisoners on hunger strike or prisoners who are ill and not allowed to be interviewed on medical grounds.
- No visitor shall have access to such prisoners as the government may from time to time specify as special class prisoners or persons specifically debarred.
- No visitor may issue any order or instructions to any subordinate jail officer.
- Visitors should not hold conversation with any undertrial who may be their client or relation.
- As long as a visitor retains his official connection with the jail he/she is precluded from giving publicity in the press or otherwise to matters connected with the administration of the jail.

Prison Visiting System

Prison
Visiting
System

DO's FOR SUPERINTENDENTS

- The Superintendent shall ensure that except with his permission the Visitors book shall not be removed from the jail.
- When the Superintendent is of the 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. If the visitor dissents from the conclusion of the Superintendent, he may request the jail superintendent to submit the case to the IG (Prisons) for orders. A copy of the orders of the IG(Prisons) shall be sent to the visitor who may, if he thinks fit, address the government regarding the case.
- A copy of the remarks recorded by a visitor together with the Superintendent's reply and note of any action taken thereon, shall be forwarded to the District Magistrate to the Inspector General who may forward the correspondence for the information and orders of the Government. A copy of the orders (if any) of the Government or the Inspector General shall be forwarded to the visitor through the Superintendent of the jail.



BUILDINGS

Are the buildings safe?
Do they need repair, plastering etc?

- Since the PWD at times does not pay heed to the requests sent by the prison dept, the visitors can bring adequate public pressure on the concerned authorities to take appropriate action

DRAINAGE

Is the drainage system proper? If not, what are the defects?
Are drains being cleaned periodically?

- Try and influence the PWD officials responsible for the maintenance to look into the matter in a timely manner
- The periodicity of cleaning should be fixed in writing and recorded in a register to be kept at the jail for this purpose

WATER SUPPLY

Is water available in sufficient quantities?
Is the mode of saving water safe?

- Look into the reasons for insufficient water supply, such as rusted or blocked pipelines, low water table in wells, insufficient storage capacity, dysfunctional pumps, etc and suggest appropriate action by concerned agency.
- Incases of lack of water, influence the municipal corporation to provide more water to the jail

WATER WELLS

Are the wells cleaned regularly?

- Request the PWD to carry out such cleaning tasks. However if this is not forthcoming, ask the Suptd. To periodically delegate responsibility to an official of the jail who can get this done through some prisoners who can then earn remission

Issues to be Addressed & Actions Suggested	Relevant State Rule	Relevant Central Law	Relevant International Law
Building	Part 6, Section II, Rule 17, 19, 21, 22, 23, 33	Section 4, 7, Chapter II, Prisons Act 1894	—
Drainage Water Supply	Part 6, Section V, Rule 35, 45, 46, 47 And 51 Part 9, Section I, Rule 20a	—	Rule 16, 18, 22, 35, 42, Mandela Rules

Issues to be
Addressed
&
Actions
Suggested

Prison
Visiting
System

FOOD

- Are the wells cleaned regularly?
Are they of good quality?
- If the stores are infested with rodents and pests, make suggestions for pest control through authorised agencies

WEIGHT AND QUALITY OF VEGETABLES

- Do the vegetables match in weight with the prescribed weight chart?
Are they clean and of good quality?
- Check the practices being followed as against the prescribed norms

FOOD ISSUED

- Is the food issued correct in quantity and properly cooked?
- Visitors can take rounds of the kitchen, and also try out the food that is being prepared
 - Check whether prisoners on a medical diet/pregnant woman/children are given the prescribed food items
 - In many jails, the idea of women being in charge of cooking can be put forward
 - Cooking classes for other prisoners who are interested can also be arranged

RATIONS

- Is ration available for all prisoners in full numbers?
- Rations should be checked on sudden visits as against prescribed scale of diet

OIL AND CONDIMENTS

- Are oil and condiments added to the curry in the presence of some responsible officer?
- Visitors can regularly supervise rations, oil and condiments as against prescribed diet scales

Issues to be Addressed & Actions Suggested	Relevant State Rule	Relevant Central Law	Relevant International Law
Food Quality and weight of the vegetables	Part 9, Section I, Rule 5, 11, 12, 13, 20(b, c, d), 41, 46	—	Rule 22, Mandela Rules

CLOTHING

- Do prisoners have the prescribed quantity of clothing and bedding in their possession?
Is the prescribed extra blanket issued during cold months?
Are they in serviceable order?
Is the bedding put out in the sun everyday whenever possible?
- For poor undertrials and children of prisoners, visitors can persuade NGOs and other community people to donate clothing
 - Blankets and bedding can also be donated if the department lacks funds to provide the required number
 - To provide more clothing to the convicts, visitors can write strongly to the prison department and the government to provide funds for meeting the basic needs

BATHING

- Are the prisoners required to bathe regularly?
- Visitors can advocate for introduction of lessons on hygiene during literacy classes
 - Ask for orientation on hygiene to be given to the prisoners through jailers, warders etc
 - They can ask doctors of all jails to suggest different ways of maintaining hygiene as preventive measures for diseases
 - Emphasize on cleanliness of bathing areas
 - Advocate for the construction of sufficient number of bathing platforms and adequate taps so that all prisoners equally get a chance to bath

GARDEN

- Is the whole vegetable supply of the jail obtained from the jail garden?
If not, why can this not be done?
- The visitors can get the agricultural/horticultural departments to visit the jails and suggest measures for either starting cultivation or improving on the existing procedures used. They could even donate old tools and equipment

Issues to be Addressed & Actions Suggested	Relevant State Rule	Relevant Central Law	Relevant International Law
Clothes	Part 9, Section IV, Rule 84, 87,94 (A, B, C, D) Part VI, Section II, Rule 15	Section, 33, Chapter VI, Prisons Act 1894	Rule 19, 20, 21 Mandela Rules
Bathing	Part 6, Section V, Rule 36, 52	—	—

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Prison
Visiting
System

OVERCROWDING

If there is overcrowding what arrangements are being made for their safekeeping?

- Overcrowding creates many problems in the jail. The visitors can write strongly to the government to create more accommodation in the existing jail or to transfer some inmates to neighbouring jails
- Emphasise on the need for periodic review of Undertrial population and send the list of inmates who can be released on bail/bond to the District Magistrate/District & Sessions Judges
- Seek cooperation of Legal Aid Boards for free legal aid to the poor, destitute and uncared for prisoners (undertrials and convicts) awaiting appeal.
- One of the ways of reducing overcrowding would be to convince the Sub Divisional Magistrate to release less dangerous prisoners on personal bond rather than send them to prison
- Ensure that applications for release on probation are disposed off within a maximum period of 2 months after being sent from prison
- Advocate with the Chief Minister and the Chief Secretary for awarding remission to eligible prisoners undergoing long sentence
- Take up the issue of jail adalats for speedy disposal of cases

HABITUAL OFFENDERS

Are habitual offenders separated from others at night and is their separation from others by day carried out as far as possible?

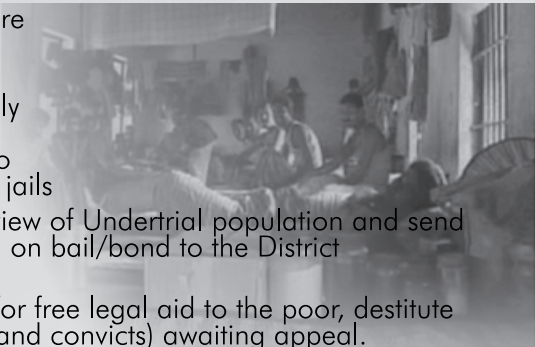
- Since there is a problem of overcrowding and lack of adequate staff in most jails, which hinders the implementation of this rule, the visitors can advocate with the government for the expansion of existing jails, construction of new ones and adequate staff members

UNDERTRIAL PRISONERS

Are there any undertrial prisoners who have been detained in the jail unduly long?

- Since due to shortage of police escorts prisoners are not produced in courts on time, visitors can advocate for adequate number of police escorts to be provided as per the jail requirements

Issues to be Addressed & Actions Suggested	Relevant State Rule	Relevant Central Law	Relevant International Law
Overcrowding	Part 6, Section II, Rule 11 Part 6, Section II, Rule 12	Section 4, 7, Chapter II, Prisons Act 1894	—
Habitual Offenders	Part 15, Section I, Rule 1, 9, 13, 33	Section 27, Chapter V, Prisons Act 1894	—
Undertrial Prisoners	Part 25, Section IX, Rule 223, 225, 209, 206, 215	Section 167, 309, 436A , Code Of Criminal Procedure1973	—



LABOUR

Are full tasks being extracted from all labouring prisoners fit for hard labour?

Who checks the work done i the evening?

Is the out put of each convict properly recorded on the work tickets?

- Ensure that raw material for conducting existing works in jail industries is sufficient to engage all eligible prisoners on different jobs
- With traditional industries in jails becoming obsolete and non-profitable, the prisoners have very little to do. It would be beneficial for prisoners to undergo training in skills that have rehabilitative value such as paramedicine and nursing and other specific skills such as cooking. Visitors could also encourage indigenous industries in jails and write to the government for such change
- They can also suggest cultivation of traditional and cash crops within the jail campus

REMISSION

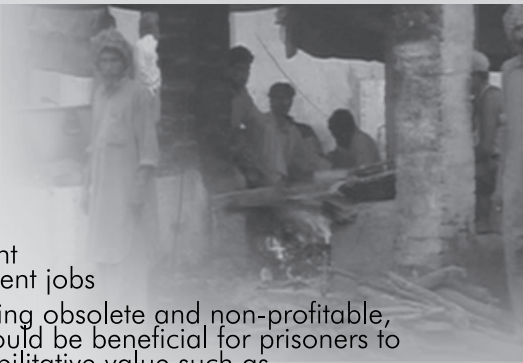
Is ordinary remission for industry given with reference to the actual tasks performed?

Are there any convicts who are not receiving remission for industry for failure to perform tasks?

If so have efforts been made to enforce work by means of punishment?

- Prisoners convicted under certain legislations like NDPS are not given remission. Due to the lack of legal incentives, many of these prisoners refuse to work or even maintain discipline. Visitors could advocate at the legislative levels for the necessary amendments
- The visitors could check up individually with convicts in their jail to see whether remission is being awarded for the actual work done and see if there are any malpractices in this
- To motivate those prisoners who do not take any interest in their work, the visitors could ensure that their individual skills are considered before assigning any work to them
- Remissions can also be of different types such as longer visiting hours during mulauat etc.

Issues to be Addressed & Actions Suggested	Relevant State Rule	Relevant Central Law	Relevant International Law
Labour	Part 12, Rule 1(2), 3, 4, 5, 7, 9, 21 and 31	—	Rule 97(1), Mandela Rules
Remission	Part 3, Rule 5(A, B), 12, 16(I-VIII) and 17	Article 72 And 161, Constitution Of India Section 432, 433, 433-A, Code Of Criminal Procedure 1973	—



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Prison
Visiting
System

PUNISHMENT

Is the ratio of punishments in the jail unduly high?

- Regularly check the punishments given to prisoners so that they are in congruence with human rights norms and also mention these in a punishment register
- The visitors can encourage the prison staff to hold group sessions with the prisoners so that they can air their grievances.
- Complaint boxes can also be put in all strategic places. This will help to maintain discipline and keep control on prohibited behaviour inside the jail

DISCIPLINE

Are convicts regularly searched for contraband?

Are convicts prevented from wandering about?

Are gangs of convicts marched in proper order?

- Advocate for the immediate recruitment of adequate number of prison guard sand staff members
- Advocate for regular change of guards who search for contrabands
- As a long term solution, have regular de-addiction programmes to reduce usage of addictive articles and involve NGOs also
- Suggest for meditation, yoga and other self discipline classes. Call NGOs for conducting regular classes and practice sessions

CRIMINAL LUNATICS

Are there any criminal lunatics in jail who have been unduly detained in jail?

Are there any civil lunatics in jail who have been detained under observation longer than the period allowed by law and if so on whose warrant?

- Under the present laws on non-ciminal lunatics can be kept in a prison. If the visitors notice any violation of this clause then it is important to pressurise the district administration to shift these prisoners from the prisons to the mental hospitals.
- Advocate for the appointment of an experienced psychiatrist in each central and district jail

Issues to be Addressed & Actions Suggested	Relevant State Rule	Relevant Central Law	Relevant International Law
Punishment	Part 2, Rule 1, 5, 2(Point 2) Part 8, Section VII, Rule 75, 76	Chapter XII, Prisons Act 1894	—
Discipline	Part 2, Rule 7, 8	—	—
Mentally ill prisoners	Part 21, Part 8, Section I, Rule 18	Section 328, 328 And 330, Code of Criminal Procedure1973	Rule 39, Mandela Rules



WOMEN PRISONERS

Are women prisoners thoroughly screened from the view of male prisoners?

- Almost at all the district and sub-jails women inmates are paraded through enclosures where male inmates can view them. The visitors can advocate for separate gate for enclosures of women inmates

JUVENILES

Are juveniles under the age of 18 separated both by day and night from adults and are those juveniles who have arrived at the age of puberty separated from those who have not, as required by section 27(2) of the Prisons Act?

Do juvenile prisoners receive instruction?

- Under the Juvenile Justice Act of 1986 no juveniles are to be kept in jails. The visitors can observe whether this rule is being violated

ADOLESCENTS

Are all adolescent prisoners of ages ranging from 18 - 20 or 22 separated at night both from juveniles and adults?

- The visitors can see if this rule is being violated
- They can also suggest ideas for their education, training and rehabilitation

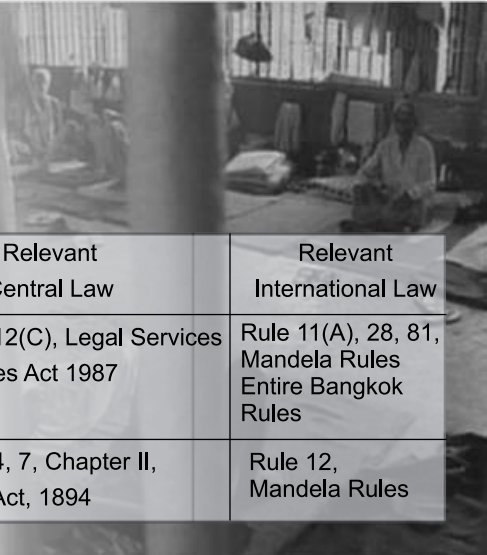
CELLS

Is every cell utilized at night?

- Ensure that separate cellular confinement of prison inmates is strictly according to rules prescribed by the jail Manual and by standing government instructions
- They can also suggest ideas for their education, training and rehabilitation

Apart from these issues, the visitors can also look into the conditions of women prisoners, and take up their problems with the State Commission of Women, and MP Human Rights Commissions

Issues to be Addressed & Actions Suggested	Relevant State Rule	Relevant Central Law	Relevant International Law
Women prisoners	Part 25, Section X, Rule 242, 247 Part 9, Section I, Rule 18	Section 12(C), Legal Services Authorities Act 1987	Rule 11(A), 28, 81, Mandela Rules Entire Bangkok Rules
Cell	Part 6, Section II, Rule 6, 7, 8, 10, 14 16	Section 4, 7, Chapter II, Prisons Act, 1894	Rule 12, Mandela Rules



Issues to be
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About CHRI

The Commonwealth Human Rights Initiative (CHRI) is an international, independent non-profit organization headquartered in India. Its objectives are to promote the practical realization of human rights in the Commonwealth. In addition to a broad human rights advocacy programme, CHRI advocates access to information and access to justice.

The Prison Reforms Programme of CHRI is more than 15 years old. The programme focuses on improving prison monitoring through the strengthening of undertrial review mechanisms and prison visiting system nationally, and ensuring early safeguards against unnecessary pre-trial detentions, specifically in Rajasthan and West Bengal. The programme also advocates for timely repatriation of foreign national prisoners and immediate release of asylum seekers. Evidence-based research, advocacy, capacity-building of actors of the criminal justice system including prison officials, welfare and probation officers, criminal defense lawyers, magistrates, legal aid functionaries and civil society actors are the regular activities of the programme.



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