

CHAPTER V

PRISON BUILDING AND SANITARY ARRANGEMENTS

SECTION I : STATUTORY RULES

[Home Department, Notification No. RJM-1058 (XIX-IV),
dated 4th January 1964]

In exercise of the powers conferred by clauses (8) and (28) of Section 59 of the Prisons Act, 1894 (IX of 1894), and of all other powers enabling it in that behalf and in supersession of any rules relating to prison buildings and sanitary arrangements and in force in any part of the State, the Government of Maharashtra hereby makes the following rules, namely :—

1. (i) These rules may be called the Maharashtra Prisons (Prison Buildings and Sanitary arrangements) Rules, 1964.

Short title and commencement.

(ii) They shall come into force on the first day of February, 1964.

2. Prison buildings including the quarters for the staff within prison premises shall be in charge of the Buildings and Communications Department and no additions or alterations in, or dismantling of, any such buildings whether or not sanctioned by the Inspector General, or as the case may be, the Deputy Inspector General of Prisons (Regional) shall be carried out without the approval of that Department.

Prison buildings to be in charge of Buildings and Communications Department.

3. Use of land in vicinity of prisons * (Unless the State Government for reasons to be recorded in writing directs otherwise) within †(182.88) meters on the main wall of a prison shall be leased for non agricultural purposes. Provided that the Collector may lease such land for agricultural purposes for short periods.

4. (i) The wards in a prison shall be thoroughly swept and cleaned daily.

White-washing of wards and prison hospitals.

(ii) The walls and ceilings of the wards shall be scraped and white-washed once a year and those of the hospital twice, or of-tener, if necessary. The date of the white-washing shall be shown in distinct figures on the wall of the barrack's opposite the entrance door.

* Substituted by Government Notification, Home Department No. RJM-1070 (XIX)-XVI, dated 2nd September 1970.

† Substituted by Government Corrigendum, Home Department No. RJM-1058 (XIX) IV, dated 13th April 1966.

(iii) The prison area and the surrounding ground shall be kept clean and free from all jungle grass and weeds and shall be thoroughly drained by either shallow or sub-soil drains to ensure the dryness of the prison area and to prevent the accumulation of water near the prison. Open drains shall, if possible, be used.

Maintenance of
cleanliness in
Prison.

5. All parts of a prison shall be kept thoroughly clean and no rubbish or dirt be allowed to accumulate in any part thereof. The Superintendent shall, take special care to see that cleanliness in the kitchen is maintained and refuse is not thrown about anywhere.

Pits in work-sheds
to be kept damp-
proof.

6. Work-shed floors shall be filled with damp-proof pit looms.

Public nuisances
etc. not to be
permitted near
prison.

7. Public privies, dye works, open drains or similar other nuisances likely to affect the health of prisoners shall not, as far as possible, be permitted near a prison.

Planting of trees
in and around
prison.

8. (i) Suitable types of trees shall be planted on the prison premises both inside and outside the main wall, in such a way that they are away from the prison buildings and walls so that they cannot be used as an aid to escape or to make any mischief.

(ii) No fruit-trees shall be planted inside the prison walls.

Additions and
alterations to
buildings.

9. No additions or alterations to any existing building shall be made without the orders and no plans and estimates shall be prepared by the Superintendent without the sanction of the Inspector General or the Deputy Inspector General of Prisons (Regional), as the case may be.

Administrative
approval for
construction.

10. The Superintendent shall submit proposals for construction of wards, cells and other places of detention (including additions or alterations thereto) to the Inspector General, or as the case may be to the Deputy Inspector General of Prisons (Regional) for administrative approval. Such proposals shall be accompanied by a preliminary report specifying the position of the building proposed to be constructed, description of the building, approximate estimate, plans and other necessary details and particulars. The Superintendent shall obtain approximate estimate of the proposed construction from the Buildings and Communications Department with the prior sanction of the Inspector General or as the case may be, the Deputy Inspector General of Prisons (Regional).

11. (i) The Superintendent shall visit from time to time the work under execution and see that it is carried out according to the approved plan and estimate. In the event of any hitch or difficulty, the Superintendent shall if it is within his powers, give the matter prompt attention and assist the Buildings and Communications Department authorities in removing it.

Superintendent to visit frequently work under execution.

(ii) The Superintendent shall at once report to the Deputy Inspector-General of Prisons (Regional) where administrative approval for construction has been accorded by him and in other cases to the Inspector-General, the defects and irregularities noticed by him in the construction of wards, cells and other places of detention.

12. The area enclosed within the prison walls shall not be less than 83.61 square metres per head of the total capacity, except where land is valuable, the minimum area may be 62.71 square metres per prisoner.

Area of prison.

13. In every sleeping barrack the minimum space per prisoner shall be 3.71 square metres and 15.83 cubic metres and in hospital wards 5.58 square metres and 23.75 cubic metres.

Minimum space per prisoner in sleeping barracks.

†Provided that, if the State Government, Inspector-General or Superintendent is of opinion that it is necessary or expedient so to do for providing accommodation to prisoners in sleeping barracks on any occasion, it or he may relax the provisions of this rule to such extent as may be necessary having regard to the circumstances of the occasion.†

14. Cells shall have a ground area of not less than 8.92 square metres and a cubic capacity of at least 33.98 cubic metres.

Ground area in cells.

15. Free and thorough ventilation in barracks, wards and cells shall be secured by the provisions of large barred doors and windows constructed in opposite walls. The total area of these openings shall be at the rate of 1.12 square metres per head of the sanctioned number of prisoners which the barrack or ward is designed to accommodate. In the case of a cells, the ventilating area shall be at least 2.23 square metres.

Provision for ventilation in barracks, wards and cells.

16. In each barrack masonry or iron frame sleeping berths 1.83 metres × 91.24 centimeter × 45.72 centimeters high may be provided, if practicable. The number of such berths shall not be greater than the sanctioned capacity of the barrack and they shall be arranged in two parallel rows. In the case of masonry berths, great care shall be taken to prevent them from being infested with bugs.

Sleeping berths in barracks.

* Added by Government Notification, Home Department, No. AFP/1667 (i)-IV, dated 2nd February 1968.

- Utilization of worksheds as sleeping wards when prison is over crowded. 17. In the event of a prison being overcrowded, the Superintendent shall 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.
- Floors of barracks and cells. 18. The floors of all barracks and cells shall be paved with stone or made of other impermeable material such as concrete or asphalt.
- Verandahs. 19. All barracks, wards and cells shall have verandahs to prevent rain from drifting inside and also to provide shelter where food can be served, when necessary. Verandahs may also be used as work places and for accommodating short term prisoners during the night in case of overcrowding in the prison.
- Night latrine to be annexed to sleeping barrack and ward. 20. A night latrine shall be annexed to every sleeping barrack and ward. Conservancy vessels shall not be placed inside a barrack.
- Worksheds. 21. All worksheds shall be amply lighted and ventilated.
- Area of each barrack and ward to be indicated on door. 22. There shall be affixed a zinc, brass or wooden plate on the door of every barrack or ward, specifying the number of cubic metres and the surface area which the barrack or ward contains and the maximum number of prisoners which it is capable of accommodating.
- Visit to sleeping wards by Superintendent and Medical Officer. 23. The Superintendent and the Medical Officer shall, in all seasons at uncertain intervals, visit the sleeping barracks in the prison at night and see that arrangements in respect of ventilation are adequate, properly controlled and are not obstructed by prisoners in the cold season to ensure warmth.
- Ventilation in sleeping wards. 24. (i) All possible arrangement shall be made for thorough ventilation of sleeping wards during the day, to remove such organic matter adhering to the walls as are slowly oxidised.
- (ii) Beddings shall be removed out of the sleeping wards and exposed to the sun for several hours daily in dry weather and in wet weather to air in verandahs, if any.
- Conservancy arrangements. 25. (i) The Superintendent, Deputy Superintendent, Medical Officer, the Jailor and all subordinate executive staff of a prison shall ensure that proper attention is paid to conservancy.
- (ii) There shall be provided in a prison latrine accommodation at the rate of one seat for every six prisoners and such latrines shall—
- (a) be constructed of stone or galvanised iron sheets without using wood anywhere in such construction ;

(b) have a sufficiently high partition to divide each seat from the other and dwarf door in order to provide reasonable privacy;

(c) have seats provided with foot rests made of blocks of stone;

(d) have floors paved with blocks of stone or some other impermeable material, and

(e) have arrangements for water for ablution at or close to the latrine.

26. Latrines and urinals shall be cleaned out every morning and evening, and if necessary, in the middle of the day.

Cleaning of latrines and urinals.

27. Receptacles one-fourth full of water in which prisoners may pass urine shall be placed in every night latrine and in every cell before lock up each evening and near each work-shed or other place of labour. Such receptacles shall not be used for defecation and shall not be placed inside a barrack. Receptacles placed in cells shall have close fitting lids.

Night latrines.

28. Liquid disinfectants such as phenyle or cresol shall not be used for latrines latrine receptacles or drains but they shall be painted occasionally with coal tar and smeared frequently with crude oil or pesterine.

Latrines etc. to be painted with coal tar or smeared with crude oil or pesterine.

29. All foecal matter, refuse of the kitchen and sweepings of the prison shall be buried in shallow trenches in the prison garden or made into compost. Useless rubbish which cannot be converted into manure may be burnt.

Disposal of foecal matter, refuse etc.

30. The trenches in a prison shall—

Construction of trenches.

(i) be about 30.48 centimetres wide and 30.48 centimetres deep with a space of about 30.48 centimetres between each two trenches ;

(ii) be filled with foecal matter thoroughly mixed or amalgamated with dry-earth or other refuse matter to within 15.24 centimetres from the top and filled in with the dry-earth taken from the trenches, the earth being gently rammed down;

(iii) be allowed to remain untouched for about six months when the ground shall be dug up crosswise and cultivated: and

(iv) be as far from wells as can possibly be arranged and only a sufficient extent of trench of the day's requirements shall be dug at a time.

31. Urine shall not on any account be buried in the same trenches or mixed with excreta, but shall be collected and buried in separate trenches.

Disposal of urine.

Pits for deep
trenches.

32. Where sufficient land is not available, night soil or other refuse shall be buried in large pits of 91.44 centimetres X 91.44 centimeter X 91.44 centimetres which shall be properly rammed and allowed to remain undisturbed for six months after which period the pits may be dug up and the contents utilised as manure.

Superintendent
and Medical
Officer to pay
attention to purity
of water.

33. (i) It shall be the duty of the Superintendent and the Medical Officer to see that the water supplied to prisoners for drinking and culinary purposes is pure and wholesome or so treated with other suitable chemicals as to be potable and safe for human consumption.

(ii) Where there are several sources of water supply in a prison the best of them shall be set apart for drinking purposes.

(iii) If the purity of the water supply is at any time suspected, the Medical Officer shall at once arrange to have it chlorinated or otherwise effectively purified.

Cleanliness to be
maintained in and
around well.

34. Where the water supply is drawn from a well in a prison, the well shall be cleaned out once a year. Well-water shall be preserved pure by the daily withdrawal of a large quantity of water, by the removal of decomposing matter, by obviating the re-entrance of water taken out, and specially by preventing the percolation of sewage. No prisoner shall be allowed to bathe or wash his clothes at the well from which the drinking water is drawn. Storage tanks and reservoirs shall be emptied and cleaned out before the rains.

Supply of
drinking water.

35. Drinking water shall be supplied in sleeping wards, cells and other places of detention.

SECTION II : NON-STATUTORY RULES

Inspector General
authorised to
sanction
expenditure in
certain cases.

1. The Inspector General is authorised to sanction expenditure from the discretionary grant annually placed at his disposal for new minor works and additions and alterations to Prison buildings to an amount not exceeding Rs. 10,000 (which limit has been temporarily raised to Rs. 20,000) for any one work subject to the provisions of Rule 260 of Bombay Public Works Department Manual, Volume I. In the case of new residential buildings the sanction of Government is necessary subject to the Item No. 22 of the Bombay Financial Publication No. VII.

2. Powers delegated to the Inspector General in respect of matters dealt with in the Bombay Public Works Department Manual have been specified in Serial Nos. 8 and 17 of Appendix XXVII of the Bombay Public Works Department Manual, Volume II (1940 Edition) and Item No. 22 of Financial publication No. VII.

3. The item “work”, when it is used by itself denotes its comprehensive application. It applies not only to works of construction of repair but also other individual items of expenditure, connected with the supply, repair and carriage of tools and plant or the supply or manufacture of stores or the operations of workshops.

4. The term “Original Works” indicates new construction whether of entirely new works or of additions and alterations to existing works or of repairs to newly purchased or previously abandoned buildings increasing the cost of the property in question.

5. The term “repairs” includes primarily operations undertaken to maintain in proper condition buildings and works in use.

6. It also includes works of remodelling or reconstruction which do not add to the original cost of the building.

7. *Repairs are of three kinds* :—(a) Those which as a matter of regulation are carried out periodically i. e. painting and white-washing. Repairs.

(b) Those which are not done as a matter of regulation periodically but which it is convenient to carry out so far as far as may be necessary at the time of periodical repairs.

(c) Such occasional or petty repairs as become necessary from time to time and which may have to be carried out between the times of periodical repairs.

Provision for repairs mentioned in (a) and (b) above should be made in the Annual Budget Estimates by Buildings and Communications Department and for the third kind in separate requisition as the occasion may require.

8. “Major Works” means an original work the estimated cost of which exclusive of departmental charges, exceeds Rs. 10,000 (which limit has been temporarily raised to Rs. 20,000). “Minor work” means an original work the estimated cost of which, exclusive of departmental charges, does not exceed Rs. 10,000 (which limit has been temporarily raised to Rs. 20,000). These minor works are financed from the discretionary grants placed at the disposal of the Inspector General and executed subject to the provisions of rule 234 and Sr. No. 17 in Appendix XXVII of Bombay Public Works Department Manuals Volume-I and II respectively. Major and Minor Works.

9. For every work (excluding repairs and petty works) initiated by or connected with the requirements of the Prison Department it is necessary to obtain the concurrence, i. e. administrative approval of Government in the Administrative approval to works.

Home Department, or the Inspector General of Prisons or the Deputy Inspector General of Prisons (Regional) as the case may be, to the proposals before the technical sanction (i. e. sanction to the detailed estimate) to the work is accorded by the competent authority in the Buildings and Communications Department *vide*, paragraph 130 of the Bombay Public Works Department Manual, Volume I. The list of competent authorities who can accord technical sanction is given at serial No. 7 in Appendix XXVII of the Bombay Public Works Department Manual, Volume II.

10. This procedure should also apply to modifications of the proposals originally approved by Government in Home Department or the Inspector General of Prisons, or the Deputy Inspector General of Prisons (Regional), as the case may be, if likely to necessitate eventual submission of a revised estimate, to material deviations from the original proposals, even though the cost of the same may possibly be covered by savings on other items, and to cases where the detailed estimates when prepared exceed the amount administratively approved by more than 10 per cent. In these cases as also in cases when the expenditure on a work exceeds or is found likely to exceed the amount administratively approved for it by more than 10 per cent should be obtained from Inspector General. Provided that in cases in which the expenditure on a work exceeds or is found likely to exceed the amount administratively approved for it by more than Rs. 10,000 the revised administrative approval of Government in Home Department should be obtained. In the case of modifications during construction revised administrative approval of the competent authority should be obtained without awaiting the preparation of detailed supplementary or revised estimate.

11. The administrative approval to a work or the technical sanction to an estimate for such work will ordinarily cease to operate after a period of five years from the date from which such approval or sanction was accorded, *vide* Rule 239 of Bombay Public Works Department Manual, Volume I (1940 Edition).

Construction of
petty works.

12. The Buildings and Communication Department shall be entirely responsible for the construction of petty works in connection with the prison Buildings, and current repairs, special repairs etc. shall also be carried out by that Department from the grants under the head 50, Civil Works State:

(a) All petty works of the nature of the construction of or repairs to water channels in the garden and of temporary sheds for cattle shall be carried out and financed by the Jail Department from the grants provided for under "256-Jails"

(b) Convict labour both skilled and unskilled shall be utilised by the Buildings and Communications Department wherever available and possible, in carrying out original works and repairs, etc., to jails and paid for by credit to the jail Department.

Prison Rules to be observed when free labour is introduced inside the Prison.

13. The Sub-Divisional Officer must see that all Prison rules are strictly observed when introducing free labour for work inside the Prison.

Orders for commencement of work.

14. Orders for the commencement of any work should always be given in writing after detailed plans and estimates have been sanctioned by the competent authority and allotment of funds has been made by the Inspector General. Rules Nos. 234, 235 and 237 of the Bombay Public Works Department Manual, Volume I should be referred to for further details.

15. (i) On the completion of the work, a completion certificate in Public Works Department Standard Form No. 561 E should be forwarded by the Executive Engineer or other Official concerned of the Buildings and Communications Department to the Superintendent who should sign it if the work is carried out satisfactorily or else should pass thereon whatever remarks he considers necessary. The completion certificate should then be sent by him to the Inspector General for countersignature.

Completion Certificate to be signed by the Superintendent and countersigned by the Inspector General.

Note :—The completion certificate in the case of petty works and repairs should be endorsed on the requisition (Public Works Account Form No. 32 Public Works Department Standard Forms Nos. 416 and 417) no separate certificate being required in such cases.

(ii) The counter-signature of the Inspector General on completion certificate implies that the work has been completed and taken over by Prison authorities and on the requisition implies that the building or work is generally in proper order and the countersignature involves, no further responsibilities, *vide* Rule 289 of Bombay Public Works Department Manual, Volume-I (1940-Edition).

16. Use of latrines by prisoners during all hours of the day shall be discouraged as such visits are likely to encourage idleness and necessary conversation between the prisoners.

Use of latrines during day to be discouraged.

17. If practicable, all prisoners on extra mural work should obtain their supply of drinking water, during working hours, from the same source as the other prisoners.

18. When gangs are working outside the prison, special care shall be taken to ensure that they are supplied with good water.

Provision for drinking water.